SUPPLEMENT NO. 10
December 2017

CODE OF ORDINANCES

City of

GEORGETOWN, KENTUCKY

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 17-011, enacted July 10, 2017.

See the Code Comparative Table for further information.

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SUPPLEMENT NO. 9
August 2015

CODE OF ORDINANCES

City of

GEORGETOWN, KENTUCKY

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

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See the Code Comparative Table for further information.

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SUPPLEMENT NO. 8
July 2013

CODE OF ORDINANCES

City of

GEORGETOWN, KENTUCKY

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

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May 2012

CODE OF ORDINANCES

City of

GEORGETOWN, KENTUCKY

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

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March 2010

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City of

GEORGETOWN, KENTUCKY

Looseleaf Supplement

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SUPPLEMENT NO. 5
June 2009

CODE OF ORDINANCES

City of

GEORGETOWN, KENTUCKY

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 09-005, adopted February 23, 2009.

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SUPPLEMENT NO. 4
May 2008

CODE OF ORDINANCES

City of

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This Supplement contains all ordinances deemed advisable to be included at this time through:

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SUPPLEMENT NO. 3
March 2007

CODE OF ORDINANCES

City of

GEORGETOWN, KENTUCKY

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

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SUPPLEMENT NO. 2
April 2006

CODE OF ORDINANCES

City of

GEORGETOWN, KENTUCKY

Looseleaf Supplement

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SUPPLEMENT NO. 1
May 2005

CODE OF ORDINANCES

City of

GEORGETOWN, KENTUCKY

Looseleaf Supplement

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CODE OF ORDINANCES

CITY OF

GEORGETOWN, KENTUCKY

GENERAL ORDINANCES OF THE CITY

Published in 1984 by Order of the City Council
Republished December, 2004

Adopted: December 1, 1983
Effective: December 1, 1983

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OFFICIALS

of the

CITY OF GEORGETOWN, KENTUCKY

AT THE TIME OF THIS CODIFICATION

Charles Lenahan
Mayor

Ann T. Hall
George Lusby
Roy Johnson
Dorman McFarland
Bobby McDowell
Barbara Tilford
Alvin Jargent
Tom Prather
Councilmembers

David H. Ashley
City Attorney

CURRENT OFFICIALS

of the

CITY OF GEORGETOWN, KENTUCKY

Everette Varney
Mayor

Steve Glass
Don Hawkins
Tim Jenkins
Rob Johnson
David Lusby
Marvin Thompson
Karen Tingle-Sames
Chad Wallace
Councilmembers

Charlie Perkins
City Attorney

PREFACE

This Code constitutes a complete recodification of the ordinances of the City of Georgetown of a general and permanent nature.

Source materials used in the preparation of the Code were the 1966 Code, as supplemented through June 6, 1974, and ordinances subsequently adopted by the Council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the Comparative Tables appearing in the back of this volume, the reader can locate any section of the 1966 Code, as supplemented, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order and the various sections within each chapter have been catchlined to facilitate usage. Footnotes which tie related sections of the Code together and which refer to relevant state laws have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this volume.

Numbering System

The numbering system used in this Code is the same system used in many state and municipal codes. Each section number consists of two component parts separated by a dash, the figure before the dash referring to the chapter number and the figure after the dash referring to the position of the section within the chapter. Thus, the first section of Chapter 4 is numbered 4-1 and the third section of Chapter 2 is 2-3. Under this system, each section is identified with its chapter and at the same time new sections or even whole chapters can be inserted in their proper place simply by using the decimal system for amendments. By way of illustration: If new material consisting of one section that would logically come between sections 4-1 and 4-2 is desired to be added, such new section would be numbered 4-1.5. New chapters may be included in the same manner. If the new material is to be included between Chapters 12 and 13, it will be designated as Chapter 12.5. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject, the next successive number being assigned to the article or division.

Index

The index of the Code has been prepared with the greatest of care. Each particular item has been placed under several headings, some of the headings

being couched in lay phraseology, others in legal terminology, and still others in language generally used by municipal officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which he is interested.

Looseleaf Supplements

A special feature of this Code to which the attention of the user is especially directed is the looseleaf system of binding and supplemental servicing for the Code. With this system, the Code will be kept up-to-date periodically. Upon the final passage of amendatory ordinances, they will be properly edited and the appropriate page or pages affected will be reprinted. These new pages will be distributed to holders of copies of the Code, with instructions for the manner of inserting the new pages and deleting the obsolete pages. Each such amendment, when incorporated into this Code, may be cited as a part hereof.

The successful maintenance of this Code up-to-date at all times will depend largely upon the holder of the volume. As revised sheets are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publishers that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

The publication of this Code was under direct supervision of George R. Langford, President, and Bill Carroll, Supervising Editor, of the Municipal Code Corporation, Tallahassee, Florida, Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publishers are most grateful to Mr. David H. Ashley, City Attorney, for his cooperation and assistance during the progress of the work on this Code. It is hoped that his efforts and those of the publishers have resulted in a Code of Ordinances which will make the active law of the City readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the City's affairs.

MUNICIPAL CODE CORPORATION
Tallahassee, Florida

ORDINANCE NO. 83-017

An Ordinance Adopting and Enacting a New Code for the City of Georgetown, Kentucky, Establishing the Same; Providing for the Repeal of Certain Ordinances not Included Therein; Providing for the Manner of Amending and Supplementing Such Code; and Providing When Such Code and this Ordinance Shall Become Effective.

Be it Enacted by the City Council of the City of Georgetown, Kentucky, as Follows:

Section 1. That the Code of Ordinances, consisting of Chapters 1 to 20, each inclusive, is hereby adopted and enacted as "Code of Ordinances, City of Georgetown, Kentucky" which Code shall supersede all general and permanent ordinances of the city adopted on or before April 21, 1983, to the extent provided in section 2 hereof.

Section 2. That all provisions of such Code shall be in full force and effect from and after December 1, 1983, and all ordinances of a general and permanent nature of the City adopted on final passage on or before April 21, 1983, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of such Code.

Section 3. That the repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.

Section 4. That unless another penalty is expressly provided, a violation of any provision of such Code, or any provisions of any rule or regulation adopted or issued pursuant thereto, shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment for up to thirty (30) days, or by both such fine and imprisonment, as provided in section 1-13 of such Code.

Section 5. That any and all additions and amendments to such Code, when passed in such form as to indicate the intention of the governing body to make the same a part of such Code, shall be deemed to be incorporated in such Code, so that reference to such Code shall be understood and intended to include such additions and amendments.

Section 6. That in case of the amendment of any section of such Code for which a penalty is not provided, the general penalty as provided in section 4 of this ordinance and in section 1-13 of such Code shall apply to the section as amended, or in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty is provided in another section

in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 7. Any ordinance adopted after April 21, 1983, which amends or refers to ordinances which have been codified in such Code, shall be construed as if they amend or refer to like provisions of such Code.

Section 8. That this ordinance and the Code adopted hereby, shall become effective [upon adoption.]

Whereupon the above ordinance was read for the first time on November 17, 1983, read for the second time, passed and approved December 1, 1983.

/s/ _____
Charles E. Lenahan Mayor

ATTEST:

/s/ _____
Lucille Pollett City Clerk

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Checklist of Up-to-Date Pages

(This checklist will be updated with the printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

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SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Includes." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omits."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the code's historical evolution.

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10-005	1-11-10	Include	7
10-006	2-22-10	Omit	7
10-007	3- 8-10	Omit	7
10-008	3- 8-10	Omit	7
10-009	3-22-10	Omit	7
10-010	4-26-10	Include	7
10-011	5-10-10	Include	7
10-012	6-14-10	Omit	7
10-013	6-14-10	Omit	7
2010-014	6-28-10	Include	7
10-015	6-28-10	Include	7
10-016	6-28-10	Omit	7
10-017	7-26-10	Omit	7
10-018	8- 9-10	Include	7
10-019	8-23-10	Omit	7
10-020	8-23-10	Omit	7
10-021	9-13-10	Omit	7
10-022	10- 4-10	Omit	7
10-023	10-11-10	Omit	7
10-024	10-11-10	Omit	7
10-025	10-11-10	Include	7
10-026	11-22-10	Omit	7
10-027	11-22-10	Omit	7
10-028	12-13-10	Omit	7
11-001	4-25-11	Omit	7
11-002	5-23-11	Omit	7
11-003	6-29-11	Omit	7
11-004	8-22-11	Omit	7
11-005	9-27-11	Omit	7
11-006	9-26-11	Omit	7
11-007	9-26-11	Omit	7

Ord. No.	Date Adopted	Include/ Omit	Supp. No.
11-008	9-26-11	Omit	7
11-009	11-14-11	Include	7
11-010	11-28-11	Omit	7
11-011	11-28-11	Omit	7
11-012	12-12-11	Omit	7
12-001	2-13-12	Include	7
12-002	2-13-12	Include	7
12-003	2-13-12	Omit	7
12-004	2-13-12	Omit	7
12-005	2-27-12	Omit	7
12-006	4- 9-12	Omit	8
12-007	4- 9-12	Omit	8
12-008	5-29-12	Omit	8
12-009	5-29-12	Omit	8
12-010	5-29-12	Omit	8
12-011	7- 9-12	Omit	8
12-012	7-10-12	Omit	8
12-013	8-13-12	Include	8
12-014	8-27-12	Include	8
12-015	9-26-12	Include	8
12-016	9-26-12	Omit	8
12-017	9-26-12	Include	8
12-018	9-26-12	Include	8
12-019	10-22-12	Omit	8
12-020	11-12-12	Omit	8
13-001	1-28-13	Omit	8
13-002	1-28-13	Include	8
13-003	1-28-13	Omit	8
13-004	1-28-13	Omit	8
13-005	1-28-13	Omit	8
13-006	2-25-13	Omit	8
13-007	2-25-13	Omit	8
13-008	2-25-13	Omit	8
13-009	3-11-13	Omit	8
13-010	5-20-13	Include	8
13-011	5-28-13	Include	8
02-013	6- 6-02	Include	9
13-012	6-24-13	Omit	9
13-013	6-24-13	Include	9
13-014	7- 2-13	Omit	9
13-015	7-22-13	Include	9
13-016	8-12-13	Omit	9
13-017	8-26-13	Omit	9
13-018	9- 9-13	Include	9
13-019	9- 9-13	Omit	9
13-020	9- 9-13	Omit	9

SUPPLEMENT HISTORY TABLE

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13-021	9- 9-13	Omit	9
13-022	9-23-13	Omit	9
13-023	10-28-13	Omit	9
13-024	11-25-13	Omit	9
13-025	11-25-13	Include	9
13-026	12- 9-13	Omit	9
13-027	12- 9-13	Omit	9
13-028	1- 6-14	Include	9
14-001	1-27-14	Include	9
14-002	1-27-14	Include	9
14-003	2-24-14	Omit	9
14-004	3-24-14	Omit	9
14-005	3-24-14	Omit	9
14-006	4-14-14	Omit	9
14-007	4-28-14	Include	9
14-008	5-12-14	Omit	9
14-009	5-19-14	Omit	9
14-010	5-19-14	Omit	9
14-011	6-23-14	Omit	9
14-012	6-23-14	Omit	9
14-013	6-23-14	Omit	9
14-014	6-23-14	Include	9
14-015	7-28-14	Include	9
14-016	8-25-14	Include	9
14-017	8-25-14	Omit	9
14-018	9- 8-14	Omit	9
14-019	9-22-14	Omit	9
14-020	10-13-14	Include	9
14-021	11-10-14	Include	9
14-022	11-24-14	Omit	9
14-023	12- 8-14	Omit	9
14-024	12- 8-14	Omit	9
15-001	4-27-15	Omit	9
15-002	4-27-15	Omit	9
15-003	4-27-15	Omit	9
15-004	5-11-15	Omit	9
15-005	6- 8-15	Omit	9
15-006	6- 8-15	Omit	9
2015-008	6- 8-15	Omit	9
15-009	7-27-15	Omit	10
15-010	8-10-15	Include	10
15-011	8-24-15	Omit	10
15-012	8-24-15	Include	10
15-013	9- 9-15	Omit	10
15-014	9- 9-15	Omit	10
15-015	10-26-15	Omit	10

Ord. No.	Date Adopted	Include/ Omit	Supp. No.
15-016	12-14-15	Include	10
15-017	12-14-15	Include	10
15-018	12-14-15	Include	10
16-001	2-22-16	Omit	10
16-002	2-22-16	Include	10
16-003	3-28-16	Include	10
16-004	4-25-16	Include	10
16-005	6-13-16	Omit	10
16-006	6-27-16	Omit	10
16-007	6-27-16	Omit	10
16-008	6-27-16	Include	10
16-009	9-12-16	Include	10
16-010	9-12-16	Omit	10
16-011	9-26-16	Omit	10
16-012	10-10-16	Include	10
16-013	11-28-16	Include	10
16-014	11-28-16	Include	10
16-016	12-12-16	Include	10
16-017	1- 9-17	Omit	10
17-001	2-13-17	Omit	10
17-002	2-13-17	Omit	10
17-003	2-27-17	Omit	10
17-004	5- 8-17	Omit	10
17-005	6- 1-17	Omit	10
17-006	6- 1-17	Include	10
17-007	6-12-17	Omit	10
17-008	6-12-17	Omit	10
17-009	6-26-17	Omit	10
17-010	6-26-17	Include	10
17-011	7-10-17	Include	10
17-012	8-16-17	Omit	10
17-013	9-11-17	Omit	10
17-014	9-11-17	Omit	10

CODE

Chapter 1

GENERAL PROVISIONS

Sec. 1-1. How code designated and cited.
Sec. 1-2. Definitions and rules of construction.
Sec. 1-3. Catchlines, titles, headings and notes.
Sec. 1-4. Application to territorial boundaries.
Sec. 1-5. Application to future legislation.
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Sec. 1-11. Supplementation of code.
Sec. 1-12. Computing time.
Sec. 1-13. General penalty; continuing violations.
Sec. 1-14. Administrative hold.

Sec. 1-1. How code designated and cited.

The provisions of this and subsequent chapters in this Code shall constitute and be designated and cited as "The Georgetown Code," and may also be known as the "Code of Ordinances, City of Georgetown, Kentucky."
(Code 1966, § 1.1(a))

State law reference—Codification authority, KRS 83A.060(5).

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all ordinances of the city, the following definitions and rules of construction shall be observed, unless they are inconsistent with the intent of the council or the context clearly requires otherwise:

City. The nouns "city," "municipal corporation" or "municipality" when used in this Code shall denote the municipality of Georgetown, irrespective of its population or legal classification.

Code. The expressions "this Code" or "this Code of Ordinances" shall mean the City Code as designated in section 1-1, and as hereinafter modified by amendment, revision and by the adoption of new chapters or sections.

Council. The word "council" shall mean the council of the City of Georgetown.

County. The words "the county" or "this county" shall mean the County of Scott in the State of Kentucky.

Gender. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

KRS. The letters "KRS" or phrase "Revised Statutes" refer to the Revised Statutes of Kentucky, as amended.

General term. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

Month. The word "month" shall mean a calendar month.

Number. Words in the singular shall include the plural, and words in the plural shall include the singular.

Officer, employee, department, board, commission or other city agency. Whenever any provision of this Code provides for the performance of a duty or creation of powers with respect to a particular officer, employee, department, board, commission or other city agency, such provision shall also apply to any duly authorized subordinate or representative and also to any other officer, employee, department, board, commission or other city agency who succeeds to the powers or duties of such officer, employee, department, board, commission or other city agency by reason of a change in the law or ordinance, even though such Code provision has not been specifically amended.

Or, and. Either conjunction "and" or "or" shall include the other as if written "and/or."

Owner. The word "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant of the whole or a part of such building or land, either alone or with others.

Person. The word "person" and its derivatives and the word "whoever" shall include a natural person, partnership or a corporate body or any body of persons corporate or incorporate. Whenever used in any clause prescribing and imposing a penalty, the term "person" or "whoever" as applied to any unincorporated entity, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

Personal property. "Personal property" includes every species of property except real property.

Property. The word "property" shall include real and personal property.

Real property. "Real property" includes land, tenements and hereditaments and shall embrace all chattels real.

Shall, may. Whenever the word "shall" appears in this Code it shall be considered mandatory and not directory. The word "may" shall be considered permissive.

State. The words "the state" shall be construed to mean the State of Kentucky.

Street. The word "street" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, and the word "sidewalk" means that portion of a street between the curb lines of the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

Time. Words used in the present or past tense include the future as well as the present and past.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this Code as those governing the interpretation of the Kentucky Revised Statutes.
(Code 1966, §§ 1.1(b), 1.4)

State law reference—Definitions for statutes, KRS 446.010.

Sec. 1-3. Catchlines, titles, headings and notes.

The catchlines of the several sections of this Code printed in boldface type, titles, headings, chapter heads, section and subsection heads or titles, editor's notes, cross references and state law references, unless set out in the body of the section itself, contained in this Code, shall not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.
(Code 1966, §§ 1.1(c), 1.3)

Sec. 1-4. Application to territorial boundaries.

All provisions of this Code are limited in application to the territorial boundaries of the municipal corporation although the same may not be so limited specifically.
(Code 1966, § 1.1(d))

Sec. 1-5. Application to future legislation.

All of the provisions of this chapter, not incompatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this Code unless otherwise specifically provided.
(Code 1966, § 1.2)

Sec. 1-6. Miscellaneous ordinances not affected by code.

Nothing in this Code or the ordinance adopting this Code shall be deemed to affect the validity of any of the following ordinances when not inconsistent with this Code, and all such ordinances are hereby recognized as continuing in full force and effect under their own terms and conditions:

(1) Any ordinance promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city;

(2) Any ordinance authorizing the execution of agreements with other governments or agencies;

(3) Any personnel and pay classification plan or other ordinance or part of an ordinance fixing salaries and other benefits of officers or employees of the city;

(4) Any appropriation ordinance;

(5) Any right or franchise granted to any person;

(6) Any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the city;

(7) Any ordinance establishing and prescribing the street grades of any street in the city;

(8) Any ordinance providing for local improvements or assessing taxes therefor;

(9) Any ordinance dedicating or accepting any plat or subdivision in the city, or providing regulations for the same;

(10) Any ordinance annexing property to the city;

(11) Any zoning ordinance of the city;

(12) Any taxation ordinance;

(13) Any ordinance prescribing traffic regulations for specific locations, prescribing through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones or flow of traffic generally;

(14) Any ordinance prescribing city rates, fees and charges;

(15) Any temporary or special ordinance.

Sec. 1-7. Rule of separability.

Each chapter, section or, whenever divisible, part section of this Code of Ordinances is hereby declared to be separable, and the invalidity of any chapter, section or divisible part section, shall not be construed to affect the validity of any other chapter, section or part section of this Code.
(Code 1966, § 1.5)

Sec. 1-8. Reference to other sections.

Whenever in one section reference is made to another section hereof, such 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.
(Code 1966, § 1.6)

Sec. 1-9. 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.
(Code 1966, § 1.7)

Sec. 1-10. Amendments to code.

All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of Ordinances, may be numbered in accordance with the numbering system of this Code and printed for inclusion herein, or in the case of repealed chapter, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby and the subsequent ordinances as numbered and printed in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code of Ordinances and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances by the city council.
(Code 1966, § 1.8)

Sec. 1-11. Supplementation of code.

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the city council. A supplement to the Code shall include all substantive parts of permanent and general ordinances passed by the city council during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where

necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinance sections inserted into the Code; but, in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

(Code 1966, § 1.8)

Sec. 1-12. Computing time.

The time within which an act is required by any provision of this Code or ordinance to be done shall be computed by excluding the first and including the last day; except that when the last day falls on Sunday or legal holiday, then the act may be done on the next succeeding day which is not a Sunday or a legal holiday.

(Code 1966, § 1.9)

Sec. 1-13. General penalty; continuing violations.

(a) It shall be unlawful for any person to violate or fail to comply with any provision of this Code, and where no specific penalty is provided therefor, the violation of any provision of this Code shall be punished by a fine not exceeding five hundred dollars ($500.00) or imprisonment for a term not exceeding thirty (30) days or by both such fine and imprisonment; provided, however, that the fine, forfeiture or penalty for a violation of this

Code shall not be less than the fine, forfeiture or penalty imposed by any state statute for the same offense. Each day any violation of any provision of this Code shall continue shall constitute a separate offense, unless otherwise provided in this Code.

(b) In addition to the penalties provided for in subsection (a) any violation or condition which constitutes a nuisance may be abated by the city.
(Code 1966, § 1.10)

State law references—Penalty for violation of municipal ordinance not to be less than that imposed by statute for same offense, Ky. Const. § 168; publication of ordinances imposing fines, forfeitures, imprisonment, taxes or fees, KRS 83A.060(9).

Sec. 1-14. Administrative hold.

(a) Persons, businesses or entities who:

(1) Own property in the city for which there exists:

a. Unpaid city ad valorem taxes,

b. Unpaid fines and abatement costs assessed by the city, or

c. A final order finding a violation of any code or ordinance of the city that has not been remedied, or

(2) Are delinquent on payment or filing of occupational license/net profits taxes, insurance premium taxes, tourism taxes or any other taxes owed to the city or its agencies shall be administratively ineligible for the issuance of any license, permit or other approval issued by the city or its agencies, including the planning commission and staff, building inspection department, revenue commission, city clerk, city engineer, or fire department, or by any agency with which the city has an agreement for reciprocal application of this section, until such time as the deficiency or deficiencies have been corrected. Notwithstanding this prohibition, the city or agency may issue any permit necessary to remedy the condition causing the administrative ineligibility.

(b) An administrative hold resulting from the application of section (a) shall run with the land and be binding on the person, business or entity's successors and heirs, provided that the successors and heirs have notice or constructive notice of the delinquent obligation. The filing of a lien in the county clerk's office shall presumptively establish constructive notice to all persons.
(Ord. No. 16-009, § 45, 9-12-16)

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Chapter 2

ADMINISTRATION*

Chapter 2 ADMINISTRATION

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ARTICLE I. IN GENERAL

Sec. 2-1. Persons responsible for compliance with city regulations.

(a) *Designation of responsible person[s]:* All persons, whether individual, corporate or other status, shall, as part of:

(1) The application for business license;

(2) Application for building permit;

(3) Application for development plan or subdivision plat, whether preliminary or final;

(4) Application for electrical permit, or

(5) Other transaction or undertaking within the city that requires a license, permit or other approval, whether made to the city, one of its agencies or to the planning and zoning commission, electrical inspection department or other county or joint agency authorized to enforce city regulations;

provide to the city or its agent the list of all personnel having substantial responsibility to the city for compliance with the city's regulations appropriate to the office from which the license, permit or other approval is sought. The designation of a "responsible person[s]" shall be made on a form the city shall provide and be signed by the individual so designated.

(b) *Accountability of responsible person[s]:* All persons designated under subsection (a) above, shall be deemed "responsible person[s]" for all enforcement purposes, civil and criminal, and be subject to all remedies available by law to the city for the enforcement and collection of all sums due to the city, including, but not limited to fees, fines, penalties and restitution. The city acknowledges that any debt collected pursuant to this section will be a debt primarily of the organization and not of the "responsible person[s]". However, in order to better serve its constituents and assure the equal implementation of local regulation, "responsible person[s]" may be held responsible in the city's discretion regardless of remedies available against the organization. In no event, however, shall the city collect more than the actual amount due to the city. Nothing in this section shall affect any claims between the entity and its "responsible person[s]" including, but not limited to the right of indemnification.

(c) *Failure to register responsible person[s] and responsibility despite that failure:*

(1) In the event the city record does not reflect a designation of "responsible person[s]", upon twenty (20) days' written notice, the entity shall file the designation required pursuant to subsection (a) above. Failure, after notice, to provide the designation may result in denial of requested license, permit or approval. Failure to provide may also result in revocation of a business license.

(2) Failure of the city or its agency to receive or record the required designation of "responsible person[s]" shall not relieve those persons employed by the regulated businesses who actually have the responsibility and discretion within the organization for local regulation compliance from subjection to all remedies available by law to the city for enforcement and collection as set out in subsection (b) above. Preliminary to

initiating proceedings against a person[s] actually responsible for noncompliance with city regulation, the city must make a finding of fact, supported by reasonable evidence, that the person[s] whom the city seeks to hold responsible was in fact responsible for the noncompliance with city regulation.

(d) *Notice to responsible person[s] designated:* All businesses providing to the city the names of "responsible person[s]" pursuant to subsection (a) above, shall give written notice of the provision and a copy of this section to each person named within three (3) days of the name[s] being provided to the city. The city shall remove the name of a "responsible person[s]" upon request of the person[s] to be removed and the submission of a replacement person[s] as appropriate.

(e) *Penalties:*

(1) Failure to provide the name[s] of "responsible person[s]" as required by subsection (a) above; or

(2) Failure to notify the city or its agency in the event a person whose name has been provided pursuant to subsection (a) above, leaves his or her employment with that business or otherwise ceases to be appropriate for designation as "responsible person" under this section, shall subject the employer business and the designated "responsible person[s]" to a fine of five hundred dollars ($500.00) for the first offense, with the fine doubling for each offense within a twelve-month period.

(Ord. No. 06-017, §§ 1—4, 6, 8-17-06)

Secs. 2-2—2-15. Reserved.

ARTICLE II. COUNCIL*

Sec. 2-16. Number of councilmen.

Eight councilmen shall be voted for and elected by the qualified voters of the city at large; such councilmen to have the qualifications provided by law and be elected for the term of office provided by law.

(Code 1966, § 32.1)

State law reference—Size of legislative body, KRS 83A.030(1).

Sec. 2-17. Installation of councilmen.

Upon the return of the certificate by the officers of election showing the persons receiving a majority of the votes cast at an election for the office of councilman, it shall be the duty of the council receiving such certificate to direct the clerk of council to record the same in the journal

*__State law references—__Legislative body, KS 83A.030; form and procedure for enacting ordinances, KRS 83A.060; mayor-council plan, KRS 83A.130.

of proceedings, together with an order declaring the persons named in such certificates duly elected councilmen of the city, and shall also direct the clerk to issue notice to each of the persons so elected, notifying them of the fact of their election.
(Code 1966, § 32.2)

Sec. 2-18. Quorum.

(a) A majority of the members of council shall constitute a quorum. Such quorum shall have the full power to act; and all motions, ordinances or resolutions may be adopted by a majority of such statutory quorum.

(b) If any statutory provision of the state requires a greater number for a quorum or for voting on any matter, the provisions of such statute shall apply.
(Code 1966, § 32.3)

State law reference—Quorum, KRS 83A.060(6).

Sec. 2-19. First meeting; oath of office.

Members elected to the council shall meet on the first Monday in December after their election in the city hall, and take the oath prescribed by the constitution, and in addition thereto, an oath that they will faithfully and without favor or affection to anyone, discharge the duties of councilmen of the city during their continuance in office. The council,-elect shall then be called to order by the mayor and enter upon the discharge of the duties of their office.
(Code 1966, § 32.4)

State law reference—Oath of officers and attorneys, Ky. Const. § 228.

Sec. 2-20. Regular meetings.

The council hereby establishes it's regularly scheduled meetings on the second and fourth Monday nights of each month at the hour of 6:00 p.m., in the council chamber, city hall. The Council may be municipal order change the date, time or location of any regularly scheduled meeting in accordance with the Open Meetings Law and KRS 83A.130.
(Code 1966, § 32.5; Ord. No. 05-028, § 2, 10-20-05; Ord. No. 07-001, § 1, 2-12-07; Ord. No. 07-014, § 1, 8-27-07)

State law reference—Mandate for regular meetings, KRS 83A.130(11).

Sec. 2-21. Adjourned meetings.

At any regular meeting the council may adjourn to another time before the next regular meeting; and such meeting when held shall be known as an adjourned meeting. Any business which could be transacted at any regular meeting may be considered and voted upon at any adjourned meeting. At any adjourned meeting, the council may likewise adjourn to another time which precedes the next regular meeting.
(Code 1966, § 32.6)

Sec. 2-22. Special meetings.

The mayor may call special sessions of the council by reasonable notice, whenever in his judgment it may be necessary, and he shall do so upon the written request of a majority of the council.
(Code 1966, § 32.7)

State law reference—Similar provisions, KRS 83A.130(11).

Sec. 2-23. Rules of order.

The council hereby adopts Robert's Rules of Order for the conduct of its meetings.

Sec. 2-24. Standing committees.

(a) The mayor shall appoint the following standing committees of council:

(1) Police;

(2) Finance;

(3) Fire, safety and welfare;

(4) Public works.

(b) The standing committees shall be advisory only. They shall advise the council and make recommendations concerning those subject areas assigned to them.
(Code 1966, § 32.10)

Sec. 2-25. Use of city hall.

The council is hereby authorized to designate the occupancy of any or all of the city hall, and the use of the city hall by motion without the passage of any other ordinance, and without publication.
(Code 1966, § 32.70)

Cross reference—Streets, sidewalks and other public places, ch. 15.

Secs. 2-26—2-40. Reserved.

ARTICLE III. OFFICERS*

DIVISION 1. GENERALLY

Sec. 2-41. Elected officers—Generally.

(a) At the regular November election in the year 1917 and every four (4) years thereafter there shall be elected by the qualified voters of the city the following officer: mayor whose terms of office shall begin on the first Monday in January succeeding his election and shall continue for a period of four (4) years and until his successor is elected and qualified.

(b) At the regular November election in the year 1929, and every four (4) years thereafter, there shall be elected by the qualified voters of the city, the following officers of the city: clerk-treasurer, city attorney whose terms of office shall begin on the first Monday of January succeeding their election and shall continue for a period of four (4) years and until their successors are elected and qualified.
(Code 1966, § 30.1)

State law reference—Election of mayors and legislative bodies, KRS 83A.040(1).

Sec. 2-42. Same—Elections to be nonpartisan.

(a) Upon the effective date of this section the election of all elected city officials shall be on a nonpartisan basis, pursuant to the provisions of Kentucky Revised Statutes Chapter 83A.

(b) Primary elections held for all elected city officials where required under the provisions of KRS ch. 83A. All city candidates shall file his or her nomination papers with the county clerk no later than one hundred nineteen (119) days prior to the day fixed by KRS ch. 118 for holding a primary election. This filing deadline is provided by KRS ch. 83A. In the event the filing deadline provided is KRS ch. 83A is amended by the legislature, the filing deadline required herein shall be deemed to be that required by the amended statute. All nomination papers filed on the last day shall be filed no later than 4:00 p.m.

(c) In all other respects, the conducting of the nonpartisans elections provided for herein shall be according to the provisions of KRS chs. 83A and 116 to 121.
(Ord. No. 90-020, §§ 1—3, 9-6-90)

Editor's note—Ord. No. 90-020, §§ 1—3, adopted Sept. 6, 1990, did not specifically amend the Code; hence, its inclusion herein as § 2-42 was at the discretion of the editor.

Secs. 2-43—2-50. Reserved.

***State law references—**Creation of nonelective city offices, KRS 83A.080; establishment of appointive offices, KRS 83A.130(12).

DIVISION 2. MAYOR*

Sec. 2-51. Emergency powers.

In times of emergency, the mayor shall be available to make such executive determinations as may be required to ensure the appropriate response by this government to the needs of our constituents.
(Ord. No. 88-011, § 1, 5-19-88)

Sec. 2-52. Disability of mayor during times of emergency; order of succession of authority.

In the event of disability of the mayor during times of emergency which prevents the effective exercise of the duties of that office, all necessary authority shall vest in that council member who received the greater number of votes in the previous general election in which a council seat was contested. That member being unable to serve, all necessary authority shall vest in the council member with the most successive terms in office. If that member is unable to serve, the succession shall fall to the next most senior member. This order of succession shall continue until a member is able to serve. In the event there are two (2) or more members with the same tenure, succession shall fall to that member receiving the higher number of votes in the last general election in which a council seat was contested.
(Ord. No. 88-011, § 2, 5-19-88)

Secs. 2-53—2-60. Reserved.

DIVISION 3. MAYOR PRO TEM

Sec. 2-61. Office created.

The office of mayor pro tem is hereby created.
(Ord. No. 81-004, § 1, 5-7-81)

Sec. 2-62. Method of selection.

Pursuant to the provisions of KRS 83A.130(5) the office of mayor pro tem shall be held by that person elected to the council at the regular November election who shall have received the highest number of votes in the election. The council, at its first meeting, as prescribed by section 2-19, shall certify appointment of the mayor pro tem in accordance with the provisions of section 2-17. The member of the council appointed mayor pro tem shall serve as such concurrent with his term as a member of the council.
(Ord. No. 81-004, § 2, 5-7-81)

***Editor's note—**Ord. No. 88-011, §§ 1, 2, adopted May 19, 1988, did not specifically amend the Code; hence, its inclusion herein as Art. III, Div. 2, §§ 2-51 and 2-52 was at the discretion of the editor. Section 3, dealing with the effective date, has been omitted from publication.

State law reference—Powers and duties of mayor, KRS 83A.130.

Sec. 2-63. Compensation.

The mayor pro tem shall receive no additional compensation to that paid members of the council.
(Ord. No. 81-004, § 3, 5-7-81)

Sec. 2-64. Duties.

The mayor pro tem shall have those duties and responsibilities as prescribed by KRS 83A.130(5).
(Ord. No. 81-004, § 4, 5-7-81)

Secs. 2-65—2-75. Reserved.

DIVISION 4. CLERK-TREASURER*

Sec. 2-76. Qualifications.

No person shall be eligible to the office of clerk-treasurer unless he has been a qualified voter of the city for at least two (2) years previous to his election.
(Code 1966, § 33.1)

Sec. 2-77. Merger of clerk and treasurer.

(a) The functions and duties of the city clerk are hereby conferred upon the city treasurer, who will be known as clerk-treasurer. In addition to the duties prescribed by state law, the clerk-treasurer shall be elected by popular vote for a four (4) year term beginning with the elections held in 1957, for a term beginning in the year 1958, and every four (4) years thereafter.

(b) The bond for the clerk-treasurer shall be as set by council, which shall be a bond furnished by an approved casualty and insurance company, and the officer shall pay the premium for same.
(Code 1966, § 33.2)

Sec. 2-78. Duties.

The clerk-treasurer shall perform all of the duties required by KRS 83A.085 and such other duties as assigned by statute and ordinance. In addition, the clerk-treasurer shall perform the duties of the local alcoholic beverage control administrator as required by statute and ordinance.
(Ord. No. 12-018, 9-26-12)

Editor's note—Ord. No. 12-018, adopted September 26, 2012, repealed the former § 2-78, and enacted a new § 2-78 as set out herein. The former § 2-78 pertained to attendance at council meetings and derived from the Code of 1966, § 33.3.

*__State law reference—__Finance and revenue of cities, KRS ch. 91A.

Sec. 2-79. Journal of proceedings.

It shall be the duty of the clerk-treasurer to keep a regular journal of the proceedings of the council. He shall record therein all the acts, resolutions and orders of council, all official or other bonds, with the names of the signers and the dates thereof, all official reports of committees, all contracts entered into by the council, the substance in brief of all petitions received and acted upon, and all claims and allowances made by the council, and he shall keep a full and correct index of all matters contained in the journal of proceedings.
(Code 1966, § 33.4)

Sec. 2-80. Preservation of records.

It shall be the duty of the clerk-treasurer to preserve all the books, papers and records of his office, and file properly endorsed, all reports of officers, and committees, contracts, bonds and all other papers, received and acted on by council, and he shall deliver to his successor in office, or the council, when so required by it, all books and papers in his hands belonging to his office.
(Code 1966, § 33.5)

Sec. 2-81. Record of legislation.

It shall be the duty of the clerk-treasurer to keep in a separate book a record of the number and date of passage of each ordinance passed by the council and published as required by law, and also all resolutions passed by the council and which are required by law to be published, such record to show in what papers such ordinances or resolutions were published, and how often such newspaper was issued, whether daily, weekly or semiweekly, or otherwise as the case may be. A copy of each ordinance or resolution so passed and published will be securely pasted in the book and an index to the book be made showing the number of each ordinance and subject it relates to and the subject matter of each resolution and page where found, and at the bottom of each page or at end of each ordinance or resolution the clerk-treasurer shall write the particulars as to each as above set forth and sign his name as clerk thereto.
(Code 1966, § 33.6)

Sec. 2-82. Countersigning of bonds; seal.

It shall be the clerk-treasurer's duty to countersign all bonds issued by the city and affix the seal of the city thereto after same have been signed by the mayor.
(Code 1966, § 33.7)

Sec. 2-83. Attested copies of bonds.

It shall be the duty of the clerk-treasurer to furnish attested copies of any bonds, contracts, resolutions or orders of the council whenever required by persons entitled to the same, or when so directed by the council. He shall issue attested copies of all notices authorized and directed by the council and deliver the same to the proper officer to be served.
(Code 1966, § 33.8)

Sec. 2-84. Reserved.

Editor's note—Ord. No. 12-018, adopted September 26, 2012, repealed § 2-84, which pertained to list of city property and derived from the Code of 1966, § 33.10.

Sec. 2-85. Reserved.

Editor's note—Ord. No. 12-018, adopted September 26, 2012, repealed § 2-85, which pertained to report of city officer's indebtedness and derived from the Code of 1966, § 33.11.

Secs. 2-86—2-95. Reserved.

DIVISION 5. CITY ATTORNEY*

Sec. 2-96. Statement of purpose.

The purpose of this division is to establish the appointed office of city attorney, the elective office having been abolished, pursuant to statute, provide for the title, oath and duties of the office, set the compensation, create the position of secretary to the city attorney and provide for the facilities of the office.
(Ord. No. 86-003, § 1, 3-6-86)

Sec. 2-97. Officer created.

(a) *Generally.* An appointed office entitled city attorney is hereby created. The position shall be a full-time position. The holder of this position shall be available to meet the city's legal needs at all times.

(b) *Private practice.*

(1) The city attorney shall be free to continue a private law practice in any area of law which is not in conflict with the interests of the city and which does not interfere with the office holder's ability to perform the duties of the office.

(2) In the event the city attorney is a full or part-time employee of the city, he shall not conduct any private practice during hours of employment for the city.

(3) The city attorney shall give due priority to the city's work.

(c) *Appointment.* The appointment shall be made by the mayor, with the approval of the city council.

***Editor's note—**Ord. No. 86-001, §§ 1, 2, adopted January 2, 1986, abolished the elective office of city attorney pursuant to KRS 83A-080. Ord. No. 86-003, §§ 1—6, adopted March 6, 1986, which established the appointed office of city attorney, has been treated as superseding the provisions of former §§ 2-96—2-98, and set out herein as §§ 2-96—2-101. Former §§ 2-96—2-98 was concerned with similar provisions and derived from the Code of 1966, §§ 34.1—34.3.

(d) *Oath of office.* The oath of office, provided in Section 228 of the Kentucky Constitution, shall be administered to the appointee before taking office.
(Ord. No. 86-003, § 2, 3-6-86; Ord. No. 08-020, § 1, 9-22-08; Ord. No. 10-025, § 1, 10-11-10; Ord. No. 12-002, § 1, 2-13-12)

Sec. 2-98. Duties and obligations.

The duties of the office shall include, but are not limited to, the following:

(a) Represent the city in all actions;

(b) Provide legal advice to all city officers upon request;

(c) Perform all duties required by the Georgetown Code of Ordinances and the Kentucky Revised Statutes;

(d) Draft or approve all documents, contracts, agreements or ordinances;

(e) Inform all city officers of current law and the implications on the respective offices.
(Ord. No. 86-003, § 3, 3-6-86; Ord. No. 08-020, § 2, 9-22-08)

Sec. 2-99. Compensation.

If the attorney is a full or part-time employee of the city, the compensation for this office shall be set by the pay scale as adopted by the city council for employees of the attorney's pay grade. In the event the city attorney is to be a contract employee, the hourly rate, as provided in a contract with the city, shall reflect the reasonable rate for an attorney with the needed skills to perform the duties of city attorney.
(Ord. No. 86-003, § 4, 3-6-86; Ord. No. 08-020, § 3, 9-22-08)

Sec. 2-100. Support services.

(a) In the event the city attorney is a full or part-time employee of the city, all support services needed by the attorney to perform his duties as set forth in his job description shall be supplied by the city, including, but not limited to, the attorney's need for support staff, office space, supplies and research materials.

(b) In the event the city attorney is a contract employee of the city, all support services, supplies or office needs shall be included in the compensation paid per the attorney's contract with the city.
(Ord. No. 86-003, § 5, 3-6-86; Ord. No. 08-020, § 3, 9-22-08)

Sec. 2-101. Offices and telephone to be provided.

The city shall provide a telephone and offices to be located in city hall for the use of the city attorney. The city attorney shall not conduct private practice out of the office at any time.
(Ord. No. 86-003, § 6, 3-6-86; Ord. No. 08-020, § 4, 9-22-08)

Secs. 2-102—2-110. Reserved.

ARTICLE IV. OFFICERS AND EMPLOYEES IN GENERAL

Sec. 2-111. Personnel and pay classification plan.

(a) The purpose of this section is to comply with the requirements of KRS 83A.070(4), providing that each city shall fix the compensation of city employees in accordance with a personnel and pay classification plan which plan shall be adopted by ordinance.

(b) There is hereby adopted by reference, "personnel policies and procedures," such document being on file in the clerk-treasurer's office, made a part hereof, incorporated herein by reference, and marked "Exhibit A" for purposes of identification.
(Ord. No. 82-006, §§ 1—4, 12-2-82; Ord. No. 12-017, § 2, 9-26-12)

Editor's note—Ord. No. 00-35, §§ I—III, adopted December 21, 2000, repealed the provisions of Ord. No. 96-012, articles 1—3, and 5—7, which pertained to the creation of employee positions, the repeal of former personnel policies, the adoption of the personnel policies and employee handbook, and work plans for existing personnel. Ord. No. 00-35 readopted and amended article 4 of Ord. No. 96-012, which pertained to employee position classifications. The amended employee position classifications are not set out herein but are on file and available for inspection in the office of the clerk-treasurer. Subsequently, Ord. No. 00-35 was amended by Ord. No. 02-029, adopted November 21, 2002. Ord. No. 05-17, adopted Aug. 5, 2005, amended Ord. No. 00-35.

The following ordinances amended employee position classifications:

Ordinance No.	Adoption Date	Ordinance No.	Adoption Date
05-032	12- 1-2005	10-005	2- 8-2010
06-001	1-19-2006	10-011	5-10-2010
06-006	3- 2-2006	10-015	6-14-2010
06-010	5-18-2006	12-013	8-13-2012
06-013	6-15-2006	12-017	9-26-2012
06-014	7-20-2006	13-002	1-28-2013
06-018	8-17-2006	13-010	5-20-2013
06-023	9-19-2006	13-015	7-22-2013
06-024	9-21-2006	14-015	7-28-2014
06-030	11-16-2006	14-020	10-13-2014
07-003	2-26-2007	15-018	12-14-2015
07-005	3-12-2007	16-002	2-22-2016
07-010	6-11-2007	16-003	3-28-2016
08-006	3-10-2008	16-004	4-25-2016
08-008	4-14-2008	16-008	6-27-2016
08-012	6-27-2008	16-012	10-10-2016
08-019	9-22-2008	16-014	11-28-2016
08-024	12-15-2008	17-006	6- 1-2017
09-005	2-23-2009	17-010	6-26-2017
09-019	6-22-2009		

Sec. 2-112. Municipal code enforcement officer.

(a) *Creation of code enforcement officer.* There is hereby created the position classification of code enforcement officer, Grade 8, who shall have all the powers granted under KRS 65.8801 to KRS 65.8839. This position shall answer to the police chief, unless administratively reassigned by executive order. The position requires the qualifications and performance of duties set out on the attached position classification which is incorporated as part of this section and designated Exhibit A.

(b) *Positions subject to temporary re-assignment.* This position, as all city employees, is subject to temporary re-assignment by the mayor as the needs of the city dictate.

(Ord. No. 96-033, §§ 1, 2, 1-2-97; Ord. No. 03-013, 4-17-03; Ord. No. 05-021, § 1, 10-6-05; Ord. No. 07-006, § 1, 3-12-07; Ord. No. 13-002, § 2, 1-28-13; Ord. No. 16-009, § 3, 9-12-16)

Editor's note—Ord. No. 96-033, §§ 1, 2, adopted Jan. 2, 1997, was nonamendatory of the Code; hence, inclusion herein as § 2-112 was at the discretion of the editor.

Exhibit A of Ord. No. 96-033 is not set out herein but is available for inspection in the office of the director of finance.

Sec. 2-113. Reserved.

Editor's note—Ord. No. 16-009, § 4, adopted September 12, 2016, repealed § 2-113, which pertained to authority to issue citations—non-moving motor vehicles and derived from Ord. No. 98-002, adopted March 19, 1998; Ord. No. 05-021, adopted October 6, 2005 and Ord. No. 13-002, adopted January 28, 2013.

Secs. 2-114—2-125. Reserved.

ARTICLE V. DEPARTMENTS

DIVISION 1. GENERALLY

Secs. 2-126—2-135. Reserved.

DIVISION 2. FIRE DEPARTMENT*

Sec. 2-136. Appointment of fire chief; appointment of members.

The chief of the fire department who is an employee at will, shall be appointed by the mayor with the approval of the council.
(Code 1966, § 36.1; Ord. No. 07-004, § 1, 2-26-07)

Sec. 2-137. Duties of chief.

The duties and powers of the chief of the first department shall be as follows: He shall be present at all fires, and see that a proper application is made of the means at command for the extinguishment thereof. He is hereby clothed with full police authority in all matters relating to the fire department, and should an occasion occur that those belonging to the department are not sufficient to check the progress of the fire, protect surrounding property and maintain order, he may, for the time being, summon such additional force of citizens as may be necessary for the occasion. Any person so summoned and failing to obey shall be guilty of a misdemeanor. The chief shall have the general direction and control of all the members and apparatus connected with and belonging to the department, and shall see that members perform their several duties, and shall inspect and test all the apparatus at least once each month to see that everything is in good working order. He is hereby authorized, and it is made his duty, to visit any house, yard, or premises, in the city, wherein it is known or supposed that any kind of article or fixture exists which may be dangerous in causing or promoting fires; and on examination thereof, should any such danger appear, he shall in writing direct the owner, agent, or occupier of the premises containing such article or fixtures to remove, alter or amend the same in such manner as he may deem necessary and reasonable. Any person who would obstruct or hinder him in the discharge of his duties shall be guilty of a misdemeanor. If the person so notified shall fail or refuse to comply with the chief's requirements, he shall report the facts of the case to the council, who shall, after investigation, take such action in the premises that may be proper.
(Code 1966, § 36.2)

Sec. 2-138. Use of fire equipment beyond city limits.

(a) The fire department will answer fire calls outside the city limits by using the full length of such hose as may be on the fire engine at the time, connected to the last city fire hydrant; and the actual cost of fighting such fire shall be charged to the property owner or person legally

*__Cross reference—__Fire prevention and protection, ch. 7.

in charge of the premises. In these cases the fire alarm shall not be sounded, and the answering crew shall not exceed five (5) men, including the driver of the engine. Only one (1) engine shall be sent in such cases.

(b) In addition to the cost of the crew, a minimum truck and service charge of twenty dollars ($20.00) shall be made. If the truck so dispatched shall be needed in the city or if fire breaks out in the city, the truck shall immediately leave the scene of the county fire and return to the city.

(c) The provisions of KRS 95.830 and other pertinent laws shall apply as to the liability and status of the members of the city department and as to all other matters relating to use of the equipment.

(d) Notwithstanding the provisions of subsections (a) or (b), fire equipment of the city may be dispatched to any city-owned or city-leased property outside the city limits.
(Code 1966, § 36.3)

Sec. 2-139. Number of firefighter positions.

The position of firefighter/EMT, grade 6, will comply with all duties, qualifications and requirements provided in the attached position classification. There will be twenty-eight (28) firefighter/EMT positions, grade 6.
(Ord. No. 04-015, § 1, 7-1-04)

Editor's note—The position classification attached to Ord. No. 04-015 has not been included herein but is available for inspection in the office of the clerk-treasurer.

Secs. 2-140—2-145. Reserved.

DIVISION 3. POLICE DEPARTMENT*

Subdivision I. In General

Sec. 2-146. Command of police department.

All policemen of the city shall be under the command and direction of the chief of police, and shall execute all their legal orders and warrants of arrest, processes, subpoenas and attachments for witnesses delivered to them whether the same be directed to them or not.
(Code 1966, § 36.25)

Sec. 2-147. Number of police officers.

The police force of the city shall consist of the following officers: chief of police, who is appointed by the mayor with the approval of the city council and is subject to removal at any time for cause by the city council; city square patrolmen and fire truck drivers, patrolmen and

***Cross references—**Offenses, ch. 10; traffic and motor vehicles, ch. 18.

sergeants and such other officers as determined from time to time by the council who shall be subject to assignment for day or night duty according to regulations of the department, and at least two (2) of whom shall be assigned at all times to night duty.
(Code 1966, § 36.26)

Sec. 2-148. Reserved.

Editor's note—Ord. No. 12-002, § 1, adopted February 13, 2012, repealed § 2-148, which pertained to surety bond and derived from the Code of 1966, § 36.28.

Sec. 2-149. Duties of chief.

(a) The chief of police shall be in command of the police force in the city. He shall attend all sessions of the council, execute the orders thereof and preserve order thereat and serve notice as directed by the mayor and council. He shall execute all processes, orders and judgments of any court that may be directed to him.

(b) He shall see that the laws and ordinances of the city are complied with. He shall give information to the city attorney of all offenses against the laws and ordinances, and cause prosecutions to be instituted when so directed by the mayor or city attorney, whether the knowledge of the commission of offenses comes to him from his own observation, or from information from others.

(c) He shall report to the mayor any loss or damage to the property of the city. He shall ascertain that all persons doing a business requiring a license have procured the same and he shall immediately notify the city attorney and have a warrant issued against any person doing such business without a license procured from the clerk-treasurer.
(Code 1966, § 36.29)

Sec. 2-150. Authority of state patrol within city.

The mayor is hereby authorized and directed to request that the department of state police be granted full police authority within the corporate limits of the city under the laws and statutes of the state, subject to the following conditions:

(1) The police power requested will not in any manner supplant the power of the local city police now existing in the city, but shall only be supplementary.

(2) Request for such authority is subject to the approval of the commissioner of state police and is effective from and after the date of such approval and is to continue in effect until revoked.

(3) The revocation of the police power requested may be done by either the commissioner of state police or the mayor, by writing to that effect.

(4) Nothing shall be construed as placing the entire burden of keeping peace and order in the city upon the state police, but the purpose of this section and request is to permit

the officers of the state police to arrest for infractions of the law when noted in the course of their regular patrol and when specific acts occur in their presence and upon specific complaint by citizens or local authorities.

(5) Due to the department of state police having received eighty (80) percent of its present appropriation from funds of the department of highways, the major portion of its duties shall lie in enforcing motor vehicle and traffic laws, and this must continue to be carried out in spite of the general police duties the department must perform.

(6) The mayor is hereby authorized and directed to execute the request on a form submitted by the department of state police, and the clerk-treasurer is hereby authorized and directed to attest and affix the seal of the city to the request as the act and deed of the city.

(Code 1966, § 36.36)

Sec. 2-151. Additional positions.

(a) *Creation of captain positions.* There is created two (2) captain positions. These two (2) include the one (1) that pre-existed this section, making a net increase of one (1) captain position. These positions would be for general assignment in each of the two (2) divisions of the department, operations, patrol and investigations. The applicable job description is attached and designated exhibit A.

(b) *Creation of lieutenant positions.* There is created four (4) lieutenant positions. These four (4) include the two (2) that pre-existed this section, making a net increase of two (2) lieutenant positions. These positions would be for general assignment in each of the divisions of the department, operations, and investigations, and two (2) for the patrol division. The applicable job description is attached and designated exhibit B.

(c) *Creation of sergeant positions.* There is created eight (8) sergeant positions. These eight (8) include the five (5) that pre-existed this section, making a net increase of three (3) sergeant positions. Seven (7) of these positions would be for general assignment in the patrol division and one (1) for general assignment to investigations. The applicable job description is attached and designated exhibit C.

(d) *Chief of police.* The police chief, a position created by prior ordinance, shall, in addition to the requirements set out in existing law, be subject to the job description attached and designated exhibit D.

(e) *Positions subject to temporary re-assignment.* All of the positions in the police department are subject to temporary re-assignment by the chief as the needs of the department dictate.

(f) *Creation of patrol positions.* There is created thirty-four (34) patrol officer II positions, grade 6. These thirty-four (34) positions include the thirty-two (32) positions that pre-existed this section, resulting in a net increase of three (3) in the number of patrol rank positions. These positions would be for general assignment. The applicable job description is attached and designated exhibit E.

(Ord. No. 96-009, §§ 1—6, 3-7-96; Ord. No. 04-10, §§ 1, 2, 5-20-04; Ord. No. 04-015, § 2, 7-1-04; Ord. No. 05-008, § 1, 4-21-05)

Editor's note—Ord. No. 96-009, §§ 1—6, adopted March 7, 1996, was nonamendatory of the Code; hence, inclusion herein as § 2-151 was at the discretion of the editor.

Exhibits A—E of Ord. No. 96-009 are not set out herein but are available for inspection in the office of the clerk-treasurer.

Sec. 2-152. Ratification and re-creation of the preexisting city police department.

The police department pre-existed any record currently in the possession of the city. The KLEFF program provides incentive funds for officers of the city's police department. The eligibility requirements of that program require the department to be created by ordinance. The time which has passed since the creation of the department precludes the location of the original ordinance. To comply with KLEFF requirements, the lawful existence of the city police department is ratified and, by this section, recreated in order to comply with the program participation requirement that the department be created by ordinance which can be provided to the program auditor.
(Ord. No. 99-003, § 1, 1-21-99)

Secs. 2-153—2-160. Reserved.

Subdivision II. Salary Supplement for Police Officers

Sec. 2-161. Participation in law enforcement foundation program.

The city declares its intention to participate in the law enforcement foundation program established by KRS 15.410 to 15.510.
(Code 1966, § 36.50)

Sec. 2-162. Qualifications for supplement.

(a) Each officer employed on or after July 1, 1973, shall have as a minimum educational attainment a high school degree, or its equivalent as determined by the state law enforcement council.

(b) Each officer employed on or after July 1, 1972, shall within one (1) year of his date of employment complete a basic training course of at least four hundred (400) hours' duration at a school certified or recognized by the state law enforcement council.
(Code 1966, § 36.52)

Sec. 2-163. In-service training course.

(a) Each officer, whether originally employed before or after July 1, 1972, shall successfully complete each year an in-service training course of forty (40) hours' duration appropriate to his rank and responsibility at a school certified or recognized by the state law enforcement council.

(b) Each officer shall receive in each calendar year five (5) days' time off with pay for the purpose of taking the required in-service training.
(Code 1966, § 36.53)

Sec. 2-164. Reductions or increases in salary.

No officer shall have his base salary reduced or be denied a normal salary increase to which he is otherwise entitled because of the salary incentive payments provided by the state crime commission under KRS 15.410 to 15.510.
(Code 1966, § 36.54)

Sec. 2-165. Eligibility of police department.

The police department and each officer thereof shall comply with all provisions of law applicable to local police, including the transmission of data to the bureau of criminal information and statistics as required by KRS 17.150.
(Code 1966, § 36.55)

Sec. 2-166. Chief of police to prepare reports.

The chief of the police department shall prepare or cause to be prepared such quarterly and other reports as may be reasonably required by the state crime commission to facilitate administration of the fund and further the purposes of KRS 15.410 to 15.510.
(Code 1966, § 36.56)

Sec. 2-167. Compliance with rules and regulations.

The police department and each officer thereof shall further comply with all reasonable rules and regulations, appropriate to the size and location of the local police department, issued by the state crime commission to facilitate the administration of the fund and further the purposes of KRS 15.410 to 15.510.
(Code 1966, § 36.57)

Sec. 2-168. Administration of funds.

(a) The clerk-treasurer shall deposit in an appropriate account which can be identified separately from all other sources all monies received under KRS 15.410 to 15.510.

(b) Forthwith upon receipt of any monies under KRS 15.410 to 15.510 the clerk-treasurer shall pay to each police officer the full amount received on behalf of that officer, giving to each officer a check stub or receipt on which the gross amount of monies paid to him under KRS 15.410 to 15.510 is included and identified.

(c) All financial records relating to monies received under KRS 15.410 to 15.510 shall be retained for a period of three (3) years and until the completion of an audit approved by the state crime commission and the United States Law Enforcement Assistance Administration.
(Code 1966, § 36.58)

Secs. 2-169—2-180. Reserved.

DIVISION 4. BUILDING DEPARTMENT*

Sec. 2-181. Duties of building official.

The building official shall have the following duties:

(1) The duties set out for the building official in the Kentucky Building Code and KRS ch. 198B;

(2) The duties set out for the "officer" in the standards of safety and KRS 227.320 through 227.400;

(3) The duties set out for the building official in the zoning ordinance.

(Code 1966, § 37.1; Ord. No. 16-009, § 5, 9-12-16)

Sec. 2-182. Qualifications of building official.

The building official must possess the qualifications as established by the ordinance creating the position.

(Code 1966, § 37.2)

Secs. 2-183—2-195. Reserved.

ARTICLE VI. BOARDS AND COMMISSIONS†

DIVISION 1. GENERALLY

Sec. 2-196. Uniform regulatory provisions.

(a) *Purpose.* The purpose of this section is to provide uniform regulation of the boards and commissions which serve the citizens of Georgetown.

(b) *Regulations.* All boards and commissions which are appointed by the mayor and approved by the council shall be governed by the following regulations:

(1) Files will be maintained by the mayor which list the member's names, terms, expiration dates, meeting minutes and annual budget for each board or commission over which the city has jurisdiction by means of appointment to appropriations.

(2) Each board shall provide to the mayor's office a copy of its minutes within ten (10) days of their approval.

(3) Each board shall provide to the mayor's office a copy of its budget within thirty (30) days of its approval.

(4) The terms of board and commission members shall not exceed four (4) years.

***Cross reference—**Buildings and building regulations, ch. 4.

†**Cross reference—**Human rights commission, § 5-16 et seq.

(5) Members of city-appointed boards and commissions shall not be members of more than one (1) such board or commission during their term.

(6) No member shall be appointed to serve more than two (2) consecutive full terms on any board or commission, except where such term limits are contrary to state law. Full term is defined to be four (4) years. Partial terms where a member is appointed to fill a vacancy shall not be counted as a full term.

(7) All terms shall be staggered.

(8) All board or commission members shall be subject to removal if they fail to attend at least two-thirds (⅔) of all regular and called meetings.

(9) All boards with regularly scheduled meetings shall meet at those times, except in the case of emergencies justifying a special meeting.

(10) The members of the ambulance board shall be appointed, except the mayor and judge/executive, who shall remain ex-officio members.

(11) All potential nominees to city-appointed boards and commissions shall provide the mayor with information concerning their membership on other boards. Membership on non-city-appointed boards which are potentially in conflict with the responsibilities of the board to which the person is considered for appointment shall be grounds for disqualification of the person for appointment to the city board.

(12) All boards and commissions shall fully comply with these rules within six (6) months of the adoption of this section.

(13) The bylaws of all boards and commissions shall be amended to provide for the terms of its members to end in December.

(Ord. No. 89-013, § 1, 2, 7-6-89; Ord. No. 16-016, § 1, 12-12-16)

Editor's note—Ord. No. 89-013, §§ 1, 2, adopted July 6, 1989, did not specifically amend the Code; hence, its inclusion herein as Art. I, § 2-196 was at the discretion of the editor. Section 3, dealing with the effective date, has been omitted from codification.

Secs. 2-197—2-205. Reserved.

DIVISION 2. BOARD OF WATER AND SANITARY SEWER COMMISSIONERS*

Sec. 2-206. Established.

(a) The management, control and operation of the combined and consolidated municipal waterworks and sanitary sewer system of the city is hereby placed in the board of water and sanitary sewer commissioners created, appointed and functioning as provided in Ordinance No. 550 adopted September 7, 1945 as amended and that board shall hereafter be known and designated as the "board of water and sanitary sewer commissioners" of the city. The terms,

***Cross reference—**Utilities, ch. 19.

powers and nonpartisan character of the board shall continue the same as provided for in sections 2-207—2-219, except that the board shall assume the additional duties and receive additional compensation therefor, as set out in sections 2-207—2-219.

(b) On and after its appointment, the said board of water commissioners shall have full, complete and exclusive supervision, management and control of the municipal water works plant and system of said city, including the administration, maintenance and operation and extension thereof except as hereinafter set out.
(Code 1966, § 38.2; Ord. No. 91-001, § 1, 1-3-91)

Sec. 2-207. Meetings.

At all meetings of the board of water and sanitary sewer commissioners, the chairman shall preside thereat when present and at call of special meetings of the board when necessary. Provisions shall be made for holding at least one regular meeting each month, of which special notice need not be given. The secretary shall keep a record of the proceedings of the board, which shall be available for inspection at all times, as other municipal records. Any commissioner failing to attend four (4) successive regular meetings without cause acceptable and approved by the board, shall be automatically removed from office and the vacancy shall be filled as hereinbefore provided.
(Code 1966, § 38.3)

Sec. 2-208. Membership.

The board of water and sanitary sewer commissioners shall consist of three (3) commissioners, who shall be users of city water, and legal voters of the city, and possessing the qualifications of a member of the council. Such commissioners shall be appointed in the first instance by the mayor, subject to the approval of the council. One member shall be designated chairman by the mayor, and one member treasurer. The first commissioners so appointed shall meet and select by lot their terms of office, which shall be for two (2), four (4) and six (6) years, respectively, from the first day of the month following that during which such meeting is held. Upon the expiration of the first term, successors shall be appointed by the mayor, subject to the approval of the council, for a term of four (4) years. The offices of secretary and treasurer may be filled by one member as the board may determine. After the original organization of the board, the commissioners shall themselves designate their own chairman, treasurer and secretary, and shall so organize their board annually thereafter.
(Code 1966, § 38.4; Ord. No. 89-017, § 1, 8-17-89)

Sec. 2-209. Additional member.

The mayor of the city, with the approval of the city council, shall, every six (6) years, appoint one taxpayer and legal voter of the city, who shall also be a water user of the system, to serve as an additional voting member (commissioner) of the board, possessing the same powers, duties and authority, and being subject to the same provisions, as each of the other four (4) members of the board as set out in the aforesaid previously adopted ordinances. Accordingly, the composition of the board is hereby expanded (from four (4) to five (5) members) to include such one additional commissioner, who shall at all times be a taxpayer and legal voter of the city and a water user of the system in order to be qualified for said office. The initial appointment of said additional commissioner shall be made by the mayor, with the approval

of the city council, and the initial six-year term of said additional commissioner shall begin on the date of such appointment as set by the mayor. Upon the expiration of the initial term, a successor shall be appointed every six (6) years by the mayor, with the approval of the city council, for a six-year term from the end of the preceding term, and any such additional commissioner may succeed himself or herself. (An appointment shall be effective until the successor shall have qualified). Any such additional commissioner shall be removable for cause by the recorded vote of a majority of the members of the city council after hearing. Any vacancy in the office of such additional commissioner shall be filled as above provided for the then unexpired term. No person who shall have been elected to an elective office of the city shall be eligible for appointment as such additional commissioner until at least one year after the expiration of the term for which he or she was elected. Said additional commissioner shall be compensated annually on the same basis as the other commissioners.
(Ord. No. 76-004, § 1, 6-3-76; Ord. No. 86-002, § 3, 3-6-86)

Sec. 2-210. Removal, reelection, eligibility of commissioners.

Each commissioner shall be removable for cause by the recorded vote of a majority of the members of the council, after hearing. All appointments shall be until their successors shall have qualified, and any commissioner shall be eligible for reappointment upon the expiration of his term, but any person who shall have been elected to an elective office for the city shall not be eligible for appointment to the board until at least one year after expiration of the term for which he was elected.
(Code 1966, § 38.5)

Sec. 2-211. Vacancies.

From and after the date of the commencement of the terms of office of the first commissioners so appointed, which in no event shall be a date later than the date of issuance of the waterworks revenue bonds of the city, the provisions of sections 2-206—2-219 shall govern and control in the administration and operation of the municipal waterworks plant and system of the city. In the event of a vacancy and also at least thirty (30) days preceding the expiration of the term of office of any appointive commissioner, a successor shall be appointed by the mayor subject to the approval of the council. All vacancies shall be filled for the unexpired term and all other appointments shall be for a term of six (6) years. A majority of the board at any meeting, shall constitute a quorum. The board may adopt rules and by-laws for the time and place of its meetings and the conduct thereof.
(Code 1966, § 38.6)

Sec. 2-212. Manager.

(a) The board of water and sanitary sewer commissioners shall employ a manager meeting the qualifications prescribed by subsection (b), or the board may employ separate managers for the waterworks and sanitary sewer portions of the combined and consolidated works and system.

(b) The board manager, shall be qualified by education, training and experience, for the general supervision of the operation, maintenance and management of the plant. The salary of the manager shall be fixed by the board, and he shall be removable by the board for inefficiency, neglect of duty, misfeasance or malfeasance in office.
(Code 1966, § 38.7)

Sec. 2-213. Duties of the manager.

The manager shall appoint, discharge and fix the compensation of all employees, subject to and with the approval of the board. The manager shall have charge of the actual management, operation, maintenance and improvement of the plant, and the enforcement and execution of all rules and regulations, programs and plans, and decisions made and adopted by the board. He shall make and keep, or cause to be made and kept, full and proper books and records, subject to the supervision and direction of the board, and all applicable ordinance.
(Code 1966, § 38.8)

Sec. 2-214. Treasurer of the board; bond.

The treasurer of the board of water and sanitary sewer commissioners shall be required to execute bond for the faithful performance of his duties in the penal sum of not less than fifteen thousand dollars ($15,000.00), or such other greater sum as the council may direct from time to time for faithful performance of his duties as treasurer. The cost of the bond shall be charged and paid by the board as an operating expense of the water system.
(Code 1966, § 38.9)

Sec. 2-215. Disbursements.

All withdrawals and payments of funds shall be made only after approval by the board of water and sanitary sewer commissioners, and all bills shall be paid by check and signed by the treasurer of the board, and counter-signed by the chairman of the board.
(Code 1966, § 38.10)

Sec. 2-216. Fiscal year; budget.

The municipal water works plant and system shall be operated on a fiscal year basis commencing on July 1, of each year and ending on June 30 of the succeeding year, and at least thirty days prior to June 1 of each year the board of water commissioners shall cause to be prepared and adopt a detailed budget of the estimated amounts of money to be collected and the amounts and purpose for which expenditures are to be made in connection with the operation of the water works plant and system for the next ensuing fiscal year, which budget shall be filed with the city clerk for approval by the council of the city; provided, however, the council shall have the right to call for additional reports covering the activities of the board of water commissioners whenever and so often as it may order. No contracts affecting the water works plan and system shall be entered into or water works revenue bonds issued other than those referred to in the preamble hereof, for extensions, improvements or replacements,

without the recommendation or approval of said board of water commissioners. All disbursements for account of such water works plant and system shall be ordered paid out only upon approval of said board of water commissioners.
(Code 1966, § 38.11; Ord. No. 90-029, § 2, 10-16-90)

Sec. 2-217. Bids and construction contracts.

All contracts for construction or purchase involving the sum of ten thousand dollars ($10,000.00) or more, and all contracts for fuel or electricity extending over a period of six (6) months or more shall be authorized and approved by the city council, City of Georgetown, Kentucky, upon the recommendation of the board of water commissioners (now board of water and sanitary sewer commissioners) and any contract involving the purchase of materials, supplies or equipment in excess of ten thousand dollars ($10,000.00) shall be let only on competitive bids after due advertisement. All contracts shall be in the name of the board of water and sanitary sewer commissioners and shall be signed by the chairman of said board. All bills for water and water service shall be collected and accounted for by said board of water and sanitary sewer commissioners in the respective funds as named and set forth in Ordinance No. 551.
(Code 1966, § 38.12; Ord. No. 77-007, § 1, 5-19-77; Ord. No. 91-001, § 1, 1-3-91)

State law reference—Model procurement code, KRS 45A.005 et seq.

Sec. 2-218. Management of funds.

The funds derived from the operation of the combined and consolidated municipal waterworks and sanitary sewer system shall be deposited and managed and handled so as to comply in all particulars with the provisions of any ordinance or ordinances heretofore or hereafter adopted authorizing and providing for the issuance of bonds of the city which by their terms are payable from and secured by the income and revenue of the combined and consolidated municipal waterworks and sanitary sewer system, or any portion thereof.
(Code 1966, § 38.13)

Sec. 2-219. Bills for service.

All bills for water and sanitary sewer services shall be collected and accounted for by the board of water and sanitary sewer commissioners in the manner and form as required by law and the ordinances of the city; provided, however, the board shall at all times be governed by and conform to the provisions of the ordinance or ordinances pursuant to which the city may have heretofore authorized and issued or may hereafter authorize and issue any bonds from time to time outstanding which by their terms are payable from and secured by the income and revenues of the combined and consolidated waterworks and sanitary sewer system, or any portion thereof.
(Code 1966, § 38.14)

Sec. 2-220. Ratification of prior, nonconflicting ordinances.

All provisions of sections 2-206—2-219, with respect to the creation, appointment and functioning of the board of water and sanitary sewer commissioners are hereby ratified and confirmed except insofar as sections 2-221—2-224 may amend such provisions and extend such provisions to include the combined and consolidated municipal waterworks and sanitary sewer system of the city.
(Code 1966, § 38.15)

Sec. 2-221. Future financing.

From and after January 15, 1962 all revenue bond financing of extensions and improvements to the combined and consolidated works and system shall be accomplished only through the issuance of water and sanitary sewer revenue bonds of the city which will be payable from and secured by the income and revenue from the combined and consolidated works and system subject to the vested rights and priorities in favor of any outstanding water revenue bonds and sanitary sewer revenue bonds of the city.
(Code 1966, § 38.16)

Sec. 2-222. Management shall be free from political and partisan favoritism.

The city council enacts sections 2-220—2-224 for the assurance and protection of the citizens of the city and for the purpose of assuring the original purchasers and any subsequent holder or holder of any bonds of the city payable from the income and revenues of the combined and consolidated municipal waterworks and sanitary sewer system of an efficient management, control and operation thereof free of political and partisan favoritism.
(Code 1966, § 38.17)

Sec. 2-223. Amendments.

No amendment of sections 2-220—2-224 shall be enacted unless copies thereof shall have therefore been published in a newspaper of general circulation of the city at least once each week for two (2) consecutive weeks prior to final passage thereof at any meeting of the city council.
(Code 1966, § 38.18)

Sec. 2-224. Repeal.

No repeal of sections 2-220—2-223 shall be enacted so long as there are outstanding any revenue bonds of the city payable from the income and revenues of the combined and consolidated municipal waterworks and sanitary sewer system, and it being intended that the provisions of such sections shall constitute a contract between the city, and each and every holder of any such revenue bonds and that the original purchasers of any of such revenue bonds may purchase same in reliance upon the contract set out herein.
(Code 1966, § 38.19)

Secs. 2-225—2-235. Reserved.

DIVISION 3. HOUSING COMMISSION*

Sec. 2-236. Created.

(a) A housing commission is hereby created for the city.

(b) The name of the commission shall be the "Georgetown Municipal Housing Commission."
(Code 1966, § 38.30)

Sec. 2-237. Salary, expenses.

The members of the municipal housing commission shall serve without pay but shall be entitled to necessary expenses incurred in the discharge of their duties.
(Code 1966, § 38.31)

Secs. 2-238—2-245. Reserved.

DIVISION 4. AIR BOARD†

Sec. 2-246. Created.

In conformity with KRS 183.132 et seq., there is hereby created an air board to be known as "City of Georgetown air board" to take charge of the management and control of Marshall Field, the municipal airport of the city.
(Code 1966, § 38.40)

Sec. 2-247. Powers and duties.

The air board shall have the powers and be subject to the provisions of KRS 183.132 et seq. and the laws and statutes of the state. The board shall have authority to adopt its own by-laws, rules, and regulations, but same shall not be inconsistent with the laws of the United States or the state, or the rules and regulations of the civil aeronautics authority, or the state department of aeronautics and shall be in conformity with such rules and regulations as may now or hereafter be adopted by the city respecting its operation.
(Code 1966, § 38.40)

Sec. 2-248. Membership.

(a) The air board shall consist of six (6) members who shall be citizens and legal voters of the county. The members shall be appointed by the mayor and the first members appointed shall serve for terms of one (1), two (2) and three (3) years, respectively. Upon the expiration for the first terms, successors shall be appointed for a term of three (3) years. Members of the

*__State law reference—__Housing projects, KRS ch. 80.
†__State law reference—__Local air boards, KRS 183.132.

air board shall serve without compensation except that a secretary-treasurer so selected shall receive a salary to be fixed by the air board, not to exceed five hundred dollars ($500.00) per year.

(b) The duties of the officers and members of the board shall be the same as those set out and provided in the statutes of the state above referred to, and other pertinent statutes and laws of the state.
(Code 1966, § 38.41)

Secs. 2-249—2-260. Reserved.

DIVISION 5. PARKS, PLAYGROUND AND RECREATION BOARD*

Sec. 2-261. Created.

A parks, playground and recreation board is hereby established which shall possess all the powers and be subject to all the responsibilities of KRS 97.010 to 97.050.
(Code 1966, § 38.60)

State law reference—Authority to create parks, playground and recreation board, KRS 97.030.

Sec. 2-262. Membership.

The parks, playground and recreation board shall consist of five (5) persons to be appointed by the mayor and county judge to serve for terms of four (4) years and until their successors are appointed, except that the members first appointed shall be one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years and two (2) for four (4) years.
(Code 1966, § 38.61)

State law reference—Similar provisions, KRS 97.030.

Sec. 2-263. Officers.

The parks, playground and recreation board shall be a body corporate for all purposes, shall elect from its members a chairman, secretary and treasurer. The treasurer shall execute a bond conditioned on the faithful performance of his duties, sufficient in amount to cover the funds coming into his hands. The premium on such bond shall be paid from board funds.
(Code 1966, § 38.62)

Sec. 2-264. Gifts and bequests.

The parks, playground and recreation board may accept any grant or devise of real estate or any bequest or gift of money or any donation, the principal or income of which is to be used for the parks, playground and recreation purposes.
(Code 1966, § 38.63)

State law reference—Gifts for recreation facilities, KRS 97.040.

***State law reference—**Parks, playgrounds and recreation, KRS ch. 97.

Sec. 2-265. Powers.

The parks, playground and recreation board shall have the specific power to provide, maintain and conduct the parks, playgrounds and recreation centers, and may maintain and equip parks, playgrounds and recreation centers and the buildings thereon and may employ trained and qualified parks superintendents, playground directors, supervisors, recreation superintendents or other officers and employees as it deems proper.
(Code 1966, § 38.64)

Secs. 2-266—2-275. Reserved.

DIVISION 6. RECREATIONAL TOURIST AND CONVENTION COMMISSION*

Sec. 2-276. Created.

There is created a commission to be known as the "Georgetown-Scott County Recreational, Tourist and Convention Commission," hereinafter in this division referred to as the commission.
(Code 1966, § 38.70; Ord. No. 03-019, § 1, 7-3-03)

State law reference—Authority to create the commission, KRS 91A.350(2).

Sec. 2-277. Membership

(a) The commission shall be composed of seven (7) members to be appointed in the following manner:

(1) Three (3) commissioners from a list submitted by the local hotel and motel association. If no formal local hotel and motel association exists, then three (3) persons residing within the jurisdiction of the commission and representing hotels and motels to be appointed by the mayor and county judge-executive, jointly;

(2) One (1) commissioner from a list submitted by the local restaurant association. If no formal local restaurant association exists, then one (1) person residing within the jurisdiction of the commission and representing a local restaurant to be appointed by the mayor and county judge-executive, jointly;

(3) One (1) commissioner to be appointed by the mayor and county judge-executive, jointly, from a list of three (3) or more names submitted by the Georgetown-Scott County Chamber of Commerce;

(4) One (1) commissioner by the mayor;

(5) One (1) commissioner by the county judge;

(b) Vacancies shall be filled in the same manner that original appointments are made.

*__State law reference—__Tourist and convention commissions, KRS 91A.350 et seq.

(c) The commissioners shall be appointed for terms of three (3) years, provided, that in making the initial appointments, the mayor and the county judge shall appoint two (2) commissioners for a term of three (3) years, two (2) commissioners for a term of four (4) years and three (3) commissioners for a term of one (1) year. There shall be no limitation on the number of terms to which a commissioner is reappointed.
(Code 1966, § 38.71; Ord. No. 03-019, § 2, 7-3-03; Ord. No. 08-027, 12-15-08)

State law reference—Similar provisions, KRS 91A.360.

Sec. 2-278. Duties.

In addition to the duties required by KRS 83A.085 and such other duties as assigned by statute and ordinance, the clerk-treasurer shall perform the following duties:

(1) Attend each council meeting (regular and special).

(2) Record council proceedings and keep minutes.

(3) Publish all legal advertisements, budget summaries or text and all ordinances adopted by council.

(4) Collect city ad valorem taxes, including delinquent taxes.

(5) Process and print yearly ad valorem tax statements.

(6) Make deposits and distribute receipts when required.

(7) Perform the duties of the alcohol beverage control administrator, including but not limited to:

   a. Collecting regulatory and license fees.

   b. Issuing local alcoholic beverage licenses.

   c. Enforcing violations of state and local ABC laws.

(8) Act as custodian of records, receiving, processing and responding to all open records requests.

(9) Collect city insurance premium tax, including delinquent taxes.

(10) Collect garbage, utility, and railroad franchise fees.

(11) Collect code enforcement fines.

(12) Reports sales and use tax to the Commonwealth of Kentucky.

(13) Coordinate advertisements and bid openings for all competitive procurements.

(14) Administer the annual surplus property sale and other surplus sales as necessary.

(15) License all fleet vehicles.

(16) Issue parking permits for permitted streets, e.g. Dudley and Clayton.

(17) Issue golf cart permits.

(18) Coordinate special events, assisting citizens obtain city permission for 5k's, parades, etc.

(19) Serve as secretary for the board of ethics.

(20) Coordinate bi-monthly meetings with all city directors for council meeting preparation.

(21) Prepare the agenda for council meetings.

(22) Ensure open meetings law compliance for council and committee meetings.

(23) Prepare an annual budget for the clerk's office.

(24) Administer financial interest disclosure requirement for all city directors, board members, elected officers and candidates for elected offices.

(25) Provide information to the public in person and by phone.

(26) Greet visitors and perform other office duties when necessary.

(Code 1966, § 38.72; Ord. No. 03-019, § 3, 7-3-03; Ord. No. 14-007, § 1, 4-28-14)

State law reference—Similar provisions, KRS 91A.360(4).

Sec. 2-279. Imposition of transient room tax.

(a) For the purpose of operation of the tourist and convention commission and to finance the cost of acquisition, construction, operation and maintenance of facilities useful in the attraction and promotion of tourist and convention business, there is hereby imposed and levied a transient room tax of three (3) percent.

(b) On and after July 1, 1974, every person, company, corporation or other like or similar persons, groups or organizations doing business as motor courts, motels, hotels, inns or like or similar accommodations businesses in the city and county shall pay monthly into the county treasury a transient room tax of three (3) percent of the gross rent for every occupancy of a suite, room or rooms charged and collected by them during such monthly periods. Such tax shall be due and payable fifteen (15) days after the last day of the month, together with a return on a form furnished by or obtained from the county treasurer setting forth an aggregate amount of gross rentals charged and collected during the occupancy to which the transient room tax applies, together with such other pertinent information as the county treasurer may require.

(c) Any tax imposed by this section which shall remain unpaid after it becomes due, as set forth herein, shall have added to it a penalty of ten (10) percent, together with interest at the rate of one-half of one (1) percent for each month of delinquency or fraction thereof, until paid.

(d) Transient room taxes shall not apply to the rental or leasing of an apartment supplied by an individual or business that regularly holds itself out as exclusively providing apartments. Apartment means a room or set of rooms, in an apartment building, fitted especially with a kitchen and usually leased as a dwelling for a minimum period of thirty (30) days or more.

(e) The tax imposed by this section shall be in addition to other general taxes and the occupational or business license tax.
(Code 1966, § 38.73; Ord. No. 03-019, § 4, 7-3-03)

Cross reference—Taxation generally, Ch. 17.
State law reference—Room tax, KRS 91A.390.

Sec. 2-280. Penalty.

Any person who shall knowingly file a false or fraudulent return required by this subsection 2-279(b), shall, upon conviction, be fined not more than one hundred dollars ($100.00) or imprisoned for not more than thirty (30) days, or both such fine and imprisonment.
(Code 1966, § 38.99; Ord. No. 75-15, 10-16-75; Ord. No. 03-019, § 5, 7-3-03)

Secs. 2-281—2-290. Reserved.

DIVISION 7. HISTORIC COMMISSION

Sec. 2-291. Created.

A historic commission is hereby created which shall be known as "Georgetown-Scott County Historic Commission."
(Ord. No. 78-009, § 1(a), 7-14-78)

Sec. 2-292. Membership.

(a) The historic commission shall consist of nine (9) members with at least one (1) member each from the city and the county government. The governmental members shall be an elected public official. Two (2) members shall be selected from a list of six (6) persons recommended by Scott County Historical Society. Two (2) members shall be selected from among local downtown businessmen. Other members shall be members-at-large selected for knowledge of the historic traditions of the city and county and interest in the preservation of historic buildings in the city and county. If available, the city or county planner will be a member. All members shall be appointed by the mayor and county judge executive subject to confirmation by a majority of the council and fiscal court members.

(b) The term of office of the city and county government members shall be the same as his official tenure in office. For other members, the term shall be four (4) years ending on August first of the designated year, and terms of those first appointed shall be staggered so that a proportionate number serve one (1), two (2), three (3) and four (4) years respectively, with later appointments or reappointments continuing the staggered pattern and August first date for a term of four (4) years.
(Ord. No. 78-009, § 1(b), (c), 7-14-78)

Sec. 2-293. Officers.

The historic commission shall elect a chairman and a vice-chairman from its members at the first meeting after August first each year.
(Ord. No. 78-009, § 2, 7-14-78)

Sec. 2-294. General powers; financial support of commission.

The historic commission may apply for, receive and disburse funds and contract with any state, federal, public or private agency for the purpose of carrying out the duties as set forth herein.
(Ord. No. 79-009, § 3, 7-14-78)

Sec. 2-295. Duties.

The historic commission shall perform the following duties:

(1) *Review legislation.* The commission shall review state and local legislation which may affect historic preservation.

(2) *Assist other organizations.* The commission shall offer assistance to public or private groups concerned with historic preservation.

(3) *Surveillance of historic buildings and areas.* The commission shall maintain surveillance of historic areas and buildings, especially those not in historic districts, to prevent buildings and areas from being demolished with no advance warning and submit their recommendations in all matters relating to the preservation, conservation and enhancement of historic buildings and areas.

(4) *Federal grants.* The commission shall expedite the use of, be informed about, apply for and encourage other agencies to apply for federal grants for historic preservation.

(5) *Maintain records.* The commission shall maintain and preserve historic records and objects which come into its possession, including but not limited to card files, notebooks and atlas of historic properties which were made in 1970 as part of the historic survey and plan.

(6) *Revolving fund.* The commission shall encourage and accept gifts and property donations to provide a base for a revolving fund for the preservation of local buildings and sites.

(7) *Committees.* The commission may establish committees to perform specified duties.

(8) *Promote interest.* The commission shall undertake projects and programs to promote interest in historic preservation.
(Ord. No. 79-009, § 4, 7-14-78)

Sec. 2-296. Meetings.

The historic commission shall meet at least four (4) times a year and at such times as may be designated by the chairman or a majority of the members.
(Ord. No. 78-009, § 5, 7-14-78)

Secs. 2-297—2-300. Reserved.

DIVISION 8. ARCHITECTURAL REVIEW BOARD*

Sec. 2-301. Established; membership; appointment; approval.

An architectural review board is established to consist of at least five (5) members. The membership shall be appointed by the mayor with the approval of the council.
(Ord. No. 88-008, § 1, 5-5-88)

Sec. 2-302. Board's advisory capacity.

This board shall advise the board of adjustment, the planning and zoning commission and the main street board. It shall review the design of buildings and their impact on and consistency with the architectural character of the historic area of Georgetown, in general, and the architectural integrity of the individual building, in particular. All recommendations made by this board concerning building design and architectural integrity shall be advisory only.
(Ord. No. 88-008, § 2, 5-5-88)

Sec. 2-303. Powers and duties.

(a) *Endorsement of plans, etc.* This board shall receive all plans involving the construction, exterior renovation, signage, demolition and relocation of buildings located within the historic district. The plans shall be filed with the board at an office to be designated by the board. All plans must be filed at least seventy-two (72) hours prior to application for a building permit. The board, or its designee, shall endorse the plans showing the time and date of the filing. The building inspector shall not issue a building permit for any project involving the above work, without the board's endorsement or within seventy-two (72) hours of that endorsement.

(b) *Recommendations to council.* The board shall document the boundaries of the historic district and make appropriate recommendations to the council regarding necessary alteration of the district. The board shall study the historic district, the needs of the area and the guidelines necessary to promote the preservation and enhancement of the district. The board shall make appropriate recommendations to the council regarding its role, authority, guidelines, direction and any changes in this division or related ordinances that are required to further the goals of this program.
(Ord. No. 88-008, §§ 3, 4, 5-5-88)

DIVISION 9. CEMETERY MINISTERIAL BOARD

Sec. 2-304. Purpose.

The purpose of this division is to establish a nine-member board which will assist the cemetery director in the performance of ministerial duties at the city cemetery. This board will

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***Editor's note—**Ord. No. 88-008, §§ 1—4, adopted, adopted May 5, 1988, did not specifically amend the Code; hence, its inclusion herein as Art. VI, Div. 8, §§ 2-301—2-303 was at the discretion of the editor. Section 5, dealing with the effective date, has been omitted from codification.

Cross references—Historic commission, §§ 2-291 et seq.; buildings and building regulations, ch. 4; streets, sidewalks and other public ways, ch. 15.

not make policy decisions, but implement the policies and procedures adopted by the city council. This board may be asked to make recommendations to the city council concerning the adoption of policies and procedures for the proper operation of the cemetery.
(Ord. No. 99-027, § 1, 7-15-99)

Sec. 2-305. Compensation.

There shall be no compensation for service of board members.
(Ord. No. 99-027, § 2, 7-15-99)

Sec. 2-306. Appointment.

Members shall be appointed by the mayor with approval of the council. Two (2) members shall be appointed to an initial term of one (1) year. Two (2) members shall be appointed to an initial term of two (2) years. Two (2) members shall be appointed to an initial term of three (3) years. Three (3) members shall be appointed to an initial term of four (4) years. After the service of these initial terms, all terms shall be four (4) years. All board members and their terms shall be subject to the provisions of the city's Ordinance 89-013, governing membership on the city's boards and commissions.
(Ord. No. 99-027, § 3, 7-15-99)

DIVISION 10. GEORGETOWN BUSINESS PARK AUTHORITY

Sec. 2-307. Formation.

Pursuant to KRS 154.50-020 et seq., the city authorizes and directs the formation of an authority to be named The Georgetown Business Park Authority (authority).
(Ord. No. 02-031, § I, 12-5-02)

Sec. 2-308. Organization of authority.

The authority shall consist of eight (8) members appointed by the mayor.

(1) Pursuant to KRS 154.50-326, the initial terms of the authority members shall be staggered so that two (2) members are appointed for two (2) years; three (3) members are appointed for three (3) years; and three (3) members are appointed for four (4) years. All subsequent appointments shall be for four (4) year terms or until his or her successor is appointed and qualified.

(2) An authority member may be replaced by the mayor upon a showing to the mayor of that authority member's misconduct, including ineffective service, or upon conviction of a felony.

(3) The mayor shall appoint the members and designate the initial term to be served by each member on the authority, subject to the foregoing provisions.

(4) The members of the authority shall elect such officers, hold such meetings and establish such rules and regulations as they deem necessary and proper to carry out

the authority's functions under the Local Industrial Development Authority Act, KRS 154.50-301 through KRS 154.50-346. The authority shall adopt by-laws covering, among other appropriate matters, election of officers, including, at minimum, a chair, vice-chair, secretary and treasurer, hiring of staff, establishment of the place and time of regular meetings, the procedure for special meetings, compliance with opens meetings and records requirements set out in KRS ch. 61, standards of conduct for authority members and staff; and operating procedures for conducting authority business. The by-laws may be adopted or amended at any regular meeting or special meeting by a vote of at least two-thirds (⅔) of the voting members.

(5) Two-thirds (⅔) of the membership shall constitute a quorum for conducting business at a regular or duly noticed special meeting.

(6) No authority member shall be eligible for service while a candidate for or holder of public office. Upon filing for public office a current authority member shall be deemed to have vacated his or her office.

(7) The authority chair shall have supervisory authority over the authority director and staff.

(Ord. No. 02-031, § II, 12-5-02)

Sec. 2-309. Purpose.

The authority shall have the purpose, duties and powers provided in KRS 154.50-301 through 154.50-346; The authority's power, however, is subject to the following:

(1) The authority shall not incur indebtedness in excess of council approved operating budget, except with approval of the city council.

(2) The authority shall have a fiscal year from July 1 to June 30, with its first year to run from the time it is organized through the following June 30.

(3) The authority shall maintain business records of its management, operation, receipts, disbursements and acquisition and disposition of realty in the manner provided by KRS 154.50-336. The authority shall be subjected to annual audit as part of the city's audit.

(4) The authority shall prepare an operating budget for each fiscal year. The authority shall submit its proposed budget to the city council for review and approval not less than sixty (60) days prior to the commencement of the fiscal year.

(5) The authority shall cooperate with the city, the Georgetown-Scott County Planning Commission and Scott County United, providing assistance to them and receiving assistance from them. The authority shall operate consistent within the public policies provided by:

a. The comprehensive plan;

b. Zoning designed to identify potential industrial and commercial sites and protect them against types of development that would lessen their attractiveness or their compatibility with surrounding uses; and

c. Provision of adequate governmental facilities to serve industrial sites.

(Ord. No. 02-031, § III, 12-5-02)

Sec. 2-310. Dissolution.

By appropriate resolution, the city council may dissolve the authority. Upon such dissolution, all funds, property and other assets held by the authority shall be delivered to the city. No dissolution, however, shall be effective until provision is made for all legal obligations of the authority.

(Ord. No. 02-031, § IV, 12-5-02)

DIVISION 11. GEORGETOWN EVENTS AND COMMERCE CENTER AUTHORITY, INC.

Sec. 2-310.5 Formation; creation.

Ordinance No. 09-034 authorizes the formation and creation of the Georgetown Events and Commerce Center Authority, Inc.; establishing the powers and duties of the authority, which powers and duties shall include, but shall not be limited to, acting as the "agency" under KRS 65.7041 to 65.7083, 154.30-010 to 154.30-090 and 139.515 (collectively, the "act") for the oversight, administration and implementation of any ordinance passed by the city which, for the purpose of obtaining tax increment financing: (1) establishes a development area that includes the proposed location of a multi-use events center to be constructed in Georgetown, Kentucky, and (2) adopts a "development plan" (as defined in the act) that incorporates the events center project; establishing certain requirements for the composition of the board of directors of the authority; providing for the appointment of certain officers of the authority; and establishing the requirements for a quorum of a meeting of the board of directors of the authority.

A complete copy of Ordinance No. 09-034 is on file at the city clerk's office.

(Ord. No. 09-34, 10-19-09)

Secs. 2-310.6—2-310.10. Reserved.

DIVISION 12. CODE ENFORCEMENT BOARD AND PROCEDURES

Sec. 2-310.11. Title.

This division shall be known and may be cited as the "Georgetown Code Enforcement Board Ordinance."

(Ord. No. 16-009, § 1, 9-12-16)

Sec. 2-310.12. Definitions.

The definitions set forth in KRS 65.8805 and KRS 65.8840 are incorporated as though set forth fully herein.
(Ord. No. 16-009, § 1, 9-12-16)

Sec. 2-310.13. Code enforcement board created.

There is hereby created pursuant to KRS 65.8801 to KRS 65.8839 a Georgetown Code Enforcement Board (hereinafter the "code enforcement board") which shall be composed of five (5) members and two (2) alternates. In the event the City enters an interlocal agreement, pursuant to KRS 65.210 to 65.300 and 65.8811, for joint code enforcement, the number of members shall be as set forth in the agreement.
(Ord. No. 16-009, § 1, 9-12-16)

Sec. 2-310.14. Jurisdiction.

(a) The code enforcement board shall have jurisdiction over and shall enforce Georgetown Code of Ordinances article VIII of chapter 4 on the property maintenance code, chapter 9 on nuisances, article V of chapter 19 on stormwater, and chapter 7 on fire safety standards and all other ordinances herein or hereafter adopted or amended which specifically provide for enforcement by citation officers, code enforcement officers or the code enforcement board in the manner set forth in this division.

(b) At the request of the alcoholic beverage administrator, the board or a hearing officer appointed by the board may serve as the enforcement authority for chapter 2.7 regarding alcoholic beverages.

(c) Upon execution and effect of an interlocal agreement with the city, any other local government may utilize the code enforcement board to enforce any ordinance of that local government.
(Ord. No. 16-009, § 1, 9-12-16)

Sec. 2-310.15. Powers of the code enforcement board.

(a) The code enforcement board shall have the power to issue remedial orders and impose civil fines as a method of enforcing city ordinances when a violation of the ordinance has been classified as a civil offense.

(b) The Code enforcement board shall not have the authority to enforce any ordinance the violation of which constitutes a criminal offense under any provision of the Kentucky Revised Statutes, including specifically, any provision of the Kentucky Penal Code and any moving motor vehicle offense.

(c) The code enforcement board shall have the power to:

(1) Adopt rules and regulations to govern its operation and the conduct of its hearings that are consistent with the requirements of KRS 65.8801 to 65.8839 and ordinances of the local government or local governments creating the board.

(2) Conduct hearings, or assign a hearing officer to conduct a hearing, to determine whether there has been a violation of any ordinance that the board has jurisdiction to enforce.

