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§ 10.001 SHORT TITLES.

(A) All ordinances of a permanent and general nature of the city as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections shall be known and designated as the Greensburg Code, for which designation “codified ordinances” or “code” may be substituted. Code, title, chapter, and section headings do not constitute any part of the law as contained in the code. (KRS 446.140)

(B) All references to codes, titles, chapters, and sections are to such components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the “traffic code.” Sections may be referred to and cited by the designation “§” followed by the number, such as “§ 10.001.” Headings and captions used in this code other than the title, chapter, and section numbers, are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.002 DEFINITIONS.

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

ACTION. Includes all proceedings in any court of this state. (KRS 446.010 (1))
AND. May be read OR, and OR may be read AND, if the sentence requires it.

ANIMAL. Includes every warm-blooded living creature except a human being. (KRS 446.010 (2))

CATTLE. Includes horse, mule, ass, cow, ox, sheep, hog, or goat of any age or sex. (KRS 446.010 (8)).

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

COMPANY. May extend and be applied to any corporation, company, person, partnership, joint stock company, or association. (KRS 446.010 (10))

CORPORATION. May extend and be applied to any corporation, company, partnership, joint stock company, or association. (KRS 446.010 (11))

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

COUNTY. Green County, Kentucky.

CRUELTY. As applied to animals, includes every act or omission whereby unjustifiable physical pain, suffering, or death is caused or permitted. (KRS 446.010 (13))

DIRECTORS. When applied to corporations, includes managers or trustees. (KRS 446.010 (14))

DOMESTIC. When applied to corporations, means all those incorporated or formed by authority of this state. (KRS 446.010 (15))

DOMESTIC ANIMAL. Any animal converted to domestic habitat. (KRS 446.010 (16))

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

FEDERAL. Refers to the United States. (KRS 446.010 (18))

FOREIGN. When applied to corporations, includes all those incorporated or formed by authority of any other state. (KRS 446.010 (19))

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

KRS. Kentucky Revised Statutes.

LAND or REAL ESTATE. Includes lands, tenements, and hereditaments and all rights thereto and interest therein, other than a chattel interest. (KRS 446.010 (24))

LEGISLATIVE BODY. The City Council. (KRS 91A.010 (7))

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

MAY. The act referred to is permissive. (KRS 446.010 (26))

MONTH. Calendar month. (KRS 446.010 (27))

MUNICIPALITY. The City of Greensburg, Kentucky.
OATH. Includes “affirmation” in all cases in which an affirmation may be substituted for an oath. (KRS 446.010 (28))

PEACE OFFICER. Includes sheriffs, constables, coroners, jailers, metropolitan and urban-county government correctional officers, marshals, policemen, and other persons with similar authority to make arrests. (KRS 446.010 (31))

PERSON. May extend and be applied to bodies-politic and corporate, societies, communities, the public generally, individuals, partnerships, and joint stock companies. (KRS 446.010 (33))

PERSONAL PROPERTY. Includes all property except real.

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

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

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

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

REAL PROPERTY. Includes lands, tenements, and hereditaments.

REGULAR ELECTION. The election in even numbered years at which members of Congress are elected and the election in odd numbered years at which state officers are elected. (KRS 446.010 (37))

SHALL. The act referred to is mandatory. (KRS 446.010 (39))

SWORN. Includes “affirmed” in all cases in which an affirmation may be substituted for an oath. (KRS 446.010 (43))

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

STATE. The State of Kentucky.

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

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

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

VACANCY IN OFFICE. Such as exists when there is an unexpired part of a term of office without a lawful incumbent therein, or when the person elected or appointed to an office fails to qualify according to law, or when there has been no election to fill the office at the time appointed by law; it applies
whether the vacancy is occasioned by death, resignation, removal from the state, county, city, or district, or otherwise. (KRS 446.010 (46))

**VIOLATE.** Includes failure to comply with. (KRS 446.010 (47))

**YEAR.** Calendar year. (KRS 446.010 (49))

§ 10.003 RULES OF CONSTRUCTION.

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

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

(C) *Liberal construction.* All sections of this code shall be liberally construed with a view to promote their objects and carry out the intent of Council. (KRS 446.080 (1))

(D) *Retroactivity.* No ordinance shall be construed to be retroactive, unless expressly so declared. (KRS 446.080 (3))

(E) *Technical terms.* All words and phrases shall be construed according to the common and approved usage of language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law, shall be construed according to such meaning. (KRS 446.080 (4))

§ 10.004 COMPUTATION OF TIME.

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

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

(C) If any proceeding is directed by law to take place, or any act is directed to be done, on a particular day of a month and that day is Sunday, the proceeding shall take place, or the act shall be done, on the next day that is not a legal holiday. (KRS 446.030)

(D) In all cases where the law requires any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall mean the time only as may be necessary for the prompt performance of such duty or compliance with such notice.
§ 10.005 MAJORITY MAY ACT FOR ALL; AUTHORIZED AGENT.

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

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

§ 10.006 WRITINGS AND SIGNATURES.

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

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

(KRS 446.060)

§ 10.007 SEVERABILITY.

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

§ 10.008 REVIVOR.

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

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

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

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

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

(KRS 446.100)
§ 10.009 RIGHTS AND LIABILITIES ACCRUING BEFORE REPEAL OF ORDINANCE.

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

§ 10.010 CONSTRUCTION OF SECTION REFERENCES.

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

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

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

§ 10.011 ORDINANCES REPEALED.

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

§ 10.012 ORDINANCES UNAFFECTED.

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

§ 10.013 ORDINANCES SAVED.

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

§ 10.014 AMENDMENTS TO CODE; AMENDATORY LANGUAGE.

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

(B) The method of amendment set forth in § 32.037 should be used by the city to amend, add, or repeal a chapter, section, or subsection of this code of ordinances.

§ 10.015 CONFLICTING PROVISIONS.

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

§ 10.016 REFERENCE TO OFFICES.

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

§ 10.017 ERRORS AND OMISSIONS.

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

§ 10.018 HISTORICAL AND STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinances, and the most recent three amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-60; Am. Ord. 15, passed 1-1-70; Am. Ord. 20, passed 1-1-80; Am. Ord. 25, passed 1-1-85).

(B) If a KRS cite is included in the history, this indicates that the text of the section reads word-for-word the same as the statute. Example: (KRS 83A.090) (Ord. 10, passed 1-17-80; Am. Ord. 20, passed 1-1-85). If a KRS cite is set forth as a “statutory reference” following the text of the section, this indicates that the reader should refer to that statute for further information. Example: (KRS 83.010).

§ 10.099 GENERAL PENALTY.

Where an act or omission is prohibited or declared unlawful in this code of ordinances, and no penalty is otherwise provided, the offense shall be deemed a violation and the offender shall be fined not more than $250 for each offense.
TITLE III: ADMINISTRATION

Chapter

30. MAYOR-COUNCIL PLAN
31. CITY OFFICIALS
32. CITY COUNCIL
33. FINANCE AND REVENUE
34. PUBLIC RECORDS
35. TAXATION
36. DEPARTMENTS, COMMISSIONS AND AUTHORITIES
37. PERSONNEL POLICIES AND PROCEDURES
38. CODE OF ETHICAL CONDUCT
CHAPTER 30: MAYOR-COUNCIL PLAN

Section

30.001 Form of government
30.002 Governing officers

§ 30.001 FORM OF GOVERNMENT.

The form of government provided for this city shall be known as the “Mayor-Council Plan.” (KRS 83A.130(1))

§ 30.002 GOVERNING OFFICERS.

(A) The city shall be governed by an elected executive who shall be called Mayor and by an elected legislative body which shall be called the City Council, and by such other officers and employees as are provided for by statute or city ordinance. (KRS 83A.130 (2))

(B) The City Council shall be composed of six members.

(KRS 83A.030 (1))

CHAPTER 31: CITY OFFICIALS

Section

General Provisions

31.001 Oath; bond
31.002 Compensation
31.003 Removal from office

Elected Officials

31.020 Election procedure
31.021 Mayor
31.022 Council members

Nonelected City Officials

31.035 Establishment of nonelected city offices
31.036 City Clerk/Treasurer

GENERAL PROVISIONS

§ 31.001 OATH; BOND.

(A) Oath. Each officer of the city shall, before entering upon the discharge of duties of his office, take the following oath: “I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the Commonwealth, and be faithful and true to the Commonwealth of Kentucky, so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of ________________, according to law; and I do further solemnly
swear (or affirm) that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as a second in carrying a challenge, nor aided or assisted any person thus offending, so help me God,” as established by section 228 of the Kentucky Constitution.

(B) Bond. Official bonds shall, if required, meet the standards of KRS 62.060.

§ 31.002 COMPENSATION.

(A) City Council shall establish the compensation of every elected city officer not later than the first Monday in May in the year in which the officer is elected. An elected officer’s compensation shall not be changed after his election or during his term of office.

(1) In order to equate the compensation of Mayors and Councilmembers with the purchasing power of the dollar, the State Finance and Administration Cabinet computes by the second Friday in February of every year the annual increase or decrease in the consumer price index of the preceding year by using 1949 as the base year in accordance with section 246 of the Constitution of Kentucky, which provides that the Mayor in cities of the first class shall be paid at a rate no greater than $12,000 per annum and Mayors in cities other than the first class and Councilmembers shall be paid at a rate no greater than $7,200 per annum.

(2) The City Council shall set the compensation of these officers in accordance with KRS 83A.070 at a rate no greater than that stipulated by the State Department for Local Government.

(B) The City Council shall fix the compensation of each appointed city officer by ordinance and may change it by ordinance.

(C) The City Council shall establish the compensation of city employees in accordance with the personnel and pay classification plan ordinance of the city.

(D) All fees and commissions authorized by law shall be paid into the city treasury for the benefit of the city and shall not be retained by any officer or employee.

Cross-reference:
For specific compensation amounts of Mayor and Council, see §32.001.

Statutory reference:
Compensation, see KRS 83A.070 and 83A.075.

§ 31.003 REMOVAL FROM OFFICE.

(A) Elected officers. Any elected officer, in case of misconduct, inability, or willful neglect in the performance of the duties of his office, may be removed from office by a unanimous vote of the members of the City Council exclusive of any member to be removed, who shall not vote in the deliberation of his removal. No elected officer shall be removed without having been given the right to a full public hearing. The officer, if removed, has the right to appeal to the circuit court of the county and the appeal shall be on the record. No officer so removed is eligible to fill the office vacated before the expiration of the term to which originally elected.
(B) **Nonelected officers.** Nonelected city officers may be removed by the Mayor at will, unless otherwise provided by state law or ordinance.

*Statutory reference:*

*Removal of elected officers, see KRS 83A.040(9).*

*Removal of nonelected officers, see KRS 83A.080(3).*

**ELECTED OFFICIALS**

§ 31.020 ELECTION PROCEDURE.

(A) Election of city officers is governed by general election laws as provided in KRS Chapters 116 through 121 unless City Council otherwise prescribes by ordinance that election of city officers shall be under nonpartisan city election laws as provided in KRS Chapter 83A. Such ordinance shall become effective not later than 23 days prior to the date prescribed by the election law generally for filing notification and declaration forms with the County Clerk in a year in which a regular election is to be held in which any city office is to be filled. Immediately subsequent to publication of any ordinance prescribing that election of city officers be under nonpartisan city election laws, a copy of the ordinance shall be filed with the County Clerk of the county in which the city is located.

(B) The city may change the manner of election of city officers within the provisions of subsection (A) of this section by ordinance, except that no change shall be made earlier than five years from the last change.

(C) The city shall pay the costs of city elections only if city elections are held at a time other than prescribed by law for elections generally.

(D) Each appointed and elected city office existing on July 15, 1980, shall continue until abolished by ordinance, except that the offices of Mayor and City Councilmembers may not be abolished.

(E) No abolition of any elected office shall take effect until expiration of the term of the current holder of the office.

(F) No ordinance abolishing any elected office shall be enacted later than 240 days preceding the regular election for that office, except in the event of a vacancy in the office.

(G) The city may not create any elected office. Existing elected offices may be continued under provision of subsections (D), (E), and (F) above, but no existing elected office may be changed.

*Statutory reference:*

*Election of city officers, see KRS 83A.050.*

*Creation, abolition of city offices, see KRS 83A.080(4), (5).*

§ 31.021 MAYOR.

(A) **Election; term of office.** The Mayor of this city shall be elected by the voters of the city at a regular election. His term of office begins on the first day of January following his election and shall be four years and until his successor qualifies.
(B) Qualifications. The Mayor shall be at least 25 years of age shall be a qualified voter in the city and shall reside in the city throughout his term of office.

(C) Vacancy. If a vacancy occurs in the office of Mayor, Council shall fill the vacancy within 30 days. If for any reason, any vacancy in the office of Mayor is not filled within 30 days after it occurs, the Governor shall promptly fill the vacancy by appointment of a qualified person who shall serve for the same period as if otherwise appointed.

(KRS 83A.040 (1),(2),(6))

(1) When voting to fill a vacancy in the office of Mayor, a member of the City Council shall not vote for himself. (KRS 83A.040(2)(c))

(2) When voting to fill a vacancy created by the resignation of the Mayor, the resigning Mayor shall not vote on his successor. (KRS 83A.040(3))

(3) No vacancy by reason of a voluntary resignation in the office of Mayor shall occur unless a written resignation which specifies the resignation date is tendered to the City Council. The resignation shall be effective at the next regular meeting of the city legislative body. (KRS 83A.040(7))

(4) If a vacancy occurs in the office of Mayor which is required by law to be filled temporarily by appointment, the City Council shall immediately notify in writing both the County Clerk and the Secretary of State of the vacancy. (KRS 83A.040(8))

(5) The City Council shall elect from among its members an individual to preside over meetings of the City Council during any vacancy in the office of the Mayor in accordance with the provisions of KRS 83A.130. (KRS 83A.040(2)(d))

(D) Powers and duties.

(1) The executive authority of the city is hereby vested in and shall be exercised by the Mayor. The Mayor shall enforce the Mayor-Council Plan, city ordinances and orders, and all applicable statutes. He shall supervise all departments of city government and the conduct of all city officers and employees under his jurisdiction and require each department to make reports to him as required by ordinance or as he deems desirable.

(2) The Mayor shall maintain liaison with related units of local government respecting interlocal contracting and joint activities.

(3) The Mayor shall report to the Council and to the public on the condition and needs of city government as he finds appropriate or as required by ordinance but not less than annually. He shall make any recommendations for actions by the Council he finds in the public interest. (KRS 83A.130(3))

(4) Subject to disapproval of the Council, the Mayor shall promulgate procedures to insure orderly administration of the functions of city government and compliance with statutes or ordinances. Upon promulgation or upon revision or rescission of the procedures, copies shall be filed with the person responsible for maintaining city records. (KRS 83A.130(4))

(5) Any delegation of the Mayor’s power, duties, or responsibilities to subordinate officers and employees and any expression of his official authority to fulfill executive functions shall be made by
executive order. Executive orders shall be sequentially numbered by years and kept in a permanent file. (KRS 83A.130(7))

(6) All bonds, notes, contracts, and written obligations of the city shall be made and executed by the Mayor or his agent designated by executive order. (KRS 83A.130(8))

(7) The Mayor shall be the appointing authority with power to appoint and remove all city employees, including police officers, except as tenure and terms of employment are protected by statute, ordinance, or contract and except for employees of the Council. (KRS 83A.130(9))

(8) The Mayor shall provide for the orderly continuation of the functions of city government at any time he is unable to attend to the duties of his office by delegating responsibility for any function to be performed, in accordance with subsection (D)(5) above. However, the Mayor may not delegate the responsibility of presiding at meetings of the Council, and the authority to approve ordinances or promulgate administrative procedures may only be delegated to an elected officer. With approval of the Council, the Mayor may rescind any action taken in his absence under this section within 30 days of such action. If for any reason the disability of the Mayor to attend to his duties persists for 60 consecutive days, the office of Mayor may be declared vacant by a majority vote of the Council and the provisions of § 31.021(C) shall apply. (KRS 83A.130(10))

(E) Compensation of the Mayor.

The compensation which the Mayor shall receive shall be an annual salary of $22,200 and shall be automatically increased annually in conjunction with changes in the consumer price index as set forth by the State of Kentucky pursuant to KRS 83A.075.

(Ord. passed 4-24-06)

§ 31.022 COUNCILMEMBERS.

For provisions concerning City Council, see Chapter 32.

NONELECTED CITY OFFICIALS

§ 31.035 ESTABLISHMENT OF NONELECTED CITY OFFICES.

(A) All nonelected city offices shall be created by ordinance which shall specify:

(1) Title of office;
(2) Powers and duties of office;
(3) Oath of office;
(4) Bond, if required; and
(5) Compensation, which may be specifically established or set by reference to another ordinance in which the compensation is specifically established.

(B) With the exception of the Police Chief and all city police officers, all nonelected city officers shall be appointed by the Mayor with approval of City Council. The Police Chief and all city police officers shall be appointed by the Mayor at will and such appointments need not be approved by City Council.

(C) All nonelected officers may be removed by the Mayor at will unless otherwise provided by statute or ordinance.
(D) The following are nonelected city offices: City Clerk/Treasurer.

Statutory reference: Nonelected city offices, see KRS 83A.080.

§ 31.036 CITY CLERK/TREASURER.

(A) The city hereby establishes the office of the City Clerk/Treasurer.

(B) The office of City Clerk/Treasurer may, by ordinance, be combined with any other nonelected city office by inclusion of the title and duties of such office.

(C) The duties and responsibilities of the Clerk/Treasurer shall include, but are not limited to the following:

1. Maintenance and safekeeping of the permanent records of the city;
2. Performance of the duties required of the “official custodian” or “custodian” pursuant to KRS 61.870 through 61.882;
3. Possession of the seal of the city if used;
4. No later than January 31 of each year, mail to the Department of Local Government a list containing current city information including but not limited to the following:
   a. The correct name of the Mayor, legislative body members, and the following appointed officials who are serving as of January 1 of each year:
      1. City Clerk/Treasurer;
      2. Police Chief; and
      3. Fire Chief;
   b. The correct name of the city, mailing address for city hall, and telephone number of the city hall; and
   c. The name and telephone number of either an elected or appointed official to serve as a contact person that may be reached during normal business hours of 8:00 a.m. to 4:30 p.m.;
5. The Clerk/Treasurer shall receive and safely keep all money belonging to the city. He shall pay it out as directed by order of the City Council. He shall keep an accurate account of all receipts and disbursements, showing when, from whom and to whom, for what purpose and on what account all city funds were received or paid, and shall exhibit the account so kept. At the first regular meeting of the City Council each month, the Clerk/Treasurer shall send his report to the City Council. Every three months he shall make a financial exhibit, giving an itemized statement of all disbursements, with their purposes, and shall have the exhibit entered upon the records of his office. He shall annually prepare and publish the statement required by KRS 424.220. He shall have such powers as are required for the discharge of his duties. The City Clerk/Treasurer shall perform the duties of collector of taxes;

(Ord.5-28-81 (A), passed 5-28-81; Ord. 5-28-81(B), passed 5-28-81)

(6) Performance of all other duties and responsibilities required of the City Clerk/Treasurer by statute or ordinance. (KRS 83A.085)
(D) Compensation shall be in the amount set forth in the city’s personnel and pay classification plan, which may hereafter be changed by ordinance.

(Ord. 5-28-81(A), passed 5-28-81)

(E) No person shall be appointed or act as the City Clerk/Treasurer unless such person has taken the oath required by section 228 of the Constitution of the Commonwealth of Kentucky and has provided bond, if required, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein.

CHAPTER 32: CITY COUNCIL

Section

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GENERAL PROVISIONS

§ 32.001 MEMBERS; ELECTION, QUALIFICATIONS, COMPENSATION.

(A) Election; term of office. Each Council member shall be elected at-large by the voters of the city at a regular election. Terms of office begin on the first day of January following the election and shall be for two years.
(B) **Qualification.** A member shall be at least 21 years of age, shall be a qualified voter in the city, and shall reside in the city throughout his term of office. (KRS 83A.040(4))

(C) **Compensation.**

   (1) Councilmembers shall each receive the sum of $175 per month ($2,100 annually) during their term and shall be automatically adjusted annually in conjunction with changes in the consumer price index as forth by the State of Kentucky pursuant to KRS 83A.075.

(Ord. passed 4-24-06)

   (2) For provisions concerning the Mayor’s compensation, see § 31.021(E).

§ 32.002 VACANCIES.

(A) **Vacancies.** If one or more vacancies on Council occur in a way that one or more members remain seated, the remaining members shall within 30 days fill the vacancies one at a time, giving each new appointee reasonable notice of his selection as will enable him to meet and act with the remaining members in making further appointments until all vacancies are filled. If vacancies occur in a way that all seats become vacant, the Governor shall appoint qualified persons to fill the vacancies sufficient to constitute a quorum. Remaining vacancies are filled as provided in this section. (KRS 83A.040(5))

   (1) No vacancy by reason of a voluntary resignation of a member of the City Council shall occur unless a written resignation which specifies a resignation date is tendered to the City Council. The resignation shall be effective at the next regular meeting of the city legislative body. (KRS 83A.040(7))

   (2) If a vacancy occurs on the City Council which is required by law to be filled temporarily by appointment, the City Council shall immediately notify in writing both the County Clerk and the Secretary of State of the vacancy. (KRS 83A.040(8))

(B) **Failure to fill vacancies.** If for any reason, any vacancy on Council is not filled within 30 days after it occurs, the Governor shall promptly fill the vacancy by appointment of a qualified person who shall serve for the same period as if otherwise appointed. (KRS 83A.040(6))

   Statistical reference:

   Filling of vacancies for nonpartisan city office, see KRS 83A.175.

§ 32.003 POWERS AND DUTIES.

(A) The legislative authority of the city is hereby vested in and shall be exercised by the elected Council of the city. The Council may not perform any executive functions except those functions assigned to it by statute. (KRS 83A.130 (11))

(B) The Council shall establish all appointive offices and the duties and responsibilities of those offices and codes, rules, and regulations for the public health, safety, and welfare. (KRS 83A.130 (12))

(C) The Council shall provide, by ordinance, for sufficient revenue to operate city government and shall appropriate the funds of the city in a budget which provides for the orderly management of city resources. (KRS 83A.130 (12))
(D) The Council may investigate all activities of city government. The Council may require any city officer or employee to prepare and submit to it sworn statements regarding the performance of his official duties. Any statement required by the Council to be submitted or any investigation undertaken by the Council, if any office, department, or agency under the jurisdiction of the Mayor is involved, shall not be submitted or undertaken unless and until written notice of the Council’s action is given to the Mayor. The Mayor may review any statement before submission to the Council and to appear personally or through his designee on behalf of any department, office, or agency in the course of any investigation. (KRS 83A.130 (13))

RULES OF PROCEDURE

§ 32.020 MAYOR AS PRESIDING OFFICER.

(A) The Mayor shall preside at meetings of the Council. The Council has the authority to establish, by ordinance, the manner in which one of its number may be selected to preside at meetings of the Council in the absence of the Mayor.

(B) The Mayor may participate in Council proceedings, but shall not have a vote, except that he may cast the deciding vote in case of a tie.

(KRS 83A.130 (5))

Cross-reference:

Council’s responsibility to select one of its own members to preside when there is vacancy in the office of Mayor, see § 31.021(E).

Cross-reference:

Compensation of the Mayor, see § 32.021(E).

§ 32.021 MEETINGS.

(A) Regular meetings of the Council shall be held on the second Monday evening of each month at the time of 5 p.m. CST at the city hall except when the regular date falls on a holiday. In such instances the Council meeting shall automatically be moved to the next day.

(Ord. 1-4-82, passed 1-4-82), amended by Ord. 2013-0301ORDCC, passed 4-1-13)

(B) Special meetings of the Council may be called by the Mayor or upon written request of a majority of the Council. In the call, the Mayor or Council shall designate the purpose, time, and place of the special meeting with sufficient notice for the attendance of Councilmembers and for compliance with KRS Chapter 61.

(C) At a special meeting no business may be considered other than that set forth in the designation of purpose.

(D) The minutes of every meeting shall be signed by the City Clerk/Treasurer and by the officer presiding at the meeting.

(KRS 83A.130 (11))
§ 32.022 QUORUM.

Unless otherwise provided by statute, a majority of the Council constitutes a quorum and a vote of a majority of a quorum is sufficient to take action. (KRS 83A.060 (6))

ORDINANCES

§ 32.035 ONE SUBJECT; TITLE.

Each ordinance shall embrace only one subject and shall have a title that clearly states the subject. (KRS 83A.060 (1))

§ 32.036 INTRODUCTION; ENACTING CLAUSE.

Each ordinance shall be introduced in writing and shall have an enacting clause styled “Be it ordained by the City of Greensburg:”. (KRS 83A.060 (2))

§ 32.037 FORM OF AMENDMENT.

No ordinance shall be amended by reference to its title only, and ordinances to amend shall set out in full the amended ordinance or section indicating any words being added by a single solid line drawn underneath them, and any words being deleted by a single broken line drawn through them. (KRS 83A.060 (3))

§ 32.038 READING REQUIREMENT; EXCEPTION FOR EMERGENCY.

(A) Except as provided in subsection (B) of this section, no ordinance shall be enacted until it has been read on two separate days. The reading of an ordinance may be satisfied by stating the title and reading a summary rather than the full text.

(B) In an emergency, upon the affirmative vote of two-thirds of the membership, the Council may suspend the requirements of second reading and publication in order for an ordinance to become effective by naming and describing the emergency in the ordinance. Publication requirements of § 32.043 shall be complied with within ten days of the enactment of the emergency ordinance.

(KRS 83A.060 (4), (7))

§ 32.039 APPROVAL, DISAPPROVAL BY MAYOR.

(A) All ordinances adopted by the Council shall be submitted to the Mayor who, within ten days after submission, shall either approve the ordinance by affixing his signature or disapprove it by returning it to the Council together with a statement of his objections.

(B) No ordinance shall take effect without the Mayor’s approval unless he fails to return it to the legislative body within ten days after receiving it or unless the Council votes to override the Mayor’s veto, upon reconsideration of the ordinance not later than the second regular meeting following its return, by the affirmative vote of one more than a majority of the membership. (KRS 83A.130 (6))

§ 32.040 ADOPTION OF STANDARD CODES BY REFERENCE.

The Council may adopt the provisions of any local, statewide, or nationally recognized standard code and codifications of entire bodies of local legislation by an ordinance that identifies the subject
matter by title, source, and date and incorporates the adopted provisions by reference without setting them out in full, if a copy accompanies the adopting ordinance and is made a part of the permanent records of the city. (KRS 83A.060 (5))

§ 32.041 OFFICIAL CITY RECORDS.

(A) Every action of the Council is hereby made a part of the permanent records of the city and on passage of an ordinance the vote of each member of the Council shall be entered on the official record of the meeting.

(B) The Council has provided, under the provisions of §§ 31.036(C) and 32.042, for the maintenance and safekeeping of the permanent records of the city. The City Clerk/Treasurer and the presiding officer shall sign the official record of each meeting.

(KRS 83A.060 (8))

§ 32.042 INDEXING AND MAINTENANCE REQUIREMENTS.

At the end of each month, all ordinances adopted in the city shall be indexed and maintained by the City Clerk/Treasurer in the following manner:

(A) The city budget, appropriations of money, and tax levies shall be maintained and indexed so that each fiscal year is kept separate from other years.

(B) All other city ordinances shall be kept in the minute book or an ordinance book in the order adopted and maintained in this code of ordinances.

(KRS 83A.060 (8))

§ 32.043 PUBLICATION REQUIREMENTS.

(A) Except as provided in § 32.038(B), no ordinance shall be effective until published pursuant to KRS Chapter 424.

(B) Ordinances may be published in full or in summary as designated by the legislative body. If the legislative body elects to publish an ordinance in summary, the summary shall be prepared and certified by an attorney licensed to practice law in the Commonwealth of Kentucky and shall include the following:

(1) The title of the ordinance;

(2) A brief narrative setting forth the main points of the ordinance in a way reasonably calculated to inform the public in a clear and understandable manner of the meaning of the ordinance; and

(3) The full text of each section that imposes fines, penalties, forfeitures, taxes or fees.

(C) Ordinances that include descriptions of real property may include a sketch, drawing, or map, including common landmarks, such as streets or roads in lieu of metes and bounds descriptions.

(KRS 83A.060 (9))
§ 32.044 ADDITIONAL REQUIREMENTS FOR ADOPTION MAY BE ESTABLISHED BY CITY.

The city may, by ordinance, specify additional requirements for adoption of ordinances in greater detail than contained herein, but the city may not lessen or reduce the substantial requirements of this chapter or any statute relating to adoption of ordinances. (KRS 83A.060 (10))

§ 32.045 PERIODIC REVIEW REQUIRED.

Not less than once every five years all ordinances in this code of ordinances shall be examined for consistency with state law and with one another and shall be revised to eliminate redundant, obsolete, inconsistent, and invalid provisions. (KRS 83A.060 (11))

§ 32.046 MUNICIPAL ORDERS.

(A) Council may adopt municipal orders. All municipal orders shall be in writing and shall be adopted only at an official meeting. Orders may be amended only by a subsequent municipal order or ordinance. All orders adopted shall be maintained in an official order book.

(B) In lieu of an ordinance, municipal orders may be used for matters relating to the internal operation and functions of the city and to appoint or remove or approve appointment or removal of members of boards, commissions, and other agencies over which the Council has control.

(KRS 83A.060 (12), (13))

§ 32.047 PROVED BY CLERK/TREASURER; RECEIVED IN EVIDENCE.

All ordinances and orders of the city may be proved by the signature of the City Clerk/Treasurer; and when the ordinances are placed in this code of ordinances by authority of the city, the printed copy shall be received in evidence by any state court without further proof of such ordinances. (KRS 83A.060 (14))

§ 32.048 LEGISLATIVE IMMUNITY.

For anything said in debate, Councilmembers shall be entitled to the same immunities and protections allowed to members of the General Assembly. (KRS 83A.060 (15))

Statutory reference:

Privileges of members of General Assembly, see KRS 6.050 and Ky. Const. §43.
CHAPTER 33: FINANCE AND REVENUE

Section

Financial Administration

33.001 Definitions
33.002 Accounting records and financial reports
33.003 Annual budget ordinance
33.004 Annual audit of city funds
33.005 Official depositories; disbursement of city funds

Improvements

33.010 Definitions
33.011 Financing of improvements
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33.013 Comprehensive report required
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33.015 Adoption of ordinance; notice to affected owners
33.016 Affected owner may contest
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FINANCIAL ADMINISTRATION

§ 33.001 DEFINITIONS.

As used in this subchapter, unless the context otherwise requires, the following definitions shall apply:

BUDGET. A proposed plan for raising and spending money for specified programs, functions, activities, or objectives during a fiscal year.

DEBT SERVICE. The sum of money required to pay installments of principal and interest on bonds, notes, and other evidences of debt accruing within a fiscal year and to maintain sinking funds.

ENCUMBRANCES. Obligations in the form of purchase orders or contracts that are chargeable to an appropriation. An obligation ceases to be an encumbrance when paid or when the actual liability is recorded.

FISCAL YEAR. The accounting period for the administration of fiscal operations.

GENERALLY ACCEPTED GOVERNMENTAL AUDITING STANDARDS. Those standards or audit of governmental organizations, programs, activities and functions issued by the Comptroller General of the United States.

GENERALLY ACCEPTED PRINCIPLES OF GOVERNMENTAL REPORTS. Those standards and procedures promulgated and recognized by the Governmental Accounting Standards Board.

(KRS 91A.010)
§ 33.002 ACCOUNTING RECORDS AND FINANCIAL REPORTS.

(A) The city shall keep its accounting records and render financial reports in such a way as to:

(1) Determine compliance with statutory provisions;

(2) Determine fairly and with full disclosure the financial operations of constituent funds and account groups of the city in conformity with generally accepted governmental accounting principles; and

(3) Readily provide such financial data as may be required by the federal revenue sharing program.

(B) The municipal accounting system shall be organized and operated on a fund basis.

(KRS 91A.020)

§ 33.003 ANNUAL BUDGET ORDINANCE.

(A) The city shall operate under an annual budget ordinance adopted and administered in accordance with the provisions of this section. No moneys shall be expended from any governmental or proprietary fund except in accordance with a budget ordinance adopted pursuant to this section.

(B) Moneys held by the city as a trustee or agent for individuals, private organizations, or other governmental units need not be included in the budget ordinance.

(C) If in any fiscal year subsequent to a fiscal year in which the city has adopted a budget ordinance in accordance with this section, no budget ordinance is adopted, the budget ordinance of the previous fiscal year has full force and effect as if readopted.

(D) The budget ordinance of the city shall cover one fiscal year.

(E) Preparation of the budget proposal shall be the responsibility of the Mayor.

(F) The budget proposal shall be prepared in such form and detail as prescribed by ordinance.

(G) The budget proposal together with a budget message shall be submitted to Council not later than 30 days prior to the beginning of the fiscal year it covers. The budget message shall contain an explanation of the governmental goals fixed by the budget for the coming fiscal year; explain important features of the activities anticipated in the budget; set forth the reasons for stated changes from the previous year in program goals, programs, and appropriation levels; and explain any major changes in fiscal policy.

(H) (1) Council may adopt the budget ordinance making appropriations for the fiscal year in such sums as it finds sufficient and proper, whether greater or less than the sums recommended in the budget proposal. The budget ordinance may take any form that Council finds most efficient in enabling it to make the necessary fiscal policy decisions.

(2) No budget ordinance shall be adopted which provides for appropriations to exceed revenues in anyone fiscal year in violation of Section 157 of the Kentucky Constitution.

(I) The full amount estimated to be required for debt service during the budget year shall be appropriated for all governmental fund types.
(J) Council may amend the budget ordinance at any time after the ordinance’s adoption, so long as the amended ordinance continues to satisfy the requirements of this section.

(K) Administration and implementation of an adopted budget ordinance shall be the responsibility of the Mayor. Such responsibility includes the preparation and submission to Council of operating statements, including budgetary comparisons of each governmental fund for which an annual budget has been adopted. Such reports shall be submitted not less than once every three months in each fiscal year.

(L) To the extent practical, the system utilized in the administration and implementation of the adopted budget ordinance shall be consistent in form with the accounting system called for in § 33.002.

(M) No city agency, or member, director, officer, or employee of any city agency, may bind the city in any way to any extent beyond the amount of money at that time appropriated for the purpose of the agency. All contracts, agreements, and obligations, express or implied, beyond such existing appropriations are void; nor shall any city officer issue any bond, certificate, or warrant for the payment of money by the city in any way to any extent, beyond the balance of any appropriation made for the purpose.

(KRS 91A.030)

§ 33.004 ANNUAL AUDIT OF CITY FUNDS.

(A) The city shall, after the close of each fiscal year, cause each fund of the city to be audited by the auditor of public accounts or a certified public accountant. The audits shall be completed by February 1 immediately following the fiscal year being audited. Within ten days of the completion of the audit and its presentation to the city legislative body, pursuant to subsection (B)(6) this section, each city shall forward three copies of the audit report to the Kentucky Department of Local Government for information purposes. The Department shall forward one copy of the audit report to the Legislative Research Commission to be used for the purposes of KRS 6.955 to 6.975.

(B) The city shall enter into a written contract with the selected auditor. The contract shall set forth all terms and conditions of the agreement which shall include, but not be limited to, requirements that:

1. The auditor be employed to examine the general purpose financial statements of all governmental, proprietary and fiduciary funds of the city.

2. The auditor shall include in the annual city audit report an examination of local government economic assistance funds granted to the city under KRS 42.460 to 42.495. The auditor shall include a certification with the annual audit report that the funds were expended for the purpose intended.

3. All audit information be prepared in accordance with generally accepted governmental auditing standards which includes such tests of the accounting records and such auditing procedures as considered necessary under the circumstances. Where the audit is to cover the use of state or federal funds, appropriate state or federal guidelines shall be utilized.

4. The auditor prepare a typewritten or printed report embodying the general purpose financial statements and his opinion and statements relating thereto.

5. The auditor express an overall opinion as to whether the general purpose financial statements present fairly the financial condition of the city or state the reasons why an overall opinion cannot be expressed.
(6) The completed audit and all accompanying documentation shall be presented to Council at a regular or special meeting.

(7) Any contract with a certified public accountant for an audit shall require the accountant to forward a copy of the audit report and management letters to the Auditor of Public Accounts upon request of the city or the Auditor of Public Accounts, and the Auditor of Public Accounts shall have the right to review the certified public accountant’s work papers upon request.

(C) A copy of an audit report which meets the requirements of this section shall be considered, satisfactory and final in meeting any official request to the city for financial data, except for statutory or judicial requirements, or requirements of the Legislative Research Commission necessary to carry out the purposes of KRS 6.955 to 6.975.

(D) Upon completion of an audit, the city may elect to publish the auditor’s report in accordance with subsection (E) of this section, or may publish a financial statement in accordance with subsection (F) of this section. Notwithstanding the election of subsections (E) or (F) of this section, the city shall within 90 days after the close of the fiscal year, cause to be published in a newspaper qualified under KRS 424.120 a legal display advertisement of not less than eight column inches that the statement required by KRS 424.220 has been prepared and that copies have been provided to each local newspaper of general circulation, each news service, and each local radio or television station which has on file with the city a written request to be provided such statement.

(E) If the city elects to publish the auditor’s report prepared in accordance with this section in lieu of the financial statement required by KRS 424.220, it shall publish the auditor’s cover letter to the City Council, the combined balance sheet showing all fund types and account groups, the combined statement of revenues, expenditures and changes in fund balance for all governmental fund types, the combined statement of revenues, expenses and changes in retained earnings/fund balances for all proprietary fund types and similar trust funds, and the combined statement of changes in financial position for all proprietary fund types and similar trust funds in accordance with KRS Chapter 424. The advertisement shall contain a statement that a copy of the complete auditor’s report, including financial statements and supplemental information, are on file at city hall and are available for public inspection during normal business hours. The advertisement shall also contain a statement that any citizen may obtain from city hall a copy of the complete auditor’s report, including financial statements and supplemental information, for his personal use. The statement shall notify citizens requesting a personal copy of the city audit report that they will be charged for duplication costs at a rate that shall not exceed $.25 per page. In addition, the advertisement shall contain a statement that copies of the financial statement prepared in accordance with KRS 424.220 are available to the public at no cost at the business address of the officer responsible for preparation of such statement.

(F) If the city elects to publish the financial statement prepared in accordance with KRS 424.220 in lieu of publishing the auditor’s report, it shall, within 60 days after the completion of the audit, publish such statement in accordance with KRS Chapter 424.

(G) The city may utilize the alternative publication methods authorized by KRS 424.190(2) to comply with the provisions of this section.

(H) Any person who violates any provision of this section shall be fined not less than $50 nor more than $500. In addition, any officer who fails to comply with any of the provisions of this section shall, for each failure, be subject to a forfeiture of not less than $50 nor more than $500, in the discretion of the court, which may be recovered only once in a civil action brought by any resident of the city. The costs
of all proceedings, including a reasonable fee for the attorney of the resident bringing the action, shall be assessed against the unsuccessful party.

(KRS 91A.040)

Statutory reference:

Department for Local Government to provide assistance, see KRS 91A.050.

§ 33.005 OFFICIAL DEPOSITORIES; DISBURSEMENT OF CITY FUNDS.

(A) The Mayor shall designate as the city’s official depositories one or more banks, federally insured savings and loan companies, or trust companies within the Commonwealth. The amount of funds on deposit in an official depository shall be fully insured by deposit insurance or surety bonds.

(B) All receipts from any source of city money or money for which the city is responsible, which has not been otherwise invested or deposited in a manner authorized by law, shall be deposited in official depositories. All city funds shall be disbursed by written authorization approved by the Mayor which states the name of the person to whom funds are payable, the purpose of the payment, and the fund out of which the funds are payable. Each authorization shall be numbered and recorded.

(KRS 91A.060)

IMPROVEMENTS

§ 33.010 DEFINITIONS.

As used in this subchapter, unless the context otherwise requires, the following definitions shall apply:

ASSESSED VALUE BASIS. The apportionment of cost of an improvement according to the ratio the assessed value of individual parcels of property bears to the total assessed value of all such properties.

BENEFITS RECEIVED BASIS. The apportionment of cost of an improvement according to equitable determination by Council of the special benefit received by property from the improvement, including assessed value basis, front foot basis, and square foot basis, or any combination thereof, and may include consideration of assessed value of land only, graduation for different classes of property based on nature and extent of special benefits received, and other factors affecting benefits received.

COST. All costs related to an improvement, including planning, design, property or easement acquisition and construction costs, fiscal and legal fees, financing costs, and publication expenses.

FAIR BASIS. Assessed value basis, front foot basis, square foot basis, or benefits received basis.

FRONT FOOT BASIS. The apportionment of cost of an improvement according to the ratio the front footage on the improvement of individual parcels of property bears to such front footage of all such properties.

IMPROVEMENT. Construction of any facility for public use or services or any addition thereto, which is of special benefit to specific properties in the area served by such facility.

PROPERTY. Any real property benefited by an improvement.
**SPECIAL ASSESSMENT** or **ASSESSMENT**. A special charge fixed on property to finance an improvement in whole or in part.

**SQUARE FOOT BASIS.** The apportionment of cost of an improvement according to the ratio the square footage of individual parcels of property bears to the square footage of all such property.

(KRS 91A.210)

§ 33.011 FINANCING OF IMPROVEMENTS.

(A) The city may not finance any improvement in whole or in part through special assessments except as provided in this subchapter and in any applicable statutes. (KRS 91A.200)

(B) Cost of an improvement shall be apportioned equitably on a fair basis.

(C) The city may provide for lump sum or installment payment of assessments or for bond or other long-term financing, and for any improvement may afford property owners the option as to method of Payment or financing.

(KRS 91A.220)

§ 33.012 APPORTIONMENT OF COST.

The cost of any improvement shall be apportioned on a benefits received basis with respect to any property owned by the state, a local unit of government, or any educational, religious, or charitable organization. Council may assess such property in the same manner as for privately owned property or it may pay the costs so apportioned out of general revenues. (KRS 91A.230)

§ 33.013 COMPREHENSIVE REPORT REQUIRED.

Before undertaking any improvements pursuant to this subchapter, the city shall prepare a comprehensive report setting out:

(A) The nature of the improvement;

(B) The scope and the extent of the improvement, including the boundaries or other description of the area to be assessed;

(C) The preliminary estimated cost of the improvement;

(D) The fair basis of assessment proposed;

(E) If financing of assessments is provided, the proposed method, including the proposed years to maturity of any bonds to be issued in connection with the improvement; and

(F) Such other information as may further explain material aspects of the improvement, assessments, or financing.

(KRS 91A.240)
§ 33.014 PUBLIC HEARING REQUIRED.

After preparation of the report required by § 33.013, the city shall hold at least one public hearing on the proposed improvement at which all interested persons shall be heard. Notice of the hearing shall be published pursuant to KRS Chapter 424, and mailed to each affected property owner by certified mail, return receipt requested, and shall include:

(A) The nature of the improvement;

(B) Description of area of the improvement;

(C) Statement that the city proposes to finance the improvement in whole or in part by special assessment of property and the method to be used;

(D) Time and place the report may be examined; and

(E) Time and place of the hearing.

(KRS 91A.250)

§ 33.015 ADOPTION OF ORDINANCE; NOTICE TO AFFECTED OWNERS.

Within 90 days of conclusion of the hearing, the city shall determine whether to proceed with the improvement by special assessments, and if it determines to proceed shall adopt an ordinance so stating and containing all necessary terms, including the items referred to in § 33.013 and a description of all properties. Promptly upon passage the city shall publish such ordinance pursuant to KRS Chapter 424 and shall mail by certified mail to each affected property owner a notice of determination to proceed with the project, the fair basis of assessment to be utilized, the estimated cost to the property owner, and the ratio the cost to each property owner bears to the total cost of the entire project. (KRS 91A.260)

§ 33.016 AFFECTED OWNER MAY CONTEST.

(A) Within 30 days of the mailing of the notice provided for in § 33.015, any affected property owner may file an action in the circuit court of the county, contesting the undertaking of the project by special assessment, the inclusion of his property in the improvement, or the amount of his assessment. If the action contests the undertaking of the improvement by the special assessment method of the inclusion of the property of that property owner, no further action on the improvement insofar as it relates to any property owner who is a plaintiff shall be taken until the final judgment has been entered.

(B) The city may proceed with the improvement with respect to any properties whose owners have not filed or joined in an action as provided in this section or who have contested only the amounts of their assessments, and the provisions of the resolution are final and binding with respect to such property owners except as to contested amounts of assessments. After the lapse of time as herein provided, all actions by owners of properties are forever barred.

(KRS 91A.270)
§ 33.017 WHEN CITY MAY PROCEED; ASSESSMENT CONSTITUTES LIEN.

(A) After the passage of time for the action provided for in § 33.016, or after favorable final judgment in any such action, whichever comes later, the city may proceed with the improvement or part thereof stayed by the action, including notice requiring payment of special assessment or installment thereon and bonds or other method proposed to finance the improvement. The first installment may be apportioned so that other payments will coincide with payment of ad valorem taxes.

(B) The amount of any outstanding assessment or installments thereof on any property, and accrued interest and other charges, constitutes a lien on the property to secure payment to the bondholders or any other source of financing of the improvement. The lien takes precedence over all other liens, whether created prior to or subsequent to the publication of the ordinance, except a lien for state and county taxes, general municipal taxes, and prior improvement taxes, and is not defeated or postponed by any private or judicial sale, by any mortgage, or by any error or mistake in the description of the property or in the names of the owners. No error in the proceedings of the Council shall exempt any benefited property from the lien for the improvement assessment, or from payment thereof, or from the penalties or interest thereon, as herein provided. (KRS 91A.280)

§ 33.018 EFFECT OF ADDITIONAL PROPERTY OR CHANGE IN FINANCING.

The city may undertake any further proceedings to carry out the improvement or any extension or refinancing thereof, except that §§ 33.013 through 33.017 applies if additional property is included in the improvement or if change is made in the method or period of financing; but additional property may be included in the improvement with the consent of the owner thereof without compliance with other sections if it does not increase the cost apportioned to any other property, or any other change may be made without such compliance if all property owners of the improvement consent. (KRS 91A.290)
CHAPTER 34: PUBLIC RECORDS

Section

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GENERAL

§ 34.001 DEFINITIONS.

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively:

CITY. The city government of this city.

CUSTODIAN. The official custodian or any authorized person having personal custody and control of public records. The custodian having personal custody of most of the public records of this city is the City Clerk.

OFFICIAL CUSTODIAN. The chief administrative officer or any other officer or employee of a public agency who is responsible for the maintenance, care, and keeping of public records, regardless of whether such records are in his actual personal custody and control. The OFFICIAL CUSTODIAN of this city shall be the Mayor.

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

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

PUBLIC AGENCY. The city, including its legislative body and every officer, department and division of the city; every entity created by authority of the city; any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council or agency created and controlled by the city; and any interagency body in which the city participates.

PUBLIC RECORDS. All books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, or other documentary materials regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by the public agency. PUBLIC RECORDS shall not include any
records owned or maintained by or for the public agency that are not related to functions, activities, programs, or operations funded by the public agency nor any records that may be excluded by § 34.012.

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

(KRS 61.870)

PROCEDURES FOR REQUESTING PUBLIC RECORDS

§ 34.005 INITIAL REQUEST WITH IMMEDIATE INSPECTION.

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

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

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

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

§ 34.006 REFERRAL TO PROPER CUSTODIAN.

If the City Clerk does not have custody or control of the public record or records requested, the City Clerk shall so notify the applicant and shall furnish the name and location of the custodian of the public record, if such facts are known to him. (KRS 61.872(4))

§ 34.007 PUBLIC RECORDS NOT IMMEDIATELY AVAILABLE.

If the public record is in active use, in storage, or not otherwise available, the Official Custodian shall immediately so notify the applicant and shall designate a place, time, and date for inspection or mailing of the public records, not to exceed three days (excepting Saturdays, Sundays, and legal holidays) from receipt of the application, unless a detailed explanation of the cause is given for further delay and the place, time, and earliest date on which the public record will be available for inspection or duplication. (KRS 61.872(5))
§ 34.008 REFUSAL OF UNREASONABLE REQUESTS.

