COVINGTON, KENTUCKY

CODE OF ORDINANCES

2025 S-9 Supplement contains:

Local legislation current through Ord. O-15-2025, passed 9-23-2025; and

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ADOPTING ORDINANCE

COMMISSIONERS' ORDINANCE NO. O-05-21

AN ORDINANCE READOPTING THE CITY OF COVINGTON CODE OF ORDINANCES ENTITLED "COVINGTON CODE, 2021 EDITION" AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, KRS § 83A.060 sets forth various requirements related to the adoption of ordinances and record keeping associated therewith; and

WHEREAS, pursuant to KRS § 83A.060, every action of the Board of Commissioners shall be made a part of the City's permanent records, and the City must maintain a record of its ordinances in the minute book or an ordinance book in the order adopted; and

WHEREAS, the City must also keep an indexed record of its ordinances in a composite index or maintained in a code of ordinances; and

WHEREAS, the City previously adopted a Code of Ordinances in 1984 and has supplemented annually this edition of the Code of Ordinances; and

WHEREAS, KRS § 83A.060(11) requires the City to examine its ordinances maintained in the code of ordinances for consistency with state law and with one another no less than every five (5) years to eliminate redundant, obsolete, inconsistent, and invalid provisions; and

WHEREAS, the City's Code of Ordinances, 1984 edition was most recently readopted to include the 2017 S-28 Supplement and all previously adopted supplements on August 22, 2017; and

WHEREAS, the City contracted with the American Legal Publishing Corporation to complete a review of its code of ordinances, which required a revision, recodification, rearrangement, renumbering, and consolidation into component codes, titles, chapters, and sections of the City's ordinances; and

WHEREAS, the City adopted ordinances in calendar years 2018, 2019, and 2020, but said ordinances have not been formally added to the 1984 edition through the typical supplementation process due to the pending review of the code of ordinances; and

WHEREAS, during the pendency of the review of the code of ordinances, the City has posted all adopted ordinances in a register on the City's website; and

WHEREAS, as part of the recodification project, American Legal Publishing Corporation has incorporated all legislation that was adopted since the readoption of Code of Ordinances, 1984 edition in 2017, including all ordinances that were adopted but not included in recent supplements through December 31, 2020; and

WHEREAS, the resulting recodification is known and designated as the "Covington Code, 2021 Edition"; and

WHEREAS, the City has adopted ordinances since December 31, 2020 that should be included in the Covington Code, 2021 Edition upon its adoption so that a more accurate code is established without a need for immediate supplementation; and

WHEREAS, staff recommends the readoption the City of Covington Code, 2021 Edition, which consists of titles 1, 3, 4, 5, 7, 9, 11, 13, and 15.

NOW, THEREFORE,

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY

OF COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

The City of Covington Code of Ordinances entitled "Covington Code, 2021 Edition," consisting of Titles 1 through 15, each inclusive, is hereby adopted.

Section 2

All ordinances, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 3

Additions or amendments to the Code when passed in such form as to indicate the intention to make the same a part of the Code, and/ or any ordinance passed and adopted since December 31, 2020 but before the adoption of the Covington Code, 2021 Edition, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 4

If any section, subsection, paragraph, sentence, clause, phrase, or a portion of this ordinance is declared illegal or unconstitutional or otherwise invalid, such declaration shall not affect the remaining portions hereof.

Section 5

This ordinance shall take effect and be in full force when passed, published, and recorded according to law.

Joseph U. Meyer /s/

Joseph U. Meyer, Mayor

ATTEST:

Margaret M. Nyhan /s/

Margaret M. Nyhan, City Clerk

Passed: 3-23-21 (Second Reading)

3-9-21 (First Reading)

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

11. OFFICIAL STANDARDS

CHAPTER 10: GENERAL PROVISIONS

Section

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10.03 Territorial applicability

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§ 10.01 SHORT TITLES.

(A) All ordinances of a permanent and general nature of the city as revised, codified, rearranged, renumbered and consolidated into component codes, titles, chapters and sections shall be known and designated as the Covington 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 “§ 10.01”. Headings and captions used in this code other than the title, chapter and section numbers, are employed for reference purposes only and shall not be deemed a part of the text of any section.

(1984 Code, § 10.01)

§ 10.02 AUTHORITY OF CODE.

This code is a revision and codification of the general ordinances of the City of Covington, Kentucky which have been enacted and published in accordance with the authority granted in KRS 83A.060.

(1984 Code, § 10.02)

§ 10.03 TERRITORIAL APPLICABILITY.

This code shall refer only to the commission or omission of acts within the territorial limits of the city and to that territory outside this city over which the city has jurisdiction or control by virtue of any constitutional provision of any law.

(1984 Code, § 10.03)

§ 10.04 DEFINITIONS.

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

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

(KRS 446.010(1))

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

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

(KRS 446.010(2))

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

(KRS 446.010(55))

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

COMMISSION. The Board of Commissioners.

(KRS 83A.010(3))

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

(KRS 446.010(9))

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

(KRS 446.010(10)

COUNTY. Kenton County, Kentucky.

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

(KRS 446.010(12))

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

(KRS 446.010(13))

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

(KRS 446.010(14))

DOMESTIC ANIMAL. Any animal converted to domestic habitat.

(KRS 446.010(15))

EXECUTIVE AUTHORITY. The Board of Commissioners.

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

FEDERAL. Refers to the United States.

(KRS 446.010(17))

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

(KRS 446.010(18))

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

KRS. Kentucky Revised Statutes.

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

(KRS 446.010(23))

LEGISLATIVE BODY. The Board of Commissioners.

(KRS 91A.010(8))

LEGISLATIVE BODY MEMBER. A member of Board of Commissioners.

(KRS 83A.010(8))

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

(KRS 446.010(25))

MAY. The act referred to is permissive.

(KRS 446.010(26))

MONTH. Calendar month.

(KRS 446.010(27))

MUNICIPALITY. The City of Covington, Kentucky.

OATH. Includes affirmation in all cases in which an affirmation may be substituted for an ***OATH.***

(KRS 446.010(28))

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

(KRS 446.010(30))

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

(KRS 446.010(31))

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

(KRS 446.010(33))

PERSONAL PROPERTY. Includes all property, except real.

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

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

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

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

REAL PROPERTY. Includes lands, tenements, and hereditaments.

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

(KRS 446.010(37))

SHALL. The act referred to is mandatory.

(KRS 446.010(39))

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

STATE. The Commonwealth of Kentucky.

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

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

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

(KRS 446.010(43))

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

VACANCY IN OFFICE. Exists when there is an unexpired part of a term of office without a lawful incumbent therein, 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))

(1984 Code, § 10.04) (Ord. O-13-94, passed 4-12-1994; Ord. O-9-07, passed 4-10-2007)

§ 10.05 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 Board of Commissioners.

(KRS 446.080(1))

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

(KRS 446.080(3))

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

(KRS 446.080(4))

(1984 Code, § 10.05)

§ 10.06 REVIVOR; EFFECT OF REPEAL.

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

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

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

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

(E) No other action of the Board of Commissioners 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) (1984 Code, § 10.06)

§ 10.07 EFFECTIVE DATE OF REVISIONS.

No ordinance or amendment or repeal of any section of this code shall be operative, in full force and effect, until it has been adopted in the manner prescribed by law and until it has met applicable publication requirements.

(1984 Code, § 10.07)

Statutory reference:

Enactment of ordinances, see KRS 83A.060

Publication, see KRS Ch. 424

§ 10.08 CONSTRUCTION OF SECTION REFERENCES.

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

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

(C) Whenever in one section reference is made to another section hereof, the reference shall extend and apply to the

section referred to as subsequently amended, revised, recodified or renumbered, unless the subject matter be changed or materially altered by the amendment or revision.

(1984 Code, § 10.08)

§ 10.09 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.

(1984 Code, § 10.09)

§ 10.10 SEVERABILITY.

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

(KRS 446.090) (1984 Code, § 10.10)

§ 10.11 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.

(1984 Code, § 10.11)

§ 10.12 ERRORS AND OMISSIONS.

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

(1984 Code, § 10.12)

§ 10.13 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.

(1984 Code, § 10.13)

§ 10.14 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.

(1984 Code, § 10.14)

§ 10.15 ORDINANCES SAVED.

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

(1984 Code, § 10.15)

§ 10.16 AMENDMENTS TO CODE; AMENDATORY LANGUAGE.

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

Commissioners shall adopt a new code of ordinances.

(B) Ordinances to amend shall set out in full the amended ordinance or section indicating any text that is being added by a single solid line drawn underneath it. The new text shall also be italicized and in bold. Text that is intended to be removed shall be marked at the beginning with an opening bracket and at the end with a closing bracket. The text between the brackets shall be striken through with a single solid line.

(C) The following language should be used by the city to amend, add or repeal a chapter, section or division:

(1) Section amended: “Section _____ of the Covington Code of Ordinances is amended to read as follows: ...”;

(2) Section added: “Section ____ , which reads as follows, is added to and amends the Covington Code of Ordinances: ...”; or

(3) Section repealed: “Section _____ of the Covington Code of Ordinances, which reads as follows, is repealed: ...”

(D) Municipal orders to be amended shall be set out in full the amended order indicating any text that is being added by a single solid line drawn underneath it. The new text shall also be italicized and in bold. Text that is intended to be removed shall be marked at the beginning with an opening bracket and at the end with a closing bracket. The text between the brackets shall be striken through with a single solid line.

(E) The following language should be used by the city to amend or repeal an order:

(1) Order amended: “Order No.___ is amended to read as follows: ...”; and

(2) Order repealed: “Order No.____ , which reads as follows, is repealed: ...”

(1984 Code, § 10.16) (Ord. O-15-18, passed 3-27-2018)

§ 10.17 ADMISSION OF CODE INTO EVIDENCE.

Any printed copy of this code or any printed supplement thereto, published and certified according to law, shall be received in evidence in any court for the purpose of proving any ordinance provision therein contained with like effect and for the same purpose as the original ordinances, minutes or journals would be received.

(1984 Code, § 10.17)

Statutory reference:

Code as evidence, see KRS 83A.060(14)

§ 10.18 NOTICES.

(A) *Notices to be written and in English language.*All notices, reports, statements, applications or records required or authorized by this code shall be made in writing in the English language unless specifically provided otherwise.

(B) *Service and proof.*

(1) Unless otherwise specifically provided, whenever a notice is required to be given pursuant to any section of this code such notice shall be given either by personal delivery to the person to be notified or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to the person to be notified at his or her last known business or residence address as the same appears in the public records or other records pertaining to the matter for which such notice is served, or by any other method of delivery approved by law. Service by mail shall be deemed to have been completed at the time of deposit in the post office or any United States mailbox.

(2) Proof of giving any notice may be made by the certificate of any officer or employee of this city or by affidavit of any person over the age of 18 years who actually accomplished personal service in conformity with this code or other provisions of law applicable to the subject matter concerned, or by a return receipt signed by the recipient notified by United States mail.

(1984 Code, § 10.18)

§ 10.19 PROHIBITED ACTS.

Whenever in this code any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

(1984 Code, § 10.19)

§ 10.20 OFFENSES PUNISHABLE BY DIFFERENT SECTIONS.

In all cases where the same offense is made punishable or is created by different sections of this code, the City Solicitor or County Attorney may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense.

(1984 Code, § 10.20)

§ 10.21 LICENSES.

(A) *Business regulatory license.*

(1) *Definitions*. For purposes of this division (A), definitions contained in §110.01 of this code of ordinances shall apply.

(2) *Business regulatory license required for non-resident businesses, flea markets and contracting services.*

(a) A business regulatory license shall be required of any business entity located or operating outside the city, if the business entity engages in any type of business activity in the city or solicits and accepts business from customers within the city. The agent(s) of non-resident proprietor(s) shall be responsible for obtaining a business regulatory license required by this section and shall be liable for carrying on a business without a business regulatory license in the same manner as if they were proprietor(s) of a business located within the city. Consistent with the definition in § 110.01, the term "business license" may be used interchangeably with "business regulatory license" for purpose of convenience, and both terms shall have the same meaning and effect.

(b) Each operator of a flea market shall secure a business regulatory license under this section. Any business entity renting a booth space in a flea market shall also secure a separate business regulatory license.

(c) Any business entity performing general contracting or sub-contracting services who satisfies the criteria as an independent contractor, as set forth in Official Treasury Regulation 31.3401(c)-1, may obtain a temporary business regulatory license under the following conditions:

1. The dollar value of the work performed is less than $1,000;

2. The contractor did not have any business regulatory license in the city during the last fiscal year;

3. The duration of time needed to complete the work is three days or less;

4. The contractor's business is not located in the city; and

5. Any business regulatory license issued under these conditions will only be valid for three days. If the work performed lasts longer than three days or if the contractor receives additional work in the city during the same fiscal year, he or she shall obtain a standard business regulatory license and shall be allowed to deduct the processing fee of the temporary business regulatory license from the processing fee for the standard business regulatory license.

(3) *Business regulatory license applications.*

(a) Every person required to procure a business regulatory license under the provisions of this section or under § 110.02 of this code of ordinances, and pursuant to KRS 82.082 shall submit an application for the license, in writing, to the Finance Director or his or her representative on forms provided by the city. The applicant shall identify the kind of business, profession, occupation, trade, vocation, calling or activity engaged in or services rendered and provide all other information required on the application. Failure to fully complete the application shall be grounds for not issuing a business regulatory license to the applicant. Every entity engaged in any franchise, trade, occupation, profession or other business in the city, other than those who are only so engaged as an employee, shall obtain an annual business regulatory license for that franchise, trade, occupation, profession or other business; and pay to the city a business regulatory license fee in the amount of either $50 or that part of a multi-jurisdictional occupational permit fee, collected by the county and proportionally allocated to the city, pursuant to the provisions of an interlocal agreement between the city, County Fiscal Court and various other cities within the county, for a single multi-jurisdictional annual occupational permit fee of $225. A payment of $10 is required for temporary business regulatory licenses issued pursuant to division (A)(2)(c) above.

(b) Any business regulatory license issued will be valid only for those activities listed on the application form. Any expansion of the business or activity shall require the submission of a new application form. Giving of false or intentionally misleading information on the application shall be grounds for denial of the business regulatory license applied for or, if a business regulatory license has been granted, revocation thereof upon discovery of these facts.

(c) If the business is located in the city, the application shall be approved by the city's Fire Inspector and the Code Enforcement Department before a business regulatory license will be issued. Upon inspection, the city may require further approval from the city's Zoning Administrator and/or Building Inspector. If a business location is later found to be in violation of city or state zoning, fire or building codes, the business regulatory license for that location may be revoked pursuant to the procedures established in division (A)(7) below.

(d) Upon notice from the Finance Director or his or her representative that a business is being operated in violation of this section, the business shall be immediately stopped. This notice to stop business operations shall be in writing and shall be given to the owner of the business or its agent and shall state the conditions under which the business may be resumed. Any person who continues doing business or who alters, defaces or removes the stop business operations notice shall be liable for a Class A misdemeanor.

(4) *Business regulatory license certificates.*

(a) Upon approval of the application, the Finance Department shall issue business regulatory license certificate ("the certificate") to the applicant. The certificate shall show the period for which business regulatory license is issued, the name of the person to whom it is issued and the address or location of the place of business for which the license is being issued.

(b) If a business entity moves its place of business, this shall require submission of a new application with all

appropriate departmental approvals. If a business entity has more than one place of business, a business regulatory license certificate shall be issued for each place of business. Each business entity shall display the business regulatory license certificate in a conspicuous place in each place of business.

(5) *Administration.*

(a) This section shall be administered by the Finance Director or his or her duly designated representative, under the direction of the City Manager.

(b) The Finance Director, with the approval of the City Manager, shall have authority to issue and promulgate such rules and regulations as he or she may consider necessary for the administration of this section; provided, the rules and regulations are not inconsistent with the provisions of this section.

(c) The Finance Director, under the direction of the City Manager, will coordinate with Code Enforcement Services to appoint and supervise Code Enforcement Officers charged with enforcing compliance with this section.

(d) The denial of any initial or renewal application for any business regulatory license shall be set forth in writing, with the reasons stated therein, and provided to the applicant.

(e) An appeal of such adverse decision to the city's Board of Commissioners shall be filed with the City Clerk within 30 days thereof, or the decision shall become final. The Board of Commissioners shall conduct a hearing on the appeal at any regular or special call meeting within 30 days from the date the appeal is filed with the City Clerk. Notice of the hearing shall be provided to the applicant by certified mail, return receipt requested, and if the certified mail is returned, then by regular mail. The applicant may be represented by counsel and shall be entitled to call witnesses on his or her behalf.

(f) The decision of the Board of Commissioners shall be reduced to writing and provided to the applicant within seven days of the hearing. In the event the Board of Commissioners upholds the denial, the applicant must appeal the adverse decision to the County District Court within 30 days of the date of the written decision or the decision shall become final.

(6) *Penalties, citation for failure to obtain business regulatory license.*

(a) Any business entity or person that violates any provision of this section shall be subject to a civil fine of not less than $100 per violation, but not more than $500 per violation.

(b) Code Enforcement Officers may issue on-site citations to any business entity that is unable to produce its business regulatory license certificate upon request, whether the business is being conducted in a permanent location or elsewhere in the city ("a correction citation").

(c) A correction citation shall provide the following information:

1. The date and time of issuance;

2. The name and mailing address of the business owner or independent contractor, as provided by the owner or contractor, or his or her agent, servant or employee, or ascertained from vehicles used by these individuals;

3. The name and address of the business operating without a business regulatory license, or the name and address of the person or entity that hired the independent contractor;

4. A reference to this section;

5. The name of the Code Enforcement Officer;

6. A correction order allowing the business to obtain a license within ten business days of the citation date;

7. The amount of the civil fine if the person does not obtain the business regulatory license within the time set forth in the correction order or fails to contest the citation, and the maximum civil fine that may be imposed if the person elects to contest the citation;

8. The procedure for paying the civil fine or contesting the citation; and

9. A statement explaining that if the person fails to pay the civil fine set forth in the citation or contest the citation, the right to a hearing shall be waived and the Code Enforcement Board shall enter a final order confirming that a violation was committed and imposing the civil fine stated in the citation.

(d) Any person obtaining a business regulatory license certificate pursuant to a correction citation above shall provide a copy of the citation to the Finance Department when obtaining this certificate. If a business regulatory license certificate is obtained within ten days of the citation issuance, the Finance Department will forward a copy of the citation and business regulatory license certificate to the Code Enforcement Department, which will cause the citation to be dismissed and/or stop-work order to be lifted.

(e) Independent contractors who have been cited under this section shall only be eligible to receive permanent (as opposed to temporary) business regulatory licenses.

(f) Independent contractors who have been cited more than once and fail to comply with this section shall be subject to a suit for injunction.

(7) *Revocation or suspension of business regulatory license.*

(a) Any business regulatory license issued under this section may, with notice to the holder thereof and a hearing as hereinafter provided for, be revoked or suspended by the Board of Commissioners if:

1. Within 12 months prior to the date on which charges are filed, the holder of the business regulatory license, or his, her or its agent, servant or employee, has been convicted of any action or activity occurring at the business premises covered by the business regulatory license of any violation of city or county ordinances involving gambling, prostitution, drugs or disorderly conduct or of any state or federal criminal or penal statute involving these same crimes;

2. A condition is allowed to exist at the business premises that creates a public nuisance;

3. The business regulatory license holder, its agents, servants or employees, suffer or permit any disorderly conduct at the business premises that disturbs the good order of the community and/or at the premises; or

4. The holder of the business regulatory license misrepresents in its application any material facts as to the kind of business operating or to be operated at the premises.

(b) Business regulatory licenses may be suspended for violation of §32.049(C)(1)(b) of this code of ordinances.

(c) Suspension and revocation procedure.

1. When the City Manager has probable cause to believe that a business regulatory license should be revoked for any of the causes enumerated herein, it shall be his or her duty to prepare charges against the holder of the business regulatory license by filing a statement of the charges against the holder of the license with the City Clerk. The charges shall be in writing and each charge shall be clearly set out. Within three days after the filing of the charges with the Board of Commissioners, a notice of the filing of the charges and of the time of the hearing thereof shall be mailed by certified mail, return receipt requested, to the business regulatory license holder at the address shown on the business regulatory license and a hearing before the Board of Commissioners shall be held within 14 days after the filing of the charges with the Board.

2. At the hearing, the introduction of any judgment of conviction in any court of competent jurisdiction shall be conclusive evidence that a violation occurred. The existence of any prior judgment of conviction for the same or similar offense, under the same ownership/ management as those being asserted as the basis for the current hearing, shall be considered as actual or constructive knowledge of the existence of the engagement in the illegal conduct on the premises covered by the business regulatory license. The business regulatory license holder shall be permitted to present evidence in defense of the charges and shall be given the opportunity to refute that the business regulatory license holder knew or should have known of the existence of the illegal conduct that led to a conviction on the part of the business regulatory license holder or any agent, servant or employee thereof.

3. The action and decision of the Board of Commissioners on the charges shall be reduced to writing and kept on file in the City Clerk's office.

4. Upon a finding that the business regulatory license holder knew or should have known of the existence of the illegal or improper conduct, the City Commissioners shall consider the severity and frequency of offenses to determine whether a period of suspension or a revocation is appropriate. All business activity at the location shall cease immediately for the period of suspension or revocation.

(8) *Revocations affecting renewals or transfers.*

(a) No transfer of an existing business regulatory license or issuance of any new business regulatory license shall be permitted so long as charges against the business and/or the business regulatory license holder are pending for a suspension or revocation hearing before the Board of Commissioners pursuant to this section.

(b) In the event a business regulatory license is surrendered by the business regulatory license holder pending charges against the license holder and prior to any revocation hearing or is revoked or suspended after a hearing, no new business regulatory license certificate for the business premises for which the original business regulatory license was granted shall issue to any person when, in the discretion of the Financial Director, the procurement of a business regulatory license certificate is attempted for the sole purpose of allowing the previously surrendered, revoked or suspended business regulatory license holder, or the holder of a business regulatory license surrendered in lieu of revocation, to operate the same or substantially similar business under a new business regulatory license and merely in the name of another person, constituting a "sham" application.

(9) *Voluntary surrender.* Should any business regulatory license holder herein voluntarily surrender any existing business regulatory license during the term of its issuance and prior to expiration thereof, the business regulatory license shall automatically be deemed as revoked, null and void and shall only be reissued upon submission of a new application and qualification for the same.

(10) *Expiration date.* Unless an earlier expiration date is provided therein, all business regulatory licenses shall expire at midnight on the fifteenth day of the fourth month after the end of the fiscal year of the licensee.

(B) *Other licenses.*

(1) The city may refuse to issue other licenses or permits issued pursuant to this code or may suspend or revoke such licenses or permits after notice and hearing for any of the following causes:

(a) Any fraud, misrepresentation or false statements contained in the application for permit or license;

(b) Conviction of the applicant, licensee or permittee of any crime or misdemeanor or a violation of any act of the city, the state or of any law of the United States having a reasonable relationship to the purpose and scope of the permit or license; and/or

(c) Conducting the activity, or making use of an item, for which the license is issued in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, morals or general welfare of the public.

(2) (a) Notice of hearing for the suspension or revocation of a license or permit shall be in writing given by the Clerk, setting forth specially the grounds of the complaint and the time and the place of the hearing.

(b) Service of such notice shall be made by either personal service or by certified mail, return receipt requested, to the applicant, licensee or permittee at the last known address, at least five days prior to the date set for the hearing.

(3) In case of refusal to issue a permit or license or the suspension or revocation of a license or permit as herein provided, no portion of the application, license or permit fee shall be returned to the applicant, licensee or permittee unless otherwise provided in this code or any ordinance of the city.

(4) The order of the Mayor, Board of Commissioners or such other authorized official, department, board or agency, where applicable, shall be the final municipal action for the purpose of judicial review.

(5) No person holding a license suspended or revoked under this section shall be permitted to effect a transfer requiring the issuance of another such license to any person during the periods of any proceeding against the license holder for a violation of any law, statute or municipal ordinance, which may result in the suspension or revocation of the license, or during any period of suspension or revocation.

(1984 Code, § 10.21) (Ord. O-40-91, passed 7-23-1991; Ord. O-34-05, passed 6-21-2005; Ord. O-43-05, passed 8-2-2005; Ord. O-51-08, passed 12-8-2008; Ord. O-17-19, passed 6-24-2019)

§ 10.22 INSPECTION; RIGHT OF ENTRY.

(A) All records, buildings and premises subject to inspection under this code shall be inspected from time to time by the designated officer of the city or his or her designee.

(B) All records, rooms and areas of a building or premises shall be available and accessible for such inspection which shall be made during usual business hours if the premises are used for non-residential purposes; provided that, inspections may be made at other times if:

(1) The premises are not available during the foregoing hours of inspection;

(2) There is reason to believe that violations are occurring on the premises which can only be apprehended and proved by inspection during other than the prescribed hours; or

(3) There is reason to believe a violation exists of a character which is an immediate threat to health or safety requiring inspection and abatement without delay.

(C) Emergency inspections may be authorized without warrant if the Police Chief or Fire Chief has reason to believe that a condition exists which poses an immediate threat to life, health or safety. Such procedure shall take place only where the time required to apply for and secure the issuance of a warrant would render ineffective the immediate action necessary to abate the condition.

(D) Where the Police Chief or Fire Chief or his or her designee is refused entry or access or is otherwise impeded or prevented by the owner, occupant or operator from conducting an inspection of the premises, such person shall be in violation of this code.

(1984 Code, § 10.22) (Ord. O-51-08, passed 12-8-2008) Penalty, see § 10.99

§ 10.23 SEARCH WARRANT.

(A) Any officer designated by the city to inspect a premises may, upon affidavit, apply to the judge of competent jurisdiction for a search warrant setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this code may exist, including one or more of the following:

(1) The premises or records require inspection according to the cycle established by the inspecting officer of the Board of Commissioners for periodic inspections of records, buildings or premises of the type involved; and/or

(2) Observation of external conditions of the premises and its public areas has resulted in the belief that a violation of this code exists.

(B) If the judge of competent jurisdiction is satisfied as to the matters set forth in the affidavit, he or she shall authorize the issuance of a search warrant permitting access to the inspection of that part of the premises on which the nuisance or violation may exist.

(1984 Code, § 10.23) (Ord. O-51-08, passed 12-8-2008)

§ 10.99 GENERAL PENALTY.

(A) Whenever in this code or in any ordinance of this city any act or failure to do a required act is prohibited or is made or declared to be unlawful or an offense where no specific penalty is provided therefor, the violation of any such provision of this code or any ordinance shall be deemed a violation and shall be punished by a fine in an amount not to exceed $250 in the discretion of the court.

(B) If the penalty for a particular offense is limited by state statute then such limitation shall be applicable to the provision of this code and other ordinances of the city notwithstanding the provisions of this section.

(C) The suspension or revocation of any license, certificate or other privilege conferred by the city, shall not be regarded as a penalty for the purposes of this code, but shall be in addition thereto.

(D) Each day any violation of this code occurs or continues to exist shall constitute a separate offense.

(1984 Code, § 10.99) (Ord. O-13-94, passed 4-12-1994; Ord. O-51-08, passed 12-8-2008)

Statutory reference:

Fines imposed by municipalities, see Kentucky Constitution § 168

CHAPTER 11: OFFICIAL STANDARDS

Section

11.01 Official seal/logo

§ 11.01 OFFICIAL SEAL/LOGO.

The current city seal adopted by the Board of Commissioners shall serve as the identifying city brand on all internal and external correspondence, official public banners and individual business cards. The city seal shall be used where a seal is used, not otherwise excepted from department specific use. The city seal is to be used only in navy blue or black palette.

TITLE III: ADMINISTRATION

Chapter

30. ADMINISTRATIVE PROCEDURES

31. OFFICERS AND EMPLOYEES

32. CITY ORGANIZATIONS

33. POLICE AND FIRE DEPARTMENTS

34. PERSONNEL POLICIES

35. CITY POLICIES

36. ETHICS CODE

37. OPEN RECORDS, DOCUMENT RETENTION AND TRANSPARENCY

CHAPTER 30: ADMINISTRATIVE PROCEDURES

Section

30.01 Bond of city officials

30.02 Checks and vouchers

30.03 Investment of public funds

30.04 Interest rate on delinquent accounts

30.05 Members of Board of Commissioners communications with staff and others

30.06 Code of conduct, conflict of interest

30.07 Election of city officers

30.08 Meetings of the Board of Commissioners; code of conduct for public comments

Statutory reference:

City manager plan of government, see KRS 83A.150

Executive authority, see KRS 83A.010(6)

Form and procedure for enacting ordinances, see KRS 83A.060

Organizational structure maintained, see KRS 83A.020

§ 30.01 BOND OF CITY OFFICIALS.

(A) *Generally.* All officers, officials and employees who handle public funds in the execution of their duties shall give a good and sufficient bond to the city for the faithful and honest performance of his or her duties as security for all money coming into the person's hands or under the person's control. The bond amount shall be based upon the maximum amount of public funds the officer, official or employee handles at any given time during a fiscal year cycle. Notwithstanding the foregoing, city officers, officials and employees may guard against potential losses arising from unfaithful and dishonest performance of duties by obtaining an appropriate policy of insurance.

(B) *Payment of surety out of General Fund* The Finance Director is directed to pay for the surety bonds or other appropriate insurance policy or policies required by division (A) above out of the General Fund, in the event that the bonds are signed by some authorized surety company of good standing in the state.

(1984 Code, § 30.01) (Ord. O-13-94, passed 4-12-1994; Ord. O-37-19, passed 12-17-2019)

Statutory reference:

Bond required of persons handling public funds; compliance by elected officials and their employees, see KRS 65.067

§ 30.02 CHECKS AND VOUCHERS.

Any two of the persons holding the office of Finance Director and City Manager of the city are authorized and directed to sign all checks drawn on the credit of the city or any funds administered by it.

(1984 Code, § 30.02) (Res. R-402-83, passed 9-20-1983; Ord. O-1-89, passed 1-24-1989)

Statutory reference:

Official depositories, see KRS 91A.060

§ 30.03 INVESTMENT OF PUBLIC FUNDS.

(A) KRS 66.480 is hereby adopted and incorporated by reference as if fully rewritten herein.

(B) The Finance Director is designated as the officer authorized to invest and oversee the investment of city funds, with the direction and concurrence of the City Manager. The Finance Director and/or the City Manager may seek and rely upon the advice of professional financial advisors.

(C) Permitted types of investments include: those enumerated in KRS 66.480(1).

(D) The Finance Director is authorized and directed to develop procedures and standards as enumerated in KRS 66.480(3) that are adopted and incorporated by reference as if fully rewritten herein.

(1984 Code, § 30.03) (Ord. O-26-14, passed 10-21-2014)

§ 30.04 INTEREST RATE ON DELINQUENT ACCOUNTS.

(A) The interest rate on delinquent accounts due the city shall be 12% per annum on the unpaid principal balance.

(B) If anything in this provision conflicts with the Kentucky Revised Statues, the statute shall prevail.

(1984 Code, § 30.04) (Ord. O-7-84, passed 2-28-1984)

§ 30.05 MEMBERS OF BOARD OF COMMISSIONERS COMMUNICATIONS WITH STAFF AND OTHERS.

(A) The Board of Commissioners, as the combined legislative and executive authority of the city pursuant to KRS 83A.150, to enhance communications between it and the city's Administration Department, in order to increase government efficiency and to better prepare for the transition to the Mayor–Council form of government, delegates to the Mayor the necessary authority to inquire into the conduct of duties and actions performed by the City Manager between meetings of the Board of Commissioners. The authority shall be exercised at the discretion of the Mayor and is subject to ratification by the Board of Commissioners where appropriate. Such delegation of authority in no way creates regular administrative duties for the Mayor.

(B) The Mayor shall be recognized as the official head and representative of the city for all purposes. Such recognition shall not, however, include any duties considered an unauthorized delegation of executive or legislative authority from the Board of Commissioners.

(C) No member of the Board of Commissioners shall make one-on-one contact with a department or division employee on policy implication matters without involvement therein by the City Manager.

(D) No member of the Board of Commissioners shall communicate on a one-on-one basis with any department or division of municipal government in a manner which should effectuate interruption or redirection in the work assignment of a worker or group of workers in any manner other than an initial request for work assignment made directly to the director of the department or his or her designee in his or her absence.

(E) Such a request for a work assignment shall be submitted to the department director who has jurisdiction over such request work assignment, regardless of its nature.

(F) Upon receipt of such a request for a work assignment, whether written or oral, it is understood that the work assignment shall be delegated and/or assigned solely at the director's discretion, or by his or her designee in his or her absence, without threat of retribution from said member of the Board of Commissioners as to its priority of assignment within his or her department unless a decision of the Commission members, in an appropriate setting directs otherwise.

(G) It is the responsibility of each department director to assess the requested work assignment and make a cursory determination as to whether such individual request calls for priority treatment. In that event, the department director shall so advise all the Commission members and the City Manager in the same manner forthwith of such priority assignment so that all share equally in the dissemination of information.

(H) No employee or group of employees shall express dissatisfaction in the realm of their employment to any Commission member without first seeking to remedy such situation administratively.

(I) In the event an employee or group of employees attempts to circumvent such administrative remedies as provided in the personnel policy and/or working agreement, it shall be incumbent upon the Commission member to decline to circumvent or interfere in the administrative process.

(1984 Code, § 30.06) (Ord. O-74-86, passed 11-3-1986; Ord. O-35-24, passed 12-17-2024)

§ 30.06 CODE OF CONDUCT, CONFLICT OF INTEREST.

(A) The following federal regulations related to codes of conduct, procurement policies and conflicts of interest provisions, as amended from time to time, are hereby adopted by reference and incorporated as if fully set forth in this code:

(1) 2 C.F.R. 200;

(2) Title 24: Housing and Urban Development, § 92.356 Conflict of Interest; and

(3) Title 24: Housing and Urban Development, § 570.611 Conflict of Interest.

(B) Copies of these federal regulations shall be maintained at the City Clerk's office and shall be available for public inspection, and they shall be made a part of the permanent records of the city. (Copies are attached to Ord. O-3-08.)

(1984 Code, § 30.09) (Ord. O-65-05, passed 11-29-2005; Ord. O-3-08, passed 1-29-2008)

§ 30.07 ELECTION OF CITY OFFICERS.

(A) Pursuant to KRS 83A.150 and 83A.030, the elected officers of the city shall consist of a Mayor and four City Commissioners, which together shall be known as the Board of Commissioners. Beginning January 1, 2027, pursuant to KRS 83A.150 and 83A.030, the elected officers of the city shall also consist of an elected executive, called the Mayor, and an elected legislative body called the City Council, comprised of six City Councilmembers.

(B) Pursuant to the authority granted to the city by KRS 83A.050(1), the Board of Commissioners and, beginning on January 1, 2027, the City Council do hereby prescribe that the election of city officers shall be under non-partisan city election laws as provided in KRS 83A.045, 83A.170, 83A.175 and 83A.047. The city reconfirms, reiterates and readopts the non-partisan method authorized by KRS Ch. 83A for the election of city officers.

(C) No person shall be elected to city office without being nominated at a non-partisan primary as provided in KRS 83A.170, except when no primary election is required pursuant to KRS 83A.170(6).

(D) City officers shall be elected at large.

(E) Beginning January 1, 2029, the Mayor shall receive an annual salary equal to the maximum amount permitted under state law as proscribed by the Department of Local Government. The Mayor shall be eligible for participation in all healthcare and retirement plan options consistent with or similar in value to those offered to full-time employees. The Mayor shall have access to a city owned laptop, mobile phone, and vehicle (or stipend).

(F) Beginning January 1, 2027, City Councilmembers shall receive an annual salary of $17,787.15. City Councilmembers shall have access to a city owned laptop and mobile phone. City Councilmembers are not eligible for and will not receive healthcare and retirement benefits.

(1984 Code, § 30.10) (Ord. O-25-14, passed 10-21-2014; Ord. O-06-2025, passed 5-27-2025)

§ 30.08 MEETINGS OF THE BOARD OF COMMISSIONERS; CODE OF CONDUCT FOR PUBLIC COMMENTS.

(A) The purpose of the public comment agenda item for the city's legislative meetings is to provide the public with the opportunity to bring to the attention of the Board of Commissioners items of interest to the public and within the City Commission's subject matter jurisdiction.

(B) It is the purpose of the standards of conduct for public comment to ensure a safe environment for anyone to comment, provide input, or protest any action, inaction or policy of the city or to simply talk

directly to the governing board.

(C) Every attendee and speaker shall comply with the following standards of conduct:

(1) Do not speak without first being recognized by the presiding officer;

(2) Obey the direction of the presiding officer as to when and how long to speak;

(3) Respect all people, present or watching, and those who agree and those who disagree with the speaker's point of view;

(4) Do not make personal, impertinent, slanderous or profane remarks to any member of the Commission, staff or general public;

(5) Do not verbally or physically threaten, attempt to intimidate or bully elected or appointed officials, staff or members of the public, whether in the meeting or in the entry halls to the meeting chambers;

(6) Refrain from hateful epithets and demeaning language based on hate of a person's race, religion, sexual orientation, ethnicity, gender or disability;

(7) Do not use profanity or obscenity;

(8) There is to be no applause, cheering, shouting, booing or heckling from the audience; and

(9) Do not attack or question the motives of other people.

(D) This code of conduct shall be posted in the Commission chambers, be located near the speaker sign-up form, and be posted on the podium used by the speakers.

(Ord. O-07-24, passed 4-23-2024)

CHAPTER 31: OFFICERS AND EMPLOYEES

Section

31.01 City Clerk

31.02 Mayor Pro Tem

31.03 City Manager

31.04 Assistant City Manager

Cross-reference:

Alcoholic Beverage Control Administrator, see § 112.04

§ 31.01 CITY CLERK.

(A) Pursuant to KRS 83A.085, the office of the City Clerk is hereby established/reestablished.

(B) The duties and responsibilities of the Clerk shall include, but not be limited to, the following:

(1) Maintenance and safekeeping of the permanent records of the city, including oversight and responsibility for the city's overall file management and retrieval systems;

(2) Performance of the duties required of the "official custodian" or "custodian" pursuant to KRS 61.870 to 61.882;

(3) Possession of the seal of the city if used;

(4) Performance of all duties and responsi-bilities required of the City Clerk by statute or ordinance;

(5) Custodian of the City of Covington Commission Chambers and related technological and operational components;

(6) Management and oversight of maintaining an updated, legally compliant code of ordinances and any associated indexes or databases; and

(7) 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;
2. City Treasurer;
3. City Manager;
4. City Attorney;
5. Finance Director;
6. Police Chief;
7. Fire Chief; and
8. Public Works Director.

(b) The correct name of the city, mailing address for City Hall and telephone number of 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.

(C) Before engaging in the duties of the office of the City Clerk, the City Clerk shall give the same form of oath as required of the Mayor and City Commissioners.

(D) In the event the City Clerk is unavailable to perform his or her duties, a Deputy Clerk may be utilized on a temporary basis to perform any functions typically required to be performed by the City Clerk and other city staff may assist the Deputy Clerk in providing these functions.

(E) The salary of the City Clerk and any Deputy Clerk or similar position shall be established in accordance with the city's "Salary Ordinance" and shall be included in the city's annual budget ordinance.

(F) The duties required of the City Clerk shall be provided by one or more staff members within the city's Legal Department.

(1984 Code, § 31.08) (Ord. O-13-94, passed 4-12-1994; Ord. O-35-00, passed 7-25-2000; Ord. O-03-18, passed 1-16-2018; Ord. O-06-21, passed 4-27-2021)

§ 31.02 MAYOR PRO TEM.

(A) The City Commissioner with the largest plurality of votes in the immediate preceding general election shall be designated to serve as Mayor Pro Tem of the city.

(B) When a vacancy occurs in the position of Mayor of the city, the person who is occupying the position of Mayor Pro Tem at the time of occurrence of the vacancy shall become Mayor of the city immediately upon vacation of said office.

(1984 Code, § 31.09) (Ord. O-29-87, passed 4-28-1987; Ord. O-30-87, passed 4-28-1987)

§ 31.03 CITY MANAGER.

(A) The City Manager, with all of his or her duties and authority, is an official of the city and all regulations concerning him or her are hereby adopted by reference and incorporated herein as if set out in full.

(B) The City Manager shall designate a position/person when a named position is eliminated or unfilled.

§ 31.04 ASSISTANT CITY MANAGER.

The Assistant City Manager, with all of his or her duties and authority, is an official of the city and all regulations concerning him or her are hereby adopted by reference and incorporated herein as if set out in full.

CHAPTER 32: CITY ORGANIZATIONS

Section

General Provisions

32.001 Establishment of administrative departments of city

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32.003 Indemnity for board and committee members

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32.097 Board of Trustees of the Pension Fund

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32.102 Board of Ethics

32.103 Code Enforcement Board

32.104 Board of Occupational License Appeals

32.105 Board of Architectural Review and Development (BOARD)

32.106 Rental Licensing Appeals Board

GENERAL PROVISIONS

§ 32.001 ESTABLISHMENT OF ADMINISTRATIVE DEPARTMENTS OF CITY.

(A) The various departments of the city are hereby established by the Mayor and Board of Commissioners, and the agents, employees, and officers within each department shall perform the various duties as provided by law and city ordinance. The administrative functions of the city shall be conducted under the Office of the City Manager and eight departments, to wit:

(1) Administration Department;

(2) Legal Department;

(3) Economic Development Department;

(4) Department of Public Works;

(5) Finance Department;

(6) Police Department;

(7) Fire Department; and

(8) Neighborhood Services Department.

(B) The Board of Commissioners of the city, upon the recommendation of the City Manager, may appoint such other agents and employees in the various departments and subdepartments or divisions in the city which they may deem necessary for the efficient and economic conduct of the affairs of the city.

(C) Notwithstanding § 30.04, it is recognized that the Legal Department provides legal representation to the city and legally required City Clerk duties and roles, and Legal Department staff may communicate directly with the Board of Commissioners within the boundaries of legal and ethical requirements related specifically to the attorney and City Clerk roles falling within the Legal Department.

(1984 Code, § 32.01) (Ord. O-10-00, passed 4-11-2000; Ord. O-18-00, passed 5-9-2000; Ord. O-31-01, passed 8-7-2001; Ord. O-20-10, passed 6-24-2010; Ord. O-38-12, passed 10-23-2012; Ord. O-14-18, passed 3-27-2018; Ord. O-07-21, passed 4-27-2021)

Editor's note:

For the classes within each department, and the salary for each class not codified, see the current salary ordinance for classification and compensation information.

§ 32.002 EXCESSIVE ABSENCES OF BOARD, COMMISSION AND COMMITTEE MEMBERS.

If any Board of Commissioners-appointed member of a city board, commission or committee is absent for 25% or more of the official meetings of his or her respective board, commission or committee during one calender year, then that member may be removed from his or her board, commission or committee position by a majority vote of the Board of Commissioners.

(1984 Code, § 32.16) (Ord. O-4-07, passed 2-6-2007)

§ 32.003 INDEMNITY FOR BOARD AND COMMITTEE MEMBERS.

(A) The city shall indemnify and hold harmless each person who has, does or will serve as a member of the Board of City Commissioners ("the Board"), or as a member of any city board or committee (hereafter "member") against any and all costs and expenses, including, but not limited to, counsel fees, judgments and amounts paid in settlements, which are actually and reasonably incurred in connection with the defense of any claim, action, suit or proceeding, whether civil, criminal,

administrative or otherwise in nature, in which he or she may be involved by reason of acting within the scope of his or her authority on the Board of City Commissioners or as a member of any other city board or committee member.

(B) This protection shall only apply to members of the Board of Commissioners, and boards or committees established by the city per an ordinance, order/resolution or administratively, or created by court order. Protection shall not be afforded to any member regarding or related to any incident in which the member has committed fraud, misconduct, intentional tortious conduct, a crime or conduct of moral turpitude in relation to his or her performance as a member or otherwise acts outside the scope of his or her authority as a board or committee member.

(C) The City Manager retains the right to select and assign legal counsel to represent board or committee members. A member shall have the right to select his or her own legal counsel; however, if this done, then this legal representation will be at his or her own cost.

(D) The city reserves the right to defend and provide representation under a reservation or rights in favor of the city.

(1984 Code, § 32.17) (Ord. O-2-08, passed 1-8-2008)

§ 32.004 INDEMNITY FOR CITY EMPLOYEES.

(A) The city shall indemnify and hold harmless each person who has, does or will serve as a full-time or part-time employee of the city against any and all costs and expenses, including, but not limited to, counsel fees, judgments and amounts paid in settlements, which are actually and reasonably incurred in connection with the defense of any claim, action, suit or proceeding, whether civil, criminal, administrative or otherwise in nature, in which he or she may be involved by reason of the execution of the employee's job duties or acting within the scope of his or her authority as a city employee.

(B) Protection shall not be afforded to: any independent contractor retained by the city; any employee regarding or related to any incident in which the employee has committed a dishonest act; a criminal act; a fraudulent act; employment misconduct in violation of city personnel policy; an intentional tortious conduct; any willful, intentional or malicious act or course of conduct; conduct of moral turpitude in relation to the execution of his or her duties or otherwise acts outside the scope of his or her authority as a city employee; and any action brought by the city against an employee. This section shall not be construed to waive or impair the city's right to file a lawsuit or counterclaim or initiate any administrative action against an employee, nor shall it limit the city's right to discipline or terminate an employee.

(C) The City Manager retains the right to select and assign legal counsel to represent the employee. An employee shall have the right to select his or her own legal counsel; however, if this is done, then this legal representation will be at his or her own cost.

(D) An employee seeking protection under this section has a duty to cooperate, provide information and give the city reasonable notice of any adverse claims.

(E) The city reserves the right to defend and provide representation under a reservation or rights in favor of the city.

(F) The city reserves the right to act as a secondary insurer, if the employee has other insurance coverage for claims related to the execution of his or her duties or acts performed within the scope of his or her employment.

(1984 Code, § 32.18) (Ord. O-8-10, passed 3-16-2010)

§ 32.005 VARIOUS BOARDS, ORGANIZATIONS AND COMMITTEES.

The following list includes various boards, organizations and committees that are controlled by the city, contain city representative(s) or interact with the city:

Alcoholic Beverage Control Board
Audit Committee
Behringer-Crawford Museum
Board of Architectural Review and Development (BOARD)
Board of Assessment Appeals (Kenton PVA)
Board of Examiners for Police and Firefighters
City of Covington, Kentucky Development Properties Corporation
City of Covington, Kentucky Municipal Properties Corporation
City/County Health and Wellness Center
City Employees Retirement Fund Board
Code Enforcement Hearing Board
Covington Economic Development Authority
Covington Life Sciences Partners, Inc.
Covington Motor Vehicle Parking Authority
Devou Park Advisory Committee
Devou Properties Incorporated

Fund for Covington
Housing Authority of Covington (HAC)
Human Rights Commission (HRC)
Kenton County Planning Commission
Linden Grove Cemetery Board of Overseers
N.K. Area Development District
N.K. Community Action Commission
N.K. Convention Center
N.K. District Health Department
N.K. Home Consortium
Neighborhood Investment Partners
Occupational License Board of Appeals
Ohio Kentucky Indiana Regional Council of Governments (OKI)
Planning and Development Services of Kenton County (PDS)
Police and Fire Pension Fund Board
Rental License Appeals Board
Southbank Partners
Telecommunications Board of Northern Kentucky
Urban Forestry Board

(Ord. O-14-23, passed 8-22-2023)

§ 32.006 ELIGIBILITY FOR APPOINTMENT TO BOARDS, ORGANIZATIONS, AND COMMITTEES AND GROUNDS FOR REMOVAL FROM SERVICE.

(A) To be eligible for appointment by Commission to any city boards, organizations, and committees, the person shall: a) be a resident of the City of Covington; b) be actively employed or doing business within the City of Covington; or c) have such a connection with the City of Covington through past residency, employment, business activity, or municipal activity and engagement that makes the person's interest in the city and its future obvious and the person's appointment compelling. If an ordinance otherwise specifies eligibility for appointment to the board, organization, or committee membership in its enabling provisions, those provisions shall be enforced. If Commission is considering more than one person for appointment to a position, Commission shall give preference to a person who is a resident.

(B) Any person who has been appointed and who is serving on any board, organization, or committee may be removed from service if they no longer meet the eligibility requirements set out in division (A).

(Ord. O-14-23, passed 8-22-2023)

MOTOR VEHICLE PARKING AUTHORITY

§ 32.020 CREATION AND MEMBERSHIP.

There is hereby created pursuant to KRS 94.810 to KRS 94.840 within the city, a Motor Vehicle Parking Authority Board which shall be composed of five members, all of whom shall be residents of the city or pay occupational tax to the city for a period of at least one year prior to the creation of the Board and shall reside or pay occupational taxes in the city throughout the term in office. At all times, there shall be no fewer than three residents on the Board.

(Ord. O-07-18, passed 1-30-2018)

§ 32.021 COMMISSIONERS; APPOINTMENT; TERMS; COMPENSATION; CONFLICTS.

(A) Commissioners of the city’s Motor Vehicle Parking Authority Board shall be appointed by the Mayor of the city, subject to the approval of the Board of Commissioners for a four-year term, with exception to the initial appointments to the Parking Authority Board as set forth in division (B) below.

(B) The initial appointment to the Parking Authority Board shall be as follows:

(1) One Commissioner appointed to a one- year term;

(2) One Commissioner appointed to a two- year term;

(3) One Commissioner appointed to a three- year term; and

(4) Two Commissioners appointed to a four-year term.

(C) Any vacancy on the Board shall be filled by the Mayor subject to approval of the City Commission within 60 days of the vacancy.

(D) The Commissioners shall constitute the governing body of the Parking Authority and shall adopt such bylaws, rules and regulations as are necessary for governing the Parking Authority.

(E) A Commissioner may be removed from the office by a majority vote of the Mayor and City Board of Commissioners for inefficiency, neglect of duty, misfeasance, non-feasance or malfeasance. Prior to removal, the Commissioner shall receive at least ten days' written notice of the hearing regarding the charges for removal. At the hearing, the member may be represented by counsel and may appear personally and present such pertinent evidence as he or she wishes. If, after the hearing, the Mayor and City Commission vote by a majority for removal, they shall remove the Commissioner from the Authority within seven days and there shall be a vacancy of the office.

(F) The Commissioners of the Parking Authority are a body corporate constituting a public corporation and a governmental agency within the meaning of KRS 58.010 and shall have all the powers granted by KRS 58.010 to 58.205.

(G) The Mayor and City Commission by majority vote may fix the compensation of the Commissioners whose appointment they approve. The compensation of a Commissioner shall not be decreased during the term to which he or she was appointed.

(H) No Commissioner or employee of the Parking Authority shall acquire any interest, direct or indirect, in any project or in any property including or planned to be included in any project, nor shall have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or sued in connection with any project. If any Commissioner or employee of the Parking Authority owns or controls an interest, direct or indirect in a property included in any project, which interest was acquired prior to appointment or employment, he or she shall disclose the same in writing to the authority at the time of his or her appointment and the disclosure shall be entered upon the minutes of the authority.

(Ord. O-07-18, passed 1-30-2018)

§ 32.022 POWERS AND MANAGEMENT.

(A) The Parking Authority shall have the following powers:

(1) The power of acquisition, ownership, construction, incurring of debt, creation and operation of off-street parking facilities;

(2) The creation and operation of on-street parking and installation of parking meters in designated "Parking Meter Zones" as defined in § 74.060;

(3) The enforcement of non-moving traffic violations in connection with parking meters and parking facilities which the Parking Authority maintains, operates, owns, or manages, including the power to enter into contracts regarding enforcement; and

(4) The Parking Authority shall have all powers pursuant to ordinance and statute not inconsistent with the provisions of the articles of incorporation and laws of the Commonwealth and the

city and this subchapter.

(B) The Parking Authority and the city shall also establish a maintenance agreement regarding the maintenance of public and/or off-street parking.

(C) The City Manager or his or her designee shall be the Executive Director of the Parking Authority. The compensation of the Executive Director shall be established by the Parking Authority Board. The Parking Authority shall have the power to hire and maintain staff and enter into contracts for professional services as may be required to ensure professional operation of the Parking Authority. The city, to provide for economic growth and development, recruits businesses and other entities to the city. The Parking Authority at no time shall engage in economic development recruitment on its own or without first consultation with the city through the City Manager.

(D) The parking rates for public off-street parking facilities shall be set by the Parking Authority, subject to the approval of the City Board of Commissioners. The Parking Authority to shall have the authority to set parking rates, subject to the approval of the City Board of Commissioners, for public on-street parking in designated "Parking Meter Zones" established in accordance with §§ 74.060 *et seq.* The parking rates shall be adequate to pay the expenses of operating these facilities and provide for the payment of debt service, and to generate surplus revenue in order to maintain and improve public on-street and off-street parking facilities.

(Ord. O-07-18, passed 1-30-2018; Ord. O-15-21, passed 9-28-2021; Ord. O-05-22, passed 3-8-2022)

§ 32.023 CONDEMNATION.

Pursuant to KRS 94.830, all property acquired and/or used for off-street parking by the Parking Authority shall not be subject to condemnation.

(Ord. O-07-18, passed 1-30-2018)

§ 32.024 BUDGET, REVENUES AND CITY APPROVAL.

(A) Pursuant to KRS 94.810, the Parking Authority is not limited to setting fees at the cost of operation and administration, but may be for revenue. The budget of the Parking Authority, within 30 days of approval, shall be presented for confirmation to the Mayor and City Commission. If the budget is not confirmed, the prior year's budget shall remain in effect until the Mayor and City Commission confirm a revised budget. Financial advisors, underwriters, bond, tax or local counsels, consultants or any other professional necessary for the issuance of bonds shall require the prior approval of the City Board of Commissioners and the Parking Authority Board.

(B) The Parking Authority Board, in order to keep permanent staff requirements to a minimum, to assure professional operation and to facilitate operator changes in the event of unsatisfactory performance may lease facilities to private operators or permit facilities to be operated under management contracts.

(C) All funds expended by the Parking Authority, including, but not limited to, operating, capital and debt service costs, shall be consistent with the Parking Authority's annual operating and capital budgets, as amended from time to time, and as approved by the city's Board of Commissioners.

(D) The selection, hiring, retention or contracting with any person, firm, corporation, partnership or the like as employees, legal counsel, agent, consultant, executive director, manager or the like by the Parking Authority Board shall be subject to the same ordinances, rules, obligations, restrictions or the like as any other board, commission or agency of city, including, but not limited to, city classification and compensation ordinance and procurement policies.

(Ord. O-07-18, passed 1-30-2018)

§ 32.025 REVENUES.

(A) As set forth in § 32.024 of this chapter, the Parking Authority, after paying all acquisition, lease, maintenance, administration and operation costs, anticipated it will generate surplus revenue.

(B) During the approval of the Parking Authority's budget, this revenue shall be budgeted to be remitted to the city on the following condition: the amount to be remitted maintains ample reserves pursuant to guidance from the Parking Authority's Auditor and/or Bond Counsel.

(Ord. O-07-18, passed 1-30-2018)

§ 32.026 AUDIT.

The Parking Authority shall yearly have an independent audit performed. The legislative body of the city can waive this requirement, in writing.

(Ord. O-07-18, passed 1-30-2018)

§ 32.027 GOVERNANCE.

(A) Upon creation, the Commissioners of the Parking Authority shall adopt bylaws and rules and regulations as are necessary for governing the Parking Authority.

(B) The Parking Authority Board shall have full powers to make bylaws and rules for the regulation and management of the affairs of the Parking Authority not inconsistent with the provisions of the articles of incorporation and the laws of the commonwealth and the city and this subchapter.

(Ord. O-07-18, passed 1-30-2018)

HUMAN RIGHTS COMMISSION

§ 32.040 DECLARATION OF POLICY.

The city desires to implement a policy to protect all individuals within the city from discrimination in certain contexts because of disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation, gender identity, familial status, marital and/or parental status and place of birth. Certain practices must be prohibited within the areas of employment, housing, public accommodations, resort or amusement as necessary to protect an individual's personal dignity and ensure freedom from humiliation; to make available to the city all full productive capacities; to secure the city against strife and unrest which would menace its democratic institutions; and to preserve the public safety, health and general welfare.

(1984 Code, §§ 32.08, 37.01) (Ord O-31-98, passed 7-21-1998; Ord. O-20-03, passed 4-29-2003)

§ 32.041 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. These definitions shall be superseded by KRS 344.010(4) and KRS 344.030(1) and applicable federal and state law that may be in effect at the time of a violation.

AGE. Age 40 years and over.

ANCESTRY. The national origin of an individual's ancestors.

CANVASSING. Includes door-to-door solicitation by the use of circular advertisements or any other means where the

canvasser or his or her employer has not been requested by the owner to obtain a listing of any housing accommodation or to confer with the owner regarding a transaction involving a housing accommodation.

COLOR. The hue or pigmentation of the human skin that distinguishes individuals as being members of a particular race or races.

COMMISSION. The city's Human Rights Commission.

COMMISSIONER. A member of the Human Rights Commission.

DISABLED INDIVIDUAL. Any person who:

(1) Has a physical or mental impairment that substantially limits one or more of the person's major life activities:

(a) ***MAJOR LIFE ACTIVITIES*** means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working; and

(b) ***SUBSTANTIALLY LIMITS*** means unable to perform a major life activity that the average person in the general population can perform; or significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner or duration under which the average person in the general population can perform that same major life activity.

(2) Has a record of the impairment; or

(3) Is regarded as having an impairment but the term does not include current, illegal use of or addiction to a controlled substance as defined in § 102 of the Controlled Substances Act (21 U.S.C. § 802).

DISCRIMINATION. Any direct or indirect act or practice of exclusion, restriction, segregation, limitation, refusal, denial or any other act or practice of differentiation or preference in the treatment of a person or persons, or the aiding, abetting, inciting, coercing or compelling thereof made unlawful under this chapter.

EMPLOYEE. Any person employed by an employer, but not including an individual employed by his or her parents, spouse or child, or an individual employed to render services as a nurse, domestic or personal companion in the home of the employer.

EMPLOYER. Any person who has eight or more employees in each of four or more calendar weeks in the current or preceding calendar year, and any agent of such person.

EMPLOYMENT AGENCY. Any person regularly undertaking, either with or without compensation, to procure employees for an employer or to procure for employees opportunities to work for an employer and includes any agent of such person.

FAMILIAL STATUS.

(1) One or more individuals who have not attained the age of 18 years being domiciled with:

(a) A parent or another person having legal custody of the individual or individuals; or

(b) The designee of the parent or other person having such custody, with the written permission of the parent or other person.

(2) The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

FINANCIAL INSTITUTION. Any person, as defined herein, engaged in the business of lending money or guaranteeing losses.

GENDER IDENTITY. Manifesting an identity not traditionally associated with one's biological maleness or femaleness.

HOUSING ACCOMMODATION.

(1) Any parcel or parcels of real property or lands, or any interest therein, whether contiguous or non-contiguous, located in the city, used for the building of one or more housing or rooming units or for mobile homes or mobile home parks owned by or otherwise subject to the control of one or more persons;

(2) Any real property, including vacant land intended for sale or lease, or any interest therein, located in the city; or

(3) Any single-family dwelling or multiple-family dwelling, or any portion thereof, including a housing unit or a rooming unit, or any interest therein, located in the city, which is used or occupied, or intended, arranged, assigned or designated to be used or occupied, as the home, homesite, residence or sleeping place of one or more persons.

HOUSING UNIT. A single room, suite of rooms or apartment, containing cooking and kitchen facilities, occupied or intended for occupancy as living quarters, by a person, a family or a group of persons living together.

LABOR ORGANIZATION. Any labor organization and an agent of such organization, including an organization of any kind, an agency or employee representation committee, group, association or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours or other terms or conditions of employment, and a conference, general committee, joint or system board or joint counsel so engaged, which is subordinate to a national or international labor organization.

MEMBER OF HIS OR HER FAMILY. The owner and his or her spouse and any son, daughter, parent or grandparent of the owner or his or her spouse.

MINOR CHILD. A person under 18 years of age.

NATIONAL ORIGIN. The country where a person was born or, more broadly, the country from which his or her ancestors came. ***NATIONAL ORIGIN*** includes natural texture and color of hair, hair styles and protective hair styles, including, but not limited to, braids, locks, twists and coverings, related to a person's place of birth or ancestry. (Note: This subchapter is designed to prevent discrimination against people based upon ethnic distinctions commonly recognized at the time of discrimination. ***NATIONAL ORIGIN*** does not include the concept of United States regionalism.)

OWNER. A lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.

PERSON or ***INDIVIDUAL.*** An individual and any group of one or more natural persons such as, but not limited to, labor unions, joint apprenticeship committees, partnerships, associations, corporations, unincorporated organizations, mutual companies, joint-stock companies, trusts, legal representatives, trustees, trustees in bankruptcy, receivers, any individuals acting in a financial or representative capacity, either appointed by a court or otherwise, the city and county or any of its agencies, and any other legal, governmental or commercial entity, as well as a natural person or persons. ***PERSONS***, when applied to any of the foregoing, includes members, representatives, officers and directors.

PHYSICAL OR MENTAL DISABILITY. A physical or mental impairment that substantially limits one or more major life activities, a record of such impairment or being regarded having such impairment. The term excludes current use of alcohol or drugs or other disabilities that prevent a person from acquiring, renting or maintaining property, that would constitute a direct threat to the property or safety of others or that would prevent performance of job responsibilities.

PLACE OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT and ***EXEMPTION.*** Any place, store or other establishment, either licensed or unlicensed, which supplies goods or services to the general public or which solicits or accepts the patronage or trade of the general public or which is supported directly or indirectly by government funds; except that, a private club is not a ***PLACE OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT*** if its policies are determined by its members and its facilities or services are available only to its members and their bona fide guests. The exemptions to a ***PLACE OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT*** shall be the same as those contained in KRS 344.130.

PURCHASER. Includes any occupant, prospective tenant, assignee, prospective assignee, buyer or any other person seeking the right of ownership or possession, or any agent of any of these.

RACE. A subdivision of humankind having a relatively constant set of physical traits, such as color of skin and eyes, stature, natural texture and color of hair, hair styles and protective hair styles, including, but not limited to, braids, locks, twists and coverings, and so forth.

REAL ESTATE BROKER or ***REAL ESTATE SALESPERSON.*** An individual, whether licensed or not, who for a fee, commission, salary or other valuable consideration or who with the intention or expectation of receiving or collecting consideration, lists, sells, purchases, exchanges, rents or leases any housing accommodation, including options thereupon, or who negotiates, rents or leases any housing accommodation, including options thereupon, or who negotiates or attempts to negotiate such activities; or who advertises or holds oneself out as engaged in such activities; or who negotiates or attempts to negotiate a loan secured by a mortgage or other encumbrance on transfer of any housing accommodation or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby a person undertakes to promote the sale, purchase, exchange, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

REAL PROPERTY. Includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums and hereditaments, corporeal and incorporeal.

ROOMING UNIT. Any room or group of rooms forming a single, habitable unit used for living or sleeping, but which does not contain cooking and kitchen facilities.

SEXUAL ORIENTATION. An individual's actual or imputed heterosexuality, homosexuality or bisexuality.

(1984 Code, §§ 32.08, 37.02) (Ord O-31-98, passed 7-21-1998; Ord. O-20-03, passed 4-29-2003; Ord. O-23-20, passed 10-27-2020)

§ 32.042 HUMAN RIGHTS COMMISSION.

(A) The city's Human Rights Commission is established. The Commission shall consist of nine members appointed by the city's Board of Commissioners at a regular meeting for three-year terms, or a lesser term as necessary to stagger the terms, and shall include as much as practicable, members reflecting the various social, economic, ethic, racial and religious segments of the city.

(B) The Board of Commissioners may remove any member of the Human Rights Commission by majority vote for a conflict of interest violation, any other violation of applicable law, regulation or policy, non-attendance to duty, failure to attend three consecutive regularly scheduled meetings without a leave of absence approved by a majority of the Board or Commission, or any other cause.

(1984 Code, §§ 32.08, 37.03) (Ord O-31-98, passed 7-21-1998; Ord. O-20-03, passed 4-29-2003)

§ 32.043 FUNCTIONS OF THE HUMAN RIGHTS COMMISSION.

(A) The functions of the Human Rights Commission are to foster mutual respect and understanding and to create an atmosphere conducive to the promotion of amicable relations among all members of the city's community, to serve as a vehicle through which citizens can convey their suggestions on city policies with respect to social problems, to be sensitive to the social needs of citizens and to advise and assist the city government in relating human and social services to the needs of the city residents. It is also the responsibility of the Commission to use due diligence to enforce the provisions of this subchapter, to receive and investigate complaints of discrimination and to seek the elimination of injustice created by discriminatory practices.

(B) In addition to other tasks that the Board of Commissioners may assign to it, the Commission shall:

(1) Study, prepare and recommend to the Board of Commissioners and City Manager a plan for long- and short-range priorities and specific legislation or programs to alleviate problems of human rights including programs administered by the city to promote better human relations;

(2) Upon request of the Board of Commissioners or the City Manager, or upon its own initiative, advise the Board of Commissioners or City Manager on the social and human rights impact of proposals to be acted upon by the Board of Commissioners, or upon areas to which the Board of Commissioners' attention should be directed;

(3) Develop and conduct programs and activities, alone or in cooperation with government agencies or community groups, designed to increase good will among citizens of the city, eliminate discrimination and open new opportunities for all citizens in all phases of community life;

(4) Oversee and manage hearings and issue orders as provided for herein and in KRS 344.320;

(5) Advise, coordinate and consult with the City Manager on programs and activities concerning the city's departments and the Human Rights Ordinance and §§ 152.30 through 152.34 of this code of ordinances, and complement and assist those programs and activities;

(6) Conduct public hearings and inquire into incidents of division and conflict on issues of human rights and attempt to correct them by issuing public reports and recommending to appropriate agencies, public and private, implementation of actions necessary or helpful to eliminate such division and conflict;

(7) Consider, investigate, study and make recommendations regarding any contemplated or proposed action by any federal, state or municipal government, or any agency or instrumentality thereof that may have an effect on human rights in the community;

(8) Investigate complaints of discrimination in the areas of public accommodations, employment and housing outside of the jurisdiction of the state's Commission on Human Rights;

(9) Investigate complaints of discrimination by employees toward other employees and the public;

(10) Foster mutual respect and understanding and create an atmosphere conducive to the promotion of peaceable relations among all members of the city;

(11) Study and document the effects of discrimination on the quality of life in the county and the city;

(12) Compile regular reports on Commission functions and activities which must be submitted to the City Manager;

(13) Conduct regularly scheduled meetings to discuss Commission business; and

(14) Initiate actions in Circuit Court or a court of competent jurisdiction to enforce the terms of its remedial orders.

(C) In addition to other tasks that the Human Rights Commission may pursue, the Commission may:

(1) Conduct training, workshops and seminars on discrimination, sexual harassment, fair housing issues, the Americans with Disabilities Act, being 42 U.S.C. §§ 12101 et seq., and education;

(2) Participate in community activities, such as Covington Housing Fair, Oktoberfest and the like, to educate the public about the role of the Human Rights Commission; and

(3) Accept gifts or bequests, grants or other payments, public or private, to help finance its activities.

(1984 Code, §§ 32.08, 37.04) (Ord O-31-98, passed 7-21-1998; Ord. O-20-03, passed 4-29-2003; Ord. O-02-22, passed 2-22-2022)

§ 32.044 UNLAWFUL PRACTICES IN SALE OR RENTAL OF PROPERTY.

In connection with any of the transactions set forth in this section, which affect any housing accommodation on the open market, or in connection with any public sale, purchase, exchange, rental or lease of any house accommodation, it shall be a prohibited, unlawful practice for a person, owner, financial institution, real estate broker, real estate salesperson or any representative of the above to:

(A) Refuse to sell, purchase, exchange, rent or lease, or otherwise deny to or withhold any housing accommodation from

a person because of his or her disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation, gender identity, familial status, marital and/or parental status and place of birth;

(B) Discriminate against a person because of that person's disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation, gender identity, familial status, marital and/or parental status and place of birth in the terms, conditions or privileges of the sale, purchase, exchange, rental or lease of any housing accommodation or in the furnishing of facilities or services in connection therewith;

(C) Refuse to receive or transmit a bona fide offer to sell, purchase, exchange, rent or lease any housing accommodation from or to a person because of his or her disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation, gender identity, familial status, marital and/or parental status and place of birth;

(D) Refuse to negotiate for the sale, purchase, exchange, rental or lease of any housing accommodation to a person because of his or her disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation, gender identity, familial status, marital and/or parental status and place of birth;

(E) Represent to a person that any housing accommodation is not available for inspection, sale, purchase, exchange, rental or lease when in fact it is so available, or to refuse to permit an individual to inspect any housing accommodation because of his or her disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation, gender identity, familial status, marital and/or parental status and place of birth;

(F) Print, circulate, post, mail or cause to be printed, circulated, posted or mailed any notice, statement or advertisement, or to announce a policy or to sign or to use a form of application for the sale, purchase, exchange, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, exchange, rental, lease or financing of any housing accommodation, which indicates, directly or indirectly, any discrimination or any intent to discriminate as it relates to a person's disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation, gender identity, familial status, marital and/or parental status and place of birth;

(G) Offer, solicit, accept or use a listing of real property for sale, purchase, exchange, rental or lease with the understanding that an individual may be subjected to discrimination in connection with such sale, purchase, exchange, rental or lease, or in the furnishing of facilities or services in connection therewith because of his or her disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation, gender identity, familial status, marital and/or parental status and place of birth;

(H) To induce, directly or indirectly, or attempt to induce, directly or indirectly, the sale, purchase, exchange, rental or lease or the listing for any housing accommodation by representing that the presence or anticipated presence of persons of any particular disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation, gender identity, familial status, marital and/or parental status and place of birth in the area to be affected by such sale, purchase, exchange, rental or lease will or may result in:

(1) The lowering of property values in the area;

(2) An increase in criminal or antisocial behavior in the area; or

(3) A decline in the quality of the schools serving the area.

(I) Make any misrepresentations concerning the listing for sale, purchase, exchange, rental or lease or the anticipated listing for any of the above, or the sale, purchase, exchange, rental or lease of any housing accommodation in any area in the city for the purpose of inducing or attempting to induce any such listing or any of the above transactions;

(J) Place a sign purporting to offer for sale, purchase, exchange, rental or lease any housing accommodation that is not, in fact, so offered;

(K) Advertise for sale, purchase, exchange, rental or lease any housing accommodation which is non-existent or which is not actually being offered;

(L) Engage in, hire to be done or to conspire with others to commit threats or acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play on fear with the purpose of either discouraging or inducing or attempting to induce the sale, occupancy, purchase, exchange, rental or lease, or the listing for any housing accommodation;

(M) To retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this subchapter, or because he or she has filed a complaint, testified, assisted or participated in any manner in an investigation, proceeding, hearing or conference under this chapter;

(N) To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this subchapter, or to obstruct or prevent any person from complying with the provisions of this subchapter;

(O) To obstruct or prevent a person from complying with the provisions of this subchapter, or any order issued thereunder;

(P) To resist, prevent, impede or interfere with the Human Rights Commission or any of its members or representatives or a hearing officer in the lawful performance of his, her, its or their duty under this subchapter;

(Q) To, by canvassing, do any of the unlawful practices prohibited by this chapter;

(R) To otherwise deny to or withhold any housing accommodation from a person because of his or her disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation, gender identity, familial status, marital and/or parental status and place of birth; or

(S) To fail to reasonably accommodate a disabled person as required by the Federal Fair Housing Act, as amended, being 42 U.S.C. §§ 3601 et seq., and other state and federal law, as amended.

(1984 Code, §§ 32.08, 37.05) (Ord O-31-98, passed 7-21-1998; Ord. O-20-03, passed 4-29-2003)

§ 32.045 HOUSING EXEMPTIONS.

The provisions of this subchapter, which prohibit discriminatory housing practices, other than the prohibition of discriminatory advertising, shall not apply to:

(A) The rental or lease of any housing accommodations in a building which contains not more than two families living independently of each other, if the owner or a member of his or her family resides in one of the housing accommodations;

(B) The rental or lease of any rooming units in a housing unit, if the owner or a member of his or her family resides in the housing unit;

(C) The rental or lease of any rooming units in a house in which the owner of the entire house or member of his or her family resides;

(D) A religious organization, association or society or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, which limits the sale, lease, rental, occupancy, assignment or sublease of housing accommodation that it owns or operates for other than commercial purposes to persons of the same religion, or from giving preference to those persons, unless membership in the religion is restricted on account of race, color or national origin; nor shall anything in this subchapter prohibit a private club not in fact open to the public that, as an incident to its primary purpose or purposes, provides lodging that it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of the lodging to its members or from giving preference to its members;

(E) A private individual homeowner disposing of his or her property through private sale without the aid of any real estate operator, broker or salesperson and without advertising or public display; except that, attorneys, escrow agents, abstractors, title companies and other professional assistance may be utilized as necessary to perfect or transfer the title;

(F) (1) Nothing in this subchapter limits the applicability of any reasonable local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling; nor does any provision in this title regarding familial status apply with respect to housing for older persons.

(2) As used in this section, ***HOUSING FOR OLDER PERSONS*** means housing:

(a) Provided under any program of a state or federal housing agency that is specifically designed and operated to assist elderly persons (as defined in the state or federal program);

(b) Intended for, and solely occupied by, persons 62 years of age or older; or

(c) Intended and operated for occupancy by at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under this division (F), state or federal housing agency regulations must require at least the following factors:

1. The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons;

2. At least 80% of the dwellings are occupied by at least one person 55 years of age or older per unit; and

3. The publication of, and adherence to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

(3) Housing shall not fail to meet the requirements for housing for older persons by reason of:

(a) Persons residing in such housing as of the date of enactment of this subchapter do not meet the requirements of applicable state, federal and local housing regulations; provided that, new occupants of such housing shall meet the age requirements of those regulations; or

(b) Unoccupied units; provided that, such units are reserved for occupancy by persons who meet the age requirements of applicable state, federal and local housing regulations.

(G) Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(1984 Code, §§ 32.08, 37.06) (Ord O-31-98, passed 7-21-1998; Ord. O-20-03, passed 4-29-2003)

§ 32.046 UNLAWFUL PRACTICES IN PUBLIC ACCOMMODATIONS.

(A) Except as otherwise provided herein, it is an unlawful practice for a person to deny a person the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of a place of pubic accommodation, resort or amusement, as defined in § 32.041 of this chapter, as a result of that person's disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation, gender identity, familial status, marital and/or parental status and place of birth, as defined herein.

(B) It is an unlawful practice for a person, directly or indirectly, to publish, circulate, issue, display or mail, or cause to be published, circulated, issued, displayed or mailed, a written, printed, oral or visual communication, notice or advertisement that indicates that the goods, services, facilities, privileges, advantages and accommodations of a place of public accommodation, resort or amusement will be refused, withheld or denied an individual on account of that person's disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation, gender identity, familial status, marital and/or parental status and place of birth, as defined herein, or that patronage of, or presence at, a place of public accommodation, resort or amusement, of an individual, on account of that person's disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation, gender identity, familial status, marital and/or parental status and place of birth, as defined herein, is objectionable, unwelcome, unacceptable or undesirable.

(C) (1) It shall be an unlawful practice to deny an individual, because of disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation, gender identity, familial status, marital and/or parental status and place of birth, as defined herein, the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of a restaurant, hotel, motel or any facility supported directly or indirectly by government funds.

(2) The provisions of this division (C) shall not apply to:

(a) Restrooms, shower rooms, bathhouses and similar facilities, which are, by their nature, distinctly private;

(b) YMCA, YWCA and similar dormitory-type lodging facilities;

(c) The exemptions contained in the definitions of***PLACE OF PUBLIC ACCOM- MODATIONS, RESORT*** or ***AMUSEMENT*** set forth in §32.041 of this chapter; or

(d) Hospitals, nursing homes, jails, penal or similar facilities, to require that men and women be in the same room.

(1984 Code, §§ 32.08, 37.07) (Ord O-31-98, passed 7-21-1998; Ord. O-20-03, passed 4-29-2003)

§ 32.047 UNLAWFUL PRACTICES IN EMPLOYMENT.

(A) (1) It is a prohibited, unlawful practice for an employer:

(a) To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his or her compensation, terms, conditions or privileges of employment because of such individual's disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation or gender identity, as defined herein; or

(b) To limit, segregate or classify employees in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his or her status as an employee because of the individual's disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation or gender identity.

(2) It is an unlawful practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of that person's disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation or gender identity or to classify or refer for employment any individual on the basis of that person's disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation or gender identity.

(B) It is an unlawful practice for a labor organization:

(1) To exclude or to expel from its membership or to otherwise discriminate against a member or applicant for membership because of that person's disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation or gender identity;

(2) To limit, segregate or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect one's status as an employee or as an applicant for employment because of such individual's disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation or gender identity; or

(3) To cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(C) It is an unlawful practice for any employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because of that person's disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation or gender identity in admission to or employment in any program established to provide such apprenticeship, training or retraining.

(D) It is an unlawful practice for any employer, labor organization or employment agency to print, publish or cause to be printed or published any notice, advertisement, classification or referral for employment imposing any limitation, preference or specification based on disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation or gender identity; except that, such notice, advertisement, classification, referral for employment may indicate such a limitation, preference or specification based on disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation or

gender identity when it is a bona fide occupational qualification for employment.

(E) Nothing herein shall be construed to prevent an employer from:

(1) Enforcing a written employee dress policy, or requiring an employee to dress in attire customarily worn by members of the employee's biological gender; or

(2) Designating appropriate restroom and shower facilities based on an employee's biological gender.

(1984 Code, §§ 32.08, 37.08) (Ord O-31-98, passed 7-21-1998; Ord. O-20-03, passed 4-29-2003) Penalty, see § 10.99

§ 32.048 EMPLOYMENT EXEMPTION.

(A) Notwithstanding any other provisions of this subchapter, it shall not be an unlawful practice for:

(1) An employer to hire and employ employees; or an employment agency to classify or refer for employment an individual; or a labor organization to classify its membership or to classify or refer for employment an individual; or for an employer, labor organization or joint labor- management committee controlling apprenticeship or other training or retraining programs to admit or employ an individual in any such program on the basis of his or her religion or national origin in those certain instances where religion or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business or enterprise;

(2) A religious corporation, association or society to employ an individual on the basis of his or her religion to perform work connected with the carrying on by such corporation, association or society of its religious activity;

(3) A school, college, university or other educational institution to hire and employ individuals of a particular religion, if the school, college, university or other educational institution is, in whole or substantial part, owned, supported, controlled or managed by a particular religion or by a particular religious corporation, association or society, or if the curriculum of the school, college, university or other educational institution is directed toward the propagation of a particular religion, and the choice of employees is calculated by such organization to promote the religious principles for which it is established or maintained;

(4) An employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, if the differences are not the result of an intention to discriminate because of disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation, gender identity, familial status, marital and/or parental status and place of birth, nor is it an unlawful practice for an employer to give and to act upon the results of any professionally developed ability test provided that the test, its administration, or action upon the results is not designed, intended or used to discriminate because of disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation, gender identity, familial status, marital and/or parental status and place of birth.

(B) The provisions of § 32.047 of this chapter in regard to sexual orientation or gender identity shall not apply to a religious institution, or to an organization operated for charitable or educational purposes, which is operated, supervised or controlled by a religious corporation, association or society.

(C) Any person who has eight or more employees in each of four or more calendar weeks in the current or preceding calendar year, and any agent of such person shall be subject to the provisions of this chapter; businesses with seven or less employees shall be exempt.

(1984 Code, §§ 32.08, 37.09) (Ord O-31-98, passed 7-21-1998; Ord. O-20-03, passed 4-29-2003)

§ 32.049 ENFORCEMENT.

(A) *Enforcement*.

(1) The City Manager may appoint a person to assist the Human Rights Commission to carry out any or all of the duties, obligations, rights or powers under the provisions of this subchapter. The job title shall be designated by the City Manager.

(2) The City Manager shall provide the Human Rights Commission with a monthly report of complaints received and the status of each complaint.

(3) Administration and enforcement of this subchapter shall be as follows.

(a) Any person claiming to be aggrieved by a violation of this chapter may, within 90 days of the alleged violation or within 30 days of the dismissal of a charge or complaint concerning the same matter by another governmental agency or state or federal court without a final judgment on the merits, whichever last occurs, file a written complaint under oath with the City Manager. The City Manager may designate an agent to fulfill the duties and procedures outlined herein.

(b) A person who has filed a complaint with the Human Rights Commission, and whose complaint is pending shall provide written notice to the Human Rights Commission within five business days of the filing of any complaint or charge on his or her behalf with another agency or state or federal court that seeks relief or damages for the same alleged violation(s) arising from the same transaction(s) or occurrence(s) upon which the person seeks relief hereunder. Upon receiving notice of the other charge or complaint, the Human Rights Commission shall have discretion to dismiss the complaint filed hereunder. The failure to provide such notice in a timely manner may result in the immediate dismissal of the complaint filed

herein. The complaint shall state:

1. The name and address (if known) of the alleged violator or facts sufficient to identify such person;

2. An outline of the material facts upon which the complaint is based;

3. The alleged violation;

4. Any conduct of the complainant was for the purpose of obtaining the housing, employment or public accommodation in question and not for the purpose of harassment or entrapment of the person against whom the complaint is made; and

5. A complaint concerning this same matter has not been filed with another agency or that any complaint concerning this matter filed with another agency has been dismissed by such agency without a final judgment on the merits.

(c) The City Manager shall furnish a copy of the complaint to the person against whom the complaint is made.

(d) Before conducting a full investigation of the complaint, the City Manager may attempt to negotiate a settlement of the dispute between the parties, if the City Manager deems that such an attempt is practicable.

(e) If the City Manager does not deem it practicable to attempt a pre-investigation settlement or if such settlement attempt is unsuccessful, the City Manager shall conduct an investigation to determine whether there is probable cause to believe the allegations of the complaint.

(f) If the City Manager determines that there is no probable cause, the City Manager shall dismiss the complaint. Written notice of the dismissal shall be served upon the complainant by U.S. mail, postage prepaid. The notice shall state that complainant or his or her designee may request a hearing before a hearing officer of the Human Rights Commission, in writing, within 14 days and shall include a hearing request form with instructions as to how to file that request.

(g) If the City Manager determines that there is sufficient basis in fact to support the complaint, the City Manager shall endeavor to eliminate the alleged violation by a conciliation agreement, signed by all parties and the City Manager, wherein the alleged violation is eliminated and the complainant is made whole to the greatest extent practicable.

(h) The City Manager shall furnish a copy of such signed conciliation agreement to the complainant and the person charged. The terms of the conciliation agreement may be made public, but no other information relating to any complaint, its investigation, or its disposition may be disclosed without the consent of the complainant and the person charged.

(i) A conciliation agreement need not contain a declaration or finding that a violation has in fact occurred.

(j) A conciliation agreement may provide for dismissal of the complaint without prejudice.

(k) The Human Rights Commission shall have discretion to approve, modify or reject the conciliation agreement. If the conciliation agreement is modified or rejected, any interested party shall be entitled to a request to pursue further reconciliation or other remedial action as provided herein.

(4) The City Manager shall have 30 days from the filing of the complaint to attempt to eliminate the alleged violation by conciliation agreement. In the event that either the complainant or the person or entity charged indicates an unwillingness to participate in the conciliation process or in the event that no conciliation process or no conciliation agreement has been reached within the time provided, the City Manager shall refer the complaint for hearing. The City Manager may continue attempts to reach a conciliation agreement after referral of the complaint for hearing.

(5) The City Manager shall set a date for a hearing and notify the complainant and the person or entity charged in writing at least ten days in advance of that hearing date.

(B) *Hearings*.

(1) A hearing officer shall be appointed by the City Manager to preside over the conduct of an administrative hearing and shall regulate the course of the proceedings in a manner that will promote the orderly and prompt conduct of the hearing. The hearing officers shall be attorneys licensed to practice law in the commonwealth.

(2) To the extent necessary for the full disclosure of all relevant facts and issues, a hearing officer shall afford all parties the opportunity to respond, present documentary or tangible evidence, conduct cross-examination and submit rebuttal evidence. The hearing officer shall supervise and determine what discovery will be appropriate, including, but not limited to, interrogatories, requests for production of documents and depositions.

(3) Any party to an administrative hearing may participate in person and/or be represented by counsel.

(4) If a party fails to attend or participate in a hearing, the hearing officer may adjourn the proceedings and issue a default order.

(5) Hearings shall be conducted in accordance with KRS 13B.080 and KRS 13B.090 unless otherwise provided herein.

(a) Notwithstanding the above, the hearing officer may receive additional evidence as he or she deems proper.

(b) Discovery of materials shall be completed at least 14 days prior to the hearing.

(c) The hearing officer shall receive only relevant and material evidence.

(d) All evidence shall be presented in the presence of the hearing officer.

(6) In an administrative hearing, findings of fact shall be based exclusively on the evidence in the record. The strict rules of evidence governing civil proceedings shall not apply; however, the hearing officer will abide by the general principles of evidence in an effort to conduct a rational and reasonable investigation to seek the truth of the matter. All findings of fact shall be based upon a preponderance of the evidence. The order of proof shall be that set forth in the state's rules of civil procedure. The hearing officer shall have the discretion to grant a continuance or continue a hearing in progress on a showing of good cause.

(7) All testimony shall be made under oath or affirmation. Any part of the evidence may be received in written form if doing so will expedite the hearing without substantial prejudice to the interests of any party or if such practice is authorized by statute. Any party shall have the right to inspect the documentary or tangible evidence relating to an administrative hearing either in person or by counsel. Copies of documentary evidence may be obtained upon the payment of a fee, except documents protected from disclosure by state or federal law.

(8) Objections to evidentiary offers may be made by any party and shall be noted in the record.

(9) A hearing officer may take official notice of any matter of which a court of the commonwealth may take such notice.

(10) The hearing officer may order the removal of a person who exhibits disruptive behavior that interferes with the proceedings.

(11) A hearing officer shall cause all testimony in a hearing to be accurate and completely recorded. Any person, upon request, may receive a copy of the recording. A hearing officer may prepare a transcript of a hearing upon request, but the party making the request shall be responsible for the cost thereof.

(12) Within a reasonable time after the conclusion of the hearing, the hearing officer shall issue a written order that shall include findings of fact, conclusions of law and final disposition of the hearing. A copy of the order shall be sent to each party, the City Manager and the Human Rights Commission.

(C) *Enforcement of orders.*

(1) Upon receipt of a written order from the hearing officer finding no violation of this subchapter, the Human Rights Commission shall enter an order dismissing the complaint. Upon receipt of a written order from the hearing officer finding a violation of this subchapter, the Human Rights Commission may issue one or more of the following orders:

(a) An order directing the person or entity found to have violated this subchapter to cease and desist from the discriminating practice;

(b) For three or more willful violations, an order suspending or terminating the occupational license of a person or entity found to have violated this subchapter. In determining whether to suspend or terminate a license under this section, the Human Rights Commission will consider equitable factors, including, but not limited to, the following potential mitigating factors: whether the owner of the business had knowledge of the violations; the time between the violations; whether corrective measures were undertaken; whether three or more violations occurred in connection with a single transaction or occurrence affecting multiple complaints from various parties; or whether the violations are discrete incidents that fail to indicate a systemic intent to discriminate;

(c) For three or more willful violations, an order suspending or terminating the license to operate residential rental property of a person or entity found to have violated this subchapter; and/or

(d) An order subjecting any person or entity found to have violated this chapter to civil penalties of not less than $100 or more than $250.

(2) Upon entering its order, the Human Rights Commission shall send a copy of its order to all parties to the complaint by U.S. mail, postage prepaid.

(D) *Appeals*.

(1) The orders of the Human Rights Commission, and the findings and conclusions upon which it was based, may be appealed to the county's Circuit Court within 30 days of the Commission's order.

(2) Any respondent or complainant aggrieved by an order of the Commission, or any complainant aggrieved by an order of dismissal of his or her complaint by the Commission, may obtain a review of such order in the Circuit Court by filing with the Clerk of Court, within 30 days after service on he or she of the order, a written petition praying that such order be modified or set aside, and by serving a duplicate copy of the petition on the Commission, the City Manager and the other parties to the complaint.

(E) *Enforcement by civil action*. The city may enforce the orders of the Human Rights Commission or the terms of any conciliation agreement by a civil action in a court of competent jurisdiction. Violations may be subject to abatement by restraining order or injunction. Such civil enforcement shall be in addition to any other penalty imposed by this code. The city shall be entitled to recover all court costs and reasonable attorney fees incurred by it in enforcing any provision of this chapter by civil action.

(1984 Code, §§ 32.08, 37.10) (Ord O-31-98, passed 7-21-1998; Ord. O-20-03, passed 4-29-2003)

§ 32.050 CONSEQUENCES OF DEFAULT.

(A) ***DEFAULT***, as used herein, is defined as:

(1) The failure of a respondent to appear at a hearing; and

(2) Any act, counsel, deliberate omission, communication, signal or the like, direct or indirect, made or done by a respondent or any of his or her agents or attorneys on his or her behalf, which:

(a) Induces or helps to induce a person other than the respondent to refrain from testifying before, discussing a matter with or misrepresenting any fact to the hearing officer, or to frustrate adjustments; or

(b) Frustrates or attempts to frustrate adjustments, or causes the misrepresentation of a fact to the hearing officer.

(B) Whenever the hearing officer decides by clear and convincing evidence that a default has occurred, it shall serve upon the respondent so charged an order of default against him or her. The making of such an order entitles the hearing officer to make findings of fact sustaining the averments of the complaint without resort to testimony.

(1984 Code, §§ 32.08, 37.11) (Ord O-31-98, passed 7-21-1998; Ord. O-20-03, passed 4-29-2003)

§ 32.051 FINDINGS OF FACT; CONCLUSIONS OF LAW.

(A) (1) Findings of fact and conclusions of law shall be made after all hearings have ended in a matter before the hearing officer and they shall be in the style prescribed in Rule 52.01 of the state's rules of civil procedure.

(2) Findings of fact made as a consequence to a default need merely recite the averments of the complaint are true because of the default.

(3) Conclusions of law must accompany findings of fact made upon a default.

(B) (1) Based upon the findings of fact and conclusions of law, the hearing officer shall, as to each respondent, either recommend dismissal of the complaint on the merits or refer the matter to the Commission to issue an order to the respondent to cease and desist from the prohibited discriminatory practice or practices and take such affirmative action as detailed in KRS 344, Title VIII of the Federal Civil Rights Act, as amended, or this subchapter, as the Commission deems necessary to remedy the violation and to prevent its continuation or recurrence.

(2) All Commission orders made under these rules shall be served upon each claimant and respondent affected by the order.

(1984 Code, §§ 32.08, 37.12) (Ord O-31-98, passed 7-21-1998; Ord. O-20-03, passed 4-29-2003)

§ 32.052 FURTHER REMEDY.

(A) In addition to any remedial order or civil penalty, if the Commission finds that any person has committed an unlawful practice with regard to housing, as defined in this subchapter, it may subject such person to a fine not greater than civil penalties established by the Federal Fair Housing Act in § 812. The Commission may, if such person refuses to pay the fine, file an action in the county's Circuit Court for the collection thereof.

(B) If a real estate broker, a real estate salesperson, or an employee thereof has failed to comply with any order issued by the Commission, or has been found to have committed an unlawful housing discrimination practice in violation of this chapter, the Commission shall so notify in writing the Real Estate Commission of the commonwealth.

(1984 Code, §§ 32.08, 37.13) (Ord O-31-98, passed 7-21-1998; Ord. O-20-03, passed 4-29-2003)

§ 32.053 OBSTRUCTION AND RETALIATION.

(A) It shall be a prohibited, unlawful practice for any person:

(1) To retaliate in any manner against a person because he or she has opposed a practice declared unlawful by this chapter or because he or she has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference before the City Manager, hearing officer or Commission under this subchapter;

(2) To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this subchapter or to obstruct or prevent any person from complying with the provisions of this subchapter;

(3) To obstruct or prevent a person from complying with the provisions of this subchapter, or any order of the Commission issued thereunder; or

(4) To resist, prevent, impede or interfere with the City Manager, the hearing officer or the Commission or any of its members or representatives in the lawful performance of his, her, its or their duty under this subchapter.

(B) Complaints filed with the Commission under this section shall be processed in conformity herewith.

(C) This section shall not be construed to impose individual or personal liability on owners, supervisors or employees in the event of alleged employment discrimination or retaliation.

(1984 Code, §§ 32.08, 37.14) (Ord O-31-98, passed 7-21-1998; Ord. O-20-03, passed 4-29-2003)

§ 32.054 FRIVOLOUS CONDUCT.

(A) (1) It shall be a violation of this chapter for a party to engage in frivolous conduct.

(2) ***FRIVOLOUS CONDUCT*** shall mean conduct that serves to harass or maliciously injure another party, such as, but not limited to, filing a false or misleading claim or defense; or filing a complaint or asserting a defense that is not warranted under existing law and that cannot be supported by a good faith argument for an extension, modification or reversal of existing law.

(B) Upon a finding by a hearing officer or a court that frivolous conduct has occurred, the hearing officer or court may award reasonable attorney's fees and costs to the Human Rights Commission and/or the non-violating party against the party who has engaged in such frivolous conduct.

(1984 Code, §§ 32.08, 37.15) (Ord O-31-98, passed 7-21-1998; Ord. O-20-03, passed 4-29-2003)

DEVOU PARK ADVISORY COMMITTEE

§ 32.065 PURPOSE.

The Devou Park Advisory Committee ("DPAC") is established by ordinance. DPAC's purpose is to provide information and advice to the city's Board of Commissioners and administration about how to manage Devou Park's resources, facilities, capital improvements and activities.

(1984 Code, § 38.01) (Ord. O-10-10, passed 3-30-2010; Ord. O-09-11, passed 6-28-2011)

§ 32.066 RECORDS.

DPAC shall keep minutes of its meetings and maintain records related to its business affairs.

(1984 Code, § 38.02) (Ord. O-10-10, passed 3-30-2010; Ord. O-09-11, passed 6-28-2011)

§ 32.067 MEETINGS.

DPAC shall meet at least once each month.

(1984 Code, § 38.03) (Ord. O-10-10, passed 3-30-2010; Ord. O-09-11, passed 6-28-2011)

§ 32.068 DPAC MEMBERS.

(A) *Make-up of DPAC.* DPAC shall consist of: 12 voting members; six ex officio non-voting members; and one institutional voting member.

(1) The six ex officio members shall provide information and advice to DPAC.

(2) The six ex officio members include: Covington Parks and Recreation Manager or other appropriate staff member; representative of the Children's Home of Northern Kentucky; two representatives of the William P. Devou Trust; representative of the Devou Golf and Event Center; and a representative from the Devou Park Trail Collective. The ex officio members are appointed by their respective entities' governing bodies.

(3) The institutional voting member will be a representative of the Behringer-Crawford Museum who is appointed by the museum's governing board.

(B) *Terms.* The voting members' terms shall be for three years. The terms shall be staggered so that four voting members shall be appointed each year to serve three-year terms.

(C) *Appointment.* The Mayor will nominate the voting members of DPAC subject to the approval of the Board of Commissioners.

(D) *Removal.* A member may be removed by the Board of Commissioners for inefficiency, neglect of duty, failure to attend meetings, malfeasance or conflict of interest.

(E) *Officers.* DPAC shall annually nominate and select a Chairperson, Vice Chairperson and a Secretary.

(1) *Election of officers.* At the annual meeting, the Committee shall elect from its membership the following officers who shall serve in said capacity for two years from the date of election and until their respective successors have been duly elected: Chair; Vice-Chair; and Secretary. Officers may serve two consecutive terms in each of the above listed positions.

(2) *Special elections.* In the event a vacancy shall occur in any of the said offices, for any reason, an election may be held at any regular or special meeting to select a replacement. Notice of such election shall be given in the notice of call of the meeting.

(F) *Bylaws.* DPAC shall adopt bylaws.

(1984 Code, § 38.04) (Ord. O-10-10, passed 3-30-2010; Ord. O-26-10, passed 8-17-2010; Ord. O-09-11, passed 6-28-2011; Ord. O-38-18, passed 10-9-2018)

URBAN FORESTRY BOARD

§ 32.080 CREATION AND ESTABLISHMENT.

There is hereby created and established an Urban Forestry Board for the city, which shall consist of 13 members, who are citizens and residents of the city, and who shall serve without compensation. Board members shall be appointed by the Mayor and approved by the City Commission. The Urban Forestry Board exists solely in an advisory capacity and shall not have authority to make final decisions. In addition, the Urban Forester shall serve as a liaison of the Board.

(1984 Code, §§ 32.19, 94.54) (Ord. O-2-04, passed 1-20-2004; Ord. O-50-06, passed 10-17-2006; Ord. O-19-20, passed 8-25-2020)

§ 32.081 REPRESENTATION.

To the extent practical, representation shall reflect the social and geographic diversity of the city. Five members shall demonstrate an interest in conservation or urban forestry, and shall have a background in forestry, arboriculture, horticulture, landscape architecture or city planning.

(1984 Code, §§ 32.19, 94.54) (Ord. O-2-04, passed 1-20-2004; Ord. O-50-06, passed 10-17-2006; Ord. O-19-20, passed 8-25-2020)

§ 32.082 TERMS.

Board members shall serve three-year terms, except that the term of five initial members appointed to the Board shall be only one year and the term for five members of the initial Board shall be for two years. Members may serve successive terms. In the event that a Board member vacates his or her term, a successor shall be appointed for the unexpired portion of that term. The Mayor and City Commissioners, by majority vote, may remove any appointed member from the Board prior to the expiration of their term, with or without cause.

(1984 Code, §§ 32.19, 94.54) (Ord. O-2-04, passed 1-20-2004; Ord. O-50-06, passed 10-17-2006; Ord. O-19-20, passed 8-25-2020)

§ 32.083 FUNCTIONS.

The Urban Forestry Board shall:

(A) Hold regular meetings as it deems necessary. A majority of the Board shall constitute a quorum for the purpose of transacting the business of the Board;

(B) Elect a Chair, Vice-Chair, Treasurer and a secretary thereof, as soon as practical after the time of the annual appointment of members to the Board; and

(C) Make its own bylaws not inconsistent with this subchapter, and keep a record of its proceeding in accordance with the state's Open Meetings requirements, which shall be provided to the City Clerk upon approval.

(1984 Code, §§ 32.19, 94.54) (Ord. O-2-04, passed 1-20-2004; Ord. O-50-06, passed 10-17-2006; Ord. O-19-20, passed 8-25-2020)

§ 32.084 RESPONSIBILITIES.

The Urban Forestry Board shall:

(A) Promote the goals of the Urban Forest Program, including the value, protection, management and the enhancement of the urban forest resources of the city;

(B) Advise and assist the Urban Forester in:

(1) Developing and updating the Urban Forestry Master Plan (UFMP);

(2) Developing and periodically updating the city's Urban Forestry Best Management Practices;

(3) Advising the city on project plans for publicly sponsored developments, civic improvements and changes to the public right-of-way which involve or impact the urban forest;

(4) Developing and conducting educational and outreach urban forest programs for the public;

(5) Seeking grants for the city's Urban Forest Program;

(6) Recommending tree planting and maintenance programs for the trees, shrubs and other plants under the city's jurisdiction: and

(7) Developing and implementing the Landmark Tree Program.

(C) Advising and assisting the City Commission and city departments on issues related to urban forestry concerns; and

(D) Advising and assisting with the development of legislation and policies that affect the city's urban forest.

(1984 Code, §§ 32.19, 94.54) (Ord. O-2-04, passed 1-20-2004; Ord. O-50-06, passed 10-17-2006; Ord. O-19-20, passed 8-25-2020)

OTHER ORGANIZATIONS

§ 32.095 ALCOHOLIC BEVERAGE CONTROL BOARD.

See § 112.09(I)(1) for regulations.

(1984 Code, § 32.02)

§ 32.096 BOARD OF EXAMINERS FOR POLICE AND FIREFIGHTERS.

See § 33.02 for regulations.

(1984 Code, § 32.03)

§ 32.097 BOARD OF TRUSTEES OF THE PENSION FUND.

See § 34.47 for regulations.

(1984 Code, § 32.05)

§ 32.098 CIVIL SERVICE BOARD.

Provisions regarding the Civil Service Board are contained in §34.16.

(1984 Code, § 32.06)

§ 32.099 FIRE DEPARTMENT.

Provisions regarding the Fire Department are contained in Chapter 33.

(1984 Code, § 32.07)

§ 32.100 POLICE DEPARTMENT.

Provisions regarding the Police Department are contained in Chapter 33.

(1984 Code, § 32.09)

§ 32.101 TRAFFIC DIVISION.

Provisions regarding the Traffic Division are contained in §70.16.

(1984 Code, § 32.11)

§ 32.102 BOARD OF ETHICS.

Provisions regarding the Board of Ethics are contained in Chapter 36.

(1984 Code, § 32.13)

§ 32.103 CODE ENFORCEMENT BOARD.

See § 92.16 for regulations.

(1984 Code, § 32.14)

§ 32.104 BOARD OF OCCUPATIONAL LICENSE APPEALS.

See § 110.13 for regulations.

§ 32.105 BOARD OF ARCHITECTURAL REVIEW AND DEVELOPMENT (BOARD).

The Urban Design Review Board and Board of Adjustment were combined to form the Board of Architectural Review and Development under the Neighborhood Development Code. See Appendix A, § 06.19.3 Board of Architectural Review and Development (City) for regulations contained in § 158.01.

§ 32.106 RENTAL LICENSING APPEALS BOARD.

Provisions regarding the Rental Licensing Appeals Board are contained in §124.35.

CHAPTER 33: POLICE AND FIRE DEPARTMENTS

Section

Appointments of Police and Firefighters

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Cross-reference:

Board of Examiners for Police and Firefighters, see § 32.096

Emergency Services, see Ch. 97

Officials and Employees, see Ch. 31

APPOINTMENTS OF POLICE AND FIREFIGHTERS

§ 33.01 DEFINITIONS.

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

APPOINTING AUTHORITY. The officer, commission, board or body having the power of appointment or removal in any office, department, commission, boards or institution.

BOARD OF EXAMINERS. The city's Board of Examiners for Police and Fire.

INITIAL PROBATIONARY PERIOD or ***PROBATIONARY PERIOD.*** A period of one year beginning on the first date that an appointee reports to work and ending on the one year anniversary date of that beginning date, or one year after the appointee completes his or her initial classroom training at Eastern Kentucky University or any other city- approved institution, whichever is later.

KENTUCKY CERTIFIED PEACE OFFICER. An applicant who is certified by the state's Law Enforcement Council under the peace officers professional standards and has not had a break in service for more than 12 consecutive months.

(1984 Code, § 33.01) (Ord. O-28-17, passed 11-28-2017)

§ 33.02 ADMINISTRATION.

(A) *Board of Examiners created.* There is established a Board of Examiners for Police Officers and Firefighters.

(B) *Composition of Board of Examiners; qualifications.*

(1) The Board of Examiners shall consist of three members, who shall be selected and appointed by the Board of Commissioners.

(2) At least two members of the Board of Examiners shall be qualified voters of the city and shall have resided therein for at least two years prior to their appointment, or have practiced their occupations or means of livelihood therein for at least

five years prior to their appointment. The third member may be an employee of the city's Human Resources Division with experience in the administration of examinations.

(3) The term of office for the Board of Examiners shall be three years, but the term of office of members initially appointed shall be staggered at one-, two- and three-year terms.

(C) *Termination of membership.* Members of the Board of Examiners shall serve until incapacitated or upon resignation. The term of any member of the Board of Examiners may be terminated by the Board of Commissioners at any time. Upon the death or resignation of any member of the Board of Examiners, or if any member of the Board of Examiners fails for as long as seven days after written notification of his or her appointment to send his or her written acceptance of the appointment to the Board of Commissioners, or becomes disabled or is disqualified, then within ten days from the date thereof, the Board of Commissioners shall appoint another member in place of the person dying, resigning, becoming disabled, disqualified or failing to notify of acceptance.

(D) *Compensation.* Each member of the Board of Examiners shall receive compensation for his or her services at a rate established by the Board of Commissioners.

(E) *Chairperson of Board; Clerk.*

(1) The Board of Examiners shall elect one of its members to serve as Chairperson.

(2) The Board of Examiners shall elect from its membership an individual to serve as Clerk of the Board of Examiners. The Clerk shall attend its meetings and maintain an office journal for the proceedings of the Board. If an employee of the city's Human Resources Division has been appointed to the Board of Examiners, he or she shall serve as Clerk of the Board of Examiners.

(F) *Meetings; quorum; signatures of Board.*

(1) The Board of Examiners shall hold stated periodical meetings at such times as it may prescribe by resolution and shall hold special meetings as the Chairperson or two members may call, upon reasonable notice.

(2) A majority of the Board of Examiners shall constitute a quorum.

(G) *Payment of expenses.* The necessary expenses incurred by the Board of Examiners shall, when approved in the manner provided for other city expenditures, be paid out of funds appropriated by the Police and Fire Departments.

(H) *Board of Examiners; duties.*The duties of the Board of Examiners shall consist of those set forth in the Covington Code of Ordinances or in any contract with IAFF Local 38 or Fraternal Order of Police Covington Lodge No. 1.

(I) *Human Resources Department; duties.* The City of Covington Human Resources Department shall examine all applicants for original appointments in the Police and Fire Departments and shall certify the results of each examination to the appointing authority in writing, signed by the Human Resources Director, within 14 days after completion of such examination.

(1984 Code, § 33.02) (Ord. O-28-17, passed 11-28-2017; Ord. O-03-23, passed 4-11-2023; Ord. O-17-23, passed 9-26-2023)

§ 33.03 POLICE OFFICER HIRING PROCEDURES.

(A) *Written examination processes.*

(1) *Application for examination.* An applicant for original appointment in the Police Department shall sign and complete a sworn application on a form to be prescribed by the City Manager or his or her designee. The application shall be filed with the City of Covington Human Resources Department.

(2) *Examinations.*

(a) Written examinations shall be administered in-person or online:

1. *In-person testing.* Whenever sufficient applications are on file, the Human Resources Department shall notify, in writing, each applicant whose application is on file, of the date, time and place of examination.

2. *Online testing.*

a. Upon learning of the availability of open police positions at the Covington Police Department, a candidate may request to take the written examination online through a testing company. This testing company will be approved by the Chief of Police and Director of Human Resources.

b. The candidate may be referred to the testing company by Human Resources or may take the test through the referral by the testing company.

c. The candidate is responsible for any fees associated with the online testing process.

d. Upon obtaining a passing score, the candidate will be placed on the Covington Police Department's eligibility list so long as an employment application has been filed by the applicant. The eligibility list will be maintained by the Human Resources Department.

e. If sufficient candidates have been added to the eligibility list, the Chief of Police, in coordination with Human Resources, may determine if online testing is by city referral only; in which case they will notify the testing company of this determination.

f. If a person has taken the written examination online and receives a passing score, that person may then submit his/her passing score as part of his/her application to the Human Resources Department.

(3) *Eligibility requirements.* At all examinations, applicants for original appointment to the Police Department who have filed their applications not less than five days prior to the examination shall be eligible for examination, but this requirement may be waived at the discretion of the Human Resources Director or designee for good cause shown or if the candidate is taking the written portion of the test online. In the case of a passing online test score, an employment application must be submitted to the city within ten business days. In addition to having filed an application, applicants must meet the following prerequisite requirements for the position of police officer:

(a) Be at least 21 years of age, as evidenced by a birth certificate presented;

(b) Be a citizen of the United States;

(c) Be an orderly, law-abiding citizen with no prior felony convictions;

(d) Be able to read, write and understand the English language;

(e) Be a high school graduate or possess a high school equivalency diploma;

(f) Possess a valid license to operate a motor vehicle;

(g) Not be prohibited by federal or state law from possessing a firearm;

(h) Have not had certification as a peace officer revoked in another state;

(i) If having served in any branch of the Armed Forces of the United States, not have received a dishonorable discharge, bad conduct discharge or general discharge under other than honorable conditions; and

(j) Satisfy any other criteria required by the City Commission.

(4) *Scope of examination.* Each applicant for original appointment to the Police Department shall take the written examination which provides an indication of the applicant's qualifications for the position of police officer. The written examination tests on subjects prescribed by the City Manager or his/her designee, Police Chief and Director of Human Resources.

(B) *Grading of examination; eligibility list.*

(1) *Required passing score.* The written test shall be given on a competitive basis. It shall be graded on a scale of 100 for the maximum possible attainment. An applicant must attain a score of 75 or higher on the written test before he or she will be deemed to have passed the examination and be placed on the eligibility list. Applicants not obtaining a score of 75 or above will be notified by mail. All applicants will be given an opportunity to review their own test and score, but the grade of any applicant shall not be disclosed to any other person, unless so legally authorized by the applicant.

(2) *Ranking.* After it has been determined which applicants have passed the test, the Human Resources Department and Chief of Police shall rank all applicants obtaining a score of 75 or above. In the case of any ties, the applicants are ranked by date of application, with the earlier applicant being placed ahead of others with the same score.

(3) *Certification and effectiveness.* The ranked list, including the applicant's name and grade, shall be certified by the Human Resources Department that all names thereon are eligible, in order of their rank, for probationary appointment to the Police Department. The certified eligibility list will be sent to the City Manager and copied to the City Commission upon request.

(4) *Removal from list.*

(a) In case the Human Resources Director and/or Chief of Police have reason to believe that any applicant whose name is on an eligibility list should be removed therefrom on account of incapacity developed subsequent to their examination, or fraud, or for false statement on their part, in connection with his or her application or examination, misconduct of any kind evidencing unfitness or lack of loyalty or lack of capacity for proper discipline, the appointing authority may give such applicant notice to show cause before the City Manager or designee why his or her name should not be dropped from the list.

(b) Each applicant at the time of his or her application and thereafter on any change of address, shall furnish an address to which any and all notices shall be sent to him or her. A delivery or a mailing of any notice addressed to the applicant at such address shall be deemed sufficient notice.

(c) The applicant shall be given an opportunity to be heard before the City Manager or designee. If the applicant fails to appear for a hearing or fails to show cause to the City Manager or designee that his or her name should be retained, his or her name shall thereupon be removed from the eligibility list.

(d) If the applicant raises an objection to a matter on the objective portion of the testing procedure, the City Manager or designee may refer the matter to the provider of the test or the Police Chief for an opinion as to the objection.

(C) *Appointments from eligibility list.*

(1) In making appointments from the eligibility list, applicants shall be considered in order of their average grade rank unless substantiated reason exists to do otherwise. Hiring of applicants with specialized skills or training shall constitute a substantiated reason.

(2) Prior to an offer of employment for the position of police officer, applicants must satisfy the following additional requirements:

(a) Meet at least one of the following education or experience qualifications:

I. Have obtained an Associate's Degree from an accredited college or university or equivalent hours while working toward a Bachelor's Degree with an average grade of "C" or above, or

II. Have an established work history of a minimum of two years, or

III. Have a minimum of 24 months of continuous active duty in the regular military service with an honorable discharge, or

IV. Have a minimum of two years of full-time continuous employment as a municipal, county or state police officer;

(b) Take and pass a physical agility exam consistent with the physical training standards established by the state's Law Enforcement Council and the state's Department of Criminal Justice;

(c) Take and pass a psychological suitability screener examination and, if necessary, any additional psychological examination performed by a licensed psychologist;

(d) Submit to and successfully complete polygraph testing;

(e) Sit for an oral interview with the hiring authority;

(f) Submit to and pass an investigation of character, including fingerprinting for a criminal background check, and which may include investigation into educational background, past employment history, personal background, credit standing, criminal records and any other relative information discovered during the course of investigation which might relate to the applicant's qualifications; and

(g) Be willing to undergo and successfully complete thorough medical examinations, including physical and drug testing.

(3) The order of the tests shall be determined by the Department. These tests and evaluations shall be conducted and under control of the hiring department. The costs of these tests shall be paid by the city.

(4) The report of the Chief of Police shall be made to the Mayor and City Manager and shall be given due consideration before the original appointment of the applicant is made.

(D) *Appointees; probationary period; disciplinary action; powers and duties.*

(1) All appointments from the Police Department eligibility list shall be for an initial probationary period of one year as defined in § 33.01 of this chapter. During the one-year probationary period, the candidate shall be an appointee to the Police Department. No appointee shall be deemed a member of the Police Department until the appointee has satisfactorily served the one-year probationary period. After successfully completing one year of service, the appointee shall become a permanent member of the Police Department and, therefore, a member of the Police Department entitled to the procedures of KRS 95.450.

(2) Until the one year probationary period has elapsed, the appointment shall be conditional, at the discretion of the Police Chief. As such, the appointee shall not be entitled to the discipline procedures of KRS 95.450. At any time during the appointee's probationary period, he or she may be summarily removed by the Police Chief.

(3) Notwithstanding the foregoing, an appointee to the Police Department during the applicable probationary period shall have the powers and duties of a member of the Police Department.

(E) *Residency.* The residency of police officers is controlled by state law. (See KRS 15.335.)

(F) *Reappointment after separation.*

(1) Any person who has successfully completed his or her probationary period and subsequently ceased working for the Police Department, for reasons other than dismissal or retirement, may be re-employed by the Police Department if the person requests reappointment, in writing, to the Police Chief. The person shall be eligible for reinstatement for a period of one year following his or her separation from the Police Department, and shall be reinstated only:

(a) With the approval of the appointing authority;

(b) Upon favorable recommendation of the Police Chief and the City Manager or his designee; and

(c) Upon the successful completion of all standard prevailing preemployment examinations, with the exception of the written examination.

(2) Notwithstanding the foregoing, if this provision conflicts with the terms of the current working agreement with the

Fraternal Order of Police Covington Lodge No. 1, then the terms of the working agreement shall apply to reappointment of police officers.

(3) The intent of this division (F) is to permit the city to re-employ a trained officer without utilizing the eligibility list utilized in other initial appointments.

(G) *Lateral transfer of state-certified peace officer.*

(1) The city may employ any applicant who is a state-certified peace officer; provided, the applicant submits to the city a copy of the peace officer professional standards certification issued by the state's Law Enforcement Counsel with the application.

(2) Prior to appointment, applicants for employment through lateral transfer must satisfy the following conditions:

(a) Be a citizen of the United States;

(b) Possess a valid license to operate a motor vehicle;

(c) Submit to and pass an investigation of character, including fingerprinting for a criminal background check, and which may include investigation into educational background, past employment history, personal background, credit standing, criminal records and any other relative information discovered during the course of investigation which might relate to the applicant's qualifications;

(d) Be an orderly, law-abiding citizen with no prior felony convictions;

(e) Not be prohibited by federal or state law from possessing a firearm;

(f) If having served in any branch of the Armed Forces of the United States, not have received a dishonorable discharge, bad conduct discharge or general discharge under other than honorable conditions;

(g) Have received and read the state law enforcement officer's Code of Ethics;

(h) Sit for an oral interview with the hiring authority;

(i) Have not had certification as a peace officer permanently revoked in another state;

(j) Submit to and successfully complete polygraph testing; and

(k) Undergo and successfully complete thorough medical examinations, including physical and drug testing.

(3) The intent of this division (G) is to permit the city to employ a qualified, trained police officer without utilizing the eligibility list utilized in initial appointments.

(1984 Code, § 33.03) (Ord. O-28-17, passed 11-28-2017; Ord. O-23-22, passed 11-29-2022; Ord. O-17-23, passed 9-26-2023)

§ 33.04 FIREFIGHTER HIRING PROCEDURES.

(A) *Examination process.*

(1) *Application for examination.* An applicant for original appointment in the Fire Department shall sign and complete a sworn application on a form to be prescribed by the City Manager or his or her appointee. The application shall be filed with the City of Covington Human Resources Department.

(2) *Examinations.* Each applicant for original appointment to the Fire Department shall take a written examination which provides an indication of the applicant's qualifications to be a Fire Department recruit.

(a) Written examinations shall be administered in-person or online:

1. *In-person testing.* Whenever sufficient applications are on file, the Human Resources Department shall notify, in writing, each applicant whose application is on file, of the date, time and place of examination.

2. *Online testing.*

a. Upon learning of the availability of open Fire Department positions at the Covington Fire Department, a candidate may request to take the written examination online through a testing company. This testing company will be approved by the Fire Chief and Director of Human Resources.

b. The candidate may be referred to the testing company by Human Resources or may take the test through the referral by the testing company.

c. The candidate is responsible for any fees associated with the online testing process.

d. Upon obtaining a passing score, the candidate will be placed on the Covington Fire Department's eligibility list so long as an employment application has been filed by the applicant. The eligibility list will be maintained by the Human Resources Department.

e. If sufficient candidates have been added to the eligibility list, the Fire Chief, in coordination with Human Resources, may determine if online testing is by city referral only; in which case they will notify the testing company of this

determination.

f. If a person has taken the written examination online and receives a passing score, that person may then submit his/her passing score as part of his/her application to the Human Resources Department.

(3) *Eligibility requirements.* At all examinations, applicants for original appointment to the Fire Department who have filed their applications not less than five days prior to the examination shall be eligible for examination, but this requirement may be waived at the discretion of the Human Resources Director or designee for good cause shown or if the candidate is taking the written portion of the test online. In the case of a passing online test score, an employment application must be submitted to the city within ten business days. In addition to having filed an application, applicants must meet the following prerequisite requirements for employment with the Fire Department:

(a) Be at least 21 years of age, as evidenced by a birth certificate presented;

(b) Be a citizen of the United States;

(c) Be an orderly, law-abiding citizen with no prior felony convictions;

(d) Be a person of sobriety and integrity;

(e) Be able to read, write and understand the English language;

(f) Be a high school graduate or possess a high school equivalency diploma;

(g) Have a valid state motor vehicle operator's license; and

(h) Not have had an EMT license revoked in another state.

(4) *Required passing score.* An applicant must attain a minimum score of 75 or higher before he or she will be deemed to have passed the written examination and be eligible for the oral interview. Applicants not obtaining a score of 75 or above will be notified by mail. All applicants will be given an opportunity to review their own tests and scores, but the grade of any applicant shall not be disclosed to any other person, unless so legally authorized by the applicant.

(5) *Oral interview.* Applicants for original appointment to the Fire Department shall be subject to an oral interview which provides an indication of the

applicant's qualifications to be a Fire Department recruit. The oral interview will be conducted after the above mentioned written examination has been administered. An applicant's written examination score determines the applicant's eligibility for an interview and applicants with the highest scores will be interviewed first. If the applicant fails to appear for his or her interview after due notice has been given, he or she shall be deemed to have withdrawn his or her application.

(B) *Grading of examinations; eligibility list.*

(1) *Scoring.* The written examination and oral interview shall be given on a competitive basis. Each testing component is scored and assigned a weight to be used in determining the applicants overall score and placement on the eligibility list. The relative weight of the written examination is 50% and the relative weight of the oral interview is 50%. The two grades will be combined and totaled and the applicant will be rated on a scale of 100 for the maximum possible attainment.

(2) *Ranking.* An applicant's overall combined score determines his or her rank on the eligibility list. After it has been determined which applicants have passed the tests, the Human Resources Department and Fire Chief shall rank all applicants obtaining a score of 75 or above. In the case of any ties, the applicants are ranked by date of application, with the earlier applicant being placed ahead of others with the same score.

(3) *Certification and effectiveness.* The ranked list, including the applicant's name and grade, shall be certified by the Human Resources Department that all names thereon are eligible, in order of their rank, for probationary appointment to the Fire Department. The certified eligibility list will be sent to the City Manager and copied to the City Commission upon request.

(4) *Removal from list.*

(a) In case the Human Resources Department or Fire Chief have reason to believe that any applicant whose name is on an eligibility list should be removed therefrom on account of incapacity developed subsequent to their examination, or fraud, or for false statement on their part, in connection with their application or examination, misconduct of any kind evidencing unfitness or lack of loyalty or lack of capacity for proper discipline, the appointing authority may give such applicant notice to show cause before the City Manager or designee why his or her name should not be dropped from the list.

(b) Each applicant at the time of his or her application, and thereafter on any change of address, shall furnish an address to which any and all notices shall be sent to him or her. A delivery or a mailing of any notice addressed to the applicant at such address shall be deemed sufficient notice.

(c) The applicant shall be given an opportunity to be heard before the City Manager or designee. If the applicant fails to appear for a hearing or fails to show cause to the City Manager or designee that his or her name should be retained, his or her name shall thereupon be removed from the eligibility list.

(d) If the applicant raises an objection to a matter on the objective portion of the testing procedure, the City Manager

or designee may refer the matter to the provider of the test or the Fire Chief for an opinion as to the objection.

(C) *Appointments from eligibility list.*

(1) In making appointments from the eligibility list, applicants shall be considered in order of their average grade rank unless substantiated reason exists to do otherwise. Hiring of applicants with specialized skills or training shall constitute a substantiated reason.

(2) Prior to an offer of employment for the position of firefighter, applicants must satisfy the following additional requirements:

(a) Take and pass the standardized Candidate Physical Ability Test (CPAT);

(b) Take and pass a psychological suitability screener examination and, if necessary, any additional psychological examination performed by a licensed psychologist;

(c) Submit to and pass an investigation of character, which may include investigation into criminal background, educational background, past employment history, personal background, credit standing and any other relative information discovered during the course of investigation which might relate to the applicant's qualifications; and

(d) Undergo and successfully complete thorough medical examinations, which may include physical and drug testing.

(3) The order of the tests shall be determined by the Department. These tests and evaluations shall be conducted and under the control of the hiring department. The costs of these tests shall be paid by the city.

(4) The report of the Fire Chief shall be made to the Mayor and Human Resources Director and shall be given due consideration before the original appointment of the applicant is made.

(D) *Appointees; probationary period; disciplinary action; powers and duties.*

(1) All appointments from the Fire Department eligibility list shall be for an initial probationary period of one year. During the one year probationary period, the candidate shall be an appointee to the Fire Department. No appointee shall be deemed a member of the Fire Department until the appointee has satisfactorily served the one-year probationary period. After successfully completing one year of service, the appointee shall become a permanent member of the Fire Department and, therefore, a member of the Fire Department entitled to the procedures of KRS 95.450.

(2) Until the one year probationary period has elapsed, the appointment shall be conditional, at the discretion of the Fire Chief. As such, the appointee shall not be entitled to the discipline procedures of KRS 95.450. At any time during the appointee's probationary period, he or she may be summarily removed by the Fire Chief.

(3) Notwithstanding the foregoing, an appointee to the Fire Department during the applicable probationary period shall have the powers and duties of a member of the Fire Department.

(E) *Residency.* The residency of firefighters is governed by the working agreement between the city and IAFF Local No. 38.

(F) *Reappointment after separation.*

(1) Any person who has successfully completed his or her probationary period and subsequently ceased working for the Fire Department, for reasons other than dismissal, may be re-employed with the Fire Department if the person requests reappointment, in writing, to the Fire Chief. The person shall be eligible for reinstatement for a period of one year following his or her separation from the Fire Department, and shall be reinstated only:

(a) With the approval of the appointing authority;

(b) Upon favorable recommendation of the Fire Chief and City Manager or his or her designee; and

(c) Upon the successful completion of all standard prevailing pre-employment examinations, with the exception of the written and oral examinations.

(2) The intent of this division (F) is to permit the city to re-employ a qualified, trained firefighter without utilizing the eligibility list utilized in initial appointments.

(G) *Lateral transfer of qualified firefighters.*

(1) The city may employ any qualified firefighter by lateral entry to the Fire Department at the Fire Chief's discretion.

(2) Applicants for employment through lateral transfer must satisfy the provisions of the current working agreement between the city and IAFF Local No. 38.

(3) The intent of this division (G) is to permit the city to employ a qualified, trained firefighter without utilizing the eligibility list utilized in initial appointments.

(1984 Code, § 33.04) (Ord. O-28-17, passed 11-28-2017; Ord. O-17-23, passed 9-26-2023)

§ 33.05 CADETS AND POLICE CORPS.

(A) A Police or Fire Department cadet ("cadet"), who reaches 21 years of age, and who has successfully completed at least 18 months of in-service training within the Police or Fire Department, or a graduate of the federally funded Police Corps Program ("Corps graduate"), shall have his or her name placed at the top of the current eligibility list for which the cadet has obtained an overall passing grade in the written or written and oral examinations.

(B) The cadet or Corps graduate at the top of a current eligibility list will be appointed as a probationary employee upon recommendation of the Police Chief and City Manager, and upon approval of the Board of Commissioners, to fill vacancies as they occur in the Police Department, after successfully completing all prevailing preemployment examination, and meeting all other police applicant requirements.

(C) Should the cadet fail to pass the first entrance examinations that create an eligibility list for the Police Department, he or she may remain as a cadet until the results of the next regular entrance examinations are published, at which time he or she shall be permanently relieved of duty as a cadet if a passing grade is not received. In no event shall any person be permitted to remain as a cadet after having twice failed the entrance examinations.

(D) (1) All cadets assigned or to be assigned to the Police Department are designated as citation officers who may issue citations upon observance of:

(a) Non-moving motor vehicle offenses; and/or

(b) Violation of city ordinances except for moving motor vehicle offenses and except for offenses which constitute a violation of the state's Penal Code. The procedure for citations issued by a citation officer shall be as provided in KRS 431.015. This designation as a citation officer shall not be a limitation on the power of a citation officer to make an arrest as a private person as provided for in KRS 431.005.

(2) Citation officers shall have the qualifications prescribed by this section. Citation officers shall not have the powers of peace officers to make arrests or carry deadly weapons.

(E) Corps graduates may take the required examinations during the regular testing period or on an individual basis upon the recommendation of the Chief of Police.

(1984 Code, § 33.05) (Ord. O-28-17, passed 11-28-2017)

§ 33.06 REPAYMENT OF TRAINING COSTS.

All Police and Fire Department appointees, as a condition of their appointment, must agree to reimburse the city for their training expenses if they leave the city within the applicable time period after their appointment date, as set forth below, and become employed by another governmental unit or entity as a member of the same service for which they were trained by the city.

(A) For Police and Fire Department appointments made prior to September 1, 2021, reimbursement will be required according to the following schedule:

(1) If they remain with the city for more than three years after the date of employment, there shall be no obligation of repayment;

(2) If they leave the city after the second anniversary date of their employment, but prior to their third year, they shall reimburse the city $1,500;

(3) If they leave the city after the first anniversary date of their employment, but prior to their second year, they shall reimburse the city $3,000; and

(4) If they leave the city prior to their first anniversary date, they shall reimburse the city $4,500.

(B) For Police Department appointments made on or after September 1, 2021 but before June 29, 2023, the following hiring cost reimbursement provisions shall apply:

(1) Pursuant to KRS 70.290, the city shall require all newly appointed police officers to enter into a contract for reimbursement of hiring costs. The contract shall require that if the appointee accepts employment with another law enforcement agency three years from the date of appointee's graduation from the Department of Criminal Justice Training, or other training approved by the Kentucky Law Enforcement Council, that law enforcement agency shall reimburse all of the City of Covington's hiring cost.

(2) The amount of the required reimbursement shall be the maximum amount authorized by KRS 70.290 for the actual costs incurred and expended by the City of Covington in the initial hiring of the peace officer. These costs include, but are not limited to, the application process, training costs, equipment costs, salary and fringe benefits.

(C) For Police Department appointments made on or after June 29, 2023, the following hiring cost reimbursement provisions shall apply:

(1) Pursuant to KRS 70.290, the city shall require all newly appointed police officers to enter into a contract for reimbursement of training costs. The contract shall require that if the appointee accepts employment with another law enforcement agency within five years from the date of appointee's graduation from the Department of Criminal Justice Training, or other training approved by the Kentucky Law Enforcement Council, that law enforcement agency shall reimburse all of the City of Covington's hiring costs.

(2) The amount of the required reimbursement shall be the maximum amount authorized by KRS 70.290 for the actual costs incurred and expended by City of Covington in the initial hiring of the peace officer. These costs include, but are not limited to, the application process, training costs, equipment costs, salary and fringe benefits.

(D) For Fire Department appointments made on or after September 1, 2021, the following training cost reimbursement provisions shall apply:

(1) All newly appointed Fire Department appointees are required to enter into a contract for a period of no longer than three years from the date of graduation of training approved by the city.

(2) The contract shall require that, as a condition to and in consideration of his or her employment with the city, should the appointee leave employment with the city within three years from the date of graduation or withdrawal from fire department appointee onboarding training approved by the city, the appointee shall reimburse the city for the actual costs incurred and expended which are associated with the initial hiring of the appointee, including, but not limited to, the application and selection process, equipment costs, training costs and the actual salary and fringe benefits from the time of the appointee's initial application until graduation or withdrawal from such training. It is understood that leaving employment with the city shall mean any discontinuance of appointee's employment for any reason.

(E) The employment contracts authorized in this section shall not modify the at-will employment status of City Fire Department and Police Department appointees.

(1984 Code, § 33.06) (Ord. O-28-17, passed 11-28-2017; Ord. O-11-21, passed 8-10-2021; Ord. O-01-24, passed 1-9-2024)

§ 33.07 COUNTY EMPLOYEES RETIREMENT SYSTEM (CERS).

(A) The pension plan established for city employees under KRS Ch. 95 is hereby frozen effective 8-1-1988, to participation by those existing employees who are then participating therein and who file with the city on or before 11-1-1988, a written election to continue participating therein in lieu of participating in the County Employees Retirement System (CERS).

(B) The city elects to participate in the CERS effective 8-1-1988, and hereby authorizes the Mayor to execute the appropriate instruments to effectuate such election.

(C) All employees now participating in the existing city pension plans are hereby authorized to terminate such participation and transfer to the CERS.

(D) The city shall continue to fund and manage its existing pension plan for the benefit of any employees electing to continue therein and those who are entitled to benefits in the existing pension plan.

(E) (1) Employees hired after 8-1-1988, who are otherwise eligible to participate in the city pension plan, shall participate only in the CERS.