(3) To subpoena alleged violators, witnesses and evidence to its hearings. Subpoenas issued by the board, or by an assigned hearing officer, may be served by any code enforcement officer.

(4) To take testimony under oath. The chairperson or assigned hearing officer shall have the authority to administer oaths for the purpose of taking testimony.

(5) To make findings of fact and issue orders necessary to remedy any violation of any ordinance that the board has jurisdiction to enforce.

(6) To impose civil fines as authorized on any person found to have violated an ordinance over which the board has jurisdiction.

(Ord. No. 16-009, § 1, 9-12-16)

Sec. 2-310.16. Appointment of members; term of office; removal from office; oath; and compensation.

(a) Members of the code enforcement board shall be appointed by the mayor, subject to approval of the council.

(b) Initial board appointments shall be as follows:

(1) One-third (⅓) of the membership or one-third (⅓) of the membership and one (1) member of the board shall be appointed for a term of one (1) year;

(2) One-third (⅓) of the membership or one-third (⅓) of the membership and one (1) member of the board shall be appointed for a term of two (2) years; and

(3) One-third (⅓) of the membership or one-third (⅓) of the membership and one (1) member of the board shall be appointed for a term of three (3) years.

(c) All subsequent appointments shall be made for a term of three (3) years.

(d) The mayor may appoint, subject to the approval of the council, two (2) alternate members to serve in the absence of regular members. Alternate members shall meet all of the qualifications and shall be subject to all of the requirements that apply to regular members of the board.

(e) Any vacancy on the board shall be filled by the mayor, subject to approval of the council, within sixty (60) days. If a vacancy is not filled within sixty (60) days, the remaining members of the code enforcement board shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.

(f) Any member of a code enforcement board may be removed by the appointing authority for misconduct, inefficiency, or willful neglect of duty. Any appointing authority who exercises the power to remove a member of a code enforcement board shall submit a written

statement to the member and to the legislative body of the local government setting forth the reasons for removal. The member so removed shall have the right of appeal to the circuit court.

(g) All members of the board must, before entering into office, take the oath of office prescribed by Section 228 of the Kentucky Constitution.

(h) Members of the Board shall be compensated at the rate of one hundred dollars ($100.00) per member, per meeting attended, not to exceed twelve hundred dollars ($1,200.00) per member per year. Alternates shall be compensated one hundred dollars ($100.00) for each meeting to which they are called to attend as an alternate member and for actual expenses, but otherwise shall not be compensated.

(i) No member of the board may hold any elected or appointed office, whether paid or unpaid, or any position of employment with the unit of local government that has created the code enforcement board.

(j) In the event the city enters an interlocal agreement, pursuant to KRS 65.210 to 65.300 and 65.8811, for joint code enforcement, appointment of members and alternates, removal, and qualifications shall be governed by the terms of the interlocal agreement, with each participating jurisdiction appointing at least one (1) member.

(k) Each member of the code enforcement board shall have resided within the boundaries of the city for a period of at least one (1) year prior to the date of the member's appointment and shall reside there throughout the term in office. In the event the city enters an interlocal agreement, pursuant to KRS 65.210 to 65.300 and 65.8811, for joint code enforcement, Board members serving on joint code enforcement boards shall have resided within the boundaries of the local government they represent for a period of at least one (1) year prior to the date of the member's appointment and shall reside there throughout the term in office.
(Ord. No. 16-009, § 1, 9-12-16)

Sec. 2-310.17. Organization of board; quorum.

(a) The board shall, upon the initial appointment of its members, and annually thereafter, elect a chair from among its members. The chairperson shall be the presiding officer and a full voting member of the board. If the chairperson is not present at a meeting, the board shall select one (1) of its members to preside in place of and exercise the powers of the chairperson.

(b) The board shall hold regular meetings at least monthly on a schedule to be determined by the board. Meetings other than established regular meetings shall be special meetings held in accordance with the Kentucky Open Meetings Act.

(c) All meetings and hearings of the board shall be held in accordance with the applicable state statutes and the Kentucky Open Meetings Act.

(d) The presence of at least a majority of the board's entire membership shall constitute a quorum. The affirmative vote of a majority of the members constituting a quorum shall be necessary for any official action to be taken. Any member of the board who has any direct or indirect financial or personal interest in any matter to be decided shall disclose the nature of the interest and shall disqualify himself from voting on the matter and shall not be counted for purposes of establishing a quorum.

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

(f) All meetings and hearings of the code enforcement board shall be open to the public.

(g) The city shall provide clerical and administrative personnel for the proper conduct of the duties of the board. In the event the city enters an interlocal agreement, pursuant to KRS 65.210 to 65.300 and 65.8811, for joint code enforcement, members of the agreement shall contribute to the costs of clerical and administrative support.
(Ord. No. 16-009, § 1, 9-12-16)

Sec. 2-310.18. Enforcement proceedings.

(a) Enforcement proceedings before a code enforcement board or hearing officer shall be initiated by the issuance of a citation by a code enforcement officer.

(b) When a code enforcement officer, based upon personal observation or investigation, has reasonable cause to believe that a person has committed a violation of a local government ordinance, the officer is authorized to issue a citation by:

(1) Personal service to the alleged violator;

(2) Leaving a copy of the citation with any person eighteen (18) years of age or older who is on the premises, if the alleged violator is not on the premises at the time the citation is issued; or

(3) Posting a copy of the citation in a conspicuous place on the premises and mailing a copy of the citation by regular, first-class mail of the United States Postal Service to the owner of record of the property if no one is on the premises at the time the citation is issued.

(c) The citation issued by the code enforcement officer shall contain, in addition to any other information required by rule of the board:

(1) The date and time of issuance;

(2) The name and address of the person to whom the citation is issued;

(3) The date and time the offense was committed;

(4) The address where the offense was committed;

(5) The facts constituting the offense;

(6) The section of the code or the number of the ordinance violated;

(7) The name of the code enforcement officer;

(8) When the code enforcement officer has reason to believe that the existence of the violation presents imminent danger, a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible, a statement so indicating;

(9) If applicable, the time period within which the person must remedy the violation;

(10) A specific statement of the remediation necessary.

(11) A statement that, if the person fails to remedy the violation within the time period specified, the city may abate the violation and bill the person for abatement costs plus an administrative fee of one hundred dollars ($100.00);

(12) When specifically authorized by the ordinance or code being violated, that the citation and any applicable penalties will be waived if the violation is remedied within the time period specified by the ordinance, which period shall be set forth in the citation;

(13) A statement that the city shall possess a lien on property owned by the person for all charges and fees incurred by the city in connection with the enforcement of the ordinance, including abatement costs;

(14) The civil fine that will be imposed for the violation if the person does not contest the citation;

(15) The maximum civil fine that may be imposed if the person elects to contest the citation;

(16) The procedure for the person to follow in order to pay the civil fine or to contest the citation; and

(17) A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation within seven (7) days of the date the citation is issued, the person shall be deemed to have waived the right to a hearing before the code enforcement board or hearing officer to contest the citation and that the determination that a violation was committed shall be final, and the alleged violator shall be deemed to have waived the right to appeal the final order to district court.

(18) A statement that contesting the citation shall serve to toll the city's abatement of the violation except where the code enforcement officer has reason to believe that the existence of the violation presents imminent danger, a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.

(d) After issuing a citation to an alleged violator, the code enforcement officer shall notify the code enforcement board by delivering the citation to the administrative official designated by ordinance or by the board. The code enforcement officer, hearing officer, or code enforcement board may also elect to provide notice of the issuance of the citation to any lienholder with an interest in the subject premises.

(e) Notices of violation or citations involving motor vehicles shall be sent to the property owner or other person having control or management of the premises or property, and the motor vehicle owner if known.

(f) Nothing in this division shall prohibit the city from taking immediate action to remedy a violation of its ordinances when there is reason to believe that the violation presents a serious threat to the public health, safety and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.

(g) When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven (7) days of the date the citation is issued by either paying the civil fine set forth in the citation or filing written notice with the city clerk requesting a hearing to contest the citation. If the person fails to respond to the citation within seven (7) days, the person shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be considered final. In this event, the citation, as issued, shall be deemed a final order determining that the violation was committed and imposing the civil fine set forth in the citation, and the alleged violator shall be deemed to have waived the right to appeal the final order to district court. Notice of the final order shall be provided to the cited violator in the manner set forth in subsection 2-310.20(g) of this article.

(h) Notwithstanding the provisions of paragraph (g) of this section, whenever a hearing before an administrative body is required by law for a particular violation, remedy or abatement action, or when, in the opinion of a code enforcement officer or the city attorney, such a hearing is necessary or advisable, the code enforcement officer or the city attorney may request such a hearing before the board, and the board shall schedule the hearing and provide notice to the person to whom the citation is issued in accordance with the provisions of this section.

(i) Citations shall be payable to the city clerk.

(j) Notice of violation.

(1) Unless the violation unless the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible, a notice of violation shall be issued in lieu of a citation for violation of any ordinance subject to enforcement under this division, where any of the following is true:

   a. The property upon which the violation exists has not been the subject of a citation or notice of violation within the past twenty-four (24) months, or

   b. The owner of the property has not been issued a citation or notice of violation within the past twenty-four (24) months, or

   c. The alleged violator has not been issued a citation or notice of violation within the past twenty-four (24) months.

(2) The notice of violation shall be in writing and shall give notice of:

a. The date and time of issuance;

b. The name and address of the person to whom the citation is issued;

c. The date and time the offense was committed;

d. The address where the offense was committed;

e. The facts constituting the offense;

f. The section of the code or the number of the ordinance violated;

g. That the person must remedy the violation within five (5) calendar days or a citation will be issued;

(3) A Notice of violation shall be delivered in the same manner as a citation, as specified in subsection 2-310.18(b) of this division.

(4) A notice of violation is not appealable.

(5) If a notice of violation is not remedied within five (5) calendar days, the code enforcement officer is authorized to issue a citation.

(Ord. No. 16-009, § 1, 9-12-16)

Sec. 2-310.19. Hearing officer.

(a) The code enforcement board may assign a hearing officer to conduct hearings in accordance with the procedures set forth in KRS 65.8828.

(b) Any member of the board, including the chair, may be assigned as a hearing officer. In the event a board member is assigned as a hearing officer, he or she shall not participate in the board's hearing, deliberation or decision of the appeal.

(c) An individual that is not a member of the board may be assigned by the board as a hearing officer as long as the individual does not hold any elected or appointed office or position of employment with the city or any jurisdiction participating in an interlocal agreement for joint enforcement through the board.

(d) Any person assigned to be a hearing officer by a code enforcement board shall have experience or shall have received training in the code enforcement process and basic procedural due process, as specified in the ordinance creating the code enforcement board. The experience or training shall include, at a minimum, acquired knowledge regarding a party's fundamental due process right to:

(1) Be accompanied and advised by counsel at the hearing;

(2) Present evidence and witnesses on his or her behalf at the hearing;

(3) Examine the evidence opposing the party; and

(4) Confront and cross-examine the witnesses opposing the party.

(e) An assigned hearing officer may administer oaths to witnesses prior to their testimony and subpoena alleged violators, witnesses, and evidence to the hearing to which the officer is assigned.

(f) Any hearing conducted by a hearing officer under this section shall conform to the procedural requirements of KRS 65.8828(1) to (5).

(g) The hearing officer shall make written findings of facts and conclusions of law, and enter a final order consistent with the authority granted to the board under KRS 65.8828(4).

(1) The findings of fact, conclusions of law, and final order shall be forwarded within twenty-four (24) hours of entry to the alleged violator in the manner required by KRS 65.8828(5) and to the board.

(2) A final order issued by a hearing officer under this subsection may be appealed by the alleged violator to the board. The appeal shall be filed in writing to the board within seven (7) days of the receipt of the final order. The failure to file an appeal within seven (7) days shall render the order entered by the hearing officer final for all purposes and an individual receiving a final order under this subparagraph shall be required to exhaust the administrative remedy of appeal to the board before appealing to district court as authorized under KRS 65.8831.

(Ord. No. 16-009, § 1, 9-12-16)

Sec. 2-310.20. Hearing, notice and final order.

(a) When a hearing has been requested, the board, through its clerical and administrative staff, shall schedule a hearing.

(b) Not less than seven (7) days before the date of the hearing, the board shall notify the requester of the date, time and place of the hearing. The notice may be given by regular first class mail, certified mail, return receipt requested, by personal delivery, or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice. The Board may also elect to provide notice of hearing to any lienholders with an interest in the subject premises.

(c) Any person requesting a hearing who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be final. In this event, the citation, as issued, shall be deemed a final order determining that the violation was committed and imposing the civil fine set forth in the citation, and the alleged violator shall be deemed to have waived the right to appeal the final order to District Court. Notice of the final order shall be provided to the cited violator in the manner set forth in KRS 65.8828(5).

(d) All testimony shall be taken under oath and recorded. The board or assigned hearing officer shall take testimony from the code enforcement officer, the alleged violator and any witnesses to the violation offered by the code enforcement officer or alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(e) Each case that is the subject of a hearing may be presented by an attorney selected by the local government or by a member of the administrative staff of the local government. An attorney may either be counsel to the board or may represent the local government by presenting cases at the hearing, but in no case shall an attorney serve in both capacities.

(f) The board or the assigned hearing officer shall, based on the evidence, determine whether a violation was committed. If it determines that no violation was committed, an order dismissing the citation shall be entered. If it determines that a violation was committed, an order shall be issued upholding the citation and ordering the offender to do either or both of the following:

(1) Pay a civil fine up to the maximum authorized by ordinance; or

(2) Remedy a continuing violation in order to avoid the imposition of a fine as authorized by ordinance.

(g) Every final order of the board or the assigned hearing officer shall be reduced to writing, which shall include the findings and conclusions of the board, and the date the order was issued. A copy of the order shall be furnished to the person named in the citation. If the person named in the citation is not present at the time a final order of the board is issued, the order shall be delivered to that person by regular first-class mail; certified mail, return receipt requested; by personal delivery; or by leaving a copy of the order at that person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the order.
(Ord. No. 16-009, § 1, 9-12-16)

Sec. 2-310.21. Appeals; final judgment.

(a) Within seven (7) days of the entry of a final order issued by the hearing officer, the order may be appealed by the alleged violator to the board, which shall review the record created before the hearing officer and determine whether there is substantial evidence on the record to support a finding by the hearing officer that a violation was committed. If the board determines that there is not substantial evidence on the record, it shall issue an order dismissing the citation. If the board determines that there is substantial evidence on the record that a violation was committed, it shall issue a final order upholding the order entered by the hearing officer. The failure to file an appeal within seven (7) days shall render the order entered by the hearing officer final for all purposes and an individual receiving a final order under this subparagraph shall be required to exhaust the administrative remedy of appeal to the code enforcement board before appealing to district court as authorized under KRS 65.8831.

(b) An appeal from any final order of the board may be made to the Scott District Court within thirty (30) days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the board's order in the same manner as any civil action under the Kentucky Rules of Civil Procedure. The district court shall review the final order de novo.

(c) A judgment of the Scott District Court may be appealed to the Scott Circuit Court in accordance with the Rules of Civil Procedure.

(d) If no appeal of the final order of the board is filed within the time allowed in subsection (a) of this section, the board's order shall be deemed final for all purposes.
(Ord. No. 16-009, § 1, 9-12-16)

Sec. 2-310.22. Abatement.

(a) All violations of ordinances and codes enforced under this division shall be remedied by the violator within the time period specified in the specific ordinance or code, unless the code enforcement officer determines that a shorter time is warranted. In the absence of a specified time period, the time period for remedy of a violation shall not exceed ten (10) days, however the code enforcement officer, board or hearing officer may grant an extension of this time period. The time period for the violation to be remedied shall not be less than twenty-four (24) hours following issuance of the citation, unless the code enforcement officer has reason to believe that the existence of the violation presents imminent danger, a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible. The time period shall commence upon the issuance of a citation in accordance with subsection 2-310.18(b) of this division.

(b) If the property owner so served does not abate the violation within the applicable time period, the city may proceed to abate such violation, keeping an account of the expense of abatement. The abatement costs, including necessary and reasonable costs for and associated with clearing, preventing unauthorized entry to, or demolishing all or a portion of a structure or premises, or taking any other action with regard to a structure or premises necessary to remedy a violation and to maintain and preserve the public health, safety, and welfare in accordance with any local government ordinance, shall be charged to and paid by the property owner.

(c) Filing of notice to contest a citation in accordance with subsection 2-310.18(g) of this division shall serve to toll the city's abatement of the violation, unless the code enforcement officer has reason to believe that the existence of the violation presents imminent danger, a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible. In the event the board or a hearing officer determines that the violation contested did occur, the board or hearing officer may order that the abatement proceed immediately or within a specified time period not to exceed thirty (30) days.

(c) The code official shall bill the property owner of such premises at least once following abatement. No lien claimed shall be filed against the property until seven (7) days have elapsed after the bill is sent. If the property is the subject of litigation, the lien may be filed immediately upon the mailing of the bill.
(Ord. No. 16-009, § 1, 9-12-16)

Sec. 2-310.23. Liens, fines, charges and fees.

(a) The city shall possess a lien on property owned by the person found by a final, non-appealable final order as defined by KRS 65.8805(8), or by a final judgment of the court, to have committed a violation of a City ordinance. The lien shall be for all civil fines assessed for the violation and for all charges and fees incurred by the city in connection with the enforcement of the ordinance, including abatement costs. An affidavit of the code enforcement officer shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to KRS 65.8801 to 65.8839. The lien:

(1) Shall be recorded in the office of the county clerk;

(2) Shall be notice to all persons from the time of its recording and shall bear interest until paid;

(3) Subject to KRS 65.8836, shall take precedence over all other liens, except state, county, school board, and city taxes;

(4) Shall continue for ten (10) years following the date of the nonappealable final order, or final judgment of the court; and

(5) May be enforced by judicial proceedings, including an action to foreclose.

(b) A copy of the notice of the lien shall be mailed to the owner of the premises. However, the failure to mail the owner a copy of such notice or the failure of the owner to receive such notice shall not affect the right of the city to enforce its lien for such charges as provided by law.

(c) In addition to the remedy prescribed above, the person found to have committed the violation shall be personally responsible for the amount of all fines assessed for the violation and for all charges and fees incurred by the city in connection with the enforcement of the applicable Code of Ordinances.

(d) The city attorney is authorized to bring a civil action for the collection of delinquent liens and other costs incurred by the city, and the city shall have the same remedies as provided for the recovery of a debt. The city attorney is granted authority to use his or her best judgment and discretion to settle any fine and remedy assessments and to release liens as he deems to be in the best interests of the city. The city attorney is further authorized to make a determination that a lien not be filed if the cost of the lien and collection is greater than the amount of the lien, when intervening in existing litigation is not cost effective or when the lien would not be enforceable as a matter of law. The city attorney is also authorized to release any existing liens that meet the above criteria.

(e) Lienholder notification system. Pursuant to KRS 65.8835—65.8836, the city shall obtain and maintain priority over previously filed liens in accordance with the following provisions:

(1) Individuals and entities, including but not limited to lienholders, may register with the city to receive electronic notification of final orders entered pursuant to this division.

(2) In order to receive the notification, the registrant shall submit the following information to the city clerk:

a. Name;

b. Mailing address;

c. Phone number; and

d. Electronic mailing address.

(3) A registrant may use the electronic form provided on the city Web site to submit the information required by subsection (2) of this section. It shall be the responsibility of the registrant to maintain and update the required contact information with the city. The city shall inform a registrant of any evidence received that the electronic mailing address is invalid or not functional so that the registrant may provide an updated electronic mailing address.

(4) At least once per month and not more than once per week, the city shall send electronic mail notification of all final orders entered pursuant to this division since the last date of notification to each party registered pursuant to this section. The notification shall provide an electronic link to the city code enforcement database located on the city Web site. The database shall include the following information regarding each final order:

(1) The name of the person charged with a violation;

(2) The physical address of the premises where the violation occurred;

(3) The last known mailing address for the owner of the premises where the violation occurred;

(4) A copy of the full citation;

(5) A copy of the full final order; and

(6) The status of the final order regarding its ability to be appealed pursuant to this division.

(5) If an appeal is filed on a final order pursuant to this division, the city shall send electronic mail notification to all registrants.

(6) Within ten (10) days of the issuance of a final order pursuant to this division, the city shall update its code enforcement database to reflect the issued final order, and shall post the notification required by subsection (4) of this section containing an updated link to the code enforcement database on the city Web site.

(7) The city shall maintain the records created under this section for ten (10) years following their issuance.

(f) Lien priority.

(1) A lienholder of record who has registered pursuant to subsection 2-310.23(e) of this division may, within forty-five (45) days from the date of issuance of notification under subsection 2-310.23(e) of this division:

a. Correct the violation, if it has not already been abated; or

b. Pay all civil fines assessed for the violation, and all charges and fees incurred by the city in connection with enforcement of the ordinance, including abatement costs.

(2) Nothing in this section shall prohibit the city from taking immediate action if necessary.

(3) The lien provided by this division shall not take precedence over previously recorded liens if:

a. The city failed to comply with the requirements of subsection 2-310.23(e) of this division for notification of the final order; or

b. A prior lienholder complied with subsection (i) of this section.

(4) A lien that does not take precedence over previously recorded liens under subsection (3) of this section shall, if the final order remains partially unsatisfied, continue to take precedence over all other subsequent liens except liens for state, county, school board and city taxes.

(5) The city may record a lien before the forty-five (45) day period established in subsection (1) of this section expires. If the lien is fully satisfied prior to the expiration of the forty-five (45) day period, the city shall release the lien in the county clerk's office where the lien is recorded within fifteen (15) days of satisfaction.

(6) Failure of the city to comply with sections 2-310.24 and 2-310.25 of this division, or failure of a lien to take precedence over previously filed liens as provided in subsection (3) of this section, shall not limit or restrict any other remedies the city has against the property of the violator.

(Ord. No. 16-009, § 1, 9-12-16)

Sec. 2-310.24. Due process and right of entry.

Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is

refused or the person having charge or control cannot be located, the code official shall utilize the procedures set forth in section 3-310.25 of this division to obtain an administrative search warrant, unless a lawful exception to the requirement for a warrant exists.
(Ord. No. 16-009, § 1, 9-12-16)

Sec. 2-310.25. Penalties.

(a) Unless otherwise stated therein, the penalty for violation of any ordinance or code provision enforced by the board under this division shall be as follows:

(1) The maximum civil fine that may be imposed for each offense if the citation is contested is two thousand dollars ($2,000.00).

(2) If the citation is not contested, civil fines will be imposed according to the following schedule:

a. For a first offense within a 24-month period, where the violation is remedied within the time period required by the ordinance or for which no remediation is required, there shall be no fine.

b. For a first offense within a 24-month period, where the violation is not remedied within the time period allowed by the ordinance, the penalties shall be as set forth in subsection g. of this section.

c. For the second offense within a 24-month period, the initial fine shall be two hundred dollars ($200.00).

d. For the third offense within a 24-month period, the initial fine shall be three hundred dollars ($300.00).

e. For the fourth offense within a 24-month period, the initial fine shall be four hundred dollars ($400.00).

f. For the fifth and subsequent offenses within a 24-month period, the initial fine shall be five hundred dollars ($500.00).

g. For any offense that continues unremedied beyond the time period by which the ordinance requires the violation to be remedied, an additional three hundred dollars ($300.00) for every seven (7) days or portion thereof beyond the remediation date shall be added to the initial fine until the violation is remedied by the responsible person or is abated by the city or until the total fine reaches one thousand dollars ($1,000.00).

h. The maximum civil fine that may be imposed for each offense if the citation is not contested is one thousand dollars ($1,000.00).

Example for illustration purposes only: Owner receives a citation for a second offense within twenty-four (24) months for a property maintenance code violation. The minimum fine is two hundred dollars ($200.00). Owner does not contest the citation. The ordinance specifies a seven-day remediation period. Sixteen (16) days after the citation is issued, owner remedies the violation.

Code enforcement will issue a bill to owner for eight hundred dollars ($800.00) (two hundred dollars ($200.00) plus (fifty dollars multiplied by six (6) days) plus (one hundred dollars ($100.00) multiplied by three (3) days)).

(Ord. No. 16-009, § 1, 9-12-16)

Sec. 2-310.26. Stop work order.

A code enforcement officer may order the immediate cessation of any construction or reconstruction work being done in violation of any ordinance or being done on property that is in violation of any ordinance. The stop work order shall be issued in conjunction with or in supplement to a citation for the violation. Work shall not resume until the violation has been remedied and any applicable fees and fines have been paid.

(Ord. No. 16-009, § 1, 9-12-16)

Sec. 2-310.27. Reserved.

Sec. 2-310.28. Administrative search warrant.

(a) *Definition.*

(1) An administrative search warrant is a written order of a judge or other officer authorized by statute to issue search warrants that commands the search or inspection of any property, place or thing, and the seizure, photographing, copying, or recording of property or physical conditions found. An administrative search warrant authorizes an officer to enter any premises to conduct any inspection, sampling, and other functions required or authorized by law to determine compliance with the provisions of an ordinance, code, or other regulation including, but not limited to, those relating to the use, condition, or occupancy of property or structures.

(b) *Who may apply for warrant.*

(1) Whenever a law requires or authorizes an inspection or investigation of any place or thing, the administrative officer charged to enforce that law, acting in the course of his or her official duties, may apply for an administrative search warrant. For this purpose, administrative officer includes a building inspector, code enforcement officer, fire chief, their deputies, or other duly authorized representative, as the case may be.

(2) Before filing an application for an administrative search warrant, the administrative officer shall consult with legal counsel as to its legality in both form and substance.

(c) *Contents of application.*

(1) The application shall:

a. Be supported by an affidavit sufficient under Section 10 of the Kentucky Constitution and be sworn to before an officer authorized to administer oaths as provided in the Kentucky Rules of Criminal Procedure or other applicable law;

b. State the applicant's status in applying for the warrant, the ordinance or regulation requiring or authorizing the inspection or investigation, and the nature, scope and purpose of the inspection to be performed;

c. Describe the property or places to be entered, searched, inspected or seized in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;

d. State:

1. That, for the purpose of making an inspection, access to the property has been sought from and refused by the regulated party, or

2. That, after making a reasonable effort, the applicant has been unable to locate the regulated party, or

3. That the facts or circumstances reasonably show that the purposes of the inspection or investigation might be frustrated if entry were sought without first procuring a warrant; and

(e) State the basis upon which sufficient cause exists to search or inspect for violations of the ordinance or regulation specified.

(d) *Grounds for issuance.*

(1) An administrative search warrant may issue upon a showing that probable cause for the inspection or investigation exists and that the other requirements for granting the warrant are satisfied. Probable cause may be shown by:

a. Reasonable legislative or administrative standards for conducting a routine, periodic, or area inspection and that those standards are satisfied with respect to the location;

b. A reasonable administrative inspection program exists regarding the condition of the property and that the proposed inspection comes within that program;

c. A health, public protection or safety ordinance, regulation, rule, standard or order and that specific evidence of a condition or nonconformity exists with respect to the particular location; or

d. An investigation is reasonably believed to be necessary in order to determine or verify the condition of the location.

(2) A copy of the administrative search warrant and supporting affidavit shall be retained by the issuing officer and filed by such officer with the clerk of the court to which the warrant is returnable.

(e) *Contents of warrant.*

(1) The warrant:

a. May direct its execution and return by the administrative officer charged to enforce the ordinance or regulation specified in the application;

b. Shall specify the property, place, structure, premises, vehicle or records to be searched, inspected or entered upon in sufficient detail and particularity that the officer executing the warrant an readily ascertain it;

c. May contain a direction as to the time and manner of its execution; and

d. Shall command the return to the appropriate court of any evidence of ordinance violations found, or of any property seized pursuant thereto, or a description of such property seized, to be dealt with according to law.

(f) *Execution and return.*

(1) Unless otherwise prescribed in the warrant, the officer executing an administrative search warrant shall make return thereof to the appropriate court within a reasonable time of its execution. The return shall show the date and hour of service.

(2) Except as provided in the following sentence, in executing a search warrant the person authorized to execute it shall before entry make a reasonable effort to present credentials, authority and purpose to an occupant or person in possession of the location designated in the warrant and show him or her the warrant or a copy thereof upon request. In executing a search warrant, the personal authorized to execute the warrant need not inform anyone of his or her authority and purpose, as prescribed in the preceding sentence, but may promptly enter the designated location if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition, but shall orally announce their credentials and authority to execute the warrant prior to entry.

(3) If any property is seized incident to the search, the officer shall give the person from whose possession it was taken, if the person is present, an itemized receipt for the property taken. If no such person is present, the officer shall leave the receipt at the site of the search in a conspicuous place. The return shall be accompanied by any photographs, copies or recordings made, and by any property seized, along with a copy of the itemized receipt of such property required by this section.

(4) The officer may summon as many persons as he deems necessary to assist him in executing the warrant and may request that a peace officer assist in the execution of the warrant.

(Ord. No. 16-009, § 1, 9-12-16)

Sec. 2-310.29. Department responsibility for enforcement.

The chart below is intended for reference purposes, and shall not affect the authority of any duly authorized code enforcement officer or citation officer. In general, the chapters below will be enforced by the corresponding departments listed in the chart. The mayor may designate one (1) or more code enforcement officers or citation officers within or on behalf of these departments.

	Code Officer	*Police*	*City Engineer*	*Building Inspection*	*Planning and Zoning*	*Fire Chief*	*City Clerk*	*Animal Control*
Building, Electrical, and Gas Codes				Yes				
Property Maintenance Code	Yes	Yes		Yes		Yes		
Fences	Yes	Yes		Yes				
Fire Codes						Yes		
Stormwater (except post construction)	Yes		Yes	Yes	Yes			
Stormwater Post Construction					Yes			
Nuisances	Yes	Yes		Yes				
Sales	Yes	Yes						
Streets and Sidewalks	Yes	Yes	Yes	Yes				
Solid Waste	Yes	Yes						
Alcoholic Beverages		Yes					Yes	
Animals	Yes	Yes						Yes
Subdivision Regulations					Yes			
Zoning Ordinance					Yes			
Sign Ordinance	Yes	Yes		Yes	Yes			
Fireworks		Yes						
Traffic		Yes						

(Ord. No. 16-009, § 1, 9-12-16)

Sec. 2-310.30. Citation officers.

(a) *Authorized.* Pursuant to KRS 83A.087, there are hereby authorized citation officers subject to the provisions of this division.

(b) *Powers.* Citation officers shall not have the powers of peace officers to make arrests or carry deadly weapons, but may issue citations as authorized upon observation of violations of city ordinances. The powers and responsibilities of citation officers include, but are not limited to, conducting investigations, conducting inspections, recording and documenting conditions, obtaining outsourced inspection services, issuance of citations, appeal processes, abatement of nuisances, right of entry, modifications and all other powers vested under applicable statutes and this Code of Ordinances. Citation officers shall have the power to enter upon all properties within the city for the purposes of inspection, observation, measurement, sampling and testing in order to carry out the duties above.

(c) *Procedures.* The procedures for citations for civil offenses issued by a citation officer shall be as provided in this division. The procedures for citations for criminal and nonmoving motor vehicle offenses issued by a citation officer shall be as provided in KRS 431.015.

Citation officers shall carry identification identifying themselves as citation officers and shall so identify themselves immediately to any member of the public while enforcing any ordinance of the city.

(d) *Employees authorized.* The mayor may designate those persons whose responsibilities include the enforcement of ordinances subject to the jurisdiction of the City of Georgetown Code Enforcement Board as citation officers, and authorize those persons to issue citations.

(e) *Power of citation officer to make arrest.* This Subchapter shall not be a limitation on the power of a citation officer to make an arrest as a private person as provided in KRS 431.005. This Subchapter shall not be the exclusive means for enforcement of City of Georgetown ordinances.
(Ord. No. 16-009, § 1, 9-12-16)

Sec. 2-310.31. Remedies not exclusive.

Nothing in this division shall prohibit the city from enforcing any provision that is subject to enforcement under this division in a judicial proceeding. Any provision of the Georgetown Code of Ordinances to the contrary is hereby repealed.
(Ord. No. 16-009, § 1, 9-12-16)

ARTICLE VII. ETHICAL CONDUCT OF OFFICERS AND EMPLOYEES*

DIVISION 1. GENERALLY

Sec. 2-311. Title.

This ordinance shall be known and may be cited as the "City of Georgetown Code of Ethics."
(Ord. No. 94-031, § 1, 12-1-94)

Sec. 2-312. Findings.

The legislative body of the city finds and declares that:

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

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

***Editor's note—**Ord. No. 94-031, enacted Dec. 1, 1994, was nonamendatory of the Code; hence, inclusion herein as Art. VII of ch. 2 was at the discretion of the editor.

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

(Ord. No. 94-031, § 2, 12-1-94)

Sec. 2-313. Purpose and authority.

(a) It is the purpose of this article to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for officers and employees of the city shall be clearly established, uniform in their application, and enforceable, and to provide the officers and employees of the city with advice and information concerning potential conflicts of interest which might arise in the conduct of their public duties.

(b) It is the further purpose of this article to meet the requirements of KRS 65.003 as enacted by the 1994 Kentucky General Assembly.

(c) This article is enacted under the power vested in the city by KRS 82.082 and pursuant to requirements of KRS 65.003 and any amendments thereto made subsequently.

(Ord. No. 94-031, § 3, 12-1-94; Ord. No. 16-013, § 1, 11-28-16)

Sec. 2-314. Definitions.

As used in this article, unless the context clearly requires a different meaning:

Business means 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 entity or any legal entity through which business is conducted.

Board of ethics means the City of Georgetown Board of Ethics which is created and vested by this article with the responsibility of enforcing the requirements of the city's code of ethics.

Candidate means any individual who seeks nomination or election to a city office. An individual is a candidate when the individual files a notification and declaration for nomination for office with the county clerk or secretary of state, or is nominated for office by a political party, or files a declaration of intent to be a write-in candidate with the county clerk or secretary of state.

City refers to the City of Georgetown, Kentucky.

City agency means any board, commission, authority, nonstock corporation, or other entity created, either individually or jointly, by this city.

Employee means any person, whether full-time or part-time, whether seasonal and/or temporary and whether paid or unpaid, who is employed by or provides service to the city, any city agency and, to the extent permitted by law, any joint city/county agency. The term "employee" shall not include any contractor or subcontractor or any of their employees.

Family member means a spouse, parent, child, step-child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild, aunt, uncle, first cousin, niece, nephew, sister-in-law, brother-in-law, stepmother, stepfather, stepdaughter, stepson, stepsister, stepbrother, half-sister, half-brother or domestic partner.

Financial benefit includes any money, service, license, permit, contract authorization, loan, discount, travel, entertainment, hospitality, gratuity, or any promise of any of these, or anything else of value. This term does not include campaign contributions authorized by law.

Financial interest is a relationship to something such that a direct or indirect financial benefit has been, will be, or might be received as a result of it.

Household includes anyone whose primary residence is in the officer or employee's home, including non-relatives who are not rent payers or servants.

Immediate family member means a spouse, an unemancipated child or step-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.

Official act means any legislative, administrative, appointive or discretionary act of any public official or employee of the city or any agency, board, committee or commission thereof.

Officer means any person, whether full-time or part-time, and whether paid or unpaid, who is one (1) of the following:

(1) The mayor;

(2) A legislative body member;

(3) The city clerk;

(4) Administrative assistant to the mayor;

(5) The chiefs of fire and police;

(6) Any person who occupies a non-elected office created under KRS 83A.080;

(7) A member of any city or joint city/county board or commission who has been appointed to that body by the city.

Personal benefit includes benefits other than those that are directly financially advantageous. These include financial benefits to relatives, and business associates as well as non-financial benefits to these people and to oneself.

Personal interest means a relationship to something such that a personal benefit has been will be, or might be obtained by certain action or inaction with respect to it.

Relative means a spouse child, step-child, brother, sister, parent or step-parent, or a person claimed as a dependent on the officer or employee's latest individual state income tax return.

Subordinate means another official or employee over whose activities an official or employee has direction, supervision or control.

Transaction means any matter, including but not limited to, contracts, work or business with the city, the sale or purchase of real estate by the city, and any request for zoning amendments, variances, or special permits pending before the city, upon which a public officer or employee performs an official act or action.
(Ord. No. 94-031, § 4, 12-1-94; Ord. No. 12-001, § 1, 2-13-12; Ord. No. 16-013, § 2, 11-28-16)

Secs. 2-315—2-324. Reserved.

DIVISION 2. STANDARDS OF CONDUCT

Sec. 2-325. Conflicts of interest in general.

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

(1) 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.

(2) 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.

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

   a. The officer or employee;

   b. A family member;

   c. An outside employer;

   d. Any business in which the officer or employee or any family member has a financial interest, including but not limited to:

      1. An outside employer or business of his or hers, or of his or her family member, or someone who works for such outside employer or business;

      2. A customer or client;

      3. A substantial debtor or creditor of his or hers, or of his or her family member;

   e. Any business with which the officer or employee or any family member is negotiating or seeking prospective employment or other business or professional relationship; or

f. A nongovernmental civic group, social, charitable, or religious organization of which he or she (or his or her immediate family member) is an officer or director.

(4) 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 personal or financial benefit accrues to the officer or employee, a family member, an outside employer, or a business as defined in subsection (3)d.—f. of this section, 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.

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

(Ord. No. 94-031, § 5, 12-1-94; Ord. No. 16-013, § 3, 11-28-16)

Sec. 2-326. Conflict of interest in contracts.

(a) Pursuant to KRS 61.252, no officer or employee of the city or and city agency shall directly or through others undertake, execute, hold or enjoy, in whole or in part, any contract made, entered into, awarded, or granted by the city or a city agency, except as follows:

(1) The prohibition in subsection (a) of 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 subsection (a) of this section shall apply to the renewal of the contract.

(2) The prohibition in subsection (a) of 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 subpart (3) below are satisfied.

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

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

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

c. A finding is made by the governing body of the city or city agency that the contract with the officer or employee is in the best interests of the public and the city or city agency before the contract is executed;

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

(b) Any violation of this section shall constitute a class A misdemeanor, and upon conviction, the court may void any contract entered into in violation of this section. Additionally, a violation of this section shall be grounds for removal from office or employment with the city in accordance with any applicable provisions of state law and ordinance, rules or regulations of the city.
(Ord. No. 94-031, § 6, 12-1-94; Ord. No. 16-013, § 4, 11-28-16)

Sec. 2-327. Receipt of gifts.

No officer or employee of the city shall directly or indirectly, solicit any gift or accept or receive any gift having a value of one hundred dollars ($100.00) or more per year, per source, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence, or could reasonably be expected to influence the officer, employee or appointee in the performance of his or her official duties, or was intended as a reward for any official action.

Certain items are typically excluded from the prohibition. Examples of these items include:

(1) Gifts received from relatives.

(2) Gifts accepted on behalf of the city and transferred to the city.

(3) Reasonable travel and travel-related expenses, cost of admission, food and beverages, and entertainment furnished in connection with certain specified public events, appearances, ceremonies, economic development activities, or fact-finding trips related to official government business.

(4) Usual and customary loans made in the ordinary course of business.

(5) Awards, including certificates, plagues, and commemorative tokens presented in recognition of public service.

(6) Informational, promotional, and educational items.
(Ord. No. 94-031, § 7, 12-1-94; Ord. No. 16-013, § 5, 11-28-16)

Sec. 2-328. Use of city property, equipment and personnel.

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

(1) The use is specifically authorized by a stated city policy; and

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

(Ord. No. 94-031, § 8, 12-1-94)

Sec. 2-329. Representation of interests before city government.

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

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

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

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

(Ord. No. 94-031, § 9, 12-1-94; Ord. No. 16-013, § 6, 11-28-16)

Sec. 2-330. Post-employment restriction.

No officer or employee of the city or any city agency shall appear before the city or any city agency or receive compensation for services rendered on behalf of any person in relation to any matter on which the officer or employee personally worked while in the service of the city or city agency for a period of one (1) year after the termination of the officer's or employee's service with the city or city agency.

(Ord. No. 94-031, § 10, 12-1-94; Ord. No. 16-013, § 7, 11-28-16)

Sec. 2-331. Misuse of confidential information.

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

(Ord. No. 94-031, § 11, 12-1-94; Ord. No. 16-013, § 8, 11-28-16)

Sec. 2-332. Fees and honoraria.

(a) No officer or employee shall accept any compensation, honorarium or gift with a fair market value greater than one hundred dollars ($100.00) in consideration of an appearance, speech or article unless the appearance, speech or article is both related to the officer's or employee's activities outside of municipal service and is unrelated to the officer's or employee's service with the city.

(b) Nothing in this section shall prohibit an officer or employee from receiving and retaining from the city or on behalf of the city actual and reasonable out-of-pocket expenses incurred by the officer or employee in connection with an appearance, speech or article, provided that the officer or employee can show by clear and convincing evidence that the expenses were incurred or received on behalf of the city or city agency and primarily for the benefit of the city or city agency and not primarily for the benefit of the officer or employee or any other person.
(Ord. No. 94-031, § 12, 12-1-94; Ord. No. 16-013, § 9, 11-28-16)

Sec. 2-333. Complicity with or knowledge of others' violations.

No officer or employee may, directly or indirectly, induce, encourage, or aid anyone to violate any provision of this code. If an officer or employee suspects that someone has violated this case, he or she is required to report it to the board of ethics pursuant to section 2-375 of the Code of Ordinances.
(Ord. No. 16-013, § 10, 11-28-16)

Sec. 2-334. Incompatible offices.

(a) Pursuant to Section 165 of the Kentucky Constitution, no officer or employee of the city may also be a state officer, deputy state officer or member of the General Assembly or may fill more than one (1) municipal office at the same time, whether in the same or a different city.

(b) Pursuant to KRS 61.080, and effective until January 1, 2015, no city officer may also hold a county office. In addition, the statute also states that the following city and consolidated local government offices are incompatible with any other public office:

(1) Member of the legislative body in cities of the home rule class;

(2) Mayor and member of the legislative body in cities of the home rule class;

(3) Mayor and member of council in cities of the home rule class; and

(4) Mayor and member of the legislative council of a consolidated local government.

From January 1, 2015, no city officer may also hold a county office. In addition, the statue also states that the following city and consolidated local government offices are incompatible with any other public office:

(1) Member of the legislative body of cities of the home rule class;

(2) Mayor and member of the legislative council of a consolidated local government; and

(3) Mayor and member of the legislative body in cities of the home rule class.

(c) In addition to the Constitution and statutory provisions, there are common law incompatibilities that have been defined by the courts. City officers and employment positions are deemed incompatible when one (1) office or position of employment was inherently inconsistent in function with the other when there arises an implication that the duties and responsibilities of both cannot be performed at the same time with a necessary degree of impartiality and honesty.

(d) KRS 61.090 provides that the acceptance of an incompatible office operates to vacate the first office.
(Ord. No. 16-013, § 11, 11-28-16)

Sec. 2-335. Withdrawal from participation.

(a) An officer or employee must refrain from acting on or discussing, formally or informally, a matter before the city, if acting on the matter, or failing to act on the matter, may personally or financially benefit any of the persons or entities listed in section 2-325(3) above. Such an officer or employee should join the public if the withdrawal occurs at a public meeting, or leave the room if it is a legally conducted closed meeting (executive session) under KRS 61.810 and KRS 61.815.

(b) Withdrawal at a meeting requires the public announcement, on the record, of the withdrawal.

(c) Ongoing conflict. An officer or employee whose outside employment or other outside activity or relationship can reasonably be expected to require more than sporadic withdrawal must resign or cease such outside employment or activity. An officer or employee should not begin employment or an activity or relationship that can reasonably be expected to require more than sporadic withdrawal. If a prospective officer or employee is in such a situation, he or she should not accept the position with the city.

(d) Request to withdraw. If an officer or appointed board member is requested to withdraw from participation in a matter, for the reason that he or she has a conflict of interest, by:

(1) Another member,

(2) A party to the current matter, or

(3) Anyone else who may be affected by a decision relating to this matter,

the member must decide whether to withdraw on the official record.

(e) If the person is the only one authorized by law to act, the person must disclose the nature and circumstances of the conflict to the board of ethics and ask for a waiver or advisory opinion.
(Ord. No. 16-013, § 12, 11-28-16)

Secs. 2-336—2-342. Reserved.

DIVISION 3. FINANCIAL DISCLOSURE

Sec. 2-343. Who must file.

The following classes of officers and employees of the city and city agencies shall file an annual statement of financial interests with the board of ethics:

(1) Elected city officers.

(2) Candidates for elected office.

(3) Officers and employees who hold policymaking positions, including members of municipal boards, such as boards of ethics, finance boards, planning and zoning boards, boards of zoning, buildings, and assessment appeals, wetlands and conservation boards, economic development boards, and parks and recreation boards;

(4) Officers or employees whose job descriptions or whose actual responsibilities involve:

a. The negotiation, authorization, or approval of contracts, leases, franchises, revocable consents, concessions, variances, special permits, or licenses;

b. The purchase, sale, rental, or lease of real property, personal property, or services, or a contract for any of these; or

c. The obtaining of grants of money or loans.

(5) Non-elected officials, e.g. city attorney.

(6) Chiefs of fire and police, the city engineer and all department heads.

(Ord. No. 94-031, § 13, 12-1-94; Ord. No. 16-013, § 13, 11-28-16)

Sec. 2-344. When to file statements; amended statements.

(a) The initial statement of financial interests required by this section shall be filed with the board of ethics, or the administrative official designated as the custodian of its records by the board of ethics, no later than 4:00 p.m., January 30, 1995. All subsequent statements of financial interest shall be filed no later than 4:00 p.m. on April 15 each year, provided that:

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

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

(b) The board of ethics may grant a reasonable extension of time for filing a statement of financial interest for good cause shown.

(c) In the event there is a material change in any information contained in a financial statement that has been filed with the board, the officer or employee shall, no later than thirty (30) days after becoming aware of the material change, file an amended statement with the board.
(Ord. No. 94-031, § 14, 12-1-94; Ord. No. 12-001, § 1, 2-13-12)

Sec. 2-345. Form of the statement of financial interests.

The statement of financial interests shall be filed on a form prescribed by the board of ethics, or the administrative official designated by the board of ethics. The city clerk shall deliver a copy of the form to each officer and employee required to file the statement, by first class mail or hand delivery, no later than February 1 of each year. The failure of the city clerk to deliver a copy of the form to any officer or employee shall not relieve the officer or employee of the obligation to file the statement.
(Ord. No. 94-031, § 15, 12-1-94; Ord. No. 12-001, § 1, 2-13-12)

Sec. 2-346. Control and maintenance of the statements of financial interest.

(a) The city clerk shall be the "official custodian" of the statements of financial interests and shall have control over the maintenance of the statements of financial interests. The statements of financial interests shall be maintained by the board of ethics, or the administrative official designated by the board of ethics as the "custodian," as public documents, available for public inspection immediately upon filing.

(b) A statement of financial interests shall be retained by the board, or the designated administrative official, for a period of five (5) years after filing, provided that:

(1) After the expiration of three (3) years after a person ceases to be an officer or employee, the board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person;

(2) After the expiration of three (3) years after any election at which a candidate for elected city office was not elected or nominated, the board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person;

(3) The retention of this document, as well as any other appropriate record of the ethics board, shall be governed by the retention and destruction schedule adopted by the archives and records commission from such time as those schedules are adopted.

(Ord. No. 94-031, § 16, 12-1-94; Ord. No. 12-001, § 1, 2-13-12)

Sec. 2-347. Contents of the financial interests statement.

(a) The statement of financial interests shall include the following information for the preceding calendar year:

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

(2) 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) Memberships of any boards whatsoever.

(5) Information that identifies each source of income of the filer and the filer's immediate family members exceeding ten thousand dollars ($10,000.00) during the preceding calendar year, and the nature, but not the amount, of the income (e.g., salary, commission, sales proceeds, dividends, etc.). Exempted from this requirement are distributions from previously earned income such as IRAs, pension plans, profit sharing plans and retirement funds.

(6) 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 ten thousand dollars ($10,000.00) at fair market value or five (5) percent ownership interest or more.

(7) 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 (3) 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 ten thousand dollars ($10,000.00) at fair market value or five (5) percent ownership interest or more.

(8) 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 ten thousand dollars ($10,000.00) or more.

(9) Each source by name and address of gifts or honoraria having an aggregate fair market value of one hundred dollars ($100.00) or more from any single source where the gifts or honoraria are given because of the office or employment of the recipient and not because the recipient is the natural object of the giver's bounty. Excluded from this provision are gifts to the filer or any member of the filer's immediate family from other family members.

(10) The name and address of any creditor owed more than ten thousand dollars ($10,000.00), except debts arising from the purchase of a primary residence, the purchase of consumer goods which are bought or used primarily for person, family or household purposes and loans obtained in the ordinary course of business.

(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.

(Ord. No. 94-031, § 17, 12-1-94; Ord. No. 16-013, § 14, 11-28-16)

Sec. 2-348. Noncompliance with filing requirement.

(a) 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.

(b) 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 subsection (a) 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 twenty-five dollars ($25.00) per day, up to a maximum total civil fine of five hundred dollars ($500.00). Any civil fine imposed by the board under this section may be recovered by the city in a civil action in the nature of debt if the offender fails or refuses to pay the penalty within a prescribed period of time.

(c) Any person who intentionally files a statement of financial interests which he or she knows to contain false information or intentionally omits required information shall be fined no more than one thousand dollars ($1,000).
(Ord. No. 94-031, § 18, 12-1-94; Ord. No. 16-013, § 15, 11-28-16)

Secs. 2-349—2-360. Reserved.

DIVISION 4. NEPOTISM

Sec. 2-361. Nepotism prohibited.

(a) No officer or employee shall advocate, recommend or cause the:

(1) Employment;

(2) Appointment;

(3) Promotion;

(4) Transfer; or

(5) Advancement of a family member to an office or position of employment with the city or a city agency, including any joint agency of the city and county.

(b) No officer or employee shall supervise or manage the work of a family member. Family members are permitted to work in the same department provided that there is at least one level of management or supervision between the family members or the family members work in different divisions or on different shifts. A family member is prohibited from participating in any personnel action involving another family member.

(c) No officer or employee shall participate in any action relating to the employment or discipline of a family member, except that this prohibition shall not prevent an elected or appointed official from voting on or participating in the development of a budget which

includes compensation for a family member, provided that the family member is included only as a member of a class of persons or a group, and the family member benefits to no greater extent than any other similarly situated member of the class or group.

(d) The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to the effective date of Ordinance No. 12-001[passed February 13, 2012] or six (6) months prior to the taking of office by [a] the newly elected or appointed official whose family member's employment is in question.
(Ord. No. 94-031, § 19, 12-1-94; Ord. No. 12-001, § 1, 2-13-12; Ord. No. 16-013, § 16, 11-28-16)

Secs. 2-362—2-370. Reserved.

DIVISION 5. ENFORCEMENT

Sec. 2-371. Board of ethics created.

(a) There is hereby created a board of ethics which shall have the authorities, duties, and responsibilities as set forth in this article to enforce the provisions of this article.

(b) The board of ethics shall consist of five (5) members who shall be appointed by the executive authority of the city, subject to the approval of the legislative body. The initial members of the board of ethics shall be appointed within sixty (60) days of the effective date of this article. No member of the board of ethics shall hold any elected or appointed office, whether paid or unpaid, or any position of employment with the city, any city agency or any city/county joint board. Any board of ethics member who files to run for an elected city office shall resign from the board of ethics as soon after filing as possible.

The members shall serve a term of four (4) years; except that with respect to the members initially appointed, one (1) member shall be appointed for a term of one (1) year, one (1) member shall be appointed for a term of two (2) years, one (1) member shall be appointed fora term of three (3) years, and two (2) members shall be appointed for a term of four (4) years. Thereafter, all appointments shall be for a term of four (4) years. Each member of the board of ethics shall have been a resident of Scott County for at least one (1) year prior to the date of the appointment and shall reside in the county throughout the term in office. The members of the board of ethics shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. The members may serve no more than two (2) consecutive terms.

(c) A member of the board of ethics may be removed by the executive authority, subject to the approval of the legislative body 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 executive authority and the legislative body.

(d) Vacancies on the board of ethics shall be filled within sixty (60) days by the executive authority, subject to the approval of the legislative body. If a vacancy is not filled by the executive authority within sixty (60) days, the remaining members of the board of ethics shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.

(e) Members of the board of ethics shall serve without compensation, unless otherwise approved by the legislative body. Members shall be reimbursed for all necessary and reasonable expenses incurred in the performance of their duties.

(f) The board of ethics shall, upon the initial appointment of its members, and annually thereafter, elect a chairperson from among the membership. The chairperson shall be the presiding officer and a full voting member of the board.

(g) Meetings of the board of ethics shall be held, as necessary, upon the call of the chairperson or at the written request of a majority of the members.

(h) The presence of three (3) or more members shall constitute a quorum and the affirmative vote of two (2) or more members shall be necessary for any official action to be taken. Any member of the board of ethics who has a conflict of interest with respect to any matter to be considered by the board shall disclose the nature of the conflict, shall disqualify himself or herself from voting on the matter, and shall not be counted for purposes of establishing a quorum.

(i) Minutes shall be kept for all proceedings of the board of ethics and the vote of each member on any issue decided by the board shall be recorded in the minutes.
(Ord. No. 94-031, § 20, 12-1-94; Ord. No. 16-013, § 17, 11-28-16)

Sec. 2-372. Alternate members.

The executive authority of the city, with the approval of the legislative body may appoint up to two (2) alternate members of the board of ethics who may be called upon to serve when any regular member of the board is unable to discharge his or her duties. An alternate member shall be appointed for a term of one (1) year. Alternate members shall meet all qualifications and be subject to all of the requirements of this article that apply to regular members.
(Ord. No. 94-031, § 21, 12-1-94)

Sec. 2-373. Facilities and staff.

Within the limits of the funds appropriated by the legislative body in the annual budget, the city shall provide the board of ethics, either directly or by contract or agreement, with the facilities, materials, supplies and staff needed for the conduct of its business.
(Ord. No. 94-031, § 22, 12-1-94)

Sec. 2-374. Power and duties of the board of ethics.

The board of ethics shall have the following powers and duties:

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

(2) To issue orders in compliance with its investigations and hearings requiring persons to submit in writing and under oath reports and answers to questions that are relevant to the proceedings and to order testimony to be taken by deposition before any individual designated by the board who has the power to administer oaths.

(3) To administer oaths and to issue orders requiring the attendance and testimony of witnesses and the production of documentary evidence relating to an investigation or hearing being conducted by the board. The board's authority to issue subpoenas for appearance or production of documentary evidence shall be determined by state law. This article authorizes these orders only to the extent permitted by state law.

(4) To refer any information concerning violations of this article to the executive authority of the city, the city legislative body, the governing body of any city agency, the county attorney, or other appropriate person or body, as necessary.

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

(6) To enforce the provisions of this article with regard to all officers and employees who are subject to its term by issuing appropriate orders and imposing penalties authorized by this article.

(7) To control and maintain all statements of financial interests that are required to be filed by this article and to ensure that the statements are available for public inspection in accordance with the requirements of this article and the Kentucky Open Records Act.

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

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

(Ord. No. 94-031, § 23, 12-1-94)

Sec. 2-375. Filing and investigation of complaints.

(a) All complaints alleging any violation of the provisions of this article 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 (10) working days from the date of receipt. The board shall forward within ten (10) working days to each officer or employee who is the subject of the complaint a copy of the complaint and a general statement of the applicable provisions of this article.

(1) The identity of the complainant shall not be disclosed without authorization, unless the board determines the identity to be relevant and necessary to its decision making or to the defense of the complaint. This prohibition is necessary to protect potential complainants from the risk of retribution.

(2) The board shall not proceed, however, with any complaint, the source of which cannot be disclosed unless preliminary investigation reveals independent corroborating evidence.

(b) Within thirty (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.

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

(d) 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 article. 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 reprimand to the officer or employee concerning the alleged violation and provide a copy of the reprimand to the executive authority and governing body of the city, city agency or joint board.

(2) Initiate a hearing to determine whether there has been a violation.

(f) Any person who knowingly files with the board a false complaint alleging a violation of any provision of this article by an officer or employee shall be guilty of a class A misdemeanor. Notwithstanding the foregoing, the filing in good faith of a complaint which is subsequently ruled to be unfounded will not subject the complainant to sanction.
(Ord. No. 94-031, § 24, 12-1-94)

Sec. 2-376. 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 thirty (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 twenty-four (24) hours of the time the order setting a hearing is issued.
(Ord. No. 94-031, § 25, 12-1-94)

Sec. 2-377. Hearing procedure.

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

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

(c) 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 proceedings.

(e) In order to protect the reputation of all persons involved in the hearing of alleged ethics violations, hearings of the board of ethics shall be in executive session to the extent permitted under 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 article has been proven. Within thirty (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 article 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 a violation of this article, the board may:

(1) Issue an order requiring the violator to cease and desist the violation.

(2) In writing, reprimand the violator for the violations and provide a copy of the reprimand to the executive authority and governing body of the city, city agency or joint board with which the violator serves.

(3) In writing, recommend to the executive authority and the governing body 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 one thousand dollars ($1,000.00).

(5) Refer evidence of criminal violations of this article or state laws to the county attorney or commonwealth's attorney of the jurisdiction for prosecution.

(Ord. No. 94-031, § 26, 12-1-94)

Sec. 2-378. Appeals.

Any person who is found guilty of a violation of any provision of this article by the board of ethics may appeal the finding to the circuit court of the county within thirty (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. No. 94-031, § 27, 12-1-94)

Sec. 2-379. Limitation of actions.

Except when the period of limitation is otherwise established by state law, an action for a violation of this article must be brought within one (1) year after the existence of the violation is determined by the board.
(Ord. No. 94-031, § 28, 12-1-94)

Sec. 2-380. Advisory opinions.

(a) The board of ethics may render advisory opinions concerning matters under its jurisdiction, based upon real or hypothetical facts and circumstances, upon its own initiative, or when requested by any officer or employee who is covered by this article.

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

(c) The board may adopt regulations, consistent with the Kentucky Open Records Law, to establish criteria under which it will issue confidential advisory opinions. All other advisory opinions shall be public documents, except that before an advisory opinion is made public, it shall be modified so that the identity of any person associated with the opinion shall not be revealed.

(d) The confidentiality of an advisory opinion may be waived either:

(1) In writing by the person who requested the opinion.

(2) By majority vote of the members of the board, if a person makes or purports to make public the substance or any portion of an advisory opinion requested by or on behalf of the person. The board may vote to make public the advisory opinion request and related materials.

(e) A written advisory opinion issued by the board shall be binding on the board in any subsequent proceeding concerning the fact and circumstances of the particular case if no intervening facts or circumstances arise which would change the opinion of the board had they existed at the time the opinion was rendered. However, if any fact determined by the board to be material was omitted or misstated in the request for an opinion, the board shall not be bound by the opinion.

(f) A written advisory opinion issued by the board shall be admissible in the defense of any criminal prosecution or civil proceeding for violations of this article for actions taken in reliance on that opinion.
(Ord. No. 94-031, § 29, 12-1-94)

Sec. 2-381. Reprisals against persons disclosing violations prohibited.

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

(b) This section shall not be construed as:

(1) Prohibiting disciplinary or punitive action if an officer or employee discloses information which he or she knows:

a. To be false or which he or she discloses with reckless disregard for its truth or falsity.

b. To be exempt from required disclosure under the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884.

c. Is confidential under any other provision of law.
(Ord. No. 94-031, § 30, 12-1-94)

Sec. 2-382. Penalties.

(a) Except when another penalty is specifically set forth in this article, any officer or employee who is found by the board of ethics to have violated any provision of this article 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 one thousand dollars ($1,000.00), which may be recovered by the city in a civil action in the nature of a debt if the offender fails to pay the penalty within a prescribed period of time.

(b) In addition to all other penalties which may be imposed under this article, any officer or employee who is found by the board of ethics to have violated any provision of this article shall forfeit to the city or applicable 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 a debt, if the offender fails to pay the amount of the forfeiture within a prescribed period of time.

(c) In addition to all other penalties which may be imposed under this article, a finding by the board of ethics that an officer or employee is guilty of a violation of this article shall be sufficient cause for removal, suspension, demotion or other disciplinary action by the executive authority of the city, the city agency, joint agency, or by any other officer or agency having the

power of removal or discipline. Any action to remove or discipline any officer or employee for a violation of this article shall be taken in accordance with all applicable ordinances and regulations of the city and all applicable laws of the commonwealth.
(Ord. No. 94-031, § 31, 12-1-94)

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Chapter 2.5

ALARM SYSTEMS*

*__Editor's note—__Ord. No. 92-014, §§ 1—8, 10, 11, adopted April 16, 1992, amended ch. 2.5 to read as herein set out. Prior to inclusion of said ordinance, ch. 2.5 pertained to similar subject matter and derived from Ord. No. 86-016, §§ 1—7, adopted Nov. 1, 1986.

Sec. 2.5-1. Purpose.

In order to control and reduce false alarms which cause unnecessary expense to the public, this chapter regulates the installation and use of alarm systems monitored by the Georgetown Communications Center.
(Ord. No. 92-014, § 1, 4-16-92)

Sec. 2.5-2. Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include:

Alarm agent means any person who acts on behalf of an alarm business.

Alarm business means the business of leasing, installing, monitoring, maintaining, servicing, repairing, altering, replacing or responding to any alarm system in or on any building, structure or facility. Alarm businesses do not include the business of manufacturing or sale of an alarm system from a fixed location, and when the alarm agent neither visits the location where the alarm system is to be installed, nor designs the scheme for physical location and installation of the alarm system in a specific location.

Alarm system means any mechanical or electrical device which is used for the detection of smoke, fire or unauthorized entry into a building or other facility, or for alerting others of the occurrence of fire, or a medical emergency of the commission of an unlawful act within a building or other facility and which is designed to emit an outside audible alarm or transmits a signal or message when actuated. Alarm systems include, but are not limited to, direct dial telephone devices, audible alarms and proprietor alarms.

Alarm user means any person or organization which purchases, leases, contracts for, otherwise obtains or uses an alarm system.

Audible alarm means any device designed to generate an outside audible sound when an alarm system has been activated.

Automatic dialer means any electrical, mechanical or other device capable of being programmed to send a pre-recorded voice message, when activated over a telephone line, radio or other communication system, to the police or fire department.

Burglary alarm system means an alarm system signaling an entry or attempted entry to the area protected by a system.

City means the City of Georgetown.

Common cause means a technical difficulty which causes an alarm system to generate a series of false alarms.

Emergency medical alarm system means an alarm system designed to signal a medical emergency by manually activating a device to summon medical assistance.

False alarm means activation of an alarm system through mechanical failure, malfunction, improper installation, misuse, or the negligence of the alarm business owner, lessee or subscriber of an alarm system or his employees, agents or cohabitants, in situations where no fire, medical emergency or violation of the law occurs. False alarms shall not include, for example, alarms caused by earthquakes, lightning, violent winds, telephone or cable company interruptions, unsecured doors or any causes beyond the control of the owner or lessee or subscriber of the alarm systems. A burglar alarm shall not be deemed false when the communications center is notified by a recognized central station alarm business in advance of the arrival of their responding officers to a burglar alarm that the alarm system was accidentally activated.

Fire alarm system means an alarm system designed to detect and cause to be reported to the communications center a fire alarm condition. Single station detectors not connected to a central monitoring station or an outside audible alarm sounding device are not included in this definition.

Monitoring agency means any person or organization responsible for monitoring an alarm system.

Notice means written notice, either delivered or mailed to the person to be notified at his last known address.

Permittee means any person, firm, partnership, association or corporation who, or which shall be granted an alarm user permit as provided herein.

Police means any law enforcement agency.

Police consolidated alarm panel means the equipment installed at the Georgetown Communications Center for the purpose of monitoring alarms.

Robbery alarm system means an alarm system signaling a robbery or hold-up or attempted robbery wherein a personal confrontation is occurring. Such a system may include the use of a panic button activation device.
(Ord. No. 92-014, § 2, 4-16-92)

Sec. 2.5-3. Alarm business responsibility.

(a) An alarm business, upon completion of the installation of an alarm system, shall inspect and test all equipment provided by the alarm business and take or cause to be taken corrective action to reasonably prevent the occurrence of false alarms.

(b) The alarm business shall make available or arrange to provide repair service to alarm users within twenty-four (24) hours after being notified by the alarm user that the alarm system is in need of repair or service, providing that the alarm user has a valid lease, service or maintenance agreement with the alarm business to provide service or maintenance to the alarm user's system.

(c) The alarm business shall comply with all applicable state and federal laws regulations.

(d) In the event of conflicts in any of the above, the city shall have the absolute right to determine which shall apply to the alarm business' operations and procedures.

(e) The alarm business shall provide instruction for each of the alarm users protected by an alarm system in the proper use and operation of the system. Such instruction shall include all necessary instructions in turning the alarm on and off and avoiding false alarms. In addition, the alarm business shall provide the alarm user with a copy of the notice supplied by the city which defines the impact and consequences of allowing false alarms to occur. Upon completion of such instruction the alarm business shall provide a statement of completion to be signed by the alarm business representative providing the training and the alarm user. A dated copy of the signed statement of completion shall be provided to the alarm user.

(f) The alarm business shall provide an alarm user with operating instructions that provide reasonable guidelines to aid the user in correctly using the alarm system installed by the alarm business. The alarm user shall not be provided instructions not applicable to the alarm system installed.

(g) The alarm business shall provide the alarm user with a written report anytime an alarm business representative responds to the location and performs any inspections, tests, adjustments, repairs, modifications, replacements or any other type of service investigations or maintenance related to the alarm system.

(h) The alarm business shall advise the alarm user in writing of the requirement for the application of an alarm user permit prior to activation of the alarm system.

(i) The alarm business shall maintain the following records for inspection by the city:

(1) Documentation of alarm user's completion of instruction for the operation of his alarm system;

(2) Documentation of alarm user's receipt of the operating instructions pertaining to the service provided or the operation of the alarm system installed by the alarm business;

(3) Record of all activities and action taken to correct false alarm events shall be maintained for a period of one (1) year;

(4) Records of each alarm system or device installed by the alarm business;

(5) If the alarm business provides monitoring maintenance, repair or service to an alarm user, it shall maintain the name of the owner or occupant of the premises, the name and telephone number of the user, a primary and at least two (2) alternate persons responsible for responding to the premises when the alarm is activated;

(6) Each alarm business shall maintain a record of outside audible sounding devices it installs and connects to a burglary alarm system that it leases or monitors and takes action to cause the device to be deactivated upon receipt of notice from the user or the police department.

(j) Each alarm business shall label the purpose (burglary, fire, etc.) of any outside audible sounding device it installs. If the audible sounding device is connected to an alarm system it leases, monitors or services it shall conspicuously place on the outside of the premises a sign or decal identifying the name of the alarm business and the telephone number to call when the alarm has been activated. Telephone numbers shall be updated as necessary.

(k) The alarm business or alarm agent shall notify the monitoring agency prior to said business or agent testing or repairing any alarm system or device.

(l) Responsibility for an alarm system pursuant to this chapter by an alarm business shall be terminated only upon thirty (30) day notification to the city that the business has ceased to lease, rent, maintain, service or monitor the alarm system.

(m) The alarm business shall provide to an alarm user a method of pre-arranging burglary or fire alarm tests.

(n) The alarm business will be responsible to present a signal from each subscriber which is compatible with the police consolidated alarm panel if the alarm is to be connected to the alarm panel.
(Ord. No. 92-014, § 3, 4-16-92)

Sec. 2.5-4. Alarm user responsibility.

(a) The alarm user shall maintain the alarm equipment in proper working order at all times, so as to minimize the occurrence of false alarms.

(b) The alarm user shall instruct all persons who are authorized to place the system or device into operation in the appropriate method of operation. The alarm system operation instructions shall be maintained on the premises.

(c) The alarm user shall post or provide to persons authorized to place the alarm system or device into operation, the administrative telephone numbers for:

(1) Police and fire departments;

(2) The alarm business' twenty-four-hour service number.

(d) The alarm user shall inform persons who are authorized to place the alarm system into operation of the provisions of this chapter, emphasizing the importance of avoiding false alarms. A current copy of the provisions of this section shall be maintained on the premises an be made available to persons who are authorized to place an alarm into operation or inhabitants of the premises.

(e) Any person triggering the alarm due to intentional misuse including but limited to summoning an emergency service for a nonemergency situation shall be deemed a false alarm subject to penalty.

(f) The alarm user shall notify the monitoring agency prior to user testing any alarm system or device.

(g) The alarm user shall arrange for himself or another responsible representative to go to the premises of an activated alarm system in order to be available to assist the police or fire department in determining the reason for the alarm activation and securing the premises. In no event shall there be an unreasonable delay in arriving at the location of the alarm.

(h) The alarm user shall maintain the protected building to the degree necessary to prevent the alarm system from being interrupted due to building conditions such as broken or missing window panels, water leaking into a building, padlock hasps on outside doors, etc.

(i) The alarm user shall not activate or reactivate an alarm system when a condition exist that may result in an additional false alarm. The alarm user shall cause the alarm system to be inspected, adjusted, or repaired after each false alarm and prior to the reactivation of the system.

(j) If the alarm user elects to have the alarm system connected to the alarm panel, he must sign a monitoring agreement with the company who operates the police consolidated alarm panel at the communications center. The alarm user will be required to submit a connection fee and annual fee to the company who operates the police consolidated alarm panel which is approved by the city.
(Ord. No. 92-014, § 4, 4-16-92)

Sec. 2.5-5. Equipment and technical standards.

(a) Alarm systems must be designed and approved by the equipment manufacturer for the application in which they are used.

(b) All alarm systems connected to the alarm panel and installed after April 1, 1992, shall have a backup, rechargeable power supply installed.

(c) Burglary alarm systems shall be connected and installed in such a manner that the system will annunciate to the user the presence of a trouble condition at the time the user tests or attempts to use the alarm system.

(d) Audible burglary alarms shall not emit sound longer than fifteen (15) minutes for residential alarms and thirty (30) minutes or less for commercial burglar alarms.

(e) Audible alarms shall distinguish between burglary and fire alarms.

(f) Ionization detectors shall not be connected to a monitored alarm system.

(g) Dialing devices may not be programmed to any E-911 emergency number monitored by the communications center. Dialing devices may be programmed to an unpublished number specifically for dialing alarms monitored by the communications center. The dialing device shall only be programmed to call the number once and any additional calls from the same

event shall be programmed to call a number other than a public number of the communications center. All dialing alarm users shall be required to obtain alarm user permits and abide by all regulations of this chapter.

(1) All alarm users shall disconnect or reprogram an automatic dialing device which is programmed to select a primary trunk line to the city, or city contracted emergency services, within seventy-two (72) hours of receipt of written notice from the city that it is so programmed.

(2) Within sixty (60) days after the effective date of this chapter, all existing automatic dialing devices programmed to select a primary trunk line to the city or contracted emergency services shall be reprogrammed.

(Ord. No. 92-014, § 5, 4-16-92)

Sec. 2.5-6. Alarm user permit.

(a) Every alarm user shall obtain an alarm user permit from the city for each alarm system they operate that is monitored by the city within ninety (90) days of the effective date of this chapter. No alarm system monitored by the city shall be activated without the alarm user having first obtained an alarm user permit.

(b) Application for alarm system permits shall be made on forms prepared and approved by the city.

(c) The initial application fee for the alarm user's permit shall be no cost unless the alarm user's permit is revoked and reapplied for as provided in section 2.5-7 of this chapter. The alarm user except dialing devices will be required to sign a monitoring agreement with the company responsible for the police consolidated alarm panel and insure proper signals are produced from the alarm to match the panel located at the Georgetown Communications Center.

(d) The information contained in an alarm user permit application required by this section shall be confidential and restricted to inspection only by those city officers or employees responsible for administering and enforcing this chapter.

(e) The alarm user permit shall be physically located upon the premises using the alarm system and shall be available for inspection by the city.

(f) Any alarm user who activates an alarm system without obtaining a permit as required by subsection (a) of this section shall be in violation of this chapter. The alarm user operating an alarm system without possessing an alarm user's permit shall be guilty of a misdemeanor and shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) for each alarm responded to by a fire or law enforcement agency.

(Ord. No. 92-014, § 6, 4-16-92)

Sec. 2.5-7. Corrective action.

(a) Following each false alarm responded to by the police of fire department, the city shall notify the alarm user of the false alarm response. False alarms generated by a common cause shall be counted as one false alarm if the only if the false alarms occurred within a forty-eight-hour period, action was taken to rectify the cause and such corrective action was documented to the city; and during the next thirty-day period there were no false alarms generated by that documented cause.

(b) If an alarm system operating under this chapter experiences five (5) or more false alarms during any one (1) calendar year period, and the alarm user has failed to submit for the fifth and subsequent false alarm a false alarm prevention report, or the false alarm prevention report review fee required hereunder, the city shall after notice revoke the permit or if a permit is not required, notify the alarm user that emergency services will not longer respond to alarms at that location.

(c) Following each false alarm exceeding four (4) within one-year period, the city shall notify the permittee of intent to revoke the alarm user permit or if a permit is not required, notify the alarm user that emergency services will no longer respond to alarms at that location in thirty (30) days.

(1) The notice of intent to revoke the permit or if a permit is not required, notice of response shall direct the alarm user to submit a false alarm prevention report, on a form provided by the city, and an administrative fee of twenty-five dollars ($25.00). The false alarm prevention report must describe the actions taken to discover and eliminate the cause of the false alarms and any violations of this chapter.

(2) If the alarm user is not able to arrange for completion of all corrective action prior to the end of the thirty-day notice of the revocation period, specific justification for the delay must be included in the false alarm prevention report. This statement should accompany a request for extension for time to complete the corrective actions being taken.

(d) If the alarm user fails or refuses to submit the false alarm prevention report and/or the twenty-five dollar ($25.00) administrative review fee, revocation of the permit shall become effective on the date stated in the notice of intent to revoke the permit. Alarm users who do not require permits will be noticed that emergency services will no longer respond to alarms at that location.

(e) If the alarm user submits the false alarm prevention report and the twenty-five dollar ($25.00) administrative review fee as directed, the city shall review the corrective action taken and:

(1) If the city determines that the corrective action taken will reduce the likelihood of false alarms or eliminate the violation of this chapter, the permittee shall be notified that the permit will not be revoked.

(2) The city may grant the permittee an extension of time to complete the corrective actions being taken, if the permittee has requested such and the city has determined that the permittee was not able to complete the corrective actions prior to the deadline of the thirty-day revocation notice period. The length of the extension shall be determined by the city. The city shall notify the permittee of the extension. The notice of extension shall include:

a. The corrective action which the permittee had indicated would be taken;

b. The requirements for documentation to be submitted to the city stating the completion of the corrective action.

(f) The deadline for submitting to the city the required documentation stating the completion of the corrective action.

(g) A statement of intent to revoke the permit should the permittee fail or refuse to submit the required documentation before the deadline stated in the notice of extension.

(h) If the alarm user submits the required documentation to the city upon or before the deadline stated in the notice of extension, the permit shall not be revoked. If the alarm user does not submit the required documentation to the city upon or before the stated deadline, the permit shall be revoked or if a permit is not required, emergency services will no longer respond to that location.

(i) An alarm user whose permit has been revoked may apply for a new permit provided that he submits a false alarm prevention report and the twenty-five dollar ($25.00) administrative review fee with the application. The fee for reapplication shall be no cost.

(j) Newly installed and reinstalled alarm systems shall not be subject to the provisions of this section relating to counting and assessment of false alarms for a period of thirty (30) days from the date the alarm system becomes operational if the alarm owner notifies the city in writing within ten (10) days of the completion of the installation or reinstallation. The written notice shall specify the date the system was installed or reinstalled, and if reinstalled, the notice shall also describe the nature and extent of the reinstallation.
(Ord. No. 92-014, § 7, 4-16-92)

Sec. 2.5-8. Police consolidated alarm panel.

(a) The city shall enter into an agreement with an alarm company that will furnish a police consolidated alarm panel at no cost to the city. The connection fee and annual cost of this service shall be by competitive bid and approved by the city council.

(b) All alarm businesses and users must utilize the police consolidated alarm panel if the alarm is monitoring by the Georgetown Communications Center except dialing devices.

(c) Any installation and equipment shall be at no expense to the city except the power supply.
(Ord. No. 92-014, § 8, 4-16-92)

Sec. 2.5-9. Penalties.

Any person, firm or corporation, whether as principal owner, agent, tenant or otherwise who violates any provision of this chapter is guilty of a misdemeanor, and upon conviction thereof may be punished by a fine not exceeding five hundred dollars ($500.00).
(Ord. No. 92-014, § 10, 4-16-92)

Sec. 2.5-10. Grace period for certain payments.

Not withstanding anything to the contrary herein, the false alarm prevention payment or the reapplication fee for a revoked permit provided in section 2.5-7 shall not be required until six (6) months after the effective date of this chapter.
(Ord. No. 92-014, § 11, 4-16-92)

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Chapter 2.7

ALCOHOLIC BEVERAGES

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ARTICLE I. GENERAL

Sec. 2.7-1. Title.

This chapter shall be known as the "Alcoholic Beverage Control Ordinance" of the City of Georgetown, Kentucky ("city").
(Ord. No. 12-015, Art. I, § 1.1, 9-26-12)

Sec. 2.7-2. Purpose.

The purpose of this chapter is to establish uniform regulations and requirements for the licensing and regulation of alcoholic beverage manufacture and sales pursuant to authorization of KRS chs. 241—244.
(Ord. No. 12-015, Art. I, § 1.2, 9-26-12)

Sec. 2.7-3. Definitions.

The definitions of the words used throughout this chapter, unless the context requires otherwise, shall have the same meaning as those set out in the Kentucky Alcoholic Beverage Control law (KRS chs. 241—244) of the Commonwealth of Kentucky and all amendments and supplements thereto.
(Ord. No. 12-015, Art. I, § 1.3, 9-26-12)

Sec. 2.7-4. Scope.

This chapter shall be construed to apply to the manufacture and traffic in both malt beverages and distilled spirits and wine where the context permits such application. Nothing in the ordinance from which this chapter is derived shall excuse or relieve the licensee, or the owner, proprietor, employee, agent or person in charge of any licensed premises where alcoholic beverages are sold from the restrictions, requirements and penalties of any other ordinance or ordinances of the city or of any statutes of the state relating to violations pertaining to alcoholic beverages.
(Ord. No. 12-015, Art. I, § 1.4, 9-26-12)

Sec. 2.7-5. [Provisions adopted.]

The provisions of the Alcoholic Beverage Control Law of the Commonwealth of Kentucky (KRS chs. 241—244) and all amendments and supplements thereto, are adopted so far as applicable to this chapter except as otherwise lawfully provided herein.
(Ord. No. 12-015, Art. I, § 1.5, 9-26-12)

Secs. 2.7-6—2.7-10. Reserved.

ARTICLE II. LICENSES; LICENSE FEES; REGULATORY LICENSE FEE; EXPIRATION OF LICENSE

Sec. 2.7-11. [In general.]

For the privilege of causing, permitting and engaging in the actions, business, and transactions authorized thereby in regard to traffic in alcoholic beverages in the City and pursuant to the authority of KRS 243.070, there is hereby established a corresponding city license for each of the state licenses described in KRS 243.070. The fee for each city license shall be as set out in the following schedule. In the event KRS 243.070 shall hereafter be amended to authorize additional city licenses, the fee for each city license shall be the maximum fee provided in the statute as amended.

(1) *Distilled spirits and wine license fees.* The following distilled spirits and wine licenses may be issued by the city, the fees for which shall be:

a.	Distiller's license, per annum	$500.00
b.	Rectifier's license, per annum	3,000.00
c.	Wholesaler's distilled spirits and wine license, per annum	3,000.00
d.	Quota retail package license, per annum	600.00
e.	Quota retail drink license, per annum	600.00
f.	Special temporary license, per event	100.00
g.	Nonquota type 1 retail drink license (includes distilled spirits, wine, and malt beverages)	2,000.00
h.	Nonquota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum (restaurant drink license)	800.00
i.	Nonquota type 3 retail drink license (includes distilled spirits, wine and malt beverages) (private clubs)	300.00
j.	Distilled spirits and wine temporary auction, per event	200.00
k.	Special Sunday sale retail drink license, per annum	300.00
l.	Bottling house or bottling house storage license, per annum	1,000.00

(2) *Malt beverage license fees.* The following kinds of malt beverage licenses may be issued by the city, the fees for which shall be:

a.	Brewer's license, per annum	$500.00
b.	Microbrewery license, per annum	500.00
c.	Malt beverage distributor's license, per annum	400.00
d.	Nonquota retailer malt beverage package license, per annum	200.00
e.	Nonquota type 4 retail malt beverage drink license, per annum	200.00
f.	Malt beverage brew-on-premises license, per annum	100.00

The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same licensee at the same premises.

The holder of a nonquota retail malt beverage package license may obtain a nonquota type 4 malt beverage drink license for a fee of fifty dollars ($50.00). The holder of a nonquota type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of fifty dollars ($50.00).

(3) *Restaurant drink license.*

a. The city council hereby determines, acknowledges and declares that an economic hardship exists within the City of Georgetown; that the sale of alcoholic beverages by the drink could aid economic growth; and, that there is a need for restaurant drink licenses to be issued pursuant to KRS 242.185(1)—(5);

b. A retail drink licensee must be a bona fide restaurant open to the general public having dining facilities for not less than one hundred (100) persons; or, a hotel, motel or inn containing not less than fifty (50) sleeping units and having dining facilities for not less than one hundred (100) persons; and

c. The gross receipts of the restaurant or the dining facility from the sale of food for consumption on the premises is reasonably estimated to be not less than fifty (50) percent of the total food and beverage receipts of such restaurant or dining facility for the license period.

(4) *Other license fees.* The following kinds of other licenses may be issued by the city, the fees for which shall be:

a.	Extended hours supplemental license, per annum	$800.00
b.	Caterer's license, per annum	800.00
c.	Limited restaurant license or limited golf course license, per annum (includes distilled spirits, wine, and malt beverages)	800.00

(Ord. No. 12-015, Art. II, § 2.1, 9-26-12; Ord. No. 13-025, § 1, 11-25-13)

Sec. 2.7-12. Certain special licenses defined.

(a) *Special temporary licenses.* A special temporary license for a qualifying event may be issued only as set out in KRS. 243.260. This license shall authorize the licensee to exercise the privileges of a quota retail drink licensee and an NQ4 retail malt beverage drink licensee at designated premises for a specified and limited time, not to exceed thirty (30) days, and shall expire when the qualifying event ends. All restrictions and prohibitions applying to a distilled spirits and wine quota retail drink licensee or an NQ4 retail malt beverage drink license shall apply also to a special temporary licensee. In the case of a nonprofit organization holding an NQ4 retail malt beverage license, such organization may be issued a special temporary license to sell distilled spirits and wine by the drink on the licensed premises, in conjunction with any public or private event, for a specified and limited time, not to exceed ten (10) days.

(b) *Special license required for Sunday sales.* No retail drink licensee shall offer alcoholic beverages for sale on Sunday unless the licensee shall have obtained a special license for Sunday sales.
(Ord. No. 12-015, Art. II, § 2.2, 9-26-12; Ord. No. 13-025, § 2, 11-25-13)

Sec. 2.7-13. Expiration of license; proration of fees.

All city licenses, except temporary licenses, shall begin on July 1 of any year and shall expire on June 31 of the following year. Any licenses issued after December 31 of any year shall be assessed a fee which is based on the pro rata portion of the remainder of the license period; however, the cost of any license shall not be less than one-half (½) the amount of the full fee for an annual license of that type.
(Ord. No. 12-015, Art. II, § 2.3, 9-26-12; Ord. No. 13-025, § 3, 11-25-13)

Sec. 2.7-14. Payment of license fees; delinquency.

No licensee shall enter into or begin operating any business for which a license is required by this chapter until the license fee has been paid in full. The fee for renewal of any license shall be paid with the renewal application. Failure to pay any license fee within ten (10) days after it becomes due shall result in a penalty equal to ten (10) percent of the license fee. Any licensee failing to pay the fees, including penalties, within ten (10) days after such fees are due may be subject to revocation of the license and to other penalties as provided in section 2.7-57 of this chapter.
(Ord. No. 12-015, Art. II, § 2.4, 9-26-12)

Sec. 2.7-15. Refund of fees.

(a) Should any licensee under this chapter be prohibited from conducting the licensed business for the full period covered by the license because of any changes that may hereafter be made in the laws of the commonwealth with reference to alcoholic beverages or other cause outside licensee's control, then the city shall refund to licensee the proportionate part of the license fee for the period during which licensee is prevented from carrying on said business if the licensee provides sufficient proof to the administrator that such period of inactivity was not the fault of the licensee or the result of a revocation, suspension or other wrongdoing by licensee, or an agent or employee of the licensee.

(b) In the event a violation of this chapter occurs that results in the suspension or revocation of the license, the city shall not be required to refund any portion of the license fee.
(Ord. No. 12-015, Art. II, § 2.5, 9-26-12)

Sec. 2.7-16. Regulatory license fee.

(a) Pursuant to KRS 243.075 and KRS 242.185(5), there is hereby imposed a regulatory license fee on the gross receipts of sale of alcoholic beverages of each license issued by the administrator. The regulatory license fee shall be five (5) percent of gross sales of all alcoholic beverages sold by the drink. In the case of retail sales of package distilled spirits and wine, the

regulatory license fee shall be seven (7) percent of gross sales. The regulatory license fee shall be seven (7) percent on gross retail sales of package malt beverages. Thereafter, the city council shall adopt at the budget adoption for each subsequent fiscal year, such annual rate for the regulatory license fee as shall be reasonably estimated to ensure full reimbursement to the city for the cost of any additional policing, regulatory, or administrative expense related to the sale of alcoholic beverages in the city. Should the city fail to address the regulatory license fee in any budget, then the regulatory license fee shall remain at the level at which it was last fixed until such time as the city council shall adjust the fee.

(b) Payment of such regulatory fee shall be remitted to the administrator, and shall be held in a separate account maintained for the purpose of fully reimbursing the city for the estimated cost of any additional policing, regulatory or administrative expense related to the sale of alcoholic beverages in the city. The regulatory license fee shall be in addition to any other taxes, fees or licenses permitted by law, except that a credit against a regulatory license fee in the city shall be allowed in an amount equal to any license fee imposed by the city pursuant to KRS 243.070. Payment of the regulatory license fee shall accompany the license fee return approved for such use by the city council. The return and payment are due no later than by the end of the month immediately following each calendar quarter.

(c) Failure to pay such quarterly remittance within ten (10) days of the due date constitutes a violation and will subject licensee to suspension or revocation.

(d) Penalty for failure to file a return and pay quarterly remittance by the due date is five (5) percent of the tax for each ninety (90) days or fraction thereof. The total late filing penalty shall not exceed twenty-five (25) percent of the fee; provided, however, that in no case shall the penalty be less than ten dollars ($10.00).

(e) Interest at the rate of eight (8) percent per annum will apply to any late payments.
(Ord. No. 12-015, Art. II, § 2.6, 9-26-12)

Secs. 2.7-17—-2.7-20. Reserved.

ARTICLE III. CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR

Sec. 2.7-21. [In general.]

(a) The duties of the city alcoholic beverage control administrator [the "administrator"] are assigned to the city clerk-treasurer.

(b) The functions of the administrator shall be the same with respect to the city licenses and regulations as the functions of the Alcoholic Beverage Control Board of the Commonwealth of Kentucky ["ABC board"] with respect to state licenses and regulations, except that no amendment to these regulations proposed by the administrator may be less stringent than the statutes relating to alcoholic beverage control, or than regulations of the ABC board. No regulation of the administrator shall become effective until the city council has first appropriately approved it.

(c) No person shall be an administrator, an investigator or an employee of the city under the supervision of the administrator, who would be disqualified to be a member of the ABC board under KRS 241.100.

(d) The administrator shall have all authority as authorized under KRS chs. 241—244. The administrator, and any administrator's investigators, may inspect any premises where alcoholic beverages are manufactured, sold, stored or otherwise trafficked in, without first obtaining a search warrant.

(e) Should the administrator at any time have reasonable grounds to believe that any applicant, licensee, employee of a licensee, or any stockholder, agent or employee of a licensed corporation, LLC or other business organization, has a criminal record, he shall have the authority to require such person to appear in person at the Georgetown Police Department for the purpose of having his or her fingerprints taken.

(f) The administrator before entering upon his or her duties as such, shall take the oath as prescribed in Section 228 of the Constitution and shall execute a bond with a good corporate surety in the penal sum of not less than one thousand dollars ($1,000.00). The administrator may require any employee under the administrator's supervision to execute a similar bond in such penal sum as the administrator deems necessary.

(Ord. No. 12-015, Art. III, § 3.1, 9-26-12)

Sec. 2.7-22. Appeals.

(a) Appeals from the orders of the administrator may be taken to the state ABC board by filing with the board within thirty (30) days a certified copy of the orders of the administrator. The board shall hear matters at issue as upon an original proceeding. Appeals from orders of the administrator shall be governed by KRS ch. 13B.

(b) When any decision of the administrator shall have been appealed, or when a protest has been lodged against an application for any license within the city, and the ABC board shall have made a decision regarding such appeal or protested application, the administrator, upon receipt of notice of finality of the decision, shall enter such orders and take such action as required by the final order of the ABC board. As provided by law, and as used herein, no order of the ABC board is final until all appeals or appeal times shall have been exhausted. A "final order" of the ABC board is the order entered by said board, unless an appeal is taken from the board's order, in which case the "final order" is the order entered by the board upon direction from the reviewing court of last resort in the final order of said reviewing court.

(Ord. No. 12-015, Art. III, § 3.2, 9-26-12)

Secs. 2.7-23—-2.7-30. Reserved.

ARTICLE IV. APPLICATION FOR LICENSE; MAINTENANCE OF LICENSE

Sec. 2.7-31. Advertisement.

(a) Before an application for a license shall be considered, the applicant must publish a notice of its intent to apply for an alcoholic beverage license in a newspaper meeting the requirements of KRS ch. 424.

(b) The advertisement shall state the name and address of the applicant. It shall state the members of the partnership if the applicant is a partnership, and membership of the LLC if the applicant is an LLC, as well as the name of the business and its address. If the applicant is a corporation, the advertisement shall state the names and addresses of the principal officers and directors of the corporation, as well as the name and address of the corporation itself. All advertisements shall state the location of the premises for which the license is sought, and the type of license for which application is made.

(c) The applicant shall attach to the application a newspaper clipping of the advertisement and proof of the publication as provided in KRS 424.170.
(Ord. No. 12-015, Art. IV, § 4.1, 9-26-12)

Sec. 2.7-32. Application.

(a) All licenses granted under this article shall be approved by the administrator. Applications for the issuance of new licenses and for renewals of existing licenses shall be in writing and upon the forms provided by the ABC board and the city, as amended and supplemented from time to time.

(b) The application shall be verified and shall set forth in detail such information concerning the applicant and the premises for which the license is sought as required by the Kentucky Revised Statutes, the ABC board and the city, including as follows:

(1) Name and address;

(2) Nature of interest;

(3) Whether or not a citizen of the United States;

(4) Date of birth;

(5) Date residence was established in Kentucky, if a resident of Kentucky. If Georgetown resident indicate when residence was established;

(6) Whether or not he or she has any interest in any other license or LLC, corporation, partnership or other business organization holding a license under this article;

(7) Extent of stock or company ownership;

(8) Whether or not he or she has any interest in any license or LLC, corporation, partnership or other business organization holding a license in any other state or province.

(c) Each application shall be accompanied by a certified check, cash or a postal or express money order for the amount of the license fee.

(d) In addition to the above specified information, the applicant shall file with the application responses to any additional questions as may be posed or prescribed by the administrator. The city council has adopted a statement of guidelines and priorities for the issuance of licenses and, in order to determine the extent to which applications may further or impede the objectives of those guidelines, the council may, by municipal order, adopt a

questionnaire to be submitted to applicants for licenses. Upon adoption of the questionnaire, it shall become a part of the application process. The questionnaire may be altered, expanded, supplemented or replaced by municipal order of the council hereafter. In addition to the information contained in the application and any city ordered questionnaire, the administrator may require such other information as the administrator may in his/her discretion deem desirable, reasonable or appropriate to the consideration of the application.
(Ord. No. 12-015, Art. IV, § 4.2, 9-26-12; Ord. No. 13-025, § 4, 11-25-13)

Sec. 2.7-33. Other conditions.

In addition to any other inquiries, conditions or considerations required or permitted by law.

(1) The administrator shall not grant any alcoholic beverage license or approve a renewal of a license until the applicant and his place of business shall have been approved by the city building inspector, and any and all other inspections required by the Kentucky Building Code, and the local zoning administrator;

(2) All applicants shall voluntarily submit to a criminal background check and shall sign a waiver allowing the release of this information to the administrator;

(3) No license to sell alcoholic or malt beverages shall be granted or renewed to any person who is delinquent in the payment of any taxes or fees due the city at the time of issuing the license, nor shall any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any delinquent

taxes or fees due the city. Further, if a licensee becomes delinquent in the payment of any taxes or any fees due the city at any time during the license period, the license to sell alcoholic or malt beverages shall be subject to revocation or suspension;

(4) No person, whether an applicant for license, or a licensee, shall in any manner attempt to bribe, threaten, unduly influence or intimidate the administrator, or any member of his or her staff, or any state ABC administrator or staff, in any matter in which an application or proposed application for license, or procedure for revocation or suspension is pending before such officer. This paragraph is not intended to stifle expressions of opinion; however, it is intended to make clear that the ABC administrators are public officials charged with the administration and enforcement of the law, both local and state. Any person applying for a license, or contesting the revocation or suspension of a license, who engages in attempted bribes, threats, attempted undue influence or intimidation of a city or state ABC administrator or staff shall be disqualified from receiving or retaining a license, in addition to other penalties as provided by law. The procedures for appeals shall apply to disqualifications, revocations or suspensions under this section. This section shall not be interpreted to prohibit monetary settlements in lieu of revocation or suspension of license after a final order or revocation or suspension, where the ordinance and applicable statutes allow for such payments in settlement.