If the application places an unreasonable burden in producing public records, or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency, the official custodian may refuse to permit inspection of the public records or mail copies thereof. However refusal under this section must be sustained by clear and convincing evidence. (KRS 61.872(6))

§ 34.009 TIME LIMITATION; DENIAL OF INSPECTION.

The official custodian, upon any request for records made under this chapter, shall determine within three days (excepting Saturdays, Sundays, and legal holidays) after the receipt of any request whether to comply with the request and shall notify in writing the person making the request within the three-day period of its decision. Any agency response denying, in whole or in part, inspection of any record shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld. The response shall be issued by the official custodian or under his authority and shall constitute final agency action. (KRS 61.880)

§ 34.010 CONCEALING OR DESTROYING RECORDS PROHIBITED.

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

§ 34.011 ACCESS TO RECORDS RELATING TO PARTICULAR INDIVIDUAL.

Any person shall have access to any public record relating to him or in which he is mentioned by name, upon presentation of appropriate identification, subject to the provisions of § 34.012 of these rules and regulations. (KRS 61.884)

§ 34.012 PUBLIC RECORDS PROTECTED FROM DISCLOSURE.

(A) The following public records are excluded from the application of this chapter and these rules and regulations and shall be subject to inspection only upon order of a court of competent jurisdiction, except as provided in KRS 61.878(1) that no court shall authorize the inspection by any party of any materials pertaining to civil litigation beyond that which is provided by the Rules of Civil Procedure governing pretrial discovery:

(1) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(2) Records confidentially disclosed to an agency and compiled and maintained for scientific research. This exemption shall not, however, apply to records the disclosure or publication of which is directed by other statute.

(a) Records confidentially disclosed to the agency, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records, and which are compiled and maintained:

1. In conjunction with an application for a loan;

2. In conjunction with the regulation of commercial enterprise, including mineral exploration records, unpatented, secret commercially valuable plans, appliances, formulae, or processes.
which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person; or

3. For the grant or review of a license to do business.

(b) The exemptions provided for in subsection (a) above, shall not apply to records the disclosure or publication of which is directed by statute.

(3) Public records pertaining to a prospective location of a business or industry where no previous public disclosure has been made of the business’ or industry’s interest in locating in relocating within, or expanding within the Commonwealth. This exemption shall not include those records pertaining to applications to agencies for permits or licenses necessary to do business or to expand business operations within the state, except as provided in subsection (A)(2) above.

(4) The contents of real estate appraisals or engineering or feasibility estimates and evaluations made by or for a public agency relative to the acquisition of property, until such time as all of the property has been acquired. The law of eminent domain shall not be affected by this provision.

(5) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination before the exam is given or if it is to be given again.

(6) Records of law enforcement agencies or agencies involved in administrative adjudication that were compiled in the process of detecting and investigating statutory or regulatory violations, if the disclosure of the information would harm the agency by revealing the identity of informants not otherwise known or by premature release of information to be used in a prospective law enforcement action or administrative adjudication. Unless exempted by other provisions of this chapter, public records exempted under this provision shall be open after enforcement action is completed or a decision is made to take no action. The exemptions provided by this subdivision shall not be used by the custodian of the records to delay or impede the exercise of rights granted by this chapter.

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

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

(9) All public records or information the disclosure of which is prohibited by federal law or regulation.

(10) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly.

(B) No exemption under this section shall be construed to prohibit disclosure of statistical information not descriptive of any readily identifiable person. In addition, if any public record contains material which is not excepted under this section, the city shall separate the excepted and make the nonexcepted material available for examination, subject to the possible applicability of § 34.008.

(C) The provisions of this section shall in no way prohibit or limit the exchange of public records or the sharing of information between public agencies when the exchange is serving a legitimate governmental need or is necessary in the performance of a legitimate government function.
(D) No exemption under this section shall be construed to deny, abridge, or impede the right of a municipal employee, an applicant for employment, or an eligible on a register to inspect and copy any record, including preliminary and other supporting documentation that relates to him. Such records shall include, but not be limited to, work plans, job performance, demotions, evaluations, promotions, compensation, classification, reallocation, transfers, layoffs, disciplinary actions, examination scores, and preliminary and other supporting documentation. A city employee, applicant, or eligible shall not have the right to inspect or copy any examination or any documents relating to ongoing criminal or administrative investigations by any agency.

(KRS 61.878)

§ 34.013 NOTIFICATION OF THE ATTORNEY GENERAL.

The official custodian shall notify the Attorney General of any actions filed against the city in circuit court regarding the enforcement of the open records law. (KRS 61.870 to 61.884.)
CHAPTER 35: TAXATION

§ 35.001 COUNTY ASSESSMENT ADOPTED.

(A) Pursuant to the authority granted in KRS 132.285, the city hereby adopts the Green County assessment for all real and personal property situated within the city as the basis of all ad valorem tax levies ordered or approved by the City Council.

(B) The assessment as finally determined for county tax purposes shall serve as the basis for all city levies for the fiscal year commencing after the assessment date.

§ 35.002 DUE DATE; PAYMENT.

(A) All taxes, except ad valorem taxes on motor vehicles, shall become due on September 15.

(B) Any taxpayer who pays his city taxes before November 1 after they become due shall be entitled to a 2% discount thereon, and the Clerk/Treasurer shall allow the discount and give a receipt in full to the taxpayer.

§ 35.003 DELINQUENCY.

(A) All city taxes, except ad valorem taxes on motor vehicles, shall become delinquent on January 1 following their due dates.
(B) Any taxes not paid by the date when they become delinquent (January 1) shall be subject to a penalty of 5% on the amount of tax due. Any tax not paid by February 1 shall be subject to a penalty of 10% on the amount of the tax due. The delinquent taxpayer shall also pay all costs and expenses incidental to any action taken by the city for collection of the delinquent tax bill.

(C) Delinquent taxes shall be collectable under the provisions of the state law relating to the collection of delinquent taxes by cities of the fifth class.

(D) The city may publish a list of uncollected delinquent taxes, showing the name of and the amount due from each delinquent taxpayer, to be advertised by newspaper publication. A fee of $3 per name per publication may be added to the amount of each tax claim published as publication costs.

(KRS 424.330)

§ 35.004 LATE ASSESSMENT.

In the event that the ad valorem tax due date and delinquency dates set forth above are not feasible in any year due to the date on which the Green County certified property assessment is received, the City Council may, in its annual ad valorem property tax ordinance, establish different due dates and delinquency dates for that year.

§ 35.005 AD VALOREM TAXES ON MOTOR VEHICLES.

(A) All ad valorem taxes on motor vehicles shall be collected by the Green County Clerk in accordance with KRS 134.800.

(B) Ad valorem taxes on motor vehicles shall become due and delinquent as set forth in KRS 134.810 and any such taxes not paid by the date when they become delinquent shall be subject to the penalty and interest specified in KRS 134.810.

§ 35.006 DISPOSITION OF FUNDS.

All monies collected from the taxes levied in this chapter shall be paid into the General Fund of the city to be used for the payment of proper expenditures as determined by the City Council.

§35.007 OCCUPATIONAL LICENSE AND NET PROFITS TAX.

(1) DEFINITIONS

As used in this ordinance, the following terms and their derivatives shall have the following meanings unless the context clearly indicates that a different meaning is intended:

**BUSINESS ENTITY.** Each separate corporation, limited liability company, business development corporation, partnership, limited partnership, registered limited liability partnership, sole proprietorship, association, joint stock company, receivership, trust, professional service organization, or other legal entity through which business is conducted.

**BUSINESS.** Any enterprise, activity, trade, occupation, profession or undertaking of any nature conducted for gain or profit. “Business” shall not include the usual activities of board 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.

**CITY.** The city of Greensburg, Kentucky.

**COMPENSATION.** 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:

(A) 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

(B) 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.

**CONCLUSION OF THE FEDERAL AUDIT.** The date that the adjustments made by the Internal Revenue Service to net income as reported on the business entity’s federal income tax return become final and appealable.

**FINAL DETERMINATION OF THE FEDERAL AUDIT.** The revenue agent’s report or other documents reflecting the final and unappealable adjustments made by the Internal Revenue Service.

**FISCAL YEAR.** An accounting period of twelve (12) months ending on the last day of any month other than December.

**EMPLOYEE.** Any person who renders services to another person or any business entity for compensation, including an officer of a corporation and any officer, employee, or elected official of the United States, a state, or any political subdivision of a state, or any agency of instrumentality of any one or more of the above. A person classified as an independent contractor under the Internal Revenue Code shall not be considered an employee.

**EMPLOYER.** The person for whom an individual performs or performed any service, of whatever nature, as the employee of such person, except that:

(A) 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

(B) 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.

**INTERNAL REVENUE CODE.** 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.** 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:

(A) 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;

(B) 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;

(C) Include any amount claimed as a net operating loss carryback or carryforward allowed under Section 172 of the Internal Revenue Code;

(D) 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

(E) 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.** Every natural person, whether a resident or non-resident of the City. Whenever the word “person” is used in a clause prescribing and imposing a penalty in the nature of a fine or imprisonment, the word, as applied to a partnership or other form of unincorporated enterprise, shall mean the partners or members thereof, and as applied to corporations, shall mean the officers and directors thereof.

**RETURN or REPORT.** Any properly completed and, if required, signed form, statement, certification, declaration, or any other document permitted or required to be submitted or filed with the City.

**SALES REVENUE.** Receipts from the sale, lease, or rental of goods, services, or property.

**TAX DISTRICT.** Any city of the first to fifth class with the authority to levy net profits, or occupational license taxes.

**TAXABLE NET PROFIT.** In the case of a business entity having payroll or sales revenue only within the City, net profit as defined in subsection (11) of this section.

**TAXABLE NET PROFIT.** In the case of a business entity having payroll or sales revenue both within and without the City, net profit as defined in subsection (11) of this section and as apportioned under Section (4) of this Ordinance.

**TAXABLE YEAR.** The calendar year or fiscal year ending during the calendar year upon the basis of which net profit is computed.

§ 35.007(2) OCCUPATIONAL LICENSE APPLICATION REQUIRED.

Every person and business entity engaged in any business in the city of Greensburg shall be required to apply for and obtain a occupational license from the city of Greensburg 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.
(A) Except as provided in subsection (B) of this section, 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 Revenue Cabinet shall be required to file and pay to the City an occupational license tax for the privilege of engaging in such activities within the City. The occupational license tax shall be measured by 1% 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; and

(2) The net profit from business conducted in the City by a resident or nonresident business entity or $25, whichever is greater. This minimum fee shall be due not later than February 1st of each year. If temporarily engaged in business in the City or if starting a new business, this minimum license fee shall be paid prior to starting any business activity.

(B) The occupational license tax imposed in this section shall not apply to the following persons or business entities:

(1) Any bank, trust company, combined bank and trust company, or trust, banking and title insurance company organized and doing business in this state, any savings and loan association whether state or federally chartered;

(2) Any compensation received by members of the Kentucky national guard for active duty training, unit training assemblies and annual field training;

(3) Any compensation received by precinct workers for election training or work at election booths in state, county, and local primary, regular, or special elections;

(4) Public Service Corporations that pay an ad valorem tax on property valued and assessed by the 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 fee on their net profit derived from the non-public service activities apportioned to the city;

(5) 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 profits derived from the manufacturing or trafficking in alcoholic beverages; or

(6) Life insurance companies incorporated under the laws of and doing business in the Commonwealth of Kentucky.

§ 35.007(4) APPORTIONMENT.

(A) Except as provided in subsection (D) of this section, net profit shall be apportioned as follows:

(1) For business entities with both payroll and sales revenue in more than one tax district, by multiplying the net profit by a fraction, the numerator of which is the payroll factor, described in subsection (B) of this section, plus the sales factor, described in subsection (C) of this section, and the denominator of which is two; and
(2) For business entities with sales revenue in more than one tax district, by multiplying the net profit by the sales factor as set forth in subsection (C) of this section.

(B) 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.

(C) The sales factor is a fraction, the numerator of which is the total sales revenue of the business entity in the City during the tax period, and the denominator of which is the total sales revenue of the business entity everywhere during the tax period.

(1) The 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 revenues, other than revenues from the sale, lease or rental of tangible personal property or the lease or rental of real property, are apportioned to the City based upon a fraction, the numerator of which is the time spent in performing such income-producing activity within the City and the denominator of which is the total time spent performing that income-producing activity.

(3) Sales revenue from the sale, lease, or rental of real property is allocated to the tax district where the property is located.

(D) If the apportionment provisions of this section do not fairly represent the extent of the business entity's activity in the City, the business entity may petition the City or the City may require, in respect to all or any part of the business entity's business activity, if reasonable:

(1) Separate accounting;

(2) The exclusion of any one (1) or more of the factors;

(3) The inclusion of one or more additional factors which will fairly represent the business entity's business activity in the City; or

(4) The employment of any other method to effectuate an equitable allocation and apportionment of net profit.

(E) When compensation is paid or payable for work done or services performed or rendered by an employee, both within and without the City, the license tax shall be measured by that part of the compensation paid 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 the compensation for work performed or services rendered within the City bears to the total wages and 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.
All partnerships, S corporations, and all other entities where income is “passed through” to the owners are subject to this ordinance. The occupational license tax imposed in this ordinance is assessed against income before it is “passed through” these entities to the owners.

If any business entity dissolves, ceases to operate, or withdraws from the City during any taxable year, or if any business entity in any manner surrenders or loses its charter during any taxable year, the dissolution, cessation of business, withdrawal, or loss or surrender of charter shall not defeat the filing of returns and the assessment and collection of any occupational license tax for the period of that taxable year during which the business entity had business activity in the City.

If a business entity makes, or is required to make, a federal income tax return, the occupational license tax shall be computed for the purposes of this ordinance 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.

§ 35.007(5) EMPLOYERS TO WITHHOLD.

Every employer making payment of compensation to an employee shall deduct and withhold from the compensation an occupational license tax calculated under §35.007(3).

Every employer required to deduct and withhold tax under this section shall, for the quarter ending after January 1 and for each quarter ending thereafter, on or before the end of the month following the close of each quarter, make a return and report to the City, and pay to the City, the tax required to be withheld under this section, unless the employer is permitted or required to report within a reasonable time after some other period as determined by the City.

Every employer who fails to withhold or pay to the City any sums required by this ordinance to be withheld and paid shall be personally and individually liable to the City for any sum or sums withheld or required to be withheld in accordance with the provisions of this section.

The City shall have a lien upon all the property of any employer who fails to withhold or pay over to the City sums required to be withheld under this section. If the employer withholds, but fails to pay the amounts withheld to the City, the lien shall commence as of the date the amounts withheld were required to be paid to the City. If the employer fails to withhold, the lien shall commence at the time the liability of the employer is assessed by the City.

Every employer required to deduct and withhold tax under this section shall annually on or before February 28 of each year complete and file on a form furnished or approved by the City a reconciliation of the occupational license tax withheld where compensation is paid or payable to employees. Either copies of federal 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.

Every employer shall furnish each employee a statement on or before January 31 of each year showing the amount of compensation and occupational license tax deducted by the employer from the compensation paid to the employee for payment to the City during the preceding calendar year.

An employer shall be liable for the payment of the tax required to be deducted and withheld under this section.

The president, vice president, secretary, treasurer or any other person holding an equivalent corporate office of any business entity subject to this section shall be personally and individually liable, both jointly
and severally, for any tax required to be withheld from compensation paid or payable to one or more employees of the business entity, and neither the corporate dissolution or withdrawal of the business entity from the City, nor the cessation of holding any corporate office, shall discharge that liability; provided that the personal and individual liability shall apply to each and every person holding the corporate office at the time the tax becomes or became obligated. No person shall be personally and individually liable under this subsection unless such person had authority to collect, truthfully account for, or pay over the tax imposed by this ordinance at the time that the taxes imposed by this ordinance become or became due.

(I) Not withstanding subsections (F) and (G) of this section, every employee receiving compensation in the City subject to the tax imposed under Section (C) of this ordinance shall be personally liable for any amount due. In all cases where the employer does not withhold the tax levied under this ordinance 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.

§35.007(6) PAYMENT OF ESTIMATED TAX QUARTERLY:

(A) Every business entity, other than a sole proprietorship, subject to taxation under this ordinance, shall make quarterly estimated tax payments on or before the fifteenth day of the fourth, sixth, ninth, and twelfth months of each taxable year if the tax liability for the taxable year exceeds $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 percent (22.5%) of the current taxable year’s tax liability;
    
    (2) Twenty-five percent (25%) of the preceding full year’s taxable year tax liability; or
    
    (3) Twenty-five percent (25%) of the average tax liability for the three (3) preceding full year taxable years' tax liabilities if the tax liability for any of the three (3) preceding full taxable years exceeded $20,000.

(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 12% 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 a 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 $5,000.

(E) At the election of the business entity, any installment of the estimated tax may be paid prior to the date prescribed for its payment.
§ 35.007(7) RETURNS REQUIRED.

(A) All business entity returns for the preceding taxable year shall be made by April 15 of each year, except returns made on the basis of a fiscal year, which shall be made by the fifteenth day of the fourth month following the close of the fiscal year. Blank forms for returns shall be supplied by the City.

(B) Every business entity shall submit a copy of its federal income tax return and all supporting statements and schedules at the time of filing its occupational license tax return with the City. Whenever, in the opinion of the City, it is necessary to examine the federal income tax return of any business entity in order to audit the return, the City may compel the business entity to produce for inspection a copy of any statements and schedules in support thereof that have not been previously filed. The City may also require copies of reports of adjustments made by the federal government.

(C) Every business entity subject to a occupational license tax governed by the provisions of this ordinance shall keep records, render under-oath statements, make returns, and comply with rules as the City from time to time may prescribe. Whenever the City deems it necessary, the City may require a business entity, by notice served to the business entity, to make a return, render statements under oath, or keep records, as the City deems sufficient to determine the tax liability the business entity.

(D) Every business entity making payments of $600 or more to persons other than employees for services performed within the City are responsible for maintaining the records of those payments and for completing IRS Form 1099 on or before February 28 of the year following the close of the calendar year in which such compensation was paid. Persons or business entities not required to remit a Form 1099 remain liable to the City to remit equivalent information for any compensation made to persons or business entities that are not employees.

(E) 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.

(F) The full amount of the unpaid tax payable by any business entity, as appears from the face of the return, shall be paid to the City at the time prescribed for filing the occupational license tax return, determined without regard to any extension of time for filing the return.

§35.007(8) 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 occupational license tax, requests the extension and pays the amount properly estimated as its tax.

(B) If the time for filing a return is extended, the business shall pay, as part of the tax, an amount equal to 12% per annum simple interest on the tax shown due on the return, but not 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.

§ 35.007(9) REFUNDS.

(A) Where there has been an overpayment of tax under §35.007(5) of this ordinance, a refund or credit shall be made to the employer to the extent of overpayment only if a written application for refund or
credit is received by the City from the employer within two (2) years from the date the overpayment was made.

(B) An employee who has compensation attributable to activities performed outside the City, based on time spent outside the City, whose employer has withheld and remitted to this City, the occupational license tax on the compensation attributable to activities performed outside the City, may file for a refund within two (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.

(C) In the case where the tax computed under the provisions of this ordinance is less than the amount which has been declared and paid as estimated tax for the same taxable year, a refund or credit, if a credit is requested, shall be made upon the filing of a return.

(D) (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 ordinance.

§ 35.007(10) FEDERAL AUDIT PROVISIONS,

(A) 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 profits, or both, which understatment or omission, or both, is in excess of twenty-five percent (25%) of the amount of net profit stated in the return, the additional tax may be assessed at any time within six years after the return was filed.

(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 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.

(B) 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.
(C) The City may initiate a civil action for the collection of any additional tax within the times prescribed in subsection (A) of this section.

§ 35.007(11) ADMINISTRATIVE PROVISIONS.

(A) No suit shall be maintained in any court to restrain or delay the collection or payment of the tax levied by this ordinance.

(B) Any tax collected pursuant to the provisions of this ordinance 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 the later, except that:

   (1) In any case where the assessment period contained in §35.007(9) 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 months from the conclusion of the federal audit, whichever is later.

For the purposes of this subsection and subsection (A) 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) The authority to refund or credit overpayments of taxes collected pursuant to this ordinance is vested exclusively in the City.

§ 35.007(12) INFORMATION TO REMAIN CONFIDENTIAL.

(A) No present or former employee of any tax district shall intentionally and without authorization inspect or divulge any information acquired by him or her of the affairs of any person, or information regarding the tax schedules, returns, or reports required to be filed with the tax district or other proper officer, or any information produced by a hearing or investigation, insofar as the information may have to do with the affairs of the person's business. This prohibition does not extend to information required in prosecutions for making false reports or returns for taxation, or any other infraction of the tax laws, or in any way made a matter of public record, nor does it preclude furnishing any taxpayer or the taxpayer's properly authorized agent with information respecting his or her own return. Further, this prohibition does not preclude any employee of the tax district from testifying in any court, or from introducing as evidence returns or reports filed with the tax district, in an action for violation of a tax district tax law or in any action challenging a tax district tax laws.

(B) 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 to 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 profits or compensation of any person or business entity.

(C) In addition, the City is empowered to execute similar reciprocity agreements as described in subsection (B) 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 ordinance.
§35.007(13) USE OF OCCUPATIONAL LICENSE TAX.

All money derived from the license taxes under the provisions of this ordinance shall be paid to the City and placed to the credit of the City’s general revenue fund.

§ 35.007(14) PENALTIES.

(A) A business entity subject to tax on net profits may be subject to a penalty equal to five percent (5%) 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 percent (25%) of the total tax due; however, the penalty shall not be less than Twenty-Five Dollars ($25).

(B) Every employer who fails to file a return or pay the tax on or before the time prescribed under §35.007(5) may be subject to a penalty in amount equal to five (5%) of the tax due for each calendar month or fraction thereof. The total penalty levied pursuant to this subsection shall not exceed twenty-five percent (25%) of the total tax due; however, the penalty shall not be less than Twenty-Five Dollars ($25).

(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 percent (12%) per annum simple interest on the tax shown due, but not previously paid, from the time the tax was due until the tax is paid to the City. A fraction of a month is counted as an entire month.

(D) Every tax imposed by this ordinance, 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 §35.007(3) and any fees, penalties, and interest as provided in subsections (A), (B), (C), and (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 attorneys’ fees incurred by it in enforcing any provision of this ordinance.

(F) In addition to the penalties prescribed in this section, any business entity or employer who willfully fails to make a return or willfully makes a false return, or who willfully fails to pay taxes owing or collected, with the intent to evade payment of the tax or amount collected, or any part thereof, shall be guilty of a Class A misdemeanor.

(G) Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with, any matter arising under this ordinance 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 ordinance, or by the rules of the City or by written request for information to the business entity by the City.

(I) Any person violating the provisions of § 35.007(12) by intentionally inspecting confidential taxpayer information without authorization shall be fined not more than $500 or imprisoned for not longer than six (6) months, or both.

(J) Any person violating the provisions of § 35.007(12) by divulging confidential taxpayer information shall be fined not more than $1,000 or imprisoned for not more than one (1) year, or both.

(Ord. passed 12-11-06)

§ 35.099 PENALTIES

For penalties relating to § 35.007 Occupation License and Net Profits Tax (see § 35.007(14)).
CHAPTER 36: DEPARTMENTS, COMMISSIONS AND AUTHORITIES

Section

Housing Authority

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36.002 Composition and appointment
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Code Enforcement Board

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36.035 KRS Notice of Remediation
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Cross-reference:

Joint Planning Commission, see §§ 152.010 through 152.018.

HOUSING AUTHORITY

§ 36.001 ESTABLISHMENT.

Pursuant to the provisions of KRS 80.020 there is hereby established the City Housing Authority. The Housing Authority shall be governed, organized, and empowered as provided in KRS 80.020 et seq.

§ 36.002 COMPOSITION AND APPOINTMENT.

The Housing Authority shall consist of the Mayor, ex official, and four persons appointed by him with the approval of the City Council.
§ 36.003 QUALIFICATIONS AND TERMS.

(A) Each person appointed to the Housing Authority shall be at least 25 years of age and a bona fide resident of the city for at least one year preceding the appointment. No officer or employee of the city, whether holding a paid or unpaid office, is eligible to hold an appointment on the Housing Authority. No more than two appointees on the Housing Authority shall be affiliated with the same political party.

(B) Appointees to the Housing Authority shall be originally appointed for terms of four years. Upon the expiration of the term of the first appointees, their successors shall be appointed for terms of one, two, three, and four years, respectively, and upon the expiration of the term of each of the second group of appointees his successor shall be appointed for a term of four years.

(C) Vacancies shall be filled for unexpired terms in the same manner as the original appointment.

(KRS 80.040)

§ 36.004 COMPENSATION.

Each member of the Housing Authority, except an ex officio member, may receive compensation either as a salary or as payment for meetings attended. The compensation of members of the Housing Authority shall be fixed by the City Council. The Housing Authority shall fix the compensation of the Secretary and Treasurer, but the City Council may fix or limit the salary.

POLICE DEPARTMENT

§ 36.015 ESTABLISHMENT.

There is hereby established a Police Department in the city.

§ 36.016 POLICE CHIEF; POLICE OFFICERS.

(A) The Police Department shall consist of a Chief of Police and regular police officers as may be authorized by the City Council.

(B) The Police Chief and all police officers shall be appointed by the Mayor at will, and may be removed by the Mayor at will except as tenure and terms of employment are protected by statute, ordinance, or contract.

(C) No person shall be appointed or act as the Police Chief or a regular police officer unless such person has taken the oath required by section 228 of the Constitution of the Commonwealth of Kentucky.

(D) Qualifications, training, and compensation shall be as set forth in the Personnel Classification and Compensation Plan.

§36.017 AUXILIARY OFFICERS (a/k/a SCHOOL RESOURCE OFFICER)

The position known as “Auxiliary Officer”, a/k/a School Resource Officer, is hereby created and shall be selected as follows:

(A) The Officer shall be hired through the same standards as the City Police and shall be in compliance with the Kentucky Revised Statutes.
(B) The duties and responsibilities of the Auxiliary Officer shall be in compliance with the Kentucky Revised Statutes and shall include:

1. That the Auxiliary Officer’s powers and duties shall be restricted to hours of operation of school and/or during functions sponsored by the Green County School Board.

2. That the Auxiliary Officer shall retain an official badge and uniform and remain on official status with all its rights and responsibilities therefrom.

3. That the Auxiliary Officer shall be under the direct supervision of the appropriate school representative, who shall act as an immediate supervisor. The Officer shall seek the advice of said supervisor for an explanation of duties and functions.

4. That the Auxiliary Officer shall represent the Greensburg City Police and Green County School Board in a professional manner consistent with all relevant guidelines while completing his duties.

5. That any change in scheduling for the Auxiliary Officer shall be the duty of the immediate supervisor.

6. That the Greensburg City Police Department shall loan the Auxiliary Officer a department radio. Said radio shall be in proper working order at all times.

7. That the Greensburg City Police Department shall not provide any means of transportation for use by the Auxiliary Officer.

(C) That responsibilities of the Green County School Board to the Auxiliary Officer shall include:

1. That the Green County School Board shall bear the financial responsibility of any additional required training and/or educational endeavors.

2. That the Auxiliary Officer shall be in possession of all required uniform and equipment at commencement of his/her employment as an Auxiliary Officer. Any additional uniforms and/or equipment deemed necessary for the function of the Auxiliary Officer shall be the responsibility of the Green County School Board, who shall bear the responsibility of acquiring same.

(Ord. passed 06-04-07)

**VOLUNTEER FIRE DEPARTMENT**

§ 36.025 ESTABLISHMENT.

A Fire Department is hereby established in the city to be known as the Greensburg Volunteer Fire Department.

§ 36.026 FIRE CHIEF; ASSISTANT FIRE CHIEF; COMPOSITION OF DEPARTMENT.

(A) The Volunteer Fire Department shall consist of a Fire Chief, Assistant Fire Chief and such number of volunteer firefighters as may be authorized from time to time.

(B) The position of Fire Chief shall be filled by appointment of the City Council upon nomination by the members of the Volunteer Department. The Assistant Fire Chief shall be appointed by the Fire Chief.
(C) Subject to the executive authority of the city and the rules and regulations promulgated by the firefighters and approved by the Mayor and City Council, the Chief of the Fire Department shall be responsible for the organization and operation of the Fire Department and shall supervise, direct, and control the equipment of the Fire Department and the firefighters in their response to fires and the extinguishment thereof and the plans, preparations, procedures, practice, and training in regard thereto, and may, as Chief of the Fire Department, perform or cause to be performed all other actions authorized by law, ordinance, or regulation.

(D) The Volunteer Fire Department shall operate pursuant to rules and regulations promulgated by the Volunteer Fire Department and approved by the Mayor and City Council.

(E) The Fire Chief, Assistant Fire Chief and members of the Volunteer Fire Department shall be reimbursed for their expenses as determined from time to time by the City Council.

**CODE ENFORCEMENT BOARD**

§ 36.030 CREATION OF CODE ENFORCEMENT BOARD.

(A) Pursuant to KRS 65.8808, there is hereby created a three (3) member Code Enforcement Board for the City of Greensburg.

(B) Alternate Board Members – Pursuant to KRS 65.8818 the executive authority may appoint two (2) alternate members to serve on the Code Enforcement Board in the absence of regular members.

§ 36.031 CODE ENFORCEMENT BOARD MEETINGS.

(A) Regular Meetings. Regular meetings of the Code Enforcement Board hereby created shall be conducted at 6:00 pm. on the second (2nd) Thursday in the months of January, May and September of each calendar year.

(B) Special Meetings. Meetings of the Code Enforcement Board other than the regular meetings thereof shall be special meetings conducted according to the requirements of the Kentucky Open Meetings Act.

(C) Evidentiary Hearings. Meetings of the Code Enforcement Board for the purpose of evidentiary hearings pursuant to KRS 65.882 shall be conducted at 6:00 p.m. on the second (2nd) Thursday of the calendar month, which is more than seven (7) days after a request therefore.

(D) Location of Meetings. All meetings of the Code Enforcement Board shall be conducted at the Greensburg City Hall.

§ 36.032 CLERICAL AND ADMINISTRATIVE PERSONNEL.

All clerical and administrative personnel reasonably required by the Code Enforcement Board shall be provided by the City of Greensburg.

§ 36.033 PROHIBITIONS.

Nobody shall conspire, cause, permit, promote, allow, aid, assist, encourage or engage in any non-compliance with any provision of any ordinance of the City of Greensburg, by either act or omission.
§ 36.034 JURISDICTION AND ORDINANCE VIOLATIONS.

The Code Enforcement Board shall have jurisdiction to enforce and shall enforce those city ordinances and code provisions of the City of Greensburg Zoning Ordinance, the City of Greensburg Property Maintenance Code and any other future ordinance or code as stipulated by the Greensburg City Council.

A violation of an ordinance of the City of Greensburg occurs upon every non-compliance with any provision thereof, by either act or omission; and each and every separate non-continuing occurrence thereof, and each and every day of every continuing occurrence thereof is a separate violation of the ordinance.

§ 36.035 NOTICE OF REMEDIATION.

Pursuant to KRS 65.8825 (2) Code Enforcement Officers are hereby authorized to give written notice that a violation shall be remedied within a specified period of time, as an alternative to issuing a citation.

Statutory reference: KRS 65.8825(2)

§ 36.099 PENALTIES; AUTHORIZATION.

Except for those Greensburg ordinances the violation of which are precluded by KRS 65.8808(3) from classification as a civil offense, and except for those Greensburg ordinances which are parking ordinances within the meaning of KRS 82.600(3), and except and otherwise provided therein, each separate violation of every other ordinance is hereby classified as a civil offense for which:

(A) The specific civil fine required by KRS 65.8808(2)(c) is hereby established as $10.

(B) The maximum civil fine required by KRS 65.8808(2)(b) that may be imposed for each separate violation is hereby established as $500.00.

(C) When the Code of Enforcement Board determines that a violation has been committed, the board may either: (1) order the offender to pay a civil fine in an amount up to Five Hundred ($500.00) Dollars; or (2) order the offender to remedy a continuing violation within a specified time, or both.

(Ord passed 4-4-05)

Statutory reference: KRS 65.8828(4)
CHAPTER 37: PERSONNEL POLICIES AND PROCEDURES

§ 37.001 PERSONNEL POLICIES AND PROCEDURES.

Copies of the Personnel Policies and Procedures of the city, and all amendments thereto, are available for public inspection during normal hours at the office of the City Clerk/Treasurer.
CHAPTER 38: CODE OF ETHICS

Section

Purpose and General Provisions

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38.036 Conflicting Ordinances Repealed

A. It is the purpose of this ordinance 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 ordinance to meet the requirements of the applicable portions of the Kentucky Revised Statutes as enacted by the 1994 Kentucky General Assembly.
C. This ordinance is enacted under the power vested in the city by KRS 82.082 and pursuant to requirements of KRS 65 et seq.

§ 38.001 DEFINITIONS.

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

ENFORCEMENT OFFICER. The City of Greensburg Enforcement Officer who is appointed and vested by this ordinance with the responsibility of enforcing the requirements of the city's code of ethics.

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

CITY. The City of Greensburg, Kentucky.

CITY AGENCY. Any board, commission, authority, non-stock corporation, or other entity created, either individually or jointly, by this city.

EMPLOYEE. Any person, whether full-time or part-time, who is employed by or provides services to the City for remuneration in the form of wages or a salary. The term “employee” shall not include any contractor or subcontractor or any of their employees, and shall not include persons who are only reimbursed for expenses incurred by them in the performance of duties for the City.

[Ord. amended 6-21-95]

FAMILY MEMBER. A spouse.

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

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

1. The Mayor.
2. A legislative body member.

§ 38.002 STANDARDS OF CONDUCT.

Conflicts of Interest in General. Every officer and employee of the city and every city agency shall comply with the following standards of conduct.
§ 38.003 CONFLICTS OF INTEREST IN CONTRACTS.

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

(1) The prohibition in 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 because of price, limited supply, or other specific reasons.

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

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

§ 38.004 RECEIPT OF GIFTS.

No officer or employee of the city or any city agency shall directly, or indirectly through any other person or business, solicit or accept any gift having a fair market value of more than one hundred dollars ($100), whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence, or could reasonably be expected to influence the officer or employee in the performance of his or her public duties.
§ 38.005 USE OF CITY PROPERTY, EQUIPMENT AND PERSONNEL.

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

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

(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.

(3) The use is necessary by reason of a emergency officially declared as such by the Mayor or his/her designee, or by reason of an executive finding that such use will prevent serious damage or injury to person or property.

§ 38.006 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.

§ 38.007 MISUSE OF CONFIDENTIAL INFORMATION.

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

§ 38.008 HONORARIA.

(A) No officer or employee of the city or a city agency shall accept any compensation, honorarium or gift with a fair market value greater than $100 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 of the city or any city agency 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
FINANCIAL DISCLOSURE

§ 38.009 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 Enforcement Officer:

(A) Elected city officials.

(B) Candidates for elected city office.

§ 38.010 WHEN TO FILE STATEMENTS; AMENDED STATEMENTS.

(A) The initial statement of financial interests required by this section shall be filed with the Enforcement Officer no later than 4:00 p.m. April 1, 1995. All subsequent statements of financial interest shall be filed no later than 4:00 p.m. on April 1, each year, provided that:

(1) An officer or employee newly-appointed to fill an office or position of employment with the city or a city agency shall file his or her initial statement no later than 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 Enforcement Officer may grant a reasonable extension of time for filing a statement of financial interests for good cause shown.

(C) In the event there is a material change in any information contained in a financial statement that has been filed with the Enforcement Officer, the officer or employee shall, no later than thirty (30) days after becoming aware of the material change, file an amended statement with the Enforcement Officer.

§ 38.011 FORM OF THE STATEMENT OF FINANCIAL INTERESTS.

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

§ 38.012 CONTROL AND MAINTENANCE OF THE STATEMENTS OF FINANCIAL INTERESTS.

(A) The Enforcement Officer 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 interest shall be maintained by the Enforcement Officer, or the administrative official designated by the Enforcement Officer as the "custodian", as public documents, available for public inspection immediately upon filing.
(B) A statement of financial interests shall be retained by the Enforcement Officer, or the designated administrative official, for a period of five (5) years after filing.

§ 38.013 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. Information that identifies each source of income of the filer and the filer's immediate family members exceeding five thousand dollars ($5,000) during the preceding calendar year, and the nature of the income (e.g., salary, commission, dividends, retirement fund distribution, etc.).

5. The name and address of any business located within the state in which the filer or any member of the filer's immediate family had at any time during the preceding calendar year an interest of ten thousand dollars ($10,000) at fair market value or five percent (5%) ownership interest or more.

6. The name and address of any business located outside of the state, if the business has engaged in any business transactions with the city during the past three (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) at fair market value or five percent (5%) ownership interest or more.

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

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

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

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

§ 38.014 NONCOMPLIANCE WITH FILING REQUIREMENT.

(A) The Enforcement Officer, 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
Enforcement Officer. 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 Enforcement Officer in an amount not to exceed twenty-five dollars ($25) per day, up to a maximum total civil fine of five hundred dollars ($500). Any civil fine imposed by the Enforcement Officer 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 guilty of a Class A misdemeanor.

NEPOTISM

§ 38.015 NEPOTISM PROHIBITED.

(A) No officer or employee of the city or a city agency 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.

(B) No officer or employee of the city or a city agency shall supervise or manage the work of a 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 in 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.

ENFORCEMENT

§ 38.016 ENFORCEMENT OFFICER CREATED.

(A) There is hereby created the position of Enforcement Officer who shall have the authorities, duties, and responsibilities as set forth in this ordinance to enforce the provisions of this ordinance.

(B) The Enforcement Officer shall be appointed by the executive authority of the city, subject to the approval of the legislative body. The initial Enforcement Officer shall be appointed within sixty (60)
days of the effective date of this ordinance. No Enforcement Officer shall hold any elected or appointed office, whether paid or unpaid, or any position of employment with the city or any city agency. The Enforcement Officer shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. The Enforcement Officer shall be appointed for a term of two years, however, may be re-appointed for any number of consecutive terms.

(C) A vacancy in the position of Enforcement Officer may be removed by the executive authority, subject to the approval of the legislative body for misconduct, inability, or willful neglect of duties. Before the Enforcement Officer is removed from office under this section, they shall be afforded the opportunity for a hearing before the executive authority and the legislative body.

(D) A vacancy in the position of Enforcement Officer shall be filled within sixty (60) days by the executive authority, subject to the approval of the legislative body.

(E) The Enforcement Officer shall serve without compensation, unless otherwise approved by the legislative body, but shall be reimbursed for all necessary and reasonable expenses incurred in the performance of their duties.

§ 38.017 FACILITIES AND STAFF.

Within the limits of the funds appropriated by the legislative body in the annual budget, the city shall provide the Enforcement Officer, either directly or by contract or agreement, with the facilities, materials, supplies, and staff needed for the conduct of their business.

§ 38.018 POWER AND DUTIES OF THE ENFORCEMENT OFFICER.

The Enforcement Officer shall have the following powers and duties:

(A) To initiate on their 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 ordinance.

(B) To issue orders in connection with their 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 Enforcement Officer who has the power to administer oaths.

(C) 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 Enforcement Officer.

(D) To refer any information concerning violations of this ordinance 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.

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

(F) To enforce the provisions of this ordinance with regard to all officers and employees of the city and city agencies who are subject to its terms by issuing appropriate orders and imposing penalties authorized by this ordinance.
(G) To control and maintain all statements of financial interests that are required to be filed by this ordinance and to insure that the statements are available for public inspection in accordance with the requirements of this ordinance and the Kentucky Open Records Act.

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

(I) The Enforcement Officer in interpreting and applying the provisions of this Ordinance shall recognize that under the principles of democracy, public officers and employees cannot and should not be expected to be without any personal interest in the decisions and policies of government; that citizens who are government officers and employees have, a right to private interests of a personal, financial, and economic nature; and that standards of conduct shall distinguish between those conflicts of interest which are legitimate and unavoidable in a free society and those conflicts of interest which are prejudicial and material and are, therefore, corruptive of democracy and a free society.

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

§ 38.019 FILING AND INVESTIGATION OF COMPLAINTS.

(A) All complaints alleging any violation of the provisions of this ordinance shall be submitted to the Enforcement Officer, or the administrative official designated by the Enforcement Officer. All complaints shall be in writing, signed by the complainant, and shall meet any other requirements established by the Enforcement Officer. The Enforcement Officer shall acknowledge receipt of a complaint to the complainant within ten (10) working days to each officer or employee of the city, or city agency who is the subject of the complaint, a copy of the complaint and a general statement of the applicable provisions of this ordinance.

(B) Within thirty (30) days of the receipt of a proper complaint, the Enforcement Officer shall conduct a preliminary inquiry concerning the allegations contained in the complaint. The Enforcement Officer 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 Enforcement Officer shall be confidential until a final determination is made by the Enforcement Officer, except:

1. The Enforcement Officer 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 Enforcement Officer may publicly confirm the existence of the inquiry, and, at its discretion, make public any documents which were issued to either party.

(D) The Enforcement Officer shall make a determination based on their preliminary inquiry whether the complaint is within their jurisdiction and, if so, whether it alleges a minimal factual basis to constitute a violation of this ordinance. If the Enforcement Officer concludes that the complaint is outside of their jurisdiction, frivolous or without factual basis, the Enforcement Officer shall immediately terminate the inquiry, reduce the conclusion to writing, and transmit a copy of their decision to the complainant and to all officers or employees against whom the complaint was filed.
(E) If the Enforcement Officer concludes, based upon their preliminary inquiry, that the complaint is within their jurisdiction and contains allegations sufficient to establish a minimal factual basis to constitute a violation, the Enforcement Officer shall notify the officer or employee who is the subject of the complaint and may:

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

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

(F) Any person who knowingly files with the Enforcement Officer a false complaint alleging a violation of any provision of this ordinance or employee of the city or any city agency shall be guilty of a Class A misdemeanor.

§ 38.020 NOTICE OF HEARINGS.

If the Enforcement Officer determines that a hearing regarding allegations contained in the complaint is necessary, the Enforcement Officer 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 Enforcement Officer consents to a later date. The order setting the matter for hearing, along with a copy of any pertinent regulations of the Enforcement Officer 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.

§ 38.030 HEARING PROCEDURE.

(A) The Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence shall not apply to hearings conducted by the Enforcement Officer; however, the hearings shall be conducted in accordance with this section and in accordance with any additional rules and regulations adopted by the Enforcement Officer 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 Enforcement Officer in connection with the matter to be heard. The Enforcement Officer shall inform the alleged violator, or his or her representative, of any exculpatory evidence in its possession.

(C) All testimony in a Enforcement Officer 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 Enforcement Officer, with or without counsel, to give a statement regarding the adverse mention, or may file a written statement regarding the adverse mention for incorporation into the record of the proceeding.

(E) All hearings of the Enforcement Officer shall be public, unless the Enforcement Officer decides to go into executive session in accordance with KRS 61.810.
(F) After the conclusion of the hearing, the Enforcement Officer 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 ordinance has been proven. Within thirty (30) days after completion of the hearing, the Enforcement Officer shall issue a written report of their findings and conclusions.

(G) If the Enforcement Officer concludes in their report that no violation of this ordinance has occurred, they 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 Enforcement Officer concludes in their report that in consideration of the evidence produced at the hearing there is clear and convincing proof of a violation of this ordinance, the Enforcement Officer may:

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

(2) In writing, publicly reprimand the violator for the violations and provide a copy of the reprimand to the executive authority and governing body of the city or city agency 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 Enforcement Officer, which may include a recommendation for discipline or dismissal, or removal from office.

(4) Issue an order requiring the violator to pay a civil penalty of not more than $1,000.00.

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

§ 38.031 APPEALS.

Any person who is found guilty of a violation of any provision of this ordinance by the Enforcement Officer may appeal the finding to the circuit court of the county within thirty (30) days after the date of the final action by the Enforcement Officer by filing a petition with the court against the Enforcement Officer. The Enforcement Officer shall transmit to the clerk of the court all evidence considered by the Enforcement Officer at the public hearing.

§ 38.032 LIMITATION OF ACTIONS.

Except when the period of limitation is otherwise established by state law, an action for a violation of this ordinance must be brought within one (1) year after the violation is discovered.

§ 38.033 ADVISORY OPINIONS.

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

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

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

(F) Any written advisory opinion issued by the Enforcement Officer shall be admissible in the defense of any criminal prosecution or civil proceeding for violations of this ordinance for actions taken in reliance on that opinion.

§ 38.034 REPRISALS AGAINST DISCLOSING VIOLATIONS PROHIBITED.

(A) No officer or employee of the city, or any city agency, 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 Enforcement Officer 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 ordinance.

(B) This section shall not be construed as:

1. Prohibiting disciplinary or punitive action if an officer or employee of the city or any city agency 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.

§ 38.035 PENALTIES.

(A) Except when another penalty is specifically set forth in this ordinance, any officer or employee of the city or any city agency who is found by the Enforcement Officer to have violated any provision of this ordinance shall be deemed guilty of a civil offense and may be subject to a civil fine imposed the Enforcement Officer not to exceed one thousand dollars ($1,000), 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 ordinance, any officer or employee of the city or of any city agency who is found by the Enforcement Officer to have violated any provision of this ordinance shall forfeit to the city or the city agency any amount equal to the economic benefit or gain which the officer or employee is determined by the Enforcement Officer to have realized as a result of the violation. The amount of any forfeiture may be recovered by the city in a civil action in the nature of debt, if the offender fails to pay the amount of the forfeiture within a prescribed period of time.

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

§ 38.036 CONFLICTING ORDINANCES REPEALED

All other ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

[Ord. passed 10-31-94; amended 6-21-95]
TITLE V: PUBLIC WORKS

Chapter

50. GARBAGE AND REFUSE

51. WATER AND SEWER SYSTEM

CHAPTER 50: GARBAGE AND REFUSE

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**GENERAL PROVISIONS**

§ 50.001 SHORT TITLE.

This chapter shall be commonly referred to as the “Solid Waste Management Chapter.”

(Ord. 4-4-88, passed 4-4-88)

§ 50.002 PURPOSE.

The purpose of this chapter is to accomplish the regulation, storage, collection, transportation, processing, control, disposal and the containerization of garbage, refuse and other solid waste, and the fees, charges and penalties applicable thereunto in the city.

(Ord. 4-4-88, passed 4-4-88)

§ 50.003 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.
**APPROVED INCINERATOR.** An incinerator which complies with all current regulations of the responsible local, state and federal Air Pollution Control Agencies.

**BULKY RUBBISH.** Non-putrescible solid wastes consisting of combustible and/or noncombustible waste material from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefore.

**CITY COUNCIL.** The duly elected and qualified councilmembers of the city, acting as a body.

**COLLECTION.** The removal of solid waste from the designated pickup location to the transportation vehicle.

**CURBSIDE.** That portion of an occupant’s property, not inside any building, which is closest to a public curb, street, alley or passway, and not more than 20 feet from same.

**CUSTOMER.** Any person who alone, or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner, occupant or as a tenant, and which person shall have solid waste, the disposal of which is deemed mandatory or desirable hereunder.

**DEMOLITION AND CONSTRUCTION WASTE.** Materials from the construction or destruction of residential, industrial or commercial structures or projects.

**DISPOSABLE SOLID WASTE CONTAINER.** A disposable plastic or paper sack or bag with a capacity of 10 to 35 gallons specifically designed for the storage of solid waste.

**DWELLING UNIT.** Any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used for living, sleeping, cooking and eating, or any combination thereof.

**HAZARDOUS WASTE.** Any waste or combination of wastes, which is determined by the Kentucky Department for Environmental Protection because of its quantity, concentration, or physical, chemical or infectious characteristics, that may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, or pose a substantial present or potential threat to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.

**MULTIPLE HOUSING FACILITY.** A housing facility containing more than one dwelling unit under one roof.

**PERSON.** Any individual, partnership, corporation, association, joint stock company, trust, estate, political subdivision, or organization of any kind, or their legal representative, agent or assigns.

**PROCESSING.** Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste volume is reduced.

**RESIDENTIAL CONTAINERS.** Containers or bags with the following features:

1. Cans or containers constructed of non-rusting metal, rigid plastic or plastic bags;
2. Watertight;
(3) Covers, ties or enclosures that prevent disturbance by animals and/or insects;

(4) Handles or loose ends of a bag that can be used for lifting the container;

(5) Not larger than a 35 gallon capacity.