(2) Notwithstanding the foregoing, full-time employees hired on or after 9-1-1999 shall participate in CERS upon his or her employment date as a full-time employee. Full-time employees for the purpose of this section do not include seasonal, co-op or intern employees.

(F) The city hereby adopts the terms and provisions of the CERS under KRS 78.510 through 78.852, elects the alternate participation plan under KRS 78.530(3), and declares its intention to enter into an agreement with the Board of Trustees for the amortization of the cost of such prior service credit over a 30-year period commencing on or about 8-1-1988.

(G) Individual employee accounts in the existing city pension plan shall be transferred to the CERS for credit to the respective employee’s individual account in the CERS, pursuant to KRS 78.531(1) and (2), upon the election of such employees to participate in the CERS.

(H) The City Manager or his or her assignee is hereby directed to certify to the Board of Trustees the names of all employees deemed to be working in a hazardous position for purposes of KRS 61.592, and all police officers and firefighters employed after 8-1-1988 shall, if otherwise qualified, be eligible for the CERS hazardous position coverage.

(1984 Code, § 33.07) (Ord. O-28-17, passed 11-28-2017)

REGULATIONS

§ 33.20 GROOMING STANDARDS.

(A) The Fire Chief or his or her designee may enact grooming standards applicable to the city’s Fire Department employees. As a condition of employment, all City Fire Department employees shall conform to these standards.

(B) All employees of the Police Department shall conform to the standards set forth in the *Manual of Rules and Regulations for Covington, Kentucky Division of Police*, as adopted by Commissioners’ Res. R-503-81 on 9-22-1981, or any subsequent amendments thereto.

(1984 Code, § 33.20) (Ord. O-28-17, passed 11-28-2017)

§ 33.21 KENTUCKY LAW ENFORCEMENT FOUNDATION PROGRAM FUND.

(A) It is declared that the city’s Police Department, Division of Safety, will make application for participation in the state’s

Law Enforcement Foundation Program Fund Training Incentive Program.

(B) If accepted for participation in the fund, the city's Police Department, Division of Safety, will comply with KRS 15.410 through 15.515 and all regulations of the Department of Justice relating thereto.

(1984 Code, § 33.21) (Ord. O-28-17, passed 11-28-2017)

§ 33.22 CONFLICTS OF INTEREST.

(A) No police officer of the city shall engage in any additional employment outside his or her regular employment as a police officer which would conflict with the duties incumbent upon him or her to perform as a police officer of the city.

(B) No police officer of the city shall engage in part-time or full-time employment in any business establishment within the city which sells alcoholic beverages by the drink. Nothing in this section shall prevent a police officer from engaging in employment by package liquor stores, grocery stores or similar establishments which sell alcoholic beverages, but not by the drink.

(1984 Code, § 33.22) (Ord. O-28-17, passed 11-28-2017)

§ 33.23 EMERGENCY MEDICAL TECHNICIAN CERTIFICATION.

As a condition of their continued employment, all firefighters hired after 8-1-1994 shall maintain their certification as an emergency medical technician.

(1984 Code, § 33.23) (Ord. O-28-17, passed 11-28-2017)

§ 33.24 POLICE DEPARTMENT STANDARDS AND ACCREDITATION.

(A) The Chief of Police shall cause the Police Department take such actions required to maintain status as an accredited law enforcement agency through the Commission on Accreditation for Law Enforcement Agencies ("CALEA"). If accreditation through CALEA is discontinued or otherwise unavailable, the Police Department shall acquire an alternative national or state sanctioned law enforcement accreditation meeting similar standards.

(B) The Chief of Police shall annually cause all Police Department policy changes adopted by the Chief but not yet approved by the Covington Board of Commissioners to be submitted to the Commission for ratification, approval, and adoption in the second quarter of each calendar year.

(C) The Chief of Police is authorized to and shall adopt all formal Police Department policy amendment recommendations made by CALEA. Such CALEA recommended amendments shall not require prior approval of the Covington Board of Commissioners and shall instead be effective immediately upon adoption by the Chief Police.

(Ord. O-01-22, passed 1-25-2022)

DRUGS

§ 33.35 DRUG-FREE WORKPLACE.

In order to provide a drug-free workplace, the following policy has been drawn to reiterate and state in a more formal way the work-related effects of drug use and unlawful possession of controlled substances on city premises, or while conducting city business.

(A) Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is the city's intent and obligation to provide a drug-free, healthful, safe and secure work environment.

(B) The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on city premises or while conducting city business off city premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

(C) The city recognizes drug dependency as an illness and a major health problem. The city also recognizes drug abuse as a potential health, safety and security problem. Employees needing help in dealing with such problems are encouraged to use the city's employee assistance program and health insurance plans, as appropriate. Conscientious efforts to seek such help will not jeopardize any employee's job.

(D) Employees must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal drug statute for violations occurring on or off city premises while conducting city business. A report of a conviction must be made within five days after the conviction.

(E) Appropriate personnel action against any employee convicted of a criminal drug offense will be taken within 30 days of the date the employer learns of conviction. Such action can range from discharge to a requirement of satisfactory participation in a drug abuse, assistance or rehabilitation program.

(1984 Code, § 33.35) (Ord. O-28-17, passed 11-28-2017)

FAMILY AND MEDICAL LEAVE POLICY

§ 33.50 GENERAL PROVISIONS.

(A) The city will provide eligible employees with up to a total of 12 work weeks of leave during any rolling 12-month period measured backward from the date leave is used for any of the following reasons:

(1) Due to the birth, placement or adoption of a child and to care for such child;

(2) Because of a serious health condition that makes the employee unable to perform the functions of his or her position; or

(3) To care for the employee's spouse, child or parent who suffers from a serious health condition. The employee must substitute any paid sick days or accrued paid vacation leave towards the 12 weeks of leave. If paid sick days or vacation leave is substituted for family and medical leave, the city will notify the employee that the paid leave is being counted toward the employee's family and medical leave entitlement.

(B) If the employee is injured in connection with work and is receiving time off and benefits under state workers' compensation laws, then the period of time which he or she is absent from work will be charged concurrently against his or her 12-week family and medical leave entitlement. Family and medical leave is only available to employees who have been employed for at least 12 months and have worked at least 1,250 hours during the previous 12-month period. Family and medical leave is not available to part-time or temporary employees or to employees who work at a worksite at which there are fewer than 50 employees within a 75-mile radius.

(1984 Code, § 33.50) (Ord. O-28-17, passed 11-28-2017)

§ 33.51 WAGES AND BENEFITS.

(A) No wages will be paid to the employee during his or her family and medical leave of absence with the exception of substituted paid sick days or accrued paid vacation leave.

(B) If the employee takes family and medical leave, he or she will not lose employment benefits that accrued before the date leave began. While he or she is on leave, the city will pay, on his or her behalf, the costs of any benefits from group coverage paid by a group premium (e.g., life insurance) and its portion, if any, of health insurance benefits. The employee will have the option to continue any other available benefits at his or her own expense. If the employee is delinquent in paying his or her share of benefit premiums and the delinquency continues for 15 days after the city gives the employee notice of his or her delinquency, then his or her benefits will be canceled. The employee will not accrue vacation and sick time during his or her leave.

(C) If the employee takes family and medical leave and does not complete at least 30 days of additional employment, he or she shall immediately reimburse the city for any amount paid by the city during the leave period, excluding the period consisting of paid sick days and vacation leave substituted for family and medical leave, for its portion, if any, of the employee's health insurance premiums, unless the failure to return for at least 30 days of additional employment is due to the continuation, recurrence or onset of a serious health condition of his or her spouse or child, or some other extenuating circumstance beyond his or her control.

(D) If the employee fails to return to work because of the continuation, recurrence or onset of a serious health condition of his or her spouse or child, then he or she must provide the city with medical certification of his or her family member's serious health condition within 30 days from the date he or she notifies the city that he or she will not return to work. If the employee does not provide the medical certification in a timely manner, then the city can recover the portion of health care premiums paid by the city on his or her behalf as set forth in division (C) above.

(1984 Code, § 33.51) (Ord. O-28-17, passed 11-28-2017)

§ 33.52 RETURN TO WORK.

(A) With the exception of taking leave due to the birth, placement or adoption of a child or to care for such child, the employee must return to work immediately upon becoming able to return. Failure to do so will be treated as a voluntary termination. In no event shall the employee take more than 12 weeks of family and medical leave during any rolling 12-month period.

(B) The employee will have the same right to restoration and other benefits as he or she would have enjoyed if he or she had been continuously employed during the leave period. Ordinarily, upon return to work, he or she will be restored to the same position he or she held when leave began, if that position is still available. If the position is no longer available, he or she will be restored to an equivalent position with equivalent pay, benefits and other terms and conditions of employment.

(C) As a condition of restoration, when returning from leave taken due to the employees' own serious health condition, he or she must provide the Human Resources Specialist with a fitness for duty certification. The return to work fitness for duty examination and certification must be conducted and prepared by a health care provider selected or at least agreed upon by the city. The fitness for duty examination and certification shall be limited to the condition which caused the need for leave. The certification must set forth work restrictions, if any.

(D) The city will not guarantee restoration of employment if the employee takes more than 12 work weeks of family and medical leave during any 12-month period.

(E) The city may deny restoration to any "key employee" if denial of restoration is necessary to prevent substantial and grievous economic injury to the city's operation. A key employee is a salaried employee who is among the highest paid 10% of those employed by the city within 75 miles of the office at which the employee works. If an employee is a key employee,

the city will notify him or her when he or she requests leave if the city believes there is a possibility that he or she will not be restored at the end of the leave period. If the city determines that economic injury would result, then the city will immediately notify the employee, in writing, either delivered in person or by certified mail, of its intent not to restore him or her to his or her previous position. If leave has already started, the employee will have the option to return to work and be restored to his or her position.

(F) If the employee is on leave, the city will require him or her to report periodically on his or her status and intent to return to work. If he or she gives notice of his or her intent not to return to work, then the city's obligation to maintain benefits and restore employment will cease. If circumstances of the employee's leave change and he or she is able to return to work earlier than the date he or she previously indicated, then he or she must notify the city at least two work days prior to the date he or she intends to return.

(1984 Code, § 33.52) (Ord. O-28-17, passed 11-28-2017)

§ 33.53 LEAVE FOR BIRTH, PLACEMENT OR ADOPTION OF A CHILD.

(A) If the employee is eligible, he or she is entitled to take leave due to the birth, placement or adoption of a child or to care for the child. The leave may begin prior to the birth, placement or adoption, but the right to leave, based on one of these events, will expire 12 months after the birth, placement or adoption.

(B) Both mother and father are entitled to leave. If both mother and father are employed by the city, they may both take leave, but the total number of weeks cannot exceed 12 work weeks.

(C) The employee must give the Human Resources Department 30 days' notice before the date leave is to begin. If the need for leave or the timing of the leave is unforeseeable, he or she must give the Human Resources Department notice of the need for leave as soon as practicable, but in no event later than two working days of learning for the need for the leave.

(D) Leave due to birth, placement or adoption of a child cannot be taken intermittently or on a reduced schedule basis unless the Human Resources Department gives written approval.

(1984 Code, § 33.53) (Ord. O-28-17, passed 11-28-2017)

§ 33.54 LEAVE FOR SERIOUS HEALTH CONDITION.

(A) If the employee is eligible, he or she is entitled to take leave because of a serious health condition that makes him or her unable to perform the functions of his or her position or to care for his or her spouse, child or parent who suffers from a serious health condition.

(B) A serious health condition is a physical or mental impairment, illness, injury or condition that involves one of the following:

(1) *Hospital care.* Any period of incapacity or treatment in connection with or consequent to inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility;

(2) *Absence plus treatment.* Any period of incapacity requiring absence from work, school or other regular daily activities of more than three consecutive calendar days, that also involves:

(a) Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(b) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

(3) *Pregnancy.* Any period of incapacity due to pregnancy, or for prenatal care; or

(4) *Chronic conditions requiring treatments.* A chronic condition which:

(a) Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;

(b) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(c) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy and the like).

(C) (1) *Permanent/long-term conditions requiring supervision.* A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider. Examples include Alzheimer's, a severe stroke or the terminal stages of a disease.

(2) *Multiple treatments (non-chronic conditions).* Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation and the like), severe arthritis (physical therapy) and/or kidney disease (dialysis).

(D) For purposes of this policy, the term ***HEALTH CARE PROVIDER*** refers to the following:

(1) A doctor of medicine or osteopathy, who is authorized to practice medicine or surgery by the state in which the doctor practice;

(2) A podiatrist, dentist, clinical psychologist, optometrist or chiropractor (limited to treatment consisting of manual manipulation of spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice in the state and performing within the scope of his or her practice as defined under state law;

(3) A nurse practitioner or nurse mid-wife who is authorized to practice under state law and who is performing within the scope of his or her practice as defined under state law;

(4) A Christian Science practitioner listed with the First Church of Christ Scientists in Boston, Massachusetts. If the employee or his or her family member is receiving treatment from a Christian Science practitioner, the city may require that he or she or his or her family member submit to an examination, though not treatment, to obtain a second or third certification from a health care provider other than a Christian Science practitioner;

(5) Any health care provider from whom the city or the city's group Human Resources Department will accept certification of the existence of a serious health condition to substantiate a claim for benefits; or

(6) A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

(E) Both husband and wife are entitled to leave. If husband and wife are employed by the city, and the leave is taken to care for a sick spouse or child, then each employee can take 12 weeks of leave. If the leave is taken to care for a sick parent, then the total number of weeks for both husband and wife cannot exceed 12 weeks.

(F) If the need for leave is foreseeable, the employee must give the Human Resources Department 30 days' notice. If the need for leave or the timing of the leave is unforeseeable, the employee must give the notice of the need for leave as soon as practicable, but in no event later than two working days of learning for the need for the leave.

(G) The employee must make a reasonable effort to schedule medical treatment so as not to disrupt unduly the city's operations, subject to approval of the health care provider.

(H) The employee may take leave intermittently or on a reduced scheduled basis if medically necessary. If he or she takes leave intermittently or on a reduced schedule, the city may require him or her to transfer temporarily to an available alternative position for which he or she is qualified that better accommodates recurring leave and has equivalent pay and benefits.

(I) If the employee takes leave due to his or her own serious health condition, or that of a spouse, child or parent, he or she must, within 15 days of the beginning date of leave, provide the Human Resources Specialist with written certification from a health care provider of certain basic information about him or her or his or her family member's condition. The city will provide the employee with a form prepared by the United States Department of Labor in order to collect the information from him or her.

(J) If the city questions the certification, the city can, at its own expense, require that the employee get a second opinion from another health care provider of the city's choice so long as the second provider is not regularly employed by the city. If the second opinion differs from the first opinion, the city may require, at its own expense, a third opinion from a provider jointly selected by the city and the employee, which opinion will be final and binding.

(K) If the city questions the certification, the city can also employ a health care provider to contact the employee's health care provider to obtain clarification and authentication of the information included in his or her certification. The city's health care provider will not ask the employee's health care provider for a diagnosis. If the city requests the employee's permission to have its health care provider contact the employee's health care provider, the city will expect his or her cooperation.

(L) The city may require recertification on a reasonable basis.

(M) The city will maintain and treat as confidential all records submitted in connection with requests for family and medical leave.

(1984 Code, § 33.54) (Ord. O-28-17, passed 11-28-2017)

CHAPTER 34: PERSONNEL POLICIES

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GENERALLY

§ 34.01 PERSONNEL AND PAY CLASSIFICATION PLAN.

(A) The city hereby adopts the following personnel and pay classification plan, including the compensation and classification plan contained in division (J) below, in accordance with KRS § 83A.070 and other applicable law. Pursuant to KRS § 83A.150, the City Manager shall administer the personnel and pay classification plan. The City Manager may delegate such duties and functions for the appropriate administration of this section.

(B) Within the limits of the applicable annual budgets and any amendments thereto established by city ordinance, each employee and non-elected city officer shall be compensated for his or her respective labor and services in an amount within the compensation range hereby established which applies to a specific job classification and job title, including any applicable working title, subject to any exceptions contained in this section.

(C) Supplemental payments for services previously rendered or other bonus payments are not permitted under state law and shall not be made.

(D) City employees and non-elected officials may receive longevity pay in accordance with the respective working agreements for positions covered in each working agreement and the city's personnel policy. The calculation of longevity pay is as follows:

Annual Longevity = (Longevity Rate) multiplied by (Years of Service) multiplied by (12 months)

(E) All agents and employees of the city, and in certain circumstances professionals appointed by the City Manager to fulfill an assignment on a temporary basis, may, for temporary periods of time and to meet emergency or exigent conditions, be assigned by the City Manager to any department in which they or any of their services may be required, and in addition thereto, shall perform such other duties as may be required by the City Manager in conformity with general laws of the commonwealth and the ordinances, rules and regulations of the city. The City Manager may approve a rate or method of pay or salary for persons in this category.

(F) Provisions for wages, pay, salaries and benefits are provided for employees who are provided coverage under the collective bargaining agreements, including, but not limited to, step in grade, and supplemental pay and other categories of pay, with the city, and those provisions are adopted by reference, incorporated herein, and approved in this section. Lump sum payments for services rendered may be made in accordance with the terms of the working agreements including when a working agreement has expired and an agreement to cover the time when the expiration of the agreement occurred.

(G) Co-op, seasonal and temporary employees shall be paid on a bi-weekly basis the same as all other city employees. All compensation shall be paid at the applicable rate according to the compensation and classification plan herein and as appropriated in the approved annual budget. Co-op, seasonal and temporary employees receive no other benefits and no pay on holidays. The City Manager may hire and assign co-op, seasonal and temporary employees.

(H) Characteristics and duties or responsibilities of a classification in the compensation and classification plan are general statements or references as categories indicating the level of responsibility and discretion of positions in that job classification. They do not limit or restrict the range of duties and responsibilities that may be assigned or required of an individual in a particular job classification.

(I) Position identification, job descriptions and working titles: specific job titles and descriptions for each position shall be adopted or amended by City Manager administrative order and shall be recorded on a form document known as a job description.

(1) Each job description shall identify a specific title for a position which fits within an appropriate classification in the compensation and classification plan herein.

(2) Job descriptions shall describe and explain the job duties and responsibilities typically assigned to a position within a particular classification under the compensation and classification plan herein.

(3) Minimum requirements as reflected in job descriptions shall be comprehensive statements of the minimum background as to education, experience and other qualifications which will be required in all cases as evidence of an appointee's ability to perform the work properly.

(4) The City Clerk and Human Resources Director shall maintain a library of all approved job descriptions. These job descriptions shall constitute the official job titles and class specifications in the city's classification plan. The copies of the specification for each job description shall indicate the date of adoption or the last revision of the specification.

(5) Job descriptions shall be available for inspection by any employee under reasonable conditions during business hours.

(6) The job description associated with a specific position shall be used to designate the position in all payroll and other official records and documents.

(7) Job descriptions shall be developed and retained for each city employee and/or position. If the duties and responsibilities assigned to a position are to be changed in a material and permanent way, the department head making the recommendation shall submit to the Human Resources Director a revised position description stating the duties and responsibilities to be assigned. If the changes to the duties would indicate that the position is not classified appropriately, the position may be reclassified to the most appropriate job classification under the compensation and classification plan herein. The Human Resources Director may make recommendations to the City Manager to modify the job description to more accurately describe job functions that have been or may be assigned to a job class or position. Any revisions of job descriptions must be approved by City Manager administrative order. No less than annually, the City Manager and Human Resources Director shall provide to the Board of Commissioners an updated list of all job positions and a summary of any revisions.

(8) In addition to formal job titles identified in job descriptions, a more specific "working title" may be used in the interest of improving city operations. Such working titles should describe the function of a position in a manner that is more easily recognized for purposed of internal or external communications. The City Manager and Human Resources Director shall oversee all requests for the creation of working titles. If approved, working titles shall be documented through the use of a City Manager administrative order amending a job description. The City Clerk shall keep a list of all approved working titles which have been adopted by City Manager administrative order.

(J) Positions that are open to the general public shall be posted on the city's website for a minimum of 14 days. Job postings shall be sent to each city department for posting as well as appropriate recruiting sources to attract a diverse candidate pool. The deadline date of any posting may be extended based upon application response.

(K) All new hires, individual promotions and pay increases shall be approved annually by ordinance when the budget ordinance is approved and/or amended in accordance with applicable state law. New hires, individual promotions and pay increases that were not approved during the budgeting process will require Commission approval when they occur.

(L) Pay for certain employees may be greater or less the ranges provided for in the compensation and classification plan under exigent or unusual circumstances including, but not limited to: when an employee may exhibit extraordinary skill, knowledge, experience or educational qualifications; and/or when the market requires that in order to employ or retain such an employee it is necessary to pay that person an amount greater than provided in the salary ranges approved herein; and/or based on length of service; and/or when an employee can be retained and hired to perform duties for less than the ranges indicated in a category.

(M) The classification numbers/categories and compensation ranges for employees of the city (unless otherwise noted) whose positions are not represented by any union or working agreement, are hereby established as follows:

COMPENSATION AND

CLASSIFICATION PLAN

Classification 1	
Job Title	City Manager/Assistant City Manager
Compensation Range	$70,000—$160,000 annual salary
Description	Overall responsibility for the performance of all city departments and functions. Reports directly to legislative body of the city. Assistant City Manager will share the duties of the City Manager as assigned by the City Manager.

Classification 2	
Classification 2	
Title	Department Director/Assistant Director
Compensation Range	$70,000—$120,000 annual salary
Description	Responsible for the overall performance of a specific department. Directs through subordinate Managers/Supervisors/staff large and complex critical programs impacting broad constituencies across the city. Spends the majority of time (50% or more) achieving organizational objectives through the coordinated achievements of subordinate staff who report to the Director through the performance of the following managerial functions:
	• Assumes accountability for decision made by subordinates
	• Manages employee performance (for example, guides, coaches and disciplines staff)
	• Manages workflow, operations, apportioning the work
	• Establishes department goals and objectives (and manages department progress toward goals)
	• Determines techniques and processes
	• Plans and oversee the budget
	• Monitors or implements legal or policy compliance measures
	• Performs strategic planning for the department
	• This position reports to the City Manager or his or her designee

Classification 3	
Title	Professional
Compensation Range	$50,000 to $100,000 annual salary
Description	These positions require skill and specialized knowledge and/or education are related to data collection/management and analysis, IT, engineering, accountants, attorneys and the like

Classification 4	
Classification 4	
Title	Managers/Supervisors
Compensation Range	$60,000—$90,000 annual salary
Description	Leads or supervises one or more employees within a department or function of a department. This position typically supervises at least two full-time employees and performs supervisory functions where independent judgment is exercised in at least three of the following:
	• Independently selects subordinates OR participates in the interviews and recommends who should be hired

	• Independently determines subordinates' performance ratings or recommends performance ratings
	• Independently decides within budgetary limitations the amount of subordinate increase, who will be selected for promotional opportunities, and whether to request the reclassification of a position, OR recommends these actions
	• Has independent authority to discipline and determines what discipline should be imposed OR recommends
	• Has independent authority to resolve grievances or complaints or formulates and recommends a resolution to a grievances or complaints
	• Ability to make decisions without approval within the scope of his or her duties

Classification 5	
Title	Operational
Compensation Range	$40,000 to $75,000 annual salary
Description	This category includes skilled or semi-skilled positions, where the skills are typically acquired through vocational education and/or apprenticeships, certifications, specialized or on-the-job training. Problems are typically solved through knowledge of past practices and procedural guidelines or knowledge gained through certification or licensing program. Historic preservation, planning Section 8 representative, CDBG, HUD, recreation and mechanics and the like. May manage part-time and/or less than 2 FTEs.

Classification 6	
Title	Administrative
Compensation Range	$30,000 to $65,000 annual salary
	Provides administrative clerical/administrative support to a department and/or an individual within the city.

Classification 7	
Title	Part-time, temporary, intern, seasonal, special projects
Compensation Range	$11 to $50 per hour
Description	Duties will vary depending on the department and type of assignment. May provide a wide range of duties that may or may not fall under any of the categories listed. Pay will be based on the KSA's required by the position.

(1984 Code, § 34.01) (Ord. O-27-19, passed 8-13-2019)

§ 34.02 DRUG-FREE WORKPLACE.

In order to provide a drug-free workplace, the following policy has been drawn to reiterate and state in a more formal way the work-related effects of drug use and unlawful possession of controlled substances on city premises, or while conducting city business.

(A) Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is the city's intent and obligation to provide a drug-free, healthful, safe and secure work environment.

(B) The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on city premises or while conducting city business off city premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

(C) (1) The city recognizes drug dependency as an illness and a major health problem. The city also recognizes drug abuse as a potential health, safety and security problem. Employees needing help in dealing with such problems are encouraged to use the city's employee assistance program and health insurance plans, as appropriate.

(2) Conscientious efforts to seek such help will not jeopardize any employee's job.

(D) (1) Employees must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal drug statute for violations occurring on or off city premises while conducting city business.

(2) A report of a conviction must be made within five days after the conviction.

(E) Appropriate personnel action against any employee convicted of a criminal drug offense will be taken within 30 days of the date the employer learns of conviction. Such action can range from discharge to a requirement of satisfactory participation in a drug abuse, assistance or rehabilitation program.

(F) In addition to the policy set forth above, the Federal Highway Administration (FHWA) has issued regulations which require that mandatory alcohol and drug testing procedures be applied to all city employees subject to commercial driver license (CDL) testing and licensing procedures. These FHWA requirements are in addition to the city's rules for use and/or possession of alcohol/drugs, and are not to be interpreted as a replacement thereof.

(1) *Definitions.*

ALCOHOL. A colorless volatile flammable liquid (C_2H_5OH) formed by vinous fermentation and contained in wine, beer, whiskey and other fermented and distilled liquors of which it is the intoxicating principle, that is manufactured principally by fermentation of carbohydrate materials and by hydration of ethylene, being obtained usually by fractional distillation in a concentration of about 95% with about 5% water; any of a class of compounds analogous to ethyl alcohol in constitution and regarded as hydroxyl derivatives of hydrocarbons being classed according to the number of hydroxyl derivatives of hydrocarbons being classed according to the number of hydroxyl groups (as monohydric, dihydric, trihydric, polyhydric) or according to structure.

BAT. Breath alcohol test.

CDL. Commercial driver's license.

DOT. Department of Transportation.

DRUG. Marijuana (THC metabolite), cocaine, amphetamines, opiates (including heroin) and phencyclidine (PCP), as defined in KRS Ch. 218A.

EAP. Employee Assistance Program.

FHWA. Federal Highway Admini- stration.

MRO. Medical review officer.

(2) *Rules*. In addition to the rules set forth in the city's Drug-Free Workplace Policy for alcohol and drug abuse, the following uses of alcohol are prohibited by employees who maintain a CDL:

(a) Use while performing safety- sensitive functions;

(b) Use during the four hours prior to performing safety-sensitive functions; and

(c) Use eight hours following an accident or until the employee passes a post-accident test.

(3) *Drug/alcohol testing program.*

(a) *A procedure of integrity.* The city will test for the use of illegal drugs and alcohol in accordance with the safeguards as to privacy, procedure, accuracy and confidentiality contained in the federal guidelines of the United States Department of Health and Human Services (HHS) and in certain of the regulations of the United States Department of Transportation (DOT) and the Federal Highway Administration (FHWA). Specimen collection will be conducted at a designated site and according to federal guidelines. Pursuant to the above federal regulations, complete privacy in collection of the urine sample is required unless there is reason to believe that a particular individual may alter or substitute the specimen. The DOT/FHWA regulations narrowly define the circumstances under which observed urine samples may be taken.

1. Being selected for drug or alcohol testing implies no guilt or wrongdoing. It is simply part of a comprehensive and effective overall program, for the benefit of all concerned.

2. Specimen testing will be conducted by a laboratory certified by the National Institute on Drug Abuse (NIDA). All positive drug results must be confirmed by gas chromatography/ mass spectrometry testing. The employee has the further right to retesting of the drug sample as under the DOT/FHWA program.

3. A Medical Review Officer (M.R.O.) qualified in the field of drug and alcohol testing, will be selected by the city. Test results will be maintained by the M.R.O., and confidentially maintained as under the DOT/FHWA regulations. The M.R.O. will notify the employee of a verified positive test and his or her right to retesting of the split sample within 72 hours of notification.

(b) *Types of testing.*

1. *Pre-employment.* Upon selection of an applicant for hire; full-time, part-time or seasonal, the individual will be required to be drug tested for illegal use. The city will not hire anyone who tests "positive". Any applicant who is being considered for a position requiring a CDL, or who will be required to obtain a CDL after six months of employment, will also be tested for alcohol use.

2. *Random*. The city is required to randomly test for the illegal use of drugs and alcohol. Selection for random testing will be done by a third-party computer program (the M.R.O.). Fifty percent of the safety-sensitive test pool will be tested yearly for the illegal use of marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). Twenty-five percent of the safety-sensitive test pool will be tested yearly for the use of alcohol.

3. *Post accident.* City employees involved in an on-the-job accident will be tested for the use of illegal drugs and alcohol within two hours after the accident, but no more than eight hours after the accident. For purposes of this policy, an ***ACCIDENT*** is defined as an occurrence associated with the operator of a city vehicle that results in:

a. A fatality;

b. An individual suffers bodily injury requiring immediate attention at a medical facility;

c. The vehicle involved in the accident suffers disabling damage requiring that it be towed away;

d. The arrest of the operator; or

e. A citation is issued by law enforcement.

4. *Reasonable suspicion*. All employees are subject to a drug/alcohol test when there is a reason to suspect drug use or alcohol misuse immediately prior to, during or immediately after performing job duties. A referral for testing will be made on the basis of specific, contemporaneous, articulable observation concerning the appearance, speech, behavior or body odors of the covered employee which characterize prohibited drug use or alcohol misuse, such referrals will be made by supervisory personnel who are trained to detect the signs and symptoms of drug and alcohol use.

5. *Conditions.* The following conditions are signs of possible drug or alcohol use, but are not all inclusive:

a. Abnormally dilated or constricted pupils;

b. Glazed stare - redness of eyes (sclera);

c. Flushed face;

d. Change of speech (i.e., faster or slower);

e. Increased absences or tardiness;

f. Sudden weight loss;

g. Change in personality (i.e., paranoia);

h. Forgetfulness or perform- ance/concentration problems;

i. Borrowing money from co-workers or seeking an advance of pay or other unusual displays of asking for money;

j. Constant fatigue or hyperactivity;

k. Smell of alcohol;

l. Slurred speech;

m. Difficulty walking;

n. Dulled mental processes; and

o. Slowed reaction rate.

6. When a supervisor has reason to believe that one or more of the above conditions are present, they should confront the employee involved and keep the employee under direct observation until the situation is resolved.

7. If an employee is identified as needing assistance in resolving problems associated with drug or alcohol misuses, the employee shall be evaluated by a substance abuse professional (SAP), as defined by the FHWA regulations. The substance abuse professional will monitor the employee's compliance with any rehabilitation programs prescribed. The employee will be subject to unannounced follow-up tests directed by the substance abuse professional, and will consist of at least six tests in the first 12 months following the employee's return to duty.

(c) *Alcohol testing.* Testing for alcohol concentrations will be conducted using a National Highway Safety Administration (NHTSA) approved evidential breath testing (EBT) device operated by a trained technician (BAT). An employee who tests at an alcohol concentration of 0.02 or above on an initial screening test must be retested at least 15, nor more than 20, minutes after the completion of the screening test. This second test is called a confirmatory test. A confirmatory test showing an alcohol concentration of 0.02 to 0.039 will cause the employee to be removed from his or her safety-sensitive position for 24 hours; a test result of 0.04 or greater will be a violation of the rule. The individual must be evaluated by a substance abuse professional and follow and complete all recommendations to return to duty.

(d) *Compliance for request for testing*. Any employee who refuses a request for testing; who provided false information in connection with a test; who attempts to falsify test results through tampering, contamination, alteration or substitution; who is unable to provide an adequate urine specimen and upon medical evaluation such inability is determined not to be genuine; who attempts and fails to provide an adequate breath sample without a valid medical reason; who does

not arrive at the collection site in a timely manner; or who, without a valid reason, does not remain readily available before a test has been conducted shall be considered as refusing to be tested and removed from duty in compliance with DOT regulations, and in accordance with disciplinary procedures set forth by the city.

(e) *Safety-sensitive functions/job classifications to be tested in accordance with FHWA/DOT regulations* In order to comply with FHWA/DOT regulations, the job classifications listed below shall be considered safety-sensitive functions which are required to be randomly tested for drug and alcohol use in accordance with the requirements of the standard. The job classifications shall include those that require a CDL and any other employees who maintain a CDL. Job classifications that will be tested:

1. Driver;
2. Light equipment operator;
3. Heavy equipment operator; and
4. Any other employees who maintain a CDL.

(f) *Discipline.* Under FTA rules, discipline for drug and alcohol program violations is determined at the local level. The city discipline policy for alcohol misuse and/or drug abuse conduct follows below; however, individual circumstance pertaining to a positive drug test, and alcohol test with a concentration above 0.02, or a refusal to test may merit additional consideration.

1. Any employee whose test from a random test, reasonable suspicion or post- accident basis shows an alcohol concentration of 0.04 or higher, or is positive for any drug as defined in division (F)(1) above or whose actions constitute a refusal will:

a. Be removed from their safety-sensitive position;

b. Be referred to and assessed by an SAP;

c. Be subject to discipline subject to the filing of charges with the Non-Uniform Civil Service Board;

d. If deemed necessary by the SAP, be referred to and complete a treatment and rehabilitation program;

e. If allowed to return to duty, be seen by the SAP to determine compliance with any recommended or prescribed substance abuse program and then tested for drugs and/or alcohol before returning to duty. Tests must be negative of drugs and show an alcohol concentration of less than 0.02; and

f. Agree to return to work agreement developed in conjunction with the SAP and the city outlining terms of return to work, including ongoing treatment, aftercare conditions and additional unannounced follow-up tests for a minimum of one year, with a minimum of six tests the first year.

2. All refusals will be treated as a violation of the rules, recorded as a positive test, and the employee shall become subject to discipline up to and including discharge.

3. Additional measures for discipline are listed in the city's drug-free workplace policy and personnel policies.

(g) *Education and training*. It is the policy of the city that training and education programs will be made available to all employees. Additionally, supervisors and managers will receive instruction on how to identify the signs of drug and/or alcohol use or impairment and what to do in such reasonable suspicion cases. This training will be conducted by qualified professionals selected by the city. Additional and continuing drug and alcohol education and training will be provided as necessary.

(h) *Employee assistance program*. The city has made available a qualified third-party for counseling and related assistance to any employee with a drug or alcohol problem, pursuant to the Employee Assistance Program (EAP). Use of the EAP is strongly encouraged. Employees should contact the counselor in confidence about their problem. Use of the EAP or disclosures to the counselor will not result in disciplinary action to the person seeking help. If appropriate, and with the permission of the employee, the counselor will arrange for the employee to take accrued vacation leave, sick leave or a personal leave of absence for counseling/rehabilitation. It is the responsibility of each employee to seek assistance from the EAP before the alcohol or drug problem leads to disciplinary action. If a rule violation has already been found, or is independently found, using the EAP on a voluntary basis will not necessarily lessen disciplinary action and may, in fact, have no bearing on the determination of appropriate disciplinary action.

(1984 Code, § 34.30) (Ord. O-29-89, passed 5-22-1989; Ord. O-75-95, passed 12-28-1995)

Editor's note:

For more information, the Employee Assistance Program can be reached at (859) 344-2999.

CIVIL SERVICE SYSTEM; NON-UNIFORMED EMPLOYEES

§ 34.15 ABOLISHMENT OF NON- UNIFORMED CIVIL SERVICE SYSTEM.

(A) The city hereby immediately abolishes the Non-Uniformed Civil Service System previously adopted under KRS Ch. 90 for all employees not presently covered under the Non-Uniformed Civil Service System and for all future non-uniformed

employees.

(B) All non-uniformed civil service system employees hired by the city after the effective date of Ord. O-46-05 shall not be classified as participants in the Non-Uniformed Civil Service System.

(C) Current employees of the city classified as Non-Uniformed Civil Service System employees, as of the effective date of Ord. O-46-05, shall continue to maintain their status and protection as Non- Uniformed Civil Service employees.

(1984 Code, § 34.40) (Ord. O-46-05, passed 8-26-2005)

§ 34.16 ADMINISTRATION.

(A) Each member of the Civil Service Board shall receive compensation for his or her services at a rate established by the Board of Commissioners.

(B) The Civil Service Board consists of three members. A majority of the Board shall constitute a quorum.

(C) The Purchasing/Personnel Specialist is assigned as assistant to the Civil Service Board as a part of his or her normal duties.

(D) Any word herein importing the masculine gender is extended to and applied to female as well as male.

(1984 Code, § 34.42) (Ord. O-6-98, passed 3-10-1998)

GENERAL PERSONNEL POLICIES

§ 34.20 AUTHORIZATION TO CREATE A PERSONNEL POLICY MANUAL AND PERSONNEL HANDBOOKS.

The City Manager shall present to the Board of Commissioners a personnel policy manual and personnel handbooks to be adopted by the Board. Such adoption shall be by municipal order.

(Ord. O-22-19, passed 6-24-2019)

§ 34.21 EFFECT OF PERSONNEL POLICIES INCLUDED IN PERSONNEL MANUAL AND PERSONNEL HANDBOOKS.

The policies included in any personnel policy manual or handbook are intended to serve as reference materials which provide general guidance on city policies as they relate to applicable state and federal law regulating personnel matters. The personnel policies shall not create any right or property interest in employment with the city, nor will the personnel policies modify any state, federal, or local laws, including but not limited to the employment at will status of city employees. In the event of a conflict between the personnel policies authorized herein and any collective bargaining agreement, or the federal, state, or local laws, rules, and regulations (the “laws”), the laws or collective bargaining agreement shall control.

(Ord. O-22-19, passed 6-24-2019)

§ 34.22 ADMINISTRATION OF POLICIES.

The City Manager shall oversee the personnel policies authorized herein, and is authorized to conduct all personnel related activities under the authority of a City Manager as provided in KRS 83A.150. The Human Resources Director, under the direction of the City Manager, shall be responsible for the administration and technical direction of the city personnel program.

(Ord. O-22-19, passed 6-24-2019)

§ 34.23 ANTI-DISCRIMINATION.

No person employed by the city, or seeking employment therewith, shall be employed, promoted, demoted, or discharged or in any way be discriminated against because of disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation, gender identity, familial status, marital and/or parental status, veteran status, place of birth, or any other characteristic protected by federal, state, or local law.

(Ord. O-22-19, passed 6-24-2019)

NON-UNIFORMED, NON-CIVIL SERVICE EMPLOYEES

§ 34.30 POSITIONS DESIGNATED.

(A) The following positions and employees are hereby designated as non-civil service: all positions created and all employees hired from 8-26-2005 to the effective date of this section and all positions created and employees hired following the effective date of this section, unless otherwise designated by union contract or applicable law.

(B) All employees who retained civil service status according to §34.15 shall continue to retain such status under applicable state law.

(1984 Code, § 34.50) (Ord. O-38-83, passed 7-26-1983; Ord. O-24-84, passed 4-24-1984; Ord. O-7-93, passed 2-23-1993; Ord. O-36-00, passed 7-25-2000; Ord. O-38-00, passed 7-25-2000; Ord. O-47-00, passed 9-5-2000; Ord. O-49-00, passed 9-19-2000; Ord. O-51-00, passed 9-19-2000; Ord. O-60-00, passed 10-25-2000; Ord. O-64-00, passed 11-14-2000; Ord. O-

2-01, passed 1-23-2001; Ord. O-6-01, passed 2-20-2001; Ord. O-11-01, passed 3-20-2001; Ord. O-15-01, passed 4-17-2001; Ord. O-29-01, passed 8-7-2001; Ord. O-11-02; passed 3-5-2002; Ord. O-37-01, passed 9-18-2001; Ord. O-39-02, passed 9-3-2002; Ord. O-49-02, passed 10-29-2002; Ord. O-12-03, passed 3-18-2003; Ord. O-22-03, passed 4-29-2003; Ord. O-28-03, passed 6-10-2003; Ord. O-44-03, passed 7-22-2003; Ord. O-54-03, passed 9-16-2003; Ord. O-55-03, passed 9-16-2003; Ord. O-56-03, passed 9-16-2003; Ord. O-62-03, passed 10-28-2003; Ord. O-73-03, passed 11-25-2003; Ord. O-8-04, passed 3-16-2004; Ord. O-18-04, passed 3-30-2004; Ord. O-31-04, passed 5-11-2004; Ord. O-54-04, passed 8-24-2004; Ord. O-10-05, passed 1-27-2005; Ord. O-24-05, passed 5-17-2005; Ord. O-33-05, passed 6-21-2005; Ord. O-41-05, passed 7-29-2005; Ord. O-60-05, passed 11-15-2005; Ord. O-7-06, passed 2-14-2006; Ord. O-19-06, passed 4-25-2006; Ord. O-40-06, passed 8-15-2006; Ord. O-18-07, passed 6-19-2007; Ord. O-22-07, passed 6-19-2007; Ord. O-33-07, passed 8-14-2007; Ord. O-49-07, passed 10-30-2007; Ord. O-55-07, passed 12-5-2007; Ord. O-27-08, passed 8-19-2008; Ord. O-34-08, passed 9-9-2008; Ord. O-35-08, passed 9-9-2008; Ord. O-42-08, passed 10-14-2008; Ord. O-44-08, passed 10-28-2008; Ord. O-48-08, passed 11-18-2008; Ord. O-22-009, passed 8-11-2009; Ord. O-34-09, passed 12-22-2009; Ord. O-21-10, passed 6-24-2010; Ord. O-33-10, passed 8-24-2010; Ord. O-38-10, passed 10-12-2010; Ord. O-29-11, passed 9-6-2011; Ord. O-06-12, passed 4-3-2012; Ord. O-39-12, passed 10-23-2012; Ord. O-57-12, passed 12-18-2012; Ord. O-06-13, passed 3-12-2013; Ord. O-09-13, passed 3-26-2013; Ord. O-21-13, passed 6-25-2013; Ord. O-34-13, passed 10-8-2013; Ord. O-40-13, passed 12-17-2013; Ord. O-01-14, passed 1-21-2014; Ord. O-03-14, passed 2-18-2014; Ord. O-11-14, passed 6-24-2014; Ord. O-12-14, passed 6-25-2014; Ord. passed 9-23-2014; Ord. O-01-15, passed 1-20-2015; Ord. O-06-15, passed 4-14-2015; Ord. O-07-15, passed 4-14-2015; Ord. O-08-15, passed 4-14-2015; Ord. O-10-15, passed 4-28-2015; Ord. O-11-15, passed 4-28-2015; Ord. O-14-15, passed 5-18-2015; Ord. O-17-15, passed 6-16-2015; Ord. O-21-15, passed 6-23-2015; Ord. O-24-15, passed 7-21-2015; Ord. O-25-15, passed 7-21-2015; Ord. O-26-15, passed 8-18-2015; Ord. O-35-15, passed 10-20-2015; Ord. O-36-15, passed 10-20-2015; Ord. O-39-15, passed 11-10-2015; Ord. O-40-15, passed 11-17-2015; Ord. O-04-16, passed 3-22-2016; Ord. O-18-16, passed 7-15-2016; Ord. O-20-16, passed 8-23-2016; Ord. O-21-16, passed 8-23-2016; Ord. O-22-16, passed 8-23-2016; Ord. O-26-16, passed 9-27-2016; Ord. O-37-16, passed 11-15-2016; Ord. O-38-16, passed 11-15-2016; Ord. O-04-17, passed 2-21-2017; Ord. O-08-17, passed 5-2-2017; Ord. O-20-17, passed 9-26-17; Ord. O-27-17, passed 11-28-2017; Ord. O-02-18, passed 1-16-2018; Ord. O-04-18, passed 1-16-2018; Ord. O-18-18, passed 4-10-2018; Ord. O-20-18, passed 5-8-2018; Ord. O-23-18, passed 6-26-2018; Ord. O-29-18, passed 8-14-2018; Ord. O-30-18, passed 8-14-2018; Ord. O-31-18, passed 8-14-2018; Ord. O-33-18, passed 8-28-2018; Ord. O-36-18, passed 9-25-2018; Ord. O-37-18, passed 10-9-2018; Ord. O-15-19, passed 6-11-2019; Ord. O-25-19, passed 7-23-2019)

EMPLOYEE'S RETIREMENT FUND

§ 34.45 DEFINITIONS.

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

AVERAGE SALARY. The highest average annual salary of the member for the three years of service wherein the member drew his or her highest annual salary.

BOARD. The Board of Trustees provided herein as the agency responsible for the direction and operation of the affairs and business of the Fund.

EMPLOYEE. Any person employed in the conduct of municipal affairs who is in the classified service of the city and has been duly appointed under civil service regulations, exclusive of police officers and firefighters, and those employees who are appointed to an administrative or directional position as defined in KRS 90.300(a) if said appointee is a member of the Fund on the date of his or her appointment to the administrative or directional position.

FUND. The Employee's Retirement Fund of the city.

MEMBER. Any employee of the city who is included in the membership of the Fund.

MEMBERSHIP SERVICE. Service rendered on or after 7-23-1964.

OCCUPATIONAL DEATH. Death due to occupational causes including, but not limited to, injury or disease.

PRIOR SERVICE. Service rendered as a civil service employee prior to 7-23-1964.

SERVICE. Actual employment by the city, for salary, compensation or service otherwise creditable.

TOTAL DISABILITY. A disability which sub- stantially precludes a person from performing with reasonable regularity the substantial and material parts of any gainful work or occupation in the service of the department that he or she would be competent to perform were it not for the fact that the impairment is founded upon conditions which render it reasonably certain that it shall continue indefinitely.

TOTAL SERVICE. Prior service, membership service and military service.

WIDOW. Any woman legally married to an employee at the time of his retirement or married to the employee for a period of five years before his death, where there has been no decree of divorce of any kind dissolving the marriage and where the surviving spouse of such deceased employee has not at the time of death of such deceased employee voluntarily abandoned him or her. Upon the death of a member, due to occupational causes, the five-year marriage provision shall not apply. ***WIDOW*** includes ***WIDOWER***.

(1984 Code, § 34.60) (Ord. O-39-64, passed 7-23-1964; Ord. O-15-80, passed 2-19-1980; Ord. O-20-83, passed 4-19-1983)

§ 34.46 GENERAL PROVISIONS.

(A) *Creation of Retirement Fund; designation of name.*

(1) There is established in the city a retirement and benefit fund for employees of the city, their dependents and beneficiaries.

(2) The Fund shall be known as the "Employees Retirement Fund of the City of Covington, Kentucky". In such name, the Fund's business shall be transacted, its moneys invested and accumulated reserves consisting of cash, securities and other property held. The Fund shall receive all assets, cash, securities and other property presently held by the trustees of an existing fund.

(B) *Purpose of Fund*. The purpose of the Fund is to provide retirement annuities and disability benefits for the employees of the city who become aged or otherwise incapacitated, and widows' annuities and other benefits to the dependents of such employees to the end that such employees may accumulate reserves for themselves and their dependents to meet, without prejudice or hardship, the hazards of old age, disability, death and termination of service, thereby encouraging qualified personnel to enter and remain in the service of the city.

(C) *Scope; exception.*

(1) All city employees pension and retirement funds presently existing and in operation pursuant to statutory law and ordinances shall be operated under the provisions of this subchapter.

(2) This subchapter shall not apply to employees of the city covered by the Police and Firefighters Pension Fund.

(D) *Persons covered*. This subchapter shall apply to the following individuals:

(1) Employees of the city in the classified service prior to 7-23-1964; and

(2) Persons who become classified employees on or after the date of establishment who become members as a condition of employment.

(E) *Scope of benefits.*

(1) Members of existing pension funds retired by reason of age or disability and the widows or other dependents drawing funds from the Fund shall be continued upon the same terms and conditions as were in operation at the time the widow or other dependent became entitled to benefit as a widow or dependent. In no case shall the benefit be less than that set out in this subchapter.

(2) Members of existing pension funds, together with those who hereafter become members, and their widows and other dependents shall draw compensation pursuant to the provisions of this subchapter.

(F) *Probationary employees subject to Fund*. Employees appointed for a probationary period shall become members of the Pension Fund System immediately upon receiving their probationary appointment, and shall immediately begin paying into the Fund. In the event of the resignation or dismissal of the probationary employee, he or she shall receive a refund of all moneys paid into the Fund, without interest.

(G) *Fiscal year*. The fiscal year of the Fund shall coincide with that of the city.

(H) *Violations; falsification of records.*

(1) Any person who knowingly makes any false statement, falsifies or permits to be falsified, any record of this Fund, in any attempt to defraud the Fund, shall be punishable therefor under the laws of the state.

(2) The Fund shall have the right to recover any payments made under false representations.

(I) *Pension Fund successor to former fund.*

(1) It is the intention hereof that the Fund shall supersede and take the place of the pension fund heretofore created pursuant to enabling legislation by any ordinance of the city heretofore enacted.

(2) The Fund shall succeed to and assume all assets of any existing retirement or pension fund of every kind and character whatsoever, including cash, securities, receivables and accruals.

(3) The Fund shall assume all liabilities, obligations, annuities, pensions and benefits previously granted and in force by ordinances heretofore in effect.

(4) The Fund shall continue to make payments of all such annuities, pensions and benefits granted by such pre-existing pension ordinances at the rates previously fixed and under the conditions previously in effect.

(1984 Code, § 34.61) (Ord. O-39-64, passed 7-23-1964; Ord. O-64-64, passed 12-7-1964; Ord. O-48-71, passed 8-26-1971; Ord. O-15-80, passed 2-19-1980; Ord. O-20-83, passed 4-19-1983)

Statutory reference:

Pension fund in second class cities, see KRS 90.400

§ 34.47 BOARD OF TRUSTEES OF THE PENSION FUND.

(A) *Creation; composition.* The responsibility for the proper operation of the Fund and the direction of its policies shall be vested in a Board of Trustees of the Pension Fund, consisting of:

(1) The Mayor ex officio, who shall be the President of the Board;

(2) The City Manager ex officio, who shall be a member of the Board;

(3) The City Finance Director ex officio, who shall be the Secretary and Treasurer of the Board;

(4) The City Human Resources Director ex officio, who shall be a non-voting member; and

(5) One trustee shall be a former employee who is a member of the Fund. The trustee shall be appointed by the Mayor and serve a one-year term.

(B) *Board of Trustees; vacancies*. The Mayor shall fill any vacancy occurring on the Board.

(C) *Powers and duties of the Board*. The Board shall:

(1) Hold regular meetings, at least quarterly, and such special meetings as may be deemed necessary, and keep a full record of all its proceedings, which shall be open to inspection by the public;

(2) Provide for the installation of a system of accounts and records that shall give full effect to the requirements of this subchapter;

(3) Obtain such information from the participating members and the city as shall be necessary for the proper operation of the Fund;

(4) Consider and pass upon all applications for annuities, benefits, refunds and other payments, and authorize the expenditure for such purposes, in accordance with this subchapter;

(5) Have authority to promulgate such rules and regulations, not inconsistent with the provisions of this subchapter, necessary for the proper determi- nation of all claims before it;

(6) Accept any gift, grant or bequest of any money or property of any kind, for the purposes designated by the grantor, if such purposes are specified as providing cash benefits to some or all of the members or annuitants of the Fund. If no such purposes are designated, the gift, grant or bequest shall be credited to the account representing income from investments; and

(7) Have the accounts of the Fund audited at the end of each fiscal year, by a competent accountant, and submit an annual report to the city as soon as possible following the close of the year, embodying, among other things, a balance sheet showing the financial condition of the Fund, a statement of income and expenditures for the year and such other financial or statistical data as are necessary for a proper interpretation of the condition of the Fund and the results of its operations. The Board shall also cause to be published for distribution among the members a synopsis of such report.

(D) *Officers of the Board of Trustees*. The officers of the Board shall consist of a President, a Vice-President and a Secretary-Treasurer.

(E) *President; powers and duties*. The President shall be the chief executive officer of the Board. He or she shall preside at all meetings and shall appoint all necessary committees.

(F) *Vice President; election; powers.*

(1) The Vice President shall be annually elected by the Board of Trustees.

(2) The Vice President shall serve in the absence of the President.

(G) *Secretary-Treasurer; powers and duties; compensation.*

(1) The Secretary-Treasurer of the Board shall:

(a) Keep a full account of all proceedings of the Board;

(b) Give notice of all meetings, and give effect to all resolutions, orders and directives of the Board;

(c) Be in charge of the detailed affairs of administration of the Fund;

(d) Keep the record of proceedings of all meetings;

(e) Keep all books, files, records and accounts of the Fund;

(f) Receive all applications for annuities, benefits and refunds;

(g) Prepare periodic reports relative to the financial operations of the Fund for the information of the Board;

(h) Compile all statistics pertinent to the operation of the Fund; and

(i) Answer all correspondence received by the Board.

(2) The Board shall fix the compensation of the Secretary-Treasurer.

(H) *Secretary-Treasurer; powers and duties*. The Secretary-Treasurer of the Board of Trustees shall be treasurer of the Board and custodian of the Fund. He or she shall have custody of all cash and securities of the Fund, subject to the authority and directives of the Board, and shall keep such accounts and records as may be prescribed by the Board.

(I) *Legal Advisor to the Board of Trustees* The Law Department of the city shall serve as legal advisors to the Board of Trustees on all matters pertaining to the Fund involving suits or actions at law, and on any questions as to the interpretation of this subchapter. If the Board so elects, it may retain special counsel.

(J) *Investments of Board; bonds and securities*. The Board may invest the moneys accruing to the Fund in interest-bearing bonds of any county or city of the first, second or third class in the state, or in any securities in which trustees are permitted to invest trust funds under the laws of the state.

(K) *Payment of moneys; Board authorization required*. Moneys ordered paid from the Fund to any person shall be paid by the Secretary-Treasurer only upon order of the Board entered on the record of proceedings of the Board.

(L) *Determination by Board; application for rehearing; transcript.*

(1) (a) After a determination has been made on any application by the Board, any interested person may, within 20 days after notice of the determination or findings of the Board, apply for a rehearing with respect to any of the matters determined by the Board.

(b) The application for rehearing shall specify the matter of which a rehearing is sought.

(2) The Board shall fix the time for the rehearing within 20 days after the application is filed unless otherwise agreed by the parties.

(3) (a) Upon the rehearing, a complete transcript shall be made of all evidence presented.

(b) The cost of such transcript shall be borne equally by the applicant for the rehearing and the Board.

(4) Upon rehearing, the Board may change, modify, vacate or affirm its previous order upon the application and enter such an order as it deems necessary.

(1984 Code, § 34.62) (Ord. O-39-64, passed 7-23-1964; Ord. O-15-80, passed 2-19-1980; Ord. O-20-83, passed 4-19-1983; Ord. O-53-84, passed 8-28-1984; Ord. O-25-86, passed 5-6-1986; Ord. O-47-96, passed 11-26-1996; Ord. O-2-98, passed 1-20-1998; Ord. O-28-01, passed 8-7-2001; Ord. O-27-04, passed 4-13-2004; Ord. O-4-05, passed 1-25-2005; Ord. O-30-11, passed 9-20-2011)

§ 34.48 RULES AND REGULATIONS.

(A) *Credit for prior service.*

(1) Each person becoming a member on 7-23-1964 shall be entitled to full credit for service rendered as a civil service employee prior to such date, providing regular payments have been made to the pension fund during the prior service. Each person becoming a member after 7-23-1964 shall be entitled to credit after such date; provided, contributions are made for all such periods of absence and subsequent service.

(2) The following types of service are eligible for service credit:

(a) Service as a full-time employee of the city;

(b) Service in another capacity of the city, the state or the federal government, while on approved leave of absence from the city, subject to a maximum credit for such service on one year; and

(c) Service in any branch of the armed forces of the United States during a period of national emergency while on leave of absence from the city; provided that:

1. Such leave of absence service does not exceed five years; and

2. Such member re-enters the service of the city within a period of six months following the date of honorable discharge from such service.

(B) *Computation of service credit*. In the computation of service credit, nine months or more of service during a year entitles a member to one year of service, six to nine months of service constitutes three-quarters of a year, three to six months, one-half year, and less than three months, one-quarter of a year.

(C) *Withdraw from service prior to retirement; waiver of rights.*

(1) Upon the withdrawal from service prior to retirement, a member shall be entitled to receive a refund of all of the amount of contributions made by the member, without interest.

(2) Any members receiving a refund of contributions shall thereby forfeit, waive and relinquish all accrued rights and benefits in the retirement system, including all credited and creditable service.

(3) The Board may, regardless of cause, withhold payment of a refund for a period not to exceed six months after receipt of an application from a member.

(D) *Re-employment of person receiving refund; reinstatement into the Fund.*

(1) Any member who has received a refund shall be considered a new member upon subsequent re-employment if such person qualified for membership under this subchapter.

(2) After the completion of at least five years of continuous membership service following his or her latest re-employment, such member shall have the right to make a repayment to the Fund of the amount previously received as a refund, including 6% interest from the date of refund to the date of repayment. Upon the restoration of such refunds, the member shall have reinstated to his or her account all credited service represented by the refunds of which repayment has been made.

(3) Repayment of refunds by any member shall include all refunds received by a member prior to the date of his or her last withdrawal from service and shall be made in a single sum.

(E) *Employee's contribution; salary deduction.*

(1) Each active member shall contribute a sum, not to exceed 8% of his or her current salary, which shall be determined and fixed by the Board of Commissioners as deemed necessary. The city is authorized to deduct such amount from the salary of each active member at the close of each payroll period.

(2) The contribution shall be made as a deduction from salary, notwithstanding that the salary paid in cash to such member may be reduced thereby below the legally established rate.

(3) Every member of the Fund shall be deemed to consent and agree to the deduction from his or her salary. Payment to such member of his or her salary, less such deduction, shall constitute a full and complete discharge and acquittance of all claims and demand whatsoever for the services rendered by such member during the period covered by the payment, except as to the benefits herein provided.

(F) *City's contribution.*

(1) As used in this section, ***ACTUARILY SOUND CONDITION*** and ***ON AN ACTUARILY FUNDED BASIS*** shall mean a financial condition and status of the Pension Fund which will permit the payment of all retirement, disability and all other benefits accruing to employees who are beneficiaries of the Fund when due, under existing and all prior ordinances and amendments thereto whichever benefit is the greater.

(2) For each fiscal year, the city's contribution to the Fund shall be fixed by the Board of Commissioners to be:

(a) An amount at least equal to the total contributions made by the members during the same period; plus

(b) Such additional amount as may be deemed adequate to maintain the Fund in an actuarily sound condition and on an actuarily funded basis. Such sum shall be determined by a qualified and reputable actuary or actuarial firm to be selected by agreement of the Board of Commissioners and the Board of Trustees.

(3) An actuary or actuarial firm shall be employed on a continuing basis to fix the sum herein provided for. The actuary or actuarial firm shall at least each five years, prior to the adoption of this city's annual budget, certify to each Board the sum he or she deems adequate to maintain the Fund. The sum shall be included in each annual budget and tax duly levied therefor. During such five years after each actuarial report, the annual amount and tax levy therefor shall be no less than the annual sums certified by the actuary.

(G) *Maintenance of records system*. An adequate system of accounts and records shall be established and maintained for the Fund that shall reflect fully the requirements of this subchapter. This system shall be integrated to the extent possible with the accounts, records and procedures of the city to the end that the system shall operate most effectively, at minimum expense and that duplication of records and accounts may be avoided.

(H) *Assignment of benefits restricted.*

(1) The right to a retirement annuity, disability annuity, survivors annuity or benefit, death benefit or any other benefit or refund under this subchapter, is personal with the recipient thereof. The assignment or transfer of such benefit or any part thereof shall be void, except as herein provided.

(2) No annuity, benefit or refund shall answer for debts contracted by the person receiving the annuity, benefit or refund. No annuity, benefit or refund shall be attached or affected by a judicial proceeding.

(3) Excepted herefrom are those judicial proceedings where the underlying debt owed by the pensioner is due to the city or any of its pension funds and the debt arose from actions involving moral turpitude.

(I) *Payment of annuity.*

(1) Any service retirement annuity, disability retirement annuity or any other annuity provided in this subchapter shall be payable in equal monthly installments as life annuities, and shall not be decreased, revoked or repealed, except for error, where specifically otherwise provided or upon written request. The cost of providing death benefits for members in receipt of retirement annuities shall not be construed as a reduction in the life annuity payable to the member.

(2) The first payment of an annuity shall be made for the fraction of a month elapsing until the end of the first month, and the last payment shall be made as of the end of the month in which death occurs.

(J) *Liability of city for expenses*. The payment of the required contributions by the city, all allowances, annuities and benefits shall be the obligation of the city. Administration expenses incurred in operating the Fund shall be paid by the city.

(1984 Code, § 34.63) (Ord. O-39-64, passed 7-23-1964; Ord. O-8-71, passed 8-26-1976; Ord. O-15-80, passed 2-19-1980; Ord. O-20-83, passed 4-19-1983)

§ 34.49 DEATH BENEFITS.

(A) *Occupationally related death benefits.*

(1) Upon death of a member due to occupational causes, regardless of length of service, his or her surviving widow shall be entitled immediately upon cessation of salary to an annuity equal to 50% of the member's average rate of salary. The annuity shall be payable until the widow dies or remarries.

(2) If minor children of the member under age 18 survive the deceased member, the widow shall receive on account of each child, 10% of the member's last rate of salary until each child attains age 18. The combined payments to a widow and minor child shall not exceed 70% of his or her average rate of salary.

(3) If a widow does not survive the member, or if he or she remarries, and minor children of the member under age 18 exist, each child is entitled to an annuity equal to 10% of the member's last rate of salary until each child attains age 18, but the combined payments to such children shall not exceed 50% of the member's average rate of salary.

(4) If neither a widow nor minor children eligible for benefits survive the member, each dependent parent is entitled to an annuity equal to 25% of the member's last rate of salary or 50% to both parents.

(B) *Non-occupational death benefit.*

(1) Upon death of a member occurring while in service, arising from any cause other than in the performance of duty; provided, the member had at least ten years of total service, his or her widow shall receive an annuity equal to 1.5% of average salary for each year of total service, credited to the member, subject to the following conditions:

(a) The widow is at least 40 years of age, otherwise payment shall be deferred until he or she attains such age. If the widow is or becomes totally disabled before age 40, or has a minor child or children by the member in his or her care under age 18, including adopted children provided the proceedings for adoption were initiated at least one year prior to death of member, payment of the widow's annuity shall begin immediately together with an additional allowance on account of the child or children.

(b) The widow's annuity shall terminate in any event when the widow remarries.

(c) The annuity of each child or children shall continue until each child attains age 18.

(2) If the widow has any minor children by the member under age 18, the annuity to the widow shall be increased by one-half on account of the first child and by one-fourth on account of each additional child, subject to a maximum combined payment to the widow and children of 50% of the final rate of salary.

(3) The benefits provided under divisions (B)(1) and (B)(2) above shall also be payable upon death of the member while on retirement; provided, the marriage was in effect for at least one year before retirement.

(C) *Active service death benefits when no annuity due*. Upon the death of a member occurring while in active service, if no annuities are payable, the designated beneficiary to the member or his or her estate shall be entitled to a death benefit equal to the total contributions made by the member to the Fund, without interest or $300, whichever is greater.

(D) *Retirement death benefits when no annuity due.*

(1) Upon the death of a retired member, if no annuities shall be due or payable, a death benefit shall be paid to the designated beneficiary or estate of the member equal to the excess, if any, of the total contributions made by the member to this Fund to the date of retirement, without interest over the total annuity payments received by the member. The minimum payment in such case shall be $300.

(2) If any annuities are payable after the death of a retired member, the amount of such death benefit, if any, shall be determined upon termination of annuity payments to all survivors of the member, whether such termination occurs by death, remarriage, or other cause.

(1984 Code, § 34.64) (Ord. O-39-64, passed 7-23-1964; Ord. O-15-80, passed 2-19-1980)

§ 34.50 DISABILITY BENEFITS.

(A) *Occupational disability*. In the event of total and permanent occupational disability, the member shall receive an annuity equal to 60% of his or her rate of salary, based upon an average of the three highest salary years. This benefit shall begin at such time as his or her salary may cease, and shall be paid during his or her entire lifetime. Upon his or her death, his or her eligible widow and minor children, if any, shall receive the benefits as provided in § 34.49(B) of this chapter.

(B) *Non-occupational disability.*

(1) Upon total and permanent disability of a member as the result of any cause other than occupational disability, if a member rendered at least ten years of total service, he or she shall be entitled to a disability retirement annuity. The amount of such annuity shall be equal to 2.5% of his or her average salary for each full year of total service, subject to a minimum payment of 25% of such average salary, and a maximum payment of 65% of his or her average salary.

(2) Payment of the annuity shall be made during disability of the member.

(3) Upon death of the member, if any eligible widow or minor children survive, such survivors shall be entitled to the regular annuities provided under § 34.49(B) of this chapter.

(4) Persons with 20 or more years of service may retire in accordance with §34.51(D) of this chapter.

(C) *Non-occupational disability annuity; date of commencement*. An annuity for non-occupational disability shall begin to accrue upon the expiration of employee's sick leave commencement of disability. If the member is receiving salary for sick leave for a period of more than 90 days, payment shall accrue from the date such salary ceases. If written application for such annuity has not been filed with the Board prior to the expiration of 90 days from the date of disability, the annuity shall begin to accrue from the date the application is filed, but not prior to the expiration of employee's sick leave from the date of disability, nor in any event prior to the time when salary payments to the employee ceased.

(D) *Certification of disability.*

(1) A member shall be considered totally and permanently disabled after the Board has received written certification by at least two licensed and practicing physicians selected by the Board that the member is totally and permanently disabled.

(2) The written certification shall state that the member has been separated from the service of the city because of total disability of such nature as to reasonably prevent further service for the employer, and as a consequence is not entitled to compensation from the city.

(3) The Board shall grant a disability retirement annuity to the member upon presentation of the required written certifications.

(1984 Code, § 34.65) (Ord. O-39-64, passed 7-23-1964; Ord. O-15-80, passed 2-19-1980)

§ 34.51 RETIREMENT BENEFITS.

(A) *Retirement annuity; requirements.* Any member may, at his or her option, retire on a service retirement annuity on or after attainment of the age of 48 years; provided, he or she shall have completed at least ten years of total service; provided, however, that, if a member is laid off or his or her job is eliminated before he or she reaches the age of 48, he or she shall be entitled to retire on a service retirement annuity before the age of 48, if he or she has complied with all other terms required to qualify for retirement. Upon fulfillment of these terms, the Board shall grant the retirement annuity upon receipt of the application of the member.

(B) *Retirement before age 48; option to acceptance of annuity*. Any member who withdraws from service prior to age 48 years after having completed at least ten years of total service, and who does not accept a refund of contributions, shall receive, upon application, a certificate entitling him or her to a service-retirement annuity upon his or her attainment of age 48, or upon total disability as set forth in § 34.50(B) of this chapter, specifying the amount of the annuity earned and accrued at the date of withdrawal from service.

(C) *Compulsory retirement*. Each member is subject to compulsory retirement according to the rules of the city; provided that, any member able to perform his or her assigned duties shall not be precluded from serving at least ten years.

(D) *Calculation of annuity rate*. The rate of retirement annuity is 2.5% of the average salary of the employee for each year of total service for the first 20 years, 2% of the average salary for each year of total service for five years after the first 20 years, and 1% of the average salary for each year of total service after 25 years, subject to a maximum of 65% of average salary. Fractional periods of service shall be considered in the calculation of such annuities according to the above rate.

(E) *Pension plan.*

(1) The pension plan established by Ord. O-39-64, as amended, is hereby frozen effective 4-1-1977 to participation by those existing city employees who are then participating therein and who filed with the City Clerk on or before 4-30-1977, a written election to continue participating therein in lieu of participating in CERS.

(2) The city elects to participate in CERS effective 4-1-1977, and authorizes the Mayor and City Manager to execute the appropriate instruments to effectuate such election.

(3) Any employee now participating in the existing city pension plan is authorized to terminate such participation and transfer to CERS.

(4) The city shall continue to fund and manage its existing pension plan for the benefit of the employees electing to continue therein.

(5) Employees hired after 3-31-1977, who are otherwise eligible to participate in the city's Pension Plan, shall participate only in CERS; provided that, city employees hired after 3-31-1977, shall not be eligible to participate in CERS until they have been employed continuously for 180 days.

(6) Excluded from participating in CERS as authorized by KRS 78.530 are the employees of the Municipal Housing Authority and those other city employees who are hired as temporary, part-time, seasonal and emergency workers, as defined in KRS 78.510 through 78.990.

(7) The city adopts terms and provisions of CERS under KRS 78.510 through 78.990 and elects the Regular Participation Plan, beginning 4-1-1977.

(F) *Cost of living increase.*

(1) A cost of living increase based on the "All Items Index" of the United States Department of Labor's Consumer Price Index may be granted by the Board of Trustees so long as the increase may be supported on an actuarially sound basis by the Fund.

(2) No increase shall exceed 5% or the actual increase in the cost of living whichever is lower.

(1984 Code, § 34.66) (Ord. O-39-64, passed 7-23-1964; Ord. O-48-71, passed 8-26-1971; Ord. O-15-80, passed 2-19-1980; Ord. O-16-84, passed 3-13-1984; Ord. O-45-94, passed 12-13-1994; Ord. O-72-95, passed 12-28-1995; Ord. O-50-00, passed 9-19-2000)

§ 34.52 INSURANCE BENEFITS.

Effective 8-1-1990, any member of the Employees' Retirement Fund of the city who retires after 7-31-1988, and who is eligible for a retirement annuity, is eligible for participation in the same city medical insurance program available to employees, under the following terms and conditions.

(A) The member must submit a written request for inclusion in the medical insurance plan.

(B) (1) The city will pay 80% of a single policy premium with the total annual payment not to exceed $1,200 per year, and the member must agree to pay the balance of the single premium and all costs connected with family coverage premiums.

(2) Notwithstanding the provisions of division (B)(1) above, as an inducement to encourage retirement of the remaining employees covered by the fund, the city will provide a single health insurance policy for any current employee who is a member and who retires by 7-31-2011.

(C) The retiree medical coverage shall continue until and not extend beyond the retiree's sixty-fifth birthday or the date of retiree's eligibility for federal Medicare coverage, unless the Medicare coverage is the result of an occupational disability, or the date that the retiree becomes eligible for another employer sponsored plan, whichever date first occurs. Another employer sponsored plan does not include coverage by the retiree's spouse's plan.

(D) If the retiree withdraws from the medical insurance plan in order to enroll with another employer-sponsored plan, and that coverage is subsequently terminated, the retiree may re-enroll in the city sponsored plan if all other conditions of eligibility are still in effect.

(E) If the city's medical insurance plan is terminated, then the retiree's medical coverage shall also be terminated. This plan may be terminated at the discretion of the Board of Commissioners based on budgetary reasons or for any other purpose that is in the best interest of the city. This medical insurance coverage does not include dental insurance or life insurance.

(F) This medical insurance is not available to members of the CERS Retirement Fund or the Police and Firefighters Retirement Fund.

(G) The medical benefits and insurance coverage shall be the same benefits as that offered to active non-uniform city employees, and these benefits may be changed from time to time at the discretion of the Board of Commissioners.

(1984 Code, § 34.67) (Ord. O-30-90, passed 7-10-1990; Ord. O-3-94, passed 2-1-1994; Ord. O-61-98, passed 11-23-1999; Ord. O-11-11, passed 6-28-2011)

§ 34.53 MILITARY LEAVE OF ABSENCE.

Any full-time employee who is a member of the National Guard or a military reservist who is called to active military duty, in addition to the rights guaranteed by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA, Pub. L. 103-353) being 38 U.S.C. §§ 4301 - 4335), will also be entitled to receive compensation during his or her active duty status in an amount equal to a difference between his or her current pay or salary at the time of deployment and his or her salary received from the military while on active duty.

(A) ***CURRENT SALARY*** is defined to be the base salary established by the city's salary ordinance and any subsequent order/resolutions changing the salary in effect on the employee's beginning date of active military duty. The base salary does not include overtime or any other salary benefit.

(B) The city will compensate the employee while the employee is on active military duty at the difference between the employee's salary and the compensation received by the employee from his or her military employer. The city will pay the difference only if the city salary is less than the military salary.

(C) It is the responsibility of the employee on active duty to provide written verification of his or her military earnings by submitting copies of pay vouchers or other similar evidence to the Finance Department before salary differential payments are made.

(1984 Code, § 34.68) (Ord. O-07-12, passed 4-3-2012)

CHAPTER 35: CITY POLICIES

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GENERAL PROVISIONS

§ 35.001 SELF-INSURANCE PROGRAM.

(A) In order to provide for a joint and cooperative program for self-insurance, the city has adopted Ord. O-36-87, passed 6-23-1987, and Ord. O-19-93, passed 5-18-1993.

(B) All agreements, articles and by-laws pertaining to self-insurance and specifically authorized by Ord. O-36-87 and Ord. O-19-93 are hereby adopted by reference as if fully set out herein.

(1984 Code, § 35.01) (Ord. O-36-87, passed 6-23-1987; Ord. O-19-93, passed 5-18-1993)

§ 35.002 INVESTMENT POOL PLUS.

Whereas, the city has determined that participation in the cash management and investment program known as the “Kentucky League of Cities Investment Pool Plus”, for the purpose of the joint investment of moneys with other local governments, will result in economies of scale that should enhance the investment earnings accruing to the city while preserving the principal of the city’s investment; therefore:

(A) The interlocal cooperation agreement and the declaration of trust as described in the information statement and on file in the office of the Secretary of state, are hereby adopted and approved. The Mayor is hereby authorized to execute and deliver the interlocal cooperation agreement and otherwise to evidence the city’s approval and participation in the program including the execution and delivery of all documents and the taking of other actions as may be necessary or appropriate. Further, the City Clerk is hereby authorized to attest such signature and to sign such documents and take such actions as the Mayor shall direct, their respective signatures to constitute conclusive evidence of their approval of the documents they sign; and

(B) The City Manager and Finance Director are hereby designated as “authorized officials” with authority to effectuate the investment and withdrawal of moneys from time to time in accordance with the declaration of trust. The Mayor shall advise the Fund of any changes in authorized officials in accordance with procedures established by the Fund.

(1984 Code, § 35.10) (Ord. O-57-90, passed 11-27-1990)

§ 35.003 CLAIMS AGAINST THE CITY AND DENIAL OF BENEFITS TO THOSE DELINQUENT.

(A) The city will not provide loans, grants, financial assistance or other benefits such as licenses and permits to persons or entities who have filed pending adverse claims against the city in the form of settlement demands or lawsuits, or those who owe delinquent taxes, or are delinquent in obligations to pay loans, fines, liens or other obligations. No person or entity will be denied federal public or assisted housing agency benefits or programs administered by the city as a result of this policy.

(B) The Board of Commissioners may waive this requirement in cases of health, safety or other emergency considerations. The order waiving the requirements of this section shall identify with specificity the justification for the waiver.

(C) Any person or entity denied benefits as a result of this policy may appeal the decision to deny benefits to the Board of Commissioners within 30 days of the decision to deny the benefits. Any person or entity denied benefits by the Board of Commissioners may proceed with any legal and/or equitable right to review such decision.

(D) Any person who has filed a pending adverse claim against the city in the form of settlement demands or lawsuits, or who owe delinquent taxes, or are delinquent in obligations to pay loans, fines, liens or other obligations shall not be eligible to serve on any boards or agencies of the city.

(1984 Code, § 35.35) (Ord. O-11-06, passed 3-7-2006; Ord. O-26-19, passed 8-13-2019)

§ 35.004 RESTRICTIONS ON RUNNING FOR MAYOR OR CITY COMMISSION.

(A) City employees shall not participate in the election campaign of the members of the City Commission in city buildings or on city property.

(B) City employees shall not participate in the election campaign of the members of the City Commission while in a city vehicle.

(C) City employees shall not use any city resources including the city's email system to comment on candidates or their positions on issues or post campaign placards or slogans on city property.

(D) Any employee who violates this section shall be subject to disciplinary action, including termination.

(1984 Code, § 35.40) (Ord. O-10-18, passed 1-30-2018) Penalty, see § 10.99

§ 35.005 COMPUTER USE POLICY.

[Reserved]

§ 35.006 SOCIAL MEDIA POLICY.

[Reserved]

§ 35.007 VEHICLE USE POLICY.

[Reserved]

SMOKING POLICY

§ 35.020 SMOKING POLICY FOR CITY OWNED BUILDINGS.

(A) It is the policy of the city that the smoking of tobacco products or use of smokeless tobacco in all city office buildings and workplaces occupied by city departments shall be prohibited.

(B) ***CITY OFFICE BUILDING OR WORKPLACE*** shall mean any enclosed structure owned, leased or used by a department of city government in which one or more employees of city government regularly work.

(1984 Code, § 35.20) (Ord. O-14-03, passed 4-1-2003; Ord. O-45-07, passed 10-9-2007)

§ 35.021 ESTABLISHMENT OF POLICY.

A copy of the smoking policy shall be distributed to all employees of the city, subsequent newly hired employees and be prominently posted permanently at each city department's offices, headquarters or workplace.

(1984 Code, § 35.21) (Ord. O-14-03, passed 4-1-2003; Ord. O-45-07, passed 10-9-2007)

§ 35.022 GUIDELINES.

(A) Smoking shall be allowed in open outdoor public areas adjacent to city office buildings or workplaces where ventilation and air exchange are adequate and there are no restrictions otherwise placed on the area by the state's Fire Marshal or other similar authority.

(B) Smoking shall be prohibited during all meetings which are held in any city building or workplace.

(1984 Code, § 35.22) (Ord. O-14-03, passed 4-1-2003; Ord. O-45-07, passed 10-9-2007) Penalty, see § 10.99

§ 35.023 CITY VEHICLES.

Smoking shall not be permitted in any assigned city vehicle.

(1984 Code, § 35.23) (Ord. O-14-03, passed 4-1-2003; Ord. O-45-07, passed 10-9-2007)

CONTRACT APPROVAL AND MANAGEMENT

§ 35.035 DEFINITIONS.

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

AGENDA ITEM REQUEST FORM. A form created and maintained by the City Clerk which is utilized in the Board of Commissioners legislative cycle to request that an item, such as a contract or policy, be approved by the Board of Commissioners. The form shall identify the total amount of expenditures to be authorized, whether the expenditure has been budgeted, the source fund for the expenditure and the account number and the form shall otherwise be compliant with other applicable legal requirements imposed by local ordinance or applicable city policies.

CONTRACT. All types of city agreements, including grants and orders. It includes: awards and notices of award; contracts of a fixed-price, cost, cost plus-a-fixed-fee or incentive type; contracts providing for the issuance of job or task orders: leases; letter contracts; and purchase orders. It also includes supplemental agreements with respect to any of the foregoing.

CONTRACT COVER SHEET. Forms created and maintained by the City Clerk utilized to obtain signatures on contracts. The form shall identify the total value of the contract, the total amount of city funds to be authorized, whether the expenditure has been budgeted, the source fund for the expenditure and the account number.

SMALL CONTRACTS. Contracts which the City Manager has authority to approve, and the Mayor or his or her designee has authority to sign, as described in § 35.036(B) of this chapter.

(1984 Code, § 35.50) (Ord. O-42-18, passed 12-11-2018)

§ 35.036 RESPONSIBILITY AND DELEGATION OF AUTHORITY.

(A) *Contracts requiring Commission approval.*

(1) The following types of contracts or agreements shall require Board of Commissioner approval prior to execution:

(a) Contracts involving an amount over $40,000;

(b) Loans or grants of city funds, including, but not limited to, economic development incentives and city incentives;

(c) Leases, easements, revocable licenses or other grants of an interest in city-owned real property;

(d) Receipt of federal or state or philanthropic grants and contracts requiring an in-kind match of city services or staff time; and

(e) Intergovernmental agreements.

(2) The Mayor shall be solely authorized to execute contracts requiring Board of Commissioner approval. If the Mayor is not available, the Vice- Mayor may execute the contract in his or her stead.

(3) The above notwithstanding, the following types of contracts shall be exempt from requiring individual Commission approval:

(a) Loans and/or grants of $40,000 or less, which are for federal housing assistance programs with yearly program guidelines previously approved by the Board of Commissioners, and utilizing funds received from the U.S. Department of Housing and Urban Development (HUD). These include funds from the Community Development Block Grant Program (CDBG), the Home Investment Partnerships Program (HOME) and any other HUD grants awarded to the city; and

(b) Loans and/or grants of $40,000 or less, which are provided with funding from The Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program, a part of the American Rescue Plan Act (ARPA), through programs previously approved by the Board of Commissioners, such as the ARPA Mortgage Assistance Program and ARPA Home Repair Program.

(B) *Small contracts.* In accordance with KRS 83A.150(9), the Board of Commissioners hereby delegates to the City Manager the authority to approve, and the Mayor the authority to execute, “small contracts”. Small contracts are any other type of agreement not requiring Board of Commissioner approval as described above. Approval and signature of small contracts shall be subject to the following additional provisions:

(1) If the small contract involves an expenditure of funds, the funds for the expenditure must be appropriated in the budget previously approved by the Board of Commissioners; and

(2) If the Mayor is not available, the Vice- Mayor may execute the contract in his or her stead. If the Vice-Mayor is not available, the Mayor is authorized to appoint the City Manager as his or her designee for small contract signatures.

(C) *Authority and responsibility.*

(1) The City Manager shall be responsible for providing a quarterly report to the Board of Commissioners on all contracts approved by the City Manager and the Mayor in the preceding quarter. The report shall identify the vendor, amount of the contract, date of approval and purpose of the contract.

(2) Based on the reporting provided by the City Manager, the Board of Commissioners reserves the right to set policies on various contract categories that would otherwise be eligible for City Manager approval.

(1984 Code, § 35.51) (Ord. O-42-18, passed 12-11-2018; Ord. O-33-19, passed 10-29-2019; Ord. O-22-22, passed 11-29-2022; Ord. O-12-23, passed 8-8-2023)

§ 35.037 ENCUMBRANCES OF FUNDS.

For any contract involving the expenditure of city funds, the departments head(s) responsible for managing the contract shall first ensure an adequate amount of funds are identified, available and encumbered for the specific contract prior to recommending approval of the agreement to the City Manager or Board of Commissioners.

(1984 Code, § 35.52) (Ord. O-42-18, passed 12-11-2018)

§ 35.038 REVIEW BY CITY SOLICITOR.

All contracts must be reviewed and approved by the office of the City Solicitor prior to execution.

(1984 Code, § 35.53) (Ord. O-42-18, passed 12-11-2018)

§ 35.039 ROUTING CONTRACTS FOR INTERNAL APPROVAL.

(A) The City Clerk is designated with the duty of creating agenda item request forms and contract cover sheets, to be utilized in obtaining internal approvals for contracts.

(B) Requests for approval of all small contracts shall be undertaken according to the following procedures.

(1) When a need for a small contract is identified, the originating department shall, as soon as is practicable, request the City Solicitor's office to review or draft the appropriate agreement.

(2) After the contract is approved by the City Solicitor's office and all non-city parties to the contract, the requesting department shall fill out a small contract cover sheet and transmit the form, with a final version of the contract attached, to the City Clerk.

(3) The City Clerk shall transmit the contract first to the City Solicitor's office, then the Finance Department, then to the City Manager for approval and finally to the Mayor or his or her designee for signature.

(C) Requests for approval of contracts that are not small contracts and, therefore, require Board of Commissioners approval shall be undertaken according to the following procedures.

(1) Each calendar year, the City Clerk disseminates a list of regularly scheduled business meetings of the Board of Commissioner meetings to city staff. The City Clerk's duties also include establishing corresponding internal agenda item request form submission deadlines and staff meeting dates at which city staff discuss agenda item request forms for the upcoming business meetings of the Board of Commissioners. Departments shall make note of the applicable deadlines and plan contract approval requests accordingly.

(2) Official requests for Board of Commissioner approval of contracts shall be achieved through an agenda item request form which is submitted to the City Clerk.

(3) When a need for a contract is identified, the originating department shall, as soon as is practicable, request the City Solicitor's office to review or draft the appropriate agreement. All contracts must be reviewed and approved by the City Solicitor's office prior to the submission of an agenda item request form. City staff shall make all reasonable efforts to submit contract drafting and review requests to the City Solicitor's office at least one week prior to agenda item request form submission due dates.

(4) All contracts shall be approved as to terms by all non-city parties prior to submission of an agenda item request form.

(5) Contracts shall be in final form when submitted with an agenda item request form. No changes to the terms on an agreement may be made after the contract is submitted to the Board of Commissioners for review, unless authorized by the Board of Commissioners.

(6) A complete copy of the contract shall be attached to the order for consideration by the Board of Commissioners.

(1984 Code, § 35.54) (Ord. O-42-18, passed 12-11-2018)

§ 35.040 CONTRACT EXECUTION.

(A) Department heads shall be responsible for obtaining signatures of all non-city parties to a contract. Non-city signatures shall be obtained prior to seeking city signatures, except when a conflicting policy of the non-city entity exists, or

when time will not permit. Signatures of all non-city parties to a contract may be obtained electronically or as wet ink signatures on paper.

(B) The City Clerk's office shall utilize a contract cover sheet for obtaining internal signatures. One contract cover sheet shall be utilized for small contracts and a separate cover sheet for all other agreements. Department heads shall be responsible for completing the appropriate contract cover sheet and attaching it to any contract which requires signature by the Mayor. The appropriate department head(s) shall ensure that the contract cover sheet contains, at a minimum, the following information about the agreement: the vendor; amount of the contract; date of approval; date of termination; renewal terms; and the purpose of the contract.

(C) For ease of understanding, internal approval of small contracts by the City Manager and execution by the Mayor may occur at the same time, utilizing one contract cover sheet.

(D) Department heads shall transmit contracts ready for execution to the City Clerk. The City Clerk, or the acting City Clerk if the City Clerk is otherwise unavailable, shall obtain the signature of the Mayor. No other individual shall be permitted to submit a contract for signature, without the express authority of the City Manager.

(E) Whenever possible, contracts shall be routed electronically via the city's contract management software.

(F) For contracts that require wet ink signatures on paper, an original and fully executed version of every city contract along with the corresponding completed cover sheet shall be submitted to and maintained by the City Clerk. The City Clerk shall maintain a register of all contracts, with the approving legislation number, name of all non-city contracting parties and a reference to the physical location of the contract, in addition to and independent of the city's contract management software.

(G) Department heads shall be responsible for providing a copy of the fully executed contract to all non-city contracting parties.

(1984 Code, § 35.55) (Ord. O-42-18, passed 12-11-2018; Ord. O-10-2025, passed 7-15-2025)

§ 35.041 CONTRACT DATABASE.

(A) Once a contract has been fully executed via the city's contract management software, the contract shall remain and be stored in its digital format within the city's contrac management software. For contracts that require wet ink signatures on paper, the City Clerk or his or her designee shall upload the agreement to the city's contract management software.

(B) Utilizing the contract cover sheet completed by the applicable department, the City Clerk or his or her designee shall update the contract management software with relevant information regarding the contract (i.e., term, contract price, expiration date).

(C) Individual department heads shall retain the ultimate responsibility for monitoring renewals and compliance with terms of all contracts generated in their office. In addition, the office of the City Clerk shall maintain notification settings for automatic electronic notifications within the city's contract management software based upon the information provided on the contract cover sheet identifying the termination date of contracts, with sufficient advance notice to negotiate renewals, where applicable, on a timely basis. The City Clerk shall provide the procurement officer access to alerts in the notification system.

(1984 Code, § 35.56) (Ord. O-42-18, passed 12-11-2018; Ord. O-10-2025, passed 7-15-2025)

CHANGE ORDERS

§ 35.055 CHANGE ORDERS.

(A) *Issuance.* Change orders may be issued to authorize revised work that is required as a result of unanticipated developments that arise during the performance of a contract. A change order may be issued by the city, provided the revised work can be considered a reasonable part of the original scope and intent of the contract rather than departing from it, and where it clearly would be contrary to the public interest to halt the work and call for bids.

(B) *Format.* All change orders shall be achieved through written addendums to the applicable contract.

(C) *Authority.* Change orders that result in a final contract cost in excess of the bid amount accepted by the city may be administratively approved if the changes made are in accordance with this chapter, executed in writing, and approved by the appropriate authorized signatory.

(1) *City Manager.* The City Manager may approve and execute change orders for any contract up to an amount, in the aggregate, equal to 10% of the original contract price authorized by the City to complete the work contemplated, if the project was budgeted with a 10% contingency for potential change orders.

(2) *Board of Commissioners.*

(a) The Board of Commissioners may authorize any change order by a majority vote.

(b) The Board of Commissioners shall have sole authority to approve change orders not within the powers delegated to the City Manager above.

(D) *Fiscal responsibility of department heads.* Department heads shall apprise the Finance Director of all anticipated and actual fiscal obligations of contracts and change orders, and shall verify sufficient funds are available to cover said

obligations of the city prior to seeking contracts or requesting change orders.

(1984 Code, § 35.57) (Ord. O-24-19, passed 7-23-2019)

GRANT APPLICATIONS

§ 35.060 CITY MANAGER AUTHORIZED TO APPLY FOR GRANTS.

(A) The City Manager is hereby authorized to sign grant applications on behalf of the city. Board of Commissioners approval shall not be required for the submission of any grant application.

(B) After notice of an award, the grant agreements shall follow the applicable contract approval and execution procedures.

(1984 Code, § 35.58) (Ord. O-24-19, passed 7-23-2019)

LOCAL PROCUREMENT POLICY;

DISPOSITION OF CITY PROPERTY;

ADOPTION OF STATE AND FEDERAL LAW

§ 35.070 PURPOSE.

The purpose of the city's procurement policy is to:

(A) Manage the procurement process in accordance with the law;

(B) Ensure public funds are expensed in an efficient, transparent and ethical manner;

(C) Establish a comprehensive plan for the city's purchase of goods and services; and

(D) Encourage maximum engagement and competition of vendors, and guard against bias or favoritism.

(1984 Code, § 35.60) (Ord. O-24-19, passed 7-23-2019)

§ 35.071 DEFINITIONS.

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

AGGREGATE AMOUNT. The total dollar amount during a fiscal year of items of a like nature, function and use the need for which can reasonably be determined at the beginning of the fiscal year. Items the need for which could not reasonably be established in advance or which were unavailable because of a failure of delivery need not be included in the ***AGGREGATE AMOUNT***.

CONTRACT. All types of local public agency agreements, including grants and orders, for the purchase or disposal of supplies, services, construction or any other item. It includes awards and notices of award; contracts of a fixed-price, cost, cost plus-a-fixed-fee or incentive type; contracts providing for the issuance of job or task orders; leases; letter contracts; and purchase orders. It also includes supplemental agreements with respect to any of the foregoing. It does not include labor contracts with employees of local public agencies.

EVALUATED BID PRICE. The dollar amount of a bid after bid price adjustments are made pursuant to objective measurable criteria, set forth in the invitation for bids, which affect the economy and effectiveness in the operation or use of the product, such as reliability, maintainability, useful life, residual value and time of delivery, performance or completion.

INVITATION FOR BIDS. All documents, whether attached or incorporated by reference, utilized for soliciting bids in accordance with the procedures set forth in KRS 45A.365.

LEGISLATIVE BODY or ***GOVERNING BOARD.*** The city's Board of Commissioners.

MAY. Is permissive. However, the words "no person may . . ." mean that no person is required, authorized or permitted to do the act prescribed.

NEGOTIATION. Contracting by either the method set forth in KRS 45A.370, 45A.375 or 45A.380.

NONCOMPETITIVE NEGOTIATION. Informal negotiation with one or more vendor, contractor or individual without advertisement or notice.

OBJECTIVE MEASURABLE CRITERIA. Sufficient information in the invitation to bid as to weight and method of evaluation so that the evaluation may be determined with reasonable mathematical certainty. Criteria which are otherwise subjective, such as taste and appearance, may be established when appropriate.

PERSON. Any business, individual, union, committee, club, or other organization or group of individuals.

PROCUREMENT. The purchasing, buying, renting, leasing or otherwise obtaining any goods, services or combination

thereof. It also includes all functions that pertain to the obtaining of any public procurement, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

PURCHASE ORDER. A request for payment/ approval for purchase that is entered into the city's accounting system. A ***PURCHASE ORDER*** is generated for every payment request within the city, exclusive of petty cash purchases.

QUALIFIED PROVIDER. A person or business experienced in the design, implementation and installation of energy, water and wastewater conservation measures and is determined to be qualified by the local public agency. The qualified provider shall be responsible for and shall provide the local public agency with the following information regarding guaranteed energy, water and wastewater savings contracts:

(a) Project design and specifications;

(b) Construction management;

(c) Construction;

(d) Commissioning;

(e) On-going services as required;

(f) Measurement and verification of savings for guaranteed energy, water and wastewater savings contracts; and

(g) Annual reconciliation statements as provided in KRS 45A.352(8).

QUALIFIED PURCHASING EXCEPTION. A defined exception which may excuse the purchasing department from standard purchasing procedures. ***QUALIFIED PURCHASING EXCEPTIONS*** are defined in §35.081(A).

REQUEST FOR PROPOSALS. All documents, whether attached or incorporated by reference, utilized for soliciting proposals in accordance with the procedures set forth in KRS 45A.370, 45A.375, 45A380 or 45A385.

RESPONSIBLE BIDDER or ***OFFEROR.*** A person who has the capability in all respects to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance.

RESPONSIVE BIDDER. A person who has submitted a bid under KRS 45A.365 which conforms in all material respects to the invitation for bids, so that all bidders may stand on equal footing with respect to the method and timeliness of submission and as to the substance of any resulting contract.

REVERSE AUCTION. A real-time, structured bidding process, usually lasting less than one hour, and taking place at a previously scheduled time and internet location, during which multiple bidders, anonymous to each other, submit revised, lower bids to provide the solicited good or leased space.

SERVICES. The rendering, by a contractor, of its time and effort rather than the furnishing of a specific end product other than reports which are merely incidental to the required performance of service. It does not include labor contracts with employees of local public agencies.

SHALL. Is imperative.

SPECIFICATIONS. Any description of a physical or functional characteristic of a supply, service or construction item. It may include a description of any requirement for inspecting, testing or preparing a supply, service or construction item for delivery.

SUPPLEMENTAL AGREEMENT. Any contract modification which is accomplished by the mutual action of the parties.

SUPPLIES. All property, including, but not limited to, leases on real property, printing, and insurance, except land or a permanent interest in land.

(B) For the purpose of this subchapter, the definitions outlined above, and those defined by KRS 45A.345 shall apply unless the context clearly indicates or requires a different meaning.

(1984 Code, § 35.61) (Ord. O-24-19, passed 7-23-2019)

§ 35.072 ADOPTION OF STATE LAW.

Pursuant to KRS 45A.360, the city hereby adopts the Kentucky Local Model Procurement Code and the provisions of KRS 45A.345 through 45A.460 which shall govern all procurement activities of the city, unless specifically stated otherwise throughout the context of this subchapter. Applicable provisions of the Kentucky Local Model Procurement Code as set forth in KRS 45A.345 through 45A.460 are hereby adopted by reference as if stated in their entirety.

(1984 Code, § 35.62) (Ord. O-24-19, passed 7-23-2019)

§ 35.073 RESPONSIBILITY AND DELEGATION OF AUTHORITY.

(A) The administration and designation of authority for all city procurement is vested in the City Manager. The City Manager may delegate such authority as may be appropriate and necessary for the proper performance of the procurement function.

(B) Board of Commissioners approval shall not be required for the publication of any procurement solicitation.

(1984 Code, § 35.63) (Ord. O-24-19, passed 7-23-2019)

§ 35.074 WRITTEN PROCUREMENT DETERMINATIONS.

(A) Every determination required by the Kentucky Model Procurement Code or this subchapter, made by an employee or official of the city, who is engaged in or responsible for the performance of procurement, shall be made in writing. Written determinations shall be maintained in the city's official contract file. For small purchases authorized in § 35.076, required written determinations may be maintained in the city's accounting software when time will not permit creating a formal written determination.

(B) In such an instance, a purchase order for under $40,000:

(1) Entered into the city's accounting software;

(2) Approved by the appropriate department head and the City Manager (or his or her qualified designee); and

(3) Accompanied by the appropriate documentation as detailed by this subchapter, will qualify as a sufficient written determination.

(1984 Code, § 35.64) (Ord. O-24-19, passed 7-23-2019; Ord. O-12-23, passed 8-8-2023)

§ 35.075 PURCHASE TO BE WITHIN AMOUNT BUDGETED AND APPROPRIATED.

No purchase shall be made, or contract awarded, for an amount, which exceeds the sum-budgeted or appropriated amount awarded by the Board of Commissioners. Purchases made contrary to this provision may be considered void and not considered an obligation of the city. The person responsible the unauthorized purchase may be personally liable for the cost of the purchase or face disciplinary action up to and including termination.

(1984 Code, § 35.65) (Ord. O-24-19, passed 7-23-2019)

§ 35.076 SMALL PURCHASE AUTHORITY.

(A) *Small purchases generally.* The city is authorized under KRS 45A.385 to use small purchase procedures for any contract for which a determination is made that the aggregate amount of the contract does not exceed $40,000.

(B) *$5,000 and under.* Departments are hereby delegated the authority to make purchases of goods and services not to exceed $5,000 from a vendor of choice, provided that the purchase decision is based on ethical business practices, provides the overall best value for the city and that the aggregate amount of that purchase type (commodity/service) does not exceed $40,000 in a fiscal year.

(C) *$5,000 to $40,000.* For purchases over $5,000 and under $40,000, department heads shall solicit three or more written quotes. Quotes must be attached, as credible documentation, to any purchase order over $5,000 and under $40,000. If three written quotes cannot be obtained based on a qualified purchasing exception, as defined by division (D) below, the procuring department shall be required to complete a qualified purchasing exception form to be submitted with their purchase order request. The City Manager reserves the right to permit the use of a vendor which has not provided the lowest quote.

(D) *Qualified purchasing exception.* A qualified purchase exception shall be aligned to the requirements of noncompetitive negotiation, as defined by § 35.081 of this subchapter. In order to qualify for a purchasing exception a written determination must be made that states competition is not feasible and one or more of the requirements detailed by § 35.081(A) of this subchapter is present.

(1) When an exception is present, a procuring department may be exempted from standard purchasing procedures, this includes the requirement to obtain multiple quotes.

(2) When a purchasing exception exists, the procuring department shall be required to complete a qualified purchasing exception form. A qualified purchase exception form must accompany any purchase order utilizing a purchasing exception. The City Manager, or his or her designee, shall review the completed form and either confirm the request and approve the purchase or deny the request and collaborate with the procuring department as to another solution.

(E) *Good faith.* All city procurement shall be conducted in a fair and ethical manner, and in the overall best interest of the city. Procurement requirements shall not be parceled, split, divided or scheduled over a period of time in order to subvert the intent of this subchapter or the Kentucky Local Model Procurement Code.

(F) *Waiver.* The City Manager reserves the right to waive any informalities which are deemed immaterial to the procurement, and which do not prejudice other offerors. The discretion as to waiver is vested in the City Manager; waiver is permissible when determined by the City Manager to be in the best interest of the city.

(1984 Code, § 35.66) (Ord. O-24-19, passed 7-23-2019; Ord. O-12-23, passed 8-8-2023)

§ 35.077 PROCUREMENT METHODS FOR PURCHASES OVER $40,000.

In accordance with KRS 45A.365, all contracts or purchases in excess of $40,000 shall be awarded via competitive sealed bidding through an invitation for bids (IFB) which may include the use of a reverse auction, except in the following instances:

(A) *RFP specifically authorized.* When competitive negotiation via a request for proposals (RFP) is authorized pursuant to KRS 45A.370, as defined by § 35.079 of this subchapter;

(B) *Bids exceed funds available.* When all bids submitted pursuant to competitive sealed bidding under KRS 45A.365 result in bid prices in excess of the funds available for the purchase. In such case, the provisions of KRS 45A.370, and § 35.079 of this subchapter, relating to competitive negotiations shall be followed;

(C) *No bids received.* When no bids or only one bid is submitted pursuant to competitive sealed bidding. In such case, the provisions of KRS 45A.380, and § 35.081 of this subchapter, relating to noncompetitive negotiations shall be followed;

(D) *Noncompetitive negotiation specifically authorized pursuant to KRS 45A.380.* Upon a written determination that competition is not feasible, and when it is further determined that any permissible exception as detailed by § 35.081(A) of this subchapter applies;

(E) *Cooperative purchasing.* Pursuant to a cooperative purchasing agreement or a price agreement with the commonwealth, in accordance with the KRS 45A.300 or 45A.420; and

(F) *Otherwise permitted.* When otherwise authorized by the Kentucky Local Model Procurement Code.

(1984 Code, § 35.67) (Ord. O-24-19, passed 7-23-2019; Ord. O-12-23, passed 8-8-2023)

§ 35.078 COMPETITIVE SEALED BIDS – INVITATIONS FOR BIDS (IFB).

The following procedures shall apply to competitive sealed bids, commonly referred to as an invitation for bids (IFB).

(A) *Advertising.*

(1) All sealed bids shall be advertised not less than seven days prior to the date advertised as the opening for bids.

(2) The date the advertisement is published shall not be counted as advertising time in the seven- day calculation.

(3) Advertisements shall be made in the legal notices section of the local newspaper when the funding source or contract requires. Otherwise, advertisement on the internet, primarily publication to the city's website, shall be deemed a sufficient manner of notification.

(4) All IFBs shall be reviewed by the Finance Department and the City Solicitor's office prior to advertising. City staff shall provide a minimum of one week for review.

(5) An extension of a bid opening date or any revision to a bid may be provided through written addendum, as determined by the City Manager, or his or her designee, and issued in the same manner of the original solicitation.

(6) An IFB may be rescinded at any time by the city before the time when bids are scheduled to be publicly opened, if it is determined to be in the best interest of the city.

(B) *Specifications.*

(1) The city shall use specifications which assure the maximum practicable competition to meet the agency's needs.

(2) The city shall ensure that every IFB provides that an item equal to that named or described in the specifications may be furnished. The specifications may identify a sole brand in cases where, in the written opinion of the City Manager, documented unique and valid conditions require compatibility, continuity or conformity with established standards. An item shall be considered equal to the item named or described if, in the opinion of the owner and the design professional responsible for the specifications:

(a) It is at least equal in quality, durability, strength, design and other criteria deemed appropriate;

(b) It will perform at least equally the function imposed by the general design for the public work being contracted for or the material being purchased; and

(c) It conforms substantially to the detailed requirements for the item in the specifications.

(3) A specification which describes a product which is proprietary to one company may be used only when no other kind of specification is reasonably available to describe requirements.

(C) *Use of bid price or evaluated bid price.*

(1) The bid shall be awarded to the responsible bidder who submits the responsive bid for the lowest bid price or lowest evaluated bid price, with the consideration of the preference for resident bidders as required by KRS 45A.494.

(2) If the bid is to be awarded on the basis of lowest bid price, the method of award shall be clearly stated in the IFB.

(3) If the bid is to be awarded on the basis of lowest evaluated bid price, the objectively measurable evaluation criteria to be used, along with applicable formulas or computation methods shall be clearly stated in the IFB.

(D) *Withdrawal of bids.* Bids, once submitted, may be withdrawn before the time set for bid opening has lapsed by submitting a request for withdrawal in writing to the City Manager at least 24 hours before the date and time set for opening. No bid may be withdrawn after the bid opening date.

(E) *Waiver of irregularities.* The City Manager reserves the right to waive any informalities and nonconformance of any one or series of bids, which is deemed immaterial and does not prejudice other bidders. The discretion of waiver is vested in the City Manager; waiver is permissible when determined by the City Manager to be in the best interest of the city.

(F) *Opening time for bids.*

(1) An opening time for each bid shall be stated in the advertisement of the IFB.

(2) It shall be the bidder's responsibility to assure that his or her bid is in the office before the time set for bid opening.

(3) The City Clerk, or his or her designee, shall at the time set for opening bids declare bids to be closed, and shall publicly open all bids submitted. Each bid, together with the name of the bidder, shall be recorded and be open to public inspection. Electronic bid opening and posting of the required information for public viewing shall satisfy the requirements of this division (F).

(G) *Evaluation and awards.*

(1) After bids are opened, they shall be reviewed for compliance with specifications, terms and conditions by the City Manager, or his or her designee.

(2) Once evaluated, a recommendation for acceptance of a bid, or multiple bids, will be prepared by the City Manager, or his or her designee, who will present the recommendation to the Board of Commissioners.

(3) After a reasonable evaluation, a contract shall be awarded to the responsive and responsible bidder whose bid is either the lowest bid price or the lowest evaluated bid price, as designated in the IFB as the basis for award of the contract.

(4) If the City Manager determines, in writing, that no satisfactory bid has been received, all bids may be rejected and new bids may be invited on the basis of the same or revised specifications. The basis for rejection of all bids and any subsequent action taken with respect to the IFB shall be recorded in writing and maintained in the procurement file relating to the particular procurement.

(1984 Code, § 35.68) (Ord. O-24-19, passed 7-23-2019)

§ 35.079 COMPETITIVE NEGOTIATION – REQUESTS FOR PROPOSALS (RFP).

(A) *Competitive negotiations.* Competitive negotiations, commonly referred to as a request for proposals (RFP), may be used for a procurement when it is determined in writing by the City Manager, or his or her designee, that:

(1) Specifications cannot be made sufficiently specific to permit award on the basis of either the lowest bid price or the lowest evaluated bid price, including, but not limited to, contracts for experimental or developmental research work, or highly complex equipment which requires technical discussions, and other nonstandard supplies, services or construction;

(2) Sealed bidding is inappropriate because the available sources of supply are limited, the time and place of performance cannot be determined in advance, the price is regulated by law, or a fixed price contract is not applicable; or

(3) The bid prices received through sealed bidding are unresponsive or unreasonable as to all or part of the requirements, or are identical or appear to have been the result of collusion; provided each responsible bidder is notified of the intention to negotiate and is given a reasonable opportunity to negotiate, and the negotiated price is lower than the lowest rejected bid by any responsible bidder.

(B) *Advertising.* All RFPs shall be advertised in the same manner as sealed bids as detailed in §35.078(A) of this subchapter.

(C) *Specifications.* All RFPs shall include specifications that substantially adhere to the requirements of §35.078(B) of this subchapter, most notably that specifications should be written in a manner which encourages the maximum amount of competition practicable.

(D) *Withdrawal of proposals.* Proposals, once submitted, may be withdrawn before the time set for opening as stated in the RFP has lapsed, by submitting a request for withdrawal in writing to the City Manager at least 24 hours before the date and time set for opening. No proposal may be withdrawn after the bid opening date.

(E) *Waiver of irregularities.* The City Manager reserves the right to waive any informalities and nonconformance of any one or series of proposals, which is deemed immaterial and does not prejudice other offerors. The discretion of waiver is vested in the City Manager; waiver is permissible when determined by the City Manager to be in the best interest of the city.

(F) *Opening time for proposals.*

(1) All submitted proposals received by the city in response to a RFP shall be kept secure and unopened until the date and time set for final submission.

(2) All RFPs shall include detailed final submission instructions. Respondents shall be responsible for submitting their responses in a timely manner and in accordance with submission requirements outlined in the request. Proposals shall not be opened or read publicly.

(3) Proposals shall not be eligible to be examined, inspected or reviewed by persons of the public until all submissions have been opened, reviewed and awarded or cancelled entirely.

(G) *Evaluation of proposals.*

(1) All RFPs shall indicate the factors to be considered in the evaluation of the request, including the reciprocal preference for resident bidders required by KRS 45A.494, and the relative importance of each factor; and the procedures to be followed if a reverse auction is used in the procurement.

(2) The City Manager, or his or her designee, shall examine each written proposal received for general compliance and shall provide a scored evaluation of each response. The City Manager may elect additional individuals to review and score received proposals.

(3) The City Manager, or his or her designee, shall determine in writing based upon individual review, those proposals received from responsible offerors that are reasonably susceptible of being selected for award.

(4) Written or oral discussions shall be conducted with all responsible offerors who submit proposals determined in writing to be reasonably susceptible of being selected for award. Discussions shall not disclose any information derived from proposals submitted by competing offerors. Discussions need not be conducted:

(a) With respect to prices, where such prices are fixed by law, regulation or reverse auction, except that consideration shall be given to competitive terms and conditions;

(b) Where the time of delivery or performance will not permit discussions; or

(c) Where it can be clearly demonstrated and documented from the existence of adequate competition or accurate prior cost experience that acceptance of an initial offer without discussion would result in fair and reasonable prices.

(5) Discussions with offerors may be held privately, formally, informally, orally or in writing, or in any combination thereof, as determined by the City Manager to be in a manner most advantageous to the city.

(6) If, after discussion with offerors have concluded, it is determined that no acceptable proposal has been submitted, all proposals may be rejected and, in the discretion of the City Manager, new proposals may be requested on the basis of the same or revised terms, or the procurement may be abandoned.

(H) *Awards.* Awards shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the city based upon the evaluation factors set forth in the RFP and the reciprocal preference for resident bidders required by KRS 45A.494.

(1984 Code, § 35.69) (Ord. O-24-19, passed 7-23-2019)

§ 35.080 MULTIPLE AND PARTIAL AWARDS.

(A) Multiple or partial contracts may be awarded from a public solicitation when the scope of work permits services or goods to be parceled in a manner that would not create a disruption to the quality of services or the efficiency of the work.

(B) The City Manager reserves the right to award multiple or partial contracts for any public solicitation when that decision is made in the best interest of the city.

(1984 Code, § 35.70) (Ord. O-24-19, passed 7-23-2019)

§ 35.081 NONCOMPETITIVE NEGOTIATIONS.

(A) Noncompetitive negotiations includes procurement over $40,000.00 where no formal invitation for bids (IFB) or request for proposals (RFP) is used. Noncompetitive negotiations may be used only after a written determination is made that competition is not feasible and one or more of the following conditions exists:

(1) An emergency exists which will cause public harm as a result of the delay in competitive procedures;

(2) There is a single source within a reasonable geographical area of the product or service to be procured;

(3) The contract is for the services of a licensed professional, such as attorney, physician, psychiatrist, psychologist, certified public accountant, registered nurse or educational specialist; a technician such as a plumber, electrician, carpenter or mechanic; or an artist such as a sculptor, aesthetic painter or musician; provided, however, that this provision shall not apply to architects or engineers providing construction management services rather than professional architect or engineer services;

(4) The contract is for the purchase of perishable items purchased on a weekly or more frequent basis, such as fresh fruits, vegetables, fish or meat;

(5) The contract is for replacement parts where the need cannot be reasonably anticipated and stockpiling is not feasible;

(6) The contract is for proprietary items for resale;

(7) The contract or purchase is for expenditures made on authorized trips outside of the boundaries of the local public agency;

(8) The contract is for the purchase of supplies which are sold at public auction or by receiving sealed bids;

(9) The contract is for group life insurance, group health and accident insurance, group professional liability insurance, workers' compensation insurance and unemployment insurance;

(10) The contract is for a sale of supplies at reduced prices that will afford a purchase at savings to the local public agency; and/or

(11) The contract is with a private real estate developer and contains a requirement:

(a) The developer increase the size or otherwise improve the collection capacity of the sanitary sewer or storm water pipe serving the affected private real estate development; and

(b) The city pays only the proportional cost of increasing the size, or otherwise improving the collection capacity, of the sanitary sewer or storm water pipe over the original collection capacity.

(B) When a contract or purchase is facilitated upon noncompetitive negotiation, as listed above, the procuring department shall be required to complete a qualified purchase exception form, as referenced in § 35.076(D) of this subchapter. A qualified purchase exception form may be obtained through the city's Finance Department and must be completed and attached to any purchase order utilizing noncompetitive negotiation. The City Manager, or his or her designee, shall review the completed form and either confirm the request and approve the purchase or deny the request and collaborate with the procuring department as to a solution.

(1984 Code, § 35.71) (Ord. O-24-19, passed 7-23-2019; Ord. O-12-23, passed 8-8-2023)

§ 35.082 COOPERATIVE PURCHASING METHODS.

The city shall be permitted to engage in cooperative purchasing as defined by KRS 45A.300 or KRS 45A.420, as long as that engagement is made in the best interest of the city. When utilizing a cooperative purchasing arrangement, the procuring department shall be required to complete a qualified purchase exception form, in accordance with § 35.076(D) of this subchapter.

(1984 Code, § 35.72) (Ord. O-24-19, passed 7-23-2019)

§ 35.083 TAX EXEMPTION.

The city is exempt from sales and use tax. All procurement solicitations and contracts shall provide that the city is exempt from sales and use tax. Procuring departments shall ensure that all purchases made on behalf of the city do not include sales and use tax. The city's tax exempt certification may be obtained upon request through the city's Finance Department.

(1984 Code, § 35.73) (Ord. O-24-19, passed 7-23-2019)

§ 35.084 GOOD STANDING.

Procuring departments shall be responsible for ensuring that all vendors selected for city procurement have an account in good standing with the city. Vendors providing commodities and services to the city should comply with the applicable provisions of Chapter 110 of this code of ordinances regarding business licenses.

(1984 Code, § 35.74) (Ord. O-24-19, passed 7-23-2019)

§ 35.085 PREFERENCE FOR RESIDENT BIDDERS.

(A) Prior to a city contract being awarded to the lowest responsible and responsive bidder, a resident bidder of the commonwealth shall be given a preference against a non-resident bidder registered in any state that gives or requires a preference to bidders from that state. The preference shall be equal to the preference given or required by the state of the non- resident bidder.

(B) A ***RESIDENT BIDDER*** is an individual, partnership, association, corporation or other business entity that, on the date the contract is first advertised or announced as available for bidding:

(1) Is authorized to transact business in the commonwealth; and

(2) Has for one year prior to and through the date of the advertisement, filed state corporate income taxes, made payments to the state's unemployment insurance fund established in KRS 341.490, and maintained a Kentucky workers' compensation policy in effect.

(C) A ***NON-RESIDENT BIDDER*** is an individual, partnership, association, corporation or other business entity that does not meet the requirements of division (B) above.

(D) If a procurement determination results in a tie between a resident bidder and a non-resident bidder, preference shall be given to the resident bidder.

(E) This section shall apply to all contracts funded or controlled in whole or in part by the city.

(F) The Finance and Administration Cabinet of the commonwealth shall maintain a list of states that give to or require a preference for their own resident bidders, including details of the preference given to such bidders, to be used by the city in determining resident bidder preferences. The cabinet shall also promulgate administrative regulations in accordance with KRS Chapter 13A establishing the procedure by which the preferences required by this section shall be given.

(G) The preference for resident bidders shall not be given if the preference conflicts with federal law.

(H) Any solicitation or advertisement for bids for contracts shall incorporate KRS 45A.490 to 45A.494 as part of the solicitation or advertisement for bids.

(1984 Code, § 35.75) (Ord. O-24-19, passed 7-23-2019)

§ 35.086 FEDERAL AWARDS.

When engaging in procurement with federal award monies, the city shall procure goods and services in conformance to the requirements of the Code of Federal Regulations, Title 2, Subtitle A, Chapter II, Part 200 (2 C.F.R. § 200), this includes both pre- and post-award compliance. When engaged in federal procurement, if any portion of 2 C.F.R. § 200 contradicts the city's procurement ordinance, 2 C.F.R. § 200 will govern.

(1984 Code, § 35.76) (Ord. O-24-19, passed 7-23-2019)

§ 35.087 DISPOSITION OF SURPLUS PROPERTY.

(A) The city shall observe the requirements of KRS 45A.425 as to the disposition of any personal property.

(1) Pursuant to KRS 45A.425, the city may sell or otherwise dispose of any personal property which is not needed or has become unsuitable for public use, or which would be suitable, consistent with the public interest, for some other use.

(2) A written determination as to need of suitability of any personal property of the city shall be made; and such determination shall fully describe the personal property; its intended use at the time of acquisition; the reasons why it is in the public interest to dispose of the item; and the method of disposition to be used.

(3) Surplus or excess personal property as described in this section may be transferred, with or without compensation, to another governmental agency; or it may be sold at public auction or by sealed bids in accordance with KRS 45A.365.

(4) In the event that the city receives no bids for surplus or excess personal property, either at public auction or by sealed bid, such property may be disposed of, consistent with the public interest, in any manner deemed appropriate by the City Manager. In such instances, a written description of the property, the method of disposal, and the amount of compensation, if any, shall be made. Any compensation resulting from the disposal of surplus or excess personal property shall be transferred to the General Fund of the city, unless expressly allocated elsewhere by legislative direction or program guideline.

(5) Notwithstanding divisions (A)(1) to (A)(4) above, the city may also dispose of surplus property using the procedures in KRS 82.083.

(B) The city shall observe the requirements of KRS 82.083 as to the disposition of real property.

(1) Before disposing of any real property, the city shall make a written determination setting forth and fully describing:

(a) The real property;

(b) Its intended use at the time of acquisition;

(c) The reasons why it is in the public interest to dispose of it: and

(d) The method of disposition to be used.

(2) Real property may be disposed in any manner defined by KRS 82.083(4).

(3) If the city receives no bids for the real or personal property, either at public or electronic auction or by sealed bid, the property may be disposed of, consistent with the public interest, in any manner deemed appropriate by the city. In those instances, a written description of the property, the method of disposal, and the amount of compensation, if any, shall be made.

(4) Any compensation resulting from the disposal of this real property shall be transferred to the General Fund of the city, unless expressly allocated elsewhere by legislative direction or program guideline.

(1984 Code, § 35.77) (Ord. O-24-19, passed 7-23-2019)

§ 35.088 SURETIES AND BONDS.

(A) In accordance with the provisions of KRS 45A.430, each bidder responding to an invitation for bid (IFB) for construction contracts estimated to exceed $25,000 or to other invitations for bids wherein bid security is required shall submit required security with their bid.

(1) Bidder's security shall be in the form of a bond, executed by a surety company authorized to do business in the state, or the equivalent in cash in a form acceptable to the city.

(2) Bidder's security shall be in an amount equal to at least 5% of the amount bid. The city may require that bidder's security be furnished in an amount greater than 5% of the amount bid. The 5% bid security will be construed as a minimum.

(3) When the IFB requires bid security be provided, and it is not provided as part of the bidder's response, the bid will

be deemed noncompliant. Except where substantial compliance exists, the City Manager retains the authority to waive any informalities or nonconformance of any one or series of bids.

(4) After the bids are opened, they shall be irrevocable for the period specified in the IFB, provided that, if a bidder is permitted to withdraw his or her bid before award because of a mistake in the bid as allowed by law or regulation, no action shall be had against the bidder or the bidder's security.

(B) In accordance with the provisions of KRS 45A.435, when a construction contract is awarded in an amount in excess of $25,000, the following bonds shall be furnished to the city, and shall become binding on the parties upon the award of the contract:

(1) A performance bond satisfactory to the local public agency executed by a surety company authorized to do business in this commonwealth, or otherwise supplied, satisfactory to the city, in an amount equal to 100% of the contract price as it may be increased; and

(2) A payment bond satisfactory to the local public agency, executed by a surety company authorized to do business in this commonwealth, or otherwise supplied, satisfactory to the city, for the protection of all persons supplying labor and material to the contractor or his or her subcontractors for the performance of the work provided for in the contract. The bond shall be in an amount equal to 100% of the original contract price.

(1984 Code, § 35.78) (Ord. O-24-19, passed 7-23-2019)

§ 35.089 PUBLIC AVAILABILITY OF RECORDS.

(A) As a public agency within the commonwealth, the city is subject to the Kentucky Open Records Act, KRS 61.870 et seq. Procurement related public records, which are not exempt from disclosure under the statutory exceptions outlined in KRS 61.878, shall be open to public inspection and disclosure, upon request.

(B) Requests regarding the public availability of any procurement documentation or record shall be directed to the City Clerk, and made in accordance with the requirements of the city's Open Records Policy, the city's code of ordinances Chapter 39.

(C) In accordance with KRS 61.878(1)(o), records of a procurement process under KRS Ch. 45A or 56 shall be exempt from public disclosure under the state's Open Records Act, until:

(1) A contract is awarded; or

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

(D) Parties engaged in business with the city, or seeking to engage in business with the city, should take care to not disclose any confidential or proprietary information, or trade secrets, when providing information to the city, and if absolutely necessary, should mark said records as "CONFIDENTIAL - DO NOT DISCLOSE". The city recognizes the need for confidentiality in some records and will work to withhold confidential information exempted from disclosure, but cannot guarantee nondisclosure.

(1984 Code, § 35.79) (Ord. O-24-19, passed 7-23-2019)

§ 35.090 CONFLICT OF INTEREST.

(A) The city maintains strict adherence to its Code of Ethics, in all manners, and as defined by this code of ordinances, Chapter 36. In addition to the above referenced Code of Ethics, the city shall also observe and abide by the ethical standards prescribed by KRS 45A.455, as it pertains to public procurement.

(B) The provisions of KRS 45A.455 state:

(1) It shall be a breach of ethical standards for any city employee or official with procurement authority to participate directly in any proceeding or application; request for ruling or other determination; claim or controversy; or other particular matter pertaining to any contract, or subcontract, and any solicitation or proposal therefor, in which to their knowledge:

(a) They, or any member of their immediate family has a financial interest therein;

(b) A business or organization in which they or any member of their immediate family has a financial interest as an officer, director, trustee, partner or employee, is a party; or

(c) Any other person, business or organization with whom they or any member of their immediate family is negotiating or has an arrangement concerning prospective employment is a party. Direct or indirect participation shall include, but not be limited to, involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or purchase standard, rendering of advice, investigation, auditing or in any other advisory capacity.

(C) It shall be a breach of ethical standards for any person to offer, give or agree to give any city employee, official or former employee, or for any city employee, official or former employee to solicit, demand, accept or agree to accept from another person, a gratuity or an offer of employment, in connection with any decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or purchase

standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling or other determination, claim or controversy, or other particular matter, pertaining to any contract or subcontract and any solicitation or proposal therefor.

(D) It is a breach of ethical standards for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.

(E) The prohibition against conflicts of interest and gratuities and kickbacks shall be conspicuously set forth in every city contract and solicitation therefor.

(F) It shall be a breach of ethical standards for any city employee, official or former employee knowingly to use confidential information for his or her actual or anticipated personal gain, or the actual or anticipated personal gain of any other person.

(1984 Code, § 35.80) (Ord. O-24-19, passed 7-23-2019)

§ 35.091 EQUAL BUSINESS OPPORTUNITY.

(A) It is the intent and desire of the city to promote full and equal business opportunities for all persons and entities. Further, it shall be considered a unlawful practice for any employee or official of the city to fail to:

(1) Refuse to hire;

(2) Discourage any individual or business from the participation in; or

(3) In any manner discriminate towards an individual or business desiring to participate in city procurement based on disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation or gender identity, (in adherence to § 32.047 of this code of ordinances). Any individual or business claiming to be aggrieved by a violation of this provision may, within 90 days of the alleged violation or within 30 days of the dismissal of a charge or complaint concerning the same matter by another governmental agency or state or federal court without a final judgment on the merits, whichever last occurs, file a written complaint with the City Manager. The City Manager may designate an agent to administer, evaluate and investigate the complaint in accordance with the provisions of § 32.049 of this code of ordinances.

(B) It is the obligation of the city when procuring services or goods with federal, state or other funding which requires adherence to specified business equality standards, in addition to the requirements described herein, to abide by those standards in their entirety, and wholly disclose them in any public solicitation which may result in the expenditure of those funds.

(1984 Code, § 35.81) (Ord. O-24-19, passed 7-23-2019)

PROCUREMENT OF ARCHITECTURAL AND ENGINEERING SERVICES RELATING TO CERTAIN CAPITAL CONSTRUCTION PROJECTS

§ 35.100 DEFINITIONS.

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

ARCHITECTURAL SERVICES. Any professional service involved in the practice of architecture as defined in KRS 323.010.

BEST VALUE. A procurement in which the decision is based on the primary objective of meeting the specific business requirements and best interests of the city. These decisions shall be based on objective and quantifiable criteria that shall include price and that have been communicated to the offerors as set forth in the invitation for bids, request for proposals, or request for qualifications. Every invitation for bids, request for proposals, or request for qualifications shall provide that an item equal to that named or described in the specifications may be furnished. The specification may identify a sole brand in cases where, in the written opinion of the Procurement Manager, documented unique and valid conditions require compatibility, continuity, or conformity with established standards. An item shall be considered equal to the item named or described if, in the opinion of the owner and the design professional responsible for the specifications:

(1) It is at least equal in quality, durability, appearance, strength, design, and other criteria deemed appropriate;

(2) It will perform at least equally the function imposed by the general design for the public work being contracted for or the material being purchased; and

(3) It conforms substantially to the detailed requirements for the item in the specifications.

CAPITAL PROJECT A AND E PROCUREMENT METHOD. The methods of procuring certain city architectural and engineering projects as specified in the provisions of §§ 35.100 et seq.

ENGINEERING SERVICES. Any professional service as defined in KRS 322.010(4) and (5).

FIRM. Any individual, firm, partnership, corporation, or other legal entity permitted by law to practice the profession of architecture or engineering and provide the services in this section.

LOCAL PROCUREMENT POLICY. The provisions of City of Covington Code of Ordinances §§35.070 et seq. and all policies and regulations implemented thereunder.

PROJECT. Any capital improvement project, study, plan, survey, or new or existing program activity that requires architectural or professional engineering services.

PROJECT COSTS. The city's estimated costs of the architectural and engineering services costs for a capital project at the time of solicitation.

PUBLIC-PRIVATE PARTNERSHIP. A project delivery method for construction or financing of capital projects, or procurement of services, pursuant to a written public-private partnership agreement entered into pursuant to KRS 65.028 and administrative regulations promulgated thereunder, between: (1) At least one private partner; and (2) the city. A ***PUBLIC-PRIVATE PARTNERSHIP*** does not include any traditional delivery method or method of procurement of goods or services entered into by a short-term contractual agreement between the city and a private seller that terminates when the good or service is delivered, whether governed by the provisions of KRS 45A.343 to 45A.460 or 424.260.

QUALIFICATION STATEMENT. Federal form SF330 and any other supporting documents that present a firm's qualifications and performance data.

(Ord. O-02-23, passed 3-28-2023)

§ 35.101 ADOPTION OF KRS 45A.730 TO KRS 45A.750 "PROCUREMENT OF ARCHITECTURAL AND ENGINEERING SERVICES" AND EFFECT OF ADOPTION.

(A) The city hereby adopts and incorporates by reference into this code the provisions of KRS 45A.740, 45A.745, and 45A.750, authorizing an alternative procurement method for architectural and engineering services.

(B) Notwithstanding the provisions of the city's local procurement policy, the city shall utilize the city's capital project A and E procurement method process as set out in Covington Code of Ordinances § 35.100 *et seq.* for projects whose project costs exceed $50,000. The city may elect, but is not required to, utilize the process set out in Covington Code of Ordinances city's capital project A and E procurement method for projects whose project costs are $50,000 or under.

(C) All provisions of the city's local procurement policy not in conflict with these provisions shall continue to apply to projects utilizing the city's capital project A and E procurement method.

(D) The city shall accept qualification statements from architectural and engineering firms engaged in the lawful practice of their professions. These qualification statements shall remain on file for one year from the date they are submitted to the city.

(Ord. O-02-23, passed 3-28-2023)

§ 35.102 PROCEDURES FOR CERTAIN CAPITAL PROJECTS REQUIRING ARCHITECTURAL OR ENGINEERING SERVICES.

(A) When a project requiring architectural or engineering services with project costs exceeding $50,000 is proposed by the city, except as provided by divisions (B) and (C) below, the city shall:

(1) Transmit a notice requesting a statement of interest in the proposed project from all firms that have a current qualifications statement on file;

(2) Give adequate public notice of the proposed project, which may include posting on the Internet or newspaper advertisement, requesting that firms submit qualification statements and statements of interest in the proposed project; or

(3) Contact an appropriate professional organization for a list of firms capable of providing the necessary services.

(B) If the regulations of a federal department or agency require a procurement process that is different from the process in the city's capital project A and E procurement method in order that financial aid can be granted, then the city may utilize a written procurement determination to exempt itself from the provisions of the city's capital project A and E procurement method. Exemption from the city's capital project A and E procurement method alone shall not exempt the city from utilizing the required provisions of the local procurement policy.

(C) When the city has formed a working relationship with one or more firms based on work previously contracted between them, then the city may enter directly into negotiations according to § 35.104. If no contract is successfully negotiated, then the city shall comply with this section, § 35.103, and § 35.104.

(D) The city shall not be required to utilize, but is not prohibited from using, the city's capital project A and E procurement method for projects whose costs are $50,000 or under.

(Ord. O-02-23, passed 3-28-2023)

§ 35.103 CRITERIA FOR EVALUATION OF INTERESTED FIRMS.

(A) The city shall evaluate those firms submitting statements of interest in a proposed project according to the following criteria:

(1) Qualifications;

(2) Ability of professional personnel;

(3) Past record and experience;

(4) Performance data on file;

(5) Willingness to meet time and budget requirements;

(6) Location;

(7) Workload; and

(8) Any other factors that the city has set forth in writing, including the reciprocal preference for resident bidders required by KRS 45A.494.

(B) The city may then conduct discussions and require interviews with firms deemed to be the most qualified according to the criteria in division (A) above. Bids for the cost of the proposed project shall not be a factor in the evaluation of firms until negotiations are begun in accordance with § 35.104.

(C) The city agency shall select, on the basis of the evaluations done in divisions (A) and (B) above, at least three firms that are judged to be the most qualified and rank them accordingly. If fewer than three firms are judged to be qualified, then those firms that remain shall be ranked in like manner.

(Ord. O-02-23, passed 3-28-2023)

§ 35.104 NEGOTIATION OF CONTRACT.