(Ord. No. 12-015, Art. IV, § 4.3, 9-26-12)

Sec. 2.7-34. Form of license.

All city licenses shall be in such form as may be prescribed by the city council and shall contain:

(1) The name and address of the licensee;

(2) The number of the license;

(3) The type of license;

(4) A description by street and number, or otherwise, of the licensed premises;

(5) The name and address of the owner of the building in which the licensed premises are located;

(6) The expiration date of the license;

(7) A statement in substance that the license shall not be a property or vested right and that it may be revoked at any time pursuant to law.

(Ord. No. 12-015, Art. IV, § 4.4, 9-26-12)

Sec. 2.7-35. Change of information.

(a) If after a license to individuals or to a sole proprietor has been issued, there is a change in any fact required to be set forth in the application, a verified amendment in writing giving notice of the change shall be filed with the administrator within ten (10) days of the change.

(b) Since a number of licenses issued by the city are in the name of corporations or other business organizations, it is necessary that ownership changes in such organizations be reported to the administrator. The administrator can, therefore, investigate the person to whom the ownership or management is transferred in order to ascertain whether that person is precluded by statute from holding an interest in an alcoholic beverage license.

(1) As used with regard to a partnership, corporation, LLC or other business organization herein, the word "change" is construed to include any change in managers, partners or LLC members, directors or officers of the corporation, or change in ownership or stock whereby any person secures ten (10) percent of the outstanding ownership or stock. Transfer of more than ten (10) percent of the total ownership or stock shall require a new license.

(2) The following information will be required concerning any new manager, partner or LLC member, new director, officer, or person securing any interest in alcoholic beverage license:

a. Name and address;

b. Nature of interest;

c. Whether or not a citizen of the United States;

d. Date of birth;

e. Date residence was established in Kentucky, if a resident of Kentucky. If a Georgetown, resident indicate when residence was established;

f. Whether or not he or she has any interest in any other license or in any LLC, corporation, partnership or other business organization holding a license under this act;

g. Extent of stock or company ownership;

h. Whether or not he or she has any interest in any license or in any LLC, corporation, partnership or other business organization holding a license in any other state or province.

(3) This information shall be filed with the administrator as a verified amendment of the application pursuant to which the license was granted. Filing shall be made within ten (10) days of any change of required information.

(Ord. No. 12-015, Art. IV, § 4.5, 9-26-12)

Sec. 2.7-36. Renewal of license.

(a) Every year, except in the case of temporary licenses, each licensee shall renew its license. All renewal licenses must be on file with the administrator no less than thirty (30) days prior to the expiration of the license for the preceding license period or the same shall be canceled, except where the licensee is unable to continue in business at the same premises licensed during the preceding license period as a result of construction, act of God, casualty, death, the acquisition or threatened acquisition of the premises by any federal, state, city or

other governmental agency or private organization possessing power of eminent domain, whether such acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease; provided that said licensee shall file a written verified statement no less than twenty (20) days from the expiration date of the license, setting forth these facts, and the administrator is hereby authorized to extend the time for filing of a renewal of such license for a reasonable length of time within the sound discretion of the administrator; provided, however, such licensee shall pay a license fee from the expiration date of the former license or licenses. Said license fee shall not by payable until application is made for the transfer of said license to a new location.

(b) The renewal by the administrator of the license shall not be construed to be a waiver or acceptance of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee.
(Ord. No. 12-015, Art. IV, § 4.6, 9-26-12)

Sec. 2.7-37. Lost or destroyed license.

When a license shall be lost or destroyed without fault on the part of the licensee or his agent or employee, a duplicate in lieu of the original license shall be issued by the administrator after the administrator shall have been satisfied as to the facts; provided, however, that the applicant for said duplicate license shall pay a fee of ten dollars ($10.00) for the duplicate license.
(Ord. No. 12-015, Art. IV, § 4.7, 9-26-12)

Sec. 2.7-38. Revocation or suspension.

Any license may be revoked or suspended by the administrator if the licensee shall have violated any of the provisions of KRS chs. 241—244, or any rule or regulation of the ABC board or of the department of revenue relating to the regulation of the manufacture, sale and transportation or taxation of alcoholic beverages or if such licensee shall have violated or shall violate any act of Congress or any rule or regulation of any federal board, agency or commission, or this chapter now, heretofore, or hereafter in effect relating to the regulation of the manufacture, sale and transportation or taxation of intoxicating liquors or any rules or regulations of the city heretofore in existence or authorized by the terms of KRS chs. 241—244 to be created, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of his instructions, or any such license may be revoked or suspended for any cause which the administrator in the exercise of his sound discretion deems sufficient.

(1) A license may be revoked for any of the reasons for which the administrator would have been required to refuse a license if the facts had been known.

(2) In addition to the foregoing stated causes, any license may be revoked or suspended for the following causes:

a. Conviction of the licensee or his agent or employee for selling any illegal beverages on the premises licensed.

b. Making any false, material statements in an application for a license.

c. If within a period of two (2) consecutive years, any licensee or any clerk, servant, agent or employee of the licensee shall have been convicted of two (2) violations of the terms and provisions of KRS Chapter 241—244 or any act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if within such period, any licensee or any clerk, servant, agent or employee of the license shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages, or of one (1) such felony and one (1) such misdemeanor.

d. Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes, this chapter or acts of Congress relative to taxation, or for a violation of any rules or regulations of the department of revenue made in pursuance thereof.

e. Setting up, conducting, operating or keeping, on the licensed premises, any gambling game, device, machine or contrivance, or lottery or gift enterprise, or handbook or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept, or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility.

(Ord. No. 12-015, Art. IV, § 4.8, 9-26-12)

Sec. 2.7-39. Proceedings for revocation or suspension of license; notice and opportunity to contest; appeal; effect of revocation or suspension.

(a) Upon the verified complaint of any person, or on the initiative of any law enforcement officer or of the administrator, the administrator may institute proceedings to revoke or suspend any license granted under this chapter. A license may be revoked or suspended only after the licensee shall have been given written notice, by certified or registered mail, of the proposed revocation, including notice of the reasons for such proposed action. The licensee shall be given opportunity to be heard in opposition to the proposed revocation or suspension. The notice of proposed action shall advise the licensee of the date, time and place of the hearing. Notice shall be sufficient if mailed to the licensee at the address shown in the last application for a license or in the last statement supplemental to or in amendment of the application, whether or not the mailing is receipted for or claimed.

(b) The specific procedures to be followed in hearings on actions for revocation or suspension shall be prescribed by the city council by municipal order. Such order shall be maintained on file in the office of the administrator and a copy furnished with any notice of proposed revocation or suspension sent to a licensee. If the council shall fail to adopt such municipal order, the procedures shall be those set out in the Kentucky Administrative Procedure Act (KRS ch. 13B).

(c) A decision of the administrator revoking or suspending a license may be appealed as provided in KRS 243.550.

(d) Within three (3) days after any order of revocation or suspension of a license becomes final, notice of revocation shall be given to the licensee and to the owner of the licensed premises. A notice mailed to the licensee and to the owner of the licensed premises at the address shown in the last application for a license or in the last statement supplemental to the application shall be deemed sufficient compliance with this section. The licensee shall at once surrender his license to the administrator. If the revoked or suspended license is not forthwith surrendered by the licensee, the chief of police at the request of the administrator shall immediately cause one of his officers to take physical possession of the license and return it to the administrator.

(e) When a license has been revoked or suspended, the former licensee may, with prior approval of the administrator, dispose of and transfer his stock of alcoholic beverages to an appropriate entity.

(f) Appeal from the decision of the administrator revoking or suspending a license shall be to the ABC board. The timely filing of an appeal shall stay further proceedings for revocation.

(g) If a license is revoked or suspended by an order of the administrator, and the decision is not appealed, the licensee shall at once suspend all operations authorized under his license. Upon the entry of a final order of the ABC board sustaining or ordering revocation or suspension on appeal, the licensee shall at once suspend all operations authorized under this license.
(Ord. No. 12-015, Art. IV, § 4.9, 9-26-12)

Sec. 2.7-40. Transfer or assignment.

No license issued under this chapter shall be transferred or assigned either as to licensee or location except with prior approval of the administrator and not then until a payment of one hundred dollars ($100.00) shall be made to the administrator.
(Ord. No. 12-015, Art. IV, § 4.10, 9-26-12)

Sec. 2.7-41. Refusal of license; guidelines for approval of quota licenses.

(a) The administrator may refuse to issue or renew a license for any of the following reasons:

(1) Causes for refusal to issue or renew a license and for suspension or revocation of a city license shall be the same as provided for state licenses according to KRS 243.450, 243.490 and 243.500, as well as violation of any city ordinance regarding alcohol beverage licensing, sales or the administration thereof.

(2) If the applicant has done any act for which a revocation of license would be authorized; or

(3) If the applicant has made any false material statement in his application.

(b) In the case of quota licenses, before approving an application, the administrator is hereby directed to consider, in addition to the factors set out in KRS 243.450, 243.490 and 243.500, and any other factors the administrator determines in his or her discretion to be reasonable and pertinent to the license application, the following criteria:

(1) *Ownership.* The city places great value on business owners who are invested in the Georgetown community.

(2) *Economic impact.* The city desires businesses which make the most positive impact on the community, in number of jobs, payroll, property investment and revenues to the city.

(3) *Site of business.* The city is interested in serving all geographic areas of the city. Therefore, the city does not wish to cluster all licensed ABC outlets in one area.

(4) *Aesthetics.* The city is committed to protecting the character and beauty of our community.

(5) *Revitalization of downtown.* The city wholeheartedly supports the revitalization of downtown and the revitalization and reuse of existing buildings.

(6) *Capital.* The city values businesses that demonstrate their ability to financially support and sustain their viability.

(7) *Public support of licensed business in the area.* The city intends that public sentiment and safety be considered in deciding upon the approval of retail liquor sales licenses in any area of the city.

(c) An applicant who has been refused a license by the administrator may appeal the refusal to the ABC board pursuant to KR 241.200.
(Ord. No. 12-015, Art. IV, § 4.11, 9-26-12)

Sec. 2.7-42. Review of license; books, records and reports.

(a) Applicants to whom a license is issued pursuant to this chapter shall provide periodic information demonstrating compliance with the conditions of any license, such as, but not limited to, the continuing requirement that a minimum percentage of the applicant's business income is earned from the sale of food. This documentation shall be provided on a schedule to be coordinated with the applicant's quarterly regulatory fee filings. The city shall provide the form schedule to the licensee. The licensee's acceptance of a license to manufacture or traffic in alcoholic beverages shall constitute consent to the filing of the quarterly report. In the case of caterer filing, the quarterly report shall identify each catered event by type of event, date and address of the event, and shall provide a per event breakdown of sales and the ratio of food sales to alcohol sales during the reporting period. This requirement for filing of reports notwithstanding, the city may at any time come upon the premises of any licensee and examine the books and records to determine whether the licensee is in compliance with all parts of this chapter. In the event the conditions of any license requirement are not met during any particular quarter, the administrator shall have discretion in determining whether revocation is appropriate or whether the licensee may be allowed a reasonable period of time

to reach compliance. If a good faith effort is demonstrated by the licensee, the administrator may apply an accounting period of at least one (1) year in determining whether or not the food sale percentage requirement has been met.

(b) (1) Every licensee under this chapter shall keep and maintain upon the licensed premises adequate books and records of all transactions involved in the sale of alcoholic beverages in the same manner required by the rules and regulations of the ABC board. Such books and records shall be available at all reasonable times for inspection by the administrator and such city employees who may assist the administrator in his or her review.

(2) For the purpose of assisting the administrator in enforcement of this chapter, every licensee required to report to the ABC board under KRS 243.850 shall provide a copy of such report to the administrator. Copies of any and all reports and correspondences to the ABC board required by statute shall be furnished to the administrator.

(Ord. No. 12-015, Art. IV, § 4.12, 9-26-12)

Sec. 2.7-43. Dormancy.

(a) It is necessary that a licensee actually conduct the business authorized by such a license or else the license will be declared dormant and become null and void after ninety (90) days. Such is the intent of this section. Realizing that a licensee, like other business, may have his business interrupted by situations not under his control, various exceptions to the dormancy rule have been included in this section.

(b) Any license under which no business is transacted during a period of ninety (90) days shall be deemed inactive and, unless the conditions set forth in paragraph (c) below are proved to the satisfaction of the administrator, the license shall be surrendered to the administrator. If the license is not voluntarily surrendered, it shall be revoked by the administrator.

(c) The provisions of paragraph (b) hereof shall not apply to any licensee who is unable to continue in business at the premises for which a license is issued due to construction, an act of God, casualty, death, the acquisition of the premises by any federal, state, city or other governmental agency under power of eminent domain, whether acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease. Prior to the expiration of ninety (90) days of inactivity, such licensee shall furnish to the administrator a verified statement setting forth the fact that the licensee is unable to continue in business, for any of the specific reasons set forth herein, and the administrator may grant an extension of the dormancy with the license continuing to remain in effect during the license period or until same is transferred to another premises, notwithstanding the fact that no business is transacted during said period; provided, however, no such license shall be considered valid unless business is conducted there under within twelve (12) months from the date of notice to the administrator. Such extension may not extend beyond the renewal date but may be for such times as the administrator deems appropriate in exercise of his sound discretion.

(Ord. No. 12-015, Art. IV, § 4.13, 9-26-12)

Secs. 2.7-44—-2.7-50. Reserved.

ARTICLE V. MISCELLANEOUS PROVISIONS

Sec. 2.7-51. Hours for sale and delivery.

(a) A licensee for distilled spirits, wine or malt beverages by the drink shall be permitted to sell or dispense distilled spirits, wine and/or malt beverages from 6:00 a.m. until 11:59:59 p.m. each day of the week, except that such drink sales shall be permitted on Sunday only from 1:00 p.m. until 11:59:59 p.m.

(b) Retail package distilled spirits and wine sales and package malt beverage sales shall be permitted from 6:00 a.m. until 11:59:59 p.m. each day of the week, except that such package sales shall be permitted on Sunday only from 1:00 p.m. until 11:59:59 p.m.

(c) A licensee licensed to sell distilled spirits, wine or malt beverages by the drink may sell and dispense alcoholic beverages on New Year's Eve until 2:00 a.m. on January 1, provided that the appropriate licenses have been obtained from both the city and the state ABC board. (Ord. No. 12-015, Art. V, 9-26-12; Ord. No. 13-025, § 5, 11-25-13)

Sec. 2.7-52. Conditions, prohibitions and restrictions.

(a) No gambling or game of chance unless otherwise authorized by the Commonwealth of Kentucky shall be permitted in any form on such licensed premises. Dice, slot machines, or any device of chance is prohibited and shall not be kept on such premises.

(b) It shall be unlawful for any licensee licensed under this chapter to have or maintain any radio receiving apparatus on such premises which is intentionally adjusted so as to receive police messages broadcast from any law enforcement agency in Scott County as it is now or may hereafter be operated. In addition to other penalties provided for the violation of this section, the chief of police or the administrator, or his designated investigator, shall have the authority to confiscate any and all such radio receiving apparatus.

(c) The licensee shall be responsible for maintaining security on his premises including providing adequate outside lighting to permit customers to utilize the parking area and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity in and around the licensed premises.

(d) It shall be unlawful for the licensee under this chapter who sells alcoholic beverages of any kind to give away or offer to give away anything tangible of value as a premium or prize, or for any other purpose in direct connection with the sale of alcoholic beverages nor shall any licensee give away any alcoholic beverage in any quantity for less than a full monetary consideration.

(e) No licensee or agent or employee of the licensee shall permit any person to become drunk or intoxicated on the premises, nor shall any licensee sell alcoholic beverages to any person who is actually or apparently under the influence of alcoholic beverages, or known to the seller or server to be an habitual drunkard or any person known to the seller or server to have been convicted of drunkenness as many as three (3) times within the most recent twelve (12) month period. No licensee shall permit any person who is actually or apparently under the influence of alcoholic beverages to remain on the licensed premises. As used herein, whether a person is actually or apparently under the influence of alcoholic beverages shall be determined by the licensee or server with specific reference to the principles and guidelines established in mandatory alcohol server training as to the signs of alcohol intoxication.

(f) The licensee shall not sell or dispense alcoholic beverages to any person who is under twenty-one (21) years of age. The licensee shall check all identification to ascertain that every person who appears to be under the age of thirty (30) attempting to purchase or consume alcoholic beverages is at least twenty-one (21) years of age.

(g) The licensee shall display at all times in a prominent place a sign at least eight inches by eleven inches (8" × 11") in thirty (30) point or larger type which states as follows:

Persons under the age of twenty-one (21) are subject to a fine of up to one hundred dollars ($100.00) if they:

(1) Enter licensed premises to buy, or have served to them, alcoholic beverages.

(2) Possess, purchase or attempt to purchase, or get another to purchase alcoholic beverages.

(3) Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

(h) The licensee, before commencing any business for which a license has been issued, shall post and display at all times in a conspicuous place in the room or principal room where the business is carried on so that all persons visiting the place may readily see the license. The licensee shall not at any time post the license on premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter the license in any respect.

(i) The licensee shall post in a prominent place easily seen by patrons a printed sign at least eleven inches by fourteen inches (11" x 14") in size, with letters at least one (1) inch high, supplied by the alcoholic beverage control commission, and with gender-neutral language supplied by the cabinet for health services, which shall warn that drinking alcoholic beverages prior to conception or during pregnancy can cause birth defects. A person who violates this subsection shall be subject to a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00). KRS 243.895.

(j) No wholesaler or distributor shall sell any alcoholic beverages to any person in the city for any consideration except under the usual credit or cash terms of the wholesaler or distributor at or before the time of delivery. Nor shall any retail licensee sell to a purchaser for any consideration except for cash at time of purchase.

(k) No licensee shall knowingly employ in connection with his or her business any person who:

(1) Has been convicted of any felony within the last two (2) years;

(2) Has been twice convicted of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors within the last two (2) years;

(3) Is under the age of twenty (20) years who will be serving alcoholic beverages or who will be having any contact whatsoever with the sale of alcohol as defined under state statute;

(4) Within two (2) years prior to the date of his or her employment, has had any city license under this chapter revoked for cause.

(l) Licensees shall not offer reduced drink specials (e.g. two-for-one, happy hours) after the hour of 11:00 p.m. until closing.

(m) All retail beer and retail drink licenses shall be required to provide indoor or outdoor lavatory facilities for their customers where such beverages are consumed on the premises.

(n) No licensee shall offer or permit nudity, adult entertainment activities, including nude or nearly nude dancing, adult motion picture, television, slide or stage shows, cabarets or sexual entertainment centers on any licensed premise. No licensee shall permit explicit sexual activity, whether actual or simulated, upon any licensed premises. No licensee shall sponsor or permit wet t-shirt or wet clothing contests, lingerie fashion shows, mud wrestling, jello wrestling or similar activities, nor shall a licensee allow dancing with touching for compensation (including but not limited to wages, tips or gratuities), or any other service, display or contest requiring physical contact between patrons and/or patrons and employees on any licensed premises. No licensee shall sponsor, offer or permit drinking contests, all-you-can-drink specials or free drinks on any licensed premise in the city.

(o) No license shall be issued for any premises to operate a vehicle "drive-through" outlet for the sale of alcoholic beverages, nor shall any person or licensee operate or permit such a vehicle drive-through outlet. This prohibition shall not apply to a drive-up window at any premises licensed for retail package liquor, wine or malt beverage, including retail beer, where the primary sales area is arranged for and utilized by persons entering the premises on foot and manually carrying out the products purchased therein.

Violation of this chapter shall subject the licensee to penalties provided in this chapter and shall be cause for revocation of license.
(Ord. No. 12-015, Art. VI, 9-26-12; Ord. No. 13-025, § 6, 11-25-13)

Sec. 2.7-53. Possession by minors prohibited; no person shall aid possession by minors.

(a) Except as specifically authorized under KRS 241—244, no person under the age of twenty-one (21) may possess alcoholic beverages or enter onto any licensed premises for the purpose of acquiring alcoholic beverages.

(b) As provided in KRS 244.085, no person under the age of twenty-one (21), except in the company of a parent or guardian, may enter any premises licensed for the package sale of alcoholic beverages. For purposes of this prohibition, "premises" specifically encompasses the entire lot upon which a licensed establishment is situated, including any drive-up window. The prohibition contained in this paragraph (b) shall not apply to premises where the usual and customary business of the establishment is a gas station, convenience store, grocery store, drugstore, or similar establishment.

(c) No person shall knowingly allow, aid, assist, induce, cause or otherwise encourage any minor to be in possession of, use or consume alcoholic beverages. All licensees, as set out in section 2.7-52(f), shall require proof of age of all persons who appear to be under the age of thirty (30) attempting to purchase or consume alcoholic beverages on the licensee's premises.

(d) No person being the owner or occupant or otherwise in possession or control of any property located within the city shall knowingly allow any minor to remain on such property while in possession of, using or consuming alcoholic beverages.

(e) It shall be a defense to any prosecution under this section if the person charged, upon discovery of said minor individuals, manifests a proper effort to enlist the aid of and cooperate with law enforcement personnel in stopping the minor individuals' possession, consumption or use of alcoholic beverages, or that the minor individuals' possession of alcoholic beverages was exempted by KRS 244.087.
(Ord. No. 12-015, Art. VII, 9-26-12; Ord. No. 13-025, § 7, 11-25-13)

Sec. 2.7-54. Consumption on licensed package premises prohibited; exceptions; congregating on certain ABC licensed premises and vacant premises prohibited.

(a) No licensee of a package store, whether trafficking in distilled spirits, wine or malt beverages, shall permit consumption of alcoholic beverages on the premises unless said person or entity shall also have a drink license conferring the privilege of consumption on the premises or shall have a retail malt beverage license, which permits on premises consumption. Any licensee who intends to permit on premises consumption shall, prior to permitting on premises consumption, notify the administrator in writing of this decision. A licensee who does not permit on premises consumption shall post a prominent notice on the premises stating that consumption of alcoholic beverages on premises is prohibited.

(1) This restriction regarding on premises consumption shall not prohibit sampling as allowed for microbreweries and wineries under the provisions of KRS ch. 243, or where sampling is permitted for a retail distilled spirits and wine licensee under the provisions of KRS 244.050, or beer tastings as permitted in 804 KAR 11:030.

(b) No person or entity operating a package liquor store, whether trafficking in distilled spirits, wine or malt beverages, including retail package beer licensees, shall knowingly allow or permit habitual congregating of persons on the unenclosed portion of the licensed premises so as to constitute a public nuisance.

(c) No person or entity being the owner or otherwise in possession or control of any vacant property shall knowingly allow or permit habitual congregating of persons on the unenclosed portion of such property so as to constitute a public nuisance.

(1) No persons shall congregate for the purposes, under the circumstances, or in the places proscribed in subsections (a) and (b) of this section.

(2) It shall be a defense to any prosecution under subsection (a) or (b) if such licensed vendor or property owner shall permit the division of police to post and maintain a legible, painted or printed sign in at least two (2) separate prominent places in such area, in letters of not less than three (3) inches in height, stating that congregating of persons is prohibited and that violators shall be prosecuted for trespass pursuant to KRS 511.080.

(3) As used in this section, the term:

a. Habitual shall mean consistent, that is, by frequent practice or use, but not necessarily constant or exclusive;

b. Package liquor store shall mean a retail establishment selling distilled spirits, wine and malt beverages in package containers pursuant to licenses issued for those purposes;

c. Public nuisance shall mean any activity that endangers or interferes with the general use and enjoyment of neighboring property, passers-by or the health, safety and welfare of the public; and,

d. Vacant property shall mean a vacant lot on which no building or other structure exists or property on which any structure is unoccupied or unused, or which otherwise reflects abandonment by the owner or person with the right of occupancy.

(Ord. No. 12-015, Art. VIII, 9-26-12)

Sec. 2.7-55. Malt beverage keg registration.

(a) As used in this section, "keg" is defined as a container designed and capable of holding six (6) or more gallons of malt beverage.

(b) All retail licensees (herein after referred to as "licensee") operating within the city who sell malt beverages in kegs for consumption off the premises of the licensee shall attach a numbered identification tag or other device as provided by the city to each keg at the time of sale and shall require the purchaser to complete and sign a keg registration form for the keg stating the following:

(1) The purchaser is of legal age to purchase, possess and use the malt beverage;

(2) The purchaser is not purchasing the keg for resale and will not allow any person under the age of twenty-one (21) to consume the malt beverage;

(3) The purchaser will not remove, obliterate or allow to be removed or obliterated the identification tag;

(4) The purchaser will state the property address where the keg will be consumed and physically located; and

(5) The purchaser is aware of his/her duty to maintain a copy of the keg registration form visible and readily accessible from the location of the keg.

(c) The licensee shall obtain the name, address and telephone number of the purchaser and shall require the purchaser to produce a valid driver's license number and, if that is not available, to produce at least one other valid form of identification.

(d) The licensee shall retain copies of the keg registration forms for a period of one year and shall make the keg registration form available for inspection by state and local alcoholic beverage control officers and other enforcement officers.

(e) The keg registration form shall be forwarded to the administrator within five (5) working days in all situations when the keg is not returned or is returned with the identification tag removed or obliterated.

(f) The administrator is authorized to develop appropriate rules and regulations and to develop and make available forms for the identification tags and keg registration forms.

(g) All licensees that sell or offer kegs for sale shall post on the licensed premises a notice provided by the city concerning the provisions of this section.

(h) It shall be unlawful for any licensee to sell or offer kegs for sale without the identification tags attached and the keg registration form completed. It shall also be unlawful for any person to remove or to obliterate the identification tag or to fail to have the declaration form visible and readily accessible from the location of the keg. The penalties for violation of this section shall be the penalties as set out in section 2.7-57(b) of this chapter. In addition, licensees violating this section shall be subject to appropriate alcoholic beverage control administrative remedies.
(Ord. No. 12-015, Art. IX, 9-26-12)

Sec. 2.7-56. Enforcement.

City police officers and the administrator are authorized to enforce this chapter for alleged violations.
(Ord. No. 12-015, Art. X, 9-26-12)

Sec. 2.7-57. Penalties.

(a) In addition to any criminal prosecution instituted in Scott District Court against an alleged violator, the administrator may assess the fines and penalties authorized in KRS 243.480, including the per diem assessments for ongoing violations. Should the fines or penalties assessed by the state change under KRS 243.480, then the fines or penalties under this article shall be adjusted accordingly to mirror the fines or penalties imposed by state law. Payment of all fines shall be made to the administrator.

(b) Any person, firm or corporation who violates any of the provisions of this chapter, for which no other penalty is hereby provided, shall, for the first offense, be fined not less than one hundred dollars ($100.00) nor more than two hundred dollars ($200.00) or imprisoned in the county jail for not more than six (6) months, or both, and for the second and each subsequent violation, he shall be fined not less than two hundred dollars ($200.00) nor more than five hundred dollars ($500.00) or imprisoned in the county jail for not more than six (6) months, or both. The penalties provided for in this subsection shall be in addition to the revocation or suspension of the offender's license. If the offender is a corporation, LLC, joint stock company, association or other business organization, or a fiduciary, the principal officer or officers responsible for the violation may be imprisoned.
(Ord. No. 12-015, Art. XI, 9-26-12)

Sec. 2.7-58. Mandatory responsible beverage service training.

(a) All persons employed in the selling and serving of alcoholic beverages shall participate in and complete the STAR (Server Training in Alcohol Regulations) beverage service training program.

(b) All persons required to complete training under paragraph (a) above shall complete that training within thirty (30) days of the date on which the person first becomes subject to the training requirement. When a new business is licensed to serve alcoholic beverages all employees must be trained prior to the opening of the business.

(c) Each licensee shall be responsible for compliance with the training requirements and shall maintain for inspection by the administrator a record or file on each employee that shall contain the pertinent training information. Each premises licensed hereunder must at all times when alcoholic beverages are being served have at least one (1) person currently certified in responsible beverage service training on duty.

(d) All persons completing the training required by this section shall be re-certified in responsible beverage service training from a program approved by the city not less than once every three (3) years thereafter.
(Ord. No. 12-015, Art. XII, 9-26-12)

Sec. 2.7-59. Signs and advertising; advertising on municipally owned property or at municipally sponsored events prohibited; certain other advertising prohibited.

(a) All signage shall be in compliance with any and all other existing rules and regulations of the city and the Georgetown-Scott County Planning Commission.

(b) Any off premises signage advertising the sale of alcoholic beverages is prohibited. It shall be unlawful to attach signage advertising alcoholic beverages to the exterior of the building or the exterior premises of the business. This prohibition shall include the use of outdoor umbrellas or other outdoor or patio fixtures that feature the name or logo of an alcoholic beverage or manufacturer of alcoholic beverages.

(c) Signage which refers directly or indirectly to alcoholic beverages will be limited to one (1) sign not over two (2) square feet that must be displayed from the inside of the window or interior of the business. No additional signs, banners, posters or other type of displaying advertising which refers either directly or indirectly to alcoholic beverages shall be displayed on, nor shall it be visible from the exterior of any premises licensed for the sale of alcoholic beverages, except that reference to such may be included in the name of the business. This restriction shall not prevent any licensee from placing in the windows of the licensed premises business cards not larger than two and one-half (2½) inches in size, setting forth the price at which the licensee offers alcoholic beverages for sale.

(d) No flashing lights shall be used to illuminate the exterior of any premises licensed under this chapter.

(e) It shall be unlawful for a licensee under this chapter to distribute or cause to be distributed any handbills, circulars, or cards as a medium of advertising alcoholic beverages.

(f) Any advertising by any licensee under this chapter shall be in compliance with KRS 244.130.

(g) No licensee shall advertise alcoholic beverages on any municipally owned property or at any municipally sponsored event.

(h) No licensee shall publish or display advertising that is false or misleading, nor shall any licensee publish or display advertising that implies that consumption of alcoholic beverages is fashionable or the accepted course of behavior, or advertising that contains any statement, picture or illustration implying that the consumption of alcoholic beverages enhances athletic prowess, whether or not any known athlete is depicted or referred to, nor shall any licensee publish or display advertising that encourages intoxication by referring to the intoxicating effects of alcohol (or the use of terms such as "high test," "high proof" or "extra strong") or depicting activities that tend to encourage excessive consumption.
(Ord. No. 12-015, Art. XIII, 9-26-12)

Sec. 2.7-60. Patio and outdoor sales; where permitted; approval required; screening requirements; exceptions.

(a) Patio and outdoor sales of alcoholic beverages shall be permitted only on premises licensed for sales of alcoholic beverages by the drink.

(b) No licensee shall offer alcoholic beverages for sale in a patio or outdoor area of the licensee's premises except in a clearly defined patio or outdoor area that is enclosed by a fence or other screening, not less than three (3) feet in height. All outdoor areas and screening shall be subject to the approval of the administrator. An exception to this restriction may be granted for seasonal sidewalk cafes, upon application to and authorization from the administrator. The permission to operate a sidewalk cafe shall be governed by the provisions of this section and shall be subject to the regulation of local zoning authorities as well as codes enforcement and public safety officers.

(c) No licensee shall offer patio or outdoor sales of alcoholic beverages unless the patio or outdoor area and fencing or screening area shall have been approved in advance by the administrator.

(d) Unless exempted by the following provisions of this chapter and by permission of the administrator, patio areas must comply with the screening requirements of this chapter. Sidewalk cafe seating areas must comply with this chapter and with local zoning ordinance and other public safety requirements noted in the ordinance from which this chapter is derived or in other provisions of local ordinance, statute or regulation.

(1) *Exception to screening requirement for outdoor sales and service of alcoholic beverages in the case of permitted sidewalk cafes in the downtown business district.* Licensees in the downtown business district may request an exception from this [outdoor screening of patio] provision to permit seasonal sidewalk cafes that serve food and alcoholic beverages as an adjunct to the primary and adjacent licensed premises. In the case of permitted sidewalk cafes, they shall be deemed part of the licensed premises.

Any food establishment which operates a restaurant and is licensed under this chapter and the provisions of the state ABC code, may, upon application to the administrator, ask permission to expand the operation of that restaurant onto a part, and only that part, of the public sidewalk which immediately adjoins the licensed premises (hereinafter referred to as "sidewalk cafe"). Licensees who do not serve food shall not be eligible to apply for a sidewalk cafe permit.

The administrator may issue the permit if he/she finds that (a) the applicant is licensed under this chapter and the ABC Code for the Commonwealth of Kentucky, (b) the applicant is in compliance with all conditions and restrictions of said license, (c) the applicant has all necessary building and use permits, including certification of the zoning administrator that the sidewalk cafe is permitted at the premises location, and (d) also finds that the issuance of the permit would not result in any significant adverse land use impacts.

(2) *Conditions for sidewalk cafe permit.* The issuance of a permit shall be subject to the following conditions and restrictions; provided, however, that the administrator may without adverse hearing procedures impose additional reasonable restrictions or withdraw approval upon the operation of any sidewalk cafe where necessary in the judgment of the said administrator to protect the public health, safety or welfare or to prevent a nuisance from developing or continuing:

a. No sidewalk cafe shall be permitted in any portion of the public sidewalk where normal pedestrian traffic flow is obstructed. A minimum clearance width of thirty-six (36) inches must be maintained on the public sidewalk at all times. The sidewalk cafe shall not be permitted in any manner to obstruct the entrance/exit to the restaurant.

b. Umbrellas, tables, chairs, and other portable appurtenances shall be confined to the area shown on the approved permit. While such cafe is in operation, all tables and chairs shall be kept in a clean, sanitary condition.

c. The use of a portion of the public sidewalk as a sidewalk cafe shall not be an exclusive use. All public improvements, including but not limited to, trees, light poles, traffic signals, pull boxes or manholes, or any public-initiated maintenance procedures, shall take precedence over said use of the public sidewalk at all times.

d. The licensee shall, in addition to all other requirements of law, take reasonable steps to insure that alcoholic beverages are consumed only by patrons of the establishment who are of age, and not by passersby or persons who are not of age or who are obviously or apparently intoxicated.

e. No disposable cups or drinking vessels may be used and the licensee shall not permit any alcoholic beverages to be taken off premises by patrons, customers or guests.

f. No amplified sound shall be used within a sidewalk cafe. At no time shall any music originating from any part of the premises create a nuisance.

g. Dancing shall not be permitted or allowed in the sidewalk cafe.

h. The licensee must at all times comply with all federal, state and local laws regarding the sale, service and consumption of alcohol and the operation of the premises.

i. The permit for sidewalk cafe may not be assigned or transferred.

(3) *Other requirements applicable to sidewalk cafes.* No sidewalk cafe permit shall be effective unless the licensee has filed with the administrator evidence of insurance insuring the licensee against liability imposed by law arising out of the ownership, maintenance or operation of such sidewalk cafe in an amount to be established by the administrator. The city shall be named an additional insured in the policy, providing such insurance and such policy shall further provide that it may not be canceled except upon ten (10) days' written notice (or more) filed with the administrator.

(Ord. No. 12-015, Art. XIV, 9-26-12)

Sec. 2.7-61. Implementation of ordinance provisions.

From time to time, the Georgetown City Council may by municipal order promulgate such rules and regulations and may publish and utilize such forms and other documents as in its discretion may be necessary for the proper implementation of this chapter.

(Ord. No. 12-015, Art. XV, 9-26-12)

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Chapter 3

ANIMALS*

Article I. In General

Secs. 3-1—3-20. Reserved.

Article II. Humane Control and Reguulation

Sec. 3-21. Definitions.
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Sec. 3-24. Reserved.
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Sec. 3-26. Keeping of vicious animals prohibited.
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Sec. 3-28. Animal care (standards for humane care).
Sec. 3-29. Keeping of wild animals prohibited.
Sec. 3-30. Regulations for performing animal exhibitions.
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Sec. 3-32. Animal waste disposal.
Sec. 3-33. Enforcement and penalties.
Sec. 3-34. Reserved.

***Editor's note—**Former Ch. 3, consisting of §§ 3-1—3-5, 3-21—3-30, 3-46—3-48, has been deleted as having been superseded by Ord. No. 04-027, §§ 1—11, 13—15, adopted Nov. 18, 2004. The former Ch. 3 pertained to similar subject matter and was derived from Code 1966, §§ 91.2—91.7, 91.11—91.20; Ord. No. 83-006, § 2, adopted May 19, 1983; Ord. No. 81-009, §§ 1—3, adopted Oct. 1, 1981; Ord. No. 84-014, § 2, adopted Sept. 20, 1984; Ord. No. 99-014, §§ 1, 2, adopted June 3, 1999.

State law reference—Agriculture and animals, KRS ch. 246 et seq.

ARTICLE I. IN GENERAL

Secs. 3-1—3-20. Reserved.

ARTICLE II. HUMANE CONTROL AND REGUULATION

Sec. 3-21. Definitions.

As used in this article, the following terms are defined below:

Abandonment: Abandonment consists of, but is not limited to, leaving an animal at any location for a period in excess of twenty-four (24) hours, without adequate provision for food, water and general condition.

Animal: Any living nonhuman creature, domestic and wild, including livestock, poultry, pet rodents, pet birds and vermin. However, unless the context otherwise requires, for the purpose of this article, animal generally means dogs, cats, and other animals customarily kept as pets.

Animal at-large: Any animal not under the restraint of a person capable of controlling the animal and/or off the premises of the owner.

Animal shelter: The facility operated or utilized by the city for the purpose of impounding animals under the authority of this article or state law.

Auction: Any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this article. This section does not apply to individual sales of animals by owners.

Circus: A commercial variety show featuring animal acts for public entertainment.

Commercial animal establishment: Any pet shop, grooming shop, guard dog, auction, riding school or stable, zoological park, circus, performing animal exhibition or boarding or breeding kennel.

Cruelty to animals: Intentionally or wantonly subjecting an animal to unjustifiable physical pain, suffering, or death. By way of example, but not in limitation, cruelty to animals includes mistreatment through abandonment, mutilation, beating, torture, tormenting, failing to provide adequate food, drink, space, or health care, or by any other means.

Grooming shop: A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

Guard dog: Any dog that will detect and warn its handler that an intruder is present in/or near an area that is being secured.

Humane officer or animal control officer: Any person designated by the State of Kentucky, a municipal government or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of the state.

Immediate control: Ability to manage and direct the dog. This ability is not limited to direct physical control of the dog.

Kennel: Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

Livestock: Farm animals, including horses, ponies, cows, swine, sheep, chickens and other animals customarily kept as part of a farming operation.

Owner: Any person, partnership or corporation owning, keeping or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.

Performing animal exhibition: Any spectacle, display, act or event, other than circuses, in which performing animals are used.

Person: Any individual, business or combination inferred from the context of this article.

Pet or *companion animal:* Any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter. However, in no event shall the terms pet or companion animal include livestock.

Pet shop: Any person, partnership, or corporation, whether operated separately or in connection with another business enterprise (except for a licensed kennel), that buys, sells or boards any species of animal.

Public nuisance: Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:

(1) Is found at-large three (3) or more times within a 12-month period;

(2) Damages or intimidates pedestrians or passersby;

(3) Chases vehicles;

(4) Makes excessive noise such as would constitute a violation of the noise article in chapter 9;

(5) Due to owner's or keeper's violation of this article, causes unreasonable odor, creating unreasonable annoyance or discomfort to owners and occupants of properties adjacent to the premises where the animals are kept;

(6) Due to owner's or keeper's violation of this article, causes unsanitary conditions within or surrounding the animal's enclosure;

(7) Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals maintained or the manner in which they are kept; or

(8) Attacks other domestic animals.

Restraint: Any animal secured by a leash or lead under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner.

Unfit for purchase: An animal is unfit for purchase, which suffers or dies of a disease or parasitic infection and is certified by a veterinarian within thirty (30) days of the purchase date as having had the disease or condition on the date of purchase. A puppy, dog, kitten or cat is unfit for purchase, which suffers from a congenital or hereditary condition and is certified by a veterinarian as having that condition within one (1) year of the date of purchase.

Veterinary hospital: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injury of animals.

Vicious animal: Any animal that attacks, bites or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning or training has a known propensity to attack, bite or injure human beings or domesticated animals.

Wild animal: Any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds.

Zoological park: Any facility operated by a person, partnership, corporation or government agency, other than a pet shop or kennel, displaying or exhibiting one (1) or more species of nondomesticated animals.
(Ord. No. 04-027, § 1, 11-18-04; Ord. No. 13-013, § 1, 6-24-13)

Sec. 3-22. General requirements.

(a) *Rabies vaccination* (pursuant to KRS 258.015): All dogs and cats, four (4) months of age or older, shall be vaccinated for rabies and revaccinated for rabies at the expiration of the immunization period as certified by a veterinarian. Any other animal kept pursuant to these regulations shall also be vaccinated for rabies at all appropriate intervals as determined by a veterinarian or by the game warden.

(b) *Killing, injuring or pursuing squirrels, rabbits, or birds:* It shall be unlawful for any person, at any time within the city, to kill, injure, pursue, molest or attempt to injure any squirrels or rabbits running at large in the city, or any birds other than birds of a predatory nature.

(c) *Livestock and poultry prohibited:* The keeping of livestock or poultry in the city is prohibited, except as part of a commercial animal establishment permitted pursuant to this article or as part of a farming operation conducted on property zoned for agricultural use under the city's zoning ordinance. No person shall permit or negligently allow livestock to run at large in the city.

(d) *Public nuisances prohibited:* It shall be unlawful for any person to keep or to have within the city an animal that habitually or repeatedly gets into garbage cans or bags, or damages flowers, gardens, shrubs or otherwise creates a public nuisance. This shall include, but not be limited to, the following actions: molests passers-by or passing vehicles; attacks people or other animals; is repeatedly at large; damages public or private property; repeatedly barks, whines, or howls.

(e) *Sale of animals prohibited, except by licensed business:* It shall be unlawful to sell, exchange, trade, barter, or display any horses, cattle or other livestock, dogs, cats, sheep, goats, chickens, or other poultry or fowl, except pursuant to a duly licensed pet store, stockyard, or breeding establishment conducting such sales or exchanges at its regular place of business and which business is duly licensed by the City of Georgetown, and that such sales shall be subject to the provisions of the Kentucky Revised Statutes governing the sale of livestock and animals.

This subsection shall not apply to individual owners of animals or livestock, who may sell animals on an occasional basis with such sales being conducted on property owned or leased by them. An example of an exempt private sale by an individual is the occasional sale of a litter of puppies.

(f) *Prohibition against offering animals as prizes/awards:*

(1) No person shall offer any live animal as a prize or award in connection with any raffle, protest, demonstration, promotion, or as an incentive to participate in any game, promotion, or otherwise.

(2) The provisions of this subsection shall not apply to any raffle or promotion conducted by a private, nonprofit, livestock-related organization engaged in such activity at a show or exhibition sanctioned by the Kentucky Department of Agriculture.

(g) Regulations concerning location of animal sales by individual or business: No person shall offer to sell, offer for adoption or otherwise give away animals from any location, except individuals not otherwise doing business or as part of a recurring practice of selling or persons engaged in a business at a specific location licensed by the City of Georgetown government for such purpose.
(Ord. No. 04-027, § 2, 11-18-04; Ord. No. 13-013, § 2, 6-24-13)

Sec. 3-23. Permits, fee and fines related to commercial animal establishments, animal shelters, animal training, kennels and other uses listed.

(a) No person, partnership or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit pursuant to this section. Application for a permit under this section to establish a new commercial animal establishment under the provisions of this article may be made at any time. This section shall not apply to persons employed by the city or county government.

(b) The Mayor of the City of Georgetown shall promulgate regulations establishing the procedure for the issuance of permits under this section. All permits issued shall be conditioned on satisfactory compliance with all requirements of this and other applicable

articles and laws, including the humane care of animals. These regulations shall be amended from time to time as appropriate for the public health and welfare and the protection of animals.

(c) A permit shall be issued to an applicant upon compliance with applicable regulations required for the issuance of a permit, upon payment of the applicable non-refundable fee.

(d) The permit shall be for one (1) year beginning the date on which the permit is issued. Applications for permit renewal may be made up to thirty (30) days prior to, but not later than sixty (60) days after, the expiration of the permit. Applicable permit fees are:

Kennel authorized to house fewer than 10 dogs or cats	$ 50.00
Kennel authorized to house 10 or more but fewer than 50	100.00
Kennel authorized to house 50 or more dogs or cats	150.00
Pet Shop	100.00
Auction	100.00
Zoological park	200.00
Circus	200.00
Petting zoo	150.00
Guard-dog training center	200.00
Riding schools or stables	200.00

(e) Upon a change in ownership of a commercial animal establishment, the current permit may be transferred to the new owner upon payment of a ten-dollar transfer fee.

(f) Every facility regulated by this article shall be considered a separate enterprise requiring an individual permit.

(g) No fee shall be required of any veterinary hospital, animal shelter or government-operated zoological park.

(h) Permit issuance and revocation:

(1) Prior to issuing a permit under section 3-23, the city shall inspect the facility for compliance with this article. The city may revoke any permit or license if the person holding the permit refuses or fails to comply with this article, applicable regulations or other law governing the protection and keeping of animals.

(2) Any person, partnership or corporation whose permit to operate a commercial animal establishment is revoked shall, within ten (10) days of receiving notice of the revocation, humanely dispose of all animals owned, kept, or harbored.

(3) The city may inspect the premises and all animals of permit holders at any reasonable time. If permission for such inspection is refused, the holder's permit may be revoked.

(4) Submission of false or incomplete information on an application for permit shall constitute grounds for the denial or revocation of a permit. Such submission may be prosecuted as a violation under section 3-34 below.

(5) No person who has been convicted of cruelty to animals shall be issued a permit to operate a commercial animal establishment for a period of two (2) years following the date of conviction. The city shall revoke the permit of any person convicted of cruelty to animals.

(6) Any person having been denied a permit may not reapply for a period of thirty (30) days; each reapplication shall be accompanied by a ten-dollar fee.

(Ord. No. 04-027, § 3, 11-18-04)

Sec. 3-24. Reserved.

Editor's note—Ord. No. 14-014, § 1, adopted June 23, 2014, repealed § 3-24, which pertained to licensing of dogs and cats and derived from Ord. No. 04-027, adopted November 18, 2004.

Sec. 3-25. Confinement and control of animals required.

(a) *Dogs running at large:* No dog shall be permitted to run at large, except under the immediate control of its owner or handler. Keeping a dog under the immediate control of its owner, handler or other person in charge of the animal shall be accomplished in one (1) of the following ways:

(1) Confined within an enclosure that complies with the requirements below;

(2) Firmly secured by means of a collar, chain or other device so that it cannot stray from the premises on which it is secured. Securing a dog by collar, chain or other device is further governed by subsection 3-28(f), below, which phases out the use of chains and ropes, other than as leashes; or

(3) If off of the owner's or handler's premises, the animal shall be subject to the person's immediate control, whether by leash, command or other humane device.

(b) *Proper enclosures for canines:*

(1) Enclosures for canines, adult and juvenile, shall be a fence or structure of sufficient height and construction to prevent the animal from leaving the owner's property. The fence or structure must be in good repair and fit to ground level or a fabricated structure that prevents the animal from digging out. Gates and doors must fit properly and must be locked or secured by a latch that prevents the animal from opening the gate or door.

(2) Property enclosed by a buried wire which produces a signal received by a device attached to a collar worn by canine which prevents the animal from leaving the property of the owner will be considered a proper enclosure, provided the device and signal are working and the animal does not leave the property unrestrained. Such

property must be clearly marked with a sign and the sign must be posted next to the driveway or entry to the property. This type of enclosure must contain proper shelter from the weather for the animal.

(c) *Female dogs and cats in heat to be confined* (related to dogs, KRS 258.255): Every female dog or cat in heat shall be confined in a building or secure enclosure in a manner that prevents the animal from coming into contact with another animal, except for a planned breeding. For the purpose of this regulation, an underground fence system is not a secure enclosure.
(Ord. No. 04-027, § 5, 11-18-04)

Sec. 3-26. Keeping of vicious animals prohibited.

The keeping of a vicious animal is prohibited.

Sec. 3-27. Impoundment of animals and violation notice.

(a) Animals running at-large or constituting a public nuisance may be taken by the city or its designated enforcement officers and impounded in an animal shelter in a humane manner.

(b) Owners found to be keeping livestock in violation of section 3-22(c) shall be notified of the prohibition in writing. The notice shall include citation to the code section(s) prohibiting the keeping of livestock within city limits and shall state that the owner must remove the livestock from the property within ten (10) days of the notice. If an owner fails to remove the livestock within ten (10) days, the city or its designee shall impound the livestock in an animal shelter in a humane manner and the owner shall be guilty of a violation.

(c) Animals, other than livestock, taken under this section shall be kept for at least five (5) working days.

(d) If, by a license tag or other means, the owner of an impounded animal can be identified, the city shall, immediately upon impoundment, notify the owner by telephone or notice posted at the home of the owner.

(e) An owner reclaiming an impounded cat shall pay a fee of ten dollars ($10.00) plus two dollars ($2.00) for each day the animal was impounded. Subsequent impoundments occurring within twelve (12) months shall incur double impoundment fees.

(f) An owner reclaiming an impounded dog shall pay a fee of ten dollars ($10.00) plus two dollars ($2.00) for each day the animal had been impounded. If the animal is not licensed, the owner shall obtain a license and pay a license fee for the animal.

Subsequent impounds occurring within twelve (12) months shall incur double impoundment fees.

(g) Any animal, other than livestock, not reclaimed by its owner within five (5) working days shall become the property of the city and shall be placed for adoption in a suitable home. If the animal is not suitable for adoption, the animal may be humanely euthanized by sodium pentobarbital. Livestock taken under this section shall become property of the city and may be sold to any person intending to use the livestock for farming purposes. The city may, in its sole

discretion, require proof that the purchaser owns, operates, or has a working relationship with a farm operation. If no purchaser can be found within ten (10) working days of impoundment, the livestock may be humanely euthanized by sodium pentobarbital.

(h) The city or its designee shall keep records of the care, feeding, veterinary treatment and disposition of all animals impounded at the shelter.

(i) In the event that the city finds an animal to be subjected to inhumane conditions resulting in the animal's suffering, the animal may be removed and cared for at the owner's expense. If the animal's condition precludes reasonable relief of its suffering, the city may euthanize it. In this event, the city need not wait the five (5) days required above. Where practicable, the city shall notify the owner prior to euthanasia. The animal shall be returned to the owner only if abuse is not charged and all expenses incurred by the city have been reimbursed. If abuse is charged, the animal will be returned only on order of the court and reimbursement of all expenses incurred.

(j) No action of the city or its designee, including euthanasia of the animal, shall relieve the owner of liability for violations and accrued charges.
(Ord. No. 04-027, § 7, 11-18-04; Ord. No. 13-013, § 3, 6-24-13; Ord. No. 14-014, § 2, 6-23-14)

Sec. 3-28. Animal care (standards for humane care).

(a) All owners or keepers of animals shall provide his or her animals with humane care and treatment, which includes proper grooming. Examples of humane treatment required of persons owning or possessing animals are: sufficient wholesome and nutritious food, water, air, shelter, space, protection from the weather and reasonable veterinary care.

(1) All owners or keepers of animals shall maintain a clean and healthful shelter and living area for any animal being kept. The area shall be free of accumulated waste and debris to the extent that the animal can walk or lie down without coming in contact with any such waste or debris. All such shelter or living areas must be cleaned and maintained regularly to provide for the proper health of the animals being kept.

(2) All living areas shall be constructed and maintained to promote drainage of rainwater to prevent the accumulation of mud and/or water.

(3) Shelters shall be constructed to protect the animal from precipitation and of a material which provides insulation from temperature extremes. In addition to the shelter, a shaded area shall also be provided by means of trees or other structures, e.g., awning.

(4) The shelter shall have a dry floor, constructed of a material that provides insulation with supports or boards that keep the floor off of the ground. Insulated bedding material shall be provided during weather extremes.

(b) No person shall beat, ill-treat, torment, overload, overwork, or otherwise abuse an animal. No person shall cause, instigate, permit or participate in a dogfight, cockfight, bullfight or other combat between animals or between animals and humans.

(c) No person shall abandon an animal in his or her care. In the event that an animal is abandoned, the city may impound the animal pursuant to section 3-27.

(d) The cropping of a dog's ears or the docking of a dog's tail shall be performed only by a person duly authorized and licensed.

(e) A chain, leash or similar restraint used to maintain a dog under the immediate control of the owner or handler when the animal is outside the premises in which the animal is otherwise kept, shall be designed and placed to prevent choking or strangulation.

(f) The securing of a dog by a chain, rope or similar equipment (hereafter referred to as chain) used as a means of restraint on the premises where the dog is usually kept, i.e., the home of the owner or handler, shall not be less than ten (10) feet in length and must be used in conjunction with a swivel or a chain run. No portion of the chain that is entangled shall be included in the ten (10) feet minimum length.

(1) Provided, that not later than February 1, 2005, no dog shall be secured by a chain that is anchored at only one (1) location, anchoring that restricts the animal's movement to a circle around a single anchor the radius of which is determined by the effective length of the chain. Beginning on that date, all chains securing a dog shall be connected to a chain run by means of a wire or other fixture anchored at two (2) locations not less than ten (10) feet apart, an arrangement that allows the animal to run along either side of the wire the distance of the anchored wire plus the minimum ten (10) feet length of the chain beyond each anchor. This arrangement permits far greater exercise than merely circling a single anchor the radius of the chain.

(2) This prohibition of the single point chain does not apply to the owner or handler who keeps his or her dog in the home or in a complaint enclosure, but who, for exercise, personal break or other appropriate need, temporarily secures the animal by a chain for a time not to exceed eight (8) hours in any twenty-four-hour period.

(g) Chickens, ducklings or rabbits younger than eight (8) weeks of age may not be sold to a single purchaser in quantities of fewer than twelve (12).

(h) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop immediately, render such assistance as may be reasonably and safely given and report such injury or death to the animal's owner if known, or to the city.

(i) No person shall knowingly place any poisonous substance so that the poison is likely to be eaten by any animal. Utilization of commercially prepared rat poison in the manner for which it is intended is not a violation of this section.
(Ord. No. 04-027, §8, 11-18-04)

Sec. 3-29. Keeping of wild animals prohibited.

No person shall own, possess, or otherwise exercise custody over, whether or not on his or her property, any wild or vicious animal for display, training, or exhibition. AAZPA accredited or educational facilities are exempt from this section.
(Ord. No. 04-027, § 9, 11-18-04)

Sec. 3-30. Regulations for performing animal exhibitions.

(a) No person may participate as a sponsor, promoter, trainer, spectator or other facilitator in connection with any activity in which a wild animal is compelled to engage in unnatural behavior, is wrestled, fought, mentally or physically harassed or displayed in such a way that the animal is stressed mentally or physically; or in which a wild animal is induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner that will cause or is likely to cause physical injury or suffering. This prohibition applies to either public or private events, and applies regardless of any other purpose for which the event is held and irrespective of whether a fee is charged.

(b) All equipment used on a performing animal shall fit properly and be in good working condition.
(Ord. No. 04-027, § 10, 11-18-04)

Sec. 3-31. Additional regulations for animal care.

(a) *Pet store regulations and standards:*

(1) All pet shops, including businesses that sell pets in conjunction with or as part of their larger business, shall, in addition to the requirements of this section, comply with all standards provided in the other sections of this article. Facilities shall be subject to inspection by the city during reasonable hours.

(2) Facilities shall be equipped with hot water at a minimum temperature of one hundred forty (140) degrees Fahrenheit for washing and disinfecting. Cold water shall be accessible to all parts of the store. Fresh water shall be available to all species at all times. Water and food containers shall be cleaned and disinfected each day. All water and food containers shall be mounted so the animal cannot turn them over. Water and food containers shall also be removable for cleaning.

(3) The store's ambient room temperature shall be maintained at a level that is healthful for every species kept in the shop.

(4) All cages and enclosures shall be of nonporous material for easy cleaning and disinfecting. Each cage shall be of sufficient size that the animal has room to stand, turn, and lie down in natural positions. Each cage must be cleaned and disinfected each day.

(5) All animals under three (3) months of age are to be fed at least three (3) times per twenty-four (24) hours. All animals from three (3) months to nine (9) months of age shall be fed at least two (2) times per twenty-four-hour period, including Sundays and holidays. All other animals shall be fed at least once per twenty-four-hour period, including Sundays and holidays.

(6) Each bird shall have sufficient room to sit on a perch. Perches shall be placed parallel and horizontal to each other in the same cage. Cages shall be cleaned everyday. Cages shall be disinfected when birds are sold or otherwise transferred to a different cage. Parrots and other large birds shall have separate cages from smaller birds.

(7) There shall be adequate clean dry bedding for each individual animal.

(8) All animals must be fed and watered, and all cages cleaned every day.

(b) *Puppies, dogs, kittens, cats purchased; certification as unfit for purchase:*

(1) No pet shop, animal dealer, or other person as part of his or her business shall sell any puppy, dog, kitten or cat, which is unfit for purchase.

(2) In the event that a puppy, dog, kitten or cat is certified as unfit for purchase and such certification is presented in writing to the seller within seventy-two (72) hours of the veterinary certification, the buyer may choose one (1) of the following options and the seller shall be obligated to fulfill the chosen option:

a. The buyer may return the animal for a full refund of the purchase price plus tax. The buyer shall also receive reimbursement of the veterinary fee incurred for the certification plus veterinary fees directly related to necessary emergency services and treatment undertaken to remedy the disease or condition incurred prior to determination of the animal's unfitness for purchase and any veterinary fees incurred.

b. The buyer may return the animal for an exchange up to the purchase price, tax, plus the reimbursement of veterinary fees provided for in the preceding section.

c. The buyer may keep the animal and attempt to cure or ameliorate the disease, infection, or condition. The seller shall be responsible for the cost of veterinary fees reasonably related to the treatment of the animal that was certified as unfit, up to the full purchase price of the animal plus tax.

d. The buyer of a puppy, dog, kitten or cat that dies from the disease, defect, infection or condition for which it is certified as unfit for purchase may receive a full refund of purchase price plus tax. The buyer shall also receive reimbursement of the veterinary fee incurred for the certification plus veterinary fees directly related to necessary emergency services and treatment undertaken to remedy the disease or condition incurred prior to determination of the animal's unfitness for purchase and any veterinary fees incurred providing comfort.

e. The seller may contest a demand for veterinary expenses, refund or exchange made by a buyer. The seller's contest must be made in writing within two (2) days of the buyer presentment of the certificate of unfitness. The written contest shall require the buyer to produce the animal for examination by a licensed veterinarian of the seller's choice. Upon such examination, if the buyer and the seller are unable to agree on the buyer's choice of options, above, within ten (10) business days following receipt of the animal for examination, the buyer may initiate an action in a court of competent jurisdiction to recover the entitlements provided for above, plus any relief otherwise provided under applicable law.

(c) *Riding schools/stables regulations and standards:*

(1) All riding schools or stables shall, in addition to the requirements of this section, comply with standards provided in the other sections of this article. Facilities shall be subject to inspection by the city during reasonable hours.

(2) All animals shall be provided with daily food and water, free from contamination. The food shall be wholesome, palatable, and of sufficient quantity and nutritive value to meet accepted daily requirements for the age, condition and size of the animal.

(3) All equipment used for riding must properly fit each animal and be in proper working condition.

(4) Shelter: All buildings and sheds used for stabling animals shall be:

a. Well lit and ventilated and provide adequate protection from the weather;

b. Kept clean and in good repair at all times; manure and urine shall be removed therefrom daily.

c. Equipped with acceptable bedding material.

d. Equipped with enclosures where animals are kept that have floors graded and raked to keep the surface dry.

(5) Flies and other insects must be controlled through general sanitation and necessary means.

(6) Animals let for riding purposes must be in good physical condition. Animals shall be properly shod and the hooves shall be kept trimmed. Reasonable veterinary and follow-up care shall be provided.

(7) Animals shall be kept clean, particularly in the area in contact with harness of other tack.

(8) Animals shall not be overworked. Animals worked more than two (2) hours without thirty (30) minutes rest or receiving less than ten (10) hours rest out of every twenty-four (24) hours shall be presumed to be overworked.

(9) All harnesses and bridles shall be kept cleaned and in good repair.

(10) No animal shall be made to perform by means of any prod, stick, electrical shock, physical force, or by causing pain or discomfort. Whips and riding crops shall be used in a manner by which no injury is caused to the animal.

(11) The city may order all or part of the premises closed or quarantine a particular animal for any of the following reasons:

a. Excessive parasitism, diagnosed by a veterinarian, which would cause the animal to be unfit to be ridden or driven.

b. General malnutrition as diagnosed by a veterinarian.

c. Presence or suspicion of transmissible disease as diagnosed by a veterinarian.

(12) All stalls, barns, paddocks, fields, or any enclosures where horses or ponies are kept, shall be secured by gates and fencing in good repair and sufficient to prevent the escape of the animal.

(d) *Theatrical exhibitions/circuses:*

(1) All theatrical exhibitions/traveling circuses shall, in addition to the requirements of this section, comply with standards provided in the other sections of this article. Facilities shall be subject to inspection by the city during reasonable hours.

(2) Animal quarters shall be of sufficient size to allow each animal to stand up, lie down, and turn around in a natural position without touching the sides or top of the enclosure, another animal or waste. Each enclosure shall maintain a comfortable and healthful temperature level as well as adequate ventilation.

(3) The enclosure, performance, or exhibit area shall include a barrier located in such a manner as to prevent the public from coming in physical contact with the animals. Exempted from this provision are pony rides and petting zoos containing only domestic animals and exhibitions sanctioned by the Kentucky Department of Agriculture.

(4) No animal shall be made to perform by means of any prod, stick, electrical shock, chemical or physical force, or by causing pain or discomfort. Any whip or riding crop must be used so as not to cause injury to the animal.

(5) No animal shall be caused or induced to fight, wrestle or be physically matched against any other animal, person or machine.

(6) No animal shall perform or be displayed in any dangerous situation, such situation presenting the danger of physical injury to the animal or person.

(7) The city must be notified of all displays or performances, including date, time, and location at least forty-eight (48) hours in advance of the scheduled time.

(Ord. No. 04-027, § 11, 11-18-04)

Sec. 3-32. Animal waste disposal.

The custodian of every animal shall remove immediately any excreta deposited by his or her animal(s) on public walks, streets, recreation areas or private property belonging to another.

(Ord. No. 04-027, § 13, 11-18-04)

Sec. 3-33. Enforcement and penalties.

(a) Violation of any section of this chapter, other than a violation which would also constitute a criminal offense under any provision of the Kentucky Revised Statutes, shall constitute a civil offense which shall be enforced according to the procedures set forth in the Georgetown Code Enforcement Board Ordinance by the Code Enforcement Board, hearing

officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(b) The penalty for violations of this article shall be as set forth in Section 15 of the Georgetown Code Enforcement Board Ordinance.

(c) A citation for a violation of any section of this article and any applicable penalties will be waived only if the same or similar violation has not occurred on the property within the past twenty-four (24) months and the violation is remedied within seven (7) days of issuance of the citation.

(Ord. No. 16-009, § 7, 9-12-16)

Editor's note—Ord. No. 16-009, § 7, adopted September 12, 2016, repealed the former § 3-33, and enacted a new § 3-33 as set out herein. The former § 3-33 pertained to enforcement and derived from Ord. No. 04-027, adopted November 18, 2004 and Ord. No. 14-014, adopted June 23, 2014.

Sec. 3-34. Reserved.

Editor's note—Ord. No. 16-009, § 8, adopted September 12, 2016, repealed § 3-34, which pertained to penalties for violations and derived from Ord. No. 04-027, adopted November 18, 2004 and Ord. No. 14-014, adopted June 23, 2014.

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ARTICLE I. IN GENERAL

Sec. 4-1. Surveys, inspections and investigations.

For the purpose of making surveys, inspections and investigations, the building official is hereby authorized, upon identification and statement of purpose, to enter, inspect, survey and investigate between the hours of 8:00 a.m. and 5:00 p.m., or at any time if an emergency exists, or if requested by the owner or occupant, all buildings, dwellings, dwelling units, rooming units and general premises. The owner or occupant of every building, dwelling, dwelling unit, rooming unit and general premises, or the person in charge thereof, shall give the building official free access to such building, dwelling, dwelling unit, rooming unit or general premises for the purpose of such inspection, survey or investigation.
(Code 1966, § 154.1(b))

State law reference—Hindrance of building inspectors prohibited, KRS 198B.140.

Sec. 4-2. Permits—When required.

(a) Any owner, authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, insert other items, such as heating, electrical, etc., or to cause any such work to be done, shall first make application to the building official and obtain the required permit therefor.

(b) Ordinary minor repairs may be made with the approval of the building official without a permit; provided that such repairs shall not violate any of the provisions of this Code.
(Code 1966, § 154.2)

Sec. 4-3. Same—Form.

(a) Each application for a permit with the required fee, shall be filed with the building official, on a form furnished by him, and shall contain a general description of the work and its location. The application shall be signed by the owner, or his authorized agent.

(b) Each application for a permit shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain such other information as may be required by the building official.
(Code 1966, § 154.3)

Sec. 4-4. Building inspector.

The position of building inspector position, grade 8, will comply with all duties, qualifications and requirements provided in the attached position classification. Upon the adoption of this section there will be four (4) building inspector positions, grade 8.

Editor's note—The position classification attached to Ord. No. 04-015 has not been included herein but is available for inspection in the office of the clerk-treasurer.

Sec. 4-5. Building inspection code enforcement officer.

There is created one position of building inspection code enforcement officer, grade 7. The position requires the qualifications and performance of duties set out on the attached position classification which is incorporated as part of this section and designated Exhibit A. (Ord. No. 04-018, § 1, 7-15-04)

Editor's note—The position classification attached to Ord. No. 04-018 has not been included herein but is available for inspection in the office of the clerk-treasurer.

Sec. 4-6. Reserved.

Editor's note—Ord. No. 16-009, § 2, adopted September 12, 2016, repealed § 4-6, which pertained to administrative appeals board and derived from Ord. No. 03-036, adopted November 6, 2003 and Ord. No. 14-021, adopted November 10, 2014.

Sec. 4-7. Building inspection appeals board.

(a) *Created.* There is created a five (5) member board, which shall hear appeals of the actions of the building inspector. The board shall exercise the duties set forth in KRS 198B.070. The board shall not hear appeals of decisions of the electrical inspector.

(b) *Appointment.* Five (5) members shall be appointed by the mayor with approval of the council. An additional (2) members may be appointed as alternates in the same manner. After the initial terms of service, members' terms shall be four (4) years. One (1) of the initial members shall be appointed to a term of one year, two (2) initial members to a term of two (2) years and two (2) initial members to a term of three (3) years. Alternates shall be appointed for an initial term of two (2) years. Members and alternates shall possess the qualifications set forth in KRS 198B.070. All board members and their terms shall be subject to the provisions of the city Ordinance No. 89-013, governing membership on city boards and commissions.

(c) *Compensation.* There shall be no compensation for service of building inspection appeals board members.
(Ord. No. 14-021, § 2, 11-10-14)

Secs. 4-8—4-20. Reserved.

ARTICLE II. BUILDING AND RESIDENTIAL CODES*

Sec. 4-21. Adoption of the Kentucky Building and Residential Codes.

The International Building Code and the Kentucky Building Code amendments and the minor codes incorporated thereby, promulgated in 815 KAR 7:120 and the International

*__Editor's note—__**Ord. No. 13-018, §§ 1—4, adopted September 9, 2013, in effect repealed the former article II, § 4-21, and enacted a new § 4-21 as set out herein. The former article II pertained to the Kentucky Building Code and derived from the Code 1966, § 156.3; Ord. No. 81-003, adopted March 19, 1981; Ord. No. 88-016, adopted August 16, 1988; Ord. No. 98-013, adopted July 2, 1998 and Ord. No. 07-022, adopted November 26, 2007.

Residential Code and the Kentucky Residential Code amendments and the minor codes incorporated thereby promulgated in 815 KAR 7:125 by the Board of Housing, Buildings and Construction, Commonwealth of Kentucky, are to be enforced by the City of Georgetown, Scott County as though set forth fully herein.
(Ord. No. 13-018, § 1, 9-9-13; Ord. No. 16-009, § 9, 9-12-16)

Sec. 4-22. Designated enforcement officer.

The Georgetown-Scott County Department of Building Inspection shall be designated as the local enforcement agent/agency for said Kentucky Building Code and Kentucky Residential Code. All building code inspections shall be performed by persons certified by the Kentucky Department of Housing, Buildings and Construction. All electrical inspections shall be performed by persons certified by the Kentucky Department of Housing, Buildings and Construction as an electrical inspector.
(Ord. No. 13-018, § 2, 9-9-13)

Sec. 4-23. Building inspection program.

Pursuant to KRS 198B.060(8), a building inspection program is hereby established in the City of Georgetown, Scott County for application to all buildings subject to 815 KAR 7:120 Kentucky Building Code.

The building inspection program shall include plan review and inspections of structures subject to 815 KAR 7:125 Kentucky Residential Code.
(Ord. No. 13-018, § 3, 9-9-13)

Sec. 4-24. Permits and fees.

The fees for permits and inspections shall be as provided for in the attached schedule.
(Ord. No. 13-018, § 4, 9-9-13)

Editor's note—The schedule was not included in the codification of this article and can be found on file in the office of the city clerk.

Secs. 4-25—4-35. Reserved.

ARTICLE III. RESERVED*

Secs. 4-36—4-50. Reserved.

***Editor's note—**Ord. No. 16-009, § 10, adopted September 12, 2016, repealed article III, § 4-36, which pertained to a one- and two-family dwelling code and derived from Ord. No. 88-016, adopted August 16, 1988; Ord. No. 98-014, adopted July 2, 1998 and Ord. No. 07-023, adopted November 26, 2007.

ARTICLE IV. ELECTRICAL CODE*

Sec. 4-51. Adoption of National Electrical Code.

The National Electrical Code, 2014 edition, also known as the NFPA 70, is hereby adopted by reference as if copied in full and set forth herein.
(Code 1966, § 159.1; Ord. No. 16-009, § 11, 9-12-16)

State law reference—Authority to adopt standard codes by reference, KRS 83A.060(5).

Sec. 4-52. Electrical wiring requirements.

(a) All electrical wiring within the city shall, when installed for the purpose of being connected to a source of electrical energy, be sufficiently insulated, supported and protected to be reasonably free from hazards to life and property caused by over-loading, short-circuiting and improper protection or installation of electrical equipment.

(b) All electrical wiring shall be in full compliance with the National Electrical Code and the National Electrical Safety Code, as provided by the American Standards Association and the Standards of Safety as adopted and approved by the state department of insurance, division of fire prevention and rates. Failure to comply with the foregoing shall be prima facie evidence of the violation of this article.
(Code 1966, § 159.2)

Sec. 4-53. Inspections.

The council may contract with private electrical inspection firms for all electrical inspections.
(Code 1966, § 159.3)

Sec. 4-54. Notice of readiness for inspection.

It shall be the duty of the person installing electrical wiring or equipment, or repairing or rearranging same, to notify the building official prior to the time the work is commenced, and also when the work is ready for inspection, and it shall be unlawful for any person to conceal any such electrical wiring or installations until after same has been reported to the building official, and has been inspected and approved by the building official.
(Code 1966, § 159.4)

Sec. 4-55. Certificate of approval prerequisite to furnishing current.

It shall be unlawful for any person, including any electric light or power company to connect with or furnish current to any electrical installation within the corporate limits of the city until after such electrical installation shall have been inspected and approved by the electrical inspector, and a certificate of approval issued by him.
(Code 1966, § 159.5)

***State law reference—**Regulation of electricians, KRS 227.450 et seq.

Sec. 4-56. Revocation of license.

Should any licensed electrical contractor or electrician violate any of the sections or provisions of this article, or should he consistently or repeatedly do and perform work not in accordance herewith, his license shall be subject to revocation by the city which revocation shall be in addition to the criminal penalties provided for in this Code.
(Code 1966, § 159.6)

Sec. 4-57. Liability for defects.

This article shall not be construed to relieve from or lessen the responsibility or liability of any person owning, operating, controlling, maintaining or installing any electrical wiring, devices, appliances or equipment for damages to person or property caused by any defect or failure therein; nor shall the city be held as assuming any such liability or responsibility by reason of the inspection authorized herein, or the certificate of approval issued as herein provided.
(Code 1966, § 159.7)

Secs. 4-58—4-70. Reserved.

ARTICLE V. PLUMBING CODE*

Sec. 4-71. Definition.

For the purpose of this article, "plumbing" means the art of installing in buildings the pipes for distributing the water supply, the fixtures for using water and drainage pipes for removing waste water and sewage, together with fittings, appurtenances and appliances of various kinds, all within or adjacent to the building. It shall include:

(1) The water service pipe which forms the connection between the property line and the building;

(2) Private water supply systems;

(3) House sewers which convey the waste water and sewage from the building to the property line or other points of disposal; and

(4) Storm sewers, rainwater piping and private sewage disposal systems.

(Code 1966, § 158.1)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 4-72. Adoption of State Plumbing Code.

The State Plumbing Code, promulgated by the state board of health on file with the legislative research commission, Frankfort, Kentucky, is hereby adopted by reference and made a part hereof to the same extent as if set out in full herein. Provided, however, the

***Cross references—**Sewers, § 19-41 et seq.; water, § 19-151 et seq.

Section 1 of regulation PC-1 of the State Plumbing Code shall not apply and provided further that this article shall not apply to "farmsteads" as defined by KRS 318.010(9). Permits to construct, install or alter plumbing, sewerage or drainage within the city may be issued to any person upon proper application and payment of the prescribed fee as set forth in PC-1, sections 2 and 3 of the State Plumbing Code.
(Code 1966, § 158.2)

State law reference—Authority to adopt standard codes by reference, KRS 83A.060(5).

Sec. 4-73. Permit—Required.

No person shall construct, install or alter any plumbing, sewage or drainage system within the city without first having procured a plumbing installation permit from the county health department; provided, however, that no permit shall be required for the repair of leaks, cocks, valves, or for cleaning out waste or sewer pipes. All plumbing shall comply with the State Plumbing Code.
(Code 1966, § 158.3)

Sec. 4-74. Same—Application.

All applications for plumbing permits shall be accompanied by a plan of the proposed plumbing installation, type of sewerage disposal, location of septic tank or drain field to be used. No plumbing permit shall be issued until plans of the plumbing and sewerage disposal have been submitted to and approved by the building official.
(Code 1966, § 158.4)

Sec. 4-75. Inside plumbing required.

All dwelling houses or structures used for human habitation, or any building used for business or industrial purposes in the city, which may hereafter be constructed or remodeled, shall be required to have inside water facilities, which are connected to the public water supply, and to have inside toilet facilities to be connected to the public sewer, where same are available, or if none, then to an approved septic tank, unless the facilities already exist; and it being understood that the facilities are for the use and benefit of the owner, his lessees and employees and not for public use unless such permission is given in their discretion.
(Code 1966, § 93.4)

Sec. 4-76. Health department approval required.

No new construction of dwellings or buildings, or any repair or remodeling or additions therein, which involves the installation of water and toilet facilities, shall be undertaken or carried out without the written approval of the county health department.
(Code 1966, § 93.5)

Secs. 4-77—4-90. Reserved.

ARTICLE VI. GAS CODE

Sec. 4-91. Adoption of gas installation and maintenance code.

The requirements and specifications of the 2015 NFPA 54, the National Fuel Gas Code, shall govern the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

(Code 1966, § 157.1; Ord. No. 16-009, § 12, 9-12-16)

State law reference—Authority to adopt standard codes by reference, KRS 83A.060(5).

Secs. 4-92—4-105. Reserved.

ARTICLE VII. MECHANICAL CODE

Sec. 4-106. Adoption of International Basic Mechanical Code.

There is hereby adopted by reference the International Mechanical Code, 2012 edition, as published by the Building Officials and Code Administrators International, Inc., which shall be in full force and effect in the city as if fully set forth herein.

(Ord. No. 16-009, § 13, 9-12-16)

State law reference—Authority to adopt standard codes by reference, KRS 83A.060(5).

Secs. 4-107—4-120. Reserved.

ARTICLE VIII. PROPERTY MAINTENANCE CODE*

Sec. 4-121. Adoption of property maintenance code.

Repeal of current code and adoption of 2012 Code. The City of Georgetown, Kentucky, hereby repeals the current 2003 edition of the International Property Maintenance Code and adopts the 2012 edition of the International Property Maintenance Code. Three (3) copies of the 2012 edition of the International Property Maintenance Code are, and shall remain, on file in the Georgetown City Clerk's Office, as published by the International Code Council. This code shall regulate:

(1) The conditions and maintenance of all property, buildings and structures;

(2) Provide the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use;

***State law references—**Low-cost housing, KRS ch. 198A; housing, buildings and construction, KRS ch. 198B.

(3) Provide for the condemnation of buildings and structures unfit for human occupancy and use along with the demolition of such existing unfit structures;

(4) Provide for the issuance of appropriate permits and collection of required fees; and

(5) Each and all of the regulations, provision, penalties, conditions and terms of the 2012 edition of the International Property Maintenance Code on file in the office of the city clerk are referenced and incorporated as part of this chapter as if set out in full in this article, together with all additions, amendments and deletions provided in section 4-122 of this article.

(Code 1966, § 160.1; Ord. No. 90-025, § 1, 10-4-90; Ord. No. 93-029, § 1, 12-16-93; Ord. No. 99-018, §§ 1—3, 7-1-99; Ord. No. 05-009, § 1, 6-16-05; Ord. No. 16-009, § 14, 9-12-16)

State law reference—Authority to adopt technical codes by reference, KRS 83A.060(5).

Sec. 4-122. Amendments to the text of the printed code.

The following sections set forth all additions, insertions, deletions and changes, which the council deems appropriate to customize the 2012 International Property Maintenance Code (hereinafter "the IPMC") to the City of Georgetown's property maintenance enforcement system.

The following language shall be read in conjunction with the language in section 101.1 of the IPMC:

§101.1 Title. The jurisdiction shall be the City of Georgetown, Kentucky.

The following language shall be read in conjunction with the language in section 103.1 of the IPMC:

§103.1 General. The Code Enforcement Board and the City's code enforcement officers are responsible for the enforcement of this code.

Section 104.3 of the IPMC is omitted and the following language substituted in its stead:

§ 104.3 Right of entry.

The provisions of sections 14 and 15 of the Georgetown Code Enforcement Board Ordinance shall govern Right of Entry and Due Process.

The following language shall be read in conjunction with the language in section 106 of the IPMC:

§ 106 Violations.

All references to a "notice of violation" throughout the code shall be replaced by the word "citation" as that terms is used in the Georgetown Code Enforcement Board Ordinance.

Section 106.4 is omitted and the following language substituted in its stead:

§ 106.4 Penalties.

Penalties for violations of the Property Maintenance code shall be as set forth in section 15 of the Georgetown Code Enforcement Board Ordinance.

Sections 107.1 through and including 107.5 are omitted and the following language substituted in their stead:

The procedures set forth in the Georgetown Code Enforcement Board Ordinance shall govern notice, form and service.

The following language is added to the text provided in the Section 108.2 of the printed code:

§ 108.2 Closing of vacant structures.

An administrative fee of one hundred dollars ($100.00) shall be assessed in addition to the cost of closing the property. The payment of all charges assessed for the closing of the property, costs and fee, shall be secured by a lien on the real estate upon which the structure is located. Notice of the lien shall be filed of record as provided elsewhere in the code.

Section 109.5 is omitted and the following language substituted in its stead:

§109.5 Costs of emergency work. The section is amended to read as follows:

The city shall pay the costs incurred in the performance of emergency work necessitated by violations of this code. Legal counsel of the jurisdiction shall institute appropriate proceedings, including the placement of a lien, against the owner of the premises where the unsafe structure is or was located for the recovery of such costs including the administrative fee of one hundred dollars ($100.00) assessed pursuant to Section 108.2.

The following language is added to the text provided in Section 110.3 of the printed code:

§ 110.3 Failure to comply.

The cost of such demolition and removal includes an administrative fee of one hundred dollars ($100.00) assessed pursuant to Section 108.2.

Section 111 is omitted and the following language substituted in its stead:

§ 111. Means of Appeal.

The procedures set forth in the Georgetown Code Enforcement Board Ordinance shall govern notice, form and service.

Section 113 is added:

§ 113 Abatement Procedure.

(a) The procedures set forth in the Georgetown Code Enforcement Board Ordinance shall govern City abatement of violations of the Property Maintenance Code.

The following language is added to the text provided in the corresponding section of the printed code:

§ 302.2.1 Premises not covered by subdivision regulations or ordinance governing construction on individual lots. Each individual lot [premises] located within approved subdivisions for which final plat approval has been given, but for which a building permit has not been issued, shall be subject to the following:

§ 302.2.1.1 Requirements where subdivision regulations previously applied. If the premises are disturbed as a result of subdivision development preparation, sediment and erosion control measures required by the subdivision regulations, § 1100, B, 1, shall have been in place at the time of the final subdivision plat approval. Until such time as a building permit is obtained for construction on an individual lot(s) within the development, the soil stabilization required for final plat approval and erosion and sediment control measures required under the subdivision regulations shall be maintained. No grading shall be performed within any development subsequent to final plat approval and before the issuance of a building permit for individual lots. At such time as a building permit is obtained for construction on the individual lots, City of Georgetown Ordinance 2002-002 shall apply.

§ 302.2.1.2 Requirements for undisturbed lots. Premises require no special sediment and erosion control measures where vegetation on those premises is sufficient to preclude erosion and sediment creation measures. Premises on which vegetation is disturbed to the extent to which a substantial risk of erosion and sediment is created shall comply with the standards provided by City of Georgetown Ordinance 2002-002.

§ 302.2.1.3 Standard by which compliance is determined. If no building permit is obtained for construction on the premises, the erosion and sediment control measures required under the subdivision regulations shall be maintained until such time as vegetation is sufficient to eliminate erosion and sediment creation. The premises' compliance with this section shall be certified in writing by the office of building inspection. This certification signifies only that the premises were compliant at the time of the inspection and does not satisfy the requirement of continuing compliance.

Section 302.4 is omitted and the following language substituted in its stead:

§ 302.4 Weeds.

a. Legislative Purpose. The city acknowledges the desirability of permitting and encouraging the preservation and restoration of natural plant communities in urban, suburban and rural areas. It further acknowledges the need to enjoy and benefit from the variety, beauty and values of natural landscaping, including freedom from toxic chemicals, and seeks to guarantee its citizens the freedom to employ natural landscaping as a viable and desirable alternative to conventional modes of landscaping.

There are a limited number of plant species that constitute serious agriculture pests, which in some instances may adversely affect human health or safety. Further, this section promotes the use of native vegetation, including native grasses and wildflowers, in managed yards and landscapes for the preservation and restoration of our natural plant communities. This section does not promote the use of plants otherwise designated by state law to be noxious, e.g., Johnson grass, giant foxtail, Canada and nodding thistles, multiflora rose, wild cucumber, black nightshade, kudzu, or poison ivy, sumac or oak. The presence of these plants, though not per se prohibited, constitute evidence of untended, rank or unmanaged vegetation, a violation of this section.

The use of wildflowers and other native plants in managed landscape design can be economical, low-maintenance, effective in soil and water conservation, and may preclude the excessive use of pesticides, herbicides, and fertilizers. The city notes that native vegetation and native plant communities, on a worldwide basis, are disappearing at an alarming rate. It is desirable to permit and encourage managed natural vegetation within the city limits while maintaining public health and safety protections.

§ 302.4 A. Definitions. Definitions applicable to the interpretation and enforcement of section 302.4:

Untended, rank or unmanaged vegetation: Overgrown vegetation or vegetation in an unhealthful condition, which provides either a direct health hazard or a demonstrated breeding ground for fauna known to create a safety or health hazard, e.g. rodents, snakes, mosquitoes. Untended, rank or unmanaged vegetation is a public nuisance.

The presence of untended, rank or unmanaged vegetation exceeding ten (10) inches in height is a violation of this section.

Conventional yards, which if regularly mowed, appear well managed and are comprised of many plants other than grass. There is also an abundance of chicory, dandelions, crabgrass, and numerous other vegetation. For this reason, the conventional yard is included in the definition of "primarily of grass" or "untended, rank or unmanaged vegetation." The conventional yard, however, will not constitute a violation of this section unless the height of the yard exceeds ten (10) inches.

Managed vegetation: Managed vegetation is vegetation utilized in a planned/designed yard or landscape, including natural landscaping, with the intent to control, direct, and maintain the growth of natural vegetation according to its natural characteristics and reduction, if not elimination, of fauna known to create a safety or health hazard. Managed vegetation is not subject to the ten (10) inches height restriction.

§ 302.4 B. Declaration of Nuisance and Prohibition. Untended, rank and unmanaged growth of vegetation on any property within the city, which is visible from any public way, street, sidewalk or alley or from any adjoining property, is declared a public nuisance. Such vegetation is prohibited and may be abated in accordance with the procedures referenced below.

§ 302.4 C. Natural Landscaping Protected. No agents or employees of the city shall undertake to enforce this section or issue an order directing the destruction or removal of any native vegetation, including native grasses and wildflowers, in managed yards and landscapes.

Agents and employees of the city shall enforce this section and issue enforcement orders directing the destruction or removal of all vegetation in violation of this section, including, but not limited to all conditions that create a clear and present hazard to public health or safety, a threat to the agricultural economy, or a harborage for rodents, snakes, or mosquitoes. All enforcement orders under this section shall be limited to the offending vegetation, unless general destruction, cutting or removal is necessary to reasonably eliminate the offending condition.

§ 302.4 D. Managed natural landscaping. It is lawful to grow native and naturalized plants to any heights, including ferns, wildflowers, grasses, forbs, shrubs, and trees, in a managed landscape. The growing of native or naturalized plants must be obtained and possessed according to law.

§ 302.4 E. Statement of the city's intention in the enforcement of this section.

A. This section regulating unmanaged and managed vegetation shall be proactively and uniformly enforced and apply to all property within the city limits.

B. Aesthetic judgments shall not be a consideration in determining required compliance under this section.

C. The city shall promptly notify the property owner of all applicable rights, including right of appeal.

D. No agent of the city shall enter upon or take action upon private land without the providing due process of law.

Section 302.10 is added:

§ 302.10 Public ways not to be obstructed. No owner, occupant or person otherwise responsible for the care and maintenance of premises shall construct, place or otherwise allow the construction or placement of any item that, in whole or in part, extends beyond the property line of the premises into space comprising a public way as defined in Section 202, General Definitions. One example of a violation of this section is a basketball goal, though mounted, whether temporarily or permanently, on the premises, which extends beyond the property line into the public way (the right-of-way often includes beyond the curb and sidewalk. All of which is part of the public way).

Section 304 Exterior Structure. Required information is specified:

§ 304.14 Insect screens. The period during which insect screens are required is from April 1 to December 1.

Section 602 Heating Facilities. Required information is specified:

§ 602.3 Heat supply. The period during which the temperature must be maintained according to this section is from October 1 to April 15.

§ 602.4 Occupiable work spaces. The period during which the temperature of indoor occupiable workspaces must be maintained according to this section is from October 1 to April 15.

Section 704.3 is omitted and the following language substituted in its stead:

§ 704.3 Power source.

The owner of premises may continue to use battery-powered smoke detectors if the premises have a sufficient number of existing battery-powered smoke detectors in operational condition. Whenever the premises are renovated or otherwise modified in such a manner to provide accessible installation of primary power to smoke alarms from building wiring from a commercial source, the premises shall have smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

(Ord. No. 99-018, § 2, 7-1-99; Ord. No. 05-009, § 2, 6-16-05; Ord. No. 06-027, §§ 1—8, 10-19-06; Ord. No. 16-009, § 15, 9-12-16)

Secs. 4-123—4-135. Reserved.

ARTICLE IX. MOVING OF STRUCTURES*

Sec. 4-136. Permit required.

No building, house, room or other structure shall be moved from any location, within or without the city, to any location within the city unless the owner or the mover first secures a permit from the building official.

(Code 1966, § 162.1)

Sec. 4-137. Inspection.

Upon application for a moving permit, the building official shall inspect the structure to determine if it, and the proposed location of it, comply with the zoning ordinance, the building code, the housing code and all other applicable laws and regulations of the city, and that the building official finds no violations of these laws, he shall issue the permit.

(Code 1966, § 162.2)

***State law references—**Low-cost housing, KRS ch. 198A; housing, buildings and construction, KRS ch. 198B.

Sec. 4-138. Substandard structures.

If the building official determines that the structure is substandard in that it contains a violation of the zoning ordinance, the building code, the housing code and other applicable laws and regulations of the city and that it can be repaired, altered or improved so as to comply therewith at a cost which is less than one-half of the value of the structure, then the building official shall issue the permit and simultaneously order the owner or mover to repair, alter or improve the structure so as to make it comply, or refuse the permit, in the option of the owner or mover; but if the building official determines that the repair, alteration or improvement cannot be made at a cost that is less than one-half of the value of the structure, then he shall refuse the permit.
(Code 1966, § 162.3)

Sec. 4-139. Fee.

The building official shall charge a fee of twenty-five dollars ($25.00) for each such permit which he issues and the proceeds of the issuance of the permits shall be turned over to the clerk-treasurer to become a part of the city's general fund.
(Code 1966, § 162.4)

Secs. 4-140—4-150. Reserved.

ARTICLE X. FENCES*

Sec. 4-151. Regulation; residential.

No property owner shall construct or allow to be constructed on property which is zoned for residential use a fence in excess of six (6) feet in height. No such fence constructed will extend past the front portion of any residence on any such lot which exceeds four (4) feet in height and which interferes substantially with visibility and the passage of air and light. In order to qualify under this section, a fence extended past the front of a house cannot be constructed with any fabric which covers in excess of fifty (50) percent of its surface area. Stockade fences are forbidden. Examples of acceptable fencing fabric include: chain link fences without inserts and picket fences, in which the pickets are no wider than the space between them. This list is for illustration only. Barbed wire or razor wire shall not be used in the construction of any fence on property zoned for residential use. Electrified fences are prohibited in residential zones, except that such prohibition shall not apply to in-ground pet fences utilizing low voltage wiring. For purposes of this section, a house on a corner lot shall be construed as having but one "front portion," which shall be that side of the house facing the road upon which it is addressed.

***Editor's note—**Ord. No. 84-011, § 1, adopted August 16, 1984, did not specifically amend the Code; therefore, codification as § 4-151 was at the discretion of the editor.

No fence shall extend into the public right-of-way or a public easement.
(Ord. No. 84-011, § 1, 8-16-84; Ord. No. 91-009, § 1, 6-6-91; Ord. No. 2015-012, § 1, 8-24-15; Ord. No. 16-009, § 16, 9-12-16)

Secs. 4-152—4-160. Reserved.

ARTICLE XI. RESERVED*

Secs. 4-161—4-170. Reserved.

ARTICLE XII. LICENSING OF ELECTRICIANS†

Sec. 4-171. Definitions.

As used in this article, the following definitions shall apply:

Apprentice electrician means any person who is employed by an electrical contractor and is in the process of learning the electrical trade. A licensed journeyman electrician or a licensed electrical contractor shall maintain general supervision over a licensed apprentice electrician while installing, altering or repairing residential electrical wiring. General supervision means the licensed journeyman electrician or licensed electrical contractor need not be present on site at all times, but must maintain general awareness of the work performed by the apprentice. A licensed journeyman electrician or a licensed electrical contractor shall maintain direct supervision over a licensed apprentice electrician while installing, altering or repairing commercial or industrial electrical wiring. Direct supervision means the licensed journeyman electrician or licensed electrical contractor must be present on site at all times the apprentice is engaged in electrical work covered by this article. At no time shall the number of apprentice electricians under the supervision of any one person exceed three (3).

Electrical contractor means any person other than as stated in section 4-181, who proceeds with, or employs others for the construction, alteration, repairs or additions to any electrical wiring used for the purpose of furnishing heat, light or power.

***Editor's note—**Ord. No. 16-009, § 17, adopted September 12, 2016, repealed article XI, § 4-161, which pertained to unsafe structures and derived from Ord. No. 84-011, adopted August 16, 1984.

†**Editor's note—**Ord. No. 03-001, §§ 1—24, adopted January 2, 2003, has been treated by the editor as repealing former art. XII, §§ 4-171—4-192, and adding a new art. XII to read as herein set out. Former art. XII pertained to similar subject matter, and derived from Ord. No. 90-010, adopted June 7, 1990; Ord. No. 91-005, adopted February 21, 1991; Ord. No. 94-027, adopted October 20, 1994; and Ord. No. 96-016, adopted June 20, 1996.

Journeyman electrician means any person who is employed by an electrical contractor and is engaged in the construction, alteration or repair of any electrical wiring used for the purpose of furnishing heat, lights and power.
(Ord. No. 03-001, §§ 1—24, 1-2-03)

Sec. 4-172. Examining board of electricians.

Pursuant to KRS 227.450 to KRS 227.500, there is created a board to be known as the examining board of electricians. The board shall be composed of seven (7) members appointed by the mayor and approved by the council, and shall consist of two (2) division of fire and emergency services officials, two (2) electrical contractors, two (2) consulting electrical engineers or architects, and one (1) utility company official. Terms of members shall be two (2) years, provided that the initial term of one (1) division of fire and emergency services official, one (1) electrical contractor and one (1) consulting electrical engineer or architect shall be one (1) year to provide for staggering of terms. Vacancies shall be filled in the same manner as the original appointment, and the successor shall be appointed for the unexpired term. No appointee shall serve more than two (2) consecutive full three year terms. The members of the examining board shall serve without salary.

In the event an ordinance substantially similar to this one is adopted by the Scott Fiscal Court for Scott, in which an examining board of electricians is established, the board described in this section shall be a joint board, serving the city and the county. In this event, the board shall be appointed one (1) division of fire and emergency official, one (1) electrical contractor and one (1) consulting electrical engineer or architect by the mayor and the judge/executive and one (1) utility official to be appointed jointly by the mayor and judge/executive. All appointments to the joint board must be approved by the appropriate legislative body. All other provisions on this section shall be the same whether the board is for the city, county or joint.
(Ord. No. 03-001, §§ 1—24, 1-2-03)

Sec. 4-173. Actions of the examining board.