**SOLID WASTE.** Any garbage, refuse, sludge and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial mining (excluding coal mining waste, coal mining by-products, refuse and overburden), and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges.

(1) **COMMERCIAL SOLID WASTE.** Any solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.

(2) **RESIDENTIAL SOLID WASTE.** Any solid waste resulting from the maintenance and operation of dwelling units.

(3) **RECYCLABLE MATERIALS.** Any kinds of solid waste or materials which shall be recycled.

**SOLID WASTE CONTAINER.** Any receptacle used by any person in which to store solid waste during the interval between solid waste collections.

**SOLID WASTE DISPOSAL.** The process of discarding or getting rid of unwanted material, and in particular the final disposition of solid waste by man.

**SOLID WASTE MANAGEMENT.** The administration of solid waste activities, including, but not necessarily limited to, the storage, collection, source separation, transportation, processing, treatment and disposal of same.

**STORAGE.** Keeping, maintaining or storing solid waste from the time of its production or creation until the time of its collection.

**SUPERINTENDENT.** That person duly authorized and empowered by the City Council to act in the capacity as Superintendent of the Solid Waste Management Program.

**TRANSPORTATION.** The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

**YARD WASTE.** Grass clippings, leaves and tree trimmings.

(Ord. 4-4-88, passed 4-4-88; Am. Ord. 8- -90, passed 8- -90)

**SOLID WASTE STORAGE**

§ 50.015 STORAGE CONTAINERS REQUIRED.

The occupant or owner of every dwelling unit and of every institutional, commercial, business, industrial or agricultural establishment producing solid waste within the city, shall provide sufficient and adequate containers for the storage of all solid waste, except bulky rubbish and demolition and
construction waste, to serve each such dwelling unit and/or establishment, and shall maintain such solid waste containers at all times in a good state of repair.

(Ord. 4-4-88, passed 4-4-88) Penalty, see § 50.999

§ 50.016 MANNER OF SOLID WASTE STORAGE.

The occupant or owner of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid wastes to be collected in proper solid waste containers as defined herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. Solid wastes shall be stored in a manner that will not provide harborage to rodents and vermin and will not create a fire hazard.

(Ord. 4-4-88, passed 4-4-88) Penalty, see § 50.999

§ 50.017 STANDARDS FOR RESIDENTIAL STORAGE CONTAINERS.

Residential solid waste shall be stored in containers of not more than thirty-five (35) gallons in maximum capacity nor less than ten (10) gallons in nominal capacity. Containers shall be leakproof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual container and contents shall not exceed seventy-five (75) pounds. Permanent solid waste containers may be used which shall be galvanized metal containers, or rubber, fiberglass, or plastic containers which do not become brittle in cold weather. Disposable solid waste containers with suitable frames, plastic garbage bags or containers as approved by the Superintendent, may also be used for storage of residential solid waste. Any disposable plastic bags must comply with the requirements of a solid waste container as set out in the definitions hereinabove. The use of dumpsters may be authorized from time to time for multiple dwelling units or commercial businesses, and the like by the City Council.

(Ord. 4-4-88, passed 4-4-88) Penalty, see § 50.999

§ 50.018 YARD WASTES.

Tree limbs less than four inches in diameter, lumber and brush shall be securely tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter, if not placed in storage containers. The weight of any individual bundle shall not exceed seventy-five (75) pounds. Other yard wastes shall be stored in containers so constructed and maintained as to prevent the accidental dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights-of-way. The weight of any individual yard waste container and contents shall not exceed seventy-five (75) pounds.

(Ord. 4-4-88, passed 4-4-88) Penalty, see § 50.999

§ 50.019 ABANDONED OR UNATTENDED ICEBOX AND THE LIKE.

No owner, occupant, tenant or lessee of any building or dwelling may leave outside the dwelling or building, in a place accessible to children, any abandoned or unattended icebox refrigerator or other receptacle that has an air-tight door, lid or cover without first removing the door, lid or cover.

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§ 50.020 STORAGE CONTAINERS NOT IN COMPLIANCE.

Solid waste containers which do not meet the specifications as outlined in this subchapter shall be considered waste and will be collected and disposed of together with their contents.

(Ord. 4-4-88, passed 4-4-88)

COLLECTION OF SOLID WASTE

§ 50.025 RESPONSIBILITY OF CITY.

The city shall provide for the collection and disposal of solid waste as follows:

(A) The city shall provide for the collection of all solid waste in the city, provided, however, that the city may provide the collection and/or disposal service by contracting or franchising with a person, county, or other city or a combination thereof, for the entire city or portions thereof, as deemed to be in the best interests of the city.

(B) The city may, at its discretion and with permission of the county, provide solid waste collection and disposal services outside the city limits upon specific application of property owners or persons in charge of the property.

(Ord. 4-4-88, passed 4-4-88)

§ 50.026 COMPULSORY COLLECTION; BULKY RUBBISH.

Collection of all solid waste from premises within the city limits to which services are offered by the city is compulsory, except bulky rubbish as defined herein. Bulky rubbish will be collected or otherwise disposed of in accordance with rules and regulations promulgated by the City Council and in keeping with state law requirements concerning solid waste disposal.

(Ord. 4-4-88, passed 4-4-88)

§ 50.027 COLLECTION POINTS; DUTIES OF CUSTOMERS.

(A) It shall be the duty of all customers to place, or cause to be placed, all solid waste containers, tree limbs and yard wastes, as described and defined herein at the curbside or alley, for collection. Any solid waste containers, tree limbs, yard wastes or other solid waste permitted by this chapter to be placed at the curbside or alley for collection shall be so placed not more than the number of hours before collection that are specified by the franchise holder and approved by the city. All reusable or permanent containers shall be removed from the curbside or alley within the number of hours after collection that are established by the franchise holder and approved by the city. All solid wastes generated from a customer’s premises shall be placed in containers of sufficient size and quantity to properly contain and hold the solid waste unless the solid waste is properly or legally disposed of otherwise.

(B) Residential customers’ containers must be maintained in a good state of repair and condition and residential customers shall be limited on a regular basis to five containers per single-family unit. For unusual and infrequent occasions and events, more than five containers may be used. Residential
customers shall place their solid waste containers in the location set forth above in subsection (A) on the
days that are, scheduled and assigned to them by the city from time to time.

(C) Any residential customer whose solid waste must be collected at a place other than curbside shall be
assessed an additional fee, unless the city deems a particular curbside pick-up to be a hazard or danger to
the solid waste collectors or general public, in which case there shall be no extra charge or assessment.

(D) The city may determine that a customer’s actions in the disposal of their solid waste, the use of
improper containers, or the improper placement of the containers presents a problem for the city and the
solid waste collectors. Upon the making of such a determination, the customer shall be notified in writing
of the problem and granted a hearing before the city if requested by the customer. At the hearing, or upon
the failure of the customer to respond to the written notice or attend the hearing, the city may require the
customer to make changes or take action as it deems reasonably necessary to correct the problem.

(Ord. 4-4-88, passed 4-4-88)

§ 50.028 RIGHT OF COLLECTORS TO ENTER PRIVATE PROPERTY.

Solid waste collectors employed by the city, or any solid waste agency and its employees
operating under a contract or franchise with the city, are hereby authorized to enter upon private property
or the purpose of collecting solid waste therefrom as required by this chapter. Solid waste collectors shall
not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste.
Commercial solid waste may be removed from within commercial establishments upon written request of
the owner and approval of the City Council.

(Ord. 4-4-88, passed 4-4-88) Penalty, see § 50.999

§ 50.029 FREQUENCY OF COLLECTION.

All residential and commercial solid waste, other than bulky rubbish, shall be collected according
to the schedule agreed upon by the city and the franchise holder. However, such collection must occur at
least once per week. All collections shall be made between the hours of 6:00 a.m. and 4:00 p.m.

(Ord. 4-4-88, passed 4-4-88)

§ 50.030 OWNERSHIP OF SOLID WASTE.

All solid waste placed in authorized storage containers and placed at the point of collection
defined in § 50.027 shall become the property of the city or its duly authorized agent and no person shall
be allowed to separate, carry off or dispose of same without the written permission of the City Council,
except as referred to in §§ 50.105 through 50.112 (recyclable materials).

(Ord. 4-4-88, passed 4-4-88) Penalty, see § 50.999

§ 50.031 RESPONSIBILITY OF COLLECTOR.

Solid waste collectors, employed by the city or a solid waste collection agency operating under
contract or franchise with the city, shall be responsible for the collection of solid waste from the
designated pick-up location to the transportation vehicle provided the solid waste was stored in
compliance with the provisions set forth in this chapter. Any spillage or blowing of litter caused as a
result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

(Ord. 4-4-88, passed 4-4-88)

§ 50.032 USE OF DUMPSTERS AND OTHER CONTAINERS PROVIDED.

(A) **Request by City or Franchise Holder.** The use of dumpsters by a customer will be encouraged when it is deemed desirable based upon the quantity of the customer’s solid waste, the frequency of collection, or other problems encountered with the use of regular containers. When it is believed that a customer should use a dumpster, the same will be requested in writing to the customer stating the reasons therefor.

(B) **Request by Customer.** Any customer may request the use of a dumpster by contacting the City or the franchise holder. The City may approve the use of a dumpster based upon its location and any other condition the city may feel is necessary.

(C) **Use of Dumpsters in General.** If and when a dumpster, or dumpsters, are approved and used by a customer, the dumpsters must conform to the specifications of the franchise holder or be a dumpster provided on a rental basis either by the city or the franchise holder. Only such customer who is approved to use the requested dumpster shall dispose of solid waste in such container.

(D) **Use of Containers provided by the City.** In lieu of customer-provided containers, the City and the franchise holder, may, at City’s or the franchise holder’s discretion, provide containers for use in the area enclosed by First Alley Street North, First Alley Street South, First Alley Street East, and First Alley Street West; such containers may only be used by commercial customers operating within and physically located in such defined area and only for commercial solid waste generated by and from the commercial customers’ business operations therein.

(Ord. 4-4-88, passed 4-4-88, amended ___ - ___ -2014)

§ 50.033 PROHIBITIONS AGAINST CERTAIN KINDS OF WASTES.

(A) The following wastes may not be deposited in solid waste receptacles, solid waste containers or dumpsters:

1. Hazardous wastes;
2. Liquid wastes;
3. Bulky rubbish;
4. Major appliances or furniture;
5. Tires;
6. Demolition or construction wastes;
7. Dead animals;
8. Any burning or smoldering materials, or any other materials that would create a file hazard.
(B) No person may remove any item from a solid waste receptacle, container or dumpster, climb into a receptacle or dumpster, or damage a receptacle or dumpster.

(Ord. 4-4-88, passed 4-4-88) Penalty, see § 50.999

TRANSPORTATION AND DISPOSAL OF SOLID WASTE

§ 50.045 COLLECTION VEHICLE STANDARDS.

All solid waste transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers. They shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair.

(Ord. 4-4-88, passed 4-4-88) Penalty, see § 50.999

§ 50.046 DISPOSAL IN APPROVED SITES.

Solid wastes shall be deposited at a processing facility, transfer station, pick-up station or disposal area approved by the city and complying with all requirements of the Kentucky Revised Statutes (specifically KRS 224.43-010, 224.40-100 and 224.40-310) and the rules and regulations adopted thereunder. The city may designate the particular processing or disposal facility to be utilized by persons operating under §§ 50.060 through 50.068 of this chapter.

(Ord. 4-4-88, passed 4-4-88)

§ 50.047 HAZARDOUS WASTE DISPOSAL.

Hazardous wastes shall not be disposed of in the same manner as solid wastes. Such wastes shall be disposed of only under certain provisions and will require special handling and shall be disposed of only the manner authorized by state regulations.

(Ord. 4-4-88, passed 4-4-88) Penalty, see § 50.999

FRANCHISING

§ 50.060 FRANCHISE REQUIREMENT.

No person may engage in the business of solid waste collection or disposal unless he holds a contract or franchise agreement issued by the City Council authorizing the person to collect, transport, and/or dispose of solid waste and describing the area and purposes for which the franchise is issued.

(Ord. 4-4-88, passed 4-4-88) Penalty, see § 50.999
§ 50.061 ESTABLISHMENT.

The City Council shall determine the area for which a franchise is granted, and unless specifically set out otherwise, such area shall be the entire incorporated city limits of the city.

(Ord. 4-4-88, passed 4-4-88)

§ 50.062 GRANTING OF FRANCHISE.

Upon the conditions herein set forth and in accordance with sections 163 and 164 of the Constitution of the Commonwealth of Kentucky, the city may grant to one or more grantees an exclusive or a nonexclusive franchise to perform any and/or all of the functions and duties of the city herein, including the duty of disposing of all solid wastes at an approved landfill or other approved disposal method, and receive any and/or all of the benefits and privileges of the city under this chapter, subject to the provisions, conditions, rules and regulations set forth in this chapter.

(A) Advertisement. The city shall advertise for sealed bids for any franchise, directing that all bids shall be submitted to the city at such times and places as set out in the advertisement. The advertisement shall request and require the following information:

1. All bids shall specifically set out whether the services would:
   (a) Provide complete pick-up as set out in this chapter and transfer to an approved disposal site; or
   (b) Provide a transfer station and then transfer to an approved disposal site;

2. All bids shall also set out the following information with the understanding and provision that bids may be submitted proposing more than one of the above alternatives or any other alternative services:
   (a) A schedule of the kind of, and the frequency of, the services offered;
   (b) The kinds of solid waste loads that would be collected, and the restrictions, if any;
   (c) If the bid includes a transfer station, then the proposed location of the station, a set of plans for the proposed construction of the station, the kinds of solid waste loads that would be handled or received at a transfer station, the hours of operation of same, and the different fees to be charged by the grantee at the station to persons, firms, businesses or governmental units delivering solid wastes to said station;
   (d) The requirements, if any, for receiving loads at any transfer station from different persons, firms, businesses or governmental units;

3. A schedule of the rates to be charged for services offered, itemized as per the various services and different alternatives;

4. The amount of the franchise fee to be paid to the city for the granting of a complete operation franchise thereunder, which fee shall be not less than 10% of the gross revenues collected by the grantee in the case of total collection and disposal by the grantee;

5. The date that the grantee would first provide all of its services;
(6) Specifications as to the make, year and model and number of vehicles and other equipment proposed to be utilized by grantee;

(7) The number of men to be employed in the system, whether complete or simply a transfer station, and their hours on the job of collection and disposal.

(B) Receipt of Bids. The city shall publicly receive bids containing the above information for any franchise.

(C) Award of Bid. The city shall award the franchise to the highest and best bidder, if awarded, however, the city expressly reserves the right to:

(1) Award more than one Nonexclusive Franchise;

(2) Reject any or all bids for an exclusive or a nonexclusive franchise; and

(3) Withhold the granting of any exclusive or nonexclusive franchise.

(D) Costs of Awarding Franchise. The grantees of any franchise agreement shall reimburse the city for the costs of publishing the ordinance and for the advertisement provided for in subsection (A) above, and if there is more than one grantee said costs shall be equally shared.

(Ord. 4-4-88, passed 4-4-88)

§ 50.063 TERM.

The term of any franchise granted hereunder shall be for a period of from five to 20 years and may be renewable.

(Ord. 4-4-88, passed 4-4-88)

§ 50.064 FEES CHARGED BY GRANTEE.

The City Council shall approve all fees charged by the grantee of any franchise. Such fees may be amended only on an annual basis on the anniversary date of any contract, and then only for just cause, and upon request by the grantee and approval of the City Council.

(Ord. 4-4-88, passed 4-4-88)

§ 50.065 PRIVILEGES; OBLIGATIONS OF GRANTEE AND CITY.

(A) Obligations of City.

(1) If a franchise is awarded for the collection of solid wastes, or both the collection and disposal of solid wastes, then the city shall be responsible for the collection of all fees and charges from the customers, and the enforcement of the collections. The city shall pay to the grantee his portion of the collections on a monthly basis. The city shall be responsible for payments to the grantee based on collections actually received, rather than on charges and fees billed out. The city may not be held liable by the grantee for failure to collect on any fee or charge for any reason.

(2) The city shall exercise reasonable diligence in the collection of the fees and charges, however, any fees and charges which are over 60 days delinquent shall be assigned to the grantee upon
his request. When fees and charges are assigned to the grantee, the city shall not collect its 10% franchise fee based on those fees and charges.

(B) Franchise Fees.

(1) When a franchise is awarded for the collection of solid wastes, or both the collection and disposal of solid wastes, the grantee shall pay to the city a franchise fee equal to 10% of the gross charges to the customers, which the city may deduct from collections otherwise payable to the grantee. The city may deduct its 10% franchise fee for any period of time only for the collections actually received for that period of time.

(2) There shall be no franchise fees due when a franchise is awarded for the installation of a transfer station only, or the disposal of solid waste only.

(Ord. 4-4-88, passed 4-4-88)

§ 50.066 PERFORMANCE BOND.

The grantee of any franchise or contract hereunder shall provide the city with a performance bond with good and sufficient surety in the amount of $100,000 to assure the city of the grantee’s performance under the franchise or contract.

(Ord. 4-4-88, passed 4-4-88)

§ 50.067 FRANCHISE GRANTEE REGULATIONS.

(A) Liability.

(1) The grantee shall indemnify and hold the city harmless at all times during the term of any franchise agreement granted hereunder from and against all claims for injury or damages to persons or property both real and personal caused by the operations authorized by the franchise agreement and this authorizing chapter.

(2) The grantee shall defend, fully indemnify and save harmless the city from and against any and all claims and demands whatsoever, arising out of any agreement pursuant to this chapter or any operation of the grantee thereunder during the term of the agreement or any renewal thereof. The grantee shall carry at all times during the term of the franchise:

(a) Insurance to protect the city and its residents from and against any and all claims or injury or damages to persons or property, both real and personal, caused by the operations and the amount of such insurance against liability due to damage to property shall not be less than $100,000, as to any one person and $200,000 as to any one accident, and against liability due to injury or death of persons, $1,000,000 as to any one person or to any one accident.

(b) Workman’s Compensation Insurance in compliance with the laws of the state.

(c) Automobile insurance with the limits of not less than $500,000/$1,000,000 and property damage insurance with a limit of not less than $50,000.
(d) All of the insurance coverages shall provide a 30-day notice to the city in the event of material alteration or cancellation of any coverage afforded in the policies prior to the date the material alteration or cancellation shall become effective.

(e) Copies of all policies required hereunder shall be furnished to and filed with the city upon request.

(f) The grantee shall pay and by its acceptance of any franchise granted hereunder specifically agrees that it will pay all expenses incurred by the city in defending itself with regard to all damages, penalties, or other claims resulting from the acts of the grantee, its assigns, employees, agents, invitees, or other persons. Said expenses shall include all out-of-pocket expenses such as attorneys’ fees.

(g) Notification of legal action.

1. The city shall promptly notify the grantee, in writing, in the event any claims, demands, suit or other legal action is made against the city on account of any act or omission on the part of the grantee.

2. The grantee, upon receipt of due notice in writing from the city, shall defend at its own expense any action or proceedings against the city in which it is claimed that liability is by reason of the grantee’s operations and, in the event of a determination of liability, shall indemnify the city.

(B) Compliance With All Laws. The grantee shall comply with all local, state and federal laws in the operation or any franchise business hereunder, including all laws, rules and regulations concerning labor and employment.

(C) General Operation of Grantee’s Franchise. The grantee shall perform his duties under the franchise without hazard to the public health or damage to the environment in order to preserve the health, comfort, safety and welfare of the residents of the city, and to provide a clean, effective and orderly solid waste management program.

(D) Inspection. The city by its authorized agent shall have access at all reasonable hours to the following:

1. Copies of all rules, regulations, terms and conditions adopted by the grantee for the conduct of its business with any customer in the area. Such rules and regulations shall also be available at all reasonable hours to any customer in the area.

2. A semiannual summary report showing gross receipts from customers received by the grantee from its operations within the area during the preceding year, for the purpose of evidencing the fee payable to the city under the provisions set out above.

3. To inspect the grantee’s operation, vehicles and equipment in order to assure compliance with this chapter and all other rules, regulations and laws.

(Ord. 4-4-88, passed 4-4-88)
§ 50.068 TERMINATION OF FRANCHISE.

If the grantee shall fail to comply with any of the provisions of any agreement executed as a result of this subchapter, or default in any of its obligations except for causes beyond the reasonable control of the grantee, the city shall have the right to repeal the grantee’s Franchise Agreement and its authorizing ordinance and all rights of the grantee thereunder.

(Ord. 4-4-88, passed 4-4-88)

RULES AND REGULATIONS

§ 50.080 SETTING OF RATES; CLASSIFICATION OF CUSTOMERS; SCHEDULING OF COLLECTION SERVICES.

(A) The city, with the advice of the Superintendent, shall list and classify all customers and fix the schedule for the collection of solid waste within the city. In addition, the city may, from time to time, as it deems necessary, make, amend, revoke, and enforce reasonable rules and regulations, governing, but not necessarily limited to the following:

(1) Preparation, drainage and wrapping of garbage deposited in solid waste containers.

(2) Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.

(3) Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any.

(4) Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.

(5) Storage of solid waste in solid waste containers.

(6) Sanitation, maintenance and replacement of solid waste containers.

(7) Schedules of and routes for collection and transportation of solid waste.

(8) Collection points of solid waste containers.

(9) Collection, transportation, processing and disposal of solid waste.

(10) Processing facilities and fees for the use thereof.

(11) Disposal facilities and fees for the use thereof.

(12) Records of quantity and type of wastes received at processing and/or disposal facilities.

(13) Handling of special wastes such as sludges, ashes, agriculture, construction, bulky rubbish, tires, automobiles, oils, greases, etc.

(B) A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the City Clerk/Treasurer.
§ 50.081 PROHIBITED PRACTICES.

It shall be unlawful for any person to:

(A) Dispose of garbage, refuse, rubbish or debris by dumping same on any premises in the city with or without the consent of the owner of the premises.

(B) Dump or permit the dumping of garbage, refuse, rubbish, and debris on any property within the city limits.

(C) Deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such container and/or, with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal.

(D) Fail to have solid waste collected as provided in this chapter.

(E) Interfere in any manner with solid waste collection and transportation equipment, or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the city, or those of a solid waste collection agency operating under contract or franchise with the city.

(F) Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency.

(G) Dispose of dead animals in any container to be collected by the city.

(H) Own or operate a dump.

(I) Engage in the feeding of food waste to animals for commercial purposes.

(J) Dispose of solid waste at any facility or location which is not approved by the city and the Kentucky Department for Environmental Protection.

(K) Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the city without a contract or franchise with the city, or to operate under an expired or revoked contract or franchise.

(L) Violate any section or subchapter of this chapter or any other rule or regulation promulgated under the authority of any contract or franchise agreement.

(Ord. 4-4-88, passed 4-4-88) Penalty, see § 50.999

§ 50.082 NOTICE OF VIOLATION; NUISANCE.

The city, or its authorized agents and representatives, may serve or cause to be served upon the owner or occupant of any premises on which there is kept or maintained any nuisance created by solid waste or who is in violation of the provisions of this chapter, a notice of such nuisance or violation and to demand the abatement of the nuisance or violation in a period of not less than five days from issuance of said notice.
§ 50.083 ABATEMENT OF VIOLATION; LIEN CLAIM.

If the person so served with the notice set out above does not abate the nuisance or violation within the time period set in said notice, the city may proceed to abate such nuisance or violation, keeping an account of the expense of the abatement, and such abatement shall be charged and paid by such owner or occupant as any other bill for services hereunder. Whenever a bill for such charges remains unpaid for 30 days after it has been rendered to said occupant or owner, the city may file a statement of lien claim against the property.

(Rod. 4-4-88, passed 4-4-88)

RATES AND CHARGES

§ 50.095 SOLID WASTE COLLECTION SERVICE CHARGES AND FEES.

All service charges and fees to be paid by customers for solid waste collection and disposal shall be set by contract between the city and the grantees of solid waste collection and disposal franchises. A copy of each service charge and fee schedule shall be maintained at City Hall and shall be available for public inspection during normal business hours.

§ 50.096 BILLING AND PAYMENT OF CHARGES AND FEES.

(A) Sewer and Water Bills. Billings shall be included with the customer’s monthly water and sewer bill. The rules, regulations and penalties for the payment of solid waste service charges and fees shall be the same as those applied to the payment of water and sewer bills.

(B) All Other Billings. Customers who do not receive a water and sewer bill shall receive a separate monthly billing for solid waste collection and the customer shall pay same by the 20th day of the month following receipt of the bill. Any payments made later than the 20th day of the month following receipt of the bill shall be subject to a penalty in the amount of 10% of the amount of the bill for each month or any part of a month that the payment remains unpaid after the 20th day.

(Rod. 4-4-88, passed 4-4-88)

COLLECTION AND DISPOSAL OF RECYCLABLE MATERIALS.

§ 50.105 PERMIT REQUIRED; FEE.

All solid wastes which are sold, transferred or given for the specific purpose of recycling may be taken by any customer to any recycling center and such materials need not be treated as other solid wastes herein. However, any person in the business of collecting or picking up recyclable materials from the customer’s own premises shall have first obtained a permit from the city at a cost of $150 per year. Such person in the business of collecting recyclable materials shall not be a franchise grantee hereunder however, they shall be bound by the provisions which follow in this subchapter.

(Rod. 4-4-88, passed 4-4-88; Am. Ord. 8- -90, passed 8- -90) Penalty, see § 50.999
§ 50.106 STORAGE CONTAINERS.

(A) All customers selling, transferring or giving away recyclable materials within the city shall provide sufficient after adequate containers for the storage of all such materials that are capable of being containerized, and to maintain such containers at all times in a good state of repair.

(B) All customers shall place all recyclable materials capable of being containerized to be collected in proper solid waste containers as defined in § 50.002 of this chapter, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. Recyclable materials shall be stored in a manner that will not provide harborage to rodents and vermin and will not create a fire hazard.

(C) Containers shall be leakproof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. Permanent containers may be used which shall be galvanized metal containers, or rubber, fiberglass, or plastic containers which do not become brittle in cold weather. Disposable solid waste containers with suitable frames, plastic garbage bags or containers may also be used for storage of residential solid waste. Any such disposable plastic bags must comply with the requirements of a solid waste container as set out in the definitions in § 50.002.

(D) Solid waste containers which do not meet the specifications as outlined in this subchapter shall be considered waste and will be collected and disposed of along with their contents.

(Ord. 4-4-88, passed 4-4-88; Am. Ord. 8-90, passed 8-90) Penalty, see § 50.999

§ 50.107 PLACEMENT OF CONTAINERS.

(A) Any recyclable waste containers permitted by this subchapter to be placed at the curbside or alley for collection shall be so placed not more than 18 hours before collection. All reusable or permanent containers shall be removed from their placement within 18 hours after collection. All solid wastes generated from a customer’s respective premises shall be placed in containers of sufficient size and quantity to properly contain and hold such solid waste unless such solid waste is properly or legally disposed of otherwise.

(B) Customers’ containers must be maintained in a good state of repair and condition. Such customers shall place said containers at the proper placement set out above on such days as are scheduled and assigned to them by the city or the person who has contracted for the collection of their recyclable materials.

(Ord. 8-90, passed 8-90) Penalty, see § 50.999

§ 50.108 DAYS; HOURS OF COLLECTION.

All collections of recyclable materials at a customer’s premises shall be made between the hours of 6:00 a.m. and 5:00 p.m. Monday through Saturday, only.

(Ord, 8-90, passed 8-90)
§ 50.109 TRANSPORTATION VEHICLES; SPECIFICATIONS.

All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of recyclable materials shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting recyclable materials, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No recyclable materials shall be transported in the loading hoppers. They shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair.

(Ord, 8-90, passed 8-90) Penalty, see § 50.999

§ 50.110 PLACES OF DEPOSIT.

Recyclable materials shall be deposited at a processing facility, transfer station, pick-up station or disposal area approved by the city.

(Ord. 8-90, passed 8-90)

§ 50.111 RESPONSIBILITY OF COLLECTORS.

Recyclable materials collectors operating under contract or permitted by the city, shall be responsible for any spillage or blowing of litter caused as a result of their operations.

(Ord. 8-90, passed 8-90)

§ 50.112 VIOLATIONS; HEARING.

The city may determine that a customer’s actions in the disposal of their recyclable materials; the use of improper containers; or the improper placement of the containers presents a problem for the city or the collector of such materials. Upon the making or such a determination, such customer shall be notified in writing of the problem and granted a hearing before the City Council if requested by a customer. At such hearing, or upon the failure of the customer to respond to the written notice or attend such hearing, the city may require such customer to make such changes or take such action as it deems reasonably necessary to correct the problem.

(Ord. 8-90, passed 8-90)

§ 50.999 PENALTY.

Any person or other entity failing to comply with any of the provisions of this chapter shall be guilty of a violation punishable by a fine of not less than $5 nor more than $100. Each day the violation continues shall be considered a separate offense.
CHAPTER 51: WATER AND SEWER SYSTEM

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51.071 Monthly sewer rates
51.072 Multiple users on one meter
51.073 Meter deposits & tap fees
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GENERAL PROVISIONS

§ 51.001 DEFINITIONS.

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

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

APPROVAL AUTHORITY. The Director in an NPDES states with an approved State Pretreatment program and the Administrator of the EPA in a non-NPDES state or an NPDES state without an Approved State Pretreatment Program.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER. An authorized representative of an Industrial User may be:

(A) A principal executive officer of at least the level of vice-president;

(B) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; or

(C) 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.

CUSTOMER. A property owner or his agent who has agreed to purchase water and/or sewer service from the city.

DIRECT DISCHARGE. The discharge of treated or untreated wastewater directly to the water of the State of Kentucky.

DISCHARGE. Any facility 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.

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

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

GARBAGE. Animal and vegetable waste resulting from the handling, preparation, cooking and serving of food in-home kitchens, stores, markets, restaurants, motels, hotels, and other places where food is stored, prepared, or served. Specifically excluded is food processing wastes from canneries, slaughterhouses, packing plants, and similar industries.

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

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

INDIRECT USER. A person who discharges or introduces non-domestic 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).

INDIRECT DISCHARGE. The discharge of the introduction of pollutants into a POTW from any nondomestic source regulated under Section 307 (b), (c) or (d) of the Act and including holding tank wastes discharged into the system.

INDUSTRIAL WASTEWATER. All water-carried wastes and wastewater of the community excluding domestic wastewater and uncontaminated water, and shall include all wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation where the wastewater discharged includes significant quantities of wastes of non-human origin.

INTERFERENCE. The inhibition or disruption of the POTW treatment processes or operation that contributes to a violation of any requirement of the City’s NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. 1345), or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substance Control Act, or more stringent state criteria (including those contained in any State Sludge Management Plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or PRETREATMENT STANDARD. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 407(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD. Any regulation developed under the authority of Section 407(b) of the Act and 40 CFR, Section 403.5.
NATURAL OUTLET. Any outlet, including storm sewers, into a watercourse, pump, ditch, lake, or other body of surface or ground water.

NEW SOURCE. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such sources, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a new source means any source, the construction of which is commenced after date of promulgation of the standard.

ORDINANCE. Unless otherwise specified, this Ordinance.

PERSON. Any individual, partnership, committee, association, corporation, public agency, firm, company, and any other organization or group of persons, public or private.

PH. The reciprocal of the logarithm of the hydrogen ion concentration which is the weight of hydrogen ions in grams per liter of solution.

POLLUTANT. shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

POLLUTION. shall mean the man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

POTW TREATMENT PLANT. A 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 of alteration can be obtained by physical, chemical, or biological processes, or process changes by other means, except as prohibited by 40 CRF Section 403.6(d).

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.

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 any dimension.

PUBLICLY OWNED TREATMENT WORKS (POTW). A treatment works as defined by 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 wastewaters to the POTW treatment plant, but does not include pipes or other conveyances not connected to a facility providing treatment. For the purposes of the Ordinance, “POTW” shall also include any sewer that conveys wastewater 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.

**SANITARY SEWER.** A sewer which carries domestic and/or industrial wastewater and to which storm, surface, and ground waters are not intentionally admitted.

**SEWAGE.** Wastewater.

**SEWERAGE.** Any and all facilities used for collecting, conveying, pumping, treating, and disposing of wastewater, or a pipe or conduit for carrying waste water.

**SIGNIFICANT INDUSTRIAL USER.** Any user of the City’s wastewater disposal system who (1) is subject to a Categorical Pretreatment Standard(s) under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or (2) has a discharge flow of 25,000 gallons or more per average work day; or (3) has a flow greater than 5 percent of the flow in the City’s wastewater treatment system; or (4) has in its wastewaters toxic pollutants as defined pursuant to Section 307 of the Act or State statutes and rules; or (5) is found by the City, State Approval Authority or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing users, on the wastewater treatment system, the quality of sludge, the system’s effluent quality, or air emissions generated by the system.

**SLUDGE DISCHARGE.** Any discharge of a non-routine, episodic nature, including, but not limited to, an accident spill or non-customary batch discharge and/or any discharge of water or wastewater in which the concentration of any given constituent or the 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 of flow rate during normal operation and/or adversely affects the POTW.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC).** A classification pursuant to the Standard Industrial Classification manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

**STANDARD METHODS.** The current edition of “Standard Methods for the Examination of Water and Wastewater” and as published by the American Public Health Association.

**STORM DRAIN or STORM SEWER.** A sewer which carries storm and surface waters and drainage, but excludes domestic and industrial wastewaters.

**STORM DRAIN SYSTEM.** Publicly-owned facilities operated by the City by which storm water is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the City.

**STORM WATER.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.

**SUPERINTENDENT.** The Director of Public Works of the City of Greensburg.

**SYSTEM.** The combined and consolidated water and sewer system of the City, as now or hereafter constituted.
**TOTAL SUSPENDED SOLIDS or FILTERABLE RESIDUE.** The insoluble solid matter suspended in wastewater that is separable by laboratory filtration in accordance with the procedure described in “Standard Methods.”

**TOXIC POLLUTANT.** Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other acts.

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

**WASTEWATER.** The water-carried wastes of the community derived from human or industrial sources including domestic wastewater and industrial wastewater. Rainwater, groundwater or drainage, or uncontaminated water is not wastewater.

**WASTEWATER DISCHARGE PERMIT.** (Permit for Industrial Discharge, Permit, etc.) shall mean as set forth in Section 51.059(F) of this Chapter.

**WASTEWATER TREATMENT PLANT.** Any arrangement of devices and structures used for treating wastewater.

**WATERCOURSE.** A channel in which a flow of water occurs, either continuously or intermittently.

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

§ 51.001(a) ABBREVIATIONS.

The following abbreviations shall have the designated meanings:

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASTM</td>
<td>American Society for Testing &amp; Materials</td>
</tr>
<tr>
<td>BOD</td>
<td>Biochemical Oxygen Demand</td>
</tr>
<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
</tr>
<tr>
<td>COD</td>
<td>Chemical Oxygen Demand</td>
</tr>
<tr>
<td>EPA</td>
<td>Environmental Protection Agency</td>
</tr>
<tr>
<td>l</td>
<td>Liter</td>
</tr>
<tr>
<td>mg</td>
<td>Milligrams</td>
</tr>
<tr>
<td>mg/l</td>
<td>Milligrams per liter</td>
</tr>
<tr>
<td>NPDES</td>
<td>National Pollutant Discharge Elimination System</td>
</tr>
<tr>
<td>POTW</td>
<td>Publicly Owned Treatment Works</td>
</tr>
<tr>
<td>SIC</td>
<td>Standard Industrial Classification</td>
</tr>
<tr>
<td>TSS</td>
<td>Total Suspended Solids</td>
</tr>
<tr>
<td>WPCF</td>
<td>Water Pollution Control Federation</td>
</tr>
</tbody>
</table>

§ 51.002 APPLICATION FOR SERVICE.

Each customer must make written application for water and/or sewer service at the City hall, and the application, including service received thereunder, is not assignable by the customer.
§ 51.003 OWNERSHIP OF LINES AND METERS.

The City shall own all lines, meters, and other water and sewer equipment as shall be paid for by the City.

§ 51.004 RESTRICTIONS ON AMENDMENTS.

This chapter shall not be amended without the permission of the Farmers Home Administration, United States Department of Agriculture (the "FmHA"), so long as the FmHA is the owner or insurer of any bonds issued by the City and payable from the revenues of the system.

§ 51.005 PURCHASE AND USE OF WATER.

(A) Each customer shall be entitled to purchase from the City, pursuant to such agreements as may from time to time be provided and required by the City, such water as the customer may desire, subject, however, to the provisions of this chapter and to such further rules and regulations as may be prescribed by the City, provided, however, that should a customer sell or dispose of a portion of his property or subdivide the same, he, or the new owner of each new tract, may not demand water and taps without paying connection fees for each tract to be served.

(B) In the event that the total water supply shall be insufficient to meet all of the needs of the customers or in the event that there is a shortage of water, the City or its Superintendent may prorate the water available among the various customers, on such basis as is deemed equitable by the City or its manager, and may also prescribe a schedule of hours covering use of water and require adherence thereto or prohibit the use of water for specified purposes, for such appropriate period of time as may be necessary under the circumstances.

§ 51.006 NON-SEWER FACILITIES PROHIBITED.

(A) It shall be unlawful for any person to construct or maintain or permit to be constructed or maintained any outdoor toilet, privy, vault, cesspool, septic tank, or other similar contrivance for the reception of sewage on any lands owned by such person, or under his control, which abut upon a sewage collection line in any public street, alley, or other easement or through which a sewage collection line passes or to which a sewage collection line is hereafter available; all such outdoor toilets or privies shall be removed; and all such vaults, cesspools, septic tanks, or other similar contrivances for the reception of sewage shall be closed or filled or otherwise removed from the properties described above within 90 days after the sewage collection service becomes available.

(B) All privies, surface toilets, or other means of casting or depositing sewage into a container above or below the surface of the ground or upon or into the soil or into any running or percolating stream of water or into any cistern or well whereby the soil or any surface or sub-surface waters are contaminated with sewage are hereby declared to constitute a public nuisance and their use or maintenance for a period of
more than 90 days following the availability of a sewage collection line to the property is hereby prohibited.

(Ord. 10-23-87, passed 10-23-87(A)) Penalty, see § 51.099

§ 51.007 PROPERTY OWNERS REQUIRED TO INSTALL TOILET FACILITIES.

Each owner of a house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the City and to which sewer service is made available by the City, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the available public sewer in accordance with the requirements of this chapter.

(Ord. 10-23-87, passed 10-23-87(A)) Penalty, see § 51.099

§ 51.008 SEWER INSTALLATION COSTS TO BE BORNE BY PROPERTY OWNERS.

All costs and expenses incident to the installation and connection of a building sewer shall be borne by the owner, who shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. All connections shall be made under the supervision of the Superintendent of the sewer system or other duly authorized official of the City.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.009 UNSANITARY DEPOSIT OF GARBAGE AND DISCHARGE OF SEWAGE TO NON-SEWER FACILITIES PROHIBITED.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the City, any garbage or other objectionable waste, or to discharge to any natural outlet within the City, any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided under the supervision of the Superintendent or other duly authorized City official.

(Ord. 10-23-87, passed 10-23-87(A)) Penalty, see § 51.99

§ 51.010 KENTUCKY LAWS INCORPORATED BY REFERENCE.

All applicable Kentucky Statutes which now or may hereafter exist are incorporated herein and made a part of this chapter, and the City may use any powers therein contained, in addition to those set out in this chapter.

(Ord. 10-23-87, passed 10-23-87(A))

TAPS AND CONNECTIONS

§ 51.025 WATER TAPS AND CONNECTIONS.

Whenever the City shall determine that it is feasible to provide water service to a customer, the City shall install, maintain, and operate a main distribution pipeline or lines from the system's source of water supply and shall further install and maintain, at the City's expense, such portion(s) of the necessary water service lines as may be needed to bring water from a water main to the lot or easement line of a customer; provided, however, that if the necessary water service line from the water main to the water meter of a customer is unusually long, as determined by the Superintendent, within guidelines fixed by
the City, the customer may be required to pay a portion of the cost of such service line. The expense borne by the City in any event shall include the necessary tap, fittings, and shut-off valve, which items shall belong to the City. Each customer shall install and maintain, at his expense, that portion of the service line from said lot or easement line to his premises, including a stop and waste cock at the end of the house site of his service, which items shall belong to the customer. The minimum earth cover of the customer's service shall be 30 inches. The manager shall determine the size and kind of service to be installed.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.026 ABUTTING OWNERS MUST CONNECT TO SEWER LINES.

(A) All owners, tenants, and occupants of dwellings, houses, apartments, hotels, motels, mobile homes, house trailers, mobile home parks, trailer camps, manufacturing or commercial establishments, or any other building of any kind or nature situated on a lot or lots, within the City limits, through which any sewage collection line has been or is hereafter installed, or which abuts upon any street, alley, or easement within the City limits in which there is hereafter installed a sewage collection line, or to which property a sewage collection line is extended, shall, within 90 days following the date on which the sewage collection line is placed in operation, connect therewith all sanitary sewage drain pipes of such dwellings, houses, apartment, hotels, motels, mobile homes, house trailers, mobile-home parks, trailer camps, manufacturing or commercial establishments, or other buildings, with the sanitary sewage collection line, conveying thereby all of the sewage therefrom into the sewer system. All connections shall be made in accordance with such rules and regulations as the City may from time to time duly establish; and the failure to make such connection is hereby declared unlawful and to constitute a nuisance.

(B) Each owner, tenant, and occupant of similar property outside the City limits, who is connected to the city water system and receives water service from the City, shall, within 90 days following the date on which the City sends written notice to such party that a City sewage collection line is available to the property, connect the property to the sewage collection line, in accordance with the adopted rules and regulations. The City shall cut off the water supply to any owner, tenant, and/or occupant failing to make such connection.

(Ord. 10-23-87, passed 10-23-87(A)) Penalty, see § 51.099

§ 51.027 SEWER CONNECTIONS REQUIRED FOR NEW BUILDINGS.

All architects, contractors, builders, or other persons, before commencing the erection of any building or other improvement capable of emitting liquid wastes or sewage, on any lot or parcel of land abutting on a street, alley, or easement in which there may be hereafter installed and maintained any sewage collection line, or on any lot or parcel of land through which there may be hereafter installed a sewage collection line, or to which a sewage collection line is made available, shall, before erecting or installing the building or improvement, exhibit to the City Council, or to such official as the City Council may designate, satisfactory evidence that a means has been provided or will be provided for connecting the sanitary sewage drain pipes from the building or other improvement with the sewer collection line. No storm water or other surface or sub-surface water drain shall be connected with any sanitary sewer line hereafter constructed, nor shall any storm water, surface, or sub-surface water be otherwise introduced into any sanitary sewage collection line.

(Ord. 10-23-87, passed 10-23-87(A))
§ 51.028 SEWER CONNECTIONS TO CONFORM TO REGULATIONS.

All sewer connections shall be made in accordance with the water and sewer regulations adopted by the City. Failure to effect such connection is hereby declared to be unlawful and shall constitute a nuisance.

(Ord. 10-23-87, passed 10-23-87(A)) Penalty, see § 51.099

§ 51.029 STORM WATER DRAIN CONNECTIONS PROHIBITED.

No storm water drain shall be or remain connected or be connected with any separate sanitary sewer heretofore or hereafter constructed as, or made a part of, the sewer system of the City, nor shall any storm water be otherwise introduced into any separate sanitary sewer.

(Ord. 10-23-87, passed 10-23-87(A)) Penalty, see § 51.099

§ 51.030 SEWER TAPS TO BE MADE ONLY BY CITY.

No sewer taps (breaking or entering into sewer lines of the City) shall be made by any person, firm, or corporation except the City. The City will, upon application to the City and payment of any tapping or connection fee, as may be prescribed by the City, tap the City sewer and run a lateral to the property line of any applicant where sewers are available, and any and all installations or attachments thereto shall be made by the applicant under the directions and supervision of the City, provided that nothing herein shall be construed as requiring the City to furnish a sewer connection or sewer services to any premises where a City sewer is not available at the time that the application is made.

(Ord. 10-23-87, passed 10-23-87(A)) Penalty, see § 51.099

§ 51.031 ALL SEPTIC FACILITIES NOT CONNECTED TO SEwers PROHIBITED.

It shall be unlawful for any person to construct or maintain a privy, well, vault, cesspool, cistern, septic tank, or similar contrivance for the reception of flowable sewage where sewers are available, and all such privies, wells, vaults, cesspools, cisterns, septic tanks, facilities, and similar contrivances shall be removed or disconnected by the owners and the occupants of premises to which sewers are made available in the City as soon as the same are made available to the premises. All such privies, facilities, and other means of casting or depositing sewage into a container above or below the surface of the ground, or upon or into the soil or into any running or percolating stream of water or into any cistern or well, whereby the soil is contaminated with sewage, are hereby declared to be unlawful and to constitute a nuisance.

(Ord. 10-23-87, passed 10-23-87(A)) Penalty, see § 51.099

REGULATIONS; PROHIBITIONS; CONDITIONS

§ 51.040 APPLICATION OF PROVISIONS.

The regulations, prohibitions and conditions set out in this subchapter shall apply to all customers of the City water and sewer system.

(Ord. 10-23-87, passed 10-23-87(A))
§ 51.041 SUPERVISION BY SUPERINTENDENT.

All taps and connections to the water mains and sewer of the City shall be made by and/or under the direction and supervision of the Superintendent.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.042 DISCONTINUANCE OF SERVICE.

(A) Water service may be discontinued by the Superintendent for any violation of any rule, regulation, or condition of service and especially for any of the following reasons:

(1) Misrepresentation in the application or contract as to the property or fixtures to be supplied, or as to additional use of water and/or sewer service, or as to unusual or extraordinary use of sewer facilities.

(2) Failure to report to the City additions to the property or fixtures to be supplied, or of additional use of water and/or sewer service.

(3) Resale or giving away of water.

(4) Waste or misuse of water due to improper or imperfect service pipes and/or failure to keep same in suitable state of repair.

(5) Tampering with meter, meter seal, service, or valves, or permitting such tampering by others.

(6) Connection, cross-connection, or permitting the same, of any separate water supply to premises which receive water from the City.

(7) Nonpayment of bills.

(B) Any customer desiring to discontinue the water and/or sewer service to his premises for any reason must give notice of discontinuance in writing at the City Hall; otherwise, a customer shall remain liable for all water used and water and/or sewer services rendered to such premises by the City unless said notice is received by the City.

(Ord. 10-23-87, passed 10-23-87)

§ 51.043 METERS.

(A) All meters shall be installed, renewed, and maintained at the expense of the City, and the City reserves the right to determine the size and type of meter used.

(B) Upon written request of any customer, the meter serving said customer shall be tested by the City. Such test will be made without charge to the customer if the meter has not been tested within 12 months preceding the requested test; otherwise, a charge of $3 will be made and then only if the test indicates meter accuracy within the limits of 2%. If a meter is inaccurate in excess of 2%, adjustments shall be made for the two preceding months prior to such test according to the inaccuracy in excess of 2%.

(C) Where a meter has ceased to register, or meter reading cannot be obtained, the quantity of water consumed will be based upon an average of the prior six months' consumption, considering the conditions of water service prevailing during the period in which the meter fails to register.
§ 51.044 INTERRUPTION OF SERVICE.

The City shall make all reasonable efforts to eliminate interruption of service, and, when such interruptions occur, will endeavor to re-establish service with the shortest possible delay. When the service is interrupted, all consumers affected by such interruption will be notified in advance whenever possible.

§ 51.045 LIABILITY DISCLAIMED BY CITY.

The City shall in no event be held responsible for any claim made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the supply of water caused by the failure or breakage of machinery or stoppage for necessary repairs. No person shall be entitled to damages nor for any portion of a payment refunded for any interruption of service which in the opinion of the City may be deemed necessary.

§ 51.046 BOILERS AND PRESSURE VESSELS.

Customers having boilers and/or pressure vessels receiving a supply of water from the City must have a check valve on the water supply line and a vacuum valve on the steam line to prevent collapse in case the water supply from the City is discontinued or interrupted for any reason, with or without notice.

§ 51.047 INSPECTION OF PREMISES.

The premises receiving a supply of water and all service lines, meters and fixtures, including any fixtures within said premises shall at all reasonable hours be subject to inspection by the duly authorized employees of the City.

§ 51.048 INSTALLATION AND MAINTENANCE OF EQUIPMENT.