(A) Based on the rankings developed in §35.103(C), the city shall contact the highest ranked firm and attempt to negotiate a contract for a fair and reasonable value that takes the following into account:

(1) The estimated value of the services needed;

(2) The scope and complexity of the proposed project;

(3) The business risk anticipated; and

(4) The professional nature of the services required.

(B) If the city is unable to negotiate a satisfactory contract with the highest-ranked firm, negotiations with that firm shall be terminated. The city shall then go through the negotiation process with the next firm in the rankings, continuing this procedure until an agreement is reached or the list of ranked firms is exhausted.

(C) If negotiations with all of the ranked firms fail to result in a satisfactory contract, the city shall reevaluate the architectural or engineering services involved in the proposed project and proceed to comply with §§ 35.102 and 35.103 until a contract is successfully negotiated.

(Ord. O-02-23, passed 3-28-2023)

§ 35.105 PROHIBITIONS RELATING TO EMPLOYMENT OF ENTITIES PROVIDING ARCHITECTURAL SERVICES AND CONSTRUCTION MANAGEMENT SERVICES ON CAPITAL CONSTRUCTION PROJECTS.

The city shall not employ the same entity to provide both architectural services and construction management services on the same capital construction project. The city shall not knowingly employ an officer, employee, or agent of, or an immediate family member of an officer, employee, or agent of:

(A) The architectural firm that provided the architectural services to also provide construction management services for the same capital construction project for which the architectural firm provided architectural services; or

(B) The construction management firm that provided the construction management services to also provide architectural services for the same capital construction project for which the construction management firm provided construction management services.

(Ord. O-02-23, passed 3-28-2023)

§ 35.106 AUTHORIZATION TO UTILIZE DESIGN-BUILD AND PUBLIC-PRIVATE PARTNERSHIP PROJECT METHODS.

(A) The city is authorized to use design-build as a method providing for capital construction projects using a process parallel to the city's capital project A and E procurement method, as long as best value contracting principles required by KRS 65.025 are included in the criteria for evaluation.

(B) The city is authorized to use a public-private partnership as long as the provisions of KRS 65.028 are followed.

(Ord. O-02-23, passed 3-28-2023)

CHAPTER 36: ETHICS CODE

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GENERAL PROVISIONS

§ 36.001 TITLE.

This chapter shall be known and may be cited as the “City of Covington Code of Ethics”.

(1984 Code, § 36.01) (Ord. O-51-94, passed 12-29-1994; Ord. O-08-18, passed 1-30-2018)

§ 36.002 FINDINGS, PURPOSE, AUTHORITY.

(A) *Findings.*

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

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

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

(B) *Purpose and authority.*

(1) It is the purpose of this chapter 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.

(2) For guidance as to the interpretation and application of these standards parties may refer to the various comments contained in the KLC Model Code of Ethics (January 2017). Another source of guidance is *Local Government Ethics Programs in a Nutshell* by Robert Wechsler found at:

http://www.cityethics.org/publications/LGEP-Nutshell

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

(C) *Statutory authorization.* This chapter is enacted under the power vested in the city by KRS 82.082 and pursuant to requirements of KRS 65.003.

(1984 Code, § 36.02) (Ord. O-51-94, passed 12-29-1994; Ord. O-08-18, passed 1-30-2018)

§ 36.003 DEFINITIONS.

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

BOARD OF ETHICS. The Northern Kentucky Regional Ethics Enforcement Committee (“Board of Ethics”). The***BOARD OF ETHICS*** will be delegated the responsibility of enforcement of the requirements of the city’s Code of Ethics.

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

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

CITY. The City of Covington, Kentucky.

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

CONFIDENTIAL INFORMATION. Information obtained in the course of holding public office or employment, or as a contractor to the city, which is not available to members of the public and which the officer or employee is not authorized to disclose, except to designated individuals or bodies, including written and non-written information. When such information is also available through channels open to the public, officers and employees are not prohibited from disclosing the availability of those channels.

CONSULTANT. An independent contractor or professional person or entity engaged by the city or advising a city officer, and in a position to influence a city decision or action, or have access to confidential information.

CUSTOMER or ***CLIENT.*** Any person or entity to which a person or entity has supplied goods or services during the

previous 24 months, having a total value greater than $1,000 or any person or entity to which an officer or employee's outside employer or business has supplied goods or services during the previous 24 months, having a total value greater than $1,000, but only if the officer or employee knows or has reason to know the outside employer or business supplied the goods or services.

DOMESTIC PARTNER. An adult, unrelated by blood, with which an unmarried or separated officer or employee has a committed relationship, maintains a mutual residence and shares basic living expenses.

EMPLOYEE. Any person, whether full-time or part-time, seasonal or temporary, and whether paid or unpaid, who is employed by or provides service to the city. The term ***EMPLOYEE*** shall not include any contractor or subcontractor or any of their employees; except that, it shall include the City Solicitor.

FAMILY MEMBER. A spouse, domestic partner, parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, mother-in-law, father- in-law, son-in-law, daughter-in-law, grandparent or grandchild.

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

FINANCIAL INTEREST. A relationship to something such that a direct or indirect financial benefit has been, will be or might be received as a result of it.

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

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

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;

(3) The City Manager;

(4) The City Clerk;

(5) The Police Chief;

(6) The Fire Chief;

(7) Any other person that occupies a non- elected office created pursuant to KRS 83A.080; or

(8) A member of the governing body of any city agency who has been appointed to the governing body of the agency by the city.

OFFICIAL ACT. Any legislative, administrative, appointive or discretionary act of any officer or employee of the city or any agency, board, committee or commission thereof.

PERSONAL BENEFIT. Benefits other than those that are directly financially advantageous. These include financial benefits to relatives, business associates, as well as non-financial benefits to these people and to oneself, including such things as reputation and the success of one's career.

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

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

SUBORDINATE. Another official or employee over whose activities an official or employee has direction, supervision or control.

TRANSACTION. Any matter, including, but not limited to, contracts, work or business with the city, the sale or purchase of real estate by the city and any request for zoning amendments, variances or special permits pending before the city, upon which a public officer or employee performs an official act or action.

(1984 Code, § 36.03) (Ord. O-51-94, passed 12-29-1994; Ord. O-13-10, passed 5-25-2010; Ord. O-08-18, passed 1-30-2018)

STANDARDS OF CONDUCT

§ 36.015 CONFLICTS OF INTEREST IN GENERAL.

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

(A) No officer or employee, or any immediate family member of any officer or employee, shall have an interest in a

business or engage in any business, transaction or activity which is in substantial conflict with the proper discharge of the officer's or employee's public duties.

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

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

(1) The officer or employee;

(2) A family member;

(3) Any business in which the officer or employee, or any family member has a financial interests) including, but not limited to:

(a) An outside employer or business of his or hers, or of his or her family member, or someone who works for such outside employer or business;

(b) A customer or client; or

(c) A substantial debtor or creditor of his or hers, or of his or her family member.

(4) Any business with which the officer or employee or any family member is negotiating or seeking prospective employment or other business or professional relationship; and

(5) A non-governmental civic group, social, charitable or religious organization of which he or she for his or her immediate family member) is an officer or director.

(D) No officer or employee shall be deemed in violation of any provision in this section if, by reason of the officer's or employee's participation, vote, decision, action or inaction, no financial benefit accrues to the officer or employee, a family member, an outside employer or a business, as defined in divisions (C)(3), (C)(4) and (C)(5) above, as a member of any business, occupation, profession or other group, to any greater extent than any gain could reasonably be expected to accrue to any other member of the business, occupation, profession or other group.

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

(1984 Code, § 36.10) (Ord. O-51-94, passed 12-29-1994; Ord. O-08-18, passed 1-30-2018)

§ 36.016 CONFLICTS OF INTEREST IN CONTRACTS.

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

(1) The prohibition in this division (A) 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, the prohibition in this division (A) shall apply to the renewal of the contract.

(2) The prohibition in this division (A) 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 the 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 §§ 36.045 through 36.050 of this chapter are satisfied.

(3) The prohibition in this division (A) 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; and

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

(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.

(1984 Code, § 36.11) (Ord. O-51-94, passed 12-29-1994; Ord. O-08-18, passed 1-30-2018)

§ 36.017 INCOMPATIBLE OFFICES.

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

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

(1) Member of the legislative body of cities of the first class;

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

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

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

(D) KRS 61.090 provides that the acceptance of an incompatible office operates to vacate the first office.

(1984 Code, § 36.12) (Ord. O-51-94, passed 12-29-1994; Ord. O-08-18, passed 1-30-2018)

§ 36.018 WITHDRAWAL FROM PARTICIPATION.

(A) An officer or employee must refrain from acting on or discussing, formally or informally, a matter before the city, if acting on the matter, or failing to act on the matter, may personally or financially benefit any of the persons or entities listed in § 36.015(C) of this chapter. Such an officer or employee should join the public if the withdrawal occurs at a public meeting, or leave the room if it is a legally conducted closed meeting ("executive session") under KRS 61.810 and 61.815.

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

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

(D) (1) If an officer or appointed board member is requested to withdraw from participation in a matter, for the reason that he or she has a conflict of interest, by:

(a) Another member;

(b) A party to the current matter; or

(c) Anyone else who may be affected by a decision relating to this matter.

(2) The member must decide whether to withdraw on the official record. If the member decides not to withdraw, the challenging member(s) may file a complaint with the Ethics Board.

(1984 Code, § 36.13) (Ord. O-51-94, passed 12-29-1994; Ord. O-08-18, passed 1-30-2018)

§ 36.019 RECEIPT OF GIFTS.

(A) No officer or employee of the city or any city agency shall directly or indirectly solicit any gift or accept or receive any gift having a value of $150 or more, 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 or was intended as a reward for any official action.

(B) Excluded from this prohibition are:

(1) Gifts received from relatives;

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

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

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

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

(6) Informational, promotional and educational items.

(1984 Code, § 36.14) (Ord. O-51-94, passed 12-29-1994; Ord. O-08-18, passed 1-30-2018)

§ 36.020 USE OF CITY PROPERTY, EQUIPMENT AND PERSONNEL.

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

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

(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.

(1984 Code, § 36.15)

(B) No officer or employee of the city shall use or permit the use of any city time, funds, personnel, equipment, including the city's email network, or other personal or real property to support or oppose the political campaigns of any candidate, including for the office of Mayor or Commissioner, whether incumbent or challenger.

(1984 Code, § 36.16)

(Ord. O-51-94, passed 12-29-1994; Ord. O-08-18, passed 1-30-2018)

§ 36.021 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.

(1984 Code, § 36.17) (Ord. O-51-94, passed 12-29-1994; Ord. O-08-18, passed 1-30-2018)

§ 36.022 MISUSE OF CONFIDENTIAL INFORMATION.

An official or employee, a former official or employee, a contractor or a consultant may not use confidential information, obtained formally or informally as part of his or her work for the city or due to his or her position with the city for his or her own benefit or for the benefit or disadvantage of any other person or entity, or make such information available in a manner where it would be reasonably foreseeable that a person or entity would benefit from it or be harmed by it; provided, however, that, this shall not prohibit any public servant from disclosing any information concerning conduct which the public servant knows or reasonably believes to involve waste, inefficiency, corruption, criminal activity or conflict of interest.

(1984 Code, § 36.18) (Ord. O-51-94, passed 12-29-1994; Ord. O-08-18, passed 1-30-2018)

§ 36.023 POST-EMPLOYMENT RESTRICTION.

No officer or employee of the city or any city agency shall appear or practice before the city or any city agency with respect to any matter on which the officer or employee personally worked while in the service of the city or city agency for a period of one year after the termination of the officer's or employee's service with the city or city agency.

(1984 Code, § 36.19) (Ord. O-51-94, passed 12-29-1994; Ord. O-08-18, passed 1-30-2018) Penalty, see § 36.999

§ 36.024 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 received on behalf of the city or city agency and primarily for the benefit of the city or city agency and not primarily for the benefit of the officer or employee or any other person.

(1984 Code, § 36.20) (Ord. O-51-94, passed 12-29-1994; Ord. O-08-18, passed 1-30-2018) Penalty, see § 36.999

§ 36.025 EMPLOYMENT REGULATED.

(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 on or participating in the development of a budget which includes compensation for a family member; provided that, the family member is included only as a member of a class of persons or a group and the family member benefits to no greater extent than any other similarly situated member of the class or group.

(D) The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to 12-31-1994.

(1984 Code, § 36.21) (Ord. O-08-18, passed 1-30-2018) Penalty, see § 36.999

§ 36.026 POLITICAL SOLICITATION.

An officer, employee or municipal candidate may not knowingly request, or authorize anyone else to request, that any subordinate or potential future subordinate participate, or not participate, in any political activity, including the making of a campaign contribution; nor may he or she engage in any political activity while on duty for the city with the use of city funds, supplies, vehicles or facilities, in uniform or during any period of time during which he or she is normally expected to perform services for the city for which compensation is paid.

(1984 Code, § 36.22) (Ord. O-08-18, passed 1-30-2018) Penalty, see § 36.999

§ 36.027 PATRONAGE.

No officer or employee may promise an appointment or the use of his or her influence to obtain an appointment to any position as a reward for any political activity or contribution.

(1984 Code, § 36.23) (Ord. O-08-18, passed 1-30-2018) Penalty, see § 36.999

§ 36.028 OUTSIDE EMPLOYMENT.

(A) An officer or employee shall not accept any employment or enter into any contracts that result in a conflict of interest with his or her duties as an officer or employee of the city.

(B) An employee of the city may be self- employed or may take occasional or part-time jobs if, in the opinion of his or her department head, there is no conflict with working hours, the employee's efficiency in his or her city work or other interest of the city.

(C) Employees wishing to take off-duty employment shall have the written approval of the city's Human Resources Department.

(D) Employees or officers holding management level positions shall notify the City Manager prior to creating, contracting with or being employed by any agency or business firm other than the city for his or her written approval.

(E) City employment shall remain the first priority and if, at any time, the outside employment interferes with an employee's job requirements or performance for the city, the employee shall be required to modify the conditions of the outside employment or terminate either the off-duty employment or his or her city employment.

(F) This section shall go into effect as of 1-1-2010 to allow for the development of appropriate policies.

(1984 Code, § 36.24) (Ord. O-08-18, passed 1-30-2018) Penalty, see § 36.999

§ 36.029 ENDORSEMENTS.

No officer or employee in his or her official capacity may publicly endorse products or services. However, this does not prohibit an officer or employee from answering inquiries by other governmental officials, consumer organizations or product information services regarding products or services.

(1984 Code, § 36.25) (Ord. O-08-18, passed 1-30-2018) Penalty, see § 36.999

§ 36.030 COMPLICITY WITH OR KNOWLEDGE OF OTHERS' VIOLATIONS.

No officer or employee may, directly or indirectly, induce, encourage or aid anyone to violate any provision of this code. If an officer or employee suspects that someone has violated this code, he or she is required to report it to the Board of Ethics pursuant this chapter.

(1984 Code, § 36.26) (Ord. O-08-18, passed 1-30-2018) Penalty, see § 36.999

§ 36.031 FALSELY IMPUGNING REPUTATION.

An officer or employee may not falsely impugn the reputation of a city resident, employee or another officer of the city.

(1984 Code, § 36.27) (Ord. O-08-18, passed 1-30-2018) Penalty, see § 36.999

§ 36.032 MEETING ATTENDANCE.

(A) All elected city officers and members of city boards and commissions are expected to attend their meetings.

(B) It is a violation of this code to miss more than one-third of the meetings in a 12-month period.

(1984 Code, § 36.28) (Ord. O-08-18, passed 1-30-2018) Penalty, see § 36.999

FINANCIAL DISCLOSURE

§ 36.045 WHO MUST FILE.

The following classes of city officers and employees of the city and city agencies shall file an annual statement of financial interests with the Board of Ethics: elected city officials; officers or employees whose job descriptions or whose actual duties involve:

(A) The negotiation, authorization or approval of contracts, leases, franchises, revocable consents, concessions, variances, special permits or licenses;

(B) The purchase, sale, rental or lease of real property, personal property or services, or a contract for any of these; and

(C) The obtaining of grants of money or loans.

(1984 Code, § 36.30) (Ord. O-51-94, passed 12-29-1994; Ord. O-7-96, passed 3-6-1996; Ord. O-29-96, passed 8-13-1996; Ord. O-13-10, passed 5-25-2010; Ord. O-08-18, passed 1-30-2018)

§ 36.046 WHEN TO FILE STATEMENTS; AMENDED STATEMENTS.

(A) A statement of financial interests (the "statement") required by this section shall be filed with the Covington City Clerk no later than 5:00 p.m. April 30 of each year. The City Clerk shall forward copies of the Statement of Financial Interests to the Board of Ethics or its designee no later than May 15. The Board of Ethics or its designee shall maintain these statements and related records for the public and the Board of Ethics. The Board of Ethics or its designee shall notify all persons required to file a statement 15 days before the statement is due.

(B) The Board of Ethics or its designee shall produce an annual report consisting of an organized compilation of the annual statements submitted by the parties identified in § 36.045 of this chapter and shall maintain the annual report and statements. The Board of Ethics or its designee may distribute copies of the annual report on request.

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

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

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

(1984 Code, § 36.31) (Ord. O-51-94, passed 12-29-1994; Ord. O-7-96, passed 3-6-1996; Ord. O-29-96, passed 8-13-1996; Ord. O-13-10, passed 5-25-2010; Ord. O-08-18, passed 1-30-2018; Ord. O-27-22, passed 12-20-2022)

§ 36.047 FORM, STATEMENT OF FINANCIAL INTERESTS.

(A) The statement of financial interests shall be filed on a form prescribed by the Board of Ethics, or the administrative official designated by the Board of Ethics.

(B) The Board, or the designated administrative official, shall deliver a copy of the form to each officer and employee required to file the statement, by first class mail or hand delivery, no later than March 1 of each year.

(C) The failure of the Board, or the designated administrative official, to deliver a copy of the form to any officer or employee shall not relieve the officer or employee of the obligation to file the statement.

(1984 Code, § 36.32) (Ord. O-51-94, passed 12-29-1994; Ord. O-13-10, passed 5-25-2010; Ord. O-08-18, passed 1-30-

2018)

§ 36.048 CONTROL, MAINTENANCE OF THE STATEMENTS OF FINANCIAL INTERESTS.

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

(B) A statement of financial interests shall be retained by the Board, or the designated administrative official pursuant to the state’s Department of Libraries and Archives schedule as follows.

(1) Upon the expiration of two years after a person ceases to be an officer or employee of the city or city agency, the Board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person.

(2) Upon the expiration of two years after any election at which a candidate for elected city office was not elected or nominated, the Board of Ethics shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person.

(1984 Code, § 36.33) (Ord. O-51-94, passed 12-29-1994; Ord. O-08-18, passed 1-30-2018)

§ 36.049 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, the filer’s spouse and any immediate adult family member or other adult residing in the same household with the filer exceeding $10,000 during the preceding calendar year, and the nature of the income (e.g., salary, commission, dividends, retirement fund distribution and the like);

(5) The name and address of any business located within the state in which the filer or the filer’s spouse had at any time during the preceding calendar year an interest of $20,000 at fair market value or 5% ownership interest or more. Investments in publicly- traded securities (including bonds, stocks, mutual funds and ETFs) are exempt from disclosure;

(6) The name and address of any business located outside of the state, if the business is engaged in any business transactions with the city during the past three years, or which is anticipated to engage in any business transactions with the city, in which the filer or the filer’s spouse had at any time during the preceding calendar year an interest of $20,000 at fair market value or 5% ownership interest or more. Investments in publicly-traded securities (including bonds, stocks, mutual funds and ETFs) are exempt from disclosure;

(7) A designation as commercial, residential or rural, and the location of all real property within the city, other than the filer’s primary residence, in which the filer of the filer’s spouse had during the preceding calendar year an interest of $20,000 or more;

(8) Each source by name and address of gifts or honoraria having an aggregate fair market value of $250 or more from any single source, excluding gifts received from family members, received by the filer or the filer’s spouse during the preceding calendar year. Gifts and honoraria do not include political contributions; and

(9) The name and address of any creditor owed more than $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 person, family or household purposes or student loans or home equity loan or medical bills.

(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.

(1984 Code, § 36.34) (Ord. O-51-94, passed 12-29-1994; Ord. O-57-05, passed 10-25-2005; Ord. O-13-10, passed 5-25-2010; Ord. O-08-18, passed 1-30-2018)

§ 36.050 NON-COMPLIANCE WITH FILING REQUIREMENTS.

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

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

(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.

(1984 Code, § 36.35) (Ord. O-51-94, passed 12-29-1994; Ord. O-08-18, passed 1-30-2018)

ENFORCEMENT

§ 36.065 BOARD OF ETHICS; MEMBERS; POWER AND DUTIES.

(A) (1) The Northern Kentucky Regional Ethics Authority and the Northern Kentucky Regional Ethics Enforcement Committee are designated the authority and responsibility of enforcing the city's Code of Ethics.

(2) The Mayor of the city is hereby authorized to execute on behalf of the city's Board of Commissioners an interlocal cooperation agreement as authorized by KRS 65.210 et seq. to allow the Northern Kentucky Regional Ethics Authority and the Northern Kentucky Regional Ethics Enforcement Committee. The interlocal agreement is attached to Ord. O-13-10 and incorporated by reference.

(1984 Code, § 36.40)

(B) The executive authority of the city, with the approval of the legislative body may appoint one alternate member of the Board of Ethics who may be called upon to serve when any regular member of the Board is unable to discharge his or her duties. An alternate member shall be appointed for a term of one year. Alternate members shall meet all qualifications and be subject to all of the requirements of this chapter that apply to regular members.

(1984 Code, § 36.41)

(C) Within the limits of the funds appropriated by the legislative body in the annual budget, the city shall provide the Board of Ethics, either directly or by contract or agreement, with the facilities, materials, supplies and staff needed for the conduct of its business.

(1984 Code, § 36.42)

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

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

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

(3) To administer oaths and to issue orders requiring the attendance and testimony of witnesses and the production of documentary evidence relating to an investigation or hearing being conducted by the Board;

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

(5) To render advisory opinions to 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 chapter;

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

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

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

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

(10) To provide training and education on the city's Ethics Code to officials and employees;

(11) To prepare and submit an annual report and any recommended changes to this code to the legislative body and to develop and submit any reports regarding the conduct of its business that may be required by the executive authority or legislative body of the city;

(12) The Board of Ethics will annually review the list of officials and employees required to file annual disclosure statements, to determine whether the lists are complete and accurate. Within 90 days after it has been formed and, by February 1 each year thereafter, the Board of Ethics must:

(a) Cause to be filed with the City Clerk a list of the names and offices, or positions, of all officials and employees and others required to file annual disclosure statements pursuant to § 36.045 of this chapter; and

(b) Notify all such persons of their obligation to file an annual disclosure statement;

(13) The Board of Ethics will prepare forms for complaints and for financial disclosure statements, and will make these forms available at the City Clerk's office and on the city's website, for easy downloading; and

(14) By June is of each year, the Board of Ethics must review all annual financial disclosure statements filed with it to determine whether any person required to file such a statement has failed to file it, has filed a deficient statement or has filed a statement that reveals a possible or potential violation of this code. If the Commission determines that an annual or transactional disclosure statement is deficient or reveals a possible or potential violation of this chapter, the Commission will notify the person in writing of the deficiency or possible or potential violation and of the penalties for failure to comply with this chapter.

(1984 Code, § 36.43)

(E) (1) The Board of Ethics will, within one year after its passage, make this code, and explanations of its provisions (including information on how to fill out all forms and statements), available including, but not limited to, on the city website to all officials and employees, candidates and consultants, and to municipal residents and to all persons doing business or interested in doing business with the city, and will develop educational materials and a required educational program for the officials and employees of the city regarding the provisions of this chapter.

(2) The educational program must begin within 18 months after this code goes into effect.

(3) In addition, the Board of Ethics will hold an annual workshop for new and experienced officials and employees to discuss this code, its values and goals, its enforcement and the ways in which it has affected its work and the working of the city government.

(1984 Code, § 36.44)

(Ord. O-51-94, passed 12-29-1994; Ord. O-7-96, passed 3-6-1996; Ord. O-13-10, passed 5-25-2010; Ord. O-08-18, passed 1-30-2018)

§ 36.066 ANNUAL REPORTS; ANNUAL REVIEW OF ETHICS CODE.

(A) The Board of Ethics must prepare and submit an annual report to the legislative body, summarizing the activities, decisions and advisory opinions of the Commission. The report may also recommend changes to the text or administration of this chapter. The report must be submitted no later than September 30 of each year, covering to the year ended June 30. and must be filed with the City Clerk and made available on the city website.

(B) The Board of Ethics will periodically (no less than every five years) review this chapter, the enforcement of the code and the Commission's rules, regulations and administrative procedures to determine whether they promote integrity, public confidence and participation in city government, and whether they set forth clear and enforceable, common-sense standards of conduct.

(1984 Code, § 36.35) (Ord. O-51-94, passed 12-29-1994; Ord. O-08-18, passed 1-30-2018)

§ 36.067 FILING; INVESTIGATION OF COMPLAINTS.

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

(B) The Board of Ethics may, on its own initiative, determine through an inquiry into informal allegations or information provided directly to the Board, by referral, in the public news media, or otherwise, that a violation of this code may exist and prepare a complaint of its own. The Board of Ethics may also amend a complaint that has been filed with it by adding further allegations, by adding respondents involved in the same conduct, directly or indirectly, by action or inaction or by deleting allegations that would not constitute a violation of this chapter, have been made against persons or entities not covered by this code, or do not appear to be supported by the facts. The Board of Ethics may also consolidate complaints where the allegations are materially related. Amended complaints must be sent to the complainant and respondent by the Board of Ethics.

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

(D) The person who is the subject of the complaint (respondent) may file with the Board of Ethics a response to the complaint within 30 days after his or her receipt of the complaint. The response, if any, must be sent to the person filing the original complaint (complainant) by the Board of Ethics within five days after its filing. Within 15 days after receipt, the complainant may also file with the Board of Ethics a response to the respondent's response, which the Board of Ethics must send to the respondent within five days after its filing.

(E) Extensions of time to any of the time limitations specified in this section may be granted by the Board of Ethics upon a vote of the majority of the members. If no meeting can be held before such time limit runs out, the Chair may extend the limit until the following meeting. The Board of Ethics must give written notice of any extension(s) of time to the respondent and the complainant.

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

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

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

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

(H) If the Board of Ethics concludes, based upon its preliminary inquiry, that the complaint is within its jurisdiction and contains allegations sufficient to establish a minimal factual basis to constitute a violation, the Commission shall notify the officer or employee who is the subject of the complaint and may initiate a hearing to determine whether there has been a violation.

(I) If a complaint is accepted or prepared pursuant to division (A) above, the Board of Ethics must conduct an investigation. From this point on, the complainant may not withdraw his or her complaint, although he or she may request that the Board of Ethics either make a finding of no probable cause or no violation.

(J) (1) In conducting an investigation, the Board of Ethics may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records it deems relevant and material. The Police Department and all city agencies, bodies, officials and employees are required to respond fully and truthfully to all enquiries and cooperate with all requests of the Board of Ethics or its agents relating to an investigation. It is a violation of this code for any official or employee to deny access to information requested by the Board of Ethics in the course of an investigation or a public hearing, except to the extent that such denial is required by federal, state or local law.

(2) Nothing in this section may be construed to permit the Board of Ethics to conduct an investigation of itself or of any of its members or staff. If the Board of Ethics receives a complaint alleging that the Board of Ethics or any of its members or staff has violated any provision of this code, or any other law, the Board of Ethics must promptly transmit to the legislative body a copy of the complaint.

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

(1) Due to mitigating circumstances such as, lack of significant economic advantage or gain by the officer or employee, lack of economic loss to the city and its taxpayers or lack of significant impact on public confidence in city government, issue a written or verbal reprimand to the officer or employee concerning the alleged violation. If a written reprimand is issued, a copy shall be provided to the executive authority and governing body of the city or city agency. If a verbal reprimand is issued, a written record of the verbal reprimand shall be provided to the executive authority and governing body of the city or city agency; or

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

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

(1984 Code, § 36.46) (Ord. O-51-94, passed 12-29-1994; Ord. O-08-18, passed 1-30-2018)

§ 36.068 NOTICE OF HEARINGS.

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

(1984 Code, § 36.47) (Ord. O-51-94, passed 12-29-1994; Ord. O-08-18, passed 1-30-2018)

§ 36.069 HEARING PROCEDURE.

(A) The state's rules of civil procedure and the state's rules of evidence shall not apply to hearings conducted by the Board of Ethics; however, the hearings shall be conducted in accordance with this section and in accordance with any

additional rules and regulations adopted by the Board so as to afford all parties the full range of due process rights required by the nature of the proceedings.

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

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

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

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

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

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

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

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

(2) In writing, publicly reprimand the violator for the violations and provide a copy of the reprimand to the 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 Board, which may include a recommendation for discipline or dismissal or removal from office;

(4) Issue an order requiring the violator to pay a civil penalty of not more than $1,000; and

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

(1984 Code, § 36.49) (Ord. O-51-94, passed 12-29-1994; Ord. O-08-18, passed 1-30-2018)

§ 36.070 APPEALS.

Any person who is found guilty of a violation of any provision of this chapter by the Board of Ethics may appeal the finding to the Circuit Court of the county within 30 days after the date of the final action of the Board of Ethics by filing a petition with the court against the Board. The Board shall transmit to the Clerk of the Court all evidence considered by the Board at the public hearing.

(1984 Code, § 36.50) (Ord. O-51-94, passed 12-29-1994; Ord. O-08-18, passed 1-30-2018)

§ 36.071 LIMITATION OF ACTIONS.

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

(1984 Code, § 36.51) (Ord. O-51-94, passed 12-29-1994; Ord. O-08-18, passed 1-30-2018)

§ 36.072 ADVISORY OPINIONS.

(A) The Board of Ethics may render advisory opinions concerning matters under its jurisdiction, based upon real or hypothetical facts and circumstances, upon its own initiative and shall render an advisory opinion when requested by any officer or employee of the city or a city agency who is covered by this chapter.

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

(C) The Board of Ethics may adopt regulations, consistent with the state's 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; or

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

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

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

(G) Advisory opinions (with unnecessary financial and personal details redacted) will be indexed and maintained on file by the Board of Ethics and will also be available on the city website. Officers, employees and businesses should be notified about advisory opinions that may directly affect their conduct.

(1984 Code, § 36.51) (Ord. O-51-94, passed 12-29-1994; Ord. O-7-96, passed 3-6-1996; Ord. O-08-18, passed 1-30-2018)

§ 36.073 REPRISALS AGAINST PERSONS 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 Board of Ethics or any other agency or official of the city or the commonwealth any facts or information relative to an actual or suspected violation of this chapter.

(B) This section shall not be construed as prohibiting disciplinary or punitive action if an officer or employee of the city or any city agency discloses information which he or she knows:

(1) To be false or which he or she discloses with reckless disregard for its truth or falsity;

(2) To be exempt from required disclosure under the provisions of the state's Open Records Act, KRS 61.870 to 61.884; and/or

(3) Is confidential under any other provision of law.

(1984 Code, § 36.52) (Ord. O-51-94, passed 12-29-1994; Ord. O-08-18, passed 1-30-2018)

§ 36.999 PENALTY.

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

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

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

(1984 Code, § 36.99) (Ord. O-51-94, passed 12-29-1994; Ord. O-08-18, passed 1-30-2018)

CHAPTER 37: OPEN RECORDS, DOCUMENT RETENTION AND TRANSPARENCY

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OPEN RECORDS POLICY

§ 37.01 TITLE.

This subchapter shall be known as and may be cited as the “Covington Open Records Policy.”

(1984 Code, § 37.01) (Ord. O-14-19, passed 6-11-2019)

§ 37.02 APPLICATION.

This chapter shall be applied uniformly and consistently by the city and all public agencies operating under the jurisdiction of the city, including the Covington Municipal Properties Corporation, the Covington Development Properties Corporation, the Covington Parking Authority, the Covington Economic Development Agency, Devou Properties. Inc. and any public agency, as defined in KRS 61.870, created hereafter.

(1984 Code, § 37.02) (Ord. O-14-19, passed 6-11-2019)

§ 37.03 DEFINITIONS.

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

COMMERCIAL PURPOSE. The direct or indirect use of any part of a public record or records, in any form, for sale, resale, solicitation, rent, or lease of a service, or any use by which the user expects a profit either through commission, salary, or fee. ***COMMERCIAL PURPOSE*** excludes the publication or related use of a public record by a newspaper or periodical; the use of a public record by a radio or television station in its news or other informational programs; or the use of a public record in the preparation for prosecution or defense of litigation, or claims settlement by the parties to such action, or the attorneys representing the parties.

MECHANICAL PROCESS. Any operation or other copying procedure transacted on a machine, including a copier, computer, recorder or tape processor, or other automated device.

MEDIUM PROCESSING. The physical material in or on which records may be stored or copied.

OFFICIAL CUSTODIAN OF RECORDS. The City Clerk is responsible for the maintenance, care and keeping of public records, regardless of whether such records are in his or her actual personal custody and control.

OPEN RECORD. A record, or any part thereof, that does not fall under one or more statutory exemptions authorizing nondisclosure and must therefore be disclosed to the public.

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

RESIDENT OF THE COMMONWEALTH.

(1) An individual residing in the Commonwealth of Kentucky;

(2) A domestic business entity with a location in the Commonwealth of Kentucky;

(3) A foreign business entity registered with the Secretary of State of the Commonwealth of Kentucky;

(4) An individual that is employed and works at a location or locations within the Commonwealth of Kentucky;

(5) An individual or business entity that owns real property within the Commonwealth of Kentucky;

(6) Any individual or business entity that has been authorized to act on behalf of an individual or business entity defined in divisions (1) to (5) above; and

(7) A news-gathering organization as defined in KRS 189.635(9)(b)1.a. to e.

(1984 Code, § 37.03) (Ord. O-14-19, passed 6-11-2019; Ord. O-08-22, passed 3-22-2022; Ord. O-05-2025, passed 5-13-2025)

Statutory reference:

Similar provisions, see KRS 61.870(2), (4)(a),(b), (5), (7), (8), (10) and 83A.085(3)(b)

§ 37.04 REQUESTING PUBLIC RECORDS.

(A) Open records rules and regulations governing access to the public records of the city, conforming to the provisions of KRS 61.870 to 61.884 shall be posted on the city's website and in a prominent location in all city offices to which the public has access and shall include the mailing address, email, and phone number of the City Clerk or their designee as well as the standardized form developed by the Kentucky Attorney General under KRS 61.876(4).

(B) Open records that are prepared, owned, used, in the possession of or retained by the city, and all public agencies operating under its jurisdiction, including those that are stored offsite or managed and maintained by a private vendor, shall be accessible to residents of the Commonwealth by means of onsite inspection, by delivery of copies through the U.S. mail, or, if the length of the document does not exceed 15 pages, by electronic transmission. Delivery of copies by mail is limited to requesters who reside, or have their principal place of business, outside of the county who precisely describe the requested records "which are readily available within the public agency" and who prepays for copies and postage.

(C) No charge may be imposed for onsite inspection of open records and suitable facilities shall be made available for this purpose. The city shall determine whether suitable facilities for onsite inspection of electronic records includes the use of city computers on a case by case basis, focusing on availability (burdensomeness), system security, and the existence of reasonable alternatives.

(D) A reasonable fee, as described in §37.06, may be imposed for copies of open records, including postage if the copies are mailed to the requester, and prepayment shall be required.

(E) All requests for public records shall be written and signed by the applicant with his or her name printed legibly and transmitted by U.S. mail, facsimile, hand-delivery, or e-mail.

(F) Open records requests shall be directed to the City Clerk or the City Clerk's designee. In the City Clerk's absence, at least one designee shall be authorized to perform all open records duties assigned to the City Clerk to ensure the timely and uniform processing of records requests. Misdirected requests shall be transmitted immediately to the City Clerk or the City Clerk's designee and every city official or employee is responsible for ensuring immediate transmission of all misdirected requests to the City Clerk or the City Clerk's designee.

(G) The City Clerk or the City Clerk's designee shall ensure that open records requests are routed to all public agencies, and officers or employees attached to those agencies, operating under the city's jurisdiction, for the purpose of making "a good faith effort to conduct a search using methods which can reasonably be expected to produce the records requested." Those agencies, and their officers and employees, shall immediately locate, retrieve, and transmit to the City Clerk all responsive records located on public or private premises or devices for review, redaction, and disclosure or nondisclosure based on the records' content. Those agencies, and their officers and employees, shall communicate to the City Clerk or the City Clerk's designee any legally supportable claim of exemption based on the content of the records.

(H) Written requests must contain a description of the records sought, the signature of the requester, a statement of the manner in which the applicant is a resident of the Commonwealth of Kentucy as defined in § 37.03, and the requester's name printed legibly or typed. A preprinted form is available for the requester's use and convenience on the city's website at https://www.covingtonky.gov or by request, but the requester is not required to use the form as a condition of obtaining open records. The City Manager or the City Manager's designee shall have the authority to create an appropriate form for the requestor's use and convenience.

(I) A request to conduct onsite inspection of open records containing a description of the records that is "adequate for a reasonable person to ascertain [its] nature and scope" is legally sufficient. A request that copies of open records be mailed to the requester must contain a "precise description" of the records, and those records must be "readily available". The City Clerk or the City Clerk's designee may communicate with the requester to eliminate any confusion or doubt as to the scope of the request, or to otherwise facilitate access, but shall not ask the requester how the requester intends to use the records or the purpose of the request.

(J) Public agencies, and officials and employees of public agencies, shall comply with the city's uniform open records policy in accessing public records of the city or public agencies operating under its jurisdiction but shall, pursuant to KRS 61.878(5) enjoy an enhanced right of access to otherwise exempt public records if the public records are necessary in the performance of a legitimate government function or serve a legitimate governmental need. Public agencies, officials or employees who obtain otherwise exempt public records for these purposes shall ensure the records are not publicly disclosed.

(K) No requester shall be permitted to remove original copies of city records from city offices without the written permission of the City Clerk or the City Clerk's designee.

(1984 Code, § 37.04) (Ord. O-14-19, passed 6-11-2019; Ord. O-08-22, passed 3-22-2022; Ord. O-05-2025, passed 5-13-2025)

Statutory reference:

Similar provisions, see KRS 61.872(1), (2), (3), (3)(b), 61.874(3), (4), 61.876(2), 4, 61.878(5)

§ 37.05 RESPONDING TO PUBLIC RECORDS REQUESTS.

(A) The city's final written response to a public records request shall be issued within five business days. This excludes Saturdays, Sundays and legal holidays.

(B) In calculating the five-day response time, the city may exclude the date on which the request arrived by U.S. mail, fax, hand-delivery or e-mail.

(C) If the public records request requires production of open records that are "in active use, in storage, or not otherwise available", the city shall notify the requester, in writing and no later than the fifth business day, that it cannot immediately produce the requested records. The phrase "not otherwise available" has been construed by the Attorney General to include requests for voluminous open records. The written response shall include a citation to KRS 61.872(5) and a "detailed explanation of the cause for delay". The demands of other public duties does not constitute a legally recognized basis for postponing release of the records. The written response shall also state the earliest date and time the records will be available. The written response to a request to inspect such records shall identify the place at which the records will be available for inspection in suitable facilities. The written response to a request for copies of such records by mail shall state that the requester will be notified of the actual cost of copying and postage on the same day the records are located, retrieved, and reviewed and that the records will be mailed upon prepayment of the copying and postage charges.

(D) The absence of the City Clerk or the City Clerk's designee does not suspend or delay the five-day deadline for final written response.

(E) The response shall be issued by the City Clerk or the City Clerk's designee, or under the Clerk's or designee's authority. The city shall maintain a comprehensive open records register to track all incoming open records requests and the disposition of those requests.

(F) The city's final written response to a public records request, issued on the fifth business day, shall notify the requester that the request will be granted or denied. A written response to a request to conduct onsite inspection of open records, notifying the requester that the request is granted, shall advise the requester that the records are immediately available for inspection during the city's regular business hours at a specifically designated location where suitable facilities are available.

(G) The city's final written response to a request for copies of open records by mail, notifying the requester that the request is granted, shall advise the requester that the open records will be mailed upon receipt of payment to "City of Covington" in a specified amount based on the actual cost of reproduction and postage cost.

(H) The city's final written denial of a request to inspect or obtain copies of exempted public records shall advise the requester that the request is denied, identify one or more of the statutory exemptions found at KRS 61.878(1)(a) through (r), and provide a detailed explanation of how the exemption(s) apply to the records, or any portion thereof withheld. The city recognizes that it has the burden of proof in sustaining denial of an open records request in an administrative challenge to the Kentucky Attorney General and the burden of proof in sustaining the denial in a judicial challenge in the courts.

(I) The city is not, in general, required to grant a request for information, as opposed to a request for existing public records. For example, "What were the results of the city's last audit" is an improper request that the city is not obligated to grant. "Please provide

a copy of the city's most recent audit" is a proper request that the city is obligated to grant.

(J) If the requester seeks records that the city does not now have, nor ever had, custody or control of, the city shall notify the requester of this fact in writing. If the identity of the actual custodial agency is known, the city shall furnish the requester with the name and location of the official custodian of the agency's public records. Requests made for records in possession of the Legislative Research Commission shall be forwarded to the director of the Legislative Research Commission within two days of the request.

(K) If the requester seeks city records that cannot be located, have been prematurely destroyed through error or inadvertence, or were required by law to be created but were never created, the city shall provide the requester with a candid explanation for the unavailability of the records. Destruction of a public record after a request is received is wholly impermissible and may constitute a violation of KRS 61.991(2)(a), relating to willful concealment or destruction of a public record and punishable as a Class A misdemeanor, or a violation of KRS 519.060(1)(b), relating to tampering with public records and punishable as a Class D felony.

(L) Records that originated in another public agency but are in the city's custody as a "casual possessor" must be treated as city records unless state or federal law expressly require otherwise. The city shall respond to a request for such records as it would respond to any other records request but may wish to consult with the agency from which it obtained the records to ascertain if there is a legally supportable claim for exemption that the city should assert.

(M) (1) The city may deny a public records request that imposes “an unreasonable burden in producing public records” or “repeated requests” that the City Clerk or the City Clerk’s designee “has reason to believe are intended to disrupt other essential functions of the public agency based upon clear and convincing evidence” of an unreasonable burden or intent to disrupt essential functions.

(2) The courts have recognized that clear and convincing evidence is a “high proof threshold” but have not indicated what evidence meets this threshold. The Attorney General focuses on the number of records involved, or a good faith estimate of the number of records involved, the difficulties associated with locating, retrieving, reviewing, and redacting the records, whether one or more of the exemptions to public inspection require the redaction of particular information in the records, the number of staff hours, or a good faith estimate of the number of staff hours, required to fulfill the request, and the approximate cost to the agency based on these factors. A detailed description of the burden that includes this information shall be included in any denial based on unreasonable burden. Specific proof of bad faith, such as duplicative requests or requests that the agency grants but the requester never picks up, shall be included in any denial based on intentional disruption of essential agency functions. KRS 61.872(6) should only be invoked to deny access to public records in the most extreme and flagrant cases.

(N) The city shall, upon payment of a reasonable fee as described in §37.06, provide a requester with a copy of any open record it has permitted the requester to inspect. Inspection and copying are corollary rights.

(1984 Code, § 37.05) (Ord. O-14-19, passed 6-11-2019; Ord. O-08-22, passed 3-22-2022)

Statutory reference:

Similar provisions, see KRS 7.119(6)(a), 61.872(3)(b), (4), (5), (6), 61.874(1), 61.880(1), (2)(c), 61.882(3)

§ 37.06 COPIES OF OPEN RECORDS.

(A) The city shall not restrict the use of personal devices, including but not limited to scanners, cameras, computers, and copiers, by a requester wishing to make his or her own copy of an open record. The city may, however, take appropriate steps to ensure that duplication by a requester will not damage or alter the original records.

(B) The city shall not restrict the ability of any person to make handwritten notes while inspecting an open record.

(C) The city shall provide copies of open records used for commercial or noncommercial purposes in standard hard copy format where the city currently maintains the records in hard copy format. The city is not required to convert hard copy format records to electronic formats but may do so at its discretion. If the open records are maintained in electronic format, the requester may designate in which format, hard copy or electronic, the records shall be reproduced.

(D) The city shall impose no fee for inspection of open records. Upon inspection, the requestor shall be charged the fees described in this section if he or she requests copies.

(E) The city shall notify a requester in advance if the anticipated costs of reproduction exceed a stipulated amount or if the anticipated costs of reproduction will exceed $25.

(F) The city shall not recover as part of its actual costs of reproduction any charge assessed by a private contractor or outside entity retained to archive, manage, recover, or retrieve city records or otherwise assist in fulfilling a request.

(G) Upon agreement with the requester, the city shall arrange with an outside contractor, at the most economical rate available, to reproduce records which it lacks duplication equipment to reproduce itself (example: as oversized maps, photo quality visual images) and may recover the actual charge assessed by the outside contractor.

(H) Absent a statute authorizing a specific fee relating to a particular type of record, the city shall reproduce hard copy open records requested for a noncommercial use in a standard 8-1/2 x 11-inch format for a fee of $.10 per page. No fee shall be imposed for staff time, including staff time expended in retrieving, reviewing, redacting, or reproducing the record.

(I) The city shall provide copies of electronic records requested for noncommercial use in the records’ native electronic format, or an electronic format mutually agreed upon but not routinely maintained, for a fee based on the actual cost of the medium on which the records are copied and, in the case of a nonroutine format, any mutually agreed upon conversion costs. Records requested in electronic format shall be provided on a CD for a fee of $.20 per CD. The city shall impose no fee for direct electronic transmission of open records from the city to the requester, there being no associated costs. In no case shall the city impede access to or searchability of electronic records.

(J) If the city and the requester are unable to reach an agreement on an electronic format, the city shall convert the electronic records to a flat file electronic American Standard Code for Information Interchange (ASCII), the standard electronic format established by KRS 61.874(2)(b). The city shall not recover any cost associated with conversion to this format.

(K) The city shall reproduce open records requested for commercial use (“any use by which the user expects a profit either through commission, salary, or fee”) using the same factors found in divisions (H), (I) and (J) of this section, but may, in addition, recover staff costs incurred in connection with retrieval, review, redaction, and reproduction. The city may ask whether the requester intends to use the open records for a commercial purpose. If the requester confirms that the records will be used for a commercial purpose, the city may require the requester to submit a certified statement of the commercial purpose for which the records will be used. The city may also require the requester to enter into a contract for the stated commercial purpose for a specified fee. Any misrepresentation of or deviation from, the requester’s stated commercial or

noncommercial purpose may be actionable by the city as provided in KRS 61.874(5) and 61.8745.

(1984 Code, § 37.06) (Ord. O-14-19, passed 6-11-2019)

Statutory reference:

Similar provisions, see KRS 61.872(3)(a) and (b), 61.874(1), (2)(a), (3), (4), (4)(c)

§ 37.07 STATUTORY EXEMPTIONS.

(A) Kentucky courts recognize "[t]he unambiguous purpose of the Open Records Act, being KRS 61.870 to 61.884 is the disclosure of public records even though such disclosure may cause inconvenience or embarrassment", but that "[d]espite its manifest intention to enact a disclosure statute, the General Assembly determined that certain public records should be excluded from disclosure" and that "[f]rom the exclusions we must conclude that with respect to certain records, the General Assembly has determined that the public's right to know is subservient to statutory rights of personal privacy and the need for governmental confidentiality".

(B) To promote accountability and ensure "open, honest, transparent and efficient government practices and policies", the city has adopted a revised transparency policy at §§ 37.30 and 37.31 of this chapter. The revised transparency policy is intended to facilitate streamlined access to frequently requested records that do not compromise statutory rights of personal privacy or the need for governmental confidentiality by posting those records on the city's website, https://www.covingtonky.gov for immediate access. Sections 37.30 and 37.31 of this chapter supplements, but does not supersede, modify, or limit rights guaranteed under Kentucky's Open Records Act, being KRS 61.870 to 61.884 and persons or entities wishing to obtain records and information identified in the ordinance may do so by means of an open records request.

(C) In all other cases, the city shall exercise a presumption in favor of openness except those in which the public's right to know must yield to "statutory rights of personal privacy or the need for governmental confidentiality".

(D) The General Assembly has enacted numerous statutory exemptions found at KRS 61.878(l)(a) through(r). In interpreting and applying these exemptions, the city shall be guided by the express language of the exemptions, case law construing the exemptions, and administrative guidance provided by the Kentucky Attorney General.

(E) The exemptions found at KRS 61.878(l)(a) through(r) shall be "strictly construed" pursuant to the statement of legislative policy in KRS 61.871.

(F) Pursuant to KRS 61.878(1)(r), "[c]ommunications of a purely personal nature unrelated to any governmental function" shall be exempt from public access. Communications from nongovernmental employees that address campaign or election issues, matters before the Board of Commissioners, or general city business are not purely personal and shall be subject to disclosure.

(G) In the event the City Clerk or the City Clerk's designee requires assistance in determining whether to waive the city's right to refuse access to material excluded from public inspection, the City Clerk or the City Clerk's designee shall immediately request assistance from the Office of the City Solicitor. If the Office of City Solicitor requires assistance in determining whether to waive the city's right to refuse access to material excluded from public inspection, that office shall immediately request assistance from the City Manager. If the City Manager requires assistance in determining whether to waive the city's right to refuse access to material excluded from public inspection, the City Manager shall immediately request assistance from the Board of Commissioners who shall make the determination, notify the City Clerk or the City Clerk's designee, and direct issuance of a final response.

(H) In accordance with applicable state law, the city shall not attempt to avoid responding to a lawful open records request submitted by a party involved in litigation, when the requested documents could be obtained through an applicable provision in the Kentucky Rules of Civil Procedure.

(I) The city shall not, by ordinance, order, contract or other formal or informal action, attempt to restrict access to, offer assurances of confidentiality for, or promise to withhold, public records that are not already exempt under one or more exemption codified at KRS 61.878(l)(a) through (r).

(J) A city employee, or applicant for employment, is entitled to inspect and obtain copies of any records that relate to the employee or applicant, even if the records are statutorily exempt, unless the employee is under criminal or administrative investigation or requests a copy of an examination that will be given again. The city employee, or applicant for employment, shall comply with the city's uniform open records policy in accessing public records of the city or public agencies operating under its jurisdiction.

(K) The city shall not withhold statistical information not descriptive of any readily identifiable person. The city is not, however, obligated to compile statistics that do not already exist to fulfill an open records request.

(L) If a requested public record contains both exempt and nonexempt information, the city shall separate the exempted information and make the nonexempt information available. The city shall identify the exemption relied upon in withholding exempted information in its final written response to the request and provide a detailed explanation of how the exemption applies to the information withheld.

(M) Although access to body worn camera recordings shall be governed by KRS 61.870 to 61.884, as well as the retention requirement set forth in the Local Government General Records Schedule, Records Series 6707, KRS 61.168

identifies 14 exceptions to the general rule of openness that the city may, in its discretion, invoke to limit access unless certain conditions, identified at KRS 61.168(5), are met.

(N) Public agencies, and officials and employees of public agencies, shall comply with the city's uniform open records policy in accessing public records of the city or public agencies operating under its jurisdiction, but shall enjoy an enhanced right of access to otherwise exempt public records if the public records are necessary in the performance of a legitimate government function or serve a legitimate governmental need. Public agencies, officials or employees who obtain otherwise exempt public records for these purposes shall ensure the records are not publicly disclosed.

(O) To the extent feasible, the city shall notify a person or persons affected by disclosure of records containing personal information that a request for records relating to the person(s) has been received and that the city intends to release the records two weeks from the date of notification. Such a person(s) has standing to bring an action against the city in Circuit Court to prevent disclosure of the records if the Court finds that disclosure of the personal information would constitute a clearly unwarranted invasion of personal privacy. The city shall agree to postpone final action on the request for two weeks, and afford the person(s) an opportunity to review the records in that period, but if no action has been initiated after two weeks, the city shall release the records.

(1984 Code, § 37.07) (Ord. O-14-19, passed 6-11-2019; Ord. O-08-22, passed 3-22-2022)

Statutory reference:

Similar provisions, see KRS 61.878(2), (3),(4)

§ 37.08 OPEN RECORDS DISPUTE RESOLUTION.

(A) A requester who is dissatisfied with the city's handling of an open records request may appeal the city's response to the Kentucky Attorney General or to the Kenton County Circuit Court.

(B) An inmate confined in a correctional facility must appeal to the Attorney General before appealing to the courts pursuant to KRS 197.025(3) and must do so within 20 days of the city's denial of a request. All other requesters may bypass the Attorney General and initiate an appeal in the Circuit Court, and there is no time limitation on when the requesters must initiate an appeal.

(C) Pursuant to KRS 61.880(2)(c), the city has the burden of sustaining its action in an appeal to the Attorney General. Pursuant to KRS 61.882(3), the city has the burden of proof in an appeal to the Circuit Court. The city "bears the burden of proof. . . and what it must prove is that any decision to withhold responsive records was justified under the Act."

(D) Notification of receipt of an open records appeal, and the letter of appeal, shall be immediately directed to the City Clerk or the City Clerk's designee, and a copy immediately forwarded to the city's Legal Department.

(E) In an appeal to the Kentucky Attorney General, the city may supplement its denial, or otherwise explain its actions, in writing, and shall provide the appellant with a copy of its written supplemental response. The city shall comply with the Attorney General's request for additional documentation, and shall provide the appellant with a copy of its written response. If the Attorney General requests a copy of the public records in dispute, the city shall comply with the request but shall not provide the appellant with a copy of the disputed records.

(F) An open records decision issued by the Kentucky Attorney General pursuant to KRS 61.880(2) shall have the force and effect of law if not appealed to the Kenton County Circuit Court within 30 days.

(G) If the city receives an unfavorable ruling from the Attorney General, the city shall, within the 30-day period, determine whether to comply with the decision by releasing the previously disputed records or taking appropriate corrective measures, or to seek judicial review of the adverse open records decision. In no case shall the city ignore an adverse open records decision beyond 30 days and force the requester/appellant to petition the Kenton County Circuit Court to enforce the legally binding open records decision.

(1984 Code, § 37.08) (Ord. O-14-19, passed 6-11-2019)

Statutory reference:

Similar provisions, see KRS 61.880(2), (5)(b), 61.882(3)

DOCUMENT RETENTION POLICY

§ 37.20 RECORDS MANAGEMENT AND RETENTION.

(A) KRS 61.8715 recognizes "an essential relationship" between the intent of KRS Ch. 61, relating to open records, and the intent of KRS Ch. 171, relating to records management and the role of the Kentucky Department for Libraries and Archives (KDLA), declaring that in order "to ensure the efficient administration of government and to provide accountability of government activities, public agencies are required to manage and maintain their records according to the requirements of these statutes." The city recognizes that proper records management facilitates records access.

(B) The city shall ensure that records containing adequate and proper documentation of its organizational functions, policies, decisions, procedures, and essential transactions are created and preserved, including records containing information necessary to protect the city's legal and financial rights and the legal and financial rights of persons directly affected by the city's activities.

(C) The city shall establish an active, continuing program for the economical and efficient management of its records that includes effective controls over the creation, maintenance, and disposition of those records. The city recognizes that records retention schedules, which govern records retention and disposition, are a key component of this program.

(D) The city shall rely on the local government general records schedule and the municipal government records schedule for all questions concerning records management, retention, and disposition. These schedules, adopted in regulation at 725 KAR 1:061, provide legal authority for the destruction of city records that have met their retention period. The city shall employ procedures governing proper destruction of city records set forth in *Destruction of Public Records: A Procedural Guide*.

(E) City records retained beyond their authorized retention period may be subject to public disclosure upon request, even if the records retention was not required under the retention schedule.

(F) The city shall not destroy a record that has met its retention period, but not yet been destroyed, if the record is the subject of, or relates to, active or pending litigation, audit, open records request, or appeal of an open records decision.

(G) An unscheduled city record that does not appear on either the local government general records schedule of the municipal government records schedule shall be retained as a permanent record until it is properly scheduled.

(H) The city shall ensure that it retains control of any and all public records that are stored offsite or whose management and retention is outsourced, and that the records are immediately accessible for production in response to an open records request.

(I) The city shall maintain records in hard copy or electronic format based on the content of the records not the records' format. For example, correspondence may be transmitted electronically, by email, or by traditional means, on paper. If the correspondence documents the city's major activities, functions and programs and the important events in its history, it is official correspondence and shall be retained permanently. If the correspondence is not crucial to the preservation of the city's administrative history, is generally of a non-policy nature and without permanent value, and deals only with the city's general operations, it is routine correspondence and shall be retained for two years after which it can be destroyed. If the correspondence is not related to city business in any way and consists of messages of a purely personal nature, spam, and other unsolicited correspondence, it is nonbusiness related correspondence and shall be destroyed or deleted upon receipt or as soon as possible thereafter.

(J) All city officers and employees are responsible for maintaining the integrity of records regardless of whether those records are stored electronically or in hard copy. City records in the officer's or employee's custody and control must be properly managed, retained, and accessible until all legal, fiscal, and administrative retention periods have been met, regardless of the record's format.

(K) Communications conducted on email accounts issued by the city to city officials and employees shall be restricted to city business and are presumptively public records. Whether the public records are subject to public inspection and therefore open records depends on the content of the communication and the strict application of one or more of the 16 statutory exemptions found at KRS 61.878(1)(a) through (p). City issued email accounts may be subject to search.

(L) City officials and employees shall use city issued email accounts in all matters relating to city business. If personal email accounts must be used, the city official or employee shall send a copy of the communication to the city official's or employee's city email account and forward any received message relating to city business to the city official's or employee's city email account.

(M) Records retention schedules and management practices apply equally to all city records regardless of whether the records originate or are stored on a publicly-issued electronic device or on public premises.

(N) The city shall strictly adhere to records management and retention requirements established in KRS 171.410 et seq., and best practices as delineated in *Managing Government Records: A Cooperative Undertaking*, published by KDLA, and the guidance documents referenced therein.

(1984 Code, § 37.09) (Ord. O-14-19, passed 6-11-2019)

Statutory reference:

Similar provisions, see KRS 171.410 et seq., 171.640, 171.680

TRANSPARENCY POLICY

§ 37.30 PURPOSE.

The purpose of the transparency ordinance is to ensure that the city provides open and transparent information to the citizens of the city.

(1984 Code, § 37.10) (Ord. O-14-19, passed 6-11-2019)

§ 37.31 GUIDELINES.

The city shall provide information and documentation to the public as follows:

(A) *Meeting information.*

(1) The Board of Commissioners shall establish annually by ordinance the schedule for meetings of the Board of Commissioners. Notices of City Commission and committee meetings and city boards shall be posted on the city's website, and, when possible, distributed through the city's email list.

(2) (a) The complete agenda for caucus and legislative meetings, including any supporting documents for items on the agenda and the full version of ordinances, resolutions and orders will be made available in their entirety on the city's website no later than the Friday before the regularly scheduled Commission meeting. If the substance of the matter cannot be determined by reading the order, resolution or ordinance the City Solicitor shall prepare a statement summarizing the effective content of the order, resolution or ordinance so as to fully inform the public.

(b) This provision shall not prohibit or in any way limit the Board of Commissioners from adding additional items to the agenda for caucus and legislative meetings as late as the meeting itself.

(3) If a special meeting is called in accordance with KRS 61.823, the complete agenda and the ordinances, resolutions and orders will be made available in their entirety on the city's website at least 24 hours before the meeting. If the substance of the matter cannot be determined by reading the order, resolution or ordinance, the City Solicitor shall prepare a statement summarizing the effective content of the order, resolution or ordinance so as to fully inform the public.

(B) *Meetings.* All city meetings of the Board of Commissioners and its committees shall be open to the public unless otherwise exempt under open meetings law.

(1) Minutes of meetings shall be posted on the city's website.

(2) Meeting notices and agendas shall be posted at or near the entrance of city hall prior to the meeting.

(3) Streaming public meetings on cable and the internet shall be allowed.

(4) Copies of the agenda shall be available to those attending meetings.

(5) Citizens shall be provided an opportunity to comment about public issues at City Commission legislative meetings.

(C) *Contact information.* The names, titles, email addresses and telephone numbers of the city's elected officials and department heads shall be provided on the city's website.

(D) *Budgets and financial reports.* The city shall post on the city's website:

(1) Each annual budget;

(2) Monthly financial reports; and

(3) The Comprehensive Annual Financial Report (CAFR), Management Letter and Single Audit.

(E) *Taxes and fees.* The city's taxes and fees shall be made available on the city's website.

(F) *Ordinances.* The city's code of ordinances and the Zoning Code shall be posted on the city's website. A copy of the city's code of ordinances and all ordinances adopted since the latest codification shall be available for inspection at city hall.

(G) *Personnel.* The city's personnel policies and union contracts shall be posted on the city's website.

(H) *Information on the city website.*

(1) It shall be the city's policy to provide open and transparent information about the city's business on the city's website.

(2) The public will be provided an opportunity to communicate with city officials and staff on the city's website.

(1984 Code, § 37.11) (Ord. O-14-19, passed 6-11-2019)

TITLE IV: FINANCIAL REGULATIONS

Chapter

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CHAPTER 40: DEBT MANAGEMENT POLICY

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40.08 Investor relations, disclosure and communication

§ 40.01 INTENT AND PURPOSE.

(A) One of the keys to sound financial management is the development of a debt policy. This need is recognized by bond rating agencies and development of a debt policy is a recommended practice by the Government Finance Officers Association. A debt policy sets forth the parameters for issuing debt and managing outstanding debt and provides guidance to decision makers regarding the timing and purposes for which debt may be issued, types and amounts of permissible debt, method of sale that may be used and structural features that may be incorporated. The debt policy should recognize a binding commitment to full and timely repayment of all debt as an intrinsic requirement for entry into the capital markets. The debt policy ensures that the city maintains a sound debt position and that its credit quality is protected. Adherence to a debt management policy signals to the rating agencies and the capital markets that the city is well-managed and should be able to meet its obligations in a timely manner. Adherence to this policy will help assure the city's credit ratings.

(B) The city recognizes that a fiscally prudent debt policy is required to:

(1) Maintain the city's sound financial position;

(2) Ensure the city has the flexibility to respond to changes in future service priorities, revenue levels and operating expenses;

(3) Protect the city's creditworthiness:

(4) Ensure that all debt is structured to protect both current and future taxpayers, ratepayers and citizens of the city; and

(5) Ensure that the city's debt is consistent with the city's planning goals, objectives, capital improvement program and/or budget.

(C) Advantages of a debt policy are as follows:

(1) Enhances the quality of decisions by imposing order and discipline, and promoting consistency and continuity in decision making;

(2) Provides rationality in the decision- making process;

(3) Identifies objectives for staff to implement;

(4) Demonstrates a commitment to long- term financial planning objectives; and

(5) Is regarded positively by the rating agencies in reviewing credit quality.

(1984 Code, § 40.01) (Ord. O-07-19, passed 3-26-2019)

§ 40.02 DEFINITIONS.

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

ADVANCE REFUNDING. A refinancing transaction in which new (refunding) bonds are issued to repay (refund) outstanding bonds prior to the first call date. The proceeds of the refunding bonds are deposited in an escrow account, invested in government securities and used to pay debt service (interest, principal and premium, if any) on the refunded bonds through the applicable call date.

ARBITRAGE. The difference between the interest paid on the tax-exempt securities and the interest earned by investing the proceeds in higher-yielding taxable securities. IRS regulations govern arbitrage on the proceeds from issuance of municipal securities.

BOND ANTICIPATION NOTES (BANs). Notes which are paid from the proceeds of the issuance of long-term bonds. Typically issued for capital projects.

CALL PROVISIONS. The terms of the bond giving the issuer the right to redeem all or a portion of a bond prior to its stated date of maturity at a specific price, usually at or above par.

CAPITALIZED INTEREST. A portion of the proceeds of a bond issue which is set aside to pay interest on the same bond issue for a specific period of time. Interest is commonly capitalized for the construction period of the project.

CAPITAL LEASE. A lease obligation that has met the criteria to be categorized as a capital lease as opposed to an operating lease under generally accepted accounting principles.

COMPETITIVE SALE. A sale/auction of securities by an issuer in which underwriters or syndicate of underwriters submit sealed bids to purchase the securities.

CONTINUING DISCLOSURE. The principle that accurate and complete information material to the transaction which potential investors would be likely to consider material in making investment decisions with respect to the securities, be made available on an ongoing basis.

DEBT. An amount of money borrowed by one party, the borrower or debtor, to a second party, the lender or creditor.

DEBT SERVICE RESERVE FUND. The fund in which moneys are placed which may be used to pay debt service if pledged revenues are insufficient to satisfy the debt service requirements.

DESIGNATION POLICIES. A policy or policies that outline how an investor's order is filled when a maturity is oversubscribed when there is an underwriting syndicate. The senior managing underwriter and issuer decide how the bonds will be allocated among the syndicate. There are three primary classifications of orders which form the designation policy: group net orders; net designated orders and member orders.

ESCROW. A fund established to hold moneys pledged and to be used to pay debt service on an outstanding issue.

EXPENSES. Compensates senior managers for out-of-pocket expenses including underwriter's counsel, PTC charges, travel, syndicate expenses, dealer fees, overtime expenses, communication expenses, computer time and postage.

GENERAL OBLIGATION (GO) BONDS. Bonds issued and secured by the city's pledge of its full faith and credit and unlimited taxing power.

INTERGENERATIONAL EQUITY. Equity or fairness principle that those that benefit from a capital improvement should pay for it.

LEGAL DEBT MARGIN. The amount of GO bonds and certain other interest-bearing obligations (other than revenue bonds) that the city may have outstanding expressed as a percentage of the assessed value of real property in the city as shown on the last preceding assessment for taxes.

NEGOTIATED SALE. A method of sale in which the issuer chooses one underwriter to negotiate terms pursuant to which such underwriter will purchase and market the bonds.

OPTION VALUE. Option valuation is a methodology for evaluating the efficiency of a refunding. Option valuation calculates the maximum theoretical value of refunding a bond, then expresses the current refunding savings as a percentage of the maximum theoretical savings.

PAY-AS-YOU-GO. An issuer elects to finance a project with existing cash flow as opposed to issuing debt obligations.

PRESENT VALUE. The current value of a future cash flow.

PRIVATE PLACEMENT. The original placement of an issue with one or more investors as opposed to being publicly offered or sold.

REBATE. A requirement imposed by the Tax Reform Act of 1986 whereby the issuer of tax-exempt bonds must pay the IRS an amount equal to its profit earned from investment of tax-exempt bond proceeds at rates exceeding the tax-exempt borrowing rate. The tax-exempt borrowing rate (or "bond yield") is calculated pursuant to the IRS code together with all income earned on the accumulated profit pending payment.

REFUNDING. A transaction in which the city refinances an outstanding issue by issuing new (refunding) bonds and using the proceeds to immediately retire the old (refunded) bonds.

REVENUE BONDS. Bonds issued by the city secured by a specific revenue pledge of rates, rents or fees.

TAX-SUPPORTED DEBT. Debt that is expected to be repaid from the general fund tax revenues of the city. This includes GO bonds, appropriation-supported bonds, capital leases and in certain circumstances moral obligation bonds. For the purpose of this debt policy, net tax-supported debt includes GO debt for the city, certain bonded capital leases, and any moral obligation bonds for which the city has deposited funds to a debt service reserve fund as requested to replenish such reserve fund.

UNDERWRITER. A dealer that purchases new issues of municipal securities from the issuer and resells them to investors.

UNDERWRITER'S DISCOUNT. The difference between the price at which bonds are bought by the underwriter from the

issuer and the price at which they are reoffered to investors.

(1984 Code, § 40.02) (Ord. O-07-19, passed 3-26-2019)

§ 40.03 GUIDELINES FOR DEBT ISSUANCE.

(A) The city will prepare and update annually a five-year capital improvement program (CIP) to be approved by City Commission. The CIP will be developed with an analysis of the city's infrastructure and other capital needs, and the financial impact of the debt service required to meet the recommended financing plan. The city will strive to fund at least 10% of the CIP projects' aggregate cost on a cash basis.

(B) Each project proposed for financing through debt issuance will have an analysis performed for review of tax impact and future operating costs associated with the project and related debt issuance costs.

(C) All proceeds from city issued debt shall be appropriated by the Board of Commissioners.

(D) Proceeds from the issuance of debt shall be monitored with regard to federal arbitrage restrictions. Compliance with all applicable federal tax requirements shall be adhered to. The city will coordinate expected project funds payout so as to maximize investment earnings in light of federal arbitrage requirements.

(E) Long-term debt will be issued for capital improvements or to purchase equipment with a minimum expected life of five years. The city will not use long-term borrowing to finance annual operating needs. The term of any bond issue will not exceed the useful life of the capital project/facility or equipment for which the borrowing is intended.

(F) The city will attempt to avoid short-term debt to provide cash flow for annual operations. Debt issued for operating purposes will be limited to cases where there is reasonable certainty that a known source of revenue will be received in the current fiscal year sufficient to repay the debt or where there is a clear financial emergency.

(G) The city will comply with all applicable U.S. Internal Revenue Service (IRS) and Treasury arbitrage requirements for bonded indebtedness in order to preserve the tax-exempt status of such bonds.

(H) Bond issues will be planned to minimize the frequency of issuance, thereby ensuring the lowest possible costs of issuance. When determining the size of a bond issue, consideration shall be given to the need for construction, debt service and capitalized interest funds. Construction fund draw schedules shall be prepared and projection of earnings on unspent bond funds shall be made in conjunction with the city's CIP planning.

(I) The decision to use bond proceeds to pay interest during construction for revenue-producing projects shall be made on a case by case basis and shall be based on an evaluation of the opportunity cost of funds and the availability of other sources of funds to pay interest costs.

(J) GO bonds will be amortized on a level principal basis to the extent practical, and revenue bonds will be amortized on a level debt service basis to the extent practical considering the forecasted available pledged revenues.

(K) The city shall not endorse the obligation of any entity. However, the city may enter into contracts with other regional or local public entities with respect to public purpose projects, which provide for certain payments when project or entity revenues prove insufficient to cover debt service on obligation issued to finance such project(s). The city will enter into these types of agreements only when there is long-term public and financial interest in the regional or local project(s). The obligation could be structured as moral obligation bonds, or with an underlying support agreement or other contractual arrangement. These obligations do not affect the legal debt limit of the city and all payments shall be subject to annual appropriation. However, if such payments were made, the obligations would be considered tax supported debt.

(L) The city's preferred method of sale of bonds is via competitive sale to underwriters. If deemed advantageous, the city may sell bonds via a negotiated sale, private placement, or other method. Coordination will be made with the city's financial advisor in arriving at a recommendation to issue bonds through a method other than competitive sale.

(1984 Code, § 40.03) (Ord. O-07-19, passed 3-26-2019)

§ 40.04 UNDERWRITER SELECTION.

(A) *Senior manager selection.* The city shall select a senior manager for any proposed negotiated sale. The selection criteria shall include, but not limited to the following:

(1) Ability and experience in managing transactions similar to that contemplated by the city;

(2) Prior knowledge, experience and support of the city;

(3) Ability and willingness to risk capital and demonstration of such risk and capital availability;

(4) Quality and experience of personnel assigned to the city's engagement;

(5) Financing plan; and

(6) Underwriting fees.

(B) *Co-manager selection.* Co-managers may be selected on the same basis as the senior manager. In addition to their qualifications, co-managers appointed to specific transactions will be a function of transaction size and the necessity to ensure maximum distribution of the city's bonds.

(C) *Underwriter's counsel.* In any negotiated sale of city debt in which legal counsel is required to represent the underwriter, the appointment will be made by the senior manager with final approval from the city.

(D) *Underwriter's discount.* The city will evaluate the proposed underwriter's discount against comparable issues in the market. If there are multiple underwriters in the transaction, the city will determine the allocation of underwriting liability and management fees, if any. The allocation of fees will be determined prior to the sale date: a cap on management fees, expenses and underwriter's counsel fee will be established and communicated to all parties by the city. The senior manager shall submit an itemized list of expenses charged to members of the underwriting group. Any additional expenses must be substantiated.

(E) *Evaluation of underwriter performance.* In conjunction with its financial advisor, the city will evaluate each bond sale after completion to assess the following: costs of issuance including underwriters' compensation, pricing of the bonds in terms of the overall interest cost and on a maturity-by-maturity basis, and the distribution of bonds and sales credits.

(F) *Designation policies.* To encourage the pre-marketing efforts of each member of the underwriting team, orders for the city's bonds will be net designated, unless otherwise expressly stated. The city shall require the senior manager to:

(1) Fairly allocate bonds to other managers and the selling group;

(2) Comply with Municipal Securities Rulemaking Board (MSRB) regulations governing the priority of orders and allocations; and

(3) Within ten working days after the sale date, submit to the city a detail of orders, allocations and other relevant information pertaining to the city's sale.

(1984 Code, § 40.04) (Ord. O-07-19, passed 3-26-2019)

§ 40.05 LIMITATIONS ON LEVEL OF DEBT TO BE ISSUED AND OUTSTANDING.

(A) *Constitutional and statutory limitations.* Section 158 of the Constitution of Kentucky established the city's legal debt margin at 10% of the assessed value of real property within the city shown by the last preceding assessment for taxes.

(B) *Self-imposed debt targets.*

(1) For all of the city's self-imposed debt targets, the city may exclude all or a portion of any bonds or leases that are self-supporting.

(2) Net tax-supported GO debt service shall not exceed 10% of General Fund revenues.

(3) Net tax-supported GO debt will be structured in a manner such that not less than 60% of the aggregate outstanding tax-supported debt will be retired within ten years.

(1984 Code, § 40.05) (Ord. O-07-19, passed 3-26-2019)

§ 40.06 TYPES OF DEBT ISSUANCE.

(A) The city may issue GO debt for capital or other properly approved projects.

(B) The city may issue revenue bonds to fund proprietary activities that generate adequate revenues from user fees to support operations and debt service requirements. The bonds will include written legal covenants which require that revenue sources are adequate to fund annual operating expenses and annual debt service requirements.

(C) Capital leases may be used to purchase buildings, equipment, furniture and fixtures. The term of any capital lease shall not exceed the useful life of the asset leased.

(D) Short-term borrowing may be utilized for interim financing or for other purposes as described below. The city will determine and utilize the least costly method for short-term borrowing subject to the following policies:

(1) Bond anticipation notes (BANs) may be issued for capital related cash purposes to reduce the debt service during the construction period of a project or to provide interim financing for a project. The BANs shall not mature more than five years from the date of issuance.

(2) Lines of credit shall be considered as an alternative to other short-term borrowing options.

(3) Other short-term debt may be used when such instruments provide an interest rate advantage or as interim financing.

(E) Lease financing and master lease obligations, including lease revenue bonds, may be considered as alternative financing structures.

(1984 Code, § 40.06) (Ord. O-07-19, passed 3-26-2019)

§ 40.07 REFUNDING OF DEBT.

The city will refund debt when it is in the best financial interest of the city to do so.

(A) *Debt service savings.* When a refunding is undertaken to generate interest rate savings, the minimum aggregate

present value savings will be 3% of the refunded bond principal amount.

(B) *Restructuring.* Refunding to restructure debt will be limited to restructuring to alleviate debt service during difficult budgetary years, achieve cost savings, mitigate irregular debt service payments, release reserve funds or remove unduly restrictive bond covenants.

(C) *Term of refunding issues.* The city will refund bonds within the term of the originally issued debt. However, the city may consider maturity extension, when necessary to achieve a desired outcome, provided that such extension is legally permissible. The city also may consider shortening the term of the originally issued debt to realize greater savings. The remaining useful life of the financed facility and the concept of inter-generational equity should guide this decision.

(D) *Escrow structuring.* The city shall utilize the least costly securities available in structuring refunding escrows. A certificate will be provided by a third-party agent stating that the securities were procured through an arms-length, competitive bid process (in the case of open market securities), and that the price paid for the securities was reasonable within federal guidelines. Under no circumstances shall an underwriter, agent or financial advisor sell escrow securities to the city from its own account.

(E) *Arbitrage.* The city shall take all necessary steps to optimize escrows and to avoid negative arbitrage in its refunding. Any resulting positive arbitrage will be rebated as necessary according to federal guidelines.

(1984 Code, § 40.07) (Ord. O-07-19, passed 3-26-2019)

§ 40.08 INVESTOR RELATIONS, DISCLOSURE AND COMMUNICATION.

(A) Debt ratios will be computed annually and reported in the comprehensive annual financial report (CAFR), along with a computation of net tax- supported debt per capita.

(B) The city will maintain communication with bond rating agencies to keep them abreast of its financial condition by providing them the city's CAFR, annual budget and CIP.

(C) The city will comply with all of its undertakings in accordance with Securities and Exchange Commission Rule 15c2-12.

(1984 Code, § 40.08) (Ord. O-07-19, passed 3-26-2019)

CHAPTER 41: CITY INDUSTRIAL REVENUE BONDS

Section

General Provisions

41.01 Intent

Incentive Guiding Principles

41.15 Last to the table

41.16 All deals underwritten

41.17 Commercial versus residential term

41.18 Market value

41.19 Tax rates

41.20 Payment in lieu of taxes (PILOT)

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Cross-reference:

City Financial Management, see Ch. 43

Industrial Revenue Bonds, see TSO Table III

Statutory reference:

Definitions, see KRS 103.200

Enforcement and reporting, see KRS 103.210 and KRS 132.020

GENERAL PROVISIONS

§ 41.01 INTENT.

This policy is intended to set forth guidelines and a framework within which city staff should operate while negotiating industrial revenue bond (IRB) incentives so that the city can ensure sustainable revenues to deliver high quality services to citizens.

(1984 Code, § 41.01) (Ord. O-43-18, passed 12-11-2018)

INCENTIVE GUIDING PRINCIPLES

§ 41.15 LAST TO THE TABLE.

City staff will underwrite and review incentive requests after all other private financing has been maximized and committed.

(1984 Code, § 41.02) (Ord. O-43-18, passed 12-11-2018)

§ 41.16 ALL DEALS UNDERWRITTEN.

Each development project must deliver a positive, long-term return on investment for the city to offset the additional city services created by the development project.

(1984 Code, § 41.02) (Ord. O-43-18, passed 12-11-2018)

§ 41.17 COMMERCIAL VERSUS RESIDENTIAL TERM.

While both development types are important facets of the city's economic development goals, commercial uses contribute greater direct returns on investment and will be prioritized and incentivized accordingly.

(A) *Commercial.* To capture long-term revenue associated with payroll taxes, commercial industrial revenue bond terms can be more flexible in order to subsidize the development and attract new payroll tax revenue streams to the city. However, in order to realize a strong return on investment, the city must be cautious about offering employer incentives at the same location.

(B) *Residential.* At no point will the city's payment in lieu of taxes (PILOT) of the assessed value be less than 100% after 20 years.

(C) *Mixed-use.* The development will be reviewed based on the primary use by square footage. Incentive terms will reflect whether the development is primarily commercial or residential and the number and estimated wages for the types of permanent jobs to be created.

(1984 Code, § 41.02) (Ord. O-43-18, passed 12-11-2018)

§ 41.18 MARKET VALUE.

After the project is built, the industrial revenue bond assessed value for determining the PILOT will be determined by the PVA, not negotiated.

(1984 Code, § 41.02) (Ord. O-43-18, passed 12-11-2018)

§ 41.19 TAX RATES.

Property tax rates used for determining annual PILOT payments will reflect the actual tax rates for that calendar year and will not be "locked in" throughout the term.

(1984 Code, § 41.02) (Ord. O-43-18, passed 12-11-2018)

§ 41.20 PAYMENT IN LIEU OF TAXES (PILOT).

(A) PILOT percentages shall gradually increase over the term, not remain static throughout the term.

(B) At no point will the city's PILOT on a residential or primarily residential mixed-use project be less than 100% after 20 years.

(1984 Code, § 41.02) (Ord. O-43-18, passed 12-11-2018)

§ 41.21 ASSIGNABILITY.

City industrial revenue bond benefits are not to be assignable or transferable unless approved in writing after reviewing the proposed sale terms. Otherwise, a sale or transfer triggers a return to the full tax rate, payment of any outstanding balance and end of city ownership of the property.

(1984 Code, § 41.02) (Ord. O-43-18, passed 12-11-2018)

§ 41.22 EXCEPTIONS.

Notwithstanding the foregoing, the Board of Commissioners may authorize industrial revenue bond terms and conditions which do not meet all requirements of this chapter so long as such terms and conditions are thoroughly reviewed by city staff and there are specific findings recorded in appropriate legislation documenting that it is necessary to amend the terms and

conditions, one or more community goals will be met by the amendment, and it is in the city's best interest to allow a deviation from the typical IRB policy requirements.

(1984 Code, § 41.02) (Ord. O-43-18, passed 12-11-2018)

CHAPTER 42: GENERAL FUND OPERATING RESERVE FUND POLICY

Section

42.01 Intent and purpose

42.02 Police and Fireman's Retirement Plan and City Employees' Retirement Plan

42.03 General Fund Operating Reserve Fund

42.04 Self-Insured Liability Fund

42.05 Self-Insured Employee Health Plan Fund

42.06 Fleet, Equipment, Technology, Facilities and Other Capital Projects Fund

42.07 Infrastructure Fund

42.08 Covington Economic Development Program Fund

42.09 Tax Increment Financing Fund

42.10 1324 Madison Avenue Capital Reserve Fund

§ 42.01 INTENT AND PURPOSE.

It shall be the policy of the city to establish and maintain a prudent level of financial resources to guard against service disruption in the event of unexpected revenue shortfalls or unpredicted expenditures.

(1984 Code, § 42.01) (Ord. O-05-19, passed 3-12-2019)

§ 42.02 POLICE AND FIREMAN'S RETIREMENT PLAN FUND AND CITY EMPLOYEES' RETIREMENT PLAN FUND.

It shall be the policy of the city annually to fund the Police and Fireman's Retirement Plan Fund, and the City Employees' Retirement Plan Fund based on the most recent actuarial valuation report of each retirement plan fund. Such funding shall be provided for from the city's General Fund.

(1984 Code, § 42.02) (Ord. O-05-19, passed 3-12-2019)

§ 42.03 GENERAL FUND OPERATING RESERVE FUND.

(A) The General Fund Operating Reserve Fund is accumulated and maintained to provide stability and flexibility in responding to unexpected adversity and/or opportunities.

(B) The policy establishes the amounts the city shall strive to maintain in its General Fund Operating Reserve Fund, how the Fund shall be funded and the circumstances under which the Fund may be used.

(C) In addition, the policy is intended to document the appropriate reserve level to protect the city's credit worthiness.

(D) It is the goal of the city to maintain a General Fund Operating Reserve Fund balance equivalent to at least three months of budgeted operating revenues to meet the general operating expenses of the city during periods of economic uncertainty. The General Fund Operating Reserve Fund balances can provide for operations and continued tax stability should budgetary shortfalls occur.

(E) The city shall evaluate the degree of risk it faces on an annual basis and make a decision as to the level of financial resources that it wishes to maintain not only for contingencies but for any transitional budgetary shortfalls.

(F) The funding of the General Fund Operating Reserve Fund will generally come from excess revenues over expenditures or one-time revenues.

(G) It is the intent of the city to limit use of the General Fund Operating Reserve Fund to address unanticipated, non-recurring needs. The General Fund Operating Reserve Fund shall not normally be applied to annual operating expenditures. The General Fund Operating Reserve Fund may, however, be used to allow time for the city to restructure its operations in a deliberate manner (as might be required in an economic downturn), but such use will only take place in the context of an adopted long-term plan.

(H) In the event that reserves are used resulting in a balance below the three months minimum, a comprehensive plan shall be developed and included in the formulation of the five-year forecast presented during the annual budget process.

(I) To effectively manage the intent of this policy in light of the changing accounting nature of the General Fund Operating

Reserve Fund, an annual review of the Fund shall be undertaken.

(1984 Code, § 42.03) (Ord. O-05-19, passed 3-12-2019)

§ 42.04 SELF-INSURED LIABILITY FUND.

In order to provide for more reliable funding of the city's Self-Insured Liability Fund, a minimum of 40% of the historical average of the previous five fiscal years of estimated liability, shall be allocated to and reserved in the Self-Insured Liability Fund.

(1984 Code, § 42.04) (Ord. O-05-19, passed 3-12-2019)

§ 42.05 SELF-INSURED EMPLOYEE HEALTH PLAN FUND.

In order to provide for more reliable funding of the city's Self-Insured Employee Health Plan, a minimum fund balance equal to three months' worth of claims' expense in the employee health plan in a fiscal year, shall be reserved, based on an average of the most recent three fiscal years' claims' expense amounts.

(1984 Code, § 42.05) (Ord. O-05-19, passed 3-12-2019)

§ 42.06 FLEET, EQUIPMENT, TECHNOLOGY, FACILITIES AND OTHER CAPITAL PROJECTS FUND.

In order to provide for the city's business needs so that services can be efficiently and effectively maintained and delivered, including fleet, equipment, technology, facilities, and other capital projects as determined by the Board of Commissioners, there is hereby established a Fleet, Equipment, Technology, Facilities, and other Capital Projects Fund. The proceeds realized from Ordinance O-5-15, establishing an increase in the city's insurance premium license fee from 10% to 12%, the increase of which shall be allocated to the Fleet, Equipment, Technology, Facilities and other Capital Projects Fund.

(1984 Code, § 42.06) (Ord. O-05-19, passed 3-12-2019)

§ 42.07 INFRASTRUCTURE FUND.

In order to provide for more reliable funding and investment in the city's infrastructure needs (streets, curbs, sidewalks, street lights, sewers and bridges), there is hereby established an Infrastructure Fund. Funding for the Infrastructure Fund shall be from the city's General Fund.

(1984 Code, § 42.07) (Ord. O-05-19, passed 3-12-2019)

§ 42.08 COVINGTON ECONOMIC DEVELOPMENT PROGRAM FUND.

To provide for more reliable funding of economic development projects, programs, and services in the city, there is hereby established the Covington Economic Development Program Fund. On an annual basis, the net proceeds of leased facilities of the city shall be deposited into the General Fund, and a like amount shall be transferred to the Covington Economic Development Program Fund to assist the city with its economic development projects, programs, and services

(1984 Code, § 42.08) (Ord. O-05-19, passed 3-12-2019)

§ 42.09 TAX INCREMENT FINANCING FUND.

In order to provide for the city's economic development needs, this chapter reiterates the commitment approved through Ordinance O-58-12, as amended, and any subsequently adopted legislation, dedicating a specific percentage of the city's incremental revenues from city real property ad valorem taxes and occupational taxes generated within the Tax Increment Financing (TIF) District to the TIF Fund.

(1984 Code, § 42.09) (Ord. O-05-19, passed 3-12-2019)

§ 42.10 1324 MADISON AVENUE CAPITAL RESERVE FUND.

(A) The property located at 1324 Madison Avenue, Covington, KY (the "property") was developed by the City of Covington for the purpose of providing leasable office and program space for the public workforce system. The annual proceeds of the lease payments, after costs for management and repairs, are dedicated to furthering economic development throughout the city. The cost of designing, developing, improving, operating, repairing, and maintaining the property and its improvements should therefore be allocated, to the extent practicable, to the city. In order to provide revenue to fund those costs and to fairly allocate those costs, a 1324 Madison Avenue Capital Reserve Fund ("the Fund") is established.

(B) A minimum of $110,000 of the annual lease proceeds collected for office space at the property shall be deposited into the Fund until a balance of $2,000,000 is reached. The City Board of Commissioners may make additional appropriations to the Fund. All disbursements from the Fund shall be for the purposes of the Fund as set forth in this section.

(C) The 1324 Madison Avenue Capital Reserve Fund is established to provide financial resources to address major capital project needs for the existing leasable area of the structure, to increase the amount of leasable square footage or for other major capital projects at the property that have been approved by the City Board of Commissioners.

(1) The Fund may be used for debt service to repay the costs of indebtedness incurred to fund projects when funds are inadequate.

(2) The Fund shall be reevaluated every five years to determine the sufficiency of the funding level in light of the number of identified projects, the projected costs of those projects, and debt obligations, if any. After each reevaluation, the City Manager may recommend an increase or decrease in the funding level of the Fund for consideration by the City Board of Commissioners.

(3) The Fund shall be used only to support improvements to the property and may not be used for the purchase of equipment or other capital projects.

(Ord. O-15-24, passed 6-25-2024)

CHAPTER 43: CITY FINANCIAL MANAGEMENT

Section

43.01 Definitions

43.02 Budget policy

43.03 Reporting of financial matters

§ 43.01 DEFINITIONS.

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

BUDGET YEAR. The fiscal year for which a budget is made.

CURRENT YEAR. The fiscal year in which a budget is prepared and adopted, i.e., the fiscal year next preceding the budget year.

FISCAL YEAR. The fiscal year shall begin on July 1 and end on the next following June 30.

PREVIOUS YEAR. The last complete fiscal year before the current year.

(1984 Code, § 43.01) (Ord. O-32-19, passed 10-29-2019)

§ 43.02 BUDGET POLICY.

(A) *Budget submission.* The City Manager is responsible for preparing and submitting an annual budget for the ensuing fiscal year to the city's Board of Commissioners for formal review and adoption. The Board of Commissioners shall thereupon pass an annual appropriation ordinance based on the budget submitted by the City Manager.

(B) *Budget calendar.* The City Manager is responsible for issuing the budget calendar, coordinating all budget activities and preparing the annual budget, as well as the day-to-day management of the annual budget.

(C) *Annual revenue budget projection.* The City Manager is responsible for preparation of the annual revenue budget projection for the General Fund and other major funds. Budgeted expenditures for each fund must be equal to or less than the budgeted revenues for the applicable fund.

(D) *Budget schedule.*

(1) Timing and format: the budget shall be approved by June 30 each fiscal year. The budget shall be in the format of an ordinance, with a number assigned to each fund of the city demonstrating the maximum expenditures for that fund.

(2) Not less than 90 days prior to the beginning of the fiscal year, the City Manager shall provide his or her budget instructions and shall obtain from the head of each city department estimates of expenditures of the department, detailed by organization units within the department, and such other supporting data as the City Manager may request, together with a list of all new programs and capital projects pending or which such department head believes should be undertaken.

(3) At least 60 days prior to the beginning of the fiscal year, the City Manager shall provide to the Board of Commissioners the city's revenue projections and departmental expenditures under consideration in the following format:

(a) Format of information provided to Board of Commissioners:

1. A detailed statement of anticipated revenues;

2. Schedule of city personnel by department for the current year, budget year and any proposed changes;

3. General Fund department detail for each department:

a. General Fund operating budget personnel schedule for the current year and budget year;

b. Total operating budget showing current year and budget year amounts and any proposed changes;

c. Operating budget by division showing current year and budget year amounts and any proposed changes; and

d. The budgets for departments and divisions shall have two categories: personnel services and non-personnel services.

i. ***PERSONNEL SERVICES CATEGORIES*** shall include separate line items for payroll, pension, medical and hospital insurance, uniform allowances, workers' compensation insurance and other benefits; and

ii. ***NON-PERSONNEL SERVICES CATEGORIES*** shall include separate line items for contractual services, materials and supplies, other services, capital outlay and debt service.

4. A description by budget year of revenues and expenditures for all other funds; and

5. A description of all capital projects.

(b) The Board of Commissioners shall schedule budget work session(s)for reviewing the proposed budget. During the work sessions, the City Manager shall identify:

1. All new programs and capital projects pending or which the department head believes should be undertaken;

2. Important features of activities anticipated in the budget;

3. The reasons for significant changes in program goals and appropriation levels from the previous year;

4. Any major changes in financial policy; and

5. Any such other information the City Manager believes would be beneficial for the Board of Commissioners' understanding of the budget.

(4) At least 30 days prior to the beginning of each fiscal year, the City Manager shall submit to the Board of Commissioners a final budget recommendation and an explanatory budget message. The budget message shall describe the important features of the budget plan. It shall set forth the reasons for salient changes from the current year in appropriation and revenue items, any new initiatives and important features of activities anticipated in the budget, and an explanation of any major changes in financial policy.

(5) Content.

(a) The budget shall only provide a dollar amount for each department's maximum expenditures in personnel and non-personnel expenses for that fiscal year. The budget shall not incorporate line item expenditures.

(b) In addition to the budget ordinance, the City Manager shall produce a supplemental budget report which shall contain:

1. Letter of transmittal/final budget message;

2. City's organizational chart;

3. Budget ordinance;

4. All funds budget summary by department;

5. All funds budget summary by category;

6. A detailed statement of anticipated revenues;

7. Schedule of city personnel by department for the current year, budget year and any proposed changes;

8. General Fund department detail for each department including:

a. Statement of department mission, accomplishments and goals;

b. General Fund operating budget personnel schedule for the current and budget year, including any proposed changes;

c. Total operating budget showing proposed budget, current year budget, previous year budget and actual amounts, and any proposed changes;

d. Operating budget by division showing current year and budget year amounts and any proposed changes; and

e. The budgets for departments and divisions shall have two categories: personnel services and non-personnel services:

i. ***PERSONNEL SERVICES CATEGORIES*** shall include separate line items for payroll, pension, medical and hospital insurance, uniform allowances, workers' compensation insurance and other benefits; and

ii. ***NON-PERSONNEL SERVICES CATEGORIES*** shall include separate line items for contractual services, materials and supplies, other services, capital outlay and debt service.

9. A description of the fund purpose, revenues and expenditures for all other funds; and

10. Miscellaneous statements including:

a. Capital budget by fund:

b. Five year forecast;

c. Transfer forecast;

d. Outstanding debt service;

e. Encumbered funds from previous fiscal years; and

f. Such other exhibits and information designed to help the public understand the city's budget.

(6) Authority to move funds.

(a) *Budget amendments.* ***BUDGET AMENDMENTS*** are defined as changes which:

1. Increase or decrease revenues, expenditures, or reserves in an operating fund above or below the levels adopted by the original budget ordinance for that fiscal year for a department;

2. Move funds between personnel and non-personnel services for a department; or

3. Move funds inter- departmentally. Budget amendments shall require approval of the city's Board of Commissioners by ordinance.

(b) *Certain contracts and expenditures prohibited.* No department or agency shall, during any budget year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditures of money for any purpose in excess of the amounts appropriated for that general classification of expenditure. Any contract, verbal or written, made in violation of this division shall be null and void.

(c) *Appropriations lapse at end of year.* All General Fund appropriations shall lapse at the end of the budget year.

(d) *Change orders.* The City Manager may approve and execute change orders for any contract up to an amount, in the aggregate, not to exceed 10% of the original contract price authorized by the city to complete the work contemplated, not to exceed in total the amount of funds budgeted for the contract.

(e) *Budget transfers.* ***BUDGET TRANSFERS*** are defined as changes to the budget revenues, expenditures, or reserves in an operating fund as adopted in the original budget ordinance for the fiscal year that do not result in a net increase or decrease in an operating fund, and do not transfer funds between personnel and non-personnel services, or between departments. Budget transfers also include moving funds within a department to cover personnel, contracts or other line item expenses. Budget transfer shall only require approval of the City Manager.

(7) *Budget transfer procedures.* Departments may request transfer of appropriated amounts within certain accounts in their own budgeted fund through the City Manager.

(E) *Budget availability to the public.* The city shall provide detailed budget information for the public.

(1) Each annual budget and supplemental budget report shall be posted on the city's website.

(2) Citizens shall be provided an opportunity to comment on each fiscal year's budget prior to its passage.

(3) Copies of the annual fiscal year budget shall be available at City Hall for inspection.

(1984 Code, § 43.02) (Ord. O-32-19, passed 10-29-2019)

§ 43.03 REPORTING OF FINANCIAL MATTERS.

(A) *City Manager to submit quarterly reports on capital projects.*

(1) The City Manager shall present quarterly progress reports on capital projects to the Board of Commissioners. The progress reports shall be made within 30 days of the last day of October, January, April and July.

(2) Each department head shall provide updated information for capital projects managed by their department to the City Manager at least two weeks prior to the final date for submission of the quarterly progress report on capital projects to the Board of Commissioners.

(3) Upon the completion of a capital project, the City Manager shall prepare for the Board of Commissioners a certificate of completion for the project to include the name, project description, contractor's name, address and other contact information, the original budget, actual cost, start date and completion date.

(B) *City Manager to submit quarterly financial reports.*

(1) The City Manager shall make quarterly financial reports to the Board of Commissioners. The progress reports shall be made within 30 days of the last day of October, January, April and July.

(2) The Finance Director shall provide an updated report of city finances to the City Manager two weeks prior to the final date for submission of the quarterly financial reports to the Board of Commissioners.

(3) The Finance Director shall, within 15 working days after the end of each month, report to the Board of Commissioners on the status of the budget. The report shall include a tabular statement comparing the receipts to date by source with the revenue estimate and a tabular statement indicating for each appropriation the amount originally appropriate, the amount expended or encumbered to date and the available balance.

(1984 Code, § 43.03) (Ord. O-32-19, passed 10-29-2019)

CHAPTER 44: RESERVED

CHAPTER 45: TAXATION

Section

Property Ad Valorem Tax

45.01 Tax assessments

45.02 Due date

45.03 Payment, collection and enforcement of taxes

Abandoned Urban Properties

45.15 Abandoned urban property classified as real property

45.16 Rate of taxation levied upon abandoned urban properties

45.17 Classification of property as abandoned urban property; right to appeal

Property Assessment and

Reassessment Moratoriums

45.30 Program established; definitions

45.31 Administering agency

45.32 Length of moratorium; effective date

45.33 Applications

45.34 Property assessment; improvements; time periods

45.35 Moratorium certificate; transferability

45.36 Subsequent certification; waiting period

Statutory reference:

Abandoned urban properties, see KRS 92.305

Ad valorem taxes, see KRS. 132.020

Adopting county assessment, see KRS 132.285

PROPERTY AD VALOREM TAX

§ 45.01 TAX ASSESSMENTS.

(A) The city elects to use the annual county assessment for property situated within the city as a basis of ad valorem tax levies ordered or approved by the Board of Commissioners, as provided by KRS 132.285.

(B) The assessment dates of the city shall conform to the corresponding dates for the county and the issuance of bills for the collection of taxes shall be August 1.

(1984 Code, § 97.01) (Ord. O-33-73, passed 4-12-1973)

§ 45.02 DUE DATE.

(A) The due date for city taxes, commencing with the calendar year 2025 and thereafter, unless otherwise modified or changed, is established as October 31 and the delinquency date is established as November 1. If October 31 falls on a Saturday or Sunday, then the due date would be the next available business day.

(B) The above dates are fixed in accordance with provisions of KRS 132.285 which provides, in part, that the legislative

body of any city adopting a county assessment may fix the due and delinquency dates for taxes and any other dates that will enable it effectively to adopt the county assessment, notwithstanding any statutory provision to the contrary.

(1984 Code, § 97.02) (Ord. O-84-77, passed 6-30-1977; Ord. O-86-79, passed 8-23-1979; Ord. O-21-14, passed 9-9-2014; Ord. O-33-15, passed 8-25-2015; Ord. O-14-2025, passed 9-23-2025)

§ 45.03 PAYMENT, COLLECTION AND ENFORCEMENT OF TAXES.

The city's Finance Director is authorized, with the assistance of the City Solicitor, to file in the appropriate court of competent jurisdiction an action to collect any ad valorem tax, penalty, interest or any other charges related thereto, and to recover all court costs and reasonable attorney fees incurred to enforce any provision of this chapter.

(1984 Code, § 97.03) (Ord. O-45-01, passed 11-13-2001)

ABANDONED URBAN PROPERTIES

§ 45.15 ABANDONED URBAN PROPERTY CLASSIFIED AS REAL PROPERTY.

(A) Pursuant to KRS 92.305(1), the city hereby finds and declares that there exists abandoned urban property, as defined in KRS 132.012, within the city.

(B) (1) Abandoned urban property is established as a separate classification of real property for the purpose of ad valorem taxation.

(2) As used in this subchapter, ***ABANDONED URBAN PROPERTY*** shall have the same meaning as in KRS 132.012.

(1984 Code, § 97.04) (Ord. O-44-04, passed 6-29-2004; Ord. O-19-14, passed 7-30-2014)

§ 45.16 RATE OF TAXATION LEVIED UPON ABANDONED URBAN PROPERTIES.

The rate of taxation levied upon abandoned urban properties is $1.50 on each $100 of assessed value.

(1984 Code, § 97.05) (Ord. O-44-04, passed 6-29-2004)

§ 45.17 CLASSIFICATION OF PROPERTY AS ABANDONED URBAN PROPERTY; RIGHT TO APPEAL.

(A) The Development Department shall each year determine which properties in the city are abandoned urban properties and shall prepare and furnish a list of abandoned urban properties located in the city to the city's Finance Department and the Kenton County Property Valuation Administrator prior to January 1 of each year.

(B) Except as otherwise provided in division (C) below, a property classified by the Development Department as "abandoned urban property" as of January 1 may be taxed as abandoned urban property for such tax year. If the owner repairs, rehabilitates or otherwise returns the property to productive use so that the property is no longer abandoned urban property, the owner shall notify the Development Department, which shall, if it finds the property no longer abandoned urban property, notify the Finance Department and the Kenton County Property Valuation Administrator to strike the property from the list of abandoned urban properties as of the succeeding January 1.

(C) (1) No later than July 1 of each year, the Development Department shall mail, by first-class mail, to the owner(s) of each abandoned urban property, as those name(s) are listed in the records of the Kenton County Property Valuation Administrator, a notice that this property has been classified as abandoned urban property. The owner of any abandoned urban property who believes that the property has been incorrectly classified may request an appeal of such classification to the City Manager or his/her designee. Such request for appeal shall be in writing and shall be delivered to the City Manager or his/her designee with a copy to the City Solicitor no later than August 1 of each year. The City Manager or his/her designee shall afford the owner the opportunity for a hearing.

(2) If, after a hearing or after waiver of a hearing by the owner, an owner of property that has been classified as abandoned urban property demonstrates through substantial evidence that: the property was incorrectly classified as abandoned urban property; or the conditions that caused the property to be classified as abandoned urban property have been abated and the property has been returned to its intended productive use, then the City Manager or his/her designee shall direct the Finance Department to remove the property from the abandoned urban property classification list.

(3) The City Manager or his/her designee shall develop policies and procedures for conducting such appeals, which may include designating one or more hearing officers to hear appeals on behalf of the City Manager or his/her designee.

(D) (1) Any person or entity claiming to be injured or aggrieved by any final action of the City Manager or his/her designee may appeal the action to the county's Circuit Court.

(2) The appeal must be taken within 30 days after the final action of the City Manager or his/her designee.

(3) All final actions that have not been appealed within 30 days will not be subject to judicial review.

(1984 Code, § 97.06) (Ord. O-44-04, passed 6-29-2004; Ord. O-15-07, passed 5-29-2007; Ord. O-19-14, passed 7-30-2014; Ord. O-39-16, passed 12-6-2016)

PROPERTY ASSESSMENT AND REASSESSMENT MORATORIUMS

§ 45.30 PROGRAM ESTABLISHED; DEFINITIONS.

(A) There is established a program for the granting of property assessment or reassessment moratoriums for qualifying units of real property located in the city. To be eligible, a residential building in the city must have been in existence for 25 years and must be used to provide independent living facilities for one or more persons. For a commercial building to qualify in the city, it must be 25 years or older and must have as its primary purpose and use the operation of a commercial business enterprise.

(B) Definitions for interpreting this subchapter shall be those outlined in KRS Ch. 99 relating to property assessment and reassessment moratoriums. (1984 Code, § 97.10) (Ord. O-81-82, passed 11-16-1982)

Statutory reference:

Property moratoriums, see KRS Ch. 99 and 132

§ 45.31 ADMINISTERING AGENCY.

The administering agency for this moratorium program shall be the City Commission or a body to be designated by it.

(1984 Code, § 97.11) (Ord. O-81-82, passed 11-16-1982)

§ 45.32 LENGTH OF MORATORIUM; EFFECTIVE DATE.

All moratoriums shall be for a period of five years, and each shall become effective on the assessment date next following the issuance of the moratorium certificate.

(1984 Code, § 97.12) (Ord. O-81-82, passed 11-16-1982)

§ 45.33 APPLICATIONS.

Applications shall be made to the administering agency for a property assessment or reassessment moratorium certificate as follows.

(A) The application shall be on a form prescribed by the Department of Revenue and shall be filed in the manner prescribed by the administering agency.

(B) The application shall be filed with the administering agency 30 days before commencing the restoration.

(C) The application shall contain the following:

(1) A general description of the property;

(2) A general description of its proposed use;

(3) The general nature and extent of restoration, repair, rehabilitation or stabilization to be undertaken;

(4) A time schedule for undertaking and completing the project; and

(5) If the property is a commercial facility, the application shall also contain a descriptive list of the fixed building equipment which will be a part of the facility and a statement of the economic advantages expected from the moratorium, including expected construction employment.

(1984 Code, § 97.13) (Ord. O-81-82, passed 11-16-1982)

§ 45.34 PROPERTY ASSESSMENT; IMPROVEMENTS; TIME PERIODS.

(A) The Kenton County Property Valuation Administrator (PVA) and the administering agency shall maintain a record of all applications for a property assessment or reassessment moratorium. The PVA shall assess or reassess the property within 30 days of receipt of the application. This assessment shall be the value for which taxes are not to be raised for five years.

(B) The applicant shall have two years in which to complete the improvements unless granted an extension by the administering agency and the appropriate legislative body. In no case shall the application be extended beyond two additional years. This provision shall not preclude normal reassessment of the property.

(C) Any application not acted upon by the applicant shall become void two years from the date of application and shall be purged from the files of the Kenton County Property Valuation Administrator and the administering agency.

(D) On the assessment date next following the expiration, cancellation or revocation of an assessment or reassessment moratorium, property shall be assessed on the basis of its full fair cash value.

(1984 Code, § 97.14) (Ord. O-81-82, passed 11-16-1982)

§ 45.35 MORATORIUM CERTIFICATE; TRANSFERABILITY.

(A) The applicant shall notify the administering agency when the project is complete, and the administering agency shall then conduct an on-site inspection of the property for purposes of verifying improvements. Only after the project is complete

and the improvements verified shall the moratorium certificate be issued by the administering agency.

(B) An assessment or reassessment moratorium certificate may be transferred or assigned by the holder of the certificate to a new owner or lessee of the property.

(1984 Code, § 97.15) (Ord. O-81-82, passed 11-16-1982)

§ 45.36 SUBSEQUENT CERTIFICATION; WAITING PERIOD.

Any property granted an assessment or reassessment moratorium may be eligible for a subsequent moratorium certification; provided that, re-application be made no sooner than three years following the expiration of the original moratorium.

(1984 Code, § 97.16) (Ord. O-81-82, passed 11-16-1982)

CHAPTER 46: SERVICE FEES

Section

46.01 Solid waste disposal

46.02 Ambulance usage service charge

46.03 Transfer station surcharge

§ 46.01 SOLID WASTE DISPOSAL.

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

CITY. The City of Covington, a home rule city of the Commonwealth of Kentucky.

COMMERCIAL RATES. The user fees adopted by the city pursuant to division (B)(2) below.

CONTRACTOR. The entity with which the city has contracted for waste management services, or if no such contract exists, the entity or person with which an owner or commercial user has contracted for the delivery of such services.

COMMERCIAL USER. The entity or person that owns, operates and/or manages a multi- unit residential parcel or a business located on a commercial, industrial or mixed-use parcel, or any owner of a residential building containing four or fewer units who is in possession or regularly uses more carts than the maximum number of carts provided in division (C)(3) below.

DWELLING UNIT. A self-contained unit of accommodation used by one or more occupants as a residence, which is located on a residential parcel or multi-unit residential parcel.

MIXED-USE PARCEL. Any parcel, house, building or other structure that is designed or used partially for residential purposes and partially for commercial purposes, whether inhabited temporarily or continuously, or vacant, including any yard, grounds, walkway, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such structure.

MULTI-UNIT RESIDENTIAL PARCEL. Any parcel, house, building or other structure that is designed to house one-half or more dwelling units, whether inhabited temporarily or continuously, or vacant, including any yard, grounds, walkway, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such structure, and which does not house a business other than a home occupation.

OCCUPANT. Any person residing whether permanently or temporarily in a dwelling unit.

OWNER. The person or entity that is named in the county's property records as being the owner of a parcel located within the jurisdictional boundaries of the city.

RESIDENTIAL PARCEL. Any parcel, house, building or other structure that is designed to house four or fewer dwelling units, whether inhabited temporarily or continuously, or vacant, including any yard, grounds, walkway, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such structure, and which does not house a business other than a home occupation.

RESIDENTIAL USER FEE. The user fees adopted by the city pursuant to division (B) below.

SERVICES. The collection, transportation and disposal of solid waste and/or recyclables generated by residents or businesses located within the geographical limits of the city, including without limitation any management or administrative functions that are necessary to provide such services.

(B) *Establishment of user fee.* There is hereby established a user fee to defray the reasonable costs associated with providing the services to residents and businesses located within the jurisdictional boundaries of the city.

(1) *Calculating the residential user fee.*

(a) Each calendar year, the Finance Director shall prepare a financial analysis of the projected costs of providing the services during the coming year, whether such costs are incurred under a franchise agreement or otherwise.

(b) Based upon this analysis, the City Manager will establish a user fee for residential parcels located in the city.

(c) The user fee is designated to be payable quarterly annually and shall be due on or before March 31 each year for that calendar year's user fee. Notwithstanding the foregoing, the user fee for the calendar year 2024 only shall be due on or before August 31, 2024.

(d) Fees for homestead units shall be adjusted to reflect the homestead exemption provided in KRS 132.810.

(2) *Commercial rates.* In the event that the city elects to award a franchise, pursuant to which user fees for services provided to commercial users are to be paid directly to the contractor by such users, the city shall adopt the monthly commercial rates established in the franchise agreement as soon as practicable after the city has awarded the franchise and at the beginning of each calendar year falling during the term of the franchise. If the commercial rates are to be paid directly to the city, the Finance Director shall prepare a financial analysis of the projected costs of providing commercial services over the coming year, and the City Manager shall establish monthly commercial rates for each calendar year based on the analysis so provided.

(C) *Residential user fees.* Each owner of a residential parcel shall be required to pay the residential user fee adopted pursuant to division (B)(1) above, multiplied by the number of dwelling units located on the residential parcel as determined by the city and the county's property records.

(1) *Assignment of carts.* The city shall assign the following number of carts to each residential parcel according to the number of dwelling units located on the parcel.

Number of Dwellings Contained on Parcel	***Number of Assigned Waste Carts***	***Number of Assigned Recycling Carts***
One dwelling unit	1	1
Two dwelling units	2	3
Three dwelling units	3	3
Four dwelling units	4	4

(2) *Adjustment of residential user fees.* Any owner of a residential parcel in possession or making use of fewer carts than the number of carts assigned to the parcel may request that the residential user fee be prospectively adjusted to reflect the actual number of carts being serviced on the parcel; provided that:

(a) The owner of the parcel returns any carts in its possession that are not being used by no later June 30 of the calendar year in which the adjustment is requested; and

(b) The city is able to verify that the number of carts remaining on the parcel is less than the number of carts that were assigned to the parcel. Any annual fees assessed under this section shall be prorated beginning on first full calendar month following the return of the cart. Adjustments shall only be made once per calendar year.

(3) *Additional carts.* Any owner of a residential parcel in possession or making use of a number of carts that is greater than the number of carts actually assigned to the residential parcel shall, in addition to any residential user fee assessed in accordance with this section, pay a fee equal to 50% of the residential user fee for each additional waste cart, and 25% of the residential user fee for each additional recycling cart. Any residential user fees assessed under this section shall be prorated beginning on first full calendar month after which an additional cart is delivered to the parcel.

(4) *Maximum number of carts.* Any owner of a residential parcel in possession or making use of a number of carts that is greater than the maximum number of carts allowable for the size of a parcel shall be considered a commercial user and shall be required to pay the applicable commercial rates.

Number of Dwellings Located on Parcel	***Maximum Number of Waste Carts***	***Maximum Number of Recycling Carts***
One dwelling unit	2	2
Two dwelling units	3	3
Three dwelling units	4	4
Four dwelling units	5	5

(D) *Payment dates.* Interest on late payments and penalties.

(1) Not less than 30 days prior to the date the user fee is due as specified herein, or as soon thereafter as practicable, the city, or its designee, shall issue each residential parcel owner a bill for the residential user fee for solid waste and

recycling services for the current calendar year. Payment for such bill shall be due and payable on or before March 31 each year (hereinafter “due date”). Notwithstanding the foregoing, payment for such bill for the calendar year 2024 only shall be due and payable on or before August 31, 2024.

(2) The following amounts shall be assessed for any payments made after the due date for the user fee:

Payment Dates	***All Accounts***
30 - 59 days after due date	2.5% of the user fee
60 - 89 days after the due date	5% of the user fee
90 - 119 days after due date	7.5% of the user fee

(3) If payment has not been made within 120 days from the due date, a penalty equal to 10% of any unpaid user fees shall be assessed against any owner of a residential parcel who has not yet paid the amount of the residential user fee assessed on the residential parcel, and any interest accruing thereupon, which together with any such unpaid amounts shall be added to the real estate tax bills for that calendar year.

(4) The total amount due on account of user fees, excluding any interest or penalties, shall bear an interest rate of 6% per annum beginning on the day after the last day upon which real estate taxes are due.

(E) *Refund of residential user fees.* The owner of a residential parcels may request a refund for any overpayments made on account of user fees assessed under this section, by requesting an adjustment to the user fee in the manner provided in division (C)(6) above, and by submitting an application for a refund with the city’s Finance Department no later than one year from the date upon which the overpayment was made. The city shall not refund any fees, penalties, interest imposed under division (D) above.

(F) *Commercial refunds.*

(1) In the event that the city elects to award a franchise pursuant to which commercial rates are to be paid directly to the contractor, commercial users shall be responsible to observe the contractor’s applicable refund or adjustment policy.

(2) If the commercial rates are to be paid directly to the city, commercial users may request a refund for any overpayments in the same manner as provided in division (E) above as applicable.

(G) *Enforcement and penalty.*

(1) Failure to pay a residential user fee shall constitute a civil offense and any person, firm or corporation who fails to pay a residential user fee shall be subject to a civil fine. The civil fine to be imposed for failure to pay a residential user fee shall be equal to the amount of the unpaid user fee, including interest and penalties, and the city may seek enforcement of the civil fine through appropriate procedures under Ch. 92 of these ordinances.

(2) In addition, the city may enforce the collection of user fees, commercial rates, penalties and any interest accruing thereupon, as applicable, by filing a civil action with an administrative board, and/or court of appropriate jurisdiction, and the city shall be entitled to recover all court costs and reasonable attorney fees incurred to enforce any provision of this section. The city shall also possess a lien against the owner of real property for all fines and costs related to the failure to pay residential user fees. The lien for failure to pay a residential user fee shall be superior to and have priority over all other liens, if all legal requirements are satisfied.

(H) *Revenues.* The revenues realized from the collection of user fees and, when applicable, the collection of commercial rates, shall be accounted for in a special revenue account, and these revenues shall be used to defray the costs of providing the services and of managing related programs or incentives adopted by the city, including, without limitation, the reasonable cost of administering such programs or incentives, the reasonable costs of labor and materials used to provide or coordinate the delivery of the services and any amounts paid to finance waste related expenses.

(1984 Code, § 98.01) (Ord. O-12-84, passed 2-28-1984; Ord. O-31-84, passed 6-5-1984; Ord. O-53-88, passed 8-4-1988; Ord. O-42-90, passed 8-31-1990; Ord. O-46-01, passed 11-13-2001; Ord. O-47-15, passed 12-8-2015; Ord. O-34-16, passed 11-15-2016; Ord. O-30-17, passed 12-5-2017 ; Ord. O-13-24, passed 6-25-2024)

§ 46.02 AMBULANCE USAGE SERVICE CHARGE.

(A) There is established ambulance usage service charges to all persons being treated and/or transported by the city’s Fire Department ambulances.

(B) The amount of the charge for each patient transported shall be $800 for Basic Life Support (BLS), $900 for Advanced Live Support, Level 1 (ALS-1), and $950 for Advanced Life Support, Level 2 (ALS-2), plus a fee of $15 per loaded mile (a tenth of percentage point thereof will be added for each patient transported.) A ***LOADED MILE*** is the actual distance traveled with a patient from the scene to the receiving facility. An additional $50 shall be charged for the administration of oxygen. The amount of the charge for each patient that is “treated” and not transported shall be $400. A patient received “treatment” if there is interaction between the patient and Fire Department personnel regarding the health and welfare of the patient.

(C) The revenues realized from the collection of this fee shall be accounted for in a special revenue account for user fees and used to defray the costs of ambulance and life-saving services.

(D) The billing and collection for ambulance usage services charges will be performed in accordance with the contract by the “billing company” that contracts with the city to perform those services.

(1984 Code, § 98.03) (Ord. O-52-85, passed 8-6-1985; Ord. O-42-90, passed 8-31-1990; Ord. O-71-00, passed 12-13-2000; Ord. O-11-04, passed 3-16-2004; Ord. O-47-04, passed 8-17-2004; Ord. O-38-06, passed 8-15-2006; Ord. O-10-11, passed 6-28-2011; Ord. O-20-15, passed 6-23-2015)

§ 46.03 TRANSFER STATION SURCHARGE.

(A) There is established a solid waste transfer station surcharge to all persons using the services of the city solid waste transfer station.

(B) The amount of the surcharge shall be an additional $5 per load, $10 per ton and $6 per cubic yard.

(C) This surcharge shall not be applicable to the following persons: city residents, city-licensed businesses and contractors disposing of solid waste generated in the city by a citizen or licensed business.

(D) This surcharge shall be collected by the city’s authorized operator of the transfer station and shall be in addition to the existing charge of $5 per load (minimum) or $15 per ton previously established.

(1984 Code, § 98.04) (Ord. O-52-90, passed 10-30-1990)

TITLE V: PUBLIC WORKS

Chapter

50. SEWER, STORM WATER, AND WATER SYSTEMS

51. URBAN FORESTRY

Editor’s note:

The City of Covington manages its own Municipal Separate Storm Sewer System (MS4). Water and sanitary sewer/combined sewer systems are part of larger, county-wide operations. When utility questions arise in these areas, please contact the following:

Sanitary Sewer/Combined Sewer - Sanitation District No. 1 of Kenton and Campbell Counties

212 Greenup Street

Covington, Kentucky 41011

291-5021

Storm Water - City of Covington, Kentucky

20 West Pike Street

Covington, Kentucky 41011

292-2292

Water - Kenton County Water District No. 1

3049 Dixie Highway

Erlanger, Kentucky 41018

331-3066

CHAPTER 50: SEWER, STORM WATER, AND WATER SYSTEMS

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GENERAL PROVISIONS

§ 50.01 SEWER REPAIR POLICY.

(A) The city shall be responsible for the main collector system of the public sewer system that is not the responsibility of Sanitation District No. 1 of Kenton and Campbell Counties.

(B) The private property owner shall be responsible for the sewer lateral from its connection to the main collector system to and including the sewer system within the private property improvement.

(C) The city is not responsible for maintenance or cleaning of the sewer lateral between the private property and the main collector system. The main collectors of the public sewer system do not include any laterals even though the laterals are located under the public right-of-way.

(D) A multiple service lateral may be accepted into the public sewer system by City Commissioners' ordinance if it meets the following criteria:

(1) The lateral serves more than one private property owner;

(2) The lateral is in an obstruction free easement; and

(3) The lateral has a clean-out at each service attachment within the easement.

(E) The sewer usage service charge is to be used for maintenance and repair of the public sewer system only, and not

for maintenance of private property nor for sewer lines that are the responsibility of Sanitation District No. 1 of Kenton and Campbell Counties.

(1984 Code, § 50.01) (Ord. O-61-85, passed 8-27-1985)

§ 50.02 PROHIBITING CERTAIN DISCHARGES INTO SEWER SYSTEM.

(A) No person, company, entity or industrial or commercial establishment shall discharge or cause to be discharged into the city sewer system any waste which is hazardous to the health, safety and/or welfare of the inhabitants, or employees of the city, or any waste which causes, either alone or by interaction with other substances, the following:

(1) A fire or explosion hazard (e.g., gasoline, kerosene, fuel oil, mineral spirits, benzene, naphtha or the like);

(2) Obstruction to the flow in the public sewer or treatment works;

(3) Corrosive structural damage, alkaline encrustation or other damaging effects to the public sewer or treatment works;

(4) Danger to life or safety of any person;

(5) A strong offensive odor which prevents the effective maintenance or operation of the sewer line;

(6) Air pollution, toxic or malodorous gases or malodorous gas-producing substances;

(7) Interference with the operation, maintenance or performance of the sewer system; or

(8) Conditions which violate any statute, rule, regulation or ordinance of any public agency or state or federal regulatory body.

(B) Any person, company, entity or industrial or commercial establishment who discharges or causes to be discharged into the city sewer system any of the above-mentioned wastes shall immediately notify the city's Fire Department by telephone by the "911" emergency number system.

(C) The city shall have the right to refuse connection to the city sewer system, disconnect a sewer line or compel pretreatment of any waste, including industrial waste by an industrial or commercial establishment, in order to prevent the discharge into the sewer system of any waste deemed to have a deleterious effect on the city sewer system or the sewer system of Sanitation District No. 1 of Campbell and Kenton Counties which is geographically located in the city; or of any waste which is deemed hazardous to the health, safety and welfare of the residents, inhabitants or employees of the city; or of any waste which causes, threatens to cause, or is capable of causing, either alone or by interaction with other substances, the following:

(1) A fire or explosion hazard (e.g., gasoline, kerosene, fuel oil, mineral spirits, benzene, naphtha or the like);

(2) Obstruction to the flow in the public sewer or treatment works;

(3) Corrosive structural damage, alkaline encrustation or other damaging effects to the public sewer or treatment works;

(4) Danger to life or safety of any person;

(5) A strong offensive odor which prevents the effective maintenance or operation of the sewer line;

(6) Air pollution, toxic or malodorous gases or malodorous gas-producing substances;

(7) Interference with the operation, maintenance or performance of the sewer system; or

(8) Conditions which violate any statute, rule, regulation or ordinance of any public agency or state or federal regulatory body.

(D) The city, through its Board of Commissioners, may prepare a more specific list of commercial and industrial wastes which may not be discharged into the sewer system of the city or Sanitation District No. 1 of Campbell and Kenton Counties and from time to time may supplement that list.

(E) Industrial and commercial users of the city sewer system shall provide, at each connection with the sewer system, suitable manholes to facilitate observation sampling and measuring of the waste being discharged. Such manholes shall be constructed in accordance with plans and specifications approved by the Department of Public Works of the city. All manholes shall be installed and maintained in a safe condition at the expense of the owner of the premises being served, and shall be located so as to be accessible at all times to authorized employees of the city without the consent of the owner.

(F) Analysis of wastes shall be determined in accordance with the current methodology employed by Sanitation District No. 1 of Kenton and Campbell Counties, by the Environmental Protection Cabinet of the state or by the Federal Environmental Protection Agency. Sampling and analysis shall be carried out by customarily-accepted methods. Samples for testing shall be taken at the control-sampling manhole and at such other manholes as are required by the Department of Public Works of the city.

(G) The city is empowered to suspend sewer line service when such suspension is necessary in the opinion of the Department of Public Works to stop an actual or threatened discharge which violates the prohibitions of this section. Any

person notified of a suspension of sewer line service shall immediately stop or eliminate the prohibited discharge.

(1) In the event of a failure to comply voluntarily with any order or demand by the Department of Public Works, the city, through the Department, shall take such measures as it deems necessary, including immediate severance of the sewer connection to prevent or minimize interference with or endangerment to any individuals.

(2) The city shall reinstate sewer line service upon satisfactory proof by the user of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the cause of prohibited waste discharge and the measures taken to prevent any future occurrence shall be submitted to the Department of Public Works within 15 days of the date of the occurrence. If the sewer line connection has been severed as provided herein, the user shall pay the reasonable costs of severance and reconnection.

(H) Any user who violates any of the following conditions is subject to having his or her user's sewer permit revoked and the sewer line disconnected in accordance with the procedures set forth herein:

(1) Non-compliance with any of the prohibitions and regulations imposed by this section;

(2) Failure to install a properly constructed sampling and testing manhole as required by this section; or

(3) Refusal of the user to permit access by the city to the sampling and testing manhole.

(I) Whenever the city determines or has reason to believe that any user has violated or is violating the prohibitions and regulations of this section, the city shall serve upon such user by certified or registered mail a written notice stating the nature of the violation and requiring the user to show cause within 30 days why the user's sewer permit should not be revoked, or the user's sewer line not be severed, or if severed as provided herein, reconnected.

(J) (1) Notice of the show-cause hearing shall specify the time and place of the hearing before the Board of Commissioners, the nature of the violation, and the proposed enforcement action.

(2) All testimony shall be taken under oath and recorded mechanically and/or stenographically.

(3) The transcript or tape of the proceedings will be made available to any party at cost.

(4) The Board of Commissioners is empowered to issue subpoenas signed by the Mayor or City Manager to compel the attendance of witnesses and production of documents.

(K) (1) In any such hearing, the burden of proof to show cause shall be upon the user. If warranted by the evidence, the Board of Commissioners may issue an order to the user responsible for the prohibited discharge or violation of any of the regulations herein, that following a specified time period not to exceed 30 days, the sewer service shall be discontinued unless the violation is completely corrected.

(2) Nothing in this section shall be construed to prohibit the immediate disconnection of any sewer line to prevent discharges into the city sewer system, as herein prohibited, or for failure to install all the facilities for observation, testing and sampling.

(1984 Code, § 50.03) (Ord. O-7-87, passed 2-17-1987; Ord. O-54-90, passed 10-30-1990) Penalty, see § 50.99

STORM WATER AND FLOOD MANAGEMENT FEE

§ 50.10 FINDINGS.

(A) The city maintains a system of the storm and surface water management facilities including but not limited to inlets, conduits, manholes, channel, ditches, drainage easement, retention and detention basins, infiltration facilities, and other components, as well as natural waterways, specifically excluding combined sewer systems.

(B) This is commonly referred to as a "Municipal Separate Storm Sewer System" or "MS4" as defined at 401 KAR 5:002, Section 1(111) and 40 C.F.R. 122.26(b)(8).

(C) The storm water system in the city requires regular maintenance and improvements.

(D) Storm water quality is degraded due to erosion and the discharge of nutrients, metals, oil, grease, toxic materials, and other substances into and through the storm water system.

(E) The public health, safety, and welfare are adversely affected by poor ambient water quality and flooding.

(F) All real property in the City of Covington either uses or benefits from the maintenance of the storm water system.

(G) The extent of use of the storm water system by each property is dependent on factors that influence runoff, including land use and the amount of impervious surface on the property.

(H) The cost of improving, maintaining, operating and monitoring the storm water system should be allocated, to the extent practicable, to all property owners based on the impact of runoff from the impervious areas of their property on the storm water management system.

(I) Management of the storm water system to protect the public health, safety, and welfare requires adequate revenues and it is in the interest of the public to finance storm water management adequately with a user fee system that is reasonable and equitable so that each use of the system pays to the extent to which they contribute to the need for it.

(J) The city is required to develop a storm water quality program through the NPDES Phase II storm water program that is required by state and federal law.

(K) The MS4 program specifically does not apply to combined sewers; SD1 retains full responsibility for the combined sewer system in Covington, including any storm water issues attributable to the inadequacies of the combined sewer system.

(Ord. O-02-21, passed 2-23-2021)

§ 50.11 AUTHORITY.

Authority for the adoption of this system of user fees to fund the implementation of storm water and flood management program is derived from KRS 91A.510 - .530. which allows for the adoption of a user fee for the City of Covington's storm water quality program, which Covington is required to adopt through the NPDES Phase II storm water program that is an unfunded mandate by state and federal law, and for the flood management aspects of the storm water and flood management program that will be funded by the Storm Water and Flood Management Fee. In addition, pursuant to KRS 82.082, Covington has home rule authority to provide for the health and safety of its residents regarding storm water and flooding.

(Ord. O-02-21, passed 2-23-2021)

§ 50.12 DEFINITIONS.

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

ASSESSMENT ROLL. The official listing of assessments of real property maintained by the Kenton County Property Valuation Office.

BASE RATE. The Storm Water Management Fee charged on a base unit (equivalent residential unit). The monthly Storm Water Management Fee for a Single Family Residential (SFR) property in the City of Covington equals the base rate.

DEVELOPED PROPERTY. Real property which has been altered from its natural state by an addition of any improvements such as buildings, structures, or other impervious areas.

EQUIVALENT RESIDENTIAL UNIT (ERU). The average impervious surface area associated with a single-family residential property in the city as calculated using statistical methods.

FEE or ***STORM WATER AND FLOOD MANAGEMENT FEE.*** The charge to the property owner established under this chapter and levied on owners of parcels or pieces of real property to fund the costs of storm water and flood management and of operating, maintaining, and improving the stormwater system in the city.

FISCAL YEAR. July 1 of the calendar year to June 30 of the next calendar year, both inclusive.

IMPERVIOUS SURFACE. Developed areas of land which prevent, retard, or significantly impede the infiltration of surface and storm water into the soil mantle and/or cause water to run off the surface in greater quantities or at an increased rate of flow that present under natural conditions prior to development. Typically impervious surface areas include but are not limited to roof, sidewalks, walkways, patios, swimming pools, private driveways, parking lots, access extensions, alleys and other paved, engineered, compacted or gravel surfaces that prevent or significantly impede the natural infiltration of surface and storm water into the soil.

MULTI-FAMILY DWELLING. A building with three or more dwelling units.

NON-DEVELOPED PROPERTY. Any non- SFR property not altered from its natural state.

NON-SINGLE FAMILY RESIDENTIAL (NON-SFR). Developed property other than single-family residential property. Such property shall include, but not be limited to, multi-family dwellings, commercial properties, condominium complexes (regardless of individual ownership of units), industrial properties, parking lots, hospitals, schools and other governmental owned buildings, recreational and cultural facilities, hotels, offices and churches.