All actions of the examining board pertaining to adoption of rules to govern inspections of electrical installations, inspection fees, the appointment of electrical inspectors, and the adoption of codes to the locality covered by ordinance, shall be subject to approval by a majority vote of the city council.
(Ord. No. 03-001, §§ 1—24, 1-2-03)

Sec. 4-174. Examination of applicants for licensing.

It shall be the duty of the examining board to require examination of all applicants for an electrical contractor or journeyman electricians license upon matters relating to the ability and qualifications of the applicant to engage in the business of electrical contracting or wiring and to grant licenses to qualified applicants after a satisfactory examination. All electrical contractor and journeyman electricians must be examined before being issued a license to engage in their occupation. It shall be the further duty of said board to hear complaints arising against any licensed electrical contractor, journeyman and apprentice electrician. Said board shall have the authority, after a hearing, to warn, revoke or suspend the license of any electrical contractor, journeyman or apprentice electrician for a violation of the laws of the commonwealth or any ordinances of the Georgetown-Scott County government, relating to electrical construction work; or for incompetence or willful negligence in any electrical work, provided that written notice of a hearing, stating the grounds of complaint, has been given the licensee at least ten (10) days before the hearing.
(Ord. No. 03-001, §§ 1—24, 1-2-03)

Sec. 4-175. Classes of licenses.

Three classes of licenses and certificates therefor shall be issued, which shall be designated, respectively, as class A, electrical contractor's license; class B, journeyman's license; class C, apprentice's license.

The term of all licenses shall be from January 1 of the year in which they are issued through December 31 of that same year. Renewal of these licenses must occur no later than January 31 of the year following the expiration of a license. Persons failing to renew on or before that date must reapply and qualify.
(Ord. No. 03-001, §§ 1—24, 1-2-03)

Sec. 4-176. Requirements for each license.

Class A electrical contractor:

(1) The applicant shall show proof of being licensed as a journeyman for a period of not less than two years.

(2) The applicant must pass an examining board approved electrical contractor's examination.

Class B journeyman's license:

(1) The applicant must have certification from a licensed electrical contractor show four (4) years of on-the-job training; or

(2) Must show a certificate of graduation from a state-recognized school for journeyman electricians and

(3) Must pass an approved journeyman's examination.

In addition to the above requirements, applications for renewal of any class A or class B license shall include proof of compliance with the continuing education requirements contained in section 4-188. Upon said applicant's complying with the above requirements and upon verification that the applicant is in compliance, or has initiated the process to obtain compliance, with the applicable contractor registration requirements as set forth in this section. A license shall be granted.
(Ord. No. 03-001, §§ 1—24, 1-2-03)

Sec. 4-177. Exceptions to licensing requirement.

(a) Public utility companies and corporations engaged in the manufacture or distribution of electrical energy for commercial purposes, or their employees, shall not be required to obtain licenses for the manufacture, transmission, distribution and metering of electrical energy and all repairs and maintenance connected therewith. Communication and related companies shall not be required to obtain licenses to engage in these activities.

(b) Any electrical contractor or journeyman who travels into this area and who can document at least five years of experience in the field for which a license is sought shall not be required to be examined prior to being issued a license if the person has been licensed in a jurisdiction which requires an examination as stringent as that required by this article, except an examination may be required in such instances where the board entertains a substantial doubt as to the nature or quality of the applicant's work.

(c) Any owner/occupant of a single-family dwelling may perform his or her own electrical work.

(d) In the event of the death of the person carrying the contractor's license for an electrical contracting business, that business shall have 120 days in which to qualify the decedent's successor as a licensed electrical contractor under this article.
(Ord. No. 03-001, §§ 1—24, 1-2-03)

Sec. 4-178. Annual license fees.

The annual license fee for class A electrical contractors shall be one hundred dollars ($100.00), the annual license fee for class B journeyman shall be fifty dollars ($50.00) and the annual license fee for class C apprentice shall be twenty-five dollars ($25.00). The class A, class B and class C licenses shall expire December 31 of each year and the examining board shall renew the licenses for a one-year period. Upon the failure of licensee to apply for renewal on or before the thirty-first of January immediately following expiration of the license, the licensee shall be assessed a fee of fifty dollars ($50.00). Upon the failure of the licensee to apply for renewal within one hundred twenty (120) days after the date of expiration, the licensee shall be required to pass the board's required examination before another license is issued.
(Ord. No. 03-001, §§ 1—24, 1-2-03)

Sec. 4-179. Permit for installation or alteration.

(a) Electrical wiring or equipment shall not be installed nor shall any alteration be made in any existing installation, without first obtaining a permit from the office of electrical inspector division of housing, building, and construction electrical inspection. The application and issuance of said permit is governed by all applicable sections of the state building code, including but not limited to article 27, and by the rules and regulations established by the division of building inspection.

(b) No temporary service may be connected until a building permit is obtained and paid for.
(Ord. No. 03-001, §§ 1—24, 1-2-03)

Sec. 4-180. Enforcement of this article.

The office of the electrical inspector shall, as required by this article, issue permits and licenses and maintain records, as authorized by the examining board of electricians. The electrical inspector office shall enforce regulations and conduct on-site inspections to ensure compliance with this article.
(Ord. No. 03-001, §§ 1—24, 1-2-03)

Sec. 4-181. Minimum insurance for contractors.

In accordance with KRS 227.480 all electrical contractors shall maintain commercial general liability insurance in an amount of not less than two hundred fifty thousand dollars ($250,000.00) and shall place such proof on file with the office of the electrical inspector. Proof of the required minimum insurance coverage shall be filed prior to being issued a contractor's license. To satisfy this insurance requirement, the policy must specifically reflect coverage for the contractor and the electricians working for the contractor.
(Ord. No. 03-001, §§ 1—24, 1-2-03)

Sec. 4-182. Appeals board.

There is created a board to be known as the appeals board of electricians. The board shall be composed of three (3) members appointed by the mayor and approved by the council, each

of whom shall be qualified in the electrical field. The appeals board shall consist of one division of fire and emergency services official, one electrical contractor, and one electrical engineer or architect. Terms shall be for four (4) years provided that the initial term of one (1) member shall be two (2) years to provide for staggered terms. Vacancies shall be filled in the same manner as the original appointment and the successor shall be appointed for the unexpired term. Any member may be appointed for additional terms.

In the event an ordinance substantially similar to this one is adopted by the Scott Fiscal Court for Scott, in which an appeals board is established, the board described in this section shall be a joint board, serving the city and the county. In this event, the board shall consist of one (1) division of fire and emergency official, one (1) electrical contractor, one (1) consulting electrical engineer or architect and one (1) utility official to be jointly appointed by the mayor and the judge/executive. All appointments to the joint board must be approved by the appropriate legislative body. All other provisions related to the appeals board shall be the same whether the board is for the city, county or joint.
(Ord. No. 03-001, §§ 1—24, 1-2-03)

Sec. 4-183. Appeals process.

Any person aggrieved by an order or determination of the examining board of electricians may appeal therefrom to the appeals board of electricians. Said appeal shall be taken by filing written notice thereof with the examining board of electricians within ten (10) days of the entry of the order of determination appealed from. The appeals board of electricians may affirm, reverse or modify any order or determination of the examining board of electricians. Any order or determination of the examining board of electricians shall become final after expiration of time for appeal unless notice of appeal shall have been filed within said time, in which event said order or determination as affirmed, reversed or modified shall become final upon entry of the decision of the appeals board of electricians.
(Ord. No. 03-001, §§ 1—24, 1-2-03)

Sec. 4-184. Authority of electrical inspector and fire chief to disconnect service.

Upon complaint by occupant or request by owner, the electrical inspector shall inspect existing wiring for conformity with the National Electrical Code. Upon finding a code violation which creates a threat of bodily injury or property damage, the electrical inspector shall notify the owner that he or she has thirty (30) days in which to correct the violation. The inspector shall provide reasonable assistance to the owner in effecting the corrections. If at the end of thirty (30) days the owner has not made substantial progress toward the correction of the violations, the inspector, without further notice, may cause the service to the building to be disconnected until corrections are made.

Upon finding a code violation which creates an imminent threat of serious bodily injury or substantial property damage, the electrical inspector may waive the thirty-day period for

correction and upon notice to the owner, cause the service to the building to be disconnected until corrections are made. The inspector shall provide reasonable assistance to the owner in effecting the corrections.

The chief of the city fire department, or some other competent person designated by him, shall have the authority, in cases of emergency, to cause the turning off of all electrical currents and to cut or disconnect any wires carrying such electrical currents where there is a danger to life or property or where such wires interfere with the work or progress of the fire department in fighting fires.
(Ord. No. 03-001, §§ 1—24, 1-2-03)

Sec. 4-185. Miscellaneous provisions.

The following standards for the construction, alteration and repair of any electrical wiring within the city shall be required, in addition to the requirements of the National Electric Code which are incorporated into the state standards of safety. In the event any of the following provisions have a counterpart in the National Electric Code, the code with the strictest standard shall apply. The local standards are as follows:

(1) All nonmetallic electric cable shall be secured with plastic staples.

(2) Nonmetallic electric cable run in the crawlspace of a house shall follow the running boards or be run through holes drilled in the floor joists (pursuant to the standards set out in the state building code).

(3) The directory on electric panels shall be complete.

(4) There must be a separate electric disconnect for water heaters, furnaces, air conditioners, garbage disposals and dishwashers. This requirement shall not apply to dishwashers or garbage disposals plugged into a receptacle.

(5) All service poles, service, mast and trailer services must comply with all policies of the applicable utility company.

(6) All service entrances shall be in: rigid metal, intermediate metal, electrical metallic or rigid P.V.C. conduit.

(7) Temporary service for construction shall be permitted for a period of one hundred eighty (180) days. If construction is incomplete at the conclusion of one hundred eighty (180) days, the temporary service may be renewed for an additional one hundred eighty (180) days upon showing of good cause. Should construction fail to make substantial progress for sixty (60) days, the permit for temporary service may be revoked and the service disconnected and removed.

(8) Inspections may be requested by contractors or his or her designee.

(9) All work to be inspected must be completed before inspections are requested.

(10) Permanent service may be connected only after satisfactory final inspection or a temporary service agreement is executed.

(11) Rough-in inspections shall be completed before wiring method is concealed.

(12) Final inspection shall not be requested until after all fixtures and appliances have been installed and connected, except air conditioning units during month of January through March.

(13) In the event an existing building is rewired (existing wire is replaced with new wire), remodeled (remodeling must result in, at least, a thirty-ampere increase in the service demand of the building) or is given a service upgrade, all wiring, existing and new, must be in accordance with the provisions of the National Electric Code or this article.

(14) Licensed electrical contractors shall employee only licensed electricians for electrical installations.

Where appropriate, the electrical inspector may waive the above local standards where the manufacturer's specifications and recommendations for a particular material clearly demonstrate that the restriction in the local standards is not necessary.
(Ord. No. 03-001, §§ 1—24, 1-2-03)

Sec. 4-186. Penalties.

Any person who violates this article may be fined as set forth in section 1-13 of the Georgetown Code of Ordinances.

Electrical license holders showing recurring patterns of noncompliance may be brought before the board to be re-examined prior to re-issuance of license.
(Ord. No. 03-001, §§ 1—24, 1-2-03)

Sec. 4-187. No reduction or assumption of responsibility.

This article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any electrical wiring, devices or equipment for damage to person or property caused by any defect therein; nor shall the office of the electrical inspector be held as assuming any liability by reason of the inspections authorized herein or permits of approval issued as herein provided.
(Ord. No. 03-001, §§ 1—24, 1-2-03)

Sec. 4-188. Continuing education.

(a) Effective January 1, 2004, all licensed contractors and journeyman must have completed minimum of six (6) hours of continuing education courses approved by the examining board and the commonwealth department of housing, building and construction each year prior to the renewal of their license.

(b) Failure to show proof of completion of the continuing education by the holder of a class A or B electrical license shall render that license holder ineligible for the renewal of his or her license until the continuing education hours are completed.

(c) A holder of class A or B electrical license who fails to obtain the required six (6) hours of continuing education and who had not been required to pass an approved test will be ineligible for the renewal of his or her license until the continuing education hours are completed and the examining board's approved test is passed.

(d) A person holding a class A or B license may request his or her license be placed into escrow. During the time the license is escrowed, the holder of that license must complete the required six (6) hours of continuing education each year.
(Ord. No. 03-001, §§ 1—24, 1-2-03)

Sec. 4-189. Reciprocation with Lexington, Fayette County, Kentucky.

(a) The county examining board of electricians shall issue appropriate electrical licenses to all who hold bona fide electrical licenses issued by Fayette County. This reciprocal acceptance of Fayette County electrical licenses shall continue until revoked by ordinance. This reciprocal electrical license agreement shall be effective January 1, 2003.

(b) Any electrical contractor or journeyman who travels into this area and who can document at least five (5) years of experience in the field for which a license is sought shall not be required to be examined prior to being issued a license if the person has been licensed in a jurisdiction which requires an examination as stringent as that required by this article. Except an examination may be required in such instances where the board entertains a substantial doubt as to the nature or quality of the applicant's work.
(Ord. No. 03-001, §§ 1—24, 1-2-03)

Secs. 4-190—4-200. Reserved.

ARTICLE XIII. PROPERTY AND BUILDING NUMBERING SYSTEMS*

Sec. 4-201. Assignment of numbers.

(a) Each parcel of real estate within the city limits of Georgetown shall be assigned a number consistent with the numbering of adjacent and neighboring properties. Parcels upon which there is located more than one (1) principle building shall have numbers assigned to each building. Buildings within which there are more than one (1) principle use shall be assigned a number for each use.

(b) All parcels, building and use numbers required under section shall be assigned by the planning and zoning commission in cooperation with the United States Postal Service.
(Ord. No. 91-015, §§ 1, 2, 9-5-91)

***Editor's note—**Ord. No. 91-015, §§ 1—6, adopted Sept. 5, 1991, did not specifically amend the Code; hence, its inclusion herein as Art. XIII, §§ 4-201—40206 was at the discretion of the editor.

Sec. 4-202. Display provisions.

Parcel, building and use numbers shall be at least four (4) inches in height, easily visible from the street and be displayed in close proximity to the principle entrance. All numbers shall be of a contrasting color or materials to the surface on which they are displayed. Numbers required under this article shall not be displayed in text but in Arabic numerals.
(Ord. No. 91-015, § 3, 9-5-91)

Sec. 4-203. Indemnification provisions for premises with entrances on more than one (1) street.

Commercial buildings with entrances, whether for public or private use, opening onto more than one (1) street, shall adequately identify the business in close proximity to the entrance(s) on the secondary street. For the purpose of this section, secondary street shall include any city street, alley or service road.
(Ord. No. 91-015, § 4, 9-5-91)

Sec. 4-204. Grace period; penalty for failure to comply with provisions.

Property owners shall have ninety (90) days from the effective date of this article to comply with its provisions. Failure to comply shall result in a fine of twenty-five dollars ($25.00) per day of noncompliance.
(Ord. No. 91-015, § 5, 9-5-91)

Sec. 4-205. Enforcement.

Enforcement of this article shall be the responsibility of the police department, the fire department and the building inspection department.
(Ord. No. 91-015, § 6, 9-5-91)

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Chapter 4.5

RESERVED*

***Editor's note—**Ord. No. 04-023, § 1, adopted Sept. 2, 2004, repealed Ch. 4.5, consisting of §§ 4.5-1—4.5-6, which pertained to cemeteries and was derived from Ord. No. 99-005, §§ 1, 2, adopted Feb. 4, 1999; Ord. No. 99-008, §§ 1—12, adopted March 4, 1999; and Ord. No. 01-008, adopted June 7, 2001.

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Chapter 5

CIVIL RIGHTS*

Art. I. In General, §§ 5-1—5-15
Art. II. Human Rights Commission, §§ 5-16—5-30
Art. III. Fair Housing, §§ 5-31—5-45

***State law reference—**Civil rights, KRS ch. 344.

ARTICLE I. IN GENERAL

Sec. 5-1. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

Discrimination means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial or any other act or practice of differentiation or preference in the treatment of a person because of race, color, religion, national origin, sex or age between forty (40) and seventy (70), or the aiding, abetting, inciting, coercing or compelling thereof.

Financial institution means bank, banking organization, mortgage company, insurance company, or other lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, maintenance, or improvement of real property, or an individual employed by or acting on behalf of any of these.

Housing accommodations includes improved and unimproved property and means a building, structure, lot or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied as the home or residence of one or more individuals.

Person means one or more individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, jointstock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, or other legal or commercial entity; the state, and of its political or civil subdivisions or agencies.

Real estate broker or *real estate salesman* means an individual, whether licensed or not, who, on behalf of others, for a fee, commission, salary, or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents or leases real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds himself out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrance upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental, or lease of real estate through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

Real estate operator means any individual or combination of individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers or other legal or commercial entity, the county or any of its agencies, that is engaged in the business of selling, purchasing, exchanging, renting or leasing real estate, or

the improvements thereon, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental or lease of real estate; or an individual employed by or acting on behalf of any of these.

Real property includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.
(Ord. No. 79-002, Art. I, 1-4-79)

Cross reference—Definitions and rules of construction generally, § 1-2.
State law reference—Similar definitions, KRS 344.010.

Secs. 5-2—5-15. Reserved.

ARTICLE II. HUMAN RIGHTS COMMISSION*

Sec. 5-16. Membership.

The Georgetown and Scott County Human Rights Commission shall consist of twelve (12) members who shall be appointed on a nonpartisan basis and shall be broadly representative of the financial institutions, real estate businesses, religious groups, human rights groups, and the general public. The mayor and county judge shall appoint the members, to be approved by the city council and fiscal court. Of the first twelve (12) members appointed, four (4) shall be appointed for one (1) year; four (4) shall be appointed for two (2) years; and four (4) shall be appointed for three (3) years. Subsequent appointments shall be for three (3) years. In the event of incapacity, death or resignation of any member a successor shall be appointed for the member's unexpired term. Members shall be eligible for reappointment. Before making new appointments or any reappointments, the mayor or county judge may request the recommendations of the commission. No elected or appointed city or county official shall be a member of the commission. The members shall serve without compensation.
(Ord. No. 79-002, Art. III, § 1, 1-4-79)

Sec. 5-17. Powers.

The human rights commission is authorized to:

(1) Receive, initiate, investigate, hear and determine charges of violations of ordinances, orders or resolutions forbidding discrimination adopted by the city and county;

(2) Compel the attendance of witnesses and the production of evidence before it by the subpoena issued by the county circuit court;

(3) Issue remedial orders, after notice and hearing, requiring cessation of violations;

***Cross references—**Administration, ch. 2; boards and commissions generally, § 2-196 et seq.
State law reference—Local human rights commissions, KRS 344.310.

(4) Issue such affirmative orders as in its judgment will carry out the purposes of this chapter;

(5) Employ an executive director, attorneys, hearing examiners, clerks and other employees and agents;

(6) Enter into cooperative working agreements with federal or state agencies to achieve the purposes of this chapter;

(7) In its own discretion or upon request of the city council, fiscal court, or the state commission on human rights refer a matter under its jurisdiction to the state commission on human rights for initial action or review.

(Ord. No. 79-002, Art. III, § 2, 1-4-79)

Sec. 5-18. Enforcement of orders.

The proceeding for enforcement of an order of the human rights commission is initiated by filing a complaint in the circuit court. Copies of the complaint shall be served upon all parties of record. Within thirty (30) days after the filing of the complaint by the human rights commission, or within such further time as the court may allow, the human rights commission shall transmit to the court the original or certified copy of the entire record upon which the order is based, including a transcript of testimony, which need not be printed. By stipulation of all parties to the proceeding, the record may be shortened. The findings of fact of the human rights commission shall be conclusive unless clearly erroneous in view of the probative and substantial evidence on the whole record. The court shall have power to grant such temporary relief or restraining order as it deems just, and to enter an order enforcing, modifying and enforcing as modified or setting aside in whole or in part the order of the human rights commission, or remanding the case to the human rights commission for further proceedings. All such proceedings shall be heard and determined by the circuit court and the court of appeals as expeditiously as possible and with lawful precedence over other matters.

(Ord. No. 79-002, Art. III, § 3, 1-4-79)

Secs. 5-19—5-30. Reserved.

ARTICLE III. FAIR HOUSING*

Sec. 5-31. Policy.

It is the policy of the city to provide, within constitutional limitations, for fair housing throughout the city.

(Ord. No. 94-008, § 1, 4-21-94)

***Editor's note—**Ord. No. 94-008, §§ 1—15, adopted April 21, 1994 has been codified herein as superseding the provisions in §§ 5-31—5-36 concerning unfair housing practices. Said former sections derived from Ord. No. 79-002, Art. II §§ 1—5, adopted Jan. 4, 1979 and Ord. No. 84-013, § 1, adopted Sept. 6, 1984.

State law reference—Unlawful housing practices, etc., KRS 344.360 et seq.

Sec. 5-32. Definitions.

(a) *Dwelling* means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure of portion thereof.

(b) *Family* includes a single individual.

(c) *Person* includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(d) *To rent* includes to lease, to sublease, to let and otherwise to grant for a consideration the right [to] occupy premises owned by the occupant.

(e) *Discriminatory housing practice* means an act that is unlawful under section 5-34, 5-35, or 5-36.
(Ord. No. 94-008, § 2, 4-21-94)

Sec. 5-33. Unlawful practice.

Subject to the provisions of subsection (b) and section 5-37, the prohibitions against discrimination in the sale or rental of housing set fourth in section 5-33 shall apply to:

(1) All dwellings except as exempted by subsection (b).

(2) Nothing in section 5-34 shall apply to:

a. Any single-family house sold or rented by an owner, provided, that such private individual owner does not own more than three (3) single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four-month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one (1) time; provided further, that the sale or rental of any such single-family house shall be exempted from the application of this title only if such house is sold or rented (a) without the use in any manner of the sale or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and (b) without the publication, posting or mailing, after notice of any advertisement or written notice in violation of section

5-34(3) of this article, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

b. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(3) For the purposes of subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:

a. He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein, or

b. He has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence in providing sales or rental of any dwelling or any interest therein, or

c. He is the owner of any dwelling designed or intended for occupancy by or occupied by, five or more families.

(Ord. No. 94-008, § 3, 4-21-94)

State law reference—Similar provisions, KRS 344.360, 344.362.

Sec. 5-34. Discrimination in the sale or rental of housing.

As made applicable by section 5-33 and except as exempted by sections 5-33(2) and 5-37, it shall be unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable orto deny, a dwelling to any person because of race, color, religion, sex, national origin, familial status or handicapped status.

(2) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, national origin, familial status or handicapped status.

(3) To make, print or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status or handicapped status, or an intention to make any such precedence, limitation or discrimination.

(4) To represent to any person because of race, color, religion, sex, national origin, familial status or handicapped status that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(Ord. No. 94-008, § 4, 4-21-94)

Sec. 5-35. Discrimination in the financing of housing.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying thereof for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 5-33(2).
(Ord. No. 94-008, § 5, 4-21-94)

State law reference—Similar provisions, KRS 344.370.

Sec. 5-36. Discrimination in the provision of brokerage services.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him the terms, or conditions of such access, membership or participation, on account of race, color, religion, sex, national origin, familial status or handicapped status.
(Ord. No. 94-008, § 6, 4-21-94)

Sec. 5-37. Exemption.

Nothing in this article shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwelling which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this article prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provided lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
(Ord. No. 94-008, § 7, 4-21-94)

Sec. 5-38. Administration.

(a) The authority and responsibility for administering this act shall be in the chief executive officer of the city.

(b) The chief executive officer may delegate any of these functions, duties, and powers to employees of the city or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this article. The chief executive officer shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the city, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(c) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this article and shall cooperate with the chief executive officer to further such purposes.
(Ord. No. 94-008, § 8, 4-21-94)

Sec. 5-39. Education and conciliation.

Immediately after the enactment of the this article, the chief executive officer shall commence such educational and conciliatory activities as will further the purposes of this article and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement.
(Ord. No. 94-008, § 9, 4-21-94)

Sec. 5-40. Enforcement.

(a) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the chief executive office. Complaints shall be in writing and shall contain such information and be in such form as the chief executive officer required. Upon receipt of such a complaint, the chief executive officer shall furnish a copy of the same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within thirty (30) days after receiving a complaint, or within thirty (30) days after the expiration of any period of reference under subsection (c), the chief executive officer aggrieved [attempts] to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this article without the written consent of the persons concerned. Any employee of the chief executive officer who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars ($1,000.00) or imprisoned not more than one (1) year.

(b) A complaint under subsection (a) shall be filed within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended

at any time. A respondent may file an answer to the complaint against him and with the leave of the chief executive officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(c) If within thirty (30) days after a complaint is filed with the chief executive officer, the chief executive officer has been unable to obtain voluntary compliance with this article, the person aggrieved may, within thirty (30) days thereafter, file a complaint with the secretary of the department of housing and urban development. The chief executive officer will assist in this filing.

(d) If the chief executive officer has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this article, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin respondent from engaging in such practice or order such affirmative action as may be appropriate.

(e) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(f) Whenever an action filed by an individual shall come to trial, the chief executive officer shall immediately terminate all efforts to obtain voluntary compliance.
(Ord. No. 94-008, § 10, 4-21-94)

Sec. 5-41. Investigations, subpoena—Giving of evidence.

(a) In conducting an investigation the chief executive officer shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and report the testimony or statements of such person as are reasonably necessary for the furtherance of the investigation; provided, however, that the chief executive officer first complies with the provisions of the fourth amendment relating to unreasonable searches and seizures. The chief executive officer may issue subpoenas to compel his access to the production of such materials, or the appearance of such persons, any may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The chief executive officer may administer oaths.

(b) Upon written application to the chief executive officer, a respondent shall be entitled to the insurance of a reasonable number of subpoenas by and in the name of the chief executive officer to the same extent and subject to the same limitations as subpoenas issued by the chief executive officer himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(c) Witnesses summoned by a subpoena of the chief executive officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall state they were issued at his request.

(d) Within five (5) days after service of a subpoena upon any person, such person may petition the chief executive officer to revoke or modify the subpoena. The chief executive officer shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires a production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(e) In case of contumacy or refusal to obey a subpoena, the chief executive officer or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served or transacts business.

(f) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the chief executive officer shall be fined not more than one thousand dollars ($1,000.00) or imprisoned not more than one (1) year, or both. Any person who, with intent thereby to mislead the chief executive officer, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the chief executive officer pursuant to his subpoena or other order, or, shall willfully neglect or fail to make or cause to be made full, true and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than one thousand dollars ($1,000.00) or imprisoned not more than one (1) year, or both.

(g) The city attorney shall conduct all litigation in which the chief executive officer participates as a part or as amicus pursuant to this article.
(Ord. No. 94-008, § 11, 4-21-94)

Sec. 5-42. Enforcement by private persons.

(a) The rights granted by sections 5-33, 5-34, 5-35 and 5-36 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred; provided however, that the court shall continue such civil case brought pursuant to this section or section 5-40(d) from time to time before bringing it to trial if the court believes that the conciliation efforts of the chief executive officer are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the chief executive officer and which practice forms the basis for the action in court; and provided, however, that any sale, encumbrance, or rental consummated to the issuance of any court

order issued under the authority of this article, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this article shall not be affected.

(b) The court may grant as relief, as it seems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and nor more than two thousand dollars ($2,000.00) punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff; provider, that the said plaintiff in the opinion of the court is not financially able to assume said attorney's fees.
(Ord. No. 94-008, § 12, 4-21-94)

Sec. 5-43. Interference, coercion or intimidation.

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 5-33, 5-34, 5-35, or 5-36. This section may be enforced by appropriate civil action.
(Ord. No. 94-008, § 13, 4-21-94)

Sec. 5-44. Separability of provisions.

If any provision of this article or the application thereof to any person or circumstances is held invalid, the remainder of the article and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.
(Ord. No. 94-008, § 14, 4-21-94)

Sec. 5-45. Prevention of intimidation in fair housing cases.

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

(1) Any person because of his race, color, religion, sex, national origin, familial status or handicapped status, and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation, or facility relating to the business of selling or renting dwellings; or

(2) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

a. Participating, without discrimination on account of race, color, religion, sex, national origin, familial status or handicapped status in any of the activities, services, organizations or facilities described in subsection 5-45a.

b. Affording another person or class of persons opportunity or protection so to participate; or

(3) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organization or facilities described in subsection 5-45(1), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate, shall be fined not more than one thousand dollars ($1,000.00) or imprisoned not more than one (1) year, or both; and if bodily injury results shall be fined not more than ten thousand dollars ($10,000.00), or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

(Ord. No. 94-008, § 15, 4-21-94)

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Chapter 6

DISASTER AND EMERGENCY PREPAREDNESS*

Art. I. In General, §§ 6-1—6-10
Art. II. Hazardous Materials, §§ 6-11—6-20

***Cross references—**Administration, ch. 2; fire prevention and protection, ch. 7; flood prevention, ch. 8.

State law reference—Emergency management, KRS chs. 39A—39C.

ARTICLE I. IN GENERAL

Sec. 6-1. Definition.

For the purpose of this chapter, "disaster and emergency response" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from fire, flood, tornado, other natural or man caused disasters, riot, enemy attack, sabotage, explosion, power failure, energy shortages, transportation emergencies or other causes, and the threatened or impending happening of any of the above, and in order to insure that preparations and response for this state will be adequate to deal with disaster or emergencies or the threat of the same. These functions include, without limitation, fire fighting services, police services, medical and health services, ambulance service, rescue, search and rescue, engineering, warning services, communications, radiological, chemical and other monitoring, decontamination and neutralization, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, plant protection, temporary restoration of public utility services, and other functions related to effective reaction to a disaster or emergency situation, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions.
(Code 1966, § 38.51)

Cross reference—Definitions and rules of construction generally, § 1-2.
State law reference—Similar provisions, KRS 39A.020.

Sec. 6-2. Director.

There is hereby created the office of director of the local organization for disaster and emergency response. The director shall be appointed jointly by the mayor and county judge, and shall have direct responsibility for the organization, administration and operation of such local organization, subject to the direction and control of the mayor and county judge. During periods of emergency he shall direct the activities hereunder.
(Code 1966, § 38.52)

Secs. 6-3—6-10. Reserved.

ARTICLE II. HAZARDOUS MATERIALS*

Sec. 6-11. Purpose.

This article is adopted by the city council for the purpose of protecting public health/safety and the environment in Scott County, Kentucky, through timely response and remediation efforts by properly trained individuals for incidents requiring action by existing/future local, state and/or federal requirements.

***Editor's note—**Ord. No. 96-017, §§ I—X, adopted July 18, 1996, was nonamendatory of the Code; hence, inclusion herein as Art. II of ch. 6 was at the discretion of the editor.

This article also provides a mechanism for local agencies to recoup response costs from persons responsible for the release.
(Ord. No. 96-017, § I, 7-18-96)

Sec. 6-12. Applicability.

Pursuant to authority of K.R.S. 67.083(7), the provisions of this article shall apply to all persons who manufacture, use, store, or transport hazardous materials within the city when in the event of an unauthorized release of a hazardous material:

(1) In which the safety of local residents and/or irreversible damage to the environment is imminent without immediate action; and,

(2) The responsible party has refused to act in a reasonable time or the responsible party is not known through existing reporting or record keeping requirements; and

(3) The responsible party would be required by existing local, state, and/or federal regulation(s) to report, contain and remediate the hazardous material release (cause a release of a "reportable quantity" (RQ) of a hazardous material).

(Ord. No. 96-017, § II, 7-18-96)

Sec. 6-13. Definitions.

Authorized release means a release of hazardous materials in accordance with an appropriate permit granted by a local, state or federal agency having primary jurisdiction over such release.

Consumer product shall have a meaning stated in 15 U.S.C. 2052.

Costs shall mean and include all expenses incurred by local government and/or local emergency response organizations regardless of whether or not such agencies are publicly or privately owned in responding to any hazardous materials spill, leak or other release into the environment and for any remedial or removal actions taken to protect and safeguard the public health and safety, property or the environment. The term includes, but is not limited to costs incurred for personnel, equipment and the use thereof, materials, supplies, services, damage or loss of equipment, both organization and personal, and related expenses resulting directly from response to a release or threatened release of a hazardous material;

Employee means any person who works, with or without compensation, in a workplace;

Employer means any person, firm, corporation, partnership, association, government agency, or other entity engaged in a business or providing services which has employees;

Environment means the navigable waters of the United States and any other surface water, ground water, drinking water supply, soil surface, subsurface strata, storm sewer or publicly owned sanitary sewer or treatment works (other than those handling only wastewater generated at a facility) within the city. The terms shall include air only for purposes of reporting releases pursuant to the further provisions of this article.

Facility means any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment container), tank, motor vehicle, truck trailer, rolling stock, or aircraft; or any site or area where a hazardous material has been deposited, stored, disposed of, abandoned, placed or otherwise come to be located. Consumer products in consumer use and vessels are not included;

Hazardous materials means any element, compound, substance or material or any combination thereof which are toxic, flammable, explosive, corrosive, radioactive, oxidizers, etiological agents, carcinogenic, or are highly reactive when mixed with other substances, including, but not limited to, any substance or material which is designated a hazardous material pursuant to the "Hazardous Materials Transportation Act" (49 U.S.C.A., Sec. 1801, et seq.) or is listed by Appendix A, 40 CFR Part 302, "List of Hazardous Materials and Reportable Quantities," as amended, published by the U.S. Environmental Protection Agency (EPA), and herein incorporated by reference the same as if set out at length herein in words and figures, in a quantity and form which may pose a substantial present or potential hazard to human health, property or the environment when improperly released, treated, stored, transported, disposed of, or otherwise managed;

Normal application of pesticides means application pursuant to the label directions for application of a pesticide product registered under Section 30 or Section 24 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (7 U.S.C. 135 et seq.) (FIFRA), or pursuant to the terms and conditions of an experimental use permit issued under Section 5 of FIFRA, or pursuant to an exemption granted under Section 18 of FIFRA.

Oil means oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

Release means any spilling, leaking, pumping, pouring, emitting, escaping, emptying, discharging, injecting, leaching, dumping, or disposing of a hazardous material into or on any land, air, water, well, stream, sewer or pipe so that hazardous materials or any constituent thereof may enter the environment. The term shall not apply to:

(1) With respect to a claim which such persons may assert against the employer of such persons as provided by CERCLA regulations, any release which results in exposure to persons solely within a workplace,

(2) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or a pipeline station pumping engine, and

(3) The normal application of fertilizers and pesticides;

Person means any individual, business, firm, partnership, corporation, consortium, association, trust, joint stock company, cooperative, joint venture, city, county, city or county special district, the state or any department, agency or political subdivision thereof, the United States government, or any other commercial or legal entity;

Remedial Action means any action consistent with permanent remedy taken instead of or in addition to any removal actions in the event of a release or threatened release of a hazardous

material into the environment, to prevent or minimize the release of hazardous materials so that they do not migrate to cause a substantial present or potential hazard to human health, property or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches or ditches, clay (or other earth) cover, neutralization, cleanup of released hazardous materials or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, repair or replacement of leaking containers, collection of leachate and runoff, on site treatment or incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect public health and welfare and the environment;

Removal means the cleanup or removal of released hazardous materials from the environment, such actions as may be necessary or appropriate to monitor, assess, and evaluate the release or threatened release of hazardous materials, the disposal of removed material, or the taking of such actions as may be necessary to prevent, minimize, or mitigate damage to public health or welfare or the environment. The term includes, but is not limited to, security fencing, provision of alternative water supplies, and temporary evacuation, reception and care of threatened persons.

Reportable quantity means that quantity:

(1) Listed hazardous materials: The quantity appearing in column RQ for each hazardous material listed in:

1. "List of Hazardous Materials and Reportable Quantities," 40 CFR Part 302, as amended,

2. "Extremely Hazardous Substances," designated in 40 CFR Part 355 under SARA Title III.

(2) Petroleum or petroleum products: The reportable quantities are twenty-five (25) gallons or more of a petroleum product within a twenty-four hour period and seventy-five (75) gallons or more of diesel fuel in a twenty-four (24) hour period or any amount that creates a visible sheen on surface waters.

(3) Releases to sanitary sewer system: Notwithstanding any other provision of this section, any release of a hazardous material to a sanitary sewer system which is prohibited under applicable pretreatment or other regulations of the city sewer use ordinance or other sewer system operating in the city shall be deemed to be released in reportable quantities.

Response means any remedial or removal actions, including, but not limited to, response by local public safety and emergency agencies and subsequent actions taken to insure the preservation and protection of the public health, safety, welfare and the environment;

Vessel means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.
(Ord. No. 96-017, § III, 7-18-96)

Sec. 6-14. Prohibited acts.

(a) *Notice upon discovery:* When a release or a threatened release, other than an authorized release, of a hazardous material in a quantity equal to or exceeding the reportable quantity hereinbefore established for such material occurs or is imminent on any facilities of any kind within the city, the person in charge of such facilities, upon discovery of such release or threatened release, or evidence that a release has occurred even though it has apparently been controlled, shall immediately cause notice of the existence of such release or threatened release, the circumstances of same, and the location thereof to the Georgetown/Scott County Emergency Communications Center.

(b) *Emergency telephone number:* The notice required to be given by this section may be given by telephoning 911 (or such emergency telephone number as may be subsequently designated). This one call will meet the requirements for notification of local agencies (LEPC, Fire Department with jurisdiction, Local DES, Ambulance Service, etc. as required).

(c) *Duty to control releases:* The notice required to be given by this section shall not be construed as forbidding or otherwise exempting any person on or about the facilities from exercising all diligence necessary to control such release prior to or subsequent to such notice to the emergency communication center, especially if such efforts may result in the containment of the release and/or the abatement of any hazard to life and/or property.

(d) *Duty to report to other agencies:* No statement contained in this section shall be construed to exempt or release any person from any other notification or reporting procedures in accordance with applicable state or federal laws or regulations.
(Ord. No. 96-017, § IV, 7-18-96)

Sec. 6-15. Administering agency.

The purpose of this article is to establish a uniform county-wide program for protection of the environment from uncontrolled releases of hazardous materials to be administered by existing agencies of local government through protocols and standard operating procedures.
(Ord. No. 96-017, § V, 7-18-96)

Sec. 6-16. Response authority.

(a) The Georgetown/Scott County Disaster and Emergency Services Operation (DES) shall have authority to coordinate response to any release or threatened release of hazardous materials in the city.

(b) The fire chief of the jurisdiction in which such release or threatened release is located shall have primary authority for taking remedial or removal actions necessary to control or contain such release or threatened release and to assure the protection of human health, property and the environment. The role of DES is to give technical advice and assistance to the fire chief.

(c) DES or the fire chief shall immediately report any release or threatened release to the executive authority of the jurisdiction (e.g., county judge/executive or his administrative assistant, mayor, city administrative officer, city coordinator) if Section 6-12(2) of this article applies. If in the opinion of the executive authority, the seriousness of the situation warrants, the chief executive officer of the jurisdiction (county judge/executive or mayor) shall declare the existence of a state of emergency in the jurisdiction, and thereafter, the response authority provided by this section shall then be vested in such chief executive officer. In such event, the chief executive officer may authorize DES, the fire chief, or other appropriate person to exercise all or part of the response authority provided by this section until further notice.

(d) All local emergency response personnel shall cooperate with and operate under the direction of the chief executive officer of the jurisdiction, the fire chief, DES, or other person then exercising response authority under this section until such time as the person then exercising response authority has determined that the response is complete, or responsibility for response has been assumed by the state or federal agency having primary jurisdiction over such release or threatened release.

(e) The person exercising response authority under this section shall coordinate and/or cooperate with other federal, state or local public health, safety and emergency agencies involved in the response to a release or threatened release of hazardous materials.

(f) The person exercising response authority under this section may, with the approval of the executive authority of the jurisdiction, obtain vital supplies, equipment, services and other properties found lacking and needed for the protection of human health, property and the environment and obligate the jurisdiction for the fair value thereof.
(Ord. No. 96-017, § VI, 7-18-96)

Sec. 6-17. Liability for costs.

Notwithstanding any other provision or rule of law, the following persons shall be jointly and severally liable for all costs of removal or other remedial actions incurred by local public safety and emergency agencies as a result of a release or threatened release of hazardous materials into the environment:

(1) The owner and operator of a facility or vessel from which there is a release or substantial threat of release of hazardous materials;

(2) Any person who, at the time of disposal, transport, storage, or treatment of hazardous materials, owned or operated the facility or vessel used for such disposal, transport, treatment, or storage from which there was a release or substantial threat of a release of hazardous materials;

(3) Any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous materials owned, controlled or possessed by another party or entity from which facility there is a release or substantial threat of a release of hazardous materials;

(4) Any person who accepts or accepted any hazardous materials for transport to disposal, storage or treatment facilities from which there is a release or substantial threat of a release of hazardous materials.

(Ord. No. 96-017, § VII, 7-18-96)

Sec. 6-18. Authorized release.

There shall be no liability under this article for any release permitted by local, state or federal law, but only to the extent that such release is made in accordance with an appropriate permit granted by the state or federal agency having primary jurisdiction over such release and that such release is in full compliance with such permit with respect to time, location and manner of the release so that such release will not create a hazard or potential hazard to human health, property or the environment; or, if such release is in substantially lesser quantities than those reportable quantities established by state or federal law, regulations, permit requirements, or ordinances of the jurisdiction in which such release occurs.

(Ord. No. 96-017, § VIII, 7-18-96)

Sec. 6-19. Contractual indemnification—Subrogation.

(a) No conveyance, transfer, sale, indemnification, hold harmless, or similar agreement shall be effective to release the owner or operator of any facility or vessel or any person who may be liable for a release of hazardous materials or threat thereof under this article. Nothing in this section shall bar any arrangements to insure, hold harmless or indemnify a party to such agreement for any liability under this article.

(b) Nothing in this section, including the provisions of subsection (a) above, shall bar a cause of action that an owner or operator or any other person subject to liability under this article, or a guarantor, has or would have, by reason of subrogation or otherwise against any person.

(Ord. No. 96-017, § IX, 7-18-96)

Sec. 6-20. Disclaimer of liability.

This article shall not create liability on the part of the administering agency or on the part of the response authority for any damages that result from reliance on this article or any administrative decision lawfully made thereunder. All persons are advised to determine to their own satisfaction the level of protection, in addition to that required by this article, necessary or desirable to ensure that there is no unauthorized release of hazardous materials.

(Ord. No. 96-017, § X, 7-18-96)

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Chapter 7

FIRE PREVENTION AND PROTECTION*

Article I. In General

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Sec. 7-2. Hydrant fee.
Secs. 7-3—7-15. Reserved.

Article II. Fire Safety Standards

Sec. 7-16. Adoption of Kentucky Standards of Safety.
Sec. 7-17. Adoption of National Fire Codes.
Sec. 7-18. Enforcement.
Sec. 7-19. Permits and fees.
Sec. 7-19.1. Appeal process.
Sec. 7-20. Violations.
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Article III. Explosives

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Article IV. Fire Lanes

Sec. 7-51. Required.
Sec. 7-52. Defined.
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Sec. 7-60. Existing firelanes.
Sec. 7-61. Establishment of firelanes on existing properties.
Sec. 7-62. Penalties.
Secs. 7-63—7-70. Reserved.

***Cross references—**Fire department, § 2-136 et seq.; alarm systems, ch. 2.5; building and building regulations, ch. 4; disaster and emergency preparedness, ch. 6; bonfire, § 10-5.

State law reference—Fire prevention and protection, KRS ch. 227.

Article V. Fireworks Enforcement Code

Sec. 7-71. Title.
Sec. 7-72. Definitions.
Sec. 7-73. Use and sale of fireworks.
Sec. 7-74. Restrictions.
Sec. 7-75. Permits.
Sec. 7-76. Seasonal fireworks retailers.
Sec. 7-77. Revocation; suspension.
Sec. 7-78. Ancillary fireworks retailers.
Sec. 7-79. Penalties.
Sec. 7-80. Enforcement of article.

ARTICLE I. IN GENERAL

Sec. 7-1. Regulation of open fires.

(a) *Purpose.* The purpose of this ordinance is to provide for the issuance of permits for the burning of suitable materials under safe conditions consistent with the provisions, below.

(b) *Permit issuance.* No person shall ignite an open fire without having first obtained a permit from the local office of fire marshall or the chief of the fire department or his or her designee. Open fire is defined as the burning of any material that results in the products of combustion being emitted directly into the ambient air without passing through a chimney or stack. The permit issued for such a fire shall contain the conditions under which the fire shall be started, maintained and extinguished.

The city shall charge an open fire permit fee of fifty dollars ($50.00), to defray the cost of administrating the provisions of this section.

(c) *Performance standards.* All open fires shall conform to the following standards:

(1) No fire shall be started within fifty (50) feet of any structure. This distance may be extended by the permit issuing official in the event the proposed fire is upwind of the threatened structure;

(2) No fire shall be started within one hundred fifty (150) feet of any woodlands;

(3) The permit holder or person designated on the permit shall be present at all times from the ignition of the open fire until it is extinguished;

(4) Number 1 or 2 diesel fuel and paper are the only permitted accelerants;

(5) The official issuing the permit shall consider the fire's content, location, weather conditions, immediate area, method of extinguishing, persons available at site and the experience of the person[s] available. Based upon these factors, the issuing officer shall determine the size of the fire;

(6) The permit shall be maintained on site at all times until the fire is extinguished;

(7) The official issuing the permit, any law enforcement official and any fire fighting officer are authorized to order the open fire extinguished at any time he or she believes the fire poses a threat to persons or property;

(8) No one shall commence burning prior to three (3) hours after sunrise. Burning shall be completed on the same day as started, no later than three (3) hours prior to sunset;

(9) The smoke produced by the fire shall not be allowed to cross any road, street, drive or highway at such height that motorists' visibility is affected;

(10) Brush or other approved waste must be generated or produced on the property on which the permitted fire is requested;

(11) All applicable regulations of the natural resources cabinet shall be observed;

(12) The following materials shall not be permitted in any open fire:

a. Household solid waste;

b. Tires;

c. Petroleum products;

d. Putrescible waste;

e. Hazardous waste;

f. Construction and demolition waste, except untreated wood;

g. Municipal solid waste;

h. Treated wood;

i. Furniture and carpeting;

j. Electrical wiring;

k. Appliances;

l. Animal carcasses;

m. Pesticides, herbicides, or other toxic compounds;

n. Aerosol cans;

o. Plastics; and

p. Any other material, the burning of which under the applicable circumstances, constitutes a threat to the public safety.

(Ord. No. 99-013, §§ 1—3, 5-20-99)

Sec. 7-2. Hydrant fee.

(a) *Establishment of hydrant fee.* A fee for fire hydrants shall be charged of all customers, within the area of the city served by the Kentucky American Water Company ("KyAm"). This fee shall cover all costs related to the maintenance of fire hydrants within the KyAm service area. Related costs shall include the city's cost of administering the collection of the fee and the required remittance to KyAm in satisfaction of all fire hydrant service charges levied for the provision and maintenance of fire hydrants within the KyAm service.

(b) *Calculation of hydrant fee.* The fire hydrant fee to be charged customers of the KyAm service area shall be calculated as follows:

(1) The KyAm annual service charge per hydrant times the number of hydrants in the KyAm service area yields the amount to be collected from the benefitted residents. The number of hydrants used in this calculation shall be the actual number of hydrants in service plus that number reasonably anticipated for installation during the coming year;

(2) The amount determined in paragraph (1) above, times one hundred two (102) percent, yields the total income the city must receive to cover the service charge for all hydrants anticipated during the year in which the established fee is to be

collected, the expense of administering the collection and payment of funds under this section, additional funds necessary to offset income lost due to nonpayment of fee and interim rate increases. In the event the actual experience reveals that one hundred two (102) percent of the KyAm service charge is not sufficient to cover the actual costs described above, the city, upon documentation of the insufficiency, may establish the total required income under this paragraph at greater than one hundred two (102) percent of the amount determined in paragraph (1) above;

(3) The amount determined in paragraph (b), above, divided by the number of customers yields the annual amount to be collected from each customer in the KyAm service area;

(4) The amount determined in paragraph (3), above, divided by twelve (12) yields the monthly payment to be collected from each customer.

(c) *Annual review of hydrant fee.* On or before January 1 of each succeeding year after the effective date of the hydrant fee, the city shall review the fee calculated under subsection (b) above, making such adjustments as are necessary to maintain the fee at one hundred fifteen (115) percent of that amount required to cover the anticipated annual cost of the KyAm service fee for fire hydrants, subject to the provisions of subsection (b)(2).

(d) *Responsibility for hydrant service charge.* The initial responsibility for the service charge for KyAm hydrants shall rest with the person or entity with whom KyAm contracted for the installation of the hydrant. The city shall assume responsibility for the service charge for a hydrant when the hydrant is accepted by the city as part of the public fire protection system. Hydrants which are installed as part of the public fire protection system shall be installed pursuant to approved development plans or subdivision plats and dedicated to the city's use as part of the public fire protection system. The city's acceptance of the dedication of a hydrant shall occur whenever any structure or part thereof for which a certificate of occupancy has been issued lies within the hydrant's service area. For purposes of this section, service area means a circle with a hydrant as the center point and a radius equal to one-half (½) of the minimum distance between hydrants, as required by the applicable standard adopted by the City of Georgetown. Application for acceptance of a hydrant into the public fire protection system shall be made to the fire marshal, on a form issued by him or her. Upon a determination by the fire marshal that a hydrant meets the criteria in this section for acceptance into the public fire protection service and certification of such to the city clerk, such hydrant shall be automatically accepted into the public fire protection system and such acceptance shall not require approval of the city council. Notwithstanding the provisions of this section, responsibility for hydrants that are or were not intended to be dedicated to the city as part of the public fire protection system shall remain with the person or entity with whom KyAm contracted for the installation of the hydrant and such person or entity's successors and assigns unless specifically accepted by the city council for maintenance as part of the public fire protection system.

(e) Responsibility of Kentucky American Water Company. The Kentucky American Water Company shall cooperate with the city in the provision of all necessary information related to the location and number of KyAm fire hydrants within the city's limits and the number and location of KyAm's customers. KyAm shall include the city's fire hydrant fee on its water bill to customers within the city's boundaries. KyAm shall remit to the city all hydrant fee payments collected. The remittance of these payments shall be on or before the tenth day of each month.

(f) *Commencement of hydrant fee payments.* The KyAm customers' monthly hydrant payments shall commence upon the completion of the following:

(1) The calculation of the city's fee as provided above;

(2) Notification to KyAm of the amount to be collected;

(3) The inclusion of the amount to be collected on the KyAm customer water bill; and

(4) If necessary, approval by the public service commission of the inclusion of the city's fee on the KyAm customer water bill.

(Ord. No. 99-045, § 1—6, 11-18-99; Ord. No. 2015-010, § 1, 8-10-15)

Secs. 7-3—7-15. Reserved.

ARTICLE II. FIRE SAFETY STANDARDS

Sec. 7-16. Adoption of Kentucky Standards of Safety.

The Kentucky Standards of Safety (Fire Prevention Code) as promulgated in 815 KAR 10:060 by the department of housing, buildings and construction on the advice and recommendation of the state fire marshal, is hereby adopted and incorporated by reference as set forth in said regulation excluding those standards which are excluded by state regulation as an ordinance for the city. Copies of the code book are available through the department of housing, buildings and construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40604-5405, or a copy may be reviewed at the office of the City Clerk, City of Georgetown.

(Ord. No. 90-031, § 1, 12-13-90; Ord. No. 07-013, § 1, 8-27-07; Ord. No. 14-016, § 1, 8-25-14)

Editor's note—Ord. No. 90-031, § 1, adopted Dec. 13, 1990, amended §§ 7-16—7-19 to read as herein set out. Prior to inclusion of said ordinance, §§ 7-16—7-19 pertained to similar subject matter and derived from Ord. No. 83-003, §§ 2, 3, adopted March 3, 1983.

Sec. 7-17. Adoption of National Fire Codes.

The 2012 NFPA 1 Uniform Fire Code and NFPA 101 Life Safety Code copies of which are on file in the office of the chief of the city fire department and at the office of the city clerk, City of Georgetown, are hereby adopted and incorporated by reference as set forth in 815 KAR 10:060 as an ordinance for the city, said ordinance being incorporated herein by this reference.

(Ord. No. 90-03, § 2, 12-13-90; Ord. No. 07-013, § 1, 8-27-07; Ord. No. 14-016, § 2, 8-25-14)

Note—See the editor's note at § 7-16.

Sec. 7-18. Enforcement.

This article and the Standards of Safety and the National Fire Codes shall be enforced by the code enforcement board according to the provisions of the Georgetown Code Enforcement Board Ordinance. The fire chief shall be designated as the local code enforcement officer for the above Standards of Safety and the National Fire Codes, 2012, as appointed by the state fire marshal and the city.
(Ord. No. 90-031, § 3, 12-13-90; Ord. No. 07-013, § 1, 8-27-07; Ord. No. 14-016, § 3, 8-25-14; Ord. No. 16-009, § 18, 9-12-16)

Note—See the editor's note at § 7-16.

Sec. 7-19. Permits and fees.

The requirements for permits and required fees shall be provided for, from time to time, in ordinances duly adopted by the city council.
(Ord. No. 90-031, § 4, 12-13-90)

Note—See the editor's note at § 7-16.

Sec. 7-19.1. Appeal process.

All final decisions of the fire code official of Georgetown shall be appealable to the code enforcement board according to the provisions of the Georgetown Code Enforcement Board Ordinance.
(Ord. No. 90-031, § 5, 12-13-90; Ord. No. 16-009, § 19, 9-12-16)

Note—See the editor's note at § 7-16.

Sec. 7-20. Violations.

Any person who violates any provision of KRS 227.200 to KRS 227.400 or any provision of a lawful order, rule or regulation made under the provisions of KRS 227.200 to KRS 227.400 or this chapter or induces another to violate any provisions of KRS 227.200 to KRS 227.400 or this chapter or any lawful order, rule or regulation made thereunder, shall be guilty of a civil offense subject to enforcement according to the terms of the Georgetown Code Enforcement Board Ordinance and subject to the applicable fees and penalties set forth in KRS ch. 227. The imposition of the penalties prescribed in this Code shall not preclude the city construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent the occupancy of a building, structure or premises, or to prevent an illegal act, conduct, business or use in or about any premises.
(Code 1966, § 156.99; Ord. No. 16-009, § 20, 9-12-16)

Secs. 7-21—7-35. Reserved.

ARTICLE III. EXPLOSIVES

Sec. 7-36. Authority and scope.

(a) This article shall apply to the manufacture, possession, storage, sale, transportation and use of explosives and blasting agents.

(b) This article shall not apply to:

(1) Explosives or basting agents while in the course of transportation via railroad, water, highway or air when the explosives or blasting agents are moving under the jurisdiction of, and in conformity with, regulations adopted by any federal or state department or agency;

(2) The transportation and use of explosives or blasting agents in the normal and emergency operation of state or federal agencies nor to municipal fire and police departments, providing they are acting in their official capacity and in the proper performance of their duties;

(3) Small arms ammunition and components therefor, which are subject to the Gun Control Act of 1968 (Title 18, Chapter 44, U.S. Code) and regulations promulgated thereunder;

(4) Blasting standards KRS 351.315, 351.330, and 351.335 and Regulations 805 KAR 4:010 through 4:060;

(5) Explosives or blasting agents being used on the site of federal or state projects.

(Ord. No. 76-011, §§ 1.01, 1.02, 7-15-76)

Sec. 7-37. Storage, transportation and use.

All activities within the scope of this article shall conform to the regulations of the state department of mines and minerals, 805 KAR 4:075 through 4:080 and 805 KAR 4:090 through 4:145 (E&B R900 through 914).

(Ord. No. 76-011, § 2.01, 7-15-76)

Sec. 7-38. Blasting permits.

(a) No person shall conduct a blasting operation within the city without first obtaining a permit from the clerk-treasurer.

(b) The fee for a blasting permit or permit renewal shall be fifteen dollars ($15.00).

(c) No person shall be issued a permit to blast on public property unless the person to be in charge of the blasting holds a valid state blaster's license.

(d) No person shall be issued a permit to blast on private property with more than five (5) pounds of explosives unless the person in charge of the blasting holds a valid state blaster's license.

(e) The blasting permits shall specify the location of the blasting to be permitted.

(f) If a project is not completed, blasting permits must be renewed annually upon the applicant's payment of the renewal fee.

(g) A permit allowing blasting shall be issued upon application but, on public property, shall not become valid until seven (7) days after its issuance.

(h) If unanticipated blasting is required, the permit may become valid as soon as the clerk-treasurer notifies all required agencies.

(i) On any contract issued by an agency of the city, blasting permits shall be issued by the clerk-treasurer unless otherwise specified in the contract.

(j) False statements, made for the purpose of obtaining a permit, shall render the permit null and void from the time of issue.

(k) Copies of the blasting permit shall be distributed by the clerk-treasurer to the following required agencies: fire department, chief of police and building official.
(Ord. No. 76-011, §§ 3.01, 3.11, 7-15-76)

Sec. 7-39. Manufacture and sale.

(a) No person shall operate a business establishment where explosives are maintained for the sale, or manufacture for sale, of explosives in the city without first obtaining a permit from the clerk-treasurer.

(b) The fee for this permit is thirty-five dollars ($35.00).
(Ord. No. 76-011, §§ 4.01, 4.02, 7-15-76)

Secs. 7-40—7-50. Reserved.

ARTICLE IV. FIRE LANES*

Sec. 7-51. Required.

Firelanes shall be required in accordance with the provisions of this article on private property used for assembly, commercial, education, industrial, institutional, or multifamily dwelling purposes, and on private property containing two (2) or more dwellings to which access is provided by private roads or driveways. No proposed subdivision or planned unit development shall be approved without compliance with the terms of this article, if any part of the area being subdivision contains any of the uses or conditions described in this section.
(Ord. No. 88-013, § 1, 5-19-88)

Sec. 7-52. Defined.

A firelane is a part of a public lot, a private road or private parking lot which is designed to provide access for fire trucks to any building or other location.
(Ord. No. 88-013, § 2, 5-19-88)

Sec. 7-53. Subdivision plats shall show compliance.

Each application for approval of a plat of a subdivision shall contain sufficient information to show compliance with this article, unless there is no location within the proposed subdivision where a firelane is required under the terms of this article.
(Ord. No. 88-013, § 3, 5-19-88)

Sec. 7-54. Duties of the chiefs of fire and police.

All plans submitted under this article shall be referred to the chiefs for examination. The chiefs shall report to the planning commission staff, indicating whether the proposed plan complies with this article. If the chiefs find that the proposed firelanes contained in the plan do not comply with this article, they shall specify the changes needed for compliance. These changes shall be submitted to the planning commission staff, who shall work with the chiefs to resolve any differences between the chiefs' suggested changes and the proposals of the applicant.
(Ord. No. 88-013, § 4, 5-19-88)

***Editor's note—**Ord. No. 88-013, §§ 1—12, adopted May 19, 1988, did not specifically amend the Code; hence, its inclusion herein as ch. 7, Art. IV, §§ 7-51—7-62 was at the discretion of the editor. Sections 13 and 14, dealing with separability and effective date, have been omitted from codification.

Sec. 7-55. Location.

Firelanes shall be located where necessary to provide fire protection to all buildings and premises, including not only buildings and premises on the land where the firelane is located, but also any buildings or premises on adjacent land which require the service of firelanes.
(Ord. No. 88-013, § 5, 5-19-88)

Sec. 7-56. Specifications.

Firelanes shall be at least twenty (20) feet wide at any point. Curves and corners shall be wide enough to permit passage by any fire equipment owned by the city or any other fire equipment in common use. The surface of the firelane shall be an all-weather surface of the firelane shall be an all-weather surface of sufficient strength to support all firefighting equipment.
(Ord. No. 88-013, § 6, 5-19-88)

Sec. 7-57. Parking prohibited.

No parking shall be permitted in firelanes. No parking shall be permitted in any location which would prevent access to any firelane by firefighting equipment. The owner of the property containing a firelane shall have the word "Firelane" clearly marked on the pavement in safety yellow. The owner of the property shall also install appropriate signs indicating the presence of the firelane and the prohibition of parking at any time.
(Ord. No. 88-013, § 7, 5-19-88)

Sec. 7-58. Snow and ice removal.

The property owner shall remove all snow and ice from the firelane as soon as possible after the snow and ice begin to accumulate.
(Ord. No. 88-013, § 8, 5-19-88)

Sec. 7-59. Standing water.

Firelanes shall be designed and built so that water shall not stand in the firelane at any time.
(Ord. No. 88-013, § 9, 5-19-88)

Sec. 7-60. Existing firelanes.

The list of existing firelanes is attached and incorporated herein by this reference, as if set out in full. All of the firelanes set out in the attached list shall be posted as provided above within thirty (30) days of the receipt of written notice of this requirement. Notice shall be delivered by the police or fire departments.
(Ord. No. 88-013, § 10, 5-19-88)

Sec. 7-61. Establishment of firelanes on existing properties.

The chiefs shall review the schedule of firelanes, on at least an annual basis, to determine whether additional firelanes are needed for the adequate protection of the citizens. Upon the determination that a particular firelane is needed. The chiefs shall give written notice of their recommendation to the council. Within thirty (30) days of the notice, the council shall review the recommendation. Upon approval, the recommended firelane shall be added to the schedule of firelanes. Written notice of new designation shall be delivered to the property owner, who shall have thirty (30) days to comply with the provisions of this article.
(Ord. No. 88-013, § 11, 5-19-88)

Sec. 7-62. Penalties.

Any person or firm, violating the provisions of this article shall be fined ten dollars ($10.00) for each offense. Each day in which a violation occurs or continues shall constitute a separate offense.
(Ord. No. 88-013, § 12, 5-19-88)

Secs. 7-63—7-70. Reserved.

ARTICLE V. FIREWORKS ENFORCEMENT CODE

Sec. 7-71. Title.

The provisions of this article shall be known and may be cited as the "fireworks enforcement code."
(Ord. No. 13-011, § 1, 5-28-13)

Sec. 7-72. Definitions.

The following words, terms and/or phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ancillary fireworks retailer shall mean any person, business entity, association, or corporation of any kind as those terms are defined in section 1-2 of the Code, and which offers for sale, exposes for sale, sells at retail or wholesale, or keeps with intent to sell only those types of fireworks described in KRS 227.702(1) and which such sales are ancillary to its primary course of business.

Consumer fireworks shall have the same meaning as in KRS 227.702.

Display fireworks shall have the same meaning as in KRS 227.706.

Fireworks shall have the same meaning as in KRS 227.700 except it shall not include those types of fireworks described in KRS 227.702(1).

Seasonal fireworks retailer shall mean any person, business entity, association, or corporation of any kind as those terms are defined in section 1-2 of the Code, which offers for sale, exposes for sale, sells at retail or wholesale, or keeps with intent to sell, only those types of fireworks described in KRS 227.702(1) and only between June 10 and July 7.
(Ord. No. 13-011, § 2, 5-28-13)

Sec. 7-73. Use and sale of fireworks.

(a) The use or sale of fireworks in the City of Georgetown, including consumer fireworks and display fireworks, is prohibited at all times in the City of Georgetown except as set forth herein. The term "use" includes igniting, firing, or exploding or possessing with the intent of use. The term "sale" includes the sale, offering or exposing for sale, or keeping or possessing with the intent to sell.

(b) The prohibition on the use or sale of fireworks shall not apply to consumer fireworks as defined in KRS 227.702(1). However, the sale of these types of consumer fireworks shall be regulated pursuant to the fireworks enforcement code.

(c) The use or sale of display fireworks as defined in KRS 227.706 are only permitted subject to the applicable restrictions of state and federal law and with the written approval of the City of Georgetown Fire Marshal or his designee and all other necessary permits. The government may require the applicant for a display fireworks permit to reimburse the government for all reasonable costs incurred which are associated with the display, including but not limited to the incurrence of overtime by government personnel.
(Ord. No. 13-011, § 3, 5-28-13)

Sec. 7-74. Restrictions.

Fireworks and consumer fireworks shall not be used, ignited, fired, or exploded in the City of Georgetown, except as follows:

(1) Fireworks and consumer fireworks must be handled, stored, used, possessed, and sold in accordance with all applicable federal, state, and local law.

(2) Fireworks and consumer fireworks may only be used, ignited, fired, or exploded between the hours of 10:00 a.m. and 10:00 p.m., except on the following dates when the applicable ending hour shall be 12:00 a.m. (midnight):

   a. December 31 (New Year's Eve);

   b. July 3;

   c. July 4; and

   d. The date specifically named or designated by the City of Georgetown as the date to celebrate Independence Day, if other than the actual date of July 4.

(3) No person under the age of eighteen (18) years of age may possess, use, ignite, fire, or explode any fireworks, or consumer fireworks as defined in KRS 227.702(2) and (3).

(4) No person may use, ignite, fire, or explode any fireworks, or consumer fireworks as defined in KRS 227.702(2) and (3), within two hundred (200) feet of any structure, motor vehicle (whether operational or non-operational), or any other person, or in any other place where the person is in violation of any other law, regulation or ordinance.

(5) No person may use, ignite, fire, or explode any fireworks, or consumer fireworks as defined in KRS 227.702, if otherwise prohibited as part of any ban on burning issued by the state or county.

(6) Any person subject to the provisions of KRS 227.752 pertaining to storage notification must fully comply with its provisions.

(7) Any person using, igniting, or exploding fireworks or consumer fireworks as defined in KRS 227.702 shall be responsible for disposing of any resultant trash or debris.

(Ord. No. 13-011, § 4, 5-28-13)

Sec. 7-75. Permits.

In order to lawfully operate in the City of Georgetown all seasonal fireworks retailers within the City of Georgetown shall first obtain a "retail fireworks permit" from the mayor or his designee. The application for a permit, the form of which shall also be approved by the City of Georgetown fire marshal, shall be submitted at least fifteen (15) business days prior to the applicant's desired effective date for the permit, and shall, at a minimum, require the following:

(1) The applicant's name, phone number, and permanent address. In the event that the applicant desires to operate multiple locations, a separate application does not have to be submitted for each location, however, each location must have a separate firework sales permit;

(2) A detailed site plan for the proposed location(s), the address(es) of the proposed location(s), and contact information for the owner(s) of the proposed location(s) if other than the applicant;

(3) Proof of current registration with the state fire marshal in accordance with the applicable provisions of KRS ch. 227;

(4) Proof that the applicant has submitted to the Kentucky Department of Revenue, at least fifteen (15) days prior to transacting business the City of Georgetown, a completed permit application pursuant to KRS 365.665 and has complied with all necessary requirements related to the statute, if applicable;

(5) Proof that the applicant has obtained any necessary certificate(s) of occupancy from the Georgetown, Scott County Department of Building Inspection, and if deemed necessary the applicant must also obtain verification from the Georgetown-Scott County Department of Planning and Zoning that the proposed location on the application is zoned appropriately for the conduct of said business.

(6) Proof that the applicant has obtained the necessary approval of the City of Georgetown Fire Department;

(7) Proof that the applicant has obtained the appropriate occupational business license(s) from the revenue commission and paid the registration fee in accordance with chapter 17 of the Code;

(8) Proof of general liability insurance in an amount of not less than one million dollars ($1,000,000.00) per occurrence which shall remain in effect at all times while engaged in the permitted activity; and

(9) Payment of a permit fee in the amount of five hundred dollars ($500.00) per location.

(Ord. No. 13-011, § 5, 5-28-13)

Sec. 7-76. Seasonal fireworks retailers.

In order to lawfully operate in the City of Georgetown all seasonal fireworks retailers shall:

(1) Obtain the necessary retail fireworks permit;

(2) Only operate between June 10th and July 7 and between December 26 and January 2 for each year permitted. For purposes of this section, January 1 and 2 shall be considered part of the previous permit year;

(3) Prominently display a valid retail fireworks permit at each location and at all times during the hours of operation;

(4) Comply with the applicable provisions of KRS ch. 227, the International Building Code with Kentucky Amendments (adopted edition), NFPA 1124 (National Fire Protection Association) and the Code of Ordinances, City of Georgetown;

(5) Not allow any person under eighteen (18) years of age to sell any consumer fireworks;

(6) Not give, offer for sale, or sell any consumer fireworks to any person under eighteen (18) years of age; and

(7) Not offer for sale, expose for sale, or sell consumer fireworks except between the hours of 8:00 a.m. and 10:00 p.m.

(Ord. No. 13-011, § 6, 5-28-13)

Sec. 7-77. Revocation; suspension.

The fire marshal or his designee may revoke or suspend the retail fireworks permit for any site which is in violation of the fireworks enforcement code, KRS ch. 227, or chapter 17 of the Code.

(Ord. No. 13-011, § 7, 5-28-13)

Sec. 7-78. Ancillary fireworks retailers.

In order to lawfully operate in the City of Georgetown, all ancillary fireworks retailers shall:

(1) Comply with all aspects of the applicable provisions of KRS Chapter 227, the International Building Code with Kentucky Amendments (adopted edition), NFPA 1124 (National Fire Protection Association) and the Code of Ordinances, City of Georgetown;

(2) Obtain any necessary certificate(s) of occupancy from the Georgetown-Scott County Department of Building Inspection;

(3) Not give, offer for sale, or sell any consumer fireworks to any person under eighteen (18) years of age; and

(4) Not offer for sale, expose for sale, sell at retail or wholesale, or keep with intent to sell any consumer fireworks other than those described in KRS 227.702(1); and

(5) Possess the appropriate occupational business license(s) from the revenue commission pursuant to chapter 17 of the Code; and

(6) Maintain general liability insurance (or the equivalent) and be able to provide proof thereof, in an amount of not less than one million dollars ($1,000,000.00) per occurrence.

(Ord. No. 13-011, § 8, 5-28-13)

Sec. 7-79. Penalties.

Any person convicted of violating the fireworks enforcement code shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than one thousand dollars ($1,000.00) or imprisonment for a period of time not to exceed six (6) months, or both. Each day a violation occurs shall constitute a separate offense.

(1) The minimum fine for a conviction involving the sale of prohibited fireworks or consumer fireworks shall be five hundred dollars ($500.00).

(2) The minimum fine for a conviction involving the use of prohibited fireworks or consumer fireworks shall be as follows:

   a. One hundred dollars ($100.00) for the first offense within any twelve-month period of time;

   b. Two hundred fifty dollars ($250.00) for the second offense within any twelve-month period of time; and

   c. Five hundred dollars ($500.00) for the third or greater offense within any twelve-month period of time.

(Ord. No. 13-011, § 9, 5-28-13)

Sec. 7-80. Enforcement of article.

(a) Pursuant to KRS 83A.087, the fire marshal, fire inspector, or any law enforcement officer is, from the effective date of this article, authorized to issue citations for the violation of this article.

(b) The fire marshal and fire inspector, as citation officers, shall have all qualifications prescribed by the ordinance creating those positions and the job classifications.

(c) The fire marshal and fire inspector, as citation officers, shall not have the power of arrest or the authority to carry deadly weapons. The citation officers may issue citations as authorized by the state law and this section upon observation of apparent violations.

(d) The procedure for the issuance of citations by a citation officer shall be as provided in KRS 431.015.

(e) This section shall not be a limitation on the power of a citation officer to make an arrest as a private person as provided in KRS 431.005.

(f) Whenever the citation officer or law enforcement officer finds that a person has violated or failed to meet a requirement of this article, the citation officer or law enforcement officer may, in addition to the penalties authorized in this article, order by written notice that the violating uses, practices, or operations shall cease and desist immediately.
(Ord. No. 13-011, § 10, 5-28-13)

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Chapter 8

FLOOD PREVENTION*

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***Editor's note—**Ord. No. 13-028, § 1, adopted January 6, 2014, repealed the former articles I—IV, §§ 8-1—8-13, 8-31—8-33, 8-51—8-58, and 8-71—8-79, and § 2 of Ord. No. 13-028 enacted a new article I as set out herein. The former articles pertained to similar subject matter and derived from Ord. No. 08-009, adopted May 12, 2008.

Cross references—Buildings and building regulations, ch. 4; disaster and emergency preparedness, ch. 6; streets, sidewalks and other public places, ch. 15; subdivision regulations, ch. 16; zoning, ch. 20.

State law reference—City flood control systems, KRS 104.030.

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ARTICLE I. FLOODPLAIN MANAGEMENT

DIVISION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Sec. 8-1. Statutory authorization.

The Legislature of the Commonwealth of Kentucky has in Kentucky Revised Statutes (KRS) 67.083, 83A.130, and 83A.140 delegated to local government units the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. KRS 151.230 empowers local government to enact administrative regulations for floodplain management through ordinance. Local Government's participation in the National Flood Insurance Program (NFIP) assures the Federal Insurance Administration that it will enact as necessary, and maintain in force in those areas having flood, or flood-related erosion hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Parts 59, 60, and 65 of the National Flood Insurance Program Regulations (44 CFR). Therefore, the Fiscal Court of Scott County, the City Council of Georgetown, and the City Commissions of Sadieville and Stamping Ground, Kentucky, hereby adopt the following floodplain management ordinance, as follows.
(Ord. No. 13-028, § 2(art. 1, § A), 1-6-14)

Sec. 8-2. Findings of fact.

(a) The flood hazard areas of Scott County and the Cities of Georgetown, Sadieville, and Stamping Ground 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. No. 13-028, § 2(art. 1, § B), 1-6-14)

Sec. 8-3. Statement of purpose.

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

(1) 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;

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

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

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

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

(Ord. No. 13-028, § 2(art. 1, § C), 1-6-14)

Sec. 8-4. Objectives.

The objectives of this article are to:

(1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) 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;

(6) 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;

(7) Ensure that potential homebuyers are on notice that property is in a special flood hazard area; and

(8) Ensure that those who occupy a special flood hazard area assume responsibility for their actions.

(Ord. No. 13-028, § 2(art. 1, § D), 1-6-14)

Secs. 8-5—8-20. Reserved.

DIVISION 2. DEFINITIONS

Sec. 8-21. Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application. Definitions contained in the Zoning Ordinance and Subdivision and Development Regulations of Scott County may conflict and are intended for use in those provisions and shall not be used to interpret this chapter.

A zone means special flood hazard areas inundated by the one (1) percent annual chance flood (100-year flood). Base flood elevations (BFEs) are not determined.

Accessory structure (appurtenant structure) means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal 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 means 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) means any walled and roofed expansion to the perimeter or height of a structure.

AE zones means special flood hazard areas inundated by the one (1) percent annual chance flood (100-year flood). Base flood elevations (BFEs) are determined.

AH zone means an area of 100-year shallow flooding where depths are between one (1) and three (3) feet (usually shallow ponding). Base flood elevations are determined.

AO zone means an area of 100-year shallow flooding where water depth is between one (1) and three (3) feet (usually sheet flow on sloping terrain). Flood depths are determined.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this article or from the floodplain administrator's ruling on a request for a variance.

AR/A1-A30, AR/AE, AR/AH, AR/AO, and AR/A zones means 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 means that 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 means a designated AO or AH zone on a community's flood insurance rate map (FIRM) where the base flood depths range from one (1) to three (3) feet, there is no clearly defined channel, the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base flood means a flood which has a one (1) percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this article.

Base flood elevation (BFE) means the elevation shown on the flood insurance rate map (FIRM) for zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO that indicates the water surface elevation resulting from a flood that has a one (1) percent or greater chance of being equaled or exceeded in any given year.

Basement means any area of a structure having its floor sub-grade (below ground level) on all sides.

Building. See definition for structure.

Community means a political entity having the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community rating system (CRS) means 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.

Community flood hazard area (CFHA) means an area that has been determined by the floodplain administrator (or other delegated, designated, or qualified community official) from available technical studies, historical information, and other available and reliable sources, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. This includes areas downstream from dams.

Critical facility means 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 means an area in which the flood hazard is undetermined.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

Elevated structure means for insurance proposes, a non-basement structure built to have the lowest floor elevated above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

Elevation certificate means 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 article.

Emergency program means 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 means that portion of a structure below the lowest floor used solely for parking of vehicles, limited storage, or access to the structure.

Encroachment means the physical advance or infringement of uses, plant growth, fill, excavation, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing construction means any structure for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. Existing construction may also be referred to as existing structures.

Existing manufactured home park or subdivision means 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 a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Five hundred-year flood means the flood that has a 0.2 percent chance of being equaled or exceeded in any year. Areas subject to the 500-year flood have a moderate risk of flooding.

Flood or *Flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(3) Mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(4) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Flood boundary and floodway map (FBFM) means a map on which the Federal Emergency Management Agency (FEMA) has delineated the areas of flood hazards and the regulatory floodway.

Flood hazard boundary map (FHBM) means 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).

Flood insurance rate map (FIRM) means a map on which the Federal Emergency Management Agency (FEMA) has delineated special flood hazard areas and risk premium zones.

Flood insurance study means the report provided by the Federal Emergency Management Agency (FEMA) 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 means any land area susceptible to being inundated by flood waters from any source.

Floodplain administrator means the individual appointed by the community to administer and enforce the floodplain management ordinances.

Floodplain management means 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 means the ordinance from which this article is derived and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control), and other applications of police power, which control development in flood-prone areas. This term describes federal, state and/or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

Floodproofing certificate means a certification by a registered professional engineer or architect, the FEMA 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 means 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 (1) foot. Also referred to as the "regulatory floodway."

Floodway fringe means that area of the floodplain on either side of the regulatory floodway.

Freeboard means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood. Freeboard must be applied not just to the elevation of the lowest floor or floodproofing level, but also to the level of protection provided to all components of the structure, such as building utilities, HVAC components, etc.

Fraud and victimization means as related in division 6, appeals and variance procedures, of this article, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the fiscal court or city council/commission will consider the fact that every newly constructed structure adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (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.

Functionally dependent use facility means 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, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Governing body means 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 means the possible adverse incremental consequences that result from the release of water or stored contents due to failure of a dam or miss-operation 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 means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic structure means 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) means increased cost of compliance coverage means under the standard flood insurance policy the cost to repair a substantially flood damaged building that exceeds the minimal repair cost and that is required to bring a substantially damaged building into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are floodproofing (nonresidential), relocation, elevation, demolition, or any combination thereof.

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.

Letter of map change (LOMC) means an official FEMA determination, by letter, to amend or revise effective flood insurance rate maps, flood boundary and floodway maps, and flood insurance studies. LOMC's include the following categories:

(1) *Letter of map amendment (LOMA).* A revision based on technical data showing that a property was inadvertently 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 manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features.

(3) *Letter of map revision means based on fill (LOMR-F).* A determination that a structure or parcel has been elevated by properly placed engineered fill above the BFE and is, therefore, excluded from the SHFA.

Levee means a manmade 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 means 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.

Limited storage means an area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant material, void of utilities except for essential lighting, and cannot be temperature controlled.

Lowest adjacent grade means the lowest elevation of the sidewalk, patio, attached garage, deck support, basement entryway or grade immediately next to the structure and after the completion of construction.

Lowest floor means the lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, structure access, or storage in an area other than a basement area is not considered a structure's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this article.

Manufactured home means a structure, transportable in one (1) 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 one hundred eighty (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 means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Map means 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 means the four-digit number on a flood map, followed by a letter suffix, assigned by FEMA. The first four (4) digits represent the map panel. The letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

Market value means the property value (as agreed between a willing buyer and seller), excluding the value of the land as established by what the local real estate market will bear. Market value of the structure 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) means 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 the community's FIRM. For purposes of this article, the term is synonymous with either National Geodetic Vertical Datum (NGVD) of 1929 or North American Vertical Datum (NAVD) of 1988.

Mitigation means 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) means 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 proximate cause of damage that occurs.

Mudslide (i.e. mudflow) area management means 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 means 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) means 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) means 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 FIRM's. Refer to FIRM legend panel for correct datum.)

New construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means 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 floodplain management regulations adopted by a community.

Non-residential means structures that are not designed for human habitation, including but is 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 (6) months duration.

North American Vertical Datum (NAVD) means as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used on the newer FIRM's and Digitally Referenced FIRM's (DFIRM's). (Refer to FIRM or DFIRM panel legend for correct datum.)

Obstruction means and includes, but is not limited to, any dam, wall, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, structure, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-hundred year flood (100-year flood) (see base flood) means the flood that has a one (1) percent or greater chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to inundation by the 100-year flood. Over the life of a 30-year loan, there is a twenty-six (26) percent chance of experiencing such a flood with the SFHA.

Participating community means a community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Pre-FIRM construction means new construction or substantial improvements for which start of construction occurred on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

Post-FIRM construction means new construction or substantial improvements for which start of construction occurred after December 31, 1974, or on or after the effective date of the initial FIRM of the community, whichever is later.

Probation means a FEMA imposed change in community's status resulting from violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

Program deficiency means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management standards.

Public safety and nuisance means anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle means a vehicle that is:

(1) Built on a single chassis;

(2) Four hundred (400) 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 means 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 flood elevations determined in the FIS.

Regulatory floodway means 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 (1) foot. See base flood.

Remedy a violation means 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 non-compliance. Reduced impact may include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the article or otherwise deterring future similar violations, or reducing state or federal financing exposure with regard to the structure or other development.

Repair means the reconstruction or renewal of any part of an existing structure.

Repetitive loss means flood-related damages sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damage occurred.

Repetitive loss property means any insurable building for which two (2) or more claims of more than one thousand dollars ($1,000.00) were paid by the National Flood Insurance Program (NFIP) within any rolling ten-year period, since 1978. At least two (2) of the claims must be more than ten (10) days apart but, within ten (10) years of each other. A RL property may or may not be currently insured by the NFIP.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Section 1316 means that 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.

Severe repetitive loss structure means any insured property that has met at least one (1) of the following paid flood loss criteria since 1978, regardless of ownership:

(1) Four (4) or more separate claim payments of more than five thousand dollars ($5,000.00) each (including building and contents payments); or

(2) Two (2) or more separate claim payments (building payments only) where the total of the payments exceeds the current market value of the property.

In either case, two (2) of the claim payments must have occurred within ten (10) years of each other. Multiple losses at the same location within ten (10) days of each other are counted as one (1) loss, with the payment amounts added together.

Sheet flow area. See area of shallow flooding."

Special flood hazard area (SFHA) means that 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, Al-A30, AH, AO, or AR.

Start of construction (includes substantial improvement and other proposed new development) means the date a building permit is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement is within one hundred eighty (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 means a walled and roofed building, including gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Subdivision means 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 (2) or more lots or parcels.

Subrogation means a legal 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 means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a one-year period in which the cumulative percentage of improvements equals or exceeds fifty (50) percent of the market value of the

structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

(2) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Substantially improved existing manufactured home parks or subdivisions means Repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equaling or exceeding fifty (50) percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

Suspension means removal of a participating community from the NFIP for failure to enact and/or enforce floodplain management regulations required for participation in the NFIP.

Utilities means and includes, but not limited to, electrical, heating, ventilation, plumbing, and air conditioning equipment that service the structure and the site.

Variance means relief from some or all of the requirements of this article.

Violation means failure of a structure or other development to fully comply with this article. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this article is presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically.

Water surface elevation means 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 means 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 (shaded) and B zones means areas of the 0.2 percent annual chance (500-year) flood that are outside of the SFHA, 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

X (un-shaded) and C zones means areas determined to be outside the 500-year floodplain.

Zone means 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. No. 13-028, § 2(art. 2), 1-6-14)

Secs. 8-14—8-30. Reserved.

DIVISION 3. GENERAL PROVISIONS

Sec. 8-31. Lands to which this article applies.

This article shall apply to all special flood hazard areas (SFHA), areas applicable to KRS 151.250 and, as determined by the Floodplain Administrator or other delegated, designated, or qualified community official as determined by the Fiscal Court of Scott County, or the City Council of Georgetown, or the City Commissions of Stamping Ground and Sadieville from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the Fiscal Court of Scott County, or the City Council of Georgetown or the City Commissions of Stamping Ground and Sadieville which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety, and general welfare of the citizens of Scott County and the Cities of Georgetown, Sadieville, and Stamping Ground.
(Ord. No. 13-028, § 2(art. 3, § A), 1-6-14)

Sec. 8-32. 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 Scott County and unincorporated areas, and for the City of Georgetown, City of Sadieville, and City of Stamping Ground dated January 8, 2014, with up-to-date copies of the accompanying flood insurance rate maps (FIRM) for each dated January 8, 2014, and any subsequent amendments thereto occurring from time to time, and other supporting data, are hereby adopted by reference and declared to be a part of these regulations, and for those land areas acquired by the Cities of Georgetown, Sadieville, or Stamping Ground through annexation. Amendments may include a letter of map change, map panel replacement through a physical map revision, adoption of a countywide FIRM format, or other revisions issued by FEMA. This FIS and attendant mapping is the minimum area of applicability of this article and may be supplemented by studies for other areas which allow implementation of this article and which are recommended to Scott County or the Cities of Georgetown, Sadieville, or Stamping Ground by the Floodplain Administrator and are enacted by Scott County or the Cities of Georgetown, Sadieville, or Stamping Ground pursuant to statutes governing land use management regulations. The FIS and/or FIRM are permanent records of Scott County and are on file and available for review by the public during regular business hours at the Georgetown — Scott County Planning Commission at 230 East Main Street, Georgetown, Kentucky 40324.
(Ord. No. 13-028, § 2(art. 3, § B), 1-6-14)

Sec. 8-33. Establishment of development permit.

A development permit shall be required in conformance with the provision of this article prior to the commencement of any development activities in the special flood hazard areas (SFHA). See division 4, section 8-42 for instructions and explanation.

Application for a development permit shall be made on forms furnished by the floodplain administrator.
(Ord. No. 13-028, § 2(art. 3, § C), 1-6-14)

Sec. 8-34. Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or structurally altered without full compliance with the terms of this article 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 Fiscal Court of Scott County, or the Cities of Georgetown, Sadieville, Stamping Ground, or the floodplain administrator from taking such lawful action as is necessary to prevent or remedy any violation.
(Ord. No. 13-028, § 2(art. 3, § D), 1-6-14)

Sec. 8-35. Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another article, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ord. No. 13-028, § 2(art. 3, § E), 1-6-14)

Sec. 8-36. Interpretation.

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

(1) Considered minimum requirements;

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

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.
(Ord. No. 13-028, § 2(art. 3, § F), 1-6-14)

Sec. 8-37. Warning and disclaimer of liability.

The degree of flood protection required by this article 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 man-made or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This article shall not create liability on the part of the Fiscal Court of Scott County, or the City Council of Georgetown or

the City Councils of Stamping Ground and Sadieville, any officer or employee, thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.
(Ord. No. 13-028, § 2(art. 3, § G), 1-6-14)

Sec. 8-38. Enforcement and penalties.

(a) Violation of any section of this article shall constitute a civil offense which shall be enforced according to the procedures set forth in the Georgetown Code Enforcement Board Ordinance by the code enforcement board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(b) The penalty for violations of this article shall be as set forth in section 15 of the Georgetown Code Enforcement Board Ordinance.

(c) A citation for a violation of any section of this article and any applicable penalties will be waived only if the same or similar violation has not occurred on the property within the past twenty-four (24) months and the violation is remedied within seven (7) days of issuance of the citation.
(Ord. No. 16-009, § 21, 9-12-16)

Editor's note—Ord. No. 16-009, § 21, adopted September 12, 2016, repealed the former § 8-38, and enacted a new § 8-38 as set out herein. The former § 8-38 pertained to enforcement, violation notice and penalties and derived from Ord. No. 13-028, adopted January 6, 2014.

Secs. 8-39, 8-40. Reserved.

DIVISION 4. ADMINISTRATION

Sec. 8-41. Designation of local administrator.

The Fiscal Court of Scott County, the City Council of Georgetown, and the City Commissions of Sadieville and Stamping Ground hereby appoint the Georgetown-Scott County Planning Commission's Director of Development Services, or his/her Designee to administer, implement, and enforce the provisions of this article by granting or denying development permits in accordance with its provisions, and is herein referred to as the floodplain administrator. The floodplain administrator may coordinate with and utilize the services of the Georgetown-Scott County Building Inspection Department to implement and enforce this article.
(Ord. No. 13-028, § 2(art. 4, § A), 1-6-14)

Sec. 8-42. Establishment of development permit.

A development permit shall be obtained before any construction or other development begins within any special flood hazard area established in division 3, section 8-32. Application for a development permit shall be made on forms furnished by floodplain

administrator prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Endorsement of floodplain administrator is required before a state floodplain construction permit can be processed. Specifically, the following information is required.

(1) *Application stage.*

a. Proposed elevation in relation to mean sea level (MSL) of the proposed lowest floor (including basement) of all structures in zone A and elevation of highest adjacent grade;

b. Proposed elevation in relation to mean sea level to which any 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 division 5, section 8-52(2) and section 8-54(2);

d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(2) *Construction stage.* Upon placement of the lowest floor, and before construction continues, or floodproofing by whatever construction means, it shall be the duty of the permit holder to submit to the floodplain administrator and to the state a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to mean sea level. In AE, A1-30, AH, and A zones where the community has adopted a regulatory base flood elevation, said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

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

(Ord. No. 13-028, § 2(art. 4, § B), 1-6-14)

Sec. 8-43. Duties and responsibilities of the local administrator.

The floodplain administrator and/or staff is hereby appointed, authorized and directed to administer, implement and enforce the provisions of this article. The floodplain administrator is further authorized to render interpretations of this article, which are consistent with its spirit and purpose by granting or denying development permits in accordance with its provisions.

The duties and responsibilities of the floodplain administrator shall include, but not be limited to the following:

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

a. Permit requirements of this article have been satisfied;

b. All other required state and federal permits have been obtained: review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.;

c. Flood damages will be reduced in the best possible manner;

d. The proposed development does not adversely affect the carrying capacity of affected watercourses. For purposes of this article, "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 (1) foot at any point.

(2) *Review and use of any other base flood data.* When base flood elevation data has not been provided in accordance with division 3, section 8-32, 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 the provisions of division 5. Any such information shall be submitted to the Fiscal Court of Scott County, the City Council of Georgetown, and the City Commissions of Sadieville and Stamping Ground for adoption.

(3) *Notification of other agencies.*

a. Notify adjacent communities, the Kentucky Division of Water, and any other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of the watercourse;

b. Submit evidence of such notification to the Federal Emergency Management Agency (FEMA); and

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

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

a. Certification required by division 5, section 8-52(1) (lowest floor elevations) as shown on an accurately 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 and substantially improved structures, in accordance with division 4, section 8-42(2);

b. Certification required by division 5, section 8-52(2) (elevation or floodproofing of nonresidential structures) as shown on an accurately completed and certified FEMA floodproofing certificate. Verify and record the actual elevation (in relation to mean sea level) to which the new and substantially improved structures have been flood-proofed, in accordance with division 4, section 8-42(2);

c. Certification required by division 5, section 8-52(3) (elevated structures);

d. Certification of elevation required by division 5, section 8-55(a) (subdivision standards);

e. Certification required by division 5, section 8-52(5) (floodway encroachments);

f. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained;

g. Review certified plans and specifications for compliance; and

h. Remedial Action. Take action to remedy violations of this article as specified in division 3, section 8-38.

(5) *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.

a. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 8-63(a).;

b. When base flood elevation data and floodway data have not been provided in accordance with division 3, section 8-32, 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 the provisions of division 5;

c. When flood-proofing is utilized for a particular structure, the floodplain administrator shall obtain certification from a registered professional engineer or architect, in accordance with division 5, section 8-52(2) a floodproofing certificate;

d. All records pertaining to the provisions of this article shall be maintained in the office of the floodplain administrator and shall be open for public inspection.

(6) *Right of entry.*

a. Whenever necessary to make an inspection to enforce any of the provisions of the ordinance from which this article is derived, or whenever the floodplain administrator has reasonable cause to believe that there exists in any structure or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous or hazardous, the floodplain administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the floodplain administrator by this article.

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

c. If entry is refused, the floodplain administrator shall have recourse to every remedy provided by law to secure entry.

d. When the floodplain 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 floodplain administrator for the purpose of inspection and examination pursuant to this article.

(7) *Stop work orders.*

a. Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this article shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person performing the work, and shall state the conditions under which work may be resumed.

(8) *Revocation of permits.*

a. The floodplain administrator may revoke a permit or approval, issued under the provisions of this article, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

b. The floodplain administrator may revoke a permit upon determination 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 article.

(9) *Liability.* Any officer, employee, or member of the floodplain administrator's staff, charged with the enforcement of this article, acting for the applicable governing authority in the discharge of his/her duties, shall not thereby render 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/her duties. Any suit brought against any officer, employee, or member because of such act performed by him/her in the enforcement of any provision of this article shall be defended by the department of law until the final termination of the proceedings.

(10) *Expiration of floodplain construction permit.* A floodplain development permit, and all provisions contained therein, shall expire if the "start of construction" has not occurred within one hundred eighty (180) calendar days from the date of its issuance.

(Ord. No. 13-028, § 2(art. 4, § C), 1-6-14)

Secs. 8-44—8-49. Reserved.

DIVISION 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 8-50. Expiration of floodplain construction permit—In general.

The Environmental Quality Element of the Comprehensive Plan for Scott County establishes goals and objectives intended to protect environmentally sensitive areas, including special flood hazard areas. As a result, the Zoning Ordinance of Scott County defines a Conservation District in Section 4.2 and the Subdivision and Development Regulations of

Scott County set policies for environmentally sensitive areas in Article XII, Section 1200. These provisions limit development in special flood hazard areas, defined in division 3 of this article. With the desire to protect the health, safety, and welfare of its citizens, Scott County and the Cities of Georgetown, Sadieville, and Stamping Ground prohibit new construction and substantial improvements within the special flood hazard area. As a result, the lowest adjacent grade of a structure is typically above the base flood elevation and flood-proofing of structures near special flood hazard areas is not required. Scott County and the Cities of Georgetown, Sadieville, and Stamping Ground recognize non-conforming structures (see zoning ordinance sections 2.1 and 2.41) do exist. The following provisions in division 5 are established in the event new construction and substantial improvements are permitted by variance (see division 6 of this article) within the special flood hazard area. Applicable portions of these provisions shall also be used when permitting development on parcels of land contiguous to special flood hazard areas.
(Ord. No. 13-028, § 2(art. 5), 1-6-14)

Sec. 8-51. General construction standards.