(A) Piping on the premises of a customer must be so installed that connections are conveniently located with respect to the City lines and mains. The customer shall provide a place for metering which is unobstructed and accessible at all times. The customer shall furnish and maintain a cut-off valve on his side of the meter, and the City will furnish a like valve on its side of the meter.

(B) The customer's service lines shall be installed and maintained by the customer at his own expense in a safe and efficient manner and in accordance with the City's rules and regulations and with the regulations of the Department of Health.
§ 51.049 DAMAGE OR LOSS CAUSED BY CUSTOMER.

If any loss or damage to the property of the City or any accident or other injury to persons or property is caused by or results from the negligence or wrongful action of the customer, member of his household, his agent or employee, the cost of the necessary repairs or replacements shall be paid by the customer to the City, and any liability otherwise resulting shall be that of the customer.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.050 SALE OR GIVING AWAY OF WATER BY CUSTOMER PROHIBITED.

Water furnished by the City may be used for domestic consumption by the customer, member of his household, and employees only. The customer shall not sell or give the water to any other person.

(Ord. 10-23-87, passed 10-23-87(A)) Penalty, see § 51.099

§ 51.051 EASEMENTS & RIGHTS OF WAY.

(A) Each customer shall grant or convey, or shall cause to be granted or conveyed, to the City a perpetual easement and right-of-way across any property owned or controlled by the customer whenever said easement or right-of-way is necessary for the City water and/or sewer facilities and lines so as to enable the City to furnish service to the customer.

(Ord. 10-23-87, passed 10-23-87(A))

(B) The City of Greensburg, Kentucky, its agents, employees, or contractors, is hereby granted permission to lay, construct, install and maintain water and sewer lines and appurtenances over, across, under and/or parallel to the city streets and rights of way. The water and sewer lines shall be constructed in a manner and fashion as may be reasonable in the construction industry and in keeping with the regulations of the Commonwealth of Kentucky.

[Ord. passed 11-15-04].

§ 51.052 WATER FOR BUILDING OR CONSTRUCTION PURPOSES.

(A) Water for building or construction purposes will be furnished by meter measurement, however, no meter deposit will be required until the building or residence is occupied; and all water for building or construction purposes, as set forth in the permit, must pass through one and the same meter.

(B) Water so supplied shall be discharged through a hose or pipe directly upon the material to be made wet, or into a barrel or other container, and in no case upon the ground or into or through a ditch or trench; and all use of water by any party other than applicant, or use of water for any purpose or upon any premises not so stated or described in the application, must be prevented by the applicant, or water service may be discontinued to the applicant without notice.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.053 SPECIAL USES OF WATER.

Special terms and conditions may be made where water is used by the City or community for public purposes such as fire extinguishment, public parks, and the like.
§ 51.054 EXTENSION OF WATER; SEWER LINES.

(A) The City will construct extensions to its water and sewer lines to points within its service area, but the City is not required to make any such installation unless the customer pays to the City the entire cost of the installation.

(B) All line extensions shall be evidenced by a contract signed by the City and the person advancing funds for said extension, but each contract shall be null and void unless approved by the Farmers Home Administration and other governing bodies.

(C) If refund of the advance is to be made, the following method shall apply: such refund shall be in an amount equal to 20% of the total gross revenue of water sales per year for each service connected to the new extension prescribed in the agreement, for a period not to exceed five years, provided that the aggregate payments do not exceed the total amount deposited. No refund shall be made from any revenue received from any lines leading up to or beyond the particular line extension covered by contract.

(D) All decisions in connection with the manner of installation of any extension and maintenance thereto shall remain in the exclusive control of the City; such extension shall be the property of the City; and no other person shall have any right, title, or interest therein.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.055 DEPOSITING INFLAMMABLE; IMPROPER SUBSTANCES IN SEWER SYSTEM PROHIBITED.

No substances shall be placed or discharged into the municipal sewer system which will create a combustible, gaseous, explosive, or inflammable condition in said system, nor shall any substances or objects be placed or discharged into the municipal sewer system which will not dissolve and which will thus cause an obstruction and clogging within said system. No petroleum products shall be placed or discharged into the municipal sewer system.

(Ord. 10-23-87, passed 10-23-87(A))

Penalty, see §51.099

§ 51.056 UNUSUAL SEWAGE DISCHARGES.

In the event the sewage, water, or other liquid wastes being discharged into the municipal sewer facilities from any building or premises contain unduly high concentrates of any substances which add to the operating costs of the municipal sewer facilities, then special rates, rentals, or charges may be established, charged, and collected as to such building or premises, or the owner or other interested party may be required to specially treat such sewage, water, or other liquid wastes before it is discharged into the municipal sewer facilities.

(Ord. 10-23-87, passed 10-23-87(A))
§ 51.057 REFUSAL OF SERVICE.

The City may refuse service to any person, not presently a customer, when in the opinion of the City the capacity of the facilities will not permit such service.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.058 AMENDING OF RULES.

These rules may be changed or amended.

(Ord. 10-23-87, passed 10-23-87(A))

§51.059 USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS AND DISCHARGE OF WATERS AND WASTE INTO THE PUBLIC SEWER SYSTEMS

(A) DEFINITIONS. See §51.001 above.

(B) USE OF PUBLIC SEWERS REQUIRED.

(1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

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

(3) Except as hereinafter provided, 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.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is determined to be available by the Superintendent.

(5) Land which is within 1,000 feet of existing public sanitary sewers, measured by way of public rights-of-way or public utility easements, is considered to be served by sanitary sewage facilities. Any house, building or property constructed after the effective date of this ordinance and used for human occupancy, employment, recreation or other purpose constructed on property served by public sanitary sewer must be connected to public sanitary sewer.

(C) PRIVATE WASTEWATER DISPOSAL.

(1) Where a public sanitary sewer is not available under the provisions of Section B, Sub-Section 4, the building sewer may be connected to a private wastewater disposal system complying with the requirements of the Green County Health Department and with the provisions of this Section.
Before commencement of construction of a private sewage disposal system, the Owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City which the applicant shall supplement any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of Twenty-Five Dollars ($25.00) shall be paid to the City at the time the application is filed.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction, and in any event the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Superintendent.

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Kentucky. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where it conflicts with Green County Health Department Standards. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within ninety (90) days after notification by the City and in compliance with this Ordinance. The private wastewater disposal facilities shall be abandoned and filled with suitable material in accordance with requirements of the Green County Health Department.

The Owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City.

No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the Green County Health Department.

BUILDING SEWERS AND CONNECTIONS.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sanitary or combined sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastewater. In either case, the Owner or his agent shall make application on a form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent and/or City Engineer. A permit and Inspection Fee of Twenty-Five Dollars ($25.00) for a residential or Commercial Building sewer permit and Fifty Dollars ($50.00) for an industrial building sewer permit shall be paid to the City at the time the application is filed.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Tapping of public sewer main lines, installation or wyes in the public sanitary sewer lines and extension of wyes in the public sanitary sewer main lines and extension of sewer lateral lines to owner’s property, when required, shall be performed by the Greensburg Public Works Department at the owner’s expense.
(4) A separate and independent building sewer shall be provided for every building except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

(5) Old building sewer service connections may be used for new buildings only when they are found, on examination by the Superintendent, to meet all requirements of this Ordinance, and all applicable laws and regulations.

(6) No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Existing conditions of this type shall be disconnected from discharging into the public sanitary sewer by owner at owner’s expense.

(7) All excavations for building sewer installations that extend adjacent to a public right-of-way shall be adequately guarded by the owner with barricades and/or lights so as to protect the public from hazard. Streets, sidewalks, parkways, of the work shall be restored in a manner satisfactory to the City.

(8) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, the testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(9) In all buildings in which any building drain is too low to permit gravity flow to the public sanitary sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer. All such required lifting devices shall be installed, owned and maintained by owner(s) of property being served by the lifting devices.

(10) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(11) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

(12) All costs and expense incident to the maintenance of the building sewer shall be borne by the owner to include removal of any obstructions, except where it can be shown to the satisfaction of the Superintendent that the building sewer has physically collapsed between the owner’s property line and the public sanitary sewer. The cost and expense of repairing the collapsed building sewer between the owner’s property line and the public sanitary sewer will be borne by the City.

(E) USE OF THE PUBLIC SEWERS.

(1) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff or subsurface drainage to any sanitary sewer.
(2) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or storm drains, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the superintendent, to a storm drain or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas, lubrication oils or cutting oils. In order to protect against fire/explosion hazard, no item can be discharged that creates a closed-cup flashpoint less than 140° F.

b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

c) Any water or wastes having a pH lower than 6, or higher than 9.0 hr having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewerage system.

d) 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 sewerage system such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage’s, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk container, either whole or ground by garbage grinders.

e) Any liquid or vapor having a temperature higher than one hundred fifty degrees (150° F) or in no case having a temperature which will cause the influent at the treatment plant to be higher than one hundred four degrees (104°F).

f) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F.

g) Any garbage that has not been properly shredded.

h) Any water or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

i) Any water or waste containing the following chemical constituents and/or similar objectionable or toxic substances that exceed the following limits:

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Maximum for Any One Day (mg/l)</th>
<th>Average Daily Value Weekly Average (mg/l)</th>
</tr>
</thead>
</table>

103
Cadmium 1.2     .7  
Chromium (Total) 7.0     4.0  
Copper    4.5     2.7  
Cyanide (Total) 1.9     1.0  
Total Metals 10.5     6.8  
Lead     .6     .4  
Nickel    4.1     2.6  
Zinc    4.2     2.6  
Silver 1.2     .7  

It should be noted that these values have been selected based upon information in Volume 1 of the Federal Guidelines for State and Local Pretreatment Programs (EPA-430/9-76-017 A, MCD 43, January 1977) related to the prevention of biological inhibition at a treatment facility.

Based upon the sampling program at the Greensburg Wastewater Treatment Plant, these values may be adjusted to reflect the City’s needs; the City shall give public notice of any change proposed for these limits.

j) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite wastewater to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

k) Any radioactive waste or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.

l) Any wastes exerting an excessive chlorine demand to such a degree that any such material received in the composite sewage at the wastewater treatment plant exceeds the limits established by the Superintendent for such materials.

m) Materials which exist or cause:

1) Unusual concentrations of inert suspended solids (such as, but not limited to Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

2) Excessive discoloration (such as, but not limited to, daily wastes, dye wastes, and vegetable tanning solutions).

3) Unusual BOD, chemical oxygen demand, or Chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant.

4) Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
n) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(4) Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under the Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under the Ordinance. The superintendent shall notify all affected Industrial Users of the applicable reporting requirements under 40 CFR, Section 403.12.

(5) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 3 or 4 of this Section, and which in the judgment of the Superintendent, may have a deleterious effect on the sewerage system, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent shall require the discharger to obtain a wastewater discharge permit. The Superintendent, at his/her discretion also may:

a) Reject the wastes;

b) Require pretreatment to an acceptable condition for discharge to the public sewers;

c) Require control over the quantities and rates of discharge, and or;

d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

(6) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installment of the pretreatment plants and equipment shall be subject to review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

(7) If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards or local limits, the user will be required to submit 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 Standard:

a) 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 or local limits (i.e., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc).

b) No increment referred to in paragraph (a) shall exceed nine (9) months.

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 it 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, the reasons for delay, and the steps being
taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.

(8) Where preliminary treatment or flow equalization facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at his/her expense.

(9) Grease, Oil and Sand Traps.

a) Establishments involved in the preparation of food for commercial or public purposes shall provide grease interceptors or traps. Grease, oil and sand interceptors or traps shall be provided by others when necessary for the proper handling of liquid wastes containing grease in excessive amounts, sand and other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units.

b) All interceptors or traps shall be of type and capacity approved by the Health Officer, and the Superintendent, and shall be located so as to be readily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, gastight, watertight, and equipped with easily removable covers.

c) For new or remodeled (food handling) establishments, all wastewater drain piping from food processing equipment; sinks for washing of food equipment and utensils; mop sinks; dishwashers; hand sinks and floor drains in food processing or food preparation areas, shall be separated from other wastewater piping and connected to an approved exterior-type grease trap prior to discharge into the public sanitary sewer. Minimum capacity for an exterior-type grease trap is five hundred (500) gallons, based upon rectangular dimensions that will support a liquid (dept) of at least three (3) feet and six (6) inches depth.

d) Existing food handling establishments must within two (2) years of written notification, install grease trap(s) on all wastewater drain piping, except floor drains, as listed above. Floor or flush mounted, under the fixture units such as Zurn model Z-1170 or Z1170 LT series grease trap(s) or approved equal will be permitted. Capacity will be determined upon the size, number and types of fixtures utilized by the grease trap. Minimum single-fixture grease trap capacity requirements will be fifty (50) pounds with dishwashers and twenty (20) pounds without.

e) All grease, oil and sand interceptors or traps shall be maintained by the use in continuously efficient operation at all times at his expense.

f) Approval of proposed facilities or equipment by the Superintendent does not, in any way guarantee that these facilities or equipment will function in the manner described by their constructor or manufacturer; nor shall it relieve a person of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose.
(10) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole and related equipment prescribed by the Superintendent shall be installed by the Owner at his/her expense, and shall be maintained by him/her so as to be safe and accessible at all times.

(11) All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of “Standard Methods”, and shall be determined at the control manhole provided, or on suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents on the sewerage system and to determine the existence of hazards to life, limb, and property.

(12) No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern. Such agreements shall not concern pretreatment standards. Obviously, such agreements cannot be contrary to state or federal laws and regulations.

(F) INDUSTRIAL WASTEWATER.

(1) No person shall discharge or cause to be discharged any industrial wastewater directly or indirectly to sewerage facilities owned by the City without first obtaining a City Permit for Industrial Wastewater Discharge.

The permit for Industrial Wastewater Discharge may require pretreatment of industrial wastewaters before discharge, restriction of peak flow discharges, discharge of certain wastewaters only to specified sewers of the City, relocation of point of discharge, prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day, payment of additional charges to defray increased costs of the City created by the wastewater discharge and such other conditions as may be required to effectuate the purpose of this Ordinance.

No permit for Industrial Wastewater Discharge is transferable without the prior written consent of the Superintendent.

No person shall discharge industrial wastewaters in excess of the quantity of quality limitations set by the Permit for Industrial Wastewater Discharge. Any person desiring to discharge wastewaters or use facilities which are not in conformance with the Permit should apply to the City for an amended Permit.

(2) Applicants for a Permit for Industrial Wastewater Discharge shall complete an Application for Wastewater Discharge Permit available at the office of the Superintendent.

Upon receipt of the permit fee prescribed in Section D, Sub-Section 2, of this Ordinance and of all required information, the application shall be processed and, upon approval, be signed by the Superintendent and one (1) copy returned to the applicant.
The application shall be approved if the applicant has complied with all applicable requirements of this Ordinance and furnished to the City all required information and if the Superintendent determines that there is adequate capacity in the sewerage facilities to convey, treat, and dispose of the Wastewaters.

Upon approval of the Permit Application, the City of Greensburg will issue a Wastewater Discharger Permit incorporating discharge conditions, monitoring schedules, compliance schedules, etc., tailored to the individual Industrial User. This Wastewater Discharger Permit 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 re-issuance a minimum of one hundred eighty (180) 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 Section 3, 4, and 5 are modified or other just cause exists. The User shall be informed of any proposed changes in his 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 schedule for compliance.

(3) All Industrial Users shall submit periodic reports regarding the nature and concentration of all pollutants as outlined in their Wastewater Discharge Permit. In addition, within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into POTW, any User subject to Pretreatment Standards and/or local requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated processes which are limited by Pretreatment Standards and/or local requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards and/or local requirements. The report shall state whether the applicable Pretreatment Standards and/or local requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards and/or local requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified by a qualified professional.

The Superintendent may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards and/or local requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, all reports shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable Pretreatment Standards. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

(4) The Superintendent may suspend a Permit for Industrial Wastewater Discharge for a period of not to exceed sixty (60) days when such suspension is necessary in order to stop a discharge which presents an imminent hazard to the public health, safety, or welfare, to the local environment or to the City’s sewerage system.

Any discharger notified of a suspension of this Permit shall immediately cease and desist the discharge of such industrial wastewater to the sewerage system. In the event of a failure of the discharger to comply voluntarily with the suspension order, the Superintendent shall take such steps as are reasonably necessary to insure compliance.
Any suspended discharger may file with the Superintendent a request for a meeting with the Mayor. The Mayor shall meet within thirty (30) days of the receipt by the Superintendent. Reasonable notice of the meeting shall be given to the suspended discharger. At this meeting the suspended discharger may appear personally or through counsel, cross-examine witnesses and present evidence in his own behalf.

In the event that the Mayor fails to meet within the time set forth above or fails to make a determination within a reasonable time after the close of the meeting, the order of suspension shall be stayed until a determination is made either confirming or revoking the action of the Superintendent.

The Superintendent shall reinstate the Permit on proof of satisfactory compliance with all discharge requirements of the City.

(5) The Superintendent may revoke a Permit for Industrial Wastewater Discharge on a finding that the discharger has violated any provision of this Ordinance. No revocation shall be ordered until a meeting on the question has been held by the Mayor. At this meeting, the discharger may appear personally or through counsel, cross-examine witnesses, and present evidence in his/her own behalf. Notice of the meeting shall be given to the discharger at least fifteen (15) days prior to the date of the meeting.

Any discharger whose permit has been revoked shall immediately stop all discharge of any liquid carried wasted covered by the Permit to any public sewer that is tributary to the sewerage system of the City. The Superintendent may disconnect or permanently block from such public sewer the industrial connection sewer of any discharger whose Permit has been revoked if such action is necessary to insure compliance with the order of revocation.

Before any further discharge of industrial wastewater may be made by the discharger, he/she must apply for a new Permit for Industrial Wastewater Discharge, pay all charges that would be required upon initial application together with all delinquent fees, charges and penalties and such other sums as the discharger may owe to the City. Cost incurred by the City in revoking the Permit and disconnecting the industrial connection sewer shall be paid for by the discharger before issuance of a new Permit for Industrial Wastewater Discharge.

(6) The Superintendent may recommend the establishment of an industrial wastewater treatment surcharge based on the average flow quality and flow quantity. Surcharge rates shall be based upon the actual cost for treating wastewater at the wastewater plant, e.g., $/lb. BOD; $/lb. T.S.S.; $/gpd treated; etc. Charges shall be for wastewater strengths over the average raw wastewater strengths entering the POTW. These charges shall be used to pay for portions of the Industrial Surveillance Program. Industries designated to contribute such surcharges shall be billed on a quarterly basis, the surcharge based upon the average strength of those composite samples taken during the previous quarter and appropriate flow records.

The surcharge parameters will be for high biochemical oxygen demand (BOD5) high suspended solids, high chemical oxygen demand (COD) and high ammonia nitrogen levels in wastewater discharged into the sanitary sewers by a non-residential user. Any wastewater which has characteristics based on a 24 hour composite sample (or a shorter period composite sample it more representative) exceeding the following maximum domestic wastewater parameter concentration shall be subject to surcharge:

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Maximum Allowable Concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>BOD6</td>
<td>240 mg/l</td>
</tr>
</tbody>
</table>
Suspended Solids    240 mg/l
Ammonia Nitrogen    25 mg/l
Chemical Oxygen Demand (COD)    400 mg/l

Surcharge rates may be revised where necessary to reflect current treatment costs. The excessive strength surcharge shall be calculated based on the following formulas:

\[
\text{BOD}_6 \quad (O & M/\text{Pound}) \times (\text{Strength of Discharge, mg/l-240}) \times \text{Quantity of Discharge*, MG} \times (8.34)
\]

\[
\text{Suspended Solids} \quad (O & M/\text{Pound}) \times (\text{Strength of Discharge,Mg/l-240}) \times (\text{Quantity of Discharge*, MG}) \times (8.34)
\]

\[
\text{Ammonia Nitrogen} \quad (O & M/\text{Pound}) \times (\text{Strength of Discharge,Mg/l-25}) \times (\text{Quantity of Discharge*, MG}) \times (8.34)
\]

\[
\text{COD} \quad (O & M/\text{Pound}) \times (\text{Strength of Discharge,Mg/l-400}) \times (\text{Quantity of Discharge*, MG}) \times (8.34)
\]

*Total quantity of wastewater during surcharge period, million gallons.

Surcharge may be assessed for BOD and COD, but not for both parameters simultaneously. No reduction in sewage service charges, fees or taxes shall be permitted because of the fact that certain wastewater discharged to the sanitary sewer contain less than the maximum allowable concentration(s). Unusually high BOD5, suspended solids, ammonia nitrogen and/or COD may be prohibited from discharge to the sanitary sewer until properly pretreated to within the maximum allowable concentration limits. Such pretreatment shall be required in lieu of surcharges when it is found that the existing Wastewater Treatment Facility can no longer adequately treat incoming wastewaters to within NPDES limits due to the excessive strength of the waste.

(7) All Industrial Users shall immediately notify the Superintendent and/or the wastewater treatment plant of an accidental discharge/sludge loading. The notification shall include location of discharge, type of waste, concentrations and volume, and corrective actions.

Within five (5) days following an accidental discharge; the User shall submit to the Superintendent 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 or 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 Section or other applicable law.

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 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.

Each User shall provide protection from accidental discharge or prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Owner or User’s own cost and expense. Detailed plans showing facilities and operation procedures to provide this protection shall be submitted to the Superintendent for review, and shall be approved by the Superintendent before construction of the facility.

No User who commences contribution to the POTW after the effective date of this Ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Superintendent. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User’s facility as necessary to meet the requirements of this Ordinance.

(8) All persons owning vacuum or “cesspool” pump trucks or other liquid waste transport trucks and desiring to discharge septic tank, seepage pit, interceptor or cesspool contents, industrial liquid wastes, or other liquid wastes to sewerage facilities of the City or to facilities that discharge directly or indirectly to such sewerage facilities shall first have a valid Trucker’s Discharge Permit. Permit fee shall be 10 dollars. All applicants for a Trucker’s Discharge Permit shall complete the application form, pay the appropriate fee, receive a copy of the City’s regulations governing discharge to sewers of liquid wastes from trucks and shall agree, in writing, to abide by these regulations.

Discharge of septic tank, seepage pit, interceptor or cesspool contents, or other wastes containing no industrial wastes may be made by trucks holding a Permit at manholes designated by the Superintendent for that purpose. Truck transported industrial wastes shall be discharged only at the locations specified by the Superintendent for the specific waste. All applications to disposed industrial waste shall be accompanied by a representative analysis of the waste. The City may require payment for treatment and disposal costs or may refuse permission to discharge certain prohibited wastes.

The Trucker’s Discharge Permit shall be valid for one (1) year from date of issuance.

Any person negligently or willfully violating the City’s requirements for liquid waste discharges from trucks shall be in violation of this Ordinance and may have his Permit revoked by the Superintendent.

(9) The Superintendent may suspend the wastewater treatment services and/or a Wastewater Discharge Permit when such suspension is necessary, in the opinion of the Superintendent, 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 conditions of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Discharge 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 Superintendent 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 Superintendent shall reinstate the Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying 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 Superintendent within fifteen (15) days of the date of occurrence.
(G) PROTECTION FROM DAMAGE.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment that is part of the sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and be fined not less than $100.00 nor more than $500.00 conduct and in addition thereto, shall become liable to the City for any expense, loss, or damage occasioned by the City by such violation.

(H) POWER AND AUTHORITY OF INSPECTORS/CONFIDENTIALITY.

(1) The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling (24 hours composite or grab) and testing, as ill as to inspect and copy records of wastewater discharge in accordance with the provisions of this Ordinance. The Superintendent or his representatives shall have no authority to inquire into any industrial process beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Information and data on a User obtained from reports, questionnaires, permits 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 and is able to demonstrate to the satisfaction of the Mayor that the release of such information would divulge information, processes or methods of reproduction 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 upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State 2 Disposal System permit and/or the Pretreatment Programs, provided, however, that 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 will not be recognized as confidential information.

Information accepted by the City as confidential, shall not be transmitted to any governmental agency or to the general public by the Superintendent until and unless a ten (10) day notification is given to the User.

The Superintendent shall annually publish in the local newspaper(s) a list of the Users, which were not in compliance with any Pretreatment Requirements and/or local Standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the User(s) during the same twelve (12) months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request.

(2) While performing the necessary work on private properties referred to in Section G above, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees 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 in Section E,
Sub-Section 8.

(3) The Superintendent and other duly authorized employees 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, inspection, observation,
measurement, sampling, repair and maintenance of any portion of the sewerage works 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.

(I) ENFORCEMENT PROVISIONS.

(1) Notification of Violation (See Section F, Sub-Section 7): When the City finds that a
person has violated or is violating this Ordinance, or a wastewater permit or order issued hereunder, the
Mayor or his agent may serve upon said User, written notice of the violation. Within ten (10) days from
the receipt date of this notice, an explanation of violation and a plan for the satisfactory correction and
prevention thereof, to include specific required action, shall be submitted to the Mayor. Submission of
this plan in no way relieves the User of liability for any violations occurring before or after receipt of the
Notice of Violation.

(2) Consent Orders: The Mayor is hereby empowered to enter into Consent Orders,
assurances of voluntary compliance, or other similar documents establishing an agreement with the User
responsible for the non-compliance. Such orders will include specific action to be taken by the User to
correct the non-compliance within a time period also specified by the order. Consent Orders shall have
the same force and effect as administrative orders issued.

(3) Show Cause Hearing:

a. The Mayor may order any User, which causes or contributes to violation of this
Ordinance or order or wastewater permit issued hereunder, to show cause why a
proposed enforcement action should not be taken. Notice shall be served on the
User specifying the time and place for the hearing, the proposed enforcement
action should not be taken. The notice of the hearing shall be served personally
or by registered or certified mail (return receipt requested) at least ten (10) days
prior to the hearing. Such notice may be served on any principal executive,
general partner or corporate officer. In the event a duly notified User does not
appear as noticed, immediate enforcement action may be pursued.

b. At any hearing held pursuant to this Ordinance, testimony taken must be under
oath and either audio recorded or stenographically. The transcript, so recorded,
will be made available to any party to the hearing, and any member of the public
upon payment of the usual charges thereof.

(4) Compliance Order: When the City finds that a User has violated or continues to violate
the ordinance of a permit or order issued thereunder, he may issue an order to the 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 property
operated. Orders may also contain such other requirements as might be reasonably necessary and
appropriate to address the non-compliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(5) Cease and Desist Orders: When the City finds that a User has violated or continues to violate this Ordinance or those contained in any permit issued hereunder, the Mayor may issue an order to cease and desist all such violations, and direct those person in non-compliance to:

   a) Comply forthwith;

   b) Comply in accordance with a compliance time schedule set forth in the order;

   c) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(6) Administrative Penalties: Any User who is found to have violated any provision of the Ordinance, or the orders and permits issued hereunder, may be fined in an amount not to exceed $1,000.00 per violation. Each day on which non-compliance shall occur or continue may be deemed a separate and distinct violation. Such assessments may be added to the User’s next scheduled sewer service charge and the City shall have such other collection remedies as it has to collect other service charges. Penalties are in addition to, and not in lieu of, surcharges described herein.

(7) Emergency Suspensions: The Mayor may suspend the wastewater treatment service and/or wastewater permit whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing any of the following conditions:

   a) An imminent or substantial endangerment to the health or welfare of persons, or the environment.

   b) An interference or pass through.

   c) A violation of any condition of the POTW’s NPDES permit.

Any User notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. A hearing will be held within fourteen (14) days of the notice of suspension to determine whether the suspension may be lifted of the user’s waste discharge permit terminated. In the event of a failure of the person to comply voluntarily with the suspension order, the Mayor 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 Mayor shall reinstate the wastewater permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge.

A User which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures to prevent any future occurrence to the City prior to the data of the hearing described.

(8) Termination of Permit: Any User who violates the following conditions of this Ordinance or a wastewater discharge permit or order, or any applicable or state or federal law, is subject to permit termination:
a) Failure to accurately report the wastewater constituents and characteristics of its discharge.

b) Failure to report significant changes operations or wastewater constituent’s characteristics.

c) Refusal of reasonable access to the User’s premises for the purpose of inspection, monitoring, or sampling.

d) Intentional violation of permit conditions.

(9) JUDICIAL REMEDIES (SEE SUBSECTION 10 BELOW)

If any person discharges sewage, industrial wastes, or other wastes, or other wastes into the wastewater disposal system contrary to the provisions of this Ordinance or any order or permit issued hereunder, the Mayor, through the City Attorney, may commence an action for appropriate legal and/or equitable relief in the Circuit Court for Green County.

a) Injunctive Relief: Whenever an industrial User has violated or continues to violate the provisions of this Ordinance or an order or permit issued hereunder, the Mayor through the City Attorney, may petition the Court for the issuance of a preliminary or permanent injunction, or both (as may be appropriate) which restrains or compels the activities on the part of the User. In the event the Mayor chooses to correct the violation himself, the cost of such correction may be added to the next scheduled sewer service charge payable by the person(s) causing the violation. The City shall have such remedies to collect these fees, as it has to collect other sewer service charges.

b) Civil Penalties: Any User who has violated and/or continues to violate this Ordinance or any order or permit issued hereunder shall be liable to the City for a civil penalty of not more than $5,000.00 plus actual damages incurred by the POTW per violation per day for as long as the violation(s) continues. In addition to the above described penalty and damages, the City may recover reasonable attorney’s fees, court costs, surcharges, and other expenses his such as enforcement activities including special sampling and monitoring expenses.

c) Any User who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by a fine of not more than $1,000.00 per violation, per day, or imprisonment for not more than one (1) year, or both.

(10) ADDITIONAL ENFORCEMENT ACTION

a) Annual Publication of Significant Violations: The Superintendent shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those Users who are found to be in significant violation, as defined
by this Ordinance, with any provisions of this Ordinance of any order or permit issued hereunder during the period since the previous publication.

b) Performance Bonds: The Superintendent may decline to reissue a permit to any User which has failed to comply with the provisions of this Ordinance of 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 Mayor to be necessary to achieve consistent compliance.

(J) LEGAL ACTION.

If any person discharges sewage, industrial wastes, or other wastes into the City’s wastewater disposal system contrary to the provisions of this Ordinance, Federal or State Pretreatment Requirements, or any order of the City, the Mayor may direct the City Attorney to commence an action for appropriate legal and/or equitable relief in the Court of Green County.

(K) FEES.

It is the purpose of this Article to provide for the recovery of costs from Users of the City’s wastewater disposal system for the implementation of the Pretreatment Program established herein and for other costs associated with the monitoring and treating of wastewaters within the City. The applicable charges or fees shall be set forth in the City’s Schedule of 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, inspection, and surveillance procedures;
3. Fees for reviewing accidental discharge procedures and construction;
4. Fees for permit applications;
5. Fees for filing appeals;
6. Fees for consistent removal (by the City) of pollutants otherwise subject to Federal Pretreatment Standards;
7. Other fees as the City may deem necessary to carry out the requirements contained herein (e.g., see Article 6, Section F).

A minimum fee will be charged to all customer based upon water consumption or metered flow.

These fees relate solely to the matters covered by Ordinance and are separate from all other fees chargeable by the City.

(L) VALIDITY.

1. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
(2) The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

(M) SUPPLEMENTAL REGULATIONS.

(1) New Sources: Categorical standards are based on existing source industries and new source industries. The term “New Source” shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commence after the publication of proposed Pretreatment Standards provided that:

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

   b) It totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

   c) The production or wastewater generating processes are substantially independent of an existing source at the same site.

New sources shall install and have in operating condition and shall “start-up” all pollution control equipment required to meet applicable Pretreatment Standards before beginning to discharge. Within the shortest feasible time (not to exceed ninety (90) days), new sources must meet all applicable Pretreatment Standards.

(2) Conversion of mass Limits to Concentration Limits: When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Superintendent may convert the limits to equivalent limitations expressed as effluent concentration limits.

(3) Dilution: Except where expressly authorized, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a substitute for adequate treatment to achieve compliance.

(4) Monitoring Combined Water Streams: Where a treated regulated process waste stream is combined prior to treatment with waste streams not regulated, the Industrial User may monitor either the segregated waste stream, or the combined waste streams using the combined waste stream formula. The Industrial User may change monitoring points only with prior approval from the Superintendent and not for purposes of dilution in order to achieve compliance.

(5) Violation Notification: If sampling performed by an Industrial User indicates a violation, the user shall notify the Superintendent within 24-hours. The user shall repeat the sampling and analysis and submit the results to the Superintendent within thirty (30) days after becoming aware of the violation. Exception to this regulation is only if the City performs sampling within the same time period for the same pollutant in question.

(Ord. passed 4-7-03)

§ 51.060 COMPLAINTS.

Complaints may be made to the Superintendent of the system, whose decision may be appealed to the governing body of the City within ten days; otherwise, the Superintendent's decision will be final.
§ 51.070 MONTHLY WATER RATES.

(A) The rates and charges for water services furnished by the City are hereby fixed and established on a monthly basis as follows:

<table>
<thead>
<tr>
<th>Gallons</th>
<th>Inside City Water Rates</th>
<th>*Outside City Water Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>First 2,000 gallons</td>
<td>$11.48 + 7.5% after Sept. 2011**</td>
<td>$16.80 + 7.5% after Sept. 2011**</td>
</tr>
<tr>
<td>Next 3,000 gallons</td>
<td>4.69</td>
<td>6.95</td>
</tr>
<tr>
<td>Next 5,000 gallons</td>
<td>4.22</td>
<td>5.50</td>
</tr>
<tr>
<td>Next 10,000 gallons</td>
<td>3.83</td>
<td>3.40</td>
</tr>
<tr>
<td>Next 25,000 gallons</td>
<td>3.50</td>
<td>3.40</td>
</tr>
<tr>
<td>Next 45,000 gallons</td>
<td>2.70</td>
<td>3.40</td>
</tr>
</tbody>
</table>

*The monthly water rates for customers outside the boundaries of the city limits of the City of Greensburg shall be and are hereby set at the same rate charged by the Green-Taylor Water District to its customers and said rates shall be subject to change and amendment as said Water District’s rates are changed and amended from time to time. (Ord passed 7-6-09)

**3% to allow for the cost of inflation; 4½% pursuant to Rural Development regulation

(Ord. Amended 8-1-11)

(B) All water rates for usage over and above the first 2,000 gallons per month shall be applied and billed in increments of 100 gallons. (Ord. Amended 8-1-11)

(C) Having not been adjusted since 2004, the water usage rate contracted by Green-Taylor Water District is hereby adjusted accordingly from $1.838 per 1000 gallons used to $2.206 per gallons effective August 1, 2009. [Ord amended 7-6-09]

(D) Subject to prior approval by resolution of the Greensburg City Council, the approved tables of charges adopted by this ordinance shall be adjusted annually beginning August 1st, 2010 by a nationally recognized and published municipal inflation cost factor.

(E) The water usage rates set out herein shall not apply to water sold to Green-Taylor Water District; however, the City of Greensburg is processing documents to increase the wholesale rate per 1000 gallons to Green-Taylor at the rate of ______ per 1000 gallons. If said increase is uncontested, the wholesale rate shall take effect August 1, 2009. (Ord amended 7-6-09)

§ 51.071 MONTHLY SEWER RATES.

(A) The rates and charges for sewer services furnished by the City are hereby fixed and established on a monthly basis as follows:

<table>
<thead>
<tr>
<th>Gallons</th>
<th>Sewer Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>First 2,000 gallons</td>
<td>$12.29 Minimum + 7.5% after Sept. 2011*</td>
</tr>
</tbody>
</table>
Next 3,000 gallons | 5.52 per 1000 gallons
Next 5,000 gallons | 4.98 per 1000 gallons
Next 10,000 gallons | 4.50 per 1000 gallons
Next 25,000 gallons | 4.12 per 1000 gallons
Next 45,000 gallons | 3.49 per 1000 gallons

*3% to allow for the cost of inflation; 4 ½% pursuant to Rural Development regulation

[Ord amended 8-1-11]

(B) All sewer rates for usage over and above the first 2,000 gallons of water used per month shall be applied and billed in increments of 100 gallons. (Ord amended 8-1-11)

(C) Subject to prior approval by resolution of the Greensburg City Council, the approved tables of charges adopted by this ordinance shall be adjusted annually beginning August 1st, 2010 by a nationally recognized and published municipal inflation cost factor. (Ord amended 7-6-09)

(D) If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaining portions hereof.

(Ord. Amended 7-6-09 and 8-1-11)

§ 51.072 MULTIPLE USERS ON ONE METER.

Where two or more tenants or occupants (of different rental units) of property, including duplexes, apartment houses, mobile home parks, trailer parks, or other multi-unit premises, are serviced by a single water meter, the water and sewer rates and charges to each tenant or occupant shall be computed by multiplying the number of units by the minimum rates for water use and for sewer use (as stipulated in §§ 51.070 and 51.071 above) to arrive at the minimum billing amount. If more than the minimum number of gallons of water is used, the tenant or occupant will also be billed for this excess. In no event shall the monthly bill applicable to each tenant or occupant be less than the minimum water and sewer rates stipulated in §§ 51.070 and 51.071 above.

(Ord. 10-23-87, passed 10-23-87(B))

§ 51.073 METER DEPOSITS & TAP FEES.

(1) The Meter Deposit Fee of $100.00 for all new customers applying for service from the Greensburg utility system shall be eliminated. All current customers shall continue to have their meter deposits held in a separate account and applied as under the current Water and Sewer Use Ordinance dated March 6, 1997.

(2) A non-refundable Service Activation Fee of $100.00 shall be required of all new customers of the Greensburg Municipal Water and Sewerworks System. These funds shall be maintained in the Water and Sewer Operation and Maintenance accounts and devoted to the ongoing maintenance of the utility system.
(3) Tap Fees shall be set as follows:

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cut Off and Reconnection Fee for Non-Payment (Additional $35.00 applied after business hours)</td>
<td>$40.00</td>
</tr>
<tr>
<td>Emergency Cut Off and Reconnection Fee (Additional $35.00 applied after business hours)</td>
<td>$20.00</td>
</tr>
<tr>
<td>Additional Meter Reading Request Fee (Following Conditions will apply – Each utility customer will be allowed one free request per year and the fee will not be assessed if an error is found)</td>
<td>$10.00</td>
</tr>
<tr>
<td>Meter Tampering Fee (Due to unauthorized tampering and/or damage to meter and/or setter)</td>
<td>$50.00 plus cost of labor and materials</td>
</tr>
</tbody>
</table>

(4) Services and Reconnection Fees shall be set as follows:

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cut Off and Reconnection Fee for Non-Payment (Additional $35.00 applied after business hours)</td>
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<td>Emergency Cut Off and Reconnection Fee (Additional $35.00 applied after business hours)</td>
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<td>$10.00</td>
</tr>
<tr>
<td>Meter Tampering Fee (Due to unauthorized tampering and/or damage to meter and/or setter)</td>
<td>$50.00 plus cost of labor and materials</td>
</tr>
</tbody>
</table>

(5) Sewer Tap Reconstruction Fee – In the event it is determined that an existing sewer tap needs to be reconstructed the following policy shall apply. Whereas it has been the policy of the Greensburg Sewer System that the property owner is responsible for the service line up to the connection with the main sewer transmission line and realizing that in some cases that requires encroachment upon City streets and rights of way, the following policy and fees shall apply. All construction within the City rights-of-way shall be conducted either by or with the approval and supervision of the Greensburg Public Works Director or their appointed designee. Construction completed by Greensburg Utility System personnel shall be billed to the property owner or owners on the basis of cost of material and labor only which shall not exceed $1,000. Such reconstruction can not take place unless the new tap connects to an approved PVC line or comparable material equipped with the appropriate clean out or waste cock device as determined by the Greensburg Public Works Director.
§ 51.074 METER READINGS.

Meters will be read monthly between the 15th and 20th of each month.

(Ord. 10-23-87, passed 10-23-87(B))

§ 51.075 BILLING; COLLECTION; PENALTY CHARGE.

The water and sewer rates or charges shall be billed monthly, on statements which shall be issued on or about the first of each month, and all bills for such service shall be considered due and payable within 20 days after the date of issue. If a bill is not paid by the 20th day of the month following the date of issue, the bill shall be considered delinquent and there shall be imposed a penalty on each bill not so paid in an amount equal to 10% of the charges (other than sales tax) shown on the face amount of such delinquent bill. The City may serve a customer written notice of his delinquency and of the fact that the customer is entitled, upon written request, to a hearing on the question of termination of service. If the bill is not paid by the 26th day of the month following date of issue, and if no hearing is requested, or if a hearing is requested and timely held and the customer's delinquency is thereby established, the City may disconnect the water service of the customer without further notice. If water service is disconnected by the City by reason of delinquency in the payment of any water and/or sewer bill, there shall be an additional charge to the customer in the amount of $10, and reconnection of the service shall not be made until the owner or user pays all charges and penalties owed, plus the amount of $10 as a disconnection fee and the amount of $10 as a reconnection charge. If any deadline date falls on a Sunday or legal holiday, the deadline shall not expire until the next secular day thereafter.

(Ord. 10-23-87, passed 10-23-87 (B))

§ 51.076 DELIVERY OF BILLS AND NOTICES.

Bills and notices relating to the conduct of the business of the City will be mailed to the customer at the address listed on the application unless a change of address has been made in writing with the City; and the City shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from the payment of any bill or any performance required in said notice.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.077 SPECIAL USES OF SEWER SYSTEM.

In the event that a building or premises discharging sewage, water, or other wastes into the municipal sewer facilities uses water supplied on other than a metered basis from either a private or public water supply, then in each such case the owner or occupant may be required to cause a water meter or other measuring device to be installed, acceptable to the Superintendent.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.078 SPECIAL METERS FOR USAGE NOT RELATED TO WATER.

In the event any building or premises uses water in excess of 10,000 gallons per month as shown by the water meter readings for two consecutive months, and it can be shown that a substantial portion of the water as so measured does not and cannot enter the municipal sewer facilities, then the Superintendent
may determine, in such manner as may be found practicable, the amount of water entering the sewers, in which event the sewer rate or charge shall be based thereon, or the Superintendent may require or permit the installation of additional meters or measuring devices in such manner as to determine the quantity of water or sewage actually entering the municipal sewer facilities, in which case the sewer rate or charge shall be based thereon.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.079 ESTABLISHMENT OF SPECIAL CLASSIFICATIONS.

Whenever it is determined by the Superintendent to be necessary to classify any commercial institutions or industries by reason of the unusual purpose for which water is used, or by reason of the character of the sewage, water, or other liquid wastes discharged therefrom, or whenever the established schedules of rates and charges for any reason are not applicable, then special rates or other charges may be established by the governing body of the City, and any person, firm, or corporation being dissatisfied with the established schedules of rates and charges by reason of peculiar or unusual use of occupancy of any premises, and consequently alleging peculiar or unusual uses of water, may file application with the governing body of the City or with any other board or body of said City which may be in charge and control of the municipal waterworks and sewer systems, for special classification rates and charges.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.099 PENALTY.

Where an act or omission is prohibited or declared unlawful in this chapter, and no penalty or fine or imprisonment is otherwise provided, the offender shall be guilty of a misdemeanor and fined not more than $500 for each offense. See also §51.075.

(Ord. 10-23-87, passed 10-23-87)
TITLE VII: TRAFFIC CODE

Chapter

70. GENERAL PROVISIONS

71. TRAFFIC RULES

72. PARKING REGULATIONS

73. BICYCLES AND MOTORCYCLES

74. GOLF CARTS

75. STREET AND ROAD MANAGEMENT AND MAINTENANCE CONTROL

76. TRUCKS, TRAILERS, SEMITRAILERS, AND AGRICULTURE EQUIPMENT

CHAPTER 70: GENERAL PROVISIONS

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**Greensburg – Traffic Code**

**GENERAL PROVISIONS**

§ 70.001 DEFINITIONS.

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

**AUTHORIZED EMERGENCY VEHICLES.** Vehicles of the Fire Department or Police Department, vehicles of the Commonwealth Attorney’s office when on official business, and ambulances on an authorized emergency run.

**BOULEVARD.** Any legally designated street at which cross traffic is required to stop before entering or crossing such boulevard.

**BUSINESS DISTRICT.** Any portion of any street between two consecutive intersections in which 60% or more of the frontage on either side of the street is used for business purposes.

**CROSSWALK.** That portion of the roadway included within the extension of the sidewalk across any intersection, and such other portions of the roadway between two intersections, as may be legally designated as crossing places and marked by stanchions, paint lines, or otherwise.

**CURB.** The boundary of that portion of the street used for vehicles whether marked by curbstones or not.

**INTERSECTION.** That part of the public way embraced within the extensions of the street lines of two or more streets which join at an angle whether or not one such street crosses the other.

**OFFICIAL TRAFFIC CONTROL DEVICES.** All signs, signals, warnings, directions, markings, and devices placed or erected or maintained by authority of the Chief of Police.

**ONE-WAY STREET.** A street on which vehicles are permitted to move in one direction only.

**OPERATOR.** Every person who is in actual physical control of the guidance, starting, and stopping of a vehicle.

**PARK.** When applied to vehicles, to leave a vehicle standing, whether occupied or not, for a period of time longer than is necessary to receive or discharge passengers or property.

**PEDESTRIAN.** Any person afoot.
**PLAY STREET.** Any street or portion thereof so designated by the Chief of Police and reserved as a play area for children, from which all traffic is barred, except vehicles to and from abutting properties.

**POLICE DEPARTMENT.** The Police Department or other persons or agency authorized to perform the duties of § 70.003 or any other acts necessary to implement and enforce this traffic code.

**PUBLIC WAY.** The entire width between property lines of every way, dedicated passway, or street set aside for public travel, except bridle paths and foot paths. **REVERSE TURN.** To turn a vehicle on any street in such a manner as to proceed in the opposite direction.

**RIGHT-OF-WAY.** The privilege of the immediate and preferential use of the street.

**ROADWAY.** That portion of any street, improved, designated, or ordinarily used for vehicular travel.

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

**STOPPING.** As applied to vehicles, to stop a vehicle longer than is actually necessary to receive or discharge passengers.

**STREET.** Every public way, including alleys.

**TRAFFIC.** Pedestrians, ridden or herded animals, vehicles, buses, and other conveyances, individually or collectively, while using any street for the purpose of travel.

**VEHICLE.** Every device in, on, or by which any person or property is or may be transported or drawn on any street except devices moved by human power or used exclusively on stationary rails or tracks.

### § 70.002 REQUIRED OBEDIENCE TO TRAFFIC DIRECTIONS.

(A) It shall be unlawful for any person to fail or refuse to comply with any lawful order, signal, or direction given by a uniformed police officer, or to fail or refuse to comply with any of the traffic regulations of this traffic code.

(B) The provisions of this traffic code shall apply to the driver of any vehicle owned or used in the service of the United States government, this state, county, or city, and it shall be unlawful for any such driver to violate any of the provisions of this traffic code, except as otherwise permitted in this traffic code or by state statute.

(C) Every person propelling any pushcart or riding a bicycle or an animal on any roadway, and every person driving any animal on any roadway, and every person driving any animal-drawn vehicle shall be subject to the provisions of this traffic code applicable to the driver of any vehicle, except those provisions of this traffic code which by their very nature can have no application.

Penalty, see § 70.099

### § 70.003 POWERS AND DUTIES OF POLICE DEPARTMENT.

It shall be the duty of the Police Department to direct all traffic in conformance with this traffic code and to enforce the traffic regulations as set forth in this traffic code, to make arrest for traffic violations, to investigate accidents, and to cooperate with other officers of the City in the administration of the traffic laws, and in developing ways and means to improve traffic conditions.
§ 70.004 AUTHORITY FOR ENFORCEMENT.

Authority to direct and enforce all traffic regulations of this city in accordance with the provisions of this traffic code and to make arrests for traffic violations is given to the Police Department, and, except in case of emergency, it shall be unlawful for any other person to direct or attempt to direct traffic by voice, hand, whistle, or any other signal.

Penalty, see § 70.099

§ 70.005 TEMPORARY REGULATIONS.

When required for the convenience and safety of the public and to alleviate unusual traffic problems, the Chief of Police or other authorized city official shall, at his discretion, have authority to impose such traffic regulations as he may deem necessary for temporary periods not to exceed two weeks. If these temporary regulations are necessary for a period longer than two weeks, the City Clerk/Treasurer shall be notified in writing of the extended order.