NPDES PHASE II PERMIT. National Pollution Eliminations System Phase II Storm Water Permit as mandated by United States Environmental Protection Agency.

PROPERTY OWNER/ DEVELOPER/ APPLICANT. The person, firm, partnership, or corporation who is the owner of record as listed in the Kenton County Property Valuation Office assessment rolls.

SINGLE FAMILY RESIDENTIAL (SFR) PROPERTY. Developed property which serves the primary purpose of providing a permanent dwelling unit and which is classified as residential in the Kenton County assessment rolls. For purposes of this definition, a duplex shall be considered as a SFR. Notwithstanding, regardless of designation by the assessment role, a condominium shall not be considered a SFR for purposes of this subchapter.

STORM WATER MANAGEMENT. The planning, design, engineering, construction, regulation, improvement, repair, maintenance and operation of facilities and programs relating to storm water, flood plains, flood control, grading, erosion, pollutant capture and/or transformation and sediment control.

STORM WATER MANAGEMENT FUND OR FUNDS. The Fund created by this subchapter to operate, maintain, and

improve the city's storm water systems and address flooding issues.

STORM WATER SYSTEM. The primary system or network of storm and surface water management facilities including, but not limited to, inlets, conduits, manholes, natural streams and sinkholes, channels, ditches, drainage easement, retention and detention basins, infiltration facilities and other components, as well as all natural waterways. Public roads and public sidewalks are considered part of the storm water collection system.

WATER. Any storm water, surface water, snow melt or groundwater.

(Ord. O-02-21, passed 2-23-2021; Ord. O-09-21, passed 6-29-2021)

§ 50.13 ESTABLISHMENT OF STORM WATER AND FLOOD MANAGEMENT FUND.

(A) The storm water and flood management program is established and the storm water system is provided to protect the waterways and land in the city by managing flooding and to benefit the natural environment. The cost of designing, developing, improving, operating, maintaining, and monitoring the storm water system required in the city should, therefore, be allocated to the extent practicable, to all property owners based on their impact on the storm water system. In order to provide revenue to fund those costs and to fairly allocate those costs, a Storm Water and Flood Management Fund ("the Fund") is established.

(B) All revenues collected for the purpose of storm water and flood management from user fees, grants, permit fees, and other charges collected under the subchapter, shall be deposited into the Fund. The City Board of Commissioners may make additional appropriations to the Fund. All disbursements from the Fund shall be for the purposes of the Fund as set forth in this subchapter. The fund shall be administered per KRS 91A.530.

(1) Within the Storm Water and Flood Management Fund there are established two subordinate reserve accounts:

(a) The Insurance Reserve is established to provide financial reserves for the Backup Assistance Program. The Insurance Reserve is available to pay any claims or costs arising out of the Backup Assistance Program Agreement.

a. The Reserve shall be initially funded with $250,000. The appropriation shall carry forward at the conclusion of each fiscal year and shall not lapse. Any payments made from the Reserve shall be replenished from the Fund at the start of the next fiscal year. The appropriation shall be reevaluated every three years to determine the sufficiency of the fund in light of the number of agreements and the actual risk experience. After each re-evaluation the City Manager may recommend an increase or decrease in the funding level of the Reserve for consideration by the Board of Commissioners.

b. If the Insurance Fund is insufficient to pay the claims or costs attributable to the Backup Assistance Program Agreement, other revenues available in the Storm Water and Flood Management Fund, including the Major Capital Project Reserve, may be used upon approval of the Board of Commissioners to pay such claims or costs.

(b) The Major Capital Project Reserve is established to provide financial resources to address the inadequacies of the combined sewer system that result in basement and/or street flooding.

a. The combined sewer system is owned by Sanitation District No. 1. The Reserve is intended to pay to upgrade the combined sewer system beyond the service level standards of SD1 to a service level standard determined by the city, so as to more substantively eliminate or reduce the frequency of street and/or basement flooding.

b. The Reserve is intended to be used to supplement the funds available to SD1 for service upgrades of the combined sewer system

c. The Major Capital Project Reserve fund shall be allocated $500,000 from each year's anticipated receipts. In addition, 100% of the unobligated carry forward from the preceding fiscal year shall be allocated to the Reserve. The appropriation shall carry forward at the conclusion of each fiscal year and shall not lapse.

d. The Reserve may be used for debt service to repay the costs of indebtedness incurred to correct the inadequacies of the combined sewer system.

e. The Reserve shall be reevaluated every five years to determine the sufficiency of the funding level in light of the number of identified projects, their projected costs, and debt obligations, if any. After each reevaluation the City Manager may recommend an increase or decrease in the funding level of the Reserve for consideration by the Board of Commissioners.

f. This Reserve shall be used only to support improvements to the combined sewer stem and may not be used for the purchase of equipment or other capital projects.

(C) The city may expend general fund dollars to begin the transition from Sanitation District No. 1 to Covington complying with the KPDES permit and other requirements. Said amounts shall be itemized and submitted to the City Board of Commissioners for the reimbursement of the general fund for dollars expended on stormwater services. Going forward, any transfers from the general fund, for which reimbursement may be sought, shall be first identified and approved by the City Board of Commissioners.

(D) Nothing shall prohibit the city from seeking to borrow funds necessary to fund the stormwater program set forth herein, either from either a financial institution and/or the city's general fund.

(Ord. O-02-21, passed 2-23-2021; Ord. O-15-22, passed 8-9-2022)

§ 50.14 PURPOSE OF THE FUND.

The Fund shall be used for the following purposes:

(A) The acquisition by gift, purchase, or condemnation of real property, and interests therein, necessary to construct, operate, and maintain storm water management facilities.

(B) All costs of administration and implementation of the storm water management program, including the establishment of reasonable operation and capital reserves to meet unanticipated or emergency storm water management requirements.

(C) Engineering and design, debt services and related financing expenses, construction costs for new facilities, and enlargement or improvement of existing facilities.

(D) Operation and maintenance of the storm water systems.

(E) Monitoring, surveillance, and inspection of storm water control devices.

(F) Water quality monitoring and water quality programs.

(G) Retrofitting developed areas for pollution control.

(H) Inspection and enforcement activities.

(I) Costs of public education related to storm water and related issues.

(J) Billing and administrative costs.

(K) Other activities which are reasonably required, including but not limited to requirements set forth in the future by the Kentucky Division of Water and/or Federal EPA.

(Ord. O-02-21, passed 2-23-2021)

§ 50.15 STORM WATER AND FLOOD MANAGEMENT FEE.

A monthly service fee is imposed upon all real property in the city, beginning no earlier than March 1, 2021, to fund storm water and flood management programs. This service fee shall be known as the Storm Water and Flood Management Fee ("Fee"). Any real property developed or added through annexation into the city after March 1, 2021, shall be subject to a monthly service fee. The fee is based on (1) the extent to which runoff from each property creates the need for the storm water management program; (2) the amount of impervious area on each property; and (3) the cost of implementing a storm water and flood management program. The monthly service fee is collectible as one single billed amount for residential properties and quarterly billed amounts for commercial properties in accordance with § 50.21. For assessment purposes, the property owner of record as of January 1st each calendar year shall bear responsibility for the Storm Water and Flood Management Fee. The city may adjust the service fee for calendar year 2021 to reflect a pro rata calculation.

(Ord. O-02-21, passed 2-23-2021)

§ 50.16 CLASSIFICATION OF PROPERTY FOR PURPOSES OF DETERMINATION OF THE STORM WATER AND FLOOD MANAGEMENT FEE.

For purposes of determining the Storm Water and Flood Management Fee, all properties in the city are classified into one of the following classes:

(A) Single Family Residential (SFR) Property: The city finds that the contribution to runoff of most parcels of real property in the city classified as single family residential is similar and that it would be excessively and unnecessarily expensive to determine precisely the square footage of the improvements (such as building, structures, and other impervious areas) on each parcel. Therefore, all single family residential properties in the city shall be charged a flat Storm Water and Flood Management Fee, equal to the base rate, as provided in § 50.17, Base Rate. If an adjacent property is owned, but evident to be party of SFR, i.e. adjacent thereto, the adjacent property shall not be considered non- developed property.

(B) Non-Single Family Residential (non- SFR): The fee for non-SFR property in the city shall be the base rate multiplied by numerical factor obtained by dividing the total impervious area (square feet) of the property by the ERU. The impervious surface area for non-SFR property is the square footage for the buildings and other improvements on the property. At the sole discretion of the city, the impervious surface area of non-SFR property may be approximated through site examination, mapping information, aerial photographs, and other available information. The Minimum Storm Water and Flood Management Fee for non-SFR property shall equal the base rate for single family residential property. As set forth above, all condominium complexes in the city shall be classified as non-SFR with a fee based on the complexes impervious surface area submitted to the governing Homeowners Association Board (HOA). This practice has been occurring prior to by Sanitation District No. 1. Owner-occupied mixed-use buildings of less than the base rate ERU shall be considered Single Family Residential Property.

(C) Non-Developed Property: The fee for non-developed property in the city shall be a flat Storm Water Management Fee, equal to the base rate, as provided in § 50.17, Base Rate.

(D) MS4 Exempt Property: Any real property in the city that does not fall within the city's designed MS4 service area shall be assessed a fee to offset the cost of administering the Storm Water and Flood Management program. For these properties, the methods used to calculate the fees for the MS4 qualified properties shall be used.

(Ord. O-02-21, passed 2-23-2021)

§ 50.17 BASE RATE.

The city is regaining sole responsibility of its MS4 permit and program from Sanitation District No. 1. For purposes of implementing its own MS4 program and establishing the Storm Water and Flood Management fee, Covington adopts the findings reached by SD1 regarding the average amount of impervious surface areas for residential properties in the city. Covington adopts SD1's Covington ERU of 2,600 square feet and a monthly base rate for the Storm Water and Flood Management Fee is established for all single family residential property per the 2,600 ERU.

(Ord. O-02-21, passed 2-23-2021)

§ 50.18 SCHEDULE OF MONTHLY RATES FOR STORM WATER AND FLOOD MANAGEMENT FEE.

The following schedule of rates shall apply to each property owner. This schedule includes the rate for the Storm Water and Flood Management Fees and associated fees and costs.

Storm Water and Flood Management Rates		
	Rates	*Effective Date*
Monthly Rate Per ERU	$4.54	March 1, 2021
Quarterly Rate Per ERU	$13.62	March 1, 2021
Minimum 1 ERU Per Month	$4.54	March 1, 2021
Storm Water Services		
Plan Review		
Storm Drainage review (8 inches and greater) - public	General Labor Rate	March 1, 2021
Storm Drainage review (8 inches and greater) - private	General Labor Rate	March 1, 2021
Clearing Permit Application Review	$301	March 1, 2021
Grading Permit Application Review	$401	March 1, 2021
Land Disturbance Permit Application Review	$1,001	March 1, 2021
BMP Construction (per BMP)	General Labor Rate	March 1, 2021
Storm Sewer Construction Inspection (per foot)	$1.73	March 1, 2021
Storm Sewer Connection Review & Inspection - Storm Lateral Tapper Inspection to Main line (less than or equal to 6 inches)	Based on tapper fee	March 1, 2021
Storm Sewer Connection Review & Inspection - Storm Lateral Tapper Inspection to structure (less than or equal to 6 inches)	Based on tapper fee	March 1, 2021
Storm Sewer Connection Inspection (8 inches and greater)	General Labor Rate	March 1, 2021
Erosion and Sediment Control Inspection (per acre)	$108 (not to exceed $1,102)	March 1, 2021
General Labor (per hour)	$55-$122	March 1, 2021
Administrative Fines (per violation)	$100-1,000	March 1, 2021
Returned Payment Fees All Returned Payments	$25	March 1, 2021

(Ord. O-02-21, passed 2-23-2021)

§ 50.19 FEE FOR TAX-EXEMPT PROPERTIES; EXEMPTIONS.

(A) The city finds that all real property in the city contributes to runoff and either uses or benefits from the maintenance of the stormwater system. Therefore, all real property in the city, including property that is tax exempt from property tax per the Kentucky Revised Statutes, as amended, shall be subject to the fee.

(B) Property which is owned by the city shall be subject to the fee. All federal, state, county, and city roads are exempt from the fee and are considered to be part of the city drainage systems.

(Ord. O-02-21, passed 2-23-2021)

§ 50.20 ASSESSMENT NOTICES.

(A) The city may, but is not required to, send assessment notices for the fee to property owners prior to the billing for the fee.

(B) If assessment notices are sent, the notice shall include the following information:

(1) The classification of the property for purposes of determining the fee;

(2) For property classified as Other Developed Property:

a. The impervious surface area of the property; and

b. The method by which the impervious surface area of the property was determined; that is, whether the computation of the impervious surface area of the property is based on information in the Kenton County Property Valuation Office, site examination, mapping information, aerial photographs, or other methods.

(3) The amount of the base rate (i.e., the Single Family Residential Fee), and for Other Developed Property, the number of base units on the property.

(Ord. O-02-21, passed 2-23-2021)

§ 50.21 WHEN STORM WATER MANAGEMENT FEE PAYABLE; PENALTIES, LIEN ON RENTAL PROPERTY; ABATEMENT OF SMALL AMOUNTS DUE.

(A) The fee shall be billed by the city as set forth on the schedule herein. The city makes the following findings regarding billing:

(1) That Single Family Residential properties shall receive a single bill, similar to current city practices for billing solid waste disposal user fees, with a bill due date no later than March 31.

(2) All other properties subject to the fees set forth herein shall be billed quarterly, in arrears, i.e., a bill for Jan-March, will be issued on or about April 1. The city makes a finding that many commercial bills are in excess of the Single Family Residential and in order to continue to provide the proper budgeting that the Commercial Properties have had with Sanitation District No. 1 issuing quarterly bills, that said practice shall continue.

(B) If a bill is rendered to a party who is not the property owner and the bill becomes unpaid and/or delinquent, then the property owner shall bear the responsibility of payment. The city may add delinquent storm water and flood management fees and associated penalties to a property tax bill.

(C) A delinquent fee that is not paid by the delinquency date shown on the bill will incur a penalty of ten percent of the bill.

(D) A delinquent fee that is not paid by the delinquency date shown on the bill will incur a penalty of 10% of the total bill, when overdue shall constitute a lien on real property and may be collected by a suit against the property owner or in an in rem action against the property.

(Ord. O-02-21, passed 2-23-2021)

§ 50.22 REQUEST FOR CORRECTION OF THE STORM WATER AND FLOOD MANAGEMENT FEE.

(A) A property owner may request correction of the fee by submitting the request in writing to the office of the City Clerk within 30 days after the date the assessment notice or the bill is mailed or issued to the property owner. The City Clerk shall forward the request to the City Manager with a copy to the City Solicitor. The City Manager shall grant or deny the request based on the following considerations:

(1) Incorrect classification of the property for purposes of determining the fee;

(2) Errors in the square footage of the impervious surface area of the property;

(3) Mathematical errors in calculating the fee to be applied to the property; and

(4) Errors in the identification of the property owner of a property subject to the fee.

(B) The City Manager shall make a written determination within 60 days after the receipt of the property owner's completed written request for correction of the fee.

(C) A property owner must comply with all rules and procedures adopted by the City Manager when submitting a request for correction of the fee and must provide all information necessary for the City Manager to make a determination on a request for correction of the fee. If a property owner alleges an error under § 50.22(A)(2), the request for correction must include a certification by a registered engineer or professional land surveyor of the impervious surface area of the property. Failure to comply with the provisions of the subsection shall be grounds for denial of the request.

(D) A property owner who disagrees with the City Manager's decision may appeal that decision to the Covington Board of Commissioners. Such appeal must be made in writing and submitted to the City Clerk, with a copy to the City Manager and City Solicitor, no later than 30 days after the City Manager's written determination is issued. The Covington Board of Commissioners shall schedule a hearing to hear the appeal and render a decision no later than 60 days after confirmed receipt of the appeal request by the City Clerk. The Board of Commissioner's decision on a request for correction of the fee shall be final.

(Ord. O-02-21, passed 2-23-2021)

§ 50.23 EQUIVALENT RESIDENTIAL UNIT.

The equivalent residential unit for the City of Covington shall be 2,600 square feet.

(Ord. O-02-21, passed 2-23-2021)

ILLICIT DISCHARGES AND ILLICIT CONNECTIONS

§ 50.24 PURPOSE; INTENT.

The purpose of this subchapter is to provide for the health, safety, and general welfare of the citizens of Covington through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This subchapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this subsection are:

(1) To regulate the contribution of pollutants to the MS4 by storm water discharges by any user;

(2) To prohibit illicit connections and discharges to the MS4;

(3) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this subchapter.

(Ord. O-14-22, passed 8-9-22)

§ 50.25 DEFINITIONS.

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

AUTHORIZED ENFORCEMENT AGENCY. The City of Covington.

BEST MANAGEMENT PRACTICES (BMPS). Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. ***BMPs*** also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT. The federal Water Pollution Control Act (33 U.S.C. § 1251*et seq,*), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY. Activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

HAZARDOUS MATERIALS. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLEGAL DISCHARGE. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in § 50.30.

ILLICIT CONNECTIONS. Either of the following:

- Any drain or conveyance, whether on the surface or subsurface, that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non- storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

- Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

INDUSTRIAL ACTIVITY. Activities subject to NPDES industrial storm water permits as defined in 40 CFR, Section 122.26(b)(14).

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4). The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the city and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage. A combined sewer is specifically excluded.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT. A permit issued by EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge

of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NON-STORM WATER DISCHARGE. Any discharge to the storm drain system that is not composed entirely of storm water.

PERSON. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT. Anything which causes or contributes to pollution.***POLLUTANTS*** may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

PREMISES. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

STORM DRAINAGE SYSTEM. Publicly-owned facilities 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 storm drains, pumping facilities, retention and detention basins, natural and human- made or altered drainage channels, reservoirs, and other drainage structures.

STORM WATER. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORM WATER MANAGEMENT PLAN. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the Maximum Extent Practicable.

WASTEWATER. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

(Ord. O-14-22, passed 8-9-2022)

§ 50.26 APPLICABILITY.

This subchapter shall apply to all water entering the city's MS4 storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the city.

(Ord. O-14-22, passed 8-9-2022)

§ 50.27 RESPONSIBILITY FOR ADMINISTRATION.

The city shall administer, implement, and enforce the provisions of this subchapter. Pursuant to KRS 83A.087, the City of Covington, through Municipal Order, will authorize citation officers to enforce the provisions of this subchapter. In addition, duly sworn Covington Police Officers shall have the authority to enforce the provisions of this subchapter.

(Ord. O-14-22, passed 8-9-2022)

§ 50.28 COMPATIBILITY WITH OTHER REGULATIONS.

This subchapter is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this subchapter are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this subchapter imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

(Ord. O-14-22, passed 8-9-2022)

§ 50.29 ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this subchapter are minimum standards; therefore, this subchapter does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

(Ord. O-14-22, passed 8-9-2022)

§ 50.30 DISCHARGE PROHIBITIONS.

(A) *Prohibition of illegal discharges.* No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this subchapter: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.

(2) Discharges or flow from firefighting, and other discharges specified in writing by the city as being necessary to protect public health and safety.

(3) Discharges associated with dye testing; however, this activity requires a verbal notification to the city prior to the time of the test.

(4) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(B) *Prohibition of illicit connections.*

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this subchapter if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.

(4) Improper connections in violation of this subchapter must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the city.

(5) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the city requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the city.

(Ord. O-14-22, passed 8-9-2022)

§ 50.31 WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(Ord. O-14-22, passed 8-9-2022)

§ 50.32 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

(A) *Submission of NOI to City of Covington.*

(1) Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with the permit may be required in a form acceptable to the city prior to the allowing of discharges to the MS4.

(2) The operator of a facility, including construction sites, required to have an NPDES permit to discharge storm water associated with industrial activity shall submit a copy of the Notice of Intent (NOI) to the city at the same time the operator submits the original Notice of Intent to the EPA as applicable.

(3) The copy of the Notice of Intent may be delivered to the city either in person or by mailing it to: Notice of Intent to Discharge Storm Water, City of Covington, Attn: City Manager, 20 West Pike, Covington, Kentucky 41011.

(4) A person commits an offense if the person operates a facility that is discharging storm water associated with industrial activity without having submitted a copy of the Notice of Intent to do so to the city.

(Ord. O-14-22, passed 8-9-2022)

§ 50.33 COMPLIANCE MONITORING.

(A) *Right of entry; inspection and sampling.* The City of Covington shall be permitted to enter and inspect facilities subject to regulation under this subchapter as often as may be necessary to determine compliance with this subchapter.

(1) If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the city.

(2) Facility operators shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(3) The city shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the city to conduct monitoring and/or sampling of the facility's storm water discharge.

(4) The city has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the city and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the city access to a permitted facility is a violation of a storm water discharge permit and of this subchapter. A person who is the operator of a facility with an NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the city reasonable access to the permitted facility for the purpose of conducting any activity authorized or required bu this subchapter.

(B) *Search warrants.* If the city has been refused access to any part of the premises from which storm water is discharged, and he or she is able to demonstrate probable cause to believe that there may be a violation of this subchapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this subchapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the city may seek issuance of a search warrant from any court of competent jurisdiction.

(Ord. O-14-22, passed 8-9-2022)

§ 50.34 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

The city will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. The owner or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise that is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water management plan (SWMP) as necessary for compliance with requirements of the NPDES permit.

(Ord. O-14-22, passed 8-9-2022)

§ 50.35 NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the United States, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the city in person or by phone or facsimile or by electronic means, including but not limited to email, no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city within one business day of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Failure to provide notification of a release as provided above is a violation of this subchapter.

(Ord. O-14-22, passed 8-9-2022)

§ 50.36 ALTERNATIVE REMEDIES.

(A) *Compensatory action.* In lieu of enforcement proceedings, penalties, and remedies authorized by this subchapter, the city may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

(B) *Emergency cease and desist orders.* When the city finds that any person has violated, or continues to violate, any provision of this subchapter, or any order issued hereunder, or that the person's past violations are likely to recur, and that

the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the city may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

(1) Immediately comply with all ordinance requirements; and

(2) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this section shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the city may take such steps as deemed necessary to prevent or minimize harm to the MS4, or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The city may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the city that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this subchapter. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the city within three days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

(C) *Suspension due to illicit discharges in emergency situations.* The city may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

(D) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this subchapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The city will notify a violator of the proposed termination of its MS4 access. The violator may petition the city for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the city.

(Ord. O-14-22, passed 8-9-2022)

§ 50.37 VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this subchapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

(Ord. O-14-22, passed 8-9-22)

CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL

§ 50.38 PURPOSE AND INTENT.

The purpose of this subchapter is to provide for the health, safety, and general welfare of the citizens of Covington, Kentucky, through the regulation and controlling of construction site erosion and sediment. This subchapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this subchapter are:

1. Promote the public welfare by regulating the design, construction, use and maintenance of development or other activity that involves site grading, clearing, or disturbance of topsoil;

2. Control soil erosion by wind and water, and reduce siltation of ditches, streams and impoundments;

3. Preserve native vegetation;

4. Protect water quality and enhance aquatic habitat;

5. Delineate requirements for permit applications and issuance of permits for site development activities;

6. Establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this subchapter.

(Ord. O-14-22, passed 8-9-2022)

§ 50.39 DEFINITIONS.

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

ADMINISTRATIVE MANUAL. A manual developed by the city and distributed to the public to provide information for the effective administration of this subchapter, including but not limited to the following documents:

1. Application/Certification For Storm Water Management and Construction Erosion and Sediment Control

2. City of Covington - Water Process and Fee Schedule for Construction Erosion/Sediment Control Plan Review and Inspection

3. Construction Storm Water Pollution Prevention Plan (SWPPP) Template

BEST MANAGEMENT PRACTICES (BMPS). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. ***BMPs*** also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage. The Design Manual below sets for the BMPs.

CERTIFIED CONTRACTOR. A person or firm who has received training to install, inspect and maintain erosion and sediment control practices.

CLEARING. Any activity that removes all or a portion of existing vegetative cover.

CODE ENFORCEMENT BOARD. The enforcement agency and/or any duly authorized designee.

DESIGN MANUAL. The City of Covington Storm Water Design Manual referenced herein shall refer to the Northern Kentucky Regional Storm Water Management Rules and Regulations and the Sanitation District 1 - Storm Water Best Management Practices Manual as the City of Covington Stormwater Design Manual. Both Manuals may be found at the following:

https://sd1.org/DocumentCenter/View/73/Storm-W ater-Rules-and-Regulations-PDF

and

https://sd1.org/DocumentCenter/View/170/SD1s-St orm-Water-BMP-Manual-PDF.

In addition, copies may be found at the City of Covington Public Works Department.

DEVELOPMENT. New development created by the addition of built upon area to land void of built upon area as of the effective date of this subchapter.

DISTURBANCE. Any use of the land by any person or entity which results in a change in the natural cover or topography of the land.

DRAINAGE AREA. That area of land that drains to a common point on a project site.

DRAINAGE WAY. Any channel that conveys surface runoff within a site.

EROSION AND SEDIMENT CONTROL PLAN. A set of drawings or narrative indicating the specific measures and sequencing to be used to control sediment and erosion on a site during and after construction. On larger sites or in special circumstances these plans may be required to be prepared by or under the direction of a licensed professional engineer.

EROSION CONTROL. Measures that limit wind, rainfall or runoff from displacing exposed or disturbed soil.

FLOODPLAIN. The low, periodically flooded lands adjacent to streams. For land use planning purposes, the regulatory floodplain is usually viewed as all lands that would be inundated by the regulatory flood.

GRADING. Excavation, fill or other disturbance of soil material, including deposition on or removal of in-situ material from a site.

KDOW. Refers to the Kentucky Division of Water.

KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM (KPDES) STORM WATER DISCHARGE PERMIT. A permit issued by the Kentucky Division of Water (KDOW) under delegated authority by the United States Environmental Protection Agency (USEPA) pursuant to 33 USC 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

LAND DISTURBING ACTIVITY. Any construction-related land change that may result in soil erosion from wind, water and/or ice, and the movement of sediments into or upon waters, lands, or rights of way within the city including, but not limited to, construction, demolition, clearing and grubbing, grading, excavating, transporting, and filling of land. ***LAND DISTURBING ACTIVITY*** does not include the following:

(1) Minor land disturbing activities, including, but not limited to, underground utility repairs; replacement of existing utilities at a single location; home gardens and landscaping; and minor repairs;

(2) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles;

(3) Excavation or filling of graves in a cemetery;

(4) "Agricultural use" as defined under KRS 100.111;

(5) Resource extraction activity pursuant to the Kentucky Pollutant Discharge Elimination System General Permit or a facility- specific individual KPDES Permit:

(6) Site investigations, such as geotechnical explorations, clearing for surveying work, monitoring wells, and archaeological explorations, that are undertaken prior to submittal of an application for a preliminary subdivision plat; and

(7) Emergency work to protect life, limb, or property, and emergency repairs.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT. A permit issued by EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

OWNER. The legal or beneficial owner of land, including but not limited to a fee owner, mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. ***OWNER*** shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of "owner" under another description in this definition, such as a management entity.

PERIMETER CONTROL. A barrier at or near the limits of disturbance, which prevents sediment from leaving a site by filtering sediment- laden runoff or diverting it to a sediment trap or basin.

PERSON(S). Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

PHASING. Clearing a parcel of land in distinct segments, with the stabilization of each segment completed before the clearing of the next.

PREMISES. Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

SEDIMENT CONTROL. Measures that limit eroded sediment from leaving the site.

SITE. A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

STABILIZATION. The use of practices that limit the erosion of exposed soil.

START OF CONSTRUCTION. The initial land-disturbing activity associated with a development, including land preparation, clearing, grading, and filling; excavation for basements, footings, piers, or foundations; and installation of accessory structures.

STORM WATER MANAGEMENT PERMIT. A permit required for all development and redevelopment unless exempt pursuant to this subchapter, which demonstrates compliance with this subchapter.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP). A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the Maximum Extent Practicable.

WATERCOURSE. Any open drainageway, including, but not limited to, lakes, ponds, rivers, streams, and bodies of water owned or maintained by the city.

WATERWAY. A channel that directs surface runoff to a watercourse or to the public storm drain.

(Ord. O-16-22, passed 8-9-2022)

§ 50.40 APPLICABILITY.

This subchapter shall apply within the city's MS4 boundary limits and enforced by the persons designated to enforce by the city, with appeal to the Code Enforcement Board.

(Ord. O-16-22, passed 8-9-2022)

§ 50.41 RESPONSIBILITIES; RIGHT OF ACCESS.

The City Manager or his or her duly authorized designee shall administer and implement the provisions of this subchapter and enforcement. Any powers granted or duties set forth in this subchapter may be delegated by the City Manager to persons or entities acting in the beneficial interest of or in the employ of the city.

(a) Every person who improves land or changes the contour of land in any manner shall be responsible for the protection against erosion and for reestablishing permanent ground cover.

(b) Every such person shall be responsible for the cleaning of city streets, storm and sanitary sewers, and open channels on private land in or upon which soil or other matter has been deposited from such lands.

(c) Before any land disturbing activity, or before any building or structure is demolished, erected, constructed or reconstructed, every person proposing such development shall present an erosion and sediment control plan for protection of the site against erosion and for reestablishing permanent ground cover. The plan shall be submitted to the codes administrator for review and approval as part of the demolition permit or building permit submittal. A demolition permit or a building permit shall not be issued to such person prior to approval of the erosion and sediment control plan.

(d) No erosion and sediment control plan is required for the following activities:

(1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources;

(2) Existing nursery and agricultural operations conducted as a main or accessory use;

(3) Any activity disturbing one acre or less of land. For these small sites, certain minimum erosion control requirements shall apply (see § 7-203(h)).

(e) The city shall be permitted to enter and inspect lands and facilities subject to regulation under this subchapter as often as may be necessary to determine compliance with this subchapter. This shall be a condition of any permits issued herein;

(f) In addition to all other remedies, and after such time as the codes administrator shall have determined a failure of a developer or builder to comply with this section, the codes administrator may institute an injunction, mandamus, or appropriate action or proceeding in any court of competent jurisdiction to prevent the work or occupancy of such building, structure or land.

(Ord. O-16-22, passed 8-9-2022)

§ 50.42 ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this subchapter are minimum standards; therefore, this subchapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(Ord. O-16-22, passed 8-9-2022)

§ 50.43 EROSION AND SEDIMENT CONTROL PLAN CONTENT; DESIGN REQUIREMENTS.

The Covington City Manager shall set forth whether plans will be reviewed by city staff and/or an outside person/agency. Commensurate fees for review shall also be established by the City Manager to ensure all costs incurred by the city, either through in- house review and/or outside agency, are provided for by the applicant herein.

(a) For those areas that are greater than one acre of disturbed area, a storm water pollution prevention plan (SWPPP) shall be required. A storm water pollution prevention plan (SWPPP) shall be prepared and implemented in accordance with KYR10. All construction site operators working on site shall comply with requirements of the SWPPP and KYR10.

A current copy of the SWPPP shall be readily available at the construction site from the date of project initiation to the date of Notice of Termination. The person with day-to-day operational control over the plan's implementation shall keep a copy of the SWPPP readily available whenever on site. (A central location accessible by all on-site operators is sufficient for sites that are part of a common plan of development.) If an on-site location is unavailable to store the SWPPP when no personnel are present, notice of the plan's location shall be posted near the main entrance at the construction site.

(b) Each erosion and sediment control plan shall bear the name and address of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm.

(c) For sites containing more than one acre of disturbed area, a Notice of Intent (NOI) must be filed with the Kentucky Division of Water (KDOW). Prior to submittal of the NOI to KDOW, the complete NOI submittal shall be submitted to the city for review and comment. The city reserves the right to review the NOI submittal for conformance with this subchapter, and this review is separate and apart from state approval of any plan.

(d) Each erosion and sediment control plan shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the erosion and sediment control plan submitted by the developer, and that a certified contractor shall be on site on all days when construction activity related to site work or grading takes place.

(e) In the event of a violation of the provisions of this and/or any other city ordinance regarding stormwater/erosion control, the applicant may be required to file with the city a performance bond, or letter of credit, in an amount deemed sufficient by the city to cover all costs of temporary or permanent erosion and sediment control improvements for such period as specified by the city, and engineering and inspection costs to cover the cost of repair of erosion and sediment control improvements installed on the site.

(f) *Review and approval.* The city will review each erosion and sediment control plan (SWPPP) to determine its conformance with the provisions of this subchapter. Within 30 working days after receiving an application, the city shall, in writing:

(1) Approve the erosion and sediment control plan (SWPPP);

(2) Approve the erosion and sediment control plan (SWPPP) subject to such reasonable conditions as may be necessary to secure the objectives of this regulation, and issue the permit subject to these conditions; or

(3) Disapprove the erosion and sediment control plan (SWPPP), indicating the reasons for denial and the procedure for submitting a revised plan.

(g) *Erosion and Sediment Control Plan (SWPPP).* Erosion and Sediment Control Plans (SWPPP) shall include the following:

(1) A natural resources map identifying soils, forest cover, and resources protected under other chapters of this code.

(2) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

(3) All erosion and sediment control measures necessary to meet the objectives of this subchapter throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the adoption of intermediate plans may be required at the close of each season.

(4) Seeding mixtures and rates, types of sod, method of seedbed preparation, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures. Specify alternative methods based on seasonal needs.

(5) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

(h) *Small site requirements.* For construction sites of one acre or less disturbed area, the following minimum erosion control measures shall be used, if applicable:

(1) An approved construction entrance;

(2) Perimeter control, if there is potential for disturbed soil to be deposited onto or in streets, storm sewers, drainage channels or streams;

(3) Contained washout facility for concrete trucks;

(4) Trash control;

(5) Prompt cleanup of any silt or other debris discharged to streets, gutters, storm sewers or streams.

(i) *Design requirements.* Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the Design Manual and shall be adequate to prevent transportation of sediment from the site. Design requirements include:

(1) Cut and fill slopes shall be no greater than 2:1 (horizontal:vertical), except as approved by the city to meet other community or environmental objectives;

(2) Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with state and federal regulations. Clearing techniques shall retain natural vegetation and drainage patterns to the maximum extent practicable, as described in the city's Technical Stormwater Manual;

(3) Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and stabilized;

(4) Phasing is encouraged on all sites, with the size of each phase to be established at plan review and as approved by the city;

(5) Erosion control measures shall include the following:

(a) Stabilization of disturbed areas must be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site or temporarily ceased and will not resume on any portion of the site for a period of 14 days. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed.

(b) If seeding or another vegetative erosion control method is used, adequate temporary erosion control may be required until permanent cover is established.

(c) Special techniques that meet the design criteria outlined in the Technical Stormwater Manual on steep slopes or in drainage ways shall be used to ensure stabilization.

(d) Soil stockpiles must be contained at the end of each workday, with adequate measures taken to control and treat runoff.

(e) The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.

(f) Techniques shall be employed to prevent the blowing of dust or sediment from the site.

(g) Techniques that divert upland runoff past disturbed slopes shall be employed.

(h) Techniques shall be employed to minimize soil compaction and preserve topsoil, but these measures are not required where the intended function of a specific area dictates that topsoil be compacted, disturbed or removed.

(6) Sediment control measures may be required to include, if applicable:

(a) Settling basins, sediment traps, or tanks and perimeter controls.

(b) Settling basins that are designed in a manner that allows adaptation to provide long term storm water quantity and quality management, if required by the city.

(c) Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.

(7) Waterway and watercourse protection requirements shall include:

(a) A temporary stream crossing installed and approved by the Kentucky Division of Water if a wet watercourse will be crossed regularly during construction.

(b) Stabilization of the watercourse channel before, during, and after any in-channel work.

(c) Design all on-site storm water conveyance channels according to the criteria outlined in the Design Manual.

(d) Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.

(e) Vegetative filter strips may be required along watercourses, in conformance with the stormwater best management practices manual as set forth by Sanitation District #1 of Northern Kentucky.

(8) Construction site access requirements shall include:

(a) Approved temporary access entrance(s) provided at all sites.

(b) Other measures necessary to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.

(Ord. O-16-22, passed 8-9-2022)

§ 50.44 INSPECTION ENFORCEMENT.

The City Manager shall set forth inspections to be performed, either through the city's Code Enforcement and/or Public Works Departments, or the City Manager may provide for an outside person/agency to provide inspection enforcement for permit compliance.

(a) The city may make inspections as hereinafter required and may approve that portion of the work completed or may notify the permittee of those portions of the work that fail to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the city shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify the city at least two working days before the following:

(1) Start of construction.

(2) Installation of sediment and erosion measures.

(3) Completion of site clearing.

(4) Completion of rough grading.

(5) Completion of final grading.

(6) Close of the construction season.

(7) Completion of final landscaping.

(b) The permittee or his or her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures, and to provide maintenance as needed. All inspections shall be documented in written form and submitted to the city at the time interval specified in the approved permit. The city will make regular inspections to verify the reports submitted by the permittee.

(c) In the event that any person holding a site development permit pursuant to this subchapter violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site, the site development permit may be suspended or revoked.

(d) *Violation and penalties.* No person shall construct, enlarge, alter, repair, or maintain any grading, excavation or fill, or cause the same to be done, contrary to or in violation of any terms of this subchapter.

(e) *Written notice.* Any person violating any of the provisions of this subchapter shall be served by the city with written notice stating the nature of the violation. Within five business days of the receipt date of this notice, permittee shall submit to the city an explanation of the violation and a corrective action plan for the satisfactory correction and prevention thereof, to include specific required actions. Submission of this plan in no way relieves the permittee of potential liability for any violation occurring before or after receipt of the notice of violation. The permittee shall permanently remedy all violations upon approval of this corrective action plan.

(f) *Revocation of permit.* Any user violating any of the provisions of this subchapter or a permit or order issued hereunder may be subject to termination of its authority to continue work.

(g) In addition to any other penalty authorized by this subchapter, any person, partnership, or corporation convicted of violating any of the provisions of this subchapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation, including but not limited to any costs of remediation or repair of erosion prevention and sediment control at the site.

(Ord. O-16-22, passed 8-9-2022)

§ 50.45 CLEANUP BY CITY; CHARGES AGAINST PREMISES.

(a) The city shall have the right to clean streets, storm sewers, ditches or streams, or employ other persons to do so. In such event the person responsible for the deposit of soil or other matter in or upon streets, storm sewers, ditches or streams shall be liable to the city for the reasonable expenses or costs thereof. There shall be included in the computation of such reasonable costs the city's actual costs for labor, equipment and supplies, and the administrative cost to the city, if applicable.

(b) Charges for removal and cleaning shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for 30 days after it has been rendered, the city may file with the county court clerk a statement of a lien claim. This statement shall contain a legal description of the premises, the expenses and costs incurred, the date same was incurred, and a notice that the city claims a lien for that amount. Notice of such lien claim shall be mailed to the owner of the premises if his or her address is known; provided, however, that failure of the city to mail such notice, or the failure of the land owner to receive such notice, shall not affect the right to enforce the lien for such charges as provided herein.

(Ord. O-16-22, passed 8-9-2022)

§ 50.46 ALTERNATIVE REMEDIES.

(A) *Legal proceedings; notification of Kentucky Division of Water.*The city may pursue appropriate legal proceedings for the enforcement of this subchapter, and the city shall be entitled to recover its costs expended and reasonable attorney's fees in such proceedings. If the person, property, or facility has or is required to have a stormwater discharge permit from KDOW, the city shall notify the appropriate state authorities of the violation.

(B) *Revocation of permit, improvement or development plans.*Permits, improvement plans or development plan approvals may be revoked for any substantial departure from the approved plans thereby resulting in an illicit discharge as defined herein.

(C) *Stop Work Orders.* For violations involving active construction sites, Code Enforcement may issue a Stop Work Order and require that all activities cease, except those actions that are necessary to eliminate the illicit discharge.

(D) *Suspension of MS4 access due to illicit discharges in emergency situations.*The city may, without prior notice, suspend MS4 discharge access when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, to the MS4, or to waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

(E) *Suspension of MS4 access due to the detection of illicit discharge.*Any entity discharging to the MS4 or any conveyance in violation of this subchapter may have its MS4 access terminated if such termination would abate or reduce an illicit discharge. The city shall require the violator to disconnect access to the MS4 at their cost or take corrective action to eliminate the source of the illicit discharge. Reinstatement of MS4 access to premises terminated pursuant to this subchapter without the prior approval of the city constitutes a violation.

(Ord. O-16-22, passed 8-9-2022)

§ 50.47 INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this subchapter. If a person has violated or continues to violate the provisions of this subchapter, the city may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

(Ord. O-16-22, passed 8-9-2022)

§ 50.48 COMPENSATORY ACTION.

In lieu of enforcement proceedings, penalties, and remedies authorized by this subchapter, the city may impose upon violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

(Ord. O-16-22, passed 8-9-2022)

§ 50.49 VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this subchapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

(Ord. O-16-22, passed 8-9-2022)

POST CONSTRUCTION RUNOFF CONTROL

§ 50.50 PURPOSE AND INTENT.

The purpose of this subchapter is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-construction storm water runoff and non-point source pollution associated with new development and redevelopment. It has been determined that proper management of construction- related and post-construction storm water runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, and general welfare, protect water and aquatic resources and establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this subchapter are:

(1) Establishing decision-making processes for development that protects the integrity of watersheds and preserves the health of water resources;

(2) Minimizing changes to the pre-development hydrologic response for new development and redevelopment in their post- construction state in accordance with the requirements of this subchapter for the applicable design storm in order to reduce flooding, stream bank erosion, and non-point and point source pollution, as well as to maintain the integrity of stream channels, aquatic habitats and healthy stream temperatures;

(3) Establishing minimum post-construction storm water management standards and design criteria for the regulation and control of storm water runoff quantity and quality;

(4) Establishing design and review criteria for the construction, function. and use of structural storm water control facilities that may be used to meet the minimum post-construction storm water management standards;

(5) Establishing criteria for the use of better management and site design practices, such as the preservation of green space and other conservation areas;

(6) Establishing provisions for the long-term responsibility for and maintenance of structural and nonstructural storm water best management practices (BMPs) to ensure that they continue to function as designed, are maintained appropriately, and pose minimum risk to public safety; and

(7) Establishing administrative procedures for the submission, review, approval and disapproval of storm water management plans, for the inspection of approved projects, and to assure appropriate long-term maintenance.

(Ord. O-17-22, passed 8-9-2022)

§ 50.51 DEFINITIONS.

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

ADMINISTRATIVE MANUAL. A manual developed by the city and distributed to the public to provide information for the effective administration of this subchapter, including but not limited to application requirements, submission schedule, fee schedule, maintenance agreements, criteria for mitigation approval, criteria for recordation of documents, inspection report forms, requirements for submittal of bonds, a copy of this subchapter, and where to obtain the Design Manual.

BEST MANAGEMENT PRACTICES (BMPs). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. ***BMPs*** also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

BUFFER. A natural or vegetated area through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants.

BUFFER WIDTHS. Viewed aerially, the stream buffer width is measured horizontally on a line perpendicular to the surface water, landward from the top of the bank on each side of the stream.

BUFFER ZONES. Areas of the buffer with varying widths, uses and vegetative targets.

BUILT-UPON AREA (BUA). That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. ***BUILT-UPON AREA*** does not include a wooden slatted deck or the water area of a swimming pool.

DESIGN MANUAL. The city storm water Design Manual referenced herein shall refer to the Northern Kentucky Regional Storm Water Management Rules and Regulations and the Sanitation District 1 - Storm Water Best Management Practices Manual as the City of Covington Stormwater Design Manual. This shall include all future amendments thereto. Both Manuals may be found at the following:

https://sd1.org/DocumentCenter/View/73/Storm-W ater-Rules-and-Regulations-PDF

and

https://sd1.org/DocumentCenter/View/170/SD1s-St orm-Water-BMP-Manual-PDF.

In addition, copies may be found at the City of Covington Public Works Department.

DEVELOPMENT. New development created by the addition of built upon area to land void of built upon area as of the effective date of this subchapter.

DISTURBANCE. Any use of the land by any person or entity which results in a change in the natural cover or topography of the land.

DRAINAGE AREA. That area of land that drains to a common point on a project site.

FLOODPLAIN. The low, periodically flooded lands adjacent to streams. For land use planning purposes, the regulatory floodplain is usually viewed as all lands that would be inundated by the Regulatory Flood.

KDOW. Refer to the Kentucky Division of Water.

KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM (KPDES) STORM WATER DISCHARGE PERMIT. A permit issued by the Kentucky Division of Water (KDOW) under delegated authority by the United States Environmental Protection Agency (USEPA) pursuant to 33 USC 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

LARGER COMMON PLAN OF DEVELOPMENT OR SALE. Any contiguous area where multiple separate and distinct construction or land disturbing activities will occur under one plan. A plan is any announcement or piece of documentation (including but not limited to public notice or hearing, drawing, permit application, zoning request, or site design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.

LOW IMPACT DEVELOPMENT (LIP). The integration of site ecology and environmental goals and requirements into all phases of urban planning and design from the individual residential lot level to the entire watershed.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4). A conveyance, or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains designed or used for collecting or conveying stormwater to the waters of the United States. Sanitary and combined sewers are not included in the definition of the MS4 municipal separate storm sewer system.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT. A permit issued by EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NON-POINT SOURCE (NPS) POLLUTION. Forms of pollution caused by sediment, nutrients, organic and toxic substances originating from land use activities and carried to lakes and streams by surface runoff.

OWNER. The legal or beneficial owner of land, including but not limited to a fee owner, mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. ***OWNER*** shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of ***OWNER*** under another description in this definition, such as a management entity.

PERSON(S). Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

POLLUTANT. Anything which causes or contributes to pollution.***POLLUTANTS*** may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result

from constructing a building or structure; and noxious or offensive matter of any kind.

PREMISES. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

REDEVELOPMENT. Rebuilding activities on portions of land containing built-upon area as of the effective date of this subchapter.

STORM WATER MANAGEMENT PERMIT. A permit required for all development and redevelopment unless exempt pursuant to this subchapter, which demonstrates compliance with this subchapter.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP). A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the Maximum Extent Practicable.

TOTAL SUSPENDED SOLIDS (TSS). Total suspended matter in water which includes particles collected on a filter with a pore size of 2 microns as measured by Standard Method 2540-D, which is commonly expressed as a concentration in terms of milligrams per liter (mg/l) or parts per million (ppm).

WATERCOURSE. Any open drainageway, including but not limited to lakes, ponds, rivers, streams, and bodies of water owned or maintained by the city.

WATERWAY. A channel that directs surface runoff to a watercourse or to the public storm drain.

(Ord. O-17-22, passed 8-9-2022)

§ 50.52 APPLICABILITY.

The requirements of this section shall apply to all developments and redevelopments within the defined MS4 areas of the city. It shall not apply to the combined sewer portions of the city as follows:

(A) *General.*

(1) Major site plans, major subdivisions and conditional use plans submitted and accepted for review;

(2) Zoning use application submitted and accepted for review for uses that do not require a building permit;

(3) Valid building permit issued pursuant to so long as the permit remains valid, unexpired, and unrevoked;

(4) Common law vested right established (e.g., the substantial expenditure of resources (time, labor, money) based on a good faith reliance upon having received a valid governmental approval to proceed with a project).

The section applies to the exemptions of developments and redevelopments within the defined MS4 areas of the city as follows:

(B) *Exemptions.* The requirements of this article shall not apply with respect to the following types of development or redevelopment activities:

(1) Development that cumulatively disturbs less than one acre and is not part of a larger common plan of development or sale is exempt from the provisions of this subchapter.

(2) Redevelopment or expansion that cumulatively disturbs less than one acre and is not part of a larger plan of development or sale is exempt from the provisions of this subchapter.

(3) Redevelopment or expansion that results in no net increase in built-upon area and provides equal or greater storm water control than the previous development is exempt from the provisions of this subchapter.

(4) Activities exempt from permit requirements of Section 404 of the Federal Clean Water Act, as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities) are exempt from the provisions of this subchapter.

(5) The non-MS4 portions of the city, as set forth as combined sewer areas.

(C) *No development or redevelopment until compliance and permit.*

(1) No development or redevelopment shall occur except in compliance with the provisions of this subchapter or unless exempted. No development for which a permit is required pursuant to this subchapter shall occur except in compliance with the provisions, conditions, and limitations of the permit.

(D) *Measurement and computation.*

(1) Lot area refers to the amount of horizontal land area contained inside the lot lines of a lot or site.

(Ord. O-17-22, passed 8-9-2022)

§ 50.53 RESPONSIBILITIES FOR ADMINISTRATION AND RIGHT OF ACCESS.

The city through its City Manager shall administer, implement and enforce the provisions of this subchapter. Any powers

granted or duties imposed upon may be delegated by the City Manager to persons or entities acting in the beneficial interest of or in the employ of the city.

(a) Every person who improves land or changes the contour of land in any manner shall be responsible for the protection against erosion; and for reestablishing permanent ground cover.

(b) Every such person shall be responsible for the cleaning of city streets, storm and sanitary sewers, and open channels on private land in or upon which soil or other matter has been deposited from such lands.

(c) Before any land disturbing activity, or before any building or structure is demolished, erected, constructed or reconstructed, every person proposing such development shall present an erosion and sediment control plan (Storm Water Pollution Prevention Plan - SWPPP) for protection of the site against erosion and for reestablishing permanent ground cover. The plan shall be submitted to the code enforcement board for review and approval as part of the demolition permit or building permit submittal. A demolition permit or a building permit shall not be issued to such person prior to approval of the erosion and sediment control plan.

(d) No erosion and sediment control plan is required for the following activities:

- Any emergency activity that is immediately necessary for the protection of life, property, or natural resources;

- Existing nursery and agricultural operations conducted as a main or accessory use;

- Any activity disturbing one acre or less of land. For these small sites, certain minimum erosion control requirements shall apply as defined in the city's erosion and sedimentation ordinance and/or any applicable zoning ordinance and/or subdivision regulations.

(e) The city shall be permitted to enter and inspect lands and facilities subject to regulation under this subchapter as often as may be necessary to determine compliance with this subchapter.

(f) In addition to all other remedies, and after such time as the codes administrator shall have determined a failure of a developer or builder to comply with this section, the codes administrator may institute an injunction, mandamus, or appropriate action or proceeding in any court of competent jurisdiction to prevent the work or occupancy of such building, structure or land.

(Ord. O-17-22, passed 8-9-2022)

§ 50.54 ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this subchapter are minimum standards; therefore, this subchapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(Ord. O-17-22, passed 8-9-2022)

§ 50.55 DESIGN MANUAL.

(A) *Reference to Design Manual.*

The city shall use the policy, criteria, and information, including technical specifications and standards, in the Design Manual as the basis for decisions about storm water management permits and about the design, implementation and performance of structural and non-structural storm water BMPs.

The Design Manual includes a list of acceptable storm water treatment practices, including the specific design criteria for each storm water practice. Storm water treatment practices that are designed and constructed in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards of this subchapter and the Phase II laws. Failure to construct storm water treatment practices in accordance with these criteria may subject the violator to a civil penalty as described in § 50.99 of this subchapter.

(B) *Relationship of Design Manual to other laws and regulations.* If the specifications or guidelines of the Design Manual are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the Design Manual, including but not limited to any law or regulation of the Kentucky Division of Water.

(C) *Changes to standards and specifications.* Standards, specifications, guidelines, policies, criteria, or other information in the Design Manual in effect at the time of acceptance of a complete application shall control and shall be utilized in reviewing the application and in implementing this subchapter with regard to the application.

(D) *Amendments to Design Manual.* The Design Manual may be updated and expanded from time to time, based on advancements in technology and engineering, improved knowledge of local conditions, or local monitoring or maintenance experience.

(Ord. O-17-22, passed 8-9-2022)

§ 50.56 RELATIONSHIP TO OTHER LAWS, REGULATIONS AND PRIVATE AGREEMENTS.

(A) *Conflict of laws.* This subchapter is not intended to modify or repeal any other ordinance, rule, regulation or other

provision of law. The requirements of this subchapter are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this subchapter imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare, shall control.

(B) *Private agreements.* This subchapter is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this subchapter are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this subchapter shall govern. Nothing in this subchapter shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not legitimize any failure to comply with this subchapter. In no case shall the city be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

(Ord. O-17-22, passed 8-9-2022)

§ 50.57 APPLICATIONS FOR REVIEW AND APPROVAL.

(A) *Permit required: must apply for permit.* A storm water management permit is required for all development and redevelopment unless exempt pursuant to this subchapter. A permit may only be issued subsequent to a properly submitted, reviewed and approved permit application, pursuant to this section. The content and form of the permit shall be established by the Office of the Covington City Manager.

(B) *Concept plan and consultation meeting.* Before a storm water management permit application is submitted, the landowner, the landowner's duly authorized agent or anyone having interest in the property by reason of a written contract with the owner may request consultation(s) on a concept plan for the post-construction storm water management system to be utilized in the proposed development project. This consultation meeting(s) should take place at the time of the preliminary plan of the subdivision or other early step in the development process. The purpose of this meeting(s) is to discuss the post-construction storm water management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential approaches to storm water management designs before formal site design engineering is commenced. Local watershed plans and other relevant resource protection plans may be consulted in the discussion of the concept plan.

At the time of concept plan submittal, the following information should be included in the concept plan, which should be submitted in advance of the meeting as specified in the Administrative Manual:

(1) *Existing conditions/proposed site plans.* Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys; boundaries of existing predominant vegetation and proposed limits of clearing and grading; proposed open space area; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.

(2) *Natural resources inventory.* A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, geologic features, topography, wetlands, and native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic system setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.

(3) *Storm water management system concept plan.* A written or graphic concept plan of the proposed post-construction storm water management system including: preliminary selection and location of proposed structural storm water controls; low impact design elements; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of proposed open space areas; location of all floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.

(C) *Storm water management permit application.* The Storm Water Management Permit Application shall detail how post-construction storm water runoff will be controlled and managed and how the proposed project will meet the requirements of this subchapter. All such plans submitted with the application shall be prepared by a registered Kentucky professional engineer or landscape architect. The engineer or landscape architect shall perform services only in their area of competence and shall verify that the design of all storm water management facilities and practices meets the submittal requirements for complete applications, that the designs and plans are sufficient to comply with applicable standards and policies found in the Design Manual, and that the designs and plans ensure compliance with this subchapter.

The submittal shall include all of the information required in the submittal checklist established by the city.

(D) *As-built plans and final approval.* The applicant shall certify that the completed project is in accordance with the approved storm water management plans and designs and shall submit actual “as-built” plans for all storm water management facilities or practices after final construction is completed. Failure to provide approved as-built plans within the time frame specified by the city may result in assessment of penalties as specified by the City Code Enforcement Board. At the discretion of the Code Enforcement Board, performance securities or bonds may be required for storm water management facilities or practices until as-built plans are approved.

As-built plans shall show the final design specifications for all storm water management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed. The designer of the storm water management measures and plans shall certify, under seal, that the as-built storm water measures, controls, and

devices are in compliance with the approved storm water management plans and designs and with the requirements of this subchapter.

Final as-built plans and a final inspection and approval by the city are required before a project is determined to be in compliance with this subchapter. At the discretion of the city, certificates of occupancy may be withheld pending receipt of as-built plans and the completion of a final inspection and approval of a project.

(E) *Establishment of application requirements, schedule, and fees.*

(1) *Application contents and form.* The city shall establish requirements for the content and form of all applications and shall amend and update those requirements from time to time. At a minimum, the storm water management permit application shall describe in detail how post- construction storm water runoff will be controlled and managed, the design of all storm water facilities and practices, and how the proposed project will meet the requirements of this subchapter.

(2) *Submission schedule.* The city shall establish a submission schedule for applications. The schedule shall establish deadlines by which complete applications must be submitted for the purpose of ensuring that there is adequate time to review applications and that the various stages in the review process are accommodated.

(3) *Permit review fees.* The city shall establish permit review fees as well as policies regarding refund of any fees upon withdrawal of an application and may amend and update the fees and policies from time to time.

(4) *Administrative manual.* For applications required under this subchapter, the city shall compile the application requirements, submittal checklist, submission schedule, fee schedule, maintenance agreements, a copy of this subchapter, and where to obtain the Design Manual, as well as other information and materials necessary for the effective administration of this subchapter. This Administrative Manual shall be made available to the public.

(F) *Review.* Within 30 working days after a complete application is submitted, the city shall review the application and determine whether the application complies with the standards of this subchapter.

(1) *Approval.* If the city finds that the application complies with the standards of this subchapter, the application shall be approved and a storm water management permit issued to the applicant. Conditions of approval may be imposed as needed to ensure compliance with this subchapter. The conditions shall be included in the permit as part of the approval.

(2) *Fails to comply.* If the city finds that the application fails to comply with the standards of this subchapter, the city shall notify the applicant and shall indicate how the application fails to comply. The applicant shall have an opportunity to submit a revised application.

(3) *Revision and subsequent review.* A complete revised application shall be reviewed by the city within 15 working days after its resubmittal and shall be approved, approved with conditions or disapproved.

If a revised application is not re-submitted within 60 calendar days from the date the applicant was notified, the application shall be considered withdrawn, and a new submittal for the same or substantially the same project shall be required along with the appropriate fee.

Approval authorizes the applicant to go forward with only the specific plans and activity authorized in the permit. The approval shall not be construed to exempt the applicant from obtaining other applicable approvals from local, state, and federal authorities.

(4) *Time limit/expiration.* A Storm Water Management Permit and accompanying plan approved under the provisions of this subchapter shall remain valid for a period of three years from the date of approval. If no work on the site in furtherance of the plan has commenced within the three-year period, the permit and plan approval will become null and void and a new application will be required to develop the site. If work on the site in furtherance of the plan has commenced that involves any utility installations or street improvements except grading, the permit and plan shall remain valid and in force and the project may be completed in accordance with the approved plan.

(Ord. O-17-22, passed 8-9-2022)

§ 50.58 DEED RECORDATION AND INDICATIONS ON PLAT.

The approval of the storm water management permit shall require an enforceable restriction on property usage that runs with the land, such as plat, recorded deed restrictions or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans. Streams and buffer boundaries including the delineation of each buffer zone must be specified on all surveys and record plats. The applicable operations and maintenance agreement pertaining to every structural BMP shall be referenced on the final plat and shall be recorded with the Kenton County Clerk upon final plat approval. If no subdivision plat is recorded for the site, then the operations and maintenance agreement shall be recorded with the Kenton County Clerk's Office so as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles. A copy of the recorded maintenance agreement shall be provided to the city within 14 days following receipt of the recorded document. A maintenance easement shall be recorded for every structural BMP to allow sufficient access for adequate maintenance. The specific recordation and deed restriction requirements as well as notes to be displayed on final plats and deeds shall be contained in the Design Manual.

(Ord. O-17-22, passed 8-9-2022)

§ 50.59 DEDICATION OF BMPS, FACILITIES AND IMPROVEMENTS.

The city will not accept dedication of any existing or future storm water management facility for maintenance but may, in its discretion to promote safety and health, and provided such facility meets all the requirements of this subchapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance. Procedures for acceptance of BMPs are provided in the Design Manual and/or Administrative Manual.

(Ord. O-17-22, passed 8-9-2022)

§ 50.60 VARIANCES.

(A) Any person may petition the city for a variance granting permission to use the person's land in a manner otherwise prohibited by this subchapter. To qualify for a variance, the petitioner must show all of the following:

(1) Unnecessary hardships would result from strict application of this subchapter.

(2) The hardships result from conditions that are peculiar to the property, such as the location, size, or topography of the property.

(3) The hardships did not result from actions taken by the petitioner.

(4) The requested variance is consistent with the spirit, purpose, and intent of this subchapter; will secure public safety and welfare; and will preserve substantial justice.

(B) The city may impose reasonable and appropriate conditions and safeguards upon any variance it grants.

(Ord. O-17-22, passed 8-9-2022)

§ 50.61 GENERAL STANDARDS FOR MAINTENANCE.

(A) *Function of BMPs as intended.* The owner of a structural BMP installed pursuant to this subchapter shall maintain and operate the BMP so as to preserve and continue its function in controlling storm water quality and quantity at the degree or amount of function for which the structural BMP was designed.

(B) *Annual maintenance inspection and report.* The person responsible for maintenance of any BMP installed pursuant to this subchapter shall submit to the city an inspection report from a qualified registered Kentucky professional engineer or landscape architect performing services only in their area of competence. The inspection report shall contain all of the following:

(1) The name and address of the land owner;

(2) The recorded book and page number of the lot of each structural BMP;

(3) A statement that an inspection was made of all structural BMPs;

(4) The date the inspection was made;

(5) A statement that all inspected structural BMPs are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this subchapter; and

(6) The original signature and seal of the engineer, surveyor, or landscape architect.

All inspection reports shall be on forms supplied by the Code Enforcement Board that are contained in the Administrative Manual. An original inspection report shall be provided to the Code Enforcement Board beginning one year from the date of as-built certification and each year thereafter on or before the anniversary date of the as-built certification.

(Ord. O-17-22, passed 8-9-2022)

§ 50.62 OPERATION AND MAINTENANCE AGREEMENT.

(A) *General.* At the time that as-built plans are provided to the city as described in § 50.57 and prior to final approval of a project for compliance with this subchapter, but in all cases prior to placing the BMPs in service, the applicant or owner of the site must execute an operation and maintenance agreement that shall be binding on all current and subsequent owners of the site, portions of the site, and lots or parcels served by the structural BMP. Failure to execute an operation and maintenance agreement within the time frame specified by the Code Enforcement Board may result in assessment of penalties. Until the transference of all property sites or lots served by the structural BMP, the original owner or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement. At the discretion of the Code Enforcement Board, certificates of occupancy may be withheld pending receipt of an operation and maintenance agreement.

The operation and maintenance agreement shall require the owner or owners to maintain, repair and, if necessary, reconstruct the structural BMP, and shall state the terms, conditions, and schedule of maintenance for the structural BMP. In addition, it shall grant to the city a right of entry in the event that there is reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the structural BMP; however, in no case shall the right of entry, of itself, confer an obligation on the city to assume responsibility for the structural BMP.

Standard operation and maintenance agreements for BMPs shall be developed by the city and made available in the Design Manual. The operation and maintenance agreement must be approved by the city prior to plan approval, and it shall be referenced on the final plat and shall be recorded by the applicant or owner with the Kenton County Clerk's Office

Register of Deeds upon final plat approval as described in § 50.60. A copy of the recorded maintenance agreement shall be given to the city within 14 days following its recordation.

(B) *Special requirement for homeowners' and other associations.* For all structural BMPs required pursuant to this subchapter and that are to be or are owned and maintained by a homeowners' association, property owners' association, or similar entity, the required operation and maintenance agreement shall include the provisions described in the Design Manual.

(Ord. O-17-22, passed 8-9-2022)

§ 50.63 INSPECTION PROGRAM.

Inspections and inspection programs by the city may be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in BMPs; and evaluating the condition of BMPs.

If the owner or occupant of any property refuses to permit such inspection, the city shall proceed to obtain an administrative search warrant from the applicable administrative agency and/or Court.

(Ord. O-17-22, passed 8-9-2022)

§ 50.64 PERFORMANCE SECURITY FOR INSTALLATION AND MAINTENANCE.

The city may require the submittal of a performance security or bond with surety, cash escrow, letter of credit or other acceptable legal arrangement prior to issuance of a permit in accordance with the provisions contained in the Design Manual.

(Ord. O-17-22, passed 8-9-2022)

§ 50.65 RECORDS OF INSTALLATION AND MAINTENANCE ACTIVITIES.

The owner of each structural BMP shall keep records of inspections, maintenance, and repairs for at least five years from the date of creation of the record and shall submit the same upon reasonable request to the city.

(Ord. O-17-22, passed 8-9-2022)

§ 50.66 NUISANCE.

The owner of each BMP, whether structural or non-structural, shall maintain it so as not to create a nuisance condition.

(Ord. O-17-22, passed 8-9-2022)

§ 50.67 MAINTENANCE EASEMENT.

Every structural BMP installed pursuant to this subchapter shall be made accessible for adequate inspection, maintenance, reconstruction and repair by a maintenance easement. The easement shall be recorded as described in § 50.61; its terms shall specify who may make use of the easement and for what purposes,

(Ord. O-17-22, passed 8-9-2022)

§ 50.68 ALTERNATIVE REMEDIES.

(A) *Legal proceedings; notification of Kentucky Division of Water.*The city may pursue appropriate legal proceedings for the enforcement of this subchapter, and the city shall be entitled to recover its costs expended and reasonable attorney's fees in such proceedings. If the person, property, or facility has or is required to have a stormwater discharge permit from KDOW, the city shall notify the appropriate state authorities of the violation.

(B) *Revocation of permit, improvement or development plans.*Permits, improvement plans or development plan approvals may be revoked for any substantial departure from the approved plans thereby resulting in an illicit discharge as defined herein.

(C) *Stop Work Orders.* For violations involving active construction sites, the city's officers/agents may issue a Stop Work Order and require that all activities cease, except those actions that are necessary to eliminate the illicit discharge.

(D) *Suspension of MS4 access due to illicit discharges in emergency situations.*The city may, without prior notice, suspend MS4 discharge access when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, to the MS4, or to waters of the United States, If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the MS4, or waters of the United States, or to minimize danger to persons.

(E) *Suspension of MS4 access due to the detection of illicit discharge.*Any entity discharging to the MS4 or any conveyance in violation of this subchapter may have its MS4 access terminated if such termination would abate or reduce an

illicit discharge. The city shall require the violator to disconnect access to the MS4 at their cost or take corrective action to eliminate the source of the illicit discharge. Reinstatement of MS4 access to premises terminated pursuant to this subchapter without the prior approval of the city constitutes a violation.

(Ord. O-17-22, passed 8-9-2022)

§ 50.69 INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this subchapter. If a person has violated or continues to violate the provisions of this subchapter, the Code Enforcement Board may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

(Ord. O-17-22, passed 8-9-2022)

§ 50.70 COMPENSATORY ACTION.

In lieu of enforcement proceedings, penalties, and remedies authorized by this subchapter, the Code Enforcement Board may impose upon violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

(Ord. O-17-22, passed 8-9-2022)

§ 50.71 VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this subchapter is a threat to public health, safety and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

(Ord. O-17-22, passed 8-9-2022)

§ 50.99 PENALTY.

(A) Violations of the rules and regulations set forth in this chapter shall constitute a civil offense and an enforcement officer may issue a citation to the person found to be in violation of these sections of the chapter, in accordance with the applicable procedures set forth in Ch. 92 of this code of ordinances. In the event a citation is issued, the citation shall bear a civil penalty in accordance with the fines established in division (B) below, the costs of abatement, or both.

(B) Violations of this chapter which have been designated as enforceable as civil offenses shall be subject to a fine of $250 and a maximum civil fine of $500 if the citation is contested in accordance with the applicable procedures set forth in Ch. 92 of this code of ordinances. Each day shall be considered a separate offense.

(C) The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the city to seek cumulative remedies. The city may recover all attorney's fees, court costs and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses.

(1984 Code, § 50.99) (Ord. O-83-85, passed 12-3-1985; Ord. O-7-87, passed 2-17-1987; Ord. O-54-90, passed 10-30-1990; Ord. O-13-94, passed 4-12-1994; Ord. O-14-22, passed 8-9-2022)

CHAPTER 51: URBAN FORESTRY

Section

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§ 51.01 PURPOSE AND INTENT.

(A) The purpose of this chapter is to establish a Covington Urban Forestry Program and a Covington Urban Forestry Board (UFB). The Public Works Department through the Covington Urban Forestry Program shall promote and protect the public health, safety and general welfare, and further shall accentuate the scenic, cultural, historical and aesthetic attributes of the city by providing policies, regulations and standards relevant for establishing, maintaining and preserving desirable trees, shrubs and other plants under the city's jurisdiction.

(B) The intent of this chapter is to:

(1) Promote public safety by reducing public nuisances caused by the improper planting, maintenance or removal of trees, shrubs and other plants;

(2) Articulate an image for the city by enhancing the city's physical appearance by using trees architecturally to provide space definition and landscape continuity;

(3) Promote value, protection, management and enhancement of the urban forest resources;

(4) Advocate for the establishment and retention of efficient and appropriate tree planting spaces; and

(5) Support the city's landscape regulations and promote arboriculture in the city.

(Ord. O-20-20, passed 9-15-2020)

§ 51.02 DEFINITIONS.

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

ANNUAL REPORT. A report prepared by the Director of Public Works Director and/or Urban Forester to help evaluate performance of the Urban Forest Program.

ARBOR DAY. A U.S. spring holiday observed in some cities by celebrating trees.

ARBORICULTURE. The cultivation of trees, shrubs and/or plants.

BMPs. Best management practices, regarding public arboriculture, shall govern species selection, planting practices, care, maintenance, pruning and removal of trees, shrubs and other plants.

CALIPER. Diameter measurement of the trunk taken six inches above ground level for trees up to and including four-inch caliper size. Measurement shall be taken 12 inches above the ground level for larger trees.

CERTIFIED ARBORIST. An individual who has achieved a level of knowledge in the art and science of tree care through at least three years of experience and who has passed a comprehensive examination administered by the International Society of Arboriculture.

CITY. The City of Covington. Kentucky.

CITY COMMISSION. The Board of Commissioners of the City of Covington. Kentucky

CRITICAL ROOT ZONE (CRZ). The ***CRZ*** will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one and one-half times the number of inches of the trunk diameter, measured at four and one-half inches above the ground line. The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival.

HAZARD TREE. Any tree that poses a high risk of damage to persons or property, such as a dead or dying tree.

LANDMARK TREE. A tree which has special significance because one or more of the following criteria may apply: rare species; old age; size; location; association with an historical event or person; scenic enhancement; or unique characteristics designated by the Landmark Tree Program.

LARGE TREE. Any tree having a height of 30 feet or more.

LINE CLEARANCE. Removal of limbs and branches growing within a set distance of utility distribution lines.

PAVED AREA. Any ground surface covered with concrete, asphalt, stone, gravel, brick or other paving material.

PRIVATE ARBORICULTURE. Any trees, shrubs and other plants on private property (nonpublic arboriculture).

PRUNING. Selective removal and thinning of a tree or shrub, taking into account the shape and natural structure of the plant.

PUBLIC ARBORICULTURE. Any trees, shrubs and other plants in, on or along (except on private property) any public street, sidewalk, right-of-way, easement and in any park or other public place owned by the city.

PUBLIC NUISANCE. Any tree, shrub or other plant material with an infectious disease or insect problem; any tree, shrub or other plant that obstructs street lights, traffic signs or the free passage of pedestrians or vehicles; a tree that has been repeatedly topped or otherwise abused or vandalized; a tree or vine growing into power lines and transformers.

SHRUB. Any woody plant with a multiple stem capable of growing to a height of up to 15 feet.

TOPPING. Any pruning practice that results in cutting back limbs, within the tree's crown, leaving stubs, so as to remove the normal canopy with inadequate regard for the natural structure of the tree.

TREE. Any woody plant with a single trunk, or multiple trunks capable of growing to a height of 15 feet or more.

TREE CITY USA. A special recognition given by the National Arbor Day Foundation when a city meets certain requirements regarding urban forestry activities.

URBAN FORESTER. A qualified individual, who is preferably a certified arborist or who has knowledge of arboriculture with a background in forestry, horticulture or landscape architecture, designated by the City Manager to perform the duties of the ***URBAN FORESTER***, as those duties are set forth in the job description adopted by the City Commission, and to administer the Urban Forestry Program.

(Ord. O-20-20, passed 9-15-2020)

§ 51.03 JURISDICTION AND SCOPE OF AUTHORITY.

(A) The city shall have jurisdiction of all trees, shrubs and other plants in, on or along (except on private property) any public street, sidewalk, right-of-way, easement and in any park or other public place owned by the city ("public arboriculture"). The city shall have the power to cause or prohibit the planting, maintenance, removal and replacement of such trees, shrubs and other plants. This chapter shall not regulate trees, shrubs or other plants located on private property. The city may have separate regulatory powers over trees under additional city ordinances, including, but not limited to, the city's zoning and subdivision ordinances.

(B) The UFB will advise and make recommendations to the city's Board of Commissioners regarding issues as they relate to the city's urban forest.

(C) The Covington Urban Forestry Program ("the Program") and the UFB will promote, but not regulate, the stewardship of trees, shrubs and other plants upon private property within the city limits.

(Ord. O-20-20, passed 9-15-2020)

§ 51.04 URBAN FORESTRY PROGRAM.

(A) *Policy.* It shall be the policy of the Urban Forestry Program to:

(1) Encourage the establishment of large trees to the extent practicable and aesthetically pleasing;

(2) Encourage new tree plantings on public and private property to ensure a rich and diverse urban forest into perpetuity;

(3) Encourage proper tree care to maintain safe and healthy trees;

(4) Provide flexibility in tree selection and planting based on site conditions, zoning and objectives;

(5) Make every effort to replace or repair public facilities without removing or damaging adjacent trees; and

(6) Annually coordinate the city's Arbor Day proclamation, and observance, in order to retain Tree City USA status.

(B) *Responsible official.* The Urban Forester, or other person designated by the City Manager, shall be the responsible official for administering the Urban Forestry Program. The UFB and the City Department of Public Works shall provide advice and assistance to the Urban Forester in carrying out his or her duties. Responsibilities of the Urban Forester shall be identified in the corresponding position description.

(C) *Coordination.* The Urban Forester and other city departments shall endeavor to share plans, specifications, requests, ideas, and other data affecting the city's urban forest, in a timely and cooperative manner, to provide for coordination and the most feasible use of all public lands and resources.

(D) *Performance evaluation.*

(1) The Urban Forester shall collect and maintain all records and data necessary to objectively evaluate progress toward the purpose, intent and goals of the Urban Forestry Program. The Urban Forester shall prepare an annual report. The report shall be submitted to the UFB for approval and then presented to the Director of Public Works. The annual report shall be submitted to the Mayor and City Commissioners.

(2) The annual report shall include:

(a) The number, location and type of projects subject to the Urban Forest Program;

(b) The number of trees planted and removed;

(c) The cost of the Urban Forest Program;

(d) Opportunities for improvement of the Urban Forestry Program; and

(e) Progress towards the goals of the Urban Forestry Master Plan.

(Ord. O-20-20, passed 9-15-2020)

§ 51.05 URBAN FORESTRY BOARD.

See §§ 32.080 through 32.084 of this code of ordinances.

(Ord. O-20-20, passed 9-15-2020)

§ 51.06 URBAN FORESTRY BEST MANAGEMENT PRACTICES.

(A) In an effort to establish and maintain a healthy and sustainable urban forest, and to ensure public health and safety, the Urban Forester, with the advice and assistance of the UFB, shall develop and adopt the Covington Urban Forestry Best Management Practices (BMPs).

(B) The Covington Urban Forestry BMPs shall govern species selection, planting practices, care, maintenance, pruning and removal of public arboriculture. The BMPs shall be based on the most current edition of the *International Society of Arborist Standards for Tree Care* or other nationally recognized standard.

(C) The BMPs shall be reviewed and updated as necessary by the Urban Forester.

(D) The BMPs shall be adopted by order of the Commission before going into effect.

(Ord. O-20-20, passed 9-15-2020)

§ 51.07 URBAN FORESTRY MASTER PLAN.

Effective and sustained stewardship of the urban forest can be accomplished only on the basis of a comprehensive urban forest plan.

(A) The Urban Forester, with the advice and assistance of the Board and the City Department of Public Works, shall prepare the Covington Urban Forestry Master Plan (UFMP) for adoption by the City Commission. The process for developing the UFMP shall:

(1) Include an assessment of the current condition of the urban forest;

(2) Create a vision and goals that incorporate community values;

(3) Consider and reference existing plans that relate to trees, including the city's landscape regulations; and

(4) Include strategies and activities for achieving the envisioned urban forest, i.e., specific guidance to agencies and the public by developing education programs, establishing continuous and consistent tree care practices, identifying funding priorities and opportunities, and assuring that all needs of the urban forest are recognized and addressed.

(B) The UFMP, or any amendments thereto, shall be forwarded to City Commission for review and recommendations before adoption.

(C) The Urban Forester, with the advice and assistance of the Public Works Department, shall collect and maintain all records and data necessary to objectively evaluate progress in attaining stated goals of the UFMP.

(Ord. O-20-20, passed 9-15-2020)

§ 51.08 PUBLIC EDUCATION AND OUTREACH.

(A) The Urban Forester, with the advice and assistance of the UFB and city departments, shall develop and conduct educational and outreach programs for the public, promoting the benefits and BMPs of the urban forest.

(B) The Urban Forester, with the advice and assistance of the UFB and the Public Works Department, shall promote trees as essential infrastructure with inherent value to the city. As infrastructure, trees shall require consideration when designing and engineering public and private development projects, and when planning the development and management of the city.

(C) The Urban Forestry Program's outreach shall include, but not be limited to:

(1) Fostering an understanding of the benefits of the urban forest;

(2) Promoting public understanding of city tree programs, policies, regulations and standards;

(3) Working through the City Manager or his or her designee and the media to bring urban forestry concerns and information to the public;

(4) Facilitating presentations, programs and other outreach to property owners, business council, tree care professionals, schools and others who may have an interest; and

(5) Promoting special events such as a city- wide Arbor Day celebration.

(Ord. O-20-20, passed 9-15-2020)

§ 51.09 LANDMARK TREE PROGRAM.

The Urban Forester, with advice and assistance of the UFB and Public Works Department, shall develop and implement the city's Landmark Tree Program.

(A) The Landmark Tree Program shall recognize the significance of landmark trees, and designate such trees on public and on private property. A tree on private property may be designated a landmark tree if it is prominently visible to the public along major roads or public places, or if it is nominated for such a recognition. A tree may qualify as a landmark tree if it meets one or more of the following criteria:

(1) Has historical significance to a person, place or event;

(2) Has attained significant size in height, caliper or canopy spread for its age and species;

(3) Has significance because of its age;

(4) Has special aesthetic qualities for its species and/or is of specials importance to the city;

(5) Possesses rare horticulture value; and

(6) It is not a hazard.

(B) Landmark trees under the city's jurisdiction shall be given special consideration regarding maintenance, protection and removal.

(C) Preservation of landmark trees on private property shall not be regulated but shall be guided.

(Ord. O-20-20, passed 9-15-2020)

§ 51.10 PUBLIC HEALTH AND SAFETY.

(A) *Hazard trees and public nuisances.*

(1) Any tree that poses a high risk of damage to persons or property shall constitute a hazard tree. The standard for rating the degree of hazard of a tree shall be the International Society of Arboriculture's Tree Risk Assessment Manual. Reference copies of the International Society of Arboriculture's Tree Risk Assessment Manual will be made available in the office of the City Clerk, and the Public Works Department.

(2) Any tree, shrub or other plant interfering with public or private utilities, or which interferes with or restricts the full use or visibility of any public street, sidewalk, alley or intersection to any person lawfully using such right-of-way shall constitute a public nuisance. A public nuisance may further include any tree, shrub or other plant on public or private property that harbors insects or disease infestations that may readily spread to infect and cause permanent harm to neighboring arboriculture.

(3) The Urban Forester shall manage or eliminate any public arboriculture that constitutes a hazard or a public nuisance as determined through the city's nuisance ordinances.

(Ord. O-20-20, passed 9-15-2020)

§ 51.11 PERMIT REQUIRED FOR ACTIVITIES INVOLVING PUBLIC ARBORICULTURE.

(A) *Permit required.* It shall be unlawful for any person, partnership, corporation or other legal entity, including a public or private utility and a city, county or state, or any employee thereof, to plant, remove, prune, trim, treat, damage or disrupt public arboriculture, above ground or within the critical root zone, without first having obtained a public arboriculture permit to do so from the Public Works Department of the city.

(B) *Permits generally.* Permits are not required for work performed on public arboriculture by city employees, or for public utilities that follow the requirements of division (E) below. Permits are also not required for watering or mulching street trees, but these should also be done in accordance with the city's best management practices.

(C) *Permit requirements.*

(1) (a) Application for a permit shall be made on forms prescribed by the Public Works Director and submitted a minimum of ten business days prior to any proposed work. The application shall contain:

1. The name, mailing address and contact information for the applicant;

2. A statement or plan identifying the location and scope of work for the proposed planting, removal, pruning,

trimming, treatment or changes to the immediate area of public arboriculture;

3. A digital image of the impacted area under the proposed work plan;

4. The name and address of the owner of any abutting property;

5. The name and qualifications of the individual doing the work;

6. The protective measures that will be utilized to minimize damage to the public arboriculture being addressed;

7. Identification of any overhead utilities in the work zone; and

8. Any other pertinent information which the Public Works Department may require.

(b) Permit applications will be evaluated utilizing the city's most recent best management practices document. Reference copies of the best management practices will be on hand in the City Clerk's office, the Public Works Department and posted to the city's website.

(2) The Public Works Department, before issuing any permit, shall determine that the workmanship and method proposed in the permit application are satisfactory.

(3) Work authorized by said permit shall be completed within the time specified and in the manner described.

(4) Any permit shall be void if any of its terms are violated and the civil fines prescribed in this chapter may be applied.

(5) Failure to comply with any of these standards and conditions shall be adequate grounds for the denial of a permit application.

(D) *Denied permit appeal process.*

(1) Upon determining that an application for permit is to be denied, the Urban Forester shall state the basis for such denial in writing, including the criteria upon which the denial is predicated.

(2) All applicants for permits under the provisions of this chapter shall have the opportunity to submit a written appeal, to the Public Works Director within five business days of the initial permit denial. The Public Works Director will have five business days for a response on the appeal.

(3) A hearing before the City Manager, or his or her designee, may be requested, if the Public Works Director upholds the initial denial. All hearing requests must be submitted within five business days of the Public Works Directors decision. The hearing shall be held within 30 days of the request. Utilizing the decision making criteria of this chapter, the City Manager, or his or her designee, shall weigh the testimony and evidence submitted by the appellant and the Urban Forester, and uphold, reverse or remand to the Urban Forester for further consideration stipulating certain facts.

(4) A hearing before the Board of Commissioners may be requested, if the City Manager, or his or her designee, upholds the initial denial. All hearing requests must be submitted to the City Clerk with a copy to the City Solicitor within five business days of decision by the City Manager, or his or her designee. The hearing shall be held within 30 days of the request. Utilizing the decision-making criteria of this chapter, the Board of Commissioners shall weigh the testimony and evidence submitted by the appellant and the Urban Forester, and uphold, reverse or remand to the City Manager for further consideration stipulating certain facts.

(E) *Limited permitting exceptions.*

(1) *Emergency removal or pruning.* In the case of emergencies, if immediate removal or pruning is required to protect the health and safety of the public or to restore order in the city, work to mitigate the immediate hazard may be performed on public trees, shrubs and other plants under the city's jurisdiction without a permit. Only the work required to remove the immediate hazard shall be performed and the Urban Forester shall be notified as soon as possible. Decisions regarding any further work shall be made by the Urban Forester.

(2) *Limited permitting exception for utilities.* Public and private utilities operating under the jurisdiction of their respective city franchise agreements or contracts with the city may, without a public arboriculture permit, perform such maintenance and construction, including street tree pruning, as may be required to provide utility service in the city or comply with the public safety regulations under which they operate. However, a utility must notify the Urban Forester of such work at least ten working days before undertaking the work, unless an emergency exists. Work in, on and around the public arboriculture shall conform to the Urban Forestry BMPs and any other applicable public arboriculture regulations related to public or private utilities. The Public Works Director shall have the authority to stop or modify any work in, on or around the public arboriculture that does not conform to these BMPs. Nothing in this division (E)(2) shall be construed to waive requirements for any other permits applicable to maintenance and construction involving or impacting public arboriculture.

(3) *Road and/or sidewalk projects.* Individual permits will not be required for city, county or state road and/or sidewalk projects as long as tree preservation and protection requirements, conforming to the urban forestry BMPs, are included in the project plans.

(Ord. O-20-20, passed 9-15-2020) Penalty, see § 51.99

§ 51.12 QUALIFICATIONS FOR PERFORMING WORK ON PUBLIC ARBORICULTURE.

Any landscaping or tree service contractor engaged in the business of planting, removing, pruning, trimming or treating

public arboriculture shall have a city business license, including proof of appropriate liability insurance on file. Such contractor shall be an arborist certified by the International Society of Arboriculture (ISA) or have on staff an ISA-certified arborist who will oversee all tree-related work. Such contractor shall coordinate all proposed work with these trees, shrubs and other plants with the Urban Forester and shall follow the urban forestry BMPs.

(Ord. O-20-20, passed 9-15-2020)

§ 51.13 GENERAL ARTICLES.

(A) *Liability disclaimer.* Nothing contained in this chapter shall be deemed to impose any liability upon the city, its officers or employees, nor relieve the owner of any private property from his or her duty to keep any tree, shrub or other plant on or over his or her property or under his or her control in such condition as to prevent it from constituting a hazard or public nuisance within the city.

(B) *Noninterference.* No person, partnership or other legal entity shall interfere with persons acting under city authority while engaged in the inspection, planting, pruning, treatment or removal of any public arboriculture.

(Ord. O-20-20, passed 9-15-2020)

§ 51.99 PENALTY.

(A) *Civil offense.* A violation of this chapter shall constitute a civil offense. Unless otherwise addressed in this section, any person, firm or corporation who violates any provision of this chapter, shall be subject to a civil fine or fines including abatement costs as set forth herein and in § 92.99 of this code of ordinances.

(B) *Lien.* The city shall possess a lien on property for all fines, penalties, charges, attorney's fees and other reasonable costs associated with enforcing this code and placing of a lien on a parcel of real property pursuant to this code. The lien shall be superior to and have priority over all other liens, except state, county, school board and city taxes if all legal requirements are satisfied.

(C) *Repair or replacement of trees.* As a result of the violation of any provision of this chapter, if the injury, mutilation or death of public arboriculture is caused, the cost of the repair or replacement of such tree, shrub or plant shall be assessed as abatement costs and included in the final civil fine to be borne by the party in violation by the Code Enforcement Board. Replacement value of the public arboriculture shall be determined in accordance with the latest revision of the *Guide for Plant Appraisal*, published by the International Society of Arboriculture. Reference copies of the *Guide for Plant Appraisal* will be made available in office of the City Clerk, and the Public Works Department.

(D) *Hazardous trees and public nuisances.* In the event that a hazardous tree or public nuisance is not abated by the date specified in any citation or final unappealable order of the Code Enforcement Board, the city may abate the hazard or nuisance. The reasonable cost of such abatement shall be filed as a lien against the property on which the hazard or nuisance was located. In addition, the owner of the property on which the hazard or nuisance was located shall be subject to the civil fines set forth above.

(E) *Code Enforcement Board power.* The City Code Enforcement Board shall have power to issue remedial orders, determine the imposition of reasonable abatement costs and impost civil fines to enforce this section. Enforcement of this section shall be in accordance with the procedures outlined in the Code Enforcement Board guidelines located in §§ 92.16 through 92.23 of this code of ordinances. Civil fines for violations of this section shall be those set forth in § 92.99. The city shall possess a lien on property, real or personal, for all fines, penalties, charges, attorney's fees and other reasonable costs associated with enforcing this code, and the cost of placing of a lien on a personal or real property pursuant to this code.

(Ord. O-20-20, passed 9-15-2020)

TITLE VII: TRAFFIC CODE

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CHAPTER 70: GENERAL PROVISIONS

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GENERAL PROVISIONS

§ 70.01 DEFINITIONS.

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

ALL-TERRAIN VEHICLE. Any motor vehicle for off-road use, which is 50 inches or less in width; has a dry weight of 600 pounds or less; travels on three or more low-pressure tires; is designed for operator use only with no passengers; and has a seat or saddle designed to be straddled by the operator and handle bars for steering control.

(KRS 189.010)

ALLEY or ***ALLEYWAY.*** Any public way not more than 20 feet wide affording, generally, a secondary means of vehicular access to abutting properties.

AUTHORIZED EMERGENCY VEHICLE. Vehicles of the Fire Department, police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the Chief of Police of the city.

BICYCLE. Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 20 inches in diameter.

BUSINESS DISTRICT. The territory contiguous to and including a highway when, within any 600 feet along such highway,

there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

COMMERCIAL VEHICLE. Every vehicle designed, maintained or used primarily for the transportation of property.

CONTROLLED-ACCESS HIGHWAY. Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

CROSSWALK.

(1) The part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; and

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

CURB LOADING ZONE. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

DRIVER. Every person who drives or is in actual physical control of a vehicle.

FREIGHT CURB LOADING ZONE. A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight or passengers.

HIGHWAY. Every way or place, whatever nature, when any part of it is open to the use of the public, as a matter of right, license or privilege, for the purpose of vehicular traffic.

(KRS 186.010)

IMMOBILIZE. To render a vehicle temporarily immobile by means of a wheel clamp, boot or similar device.

INTERSECTION.

(1) The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways which join one another, but do not necessarily continue, at approximately right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come into conflict; or

(2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate ***INTERSECTION***. If the intersecting highway also includes two roadways 30 feet or more apart, every crossing of two roadways of the highways shall be regarded as a separate ***INTERSECTION***. The junction of a private alley with a public street or highway shall not constitute an ***INTERSECTION***.

(KRS 189.010)

LANED ROADWAY. A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

LICENSE. Any operator's license, temporary instruction permit or temporary license issued under the laws of the state pertaining to the licensing of operators.

(KRS 187.290)

MOTOR TRUCK. Any motor-propelled vehicle designed for carrying freight or merchandise. 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.

(KRS 189.010)

MOTORCYCLE. Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

OFFICIAL TIME STANDARD. Whenever certain hours are named herein, they shall mean standard time or daylight saving time as may be in current use in the city.

OFFICIAL TRAFFIC-CONTROL DEVICES. All signs, signals, markings and devices not inconsistent with this traffic code placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

OPERATOR. The person in actual physical control of a vehicle.

(KRS 189.010)

OWNER. A person who holds the legal title of a vehicle. If a vehicle is the subject of an agreement for the conditional sale or lease, with the vendee or lessee entitled to possession of the vehicle, upon performance of the contract terms, for a

period of 365 days or more and with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or, if a mortgagor of a vehicle is entitled to possession, the conditional vendee or lessee or mortgagor shall be deemed the ***OWNER***.

(KRS 186.010)

PARK or ***PARKING.*** The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

PASSENGER CURB LOADING ZONE. A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

PEDESTRIAN. Any person afoot.

PERSON. Every natural person, firm, co- partnership, association or corporation.

POLICE OFFICER. Every officer of the Municipal Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

PRIVATE ROAD OR DRIVEWAY. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

RAILROAD. A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

RAILROAD TRAIN. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

RESIDENCE DISTRICT. The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

RIGHT-OF-WAY. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

ROADWAY.

(1) The portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder; and

(2) If a highway includes two or more separate roadways, the term***ROADWAY***, as used herein, shall refer to any such roadway separately, but not to all such roadways collectively.

(KRS 189.010)

SAFETY ZONE. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

SEMI-TRAILER. 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.

(KRS 189.010)

SHARP CURVE. A curve of not less than 30 degrees.

(KRS 189.010)

SIDEWALK. The portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

STAND or ***STANDING.*** The halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

STEEP GRADE. A grade exceeding 7%.

(KRS 189.010)

STOP or ***STOPPING.***

(1) When required, means complete cessation from movement; and

(2) When prohibited, means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

STREET or ***HIGHWAY.***

(1) The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel; and

(2) Included in this definition shall be every way in the property owned by the Housing Authority of the city.

THROUGH HIGHWAY. Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this traffic code.

TRAFFIC. Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.

TRAFFIC-CONTROL SIGNAL. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

TRAFFIC DIVISION. The Traffic Division of the Police Department of the city or, in the event a Traffic Division is not established, then the Police Department of the city.

TRAILER. Any vehicle designed to be drawn by a motor truck or truck-tractor, but supported wholly upon its own wheels, intended for the carriage of freight or merchandise and having a load capacity of over 1,000 pounds.

(KRS 189.010)

TRUCK-TRACTOR. Any motor-propelled vehicle designed to draw and to support the front end of a semi-trailer. The semi-trailer and the truck-tractor shall be considered to be one unit.

(KRS 189.010)

UNOBSTRUCTED HIGHWAY. A straight, level, first-class road upon which no other vehicle is passing or attempting to pass, and upon which no other vehicle or pedestrian is approaching in the opposite direction, closer than 300 yards.

VEHICLE. Includes all agencies for the transportation of persons or property over or upon the public highways of the commonwealth and all vehicles passing over or upon the highways. ***MOTOR VEHICLE*** includes all vehicles, as defined above, except: road rollers; road graders; farm tractors; vehicles on which power shovels are mounted; construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways; vehicles that travel exclusively upon rails; vehicles propelled by electric power obtained from overhead wires while being operated within any municipality or where the vehicles do not travel more than five miles beyond the city limits of any municipality; and vehicle propelled by muscular power.

(KRS 189.010)

(1984 Code, § 70.01) (Ord. O-34-67, passed 5-25-1967; Ord. O-51-86, passed 9-9-1986; Ord. O-7-88, passed 2-9-1988; Ord. O-47-94, passed 12-13-1994; Ord. O-4-98, passed 2-17-1998)

§ 70.02 OBEDIENCE TO POLICE AND FIRE OFFICIALS.

No person shall willfully fail or refuse to comply with any lawful order, signal or direction of a police officer or Fire Department official in the control of vehicular traffic.

(1984 Code, § 70.03) (Ord. O-23-68, passed 4-18-1968; Ord. O- -74, passed - -1974; Ord. O-34-67, passed 5-25-1967) Penalty, see § 70.99

§ 70.03 PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS.

The provisions of this traffic code shall apply to the driver of any vehicle owned by or used in the service of the United States Government, the commonwealth, county or city, and it shall be unlawful for any driver to violate any of the provisions of this traffic code, except as otherwise permitted in this traffic code or by state statute.

(1984 Code, § 70.04) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 70.99

TRAFFIC ADMINISTRATION

§ 70.15 AUTHORITY OF POLICE, FIRE DEPARTMENT OFFICIALS.

(A) It shall be the duty of the officers of the Police Department or such officers as are assigned by the Chief of Police to enforce all street traffic laws of the city and all of the state vehicle laws applicable to street traffic in the city.

(B) Officers of the Police Department or such officers as are assigned by the Chief of Police are authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(C) Officers of the Fire Department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

(1984 Code, § 70.20) (Ord. O-34-67, passed 5-25-1967)

§ 70.16 EMERGENCY AND EXPERIMENTAL REGULATIONS.

(A) The Chief of Police is empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions.

(B) No such temporary or experimental regulation shall remain in effect for more than 90 days.

(1984 Code, § 70.21) (Ord. O-34-67, passed 5-25-1967)

TRAFFIC-CONTROL DEVICES

§ 70.30 SPECIFICATIONS FOR TRAFFIC- CONTROL DEVICES.

(A) All traffic-control signs, signals and devices shall conform to the *Manual of Uniform Traffic- Control Devices*, as published by the Bureau of Highways, or resolution adopted by the legislative body of the city.

(B) All signs and signals required under this subchapter for a particular purpose shall be, as far as practicable, uniform as to type and location throughout the city.

(C) All traffic-control devices so erected and not inconsistent with the provisions of state law or this traffic code shall be official traffic-control devices.

(1984 Code, § 70.30) (Ord. O-34-67, passed 5-25-1967; Ord. O-15-05, passed 3-8-2005)

Statutory reference:

Uniform standards for traffic-control signs, see KRS 189.337

§ 70.31 OBEDIENCE TO OFFICIAL TRAFFIC-CONTROL DEVICES.

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this traffic code, unless otherwise directed by a traffic or police officer subject to the exceptions granted in this traffic code to the driver of an authorized emergency vehicle.

(1984 Code, § 70.31) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 70.99

§ 70.32 PRESUMPTION OF LEGALITY.

(A) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this traffic code, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(B) Any official traffic-control device placed pursuant to the provisions of this traffic code and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this traffic code, unless the contrary shall be established by competent evidence.

(1984 Code, § 70.32) (Ord. O-34-67, passed 5-25-1967)

§ 70.33 PEDESTRIAN-CONTROL SIGNAL.

Whenever special pedestrian-control signals exhibiting the words “walk” or “don’t walk” are in place, such signals shall indicate the following.

(A) *Walk*. Pedestrians facing such signals may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(B) *Don’t walk*. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his or her crossing on the walk signal shall proceed to a sidewalk or safety island while the “don’t walk” signal is showing.

(1984 Code, § 70.33) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 70.99

§ 70.34 FLASHING SIGNALS.

(A) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows.

(1) *Flashing red (stop signal)*. When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) *Flashing yellow (caution signal)*. When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(B) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in § 71.13 of this code of ordinances.

(1984 Code, § 70.34) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 70.99

§ 70.35 LANE DIRECTION-CONTROL SIGNALS.

When lane direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

(1984 Code, § 70.35) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 70.99

§ 70.36 DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS.

(A) No person shall place, maintain or display upon or in view of any street or highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or to control any parking regulations, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

(B) No person shall place or maintain, nor shall any public authority permit, upon any street or highway any traffic sign or signal bearing thereon any commercial advertising.

(C) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(D) Every such prohibited sign, signal or marking is declared to be a public nuisance and the authority having jurisdiction over the highway is empowered to remove the same or cause it to be removed without notice.

(1984 Code, § 70.36) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 70.99

§ 70.37 INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES OR RAILROAD SIGNS, SIGNALS.

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

(1984 Code, § 70.37) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 70.99

§ 70.38 AUTHORITY TO ESTABLISH PLAY STREETS.

The Director of Public Works, in consultation with the Chief of Police, shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

(1984 Code, § 70.38) (Ord. O-34-67, passed 5-25-1967; Ord. O-15-05, passed 3-8-2005)

§ 70.39 PLAY STREETS.

Whenever authorized signs are erected indicating any street or part thereof as a play street, drivers shall exercise the greatest care in driving upon any such street or portion thereof.

(1984 Code, § 70.39) (Ord. O-34-67, passed 5-25-1967; Ord. O-15-05, passed 3-8-2005) Penalty, see § 70.99

§ 70.40 AUTHORITY TO ESTABLISH CROSSWALKS AND SAFETY ZONES.

The Director of Public Works is hereby authorized:

(A) To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, in his or her opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as he or she may deem necessary; and

(B) To establish safety zones of such kind and character and at such places as he or she may deem necessary for the protection of pedestrians.

(1984 Code, § 70.40) (Ord. O-34-67, passed 5-25-1967; Ord. O-15-05, passed 3-8-2005)

§ 70.41 TRAFFIC LANES.

(A) The Director of Public Works is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

(B) Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep the vehicle within the boundaries of any such lane, except when lawfully passing another vehicle or preparing to make a lawful turning movement.

(1984 Code, § 70.41) (Ord. O-34-67, passed 5-25-1967; Ord. O-15-05, passed 3-8-2005)

§ 70.42 SIGNS REQUIRED AT THROUGH STREETS.

Whenever any ordinance of the city designates and describes a through street, it shall be the duty of the Director of Public Works to place and maintain a stop sign at every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic-control signals. However, at the intersection of two such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the

approaches of either of said streets as may be determined by the Director of Public Works upon the basis of an engineering and traffic study.

(1984 Code, § 70.42) (Ord. O-34-67, passed 5-25-1967; Ord. O-15-05, passed 3-8-2005)

§ 70.43 AUTHORITY TO DESIGNATE STOP AND YIELD INTERSECTIONS.

The Director of Public Works is authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine:

(A) Whether vehicles shall stop at one or more entrances to any such intersection; in which event, he or she shall cause to be erected a stop sign at every such place where a stop is required; or

(B) Whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed in § 71.10 of this code of ordinances; in which event, he or she shall cause to be erected a yield sign at every place where obedience thereto is required.

(1984 Code, § 70.43) (Ord. O-34-67, passed 5-25-1967; Ord. O-15-05, passed 3-8-2005)

TRAFFIC CITATIONS AND IMPOUNDMENT PROCEDURES

§ 70.55 POLICE PROCEDURE.

Except when authorized or directed under state law to immediately take a person before any court for the violation of any traffic laws, a police officer who halts a person for such violation, other than for the purpose of giving him or her a warning or warning notice and does not take such person into custody under arrest, shall take the name, address and operator's license number of the person, the registered number of the motor vehicle involved and such other pertinent information as may be necessary, and shall issue to him or her in writing on a form provided by the Police Department a traffic citation containing a notice to answer to the charge against him or her in the appropriate court of the state at a time specified in the citation.

(1984 Code, § 70.60) (Ord. O-34-67, passed 5-25-1967; Ord. O-15-05, passed 3-8-2005; Ord. O-07-16, passed 5-3-2016)

§ 70.99 PENALTY.

(A) Any person, firm or corporation who violates any section of this chapter shall be penalized as follows.

(1) Whoever violates §§ 70.02, 70.03, 70.15, 70.16, 70.33, 70.34, 70.35, 70.36, 70.37, 70.38, 70.39, 70.40, 70.41, 70.42 or 70.43 of this chapter shall be deemed guilty of a misdemeanor and shall be fined not less than $10, nor more than $500, or imprisoned not more than 120 days in the county jail, or both so fined and imprisoned.

(2) In the event that any fine, as provided in this section, is not paid, the city shall mail a notice of failure to pay to the record owner of the offending automobile, or other vehicle, and if the fine is not paid within ten days of the date of the notice of failure to pay, then the fine shall double.

(C) Whoever violates any of the provisions of this traffic code for which no penalty has been provided shall be deemed guilty of a misdemeanor and shall be fined not less than $15, nor more than $500.

(1984 Code, § 70.99) (Ord. O-34-67, passed 5-25-1967; Ord. O-10-81, passed 3-10-1981; Ord. O-8-84, passed 2-28-1984; Ord. O-52-88, passed 8-4-1988; Ord. O-13-94, passed 4-12-1994; Ord. O-15-05, passed 3-8-2005; Ord. O-07-16, passed 5-3-2016)

CHAPTER 71: TRAFFIC RULES

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OPERATION GENERALLY

§ 71.01 REQUIRED POSITION AND METHOD.

The driver of a vehicle intending to turn at an intersection shall do so as follows.

(A) *Right turns*. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(B) *Left turns*. The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and, after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered.

(1984 Code, § 72.01) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 71.99

§ 71.02 AUTHORITY TO PLACE TURNING MARKERS; OBEDIENCE TO MARKERS.

(A) The Director of Public Works is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

(B) When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

(1984 Code, § 72.02) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 71.99

§ 71.03 AUTHORITY TO PLACE SIGNS RESTRICTING TURNS.

(A) The Director of Public Works is authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and shall place proper signs at such intersections.

(B) The making of such turns may be prohibited between certain hours of any day and permitted at other hours; in which event, the same shall be plainly indicated on the signs or removed when such turns are permitted.

(1984 Code, § 72.03) (Ord. O-34-67, passed 5-25-1967)

§ 71.04 OBEDIENCE TO NO-TURN SIGNALS.

Whenever authorized signs are erected indicating that no right, left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

(1984 Code, § 72.04) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 71.99

§ 71.05 LIMITATIONS ON U-TURNS.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not, upon any other street, so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

(1984 Code, § 72.05) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 71.99

§ 71.06 AUTHORITY TO PLACE SIGNS FOR ONE-WAY STREETS AND ALLEYS.

Whenever any ordinance designates any one-way street or alley, the Director of Public Works shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

(1984 Code, § 72.06) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 71.99

§ 71.07 ONE-WAY STREETS AND ALLEYS.

Upon those streets and parts of streets and in those alleys described inCh. 75, Schd. II, of this code of ordinances vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

(1984 Code, § 72.07) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 71.99

§ 71.08 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS.

(A) The Chief is authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The Chief may have signs erected temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway.

(B) It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this section.

(1984 Code, § 72.08) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 71.99

§ 71.09 VEHICLE ENTERING STOP INTERSECTION.

Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop and, after having stopped, shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when the driver is moving across or within the intersection.

(1984 Code, § 72.09) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 71.99

§ 71.10 VEHICLE ENTERING YIELD INTERSECTION.

The driver of a vehicle approaching a yield sign shall, in obedience to the sign, slow down to a speed reasonable for the

existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection. However, if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his or her failure to yield right-of-way.

(1984 Code, § 72.10) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 71.99

§ 71.11 EMERGING FROM ALLEY, DRIVEWAY OR BUILDING.

(A) The driver of a vehicle entering or emerging from an alley, driveway or building within an urban district shall yield the right-of-way to any pedestrian approaching on any sidewalk extending across such alley, driveway or building entrance.

(B) The driver of a vehicle emerging from an alley, driveway or building within an urban district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, driveway or building entrance, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

(C) The driver of any vehicle within an urban district, upon emerging from an alley, driveway or building, shall yield the right-of-way to all vehicles approaching on the street to be entered.

(D) It shall be unlawful for any person to drive any vehicle upon a sidewalk or sidewalk area within any urban district, except upon a permanent or duly authorized temporary driveway.

(1984 Code, § 72.11) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 71.99

§ 71.12 STOP WHEN TRAFFIC OBSTRUCTED.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he or she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

(1984 Code, § 72.12) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 71.99

§ 71.13 OBEDIENCE TO RAILROAD CROSSING SIGNALS.

(A) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet, but not less than 15 feet, from the nearest rail of such railroad, and shall not proceed until he or she can do so safely. The foregoing requirements shall apply when:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(2) A crossing gate is lowered or when a human flagger gives or continues to give a signal of the approach or passage of a railroad train;

(3) A railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; and

(4) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(B) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

(1984 Code, § 72.13) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 71.99

§ 71.14 FUNERALS, PARADES AND PROCESSIONS.

(A) No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this traffic code. This provision shall not apply at intersections where traffic is controlled by traffic- control signals or police officers.

(B) Each driver in a funeral or other procession shall drive as near the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

(C) A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia and all cars shall drive with their headlights on.

(1984 Code, § 72.14) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 71.99

§ 71.15 PARADE PERMIT REQUIRED.

(A) No procession or parade, excepting by the forces of the United States Army or Navy and the military forces of the state, shall occupy, march or proceed along any street, except in accordance with a permit issued by the Chief of Police and such other regulations set forth herein which may apply.

(B) In accordance with § 74.014, whenever in the judgement of the Chief of Police it is necessary, the Chief of Police may prohibit or restrict the parking of vehicles along a street, or part thereof, constituting the route or part of a route of a

parade; erect temporary traffic signs to that effect; and prohibit and prevent such parking. It shall be a parking violation to park or leave unattended any vehicle in violation of such signs or directions.

(1984 Code, § 72.15) (Ord. O-34-67, passed 5-25-1967; Ord. O-06-22, passed 3-8-2022)

§ 71.16 DRIVING PROHIBITED ON SIDEWALKS, CURBS OR SAFETY ZONES.

(A) No vehicle shall be driven within any sidewalk area, except at a permanent or temporary driveway, nor at any time into or upon any portion of a roadway marked as a safety zone.

(B) No person shall drive a vehicle upon, across or over any public sidewalk or public curb in the city where no provision has been made for crossing the sidewalk or curb by the construction of a suitable driveway or crossing.

(1984 Code, § 72.16) (Ord. O-34-67, passed 5-25-1967; Ord. O- -74, passed - -1974) Penalty, see § 71.99

§ 71.17 LIMITATIONS ON BACKING.

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

(1984 Code, § 72.17) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 71.99

§ 71.18 REQUIRED OBEDIENCE TO TRAFFIC CODE.

It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.

(1984 Code, § 72.18) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 71.99

§ 71.19 WARNING SIGNAL AT CROSSING.

(A) When any locomotives or cars propelled by steam, diesel engine or any other motive power shall cross a street or alley within the city where the street or alley crosses the railroad at the street level, it shall give timely warning of its approach by the ringing of its bell or in the case of imminent danger the sounding of its whistle.

(B) The provisions of this section shall not apply at crossings where safety gates are provided or a watch person is stationed.

(1984 Code, § 72.19) (Ord. O-48-91, passed 8-20-1991) Penalty, see § 71.99

ACCIDENTS

§ 71.30 IMMEDIATE NOTICE OF ACCIDENTS.

(A) Any person operating a vehicle on the highways of this state who is involved in an accident resulting in fatal or nonfatal personal injury to any person or damage to the vehicle rendering the vehicle inoperable shall be required to immediately notify a law enforcement officer having jurisdiction.

(B) In the event the operator fails to notify or is incapable of notifying a law enforcement officer having jurisdiction, the responsibility to make the notification under this section shall rest with the owner of the vehicle or any occupant of the vehicle at the time of the accident.

(C) If the accident involves a fully autonomous vehicle, as defined in KRS 186.760, the responsibility to make the notification under this section shall rest with the owner of the fully autonomous vehicle or a person on behalf of the vehicle owner.

(D) A law enforcement officer having jurisdiction shall investigate the accident and file a written report of the accident with his or her law enforcement agency.

(KRS 189.635(3)) (1984 Code, § 72.30) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 71.99

§ 71.31 VEHICLE ACCIDENT REPORTS BY OPERATORS, LAW ENFORCEMENT OFFICERS, AND AGENCIES.

(A) Any person operating a vehicle on the highways of this state who is involved in an accident resulting in any property damage exceeding $500 in which an investigation is not conducted by a law enforcement officer shall file a written report of the accident with the Department of Kentucky State Police within ten days of occurrence of the accident upon forms provided by the Department.

(B) If the accident involves a fully autonomous vehicle, as defined in KRS 186.760, the responsibility to file the report under this section shall rest with the owner of the fully autonomous vehicle or a person on behalf of the vehicle owner.

(KRS 189.635(5)) (1984 Code, § 72.31) Penalty, see § 71.99

§ 71.32 WHEN DRIVER UNABLE TO REPORT ACCIDENT.

(A) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in § 71.30 of this chapter and there was another occupant in the vehicle at the time of the accident capable of doing so, such

occupant shall make or cause to be given the notice not given by the driver.

(B) Whenever the driver is physically incapable of making a written report of an accident as required in §71.31 of this chapter and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall, within five days after the accident, make such report not made by the driver.

(1984 Code, § 72.32) (Ord. O-34-67, passed 5-25-1967)

§ 71.33 CONFIDENTIALITY OF ACCIDENT REPORTS.

(A) All written reports made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the Police Department or other governmental agencies having use for the records for accident prevention purposes; except that, the Police Department or other governmental agency may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his or her presence at such accident.

(B) No written reports forwarded under the provisions of this section shall be used as evidence in any trial, civil or criminal, arising out of an accident; except that, the Police Department shall furnish upon demand of any party to such trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department in compliance with law and, if such report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved and the investigating officers.

(1984 Code, § 72.33) (Ord. O-34-67, passed 5-25-1967)

SPEED REGULATIONS

§ 71.45 SPEED RESTRICTIONS.

(A) No person shall drive a vehicle on any street in the city at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every vehicle shall be driven at a safe and appropriate speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow street or winding roadway and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or street or roadway conditions.

(B) Except when a special hazard exists that requires lower speed for compliance with division (A) above, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds and no person shall drive a vehicle on any street or highway of the city at a speed in excess of such maximum limits.

(C) All vehicles operated within the city shall not exceed 25 mph on any streets, alleys and public ways, except on those streets or highways on which the state's Highway Department or the city's Traffic Department declares and determines upon the basis of engineering and traffic investigation that the speed of 25 mph on certain streets and highways is less than or is more than is necessary for the safe operation of vehicles thereon; in which event, it shall be unlawful for any person to drive a vehicle at a speed in excess of the posted speed when signs are erected giving notice thereof.

(D) All vehicles operated within the city shall not exceed 15 mph when passing a school building, or the grounds thereof, during recess and while children are going to or leaving school, during the opening or closing hours and when appropriate signs giving notice of the existence of the school are erected; except that, on controlled-access highways, expressways and freeways if the right-of-way line fence has been erected without pedestrian opening, the school speed limit shall not apply.

(1984 Code, § 72.40) (Ord. O-34-67, passed 5-25-1967; Ord. O-44-77, passed 4-21-1977; Ord. O-42-78, passed 5-25-1978) Penalty, see § 71.99

§ 71.46 REGULATION OF SPEED BY TRAFFIC SIGNALS.

The Director of Public Works is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

(1984 Code, § 72.41) (Ord. O-34-67, passed 5-25-1967)

§ 71.47 SPEED LIMIT IN DEVOU PARK.

No person, firm, corporation or other entity shall operate a motor vehicle of any kind on any of the roadways, grounds or physical property of Devou Park at a rate of speed in excess of 15 mph.

(1984 Code, § 72.42) (Ord. O-93-78, passed 8-31-1978) Penalty, see § 71.99

PROHIBITIONS

§ 71.60 USE OF ROLLER SKATES, TOY VEHICLES ON STREETS PROHIBITED.

(A) (1) No person upon roller skates, or riding in or by means of any coaster, skateboard, toy vehicle or similar device, shall go upon any roadway, except while crossing a street on a crosswalk and, when so crossing, such person shall be

granted all of the rights and shall be subject to all of the duties applicable to pedestrians.

(2) This section shall not apply upon any street while set aside as a play street as authorized by ordinance of the city.

(B) The operator of any coaster or skateboard type vehicle or similar device upon a public sidewalk shall operate the vehicle or device in a careful manner with regard to the safety and convenience of pedestrians upon the sidewalks.

(C) No person upon roller skates, or riding in or by means of any coaster, skateboard, toy vehicle or similar device, shall go upon any sidewalk located in any shopping center.

(1984 Code, § 72.50) (Ord. O-34-67, passed 5-25-1967; Ord. O-28-91, passed 6-11-1991) Penalty, see § 71.99

§ 71.61 OPENING AND CLOSING VEHICLE DOORS.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(1984 Code, § 72.51) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 71.99

§ 71.62 CLINGING TO VEHICLES.

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

(1984 Code, § 72.52) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 71.99

§ 71.63 CONTROLLED-ACCESS ROADWAYS.

No person shall drive a vehicle onto or from any controlled-access roadway, except at such entrances and exits as are established by public authority.

(1984 Code, § 72.53) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 71.99

§ 71.64 BOARDING OR ALIGHTING FROM VEHICLES.

No person shall board or alight from any vehicle while such vehicle is in motion.

(1984 Code, § 72.54) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 71.99

§ 71.65 UNLAWFUL RIDING.

(A) No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers.

(B) This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.

(1984 Code, § 72.55) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 71.99

§ 71.66 DRIVING OVER NEW PAVEMENT PROHIBITED.

(A) No person shall operate any vehicle over or across any newly made pavement at which there is a barrier, a person or sign giving warning of such fact.

(B) No person shall ride or drive over or otherwise damage any street, sidewalk or the public improvement while such improvement is in progress, unfinished or otherwise not opened to public use.

(1984 Code, § 72.56) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 71.99

§ 71.67 PEDDLING WARES FROM VEHICLES PROHIBITED.

It shall be unlawful for any person, whether licensed as a peddler or not, to demonstrate, sell or offer for sale from any vehicle upon any street or highway of the city within any business district, any good, wares or merchandise, except:

(A) As otherwise specifically authorized in the city's code of ordinances; or

(B) At authorized market stands.

(1984 Code, § 72.57) (Ord. O-34-67, passed 5-25-1967; Ord. O-03-20, passed 1-14-2020) Penalty, see § 71.99

§ 71.68 CAUSING INJURY TO STREETS PROHIBITED.

No person shall willfully operate any vehicle on any street, public way or thoroughfare in the city in such a manner as to do injury to such street, thoroughfare or public way.

(1984 Code, § 72.58) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 71.99

§ 71.69 DRIVING OR PARKING IN CERTAIN AREAS PROHIBITED.

Vehicular traffic is hereby prohibited from driving or parking on the public right-of-way described as follows: the first 75 feet north of Third Street of the north-south alley between Second and Third Streets east of Garrard Street in the city.

(1984 Code, § 72.59) (Ord. O-40-98, passed 8-4-1998) Penalty, see § 71.99

§ 71.99 PENALTY.

(A) Whoever violates any of the provisions of this chapter for which no penalty has been provided shall be deemed guilty of a misdemeanor and shall be fined not less than $5, nor more than $500.

(B) Whoever violates §§ 71.01, 71.02, 71.04 through 71.08, 71.11, 71.12, 71.30 through 71.33, 71.60, 71.64 or 71.65 of this chapter shall be deemed guilty of a misdemeanor and shall be fined not less than $10, nor more than $500, or imprisoned not more than 120 days in the county jail, or both so fined and imprisoned.

(C) Whoever violates §§ 71.09, 71.10, 71.15 through 71.17, 71.61 through 71.63, 71.66 or 71.68 of this chapter shall be deemed guilty of a misdemeanor and shall be fined not less than $20, nor more than $500, or imprisoned not more than 180 days in the county jail, or both so fined and imprisoned.

(D) Whoever violates § 71.13 of this chapter shall be deemed guilty of a misdemeanor and shall be fined not less than $30, nor more than $500, or imprisoned not more than 120 days in the county jail, or both so fined and imprisoned.

(E) Whoever violates § 71.45 of this chapter shall be subject to the penalty set forth in KRS 189.394.

(F) Whoever violates § 71.67 of this chapter shall be deemed guilty of a misdemeanor and shall be fined not less than $5, nor more than $250, or imprisoned not more than 60 days in the county jail, or both so fined and imprisoned.

(G) Any person violating the provisions of §71.69 of this chapter shall be deemed guilty of a violation and shall be fined not less than $15, nor more than $200. In addition, the city's Police Department is hereby authorized to have towed any vehicles in violation of § 71.69 of this chapter.

(1984 Code, § 72.99) (Ord. O-34-67, passed 5-25-1967; Ord. O-10-81, passed 3-10-1981; Ord. O-4-85, passed 2-5-1985; Ord. O-13-94, passed 4-12-1994; Ord. O-40-98, passed 8-4-1998)

CHAPTER 72: EQUIPMENT AND LOADS

Section

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§ 72.01 LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN HIGHWAYS.

(A) No person shall operate any commercial vehicle exceeding 9,000 pounds on any wheel or 18,000 pounds on an axle or any vehicle whose height including any part of the load or body exceeds 12 feet, or whose width exceeds eight feet, or any motor truck whose length exceeds 30 feet or any semi-trailer truck whose length exceeds 50 feet for any part of the body or load, upon any of the streets or parts of streets of the city. Those vehicles for which a special permit has been issued in accordance with Commissioners' Ord. O-72-66 shall be excepted from this provision.

(B) Nothing contained herein 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 12 feet, and all vehicles described in this section shall travel only on those streets and roadways designated as truck routes and set out in Ch. 75, Schd. III, of this code of ordinances.

(1984 Code, § 73.01) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 72.99

§ 72.02 SPECIAL PERMIT REQUIRED FOR OVERSIZED VEHICLES.

(A) No person shall operate any vehicle in excess of the maximum size or weight as specified in §72.01 of this chapter without securing a special permit from the Director of Public Works. In no event shall a permit be issued for any vehicle in excess of the standards set forth in this chapter.

(B) The Director of Public Works City Engineer, with the approval of the Police Department, may, in his or her 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 a vehicle or combination of vehicles of a size or weight, width, length or height exceeding the maximum provided for in this chapter.

(C) Application for such permit shall state the proposed maximum wheel loads, maximum axle loads and minimum axle spacing of each such vehicle, vehicles or combination thereof, the height, length and width of such vehicle with its loads, the specific streets or public ways over which permit for such operation is requested and the time of such operations and whether the permit is requested for a single trip or for continued operation.

(D) (1) The Director of Public Works is authorized to issue or withhold such permit in his or her discretion, or to limit the number of trips or to establish seasonable or other time limitations and routes within which and over which the vehicles described may operate on the public ways indicated or may otherwise limit the prescribed conditions of operation of such vehicles when necessary to assure against undue damage to the street foundation by such vehicle if, in its opinion, it may damage the public ways.

(2) The Director of Public Works may require the applicant to give bond, with sufficient surety to be approved by it to indemnify the city against any damage which may occur to person or property by reason of the operation under such special permit.

(E) Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any peace officer.

(F) No person shall violate any of the terms or conditions of such special permit.

(1984 Code, § 73.02) (Ord. O-72-66, passed 12-8-1966; Ord. O-42-74, passed 4-11-1974; Ord. O-18-92, passed 5-19-1992) Penalty, see § 72.99

§ 72.03 REGISTRATION PLATE; FEE; DISPLAY.

(A) (1) The Director of Public Works shall cause to be prepared and issued to the owner of every motor truck who has paid the fee herein provided, a registration plate showing that the owner of such motor truck has paid such fee.

(2) The owner and driver of such truck shall display such plate at all times upon such truck or trailer.

(B) The owner shall pay to the Director of Public Works to defray the cost of registration and necessary inspection, regulation and enforcement of this chapter the following fees:

Declared Gross Weight (pounds)	*Amount Per Year*
Not exceeding 10,000	$7.50
10,000 - 20,000	$15
20,000 - 30,000	$21
In excess of 30,000	$30

(1984 Code, § 73.03) (Ord. O-72-66, passed 12-8-1966; Ord. O-42-74, passed 4-11-1974; Ord. O-18-92, passed 5-19-1992) Penalty, see § 72.99

§ 72.04 AUTHORITY OF POLICE TO INSPECT VEHICLES.

(A) (1) Any police officer having reason to believe that the height, length, width or weight of any motor truck, semi-trailer truck or trailer and load is unlawful, is authorized to require the driver to stop and submit to measurement and/or weighing of same. The driver of such vehicle shall, when necessary, be directed to proceed to a public scale to ascertain whether or not such vehicle exceeds the maximum weight limitation prescribed by state law or city ordinance.

(2) The weighing of the vehicle shall not be required if the public scales are at a distance of five miles or more from the point at which the vehicle is first directed to stop.

(B) In accordance with KRS 189.223, the refusal of the operator to permit his or her motor truck, semi- trailer truck or trailer to be measured or weighed, or to proceed to said public scales, shall constitute a violation of KRS Ch. 189 and this section.

(1984 Code, § 73.04) (Ord. O-96-77, passed 7-28-1977) Penalty, see § 72.99

Statutory reference:

Vehicle equipment and storage, see KRS Ch. 189

§ 72.05 RECIPROCITY EXEMPTIONS.

Any owner of a motor truck, semi-trailer or trailer who has complied with the terms of an ordinance of any city or town in the state within ten miles of the corporate limits of the city, which provides for the registration of motor trucks, semi- trailers and trailers, as provided by an act of the General Assembly of the commonwealth enacted in 1932, and who displays the requisite plates and holds the requisite receipt or the certificate or registration as required by the ordinance of such city or town and shall be exempt from registration in this city; provided that, all such owners while in the city, shall observe and obey all traffic regulations of the city and, provided further that, registration in any other city or town shall not in any way relieve any owner holding such receipt or certificate of registration from the penalties provided for herein for violations of this chapter.

(1984 Code, § 73.05) (Ord. O-72-66, passed 12-8-1966)

§ 72.06 MAXIMUM TRUCK LENGTH.

(A) No person shall operate on any street or a public way of the city more than two trailers. No combination of a truck and trailer shall exceed 65 feet in length.

(B) No person shall operate on any street or public way of the city any motor truck whose length, including any part of body or load, shall exceed 35 feet, nor any semi-trailer truck whose length, including any part of body or load, shall exceed 65 feet.

(1984 Code, § 73.06) (Ord. O-72-66, passed 12-8-1966) Penalty, see § 72.99

§ 72.07 WEIGHT LIMITATIONS.

(A) No person shall operate any vehicle, motor truck or semi-trailer whose gross weight is more than 15,000 pounds, as determined by its rated load, on any street or public way in the city, except those streets and roadways listed in Ch. 75, Schd. III, of this code of ordinances.

(B) Specifically excepted from the terms and provisions hereof are such vehicles as may be operated upon the streets or public ways of the city for the purpose of delivering to or picking up materials or merchandise from commercial and industrial businesses having been situated and operating within the city prior to 10-21-1976; such excepted vehicles shall travel whenever possible upon streets designated in Ch. 75, Schd. II, of this code of ordinances; when it is impossible for said excepted trucks to accomplish delivery or pickup and remain upon the designated streets, said excepted trucks may be operated upon non-designated streets, but only by entering such non- designated streets at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection with a designated street thereafter.

(C) (1) Excepted from the terms and provisions hereof are city-owned vehicles at all times and other public service vehicles when those vehicles are servicing the non-truck route.

(2) Vehicles not owned by the city that are providing public service are specifically prohibited from using non-truck routes unless they are cleaning that non-truck route, collecting waste on that non- truck route or providing other authorized public maintenance on that non-truck route.

(1984 Code, § 73.07) (Ord. O-34-67, passed 5-25-1967; Ord. O-83-77, passed 6-30-1977; Ord. O-59-80, passed 9-2-1980; Ord. O-55-84, passed 8-28-1984) Penalty, see § 72.99

§ 72.08 MAXIMUM WIDTH.

No person shall operate on any street or public way of the city any motor truck or semi-trailer truck whose width, including any part of body or load, shall exceed eight feet.

(1984 Code, § 73.08) (Ord. O-72-66, passed 12-8-1966) Penalty, see § 72.99

§ 72.09 MAXIMUM HEIGHT.

No person shall operate on any street or public way of the city any motor truck or semi-trailer truck whose height including any part of body or load shall exceed 12 feet. 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 12 feet.

(1984 Code, § 73.09) (Ord. O-72-66, passed 12-8-1966) Penalty, see § 72.99

§ 72.10 CARGO COVERS REQUIRED.

No person shall operate on any street or public way in the city any motor truck, semi-trailer truck, trailer and/or tractor with an open or unenclosed cargo in excess of 30,000 pounds cargo weight without being equipped with a cover designed to fully enclose the total haul to ensure against undue damage to the streets and public ways of the city caused by the possible spillage of cargo. As used in this section, the word ***CARGO*** shall mean any haul, including material, equipment, minerals of any tangible nature hauled in an unattached state within the bed of a vehicle.

(1984 Code, § 73.11) (Ord. O-76-78, passed 7-24-1978) Penalty, see § 72.99

§ 72.11 RESTRICTIONS ON USE OF STREETS BY CERTAIN VEHICLES.

(A) The Director of Public Works is authorized to determine and designate those heavily-traveled streets upon which shall be prohibited the use by motor driven cycles, bicycles, horse-drawn vehicles or other non-motorized traffic and shall erect appropriate signs giving notice thereof.

(B) When signs are so erected giving notice thereof, no person shall disobey the restriction stated on such signs.

(1984 Code, § 73.12) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 72.99

§ 72.12 BUS ROUTES.

The Director of Public Works shall designate various streets of the city as bus routes and it shall be unlawful for any person to operate a bus over any street in the city other than those streets as set out in Ch. 75, Schd. IV, of this code of ordinances; except that, a bus may be operated thereon for the purpose of picking up or discharging passengers and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.

(1984 Code, § 73.13) (Ord. O-34-67, passed 5-25-1967) Penalty, see § 72.99

§ 72.99 PENALTY.

(A) Whoever violates any of the provisions of this chapter for which no penalty has been provided shall be deemed guilty of a violation and shall be fined $150 per occurrence.

(B) Whoever violates §§ 72.01, 72.11 or 72.12 of this chapter shall be deemed guilty of a misdemeanor and shall be fined not less than $5, nor more than $250, or imprisoned not more than 60 days in the county jail, or both so fined and imprisoned.

(C) Whoever violates § 72.04 of this chapter shall be deemed guilty of a misdemeanor and shall be fined not more than $500.

(D) Whoever violates § 72.10 of this chapter shall be deemed guilty of a misdemeanor and shall be fined not more than $500 per violation. Each occurrence shall constitute a separate violation and shall result in a maximum penalty per violation a sum not exceeding $500.

(1984 Code, § 73.99) (Ord. O-96-77, passed 7-28-1977; Ord. O-55-78, passed 6-22-1978; Ord. O-59-80, passed 9-2-1980; Ord. O-13-94, passed 4-12-1994)

CHAPTER 73: RECREATIONAL VEHICLES

Section

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GENERAL PROVISIONS

§ 73.01 DEFINITIONS.

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

BICYCLE. A vehicle with two wheels tandem, handlebars, a saddle seat and pedals by which it is propelled by the operator.

FOOT SCOOTER. A vehicle with two wheels that are no more than ten inches in diameter, has handlebars and is propelled solely by the operator of the vehicle.

GOLF CART. Any self-propelled vehicle that:

(1) Is designed for the transportation of players or maintaining equipment on a golf course, while engaged in the playing of golf, supervising the play of golf or maintaining the condition of the grounds on a golf-course;

(2) Has a minimum of four wheels;

(3) Is designed to operate at a speed of not more than 35 mph;

(4) Is designed to carry not more than six persons, including the driver;

(5) Has a maximum gross vehicle weight of 2,500 pounds;

(6) Has a maximum rated payload capacity of 1,200 pounds;

(7) Has a seatbelt assembly that conforms to the federal motor vehicle safety standard provided in 49 C.F.R. § 571.209 for each designated seating position; and

(8) Meets the federal motor vehicle safety standards for low-speed vehicles set forth in 49 C.F.R. § 571.500.

LOW-SPEED VEHICLE. A motor vehicle that:

(1) Is self-propelled using an electric motor, combustion-driven motor or a combination thereof;

(2) Is four-wheeled;

(3) Is designed to operate at a speed not to exceed 25 mph as certified by the manufacturer;

(4) The vehicle meets the federal motor vehicle safety standards for low-speed vehicles set forth in 49 C.F.R.§ 571.500;

(5) The vehicle displays a 17-character vehicle identification number that meets the requirements set forth in 49 C.F.R. 565; and

(6) The low-speed vehicle has not been modified to increase its speed above its original standard manufactured limit.

MOPED. Either a motorized bicycle, whose frame design may include one or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a motorized bicycle with a step-through type frame which may or may not have pedals rate no more than two brake horsepower, a cylinder capacity not exceeding 50 cubic centimeters, an automatic transmission not requiring clutching or shifting by the operator after the drive system is engaged and capable of a maximum speed of not more than 30 mph.

MOTORCYCLE.

(1) Any motor driven vehicle having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, but excluding tractors and vehicles on which the operator and passengers ride in an enclosed cab; and

(2) Motorized scooters with a cylinder capacity exceeding 50 cubic centimeters or that are capable of operating a maximum speed of more than 30 mph are classified as ***MOTORCYCLES*** for purposes of this chapter.