In all special flood hazard areas the following provisions are required:

(1) All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(3) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(5) Electrical, heating, ventilation, plumbing, air condition equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures;

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

(7) 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;

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

(9) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this article shall meet the requirements of "new construction" as contained in this article;

(10) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this article, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

(Ord. No. 13-028, § 2(art. 5, § A), 1-6-14)

Sec. 8-52. Specific standards.

In all special flood hazard areas where base flood elevation data have been provided, as set forth in division 3, section 8-32, the following provisions are required:

(1) *Residential construction.* New construction and substantial improvement of any residential structure (including manufactured home) shall have the lowest floor, including basement, mechanical equipment, and ductwork elevated no lower than two (2) feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate automatic equalization of hydrostatic flood forces on walls shall be provided in accordance with standards of division 5, section 8-52(3).

a. In an AO zone, the lowest floor shall be elevated above the highest adjacent grade to a height equal to or higher than the depth number specified in feet on the FIRM, or elevated at least two (2) feet above the highest adjacent grade if no depth number is specified.

b. In an A zone, where no technical data has been produced by the Federal Emergency Management Agency, 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, approximate methods, use of historical data, best supportable and reasonable judgment in the event no data can be produced. The lowest floor shall be elevated no lower than two (2) feet above such base flood elevation. Title 401 KAR (Kentucky Administrative Regulations) Chapter 4, Regulation 060, Section 5(5)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 plus five-tenths (0.5) 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.

c. In all other zones, elevated two (2) 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. Such certification and verification shall be provided to the floodplain administrator.

(2) *Non-residential construction.* New construction and 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 5, section 8-52(1) or together with attendant utility and sanitary facilities:

a. Be flood proofed to an elevation two (2) feet above the level of the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy and debris;

c. Have the lowest floor, including basement, mechanical equipment and ductwork, elevated no lower than two (2) feet above the level of the base flood elevation;

d. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification along with the design and operational maintenance plans shall be provided to the floodplain administrator;

e. Manufactured homes shall meet the standards in division 5, section 8-52(4);

f. All new construction and substantial improvement with fully enclosed areas below the lowest floor (including 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 to an elevation two (2) 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. Openings for meeting this requirement must meet or exceed the standards of division 5, section 8-52(3).

(3) *Elevated structures.* New construction and substantial improvements of elevated structures on columns, posts, or pilings that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor 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.

a. Openings for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

1. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding,

2. The bottom of all openings shall be no higher than one (1) foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade), and

3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;

b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator); and

c. The interior portion of such enclosed areas shall not be finished or partitioned into separate rooms.

(4) *Standards for manufactured homes and recreational vehicles.*

a. All new and 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:

- On individual lots or parcels,
- In expansions to existing manufactured home parks or subdivisions,
- In new manufactured home parks or subdivisions,
- In substantially improved manufactured home parks or subdivisions,
- Outside of a manufactured home park or subdivision, and
- 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;

All such manufactured homes must be:

1. Elevated on a permanent foundation,

2. Have its lowest floor elevated no lower than two (2) 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;

b. 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:

1. The manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, so that either the:

- The lowest floor of the manufactured home is elevated no lower than two (2) feet above the base flood elevation, or

- The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than thirty-six (36) inches in height above the highest adjacent grade.

c. 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 one hundred eighty (180) consecutive days,
2. Be fully licensed and ready for highway use, or
3. Meet the permit requirements for new construction of this article, including anchoring and elevation requirements for "manufactured homes."

A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the State of Kentucky 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.

(5) *Floodways.* Located within areas of special flood hazard established in division 3, section 8-32, 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:

a. 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;

b. If division 5, section 8-52(5) is satisfied, all new construction and substantial improvements and other proposed new development shall comply with all applicable flood hazard reduction provisions of division 5.

(6) *Standards for utilities.*

a. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of flood waters into the systems, and
2. Discharge from the systems into flood waters.

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

(7) *Structures elevated on fill.* A residential or non-residential structure may be constructed on permanent fill in accordance with the following:

a. The lowest floor (including basement) of the structure or addition shall be no lower than two (2) feet above the base flood elevation;

b. The fill shall be placed in layers no greater than one (1) foot deep before compacting and should extend at least ten (10) feet beyond the foundation of the

structure before sloping below the base flood elevation, said slope being no greater than a 2:1 ratio unless a stability analysis is provided by a registered professional engineer;

c. The top of the fill shall be no lower than two (2) feet above the base flood elevation. However, the ten-foot minimum may be waived if a structural engineer certifies an alternative method to protect the structure from damage due to erosion, scour, and other hydrodynamic forces;

d. The fill shall not adversely affect the flow or surface drainage from or onto neighboring properties;

e. All new structures built on fill must be constructed on properly designed and compacted fill (ASTM D-698 or equivalent) that extends beyond the building walls before dropping below the base flood elevation and has appropriate protection from erosion and scour. The design of the fill or the fill standard must be approved by a licensed professional engineer; or

f. If the community adopts and enforces the soil testing and compaction requirements set forth by the Standard, Uniform, or National Building Codes or the International Residential and Building Codes, it may qualify for additional CRS credit.

(8) *Vegetative buffer strips (riparian zones).* For all activities involving construction within twenty-five (25) feet of the channel, the following criteria shall be met:

a. A natural vegetative buffer strip shall be preserved within at least twenty-five (25) feet of the mean high water level of the channel.

b. Where it is impossible to protect this buffer strip during the construction of an appropriate use, a vegetated buffer strip shall be established upon completion of construction.

c. The use of native riparian vegetation is preferred in the buffer strip. Access through this buffer strip shall be provided for stream maintenance purposes.

(Ord. No. 13-028, § 2(art. 5, § B), 1-6-14)

Sec. 8-53. Standards for streams without established base flood elevation and/or floodways.

Located within the special flood hazard areas established in division 3, section 8-32, 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:

(1) 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 (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(2) New construction and substantial improvements of structures shall be elevated or flood proofed to elevations established in accordance with division 3, section 8-32.

(Ord. No. 13-028, § 2(art. 5, § C), 1-6-14)

Sec. 8-54. Standards for shallow flooding zones.

Located within the special flood hazard areas established in division 3, section 8-32, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one (1) to three (3) 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:

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 (2) 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 (2) feet above the highest adjacent grade.

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 two (2) feet so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in division 5, section 8-52(2).

(Ord. No. 13-028, § 2(art. 5, § D), 1-6-14)

Sec. 8-55. Standards for subdivision proposals.

(a) All 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, base flood elevation and floodway data for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) 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.

(f) All new subdivision proposals shall include streets for emergency access that are elevated at or above flood waters during the one (1) percent annual chance flood (100-year flood).
(Ord. No. 13-028, § 2(art. 5, § E), 1-6-14)

Sec. 8-56. Standards for accessory structures in all zones beginning with the letter "A".

For all accessory structures in special flood hazard areas designated "A" the following provisions shall apply:

(1) Must be non-habitable;

(2) Must be anchored to resist floatation and lateral movement;

(3) Must be provided with flood openings in accordance with the standards of division 5, section 8-52(3);

(4) Must be built of flood resistant materials to two (2) feet above the base flood elevation;

(5) Must elevate utilities two (2) feet above the base flood elevation;

(6) Can only be used for storage or parking; and

(7) Must not be modified for a different use after permitting.
(Ord. No. 13-028, § 2(art. 5, § F), 1-6-14)

Sec. 8-57. 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 two (2) feet or more above 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. No. 13-028, § 2(art. 5, § G), 1-6-14)

Secs. 8-58—8-60. Reserved.

DIVISION 6. APPEALS AND VARIANCE PROCEDURES

Sec. 8-61. Nature of variances.

The variance criteria set forth in this section of the article 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 article 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.

It is the duty of the Fiscal Court of Scott County, the City Council of Georgetown, and the City Commissions of Sadieville and Stamping Ground 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 article 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.
(Ord. No. 13-028, § 2(art. 6, § 1), 1-6-14)

Sec. 8-62. Designation of variance and appeal board.

The Boards of Adjustment for Scott County and the Cities of Georgetown, Sadieville and Stamping Ground are hereby established as appeal boards. The property location will determine the appropriate board to hear the appeal.
(Ord. No. 13-028, § 2(art. 6, § 2), 1-6-14)

Sec. 8-63. Duties of variance and appeals board.

(a) The variance and appeal board shall hear and decide requests for variances from the requirements of this article and appeals of decisions or determinations made by the floodplain administrator in the enforcement or administration of this article.

(b) Any person aggrieved by the decision of the variance and appeal board may appeal such decision to the circuit court, as provided in Kentucky Revised Statutes.
(Ord. No. 13-028, § 2(art. 6, § 3), 1-6-14)

Sec. 8-64. Appeals and variance procedures.

In passing upon such applications, the variance and appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this article, and the:

(1) Danger that materials may be swept onto other lands to the injury of others;

(2) Danger to life and property due to flooding or erosion damage;

(3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

(4) Importance to the community of the services provided by the existing or proposed facility;

(5) Necessity that the facility be located on a waterfront, in the case of functionally dependent use;

(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 and culverts.

(Ord. No. 13-028, § 2(art. 6, § 4), 1-6-14)

Sec. 8-65. Conditions for variances.

Upon consideration of the factors listed above and the purposes of this article, the variance and appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

(1) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

(2) Variances shall only be issued upon a determination that the variance is the "minimum necessary" to afford relief considering the flood hazard. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of the ordinance from which this article is derived. For example, in the case of variances to an elevation requirement, this means the board of adjustment 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 board of adjustment believes will both provide relief and preserve the integrity of the local ordinance.

(3) 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; 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 the definition section under "public safety and nuisance"), cause fraud or victimization of the public (as defined in the definition section) or conflict with existing local laws or ordinances.

d. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor being situated below the base flood elevation.

e. The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request.

f. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of section 8-64 are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

(Ord. No. 13-028, § 2(art. 6, § 5), 1-6-14)

Sec. 8-66. Variance notification.

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100) of insurance coverage;

(2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the floodplain administrator in the Office of the Clerk of Scott County and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(3) The floodplain administrator shall maintain a record of all variance actions, including justification for their issuance or denial, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

(Ord. No. 13-028, § 2(art. 6, § 6), 1-6-14)

Sec. 8-67. Historic structures.

Variances may be issued for the repair or rehabilitation of "historic 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.
(Ord. No. 13-028, § 2(art. 6, § 7), 1-6-14)

Secs. 8-68—8-70. Reserved.

DIVISION 7. SEVERABILITY

Sec. 8-71. Severability.

This article and the various parts thereof are hereby declared to be severable. Should any section of this article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the article as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.
(Ord. No. 13-028, § 2(art. 7), 1-6-14)

Secs. 8-72—8-74. Reserved.

ARTICLE II. RESERVED

Secs. 8-75—8-80. Reserved.

ARTICLE III. RESERVED

Secs. 8-81—8-85. Reserved.

ARTICLE IV. RESERVED

Secs. 8-86—8-90. Reserved.

ARTICLE V. EROSION PREVENTION AND SEDIMENT CONTROL

Sec. 8-91. Authority.

This article is adopted pursuant to the powers granted and limitations imposed by Kentucky laws, including the statutory authority granted to Kentucky cities and counties in KRS chs. 67 and 100.

This article is adopted pursuant to the powers granted and limitations by the Federal Clean Water Act, and in particular those parts that authorize local governments to require any state or federal department or agency to comply with all local water pollution control requirements.
(Ord. No. 2010-014, § 1, 6-28-10)

Sec. 8-92. Purpose/scope.

The regulations set forth in this article are intended to protect the general health, safety, and welfare of the citizens of the City of Georgetown, and more specifically:

(1) To control or eliminate soil erosion and sedimentation resulting from land disturbing activities within the City of Georgetown;

(2) Establish guidelines, conservation practices and planning activities which minimize soil erosion and sedimentation;

(3) Comply with all applicable state and federal requirements for clean water, including limitations on the discharge of pollutants as set forth by the Kentucky Pollutant Discharge Elimination System (KPDES); and all applicable provisions of the Federal National Pollution Discharge Elimination Systems storm water general permit for Phase II communities.

This article controls land disturbances, soil storage, and erosion and sedimentation resulting from such activities and establishes procedures for issuance, approval, administration, and enforcement of a land disturbance permit.
(Ord. No. 2010-014, § 2, 6-28-10)

Sec. 8-93. Definitions.

For the purposes of this article, the following terms, phrases, words, and their derivatives shall have the meaning stated below:

Applicant means the contractor, builder, landowner, or developer who submits an application to the City of Georgetown for a land disturbance permit pursuant to this article.

Bankful elevation means the water level, or stage, at which the stream, river, or lake is at the top of its banks and any further rise would result in water moving into the floodplain (NOAA Glossary).

Bedrock means in place solid rock.

Bench means a relatively level step excavated into earth material on which fill is to be placed.

Best management practices (BMP) means a schedule of activities, prohibitions of practices, maintenance procedures, and other management practices, which are proven to be effective in preventing or reducing runoff, erosion, and sedimentation.

Borrow means earth material acquired from an off-site location for use in grading on a site.

Buffer zone means the area defined from the bankful elevation extending toward a construction activity that shall be protected from disturbance.

Building inspector means that person, employed by the City of Georgetown that reviews, approves and provides inspection services related to building/structure activities.

Certificate of occupancy is issued by the building inspector after final inspection of a structure construction or alteration and related site has been made and found to be in substantial compliance with all applicable codes.

Certificate of stabilization is issued by the issuing authority after final inspection of a site had been made and found to be in substantial compliance with all requirements of the land disturbance permit.

Clearing and grubbing means the cutting and removal of trees, shrubs, bushes, windfalls and other vegetation including removal of stumps, roots, and other remains in the designated areas.

Contractor means a person who contracts with the permittee, landowner, developer, or another contractor (i.e. subcontractor) to undertake any or all the land disturbance activities covered by this article.

Co-permittee means any person, other than the permittee, including but not limited to a developer or contractor who has or represents financial or operational control over the land disturbing activity.

Critical areas means areas within twenty-five (25) feet of, and on positive slope toward a "Water of the Commonwealth" (as defined in KRS 244.01-010(33)).

Detention facility means a temporary or permanent natural or man made structure that provides for the temporary storage of storm water runoff.

Developer means any person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings of other structures, dredging, mining, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

Engineer means a professional engineer licensed in the Commonwealth of Kentucky to practice in the field of civil works.

Erosion means the wearing away of the ground surface as a result of the movement of wind, water, ice, and/or land disturbance activities.

EPSC (erosion prevention and sediment control) means the prevention of soil erosion and control of solid material during land disturbing activity to prevent its transport out of the disturbed area by means of air, water, gravity, or ice.

Erosion control inspector means a qualified person who has attended, KEPSC, CPESC, or a Georgetown sponsored or approved training course in EPSC.

Final stabilization means that:

(1) All soil disturbing activities at the site have been completed and either of the two (2) following criteria are met:

a. A uniform perennial vegetative cover with a density of seventy (70) percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or

b. Equivalent stabilization measures (such as riprap, gabions, or geotextiles) have been employed.

(2) For individual lots in residential construction, final stabilization means, the either:

a. The homebuilder has completed final stabilization as specified above, or

b. The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization.

Floodplain means the one hundred (100) year floodplain which is that area adjoining a watercourse which could be inundated by a flood that has a one (1) percent chance of being equaled or exceeded in any given year and is delineated on the Federal Emergency Management Agency Floodway Maps.

General permit means a KPDES storm water general permit for storm water discharges related to construction activities. Coverage under this general storm water permit is obtained by filing a notice of intent (NOI) with the Kentucky Division of Water and receiving approval from said agency.

Grade means the vertical location of the ground surface.

(1) Existing grade is the grade (contour of the land) prior to land disturbance.

(2) Rough grade is the stage at which the grade approximately conforms to the approved plan.

(3) Finish grade is the final grade of the site which conforms to the approved plan.

Issuing authority means the Georgetown Stormwater Quality Division (GSQUAD) and their duly authorized designees.

Kentucky Erosion Prevention and Sediment Control Manual and Field Guide is a compilation of rules, design criteria, guidelines and standards accepted by the City of Georgetown as being proven methods of controlling construction related surface runoff, erosion and sedimentation.

Land disturbance activity means any land change that may result in soil erosion from wind, water and/or ice and the movement of sediments into or upon waters, lands, or rights-of-way within the City of Georgetown, including but not limited to building demolition, clearing and

grubbing, grading, excavating, transporting and filling of land. Land disturbance activity can also include unintentional acts such as natural weathering and intentional acts such as vandalism. Land disturbance activity does not include the following:

(1) Minor land disturbance activities including, but not limited to, underground utility repairs, replacement of existing utilities, home gardens, minor repairs, and maintenance work.

(2) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.

(3) Emergency work to protect life, limb, or property and emergency repairs. If the land disturbing activity would have required an approved EPSC plan except for the emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of this article.

Land disturbance permit means a permit required by this article for land disturbance activities.

Outfall means the point of discharge to any watercourse from a public or private stormwater drainage system (piped or un-piped) as defined in the KPDES statewide general permit for MS4s, KYG20.

Permittee means the applicant in whose name a valid land disturbance permit is duly issued pursuant to this article and his/her agents, employees, and others acting under his/her direction.

Planning and zoning director means the Georgetown/Scott County Planning and Zoning Director and his/her authorized designees.

Plans are defined as follows:

(1) EPSC plan is a detailed plan which includes a set of best management practices or equivalent measures designed to control surface runoff and erosion and to retain sediment on a specific development site or parcel of land during the period in which pre-construction and construction related land disturbances, fills, and soil storage occur, and before final improvements are completed, all in accordance with this article.

(2) Stormwater pollution prevention plan (SWPPP) is a plan required for submission of the KPDES notice of intent (NOI) and this article. The SWPPP plan is inclusive of the EPSC plan but also requires detailed descriptions of the site, land disturbance activity, sequence of operations, management of other potential pollutants, and post-construction runoff management.

(3) Grading plan is a site plan prepared by a licensed engineer detailing the existing grade and proposed land disturbances, fills, and soil storage occur, and locations of existing and proposed stormwater systems.

Responsible party means the individual or entity holding the ultimate compliance and financial responsibility on the site. In general this will be the property owner and subsequent

owner(s) until a certificate of stabilization or certificate of occupancy, and KPDES notice of termination (NOT), if applicable, is issued. It is the responsibility party that shall ensure that the land disturbance activity comply with the ordinance.

Retention facility means a temporary or permanent natural or manmade structure that provides for the storage of storm water runoff by means of a permanent pool of water.

Riparian buffer— see *Buffer zone*.

Runoff means rainfall, snowmelt, or irrigation water flowing over the ground surface.

Sediment means soils or other surficial materials transported by surface water as a product of erosion.

Sedimentation means the process or action of deposition sediment that is determined to have been caused by erosion.

Site means the entire area of land on which the land disturbance activity is proposed in the site disturbance permit application.

Site plan means a plan or set of plans showing the details of any land disturbance activity of a site including but not limited to the construction of: structures, open and enclosed drainage facilities, stormwater management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings, and landscaping.

Slope means the incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

Soil means naturally occurring surficial deposits overlying bedrock.

Stormwater pollution prevention plan (SWPPP) — see *Plans*.

Stripping means any activity which removes or significantly disturbs the vegetative surface cover including clearing, grubbing of stumps and root mat, and topsoil removal.

Structure means anything manufactured, constructed or erected which is normally attached to or positioned on land, including buildings, portable structures, earthen structures, roads, parking lots, and paved storage areas.

TIER I SWPPP plan means a SWPPP plan prepared for single family and duplex developments, additions and/or alteration of existing structures greater than five thousand (5,000) square feet and less than one (1) acre, covered by building permit. Lots that are part of a common plan of development as defined by KYR10 that currently has permit coverage under KPDES NOI may qualify to submit a TIER I SWPPP if the SWPPP plan for the common plan development has included single lot perimeter controls as part of the plan.

TIER II SWPPP plan means a SWPPP plan meeting the requirements of KYR10 and is for any land disturbance activity not covered by TIER I SWPPP (see definition).

Topsoil means the upper layer of soil.

Utility provider means the owner/operator of any underground facility including an underground line, facility, system, and its appurtenances used to produce, store, convey, transmit, or distribute communications, data, electricity, power, heat, gas, oil, petroleum products, potable water, stormwater, steam, sewage and other similar substances.

Watercourse means any natural or improved stream, river, creek, ditch, channel, canal, conduit, gutter, culvert, drain, gully, swale, or wash in which waters flow either continuously or intermittently.

Watershed means a region draining to a specific river, river system, or watercourse.

Wetlands means a lowland area such as a marsh, that is saturated with moisture, as defined in Section 404, Federal Water Pollution Control Act Amendments of 1987, or latest amendment.
(Ord. No. 2010-014, § 3, 6-28-10)

Sec. 8-94. Permits.

(a) *Land disturbance activity.*

(1) Any land disturbance activity that requires the disturbance of soil of five thousand (5,000) square feet or greater is subject to the provisions of this article and shall not take place without an authorized land disturbance permit.

(b) Land disturbance activity less than one (1) acre on individual lot(s) or parcel(s) that are part of a larger common plan of development that disturbs one (1) acre or more of soil, and currently covered by KPDES NOI, is not exempt from this article and land disturbance permit. In this situation, the landowner and/or developer of the larger development, and the individual lot owner(s) or homebuilder(s), will be issued a separate land disturbance permits and will be responsible for complying with the provisions of this article. The landowner and/or developer of the larger development will remain jointly responsible for said lot(s) until such time the larger common plan of development receive an approved KPDES notice of termination (NOT), at which time sole responsibility for said lot(s) is transferred to the individual lot owner(s).

(c) *Exemptions.* The following activities are exempt from obtaining a land disturbance permit and from the procedures of this article, unless it is determined by the issuing authority that runoff from the land disturbance activity is creating erosion.

(1) New construction of structures, addition and/or alteration of existing structures, or land disturbance not associated with a structure that requires the disturbance of soil less than five thousand (5,000) square feet and not located in or near critical areas.

(2) Cemetery graves.

(3) Emergencies posing an immediate danger to life or property, substantial flood or fire hazards, or natural resources.

(4) Agricultural operations required to adopt and implement an individual agriculture water quality plan pursuant to the requirements set forth in the Kentucky Agriculture Water Quality Act (KRS 224)

(5) Usual and customary site investigations, such as geotechnical explorations, clearing for surveying work, monitoring wells and archaeological explorations, which are undertaken prior to submittal of an application for permit during planning and design phases.

(6) Land disturbance exempted as described above does not preclude the need for water quality protection. All land disturbance in Georgetown should have a plan for water quality protection in place.

(d) The issuing authority may, on a project-by-project basis, exempt other land disturbance activities not specifically identified in subsection (c), exemptions, above.

(e) *Land disturbance permit application and form.*

(1) A written application from the landowner and/or developer of the site, or his/her authorized representative, in the form prescribed by this article, shall be required for each land disturbance permit. The fees for said permit shall be paid pursuant to the schedules set forth in this article. The application shall include the stormwater pollution prevention plan (SWPPP).

(2) *Land disturbance permit application form.* The following minimum information is required on the application (permittee must notify the issuing authority of any changes to the information provided within five (5) working days of said change):

a. Name, address, and telephone number of responsible party.

b. Name, address, and telephone number of applicant, if different than responsible party.

c. Name(s), address(es), and telephone number(s) of any and all contractors, subcontractors or persons actually doing the land disturbing or land filling activities and their respective tasks.

d. Name, address, and telephone number of the person responsible for the preparation of the SWPPP.

e. Name, address, and telephone number of qualified inspector(s) assigned to the construction activity and justification of qualification (proof of training or certification)

f. Address of site.

g. Date of the application.

h. Signature(s) of the responsible party of the site or an authorized representative in accordance with the signatory requirements in 401 KAR 5:065, Section 1(11).

i. Estimate of the total construction and maintenance cost of the EPSC measures. (For permits requiring TIER II SWPPP only (see definition))

The information required for this application may be modified as needed by the issuing authority.

(f) *Fiscal surety.*

(1) The permittee shall be responsible for the installation, good repair, maintenance and ultimate removal of all temporary and permanent EPSC measures.

(2) The issuing authority requires the permittee to post a fiscal surety, consisting of a bond, certified check, performance guarantee or other instrument, acceptable to and approved by the issuing authority. Fiscal surety for single-family and duplex developments and addition and/or alteration of existing structures with land disturbance greater than five thousand (5,000) square feet and less than one (1) acre will be exempt as determined by the issuing authority when covered by a building permit. When a fiscal surety is required, the surety shall be posted prior to the issuance of a land disturbance permit.

(3) The fiscal surety shall be in the amount equal to two (2) times the estimated cost of the EPSC measures, as approved by the issuing authority, but in no case shall be less than one thousand dollars ($1,000.00).

(3) Following the period allowed to the permittee to complete the installation of the EPSC measures, the issuing authority finds the required temporary or permanent improvements or control measures have not been installed or maintained properly or are not in good repair or functioning properly, then the issuing authority may declare the permittee to be in default if it does not appear that the improvements or controls will be completed or repaired within a reasonable time. Upon declaration of default, the issuing authority shall demand such amounts from the surety as required to remedy the default. Single-family and duplex developments and addition and/or alteration of existing structures with land disturbance greater than five thousand (5,000) square feet and less than one (1) acre will receive a stop work order on the building permit to remedy the default.

(5) Request for release of surety may be made after the issuing authority makes an inspection of the property and determines that final stabilization has been established, and issues a certificate of stabilization. Single-family and duplex developments and addition and/or alteration of existing structures with land disturbance greater than five thousand (5,000) square feet and less than one (1) acre will not receive certificate of occupancy until the issuing authority makes an inspection of the property and determines that final stabilization has been established.

(g) *General permit.* Complying with the provisions of this article and issued land disturbance permit does not exempt the permittee from obtaining coverage from the Kentucky Division of Water under the KPDES storm water general permit for storm discharges related to construction activities. The permittee shall provide proof of approved coverage under KPDES with the Kentucky Division of Water to the Issuing Authority. When applicable, land disturbance permits will not be issued until proof of an approved NOI is received by the issuing authority.

(h) *Permit release.* Land disturbance permits will be closed once the issuing authority determines that final stabilization has been established, receives a copy of proof of the not submittal to Kentucky Division of Water (if applicable), and issues a certificate of stabilization or certificate of occupancy for project also covered by a building permit.

(i) *Relation to other laws.* Neither this article nor any administrative decision made under it exempts the permittee or any other person from procuring other required local, state, or federal permits or complying with the requirements and conditions of such other permit(s), or limits the right of any person to maintain, at any time, any appropriate action, at law or in equity, for relief or damages against the permittee or any other person arising from the activity regulated by this article.
(Ord. No. 2010-014, § 4, 6-28-10)

Sec. 8-95. Review and approval.

(a) The issuing authority will review each application for a land disturbance permit to determine its conformance with the provisions of this article. Within five (5) working days after receiving a complete application and TIER I SWPPP (see definition) or twenty (20) working days after receiving a complete application and TIER II SWPPP (see definition), the issuing authority shall, in writing:

(1) Approve the application and SWPPP and issue the land disturbance permit;

(2) Approve the application and SWPPP subject to such reasonable conditions as may be necessary to secure substantially the objectives of this article, and issue the land disturbance permit subject to these conditions; or

(3) Disapprove the permit application and SWPPP, indicating the reason(s) and procedure for submitting a revised application and/or submission.

(b) Failure of the issuing authority to act on an original or revised application within five (5) working days after receipt of a complete application and TIER I SWPPP (see definition) or twenty (20) working days after receipt of a complete application and TIER II SWPPP (see definition) shall not authorize the applicant to proceed in accordance with the SWPPP filed and this article, regardless of whether all other local, state and federal permits have been obtained. Development activities shall not be allowed to proceed in accordance with conditions established by the issuing authority. The time period for the issuing authority to review the application shall start anew with each resubmittal.
(Ord. No. 2010-014, § 5, 6-28-10)

Sec. 8-96. Stormwater pollution prevention PLAN (SWPPP).

(a) Land disturbance activities, which require a land disturbance permit per the requirements of this article shall require a SWPPP plan approved by the issuing authority. These plans shall be drawn to an appropriate scale and shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources, and measures proposed to minimize soil erosion and

off-site sedimentation. A SWPPP plan may require the preparation of the plan by a Kentucky licensed professional engineer, registered landscape architect, or architect. The division of work to be performed by each profession shall be governed by state statutes and regulations, which regulate each profession. See KRS ch. 322 (Surveyors and Engineers), KRS ch. 323 (Architects), and KRS ch. 323A (Landscape Architects). The owner/developer/contractor shall perform all clearing, grading, drainage, construction, and development in strict accordance with the approved plan and this article.

The SWPPP shall include the following as applicable:

TIER I SWPPP (see definition):

(1) A completed land disturbance permit application.

(2) A copy of the building permit plot (or site) plan.

(3) Completed standard EPSC plan for TIER I land disturbance form (available from the issuing authority) or a customized EPSC plan that details erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation. Customized EPSC Plan shall include provisions to preserve topsoil and limit disturbance, temporary and permanent stabilization BMP measures, and a signed statement on the plan by the owner, developer, and contractor that any clearing, grading, construction, or development, or all of these, will be done pursuant to the approved EPSC plan and this article.

TIER II SWPPP (see definition):

(1) A completed land disturbance permit application.

(2) A project specific SWPPP including:

a. A site description that identifies sources of pollution to stormwater discharges associated with on-site construction activities.

1. Describe the function of the project;

2. Sequential list of activities to be performed including at a minimum:

i. Clearing and grubbing;

ii. Construction of erosion control devices;

iii. Installation of permanent and temporary stabilization measures;

iv. Grading;

v. Utility installation;

vi. Building, parking lot, and site construction;

vii. Final grading, landscaping or stabilization;

viii. Implementation and maintenance of final erosion control structures;

ix. Removal of temporary erosion control devices;

3. Total area of site and total area of disturbance, including off-site borrow/fill areas;

4. List water quality classification of receiving waters as defined by KDOW.

b. Project site map/drawing:

1. Vicinity map;

2. Property boundary of project;

3. A clear and definite location of surrounding area's watercourses including, streams, natural or artificial water storage areas, sinkholes, springs, wetlands, riparian zones, and other significant geographic features. Clearly delineate any vegetation to be saved;

4. Location of roads and other significant structures;

5. Anticipated drainage patterns and slopes after major grading activities, including impervious structures, discharge points (outfalls) with its associated flows, and specific limits of disturbance;

6. Location of areas that will be disturbed including fill and borrow areas. Include an additional project site map/drawing if borrow or fill areas are located off-site;

7. Location and types of BMPs for erosion protection and sediment control including provisions to preserve topsoil and limit disturbance;

8. Location of equipment and material storage areas necessary for the project;

9. Location good housekeeping protocols;

10. Location of potential pollutant sources;

11. A clear and definite delineation of any one hundred (100) year floodplain on or near the site;

12. Storm drainage system, including quantities of flow and site conditions around all points of surface water discharge from the site;

13. Provide an indication of scale used. Scale must be smaller than 1"=200' and must be a standard engineering scale, such as 30, 40, 50, 60, or 100.

(b) Any BMPS may be selected provided that they are proven to be equally or more effective than the equivalent best management practices as contained in the Kentucky Erosion Prevention and Sediment Control Manual and Field Guide.

(c) The SWPPP shall be signed and certified in accordance with the signatory requirements in 401 KAR 5:065, Section 1(11).

(d) A current copy of the SWPPP shall be readily available to the construction site from the date of project initiation (NOI) to the date of notice of termination (NOT).

(e) All other requirements of a SWPPP plan as defined in the KPDES No. KYR100000 Part II.

(f) A site development construction project shall be considered in conformance with this article if soils have been prevented from being deposited onto adjacent properties, rights-of-ways, public storm drainage system, or wetland or watercourse for a storm event up to the maximum defined by this article and any cleanup/maintenance observed to be needed is performed before the next storm event.
(Ord. No. 2010-014, § 6, 6-28-10)

Sec. 8-97. Design and maintenance requirements.

(a) Ensure that BMPs selected minimize the amount of disturbance and time the disturbed area is exposed.

(b) The design, testing, installation, and maintenance of erosion prevention and sediment control operations and facilities shall adhere to the criteria, standards and specifications as set forth in the most recent version of the Kentucky Erosion Prevention and Sediment Control Manual and Field Guide, and the local Subdivision and Development Regulations as adopted by Georgetown/ Scott County.

(c) At a minimum, the following requirements shall be met:

(1) Cut and fill slopes shall be no greater than 2H:1V, unless approved by the issuing authority.

(2) Clearing and grading, except that necessary to establish sediment control devices, shall not commence until sediment control devices have been installed.

(3) Erosion control methods shall include the following:

a. Phasing of clearing and grading operations for all sites greater than thirty (30) acres;

b. Soil stabilization by seeding/mulching within fifteen (15) days of mass grading operations for borrow (excavation) and fill areas;

c. Stabilizing soil stockpiles at the end of each workday;

d. Installing diversion ditches or other techniques where upland runoff occurs past disturbed areas;

e. measures shall effectively minimize such discharges for storm events up to and including a two (2) year, twenty-four (24) hour event;

f. All engineering calculations related to design of erosion control methods shall be submitted with the SWPPP.

(4) Sediment control methods shall include installing retention facilities, sedimentation basins and traps, other similar facilities at the most downstream runoff location within the site.

(5) Waterway (creeks, ditches, etc.) protection shall include the installation of a temporary stream crossing; on-site storm water drainage system and stabilized outlets at all pipes.

(6) Prevention of mud and debris onto public roadways by construction equipment and vehicles shall include the installation of crushed stone construction entrances or an on-site tire washing station at the point of ingress and egress to the public roadway.

(7) All BMPs shall be maintained in an effective, operating condition. A schedule of maintenance activities during and after construction of graded surfaces, EPSC facilities, and drainage structures shall be developed to ensure proper function of these devices.

(8) Maintenance measures shall be performed before the next storm event.

(Ord. No. 2010-014, § 7, 6-28-10)

Sec. 8-98. Inspection.

(a) The issuing authority or its duly authorized representatives shall require inspections of land disturbing activities subject to this article.

(b) To ensure compliance with the approved SWPPP and to examine field practices to determine if control measures are adequate, authorized inspectors of the issuing authority shall have the power to inspect any land disturbing activity and to review the records of all inspections, repairs and modifications made by the permittee.

(c) Prior to commencing construction activities the permittee shall attend a pre-construction conference if scheduled by the issuing authority. The issuing authority shall make the determination if a meeting is needed.

(d) The permittee shall notify the issuing authority twenty-four (24) hours in advance of conducting inspections, except in the case of routine or post-rainfall event inspections. At a minimum, the permittee shall provide an erosion control inspector that shall conduct inspections at the following stages:

(1) Completion of perimeter erosion and sediment controls;

(2) Completion of clearing and grading;

(3) Installation of temporary erosion controls;

(4) Completion of final grading and ground stabilization;

(5) Prior to the fiscal security release;

(6) Monthly after areas have been temporarily or permanently stabilized;

(7) Within twenty-four (24) hours of a rain event 0.5 inches or greater and every fourteen (14) days, or every seven (7) days.

The issuing authority may increase or decrease the number of required inspections as deemed necessary to ensure an effective SWPPP and shall have the right to enter the property of the permittee without notice.

(e) The permittee shall prepare an inspection report after each inspection and shall keep copies at the job site at all times to be included in the SWPPP, but may be required to email or fax the inspection report to the issuing authority, if deemed necessary. At a minimum the inspection report shall include the date, time of day, name of the person conducting the inspection, company represented, scope of the inspection, major observations relating to the SWPPP and BMPs installed, subsequent changes, and recommendations for correction of deficiencies. The issuing authority has the right to make regular inspections to ensure the validity of the inspection reports.

(f) The permittee shall be self-policing and shall correct or remedy any EPSC measures that are not effective or functioning properly at all times during the various phases of construction. All updates to EPSC measures shall be accurately noted in the SWPPP.

(g) The SWPPP must be updated throughout the construction project and available for review on-site.
(Ord. No. 2010-014, § 8, 6-28-10)

Sec. 8-99. Enforcement.

(a) Violation of any section of this article shall constitute a civil offense which shall be enforced according to the procedures set forth in the Georgetown Code Enforcement Board Ordinance by the code enforcement board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(b) The penalty for violations of this article shall be as set forth in section 15 of the Georgetown Code Enforcement Board Ordinance.

(c) A citation for a violation of any section of this article and any applicable penalties will be waived only if the same or similar violation has not occurred on the property within the past twenty-four (24) months and the violation is remedied within seven days of issuance of the citation.
(Ord. No. 2010-014, § 9, 6-28-10; Ord. No. 16-009, § 22, 9-12-16)

Sec. 8-100. Permits and fees.

The fees for permits and inspections shall be as provided for in the attached schedule.
(Ord. No. 2010-014, § 10, 6-28-10)

Sec. 8-101. Severability.

This article and the various parts thereof are hereby declared to be severable. Should any section of this article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance from which this article is derived as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

If any section, clause, sentence, or phrase of the ordinance from which this article is derived is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall not affect the validity of the ordinance from which this article is derived as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

(Ord. No. 2010-014, § 11, 6-28-10)

Chapter 8.5

HEALTH AND SANITATION*

Art. I. In General, §§ 8.5-1—8.5-30
Art. II. Smoking in Public Places, §§ 8.5-31—8.5-43

*__Editor's note—__Ord. No. 05-011, adopted June 16, 2005, has been codified as herein set out in Art. II. Said provisions did not expressly amend the Code.

ARTICLE I. IN GENERAL

Secs. 8.5-1—8.5-30. Reserved.

ARTICLE II. SMOKING IN PUBLIC PLACES

Sec. 8.5-31. Findings and intent.

The Georgetown City Council finds that:

(a) Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution. Breathing secondhand smoke is a cause of disease in healthy nonsmokers. These diseases include heart disease, stroke, respiratory disease and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of up to sixty-five thousand (65,000) Americans annually. (National Cancer Institute (NCI), "Health effects of exposure to environmental tobacco smoke: the report of the California Environmental Protection Agency. Smoking and Tobacco Control Monograph 10," Bethesda, MD: National Institutes of Health, National Cancer Institute (NCI), August 1999.)

(b) The Public Health Service's National Toxicology Program (NTP) has listed secondhand smoke as a known carcinogen. (Environmental Health Information Service (EHIS), "Environmental tobacco smoke: first listed in the Ninth Report on Carcinogens," U.S. Department of Health and Human Services (DHHS), Public Health Service, NTP, 2000; reaffirmed by the NTP in subsequent reports on carcinogens, 2003, 2005.)

(c) A study of hospital admissions for acute myocardial infarction in Helena, Montana before, during, and after a local law eliminating smoking in workplaces and public places was in effect, has determined that laws to enforce smoke-free workplaces and public places may be associated with a reduction in morbidity from heart disease. (Sargent, Richard P.; Shepard, Robert M.; Glantz, Stanton A., "Reduced incidence of admissions for myocardial infarction associated with public smoking ban: before and after study," British Medical Journal 328: 977-980, April 24, 2004.)

(d) Secondhand smoke is particularly hazardous to the elderly, individuals with cardiovascular disease and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer. (California Environmental Protection Agency (Cal EPA), "Health effects of exposure to environmental tobacco smoke", Tobacco Control 6(4): 346-353, Winter, 1997.)

(e) The Americans With Disabilities Act, which mandates access to public places and workplaces for persons with disabilities, deems impaired respiratory function to be a disability. (Daynard, R.A., "Environmental tobacco smoke and the Americans with Disabilities Act," Nonsmokers' Voice 15(1): 8-9.)

(f) The U.S. Surgeon General has determined that the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to secondhand smoke. (Department of Health and Human Services. The Health Consequences of Involuntary Smoking: A Report of the Surgeon General. Public Health Service, Centers for Disease Control, 1986.)

(g) The Environmental Protection Agency has determined that secondhand smoke cannot be reduced to safe levels in businesses by high rates of ventilation. Air cleaners, which are only capable of filtering the particulate matter and odors in smoke, do not eliminate the known toxins in secondhand smoke. (Environmental Protection Agency (EPA), "Indoor air facts no. 5: environmental tobacco smoke," Washington, D.C.: Environmental Protection Agency (EPA), June 1989.)

(h) The Centers for Disease Control and Prevention has determined that the risk of acute myocardial infarction and coronary heart disease associated with exposure to tobacco smoke is nonlinear at low doses, increasing rapidly with relatively small doses such as those received from secondhand smoke or actively smoking one (1) or two (2) cigarettes a day and has warned that all patients at increased risk of coronary heart disease or with known coronary artery disease should avoid all indoor environments that permit smoking. (Pechacek, Terry F.; Babb, Stephen, "Commentary: How acute and reversible are the cardiovascular risks of secondhand smoke?" British Medical Journal, 328: 980-983, April 24, 2004.)

(i) A significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a twenty-five (25) percent to fifty (50) percent higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function. (Pitsavos, C.; Panagiotakos, D.B.; Chrysohoou, C.; Skoumas, J.; Tzioumis, K.; Stefanadis, C.; Toutouzas, P., "Association between exposure to environmental tobacco smoke and the development of acute coronary syndromes: the CARDIO2000 case-control study," Tobacco Control 11(3): 220-225, September 2002.)

(j) Smoke-filled workplaces result in higher worker absenteeism due to respiratory disease, lower productivity, higher cleaning and maintenance costs, increased health insurance rates, and increased liability claims for diseases related to exposure to secondhand smoke. ("The high price of cigarette smoking," Business & Health 15(8), Supplement A: 6-9, August 1997.)

(k) Numerous economic analyses examining restaurant and hotel receipts and controlling for economic variables have shown either no difference or a positive economic impact after enactment of laws requiring workplaces to be smoke-free. Creation of smoke-free workplaces is sound economic policy and provides the maximum level of employee health and safety. (Glantz, S.A.; Smith, L., The Effect of Ordinances Requiring Smoke-Free Restaurants on Restaurant Sales in the United States. *American Journal of Public Health,* 87:1687-1693, 1997; Colman, R.; Urbonas, C.M., "The economic impact of smoke-free workplaces: an assessment for Nova Scotia, prepared for Tobacco Control Unit, Nova Scotia Department of Health," GPI Atlantic, September 2001.)

(l) Smoking is a potential cause of fires; cigarette and cigar burns and ash stains on merchandise and fixtures causes economic damage to business health 15(8), Supplement A: 6-9, August 1997.)

(m) The smoking of tobacco is a form of air pollution, a danger to health and a material public nuisance.

Accordingly, the Georgetown City Council adopts the foregoing as justification for this article, the purpose of which is:

(1) To protect the public health and welfare by prohibiting smoking in public places and places of employment; and

(2) To guarantee the right of nonsmokers to breathe smoke-free air; and

(3) To recognize that the public's need to breathe smoke-free air shall have priority over the individual's desire to smoke.

(Ord. No. 05-011, § 1, 6-16-05)

Sec. 8.5-32. Definitions.

The following words and phrases, whenever used in this article, shall be construed as defined in this section:

Business means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.

Employee means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a nonprofit entity.

Employer means a person, business, partnership, association, corporation, including a municipal corporation, trust, or nonprofit entity that employs the services of one (1) or more individual persons.

Enclosed area means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling.

Health care facility means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

Place of employment means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to,

work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias and hallways. A private residence is not a "place of employment" unless it is used as a childcare, adult day care, or health care facility.

Private club means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501.

Public place means an enclosed area to which the public is invited or in which the public is permitted, including, but not limited to, banks, bars, educational facilities, health care facilities, hotel and motel lobbies, laundromats, polling places, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private club is a "public place" when being used for a function to which the general public is invited. A private residence is not a "public place" unless it is used as a childcare, adult day care, or health care facility.

Restaurant means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.

Retail tobacco store means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

Service line means an indoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

Shopping mall means an enclosed public walkway or hall area that serves to connect retail or professional establishments.

Smoking means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product or any other lighted substance, whether otherwise legally possessed or consumed such as marijuana, in any manner or in any form.

Sports arena means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.
(Ord. No. 05-011, § 2, 6-16-05)

Sec. 8.5-33. Application of article to city-owned and county-owned facilities.

Smoking policies concerning facilities owned or operated by the city, county or commonwealth shall be governed by regulations adopted in compliance with KRS 61.165. This statute mandates all policies governing smoking in city, county and commonwealth facilities shall be properly adopted, in writing and "provide accessible indoor smoking areas in any buildings where smoking is otherwise restricted."
(Ord. No. 05-011, § 3, 6-16-05)

Sec. 8.5-34. Prohibition of smoking in enclosed public places.

Smoking is prohibited in all enclosed public places as defined in section 8.5-32 above, within the City of Georgetown, Kentucky.
(Ord. No. 05-011, § 4, 6-16-05)

Sec. 8.5-35. Prohibition of smoking in places of employment.

(a) Smoking is prohibited in all enclosed facilities within places of employment. This prohibition includes, but is not limited to common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs and restrooms.

(b) This prohibition on smoking shall be communicated to all existing employees by the effective date of this article and to all prospective employees upon their application for employment.
(Ord. No. 05-011, § 5, 6-16-05)

Sec. 8.5-36. Prohibition of smoking in outdoor arenas and stadiums.

Smoking is prohibited in the seating areas of all outdoor arenas, stadiums and amphitheaters.
(Ord. No. 05-011, § 6, 6-16-05)

Sec. 8.5-37. Reasonable distance.

Smoking is prohibited within a reasonable distance of the outside entrance to or open windows of any enclosed area in which smoking is prohibited by this article and from the air intake of a ventilation system serving an enclosed area where smoking is prohibited, in order to insure tobacco smoke does not enter that enclosed area through entrances, windows, ventilation systems or other means.
(Ord. No. 05-011, § 7, 6-16-05)

Sec. 8.5-38. Where smoking not regulated.

Notwithstanding any other provision of this article to the contrary, the following areas shall be exempt from the provisions of sections 8.5-34 and 8.5-35:

(a) Private residences, except when used as a licensed childcare, adult day care or health care facility.

(b) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than the number of smoking rooms designated out of the total number of guest rooms in any particular hotel or motel shall not exceed that number of smoking rooms previously determined by the business decision of each affected hotel or motel and reflected in the tourism board report attached as an exhibit to and incorporated as a part of this article.

Any hotel or motel that constructs additional rooms to its existing business shall not designate as smoking rooms a greater percentage of the newly constructed rooms than the percentage set out for that business in the attached report. As an example, a motel that has thirty (30) percent smoking rooms on the attached report would be able to designate up to thirty (30) percent of its newly constructed additional rooms as smoking.

Any new hotels and motels to be constructed after the effective date of this section shall not designate as smoking rooms more than the average percentage of smoking rooms for all of the hotels and motels shown on and calculated from the attached report. As an example, if a newly constructed motel contains one hundred (100) rooms and the businesses listed on the attached report average thirty (30) percent smoking rooms, the new motel shall designate no more than thirty (30) smoking rooms.

(c) Retail tobacco stores, provided that smoke from these premises does not infiltrate into areas where smoking is prohibited under the provisions of this article.

(d) Private clubs that have no employees; provided that when such clubs are being used for functions to which the general public is invited, the prohibitions set out in sections 8.5-34 and 8.5-35 shall apply.

(e) Outdoor areas of places of employment, except those covered by the provisions of sections 8.5-36 and 8.5-37.

(Ord. No. 05-011, § 8, 6-16-05; Ord. No. 05-029, § 1, 11-3-05)

Editor's note—The exhibit cited in subsection (b) has not been set out in the Code, but is on file in the office of the city clerk.

Sec. 8.5-39. Declaration of establishment as nonsmoking.

Notwithstanding any other provision of this article, an owner, operator, manager or other authorized person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place regardless of its designation under this article. Within such premises as an authorized nonsmoking designation has been made and signage conforming to the specifications set out in section 8.5-40(a) is posted, smoking shall be prohibited as if otherwise prohibited by this article.

(Ord. No. 05-011, § 9, 6-16-05)

Sec. 8.5-40. Posting of signs.

(a) "No Smoking" signs or the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this article. The party responsible for the placement of the signage is the owner, operator, manager or other person in control of the premises.

(b) A conspicuous sign clearly stating that smoking is prohibited shall be posted at each entrance utilized by the public entering and exiting public places within which smoking is prohibited by this article. A conspicuous sign clearly stating that smoking is prohibited shall be posted at each entrance utilized by employees entering and exiting places of employment within which smoking is prohibited by this article.

(c) All ashtrays shall be removed from any area within which this article or the owner, operator, manager, or other person having control of the area prohibits smoking, except for ashtrays displayed for sale and not for use on the premises.
(Ord. No. 05-011, § 10, 6-16-05)

Sec. 8.5-41. Nonretaliation and nonwaiver of rights.

(a) No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this article or reports or attempts to prosecute a violation of this article.

(b) An employee who continues to work in a setting where an employer allows smoking in violation of this article does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.
(Ord. No. 05-011, § 11, 6-16-05)

Sec. 8.5-42. Enforcement.

(a) The city's code enforcement officer, the city police, the fire department, the Scott County Health Department (subject to formal determination by the health board that the Scott Health Department shall assume enforcement responsibilities) and all other city officials and employees designated by the mayor or city council shall enforce this article.

(b) Notice of the provisions of this article shall be given to all applicants for a business license in the City of Georgetown.

(c) Any citizen who desires to register a complaint under this article may initiate enforcement with any of the authorized persons listed above.

(d) The health department, fire department, or their designees shall, while in an establishment performing otherwise legal inspections, shall inspect for compliance with this article.

(e) Owners, managers, operators or employees of establishments regulated by this article shall inform persons seen violating this Ordinance of the requirements of this article. In the event an owner, manager, operator or employee of an establishment regulated by this article observes a person or persons violating this article, he or she shall immediately direct the person or persons in violation to extinguish the item being smoked.

(1) In the event the person (or persons) violating this article complies with this directive, no violation shall exist for the owner, manager, operator or employee witnessing the violation. In the event an owner, manager, operator or employee of an establishment

regulated by this article observes a person or persons violating this article and fails to immediately direct the person (or persons) in violation to extinguish the item being smoked, the owner, manager, operator or employee failing to take appropriate steps required by this article shall be in violation of this article.

(2) In the event the person (or persons) violating this article fails or refuses to comply with this directive, the owner, manager, operator or employee directing the person (or persons) violating this article shall take immediate and reasonable steps to obtain the removal of the person (or persons) from the premises.

As an example of the reasonableness required, if there is a person violating the article who, the owner, manager, operator or employee of an establishment regulated by this article is required to remove from the premises, but the person is intoxicated or otherwise reasonably believed to be unable to safely drive or conduct himself or herself if required to leave those premises, in this event the owner, manager, operator or employee may reasonably determine to allow the person violating this article to remain on the premises until appropriate arrangements may be made for the person's removal.

In the event the person (or persons) violating this article is timely removed from the premises, no violation shall exist for any owner, manager, operator or employee related to the establishment in which these events occurred. In no event is an owner or agent of the premises to forcibly remove the person violating the article. Compliance is achieved under this subsection if the owner or agent of the premises orders the person violating the article to leave its premises and promptly notifies the police if the person refuses.

(3) In the event the person (or persons) violating this article fails or refuses to comply with this directive and the owner, manager, operator or employee who observed the violation or if a different person who directed the person (or persons) in violation to leave the premises, fails to take immediate and reasonable steps to obtain the removal of the person (or persons) from the premises, the owner, manager, operator or employee failing to take appropriate steps required by this article shall be in violation of this article.

(4) In all events, the establishment in which a violation occurs shall be in violation of this article for each violation that occurs on its premises and in connection with which the owner, manager, operator or employee fail to take appropriate steps required by this article.

(5) An employee who observes a person (or persons) violating this article may immediately notify his or her owner, manager or supervisor of the violation in satisfaction of the employee's responsibility under this article. The failure of the employee's owner, manager or supervisor to take appropriate steps required by this article in response to the employee's notice shall not constitute a violation on the part of the employee.

(6) In the event all duties required under this section are satisfied yet the person violating this article persists in his or her violation and/or refuses to vacate the premises on

which the violation occurred, the owner, manager, supervisor and/or employee shall immediately contact one (1) or more of the agencies or departments authorized above to enforce this article informing the agency or department of the circumstances of the violation.

(7) The mere presence of a person smoking within premises of an establishment governed by this article does not constitute a violation on the part of the establishment. The establishment and its agents shall only be charged for a violation of this article if the responsible agent(s) of the establishment fail to timely satisfy each responsibility prescribed for them in this section.

(f) Notwithstanding any other provision of this article, the city, the Scott County Health Department, an employee, or any person aggrieved by a failure to comply with this article, whether by commission or omission, including violations on the part of an owner, operator, manager, employee or other person(s) in control of a public place or a place of employment covered by this article may bring legal action to enforce this article, either by civil action seeking injunctive relief or by criminal complaint in a court of competent jurisdiction.
(Ord. No. 05-011, § 12, 6-16-05)

Sec. 8.5-43. Violations and penalties.

(a) A person who smokes in an area where smoking is prohibited by the provisions of this article shall be guilty of a violation, punishable by a fine not exceeding fifty dollars ($50.00).

(b) A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this article shall be guilty of a violation, punishable by:

(1) A fine not exceeding fifty dollars ($50.00) for a first violation within a one-year period.

(2) A fine not exceeding one hundred dollars ($100.00) for a second violation within one (1) year.

(3) A fine not exceeding two hundred fifty dollars ($250.00) for each additional violation within one (1) year.

(c) In addition to the fines established by this section, violations of this article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

(d) Violation of this article is declared to be a public nuisance, which may be abated by the city or its designated agents by restraining order, preliminary and permanent injunction, or other means provided for by law. The city may recover the reasonable costs of any court enforcement action seeking abatement of this nuisance.

(e) Each day on which a violation of this article occurs shall be considered a separate and distinct violation.
(Ord. No. 05-011, § 13, 6-16-05)

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Chapter 9

NUISANCES*

Article I. In General

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Article II. Noise

Sec. 9-21. Purpose of article.
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Article. Blighted and Deteriorated Properties

Sec. 9-41. Purpose and findings.
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Sec. 9-44. Definitions.
Sec. 9-45. Elimination of blight and deterioration.
Sec. 9-46. Certification of blight deterioration.
Sec. 9-47. Eminent domain.

***Cross references—**Keeping of noisy animals, § 3-4; nuisance regulations for waste collection and disposal, § 19-23.

State law reference—Nuisance abatement, KRS 381.770.

ARTICLE I. IN GENERAL

Sec. 9-1. Common law and statutory nuisances.

In addition to what is declared in this chapter and Code to be a public nuisance, those offenses which are known to the common law and statutes of the state as public nuisances may, in case any thereof exist within the city limits, be treated as such and be proceeded against as is provided in this chapter and Code, or in accordance with any other provisions of law. Wherever the word "nuisance" is used in this chapter it refers to a public nuisance. (Code 1966, § 90.1)

Sec. 9-2. Certain conditions declared to be nuisances.

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

(1) *Dwellings unfit for human habitation.* The erection, use or maintenance of a dwelling which is unfit for human habitation. A "dwelling" shall include any part of any building or its premises used as a place of residence or habitation or for sleeping by any person. A dwelling is "unfit for human habitation" when it is dangerous or detrimental to life or health because of want of repair, defects in drainage, plumbing, lighting, ventilation or construction, infection with contagious disease or the existence on the premises of an unsanitary condition likely to cause sickness among occupants of the dwelling.

(2) *Dangerous buildings adjoining streets.* There is caused or suffered any building, house or structure to become so out of repair and dilapidated that, in the condition it is permitted to be and remain, it shall, if such condition is suffered to continue, endanger the life, limb or property of, or cause hurt, damage or injury to persons or property using or being upon the streets or public ways of the city adjoining such premises, by reason of the collapse of such building, house or structure or by the falling of parts thereof or of objects therefrom. For purposes of this section, failure to maintain lawfully required water, sewer, or a source of heat to a dwelling shall be conclusive evidence that a dwelling is unfit for human habitation. In a dwelling being used for residential rental, failure to maintain lawfully required water, sewer, electrical or a source of heat to a dwelling shall be conclusive evidence that a dwelling is unfit for human habitation.

(3) *Dangerous trees, stacks, etc., adjoining street.* There is caused or suffered any tree, stack or other object to remain standing upon such premises in such condition that it shall, if the condition is suffered to continue, endanger the life, limb or property or cause hurt, damage or injury to persons or property upon the public streets or public ways adjacent thereto, by the falling thereof or of parts thereof.

(4) *Dilapidated buildings.* There is caused or suffered any building, house or structure to become so out of repair and dilapidated that it constitutes a fire hazard liable to catch on fire or communicate fire because of its condition and lack of repair, or that

due to lack of adequate maintenance or neglect it endangers the public health, welfare or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property.

(5) *Accumulation of rubbish.* There is caused or suffered such an accumulation on any premises of filth, refuse, trash, garbage or other waste material that it endangers the public health, welfare or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger of its catching or communicating fire, its attracting and propagating vermin, rodents or insects, or its blowing into any street, sidewalk or property of another. It shall be the duty of persons owning or being in charge of those business establishments whose patrons purchase goods or services from their automobiles, commonly known as "drive-ins," to furnish sufficient covered receptacles for the deposit of wastes created in the operation of such business and to clean up such wastes as are not deposited in receptacles at the close of business of each day (of if such business operates continuously, at least once each day) and at such other times when weather conditions are such that waste from the operation of such business is being blown to adjoining premises.

(6) *Noxious odors or smoke.* There emits from premises into the surrounding atmosphere such odors, dusts, smoke or other matter as to render ordinary use or physical occupation of other property in the vicinity uncomfortable or impossible.

(7) *Open storage of equipment, furnishings, appliances, scrap or salvage materials.* There is caused or suffered any open storage of equipment, furnishings, appliances, scrap or salvage materials, including metal, lumber, masonry and other building materials not actively being used for construction, that is dangerous to public health, safety or welfare or that creates an unsightly condition that would reduce property value or promote urban blight. This section shall not apply where permitted by KRS 65.8840 or other applicable state or federal laws or where such equipment, furnishings, appliances, scrap or salvage materials are stored in a fully enclosed structure in a manner that prevents said items from being either a fire hazard or a harborage of pests and rodents.

(8) *Open wells.* There is caused or suffered the maintenance of any open or uncovered, or insecurely covered, cistern, cellar, well, pit, excavation or vault situated upon private premises in any open or unfenced lot or place.

(9) *Trees and shrubbery obstructing streets and sidewalks.* There is caused or suffered the growing and maintenance of trees with less than fourteen (14) feet clearance over streets or less than eight (8) feet, over sidewalks, or the growing and maintenance of shrubbery in excess of three (3) feet in height within the radius of twenty (20) feet from the point where the curb line of any street intersects the curb line of another street. No shrub shall be planted between the curb line and the property line of any street within a radius of twenty (20) feet from the point where the curb line of any street intersects with the curb line of another street.

(10) *Junked, wrecked or inoperative motor vehicles and automobile parts.* The storage of motor vehicles unfit for further use, motor vehicle in inoperative condition, or automobile parts within the city limits, except where permitted by KRS 65.8840.

"Motor vehicle in an inoperative condition" means and includes any style or type of motor-driven vehicle used or useful for the conveyance of persons or property which is unable to move under its own power due to defective or missing parts, and which has remained in such condition for a period of not less than ten (10) consecutive days.

"Motor vehicle unfit for further use" means and includes any style or type of motor driven vehicle used for the conveyance of persons or property, which is in a dangerous condition, has defective or missing parts, or is in such a condition generally as to be unfit for further use as a conveyance.

"Automobile parts" mean and include any portion or parts of any motor driven vehicle as detached from the vehicle as a whole.

(11) *Failure to secure pool or spa.* There is caused or suffered any pool or spa that is not secured in conformance with the requirements of the 2012 International Property Maintenance Code.

(Code 1966, § 90.3; Ord. No. 99-018, § 6, 7-1-99; Ord. No. 04-021, 9-16-04; Ord. No. 16-009, § 23, 9-12-16)

Sec. 9-3. Test for nuisance.

Whether or not a particular annoyance, of the character listed in section 9-2, constitutes a nuisance shall depend on its effect upon persons of ordinary health and average sensibilities, and not its effect upon persons who are delicate or supersensitive, or whose habits, tastes, or conditions are such that they never are sensible of any annoyance.
(Code 1966, § 90.4)

Sec. 9-4. Nuisance created by others.

For the purposes of this article, it shall not be essential that the nuisance be created or contributed to by the owner, or tenants, or their agents, or representatives, but merely that the nuisance be enacted or contributed to by licensees, invitees, guests or other persons for whose conduct the owner or operator is responsible, or by persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care, the owner or operator, ought to have become aware of.
(Code 1966, § 90.5)

Sec. 9-5. Reserved.

Editor's note—Ord. No. 16-009, § 24, adopted September 12, 2016, repealed § 9-5, which pertained to suspension of license and derived from the Code of 1966, § 90.6.

Sec. 9-6. Reserved.

Editor's note—Ord. No. 16-009, § 25, adopted September 12, 2016, repealed § 9-6, which pertained to abatement procedure and derived from the Code of 1966, § 90.2 and Ord. No. 99-018, adopted July 1, 1999).

Sec. 9-7. Reserved.

Editor's note—Ord. No. 16-009, § 26, adopted September 12, 2016, repealed § 9-7, which pertained to penalties and derived from the Ord. No. 99-018, adopted July 1, 1999.

Secs. 9-8—9-20. Reserved.

ARTICLE II. NOISE

Sec. 9-21. Purpose of article.

The purpose of this article is:

(1) To preserve the public health, safety, and welfare by prohibiting excessive and disturbing noise; and

(2) To prevent noise, which is:

a. Prolonged or unsuitable for the time and place; and

b. Detrimental to the peace and good order of the community.

It is the goal of the article to allow all residents of our city to peacefully coexist in a manner, which is mutually respectful of the interests and rights of others.
(Ord. No. 04-021, § I, 9-16-04)

Sec. 9-22 Prohibited noise offenses.

(a) *General prohibition.* It shall be unlawful for any person to make or cause to be made any loud or unreasonable noise as defined in this article. Unreasonable noise disturbs, injures or endangers the peace or health of another or the health, safety, or welfare of the community. Such noise constitutes the disturbance of the peace and a public nuisance. Loud and unreasonable noise, for the purpose of this article, is defined as noise that is plainly audible to a reasonable person of normal sensitivities using his or her unaided hearing faculties as such times and distances proscribed below. To be plainly audible does not require the listener to be able to determine specific characteristics of the noise, e.g. the words of a song being played, but only that the listener hears the noise, e.g. the boom of the song's base.

(b) *Express prohibitions.* The following acts are noise disturbances:

(1) *Radios, television sets, musical instruments, phonographs, and similar devices, including motor vehicle sound equipment.* The operation or permitting the use or

operation of any musical instrument, radio, television, phonograph, or other device for the production or reproduction of sound in such a manner as to be plainly audible:

a. From the source of the noise through the walls separating dwelling units within the same multifamily building;

b. From the source of the noise to within a dwelling unit located on another property than that from which the noise emanates; or

c. From the source of the noise within the right-of-way to within a dwelling unit; or

d. From the source of the noise a distance of fifty (50) feet or greater.

(2) *Parties and other social events.* In the event the source of the proscribed noise is a private party or social event, the responsible person for the offense shall be any or all of the following:

a. The owner of the premises;

b. The occupant of the premises; or

c. The person authorized to make use of the premises for such event.

(3) *Machinery and construction noise.* Machinery and construction noise that is plainly audible at any distance, but reasonable to the nature of the work performed is not prohibited under this article from the hours of 7:00 a.m. to 9:00 p.m. Such noise that is plainly audible from the source of the noise a distance of fifty (50) feet is prohibited between the hours of 9:00 p.m. and 7:00 a.m. Excepted from this prohibition is works necessitated by an emergency. The determination of whether or not an emergency exists for the purpose of this article shall be made by the mayor, chief of police or ranking police officer on duty at the time of the emergency.

(4) *Loudspeakers utilized for commercial purposes.* Noise from loudspeakers used for commercial purposes and used in the ordinary course of business, i.e., ice cream truck or auction that is plainly audible at a distance of fifty (50) feet is not prohibited under this article from the hours of 7:00 a.m. to 9:00 p.m.

(5) *Noise not otherwise prohibited (in specific provisions above).* Noise from any other source, including, but not limited to, barking dogs, car engines, human voices and fire works, which are plainly audible:

a. From the source of the noise through the walls separating dwelling units within the same multi-family building;

b. From the source of the noise to within a dwelling unit located on another property than that from which the noise emanates; or

c. From the source of the noise within the right-of-way to within a dwelling unit; or

d. From the source of the noise a distance of fifty (50) feet or greater.

(Ord. No. 04-021, § II, 9-16-04)

Sec. 9-23. Exemptions.

Noise from the following sources is exempt from the prohibition specified above:

(1) *Governmental activities.* Governmental vehicles and equipment while in use for municipal purposes, including, but not limited to, safety signals, warning devices, snow removal, public events, law enforcement, emergency construction or repair work. Events conducted by or permitted by the city must comply with all conditions of such permits with respect to noise control issues;

(2) *Special events.* Special events permitted by the appropriate agency, e.g., Festival of the Horse; and

(3) *Essential activities.* Activities for which an exemption has been obtained from the office of the mayor, which exemptions shall be issued only for those activities for which there is a substantial need and the effectiveness of which would be significantly reduced or eliminated by the enforcement of this prohibition. Exemptions under this section shall issue for only that period during which the need for the activity can be demonstrated.

(Ord. No. 04-021, § III, 9-16-04)

Sec. 9-24. Enforcement and penalties.

(a) Violation of any section of this article shall constitute a civil offense which shall be enforced according to the procedures set forth in the Georgetown Code Enforcement Board Ordinance by the code enforcement board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(b) The penalty for violations of this article shall be as set forth in section 15 of the Georgetown Code Enforcement Board Ordinance.

(c) A citation for a violation of any section of this article and any applicable penalties will be waived only if the same or similar violation has not occurred on the property within the past twenty-four (24) months and the violation is remedied within seven (7) days of issuance of the citation.

(Ord. No. 16-009, § 27, 9-12-16)

Editor's note—Ord. No. 16-009, § 27, adopted September 12, 2016, repealed the former § 9-24, and enacted a new § 9-24 as set out herein. The former § 9-24 pertained to enforcement of article and derived from Ord. No. 04-021, adopted September 16, 2004.

Secs. 9-25—9-40. Reserved.

ARTICLE III. BLIGHTED AND DETERIORATED PROPERTIES*

Sec. 9-41. Purpose and findings.

The city council of the City of Georgetown hereby finds and declares that there exists within the city blighted or deteriorated properties and that there is need for the exercise of powers, functions, and duties conferred by KRS 99.700 to 99.730 within the city. The city further adopts the findings and policy of the General Assembly regarding blighted and deteriorated properties, as expressed in KRS 99.700, as its own findings and policy.
(Ord. No. 16-009, § 6, 9-12-16)

Sec. 9-42. Adoption of state law.

The city hereby adopts the provisions of KRS 99.700 to 99.730.
(Ord. No. 16-009, § 6, 9-12-16)

Sec. 9-43. Assignment of duties of vacant property review commission.

As authorized by KRS 99.710, the duties that would otherwise be assigned to a vacant property review commission under KRS 99.700 to 99.730 are hereby assigned to the code enforcement board (hereinafter, "the board") created under the Georgetown Code Enforcement Board Ordinance.
(Ord. No. 16-009, § 6, 9-12-16)

Sec. 9-44. Definitions.

The definitions set forth in KRS 99.705 are incorporated as though set forth fully herein.
(Ord. No. 16-009, § 6, 9-12-16)

Sec. 9-45. Elimination of blight and deterioration.

The city shall have the power to acquire, by eminent domain pursuant to KRS ch. 416, any property determined to be blighted or deteriorated pursuant to KRS 99.700 to 99.730, and shall have the power to hold, clear, manage, or dispose of property so acquired, pursuant to the provisions of KRS 99.700 to 99.730.
(Ord. No. 16-009, § 6, 9-12-16)

Sec. 9-46. Certification of blight deterioration.

(a) The city shall not institute eminent domain proceedings pursuant to KRS 99.700 to 99.730 unless the board has certified that the property is blighted or deteriorated. A property which has been referred to the board by a local government as blighted or deteriorated may only be certified to the legislative body as blighted or deteriorated after the board has determined:

(1) That the owner of the property or designated agent has been sent an order by the appropriate local government agency to eliminate the conditions which are in violation of local codes or law;

***Editor's note—**Ord. No. 16-009, § 6, adopted September 12, 2016, set out provisions intended for use as a new division in article VI of chapter 2. For purposes of classification, and at the editor's discretion, these provisions have been included as article III of chapter 9.

(2) That the property is vacant;

(3) That the property is blighted and deteriorated; and

(4) That the board has notified the property owner or designated agent that the property has been determined to be blighted or deteriorated and the time period for correction of such condition has expired and the property owner or agent has failed to comply with the notice.

(b) The findings required by subsection (a) of this section shall be in writing and included in the report to the city.

(c) (1) The board shall notify the owner of the property or a designated agent that a determination of blight or deterioration has been made and that failure to eliminate the conditions causing the blight shall render the property subject to condemnation by the local government under KRS 99.700 to 99.730.

(2) Notice shall be mailed to the owner or designated agent by certified mail, return receipt requested. However, if the address of the owner or a designated agent is unknown and cannot be ascertained by the board in the exercise of reasonable diligence, copies of the notice shall be posted in a conspicuous place on the property affected.

(3) The written notice sent to the owner or his or her agent or posted on the property shall describe the conditions that render the property blighted and deteriorated, and shall demand abatement of the conditions within ninety (90) days of the receipt of such notice.

(d) An extension of the 90-day time period may be granted by the board if the owner or designated agent demonstrates that such period is insufficient to correct the conditions cited in the notice.
(Ord. No. 16-009, § 6, 9-12-16)

Sec. 9-47. Eminent domain.

The city may institute eminent domain proceedings pursuant to KRS ch. 416 against any property which has been certified as blighted or deteriorated by the board if it finds:

(1) That such property has deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare;

(2) That such property is likely to continue to deteriorate unless corrected;

(3) That the continued deterioration of such property may contribute to the blighting or deterioration of the area immediately surrounding the property; and

(4) That the owner of such property has failed to correct the deterioration of the property.
(Ord. No. 16-009, § 6, 9-12-16)

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Chapter 10

OFFENSES—MISCELLANEOUS*

Art. I. In General, §§ 10-1—10-20
Art. II. Explicit Sexual Material, §§ 10-21—10-26

***Cross reference—**Police Department, § 2-146 et seq.

State law references—Crimes and punishments, KRS ch. 431 et seq.; state penal code, KRS ch. 500 et seq.

ARTICLE I. IN GENERAL

Sec. 10-1. Sunday retail sales.

(a) Pursuant to the authority of KRS 436.165(1) all retail sales which may lawfully be conducted upon any other day of the week and not permitted on Sunday under KRS 436.160, are hereby permitted within the jurisdictional boundaries of the city, on Sunday, subject, however, to the limitation hereinafter set forth in subsection (b).

(b) The retail sales permitted on Sunday within the jurisdictional boundaries of the city, shall be subject to the following limitations:

(1) No employer shall require as a condition of employment that any employee work on Sunday or on any other day of the week which any such employee may conscientiously wish to observe as a religious Sabbath.

(2) No employer shall in any way discriminate in the hiring or retaining of employees between those who designate a Sabbath as their day of rest and those who do not make such designation, provided, however, that the payment of premium or overtime wage rates for Sunday employment shall not be deemed discriminatory.

(3) No person admitted, under the provisions of this section, to engage in a retail business on Sunday shall be open to the public between the hours of 6:00 a.m. and noon on any Sunday.

(4) Every employer engaged in retail sales on Sunday shall allow each person employed by him in connection with such business or service at least twenty-four (24) consecutive hours of rest in each calendar week in addition to the regular periods of rest normally allowed or legally required in each working day.

(5) No business shall be required to be open on Sunday as part of a lease agreement, franchise agreement or any other structural arrangement. The provisions of this subsection shall not apply to any lease agreement, franchise agreement or any other contractual arrangement entered into before July 15, 1980.

(Code 1966, §§ 113.1, 113.2)

Sec. 10-2. Curfew for minors.

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

(1) *Minor.* Any person under the age of eighteen (18), or, as may be otherwise phrased, any person of the age of seventeen (17) or under.

(2) *Parent.* Any person having legal custody of a minor:

a. As a natural or adoptive parent;

b. As a legal guardian;

c. As a person who stands "in loco parentis";

d. Or as a person whom legal custody has been given by order of court.

(3) *Remain.* To stay behind, to tarry, or to stay unnecessarily upon or in any public assembly, building, place, street or highway.

(4) *Allow.* Either permit or neglect to prevent. It requires actual or constructive knowledge on the part of the parent or guardian, that is, the parent or guardian must actually know about the child violating this section, or the circumstances must be such that a reasonably prudent parent or guardian should have known the child was violating this section.

(b) (1) It shall be unlawful for any person under the age of eighteen (18) to be or remain in or upon any public assembly, building, place, street or highway within the city at night during the following periods:

1:00 a.m. to 6:00 a.m. Saturday and Sunday.

11:00 p.m. to 6:00 a.m. Sunday—Friday

(2) It shall be unlawful for any parent or guardian having legal custody of a minor to allow such minor to be or remain in or upon a public assembly, building, place, street or highway in the city under circumstances not constituting an exception as enumerated in subsection (c) during the time periods contained in subsection (1) of this paragraph (b).

(c) In the following exceptional cases a minor in or upon any public assembly, building, place, street, or highway in the city during the nocturnal hours provided for in subsection (b) shall not be considered in violation of this section:

(1) When the minor is accompanied by a parent or guardian;

(2) When accompanied by an adult authorized by a parent or guardian of such minor;

(3) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly, provided that written notice signed by the minor and countersigned by a parent is in the possession of such minor specifying when, where and in what manner said minor will be exercising such First Amendment rights;

(4) In case of reasonable necessity but only after such minor's parent has communicated to the police department the facts establishing such reasonable necessity;

(5) When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next-door neighbor who has not communicated an objection to a police officer or the police department;

(6) When returning home, by a direct route from, and within one (1) hour of the termination of, a school activity, or any activity of a religious or other voluntary association, provided that justification indicating the place and time of termination of said event can be given to any investigating officer of the police department;

(7) When authorized by regulation issued by the mayor in cases of reasonable necessity involving more minors than may reasonably be dealt with on an individual basis. Such regulation should be issued sufficiently in advance to permit publicity through news media and through other agencies such as the schools. The regulation shall define the activity, the scope of the use of the public assembly, building, place, street or highway permitted, and the period of time involved not to extend more than one (1) hour beyond the time for termination of the activity, and the reason for finding that such regulation is reasonably necessary. The mayor shall notify the police department of said information;

(8) When engaged in a business or occupation which the laws of Kentucky authorize a person under eighteen (18) years of age to perform;

(9) When the minor is, with parental consent, in a motor vehicle with a lawfully authorized driver;

(10) When the minor, who is a duly authorized and licensed driver, is operating a motor vehicle within the city for the purpose of passing through, by direct route, from one location to another either within or out of the city, including all minors that may also be within the vehicle.

(d) (1) A police officer upon finding or being notified of any minor in or upon any public assembly, building, place, street, or highway whose parent is believed to be in violation of this section may stop and question such minor and request such information as his or her name and age and the name and address of his or her parent, guardian or person having legal custody.

(2) If the police officer determines or has reasonable cause to believe that a curfew violation has occurred, the police officer may obtain from the minor the information necessary to issue a citation to the minor's parent, guardian or person having legal custody and then either take the minor to his or her home or direct the minor to proceed immediately to his or her home.

(e) *Penalty.* Any parent, guardian or person having legal custody allowing a minor to violate section (b)(1) shall be subject to a fine of no more than five hundred dollars ($500.00) or imprisonment for a period not to exceed six (6) months or both.
(Code 1966, § 135.3; Ord. No. 95-006, § I, 5-4-95)

Cross reference—Streets, sidewalks and other public places, ch. 15.

Sec. 10-3. Interfering with radio equipment.

It shall be unlawful for any person in the city to use or operate what is known as sparking machine high frequency apparatus, battery charger or other form of electrical instrument or apparatus, when the use or operation of same will materially interfere with or prevent the use and enjoyment of any benefit of radios in the city, provided, however, that all such instruments or apparatus may be used and employed in all cases of emergency and necessity and at all times excepting between the hours of 6:30 p.m. and 11:30 p.m.
(Code 1966, § 130.14)

Sec. 10-4. Discharge of weapons.

It shall be unlawful for any person to discharge a gun, pistol or other firearm, or airgun within the limits of the city, except in cases of necessity, the performance of a duty, or by express consent of the chief of police given in writing, or a license to do so.
(Code 1966, § 131.1; Ord. No. 13-011, § 11, 5-28-13)

Sec. 10-5. Bonfires.

It shall be unlawful for any person, within the limits of the city, to burn any material so as to endanger the surrounding property, or shall make a bonfire, or assist in so doing.
(Code 1966, § 131.2)

Cross reference—Fire prevention and protection, ch. 7.

Sec. 10-6. Registration of persons applying pesticides or herbicides.

(a) *Purpose.* The purpose of this section is to register the name, address and state operator's certificate of each operator who is in the business of applying pesticides, herbicides, plant regulators, defoliants or desiccants within the city limits of the City of Georgetown, to require the notification of adjoining property owners prior to the application of these agents and to make the composition of these agents known to those in proximity to the application.

(b) *Registration.* All persons applying the above agents, for consideration, i.e., doing business, whether full or part-time, within the city limits of Georgetown, shall register with the city clerk's office within forty-five (45) days of the effective date of this section. The required registration shall include name and address of the owner and all operators, the address of the place of business, a list of all chemicals used by the operators and a copy of the state certificate issued to the operator pursuant to 302 KAR 31:005.

(c) *Notice requirement.* All persons applying the above agents shall provide the following notification to adjoining property owners:

(1) Operators for consideration shall not apply any of the above agents unless and until they are registered as provided above and post a notice on the boundaries of the property. This notice shall be yellow in color, a minimum of eight and one-half (8½) by eleven (11) inches in dimension, and displayed no less than three (3) feet off the ground. Each notice shall be placed in a conspicuous location. The notice shall set forth all agents to be applied, their active ingredients and appropriate procedures in the event of harmful exposure.

(2) Private operators applying the above agents to their own property, or the property of family members, shall give reasonable notification to the adjoining property owners prior to application. Reasonable notification must include either direct verbal communication or written notice prominently displayed on the adjoining property in such a manner that the adjoining owner or resident will receive actual notice.

(d) *Penalties.* Anyone violating the above requirements shall be subject to the following penalties:

(1) Operators for consideration failing to register as provided in subsection (a) above shall be subject to a fine of not more than one hundred dollars ($100.00).

(2) Operators for consideration who apply the above agents in violation of subsection (b) shall be subject to a fine of not more than one hundred dollars ($100.00) for each occurrence.

(3) Private operators applying the above agents in violation of subsection (c) shall be subject to a fine of not more than twenty-five dollars ($25.00).

(Ord. No. 87-007, §§ 1—4, 6-18-87)

Editor's note—Ord. No. 87-007, §§ 1—4, adopted June 18, 1987, did not specifically amend the Code; therefore, inclusion as § 10-6 was at the discretion of the editor.

Sec. 10-7. Placement and removal of political signs.

(a) All political signs shall be treated in a fashion as other signs in accordance with the city's sign ordinance, adopted as part of the city's zoning regulations and ordinance. All political signs shall be subject to all the terms, conditions and regulations regarding the time, place and manner of the placement or removal of other signs, specifically including but not limited to regulations governing "prohibited signs" and "temporary signs" as set forth in the city's sign ordinance and zoning regulations.

(b) *Responsible party.* The candidate shall be responsible for compliance with this section and subject to sanctions for violation.

(Ord. No. 93-005, §§ 1—6, 2-4-93; Ord. No. 10-010, 4-26-11)

Editor's note—Ord. No. 93-005, §§ 1—6, adopted Feb. 4, 1993, did not specifically amend the Code; hence, its inclusion herein as § 10-7 was at the discretion of the editor.

Sec. 10-8. Deadly weapons within public buildings owned or occupied by the city.

(a) *Prohibition.* In order to protect city employees and the general public, no person, except sworn law enforcement officers, shall carry concealed deadly weapons in city owned or leased buildings. Excepted from this prohibition are city owned buildings used for the private residence of individuals.

(b) *Penalty.* Persons in violation of this section may be denied access to the city owned or leased building. Once access is gained, the offender may be removed from the building. Employees of the city may be subjected to personnel action for violation of this section. There shall be no criminal sanction for violation of this section.

(Ord. No. 97-007, § 1, 2, 2-20-97)

Sec. 10-9. Solicitation within streets and roads.

(a) *Solicitation within streets and roads is prohibited.* No person shall solicit, approach, impede, or otherwise deflect or interfere with motorist's attention, progress, safety, or compliance with traffic control.

(b) *Penalty.* Persons in violation of this section shall be fined not less than twenty dollars ($20.00) nor more than one hundred dollars ($100.00) for each offense as set out in KRS 189.990, state penalties.
(Ord. No. 03-016, §§ 1, 2, 6-19-03)

Sec. 10-10. Reserved.

Editor's note—Ord. No. 08-022, §§ 1—5, adopted October 27, 2008, repealed § 10-10, which pertained to prepayment requirements of gasoline and diesel fuel at retail businesses and derived from Ord. No. 08-018, adopted September 8, 2008.

Secs. 10-11—10-20. Reserved.

ARTICLE II. EXPLICIT SEXUAL MATERIAL*

Sec. 10-21. Purpose.

It is the purpose of this article to regulate the direct commercial distribution of certain explicit sexual materials to minors in order to aid parents and guardians in supervising and controlling the access of minors to such material. The council finds that whatever social value such material may have for minors can adequately be served by its availability to young persons through their parents or guardians. It is also the purpose of this section to prohibit open public display of certain explicit sexual materials, in order to protect persons from potential offense through involuntary exposure to such materials.
(Ord. No. 84-006, § 1, 5-17-84)

Sec. 10-22. Definitions.

For the purposes of this article:

(a) *Explicit sexual material* shall mean any pictorial or three-dimensional material, or motion picture, or still picture or photograph, or book or pocketbook or pamphlet or magazine, the cover or contents of which:

(1) Depicts human sexual intercourse, masturbation, sodomy, bestiality or oral or anal intercourse;

(2) Depicts direct physical stimulation of unclothed genitals;

(3) Depicts flagellation or torture in the context of a sexual relationship; or

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***Editor's note—**Ord. No. 84-006, §§ 1—6, adopted May 17, 1984, did not specifically amend the Code; therefore, codification as §§ 10-21—10-26 was at the discretion of the editor.

(4) Emphasizes the depiction of adult human genitals, buttocks or the female breast.

Works of art, however, or works of anthropological significance, or materials when presented in a program of education in a church, school or college shall not be deemed to be within the foregoing definitions.

(b) *Disseminate* shall mean to sell, lease or exhibit commercially and, in the case of an exhibition, to sell an admission ticket or pass, or to admit persons who have bought such a ticket or pass to the premises whereon an exhibition is presented.

(c) *Display for sale in an area to which minors have access* shall mean display where minors are able to see it.

(d) *Material placed upon public display* shall mean it is placed on or in a billboard, viewing screen, theater marquee, newsstand, display rack, window, showcase, display case or similar place so that matter bringing it within the definition of "explicit sexual material" is easily visible from a public thoroughfare or from the property of others.

(e) *Knowingly* shall mean having general knowledge of, or reason to know, or a belief or ground for belief, which warrants further inspection or inquiry of both of the following:

(1) The character and contents of any material described herein which is reasonably susceptible of examination; and

(2) The age of the person.

An honest mistake, however, shall constitute an excuse from liability hereunder if a reasonable bona fide attempt is made to ascertain the true age of the person.

(f) *Minor* shall mean a person less than eighteen (18) years of age.

(Ord. No. 84-006, § 2, 5-17-84)

Sec. 10-23. Offenses.

A person is guilty of a violation of this article if he or she:

(1) Knowingly disseminates explicit sexual material to a minor; or

(2) Knowingly displays explicit sexual material for sale in an area to which minors have access, unless such material has artistic, literary, historical, scientific, medical, educational or other similar social value for adults and access to such material is limited to adults; or

(3) Knowingly places explicit sexual materials upon public display;

or if he knowingly fails to take prompt action to remove such a display from property in his possession after learning of its existence.

(Ord. No. 84-006, § 3, 5-17-84)

Sec. 10-24. Defenses to prosecution.

It shall be an affirmative defense to a prosecution under this article for the defendants to show:

(1) That the dissemination was made with the consent of a parent or guardian of the recipient or that the defendant was misled as to the existence of parental consent by a misrepresentation made by a person holding himself out as a parent or guardian of the recipient, or that the dissemination was made to the recipient by his teacher or clergyman in the discharge of official responsibilities; or

(2) That the recipient was married.

(Ord. No. 84-006, § 4, 5-17-84)

Sec. 10-25. Exemption for broadcasts.

Prohibitions of this article shall not apply to broadcasts of telecasts through facilities licensed under the Federal Communications Act, 47 U.S.C.; Section 201 et seq.

(Ord. No. 84-006, § 5, 5-17-84)

Sec. 10-26. Penalties.

Any person violating any provision of this article shall be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00), or imprisoned not less than thirty (30) days nor more than twelve (12) months, or both. This section shall not apply to any offense which is a felony under the Kentucky Revised Statutes.

(Ord. No. 84-006, § 6, 5-17-84)

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Chapter 11

PRECIOUS METAL DEALERS*

*Cross reference—Secondhand goods, ch. 13.

Sec. 11-1. Defined.

The term "precious metals dealer," for the purpose of this chapter, shall mean any business, excluding banking institutions licensed to do business in the state, making any secondhand purchase of gold, silver or platinum, whether in the form of bulk metal, coins, watches, jewelry or any other form. The term "secondhand purchase" shall not include any purchase made by a retailer or wholesaler from a bona fide manufacturer.
(Ord. No. 81-005, § 1, 6-4-81)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 11-2. Recordkeeping.

(a) Any business meeting the definition of precious metals dealer as defined in section 11-1 shall maintain a record of all purchases of gold, silver or platinum. The police department shall furnish standard forms for such purposes, which shall at a minimum require the following information: date, time, amount paid by the dealer for the item, manufacturer's name and pattern, if ascertainable, serial number, if any, any distinguishing marks or engraving, weight of the item, pattern, number of items, and settings, if any. Additionally, the following information shall be required for the seller: name, address, date of birth, age, hair color, race, sex, height, weight, build, general appearance, distinguishing marks, legible right thumb print, driver's license number or numbers from two (2) I.D.s, which may include credit cards, and a photograph.

(b) All precious metals dealers shall furnish to the police department each day by 11:00 a.m., a copy of the completed record form for all transactions which took place during the preceding day. It shall be the duty of any precious metals dealer to allow any member of the police department to examine and inspect the records required in subsection (a), and if sufficient information cannot be gained from inspection of said records, it shall be the duty of any precious metals dealer to permit and allow the officer to examine any and all such articles still in their possession.

(c) Each and every article or set of articles received by a precious metals dealer shall be kept with the aforementioned record form attached, during the entire time it is in the possession of the licensee or until the item is altered or changed in such a way as to make it no longer readily identifiable, whichever shall occur first. All such articles shall be retained at the place of business or other location where the articles may be made readily available, upon request, to the police department in the same state or condition in which they were received for a period of twelve (12) consecutive days after their receipt, during which time such articles shall not be resold, exchanged or otherwise disposed of. Coins having no numismatic value, krugerrands and manufactured ingots shall be so retained for five (5) consecutive days.

(d) Nothing contained in this section shall require compliance by a person engaging in business within the city who possesses a current business license from the city and is either accepting returns for cash, credit or replacement of any item originally purchased from the person or exchanging an item for another item of greater value.
(Ord. No. 81-005, § 2, 6-4-81)

Sec. 11-3. Prohibiting purchase from minors.

In no case shall a precious metals dealer make a secondhand purchase of gold, silver or platinum from a minor, unless the minor is accompanied by a parent or guardian. Such purchases shall likewise not be made of any goods which the precious metals dealer knows or has reason to believe are stolen.
(Ord. No. 81-005, § 3, 6-4-81)

Sec. 11-4. Special license tax.

In addition to the special license fees required by article III of chapter 17, there is hereby imposed upon those persons defined as precious metals dealers a license tax in the amount of two hundred fifty dollars ($250.00) per annum. This license fee shall not apply to those persons being licensed under article III of chapter 17.
(Ord. No. 81-005, § 4, 6-4-81)

Sec. 11-5. License requirements.

(a) All precious metals dealers shall be required to secure the license established in section 11-4 by making application for same to the police department. Such applications shall be on standard forms furnished by the police department and shall contain all information determined by that department to be necessary for an evaluation of the applicant's eligibility to be licensed hereunder. As a part of the application process, the applicant must present proof that, if approved for licensure, he can secure an approved indemnity bond as specified in section 11-6 in the amount of thirty thousand dollars ($30,000.00), issued by a surety company authorized to transact business within the state or can post a cash bond in that amount. No license shall be issued to or held by any person not of good moral character, nor shall a license be issued to any corporation or partnership whose chief officers or members thereof are persons not of good moral character.

(b) The police department shall, within thirty (30) days of the receipt of the completed application form, make a complete review of the accuracy of the information contained therein, including a criminal record check on any individuals named therein and a determination as to the adequacy of the proposed bond. If the application is to be approved, the police department shall provide the applicant with such written notification, for presentation to the department of finance. The department of finance shall issue the license if the application is approved and if the aforementioned bond is filed with the director of the department of finance. If the application is to be denied, the police department shall provide the applicant with such written notification, including a statement of the reasons for denial. An aggrieved applicant shall, within thirty (30) days of such action, have a right to request a hearing before the council.

(c) Any license issued under this section may be suspended or revoked by the police department for any violation of the preceding sections. Before any such action is taken, a licensee shall be entitled to notice, a hearing before the council, and any other protection required by law.

(d) Licenses issued under this section shall not be transferable. License holders shall be required to post their license or a copy thereof in a conspicuous place in their place of business.
(Ord. No. 81-005, § 5, 6-4-81)

Sec. 11-6. Bond.

The bond provided for in section 11-5 shall be for a term of one year or until an approved occupational license tax return is filed with the department of finance, whichever is later. Such bond shall insure to the benefit of the city or of any person who shall be injured or sustain damage proximately caused by failure of any precious metals dealer, its servants, agents or employees, failing to comply with any of the preceding sections hereof.
(Ord. No. 81-005, § 6, 6-4-81)

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Chapter 12

SALES

Article I. In General

Secs. 12-1—12-15. Reserved.

Article II. Garage Sales

Sec. 12-16. Definitions.
Sec. 12-17. Permits and fees.
Sec. 12-18. Restricted number of sales.
Sec. 12-19. Person and sale excepted.
Sec. 12-20. Enforcement and penalties.
Secs. 12-21—12-30. Reserved.

Article III. Reserved

ARTICLE I. IN GENERAL

Secs. 12-1—12-15. Reserved.

ARTICLE II. GARAGE SALES*

Sec. 12-16. Definitions.

(a) *Garage sales* shall mean and include all sales entitled "garage sale," "lawn sale" "attic sale," "rummage," "yard sale" or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of said sale.

(b) *Goods* are meant to include any goods, warehouse merchandise or other property capable of being the object of a sale regulated hereunder.

(c) *Person* shall mean and include individuals, partnerships, voluntary associations, and corporations, and shall include religious or charitable institutions.
(Ord. No. 99-019, § 1, 7-1-99)

Sec. 12-17. Permits and fees.

No permit or fee is required prior to conducting a garage sale in the city.
(Ord. No. 99-019, § 2, 7-1-99)

Sec. 12-18. Restricted number of sales.

No location shall be used for a garage sale by any person more than three (3) times in any twelve-month period, excepting however locations actually owned by a religious, charitable, or civic organization, and such organizations not being subject to the limitations imposed by this action.
(Ord. No. 99-019, § 3, 7-1-99)

Sec. 12-19. Person and sale excepted.

The provisions of this article shall not apply to or affect the following persons or sales:

(1) Persons selling goods pursuant to an order process of a court of competent jurisdiction.

(2) Persons acting in accordance with their powers and duties as public officials.

***Editor's note—**Ord. No. 99-019, § 1—6, adopted July 1, 1999, amended the Code by, in effect, repealing former art. II, §§ 12-16—12-20, and added a new art. II, §§ 12-16—12-20. Former art. II pertained to similar subject matter, and derived from Ord. No. 80-008, adopted May 15, 1980; and Ord. No. 81-010, adopted October 1, 1981.

(3) Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five in number.

(Ord. No. 99-019, § 5, 7-1-99)

Sec. 12-20. Enforcement and penalties.

(a) Violation of any section of this article shall constitute a civil offense which shall be enforced according to the procedures set forth in the Georgetown Code Enforcement Board Ordinance by the code enforcement board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(b) The penalty for violations of this article shall be as set forth in section 15 of the Georgetown Code Enforcement Board Ordinance.

(Ord. No. 16-009, § 28, 9-12-16)

Editor's note—Ord. No. 16-009, § 28, adopted September 12, 2016, repealed the former § 12-20, and enacted a new § 12-20 as set out herein. The former § 12-20 pertained to penalty and derived from Ord. No. 99-019, adopted July 1, 1999.

Secs. 12-21—12-30. Reserved.

ARTICLE III. RESERVED*

*__Editor's note—__Ord. No. 12-015, Art. XVI adopted September 26, 2012, repealed the former Art. III, §§ 12-31, 12-41—12-45, which pertained to alcoholic beverages and derived from Ord. No. 00-034, adopted December 21, 2000; Ord. No. 01-016, adopted August 2, 2001; Ord. No. 09-008, adopted March 9, 2009 and Ord. No. 09-015, adopted April 27, 2009. Similar provisions can be found in chapter 2.7.