TRAFFIC-CONTROL DEVICES

§ 70.015 SIGNAL LEGENDS.

Whenever traffic is regulated or controlled exclusively by a traffic-control sign or signs exhibiting the words “Go,” “Caution,” or “Stop,” or exhibiting different colored lights for purposes of traffic control, the following colors only shall be used, and these terms and lights shall indicate and be obeyed as follows:

(A) **Green alone or “Go”**. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. However, vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection at the time such signal is exhibited.

(B) **Steady yellow alone or “Caution” when shown following the green or “Go” signal**. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. Vehicular traffic facing a steady yellow signal may enter and clear the intersection.

(C) **Red alone or double red or “Stop”**. Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at such other point as may be indicated by a clearly visible line and shall remain standing until green or “Go” is shown alone.

(D) **Flashing red alone**. Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at such other point as may be indicated by a clearly visible line and shall not again proceed until it can do so without danger.

(E) **Flashing amber alone**. Vehicular traffic facing the signal shall reduce its speed and proceed cautiously across the intersection controlled by such signal.

(F) **“Yield Right-of-Way”**. Vehicular traffic facing the “Yield Right-of-Way” sign shall bear the primary responsibility of safely entering the primary intersecting or merging right-of-way. All traffic facing the
sign shall yield the right-of-way to all vehicles and pedestrians within such primary intersecting or merging right-of-way. No vehicle facing a “Yield Right-of-Way” sign shall enter the merging or intersecting right-of-way at a speed in excess of 15 miles per hour, except that this speed limit shall not apply to vehicles entering an expressway.

(G) Lane lights. When lane lights are installed over any street for the purpose of controlling the direction or flow of traffic, vehicular traffic shall move only in traffic lanes over which green arrows appear. However, when flashing amber lights appear above a lane, all left turns shall be made from that lane. Where red arrows appear above such lanes, vehicles shall not move against them. If flashing amber lights show above a lane, that lane shall be used only for passing and for left turns unless a sign at such place prohibits such turn.

Penalty, see § 70.099

Statutory reference:

Traffic-control signals, see KRS 189.338.

§ 70.016 ESTABLISHMENT AND MAINTENANCE OF TRAFFIC-CONTROL DEVICES.

The City shall establish and maintain all official traffic-control devices necessary within the City. All traffic-control devices, including signs, shall be employed to indicate one particular warning or regulation, shall be uniform, and as far as possible shall be placed uniformly. All traffic-control devices and signs shall conform to required state specifications.

§ 70.017 OBEDIENCE TO SIGNALS.

(A) It shall be unlawful for the driver of any vehicle to disobey the signal of any official traffic-control device placed in accordance with the provisions of this traffic code or of a traffic barrier or sign erected by any of the public departments or public utilities of the city, or any electric signal, gate, or watchman at railroad crossings, unless otherwise directed by a police officer. However, the type and the right to or necessity for such barrier or sign must be approved by the city.

(B) Such sign, signal, marking, or banner shall have the same authority as the personal direction of a police officer.

Penalty, see § 70.099

§ 70.018 INTERFERENCE WITH SIGNALS.

No person shall without authority attempt to or, in fact, alter, deface, injure, knock down, or remove any official control device or any railroad sign or signal, or any inscription, shield, or insignia thereon, or any part thereof.

Penalty see § 70.099

§ 70.019 UNAUTHORIZED SIGNALS OR MARKINGS.

(A) It shall be unlawful for any person to place, maintain, or display on or in view of any street any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic device or railroad sign or signal which attempts or purports to direct the movement of
traffic, or which conceals or hides from view or interferes with the effectiveness of any official control device or any railroad sign or signal. No person shall place or maintain, nor shall any public authority permit on any street, any traffic sign or signal any commercial advertising. Nothing in this section shall be construed as restricting any public department or public utility of the City in any emergency or temporarily from marking or erecting any traffic barrier or sign whose placing has been approved by the City.

(B) Every such prohibited sign, signal, or marking is declared to be a public nuisance and the City is empowered forthwith to remove it or cause it to be removed.

Penalty, see § 70.099

§ 70.020 DEVICE TO BE LEGIBLE AND IN PROPER POSITION.

No provision of this traffic code for which signs or any other traffic-control device is required shall be enforceable against an alleged violator if at the time and place of the alleged violation the required device was not in proper position and sufficiently legible to be seen by an ordinarily observant person.

§ 70.021 TEMPORARY DISREGARD OF DEVICES BY POLICE OFFICERS.

In an emergency any police officer may at his discretion disregard traffic control lights or signals or established regulations in order to facilitate the movement of traffic.

MOTOR VEHICLE PERMITS

§ 70.030 DEFINITION.

For the purpose of this subchapter, MOTOR VEHICLE shall mean automobiles, trucks, motorcycles, motor scooters and all other motor-powered vehicles which are used upon the streets and for which a permit is required by the Commonwealth of Kentucky. Motor-powered vehicles for which a permit is not required by the Commonwealth, such as farm and garden tractors, motor vehicles bearing valid Historic Vehicle permits issued by the Commonwealth, and motor vehicles held for the purpose of resale by city and state-licensed new and used car dealers, are specifically exempted.

(Ord. 4-13-81, passed 4-13-81)

§ 70.031 PERMIT REQUIRED.

(A) It shall be unlawful for any person, firm, corporation, or association residing within the City to own or operate or cause to be operated any motor vehicle upon or over the streets of the City without first having obtained the permit provided for herein.

(B) It shall be unlawful for any person, firm, corporation or association residing outside the corporate limits of the City to own, operate or cause to be operated any motor vehicle upon or over the streets of the City in connection with a business conducted or a regular profession followed within the corporate limits of the City, or as a means of conveyance to and from a position, job, labor or employment within the City, for which remuneration is received without first having obtained the permit herein provided.
(C) Every resident and/or non-resident person, firm, corporation or association subject to the provisions of this subchapter shall obtain a separate permit and pay a separate permit fee for each motor vehicle subject to the term of this subchapter.

(Ord. 4-13-81, passed 4-13-81)

§ 70.032 APPLICATION.

Each and every person, firm, corporation or association subject to the provisions of this subchapter shall obtain a permit by making application for same with the City Clerk/Treasurer and shall furnish the Clerk/Treasurer with a copy of the registration certificate for the motor vehicle the permit is being obtained for.

(Ord. 4-13-81, passed 4-13-81)

§ 70.033 PERMIT STICKERS.

The City Clerk/Treasurer shall provide registration stickers with numbers corresponding to the number of the permit issued.

(Ord. 4-13-81, passed 4-13-81)

§ 70.034 CLASSIFICATION AND FEE SCHEDULE.

For the purpose of raising revenues and for the purpose of registration and enabling the City to exercise supervisory regulation over motor vehicles subject hereto, the following classifications are established and the following permit fees are imposed upon all persons, firms, corporations and associations owning or regularly operating motor vehicles within the City:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Annual Fee (if paid by January 1)</th>
<th>Annual Fee (if paid by February 1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor vehicles having four or more wheels</td>
<td>$15.00</td>
<td>$20.00</td>
</tr>
<tr>
<td>Motor vehicles having three or fewer wheels</td>
<td>$7.50</td>
<td>$10.00</td>
</tr>
</tbody>
</table>

(Ord. 4-13-81, passed 4-13-81)

§ 70.035 DUE DATE; PRORATION OF FEES.

(A) The due date for motor vehicle permits shall be February 1 of each year. After February 1, the permit fee shall be delinquent and a $5 penalty shall be added to the amount of the annual fee due.

(B) In the case of a motor vehicle which becomes subject to the permit requirements for the first time after February 1, the permit fee shall be equal to as many twelfths of the annual fee as there are months, or parts thereof, remaining in the permit year.

§ 70.036 TIME LIMIT FOR PROCURING PERMIT.

Any person purchasing or acquiring a motor vehicle or commencing to use a motor vehicle within the limits of the City shall have seven days from that date to procure the permit without payment of any
penalty. Any new resident moving into the City shall have 30 days from moving in to procure the permit without payment of any penalty.

§ 70.037 REPLACEMENT OF VEHICLE PERMIT.

In the event a permit becomes lost or destroyed, the owner may, upon presentation of a receipt and sworn statement and payment of $1, obtain another permit. The seller of the car may remove the vehicle sticker, present it to the City Clerk/Treasurer, and receive a new permit for a new vehicle.

§ 70.038 COLLECTION AND DISPOSITION OF FEES.

The permit fees herein provided for shall be collected by the City-Clerk/Treasurer and paid into the City Treasury, and become a part of the General Fund of the City.

(Ord. 4-13-81, passed 4-13-81)

LOADING AND UNLOADING LICENSES

§ 70.050 LICENSE REQUIRED; FEE SCHEDULE.

(A) Each person, firm, association or corporation maintaining or operating a truck or other motor vehicle for transporting goods, wares, or merchandise on a regular basis within the City shall pay an annual license fee on each truck or other motor vehicle owned and used by the person, firm, association, or corporation according to the following schedule:

<table>
<thead>
<tr>
<th>Type of Vehicle</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobile</td>
<td>$15</td>
</tr>
<tr>
<td>Half-ton truck</td>
<td>25</td>
</tr>
<tr>
<td>Three-quarter ton truck</td>
<td>25</td>
</tr>
<tr>
<td>One ton truck</td>
<td>40</td>
</tr>
<tr>
<td>1½ ton truck</td>
<td>50</td>
</tr>
<tr>
<td>Over a 1½ ton truck</td>
<td>50</td>
</tr>
</tbody>
</table>

(B) Any motor vehicle which is maintained or operated within the City on at least seven days in any year for the purpose of transporting goods, wares, or merchandise shall be considered to be maintained or operated “on a regular basis” and shall be subject to the licensing requirement.

(Ord. 3-7-72, passed 3-7-72)

§ 70.051 TERM AND EXPIRATION OF LICENSE.

The license required by this subchapter shall be issued for a period of one year and shall expire and be subject to renewal on the anniversary date of its issue.

§ 70.052 EXEMPTION.

This subchapter shall not apply to motor trucks transporting and delivering in interstate commerce and regulated by federal agencies under the interstate commerce clause of the United States Constitution.
§ 70.053 DISPOSITION OF FUNDS.

The money collected under the provision of this subchapter shall be paid to the City Clerk/Treasurer and placed in the General Fund of the City.

(Ord. 3-7-72, passed 3-7-72)

§ 70.099 GENERAL PENALTY.

Any person who violates any provision of this traffic code where no other penalty is specifically provided shall be guilty of a misdemeanor and shall be fined not less than $20 nor more than $500.
CHAPTER 71: TRAFFIC RULES

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Greensburg - Traffic Code

OPERATION GENERALLY

§ 71.001 OBSTRUCTING TRAFFIC.

(A) It shall be unlawful to operate any vehicle or permit it to remain standing in any street in such manner as to create an obstruction thereof.

(B) It shall be unlawful for the operator of any vehicle to enter any intersection or crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle without
obstructing the passage of other vehicles or pedestrians, notwithstanding the indication of any traffic-control signal which may be located at the intersection or crosswalk.

(C) Any intersection deemed by the city to be of special or critical importance to the movement of traffic shall be marked in a distinctive manner in order to indicate its importance. Should the operator of any vehicle enter any intersection so marked when there is insufficient room on the other side of the intersection to accommodate the vehicle, the indication of any traffic-control signal notwithstanding, he shall be deemed to have violated this subsection rather than subsection (B) above.

Penalty, see § 71.099

§ 71.002 REVERSE OR U-TURNS.

The operator of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safely without interfering with other traffic.

(KRS 189.330(8)) Penalty, see § 71.099

§ 71.003 BACKING VEHICLES.

It shall be unlawful for the operator of any vehicle to back the vehicle at any intersection for the purpose of executing a turning movement. A vehicle from any parking position shall be backed by the operator in such manner as to proceed on the same side of the roadway in the lawful direction of travel.

Penalty, see § 71.099

§ 71.004 VEHICLES CROSSING SIDEWALKS.

(A) It shall be unlawful for the operator of any vehicle to drive within any sidewalk space except at a permanent or temporary driveway or by special permit from the Chief of Police or other authorized City official.

(B) It shall be unlawful for the operator of any vehicle to drive the vehicle out of any alley, driveway, building; or lot and across a sidewalk, or its extension across the alley, unless the vehicle has been brought to a complete stop immediately prior to crossing the sidewalk or its extension. On entering the roadway from the alley, driveway, or building, the operator shall yield the right-of-way to all vehicles approaching on the roadway. The operator of any vehicle intending to cross a sidewalk and turn into an alley from the roadway may do so at low speed and with caution.

Penalty, see § 71.099

Traffic Rules

ACCIDENTS

§ 71.015 DUTY OF OPERATOR.

It shall be the duty of the owner of, operator of, or passenger in any motor vehicle which is involved in an accident in which any person is injured or property damaged to stop immediately and ascertain the extent of the injury or damage and render such assistance as may be needed.

Penalty, see § 71.099
§ 71.016 ACCIDENT REPORT.

The operator, owner, or passenger involved in an accident resulting in the injury or death of any person, or an accident in which property is damaged, shall immediately report the accident or property damage to the Police Department.

Penalty, see § 71.099

PROHIBITIONS

§ 71.025 OPERATOR OF VEHICLE TO DRIVE CAREFULLY.

(A) The operator of any vehicle upon a highway shall operate the vehicle in a careful manner, with regard for the safety and convenience of pedestrians and other vehicles upon the highway.

(B) No person shall willfully operate any vehicle on any highway in such a manner as to injure the highway.

(KRS 189.290) Penalty, see § 71.099

§ 71.026 RIGHT–OF–WAY OF EMERGENCY VEHICLES; FOLLOWING EMERGENCY VEHICLES; DRIVING OVER FIRE HOSE.

(A) Upon the approach of an emergency vehicle equipped with, and operating, one or more flashing, rotating, or oscillating red or blue lights visible under normal conditions from a distance of 500 feet to the front of such vehicle, or when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way, immediately drive to a position parallel to, and as close as possible to, the edge or curb or the highway clear of any intersection, and stop and remain in such position until the emergency vehicle has passed, except when otherwise directed by a police officer or firefighter.

(B) Upon the approach of any emergency vehicle operated in conformity with the provisions of subsection (A) above, the operator of every vehicle shall immediately stop clear of any intersection and shall keep such position until the emergency vehicle has passed, unless directed otherwise by a police officer or firefighter.

(C) No operator of any vehicle, unless he is on official business, shall follow any emergency vehicle being operated in conformity with the provisions of subsection (A) above closer than 500 feet, nor shall he drive into, park the vehicle into, or park the vehicle within the block where the vehicle has stopped in answer to an emergency call or alarm, unless he is directed otherwise by a police officer or firefighter.

(D) No vehicle, train, or other equipment shall be driven over any unprotected hose of a fire department when the hose is laid down on any street, private driveway, or track for use at any fire alarm unless the fire department official in command consents that the hose be driven over.

(KRS 189.930) Penalty, see § 71.099
§ 71.027 SMOKE EMISSION OR OTHER NUISANCE.

Every vehicle when on a highway shall be so equipped as to make a minimum of noise, smoke, or other nuisance, to protect the rights of other traffic, and to promote the public safety.

(KRS 189.020) Penalty, see § 71.099

PARADES

§ 71.040 DEFINITIONS.

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

CRUISING. The repeated operation of two or more vehicles in a continuous or nearly continuous flow through a parking lot.

PARADE. Any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display in or on any street, sidewalk, park, or other public place in the city, or CRUISING as defined herein.

PARADE PERMIT. A permit required by this subchapter.

PARKING LOT. Any paved or unpaved area used by a place of business or shopping center for the parking of vehicles of their customers, but shall not include those operated for hire as defined in KRS 189.700.

§ 71.041 PERMIT REQUIRED.

(A) No person or persons shall engage in, participate in, aid, form, or start any parade unless a parade permit has been obtained from the Chief of Police or other authorized City official.

(B) This subchapter shall not apply to:

(1) Funeral processions;

(2) Students going to and from school classes or participating in educational activities, providing the conduct is under the immediate direction and supervision of the proper school authorities;

(3) A governmental agency acting within the scope of its functions.

Penalty, see § 71.099

§ 71.042 APPLICATION FOR PERMIT.

A person seeking issuance of a parade permit shall file an application with the Chief of Police or other authorized City official on forms provided by such officer.

(A) Filing period. The application for a parade permit shall be made not less than five days or not more than 60 days before the date on which it is proposed to conduct the parade.

(B) The application for a parade permit shall set forth the following information:
(1) The name, address, and telephone number of the person seeking to conduct the parade;

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

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

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

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

(6) The approximate number of persons, animals, and vehicles which will constitute the parade, the type of animals, if any, and the description of the vehicles;

(7) The hours when the parade will start and terminate;

(8) A statement as to whether the parade will occupy all or only a portion of the width of the streets, sidewalk, park, or other public place proposed to be traversed;

(9) The location by street of any assembly area for the parade;

(10) The time at which units of the parade will begin to assemble at any such assembly area or areas;

(11) The interval of space to be maintained between units of the parade;

(12) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file a communication in writing from the person authorizing the applicant to apply for the permit on his behalf; and

(13) Any additional information reasonably necessary to a fair determination as to whether a permit should issue.

(C) There shall be paid at the time of filing an application for a parade permit a fee in an amount as established by the City Council.

Penalty, see § 71.099

§ 71.043 STANDARDS FOR ISSUANCE OF PERMIT.

The Chief of Police or other authorized City official shall issue a permit when, from a consideration of the application and from other information obtained, he finds that:

(A) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(B) The conduct of the parade will not require the diversion of so great a number of police officers of the City to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the City;
(C) The conduct of the parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the City other than that to be occupied by the proposed line of march and areas contiguous thereto;

(D) The concentration of persons, animals, and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly areas;

(E) The conduct of the parade will not interfere with the movement of firefighting equipment en route to a fire;

(F) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(G) The parade is not to be held for the sole purpose of advertising any product, goods, or event, and is not designated to be held purely for private profit;

(H) The parade, if it takes the form of cruising, has the approval in writing of the owner or an authorized agent of the owner for the use of the parking lot which is the site of the parade.

Penalty, see § 71.099

§ 71.044 NOTICE OF REJECTION OF PERMIT.

The Chief of Police or other authorized City official shall act on the application for a parade permit within three days, Saturdays, Sundays, and holidays excepted, after filing thereof. If he disapproves the application, he shall mail to the applicant within the three days, Saturdays, Sundays, and holidays excepted, after the date on which the application was filed, a notice of his action stating the reasons for his denial of the permit.

§ 71.045 APPEAL PROCEDURE WHEN PERMIT DENIED.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the City Council. The appeal shall be taken within 30 days after notice of denial. The City Council shall act on the appeal within 30 days after its receipt.

§ 71.046 ALTERNATIVE PERMIT.

The Chief of Police or other authorized City official, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different than that named by the applicant. An applicant desiring to accept an alternate permit shall file a written notice of his acceptance. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this subchapter.

§ 71.047 NOTICE TO CITY AND OTHER OFFICIALS WHEN PERMIT ISSUED.

Immediately on the issuance of a parade permit, a copy thereof shall be sent to the following persons:

(A) The Mayor;

(B) The City Attorney;
(C) The Fire Chief; and

(D) The general manager or responsible head of each public utility, the regular routes of whose vehicles will be affected by the route of the proposed parade.

§ 71.048 CONTENTS OF PERMIT.

Each parade permit shall state the following information:

(A) Starting time;

(B) Minimum speed;

(C) Maximum speed;

(D) Maximum interval of space to be maintained between the units of the parade;

(E) The portions of the street, sidewalk, park, or other public place to be traversed that may be occupied by the parade;

(F) The maximum length of the parade in miles or fractions thereof; and

(G) Such other information as is reasonably necessary to the enforcement of this subchapter.

Penalty, see § 71.099

§ 71.049 DUTIES OF PERMITTEE.

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances, the parade chairman or other person heading or leading the activity shall carry the parade permit on his person during the conduct of the parade.

Penalty, see § 71.099

§ 71.050 PUBLIC CONDUCT DURING PARADES.

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

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

Cross reference

Parking on parade routes, see § 72.007.

§ 71.051 REVOCATION OF PERMIT.

The city shall have the authority to revoke a parade permit issued hereunder on application of the standards for issuance as herein set forth.
§ 71.099 PENALTY.

(A) Whoever violates any provision of this chapter for which no other penalty is specifically provided shall be guilty of a misdemeanor and shall be fined not less than $20 nor more than $500.

(B) Any person who violates § 71.026 shall be guilty of a misdemeanor and shall be fined not less than $60 nor more than $500, or be imprisoned in the county jail for not more than 30 days, or both.

(KRS 189.993(8))
CHAPTER 72: PARKING REGULATIONS

Section

Parking Generally

72.001 Obstructional parking; double parking
72.002 Manner of parking
72.003 Limitations of stopping and parking
72.004 Restrictions and prohibitions on designated streets
72.005 Parking restricted to allow street cleaning
72.006 Parking in excess of certain number of hours prohibited; towing authorized
72.007 Parking on parade route
72.008 Parking on off-street facility
72.009 Owner responsibility
72.010 Parking in parks
72.011 Display of parked vehicle for sale
72.012 Parking with handicapped permits

Impounding

72.020 Impoundment of vehicles authorized; redemption
72.021 Required notice to owner
72.022 Sale of vehicle

72.099 Penalty

Statutory reference:

Revenues from fees, fines, and forfeitures related to parking, see KRS 65.120.

PARKING GENERALLY

§ 72.001 OBSTRUCTIONAL PARKING; DOUBLE PARKING.

(A) It shall be unlawful for any person to leave any vehicle or any other thing that may be a nuisance, obstruction, or hindrance in or on any street, alley, or sidewalk within the City either during the day or night.

(B) It shall be unlawful for any person to stop or park any vehicle on the roadway side of any other vehicle stopped or parked at the edge or curb of a street.

Penalty, see § 72.099

§ 72.002 MANNER OF PARKING.

(A) It shall be unlawful for the operator of any vehicle to stop or park the vehicle in a manner other than with its right-hand side toward and parallel with the curb, except that where parking is permitted on the left side of a one-way street, the left-hand side shall be so parked, and except for commercial loading and unloading on one-way streets.
(B) No vehicle shall be parked or left standing on any street unless its two right wheels are within six inches of and parallel with the curb, except that on one-way streets where parking is permitted on the left side, the two left wheels are to be within six inches of and parallel with the curb.

(C) No vehicle shall be backed to the curb on any street, except that wagons and trucks may do so when loading and unloading, provided that such loading and unloading and delivery of property and material shall not consume more than 30 minutes. Such backing of trucks or wagons is prohibited at all times and on all streets in the city where any truck or wagon so backed interferes with the use of the roadway, of moving vehicles, or occupies road space within ten feet of the center line of the street.

(D) The City may establish diagonal parking at certain places, requiring the parking of vehicles at a certain angle to the curb and within a certain portion of the roadway adjacent thereto. However, diagonal parking shall not be established where the roadway space required therefor would be within ten feet of the center line of any street. Such diagonal parking places shall be designated by suitable signs and shall indicate by markings on the pavement the required angle and the width of the roadway space within which such vehicle shall park.

(E) It shall be unlawful for the operator of any vehicle to so park such vehicle that any part thereof shall extend beyond the lines marking the side or the rear of the space assigned for one vehicle.

Penalty, see § 72.099

§ 72.003 LIMITATIONS OF STOPPING AND PARKING.

(A) It shall be unlawful for the operator of any vehicle to stop or park such vehicle except in a case of real emergency or in compliance with the provisions of this traffic code or when directed by a police officer or traffic sign or signal at any time in the following places:

(1) On the mainly-traveled portion of any roadway or on any other place in the roadway where vehicles stand in any manner other than as specified in § 72.002;

(2) On a sidewalk;

(3) In front of sidewalk ramps provided for handicapped persons;

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

(5) Within an intersection or crosswalk;

(6) At any place where official signs prohibit stopping or parking. This does not apply to police officers when operating properly identified vehicles during the performance of their official duties; or

(7) Within 30 feet of any flashing beacon, traffic sign, or traffic-control device.

(B) No person shall move a vehicle not lawfully under his control into any such prohibited area.

(KRS 189.450(5), (6)) Penalty, see § 72.099

§ 72.004 RESTRICTIONS AND PROHIBITIONS ON DESIGNATED STREETS.

(A) The provisions of this section prohibiting the stopping and parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop
a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control devices.

(B) The provisions of this section imposing a time limit on parking shall not relieve any person from his duty to observe other and more restrictive provisions prohibiting or limiting the stopping or parking of vehicles in specific places or at specified times.

(C) When signs are erected in compliance with the provisions of subsection (F) below giving notice thereof, no person shall park a vehicle at any time on any street so marked by official signs.

(D) When a curb has been painted in compliance with the provisions of subsection (F) below, no person shall park a vehicle at any time at or adjacent to any curb so marked.

(E) When signs are erected in compliance with the provisions of subsection (F) below, in each block giving notice thereof, no person shall park a vehicle between the hours specified by official signs on any day except Sundays on any street so marked.

(F) (1) The city shall determine on what streets or portions thereof stopping or parking shall be restricted or prohibited. Whenever under authority of or by this traffic code or any other ordinance any parking limit is imposed or parking is prohibited on designated streets, or parking areas are restricted to handicapped parking, appropriate signs shall be erected giving notice thereof. However, in lieu of erecting such signs or in conjunction therewith, the face and top of a curb or curbs at or adjacent to which parking is prohibited at all times may be painted a solid yellow color.

(2) No such regulations or restrictions shall be effective unless the signs have been erected and are in place or the curbs are painted yellow at the time of any alleged offense, except in the case of those parking restrictions which by their very nature would not require such signs and markings.

(G) When signs are erected in compliance with subsection (F) above in each block giving notice thereof, no person shall park a vehicle for a time longer than specified on official signs any day except Sunday and on any street so marked.

Penalty, see § 72.099

§ 72.005 PARKING RESTRICTED TO ALLOW STREET CLEANING.

The city is authorized to designate street cleaning areas and shall provide suitable signs and markings on the street to be cleaned, restricting parking on that particular day. It shall be unlawful for the operator of any vehicle to stop on any street so designated.

Penalty, see § 72.099

§ 72.006 PARKING IN EXCESS OF CERTAIN NUMBER OF HOURS PROHIBITED; TOWING AUTHORIZED.

It shall be unlawful for anyone to park in anyone place any vehicle on any of the public ways or streets of the city for a period of 24 hours or longer. Any vehicle left parked in anyone place on any of the public ways or streets of the city for a period of 24 hours or longer shall be deemed abandoned, and shall be subject to all existing regulations of the city pertaining to abandoned motor vehicles.

Penalty, see § 72.099
Cross-reference:

Removal of abandoned vehicles, see § 72.021 et seq.

§ 72.007 PARKING ON PARADE ROUTE.

(A) The Chief of Police or other authorized city official shall have the authority, whenever in his judgment it is necessary, to prohibit or restrict the parking of vehicles along a street or part thereof constituting a part of the route of a parade or procession, to erect temporary traffic signs to that effect, and to prohibit and prevent such parking.

(B) It shall be unlawful to park or leave unattended any vehicle in violation of such signs or directions.

Penalty, see § 72.099

Cross-reference:

Parades, see §§ 71.040 through 71.051.

§ 72.008 PARKING ON OFF-STREET FACILITY.

(A) It shall be unlawful for the driver of a motor vehicle to park or abandon the vehicle or drive on or otherwise trespass on another’s property, or on an area developed as an off-street parking facility without the consent of the owner, lessee, or person in charge of such property or facility.

(B) If at any time a vehicle is parked, abandoned, or otherwise trespassing in violation of subsection (A) of this section, the owner, lessee, or person in charge of the property or facility may have the unauthorized motor vehicle removed in accordance with the provisions of §§ 72.020 through 72.022.

(C) Every property owner or operator of an off-street parking facility shall post signs stating thereon that the property or parking lot or facility is privately owned and that unauthorized vehicles will be removed at the owners’ expense before exercising the authority granted in subsection (B).

Penalty, see § 72.099

Statutory reference:

Removal of vehicles by owners of private parking lots; signs, see KRS 189.725.

§ 72.009 OWNER RESPONSIBILITY.

If any vehicle is found illegally parked in violation of any provision of this subchapter regulating stopping, standing, or parking of vehicles, and the identity of the driver cannot be determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for the violation.

Penalty, see § 72.099

§ 72.010 PARKING IN PARKS.

It shall be unlawful for any person to park any motor vehicle in or on any section of any public park, playground, play lot, or tot lot within the City not designed as a parking area or designed and regularly maintained as a roadway. However, nothing contained in this section shall be construed as
prohibiting the parking of a motor vehicle parallel to a designated and regularly maintained roadway in any such park or playground where at least two wheels of the motor vehicle are resting on such roadway.

Penalty, see § 72.099

§ 72.011 DISPLAY OF PARKED VEHICLE FOR SALE.

It shall be unlawful to park a motor vehicle displayed for sale or a motor vehicle on which demonstrations are being made on any street.

Penalty, see § 72.099

§ 72.012 PARKING WITH HANDICAPPED PERMITS.

(A) Any other provision to the contrary notwithstanding, a motor vehicle bearing a decal in its front windshield issued by the County Clerk pursuant to appropriate county ordinances for handicapped persons, when operated by a handicapped person or when transporting a handicapped person, may be parked in a designated handicapped parking place, or when parked in a metered parking space may be parked for two hours for no fee, or when parked where any parking limit is imposed may be parked for two hours in excess of the parking limit. The motor vehicle may be parked in a loading zone for that period of time necessary to permit entrance or exit of the handicapped person to or from the parked vehicle, but in no circumstances longer than 30 minutes.

(B) This section shall not permit parking in a “no stopping” or “no parking” zone, nor where parking is prohibited for the purpose of creating a fire lane or to accommodate heavy traffic during morning, afternoon, or evening hours, nor permit a motor vehicle to be parked in such a manner as to constitute a traffic hazard.

Penalty, see § 72.099

IMPOUNDING

§ 72.020 IMPOUNDMENT OF VEHICLES AUTHORIZED; REDEMPTION.

(A) All police officers are empowered to authorize the impoundment of a vehicle violating vehicle-related ordinances after a citation has been issued.

(B) A vehicle slated for impoundment will be tagged and placed under control of the Police Department. Should a vehicle be moved without the consent and approval of the Police Department, a warrant shall be issued immediately for the violator’s arrest.

(C) All fines, fees, and charges must be paid in full before a release of impoundment can be issued for the vehicle’s release.

§ 72.021 REQUIRED NOTICE TO OWNER.

(A) When a motor vehicle has been involuntarily towed or transported pursuant to order of police, other public authority, or private person or business for any reason, or when the vehicle has been stolen or misappropriated and its removal from the public ways has been ordered by police, other public authority, or by private person or business, or in any other situation where a motor vehicle has been involuntarily towed or transported by order of police, other authority, or by private person or business, the police, other
authority, or private person or business shall attempt to ascertain from the State Transportation Cabinet the identity of the registered owner of the motor vehicle or lessor of a motor carrier as defined in KRS Chapter 281 and within ten business days of the removal shall, by certified mail, attempt to notify the registered owner at the address of record of the make, model, license number, and vehicle identification number of the vehicle, of the location of the vehicle, and of the requirements for securing the release of the motor vehicle.

(B) If a vehicle described in subsection (A) is placed in a garage or other storage facility, the owner of the facility shall attempt to provide the notice provided in subection (A) by certified mail to the registered owner at the address of record of the motor vehicle or lessor of a motor carrier as defined in KRS Chapter 281 within ten business days of recovery of, or taking possession of the motor vehicle. This notice shall contain the information as to the make, model, license number, and identification number of the vehicle, the location of the vehicle, and the amount of reasonable charges due on the vehicle. When the owner of the facility fails to provide notice as provided herein, the motor vehicle storage facility shall forfeit all storage fees accrued after ten business days from the date of tow. This subsection (B) shall not apply to a tow lot or storage facility owned or operated by the City.

(KRS 376.275(1), (2))

§ 72.022 SALE OF VEHICLE.

Any person engaged in the business of storing or towing motor vehicles in either a private capacity or for the city who has substantially complied with the requirements of § 72.021 shall have a lien on the motor vehicle for the reasonable or agreed charges for storing or towing the vehicle as long as it remains in his possession. If after a period of 45 days the reasonable or agreed charges for storing or towing a motor vehicle have not been paid, the motor vehicle may be sold to pay the charges after the owner has been notified by certified mail ten days prior to the time and place of the sale. If the proceeds of the sale of any vehicle pursuant to this section are insufficient to satisfy accrued charges for towing, transporting, and storage, the sale and collection of proceeds shall not constitute a waiver or release of responsibility for payment of unpaid towing, transporting, and storage charges by the owner or responsible casualty insurer of the vehicle. This lien shall be subject to prior recorded liens.

(KRS 376.275(3))

§ 72.099 PENALTY.

Any person receiving a citation for any parking violation in the City shall be deemed to have committed a violation and shall be fined in an amount not less than $20 nor more than $100.

(KRS 189.990(1))
CHAPTER 73: BICYCLES AND MOTORCYCLES

Section

73.001 Operation of bicycles
73.002 Operation of motorcycles and motorscooters
73.003 Skating and coasting
73.004 Clinging to vehicles
73.005 Skates and Skateboards

73.099 Penalty

Cross-reference:

Required obedience to traffic directions, see § 70.002(C).

§ 73.001 OPERATION OF BICYCLES.

(A) No person shall operate a bicycle on the sidewalks of the city.

(B) No person shall operate a bicycle on any section of a public park, playground, play lot, or tot lot, except on a roadway or in a parking area.

(C) No operator of any bicycle shall carry another person on such bicycle.

Penalty, see § 73.099

§ 73.002 OPERATION OF MOTORCYCLES AND MOTORSCOOTERS.

(A) No person shall operate an unlicensed motorcycle or motorscooter on any City street or sidewalk.

(B) No operator of any motorcycle, motorscooter, or power-driven bicycle shall carry another person except on a seat attached thereto or in a side car attached to the vehicle.

(C) No operator of a motorcycle, motorscooter, or power-driven bicycle shall operate such vehicle in any public park, except on a roadway or in a parking area.

(D) No operator of a motorcycle, motorscooter, or power-driven bicycle shall operate such vehicle in any play lot or tot lot.

Penalty, see § 73.099

§ 73.003 SKATING AND COASTING.

(A) Except on streets which may be declared from time to time as “play streets” by the city and protected by barriers or official signs, it shall be unlawful for any person riding on a coaster sled or toy vehicle of any kind, to go on any roadway except at a crosswalk.

Penalty, see § 73.099
§ 73.004 CLINGING TO VEHICLES.

(A) No person while riding on a bicycle, coaster sled, roller skates, or any toy vehicle shall cling to any moving vehicle on any street, or fasten or attach the vehicle on which he is riding thereto.

(B) No person shall ride on the projection, running board, or fenders of any vehicle.

Penalty, see § 73.099

§73.005 SKATES AND SKATEBOARD.

It shall be unlawful and a violation of this ordinance for:

(A) Any person to ride, operate or use roller skates or a skateboard on any public streets, alleys or sidewalks within the City of Greensburg;

(B) Any person to ride, operate or use skates, a skateboard, bicycle, tricycle or any other type of motor driven conveyance on, over or across the “foot bridge” between Depot Street and the Public Square, subject, however, to the exception that bicycles and tricycles may be pushed across said “foot bridge”;

(C) Any person to ride, operate or use any type of motor-driven conveyance on any public sidewalk within the City of Greensburg.

Penalty: Any person who violates this Section 73.005 shall be guilty of a violation and upon conviction thereof shall be fined not less than $25 nor more than $100.

(Ord. passed 2-6-89)

§ 73.099 PENALTY.

Whoever violates any provision of this chapter shall be deemed to have committed a violation and shall be fined not more than $50 for each offense.
CHAPTER 74: GOLF CARTS

Section

74.001 Definitions
74.002 Inspection Required
74.003 Permit Required
74.004 Permit Displayed
74.005 Term of Permit
74.006 Slow-Moving Vehicle Emblem
74.007 Operation
74.008 Insurance
74.009 Application of Traffic Laws
74.010 Exemptions

§ 74.001 DEFINITIONS.

GOLF CART. A self-propelled vehicle that 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. The golf cart shall be equipped with a minimum of four (4) wheels and designed to operate at a speed of not more than thirty-five (35) miles per hour and carry not more than six (6) persons. The vehicle must have a maximum gross vehicle weight of two thousand five hundred (2,500) pounds and maximum rated payload capacity of one thousand two hundred (1,200) pounds. Said vehicle must meet the federal motor vehicle safety standards for low-speed vehicles set forth in 49 C.F.R. 571.500.

For purposes of this ordinance, the golf cart shall be equipped with the following: front and rear turn lights, head lights and tail lights, rear view mirror and windshield. The golf cart shall have a four (4) foot minimum flag or antenna marker on the rear of the vehicle.

DESIGNATED ROADWAY. Roadway within the City of Greensburg with a posted limit of thirty-five (35) miles per hour or less. The operator of the golf cart may not cross a roadway at an intersection where the roadway being crossed has a posted speed limit of more than thirty-five (35) miles per hour.

§ 74.002 INSPECTION REQUIRED.

All golf carts requesting a permit shall be inspected by a certified inspector designated by the county sheriff and certified through the Department of Vehicle Regulation. Inspection fee shall not exceed five dollars ($5) with an additional fee not to exceed ten dollars ($10) per trip charged if the inspector must travel to the location of the golf cart.

§ 74.003 PERMIT REQUIRED.

No person shall operate a motorized golf cart on designated roadways within the City unless granted a permit under this Ordinance. Registration does not exempt compliance with all applicable local, state or federal laws.

Every application for permit shall be issued by the City of Greensburg. The application shall include:

(A) Evidence of insurance complying with the provisions of KRS 304.39-080.
(B) Evidence of valid driver’s license.

Cost of the permit shall be set by the Greensburg City Council and reviewed annually. The Greensburg City Council shall also set an annual **licensing fee** for each golf cart permit.

§ 74.004 PERMIT DISPLAYED.

The permit issued shall be clearly displayed so that it may be viewed from the rear of the golf cart.

§ 74.005 TERM OF PERMIT.

A permit issued under this ordinance shall be effective beginning with the date of issuance. Permits may only be granted for a period of one year and must be annually renewed.

A permit may be revoked by any law enforcement agency at any time if there is evidence that the licensee cannot safely operate the motorized golf cart on designated roadways.

§ 74.006 SLOW-MOVING VEHICLE EMBLEM.

The golf cart shall display the slow-moving emblem as described in KRS 189.820 when operating on designated roadways.

§ 74.007 OPERATION.

(A) The golf cart may only be operated on designated roadways from sunrise to sunset. They shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog or other conditions or at any time when where is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet;

(B) During operation on a designated roadway, operator and passengers shall not exceed normal passenger capacity for the golf cart;

(C) Operator of the golf cart shall be prohibited from crossing a roadway at an intersection where the roadway being crossed has a posted speed limit of more than thirty-five (35) miles per hour;

(D) Operator shall have a valid operator’s license in his or her possession.

§ 74.008 INSURANCE.

Any golf cart operating on a designated roadway shall be insured in compliance with KRS 304.39-080 by the owner or operator, and said proof shall be kept with the golf cart.

§ 74.009 APPLICATION OF TRAFFIC LAWS.

Persons operating a golf cart shall have the same rights and duties applicable to drivers of any other motor vehicle under the provisions of KRS Chapter 189 and 189A.

§ 74.010 EXEMPTIONS

A golf cart operating on a designated roadway shall be exempt from:

(A) Title requirements of KRS 186.020.
(B) Vehicle registration requirements of KRS 186.050.

(C) Emissions compliance certificates pursuant to KRS 224.20-720.

(Ord. passed 8-25-08)
CHAPTER 75: STREET AND ROAD MANAGEMENT AND MAINTENANCE CONTROL

Section

75.001 Street and Road Management and Maintenance Control

§75.001 STREET AND ROAD MANAGEMENT AND MAINTENANCE CONTROL

(A) The speed limit for Woodson and Valley Drive shall be 25 miles per hour.

(B) All portions of other ordinances conflicting with this ordinance are hereby repealed.

(C) This ordinance shall be in full force and effect upon its passage, approval and publication in accordance with applicable law. Any person, persons, firm or corporation violating any provision of this article shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars ($500).

[Ord passed 11-19-07]
CHAPTER 76: TRUCKS, TRAILERS, SEMITRAILERS, AND AGRICULTURE EQUIPMENT

Section

76.01 Definitions
76.02 More than two trailers in one unit prohibited
76.03 Operations on public highways – generally
76.04 Maximum height
76.05 Maximum width
76.06 Maximum length
76.07 Equipment to conform to state law
76.08 Authority of police to stop vehicle to determine compliance
76.09 Penalty
76.10 Temporary special permit

§ 76.01 DEFINITIONS

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

Agriculture Equipment. Any machinery, utensils or implements used solely for agriculture, farming or manufacture purposes.

Motor truck. Any motor-propelled vehicle designed for carrying freight or merchandise or designed and used primarily for pulling semi-trailers or trailers, such as truck-tractor. It shall not include self-propelled vehicles designed primarily for passenger transportation, but equipped with frames, racks or bodies having a load capacity of not exceeding 1,000 pounds.

Semitrailer. A vehicle designed to be attached to, and having its front end supported by, a motor truck or truck-tractor, intended for the carrying of freight or merchandise and having a load capacity of over 1,000 pounds.

Trailer. Any vehicle designed to be drawn by a motor truck or truck-tractor, but supported wholly upon its wheels, intended for the carrying of freight or merchandise and having a load capacity of over 1,000 pounds.

§ 76.02 MORE THAN TWO TRAILERS IN ONE UNIT PROHIBITED

No person shall operate on any streets or public way of the city more than two trailers in any one unit.

§ 76.03 OPERATION ON PUBLIC WAYS – GENERALLY

(A) Except as expressly permitted hereunder, no person shall park or operate a motor truck in conjunction with a semi-trailer or trailer on any street or public way in the city other than a designated truck route except for the following authorized purposes:

(1) The provision of a necessary governmental or public utility service.
(2) Pickups, deliveries, service calls which purposes shall be subject to the following conditions:
a. The operator of the vehicle shall only utilize streets outside the designated truck route, which are necessary for the pickup, delivery, or service call.

b. The operator of the vehicle shall effectuate the pickup, delivery, or service call in an expeditious manner and shall return to the designated truck route immediately upon completion of same.

c. Motor trucks listed in KRS 189.221 or 189.222 may be operated only on streets within the city limited designated as a state or federal highway, or as a truck route.

(B) Except as expressly permitted in this section, no person shall park a motor truck, semi-trailer, or trailer on a designated truck route or, on public or private property located off a designated truck route, which is within a distance of 50 feet of an occupied residential dwelling.

§ 76.04 MAXIMUM HEIGHT

No person shall operate on any street or public way of the city any motor truck, semitrailer or trailer or any agriculture equipment the height of which, including any part of the body or load, shall exceed 11.5 feet, but nothing herein contained shall be construed to require the public authorities of the city to provide sufficient vertical clearance to permit the operation of vehicles with a height of 11.5 feet, or any height.

§ 76.05 MAXIMUM WIDTH

No person shall operate on any street or public way of the city any motor truck or semitrailer or any agriculture equipment the width of which, including any part of the body or load, shall exceed 96 inches.

§ 76.06 MAXIMUM LENGTH

No person shall operate on any street or public way of the city any motor truck or agriculture equipment the length of which, including any part of the body or load, shall exceed 26.5 feet, nor any semitrailer, trailer or vehicle, or combination of vehicles, the length of which, including any part of the body or load, shall exceed 30 feet.

§ 76.07 EQUIPMENT TO CONFORM TO STATE LAW

No person shall operate any motor truck, semitrailer, trailer and agriculture equipment on any street or public way of the city unless the same is equipped so as to conform to the laws of the Commonwealth of Kentucky.

§ 76.08 AUTHORITY OF POLICE TO STOP VEHICLE TO DETERMINE COMPLIANCE

Police officers shall have the authority to perform the following acts:

(A) Any police officer of the city shall have the right to stop the operator of any motor truck, semi-trailer, trailer or agriculture equipment in order to make measurements as to the length, width, height or weight of the equipment and load and may require the driver thereof to proceed to a scale to ascertain whether or not the equipment exceeds the maximum limitations prescribed in this article. The fee for the use of the scale shall be paid by the operator of the equipment.
(B) Any police officer of the city shall also have the right to stop the operator of any motor truck in order to make a determination as to the operator's compliance with the provisions under § 76.03.

(C) In the event a police officer determines that the operator of any motor truck or agriculture equipment is in violation of any of the provisions of this article, such officer shall have the right to issue a citation to the operator of each violation. In the event the police officer has identified a motor truck or agriculture equipment as being in violation of any of the provision of this article but cannot ascertain the owner of the vehicle or equipment, the police officer shall have the authority to issue a citation to the registered owner of the vehicle for each violation.

§ 76.09 PENALTY

Any person who violates any provision of this article shall be guilty of a misdemeanor and upon conviction thereof, unless otherwise specifically provided, shall be fined not less than $25.00 nor more than $500.00. Each day such person violates any provision of this article shall be considered a separate offense.

§ 76.10 TEMPORARY SPECIAL PERMIT

(A) The City of Greensburg Code Enforcement Officer may, in his discretion, upon application in writing and good cause being shown therefor, issue a temporary special permit, in writing, authorizing the applicant to operate or move vehicle, or combination of vehicles, of a size, weight, length, width or height exceeding the maximums provided for this article. The application for the special permit shall state the proposed maximum wheel loads, maximum axle loads, and minimum axle spacing of the vehicles or combinations thereof, and the height, width, and length of the vehicles with their load, and specific streets or public ways over which the permit for the operation is requested and the time if such operation. The application shall also state whether the permit is requested for a single trip or for continued operation. The City of Greensburg Code Enforcement Officer is authorized, in his discretion, to issue or refuse to issue the permit.

(B) When a temporary special permit authorized by section (a) above is issued, the City of Greensburg Code Enforcement Officer may, in his discretion, limit the number of trips to be made thereunder, establish seasonal or other time limitations, and designate routes over which the vehicles described in the permit may operate on the streets or public ways of the city, and he may otherwise limit the prescribed conditions of operation of the vehicles when necessary to assure against undue damage to the street foundation by the vehicle, if, in his opinion, the operation may damage the streets or public ways, and may require the applicant to give bond, with sufficient surety to be approved by him, to indemnify the city against any damage which might occur to persons or property by reason of the operation under the special permit.

(C) The fee charged for each temporary special permit authorized by this section shall be in the amount established by the city by ordinance from time to time.

(D) A temporary special permit issued pursuant to this section shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any peace officer, and any operation or use of vehicles under the permit shall be in strict conformity with the terms thereof.

(E) The issuance of a license or a temporary special permit under this article shall not be construed to exempt the holder thereof from the obligations of compliance with any and all other applicable provisions of the Code of Ordinances or other ordinances of the city.
[Ord. 2014-______, passed 11-19-07]
CHAPTER 90: STREETS AND SIDEWALKS

Obstructions

90.001 Unloading on street or sidewalk
90.002 City Property Obstruction
90.003 Property Obstruction Committee
90.004 Material on Street or Sidewalk
90.005 Removal of ice and snow

90.099 Penalty

OBSTRUCTIONS

§ 90.001 UNLOADING ON STREET OR SIDEWALK.

No person shall unload any heavy material in the streets of the City by throwing or letting the material fall upon the pavement of any street, alley, sidewalk, or other public way, without first placing some sufficient protection over the pavement.

Penalty, see § 90.099

§ 90.002 CITY PROPERTY. OBSTRUCTION

(A) Prohibited Practices: It shall be unlawful for any person, firm, company, corporation, or other entity, other than the City of Greensburg, its departments and political subdivisions, to place anything (including awnings, banners and signs) on, and over or across any real property owned by the City of Greensburg, except as may be exempted herein.
(B) Exempted Practices. The following shall be exempt from prohibited practices herein:

(1) Any legal occupant or owner of a building adjacent to any sidewalk may place and display on the sidewalk adjacent to their property any items that are for sale within their respective businesses. Such display shall be placed upon, and remain upon, the sidewalk only at times when the respective merchant is open for business. Any such display or items of property shall not extend more than three (3) feet onto the sidewalk from the front wall of the building. All such displays shall be neat and done in a tasteful manner.