MOTORIZED SCOOTER. A vehicle with two wheels that are no more than ten inches in diameter, has handlebars, is propelled by a gas or electric motor and is designed to be stood or sat upon by the operator.

OPERATOR. Any person in actual control of a bicycle, foot scooter, moped, motorized scooter or motorcycle upon a highway.

STREET-LEGAL SPECIAL PURPOSE VEHICLE. An all-terrain vehicle, utility terrain vehicle, minitruck, pneumatic-tired military vehicle, or full-size special purpose-built vehicle, including a vehicle that is self-constructed or built by the original equipment manufacturer and a vehicle that has been modified, as defined in KRS Ch. 186.

UTILITY VEHICLE. A vehicle designed and manufactured for general maintenance, security and landscaping purposes, but does not include any vehicle designed or used primarily for the transportation of persons or property on a street or highway, a golf cart or an all-terrain vehicle, as defined in KRS 189.010.

(1984 Code, § 74.01) (Ord. O-60-04, passed 10-12-2004; Ord. O-25-17, passed 10-24-2017; Ord. O-32-18, passed 8-28-2018; Ord. O-03-2025, passed 4-22-2025)

§ 73.02 PASSENGERS ON MOTORCYCLES, MOPEDS, MOTORIZED SCOOTERS OR BICYCLES PROHIBITED; EXCEPTION.

A person operating a motorcycle, moped, motorized scooter or bicycle shall ride only upon the permanent and regular seat attached thereto, and the operator shall not carry any other person nor shall any other person ride on such motorcycle, moped, motorized scooter or bicycle unless the vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.

(1984 Code, § 74.02) (Ord. O-34-67, passed 5-25-1967; Ord. O-60-04, passed 10-12-2004) Penalty, see § 73.99

MOTORCYCLES, MOTORIZED SCOOTERS AND MOPEDS

§ 73.15 OPERATORS MUST BE AT LEAST 16 YEARS OF AGE.

All persons operating motorcycles, motorized scooters or mopeds must be at least 16 years of age to operate such vehicles on the highway.

(1984 Code, § 74.03) (Ord. O-60-04, passed 10-12-2004; Ord. O-03-2025, passed 4-22-2025) Penalty, see § 73.99

§ 73.16 DRIVING ON SIDEWALK PROHIBITED.

No person shall drive a motorcycle, motorized scooter or moped upon any sidewalks of the city.

(1984 Code, § 74.04) (Ord. O-60-04, passed 10-12-2004) Penalty, see § 73.99

§ 73.17 OPERATOR'S LICENSE REQUIRED.

(A) Every person must secure a moped operator's license issued by the state's Transportation Cabinet before operating a moped upon a highway.

(B) Every person must secure a motorcycle operator's license issued by the state's Transportation Cabinet before operating a motorcycle upon a highway.

(C) The operator of a moped or motorcycle shall have his or her license in his or her immediate possession at all times when driving a moped or motorcycle and shall display it upon demand to any officer of the city's Police Department.

(D) Persons whose motor vehicle operator's license (driver's license) has been suspended or revoked are prohibited from operating a moped or motorcycle upon a highway.

(1984 Code, § 74.04) (Ord. O-60-04, passed 10-12-2004) Penalty, see § 73.99

Statutory reference:

Operator's license required by Kentucky law, see KRS 186.410 and 186.510

§ 73.18 INSURANCE REQUIRED FOR MOTORCYCLES.

(A) All owners of motorcycles that are operated in the city must purchase the required insurance coverage pursuant to KRS 304.39-010 through 304.39-110.

(B) The operator of a motorcycle shall have proof of insurance in his or her immediate possession at all times when driving a motorcycle and shall display it upon demand to any officer of the city's Police Department.

(1984 Code, § 74.06) (Ord. O-60-04, passed 10-12-2004) Penalty, see § 73.99

Statutory reference:

Insurance required by Kentucky law, see KRS 304.39-010 through 304.39-340

§ 73.19 REGISTRATION OF MOTORCYCLE REQUIRED.

Before the owner of a motorcycle may operate it or permit its operation upon a highway, the owner must register the motorcycle in accordance with regulations issued by the state's Transportation Cabinet.

(1984 Code, § 74.07) (Ord. O-60-04, passed 10-12-2004) Penalty, see § 73.99

Statutory reference:

Registration of motor vehicles required, see KRS 186.020

§ 73.20 MOTORCYCLE, MOTORIZED SCOOTER AND MOPED OPERATORS TO OBEY TRAFFIC LAWS.

Every person operating a motorcycle, motorized scooter or moped upon a highway shall be granted all of the rights and shall be subject to all of the duties imposed by the traffic laws of the state or by the traffic ordinances of the city.

(1984 Code, § 74.08) (Ord. O-60-04, passed 10-12-2004)

§ 73.21 PERMITTED AREAS OF USE FOR MOTORIZED SCOOTERS.

Motorized scooters, as defined in §73.01 of this chapter, may be operated on any city roadway, provided the following conditions are met:

(A) The posted speed limit of the city roadway is 20 mph or less;

(B) The operator of the motorized scooter does not cross a roadway at an at-grade intersection where the roadway being crossed has a posted speed limit of more than 35 mph unless the intersection is equipped with an electronic traffic signal; and

(C) The operator and vehicle being operated comply with all other applicable provisions of the city, state and United States' laws.

(Ord. O-03-2025, passed 4-22-2025)

BICYCLES, MOTORIZED SCOOTERS AND FOOT SCOOTERS

§ 73.35 EFFECT OF REGULATIONS.

(A) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this subchapter.

(B) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this subchapter.

(C) These regulations applicable to bicycles, motorized scooters and foot scooters and shall apply whenever a bicycle, motorized scooter or foot scooter is operated upon any highway or upon any path set aside for the exclusive use of bicycles and/or scooters, subject to those exceptions stated herein.

(1984 Code, § 74.10) (Ord. O-34-67, passed 5-25-1967; Ord. O-60-04, passed 10-12-2004) Penalty, see § 73.99

§ 73.36 BICYCLE DEALERS.

Every person engaged in the business of buying or selling new or secondhand bicycles shall make a report to the Chief of Police of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold, a description of such bicycle by name or make, the frame number thereof and the number of license plate, if any, found thereon.

(1984 Code, § 74.11) (Ord. O-34-67, passed 5-25-1967)

§ 73.37 BICYCLE RIDERS TO OBEY TRAFFIC LAWS.

Every person riding a bicycle or motorized scooter upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle by the laws of the state declaring rules of the road applicable to vehicles or by the traffic ordinances of the city applicable to the driver of a motor vehicle, except, as to special regulations in this section, and, except as to those provisions of laws and ordinances which, by their nature, can have no application.

(1984 Code, § 74.12) (Ord. O-34-67, passed 5-25-1967; Ord. O-60-04, passed 10-12-2004)

§ 73.38 OBEDIENCE TO TRAFFIC-CONTROL DEVICES.

(A) Any person operating a bicycle or motorized scooter shall obey the instructions of official traffic- control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(B) Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle or motorized scooter shall disobey the direction of any such signs, except where such person dismounts from the bicycle or motorized scooter to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

(1984 Code, § 74.13) (Ord. O-34-67, passed 5-25-1967; Ord. O-60-04, passed 10-12-2004) Penalty, see § 73.99

§ 73.39 RIDING ON ROADWAYS AND BICYCLE PATHS.

Every person operating a bicycle or a motorized scooter (other than those defined as motorcycles) upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. Persons riding bicycles or motorized scooters upon a roadway shall not ride more than two abreast, except on paths or parts of roadways set aside for the exclusive use of bicycles. Wherever a usable path for bicycles or scooters has been provided adjacent to a roadway, bicycle riders or scooter operators shall use such path and shall not use the roadway.

(1984 Code, § 74.14) (Ord. O-34-67, passed 5-25-1967; Ord. O-60-04, passed 10-12-2004) Penalty, see § 73.99

§ 73.40 SPEED OF BICYCLES.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(1984 Code, § 74.15) (Ord. O-34-67, passed 5-25-1967; Ord. O-60-04, passed 10-12-2004; Ord. O-03-2025, passed 4-22-2025) Penalty, see § 73.99

§ 73.41 EMERGING FROM ALLEY OR DRIVEWAY.

The operator of a bicycle or motorized scooter emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area and, upon entering the roadway, shall yield the right-of-way to all vehicles approaching on said roadway.

(1984 Code, § 74.16) (Ord. O-34-67, passed 5-25-1967; Ord. O-60-04, passed 10-12-2004) Penalty, see § 73.99

§ 73.42 CARRYING ARTICLES.

No person operating a bicycle or motorized scooter shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars.

(1984 Code, § 74.17) (Ord. O-34-67, passed 5-25-1967; Ord. O-60-04, passed 10-12-2004) Penalty, see § 73.99

§ 73.43 PARKING OF BICYCLES AND MOTORIZED SCOOTERS.

No person shall park a bicycle or motorized scooter upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

(1984 Code, § 74.18) (Ord. O-34-67, passed 5-25-1967; Ord. O-60-04, passed 10-12-2004) Penalty, see § 73.99

§ 73.44 RIDING OR DRIVING ON SIDEWALKS.

(A) Persons may operate a foot scooter on city sidewalks.

(B) No person shall ride a bicycle upon a public sidewalk within any area zoned for commercial use.

(C) No person shall operate a motorized scooter on city sidewalks. However, this prohibition shall not apply to motorized wheelchairs, electric personal assistance mobility devices or any city police, fire or public works vehicle driven by an employee in the course of his or her duties.

(D) The Chief of Police is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles, foot scooters or motorized scooters thereon and, when such signs are in place, no person shall disobey them.

(E) Whenever any person is riding a bicycle or foot scooter upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

(1984 Code, § 74.19) (Ord. O-34-67, passed 5-25-1967; Ord. O-60-04, passed 10-12-2004) Penalty, see § 73.99

§ 73.45 LAMPS, EQUIPMENT ON BICYCLES.

(A) Every bicycle, foot scooter or motorized scooter, when in use at nighttime shall be equipped with a lamp in the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

(B) No person shall operate a bicycle or motorized scooter, unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet; except that, a bicycle or motorized scooter shall not be equipped with, nor shall any person use upon a bicycle or motorized scooter, any siren or whistle.

(C) Every bicycle and motorized scooter shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

(1984 Code, § 74.20) (Ord. O-34-67, passed 5-25-1967; Ord. O-60-04, passed 10-12-2004) Penalty, see § 73.99

§ 73.46 HELMETS REQUIRED WHEN RIDING BICYCLES.

(A) Every person operating or riding a bicycle in a park or on the Licking River Greenway Trail located in the city shall wear a protective helmet of good fit, fastened securely and meeting American National Standards Institute standards, or Snell Memorial Foundation standards, or standards adopted by the Federal Government.

(B) No person operating a bicycle in a park or on the Licking River Greenway Trail located in the city shall allow anyone to ride as a passenger unless the passenger is wearing a helmet.

(C) A parent or guardian of a minor shall be responsible for requiring that the parent or guardian’s minor children wear protective helmets when they operate or ride a bicycle in a park or on the Licking River Greenway Trail in the city.

(1984 Code, § 74.21) (Ord. O-4-11, passed 3-22-2011) Penalty, see § 73.99

LOW-SPEED VEHICLES, GOLF CARTS, STREET-LEGAL SPECIAL PURPOSE VEHICLES AND UTILITY VEHICLES

§ 73.60 EFFECT OF REGULATIONS.

(A) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this subchapter.

(B) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this subchapter.

(C) These regulations applicable to low-speed vehicles, golf carts and street-legal special purpose vehicles shall apply whenever a low-speed vehicle, golf cart or street-legal special purpose vehicle is operated upon any city street or highway.

(Ord. O-03-2025, passed 4-22-2025)

§ 73.61 OPERATION OF LOW-SPEED VEHICLES, GOLF CARTS, STREET-LEGAL SPECIAL PURPOSE VEHICLES AND UTILITY VEHICLES ON PUBLIC ROADWAYS.

(A) No low-speed vehicle, street-legal special purpose vehicle, golf cart, unless operated pursuant to division (B) below, or utility vehicle may be operated or driven on any public roadway, street or highway within the city.

(B) Low-speed vehicles, street-legal special purpose vehicles and golf carts, as defined in § 73.01 of this chapter, may be operated on city roadways between the borders of the Ohio River, Licking River, up to and including 12th Street/MLK Boulevard/West 12th Street/Montague Road and Sleepy Hollow Road, including all city streets in Devou Park; provided the following conditions are met:

(1) The posted speed limit of the city roadway is 20 mph or less, unless the vehicle qualifies as a street-legal special purpose vehicle, in which case it shall be permitted to operate on city roadways where the posted speed limit is 35 mph or less;

(2) The operator of the low-speed vehicle, golf cart or street-legal special purpose vehicle does not cross a roadway at an at-grade intersection where the roadway being crossed has a posted speed limit of more than 35 mph unless the intersection is equipped with an electronic traffic signal;

(3) The operator has a valid operator’s license in his or her immediate possession at all times when driving a low-speed vehicle, street-legal special purpose vehicle, or golf cart and shall display it upon demand to any officer of the city’s Police Department;

(4) Persons whose motor vehicle operator's license (driver’s license) has been suspended or revoked are prohibited from operating a low-speed vehicle, street-legal special purpose vehicle, or golf cart on city streets and highways; and

(5) The operator and vehicle being operated comply with all other applicable provisions of the city, state and United States’ laws.

(1984 Code, § 74.30) (Ord. O-25-17, passed 10-24-2017; Ord. O-32-18, passed 8-28-2018; Ord. O-03-2025, passed 4-22-2025) Penalty, see § 73.99

§ 73.62 INSURANCE REQUIRED FOR LOW-SPEED VEHICLES, GOLF CARTS, AND STREET-LEGAL SPECIAL PURPOSE VEHICLES.

(A) All owners of low-speed vehicles, golf carts or street-legal special purpose vehicles that are operated in the city must purchase the required insurance coverage pursuant to KRS 304.39-010 through 304.39-110.

(B) The operator of a low-speed vehicle, golf cart or street-legal special purpose vehicle shall have proof of insurance in his or her immediate possession at all times when driving the vehicle and shall display it upon demand to any officer of the city's Police Department.

(Ord. O-03-2025, passed 4-22-2025) Penalty, see § 73.99

Statutory reference:

Insurance required by Kentucky law, see KRS 304.39-010 through 304.39-340

§ 73.63 REGISTRATION OF LOW-SPEED VEHICLES, GOLF CARTS, AND STREET-LEGAL SPECIAL PURPOSE VEHICLES REQUIRED,

Before the owner of a low-speed vehicle, golf cart or street-legal special purpose vehicle may operate it or permit its operation upon city streets and highways, the owner must register the low-speed vehicle, golf cart or street-legal special purpose vehicle in accordance with regulations issued by the state's Transportation Cabinet.

(Ord. O-03-2025, passed 4-22-2025) Penalty, see § 73.99

Statutory reference:

Registration of motor vehicles required, see KRS 186.020

§ 73.64 LOW-SPEED VEHICLE, GOLF CART AND STREET-LEGAL SPECIAL PURPOSE VEHICLE OPERATORS TO OBEY TRAFFIC LAWS.

Every person operating a low-speed vehicle, golf cart or street-legal special purpose vehicle upon a city street or highway shall be granted all of the rights and shall be subject to all of the duties imposed by the traffic laws of the state or by the traffic ordinances of the city.

(Ord. O-03-2025, passed 4-22-2025)

§ 73.99 PENALTY.

(A) Whoever violates §§ 73.60 through 73.64 of this chapter shall be deemed guilty of a violation and shall be fined not less than $20, nor more than $250.

(B) Whoever violates §§ 73.02, 73.15 through 73.20 and 73.35 through 73.45 of this chapter shall be deemed guilty of a misdemeanor and shall be fined not less than $5, nor more than $250, or imprisoned not more than 60 days in the county jail, or both so fined and imprisoned.

(C) Whoever violates § 73.46 of this chapter shall be guilty of a Class A misdemeanor and shall be fined not less than $5, nor more than $100.

(1984 Code, § 74.99) (Ord. O-34-67, passed 5-25-1967; Ord. O-10-81, passed 3-10-1981; Ord. O-69-85, passed 9-24-1985; Ord. O-13-94, passed 4-12-1994; Ord. O-60-04, passed 10-12-2004; Ord. O-4-11, passed 3-22-2011; Ord. O-25-17, passed 10-24-2017 ; Ord. O-03-2025, passed 4-22-2025)

CHAPTER 74: PARKING, STANDING AND STOPPING

Section

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PARKING, STANDING AND STOPPING REGULATIONS

§ 74.001 STANDING OR PARKING CLOSE TO CURB.

Except as otherwise provided in this chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of the vehicle parallel to and within 12 inches of the right-hand curb, or when so stopped or parked on the left-hand side of a one-way street, the left-hand wheels of such vehicle shall be parallel to and within 12 inches of the left- hand curb.

(1984 Code, § 75.01) (Ord. O-34-67, passed 5-25-1967; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016) Penalty, see § 74.999

§ 74.002 ANGLE PARKING SIGN OR MARKINGS.

(A) The Director of Public Works, or his or her designee, shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets, but such angle parking shall not be indicated upon any federal-aid or state highway within this city unless the state's Highway Commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(B) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

(1984 Code, § 75.02) (Ord. O-34-67, passed 5-25-1967; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016)

§ 74.003 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS.

On those streets which have been signed or marked for angle parking by the Director of Public Works, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

(1984 Code, § 75.03) (Ord. O-34-67, passed 5-25-1967; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016) Penalty, see § 74.999

§ 74.004 STOPPING, STANDING OR PARKING; WHEN PROHIBITED.

(A) Except when necessary to avoid conflict with other traffic, or in compliance with the law or the directions of a police officer or official traffic-control device, no person shall:

(1) Stop, stand or park a vehicle:

(a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(b) On a sidewalk;

(c) Within an intersection;

(d) On a crosswalk;

(e) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings;

(f) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

(g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(h) On any railroad tracks;

(i) At any place where official signs prohibit stopping or parking; and/or

(j) In front of a ramp in the sidewalk for disabled persons.

(2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers;

(a) Within two feet of a public or private driveway;

(b) Within 15 feet of fire hydrant;

(c) Within 20 feet of a crosswalk at an intersection;

(d) Within 30 feet upon the approach to any flashing signal, stop sign or traffic-control signal located at the side of a roadway when such parking would obstruct the view of such sign or signal;

(e) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance (when properly signposted);

(f) At any place where official signs prohibit standing; and

(g) In such a manner that it blocks a public or private driveway.

(3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

(a) Within 50 feet of the nearest rail of a railroad crossing; and/or

(b) At any place where official signs prohibit parking.

(4) Park any raised vehicle at any time upon a street in such a manner or under such conditions as to block the view of traffic. For the purposes of this section, a ***RAISED VEHICLE*** is defined as any vehicle which is elevated by use of a lift kit and which standard size tires are replaced with non-standard size tires in such a manner as to elevate either the rear end of the vehicle or the entire vehicle.

(B) No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as is unlawful.

(1984 Code, § 75.04) (Ord. O-34-67, passed 5-25-1967; Ord. O-38-78, passed 5-11-1978; Ord. O-29-88, passed 5-3-1988; Ord. O-63-90, passed 12-14-1990; Ord. O-31-97, passed 9-2-1997; Ord. O-5-98, passed 2-17-1998; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016) Penalty, see § 74.999

§ 74.005 PARKING NOT TO OBSTRUCT

TRAFFIC.

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(1984 Code, § 75.05) (Ord. O-34-67, passed 5-25-1967; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016) Penalty, see § 74.999

§ 74.006 PARKING IN ALLEYS.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

(1984 Code, § 75.06) (Ord. O-34-67, passed 5-25-1967; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016) Penalty, see § 74.999

§ 74.007 PARKING ON STREETS.

(A) No person shall park a vehicle on any public street, alley, way or thoroughfare, but not including right-of-way or shoulder, in the city, not otherwise restricted by parking regulations for a period longer than 72 hours.

(B) A vehicle shall be determined to be parked in the same location unless it has been moved for a distance of more than 50 feet to another location.

(C) No vehicle shall remain stopped in the right- of-way of a roadway, where parking is not otherwise permitted, unless the vehicle is disabled in such a manner and to such an extent that it is impossible to avoid the occupation of the shoulder of a roadway or impracticable to remove it from the shoulder of the roadway until repairs have been made or sufficient help obtained for its removal. In no event shall a vehicle remain in the right-of-way or shoulder of a roadway for more than 24 hours.

(1984 Code, § 75.07) (Ord. O-34-67, passed 5-25-1967; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016) Penalty, see § 74.999

§ 74.008 PARKING FOR CERTAIN PURPOSES PROHIBITED.

(A) Displaying such vehicles for sale;

(B) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency; and

(C) It shall be unlawful for any automobile repair shop, tire shop, accessory store, filling station, or any other establishment whatsoever, to use any part of any street for the storage, repair, adjustment or equipment of vehicles or accessories.

(1984 Code, § 75.08) (Ord. O-34-67, passed 5-25-1967; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016) Penalty, see § 74.999

§ 74.009 PARKING ADJACENT TO SCHOOLS.

(A) The Director of Public Works, or his or her designee, is authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his or her opinion, interfere with traffic or create a hazardous situation.

(B) When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

(C) Any action taken by the Director of Public Works under this subchapter that would result in the permanent removal of parking meters is subject to approval by the Parking Authority and the City Board of Commissioners in accordance with § 74.062(B).

(1984 Code, § 75.09) (Ord. O-34-67, passed 5-25-1967; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016; Ord. O-04-22, passed 3-8-2022) Penalty, see § 74.999

§ 74.010 PARKING PROHIBITED ON NARROW STREETS.

(A) The Director of Public Works, or his or her designee, is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed 30 feet.

(B) When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such streets in violation of any such sign.

(C) Any action taken by the Director of Public Works under this subchapter that would result in the permanent removal of parking meters is subject to approval by the Parking Authority and the City Board of Commissioners in accordance with § 74.062(B).

(1984 Code, § 75.10) (Ord. O-34-67, passed 5-25-1967; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016; Ord. O-04-22, passed 3-8-2022) Penalty, see § 74.999

§ 74.011 STANDING OR PARKING ON ONE-WAY STREETS, ROADWAYS.

(A) The Director of Public Works, or his or her designee, is authorized to erect signs upon either side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a

vehicle upon either side in violation of any such sign.

(B) In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon either side of such one- way roadway unless signs are erected to permit such standing or parking. The Director of Public Works is authorized to determine when standing or parking may be permitted upon either side of any such one-way roadway and to erect signs giving notice thereof.

(C) Any action taken by the Director of Public Works under this subchapter that would result in the permanent removal of parking meters is subject to approval by the Parking Authority and the City Board of Commissioners in accordance with § 74.062(B).

(1984 Code, § 75.11) (Ord. O-34-67, passed 5-25-1967; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016; Ord. O-04-22, passed 3-8-2022) Penalty, see § 74.999

§ 74.012 PARKING NEAR HAZARDOUS OR CONGESTED PLACES PROHIBITED.

(A) The Director of Public Works, or his or her designee, is authorized to determine and designate by proper signs places not exceeding 100 feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

(B) When official signs are erected at hazardous or congested places as authorized herein no person shall stop, stand or park a vehicle in any such designated place.

(C) Any action taken by the Director of Public Works under this subchapter that would result in the permanent removal of parking meters is subject to approval by the Parking Authority and the City Board of Commissioners in accordance with § 74.062(B).

(1984 Code, § 75.12) (Ord. O-34-67, passed 5-25-1967; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016; Ord. O-04-22, passed 3-8-2022) Penalty, see § 74.999

§ 74.013 USING PARKED VEHICLE FOR ADVERTISING PROHIBITED.

No person shall operate or park any vehicle on any street for the primary purpose of advertising. It shall be unlawful for any person to operate any sound truck or public address system for any purpose on any city street, except with the written permission of the Chief of Police or his or her authorized agent or designee.

(1984 Code, § 75.13) (Ord. O-34-67, passed 5-25-1967; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016) Penalty, see § 74.999

§ 74.014 PARKING ALONG PARADE ROUTES; TEMPORARY ALTERATIONS.

(A) (1) The Chief of Police is authorized whenever, in his or her judgment, it is necessary or proper to prohibit or restrict the parking of vehicles along a street, or part thereof, constituting the route, or part of a route, of a parade, and he or she shall erect temporary traffic signs to that effect.

(2) It shall be unlawful to park or leave unattended any vehicle in violation of such signs.

(B) (1) The Chief of Police shall have the authority to alter any of the parking regulations set forth in this chapter on a temporary basis whenever, in his or her judgment, it is necessary or proper, to address a special event or emergency that would justify such alterations.

(2) He or she shall cause any area so altered to be marked with temporary signs stating the nature of the alteration and that the alteration or change is made by order of the Police Department.

(1984 Code, § 75.14) (Ord. O-34-67, passed 5-25-1967; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016) Penalty, see § 74.999

§ 74.015 AUTHORITY TO DESIGNATE CURB LOADING ZONES.

The Director of Public Works, or his or her designee, is authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable. Notwithstanding the foregoing, the designation of a curb loading zone that would result in the permanent removal of parking meters is subject to approval by the Parking Authority and the City Board of Commissioners in accordance with § 74.062(B).

(1984 Code, § 75.15) (Ord. O-34-67, passed 5-25-1967; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016; Ord. O-04-22, passed 3-8-2022) Penalty, see § 74.999

§ 74.016 STANDING IN PASSENGER CURB LOADING ZONES PROHIBITED.

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three minutes.

(1984 Code, § 75.16) (Ord. O-34-67, passed 5-25-1967; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010;

Ord. O-08-16, passed 5-3-2016) Penalty, see § 74.999

§ 74.017 STANDING IN FREIGHT CURB LOADING ZONES PROHIBITED.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.

(1984 Code, § 75.17) (Ord. O-34-67, passed 5-25-1967; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016) Penalty, see § 74.999

§ 74.018 AUTHORITY TO DESIGNATE PUBLIC CARRIER STOPS AND STANDS.

(A) The Director of Public Works, or his or her designee, is authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles on such public streets in such places and in such number as he or she shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs.

(B) Any action taken by the Director of Public Works under this subchapter that would result in the permanent removal of parking meters is subject to approval by the Parking Authority and the City Board of Commissioners in accordance with § 74.062(B).

(1984 Code, § 75.18) (Ord. O-34-67, passed 5-25-1967; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016; Ord. O-04-22, passed 3-8-2022) Penalty, see § 74.999

§ 74.019 STANDING AND PARKING OF BUSES AND TAXICABS.

(A) The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

(B) The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.

(C) The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than 18 inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(D) (1) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein.

(2) This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

(1984 Code, § 75.19) (Ord. O-34-67, passed 5-25-1967; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016) Penalty, see § 74.999

§ 74.020 RESTRICTED USE OF BUS AND TAXICAB STANDS.

No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a hackney in a hackney stand, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed; except that, the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus, hackney or taxicab waiting to enter or about to enter such zone.

(1984 Code, § 75.20) (Ord. O-34-67, passed 5-25-1967; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016) Penalty, see § 74.999

§ 74.021 APPLICATION OF PARKING RESTRICTIONS.

The provisions of this chapter prohibiting the standing or 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 device. The provisions of this chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

(1984 Code, § 75.21) (Ord. O-34-67, passed 5-25-1967; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016)

§ 74.022 PARKING SIGNS REQUIRED.

Whenever, by this chapter or any other ordinance of the city, any parking limit is imposed or parking is prohibited on

designated streets or on publicly owned parking lots, it shall be the duty of the Director of Public Works, or his or her designee, where practicable to erect appropriate signs giving notice thereof. Where parking meters are used, the sign on the meter shall indicate the parking limit and these signs shall be used in place of the signs set forth herein.

(1984 Code, § 75.22) (Ord. O-34-67, passed 5-25-1967; Ord. O-54-84, passed 8-28-1984; Ord. O-76-85, passed 10-22-1985; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016)

§ 74.023 PARKING PROHIBITED BY SIGNS.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any streets so marked.

(1984 Code, § 75.23) (Ord. O-34-67, passed 5-25-1967; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016) Penalty, see § 74.999

§ 74.024 PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS.

When signs are erected in each block giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified on such signs.

(1984 Code, § 75.24) (Ord. O-34-67, passed 5-25-1967; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016) Penalty, see § 74.999

§ 74.025 PARKING RESTRICTED IN PUBLIC PARKS.

No person, firm or corporation shall obstruct any of the driveways in any park in the city. No person, firm or corporation shall operate any motor vehicle or any truck or wagon in any city park, except on driveways of the park or in such other parking space that may be designated as a parking space for any such vehicle.

(1984 Code, § 75.25) (Ord. O-34-67, passed 5-25-1967; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016) Penalty, see § 74.999

§ 74.026 PARKING OF TRUCKS PROHIBITED IN RESIDENTIAL AREAS.

(A) It shall be unlawful for any persons to park a truck, a truck-tractor or any vehicle whose manufacturer's gross weight exceeds 10,000 pounds in any residential section for longer than one hour, except when loading or unloading. City-owned vehicles or vehicles owned by other governmental entities or public utilities, or trucks owned by contractors of said governments or public utilities, are exempted from this provision while they are providing public maintenance in a designated residential zone.

(B) It shall be unlawful for any person to park a bus or van, including school buses and school vans, that have a seating capacity of more than 12 passengers or that was originally designed for more than 12 passengers, in any residential zone on the public right-of-way for longer than five hours.

(1984 Code, § 75.26) (Ord. O-34-67, passed 5-25-1967; Ord. O-3-87, passed 2-10-1987; Ord. O-14-87, passed 3-10-1987; Ord. O-63-87, passed 10-13-1987; Ord. O-16-05, passed 3-8-2005; Ord. O-6-09, passed 1-20-2009; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016)

§ 74.027 PARKING ON PRIVATE PROPERTY; CONSENT REQUIRED.

No person shall park any vehicle on private property without the consent of the owner or person in charge of the private property.

(1984 Code, § 75.27) (Ord. O-34-67, passed 5-25-1967; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016) Penalty, see § 74.999

§ 74.028 MAXIMUM TIME LIMITS FOR PARKING.

(A) The Parking Authority is delegated the responsibility and authority to establish maximum time limits for parking at parking meters within any designated Parking Meter Zone and on publicly-owned parking lots and garages, and is further authorized to post these locations with appropriate signage.

(B) No person shall park a vehicle or allow a vehicle to be parked at any place beyond the maximum time allowed by the official sign governing that place.

(C) A vehicle shall be determined to be parked in the same location unless it has been moved for a distance of more than 50 feet.

(1984 Code, § 75.28) (Ord. O-34-67, passed 5-25-1967; Ord. O-15-87, passed 3-24-1987; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016; Ord. O-04-22, passed 3-8-2022) Penalty, see § 74.999

§ 74.029 PROHIBITION OF ON-STREET PARKING OF BOATS, CAMPERS AND OTHER NON-LICENSED OBJECTS.

No person shall stop, stand or park any object or vehicle including, but not limited to, boats, campers, trailers, dumpsters or tractor trailers, unless the vehicle or object is attached to a properly licensed motor vehicle. A dumpster or other receptacle for demolition debris may be placed upon public streets by special permit to be issued by the Code Enforcement

Department when a demolition permit has been issued by the Code Enforcement Department and the only practical location for the receptacle is on the public street.

(1984 Code, § 75.29) (Ord. O-34-67, passed 5-25-1967; Ord. O-4-00, passed 3-7-2000; Ord. O-54-01, passed 12-18-2001; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016) Penalty, see § 74.999

§ 74.030 REPAIRING VEHICLES ON STREET PROHIBITED.

(A) No person shall repair any vehicle including motor scooters, motorcycles and go-carts on any public street, alley or easement of the city.

(B) This section shall not apply to emergency repairs when of a minor nature.

(C) The making of repairs on automotive vehicles is declared to be a public nuisance for the reason that such repairs block and impede traffic on the city streets and cause the streets of the city to become littered, cluttered and oil and grease stained, all to the detriment of the citizens of the city.

(1984 Code, § 75.30) (Ord. O-70-69, passed 11-13-1969; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016) Penalty, see § 74.999

§ 74.031 SNOW EMERGENCIES.

(A) At times of heavy snowfall when, in his or her opinion, an emergency situation exists requiring immediate plowing, salting, sanding or other clearing of snow from the public ways of the city, the Mayor, or his or her designee, is authorized and empowered to declare a snow emergency.

(B) The Mayor, or his or her designee, shall make a declaration of a snow emergency by giving either oral, written or telephone notification to the highest ranking officer of the Police Department on duty at the time the emergency is declared. The officer shall note the time and date the notice is received by him or her on a snow emergency form available in the City Clerk's office. The officer shall file the snow emergency form in the office of the City Clerk within a reasonable time after receipt of notification of the emergency.

(C) Upon the declaration of any snow emergency, the officer shall, as soon as possible, notify local radio stations, television stations, newspapers and other members of the news media as will, in the judgment of the officer, afford the earliest and best information to persons using the public ways of the city of the existence of the snow emergency. The officer should also attempt, to the extent possible, to get the notification placed on the city's website. In notifying the members of the news media, the officer shall request that the notice of the snow emergency and the requirements thereof be broadcast or published as soon as possible. No other notices of the existence of the snow emergency shall be required.

(D) A snow emergency shall expire 24 hours after it is declared. The Mayor, or his or her designee, may declare a new snow emergency to commence immediately upon expiration of an existing snow emergency by giving notice as provided in division (B) above.

(E) The Mayor, or his or her designee, may identity specific public ways or portions of these ways upon which parking is prohibited during a snow emergency and he or she may cause city-owned garages to be opened for public parking. During the existence of any snow emergency duly declared, it shall be a violation for any person, firm or corporation to leave parked any motor vehicle on the public ways or portions thereof identified in the manner set forth above or on any public way of the city in a manner that hinders or interferes with the plowing, salting, sanding or other clearing of snow from any public way.

(1984 Code, § 75.31) (Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016) Penalty, see § 74.999

§ 74.032 IMPROPER REGISTRATION PLATE.

(A) No person shall park a motor vehicle on any street, alley or public lot within the city without a valid registration plate affixed to the vehicle.

(B) Such registration plate must comply with KRS 186.020.

(1984 Code, § 75.32) (Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016) Penalty, see § 74.999

§ 74.033 PARKING ON UNPAVED SURFACES PROHIBITED.

It shall be unlawful to park a motor vehicle on any unpaved surface. Note that paved surfaces for parking shall be installed in accordance with Chapter 158, the Zoning Code, including § 7.11.07, and Appendix A: Specification for Paving of Off-Street Parking and Loading or Unloading Areas.

(1984 Code, § 75.33) (Ord. O-4-10, passed 1-26-2010; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016) Penalty, see § 74.999

RESIDENTIAL PARKING PERMIT AREAS

§ 74.045 DEFINITIONS.

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

BLOCK FACE. One side of the street between two consecutive intersections, from curb to curb.

DWELLING. A building or portion thereof designed and used exclusively for residential occupancy.

DWELLING UNIT. Either a single room or two or more connected rooms used exclusively as a single unit and intended for occupancy for no less than 30 consecutive days or more by one family, and providing complete, independent living facilities (which at a minimum includes permanent provisions for living, sleeping, eating, cooking and sanitation which are accessed independently. This term does not include hotel or motel rooms, extended stay lodging facilities, nursing home rooms, or assisted living residence units.

NEIGHBORHOOD ADVOCATE. The person or persons that originally petition the Parking Authority for an RPPP as provided.

PARKING MANAGEMENT PLAN. The document developed by the Parking Authority to establish and set guidelines for a Residential Parking Zone.

PERMIT. The permission granted by the Parking Authority, represented by a decal, window hanger, electronic tracking identification or marker, allowing the holder to park within an RPZ.

PROPERTY OWNER. The owner of record of a piece of property within the proposed RPPP area, as listed on the records of the Kenton County Property Valuation Administrator.

RPZ. A Residential Parking Zone, list of streets and sections of streets designated in this subchapter, for restricted parking by residential parking permit at designated times.

RPPP. The Residential Permit Parking Program.

VERIFIABLE REQUEST. A document containing a list of the property owners within the Residential Parking Zone, obtained from the Property Valuation Administrator, with the address of the property in the Residential Parking Zone, the mailing address of the property owner, and the printed name, signature, and phone number of the property owner that has voted.

(Ord. O-08-16, passed 5-3-2016; Ord. O-28-22, passed 12-20-2022)

§ 74.046 ESTABLISHMENT OF AN RPZ.

(A) The Parking Authority may, or upon receipt of an application and petition for a residential parking program, establish an RPZ. An RPZ may be established only in accordance with the procedures set forth in in this subchapter,

(B) Upon establishment of an RPZ, the Director of Public Work, or his or her designee, is authorized to post signs giving notice that an RPZ has been established.

(C) A list of RPZs shall be maintained by the Executive Director of the Parking Authority, or his or her designee, and be made available to the public upon request,

(Ord. O-28-22, passed 12-20-2022)

§ 74.047 APPLICATION AND PETITION FOR RESIDENTIAL PARKING PROGRAM.

(A) *In general.* To qualify for the RPPP, an area or neighborhood must meet the criteria set forth in this subchapter, and any additional criteria that the Parking Authority establishes, consistent with the guidelines and standards of this subchapter.

(B) *Petition for study.*

(1) In order for an area to be considered for an RPZ, any person serving as a Neighborhood Advocate must submit a petition to the Parking Authority to investigate the need for the RPZ, The Neighborhood Advocate shall collect signatures of at least 60% of the property owners within the defined proposed area for the RPZ, via written verifiable vote and signatures. The property owners must agree to the RPZ as proposed and indicate their approval by one vote per property owner. If a property owner owns multiple properties within the area, the property owner will be afforded one vote per property owned. If a property owner does not respond, the Neighborhood Advocate must provide the Parking Authority with verification that all reasonable means to reach the property owner have been exhausted and that attempts were made to contact 100% of the property owners. The following three steps must be taken by the Neighborhood Advocate to ensure that every reasonable step has been taken to contact a property owner:

(a) A letter must be sent to the address of the property owner as listed in the Kenton County property records.

(b) For any property for which a response is not received from the first letter, a subsequent letter must be sent to the address of the property owner as listed in the Kenton County property records.

(c) Neighborhood Advocate must send a final letter to all property owners who have not responded to the address of the property owner as listed in the Kenton County property records. Letter must be sent via certified mail advising that failure to respond will result in the property owner being deemed to abstain from voting.

(2) Any property owner who abstains from voting will not be included in the required 60%. All votes shall be obtained

and forwarded to the Parking Authority within 120 days or less.

(3) Request will only be considered for two or more contiguous block faces on local streets.

(4) The boundaries of and the streets within the proposed residential parking area must be clearly identified on the request.

(5) A cover letter explaining the reason for the request, the boundaries of streets within the proposed resident parking area, and who is eligible to vote, shall accompany the request.

(Ord. O-28-22, passed 12-20-2022)

§ 74.048 RESIDENT PARKING PROGRAM REVIEW PROCESS.

(A) Upon receipt of a valid verified request, the Parking Authority shall conduct a parking study within the area identified in the petition. An RPZ will not be considered for implementation unless the results of the study demonstrate that at least 75% of the curb spaces in the defined area of the RPZ are utilized during peak periods under normal conditions.

(B) The Parking Authority shall schedule a meeting with the Neighborhood Advocate for a technical review of the issues to be considered in the creation of an RPZ.

(C) After the Parking Authority's technical review:

(1) The Neighborhood Advocate shall schedule a neighborhood meeting to determine the issues and needs of the neighborhood, and to identify problems and possible solutions that could be achieved by the implementation of an RPZ. Such identification may include:

(a) The area of the RPZ;

(b) Effective date of the RPZ;

(c) Tapes of businesses and institutions within RPZ;

(d) Types of meetings or events held within RPZ including special meetings or events that occur on a regular basis and may create an extraordinary demand for on-street parking;

(e) Temporary and special permit issuance requirements; and

(f) Limitations on permit issuance.

(2) The Neighborhood Advocate shall provide notice of the neighborhood meeting in accordance with the provisions of KRS Chapter 424, and also shall provide written notice of the neighborhood meeting, at least 14 days prior to the scheduled meeting to the Parking Authority.

(3) The Parking Authority shall utilize the information gathered from the neighborhood meeting to establish a Parking Management Plan for the RPZ, and subsequently shall hold a meeting with the neighborhood to discuss the Parking Management Plan, RPZ boundaries, time restrictions and other requirements.

(Ord. O-28-22, passed 12-20-2022)

§ 74.049 PARKING MANAGEMENT PLAN; DEVELOPMENT AND IMPLEMENTATION.

(A) *Parking Authority to develop; considerations.*

(1) The Parking Authority shall use the results of the parking study to design a Parking Management Plan designed to solve the identified problems.

(2) Special attention will be given to the definition of an RPZ and to the impact upon various population groups in designing the Parking Management Plan. Alternatives to an RPZ also will be considered, including, but not limited to, parking time limits, special meter zones, one-way or two-way streets, installation of parking meters, and alternate- side-of-the-street parking,

(B) *Public comments.*

(1) The Parking Authority shall present the Parking Management Plan at a public meeting held in accordance with a formal set of procedures adopted by the Parking Authority, to obtain public response to the proposed parking management plan.

(2) Notice of the public meeting shall be made in accordance with KRS Chapter 424, as well as posting notice of the meeting at the site of the meeting. Written notice of the public meeting also shall be sent to the Mayor and members of the Commission and to any identified community organizations representing the affected area. Such organizations may register with Parking Authority at any time following the initial petition for inclusion within the RPPP.

(3) The Parking Authority may seek additional comment on the proposed Parking Management plan from the neighborhood, Commissioners, and city staff before a final decision is made.

(C) *Adoption and implementation of Parking Management Plan.*

(1) Based upon information collected and reviewed, if the Parking Authority's written findings of fact support a conclusion that the Parking Management Plan is in compliance with this subchapter, and that all required steps of creating an RPZ have been met, the Parking Authority shall create a Parking Management Plan to be included in the RPPP.

(2) The Parking Management Plan shall include, at a minimum:

(a) The boundaries of the RPZ;

(b) Parking time restrictions;

(c) Effective date of the RPZ; and

(d) Any other limitations on permit issuance.

(D) The Parking Authority shall provide written notice to all property owners within the RPZ of the RPZ boundaries, permit application/renewal process, cost, time restrictions, issuance of visitor permits, enforcement regulations, and the appeals process available if a citation for a violation of the restrictions of an RPZ is issued.

(Ord. O-28-22, passed 12-20-2022)

§ 74.050 RPZ PERMITS.

(A) *Permit eligibility.*

(1) *Resident permits.* Residential parking permits may be issued to owners or operators of validly registered motor vehicles who reside at a dwelling unit located within an RPZ. Each dwelling unit within an RPZ is entitled to two residential parking permits. Resident permits are valid for one year.

(2) *Visitor permits.* One visitor permit will be provided with each residential parking permit and are valid for one year.

(B) *Application.* Eligible residents must fill out the appropriate application form in order to receive a permit.

(C) *Fees.*

(1) There shall be a fee in the amount of $80 for a residential parking permit.

(2) There shall be a fee in the amount of $80 for replacement of a lost permit.

(3) The fees for permits may be waived if documentation is presented that entitles the applicant to any state or federal low-income programs, including but not limited to the following: Electronic Benefit Transfer ("EBT"), Special Supplemental Nutrition Program for Women, Infants, and Children ("WIC"), Kentucky Medical Program ("KMP"), Supplemental Nutrition Assistance Program (“SNAP”), Low Income Home Energy Assistance Program ("LIHEAP"), House Choice Voucher, or Disabled Veteran. There shall be no discount for replacement or temporary permits issued.

(D) Permits issued for an RPZ shall be valid only for that RPZ.

(E) Permits shall be visibly displayed or otherwise displayed in a manner determined by the Executive Director of the Parking Authority or his or

her designee.

(F) Possession of a permit is no guarantee of being able to park in the RPZ or the availability of on-street parking.

(Ord. O-28-22, passed 12-20-2022)

§ 74.051 VIOLATIONS.

(A) No person shall represent that a vehicle is entitled to a permit when not so entitled.

(B) No person shall duplicate or attempt to duplicate, by any means, a permit granted under this subchapter. The display of such duplicate permit shall be a violation of this subchapter.

(Ord. O-28-22, passed 12-20-2022)

§ 74.052 ENFORCEMENT.

Parking citations may be issued in accordance with the provisions ofCh. 74, Parking Citation Enforcement Ordinance.

(Ord. O-28-22, passed 12-20-2022)

PARKING METERS, PARKING LOTS AND PARKING GARAGES

§ 74.060 DEFINITIONS.

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

PARK or ***PARKED*** or ***PARKING.*** The standing of a vehicle, whether or not occupied.

PARKING AUTHORITY. The Motor Vehicle Parking Authority governed by §§ 32.020 et seq. of the Covington Code of Ordinances.

PARKING LOT or ***PARKING GARAGE.*** A large area, either open or enclosed, maintained by the Parking Authority, for the specific purpose of off-street parking, within which parking meters are authorized to be installed.

PARKING METER or ***PARKING METERS.*** Any mechanical and/or electronic device which, on deposit of a proper coin or coins, or other form of payment, displays a signal showing or otherwise confirms the correct amount of parking time purchased thereby and correctly thereafter indicates the lapse of time and displays a signal or otherwise provides a method to indicate that the correct amount of parking time purchased has expired. This term shall include pay stations, parking kiosks, or other similar machines that allow payment for pay and display, pay by license, or pay by space parking.

PARKING METER ZONE. The area or areas, established by ordinance by the City Board of Commissioners, within which parking meters may be installed by the Parking Authority.

PARKING SPACE. A section of the street adjacent to the curb or a section of the surface of any public parking area which is indicated by paint or other definitely defined outlines of sufficient size and for the purpose of parking an average or larger size personal automobile.

VEHICLE. Any device in, on or by which, any person or property is, or may be, transported on a street or highway, except those operated on rails or tracks.

(1984 Code, § 75.50) (Ord. O-08-16, passed 5-3-2016; Ord. O-04-22, passed 3-8-2022)

§ 74.061 INSTALLATION OF PARKING METERS.

(A) The Parking Authority is authorized and directed to install parking meters within any designated Parking Meter Zone on any street or portion thereof.

(B) Where parking meters have been previously authorized and installed prior to the establishment of any designated Parking Meter Zones, the parking meters may remain only if the parking time allowed and the parking meter fee required either coincides with, or is changed to, the time allowed and the fee fixed by ordinance for the Parking Meter Zone within which the parking meter or meters exist. Any such existing parking meter which conflicts with the requirements of the designated Parking Meter Zone in which it stands, but is deemed necessary by the City Board of Commissioners, may be reauthorized by this or a separate ordinance. Any parking meters or meters existing within any designated Parking Meter Zone prior to the effective date of this subchapter may be removed by the Parking Authority, subject to the approval of the City Board of Commissioners.

(C) If an existing parking meter is outside the boundaries of any designated Parking Meter Zone as of the effective date of this subchapter, parking meters may remain only if the parking time allowed and the parking meter fee required either coincides with, or is changed to, the fee fixed by ordinance for parking meters. Any existing parking meters may be removed by the Parking Authority, subject to the approval of the City Board of Commissioners.

(1984 Code, § 75.51) (Ord. O-08-16, passed 5-3-2016; Ord. O-04-22, passed 3-8-2022)

§ 74.062 AUTHORITY FOR PARKING METERS, PARKING LOTS AND PARKING GARAGES.

(A) The Parking Authority may designate times for parking lots and parking garages within the city which are owned and/or maintained by the Parking Authority or its designee. The Parking Authority shall adopt regulations concerning parking lots and parking garages. A list of all parking lots and parking garages shall be maintained by the Parking Authority and be made available to the public upon request.

(B) Nothing in this subchapter shall be interpreted to mean that parking meters are required to be installed at every available location or within any designated Parking Meter Zone and, any parking meter, whether currently existing or later installed, may, at the discretion of the Parking Authority, and subject to the approval of the City Board of Commissioners, be removed if it is determined that the meter or meters are not necessary or practical to regulate and control vehicular traffic at the existing location.

(C) The Parking Authority, or its designee, is hereby authorized and directed to repair, replace, and maintain all authorized parking meters and to install wherever appropriate to carry the provisions of this subchapter into effect, instructions for use of meter, signs and/or pavement markings to indicate the correct parking space adjacent to each parking meter.

(D) All authorized parking meters shall be placed adjacent to individual parking spaces and shall be placed so as to display a signal that shall indicate by a mechanical operation the unexpired time which has been paid for and whether the time paid for has expired. In the alternative, where parking meters have been installed in a parking lot or parking garage or in an area where parking meters in the form of pay stations are utilized to regulate on-street parking, any such parking meters shall be placed in an area that is conveniently accessed by individuals who are parking vehicles within any such parking lot, parking garage, or on-street parking.

(1984 Code, § 75.52) (Ord. O-08-16, passed 5-3-2016; Ord. O-04-22, passed 3-8-2022)

§ 74.063 PAYMENT OF FEE REQUIRED.

(A) The fee fixed by the Parking Authority or city for parking at any parking meter or in any parking lot or parking garage shall be displayed or posted on any parking meter or on appropriate signage at any parking lot or parking garage. The Parking Authority may designate the fees for parking lots and parking garages within the city which are owned and/or maintained by the Parking Authority, subject to the approval of the City's Board of Commissioners. The Parking Authority may designate the fees for parking meters within the designated Parking Meter Zones, subject to the approval of the City's Board of Commissioners.

(B) The fee for parking at a parking meter shall be as follows: $1.50 per hour in all areas. Parking meters shall be in effect Monday through Saturday from 8:00 a.m. until 9:00 p.m. unless a different time is displayed on a parking meter or otherwise provided by local ordinance. All parking at parking meters during the effective times shall be limited to two consecutive hours. Exceptions specified in § 74.064 of this chapter shall apply. One or more parking meters allowing a different, but more restrictive, time limit and appropriate parking meter fee may be authorized by this or a separate ordinance if deemed practical by the Parking Authority, subject to approval by the City Board of Commissioners. The fee for parking at such parking meters may be the same rate or a different rate fixed for parking at other authorized parking meters.

(C) The fees for parking garages shall be as follows:

(1) Rivercenter Garage and City Center Garage (aka Hotel Covington garage):

(a) Daily Parking and Daily Maximum Rates:

Hours	***Hourly Rate***
0-1 Hour	$3.00
1-2 Hours	$6.00
2-3 Hours	$8.00
3-4 Hours	$8.00
4-5 Hours	$10.00
5-24 Hours (Daily Maximum)	$12.00

(b) Lost Ticket Rates:

Rivercenter Garage	$20.00
City Center Garage	$12.00

(c) Monthly Parking Rate:

Rivercenter Garage	$65.00
City Center Garage	$55.00

(2) Mid Town garage:

Daily Parking Rate	$1.00 per hour
Daily Maximum Rate	$6.00
Lost Ticket Rate	$12.00
Monthly Parking Rate	$55.00

(D) The fees for parking lots shall be as follows:

(1) Flood Wall Lot:$25.00 monthly;

(2) West lot:$25.00 monthly, monthly parking only from 8:00 a.m. until 5:00 p.m.;

(3) 400 Madison lot, aka Madison Coin lot: $50.00 monthly, monthly parking only from 8:00 a.m. until 5:00 p.m., meter parking available;

(4) The L lot: $30.00 monthly, monthly parking only from 8:00 a.m. until 5:00 p.m.;

(5) East 8th Street north lot: $30.00 monthly, no daily rates;

(6) East 9th Street north lot: $30.00 monthly, monthly parking only from 8:00 a.m. until 5:00 p.m.;

(7) East 7th Street south lot: $30.00 monthly, daily rate $1.00 per hour $6.00 maximum;

(8) West 9th Street lot: $35.00 monthly, no daily rates; and

(9) East 8th Street south lot: $30.00 monthly, daily rate $1.00 per hour, $6.00 maximum.

(E) During certain special events, the above-listed rates for parking lots, parking garages, and/or parking meters may be temporarily increased. In the event the above-listed rates are increased during a special event, there shall be a sign or other notification at each parking lot, parking garage, and/or parking meter where the increased rate will apply. Each sign shall provide notification to a guest of the amount of the increased parking rate.

(1984 Code, § 75.53) (Ord. O-08-16, passed 5-3-2016; Ord. O-41-18, passed 12-11-2018; Ord. O-04-22, passed 3-8-2022)

§ 74.064 PARKING METER, PARKING LOT AND PARKING GARAGE VIOLATIONS.

(A) It shall be unlawful for the owner or operator of any vehicle to park such vehicle at any parking meter or within any parking lot or parking garage without inserting the coin or coins or other payment form prescribed thereon or required for parking at such meter, parking lot or parking garage on any day and during the hours meters are in effect.

(B) After having occupied a parking space for the period of time allowed at that meter, or within a parking lot or parking garage, it shall be unlawful for any person to deposit, or cause to be deposited, any coin or other payment form in the same meter for the purpose of extending the parking time beyond the single period of time allowed (sometimes referred to as “meter feeding”).

(C) All coins used in parking meters shall be coins of the United States. It shall be unlawful to deposit or cause to be deposited in any parking meter, any slug, device or substitute for the proper United States coin or coins required for the operation of such meter.

(D) On any day, during the hours meters are in effect, if a vehicle shall remain parked at a parking meter or within a parking lot or parking garage wherein parking is regulated by a parking meter beyond the time paid for, the parking meter shall display a signal or otherwise indicate that the time paid for parking thereat has expired and, in that event, the vehicle shall be considered as parking overtime and beyond the time fixed by ordinance. The parking of any vehicle overtime at any authorized parking meter or within a parking lot or parking garage wherein parking is regulated by a parking meter shall be construed as a violation of this section by the owner, as identified in § 74.065 of this chapter, and punishable as provided in § 74.999 of this chapter.

(E) It shall be unlawful to park any vehicle across any line or mark on the street designating a parking space unless such vehicle is of sufficient length to require more than one parking space, in which event the owner or operator of such vehicle must insert the required coin or coins or other payment form for each parking meter space and portion of a parking meter space so occupied.

(F) It shall be unlawful for any unauthorized person to deface, injure, tamper with, open, willfully break, destroy or impair the usefulness of any parking meter installed under the terms of this subchapter.

(G) It shall be unlawful for any unauthorized person to park any vehicle in a space controlled by a parking meter when such parking meter is out of order, malfunctioning, displaying an error message, or otherwise not in proper working condition.

(H) Citations for overtime parking at parking meters or within a parking lot or parking garage wherein parking is regulated by a parking meter shall be issued by an authorized police officer or any citation officer who was been designated by the city or Parking Authority. For purposes of parking rule and regulation enforcement, any third-party contractor acting on behalf of the city or its agent, assignee or agent or Parking Authority, shall be deemed to be a citation officer, as defined within KRS 83A.087.

(1984 Code, § 75.54) (Ord. O-08-16, passed 5-3-2016; Ord. O-41-18, passed 12-11-2018; Ord. O-04-22, passed 3-8-2022) Penalty, see § 74.999

§ 74.065 PARKING METER ZONES.

The following table authorizes and denotes parking meter zones within the City of Covington:

DIRECTION OF STREET	***STREET***	***SIDE***	***BLOCK***	***PARKING REG***	***CROSS STREETS***
DIRECTION OF STREET	***STREET***	***SIDE***	***BLOCK***	***PARKING REG***	***CROSS STREETS***
N-S	BAKEWELL ST	WEST	300	METERED	3RD TO 4TH
N-S	BAKEWELL ST	EAST	300	METERED	3RD TO 4TH
N-S	BAKEWELL ST	WEST	400	METERED	4TH TO 5TH
N-S	BAKEWELL ST	EAST	400	METERED	4TH TO 5TH
N-S	BAKEWELL ST	EAST	500	METERED	7TH TO 716 BAKEWELL ST
N-S	COURT ST	WEST	300	METERED	3RD TO 4TH

N-S	COURT ST	EAST	300	METERED	3RD TO 4TH
E-W	E 2ND ST	NORTH	100	METERED	SCOTT TO GREENUP
E-W	E 2ND ST	SOUTH	100	METERED	SCOTT TO GREENUP
E-W	E 2ND ST	NORTH	000	METERED	MADISON TO SCOTT
E-W	E 2ND ST	SOUTH	000	METERED	MADISON TO SCOTT
E-W	E 3RD ST	NORTH	100	METERED	SCOTT TO GREENUP
E-W	E 3RD ST	SOUTH	100	METERED	SCOTT TO GREENUP
E-W	E 3RD ST	NORTH	200	METERED	ALLEY TO GREENUP
E-W	E 3RD ST	SOUTH	200	METERED	ALLEY TO GREENUP
E-W	E 3RD ST	NORTH	000	METERED	MADISON TO SCOTT
E-W	E 3RD ST	SOUTH	000	METERED	MADISON TO SCOTT
E-W	E 4TH ST	NORTH	100	METERED	SCOTT TO GREENUP
E-W	E 4TH ST	SOUTH	100	METERED	SCOTT TO GREENUP
E-W	E 4TH ST	SOUTH	200	METERED	GREENUP TO SANFORD
E-W	E 4TH ST	NORTH	200	METERED	GREENUP TO SANFORD
E-W	E 4TH ST	NORTH	000	METERED	MADISON TO SCOTT
E-W	E 4TH ST	SOUTH	000	METERED	MADISON TO SCOTT
E-W	E 5TH ST	NORTH	100	METERED	SCOTT TO GREENUP
E-W	E 5TH ST	SOUTH	100	METERED	SCOTT TO GREENUP
E-W	E 5TH ST	NORTH	000	METERED	MADISON TO SCOTT
E-W	E 5TH ST	SOUTH	000	METERED	MADISON TO SCOTT
E-W	E 6TH ST	NORTH	100	METERED	SCOTT TO GREENUP
E-W	E 6TH ST	SOUTH	100	METERED	SCOTT TO GREENUP
E-W	E 6TH ST	NORTH	200	METERED	SCOTT TO LEGACY WAY ALLEY
E-W	E 6TH ST	SOUTH	200	METERED	SCOTT TO LEGACY WAY ALLEY
E-W	E 6TH ST	NORTH	000	METERED	MADISON TO SCOTT
E-W	E 6TH ST	SOUTH	000	METERED	MADISON TO SCOTT
E-W	E 7TH ST	NORTH	100	METERED	SCOTT TO GREENUP
E-W	E 7TH ST	SOUTH	100	METERED	SCOTT TO GREENUP
E-W	E 7TH ST	NORTH	000	METERED	MADISON TO SCOTT
E-W	E 7TH ST	SOUTH	000	METERED	MADISON TO SCOTT
E-W	E 8TH ST	NORTH	100	METERED	SCOTT TO GREENUP
E-W	E 8TH ST	SOUTH	100	METERED	SCOTT TO GREENUP
E-W	E 8TH ST	NORTH	000	METERED	MADISON TO SCOTT
E-W	E 8TH ST	SOUTH	000	METERED	MADISON TO SCOTT
E-W	E PIKE	NORTH	000	METERED	MADISON TO SCOTT
E-W	E PIKE	SOUTH	000	METERED	MADISON TO SCOTT
E-W	E RIVERCENTER BLVD	NORTH	000	METERED	SCOTT TO MADISON AVE
E-W	E RIVERCENTER BLVD	SOUTH	000	METERED	SCOTT TO MADISON AVE
E-W	E RIVERCENTER BLVD	NORTH	100	METERED	SCOTT TO GREENUP
E-W	E RIVERCENTER BLVD	SOUTH	100	METERED	SCOTT TO GREENUP
N-S	GARRARD ST	EAST	100	METERED	RIVERSIDE TO ALLEY
N-S	GREENUP ST	WEST	200	METERED	2ND TO 3RD
N-S	GREENUP ST	EAST	200	METERED	2ND TO 3RD
N-S	GREENUP ST	WEST	300	METERED	3RD TO 4TH
N-S	GREENUP ST	EAST	300	METERED	3RD TO 4TH
N-S	GREENUP ST	WEST	400	METERED	4TH TO 5TH

N-S	GREENUP ST	EAST	400	METERED	4TH TO 5TH
N-S	JOHNSON ST	WEST	200	METERED	RIVERCENTER TO 3RD
N-S	JOHNSON ST	EAST	200	METERED	RIVERCENTER TO 3RD
N-S	JOHNSON ST	WEST	300	METERED	3RD TO 4TH
N-S	JOHNSON ST	EAST	400	METERED	3RD TO 4TH
N-S	JOHNSON ST	WEST	400	METERED	4TH TO 5TH
N-S	JOHNSON ST	EAST	400	METERED	4TH TO 5TH
N-S	MADISON AVE	WEST	200	METERED	RIVERCENTER TO 3RD
N-S	MADISON AVE	EAST	200	METERED	RIVERCENTER TO 3RD
N-S	MADISON AVE	WEST	300	METERED	3RD TO 4TH
N-S	MADISON AVE	EAST	300	METERED	3RD TO 4TH
N-S	MADISON AVE	WEST	400	METERED	4TH TO 5TH
N-S	MADISON AVE	EAST	400	METERED	4TH TO 5TH
N-S	MADISON AVE	WEST	500	METERED	5TH TO 6TH
N-S	MADISON AVE	EAST	500	METERED	5TH TO 6TH
N-S	MADISON AVE	WEST	600	METERED	6TH TO 7TH
N-S	MADISON AVE	EAST	600	METERED	6TH TO 7TH
N-S	MADISON AVE	WEST	700	METERED	7TH TO 8TH
N-S	MADISON AVE	EAST	700	METERED	7TH TO 8TH
N-S	MADISON AVE	WEST	800	METERED	8TH TO 9TH
N-S	MADISON AVE	EAST	800	METERED	8TH TO 9TH
N-S	MADISON AVE	WEST	900	METERED	9TH 10TH
N-S	MADISON AVE	EAST	900	METERED	9TH 10TH
N-S	MADISON AVE	WEST	1000	METERED	10TH TO ROBBINS
N-S	MADISON AVE	EAST	1000	METERED	10TH TO ROBBINS
N-S	MAIN ST	WEST	200	METERED	RIVERCENTER TO 3RD
N-S	MAIN ST	EAST	200	METERED	RIVERCENTER TO 3RD
N-S	MAIN ST	WEST	400	METERED	4TH TO 5TH
N-S	MAIN ST	EAST	400	METERED	4TH TO 5TH
N-S	MAIN ST	WEST	600	METERED	6TH TO 7TH
N-S	MAIN ST	EAST	600	METERED	6TH TO 7TH
N-S	MAIN ST	WEST	500	METERED	5TH TO 6TH
N-S	MAIN ST	WEST	500	METERED	5TH TO 6TH
E-W	PARK PL	SOUTH	100	METERED	SCOTT TO GREENUP
E-W	PARK PL	NORTH	100	METERED	SCOTT TO GREENUP
N-S	PHILADELPHIA ST	WEST	300	METERED	3RD TO 4TH
N-S	PHILADELPHIA ST	EAST	300	METERED	3RD TO 4TH
N-S	PHILADELPHIA ST	WEST	400	METERED	4TH TO 5TH
N-S	PHILADELPHIA ST	EAST	400	METERED	4TH TO 5TH
N-S	PHILADELPHIA ST	WEST	600	METERED	6TH TO 623 PHILADELPHIA
N-S	PHILADELPHIA ST	WEST	500	METERED	5TH TO 6TH
N-S	PHILADELPHIA ST	EAST	500	METERED	5TH TO 6TH
E-W	RIVERSIDE DR.	SOUTH	300	METERED	GARRARD TO KENNEDY
E-W	RIVERSIDE DR.	SOUTH	400	METERED	KENNEDY TO SHELBY
N-S	RUSSELL ST	WEST	200	METERED	RIVERCENTER TO 3RD
N-S	RUSSELL ST	EAST	200	METERED	RIVERCENTER TO 3RD
N-S	RUSSELL ST	WEST	300	METERED	3RD TO 4TH
N-S	RUSSELL ST	EAST	400	METERED	3RD TO 4TH
N-S	RUSSELL ST	WEST	400	METERED	4TH TO 5TH
N-S	RUSSELL ST	EAST	400	METERED	4TH TO 5TH
N-S	RUSSELL ST	EAST	600	METERED	6TH TO PIKE
N-S	RUSSELL ST	WEST	600	METERED	6TH TO PIKE

N-S	RUSSELL ST	EAST	700	METERED	PIKE TO 8TH
N-S	RUSSELL ST	EAST	700	METERED	PIKE TO 8TH
N-S	SCOTT ST	WEST	200	METERED	RIVERCENTER TO 3RD
N-S	SCOTT ST	EAST	200	METERED	RIVERCENTER TO 3RD
N-S	SCOTT ST	WEST	300	METERED	3RD TO 4TH
N-S	SCOTT ST	EAST	400	METERED	3RD TO 4TH
N-S	SCOTT ST	WEST	400	METERED	4TH TO 5TH
N-S	SCOTT ST	EAST	400	METERED	4TH TO 5TH
N-S	SCOTT ST	WEST	500	METERED	5TH TO 6TH
N-S	SCOTT ST	EAST	500	METERED	5TH TO 6TH
N-S	SCOTT ST	WEST	600	METERED	6TH TO 7TH
N-S	SCOTT ST	EAST	600	METERED	6TH TO 7TH
N-S	SCOTT ST	EAST	700	METERED	7TH TO 8TH
N-S	SCOTT ST	WEST	700	METERED	7TH TO 8TH
N-S	SCOTT ST	EAST	800	METERED	8TH TO SARATOGA ST
N-S	SCOTT ST	WEST	800	METERED	8TH TO SARATOGA ST
E-W	W 2ND ST	NORTH	400	METERED	MAIN TO PETER ROSE PIER
E-W	W 2ND ST	SOUTH	400	METERED	MAIN TO PETER ROSE PIER
E-W	W 2ND ST	NORTH	300	METERED	PETER ROSE PIER TO RIVERCENTER
E-W	W 2ND ST	SOUTH	300	METERED	PETER ROSE PIER TO RIVERCENTER
E-W	W 3RD ST	SOUTH	000	METERED	WASHINGTON TO MADISON
E-W	W 3RD ST	NORTH	000	METERED	WASHINGTON TO MADISON
E-W	W 3RD ST	SOUTH	100	METERED	RUSSELL TO WASHINGTON
E-W	W 3RD ST	NORTH	100	METERED	RUSSELL TO WASHINGTON
E-W	W 3RD ST	SOUTH	200	METERED	JOHNSON TO RUSSELL
E-W	W 3RD ST	NORTH	200	METERED	JOHNSON TO RUSSELL
E-W	W 3RD ST	NORTH	300	METERED	MAIN TO JOHNSON
E-W	W 3RD ST	NORTH	300	METERED	MAIN TO JOHNSON
E-W	W 3RD ST	NORTH	400	METERED	BAKEWELL TO MAIN
E-W	W 3RD ST	SOUTH	400	METERED	BAKEWELL TO MAIN
E-W	W 3RD ST	NORTH	500	METERED	BAKEWELL TO PHILADELPHIA
E-W	W 3RD ST	SOUTH	500	METERED	BAKEWELL TO PHILADELPHIA
E-W	W 3RD ST	NORTH	600	METERED	PHILADELPHIA TO BRENT SPENCE BRIDGE
E-W	W 3RD ST	SOUTH	600	METERED	PHILADELPHIA TO BRENT SPENCE BRIDGE
E-W	W 4TH ST	SOUTH	100	METERED	RUSSELL TO WASHINGTON
E-W	W 4TH ST	NORTH	100	METERED	RUSSELL TO WASHINGTON
E-W	W 4TH ST	SOUTH	200	METERED	JOHNSON TO RUSSELL
E-W	W 4TH ST	NORTH	200	METERED	JOHNSON TO RUSSELL
E-W	W 4TH ST	NORTH	300	METERED	MAIN TO JOHNSON
E-W	W 4TH ST	NORTH	300	METERED	MAIN TO JOHNSON

E-W	W 4TH ST	NORTH	400	METERED	MAIN TO BAKEWELL
E-W	W 4TH ST	SOUTH	400	METERED	MAIN TO BAKEWELL
E-W	W 4TH ST	NORTH	500	METERED	BAKEWELL TO PHILADELPHIA
E-W	W 4TH ST	SOUTH	500	METERED	BAKEWELL TO PHILADELPHIA
E-W	W 4TH ST	NORTH	600	METERED	PHILADELPHIA TO BRENT SPENCE BRIDGE
E-W	W 4TH ST	SOUTH	600	METERED	PHILADELPHIA TO BRENT SPENCE BRIDGE
E-W	W 4TH ST	SOUTH	000	METERED	WASHINGTON TO MADISON
E-W	W 4TH ST	NORTH	000	METERED	WASHINGTON TO MADISON
E-W	W 5TH ST	SOUTH	100	METERED	RUSSELL TO MADISON
E-W	W 5TH ST	NORTH	100	METERED	RUSSELL TO MADISON
E-W	W 5TH ST	SOUTH	200	METERED	JOHNSON TO RUSSELL
E-W	W 5TH ST	NORTH	200	METERED	JOHNSON TO RUSSELL
E-W	W 5TH ST	NORTH	300	METERED	MAIN TO JOHNSON
E-W	W 5TH ST	NORTH	300	METERED	MAIN TO JOHNSON
E-W	W 5TH ST	NORTH	400	METERED	MAIN TO BAKEWELL
E-W	W 5TH ST	SOUTH	400	METERED	MAIN TO BAKEWELL
E-W	W 5TH ST	NORTH	500	METERED	BAKEWELL TO PHILADELPHIA
E-W	W 5TH ST	SOUTH	500	METERED	BAKEWELL TO PHILADELPHIA
E-W	W 5TH ST	NORTH	600	METERED	PHILADELPHIA TO BRENT SPENCE RAMPS
E-W	W 5TH ST	SOUTH	600	METERED	PHILADELPHIA TO BRENT SPENCE RAMPS
E-W	W 6TH ST	SOUTH	100	METERED	RUSSELL TO WASHINGTON
E-W	W 6TH ST	NORTH	100	METERED	RUSSELL TO WASHINGTON
E-W	W 6TH ST	NORTH	300	METERED	MAIN TO ALLEY
E-W	W 6TH ST	NORTH	300	METERED	MAIN TO ALLEY
E-W	W 6TH ST	NORTH	400	METERED	MAIN TO BAKEWELL
E-W	W 6TH ST	SOUTH	400	METERED	MAIN TO BAKEWELL
E-W	W 6TH ST	NORTH	500	METERED	BAKEWELL TO PHILADELPHIA
E-W	W 6TH ST	SOUTH	500	METERED	BAKEWELL TO PHILADELPHIA
E-W	W 6TH ST	SOUTH	000	METERED	WASHINGTON TO MADISON
E-W	W 6TH ST	NORTH	000	METERED	WASHINGTON TO MADISON
E-W	W 7TH ST	NORTH	100	METERED	WASHINGTON TO PIKE
E-W	W 7TH ST	SOUTH	100	METERED	WASHINGTON TO PIKE
E-W	W 7TH ST	NORTH	000	METERED	MADISON TO WASHINGTON
E-W	W 7TH ST	SOUTH	000	METERED	MADISON TO WASHINGTON
E-W	W 7TH ST	NORTH	400	METERED	MAIN TO BAKEWELL
E-W	W 7TH ST	SOUTH	400	METERED	MAIN TO BAKEWELL
E-W	W MARTIN LUTHER KING JR	NORTH	100	METERED	RUSSELL TO BANKLICK

E-W	W MARTIN LUTHER KING JR	SOUTH	100	METERED	RUSSELL TO BANKLICK
E-W	W MARTIN LUTHER KING JR	NORTH	200	METERED	BANKLICK TO HOLMAN
E-W	W MARTIN LUTHER KING JR	SOUTH	200	METERED	BANKLICK TO HOLMAN
E-W	W MARTIN LUTHER KING JR	NORTH	300	METERED	HOLMAN TO LEE
E-W	W MARTIN LUTHER KING JR	SOUTH	300	METERED	HOLMAN TO LEE
E-W	W MARTIN LUTHER KING JR	NORTH	400	METERED	LEE TO MAIN
E-W	W MARTIN LUTHER KING JR	SOUTH	400	METERED	LEE TO MAIN
E-W	W MARTIN LUTHER KING JR	NORTH	500	METERED	MAIN TO SIMON KENTON
E-W	W MARTIN LUTHER KING JR	SOUTH	500	METERED	MAIN TO SIMON KENTON
E-W	W PIKE ST	NORTH	100	METERED	WASHINGTON TO 7TH
E-W	W PIKE ST	SOUTH	100	METERED	WASHINGTON TO 7TH
E-W	W PIKE ST	NORTH	100	METERED	7TH TO RUSSELL
E-W	W PIKE ST	SOUTH	100	METERED	7TH TO RUSSELL
E-W	W PIKE ST	NORTH	200	METERED	RUSSELL TO 8TH / CRAIG
E-W	W PIKE ST	SOUTH	200	METERED	RUSSELL TO 8TH / CRAIG
E-W	W PIKE ST	NORTH	200	METERED	8TH / CRAIG TO HOLMAN
E-W	W PIKE ST	SOUTH	200	METERED	8TH / CRAIG TO HOLMAN
E-W	W PIKE ST	NORTH	300	METERED	HOLMAN TO LEE
E-W	W PIKE ST	SOUTH	300	METERED	HOLMAN TO LEE
E-W	W PIKE ST	NORTH	400	METERED	LEE TO MAIN/YORK
E-W	W PIKE ST	SOUTH	400	METERED	LEE TO MAIN/YORK
E-W	W PIKE ST	NORTH	400	METERED	MAIN / YORK TO KEENE
E-W	W PIKE ST	SOUTH	400	METERED	MAIN / YORK TO KEENE
E-W	W PIKE ST	NORTH	500	METERED	KEENE TO PHILADELPHIA / GOETTA
E-W	W PIKE ST	SOUTH	500	METERED	KEENE TO PHILADELPHIA / GOETTA
E-W	W PIKE ST	NORTH	500	METERED	PHILADELPHIA / GOETTA TO SIMON KENTON
E-W	W PIKE ST	SOUTH	500	METERED	PHILADELPHIA / GOETTA TO SIMON KENTON
E-W	W PIKE ST	NORTH	000	METERED	MADISON TO WASHINGTON
E-W	W PIKE ST	SOUTH	000	METERED	MADISON TO WASHINGTON

(Ord. O-20-22, passed 9-27-2022)

§ 74.066 RESPONSIBILITY OF VEHICLE OWNER; EVIDENCE OF OWNERSHIP.

The responsibility of the owner of any vehicle involved in any violation of this subchapter and prima facie evidence of ownership of the vehicle shall be as provided in § 74.998 of this chapter.

(1984 Code, § 75.56) (Ord. O-08-16, passed 5-3-2016)

§ 74.067 COLLECTION OF MONEY; DISPOSITION OF FUNDS.

(A) (1) It shall be the duty of the Parking Authority to designate one or more officers, agents or employees of the city, or other designee to make collections of moneys from parking meters at such times as designated by the Parking Authority.

(2) It shall be the duty of such an officer, agent, employee or designee to remove the moneys from parking meters and to deliver all of the collections to the authorized depository for Parking Authority funds.

(B) All proceeds derived from the use of parking meters, parking lots or parking garages, public valet parking, or the enforcement of this subchapter shall be deposited in an account of the Parking Authority and any and all such money deposited shall be used exclusively by the Parking Authority in accordance with and subject to §§ 32.024 and 32.025.

(1984 Code, § 75.57) (Ord. O-08-16, passed 5-3-2016; Ord. O-04-22, passed 3-8-2022)

§ 74.068 RESTRICTING OR PROHIBITING PARKING AT METERS.

(A) In consultation with the Parking Authority, the City Manager, or their designee, is authorized to temporarily restrict or prohibit parking by use of parking meter bags or signs for specified periods of time during construction or maintenance projects, civic functions and other planned activities, in order to meet traffic control needs.

(B) Notwithstanding the provisions of this section, the Chief of Police shall be empowered to temporarily restrict or prohibit parking for brief or impromptu events such as parades, large funerals, emergencies, or similar situations in which public safety requires that parking meter spaces be temporarily restricted or prohibited.

(C) Any vehicle parked at a parking meter or other designated paid parking space, bagged or posted as restricted parking pursuant to divisions (A) and (B) of this section may be immediately towed. Any vehicle parked at a parking meter or other designated paid parking space that is bagged or posted as restricted parking subsequent to the vehicle being parked at the parking meter or other designated paid parking space may be towed four hours after the bagging of the parking meter or posting of a notice restricted parking.

(1984 Code, § 75.58) (Ord. O-08-16, passed 5-3-2016; Ord. O-04-22, passed 3-8-2022)

PARKING CITATION ENFORCEMENT

AND APPEAL

§ 74.080 TITLE.

This subchapter may be cited as the “Parking Citation Enforcement Ordinance”.

(1984 Code, § 75.70) (Ord. O-08-16, passed 5-3-2016)

§ 74.081 CIVIL ENFORCEMENT.

(A) The city hereby elects to enforce its parking ordinances as civil violations, pursuant to the provisions of KRS 82.605.

(B) The city’s parking ordinances shall be enforced pursuant to the procedures set forth in KRS 82.600 through 82.640.

(1984 Code, § 75.71) (Ord. O-08-16, passed 5-3-2016)

§ 74.082 PARKING VIOLATION HEARING BOARD.

A Hearing Board is hereby re-established that shall be called the “City of Covington Parking Violation Hearing Board”. The Board shall consist of four ex officio members. The membership of the Board shall consist of the Chief of Police or his or her designee, the Economic Development Manager or his or her designee, the City Solicitor or his or her designee, and the Executive Director of the Parking Authority or their designee. For all purposes under this subchapter, the attendance of three Board members shall constitute a quorum. The Board is hereby empowered to conduct hearings and make the decisions provided for in this subchapter and in the Local Government Parking Citation Enforcement Act, being KRS 82.600 to 82.640.

(1984 Code, § 75.72) (Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-12-13, passed 3-26-2013; Ord. O-08-16, passed 5-3-2016; Ord. O-04-22, passed 3-8-2022)

§ 74.083 CITATION FOR VIOLATION; CONTENTS.

(A) If any automobile, truck or other vehicle is found parked, standing or stopped in violation of the parking regulations of this chapter, the vehicle may be cited for the appropriate parking violation. The citing officer shall note the vehicle’s registration number and any other information concerning the vehicle, which will identify it and, if the driver is not present, shall conspicuously affix to the vehicle a citation as notice of the parking violation.

(B) The form of the citation of the parking violation shall be designated by the Chief of Police, but shall contain in substance the following information:

(1) A statement that the citation represents a determination that a parking violation has been committed by the owner of the vehicle and that the determination shall be final unless contested as provided herein;

(2) A statement that a parking violation may result in impoundment of the vehicle for which the owner may be liable for a fine and towing, handling, and storage charges or fees;

(3) A statement of the specific parking violation for which the citation was issued;

(4) A statement of the monetary penalty established for the parking violation; and

(5) A statement of the options provided in the Local Government Parking Citation Enforcement Act, being KRS 82.600 to 82.640 as provided herein for responding to the notice and the procedures necessary to exercise these options.

(C) The citation as notice of the parking violation represents a determination that a parking violation has been committed, and such determination shall be final unless contested.

(D) The city may designate a third-party contractor to write citations, in concert with the Police Department, for violations of this chapter. The Parking Authority may designate a third-party contractor to write citations for violation of non- moving traffic violations over which the Parking Authority has the power to enforce pursuant to § 32.022.

(E) The Chief of Police, or his or her designee, shall have the authority to void any erroneously issued parking citation written by the city's Police Department or by the third-party parking contractor designated by the city, after an administrative review by the Chief of Police, or his or her designee, to identify the error. The Executive Director of the Parking Authority, or his or her designee, shall have the authority to void any erroneously issued parking citation written by the Parking Authority or by the third-party parking contractor designated by the Parking Authority, after an administrative review by the Executive Director of the Parking Authority, or his or her designee, to identify the error. If applicable, the city's or Parking Authority's third-party parking contractor may also void tickets erroneously issued by the parking contractor, after an administrative review to identify the error by its chief local manager. When the authority under this division (E) is invoked, the Chief of Police and the city's or Parking Authority's third- party parking contractor shall maintain a record of all parking citations that are under consideration for voiding and those citations which are voided.

(F) The City Manager, or his or her designee, shall have the discretionary authority to void any parking citation issued to city employees, elected or appointed officials, or guests of the city, while on city business, after an administrative review by the Director of Public Works and for good cause shown in accordance with the applicable city parking citation waiver policy.

(1984 Code, § 75.73) (Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-12-13, passed 3-26-2013; Ord. O-08-16, passed 5-3-2016; Ord. O-04-22, passed 3-8-2022)

§ 74.084 PAYMENT OF FINE OR REQUEST FOR HEARING.

(A) Any person who receives a citation for a parking violation shall respond to such citation as provided herein within seven days of the date of the notice, by either paying the fine set forth in the notice or requesting a hearing pursuant to these procedures.

(B) If the owner of a vehicle cited for a parking violation has not responded to the notice within seven days as provided in division (A) above, the owner shall be deemed to have waived his or her right to a hearing and the determination that a violation was committed shall be considered final. Any person who fails to request a hearing or pay the fine within the seven days shall be deemed to have refused to pay the fine levied by the citation.

(C) The registered owner of a vehicle at the time the violation occurred shall be liable for all fines, fees and penalties which he or she has refused to pay.

(1984 Code, § 75.74) (Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016)

§ 74.085 CITATIONS; HEARING; APPEAL.

(A) Any person cited for a parking violation under this chapter may contest the determination that a violation occurred by requesting in writing a hearing before the Parking Violation Hearing Board. A request for a hearing must be submitted in writing to the city's Police Department or its designee as specified in division (B) below. The hearing shall be held no later than 14 days from the date of receipt of the written request for hearing, unless prior to the hearing the person requesting the hearing requests an extension of time not to exceed 14 days. No less than seven days prior to the date set for the hearing, the Board shall notify the registered owner of the vehicle of the date, time and place of the hearing. Any person requesting a hearing who fails to appear at the time and place set for the hearing shall be deemed to have refused to pay the fine levied by the citation.

(B) Written requests to contest the citation may be submitted via electronic submittal, via electronic mail or by submitting a hard copy of the appeal of parking citation form to the city's Police Department or its designee.

(C) At the hearing, after consideration of the evidence, the Board shall determine whether a violation was committed. Where it has not been established that the violation was committed, an order dismissing the citation shall be entered. Where it has been established that a violation was committed, the Board shall uphold the citation and order the owner to pay the citation within seven days. A copy of the order shall be furnished the owner. Any person ordered to pay the fine who fails to do so within seven days shall be deemed to have refused to pay the fine levied by the citation.

(D) The Board may consider the parking citation and any other written report made under oath by the officer who issued the citation in lieu of the officer's personal appearance at the hearing.

(E) An appeal from the Hearing Board's determination may be made to the county's District Court within seven days of the Board's determination. The appeal shall be initiated by the filing of a complaint and a copy of the Board's order in the same manner as any civil action under the rules of civil procedure. The action 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 owner shall be ordered to pay to the city all fines, fees and penalties occurring as of the date of the judgment. If the court finds that a violation did not

occur, the city shall be ordered to dismiss the citation and the plaintiff shall be authorized to recover his or her costs.

(F) The judgment of the county's District Court may be appealed to the county's Circuit Court in accordance with the rules of civil procedure.

(1984 Code, § 75.75) (Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016)

§ 74.086 AUTHORITY OF CITY TO IMPOUND OR IMMOBILIZE VEHICLES.

(A) The city, or its designee, or the Parking Authority, or its designee, may impound or immobilize a vehicle parked, stopped or standing upon a street or public way within the city in violation of the parking regulations of this chapter or any statute at the time the citation is issued or for any other lawful reason.

(B) A vehicle which has accumulated two or more unpaid parking citations which are not under appeal and as to which notice has been issued pursuant to KRS 82.615(2) and other applicable law shall not be parked on any public way within the city.

(C) Nothing in this subchapter shall be construed to limit the right of the city, or its designee, to subsequently tow an immobilized vehicle when the conditions for release of the vehicle have not been satisfied.

(D) The city or its designee, or the Parking Authority, or its designee, in addition to the fines levied for the parking or traffic offenses, may, by ordinance, impose reasonable towing, handling and storage charges upon an impounded vehicle.

(1984 Code, § 75.76) (Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-18-13, passed 6-11-2013; Ord. O-08-16, passed 5-3-2016; Ord. O-04-22, passed 3-8-2022)

§ 74.087 CHARGES.

In addition to the penalties levied for the parking violations, the city or its designee, or the Parking Authority, or its designee, may impose towing, holding and storage charges upon such impounded vehicle. In the event the condition of the vehicle or circumstances of the tow requires the employment of extraordinary services or equipment, the reasonable charges of the towing operator, as approved by the Chief of Police or the Executive Director of the Parking Authority, for such shall be added to the fee.

(1984 Code, § 75.77) (Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-12-13, passed 3-26-2013; Ord. O-08-16, passed 5-3-2016; Ord. O-04-22, passed 3-8-2022)

§ 74.088 PAYMENT OF PENALTY AND CHARGES OR REQUEST FOR HEARING.

(A) The release of an impounded or immobilized vehicle is conditioned upon the payment of the penalty levied for the parking violations and any towing, holding and storage charges imposed thereon by the city or its designee, or the Parking Authority, or its designee, unless the owner or other person entitled to possession challenges the validity of the impoundment or immobilization pursuant to § 74.089 of this chapter.

(B) With respect to vehicles impounded by the city or the Parking Authority, in addition to the towing fees, the city or the Parking Authority will charge an administrative holding fee of 30% of the towing costs, plus any preliminary sale advertising expenses, and a storage fee of $20 per day for the first 14 days and $10 per day for each day thereafter for each vehicle until redeemed.

(C) An impounded vehicle may be released to the owner or other person entitled to possession only upon proof of ownership or right to possession. The city or its designee, or the Parking Authority, or its designee, may require reasonable security, bond or other assurances of indemnification from a person who is not the registered owner of the vehicle prior to releasing the vehicle to such person.

(1984 Code, § 75.78) (Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-12-13, passed 3-26-2013; Ord. O-18-13, passed 6-11-2013; Ord. O-08-16, passed 5-3-2016; Ord. O-04-22, passed 3-8-2022)

§ 74.089 IMPOUNDMENT; HEARING; APPEAL.

(A) The owner of a motor vehicle which has been impounded or immobilized pursuant to this subchapter or other person entitled to possession, may challenge the validity of such impoundment or immobilization and request in writing a hearing before the Parking Violation Hearing Board. The hearing shall be conducted within ten business days of the date of the request, unless the owner or other person entitled to possession waives the limitation or the city or the Parking Authority shows good cause for such delay. The city or its designee, or the Parking Authority, or its designee, shall retain possession of an impounded vehicle pending the hearing, unless the owner or other person claiming right of possession posts a bond in an amount equal to the fines and fees accrued as of the date of the hearing request, or $75 whichever is less. If the owner or person claiming possession of the impounded vehicle is unable to pay the amount of the bond, the hearing shall be held within 72 hours of the date the request for hearing is received, unless such person requests or agrees to a continuance.

(B) No less than five days prior to the date set for the hearing, the Board shall notify the person requesting the hearing of the date, time and place of the hearing. In the case of a hearing required to be held within 72 hours of the date of the request as provided in division (A) above, the person requesting the hearing shall be informed at the time of his or her request, or as soon thereafter as is practicable, of the date and time of the hearing.

(C) Any person who refuses or except for good cause fails to appear at the time and place set for the hearing shall be deemed to have conceded on his or her and the owner's behalf the validity of the impoundment or immobilization.

(D) At the hearing, after consideration of the evidence, the Board shall determine whether the impoundment or immobilization was valid and reasonable. Where it has not been established that the impoundment or immobilization was justified, an order releasing the vehicle shall be entered. All fines and fees paid or amounts posted as bond because of the impoundment of a vehicle shall be returned and the owner shall not be responsible for any fees owed to a designated towing company. Where it has been established that the impoundment or immobilization was justified, the Board shall uphold the impoundment or immobilization and condition the release of the vehicle upon payment of all fines and fees accruing thereto. If bond has been posted as security for release of the vehicle, the bond shall be forfeited to the city or its designee. All fines or fees in excess of the amount of the bond posted shall be ordered to be paid by the owner of the vehicle to the city. The Board shall furnish the owner or person appearing on the owner's behalf with a copy of its order.

(E) The Board may consider a parking citation and any other written report made under oath by the issuing citation officer in lieu of the officer's personal appearance at the hearing.

(F) An appeal from the Hearing Board's determination may be made to the county's District Court within seven days of the Board's determination. The appeal shall be initiated by the filing of a complaint and a copy of the Board's order in the same manner as any civil action. The action shall be tried de novo and the burden shall be on the city or the Parking Authority to establish that impoundment was justified. If the court finds that the impoundment was justified, the owner shall be ordered to pay all fees and fines accruing as of the date of judgment. If the court finds that the impoundment was not justified, the city or the Parking Authority shall be ordered to release the vehicle, if applicable, and to return all fines and fees paid as a result of the impoundment and the plaintiff shall be authorized to recover his costs.

(G) The judgment of the county's District Court may be appealed to the county's Circuit Court in accordance with the rules of civil procedure.

(1984 Code, § 75.79) (Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-12-13, passed 3-26-2013; Ord. O-18-13, passed 6-11-2013; Ord. O-08-16, passed 5-3-2016; Ord. O-04-22, passed 3-8-2022)

§ 74.090 DISPOSITION OF VEHICLE.

(A) If within ten business days of impoundment a motor vehicle has not been claimed, or a hearing has not been requested, notice shall be mailed by certified mail to the registered owner, if known, and lienholders of record, if any, affording such parties the right within ten days from the date of notice to claim the vehicle or request a hearing. The notice shall state that, if no hearing is requested, the vehicle shall be deemed abandoned unless the charges thereon are paid within 45 days of receipt of the notice.

(B) After 45 days from the date of notice required by division (A) above, an impounded vehicle shall be deemed abandoned and the vehicle shall escheat to and become the property of the city or become the property of the city's designee.

(C) (1) If the vehicle that has escheated to the city pursuant to division (B) above is judged suitable for use, the city may obtain a certificate of registration and ownership from the County Clerk pursuant to KRS 186.020 and either use the vehicle for governmental purposes or sell the vehicle at public auction to the highest bidder.

(2) If the vehicle is not suitable for use, it may be sold for its scrap or junk value.

(D) (1) The city shall possess a lien on a motor vehicle impounded pursuant to the provisions hereof for all fines, penalties and towing, handling and storage charges and fees imposed thereon.

(2) Such lien shall be superior to and have priority over all other liens thereon.

(1984 Code, § 75.80) (Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-12-13, passed 3-26-2013; Ord. O-08-16, passed 5-3-2016)

Statutory reference:

Related provisions, see KRS 82.600 through 82.640

§ 74.091 DISPOSITION OF FUNDS.

All fines, penalties, towing, handling and storage charges herein imposed by the city or its designee shall be remitted to the City Clerk and deposited in the General Fund of the city to be used for general expenses of the city. All fines, penalties, towing, handling and storage charges herein imposed by the Parking Authority, or its designee, shall be remitted to an account of the Parking Authority and any and all such money deposited shall be used exclusively by the Parking Authority in accordance with and subject to §§ 32.024 and 32.025.

(1984 Code, § 75.81) (Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016; Ord. O-04-22, passed 3-8-2022)

PARKING FOR DISABLED PERSONS

§ 74.105 DESIGNATION OF RESERVED PARKING SPACES BY DIRECTOR OF PUBLIC WORKS.

The Director of Public Works, or his or her designee, shall designate from time to time reserved parking spaces in the city to be located in publicly- owned parking lots, and on public streets where there is provided on-street parking, so as to accommodate disabled persons, as defined in KRS 189.456.

(1984 Code, § 75.85) (Ord. O-37-81, passed 6-2-1981; Ord. O-50-96, passed 11-26-1996; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016)

§ 74.106 DESIGNATED PARKING SPACE NEAR HOME OF DISABLED PERSON.

(A) Disabled persons who have obtained a special parking permit from the County Clerk, according to KRS 189.456, shall make application with the Public Works Department for a designated parking space on a public street within the city.

(B) If the Public Works Department finds that the person making the application has obtained the required permit from the County Clerk, that local ordinances or state statutes do not prohibit or limit parking on the street, and no reasonably accessible off-street parking serves or accommodates the disabled person's residence, the Department may designate, in its discretion, a reserved parking space on a public street near the residence of the disabled person. The term ***OFF-STREET PARKING*** shall include, but not be limited to, driveways and garages serving a residence.

(C) A designated parking space shall not be more than 23 feet in length. Only one designated parking space will be allowed per household. The city may charge a reasonable fee to applicants for designated parking spaces. Any disabled person with a parking permit issued pursuant to KRS 189.456 is permitted to park in any designated parking space created by this section.

(D) An applicant who obtains a designated parking space under this section shall be required to renew this space every year. Failure to renew a designated parking space shall be grounds to remove a disabled/handicapped parking sign placed on a public street near the applicant's residence.

(E) (1) If the Public Works Department denies an application for a designated parking space, the applicant may appeal this denial to the Handicapped Parking Review Committee by filing a notice of appeal with the Public Works Department, Traffic Division, within 30 days after the date of denial. The Handicapped Parking Review Committee shall consist of one member each from the Engineering Department, the Police Department and the Public Works Department and its members shall be appointed by the City Manager.

(2) An applicant may appeal a decision of the Handicapped Parking Review Committee to the Board of City Commissioners by filing a notice of appeal with the City Clerk within 30 days after the date of the Committee's decision.

(3) If an applicant fails to appeal a denial by the Public Works Department or a decision of the Parking Review Committee within the time frames set forth herein, such denial or decision shall not be subject to further review. An applicant who is denied a designated parking space under this section may not re-apply for such a space for a period of 12 months after the date of denial or if such denial is appealed, 12 months after the date when a final decision is rendered in the appeal.

(1984 Code, § 75.86) (Ord. O-37-81, passed 6-2-1981; Ord. O-50-96, passed 11-26-1996; Ord. O-1-03, passed 1-7-2003; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016)

§ 74.107 DISABLED PERSON SUBJECT TO OTHER PARKING REGULATIONS.

The disabled person shall be subject to all local ordinances and state statutes governing the parking of vehicles on the street where the reserved space has been designated, and shall be subject to the provisions of KRS 189.456 and 186.042.

(1984 Code, § 75.87) (Ord. O-37-81, passed 6-2-1981; Ord. O-50-96, passed 11-26-1996; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016)

§ 74.108 OTHER PERSONS OCCUPYING RESERVED PARKING SPACE SUBJECT TO PENALTY.

When the signs provided herein are authorized and placed, it shall be unlawful for any vehicle, other than a vehicle which is officially identified by license plate or other official identification or distinguishing insignia as a vehicle driven by a disabled person, as defined by KRS 189.456, to stop, stand or park within such a reserved parking space.

(1984 Code, § 75.88) (Ord. O-37-81, passed 6-2-1981; Ord. O-50-96, passed 11-26-1996; Ord. O-16-05, passed 3-8-2005; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016)

§ 74.998 PRIMA FACIE EVIDENCE THAT VIOLATION COMMITTED WITH AUTHORITY OF OWNER.

(A) The violation of any ordinance relating to non-moving traffic violations by means of a motor vehicle shall be prima facie evidence that the violation was committed by or with the authority or permission of the owner of the vehicle. Each such violation shall constitute a separate offense by the owner.

(B) For the purpose of this section, proof of the registration of any vehicle in the name of any person shall be prima-facie evidence of ownership of the vehicle by the person in whose name it is registered.

(1984 Code, § 75.98) (Ord. O-08-16, passed 5-3-2016)

§ 74.999 PENALTY.

(A) Any person who violates any provisions of §§74.001 through 74.031, 74.045 *et seq.* or 74.060 through 74.068 of this chapter shall be deemed guilty of a violation and shall be fined not less than $30, nor more than $200.

(B) Any person who violates §§ 74.032 or 74.108 of this chapter shall be deemed guilty of a violation and shall be fined not less than $50, nor more than $100.

(C) Any person who violates any provision of §74.083 of this chapter shall be subject to a fine of $30 per violation, except for parking in a handicap zone or having an expired license plate, which carries a $50 fine. If a fine is not paid within 14 days of the issuance of a citation, the fine doubles.

(1984 Code, § 75.99) (Ord. O-10-81, passed 3-10-1981; Ord. O-76-85, passed 10-22-1985; Ord. O-29-88, passed 5-3-1988; Ord. O-52-88, passed 8-4-1988; Ord. O-13-94, passed 4-12-1994; Ord. O-16-05, passed 3-8-2005; Ord. O-4-10, passed 1-26-2010; Ord. O-42-10, passed 12-7-2010; Ord. O-08-16, passed 5-3-2016)

CHAPTER 75: TRAFFIC SCHEDULES

Schedule

I. Through streets

II. One-way streets and alleys

III. Truck routes

IV. Bus routes

SCHEDULE I. THROUGH STREETS.

Those streets and parts of streets described below are declared to be through streets.

Through Street	***From***	***To***
Through Street	***From***	***To***
Bakewell Street	Third Street	Fifth Street
Banklick Street	Eighteenth Street	Ninth Street
Caroline Street	Thirty-Fourth Street	Southern Avenue
Church Street	Thirty-Third Street	Forty-Third Street
Crescent Avenue	Second Street	Ninth Street
Decoursey Avenue (Rt. 177)	Thirtieth Street	City limits
Eastern Avenue	Fifteenth Street	James Avenue
Eighth Street	Pike Street	Greenup Street
Eleventh Street	Prospect Street	Russell Street
Euclid Avenue	Nineteenth Street	Sixteenth Street
Fifteenth Street	Madison Avenue	Eastern Avenue
Fifth Street (Rt. 8)	Crescent Avenue	Garrard Street
Fourth Street (Rt. 8)	Garrard Street	Crescent Avenue
Garrard Street	Eleventh Street	Twentieth Street
Garrard Street	Riverside Drive	Fourth Street
Glenn Avenue	Southern Avenue	Forty-Fourth Street
Greenup Street (Rt. 17)	Wallace Avenue	Second Street
Hands Pike	Madison Pike	Wayman Road
Highland Avenue	Jefferson Avenue	City limits
Highway Avenue (Rt. 8)	Wright Street	City limits
Holman Street	Pike Street	Nineteenth Street
Howell Street	Nineteenth Street	Twenty-Third Street
Huntington Avenue	Southern Avenue	Forty-Seventh Street
James Avenue (Rt. 16-177)	Twenty-Sixth Street	Thirtieth Street
Jefferson Avenue	Sixteenth Street	Nineteenth Street
Kyles Lane	Madison Pike	City limits
Latonia Avenue	Madison Pike	L&N Railroad crossing

Madison Avenue	Second Street	Twenty-Sixth Street
Madison Pike (Rt. 17)	Twenty-Sixth Street	City limits
Main Street (Rt. 25-42)	Fourth Street	Pike Street
Maryland Avenue	Fifteenth Street	Twelfth Street
Nineteenth Street	Jefferson Avenue	Madison Avenue
Philadelphia Street	Seventh Street	Third Street
Pike Street (Rt. 25-42)	Scott Street	City limits
Prospect Street	Ninth Street	Bush Street
Robbins Street	Prospect Street	Lee Street
Rogers Street	Madison Pike	Thirty-Fourth Street
Russell Street	Fourth Street	Nineteenth Street
Scott Street (Rt. 17)	Second Street	Wallace Avenue
Second Street	Crescent Avenue	Wright Street
Second Street	Main Street	Scott Street
Sixteenth Street	Monroe Street	Russell Street
Southern Avenue	Caroline Avenue	Glenn Avenue
Southern Avenue	Latonia Avenue	Thirty-Fourth Street
Taylor Mill Road (Rt. 16)	Parkview Drive	City limits
Third Street (Rt. 8)	Crescent Avenue	Johnson Street
Thirty-Fourth Street	Southern Avenue	Decoursey Avenue
Twelfth Street	Pike Street	Wheeler Street
Twentieth Street	Madison Avenue	Eastern Avenue
Wallace Avenue	Madison Avenue	Glenway Avenue
Warren Street	Twenty-Third Street	Twenty-Sixth Street
Wayman Road	Hands Pike	City limits
Western Avenue	Second Street	Pike Street
Wheeler Street	Twelfth Street	Fifteenth Street
Winston Avenue (Rt. 16)	Southern Avenue	City limits

(1984 Code, Ch. 76, Schd. I) (Ord. O-34-67, passed 5-25-1967; Ord. O-09-16, passed 5-24-2016; Ord. O-24-16, passed 9-13-2016; Ord. O-23-17, passed 10-10-2017)

SCHEDULE II. ONE-WAY STREETS AND ALLEYS.

Those streets and alleys described below are declared to be one-way streets and alleys, and all traffic is directed to proceed as directed.

Street	***From***	***To***	***Direction***
Street	***From***	***To***	***Direction***
Amsterdam Road	Park Hills city limits	Montague Road	East
Athey	Russell Street	Craig Street	West
Bakewell Street	Ninth Street	Sixth Street	North
Banklick Street	Robbins Street	Twelfth Street	South
Banklick Street	Fifteenth Street	Twelfth Street	North
Berry Street	Banklick Street	Jackson Street	West
Blackburn	Sehon	Rogers Street	West
Bullock Street	Pike Street	Twelfth Street	South
Bush Street	Scott Boulevard	Prospect Street	East
Busse Street	Twenty-Third Street	Twenty-Second Street	North
Catalpa Street	Twenty-Fourth Street	Madison Avenue	West
Chapman Court	Howell Street	Jefferson Avenue	West
Church Street	East Southern	36th Street	North
Clark Street	Altamont Road	Highway Avenue	South

Craig Street	Sixth Street	Fifth Street	North
Craig Street	Kentucky Avenue	Sixth Street	South
Craig Street	Eighth Street	Seventh Street	North
Craig Street	Eighth Street	Pike Street	South
Dalton Street	Seventh Street	Eighth Street	South
Decoursey Avenue	Twenty-Eighth Street	Madison Avenue	North
Delmar Place	Denver Street	Glenway Avenue	East
Denver Street	Nineteenth Street	Twentieth Street	South
Durrett Street	Oakland Avenue	Eastern Avenue	West
East Twenty-Sixth Street	Madison Avenue	Greenup Street	West
Eighteenth Street	Greenup Street	Oakland Avenue	East
Eighth Street	Garrard Street	Greenup Street	West
Eighth Street	Greer Street	Craig Street	East
Eighth Street	Philadelphia Street	Main Street	East
Eleventh Street	Prospect Street	Madison Avenue	West
Eleventh Street	Bullock Street	Hermes Avenue	West
Eleventh Street	Banklick Street	Russell Street	East
Elizabeth Street (West Spring Street)	Parkway Avenue	John Street	East
Emma Street	Main Street	Bakewell Street	West
Euclid Avenue	Nineteenth Street	Sixteenth Street	North
Fifth Street	Crescent Avenue	Garrard Street	East
Fortieth Street*	Winston Avenue	Decoursey Avenue	East
Forty-First Street	Decoursey Avenue	Huntington Avenue	East
Forty-First Street	Decoursey Avenue	Winston Avenue	West
Forty-Second Street	Winston Avenue	Decoursey Avenue	East
Forty-Third Street	Decoursey Avenue	Winston Avenue	West
Fourteenth Street	Kavanaugh Street	James Simpson, Jr. Way	West
Fourteenth Street	Banklick Street	Holman Street	West
Fourteenth Street	Banklick Street	Russell Street	East
Fourth Street	Garrard Street	Crescent Avenue	West
Garrard Street	Fourth Street	Fifth Street	North
Garrard Street	Sixth Street	Eighth Street	South
Greenup Street	Wallace Avenue	Second Street	North
Greer Street	Ninth Street	Seventh Street	North
Hazen Street	Parkway	West Street	West
Hewson Street	Thirteenth Street	Watkins Street	North
High Street	Parkway	David Street	East
Holmesdale Court	Madison Avenue	Twenty-Fifth Street	East
Inez Avenue	Decoursey Avenue	Caroline Avenue	West
Jackson Street	Orchard Street	Robbins Street	North
Jefferson Avenue	Chapman Court	Nineteenth Street	North
Jefferson Avenue	Sixteenth Street	Highland Avenue	South
Jefferson Avenue	Nineteenth Street	Highland Avenue	North
Jillian's Way	Twelfth Street	Pike Street	North
Kendall Street	Fifteenth Street	Byrd Street	North
Kentucky Avenue	Johnson Street	Craig Street	East
Lehmer	Lee	Main	West
Lewis Street	Pike Street	Montague Street	West
Lockwood Street	Willard Street	Main Street	West
Locust Street	Berry Street	Orchard Street	South

Maryland Avenue	Fifteenth Street	Thirteenth Street	North
May Street	Linden Avenue	Sixteenth Street	South
Megerle Court	Warren Street	Herman Street	East
Montague Street	Lewis Street	Pike Street	East
Neave Street	Fifteenth Street	Kroger lot	South
Nineteenth Street	Franklin Street	Highland Avenue	East
Nineteenth Street	Madison Avenue	Scott Boulevard	East
Nineteenth Street	Oakland Avenue	Garrard Street	West
Ninth Street	Prospect Street	Washington Avenue	West
Ninth Street	Western Avenue	Baker Street	East
Oliver Street	Oakland Avenue	Maryland Avenue	West
Park Avenue	Fortieth Street	Southern Avenue	North
Pearl Street	Twentieth Street	Eighteenth Street	North
Perry Street	Ninth Street	Eighth Street	North
Pershing Avenue	Craig Street	Main Street	West
Philadelphia Street	Pike Street	Ninth Street	North
Philadelphia Street	Seventh Street	Ninth Street	South
Pike Street	Scott Boulevard	Seventh Street	West
Prague Street	Kavanaugh Street	James Simpson, Jr. Way	West
Prospect Street	Tenth Street	Ninth Street	North
Prospect Street	Twelfth Street	Eleventh Street	North
Russell Street	Twenty-Second Street	Nineteenth Street	North
Scott Boulevard	Roebling Way	Wallace Avenue	South
Scott Boulevard	Sterrett Avenue	Wallace Avenue	North
Sehon	Twenty-Eighth Street	Blackburn Street	North
Seventh Street	Craig Street	Willard Street	West
Seventh Street	Main Street	Philadelphia Street	West
Seventh Street	Philadelphia Street	Dalton Street	West
Seventh Street	Pike Street	Garrard Street	East
Seventeenth Street	Russell Street	Holman Street	West
Seventeenth Street	Madison Avenue	Glenway Avenue	East
Sixteenth Street	Eastern Avenue	Garrard Street	West
St. Clair Street	Sixteenth Street	Linden Avenue	North
Sterrett Avenue	Madison Avenue	Scott Boulevard	East
Tenth Street	Greenup Street	Prospect Street	East
Third Street	Scott Boulevard	Garrard Street	East
Thirteenth Street	Greenup Street	Wheeler Street	East
Thirteenth Street	Holman Street	Banklick Street	East
Thirteenth Street	James Simpson, Jr. Way	Hewson Street	West
Thirteenth Street	Wood Street	Greenup Street	East
Thirteenth Street	Russell Street	Banklick Street	West
Thirty-Third Street	Rogers Street	Decoursey Avenue	East
Trevor Street	Scott Boulevard	Garrard Street	East
Twelfth Street	Pike Street	Hermes Avenue	East
Twelfth Street	Madison Avenue	Prospect Street	East
Twentieth Street	Glenway Avenue	Eastern Avenue	West
Twenty-Eighth Street	Latonia Avenue	Aberdeen Street	East
Twenty-First Street	Eastern Avenue	Glenway Avenue	East
Twenty-First Street	Russell Street	Center Street	West
Twenty-Fourth Street	Madison Avenue	Greenup Street	East

Twenty-Second Street	Center Street	Russell Street	East
Twenty-Sixth Street	Greenup Street	Madison Avenue	West
Wallace Avenue	Scott Boulevard	Madison Avenue	West
Wallace Avenue	Scott Boulevard	Greenup Avenue	East
Watkin Street	Twelfth Street	Hermes Avenue	West
Watkin Street	Hewson Street	James Simpson, Jr. Way	East
Watkins Street	Lee Street	James Simpson, Jr. Way	West
Wheeler Street	Twelfth Street	Fifteenth Street	South
Willard Street	Seventh Street	Ninth Street	South
Woodburn Avenue	Linden Avenue	Sixteenth Street	South
York Street	Pike Street	Ninth Street	North
NOTES TO TABLE: *The first 100 feet of Fortieth Street shall be two-way.			

Alley	***Between***	***Direction***
Alley	***Between***	***Direction***
First alley north of Brent Spence Square	Madison Avenue and Crawford Alley	East
First alley south of Second Street	Washington Street and Madison Avenue	East
First alley south of Second Street	Kennedy Street and first north-south alley	East
First alley south of Pike Street	Madison Avenue and Scott Boulevard	East
First alley south of Eighth Street	Scott Boulevard and Municipal Parking	East
Lot No. 2	First alley west of Madison Avenue Fourth Street and first east-west alley	North
First alley east of Scott Boulevard	Seventh Street and Fourth Street	North
First alley east of Garrard Street	Second Street and Third Street	North
Second alley east of Decoursey Avenue	Thirtieth Street and Thirty-First Street	North
First alley east of Madison Avenue	Third Street and Fourth Street	South
First alley east of Main Street	Eighth Street and Ninth Street	South
First alley east of Willard Street	Eighth Street and Ninth Street	South
First alley east of Winston Avenue	Thirty-Eighth Street and Decoursey Avenue	South
First alley east of Decoursey Avenue	Thirtieth Street and Thirty-First Street	South
First alley east of Madison Avenue	Seventh Street and Eighth Street	South
Second alley east of Madison Avenue	Seventh Street and Eighth Street	South
First alley west of Main Street	Sixth Street and Seventh Street	South
First alley east of Main Street	Ninth Street and Pike Street	South
First alley west of Madison Avenue	Seventh Street and Eighth Street	South
Second alley west of Madison Avenue	Seventh Street and Eighth Street	South
First alley south of Second Street	Greenup Street and Scott Boulevard	West
First alley south of Sixth Street	Washington Street and Russell Street	West
First alley south of Third Street	Scott Boulevard and Madison Avenue	West
First alley east of Euclid Avenue	Eighteenth Street and Hawthorne Street	North
First alley north of Sixth Street	Madison Avenue and the first north-south alley	West

First alley east of Scott Boulevard	Sixth Street and Fourth Street	North

(1984 Code, Ch. 76, Schd. II) (Ord. O-34-67, passed 5-25-1967; Ord. O-26-75, passed 5-29-1975; Ord. O-76-84, passed 11-29-1984; Ord. O-73-84, passed 11-27-1984; Ord. O-2-85, passed 1-22-1985; Ord. O-50-86, passed 9-2-1986; Ord. O-11-87, passed 3-10-1987; Ord. O-22-88, passed 4-5-1988; Ord. O-88-88, passed 11-15-1988; Ord. O-91-88, passed 11-29-1988; Ord. O-75-89, passed 11-8-1989; Ord. O-82-89, passed 12-12-1989; Ord. O-64-90, passed 12-14-1990; Ord. O-27-91, passed 6-11-1991; Ord. O-9-92, passed 3-24-1992; Ord. O-24-93, passed 7-13-1993; Ord. O-37-93, passed 9-27-1993; Ord. O-4-94, passed 3-1-1994; Ord. O-38-94, passed 9-20-1994; Ord. O-3-96, passed 2-20-1996; Ord. O-31-96, passed 8-13-1996; Ord. O-41-96, passed 10-1-1996; Ord. O-22-98, passed 6-9-1998; Ord. O-36-99, passed 10-26-1999; Ord. O-2-00, passed 3-7-2000; Ord. O-9-02, passed 2-19-2002; Ord. O-27-09, passed 10-27-2009; Ord. O-20-11, passed 8-23-2011; Ord. O-45-12, passed 12-4-2012; Ord. O-28-15, passed 8-18-2015; Ord. O-09-16, passed 5-24-2016; Ord. O-24-16, passed 9-13-2016; Ord. O-17-17, passed 8-8-2017; Ord. O-12-18, passed 3-13-2018)

SCHEDULE III. TRUCK ROUTES.

(A) *Truck routes.*

(1) No person shall operate any vehicle, motor truck or semi-trailer whose gross weight is more than 15,000 pounds, as determined by its rated load, any street or public way in the city, except those streets and roadways listed below.

Street	***From***	***To***
Street	***From***	***To***
Bullock Street	Pike Street	Twelfth Street
Clay Wade Bailey Bridge (Rt. 25)	Fourth Street	City limits
Crescent Avenue (Rt. 8)	Fifth Street	Third Street
Decoursey Avenue (Rt. 177)	Thirtieth Street	City limits
Eleventh Street (Rt. 1120)	Prospect Street	Russell Street
Fifth Street (Rt. 8)	Crescent Avenue	Garrard Street
Forty-Third Street West	Winston Avenue	L&N Railroad right-of-way
Fourth Street (Rt. 8)	Garrard Street	Crescent Avenue
Garrard Street (Rt. 8)	Fifth Street	Fourth Street
Greenup Street (Rt. 17)	Twelfth Street	Second Street
Highway Avenue (Rt. 8)	Third Street	City limits
Interstate 75	State of Ohio line	City limits
James Avenue (Rt. 16)	Twenty-Sixth Street	Thirtieth Street
Jillian's Way	Twelfth Street	Pike Street
Johnson Street (Rt. 2374)	Third Street	Fifth Street
Latonia Avenue	Madison Pike	L&N Railroad right-of-way
Madison Avenue (Rt. 17)	Eleventh Street South	City limits
Main Street (Rt. 25-42)	Fourth Street	Pike Street
Philadelphia Street (Rt. 3090)	Fifth Street	Third Street
Pike Street (Rt. 1120)	Main Street	City limits
Prospect Street (Rt. 1120)	Twelfth Street	Eleventh Street
Russell Street (Rt. 1120)	Eleventh Street	Twelfth Street
Scott Boulevard (Rt. 17)	Second Street	Eleventh Street
Second Street	Greenup Street	Scott Boulevard
Third Street (Rt. 2374)	Crescent Avenue	Johnson Street
Thirtieth Street (Rt. 16)	James Avenue	Decoursey Avenue
Twelfth Street (Rt. 1120)	Interstate 75	City limits
Winston Avenue (Rt. 16)	Southern Avenue	City limits

(2) Specifically excepted from the terms and provisions hereof are such vehicles as may be operated upon the streets or public ways of the city for the purpose of delivering to or picking up materials or merchandise from commercial and industrial businesses having been situated and operating within the city prior to 10-21-1976; such excepted vehicles shall travel whenever possible upon streets designated in division (A)(1) above; when it is impossible, said excepted trucks to accomplish delivery or pickup and remain upon the designated streets, said excepted trucks may be operated upon non-

designated streets, but by entering such non-designated streets at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection with a designated street thereafter.

(3) Excepted from the terms and provisions hereof are city-owned vehicles at all times and other public service vehicles, including vehicles that are owned by public utilities, when those vehicles are servicing the non- truck route. Vehicles not owned by the city that are providing public service are specifically prohibited from using non-truck routes unless they are cleaning that non-truck route, collecting waste on that non-truck route or providing other authorized public maintenance on that non-truck route.

(4) Whoever violates any of the provisions of this division (A) shall be deemed guilty of a misdemeanor and shall be fined not less than $50, nor more than $500.

(B) *Truck prohibited routes.*

(1) No person shall operate any vehicle, motor truck or semi-trailer whose gross weight is more than 15,000 pounds, as determined by its rated load, on any street or public way in the city, listed below.

Street	***From***	***To***
Garrard Street	Fifteenth Street	Sixteenth Street
Sixteenth Street	Greenup Street	Garrard Street

(2) Excepted from the terms and provisions hereof are city-owned vehicles at all times and other public service vehicles, including vehicles that are owned by public utilities, when those vehicles are servicing the non- truck route. Vehicles not owned by the city that are providing public service are specifically prohibited from using non-truck routes unless they are cleaning that non-truck route, collecting waste on that non-truck route or providing other authorized public maintenance on that non-truck route.

(3) Whoever violates any of the provisions of this division (B) shall be deemed guilty of a misdemeanor and shall be fined not less than $50, nor more than $500.

(1984 Code, Ch. 76, Schd. III) (Ord. O-34-67, passed 5-25-1967; Ord. O-18-77, passed 2-10-1977; Ord. O-55-84, passed 8-28-1984; Ord. O-13-94, passed 4-12-1994; Ord. O-11-97, passed 5-27-1997; Ord. O-17-97, passed 6-24-1997; Ord. O-18-97, passed 6-24-1997; Ord. O-27-09, passed 10-27-2009)

SCHEDULE IV. BUS ROUTES.

No person shall operate a bus, other than a school bus, on any street of the city, except those streets and roadways listed below.

Street	***From***	***To***
Street	***From***	***To***
Bakewell Street	Fourth Street	Third Street
Benton Road	Monte Lane	Todd Court
Bullock Street	Pike Street	Twelfth Street
Caroline Street	Thirty-Fourth Street	Southern Avenue
Crescent Avenue	Second Street	Fifth Street
Decoursey Avenue	Thirtieth Street	Forty-Fifth Street
Eastern Avenue	Fifteenth Street	Wallace Avenue
Eastern Avenue	James Avenue	Wallace Avenue
Eighth Street	Pike Street	Madison Avenue
Fifteenth Street	Madison Avenue	Eastern Avenue
Fifth Street	Crescent Avenue	Garrard Street
Forty-Fifth Street	Decoursey Avenue	Huntington Avenue
Forty-Third Street	Winston Avenue	Kroger supermarket lot
Fourth Street	Fourth Street Bridge	Crescent Avenue
Garrard Street	Twelfth Street	Fifteenth Street
Greenup Street	Wallace Avenue	Second Street
Hanser Drive	Highland Avenue	Monte Lane
Highland Avenue	Nineteenth Street	City limits
Highway Avenue	Third Street	City limits

Holman Street	Pike Street	Nineteenth Street
Huntington Avenue	Forty-Fifth Street	Southern Avenue
Interstate 75	State of Ohio line	City limits
James Avenue	Twenty-Sixth Street	Thirtieth Street
Johnson Street	Second Street	Fifth Street
Latonia Avenue	Madison Avenue	Southern Avenue
Madison Avenue	Second Street	City limits
Madison Pike	City limits	Fowler Creek Road
Main Street	Third Street	Sixth Street
Monte Lane	Hanser Drive	Benton Road
Nineteenth Street	Holman Street	Highland Avenue
Park Place	Scott Boulevard	Greenup Street
Phelps Lane	Welsh Drive	Benton Road
Philadelphia Street	Fifth Street	Sixth Street
Pike Street	Scott Boulevard	City limits
Scott Boulevard	Second Street	Wallace Avenue
Second Street	Greenup Street	Johnson Street
Sixth Street	Philadelphia Street	Main Street
Southern Avenue	Latonia Avenue	Thirty-Fourth Street
Southern Avenue	Caroline Street	Huntington Avenue
Taylor Mill Road	City limits	Senour Road
Third Street	Crescent Avenue	Johnson Street
Thirtieth Street	James Avenue	Decoursey Avenue
Thirty-Fourth Street	Caroline Avenue	Southern Avenue
Tibatts Street	Southern Avenue	Thirty-Eighth Street
Todd Street	Benton Road	Welsh Drive
Twelfth Street	Scott Street	Garrard Street
Twentieth Street	Greenup Street	Madison Avenue
Wallace Avenue	Scott Street	Eastern Avenue
Welsh Drive	Todd Street	Phelps Lane
Winston Avenue	Southern Avenue	City limits
NOTES TO TABLE: * All interstate exit and entrance ramps are included when “city limits” is listed in Schedule IV.		

(1984 Code, Ch. 76, Schd. IV) (Ord. O-34-67, passed 5-25-1967; Ord. O-22-95, passed 5-30-1995; Ord. O-62-95, passed 10-26-1995; Ord. O-27-09, passed 10-27-2009; Ord. O-49-15, passed 12-15-2015; Ord. O-01-16, passed 1-5-2016)

CHAPTER 76: PARKING SCHEDULES

Schedule

I. **Parking prohibited**

SCHEDULE I. PARKING PROHIBITED.

Parking is prohibited in the following locations.

Street	***Location***	***Ord. No.***	***Date Passed***
12th Street	Over the C&O Railroad between Russell Street and Madison Avenue	O-51-83	10-4-1983

(1984 Code, Ch. 77, Schd. I) Penalty, see § 70.99

CHAPTER 77: SHOPPING CENTER PARKING LOTS

Section

77.01 Application of chapter

77.02 Compliance with regulations required

77.03 Parking lots to be properly marked

77.04 Design and layout of off-street parking areas

77.99 Penalty

§ 77.01 APPLICATION OF CHAPTER.

The regulations in this chapter shall apply to all shopping center parking lots within the city.

(1984 Code, § 78.01) (Ord. O-36-85, passed 6-26-1985)

§ 77.02 COMPLIANCE WITH REGULATIONS REQUIRED.

All existing shopping centers within the city as of 6-26-1985 shall be in compliance with this chapter no later than 90 days from 6-26-1985.

(1984 Code, § 78.02) (Ord. O-36-85, passed 6-26-1985)

§ 77.03 PARKING LOTS TO BE PROPERLY MARKED.

(A) All driving lanes of existing parking lots shall be properly marked with luminous paint upon the surface of the parking lot designating parking spaces, stop locations, traffic lanes and crosswalks.

(B) The parking lot shall also be properly marked with traffic signs consistent with the Department of Transportation regulations, including speed limit signs not exceeding 15 mph, perpendicular stop signs where practicable, and perpendicular one- way signs where practicable.

(1984 Code, § 78.03) (Ord. O-36-85, passed 6-26-1985) Penalty, see § 77.99

§ 77.04 DESIGN AND LAYOUT OF OFF- STREET PARKING AREAS.

The design and layout of off-street parking areas shall be as follows.

(A) *Size of off-street parking spaces.* One parking space shall be a minimum of nine feet in width, and 18 feet in length, exclusive of access drives or aisles.

(B) *Width of access drives.* All off-street parking shall be laid out with the following minimum aisle or access drive widths.

(1) For perpendicular parking, the minimum aisle or access width is 22 feet (either one- or two-way circulation).

(2) For angle parking at 60 degrees, a minimum of a 15-foot aisle or drive is required. This is for one-way passage only.

(3) One-way angle parking at 45 degrees and 30 degrees must have minimum aisle or drive through widths of 12 feet and 11 feet respectively.

(1984 Code, § 78.04) (Ord. O-36-85, passed 6-26-1985)

§ 77.99 PENALTY.

The violation of this chapter shall be deemed a misdemeanor and the penalty shall be a fine of not less than $100, nor more than $500.

(1984 Code, § 78.99) (Ord. O-36-85, passed 6-26-1985; Ord. O-13-94, passed 4-12-1994)

TITLE IX: GENERAL REGULATIONS

Chapter

90. ANIMALS

91. FIRE PREVENTION

92. NUISANCES

93. PARADES, PUBLIC ASSEMBLIES AND SPECIAL EVENTS

94. PARKS AND RECREATION AND PUBLIC PROPERTY

95. SANITATION AND HEALTH

96. STREETS AND SIDEWALKS

97. EMERGENCY SERVICES

98. ENERGY PROJECT ASSESSMENT DISTRICT

CHAPTER 90: ANIMALS

Section

General Provisions

90.01 Definitions

90.02 Agreements; enforcement

90.03 Applicability of state law

Rules and Regulations

90.15 Registration of vicious dogs

90.16 Keeping and maintaining animals and vicious dogs within the city

90.17 License required to raise animals

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90.22 Animal carcasses

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90.24 Diseased animals

90.25 Fastening animals to trees; impoundment

90.26 Depositing animal refuse in public places

90.27 Minimum area limitations

90.28 Goats, sheep and guardian animals

Animals at Large; Impounding

90.40 Running at large

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90.42 Disposition of animals impounded at the animal shelter

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Animal Registration and Regulations

90.55 License and registration of all dogs required

90.56 Animal control officer or enforcement agent to take possession; entry on private property

90.57 Impounding

90.58 Interference with animal control officer or enforcement agent

90.59 Stray dogs and cats

90.60 Management of community cat population

90.61 Female dogs and cats in heat

90.62 Dogs and animals which have attacked or bitten

90.63 Powers of enforcement agents or animal control officer

90.64 Removal of animal excrement

90.99 Penalty

GENERAL PROVISIONS

§ 90.01 DEFINITIONS.

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

ANIMAL. Any living creature, domesticated and wild, male and female, except humans.

ANIMAL CONTROL OFFICER. Any city official designated as animal control officer, as well as the animal control officers employed by Kenton County.

ANIMAL SHELTER. The Kenton County Animal Shelter or a facility authorized by an animal control officer for confinement, maintenance, safekeeping and control of animals that come into custody of the animal control officer or enforcement agent in the performance of his or her official duties.

AT LARGE. On or off the premises of the owner and not under the immediate effective control of the owner or custodian, either by leash, cord, chain or other restraint, or effectively confined within a fenced area on the owner's premises. It shall be presumed that a dog is at large if it is not licensed or not registered under this subchapter.

BIRD OF PREY. Any variety of predatory bird, including eagles, hawks, falcons, owls and vultures.

CARETAKER. A person who is not employed by the city or Kenton County animal control who participates in the community cat management/trap- neuter-return program. Any person who is not employed by a government agency who participates as a ***CARETAKER*** of community cats must follow all applicable laws and regulations and sufficiently identify himself or herself when engaging in community cat management activities. Such identification methods include, but are not limited to, wearing a photo id or badge on a lanyard.

CAT. Any member of the feline species, male or female, of any age.

CITY. The City of Covington, Kentucky, a municipal corporation of the second class, and including any departments, divisions, boards or agencies thereof.

COLLAR. Any band, chain, harness or suitable device worn around the neck of a dog to which a license may be affixed.

COMMUNITY CAT. Any free roaming cat that may be cared for by one of more residents of the immediate area who is/are known. A ***COMMUNITY CAT*** may or may not be feral. ***COMMUNITY CATS*** are distinguished from other cats by being sterilized and ear-tipped. ***COMMUNITY CATS*** that have been ear-tipped, sterilized and vaccinated under the trap- neuter-return program are exempt from any licensing, stray or at-large provisions of this subchapter.

COUNTY. The County of Kenton, Kentucky, or used interchangeably as Kenton County or county, including any departments, divisions, boards or agencies thereof.

COUNTY LICENSE. The license or tag required by Kenton County, Kentucky.

DOG. Any member of the canine species, male or female, of any age.

ENFORCEMENT AGENT. Any person designated by the city or Kenton County to enforce the provisions of this chapter, including, but not limited to, Kenton County or the city's animal control officers, city police officers and county police officers.

EXOTIC ANIMALS. Any of the following described animals: all animals, including snakes and spiders, whose bite or venom is poisonous or deadly to humans; apes, including chimpanzees, gibbons, gorillas and orangutans; baboons; bears; cheetahs; crocodilians and alligators; constrictor snakes; coyotes; elephants; gamecocks and other fighting birds; hyenas; jaguars; leopards; lions; lynxes; ostriches; pumas, also known as mountain lions and panthers; wolves; raccoons; skunks; and tigers.

FALCONRY. The art of training raptors for the pursuit of game and the sport of hunting with raptors.

FOWL. Any and all fowl, domesticated and wild, male and female, including chickens, ducks, turkeys, pigeons and geese.

KEEP. Possessing, controlling, exercising or allowing to run at large.

LEASH or ***LEAD.*** Any chain, rope or device used to restrain an animal.

LICENSE. The license issued by Kenton County or its designated agent by appropriate legislation, and required to be worn on the applicable animal as hereinafter stated.

MICROCHIP. A tiny, passive electronic device implanted under an animal's skin that serves as a permanent identification marker.

OWN. To own, have a property right in, keep, care for or harbor a dog, cat or other animal, or permit a dog, cat or other animal to remain on or about premises owned or occupied by him or her, whether or not the person has an actual ownership interest in the dog or animal.

OWNER. Any person who owns, has a property right in, keeps, cares for or harbors a dog, cat or other animal, or permits such dog, cat or other animal to remain on or about premises owned or occupied by him or her, whether or not the person has an actual ownership interest in the dog, cat or other animal. If a dog is owned by a family, all adult members of the family, individually and jointly, shall be deemed ***OWNERS*** for the purposes of this subchapter.

PERSON. Any individual, firm, corporation, limited liability company, association or partnership.

PIT BULL DOG. Any dog which exhibits those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club for American Staffordshire Terrier, or Staffordshire Bull Terriers, or substantially conform to the standards established by the United Kennel Club for American Pit Bull Terriers, including any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier, American Staffordshire Terrier or American Pit Bull Terrier.

PUBLIC NUISANCE. Any dog, cat or other animal or animals, which:

(1) Chases passersby or passing vehicles;

(2) Attacks other animals;

(3) Is at large three or more times within a year's time;

(4) Damages private or public property;

(5) Barks, howls, cries or makes other loud noises, or runs at large, so as to disrupt the peace of the neighborhood; or

(6) Is kept, housed or harbored in such a manner so as to present unsanitary conditions, or causes offensive, obnoxious or foul odors which impair the reasonable use and enjoyment of surrounding properties.

STATE. The Commonwealth of Kentucky, and its departments, divisions, boards and agencies thereof.

TRAP-NEUTER-RETURN (TNR). The method of managing community cats by humanely trapping, altering, vaccinating, ear-tipping, returning the community cat to the location where it was trapped where the community cat will be provided with long-term care by one or more caretakers.

VACCINATION. An anti-rabies vaccination using a type of vaccine approved and administered by a veterinarian.

VETERINARIAN. Any veterinarian licensed by the state to practice veterinary medicine or employed by a governmental agency.

VICIOUS DOG.