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Chapter 13

SECONDHAND GOODS*

Art. I. In General, §§ 13-1—13-15
Art. II. Pawnbrokers, §§ 13-16—13-56
Div. 1. Generally, §§ 13-16—13-45
Div. 2. License, §§ 13-46—13-56

*__Cross reference—__Precious metal dealers, ch. 11.

ARTICLE I. IN GENERAL

Secs. 13-1—13-15. Reserved.

ARTICLE II. PAWNBROKERS*

DIVISION 1. GENERALLY

Sec. 13-16. Defined.

Any person who loans money on deposit of personal property, or who deals in the purchase of personal property on condition of selling the property back again at a stipulated price, or who makes a public display at his place of business of the sign generally used by pawnbrokers to denote their business, or who publicly exhibits a sign advertising money to loan or personal property or deposit is a pawnbroker for the purposes of this article.
(Ord. No. 80-003, § 1, 2-21-80)

Cross reference—Definitions and rules of construction generally, § 1-2.
State law reference—Similar provisions, KRS 226.010.

Sec. 13-17. Pawn ticket to be furnished.

(a) Each pawnbroker shall furnish to the pledgor a printed receipt clearly showing the amount loaned with a specific, detailed description of the pledged property pawned or received, date of receipt thereof, time for redemption, and the name of the pledgee. The reverse side of the receipt shall be marked in such a manner that the amounts of principal and interest and any other charges paid by the person securing the loan can be clearly designated thereon. Each payment shall be entered upon the reverse side of the receipt and shall designate how much of the payment is being credited to principal, how much to interest, and how much to any other charge, with the date of the payments shown thereon. The pawnbroker shall affix to each article or thing a tag upon which shall be inscribed a number, of legible characters, which shall correspond to the number on the pawn ticket and be entered in the book required to be kept by section 13-24. The pawnbroker shall furnish all information required by law to be given to borrowers by state law and federal law.

(b) The following information shall be printed on the front or back of each pawn ticket required to be given the pledgor: "In the event of failure to pay the loan within _____ days from the date hereof, or within _____ days after maturity, or within _____ days after payment of any monthly interest when due, whichever period of time is the greater, you shall thereby forfeit all right and title unto such pledged and pawned property to the pawnbroker who shall thereby acquire an absolute title to the same."
(Ord. No. 80-003, § 11, 2-21-80)

State law reference—Similar provisions, KRS 226.050(1).

*__State law reference—__Pawnbrokers, KRS ch. 226.

Sec. 13-18. Memorandum of entry.

Every pawnbroker shall, at the time of each loan, deliver to the person pawning or pledging any goods, articles or things, a memorandum or note signed by him, containing the substance of the entry required to be made by him in the record book, and an estimated value of the goods, articles or things pledged; and no charge shall be made or received by any pawnbroker for any such entry, memorandum or note.
(Ord. No. 80-003, § 12, 2-21-80)

Sec. 13-19. Receipt for payment to be furnished.

Upon redemption of any pledge or payment of money, the pawnbroker shall furnish to the pledgor a written signed receipt indicating the exact amount paid on principal and interest in order that the pledgor may have the benefit of the receipt for income tax purposes and other matters. Such written receipt shall be either printed or stamped with the name of the pawnbroker and the address, and shall be legibly written so that the figures thereon are clearly discernible. In a case where the pawnbroker has purchased personal property under an agreement to sell it back at a stipulated price, the pawnbroker shall, on receiving any payment of money from the person from whom the property was purchased, give such person a receipt stating the original purchase price, the stipulated resale price, and the amount received.
(Ord. No. 80-003, § 13, 2-21-80)

State law reference—Similar provisions, KRS 226.090.

Sec. 13-20. Separate pawn ticket for each item.

Every pawnbroker shall prepare and deliver to the pledgor at the time of the pledge a separate pawn ticket for each and every item pledged.
(Ord. No. 80-003, § 14, 2-21-80)

Sec. 13-21. Maximum interest or resale price.

Any pawnbroker may, in loaning money on deposit of personal property, charge, contract for or receive interest at a rate not exceeding three and one-half (3½) percent per month on the unpaid principal balance of the loan, and may, in purchasing personal property on condition of selling the property back again at a stipulated price, fix such stipulated resale price at a sum not exceeding an amount equal to the price at which the property was purchased plus interest at the rate of three and one-half (3½) percent per month. No pawnbroker shall directly or indirectly charge, receive or contract for any interest or consideration than that allowed by this section. The amount of interest so tendered and received shall be recorded on the reverse side of the pawn ticket for each separate pledge, together with the initials of the person accepting such tender. Each and every pawn ticket shall provide, in addition to the required printing thereon as specified in this article, the following words: "Maximum legal interest rate three and one-half (3½) percent per month plus one dollar service charge." The pledgor shall sign the ticket on a space provided thereunder.
(Ord. No. 80-003, § 15, 2-21-80)

State law reference—Similar provisions, KRS 226.080.

Sec. 13-22. Forfeiture of pawn.

The pawnbroker shall retain in his possession every pledge or pawn ninety (90) days after the maturity of the loan, or ninety (90) days after the last payment of interest, or part of the principal, whichever is greater. If the pledgor shall fail or neglect for ninety (90) days after maturity of the loan, or ninety (90) days after the last payment of interest, or part of the principal, to redeem the pawned property, the pawnbroker may sell any such property held for redemption, provided that such property shall have been held for redemption for a period of not less than one hundred fifty (150) days from the date of pledge. After a loan is in default the pawnbroker may refuse to accept any payment less than the entire principal and interest due. Not less than ten (10) days before making the sale, the pawnbroker shall have given notice to the person by whom the article was pawned, by mail addressed to the post-office address of such person as shown on the pawnbroker's register, notifying such person that, unless he redeems the article within ten (10) days from the date of mailing the notice, the article will be sold.

(Ord. No. 80-003, § 10, 2-21-80)

State law reference—Similar provisions, KRS 226.050(2).

Sec. 13-23. Sign to be posted showing interest and service charge.

Each and every pawnbroker shall post and maintain, in a prominent location within the confines of the pawnshop and maintain, in a prominent location within the confines of the pawnshop, a printed sign not less than fifteen (15) by twenty (20) inches with clearly discernible red lettering on a white background in not less than two (2) inch size, the following words: "Maximum legal interest three and one-half (3½) percent per month plus one dollar service charge."

(Ord. No. 80-003, § 16, 2-21-80)

Sec. 13-24. Records.

Every pawnbroker shall keep a book in which shall be entered and legibly written in ink, at the time of each loan or receipt of personal property, an accurate account and description of the goods, articles or things pawned, or received, the amount of money loaned or advanced thereon and the interest charged, the number of the pawn ticket given to the pledgor, the time when redeemable, the time both day and hour, of pawning or receiving such goods, articles or things, and the name, residence, age, sex, color and description as near as possible of the person pawning or delivering the goods, articles or things. No entry made in such book shall be erased, obliterated or defaced. The book, as well as every article or thing pawned, pledged or deposited, shall at all reasonable times be open to inspection by the chief of police or any officer directed by the chief.

(Ord. No. 80-003, § 17, 2-21-80)

State law reference—Similar provisions, KRS 226.040.

Sec. 13-25. Daily report.

Every pawnbroker or pawnshop keeper in the city must, before the hour of 11:00 a.m., of every day the pawnbroker is closed all day make and deliver to the chief of police, at the police

station, full, true and detailed copy of all pawn tickets legibly written, setting forth an exact description of each article or thing pawned or received by such pawnbroker or pawnshop keeper during the period since the last such report. Such ticket shall be a full, detailed and correct copy of all entries in the book required to be kept in section 13-24. If no article or thing has been pawned or received, a report must be made to that effect.
(Ord. No. 80-003, § 18, 2-21-80)

State law reference—Similar provisions, KRS 226.070.

Sec. 13-26. Report slips.

The chief of police shall cause such a number of blanks to be printed as may be necessary for the purpose of making the reports required by this article. He shall from time to time cause such additional blanks to be printed as may be required. These blanks shall be so printed and subdivided that they shall have space for writing in all the matters required by this article to be registered and reported. This report shall be written in the English language in a clear, legible manner. Such blanks shall bear a caption, providing spaces in which shall be filled in the date of the report, the name and residence of the person making the same and the hour of day when made, and all other matters required by this article to be reported.
(Ord. No. 80-003, § 19, 2-21-80)

Sec. 13-27. Filing of reports; inspection.

The chief of police shall deliver the blanks provided for in section 13-26 to the person from whom these reports are required, from time to time, at the cost of the police department. He shall, upon receipt of such reports, file them in some secure place in his office, and they shall be open to inspection only by the chief of police or any officer directed by the chief, or upon any order of court.
(Ord. No. 80-003, § 20, 2-21-80)

Sec. 13-28. Persons from whom pawn may not be taken.

It shall be unlawful for any pawnbroker, pawnshop keeper, his servant or employee to receive any goods, articles or things in pawn or pledge from a person who is intoxicated, under the influence of drugs, insane, or a person under the age of eighteen (18) years nor from any person between 8:00 p.m. and 7:00 a.m.
(Ord. No. 80-003, § 21, 2-21-80)

State law reference—Similar provisions, KRS 226.030.

Sec. 13-29. Minors not to receive pledges or make loans.

It shall be unlawful for any pawnbroker to employ any clerk or person under the age of eighteen (18) years to receive any pledge or make any loan.
(Ord. No. 80-003, § 22, 2-21-80)

Sec. 13-30. Acts of employees.

The holder of a pawnbroker's license shall be responsible for any and all acts of his employees, and for any violation by them of the provisions of this article.
(Ord. No. 80-003, § 23, 2-21-80)

Sec. 13-31. Goods which may not be taken for pawn.

No licensed pawnbroker shall buy, sell, or take for pledge, pawn or security, any brass knuckles.
(Ord. No. 80-003, § 24, 2-21-80)

Sec. 13-32. Safekeeping of pledges.

Every pawnbroker licensed under the provisions hereof shall provide a safe place for the keeping of the pledges received by him and shall have sufficient insurance on the property held on pledges, for the benefit of the pledgors, in case of destruction by fire.
(Ord. No. 80-003, § 25, 2-21-80)

Sec. 13-33. Charges.

It shall be unlawful for any pawnbroker to charge or receive any appraisal fee, storage fee, or any fee or charge other than the amounts specified in this article. No charges shall be made for restoring stolen property to its rightful owner.
(Ord. No. 80-003, § 26, 2-21-80)

Sec. 13-34. Employee registration.

Every employee of a pawnshop shall register his name and address with the police department and shall have had his thumbprints, fingerprints and photograph taken and filed with the city and receive a certificate showing compliance therewith. For the purpose of this section, an employee of a pawnshop shall include all persons working in a pawnbroker's shop and any owner, stockholder if the owner is a corporation, partner or any other person who receives income in any manner from the operation of the pawnshop. Every person seeking to be registered under the provisions of this section shall first pay to the city the sum of one dollar and twenty-five cents ($1.25) as a condition precedent to having issued to him or her a certificate as provided herein.
(Ord. No. 80-003, § 27, 2-21-80)

Secs. 13-35—13-45. Reserved.

DIVISION 2. LICENSE*

Sec. 13-46. Required.

It shall be unlawful for any person to conduct or transact a pawnbroker business or pawnshop in the city without first having procured a city license therefor as provided in this division.
(Ord. No. 80-003, § 2, 2-21-80)

Sec. 13-47. Application.

(a) The application shall state the name of the person, and, in case of a firm or corporation, the names of all of the partners in such firm, or of the directors, officers and stockholders of such corporation; also the place, street and number where such business is to be carried on, and shall specify the amount of capital proposed to be used by the applicant in such business.

(b) At the time of filing such petition, the applicant shall deposit an amount of money equal to at least one-half year's, and not more than one year's charge for the license applied for. This sum of money shall be refunded to the applicant, upon demand, in case the license petitioned for shall not be granted.
(Ord. No. 80-003, § 3, 2-21-80)

Sec. 13-48. Issuance.

No license shall be issued to any person other than the real and actual proprietor of the business and place of business for which it is issued.
(Ord. No. 80-003, § 4, 2-21-80)

Sec. 13-49. Investigation by chief of police.

All applications for pawnbroker's licenses or renewals thereof shall be presented to the city council at a regular meeting thereof. No application shall be acted upon until a recommendation for or against the application is received from the chief of police, provided that the city council shall not be bound by the chief's recommendation.
(Ord. No. 80-003, § 5, 2-21-80)

Sec. 13-50. Bond.

The applicant shall file, with the application, a bond running to the city, conditioned for the faithful observance of all provisions of this article respecting pawnbrokers, during the continuance of such license, and any renewal thereof, for not more than one year. This bond shall be in the sum of ten thousand dollars ($10,000.00), with a corporate surety or two (2) or more individual sureties. To such bond shall be attached a justification to the effect that the

*__Cross reference—__Occupational license taxes, § 17-16 et seq.

sureties are residents within the county and each is worth the amount specified in such bond, over and above all just debts and liabilities, and exclusive of property exempt from execution.
(Ord. No. 80-003, § 6, 2-21-80)

State law reference—Similar provisions, KRS 226.020.

Sec. 13-51. License requirements.

The license issued under this division shall state the name of the person to whom issued, the place of business and street number where such business is located and the amount of capital employed. Such license shall entitle the person receiving it to do business at the place designated in such license.
(Ord. No. 80-003, § 7, 2-21-80)

Sec. 13-52. Nonuse and transfer of license.

If a pawnbroker shall not conduct the business for a period of ninety (90) days, the license shall be null and void. Pawnbroker's licenses shall not be transferable to any other person, except by a majority vote of the city council, and the filing of an application and a new bond by the person to whom such license is, or may be, transferred or assigned. It shall be unlawful for any person to do business, or attempt to do business, under a license transferred to him without such approval of the city council.
(Ord. No. 80-003, § 8, 2-21-80)

Sec. 13-53. Posting.

It shall be unlawful for any person to conduct or transact a pawnsbroker business in the city unless he shall keep posted in a conspicuous place in the place of business the license certificate therefor, and a copy of all ordinances relating to pawnbrokers.
(Ord. No. 80-003, § 9, 2-21-80)

Sec. 13-54. Revocation.

The city council may revoke any pawnbroker's license for repeated violations of the provisions of this article. Any licensee shall have the opportunity for a hearing before such revocation.
(Ord. No. 80-003, § 28, 2-21-80)

Sec. 13-55. Secondhand dealers.

No pawnbroker shall engage in the business of buying and selling or trading secondhand merchandise without obtaining a secondhand dealer's license in addition to a pawnbroker's license.
(Ord. No. 80-003, § 29, 2-21-80)

Sec. 13-56. Location.

No pawnbroker's license shall be issued in any location which such business is not permitted by the zoning ordinances of the city.
(Ord. No. 80-003, § 30, 2-21-80)

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Chapter 14

RESERVED*

*__Editor's note—__At the discretion of the city, ch. 14, §§ 14-1—14-8, relative to solicitors, has been deleted as being repealed by implication by provisions contained in ch. 17. The deleted sections derived from Code 1966, §§ 111.1—111.7 and 111.99.

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Chapter 15

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

Article I. In General

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Article II. Obstructions

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Sec. 15-20. Removal of materials from street; safety requirements.
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Article III. Construction and Repair of Sidewalks

Sec. 15-41. Generally.
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Sec. 15-47. Enforcement and penalties.
Secs. 15-48—15-60. Reserved.

Article IV. Restoration of Streets

Sec. 15-61. Application and bond.
Sec. 15-62. Filling of ditches with specified materials.

***Cross references—**Any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the city saved from repeal, § 1-6(6); any ordinance establishing and prescribing street grades of any street in the city saved from repeal, § 1-6(7); use of city hall regulated, § 2-25; buildings and building regulations, ch. 4., flood prevention, ch. 8; curfew for minors, § 10-2; subdivision regulations, ch. 16; traffic and motor vehicles, ch. 18; utilities, ch. 19; zoning, ch. 20.

Sec. 15-63. Time period allotted for repair; pouring of concrete and asphalt; leveling; straightening; widening.
Sec. 15-64. Inspections.
Sec. 15-65. Forfeiture of bond.
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Article V. Lighting

Sec. 15-81. General provisions.
Sec. 15-82. Previously approved development.
Sec. 15-83. Enforcement and penalties.
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Article VI. Parks

Division 1. In General

Secs. 15-91—15-100. Reserved.

Division 2. Park Hours

Sec. 15-101. Hours.
Sec. 15-102. Violations.

ARTICLE I. IN GENERAL

Sec. 15-1. Transportation, relocation of dirt, earth and debris on and around construction sites.

(a) All and any dirt, earth or debris from any real estate improvement within the city shall be kept and/or transported in such a manner that it will not wash, drain or otherwise be caused to enter and be deposited in or upon the streets, sanitary sewers, storm sewers and/or other drainage facilities of the city.

(b) Any person, persons, partnerships or corporations who displace or relocate or cause to be displaced or relocated any dirt, earth or debris from any real estate improvement, and such displacement or relocation places the dirt, earth or debris in such a manner that it washes, drains or is caused to enter and be deposited in or upon the streets, sanitary sewers, storm sewers and/or other drainage facilities of the city, shall forthwith remove and relocate said dirt, earth or debris to a safe location and shall clean up or cause to be cleaned up any dirt, earth or debris that has washed, drained or entered any street, storm sewer, sanitary sewer or other drainage facility.

(c) Enforcement and penalties.

(1) Violation of this section shall constitute a civil offense which shall be enforced according to the procedures set forth in the Georgetown Code Enforcement Board Ordinance by the code enforcement board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(2) The penalty for violations of this article shall be as set forth in section 15 of the Georgetown Code Enforcement Board Ordinance.

(c) A citation for a violation of any section of this article and any applicable penalties will be waived only if the same or similar violation has not occurred on the property within the past twenty-four (24) months and the violation is remedied within seven (7) days of issuance of the citation.

(Ord. No. 84-001, § 2, 3-15-84; Ord. No. 16-009, § 29, 9-12-16)

Cross references—Buildings and building regulations, ch. 4; traffic and motor vehicles, ch. 18.

Secs. 15-2—15-15. Reserved.

ARTICLE II. OBSTRUCTIONS

Sec. 15-16. Minimum height of awnings and signs.

(a) Every awning or swinging sign erected within the city shall be not less than eight (8) feet above the pavement.

(b) Violation of this section shall constitute a civil offense which shall be enforced according to the procedures set forth in the Georgetown Code Enforcement Board Ordinance by the code enforcement board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(c) The penalty for violations of this article shall be as set forth in section 15 of the Georgetown Code Enforcement Board Ordinance.

(d) A citation for a violation of any section of this article and any applicable penalties will be waived only if the same or similar violation has not occurred on the property within the past twenty-four (24) months and the violation is remedied within seven (7) days of issuance of the citation.
(Code 1966, § 94.1; Ord. No. 16-009, § 30, 9-12-16)

Sec. 15-17. Projections above pavement.

(a) No person shall erect or cause to be erected upon any street, alley or sidewalk within the city, any cellar, curbing or door which shall project more than two (2) inches above the adjoining pavement; nor shall any person, having control of a cellar door or other opening in any street, alley or sidewalk within the city, suffer the same to remain open, or so out of repair that persons are liable to injury thereby.

(b) Violation of this section shall constitute a civil offense which shall be enforced according to the procedures set forth in the Georgetown Code Enforcement Board Ordinance by the code enforcement board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(c) The penalty for violations of this article shall be as set forth in section 15 of the Georgetown Code Enforcement Board Ordinance.

(d) A citation for a violation of any section of this article and any applicable penalties will be waived only if the same or similar violation has not occurred on the property within the past twenty-four (24) months and the violation is remedied within seven (7) days of issuance of the citation.
(Code 1966, § 94.2; Ord. No. 16-009, § 31, 9-12-16)

Sec. 15-18. Street excavations, permit, bond.

(a) Any person that plans to cut, tear up, repair, obstruct or lay materials on any street, sidewalk or other public way in the city for any purpose, including but not confined to the laying of water, gas or sewer lines or connections, shall first apply to the clerk-treasurer and shall state the nature and extent of the work to be done. The application may be made by the abutting owner or his agent, or by the contractor. The applicant shall further give bond, with

good surety, in an amount sufficient to indemnify the city against any liability for injury to persons or property which may result from the proposed work; and the bond shall be the minimum sum of two hundred dollars ($200.00), or more as the case may require.

(b) The bond above mentioned shall also be conditioned that the owner or workman shall immediately fill in the excavation in accordance with sections 15-20 and 19-89. Within ten (10) days after the work is finished, the owner or workman shall replace the surface of the street, curb, or sidewalk in as good condition and with the same materials as it was when the improvement or work was begun. The city shall be further indemnified from any liability caused by injury to any public or private sewer, drain, water or gas line. The work shall be subject to the approval of the council and the city engineer.
(Code 1966, § 94.3)

Sec. 15-19. Reserved.

Editor's note—Ord. No. 88-034, § 6, adopted Dec. 15, 1988, repealed § 15-19, which pertained to restoration of streets and derived from Code 1966, § 94.4.

Sec. 15-20. Removal of materials from street; safety requirements.

Any person, including the municipal water and sanitary sewer service, engaged in building or improving, or any gas, waterworks, electric light company, or street railway constructing or repairing its mains, pipes, or road beds, who shall fail to remove all dirt and material from the streets after the completion of the work, or shall fail to repair the injury done to the streets and pavements in the execution thereof, within a reasonable time, shall be fined as provided in section 1-13 for each offense, and be required to pay the costs and expense for the removal of the material, and the repair of the street and pavements. Provided further, it shall be unlawful for any one to leave any obstruction on the streets, sidewalks, alleys or public ways of the city, or to leave any part of same torn up or unfit for public travel, unless such person shall place on same, in a conspicuous place, a red lantern or other light, lighted from twilight until daylight and necessary safeguards in daylight. Any one violating this section shall be fined as provided in section 1-13 for each offense and be responsible and liable for all damages that may accrue because of such failure.
(Code 1966, § 94.5)

Sec. 15-21. Builders permitted to obstruct streets.

Persons engaged in building or improving, shall have permission to occupy so much of the street and sidewalks contiguous to such works, for a reasonable time, as may be necessary for the construction of the same; provided, that there shall be at all times space opposite the work for two (2) vehicles to pass.
(Code 1966, § 94.6)

Sec. 15-22. Selling on street.

(a) It shall be unlawful to sell or offer to sell goods, wares or merchandise from a wagon or other conveyance, or from any temporary stand or location at any place on Main Street between Mulberry Street and Water Street, or on Broadway Street between Washington Street and College Street, or at any point between the City Building and Main Street, on what is known as the Court House Square.

(b) If any license is used to sell goods, wares or merchandise inside the city limits, the license shall not be operative in or upon the portions of Main and Broadway Streets and Court House Square above defined.
(Code 1966, § 94.7)

Sec. 15-23. Sidewalks to be kept clean.

All sidewalks shall be kept clean of weeds and grass by the owners and occupants of the property fronting on same.
(Code 1966, § 94.15)

Sec. 15-24. Snow to be removed from sidewalks.

All occupants of lots in the city shall remove the snow from the sidewalks in front thereof within twenty-four (24) hours after the snowfall. In case of a declared snow emergency, as defined in the Georgetown Snow Removal Management Plan, this deadline shall be extended to seventy-two (72) hours. In case of vacant or unoccupied lots it shall be the duty of the owners of the lots or the persons in control thereof to remove the snow as herein provided. Any person violating this section by refusing to comply with same shall be fined as provided in section 1-13, and each day's failure to remove snow as herein required shall be a separate offense.
(Code 1966, § 94.16; Ord. No. 15-017, § 2, 12-14-15)

Sec. 15-25. Reserved.

Editor's note—Ord. No. 16-009, § 32, adopted September 12, 2016, repealed § 15-25, which pertained to trimming trees, bushes and shrubbery and derived from the Code of 1966, § 94.17 and Ord. No. 08-023, adopted October 27, 2008.

Sec. 15-26. Reserved.

Editor's note—Ord. No. 16-009, § 33, adopted September 12, 2016, repealed § 15-26, which pertained to notice to clean sidewalks or trim trees, bushes, and shrubbery and derived from the Code of 1966, § 94.18 and Ord. No. 08-023, adopted October 27, 2008.

Sec. 15-27. Reserved.

Editor's note—Ord. No. 16-009, § 34, adopted September 12, 2016, repealed § 15-27, which pertained to failure to comply with notice and derived from the Code of 1966, § 94.19 and Ord. No. 08-023, adopted October 27, 2008.

Sec. 15-28. Boxes, boards, building materials.

No person shall obstruct any street, sidewalk or alley with boxes, barrels, coal, building materials or other substances.
(Code 1966, § 94.20(d))

Secs. 15-29—15-40. Reserved.

ARTICLE III. CONSTRUCTION AND REPAIR OF SIDEWALKS

Sec. 15-41. Generally.

It shall be the responsibility of each owner to keep and maintain the sidewalk bordering their property in good repair. All sidewalks hereafter constructed shall be done under the supervision of the city engineer and shall be at the cost of the lot or a portion thereof. Any person undertaking repair or construction of a sidewalk shall first obtain a permit from the city engineer. There shall be no charge for such permit. The city engineer shall ensure that the work is done in a good and workmanlike manner and is consistent with any applicable codes and the Americans with Disabilities Act. Allowing a sidewalk to become a danger to the public is hereby expressly declared a public nuisance subject to enforcement and abatement according to the procedures set forth in the Georgetown Code Enforcement Board Ordinance.

(Code 1966, § 94.10; Ord. No. 84-004, § 1, 5-17-84; Ord. No. 16-009, § 35, 9-12-16)

Sec. 15-42. Owner failing to construct or repair.

The City Engineer, by and through a citation issued by code enforcement officer or citation officer, may order the construction or repair of sidewalks which constitute a hazard to the public. The owner or his agent of the property in front of which sidewalks are to be built may construct same; provided the work is done as herein ordered and under the supervision of the city engineer. The citation shall set a reasonable time, not to exceed thirty (30) days, by which the work is to be done and completed. If the work is not completed by the owner or his agent by the time set forth in the citation, then the city shall repair the sidewalk and bill the property owner(s) whose lots the sidewalk abuts in accordance with the Georgetown Code Enforcement Board Ordinance. Should the pavement in any case extend beyond the line of one (1) owner and abutting the property of two (2) or more owners, it shall be apportioned among the owners according to the number of front feet abutting the street where construction is done.

(Code 1966, § 94.11; Ord. No. 84-004, § 2, 5-17-84; Ord. No. 16-009, § 36, 9-12-16)

Sec. 15-43. Reserved.

Editor's note—Ord. No. 16-009, § 37, adopted September 12, 2016, repealed § 15-43, which pertained to notice to construct or repair sidewalks and derived from the Code of 1966, § 94.12 and Ord. No. 84-004, adopted May 17, 1984.

Sec. 15-44. Reserved.

Editor's note—Ord. No. 16-009, § 38, adopted September 12, 2016, repealed § 15-44, which pertained to lien for cost of construction and derived from the Code of 1966, § 94.13.

Sec. 15-45. Reserved.

Editor's note—Ord. No. 16-009, § 39, adopted September 12, 2016, repealed § 15-45, which pertained to sidewalks and gutters to be kept in repair and derived from the Code of 1966, § 94.14.

Sec. 15-46. Annual inventory of sidewalks.

The city engineer shall annually inventory the sidewalks within the city and assess the condition of each using a scale and scoring criteria established by his or her office. The city engineer shall provide the results of the annual inventory and condition analysis to the city council.

(Ord. No. 16-009, § 40, 9-12-16)

Editor's note—Ord. No. 16-009, § 40, adopted September 12, 2016, repealed the former § 15-46, and enacted a new § 15-46 as set out herein. The former § 15-46 pertained to annual inspection and derived from Ord. No. 84-004, adopted May 17, 1984.

Sec. 15-47. Enforcement and penalties.

(a) Violation of any section of this article shall constitute a civil offense which shall be enforced according to the procedures set forth in the Georgetown Code Enforcement Board Ordinance by the code enforcement board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(b) The penalty for violations of this article shall be as set forth in section 15 of the Georgetown Code Enforcement Board Ordinance.

(c) A citation for a violation of any section of this article and any applicable penalties will be waived only if the same or similar violation has not occurred on the property within the past twenty-four (24) months and the violation is remedied within the remediation period established by the city engineer in the citation.

(Ord. No. 16-009, § 41, 9-12-16)

Secs. 15-48—15-60. Reserved.

ARTICLE IV. RESTORATION OF STREETS*

Sec. 15-61. Application and bond.

(a) *Required.* No contractor, whether a person, corporation, public utility, or municipal agency shall cut, excavate or otherwise remove any portion of a public street in the city during the course of construction, whether for public or private purposes; until an application and bond are filed with the city clerk's office.

(b) *Purpose.* The purpose of the application is to provide the city with sufficient information to enforce the provisions of this article. The purpose of the bond is to provide the means with which to make repairs in the event the terms of this article are not satisfied.

***Editor's note—**Ord. No. 88-034, §§ 1—5, adopted Dec. 15, 1988, did not specifically amend the Code; hence, its inclusion herein as ch. 15, Art. IV, §§ 15-61—15-65 was at the discretion of the editor. Section 7, dealing with the effective date, has been omitted from codification.

(c) *Fees.* The application shall require a fee of twenty dollars ($20.00). The bond shall be in the amount of one thousand dollars ($1,000.00) for street cuts of up to two hundred (200) square feet. The bond for street cuts in excess of two hundred (200) square feet shall be one thousand dollars ($1,000.00) plus five dollars ($5.00) for each square foot in excess of two hundred (200). The measurement of the ditch shall include an estimate of the additional width necessary to straighten the ditch sides in preparation for repair required under section 15-63 below.

(d) *Blanket bonds.* A contractor, who shall have multiple street cuts in any year, may file a blanket bond in a minimum amount of five thousand dollars ($5,000.00). The bond amount shall be review by the director of public works or the city engineer for adequacy. At any time the contractor has in excess of five (5) street cuts under construction, the director or city engineer may require additional security. A contractor opting to file a blanket bond shall pay an annual application fee of one hundred dollars ($100.00).
(Ord. No. 88-034, § 1, 12-5-88)

Sec. 15-62. Filling of ditches with specified materials.

Immediately after the construction is completed, the contractor shall fill the ditch to the surface with dense graded rock. Refilling the ditch with anything other than dense graded rock is prohibited.
(Ord. No. 88-034, § 2, 12-5-88)

Sec. 15-63. Time period allotted for repair; pouring of concrete and asphalt; leveling; straightening; widening.

Within ten (10) days of the completion of construction, the ditch shall be repaired. In preparation for the repair, the dense graded rock shall be removed from the ditch to a level eight (8) inches below the street surface and the sides of the ditch shall be straightened. Each side of the ditch shall be widened by at least one (1) foot.

After the ditch is prepared, concrete shall be poured into the ditch to a level two (2) inches below the street surface. Asphalt shall be installed in the amount necessary to raise the level of the repair even with the street surface.
(Ord. No. 88-034, § 3, 12-5-88)

Sec. 15-64. Inspections.

Final repair of the ditch shall not be performed until the director of public works or city engineer, or designee, inspects the prepared ditch. Upon certification by the director of public works or city engineer that the repair has been successfully completed the city clerk shall release the bond.
(Ord. No. 88-034, § 4, 12-5-88)

Sec. 15-65. Forfeiture of bond.

In the event the ditch is not repaired as required above, the bond shall be forfeited to the city to pay for the required repair. If the repair cost is greater than the amount of the bond, the contractor shall reimburse the city for the balance.
(Ord. No. 88-034, § 5, 12-5-88)

Secs. 15-66—15-80. Reserved.

ARTICLE V. LIGHTING

Sec. 15-81. General provisions.

(a) No streetlighting shall be installed on public streets except in compliance with this article.

(b) Streetlight easement or pole locations shall be shown on all subdivision plats and development plans as applicable.

(c) Prior to the approval of a final development plan (FDP) or final subdivision plat (FSP), streetlighting shall be installed pursuant to this article, or a streetlight construction fee in an amount equal to the estimated cost of installation plus twenty-five (25) percent shall be paid to the City of Georgetown for the installation.

(d) The city engineer shall sign a certification on the FDP or FSP referenced to subsection (c).

(e) If streetlights are not installed prior to the FDP or FSP, then installation of lights shall be done by the City of Georgetown and paid by the collected fees from the development. Notification to the utility company to install will occur at eighty (80) percent build-out for a street. In the event an eighty (80) percent build-out is not accomplished within three (3) years of FDP or FSP, upon certification by the city engineer, police chief, or fire chief that the absence of streetlights creates an unreasonable risk to the health, safety or welfare of the residents of the development or general public, the city shall install the streetlights according to the approved plan.

(f) The city shall accept only four (4) styles of light fixtures for public financial responsibility and maintenance for residential zones and five (5) for commercial/business or industrial zones as detailed herein.

(1) Styles accepted by the city in residential zones are the colonial post top, cobra head, acorn post top and coach post top. The colonial post top, acorn, and coach post top are available only for underground installation. The cobra head is available for both underground and overhead installation. The colonial post top, acorn, and coach post top are available for all installations of nine thousand five hundred (9,500) lumens or

less. The cobra head is available for all lumens levels. In commercial/business and industrial zones, these above listed fixtures as well as the contemporary shoebox are acceptable.

(2) The city's maximum financial responsibility for all styles shall be limited to an amount equivalent to the cost of the colonial post top at the highest rate by any electrical provider within the city. All other costs and expenses for other styles in excess of this amount shall be the sole financial responsibility of the developer or a properly constituted homeowner's association.

(3) All other styles must receive prior specific written approval from the city. Approval will not be given unless the developer or a properly constituted homeowner's association provides adequate security for the payment of all costs associated with the requested style in excess of the customary cost of the Colonial post top style detailed in Section (f)(2) above. Approval of the additional styles shall be within the sole discretion of the city. No entitlement to any other style is granted by this provision. Approval may be denied for any reason.

(g) Light fixtures for local streets shall be five thousand eight hundred (5,800) lumens. Fixtures for subcollector streets shall be five thousand eight hundred (5,800) lumens. Fixtures for collector streets shall be nine thousand five hundred (9,500) lumens. Fixtures for arterial streets shall be a minimum of twenty-two thousand (22,000) lumens. All intersections, regardless of category of streets, shall have a minimum of nine thousand five hundred (9,500) lumens. These street classifications shall be determined according to the definitions set out in the Georgetown-Scott County Subdivision Regulations.

(h) All light fixtures shall be spaced at intervals of two hundred (200) to two hundred fifty (250) feet. The specific spacing for a particular installation shall be determined by the anticipated coverage of the particular fixture and lumen level. This spacing may be varied only with approval of the city and the respective electric utility. Different spacing may be required by the respective electric utility or the city in the event circumstances exist which render the standard spacing inappropriate.
(Ord. No. 05-005, § 1, 4-7-05; Ord. No. 09-037, 11-9-09)

Sec. 15-82. Previously approved development.

All developments for which a final development plan or final subdivision plat have been approved prior to the effective date of this article, but for which development no streetlighting has been installed, shall:

(a) Submit to the city engineer a streetlighting plan which provides light fixture locations, lumen levels and fixture style. Any plan which includes a light fixture style other than permitted above shall also provide documentation required in subection 15-81(f)(2) above. No lighting-related construction shall begin prior to receipt of written approval of a submitted lighting plan. The written approval must be signed by either the mayor or the city engineer.

(b) Within sixty (60) days of receipt of approval of the streetlighting plan required in subsection (a) above, shall install the light fixtures according to that approved plan.

(c) In the event the developer fails to install the approved streetlighting plan within the time allotted in subsection (b), the city may grant an extension of time in which to complete installation. No extension of time shall be granted except upon a showing of the developer's good-faith effort to complete the installation and the posting of the developer's bond in the amount of the cost of the installation of the approved street lighting plan, plus twenty-five (25) percent, in the mayor's office, which bond shall secure the cost of the city's installation of the approved streetlighting plan in the event of the developer's failure to complete installation according to the plan within the extension granted above. The city's election to call the developer's bond and to undertake installation according to the approved plan shall not preclude the filing of charges in Scott District Court seeking the penalties provided below.

(d) Lighting-related construction begun prior to the effective date of this article and completed no later than forty-five (45) days after the effective date of this article shall not be affected by the provisions of this article.

Lighting-related construction begun prior to the effective date of this article but not completed within forty-five (45) days after the effective date of this article shall comply with all applicable provisions of this article.

(e) A developer cannot dedicate to the city a street or roadway prior to the installation of streetlights.

(Ord. No. 05-005, § 2, 4-7-05)

Sec. 15-83. Enforcement and penalties.

(a) Violation of any section of this article shall constitute a civil offense which shall be enforced according to the procedures set forth in the Georgetown Code Enforcement Board Ordinance by the code enforcement board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(b) The penalty for violations of this article shall be as set forth in section 15 of the Georgetown Code Enforcement Board Ordinance.

(Ord. No. 16-009, § 42, 9-12-16)

Editor's note—Ord. No. 16-009, § 42, adopted September 12, 2016, repealed the former § 15-83, and enacted a new § 15-83 as set out herein. The former § 15-83 pertained to penalties and derived from Ord. No. 05-005, adopted April 7, 2005.

Secs. 15-84—15-90. Reserved.

ARTICLE VI. PARKS

DIVISION 1. IN GENERAL

Secs. 15-91—15-100. Reserved.

DIVISION 2. PARK HOURS

Sec. 15-101. Hours.

Unless participating in an event operated by the city parks, Georgetown-Scott County Parks and Recreation, within the city, the following hours of operation for all city parks within the city limits shall be:

March Through November:

Sunday-Thursday: 6:30 a.m.—11:00 p.m.

Friday and Saturday: 6:30 a.m.—Midnight

December Through February:

All days of the week: 7:30 a.m. —9:00 p.m.

(Ord. No. 10-018, § 1, 8-9-10)

Sec. 15-102. Violations.

Any person violating these hours of operation shall be deemed to have committed a violation pursuant to KRS 532.020 and other applicable law. Fines for the violation of this division shall be set in accordance with KRS 534.040.

(Ord. No. 10-018, § 1, 8-9-10)

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Chapter 16

SUBDIVISION REGULATIONS*

*__Cross references—__Any ordinance dedicating or accepting any plat or subdivision in the city, or providing regulations for the same saved from repeal, § 1-6(9); buildings and building regulations, ch. 4; flood prevention, ch. 8; flood prevention standards for subdivision proposals, § 8-54; streets, sidewalks and other public places, ch. 15; utilities, ch. 19; zoning, ch. 20.

State law reference—Planning and zoning, KRS ch. 100.

Sec. 16-1. Adoption.

Upon recommendation and resolution passed by the planning commission and following the transmittal of the resolution to the council it is now ordered that the subdivision regulations of the city, a copy of which survey is attached hereto and which is incorporated herein by reference as if copied and set forth in full herein, it is hereby adopted and approved, pursuant to the law provided for such cases, and a certified copy of this section shall be filed in the office of the county court clerk, according to law. A copy of same may be seen and inspected at the office of the clerk-treasurer at no expense.
(Code 1966, § 155.1)

[The next page is 1101]

Chapter 16.1

TATTOO ESTABLISHMENTS*

*__Editor's note—__Ord. No. 84-012, §§ 1—13, adopted August 16, 1984, did not specifically amend the Code; therefore codification as §§ 16.1-1—16.1-13 was at the discretion of the editor.

Sec. 16.1-1. Definitions.

As used herein, the following terms shall have the meanings ascribed to them in this section unless the context requires otherwise:

Certificate of inspection shall mean written approval from the health officer or his authorized representative that said tattooing establishment has been inspected and meets all of the terms of this chapter relating to physical facilities, equipment and layout for operation of such business.

Health officer shall mean the city health officer or his authorized representative.

Operator shall mean any individual, firm, company, corporation or association that owns or operates an establishment where tattooing is performed and any individual who performs or practices the art of tattooing on the person of another.

Tattoo, tattooed, or *tattooing* refer to any method of placing designs, letters, scrolls, figures, symbols or any other mark upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to touch or puncture the skin.
(Ord. No. 84-012, § 4, 8-16-84)

Sec. 16.1-2. License required.

It shall be unlawful for any person to engage in the business of operating a tattoo establishment without first obtaining a license to engage in such business in accordance with the provisions hereof.
(Ord. No. 84-012, § 1, 8-16-84)

Sec. 16.1-3. Application fee.

An application for a license shall be accompanied by a fee in the amount of twenty-five dollars ($25.00) provided, however, that no application fee shall be required for renewal of an existing license. Any change of ownership shall require a new application and license, with payments of fees therefor.
(Ord. No. 84-012, § 2, 8-16-84)

Sec. 16.1-4. License fee.

The license fee for engaging in the business of operating a tattoo establishment within the city shall be one hundred dollars ($100.00) per annum.
(Ord. No. 84-012, § 3, 8-16-84)

Sec. 16.1-5. Health and sanitary requirements.

Each person who operates a tattooing establishment shall comply with the following requirements:

(1) The room in which tattooing is done shall have an area of not less than one hundred (100) square feet. The walls, floors and ceiling shall have an impervious, smooth and washable surface.

(2) A toilet shall be located in the establishment and shall be accessible at all times that the tattooing establishment is open for business. The lavatory shall be supplied with hot and cold running water, soap and sanitary towels.

(3) All tables and other equipment shall be constructed of easily cleanable material, shall be painted or finished in a light color, with a smooth washable finish, and shall be separated from waiting customers or observers by a panel at least six (6) feet or 1.83 meters high or by a door.

(4) The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair.

(5) The operator shall wash his hands thoroughly with soap and water before starting to tattoo; the hands shall be dried with individual, single-use towels.

(6) No tattooing shall be done on any skin surface that has rash, pimples, boils, infections or manifests any evidence of unhealthy conditions.

(7) No skin area shall be penetrated, abraded or treated with chemicals for the purpose of removing, camouflaging or altering any blemish, birthmark, scar or tattoo.

(8) Safety razors with a new, single-service blade for each customer or patron or a straight-edge razor may be used and shall be thoroughly cleaned and sterilized before use on each customer or patron.

(9) The area to be tattooed shall first be thoroughly washed for a period of two (2) minutes with warm water to which has been added an antiseptic liquid soap. A sterile single-use sponge shall be used to scrub the area. After shaving and before tattooing is begun, a solution of seventy (70) per cent alcohol shall be applied to the area with a single-use sponge used and applied with a sterile instrument.

(10) Only petroleum jelly in collapsible metal or plastic tubes, or its equivalent as approved by the health officer, shall be used on the area to be tattooed and it shall be applied with sterile gauze.

(11) The use of styptic pencils, alum blocks, or other solid styptics to check the flow of blood is prohibited.

(12) Inquiry shall be made, and anyone giving a history of recent jaundice or hepatitis may not be tattooed.

(13) Single-service or individual containers of dye or ink shall be used for each patron and the container therefor shall be discarded immediately after completing work on a patron and any dye in which the needles were dipped shall not be used on another person. Excess dye or ink shall be removed from the skin with an individual sterile sponge or a disposable paper tissue which shall be used only on one person and then immediately discarded. After completing work on any person, the tattooed area shall be washed with sterile gauze saturated with an antiseptic soap solution approved by the health officer, or a seventy (70) per cent alcohol solution. The tattooed area shall be

allowed to dry and petroleum jelly from a collapsible or plastic tube shall be applied, using sterile gauze. A sterile gauze dressing shall then be fastened to the tattooed area with adhesive.

(Ord. No. 84-012, § 5, 8-16-84)

Sec. 16.1-6. Care of instruments.

(a) *Storing of instruments.* All clean and ready-to-use needles and instruments shall be kept in a closed glass or metal case or storage cabinet while not in use. Such cabinet shall be maintained in a sanitary manner at all times.

(b) *Sterilizing of instruments.* A steam sterilizer (autoclave) shall be provided for sterilizing all needles and similar instruments before use on any customer, person or patron (alternate sterilizing procedures may only be used when specifically approved by the health officer). Sterilization of equipment will be accomplished by exposure to live steam for at least thirty (30) minutes at a minimum pressure of fifteen (15) pounds per square inch, temperature of two hundred forty (240) degrees Fahrenheit or one hundred sixteen (116) degrees Celsius.

(c) *Use of instruments.* The needles and instruments required to be sterilized shall be so used, handled and temporarily placed during tattooing so that they will not be contaminated.

(Ord. No. 84-012, § 6, 8-16-84)

Sec. 16.1-7. Records.

Permanent records for each patron or customer shall be maintained by the licensee or operator of the establishment. Before the tattooing operation begins, the patron or customer shall be required personally to enter, on a record form provided for such establishment, the date, his or her name, address, age, serial number if a member of the armed forces, and his or her signature. Such records shall be maintained in the tattoo establishment and shall be available for examination by the health officer. Records shall be retained by the operator or licensee for a period of not less than two (2) years. In the event of a change of ownership, or closing of the business, all such records shall be made available to the health officer.

(Ord. No. 84-012, § 7, 8-16-84)

Sec. 16.1-8. Infections.

No person, customer or patron having any skin infection or other disease of the skin or any communicable disease shall be tattooed. All infections resulting from the practice of tattooing which become known to the operator shall promptly be reported to the health officer by the person owning or operating the tattooing establishment, and the infected client shall be referred to a physician.

(Ord. No. 84-012, § 8, 8-16-84)

Sec. 16.1-9. Pigments; dyes.

All pigments, dyes, colors, etc., used in tattooing shall be sterile and free from bacteria, virus particles and noxious agents and substances, and the pigments, dyes and colors used from

stock solutions for each customer or patron shall be placed in a single-service receptacle and such receptacle and remaining solution shall be discarded after use on each customer or patron.
(Ord. No. 84-012, § 9, 8-16-84)

Sec. 16.1-10. Bandages and surgical dressings.

All bandages and surgical dressings used in connection with the tattooing of a person shall be sterile.
(Ord. No. 84-012, § 10, 8-16-84)

Sec. 16.1-11. Certificate of inspection.

An applicant for a license to operate a tattooing establishment shall first obtain a certificate of inspection from the health officer, indicating the establishment has been inspected and is in compliance with the provisions of this chapter.
(Ord. No. 84-012, § 11, 8-16-84)

Sec. 16.1-12. Inspections.

The health officer may conduct periodic inspections of any tattooing establishment for the purpose of determining whether or not said establishment and the persons performing the art of tattooing therein are in compliance with all applicable health provisions contained within this chapter and other pertinent ordinances. It shall be unlawful for any person or operator of a tattooing establishment willfully to prevent or restrain the health officer from entering any licensed establishment where tattooing is being performed for the purpose of inspecting said premises, after proper identification is presented to the operator.
(Ord. No. 84-012, § 12, 8-16-84)

Sec. 16.1-13. Penalty.

In addition to the revocation and suspension of any license, any person violating any provision of this chapter shall be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
(Ord. No. 84-012, § 13, 8-16-84)

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Chapter 17

TAXATION*

Art. I. In General, §§ 17-1—17-15
Art. II. Occupational License Taxes, §§ 17-16—17-74
Art. III. Special Licenses, §§ 17-75—17-87
Art. IV. License Fees on Insurance Companies, §§ 17-88—17-100
Art. V. Waiver of Taxes, §§ 17-101—17-105

***Editor's note—**References in this chapter to "clerk-treasurer" should read "director of finance" inasmuch as it is the director of finance who is charged with the administration of occupational business license taxes and special licenses. This change will be made as pages are pulled for supplementation.

Cross references—Any taxation ordinance saved from repeal, § 1-6(12); administration, ch. 2; imposition of transient room tax, § 2-279.

State law references—Finance and revenue of cities other than the first class, KRS ch. 92; general power of cities to tax, KRS 92.280.

ARTICLE I. IN GENERAL

Sec. 17-1. Assessments.

Property shall be assessed for ad valorem taxes under the provisions of KRS 132.285 by copying the county assessment.
(Code 1966, § 33.9)

Secs. 17-2—17-15. Reserved.

ARTICLE II. OCCUPATIONAL LICENSE TAXES*

Sec. 17-16. Definitions.

The following expressions, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates or requires a different construction:

Business means any enterprise, activity, trade, occupation, profession or undertaking of any nature conducted for gain or profit. Business shall not include the usual activities of boards of trade, chambers of commerce, trade associations, or unions, or other associations performing services usually performed by trade associations or unions. Business shall not include funds, foundations, corporations, or associations organized and operated for the exclusive and sole purpose of religious, charitable, scientific, literary, educational, civic or fraternal purposes, where no part of the earnings, incomes, or receipts of such unit, group or association, inures to the benefit of any private shareholder or other person.

Business entity means each separate corporation, limited liability company, business development corporation, partnership, limited partnership, registered limited liability partnership, sole proprietorship, association, joint stock company, receivership, trust, professional service organization, or other legal entity through which business is conducted.

City means the City of Georgetown, Kentucky.

***Editor's note—**Ord. No. 04-019, adopted Aug. 19, 2004, repealed the former Art. II, §§ 17-16—17-29, and enacted a new Art. II. Section catchlines have been added by the editor. The former Art. II pertained to similar subject matter and was derived from Ord. No. 76-001, §§ 1—8, 10, 12, 13, 15, adopted Feb. 19, 1976; Ord. No. 79-008, § 1, adopted Sept. 20, 1979; Ord. No. 81-006, § 1, adopted May 21, 1981; Ord. No. 83-04, § 2, adopted April 7, 1983; and Ord. No. 99-046, §§ 2—11, 13, 14, 16, adopted Nov. 18, 1999.

Cross references—Licensing of garage sales, § 12-18; licensing of pawnbrokers, § 13-46 et seq.

State law references—Authority to levy occupational taxes, KRS 92.281; license taxes, KRS ch. 137.

Compensation means wages, salaries, commissions, or any other form of remuneration paid or payable by an employer for services performed by an employee, which are required to be reported for federal income tax purposes and adjusted as follows:

(1) Include any amounts contributed by an employee to any retirement, profit sharing, or deferred compensation plan, which are deferred for federal income tax purposes under a salary reduction agreement or similar arrangement, including but not limited to salary reduction arrangements under Section 401(a), 401(k), 402(e), 403(a), 403(b), 408, 414(h), or 457 of the Internal Revenue Code; and

(2) Include any amounts contributed by an employee to any welfare benefit, fringe benefit, or other benefit plan made by salary reduction or other payment method which permits employees to elect to reduce federal taxable compensation under the Internal Revenue Code, including but not limited to Sections 125 and 132 of the Internal Revenue Code.

Domestic servant means an individual employed to drive his employer in the capacity of a chauffeur or employed on the grounds or in the home of his employer in activities to care for or wait upon the employer, the employer's family or guests, or to care for the home, grounds, and/or vehicle of the employer or the employer's family or guests, not including such individuals who are employed by a cleaning service, personal nursing service, chauffeuring service or other entity which offers the services of its employees to the public.

Employee means any person who renders services to another person or business entity for compensation, including an officer of a corporation and any officer, employee, or elected official of the United States, a state, or any political subdivision of a state, or any agency or instrumentality of any one (1) or more of the above. A person classified as an independent contractor under the Internal Revenue Code shall not be considered an employee.

Employer means the person for whom an individual performs or performed any service, of whatever nature, as the employee of such person, except that:

(1) If the person for whom the individual performs or performed the services does not have control of the payment of the wages for such services, the term employer means the person having control of the payment of such wages; and

(2) In the case of a person paying wages on behalf of a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, the term employer means such person.

Fiscal year means an accounting period of twelve (12) months ending on the last day of any month other than December.

Internal Revenue Code means the Internal Revenue Code in effect on December 31, 2003, exclusive of any amendments made subsequent to that date, other than amendments that extend provisions in effect on December 31, 2003, that would otherwise terminate.

Net profit means gross income as defined in Section 61 of the Internal Revenue Code minus all the deductions from gross income allowed by Chapter 1 of the Internal Revenue Code, and adjusted as follows:

(1) Include any amount claimed as a deduction for state tax or local tax which is computed, in whole or in part, by reference to gross or net income and which is paid or accrued to any state of the United States, local taxing authority in a state, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country or political subdivision thereof;

(2) Include any amount claimed as a deduction that directly or indirectly is allocable to income which is either exempt from taxation or otherwise not taxed;

(3) Include any amount claimed as a net operating loss carryback or carryforward allowed under Section 172 of the Internal Revenue Code;

(4) Include any amount of income and expenses passed through separately as required by the Internal Revenue Code to an owner of a business entity that is a pass-through entity for federal tax purposes; and

(5) Exclude any amount of income that is exempt from state taxation by the Kentucky Constitution, or the Constitution and statutory laws of the United States.

Person means every natural person, whether a resident or nonresident of the city. Whenever the word person is used in a clause prescribing and imposing a penalty in the nature of a fine or imprisonment, the word, as applied to a partnership or other form of unincorporated enterprise, shall mean the partners or members thereof, and as applied to a corporations, shall mean the officers and directors thereof.

Return means any properly completed and, if required, signed form, statement, certification, declaration, or any other document permitted or required to be submitted or filed with the city.

Revenue commission means the Georgetown/Scott County Revenue Commission.

Sales revenue means receipts from the sale, lease, or rental of goods, services, or property.

Taxable net profit, in case of a business entity having payroll or sales revenue only in the city, means net profit as defined in this section.

Taxable net profit, in case of a business entity having payroll or sales revenue both within and without the city, means net profit as defined in this section, and as apportioned under section 17-17.

Taxable year means the calendar year or fiscal year ending during the calendar year, upon the basis of which net income is computed.
(Ord. No. 04-019, § 1, 8-19-04)

Sec. 17-17. Required.

(a) Except as provided under section 17-18 of this article, every person or business entity engaged in any business for profit and any person or business entity that is required to make a filing with the Internal Revenue Service or the Kentucky Department of Revenue shall be required to file and pay to the city an occupational license tax for the privilege of engaging in such activities within the city. The occupational license tax shall be measured by one (1) percent of:

(1) All wages and compensation paid or payable in the city for work done or services performed or rendered in the city by every resident and nonresident who is an employee;

(2) The net profit from business conducted in the city by a resident or nonresident business entity.

(b) Every business entity engaged in any business in the city shall be required to apply for and obtain an occupational license from the city before the commencement of business or in the event of a change of business status. Licensees are required to notify the city of any changes in address, the cessation of business, or any other changes which render the information supplied to the city in the license application inaccurate.

(c) Except as provided for in subsection (f) of this section, net profit shall be apportioned as follows:

(1) For business entities with both payroll and sales revenue within and without the city, by multiplying the net profit by a fraction, the numerator of which is the payroll factor, described in subsection (d) of this section, plus the sales factor, described in subsection (e) of this section, and the denominator of which is two (2); and

(2) For business entities with sales revenue within and without the city, by multiplying the net profit by the sales factor as set forth in subsection (e) of this section.

(d) The payroll factor is a fraction, the numerator of which is the total amount paid or payable in the city during the tax period by the business entity for compensation, and the denominator of which is the total compensation paid or payable by the business entity everywhere during the tax period. Compensation is paid or payable in the city based on the time the individual's service is performed within the city.

(e) The sales factor is a fraction, the numerator of which is the total sales revenue of the business entity in the city during the tax period, and the denominator of which is the total sales revenue of the business entity everywhere during the tax period.

(1) The sale, lease, or rental of tangible personal property is in the city if:

a. The property is delivered or shipped to a purchaser, other than the United States government, or to the designee of the purchaser within the city regardless of the f.o.b. point or other conditions of the sale; or

b. The property is shipped from an office, store, warehouse, factory, or other place of storage in the city and the purchaser is the United States government.

(2) Sales revenue, other than revenue from the sale, lease, or rental of tangible personal property or the lease or rental of real property, are apportioned to the city based upon a fraction, the numerator of which is the time spent in performing such income-producing activity within the city and the denominator of which is the total time spent performing that income-producing activity.

(3) Sales revenue from the lease or rental of real property is allocated to the city if the real property is located within the city.

(f) If the apportionment provisions of this section do not fairly represent the extent of the business entity's activity in the city, the business entity may petition the city or the city may require, in respect to all or any part of the business entity's business activity, if reasonable:

(1) Separate accounting;

(2) The exclusion of any one (1) or more of the factors;

(3) The inclusion of one (1) or more additional factors which will fairly represent the business entity's business activity in the city; or

(4) The employment of any other method to effectuate an equitable allocation and apportionment of net profit.

(g) When compensation is paid or payable for work done or services performed or rendered by an employee, both within and without the city, the license tax shall be measured by that part of the compensation paid or payable as a result of work done or service performed or rendered within the city. The license tax shall be computed by obtaining the percentage which compensation for work performed or services rendered within the city bears to the total wages or compensation paid or payable. In order for the city to verify the accuracy of a taxpayer's reported percentages under this subsection, the taxpayer shall maintain adequate records.

(h) All partnerships, S corporations, and all other entities where income is "passed through" to the owners are subject to this article. The occupational license tax imposed in this article is assessed against income before it is "passed through" these entities to the owners. (Ord. No. 04-019, § 2, 8-19-04)

Sec. 17-18. Exemptions.

(a) Because of the undue burden of administration, no license tax imposed under section 17-17 of this article shall be required of domestic servants employed in private homes, or for temporary or casual farm labor.

(b) No license tax imposed under section 17-17 of this article shall be required of a minister of religion who has been ordained in accordance with the ceremonial ritual or discipline of a recognized church, religious sect or religious organization, to teach and preach its religious doctrines or to administer its rites in public worship, in the performance of one (1) or more of

those duties; however, it is not intended to exempt such ordained minister of religion from the necessity of paying a license tax for work done or services performed in the city in activities not connected with his regular duties as a minister of religion.

(c) No license tax imposed under subsection 17-17(a)(2) of this article shall be required of nonresidents who sell farm products, other than trees, shrubs or ornamental plants, in the city, or nonresident owners who sell livestock in the city or who board their livestock in the city for breeding purposes.

(d) No license tax imposed under this article is required of natural persons of the age of sixty-five (65) and older as to the first ten thousand dollars ($10,000.00) of compensation earned by such persons in the city for work done or services performed or rendered in the city or the first ten thousand dollars ($10,000.00) of net profit from business conducted in the city by such persons as a sole proprietor.

(e) No license tax imposed under subsection 17-17(a)(2) of this article shall be required of any person or business entity authorized by the City of Georgetown, City of Stamping Ground, City of Sadieville, City of Oxford or the Scott County Fiscal Court to demonstrate, sell or offer for sale any goods, wares or merchandise at an annual, semiannual or other festival or arts and crafts show.

(f) No license tax imposed under section 17-17 of this article is required of any compensation received by a member of the Kentucky National Guard for active duty training, unit training, assemblies and annual field training.

(g) No license tax imposed under subsection 17-17(a)(2) of this article is required of any bank, trust company, combined bank and trust company, or trust, banking and title insurance company organized and doing business in this state, or any savings and loan association whether state or federally chartered.

(h) No license tax imposed under section 17-17 of this article is required of any compensation received by precinct workers for election training or work at election booths in state, county, and local primary, regular, or special elections.

(i) No license tax imposed under subsection 17-17(a)(2) of this article is required of Public Service Corporations that pay an ad valorem tax on property valued and assessed by the Kentucky Department of Revenue pursuant to the provisions of KRS 136.120. Licensees whose businesses are predominantly non-public service who are also engaged in public service activity are required to pay a license tax on their net profit derived from the nonpublic service activities apportioned to the city.

(j) No license tax imposed under subsection 17-17(a)(2) of this article is required of persons or business entities that have been issued a license under KRS Chapter 243 to engage in manufacturing or trafficking in alcoholic beverages. Persons engaged in the business of manufacturing or trafficking in alcoholic beverages are required to file a return, but may exclude the portion of their net profit derived from the manufacturing or trafficking in alcoholic beverages.

(k) No license tax imposed under subsection 17-17(a)(2) of this article is required of life insurance companies incorporated under the laws of and doing business in the Commonwealth of Kentucky.
(Ord. No. 04-019, § 3, 8-19-04)

Sec. 17-19. Quarterly estimated tax payments.

(a) Every business entity, other than a sole proprietorship, subject to a net profit tax imposed by the city shall make quarterly estimated tax payments on or before the fifteenth day of the fourth, sixth, ninth and twelfth month of each taxable year if the tax liability for the taxable year exceeds five thousand dollars ($5,000).

(b) The quarterly estimated tax payments required under subsection (a) of this section shall be based on the lesser of:

(1) Twenty-two and one-half (22½) percent of the current taxable year tax liability;

(2) Twenty-five (25) percent of the preceding full year taxable year tax liability; or

(3) Twenty-five (25) percent of the average tax liability for the three (3) preceding full taxable years' tax liabilities if the tax liability for any of the three (3) preceding full taxable years exceeded twenty thousand dollars ($20,000.00).

(c) Any business entity that fails to submit the minimum quarterly payment required under subsection (b) of this section by the due date for the quarterly payment shall pay an amount equal to twelve (12) percent per annum simple interest on the amount of the quarterly payment required under subsection (b) of this section from the earlier of:

(1) The due date for the quarterly payment until the time when the aggregate quarterly payments submitted for the taxable year equal the minimum aggregate payments due under subsection (b) of this section; or

(2) The due date of the annual return.

A fraction of month is counted as an entire month.

(d) The provisions of this section shall not apply to any business entity's first full or partial taxable year of doing business in the city or any first taxable year in which a business entity's tax liability exceeds five thousand dollars ($5,000.00).
(Ord. No. 04-019, § 4, 8-19-04)

Sec. 17-20. Overpayments; prepayments.

(a) In the case where the tax computed under this article is less than the amount which has been declared and paid as estimated tax for the same taxable year, a refund shall be made upon the filing of a return.

(b) (1) Overpayment resulting from the payment of estimated tax in excess of the amount determined to be due upon the filing of a return for the same taxable year may be credited against the amount of estimated tax determined to be due on any declaration filed for the next succeeding taxable year or for any deficiency or nonpayment of tax for any previous taxable year;

(2) No refund shall be made of any estimated tax paid unless a complete return is filed as required by this article.

(3) At the election of the business entity, any installment of the estimated tax may be paid prior to the date prescribed for its payment.

(Ord. No. 04-019, § 5, 8-19-04)

Sec. 17-21. Computation generally; records; forms.

(a) For purposes of this article computations of gross income and deductions therefrom, accounting methods, and accounting procedures shall be as nearly as practicable identical with those required for federal income tax purposes.

(b) Every business entity subject to an occupational license tax governed by the provisions of this article shall keep records, render statements under oath, make returns, and comply with rules as the city from time to time may prescribe. Whenever the city deems it necessary, the city may require a business entity, by notice served to the business entity, to make a return, render statements under oath, or keep records, as the city deems sufficient to determine the tax liability of the business entity.

(c) The city may require, for the purpose of ascertaining the correctness of any return or for the purposes of making an estimate of the taxable income of any business entity, the attendance of a representative of the business entity or of any other person having knowledge in the premises.

(d) Every business entity required to file IRS Form 1099-MISC with the Internal Revenue Service shall provide a copy of those Forms 1099-MISC to the city for work done or services performed or rendered within the city. The Forms 1099-MISC required to be filed with the city under this subsection shall be due on or before February 28 of the year following the close of the calendar year in which such payments were paid or payable.

(Ord. No. 04-019, § 6, 8-19-04)

Sec. 17-22. Dissolution, withdrawal of business from city.

If any business entity dissolves or withdraws from the city during any taxable year, or if any business entity in any manner surrenders or loses its charter during any taxable year, the dissolution, withdrawal, or loss or surrender of charter shall not defeat the filing of returns and the assessment and collection of net profit taxes or tax withheld for the period of that taxable year during which the business entity had net profit or tax withheld in the city.

(Ord. No. 04-019, § 7, 8-19-04)

Sec. 17-23. Computation of net profit.

If any business entity makes, or is required to make, a federal income tax return, the net profit shall be computed for the purposes of this article on the basis of the same calendar or fiscal year required by the federal government, and shall employ the same methods of accounting required for federal income tax purposes.
(Ord. No. 04-019, § 8, 8-19-04)

Sec. 17-24. Due dates for returns.

(a) For purposes of the tax imposed under section 17-17(a)(2) of this article, all business entities' returns for the preceding taxable year shall be made by April 15 in each year, except returns made on the basis of a fiscal year, which shall be made by the fifteenth day of the fourth month following the close of the fiscal year. Blank forms for returns shall be supplied by the city or its agent the revenue commission.

(b) Every business entity shall submit a copy of its federal income tax return at the time of filing its return with the city. Whenever, in the opinion of the city, it is necessary to examine the federal income tax return of any business entity in order to audit the return, the city may compel the business entity to produce for inspection a copy of all statements and schedules in support thereof. The city may also require copies of reports of adjustments made by the federal government.
(Ord. No. 04-019, § 9, 8-19-04)

Sec. 17-25. Extensions.

(a) The city may grant any business entity an extension of not more than six (6) months, unless a longer extension has been granted by the Internal Revenue Service or is agreed to by the city and the business entity, for filing its return, if the business entity, on or before the date prescribed for payment of the tax, requests the extension and pays the amount properly estimated as its tax.

(b) If the time for filing a return is extended, the business entity shall pay, as part of the tax, an amount equal to twelve (12) percent per annum simple interest on the tax shown due on the return, but not previously paid, from the time the tax was due until the return is actually filed and the tax paid to the city. A fraction of a month is counted as an entire month.

(c) The estimated tax required under this section is presumed properly estimated and the penalties provided for under subsection 17-33(a) of this article shall not apply if the taxpayer pays with the timely filed extension request fifty (50) percent or more of the tax liability as shown on the extended net profit return filed with the city and provided further that the extended net profit return is filed with the city and the additional tax and interest are paid to the city on or before the extended due date.
(Ord. No. 04-019, § 10, 8-19-04)

Sec. 17-26. Audits.

(a) As used in this section and section 17-28, unless the context requires otherwise:

Conclusion of the federal audit means the date that the adjustments made by the Internal Revenue Service to net income as reported on the business entity's federal income tax return become final and unappealable; and

Final determination of the federal audit means the revenue agent's report or other documents reflecting the final and unappealable adjustments made by the Internal Revenue Service.

(b) As soon as practicable after each return is received, the city may examine and audit the return. If the amount of tax computed by the city is greater than the amount returned by the business entity, the additional tax shall be assessed and a notice of assessment mailed to the business entity by the city within five (5) years from the date the return was filed, except as otherwise provided in this subsection.

(1) In the case of a failure to file a return or of a fraudulent return the additional tax may be assessed at any time.

(2) In the case of a return where a business entity understates net profit or omits an amount properly includable in net profit, or both, which understatement or omission or both is in excess of twenty-five (25) percent of the amount of net profit stated in the return, the additional tax may be assessed at any time within six (6) years after the return was filed.

(3) In the case of an assessment of additional tax relating directly to adjustments resulting from a final determination of a federal audit, the additional tax may be assessed before the expiration of the times provided in this subsection, or six (6) months from the date the city receives the final determination of the federal audit from the business entity, whichever is later.

The times provided in this subsection may be extended by agreement between the business entity and the city. For the purposes of this subsection, a return filed before the last day prescribed by law for filing the return shall be considered as filed on the last day. Any extension granted for filing the return shall also be considered as extending the last day prescribed by law for filing the return.

(c) Every business entity shall submit a copy of the final determination of the federal audit within thirty (30) days of the conclusion of the federal audit.

(d) The city may initiate a civil action for the collection of any additional tax within the times prescribed in subsection (b) of this section.
(Ord. No. 04-019, § 11, 8-19-04)

Sec. 17-27. Full amount of tax to be paid.

Except as provided under section 17-25 of this article the full amount of the unpaid tax payable by any business entity, as appears from the face of the return, shall be paid to the city at the time prescribed for filing the tax return, determined without regard to any extension of time for filing the return.
(Ord. No. 04-019, § 12, 8-19-04)

Sec. 17-28. Refunds; credits.

(a) No suit shall be maintained in any court to restrain or delay the collection or payment of any tax subject to the provisions of this article.

(b) Any tax collected pursuant to the provisions of this article may be refunded or credited within two (2) years of the date prescribed by law for the filing of a return or the date the money was paid to the city, whichever is later, except that:

(1) In any case where the assessment period contained in section 17-26 has been extended by an agreement between the business entity and the city, the limitation contained in this subsection shall be extended accordingly.

(2) If the claim for refund or credit relates directly to adjustments resulting from a federal audit, the business entity shall file a claim for refund or credit within the time provided for in this subsection or six (6) months from the conclusion of the federal audit, whichever is later.

For the purposes of this subsection and subsection (c) of this section, a return filed before the last day prescribed by law for filing the return shall be considered as filed on the last day.

(c) Exclusive authority to refund or credit overpayments of taxes collected pursuant to this article is vested in the city.
(Ord. No. 04-019, § 13, 8-19-04)

Sec. 17-29. Tax withheld from employee compensation—Generally.

Every employer making payment of compensation to an employee shall deduct and withhold upon the payment of the compensation any tax imposed against the compensation by the city. Amounts withheld shall be paid to the city in accordance with section 17-30.
(Ord. No. 04-019, § 14, 8-19-04)

Sec. 17-30. Same—Payment by employer.

(a) Every employer required to deduct and withhold tax under section 17-29 shall, for the quarter ending after January 1 and for each quarter ending thereafter, on or before the end of the month following the close of each quarter make a return and report to the city the tax required to be withheld under section 17-29, unless the employer is permitted or required to report within a reasonable time after some other period as determined by the city. Any employer withholding three hundred dollars ($300.00) or more license tax during any quarter shall file a return and pay the license tax withheld monthly.

(b) Every employer who fails to withhold or pay to the city any sums required by this article to be withheld and paid shall be personally and individually liable to the city for any sum or sums withheld or required to be withheld in accordance with the provisions of section 17-29.

(c) The city shall have a lien upon all the property of any employer who fails to withhold or pay over to the city sums required to be withheld under section 17-29. If the employer withholds but fails to pay the amounts withheld to the city, the lien shall commence as of the date the amounts withheld were required to be paid to the city. If the employer fails to withhold, the lien shall commence at the time the liability of the employer is assessed by the city.

(d) Every employer required to deduct and withhold tax under section 17-29 shall annually on or before February 28 of each year complete and file on a form furnished or approved by the city a reconciliation of the tax required to be deducted and withheld under section 17-29. Either copies of federal forms W-2 and W-3, transmittal of wage and tax statements, or a detailed employee listing with the required equivalent information as determined by the city shall be submitted.

(e) Every employer shall furnish each employee a statement on or before January 31 of each year showing the amount of compensation and license tax deducted by the employer from the compensation paid to the employee for payment to the city during the preceding calendar year.
(Ord. No. 04-019, § 15, 8-19-04)

Sec. 17-31. Same—Liability of employer, corporate officers.

(a) An employer shall be liable for the payment of the tax required to be deducted and withheld under section 17-29.

(b) The president, vice president, secretary, treasurer or any other person holding an equivalent corporate office of any business entity subject to section 17-29 shall be personally and individually liable, both jointly and severally, for any tax required to be withheld under this article from compensation paid or payable to one (1) or more employees of any business entity, and neither the corporate dissolution or withdrawal of the business entity from the city nor the cessation of holding any corporate office shall discharge that liability of any person; provided that the personal and individual liability shall apply to each or every person holding the corporate office at the time the tax becomes or became obligated. No person shall be personally and individually liable under this subsection who had no authority to collect, truthfully account for, or pay over any tax imposed by this article at the time that the taxes imposed by this article become or became due.

(c) Notwithstanding the provision of subsections (a) and (b) of this section, every employee receiving compensation in the city subject to the tax imposed under section 17-17 shall be liable for the tax. In all cases where the employer does not withhold the tax imposed under this article from the employee, such employee or employees shall be responsible for filing with the city each quarter in the same manner as if they were the employer.
(Ord. No. 04-019, § 16, 8-19-04)

Sec. 17-32. Same—Overpayment.

(a) Where there has been an overpayment of tax under section 17-29, refund or credit shall be made to the employer only to the extent that the amount of the overpayment was not deducted and withheld under section 17-29 by the employer.

(b) Unless written application for refund or credit is received by the city from the employer within two (2) years from the date the overpayment was made, no refund or credit shall be allowed.

(c) An employee who has compensation attributable to activities performed outside the city, based on time spent outside the city, whose employer has withheld and remitted the occupational license tax on the compensation attributable to activities performed outside the city to the city, may file for a refund within two (2) years of the date prescribed by law for the filing of a return. The employee shall provide a schedule and computation sufficient to verify the refund claim and the city may confirm with the employer the percentage of time spent outside the city and the amount of compensation attributable to activities performed outside the city prior to approval of the refund.
(Ord. No. 04-019, § 17, 8-19-04)

Sec. 17-33. Penalties for violation of article.

(a) A business entity subject to tax on net profit may be subject to a penalty equal to five (5) percent of the tax due for each calendar month or fraction thereof if the business entity;

(1) Fails to file any return or report on or before the due date prescribed for filing or as extended by the city; or

(2) Fails to pay the tax computed on the return or report on or before the due date prescribed for payment.

The total penalty levied pursuant to this subsection shall not exceed twenty-five (25) percent of the total tax due; however, the penalty shall not be less than twenty-five dollars ($25.00).

(b) Every employer who fails to file a return or pay the tax on or before the date prescribed under section 17-30 may be subject to a penalty in the amount equal to five (5) percent of the tax due for each calendar month or fraction thereof. The total penalty levied pursuant to this subsection shall not exceed twenty-five (25) percent of the total tax due; however, the penalty shall not be less than twenty-five dollars ($25.00).

(c) In addition to the penalties prescribed in this section, any business entity or employer shall pay, as part of the tax, an amount equal to twelve (12) percent per annum simple interest on the tax shown due, but not previously paid, from the time the tax was due until the tax is paid to the city. A fraction of month is counted as an entire month.

(d) Every tax subject to the provisions of this article, and all increases, interest, and penalties thereon, shall become, from the time the tax is due and payable, a personal debt of the taxpayer to the city.

(e) The city may enforce the collection of the occupational tax due under section 17-17 of this article and any fees, penalties, and interest as provided in subsections (a) through (d) of this section by civil action in a court of appropriate jurisdiction. To the extent authorized by law, the city shall be entitled to recover all court costs and reasonable attorney fees incurred by the city in enforcing any provision of this article.

(f) In addition to the penalties prescribed in the section, any business entity or employer who willfully fails to make a return, willfully makes a false return, or willfully fails to pay taxes owing or collected, with the intent to evade payment of the tax or amount collected, or any part thereof, shall be guilty of a Class A misdemeanor.

(g) Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with, any matter arising under this article of a return, affidavit, claim, or other document, which is fraudulent or is false as to any material matter, whether or not the falsity or fraud is with the knowledge or consent of the person authorized or required to present the return, affidavit, claim, or document, shall be guilty of a Class A misdemeanor.

(h) A return for the purpose of this section shall mean and include any return, declaration, or form prescribed by the city and required to be filed with the city by the provisions of this article, or by the rules of the city or by written request for information to the business entity by the city.

(i) (1) No present or former employee of the city shall intentionally and without authorization inspect or divulge any information acquired by him or her of the affairs of any person, or information regarding the tax schedules, returns, or reports required to be filed with the city or other proper officer, or any information produced by a hearing or investigation, insofar as the information may have to do with the affairs of the person's business. This prohibition does not extend to information required in prosecutions for making false reports or returns for taxation, or any other infraction of the tax laws, or in any way made a matter of public record, nor does it preclude furnishing any taxpayer or the taxpayer's properly authorized agent with information respecting his or her own return. Further, this prohibition does not preclude any employee of the city from testifying in any court, or from introducing as evidence returns or reports filed with the city, in an action for violation of the city tax laws or in any action challenging the city tax laws.

(2) Any person who violates the provisions of paragraph (1) of this subsection by intentionally inspecting confidential taxpayer information without authorization shall be fined not more than five hundred dollars ($500.00) or imprisoned for not longer than six (6) months, or both.

(3) Any person who violates the provisions of paragraph (1) of this subsection by divulging confidential taxpayer information shall be fined not more than one thousand dollars ($1,000.00) or imprisoned for not more than one (1) year, or both.

(j) The city reserves the right to disclose to the Commissioner of Revenue of the Commonwealth of Kentucky or his or her duly authorized agent all such information and rights to inspect any of the books and records of the city if the Commissioner of Revenue of the Commonwealth of Kentucky grants the city the reciprocal right to obtain information from the files and records of the Kentucky Department of Revenue and maintains the privileged character of the information so furnished. Provided, further, that the city may publish statistics based on such information in such a manner as not to reveal data respecting net profit or compensation of any person or business entity.

(k) In addition, the city is empowered to execute similar reciprocity agreements as described in subsection (j) of this section with any other taxing entity, should there be a need for exchange of information in order to effect diligent enforcement of this article.
(Ord. No. 04-019, § 18, 8-19-04)

Sec. 17-34. Effective date.

The license taxes imposed by this article are carried over from Ordinance 2003-026, and as such are effective for tax years beginning on or after January 1, 2004, and shall remain in force and effect until repealed or modified according to law.
(Ord. No. 04-019, § 19, 8-19-04)

Sec. 17-35. Severability.

The provisions of this article are severable. If any sentence, clause or section or part of this article or the application thereof to any particular case is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses, or sections or parts of this article, it being the legislative intent of this body to ordain and enact each provision, section, paragraph, sentence, and part hereof separately and independently of each other.
(Ord. No. 04-019, § 20, 8-19-04)

Sec. 17-36. Revenue commission authorized to act as agent of city.

The revenue commission shall collect the license fees or taxes imposed by the city as agent for the city. The revenue commission is authorized to act as agent of the city on its behalf and has all the powers of the city to collect the fees or taxes imposed under the provisions of this article, including but not limited to interpreting the license tax provisions of the city, promulgating regulations (subject to city council approval) and issuing tax forms and instructions as necessary to aid in the collection and reporting of license taxes and all other powers granted to the revenue commission by the interlocal cooperation agreement dated November 11, 2003, as amended from time to time, between and among the Scott County Public School District, the city and Scott County.
(Ord. No. 04-019, § 21, 8-19-04)

Sec. 17-37. Reserved.

Editor's note—Ord. No. 16-009, § 43, adopted September 12, 2016, repealed § 17-37, which pertained to delinquent taxes and derived from Ord. No. 05-015, adopted July 21, 2005.

Sec. 17-38. Reserved.

Editor's note—Ord. No. 16-009, § 44, adopted September 12, 2016, repealed § 17-38, which pertained to notice of delinquent taxes owed filed with county clerk's office and derived from Ord. No. 06-025, adopted September 19, 2006.

Sec. 17-39. Economic development incentive.

By municipal order, the city council may authorize a credit of the occupational license fee in an amount up to one-half (0.50) percent for up to ten (10) years for any approved company pursuant to the program and in accordance with a tax incentive agreement between the Kentucky Economic Development Finance Authority and the company.
(Ord. No. 12-014, § 1, 8-27-12)

Secs. 17-40—17-74. Reserved.

ARTICLE III. SPECIAL LICENSES

Sec. 17-75. Schedule.

The city council finds the following enterprises are of such a nature, i.e. generate extraordinary traffic, necessitate inordinate police activity, as to require special regulation and supervision. The police license fees set out below are imposed on every person involved in the business, occupation, calling or profession (activity) named in this section. Persons engaged in a designated activity shall pay the regulatory fee to the city director of finance in advance in the case of enterprises not operating throughout the year or on or before the beginning of the fiscal year for enterprises in continuous operation

(1) *Amusements.* Amusement, athletic contest, or entertainment not a part of a duly licensed business or not held in a regularly licensed theater or in a publicly owned or religious building, and not sponsored by a bona fide civic, patriotic, religious or educational organization shall pay a license fee of fifty dollars ($50.00) per show or event, or, at the option of the owner or operator, pay an annual license fee of two hundred dollars ($200.00) such fee to be paid prior to the show, or, if paying on an annual basis, prior to operation and prior to the each anniversary of operation.

(2) *Carnivals.* Every person engaged in the business of operating a carnival regardless of local sponsorship shall pay a license fee of two hundred fifty dollars ($250.00) per day that the carnival is operating in the city.

(3) *Circuses.* Every person who engages in the business of operating a circus, regardless of local sponsorship shall pay a fee of two hundred ($200.00) per show.

(4) *Dance halls.* Each dance hall in the city shall pay a license fee of fifty dollars ($50.00) per year or ten dollars ($10.00) per dance. Any place of business held open to the general public where patrons are permitted to dance shall be deemed a dance hall within the meaning of this subsection.

(5) *Dealers in firearms.* Every person who engages in the business of buying, selling or trading in firearms of any type shall pay an annual fee of one hundred fifty ($150.00).

"Dealers in firearms" shall include flea markets and pawnbrokers which, as a significant part of their business, or, in the case of flea markets, the business of their vendor or vendors. The regulatory fee for dealers in firearms shall be assessed to flea markets and pawnbrokers in addition to the regulatory fees otherwise required under paragraphs (6) and (8).

(6) *Flea markets.* Every person who operates or conducts a flea market shall pay an annual license fee of twelve hundred dollars ($1,200.00). An owner or operator of a flea market shall be deemed to be any legal entity which owns, leases, uses or occupies any public place and who lets or rents spaces therein to any other individual for the sale or trading of any merchandise, goods or wares to the public.

Excluded from this paragraph are the antique mall type businesses located in the downtown area of the city. These businesses, while generally fitting the definition of "flea market", do not require the additional municipal services like the larger weekend flea markets located in the highway commercial areas of town. The antique mall type businesses ordinarily rent vendors' space for longer terms resulting in less frequent turnover of merchandise as compared to the flea markets. At least partially related to this difference, the city has not experienced additional municipal service costs as a

result of these businesses. The traffic generated by these businesses is spread over a longer time. The parking required for these businesses is accommodated by the available parking throughout the downtown.

See paragraph (5) above, for applicability of additional fee.

(7) *Itinerant merchants.* Every person who shall engage in, do, or transact any temporary or transient business in the city, for the sale of any goods, wares or merchandise, and who, for the purpose of carrying on such business, shall hire, lease, use or occupy any building or structure, motor vehicle, tent, car, lot, boat, or public room or any part thereof, including rooms in hotels, lodging houses, or in any street, alley, or other public place, or elsewhere, for a period of less than one (1) year for the exhibition of or sale of such goods, wares or merchandise shall pay a license fee of one hundred fifty dollars ($150.00). No person shall be exempt from the payment of the license imposed by this section by reason of a temporary association with any local merchant, dealer, or trader or by reason of conducting such temporary or transient business in connection with or as a part of the business in the name of any local merchant, dealer or trader. Vendors who temporarily setup a booth to sell any goods or services as part of a festival, e.g. rental of a booth during the Festival of the Horse, shall not pay a separate fee under this section. In lieu of the fee which would otherwise be due for each of the vendors under this section, the sponsor of the festival shall be responsible for the payment of a one-time fee of three hundred dollars ($300.00).

(8) *Pawnbrokers.* A pawnbroker shall pay an annual license fee of two hundred fifty dollars ($250.00). See paragraph (5) above, for applicability of additional fee.

(9) *Peddlers and solicitors.* Every natural person engaged in peddling any goods, wares or merchandise of any kind or soliciting orders therefor in the city shall pay an annual license fee of twenty-five dollars ($25.00) annually.

(Ord. No. 76-001S, § 1, 4-1-76; Ord. No. 78-008, § 1, 7-10-78; Ord. No. 85-003, §§ 2, 3, 5-17-85; Ord. No. 00-009, § 1, 3-2-00; Ord. No. 03-027, § 1, 9-16-03)

Sec. 17-76. Reserved.

Editor's note—Ord. No. 00-009, § 2, adopted March 2, 2000, amended the Code by repealing former 17-76 in its entirety. Former § 17-76 pertained to prorated licenses, and derived from Ord. No. 76-001S, adopted April 1, 1976.

Secs. 17-77—17-87. Reserved.

ARTICLE IV. LICENSE FEES ON INSURANCE COMPANIES*

Sec. 17-88. Established.

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 of Georgetown for the calendar year 1985 and thereafter on a calendar year basis.
(Ord. No. 84-017, § 1, 11-15-84)

Sec. 17-89. Fees.

(a) 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 of Georgetown shall be seven (7) percent of the first year's premiums actually collected within each calendar quarter by reason of the issuance of such policies. This fee shall be imposed on premiums collected between July 1, 2009 and June 30, 2011. After June 30, 2011, the fee imposed shall be at the rate of five (5) percent.

(b) The license fee imposed upon each insurance company which issues any insurance policy which is not a life insurance policy shall be seven (7) percent of the premiums actually collected within each calendar quarter by reason of the issuance of such policies on risks located within the corporate limits of the City of Georgetown on those classes of business which such company is authorized to transact, less all premiums returned to policy holders; however, any license fee or tax imposed upon premiums receipts shall not include premiums received for insuring employers against liability for personal injuries to their employees, or death caused thereby, under the provisions of the Worker's Compensation Act and shall not include premiums received on policies of group health insurance provided for state employees under KRS 18A.225(2). This fee shall be imposed on premiums collected between July 1, 2009 and June 30, 2011. After June 30, 2011, the fee imposed shall be at the rate of five (5) percent.
(Ord. No. 84-017, §§ 2, 3, 11-15-84; Ord. No. 09-009, § 1, 3-9-09)

Sec. 17-90. Due date.

All license fees imposed by this article shall be due no later than thirty (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).
(Ord. No. 84-017, § 4, 11-15-84)

***Editor's note—**Ord. No. 84-017, adopted November 15, 1984, was nonamendatory of the Code and has been treated as superseding the provisions of §§ 17-88—17-92. The aforesaid sections were concerned with similar provisions and derived from Ord. No. 82-003, §§ 1—6, enacted May 20, 1982, and Ord. No. 84-005, enacted May 17, 1984.

Sec. 17-91. Written documentation required.

Every insurance company, subject to the license fees imposed by this article shall annually, by March 31, furnish the City of Georgetown with a written breakdown of all collections in the preceding calendar year for the following categories of insurance: (a) Casualty; (b) automobile; (c) inland marine; (d) fire and allied perils; (e) health and (f) life.
(Ord. No. 84-017, § 5, 11-15-84)

Sec. 17-92. Use of fees.

The money derived from the license fee herein levied shall be used for general municipal purposes and shall be paid into the general fund of the city.
(Ord. No. 84-017, § 7, 11-15-84)

Secs. 17-93—17-100. Reserved.

ARTICLE V. WAIVER OF CITY TAXES*

Sec. 17-101. Purpose.

This article establishes the procedure through which the city council may waive any or all city taxes on any new manufacturing establishments. There shall be no waivers except through this process.
(Ord. No. 90-031, § 1, 12-13-90)

Sec. 17-102. Procedure.

Any manufacturing establishment, other than those already located within the city limits of Georgetown, may qualify for a waiver of city taxes. In order to obtain a waiver of any city taxes the manufacturing establishment must be recommended to the city council by the mayor. In open session, the city council shall consider the following issues:

(1) Whether the proposed establishment is a manufacturing establishment as contemplated under Section 170 of the Kentucky Constitution and K.R.S. 91.260 and K.R.S. 92.300; and

(2) Whether the location of the proposed manufacturing establishment within the City of Georgetown would be beneficial and consistent with the best interest of the city; and

(3) Whether an inducement in the form of a city tax waiver is necessary to the location of the proposed manufacturing establishment within the City of Georgetown.

(Ord. No. 90-031, § 2, 12-13-90)

***Editor's note—**Ord. No. 90-006, § 1—5, adopted May 3, 1990, did not specifically amend the Code; hence, its inclusion herein as Art. V, §§ 17-101—17-105 was at the discretion of the editor.

Sec. 17-103. Term of waiver.

The term of any waiver of city taxes under this article shall not exceed five (5) years.
(Ord. No. 90-031, § 3, 12-13-90)

Sec. 17-104. Eligible manufacturing establishments.

Only those manufacturing establishments currently located outside of the City of Georgetown are eligible to receive a tax waiver under this ordinance. The locational requirement is satisfied by an existing manufacturing establishment located within Scott County as an inducement to consent to annexation. Existing manufacturing establishment within the city are not eligible for this exemption.
(Ord. No. 90-031, § 4, 12-13-90)

Sec. 17-105. Limits of authority.

The taxes which may be waived pursuant to this article are those payable by the eligible manufacturing establishment. Taxes which are collected by the establishment cannot be waived under this article.
(Ord. No. 90-031, § 5, 12-13-90)

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Chapter 18

TRAFFIC AND MOTOR VEHICLES*

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Sec. 18-32. Vehicles parked for display, repair or sale.
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Sec. 18-34. Loading zones.
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***Cross references—**Any ordinance prescribing traffic regulations for specific locations, prescribing through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones or flow of traffic generally saved from repeal, § 1-6(13); police department, § 2-146 et seq.; streets, sidewalks and other public places, ch. 15.

State law references—Parking enforcement, KRS 82.600; licensing of motor vehicles, operators and trailers, KRS ch. 186; automated motor vehicle registration, KRS ch. 186A; financial responsibility law, KRS ch. 187; nonresident motorists, service of process, KRS ch. 188; traffic regulations and vehicle equipment and storage, KRS ch. 189; motor vehicle sales, KRS ch. 190.

Sec. 18-36. Doctor parking.
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Sec. 18-38. Parking privileges for handicapped.
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ARTICLE I. IN GENERAL*

Sec. 18-1. Vehicle defined.

The word "vehicle," for the purposes of this chapter, includes all agencies for the transportation of persons or property over or upon the public highways of this city and all vehicles passing over or upon the highways, excepting road rollers, road graders, farm tractors, vehicles on which power shovels are mounted, such other construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways, such vehicles as travel exclusively upon rails. "Motor vehicle" includes all vehicles as defined above which are propelled otherwise than by muscular power.
(Code 1966, § 72.1)

Cross reference—Definitions and rules of construction generally, § 1-2.

State law reference—Similar definition, KRS 189.010(19).

Sec. 18-2. Scope of regulations.

Every person propelling a push cart, riding a bicycle or animal upon the streets of the city and every person driving an animal drawn vehicle shall be subject to the provisions of this chapter and any regulations, made hereunder.
(Code 1966, § 72-2)

Sec. 18-3. Powers of council; designation of traffic-control devices.

The city council may at any regular or special meeting designate and determine parking and loading zones for passenger and freight vehicles; determine and designate parking meter zones; establish traffic lanes, safety zones and quiet zones; determine and fix the angle of and time limit for parking upon streets and parts thereof, adopt rules prohibiting or allowing double parking; determine and designate one-way streets, no parking areas and limited parking areas; place and maintain traffic-control devices where it may deem necessary to regulate traffic; determine and designate those intersections at which vehicles shall not make right or left or "U" turns; make rules governing pedestrian crossing of streets and street intersections; and make any other rules and regulations as it may deem necessary to regulate traffic and the use of streets. Such rules and regulations shall be spread at large upon the minutes of the council and shall be open to public inspection at all times, and the rules and regulations as made by the council from time to time are the laws of the city governing such traffic regulations; and any person who violates any of the provisions thereof shall be subject to punishment as hereinafter provided in section 18-99.
(Code 1966, § 72.5)

***Editor's note—**Ord. No. 85-001, §§ 2—10, adopted January 3, 1985, did not specifically amend the Code; therefore, inclusion as §§ 18-11—18-19 was at the discretion of the editor.

Sec. 18-4. Placement of signs and signals.

The council shall direct the chief of police to erect and maintain appropriate signs, devices, marks and lines upon the streets to indicate to the public the traffic regulations as laid down by the council.
(Code 1966, § 72.6)

Sec. 18-5. Police to direct traffic in emergency.

In case of a fire, funeral, unusual traffic congestion or emergency, the police officers may direct the traffic as they deem necessary and proper under such circumstances.
(Code 1966, § 72.7)

State law reference—Complying with traffic officer's signal, KRS 189.393.

Sec. 18-6. Obedience to signs and signals.

It shall be unlawful to fail to obey signs and signals placed under the authority of this chapter unless otherwise instructed by a traffic officer at the location of such sign or signal.
(Code 1966, § 72.9)

Sec. 18-7. Reserved.

Editor's note—Ord. No. 14-002, § 1, adopted January 27, 2014, repealed § 18-7, which pertained to "slow-children" signs and derived from the Code of 1966, § 72.10.

Sec. 18-8. Maximum speed on city streets.

Where no condition exists that requires lower speed for compliance with state law or this code, the speed of any vehicle, by whatever means propelled, shall not exceed twenty-five (25) miles per hour on any and all of the streets and public ways of the city, at all times except as otherwise posted.
(Code 1966, § 72.16)

State law reference—Fixing of speed limits, KRS 189.390.

Sec. 18-9. Signs to indicate speed limits.

The speed limits herein established and the speed zones shall be marked by appropriate signs, and signs or markers shall be placed at the intersections to the school zone during school hours, except on state highways.
(Code 1966, § 72.17)

Sec. 18-10. Riding on outside of vehicle.

(a) It shall be unlawful for any person to ride on, stand on or sit on or cling to the outside of any vehicle while the same is in motion.

(b) It shall be unlawful for any driver, owner or manager of any vehicle, to permit any person to ride on or stand on or cling to the outside of any vehicle while the same is in motion. (Code 1966, §§ 72.35, 72.36)

Sec. 18-11. Notice of parking violation.

Owners of vehicles who permit that vehicle to be in violation of the parking ordinance, codified at sections 18-26 through 18-39 of Chapter 18 of the Code of City Ordinances, shall be notified of the violation by the issuance of a citation in form approved by the chief of police which shall be conspicuously affixed to the vehicle. The form of notice shall be prepared by the police department and contain the following information:

(1) A statement of the specific parking violation for which the citation was issued;

(2) A statement that "for the designated violation a fine in the amount set out below is due and payable to the city within seven (7) days of the date of the citation. Fines which are not paid on or before the seventh day after the citation is issued shall be enhanced as set out below." The notice shall provide appropriate instructions on the payment of the fine.

(3) A statement that the vehicle owner shall be summoned to Scott District Court for the violation in the event the applicable fine and penalty are not paid within thirty (30) days of the date of the citation. If summoned to Scott District Court, the owner may be assessed fines and court costs.

(Ord. No. 94-034, § 2, 11-3-94; Ord. No. 01-003, § 2, 3-15-01; Ord. No. 04-009, § 2, 4-15-04)

Sec. 18-12. Fines.