(2) Any person may apply to the Property Obstruction Committee for a permit of exemption allowing the placement of an item of property (including awnings, banners and signs) on, over or across real property of the City of Greensburg as follows:

(2a) the application for permit shall be on a form provided by the City of Greensburg and may be obtained from Greensburg City Hall, 105 West Hodgenville Avenue, Greensburg, Kentucky 42743;

(2b) the application shall contain the following information:

(1) the name, address and phone number of the person responsible for the placement and maintenance of the item or items proposed to be placed upon, over or across property of the City of Greensburg;

(2) a photo of the item of property, if available, and if not available, then a drawing or sketch of same;

(3) the purpose of placing the proposed item of property on, over or across City of Greensburg property;

(4) the duration of the placement requested by the applicant.

§ 90.003 PROPERTY OBSTRUCTION COMMITTEE.

There is hereby created and established the “Property Obstruction Committee” composed of members from the following groups, organizations or committees, appointed by the Mayor of the City of Greensburg, for the following terms:

(A) one member from the Greensburg Renaissance Committee to serve one term ending December 31, 2006, and thereafter consecutive terms of four (4) years each;

(B) one member from the Greensburg Planning and Zoning Commission to serve one term ending December 31, 2005, and thereafter consecutive terms of four (4) years each;

(C) one member from the Greensburg City Council to serve one term ending December 31, 2004, and thereafter consecutive terms of four (4) years each.

The Property Obstruction Committee shall elect one of its members as Chairman and one of its members as Secretary. The Committee shall meet only as is necessary from time to time to review and respond to applications for permits for exemption from the provisions of this ordinance. The Committee shall develop forms for use in the application and permit process herein, and the Chairman shall sign all permits authorizing exemption from the provisions of this ordinance, as well as the denial of same.
§ 90.004 MATERIALS ON STREET OR SIDEWALK.

No person shall encumber any street or sidewalk. No owner, occupant, or person having the care of any building or lot of land bordering on any street or sidewalk shall permit it to be encumbered with barrels, boxes, cans, articles, or substances of any kind, so as to interfere with the free and unobstructed use thereof.

Penalty, see § 90.099

Cross-reference:

Littering on streets or sidewalks, see Ch. 93.

§ 90.005 REMOVAL OF ICE AND SNOW.

It shall be the duty of the owner or of the occupant of each and every parcel of real estate in the city abutting upon any sidewalk to keep the sidewalk abutting his premises free and clear of snow and ice to the extent feasible under the prevailing weather conditions, and to remove therefrom all snow and ice, to the extent feasible under the prevailing weather conditions, a reasonable time which will ordinarily not exceed twelve (12) hours after the abatement of any storm during which the snow and ice may have accumulated.

Penalty, see § 90.099

§ 90.099 PENALTY.

Any person or other entity violating any provision of this ordinance shall be guilty of a misdemeanor and shall be fined the sum of $25 per day for each and every day an item of property remains on, over or across real property belonging to the City of Greensburg.

(Ord. passed 05-05-2003)
CHAPTER 91: PROPERTY MAINTENANCE CODE; NUISANCES

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Property Maintenance Code

91.030. Short Title For Following Sections
91.031 Property Maintenance Code Enforcement Officers; Jurisdiction Of Code Enforcement Board
91.032 Powers And Responsibilities Of The Property Maintenance Code Enforcement Officer(S); Notice Of Violation; Issuance Of Citation And Procedure; Appeal Process; Abatement Of Nuisance; Right Of Entry; Liability; Modifications
91.033 Appeal Process; Appeal Of Notice Of Violation; Appeal Of Citation
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91.044 Storage of commercial and industrial material.
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91.099 Penalty

GENERAL PROVISIONS

§ 91.001 SHORT TITLE.

This chapter shall be known as “The Property Maintenance Code.”

(Ord. passed 5-18-92)
§ 91.002 PURPOSE.

The purpose of this chapter is to protect the public health, safety, morals, and welfare by establishing minimum standards governing the maintenance, appearance, condition and occupancy of residential and nonresidential premises; to establish minimum standards governing utilities, facilities and other physical components and conditions essential to make the aforesaid facilities fit for human habitation, occupancy and use; to fix certain responsibilities and duties upon owners and operators, and distinct and separate responsibilities and duties upon occupants to authorize and establish procedures for the inspection of residential and nonresidential premises; to fix penalties for the violations this chapter; and to provide for the repair, demolition or vacating of premises unfit for human habitation or occupancy or use.

(Ord. passed 6-18-92)

§ 91.003 DEFINITIONS.

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

**EXPOSED TO PUBLIC VIEW.** Any premises, or any part thereof, or any building thereon, or any part thereof, which may be lawfully viewed by the public.

**EXTERIOR OF THE PREMISES.** Open space on the premises outside of any building thereon.

**EXTERMINATION.** The control and elimination of insects, rodents and vermin.

**GARBAGE.** (See, also, **REFUSE, RUBBISH.**) Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**INFESTATION.** The presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.

**MIXED OCCUPANCY.** Any building containing one or more dwelling units or rooming units and also having a portion thereof devoted to non-dwelling uses or used as a hotel.

**NUISANCE.** Unless a more specific use of this term applies, as used in sections 91.030 through 91.045, the term “nuisance” shall mean:

1. Any public nuisance as defined by statute or ordinance.

2. Any attractive nuisance which may prove detrimental to the health or safety of children whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to: abandoned wells, shafts, basements, excavations, abandoned iceboxes, refrigerators, any structurally unsound fences or structures, lumber, trash, fences, debris, or vegetation such as poison ivy, poison oak or poison sumac which may prove hazardous for inquisitive minors.

3. Physical conditions dangerous to human life or detrimental to health of persons on or near the premises where the conditions exist.

4. Overcrowding of a room with occupants in violation of this chapter.

5. Insufficient ventilation or illumination in violation of this chapter.
6. Inadequate or unsanitary sewage or plumbing facilities in violation of this chapter.

7. Unsanitary conditions or anything offensive to the senses or dangerous to health, in violation of this chapter.

8. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.


10. Partially burned buildings or structures on any premises exposed to public view, or the refuse and debris remaining from a completely burned building or structure.

11. Motor vehicles which are incapable of being legally or safely operated at the time or motor vehicle accessories. This section shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building, or on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner. Such business enterprises shall include auto junk yards, auto repair and auto body shops but shall not include gasoline only service stations or tire, battery and accessory sales stores.

12. Overgrown grass, brush, weeds, broken glass, stumps, roots, obnoxious growths and non-ornamental shrubs and trees. Grass, brush and weeds exceeding ten inches in height shall be deemed overgrown.

13. Dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons or other property in the vicinity thereof.

14. Loose and overhanging objects, and accumulations of ice and snow which by reason of location above ground level constitute a danger of falling on persons or other property in the vicinity thereof.

15. Holes; excavations; breaks; projections; obstructions; icy conditions; uncleared snow; and excretion of pets and other animals on paths, walks, driveways, parking lots and parking areas, and other part of the premises which are accessible to the public. This division does not apply to the aforementioned conditions if they are wholly located upon the private premises of a single-family dwelling.

16. Inadequate run-off drains which contribute to any recurrent or excessive accumulation of storm water.

17. Sources of infestation.

18. Chimneys and all flue and vent attachments which are not structurally sound, free from defects, and so maintained as to capably perform at all times the functions for which they were designed. Chimneys, flues, gas vents or other draft-producing equipment which do not provide sufficient draft to develop the rated output of the connected equipment, and which are not structurally safe, durable, smoketight, and capable of withstanding the action of flue gases.
19. Dogs barking to such an extend as to be a disturbance to the occupants of adjoining properties.

20. Dog kennels or dog pens which are not kept clean and free of odors which are offensive to the occupants of adjoining properties.

**OPERATOR.** Any person who has charge, care or control of a dwelling or premises, or a part thereof, whether with or without the knowledge and consent of the owner.

**OWNER.** Any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, or personal property located thereon, with or without accompanying actual possession thereof, or shall have charge, care or control of any dwelling unit, as owner or as executor, executrix, administrator, administratrix, trustee, receiver, or guardian of the estate, or as a mortgagee in possession regardless of how such possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any dwelling or dwelling unit shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

**PARTIES IN INTEREST.** All individuals, associations and corporations who have interests of record in a building and any who are in actual possession thereof.

**PREMISES.** A lot, plot or parcel of land including any building or structures thereon.

**REFUSE.** (See also **GARBAGE, RUBBISH.**) All putrescible and nonputrescible solid waste (except body wastes), including, but not limited to: garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

**RUBBISH.** (See also **GARBAGE, REFUSE.**) Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

(Ord. passed 5-18-92)

**§ 91.004 APPLICATION OF PROVISIONS; COMPLIANCE REQUIRED.**

(A) Every residential, nonresidential or mixed occupancy lots and any buildings situated thereon, used or intended to be used for dwelling, commercial, business or industrial occupancy shall comply with the provisions of this chapter, whether or not any such building shall have been constructed, altered or repaired before or after the enactment of this chapter and irrespective of any permits or licenses which shall have been issued for the use of occupancy of the building or premises for the construction or repair of the building, or for the installation or repair of equipment or facilities prior to the effective date of this chapter. This chapter shall also apply to mobile home parks.

(B) In any case where the provisions of this chapter impose a higher standard than set forth in any other local ordinances or under the laws of the state then the standards as set forth herein shall prevail, but if the provisions of this chapter impose a lower standard than any other local ordinances or of the laws of the state, then the higher standard contained in any such other ordinances or law shall prevail.

(C) No license or permit or other certification of compliance with this chapter shall constitute a defense against any violation of any other local ordinance applicable to any structure or premises, nor shall any provision herein relieve any owner, operator or occupant from complying with any such other provision, nor any official of the city from enforcing any such other provision.
§ 91.005 COMPLIANCE.

   The owner, operator or parties in interest shall have the duty and responsibility of assuring compliance with this chapter.

(Ord. passed 5-18-92)

RULES AND REGULATIONS

§ 91.015 DUTIES, RESPONSIBILITIES OF OWNERS AND OPERATORS.

   The exterior of all premises and all structures thereon shall be kept free of all nuisances, and any hazards to the safety of the occupant, pedestrians, the public and other persons utilizing the premises, and free of unsanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner or operator.

(Ord. passed 5-18-92) Penalty, see § 91.99

§ 91.016 STORAGE OF COMMERCIAL AND INDUSTRIAL MATERIAL.

   There shall not be stored or used at a location visible from the sidewalk, street or other public areas, equipment and materials relating to commercial or industrial use unless permitted under the zoning ordinance for the premises.

(Ord. passed 5-18-92) Penalty, see § 91.99

§ 91.017 DOMESTIC ANIMALS CREATING A NUISANCE.

(A) Definitions for this Section:

(1) PUBLIC NUISANCE. for purpose of this section a public nuisance shall include, but not be limited to the following:

   a. Excessive, continuous or untimely barking.
   b. Gets into or turns over garbage.
   c. Walks and or sleeps on automobiles.
   d. Habitually or continuously roams or is found on the property of another.
   e. Creates unsanitary conditions so as to offend sight or smell,
   f. Is considered to be a dangerous animal as determined by the Greensburg Code Enforcement Officer, their dually appointed representative or a dually sworn officer of the Greensburg City Police Department.
   g. Are housed or restrained less than 15 feet from public street, road, or sidewalk and, poses a threat to the general safety, health or welfare of the general public.
h. Damages gardens, foliage or other real or personal property.

i. Is not confined to a building or secure enclosure while in estrus.

j. Chases, snaps at, attacks or otherwise molests pedestrians, bicyclists, motor vehicle passengers, farm stock or domestic animals.

k. Eliminates on private property without the permission of the owner of said property.

(2). **DANGEROUS ANIMAL.** any warm-blooded mammal that is known to carry or be susceptible to the rabies virus and which cannot be effectively vaccinated against that virus with any vaccine approved by the American Veterinary Medical Association and the Kentucky Department of Human Resources. This definition includes any hybrid animal or any pet wildlife that has attacked a human or which is apprehended or observed unrestrained.

(3). **DANGEROUS DOG.** any dog, which when unprovoked, in an aggressive manner, commits a severe attack on any person or domestic animal

### (2) Nuisance Animal

This ordinance pertains to dogs, domestic cats and any other animal kept as a pet either lawfully or unlawfully within the boundaries of the City of Greensburg. Dogs and Cats are not restricted from running at large unless adjudged to be a nuisance animal by the City Code Enforcement Officer, their dually appointed representative or a dually sworn officer of the Greensburg City Police Department following the filing of a formal complaint.

### (C) Prohibition of Nuisance Animals

If a dog or cat is determined to be a nuisance animal, it is prohibited from running at large and may be impounded by the County Dog Warden or the City of Greensburg by the Code Enforcement Officer, their dually appointed representative or a dually sworn member of the City Police Department and the owner shall be subject to citation under the City of Greensburg nuisance ordinance. A "nuisance animal" running at large shall not be impounded before the owner is cited for a violation of this section, unless the unrestrained animal is fierce, vicious or dangerous.

### (D) Length of impoundment

Any animal not in compliance with this chapter may be taken into custody by the animal control officer and impounded in the animal shelter in a humane manner for a period of not more than ninety-six (96) hours. Dogs and cats not claimed after ninety-six (96) hours shall be eligible for adoption through the humane society or another agency or person designated by the City Council to exercise such authority. See Section 7 herein. Sick, diseased or injuries animals or animal(s) not suited for adoption or which are not adopted shall become the property of the city and shall be destroyed and disposed of in a humane manner. An animal may be reclaimed only after the provisions set forth below have been complied with.

### (E) Notice to owner

The Code Enforcement Officer shall make every reasonable effort to identify and notify the owner of any impounded animal.

### (F) Payment of fees prior to animals’ release
Any impounded or quarantined animal may be redeemed by the owner only upon payment of an impoundment fee of eight ($8.00) dollars per day along with any veterinary charges, if any, and such other costs actually incurred by the animal shelter in the care of the animal.

(G) Adoption

The animal shelter has the option of adopting out an unclaimed animal after the ninety-six (96) hours impoundment period. Any additional expenses incurred after the initial ninety-six hours shall not be billed to the owner unless the owner claims the animal. Any unclaimed animal shall not be returned to its original owner without payment of all fees provided in this article.

(Ord. passed 6-6-07

ADMINISTRATION; ENFORCEMENT PROCEDURES

§91.030. SHORT TITLE FOR FOLLOWING SECTIONS.

Sections 91.030 through 91.046 may be cited as the “Property Maintenance Code Enforcement Ordinance”

§ 91.031. PROPERTY MAINTENANCE CODE ENFORCEMENT OFFICERS; JURISDICTION OF CODE ENFORCEMENT BOARD.

The Property Maintenance Code Enforcement Officer and Property Maintenance Code Enforcement Board shall have jurisdiction over and shall enforce this Property Maintenance Code and all other ordinances hereafter adopted which specifically provide for the enforcement by the Code Enforcement Officer(s) or Board, in the manner set forth herein.

[Ord passed 7-28-08]

§ 91.032. POWERS AND RESPONSIBILITIES OF THE PROPERTY MAINTENANCE CODE ENFORCEMENT OFFICER(S); NOTICE OF VIOLATION; ISSUANCE OF CITATION AND PROCEDURE; APPEAL PROCESS; ABATEMENT OF NUISANCE; RIGHT OF ENTRY; LIABILITY; MODIFICATIONS.

The following provisions shall govern all enforcement powers, responsibilities and procedures administered by the Property Maintenance Code Enforcement Officer(s) herein after referred to as CEO):

(A) Notice of Violation: Except as provided in subsection (B) below, if a CEO believes, based on the CEO’s personal observation or investigation, that a person has violated the Property Maintenance Code, the CEO shall issue a Notice of Violation to the property owner, resident, tenant, occupant or other violator, allowing that person a specified and reasonable number of days to abate the violation. The violator may, upon request, be allowed a reasonable extension of time to abate the violation without imposition of any charges, costs, penalties, and fees, in the sole discretion of the CEO. If the violator fails to abate the violation within the time prescribed therein, a new and separate Notice of Violation may be issued for subsequent and separate violations of the Property Maintenance Code. In the event that the resident, tenant, occupant or other violator issued a Notice of Violation, the property owner of record will receive a copy of said notice.
(B) **Notice of Violation Procedure:** Notices of Violation issued by a CEO for violations of the Code shall contain the following information:

1) The address, location or description of the property found to be in violation of the Code;
2) The date and time of inspection;
3) The name and address of the person to whom the Notice is issued;
4) The date the Notice is issued;
5) The facts constituting the offense;
6) The section of the Code violated;
7) The name of the Property Maintenance Code Enforcement Officer;
8) The fines, charges, costs, penalties, and/or administrative fees, imposed for the violation if it is not abated in the manner required by the Property Maintenance Code Enforcement Officer;
9) The maximum fine that may be imposed under this ordinance for the violation in question;
10) The procedure for the violator to follow in order to appeal the Notice;
11) A statement that if the violator fails to appeal the citation within the time allowed, the violator shall be deemed to have waived his or her right to a hearing before the Code Enforcement Board to appeal the Notice and the CEO’s determination that the violation occurred shall be final;
12) Notice that a lien may be filed against the property on which the violation occurred if it is not abated in the manner required by the CEO and that proceedings to enforce the lien may be initiated to collect fines, charges, costs, penalties, and/or fees, including attorney and administrative fees.

(C) **Type and Delivery Notice:** The Notice of Violation shall comply with Section 4(b). Notice shall be served in accordance with Section 107.3 of the 2006 International Property Maintenance Code to the property owner, resident, tenant, occupant or other violator. Any notice sent by first class mail shall be addressed to the last known property owner of record as listed in the Green County Property Valuation office.

(D) **Issuance of Citation:** If the property owner, resident, tenant, occupant or other violator fails or refuses to abate the violation within the time and manner required by the CEO, the CEO is authorized to issue a citation. The citation shall represent a determination by the CEO that a violation has been committed and that determination shall be final unless it is appealed by the alleged violator to the Property Maintenance Code Enforcement Board in the manner prescribed herein.

(E) **Citation Procedure:** Citations issued by CEO for violations of the Code shall contain the following information:

1) The address, location or description of the property found to be in violation of the Code;
2) The date and time of inspection;
3) The name and address of the person to whom the citation is issued;
4) The date the citation is issued;
5) The facts constituting the offense;
6) The section of the Code violated;
7) The name of the Property Maintenance Code Enforcement Officer;
8) The fines, charges, costs, penalties, and/or administrative fees, imposed for the violation if the citation is not appealed in the manner prescribed within this ordinance;
9) The maximum fine that may be imposed under this ordinance for the violation in question;
10) The procedure for the violator to follow in order to pay the fine or to appeal the citation;
11) A statement that if the violator fails to pay the fine set forth in the citation or appeal the citation within the time allowed, the violator shall be deemed to have waived his/her right to a hearing before the Code Enforcement Board to appeal the citation and the CEO’s determination that the violation occurred shall be final; and
12) Notice that a lien may be filed against the property on which the violation occurred and that proceedings to enforce the lien may be initiated to collect fines, charges, costs, penalties, and/or fees, including attorney and administrative fees.

(F) **Type and Delivery of Citation:** The Citation shall be in writing and shall be reasonably calculated to inform the violator of the nature of the violation, shall be served in accordance with Section 107.3 of the 2006 *International Property Maintenance Code* to the property owner, resident, tenant, occupant or other violator. Any notices sent by first class mail shall be addressed to the last known property owner of record as listed in the Green County Property Valuation office.

(G) **Abatement of Nuisance:** If the violator does not appeal the citation within the time prescribed, the CEO issuing the citation shall enter a final order finding and determining that the violation was committed and no appeal was timely filed. The CEO may thereafter cause the nuisance to be abated by any and all means reasonably necessary. A copy of the final order shall be served on the property owner, resident, tenant, occupant or other violator found to be in violation of this Code.

(H) **Emergency Abatement:** Nothing in Section 9(G) above shall prohibit the City from taking immediate action to abate any violation of this ordinance without prior notice to the property owner, resident, tenant, or other occupant when a CEO, upon inspection of the property has reason to believe that a violation presents a serious and imminent threat to any person, the public’s health, safety, or welfare, or if in the absence of immediate remedial action, the effects or consequences of a violation will within reasonable probability, cause irreparable or irreversible harm and/or property damage.

(I) **Right of Entry:** CEO(s), and their duly authorized agents, assistants, employees, or contractors, after first having obtained the consent of the property owner, resident, tenant, or other occupant may enter upon private or public property to conduct inspections. If the property owner, resident, tenant, or other occupant does not give the CEO(s) consent to enter upon and inspect the property, an on-site inspection of the property shall not occur until it is authorized by a court of competent jurisdiction.

(J) **Discretionary Modifications:** The CEO shall have the discretion to modify a Notice of Violation, provided the Officer shall first find that special circumstances that makes strict compliance with this Ordinance impractical and the modification is in compliance with the intent and purpose of this Ordinance and that such modification does not vitiate health, life and fire safety requirements. The details of actions granting modifications shall be recorded and entered in the Building and Codes Department files.

[Ord passed 7-28-08]

§ 91.033. APPEAL PROCESS; APPEAL OF NOTICE OF VIOLATION; APPEAL OF CITATION.
The following details the appeal process:

(A) **Appeal of Notice of Violation:** Any property owner, resident, tenant, occupant or other violator served with a Notice of Violation or on whose property a Notice of Violation is posted, shall no later than ten (10) days after the issuance of the Notice of Violation or posting thereof on the property, may file an appeal in writing with the Building and Codes Department of the City of Greensburg, Kentucky requesting a hearing before the property Maintenance Code Enforcement Board to appeal said Notice of Violation. If the violator fails to appeal the citation within ten (10) days as provided herein, the person shall be deemed to have waived his/her right to a hearing before the Property Maintenance Code Enforcement Board and the CEO’s determination that a violation was committed, shall be considered final and enforceable.

(B) **Appeal of Citation:** Upon receipt of a citation, the property owner, resident, tenant, occupant or other violator shall respond to it not later than ten (10) days following the issuance or posting on the property the Notice of Violation by either paying the fines, charges, costs, penalties and/or fees, including administrative fees assessed therein, or by filing an appeal in writing with the Building and Codes Department of the City of Greensburg, Kentucky, in writing, requesting a hearing before the Property Maintenance Code Enforcement Board. Payment of assessed fines, charges, administrative fees and penalties shall not relieve the property owner, resident, tenant, occupant, or other violator from his or her obligation to bring the property on which the violation occurred into compliance with this Code within a reasonable time thereafter, as solely determined by the CEO.

[Ord passed 7-28-08]

§ 91.034. APPOINTMENT OF MEMBERS; TERM OF OFFICE; REMOVAL OF BOARD MEMBERS FROM OFFICE; LIABILITY.

There is hereby created pursuant to KRS 82.700 to KRS 82.725, a City of Greensburg Property Maintenance Code Enforcement Board (hereafter the “Board”), as provided by the City of Greensburg Ordinance No. 040405.

[Ord passed 7-28-08]

§91.035. GENERAL POWERS OF THE BOARD.

(A) The Board is authorized and directed to conduct evidentiary hearings, issue decisions and abatement orders and impose fines, charges, costs, penalties, and/or fees, including administrative fees in the final adjudication of appeals brought before it.

(B) To adopt any and all policies, rules and regulations, reasonably required to implement, administer and conduct its business and hearings brought before it.

(C) Authorize Enforcement Officer(s) to file liens against properties found to be in violation of the Code to secure the collection of fines, penalties, fees, charges and or costs, including administrative fees.

[Ord passed 7-28-08]

§ 91.036. ORGANIZATION OF THE BOARD; CONDUCT OF MEETINGS AND BOARD MEMBERS; QUORUM.
All meetings and hearings of the Board shall be held in accordance with the requirements of KRS 82.700 et seq., KRS 381.770 et seq., Roberts Rules of Order, the Kentucky Open Meetings Act, and the Kentucky Open Records Act and the City of Greensburg Code of Ethics.

[Ord passed 7-28-08]

§ 91.037. BOARD HEARING; NOTICE; AND FINAL ORDER.

(A) When an appeal has been properly filed and a hearing has been requested, the Board shall convene for the purposes of conducting a hearing not later than sixty (60) days after the appeal has been filed with the Building and Codes Department.

(B) Not less than ten (10) days before any requested hearing, the Board shall notify the appellant of the date, time, and place of the hearing. Notice shall be given in accordance with Section 4(c).

(C) Any person requesting a hearing before the Board who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing on an appeal. A notice of violation or citation and a determination that a violation was committed shall be entered and become final. The Board shall enter a final order confirming the violation and shall direct the nuisance to be abated and/or impose the fines, charges, costs, penalties, and/or fees, including administrative fees assessed in the citation. A copy of the final order shall be served upon the violator/appellant.

(D) When a hearing is held under this section, the Board shall elicit testimony from witnesses and allow relative demonstrative evidence. All testimony shall be recorded by audio or video. Any Board member shall have authority to administer the following oath. “Do you solemnly swear and affirm to tell the truth, the whole truth and nothing but the truth”. Testimony shall be taken from the CEO, the alleged violator and any witnesses offering relevant testimony. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(E) In making its determination, the Board shall, based solely on the evidence adduced during the hearing determine by a preponderance of the evidence whether or not a violation has been committed. The final order of the Board shall provide the violator with reasonable time, not to exceed thirty (30) days, to abate the violation. If the violator does not abate in the manner required and within the time provided in the final order, another Notice of Violation may be issued.

(F) The Board shall issue a Findings of Fact and Conclusions of Law. The decisions of the Board shall be furnished to the appellant named in the citation at his or her last known address.

(G) The CEO, may abate the violation in order to bring the property into compliance with the Property Maintenance Code if a final order upholding the citation is entered by the Board or any court of competent jurisdiction.

[Ord passed 7-28-08]

§ 91.038. APPEAL TO DISTRICT COURT; FINAL JUDGMENT.

(A) An appeal from any judgment, decision, or determination of the Board shall be made to the Green County District Court within seven (7) days of the date of the Board’s judgment, decision or determination. The appeal shall be initiated by the filing of a complaint and a copy of the Board’s final order in the same manner as any civil action under the Kentucky Rules of Civil Procedure.
(B) The action before the District Court shall be tried de novo and the burden shall be upon the City to establish that a violation occurred. If the court finds that a violation occurred, the property owner, resident, tenant, occupant or other violator shall be ordered to abate the violation and pay to the City all applicable fines, costs and penalties occurring as of the date of the judgment. If the District Court finds a violation did not occur, the City shall be ordered to dismiss the Notice of Violation or Citation and the Plaintiff/Appellant shall be authorized to recover his cost. If the property owner, resident, tenant, occupant or other violator does not abate the violation in the time provided, another Notice of Violation may be issued in accordance with section 4(a), for each subsequent and separate violation of the Property Maintenance Code.

(C) If no appeal from a final judgment, decision or order of the Board is filed within the time period set in subsection (a) above, the Board’s order shall be deemed final and enforceable for all purposes provided herein.

[Ord passed 7-28-08]

§91.039. LIEN; CHARGES, COSTS, PENALTIES AND FEES, INCLUDING ADMINISTRATIVE FEES.

(A) The City shall have a lien against any property or properties finally determined by the CEO, the Board or court of competent jurisdiction to be in violation of the Property Maintenance Code to secure the payment and recovery of the reasonable value of labor and materials used to abate the nuisance violation, including fines, charges, costs, penalties, and/or fees, including administrative fees authorized in KRS 82.720. The lien shall be superior to and have priority over, all other liens on the property except state, county, school board and city taxes.

(B) The lien shall be recorded in the office of the county clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest, at the rate of twelve (12) percent per annum thereafter, until paid.

(C) In addition to the remedy prescribed in subsection (A), the person found to have committed the violation shall be personally responsible for the amount of all fines, charges, costs, penalties, and/or fees (as set out in §91.099 (B) including administrative fees assessed for the violation and for all charges and fees incurred by the City in connection with the enforcement of the Property Maintenance Code. The City may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

[Ord passed 7-28-08]

§ 91.040. TRANSFER OF OWNERSHIP.

All Owners receiving a Notice of Violation shall conform with Section 107.5 of the 2006 International Property Maintenance Code.
§ 91.041 APPLICATION OF PROVISIONS; COMPLIANCE REQUIRED.

(A) Every residential, nonresidential or mixed occupancy lots and any buildings situated thereon, used or intended to be used for dwelling, commercial, business or industrial occupancy shall comply with the provisions of this chapter, whether or not any such building shall have been constructed, altered or repaired before or after the enactment of this chapter and irrespective of any permits or licenses which shall have been issued for the use of occupancy of the building or premises for the construction or repair of the building, or for the installation or repair of equipment or facilities prior to the effective date of this chapter. This chapter shall also apply to mobile home parks.

(B) In any case where the provisions of this chapter impose a higher standard than set forth in any other local ordinances or under the laws of the state then the standards as set forth herein shall prevail, but if the provisions of this chapter impose a lower standard than any other local ordinances or of the laws of the state, then the higher standard contained in any such other ordinances or law shall prevail.

(C) No license or permit or other certification of compliance with this chapter shall constitute a defense against any violation of any other local ordinance applicable to any structure or premises, nor shall any provision herein relieve any owner, operator or occupant from complying with any such other provision, nor any official of the city from enforcing any such other provision.

(Ord. passed 5-18-92)

§ 91.042 COMPLIANCE.

The owner, operator or parties in interest shall have the duty and responsibility of assuring compliance with this chapter.

(Ord. passed 5-18-92)

§ 91.043. PROPERTY MAINTENANCE CODE.

(A) Provisions of 2003 International Property Maintenance Code Adopted by Reference Herein. The City of Greensburg, Kentucky, hereby adopts, enacts and incorporates by reference, as if fully set forth herein, in their entirety, sections:

108  302.7  307.2  308.3  505  605
109  302.8  307.2.1  308.4  506  606
110 (except 110.2)  302.9  307.2.2  308.5  507  607
201  303.1  307.3  501  601  701
301  304.1  307.3.2  502  602  702
302.1  304.3  308.1  503  603  703
302.5  307.1  308.2  504  604  704

(B) Junked Motor Vehicles and Appliances.

(1) Definitions for Junked Motor Vehicles and Appliances. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
(a) **Junked Appliances** shall mean any unit, or part thereof, of machinery, furniture, or equipment, whether functional or ornamental, and whether mechanical or powered by some source of energy or not, including, but not limited to, stoves, refrigerators, television sets, beds, lamps, tools, objects of art, and the like, the condition of which upon inspection, are found to be in one or more of the following conditions:

1. Wrecked;
2. Dismantled;
3. Partially dismantled;
4. Inoperative;
5. Abandoned;
6. Discarded;

(b) **Junked Motor Vehicles** shall mean any vehicle, device or other contrivance, or parts thereof, propelled by human or mechanical power that if operational, would be used for transportation of persons or property on public streets and highways, which upon inspection, are found to be in one or more of the following conditions:

1. Wrecked;
2. Dismantled;
3. Partially dismantled;
4. Inoperative;
5. Abandoned;
6. Discarded;

(2) **Declaration Junked Motor Vehicles and Appliances; Exceptions.**

(a) The presence of any junked motor vehicle or appliance on public property or on any private lot, tract or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the City shall be deemed a public nuisance, and shall further be considered rubbish or refuse, and it shall be unlawful for any person to cause or maintain such public nuisance by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning or discarding any motor vehicle or appliance on the real property of another or to suffer, permit or allow a junked motor vehicle or appliance to be parked, left or maintained on his own real property, provided that this provision shall not apply with regard to:

1. Any motor vehicle or appliance in an enclosed building;
2. Any motor vehicle or appliance on the property of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise; or
3. Any motor vehicle or appliance on property occupied and used for repair, reconditioning and remodeling of motor vehicles or appliances in conformance with the Zoning Code of the City.
(3) **Liability for damages to removed vehicle.** Neither the owner or occupant of the property from which any aforesaid junked motor vehicles shall be removed, their servants or agents, or any department of the City, or its agents, shall be liable for any loss or damage to the junked motor vehicle while being removed or as a result of any subsequent sale or other disposition.

(4) **Compliance by removal of vehicle.** The removal of a junked motor vehicle from the property within the number of days required in the Notice of Violation issued by the CEO, shall be deemed to be in compliance with the provisions of this article and no further action shall be taken against the owner of the junked motor vehicle or appliance or the owner or occupant of the property.

(5) **Right of entry.** Shall be in accordance with Section 91.005(I).

(6) **Article supplemental to other regulations.**

   (a) The provisions of this article are supplemental and in addition to all other regulatory Codes, statutes and ordinances heretofore enacted by the City, state or any other legal entity or agency having jurisdiction.

   (b) The provisions of this article shall be deemed cumulative of the provisions and regulations contained in the Code of Ordinances, City of Greensburg, Kentucky, save and except that, where the provisions of this article and the sections hereunder are in conflict with the provisions elsewhere in this Code, then the provisions contained herein shall prevail. Any and all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

(C) **Other Miscellaneous Nuisances.** It shall be unlawful for the owner, occupant or person having control or management of any real property within the City to permit a public nuisance to develop thereon. The following conditions are declared to be public nuisances:

   (1) **Storage of explosives.** The storage of explosive material which creates a safety hazard to other property or persons in the vicinity.

   (2) **Weeds and grass.** The excessive growth of weeds, grass, or other vegetation, except flowers or other ornamental vegetation, which are properly maintained. Unless otherwise provided, “excessive” shall mean growth to a height of ten (10) inches or more.

   (3) **Open wells.** The maintenance of any open, uncovered, or insecurely covered cistern, cellar, well, pit, excavation, or vault situated upon private property in any open or unfenced lot or place.

[Ord passed 7-28-08]

§ 91.044 STORAGE OF COMMERCIAL AND INDUSTRIAL MATERIAL.

There shall not be stored or used at a location visible from the sidewalk, street or other public areas, equipment and materials relating to commercial or industrial use unless permitted under the zoning ordinance for the premises.
§ 91.045. VALIDITY OF EXISTING LIENS PREVIOUSLY FILED.

The adoption of this Ordinance by the Greensburg City Council shall not constitute a release, satisfaction or discharge of any lien filed of record in the office of the Green County Clerk which affects the rights, title and interest of any parcel of real property cited for violation of the Property Maintenance Code in effect prior to the effective date of this Ordinance; it being hereby declared and established that such liens created hereunder shall remain in full force and effect until adjudicated or released.

§ 91.99 PENALTY.

(A) Any person, firm or corporation violating any provision of this chapter shall be guilty of a misdemeanor and, in addition to any other civil penalties or remedies herein provided, be fined not less than $5 nor more than $500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(B) Citations issued by the CEO that are not appealed or which are upheld by the Board or any court of proper jurisdiction, shall be subject to the following schedule of civil penalties for each violation:

<table>
<thead>
<tr>
<th>Violation</th>
<th>1st Offense</th>
<th>2nd Offense</th>
<th>3rd+ Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Maintenance</td>
<td>Min. $10-$100</td>
<td>$250</td>
<td>$500</td>
</tr>
<tr>
<td>Junked Motor Vehicles</td>
<td>Min. $10-$100</td>
<td>$250</td>
<td>$500</td>
</tr>
<tr>
<td>Junked Appliances</td>
<td>Min. $10-$100</td>
<td>$250</td>
<td>$500</td>
</tr>
<tr>
<td>Other Nuisances</td>
<td>Min. $10-$100</td>
<td>$250</td>
<td>$500</td>
</tr>
</tbody>
</table>

[Ord passed 7-28-08]

Statutory Reference: KRS 83A.060
CHAPTER 92: FIREWORKS: FIRE PREVENTION

Section

Fireworks

92.001 Adoption of state law by reference

Fire Prevention

92.020 Blasting permit
92.021 Storage of flammables and other matter
92.022 Burning and Fires

92.099 Penalty

FIREWORKS

§ 92.001 ADOPTION OF STATE LAW BY REFERENCE.

The provisions concerning fireworks control by municipalities, as set forth in KRS 227.700 through 227.750 are hereby incorporated by reference as if fully set forth herein.

FIRE PREVENTION

§ 92.020 BLASTING PERMIT.

No person shall cause a blast to occur within the City without making application in writing beforehand setting forth the exact nature and location of the intended operation and receiving all appropriate permits from the state to blast. The authorized City official, before granting such permit, may require bond to indemnify the City and all other persons against injury or damages which might result from the proposed blasting.

Penalty, see § 92.099

§ 92.021 STORAGE OF FLAMMABLES AND OTHER MATTER.

(A) All flammable or combustible materials shall be arranged and stored in a manner which affords reasonable safety against the danger of fire.

(B) Waste paper, ashes, oil rags, waste rags, excelsior, or any material of a similar hazardous nature shall not be accumulated in any cellar or any other portion of any building of any kind. Proper fireproof receptacles shall be provided for such hazardous materials.

(C) No matter shall be stored or arranged in a manner which impedes or prevents access to or exit from any premises in case of fire.

Penalty, see § 92.099
§ 92.022 BURNING AND FIRES.

(A) No person, firm or corporation shall without having a permit thereof burn leaves, trash, papers, rubbish or garbage out of doors anywhere in the city. This section shall not prohibit the use of an outdoor fire for cooking or for recreation.

(B) No person shall burn any trash, rubbish or garbage anywhere indoors in the city except in an incinerator complying with all applicable laws and ordinances.

(C) Nothing in this ordinance shall be deemed to prohibit the use of wood in stoves used for cooking, the use of wood in fireplaces or decorative fires or the use of wood in fireplaces or stoves designed for heating.

(D) The chief of the City fire department may grant a permit for any controlled fire when he deems the same appropriate and subject to such restrictions as he may impose. If a controlled burn is deemed appropriate, the person requesting same must pay to the City a fee of $10 for a water truck or fire truck and a fee not to exceed $15 for personnel needed to control said fire.

§ 92.099 PENALTY.

(A) Other than as provided in (B) below, any person who violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than $500.

(B) Any person, firm or corporation violating any provision of section 92.022 shall be fined not less than $5 nor more than $500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
CHAPTER 93: LITTERING

Section

93.001 Throwing Litter from vehicle
93.002 Tracking foreign matter on streets
93.003 Hauling loose material
93.004 Sweeping litter into gutters
93.005 Litter on private property

93.099 Penalty

§ 93.001 THROWING LITTER FROM VEHICLE.

No person while a driver or passenger in a vehicle shall throw or deposit litter upon any street or other public place within the City or upon private property.

Penalty, see § 93.099

§ 93.002 TRACKING FOREIGN MATTER ON STREETS.

No person shall drive or move any vehicle or truck within the City, the wheels or tires of which carry onto or deposit upon any street, alley, or other public place, mud, dirt, sticky substances, litter, or foreign matter of any kind.

Penalty, see § 93.099

§ 93.003 HAULING LOOSE MATERIAL.

Every person hauling or causing to be hauled dirt, sand, gravel, cement, fill dirt, or loose material of any kind in or upon any street, alley, sidewalk, or other public place shall haul it, or cause it to be hauled, in vehicles provided with tight boxes or beds so constructed or loaded as to prevent any of the contents from falling or being thrown, blown, or deposited upon any street, alley, sidewalk, or other public place. Any materials which fall from, or which are thrown, blown, or deposited from, any vehicle upon any street, alley, sidewalk, or other public place shall be removed immediately by the person in charge of the vehicle.

Penalty, see § 93.099

§ 93.004 SWEEPING LITTER INTO GUTTERS.

No person shall sweep into or deposit in any gutter, street, or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

Penalty, see § 93.099.

§ 93.005 LITTER ON PRIVATE PROPERTY.

(A) No person shall throw or deposit litter on any occupied private property within the City, whether owned by that person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being
carried or deposited by the elements upon streets, sidewalks, or other public places, or upon any private property.

(B) No person shall throw or deposit litter on any open or vacant private property within the City whether owned by that person or not.

Penalty, see § 93.099

§ 93.099 PENALTY.

Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars ($500). Each day the violation is committed or permitted to continue shall constitute a separate offense.
CHAPTER 94: CEMETERIES

Section

94.001 Removing flowers; ornaments from lots prohibited
94.002 Climbing fences around cemetery prohibited
94.003 Using cemetery as passway; playground prohibited
94.099 Penalty

§ 94.001 REMOVING FLOWERS, ORNAMENTS FROM LOTS PROHIBITED.

It shall be unlawful for any unauthorized person to remove from any lot in any cemetery any
flowers or other kind of ornaments that have been placed upon any grave, or in any container or
receptacle of any kind for flowers or water.

(Ord. 620.2, passed - -) Penalty, see § 94.099

§ 94.002 CLIMBING FENCES AROUND CEMETERY PROHIBITED.

It shall be unlawful for any unauthorized person to climb any fences around any cemetery.

(Ord. 620.2, passed - -) Penalty, see § 94.099

§ 94.003 USING CEMETERY AS PASSWAY, PLAYGROUND PROHIBITED.

It shall be unlawful for any unauthorized person to use any cemetery or any part thereof as a
passway in going to and from places outside of a cemetery, or to use any part of a cemetery as a
playground or to play any kind of game in said cemetery.

(Ord. 620.2, passed - -) Penalty, see § 94.099

§ 94.099 PENALTY.

Any person who violates this chapter or any part thereof shall be deemed guilty of a violation and
upon conviction shall be fined an amount not to exceed $100 for each offense.

(Ord. 620.2, passed - - )
CHAPTER 95: HAZARDOUS MATERIALS

Section

95.001 Purpose
95.002 Applicability
95.003 Definitions
95.004 Prohibited Acts
95.005 Administering Agency
95.006 Response Authority
95.007 Liability for Costs
95.008 Authorized Release
95.009 Contractual Indemnification: Subrogation
95.010 Disclaimer of Liability

§ 95.001 PURPOSE.

The purpose of this Ordinance is to protect public health and safety and the environment in the City through timely response and remediation efforts by properly trained individuals for incidents requiring action by existing and future local, state and/or federal requirements.

§ 95.002 APPLICABILITY.

This chapter shall apply to all persons who manufacture, use, store or transport hazardous materials within the city when in the event of an authorized release of a hazardous material.

§ 95.003 DEFINITIONS.

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

AUTHORIZED RELEASE. The 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. 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, 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. Any person who works, with or without compensation, in a workplace.

EMPLOYER. Any person, firm, corporation, partnership, association, government agency, or other entity engaged in a business or providing services which has employees.

ENVIRONMENT. 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 of Greensburg, Kentucky. The terms shall include air only for purposes of reporting releases pursuant to the further provisions of this Ordinance.

**FACILITY.** 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.** 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 here in words and figures, in a quantity and form which may pose a substantial preset 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.** 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.** 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.** 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 such hazardous materials or any constituent thereof may enter the environment. The term shall not apply:

1. with respect to a claim which such persons may assert against the employer or such persons as provided by CERCLA regulations, any release which results in exposure to persons solely within a workplace;
2. to emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or a pipeline station pumping engine; and
3. to the normal application of fertilizers and pesticides.

**PERSON.** 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.** 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.** 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.** That quantity:

(A) **Listed hazardous materials:** The quantity appearing in column “RQ” for each hazardous material listed in:

   (1) “List of Hazardous Materials and Reportable Quantities,” 40 C.F.R. Part 302, as amended, or

   (2) “Extremely Hazardous Substances,” designated in 40 C.F.R. Part 355 under SARA Title III.

(B) **Petroleum or petroleum products:** The reportable quantities are 25 gallons or more of a petroleum product within a 24-hour period and 75 gallons or more of diesel fuel in a 24-hour period or any amount that creates a visible sheen on surface waters.

(C) **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 Greensburg Sewer Use Ordinance.

**RESPONSE.** Any remedial or removable 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.** Every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

**§ 95.004 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 of Greensburg, 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 Greensburg/Green County E911 Center.

(B) **Emergency Telephone Number:** The notice required to be given by this Section in Greensburg may be given by telephoning “911” (or such other 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 EM, 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.

§ 95.005 ADMINISTERING AGENCY.

The purpose of this Ordinance is to establish a uniform City-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.

§ 95.006 RESPONSE AUTHORITY.

(A) The Greensburg Emergency Management shall have authority to coordinate response to any release or threatened release of hazardous materials in the City of Greensburg.

(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 the Greensburg EM is to give technical advice and assistance to the Fire Chief.

(C) The Greensburg EM or the Fire Chief shall immediately report any release or threatened release to the Mayor if Section II (2) of this ordinance applies. If in the opinion of the executive authority the seriousness of the situation warrants, the Mayor shall declare the existence of a state of emergency 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 the City EM director, 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 Mayor, City EM Director, the Fire Chief, 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, 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.
§ 95.007 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 material into the environment:

(A) The owner and operator of a facility or vessel from which there is a release or substantial threat of release of hazardous materials;

(B) 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;

(C) 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; or

(D) 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.

§ 95.008 AUTHORIZED RELEASE.

There shall be no liability under this Ordinance 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.

§ 95.009 CONTRACTUAL INDEMNIFICATION; SUBROGATION.

(A) No conveyance, transfer, sale, indemnification, hold harmless, or similar agreement shall be effective to release the owner or operator if any facility or vessel or any person who may be liable for a release of hazardous materials or threat thereof under this Ordinance. Nothing in this Section shall bar any arrangements to insure, hold harmless or indemnify a party to such agreement for any liability under this Ordinance.

(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 Ordinance, or a guarantor, has or would have by reason of subrogation or otherwise against any person.

§ 95.010 DISCLAIMER OF LIABILITY.

This Ordinance 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 Ordinance 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 Ordinance, necessary or desirable to ensure that there is no unauthorized release of hazardous materials.
(Ord. passed 6-6-05)
CHAPTER 96: REGISTRATION OF VACANT RESIDENTIAL PROPERTIES

Section

96.001 Definitions
96.002 Registration
96.003 Maintenance
96.004 Enforcement

It is the purpose and intent of this ordinance to establish a vacant residential property registration and maintenance program as a mechanism to protect neighborhoods and minimize hazards to persons and property as a result of the vacancy.

§ 96.001 DEFINITIONS.

CREDITOR. A federal or state chartered bank, savings bank, savings and loan association, or credit union, and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers.

RESIDENTIAL PROPERTY. Real property with one (1) to four (4) dwelling units.

VACANT. Residential property with no legal resident or tenant. Evidence of vacancy includes any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions include but are not limited to, overgrown or dead vegetation, accumulation of flyers, mail, or trash, disconnected utilities, the absence of window coverings or furniture, and statements by neighbors, delivery persons, or government employees.

§ 96.002 REGISTRATION.

(A) Prior to filing a complaint of foreclosure or executing a deed in lieu of foreclosure on a residential property located in the City of Greensburg, a creditor shall inspect the property to determine whether the property is vacant. If the property is vacant, the creditor shall, on the same day the complaint of foreclosure is filed or the deed in lieu of foreclosure is executed, register the property as a vacant property with the Code Enforcement Office of the City of Greensburg in which the property is located for the purpose of minimizing hazards to persons and property as a result of the vacancy.

(B) If a residential property becomes vacant at any time after a creditor files a complaint of foreclosure or executes a deed in lieu of foreclosure, but prior to vesting of title in the creditor or a third party, the creditor shall, within ten (10) business days after obtaining knowledge of the vacancy, register the property as a vacant property with the City of Greensburg.

§ 96.003 MAINTENANCE.

(A) Registration of a residential property as a vacant property shall include the address of the property and the name and contact information of a person located within the Commonwealth who is authorized to accept service on behalf of the creditor.

(B) If a residential property becomes or remains vacant as provided in Section 96.002, but prior to vesting of title in the creditor or any third party, and the City determines the property is in violation of any ordinance regulating a nuisance, the City may notify the creditor of the violation by providing notice of the violation by certified mail, return receipt requested, to the person identified in subsection (a) of this
section, and may require the creditor to correct the violation to the extent consistent with the terms of the mortgage.

(C) A notice of violation shall include a description of the conditions that give rise to the violation with the notice of violation and shall provide a period of not less than 20 days from the creditor’s receipt of the notice for the creditor to remedy the violation.

§ 96.004 ENFORCEMENT.

(A) If the creditor fails to remedy the violation within the stated period, the City may issue a citation and impose penalties against the creditor for violation of any ordinance regulating a nuisance.

(B) Any creditor that fails to register vacant residential property with the City shall be subject to a civil fine of $100 payable to the City for each day of delinquency.