(1) The following are considered ***VICIOUS DOGS*** under this subchapter:

(a) A pit bull dog;

(b) A wolf-hybrid; and

(c) Any dog that has caused death or serious injury to a person engaged in a lawful activity or has attacked or bitten without provocation a person engaged in a lawful activity; or which has killed or seriously injured another animal after an animal control officer or enforcement agent has issued, based upon the vicious or predatory nature of the dog, a written or verbal notice to the owner or custodian of such dog to keep it confined or muzzled and leashed in accordance with this subchapter; or which has been declared to be vicious by the attending physician of the victim of an attack or an animal control officer or enforcement agent, taking into consideration the nature and severity of the incident and whether the dog has displayed dangerously aggressive behavior and is likely to inflict injury on another person or animal.

(2) A ***VICIOUS DOG*** does not include a dog that bites or attacks a person or other animal that provokes, torments, tortures or treats an animal cruelly.

VICIOUS DOG TAG. A tag issued by Kenton County upon registration of vicious dogs.

WILD ANIMAL. Any animal that is not a domesticated companion animal, or any crossbreeds of these animals with domestic animals, or any descendant of any crossbreed. Such animals include, but are not limited to, any venomous snake, python or constrictor snakes, porcupines, monkeys, raccoons, skunks, leopards, lions, tigers, lynx, bobcats, badgers, fox, coyote, wolves, wolverines, squirrels, bears, deer, chipmunks, moose, elk, opossum, beavers, ground hogs, moles, gophers, prairie dogs, bats, sugar gliders (petaurus breviceps), kangaroos and wallabies. An animal that has traditionally, through long association with humans, lived in a state of dependence upon humans or has been traditionally kept as a household pet, including dogs, cats, rabbits, mice, hamsters, gerbils, domesticated rats, guinea pigs, ferrets, parakeets, parrots, cockatiels, cockatoos, canaries, love birds, finches and tropical fish, will not be considered ***WILD ANIMALS*** for purposes of this chapter.

WOLF-HYBRID. Any domesticated dog that has in its known genetic history and/or formal pedigree crossbreeding with the wolf species to include, but not be limited to, animals referred to as ***WOLF-HYBRIDS*** or wolf-mix breeds or the breed known as Tundra Shepherd.

(1984 Code, § 90.01) (Ord. O-50-85, passed 8-6-1985; Ord. O-47-94, passed 12-13-1994; Ord. O-14-97, passed 6-10-1997; Ord. O-33-99, passed 9-14-1999; Ord. O-33-03, passed 6-24-2003; Ord. O-49-03, passed 8-19-2003; Ord. O-23-05, passed 5-17-2005; Ord. O-4-12, passed 3-20-2012; Ord. O-26-20, passed 12-1-2020)

§ 90.02 AGREEMENTS; ENFORCEMENT.

(A) *Agreements.* The city is authorized to enter into any necessary and proper agreements for the purpose of carrying out the provisions of this chapter. Any such agreement shall be recorded in writing with the City Clerk and available for inspection by the public.

(B) *Enforcement*. It shall be the duty of the animal control officers and enforcement agents to enforce this chapter. Upon the receipt of a complaint from any person that an animal is present within the city in violation of this chapter, an animal control officer or enforcement agent shall forthwith investigate the complaint and shall require the person in possession of such animal to comply with the provisions of this chapter or to safely remove such animal from the city. Upon failure of the person in possession of the animal to comply with such order, an animal control officer or enforcement agent shall forthwith cause the animal to be seized and impounded. If such animal constitutes a serious threat of harm to humans, property or other animals, it may be rendered immobile by means of tranquilizers or other drugs, or if that is not safely possible, then such animal may be destroyed.

(C) *Consultation.* An animal control officer or enforcement agent, in investigating any person registering under this section or in the enforcement of this chapter, is authorized to consult with and seek the advice of any individual, agency, organization or society which may be able to provide information and advice concerning animals regulated hereby.

(1984 Code, § 90.02) (Ord. O-33-99, passed 9-14-1999; Ord. O-33-03, passed 6-24-2003; Ord. O-4-12, passed 3-20-2012)

§ 90.03 APPLICABILITY OF STATE LAW.

No person owning any animal shall violate any laws, rules or regulations of the state applicable thereto. These state laws, rules and regulations are included herein by reference. Where the provisions of the state regulations are less restrictive than the provisions of this chapter, the latter shall govern.

(1984 Code, § 90.03) (Ord. O-33-03, passed 6-24-2003; Ord. O-4-12, passed 3-20-2012) Penalty, see § 90.99

Statutory reference:

Disposal of dead animals, see KRS Ch. 263

Dogs, see KRS Ch. 258

Stockyards, see KRS Ch. 261

Strays and animals running at large, see KRS Ch. 259

RULES AND REGULATIONS

§ 90.15 REGISTRATION OF VICIOUS DOGS.

(A) *Registration, photographs and proof of vaccination required.* Every owner of a vicious dog in the city shall annually register the animal with the county. This registration shall state the name, address and telephone number of the person possessing the animal, the address where the animal is harbored, if different from the possessor's address, completely identify the animal, including genus and species, his or her common name, gender, color and other distinguishing physical characteristics, including size and weight. An owner of a vicious dog shall also submit two color photographs showing the color and approximate size of the animal with the registration and obtain from the city a vicious dog tag. In the case of dogs or other animals required by law to be vaccinated for rabies, proof of rabies vaccination shall also be provided. Registration shall be completed for all animals that are located or kept within the territorial limits of the city for a period exceeding 24 hours. The registration period shall run from July 1 to June 30 of the following year. If a city license was obtained for the 2011-2012 fiscal year, it will be valid until 7-1-2012. After 7-1-2012, a county license will be the only license necessary to register a dog in the city.

(B) *Proof dog or animal has been spayed or neutered.* Every owner of a vicious dog in the city shall submit with its initial registration written proof from a veterinarian that the animal has been spayed or neutered, or a written statement from the veterinarian why the animal cannot or should not be spayed or neutered.

(C) *Microchip identification required.* Every owner of a vicious dog in the city is required to have a microchip installed or injected in the animal. Proof of microchip installation or injection is required at the time of registration of the vicious dog. The microchip shall be installed or injected under the skin of the animal by a veterinarian, or other properly trained and authorized individual, and shall be designed so that, when scanned by an electronic reader, it is capable of providing the identification of the dog's owner. If such a dog is impounded, the microchip shall be installed or injected prior to its release. The owner or possessor of such a dog shall be responsible for payment of the costs associated with the installation or injection of a microchip in the animal.

(D) *Insurance.* An owner of a vicious dog must produce evidence that he or she has the ability to respond in damages up to and including the amount of $100,000 for bodily injury to or death of any person or persons or for damage to property that may result from the ownership, keeping or maintenance of such animal. Proof of financial responsibility may be in the form of a certificate of insurance, or in the form of a surety bond conditioned upon the payment of such damages. If such insurance or surety bond is changed, altered or terminated after registration of the vicious dog, the owner of such animal shall provide evidence to the city of insurance or surety bond complying with the terms of this provision.

(E) *Reporting requirements.* Every owner of a vicious dog in the city is required to report the following information in writing to an animal control officer:

(1) The removal from the city or death of the animal;

(2) The birth of offspring of the animal;

(3) The new address of the animal if it is relocated within the corporate city limits; or

(4) When the animal is running at large, has been stolen or has attacked a person or another animal.

(F) *Failure to comply.* It shall be unlawful for any owner of a vicious dog in the city to fail to comply with the requirements and conditions set forth in this chapter. A vicious dog found to be in violation of this chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply with this chapter will result in the automatic revocation of the license of such animal.

(1984 Code, § 90.09) (Ord. O-33-99, passed 9-14-1999; Ord. O-33-03, passed 6-24-2003; Ord. O-49-03, passed 8-19-2003; Ord. O-18-05, passed 4-26-2005; Ord. O-4-12, passed 3-20-2012) Penalty, see § 90.99

§ 90.16 KEEPING AND MAINTAINING ANIMALS AND VICIOUS DOGS WITHIN THE CITY.

(A) *Manner of keeping dogs, cats or other animals* No person shall keep or maintain any dog, cat or other animal in the city in such a manner so as to become a public nuisance or to disturb the peace, comfort or health of any person residing within the city. The keeping of all animals within the city shall be subject to all pertinent regulations of the state and local Health Department.

(B) *Vicious dog to be properly confined or leashed.* The owner or harborer of a vicious dog shall:

(1) When the dog is indoors, secure all means of egress so that the dog may not exit;

(2) Leash and muzzle. No person shall permit a vicious dog to go outside of its kennel, pen or the owner's residence unless such animal is securely restrained with a leash or lead no longer than three feet in length and the leash or lead is physically controlled by a person 18 years of age or older who is in physical control of the leash. Such animals may not be leashed to inanimate objects such as trees, posts, buildings and the like. In addition, all such animals on a leash or lead outside of the animal's kennel, pen or the owner's residence must be muzzled by a muzzling device sufficient to prevent the animal from biting persons or other animals.

(3) Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled, as provided in division (B)(2) above. Such pen, kennel or structure must have secure sides and a secure top attached to its sides. A fenced-in yard by itself is insufficient to meet this standard. All structures used to confine such animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground to a depth of no less than two feet and be a minimum of seven feet above the ground to the top of the structure. All structures erected to house such animals must comply with all zoning and building regulations, and all such structures must be adequately lighted, ventilated and be of appropriate size to allow the animal confined therein to move around, and must be kept in a clean and sanitary condition. The house or shelter for said animal shall be totally enclosed within the confinement structure. When being transported, the animal must be muzzled or caged.

(a) *Signs.* All owners of vicious dogs shall display on the kennel or pen and also in a prominent place on the premises a sign easily read by the public from adjoining public roads or streets using a sign stating the presence of a vicious dog by both symbol and words.

(b) *Inspection.* All owners of vicious dogs shall allow animal control officers and enforcement agents the freedom to inspect the area as necessary to assure that the health and safety needs of the animals and the public are being met.

(C) *Conditions precedent to vicious dogs being permitted to remain within the city's territorial limits.* Vicious dogs shall not be permitted to remain within the city's territorial limits unless all of the following conditions are met:

(1) The animal is properly registered with the county;

(2) The animal is at all times kept or maintained in a safe manner and that it is at all times confined securely so that the keeping of such animal will not constitute a danger to human life or personal property;

(3) Adequate safeguards are made to prevent unauthorized access to such animal;

(4) The health or well being of the animal is not in any way endangered by the manner of keeping or confinement;

(5) Keeping of such animal does not constitute a public nuisance and will not harm the surrounding neighborhood or disturb the peace and quiet of the surrounding neighborhood;

(6) Keeping of such animal will not create or cause offensive odors or constitute a danger to public health; and

(7) The quarters in which such animal is kept or confined is adequately lighted and ventilated and are so constructed that it may be kept in a clean and sanitary condition.

(D) *Police dog exclusion*. It is not the intent of this section to prohibit the Police Department from using any trained dog that may attack on command; provided that, each such dog must be in the presence of its handler or confined in accordance with Police Department policy at all times.

(E) *Miscellaneous exclusions*. The provisions of this section shall not apply to the keeping of vicious dogs in the following cases:

(1) The keeping of such animals in zoos, bona fide educational or medical institutions, museums or any other place where they are kept as live specimens for the public to view, or for the purpose of instruction, study or medicinal uses;

(2) The keeping of such animals for exhibition to the public of such animals by a circus, carnival or other exhibit or show; and

(3) The keeping of such animals in a bona fide licensed veterinary hospital for treatment or study.

(1984 Code, § 90.10) (Ord. O-10-64, passed 2-20-1964; Ord. O-50-85, passed 8-6-1985; Ord. O-33-99, passed 9-14-1999; Ord. O-21-00, passed 5-16-2000; Ord. O-33-03, passed 6-24-2003; Ord. O-23-05, passed 5-17-2005; Ord. O-4-12, passed 3-20-2012) Penalty, see § 90.99

§ 90.17 LICENSE REQUIRED TO RAISE ANIMALS.

(A) Any person engaged in raising or breeding any animals for commercial purposes or otherwise shall obtain a license from the city and comply with all applicable zoning regulations. Each application for a license shall state the number and kind of animals to be raised and the location of the premises to be used for that purpose.

(B) The Finance Director shall issue the license for raising animals.

(1984 Code, § 90.11) (Ord. O-33-03, passed 6-24-2003; Ord. O-23-05, passed 5-17-2005; Ord. O-4-12, passed 3-20-2012) Penalty, see § 90.99

§ 90.18 HARBORING FOWL.

(A) Subject to the city's zoning regulations, no person shall own in the city any chicken, duck, guinea, goose, pigeon or dove, or any species of fowl of the avian or aquatic family for commercial purposes, within 100 feet of any residence therein.

(B) No person shall permit any such chicken, duck, guinea, goose, dove, pigeon or any fowl of the avian or aquatic family to run or be at large within the city. However, the provisions of this section shall not apply to any fowl confined in coops at market places or stores where the fowl is sold for food; except that, any fowl kept for sale shall not be permitted to run at large at the place where the fowl is kept for sale or the owning of pigeons and birds of prey for the purposes of falconry.

(C) Non-crowing fowl, such as hens, may be kept within the city limits for non-commercial purposes, subject to the following provisions.

(1) The non-crowing fowl shall be kept in a housing structure that is:

(a) Covered and predator-proof;

(b) Thoroughly ventilated and odor- free;

(c) Designed to prevent any bird from leaving the owner's property;

(d) Of sufficient size to admit free movement of each bird, providing at least three square feet of space per bird; and

(e) Designed to be easily accessed, cleaned and maintained by the owners.

(2) The housing structure must be in good repair. All gates or doors to the fence or structure shall fit properly and shall be locked or secured by a latch.

(3) No non-crowing fowl shall be located closer than four feet to the owner's residence, and no non-crowing fowl shall be located closer than ten feet to any residential structure occupied by someone other than the fowl owner, custodian or keeper.

(4) Stored feed must be kept in a rodent- and predator-proof container.

(5) No more than eight non-crowing fowl shall be kept on a lot smaller than one-half acre.

(1984 Code, § 90.11) (Ord. O-33-03, passed 6-24-2003; Ord. O-4-12, passed 3-20-2012; Ord. O-44-12, passed 11-27-2012) Penalty, see § 90.99

§ 90.19 SANITARY CONDITIONS REQUIRED.

(A) All persons raising animals within the city, whether for commercial purposes or otherwise, shall be required to keep them at all times in a clean and sanitary condition and free from obnoxious odors.

(B) The premises upon which animals are kept shall always be sanitary and subject to inspection and regulation by the animal control officer.

(1984 Code, § 90.13) (Ord. O-31-01, passed 8-7-2001; Ord. O-33-03, passed 6-24-2003; Ord. O-23-05, passed 5-17-2005; Ord. O-4-12, passed 3-20-2012) Penalty, see § 90.99

§ 90.20 WILD ANIMALS AND EXOTIC ANIMALS PROHIBITED.

No person shall own wild animals and/or exotic animals within the jurisdictional boundaries of the city. This prohibition does not apply to zoological parks, properly licensed transient animal exhibits, circuses, licensed veterinarians or licensed caregivers to wild animals, colleges, universities, high schools, elementary schools, research institutions, persons owning birds of prey in compliance with all state and federal regulations or persons holding commercial or non-commercial captive wildlife permits issued by the commonwealth. Any person who owns, keeps or uses wild animals or exotic animals as part of his or her job duties at colleges, universities, high schools, elementary schools or research institutions may keep these animals at his or her residence on a temporary basis, but only after the employee and his or her department head (for colleges and universities), or superintendent (for high schools and elementary schools), or director (for research institutions) certify in writing on a form approved by the city the need for the employee to keep such animals at his or her residence on a temporary basis as part of his or her job duties.

(1984 Code, § 90.14) (Ord. O-33-03, passed 6-24-2003; Ord. O-49-03, passed 8-19-2003; Ord. O-4-12, passed 3-20-2012) Penalty, see § 90.99

§ 90.21 BREEDING VICIOUS DOGS, EXOTIC ANIMALS AND WILD ANIMALS.

(A) The breeding of vicious dogs, exotic animals and wild animals within the boundaries of the city is strictly prohibited and enforcement agents may impound such animals when they are pregnant or any litter these animals may produce.

(B) This prohibition shall not apply to persons owning and/or breeding birds of prey for the purpose of falconry in compliance with all state and federal regulations.

(1984 Code, § 90.15) (Ord. O-33-03, passed 6-24-2003; Ord. O-4-12, passed 3-20-2012) Penalty, see § 90.99

§ 90.22 ANIMAL CARCASSES.

(A) The body or part of any animal to be used for human food shall not be transported through any streets, unless it is covered so as to protect it from insects, animals, dust and dirt.

(B) No person shall permit any dead horse, cow, sheep or other animal carcass to remain within the city longer than a reasonable time for removing or burying the animal carcass.

(C) (1) When a dead animal is found in the city, the owner shall promptly and properly bury the animal when notified to do so by the county's Public Works Department, the city's Department of Public Improvements, the city's Police Department, the state's Transportation Cabinet, an animal control officer or enforcement agent.

(2) Where the owner is unknown or neglects or refuses, the county's Public Works Department, the city's Department of Public Improvements, the city's Police Department, the state's Transportation Cabinet, an animal control officer or enforcement agent, or their designee shall bury the animal.

(3) Refusal or neglect by the owner is punishable as provided in §90.99 of this chapter.

(1984 Code, § 90.16) (Ord. O-31-01, passed 8-7-2001; Ord. O-33-03, passed 6-24-2003; Ord. O-4-12, passed 3-20-2012) Penalty, see § 90.99

Statutory reference:

Regulations regarding the disposal of dead animals, see KRS 263.010 et seq.

§ 90.23 INJURING OR POISONING ANIMALS.

(A) No person who accidentally or otherwise strikes an animal with an auto and injures it shall leave the scene without rendering aid and assistance in the care of the animal or contacting the Police Department or animal control officer regarding the injured animal.

(B) No person shall willfully or negligently poison any animal.

(1984 Code, § 90.17) (Ord. O-33-03, passed 6-24-2003; Ord. O-4-12, passed 3-20-2012) Penalty, see § 90.99

§ 90.24 DISEASED ANIMALS.

(A) Every person owning or having any animal under his or her charge within the city which he or she knows or suspects has been affected by any communicable or infectious disease, including, but not limited to, glanders or anthrax, shall isolate the animal from other animals and shall immediately report the existence or suspected existence of the disease to an animal control officer or enforcement agent.

(B) The animal control officer or enforcement agent is authorized, on the evidence of a veterinary surgeon or three disinterested witnesses, that any animal is incurably injured or diseased, to kill or order animal to be killed at once.

(1984 Code, § 90.18) (Ord. O-31-01, passed 8-7-2001; Ord. O-33-03, passed 6-24-2003; Ord. O-4-12, passed 3-20-2012) Penalty, see § 90.99

§ 90.25 FASTENING ANIMALS TO TREES; IMPOUNDMENT.

(A) (1) No person shall at any time fasten any horse or other animal to any hydrant, pole, shade tree or other inanimate object on any street or public ground.

(2) Any enforcement agent may impound the animal so fastened until any penalty as may be provided and any expenses reasonably incurred in keeping and caring for the animal are paid.

(3) If the fine and charges are not paid within seven days, the animal shall be deemed a stray and treated as provided for in §§ 90.41 through 90.44 of this chapter.

(B) Any person who finds an animal on his or her property to his or her injury or annoyance may:

(1) Remove the animal to the animal shelter; or

(2) Retain possession of the animal and, as soon as possible, notify the animal shelter or the city animal control officer of this custody, giving a description of the animal and the owner's name, if known.

(1984 Code, § 90.19) (Ord. O-33-03, passed 6-24-2003; Ord. O-4-12, passed 3-20-2012) Penalty, see § 90.99

§ 90.26 DEPOSITING ANIMAL REFUSE IN PUBLIC PLACES.

No person shall deposit any dead animal matter, offal or any solid refuse animal matter in any sewer, watercourse, vacant lot or pond in the city. The depositing of the refuse animal matter in any such place is declared a public nuisance.

(1984 Code, § 90.20) (Ord. O-33-03, passed 6-24-2003; Ord. O-4-12, passed 3-20-2012) Penalty, see § 90.99

§ 90.27 MINIMUM AREA LIMITATIONS.

(A) No animal shall be kept on any lot or parcel of land within the city consisting of less than 10,000 square feet in area.

(B) The provisions of division (A) above shall not apply to the keeping of:

(1) Small household pets to include, but not be limited to, dogs and cats; or

(2) Animals for commercial purposes where such use is lawful under the Zoning Code.

(1984 Code, § 90.21) (Ord. O-33-03, passed 6-24-2003; Ord. O-4-12, passed 3-20-2012) Penalty, see § 90.99

§ 90.28 GOATS, SHEEP AND GUARDIAN ANIMALS.

(A) No goats or sheep shall be maintained in the city unless otherwise provided for as indicated herein.

(B) (1) Female or wether goats or sheep may be maintained in the city for the purpose of performing land management practices such as clearing of brush and weeds, and for other purposes such as maintaining them as pets, subject to the restrictions herein.

(2) No bucks or rams shall be allowed to be maintained in the city.

(C) Guardian animals, such as alpacas, llamas, donkeys or dogs, shall be permitted to accompany goats or sheep for the purpose of guarding the goats or sheep when they are used on city-owned land with permission of the city, and on privately-owned real property that has a minimum of 200 square feet of open space per animal. The number of guardian animals shall be limited to two. (Any reference to goats, sheep or animals herein shall include interchangeably goats, sheep or guardian animals.)

(D) Keepers of goats and sheep and any guardian animals shall subject to the following:

(1) No person or entity shall maintain goats or sheep in the city unless that person or entity has applied for and obtained a permit from the city as provided for as follows.

(a) The request for a permit shall be directed to the City Manager or his or her designee.

(b) The annual permit fee shall be $25 for each location.

(c) When animals are to be used for land management purposes, the permit shall be limited to a reasonable period of time to accomplish the land management practice not to exceed one year.

(d) The City Manager or designee shall have authority to develop and implement guidelines related to the maintenance of goats and sheep in the city. The city shall have the right to inspect the premises where the animals are maintained.

(e) The City Manager may refuse to grant a permit that he or she reasonably believes may be injurious to the health, safety and well-being of the public, or the animals, or creates a public nuisance, as defined by the city's nuisance ordinance.

(f) The permit application shall generally specify the number of goats, sheep and guardian animals, and the area

where they will be maintained. The animals may only be maintained in areas designated in the permit application. The applicant shall provide the following to the City Manager before qualifying for the issuance of a permit:

1. The name of the applicant, including the type of organization (e.g., proprietorship, partnership, corporation, limited liability company and the person responsible for compliance with this subchapter);

2. The address of the applicant; and

3. A map or diagram drawn to scale depicting the area where the animals will be maintained.

(g) The following provisions and certifications shall be conditions of any permit granted by the City Manager:

1. Inclusion of a release and indemnification provision releasing and indemnifying the city from personal injury and property damage liability' resulting from the maintenance and use of the animals;

2. Certification that the permittee will clean and maintain the area impacted by the maintenance and use of the animals; and

3. Certification that the applicant has permission to use the property.

(h) The permittee, at her, his or its sole expense, shall maintain comprehensive general liability insurance, protecting against all claims for personal injury, death or property damage occurring upon, in or about the permitted permit premises resulting from the use of thereof, with a minimum of $50,000 in coverage and limits acceptable to the city for the entire term of the permit and any extension thereof. The city must be named in this policy as an additional insured entity. The permittee shall include copies of all policies of insurance with the license application. The permittee shall deliver to the city, at least ten days prior to the expiration of such policy, evidence that it has been renewed. All policies of insurance carried hereunder shall provide that they cannot be canceled without giving at least ten days' prior written notice to the city and shall be written by insurance companies licensed by the commonwealth and reasonably satisfactory to the city. No subrogation claims shall be allowed against the city.

(i) The permittee shall ensure that no public or private property is damaged by the maintenance and use of the animals. The permittee shall repair any damage caused by the permittee's use of the animals.

(j) The permit applicant shall provide any information reasonably required by the City Manager to properly administer the intent of this subchapter.

(k) Any permit shall not be assigned or transferred to a third party without the prior written consent of the City Manager.

(l) A permit may be revoked by the city upon seven days written notice upon a finding by the City Manager that the permittee has violated any terms of this section, has failed to abide by the terms or conditions set forth in the permit, or upon a finding by the City Manager that the permittee has violated city ordinances or any other law or regulation. The permit is subject to immediate revocation if circumstances warrant immediate action to protect the health and wellbeing of the citizens, property or the animals. The permittee may appeal a revocation to the city's Board of Commissioners within seven days of the notice of revocation. If a former permittee fails to appeal a permit revocation within the time frame set forth herein, such decision shall not be subject to further review.

(2) The following restrictions shall also apply.

(a) On residentially-zoned premises, no less than two goats or sheep and no more than two goats or sheep shall be maintained on premises in a minimum area of 200 square feet of open outdoor grazing space per goat or animal. On property zoned residential, commercial, agriculture or industrial, a maximum of 12 animals will be allowed on any single privately-owned parcel of property or public land subject to approval of the city, in a minimum area of 200 square feet per goat or animal.

(b) The area where the animals shall be housed on public land or privately-owned property shall be:

1. Predator proof;

2. Thoroughly ventilated;

3. Easily accessed and cleaned;

4. Water-tight and draft-free;

5. A minimum of 20 square feet of interior space for two goats or animals, and a minimum of five additional square feet for each additional goat or animals;

6. Located outside of all required setbacks; and

7. Direct access from the enclosed area to an outdoor area shall be provided with the outdoor enclosure designed to be:

a. Secured with a minimum four and one-half-foot tall fence;

b. A minimum fenced area of 200 square feet per animal;

c. Secured from the outside in a manner that prevents the goats from escaping;

d. Free of objects that would enable the goats to climb out of the enclosure; and

e. Easily accessed and cleaned.

(c) Keepers shall remove and properly dispose of droppings as needed to prevent accumulation, to avoid a health or sanitation problem, or the breeding of flies, and to prevent discharge into the storm water conveyance system.

(d) These animals shall at all times be kept or maintained in a safe manner and at all times confined securely so that the keeping of such animal will not constitute a danger to human life or personal property.

(e) Adequate safeguards must be provided to prevent unauthorized access to such animal.

(f) The health or wellbeing of the animal shall not be in any endangered by the manner of keeping or confinement.

(g) Maintaining these animals shall not create a public nuisance and shall not harm the surrounding area or neighborhood or disturb the peace and quiet of the surrounding area or neighborhood.

(h) Keeping of such animals will not create or cause offensive odors or constitute a danger to public health.

(1984 Code, § 90.22) (Ord. O-12-15, passed 5-12-2015) Penalty, see § 90.99

ANIMALS AT LARGE; IMPOUNDING

§ 90.40 RUNNING AT LARGE.

(A) The owner of any dog, cat or other animal shall keep the dog, cat or other animal confined to the premises and property of the owner and shall not allow the dog, cat or other animal to run at large, except as provided in the subchapter.

(B) No owner of a dog, cat or other animal shall permit or allow the animal to run or be at large, as defined in § 90.01 of this chapter, or to go about or on the premises or property of any other person within the city without the permission of the other person.

(C) No owner of any cattle, horse, mule, swine, sheep, goat, geese, ducks, chickens or any other animal shall allow these animals to run at large within the city. Herding any such animals or tying it for grazing in any street or other public place shall be deemed running at large within the meaning of this section, unless otherwise allowed pursuant to § 90.28 of this chapter. To permit any running at large is declared to be a public nuisance and dangerous to the public health and safety.

(D) No operator or owner of a meat packing plant or slaughter house or any other facility that receives animals for butchering shall permit these animals the opportunity to escape from the facility. Any owner or operator of such a facility shall cause to be constructed at the facility adequate fences and enclosures and shall supervise the loading or unloading of animals from vehicles to assure that no animals escape from the facility.

(E) Any animal led or permitted to run at large in violation of this section shall be impounded at the owner's expense until the penalty for the violation, any impoundment charges and any other charges required by this subchapter are paid.

(F) Any animal control officer, enforcement agent or other officer designated by the city is authorized to capture and impound any animal found at large in accordance with this subchapter.

(1984 Code, § 90.30) (Ord. O-37-86, passed 7-1-1986; Ord. O-14-97, passed 6-10-1997; Ord. O-33-03, passed 6-24-2003; Ord. O-23-05, passed 5-17-2005; Ord. O-4-12, passed 3-20-2012; Ord. O-12-15, passed 5-12-2015) Penalty, see § 90.99

Statutory reference:

Regulations regarding animals running at large, see KRS 259.110 through 259.990

§ 90.41 PLACE OF IMPOUNDMENT.

(A) Any dog, cat or other animal seized or captured pursuant to this chapter may be impounded at the animal shelter.

(B) The city may by resolution enter into a contract with any Humane Society in the city or county or other similar association, not organized for pecuniary profit as pound keeper, for the collection, keeping for redemption and destruction of all animals found in the city and impounded in accordance with the provisions of this chapter.

(C) The animal control officer or enforcement agent may seize and take into custody and impound, or cause to be taken into custody and impounded the following:

(1) Any dog, cat or other animal off the premises of the owner which official or his or her agent have reason to believe is a stray animal;

(2) Any dog off the premises of the owner with or without a current registration tag on his or her collar;

(3) Any female dogs or cats in heat off the premises of the owner;

(4) Any dog, cat or other animal which is permitted to run at large within the city contrary to § 90.40 of this chapter; and

(5) Any vicious dog found to be in violation of §§90.15 and 90.16 of this chapter.

(1984 Code, § 90.31) (Ord. O-20-62, passed 4-19-1962; Ord. O-19-86, passed 4-1-1986; Ord. O-33-03, passed 6-24-2003; Ord. O-23-05, passed 5-17-2005; Ord. O-4-12, passed 3-20-2012)

§ 90.42 DISPOSITION OF ANIMALS IMPOUNDED AT THE ANIMAL SHELTER.

Any animal taken into custody pursuant to any provision in this chapter may be humanely disposed of at the discretion of the director of the animal shelter five days after the animal is taken into custody. Any person claiming an interest in an animal in custody pursuant to this section may prevent humane disposition of the animal by posting bond or security in an amount sufficient to pay a reasonable fee for board, administration and medical attention for at least 30 days, inclusive of the date on which the animal was taken into custody. If a bond of security is posted, the animal shelter may humanely dispose of the animal at the end of the duration for which expenses are covered by the bond or security, unless there is a court order prohibiting the animal's disposition. The court order must provide for a bond or other security in the amount necessary to protect the animal shelter from paying any cost of the care, maintenance or disposal of the animal. The person convicted for violating any provision of this chapter shall pay all reasonable expenses related to the enforcement of this chapter, including investigation, disposition, veterinary costs or costs of maintaining or disposing of the animal. Upon taking custody of an animal pursuant to this chapter, an animal control officer shall give notice of the seized animal by posting a notice at the location where the animal is taken into custody or by delivering notice to a person residing at the property.

(1984 Code, § 90.32) (Ord. O-33-03, passed 6-24-2003; Ord. O-49-03, passed 8-19-2003; Ord. O-4-12, passed 3-20-2012)

§ 90.43 RECORD TO BE KEPT.

The animal shelter or any animal control officer or enforcement agent authorized to impound an animal under this chapter, and who impounds an animal, shall make a record of the breed, color and sex of the animal and whether or not it is licensed. If the animal is licensed, the officer shall enter the name and address of the owner and number of the license tag. The officer shall also enter in the record the disposition made of the animal.

(1984 Code, § 90.33) (Ord. O-33-03, passed 6-24-2003; Ord. O-4-12, passed 3-20-2012)

§ 90.44 INTERFERENCE WITH IMPOUNDING OF ANIMALS.

No person shall willfully prevent or obstruct the impounding of any animal in violation of any of the provisions of this chapter, shall take any animal out of the animal control vehicle, cage or animal shelter without the consent of the person in charge of the vehicle, cage or facility or shall knowingly impound or attempt to impound any animal not legally liable to impoundment.

(1984 Code, § 90.34) (Ord. O-33-03, passed 6-24-2003; Ord. O-23-05, passed 5-17-2005; Ord. O-4-12, passed 3-20-2012) Penalty, see § 90.99

ANIMAL REGISTRATION AND

REGULATIONS

§ 90.55 LICENSE AND REGISTRATION OF ALL DOGS REQUIRED.

(A) All dogs four months of age or older, owned, kept, harbored or maintained in the city shall be licensed and registered with the county.

(B) (1) Licenses shall be issued by the county upon submittal of applications and payment of the following for each animal. The fees for these licenses shall be the current fee required to obtain a county license, as specifically stated in the county code of ordinances.

(2) Payment of these license fees shall be made to the Kenton County Animal Control, 1020 Mary Laidley Drive, Covington, KY 41017.

(C) The owner shall state at the time the application is made for the license upon forms provided for such purpose by the county, the owner's name and address and the name, breed, color and sex of each dog owned or kept by him or her and proof of rabies vaccination.

(D) Upon receipt of the properly-executed application and payment of the license fee, the county shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The tag shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate. A separate tag will be issued for vicious dogs.

(E) Every owner shall be required to provide each dog with a collar to which the license tag must be affixed and shall see that the collar and tag are constantly worn on the dog.

(F) In case a dog tag is lost, stolen or destroyed, a duplicate or substitute tag will be issued by the county upon presentation of the receipt or registration showing payment of the license fee for the current year and the payment of the requisite fee charged for the duplicate or substitute tag, if any.

(G) Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of death of the dog or the owner's leaving the city before the expiration of the license period.

(H) If there is a change of owners of a dog during the license period, the new owner may have the current registration

transferred to his or her name upon payment of the requisite transfer fee.

(I) The registration and license period provided for herein shall be July 1 of one year to June 30 of the following year, and all dogs shall be licensed and registered as provided herein on or before July 1 of each year.

(J) The provisions of this section shall not apply to dogs brought into the city on a temporary basis for show, trial, hunting or breeding purposes, if they remain in the city for less than 90 days, nor to “seeing eye” dogs or service animals properly trained to assist blind or disabled individuals when the dogs are actually being used by blind or disabled individuals for the purpose of aiding them in going from place to place.

(K) All dogs which are brought into the city, except as provided in division (J) above, shall be registered and licensed as herein provided if said animals remain in the city for more than 24 hours.

(L) Any dog not bearing a license tag, as herein required, shall prima facie evidence that the dog is unlicensed and unregistered, and in any proceeding under this subchapter, the burden of proof of the fact that a dog has been licensed and registered shall be on the owner of the dog.

(1984 Code, § 90.51) (Ord. O-50-82, passed 8-17-1982; Ord. O-19-86, passed 4-1-1986; Ord. O-47-94, passed 12-13-1994; Ord. O-33-03, passed 6-24-2003; Ord. O-49-03, passed 8-19-2003; Ord. O-18-05, passed 4-26-2005; Ord. O-4-12, passed 3-20-2012) Penalty, see § 90.99

§ 90.56 ANIMAL CONTROL OFFICER OR ENFORCEMENT AGENT TO TAKE POSSESSION; ENTRY ON PRIVATE PROPERTY.

(A) Any dog found at large within the city and not bearing a license, or any dog, cat or other animal found in violation of the provisions of this subchapter may be taken into custody by an animal control officer or enforcement agent.

(B) An animal control officer or enforcement agent shall have specific authority to enter upon private property for the purpose of inspecting or checking dogs or other animals to determine if they are properly licensed by the city, or for taking into custody any unlicensed dog, cat or other animal, any dog, cat or other animal found at large within the city, or any dog or animal found upon the property of another, other than the owner of the dog, cat or other animal.

(C) (1) An animal control officer or enforcement agent may use any reasonable means and force necessary to take control and possession of dogs, cats and other animals violating this subchapter, including, but not limited to, using tranquilizer guns or devices.

(2) An animal control officer or enforcement agent shall not be liable, either civilly or criminally, for dogs, cats or other animals that are unintentionally injured or killed in the process of taking control or possession of the animals as provided herein.

(1984 Code, § 90.52) (Ord. O-50-82, passed 8-17-1982; Ord. O-33-03, passed 6-24-2003; Ord. O-23-05, passed 5-17-2005; Ord. O-4-12, passed 3-20-2012) Penalty, see § 90.99

§ 90.57 IMPOUNDING.

(A) All dogs, cats and other animals taken into custody by an animal control officer or enforcement agent, as provided in § 90.56 of this chapter, shall be impounded at the animal shelter, except as provided in division (B) below.

(B) If the dog is found on the premises of its owner, but is unlicensed by the city or at large, an animal control officer or enforcement agent may, in his or her discretion, not impound the dog, but in lieu thereof, issue an administrative fine ticket on a form provided by the county to the owner for owning an unlicensed dog or permitting the dog, cat or other animal to be at-large.

(C) All dogs, cats and other animals impounded shall be handled or disposed of by state law, as provided by KRS Ch. 258 and § 90.42 of this chapter.

(D) No dog, cat and other animal impounded by an animal control officer or enforcement agent shall be released to its owner without authority from the county.

(E) If, by a current license tag or other means, the owner of an impounded animal can be identified, the animal shelter, an animal control officer or enforcement agent shall immediately, upon impoundment, notify the owner by telephone or mail. An owner reclaiming an impounded dog, cat or other animal shall pay a fee imposed by the animal shelter or other impounding authority and shall comply with any other requirements of the animal shelter or this subchapter before the dog, cat or other animal can be released, including, but not limited to, the spaying and neutering and injection of a microchip in a vicious dog.

(F) Any dog, cat or other animal seized by an animal control officer or enforcement agent shall be impounded for a minimum five days, and if not claimed by the owner by such time, shall become the property of the animal shelter, county or the city. Such animal may be placed for adoption in a suitable home or humanely euthanized.

(1984 Code, § 90.53) (Ord. O-50-82, passed 8-17-1982; Ord. O-19-86, passed 4-1-1986; Ord. O-33-03, passed 6-24-2003; Ord. O-23-05, passed 5-17-2005; Ord. O-4-12, passed 3-20-2012) Penalty, see § 90.99

§ 90.58 INTERFERENCE WITH ANIMAL CONTROL OFFICER OR ENFORCEMENT AGENT.

It shall be unlawful for any person to interfere with, molest, hinder or prevent an animal control officer or enforcement agent of the city in the discharge of his or her duties as prescribed in this subchapter.

(1984 Code, § 90.54) (Ord. O-50-82, passed 8-17-1982; Ord. O-33-03, passed 6-24-2003; Ord. O-4-12, passed 3-20-2012) Penalty, see § 90.99

§ 90.59 STRAY DOGS AND CATS.

(A) Anyone who picks up a stray dog or cat not ear-tipped pursuant to §90.60 shall immediately notify and turn the dog or cat over to the animal shelter or animal control officer.

(B) No person shall harbor or hold for reward or procure a license for a dog which has strayed upon his or her premises or which has been picked up on a public street, highway or other public place unaccompanied by its owner or other person, or which has been stolen from its owner.

(1984 Code, § 90.55) (Ord. O-33-03, passed 6-24-2003; Ord. O-23-05, passed 5-17-2005; Ord. O-4-12, passed 3-20-2012; Ord. O-26-20, passed 12-1-2020) Penalty, see § 90.99

§ 90.60 MANAGEMENT OF COMMUNITY CAT POPULATION.

(A) A trap-neuter-return program has been developed by Kenton County animal services to address the issues presented by feral and other community cats, recognizing that there are caretakers of community cats.

(B) The trap-neuter-return program permits Kenton County animal services to engage in the trapping of community cats for the purpose of sterilization, vaccination, ear-tipping for easy identification and providing of other necessary medical care for community cats.

(C) A caretaker providing for a community cat may offer certain necessities on a regular/ongoing basis, including, but not limited to, proper nutrition of food and water, and medical care. If medical care is unavailable or too expensive, a caregiver should contact Kenton County animal services for assistance to prevent harm to a community cat.

(1) For the purposes of this section, a caretaker shall follow all applicable laws, ordinances, rules and regulations while carrying out any caretaking actions, included, but not limited to, those laws regarding trespass, littering and nuisances. Failure to follow all applicable laws, ordinances, rules and regulations may lead to a caretaker's removal from participation in the trap-neuter-return program.

(2) A caretaker shall not enter private property, including abandoned or vacant property that is being maintained by a government organization pursuant to applicable nuisance laws and regulations, without prior written approval from the legal owner or occupant of such property.

(3) A caretaker shall not utilize government owned or public property in conjunction with the trap- neuter-return program without obtaining a proper permit or other written consent or permission.

(D) If the requirements of division (C) above are met, the caretaker is exempt from licensing and other provisions of this chapter that apply to owned cats.

(E) Anyone providing necessities to community cats shall adhere to the management standards listed below to reduce reproduction and prevent attraction of wildlife, vermin or insects. Failure to adhere to standards shall be deemed a public nuisance.

(1) Food must be presented in a container and not thrown on the ground.

(2) Uneaten food must be picked up after one hour.

(3) Trash must be removed and the area kept clean.

(4) Cats must be encouraged to stay away from people such as by feeding away from streets and public sidewalks.

(5) Shelter, if provided, must be insulated, blended with the surroundings, and free of standing water and moisture.

(6) Rabies vaccinations and spay/neuter services must be provided by the caretaker or by contacting Kenton County animal services to prevent reproduction.

(Ord. O-26-20, passed 12-1-2020) Penalty, see § 90.99

§ 90.61 FEMALE DOGS AND CATS IN HEAT.

Female dogs and cats in heat found running at large shall be seized and impounded and shall not be released, except on approval of the animal shelter or an animal control officer and payment of the required fees.

(1984 Code, § 90.57) (Ord. O-19-86, passed 4-1-1986; Ord. O-33-03, passed 6-24-2003; Ord. O-23-05, passed 5-17-2005; Ord. O-4-12, passed 3-20-2012)

§ 90.62 DOGS AND ANIMALS WHICH HAVE ATTACKED OR BITTEN.

(A) The animal shelter, animal control officers or enforcement agents may serve notice upon the owner or person in charge of a dog, cat or other animal which has attacked or bitten a person, to confine the animal at the expense of the

owner or person in charge of it upon the premises of the owner or person in charge or at some other place designated in the notice, for at least ten days after the animal has attacked or bitten the person.

(B) The owner or person in charge of an animal which has attacked or bitten a person shall permit the animal shelter, animal control officers or enforcement agent to examine the animal at any reasonable time, and daily if desired, within a period of ten days after the animal has attacked or bitten a person, to determine whether the animal shows symptoms of rabies.

(C) Whenever a dog, cat or other animal is affected by rabies or suspected of being affected by rabies or has been bitten by an animal known or suspected to be affected with rabies, the owner or person in charge of the dog, cat or other animal or any person having knowledge thereof, shall immediately notify either the animal shelter, an animal control officer or the city police.

(D) Every physician shall, within 12 hours after his or her first professional attendance upon any person bitten by a dog, cat or other animal, report to the animal shelter, an animal control officer or the city police, the name, age, sex, race and precise location of the person so bitten. When a physician is not in attendance of a person bitten by an animal, then any person in charge of or in control of or responsible for the person bitten shall report the incident to the police, an animal control officer or the animal shelter and provide the same information as set out herein.

(E) The animal shelter, an animal control officer or the city police shall serve a notice, in writing, upon the owner of a dog, cat or other animal known or suspected to have been bitten by an animal known or suspected of being affected by rabies, requiring the owner or person in charge of the animal to confine it for a period of not less than six months.

(F) (1) Whenever either the police, the animal shelter or an animal control officer has reason to believe that there is danger that rabies may spread within the city, the officials shall serve a notice in writing upon all persons owning or having charge of any animal requiring the person to confine the animal or, the authorities, in lieu of serving a notice in writing, may cause a notice to be published in the official newspaper of the city.

(2) Other animals may be included in the order whenever, in the opinion of the officials, this is necessary.

(G) Whenever the state or local Health Department has knowledge that any case of rabies exists among dogs, cats or other domestic animals within the state and, in its judgment, the disease is liable to spread, the state or local Health Department may issue an order requiring either the police the animal shelter, or an animal control officer to order animals confined as provided in this section, and to cause the enforcement of these provisions by appropriate proceedings either in law or equity.

(H) An animal confined under the order of either the police, the Health Department, the animal shelter or an animal control officer shall not be released until a certificate of release has been issued by the official who ordered the confinement.

(1984 Code, § 90.58) (Ord. O-19-86, passed 4-1-1986; Ord. O-31-01, passed 8-7-2001; Ord. O-33-03, passed 6-24-2003; Ord. O-23-05, passed 5-17-2005; Ord. O-4-12, passed 3-20-2012) Penalty, see § 90.99

§ 90.63 POWERS OF ENFORCEMENT AGENTS OR ANIMAL CONTROL OFFICER.

Nothing in this chapter shall be construed to conflict with any of the powers or authority of enforcement agents, including police officers or animal control officers conferred by the provisions of state law.

(1984 Code, § 90.59) (Ord. O-50-82, passed 8-17-1982; Ord. O-33-03, passed 6-24-2003; Ord. O-4-12, passed 3-20-2012)

§ 90.64 REMOVAL OF ANIMAL EXCREMENT.

(A) No person shall allow an animal under his or her control to be upon public property or upon the property of another, absent the consent of the owner or occupant of the property, without some device for the removal and containment of the dog's, cat's or other animal's excrement; nor shall any person fail to remove any excrement deposited by any animal under his or her control on public or private property.

(B) This section shall not apply to guide dogs under the control of a blind person.

(1984 Code, § 90.60) (Ord. O-51-82, passed 8-17-1982; Ord. O-33-03, passed 6-24-2003; Ord. O-23-05, passed 5-17-2005; Ord. O-4-12, passed 3-20-2012) Penalty, see § 90.99

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter, for which another penalty is not provided, shall be deemed guilty of a misdemeanor and be fined not more than $500 or imprisoned for not more than six months, or both.

(B) Any person violating the provisions of § 90.16 of this chapter shall be deemed guilty of a Class B misdemeanor and shall be fined not more than $250 or imprisoned for not more than 90 days, or both, for the first violation, and shall be deemed guilty of a Class A misdemeanor and fined not more than $500 or imprisoned for not more than one year or both, for each subsequent violation. Each day of violation shall constitute a separate offense. Likewise, each vicious dog for which the violation exists shall be considered a separate violation.

(C) Any person violating the provisions of § 90.20 of this chapter shall be deemed guilty of a misdemeanor and shall be fined not less than $250, nor more than $500. Each day of violation shall constitute a separate offense.

(D) An animal control officer may impound a dog, cat or other animal pursuant to § 90.40 of this chapter or any other applicable state law. If an animal is lawfully impounded, appropriate fees may be recovered pursuant to applicable local ordinances and state law.

(E) Any person violating the provisions of § 90.55 of this chapter shall be deemed guilty of a misdemeanor and shall be fined not less than $50, nor more than $100, for the first violation, and not less than $100, nor more than $500, for each subsequent violation hereof. Each day of violation shall constitute a separate offense.

(F) Any person violating the provisions of § 90.60 shall be deemed guilty of a misdemeanor and shall be fined not less than $25, nor more than $100 for the first violation, and not less than $50 nor more than $250 for each subsequent violation hereof. Each day of violation shall constitute a separate offense.

(G) Whoever violates § 90.64 of this chapter shall be deemed guilty of a violation and shall be fined $50.

(1984 Code, § 90.99) (Ord. O-50-82, passed 8-17-1982; Ord. O-13-94, passed 4-12-1994; Ord. O-33-99, passed 9-14-1999; Ord. O-33-03, passed 6-24-2003; Ord. O-49-03, passed 8-19-2003; Ord. O-4-04, passed 2-3-2004; Ord. O-23-05, passed 5-17-2005; Ord. O-4-12, passed 3-20-2012; Ord. O-26-20, passed 12-1-2020)

CHAPTER 91: FIRE PREVENTION

Section

91.01 Burning materials in street

91.02 Open and outdoor burning, including recreational fires

91.03 Obstructing fire hydrants

91.04 Sale to and unsupervised use of fireworks by minors prohibited

91.05 Adoption of Kentucky Standards of Fire Safety (Fire Prevention Code)

91.06 Fees

91.07 Non-compliance with Fire Chief's or Fire/Rental Inspector's order

91.99 Penalty

Statutory reference:

Fireworks, see KRS 227.700 et seq.

§ 91.01 BURNING MATERIALS IN STREET.

No person shall burn any wood, leaves, brush, waste paper or other combustible materials in any street, alley, or other public way, except as authorized by the Fire Chief.

(1984 Code, § 91.01) (Ord. O-26-82, passed 4-13-1982) Penalty, see § 91.99

§ 91.02 OPEN AND OUTDOOR BURNING, INCLUDING RECREATIONAL FIRES.

(A) All open burning is prohibited within the city unless otherwise allowed as an exception in this section. ***OPEN BURNING*** means the burning of any matter without a burn chamber approved by the state's Division for Air Quality, or without a stack or chimney with control devices approved by the state's Division for Air Quality.

(1) (a) Prescribed burns are an exception. ***PRESCRIBED BURN*** means the burning, in compliance with a prescription and to meet planned fire or land management objectives, of a continuous cover of fuels. A ***PRESCRIPTION*** means a written plan establishing the criteria necessary for starting, controlling and extinguishing a burn.

(b) Prescribed burns set for recognized agricultural, silvicultural, range, ecological and wildlife habitat management practices are allowed only if conducted in accordance with Part 515 of the Federal Natural Resources and Environmental Protection Act, administered by the city's Department of Natural Resources, and written notification of the prescribed burn is given 72 hours in advance to the local Division of Forestry District office. First, approval of the local Division of Forestry District Office must be obtained; and, secondly, approval of the city's Fire Department shall also be obtained.

(2) (a) Campfires are an exception. ***CAMPFIRE*** means a small fire for cooking, recreational or ceremonial purposes. Campfires are only allowed in the city if conducted in accordance with this section.

(b) Campfires shall burn only clean seasoned firewood; the fire shall be surrounded with a fire ring of rocks, stones, bricks or other non-flammable objects that protrude at least six inches above the undisturbed ground level (not allowed in burn barrels); the fire ring shall be no larger than 36 inches wide and the fire shall be no more than 24 inches high; the fire shall be at least 25 feet from any structure or other combustible materials on same property as the fire, at least 35 feet from

any structure or other combustible materials not on same property as the fire, and at least 25 feet from public pedestrian and roadways; the fire shall be attended at all times by a competent person of at least 16 years of age until the fire is extinguished and is cold; excessive or unusual emanations shall not be created; a garden hose attached to a water supply or other approved fire extinguishing device shall be readily available at the location. Note: ***EXCESSIVE AND UNUSUAL EMANATIONS*** includes the emanation of smoke or fumes or soot or cinders, or odors that annoy, injure or endanger the comfort, repose, health or safety of others.

(3) Burnings conducted in conjunction with training for public, private and industrial firefighters are an exception if conducted in accordance with the state's 401 K.A.R. 63:005, § 6.

(B) Outdoor burning is only allowed in the city if conducted in accordance with this section. ***OUTDOOR BURNING*** means the burning of clean seasoned firewood in a burn chamber approved by the state's Division for Air Quality, in a burn chamber with a stack or chimney with control devices approved by the state's Division for Air Quality, or in a patio wood-burning unit for outdoor cooking, heating, recreational or ceremonial purposes. ***PATIO WOOD- BURNING UNIT*** means a chiminea, patio warmer, fire pit or other portable wood-burning device used for outdoor recreation and/or heating. In this section, ***FIRE PIT*** means a device commercially designed and intended to contain and control small outdoor wood fires that are free standing and portable.

(1) Outdoor burning shall maintain a clearance of at least 15 feet from structures or other combustible materials on the same property as the fire, and at least 25 feet from structures or other combustible materials which are not on the same property as the fire; shall not occur on or beneath decks or balconies, or in an enclosed porch, gazebo or similar enclosed space; shall be attended at all times by a competent person of at least 16 years of age until the fire is extinguished and is cold; shall burn only clean seasoned firewood, and the burn chamber shall not be overloaded; excessive or unusual emanations shall not be created; a garden hose attached to a water supply or other approved fire extinguishing device shall be readily available; the fire shall be no larger than 18 inches wide by 12 inches high.

(2) Outdoor burning includes small fires set by construction and other workers for comfort heating purposes if conducted in accordance with this section and if: the ambient temperature is below 50°F; only clean lumber or seasoned firewood is burned; and, the fire is burned in a container not exceeding 55 gallons in size.

(3) This section does not cover coal, or propane or natural gas-fired appliances that are manufactured for outdoor cooking or grilling of food, and does not cover propane or natural gas fired appliances that are manufactured for outdoor heating or ambience. Installation and location of these appliances shall follow the manufacturer's guidelines.

(C) The city's firefighters, and police officers are authorized to require any fire to be immediately discontinued if the fire is determined to constitute a hazardous condition.

(1984 Code, § 91.02) (Ord. O-26-82, passed 4-13-1982; Ord. O-27-10, passed 8-17-2010) Penalty, see § 91.99

§ 91.03 OBSTRUCTING FIRE HYDRANTS.

No person shall obstruct or interfere with the use of any fire hydrant by placing any building materials, dirt, articles, merchandise or rubbish in the immediate vicinity of any hydrant, unless authorized by the Fire Chief.

(1984 Code, § 91.03) (Ord. O-26-82, passed 4-13-1982) Penalty, see § 91.99

§ 91.04 SALE TO AND UNSUPERVISED USE OF FIREWORKS BY MINORS PROHIBITED.

(A) For the purpose of this section, ***MINOR*** is defined as any person under 16 years of age.

(B) No person shall sell any fireworks as defined in KRS 227.700, common fireworks, as defined in KRS 227.702, or novelties and trick noisemakers as defined in KRS 227.704, to a minor within the city.

(C) It shall be unlawful for any minor to use fireworks as defined in KRS 227.700, common fireworks as defined in KRS 227.702, or novelties and trick noisemakers as defined in KRS 227.704, without adult supervision.

(1984 Code, § 91.04) (Ord. O-46-88, passed 6-28-1988; Ord. O-23-96, passed 6-11-1996) Penalty, see § 91.99

§ 91.05 ADOPTION OF KENTUCKY STANDARDS OF FIRE SAFETY (FIRE PREVENTION CODE).

(A) (1) Pursuant to KRS 227.320, the Kentucky Standards of Safety (Fire Prevention Code), as promulgated in Ch. 10, Title 81.5, of the state's Administrative Regulations by the State Commissioner of the Department of Housing, Buildings and Construction, on the advice and recommendation of the state's Fire Marshal, including all codes adopted by reference therein, is adopted as part of the Fire Prevention Code of the city.

(2) Copies of the code book are available through the Department of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort KY, 40601-5405.

(3) A copy shall be kept available for public inspection in the office of the Fire Chief.

(B) The city's Fire Department is hereby designated as the city's primary enforcement agency for the Kentucky Standards of Safety (Five Prevention Code). The Fire Chief, or his or her designated fire inspectors or fire/rental inspectors, shall be the enforcement authority for the city.

(C) Subject to any modification by agreement pursuant to KRS 15.605 through 15.630, the Fire Chief shall assume

primary jurisdiction for the inspection and enforcement of the state's Fire Prevention Code for all property located within the geographical boundaries of the city, with the following exceptions:

(1) All health care facilities and other facilities licensed by the state's Cabinet for Health and Family Services;

(2) All state-owned property; and

(3) Such other property jurisdictions of which may be transferred in writing to the jurisdiction of the state's Fire Marshal.

(D) The state's Fire Marshal shall have primary enforcement jurisdiction of all property excepted from primary jurisdiction for the city.

(E) Pursuant to KRS 227.230, the Fire Chief, and such other members of the Fire Department as are necessary, may be deemed "Deputy State Fire Marshals" by the state's Fire Marshal as set forth within the statute.

(F) Pursuant to KRS 227.225(2), the city hereby extends the application of KRS Ch. 227 to those single-family dwellings exempted under KRS 227.225(1).

(G) Nothing in this section is intended to create any duties on behalf of the city, or its officers, agents or employees, to any third party; nor is there any intent, implied or otherwise, to expand or create any causes of action against the city, its officers, agents or employees, for liability as a result of a violation of this section.

(1984 Code, § 91.05) (Ord. O-29-15, passed 8-18-2015)

§ 91.06 FEES.

Pursuant to KRS 227.336, the Fire Department is authorized to impose fees for fire inspections, and the fee schedule set forth in KRS 227.336 is hereby adopted and incorporated by reference. All fees shall be due and payable 30 days from the date of invoice.

(1984 Code, § 91.06) (Ord. O-29-15, passed 8-18-2015; Ord. O-24-20, passed 12-1-2020)

§ 91.07 NON-COMPLIANCE WITH FIRE CHIEF'S OR FIRE/RENTAL INSPECTOR'S ORDER.

If any owner fails to comply with a summary order or an order of the Fire Chief or his or her designees, acting as the designee of the state's Fire Marshal, or with an order as modified on appeal, the Fire Chief may cause the property to be repaired, or removed if repair is not feasible, or all fire hazard conditions remedied, at the expense of the owner. Such expense may be enforced against any property of such owner, and the city and those employed by the city to do the work or who furnish materials or equipment therefor, shall have a lien for such expense on the real estate property involved.

(1984 Code, § 91.07) (Ord. O-29-15, passed 8-18-2015)

§ 91.99 PENALTY.

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

(B) Any person convicted of violating the provisions of §91.01 of this chapter shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500.

(C) Any person convicted of violating the provisions of §91.02 of this chapter shall deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500.

(D) Any person convicted of violating the provisions of §91.03 of this chapter shall deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 for the first day's violation. Each day's continued violation shall constitute a separate offense.

(E) Any person convicted of violating the provisions of §91.04(B) of this chapter shall be deemed guilty of a misdemeanor and shall be fined an amount not to exceed $500 or imprisoned in the county jail for a term not to exceed 30 days. Any person convicted of violating the provisions of § 91.04(C) of this chapter shall be fined an amount not to exceed $500.

(F) Any person who violates any provision of a lawful order, rule or regulation made under the provisions of §91.05 of this chapter, or who induces another to violate any provisions of § 91.05 of this chapter or of any lawful order, rule or regulation made thereunder, shall be deemed guilty of a Class A misdemeanor. Each day such violations exist shall, in the discretion of the courts, be considered as a separate offense.

(1984 Code, § 91.99) (Ord. O-26-82, passed 4-13-1982; Ord. O-46-88, passed 6-28-1988; Ord. O-13-94, passed 4-12-1994; Ord. O-29-15, passed 8-18-2015)

CHAPTER 92: NUISANCES

Section

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92.99 Penalty

§ 92.01 GENERALLY.

These regulations shall be known as the “Covington Nuisance Code”, hereinafter referred to as “the code” or “this chapter”.

(1984 Code, § 92.01) (Ord. O-13-03, passed 4-1-2003; Ord. O-32-16, passed 11-15-2016; Ord. O-15-20, passed 8-11-2020)

§ 92.02 SCOPE; INTENT; CONFLICT WITH OTHER ORDINANCES.

(A) *Purpose.* This chapter is designed to protect the public health, safety and welfare by:

(1) Establishing what constitutes a nuisance on residential and non-residential properties and properties without existing structures;

(2) Prohibiting public nuisances that substantially annoy, injure or endanger the public or unlawfully or substantially interfere with the use and enjoyment of private or public property;

(3) Fixing the responsibilities of owners, operators and occupants of all occupied residential and non-residential structures, and vacant structures and premises; and

(4) Providing for administration, enforcement and civil penalties.

(B) *Intent*. This chapter shall be construed liberally and justly to ensure public health, safety and welfare insofar as they are affected by the continued use and maintenance of structures and premises.

(C) *Other regulations.* The provisions of this chapter shall not be construed to prevent the enforcement of other ordinances or regulations.

(D) *Application of other codes.* Any repairs, alterations or changes to a structure, which are caused directly or indirectly by the enforcement of this chapter, shall be done in accordance with the procedures and provisions of any other existing codes used and enforced by the city, including, but not limited to, the city’s Property Maintenance Code and the state’s

Building Code, Fire Code and Electrical Code.

(E) *Remedies*. The provisions of this chapter shall not be construed to abolish or impair existing or other remedies of the city or its officers or agencies relating to the removal or demolition of any buildings that are dangerous, unsafe or unsanitary.

(F) *Workmanship*. All repairs, maintenance, work, alterations or installations that are required for compliance with this chapter shall be executed and installed in a workmanlike and acceptable manner.

(G) *Conflict with other ordinances or regulations* In any case where a provision of this chapter is found to be in conflict with any existing code, ordinance or regulation of the city, the provision that establishes the highest standard shall apply, so long as the penalty for violation of that provision is civil in nature. If the penalty of the provision establishing the highest standard is not civil in nature, then this chapter shall be the prevailing authority, with the exception of the state's Building Code, Fire Code and Electrical Code, which shall control over conflicting city ordinances.

(1984 Code, § 92.02) (Ord. O-13-03, passed 4-1-2003; Ord. O-55-04, passed 8-24-2004; Ord. O-32-16, passed 11-15-2016)

§ 92.03 DEFINITIONS.

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

ABANDON. To give up or relinquish one's interest or right in property.

ABATEMENT COSTS. The city's necessary and reasonable costs for and associated with clearing, preventing unauthorized entry to, securing, repairing or demolishing all or a portion of a structure or premises, or taking any other action with regard to a structure or premises necessary to remedy a violation and to maintain and preserve the public health, safety and welfare in accordance with any city ordinance.

AEROSOL PAINT CONTAINER. Any aerosol container, regardless of the material from which it is made, that is adopted or made for the purpose of spraying paint capable of defacing property.

ALTER or ***ALTERATION.*** Any change or modification in the construction or occupancy of a building or structure.

AUTOMOBILE COLLECTOR. Any person who collects and restores motor vehicles.

BANNER SIGN. Any commercial sign composed of any pliable plastic, cloth or similar material without a rigid supporting frame.

BASEMENT. A portion of a building or structure located partly underground, but having less than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

BUILDING. Any structure, constructed on, below or above ground, for the support, shelter or enclosure of persons, animals, chattels or property of any kind. The term ***BUILDING*** shall be construed as if followed by the words, "or any part thereof".

BUILDING CODE. The Kentucky Building Code, as adopted by the city in §150.01 of this code of ordinances.

CART. Any cart, wagon or similar device, regardless of means of propulsion, made of wire, metal, wood or other material, such as is generally provided by merchants for carting or carrying merchandise or food stuffs from said merchants' store or buildings to automobiles or other places without said merchants' building or store.

CITY. The City of Covington, Kentucky, a home rule municipality, and including any departments, divisions, boards or agencies thereof.

CODE ENFORCEMENT BOARD. An administrative body created and acting under the authority of the Local Government Code Enforcement Act, KRS 65.8801 to 65.8839.

CODE ENFORCEMENT OFFICER. Any employee of the city and charged with the enforcement of the city's Nuisance Code, exclusive of clerical and administrative staff, as well as police and fire safety officers.

CONTROL. To exercise restraint or direction over.

DELIVER. Any manner of delivery that conforms to the federal and state constitutional requirements for procedural due process.

DISORDERLY MANNER. Any manner that unreasonably causes inconvenience, annoyance or alarm to any member of the public or anybody using any other lot or parcel of real estate within or outside of the city, or wantonly creates a risk thereof.

DWELLING. Any building that is wholly or partly used or intended to be used for living, sleeping, cooking and eating by human occupants, whether or not such building is occupied or vacant, provided that temporary housing as hereinafter defined shall not be regarded as a dwelling. The term dwelling shall be construed as if followed by the words, "or any part thereof".

DWELLING UNIT. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking and eating, whether or not such unit is occupied or vacant. The term ***DWELLING UNIT*** shall be construed as if followed by the words, "or any part thereof".

ELECTRICAL CODE. The National Electrical Code, as adopted by the city in §150.02 of this code of ordinances.

EVERYBODY. Every human being and every organization or combination thereof; in the form of a corporation, partnership, limited liability company, joint venture, unincorporated association or otherwise.

FINAL ORDER. Any order:

(1) Issued by the Code Enforcement Board following a hearing in accordance with this chapter;

(2) Created because a violator neither paid, nor contested, the citation within seven days as provided in this chapter; or

(3) Created because a violator failed to appear at a hearing the violator requested to contest as provided in this chapter.

FIRE CODE. The National Fire Codes and the Standards of Safety promulgated by the office of the state's Fire Marshal, as adopted by the city in §§ 151.01 and 151.02, respectively, of this code of ordinances.

FOWL. Any hen, rooster, chicken, duck, turkey, pheasant or any of several other, usually gallinaceous birds.

GARBAGE. The organic, animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food or food products. Other general organic materials, such as paper and cardboard, are also ***GARBAGE***.

GRAFFITI. Any inscription, drawing or design that is scratched, painted, sprayed or placed on any surface of any structure that has no redeeming artistic, moral or social value.

HEARING BOARD. A body established by ordinance and empowered to conduct hearings pursuant to KRS 65.8801 to 65.8839, and composed of one or more persons appointed by the Mayor of the city, subject to the approval of the Board of Commissioners.

IMMINENT DANGER. A condition which is likely to cause serious or life-threatening injury or death at any time.

INOPERABLE MOTOR VEHICLE. A motor vehicle that is: unlicensed as required by KRS 186.020; is in a state of disrepair, caused by wreckage to the vehicle or disassembly, mechanically inoperable or legally inoperable on public streets and highways.

LIVESTOCK. Animals of the bovine, ovine, porcine, caprine, equine, camelide and cervid species, including, without limitation, horses, cattle, sheep, swine and goats.

LOCAL GOVERNMENT. The City of Covington, Kentucky.

MARKER PEN. Any indelible marker or similar implement with a writing tip exceeding four millimeters in width that contains solution that cannot be removed with water after it dries.

NUISANCE CODE. This chapter of the city code of ordinances as enacted pursuant to KRS 65.8801 et seq. and incorporated herein by reference the provisions of the International Property Maintenance Code, published by the International Code Council Inc., as amended from time to time and all amendments are hereby incorporated by reference into this chapter as if fully set forth herein.

OCCUPANT. Any person living, sleeping, cooking or eating in, or having actual possession of a dwelling unit, rooming unit, building or portion of a building.

OPERATOR. Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

ORDINANCE. Any official action of the local government body, which is a regulation of a general and permanent nature and enforceable as a local law and shall include any provision of a code of ordinances adopted by the city legislative body which embodies all or part of an ordinance.

ORDINARY PUBLIC VIEW. A sight line within normal visual range by a person on a public street or sidewalk adjacent to real property.

OVERGROWN GRASS. Any grass, weeds or vegetation in excess of ten inches in length, except in agricultural zones.

OWNER. The holder of the title in fee simple and any person, group of persons, company, association or corporation in whose name tax bills on the property are submitted. ***OWNER*** also means a person, association, corporation, partnership or other legal entity having a legal or equitable title in real property. It shall also mean any person who, alone or jointly or severally with others:

(1) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(2) Shall have charge, care or control of any dwelling unit, as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possession, assignee of rents, lessee or other person, firm or corporation in control of a building, or their duly authorized agents. Any such person thus representing the actual ***OWNER*** shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner. It is his or her responsibility to notify the actual ***OWNER*** of the reported infractions of these regulations pertaining to the property.

PARTS CAR. An automobile that is not intended to be operated along streets and roads, but is used to provide parts for

the restoration of automobiles.

PERSON. Any individual, firm, corporation, limited liability company, association or partnership.

PLUMBING. The practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances in connection with any of the following: sanitary drainage or storm draining facilities; the venting system; and the public or private water supply systems, within or adjacent to any building, structure or conveyance; also the practice and materials used in the installation, maintenance, extension or alteration of storm water, liquid waste or sewerage, and water-supply systems of any premises to their connection with any point of public disposal or other acceptable terminal.

PREMISES. A lot, plot or parcel of land including the buildings or structures thereon.

PUBLIC AREA. Unoccupied open space that is not privately owned, including, but not limited to, publicly owned property, sidewalks, streets and rights- of-way.

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

REQUIRED. Required by some provision of this chapter or other law or regulation adopted by the city.

RUBBISH. Combustible and non-combustible waste materials, except garbage. The term shall include, but not be limited to, abandoned, discarded or unused objects placed outside of a structure, such as furniture, stoves, refrigerators, freezers, washers, dryers, clothes, food, cans, containers, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, synthetic materials, tree branches, yard trimmings, tin cans, metal, mineral matter, glass crockery and dust. The term shall also include the residue from the burning of wood, coal, coke, synthetic material or other combustible material.

STAGNANT WATER. A body of water without wind, waves, fish or frogs, including, but not limited to, stagnant water in natural ponds, ornamental ponds, old tires, poorly maintained pools, rain barrels, clogged gutters and other places where standing water may collect.

STAIRWAY. One or more flight of stairs and the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one story to another in a building or structure.

STRUCTURE. An edifice, cellar, building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner. The term structure shall be construed as if followed by the words “or any part thereof”.

YARD. An open unoccupied space on the same lot with building extending along the entire length of a street, or rear or interior lot line.

(1984 Code, § 92.03) (Ord. O-13-03, passed 4-1-2003; Ord. O-55-04, passed 8-24-2004; Ord. O-37-12, passed 10-23-2012; Ord. O-49-12, passed 12-4-2012; Ord. O-32-16, passed 11-15-2016; Ord. O-15-20, passed 8-11-2020)

§ 92.04 PUBLIC NUISANCES PROHIBITED.

No person shall act, fail to act, behave, erect, contrive, cause, continue, maintain in any manner or permit to exist any public nuisance within the city. Repeated violations of the terms of the International Property Maintenance Code, as amended, shall constitute a public nuisance.

(1984 Code, § 92.04) (Ord. O-13-03, passed 4-1-2003; Ord. O-32-16, passed 11-15-2016)

§ 92.05 ACTIONS CONSTITUTING PUBLIC NUISANCES.

(A) The following acts, action, inaction, omissions, behavior or conditions constitute a public nuisance:

(1) Any act, thing, occupation, condition, use of property, non-use of property, misuse of property that continues for a length of time so as to:

(a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;

(b) In any way render the public insecure in life, peaceful uninterrupted existence or in the use of property;

(c) Offend the public morals or decency; and/or

(d) Unlawfully and substantially interfere with, obstruct or tend to obstruct, or render dangerous for passage any street, alley, highway, navigable body of water or other public way, including, but not limited to, sidewalks.

(2) To allow any physical condition, use or occupancy of any premises or its appurtenances be an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, standing pools of water or liquid, basements, excavations, retaining walls and unsafe fences, accessible to children or other persons, on the premises. No person shall abandon or leave unattended in any place accessible to children any refrigerator, freezer ice chest, ice box or similar air-tight box or container, which has a locking device inoperable from within, without first unhinging and removing the door or lid thereof or detaching the locking device from the door or lid. Nothing in this section shall be construed to prohibit the normal use of any refrigerator, ice box, freezer or similar appliance for the storage of food in any home or buildings appurtenant thereto;

(3) For any premises to have unsanitary, defective or insufficient sewerage or plumbing facilities;

(4) To keep or maintain any premises designated by a Code Enforcement Officer as unsafe or unfit for human

habitation;

(5) For any premises to present an imminent fire hazard, be in imminent danger of collapse or to be unsafe or unsecure so as to endanger life, limb or property;

(6) (a) For any premises to lack electrical service, plumbing, heating and/or other equipment required by this chapter, the Property Maintenance Code, state statute or any other ordinance of the city; and

(b) If the utility providing natural gas service to a furnace, water heater or other equipment determines that the equipment is defective, the utility shall cite or "red tag" the defective equipment and notify the City Manager, or his or her designee, of such citation. Any equipment so cited by a utility company as defective will be deemed a public nuisance.

(7) For any structure or building to be in a state of dilapidation, deterioration or decay, or be a product of faulty construction, or to otherwise be in violation of the International Property Maintenance Code, as adopted by the city pursuant to §§ 152.15 and 152.16 of this code of ordinances;

(8) For any structure or building to be vacant or abandoned and open or accessible to vagrants or passers-by, or damaged by fire so as to not provide shelter;

(9) To allow on any premises or in any structure decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;

(10) To allow on any premises or structure any carcass of an animal, bird or fowl not buried or otherwise properly disposed in a sanitary manner within 24 hours after death;

(11) To allow on any premises or structure any stagnant water in which mosquitoes, flies or other insects may breed or multiply. For stagnant water that cannot be easily eliminated, a property owner may use mosquito dunks or other environmentally safe larvacides to kill mosquitoes and other insects and evidence of the effective use of such products will constitute a defense to any citation issued under this section;

(12) To allow any rubbish to remain on any premises;

(13) To allow any premises or structure to pollute any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other polluting substances;

(14) To allow any premises or structure within the city limits, or within one mile thereof, to emit or cause any foul, offensive, noisome, nauseous, noxious or disagreeable odors, effluvia or stenches repulsive to the physical senses of ordinary persons, or that annoy, cause discomfort or injure the health of any appreciable number of persons within the city;

(15) To feed pigeons in public areas;

(16) To install, maintain or operate or allow to be installed, maintained or operated an outdoor pay telephone, as that term is defined in § 94.050 of this code of ordinances, on any premises zoned for residential use or on any premises used, in whole or in part, for residential purposes, or in violation of §§ 94.050 through 94.052 of this code of ordinances;

(17) To use a vehicle to further engage in the act of prostitution as defined by KRS 529.020 and 529.080:

(a) A vehicle, operated with the permission, express or implied, of the owner of the vehicle, that is used in the commission of the act of engaging in or soliciting prostitution, shall be declared a public nuisance and may be impounded;

(b) The operator and/or owner of the vehicle shall be liable for all towing, storage, penalties and administrative fees related to the impounded vehicle;

(c) There shall be administrative fee of $500, in addition to any towing, storage and penalty fees, for the return of an impounded vehicle used in the commission of the act of engaging in or soliciting prostitution; and

(d) The operator or owner of a motor vehicle which has been impounded pursuant to this subchapter may file an appeal pursuant to the procedures outlined in § 74.089 of this code of ordinances that is incorporated by reference.

(18) To allow excessive growth of weeds, grass or similar items.

(B) Any violation of the above-referenced acts, omissions, behaviors or conditions is a public nuisance and shall constitute a civil offense and a violation of this chapter, subject to the remedies set forth in §§ 92.18, 92.21 and 92.99 of this chapter. In addition, for a violation of divisions (A)(4), (A)(5) or (A)(8) above, the city may expend labor and materials to abate the nuisance.

(C) For violations of divisions (A)(12) or (A)(18) above, any officer designated by the city, in additional to the procedures set forth in §§ 92.17 through 92.23 of this chapter, may give five days' written notice to remedy such situation and said notice shall be served in accordance with § 92.17(B). If no compliance is achieved within the time frame given, the city is authorized to send employees or agents upon the property to remedy or abate the situation. If city employees or agents are utilized to remedy the situation, the city shall have a lien against said property for the reasonable value of labor and materials and/or abatement costs used in remedying such situation. An affidavit of a Code Enforcement Officer shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this section and it 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 thereafter until paid. The lien created shall take precedence over all other liens, except state, county, school board and the city taxes, and may be enforced by judicial proceeding if all legal requirements are satisfied. The city's

lien may also be enforced through a civil action in accordance with § 92.19.

(1984 Code, § 92.05) (Ord. O-13-03, passed 4-1-2003; Ord. O-13-03, passed 4-1-2003; Ord. O-38-03, passed 6-24-2003; Ord. O-66-03, passed 10-28-2003; Ord. O-82-03, passed 12-16-2003; Ord. O-55-04, passed 8-24-2004; Ord. O-59-08, passed 12-16-2008; Ord. O-49-12, passed 12-4-2012; Ord. O-30-15, passed 8-18-2015; Ord. O-32-16, passed 11-15-2016; Ord. O-15-20, passed 8-11-2020) Penalty, see § 92.99

§ 92.06 DANGEROUS BUILDINGS.

(A) It shall be a public nuisance and a violation of this chapter to keep, maintain or own a dangerous building within the city. A ***DANGEROUS BUILDING*** is defined as any of the following:

(1) A building whose interior or exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base;

(2) A building, exclusive of the foundation, that shows 33% or more damage or deterioration to its supporting members, or 50% or more damage or deterioration to its non-supporting members, or to the enclosing or outside walls or coverings;

(3) A building having improperly distributed loads on the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe to occupants or the public;

(4) A building damaged by fire, wind or other causes so as to cause the building to become dangerous to life, limb or property of the occupants or to the public;

(5) A building that has become or is so dilapidated, decayed, unsafe, unsanitary or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease or injury to health, safety or general welfare of those living therein;

(6) A building having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein;

(7) A building having inadequate facilities for egress in case of fire or panic or having insufficient stairways, elevators, fire escapes or other means of travel;

(8) A building that has parts or elements that are attached or not attached in such a way that they may fall and cause injury to persons or property;

(9) A building that is missing or has non- functioning smoke detectors or similar detection devices in violation of the Fire Code; or

(10) A building with openings where a door, window or other architectural feature, or parts thereof, should be located.

(B) Every person owning or having control of a building shall not allow openings where a door, window or other architectural feature should be located.

(1) The city shall be authorized to abate the nuisance of an unsecured opening, and may effectuate securing the opening pursuant to the applicable code upon recommendation of the City Manager or his or her designee.

(2) The nuisance of opening where a door, window or other architectural feature should be located may be securely boarded by using a minimum of three-eighths-inch plywood or other similar material in a manner that will secure the building from intrusion.

(3) Any board placed on a building shall be painted a color that is consistent with the color of the structure or be painted black, and shall be cut to fit the opening.

(C) Every person violating the provisions of this section shall be subject to the procedures set forth in §§92.16 through 92.23 and 92.99 of this chapter.

(D) Keeping, maintaining or owning a dangerous building is a public nuisance and shall constitute a civil offense and a violation of this chapter, subject to the remedies set forth in §§ 92.18, 92.21 and 92.99 of this chapter. In addition to applicable procedures and remedies set forth herein, any officer designated by the city may give may give five days' written notice to abate the violation of keeping a dangerous building and said notice shall be served in accordance with § 92.17(B). If no compliance is achieved within the timeframe given, the city is authorized to send employees or agents upon the property to remedy or abate the situation. If city employees or agents are utilized to remedy the situation, the city shall have a lien against said property for the reasonable value of labor and materials and/or abatement costs used in remedying such situation. An affidavit of a Code Enforcement Officer shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this section and it 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 thereafter until paid. The lien created shall take precedence over all other liens, except state, county, school board and the city taxes, and may be enforced by judicial proceeding if all legal requirements are satisfied. The city's lien may also be enforced through a civil action in accordance with § 92.19.

(1984 Code, § 92.06) (Ord. O-13-03, passed 4-1-2003; Ord. O-14-11, passed 6-29-2011; Ord. O-49-12, passed 12-4-2012; Ord. O-32-16, passed 11-15-2016; Ord. O-15-20, passed 8-11-2020) Penalty, see § 92.99

§ 92.07 NOISE CONTROL.

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

A-WEIGHTED DECIBELS, abbreviated ***dBA***. Unit of sound most closely approximating the auditory sensitivities of the human ear.

AMPLIFIED SOUND. Any sound increased in volume or intensity by electronic equipment, mechanical equipment, or other means.

NOISE. Unwanted sound considered undesirable, unpleasant, loud, disruptive, injurious, disturbing, or the like.

PERSON. Any individual, firm, group, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user or owner. For purposes of this section, the president, manager, host or other person in charge of a group, association or organization shall be responsible for requiring the group, association or organization to comply with this section and shall likewise be subject to the penalties imposed for violation of this section by the group, association or organization.

PLAINLY AUDIBLE. Any sound able to be detected by a person of reasonable hearing ability, regardless of whether the words and phrases are discernable.

SOUND. A thing that can be heard, specifically, vibrations that propagate as an acoustic wave, through a transmission medium, that are received by the ear.

(B) *Unlawful noise prohibited.*

(1) No person shall make, continue, or cause to be made or continued, any unreasonably loud, unnecessary, or unusual noise or any noise that either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others within the city, considering the time, date, place, and nature of the sound.

(2) Unless exempted under division (C), the following loud, disturbing, and unnecessary noises are considered public nuisances and prima facie violations of this section, but this list shall not be deemed all-inclusive:

(a) Excessive daytime noise. Any sound or amplified sound between the hours of 8:00 a.m. through 10:00 p.m. Sunday through Thursday or from 8:00 a.m. to 11:00 p.m. Friday and Saturday that is plainly audible at the following distances:

1. One hundred feet from the source of the noise when it originates on public property within the city; or

2. One hundred feet from any point on the property line when the noise originates from private property within the city.

(b) Excessive nighttime noise. Any sound or amplified sound between the hours of 10:00 p.m. through 8:00 a.m., beginning Sunday night through Friday morning, and from 11:00 p.m. to 8:00 a.m., beginning Friday night through Sunday morning, that is plainly audible at the following distances:

1. Twenty-five feet from the source of the noise when it originates on public property within the city; or

2. Twenty-five feet from any point on the property line when the noise originates from private property within the city.

(c) Any sound producing an average reading in excess of 50 dBA, as measured on a sound level meter reading taken over a minimum of a five-minute period.

(C) *Exemptions.* The following sounds are exempt from the provisions of this section:

(1) All construction, building, and repair activities, whether commercial or residential, between the hours of 7:00 a.m. and 6:00 p.m.;

(2) Sounds created by police, fire, and emergency equipment;

(3) Sounds created pursuant to public services necessary for the health, welfare and safety of the community;

(4) Sounds originating from aircraft in flight;

(5) Sounds created by safety signals or warning devices, used to alert persons to an emergency, or used during the conduct of emergency work, provided that the sounds cease within 30 minutes of the completion of the activity requiring their use;

(6) Organized school or recreational related programs, activities, events, festivals, parades or other public programs, activities or events properly authorized by the city;

(7) Sounds emanating from discharge of firearms on legally established shooting ranges;

(8) The operation and maintenance of businesses or industries, including, but not limited to, the operation of industrial power equipment, located on property zoned and used for industrial purposes, excluding businesses holding an alcoholic beverage license under Chapter 112 of the Covington Code of Ordinances; and

(9) Noises regulated under KRS Chapters 189 and 224.

(10) Bells, chimes, and carillons, including devices emulating the sounds thereof, used in conjunction with religious or celebratory events or to denote the passage of time.

(D) *Special variance.*

(1) The City Manager, or his or her designated representative, shall have the authority, consistent with this subchapter, to grant special variances.

(2) Any person seeking a special variance pursuant to this section shall file an application with the City Manager or his or her designated representative, no less than 30 calendar days prior to the date on which the special variance is sought to be effective. The application shall contain information which demonstrates that bringing the source of sound or activity for which the special variance is sought into compliance with this subchapter would constitute an unreasonable hardship on the applicant, on the community, or on other persons. Notice of an application for a special variance shall be given by the City Manager or his or her representative to all persons who own and/or occupy the real property adjoining the site for which the special variance is sought. Notice shall be forwarded by regular mail not less than 15 calendar days prior to the date on which the special variance is sought to be effective. The failure of the City Manager or his or her representative to notify any adjoining property owner/occupant shall not be fatal to the applicant's request for a special variance. Any individual who claims to be adversely affected by allowance of the special variance may file a statement with the City Manager or his or her representative containing any information to support his or her claim. The statement shall be filed not less than seven calendar days prior to the date on which the special variance is sought to be effective.

(3) In determining whether to grant or deny the application, the City Manager or his or her designated representative shall balance the hardship to the applicant, the community, and other persons of not granting the special variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected and any other adverse impact of granting the special variance. Applicants for special variances and persons contesting special variances may be required to submit any information the City Manager or his or her representative may require. In granting or denying an application, the City Manager or his or her representative shall place on public file a copy of the decision and the reasons for denying or granting this special variance.

(4) Special variances shall be granted by permit issued to the applicant containing all necessary conditions including a time limit on the permitted activity. The special variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any conditions of the special variances shall terminate it and subject the person holding it to those provisions of this section regulating the source of sound or activity for which the special variance was granted. Any person granted a special variance shall be required to present this permit to enforcement officials upon request. Failure to present documentation of a variance may result in the issuance of a citation under this section.

(5) Application for extension of time limits specified in special variance or for modification of other substantial conditions shall be treated like applications for initial special variances.

(6) The City Manager or his or her designated representative may issue guidelines defining the procedures to be followed in applying for a special variance and the criteria to be considered in deciding whether to grant a special variance.

(1984 Code, § 92.07) (Ord. O-13-03, passed 4-1-2003; Ord. O-13-06, passed 3-28-2006; Ord. O-13-08, passed 5-27-2008; Ord. O-31-08, passed 9-9-2008; Ord. O-49-12, passed 12-4-2012; Ord. O-32-16, passed 11-15-2016; Ord. O-15-20, passed 8-11-2020; Ord. O-13-22, passed 7-19-2022; Ord. O-06-23, passed 6-27-2023) Penalty, see § 92.99

§ 92.08 SHOPPING CARTS.

(A) No person shall remove a cart from the property of any retail shopping establishment.***PROPERTY***, as used in this section, shall be considered to include, but not be limited to, any public or private parking lot contiguous to the retail shopping establishment.

(B) Every retail establishment that provides carts to its customers that leave the building in which the establishment is located shall post signs in conspicuous locations throughout the parking lot of the retail establishment that state it is unlawful to remove the carts from the premises of the establishment, including, but not limited to, the parking lot.

(1984 Code, § 92.08) (Ord. O-13-03, passed 4-1-2003; Ord. O-32-16, passed 11-15-2016)

§ 92.09 GRAFFITI.

(A) *Graffiti prohibited.* Graffiti is prohibited and deemed to be a public nuisance. It shall be unlawful to spray, draw, etch, carve or otherwise create graffiti on any building or structure in the city and any person doing the same shall be subject to a civil fine for the cost of removal.

(B) *Storage and display of aerosol paint containers and marker pens.*

(1) *Aerosol paint.* It shall be unlawful and a violation of this chapter for any person who owns, conducts, operates or manages a retail commercial establishment to provide aerosol paint containers or marker pens in an area that is accessible to the public without employee assistance. However, nothing in this section of the code shall preclude the storage or display of spray paint containers and marker pens in an area viewable by the public so long as such items are not accessible to the public without employee assistance.

(2) *Sale of spray paint and marker pens; duties of merchants.*

(a) No person shall sell or offer to sell to any minor under the age of 18 years any paint in aerosol containers or marker pens.

(b) Any person who sells or offers for sale any aerosol paint container shall require from any person desiring to purchase such container, and appearing to be less than 18 years old, identification and proof of such person's age before selling or delivering a container to such a person.

(3) *Exception for employment or educational use.* Any person under the age of 18 whose employment or school assignment requires the purchase of an aerosol paint container or marker pen may file a request for a permit with the city to purchase such items. Such request shall be in writing, specifying the reason why an exception is requested, the name, address and age of the applicant, and proposed place of purchase. The City Manager or his or her designee shall investigate the matter and within five working days grant or deny the application. Any denial may be appealed to the Code Enforcement Board. If the permit is granted, the City Manager or his/her designee shall give written notice to the retail establishment identified in the request of permission to purchase and such notice shall be maintained and, upon request, displayed to any police or other Code Enforcement Officer.

(4) *Possession restricted.* Absent express permission from a property owner or other person having control of property, no person shall possess an aerosol paint container and/or marker pen in or next to any public building or structure or upon private property with the intent to deface the property. Any person who possesses an aerosol paint container and/or a marker pen in or next to any public building or structure or upon private property with no legitimate or lawful purpose therefor shall be presumed to have possession of the same with the intent to deface the property. This presumption is rebuttable with sufficient evidence.

(5) *Removal of graffiti by owner.* Graffiti is a nuisance, shall constitute a violation of this chapter, and is subject to enforcement action as set forth in §§ 92.18 and 92.99 of this chapter. If a private property owner fails to abate a graffiti nuisance violation after notice is given by the Development Department, the city may abate the graffiti and place a lien for the cost of abatement against the real property of the owner of said premises, building or structure.

(1984 Code, § 92.09) (Ord. O-13-03, passed 4-1-2003; Ord. O-49-12, passed 12-4-2012; Ord. O-32-16, passed 11-15-2016)

§ 92.10 CRIMINAL ACTIVITY AS A PUBLIC NUISANCE.

(A) *Criminal nuisance violation.* For purposes of this section, a criminal nuisance violation shall be defined as a criminal citation, arrest or court-issued search warrant for crimes involving:

(1) Prostitution;

(2) Controlled substances;

(3) Alcohol intoxication;

(4) Menacing;

(5) Assault;

(6) Terroristic threatening;

(7) Resisting arrest;

(8) Disorderly conduct;

(9) Outdoor gambling; or

(10) Violations of KRS Ch. 527.

(B) *Criminal activity nuisance.*

(1) No owner of residential, commercial or vacant property located in the city shall allow his or her property to be used as the site for any criminal activity nuisance. A criminal activity nuisance shall exist when the following number of criminal nuisance violations have occurred at a premises within a one-year period:

	Level 1 Criminal Activity Nuisance	***Level 2 Criminal Activity Nuisance***	***Level 3 Criminal Activity Nuisance***
Premises with 1 to 8 residential units	2 criminal nuisance violations	3 criminal nuisance violations	Each additional criminal nuisance violation
Premises with 9 or more residential units	5 criminal nuisance violations	7 criminal nuisance violations	Every 3 additional criminal nuisance violations

(2) A violation of this section shall be a civil offense, subject to the civil fines set forth in §92.99.

(C) *Excluded illegal activity.* Any other provision of this section notwithstanding, the following shall not be used as the

basis for a warning, citation or abatement order for a criminal activity nuisance or criminal nuisance violation:

(1) Any activity otherwise constituting a criminal nuisance violation in which persons legally residing at the premises are only victims of the criminal activity;

(2) Any incident of domestic violence perpetrated against a resident, licensee or invitee of the premises; and

(3) Any incident where the person requesting emergency services had a good faith belief that assistance was needed for themselves or another pursuant to KRS 218A.133.

(D) *Duty of Police Department.* The city's police shall, as soon as possible, but in all cases within 30 days of criminally citing or arresting persons or executing court-issued search warrants for crimes constituting criminal nuisance violations, notify the City Manager, or his or her designee, in writing of the specific violation investigated, the address of the property on or in which the violations occurred and the circumstances of the violation. After the police notify the City Manager, or his or her designee, of a criminal nuisance violation at a property for the first time, the City Manager, or his or her designee, shall notify the owner of the property of such violation by regular U.S. mail.

(E) *Notice and citation*. Whenever the City Manager, or his or her designee, receives information that a criminal activity nuisance exists in or upon residential, commercial or vacant property, it shall issue a citation as provided for by this chapter.

(F) *Other remedies available.*

(1) Enforcement of this section does not impair or restrict the ability of the city to bring a separate action to revoke the occupational license of a landlord or business who allows a criminal activity nuisance to exist on the landlord's property or to bring an action before the Code Enforcement Board for the imposition of civil fines, as set forth in § 92.99 of this chapter, or take any other action pursuant to city ordinance.

(2) No civil fines will be assessed by the Code Enforcement Board until after notice is sent pursuant to division (E) above.

(1984 Code, § 92.10) (Ord. O-13-03, passed 4-1-2003; Ord. O-39-07, passed 9-11-2007; Ord. O-37-12, passed 10-23-2012; Ord. O-30-15, passed 8-18-2015; Ord. O-32-16, passed 11-15-2016; Ord. O-15-20, passed 8-11-2020) Penalty, see § 92.99

§ 92.11 ANIMALS AND ANIMAL EXCREMENT.

(A) No person shall keep or maintain any animal in the city in such a manner so as to become a public nuisance or to disturb the peace, comfort or health of any person residing within the city. The keeping of all animals within the city shall also be subject to all pertinent regulations of Ch. 90 of this code of ordinances and the state's Health Department.

(B) (1) No animal shall be kept on any lot or parcel of land or property within the city territorial limits consisting of less than 10,000 square feet in area.

(2) However, this provision shall not apply to small household pets, such as dogs or cats, or those animals kept or maintained for commercial purposes, which is a lawful use under the Zoning Code.

(C) (1) Any person having the custody and control of any dog, cat or other domestic animal on public property shall have the responsibility for cleaning up the excrement of the animal and disposing of such feces in a sanitary manner. It shall also be the duty of said person to have in his or her possession suitable equipment or supplies to pick up, remove and dispose of the animal excrement.

(2) No person shall allow excessive animal excrement to accumulate on his or her premises, including his or her yard. For purposes of this section, ***EXCESSIVE*** shall mean more than five separate deposits or droppings of animal excrement. Excessive accumulation of animal excrement is a public nuisance and shall constitute a violation of this chapter, subject to the remedies set forth in §§ 92.18 and 92.99 of this chapter.

(D) No person shall deposit any dead animal matter, offal or any solid animal matter in any sewer, watercourse, vacant lot, public right-of-way or pond or lake in the city. The depositing of the refuse of animal matter in any such place is a public nuisance and shall constitute a violation of this chapter, subject to the remedies set forth in §§ 92.18 and 92.99 of this chapter.

(1984 Code, § 92.11) (Ord. O-13-03, passed 4-1-2003; Ord. O-32-16, passed 11-15-2016) Penalty, see § 92.99

§ 92.12 JUNKED VEHICLES, MACHINES, SALVAGE MATERIALS AND MANUFACTURED HOMES AS NUISANCES.

(A) It shall be unlawful to allow nuisances in the form of junked or wrecked vehicles, machines, scrap, salvage materials and mobile or manufactured homes to exist on real property in the city not within a duly licensed salvage yard pursuant to KRS 177.910 to 177.950 and any violation of this prohibition shall be a civil offense. Furthermore:

(1) No inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises and no vehicle shall at any time be in a state of major disassembly, disrepair or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Except as provided in division (A)(2) below, it shall be unlawful for the owner, occupant or person having control or management of any land within the city to permit a public nuisance, health hazard or source of filth to develop thereon through the accumulation of:

(a) One or more junked or wrecked automobiles, vehicles, machines or other similar scrap or salvage materials,

excluding non-operative farm equipment; or

(b) One or more mobile or manufactured homes, as defined in KRS 227.550, that are junked, wrecked or non-operative and are not inhabited.

(2) The provisions of division (A)(1) above shall not apply to:

(a) Junked, wrecked or non-operative automobiles, vehicles, machines or other similar scrap or salvage materials located on the business premises of a licensed automotive recycling dealer, as defined under the provisions of KRS 190.010(8);

(b) Junked, wrecked or non-operative motor vehicles, including parts cars, stored on private real property by automobile collectors, whether as a hobby or a profession, if these motor vehicles and parts cars are stored out of ordinary public view by means of suitable fencing, trees, shrubbery or other means;

(c) Any motor vehicle as defined in KRS 281.010 that is owned, controlled, operated, managed or leased by a motor carrier; and

(d) A vehicle of any type is permitted to undergo major overhaul, including body work; provided that, such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

(3) The city may take action to abate the nuisances referenced in this section by giving five days' written notice to the property owner to abate the violation of keeping junked vehicles and said notice shall be served in accordance with § 92.17(B). The city itself may abate or remove a nuisance referenced under this section if the property owner fails to do so after notice is given regarding the nuisance. The city shall have a lien against the property for the reasonable value of labor and material used in remedying the nuisance including, but not limited to, the cost of towing, holding, storage and disposal. An affidavit of a Code Enforcement Officer shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this section and it 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 thereafter until paid. The lien created shall take precedence over all other liens, except state, county, school board and the city taxes, and may be enforced by judicial proceeding if all legal requirements are satisfied.

(4) In addition to the remedies prescribed above or any other remedy authorized by law, the owner of a property upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien and the city may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owned.

(1984 Code, § 92.12) (Ord. O-13-03, passed 4-1-2003; Ord. O-32-16, passed 11-15-2016; Ord. O-15-20, passed 8-11-2020)

§ 92.13 ABANDONED, INOPERABLE AND UNLICENSED VEHICLES; OUTSIDE STORAGE OF VEHICLES AND TRAILERS.

(A) No vehicle which is abandoned, non- functional, in a state of disrepair or lacking a valid license shall be stored in excess of 72 hours in any residential zone, unless it is in a completely enclosed building.

(B) It shall be unlawful for any person to live in any boat, automobile, camper, recreational vehicle or truck within the jurisdiction of the legislative body, except houseboats may be permitted along the Licking and Ohio Rivers.

(C) The outside storage in excess of 72 hours of any trailer, mobile home, recreational vehicle, camper, boat or similar type equipment shall be restricted to the rear yard of all lots within the jurisdiction of the legislative body, except herein provided and in cases where, due to unique conditions, topographic or other, which do not allow use of the rear yard, the Code Enforcement Board may permit such storage to be located in the side yard of the lot following review and approval by the Board. The Board may impose certain requirements (such as provided in the Zoning Code) to ensure that the vehicle and related equipment is properly screened from view of the adjacent property. In no case shall more than one of the aforementioned vehicles or similar type equipment be permitted outside of an enclosed building on any lot or parcel of land.

(D) It shall be unlawful to park or to keep any truck in excess of 10,000 pounds manufacturer's gross vehicle weight at any place on property located in a residential district zone, except in a completely enclosed garage.

(E) Any provision which does not comply with the provisions of division (A) above, at the time of adoption of this chapter, shall be given a period of 60 days from the date of adoption of this chapter to comply with all the provisions of this section. Further, any property which does not comply with the provisions of divisions (C) and (D) above shall be given a period of six months from the date of adoption of this section to comply with all the provisions of these sections.

(F) Any violation of this section shall be a civil offense, and violators may be subject to the civil fines set forth in §92.99.

(1984 Code, § 92.13) (Ord. O-45-06, passed 9-26-2006; Ord. O-5-09, passed 1-20-2009; Ord. O-32-16, passed 11-15-2016; Ord. O-12-17, passed 6-27-2017; Ord. O-15-20, passed 8-11-2020) Penalty, see § 92.99

§ 92.14 ADMINISTRATION; RECORD KEEPING; ENFORCEMENT.

(A) The enforcement and administration of this chapter shall be carried out under the direction of the City Manager, or his or her designee, working in conjunction with the city's Police Chief, the city's Fire Chief, the county's Health Department and other officials or agencies deemed appropriate by the City Manager, or his or her designee or the Mayor and Board of Commissioners. If necessary, the City Manager or his or her designee may seek written opinions concerning the conditions of dwellings and structures from these officials or agencies or professionals outside the city.

(B) The City Manager or his or her designee and his or her assistants, staff or employees shall be free from personal liability for acts performed within the scope of their employment and for those acts performed in good faith in the performance of their official duties.

(C) The City Manager or his or her designee or any one of his or her assistants, staff or employees shall not have a financial interest in the furnishing of labor, material or appliances for the construction, alteration or maintenance of a building in the city, except where he or she is the owner, and shall not act as an agent for real estate sales, leases or rentals of buildings in the city, except where he or she is the owner, or unless authorized by the City Manager.

(1984 Code, § 92.14) (Ord. O-13-03, passed 4-1-2003; Ord. O-49-12, passed 12-4-2012; Ord. O-32-16, passed 11-15-2016; Ord. O-15-20, passed 8-11-2020)

§ 92.15 POWERS AND DUTIES OF THE CITY MANAGER OR DESIGNEE; RECORD KEEPING; INSPECTION.

The powers and duties of the City Manager or any person that he or she may designate, including Code Enforcement Officers, assistants, staff or employees, shall include, but not be limited to, the following all pursuant to KRS 65.8801 through 65.8840:

(A) To conduct surveys and make inspections in any area of the community or within the city to determine compliance with this chapter or other ordinances he or she is empowered to enforce;

(B) To investigate all complaints made about buildings, structures, vacant lots or other premises within the city, whether they be verbal, written or in the form of a petition, alleging or charging that a violation of this chapter exists or that a dwelling, structure or building is unfit or unsafe for human habitation or other occupancy;

(C) To inspect, survey or investigate any building, structure, dwelling or premises between the hours of 8:00 a.m. and 6:00 p.m., or at any time if an emergency exists or if requested by the owner or occupant. A Code Enforcement Officer may enter a building, structure, dwelling or premises to inspect, survey or investigate with the consent of the owner or occupant, in emergency situations, or when an inspection, survey or investigation is required before a permit is issued or funding is provided by the city or is part of a licensing scheme adopted by the city. If an owner or occupant refuses to consent to entry or inspection of a building, structure, dwelling or premises, a Code Enforcement Officer may obtain a search warrant for this purpose from a court of appropriate jurisdiction. In addition, a Code Enforcement Officer may obtain a search warrant to inspect several buildings or structures in a particular area as part of an area inspection policy promulgated by the city. Probable cause to issue a search warrant may be based upon the passage of time, the nature of the building (e.g., a multi-family apartment house), the condition of the entire area or other reasonable legislative or administrative standards adopted by the city. Probable cause does not need to depend upon specific knowledge of a condition existing in a particular dwelling. A Code Enforcement Officer conducting an inspection pursuant to this chapter shall provide identification and statement of purpose before entering any building, structure, dwelling or premises and the person in possession or in charge of the building, structure, dwelling or premises shall give the City Manager, or his or her designee and his or her assistants, staff or employees free access to such property for the purposes set forth herein;

(D) To administer oaths and affirmations, to examine witnesses, and receive evidence;

(E) To appoint and fix the duties of such officers, agents and employees as he or she deems necessary to carry out the purposes of this chapter;

(F) To delegate any of his or her functions and powers under this chapter and other ordinances to such officers, agents and employees as he or she designates;

(G) To seek through the appropriate judicial officer or office, such warrants that are necessary to enforce the provisions of this chapter and in pursuit of said warrants, make such oath or affirmation necessary in support thereof;

(H) To keep records of all complaints received, inspection reports, orders and of other actions taken. The records shall be made available for public inspection upon request within a reasonable amount of time. The City Manager, or his or her designee, shall prepare an annual report including statistics based on the records kept;

(I) Inspection of public documents maintained by the City Manager, or his or her designee, shall be allowed only after a written application is made to the City Manager, or his or her designee. Inspection of public documents shall be done in the presence of an authorized employee or agent of the City Manager, or his or her designee. If copies are requested, the city may require advance payment of a copying fee, including postage, before providing the copies to the requestor. The city reserves the right to withhold requested documents or redact portions of documents that may constitute an unwarranted invasion of personal privacy;

(J) Under normal circumstances, public records shall be provided within three days after receipt of a request for such records (excepting Saturdays, Sundays and legal holidays); or, in the event that the public document is determined to be exempt, pursuant to KRS 61.878, notification of such determination shall be made within three days (excepting Saturdays, Sundays and legal holidays). Notification shall be made in the manner provided by KRS 61.880; and

(K) Blanket requests for information on particular subjects without specifying certain public documents shall not be honored. No list of information gathered from public documents shall be provided unless such lists are already in existence and not otherwise confidential by law.

(1984 Code, § 92.15) (Ord. O-13-03, passed 4-1-2003; Ord. O-49-12, passed 12-4-2012; Ord. O-32-16, passed 11-15-2016; Ord. O-15-20, passed 8-11-2020)

§ 92.16 ESTABLISHMENT OF CODE ENFORCEMENT BOARD; POWERS.

(A) The city's Code Enforcement Board (hereinafter referred to as "the Board") is hereby established.

(B) The Board is established pursuant to KRS 65.8801 et seq., and shall be composed of five members appointed by the Mayor of the city, subject to approval by the Board of Commissioners.

(C) The Board members shall hear all matters pursuant to KRS 65.8801 et seq.

(D) Upon the hearing of cases pursuant to KRS 65.8801 et seq., the Board shall issue findings of fact, conclusions of law and orders pursuant to its authority described in KRS 65.8801 et seq.

(E) The initial appointments of the members of the board shall be made pursuant to KRS 65.8808 and KRS 65.8811 et seq. The initial appointments to the board shall be as follows:

(1) One member shall be appointed for a term of one year;

(2) Two members shall be appointed for a term of two years each; and

(3) Two members appointed for a term of three years each.

(F) Each member of the Board shall have resided within the boundaries of the city for a period of at least one year prior to the date of the member's appointment and shall reside there throughout the term in office.

(G) A Board member may be reappointed, subject to the approval of the Mayor and Board of Commissioners. All subsequent appointments shall be for a term of three years.

(H) Any vacancy on the board shall be filled within 60 days by the executive authority, subject to the approval of the legislative body pursuant to KRS 65.8811(5). If a vacancy is not filled by the executive authority within 60 days, the remaining Board members shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.

(I) Any member of the Board may be removed by the appointing authority for misconduct, inefficiency or willful neglect of duty, pursuant to KRS 65.8811(6). Any appointing authority who exercises the power to remove a member of the Board shall submit a written statement to the member and to the legislative body of the city setting forth the reason(s) for removal. The member so removed shall have the right to appeal the removal to the county's Circuit Court pursuant to KRS 65.8811(6).

(J) All members of the Board shall, before entering upon their duties, take the oath of office prescribed by § 228 of the Kentucky Constitution.

(K) No member of the Board shall hold any elected or appointed office, whether paid or unpaid, or any position of employment with the city.

(L) Each member of the Board shall be compensated for his or her services as authorized by the Mayor of the city and the Board of Commissioners.

(M) The Board shall, upon the initial appointment of its members, and annually thereafter, elect a Chairperson from among its members who shall be the presiding officer and a full voting member of the board. In the absence of the Chairperson, the remaining members of the Board shall select one of their number to preside in place of the Chairperson and exercise the powers of the Chairperson.

(N) (1) Meetings of the Board shall convene at a time and place to be designated by the Board. Regardless of the actual meeting times set by the Board, it shall convene at least once a month. These meeting times shall not be altered without proper notice to the City Manager, or his or her designee, so that all hearing times may be noticed and scheduled.

(2) This notice shall be in writing and signed by the Chairperson or acting Chairperson of the Board.

(O) The presence of three or more members shall constitute a quorum on the Board. The affirmative vote of a majority of the members constituting a quorum shall be necessary, for any official action to be taken. Any member of the Board who has any direct or indirect financial or personal interest in any matter to be decided shall disclose the nature of the interest and shall disqualify himself or herself from voting on the matter and shall not be counted for purposes of establishing a quorum.

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

(Q) All meetings and hearings of the Board shall be open to the public.

(R) The city, by and through the City Manager, or his or her designee, shall provide clerical and administrative personnel reasonably needed by the Board for the proper conduct of its duties.

(S) The Mayor of the city may appoint two alternate members to serve on the Board in the absence of regular Board members. The appointment of the alternates shall be subject to the approval of the Board of Commissioners. Alternate Board members shall meet all of the qualifications and be subject to all of the requirements that apply to regular Board members.

(T) The Board shall have the power to issue remedial orders and impose civil fines as a method of enforcing any ordinance, including any zoning ordinance or regulation, adopted by the city so long as a violation of the ordinance is

classified as a civil offense or the ordinance establishes civil fines as the penalty to be imposed on any person who violates the ordinance. Any ordinance or regulation enforced by the Board shall provide by its express terms, the following:

(1) A violation of the ordinance is a civil offense; and

(2) Either:

(a) A specific civil fine or fines that may be imposed for each violation of the ordinance; or

(b) Two separate civil fines as follows:

1. A maximum civil fine that may be imposed for each violation of the ordinance; and

2. A specific civil fine of less than the maximum civil fine that will be imposed for each offense if the person who has committed the offense does not contest the citation.

(U) No provision of this chapter shall be enforced as a civil offense if the same conduct constitutes a criminal offense or a moving motor vehicle offense under any provision of the state statutes.

(V) The Board shall have the following powers when enforcing ordinances:

(1) To conduct hearings to determine whether there has been a violation of any ordinance of the city for which a violation thereof has been designated a civil offense;

(2) To subpoena alleged violators, witnesses and evidence to hearings. Subpoenas issued by the Board may be served by any Code Enforcement Officer;

(3) To take testimony under oath. The Chairperson of the Board shall have the authority to administer oaths to witnesses prior to their testimony before the Board on any matter;

(4) To make findings and issue orders necessary to remedy any violation of an ordinance of the city that the Board has jurisdiction to enforce; and

(5) To impose civil fines as authorized by this chapter on any person found to be in violation of any ordinance that the Board has jurisdiction to enforce.

(W) Any member of the Code Enforcement Board who has any direct or indirect financial or personal interest in any matter to be decided shall disclose the nature of the interest, shall disqualify himself or herself from voting on the matter in which he or she has an interest, and shall not be counted for purposes of establishing a quorum.

(1984 Code, § 92.16) (Ord. O-13-03, passed 4-1-2003; Ord. O-49-12, passed 12-4-2012; Ord. O-08-14, passed 5-27-2014; Ord. O-32-16, passed 11-15-2016; Ord. O-15-20, passed 8-11-2020)

§ 92.17 CODE ENFORCEMENT PROCEEDINGS; PROCEDURE.

(A) Pursuant to KRS 65.8825(1), enforcement proceedings before the Board shall be initiated by the issuance of a citation by a Code Enforcement Officer.

(B) When a Code Enforcement Officer, based upon personal observation or investigation, has reasonable cause to believe that a person has committed a violation of a local government ordinance, the officer is authorized to issue a citation to the offender. The citation shall be served by one or more of the following methods:

(1) Personal service to the alleged violator;

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

(3) Mailing a copy of the citation by regular first-class mail to the last known recorded mailing address of the alleged violator; or

(4) If, in the exercise of reasonable diligence, the issuance of a citation using the methods set out in divisions (B)(1) through (B)(3) above is not possible, then the citation is properly served by posting a copy of the citation in a conspicuous place on the premises.

(C) When authorized, a Code Enforcement Officer may, in lieu of immediately issuing a citation, give notice that a violation can be remedied within a specified time period. If the person to whom the notice is given fails or refuses to remedy the violation within the time specified, the Code Enforcement Officer is authorized to issue a citation.

(D) (1) If a Code Enforcement Officer elects to give notice of violation in lieu of immediately issuing a citation, this notice should be sent to the offending party by regular first-class mail at the last known address of the party.

(2) The notice required by this section shall be in plain language and shall:

(a) Be in writing;

(b) Include a description of the real estate sufficient for its identification;

(c) Include a statement of the reason or reasons why the notice of violation is being issued; and

(d) Include a correction order allowing a reasonable amount of time for the correction of any and all violations.

(E) Any citation issued by the Code Enforcement Officer shall be in a form prescribed by the city and shall contain, in addition to any other information required by ordinance or rule of the Board, the following information:

(1) The date and time of issuance;

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

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

(4) The facts constituting the offense or violation;

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

(6) The name of the Code Enforcement Officer;

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

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

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

(10) A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation, within the time allowed, the person shall be deemed to have waived the right to a hearing before the Board to contest the citation and that the determination that a violation was committed shall be final and the alleged violator shall be deemed to have waived the right to appeal the final order to District Court.

(F) After issuing a citation to an alleged violator, the Code Enforcement Officer shall notify the Code Enforcement Board by delivering the citation to the administrative official designated by ordinance or by the Board.

(G) When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven days of the date the citation is issued by either paying the civil fine set forth in the citation or requesting, in writing, a hearing before the Board to contest the citation. If a hearing is requested, the person requesting the hearing shall pay an administrative hearing fee in the amount of $50 at the time of the written request for the hearing. If the person fails to respond to the citation within seven days, the person shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be considered final. In this event, the citation as issued

shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation, and the person shall be deemed to have waived the right to appeal the final order to District Court.

(H) Notice of a final order shall be provided to the cited violator by regular first-class mail; certified mail, return receipt requested; personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is 18 years of age or older and who is informed of the contents of the notice.

(I) Destroying orders or notices: no person or owner shall destroy, remove or deface any order or notice posted by a Code Enforcement Officer.

(J) Disobeying orders: no person or owner shall disobey any order issued by a Code Enforcement Officer, or use or occupy or permit any other person to use or occupy any premises ordered closed by the Neighborhood Services Department or other appropriate department.

(1984 Code, § 92.17) (Ord. O-13-03, passed 4-1-2003; Ord. O-2-07, passed 2-6-2007; Ord. O-28-10, passed 8-17-2010; Ord. O-49-12, passed 12-4-2012; Ord. O-32-16, passed 11-15-2016; Ord. O-12-17, passed 6-27-2017; Ord. O-15-20, passed 8-11-2020)

§ 92.18 CODE ENFORCEMENT BOARD HEARINGS; NOTICE; FAILURE TO APPEAR; PROCEDURE; FINAL ORDER.

(A) When a hearing before the Board has been requested, the Board, through its clerical and administrative staff, shall schedule a hearing. Not less than seven days before the date set for the hearing, the Board shall notify the person who requested the hearing of the date, time and place of the hearing. The notice of hearing may be given by:

(1) Regular first-class mail;

(2) Certified mail, return receipt requested;

(3) Personal delivery; or

(4) By leaving the notice at the person's usual place of residence with any person residing

therein who is 18 years of age or older and who is informed of the contents of the notice.

(B) Each case before the Board may be prosecuted by an attorney selected by the city or a Code Enforcement Officer, or other person designated by the City Manager or his or her designee.

(C) All testimony at the Board hearings shall be under oath and shall be recorded. The Board shall take testimony from the Code Enforcement Officer, the alleged offender and any witnesses regarding the alleged violation offered by the prosecutor or the alleged offender. Formal rules of evidence shall not apply, but fundamental due process shall be observed

and shall govern the proceedings.

(D) At the hearing, the Board shall determine, based on the evidence presented, whether a violation was committed. When the Board determines that no violation was committed, an order dismissing the citation shall be entered. When the Board determines that a violation has been committed, it shall issue an order upholding the citation and may order the offender to pay a civil fine in an amount authorized by ordinance, or may order the offender to remedy a continuing violation within a specified period of time to avoid the imposition of the fine, or may order both.

(E) Every final order of the Board shall be reduced to writing and include findings and conclusions reached and the date the order was issued. A copy of the order shall be furnished to the person named in the citation. If the person named in the citation is not present at the time a final order is issued, the order shall be delivered to that person by regular first-class mail; certified mail, return receipt requested; by personal delivery; or by leaving a copy of the order at that person's usual place of residence with any person residing therein who is 18 years of age or older and who is informed of the contents of the order.

(F) 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 to contest the citation and the determination that a violation was committed shall be final. In this event, the citation as issued shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation, and the person shall be deemed to have waived the right to appeal the final order to District Court.

(G) Notice of a final order shall be provided to the cited violator by regular first-class mail; certified mail, return receipt requested; personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is 18 years of age or older and who is informed of the contents of the notice.

(1984 Code, § 92.18) (Ord. O-13-03, passed 4-1-2003; Ord. O-49-12, passed 12-4-2012; Ord. O-32-16, passed 11-15-2016; Ord. O-15-20, passed 8-11-2020)

§ 92.19 APPEALS OF CODE ENFORCEMENT BOARD DECISION; FINAL JUDGMENT.

(A) (1) An appeal from any final order issued by the Board following a hearing conducted pursuant to § 92.18 of this chapter may be made to the county's District Court within 30 days after the date when the order is issued by the Board.

(2) The appeal shall be initiated by the filing of a complaint and a copy of the Board's order in the same manner as any civil action under the rules of civil procedure.

(B) A judgment of the county's District Court may be appealed to the county's Circuit Court in accordance with the rules of civil procedure.

(C) If no appeal from a final order of the Board is filed within the time period set forth in division (A) above, the Board's order shall be deemed final for all purposes.

(1984 Code, § 92.19) (Ord. O-13-03, passed 4-1-2003; Ord. O-49-12, passed 12-4-2012; Ord. O-32-16, passed 11-15-2016)

§ 92.20 LIEN; RECORDING; FINES, CHARGES AND FEES.

(A) The city shall possess a lien on real property owned by the person found by a non-appealable final order, as defined within § 92.03 of this chapter, or by final judgment of a court, to have committed a violation of a city ordinance. The lien shall be for all civil fines assessed for the violation, for all charges, fees and abatement costs incurred by the city in connection with the enforcement of the ordinance in question. An affidavit of the code enforcement office shall constitute prima facie evidence of the amount of the lien and regularity of the proceedings pursuant to KRS 65.8801 to 65.8839. The lien:

(1) Shall be recorded in the office of the County Clerk;

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

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

(4) Shall continue for ten years following the date of the non-appealable final order or final judgement of the court; and

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

(B) In addition to the remedy prescribed in division (A) above, a person found to have committed a violation of this chapter shall be personally responsible for the amount of the lien, including all civil fines assessed for the violation and for all charges, fees and abatement costs incurred by the city in connection with the enforcement of the ordinance. The city may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

(1984 Code, § 92.20) (Ord. O-13-03, passed 4-1-2003; Ord. O-49-12, passed 12-4-2012; Ord. O-32-16, passed 11-15-2016)

§ 92.21 IMMEDIATE ACTION; INJUNCTION BY THE CITY.

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

(B) Furthermore, the city may elect to file a suit for injunctive relief in circuit court against any person who creates a public

nuisance described in §§ 92.05(A)(2), (A)(4), (A)(6) or (A)(16), 92.06 or 92.07 of this chapter to remove the nuisance.

(1984 Code, § 92.21) (Ord. O-13-03, passed 4-1-2003; Ord. O-38-03, passed 6-24-2003; Ord. O-32-16, passed 11-15-2016)

§ 92.22 LIENHOLDER NOTIFICATION SYSTEM.

The city shall obtain and maintain priority over previously and subsequently filed liens, as provided in §92.20 of this chapter, in accordance with the following provisions.

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

(B) In order to receive the notification, the registrant shall submit the following information to the Code Enforcement Manager, or his or her designee:

(1) Name;

(2) Mailing address;

(3) Phone number; and

(4) Electronic mailing address.

(C) A registrant may use the electronic form provided on the city website to submit the information required by division (B) above. It shall be the responsibility of the registrant to maintain and update the required contact information with the city. The city shall inform a registrant of any evidence received that the electronic mailing address is invalid or not functional so that the registrant may provide an updated electronic mailing address.

(D) No less than once a month, but no more frequently than once per week, the city shall send electronic mail notification of all final orders entered pursuant to this chapter since the last date of notification to each party registered pursuant to this section. The notification shall provide an electronic link to the City Code Enforcement database located on the city website. The database shall include the following information regarding each final order:

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

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

(3) The last known mailing address for the owner of the premises where the violation occurred if, in the exercise of reasonable diligence, it is ascertainable;

(4) A copy of the full citation;

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

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

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

(F) At the same time the electronic notification under division (D) above is sent, the city shall update its code enforcement database to reflect the issued final order, and shall post this notification containing an updated link to the code enforcement database on the city website.

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

(1984 Code, § 92.22) (Ord. O-32-16, passed 11-15-2016; Ord. O-12-17, passed 6-27-2017)

§ 92.23 LIENHOLDER RIGHTS, LIEN PRECEDENCE.

(A) A lienholder of record who has registered pursuant to §92.22 of this chapter may, within 45 days from the date of issuance of notification under § 92.22(D) of this chapter:

(1) Correct the violation: if it has not already been abated; or

(2) Pay all civil fines assessed for the violation, and all charges and fees incurred by the city in connection with enforcement of this chapter, including abatement costs.

(B) Nothing in this section shall prohibit the city from taking immediate action if necessary under §92.12 of this chapter.

(C) The lien provided by § 92.20 of this chapter shall not take precedence over previously recorded liens if:

(1) The city failed to comply with the requirements of §92.22 of this chapter for notification of the final order; or

(2) A prior lienholder complied with division (A) above.

(D) A lien that does not take precedence over previously recorded liens under division (C) above shall, if the final order remains partially unsatisfied, continue to take precedence over all other subsequent liens, except liens for state, county, school board and city taxes.

(E) The city may record a lien before the 45-day period established in division (A) above expires. If the lien is fully satisfied prior to the expiration of the 45-day period, the city shall release the lien in the County Clerk's office where the lien is recorded within 15 days of satisfaction.

(F) Failure of the city to comply with §§92.22 and 92.23 of this chapter, or failure of a lien to take precedence over previously filed liens as provided in division (C) above, shall not limit or restrict any other remedies the city has against the property of the violator.

(1984 Code, § 92.23) (Ord. O-32-16, passed 11-15-2016; Ord. O-15-20, passed 8-11-2020)

§ 92.99 PENALTY.

(A) Violations of this chapter and other provisions as set out in other specified chapters of this code shall be subject to the following schedule of civil fines which shall be in addition to any remedy or abatement costs, filing costs and other costs incurred by the city.

(1) If a citation for a violation of this chapter is not contested by the person charged with the violation, the maximum penalties below shall apply. A second offense is an offense that occurs within five years of the determination by the Code Enforcement Board of a prior offense. All others are those that occur within five years of the determination by the Code Enforcement Board of two or more prior offenses.

Violation	***1st Offense***	***2nd Offense***	***All Others***
Violation	***1st Offense***	***2nd Offense***	***All Others***
Animals	$25	$50	$100
Building and property maintenance (non-vegetation)	$100	$150	$250
Noise	$50	$100	$150
Grass, vegetation and weeds	$50	$75	$100
House numbers	$50	$100	$150
Violation of rental dwelling licensing	$250	$500	$750
Chapter 92 violations not specifically listed	$100	$150	$250
Chapter 152 violations not specifically listed	$100	$150	$250
Violation of ordinance designated as civil offense with no specific fine listed	$100	$150	$250

(2) If the citation is contested and a hearing before the Board is required, the following maximum penalties may be imposed at the discretion of the Board:

Violation	***1st Offense***	***2nd Offense***	***All Others***
Violation	***1st Offense***	***2nd Offense***	***All Others***
Animals	$50	$100	$200
Building and property maintenance (non-vegetation)	$200	$300	$500
Noise	$100	$200	$300
Grass, vegetation and weeds	$100	$150	$200
House numbers	$100	$200	$300
Violation of rental dwelling licensing	$500	$1,000	$1,500
Chapter 92 violations not specifically listed	$200	$300	$500
Chapter 152 violations not specifically listed	$200	$300	$500
Violation of ordinance designated as civil offense with no specific fine listed	$200	$300	$500

(B) As an additional alternative remedy to the above-listed civil penalty, any violator who violates any provision of the city nuisance code and has been previously issued two or more citations of violations of the nuisance code relating to the same property within a 12-month period may be assessed an additional civil penalty in the amount of $500 per citation, and such additional civil penalty may be recovered by the city in a civil action in the nature of debt if the violator does not pay the penalty within a prescribed period of time after he or she has been cited for violation of the nuisance code.

(C) (1) Any person who violates §92.10(B) of this code, and does not contest the citation, shall be subject to a civil fine of:

(a) Two hundred fifty dollars per violation for a Level 1 criminal activity nuisance as defined by §92.10(B) of this chapter;

(b) Five hundred dollars per violation for a Level 2 criminal activity nuisance as defined by §92.10(B) of this chapter; and

(c) One thousand dollars per violation for each Level 3 criminal activity nuisance as defined by §92.10(B) of this chapter.

(2) Any person who violates § 92.10(B) of this code, contests the citation, and a hearing before the Board is required, the following maximum penalties may be imposed at the discretion of the Board:

(a) Five hundred dollars per violation for a Level 1 criminal activity nuisance as defined by §92.10(B) of this chapter;

(b) One thousand dollars per violation for a Level 2 criminal activity nuisance as defined by §92.10(B) of this chapter; and

(c) Two thousand dollars per violation for each level a criminal activity nuisance as defined by §92.10(B) of this chapter.

(D) The city shall possess a lien on property for all fines, penalties, charges, attorney's fees and other reasonable costs associated with enforcing this chapter and placing of a lien on a parcel of real property pursuant to this chapter. The lien shall be superior to and have priority over all other liens, except state, county, school board and city taxes, if all legal requirements are satisfied.

(E) A person found to have committed a violation of this code shall be personally responsible for the amount of the lien, including all civil fines assessed for the violation and for all charges, fees and abatement costs incurred by the city in connection with the enforcement of the chapter. The city may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

(1984 Code, § 92.99) (Ord. O-13-03, passed 4-1-2003; Ord. O-24-06, passed 5-9-2006; Ord. O-3-09, passed 1-20-2009; Ord. O-49-12, passed 12-4-2012; Ord. O-30-15, passed 8-18-2015; Ord. O-32-16, passed 11-15-2016; Ord. O-15-20, passed 8-11-2020; Ord. O-13-22, passed 7-19-2022; Ord. O-06-23, passed 6-27-2023)

CHAPTER 93: PARADES, PUBLIC ASSEMBLIES AND SPECIAL EVENTS

Section

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PARADES AND PUBLIC ASSEMBLIES

§ 93.01 DEFINITION.

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

PARADE. Any parade, march or procession of any kind, or any similar display, in or on any street, park or other public place in the city.

(1984 Code, § 93.01)

§ 93.02 PERMIT REQUIRED; EXCEPTION.

(A) No person shall engage in, participate in, aid, form or start any parade unless a parade permit has been obtained from the Chief of Police. However, this section shall not apply to:

(1) Funeral processions;

(2) Students going to and from school classes or participating in educational activities, providing their conduct is under the immediate direction and supervision of the proper school authorities; and

(3) A governmental agency acting within the scope of its functions.

(B) No fee shall be charged for a parade permit.

(1984 Code, § 93.02) Penalty, see § 93.99

§ 93.03 PERMIT APPLICATION.

(A) Application for a parade permit shall be filed with the Police Chief on forms provided by him or her. The application shall be filed with the Chief of Police not less than three days, nor more than ten 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 heads of the organization;

(3) The name, address and telephone number of the person who will be the parade chairperson and who will be responsible for its conduct;

(4) The date 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 who, and animals and vehicles which, shall constitute the parade; and the type of animals; and 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 proposed to be traversed;

(9) The location of streets of any assembly areas for the parade;

(10) The time at which units of the parade will begin to assemble at the 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 with the Chief of Police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his or her behalf; and

(13) Any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should be issued.

(1984 Code, § 93.03)

§ 93.04 STANDARDS FOR PERMIT ISSUANCE.

The Chief of Police shall issue a parade permit as provided for hereunder when, from a consideration of the application and from any other information that may otherwise be obtained, he or she finds that:

(A) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(B) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection 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 area 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 conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or to create a disturbance; and

(G) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without reasonable delays en route.

(1984 Code, § 93.04)

§ 93.05 DENIAL OF PERMIT.

Without regard to any other provision of this subchapter, the Chief of Police, only from his or her consideration of available, appropriate and necessary information, shall deny the application for a license provided for by this subchapter when, from this information, he or she has reason to believe that any contemplated advocacy at the proposed event will be directed to inciting or producing imminent lawless action and will likely incite or produce such action.

(1984 Code, § 93.05)

§ 93.06 NOTICE OF REJECTION.

The Chief of Police shall act upon the application for a parade permit within two days after the filing thereof. If the Chief of Police disapproves the application, he or she shall notify the applicant within two days after the date upon which the application was filed of his or her action, stating the reason for his or her denial of the permit.

(1984 Code, § 93.06)

§ 93.07 APPEAL PROCEDURE.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the Board of Commissioners. The appeal shall be taken within five days after notice. The Board of Commissioners shall act upon the appeal within five days after its receipt.

(1984 Code, § 93.07)

§ 93.08 ALTERNATIVE PERMIT.

The Chief of Police, 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 from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under the provisions of this subchapter.

(1984 Code, § 93.08)

§ 93.09 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 streets to be traversed that may be occupied by the parade;

(F) The maximum length of the parade in miles or fractions thereof; and

(G) Any other information that the Chief of Police finds necessary for the enforcement of this subchapter.

(1984 Code, § 93.09)

§ 93.10 REVOCATION OF PERMIT.

The Chief of Police shall have the authority to revoke a parade permit issued under this subchapter, upon application of the standards for issuance as set forth in §§ 93.04 and 93.05 of this chapter.

(1984 Code, § 93.10)

§ 93.11 DUTIES OF PERMITTEE.

A permittee under this subchapter shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade chairperson or other person heading or leading the activity shall carry the parade permit upon his or her person during the conduct of the parade.

(1984 Code, § 93.11)

§ 93.12 NOTICE TO CITY OFFICIALS.

Immediately upon the issuance of a parade permit, the Chief of Police shall send a copy thereof to the following:

(A) The Mayor;

(B) The City Manager;

(C) The Fire Chief;

(D) The Director of the Department of Public Works; and

(E) The general manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed parade.

(1984 Code, § 93.12)

§ 93.13 PUBLIC CONDUCT DURING PARADES.

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

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

(C) The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade, and the Chief of Police shall post signs to this effect. No person shall park or leave unattended any vehicle in violation of any such sign. No person shall be liable for parking on a street unposted in violation of this section.

(1984 Code, § 93.13) Penalty, see § 93.99

§ 93.14 TIME RESTRICTIONS.

No parade shall be held between the hours of 10:00 p.m. to 8:00 a.m.

(1984 Code, § 93.14) Penalty, see § 93.99

§ 93.15 ASSEMBLING FOR UNLAWFUL PURPOSES.

No person shall collect in any group or crowd for any unlawful purpose.

(1984 Code, § 93.15) (Ord. O-23-68, passed 4-18-1968) Penalty, see § 93.99

§ 93.16 DISTURBING LAWFUL ASSEMBLY.

No person shall disturb or interrupt in any way any lawful assembly, any meeting for religious worship or any school or college while the students are engaged in study.

(1984 Code, § 93.16) Penalty, see § 93.99

§ 93.17 DISTURBING FUNERALS.

No person shall willfully disturb, interrupt or disquiet any assemblage of people who have met for the purpose of any funeral, or obstruct or detain any persons engaged in accompanying any funeral to a place of burial.

(1984 Code, § 93.17) Penalty, see § 93.99

SPECIAL EVENTS

§ 93.30 TITLE, PURPOSE, POLICY, INTENT AND DEFINITIONS.

(A) *Title.* This subchapter shall be known as the special events ordinance.

(B) *Purpose.* It is the purpose of this subchapter to provide for the issuance of special event permits to regulate events on the public right-of-way and public property of the city in the interest of public health, safety and welfare; and to provide for fees, charges and procedures required to administer the permit process.

(C) *Policy.* It is the policy of the city, as implemented through this subchapter and any policies and procedures adopted hereunder, or hereinafter, to recognize the substantial community benefits that result from special events. These events provide cultural enrichment, promote economic vitality, and enhance community identity and pride. They also provide opportunities for family activities and funding for our community's nonprofit organizations. Therefore, the city shall endeavor to accommodate special events that are deemed to be in the best interests of the city, its residents and guests. It is the city's goal to have successful special events that enrich and promote the community and contribute to the local economy.