The owner of any motor vehicle parked, standing or stopped in violation of sections 18-26 through 18-39 of Chapter 18 of the City's Code of Ordinances shall be cited for that violation, which citation shall be punishable by fines as follows:

Overtime parking:	
First offense	$ 5.00
Second offense, within thirty (30) days	5.00
Third offense, within thirty (30) days	25.00
Fourth offense, within thirty (30) days	50.00
All subsequent offenses within six (6) months of date of first offense	50.00
Handicapped parking	50.00
Blocking alley	10.00
Blocking driveway	10.00
Parking prohibited	10.00
Fire lane	10.00
Tow zone	10.00

Fire hydrant	10.00
Double parking	10.00
Improper parking	10.00
Yellow curb	10.00
Loading zone	10.00

(Ord. No. 94-034, § 3, 11-3-94; Ord. No. 01-003, § 3, 3-15-01; Ord. No. 04-009, § 3, 4-15-04)

Sec. 18-13. Time and location for paying fines and penalties.

For each violation the fine set out above is due and payable to the city within seven (7) days of the date of the citation. Violations for which the applicable fine is not paid on or before the seventh day shall carry a fine double the amount set out above. As an example, a five-dollar fine for first or second offense overtime parking, if not paid within seven (7) days, will carry a ten-dollar fine; a fifty-dollar fine for fourth offense overtime parking, if not paid within seven (7) days, will carry a one-hundred-dollar fine. All fines shall be payable at the designated boxes provided at 100 Court Street or the police department at 550 Bourbon Street.
(Ord. No. 94-034, § 4, 11-3-94; Ord. No. 01-003, § 4, 3-15-01; Ord. No. 04-009, § 4, 4-15-04)

Sec. 18-14. Penalty for failure to pay parking fines and penalties.

The penalties for violations of sections 18-11 through 18-15 are imposed upon the owner of the vehicle. The operator of the vehicle is not always the owner, but the owner is responsible for the lawful operation of his or her vehicle when entrusted to another. Failure of the vehicle owner to pay the designated fine and penalties within the period set out in section 18-13, above, shall constitute a violation as defined by the Kentucky Penal Code, punishable by fine of up to one hundred dollars ($100.00) for each separate violation. This fine shall be in addition to fines and penalties provided above.
(Ord. No. 94-034, § 5, 4-21-94; Ord. No. 01-003, § 5, 3-15-01; Ord. No. 04-009, § 5, 4-15-04)

Sec. 18-15. Impoundment.

The city may impound any vehicle parked, stopped or standing in violation of Chapter 18 of the Code of Ordinances.
(Ord. No. 94-034, § 6, 4-21-94; Ord. No. 04-009, § 6, 4-15-04)

Secs. 18-16—18-19. Reserved.

Editor's note—Ord. No. 94-030, §§ 1—6, adopted Nov. 3, 1994, repealed §§ 18-11—18-19 and enacted new provisions as set out in §§ 18-11—18-15. Former §§ 18-11—18-19 pertained to similar subject matter and derived from Ord. No. 85-001, §§ 2—10, adopted Jan. 3, 1985.

Sec. 18-20. Color of lights which a police vehicle may display.

The purpose of this section is to implement the option granted by KRS 189.920 allowing the local governing body to require, by ordinance, that the police vehicles in its jurisdiction be equipped with red and blue flashing, rotating or oscillating lights.

This measure is needed for the public welfare and safety by providing more visible vehicles to decrease the risk of injury during those times that police vehicles are required to respond to emergency situations following emergency procedures; therefore, the Georgetown City Police Department shall equip its vehicles with a combination of red and blue flashing, rotating or oscillating lights.
(Ord. No. 86-004, §§ 1, 2, 5-6-86)

Editor's note—Ord. No. 86-004, §§ 1, 2, adopted May 6, 1986, did not specifically amend the Code; therefore, inclusion as § 18-20 was at the discretion of the editor.

Secs. 18-21—18-25. Reserved.

ARTICLE II. PARKING, STOPPING AND STANDING*

DIVISION 1. GENERALLY

Sec. 18-26. Parking prohibited in certain places.

(1) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign, in any of the following places; in or on a sidewalk, in front of a public or private driveway, within five (5) feet of a fire hydrant, within an intersection, on a crosswalk, where a curb is wholly painted, and any place where official signs or markings prohibit stopping, standing and parking.

(2) It shall be unlawful for any person to park a vehicle, boat, camper or trailer within the front yard of any residential structure except upon a residential driveway or parking lot. For purposes of this section, it shall also be unlawful for a person owning, possessing, managing or controlling residential property to allow the parking of vehicles, boats, campers or trailer within the front yard of such premises except upon an residential driveway or parking lot.

(3) Any parking control officer, law enforcement officer or code enforcement official is authorized to issue citations for violations of this section.
(Code 1966, § 74.1; Ord. No. 09-029, 9-28-09)

Sec. 18-27. Parking at curb.

No vehicle unless in an emergency, or to allow other vehicles or pedestrians to cross its path, shall be stopped or parked in any public street except near the right-hand curb thereof and so as not to obstruct a crossing.
(Code 1966, § 74.2)

***State law reference—**Parking regulations, KRS 189.430 et seq.

Sec. 18-28. Parking within lines.

All persons shall park and operate their vehicle in accordance with the regulations herein, and all parking shall be done within the marked lines for parking purposes with the wheels of the car or vehicle inside the lines, and no wheel shall be on or across the lines.
(Code 1966, § 74.3)

Sec. 18-29. Parking with left side to curb.

No vehicle shall be stopped with the left side to the curb except on a one-way street.
(Code 1966, § 74.4)

Sec. 18-30. Double parking.

(a) Double parking of any vehicle on the streets, avenues, alleys or any other public ways in the city is hereby prohibited.

(b) For the purposes of this section, the term "double parking" as used above shall mean the alighting from and leaving unattended a vehicle in a parking lane, or with another vehicle or space for another vehicle between it and the curb, sidewalk or shoulder of the street. For the purposes of this section, the term "vehicle" as used above shall mean any automobile, truck or other power-driven conveyance excepting only such buses, trucks larger than one ton and semitrailers which are parked for the purpose of unloading.
(Code 1966, § 74.5)

Sec. 18-30.1. Using parking space of opposing traffic prohibited.

(a) *Proscribed activity.* It shall be unlawful for a person operating a motor vehicle on the streets of this city, to cross opposing traffic in order to park that vehicle in a parking space.

(b) *Citations.* The police department is authorized and directed to issue parking citations for violations of this section.
(Ord. No. 96-006, §§ 1, 2, 2-1-96)

Editor's note—Ord. No. 96-006, §§ 1, 2, adopted Feb. 1, 1996, was nonamendatory of the Code; hence, inclusion herein as § 18-30.1 was at the discretion of the editor.

Sec. 18-31. Trucks, trailers, equipment and disabled vehicles.

(a) The parking of trucks, trailers, equipment and disabled automobiles is hereafter prohibited upon any of the streets of the city except for the purpose of loading or unloading or other legitimate business purpose of any truck.

(b) For the purposes of this section, the words used herein shall have the following meaning:

(1) "Parking" shall mean the leaving of a vehicle unattended, except while loading, unloading, or being utilized for some other proper purpose.

(2) "Truck" shall mean any truck vehicle of above one-ton rating.

(3) "Trailer" shall mean any trailer, lowboy or semitrailer.

(4) "Equipment" shall mean any equipment, tool or machinery mounted on wheels or tracks.

(5) "Disabled vehicle" shall mean any automotive vehicle which will not move under its own power.

(Code 1966, §§ 74.6, 75.5; Ord. No. 83-001, § 1, 1-6-83)

Sec. 18-32. Vehicles parked for display, repair or sale.

(a) No person shall place or leave any vehicle of any kind on any public way for the purpose of work, repairing, display, sale or storage.

(b) Nothing herein shall prevent persons from parking their personal vehicles where they do so for the purpose of shopping or going to and from work; but such privilege shall extend only to vehicles ordinarily used by them for such purposes, and provided further, that such persons shall observe all traffic and meter regulations which shall be in force.

(c) When any vehicle, which is not personally operated or driven by the owner or person in charge thereof for ordinary use in business or pleasure, is placed on the public ways, it shall be presumed that it is so placed for purpose of repair, work, display, sale or storage.
(Code 1966, § 74.7)

Sec. 18-33. Leaking oil or gas.

It shall be unlawful to park a vehicle on any of the improved streets covered with asphalt, if same is permitted to leak any oil or gasoline while in the parking zone.
(Code 1966, § 74.8)

Sec. 18-34. Loading zones.

(a) There shall be no parking in any loading and unloading zone, but same shall be used only for such loading and unloading purposes; however, this section shall not be construed so as to prohibit temporary loading and unloading by the adjacent property owners or tenants for loading and unloading persons and materials to and from their places of business.

(b) The chief of police is hereby authorized and directed to enforce this section by curb painting or erection of appropriate signs.
(Code 1966, § 74.9)

Sec. 18-35. Changing parking spaces prohibited.

The parking of any automobile or vehicle on any street where there is a time limit for parking, and the removal thereof from one limited place to another such space for the purpose of avoiding the time limitation shall be unlawful.
(Code 1966, § 74.10; Ord. No. 87-001, § 3, 2-5-87)

Sec. 18-36. Doctor parking.

The chief of police shall designate and set apart to each and every medical doctor for the use of his own car, one space upon the street in front of or near his office, for the exclusive parking of his car, which space so designated and set apart for such doctors shall be designated by appropriate signs, and any person using the space, shall be subject to the same fine as hereinafter provided.
(Code 1966, § 74.11)

Sec. 18-37. Church parking.

(a) The police department shall paint lines for the existing parallel parking spaces on streets surrounding the area of the Baptist, Christian, Episcopalian, and Methodist Churches, so that the parking space will be observed and clearly marked, with the understanding that the churches will furnish the paint and brushes.

(b) The spaces shall be regarded as legal parking spaces and this regulation shall be enforced with the same penalties as hereinafter provided.
(Code 1966, § 74.12)

Sec. 18-38. Parking privileges for handicapped.

(a) There is hereby declared a need for special parking privileges for the exclusive use and benefit of handicapped persons upon the streets of the city.

(b) The council may designate, by appropriate sign or marking, that a single space is reserved for the parking of vehicles being operated by or for the benefit of a handicapped person.
(Ord. No. 76-016, 10-21-76)

Sec. 18-38.1. Regulation of handicapped parking.

(a) This article shall apply to all persons required by applicable ordinance, statute or law to provide off-street parking.

(b) *Required number of accessible parking spaces.*

(1) Where public parking spaces are provided, the minimum number of accessible parking spaces shall be in accordance with the following table:

PARKING SPACES

Total No. of Spaces	*No. of Required Accessible Spaces*
1 to 25	1
25 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
500 or over	2% of total, 20 plus 1 for each 200 over 1,000

(2) a. Where only one (1) accessible parking space is required by the table in subsection (1) of this section, that space shall conform to the requirements of a van accessible space, as defined in subsection (d)(1) of this section.

b. Where multiple accessible parking spaces are required, the first space of each eight (8) spaces required shall conform to the requirements of a van accessible space, as defined in subsection (d)(1) of this section.

(c) *Dimensions of accessible parking spaces (car).*

(1) a. Parking spaces for disabled people travelling in cars shall be at least eight (8) feet (two thousand four hundred thirty-eight (2,438) millimeters) wide and eighteen (18) feet (five thousand four hundred eighty-six (5,486) millimeters) long.

b. The international symbol of accessibility (see Figure 1), measuring thirty-six (36) inches by thirty-six (36) inches (nine hundred fourteen (914) millimeters by nine

hundred fourteen (914) millimeters), shall be painted in blue on the surface of each parking space at a point flush with the rear of the accessible space (see attached Figure 2).

(2) a. There shall be an adjacent access aisle at least five (5) feet (one thousand five hundred twenty-four (1,524) millimeters) wide and eighteen (18) feet (five thousand four hundred eighty-six (5,486) millimeters) long (see attached Figure 2).

b. Two (2) accessible parking spaces may share a common access aisle.

(d) *Dimensions for accessible parking spaces (vans).*

(1) a. Parking spaces for disabled people travelling in vans shall be at least eight (8) feet (two thousand four hundred thirty-eight (2,438) millimeters) wide and eighteen (18) feet (five thousand four hundred eighty-six (5,486) millimeters) long.

b. The international symbol of accessibility, measuring thirty-six (36) inches by thirty-six (36) inches (nine hundred fourteen (914) millimeters by nine hundred fourteen (914) millimeters), shall be painted in blue on the surface of each parking space at a point flush with the rear of the accessible space (see attached Figure 2).

(2) a. There shall be an adjacent access aisle at least eight (8) feet (two thousand four hundred thirty-eight (2,438) millimeters) wide and eighteen (18) feet (five thousand four hundred eighty-six (5,486) millimeters) long (see attached Figure 2).

b. Two (2) adjacent accessible parking spaces for disabled people travelling in vans may share a common access aisle.

c. An accessible parking space for a car and one (1) for a van may also share a common access aisle so long as the access aisle meets the specifications for van access aisles set forth in subparagraph (2)a. of this subsection.

(e) *Identifying signs and markings.*

(1) Each accessible parking space shall be designated as reserved for the disabled by a sign showing the international symbol of accessibility.

a. The dimensions of the sign shall be at least twelve (12) inches by eighteen (18) inches (three hundred five (305) millimeters by four hundred fifty-seven (457) millimeters) and be placed at least four (4) feet (1.2 meters) from the surface from the parking lot.

b. Such signs shall be above grade, mounted on a vertical pole or post at the head of each accessible parking space.

c. The signs indicating two (2) opposing accessible spaces may share a vertical pole or post.

(2) a. At the head of each access aisle, there shall be a sign which states: "Handicapped Access Aisle: No Parking Anytime". The sign shall be fixed upon a vertical pole or post and shall measure at least twelve (12) inches by eighteen (18) inches (three hundred five (305) millimeters by four hundred fifty-seven (457) millimeters) and be placed at least four (4) feet (1.2 meters) from the surface from the parking lot.

b. The surface of the access aisle shall be marked by stripes (see attached Figure 2).

(3) The sign shall be constructed in a fashion reasonably calculated to be permanent.

(4) Painted lines, colored blue, shall indicate all accessible parking spaces, including access aisles, perimeter and striping.

(5) The owner of the property on which the above required accessible spaces and signs are located shall be responsible for maintaining that sign. In the event a sign is removed or damaged to the extent that the motoring public cannot distinguish the difference in a handicapped parking space, the owner shall repair or replace the sign within ten (10) days.

(f) *Penalties for violation.* The penalty for violation of the above sections shall be five dollars ($5.00), with each day constituting a separate offense, the penalty for unauthorized parking in an accessible space or an access aisle reserved for the handicapped shall be twenty dollars ($20.00). Authorization for parking in a space reserved for the handicapped shall be obtainable only through compliance with state law.

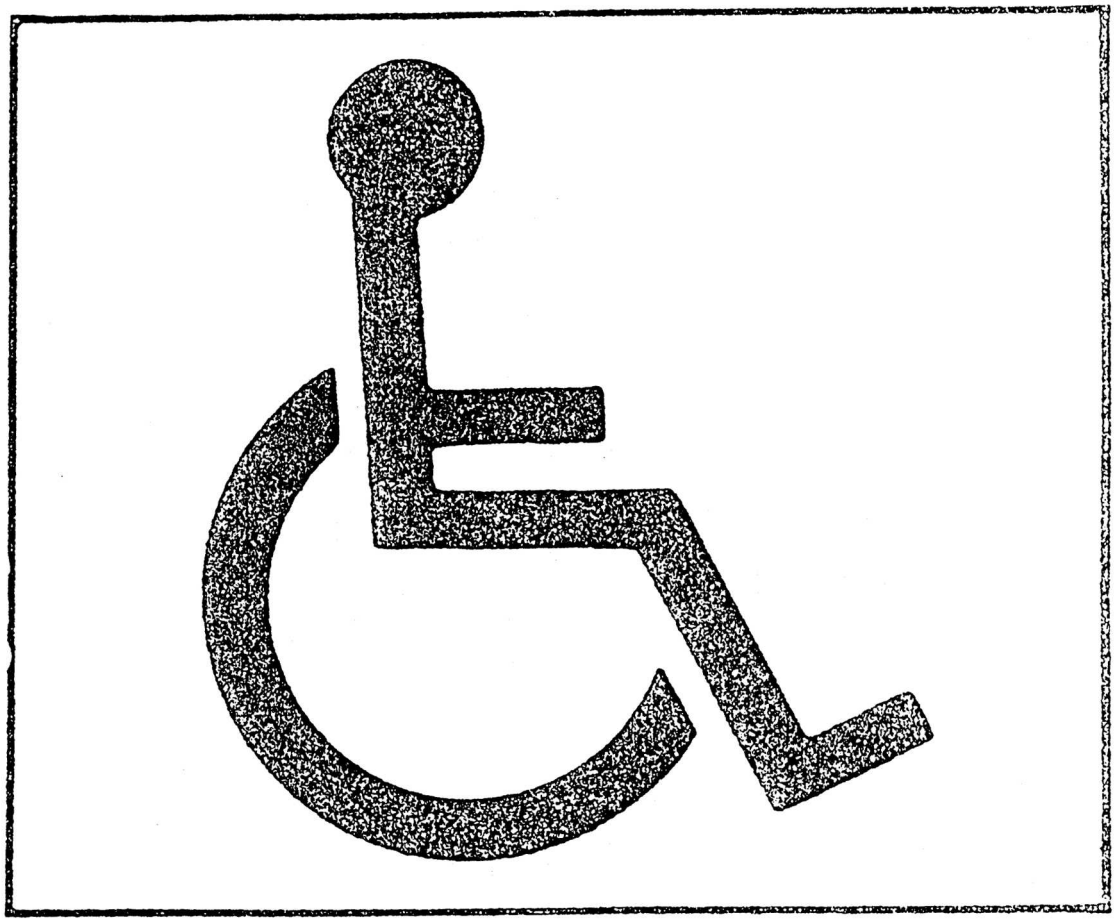

Figure 1. The International Symbol of Accessibility

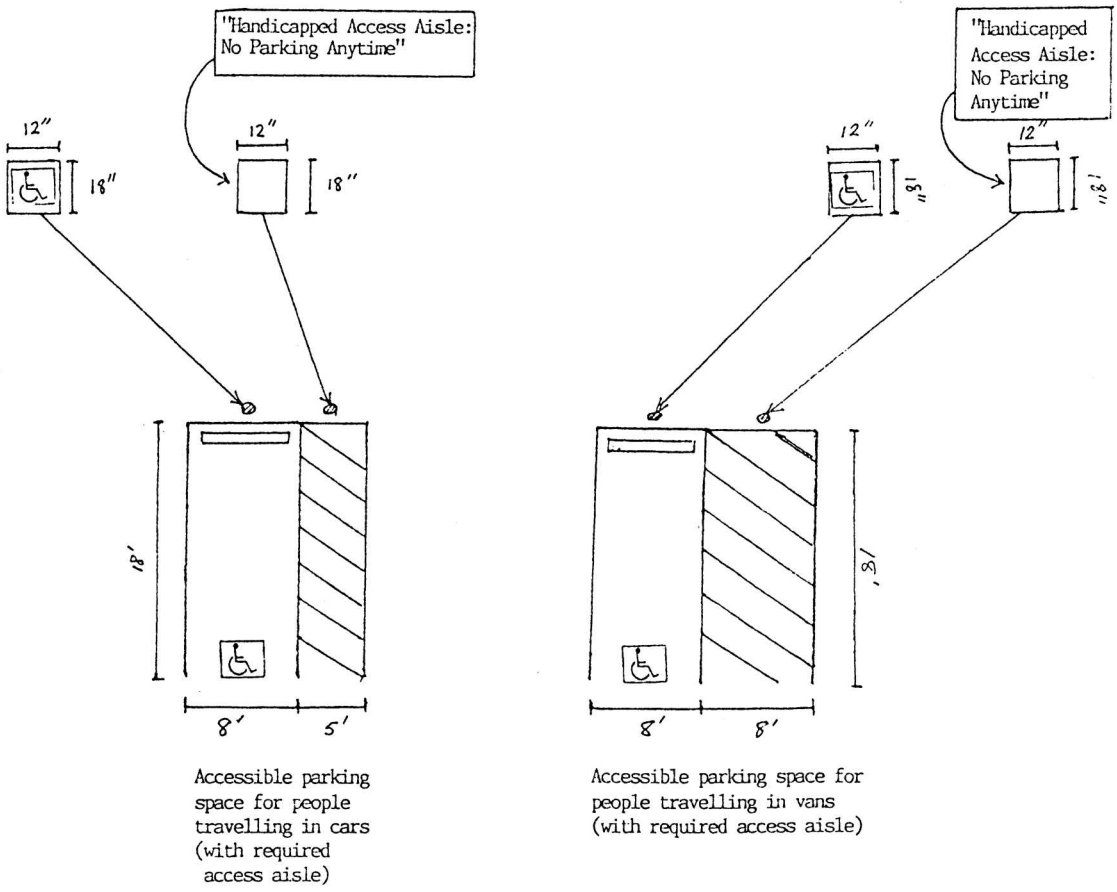

Figure 2. Handicapped Parking

(Ord. No. 92-031, §§ 1—7, 12-3-92)

Editor's note—Ord. No. 92-031, §§ 1—7, adopted Dec. 3, 1992, amended the Code to read as herein set out. Prior to inclusion of said ordinance, § 18-38.1 pertained to similar subject matter and derived from Ord. No. 90-013, §§ 1—5, adopted June 20, 1990.

Sec. 18-39. Zone limitations.

(a) Upon enactment of this section, it shall be unlawful to park a vehicle for a length of time in excess of two (2) hours in all zones formerly designated as metered zones and marked by painted lines. It shall also be a violation to park a vehicle for a length of time in excess of two (2) hours along that section of South Hamilton Street between Constitution and College Street.

(b) A violation of subsection (a) shall constitute "overtime" or illegal parking as provided by this Code.

(Ord. No. 80-002, § 2, 2-21-80; Ord. No. 87-001, § 2, 2-5-87)

Sec. 18-40. Metered parking.

Metered parking shall be removed from all streets except the city parking lots, said lots being the area between Court Alley and North Hamilton Street, and on South Broadway.
(Ord. No. 87-001, § 1, 2-5-87)

Editor's note—Ord. No. 87-001, § 1, adopted February 5, 1987, did not specifically amend the Code; therefore, inclusion as § 18-40 was at the discretion of the editor.

Secs. 18-41—18-45. Reserved.

DIVISION 2. MUNICIPAL PARKING LOTS

Sec. 18-46. Designation of parking spaces.

The chief of police is directed and authorized to lay off and designate by marks and lines, spaces for driveways, passways and parking spaces on municipal parking lots.
(Code 1966, § 74.15)

Sec. 18-47. Parking within spaces.

Parking in the municipal parking lots shall be on only the single parking spaces designated and marked, and each car, truck or motor vehicle shall park as near the center of each single parking space as possible, and no part of the vehicle shall extend over and beyond the lines of marks of its parking space, onto another parking space, either on the surface or in the air.
(Code 1966, § 74.16)

Sec. 18-48. Obstruction of passageways.

The passways in municipal parking lots shall be kept open at all times, and there shall never be any parking on the passways, or in other places except the parking spaces marked.
(Code 1966, § 74.17)

Sec. 18-49. Parking on adjacent private property.

There shall be no parking on private property which adjoins the municipal parking lots on the west, south and north beyond the boundaries or limits of the lot.
(Code 1966, § 74-18)

Sec. 18-50. Trucks prohibited.

Autos, trucks not to exceed one ton trucks or motor vehicles which will not extend any part, beyond each parking space, may be parked in each of the parking spaces in the municipal parking lots, not to exceed twenty-four (24) consecutive hours. Only autos, trucks and motor vehicles may be parked on the lots, and only such of these, whose treads will not injure or harm the surface of the lot.
(Code 1966, § 74.19)

Sec. 18-51. Trailers prohibited.

There shall be no parking of trailers on the municipal parking lots at any time.
(Code 1966, § 74.20)

Sec. 18-52. Commercial use prohibited.

There shall be no commercial use of a municipal parking lot except to load and unload vehicles serving adjacent properties except emergency repair work, such as changing tires.
(Code 1966, § 74.21)

Sec. 18-53. Trash.

No one shall throw paper, bottles, cans or trash on the municipal parking lots, or do any other act which affects adversely the appearance, cleanliness, safety or orderly operation of the parking lot.
(Code 1966, § 74.22)

Sec. 18-54. Use of lots may be suspended.

The use of the municipal parking lots for parking purposes may be temporarily suspended by the chief of police in case of an emergency for repairs or improvements, or by the city council by motion and used for any patriotic, community or civic purpose the council may decide is appropriate.
(Code 1966, § 74.23)

Secs. 18-55—18-59. Reserved.

DIVISION 3. RESIDENTIAL PARKING PERMIT PROGRAM

Sec. 18-60. Designation of streets for permit parking only.

The streets of Dudley Avenue, Clayton Avenue between Dudley and Hollyhock Lane, Hollyhock Lane, and Jackson Street, between Dudley and Military Avenue, are designated as the college parking district and shall have parking permitted only as allowed by this division. These streets shall be restricted as follows:

Jackson Street, [between Dudley and Military]	Unrestricted, except for 24-hour parking limit
Dudley Avenue	By permit only
Clayton Avenue [between South Hamilton and Military Avenue]	By permit only, except for the north side of the street from Hollyhock to Second Street, (In front of the college residence halls), in front of the former Mac's Grocery (now owned by the College) and the specific exemptions set out in below.

Hollyhock Lane	Unrestricted, except for 24-hour parking limit

The restriction of Dudley and Clayton Avenues to permit parking only shall be suspended during the following periods:

(a) From 12:00 a.m. on the Wednesday before the second Saturday in May [end of the spring term] through 12:00 a.m. of the day classes begin for the fall term. This exemption applies to Clayton Avenue only.

(b) Homecoming weekend. 12:00 a.m. Saturday through 12:00 a.m. Sunday. This exemption applies to Clayton and Dudley Avenues.

(c) 12:00 a.m. Friday through 12:00 a.m. Monday during Major Holiday weekends celebrated on Friday and 12:00 a.m. Saturday through 12:00 a.m. Tuesday during Major Holiday weekends celebrated on Monday. This exemption applies to Clayton Avenue only.

(d) 12:00 a.m. Thursday through 12:00 a.m. Monday of Thanksgiving weekend. This exemption applies to Clayton Avenue only.

(e) 12:00 a.m. Christmas Eve through 12:00 a.m. January 2. This exemption applies to Clayton Avenue only.

(f) From 12:00 a.m. on the second Saturday in May (Graduation) through 12:00 p.m. that same day. This exemption applies to Dudley Avenue only.

(Ord. No. 98-018, § 1, 8-20-98; Ord. No. 02-013, § 1, 6-2-02)

Sec. 18-61. Procedure for permitting parking on designated streets.

(a) *Intent and purpose of this division.* The provisions of this division are enacted for the following reasons:

(1) To reduce hazardous traffic conditions resulting from parking on the designated streets by persons not residing on those streets;

(2) To protect the residents of these residential districts from unreasonable burdens in gaining access to their residences;

(3) To preserve the character of these districts as residential districts;

(4) To encourage the students of Georgetown College to use the on-campus parking facilitates;

(5) To preserve the value of the property in these residential districts;

(6) To promote traffic safety and the safety of children and other pedestrians in these residential districts.

(7) To avoid the dangers created by the blocking of fire hydrants and driveways and other facilities required by emergency vehicles;

(8) To facilitate the movement of traffic in the event of accidents and other disasters; and

(9) To promote the peace, comfort, convenience, and welfare of all citizens of Georgetown.

(b) *Definitions as used in this division.*

Parking permit area shall mean the designated street upon which curbside parking is restricted without the properly displayed parking permit authorized by this regulation;

Curbside parking space shall mean the marked parking spaces on the designated streets not otherwise restricted;

Participating resident means a resident of the above respective areas to whom a resident or visitor-parking permit is issued.

(c) *Posting of permit parking only signs.* Upon the passage of this division, public works shall post the designated streets "permit parking only."

(d) *Notice to residents of designated streets of permit only parking.* Prior to the enforcement of this division, every residence on the designated street with restricted parking shall be mailed a notice of this division including a brief description of the program and instructions for its operation. Included with the notice shall be a printout of the license numbers of each vehicle permitted for parking in the permit-only area along with the corresponding permit number and address. Every August and February this printout shall be updated and provided to every residence.

(e) *An application for residential parking permit.* The applicant for a residential parking permit, whether residential or visitor, shall provide the following information for each vehicle to receive a residential parking permit:

(1) The name and residential address of the owner of the vehicle;

(2) The name, residential address and driver's license number of the principle operator of the vehicle;

(3) The make, model, license plate number and registration number of the vehicle; and

(4) The signature of the applicant for the residential parking permit.

(f) *Issuance of residential parking permits.*

(1) Upon the submission of a completed and validated residential parking permit application and the fulfillment of all applicable provisions of this division controlling issuance, renewal or transfer of residential parking permits, the applicant shall receive one (1) residential parking permit for the vehicle described in the application; provided, however, that no more than one (1) residential parking permit per licensed resident;

(2) Application for a residential or visitor permit must be made in person to the Georgetown City Clerk's Office. Applicants must bring at least one (1) form of identification showing an address on the designated street. All visitor permits shall be mailed to applicant's address. All parking permits shall expire on July 1st of each succeeding year after the issuance of the permit.

(3) No residential parking permit shall be issued to a vehicle unless its owner and principle operator resides on the designated street and possesses a valid Kentucky driver's license.

(4) The applicant for, and holder of, the residential parking permit shall be the owner or principle operator of the vehicle receiving the parking permit.

(5) The color of the permits shall be changed each year.

(g) *Renewal of residential parking permits.* Upon the submission of a completed and validated residential parking permit application, and the fulfillment of all applicable provisions of this division controlling issuance, renewal or transfer of residential parking permits, on or before the expiration date of the existing residential parking permit, the holder shall receive from the city a new residential parking permit.

(h) *Transfer of residential parking permits.*

(1) Upon the submission of a completed and validated residential parking permit application, the fulfillment of all applicable provisions of this regulation controlling issuance, renewal or transfer of residential parking permits and his surrender of his or her existing residential parking permit, the holder shall receive from the city a new residential parking permit to be transferred to another qualifying vehicle;

(2) The transfer of the residential parking permit to another qualifying vehicle shall not affect its expiration date.

(i) *Issuance of permits for visitors.*

(1) Upon application of any resident on a designated street, the city shall issue a visitor-parking permit to the applicant for a visitor's vehicle for that designated street for a period of one (1) year;

(2) No more than two (2) visitor parking permits shall be issued to any one (1) residence at any one (1) time. For the purposes of this regulation, the resident shall be the holder of and responsible for the use or misuse of the visitor parking permits issued to him;

(3) The visitor permits are transferable between visiting automobiles, e.g. guests or repair services. No resident of the parking permit district shall use the visitor permits for their personal vehicles;

(j) *Use of residential and visitor parking permits.*

(1) All resident and visitor parking permits shall be displayed on or about the inside rearview mirror in such a fashion as to be easily visible from outside the vehicle. All parking permits shall contain the following:

a. The statement: "This permit does not guarantee that a parking space shall be available to the permit holder.";

b. The name of the designated street;

c. Identification number matching the application number;

d. Whether the permit is for resident or visitor; and

e. The expiration date of the permit.

(2) A parking permit shall not guarantee or reserve a parking space for the permit holder. A parking permit shall not authorize the standing or parking of any vehicle in such places during such times as would otherwise be prohibited. The permit shall not excuse the observance of any traffic regulation, other than the restrictions enforced on the designated street for non-permit holders;

(3) Whenever the holder of a residential or visitor parking permit, or the vehicle for which the parking permit was issued, no longer fulfills one (1) or more of the applicable provisions of this division controlling issuance, renewal or transfer of parking permits, the holder shall so notify the city clerk's office, who shall direct the surrender of the parking permit;

(4) Until its expiration, surrender or revocation, a parking permit shall remain valid for such time as the holder continues to reside on the designated street;

(5) A parking permit shall be valid only on the designated street for which it is issued;

(6) It shall be a violation of this regulation for any person to represent in any fashion that a vehicle is entitled to a parking permit authorized by this regulation when it is not entitled. The display of a parking permit on a vehicle not authorized to use the permit shall constitute such a representation;

(7) It shall be a violation of this regulation for any person to duplicate, or attempt to duplicate, by any means, a parking permit authorized by this regulation. It shall be a violation of this regulation for any person to display on any vehicle such a duplicate parking permit; and

(8) It shall be a violation of this division to park a non-permitted vehicle on a designated street.

(k) *Penalties, fines and towing.* There shall be no enforcement of violations of this division, except on complaint by a participating resident of the respective parking area. Initial enforcement for violations of this division shall be by placement of a city parking citation, on the windshield of the improperly parked vehicle, which citation shall state the nature of the offense, the applicable fine of twenty dollars ($20.00). The time and place for payment of the fine and the consequences of the owner's failure to pay the fine as required.

Upon the failure of the vehicle owner to pay the twenty dollar ($20.00) fine within seven (7) days, the fine will increase to forty dollars ($40.00), to be paid in the same manner within fourteen (14) days of the citation. Upon the failure of the vehicle owner to pay the forty dollar ($40.00) fine within fourteen (14) as prescribed on the citation, the city may seek the issuance of a criminal summons from Scott District Court for violation of this division and failure to pay the prescribed fine.

The penalties for violations of this division, including fines to be issued by the Scott District Court, shall be:

(1) Any person violating subsection (j)(6) or (7) of this division shall, upon conviction, by a court of competent jurisdiction, be fined not less than twenty dollars ($20.00) or more than one hundred dollars ($100.00) for each violation, plus court costs;

(2) Any person violating subsection (j)(8) of this section shall, upon conviction, by a court of competent jurisdiction, be fined not less than twenty dollars ($20.00) or more than one hundred dollars ($100.00) for each violation, plus court costs;

(3) Any vehicle found parked in the parking permit area in violation of the provisions of this division shall be subject to removal, except vehicles found in violation on Clayton Avenue, which shall be subject to towing only on the second and subsequent offenses. This distinction is based upon the greater number of spaces available and the greater number of driveways lessening the inconvenience created by illegal parking on this street. The owner of the towed vehicle shall be responsible for the cost of the towing in addition to any fine, which may be imposed for the violation;

(4) Any person failing to pay the enhanced fine provided above in this section for parking violation shall, upon conviction, by the Scott District Court, be fined not less than forty dollars ($40.00) or more than one hundred dollars ($100.00) for each violation, plus court costs; and

(5) The owner or driver of any vehicle ticketed for a violation of this division shall remove the ticketed vehicle within forty-eight (48) hours of the time the ticket was issued. Failure to remove the vehicle within that time, shall be deemed a second violation, subjecting the vehicle owner to an additional fine and the towing of the vehicle.

(Ord. No. 98-018, § 2, 8-20-98; Ord. No. 99-002, § 1, 1-21-99; Ord. No. 02-013, § 2, 6-2-02)

Secs. 18-62—18-70. Reserved.

ARTICLE III. TRUCK ROUTES

Sec. 18-71. Purpose.

(a) This article shall affect and apply to all trucks and motor vehicles larger than one and one-half tons, whether common carrier, contract carrier, commercial or privately operated trucks or motor vehicles. They are enacted under the powers of the city, particularly K. R. S. 281.760 and other pertinent laws and decisions. Such sections shall not affect other ordinances relating to truck or vehicular parking, except insofar as same may be inconsistent herewith.

(b) This article was enacted with the purpose of keeping heavy trucks from using streets which were built primarily for light residential traffic and which will not stand heavy traffic as will the two (2) routes named in section 18-72.

(Code 1966, § 75.4)

Sec. 18-72. Designated.

East and West Main Streets (U.S. 62, 227 and 460) and North and South Broadway (U.S. 25) are hereby designated as truck and heavy vehicle routes in and through the city; and any person owning or operating trucks or motor vehicles of any size larger than one and one-half tons entering or leaving the city is hereby ordered and directed to operate the truck, vehicle, in and through the city only on such routes as above named; and except as hereinafter provided, no trucks or vehicles larger than one and one-half tons shall be operated on any other streets, avenues, alleys or parts of same in the city. The term "operate" shall include parking, which is also prohibited hereby.
(Code 1966, § 75.1)

Sec. 18-73. Signs.

The chief of police is instructed to place appropriate signs and markings at the entrances to the city or at entrances from the truck and vehicle routes to other city streets and public ways.
(Code 1966, § 75.2)

Sec. 18-74. Permitted use for streets for local deliveries.

Until such time as the council may establish truck depots or require same for loading and unloading, trucks and vehicles of any size may use any street or public way of the city in order to make local deliveries or pickups; provided, such trucks and vehicles shall follow the routes on Main and Broadway as nearly as possible before turning into a street which is not on the prescribed route, and shall return from the point of pickup or delivery by the shortest route to the defined route. Trucks and heavy vehicles may also pass over other city streets for the purpose of entering or leaving the Lemons Mill Pike to or from the routes prescribed herein.
(Code 1966, § 75.3)

Secs. 18-75—18-90. Reserved.

ARTICLE IV. ENFORCEMENT

Sec. 18-91. Police authorized to remove vehicles.

(a) The police department shall have the right to remove any vehicle, or to engage a wrecker to do so, at the expense of the owner or operator, under the following situations:

(1) When any vehicle shall remain in a meter zone in violation of city ordinance or regulation or after a citation has been placed thereon, for a period of three (3) hours; or

(2) When any vehicle shall remain for twenty-four (24) hours on any public way of the city, whether or not in a prohibited or meter zone; or

(3) When the vehicle is situated or parked in violation of any other traffic or parking regulation or law, or is "double parked", or alongside a painted curb, or along a

driveway or in a "no truck zone" or other prohibited zone, and when the owner or operator cannot be found at or in the vehicle or, if found, refuses to move the vehicle from the prohibited place or to comply with the law as to parking or stopping.

(b) The police department may cause the vehicle to be removed after three (3) minutes, unless a longer time for loading or stopping is fixed by any other ordinance or regulation.

(c) Any vehicle placed on the public ways for work, repair, display, storage or sale may be removed immediately by the police department as hereinabove set out.
(Code 1966, § 76.1)

Sec. 18-92. Citations to be issued.

When any motor vehicle, without driver, is found parked or stopped in violation of any traffic regulation, the officer finding such vehicle shall take its registration number, and shall conspicuously affix to such vehicle a notice or summons in writing, on a form provided by the city, for the driver to appear before the district judge within twenty-four (24) hours to answer to the charge marked against him. If the person so cited fails to appear within the time prescribed the officer shall then swear out a warrant for such person's arrest upon the charge.
(Code 1966, § 76.2)

Sec. 18-93. Patrolmen to deliver citations to chief.

All patrolmen of the city shall deliver all citations written by them for violations of the ordinances of the city and the state law directly to the chief of police.
(Code 1966, § 76.3)

Sec. 18-94. Duty of chief of police.

The chief of police shall, upon receiving the citations, review the citations and make the necessary notations thereof in his own records, and shall as soon as practicable, deliver the citations to the district.
(Code 1966, § 76.4)

Sec. 18-95. Clerk-treasurer may collect fines.

The clerk-treasurer or his authorized deputy is hereby authorized to receive fines during regular office hours.
(Code 1966, § 76.5)

Sec. 18-96. Clerk-treasurer may not exonerate tags.

The clerk-treasurer or his authorized deputy has no authority to exonerate any overtime parking citation tags.
(Code 1966, § 76.6)

Sec. 18-97. Chief of police or city attorney may exonerate tags.

No person shall hereafter be authorized to exempt violators from the payment of penalties or fines for parking meter violations, except the chief of police or the city attorney, for any reason whatsoever.
(Code 1966, § 76.7)

Sec. 18-98. Disposition of fines collected.

Once each week, the clerk-treasurer shall turn over to the chief of police all paid duplicate notices of over parking and all moneys collected by him therefor.
(Code 1966, § 76.8)

Sec. 18-99. Penalties for violations.

(a) A notice of parking violation may be presented to the clerk-treasurer or his deputy within forty-eight (48) hours, and upon the payment of three dollars ($3.00), the complaint shall be considered having been satisfied.

(b) Upon the failure of any person to pay said sum, the parking violation shall be treated in the manner now applying to other general traffic violations.

(c) In the event that the ticket or citation for a parking violation shall not be presented for payment within forty-eight (48) hours, the penalty shall be five dollars ($5.00), and a warrant shall be issued for the arrest of the violator if necessary.

(d) Whosoever violates any of the provisions of the traffic code shall be fined not less than two dollars ($2.00), nor more than one hundred dollars ($100.00), for each offense.
(Code 1966, § 76.99; Ord. No. 80-002, § 4, 2-21-80; Ord. No. 87-001, § 4, 2-5-87)

Secs. 18-100—18-110. Reserved.

ARTICLE V. GOLF CARTS

Sec. 18-111. Definition.

As used in this chapter, the term "golf cart" means any self-propelled vehicle that:

(1) Is designed for the transportation of players or maintaining equipment on a golf course, while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a golf course;

(2) Has a minimum of four (4) wheels;

(3) Is designed to operate at a speed of not more than thirty-five (35) miles per hour;

(4) Is designed to carry not more than six (6) persons, including the driver;

(5) Has a maximum gross vehicle weight of two thousand five hundred (2,500) pounds;

(6) Has a maximum rated payload capacity of one thousand two hundred (1,200) pounds; and

(7) Meets the federal motor vehicle safety standards for low-speed vehicles set forth in 49 C.F.R. sec. 571.500.

(Ord. No. 09-13, § 1, 4-27-09)

Sec. 18-112. Compliance.

In compliance with section 18-113, golf carts may be operated on the designated city streets [which are on file in the city clerk's office] whose speed limits are less than thirty-five (35) miles per hour.

(Ord. No. 09-13, § 2, 4-27-09)

Sec. 18-113. Requirements.

In order to be operated on such designated city streets, a golf cart shall:

(1) Be issued a permit for the golf cart by the city;

(2) Display a sticker or permit that identifies that the golf cart is allowed to be operated on specific roadways within the city;

(3) Be inspected by a certified inspector designated by the Scott County sheriff's office and certified through the Department of Vehicle Regulation to ensure that the golf cart complies with the requirements of this section. The inspection fee under this paragraph shall be five dollars ($5.00) if the inspection occurs at the sheriff's office or ten dollars ($10.00) per trip charged if it becomes necessary for the certified inspector to travel to the site of the golf cart rather than having the golf cart brought to the sheriff's office;

(4) The golf cart displays a slow-moving vehicle emblem in compliance with KRS 189.820;

(5) Be insured in compliance with KRS 304.39-080 by the owner or operator, and the proof of insurance shall be inside the golf cart at all times of operation on a public roadway;

(6) Be operated only between sunrise and sunset;

(7) Be operated by a person with a valid operator's license in his or her possession.

(Ord. No. 09-13, § 3, 4-27-09)

Sec. 18-114 Traffic regulations.

Any person operating a golf cart on a public roadway under the provisions of this chapter shall be subject to the traffic regulations of KRS ch. 189 and any other applicable provisions of this Code of Ordinances pertaining to the operation of vehicles upon city streets.

(Ord. No. 09-13, § 4, 4-27-09)

Sec. 18-115. Exemptions.

A golf cart operating on a public roadway is not considered to be a motor vehicle and is exempt from:

(1) Title requirements of KRS 186.020;

(2) Vehicle registration requirements of KRS 186.050; and

(3) Emissions compliance certificates pursuant to KRS 224.20-720.

(Ord. No. 09-13, § 5, 4-27-09)

Sec. 18-116. Additional exemption.

The provisions of these sections shall not apply to a golf cart that is not used on a public roadway except to cross a roadway while following a golf cart path on a golf course.

(Ord. No. 09-13, § 6, 4-27-09)

Sec. 18-117. Penalty.

Any person violating the provisions of this article shall, upon conviction of a first offense, be fined not less than one hundred dollars ($100.00) nor more than two hundred fifty dollars ($250.00). Any person convicted of a subsequent violation of this article within two (2) years of a prior conviction under this article, shall be fined not less than two hundred fifty dollars ($250.00) nor more than five hundred dollars ($500.00).

(Ord. No. 09-13, § 7, 4-27-09)

Secs. 18-118—18-130. Reserved.

ARTICLE VI. SNOW EMERGENCIES AND SNOW REMOVAL

Sec. 18-131. Adoption of snow plan.

The Georgetown Snow Removal Management Plan (hereinafter "the snow plan"), as may be amended from time to time by the city council, including the definitions set forth therein, is incorporated by reference herein.

(Ord. No. 15-017, § 1, 12-14-15)

Sec. 18-132. Classification of streets.

For purposes of this article, all streets in the City of Georgetown shall be classified into five (5) categories: State-maintained routes, snow emergency routes, secondary streets, tertiary streets, and private streets. Snow emergency routes, secondary streets and tertiary streets may be further classified as dedicated and not-dedicated. The map set forth in the snow plan shall be the official record of street designations.

(Ord. No. 15-017, § 1, 12-14-15)

Sec. 18-133. Parking restrictions.

(a) *Parking prohibited during snow emergency.* During a declared snow emergency, no person shall park any vehicle, trailer, storage container or equipment upon a street designated as an emergency snow route.

(b) *Disabled or abandoned vehicles during a snow event.* During any snow event, no person shall permit a vehicle, whether operational or disabled, to remain on the traveled portion of the street. This prohibition shall not apply to any person who is actively attempting to remove the vehicle from the traveled portion of the street.
(Ord. No. 15-017, § 1, 12-14-15)

Sec. 18-134. Snow removal on not-dedicated and private streets.

(a) *Not-dedicated streets.* The City of Georgetown shall provide snow removal and treatment on streets that have been platted for dedication to the city but have not yet been accepted for maintenance, provided that the responsible entity executes a liability waiver on a form to be provided by the department of public works no later than the date set forth in the snow plan. If the responsible entity declines city snow removal or fails to provide the required waiver, the responsible entity shall clear the not-dedicated streets for which it is responsible within twenty-four (24) hours after final snowfall or ice accumulation.

(b) *Private streets.* The City of Georgetown shall not provide snow removal service on private streets, including residential streets that were not intended to be dedicated to the city for maintenance.
(Ord. No. 15-017, § 1, 12-14-15)

Sec. 18-135. Snow to be removed around fire hydrants.

All occupants of property upon which is located a fire hydrant shall, within twenty-four (24) hours following a snowfall, clear a three (3) foot clearance encircling the hydrant and a four (4) foot wide access path from the street. In case of vacant or unoccupied lots it shall be the duty of the owners of the lots or the persons in control thereof to remove the snow as herein provided.
(Ord. No. 15-017, § 1, 12-14-15)

Sec. 18-136. Placement of snow on streets and sidewalks.

It shall be unlawful for any person to place snow on any portion of a traveled street, alley, sidewalk or driveway constructed as a continuation of sidewalk.
(Ord. No. 15-017, § 1, 12-14-15)

Sec. 18-137. Snow windrows.

The creation of snow windrows in front of residential driveways and private street entrances is an inevitable result of snow plowing. Occupants of property shall be responsible for clearing snow windrows at the foot of their driveways. Owners or persons responsible for

the maintenance of private property shall responsible for clearing snow windrows at the entrance to the public street. It shall be unlawful for any person to displace snow from windrows onto a city street or sidewalk.
(Ord. No. 15-017, § 1, 12-14-15)

Sec. 18-138. Snow and ice and around trash containers.

During conditions of snow and ice, all persons receiving trash collection from the city shall be responsible for ensuring that trash containers (Herbies) are accessible and are placed in such a manner that sanitation crews and automated equipment can safely remove the containers from the person's property.
(Ord. No. 15-017, § 1, 12-14-15)

Sec. 18-139. Penalties.

(a) The Georgetown Police Department shall have the right to remove any vehicle, truck, trailer, storage container or equipment in violation of section 18-133 of this article, or to engage a wrecker to do so, at the expense of the owner or operator. In lieu of removal, the police department may issue a citation for the vehicle for parking prohibited consistent with sections 18-12 and 18-92 through 18-99 of the Code of Ordinances.

(b) Violations of sections 18-135, 18-136 and 18-137 of this article shall be considered nuisances under chapter 9 of the Code of Ordinances and enforced in the same manner as specified therein.

(c) Violations of section 18-138 of this Ordinance shall be considered nuisances under section 19-21 of the Code of Ordinances and enforced in the same manner as specified in Chapter 19, Article II.
(Ord. No. 15-017, § 1, 12-14-15)

Sec. 18-140. Contracted snow removal.

When conditions require, the City of Georgetown may contract with private persons for snow removal and treatment of streets.

(1) *Rotating schedule of snow removal providers.* The department of public works shall maintain rotating schedules for the snow removal providers needed. The schedules will rotate in such a manner as to give each participating snow removal provider an equal opportunity to be contacted or attempted to be contacted by dispatch.

The rotation schedule may be changed by unilateral action of the public works director to add or delete snow removal providers. Snow removal providers may only be deleted from the schedule for non-compliance with the terms of this article or upon written notice from the operator that the provider no longer wishes to participate in the schedule or has ceased business. No other changes may be made to the schedule except with approval by the public works director.

The department of public works has an obligation to consumers to ensure that the rates participating snow removal services charge are fair and reasonable. The department of public works will review the snow removal service rates during the first week of January every year. Snow removal providers shall be compensated at the rate or rates provided in the snow plan.

The department of public works reserves the right to remove any snow removal provider from the rotating schedules for infractions of this article. Infractions include but are not limited to: Failure to abide by this article or the snow plan and/or failure to arrive in a timely manner (providing for conditions).

(2) *Scheduling work.* When a snow event necessitating the use of snow removal service occurs, public works shall attempt to contact the next participating snow removal provider on the schedule. Should public works be unable to make contact with that snow removal provider or the provider is unable to provide service within the time frame required, the snow removal provider shall forfeit that call and public works shall attempt to contact the next snow removal provider on the schedule. The previous snow removal service shall remain on the schedule and shall move to the end of the rotation.

Nothing in this section shall prohibit the city from contracting with multiple providers simultaneously. In the event multiple service providers are needed, the city shall adhere to the rotating schedule for their selection.

Any snow removal service that does not arrive on the scheduled route within thirty (30) minutes (considering reasonable conditions) of the scheduled start time shall forfeit that call and the next snow removal service on the list may be called. A snow removal service that fails to arrive (under reasonable conditions) within thirty (30) minutes shall receive a written warning. A second offense (under reasonable conditions) in twelve (12) months shall result in a 30-day loss in the privilege of being on the rotation. A third offense (under reasonable conditions) in a 12-month period shall result in the removal from the list for one (1) calendar year.

(3) *Eligibility requirements for snow removal providers.* Any snow removal provider wishing to provide snow removal and treatment service pursuant to the terms of this article shall:

a. Submit an application to the city attorney on a form approved by his or her office.

b. Own sufficient equipment to provide snow removal and/or treatment service according to the snow plan.

c. Maintain a city business license.

d. Drivers shall comply with the applicable driver's license laws.

e. Possess proof of insurance of a minimum of one million dollars ($1,000,000.00) and retain same through the time they remain on the rotating schedule.

f. All employees of the provider who will be providing snow removal service shall participate in a snow plan training course to be provided by the department of public works. The city shall reimburse employees for time spent participating in such training according to the rate schedule set forth in the snow plan.

g. Consent to the initial and periodic inspection of the provider's snow removal equipment by the department of public works.

(Ord. No. 15-017, § 1, 12-14-15)

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Chapter 18.1

TREES AND SHRUBBERY

Art. I. In General, §§ 18.1-1—18.1-20
Art. II. Protection of Trees on Public Property, §§ 18.1-21—18.1-38

ARTICLE I. IN GENERAL

Secs. 18.1-1—18.1-20. Reserved.

ARTICLE II. PROTECTION OF TREES ON PUBLIC PROPERTY*

Sec. 18.1-21. Definitions.

As used in this article, the following words, terms and phrases shall have the meanings respectively ascribed to them by this section:

Park trees: "Park trees" are defined as trees, shrubs, bushes and all other woody vegetation in public parks having individuals names, and all areas owned by the City, or to which the public has free access as a park.

Remove: "Remove" is defined as the cutting down or damaging, whether by deliberate or negligent act or omission, of any tree which causes the tree to die or become hazardous within three years.

Street trees: "Street trees" are defined as trees, shrubs, buses and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the city.
(Ord. No. 02-018, § 1, 7-18-02)

Sec. 18.1-22. Creation and establishment of a city tree board.

There is created and established a city tree board for the city, which shall consist of up to eleven (11) members. The mayor shall appoint the members of this board from among persons demonstrating their interest in conservation of natural resources. These appointments shall be made with approval of the council. Two (2) of these members shall be engaged in the field of arboriculture, forestry, horticulture or landscape architecture, two (2) in the field of business management, law, or public relations and six (6) shall be selected from the community at large. The eleventh member of the board, or if the membership is less than eleven (11), at least one (1) member, shall be a city employee, such as the director of beautification or his or her designee.
(Ord. No. 02-018, § 2, 7-18-02)

Sec. 18.1-23. Term of office.

The term of the eleven (11) persons appointed by the mayor shall be four (4) years, except that the initial appointments shall be as follows: three (3) of the members shall be appointed for a one-year term, three (3) of the members shall be appointed for a two-year term, three (3)

***Editor's note—**Ord. No. 02-018, §§ 1—19, adopted July 18, 2002, amended the Code by, in effect, repealing former art. II, §§ 18.1-21—18.1-38, and adding a new art. II, to read as herein set out. Former art. II pertained to similar subject matter, and derived from Ord. Nos. 92-010 and 93-003, adopted February 4, 1993.

of the members shall be appointed for a three-year term and the final two (2) members shall be appointed to a four-year term. All successive terms shall be for full four-year terms. In the event a vacancy shall occur during the term of any member, the mayor, subject to council approval, shall appoint a successor for the unexpired portion of the term.
(Ord. No. 02-018, § 3, 7-18-02)

Sec. 18.1-24. Compensation.

Members of the board shall serve without compensation.
(Ord. No. 02-018, § 4, 7-18-02)

Sec. 18.1-25. Duties and responsibilities.

It shall be the responsibility of the board to study, investigate, counsel, develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or dispositions of trees and shrubs in parks, along streets, and in other public areas. Such plan will be presented annually to the city council and, upon their acceptance and approval, shall constitute the official comprehensive tree plan for the city.

The functions of the tree board shall be to formulate, review, evaluate and amend the annual plan and budget for the city's urban forestry programs; in cooperation with appropriate officials, inform governmental departments, residents, and businesses on matters concerning the betterment of trees and related and integrated environmental resources; to develop detailed performance standards and regulations regarding the urban forest; and to develop a program of education and enforcement.

The board, when requested by the city council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.
(Ord. No. 02-018, § 5, 7-18-02)

Sec. 18.1-26. Operation.

The board shall choose its own officers, promulgate its own rules and regulations, consistent with city practice and policy, and keep a written record of it actions and its findings. A majority of the members shall constitute a quorum for the transaction of board business.
(Ord. No. 02-018, § 6, 7-18-02)

Sec. 18.1-27. Street tree species to be planted.

The tree board will formulate an official street tree species list for the city. The list of recommended species shall be broken down into categories of small, medium and large trees. No species other than those included in this list shall be planted as street trees without written permission of the city tree board.
(Ord. No. 02-018, § 7, 7-18-02)

Sec. 18.1-28. Spacing.

The spacing of street trees will be in accordance with the three (3) species classes referred to in section 18.1-27 of this article. No trees may be planted closer together than the following; small trees, thirty (30) feet; medium trees, forty (40) feet; and large trees, fifty (50) feet, except in special plantings designed by a landscape architect and approved by the city tree board.
(Ord. No. 02-018, § 8, 7-18-02)

Sec. 18.1-29. Distance from curb, sidewalk and power lines.

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three (3) species size classes listed in section 18.1-27 of this article. No trees may be planted closer to any curb or sidewalk than the following: small trees, two (2) feet; medium trees, three (3) feet; and large trees, four (4) feet. Only small trees can be planted within fifteen (15) feet of power lines.
(Ord. No. 02-018, § 9, 7-18-02)

Sec. 18.1-30. Distance from street corners and fireplugs.

No street tree shall be planted closer than twenty (20) feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than ten (10) feet of any fireplug.
(Ord. No. 02-018, § 10, 7-18-02)

Sec. 18.1-31. Public tree care.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The city tree board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with an injurious fungus, insect or other pest. If a permit is obtained in accordance with sections 18.1-35 through 18.1-37, this section does not prohibit the planting or maintenance of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with sections 18.1-27 through 18.1-34 of this article.
(Ord. No. 02-018, § 11, 7-18-02)

Sec. 18.1-32. Prohibitions.

Except as authorized by permit issued by the city:

(1) No person shall damage, cut, carve, prune or remove any public tree; nor attach any rope, wire, nails, advertising poster or other artifact to any public tree; nor allow any toxic substance to harm or damage any public tree; nor set fire to or otherwise injure by fire any public tree.

(2) No person shall plant or transplant any public tree.

(3) No person shall spray, inject or otherwise apply any fertilizer or pesticide, including but not limited to dormant oil, insecticide, fungicide, herbicide or biological control to any public tree.

(Ord. No. 02-018, § 11a, 7-18-02)

Sec. 18.1-33. Protection of public trees.

No person shall make any excavation, place any fill, compact the soil, or construct any building, structure, street, sidewalk, driveway, pavement, or public utility within 15 feet of any public tree without first obtaining a permit for such work from the city and conducting such work in accordance with such permit. As a condition of issuing such permit, the city shall require that the work be done in accordance with the urban forestry regulations as may be necessary to protect the vitality of such trees.

(Ord. No. 02-018, § 11a, 7-18-02)

Sec. 18.1-34. Permits required.

No person shall commence or proceed with any operation involving a public tree without first obtaining a permit from the city. The permit is free, but appropriate fines, penalties and compensatory payments will be levied if work is performed on public trees without an approved permit.

(Ord. No. 02-018, § 11a, 7-18-02)

Sec. 18.1-35. Application for permits.

Application for an urban forestry permit shall be made in the form prescribed by the city.

(1) By the public utility company or its authorized agent, if the work is to be done by a public utility company pursuant to its regular operations.

(2) By the abutting property owner, or such owner's agent, if the work is to be performed within a street on behalf of the abutting property owner.

(3) If any work not included in paragraph (a) or (b) is to be performed within a street, by the person the work is to be performed for or by such person's agent, or by the person having control over such property.

The permit application shall identify the nature of the work for which the application is sought. If the proposed work involves the removal of any public tree or planting of a public tree, the applicant shall file, with the city, plans and specifications showing the location, size, species, and conditions of all existing public trees within fifteen (15) feet of all work activities, the location, size, and species of any trees to be planted, and any existing or planned buildings, street lights, traffic signals or signs, pavement, sidewalk, curb cut, or public utilities. Such plans and specifications shall be in such form and include such additional information as may be required by urban forestry regulations.

(Ord. No. 02-018, § 11a, 7-18-02)

Sec. 18.1-36. Issuance of permits.

Every application for a permit shall be approved or disapproved within fifteen (15) business days after filing. If application is rejected, the applicant shall be notified in writing of the reason for the rejection. If no action is taken on an application within fifteen (15) days, it shall be deemed to have been approved.

Permits may be issued on an individual job basis or in the case of public utilities doing routine work, on an annual basis.
(Ord. No. 02-018, § 11a, 7-18-02)

Sec. 18.1-37. Tree topping.

It shall be unlawful as a normal practice for any person, or firm to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempt from this article at the determination of the city tree board.
(Ord. No. 02-018, § 12, 7-18-02)

Sec. 18.1-38. Pruning, corner clearance.

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the sidewalk and fourteen (14) feet above the surface of the street. Said owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs, which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign, or prohibits safe passage for pedestrians and vehicles along the right-of-way. The city shall have the right to charge the cost of the required pruning to the property owner by any reasonable means, including placement of the charge on the owner's property tax notice.
(Ord. No. 02-018, § 13, 7-18-02)

Sec. 18.1-39. Dead or disease tree removal on private property.

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The mayor or his or her designee will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within thirty (30) days after the date of service of notice. In

the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of the required removal to the property owner by any reasonable means, including placement of the charge on the owner's property tax notice.
(Ord. No. 02-018, § 14, 7-18-02)

Sec. 18.1-40. Interference with city tree board.

It shall be unlawful for any person to prevent, delay or interfere with the city tree board or any of its agents or servants while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street tree, park trees, or trees on private grounds, as authorized in this article.
(Ord. No. 02-018, § 15, 7-18-02)

Sec. 18.1-41. Arborists license.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street or park trees with in the city without first applying for and procuring a license. The license fee shall be twenty-five dollars ($25.00) annually in advance, provided, however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of three hundred thousand dollars ($300,000) for bodily injury and property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described. Each applicant shall also provide proof of current workman's compensation insurance meeting minimum state requirements.

All public tree planting or maintenance shall be performed by persons or businesses employing a certified arborist and/or which follows current National Arborist Association, International Society of Arboriculture, American Nurserymen's Association standards, applicable national safety standards and any other performance standards which may be adopted by the city from time to time.
(Ord. No. 02-018, § 16, 7-18-02)

Sec. 18.1-42. Review by city council.

The city council shall have the right to review the conduct, acts and decisions of the city tree board. Any person may appeal from any ruling or order of the city tree board to the city council, who may hear the matter and make the final decision. Appeals to the city tree board and from decisions of the city tree board to the city council shall proceed as follows:

(1) Any person affected by an order, grant, denial, or revocation of a permit by the city may appeal such order, grant, denial or revocation of a permit, to the city tree board.

(2) Such appeal shall be filed in writing with the city tree board within fourteen (14) days of the date of notification of the city's ruling.

(3) The appeal shall be heard by the city tree board. Action by the city shall be stayed until the decision of the tree board is rendered and the applicant notified.

(4) The tree board may, in conformity with the provisions of this chapter, reverse or affirm or modify wholly or partly, the order, grant, denial or revocation of any permit. The board's decision shall be based upon the record.

(5) Any person affected by the decision of the tree board may appeal such decision to the city council.

(6) Such appeal shall be filed in writing with the council within fourteen (14) days of the date of notification of the decision of the tree board.

(7) The appeal shall be reviewed by the city council. Action by the tree board shall be stayed until the decision of the council is rendered and the applicant is notified.

(8) The city council may in conformity with the provisions of this chapter revise or affirm or modify wholly or partly, the order, grant, denial or revocation of any permit and the decision of the tree board. The decision of the city council shall be final. The council's decision shall be based upon the record.

(9) The right of appeal shall be clearly stated on all permits.

(Ord. No. 02-018, § 17, 7-18-02)

Sec. 18.1-43. Penalty.

Any person violating any provision of this article shall be, upon conviction or a plea of guilty, subject to a fine not to exceed five hundred dollars ($500.00) in Scott District Court.

(Ord. No. 02-018, § 18, 7-18-02)

Sec. 18.1-44. Compensatory payment.

No person shall remove any street or park tree without authority under this article. Any person removing a tree in violation of this article, shall replace that tree with a tree of equivalent value on public property in proximity to the removed tree. The city tree board shall consider the species, location, size, and condition of the tree and determine its value. If no suitable location exists in proximity to the removed tree or if the replacement tree is of lesser value, the person causing the tree's removal shall make restitution to the city of an amount equal to the difference in value between the tree removed and the replacement tree. Any public tree that is determined by the city to be damaged, but only to an extent that does not justify the tree's removal, shall be considered devalued. The person causing the damage shall pay the amount of devaluation to the city. Restitution paid under this section shall be paid into a fund established for that purpose. The use of that fund shall be restricted to use for urban forestry programs.

(Ord. No. 02-018, § 19, 7-18-02)

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Chapter 19

UTILITIES*

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***Cross references—**Board of water and sanitary sewer commissioners, § 2-206 et seq.; buildings and building regulations, Ch. 4; subdivision regulations, Ch. 16.

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ARTICLE I. IN GENERAL

Sec. 19-1. Consolidated municipal waterworks and sanitary sewer system.

The municipal waterworks and sanitary sewer system supplying water and sanitary sewer services in and to the city as they presently exist and as they may hereafter from time to time be extended and improved are hereby combined and consolidated as a municipal waterworks and sanitary sewer system.
(Code 1966, § 38.1)

Sec. 19-2. On-ground utility fixtures.

(a) *Location of on-ground utility fixtures*. All on-ground pedestals or other fixtures, customarily for housing transformers, junction boxes, or similar equipment necessary to the service of any utility shall be placed to the rear of residential building lots.

(b) *Exclusions.* This restriction shall not affect the placement of underground utilities, utility poles or lighting fixtures.

(c) *Exceptions.* There is excepted from this prohibition those parcels which, due to topography or other natural feature, are determined by the planning commission to be inappropriate for the placement of on-ground pedestals or other fixtures, customarily for housing transformers, junction boxes, or similar equipment necessary to the service of any utility to the rear of the property. A plat or plan approved by the planning commission and filed of record in the Scott County Clerk's Office showing a particular property with applicable fixture locations or easements being to the front or side of the property shall be conclusive evidence that the property shown on that plat or plan is excepted from the operation of this section.
(Ord. No. 96-008, §§ 1, 2, 3-7-96; Ord. No. 98-001, § 3, 2-19-98)

Editor's note—Ord. No. 96-008, §§ 1, 2, adopted March 7, 1996 was nonamendatory of the Code; hence, inclusion herein as § 19-2 was at the discretion of the editor.

Secs. 19-3—19-15. Reserved.

ARTICLE II. WASTE COLLECTION AND DISPOSAL*

Sec. 19-16. Definitions.

The following definitions shall apply to the interpretation and enforcement of this section:

(1) *Solid wastes.*

a. *Municipal waste* consists of both putrescible and nonputrescible waste containing food waste, paper, household products, appliances (white goods), electronics, discarded furniture, and other nonputrescible material.

***Editor's note—**Ord. No. 96-011, §§ 1—10, adopted May 2, 1996 amended Art. II by enacting new provisions as set out herein. Former Art. II pertained to similar subject matter and derived from Ord. No. 80-001, §§ 1—8, adopted Jan. 17, 1980, and Ord. No. 93-028, §§ 1—3, adopted Dec. 16, 1993.

b. *Commercial waste* consists of paper and packaging.

c. *Construction and demolition debris* consists of materials from building, remodeling, repairing or demolishing buildings or structures. Construction and demolition debris must be limited to a volume equivalent to that of the approved container and not exceeding the weight of that of the approved container. Debris exceeding these limits must be disposed of by the person by other means. Carpet shall not be placed in approved containers, but in bundles not to exceed four (4) feet in length and fifty (50) pounds in weight. Fence material must be cut into panels not to exceed four (4) feet in width and length and fifty (50) pounds in weight.

d. *Composting material* consists of tree trimming and yard wastes. Composting material, other than leaves and grass, shall not be placed in approved containers, but in bundles not to exceed four (4) feet in length and fifty (50) pounds in weight. Leaves shall be placed in approved heavy-duty plastic bags of minimum of sixty-five hundredths (0.65) mils thickness. These bags shall be of minimum capacity of ten (10) gallons and a maximum capacity of thirty two (32) gallons. Piles of leaves will be accepted during approved leaf collection seasons in November and December of each year but those piles shall not exceed four (4) feet in height by ten (10) feet in length. Collection of these materials is scheduled in a manner similar to special collections.

e. *Hazardous waste* consists of any waste product or other substance which is classified under any federal or state statute, regulation or other rule as hazardous to public health or safety now or hereinafter. The classification of such waste by federal or state authorities shall be deemed conclusive evidence of the nature of the waste insofar as the city and any user or customer of the garbage disposal facilities thereof is concerned. The term hazardous waste shall also include but not be limited to medical waste (as defined below), tires, batteries, liquids, waste generated from portable toilets and all other wastes defined by the cabinet for environmental and public protection as hazardous shall not be collected by the city. All collection of these wastes shall be disposed of in accordance with applicable state regulation.

f. *Industrial:* The term "industrial" shall mean any house, building or other structure used for manufacturing or industrial processes or purposes and which generates or may be expected to generate waste or waste products of a character not typical of residential or other business uses.

g. *Medical waste* consists of any waste product or other substance generated by any hospital, physician or dentist's office, medical laboratory or other medical facility which is classified under any federal or state statute, regulation or other rule as hazardous to public health or safety now or hereinafter. The classification of such waste by federal or state authorities shall be deemed conclusive evidence of the nature of the waste insofar as the city and any user or customer of the garbage disposal facilities thereof is concerned.

h. *Recycling* means any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products, including refuse-derived fuel when processed in accordance with administrative regulations established by the governing state or federal governmental agency/cabinet/entity, but does not include the incineration or combustion of materials for the recovery of energy.

(2) *Approved containers* shall be constructed of hot-stamped plastic injection-molded material with volume capacity of sixty-five (65) and ninety-six (96) gallon containers. All such containers shall have at least one (1) handle and a tight-fitting lid. The city will provide the container(s) at the customer's expense meeting these criteria to each customer and shall be known as a "Herbie Curbie". Inside weight allowance shall be two hundred (200) pounds for each container. Composting material, other than leaves and grass, shall not be placed in approved containers, but in bundles not to exceed four (4) feet in length and fifty (50) pounds in weight. Leaves and grass shall be placed in heavy-duty plastic bags of a minimum of sixty-five hundredths (0.65) mils thickness. These bags shall be of a minimum capacity of ten (10) gallons and a maximum capacity of thirty-two (32) gallons.

(Ord. No. 96-011, § 1, 5-2-96; Ord. No. 09-001, § 1, 2-9-09; Ord. No. 17-011, § 1, 7-10-17)

Sec. 19-17. Compulsory collection.

(1) Except through the use of dumpsters or special arrangement for hazardous waste disposal, all solid waste generated within the City of Georgetown shall be collected by the city in accordance with these regulations except when the city may elect to proceed with waste pickup and disposal by franchise. Private persons may collect solid waste generated within the city if that waste is collected in a dumpster. Collection from dumpsters shall be governed by the applicable sections below.

(2) Each household shall be required to subscribe, and shall be conclusively presumed to have subscribed, to the city's collection service and pay the applicable charge therefor.

(3) Every commercial operator or occupant of any premises within the city, originating or accumulating garbage or trash thereon, shall be conclusively presumed to have subscribed to the city's collection service, even though the commercial operator may haul and dispose of his own garbage and trash to the city dump or elsewhere. In any event, without excusing any person from any criminal penalty under this chapter, if any trash, garbage, or other refuse of any kind is allowed to accumulate anywhere within the city for such a period of time as to constitute a nuisance, even though not a subscriber to the city's collection service under the terms of this article, shall each be conclusively presumed to have authorized the city to remove such trash, garbage, or other refuse and shall each be responsible to the city for the payment of the city's reasonable charges for collecting and hauling the refuse, which shall be not less than the monthly charge shown on the then currently effective schedule of charges for performing similar service.

(Ord. No. 96-011, § 2, 5-2-96; Ord. No. 09-001, § 2, 2-9-09)

Sec. 19-18. Collection agent.

The Georgetown Municipal Water and Sewer Service (GMWSS) is designated as agent of the city for the purpose of collecting the required fee for the collection of the solid waste generated within the city. Other than fee collection, GMWSS shall have no authority or responsibility related to solid waste collection.

(1) GMWSS shall prepare and mail statements on or before the first day of the month following the month in which solid waste collection and disposal is performed. Failure of GMWSS to provide a statement shall not relieve the customer of the obligation of paying the required charge for service.

a. The waste collection fee is due within twenty (20) days of the billing. Amounts not timely paid shall be delinquent. A reasonable penalty may be charged for late payments. This penalty and all other reasonable charges related to the city's collection and disposal of solid waste shall be subject to review and modification from time to time by the city council. All delinquent owners or residents shall receive a written notice of the overdue payment. Failure to pay the fee within the time required by the notice, shall result in the disconnection of GMWSS water service to the property at which the waste collection service was rendered. Water service will be renewed at such time as the delinquent account is made current, together with all reasonable charges and expenses incurred by the city during cut-off and reconnection of water service. No water service shall be terminated, however, without written notice to the water service recipients.

b. GMWSS shall keep proper records showing all billings made and collections received. All accounts shall be audited annually by a competent independent certified public accountant. The report thereof shall be open for public inspection.

(Ord. No. 96-011, § 3, 5-2-96)

Sec. 19-19. Rules and regulations.

The council shall promulgate and enforce any and all reasonable rules and regulations deemed necessary or proper from time to time to carry out the objects and purposes of this article for protection of the health and welfare of the citizens of the city as it relates to the collection, removal and disposal of solid waste.

(Ord. No. 96-011, § 4, 5-2-96)

Sec. 19-20. Rates for collection.

(1) In order to make the service proposed in this article revenue producing and to defray the cost of collection, removal, disposal, maintenance, costs of acquiring or construction of a waste disposal system and necessary facilities, the following schedule of fees, rates and charges for waste collection and removal, is adopted:

(2) The within rates apply to municipal waste only, except where noted. These charges are subject to adjustment for abnormal volume or conditions:

a. *Standard residential Herbie collection.* The monthly rate for once-weekly residential waste collection shall be fifteen dollars ($15.00) per dwelling unit for a single Herbie-Curbie. Customers may request additional Herbie-Curbies for five dollars ($5.00) per Herbie, per month, with a maximum of three (3) Herbies per dwelling unit. Additional Herbies requested after the effective date of the ordinance from which this article is derived must be retained by the customer for a minimum of twelve (12) months. Any customer who, within the twelve (12) months immediately preceding the effective date of this the ordinance from which this article is derived, paid for an additional Herbie may apply for a pro-rata refund of the purchase price, provided the customer keeps the Herbie for at least twelve (12) months from the time the Herbie was originally received. For example, if a customer purchased a Herbie three (3) months prior to the effective date of the ordinance from which this article is derived, customer may receive a refund equal to three-quarters (3/4) of the purchase price (12-3)/12.

b. *Commercial Herbie collection.* The monthly rates for commercial Herbie collections shall be as follows:

	Weekly Frequency				
Rate Item	*1*	*2*	*3*	*4*	*5*
First Herbie	$20.00	$40.00	$60.00	$80.00	$100.00
Each Additional Herbie	$5.00	$10.00	$15.00	$20.00	$25.00

Commercial customers shall be limited to a maximum of five (5) Herbies per business. The director of public works shall have the right to limit the number of Herbies per parcel and, if necessary, to require a particular business or property owner to obtain private dumpster collection.

(3) The services included for the fees set out in this schedule do not include the collection of the following types of waste: Offal, sewage, construction and demolition debris, electronics, appliances (white goods), discarded furniture, tree trimmings except bundles not in excess of four (4) feet in length and in excess of fifty (50) pounds in weight, or hot ash. Offal and sewage shall not be disposed of through the city's municipal solid waste disposal program. The city will collect limited amounts of appliances (white goods), electronics, discarded furniture, construction and demolition debris from residential persons and tree trimmings over four (4) feet in length

and in excess of fifty (50) pounds in weight on a monthly basis according to a scheduled route and time. Notice of this monthly route will be published on the city's internet website. At other times, the city may collect such items upon special collection request to public works. Special collections shall be assessed an additional charge commensurate with the additional service required by their particular need in an amount to be determined by sanitation director which will be published twice a year. The city shall have the right to deny waste collection, removal or disposal service to any person whose waste requirements exceed the city's capabilities or are of such nature that the city is without appropriate means for the waste's disposal. Buildings or dwellings not readily accessible to city public works employees, persons setting out waste not properly contained or prepared, or users requiring service more frequently than regularly scheduled, shall be assessed an additional charge commensurate with the additional service required by their particular need.

(4) Reduced residential Herbie rate. Any customer who is at least sixty-five (65) years of age may request a reduced residential Herbie rate of eight dollars ($8.00) per month per dwelling unit. Application for the reduced rate must be made in person at the collection agent's office. Water service must be in the name of the applicant. Reduced Residential Herbie rate customers may request additional Herbie-Curbies for five dollars ($5.00) per Herbie, per month, with a maximum of three (3) Herbies per dwelling unit.

(5) All revenue generated will remain the sanitation fund excepting therefrom any revenue received for reimbursement of "Herbie-Curbie" receptacles which shall be transferred to the city's general fund.

(Ord. No. 94-013, § 1, 7-7-94; Ord. No. 96-011, § 5, 5-2-96; Ord. No. 08-011, § 1, 6-23-08; Ord. No. 09-001, § 3, 2-9-09; Ord. No. 17-011, § 2, 7-10-17)

Sec. 19-21. Nuisance regulations.

The following acts and conditions are declared to be nuisances and unlawful, and subject to enforcement pursuant to the provisions of the Georgetown Code Enforcement Board Ordinance.

(1) No person shall permit solid waste to accumulate in any manner other than required in this article for its proper disposal;

(2) No person shall or permit the accumulation of solid waste upon any premises owned, or used by them. Such an accumulation is unsightly, unsanitary and hazardous to the health, safety or welfare of the public. Such an accumulation is also detrimental to the value of the property upon which the waste is permitted to accumulate as well as those in proximity. Both owner and tenants shall be accountable for the accumulation of waste on rental property. The owner shall be responsible for the accumulation of waste on owner-resident property.

(3) No person shall deposit, by any means, solid waste upon any premises, street or alley, whether public or private, irrespective of an intent to later remove the waste, in any

manner other than that prescribed by this section. No person shall suffer or permit the accumulation of waste, on any premises owned, occupied or controlled by such person.

(4) No city employee, while acting within the scope of his employment, shall remove waste from any premises, unless such waste is properly contained as prescribed by this section.

(5) No person shall place or keep solid waste containers, even if otherwise in conformity with this section, nearer to the street than the front facade of the residence or the commercial, industrial, or service building in which the waste is generated or otherwise on or about the sidewalk, curb or street at any time other than after 6:00 p.m. on the day before the city is scheduled to collect that street's municipal waste and no later than 10:00 p.m. on the day on which the city collects that street's municipal waste. If collection day falls on a city holiday, the holiday schedule will be published via public notice in the local newspaper, the city's internet website and included in the preceding Georgetown Municipal Water and Sewer Service bill. Collection schedules and route information is available to the public from the department of public works and published annually. A person may apply to the city for an exception to this subsection upon a showing that a medical condition makes strict compliance with the provisions of the subsection impractical. A person so excepted shall use reasonable efforts to comply with the provisions of this subsection when practical.

(6) Unless otherwise specified by in the citation, violations of this section shall be remedied within twenty-four (24) hours of notice.

(Ord. No. 96-011, § 6, 5-2-96; Ord. No. 09-001, § 4, 2-9-09; Ord. No. 17-011, § 3, 7-10-17)

Sec. 19-22. Removal of offending containers.

The city's public works employees are authorized to remove all solid waste containers in violation of this section, upon affording written notice to the property owner or resident of the city's intent to remove them. The dated, written notice shall be signed by the city employee delivering it and shall read as follows:

"Your municipal waste container[s] is/are unlawfully located at or about the street in violation of Ordinance 09-_____ You have until 8:00 a.m. tomorrow to remove the container or it shall be removed to the City Public Work's Facility. Any container removed by Public Works shall be inventoried and held at the Public Works Facility until the owner, upon presentation of proof of ownership, pays any unpaid fine[s]".

For the purpose of this section, service of the above notice shall be complete upon actual personal delivery to the property owner or resident, or upon posting a true copy of the notice in a conspicuous place on the owner's or resident's property. Posting the notice[s] on the offending containers shall satisfy this notice requirement.

(Ord. No. 96-011, § 7, 5-2-96; Ord. No. 09-001, § 5, 2-9-09)

Sec. 19-23. Regulation of dumpsters in residentially zoned areas.

The purpose of this section is to regulate the location and screening of dumpsters in residential zoned properties such that they will not, by reason of their location, manner of construction, or screening, cause annoyance, disturbance, or nuisance to the citizens of Georgetown.

(1) All existing dumpsters will be covered by these regulations upon adoption of this section.

(2) No new dumpsters will be permitted except by permit from the building inspector which shall be issued only after the review of a drawing demonstrating compliance with all provisions of this section. The property owner shall be responsible for obtaining the permit and making necessary improvements to the property.

(3) The planning commission may approve a dumpster as part of an approved development plan so long as it is in compliance with all provisions of this section.

(4) All multifamily residential buildings of six (6) or more units shall have a dumpster.

(5) The property owner shall be responsible for compliance with these provisions.

(6) Only temporary construction related dumpsters shall be allowed in any R-1 zone.

(7) The setback for dumpsters in approved zones shall meet the minimum front yard setback from rights-of-ways. The side yard setback shall be ten (10) feet and the rear yard setback shall be fifteen (15) feet. Temporary construction related dumpsters shall meet the required set-backs to the extent practicable.

(8) Dumpster screening shall meet or exceed the details set out in Exhibits 1-4, attached and made part of this section. Equivalency to these details shall be determined by the city or planning commission engineers.

(9) The owner of any multifamily residential building, not otherwise required to have a dumpster, which has three (3) refuse-related violations under this section, within a six-month period may be required upon written notice to provide a dumpster in accordance with this section.

(10) Dumpsters located in residential zones shall not be emptied except during the hours between 7:00 a.m. and 6:00 p.m.

(11) Temporary dumpsters to be located upon a public right-of-way shall obtain written location approval from the chief of police prior to receiving the permit from building inspection.

(12) Temporary dumpsters located in a public right-of-way shall be equipped with lights or reflectors sufficient to make the box easily visible to motoring public.

(13) The area within or immediately adjacent to the dumpster screening shall be kept free of debris. Contents of temporary construction related dumpsters shall not be permitted to escape.

(14) Owners of existing dumpsters which substantially meet the requirements of this section shall not be required to alter their property to comply with this section.

(Ord. No. 96-011, § 8, 5-2-96; Ord. No. 09-001, § 6, 2-9-09)

Sec. 19-24. Reserved.

Editor's note—Ord. No. 17-011, § 4, adopted July 10, 2017, repealed § 19-24, which pertained to penalties and derived from Ord. No. 96-011, adopted May 2, 1996 and Ord. No. 09-001, adopted February 9, 2009.

Sec. 19-25. Enforcement.

(a) Violation of any section of this article shall constitute a civil offense which shall be enforced according to the procedures set forth in the Georgetown Code Enforcement Board Ordinance by the code enforcement board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(b) The penalty for violations of this article shall be as set forth in section 15 of the Georgetown Code Enforcement Board Ordinance.

(c) A citation for a violation of any section of this article and any applicable penalties will be waived only if the same or similar violation has not occurred on the property within the past twenty-four (24) months and the violation is remedied within the time period specified by the citation.

(Ord. No. 96-011, § 10, 5-2-96; Ord. No. 17-011, § 5, 7-10-17)

Sec. 19-26. Franchise required for private collection and disposal of waste.

It is the policy of the City of Georgetown to furnish municipal services for its citizens for the appropriate disposal of garbage and other forms of refuse or waste unless the city shall determine that it lacks the necessary equipment, expertise or other resources to handle such waste material. The universal use of approved municipal services is essential to the efficient and economical operation of municipal government and the provision of low cost service to the

public. Accordingly, it shall be unlawful for any person, business or industry to utilize the streets, alleys, rights-of-way and other public ways or places within the city limits to deliver to, collect from, or transport from any business or industrial property any municipal, industrial and commercial waste, construction and demolition debris, hazardous waste, medical waste or recycling without first obtaining a valid current franchise from the city after the effective date of this section. No franchise contracted or awarded shall be exclusive within the city limits unless expressly provided in writing and made pursuant to notice and public bid offering or other procedures as may be specified by state law or this Code. In addition to any other requirements imposed by the terms of any franchise agreement or otherwise by law, applicants for a franchise to operate under the provisions of this section must demonstrate and maintain evidence of qualification and compliance under any applicable federal or state laws or regulations regarding waste collection and disposal, and each franchisee shall pay to the city a sum equal to ten (10) percent annually of the gross service revenues of the franchise for service generated within the city limits. Such sum shall be reported and paid quarterly on or before thirty (30) days following March 31, June 30, September 30 and December 31 of each year and provide a copy of such report to the city finance director. Each franchisee shall submit annually a certified statement from a certified public accountant of its gross revenues received within the city limits or such other information as may be reasonably required by the city revenue commission from time to time. The business records of each franchisee shall be open and available to audit by the city revenue commission or its designee at all reasonable times to determine compliance with this section.
(Ord. No. 09-001, § 8, 2-9-09)

Sec. 19-27. Procedure for using roll cart containers.

(1) It will be the responsibility of the property owners and/or occupant(s) of said property to keep the roll cart container (the Herbie-Curbie) provided by the city reasonably secure and in good condition. If the city container needs replacement due to handling by the city or because of some manufacturer's defect, a new container will be provided or repairs will be made at no charge. The city will not replace stolen or vandalized containers or containers neglected by the customer.

(2) The roll cart container may be filled to capacity as long as the lid can be closed and latched. The recommended weight capacity of two hundred (200) pounds shall not be exceeded. On collection day, the container must be set by the curb or shoulder of the road with the handle facing towards the street. Within a cart, garbage and trash shall be contained in disposable plastic bags. The bags shall be leakproof, of sufficient strength to resist tearing under normal handling, and shall be securely tied. No special handling wastes, hazardous wastes, medical waste, bricks, dirt, engine blocks or other excessively heavy material, hot ashes, paints, solvents or flammable liquids shall be placed in the container. Any canine feces (dog excrement) placed in the container must be contained in a securely closed doubled plastic bag.

(3) Special collection may be provided by the city for municipal waste that can not be disposed of in the approved container with other municipal waste. Special collections are scheduled by public works.

(4) Solid waste will not be picked up that is not placed correctly inside the containers. Material placed at the curb which does not meet the requirements set forth in this section or material which has not been properly prepared pursuant to section (1) or properly prepared and scheduled for special collection pursuant to section (2) shall, if not abated within the time period provided in the notice to abate, be subject to abatement by the city with all costs for such abatement to be billed to the property owner pursuant to the procedures set forth in this chapter and the property owner shall further be subject to civil fines as set forth in this chapter.
(Ord. No. 09-001, § 9, 2-9-09)

Secs. 19-28—19-35. Reserved.

ARTICLE III. SEWERS*

DIVISION 1. GENERAL PROVISIONS

Sec. 19-36. Purpose and policy.

This article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Georgetown and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the general Pretreatment Regulations (40 CFR, Part 403).

The objectives to this article are:

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

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

(3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system;

***Editor's note—**Ord. No. 11-009, articles I—X, adopted November 14, 2011, in effect repealed §§ 19-36—19-38, 19-42—19-46, 19-50, 19-51, 19-55—19-58, 19-62—19-70, 19-74—19-90, 19-94, 19-95, 19-99—19-102, 19-106—19-110, and 19-114—19-122 which comprised divisions 1—4 of article III of Ch. 19 and replaced those with §§ 19-36—19-38, 19-42—19-46, 19-50, 19-51, 19-55—19-58, 19-62—19-71, 19-74—19-93.5, 19-94, 19-95, 19-99—19-103, 19-106—19-110, and 19-114—19-123 which deal with similar provisions.

Division 5 of article III of Ch. 19 was not affected by Ord. No. 11-009 and remains unaltered. For a detailed history of those sections which were repealed by Ord. No. 97-019, see the Code Comparative Table.

Cross reference—Plumbing code, § 4-71 et seq.

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

(5) Provide for the safety of the treatment plant employees.

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

This article shall apply to the City of Georgetown and to persons outside the city who are, by contract or agreement with the city, users of the city publicly owned treatment works (POTW). Except as otherwise provided herein, the manager shall administer, implement, and enforce the provisions of this article.
(Ord. No. 11-009, art. I(A), 11-14-11)

Sec. 19-37. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

ACT or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 12S1, et seq.

Approval authority. The Secretary of the Kentucky Natural Resources and Environmental Protection Cabinet or an authorized representative thereof.

Authorized representative. An authorized representative of a user may be: (1) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (2) a general partner or proprietor if the user is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

An authorized representative of the city may be any person designated by the city to act on its behalf.

Best management practices (BMPs). Schedules of activities, prohibition of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Article II E 40 CFR 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Baseline monitoring report (BMR). A report submitted by categorical industrial users within one hundred eighty (180) days after the effective date of a categorical standard which indicates the compliance status of the user with the applicable categorical standard (40 CFR 403.12(b).

Biochemical oxygen demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees Celsius expressed in terms of weight and concentration in milligrams per liter (mg/l).

Board of commissioners. The duly appointed Board of Commissioners of the Georgetown Municipal Water and Sewer Service (GMWSS).

Building drain. The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, water, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

Building sewer. The extension from the building drain to the public sewer or other place of disposal, also called "house connection".

Building sewer permit. As set forth in "Building Sewers and Connections" (division 2 of this article).

Categorical industrial user. An industrial user subject to categorical pretreatment standards which have been promulgated by EPA.

Categorical pretreatment standards. National Categorical Pretreatment Standards or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

City. The City of Georgetown, Kentucky.

Clean Water Act (CWA). (Also known as the Federal Water Pollution Control Act) enacted by Public Law 92-500. October 18, 1972. 33 USC 1251 et seq.: as amended by PL 95-217. December 28, 1977; PL 97-117, December 29, 1981; PL 97-440, January 8, 1983, and PL 100-04, February 4, 1987.

Combined sewer. Any conduit designed to carry both sanitary sewage and storm water or surface water.

Combined wastestream formula (CWF). Procedure for calculating alternative discharge limits at industrial facilities where a regulated wastestream is combined with other non-regulated wastestreams prior to treatment (40 CFR 403.7).

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

Concentration-based limit. A limit based on the relative strength of a pollutant in a wastestream, usually expressed in mg/L.

Control authority. The term "control authority" shall refer to the city when there exists an approved pretreatment program under the provisions of 40 CFR 403.11.

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

Daily maximum. The maximum allowable value for any single observation in a given day.

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

Direct discharge. The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Kentucky.

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

Domestic wastewater. The water-carried wastes produced from noncommercial or non-industrial activities and which result from normal human living processes.

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

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

Environmental Protection Agency or EPA. The US Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

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

Flow proportional composite sample. Combination of individual samples proportional to the flow of the wastestream at the time of sampling.

Flow weighted averaging formula (FWA). A procedure used to calculate alternative limits for a categorical pretreatment standard where regulated and nonregulated wastestreams combine after treatment, but prior to the monitoring point as defined in 40 CFR 403.

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

GMWSS. Georgetown Municipal Water and Sewer Service as defined in Georgetown City Ordinance No. 874, an ordinance consolidating the municipal water works of the City of Georgetown, having been previously established by Ordinance No. 550 and supplemented by Ordinance Nos. 602 and 831, with the sanitary sewer system of the City of Georgetown and providing for the management, control and operation of said combined water works and sanitary sewer system by the board of water and sanitary sewer commissioners.

Grab sample. A sample which is taken from a wastestream on a onetime basis with no regard to the flow in the wastestream and without consideration of time.

Health department. The Georgetown/Scott County Health Department.

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

Incompatible pollutant. All pollutants other than compatible pollutants as defined in this section.

Indirect discharge. The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

Industrial user (IU). A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Clean Water Act.

Industrial wastes. The wastewater from industrial or commercial processes as distinct from domestic or sanitary wastes.

Interceptor. A device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal sewage or liquid wastes to discharge into the sewer or drainage system by gravity. Interceptor as defined herein is commonly referred to as a grease, oil or sand trap.

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

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

(2) Therefore is a cause of a violation of any requirement of the POTW's NPDES/KPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substance Control Act, and the Marine Protection, Research and Sanctuaries Act (40 CFR 403.3).

Manager. The general manager of GMWSS or their duly appointed deputy, agent or representative.

May. This is permissive (see "shall" as defined in this section).

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

Multi-unit sewer customer. A location served where there are two or more residential units or apartments, two or more businesses in the same building or complex or where there is any combination of business and residence in the same building or complex.

National categorical pretreatment standard or pretreatment standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act which applies to a specific category of industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

National (or Kentucky) Pollutant Discharge Elimination System or NPDES/KPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1332), or a permit issued by the Commonwealth of Kentucky under this authority and referred to as KPDES.

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

New source. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

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

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

(3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

Ninety (90) day compliance report. A report submitted by a categorical industrial user, within ninety (90) days following the date for final compliance with applicable categorical standards that documents and certifies the compliance status of the user (40 CFR 403.12(d).

Ordinance. The ordinance from which this article is derived, unless otherwise specified.

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

Periodic compliance report. A report on compliance status submitted by significant industrial users to the control authority at least semi-annually (40 CFR 403.12(e).

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estates, governmental entity of any other legal entity, or their legal representatives, agent or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH. The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

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

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

POTW treatment plant. That portion of the POTW designed to provide treatment to wastewater.

Pretreatment or treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process change(s), or other means, except as prohibited by 40 CFR 403. 6(d).

Process wastewater. Any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, by-product, or waste product.

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

Prohibitive discharge standard. Any regulation developed under the authority of 307 (b) of the Act and 40 CFR, Section 403 (5).

Properly shredded garbage. The wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in dimension.

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

Public sewer. A common sewer controlled by a governmental agency or public utility. In general, the public sewer shall include the main sewer in the street and the service branch to the curb or property line, or a main sewer on private property and the service branch to the extent of ownership by public authority.

Regulated wastestream. An industrial process wastestream regulated by a national categorical pretreatment standard.

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

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

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

Sewer user charges. A system of charges levied on users of a POTW for the cost of operation and maintenance, including replacement, or such works.

Sewer use ordinance (SUO). Ordinance enacted by city for control of sanitary sewer use and construction.

Sewer system or works. All facilities for collecting, transporting, pumping, treatment and disposing of sewage and sludge, namely the sewerage system and the POTW.

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

Shall. Is mandatory (see "may" as defined in this section).

Significant industrial user (SIU). Defined by EPA guidance as:

(1) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and

(2) Any non-categorical industrial user that:

a. Discharges twenty-five thousand (25,000) gallons per day or more of process wastewater ("process wastewater" excludes sanitary noncontact cooling, and boiler blowdown wastewaters); or

b. Contributes a process wastestream which makes up to five (5) percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant; or

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

Significant noncompliance (SNC). See section 19-91.