(Ord. passed 12-10)
TITLE XI: BUSINESS REGULATIONS

Chapter

110. PAWNBROKERS

111. INSURANCE COMPANIES

112. PLACES OF ENTERTAINMENT

113. GREENSBURG FARMERS’ MARKET

114. TRANSIENT MERCHANT; PERMITS AND FEES

115. ECONOMIC DEVELOPMENT ASSISTANCE

CHAPTER 110: PAWNBROKERS

Section

110.001 Adoption of state law by reference
110.002 Register to be kept; daily reports
110.003 Prohibited activities
110.004 Enforcement

110.099 Penalty

§ 110.001 ADOPTION OF STATE LAW BY REFERENCE.

The provisions of KRS 226.010, 226.020, 226.050, 226.080 and 226.090 are hereby adopted by reference as if fully set forth herein.

§ 110.002 REGISTER TO BE KEPT; DAILY REPORTS.

(A) Every pawnbroker shall keep a register of all loans and purchases of all articles effected or made by him. The register shall show the dates of all loans or purchases and the names of all persons who have left any property on deposit as collateral security or as a delivery or sale. Opposite the names and dates shall be written in plain hand a full description of all property purchased or received on deposit as collateral security, the time when the loan falls due, the amount of purchase money, the amount loaned, and the interest charged. The register shall at all times be open to the inspection of any police officer of the City when in the discharge of his official duty. (KRS 226.040)

(B) Every pawnbroker shall, by 11:00 a.m. each day, make available to the Chief of Police a true and correct written report of all goods received by him, whether by pawn or purchase, during the twenty-four (24) hours preceding each report. The report shall describe the goods as accurately as practicable. The Chief of Police shall furnish blanks for these reports. (KRS 226.070) Penalty, see § 110.099

§ 110.003 PROHIBITED ACTIVITIES.

No pawnbroker shall receive, by way of either pledge or pawn, any article whatever from a minor at any time, nor from any person between 8:00 p.m. and 7:00 a.m. (KRS 226.030) Penalty, see § 110.099
§ 110.004 ENFORCEMENT.

The Police Department shall enforce the provisions of the chapter unless otherwise provided by KRS 226.100. However, county police, for the purpose of locating stolen goods, may carry out the provisions of KRS 226.060 within the City. (KRS 226.100)

§ 110.099 PENALTY.

(A) Any pawnbroker or pawnbroker’s clerk who violates any of the provisions of this chapter for which no penalty is otherwise provided shall, upon conviction, be guilty of a misdemeanor and shall be fined not less than $50 nor more than $500, and his license may be forfeited to the City. (KRS 226.990(1))

(B) Any pawnbroker who violates any of the provisions of § 110.002(B) shall be guilty of a misdemeanor and shall be fined not less than $20 nor more than $100. (KRS 226.990(3))
CHAPTER 111: INSURANCE COMPANIES

Section

111.001 Imposition of license fee
111.002 Amount of fee for companies issuing life insurance
111.003 Amount of fee for companies issuing policies other than life or health insurance
111.004 Due date; interest
111.005 Written breakdown of collections

§ 111.001 IMPOSITION OF LICENSE FEE.

There is hereby imposed on each insurance company a license fee for the privilege of engaging in the business of insurance within the corporate limits of the City, on a fiscal-year basis.

(Ord. passed 4-11-90)

§ 111.002 AMOUNT OF FEE FOR COMPANIES ISSUING LIFE INSURANCE.

The license fee imposed upon each insurance company which issues life insurance policies on the lives of persons residing within the corporate limits of the City shall be 10% of the first year’s premiums actually collected within each calendar quarter by reason of the issuance of such policies.

(Ord. passed 4-11-90)

§ 111.003 AMOUNT OF FEE FOR COMPANIES ISSUING POLICIES OTHER THAN LIFE OR HEALTH INSURANCE.

The license fee imposed upon each insurance company which issues any insurance policy which is not a life or health insurance policy shall be 10% 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 on those classes of business which such company is authorized to transact, less all premiums returned to policyholders; however, any license fee or tax imposed upon premium receipts shall not include premiums received for insuring employers against liability for personal injuries to their employees, or death caused thereby, under the provisions of the Workers’ Compensation Act and shall not include premiums received on policies of group health insurance provided for state employees under KRS 18A.225(2).

(Ord. passed 4-11-90)

§ 111.004 DUE DATE; INTEREST.

All license fees imposed by this chapter 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. passed 4-11-90)
§ 111.005 WRITTEN BREAKDOWN OF COLLECTIONS.

Every insurance company subject to the license fees imposed by this chapter shall annually, by October 31, furnish the City a written breakdown of all collections in the preceding fiscal year for the following categories of insurance:

(A) Casualty.
(B) Automobile.
(C) Inland marine.
(D) Fire and allied perils.
(E) First year life.

(Ord. passed 4-11-90)
CHAPTER 112: PLACES OF ENTERTAINMENT

Section

112.001 Place of entertainment defined
112.002 Permit to operate required
112.003 Persons not to be granted permits
112.004 Application for permit
112.005 Clerk to docket and publish application
112.006 Greensburg city police to investigate applicant
112.007 Hearing for or against granting of permit
112.008 Appeal from decision denying or granting permit
112.009 City council to fix hours of operation
112.010 Conduct prohibited on premises
112.011 Forfeiture of permit for violation of chapter
112.012 Forfeiture for violation of alcohol beverage control laws
112.013 Peace officers to visit
112.014 Pinball machines and electronic games

112.099 Penalties

§ 112.001 PLACE OF ENTERTAINMENT DEFINED.

As used in this ordinance, place of entertainment means any place:

(A) At which people assemble to dance, bathe, or engage in any game or amusement.

(B) Having therein or thereon any person engaging in the practice of fortune telling, of being a medium, clairvoyant, soothsayer, palmist, Phrenologist, spiritualist, or like activity; a place of entertainment shall not mean a private home at which bona fide guests are entertained, nor shall it apply to temporary entertainment such as circuses, carnivals and community fairs conducted under the auspices of a civic club or governmental entity.

§ 112.002 PERMIT TO OPERATE REQUIRED.

No place of entertainment shall be operated within the corporate limits of City of Greensburg unless its owner of the business has a permit, issued to them by the City Clerk granting to them the privilege to operate the place of entertainment within the City Of Greensburg.

§ 112.003 PERSONS NOT TO BE GRANTED PERMITS.

No permit shall be issued to a person, or to a company owned, operated and/or managed by a person, who is not of good moral character, or who will not, in the judgment of the Mayor, obey the laws of the state in carrying on the business, or who within two (2) years prior to the date of the filing of the application, has been convicted of maintaining a public nuisance, any prior offense concerning a place of entertainment, a felony, or any drug related offense.

§ 112.004 APPLICATION FOR PERMIT.

Any person who desires a permit to operate a place of entertainment within the corporate limits of the City of Greensburg shall file an application with the City Clerk. The application shall set forth the
true name of the owner, manager and operator of the place of entertainment, the exact location of the proposed place of entertainment, the occupation of the owner or manager of the proposed place of entertainment for five years immediately preceding the date on which the application is filed, the kinds of entertainment and services to be offered by said applicant, and any additional information requested in the application.

§ 112.005 CLERK TO DOCKET AND PUBLISH APPLICATION.

When the application is filed with the City Clerk he/she shall:

(A) Docket the matter for a hearing before the Mayor not less than thirty (30) days from the date the application is filed.

(B) Have a notice that the application has been filed published for two consecutive weeks in the Greensburg Record-Herald newspaper advising the public of the nature of the hearing, the date, the place and the time.

§ 112.006 GREENSBURG CITY POLICE TO INVESTIGATE APPLICANT.

The City police department, after an application has been filed, shall investigate the applicant and file with the Mayor of the City of Greensburg a written report setting forth the facts revealed by his investigation, recommending the granting or the denial of the permit. The report shall be filed with the Mayor within thirty (30) days after the application is filed.

§ 112.007 HEARING FOR OR AGAINST GRANTING OF PERMIT.

After the expiration of thirty (30) days from the date on which the application is filed, the Mayor shall hear evidence in support of or in opposition to the granting of the permit. Any person desiring to oppose the permit shall file in writing with the City Clerk the allegations that show cause why the application should not be granted.

§ 112.008 APPEAL FROM DECISION DENYING OR GRANTING PERMIT.

Appeals from the decision of the Mayor granting or denying the permit herein may be as follows:

(A) From the decision of the Mayor refusing to grant the permit, the applicant may appeal to the Greensburg City Council.

(B) From the decision of the Mayor granting a permit, any citizen of the City may appeal to the Greensburg City Council.

(C) Before any appeal is perfected, the party appealing shall file a copy of the decision of said City Council with the circuit clerk.

(D) The City attorney shall resist any appeal filed by an applicant and shall represent the City of Greensburg.

§ 112.009 CITY COUNCIL TO FIX HOURS OF OPERATION.

The Greensburg City Council shall, by a resolution set out in its minutes, fixed reasonable hours of operation for places of entertainment.
§ 112.010 CONDUCT PROHIBITED ON PREMISES.

No person who has been granted a permit shall allow:

(A) Drunken, disorderly or boisterous persons, or persons of lewd or lascivious reputation to congregate in or about the premises;

(B) People to congregate there for immoral or unlawful purposes;

(C) The premises to be used as a place of assemblage or entertainment at later hours than those which are stated in the permit or recorded in the minutes of the Greensburg City council;

(D) Engage in fortune-telling at any location except that specifically stated in the permit.

§ 112.011 FORFEITURE OF PERMIT FOR VIOLATION OF CHAPTER.

Upon the conviction of the owner or manager of a place of entertainment for a violation of any of the provisions of this chapter:

(A) The judgment of the court shall provide for the forfeiture of the permit;

(B) A copy of the judgment shall be certified by the court in which the conviction occurs and obtained by the City Clerk and shall be recorded by him in the records of the Greensburg City council; and

(C) The permit shall then be cancelled and become void.

§ 112.012 FORFEITURE FOR VIOLATION OF ALCOHOL BEVERAGE CONTROL LAWS.

The conviction of the owner or manager of a place of entertainment for violation of the alcohol beverage control laws may be an additional ground for revocation and forfeiture of the permit issued by the City of Greensburg.

§ 112.013 PEACE OFFICERS TO VISIT.

The Greensburg City police shall visit places of entertainment regularly. Upon observing any violation of this Chapter, they shall make arrests without warrants for violations committed in their presence.

§ 112.014 PINBALL MACHINES AND ELECTRONIC GAMES.

The ultimate and only award given directly or indirectly to any player for the attainment of a winning score or combination on any pinball machine shall be the right to play one or more additional games immediately on the same device at no further cost; provided the maximum number of free games that can be won, registered, or accumulated at one time in operation of any pinball machine shall not exceed thirty (30) free games. Any pinball machine shall be made to discharge accumulated free games only by reactivating the playing mechanism once for each game released. Any pinball machine shall be made and kept with no meter or system to preserve a record of free games played, awarded or discharged. Nonetheless, a pinball machine shall be a gambling device if a person gives or promises to give money, tokens, merchandise, premiums or property of any kind for scores, combinations or free games obtained in playing the pinball machine in which the person has an interest as owner, operator, keeper or otherwise.
§ 112.099 PENALTIES.

(A) Any person who violates Section Two of this ordinance shall be fined not more than $200.00, or confined in the county jail not more than ninety (90) days, or both. Each day that a place of entertainment is operated without a permit shall be a separate offense.

(B) Except as provided in subsection (A), any owner, manager or operator of a place of entertainment who violates any of the provisions of this chapter shall be fined not more than $300, or confined in the county jail not more than ninety (90) days, or both.

(Ord. passed 8-2-04)
CHAPTER 113: GREENSBURG FARMERS MARKET

Section

113.001 Definitions
113.002 Terms and Conditions
113.003 Penalties

This ordinance shall be referred to as the “Farmers Market Ordinance”. The City authorizes and establishes in the downtown core of the City a farmers’ market for the sale of fresh fruits and vegetables and other farm products by the growers and producers.

§ 113.001 DEFINITIONS.

MARKET OR FARMERS MARKET. Any farmer(s), or Food Vendors setting up in the Farmers’ Market Areas during the hours of operation for such market as provided herein.

VENDOR. Any person who participates in the Farmers Market by the selling of goods or products therein.

CITY PARK. The City Park as designated under Section D.

§ 113.002 Terms and Conditions.

(A) The Farmers’ Market shall be open daily each year beginning March 1st and closing November 30th.

(1) Sunday hours shall be restricted to 12:00 p.m. until 4:00 p.m. only.

(2) Monday through Saturday 6:00 a.m. until 6:00 p.m.

(B) The Farmers Market shall operate in areas specifically designated by the City of Greensburg as determined by the Mayor or his/her designee. The City shall have no liability for any injury to the person or property of any vendor, member of a vendor’s family, customer, or any other person arising from the operation of the Farmer’s Market.

(C) Farmers can bring one table no larger than four (4) feet by eight (8) feet or will be allowed to sell from a truck no larger than 3/4 ton. Each participating vendor shall have a soap dispenser or sanitary hand lotion and disposable paper towels available at all times. Each Farmer will be allotted approximately eight (8) feet of curb space per permit issued. Farmers will be responsible for leaving their allotted space clean and free of debris.

(D) Each Vendor shall be required to obtain a permit issued by the City of Greensburg at a cost of $25 for each “Market Season” as stipulated in Section 3. Each Vendor shall be required to display the license in a prominent position at their assigned market space(s) while such Vendor is doing business at the Farmers Market.

(E) Market spaces will be assigned to Vendors on a “first come, first served” basis. Each Vendor shall be responsible for maintaining their assigned market space(s) in a clean and orderly manner and shall leave the assigned space clean and free of debris during market hours and prior to departing after sale hours. Failure to properly maintain a market space may result in suspension of such Vendor’s license to do business in the Farmers’ Market.
(F) Should any provision of this Ordinance be determined by a court of law or otherwise to be invalid for any reason, the remaining provisions of this Ordinance shall continue in full force and effect.

(G) Insofar as the provisions of this Ordinance are inconsistent with the provision of any other Ordinance of the City of Greensburg, the present Ordinance shall be controlling.

§ 113.003 PENALTIES.

If an owner or operator of a Farmers’ Market Vendor commits an offense that is in violation of any provisions of this Ordinance, the offense may result in the loss of their Farmers’ Market permit. Any such violations shall fall within the control of the City of Greensburg’s Code Enforcement procedures.

(Ord. passed 4-4-11)
CHAPTER 114: TRANSIENT MERCHANT; PERMITS AND FEES

Section

114.001 Definitions
114.002 Application of Ordinance
114.003 Permit Requirements
114.004 Registered Agent
114.005 Permit Fee
114.006 Other Requirements
114.007 Penalties
114.008 Enforcement
114.009 Validity
114.010 Conflict

§ 114.001 DEFINITIONS.

TRANSIENT MERCHANT. Any person, firm, corporation, partnership or other entity which engages in, does or transacts any temporary or transient business in the city, either in one locality, or in traveling from place to place in the city, offering for sale or selling goods, wares, merchandise or commodities of any kind, and includes those merchants who, for the purpose of carrying on such business, hire, lease, use or occupy any building, structure, motor vehicle or real estate. Transient merchants do not include those entities which use motor vehicles solely for the purpose of loading and/or unloading goods, ware, merchandise or commodities to and/or from any other business, or to and/or from any residence providing the sale of goods, etc. has already been made outside the City of Greensburg.

TEMPORARY OR TRANSIENT BUSINESS. Any business conducted for the sale, or offer of sale, of goods, wares or merchandise which is carried on in any building, structure, motor vehicle or real estate; in one locality for a period of less than six continuous uninterrupted months each year.

§ 114.002 APPLICATION OF ORDINANCE.

The provisions of this Ordinance shall not apply to:

(A) Sales at wholesale-to-retail merchants by commercial selling agents in the usual course of business;

(B) Wholesale trade shows or conventions;

(C) Sales of goods, wares or merchandise by sample catalog or brochure for future delivery;

(D) Participants in fairs and convention center activities when the participants’ businesses are conducted primarily for amusement or entertainment;

(E) Any general sale, fair, auction or bazaar sponsored by any religious, educational, public service or charitable organization;

(F) Garage sales held by residents of Green County;

(G) Sales of crafts or items made by hand and sold or offered for sale by the person making such crafts or handmade items;
(H) Sale of agricultural products grown in Green County and offered for sale by a Green County resident;

(I) Sales made by a seller who is a resident of Green County and have paid their proper license fees at residential premises pursuant to an invitation issued by the owner or legal occupant of such premises;

(J) Sheriffs, constables, or other public or court officers, or any other person or persons acting under the direction or authority of any court, state or federal, selling goods, wares or merchandise in the course of their official duties;

(K) Professionals and occupants licensed and regulated by the state or federal government when the activities are performed within the scope of their respective statutory and regulatory authority; and

(L) Temporary sales at another location by businesses with a permanent business location within the City of Greensburg.

§ 114.003 PERMIT REQUIREMENTS.

It is unlawful for any transient merchant to transact business in this City unless such merchant and the owners of any goods, wares or merchandise to be offered for sale or sold, if such are not owned by the merchant, shall have first secured a permit from the City Clerk and shall have otherwise complied with the requirements herein.

Any transient merchant desiring to transact business in this City shall make application to obtain a permit. Application shall be made prior to the requested effective date. The application for permit shall be designed and distributed by the City Clerk and shall be filed by the transient merchant with the City Clerk. The application shall include, but not necessarily be limited to, the following information:

(A) The name and permanent address of the transient merchant making the application, and if the applicant is a firm or corporation, the name and address of the members of the firm or the officers of the corporation;

(B) If the applicant is a corporation, there shall be stated on the application form the date of incorporation, the state of incorporation, and if the applicant is a corporation formed in a state other than Kentucky, the date on which such corporation qualified to transact business as a foreign corporation in this state;

(C) A statement showing the kind of business proposed to be conducted, the length of time for which the applicant desires to transact such business and the location of the proposed place of business;

(D) An inventory of any goods, wares or merchandise to be offered for sale during the permit period and its aggregate value;

(E) A statement that the applicant has acquired all other required City, county and state permits and licenses;

(F) The applicant’s sales and use tax permit number or temporary vendor’s registration number;

(G) If the applicant is a non-resident of the State of Kentucky, then the name and permanent address of the transient merchant’s resident process agent, registered agent or office; and
(H) The absence of any of the above information shall result in the denial of such permit by the City Clerk.

§ 114.004 REGISTERED AGENT.

Each applicant who is a resident of the State of Kentucky with a permanent address shall be considered their own registered agent. Each applicant who is a non-resident of the State of Kentucky shall name a registered agent who is a resident of the State of Kentucky upon whom any process, notice, or demand required or permitted by law to be served upon the transient merchant may be served. The registered agent shall agree in writing to act as such agent and a copy of the agreement to so act shall be filed with the application for a permit.

If any transient merchant doing business or having done business in the City shall fail to have or maintain a registered agent in the state or if such registered agent cannot be found at his permanent address, the secretary of state shall be agent of such transient merchant for service of all process, notices or demands. No registered agent shall be deemed to be a seller of goods.

§ 114.005 PERMIT FEE.

Each application for a transient merchant permit shall be accompanied by an occupational permit fee of $200 to be retained and credited to the general revenue fund for the City of Greensburg by the office of the City Clerk. The term of the transient merchant permit shall be for the length of time the merchant conducts an active business but shall in no case exceed one year.

Any entity at the time of the adoption of this ordinance which falls within the definition of transient merchant herein and is holding an unloading permit issued by the City of Greensburg shall be given credit for said unloading permit to be used against the cost of the transient merchant permit fee herein. The amount of credit shall be pro-rated based upon the amount of time left under said entity’s current unloading permit.

§ 114.006 OTHER REQUIREMENTS.

(A) A transient merchant permit shall be used hereunder only when all of the above requirements have been met. Such permit shall not be transferable; shall be valid only within the territorial limits of the City of Greensburg; and shall be valid only for a maximum period of one year or until sales are terminated, whichever is sooner.

(B) A permit issued hereunder shall be valid for only one person or entity, unless such person shall be a member of a partnership or employee of a firm or corporation obtaining such permit.

(C) The permit issued hereunder shall at all times be conspicuously displayed at any place that the transient merchant is transacting business.

(D) No transient merchant shall be allowed to do business on any public property on Main Street between Columbia Avenue and Hodgenville Avenue, or on Court Street between the first alley East of the Public Square to First Street.

(E) If the City Clerk refuses to issue a permit hereunder, the applicant may apply to the City Council for a hearing and a reversal of the Clerk’s decision. The City Clerk shall notify the City attorney who shall appear in opposition to the issuance of the permit.
§ 114.007 PENALTIES.

Any entity violating any of the terms or provisions of this ordinance shall be guilty of a misdemeanor and shall be fined in an amount not less than one hundred dollars ($100), nor more than five hundred dollars ($500). Each day a violation occurs shall be considered a separate offense for purposes of penalties hereunder.

§ 114.008 ENFORCEMENT.

The City attorney may enforce these provisions by civil action for injunctive relief in the circuit court of his county. In such action to obtain said injunction it shall be sufficient to allege and prove that a violation has occurred or is about to occur, and it shall not be necessary to allege or prove that any person has been damaged or sustained any loss as a result of any violation.

When these provisions are enforced by the City attorney through civil action, he may ask for and the court may assess a civil penalty for the benefit of the City, not to exceed the sum of two thousand dollars ($2,000), said penalty to be in lieu of all other penalties set forth herein.

§ 114.009 VALIDITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

§ 114.010 CONFLICT.

That all City ordinances, orders, resolutions, motions or parts thereof, insofar as same may be in conflict herewith, are repealed. This Ordinance shall be in full force and effect upon its passage, approval and publication according to law.

(Ord. passed 8-15-94)
CHAPTER 115: ECONOMIC DEVELOPMENT ASSISTANCE

Section

115.001 Definitions
115.002 First Exemption
115.003 Second Exemption
115.004 Default
115.005 Maximum Exemptions
115.006 Application

§ 115.001 DEFINITIONS.

CITY OF GREENSBURG. The area within the city limits of the City of Greensburg, Green County, Kentucky.

CITY. The City of Greensburg, Green County, Kentucky.

BUSINESS. Any person, corporation, partnership, limited liability company, or other entity which owns property subject to City property taxes and which has employees working within the City of Greensburg at least fifty (50) percent of their time.

EXISTING BUSINESS. Any business which has employees working within the City of Greensburg at the time of the first reading of this ordinance.

NEW BUSINESS. Any business which does not have employees working within the City of Greensburg at the time of the first reading of this ordinance, but which does have employees after such time.

EMPLOYEES. Any person employed by a business and working not less than thirty (30) hours a week.

EXEMPT PROPERTY. That real and personal property located within the City of Greensburg where not less than eighty (80) percent of the business’s qualifying or new employees perform their duties, or treat as their home base for work off the site of the business’s property.

§ 115.002 FIRST EXEMPTION.

That any existing business in the City of Greensburg, and any new business in the City of Greensburg, shall receive an exemption from the City property taxes for a period of two consecutive years, subject to the following provisions and conditions:

(A) To obtain the exemption set out above, an existing business must execute a written statement that it will employ and maintain, within the times required herein, fifteen (15) new employees, in addition to the average number of employees as reported on the business’s Form 941 for the last four complete quarters, and a new business must execute a written statement that it will employ and maintain, within the times required herein, fifteen (15) employees.

(B) That the fifteen (15) employees set out above in paragraph 2(A) must be employed not later than twelve (12) months after the written statement of intent to employ same, and must remain employees for two (2) full years after first employment.
§ 115.003 SECOND EXEMPTION.

That any existing business in the City of Greensburg, which has already received an exemption from property taxes under this ordinance, shall receive an exemption from City property taxes for an additional period of three consecutive years, subject to the following provisions and conditions:

(A) To obtain the exemption set out above, an existing business must execute a written statement that it will employ and maintain, within the times required herein, fifteen (15) new employees, in addition to the average number of employees as reported on the business’s Form 941 for the last four (4) complete quarters.

(B) That the fifteen (15) employees set out above in paragraph 3 (A) must be employed not later than six (6) months after the written statement of intent to employ same, and must remain employees for three (3) full years after first employment.

§ 115.004 DEFAULT.

If at any time any business receiving an exemption herein fails to maintain on its regular payroll, for the length of times set out above, the fifteen (15) employees required to obtain said exemption, all property tax exempted pursuant to said employment shall be immediately due and payable upon said employment first falling below the number 15, and shall earn interest at the rate of twelve percent (12%) per annum from the date it first becomes due, until paid.

§ 115.005 MAXIMUM EXEMPTIONS.

The maximum number of years from which any business shall be exempt from property taxes herein shall be five (5).

§ 115.006 APPLICATION.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaining portions hereof.

(Ord. passed 4-7-03)
TITLE XIII: GENERAL OFFENSES

Chapter

130. OFFENSES AGAINST MUNICIPAL REGULATIONS

Section

130.001 Discharging firearms; possession or use of air guns or pellet guns

§ 130.001 DISCHARGING FIREARMS; POSSESSION OR USE OF AIR GUNS OR PELLET GUNS.

(A) For the purpose of this subsection (A), FIREARM means any weapon which will expel a projectile by the action of an explosive.

(1) It shall be unlawful for any person to intentionally fire or discharge a firearm within the City.

(2) This subsection (A) shall not apply to the lawful discharge of a firearm by a duly authorized police official or to the discharge of a firearm under circumstances constituting self-protection or self-defense under state law.

(B) It shall be unlawful for any person less than eighteen (18) years of age to have in his possession or to shoot or fire any air rifle, air gun, or pellet gun anywhere within the City limits, unless he is responsible for the care, supervision, and conduct of that person less than eighteen (18) years of age. It shall be unlawful for any parent, guardian, or other person responsible for the care and supervision of a person less than eighteen (18) years of age to permit such person to possess, shoot, or fire an air rifle, air gun, or pellet gun within the City limits unless that person is accompanied by an adult responsible for such person’s conduct or behavior.

Penalty, see § 10.099
TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS
151. HOUSE TRAILERS
152. PLANNING
153. ZONING CODE
154. HISTORIC PRESERVATION DISTRICT
155. FLOODPLAIN MANAGEMENT
CHAPTER 150: BUILDING REGULATIONS

Section

150.001 Adoption of Kentucky Building Code and Standards of Safety; enforcement agents
150.002 Adoption Of The Uniform Statewide Building Code
150.003 Application
150.004 Required Contents of Building Plans
150.005 Signs
150.006 Permit Fee Schedule
150.007 Appeals
150.099 Penalty

§ 150.001 ADOPTION OF KENTUCKY BUILDING CODE AND STANDARDS OF SAFETY; ENFORCEMENT AGENTS.

(A) The Kentucky Building Code, as contained in Chapter 7, Title 815 of the Kentucky Administrative Regulations, (as adopted in § 150.002 below); the Kentucky Plumbing Code, as contained in Chapter 20, Title 815 of the Kentucky Administrative Regulations; the Kentucky Standards of Safety, as contained in Chapter 10, Title 815 of the Kentucky Administrative Regulations, together with any amendments, are hereby adopted by reference as if fully set forth in this code of ordinances. Copies of the above codes and any amendments thereto shall be placed on file in the office of the City Clerk/Treasurer where they shall be available for public inspection during normal business hours.

(B) The Building Official, under a contract entered into between the City and the Lake Cumberland Area Housing Authority, shall be designated as the local enforcement agent for the Kentucky Building Code.

(C) The Chief of the Volunteer Fire Department and all other designated officers, agents, and employees of the City are hereby charged with the enforcement of the provisions of the Standards of Safety.

(D) The State Plumbing Inspector is charged with the enforcement of the provisions of the Kentucky Plumbing Code.

Penalty, see § 150.099

§ 150.002 ADOPTION OF THE UNIFORM STATEWIDE BUILDING CODE.

(A) The Kentucky Building Code, promulgated in 815 KAR 7:120, and the Kentucky Residential Code, promulgated in 815 KAR 7:125, by the Board of Housing, Buildings and Construction, Commonwealth of Kentucky, are hereby adopted in full as an Ordinance of the City of Greensburg, Green County, Commonwealth of Kentucky, as if set out at length herein.

(B) A copy of said Kentucky Building Code is on file in the Office of the Greensburg City Clerk, and the Clerk shall at all times keep a copy of said building code for reference.

(C) An attested copy of this Ordinance shall be transmitted to the Office of Housing, Buildings and Construction of the Commonwealth of Kentucky.
(D) All editions, revisions and amendments thereto are likewise adopted on a continuing basis immediately upon passage and effective date of said edition, etc., as if same was fully set forth at length herein.

(E) All relevant portions of the International Code Council (ICC) which may be incorporated by the Kentucky Building Code and Kentucky Residential Code are adopted and made a part hereof.

§ 150.003 APPLICATION.

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

§ 150.004 REQUIRED CONTENTS OF BUILDING PLANS.

Required plan information shall be as follows (unless items are waived by the Building Inspector):

(A) All plans shall be drawn to scale. The preferred scale is an architectural drafting scale of ¼ inch.

(B) A title block shall be placed on the plan and shall contain the plan name, the name and address of the developer and the development address.

(C) The building use and the total square feet contained in the building shall be noted.

(D) A footprint of the building showing the building size, all exterior walls, interior space layout, egress doors and the distance to the nearest property line.

(E) The use of each separate room and/or area.

(F) A wall detail, which shall include a cross-section indicating the thickness, insulation, materials, and interior/exterior treatments.

(G) A roof detail, which shall include a cross-section depth and size.

(H) A foundation and footer detail, which shall include a cross-section indicating depth and size.

(I) A basement detail, which shall include the elevation of the basement and the amount of basement that will be showing above ground.

(J) Location and type of heating system.

(K) Location of plumbing and service entrance.

(L) Any other relevant information such as stair details, sprinkler information, handicapped requirements and window detail.

(M) A copy of workman’s comp insurance policy or signed affidavit of no employees.

(N) A copy of general liability policy.

(O) The permit application must be filled out completely or the permit cannot be issued.
§ 150.005 SIGNS.

Appendix H of the International Building Code is expressly adopted and incorporated herewith as party of this Ordinance. In addition, signs shall be located at least ten (10) feet off the front right property line, three (3) feet from the side property line and shall not exceed fifty (50) feet in height.

§ 150.006 PERMIT FEE SCHEDULE.

The cost for securing building permits, inspections and other similar fees shall be determined by the following schedule:

(A) General building permits for residential and commercial:

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Residential - $45.00 per square foot minimum
Commercial - $65.00 per square foot minimum

Note, if the applicant is already permitted by the State of Kentucky, then the aforementioned costs shall be multiplied by fifty percent (50%) to determine final cost on the local level for all projects with costs up to $2,000,000. If the cost is greater than $2,000,000, twenty cents per thousand dollars of project cost shall be added (in addition to the fifty-percent calculation) to determine the final cost on the local level.

Calculations based on measurements shall include garages and basements and shall be re-calculated after rough-in to verify that the proper cost has been assessed. If the measurement originally provided by the applicant is incorrect and any additional fee which may be due is not immediately paid, the building permit may be pulled by the inspector.

(B) Permits for Churches.

Same as general permits, unless State of Kentucky permit also required, in which event the local charge shall be $50.00.

(C) Change of Occupancy Classification or Use Group (Commercial only).

(D) Demolition Residential Schedule:

- 1 – 2,000 square feet: $50.00
- 2,001 – up square feet: $100.00
- Commercial: $100.00 + State permit per structure

(E) Relocation: $50.00 permit fee

(Ord passed 10-3-07)
§ 150.007 APPEALS.

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

Statutory reference:

Appeals procedure, see KRS 198B.070.

§ 150.099 PENALTY.

Any person who violates any provision of the state codes adopted in § 150.001 shall be subject to the following penalties:

(A) Violators of the State Building Code shall, upon conviction, be subject to a fine of not less than ten dollars ($10) nor more than one thousand dollars ($1,000) for each offense. (KRS 198B.990(1))

(B) Violators of the State Standards of Safety shall, upon conviction, be subject to a fine of not less than twenty-five dollars ($25) nor more than one thousand dollars ($1,000), imprisonment for not more than sixty (60) days, or both, for each offense. (KRS 227.990(1))

(C) Violators of the State Plumbing Code shall, upon conviction, be subject to a fine of not less than ten dollars ($10) nor more than one hundred dollars ($100), imprisonment for not more than ninety (90) days, or both, for each offense.

(D) Failure to pay fees and costs set forth herein, including re-calculated fees, and/or the failure to adhere to the code in a manner contrary to its provisions, may result in the immediate termination of any permit previously granted to an applicant and the issuance of a stop work order. The applicant shall also be subject to the other penalties which are more specifically set forth in the adopted Kentucky Building Codes and Kentucky Residential Codes. (Ord passed 10-3-07)

(KRS 318.990)
CHAPTER 151: HOUSE TRAILERS

[Editor’s note: Mobile homes and house trailers are regulated under the City’s zoning code, which is on file in the office of the City Clerk.]
CHAPTER 152: PLANNING

Section

152.001 Adoption of comprehensive plan by reference

Joint Planning Commission

152.010 Establishment
152.011 Membership; oath of office
152.012 Term of office: vacancies
152.013 Ex-officio members
152.014 Compensation of members
152.015 Officers and staff
152.016 Meetings; quorum
152.017 Bylaws
152.018 Powers and duties

§ 152.001 ADOPTION OF COMPREHENSIVE PLAN BY REFERENCE.

(A) The Green County Comprehensive Plan and all amendments thereto are hereby adopted by reference and incorporated into this code of ordinances as if fully set forth herein.

(B) Copies of said Comprehensive Plan are available for public inspection during normal hours at the office of the Clerk/Treasurer of the City of Greensburg.

(Ord., passed 6-7-74)

JOINT PLANNING COMMISSION

§ 152.010 ESTABLISHMENT.

This Commission shall be known as the Greensburg-Green County Planning Commission and is hereby created and established as authorized by KRS Chapter 100, and such shall be organized and empowered as stated herein. Upon the appointment and subsequent approval of members, election of officers, and adoption of its bylaws, its existence shall begin subject to the provisions of KRS Chapter 100. The Commission may engage in planning operations within its jurisdiction which shall be coterminous with its political boundary.

(Ord. 11-3-70, passed 11-3-70)

§ 152.011 MEMBERSHIP; OATH OF OFFICE.

The Greensburg-Green County Planning Commission shall consist of six (6) members. The Judge of Green County and the Mayor of Greensburg, with the approval of their respective legislative bodies, shall each appoint three (3) members to be known as citizen-members. The oath of office shall be administered to all members of the Commission before entering upon their duties and shall be administered as provided by law.

(Ord. 11-3-70, passed 11-3-70)
§ 152.012 TERM OF OFFICE; VACANCIES.

(A) The term of office of citizen-members shall be four (4) years, except the original terms shall be staggered so a proportionate number may serve one (1), two (2), three (3) and four (4) years respectively. Reappointments or appointments to fill vacancies shall be made in order to continue the staggered pattern.

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

(Ord. 11-3-70, passed 11-3-70)

§ 152.013 EX-OFFICIO MEMBERS.

The Mayor of Greensburg and the Green County Judge may each appoint one (1) additional member to serve on the Planning Commission, and these additional members shall be known as ex-officio members by virtue of an office they hold, either through election or by appointment. The term of office of all ex-officio members who are elected public officials appointed to the Planning Commission shall be the same as their official tenure of office. The term of office of all ex-officio members of the Planning Commission who are appointed public officials shall be for four (4) years or at the pleasure of the appointing official.

(Ord. 11-3-10, passed. 11-3-70)

§ 152.014 COMPENSATION OF MEMBERS.

Citizen-members shall serve without compensation, but reimbursement of expenses may be authorized. All ex-officio members of the Commission shall serve without compensation, but reimbursement of expenses may be authorized.

(Ord. 11-3-70, passed 11-3-70)

§ 152.015 OFFICERS AND STAFF.

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

(Ord. 11-3-70, passed 11-3-70)

§ 152.016 MEETINGS; QUORUM.

The Commission shall conduct each year at least six (6) regular meetings for the transaction of its business. The bylaws adopted by the Commission shall reflect the schedule of regular meetings, the manner in which notice shall be given; date, time, place, and the subject or subjects to be discussed, as well as the method of calling and conducting special meetings. A simple majority of the total membership shall constitute a quorum. After a quorum has been established, a simple majority of that quorum can transact any official business except in those instances where there is to be an adoption or
amendment of the Commission's bylaws or elements of the Comprehensive Plan or regulations; then a vote of the simple majority of the total membership shall be necessary.

(Ord. 11-3-70, passed 11-3-70)

§ 152.017 BYLAWS.

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

The bylaws shall set forth the procedures, rules, and regulations necessary for the Commission to conduct its business. The bylaws shall describe the method for administration of funds and provide for an annual audit thereof.

(Ord. 11-3-70, passed 11-3-70)

§ 152.018 POWERS AND DUTIES.

The Commission shall have general powers necessary to carry out its functions in accordance with this Chapter and KRS Chapter 100. The Commission may be assigned any powers, duties and functions related to urban renewal or public housing by the Fiscal Court of the county and the legislative body of a participating city.

(Ord. 11-3-70, passed 11-3-70)
CHAPTER 153: ZONING CODE

Section

153.001 Adoption by reference

§ 153.001 ADOPTION BY REFERENCE.

The City hereby adopts by reference as if fully set forth herein the zoning ordinance for the City of Greensburg dated October 12, 1998, and any subsequent amendments thereto which may be adopted by ordinance. A copy of the zoning ordinance and all amendments shall be maintained in the office of the City Clerk/Treasurer and shall be available for public inspection during normal business hours.
CHAPTER 154: HISTORIC PRESERVATION DISTRICT

Section

154.001 Intent and Declaration of Purpose
154.002 Purpose
154.003 Definitions
154.004 Historic Preservation District Commission
154.005 Powers and Duties of the Commission
154.006 Nominations to the National Register of Historic Places
154.007 Designation of Historic Preservation Districts, Landmarks and Landmark Sites
154.008 Approval of Alterations to Landmarks, Landmark Sites and Property in Historic Preservation Districts
154.009 Maintenance and Repair of Landmarks, Landmark Sites and Property in Historic Preservation Districts
154.010 Routine Alterations
154.011 Emergency Repairs and Alterations
154.012 Demolition of a Landmark or a Building in an Historic Preservation District
154.013 Moving a Landmark or a Building or Structure in an Historic Preservation District
154.014 Length of Validity of Certificate of Appropriateness
154.015 Appeal of Commission’s Decision
154.016 Conformity with the Certificate of Appropriateness
154.017 Zoning Conflicts
154.099 Penalties

§ 154.001 INTENT AND DECLARATION OF PURPOSE.

The City Council declares as a matter of public policy that the preservation, restoration, protection and use of historic preservation districts and landmarks are a public necessity because they have a special character and historic, architectural, and cultural value, and thus serve as visible reminders of the history and heritage of this City, state and nation. The City Council declares as a matter of public policy that this ordinance is required in the interests of the health, prosperity, safety, welfare and economic well being of the people of the City of Greensburg.

§ 154.002 PURPOSE.

The purpose of this Ordinance is as follows:

(A) To effect the goals as set forth above in the findings of the City Council and declarations of public policy.

(B) To effect and accomplish the preservation, protection and use of historic buildings and individual landmarks which have a special character and historic, architectural value to the City, state and nation through the use of historic preservation districts.

(C) To promote the educational, cultural, economic and general welfare of the people and safeguard the City’s history and heritage as embodied and reflected in its historic preservation districts, historic buildings and landmarks.

(D) To stabilize and improve property values in a historic preservation district and in the City as a whole.
(E) To foster civic pride in the value of notable accomplishments of the past.

(F) To strengthen the economy of the City.

(G) To protect and enhance the City’s attractions to residents and visitors.

(H) To enhance the visual and aesthetic character, diversity, and interest of the City.

§ 154.003 DEFINITIONS.

For the purpose of this Ordinance, certain terms are defined as follows:

ALTERATION. Any construction, replacement or change to the exterior of a landmark, landmark site, or building or structure in an historic preservation district when it is visible to the public. An alteration shall include a proposed sign or changes to an existing sign. (See Sign Definition.)

CERTIFICATE OF APPROPRIATENESS (COA). The permit, issued by the Historic Preservation District Commission, which gives approval for alterations to a landmark, landmark site or building in an historic preservation district.

CERTIFIED LOCAL GOVERNMENT. A government meeting the requirements of the National Historic Preservation Act and the Regulations of the U.S. Department of the Interior and the Kentucky Heritage Council.

CITY. The City of Greensburg, Kentucky.

CITY COUNCIL. The City Council of the City of Greensburg, Kentucky.

COMMISSION. The Historic Preservation District Commission.

PLANNING AND ZONING COMMISSION. The Greensburg Planning and Zoning Commission.

DEMOLITION. Any act that destroys, in whole or in part, a landmark, landmark site or a building or structure in the Historic Preservation District.

HISTORIC PRESERVATION DISTRICT. An area of architectural, historical or cultural significance which meets one or more of the criteria contained in Section 154.007 and which has been designed as such by the City of Greensburg, Kentucky.

LANDMARK. A building or structure of architectural, historical or cultural significance which meets one or more of the criteria contained in Section 154.007 and which has been designated by the City of Greensburg as worthy due to one or more of the above-mentioned factors of significance.

LANDMARK SITE. The land on which a landmark and related buildings and structures are located and the land that provides the grounds, the premises or the setting for a landmark.

ORDINARY MAINTENANCE AND REPAIR. Any work, the purpose of which is to correct the deterioration or damage of an historic property. The work shall restore the property to its appearance prior to deterioration in so far as is possible. The work shall involve the use of the same building materials or as close as possible to the original.
SIGNS – REGULATIONS. The number, size, height, appearance and location of signs in the Historic Preservation District will be controlled by the Historic Preservation District Commission through their review process and not through the Greensburg Zoning Ordinance.

§ 154.004 HISTORIC PRESERVATION DISTRICT COMMISSION.

(A) Establishment. There is hereby established the Historic Preservation District Commission for the City of Greensburg, Kentucky. The membership of the Commission shall be subject to the following provisions:

(1) It shall consist of five (5) members appointed by the Mayor and approved by the City Council.

(2) The members shall have demonstrated interest in historic preservation, and at least two (2) members shall have training or experience in a preservation-related profession (i.e., architecture, history, archeology, architectural history, planning or related fields). When one or two professional members are not available, the Mayor may appoint other persons interested in historic preservation to serve.

(3) When the Commission reviews an issue that is normally evaluated by a professional member and that area of expertise is not represented on the Commission, the Commission shall seek expert advice before rendering its decision.

(4) In making appointments, the Mayor shall seek to include a member who is active in real estate.

(5) Members of the Commission shall serve without compensation, but they shall be reimbursed for expenses incurred in the performance of their duties in accordance with the rules adopted by the Commission.

(6) Each member shall attend at least one (1) educational meeting per year on historic preservation or related subjects. This meeting shall have been approved by the State Historic Preservation Officer as educational and beneficial to a member of an Historic Preservation District Commission.

(B) Terms of Office. The terms of office of the members shall be three years, except the first term of one (1) member of the original Commission shall expire after two (2) years and the first term of one member of the original Commission shall expire after one (1) year. Each member shall serve until the appointment and qualification of his successor. When a vacancy occurs during a term of office, it shall be filled within sixty (60) days, and the person selected shall be appointed for the unexpired portion of his predecessor’s term.

(C) Officers. The Commission shall elect members each year to serve as Chairman, Vice-Chairman and Secretary. The Chairman shall preside at the meetings of the Commission and shall be the spokesperson for the Commission. In his/her absence, the Vice-Chairman shall perform these duties. The Secretary shall prepare the minutes of the Commission’s meetings which shall be available for public inspection.

(D) Conflict of Interest. No member of the Commission shall vote on any matter than may affect the property, income or business of that member, or anyone in that member’s family.
§ 154.005 POWERS AND DUTIES OF THE COMMISSION.

(A) Specific Powers. In addition to the powers and duties stated elsewhere, the Commission shall take those actions necessary and appropriate to accomplish the purposes of this Ordinance. These actions may include, but are not limited to, the following:

(1) Conducting, or causing to be conducted, a continuing survey of cultural resources in the community according to the guidelines established by the Kentucky Heritage Council. Local review commissions may receive copies of the Kentucky Heritage Council inventory of historic buildings for the City.

(2) Recommending to the City Council the designation of Historic Preservation Districts and individual historic buildings and landmarks.

(3) Establishing and using written guidelines for making decisions on applications for permits for alterations to, or demolition of, listed landmarks and buildings within historic districts.

(4) Acting in an advisory role regarding the protection of local cultural resources by advising federal, state and county governments and other parts of City government.

(5) Acting as a liaison on behalf of the City by advising and assisting individuals and organizations concerned with historic preservation.

(6) Conducting educational programs including the preparation of publications and placing of historical markers.

(B) Outside Assistance. The Commission may receive regular assistance from the City staff. In addition, the City shall be contract obtain assistance on preservation matters from professionals with expertise in historic preservation and other related fields.

(C) Rehabilitation of Buildings. The Commission may initiate and encourage plans for the preservation and rehabilitation of individual historic buildings. The Commission shall on a regular basis through awards and press releases give special recognition to owners and tenants who maintain or rehabilitate their historic buildings with care and thus contribute to the preservation of the history of Greensburg.

(D) Survey of Historic Buildings. In making its survey of historic buildings and landmarks, the Commission shall conduct its work in accordance with the guidelines of the Kentucky Heritage Council. The Commission shall provide its survey and preservation plan to assist the City and Green County in their overall planning efforts.

(E) Meetings of the Commission. The Commission shall adopt and make rules for the transaction of its business and shall hold meetings as necessary. All meetings shall require a quorum of three (3) members with the Chairperson reserving the right to vote. All meetings shall be public, have a previously available agenda, and shall comply with the Kentucky Open Meeting Statute, KRS 61.805-61.850. A simple majority of a quorum present at a meeting shall be required for all decisions.

(F) Annual Report. The Commission shall prepare and keep on file, available for public inspection, a written annual report of its activities, cases, decisions, qualifications of members and other work.

(G) Right to Receive and Spend Funds. The Commission, in addition to any appropriations made by the City of Greensburg, shall have the right to receive, hold and spend funds which it may legally receive
from any and every source both in and out of the Commonwealth of Kentucky for the purpose of carrying out the provisions of this Ordinance.

(H) Other Duties Under the Certified Local Government Program. In the development of the Certified Local Government Program, the City may ask the Commission to perform other responsibilities that may be delegated to the City under the National Historic Preservation Act.

§ 154.006 NOMINATIONS TO THE NATIONAL REGISTER OF HISTORIC PLACES.

To participate in the Certified Local Government Program, the City shall be responsible for all local nominations to the National Register of Historic Places pursuant to the following procedures:

(A) Individuals nominating properties to be listed on the National Register shall file their request for nomination with the City, or the City or the Commission may make its own request for nominations.

(B) Both the City and the Commission shall submit recommendations on each proposed nomination to the National Register. These recommendations shall include comments obtained from the public.

(C) Within sixty (60) days of the receipt of a request for nomination from an individual, or a request for nomination on the City’s or the Commission’s own initiative, the City shall inform the Kentucky Heritage Council, and the owner of the subject property or landmark, of both the City’s recommendation and the Commission’s recommendation regarding the property’s eligibility for being placed on the National register.

(D) If the City’s and the Commission’s recommendations do not agree, then both recommendations shall be forwarded in the City’s report to the Kentucky Heritage Council.

(E) If both the City and the Commission recommend that a property not be nominated, the Kentucky Heritage Council shall inform the property owner, the state review board and the State Historic Preservation Officer (SHPO), and the property will not be nominated unless an appeal is filed with the SHPO.

(F) The Mayor, the Commission or the property owner may appeal the final decision by the SHPO.

§ 154.007 DESIGNATION OF HISTORIC PRESERVATION DISTRICTS, LANDMARKS AND LANDMARK SITES.

(A) Procedure, Public Hearing and Notice. The following procedures shall be followed for designating historic preservation districts and individual landmarks:

(1) The Commission shall recommend to the City Council the designation of historic preservation districts, landmarks and landmark sites, and the City Council may make these designations by the enactment of ordinances.

(2) Consideration of the designation of an historic preservation district, landmark or landmark site may be originated by the Commission or by the filing of an application for designation by a property owner, any resident of the City of Greensburg, or any organization in the City of Greensburg.

(3) A person or organization proposing a designation shall file with the Commission an application furnished by the Commission and shall give the Commission the names and addresses of the
owners of the affected property and the owners of all adjoining property as listed on the property tax rolls of the City of Greensburg.