(D) *Intent.*

(1) It is the specific intent of this subchapter and any policies and procedures adopted hereunder, or hereinafter, to place the obligation of complying with the requirements of this subchapter upon the applicant or organizer, and no provision hereof is intended to impose any duty upon the city of any of its officers, employees, or agents. Nothing contained in this subchapter or any policy or procedure adopted hereunder is intended to be or shall be construed to create or form the basis for liability on the part of the city, or its officers, employees, or agents, for any injury or damages resulting from the failure on the applicant or organizer to comply with the provisions hereof.

(2) Furthermore, this subchapter imposes regulatory requirements on certain activities that are held on city streets and on city property and that are defined as ***SPECIAL EVENTS.*** The requirements imposed by this subchapter do not alter, supersede, or nullify any requirements contained in other statutes, ordinances, or regulations that may also regulate special events. These requirements shall be applied in a content neutral manner and without discrimination as to race, religion, sex, national origin, political affiliation or other unlawful discriminatory classification.

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

APPLICANT. The authorized officer, employee, representative, or agent of the organization or group who completes the application and who will be the primary contact for the special event.

ORGANIZER. The person, business, corporation (for-profit or nonprofit), partnership, company, association, organization or other entity responsible for the special event to be held.

SPECIAL EVENT.

(a) Any festival, carnival, walk, autocade, block party, fair, athletic event, production, fundraiser, gala, celebration, ceremony, race, tournament, activity, or other event to which the general public is invited to participate or attend, that is organized, promoted, conducted, or sponsored by the city, the county, or any other person, corporation (for-profit or nonprofit), partnership, company, association, organization, charity, or other entity, and which involves the use of publicly owned, leased, or controlled property, including public right-of-way (streets and sidewalks) and/or city services, and involves 25 or more human participants, or, in the case of events involving fewer than 25 or more human participants, those events

which involve use of streets, sidewalks, parks, or other city property in a way that does not comply with normal or usual traffic, pedestrian, park, or similar regulations or controls.

(b) ***SPECIAL EVENTS*** shall also include the above-mentioned events held on private property that would have a direct impact on traffic congestion or flow to and from the event over public right-of-way or which would appreciably impact the need for police, fire, or other public safety and emergency services. As a general rule, any of the above-mentioned events held on private property to which the public is invited to attend and which the organizer expects will be attended by 500 or more persons, is presumed to have a direct impact on public right-of-way, police, fire, and other emergency services, and shall be deemed a special event for purposes of this subchapter. However, events with significantly smaller attendance may also qualify under this subchapter as a special event if they exceed their intended purpose, reasonable occupancy, or impact on city right-of-way.

SPONTANEOUS EVENT. A special event that is occasioned by news or affairs coming into public knowledge fewer than 14 days before the special event.

(1984 Code, § 93.30) (Ord. O-82-81, passed 10-20-1981; Ord. O-40-07, passed 9-11-2007; Ord. O-06-19, passed 3-12-2019)

§ 93.31 PERMIT REQUIRED; EXCEPTION; CATEGORIES AND FEES.

(A) *Special event permit required.* No person shall engage in, participate in, aid, form or start any special event unless a special event permit has been obtained from the City Manager. However, this section shall not apply to:

(1) Parades and public assemblies as defined in §§93.01 through 93.17 of this chapter;

(2) A governmental agency acting within the scope of its functions;

(3) Funeral processions;

(4) Individual or individuals lawfully assembled for the purpose of exercising their rights protected under the First Amendments of the United States and Kentucky Constitutions;

(5) Golf tournaments hosted at a designated golf course or related golf course facility (unless the event requires services or support from a city department);

(6) Picket lines which do not interfere with the normal flow of pedestrian or vehicular traffic, including emergency vehicles; or

(7) A spontaneous event conducted in a manner that does not unduly disrupt or inconvenience the public in the use of property involved, provided that the organizer of a spontaneous event is encouraged to give as much advance notice as reasonably possible to permit the city to provide services and/or equipment necessary for the spontaneous event.

(B) *Special event categories; fees.* The following special event categories and fees shall apply, except that the fee for any event sponsored by the city may be waived:

(1) *Low impact.* No physical activity by participants and no severe exposure to risk of harm to spectators, such as, but not limited to, indoor and outdoor meetings, neighborhood picnics, small theatrical performers, auctions and social gatherings. Crowd size of event: less than 1,000 persons. Fee: $25.

(2) *Medium impact.* Limited physical activity by participants and no severe exposure to risk of harm to spectators, such as but not limited to, dances, animal shows, petting zoo, rallies, flea markets and family-type musical gatherings. Crowd size of event: 1,000 to 2,500 persons. Fee: $50.

(3) *High impact.* Major participation by participants and/or moderate to severe exposure to risk of harm to spectators, such as but not limited to, team or individual sporting events, (non-professional) circuses, carnivals with rides, running road races or similar events. Crowd size of event: more than 2,500 to 5,000 persons. Fee: $75.

(4) *Special impact.* Events such as but not limited to Maifest, Oktoberfest, Mardi Gras, concerts, professional or collegiate sporting events, rodeos, vehicle races, firework displays. Crowd size of event: more than 5,000 persons. Fee: $100.

(5) *Block party permit.* A block party is a neighborhood gathering confined to a block or a portion of a street where no alcohol is allowed, served or consumed on public property. Event coordinator or sponsor shall indemnify and hold city harmless as indicated in § 93.33(L)(3) of this chapter for any loss or damage associated with the block party event. Crowd size of event: less than 200 persons. Fee: $25.

(6) *Covington Plaza permit.* Notwithstanding the above-listed categories, any proposed event that will take place within all or a portion of the city-owned area and associated amenities known as "Covington Plaza" will require a permit and prior approval by the City Manager. Fee: $500 single day event or $1,000 per multiday event not exceeding four days, exclusive of setup and breakdown.

(C) *Alcohol involved.* In any event where alcoholic beverages are allowed or served, that event shall be considered a “special impact” event.

(1984 Code, § 93.31) (Ord. O-82-81, passed 10-20-1981; Ord. O-40-07, passed 9-11-2007; Ord. O-06-19, passed 3-12-2019; Ord. O-08-21, passed 5-11-2021)

§ 93.32 PERMIT APPLICATION.

(A) An application for a special event permit shall be completed and submitted to the City Manager on forms provided by him or her in accordance with the city's special event policies and procedures no sooner than one year and no later than 45 days prior to the proposed special event. A completed application shall not constitute approval of the permit.

(B) A waiver of the application deadline may be granted upon a showing of good cause or at the discretion of the City Manager. The City Manager may consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application, and arrange police and other city services and/or equipment for the event. Filing an application after the filing deadline may result in a penalty, including a late fee or denial of permit.

(C) Special event applications shall be considered in the order in which they are received. Special events requested for the same day and time and at the same or similar location will be granted on a first-come, first-served basis, unless it can be shown that it is in the best interest of the city, its residents, and guests to allow such simultaneous events. Scheduling preference may be given to city-sponsored events or events directly benefitting residents and guests of the city.

(D) The application for a special event permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct the special event;

(2) If the special event is proposed to be conducted for, on behalf of, or by an organization, the name, address, telephone number and email address of the headquarters of the organization and of the authorized heads of the organization;

(3) The name, address, telephone number and e-mail address of the person, applicant or organizer who will be the special event chairperson and who will be responsible for its conduct;

(4) The date and hours when the special event is to be conducted;

(5) A description of the area to be utilized, including requested street changes and parking restrictions;

(6) A description of the activities to be conducted;

(7) The expected total attendance for the event, and the estimated maximum number of people to be assembled at any one time;

(8) Verification of the applicant or sponsoring organization that proof of adequate liability insurance coverage shall be provided;

(9) Verification and acknowledgment by the applicant of the duty to inform the City Manager of any change in details regarding the proposed event during the application process or after a permit is approved but before the special event takes place; and

(10) Any additional information and criteria which the City Manager or his or her designee shall find reasonably necessary to a fair determination as to whether a permit should be issued.

(E) An issued special event permit may include, among other provisions, reasonable terms and conditions as to:

(1) The time, place and manner of the event;

(2) Compliance with health and sanitary regulations;

(3) Emergency services; and

(4) Security.

(F) The City Manager, in conjunction with input and recommendations received from other city departments, may require additional permits to meet the conditions established and/or other city ordinances including, but not limited to: special noise variance, street closure permit and special temporary alcoholic beverage license.

(G) Additional fees may be incurred and assessed for required city services such as electrical service, security, fire protection, park user fees and the like.

(H) The city will not tolerate disorderly conduct, obscene or vulgar gestures, and any unlawful behavior at any permitted event by any event organizer, performer, staff, volunteer, or anyone associated in any way with the management or participation in the event.

(I) The City Manager and any applicable city department staff may contact the organizer and/or applicant to schedule a meeting to discuss the details of the proposed special event prior to making a final determination of approval or disapproval of the event.

(J) Before approving any special event application, the City Manager and any applicable city department staff shall consider, but are not limited to, the following criteria:

(1) Impact on local economy;

(2) Impact on public health and safety;

(3) Impact on transportation and traffic within the proposed event area;

(4) Availability of and access to emergency services;

(5) Availability and/or diversion of city resources;

(6) Complete application and accurate information;

(7) Compliance with other city, county, state and federal permits as required by law;

(8) Outstanding delinquent accounts or liabilities, if any, to the city;

(9) Adverse impact or undue hardship, if any, on access and operation of businesses and homeowners;

(10) Ability or resources of the applicant to adequately comply with the terms and conditions of the proposed event;

(11) The applicant's management of previous events; and

(12) The reduction, whether temporary or prolonged, of the public's legal use of unique and valuable city-owned spaces and associated amenities.

(1984 Code, § 93.32) (Ord. O-82-81, passed 10-20-1981; Ord. O-40-07, passed 9-11-2007; Ord. O-06-19, passed 3-12-2019; Ord. O-08-21, passed 5-11-2021)

§ 93.33 STANDARDS FOR PERMIT ISSUANCE.

Upon receipt of a completed application, including all necessary attachments and addenda, the City Manager, or his or her designee, shall distribute the completed application to the applicable city departments for review. Upon completion of review of an application by a city department, the department shall issue a written recommendation to the City Manager. The City Manager shall issue a permit as provided for hereunder when, from a consideration of the application, the written recommendations from city departments and from any other information that may otherwise be obtained, he or she finds that:

(A) The conduct of the special event will not present an unreasonable hazard to the health or safety of the public;

(B) The conduct of the special event will not require the diversion of so great a number of police officers of the city to properly police the event and areas contiguous thereto as to prevent normal police protection to the city;

(C) The conduct of the special event 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 special event and areas contiguous thereto;

(D) The concentration of persons, animals, vehicles and equipment will not duly interfere with proper fire and police protection and ambulance service;

(E) The conduct of the special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;

(F) Except in the case of city-sponsored events, the applicant or sponsor of the event shall provide proof of general liability insurance and any other applicable insurance coverages against hazards for claims involving personal injury, bodily injury, property damage, damages, medical expenses, business expenses, other expenses and any loss or damages arising in tort or breach of contract or insurance contract or otherwise as a result of the special event as follows:

(1) Low impact:

(a) A minimum of $500,000 per occurrence and/or aggregate limit of liability is required; and

(b) The City Manager may waive the requirement for general liability insurance coverage for low impact events if the applicant represents that participants will not be exposed to risk of harm and indemnifies the city as indicated in division (L)(3) below.

(2) Medium impact: a minimum of $1,000,000 per occurrence and/or aggregate limit of liability is required;

(3) High impact: a minimum of $1,000,000 per occurrence and/or aggregate limit of liability is required;

(4) Special impact: a minimum of $1,000,000 per occurrence and/or aggregate limit of liability is required; and

(5) Covington Plaza: a minimum of $1,000,000 per occurrence and/or aggregate limit of liability is required.

(G) The applicant or sponsoring organization has agreed to the city's requirements concerning regulations and costs associated with cleanup, Police and Fire Department service and other associated city services;

(H) There will be sufficient city manpower available to provide necessary services, such as police and fire protection and cleanup;

(I) The time, route or size of the event will not substantially interrupt the safe and orderly movement of traffic on or contiguous to the event site or route or will not disrupt the use of a street or highway at a time when it is usually subject to traffic congestion;

(J) The event will not violate any city ordinance or other applicable law;

(K) The nature and details of the proposed event have not changed during the application review process in a manner that would require additional review by city department staff before the permit is approved; and

(L) Any or all of the following additional requirements are satisfied:

(1) The applicant or sponsor of the event shall name the city and city officials as an insured under the policy or policies of insurance;

(2) The applicant or sponsor of the event shall provide the city with written verification that the required insurance coverage is in effect for the event;

(3) The applicant or sponsor of the event shall indemnify and hold the city harmless from all claims for liability against the city, city employees, agents and elected officials arising from the issuance of the special events permit and any occurrence at the event. All special events will require a written hold harmless and indemnification agreement holding harmless and indemnifying the city, city employees, agents and elected officials; and/or

(4) If it is determined that city resources, including but not limited to Police and Fire Department personnel costs, are needed to ensure a safe event, the applicant must present proof of sufficient financial security or post a bond or deposit funds with the city to hold in escrow equal to the amount of the anticipated cost of obtaining sufficient Police and Fire Department personnel or other costs. The City Manager may exercise his or her discretion regarding whether proof of financial security, bond, or escrow funds is required.

(1984 Code, § 93.33) (Ord. O-82-81, passed 10-20-1981; Ord. O-40-07, passed 9-11-2007; Ord. O-06-19, passed 3-12-2019; Ord. O-08-21, passed 5-11-2021)

§ 93.34 DENIAL OF PERMIT.

The City Manager shall approve an application for an event permit unless he or she determines, from consideration of the application and from any other information that may otherwise be obtained, that:

(A) Any contemplated advocacy at the proposed event will be directed to inciting or producing imminent lawless action and will likely incite or produce such action;

(B) Information contained in the application, or supplemental information requested from the applicant, is found to be false in any material detail;

(C) The applicant has failed to complete the application form, including all necessary documents and information, within the time frame permitted by the City Manager and established by city policy and procedure after having been notified of any additional information or documents required;

(D) The applicant has failed to pay costs, fees or other expenses for the application or for previous special event permits or has had a special event permit revoked within the preceding 24 months;

(E) Another event permit or application has been received prior in time, or has already been approved, to hold another event on the same date and time requested by the applicant, or so close in time and place as to cause undue traffic congestion, or burden the city’s ability to meet the needs of police, fire or other emergency services to the remainder of the city due to more than one event occurring anywhere in the city; or

(F) The proposed use of the unique city-owned space and associated amenities will result in an unreasonable reduction in the public's legal use of the city-owned space and associated amenities.

(1984 Code, § 93.34) (Ord. O-82-81, passed 10-20-1981; Ord. O-40-07, passed 9-11-2007; Ord. O-06-19, passed 3-12-2019; Ord. O-08-21, passed 5-11-2021)

§ 93.35 NOTICE OF REJECTION.

The City Manager shall act upon the application for a special event permit in a timely manner after the filing thereof. If the City Manager disapproves the application, he or she shall notify the applicant stating the reason for his or her denial of the permit. The City Manager shall give any notice or rejection in a manner that will allow sufficient time for the applicant to request and proceed with an appeal if necessary.

(1984 Code, § 93.35) (Ord. O-82-81, passed 10-20-1981; Ord. O-40-07, passed 9-11-2007; Ord. O-06-19, passed 3-12-2019)

§ 93.36 APPEAL PROCEDURE.

Any person aggrieved by the decision of the City Manager shall have the right to appeal any such decision regarding a special event permit to the Board of Commissioners by filing a written notice of appeal with the City Clerk within five days after the decision is rendered. The appeal shall be heard no later than 20 days after the notice of appeal is filed or prior to the date of the proposed special event, if it is proposed to occur sooner than the 20 days. An applicant must file the appeal within the appropriate time period to allow the city to give legal notice of a special meeting of the Board of Commissioners. The appeal shall be based on the record, except when the Board of Commissioners, in its sole discretion, requests additional evidence from the interested parties or other witnesses. No appeals will be considered if an appeal is not filed in a

timely manner.

(1984 Code, § 93.36) (Ord. O-82-81, passed 10-20-1981; Ord. O-40-07, passed 9-11-2007; Ord. O-06-19, passed 3-12-2019)

§ 93.37 CONTENTS OF PERMIT.

Each special event permit shall state the following information:

(A) Name of applicant, and sponsoring organization, if any;

(B) Dates and times of the event; and

(C) Any other information that the City Manager finds necessary for the enforcement of this subchapter.

(1984 Code, § 93.37) (Ord. O-82-81, passed 10-20-1981; Ord. O-06-19, passed 3-12-2019)

§ 93.38 REVOCATION OF PERMIT.

The City Manager shall have the authority to revoke any permit used under this subchapter, upon application of the standards for issuance as set forth in §§ 93.33 and 93.34 of this chapter. Revocation of a permit issued under this subchapter may be appealed using the same process set forth in § 93.36 of this subchapter.

(1984 Code, § 93.38) (Ord. O-82-81, passed 10-20-1981; Ord. O-06-19, passed 3-12-2019)

§ 93.39 DUTIES OF PERMITTEE.

A permittee under this subchapter shall comply with all permit directions and conditions and with all applicable laws and ordinances. The special event chairperson or other person heading or leading the activity shall carry the special event permit upon his or her person during the conduct of the event. A permittee under this subchapter shall not modify any recommended security staffing requirements unless such modification is approved by the Chief of Police or his or her designee.

(1984 Code, § 93.39) (Ord. O-82-81, passed 10-20-1981; Ord. O-06-19, passed 3-12-2019)

§ 93.40 PUBLIC CONDUCT DURING SPECIAL EVENTS.

(A) No person shall unreasonably hamper, obstruct, impede or interfere with any special event or with any person participating in, or property used in a special event.

(B) (1) The Chief of Police shall have the authority, when reasonably necessary, to close off highways and to restrict usage and parking thereon.

(2) The Chief of Police shall post signs to that effect.

(3) No person shall park or leave unattended any vehicle in violation of any sign. No person shall be liable for parking on a street unposted in violation of this section.

(1984 Code, § 93.40) (Ord. O-82-81, passed 10-20-1981; Ord. O-40-07, passed 9-11-2007; Ord. O-06-19, passed 3-12-2019) Penalty, see § 93.99

EVENT SPONSORSHIP PROGRAM

§ 93.55 DEFINITIONS.

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

EVENT. A special event as defined herein.

EVENT SPONSORSHIP PROGRAM. The application and sponsorship or partnership process administered by the city and relevant department staff pursuant to this section.

PARTNERSHIP. An event wherein staff of a city department work in collaboration with individuals or agencies to deliver events, programs and/or projects, including, but not limited to, participating in the planning, coordination or evaluation of the event.

SPONSORSHIP. Financial assistance, park access, supplies or other services or goods related to an event and provided by the city to a qualified and approved applicant.

(Ord. O-13-18, passed 3-13-2018)

§ 93.56 SPECIAL EVENT SPONSORSHIP.

(A) The city may sponsor a proposed special event upon a request by an applicant for a special event permit. Sponsorship may take the form of a financial contribution in support of the special event, provision of services in-kind at no cost to the event producer, or both.

(B) The sponsorship request must be in writing, in a form provided by the applicable city department, and must describe with particularity the type(s) of sponsorship desired, and how the special event proposed will promote and advance the economic development, health, welfare or safety of the public or a segment of the public within the city, and the city's goals established for the relevant portion of the city's Event Sponsorship Program.

(C) Sponsorship of a proposed special event is limited only to those events where the producer is an entity who promotes economic development in the city or an entity that seeks to promote and advance the health, welfare or safety of the public or a segment of the public.

(D) The City Manager is authorized to develop annual program requirements and goals by which applications for event sponsorship can be evaluated. The City Manager is further authorized to develop appropriate documents and written program procedures for the Event Sponsorship Program, which shall be made available to the public upon request. The program requirements, goals and program procedures shall be approved by order of the Board of Commissioners.

(E) Applications for the Event Sponsorship Program shall accompany a special event permit application, and must be submitted by the deadline set forth in the program procedures. The City Manager may consider late applications upon a showing of good cause.

(F) Decisions on whether to participate in the proposed special event as a sponsor and what will be provided as a sponsor are entrusted to the City Manager based upon available budgeted funds and the program criteria established pursuant to division (D) above, which shall be made available to the public.

(G) The City Manager shall reach a decision, after conferring with appropriate city departments within the same time frames established under the general special event procedures contained in this subchapter. The City Manager may deny an application for sponsorship under the Event Sponsorship Program if the proposed event does not meet the stated department goals and objectives, if there are insufficient funds to grant the request, or for any other lawful reason as set forth in this subchapter or under applicable state law. An applicant whose application for the Event Sponsorship Program is denied may appeal the denial of the Event Sponsorship Program application in the same manner as specified in § 93.36.

(Ord. O-13-18, passed 3-13-2018)

§ 93.57 SPECIAL EVENT PARTNERSHIP.

The city may work in collaboration with community residents or agencies to deliver events or programs, including, but not limited to, participating in the planning, coordination, delivery or evaluation of the program, upon approval of the City Manager.

(Ord. O-13-18, passed 3-13-2018)

§ 93.99 PENALTY.

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

(B) Any person convicted of violating the provisions of §§93.01 through 93.17 of this chapter shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $250 or imprisonment for a period not to exceed 30 days, or both, for the first day's violation. Each day's continued violation shall constitute a separate offense.

(C) Any person convicted of violation of §§93.30 through 93.40 of this chapter shall be deemed guilty of misdemeanor and shall be fined in an amount not to exceed $500 or imprisoned in the county jail for a term not to exceed six months.

(1984 Code, § 93.99) (Ord. O-82-81, passed 10-20-1981; Ord. O-26-82, passed 4-13-1982; Ord. O-40-07, passed 9-11-2007; Ord. O-06-19, passed 3-12-2019)

CHAPTER 94: PARKS AND RECREATION AND PUBLIC PROPERTY

Section

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GENERAL PROVISIONS

§ 94.001 DEFINITION.

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

PARK or ***PARKS.*** Any city-owned tract of land, and the property therein, that has been designated by the City Board of Commissioners to be used for park purposes, recreational activities, outdoor education and/or the preservation of urban green space.

(Ord. O-18-22, passed 8-9-2022)

§ 94.002 CITY PARK CLASSIFICATIONS.

All city parks established by the City Board of Commissioners pursuant to § 94.016(A) shall be classified as one of the following:

(A) "Satellite park" is the classification for a city park that offers limited amenities and limited space. The park's core function is to provide a specific purpose to the community and rarely offers services outside of its designed purpose. Satellite parks are less than one acre in size.

(B) "Neighborhood park" is the classification for a city park that provides services for the general Covington community. Patrons of neighborhood parks are primarily city residents in the surrounding neighborhood(s). Neighborhood parks are greater than one acre, but less than or equal to 25 acres in size.

(C) "Regional park" is the classification for a city park offering services or amenities that offer value to an audience larger than city residents. Regional parks are greater than 25 acres in size.

(D) "Public green space" is the classification for a city park offering mainly organic, natural recreation opportunities and

limited man designed amenities. There is no size standard for public green spaces.

(Ord. O-18-22, passed 8-9-2022)

§ 94.003 CITY PARKS AND RECREATION SYSTEM AVAILABLE TO THE PUBLIC.

Upon the establishment of a city park, the park shall be added to the City Parks and Recreation System established by the City Board of Commissioners in this section. The City Parks and Recreation System sets forth the name, address, and park classification of each city park available to the public for use. If a city park is decommissioned by the City Board of Commissioners, the city park shall be removed from the City Parks and Recreation System. The current City Parks and Recreation System follows:

City Park System		
Current as of March 2025		
FACILITY NAME	***ADDRESS***	***CLASSIFICATION***
City Park System		
Current as of March 2025		
FACILITY NAME	***ADDRESS***	***CLASSIFICATION***
30th Street and Decoursey	Decoursey Ave, Covington, KY 41015	Neighborhood Park
35th and Carlisle	Carlisle Ave, Covington, KY 41015	Neighborhood Park
Annie Hargraves Park	W Robbins St & Chesapeake St, Covington, KY 41011	Satellite Park
Austinburg Park	502-16 E 15th St, Covington, KY 41014	Neighborhood Park
Barb Cook Park	Ashland Dr & Madison Ave	Neighborhood Park
Basil Lewis Park	129 W 10th St, Covington, KY 41011	Satellite Park
BF Howard Park	E 11th St, Covington, KY 41011	Satellite Park
Bill Cappel Sports Complex	4305 Decoursey Ave, Covington, KY 41015	Regional Park
Clayton Meyer Park	Thomas St & Glenway Ave	Satellite Park
Covington Plaza	1 Madison Ave, Covington, KY 41011	Regional Park
Devou Park	790 Park Ln	Regional Park
Eva G Farris Complex	4508 Virginia Ave, Covington, KY 41015	Regional Park
Father Hanses Park	Hermes Ave, Covington, KY 41011	Satellite Park
George Rogers Clark Park	301 Riverside Dr, Covington, KY 41011	Neighborhood Park
George Steinford Park	W 6th Street, Covington, KY 41011	Satellite Park
Goebel Park	501 Philadelphia St, Covington, KY 41011	Neighborhood Park
Hands Pike Park	1233 Hands Pike, Covington, KY 41017	Neighborhood Park
Kenny Shields Park	620 W 9th St, Covington, KY 41011	Neighborhood Park
Lance Corporal Justin Sims Mem. Park	W 16th St & Euclid Avenue	Satellite Park
Licking River Greenway Trail	Begins at Holmes High School to Randolph Park	Public Greenspace
Peaselburg Park	W 23rd St & Howell St	Satellite Park
Randolph Park	226 E 8th St, Covington, KY 41011	Neighborhood Park
Riverfront Commons Trail System	N/A	Public Greenspace
Senator Gus Sheehan Park	Parkway Ave, Covington, KY 41011	Neighborhood Park
SFC Jason Bishop Memorial Dog Park	847 Philadelphia St, Covington, KY 41011	Satellite Park

(Ord. O-18-22, passed 8-9-2022; Ord. O-04-2025, passed 4-22-2025)

RULES AND REGULATIONS

§ 94.015 USE OF PARKS, PUBLIC PROPERTY BY PUBLIC.

(A) Parks are constructed and maintained for the use of the public at large and shall be opened daily to all citizens on equal terms. No person shall be given special privileges in any public park or be permitted to make use of them for any

purpose not practically common to all and not in consonance with proper uses of the parks.

(B) No person shall be in any city park after dusk or before dawn, except as follows:

(1) When traveling through the park using a vehicle permitted by §94.025 of this chapter;

(2) When attending or participating in an activity authorized by a permit issued pursuant to §94.017 of this chapter. However, family parties or small picnic groups shall not be permitted between the hours of dusk and dawn; and

(3) When attending a function in the Drees Pavilion at the Devou Memorial Overlook, the Devou Park golf course clubhouse, the Behringer- Crawford Museum, evening events at the park bandshell and other evening events authorized by the City Manager, which includes the right of travel to and from said buildings and events and to and from respective parking lots and spaces for the purpose of boarding and disembarking a vehicle.

(C) All other city parks other than Devou Park, Covington Plaza and Steinford Park are open from dawn to dusk, unless given written permission from City Manager in the form of a Special Event Permit pursuant to § 93.30 *et al*.

(D) It shall be unlawful for any person to willfully enter upon or remain within any city parks during such hours as the parks are closed to public use or on other property owned by the city that is closed to the public. Such presence shall be grounds for immediate arrest.

(1984 Code, § 94.10) (Ord. O-52-91, passed 8-28-1991; Ord. O-32-02, passed 7-16-2002; Ord. O-26-04, passed 4-13-2004; Ord. O-38-08, passed 9-9-2008; Ord. O-18-22, passed 8-9-2022) Penalty, see § 94.999

§ 94.016 POWERS AND MANAGEMENT.

(A) The City Board of Commissioners shall have power to establish a park, playground and recreation system, to name a city park or rename city park property, and to close any or all of the parks whenever, in its judgment, such action is necessary.

(B) The City Board of Commissioners authorizes the City Manager, or his or her designee, to:

(1) Post signs within any park property setting forth the way, or the limitation to which, the property may be used. These signs shall become a part of this chapter. Any violations of the provisions of any sign posted pursuant to this section shall be subject to the penalties imposed in § 94.999 of this chapter.

(2) Issue temporary orders and regulations for the use and occupancy of the parks for special occasions as they may arise. The regulations so issued shall be observed and complied with by the persons using the parks.

(C) Notwithstanding the authority delegated to the City Manager above, the City Board of Commissioners charges the City Parks and Recreation Division of the Neighborhood Services Department with the responsibility to provide, equip, maintain, and conduct the city's parks and recreation system, subject to the orders, control, and direction of the City Board of Commissioners.

(1984 Code, § 94.11) (Ord. O-18-22, passed 8-9-2022)

§ 94.017 PERMITS REQUIRED FOR CERTAIN ACTIVITIES.

(A) *Public meetings*. No person shall hold or attend any public meeting, discussion, debate, picnic or gathering of any kind on or within park property without first obtaining a permit from the City Manager. However, city-appointed board meetings, family parties or small groups of picnickers shall not be required to obtain written permission.

(B) *Parades.* No person shall engage in any parade, drill or procession of any kind on or within any park property without first obtaining a permit from the City Manager.

(C) *Music concerts.* No person, except a single player playing privately, shall play upon or operate any musical instrument, or hold any musical concert on or within any public park property, without first obtaining a permit from the City Manager.

(D) *Flags, banners and signs.* No person shall display any banner, flag, target, sign or device for advertising or other commercial purpose on or within any public park property without first obtaining a permit from the City Manager.

(E) *Selling goods.* No person shall sell or expose anything for sale within any public park property or on any sidewalk bounding such property without first having obtained a permit from the City Manager.

(F) *Fireworks.* No person shall bring, display or discharge any fireworks within park property without first having obtained a permit therefor from the City Manager.

(G) *Use of boats.* No person shall place or use any boat, skiff or vessel on the waters of any park without first obtaining a permit therefor from the City Manager.

(H) *Going on ice.* No person shall go upon any ice in any park without first obtaining a permit from the City Manager.

(I) *Use of parks.* The City Manager may, in his or her reasonable discretion, issue permits for the use of public parks or portions thereof for special sporting events.

(J) *Unmanned aircraft systems.* Subject to applicable Federal Aviation Administration regulations, no person or persons

shall take off or land unmanned aircrafts (including drones and model airplanes) in any city park without first having obtained written permission from the City Parks and Recreation Division and the City Manager.

(K) *Mobile food vending services.* No mobile food vendor is authorized to sell food and/or non-alcoholic beverage items on park property without first having obtained a permit for mobile food vending services from the City Manager and shall be limited to areas approved on a city special event permit.

(1984 Code, § 94.12) (Ord. O-12-85, passed 3-19-1985; Ord. O-20-94, passed 5-7-1994; Am. Ord. O-32-02, passed 7-16-2002; Ord. O-18-22, passed 8-9-2022) Penalty, see § 94.999

§ 94.018 RACING PROHIBITED.

No person shall engage in or in any way be a party to, any race of any kind, whether between animals, bicycles, motorcycles, automobiles or vehicles of any kind or otherwise on or within park property. Exceptions may be made for individuals or events that have obtained written permission from the City Parks and Recreation Division and the City Manager.

(1984 Code, § 94.13) (Ord. O-18-22, passed 8-9-2022) Penalty, see § 94.999

§ 94.019 DEFACING OR DESTROYING PARK PROPERTY.

No person shall take, carry away, disturb, molest, destroy, mar, deface, mutilate, mark or damage anything on or within any public park property.

(1984 Code, § 94.14) Penalty, see § 94.999

§ 94.020 REFUSE TO BE PLACED IN RECEPTACLES.

No person shall drop or throw paper, lunch boxes, refuse or litter on or within any park property. Litter shall be placed in receptacles provided for such purposes.

(1984 Code, § 94.15) Penalty, see § 94.999

§ 94.021 ANIMAL REGULATIONS AND DOG PARKS.

(A) (1) No person shall take or permit any dog or other domestic animal on or within any property where a sign is posted prohibiting dogs or other domestic animals. In parks where no such signs are posted, no person shall take or permit a dog or other domestic animal within the park property unless the dog or other domestic animal is held by a leash, chain or cord.

(2) Any person having the custody and control of any dog or domestic animal in a city park shall have the responsibility for cleaning up feces of the animal and disposing of such feces in a sanitary manner. It shall also be the duty of said person to have in his or her possession suitable equipment or supplies to pick up, remove and dispose of the animal feces.

(3) The provisions of this section shall not apply to the ownership or use of service animals or dogs used in police activities of the city, such as canine corps or tracking dogs used by or with the permission of the city's Police Department.

(B) No person shall permit any animal of any kind, including horses, cattle, goats, swine and fowl to run at large within city park property.

(C) No person shall tie any animal to any tree or plant or other object.

(D) *City-owned dog parks.* It shall be unlawful for any person or persons to utilize the city- owned dog parks in a manner which violates the following rules and regulations:

(1) Any person or persons entering a city-owned dog park acknowledge(s) the risks and possible dangers associated with dog parks and assume(s) the risk of injury to themselves and their dogs.

(2) City-owned dog parks are open from dawn to dusk. No person or persons and/or dogs are permitted in city-owned dog parks when the park is closed.

(3) City-owned dog parks are closed when city personnel are conducting maintenance. No person or persons and/or dog(s) shall be permitted into city-owned dog parks when city personnel are conducting maintenance.

(4) City-owned dog parks are for use of dogs and their owners and/or handlers only. No other animals are permitted in the city-owned dog parks. Owners and/or handlers are responsible for the behavior of their dog(s).

(5) Owners and/or handlers must be at least 16 years of age to enter a city-owned dog park alone. Children under 13 must be accompanied by an adult and always supervised.

(6) Dogs must be leashed upon entering/ exiting city-owned dog parks. Dogs outside of city-owned dog parks must comply with city leash laws.

(7) Dogs must be supervised with leashes readily available.

(8) Dog owners or handlers shall pick up, seal and remove their dog's or dogs' waste. Dog waste must be cleaned up immediately.

(9) Aggressive dogs are not permitted on the premises and should be removed immediately upon acting aggressively.

(10) Dogs shall be under voice control of their owners and/or handlers at all times.

(11) Dog owners and/or handlers shall fill any holes created by their dog(s).

(1984 Code, § 94.16) (Ord. O-32-02, passed 7-16-2002; Ord. O-18-22, passed 8-9-2022) Penalty, see § 94.999

§ 94.022 DANGEROUS WEAPONS PROHIBITED.

(A) No person shall discharge firearms, slings, bows or any other device by which persons, animals or birds may be injured or frightened. No person shall throw stones or other missiles within park property.

(B) However, archery may be practiced in areas designated for such purposes by the Board of Commissioners.

(1984 Code, § 94.17) (Ord. O-24-02, passed 5-21-2002) Penalty, see § 94.999

§ 94.023 GAMBLING PROHIBITED.

No person shall gamble or play at any game of chance for stakes within any park property.

(1984 Code, § 94.18) Penalty, see § 94.999

§ 94.024 FIRE REGULATIONS.

(A) For the purposes of this section, ***FIRE*** is defined as any flame larger than a flame of fire generated by a match or cigarette lighter.

(B) No person other than employees of the Recreation-Parks Department shall light, make or use any fire within any of the city's parks, other than the grills provided for cooking purposes, without first obtaining a permit from the City Manager.

(C) No person shall light, make or use any fire within or on any other property owned by the city.

(1984 Code, § 94.19) (Ord. O-32-02, passed 7-16-2002) Penalty, see § 94.999

§ 94.025 USE OF VEHICLES.

(A) *Operation of motorized vehicles on public property and park lands.* No person shall drive or ride any automobile, motorcycle, motor scooter, all-terrain vehicle, snowmobile or other motor vehicle on city- owned public property or park lands, except on public streets or within designated parking areas of such property, without the express written permission of the City Manager. However, this section shall not apply to any golf carts used over any of the Devou Park golf course, nor to any vehicles performing authorized maintenance or construction.

(B) *Driving at night*. No person shall drive or take any vehicle within any park property at night, unless headlights and tail lamps are lighted.

(C) *Speed limit.* No person shall drive any vehicle over park property, except on the roadways provided for that purpose. Every person shall drive only at a reasonable speed in view of all the circumstances and in a careful manner. A speed limit of 15 mph is hereby designated for all vehicles using the roadways in Devou Park. No person, firm, corporation or other entity of any kind shall operate a motor vehicle of any kind on any of the roadways, grounds or physical property of Devou Park at a rate of speed in excess of 15 mph.

(D) *Use of trucks.*

(1) No person shall drive or take a bus, house car, van, mobile home or truck of any kind or description within or upon the streets and roadways of Devou Park, or any park property, without first obtaining a written permit through the City Manager's office.

(2) This section shall not apply to pickup trucks with open bed, maximum one-half ton without campers or other similar enclosures; nor to vans, maximum one-half ton with passenger seats and window, other than front seat windows. This section shall not apply to any of the vehicles described herein while performing normal deliveries to the Devou Park Golf Course and Clubhouse and Devou Memorial Building, Drees Pavilion at the Devou Memorial Overlook and the Devou Park Behringer-Crawford Museum. This section shall not apply to waste collection vehicles, street cleaning vehicles and other public service vehicles, while the vehicles are providing public services for the city and its residents.

(E) *Obstructing travel.* No person, by any means whatever, shall impede or obstruct the progress of travel over or within the park property.

(F) *Parking vehicles.*

(1) No person shall park any vehicle on any of the roads or driveways within park limits so as to cause obstruction to other vehicles or pedestrian travel. When directed by an employee of the Recreation-Parks Department or any police officer, the driver of the parked vehicle shall immediately remove the parked vehicle from such position.

(2) No person shall park or permit to remain parked any automobile or other vehicle owned or operated by him or her within or on any park property after dusk. However, this division (F) shall not apply to any persons patronizing the Devou Park Memorial Building, Drees Pavilion at the Devou Memorial Overlook, the Devou Park clubhouse, the Behringer-

Crawford Museum, evening events at the park bandshell, and other evening events authorized by the City Manager, while those persons make use of the parking spaces provided for the users of those facilities and events.

(3) No person shall park any motor driven vehicle on any unpaved surface within the limits of Devou Park.

(1984 Code, § 94.20) (Ord. O-42-67, passed 6-15-1967; Ord. O-93-78, passed 8-31-1978; Ord. O-29-92, passed 8-11-1992; Ord. O-34-03, passed 6-24-2003; Ord. O-26–04, passed 4-13-2004) Penalty, see § 94.999

§ 94.026 USE OF LAKES.

Except during the hours and at the places designated by the Board of Commissioners, no person shall bathe, swim or fish in any of the lakes, pools, streams or fountains within any park property. No person shall send or throw anything whatsoever into any lakes, pools, streams or fountains, or in any manner disturb the waterfowl, birds, fish or animals within any park property. This shall include use of remote-operated or miniature boats and watercraft.

(1984 Code, § 94.21) (Ord. O-18-22, passed 8-9-2022) Penalty, see § 94.999

§ 94.027 HORSEBACK RIDING RESTRICTED.

No person shall ride a horse within any park property, except on roadways or other areas designated by the Board of Commissioners.

(1984 Code, § 94.22) Penalty, see § 94.999

§ 94.028 SWINGS AND HAMMOCKS.

No person shall put up or use any permanent swings or hammocks in any park, except on posts or other places designated by the City Board of Commissioners for this purpose. Portable hammocks are permitted in city parks under the following conditions:

(A) No permanent anchors such as screws or eyebolts may be used;

(B) Trees must be at least eight inches in diameter at the point of strap contact to ensure they are strong enough to support the hammock;

(C) Straps must be two inches wide, preferably made of nylon or polypropylene:

(D) Padding must be used underneath straps to preserve the integrity of the tree bark;

(E) No more than two straps may be attached to a single tree;

(F) Cutting or pruning fauna for hammock utilization is prohibited; and

(G) Hammocks may not be attached to park property unless written permission has been obtained from the City Parks and Recreation Division and the City Manager.

(1984 Code, § 94.23) (Ord. O-18-22, passed 8-9-2022) Penalty, see § 94.999

§ 94.029 BASEBALL AND GOLF RESTRICTED.

No person shall throw or bat a hard ball, or drive, putt or play with a golf ball, except at those places that are set aside therefor by the Board of Commissioners.

(1984 Code, § 94.24) Penalty, see § 94.999

§ 94.030 GOLF AND DISC GOLF COURSES.

(A) The rules and regulations of all public courses shall be approved by the City Manager pursuant to §94.016(B).

(B) All persons within the limits of any public course must always abide by the rules and regulations of the course, which are posted in the Devou Park golf course clubhouse, upon the golf and disc golf courses, and/or on information kiosks throughout city park property.

(C) Any person violating this system may be punished as prescribed by §94.999 of this chapter and be excluded from the use of any golf course controlled by the City Board of Commissioners.

(1984 Code, § 94.25) (Ord. O-18-22, passed 8-9-2022) Penalty, see § 94.999

§ 94.031 GLASS BOTTLES OR CONTAINERS PROHIBITED.

The use of glass bottles or containers of any kind in Devou Park or any other city park is hereby prohibited.

(1984 Code, § 94.26) (Ord. O-32-02, passed 7-16-2002) Penalty, see § 94.999

§ 94.032 DEVOU PARK REGULATIONS.

(A) The following acts shall be prohibited in Devou Park:

(1) Throwing, dropping, depositing, discarding or otherwise disposing of litter or any liquid waste, whether from a vehicle or otherwise;

(2) Operating a hand-held metal detection device or other similar device used for the purpose of detecting hidden, concealed or buried coins, jewelry, historical artifacts or other items in any portion of Devou Park without first obtaining a permit pursuant to § 94.035 of this chapter and KRS 164.720; and

(3) Violating §§ 94.015 through 94.036 of this chapter.

(B) The above-referenced acts shall constitute public nuisances and may be enforced by Devou Park Rangers, Police Department Officers, and Code Enforcement Officers pursuant to Ch. 92 of this code of ordinances, including, but not limited to, the procedural guidelines for citations, hearings and appeals contained in §§ 92.17, 92.18 and 92.19 of this code of ordinances.

(1984 Code, § 94.27) (Ord. O-17-98, passed 6-2-1998; Ord. O-39-03, passed 7-22-2003; Ord. O-33-13, passed 9-24-2013; Ord. O-18-22, passed 8-9-2022) Penalty, see § 94.999

§ 94.033 CAMPING PROHIBITED; EXCEPTIONS.

(A) For purposes of this section, ***CAMPING*** is defined as:

(1) Sleeping out-of-doors during the hours of 9:00 p.m. to 9:00 a.m.;

(2) Occupying a tent or temporary shelter out-of-doors; and/or

(3) Cooking over an open flame or fire out- of-doors, except on grills provided by the city for cooking purposes.

(B) Camping is prohibited at all parks and on property owned by the city, including the banks of the Ohio and Licking Rivers.

(C) Camping may be permitted in any area specifically designated by the city for camping or as may be specifically authorized by the City Manager.

(D) Simply falling asleep within or on public property does not satisfy the definition of camping; some additional indicia of camping, such as being asleep atop or covered by materials, including, but not limited to, a sleeping bag, air mattress, pillow or bag used as a pillow, bedroll, blanket, cardboard or newspaper, is needed to satisfy the definition of camping, as used in this section.

(1984 Code, § 94.28) (Ord. O-32-02, passed 7-16-2002) Penalty, see § 94.999

§ 94.034 ALCOHOLIC BEVERAGES, CONTROLLED SUBSTANCES.

No person shall bring alcoholic beverages or controlled dangerous substances, drink or consume such beverages or substances, nor shall any person be under the influence of intoxicating liquor or a controlled dangerous substance while in city parks. However, alcoholic beverages may be consumed at Drees Pavilion at the Devou Memorial Overlook, the Devou Park golf course and clubhouse, Behringer- Crawford Museum and on any park in the MainStrasse Festival Grounds during festivals approved by the city pursuant to the terms and conditions of § 132.05 of this code of ordinances, and any other city park in which a city special event permit and applicable state and local alcoholic beverage licenses have been issued.

(1984 Code, § 94.29) (Ord. O-32-02, passed 7-16-2002; Ord. O-26-04, passed 4-13-2004; Ord. O-38-08, passed 9-9-2008; Ord. O-06-24, passed 4-23-2024) Penalty, see § 94.999

§ 94.035 DEVOU PARK ARCHAEOLOGICAL EXCAVATION PERMIT.

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

ARCHAEOLOGICAL SITE AND OBJECT OF ANTIQUITY. The same meanings as in KRS 164.710.

KENTUCKY ANTIQUITIES ACT. KRS 164.705 to 164.735 and KRS 164.990.

(B) No person shall explore, excavate, appropriate or remove from any portion of Devou Park any archaeological site or object of antiquity without first obtaining a permit from the City Manager.

(C) An application for a permit under this section shall be submitted on a form provided by the city. No permit shall issue unless it has been approved by the City Manager or his or her designee and by the Behringer-Crawford Museum.

(D) If exploration or excavation of archaeological sites and the finding and gathering of objects of antiquity is undertaken for the benefit of reputable museums, universities, colleges or other recognized scientific or educational institutions with a view to promoting the knowledge of archaeology or anthropology, permits shall be regularly granted.

(E) The permitting requirements of this section shall be in addition to the permitting requirements of KRS 164.720. No permit shall issue under this section unless the applicant has obtained a permit from the state's Department of Anthropology pursuant to the state's Antiquities Act.

(F) The City Manager or his or her designee shall be authorized to promulgate rules and regulations for the issuance of permits under this section; provided that, no such rule or regulation may be in conflict with any provision of this section.

(1984 Code, § 94.30) (Ord. O-33-13, passed 9-24-2013) Penalty, see § 94.999

§ 94.036 CHARGES FOR USE OF PARK FACILITIES.

All charges for use of city park property, including but not limited to facilities, shelters, and green space, shall be approved by the City Board of Commissioners.

(A) The charges for the rental of shelters and green space within city parks shall be as follows:

	Residents	***Non- Residents***
Breaden, Volpenhein and Stone Shelters in Devou Park	$50.00 per day	$80.00 per day
All other shelters and green space in city parks	$35.00 per day	$55.00 per day

(B) No person or persons shall engage in, participate in, aid, form, or start any special event or festival in or upon city park property without obtaining written permission from the City Manager via a Special Event Permit under §§ 93.03 *et al.* of this code. Any charges for use of any city park property for special events and festivals are set forth in the city's Special Events Ordinance, specifically § 93.31.

(C) Notwithstanding the abovementioned charges for special events and festivals, the charge for the rental of Covington Plaza shall be $500.00 per day.

(1984 Code, § 94.31) (Ord. O-10-14, passed 6-24-2014; Ord. O-18-22, passed 8-9-2022)

OUTDOOR PAY TELEPHONES IN PUBLIC RIGHT-OF-WAY

§ 94.050 DEFINITIONS.

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

OUTDOOR PAY TELEPHONE. Any self- service coin-operated, credit card-operated or similar telephone that is available outdoors for use by the general public. ***OUTDOOR PAY TELEPHONE*** shall include, but not be limited to, outdoor pay telephone booths and stands, outdoor pay telephone drive-up and walk-up units, and outdoor pay telephones that are affixed to the exterior walls of a building or structure.

PERSON. Any individual, firm, corporation, limited liability company, association or partnership.

PUBLIC RIGHT-OF-WAY. Any way that has been deeded to the public or dedicated to the public use, including public sidewalks and streets and the airspace above them, but does not include public property or property owned by a person other than the city.

(1984 Code, § 94.40) (Ord. O-21-03, passed 4-29-2003)

§ 94.051 CONTRACTS REQUIRED TO INSTALL OUTDOOR PAY TELEPHONES IN PUBLIC RIGHT-OF-WAY.

(A) The Board of Commissioners shall authorize the Mayor and City Manager to enter into contracts that grant, subject to the conditions set forth in the contract and this subchapter, the privilege of installing and maintaining outdoor pay telephones in the public right-of-way. The city may also contract for the removal of telephones illegally installed or maintained in the public right-of-way.

(B) (1) Such contracts and the method of awarding such contracts shall, to the greatest extent possible, be designed to:

(a) Discourage illegal drug sales and other criminal activity that are sometimes associated with and facilitated by outdoor pay telephones in the public right-of-way;

(b) Reduce the disturbances that outdoor pay telephones may tend to promote in residential and commercial areas;

(c) Reduce visual clutter in the public right-of-way;

(d) Reduce the unnecessary obstruction of pedestrian and vehicular traffic; and

(e) Ensure the availability of outdoor pay telephones where they are needed for lawful purposes.

(2) In addition to those considerations, the contracts may generate revenue for the city.

(C) Any contract entered into pursuant to this section shall provide that the privileges granted by the contract are subject to the city's authority to order the removal of an outdoor pay telephone pursuant to § 94.052 of this chapter. Any such contract shall also permit the city to require outdoor pay telephones in the public right-of-way to have special features designed to reduce criminal activity. In addition, the contract must provide the location of any outdoor pay telephone that is to be situated in the public right-of-way and the city must expressly approve of these locations. No person shall be awarded a contract under this section unless the person has a valid occupational license with the city, has paid all fees and taxes due the city, and has a valid certificate of service authority to provide outdoor pay telephone service granted by the state's Public

Service Commission where required by law.

(D) No person may install an outdoor pay telephone in the public right-of-way on or after the effective date of this section unless the installation is made pursuant to a written contract with the city. Beginning 6-1-2003, no outdoor pay telephone may remain in the public right-of-way other than pursuant to a contract entered into under this section. Any telephone, wires or related equipment installed or maintained in violation of this division (D) shall be subject to immediate removal by the city at the owner's expense. An outdoor pay telephone installed on private property, but whose receiver can reach the public right-of-way and can be used by a person occupying the public right-of-way shall be deemed, for purposes of this subchapter, to be located in the public right-of-way.

(1984 Code, § 94.41) (Ord. O-21-03, passed 4-29-2003)

§ 94.052 REMOVAL OF OUTDOOR PAY TELEPHONES IN PUBLIC RIGHT-OF-WAY.

(A) The city may, at any time after the effective date of this subchapter, order the removal of a particular outdoor pay telephone that is in the public right-of-way, unless the telephone is authorized under a contract with the city. Such an order will identify the location of the telephone to be removed. Any outdoor pay telephone that is not removed within 14 days after an order directing its removal shall be subject to immediate removal by the city at the owner's expense.

(B) Any outdoor pay telephone removed by the city pursuant to this section may be reclaimed by its owner within 30 days after its removal. The owner must reimburse the city for its removal and storage costs before any such telephone may be reclaimed. Such costs shall also include the costs of removing any wires or equipment ancillary to the installation of the outdoor pay telephone and the costs of restoring the public right-of-way to its original condition. Any telephone not so reclaimed may be disposed of as unclaimed property.

(1984 Code, § 94.42) (Ord. O-21-03, passed 4-29-2003)

§ 94.999 PENALTY.

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

(B) (1) A violation of §§ 94.015 through 94.036 of this chapter shall constitute a civil offense. Unless otherwise addressed in this division (B), any person, firm or corporation who violates any provision of §§ 94.015 through 94.036 of this chapter, shall be subject to a civil fine or fines as set forth in § 92.99 of this code of ordinances.

(2) The city shall possess a lien on property for all fines, penalties, charges, attorney's fees and other reasonable costs associated with enforcing §§ 94.015 through 94.036 of this chapter and placing of a lien on a parcel of real property pursuant to §§ 94.015 through 94.036 of this chapter. The lien shall be superior to and have priority over all other liens, except state, county, school board and city taxes if all legal requirements are satisfied.

(C) Operation of motorized vehicles on public property and park lands: any violation of the provisions of §94.025(A) may be classified as a civil offense, pursuant to the authority of KRS 65.8808. The City Code Enforcement Board shall have power to issue remedial orders and impose civil fines to enforce this section. Enforcement of this section shall be in accordance with the procedures outlined in the Code Enforcement Board guidelines located in §§ 92.16 through 92.23. Civil fines for violations of this section shall be those set forth in § 92.99(A). The city shall possess a lien on property, real or personal, for all fines, penalties, charges, attorney's fees and other reasonable costs associated with enforcing this code, and the cost of placing of a lien on a personal or real property pursuant to this code. In addition to or in place of the above civil penalties, a person who violates of any provision in § 94.025(A) may be charged in Kenton District Court with a Class A misdemeanor, and, upon conviction, shall be subject to a fine and/or jail time in accordance with the penalties for a Class A misdemeanor provided for in state law.

(1984 Code, § 94.99) (Ord. O-29-10, passed 8-17-2010; Ord. O-18-20, passed 8-25-2020)

CHAPTER 95: SANITATION AND HEALTH

Section

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UNIFORM SOLID WASTE AND LITTER ABATEMENT CONTROL

§ 95.001 SOLID WASTE AND LITTER ABATEMENT.

This chapter shall be referred to as the “Covington Solid Waste and Litter Abatement Ordinance”.

(1984 Code, § 95.01) (Ord. O-40-08, passed 9-23-2008)

§ 95.002 PURPOSE.

The purpose of this chapter is to regulate solid waste disposal and accomplish litter abatement and control in the city. It is intended to make all persons within the city responsible for contributing to the public cleanliness of the city to promote the public health, safety and welfare, and to protect the economic interests of citizens against unsanitary and unsightly conditions. It is further the intent of this chapter to protect citizens from a health and safety menace and the expense incident to solid waste removal and littering.

(1984 Code, § 95.02) (Ord. O-40-08, passed 9-23-2008)

§ 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 PRIVATE RECEPTACLE. A 35-, 65- or 95-gallon cart provided by the city’s solid waste contractor that is on wheels and has an attached, hinged lid.

BULK ITEM. Any waste item of a weight or of such size as to not fit or be suitable for disposal in a cart or container, including without limitation household appliances, furniture and those other items listed in § 95.006(A) of this chapter.

CART. A receptacle with a capacity not exceeding 96 gallons that is used to store and dispose of waste or recyclables, and that is issued to residential property owners, or commercial end users either by the city or by the contractor.

CITY. The City of Covington, a home rule city of the Commonwealth of Kentucky, or its agents and contractors.

COMMERCIAL END USER. Any person who has contracted for waste management services with the contractor, whether or not such person is the owner of record of the parcel being serviced, its contractors, agents and employees, or any owner of a residential parcel containing four or fewer units who regularly uses more than the maximum amount of carts allowed for the size of the parcel being serviced as provided in Ch. 46 of this code of ordinances.

COMMERCIAL PARCEL. Any parcel together with any building, or other structure located thereupon, which is designed or used solely for commercial purposes, whether partially occupied or vacant, including any yard, grounds, walkway, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such parcel.

COMMERCIAL UNIT. Any structures or premises demised on a parcel that are separate and distinct from any other structures or premises demised on the same parcel, and which are designed or used wholly for commercial purposes, whether occupied or vacant, including any yard, grounds, walkway, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such structure or premises.

CONTAINER. Any reusable waste receptacle with a capacity exceeding 96 gallons.

CONTAINER SERVICES. The collection, transportation and disposal of waste or recyclables by the use of a container and any management or administrative services that are necessary to effectuate such collection, transportation or disposal.

CONTRACTOR. The entity with which the city has contracted for the collection and disposal of waste and recyclables produced by residents and businesses located within the jurisdictional boundaries of the city or, if no such contract exists, the city or the entity with which the owner or end user has contracted for the delivery of such services.

CURBSIDE. The area that is not more than three feet from the street curb, alley or other public right- of-way upon which owners, occupants or commercial or industrial end users place waste and recyclables for collection.

CURBSIDE SERVICES. The collection, transportation and disposal of waste and/or recyclables by the use of one or more carts placed at the curbside by end users, and any management or administrative services that are necessary to effectuate such collection, transportation or disposal.

DUMP-OUT. Any material emptied from a vehicle or building upon streets, roadsides or public places that is not set out for collection in accordance with the regulations provided in this chapter or contained in an appropriate receptacle.

DWELLING UNIT. A self-contained unit of accommodation used by one or more occupants as a residence and which is located on a residential, multi- unit residential or mixed-use parcel.

END USERS. Any person benefitting from the services, including, without limitation, owners, occupants, commercial and industrial end users.

HANDBILL. Any printed or written material, excluding newspapers, that advertises for sale any commodity or thing or advertises an event of any kind.

HAZARDOUS WASTE. Those materials that are classified as hazardous waste under the Resource Conservation and Recovery Act of 1976, 42 U.S.C. §§ 6901 et seq., including without limitation, sewage, processing sludge, animal carcasses, hazardous waste, fluorescent bulbs, electronics or liquids of any sort, and chlorofluorocarbons contained in appliances.

HOME OCCUPATION. Any activity of a non- residential nature that is performed within a dwelling unit by the occupant of such unit.

INDUSTRIAL END USERS. The owner of a parcel upon which industrial services are being provided, including its contractors, agents, employees, who together are jointly and severally responsible for complying with the provisions of this chapter.

INDUSTRIAL PARCEL. Any parcel together with any building, or other structure located thereupon, which is designed or used wholly for office or industrial purposes, whether partially occupied or vacant, including any yard, grounds, walkway, driveway, porch, steps, vestibule or mailbox, belonging or appurtenant to such parcel.

INDUSTRIAL WASTE. The waste products of canneries, slaughterhouses and packing plants: large quantities of condemned food products; wastes from brick, concrete block, roofing shingle or tile plants; and debris and wastes accumulated from land clearings, excavating, building, rebuilding and altering of buildings, structures, roads, streets.

LIQUID WASTE. All liquid waste, including, but not limited to, motor oil, transmission fluid, brake fluid, steering fluid or other liquid wastes thrown away or deposited as prohibited by this chapter.

LITTER. All solid or liquid wastes, including, but not limited to, containers, packages, wrappings, printed matter, cigarette butts or other materials thrown or discarded in violation of this chapter.

LITTER BAG. A bag, sack or other container that is designed or used as a receptacle for litter inside a vehicle or watercraft.

LOADLINE. The line which if drawn would outline the perimeter of the upper most end of a container.

MIXED USE PARCEL. Any parcel together with any building, or other structure located thereupon, which is designed or used or used partially for residential purposes and partially for commercial purposes, whether partially occupied or vacant, including any yard, grounds, walkway, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such structure.

MULTI-UNIT RESIDENTIAL PARCEL. A parcel which together with any apartments, townhouses, condominiums, buildings or other structure located thereupon, which is designed or used to accommodate five or more dwelling units and which does not house a business other than a home occupation, whether partially occupied or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox, belonging or appurtenant to such parcel.

NEWSPAPER. Any newspaper of general circulation as defined by general law.

NON-COMBUSTIBLE REFUSE. Refuse materials that are unburnable at ordinary incinerator temperatures (800°F to 1,800°F), such as metals, mineral matter, large quantities of glass or crockery, metal furniture, automobile bodies or parts and other similar material or refuse that is not the product of ordinary residential or office use.

OCCUPANT. Any person residing whether temporarily or permanently in a dwelling located on a residential or multi-unit residential parcel.

OWNER. The person or entity that is named in the county's property records as being the owner of a parcel that is located within the jurisdictional boundaries of the city and its contractors, agents and employees.

PARCEL. Any real property located within the jurisdictional boundaries of the city, which is designated by a unique legal description, street address and parcel identification number in the official property records for the county and easement or covenant appurtenant thereto.

PARK. A public park, playground, recreation center or any other public areas in the city.

PERSON. Any individual, public or private corporation, partnership, limited liability company, association, firm or other entity whatsoever.

PRIVATE PROPERTY. Any property not publicly owned or held out for the use by the public.

PRIVATE RECEPTACLE. Any cart or container that is used to temporarily store and dispose of solid waste or recyclables was not issued to the owner, commercial or industrial end user by the city or the contractor.

PUBLIC PLACE. Any and all streets, sidewalks, boulevards, alleys, rights-of-way or other public ways and any and all public parks, squares, spaces, grounds and buildings.

PUBLIC RECEPTACLES. Any litter storage and collection receptacle placed on the public right-of-way and maintained by the city.

RECYCLABLES. Any items or materials, which can be collected, processed and reprocessed into new products that could be reintroduced into the stream of commerce as raw materials or products, and which are acceptable at a MRF, including without limitation, paper, glass, aluminum, corrugated cardboard and plastic containers.

RESIDENTIAL PARCEL. Any parcel together with any house, building or other structure located thereupon, which is designed or used wholly to accommodate not more than four dwelling units, and which does not house a business other than a home occupation, whether partially occupied or vacant, including any yard, grounds, walkway, driveway, porch, steps, vestibule or mailbox belonging to or appurtenant to such parcel.

RUBBISH. Non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

SERVICES. Without limitation the collection, transportation and disposal of solid waste and/or recyclables generated by owners, occupants, commercial or industrial end users located or doing business within the geographical limits of the city, including, without limitation, any management or administrative functions that are necessary to provide such services.

SET-OUT. Any waste, items or materials, or bulk items placed upon the curb or any public place, including, but not limited to, sidewalks and public right-of-way, by any owner, occupant, commercial or industrial end users in a manner that is not compliant with this chapter, including, but not limited to, personal items improperly set out as a result of evictions, writs of possession, rights of entry, repossession of real or personal property or the rehabilitation, demolition or general cleanup of a building, structure or parcel.

SOLID WASTE AND RECYCLING COORDINATOR. The person designated by the city to coordinate the services provided to owners, occupants and commercial and industrial end users.

SPECIAL PICK-UP. The collection of waste or recyclables specially arranged by an owner, occupant, commercial or industrial end user, or the Solid and Recycling Waste Coordinator for a day that is not the regularly scheduled collection day.

STREET. Any highway, road or alley, including any collector, local or arterial streets or freeways, located within the city.

SWEEP-OUTS. Any collection of debris resulting from clean-up operations on private property, which is deposited in or around a public place, including street curbs.

USER FEE. Any fee assessed for services or carts provided in accordance with Ch. 46 of this code of ordinances.

UNAUTHORIZED WASTE. Liquid waste and waste, including, without limitation, dirt, excavated earth, sewage, processing sludge, animal carcasses, hazardous waste, electronics or liquids of any sort, rocks, concrete, concrete blocks, cement, asphalt, blacktop, tile, bricks, gravel, sand, stucco, bricks, composition roofing, sawdust, brush heavy building or construction materials, demolition materials, lumber, wooden, pallets, metal drums, large wire binding, heavy packing material, cinder blocks, large engine parts, large scrap metal and shavings, large furniture, large appliances or mattresses and box springs.

WASTE. Any putrescible and non-putrescible solid and semisolid wastes, including garbage, rubbish, ashes, street cleanings, appliances and furniture, or parts thereof, industrial wastes, swill, demolition and construction wastes and discharged commodities.

WATERCRAFT. Any boat, ship, vessel, barge or other floating craft.

YARD WASTE. All accumulations of grass, shrubbery, vines, branches, limbs, leaves, cuttings and other naturally created materials resulting from the care or maintenance of real property, and that is set out for disposal by owners, occupants, commercial or industrial end users.

(1984 Code, § 95.03) (Ord. O-40-08, passed 9-23-2008; Ord. O-48-15, passed 12-8-2015; Ord. O-35-18, passed 8-28-2018)

§ 95.004 CARTS GENERALLY.

(A) *Residential curbside services.* For each dwelling unit located on a residential parcel, owners of such parcels shall be entitled to:

(1) The weekly servicing of the equivalent of one 96-gallon city-issued waste cart; and

(2) The weekly servicing of the equivalent one 96-gallon city-issued recycling cart.

(B) *Exemptions and waivers to cart sizes.* Owners or occupants of residential parcels with physical impairments, or who reside on a parcel with space constraints, can request alternative cart sizes and waste disposal options by contacting the Solid Waste and Recycling Coordinator.

(C) *City-issued carts.* City-issued carts are assigned to each residential parcel and are tracked by means of a bar code system. Contractor shall issue carts to commercial end users, which shall be tracked in the same manner. Owners or occupants of residential parcels, or commercial end users shall not take carts from other parcels, or remove carts from a parcel. City-issued carts and any carts issued by the contractor are and shall, at all times, remain the property of the city or the contractor as applicable. No person shall intentionally or inadvertently deface, damage or destroy any carts issued by the city or the contractor.

(D) *Additional residential carts.* Owners of residential parcels may request additional city-issued carts from the contractor and will be charged for each such additional cart in accordance with Ch. 46 of this code of ordinances. Any owner of a residential parcel who uses or keeps more than the maximum carts allowed for the size of the building shall be billed as a commercial end user in accordance with Ch. 46 of this code of ordinances.

(E) *Replacement residential carts.* The city shall replace or repair city-issued carts that are damaged or stolen. Owners or occupants must contact the city's waste contractor and complete the necessary steps to report a cart damaged or stolen.

(F) *Private residential carts.* Waste or recyclables placed in private carts shall not be collected, except when used to store bulk items in the manner provided in § 95.006(E) of this chapter.

(1984 Code, § 95.04) (Ord. O-48-15, passed 12-8-2015; Ord. O-35-18, passed 8-28-2018)

§ 95.005 CURBSIDE DISPOSAL RULES.

Unless exempted pursuant to §95.004(B) of this chapter, owners, commercial end users and industrial end users shall comply or cause the occupants of any dwelling units located on the parcel to comply with all rules and regulations set forth in this chapter, or be deemed to be in violation of this chapter.

(A) *Collection schedule.* Residential waste and recyclables shall be collected according to the collection schedule established by the city. The most current collection schedule shall be posted on the city's website, and a notice of any modifications to the schedule shall be sent to owners of residential parcels in advance of any modifications. Commercial end users shall make arrangements with the contractor to establish a regular collection schedule for any curbside services that it receives in the manner set forth in this chapter.

(B) *Collection times.* Owners or occupants of residential parcels and commercial end users must place carts at the curbside in the manner provided in this section, by no earlier than 6:00 p.m. on the day before the collection day and no later than 7:00 a.m. on the collection day.

(C) *Placement of carts on collection day.* Owners or occupants of residential parcels and commercial end users must neatly place carts at the curbside, interpreted as no more than three feet from the curb, with the wheels of the carts facing the public right-of-way.

(D) *Removal of carts from the curbside.* Carts remaining curbside after the contractor has collected waste and/or recyclables must be removed from the curbside and appropriately stored, no later than 12:00 p.m. on the day after the collection day.

(E) *Placement of stored carts.* Other than on a collection day, commercial end users, owners of residential parcels or the occupants thereof must store carts at the rear of a building or structure located on the parcel, or as close to the rear of a building or structure as possible, ensuring that wherever possible carts are not visible from the street or public right-of- way.

(F) *Trash disposal.* Residential waste shall be placed in a garbage bag and deposited inside carts. Garbage bags shall be properly tied or otherwise secured at the opening.

(G) *Recycling.* Recyclables should not be bagged and must be placed inside city-issued recycling carts.

(H) *Loading of carts.* Residential waste and recyclables must weigh less than 75 pounds and fit inside a cart allowing sufficient room for the lid of the cart to close completely. Carts that cannot be completely closed shall not be serviced and shall be considered non-compliant as set out under this chapter.

(1984 Code, § 95.05) (Ord. O-48-15, passed 12-8-2015; Ord. O-35-18, passed 8-28-2018)

§ 95.006 BULK ITEM RULES.

Any item that does not completely fit within a cart shall be considered a bulk item, including without limitation, excessive trash bags, furniture, appliances, mattress and box springs, loose trash or yard waste.

(A) *Bulk items.* Every residential user shall be permitted to place at the curb one bulk item per week. Bulk items are required to be placed at the curb in coordination with routine servicing dates and times, unless a customer schedules a special pick-up with the city's waste contractor in accordance with division (D) below. Bulk items are required to be prepared in an orderly manner as specified in divisions (B) through (E) below. A ***BULK ITEM*** is defined as:

(1) One mattress and one box spring, wrapped;

(2) One piece of furniture, which if upholstered must be wrapped:

(3) Three bundles of yard waste or carpet; or

(4) Up to three bags of household debris, required to be bagged, tied securely and containerized prior to setting to the curb.

(B) *Bulk items; additional specifications.*

(1) *Yard waste.* Any loose shrubbery or tree limbs that are set out as a bulk item must be bundled and tied in lengths weighing less than 50 pounds, and not exceeding four feet in length, or two feet wide.

(2) *Household debris.* All household debris must be bagged, tied securely and containerized. Use of a private waste receptacle is only permissible when placing bulk items or excess trash to the curb for disposal.

(3) *Mattresses and upholstered furniture.* Together one mattress and one box spring shall be considered one bulk item. Mattresses and upholstered furniture will not be collected unless such items are wrapped in plastic and secured appropriately.

(4) *Refrigerants.* Discarded appliances equipped with Freon will not be collected unless the owner or occupant provides documentation to the contractor, 48 hours prior to the day on which the item is to be collected, that the Freon has been removed by a certified technician.

(5) *Carpet.* Carpet and carpet padding shall be cut into four-foot sections, rolled or folded, and tied securely into

bundles that do not exceed 50 pounds per bundle.

(6) *Appliances and the like.* Assembled bulk items, such as appliances and swing sets, must be disassembled prior to pick-up. Refrigerator doors must be removed prior to setting out for pick-up.

(7) *Paint.* The only type of paint permissible for disposal during a curbside collection is latex-based or water-based paint. Oil-based paint is strictly prohibited. Paint cans and painting materials must be completely dry before being set out for collection. Paint cans shall not be placed inside a cart; instead, paint cans shall be placed at the curb, with the lids removed, for inspection and collection.

(C) *Placement of bulk items.*

(1) Bulk items must be placed at the curb in coordination with routine servicing dates and times, unless a customer has scheduled a special pick-up with the city's waste contractor in accordance with division (D) below.

(2) Bulk items are required to be placed to the curb in accordance with the curbside disposal requirements of division (B) above.

(D) *Special pick-ups.* Owners or occupants of residential parcels wishing to dispose of a bulk item on a day other than their routine collection day, must contact the contractor not less than 48 hours prior to the day upon which the owner of occupant wishes to have the large item collected. Owners or occupants must neatly place at the curb any bulk items scheduled to be collected in the same manner as provided in division (C) above.

(E) *Use of private receptacles for bulk items.* Bulk items weighing 50 pounds, or less, and that fit completely inside a private receptacle may be deposited in such receptacle and placed curbside for collection. Private receptacles used for disposal shall operate in a reasonable and functioning manner, including having access to handles, or wheels, having a proper lid; and ensuring the receptacle is not deteriorated or damaged, so that it may be serviced without issue. Use of a private waste receptacle is permissible only when disposing of bulk items or excess debris. Items placed into a private receptacle for collection, specifically loose or household debris, shall be bagged and secured appropriately.

(1984 Code, § 95.06) (Ord. O-48-15, passed 12-8-2015; Ord. O-35-18, passed 8-28-2018) Penalty, see § 95.999

§ 95.007 OTHER VIOLATIONS.

In addition to the violation of any other rules provided in this chapter, the following shall constitute a violation for which penalties may be imposed.

(A) *Use of unassigned carts.* Possessing or making use of carts that are not assigned to the parcel being serviced.

(B) *Overloaded carts.* Overloading carts with waste or recyclables weighing more than 75 pounds, or such that the cart cannot be completely closed.

(C) *Unscheduled set out.* Setting out carts or bulk items on a day other that the scheduled collection day, without making special collection arrangements.

(D) *Improper storage.* Storing waste, recyclables, carts or bulk items on non-collection days in a manner that substantially deviates from the regulations provided in this chapter, or in an area that is visible from a public right-of-way.

(E) *Unauthorized use of carts.* Using city-issued or contractor-issued carts for any purpose other than the temporary storage or the disposal of waste or recyclables.

(F) *Unauthorized waste.* Storing or setting out for collection waste that is strictly prohibited for curbside disposal, as detailed throughout this chapter, or setting out waste in a manner that is non-compliant with this subchapter.

(1984 Code, § 95.07) (Ord. O-48-15, passed 12-8-2015; Ord. O-35-18, passed 8-28-2018) Penalty, see § 95.999

COMMERCIAL SERVICES

§ 95.020 CONTAINER SERVICES; GENERALLY.

Commercial end users that produce two or more yards of waste per week are required to use two, four, six or eight yard containers for the temporary storage and disposal of their waste and recyclables, unless the dimension of the parcel cannot accommodate the servicing of a container as determined by the Solid Waste and Recycling Coordinator.

(A) *Assignment of containers.* The contractor shall assign containers to commercial end users that have contracted to receive container services. Containers shall at all times remain the property of the contractor and no person shall intentionally deface, damage or destroy containers, or inadvertently by overloading the container with construction debris or other unauthorized waste.

(B) *Frequency of services.* Commercial end users are required to contract with the contractor for a frequency of service that will ensure compliance with the provisions of this chapter, and to make arrangements for special pickups whenever necessary to ensure that containers never overflow.

(C) *Commercial rates.* Commercial end users shall be billed monthly at the commercial rates established in Ch. 46 of this code of ordinances through one monthly invoice. Owners of multi-unit residential or mixed-use parcels wishing to have an invoice sent to each unit located on the parcel shall be subject to a surcharge.

(D) *Placement and screening.* Containers may not be placed on any public street, alley or sidewalk. Wherever possible, containers must be placed so as to not be visible from any public right-of-way and should be screened on three sides using material consisting of stone brick, block, wood or a continuous planting of evergreens or other perennials. Whenever screening material is placed around a container, two fixed barrier guard posts must be installed within the screening material at the rear of the container to maintain the physical integrity of the enclosure. The fourth side of the container shall be fitted with a gate which can be opened to access the front side of the container. End users are required to consult with the Solid Waste and Recycling Coordinator prior to installing screens and gates to ensure that enclosures are compliant with any and all related regulations.

(E) *Maintenance.* Owners and commercial end users are responsible for maintaining and keeping in good repair enclosures, screening areas, gates and any foliage that may be used as screening. Owners and commercial end users shall maintain the outside of the containers in a safe and sanitary condition and shall take reasonable measures to keep the container free of excessively obtrusive odors. Failing to appropriately maintain the container, the enclosure or the container area shall constitute a violation of this chapter.

(1984 Code, § 95.08) (Ord. O-48-15, passed 12-8-2015) Penalty, see § 95.999

§ 95.021 CONTAINERS; DISPOSAL OF WASTE AND RECYCLABLES.

In addition to any other rules provided in this section, commercial end users shall comply with, and multi-unit residential end users shall comply or cause any occupants of a multi-unit residential parcel to comply with the following rules.

(A) *Bagging of waste.* All waste items placed inside a container must be bagged, with the exception of recyclables.

(B) *Excessive items.* All waste or recyclables must fit completely within a container such that the lid to the container can remain closed at all times. In no event shall a bulk item be placed curbside, outside of a container or in a private receptacle, for more than one day.

(C) *Unauthorized waste.* Unless prior arrangements have been made with the contractor, owners, occupants and commercial end users shall not place any unauthorized waste inside a container.

(1984 Code, § 95.09) (Ord. O-48-15, passed 12-8-2015; Ord. O-35-18, passed 8-28-2018) Penalty, see § 95.999

§ 95.022 CURBSIDE SERVICE; MULTI-UNIT PARCELS AND COMMERCIAL END USERS.

(A) *General.* Commercial end users and owners of multi-unit parcels producing less than two yards of waste per week or that are located on parcels that cannot accommodate a container shall contract with the contractor for curbside services. The contractor shall provide carts to such users.

(B) *Frequency of service and maximum number of carts.* Commercial end users shall contract for a frequency of service that ensures that the number of carts set out for collection does not exceed a total of 12 carts on any given collection day. It shall be a violation of this chapter to set out more than 12 carts curbside, unless the end users obtains a written waiver from the Solid Waste and Recycling Coordinator.

(C) *Placement of carts.* Unless otherwise expressly provided in this section, commercial and multi-unit end users shall comply with all rules related to residential curbside services set forth in §§ 95.004 through 95.007 of this chapter.

(D) *Interruption in services for non-payment.* In addition to any other violation provided in this chapter, a violation shall be deemed to have occurred if service is interrupted due to the commercial end user's failure to timely pay for services which continues for 30 or more days, and the city requests that the contractor continue collecting waste or recyclables from the parcel. In such case, each instance of collection shall be a violation of this chapter and each instance of non-payment occurring after the initial interruption in service shall constitute a separate and distinct violation for which fines shall be imposed in the manner provided in this chapter.

(1984 Code, § 95.10) (Ord. O-48-15, passed 12-8-2015)

INDUSTRIAL END USERS

§ 95.035 OPEN-TOP CONTAINER AND COMPACTOR SERVICES.

Industrial end users are required to contract for the delivery and servicing of an open-top container or a compactor of an appropriate size.

(A) *Permitting and placement; open-top containers.* Industrial end users must apply and obtain a permit from the city prior to accepting the delivery of an open-top container or compactor.

(B) *Temporary open-top services.* Unless waived in writing by the city, industrial end users receiving temporary open-top container services shall provide, as part of their application for a permit, a plat of the parcel that is to be serviced drawn to scale, and which shows the location of all abutting structures, public rights-of-way and the location of the proposed open-top container. Permits for temporary open-top containers that are placed on a public right-of-way shall be valid for seven days and must be renewed prior to the expiration of each subsequent seven-day period, unless waived in writing by the city.

(C) *Frequency of services.* Industrial end users are required to contract for a frequency of service that will ensure that waste does not protrude past the loadline of the open-top container, or remain uncollected for extended periods of time.

(D) *Maintenance.* Industrial end users shall maintain the area surrounding the open-top container clean and free from debris at all times. Industrial end users shall or shall cause their employees, agents or subcontractors to ensure that the contents of the container never protrude beyond the loadline of the open-top container. It shall be a violation of this chapter for an end user to allow any person to load an open-top container beyond the loadline. Any item that does not completely fit in an open-top container shall be considered a set out.

(E) *Special pick-ups.* Industrial end users shall make arrangements with the contractor for the collection of any items that do not fit within an open-top container prior to setting such items out for collection. It shall be a violation of this chapter for any waste item to be placed outside of an open-top container or on the curbside, except for on the day upon which the items are to be collected. In no event shall an item be placed outside of an open-top container for more than one day.

(F) *Unauthorized industrial waste.* Unless special arrangement have been made with the contractor, end users shall not place, or allow to be placed, any sewage, processing sludge, animal carcasses, hazardous waste, electronics or liquid waste of any sort inside an open-top container.

(G) *Material from construction and land clearing.*

(1) No person engaged in the destruction, alteration, repair, removal or demolition of any building or other structure shall throw, cast or drop, or cause or permit to be thrown, cast or dropped from any elevation of the building or other structure into or upon any of the streets, sidewalks, alleys or other public ways of the city materials, including, but not limited to, any timber, iron, stone, brick, plaster, shingles, roofing, shavings, chips or other building material, rubbish or debris of any kind.

(2) Tree stumps and large trees cut down or trimmed on occupied residential or commercial property shall be removed by from the property by a qualified contractor.

(1984 Code, § 95.11) (Ord. O-48-15, passed 12-8-2015)

CITATION AND CURES

§ 95.050 CITATIONS.

The city, by and through its designees, may issue citations and impose fines, penalties and/or surcharges related to a violation of any provision of this chapter and the costs incurred for the abatement of any violation, for each violation of any provision of this chapter. Commercial and industrial end users and owners of commercial, residential, multi-unit residential or mixed-use parcels upon which a violation has occurred shall be responsible for responding to a citation, and for the payment of any fine, penalty or surcharge imposed thereunder.

(1984 Code, § 95.12) (Ord. O-48-15, passed 12-8-2015; Ord. O-35-18, passed 8-28-2018)

§ 95.051 EXCEPTIONS.

Upon a showing of hardship or good cause, and in accordance with applicable laws and regulations, the City Manager, or his or her designee, upon the recommendation of the Solid Waste and Recycling Coordinator, may make exceptions to the requirements of this chapter. Such exceptions shall be in writing and placed in the records of the Neighborhood Services Department of the city.

(1984 Code, § 95.13) (Ord. O-48-15, passed 12-8-2015; Ord. O-35-18, passed 8-28-2018)

§ 95.052 CITY CURES.

The city reserves the right to cure or abate any condition existing on a parcel that constitutes a violation of this chapter in order to minimize any threats to the general safety, health and welfare of its residents at the owners or commercial end user's sole expense.

(1984 Code, § 95.14) (Ord. O-48-15, passed 12-8-2015)

§ 95.053 OWNER CURES.

Upon receipt of a notice of violation issued by the City Manager, or his or her designee, owners of residential or multi-unit residential parcels and commercial or industrial end users may cure a condition that constitutes a violation of §§ 95.001 through 95.007, 95.020 through 95.022 and 95.035 of this chapter to avoid any further action by city. Owners of residential or multi-unit residential parcels and commercial or industrial users who fail to cure such violations shall be subject to fines and penalties as set forth in this chapter and/or be responsible for the reasonable cost of labor and materials incurred to abate the violation as provided in Ch. 92 of this code of ordinances.

(1984 Code, § 95.15) (Ord. O-48-15, passed 12-8-2015; Ord. O-35-18, passed 8-28-2018)

§ 95.054 PAINT.

Paint material may be collected only after the paint in the can is completely dried with the top removed.

(1984 Code, § 95.16) (Ord. O-40-08, passed 9-23-2008)

§ 95.055 MATERIAL FROM CONSTRUCTION AND LAND CLEARING.

(A) No person engaged in the destruction, alteration, repair removal or demolition of any building or other structure shall throw, cast or drop, or cause or permit to be thrown, cast or dropped from any elevation of the building or other structure into or upon any of the streets, sidewalks, alleys or other public ways of the city materials, including, but not limited to, any timber, iron, stone, brick, plaster, shingles, roofing, shavings, chips or other building material, rubbish or debris of any kind.

(B) Contractor-generated solid waste resulting from construction, remodeling or destruction, such as bricks, scraps of lumber, mortar plaster, roof tiles, guttering, shavings and all other materials, must be removed by the contractor.

(C) Debris resulting from land clearing for development purposes must be removed by contractor, developer or owner.

(D) Tree stumps and large trees cut down or trimmed by a contractor on occupied residential or commercial property shall be removed by contractor.

(1984 Code, § 95.17) (Ord. O-40-08, passed 9-23-2008) Penalty, see § 95.999

§ 95.056 MOTOR VEHICLE BODY AND PARTS.

Motor vehicle body or engine parts are not acceptable as trash and must be removed by owner.

(1984 Code, § 95.18) (Ord. O-40-08, passed 9-23-2008) Penalty, see § 95.999

§ 95.057 OPEN CARTS PROHIBITED.

No person shall cart swill or solid waste through the streets in open vessels or vehicles.

(1984 Code, § 95.19) (Ord. O-40-08, passed 9-23-2008) Penalty, see § 95.999

§ 95.058 SCATTERING SOLID WASTE PROHIBITED.

No person shall scatter the contents of trash or garbage containers placed out for collection.

(1984 Code, § 95.20) (Ord. O-40-08, passed 9-23-2008) Penalty, see § 95.999

§ 95.059 BURNING PROHIBITED.

Solid waste and garden trash shall not be burned within the city.

(1984 Code, § 95.21) (Ord. O-40-08, passed 9-23-2008) Penalty, see § 95.999

§ 95.060 EXCEPTIONS.

Upon a showing of hardship or good cause, the Director of Code Enforcement, or his or her designee, upon the recommendation of the Solid Waste and Recycling Coordinator, may make exceptions to the requirements of this chapter. Such exceptions shall be in writing and placed in the records of the Code Enforcement Department.

(1984 Code, § 95.23) (Ord. O-40-08, passed 9-23-2008)

LITTER ABATEMENT RULES AND REGULATIONS

§ 95.075 LITTER PROHIBITED; EXCEPTION.

(A) No person shall throw, drop, deposit, discard, allow leakage or otherwise dispose of litter, or liquid waste, upon any public place in the city, any dwelling or private property, or in any waters within the jurisdiction of the city, whether from a vehicle, building or otherwise, except:

(1) When the property is designated by the state or by any of its agencies or the city for disposal of solid waste, and the person is authorized by the proper public authority to so use the property;

(2) When depositing into a private receptacle, heavy use container, public receptacle or other authorized garbage can in such a manner that the litter will be prevented from being carried away or deposited by the wind or other natural elements upon any part of a public place or any private property; or

(3) When the person is the owner or, agent of the owner and the litter or waste is created in connection with any remodeling, rehabilitation or repair; provided, the litter or waste will not cause a public nuisance or violate any other state or local laws, rules or regulations and so long as the litter or waste does not remain on this property for more than one week.

(B) Specific items prohibited under this subchapter include the following:

(1) No person, while a driver or passenger in a vehicle, shall throw, discard or otherwise deposit litter upon any street, public place or private property;

(2) Dump-outs are prohibited;

(3) Sweep-outs are prohibited;

(4) Depositing newspapers, circulars, publications, advertising supplements or handbills on uninhabited or vacant property or on public property, including public sidewalks, except in authorized newspaper/publication boxes, is prohibited.

No person shall post or affix, or cause to be posted or affixed, any handbill, notice, poster or other paper or device calculated to attract the attention of the public to any lamp post, public utility pole, tree in the public right- of-way, on the ground or curb area in the public right- of-way or upon any public structure or building, except as may be authorized or required by law;

(5) No vehicle shall be driven or moved on any street unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking or otherwise escaping therefrom. However, salt, sand or gravel may be dropped for the purpose of securing traction, or water or some other substance may be sprinkled on a roadway surface in the cleaning or maintaining of the roadway by a public authority having jurisdiction for the roadway or by persons under contract or other authorization by the public authority. Any person owning or operating a vehicle from which any glass, metal or other objects of its load have fallen or escaped that would constitute an obstruction or damage a vehicle or otherwise endanger travel upon a street shall immediately cause the street to be cleaned of all the glass, metal or other objects and shall pay any cost therefor; and

(6) Temporary signage placed on streets, sidewalks and public places, including public rights- of-way, is prohibited, except as may be authorized or required by law.

(1984 Code, § 95.30) (Ord. O-40-08, passed 9-23-2008) Penalty, see § 95.999

§ 95.076 PLACEMENT OF PRIVATE RECEPTACLES.

(A) Private receptacles shall be placed in the parking lots of all gasoline service stations, taverns, liquor stores, shopping centers, grocery stores, marinas, boat launching areas, bathing areas and all other privately-owned areas that are open to the public. A minimum of one private receptacle per 10,000 square feet of parking area, with a maximum of ten receptacles shall be provided in these areas. Private receptacles must have lids or “hoods” or otherwise be of a type authorized or approved by the Solid Waste and Recycling Coordinator.

(B) It shall be the responsibility of any person owning or operating any establishment in which private receptacles are required by this section to procure, place, maintain and empty the litter receptacles on the premises at his or her own expense.

(C) Private receptacles shall also be placed at all commercial or industrial loading/unloading areas. These areas should be kept free of all litter.

(D) Authorized private receptacles or heavy-use containers shall be placed at all repair, construction and demolition sites for proper disposition of this waste.

(1984 Code, § 95.31) (Ord. O-40-08, passed 9-23-2008) Penalty, see § 95.999

§ 95.077 USE OF PUBLIC RECEPTACLES; SIDEWALKS AND GUTTERS REQUIRED TO BE LITTER FREE.

(A) Public receptacles placed on sidewalks and in other public places shall be used only for litter or solid waste that persons may have for disposal while passing along the street or other public places, and in no event shall these receptacles be used for the disposal of other solid waste accumulated in residences or places of business.

(B) Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent litter from being carried or deposited by the wind or other natural elements upon any street, sidewalk or other public place or upon private property.

(C) Persons owning or occupying private property in the city shall keep the sidewalk and curb area in front of their property free of litter and waste. No person shall sweep or deposit in any gutter, street or other public place within the city the accumulation of litter or waste from any building or lot or from any public or private sidewalk or driveway.

(D) Persons owning or occupying places of business within the city shall keep the sidewalk and gutters in front of their business premises free of litter and waste. No person owning a place of business shall sweep or deposit in any gutter, street or other public place within the city the accumulation of litter or waste from any building or lot or from any public or private sidewalk or driveway.

(1984 Code, § 95.32) (Ord. O-40-08, passed 9-23-2008)

§ 95.078 REMOVAL OF LITTER.

(A) Removal of litter and solid waste from private property shall be the responsibility of every property owner or tenant in the city. All owners or tenants shall keep their property free of litter and solid waste.

(B) This includes, but is not limited to, the following:

(1) In loading/unloading areas of private property;

(2) At repair, construction and demolition sites;

(3) On private premises, including premises that may attract or accommodate the public, such as restaurants, groceries, taverns, hotels and reception facilities; and

(4) On sidewalks, curbs and steps abutting private property.

(1984 Code, § 95.34) (Ord. O-40-08, passed 9-23-2008) Penalty, see § 95.999

§ 95.079 LITTER IN PARKS, LAKES AND FOUNTAINS.

(A) No person shall throw or deposit litter in any park within the city, except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

(B) No person shall throw or deposit litter in any fountain, pond, lake, stream, river or any other body of water in a park or elsewhere within the city.

(1984 Code, § 95.35) (Ord. O-40-08, passed 9-23-2008) Penalty, see § 95.999

§ 95.080 LITTER ON OCCUPIED PRIVATE PROPERTY; OWNER TO MAINTAIN PREMISES.

(A) No person shall throw or deposit litter on any occupied private property within the city, whether owned by such 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 any street, sidewalk or other public place or upon private property.

(B) The owner or person in control of any private property shall, at all times, maintain the premises free of litter; provided, however, that, this section shall not prohibit the storage of litter in authorized private receptacles for collection.

(1984 Code, § 95.36) (Ord. O-40-08, passed 9-23-2008) Penalty, see § 95.999

TRANSPORTATION OF HAZARDOUS WASTES

§ 95.095 DEFINITION.

For the purposes of this subchapter, ***HAZARDOUS WASTES*** are as defined in federal regulations at 49 C.F.R. § 172.101 under the Federal Hazardous Materials Transportation Act; and at 40 C.F.R. part 260 under the Federal Resource Conservation and Recovery Act; and as defined in state regulations at 401 K.A.R. 2:075, *Identification and Listing of Hazardous Waste*, pursuant to KRS Ch. 224.

(1984 Code, § 95.40) (Ord. O-40-08, passed 9-23-2008)

§ 95.096 PERMIT; FEE.

(A) No person, firm or corporation shall deliver for sale, use or storage; or transport by truck, semi-trailer or tank truck, within the city any hazardous wastes defined in § 95.095 of this chapter, in quantities exceeding those outlined above, without a permit from the Fire Chief authorizing such transportation, following a determination that no practical alternate route to passage through the city exists.

(B) Application for a permit shall be made on forms prescribed by the Fire Chief and shall contain such information as shall be required.

(C) Unless otherwise provided, every permit and renewal thereof shall be for a period to be determined by the Fire Chief, but in no case shall exceed one year.

(D) The permit is revocable and not transferable to a new ownership and, in the case of a change of ownership of the truck, the new owner shall obtain a new permit.

(E) The decal furnished by the Fire Department when its permit is issued must be securely fastened at the exterior of the cab on the left side of the truck and displayed during the life of the permit. On a cargo tank semi-trailer (tank permanently attached), the decal shall be affixed to a tank head (near the Interstate Commerce Commission markings).

(F) The Fire Department inspection card must be carried at all times in the cab of the truck or tractor in a card holder, and on demand of a representative of the Fire or Police Department, shall be produced for inspection of the vehicle.

(G) It shall be unlawful for any person to sell, give away or deliver hazardous wastes in quantities requiring a Fire Department permit to another person, unless the latter has secured from the Fire Chief a permit issued pursuant to this subchapter.

(H) An annual fee shall be charged for each permit issued pursuant to the provisions of this subchapter in the amount of $25.

(1984 Code, § 95.41) (Ord. O-40-08, passed 9-23-2008) Penalty, see § 95.999

§ 95.097 PROHIBITED ACTS.

(A) Full type trailers shall be prohibited for the transportation or delivery of hazardous wastes in the city. A ***FULL TYPE TRAILER*** is any vehicle without its own motive power, no part of which rests on the towing vehicle, but which is drawn by a motor vehicle.

(B) Interstate or intrastate transportation of hazardous wastes through the city, with no pickup or delivery in the city, shall

be only in accordance with routes and times as prescribed by the Fire Chief when such transportation has not been issued a Fire Department permit. The routes shall be those most direct and through areas least inhabited and said times shall never be during the rush hours, between 6:00 to 10:00 a.m. and 3:00 to 7:00 p.m.

(C) Interstate or intrastate transportation of hazardous wastes are banned in the public interest by the Fire Chief, unless the vendor can show that no practical alternative route to passage through the city exists or that a critical emergency requires delivery in the city. Any truck shipment so authorized shall conform to routes, times and safety conditions specified by the Fire Chief.

(1984 Code, § 95.42) (Ord. O-40-08, passed 9-23-2008)

HAZARDOUS MATERIAL SPILLS OR RELEASES

§ 95.110 REPORTING OF THE SPILLING OR RELEASING OF HAZARDOUS MATERIAL SUBSTANCES.

(A) *Purpose; applicability.*

(1) *Purpose.* The purpose of this section is the protection of public health and safety in the city, through prevention and control of hazardous materials incidents and releases and to require the timely reporting of releases thereof.

(2) *Applicability.* This section shall apply to all persons who manufacture, use or store hazardous materials in quantities prescribed by this section and as defined herein, within the city.

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

AUTHORIZED RELEASE.

(a) A release which is a federally permitted release under 42 U.S.C. § 9601(10);

(b) A release to waters of the United States or adjoining shorelines which is exempt from notification under 40 C.F.R. §§ 117.11 through 117.14; and

(c) The introduction of any pollutant into a publicly-owned treatment works which is not in violation of applicable pretreatment requirements or other regulations controlling the introduction of pollutants into the publicly-owned treatment works.

CONSUMER PRODUCT. The meaning stated in 15 U.S.C. § 2052.

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 in providing services that has employees.

ENVIRONMENT.

(a) 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- or privately-owned treatment works (other than those handling only wastewater generated at a facility) within the boundaries of the city; and

(b) Shall include air only for purposes of reporting releases pursuant to division (F)(1) below.

FACILITY.

(a) Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly-owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock or aircraft; or

(b) Any site or area where a hazardous material has been deposited, stored, disposed of, placed or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

HAZARDOUS MATERIALS.

(a) As follows:

1. Any substance designated pursuant to § 311(b)(2)(A) of the Federal Water Pollution Control Act, being 33 U.S.C. §§ 1251 et seq.;

2. Any element, compound, mixture, solution or substance designated by the U.S. Environmental Protection Agency (EPA) pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, § 102 (CERCLA), being 42 U.S.C. §§ 9601 et seq.;

3. Any hazardous waste having the characteristics identified under or listed pursuant to § 3001 of the Solid Waste Disposal Act, being 42 U.S.C. §§ 6901 et seq. (commonly known as the “Resource Conservation and Recovery Act” or “RCRA”), but not including any waste the regulation of which under the Solid Waste Disposal Act, being 42 U.S.C. §§ 6901 et seq. has been suspended by Congress;

4. Any toxic pollutant listed under § 307(a) of the Federal Water Pollution Control Act, being 33 U.S.C. § 1317(a);

5. Any hazardous air pollutant listed under § 112 of the Clean Air Act; and

6. Any imminently hazardous chemical substance or mixture with respect to which the Administrator of the U.S. Environmental Protection Agency has taken action pursuant to § 7 of the Toxic Substances Control Act. The term does include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under divisions (a)1. through (a)6. of this definition, and the term does include, if stored, natural gas, natural gas liquids, liquefied natural gas or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

(b) Shall include radioactive materials and isotopes, and explosives. ***HAZARDOUS MATERIALS*** shall not include household wastes and other materials excluded by 40 C.F.R. § 261.4.

NORMAL APPLICATION OF PESTICIDES. Application pursuant to the label directions for application of a pesticide product registered under §§ 30 or 24 of the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA") as amended (7 U.S.C. §§ 135 et seq.), or pursuant to the terms and conditions of an experimental use permit issued under § 5 of FIFRA, or pursuant to an exemption granted under § 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.

PERSON. Any individual, trust, firm, company, society, corporation, joint stock company, partnership, consortium, association, cooperative, joint venture, city, county, city and county special district, the state or any department or agency or political subdivision thereof, the United States Government or other commercial or legal entities.

RELEASE. Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, but excluding:

(a) With respect to a claim which such persons may assert against the employer of such persons as provided by CERCLA regulations, any release which results in exposure to persons solely within a workplace;

(b) Emissions from the engine exhaust or a motor vehicle, rolling stock, aircraft, vessel or pipeline pumping station engine; and

(c) The normal application of fertilizer and pesticides.

REPORTABLE QUANTITY. The quantity as set forth in division (E) below.

STORE. To deposit or place a substance in the city for a period of ten days or more; provided, such substance is not otherwise in transit.

USE. To store, maintain, treat, process, handle, generate, dispose of or otherwise manage. ***USE*** shall not include any mode of transportation other than on-site transportation.

VESSEL. Every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

(C) *Confidential information; trade secrets.* Information and data provided by any person or obtained from any report, questionnaire, permit application, permit and monitoring program, and from inspections shall not be made available to the public or any other governmental agency, unless required by law.

(1) Upon submission of information in any form, it shall be the obligation of the submitter to separate all confidential and trade secret material from any material subject to disclosure under the law.

(2) Any requests made under the law for information containing confidential or trade secrets shall be brought to the attention of the person requesting confidentiality of its trade secrets by certified mail, return receipt requested. The notification shall advise the person requesting confidentiality of the decision of the administering agency regarding release of the confidential information. In no event will such confidential information be released until five days have elapsed from the date notice is sent by registered mail.

(3) Within 72 hours after receipt of notification, the person requesting confidentiality of its trade secrets shall have the burden to initiate appropriate actions at law or otherwise to protect its confidential or trade secrets from disclosure, and must demonstrate that public disclosure of confidential or trade secrets is likely to cause substantial harm to his or her competitive position.

(4) Any individual who releases information containing confidential or trade secrets in violation of the law or this section shall be subject to disciplinary action by his or her employer for malfeasance, misfeasance and willful neglect of official duties, and may further be guilty of misuse of confidential information under KRS 522.040.

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

(D) *Disclaimer of liability.* This section shall not create liability on the part of the administering agency for any damages that result from reliance on this section 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 section, necessary or desirable to ensure that there is no unauthorized release of hazardous materials.

(E) *Reporting requirements; determination of reportable quantities.*

(1) *Listed hazardous materials.* The quantity in the column "RQ" for each hazardous material in Appendix A attached to Ord. O-36-88 and incorporated herein by reference is the reportable quantity for that material. The Appendix A list (40 C.F.R. part 302) will be automatically updated at such times as EPA publishes a new list. Reportable quantities may be adjusted higher or lower as provided by division (E)(4) below.

(2) *Unlisted hazardous materials.* Unlisted hazardous wastes designated as hazardous materials have the reportable quantity of 100 pounds, except for those unlisted hazardous wastes exhibiting the characteristics of EP toxicity identified in 40 C.F.R. § 261.24. Unlisted hazardous wastes which exhibit EP toxicity have the reportable quantities listed in Appendix A for the contaminant on which the characteristic of EP toxicity is based. If an unlisted hazardous waste exhibits EP toxicity on the basis of more than one contaminant, the reportable quantity for that waste shall be the lowest of the reportable quantities listed in Appendix A for those contaminants. If an unlisted hazardous waste exhibits the characteristic of EP toxicity and one or more of the other characteristics, the reportable quantity shall be the lowest of the applicable reportable quantity.

(3) *Oil.*

(a) The reportable quantity for releases of oil to waters of the United States or adjoining shorelines is any quantity which violates applicable water quality standards or causes a film or sheen upon or discoloration of the surface of the water or adjoining shorelines, or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

(b) The reportable quantity for releases of oil to the environment other than releases to waters of the United States and adjoining shorelines is 56 gallons.

(c) Notwithstanding any other provision of this section, a release of oil from a properly functioning vessel engine shall not be deemed to be in a reportable quantity; however, this provision shall not be applicable to oil accumulated in a vessel's bilges.

(4) *Higher reportable quantity.* Notwithstanding any other provision of this section, the administering agency may designate a reportable quantity for a hazardous material in excess of the quantity determined under this section if the administering agency determines that the higher reportable quantity is consistent with the purposes and objectives of this section.

(5) *Release of hazardous materials 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 governing discharges to the sanitary sewer system shall be deemed to be discharged in a reportable quantity.

(6) *Component hazardous materials release.* A release of a mixture or solution of which a hazardous material is a component shall be considered to be a release in a reportable quantity only where the component hazardous material of the mixture or solution is released in a quantity equal to or greater than its reportable quantity.

(F) *Reporting requirements; notification of Police/Fire Dispatch Center.*

(1) *Notice upon discovery.* Whenever a release (other than an authorized release) of any hazardous material, in a quantity which exceeds the reportable quantity, occurs on any facilities of any kind, the person in charge, upon discovery of such release, or evidence of there having been a release, even though it has apparently been controlled, shall immediately cause notice of the existence of such release, the circumstances of same, and the location thereof to be given to the Police/Fire Dispatch Center.

(2) *Emergency telephone number.* The notice required by this section in the city shall be given by telephoning 859-292-2222 or such other emergency telephone number as may be designated. This one call will meet the requirement of notifying local agencies and, to the extent permitted under an existing memorandum of understanding, will provide notice to the state's Cabinet for Natural Resources and the Fire Marshal.

(3) *Duty to control release.* The requirements of this section shall not be construed to forbid any person on or about the facilities from using all diligence necessary to control such release prior to the notification to the Police/Fire Dispatch Center, especially if such efforts may result in the containment of the release the abatement of extreme hazard to the employees or the general public. Delays in reporting releases due to in-house notification of off-site owners/supervisors shall not be acceptable and may result in penalties.

(4) *Air releases.* Accidental air releases in excess of the reportable quantities listed in Appendix A attached to Ord. O-36-88 and incorporated herein by reference, or, if unlisted, as prescribed by division (E) above (releases that are required to be reported to state and federal authorities), shall be reported under the requirements of this section.

(5) *Duty to report to federal agencies.* No statement contained in this section shall be construed to exempt or release any person from any other notification or reporting procedure required by any federal agency.

(1984 Code, § 95.50) (Ord. O-40-08, passed 9-23-2008)

ENFORCEMENT

§ 95.125 ENFORCEMENT, FINES AND APPEALS.

This chapter may be enforced by any peace officer, police, citation officer, the City Manager, or his or her designee, the

Solid Waste and Recycling Coordinator, any Code Enforcement Officer or any Housing Inspector (hereinafter "enforcement officer"). Violations may be enforced through the city's Code Enforcement Board.

(1984 Code, § 95.60) (Ord. O-48-15, passed 12-8-2015; Ord. O-35-18, passed 8-28-2018)

§ 95.999 PENALTY.

(A) *Civil penalties for violation.*

(1) Violations of the rules and regulations set forth in this chapter shall constitute a civil offense and an enforcement officer may issue a citation to the person found to be in violation of these sections of the chapter, in accordance with the applicable procedures set forth in Ch. 92 of this code of ordinances. In the event a citation is issued, the citation shall bear a civil penalty in accordance with the fines established in division (E) below, the costs of abatement, or both.

(2) As an alternative to the imposition of civil fines, any person violating the provisions set forth in division (A)(1) above shall be guilty of a misdemeanor and, in addition to or in lieu of any other penalty, the person may be in the sound discretion of the court, directed by the court to pick up and remove from any public place or any private property, with permission of the owner or the person in possession of the property, upon which it is established that the person has deposited litter, any and all litter deposited thereof by anyone prior to the date of the execution of sentence. Violation of any portion of these chapter sections is punishable by a fine of not less than $100 or more than $500 and for the removal of litter from areas designated by the courts. Each and every day during which a stationary violation continues, except in cases in which a given time has been allowed for corrective action to be taken, shall be a separate and distinct offense.

(3) As an alternative to the imposition of civil fines, the person responsible for violation of §95.110 of this chapter in relation to a hazardous material release in an amount exceeding the reportable quantity shall be deemed guilty of a misdemeanor and may be fined not more than $500 per day or imprisoned in the county jail for not more than one year, and if the release involved willful violation, negligence or repeated spills under similar conditions and where a significant quantity of hazardous material is involved taking into account real or potential damage to the environment and threat to the public health. Every incident giving rise to such a release shall constitute a separate offense; however, no person shall be held responsible for more than one violation per day where the violations occur at the same facility and are casually related.

(4) As an alternative to the imposition of civil fines, any person who fails to notify the Police/ Fire Dispatch Center as required by § 95.050 of this chapter shall be deemed guilty of a misdemeanor and may be fined not more than $500 or imprisoned in the county jail for not more than one year.

(1984 Code, § 95.61)

(B) *Civil fines; residential owners and commercial end users.* Violations of this chapter shall constitute a civil offense and an enforcement officer may issue a citation to the person found to be in violation of these sections of the chapter, in accordance with the applicable procedures set forth in Ch. 92 of this code of ordinances. In the event a citation is issued, the citation shall bear a civil penalty, in accordance with the fines established in division (E) below, the costs of abatement, or both. Each day that a violation continues to exist after a citation has been issued in accordance with the applicable procedures set forth in Ch. 92 of this code of ordinances may be deemed a separate offense, but in no event shall the fine exceed $10,000 for any one violation.

(1984 Code, § 95.62)

(C) *Civil fines; industrial users.* Violations of this chapter shall constitute a civil offense and an enforcement officer may issue a citation to the person found to be in violation of this chapter, in accordance with the applicable procedures set forth in Ch. 92 of this code of ordinances. In the event a citation is issued, the citation shall bear a civil penalty in accordance with the fines established in division (E) below, the costs of abatement, or both. Each day that a violation continues to exist after a citation or notice of violation has been issued in accordance with the applicable procedures set forth in Ch. 92 of this code of ordinances may be deemed a separate offense, but in no event shall the fine exceed $10,000 for any one violation.

(1984 Code, § 95.63)

(D) *Penalties for repeat violators.* For each distinct parcel, any owner who has been found to have violated, or on whose parcel an occupant or end user has been found to have violated any provision of this chapter on more than three occasions within a 12-month period may be subject to additional civil penalties for any subsequent violations. This includes, but is not limited to, an automatic doubling of the fines for any violations in excess of three violations within a 12-month period; provided, however, that, no fine for any violation shall exceed $10,000.

(1984 Code, § 95.64)

(E) *Civil fines.* Violations of this chapter which have been designated as enforceable as civil offense shall be subject to the following schedule of civil fines:

(1) If a citation for a violation of this chapter is not contested by the person charged with the violation, the penalties set forth in this division (E) apply:

RESIDENTIAL SERVICES
RESIDENTIAL SERVICES

95.005(B) Collection times	$25
95.005(C) Placement of carts	$25
95.005(D) Removal of carts	$25
95.005(E) Placement of stored cards	$25
95.005(F) Trash disposal	$25
95.005(G) Recycling	$25
95.005(H) Loading of carts	$25
95.006(B) Bulk item specifications	$25
95.006(C) Placement of bulk items	$25
95.006(D) Special pick-ups	$25
95.006(E) Use of private receptacle	$25
95.007(A) Use of unassigned carts	$50
95.007(B) Overloaded carts	$50
95.007(C) Unscheduled set out	$50
95.007(D) Improper storage	$50
95.007(E) Unauthorized use of carts	$50
95.007(F) Unauthorized waste	$75
COMMERCIAL SERVICES	
95.020(D) Placement and screening	$100
95.020(E) Maintenance	$100
95.021(A) Bagging of waste	$50
95.021(B) Excessive items	$75
95.021(C) Unauthorized waste	$100
95.022(B) Frequency of service/max. carts	$50
95.022(C) Placement of carts	$50
95.022(D) Interruption of services	$100
INDUSTRIAL SERVICES	
95.035(A) Permitting and placement	$50
95.035(C) Frequency of service	$50
95.035(D) Maintenance	$100
95.035(E) Special pick-ups	$50
95.035(F) Unauthorized waste	$100
95.035(G) Dangerous disposal	$100
LITTER PROHIBITED	
95.058 Scattering solid waste prohibited	$25
95.059 Burning prohibited	$100
95.075(A), (B) Litter generally	$30
95.076(A) - (D) Private receptacles	$100
95.077(A) Public receptacles, private use	$50
95.077(C) Private property	$25
95.077(D) Business premises	$50
95.078 Removal of litter	$100
95.079(A), (B) Litter in parks/water	$25
95.080(A) Littering on private property	$50
HAZARDOUS WASTE	
95.096, 95.097 Permits/prohibited acts	$2,000
95.110(E), (F) Reporting	$5,000

(2) If the citation is contested and a hearing before the Code Enforcement Board is required, the following maximum penalties may be imposed at the discretion of the Code Enforcement Board:

RESIDENTIAL SERVICES

95.005(B) Collection times	$50
95.005(C) Placement of carts	$50
95.005(D) Removal of carts	$50
95.005(E) Placement of stored cards	$50
95.005(F) Trash disposal	$50
95.005(G) Recycling	$50
95.005(H) Loading of carts	$50
95.006(B) Bulk item specifications	$50
95.006(C) Placement of bulk items	$50
95.006(D) Special pick-ups	$50
95.006(E) Use of private receptacle	$50
95.007(A) Use of unassigned carts	$100
95.007(B) Overloaded carts	$100
95.007(C) Unscheduled set out	$100
95.007(D) Improper storage	$100
95.007(E) Unauthorized use of carts	$200
95.007(F) Unauthorized waste	$150
COMMERCIAL SERVICES	
95.020(D) Placement and screening	$200
95.020(E) Maintenance	$200
95.021(A) Bagging of waste	$100
95.021(B) Excessive items	$150
95.021(C) Unauthorized waste	$200
95.022(B) Frequency of service/ max. carts	$100
95.022(C) Placement of carts	$100
95.022(D) Interruption of services	$200
INDUSTRIAL SERVICES	
95.035(A) Permitting and placement	$100
95.035(C) Frequency of service	$100
95.035(D) Maintenance	$200
95.035(E) Special pick-ups	$100
95.035(F) Unauthorized waste	$200
95.035(G) Dangerous disposal	$200
LITTER PROHIBITED	
95.058 Scattering solid waste prohibited	$25
95.059 Burning prohibited	$100
95.075(A), (B) Litter generally	$30
95.076(A) - (D) Private receptacles	$100
95.077(A) Public receptacles, private use	$50
95.077(C) Private property	$25
95.077(D) Business premises	$50
95.078 Removal of litter	$100
95.079(A), (B) Litter in parks/water	$25
95.080(A) Littering on private property	$50
HAZARDOUS WASTE	
95.096, 95.097 Permits/prohibited acts	$2,000
95.110(E), (F) Reporting	$5,000

(1984 Code, § 95.65)

(F) *Liens.* The city shall possess a lien on real property owned by the person found by a non- appealable final order as defined within § 92.03 of this code of ordinances or by a final judgment of a court to have committed a violation of a city ordinance. Such lien shall include all civil fines, charges, fees and abatement costs incurred by the city. The requirements of

§ 92.20 of this chapter relating to the perfection of the city's lien interest shall be followed.

(1984 Code, § 95.66)

(Ord. O-48-15, passed 12-8-2015; Ord. O-33-16, passed 11-15-2016; Ord. O-35-18, passed 8-28-2018)

CHAPTER 96: STREETS AND SIDEWALKS

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GENERAL PROVISIONS

§ 96.001 DEFINITIONS.

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

BENCH. A seat or seats located on public sidewalks, along any public way or right-of-way, for the accommodation of persons awaiting transportation or for other purposes. This definition includes ***BENCHES*** that may or may not have advertising located anywhere on their exterior.

CODE ENFORCEMENT OFFICER. A city police officer, safety officer, citation officer or other public law enforcement officer with the legal authority to issue a citation. For purposes of this chapter, a ***CITATION OFFICER*** is a city employee, who has been charged by the city with the authority to issue citations for violations of this chapter. This shall include ***CODE ENFORCEMENT OFFICERS***.

MODULAR NEWSRACK. A newsrack which is designated with multiple separate enclosed compartments able to accommodate the display, sale or distribution of multiple distinct and separate newspapers, which exceeds the dimensions of an individual newsrack.

NEWSPAPER. A publication of general circulation that is printed and distributed, either daily or weekly, which contains news, current events, features, advertising and/or information of interest to the general public, often distributed through the use of newsracks.

NEWSRACK. Any type of unmanned device for the vending or free distribution of newspapers, periodicals or printed materials of any nature.

PUBLIC WAY/PUBLIC RIGHT-OF-WAY. All areas deeded to the public, or dedicated to the public by formal dedication or by operation of law, that are legally open to public use such as public streets, sidewalks, roadways, highways, parkways, alleys, parks, as well as areas surrounding and immediately adjacent to public buildings, and the airspace above them.

STREET FURNITURE. Miscellaneous objects such as poles, meters, utilities, traffic light boxes, street lights, news and information distribution boxes or corrals, refuse receptacles, mail boxes, telephone panels and booths, bus shelters with or without seating, outdoor restaurant furniture public seating, flower boxes or plant containers, bike racks, decorative objects, kiosks, objects of art and those structures erected or placed by authorized public agencies for public safety and/or public welfare purposes. Excluded from this definition are temporary roll-off waste containers and temporary storage containers.

VENDING MACHINE. Any machine that dispenses a product to the general public, including, but not limited to, soft drink machines, cigar or cigarette vending machines, food vending machines, and coffee vending machines, but excluding newsrack vending machines.

(1984 Code, § 96.01) (Ord. O-04-20, passed 1-28-2020)

§ 96.002 RAILROADS OBSTRUCTING STREETS.

No person shall operate, direct, supervise or permit the operation of any railroad locomotive, railroad cars or railroad train in such a manner as to interfere with the use of any public street in the city for travel purposes for a period of more than five minutes. This provision shall apply to stopped or moving trains.

(1984 Code, § 96.02) (Ord. O-04-20, passed 1-28-2020) Penalty, see § 96.999

§ 96.003 RAILROAD CROSSINGS.

All railroad companies shall construct and keep in repair suitable crossings at the intersections of streets, alleys, ditches, sewers and culverts, and shall light and guard the same.

(1984 Code, § 96.03) (Ord. O-04-20, passed 1-28-2020)

§ 96.004 SPEED OF RAILROAD LOCOMOTIVE ENGINES.

No person shall operate, directly supervise or permit the operation of any railroad locomotive engine, car or railroad train in such a manner as to exceed the speed limit of 25 mph within city limits.

(1984 Code, § 96.04) (Ord. O-04-20, passed 1-28-2020)

OBSTRUCTIONS AND HAZARDS

§ 96.015 OBSTRUCTION OF PUBLIC WAYS.

(A) *Structural obstructions.*

(1) *Impeding public use.* It shall be unlawful for any person to erect, keep or maintain any house, fence, wall, building or permanent or immovable structure, post, rail or object on or over any sidewalk, street, alley or public way within the city that obstructs or impedes public use of such sidewalk, street, alley or public way.

(2) *Exceptions.* The city may place or permit other government entities to place trees, posts, rails or street furniture that it may deem appropriate upon the public way.

(3) *Street furniture approval.* Before any street furniture is placed in the public way, it shall be subject to review and approval by applicable city departments and shall be appropriate in scale and design.

(a) The City Manager or his or her designee shall consider:

1. Whether the design, materials and color scheme of the street furniture comport with and enhance the quality and character of the streetscape, including nearby development and existing land uses: and

2. Whether the street furniture endangers public safety or property, or interferes with or impedes the flow of pedestrian or vehicular traffic, or is placed in such a manner as to impede or interfere with the reasonable use of a display window or display space.

(b) No street furniture shall be approved that wholly impedes the use of any sidewalk.

(B) *Lights on obstructions.* When any use of any street, sidewalk, alleys or public way is made as allowed by law, all obstructions shall be safely guarded in such manner and with sufficient necessary yellow lights at night, as to protect all those traveling or passing on such streets, alleys, sidewalks or public ways against injury from the obstruction.

(C) *Enclosures.* It shall be unlawful for any person to enclose in any manner, either totally or partially, any sidewalk, street, alley, public way or any part thereof, with any fence, wall or other structure, or in any manner whatever, except as may be provided by this chapter.

(D) *Use of cellar doors.* It shall be unlawful for any person to permit or keep open any grating or cellar door or way in any sidewalk on any street, or thereby to prevent the free and unobstructed use by pedestrians of the entire sidewalk from the line of the property abutting on such street to the curb of the carriageway thereof, except for the time such opening on the sidewalk is being actually used for taking things into or out of the cellar or basement with which such openings shall communicate or be connected. When such actual use ceases, the grating or cellar door in the sidewalk shall be closed on a level with the sidewalk and securely fastened by the persons owning, occupying or using it so that pedestrians may safely and without obstruction use the full width of the sidewalk, including the place therein covered by such grating or cellar door or way.

(E) *Other regulations.* Nothing in this section shall prevent the City Manager or his or her designee from establishing reasonable time, place and manner regulations governing the placement of temporary objects on the right-of-way.

(1984 Code, § 96.10) (Ord. O-04-20, passed 1-28-2020) Penalty, see § 96.999

§ 96.016 MATERIALS ON PUBLIC WAYS.

(A) (1) *General prohibition.* It shall be unlawful for any person to place, keep or maintain on any sidewalk, street, alley or public way, any wood, coal, lime, sand, brick, stone, lumber or anything whatever, except as herein provided.

(2) *Removal of materials.* Any person engaged in doing or causing to be done any construction or demolition work which makes it necessary for or results in bricks, stone, dirt, sand, gravel, vessels or other litter or matter to be placed or to fall in or on any street, alley, sidewalk or public way in the city, shall remove these materials together with all litter or other substance or refuse matter remaining after the work is completed within three days after the completion of the work. The owner of any building or structure of any kind destroyed in whole or in part by fire, windstorm or other involuntary cause shall, within six days after the event causing the destruction, remove or cause to be removed all debris resulting therefrom lying on any street, alleys, sidewalk or public way in the city.

(3) *Dumping or spilling debris on streets.* No person shall dump, spill, deposit or track any foreign matter on any public way in the city. Any person who violates this provision shall be liable to the city for the cost of moving such foreign matter from the public way. The provisions of this division (A)(3) shall not apply to any person who has complied with the provisions of division (A)(2) above.

(4) *Disintegrating substances on streets.* No person shall place or cause to be placed any lime, mortar or any disintegrating substance on any asphalt street within the city so that it will come in contact with the asphalt surface thereof.

(5) *Heavy substances on pavements.* No person shall place or cause to be placed on an asphalt pavement in the city, heavy rocks, timber, metals or other heavy substances by which the surface of the pavement may be defaced or injured.

(6) *Injurious matter on streets.* It shall be unlawful for any person to leave, throw or deposit on any street any glass

bottles, glass, nails, tacks, hoops, wires, cans, or any other substances likely to injure any person, animal or vehicle.

(B) Violations of division (A) above involving matter in an amount less than or equal to the capacity of a standard 20-gallon container shall constitute littering; violations involving substances in greater amounts shall constitute dumping.

(C) No provisions of this chapter shall be deemed to waive any requirement imposed by applicable city policies regarding the operations of a public utility on a street or in the right-of-way.

(1984 Code, § 96.11) (Ord. O-04-20, passed 1-28-2020) Penalty, see § 96.999

§ 96.017 BLOCKING SIDEWALKS.

It shall be unlawful for any person in or on any sidewalk or any premises in or abutting thereon to make any speech or harangue; to demonstrate, sell or offer for sale goods, wares or merchandise; or to display any signs, device, information or exhibition in consequence of which there is caused or created such a gathering of persons on the sidewalk as to interfere with pedestrian traffic thereon.

(1984 Code, § 96.12) (Ord. O-04-20, passed 1-28-2020) Penalty, see § 96.999

§ 96.018 LIQUID OBSTRUCTIONS.

(A) It shall be unlawful to allow or permit the flow of water of any kind from any drain or other pipes in or on any street, alley, sidewalk or public way during the making, repairing or reconstruction thereof in such manner as to interfere with, retard or interrupt such work.

(B) It shall be unlawful for any person to throw, pour or permit or cause to be run over any sidewalk, street, alley or any part thereof, any slop, refuse matter of any kind, impure liquids or offal of any kind, or to permit any person in his or her employ to do so.

(1984 Code, § 96.13) (Ord. O-04-20, passed 1-28-2020) Penalty, see § 96.999

§ 96.019 VEHICULAR OBSTRUCTIONS.

(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 place or maintain any vehicle of any kind on or over any sidewalk or any part of any sidewalk.

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

(D) It shall be unlawful for any automobile repair shop, tire shop, accessory store, filling station or any other establishment to use any part of any street, sidewalk or the right-of-way for the storage, repair, adjustment or equipment of vehicles and accessories therefor.

(1984 Code, § 96.14) (Ord. O-04-20, passed 1-28-2020) Penalty, see § 96.999

§ 96.020 OBSTRUCTIONS REGULATED.

(A) No party shall place, construct or maintain within the right-of-way of any public way of the city any permanent or immovable object, street furniture, structure, sidewalk, entrance way, driveway or other installation, except as otherwise permitted by applicable city ordinance or law.

(B) Before placing an object, structure, street furniture or other installation, written approval, in the form of a permit or other legal document granting the privilege to occupy the right-of-way, shall be obtained from the City Manager or his or her designee.

(C) All objects, structures, street furniture and installations shall be maintained by the operator, owner and/or permit holder in a reasonably clean condition and shall be free of dirt and grease, rust and corrosion in visible metal areas, graffiti, discolored or bare surfaces, chipped, faded, cracked and peeling paint, cracked, dented or broken components, pasted bills and other debris.

(D) No objects, structures, street furniture and/or installations shall be abandoned.

(E) The operator, owner and/or permit holder of a permanently mounted object, structure, street furniture and/or installation shall repair any damage to the right-of-way caused by the installation or the maintenance of the object, structure, street furniture and/or installation.

(F) On removal of an object, structure, street furniture and/or installation, the operator, owner and/or permit holder of a permanently mounted object, structure, street furniture and/or installation who removes the rack must completely remove or cut off all bolts or fasteners flush with the surface of the right-of-way and restore the right-of-way to its original condition.

(G) Newsracks: newsracks may be placed in public rights-of-way, subject to the following conditions and/or restrictions.

(1) It shall be unlawful for any owner to place, affix, erect, construct or maintain a newsrack upon any public sidewalk or public right-of-way without first having obtained written permission for the placement and location from the City Manager or

his or her designee, in accordance with the provisions of this subchapter.

(a) An applicant shall submit a written request for placement of a newsrack to the City Manager or his or her designee with the following information:

1. The name, address, telephone number and email address of the person/entity responsible for the newsrack;

2. The name, address, telephone number and email address of the person who the City Manager should notify or contact at any time concerning the permittee's newsrack;

3. The number, location, position and installation method of a newsrack shown on a reasonably scaled map/drawing or aerial photograph;

4. Names of publications to be contained in each newsrack, frequency of distribution, and restocking schedule; and

5. A description and dimensions of the newsrack.

(b) The City Manager or his or her designee shall issue a written decision to an applicant within 30 days of the submission of a written request containing required information indicated in division (G)(1)(a) above.

(c) Any denial or decision regarding an applicant's proposed placement of a newsrack in the right-of-way may be appealed to the Board of Commissioners within 30 days of the denial or decision. A decision of the Board of Commissioners may be appealed to Kenton Circuit Court within 30 days of the Board's decision.

(2) Newsracks shall have the following dimensions:

(a) The height shall not exceed 60 inches;

(b) The width, measured at the widest point, shall not exceed 25 inches; and

(c) The depth, measured at the widest point, shall not exceed 25 inches.

(3) Newsracks may not be bolted or permanently affixed to any public sidewalk or improved right-of-way unless such installation is approved by the City Manager or his or her designee. If approved, installation will be in a manner that conforms with the requirements herein, and to ensure minimum damage to the right-of-way infrastructure.

(4) Newsracks which are not bolted or permanently attached to any public sidewalk or public right-of-way shall be secured by a weighted base or pedestal to prevent the newsrack from being tipped over, upset by the elements or by contact from pedestrians.

(5) Newsracks shall not be chained or otherwise attached to any tree, bench, signpost or any other fixture.

(6) Each newsrack shall be regularly maintained by its owner in a reasonable, clean, neat and attractive condition, and be in good repair at all times so that:

(a) It is kept free from graffiti;

(b) It is kept free of chipped, faded, peeling and cracked paint in the visible painted areas thereof;

(c) It is kept free of rust and corrosion in the visible unpainted metal areas thereof;

(d) The clear glass or plastic parts thereof, if any, through which the printed material being dispensed are not broken and are kept free of tears, peeling or fading; and

(e) The structural parts of the newsrack are not broken or unduly misshapen.

(7) In the event that an owner shall completely remove the newsrack and any mounting attachment, the owner shall be required to restore the location to a safe condition, leaving no defect or projection in the pavement.

(8) Any newsrack that is abandoned or that fails to comply with any of the requirements set forth herein, may be removed by the city after providing a seven-day notice to the owner that the newsrack has been deemed abandoned or is not in compliance. A newsrack will be considered abandoned when any newsrack that does not contain the newspaper specified therefore for more than seven consecutive days for a daily publication, or 14 consecutive days for a weekly publication or any other magazine or informational material.

(9) Newsracks shall be placed in locations that do not obstruct or interfere with ingress to or egress from abutting properties and which do not impede or endanger pedestrians or vehicular traffic.

(10) Newsracks shall not be placed:

(a) Upon a public sidewalk or public right-of-way in a manner that blocks ingress or egress to a building or readily identifiable or marked bus stop loading zone, or other loading zone, or handicapped parking space;

(b) Within 15 feet of a fire hydrant;

(c) Within two feet of a parking meter, mailbox, bench, light post, planter or tree grates;

(d) On any portion of tree grate, manhole cover, meter and/or valve box cover, or vent cover for underground utilities;

(e) At any location whereby the clear, space on the public sidewalk for passageway of pedestrians is reduced to less than four feet;

(f) In such a manner as to obstruct the sight lines at street intersections that creates safety hazards for pedestrians and vehicle operators: or

(g) In such a manner where the door of the newsrack opens beyond the edge of a street curb.

(11) Modular newsracks are prohibited unless provided by the city.

(12) As a condition to receiving the written permission, the newsrack permittee shall release and indemnify, defend and save harmless the city, its officers, elected officials, agents and employees from and against any and all claims, actions, demands, judgment costs expenses, and damages of every kind and nature incurred by or incurring to any person whatsoever predicated upon injury to or death of any person, or loss of or damage to property, public or private, or whatever ownership, or damages to business, provided such injury, death or loss or damage shall arise out of or be connected directly or indirectly to the exercise of any right or privilege granted by any written permission issued under this chapter.

(H) Temporary roll-off containers and construction debris: no person shall place a dumpster, temporary roll-off container or other receptacle for demolition or construction debris in or on any yard, street or sidewalk until he or she submits an application to and obtains a permit (hereinafter “dumpster permit”) from the Code Enforcement Department.

(1) The Code Enforcement Department may issue a dumpster permit for a period not to exceed 90 days, for the purpose of containing demolition or construction debris while the applicant conducts rehabilitation or construction work at the location identified in the application.

(2) Every person desiring a dumpster permit shall make application therefor, in writing, to the Code Enforcement Department, stating the location where the dumpster is to be placed, the name, address and phone number of the owner or agent of the property to be served by the dumpster, the name and phone number of the solid waste company or owner of the dumpster and any other information that the Code Enforcement Department may reasonably require. The permit application must be accompanied with a dumpster permit fee of $20.

(3) Every person responsible for the placement of a dumpster or other receptacle for demolition or construction debris must comply with the requirements listed on the dumpster permit.

(4) The city may cause to have a dumpster or other receptacle for demolition or construction debris removed from its location in the city, at the expense of the person responsible for its placement, if:

(a) The person responsible for the placement of the dumpster has not obtained a dumpster permit from the Code Enforcement Department;

(b) The dumpster permit issued by the Code Enforcement Department, or an extension thereof, has expired;

(c) A person who obtains a dumpster permit places the dumpster at a location different that the location identified in the application for the permit; or

(d) Refuse is placed in the dumpster from location(s) other than the location identified in the application.

(I) Portable storage units.

(1) No person shall place a portable storage unit or similar container on any yard, driveway, street or sidewalk, unless authorized by other applicable laws and regulations, until he or she submitted an application to do so and obtains a permit (hereinafter “portable storage unit permit”) from the city’s Code Enforcement Department.

(2) For purposes of this division (I), a ***PORTABLE STORAGE UNIT*** is defined as a transportable unit designed and used primarily for temporary storage of building material, household goods, personal items and other material for use on a limited basis on residential property.

(3) The Code Enforcement Department may issue a portable storage unit permit to allow the placement of a unit not to exceed 30 days from the date of the issuance of the permit. The Code Enforcement Department may allow an extension of the 30-day period for good cause with written request by the applicant, but in no event shall a placement of the temporary portable storage unit exceed 60 days. Only one permit is allowed in a one-year period (beginning on the day the permit is issued).

(4) Every applicant shall provide the location of the temporary portable storage unit, the name, address, phone number and email address (if applicable) of the owner or agent of the property to be served by the temporary portable storage unit; and the name address, phone number and email address (if applicable) of the service company that provides the temporary portable storage unit and any other information that the Code Enforcement Department may reasonably require.

(5) The permit application must be accompanied with a temporary portable storage unit fee of $20.

(6) The Code Enforcement Department shall issue citation(s) to any person(s) violating this section.

(J) Notwithstanding any other provision of this section, the city may cause to be removed from the public rights-of-way, without prior notice to the operator, owner and/or permit holder an object which:

(1) Presents a clear and present danger to the public, or substantially impedes the use of the public rights-of-way by

pedestrians; and

(2) An object, structure, street furniture and/or installation which has not been granted a permit or other written permission to occupy the right-of-way.