Slug discharge. Any discharge of a non-routine episodic nature including, but not limited to, an accidental spill or noncustomary batch discharge or any discharge of water or wastewater in which the concentration of any given constituent or quantity of flow exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow rate during normal operation which adversely affects the POTW.

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

Spill prevention and control plan. A plan prepared by an industrial user to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur.

Split sample. Portion of a collection sample given to the industry or to another agency to verify or compare laboratory results.

Standard industrial classification (SIC). A classification scheme based on the type of industry or process at the facility.

Standard methods. The examination and analytical procedures set forth in the recent editions of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation and as set forth in the Congressional Record 40 CFR 136.

State. Commonwealth of Kentucky.

Storm drain (sometimes termed "storm sewer"). A drain or sewer for conveying water, groundwater, surface water, or unpolluted water from any source.

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

Superintendent. The person designated by the city to supervise the day to day operations, maintenance and management of the publicly owned treatment works and who is charged with certain duties and responsibilities by the manager.

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

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

Time proportional composite sample. Combination of individual samples with fixed volumes taken at specific time intervals.

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

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

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

Unregulated wastestream. A wastestream that is not regulated by a National Categorical Pretreatment Standards.

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

Wastewater. The spent water of a community. Sanitary or domestic wastes shall mean the liquid and water-carried wastes from residences, commercial buildings and institutions as distinct from industrial waste.

Wastewater discharge permit (WDP). A permit issued to industrial users which authorizes discharges to the public sewer as set forth in the administration section of this article.

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

Wastewater treatment works. (WWTP) An arrangement of devices and structures for treating was water, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant" or "sewage treatment plant".

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

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

WWTP #1. Wastewater treatment works located within the city and which accepts sanitary, commercial and industrial flow from the city excluding the Toyota Manufacturing Facility.

WWTP #2. Wastewater treatment works treating the wastewaters from the Toyota Manufacturing Facility and sanitary, commercial and industrial flows from within its planning area or as agreed to by the manager.
(Ord. No. 11-009, art. I(B), 11-14-11)

Sec. 19-38. Abbreviations.

The following abbreviations shall have the designated meanings:

AO	Administrative Order
ASTM	American Society for Testing and Materials
BMP	Best Management Practices
BOD	Biochemical Oxygen Demand
BPJ	Best Professional Judgment
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
CWA	Clean Water Act (33 U.S.C. 1251 et seq.)
CWF	Combined Wastestream Formula
EPA	Environmental Protection Agency
FWA	Flow Weighted Average
FR	Federal Register
gpd	gallons per day
GMWSS	Georgetown Municipal Water and Sewer Service
IU	Industrial User
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
RPDES	Kentucky Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SNC	Significant Noncompliance
SUO	Sewer Use Ordinance
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
TSS	Total Suspended Solids
TTO	Total Toxic Organics
ug/l	Microgram per liter
USC	United States Code

(Ord. No. 11-009, art. I(C), 11-14-11; Ord. No. 15-016, art. I(C), 12-14-15)

Secs. 19-39—19-41. Reserved.

DIVISION 1A. USE OF PUBLIC SEWERS

Sec. 19-42. Mandatory sewer connection.

(a) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is located or may in the future be located a public sanitary sewer of the city, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper sewer in accordance with the provisions of this article, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

(b) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater where public sanitary sewer service is available, as defined in subsection (a), except as provided for in "Private Wastewater Disposal" (division 1B of this article).

(c) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public system within sixty (60) days in compliance with this article, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged and removed.
(Ord. No. 11-009, art. II(A), 11-14-11)

Sec. 19-43. Unlawful discharge to storm sewers or natural outlets.

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

(b) It shall be unlawful to discharge to any natural outlet or storm sewer within the City of Georgetown or in any area under the jurisdiction of said city, any sanitary wastewater or other polluted waters, except where suitable treatment or management has been provided in accordance with subsequent provisions of this article. No provision of this article shall be construed to relieve the owner of a discharge to any natural outlet of the responsibility for complying with applicable state and federal regulations governing such discharge.
(Ord. No. 11-009, art. II(B), 11-14-11)

Sec. 19-44. Compliance with local, state and federal laws.

(a) Categorical Industrial users must comply with categorical pretreatment standards in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

(b) The discharge of any wastewater into the public sewer system by any person is unlawful except in compliance with the provisions of this article, and any more stringent state or federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977, and subsequent amendments, and 40 CFR 403.
(Ord. No. 11-009, art. II(C), 11-14-11)

Sec. 19-45. Discharge of unpolluted waters into sewer.

(a) No person(s) shall discharge or cause to be discharged through any leak, defect, or connection any unpolluted waters such as storm water, groundwater, roof runoff or subsurface drainage to any sanitary sewer, building sewer, building drain or building plumbing. The manager or representative shall have the right, at any time, to inspect the inside or outside of buildings or smoke test for connections, leaks, or defects to building sewers and require disconnection or repair of any pipes carrying such water to the building sewer. No sanitary drain sump or sump pump discharge by manual switch-over of discharge connection shall have a dual use for removal of such water.

(b) The owners of any building sewers having such connections, leaks, or defects shall bear all costs incidental to removal of such sources.
(Ord. No. 11-009, art. II(D), 11-14-11)

Sec. 19-46. Prohibited discharges.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state, or local pretreatment standards or requirements. A user shall not contribute the following substances to the POTW:

(1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall the wastewater exhibit a closed cup flash-point of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using the test methods specified in 40 CFR 261.21.

(2) Any waters or wastes having a pH lower than six (6.0) or higher than ten (10.0) or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.

(3) Any slug load of pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or concentration that will cause interference with the normal operation of the POTW.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities (i.e., wood, glass, ashes, sand, cinders, unshredded garbage, etc.).

(5) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW that will result in a treatment plant influent temperature which exceeds forty (40) degrees Celsius (one hundred four (104) degrees Fahrenheit).

(6) Any pollutant(s) which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(7) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Act, or state criteria applicable to the sludge management method being used.

(8) Any substance which will cause the POTW to violate its NPDES/KPDES permit and/or sludge disposal system permit.

(9) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through at the POTW.

(10) Any trucked or hauled pollutant except at discharge points designated by the POTW. (Ord. No. 11-009, art. II(E), 11-14-11)

Secs. 19-47—19-49. Reserved.

DIVISION 1B. PRIVATE WASTEWATER DISPOSAL

Sec. 19-50. Public sewer not available.

(a) Where a public sanitary sewer is not available under the provisions of "Use of Public Sewer" (division 1A of this article), the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of Scott County Health Department and all applicable local and state regulations.

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

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

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

(e) No septic tank or cesspool shall be permitted to discharge to any natural outlet.
(Ord. No. 11-009, art. III(A), 11-14-11)

Sec. 19-51. Requirements for installation.

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

(b) A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities.
(Ord. No. 11-009, art. III(B), 11-14-11)

Secs. 19-52—19-54. Reserved.

DIVISION 2. BUILDING SEWERS AND CONNECTIONS

Sec. 19-55. Permits.

(a) There shall be two (2) classes of building sewer permits required; (a) for residential and (b) for service to commercial and industrial establishments. In either case, the owner(s) or his agent shall make application on a special form furnished by the city. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the manager. Details regarding commercial and industrial permits include, but are not limited to those required by this article. Permit and inspection fees shall be paid to the city at the time the application is filed.

(b) Users shall promptly notify the city in advance of any introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW. The manager may deny or condition the new introduction or change in discharge based on the information submitted in the notification or additional information as may be requested.

(c) No person(s) shall uncover, plug or make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining permission from the manager.
(Ord. No. 11-009, art. IV(A), 11-14-11)

Sec. 19-56. Prohibited connections.

No person shall make connection of roof downspouts, basement wall seepage or floor seepage, exterior foundation drains, areaway drains, or other surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which already exist on the effective date of the ordinance from which this article is derived shall be completely and permanently disconnected within sixty (60) days of the effective date of the ordinance from which this article is derived. The

owner(s) of any building sewers having such connections, leaks or defects shall bear all costs incidental to removal of such sources. Pipes, sumps, and pumps for such sources of ground and surface water shall be separate from wastewater facilities. Removal of such sources of water without presence of separate facilities shall be evidence of drainage to public sanitary sewer. (Ord. No. 11-009, art. IV(B), 11-14-11)

Sec. 19-57. Design and installations.

(a) A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. The sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

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

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

(d) The building sewer shall be case iron soil pipe, ASTM A-74, latest revision, PVC (polyvinyl-chloride) sewer pipe, ASTM D-3034, latest revision, or ductile iron pipe, AWWA specification C-151 cement lined, and shall meet requirements of state plumbing code. Joints shall be as set out hereinafter. Any part of the building sewer that is located within five (5) feet of a water service pipe shall be constructed with cast iron soil pipe or ductile iron pipe, unless the building sewer is at least one (1) foot deeper in the ground than the water service line. Cast iron soil pipe or ductile iron pipe may be required by the city where the building sewer is exposed to damage or stoppage by tree roots. Cast iron soil pipe or ductile iron pipe shall be used in filled or unstable ground; in areas where by cover over the building sewer is less than three (3) feet, or in areas where the sewer is subject to vehicular or other external loads.

(e) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, place of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the local and state building and plumbing codes and other applicable rules and regulations of the city.

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

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

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

(i) The building sewer shall be connected into the public sewer at the easement or property line. Where no property located service branch is available, an authorized agent of the city shall cut a neat hole into the main line of the public sewer and a suitable wye or tee saddle installed to receive the building sewer. The invert of the building sewer at such point of connection with a saddle shall be in the upper quadrant to the main line of the public sewer. A neat workmanlike connection, not extending past the inner surface of the public sewer, shall be made and the saddle made secure and watertight by encasement in epoxy cement specially prepared for this purpose. A wye and H bend fitting shall be installed at the property line between the public sewer and the building sewer. This fitting shall serve the purpose of a clean out and for applying the smoke test during inspection of the line. After testing, a cast iron or ductile iron riser will be inserted in this fitting and brought flush with the ground surface. A stopper or plug, outfitted with a type joint applicable to the pipe used, shall seal this riser against the intrusion of ground or surface water.

(j) All building sanitary sewer lines will be installed so as to meet or exceed the most current revisions of the State Plumbing Code.
(Ord. No. 11-009, art. IV(C), 11-14-11)

Sec. 19-58. Inspection.

(a) The applicant for the building sewer permit shall notify the manager when the building sewer is ready for connection to the public sewer. The connection shall be made under the supervision of the manager or representative. The connections shall be made gaslight and watertight and verified by proper testing.

(b) All building sewers shall be smoke tested through the wye branch at the public sewer connection, with public sewer tightly plugged off, after connections at both ends are made and after all pipe is properly bedded and backfilled at least to top of pipe and if backfill is completed, within two weeks after completion of backfill. At time of test, any openings into the building drain inside the building shall be water trapped or plugged. Any leakage of smoke from building sewer or building drain and plumbing shall be located at test and repaired to stand repetition of smoke test without leakage. When smoke testing is completed, the temporary flow line plug shall be removed and a permanent watertight plug shall be placed in branch of test wye-branch and carefully backfilled by hand and tamped to at least six (6) inches above the top of the branch.
(Ord. No. 11-009, art. IV(D), 11-14-11)

Secs. 19-59—19-61. Reserved.

DIVISION 2A. POLLUTANT DISCHARGE LIMITS

Sec. 19-62. General conditions.

(a) The following described substances, materials, waters or wastes shall be limited in discharges to municipal systems to concentration or quantities which: will not harm either the sewers, wastewater treatment process or equipment, will maintain and protect water quality in the receiving stream, and will not otherwise endanger lives, limb, public property, or constitute a nuisance. The manager may set additional limitations or limitations more stringent than those established in the provisions below if in his opinion more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability of a discharge, the manager shall give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors.

(b) No user shall introduce a pollutant or wastewater that causes a pass through or interference of the wastewater treatment plant.
(Ord. No. 11-009, art. V(A), 11-14-11)

Sec. 19-63. Restricted discharges.

(a) Wastewater containing more than fifty (50) milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.

(b) Wastewater containing floatable oils, fat, or grease, whether emulsified or not, in excess of one hundred (100) milligrams per liter (one hundred (100) mg/l) or containing substances which may solidify or become viscous at temperatures thirty-two to one hundred fifty (32—150) degrees (zero to sixty-five (0—65) degrees Celsius).

(c) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. Paper products are prohibited from being discharged into the sewer system.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants which: Injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, causes the city to violate the terms of its KPDES permit, prevents the use of acceptable sludge disposal methods, or exceed a limitation set forth in a categorical pretreatment standard.

(e) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations.

(f) Any water or wastes which by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(g) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed to the extent required by the city's NPDES/KPDES permit.

(h) Any waste(s) or wastewater(s) classified as a hazardous waste by the Resource Conservation and Recovery Act (RCRA) without a sixty (60) day prior notification of such discharge to the superintendent. This notification must include the name of the hazardous waste, the EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence(s). The superintendent may prohibit or condition the discharge(s) at any time.

(i) Any water or wastes which have characteristics based on a twenty-four (24) hour composite sample, grab or a shorter period composite sample, if more representative, that exceed the following normal maximum domestic wastewater parameter concentration:

Parameter	*Maximum Allowable Concentration Without Surcharges*
BOD	225 mg/l
COD	400 mg/l
TSS	225 mg/l
NH3-N	30 mg/l
Oil and Grease (total)	100 mg/l
Phosphorous (total)	10 mg/l
Total Nitrogen	45 mg/l

Any person discharging wastewater exceeding the maximum allowable concentration as noted above, will be subject to a surcharge fee for each pound loading over and above the set limit. Surcharge fees that are less than twenty dollars ($20.00) will be assessed at the discretion of the GMWSS general manager. Any other amenable constituents requiring the addition of specific chemicals for proper treatment will also be subject to surcharge as noted on the wastewater discharge permit. Exceedance of the effluent limits specified above shall not be deemed to constitute a violation of a permit condition or this article if the appropriated surcharge fee is paid and the discharge does not cause interference or pass through of the POTW.

(j) The Georgetown Municipal Water and Sewer Service (GMWSS) is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).The limitations in Table I (WWTP #1) and Table II (WWTP #2) are established for characteristics of any wastewaters to be discharged into the municipal sewer system subject to any compliance schedule as established in the industrial user permit. All significant industrial users must comply with the applicable limitations where they are more stringent than applicable state and/or federal regulations. These local limits are established to protect against pass through and

interference. Additional and/or more stringent limits may be necessary if any pass through and/or interference are detected. Best management practices may be developed, or required by industry, to implement the prohibitions listed in 40 CFR 403.5(A) (1) or within this article. Such BMP's shall be considered local limits and pretreatment standards as determined by the manager.

TABLE—I WWTP #1
CONCENTRATIONS LIMITS
mg/l

POLLUTANT	*DAILY MAXIMUM LIMIT*	*MONTHLY AVG.*
Arsenic	1	.70
Cadmium	0.30	0.04
Chromium, Total	2.77	1.71
Chromium VI	0.63	0.43
Copper	3.38	2.07
Lead	0.69	0.32
Mercury	0.12	0.0005
Nickel	3.98	2.38
Selenium	1.83	0.39
Silver	0.78	
Zinc	2.61	1.48
Cyanide, Amenable	0.86	0.32
pH	6-10.0	

Note: Limits on TSS BOD5, COD, NH3-N, Total Oil and Grease. Total Phosphorus and Total Nitrogen for WWTP #1 are addressed under Article V, Part B. 9.

TABLE II WWTP #2
CONCENTRATION LIMITS
mg/l

POLLUTANT	*DAILY MAXIMUM LIMIT*	*MONTHLY AVG.*
Arsenic	0.94	0.22
Cadmium	0.02	0.0046
Chromium, Total	2.77	1.71
Chromium VI	0.11	0.07
Copper	0.25	0.15
Lead	0.34	0.04
Mercury	0.06	0.002
Nickel	0.98	0.46
Selenium	0.11	0.02

POLLUTANT	*DAILY MAXIMUM LIMIT*	*MONTHLY AVG.*
Silver	0.05	N/A
Zinc	0.75	0.57
Cyanide, Amenable	0.73	0.17
pH	6-10.0	
Oil and Grease, Hydrocarbon	50	

Note: Limits on TSS BOD5, COD, NH3-N, Total Oil and Grease, Total Phosphorus and Total Nitrogen for WWTP #2 are addressed under Article V, Part B. 9.

(k) The city has received authority through the US EPA and state statues to enforce the requirements of 40 CFR Subchapter N, 40 CFR 403, and 40 CFR Part 35. All users shall comply with the requirements of those regulations.
(Ord. No. 11-009, art. V(B), 11-14-11; Ord. No. 15-016, art. V(B), 12-14-15)

Sec. 19-64. Dilution of wastewater discharge.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any pollutant specific limitation developed by the city or state.
(Ord. No. 11-009, art. V(C), 11-14-11)

Sec. 19-65. Grease, oil and sand interceptors.

(a) This article provides for the regulation of all commercial and industrial users of the municipal wastewater system for the discharge of fats, oils and greases through the fats, oils and greases (FOG) control program. The GMWSS shall administer, implement and enforce this program. This program shall be administered to oversee the design, installation, cleaning, maintenance and proper operation of FOG removal and control equipment in order to eliminate the obstruction of sewer lines caused by FOG.

(b) Grease, oil, and sand interceptors shall be installed when, in the opinion of the GMWSS general manager or his designee, they are deemed necessary for the proper handling of liquid wastes containing any type of floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptor shall not be required for private living quarters or dwelling units. All interceptors shall be of type and capacity approved by the GMWSS general manager or his designee and shall be located as to be readily and easily accessible for cleaning and inspection.

(c) In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal for not less than three (3) years. The GMWSS may require submittal of reports of such information for their review. Any removal

and hauling of the collected materials not performed by the owner's employees must be performed by a currently licensed waste disposal firm. Interceptors shall also comply with applicable regulations of the Scott County Health Department and state regulations.

(d) The design and capacity sizing of the interceptor shall be the responsibility of the owner(s). However, the GMWSS general manager or his designee must approve the final design and location of the unit. The City's collection system must be provided adequate protection from prohibited substances and materials traveling through the sewer lines.

(e) Users shall periodically examine the interceptor and update the interceptor if there is evidence of the unit being too small, worn, broken or otherwise not functioning properly. The GMWSS general manager or his designee may also inspect the interceptor, in-line grease removal equipment and any other grease control equipment that the user may use.

(f) The GMWSS general manager or his designee may require the interceptor to be cleaned on a more frequent basis if there is evidence of problems occurring, such as grease build-up in the sewer lines. The GMWSS may require the submittal of cleaning reports for review on a regular basis.

(g) The GMWSS reserves the right to recover any costs associated with cleaning of the collection system lines from the owner(s) of the interceptor due to failure of the unit for any reason, including failure to clean and maintain the unit. The GMWSS may also assess charges and fees as necessary to recover the cost of implementation and administration of the FOG program.
(Ord. No. 11-009, art. V(D), 11-14-11; Ord. No. 15-016, art. V(D), 12-14-15)

Sec. 19-66. Special industrial pretreatment requirements.

(a) Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972 and later amendments, all pretreatment standards promulgated by the EPA for new and existing industrial discharges to public sewer systems are hereby made a part of this article. Any industrial waste discharge which violates these EPA pretreatment standards shall be in violation of this article.

(b) Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, the industry shall be solely responsible for the continued maintenance in satisfactory and effective operation of such facilities and at their expense. The city may agree to assume these responsibilities if proper and appropriate arrangement for reimbursement of costs are made.

(c) Any person who transports septic tank, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge such waste to the public sewer system shall first have a valid discharge permit. All applicants for a discharge permit shall complete the application form, pay the appropriate fee, and receive a copy of the city's regulations governing discharge to sewers of liquid wastes from trucks. All persons receiving

such permits shall agree, in writing, to abide by all applicable provisions of this article, and any other special provisions that may be established by the city as necessary for the proper operation and maintenance of the sewerage system.

In addition, any person holding a valid permit and wishing to discharge to the wastewater treatment plant must submit to the superintendent a sample of each load prior to discharge. A fee and payment schedule shall be established in the permit to cover cost of the required analysis.

It shall be illegal to discharge any batch liquid waste into any manhole or other part of the public sewer system, or any building sewer or other facility that discharges to the public sewer system, except at designated points of discharge specified by the city for such purpose.

Any liquid waste hauler illegally discharging to the public sewer system or discharging wastewater not authorized in the permit shall be subject to immediate revocation of discharge privileges and further subject to the penalties and enforcement actions prescribed in division 4 of this article including fines and imprisonment.

Waste haulers who have been granted permission to discharge to the public sewer system shall pay fees for such discharge in accordance with a fee schedule established by the manager and approved by the GMWSS board of commissioners.

Nothing in this article shall relieve waste haulers of the responsibility for compliance with county health department, state or federal regulations.
(Ord. No. 11-009, art. V(E), 11-14-11)

Sec. 19-67. Protection from accidental and slug discharges.

(a) Each significant industrial user shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by this article which adversely affects the POTW. Facilities to prevent accidental and/or slug discharges of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Once every two (2) years, the manager will determine whether each industrial user needs to develop or update a plan to control slug discharges. If the manager determines that a slug control plan or revision is necessary, the plan shall contain the following:

(1) Description of discharge practices.

(2) Description of stored chemicals.

(3) Procedures for notifying the POTW.

(4) Prevention procedures for spills.

In the case of all possible or actual accidental and/or slug discharges, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(b) *Written notice.* Within five (5) days following and accidental discharge, the user shall submit to the manager a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as

a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this division, the enforcement response plan or other applicable law.

(c) *Notice to employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(d) *Change in discharge.* Any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants must be reported to the control authority for review prior to such discharges taking place. If such changes violate the discharge limitation specified in this article, a modified permit may be issued to specify and limit any pollutant not previously limited.
(Ord. No. 11-009, art. V(F), 11-14-11)

Sec. 19-68. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.
(Ord. No. 11-009, art. V(G), 11-14-11)

Sec. 19-69. City's right of revision.

The city reserves the right to establish more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this article.
(Ord. No. 11-009, art. V(H), 11-14-11)

Sec. 19-70. Federal categorical pretreatment standards.

Upon the promulgation of federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article.
(Ord. No. 11-009, art. V(I), 11-14-11)

Sec. 19-71. Best management practices development.

GMWSS may develop BMP's by ordinance or discharge permits to implement local limits and prohibited discharge standards.
(Ord. No. 11-009, art. V(J), 11-14-11)

Secs. 19-72, 19-73. Reserved.

DIVISION 2B. PRETREATMENT PROGRAM ADMINISTRATION

Sec. 19-74. Wastewater discharges.

It shall be unlawful to discharge to the POTW any wastewater except as authorized by the city in accordance with the provisions of this article. It is the duty of all permitted dischargers to halt and/or reduce any prohibited discharge or discharges that may cause interference or pass through.

Any agency, nondomestic user, and/or industry outside the jurisdiction of the city that desires to contribute wastewater to the POTW must execute (through an authorized representative) an interjurisdictional agreement, whereby the agency and/or industry agrees to be regulated by all provisions of this article and state and federal regulations. An industrial user permit may then be issued by the duly authorized representative of GMWSS (manager) in accordance with section 19-75 of this division.

The duly authorized representative for GMWSS by definition of this article is the manager. He may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters of GMWSS, and the written authorization is submitted to the GMWSS board of commissioners.
(Ord. No. 11-009, art. VI(A), 11-14-11)

Sec. 19-75. Industrial user discharge permits.

(a) *General.* All significant industrial users proposing to connect to or to contribute to the POTW shall obtain an industrial user permit before connecting to or contributing to the POTW.

(b) *Permit application.* Users required to obtain an industrial user permit shall complete and file with the city, an application in the form prescribed by the city, and accompanied by a permit fee. New users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. Existing permit holder shall apply no later than sixty (60) days prior to expiration of permit. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

(1) Name, address, and location if different from the address;

(2) SIC number(s) according to the Standard Industrial Classification Manual, United States Bureau of the Budget, 1972, as amended;

(3) Wastewater constituents and characteristics as determined by an analytical laboratory acceptable to the city; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;

(4) Time and duration of contribution;

(5) Average daily and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

(6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

(7) Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged;

(8) Where known, the nature and concentration of any pollutants in the discharge which are limited by the city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable pretreatment standards.

(9) If additional pretreatment will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standards;

The following conditions shall apply to this schedule:

a. The schedule must be acceptable to the city.

b. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards.

c. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, as a minimum, whether or not is complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress and the reason for delay, and the steps being taken by the user to return the construction to the schedule established.

(10) Each product produced by type, amount, process or processes, and the rate of production;

(11) Type and amount of raw materials processed (average and maximum per day);

(12) Number of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(13) Any other information as may be deemed by the city to be necessary to evaluate the permit application;

(14) A copy of the industry's written environmental control program, comparable document, or policy.

(c) Issuance. The city shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the manager or designee may issue an industrial wastewater discharge permit subject to terms and conditions provided herein.
(Ord. No. 11-009, art. VI(B), 11-14-11)

Sec. 19-76. Permit modification.

(a) The manager may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(2) To address significant alterations or additions to the user's operation processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

(3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters.

(5) Violation of any terms or conditions of the individual wastewater discharge permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting

(7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

(8) To correct typographical or other errors in the individual wastewater discharge permit; or

(9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with section 19-81.

(b) The manager may modify a pretreatment permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(2) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(3) To correct typographical or other errors in the individual wastewater discharge permit; or

(4) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with section 19-81.
(Ord. No. 11-009, art. VI(C), 11-14-11)

Sec. 19-77. Permit revocation/termination.

The manager may revoke an individual wastewater discharge permit or coverage under a pretreatment permit for good cause, including, but not limited to, the following reasons:

(1) Failure to notify the manager of significant changes to the wastewater prior to the changed discharge;

(2) Failure to provide prior notification to the manager of changed conditions;

(3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(4) Falsifying self-monitoring reports and certification statements;

(5) Tampering with monitoring equipment;

(6) Refusing to allow the manager timely access to the facility premises and records;

(7) Failure to meet effluent limitations;

(8) Failure to pay fines;

(9) Failure to pay sewer charges;

(10) Failure to meet compliance schedules;

(11) Failure to complete a wastewater survey or the wastewater discharge permit application;

(12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

(13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.

Individual wastewater discharge permits or coverage under pretreatment permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits or pretreatment permits issued to a user are void upon the issuance of a new individual wastewater discharge permit or pretreatment permits to that user.
(Ord. No. 11-009, art. VI(D), 11-14-11)

Sec. 19-78. Permit conditions.

Industrial wastewater discharge permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges and fees established by the city. Permits may contain the following.

(1) The unit surcharges or schedule of other charges and fees for the wastewater to be discharged to a community sewer;

(2) Limits on the average and/or maximum wastewater constituents and characteristics;

(3) Limits on average and/or maximum rate and time of discharge or requirements for flow regulations and equalization;

(4) Requirements for installation and maintenance of inspection and sampling facilities;

(5) Specifications for monitoring programs which may include sampling location; frequency of sampling; number, type and standards for tests; and reporting schedule;

(6) Compliance schedules;

(7) Requirements for submission of technical reports or discharge reports;

(8) Requirements for maintaining and retaining, for a minimum of three (3) years, all plant records relating to pretreatment and/or wastewater discharge as specified by the city, and affording city access thereto as required by 40 CFR 403.12(o)(2);

(9) Requirements for notification of the city or any new introduction of wastewater constituents or any substantial change in the volume of character of the wastewater constituents being introduced into the wastewater treatment system;

(10) Requirements for notification of and failure to comply to include slug discharges;

(11) The permit may require the user to reimburse the city for all expenses related to monitoring, sampling and testing performed at the direction of the manager and deemed necessary by the city to verify that the user is in compliance with said permit;

(12) Other conditions as deemed appropriate by the city to ensure compliance with this article.

(Ord. No. 11-009, art. VI(E), 11-14-11)

Sec. 19-79. Alternative discharge limits.

Where an effluent from a categorical industrial process(es) is mixed prior to treatment with wastewater other than that generated by the regulated process, fixed alternative discharge limits may be derived for the discharge permit by the manager. These alternative limits shall be applied to the mixed effluent and shall be calculated using the combined wastestream formula and/or flow-weighted average formula as defined in division 1 of this article.

Where the effluent limits in a categorical pretreatment standard are expressed only in terms of mass of pollutants per unit of production (production-based standard), the manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or of effluent concentration for purposes of calculating effluent permit limitations applicable to the permittee. The permittee shall be subject to all permit limits calculated in this manner under 40 CFR 403.6(c) and must fully comply with these alternative limits.

All categorical users subject to production-based standards must report production rates annually so that alternative permit limits can be calculated if necessary. The categorical user must notify the manager thirty (30) days in advance of any major change in production levels that will affect the limits for the discharge permit.

(Ord. No. 11-009, art. VI(F), 11-14-11)

Sec. 19-80. Permit duration.

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of sixty (60) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in division 2A of this article are modified or other just cause exists. The user shall be informed of any proposed changes in their permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time for compliance.
(Ord. No. 11-009, art. VI(G), 11-14-11)

Sec. 19-81. Permit transfer.

Industrial user permits are issued to a specific user for a specific operation. An industrial user permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without a thirty (30) day prior written notification to the manager and provision of a copy of the existing permit to the new owner. The manager may deny the transfer of the permit if it is deemed necessary.
(Ord. No. 11-009, art. VI(H), 11-14-11)

Sec. 19-82. Best management practices.

Industrial users may be required to implement BMP's based on applicable pretreatment standards, local limits, state or local law, to include schedules, maintenance procedures, and treatment requirements.
(Ord. No. 11-009, art. VI(I), 11-14-11)

Sec. 19-83. Compliance data reporting.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new user, following commencement of the introduction of wastewater into the POTW, any user subject to federal categorical pretreatment standards and requirements or significant non-categorical users shall submit, to the manager, a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by categorical pretreatment standards and requirements and/or local limits and the average and maximum daily flow for these process units in the user's facility which are limited by such categorical standards and requirements and/or local limits. The report shall state whether the applicable categorical pretreatment standards and requirements and/or local limits are being met on a consistent basis and, if not, a compliance plan to bring the user into compliance with the applicable categorical pretreatment standards or requirements and /or local limits. This statement shall be signed by an authorized representative of the user.
(Ord. No. 11-009, art. VI(J), 11-14-11)

Sec. 19-84. Periodic compliance reports.

(a) All significant industrial users shall submit, to the manager, every six (6) months (on dates specified in the industrial user permit) unless required more frequently by the permit, a report indicating, at a minimum, the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the control authority or the pretreatment standard necessary to determine compliance status of the user. At the discretion of the Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the manager may agree to alter the months during which the above reports are to be submitted.

(b) All analyses shall be performed by a laboratory acceptable to the city. Analytical procedures shall be in accordance with procedures established by the US EPA administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto and 40 CFR 261 or with any other test procedures approved by the US EPA administrator. Sampling shall be performed in accordance with the techniques approved by the US EPA administrator.

(c) Where 40 CFR, part 136 does not include a sampling or analytical technique for the pollutant(s) in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the US EPA administrator.

(d) A baseline monitoring report (BMR) must be submitted to the manager by all categorical industrial users at least ninety (90) days prior to initiation of discharge to the sanitary sewer. The BMR must contain, at a minimum, the following:

(1) Production data: a process description, SIC code number, raw materials used, chemicals used, final product, pretreatment industrial category (if applicable), and a schematic which indicates points of discharge to the sewer system.

(2) Identifying information to include name, address of facility, owner(s), contact person and any other permits held by the facility.

(3) Wastewater characteristics: total plant flow, types of discharges, average and maximum flows from each process.

(4) Nature/concentration of pollutants: analytical results for all pollutants regulated by this article and/or any applicable federal pretreatment standard and sample type and location. All analyses must conform with 40 CFR, Part 136 and amendments thereto.

(5) Information concerning any pretreatment equipment used to treat the facility's discharge.

(6) Compliance schedule.

(e) New sources shall give estimates of the information requested in subsections (c) and (d) above, but at no time shall a new source commence discharge(s) to the public sewer of substances that do not meet provisions of this article. All new sources must be in compliance with all provisions of this article, state and federal pretreatment regulations prior to commencement of discharge to the public sewer.
(Ord. No. 11-009, art. VI(K), 11-14-11)

Sec. 19-85. Permit violations.

(a) All significant industrial users must notify the manager within twenty-four (24) hours of first becoming aware of a permit violation. This notification shall include the date of violation, the parameter violated and the amount in exceedance.

(b) The user shall immediately repeat the sampling and analysis of the parameter(s) in question and submit the results to the manager within thirty (30) days after becoming aware of the violation. Exception to this regulation is only if the city performs the sampling within the same time period for the same parameter(s) in question. If the control authority performs sampling in lieu of the user, the control authority will be responsible for re-sampling unless the control authority notifies the user to perform the repeat sampling.

(c) Compliance with the terms of an industrial user permit shall be deemed in compliance with the terms of this article.
(Ord. No. 11-009, art. VI(L), 11-14-11)

Sec. 19-86. Monitoring.

(a) The city shall require significant users to provide and operate, at the user's own expense, monitoring facilities and equipment necessary to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage system. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in a public right-of-way. The manager shall review and approve the location, plans, and specifications for such monitoring facilities and may require them to be constructed to provide for the separate monitoring and sampling of industrial waste and sanitary sewage flows.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility shall be designed and maintained in a manner such that the safety of city and industrial personnel shall be foremost. The facility, sampling, and measuring equipment shall be maintained at all times in a proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following approval of the location, plans and specifications.

All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(b) All sampling analyses done in accordance with approved federal EPA procedures by the industrial user during a reporting period shall be submitted to the manager regardless of whether or not that analysis was required by the industrial user's discharge permit.

(c) The industrial user must receive the approval of the manager before changing the sampling point and/or monitoring facilities to be used in all required sampling.
(Ord. No. 11-009, art. VI(M), 11-14-11)

Sec. 19-87. Inspection and sampling.

The city shall inspect the facilities of any user to ascertain whether the purpose of this article is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city of their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, copying records, records examination or in the performance of any of their duties.

The city, approval authority, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry onto their premises, the user shall make the necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
(Ord. No. 11-009, art. VI(N), 11-14-11)

Sec. 19-88. Test procedures.

(a) *Analytical requirements.* All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the manager or other parties approved by the EPA

(b) Sample collection procedures. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling an analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(1) Except as indicated in subsections (2) and (3) below, the user must collect wastewater samples using twenty-four (24) hour flow-proportional composite sampling techniques,

unless time-proportional composite sampling or grab sampling is authorized by the manager. Where time-proportional composite sampling or grab sampling is authorized by GMWSS, the samples must be representative to the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by GMWSS, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(3) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in Article VI K 4, 40 CFR 403.12(b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the manager may authorize a lower minimum. For the required by paragraphs Article VI K, 40 CFR 403.12(e) and Article VI K 1, 403.12(h), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.

(c) *Recordkeeping.* Users subject to reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under division 2B of this article. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed, who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or GMWSS, or where the user has been specifically notified of a longer retention period by the manager.

(Ord. No. 11-009, art. VI(P), 11-14-11)

Sec, 19-89. Pretreatment.

All significant industrial users shall provide necessary wastewater treatment as required to comply with this article and achieve compliance with any applicable federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. The city may require the development of a compliance schedule for installation of

pretreatment technology and/or equipment by any industrial user that cannot meet discharge limits required by this article. Any facilities required to pretreat wastewater to a level required by this article shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent that complies with the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.
(Ord. No. 11-009, art. VI(P), 11-14-11)

Sec. 19-90. Annual publication.

The city shall annually publish in its largest daily newspaper a list of significant users which were in significant noncompliance with any pretreatment requirements or standards. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.
(Ord. No. 11-009, art. VI(Q), 11-14-11)

Sec. 19-91. Significant non-compliance.

A user is defined as being in significant non-compliance when it commits one (1) or more of the following conditions:

(1) Causes imminent endangerment to human health or the environment or results in the exercise of emergency authority;

(2) Involves failure to report non-compliance accurately;

(3) Results in a chronic violation defined herein as sixty-six (66) percent or more of all measurements taken during a six (6) month period that exceed (by any magnitude) the daily maximum limit or the monthly average limit for the same pollutant parameter;

(4) Results in a technical review criteria (TRC) violation defined here as thirty-three (33) percent or more of all measurements for each pollutant parameter taken during a six (6) month period that equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, and oil and grease and 1.2 for all other pollutants except pH);

(5) Any violation of a pretreatment effluent limit that the control authority determines has caused, along or in combination with other discharges, interference or pass through or has endangered the health of the POTW personnel or the public;

(6) Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the POTW's use of its emergency authority to halt or prevent such a discharge;

(7) Violations of compliance schedule milestones, failure to comply with schedule milestones for starting or completing construction or attaining final compliance by ninety (90) days or more after schedule date;

(8) Failure to provide required reports within thirty (30) days of the due date;

(9) Any violation or group of violations which may include a violation of best management practices, which the control authority determines will adversely affect the operation or implementation of the local pretreatment program;

(10) Violations may be subject to applicable civil and criminal penalties, liabilities and criminal prosecution.

(Ord. No. 11-009, art. VI(R), 11-14-11)

Sec. 19-92. Confidential information.

Information and data on a user obtained from report, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests in writing and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to all governmental agencies for uses related to this article, the NPDES/KPDES permit, sludge disposal system permit and/or the pretreatment programs upon request. Such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information and shall be available to the public without restriction.

(Ord. No. 11-009, art. VI(S), 11-14-11)

Sec. 19-93. Signatory requirements.

All applications, reports or information submitted to the city shall be signed and certified.

(1) All permit applications shall be signed:

a. For a corporation: by a principal executive officer of at least the level of vice-president;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

(2) All other correspondence, reports and self-monitoring reports shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described above;

b. The authorization specifies either an individual or a position having facility or activity, such as the position of plant manager, superintendent or position of equivalent responsibility.

(3) Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I am familiar with the information contained in this report and its attachments and that to the best of my knowledge and belief such information is true, complete and accurate."

(Ord. No. 11-009, art. VI(T), 11-14-11)

Sec. 19-93.5. Required reports.

The following reports/reporting requirements shall be provided:

(1) Develop compliance schedule for installation of technology.

(2) Reporting requirements:

a. Baseline monitoring report;

b. Compliance schedule progress report;

c. Report on compliance with categorical pretreatment standard deadline;;

d. Periodic reports on continued compliance;

e. Notice of potential problems to be reported immediately;

f. Notification of changes affecting potential for a slug discharge;

g. Notice of violation/sampling requirement;

h. Requirement to conduct representative sampling;

i. Notification of changed discharge;

j. Notification of discharge of hazardous waste;

k. Data accuracy certification and authorized signatory;

l. Record keeping requirement (three plus (3+) years):

1. Including documentation associated with BMP's;

m. Submission of all monitoring data.

(Ord. No. 11-009, art. VI(U), 11-14-11)

DIVISION 3. FEES

Sec. 19-94. Purpose.

This division provides for the recovery of costs from users of the POTW for the implementation of the programs established herein. The applicable charges or fees shall be set forth in the city's schedule of charges and fees.

(Ord. No. 11-009, art. VII(A), 11-14-11)

Sec. 19-95. Charges and fees.

The city may adopt charges and fees which may include:

(1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;

(2) Fees for monitoring, inspections, and surveillance procedures;

(3) Fees for reviewing accidental discharge procedures and construction;

(4) Fees for permit applications;

(5) Fees for filing appeals;

(6) Fees/surcharges for consistent removal by the POTW of excessive strength conventional pollutants;

(7) Other fees as the city may deem necessary to carry out the requirements contained herein.

(8) Fees for the acceptance and treatment of trucked in waste, including but not limited to:

a. Grease trap waste;

b. Septic tank waste;

c. Waste from portable toilets.

These fees will be periodically reviewed by the GMWSS board of commissioners and will reflect the actual cost of the handling and treatment of such waste.

These fees relate solely to the matters covered by this article and are separate from all other fees chargeable by the city.
(Ord. No. 11-009, art. VII(B), 11-14-11)

Secs. 19-96—19-98. Reserved.

DIVISION 3A. POWER AND AUTHORITY OF INSPECTION

Sec. 19-99. Right to enter premises.

The manager and other duly promulgated employees and representatives of the city and authorized representatives of applicable federal and state regulatory agencies bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharges to the public sewer system in accordance with the provisions of this article.
(Ord. No. 11-009, art. VIII(A), 11-14-11)

Sec. 19-100. Right to obtain information regarding discharge.

The manager and other duly authorized employees of the city and authorized representatives of applicable federal and state regulatory agencies bearing proper credentials and identification are authorized to obtain information including but not limited to copying of records concerning character, strength and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the wastewater collection system.
(Ord. No. 11-009, art. VIII(B), 11-14-11)

Sec. 19-101. Access to easements.

Duly authorized employees and representatives of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, construction, inspection, observation, measurement, sampling, repair and maintenance of any portions of the wastewater facilities lying within said easement. All entry and subsequent work, if any on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
(Ord. No. 11-009, art. VIII(C), 11-14-11)

Sec. 19-102. Access to data.

The city shall have access to government and public records/data.
(Ord. No. 11-009, art. VIII(D), 11-14-11)

Sec. 19-103. Safety.

While performing the necessary work on private properties referred to in section 19-101 above, all duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company. The company shall be held blameless for injury or death to city employees. The city shall secure the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this article.
(Ord. No. 11-009, art. VIII(E), 11-14-11)

Secs. 19-104, 19-105. Reserved.

DIVISION 3B. ENFORCEMENT

Sec. 19-106. General.

The city, through the manager or designee, to insure compliance with this article, and as permitted through 40 CFR Subchapter N, and 401 KAR 5:055, may take the following enforcement steps against users in noncompliance with the ordinance from which this article

is derived. The remedies available to the POTW include injunctive relief, civil and criminal penalties, immediate discontinuance of discharges and/or water service and the publishing of the list of significant violators annually. The enforcement authority shall be vested in the manager or their designee.

The manager may suspend the wastewater treatment service and/or an industrial user permit when such suspension is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the city to violate any condition of its NPDES/KPDES permit.

Any user notified of a suspension of the wastewater treatment service and/or the industrial user permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the industrial user permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within fifteen (15) days of the date of the occurrence.
(Ord. No. 11-009, art. IX(A), 11-14-11)

Sec. 19-107. Notice of violation.

Any user found to be violating any provisions of this article, wastewater permit, or any order issued hereunder, shall be served by the city with written notice stating the nature of the violation(s). Within ten (10) days of the receipts date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the manager. Submission of this plan in no way relieves the user of potential liability for any violation occurring before or after the receipt of the notice of violation.

If the violations persist or the explanation and/or plan are not adequate, the city's response shall be more formal and commitments (or schedules as appropriate) for compliance will be established in an enforceable document. The enforcement response selected will be related to the seriousness of the violation. Enforcement responses will be escalated if compliance is not achieved expeditiously after the initial action. A significant noncompliance as defined in 19-91, will require a formal enforcement action.

The full scale of enforcement actions will be as detailed in the enforcement response plan.
(Ord. No. 11-009, art. IX(B), 11-14-11)

Sec. 19-108. Administrative orders.

Any user who after receiving a notice of violation shall continue to discharge in violation of this article or other pretreatment standards or requirements or is determined to be a chronic

or persistent violator or who is determined to be a significant violator, shall be ordered to appear before the city. At said appearance, a compliance schedule will be given to the non-conforming user and an administrative fine assessed. The shall be determined on a case-by-case basis which shall consider the type and severity of impact on the POTW, impact on human health, users economic benefit from the violation, history of violations, good faith of the user, and shall be a non-arbitrary but appropriate amount.

The administrative order may take any of the following three forms:

(1) *Consent orders.* The manager or their designee is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effects as orders issued pursuant to subsection (3) of this section.

(2) *Compliance order.* When the manager or their designee finds that an industrial user has violated or continues to violate the ordinance or a permit or order issued thereunder, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

(3) *Cease and desist orders.* When the manager finds that an industrial user has violated or continues to violate this article or any permit or order issued hereunder, the manager may issue an order to cease and desist all such violations and direct those persons in noncompliance to: a) comply forthwith, or b) take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(Ord. No. 11-009, art. IX(C), 11-14-11)

Sec. 19-109. Show cause hearing.

(a) The manager of their designee may issue to any user who causes or contributes to violations of this article, wastewater permit or order issued hereunder, an order to appear and show cause why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of the hearing to be held by the manager regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause, before the manager, why the proposed enforcement action not be taken. The notice of the hearing shall be served personally or by registered or certified mail

(return receipt requested) at least ten (10) days before the hearing. Service may be made on any agency or officer of the industrial user. Whether or not a duly notified industrial user or its representative appears, immediate enforcement action may be pursued.

(b) The city, may, itself, conduct the hearing and take the evidence, or designate a representative to:

(1) Issue, in the name of the city, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;

(2) Take the evidence;

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city for action thereon.

(c) At any hearing held pursuant to this article, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(d) After the city has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices, or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.
(Ord. No. 11-009, art. IX(D), 11-14-11)

Sec. 19-110. Additional enforcement remedies.

(a) *Performance bonds.* The manager may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this article or any order or previous permit issued hereunder unless such user first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the manager to be necessary to achieve consistent compliance.

(b) *Liability insurance.* The manager may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this article or any order or previous permit issued hereunder, unless the industrial user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.
(Ord. No. 11-009, art. IX(E), 11-14-11)

Secs. 19-111—19-113. Reserved.

DIVISION 4. PENALTIES

Sec. 19-114. Written notice.

Any user found to be violating any provision of this article of a wastewater permit or order issued hereunder, shall be served by the manager or their designee with written notice stating the nature of the violation. The offender shall permanently remedy all violations upon receipt of this notice.

As contained in division 4B of this article, the notice may be of several forms. Also as contained in division 4B of this article, penalties of various forms may be levied against users for violations of this article. The penalties, if levied, shall range from publication of violators in the local newspaper to administrative fines of at least one thousand dollars ($1,000.00) per day per violation.
(Ord. No. 11-009, art. X(A), 11-14-11)

Sec. 19-115. Revocation of permit.

Any user violating any of the provisions of this article or a wastewater permit order issued hereunder may be subject to termination of its authority to discharge sewage into the municipal sewer system. Such termination may be immediate if necessary for the protection of the POTW. Said user may also have water service terminated.

Any user who violates the following conditions of this article, or applicable state or federal regulations, is subject to having his permit revoked in accordance with the procedures of this article.

(1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;

(2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

(3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

(4) Violation of conditions of the permit.
(Ord. No. 11-009, art. X(B), 11-14-11)

Sec. 19-116. Liability.

Any user violating any of the provisions of this article, discharge permit or other order issued hereunder shall become liable to the City of Georgetown for any expense, loss or damage occasioned by the city by reason of such violation. This civil liability is as provided by state and federal regulations.
(Ord. No. 11-009, art. X(C), 11-14-11)

Sec. 19-117. Misrepresentation and/or falsifying documents.

Any user who knowingly and/or negligently makes any false statements, representations or certification or any application, record, report, plan or other document filed or required pursuant to this article or industrial user discharge permit or who falsifies, tampers with or knowingly and/or negligently renders inaccurate any monitoring device or method required under this article, shall be punished by a fine of at least one thousand dollars ($1,000.00) or by imprisonment for not more than twelve (12) months or by both.
(Ord. No. 11-009, art. X(D), 11-14-11)

Sec. 19-118. Destruction of POTW and legal action.

No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the POTW. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct. It shall be noted that the Clean Water Act does not require proof of specific intent to obtain conviction.
(Ord. No. 11-009, art. X(E), 11-14-11)

Sec. 19-119. Legal action.

If any person discharges sewage, industrial wastes or other wastes into the city's waste-water disposal system contrary to the provision of this article, federal or state pretreatment requirements or any order of the city may commence an action for appropriate legal and/or equitable relief in the appropriate court of this jurisdiction and to enforce the "enforcement response plan."
(Ord. No. 11-009, art. X(F), 11-14-11)

Sec. 19-120. Injunctive relief.

Whenever a user has violated or continues to violate the provisions of this article or permit or order issued hereunder, the manager, through counsel may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user.
(Ord. No. 11-009, art. X(A), 11-14-11)

Sec. 19-121. Civil penalties.

(a) Any user who has significantly violated or continues to violate this article of any order or permit issued hereunder, may be liable to the manager for a civil penalty of not more than one thousand dollars ($1,000.00) per day plus actual damages incurred by the POTW per violation per day for as long as the violation continues. Each day in which such violation shall continue shall be deemed a separate offense. In addition to the above described penalty and damages, the manager may recover reasonable attorney's fees, court costs, court reporter's fees, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(b) The manager may petition the court to impose, assess and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.
(Ord. No. 11-009, art. X(H), 11-14-11)

Sec. 19-122. Criminal prosecution.

(a) *Violations—General.*

(1) Any user who willfully or negligently violates any provision of this article or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars ($1,000.00) per violation per day or imprisonment for not more than one (1) year or both.

(2) In the event of a second conviction, the user shall be punishable by a fine not to exceed ten thousand dollars ($10,000.00) per violation per day or imprisonment for not more than three (3) years or both.

(Ord. No. 11-009, art. X(I), 11-14-11)

Sec. 19-123. Emergency response.

All discharges shall comply with the effective emergency response plan applicable to their discharge.

(Ord. No. 11-009, art. X(J), 11-14-11)

Secs. 19-124—19-130. Reserved.

DIVISION 5. RATES AND CHARGES*

Sec. 19-131. Declaration of intent.

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the GMWSS to collect charges from all users who contribute wastewater to the GMWSS treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public wastewater treatment works.

(Ord. No. 91-014, § 1, 8-1-91)

Sec. 19-132. Definitions.

Unless the context specifically indicated otherwise, the meaning of terms used in this article shall be as follows:

Biochemical oxygen demand (BOD) concentration shall be as determined by Standard Methods for the Examination of Water and Wastewater, 17th Edition expressed in milligrams per liter (mg/L).

***Editor's note—**Ord. No. 91-014, §§ 1—6, adopted Aug. 1, 1991, amended Div. 5 to read as herein set out. Prior to inclusion of said ordinance, Div. 5 pertained to similar subject matter and derived from 90-005, §§ 1, 2, adopted May 3, 1990.

Chemical oxygen demand (COD) concentration shall be as determined by Standard Methods for the Examination of Water and Wastewater, 17th Edition expressed in milligrams per liter (mg/L).

Normal domestic wastewater shall mean wastewater that has a BOD concentration of not more than two hundred twenty-five (225) mg/L and a total suspended solids concentration of not more than two hundred twenty-five (225) mg/L and Ammonia-N concentration of not more than thirty (30) mg/L and a chemical oxygen demand concentration of not more than four hundred (400) mg/L.

Operation and maintenance shall mean those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined herein.

Replacement shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

Residential user shall mean any contributor to the city's treatment works whose lot, parcel or real estate or building is used for domestic dwelling purposes only.

Commercial user shall mean all retail stores, restaurants, office buildings, laundries and other private business and service establishments. Commercial user shall include social, charitable, religious and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users. Commercial user shall include legislative, judicial, administrative and regulatory activities of federal, state and local governments.

Industrial user shall include any nonresidential user of publicly owned treatment works which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions; Division A-Agriculture Forestry, and Fishing; Division B-Mining; Division D-Manufacturing; Division E-Transportation, Communications, Electric, Gas and Sanitary; and Division I-Services.

Shall is mandatory; *may* is permissive.

Total Suspended Solids (TSS) shall be as determined by Standard Methods for the Examination of Water and Wastewater, 17th Edition expressed in milligrams per liter (mg/L).

Treatment works shall mean any devices and system for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof, elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary

storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

Useful life shall mean the estimated period during which a treatment works will be operated.

User charge shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

Water meter shall mean a water volume measuring and recording device, approved by GMWSS.

Debt service shall mean charges levied on users of the sewage treatment system to support the annual debt service obligations of the system.
(Ord. No. 91-014, § 2, 8-1-91)

Sec. 19-133. Revenue fund; sewer operation and maintenance fund.

The revenues collected, as a result of the user charges levied, shall be deposited a revenue fund. At the end of the fiscal year, funds remaining after payment of sewer operation and maintenance expenses shall be transferred into a separate non-lapsing fund known as the sewer operation and maintenance fund.

Fiscal year-end balances in the sewer operation and maintenance fund shall be used for no other purposes than those designated. Monies which have been transferred from other sources to meet temporary charges in the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within six (6) months of the fiscal year in which the monies were borrowed.
(Ord. No. 91-014, § 3, 8-1-91)

Sec. 19-134. Schedule of sewer rates.

The following schedule of sewer rates shall apply to each and all users of the sewage treatment system.

Sewer Rate Schedule

Rates Effective November 15, 2007

Water Usage per Month	*Monthly Charge*
First 2,000 Gallons	$7.82 (Minimum Monthly Bill)
All Over 2,000 Gallons	$5.58 (per 1,000 Gallons)

For residential, commercial, and industrial users, monthly sewer user charge will be based on actual water usage. If a residential commercial, industrial user has a consumptive use of water, or, in some other manner, uses water which is not discharged into the wastewater collection system, the sewer user charge for that user may be based on readings from a wastewater meter(s) or separate water meter(s) installed and maintained at the user's expense and approved by GMWSS.

Sewer users whose wastewater concentration is greater than two hundred twenty-five (225) mg/L BOD or two hundred twenty-five (225) mg/L TSS or thirty (30) mg/L ammonia-N or four hundred (400) mg/L COD shall pay a waste concentration surcharge in addition to the normal sewer user charge.

The following surcharge rates shall apply to each user of the sewage works that has received permission from the wastewater superintendent to contribute excessive strength sewage.

Surcharge Rates

BOD	$ 0.15 per pound of excess load
TSS	$ 0.15 per pound of excess load
Ammonia-N	$ 0.69 per pound of excess load
COD	$ 0.15 per pound of excess load

The wastewater superintendent shall select either the COD or BOD concentration which shall be used at his option.

No reduction in sewage user charges or sewer surcharges shall be permitted because of the fact that certain wastes discharged to the sewage works contain less than two hundred twenty-five (225) mg/L of BOD, two hundred twenty-five (225) mg/L of TSS, thirty (30) mg/L of Ammonia-N or four hundred (400) mg/L COD.

Sewer connection fees shall be one thousand five hundred dollars ($1,500.00) per residential unit. Commercial and industrial sewer connection fees shall be based on the number of equivalent residential units (ERU's) based upon four thousand five hundred (4,500) gallons per month average usage per residential unit. The sewer connection fee per ERU shall be one thousand five hundred dollars ($1,500.00).
(Ord. No. 91-014, § 4, 8-1-91; Ord. No. 04-014, § 2, 7-1-04; Ord. No. 05-024, § 3, 10-20-05; Ord. No. 07-021, § 2, 10-12-07)

Sec. 19-135. Financial records.

GMWSS shall maintain financial records to accurately account for revenues generated by the treatment system and expenditures for operation and maintenance of the system, including normal replacement costs.

GMWSS shall review not less often than annually the sewage contribution of users, the total cost of operation and maintenance of the sewage works, debt service obligations and sewer service charges. Based on such review, the GMWSS shall revise, when necessary, the schedule of sewer service charges to accomplish the following:

(1) Maintain an equitable distribution of operations and maintenance costs among users of the treatment system; and

(2) Generate sufficient revenues to offset costs associated with the proper operation and maintenance of the sewage system and to meet debt service requirements.

Excessive strength surcharges shall be reviewed at the time of and in conjunction with the review of user charges. Surcharge rates shall be revised where necessary to reflect current treatment and monitoring costs.

Each user shall be notified, at least annually, that portion of the total sewer user charge which is attributable to operation and maintenance of the sewage system. This notification may be in conjunction with a normal sewer bill.
(Ord. No. 91-014, § 5, 8-1-91)

Sec. 19-136. Billing dates; penalty for late payment.

All GMWSS water users shall be billed monthly. GMWSS sewer customers serviced by Kentucky-American Water Company shall be billed quarterly. Payments are due within fourteen (14) days of the billing date. Any payment not received within fifteen (15) days after the billing date shall be delinquent.

When actual meter readings can not be obtained, GMWSS may estimate water consumption for the purpose of determining water and sewer charges.

A late payment penalty of five (5) percent of the users charge bill will be added to each delinquent bill. When any bill is more than thirty (30) days in default, water and or sewer service to such premise shall be discontinued until such bill is paid.

When any unpaid bill (including interest and penalty) remains unpaid for more than three (3) months after the date due, such bill, upon approval of GMWSS, may be collected by an agency or may be recorded in the land records of Scott County by the treasurer and shall constitute a lien on the property.
(Ord. No. 91-014, § 6, 8-1-91)

Secs. 19-137—19-150. Reserved.

ARTICLE IV. WATER*

DIVISION 1. GENERALLY

Sec. 19-151. Rules and regulations of board.

The board of water and sanitary sewer commissioners shall have and are hereby authorized and empowered to make rules and regulations concerning the use and consumption of city water from the municipal water and sanitary sewer service, and any such rules and regulations shall be spread upon the minute book of the municipal water and sanitary sewer service and shall be published in a city paper, after which the same shall be binding and enforceable upon all waters users of the municipal water and sanitary sewer service.
(Code 1966, § 53.1)

Sec. 19-152. Amendment of provisions of this article.

The council enacts this article for the assurance and protection of the citizens of the city and for the purpose of assuring the holder or holders of the waterworks revenue bonds of the city of an efficient operation of the municipal waterworks plant and system of the city. No amendment of this article shall be enacted unless copies thereof shall have been theretofore published in a newspaper of general circulation in the city at least once each week for two (2) consecutive weeks prior to final passage thereof at any meeting of the council.
(Code 1966, § 53.2)

Sec. 19-153. Bluegrass water supply commission.

(a) The city, acting jointly with the other organizing entities, having determined and elected to acquire and jointly operate sources of supply of potable water and to improve and extend them in the manner provided in KRS 74.420 to 74.520, does hereby propose the creation of a water commission to be known as the Bluegrass Water Supply Commission ("commission").

***Cross reference—**Plumbing code, § 4-71 et seq.

(b) The commission shall be both a public corporation and a public body corporate and politic with the powers and duties specified in KRS 74.420 to 74.520. The commission may, in its corporate name, contract and be contracted with, sue and be sued, adopt and alter at its pleasure a corporate seal; and purchase, own, hold, and dispose of all real and personal property necessary for carrying out its corporate purposes under KRS 74.420 to 74.520.

(c) In addition to, but not in limitation of, the general powers stated above, the commission shall be empowered to:

(1) Acquire and operate sources of supply of potable water within the meaning of KRS 74.420;

(2) Appoint or contract for the services of officers, agents and employees, including engineers, attorneys, accountants, fiscal agents, and other professional persons, prescribe their duties and fix their compensation;

(3) Issue revenue bonds for the purpose of acquiring sources of supply of potable water or making improvements and extensions to sources of supply of potable water, which bonds will be payable solely from the revenues derived from water supply contracts;

(4) Contract to supply potable water to entities represented by the commission and to other entities, as allowed by KRS 74.490, upon the payments, terms and conditions mutually agreed upon;

(5) Establish charges and rates for potable water supplied pursuant to water supply contracts;

(6) Acquire property and property rights through condemnation under the terms and provisions of KRS 74.470, KRS ch. 58, KRS ch. 416, and all other applicable laws; and

(7) Exercise such other powers and duties that are reasonably necessary or advantageous for effectuating the purposes embodied in KRS 74.420 to 74.520.

(d) Any revenue bonds issued by the commission or any other debt obligation incurred by the commission shall be an obligation of the commission and not an obligation of any of the organizing entities of the commission. None of the organizing entities shall be obligated to pay the principal of or interest on such bonds or debt obligations of the commission. Furthermore, neither the city nor any of the other organizing entities shall be responsible for payment of any of the expenses, fees or other obligations incurred by the commission.

(e) Participation in the creation of the commission shall not subject the city to any liability to any of the other organizing entities and shall not cause the city, its mayor, nor its city council members to incur any liability whatsoever.
(Ord. No. 04-004, §§ 2—6, 3-4-04)

Secs. 19-154—19-165. Reserved.

DIVISION 2. RESTRICTED AND PROHIBITED USES

Sec. 19-166. Use of private hydrants and city-filled cisterns.

It shall be unlawful for any person within the corporate limits of the city to take water from any private hydrant, or from any cistern that may have been filled, in whole or part, from the city waterworks, except by the order of the chief engineer of the fire department, unless such person shall have first paid for same and received the usual permit from the board of water and sanitary sewer commissioners to do so, except in cases of urgent or apparent necessity.
(Code 1966, § 53.30)

Sec. 19-167. City's water source to be protected.

It shall be unlawful for any person to deposit or throw into the creek or basin in the city, any filth or dead carcass, within the pool or the waterworks building, on the street adjacent to same, or within three hundred (300) feet below the pool or basin; or to put or drive any hogs or other animals into the creek within a like distance below the works. It shall be the duty of the board of water and sanitary sewer commissioners, subject to the inspection of the city council, to see that the pool or basin is kept clean and free from such filth or other deposits within such distance, and to prevent the wastewater, blow-off water, oils or drippings from the works from entering the pool or basin; such substances to be conducted to a point in the branch or sewer three hundred (300) feet below the pool or basin.
(Code 1966, § 53.31)

Sec. 19-168. Bathing prohibited to 300 feet below city water source.

It shall be unlawful for any person, either by day or night, to go into the creek to bathe or swim in the pool or basin of the waterworks, or within three hundred (300) feet below same; and it is hereby made the duty of the police officers and all watchmen in the city to enforce this and sections 19-166 and 19-167.
(Code 1966, § 53.32)

Sec. 19-169. Private use of fire hydrants.

The turning on of the water from fire plugs is strictly prohibited by any person except by the officers of the fire department, or by order of the mayor or chief of police for flushing the streets, or by special permit from the board of water and sanitary sewer commissioners and city fire department, as may be provided by city ordinance. The person found guilty of violating this section shall be deemed guilty of a misdemeanor, and subjected to the penalties hereinafter provided for violation of this article.
(Code 1966, § 53.33)

Sec. 19-170. Emergency water restrictions.

(a) An emergency exists which threatens the water supply for the city as a result of the extended drought conditions which this area is suffering. The existence of this emergency necessitates the waiver of the requirement of second reading and publication in order to give an ordinance effect.

(b) The city water and sewer board of commissioners is hereby authorized, upon the finding of specific facts supporting the existence of a emergency which threatens the city's water supply, by two-thirds majority, to declare an emergency and impose mandatory restrictions on the use of water which are reasonably calculated to result in the conservation of our water supply. The mandatory restrictions may include, but are not limited to, the following:

(1) Prohibition of or limitation on the sprinkling of lawns, shrubs, trees or other plants of an ornamental nature;

(2) Prohibition of or limitation on the washing of vehicles, except at places of business which are in the business of washing vehicles;

(3) Prohibition of or limitation on the use of swimming pools;

(4) Limitation on the use of water by commercial enterprises; and

(5) Any other reasonable measure which, under the circumstances, will promote the conservation of water.

(c) Upon the declaration of an emergency, the water board shall notify each of its customers, in writing, that an emergency has been declared. The notice shall include a listing of each restriction that the board has imposed and the date on which the restrictions shall take effect, said effective date to be not less than three (3) days after the date of the notice.

(d) The emergency declaration and restrictions shall continue until lifted by the board or as otherwise provided by this section.

(e) In the event the water board declares an emergency and imposes mandatory restrictions on the use of water, the declaration, the findings supporting the declaration and other pertinent information shall be delivered to the office of the mayor. Not later than the next regularly scheduled city council meeting, the council shall consider the declaration and determine its sufficiency under this section. Absent a finding of sufficiency, the declaration shall be lifted.

(f) Violations of the restrictions imposed pursuant to this section shall be prosecuted before the county district court and be punishable by fine not to exceed two hundred and fifty dollars ($250.00) per offense, with each day constituting a different offense.

Violators may be cited to court by any duly qualified peace officer who witnesses the violation. Violators may be summoned before the court by complaint obtained from the county attorney's office by any individual.

(Ord. No. 88-018, §§ 1—6, 6-27-88)

Editor's note—Ord. No. 88-018, §§ 1—6, adopted June 27, 1988, did not specifically amend the Code; hence, its inclusion herein as § 19-170 was at the discretion of the editor. Section 7, dealing with statutory authority and effective date, has been omitted from codification.

Secs. 19-171—19-180. Reserved.

DIVISION 3. CONNECTIONS; REPAIRS

Sec. 19-181. Plumbers required to have permits for water repairs or modifications.

No plumber or other person shall make any attachments to an old pipe or other fixture which has been shut off by the regulations prescribed by this article, or to one that is out of use, without first having obtained a permit of reissue; nor shall any plumber or other person make any alteration in any of the conduit pipes or other fixtures attached to the waterworks so as to conduct water into the adjoining premises, without a written permit so to do from the board of water and sanitary sewer commissioners.
(Code 1966, § 53.40)

Sec. 19-182. Use of system, permission required.

No opening shall be made, or pipes bored, or attachments affixed to any of the water pipes belonging to the city, in any street, land or alley, unless under the direction of, or by the consent of the board of water and sanitary sewer commissioners; nor shall it be lawful for any person to enter and conduct water from the pipes of the water system to any hydrant, bath, water closet, plug, or for any other purpose whatever, except in accordance with the written consent of the board.
(Code 1966, § 53.41)

Sec. 19-183. Supervision of attachments; cost.

(a) All attachments made by ferrules or otherwise shall be made to the main or feeding pipes by employees under the supervision of the board of water and sanitary sewer commissioners.

(b) All ferrules and the cost of inserting same shall be paid by the plumber in whose name the permit is issued.
(Code 1966, § 53.42)

Sec. 19-184. Stop-cocks required.

No plumber shall be permitted to enter, pipe or conduct water into any two (2) distinct premises or tenements unless separate and distinct stop-cocks shall be placed in the outside of such premises on the sidewalks or in the alley opposite the same.
(Code 1966, § 53.43)

Sec. 19-185. Sizes of pipes.

No section shall hereafter be inserted, in any of the leading mains above the size of three-fourths of an inch inside diameter of opening without consent of the board of water and sanitary sewer commissioners.
(Code 1966, § 53.44)

Sec. 19-186. Standard for pipe.

All service pipe of whatever nature put down by plumbers and attached to the waterworks shall be up to the standard adopted from time to time by the council, which standard shall be in accordance with the head of pressure on the main pipes situated or laid down in the various levels within the city.
(Code 1966, § 53.45)

Sec. 19-187. Plumber's certificate of repair.

Plumbers making repairs to hydrants or other fixtures attached to the waterworks, in all cases where the water has been shut off on account of a leak or other defects, shall give to the owner or occupant of the premises a written certificate that such hydrant has been properly repaired; otherwise the water will not again be turned on; and no plumber shall, after making such repairs or after putting in any new hydrant or other attachment, leave the stop open and the water on.
(Code 1966, § 53.46)

Sec. 19-188. Extensions.

The city agrees to make any further extension of its mains that may become necessary, wherever the increased revenues by reason of such extension would yield eight (8) percent on the cost of such extension.
(Code 1966, § 53.47)

Sec. 19-189. Pressure specifications.

The board of water and sanitary sewer commissioners shall maintain at its plant a minimum pressure of forty (40) pounds for domestic use, and one hundred (100) pounds for fire protection.
(Code 1966, § 53.48)

Sec. 19-190. Surveys and meter readings.

The board of water and sanitary sewer commissioners shall have the right to survey any and all premises using water at any reasonable time, if necessary, if it may so desire, and for this purpose, all surveyors, meter and elevator readers or such other person as may be designated, shall upon exhibiting proper authority at reasonable hours, have free access to any or all such premises where water is used. When such access is refused, the water may be immediately shut off. The inspector, or hydrant surveyor, or other person as may be designated to inspect the pipes and other hydrant connections, shall also have free access to any premises for such purposes, and the party refusing such permission, may have his water shut off.
(Code 1966, § 53.49)

Sec. 19-191. Repair of streets after installations.

(a) Whenever in putting in any connections or any equipment of any kind, it becomes necessary to dig up the surface of any street, the board of water and sanitary sewer commissioners shall restore the surface of the street with the same materials and in the same condition as it was before such digging.

(b) In removing pavements for the purpose of inserting ferrules or making attachments or repairs, the earth, stone and gravel must be deposited in such manner as to guard against inconvenience to the public by obstructing streets, alleys or sidewalks; nor shall the hole in any street be left open at night without displaying a red lantern and other safeguards.
(Code 1966, § 53.50)

Sec. 19-192. Permission required for obstruction or piping in any street or spring.

It shall be unlawful for any person to place any pipe on or over any street or other public way of the city, or in the Royal Spring without first having obtained permission from the council, entered upon its records. A separate offense shall be deemed committed for each day upon or during which such violation continues.
(Code 1966, § 53.51)

Secs. 19-193—19-205. Reserved.

DIVISION 4. RATES AND CHARGES

Sec. 19-206. Determination of rates.

(a) The rates for the use of water shall be fixed from time to time by the board of water and sanitary sewer commissioners, subject to the approval of the council, and the board of water and sanitary sewer commissioners shall provide rules for the management and operation of the water system and the collection of all bills and water charges.

(b) The monthly rates and charges for water service to each customer shall be as set forth in the following schedule:

Rates Effective November 15, 2007

Water Usage per Month	*Monthly Charge*
First 2,000 Gallons	$8.54 (minimum monthly bill)
All Over 2,000 Gallons	$4.80 (per 1,000 Gallons)

(c) Water connection fees shall be as follows except when the cost of making a connection exceeds the connection fee. The customer shall be billed for the additional cost.

3/4" x 5/8"	$1,500
1"	$2,100
2"	$4,350

3"	$16,500
4"	$21,000

(Code 1966, §§ 53.10, 53.11; Ord. No. 04-014, § 1, 7-1-04); Ord. No, 05-024, § 3, 10-20-05; Ord. No. 07-021, § 1, 10-12-07)

Sec. 19-207. City subject to charges.

The board of water and sanitary sewer commissioners shall charge the city for water used by the city, at the same rates applicable to other similar customers using water under similar conditions and amounts, and the revenue derived from the water shall be treated as other revenues.
(Code 1966, § 53.12)

Sec. 19-208. Fire hydrants.

The city will install and maintain fire hydrants on its mains for fire protection at all points where now maintained, and will install and maintain such additional fire hydrants when and where the city may direct.
(Code 1966, § 53.13)

Sec. 19-209. Sprinkler system rates.

In order to provide for a uniform system of charges for establishments having and maintaining sprinkler systems in the city or any water user having a sprinkler system connected to the city water mains, the charge to be collected by the municipal water and sanitary sewer service from customers having sprinkler systems shall be established from time to time by the board of water and sanitary sewer commissioners subject to approval of the city council. These charges shall be prorated and billed to the customers monthly by the municipal water and sanitary sewer service.
(Code 1966, § 53.14)

Sec. 19-210. Overcharge; complaint.

All persons regarding themselves over-charged, can, by applying at the office of the board of water and sanitary sewer commissioners, within six (6) days after presentation of the bill, have their premises resurveyed or meter examined or reread, but all bills against which no complaints have been entered within such time, shall be taken as correct and payment required without reduction.
(Code 1966, § 53.20)

Sec. 19-211. Due dates.

Water rents, of any description under meter, elevator or special rates, shall be due on the first day of the month after presentation. Accounts due for work on materials furnished, or contracted for, shall be due in advance when applied for, if the price can then be ascertained.

If not then ascertainable, it shall be due on presentation of the account, either during the progress of the work or when same is completed. Repairs to stop-boxes, meters, indicators, or any other repairs for which the consumer is liable, shall be due on presentation of the account properly drawn. Bills for laying hydrant branches are due in advance, if the amount is known at the time application is made for same. This work, consisting of requisite opening, ferrule attachment, back-filling and paving, is to be done by the board of a duly licensed plumber.
(Code 1966, § 53.21)

Sec. 19-212. Penalty for late payment.

Bills for water rent may be mailed to the customer, delivered to the customer in person, or be left at the premises where the water is used. Each of such bills, if not paid on or before the tenth day of the month when due, at the office of the board shall be subject to a penalty of five (5) percent.
(Code 1966, § 53.22)

Sec. 19-213. Discontinuance of service.

In all cases of nonpayment of bills due the city, within fifteen (15) days after the same are due and payable, a notice may be served on the delinquent to the effect that unless such bills are paid within five (5) days after presentation of such notice, the supply will be cut off, and the flow not again restored until such delinquent accounts are paid, together with the expense, if any, incurred by the city in cutting the street for the purpose of shutting off and restoring the flow of water, or for any other purpose; provided, however, that the water shall, in no case, be turned off, for any cause whatsoever, without giving notice to the parties affected thereby, so as to avoid damage that might otherwise result to life or property from explosion or otherwise.
(Code 1966, § 53.23)

Sec. 19-214. Ferrule might be removed for delinquency.

In all cases where the water has been turned off for nonpayment of water rent, or for any other violation of this article by order of any officer of the waterworks, and found on again, the manager of the waterworks may cause the ferrule to be withdrawn, and it shall not be reinstated until the two (2) months back rents are paid up (if so much be due), and an additional charge of three dollars ($3.00) for drawing and replacing the ferrule. This section shall not be so construed as to affect new occupants of premises who are not indebted for the previous rents.
(Code 1966, § 53.24)

Sec. 19-215. Deposit required for renewal of service to delinquent user.

Upon failure of any water user to pay for any bill when due, his water service may be cut off as herein before provided, and the same shall not be turned on again for the delinquent water user at that location or any other location until he shall have first paid the delinquent

bill and deposited with the waterworks a deposit of five dollars ($5.00), or shall have secured in writing the promise and guaranty of a substantial and reliable property owner to stand for his water bill in the future.
(Code 1966, § 53.25)

Sec. 19-216. Responsibility where adjoining users are supplied by same service pipe.

Where premises are supplied by one service pipe, users of water on adjacent premises supplied by the same pipe, shall be responsible for water rents incurred from the improper use or abuse of water privileges unless such abuse is promptly reported at the office of the waterworks. This responsibility is not incurred, however, where the lots are separated by streets or alleys.
(Code 1966, § 53.26)

Secs. 19-217—19-230. Reserved.

ARTICLE V. ILLICIT DISCHARGE AND CONNECTION TO STORMWATER SEWERS*

Sec. 19-231. Purpose/intent.

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of Georgetown through the regulation of nonstormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this article are:

(1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;

(2) To prohibit illicit connections and discharges to the municipal separate storm sewer system; and

(3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article.

The requirements of this article should be considered minimum requirements, and where any provision of the ordinance from which this article is derived imposes restrictions different

*__Editor's note—__Ord. No. 14-001, § 1, adopted January 27, 2014, amended article V in its entirety to read as herein set out. Former article V, §§ 19-231—19-252, pertained to similar material, and derived from Ord. No. 06-004, adopted February 16, 2006.

from those imposed by any other applicable ordinance, rule, or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

Within the City of Georgetown, the Georgetown Stormwater Quality Division (GSQUAD) is the jurisdictional stormwater authority and the issuing authority of permits and approvals for stormwater management plans. For all other areas of Scott County, the Georgetown Scott County Planning Commission is the jurisdictional stormwater authority and the issuing authority of permits and approvals for stormwater management plans.
(Ord. No. 14-001, § 1, 1-27-2014)

Sec. 19-232. Definitions.

For the purposes of this article, the following shall mean:

Best management practices (BMPs) means schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff; spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

BMP manual means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

City of Georgetown means employees or designees of the director of the municipal agency designated to enforce this article. Agencies with enforcement authority may include the GSQUAD, Emergency Management Agency, Georgetown Municipal Water and Sewer Service (GMWSS), public works, the city engineer, code enforcement, or planning commission.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction activities means activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of one (1) acre or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

Hazardous materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal discharge means any direct or indirect non stormwater discharge to the storm drain system, except as exempted in section 19-237 of this article.

Illicit connections means an illicit connection is defined as either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, any conveyances which allow any nonstormwater discharge including sewage, process waste water, and wash water to enter the storm drain system and any connection to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection bad been previously allowed, permitted, or approved by an authorized enforcement agency or,

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which bas not been documented in plans, maps, or equivalent records and approved by the City of Georgetown or other authorized enforcement agency.

Industrial activity means activities subject to NPDES industrial permits as defined in 40 CPR. Section 122.26 (b)(14).

National pollutant discharge elimination system (NPDES) storm water discharge permit means a permit issued by EPA (or by the Commonwealth of Kentucky water authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Nonstormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

Person means any individual, association, organization, partnership, firm, corporation or other entity recognized by law.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to means paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and-noxious or offensive matter of any kind.

Premises means any building, lot, parcel of land, or portion of land whether improved or unimproved including sidewalks and parking strips.

Storm drainage system means publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to, any roads with drainage systems, municipal

streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater means any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.
(Ord. No. 14-001, § 1, 1-27-2014)

Sec. 19-233. Applicability.

This article shall apply to all water entering the municipal storm drain system generated on any developed and undeveloped land unless explicitly exempted by the authorized enforcement agency.
(Ord. No. 14-001, § 1, 1-27-2014)

Sec. 19-234. Responsibility for administration.

The GSQUAD shall administer, implement, and enforce the provisions of this article. Any powers granted or duties imposed upon the City of Georgetown may be delegated in writing by the Mayor of the City of Georgetown to the GSQUAD.
(Ord. No. 14-001, § 1, 1-27-2014)

Sec. 19-235. Severability

The provisions of this article are hereby declared to be severable, if any provision, clause, sentence, paragraph, or portion of this article or the application thereof to any person, establishment, or circumstances shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the other provisions or application of this article.
(Ord. No. 14-001, § 1, 1-27-2014)

Sec. 19-236. Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this article are minimum standards; therefore this article does not intend nor imply that compliance by any person, firm, or other entity will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants and do not relieve this person, firm, or other entity from complying with any local, state, or federal regulation that address illicit discharges or any other pollutant discharges. If these minimum standards prove inadequate, it is the ultimate responsibility of the person, firm, or other entity to provide additional measures to prevent illicit discharge or other pollutant discharges.
(Ord. No. 14-001, § 1, 1-27-2014)

Sec. 19-237. Discharge prohibitions.

(a) *Prohibition of illegal discharges.* No person shall discharge or cause to be discharged into the stormwater system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

The commencement, conduct, or continuance of any illegal discharge to the stormwater system is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this article unless it is demonstrated that these discharges are significant contributors of pollutants to the stormwater system and watercourses; water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), sump pumps, air conditioning condensation, springs, individual residential washing of vehicles, natural riparian habitat or wet land flows, swimming pools (NOTE: Swimming pool water maybe discharged only if dechlorinated—below 0.1 milligrams per liter (mg/L), which can typically be achieved by discontinuing chlorination for a minimum of 48 hours), fire fighting activities, and any other water source not containing pollutants.

(2) Discharges specified in writing by the GSQUAD as being necessary to protect public health and safety.

(3) Dye testing is an allowable discharge, but requires a verbal notification to the City of Georgetown prior to the time of the test.

(4) The prohibition shall not apply to any nonstormwater discharge permitted under a NPDES permit, waiver, or waste discharge order issued to the discharged administered under the authority of the Federal Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirement of the permit, waiver, or order and other applicable laws and regulations, and provide that written approval has been granted for any discharge to the stormwater system.

(b) *Prohibition of illicit connections.*

(1) The construction, use, maintenance or continued existence of illicit connections to the stormwater system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this article if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

(Ord. No. 14-001, § 1, 1-27-2014)

Sec. 19-238. Suspension of MS4 access.

(a) *Suspension due to illicit discharges in emergency situations.* The GSQUAD may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

(b) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this article may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City of Georgetown will notify a violator of the proposed termination of its MS4 access. The violator may petition the GSQUAD for a reconsideration or hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the City of Georgetown.
(Ord. No. 14-001, § 1, 1-27-2014)

Sec. 19-239. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the GSQUAD prior to the allowing of discharges to the MS4.
(Ord. No. 14-001, § 1, 1-27-2014)

Sec. 19-240. Monitoring of discharges.

(a) Applicability. This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

(b) *Access to facilities.*

(1) The GSQUAD shall be permitted to enter and inspect facilities subject to regulations under this article as often as maybe necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the GSQUAD.

(2) Facility operators shall allow the GSQUAD ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(3) Upon notifying the owner or owner's representative, the GSQUAD shall have the right to immediate access to the property to set up on any permitted facility such devices as are necessary in the opinion of the GSQUAD to conduct monitoring and/or sampling of the facility's stormwater discharge and/or suspected illicit discharge.

(4) The GSQUAD has the right to require the discharger to install monitoring equipment as necessary. The facilities sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the GSQUAD and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the GSQUAD access to a permitted facility, as described in subsection (b)(3) of this section, is a violation of any applicable stormwater discharge permit and of this article. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the GSQUAD reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.

(7) If the GSQUAD has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community or environment, then the GSQUAD may seek issuance-of a search warrant from any court of competent jurisdiction.

(Ord. No. 14-001, § 1, 1-27-2014)

Sec. 19-241. Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.

The GSQUAD identified best management practices (BMPs) for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the stormwater system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal stormwater system or watercourses through the use of these structural and non structural BMPs. Further, any person responsible for a property or premise, which is, or maybe, the source of an illicit discharge, may be required to implement at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity to the extent

practicable, shall be deemed compliance with the provisions of this section. These BMPs are part of the City of Georgetown Post-Construction Stormwater Manual that is hereby incorporated by reference as apart of this article. A copy of the Manual is located at, 100 N. Court Street. This document may be viewed or copied at the city engineer's office at city hall during normal operating hours.
(Ord. No. 14-001, § 1, 1-27-2014)

Sec. 19-242. Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through-the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
(Ord. No. 14-001, § 1, 1-27-2014)

Sec. 19-243. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the stormwater system, or waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the emergency management agency (EMA) in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the GSQUAD (City Hall, 100 N. Court Street) within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to contain the spill, clear the pollutants from the MS4, and prevent its recurrence. Such records shall be retained on site for at least three (3) years and be made available upon request.
(Ord. No. 14-001, § 1, 1-27-2014)

Sec. 19-244. Enforcement.

(a) The GSQUAD shall be responsible for the enforcement of this article. Duly authorized representatives have the authority to issue notices of violation, citations and levy fines as described below.

(b) Whenever the GSQUAD finds that a person has violated a prohibition or failed to meet a requirement of this article, the GSQUAD may order compliance by written notice of violation (NOV) to the responsible person. Such notice may require without limitation:

(1) The performance of monitoring, analysis, and reporting;

(2) The elimination of illicit connections or discharges;

(3) That violating discharges, practices, or operations shall cease and desist;

(4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property,

(5) Payment of a fine to cover administrative and remediation costs; and

(6) The implementation of source control or treatment BMPs.

(c) For the purposes of this section, a notice of violation is official by posting a copy of the notice of violation on the site of the source in reasonable proximity to a location where the activity generating the discharge is taking place.

(d) Notices of violations are the first level of enforcement and do not include a penalty, or fine. Only one (1) NOV will be issued for an offense before citations are utilized. An offense of the same nature and the same, adjacent, or approximate location as a previous offense, even if previously corrected under a NOV, will constitute a second offense to be enforced through a citation. Offenses enforced through a NOV must be corrected within five (5) calendar days of the date of issuance or a citation will be issued. The GSQUAD has the right to modify the timeframe for corrections based on the authorized representative's judgment due to project conditions.

(e) Citations require that all project work is halted until the discharge is corrected. Citations shall include a penalty, or fine, for each occurrence and payable to the issuing authority prior to release.

(1) First citation: Fifty dollar ($50.00) fine.

(2) Second citation: One hundred dollar ($100.00) fine and notice of intent.

(f) Six (6) calendar days after posting a citation, the GSQUAD may issue a notice of intent to the responsible party, landowner, or land user stating the GSQUAD intent to perform work necessary to comply with this article. The GSQUAD may go on the land and commence work after fourteen (14) days from issuing the notice of intent. The costs incurred by the issuing authority to perform this work shall be paid by the landowner or responsible party. The cost, plus interest at the rate authorized by the issuing authority, plus a reasonable administrative and attorneys fee shall be billed to the owner. Failure to reimburse the city within thirty (30) days will result in a lien being placed on the property.

(g) Compliance with the provisions of this article may also be enforced by injunction.

(h) The issuing authority is authorized to require immediate abatement of any violation of this article that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately, the issuing authority is authorized to enter onto private or public property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the issuing authority shall be fully reimbursed by the property owner and/or responsible party. The cost, plus interest at the rate authorized by the issuing authority, plus a reasonable administrative and attorneys fee shall be billed to the owner. Failure to reimburse the city within thirty (30) days will result in a lien being placed on the property.

(i) Any person, firm, corporation or agency acting as principal, agent, employee or otherwise, who fails to comply with the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than one hundred dollars ($100.00) and not more than five hundred dollars ($500.00), or by imprisonment for not more than ninety (90) days, or both, for each separate offense. Each day there is a violation of any part of this article shall constitute a separate offense.

(j) For the purpose of this article, the ultimate party responsible for assuring compliance with the conditions set forth is the property owner.

(k) In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.
(Ord. No. 14-001, § 1, 1-27-2014)

Sec. 19-245. Appeal of notice of violation.

Any person receiving a notice of violation (NOV) may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within ten (10) business days from the date of the service of the NOV. Consideration of the appeal by the City of Georgetown Appeals Board shall hear the appeal at the next regularly scheduled appeals board meet but not less than ten (10) days from the date that the appeal is filed. The decision of the board shall be final, except to the extent that state law provides the further right to appeal.
(Ord. No. 14-001, § 1, 1-27-2014)

Sec. 19-246. Compensatory action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this article, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.
(Ord. No. 14-001, § 1, 1-27-2014)

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Chapter 20

ZONING AND LAND USE*

*__Cross references—__Any zoning ordinance of the city saved from repeal, § 1-6(11); buildings and building regulations, Ch. 4; flood prevention, Ch. 8; streets, sidewalks and other public places, Ch. 15; subdivision regulations, Ch. 16.

__State law reference—__Planning and zoning, KRS Ch. 100.

Sec. 20-1. Adoption of revised zoning ordinance.

Upon recommendation and resolution passed by the planning commission at their regular meeting and following a public hearing, and following the transmittal of the resolution to the city council, it is now ordered that the "Revised Zoning Ordinance of the City of Georgetown," which is incorporated herein by reference as if copied and set forth in full herein, is hereby read, adopted and approved, pursuant to the law provided for such cass, and a certified copy of the Revised Zoning Ordinance shall be filed in the office of the county court clerk according to law. A copy of same may be seen and inspected at the office of the clerk-treasurer at no expense.
(Code 1966, § 150.1; Ord. No. 77-003, § I, 3-3-77)

Sec. 20-2. Adoption of land use plan.

Upon recommendation and resolution passed by the planning commission and following the transmittal of the resolution to the city council, it is now ordered that the land use plan of the city is incorporated herein by reference as if copied and set forth in full herein, and is hereby adopted and approved, pursuant to the law provided for such cases, and a certified copy of this plan shall be filed in the office of the county court clerk according to law. A copy of same may be seen and inspected at the office of the clerk-treasurer at no expense.
(Code 1966, § 150.2)

Sec. 20-3. Adoption of major street plan.

Upon recommendation of the city planning commission and following the transmittal of a resolution of the commission to the city council, it is now ordered that the major street plan, which is incorporated herein by reference as if copied and set forth in full herein, it is hereby adopted and approved, pursuant to the law provided for such cases, and a certified copy of this plan shall be filed in the office of the county court clerk according to law.
(Code 1966, § 150.3)

Sec. 20-4. Adoption of sign ordinance.

Ordinance No. 10-004 adopted a sign on January 25, 2010. A copy of which is on file in the city clerk's office.
(Ord. No. 10-004, § 1, 1-25-10)

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CODE COMPARATIVE TABLE
1966 CODE

This table gives the location within this Code of those sections of the 1966 Code as updated through 6-6-74, which are included herein. Sections of the 1966 Code not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

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1.1(c)	1-3	36.1	2-136
1.1(d)	1-4	36.2	2-137
1.2	1-5	36.3	2-138
1.3	1-3	36.25	2-146
1.4	1-2	36.26	2-147
1.5	1-7	36.28	2-148
1.6	1-8	36.29	2-149
1.7	1-9	36.36	2-150
1.8	1-10	36.50	2-161
	1-11	36.52	2-162
1.9	1-12	36.53	2-163
1.10	1-13	36.54	2-164
30.1	2-41	36.55	2-165
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32.4	2-19	37.1	2-181
32.5	2-20	37.2	2-182
32.6	2-21	38.1	19-1
32.7	2-22	38.2	2-206
32.10	2-24	38.3	2-207
32.70	2-25	38.4	2-208
33.1	2-76	38.5	2-210
33.2	2-77	38.6	2-211
33.3	2-78	38.7	2-212
33.4	2-79	38.8	2-213
33.5	2-80	38.9	2-214
33.6	2-81	38.10	2-215
33.7	2-82	38.11	2-216
33.8	2-83	38.12	2-217
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38.31	2-237	51.51	19-112
38.40	2-246	51.52	19-113
	2-247	51.53	19-114
38.41	2-248		19-115
38.51	6-1	51.55	19-116
38.52	6-2	51.56	19-117
38.60	2-261	51.57	19-118
38.61	2-262	51.58	19-119
38.62	2-263	51.65	19-46
38.63	2-264	51.70	19-47
38.64	2-265	51.99	19-48
38.70	2-276	52.1	19-131
38.71	2-277	52.2	19-132
38.72	2-278	52.3	19-133
38.73	2-279	52.4	19-134
38.99	2-280	52.5	19-135
51.1	19-41	52.6	19-136
51.2	19-42	52.7	19-136
51.3	19-43	52.8	19-137
51.4	19-44	52.9	19-138
51.5	19-45	53.1	19-151
51.10	19-61	53.2	19-152
51.11	19-62	53.10	19-206
51.12	19-63	53.11	19-206
51.13	19-64	53.12	19-207
51.14	19-65	53.13	19-208
51.15	19-66	53.14	19-209
51.16	19-67	53.20	19-210
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51.20	19-71	53.24	19-214
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51.31	19-82	53.30	19-166
51.32	19-83	53.31	19-167
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53.51	19-192		9-2
72.1	18-1	90.4	9-3
72.2	18-2	90.5	9-4
72.5	18-3	90.6	9-5
72.6	18-4	91.2	3-1
72.7	18-5	91.4	3-2
72.9	18-6	91.5	3-3
72.10	18-7	91.6	3-3
72.16	18-8	91.7	3-4
72.17	18-9	91.11	3-21
72.35	18-10	91.12	3-22
72.36	18-10	91.13	3-23
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74.4	18-29	91.17	3-27
74.5	18-30	91.18	3-27
74.6	18-31	91.19	3-28
74.7	18-32	92.20	3-29
74.8	18-33	93.4	4-75
74.9	18-34	93.5	4-76
74.10	18-35	94.1	15-16
74.11	18-36	94.2	15-17
74.12	18-37	94.3	15-18
74.15	18-46	94.4	15-19
74.16	18-47	94.5	15-20
74.17	18-48	94.6	15-21
74.18	18-49	94.7	15-22
74.19	18-50	94.10	15-41
74.20	18-51	94.11	15-42
74.21	18-52	94.12	15-43
74.22	18-53	94.13	15-44
74.23	18-54	94.14	15-45
75.1	18-72	94.15	15-23
75.2	18-73	94.16	15-24
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75.4	18-71	94.18	15-26
75.5	18-31	94.19	15-27
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76.2	18-92	95.1	9-21
76.3	18-93	95.2	9-22
76.4	18-94	95.3	9-23
76.5	18-95	111.1	14-1
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76.7	18-97	111.3	14-3
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CODE COMPARATIVE TABLE
ORDINANCES

This table gives the location within this Code of those ordinances adopted since the 1966 Code as updated through 6-6-74, which are included herein. Ordinances adopted prior to such date were incorporated into the 1966 Code, a table of which immediately precedes this table. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

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76-004	6-3-76	1	2-209
76-011	7-15-76	1.01	7-36
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76-011	7-15-76	2.01	7-37
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76-016	10-21-76		18-38
76-017	11-18-76	2	17-56
		3	17-57
77-003	3-3-77	I	20-1
77-007	5-19-77	1	2-217
78-009	7-14-78	1(a)	2-291
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79-008	9-20-79	1	17-19
80-001	1-17-80	1	19-16
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		Art. 2	8-5
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83-001	1-6-83	1	18-31
83-003	3-3-83	1	7-16
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83-004	4-7-83	2	17-18
83-006	5-19-83	2	3-5
83-016	9-15-83		19-41
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83-017	12-1-83		Adopting Ordinance, p. vii
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84-012	8-16-84	1—3		16.1-2—16.1-4
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84-014	9-20-84	2		3-5
84-017	11-15-85	1		17-88
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85-003	5-17-85	2, 3		17-75(1.5)
85-009	9-19-85	2		19-41
86-001	1- 2-86	1, 2		Ch. 2, Art. III, Div. 5(note)
86-002	3- 6-86	3		2-209
86-003	3- 6-86	1—6		2-96—2-101
86-004	5- 6-86	1, 2		18-20
86-016	11- 1-86	1—7		2.5-1—2.5-7
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87-001	2- 5-87	1		18-40
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87-002	4- 2-87	1		19-65(1)(b)
87-005	6-18-87	1		19-65(1)(b)
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87-009	8- 6-87	Art. I, A—D		8-1—8-4
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88-011	5-19-88	1, 2		2-51, 2-52
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89-013	7- 6-89	1, 2		2-196
89-017	8-17-89	1		2-208
90-005	5- 3-90	1, 2	Rpld	19-131—19-138

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90-013	6-20-90	1—5		18-38.1
90-020	9- 6-90	1		2-42
90-025	10- 4-90	1		4-121
90-029	10-16-90	2		2-216
90-031	12-13-90	1—5		17-101—17-105
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91-005	2-21-91	1—22		4-171—4-192
91-009	6- 6-91	1		4-151
91-014	8- 1-91	1—6	Rpld	19-131, 19-132
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92-014	4-16-92	1—8, 10, 11		2.5-1—2.5-10
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*__Note—__The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.

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