(4) Upon its own initiative, or upon receiving an application from a person or organization, the Commission shall assemble information about the district or property being considered for designation and shall schedule a public hearing on the proposed designation.

(5) For at least fifteen (15) consecutive days before the scheduled public hearing, notice of same shall be given:

(a) By advertisement in the Greensburg Record-Herald newspaper;

(b) By conspicuous posting in the proposed district or on the lot of the proposed landmark;

(c) By certified mail to the owners of the subject property under consideration and the owners of all adjoining property. This notice shall be sufficient when it is mailed to the persons listed on the property tax rolls of the City.

(6) The Secretary of the Commission or other officer of the Commission shall certify that the notices were published, posted and mailed.

(7) Owners and any interested person may present testimony and evidence at the public hearing on the designation. The record on the designation shall also include letters received by the Commission.

(B) Guidelines. Before its first public hearing on a designation, the Commission shall adopt guidelines pursuant to the following provisions:

(1) The Commission shall adopt general guidelines that will apply to historic preservation districts, landmarks and landmark sites and will assist owners in the preservation and rehabilitation of their property.

(2) The general guidelines shall be submitted to the Greensburg Planning and Zoning Commission for its approval.

(3) The general guidelines shall include the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and may include other guidelines that will apply to all designed property in the City.

(4) In its guidelines and in its decisions the Commission shall not limit new construction to any one architectural style but shall seek to preserve the character and integrity of the historic districts and landmarks.

(5) The guidelines shall suggest changes that would be appropriate for landmarks or for property in historic preservation districts and shall when possible refer to appropriate work completed on property in Greensburg and other nearby communities so that applicants may visit those sites.

(6) After a designation, the Commission may expand or amend the guidelines it has adopted provided it holds a public hearing on the changes and submits the proposed changes to the Greensburg Planning and Zoning Commission and the City Council for their comments and approval.
(C) **Criteria for Designation.** An historic preservation district or landmark shall qualify for designation when it meets one or more of the following criteria which shall be discussed in a Commission report making its recommendations to the City Council:

1. Its character as an established and geographically definable residential neighborhood, united by culture, architectural styles or physical plan and development;

2. Its character as a geographically definable area possessing a significant concentration of buildings or structures united by past events or by its plan or physical development;

3. Its value as a reminder of the culture or archeological heritage of the City, state, or nation;

4. Its location as a site of a significant local, state or national event;

5. Its identification with a person or persons who significantly contributed to the development of the City, state or nation;

6. Its identification as the work of a master builder, designer or architect whose work has influenced the development of the City, state or nation;

7. Its value as a building that is recognized for the quality of its architecture and that retains sufficient elements showing its architectural significance; or

8. Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials.

(D) **Report to the City Council.** After evaluating the testimony at the public hearing, the survey information and the other material it has assembled, the Commission shall make its recommendation to the City Council with a written report on the area or property under consideration. The recommendation report shall also contain information about the buildings which have been identified for inclusion in the proposed designation.

(E) **Review by the Planning and Zoning Commission.** The Commission shall, at the same time it submits a recommendation and report to the City Council for designation of an historic preservation district or landmark, send a copy to the Greensburg Planning and Zoning Commission and request a review and comments from it within sixty (60) days. The Planning and Zoning Commission shall hold a public hearing, after which it shall report on the relationship between the proposed designation and the existing and future plans for the development of the City. If the Planning and Zoning Commission recommends the approval of the proposed designation, it shall prepare an overlay of the zoning map showing said proposed designation. The Planning and Zoning Commission shall then forward its comments, recommendation and Zoning Map changes overlay to the City Council.

If the Planning and Zoning Commission does not approve of the proposed designation, it shall forward its comments to the City Council in the form of a recommendation.

(F) **Action by City Council.** The City Council shall approve, modify or disapprove the proposed designation and the zoning map amendment within sixty (60) days after receiving the recommendation from the Planning and Zoning Commission. If the City Council approves of the designation, the official zoning map shall be so marked.
(G) **Relationship to Zoning.** A landmark and the property in an historic preservation district shall be subject to the Zoning Ordinance and Subdivision Regulations and other rules of its underlying zoning district. Where there is a conflict between this Historic District Ordinance and the Zoning Ordinance or Subdivision Regulations, the higher standard or most restrictive provision shall govern.

(H) **Notification of Designation.** The Commission shall notify each owner of property within the historic preservation district, or owner of a landmark, of the decision relating to their property and shall arrange that the designation of a property as a landmark, or as part of an historic preservation district, be recorded in the records of the Green County Court Clerk’s Office by owner’s name and PVA map number. The Commission shall request that the fees be waived for the City documents recording the designations. The Commission shall also give notice of the decision to the administrative offices of the City and Green County, which shall retain them for future reference.

(I) **Amendment or rescission of a designation.** The amendment or rescission of any designation shall be accomplished through the same steps as were followed in the original designation.

§ 154.008 APPROVAL OF ALTERATIONS TO LANDMARKS, LANDMARK SITES AND PROPERTY IN HISTORIC PRESERVATION DISTRICTS.

(A) **Requirement for Certificate of Appropriateness.** A Certificate of Appropriateness (COA) from the Commission shall be required before a person may undertake the following actions affecting a landmark or a property in an historic preservation district:

1. Alteration of the exterior part of a building or structure that is visible to the public;
2. New Construction;
3. Demolition; or
4. Relocation.

A COA is required even when the proposed work does not require a building permit. When seeking a building permit from City government for a project involving designated property, it must be accompanied by a COA approving any of the proposed work listed in this subsection.

(B) **Application for a Certificate of Appropriateness.** Applications for a Certificate of Appropriateness (COA) may be filed by any person or organization. The application shall be filed on a form furnished by the Commission. The Commission shall charge an application fee of $50.00 to cover the costs of advertising, mail and postage required for a decision on the application.

1. If any alteration, construction, demolition or relocation on a landmark or property within a historic preservation district requires a building permit, the Building Inspector shall not issue a building permit until the property owner has obtained a COA. The Building Inspector shall give the applicant an application form from the Commission which the applicant shall complete and file with the Commission. The applicant shall also furnish all the information requested in said application, such as drawings of the proposed work, photographs of the existing building or site and adjacent properties, and information about the building materials to be used. In the event any work is being performed without the required COA, the Commission shall ask that a Stop Work Order be issued by the Building Inspector. In this event work is being performed which is not in accordance with the COA, the Police Chief or the City Clerk shall issue a Stop Work Order and any law enforcement officer may cite violators in District Court.
All work shall cease on such property while under a Stop Work Order. If necessary, the City may apply to the Green Circuit Court for an injunction or a restraining order to enforce its Stop Work Order.

(2) If any alteration, construction, demolition or relocation on a landmark or property within a historic preservation district does not require a building permit, or if a property owner wishes to cut down a designated tree or a tree on designated property within an historic preservation district that is visible to the public, the property owner shall apply directly to the Commission for a COA. In the event any work is being performed without the required COA, or is being performed which is not in accordance with the COA, the Police Chief or the City Clerk shall when requested by the Commission issue a Stop Work Order and any law enforcement officer may cite violators in District Court. All work shall cease on such property site under a Stop Work Order. If necessary, the City may apply to the Green Circuit Court for an injunction or a restraining order to enforce its Stop Work Order.

(C) Action by Historic Preservation District Commission. The Commission shall follow the following procedures on an application for a COA:

(1) The Commission shall hold a public hearing on each COA application within thirty (30) days after a completed application is received by the Commission. Advertised notice of the public hearing shall be given, including conspicuous posting on the property for five (5) consecutive days immediately prior to the hearing. Notice shall also be given in the local newspaper. The Commission may include in its application fee a charge for the cost of giving notice of the public hearing.

(2) The Commission shall make a final decision on an application for a COA within forty-five (45) days after receiving same. However, the Commission may extend the time for its decision an additional sixty (60) days when the application is for a demolition or a new construction.

(3) The Commission shall approve or disapprove each application, and it shall give its reasons for its decision using the criteria contained in this section and the Commission’s guidelines.

(4) The Commission may suggest modifications to an application and the proposed work, and may then approve a COA on the condition the property owner amends his application to include said modifications.

(5) If the Commission fails to decide on an application within the specified time period, the application shall be deemed approved.

(6) Applicants shall be given notice of the public hearings and meetings relating to their application and shall be informed of the Commission’s decision.

(7) When an application has been approved, the applicant shall be given a COA.

(D) Criteria in Deciding on Applications. In making a decision on an application, the Commission shall use its general guidelines and the guidelines it has adopted for landmarks or historic preservation district. The Commission shall also consider:

(1) The effect of the proposed work on the landmark or the property in the historic preservation district upon which work is to be done, and the relationship between such work and other adjacent or nearby buildings and property, taking into consideration the historical and architectural significance, architectural design, design, texture, materials and color.

(2) The importance of approving plans that will be reasonable for the applicant to carry out.
(3) The importance of finding a way to meet the current needs of the applicant.

The Commission shall prepare a list of routine alterations that shall receive immediate approval without a public hearing when an applicant complies with the specifications of the Commission. This list shall include paint colors appropriate for different types of buildings.

The COA from the Commission shall not relieve the applicant from complying with the requirements of other state and local laws and regulations.

(E) Consultation with Applicants. Before an applicant prepares his plans, he may bring a tentative proposal to the Commission for its comments. The Commission shall be aware of the importance of finding a way to meet the current needs of the applicant and shall also recognize the importance of approving plans that will be reasonable for the applicant to carry out.

§ 154.009 MAINTENANCE AND REPAIR OF LANDMARKS, LANDMARK SITES AND PROPERTY IN HISTORIC PRESERVATION DISTRICTS.

(A) Required Maintenance and Repairs. Every person in charge of a landmark or a property in a historic district shall keep in good repair:

(1) All of the exterior portions of such buildings or structures; and

(2) All interior portions thereof which, if not so maintained, may cause such buildings or structures to deteriorate or become damaged or otherwise to fall into a state of disrepair.

(3) All vacant lots.

No provision in this Ordinance shall be interpreted to require an owner or tenant to undertake an alteration or to restore his building to its original appearance. The provisions of this section shall be in addition to the provisions of the Kentucky Building Code requiring buildings and structures to be kept in good repair.

(B) Remedies for Failure to Maintain and Repair. When a landmark or a building in an historic preservation district is in a state of disrepair, or a vacant lot is neglected, to the extent that it detracts from the appearance of the community, it is dangerous. If it is in violation of any provision herein, any other City ordinance or the Building Code, the Commission shall:

(1) Set out the property’s deficiencies in a written report and serve same by certified mail upon the owner with a request for a meeting between the owner and the Commission to resolve the property’s deficiencies.

(2) The Commission shall discuss with the owner ways to improve the condition of his property and the repairs or work necessary to cure the deficiencies.

(3) The Commission shall attempt to reach an agreement with the owner setting out the work and repairs to be undertaken and the owner’s commitment to perform same.

(4) If the owner fails to cooperate with the Commission and fails to undertake the work and repairs necessary to cure the deficiencies:
(a) The owner may be cited into District Court and be subject to the penalties set out hereinafter.

(b) The City may board up the doors, windows and other parts to any building and may take additional steps to stabilize walls, roofs and other parts of a building. The City may also take those actions necessary to cure the deficiencies on any vacant lot. The owner of the property shall reimburse the City for any and all expenses incurred in taking these actions.

§ 154.010 ROUTINE ALTERATIONS.

The Commission shall prepare a list of routine alterations that shall receive immediate approval from the Chairman or Vice Chairman of the Commission without a public hearing when an applicant complies with the specifications of the Commission. The list shall include paint colors appropriate for different types of buildings. At each meeting the Commission shall be informed of the COAs that have been issued under the provision since the last meeting. Ordinary repairs and maintenance may be undertaken on a landmark or a property in an historic preservation district without a COA when it does not change its exterior appearance that is visible to the public.

§ 154.011 EMERGENCY REPAIRS AND ALTERATIONS.

When a property is damaged by fire, a storm or other unexpected event, the owner or tenant may receive approval from the Chairman or Vice Chairman of the Commission, without a meeting or public notice, for work to be done in response to this emergency. At its next meeting, the Commission shall be informed of the emergency COA that was issued. In situations requiring immediate temporary action, an owner may do work in order to temporarily protect his property from further damage provided he reports this work to the Commission within two (2) business days. In any case, where the City determines that there are emergency conditions dangerous to life, health or property affecting a landmark or property in a historic district, the City may order the remedying of these conditions without the approval of the Commission. When it is possible, the City shall consult with the Chairman or Vice-Chairman of the Commission about the action being taken. If consultation is not possible, the City shall notify the Commission of the action taken after the completion of the work.

§ 154.012 DEMOLITION OF A LANDMARK OR A BUILDING IN AN HISTORIC PRESERVATION DISTRICT.

When an applicant wishes to demolish a landmark or a building or structure in a Historic Preservation District, the Commission shall negotiate with the applicant to see if an alternative to demolition can be found. The Commission may ask interested individuals and organizations for assistance in seeking an alternative to demolition and in obtaining estimates on rehabilitation costs for the threatened building. After its public hearing on the application, the Commission may decide that a building or structure in an Historic Preservation District may be demolished because it does not contribute to the landmark or the Historic Preservation District. On all other demolition applications, the Commission shall study the question of economic hardship for the applicant and shall determine whether the landmark or the property in the Historic Preservation District can be put to reasonable beneficial use without the approval of the demolition application. In the case of an income-producing building, the Commission shall also determine whether the applicant can obtain a reasonable return from his building. The Commission may ask applicants for additional information to be used in making these determinations. If economic hardship or the loss of a reasonable return ins not proved, the Commission shall deny the demolition application unless the Commission finds grounds to grant the demolition application under the points contained in Section 154.007.
§ 154.013 MOVING A LANDMARK OR A BUILDING OR STRUCTURE IN AN HISTORIC PRESERVATION DISTRICT.

When an applicant wishes to move a landmark or a building or structure in an Historic Preservation District or when an applicant wishes to move a building or structure to a lot containing a landmark or to a property in an Historic Preservation District, the Commission shall consider:

(A) The contribution the building or structure makes to its present setting;

(B) Whether there are definite plans for the site to be vacated;

(C) Whether the building or structure can be moved without significant damage to its physical integrity; and

(D) The compatibility of the building or structure to its proposed site and adjacent properties.

These considerations shall be in addition to the points contained in Section 154.007.

§ 154.014 LENGTH OF VALIDITY OF CERTIFICATE OF APPROPRIATENESS.

A Certificate of Appropriateness shall remain valid for one (1) year after it is issued. Work is required to start before the end of the 1-year period. If the approved work has not been completed within two (2) years after the COA was issued, the Commission shall review the situation and may require an application for a Certificate of Appropriateness for the work that remains to be done.

Actual work is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition is required preparatory to rebuilding, such excavation or demolition shall be deemed to be actual work provided that it shall be carried out diligently.

§ 154.015 APPEAL OF COMMISSION’S DECISION.

The applicant shall have a right to appeal to the Circuit Court from a decision of the Commission on an application for a COA.

§ 154.016 CONFORMITY WITH THE CERTIFICATE OF APPROPRIATENESS.

All work performed pursuant to a Certificate of Appropriateness (COA) shall conform to the provisions of such Certificate. It shall be the responsibility of the Building Inspector or the Commission to inspect from time to time any work being performed to assure such compliance. In the event work is being performed which is not in accordance with such Certificate, the City Clerk or the Chief of Police shall issue a Stop Work Order. All work shall cease on the designated Property. No additional work shall be undertaken as long as such Stop Work Order shall continue in effect. The Commission shall meet with the owner or tenant to resolve the problem. Any law enforcement officer may cite violation of a Stop Work Order into District Court. The City Attorney may seek in Circuit Court an injunction and any other appropriate relief in order that the intent of this Ordinance shall be carried out.

§ 154.017 ZONING CONFLICTS.
Whenever conflicts shall arise between the provisions established herein and the underlying Zoning classifications and regulations, it is intended that the provisions set forth relating to the historic preservation district shall take precedence.

§ 154.099 PENALTIES.

Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be fined not less than $250 for each offense. Each day’s violation shall constitute a separate offense.

(Ord. passed 12-4-00)
CHAPTER 155: FLOODPLAIN MANAGEMENT

The Legislature of the Commonwealth of Kentucky has in KRS 82.082 delegated to local government units the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The City of Greensburg, Kentucky has adopted a floodplain management ordinance which is maintained for public review during normal business hours at the office of the City Clerk/Treasurer.
CHAPTER 156: CELLULAR ANTENNA TOWERS AND CELLULAR COMMUNICATIONS SERVICES

Section

156.001 Definitions
156.002 General
156.003 Applicability
156.004 Application Requirements
156.005 Confidentiality of Application
156.006 Application Fee
156.007 Processing of Application
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(A) The purpose of these regulations are to provide for the safest and most efficient integration of cellular antenna towers for cellular telecommunications services or personal communications services within the community; to provide for such facilities in coordination with the recommendations of the comprehensive plan; and to allow for such facilities with the intention of furthering the public health, safety, and general welfare.

(B) Pre-application conference: Applicants are encouraged to notify the planning commission to discuss proposals, allow for early coordination and to identify those items which are in conformance/nonconformance with the comprehensive plan, zoning ordinance, and the provisions of these regulations.

§ 156.001 DEFINITIONS.

CELLULAR ANTENNA TOWER. A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.

CELLULAR TELECOMMUNICATIONS SERVICE. A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

CO-LOCATION. Locating two or more transmission antennas or related equipment on the same cellular antenna tower.

PERSONAL COMMUNICATION SERVICE. Has the meaning as defined in 47 U.S.C. § 332(c).

UNIFORM APPLICATION. An application to construct a cellular antenna tower submitting to a plan commission in conformity with KRS 100.987 and KRS 100.9865.

UTILITY. Has the meaning as defined in KRS 278.010(3).

ANTENNAS OR RELATED EQUIPMENT. Transmitting, receiving, or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.
§ 156.002 GENERAL.

Cellular antenna towers for cellular telecommunications services or personal communications services may be allowed in any zone after planning commission review in accordance with the following procedures to ascertain agreement with the adopted comprehensive plan and the regulations contained within the zoning ordinance.

§ 156.003 APPLICABILITY.

Every utility, or company that is engaged in the business of providing the required infrastructure to a utility, that proposes to construct an antenna tower for cellular communications services or personal communications services, shall submit a completed uniform application to the planning commission. The planning commission shall not regulate the placement of antennas or related equipment on an existing structure.

§ 156.004 APPLICATION REQUIREMENTS.

Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall include the following:

(A) The full name and address of the applicant.

(B) The applicant’s articles of incorporation, if applicable.

(C) A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky, that includes boring logs and foundation design recommendations.

(D) A written report prepared by a professional engineer or land surveyor, of finds as to the proximity of the proposed site to flood hazard areas.

(E) Clear directions from the county seat to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions.

(F) The lease or sale agreement for the property on which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the county clerk, an applicant may file a copy of the agreement as recorded by the county clerk and, if applicable, the portion of the agreement that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing the proposed cellular antenna tower, including a timetable for removal.

(G) The identity and qualifications of each person directly responsible for the design and construction of the proposed tower.

(H) A site development plan or survey, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the tower and all easements and existing structures within five hundred (500) feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within two hundred (200) feet of the access drive, including the intersection with the public street system.

(I) A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas.
The tower and foundation design plans and a description of the standard according to which the tower was designed, signed, and sealed by a professional engineer registered in Kentucky.

A map, drawn to a scale no less than one inch equals two hundred (200) feet, that identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower.

A statement that every person who, according to the records of the property valuation administrator, owns property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed, has been:

1. Notified by certified mail, return receipt requested, of the proposed construction which notice shall include a map of the location of the proposed construction.
2. Given the telephone number and address of the local planning commission; and
3. Informed of his or her right to participate in the planning commission’s proceedings on the application.

A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners.

A statement that Mayor and Council have been notified, in writing, of the proposed construction.

A copy of the notice sent to Mayor and Council.

A statement that:

1. A written notice, of durable material at least two (2) feet by four (4) feet in size, stating the “[Name of Applicant] proposed to construct a telecommunications tower on this site” and including the addresses and telephone numbers of the applicant and the planning commission, has been posted in a visible location on the proposed site; and
2. A written notice, at least two (2) feet by four (4) feet in size, stating that “[Name of Applicant] proposes to construct a telecommunications tower near this site” and including the addresses and telephone numbers of the applicant and the planning commission, has been posted on the public road nearest the site.

A statement that notice of the location of the proposed construction has been published in a newspaper of general circulation in the county in which the construction is proposed.

A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use for the specific property involved.

A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided, and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure, including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designed to host multiple wireless service providers’ facilities or on an
existing structure, such as telecommunications tower or other suitable structure capable of supporting the applicant’s antennas and related facilities.

(T) A map of the area in which the tower is proposed to be located, that is drawn to scale and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located.

(U) A grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:

1. All of the planning unit’s jurisdiction; and

2. A ½ mile area outside of the boundaries of the planning unit’s jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers.

§ 156.005 CONFIDENTIALITY OF APPLICATION.

All information contained in the application and any updates, except for any map or other information that specifically identifies the proposed location of the cellular antenna tower then being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The planning commission shall deny any public request for the inspection of this information, whether submitted under Kentucky’s Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction. Any person violating this subsection shall be guilty of official misconduct in the second degree as provided under KRS 522.030. The confidentiality of the applications and any updates of the application can be waived by the written authorization of the applicant.

§ 156.006 APPLICATION FEE.

An applicant for the construction of cellular antenna towers for cellular telecommunications service or personal communications services shall pay an application fee in the amount of $2,500 upon submission of a uniform application.

§ 156.007 PROCESSING OF APPLICATION.

Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall be processed as follows:

(A) At least one public hearing on the proposal shall be held, at which hearing interested parties and citizens shall have the opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, in a newspaper of general circulation in the county, provided that one publication occurs not less than seven calendar days nor more than twenty-one (21) calendar days before the occurrence of such hearing.

(B) Notice of the proposal shall be posted on the site at least fourteen (14) days in advance of the hearing. Such notice shall consist of a written notice, of durable material at least two (2) feet by four (4) feet in size, stating that “[Name of Applicant] proposes to construct a telecommunications tower on this site” and including the address and telephone numbers of the applicant and the planning commission.

Notice of the proposal shall also be posted on the public road nearest the site. Such notice shall consist of a written notice, of durable material at least two (2) feet by four (4) feet in size, stating the “[Name of
Applicant] proposes to construct a telecommunications tower near this site” and including the addresses and telephone numbers of the applicant and the planning commission.

(C) Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by certified mail, return receipt requested, to the owner of every parcel of property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed. Said notice shall include a map of the location of the proposed construction, the telephone number and address of the planning commission and shall inform the addressee of his or her right to participate in the planning commission’s proceedings on the application. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the property valuation administrator’s records as having the same address.

(D) Upon holding such hearing, the planning commission shall, within sixty (70) days commencing from the date that the application is received by the planning commission, or within a date specified in a written agreement between the planning commission and the applicant, make its final decisions to approve or disapprove the uniform application. If the planning commission fails to issue a final decision within sixty (70) days, and if there is no written agreement between the planning commission and the utility to a specific date for the planning commission to issue a decision, it shall be presumed that the planning commission has approved the utility’s uniform application.

§ 156.008 DESIGN STANDARDS.

The applicant shall provide information demonstrating compliance with the following requirements. Where the planning commission finds that circumstances or conditions relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the planning commission, or its duly authorized representative, may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.

(A) Monopole cellular antenna towers shall be permitted in any zone. Lattice and guyed cellular towers shall be permitted in any zone except for residential zones.

(B) Lattice and guyed cellular towers constructed in an agricultural zone shall be located a minimum distance of not less than two hundred fifty (250) feet from all existing residential structures.

(C) Setbacks for all structures constructed in connection with guyed or lattice cellular towers, except fences and/or guy wires, shall be a minimum distance from the property line or lease line equal to at least 1/2 the height of the tower, but not less than fifty (50) feet. All structures constructed in connection with monopole or stealth towers shall comply with the applicable setback requirements established for other structures within the applicable zoning district. Stealth towers that are to be located as part of a utility service facility (e.g., power pole or telephone pole) shall comply with setback requirements applicable to such utility service facilities, if any.

(D) A cellular antenna tower, or alternative antenna tower structure, may be constructed to a maximum height of two hundred (200) feet regardless of the maximum height requirements listed in the specific
zoning district. This also applies to any tower taller than fifteen (15) feet constructed on the top of another building or structure, with the height being the overall height of building/structure and tower together, measured from the grade to the highest point. The planning commission may allow antennas greater than two hundred (200) feet in height upon review of the applicant’s justification that the additional height meets the criteria identified in Subsection 116.009.

(E) The cellular antenna tower shall be constructed in compliance with the current ANS/EIA/TIA 222-F standards and other applicable state standards.

(F) Cellular antenna towers shall not be illuminated, except in accordance with other state or federal regulations.

(G) The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, ingress/egress shall only be from approved access points.

(H) Woven wire or chain link (eighty percent (80%) open) or solid fences made from wood or other materials (less than fifty percent (50%) open) shall be used to enclose the site. Such fences shall not be more than eight (8) feet in height. The use of barbed wire or sharp pointed fences shall be prohibited. Such fence may be located within the front, side, or rear yard.

(I) Screening shall be provided by evergreen trees, with a minimum height of six (6) feet, planted in a staggered pattern at a maximum distance of fifteen (15) feet on center. The screening shall be placed in an area between the property lines, or lease line, and a ten foot setback.

(J) Surfacing of all driveways and off-street parking areas shall comply with the requirements of the applicable local zoning ordinance.

(K) There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by federal, state, or local agency. Such signs shall not exceed five (5) square feet in area.

(L) All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three (3) service providers.

(M) All option and site lease agreements shall not prohibit the possibility of co-location.

§ 156.009 CRITERIA.

(A) Approval or disapproval of the proposal shall be based upon an evaluation of the proposal’s agreement with the comprehensive plan and zoning regulations.

(B) The planning commission may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. The planning commission may provide the location of existing cellular antenna towers on which the commission deems the applicant can successfully co-locate its transmitting and related equipment. If the planning commission requires the applicant to attempt co-location, the applicant shall provide the planning commission with a statement indicating that the applicant has:

(1) Successfully attempted to co-locate on towers designed to host multiple wireless service providers’ facilities or existing structures such as telecommunications tower or another suitable structure
capable of supporting the applicant’s facilities, and that identifies the location of the tower or suitable structure on which the applicant will co-locate transmission and related facilities; or

(2) Unsuccessfully attempted to co-locate on towers designed to host multiple wireless services provider’s facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant’s facilities and that:

(a) Identifies the location of the towers or other structures on which the applicant attempted to co-locate; and

(b) Lists the reasons why the co-location was unsuccessful in each instance.

(C) The planning commission may deny a uniform application to construct a cellular antenna tower based on an applicant’s unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.

(D) The planning commission shall not regulate the placement of a cellular antenna tower on the basis of the environmental effects of radio frequency emissions to the extent that the proposed facility complies with the frequency emissions.

§ 156.010 AMENDMENTS.

Any amendments to plans, except for minor adjustments as determined by the planning commission, or its duly authorized representative, shall be made in accordance with the procedure required by Subsection 156.004, subject to the same limitations and requirements as those under which such plans were originally approved.
CHAPTER 157: THE GREENSBURG/GREEN COUNTY LOCAL AREA DEVELOPMENT DISTRICT

Section

157.001 Definitions
157.011 Findings and Determinations
157.012 Establishment, name, boundaries
157.013 Establishment date, commencement date, termination date
157.014 Local development area agreement
157.015 Job assessment fee
157.016 Special fund
157.017 Use of pledged revenue
157.018 Periodic accounting/analysis
157.019 Designation of oversight agency
157.020 Severability

§ 157.010 DEFINITIONS.

For the purposes of the Section 157:

ACT means Kentucky Revised Statutes, Sections 65.7041 to 65.7083.

AGENCY means the Administration Department – Office of Community and Economic Development of the City of Greensburg, Kentucky.

LOCAL DEVELOPMENT AREA means a contiguous geographic area of undeveloped land, located within the geographical boundaries of the City, which is created for economic development purposes by this Chapter to support the Project proposed to be located and consisting of less 1,000 acres, to be known as the “Greensburg/Green County Economic and Job Creation Local Development Area No. 1”, more specifically described in on a map maintained in the office of the City Clerk and available for public inspection during normal business hours.

ESTABLISHMENT DATE means the date that the Local Development Area is established pursuant to the Act and this Ordinance.

FINANCING COSTS shall mean principal, interest, costs of issuance, debt service reserve requirements, underwriting discount, costs of credit enhancement or liquidity instruments, and other costs directly related to the issuance of bonds or debt for Redevelopment Assistance and Project Costs.

INCREMENT BONDS means bonds or notes issued pursuant to the Act to pay for Redevelopment Assistance, Project costs, and Financing Costs, the payment of which Increment Bonds shall be supported solely by Incremental Revenues pledged by the City and the other local taxing districts that may also agree to pledge their Incremental Revenues.

INCREMENTAL REVENUES means the amount of tax revenues received by the City with respect to the Local Development Area and as identified in the Local Development Area Agreement by subtracting Old Revenues (as defined in the Act and the Local Development Area Agreement) from New Revenues (as defined in the Act and the Local Development Area Agreement) in a calendar year.
LOCAL DEVELOPMENT AREA AGREEMENT shall mean the Local Development Area Agreement described in Section 157.014, with the understanding the other local taxing districts may agree to be a party to the Local Development Area Agreement at a later date.

PROJECT means the development of the Project Site, and other development within the Local Development Area undertaken by private developers and other entities, consistent with the zoning currently in place for the Local Development Area.

PROJECT COSTS means any capital costs, together with financing costs thereon to construct the Project.

PLEDGED REVENUES means that portion of the Incremental Revenues which are pledged by the City and County, pursuant to the Local Development Area Agreement, to the pay for Redevelopment Assistance, Project Costs and/or Financing Costs (as those terms are defined in the Act) for the Local Development.

All capitalized terms used herein and not defined above or in the recitals to this Ordinance shall have the meaning as set forth in the Act, as of the effective date of this Ordinance.

§ 157.011 FINDINGS AND DETERMINATIONS.

In accordance with the Act, the City hereby makes the following findings and determinations with respect to the Development Area:

(1) The Local Development Area consists of a contiguous tract of land that is less than 1,000 acres. The actual size of the Local Development Area is 120 acres;

(2) The Local Development Area constitutes land that is overwhelmingly undeveloped.

(3) The establishment of the Local Development Area will not cause the assessed taxable value of real property within the Local Development Area and within all “development areas” and “local development areas” established by the City (as those terms are defined in the Act) to exceed twenty percent (20%) of the total assessed taxable value of real property within the City. The assessed value of taxable real property within the Local Development Area for calendar year 2012 was $462,700. The total assessed value of taxable real property within the City for the calendar year 2013 is approximately $68,601,578. Therefore, the assessed value of taxable real property within the local development area is significantly less than twenty percent (20%) of the assessed value of taxable real property within the City.

§ 157.012 ESTABLISHMENT, NAME, BOUNDARIES.

The Local Development Area is located within the City and is hereby established and designated as the “Greensburg/Green County Economic and Job Creation Local Development Area No. 1”. At the time of the enactment of this Ordinance the Local Development Area is less than 1,000 acres.

§ 157.013 ESTABLISHMENT DATE, COMMENCEMENT DATE, TERMINATION DATE.

The Establishment Date is November 12, 2013. The Commencement Date of the Development Area is the date of execution of the Local Development Area Agreement and the Termination Date, in accordance with the provisions of the Local Development Area Agreement, shall be thirty (30) years subsequent to the Activation Date (as defined in the Act) of the Local Development Area Agreement; provided,
however, the Termination Date for the Local Development Area shall in no event be more than forty (40) years from the Establishment Date.

§ 157.014 LOCAL DEVELOPMENT AREA AGREEMENT.

The Mayor of the City is hereby authorized and directed to execute, acknowledge and deliver on behalf of the City a Local Development Area Agreement, in the form approved by the City Council, authorizing the pledge of a portion of the Incremental Revenues of the City from the Local Development Area to the payment of Project Costs and Redevelopment Assistance (as defined in the Act). The form of Local Development Area Agreement to be signed by the Mayor on behalf of the City shall be in substantially the form approved, subject to further negotiations and changes therein that are not inconsistent with this Chapter and not substantially adverse to the City. The approval of such changes by said officers, and that such changes are not substantially adverse to the City, shall be conclusively evidenced by the execution of such Local Development Area Agreement by such officials.

§ 157.015 JOB ASSESSMENT FEE.

Pursuant to the provisions of KRS 65.7056, there is hereby instituted as a condition of employment within the Local Development Area, a job assessment fee of two percent (2%) of the gross wages of newly created employees as a result of the Project within the Local Development Area, which is inclusive of any general occupational tax on gross payroll imposed by the City. The job assessment fee shall take effect upon the activation of the Local Development Area Agreement. The job assessment fee shall be used to pay Project Costs and Redevelopment Assistance as provided by the Local Development Area Agreement and the Act. The Mayor and other relevant departments are authorized to promulgate regulations relating to the collection procedures for collection of the job assessment fee.

§ 157.016 SPECIAL FUND.

There is hereby established a Special Fund to be maintained by the Agency on behalf of the City to be known as the Greensburg/Green County Economic and Job Creation Local Development Area No.1 Tax Increment Fund, into which the City covenants to deposit, and into which the City officials are hereby authorized and directed to deposit all Pledged Revenues. The Agency shall maintain the Special Fund unencumbered except for the purposes set forth in this section. Funds deposited in the Special Fund shall be disbursed in accordance with the Act, this Ordinance, and the Local Development Area Agreement and related documents to pay for Project Costs and Redevelopment Assistance related to the Project, within the Local Development Area.

§ 157.017 USE OF PLEDGED REVENUES.

Pledged Revenues shall be deposited by the City into the Special Fund created under Section 157.016 hereof and shall be used solely to: (a) pay directly Project Costs and Redevelopment Assistance, as those terms are defined in the Act and herein, as determined from time to time by the Agency and City in accordance with the Local Development Area Agreement; (b) pay debt service and costs of issuance on Increment Bonds, including Financing Costs, which may be issued by the City to finance Project Costs and Redevelopment Assistance, and (c) for such other purposes as may be determined by the Agency and City and that are appropriate and in compliance with the purposes set forth in this Ordinance, and the Local Development Area Agreement, as the same may be amended from time to time.
§ 157.018 PERIODIC ACCOUNTING / ANALYSIS.

Any entity, other than the City that receives financial assistance pursuant to the provisions of this Ordinance, whether in the form of a grant or loan or loan guarantee shall make a periodic accounting to the governing body of the City in accordance with the Act and the documents controlling such grant, loan or loan guarantee. The governing body of the City shall be required to review and analyze the progress of the development activity in the Local Development Area on an annual basis. Such reports shall, at a minimum, include a review of the progress in meeting the stated goals of the Local Development Area. The Agency, Mayor and other officials of the City shall report to the governing body of the City during such reviews and shall when necessary invite developers to participate in the review process to report on the progress of their developments within the Local Development Area.

§ 157.019 DESIGNATION OF OVERSIGHT AGENCY.

Pursuant to the Act, the City hereby designates the Administration Department – Office of Community and Economic Development of the City as the Agency for purposes of oversight, administration and implementation of this Local Development Area Ordinance, the Local Development Area Agreement and the Local Development Area established hereby. The Agency shall act on behalf of the City in administering the Local Development Area, entering into Local Development Area Agreements, and other related agreements, with respect to the development of the Local Development Area and the financing of Project Costs therein as provided by the Local Area Development Area Agreement.

§ 157.020 SEVERABILITY.

The provisions of this Chapter are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Chapter.

(Ord. 2013-1108ORD, passed 11-12-2013)
TABLE OF SPECIAL ORDINANCES

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III. BOND ISSUES
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V. FRANCHISES
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<th>DATE PASSED</th>
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<tr>
<td>7-22-86</td>
<td>7-22-86</td>
<td>Authorizing the execution of the interlocal cooperation agreement approving a pooled lease program</td>
</tr>
<tr>
<td>06/01/87</td>
<td>06/01/87</td>
<td>An Ordinance approving participation by the city in the Kentucky Risk Management Association General Insurance Trust</td>
</tr>
<tr>
<td>0605-29</td>
<td>7-5-05</td>
<td>Approving a lease for the financing of a public project in a maximum principal amount not to exceed $300,000; providing for the payment and security of the lease; creating a sinking fund as security for the lease and authorizing the execution of various documents related to such lease.</td>
</tr>
<tr>
<td>01200603</td>
<td>1-3-06</td>
<td>Approving and authorizing a revenue lease in a principal amount not to exceed $100,000 for the financing of a project for the water and sewer system of the city of Greensburg and authorizing the execution of various documents related to such lease.</td>
</tr>
<tr>
<td>03/11/96</td>
<td>03/11/96</td>
<td>An Ordinance Relating to the Establishment of an Enhanced 911 (E-011) Emergency Telephone Service within Green County, Kentucky and Interlocal Cooperation Agreement</td>
</tr>
<tr>
<td>07/14/98</td>
<td>07/14/98</td>
<td>An Ordinance of Greensburg, Kentucky authorizing participation in the Kentucky League of Cities Investment Pool Plus</td>
</tr>
<tr>
<td>2013-05280</td>
<td>06/10/2013</td>
<td>An Ordinance approving a lease with Kentucky Bond Corporation for financing certain public improvements</td>
</tr>
<tr>
<td></td>
<td></td>
<td>An agreement regarding water service to future customers located in floodplains</td>
</tr>
</tbody>
</table>
### TABLE II: ANNEXATIONS AND PROPOSALS

<table>
<thead>
<tr>
<th>ORD. NO.</th>
<th>DATE</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>110.1</td>
<td>____</td>
<td>Annexing the following described territories:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>First Boundary: Beginning at the south-west corner of Lot No.1 in the Pickett Annex, and described in Deed Book 56, page 78.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Second Boundary: Beginning at the north-east Corner of the city, and described in Deed Number 7, page 380 and in Deed Book 35, page 339.</td>
</tr>
<tr>
<td>110.2P</td>
<td>____</td>
<td>An ordinance proposing to annex two tracts. The first tract borders on and involves the T.G. Adkins, the Pickett Annex and Robert Green properties. The second tract borders on and involves the Monroe Shreve Pann, the Claudia Vaughn and J.W. Miller properties, among others.</td>
</tr>
<tr>
<td>110.2</td>
<td>____</td>
<td>Annexing territory beginning at the northeast corner of the present corporate limits to the City.</td>
</tr>
<tr>
<td>110.3P</td>
<td>____</td>
<td>An ordinance proposing to annex 66 acres, more or less, at the southern City limits on the right of ways of State Highway 61 and U.S. Highway 68.</td>
</tr>
<tr>
<td>110.3</td>
<td>____</td>
<td>Annexing territory beginning at a point in the southern city limits on the right-or-way of State Highway 61 and U.S. Highway 68.</td>
</tr>
<tr>
<td>110.4P</td>
<td>____</td>
<td>An ordinance proposing to annex two tracts of land. The first tract borders on and involves the T.G. Adkins, Pickett Annex and Robert Green properties, among other land. The second tract involves the Alma Penick lands and is a part of the Graham Court.</td>
</tr>
<tr>
<td>110.4</td>
<td>____</td>
<td>Annexing the following described territories:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>First Boundary: Beginning at a point in the present southern corporate limit of the City, which is approximately 150 feet westwardly of the present south east corner of the City limits.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Second Boundary: Beginning at a point in the</td>
</tr>
<tr>
<td>ORD. NO.</td>
<td>DATE</td>
<td>DESCRIPTION</td>
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<td>---------</td>
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</tr>
<tr>
<td>110.5P</td>
<td></td>
<td>Alma Penick lands and the present corporate limits of the City.</td>
</tr>
<tr>
<td>110.5</td>
<td></td>
<td>An ordinance proposing to annex ten acres, more or less, known as the Hospital Site, which is located on Milby Street in the plot of Cardinal Heights Subdivision No. 1.</td>
</tr>
<tr>
<td>110.6P</td>
<td></td>
<td>Annexing territory being ten acres, more or less, known as the Hospital Site, located on Milby Street in the plat of Cardinal Heights Subdivision # 1.</td>
</tr>
<tr>
<td>110.6</td>
<td></td>
<td>An ordinance proposing to annex land known as the Lewis Court.</td>
</tr>
<tr>
<td>110.7</td>
<td></td>
<td>Annexing territory beginning at a point on Locust Street in the Penick Subdivision.</td>
</tr>
<tr>
<td>110.7</td>
<td></td>
<td>Annexing a plot of land known as the Lewis Court, beginning at a point at Kentucky Highway 61 right-of-way, in the line of Mm. J.M. Perkins.</td>
</tr>
<tr>
<td>110.8P</td>
<td></td>
<td>An ordinance proposing to annex 69.78 acres, more or less, known as the Greensburg Industrial Property.</td>
</tr>
<tr>
<td>110.8</td>
<td></td>
<td>Annexing a territory being 69.75 acres, more or less, and known as the Greensburg Industrial property, just off U.S. Highway 68, adjoining said City.</td>
</tr>
<tr>
<td>110.9P</td>
<td></td>
<td>An ordinance proposing to annex the Cardinal Heights Subdivision.</td>
</tr>
<tr>
<td>110.9</td>
<td></td>
<td>Annexing a certain tract of land lying and being in Green County and beginning at a stake at the northeast corner of the intersection of Highway 68 and Milby Street, corner of the Dr. Ralph Winchester property.</td>
</tr>
<tr>
<td>ORD. NO.</td>
<td>DATE</td>
<td>DESCRIPTION</td>
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</tr>
<tr>
<td>110.10P</td>
<td></td>
<td>An ordinance proposing to annex three tracts of land. The first tract involves approximately eight acres behind the Green County Board of Education Vocational School. The second tract involves approximately 37 acres in the Penick Subdivision owned by the Green County Board of Education. The third tract involves approximately 16.56 acres along the Green River and Brummal Avenue.</td>
</tr>
<tr>
<td>110.10</td>
<td></td>
<td>Annexing the following three tracts of land being 80.50 acres:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tract 1: Beginning at a stake in the line between the parties hereto, a new corner.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tract 2: Purchased by Green County Board of Education, and being a part of the Penick Subdivision.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tract 3: Part 1 - Beginning at a large leaning sycamore on the bank of Green River. Part 2 - Beginning at a stake just above large white oak on the bank of Green River.</td>
</tr>
<tr>
<td>110.11P</td>
<td></td>
<td>An ordinance proposing to annex approximately eleven acres known as the E.J. Milby lands.</td>
</tr>
<tr>
<td>110.11</td>
<td></td>
<td>Annexing territory being 11 acres, more or less, known as the lands of E.J. Milby and located adjoining the City.</td>
</tr>
<tr>
<td>110.12P</td>
<td></td>
<td>An ordinance proposing to annex approximately 6.99 acres in Cardinal Heights Subdivision beginning at a point in the backline of lot 6F.</td>
</tr>
<tr>
<td>110.12</td>
<td></td>
<td>Annexing territory beginning at a point in the back line of lot 6F in Cardinal Heights Subdivision section two, which is the back comer of George Elmores line at Ray Goffs.</td>
</tr>
<tr>
<td>110.13P</td>
<td></td>
<td>An ordinance proposing to annex six tracts of land including the Long Meadow and Hillcrest Subdivision.</td>
</tr>
<tr>
<td>ORD. NO.</td>
<td>DATE</td>
<td>DESCRIPTION</td>
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</tr>
<tr>
<td>4-2-79</td>
<td></td>
<td>An ordinance annexing land proposed for annexation in Ordinance 110.13P.</td>
</tr>
<tr>
<td>110.14/1984-1</td>
<td>84</td>
<td>Annexing the following described territories: First Boundary: Beginning at a stake on Cook Street, corner to South Paxton.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Second Boundary: Beginning at a stake on Kentucky Highway #61-70 corner to Larimore.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Third Boundary: Beginning at a stake in Perry line corner to Kentucky Highway #61-70.</td>
</tr>
<tr>
<td>03-01-04</td>
<td>03-01-04</td>
<td>An ordinance proposing annexation into the City of Greensburg of certain unincorporated areas adjacent to the current incorporated boundaries of the City of Greensburg on Sardins Ford Road</td>
</tr>
<tr>
<td>11-03-04</td>
<td>11-03-03</td>
<td>An ordinance relating to the annexation into the City of Greensburg certain unincorporated areas adjacent to the current incorporated boundaries of the City of Greensburg at Old Hodgenville Road and Hidden Valley Road</td>
</tr>
<tr>
<td>11-06-06</td>
<td>11-06-06</td>
<td>An ordinance relating to the annexation into the City of Greensburg of certain unincorporated areas adjacent to the current incorporated boundaries of the City of Greensburg on Legion Park Road</td>
</tr>
<tr>
<td>05-02-11</td>
<td>05-02-11</td>
<td>An ordinance relating to the annexation into the City of Greensburg of certain unincorporated areas adjacent to the current incorporated boundaries of the City of Greensburg located on the north side of Greensburg and Green River on the east side of U.S. Hwy 68/Ky. Hwy 70 and approx. 0.1 mile northeast of the intersection of Ky Hwy 61.</td>
</tr>
<tr>
<td>ORD. NO.</td>
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<td>DESCRIPTION</td>
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</tr>
<tr>
<td>12-4-56</td>
<td>12-4-56</td>
<td>Authorizing the issuance of $60,000 of Waterworks Revenue Bonds of the series dated January 1, 1957.</td>
</tr>
<tr>
<td>B-2</td>
<td>8-25-64</td>
<td>Authorizing the issuance of $197,000 of Waterworks and Sewerage System Revenue Bonds - Series 1963.</td>
</tr>
<tr>
<td>10-23-87</td>
<td>10-23-87</td>
<td>Authorizing the issuance of $739,000 of Water and Sewer Revenue Bonds - Series 1987.</td>
</tr>
<tr>
<td>11-17-08</td>
<td>11-17-08</td>
<td>Authorizing the issuance of $450,000 of Water and Sewer Revenue Bonds – Series 2009</td>
</tr>
<tr>
<td>6-13-11</td>
<td>6-13-11</td>
<td>Authorizing the issuance of $450,000 of Water and Sewer Revenue Bonds – Series 2011</td>
</tr>
<tr>
<td>ORD. NO.</td>
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<td>DESCRIPTION</td>
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</tr>
<tr>
<td>3-2-87</td>
<td>3-2-87</td>
<td>Granting a perpetual easement with the right to erect, construct, install and lay, and thereafter use, operate, inspect, repair, maintain, replace and remove water transmission lines and appurtenances thereto over, across. And through all property, streets and alleys of the City.</td>
</tr>
<tr>
<td>ORD. NO.</td>
<td>DATE</td>
<td>DESCRIPTION</td>
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<tr>
<td>---------</td>
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</tr>
<tr>
<td>0-0-59</td>
<td>-59</td>
<td>Creating an electric utility franchise granted to Kentucky Utilities Company.</td>
</tr>
<tr>
<td>0-0-85</td>
<td>-85</td>
<td>Creating a franchise to acquire, lay, maintain and operate in the public ways of the City, a system of mains, pipes, fixtures and appliances for the transmission, distribution and sale of gas for heating and other purposes.</td>
</tr>
<tr>
<td>85-5</td>
<td>10-7-85</td>
<td>Creating a franchise to construct, erect, operate and maintain in the public ways of the City, a telephone and communications system embracing underground conduits, manholes, telephone poles, cables, boxes, wires, fixtures, electrical conductors and other apparatus, equipment and facilities necessary, essential, used or useful to and in the operation of a telephone communications system.</td>
</tr>
<tr>
<td>86-1</td>
<td>1-6-86</td>
<td>Granting a telephone and communications franchise to General Telephone Company of Kentucky, a/k/a General Telephone Company of the South.</td>
</tr>
<tr>
<td>8-3-87</td>
<td>8-3-87</td>
<td>Creating a franchise for the use of public grounds in the City for the purpose of constructing, laying, maintaining, operating, repairing and removing mains, pipes and connections and appurtenant equipment through which to transport and vend natural and artificial gas.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Creating a franchise for the sale and distribution of a Television Signals and Frequencies over Coaxial cables in the City, and in adjoining territories, which service will use the public places in said City.</td>
</tr>
<tr>
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