(K) Within 48 hours after an object, structure, street furniture and/or installation has been impounded under this section, the city shall give written notice of the impoundment and shall issue a citation for violation of this section to the operator, owner and/or permit holder, using the name and address listed thereon. If there is no name, address or telephone number listed on the object, then the city shall make a reasonable effort to determine the operator, owner and/or permit holder for the purpose of notifying such person of the citation and the impoundment. The notice shall inform the operator, owner and/or permit holder of the procedure to claim the impounded object, structure, street furniture and/or installation, including the administrative cost of impoundment and storage, the procedure for contesting the citation and impoundment, the time within which the object, structure, street furniture and/or installation must be claimed, and the legal consequences of failure to claim the object in a timely manner.

(1) The operator, owner and/or permit holder of an object, structure, street furniture and/or installation that has been cited and impounded pursuant to this section, may challenge the validity of a citation and an impoundment and request in writing a hearing before the Code Enforcement Board. The hearing shall be conducted within seven business days of the date of the request, unless the owner, operator and/or permit holder waives the limitation or the city shows good cause for such delay. The city shall retain possession of the object, structure, street furniture and/or installation pending the hearing, unless the operator, owner and/or permit holder posts a bond in an amount equal to the fines and fees accrued as of the date of the hearing request, or $100, whichever is less. If the operator, owner and/or permit holder is unable to pay the amount of the bond, the hearing shall be held within 48 hours of the date the request for hearing is received, unless such person requests or agrees to a continuance.

(2) No sooner than 30 days after the date of notice of impoundment, or 30 days after the date of impoundment in which the city has made a reasonable effort to determine the operator, owner and/or permit holder for the purpose of notifying such person notice of impoundment, the city may dispose of any impounded and unclaimed objects. The city may not dispose of any impounded and unclaimed objects in which an appeal of the citation and the impoundment is pending pursuant to the administrative procedures outlined in this section.

(3) The operator, owner and/or permit holder of an object, structure, street furniture and/or installation that has been cited and impounded pursuant to this section, shall be assessed an impoundment fee of $50 for each object, structure, street furniture and/or installation that has been impounded. In the event that the operator, owner and/or permit holder has been found not to have violated this section, no impoundment fee shall be assessed.

(L) Any permanent or immovable object, street furniture, structure, sidewalk, entrance way, driveway or other installation that has been designated as public art or an object of art by the city, shall be exempt from any design requirements contained in this section or in any regulations promulgated by applicable city departments.

(1984 Code, § 96.15) (Ord. O-04-20, passed 1-28-2020) Penalty, see § 96.999

§ 96.021 EXCEPTIONS.

(A) Nothing in this subchapter shall be construed to prohibit the necessary, temporary use of the sidewalks, by night or day, while actually shipping or receiving goods, wares or merchandise of every kind, and for putting up coal or other fuel, provided sufficient passageway is left for pedestrians.

(B) The provisions of any section to the contrary notwithstanding, the City Manager or his or her designee is authorized to issue a permit for the erection of temporary bleacher seats along the route of any duly-authorized parade. Such permit shall be effective only for the period of time specified therein, and shall specify the exact location or locations of such temporary bleacher seats.

(1984 Code, § 96.16) (Ord. O-04-20, passed 1-28-2020)

MAINTENANCE

§ 96.035 PERMIT REQUIRED.

No person shall, directly or indirectly, as principal, agent or employee, construct or attempt to construct any sidewalk or driveway or cut any curb without having obtained a permit to do so from the Public Works Department or other designated city representative.

(1984 Code, § 96.20) (Ord. O-04-20, passed 1-28-2020) Penalty, see § 96.999

§ 96.036 APPLICATION AND FEE.

(A) Any person desiring to construct a sidewalk or driveway across a sidewalk or driveway or cut any curb for the purpose of constructing a driveway across a sidewalk or any street within the city shall file an application to do so with the Public Works Department or other designated city representative. The application shall contain:

(1) A statement or plan showing the location of the proposed sidewalk, driveway or curb cut;

(2) The exact number of lineal feet of sidewalk, driveway or curb involved;

(3) The name and address of the owner of the abutting property;

(4) The name and address of the contractor who is to do the work; and

(5) Any other pertinent information which the Public Works Department or other designated city representative may require.

(B) Separate applications and permits shall be required for each lot or parcel of real estate abutting upon the proposed improvement.

(C) All applicants for permits under the provisions of this subchapter shall pay a fee in the amount of $50.

(1984 Code, § 96.21) (Ord. O-04-20, passed 1-28-2020)

§ 96.037 DUTY OF PROPERTY OWNER TO MAINTAIN AND REPAIR.

(A) It shall be the duty of every person owning lots or real estate fronting and abutting on any sidewalk in the city to maintain, at his or her own expense and in a suitable state of repair, the sidewalk, so far as it fronts or abuts upon his or her lots or real estate.

(1) The city shall be solely and fully responsible for the repair, replacement or reconstruction of that portion of any sidewalk damaged by a city-owned tree.

(2) The city shall pay for ADA required components on city-owned sidewalks.

(3) While the sidewalks are the responsibility of the abutting property owner, the city is responsible for curbs and gutters abutting city- owned sidewalks.

(B) Every property owner shall repair all holes, uneven surfaces and other defects in the sidewalk, and he or she shall reconstruct or replace all or any part of the sidewalk that is not capable of ordinary restoration or repair. The material used for the repair, replacement or reconstruction shall be of similar grade and texture as that used in the construction of the sidewalk.

(C) The grade of any sidewalk or driveway constructed in accordance with the specifications for the construction and repair of sidewalks and driveways shall conform to the curb grades of the street and slope regularly from the top of the curb to the property line at a rate of from one-fourth to one- half of an inch to each foot, as the Public Works Department or other designated city staff may direct. At street intersections the slope of the sidewalk or driveway shall be worked out under the direction of the City Manager's designee. If, in any particular case, the provisions of this section shall be found to be impracticable, the City Manager's designee is authorized to modify their strict application. Where the owner is dissatisfied with the modification proposed by the City Manager's designee, he or she may appeal to the City Manager, whose decision shall be final.

(D) If a City Code Enforcement Officer issues a notice of violation to a person or business entity or someone responsible for maintaining real property (hereafter "person") for violating the city's codes related to sidewalk maintenance and repair, that person shall have the following options:

(1) Repair the sidewalk using the person's own resources or own contractor;

(2) Repair the sidewalk with the use of a city-approved contractor at rates established by the city and the contractor, paying the city directly or through a three-year tax assessment plan; or

(3) Repair the sidewalk with the use of a city-approved contractor, and apply for a city match-grant in accordance with guidelines to be established by the City Engineer and staff.

(E) To be eligible to participate in a three-year tax assessment plan or a match-grant, a person must be in good standing with the city pursuant to applicable city ordinances.

(F) To be eligible for a match-grant, the person must live in and own the property.

(G) Any person repairing a sidewalk must obtain an appropriate permit from the city, and build the sidewalk in accordance with applicable standards approved by the city.

(H) Financing options.

(1) Owner-occupied properties, absentee owned properties and commercial properties may pay the cost of sidewalk repair, replacement or reconstruction through a three-year tax assessment plan, added to their city property tax bill. The City Finance Department is directed to develop the terms and conditions of the sidewalk repair assessment, including interest charges.

(2) Low income owner-occupants may be eligible for a 50-50 match from city resources or a 75-25 match depending on their income. Eligible income levels shall be established by the City Manager of his or her designee. Low income property owners are also eligible for the three-year tax assessment plan for their portion of the cost.

(1984 Code, § 96.22) (Ord. O-04-20, passed 1-28-2020) Penalty, see § 96.999

§ 96.038 BROKEN SIDEWALKS AND CURBS.

(A) All broken and unsafe sidewalks and curbing within the city are declared to be a public nuisance.

(B) No person owning property in the city shall permit or suffer the existence of any broken or unsafe sidewalk and curbing, fronting or abutting their property.

(1984 Code, § 96.23) (Ord. O-04-20, passed 1-28-2020) Penalty, see § 96.999

§ 96.039 DUTY TO REMOVE SNOW AND ICE.

The owner or tenant of lands abutting or bordering upon the sidewalks of public streets shall remove all snow and ice from that part of any paved sidewalk lying in front of his or her respective premises within 12 hours of daylight after the snow and ice has fallen or formed thereon.

(1984 Code, § 96.24) (Ord. O-04-20, passed 1-28-2020) Penalty, see § 96.999

§ 96.040 FAILURE TO REMOVE; LIEN FOR COSTS.

(A) Whenever the owner or tenant of lands abutting or bordering upon the sidewalks of public streets shall refuse or neglect to remove snow or ice as required by § 96.039, the snow or ice may be removed under the direction of the Public Works Department and Code Enforcement Department.

(B) In the event of removal by the city, the cost thereof may be recovered through the processes authorized in Chapter 92 of the city's code of ordinances.

(1984 Code, § 96.25) (Ord. O-04-20, passed 1-28-2020)

RIGHT-OF-WAY ENCROACHMENT MANAGEMENT

§ 96.055 GENERAL PROVISIONS.

(A) *Title.* This subchapter shall be known as the "City of Covington Right-of-Way Encroachment Management Ordinance" and shall apply to all facilities located in right-of-way controlled by the city.

(B) *Subchapter not in lieu of franchise.* Compliance with the requirements of this subchapter shall not excuse any person from complying with all other requirements of law, including, to the extent applicable, holding a valid franchise, contract or easement from or with the city. Any franchise, contract or easement may include additional regulations, obligations, fees and costs.

(C) *Subchapter not intended to impair existing contracts.* Nothing in this subchapter is intended to impair the legal right or obligation of any contract, franchise or easement previously granted by the city or authorized under state or federal law.

(D) *Reservation of regulatory and police powers.* The city does not diminish or to any extent lose, waive, impair or lessen the lawful powers and rights which it now or may have hereafter to regulate the use of the rights-of-way or charge reasonable compensation for such use. Any public utility or special purpose governmental entity, as defined herein, does not diminish or to any extent lose, waive, impair or lessen the lawful powers and rights which it now has or may have hereafter.

(1984 Code, § 96.30) (Ord. O-04-20, passed 1-28-2020)

§ 96.056 DEFINITIONS.

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

ABOVE-GROUND FACILITIES. Any facilities located above ground, which are capable of being installed without significant underground excavation, including, but not limited to, utility poles and miniature cellular phone towers.

CITY MANAGER. The City Manager or his or her designee, unless otherwise specified.

DEGRADATION. A material decrease in the useful remaining life of the right-of-way caused by excavation in or disturbance of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation did not occur.

EMERGENCY. A situation when placement, repair or maintenance of facilities is needed to be undertaken immediately because of a danger to human life or health or of significant damage to property, including, but not limited to, unanticipated leaks, interruptions or reductions in existing services, or other situations defined as being emergency or dangerous conditions pursuant to federal, state or local law. The installation of facilities that only serve to expand existing service or provide new service shall not be considered an ***EMERGENCY***.

EXCAVATE or ***EXCAVATION.*** To dig into or in any way remove or physically cut, disturb or penetrate any part of a right-of-way.

FACILITY or ***FACILITIES.*** Any tangible asset in the right-of-way, including, but not limited to, equipment and apparatus such as pipes, conduits, wires, cables, amplifiers, transformers, fiber optic lines, antennas, poles, towers, ducts or steel

plates which are required, necessary, used or useful in the provision of utility or other services.

INSTALL, INSTALLED or ***INSTALLATION.*** The placement of facilities within the rights-of-way, including the replacement of existing facilities.

LESSEE. A person who provides services within the city solely by leasing facilities and who has no control over what or where or how any facilities are erected, installed, maintained, operated, repaired, removed, restored or otherwise used.

MATERIAL. With respect to degradation, of a nature that causes or results in an alteration or disruption to the city right-of-way.

PARTY or ***PERSON.*** Any natural or corporate person, business association or other business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity.

PERMIT. An encroachment permit issued pursuant to this subchapter.

PERMITTEE. A party holding an encroachment permit.

PLANNED PUBLIC PROJECT. Any beautification, installation, excavation, re-paving or restoration activity in the rights-of-way that is undertaken by the city as part of a budgeted public improvements plan approved by the City Commission and which is funded in whole or in part with public tax dollars in any given fiscal year.

PUBLIC UTILITY or ***UTILITY.*** A party that is defined in KRS Ch. 278 as a utility, and is:

(1) Subject to the jurisdiction of the Kentucky Public Service Commission, the FCC or the Federal Energy Regulatory Commission; or

(2) Required to obtain a franchise from the city to use and occupy the right-of-way pursuant to §§ 163 and 164 of the Kentucky Constitution.

REGISTRANT. Any party filing or required to file a registration statement pursuant to this subchapter.

RESELLER SERVICE PROVIDER. A person who provides services within the city solely by reselling services and who has no control over what, where or how any facilities are erected, installed, maintained, operated, repaired, removed, restored or otherwise used.

RIGHT-OF-WAY. The surface of and the space above and below a public roadway, highway, street, freeway, lane, path, sidewalk, alley, court, boulevard, avenue, parkway, cartway, bicycle lane or path, public sidewalk or easement held by the city for the purpose of public travel and shall include ***RIGHTS- OF-WAY*** as shall be now held or hereafter held by the city. A ***RIGHT-OF-WAY*** does not include the airwaves above a ***RIGHT-OF-WAY*** with regard to cellular or other non-wire telecommunications or broadcast service.

SPECIAL PURPOSE GOVERNMENTAL ENTITY. Any agency, authority or political subdivision of the state which exercises less than statewide jurisdiction and which is organized for the purpose of performing governmental or other prescribed functions within limited boundaries. It includes all political subdivisions of the state except a city, a county or a school district.

TARIFF. The internal regulations or guidelines of the utility industry as promulgated or adopted by the Kentucky Public Service Commission or the Federal Communications Commission.

(1984 Code, § 96.31) (Ord. O-04-20, passed 1-28-2020)

§ 96.057 ADMINISTRATION AND ENFORCEMENT.

The City Manager or the person designated by the City Manager in his or her absence is the principal city official responsible for the administration of this subchapter, and he or she may delegate any or all of the duties hereunder. The City Manager shall be responsible for enforcing compliance with this subchapter and may adopt reasonable procedures consistent with this chapter that are necessary for its administration or enforcement.

(1984 Code, § 96.32) (Ord. O-04-20, passed 1-28-2020)

§ 96.058 GENERAL CONDITIONS RELATED TO FACILITIES LOCATED IN THE RIGHTS-OF-WAY.

(A) *Responsibility for costs.* Any act that a party is required to perform under this subchapter shall be performed at that party's cost, unless expressly provided for otherwise in this subchapter.

(B) *Construction procedures and placement of facilities; obligation to minimize interference with the rights-of-way.*

(1) All activities in the rights-of-way that are subject to this subchapter shall be performed in compliance with all applicable laws, ordinances, rules and regulations. Each party subject to this subchapter shall obtain all other necessary permits, licenses and authority as required by this subchapter or other applicable rule, law or regulation.

(2) The city may require that facilities be installed at a particular time, at a specific place or location, or in a particular manner, as a condition of access to a particular right-of-way: may deny access if a party is not willing to comply with the city's reasonable requirements; and may remove, or require removal of, any facility that is not installed in compliance with the requirements of this subchapter and charge that party for all the costs associated with removal. Regardless of any other

criteria, in the event the placement or location of a facility in a particular area of the right-of-way would constitute a public safety concern, the city may deny the placement of that facility in that area or order its relocation or removal.

(3) In order to minimize interference with the use of the rights-of-way by others, each party subject to this subchapter shall make reasonable efforts to minimize the number of surface cuts made, shall make reasonable efforts to coordinate such surface cuts with the city's paving schedule, and, if appropriate, shall enter into joint trenching and other arrangements with other parties.

(4) Any right-of-way or public property that is disturbed or damaged during the construction, excavation, installation, operation, maintenance or repair of a facility shall be repaired within 60 calendar days of the completion of those activities which caused the disturbance or damage by the party that disturbed or damaged the rights-of-way or public property. This time may be extended by the City Manager upon demonstration of reasonable cause by the subject party. Reasonable cause shall include, but not be limited to, inclement weather, natural disasters and similar emergencies, including natural disasters and emergencies in other regions where a utility has sent local crews to provide assistance. Reasonable cause shall also include delay due to unforeseen public bidding complications and/or contractor nonavailability for public utilities that are subject to state laws governing bidding and public procurements.

(5) Parties subject to this subchapter shall make every reasonable effort to stack or bundle conduit where feasible so as to occupy as little space as possible in the right-of-way, consistent with, and to the extent permitted by, applicable codes, standards and regulations.

(6) The minimum clearance of wires and cables above the rights-of-way, and the placement of underground facilities, shall conform to applicable codes, standards and regulations.

(C) *Duty to maintain all property in right-of- way.* All parties subject to this subchapter shall maintain all of their facilities located in the right-of-way in a manner that promotes the public safety. By way of example, but not limitation, all facilities, including, but not limited to, poles and manholes, shall be maintained in a safe condition at all times. In the event any facility in the right-of-way endangers the public safety, the party responsible for such facility shall take reasonable steps to rectify the situation immediately upon notification and in accordance with this subchapter at their cost.

(D) *Standards.* All parties subject to this subchapter shall at all times use ordinary care and shall install and maintain in use commonly accepted methods and devices and utilize due diligence in performing any installation, construction, maintenance or other work in the right-of- way.

(E) *Relocation or removal.* Pursuant to § 96.067 and consistent with the procedures and criteria contained therein, all parties subject to this chapter shall, upon the provision of reasonable written notice of, and at the direction of the City Manager, promptly relocate or remove facilities, or rearrange aerial facilities, if required by a tariff, state or federal law, a franchise agreement with the city, or for a public purpose pursuant to this subchapter.

(1984 Code, § 96.33) (Ord. O-04-20, passed 1-28-2020)

§ 96.059 EXISTING FACILITIES.

Facilities located in the rights-of-way prior to the effective date of this subchapter may remain in the rights-of-way and shall not be considered in violation of this subchapter, provided the party responsible for such facilities under this subchapter complies with the provisions of this subchapter, including the filing of a registration statement and the payment of any applicable franchise fee within 120 days of its effective date. The registration statement of each party having any facilities within the rights-of-way as of the date this subchapter is adopted shall contain a general description of such registrant's facilities and the types of services offered. Upon request by the city, the party responsible for such facilities shall provide a map or other information regarding the location of existing facilities. In addition, upon the request of the city and in order to assist the city with implementing or enforcing the provisions of this subchapter, each registrant shall make available for inspection on a reasonable basis more detailed information, if available, regarding the location of its facilities.

(1984 Code, § 96.34) (Ord. O-04-20, passed 1-28-2020)

§ 96.060 REGISTRATION.

(A) *Requirement to register.* Unless otherwise indicated by this subchapter, it shall be unlawful for any party to install, operate, construct or maintain any facilities within the rights-of-way unless such facilities are registered with the city by filing the registration statement required herein and all applicable franchise fees are paid to the city.

(B) *Registration.* Any party who owns any facilities within the right-of-way or who seeks to occupy the right-of-way to install, construct or maintain any facilities within the rights-of-way shall file a registration statement, which shall be filed with the City Manager on a form provided by the city. The registration statement shall include the following information:

(1) The identity and legal status of the registrant, including any affiliates who own or operate any facilities in the rights-of-way and the name, title, address and telephone number of the individual responsible for the accuracy of the registration statement;

(2) The registrant's address, telephone number, facsimile number and email address, as well as a local point of contact available to be contacted in the event of an emergency;

(3) A general description of all facilities that the registrant will be installing in the right- of-way;

(4) Upon request of the city, the registrant shall provide a detailed inventory and map of all of its facilities installed in the city's right-of-way;

(5) A statement of the amount, if any, of any fee to which the registrant is subject pursuant to any franchise agreement, lease or other agreement between the registrant and the city;

(6) Proof that the registrant is insured in the form of a copy of a certificate of insurance or self-insurance that is in compliance with the insurance requirements of this subchapter or its franchise agreement; and

(7) If the registrant is a utility, the number of the registrant's certificate of authorization or license to provide utility service issued by the Kentucky Public Service Commission, or other state or federal authority, if any.

(C) *Fee.* In order to compensate the city for its costs in administering this subchapter, each registrant shall submit a fee of $15 with each registration filed with the city.

(D) *Notice of changes.* The registrant shall notify the city within 30 days of any change in information contained in the registration statement.

(E) *Exceptions for reseller service providers and lessees.* A reseller service provider shall not be required to register those facilities it utilizes solely for the purpose of reselling, or those facilities it utilizes as a lessee.

(F) *Effect of registration.* Registration does not convey legal or equitable title to the rights-of-way, nor does it place a registrant in a position of priority with respect to other registrants. Registration does not excuse a party from having to obtain a franchise, lease or other agreement, if otherwise required, or from obtaining any required or necessary agreement with the city or other party with respect to the placement of facilities on the city's or another party's facilities.

(G) *Exceptions.* The following types of facilities are not required to be registered pursuant to this subchapter, and the party responsible for such facilities is not otherwise required to comply with the provisions of this subchapter expressly pertaining to registrants. However, the party responsible for such facilities is required to comply with all remaining provisions of this subchapter that are not expressly limited to registrants, unless otherwise exempted:

(1) Newspaper stands;

(2) Signage;

(3) Facilities associated with sidewalk cafes;

(4) Facilities owned by the commonwealth;

(5) Facilities installed by the city that are not used to provide competitive utility services;

(6) Temporary solid waste roll-off containers and temporary storage units or containers; and

(7) Any facilities or objects that are registered in accordance with other applicable licenses, regulations, ordinances and law.

(H) *Rejection or cancellation of registration.*

(1) (a) Within ten working days of the filing of the registration statement or the discovery of the inaccuracy of the registration statement by the city, the City Manager shall provide written notice to any party who:

1. Does not possess proper authorization to occupy the rights-of-way with facilities; or

2. Fails to accurately complete the registration statement.

(b) Such written notice shall specify the deficiency and shall notify the party what corrective action must be taken. If the party fails to correct the deficiency within ten days, the City Manager shall reject or cancel the registration unless it can be shown by the party that significant steps have been taken to correct the deficiency, upon which showing the City Manager may provide an additional reasonable extension of time, or provide approval of the registration contingent upon the party's ability to correct the deficiency to the satisfaction of the City Manager.

(2) A registrant who no longer continues to place, maintain or own any facilities in the rights-of-way may cancel its registration upon providing the city with written notice.

(3) Reconsideration.

(a) If the City Manager rejects or cancels a registration statement, the registrant may file with the City Manager within ten days of receipt of the notice of rejection or cancellation a written request for reconsideration, which shall include the basis for the registrant's position.

(b) The City Manager may hear any relevant evidence in deciding the reconsideration and will notify the registrant in the event that further information is required. The City Manager shall render a final decision in writing within ten days of receipt of the registrant's written request for reconsideration or the receipt of any further evidence, whichever is later, and will provide the registrant the basis for his or her decision.

(1984 Code, § 96.35) (Ord. O-04-20, passed 1-28-2020)

§ 96.061 REQUIREMENTS FOR REGISTRANTS.

In addition to the other requirements set forth herein, each registrant shall use reasonable efforts to:

(A) Cooperate with other registrants and the city to reasonably minimize traffic and other disruptions, including surface cuts, taking into account the efficiency, aesthetics, obtrusiveness, safety and costs of the use;

(B) Participate in such joint planning, construction and advance notification of right-of-way work, including, but not limited to, coordination and consolidation of surface cut work, as currently coordinated by Planning and Development Services of Kenton County (PDS);

(C) Cooperate with the city in any emergencies involving the rights-of-way as further provided in this subchapter, including the maintenance of a 24 hour emergency contact;

(D) Designate a single point of contact for all purposes hereunder, as well as comply with such other contact and notice protocols as required by this subchapter or as promulgated by the City Manager pursuant to this subchapter;

(E) Require that any party performing any work or service in the right-of-way on behalf of said registrant will comply with all applicable provisions of this subchapter as well any other additional local regulation pertaining to the performance of such work, and will identify the registrant for whom such contractor is working. Said registrant shall be responsible and liable hereunder only to the city for any damage to the right-of-way caused by the actions of any such subcontractor or others as if said registrant had performed or failed to perform any such obligation; and

(F) Take reasonable steps to provide notice to all occupants where any work or service which requires an encroachment permit is scheduled to be performed and may have an adverse effect on those properties that abut the impacted site or impedes access to those properties abutting the impacted site. Registrants shall make a good faith attempt to notify occupants regardless of whether the registrant holds an easement on or over the property so that occupants know which utility to contact with questions or concerns.

(1984 Code, § 96.36) (Ord. O-04-20, passed 1-28-2020)

§ 96.062 PERMITS.

(A) *Permit required.* Unless otherwise exempted by this subchapter, any party performing an activity within the rights-of-way requires an encroachment permit issued by the city.

(B) *Activities which may be performed by registrants without a permit.* Any registrant maintaining a valid registration pursuant to this subchapter may perform the following activities without a permit, unless such work will require the registrant to block a portion of a street in a manner that obstructs traffic:

(1) Installation or replacement of cable or wiring on existing above-around utility poles;

(2) Repair, replacement or maintenance of existing above-ground facilities, including poles or miniature cellular towers, in the same location with no street, curb, apron, sod or sidewalk cuts, provided any replacement facilities are of comparable size as the existing facilities; or

(3) Any work performed inside existing conduits, vaults or similar structures that do not otherwise require an encroachment permit.

(C) *Encroachment permit.* Except for those activities authorized without a permit by division (B) above, a registrant shall apply to the city for an encroachment permit in order to:

(1) Perform any excavating, digging, cutting, boring or tunneling into, through or under any paved street surface, curb, sidewalk, sod or apron within the rights-of way, and said permit shall include all aspects of the anticipated activities without the need for multiple permits;

(2) Perform any construction, installation, repair, replacement or maintenance of facilities in the right-of-way; or

(3) Temporarily occupy the right-of-way.

(D) *Time for application.*

(1) An encroachment permit for the performance of non-emergency work shall be applied for at least ten days prior to such planned activity. Notwithstanding the foregoing, the City Manager may waive said time period for good cause shown. The city shall approve, deny or conditionally approve a permit application within five business days of the receipt of the application, and in the case of a conditional approval or denial, state in writing the basis for such determination and what conditions must be met by the applicant in order to obtain a permit. Any work performed without proper notification shall constitute work being done without a permit, and as such constitute a violation of this subchapter.

(2) A permit issued pursuant to an emergency shall be applied for no later than three business days after the discovery of the emergency. Notwithstanding the foregoing, the City Manager may waive said time period for good cause shown. Emergency work, as defined by this subchapter, may be completed without first obtaining a permit.

(E) *Application for permit.*

(1) All applications for permits shall contain the following information:

(a) The identity and legal status of the applicant (the party to whom the permit is issued);

(b) The name, address and telephone number and email address of the officer, agent or employee requesting the permit;

(c) A description of all activities covered by the permit, the locations and estimated dates and times of commencement and completion thereof, and a site plan where appropriate;

(d) The number of all surface cuts, if any, to be covered by the permit, and the approximate dimensions of each cut;

(e) The name of the contractor or other entity actually performing the work;

(f) The name, address and telephone number and email address of the contact person for the contractor or other entity actually performing the work; and

(g) The date by which the construction work will be complete and the roadway surface restored.

(2) A single permit may be issued for multiple surface cuts or installations, provided that no such surface cut or installation covered in a single permit shall be more than 500 feet apart, or upon a showing by the permit applicant that the granting of a single permit shall not significantly affect the city's ability to efficiently administer this subchapter.

(F) *Fee.* In order to compensate the city for its costs in administering this subchapter, each registrant shall be assessed a fee of:

(1) Fifty dollars upon application for a permit authorizing a street surface cut;

(2) Twenty dollars upon application for a permit authorizing a sidewalk or bike path cut, or for a permit authorizing a bore cut; and/or

(3) Fifteen dollars upon application for a permit authorizing a sod cut, for a permit authorizing the blocking of any street in a manner that obstructs traffic, or for any other encroachment not listed above.

(G) *Assessment.* The appropriate fee shall be assessed for each category applied for on one permit, but no applicant shall be assessed a fee of more than $50 total per project or permit application.

(H) *Invoice.* The city shall invoice all permit fees to the applicant on a quarterly basis, which shall be due to the city 30 days after the date of the invoice.

(I) *Notification of inspections.* If the city knows at the time of the issuance of the permit that it shall require an inspection pursuant to this subchapter, it shall notify the permittee that such an inspection is required.

(J) *Denial.* The Public Works Director, in his or her reasonable discretion, may deny or revoke an encroachment permit, or may issue a permit that is contingent upon the applicant performing certain requirements that shall be specified in the permit. A decision by the Public Works Director to deny an encroachment permit application shall be based on at least one of the following criteria:

(1) It significantly conflicts with the location of existing facilities or facilities that are planned or permitted for installation, or city improvements or facilities that are planned in that area;

(2) It significantly conflicts with the timing of other ongoing activity taking place in the same area of the right-of-way or with a previously scheduled activity;

(3) It conflicts with the planned grading, re-grading, construction, reconstruction, widening or altering of any right-of-way, including streets and sidewalks, or the construction, reconstruction, repair, maintenance or alteration of a public improvement, including, but not limited to, storm sewers, sanitary sewers and street lights;

(4) It conflicts with an approved development plan in that geographic area that requires all or certain types of facilities to be located in certain locations, areas or parts of the rights-of-way;

(5) It is an above-ground facility other than a utility pole, fire hydrant or street light that, because of its size, presents significant public safety concerns or violates historic preservation guidelines, design standards or procedures pertaining to aesthetics that are duly adopted by the city;

(6) It fails to take reasonable measures to disguise or cover the facility as required by the city;

(7) It conflicts with a requirement contained in the applicant's franchise agreement;

(8) It is located in a type of right-of-way, such as a bicycle lane or path, in which the city has made a determination that facilities are not to be installed;

(9) It would threaten public health, safety or welfare, or otherwise constitute a violation of the provisions of this subchapter; or

(10) The applicant is not otherwise in material compliance with the provisions of this subchapter.

(I) *Exceptions.* Permits shall not be required to be obtained pursuant to this subchapter if the facilities involved are of the following nature. However, the party responsible for such facilities shall comply with all remaining provisions of this subchapter, as well as any other chapter that may apply, unless otherwise exempted:

(1) Newspaper stands;

(2) Temporary signage which complies with all other applicable laws and regulations;

(3) Facilities associated with sidewalk cafes or the sale of goods or merchandise, which are otherwise permitted by applicable laws and regulations;

(4) Facilities owned by the commonwealth;

(5) Facilities installed to provide new development with connections to utility service and for which the city is provided performance and warranty surety protection under its land development regulations;

(6) Facilities installed by the city that are not used to provide competitive utility services; and

(7) Facilities that are registered or authorized pursuant to other applicable licenses, permits, laws or regulations.

(J) *Permit availability.* Permits issued pursuant to this subchapter shall be available at all times at the indicated work site and shall be available for inspection by the City Manager or other city employees or officials upon request.

(1984 Code, § 96.37) (Ord. O-04-20, passed 1-28-2020)

§ 96.063 EMERGENCIES; POWER TO ORDER REPAIRS.

(A) Because emergency repairs can be disruptive to the community, including planned business activities of residents, a registrant shall notify the city within two business days from discovery of the emergency, via telephone, facsimile, text, email or in-person communication with a city official, of any event regarding its facilities already located within the right-of-way that it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to an emergency. Within three business days of the discovery of the emergency, the registrant shall have applied for any necessary permit and provided the city with a written notification of said emergency, which notice shall include, at a minimum, the time, date, location and extent of any excavation or other work performed. If the city becomes aware of an emergency regarding a registrant's facilities, the City Manager or his or her designee shall attempt to contact that registrant immediately.

(B) If the city determines that the right-of-way associated with a surface cut has been degraded or caved in more than one-half inch below grade, and within two years after any surface cut, it shall notify the party or parties responsible for such degradation or cave-in of this determination and, in the case of a clear and immediate danger or hazard to vehicular or pedestrian traffic, the city shall order the party or parties responsible to take immediate precautionary measures to direct vehicular or pedestrian traffic around and away from the degradation or cave-in. In addition, the city shall order the party or parties responsible to make necessary corrections and repairs, which may be temporary in nature, to cure the immediate danger or hazard within two days and perform any additional work consistent with the issuance of any necessary permit. The city shall thereafter order the party or parties responsible to make all necessary permanent corrections and repairs within 90 days.

(C) In all other cases of degradation or cave-in, the city shall order the party or parties responsible for such degradation or cave-in to take immediate precautionary measures to direct vehicular or pedestrian traffic around and away from the degradation or cave-in, and shall order the party or parties responsible to make all necessary corrections and repairs within 30 days.

(D) In the event the city orders corrections or repairs pursuant to this section, and the party responsible fails to respond within the time allotted, the city shall cause the necessary corrections and repairs to be made, and shall submit a statement for the costs incurred by the city in making such corrections and repairs to the responsible party, which statement shall include an additional administrative fee of $500. In that event, and if the said statement of costs and fees is not paid by the responsible party within 45 days, the city shall suspend the issuance of all future permits to the responsible party until such time as the costs are paid.

(E) This section shall not be interpreted to preclude the city from taking any and all reasonable protective measures with respect to the right-of-way and the health and safety of the general public, including, but not limited to, blocking the general public's access to the area, temporarily repairing the right-of-way, or removing any facility that constitutes an immediate health or safety concern. The city shall not undertake to repair or remove a facility unless all other reasonable methods of response to the emergency have been exercised.

(F) Any other provision in this section notwithstanding, the City Manager may extend any time period under this section for good cause, and the requested extension upon a showing of good cause by the applicant, shall not be unreasonably withheld or denied. Good cause shall include, but not be limited to, inclement weather, natural disasters and similar emergencies, including natural disasters and emergencies in other regions where a utility has sent local crews to provide assistance.

(1984 Code, § 96.38) (Ord. O-04-20, passed 1-28-2020)

§ 96.064 INSURANCE.

Each registrant shall maintain in full force and effect a commercial general liability insurance policy reasonably acceptable to the city with a minimum policy limit of $1,000,000 per occurrence and shall provide the city with a certificate of insurance evidencing the insurance policy required by this section. The certificate shall state that the insurance policy shall not be canceled or non-renewed until after 30 days' notice has been provided to the city; however, insurance may be canceled and replaced with a policy that continues to meet the requirements of this section. A registrant may satisfy the insurance

requirements and conditions of this section under a reasonably acceptable self insurance plan. The city reserves the right to impose reasonable additional insurance requirements as part of a franchise agreement.

(1984 Code, § 96.39) (Ord. O-04-20, passed 1-28-2020)

§ 96.065 INDEMNIFICATION; HOLD HARMLESS.

(A) (1) Consistent with state law, each registrant shall defend, indemnify and hold harmless the city, its elected and appointed officials, boards, members, agents and employees against any and all claims, suits, causes of action, proceedings, judgments for damages or equitable relief, and costs and expenses, including reasonable attorney's fees, arising from liability or claims of liability for bodily injury or death to persons or property damage in which the claim arises out of the installation, construction, repair, maintenance or operation of its facilities, and in the event of a final judgment being obtained against the city either independently or jointly with the registrant, the registrant shall pay such judgment with all costs and hold the city harmless thereon.

(2) Within ten business days of learning of any claim, suit, cause of action, proceeding judgement for damages or equitable relief that might trigger the indemnification obligation, the city shall notify the registrant of the existence of the claim, suit, cause of action, proceeding or judgment in writing and shall provide all information known to the city regarding the same. The registrant shall defend against the claim, suit, cause of action, proceeding or judgment on behalf of the city and may select the counsel to represent the city in such an action or proceeding. The city shall not agree to any settlement or compromise for which an indemnification obligation applies unless the registrant consents to the settlement or compromise.

(B) This section shall not apply to registrants which are political subdivisions of the commonwealth, municipal corporations, special districts or special purpose governmental entities.

(1984 Code, § 96.40) (Ord. O-04-20, passed 1-28-2020)

§ 96.066 JOINT PLANNING AND CONSTRUCTION; COORDINATION OF EXCAVATION.

(A) Any registrant owning, operating or installing facilities in the rights-of-way that provide water, sewer, gas, electric, telephone, internet, cable, video, cellular or other utility services, may at their discretion prepare and submit to the City Manager a master plan or future plans for right-of-way work in the city.

(B) The city shall annually prepare a listing of planned public improvements including, but not limited to, streets, sidewalks, bike paths, storm water improvements or other such improvements along with their anticipated bid date. The list of planned public improvements shall be prepared and be available at least six months prior to their intended bid date. The list shall be provided to utilities on record as having filed a registration with the city at that time. The list of public improvements shall also be submitted to Planning and Development Services of the county. Implementation of planned public improvements shall be contingent upon approval by City Commission and the availability of necessary funding.

(C) Prior to applying for a permit for work involving a surface cut in the right-of-way, a party shall review the city's current repaving and resurfacing and shall coordinate, to the extent practicable with each registrant, utility and street work shown on such plan to minimize damage to, and avoid undue disruption and interference with, the public use of the rights-of-way.

(D) Any item of information provided by a registrant consistent with this subchapter which the registrant considers to be proprietary must be clearly and conspicuously designated "proprietary" by the registrant. Any item clearly and conspicuously designated as proprietary by the registrant shall be maintained confidentially by the city and not publicly disclosed, disseminated or shared with third parties without specific written consent of the registrant. Any item not labeled proprietary shall be not be considered proprietary by the city and may be subject to public disclosure under the state's Open Records laws.

(1984 Code, § 96.41) (Ord. O-04-20, passed 1-28-2020)

§ 96.067 INSTALLATION, RELOCATION OR DISCONTINUATION OF FACILITIES.

(A) *Provisions apply unless direct conflict exists.* The provisions of this section shall apply unless they directly conflict with a tariff, state or federal law, or the provisions of the applicant's franchise agreement with the city. This section shall not be interpreted to impair the ability of a registrant to perform work not requiring a permit unless a public safety concern would arise if such work were to be performed.

(B) *General application.* Upon the written notice of and at the direction of the City Manager, a registrant shall relocate or remove facilities, or rearrange aerial facilities, if required by a tariff, state or federal law, a franchise agreement with the city or the provisions of this subchapter.

(C) *Coordination.* To the extent reasonably possible, registrants shall coordinate the installation, relocation and removal of their facilities with each other in order to avoid issues with respect to the location of facilities within the right-of-way.

(D) *Procedure.* The City Manager shall notify the applicant if the City Manager determines that a facility may not be installed as requested by the applicant. Upon determining that a facility may not be installed as requested, the City Manager shall provide written notice to the applicant as early as practicable and in conformity with any specific applicable notice requirement. The notice shall contain a description of the area affected as well as the reason for the City Manager's determination. The City Manager may issue a permit that is contingent upon certain condition(s) being fulfilled with respect to the criteria contained below.

(E) *Reservation of rights.* Notwithstanding any other provision in this subchapter, the city specifically reserves the right to order the removal or relocation of any facility installed after the effective date of this chapter, at no cost to the city for which the appropriate permit was not obtained.

(F) *Preclusion on cutting newly paved surfaces.*

(1) If any street is designated for resurfacing or reconstruction by the city on the list maintained pursuant to this subchapter, the registrant shall make any extensions, changes or installations of or to its facilities ahead of such activity. The registrant shall notify the City Manager no less than 45 days prior to the city's anticipated bid date of its desire to perform such extensions, changes or installations, and may be allowed up to 90 additional days to complete the work.

(2) If any street is about to be constructed, reconstructed, widened, altered or paved by the city, the City Manager shall provide notice to registrants, and the registrant shall make any extensions, changes or installations of or to its facilities ahead of such activity. Depending on the amount of such extensions, changes or installations to be performed, the registrant may be allowed up to 120 days to complete the work, which the City Manager may extend for good cause. It is expected that the registrant shall not disturb the city's improvements within the following two-year period, so as to minimize the premature degradation of the right-of-way caused by multiple alterations and surface cuts. Upon a registrant's showing of undue hardship or emergency, the City Manager may grant permission for limited disturbment of the newly paved surface within the two-year period. The registrant shall in those instances comply with all other relevant provisions of this chapter pertaining to restoration of the right-of-way.

(G) *Relocation.*

(1) *Generally.* Upon providing reasonable advanced written notice to the registrant or other responsible party, the City Manager may order the relocation or rearrangement of any facility, in his or her reasonable discretion and in good faith, if any of the following arise with respect to that facility:

(a) The relocation or rearrangement is necessary for the purpose of public safety;

(b) The relocation or rearrangement is required by a tariff, state or federal law, or a franchise agreement with the city;

(c) The relocation or rearrangement is necessary to assist in the installation of facilities by another registrant or permittee;

(d) The relocation or rearrangement is necessary as a result of the city adopting a planned public project or policy requiring that facilities be relocated; and

(e) So as to conform to the established grade or line of a right-of-way or so as not to interfere with public improvements whenever the city shall grade, regrade, construct, reconstruct, widen or alter any right-of-way, or construct, reconstruct, repair, maintain or alter a public improvement, including, but not limited to, storm sewers, or street lights therein.

(2) *Coordination.* The city shall coordinate the new location with the registrant or permittee as part of the permitting process.

(3) *Relocation underground.* If, as a result of a planned public project, a registrant is required to relocate facilities that were previously and lawfully located above-ground, and the city requests, as part of the relocation, that the facilities be relocated to underground, the city may bear the cost for the difference in cost between an aerial and underground facility of the same type, unless an agreement to the contrary is otherwise entered into by the appropriate parties and unless applicable state law requires otherwise.

(4) *Relocation for public safety reasons.* If the basis for the city ordering the relocation of a facility is a public safety concern, the registrant shall relocate the facility at no cost to the city.

(5) *Relocations to assist in the placement of other facilities.*If a registrant is required to relocate facilities to assist in the installation of facilities by another registrant or permittee, the party seeking to install the facilities shall bear the costs of said relocation, unless an agreement to the contrary is otherwise entered into by the appropriate parties.

(6) *Relocations where the cost is borne by the city.*Notwithstanding any language in this subchapter to the contrary, unless an agreement to the contrary is otherwise entered into by the appropriate parties, the cost of the following types of relocations shall be borne by the city:

(a) The relocation is the result of the city adopting a plan or policy requiring that facilities be placed underground in that location, if, at the time the facility was installed, such a plan was not in place;

(b) The location in which the facility is currently sited was not a part of the right-of-way or was not otherwise owned or controlled by the city at the time the facility was installed;

(c) The city has previously ordered that the facility be relocated to comply with a public improvement project, the registrant or party has substantially complied with such order, and the city then orders the registrant or party to relocate that facility to a different area as part of the same project; or

(d) The city orders the relocation of a facility to accommodate a public improvement project, and the construction of such project is subsequently terminated by the city.

(H) *Lessees.*

(1) Any franchisee of the city that chooses to lease any utility pole to another entity, or which allows any other entity to use a utility pole in the public right-of-way, shall:

(a) Require in any agreement with a lessee that it will remove its equipment from the utility pole when directed to do so by the city or by the franchisee;

(b) Require removal of the lessee's equipment from the pole at the expense of the franchisee or the lessee as the parties might agree;

(c) Require that the lessee give identifying information to the city including its name, address for receiving regular U.S. mail, e-mail address, telephone number of its office which responds to existence, installation, repair, maintenance, and removal of equipment which exists on utility poles in the public right-of-way;

(d) Require that the lessee be duly authorized to do business in the Commonwealth of Kentucky and be subject to service of process in the Commonwealth;

(e) Require that the lessee be duly authorized and licensed to do business in the city and that it pay and stay current on all license fees and occupational taxes in the city.

(2) The franchisee will contact and require its lessees to remove their equipment from any utility pole in the public right-of-way when directed to do so by the city and/or the franchisee.

(3) Any refusal or failure of a franchisee to abide by the terms of the requirements of this section will subject the franchisee to pay any and all expenses incurred by the city when any lessee's equipment is removed from a utility pole in a public right of way. The expenses which the franchisee will be required to pay will include the attorneys' fees and any costs incurred in defending any lawsuits brought by the lessee for removal of the equipment and any damages of any kind, including punitive damages, from removal of the equipment, including all damages and required by § 96.065.

(4) Any franchisee that leases use of utility poles in the public right of way to other entities must keep record of any such entity, its identifying information (as described above) which pole or poles it is using, the amount it is paying the franchisee for use of the pole, and all other terms of the lease for use of the pole. These records must be made available upon request by the city.

(I) *Discontinuance of use.*

(1) Any party discontinuing use of a facility shall notify the City Manager in writing of such discontinued use within 30 days. Said notice shall describe the facilities for which the use is to be discontinued and include a statement as to whether the registrant intends to leave the facilities in place for potential future use, remove the facilities or abandon the facilities in place. The registrant shall remain responsible for the maintenance, repair and condition of discontinued facilities at all times.

(2) The City Manager may order that the responsible party remove, replace or repair any discontinued facility which significantly interferes with the city's maintenance of the right-of-way.

(1984 Code, § 96.42) (Ord. O-04-20, passed 1-28-2020; Ord. O-26-22, passed 12-20-2022)

§ 96.068 ABOVE-GROUND FACILITIES.

The following regulations shall apply to above-ground facilities:

(A) To the extent possible, registrants shall use poles and conduit existing at the time of permitting in installing above-ground facilities;

(B) All poles or wire holding structures are subject to any applicable, duly adopted regulations regarding location, height, type or other pertinent aspect;

(C) All transmission and distribution structures, poles and other lines and equipment installed or erected by a registrant under this subchapter shall be located so as to minimize any interference with the proper use of the right-of-way with the rights and reasonable convenience of property owners whose property adjoins or abuts any affected right-of-way. Subject to applicable codes, overhead drops shall be as close as possible to other utility drops in order to concentrate the drops in as small an area as possible to minimize visual clutter and interference with the use of private property; and

(D) The utility is responsible for the cost of compliance with safety standards that may impact the rights and reasonable convenience of property owners whose property adjoins or abuts any affected right-of-way.

(1984 Code, § 96.43) (Ord. O-04-20, passed 1-28-2020)

§ 96.069 PATCHING AND RESTORATION STANDARDS.

(A) *Minimum standards.* Patching and restoration of the rights-of-way shall be performed according to the applicable standards and with materials comparable to those used by the city, and at a minimum shall comply with the applicable standard engineering drawing. All edges of a surface cut made to a paved street shall be sawed, and such surface cuts shall be sealed with a sealant approved by the city. In addition, the city shall approve all backfill material utilized.

(B) *Additional standards.* In special circumstances, the City Manager may impose additional restoration requirements upon a determination that the minimum patching and restoration standards are inadequate because of at least one of the following considerations:

(1) The number, size, depth and duration of the excavations;

(2) Disruptions or damage to the right-of- way;

(3) The traffic volume carried by the right- of-way;

(4) The pre-excavation condition of the right-of-way; and

(5) The remaining life expectancy of the right-of-way affected by the excavation.

(C) *Guarantees.* Each party performing excavations pursuant to a permit required by this subchapter guarantees its restoration work and shall maintain it for one year following its completion. During this period, it shall, upon notification from the City Manager, correct all restoration work to the extent necessary, using the method required by the City Manager.

(1984 Code, § 96.44) (Ord. O-04-20, passed 1-28-2020)

§ 96.070 INSPECTIONS.

(A) *Site inspection.*

(1) Any party issued a permit pursuant to this subchapter shall make the worksite available to the city and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work. If the city has given the party notice of its intent to inspect the excavation, the permittee shall provide the city with advanced notice of at least two business days when the appropriate portion of the activity is ready for inspection. If the permittee was not notified of the city's intent to inspect the excavation site as a condition of the permit or the city failed to inspect after being provided the required notice, the excavation may be permanently covered.

(2) Any excavation with a required approval or inspection that has been covered prior to the two-day notification period shall be uncovered for inspection at that permittee's expense, upon request of the city.

(3) If the construction or restoration does not meet the standards under this chapter, the city may order reasonable corrective measures.

(B) *Authority of the City Manager.*

(1) At the time of inspection, the City Manager may order the immediate cessation of any work that he or she in good faith believes poses a serious threat to the life, health, safety or well-being of the public.

(2) The City Manager may issue an order to the permittee for any work that does not conform to the terms of the permit or other applicable ordinance, resolution, regulation, standard, condition or code. The order shall state that failure to correct the violation will be cause for revocation of the permit. The permittee shall proceed with the corrective work before undertaking any additional work under the permit. Within 30 days after issuance of the order, the permittee shall present proof to the City Manager that the violation has been corrected. If such proof has not been presented within the required time, the City Manager may revoke the permit, or for good cause shown, extend the period of time allowed for the corrective work to be completed.

(1984 Code, § 96.45) (Ord. O-04-20, passed 1-28-2020)

§ 96.071 APPEAL.

(A) Any party aggrieved by the following actions of the City Manager, the Public Works Director or the city may appeal pursuant to this section:

(1) The denial of registration following the reconsideration process provided for in this subchapter;

(2) The denial of a permit under this subchapter;

(3) The issuance of a conditional permit under this subchapter, where the party disagrees with certain of the condition(s) imposed;

(4) The revocation of any permit under this subchapter;

(5) A decision pertaining to installation, relocation or removal of a facility pursuant to this subchapter; and

(6) The imposition of any fee, penalty or charge under this subchapter which the party believes to be invalid.

(B) The appealed action shall be reviewed, upon written request, by the City Manager, or his or her designee, who shall act within a period of ten days from the receipt of the written request. The appealing party shall be afforded the opportunity to be heard and present relevant evidence to the City Manager should it desire to do so, and the decision by the City Manager shall be in writing and provide the basis for the decision.

(C) Any party aggrieved by a decision of the City Manager pursuant to division (B) above may appeal the City Manager's decision, in writing, to the Board of Commissioners within ten days of the City Manager's decision. The appealing party shall be afforded the opportunity to be heard and present relevant evidence to the Board of Commissioners should it desire to do so, and the decision by the Board of Commissioners, shall be in writing and provide the basis for the decision. The written decision of the Board of Commissioners shall constitute a final administrative decision, which may be appealed to the Kenton Circuit Court within 30 days of the Board of Commissioner's written decision.

(1984 Code, § 96.46) (Ord. O-04-20, passed 1-28-2020)

TABLE AND SEATING PLACEMENT

§ 96.085 PERMIT REQUIRED.

(A) (1) No person or entity shall place tables or seating for tables (hereinafter collectively "seating") on the public right-of-way, including public sidewalks, (hereafter "public sidewalks") unless that person first has obtained a license for the tables and seating from the City Manager, or his or her designee, (hereafter collectively "City Manager") and has had such seating approved by the City Engineer. This license must be obtained for all tables and seating on public sidewalks or plazas ("the licensed premises") and this license shall be automatically renewed on an annual basis upon the payment of the annual fee as set forth in division (G) below. The City Manager is authorized to promulgate written regulations that define appropriate seating.

(2) Licenses for tables and seating shall only be issued for areas located throughout the city that are designated "commercial" zones as indicated in Article 3 of the Zoning Ordinance, and the ART Zones as indicated in Article 4 of the Zoning Ordinance.

(3) Licenses for tables and seating shall only be issued for tables and seating that are of a design, size and scale appropriate to the character of the neighborhood in which the tables are to be located. The City Manager shall be empowered to enforce this provision, using the Historic Covington Design Guidelines or other guidelines as approved and maintained by the Community Development Department as a guide to making such a determination.

(4) Licenses for tables and seating may only be permitted in locations on the public right- of-way that are deemed appropriate by the City Manager. The City Manager may refuse to grant a license that he or she believes may be injurious to the health, safety and well-being of the pedestrians and the general public, causes noncompliance with the Americans with Disabilities Act, blocks or inhibits vehicle sightlines or creates a public nuisance, as defined by the city's nuisance ordinance. No license shall be issued to an applicant that is not current on his, her or its obligations to the city, including taxes, loans, liens and unremediated violations of the city building or nuisance codes.

(B) The license shall specify the number of tables and chairs and the specific location of the tables and seating. The licensee shall place the tables and seating only in the areas designated in the license. The applicant shall provide the following to the City Manager before qualifying for the issuance of a license:

(1) The name of the applicant, including the type of organization, e.g., proprietorship, partnership, corporation, limited liability company and the person responsible for compliance with this subchapter;

(2) The address of the applicant; and

(3) A map or diagram drawn to scale depicting the number, type and dimensions of tables and seating. The map shall illustrate the width of the sidewalk and specifically identify where the tables and seating or benches will be located.

(C) The following provisions and certifications shall be conditions of any license granted by the City Manager:

(1) Inclusion of a release and indemnification provision releasing and indemnifying the city from personal injury and property damage liability resulting from the use of the tables and seating;

(2) Certification that the applicant will provide adequate trash receptacles outdoors for the tables and seating and certification that the applicant will empty these receptacles at reasonable time intervals to ensure that the receptacles do not overflow with trash and debris onto the public right-of-way;

(3) Certification that the licensee will clean the right-of-way on which tables and seating are placed, including sidewalks and abutting curbs and gutters, of all litter and debris each night after outdoor service is finished;

(4) Certification that the license will permit outdoor service until 12:45 a.m. with all outside seating prohibited after 1:00 a.m. every night of the week. An exception shall be the public plaza around the Goose Girl Fountain, where on Sunday through Thursday, the license will permit outdoor service until 10:45 p.m. with all outside seating prohibited after 11:00 p.m., and on Friday and Saturday nights, the license will permit outdoor service until 11:45 p.m. with all outside seating prohibited after 12:00 a.m. midnight;

(5) Certification that all outdoor music over public sidewalks or plazas, whether live or amplified by outdoor speakers, will comply with the city's noise ordinance codified at § 92.07.

(6) Certification that the applicant is the owner of the property abutting the sidewalk, or if a lessee of the property, a certification of ownership from the lessee's landlord must be submitted;

(7) (a) The licensee, at its sole expense, shall maintain comprehensive general liability insurance, protecting against all claims for personal injury, death or property damage occurring upon, in or about the licensed premises resulting from the use of occupancy thereof, with a minimum of $50,000 in coverage and limits acceptable to the city for the entire term of the license agreement and any extension thereof. The city must be named in this policy as an additional insured entity; and

(b) The licensee shall include copies of all policies of insurance with evidence of the payment of the premiums thereon with his, her or its application. A licensee shall deliver to the city at least ten days prior to the expiration of such policy, evidence that it has been renewed. All policies of insurance carried hereunder shall provide that they cannot be canceled without giving at least ten days' prior written notice to the city and shall be written by insurance companies licensed

by the commonwealth and reasonably satisfactory to the city. Any insurance carried by a licensee on his, her or its own property or for his, her or its own benefit in connection with this section shall contain a clause waiving any claim by the insurance company for subrogation against the city.

(8) The licensee shall ensure that no part of the right-of-way, sidewalk or curb is damaged by his, her or its outdoor seating, including prevention of stains on sidewalks and curbs caused by the seating. The licensee shall refrain from using any harsh or damaging chemicals to clean any stamped concrete sidewalks or surfaces upon which tables or seating is placed. The licensee further agrees that any damage caused to a city right-of-way, sidewalk or curb by the licensee's seating will be repaired or repair costs reimbursed by the licensee;

(9) The licensee shall maintain the right-of-way used for outdoor dining during the winter months (November to February), including cleaning the paved surface, and shall ensure that all seating is removed from the sidewalk during these months when not in use; and

(10) Any other information reasonably required by the City Manager to properly administer the intent of this subchapter.

(D) A four-foot pedestrian way shall be kept clear through the licensed premises at all times ("pedestrian easement"). Tables and seating shall not be allowed in this pedestrian easement. Service and consumption of the licensee's food and drink shall be allowed only to those who are seated in the licensed premises. All seating must accompany tables. Tables and chairs may be moved together to allow patrons to sit together so long as the pedestrian way is maintained. This requirement shall be strictly enforced.

(E) No alcoholic beverages shall be served or consumed on the public sidewalk, unless the portion of the public sidewalk where the permitted tables and seating are located is included in the "licensed premises" for a licensed liquor by the drink restaurant, tavern or dining facility as approved by the City Alcoholic Beverage Control Administrator and the State Department of Alcoholic Beverage Control or otherwise allowed by law and the license holder enters into a separate license agreement with the city.

(F) It shall be the responsibility of the licensee to maintain the licensed premises in orderly fashion, including requiring that all persons within the licensed premises behave in an orderly fashion and not generate excessive noise. This requirement shall be strictly enforced.

(G) The cost of the license shall be $20 per two-top table and $40 per four-top table annually for tables placed on public sidewalks or plazas. Payment shall be made to the office of the City Manager by December 1 of each year for the following calendar year. Upon issuance of a license agreement by the city and payment of the annual license fee by the licensee, the licensee shall be permitted to place tables and seating on the public sidewalks on a continuous basis from March 1 until October 31. Tables and seating may not be placed on public sidewalks on a continuous basis from November 1 until February 28. If the licensee makes improvements to the sidewalk and curbs adjacent to his, her or its business, has obtained a revocable easement from the city for this area, and receives permission of the city to construct such improvements, then the licensee may apply to the City Manager to have these fees waived on a yearly basis, up to the actual amount paid for the construction of the improvements. These fees may be waived for a maximum period of three years, commencing from the completion date of the improvement.

(H) Any license issued by the city to allow for placement of tables and seating on the public sidewalks shall not be assigned or transferred to third party without the prior written consent of the City Manager.

(I) A license may be revoked by the city upon seven days' written notice upon a finding by the City Manager that the licensee has violated any terms of this section, has failed to abide by the terms or conditions set forth in the license or upon a finding by the City Manager that the licensee has violated city ordinances or state or federal law. A license may also be revoked by the City Manager if the licensed establishment has two or more convictions for violating the city's noise control ordinance within a 12-month period, or the licensee or an employee of the establishment has been convicted of serving alcohol to a minor. If a license is revoked, the licensee shall not be eligible to reapply for a license until one year has passed from the date of the license revocation. The licensee may appeal this revocation to the City Board of Commissioners within seven days of the notice of revocation. If a former licensee fails to appeal a license revocation within the time frame set forth herein, such decision shall not be subject to further review.

(1984 Code, § 96.70) (Ord. O-04-20, passed 1-28-2020 ; Ord. O-13-22, passed 7-19-2022) Penalty, see § 96.999

§ 96.999 PENALTY.

(A) Any violation of any provision of this chapter, except for §96.085, is classified as a civil offense pursuant to the authority of KRS 65.8808. The Code Enforcement Board shall have power to issue remedial orders and impose civil fines to enforce this chapter. Enforcement of this chapter shall be in accordance with the procedures outlined in the Code Enforcement Board guidelines located in §§ 92.16 through 92.23. Civil fines for violations of this section shall be those set forth in § 92.99. The city shall possess a lien on property, real or personal, for all fines, penalties, charges, attorney's fees and other reasonable costs associated with enforcing this code, and the cost of placing of a lien on a personal or real property pursuant to this code. The lien shall be superior to and have priority over all other liens, except state, county, school district and city taxes if all legal requirements are satisfied.

(B) (1) Any person or entity who violates any portion of §96.085 may be issued a civil citation, with a fine in the amount of $100 per day per violation and not to exceed a total of $5,000 if the citation is contested.

(2) When a citation is issued under division (B)(1) above, the person or entity to whom the citation is issued shall

respond to the citation within seven days of the date that the citation is issued by either paying the civil fine set forth in the citation or requesting, in writing, a hearing before the Code Enforcement Board to contest the citation. If a hearing is requested, the person requesting the hearing shall pay an administrative hearing fee in the amount of $50 at the time of the written request of the hearing. If the person fails to respond to the citation within seven days, the citation shall become a final order pursuant to Ch. 92 of this code of ordinances. The city may assess a lien against a violator who owns real property in accordance with the terms and procedures of § 92.20.

(C) In addition, a person found to have committee a violation of thisCh. 96 shall be personally responsible for the amount of the lien, including all civil fines for violation and for all charges, fees and abatement costs incurred by the city in connection with the enforcement of this chapter. The city may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

(1984 Code, § 96.99) (Ord. O-04-20, passed 1-28-2020)

CHAPTER 97: EMERGENCY SERVICES

Section

Ambulance Service

97.01 Definition

97.02 Transportation

AMBULANCE SERVICE

§ 97.01 DEFINITION.

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

APPROPRIATE MEDICAL FACILITY. The facility that provides emergency medical care or a facility that provides specialized emergency medical care and the specialized emergency medical care is determined to be medically necessary by the EMT. For example, some hospitals do not have maternity facilities.

(1984 Code, § 100.01) (Ord. O-24-92, passed 6-30-1992)

§ 97.02 TRANSPORTATION.

(A) *Medical facilities.* The patient will only be transported to the nearest appropriate medical facility.

(B) *Transportation of non-patients.* Unless there is medical need, no person, except for the patient, shall be transported within the patient compartment. If the patient is unable to give consent to medical treatment due to age, incompetency or lack of consciousness, then a responsible party may be transported in the cab section of the ambulance when properly secured by a seat restraint.

(1984 Code, § 100.02) (Ord. O-24-92, passed 6-30-1992) Penalty, see § 10.99

CHAPTER 98: ENERGY PROJECT ASSESSMENT DISTRICT

Section

98.01 Program established; definitions; designation of EPAD Program area

98.02 Administration of the EPAD Program

98.03 Review of petition for EPAD project

98.04 Collection of the assessment

98.05 Status of lien for delinquent assessment

98.06 Effect of bonds or notes

98.07 Severability; amendments; conflicting provisions

§ 98.01 PROGRAM ESTABLISHED; DEFINITIONS; DESIGNATION OF EPAD PROGRAM AREA.

(A) The city declares as a public purpose the establishment of an Energy Project Assessment District Program so that owners of real property, as defined in KRS 65.205(6), can finance energy saving improvements. The city adopts this program pursuant to the Energy Project Assessment District Act of 2015 (“EPAD Act”) (KRS 65.205 through 65.209) and

further declares that the city intends to use assessments on real property in the EPAD to support private sector energy projects.

(B) Definitions for interpreting this chapter shall have the same meaning as the definitions set forth in the EPAD Act.

(C) The city hereby designates the entire area within the city's jurisdictional boundaries, including any future annexed area, as the EPAD.

(1984 Code, § 101.01) (Ord. O-32-15, passed 8-25-2015)

§ 98.02 ADMINISTRATION OF THE EPAD PROGRAM.

(A) The city shall designate a Department, Departments, and may also designate a third-party entity to administer the EPAD Program through the performance of the following functions:

(1) Review petitions to determine if they comply with applicable policies and procedures;

(2) Develop proposed energy projects and timelines for completion;

(3) Prepare and recommend written agreements between the city and the property owners accepting the energy project pursuant to reasonable terms and conditions established; and

(4) Collect and distribute assessments created through the EPAD Program.

(B) The city, by and through a designated department, or a designated third party entity, must develop procedures for property owners of record to petition the city for participation in the EPAD Program. At a minimum, such procedures shall require that:

(1) Any petition must be signed by all record owners of the property;

(2) Any holder of a mortgage lien on the property must give written consent for the assessment and state that the lienholder does not object to the imposition of the EPAD Act assessment and lien; and

(3) The record owner of the participating real property shall notify the city upon the completion of the energy project.

(C) In order to be considered for approval the contents of a petition must include the following:

(1) A legal description of the real property that includes a deed book and page number;

(2) The real property's property identifica- tion number (PIDN):

(3) The names and addresses of all owners of the real property;

(4) A general description of the proposed energy project; and

(5) A proposed time schedule for undertaking and completing the project.

(D) (1) Any petition for a project requiring a total assessment of $250,000 or more, shall include a review of:

(a) The proposed scope of work for the project;

(b) The project budget; and

(c) The estimated energy and/or water savings calculations for the project.

(2) The review shall be conducted by the following individuals:

(a) A state-licensed professional engineer;

(b) An energy service professional; or

(c) A water efficiency professional or other relevant professional.

(1984 Code, § 101.02) (Ord. O-32-15, passed 8-25-2015)

§ 98.03 REVIEW OF PETITION FOR EPAD PROJECT.

(A) An authorized official from the city or designated third party shall review each petition for an EPAD project and all other materials presented with it to determine if the petition complies with the EPAD Act and other city rules.

(B) If a petition is approved, a designated city department or a designated third-party entity shall prepare a written agreement between the city and the record owners of the real property accepting the energy project pursuant to reasonable terms and conditions, including the establishment of the necessary assessment to finance the costs of the project. The written contract shall set forth the total amount and term of the assessment.

(C) Once an assessment has been imposed, a designated city department or a designated third-party entity shall file a written notice of the assessment in the real property records of the County Court Clerk's office indicating:

(1) The amount of the assessment;

(2) The legal description of the real property;

(3) The name of each owner of record of the real property; and

(4) The reference to the statutory assessment lien provided by the state statutes and this chapter.

(1984 Code, § 101.03) (Ord. O-32-15, passed 8-25-2015)

§ 98.04 COLLECTION OF THE ASSESSMENT.

(A) The Finance Department is hereby designated as the city department to collect and distribute any assessment imposed under this chapter.

(B) Upon the imposition of an assessment, the Finance Department shall add the assessment to the property tax bill for the participating real property.

(C) The Finance Department shall collect any assessment imposed under this chapter in same manner as the other taxes on the bill and any unpaid assessment shall bear the same interest rate and penalty as other delinquent ad valorem property taxes.

(D) The Finance Department may impose fees, not to exceed 1% of the amount assessed per payment, on participating real property to offset the costs of administering the EPAD Program, including costs of assessment and collection.

(E) The Finance Department shall collect the assessments annually and make the required payments to the entity financing the energy project.

(1984 Code, § 101.04) (Ord. O-32-15, passed 8-25-2015)

§ 98.05 STATUS OF LIEN FOR DELINQUENT ASSESSMENT.

Any assessment shall, together with any interest and penalties, constitute a first and prior lien against the real property on which the assessment is imposed from the date on which the notice of assessment is recorded until paid and this lien shall have the same priority as a lien for any other state or local ad valorem tax upon the property.

(1984 Code, § 101.05) (Ord. O-32-15, passed 8-25-2015)

§ 98.06 EFFECT OF BONDS OR NOTES.

(A) Any bonds or notes issued under the applicable state statutes or this chapter and the Act for an EPAD project shall not be general obligations of the city and its officials or officers shall have no liability to any persons for uncollected EPAD assessments and unpaid EPAD debt.

(1984 Code, § 101.06) (Ord. O-32-15, passed 8-25-2015)

§ 98.07 SEVERABILITY; AMENDMENTS; CONFLICTING PROVISIONS.

(A) 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.

(B) The city may amend the terms and conditions of this chapter except that no amendment shall be adopted to retroactively change the conditions under which an existing assessment was imposed, unless the owner of record of the affected real property consents to the amendment in writing.

(C) All prior ordinances or parts of any ordinance in conflict herewith are hereby repealed.

(1984 Code, § 101.07) (Ord. O-32-15, passed 8-25-2015)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. LICENSE FEES AND TAXES

111. ADVERTISING

112. ALCOHOLIC BEVERAGES

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114. SOLICITORS, PEDDLERS AND ITINERANT MERCHANTS

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122. DISCONTINUING BUSINESS SALES

123. JOBS DEVELOPMENT INCENTIVES

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CHAPTER 110: LICENSE FEES AND TAXES

Section

Business and Occupation License Fees

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Appendix A: Form OL-3

BUSINESS AND OCCUPATION

LICENSE FEES

§ 110.01 DEFINITIONS.

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

BUSINESS. Any enterprise, activity, trade, occupation, profession or undertaking of any nature conducted for gain or profit. ***BUSINESS*** shall also include specifically but not exclusively the rental or offering of rent of any property, real or personal, having a site in the city; but 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.

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 REGULATORY LICENSE. A license required by the City of Covington for the purpose of regulating business activities and operations within the city. The term “business license” may be used interchangeable with ***BUSINESS REGULATORY LICENSE*** for purpose of convenience and both terms shall have the same meaning and effect.

BUSINESS REGULATORY LICENSE FEE. A fee required by the city for each business regulatory license, pursuant to KRS 82.082 and the regulating business activities and operations within the city, including police power thereof, to provide the funds necessary to pay the expenses of, without limitation the expense of issuing business regulatory licenses.

CITY. The City of Covington, Kentucky.

CODE ENFORCEMENT OFFICER. As used in this chapter, any employee working under the direction of the Director of the Code Enforcement Department or his or her designee, exclusive of clerical staff, any employee working under the direction of the Director of the Finance Department or his or her designee, exclusive of clerical staff, as well as police and fire safety officers.

COMPENSATION. Wages, salaries, commis- sions 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 to include the following:

(1) Any amounts contributed by an employee to any retirement, profit sharing or deferred compensation plan, which are deferred for federal income tax purposes under a salary reduction agreement or similar arrangement, including, but not limited to, salary reduction arrangements under I.R.C. §§ 401(a), 401(k), 402(e), 403(a), 403(b), 408, 414(h) or 457; and

(2) Any amounts contributed by an employee to any welfare benefit, fringe benefit or other benefit plan made by salary reduction or other payment method which permits employees to elect to reduce federal taxable compensation under the Internal Revenue Code, including, but not limited to, I.R.C. §§ 125 and 132.

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

EMPLOYEE.

(1) 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; and

(2) 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:

(1) If the person for whom the individual performs or performed the services does not have control of the payment of the wages for such services, the term ***EMPLOYER*** means the person having control of the payment of such wages; and

(2) In the case of a person paying wages on behalf of a non-resident alien individual, foreign partnership or foreign corporation, not engaged in trade or business within the United States, the term ***EMPLOYER*** means such person.

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

FISCAL YEAR. An accounting period of 12 months, ending on the last day of any month other than December.

FLEA MARKET. The renting of booth space by one person to another for the sale of retail items.

INDEPENDENT CONTRACTOR. Any person who meets the criteria of the Official Treasury Regulation 31.3401(c)-1.

INTERNAL REVENUE CODE. The Internal Revenue Code in effect on 12-31-2008, exclusive of any amendments made subsequent to that

date, other than amendments that extend provisions in effect on 12-31-2008, that would otherwise terminate, and as in effect in subsequent years on December 31 of those subsequent years.

NET PROFIT. Gross income, as defined in I.R.C. § 61, minus all the deductions from gross income allowed by I.R.C. Ch. 1, and adjusted as follows:

(1) Include any amount claimed as a deduction for state tax or local tax that is computed, in whole or in part, by reference to gross or net income and that is paid or accrued to any state of the United States, local taxing authority in a state, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States or any foreign country or political subdivision thereof;

(2) Include any amount claimed as a deduction that directly or indirectly is allocable to income that is either exempt from taxation or otherwise not taxed;

(3) Include any amount claimed as a net operating loss carryback or carryforward allowed under I.R.C. § 172;

(4) Include any amount of income and expenses passed through separately as required by the Internal Revenue Code to an owner of a business entity that is a pass-through entity for federal tax purposes; and

(5) Exclude any amount of income that is exempt from state taxation by the Kentucky Constitution or the Constitution and statutory laws of the United States.

REAL PROPERTY. All types of real estate including commercial property, residential property and farm property.

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 through fifth class, county, urban county, charter county, consolidated local government, school district, special taxing district or any other statutorily created entity with the authority to levy net profits, gross receipts or occupational license taxes.

TAXABLE NET PROFIT. In case of a business entity having payroll or sales revenue only within the city means net profit as defined above.

TAXABLE NET PROFIT. In case of a business entity having payroll or sales revenue both within and without the city means net profit as defined above, and as apportioned under § 110.05 of this chapter.

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

(1984 Code, § 110.01) (Ord. O-70-66, passed 12-1-1966; Ord. O-54-78, passed 6-24-1978; Ord. O-88-78, passed 8-17-1978; Ord. O-77-82, passed 11-30-1982; Ord. O-78-82, passed 11-30-1982; Ord. O-93-82, passed 1-11-1983; Ord. O-5-96, passed 3-6-1996; Ord. O-47-01, passed 11-13-2001; Ord. O-65-04, passed 12-7-2004; Ord. O-34-05, passed 6-21-2005; Ord. O-52-08, passed 12-2-2008; Ord. O-18-19, passed 6-24-2019)

§ 110.02 BUSINESS REGULATORY LICENSE APPLICATION AND CERTIFICATE REQUIRED.

Every business entity that intends to operate in the city and every employer required to withhold the payroll tax from an employee's compensation shall be required to obtain a business regulatory license from the city before the commencement of business as required herein.

(1984 Code, § 110.02) (Ord. O-65-04, passed 12-7-2004; Ord. O-34-05, passed 6-21-2005; Ord. O-52-08, passed 12-2-2008; Ord. O-18-19, passed 6-24-2019) Penalty, see § 110.99

§ 110.03 OCCUPATIONAL LICENSE TAX PAYMENT REQUIRED.

(A) Except as provided in § 110.04 of this chapter, every person or business entity engaged in any business, trade, occupation or profession and any person or business entity that makes a filing with the Internal Revenue Service or the state's Revenue Cabinet shall be required to file and pay to the city an annual occupational license tax for the privilege of engaging in such activities within the city. The occupational license tax shall be measured by:

(1) 2.45% of all compensation paid or payable in the city for work done or services performed or rendered in the city by every resident and non-resident who is an employee; and

(2) 2.5% of the net profits from business conducted in the city by a resident or non-resident business entity, or $100, whichever is greater.

(B) The maximum tax liability under this chapter shall be assessed as follows:

(1) For each employee, an amount equal to the maximum established for FICA purposes ("the FICA cap"). The FICA cap shall be applied by each employer on the compensation of each employee and deductions shall be applied by each employer only upon the gross amount of compensation that does not exceed the FICA maximum established for that year; and

(2) For each business entity, there shall be a $80,000 maximum liability for the portion of the occupational license tax which is measured by taxable net profits.

(C) 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.

(D) The Finance Director or his or her designee shall review the occupational license tax thresholds provided in this section every five years.

(1984 Code, § 110.03) (Ord. O-65-04, passed 12-7-2004; Ord. O-52-08, passed 12-2-2008; Ord. O-47-12, passed 12-4-2012; Ord. O-18-19, passed 6-24-2019; Ord. O-09-23, passed 6-27-2023) Penalty, see § 110.99

§ 110.04 EXEMPTED ACTIVITIES.

(A) Non-profit organizations, as determined by the Internal Revenue Service approval of not-for-profit status, must file an application for a business regulatory license, but are exempt from the $30 administrative cost associated with this filing. Upon the filing of an application by a non-profit organization and confirmation of its not-for-profit status, the Finance Department will issue a business regulatory license certificate to this organization.

(B) The following business entities are exempt under state law from the occupational license tax and are not required to file a city occupational license return ("Form OL-3" or "OL-3"), except as otherwise noted:

(1) Public service corporations that pay an ad valorem tax on property valued and assessed by the state's Department of Revenue, pursuant to the provisions of KRS 136.120. To be entitled to this exemption, companies are required to show that they are actually assessed as public service companies by the state's Revenue Cabinet and that they in fact pay an ad valorem tax based on this assessment. Licensees whose businesses are predominantly non-public service, but who are also engaged in public service activity are required to pay a license tax on their net profits derived from the non-public service activities apportioned to the city;

(2) Life insurance companies incorporated under the laws of and doing business in the commonwealth (see KRS 136.320(4), (5)); and

(3) Banks, trust companies, combined bank and trust companies, combined trust, banking and title businesses, and savings and loan associations, whether state or federally chartered, that are expressly exempted by KRS 92.300.

(C) The following business entities are exempt from the net profit occupational license tax, but are required to file a Form OL-3:

(1) Any business entity engaged in the letting or rental of any dwelling unit in the city that owns no more than one dwelling unit for lease in the city and whose rents from all dwelling units owned, whether within or outside the city when taken together, do not exceed $6,000;

(2) Persons whose sole business activity is the manufacture of and/or sale of alcoholic beverages. Persons engaged in the business of manufacturing and/or selling alcoholic beverages are required to file a return, but may exclude the portion of their net profits derived from such manufacturing and/or sale of alcoholic beverages; and

(3) Any usual activities of boards of trade, chambers of commerce, trade associations or unions, community chest funds or foundations; corporations or associations organized and operated exclusively for religious, charitable, scientific, literary, educational or civic purposes, or for the prevention of cruelty to children or animal; or clubs or fraternal organizations operated exclusively for social, literary, educational or fraternal purposes where no part of the income or receipts of such units, groups or associations inures to the benefit of any private shareholder or individual. To qualify for this exemption, the organization must submit satisfactory proof of their exempt status for federal income tax purposes. If any part of the earnings of such business inures to the benefit of any person, it shall be sufficient to defeat the exemption. If an organization earns "unrelated business income", as defined and administered in I.R.C. § 511, a net profit license tax is assessed on the "unrelated business income".

(D) The following persons are exempt from the employee occupational license tax:

(1) Persons whose sole wages, salaries, commissions or other wages and other compensations earned in the city are derived from service as members of the Kentucky National Guard for active duty training, unit training assemblies and annual field training;

(2) Compensation received by persons who have been ordained in accordance with the ceremonial ritual or discipline of a recognized church, religious sect or other religious organization, for the purpose of teaching and preaching such organization's doctrines or administering its rights and public worship, and who customarily performs one or more of these duties; provided that, no such person is exempt from the payment of an employee license tax on wages and other

compensation earned in activities not connected with the regular functions of a religious organization;

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

(4) Compensation received by an employee who works both within and without the city if the employee is physically located within the city while on the job for 5% or less of the time the employee is on the job in any calendar year.

(1984 Code, § 110.04) (Ord. O-77-82, passed 11-30-1982; Ord. O-78-82, passed 11-30-1982; Ord. O-47-01, passed 11-13-2001; Ord. O-65-04, passed 12-7-2004; Ord. O-18-19, passed 6-24-2019) Penalty, see § 110.99

§ 110.05 APPORTIONMENT.

(A) Except as provided in division (D) below, 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 division (B) below, plus the sales factor, described in division (C) below, and the denominator of which is two; and

(2) For business entities with sales revenue in more than one tax district, by multiplying the net profit by the sales factor as set forth in division (C) below.

(B) The payroll factor is a fraction, the numerator of which is the total amount paid 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; and

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

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

(1) Separate accounting;

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

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

(4) The employment of any other method to effectuate an equitable allocation and apportionment of net profit ("alternate apportionment method"). The city must approve any alternate apportionment method prior to its implementation by the business entity. Once an alternate apportionment method is approved by the city, the business entity must apply such apportionment scheme in all future tax years, unless otherwise directed by the city.

(E) All partnerships, S corporations, limited liability companies and all other entities where income is "passed through" to the owners are subject to this chapter. The occupational license tax imposed in this subchapter is assessed against income before it is "passed through" these entities to the owners.

(F) If a business entity makes, or is required to make, a federal income tax return, the occupational license tax shall be computed for the purposes of this chapter on the basis of the same calendar or fiscal year required by the federal government, and the entity shall employ the same methods of accounting required for federal income tax purposes.

(1984 Code, § 110.05) (Ord. O-77-82, passed 11-30-1982; Ord. O-78-82, passed 11-30-1982; Ord. O-15-92, passed 4-28-1992; Ord. O-47-01, passed 11-13-2001; Ord. O-65-04, passed 12-7-2004; Ord. O-18-19, passed 6-24-2019) Penalty, see § 110.99

§ 110.06 EMPLOYERS TO WITHHOLD.

(A) Each employer who employs one of more persons working within the city is required to apply with the city for an occupational license tax reporting number and in such process shall complete and execute the city application for business regulatory license on behalf of each of its employees. The employee is not required to apply with the city unless the employee has earned income other than “wages and other compensation”. The applicant shall remit a one-time payment of $30 to cover administration costs associated with this application.

(B) Every employer making payment of compensation to an employee shall deduct and withhold from the compensation due each employee at the time of payment by the employer an occupational license tax calculated under § 110.03 of this chapter.

(C) 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 of compensation for work performed or services rendered within the city as it bears to the total wages and compensation paid or payable. For the city to verify the accuracy of a taxpayer’s reported percentages under this division (C), the taxpayer shall maintain adequate records.

(D) Subject to division (E) below, at a minimum, every employer required to deduct and withhold tax under this section shall make a return and report to the city, and pay to the city, the tax required to be withheld under this section on a quarterly basis, on or before January 30, April 30, July 30 and October 30 following the withholding period.

(E) For each employer who employs persons within the city for which the occupational license tax is required to be withheld from all employee compensation and the amount withheld by the employer exceeds $450 for any one of the preceding four quarters, the employer shall remit the occupational license tax required to be withheld from employees on a monthly basis, with taxes due on or before the fifteenth day of the month following the month in which the wages shall have been paid by said employer.

(F) Every employer who fails to withhold or pay to the city any sums required to be withheld by this subchapter 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.

(G) 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 these sums, the lien shall commence at the time the liability of the employer is assessed by the city.

(H) Every employer required to deduct and withhold tax under this section shall annually, on or before February 28 of each year, complete and file with the city an Annual Report of Earnings reporting the tax withheld in each tax district 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.

(I) Every professional employer organization (“PEO”) and every employer with an employee leasing arrangement shall include a separate annual report of earnings for each client or co-employer listing the client’s or co-employer’s name, address and telephone number.

(J) 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.

(K) The president, vice president, secretary, treasurer or other person holding an equivalent corporate office of any business entity subject to this section shall, or any person who had authority to collect, truthfully account for, or pay over the tax imposed by this subchapter at the time that the taxes imposed by this subchapter become or became due 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.

(L) Notwithstanding divisions (F) and (J) above, every employee receiving compensation in the city subject to the tax imposed under § 110.03 of this chapter shall be personally liable for any amount due. In all cases where the employer does not withhold the tax levied under this subchapter 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.

(1984 Code, § 110.06) (Ord. O-77-82, passed 11-30-1982; Ord. O-78-82, passed 11-30-1982; Ord. O-48-83, passed 9-6-1983; Ord. O-49-94, passed 12-29-1994; Ord. O-47-01, passed 11-13-2001; Ord. O-65-04, passed 12-7-2004; Ord. O-18-19, passed 6-24-2019) Penalty, see § 110.99

§ 110.07 RETURNS REQUIRED.

(A) Except as may be provided differently in §110.04 of this chapter, every business entity and employer required to obtain an occupational license from the city shall file for the preceding taxable year a Form OL-3, properly signed and completed in proper detail, regardless of whether income is realized, a license tax liability exists or the business is actively

engaged during the tax year. The return is due on 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.

(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 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 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 and/or other financial documents maintained by the business entity.

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

(D) The city may require, for the purpose of ascertaining the correctness of any return or for the purposes of making an estimate of the taxable income of any business entity, the attendance of a representative of the business entity or of any other person having knowledge of the business entity or in the premises.

(E) The full amount of the unpaid tax payable by any business entity, as appears from the face of the return, shall be paid to the city at the time the occupational license tax return is filed with the city.

(F) When a return in form and substance satisfactory to the city's Finance Department is not filed by an employer and/or the license taxes are not paid to the city by such employer, the employee for whom no return has been filed and/or no payment has been made shall file a request for refund of earnings tax or additional payment due ("Form OL-1" or "OL-1") with the city's Finance Department on or before January 31, annually, showing in the return his or her compensation subject to the license tax during the preceding calendar year. The employee submitting the Form OL-1 shall provide the original copy of the statement furnished him or her by his or her employer. This statement must show all of the compensation earned by him or her, wherever employed, during the period for which such return is made. In addition to the compensation earned by him or her, such return shall show such other pertinent information as may be required by the city's Finance Department. Each person making a return required by this section shall at the time of filing the appropriate form pay the city the amount of license tax due under this subchapter; provided that, any portion of the license tax deducted by the employer shall be credited on the OL-1 return and only the balance, if any, shall be due and payable at the time of filing said return. The amount of any license taxes that were due in each year, as provided in this subchapter, shall bear interest from the date the same became due at the rate of 1% per month, or fraction thereof for partial months, until paid, and the employer failing to pay the same when due shall also pay the penalty imposed under § 110.99 of this chapter.

(G) 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 Form 1099 SF, Statement of Non- Employee Compensation, 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.

(1984 Code, § 110.07) (Ord. O-77-82, passed 11-30-1982; Ord. O-78-82, passed 11-30-1982; Ord. O-23-84, passed 4-24-1984; Ord. O-47-93, passed 11-9-1993; Ord. O-49-94, passed 12-29-1994; Ord. O-47-01, passed 11-13-2001; Ord. O-65-04, passed 12-7-2004; Ord. O-18-19, passed 6-24-2019) Penalty, see § 110.99

§ 110.08 EXTENSIONS.

(A) The city may grant any business entity an extension of not more than six months for filing its return, unless a longer extension has been granted by the Internal Revenue Service or a longer extension is agreed to by the city and the business entity. An extension will only be granted 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. For an extension of other than the first automatic extension, the business entity must submit to the city a copy of the extension with evidence showing that the IRS has accepted and approved the requested extension.

(B) (1) If the time for filing a return is extended, the business shall pay, as part of the tax, an amount equal to 12% per annum simple interest on the tax shown due on the return, but not been previously paid, from the time the tax was due until the return is actually filed and the tax paid to the city.

(2) A fraction of a month is counted as an entire month.

(1984 Code, § 110.08) (Ord. O-77-82, passed 11-30-1982; Ord. O-78-82, passed 11-30-1982; Ord. O-23-84, passed 4-24-1984; Ord. O-47-93, passed 11-9-1993; Ord. O-49-94, passed 12-29-1994; Ord. O-47-01, passed 11-13-2001; Ord. O-65-04, passed 12-7-2004; Ord. O-18-19, passed 6-24-2019)

§ 110.09 REFUNDS.

(A) Where there has been an overpayment of tax under §110.06 of this chapter, a refund or credit shall be made to the employer to the extent of overpayment only if a written application for refund or credit is received by the city from the employer within two years from the date the overpayment was made.

(B) (1) An employee, who is compensated for activities performed outside the city, based on time spent outside the city, and whose employer has withheld and remitted to the city the occupational license tax on the compensation attributable to activities performed outside the city, may file for a refund within two years of the date prescribed by law for the filing of a return.

(2) The employee shall provide a schedule and computations sufficient to verify the refund claim.

(3) 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.

(1984 Code, § 110.09) (Ord. O-65-04, passed 12-7-2004; Ord. O-18-19, passed 6-24-2019)

§ 110.10 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 years from the date the return was filed, except as otherwise provided in this division (A).

(1) In the case of a failure to file a return or of a fraudulent return, the city may assess the additional tax at any time and there shall be no time limitations for bringing an action under this chapter.

(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 understatement or omission, or both, is in excess of 25% of the amount of net profit stated in the return, the additional tax may be assessed at any time within six years after the return was filed.

(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 division (A), or six months from the date the city receives the final determination of the federal audit from the business entity, whichever is later.

(4) The times provided in this division (A) may be extended by agreement between the business entity and the city. For the purposes of this division (A), a return filed before the last day prescribed by law for filing the return shall be considered as filed on the last day. Any extension granted for filing the return shall also be considered as extending the last day prescribed by law for filing the return.

(B) Every business entity shall submit a copy of the final determination of the federal audit within 30 days of the conclusion of the federal audit.

(1984 Code, § 110.10) (Ord. O-65-04, passed 12-7-2004; Ord. O-18-19, passed 6-24-2019)

§ 110.11 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 subchapter.

(B) Any tax collected pursuant to the provisions of this subchapter may be refunded or credited within two years of the date prescribed by law for the filing of a return or the date the money was paid to the city, whichever is the later; except that:

(1) In any case where the assessment period contained in §110.10 of this chapter has been extended by an agreement between the business entity and the city, the limitation contained in this division (B) shall be extended accordingly; and

(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 division (B) or six months from the conclusion of the federal audit, whichever is later. For the purposes of this division (B)(2) and division (B)(1) above, a return filed before the last day prescribed by law for filing the return shall be considered as filed on the last day.

(C) The authority to refund or credit overpayments of taxes collected pursuant to this subchapter is vested exclusively in the city.

(1984 Code, § 110.11) (Ord. O-65-04, passed 12-7-2004; Ord. O-18-19, passed 6-24-2019)

§ 110.12 REGULATIONS.

The Finance Department is charged with the enforcement of the provisions of this subchapter and is empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this subchapter, including, but not limited to, provisions for the re-examination and correction of returns as to which an overpayment or underpayment is claimed or found to have been made, and the rules and regulations promulgated by it shall be binding on all licensees and employers affected.

(1984 Code, § 110.12) (Ord. O-77-82, passed 11-30-1982; Ord. O-78-82, passed 11-30-1982; Ord. O-86-88, passed 11-15-1988; Ord. O-65-04, passed 12-7-2004; Ord. O-18-19, passed 6-24-2019)

§ 110.13 BOARD OF APPEALS.

The Mayor, with the approval of the City Commission, shall appoint a Board of Occupational License Appeals, which shall

consist of the Director of Finance, the City Manager or his or her designee, and a citizen of the city who is a certified public accountant, and if a citizen of the city cannot be found to serve in this position, then such appointment may be filled by a certified public accountant who is a resident of Northern Kentucky. These individuals shall serve on the Board for a term of two years, which shall run concurrently with the terms of the City Commission. The Board of Occupational License Appeals shall be empowered to hear appeals from licensees or supposed licensees and shall decide each appeal on evidence provided by the licensee and the city. The Board may, based upon such evidence, render decisions on questions of interpretation of this subchapter, on questions of allocation of payroll and net profits, on proceedings of delinquent tax collections and on the waiver of penalties assessed. The decisions of the Board of Occupational License Appeals are appealable to the Mayor and Board of Commissioners.

(1984 Code, § 110.13) (Ord. O-77-82, passed 11-30-1982; Ord. O-78-82, passed 11-30-1982; Ord. O-65-04, passed 12-7-2004; Ord. O-69-05, passed 12-20-2005; Ord. O-18-19, passed 6-24-2019)

§ 110.14 INFORMATION TO REMAIN CONFIDENTIAL.

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

(B) The city reserves the right to disclose to the Commissioner of Revenue of the commonwealth 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 grants to the city the reciprocal right to obtain information from the files and records of the state's Department of Revenue and maintains the privileged character of the information so furnished. Furthermore, 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 division (B) above with any other taxing entity should there be a need for exchange of information to effect diligent enforcement of this division (C) or the ordinances of the other taxing entity.

(D) (1) To ensure the confidentiality of city, state and federal tax information in the possession of the city's Finance Department, all Finance Department employees, any authorized persons or entities conducting research, any persons or entities contracted to provide services for the Finance Department or any other person or entity permitted access to Finance Department records and files, shall execute a form confirming his or her knowledge of the applicable rules, laws and regulations concerning maintaining the confidentiality of certain tax records and information.

(2) Such employee or other authorized individual shall also be familiar with the city, state and federal laws and regulations concerning confidentiality of taxpayer information, and by signing the required acknowledgment he or she must confirm such familiarity with all applicable rules, laws and regulations.

(3) The form is hereby incorporated herein by reference.

(1984 Code, § 110.14) (Ord. O-77-82, passed 11-30-1982; Ord. O-78-82, passed 11-30-1982; Ord. O-13-94, passed 4-12-1994; Ord. O-65-04, passed 12-7-2004; Ord. O-26-17, passed 11-14-2017; Ord. O-18-19, passed 6-24-2019) Penalty, see § 110.99

§ 110.15 USE OF OCCUPATIONAL LICENSE TAX.

All money derived from the license tax under the provisions of this subchapter shall be paid to the city and placed to the credit of the city's General Revenue Fund.

(1984 Code, § 110.15) (Ord. O-77-82, passed 11-30-1982; Ord. O-78-82, passed 11-30-1982; Ord. O-65-04, passed 12-7-2004; Ord. O-18-19, passed 6-24-2019)

RESIDENTIAL RENTAL PROPERTY LICENSE

§ 110.30 LICENSING.

No person, firm, corporation, association, partnership, cooperative or other entity subject to the provisions of this subchapter shall rent or offer for rent a dwelling unit unless the building is covered by both a current, unrevoked business regulatory license as required hereby, and a current, unrevoked rental dwelling license, as required by Ch. 155 of this code of ordinances.

(1984 Code, § 110.24) (Ord. O-95-82, passed 1-11-1983; Ord. O-15-84, passed 2-28-1984; Ord. O-26-85, passed 5-14-1985; Ord. O-41-90, passed 8-31-1990; Ord. O-17-01, passed 5-1-2001; Ord. O-57-01, passed 12-28-2001; Ord. O-4-02, passed 2-5-2002; Ord. O-31-15, passed 8-18-2015) Penalty, see § 110.99

§ 110.31 CARBON MONOXIDE ALARM DEVICES.

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

APPROVED CARBON MONOXIDE ALARM. A carbon monoxide alarm that complies with all requirements of the rules and regulations of the National Fire Protection Association (NFPA) and State Fire Marshal standards and bears the label of a nationally recognized testing laboratory.

NFPA 720. When referenced in this chapter, NFPA 720, Standard for the Installation of Carbon Monoxide Warning Equipment in Dwelling Units, 2005 edition, and as modified thereafter.

RESIDENTIAL RENTAL PROPERTY DWELLING UNIT. A dwelling unit that requires a residential rental property license as set forth in this subchapter.

(B) *Carbon monoxide alarm requirements.*

(1) (a) Every residential rental property dwelling unit in the city shall be equipped with at least one approved carbon monoxide alarm in operating condition within 15 feet of every room used for sleeping purposes.

(b) The carbon monoxide alarm may be combined with smoke detecting devices; provided that, the combined unit complies with the respective provisions of any applicable administrative code, reference standards and state and local regulations relating to both smoke detecting devices and carbon monoxide alarms.

(c) The combined unit must also emit an alarm that clearly differentiates between the two hazards.

(d) Owners of residential rental property units shall have until 6-30-2008, to comply with the terms of this section.

(2) It is the responsibility of the owner of any structure in which a residential rental dwelling unit is located to supply and install all required carbon monoxide alarms in accordance with NFPA 720 standards. If such alarms are battery operated, the owner shall ensure that the alarm batteries are in operating condition at the time the tenant takes possession of the dwelling unit.

(3) (a) It is the responsibility of the tenant to test and to provide general maintenance, including replacement of required batteries, for the alarms within the tenant's residential rental dwelling unit. The tenant shall be responsible to:

1. Maintain the carbon monoxide alarm so that it is operational;
2. Shall maintain its source of energy (i.e., replace batteries, keep the alarm plugged into the electrical socket);
3. Shall promptly report any defects in the unit to the owner or owner's agent; and
4. Shall not modify, damage or tamper with the alarm.

(b) The tenant shall provide the owner or the owner's agent with access to the residential rental dwelling unit to correct any deficiencies in the carbon monoxide alarm device that have been reported by the tenant.

(C) *Exemptions.*

(1) A residential rental property dwelling unit in a building that does not rely on fuel-burning appliances including, but not limited to, devices used for cooking, heating, lighting or decorative purposes, and is not connected in any way to an attached or detached garage (examples of appliances that would not be exempt include wood stoves, wood burning and gas fireplaces, portable space heaters, ranges, furnaces, water heaters, clothes dryers, gas refrigerators and gas lamps); and

(2) A residential rental property dwelling unit that is not adjacent to or above any source of carbon monoxide so as to be at risk of receiving carbon monoxide from that source.

(D) *Enforcement.* City Code Enforcement Department Officers and the city's Fire Department officers shall have jurisdiction to conduct inspections of residential rental dwelling units and to enforce this section.

(1984 Code, § 110.28) (Ord. O-24-07, passed 6-19-2007; Ord. O-33-16, passed 11-15-2016) Penalty, see § 110.99

FRANCHISE FEES

§ 110.45 DEFINITIONS.

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

CITY. The City of Covington, Kentucky, and its successors and assigns.

PERSON. Natural persons, corporations, partnerships, joint ventures, unincorporated associations or any combinations thereof.

(1984 Code, § 114.01) (Ord. O-54-89, passed 7-28-1989)

§ 110.46 FRANCHISE FEES.

(A) As the fee for their franchises with the city, all persons who have a franchise with the city for the use of the public ways and grounds of the city for the transmission and distribution of gas and electricity shall pay to the city within 30 days of the receipt thereof 3% of the gross receipts collected by such person from customers from the sale of gas and electricity within the corporate limits of the city.

(B) The fee shall be applicable to bills rendered to customers on and after 8-1-1989.

(1984 Code, § 114.02) (Ord. O-54-89, passed 7-28-1989)

§ 110.98 INTEREST AND PENALTIES.

(A) All license fees imposed hereby which remain unpaid after they become due shall bear interest at the rate of 1% per month and any person who failed to pay the license fees when the license fees became due shall also be charged a penalty of 5% if the delay is not more than one month, with an additional 5% for each additional month or fraction thereof, but not over a total of 25% of the amount of the unpaid license fees. If any portion of the license is unpaid due to fraud, 50% of the license fee is added as a penalty, in addition to any other penalty herein provided.

(B) In addition to the penalties contained herein and in §110.99 of this chapter, the city may enforce the collection of the residential rental property license fee, penalty and interest thereon, by civil action in a court of appropriate jurisdiction.

(C) The Board of Appeals, as established by §110.13 of this chapter, is empowered to act on appeals related to the residential rental property license fee to the same extent as they are empowered to hear appeals related to other license fees and taxes.

(1984 Code, § 110.98) (Ord. O-26-85, passed 5-14-1985)

§ 110.99 PENALTY.

(A) (1) (a) A business entity subject to tax on net profits may be subject to a penalty equal to 5% of the tax due for each calendar month, or fraction thereof for partial months, 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.

(b) The total penalty levied pursuant to this division (A) shall not exceed 25% of the total tax due; however, the penalty shall not be less than $25.

(2) Every employer who fails to file a return or pay the tax on or before the time prescribed under §§ 110.03 and 110.06 of this chapter may be subject to a penalty in an amount equal to 5% of the tax due for each calendar month or fraction thereof. The total penalty levied pursuant to this division (A)(2) shall not exceed 25% of the total tax due; however, the penalty shall not be less than $25.

(3) 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 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.

(4) Every tax imposed by §§ 110.01 through 110.15 of this chapter, and all increases, interest and penalties thereon, shall become, from the time the tax is due and payable, a personal debt of the taxpayer to the city.

(5) The city may enforce the collection of the occupational tax due under Ord. O-65-04 and any taxes, penalties and interest, as provided herein, by civil action in a court of appropriate jurisdiction. To the extent authorized by law, the city shall be entitled to recover all court costs and reasonable attorney fees incurred by it in enforcing any provision of §§ 110.01 through 110.15 of this chapter.

(6) 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.

(7) Any person who willfully aids or assists in, or procures, counsels or advises in the preparation or presentation of a return, affidavit, claim or other document required under or submitted in connection with §§ 110.01 through 110.15, 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.

(8) 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 §§ 110.01 through 110.15 of this chapter or by the rules of the city or by written request for information to the business entity by the city.

(9) Any person violating the provisions of §110.14 of this chapter by intentionally inspecting confidential taxpayer information without authorization shall be fined not more than $500 or imprisoned for not longer than six months, or both.

(10) Any person violating the provisions of §110.14 of this chapter by divulging confidential taxpayer information shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

(1984 Code, § 110.99)

(B) (1) *General.* Any person, firm or corporation violating any provision of §110.31 of this chapter shall be subject to the penalties as set forth in Ch. 10 and/or Ch. 155 of this code of ordinances.

(2) *Civil penalty*. Any violation of § 110.31 of this chapter is classified as a civil offense pursuant to the authority of KRS 65.8808. The Code Enforcement Board shall have power to issue remedial orders and impose civil fines to enforce § 110.31 of this chapter. Enforcement of § 110.31 of this chapter shall be in accordance with the procedures outlined in the Code Enforcement Board guidelines located in §§ 92.16 through 92.23 of this code of ordinances. Civil fines for violations of § 110.31 of this chapter shall be those set forth in §92.99 of this code of ordinances.

(3) *Liens and costs*. The city shall possess a lien on property for all fines, penalties, charges, attorney's fees and other reasonable costs associated with enforcing § 110.31 of this chapter and placing of a lien on a parcel of real property pursuant to this code of ordinances. The lien shall be superior to and have priority over all other liens, except state, county, school board and city taxes if all legal requirements are satisfied.

(4) *Criminal penalties.* If a tenant knowingly violates §110.31(B)(3) of this chapter, the tenant shall be guilty of a Class A misdemeanor.

(1984 Code, § 110.28)

(Ord. O-77-82, passed 11-30-1982; Ord. O-78-82, passed 11-30-1982; Ord. O-95-82, passed 1-11-1983; Ord. O-13-94, passed 4-12-1994; Ord. O-65-04, passed 12-7-2004; Ord. O-24-07, passed 6-19-2007; Ord. O-31-15, passed 8-18-2015; Ord. O-33-16, passed 11-15-2016)

APPENDIX A: FORM OL-3

APPENDIX A: FORM OL-3

CITY OF COVINGTON, KENTUCKY ANNUAL OCCUPATIONAL FEE & BUSINESS LICENSE RENEWAL RETURN FORM OL-3

www.covingtonky.gov (859)292-2180 fax (859)292-2131

Taxable Year Ended: Month | Day | Year

Print Business Name & Address

Business Entity:
- ☐ Individual
- ☐ Partnership
- ☐ Corporation
- ☐ Other _____

Account #

Social Security# or Federal ID #

NOTE: The Annual Occupational Fee & the $50 Business License Renewal Fee is Due to Maintain a Current License for the Year

Remit To:
CITY OF COVINGTON
20 W. Pike St.
Covington, KY 41011

Due the 15th Day of the 4th Month Following the Close of the Taxable Year

☐ Final Return (Check only to Inactivate Account. Complete Questions Below) ☐ No business activity within Covington during the taxable year

A) ☐ **COVINGTON BUSINESS LICENSE RENEWAL ONLY** (Complete All Questions and Go To Line 12, **ONLY** if no activity during taxable year)

B) If business entity is exempt from paying the occupational fee, state why. ☐ No business activity within Covington during the taxable year

☐ 1 rental unit within Covington and total gross residential rents from all units < $6,000 ☐ Nonprofit entity with no unrelated business income

☐ Other_____ C) Business Phone #_____ D) Principal business activity_____

E) Did the business have employees working within Covington during the taxable year? ☐ No ☐ Yes (If Yes, Indicate the number)_____

F) If business activity was discontinued within Covington, enter the date business ceased operations and state why _____ ☐ Dissolution

☐ Sale. If by sale, give name and address of successor_____ ☐ Other_____

G) Is the Business Entity an Affiliate of a Consolidated Corporate Federal Return? ☐ No ☐ Yes (If Yes, See Specific Instructions for Documentation Requirements)

IMPORTANT

Attach Federal Return

- ☐ Schedule C
- ☐ Schedule E
- ☐ Form 4797
- ☐ Form 6252
- ☐ Form 1065
- ☐ Form 1120S
- ☐ Form 1120
- ☐ Form 8825

Other _____

PART IV: OCCUPATIONAL FEE & BUSINESS LICENSE RENEWAL FEE COMPUTATION

1) Adjusted Net Income (See Reverse, Line L of Part I)	
2) Business Apportionment (Enter 100% or See Reverse, Line 4 of Part III)	
3) Taxable Net Profit (Multiply Line 1 by Line 2)	
4) Occupational Fee (Multiply Line 3 by 2.5%)	
5) Occupational Fee Due (Enter $50 minimum or Line 4, whichever is greater) (Maximum Occupational Fee Due is $40,000)	
6) Less Estimated Payments and Credits of Occupational Fee	( )
7) Balance Occupational Fee Due (Subtract Line 6 from Line 5)	
8) Penalty @ 5% per month or fraction thereof (Minimum $25, Max 25%) (A fraction of a month is counted as an entire month)	
9) Interest @ 1% per month or fraction threreof from Due Date (A fraction of a month is counted as an entire month)	
10) Total Occupational Fee Amount Due (Add Lines 7, 8, and 9)	
11) Business Renewal License Fee Due (Enter $50)	
12) Enter $50 Renewal Fee Credit (Enter $50 Renewal Fee Credit **ONLY** if proof of pymt is attached. Attach Kenton County and Cities' Business License Renewal Return Form ACC1)	( )
13) Total Occupational Fee and Business License Renewal Fee Due (Add Line 10 and Line 11. If applicable, Subtract Line 12)	
14) Overpayment of Fees Claimed (Enter **ONLY** if Line 13 is negative) ☐ Refund ☐ Credit to next year estimated payment	( )

****IMPORTANT****

CREDIT Line 12 ONLY if a Countywide or Covington Only Business License Renewal was purchased from Kenton County. Attach Kenton County and Cities' Annual Business License Renewal

RETURN MUST BE SIGNED - I hereby certify, under penalty of perjury, that the statements made herein and in any supporting schedules are true, correct, complete, and to the best of my knowledge.

PREPARER'S SIGNATURE DATE LICENSEE'S SIGNATURE DATE

PRINT NAME SS# PRINT NAME TITLE

REVISED 1/1/2019

IMPORTANT Enclose Copy of Applicable Federal Form(s)	**CITY OF COVINGTON NET PROFIT WORKSHEET**	Account #

PART I: ADJUSTED NET INCOME

BUSINESS INCOME

A) All business entities enter the net profit or loss as shown on Federal Schedule C and/or E, the ordinary income or loss from Federal Form 1065 or Form 1120S, the taxable income AFTER special deductions and net operating loss from Federal Form 1120, the taxable income from Federal Form 1041, the unrelated business taxable income from Form 990T, or equivalent. *NOTE INDIVIDUALS WITH THE RENTAL OF REAL PROPERTY ALLOCATE 100% TO THE TAX DISTRICT WHERE THE PROPERTY IS LOCATED. _____

B) Individuals that report business income on Federal Schedule C and/or E, enter the gain or loss from the sale of business property used in a trade or business from Federal Form 4797 or 6252 reported on Schedule D _____

C) Partnerships and corporations that are pass-through entities for Federal tax purposes enter the additions from Schedule K of Form 1065, 1120S, or equivalent _____

D) All business entities enter other income items (See Specific Instructions) _____

E) Partnerships and corporations that are pass-through entities for Federal tax purposes enter the allowable subtractions from Schedule K of Form 1065, 1120S, or equivalent _____

F) TOTAL INCOME (Total of lines A through D less line E.) _____

ITEMS NOT DEDUCTIBLE - ADDITIONS TO TOTAL INCOME

G) All business entities add back the state income taxes and occupational license fees based on net or gross income deducted from the Federal return _____

H) Corporations add back the net operating loss allowed under Section172 of the Internal Revenue Code deducted from Federal Form 1120, 1120-REIT, 990T, or equivalent _____

ITEMS NOT TAXABLE - SUBTRACTIONS FROM TOTAL INCOME

I) All business entities subtract the alcoholic beverage sales deduction as calculated in Part II, Line 3 _____

J) All business entities enter other adjustments (See Instructions) _____

K) TOTAL ADJUSTMENTS (Add lines G and H then subtract lines I and J. Enter the total on line K) _____

L) ADJUSTED NET INCOME (Add lines F and K. Enter total here and on front, line 1 of Part IV: OCCUPATIONAL FEE & BUSINESS LICENSE RENEWAL FEE COMPUTATION) _____

PART II: ALCOHOLIC BEVERAGE SALES DEDUCTION

NOTE: "Total Sales" is Total Gross Receipts of Business including Non-Alcoholic Beverage Sales

1) **DIVIDE→** $\frac{\text{Kentucky Alcoholic Beverage Sales}}{\text{Total Sales}}$ = _____ %

2) Enter the total of line F of Part I: ADJUSTED NET INCOME _____

3) Alcoholic Beverage Sales Deduction (Multiply line 1 by line 2. Enter here and line I, Part I) _____

PART III: BUSINESS APPORTIONMENT

All licensees whose business operations were not conducted entirely in the City of Covington must complete this part, regardless of profit or loss. **DIVIDE↓**

	APPORTIONMENT FACTORS	COLUMN A City of Covington	COLUMN B Everywhere	COLUMN C A / B = C
1)	PAYROLL FACTOR Compensation Paid or Payable to Employees			%
2)	SALES FACTOR Gross Receipts from Sales, Rents, Work or Services Performed*			%

*NOTE INDIVIDUALS WITH THE RENTAL OF REAL PROPERTY ALLOCATE 100% TO THE TAX DISTRICT WHERE THE PROPERTY IS LOCATED.

3) TOTAL PERCENTAGES (Add Lines 1 and 2 of Column C) _____ %

4) **BUSINESS APPORTIONMENT** (If your business had both a sales factor and a payroll factor, then divide line 3 by two (2). However, if the business had either a sales factor or a payroll factor, but not both, then enter the single factor percentage here and on front, Line 2 of Part IV: OCCUPATIONAL FEE & BUSINESS LICENSE RENEWAL FEE COMPUTATION.) _____ %

REVISED 1/1/2019

APPENDIX B: FORM 1099-SF

APPENDIX B: FORM 1099-SF

FORM 1099-SF — STATEMENT OF NON-EMPLOYEE COMPENSATION — CITY OF COVINGTON, KENTUCKY — FORM 1099-SF

Type or Print Payers Name and Address

Employers Identification Number _____
Social Security Number _____
Occupational Tax Reporting Number _____
Telephone # _____

FOR CALENDAR YEAR _____

OFFICE USE ONLY	COL 1 NAME (TYPE OR PRINT)	COL 2 STREET ADDRESS CITY-STATE-ZIP CODE	COL 3 RECIPIENT SS#	COL 4 TOTAL NON-EMPLOYEE COMPENSATION PAID	COL 5 AMOUNT OF COL 4 EARNED IN COVINGTON	COL 6 OCCUPATIONAL TAX WITHHELD
	1.					
	2.					
	3.					
	4.					
	5.					

Instructions for preparing City of Covington – Form 1099-SF

GENERAL - Payee should report only those recipients who receive $600.00 or more for services performed in the City of Covington, Kentucky (Entry in Column 5 is greater than or equal to $600.00.)
COLUMN 1 - Enter the name of the individual who received non-employee compensation. (Enter legal name, do not use D/B/A's.)
COLUMN 2 - Enter the mailing address of the recipient of the non-employee compensation. (Home address preferred.)
COLUMN 3 - Enter the social security number or federal identification number of the recipient.
COLUMN 4 - Enter the total amount of non-employee compensation paid to the recipient during the tax year.
COLUMN 5 - Enter the amount of non-employee compensation which was paid to the recipient for services performed within Covington. (Do not complete for any recipient under $600.00 in Covington.)
COLUMN 6 - Enter the amount of occupational tax that was withheld and remitted to the City of Covington on behalf of the recipient of the non-employee compensation. Local taxes should not be withheld from non-employee compensation. However, if you did withhold in error, please record amount in Column 6.

Under penalties of perjury, I declare that I have examined this return, including accompanying documents and to the best of my knowledge and belief, it is true, correct, and complete.

SIGNATURE _____ DATE _____
(Print Name) (Title)

We will not accept Federal Form 1099 Misc. unless accompanied by a statement signed by you certifying that All monies reported were paid for work performed 100% within the City of Covington Limits.
Additional 1099-SF forms are available upon request to this agency or you may submit the requested information on a separate sheet provided that the same indicated format is followed.

REPORTING NON-EMPLOYEE COMPENSATION PAYMENTSTO COVINGTON+
DUE DATE FEBRUARY 28TH

Taxpayers making payments of $600.00 or more to persons other than employees (i.e. non-employee compensation payments) for services performed within Covington are responsible to maintain records of those payments. The taxpayer making the payment will be responsible for completing Form 1099-SF. Form 1099-SF is to be completed and submitted to the City of Covington Finance Department, 20 W PIKE ST. COVINGTON, KY 41011 by February 28th of the year following the close of the calendar year in which the non-employee compensation was paid.

Businesses that make "non-employee compensation" payments to more than 100 individuals may comply with this reporting requirement by submitting copies of Federal Form 1099 MISC for all payments over $600.00 made to individuals with addresses in Covington, Kentucky. Such businesses are not required to identify services performed in Covington.

Form 1099-SF is to be used exclusively for the purpose of reporting non-employee compensation payments to the City of Covington Finance Department, tax collection agent for Covington, Kentucky. The City of Covington Finance Department, will not accept reporting of this information on other forms unless all the information contained on 1099-SF is provided in a similar format.

IMPORTANT – Persons receiving non-employee compensation payments for services performed in Covington will be required to report and pay local tax on that income. Since many persons receiving this income are not aware of the local tax requirement, we ask that you advise them to contact the City of Covington Finance Department to obtain a local tax reporting number and tax forms. The payee's failure to obtain a tax number and file the proper tax forms can result in substantial penalties, fines and court costs.

NOTE: Federal and State governments also have requirements regarding reporting of non-employee compensation. For information pertaining to Federal and State requirements, please contact the Internal Revenue Service and the appropriate State Authority.

CHAPTER 111: ADVERTISING

Section

111.01 Purpose

111.02 Definitions

111.03 Distribution of handbills

111.04 Billposters

111.05 Bills and posters

111.99 Penalty

§ 111.01 PURPOSE.

The purpose of this chapter shall be as follows:

(A) To protect the people against the unlawful activities or operations of dissolute persons of criminal habits or tendencies, representing themselves as solicitors, canvassers or handbill distributors, by requiring the registration of all such solicitors, canvassers or handbill distributors, together with the names of their employers, and by regulating the business of handbill and advertising distribution through the imposition of reasonable license fees;

(B) To protect local residents against trespassing by solicitors, canvassers or handbill distributors on the private property of such residents if they have given reasonable notice that they do not wish to be solicited by such persons or do not desire to receive handbills or advertising matter;

(C) To protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the promiscuous and uncontrolled distribution of advertising matter and commercial handbills; and

(D) To preserve to the people their constitutional rights to receive and disseminate information not restricted under the ordinary rules of decency and good morals and public order, by the promiscuous distribution of advertising and commercial circulars and the right to deliver non-commercial handbills to all who are willing to receive such handbills.

(1984 Code, § 111.001) (Ord. O-16-82, passed 3-16-1982)

§ 111.02 DEFINITIONS.

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

BILLPOSTER. Any person engaging in the business for hire of posting, fastening, nailing or affixing any written, painted or printed matter of any kind, containing a message of information of any kind, to any outdoor billboard, or on any bridge, fence, pole, post, sidewalk, tree or on the exterior of any other structure. This definition shall not apply to or include any sign mounted on, fastened to or suspended from the outside of any building or other structure, in accordance with and authorized by any provision of this code or any statute, either for any public convenience or use or for regulating the construction or use of outdoor display signs whether the display signs are illuminated or not.

COMMERCIAL HANDBILL. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper booklet or any other printed or otherwise reproduced original or copies of any matter of literature:

(1) Which advertises for sale any merchandise, produce, commodity or thing;

(2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales;

(3) Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purposes of private gain or profit; but the terms of this division (3) shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under ordinary rules of decency, goal morals, public peace, safety and good orders; provided that, nothing contained in this division (3) shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind, without a license, where such license is or may be required by any law of the state, or under any ordinances of the city; or

(4) Which, while containing reading matter other than advertisement, and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

HANDBILL DISTRIBUTOR. Any person engaging or engaged in the business for hire or gain of distributing commercial or non-commercial handbills, other than newspapers distributed to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of such handbills.

NEWSPAPERS. Any newspaper of general circulation as defined by general law, and newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording office as provided by general law; and in addition thereto, shall mean and include any periodical or current magazine regularly published with no less than four issues per year, and sold to the public.

NON-COMMERCIAL HANDBILL. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definitions of commercial handbill or newspaper.

PRIVATE PREMISES. Any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily uninhabited or vacant, and shall include any yard, ground, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenance to such dwelling, house, building or other structure.

(1984 Code, § 111.002) (Ord. O-16-82, passed 3-16-1982)

§ 111.03 DISTRIBUTION OF HANDBILLS.

(A) *Throwing or distributing handbills in public places.* No person shall throw or deposit any commercial or non-commercial handbill in or on any sidewalk, street or other public place within the city, or hand out or distribute or sell any commercial handbill in any public place; provided that, any person may hand out or distribute or sell to the receiver thereof any non-commercial handbill to any person willing to accept it.

(B) *Placing commercial and non-commercial handbills on vehicle.*

(1) No person shall throw or deposit any commercial or non-commercial handbill in or on any vehicle.

(2) This division (B) shall not prohibit any person in any public place from handing out or distributing, without charge to the receiver thereof, a non-commercial handbill to any occupant of a vehicle who is willing to accept it.

(C) *Distributing handbills on streets, highways and intersections.*

(1) No person shall, in the course of distributing commercial or non-commercial handbills to occupants of vehicles temporarily stopped on city streets, highways or intersections, distribute handbills if such actions:

(a) Obstruct any public street, highway or intersection by hindering, impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;

(b) Create or cause to be created a danger of breach of the peace; or

(c) Create or cause to be created any danger to the life and safety of pedestrians or occupants of vehicles engaged in lawful passage on any street, highway or intersection.

(2) Whenever any police officer shall, in the exercise of reasonable judgment, decide that the presence of any handbill distributor on a street, highway or intersection is causing any of the conditions enumerated in division (C)(1) above, he or she may, if he or she deems it necessary for the preservation of the public peace and safety, order the person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this division (C).

(D) *Depositing commercial and non-commercial handbills on uninhabited or vacant premises.* No person shall throw or deposit any commercial or non- commercial handbill in or on any private premises which are temporarily or continuously uninhabited or vacant:

(1) Where it is apparent that the property is unoccupied;

(2) Where it is apparent that a previous day's distribution of handbills has not been removed; or

(3) Where the owner has not given his or her permission to do so.

(E) *Distribution of commercial and non- commercial handbills at inhabited private premises.*

(1) No person shall throw, deposit or distribute any commercial or non-commercial handbill in or on private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or on such private premises.

(2) Any person may place or deposit any non-commercial handbill in or on inhabited private premises which are not posted, as provided in division (F) below, unless requested by anyone on such premises not to do so, may place or deposit any such handbill in or on such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places; and, except that, mailboxes may not be so used when so prohibited by federal postal law or regulations.

(3) This division (E) shall not apply to the distribution of mail by the United States, nor to newspapers; except that, newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements on any street, sidewalk or other public place or on private property.

(F) *Distributing handbills prohibited where premises properly posted.* No person shall throw, deposit or distribute any commercial or non- commercial handbill on private premises, if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof, a sign bearing the words "No Trespassing", "No Peddlers or Agents", "No Advertisement" or any similar notice, indicating in any matter that the occupants of the premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left on such premises.

(G) *Hours of distribution.* No person shall distribute or deposit any commercial or non- commercial handbills daily from 8:00 p.m. to 8:00 a.m. of the following morning.

(H) *Commercial distributors of handbills; license required.*

(1) No person shall engage in the business of a handbill distributor for hire, without first complying with the provisions of this chapter and all other relevant laws and regulations.

(2) Nothing contained in this chapter shall apply to any person advertising his or her business or activity on his or her own premises, if such business or activity is regularly established at a definite location in the city, and if a license has been obtained therefor, if a license is required under the terms of any applicable law or ordinance.

(I) *Application for commercial distributor's license; contents.*

(1) Any person desiring to engage, as principal, in the business of distributing commercial or non-commercial handbills for hire, shall make application to and receive from the Finance Department, a distributor's license. Such applicant shall make written application to the Finance Department on forms provided for such purpose by the Finance Department.

(2) The forms shall contain, among other things that may be required, the name, the business

address and a brief description of the nature of the business to be conducted by the applicant, the probable number of agents and employees so to be engaged, together with a request for a license for the period for which the applicant seeks to engage in such business.

(J) *License fees.* License fees for a commercial distributor's license shall be set by the Board of Commissioners.

(K) *Transferability of commercial distributor's license.* No license issued under this chapter shall be transferable to any other person.

(L) *Refund of license fees.* If any commercial distributor's license is surrendered by the licensee or is revoked for cause, neither the licensee named in such license nor any other person shall be entitled to any refund of part of the license fee.

(M) *Revocation of commercial distributor license.* The Board of Commissioners may revoke any license obtained under an application containing a false or fraudulent statement knowingly made by the applicant with intent to obtain a license by means of false or fraudulent representations or for violation of this section or any other grounds specified by law.

(N) *Exemptions from section.* The provisions of this section shall not be deemed to apply to distribution of mail by the United States, nor to newspapers.

(O) *Commercial handbills; names of printer and distributor required.* All commercial handbills which are distributed, deposited, scattered, handed out or circulated in any place or under any circumstances shall have printed on the corner, front or back thereof, the following information:

(1) The name and address of the person who printed, wrote, compiled or manufactured such handbill; and

(2) The name and address of the person who caused such handbill to be distributed.

(1984 Code, § 111.003) (Ord. O-64-71, passed 12-9-1971; Ord. O-16-82, passed 3-16-1982) Penalty, see § 111.99

§ 111.04 BILLPOSTERS.

(A) *License required; exception.*

(1) No person shall engage in the business of a billposter for hire without first complying with the terms of this chapter and all other relevant laws and regulations.

(2) Nothing contained in this chapter shall apply to any person advertising his or her business or activity on his or her own premises, if such business or activity is regularly established at a definite location in such city, and also if a license has been obtained therefor, if such license is required under the terms of any applicable law or ordinance.

(B) *Application for billposter's license.*

(1) Any person desiring to engage, as principal, in the business of a billposter for hire shall make application to and receive from the Finance Department a license in the manner and for the period prescribed by the terms of this chapter. Such applicant shall make written application to the Finance Department on forms provided for such purpose by the Finance Department.

(2) The forms shall contain, among other things that may be required, the name, the business address and a brief description of the nature of the business to be conducted by the applicant, the probable number of agents and employees so to be engaged, together with a request for a license for the period for which the applicant seeks to engage in such business. Such application shall be accompanied by the fee provided by the Board of Commissioners.

(C) *Transferability of billposter's license.* No license issued under this section shall be transferable to any other person.

(D) *Refund of license fee.* If any billposter's license is surrendered by the licensee, or is revoked for cause, neither the licensee named in such license, nor any other person, shall be entitled to any refund of any part of the license fee.

(E) *Revocation of billposter's license.* The Board of Commissioners may revoke any license obtained under an application containing a false or fraudulent statement knowingly made by the applicant with intent to obtain a license by means of false or fraudulent representations or for violation of this chapter or any other grounds specified by law.

(1984 Code, § 111.004) (Ord. O-16-82, passed 3-16-1982) Penalty, see § 111.99

§ 111.05 BILLS AND POSTERS.

(A) *Posting notices prohibited; exception.* No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or on any public structure or building, except as may be authorized or required by law.

(B) *Advertisements on sidewalks prohibited.* No person shall print or paint any signs or advertisements for any purpose whatsoever on the sidewalks of the city.

(C) *Bill posting without property owner's consent prohibited.* No person shall post, paint, burn, sit up or expose any bill, placard or advertisement, or cause the same to be posted, painted, burnt, set up or exposed on the property or premises of any other person without first obtaining the consent of the legal owner or custodian of such property or premises.

(D) *Removing or defacing bills prohibited.* No person shall willfully or recklessly remove, tear down, deface, injure or destroy any written or printed handbill, poster or other notice or advertisement of like character legally posted or otherwise legally displayed, in any public place in the city, so long as the same shall be of value for the purposes thereof to the person who posted or displayed the same, or caused it to be posted or displayed.

(E) *Posting bills on utility poles.* No person shall paint, post, paste or otherwise in any manner attach any bills, posters, streamers or display advertisements on any telephone, telegraph or electric light poles located on the streets, thoroughfares or alleys in the city.

(F) *City employees to remove bills or advertisements.* The employees of the Police Department and the employees of the General Services Department shall tear down or remove any bills, posters or display advertisements in any manner attached to any telephone, telegraph or electric light poles. This section shall not apply to traffic signs.

(G) *Permits for signs and advertisements on and across streets.* No person shall erect, hang or display signs and advertisements for any purpose whatsoever on and across the streets and public thoroughfares of the city, without first obtaining a permit from the City Manager.

(1984 Code, § 111.005) (Ord. O-64-71, passed 12-9-1971; Ord. O-16-82, passed 3-16-1982; Ord. O-85-86, passed 1-13-1987) Penalty, see § 111.99

§ 111.99 PENALTY.

Any person found guilty of violating any provision of this chapter shall be deemed guilty of a violation and shall be fined not less than $10, nor more than $100.

(1984 Code, § 111.999) (Ord. O-16-82, passed 3-16-1982; Ord. O-13-94, passed 4-12-1994)

CHAPTER 112: ALCOHOLIC BEVERAGES

Section

112.01 Definitions

112.02 Hours of operation

112.03 Use of revenue

112.04 City Administrator

112.05 Entertainment destination centers

112.06 Licensing and hearings

112.07 Package retail liquor outlet

112.08 Special Sunday retail drink license

112.09 2:30 a.m. permits

112.10 Nude performances prohibited

112.11 Solicitation for the purchase of alcoholic beverages prohibited

112.12 Alcohol warning signs; drinking alcohol during pregnancy

112.99 Penalty

§ 112.01 DEFINITIONS.

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

ALCOHOLIC BEVERAGES.

(1) Every liquid or solid, whether patented or not, containing alcohol and capable of being consumed by human beings; and

(2) It includes every spirituous or imitation liquor sold under any name, commonly used for ***ALCOHOLIC BEVERAGES***, excepting the products excluded therefrom by the provisions of the Alcoholic Beverage Control Act of the state, being KRS Ch. 241 to 244.

CITY ADMINISTRATOR. The City Alcoholic Beverage Control Administrator.

CUSTOMER. Any person at least 21 years old.

DISTILLED SPIRITS or ***SPIRITS.*** Any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by KRS Ch. 242 obtained by distilling, mixed with water or other substances in solution, except wine, hard cider and malt beverages.

MALT BEVERAGES. Any fermented, undistilled alcoholic beverage of any kind or description, manufactured from malt, wholly or in part, or from any substitute for malt having an alcoholic content greater than that permitted under KRS Ch. 242.

SALE. Any transfer, gift, exchange or barter and includes all sales made by any person, whether proprietor, agent, servant or employee of any alcoholic beverage.

WINE.

(1) The product of the normal alcoholic fermentation of the juices of fruits, with the usual processes of manufacture and normal additions, and includes champagne and sparkling and fortified wine of an alcoholic content not to exceed 24% by volume.

(2) It includes cider, hard cider and perry cider and also includes preparations or mixtures vended in retail containers if these preparations or mixtures contain not more than 15% of alcohol by volume. It includes ciders, perry or sake.

(1984 Code, § 111.020) (Ord. O-6-82, passed 2-2-1982; Ord. O-11-82, passed 2-16-1982; Ord. O-27-97, passed 9-2-1997; Ord. O-36-13, passed 10-22-2013)

Statutory reference:

Alcoholic beverages, see KRS Ch. 242 through 244

§ 112.02 HOURS OF OPERATION.

(A) A premises licensed to sell distilled spirits or wine at retail by the drink shall not be permitted to remain open for any purpose between the hours of 1:00 a.m. and 6:00 a.m. or between the hours of 1:00 a.m. Sunday, and 6:00 a.m. Monday, and no person shall be permitted to remain within the licensed premises between these hours other than owners, employees or subcontractors while performing work on the licensed premises, including, but not limited to, plumbing, cleaning or electrical repair.

(B) Malt beverages by the drink or by the package shall not be sold between the hours of 1:00 a.m. and 6:00 a.m., Monday through Saturday, or between the hours of 1:00 a.m., Sunday, and 9:00 a.m., Sunday.

(C) Distilled spirits and wine by the package shall not be sold between the hours of 1:00 a.m. and 6:00 a.m., Monday through Saturday, or between the hours of 1:00 a.m., Sunday, and 9:00 a.m., Sunday.

(D) (1) No holder of a distributor's license shall distribute and sell by wholesale any distilled spirits, wine, or malt beverages between the hours of 7:00 p.m. and 6:00 a.m., except on Saturdays when the hours of such deliveries shall be between 6:00 a.m. and midnight.

(2) No holder of a distributor's license shall distribute and sell by wholesale any such beverages at any time during the 24 hours of a Sunday.

(E) (1) Those premises which have obtained a special Sunday retail drink license may remain open between the hours of 9:00 a.m., Sunday, and 1:00 a.m., Monday, and may sell distilled liquor by the drink and/or wine by the drink.

(2) Premises for which there has been granted a non-quota Type 4 retail malt beverage drink license shall be permitted to serve malt beverages by the drink on Sunday from 9:00 a.m. until 1:00 a.m. on the following Monday.

(3) Those premises which have obtained a 2:30 a.m. permit may remain open an additional one and one-half hours between the hours of 1:00 a.m. and 2:30 a.m. and are permitted to sell malt beverages, distilled spirits and wine by the drink, so long as the premises are properly licensed to do so.

(4) Those premises which have been granted a city special event permit and applicable state and local special temporary license may sell and serve alcohol by the drink between the hours of 6:00 a.m. and 9:00 a.m. on Sunday, provided all conditions associated with the aforementioned permit and licenses are satisfied.

(1984 Code, § 111.021) (Ord. O-6-82, passed 2-2-1982; Ord. O-6-88, passed 2-9-1988; Ord. O-14-01, passed 4-3-2001; Ord. O-64-04, passed 11-9-2004; Ord. O-16-06, passed 4-11-2006; Ord. O-36-13, passed 10-22-2013; Ord. O-24-17, passed 10-24-2017; Ord. O-03-19, passed 2-26-2019; Ord. O-19-23, passed 12-5-2023) Penalty, see § 112.99

§ 112.03 USE OF REVENUE.

All moneys derived from the collection of license taxes provided for herein shall be paid into and become a part of the General Fund of the city.

(1984 Code, § 111.022) (Ord. O-6-82, passed 2-2-1982)

§ 112.04 CITY ADMINISTRATOR.

(A) *Creation of office.* There is created the office or position of City Administrator, pursuant to and under the authority of the act of the General Assembly of the state, known as the Alcoholic Beverage Control Act, being KRS Ch. 241 to 244.

(B) *Compensation.* Any compensation to be paid the City Administrator shall be established by the city's salary ordinance or the city's annual budget ordinance.

(C) *City Administrator enforcement of section, duties and rule-making powers.*

(1) The City Administrator shall be charged with the enforcement of the state's Alcoholic Beverage Control Act, being KRS Ch. 241 to 244, and all other laws and ordinance, rules and regulations providing for the regulation of the manufacture and traffic in alcoholic beverages.

(2) (a) The City Administrator shall enter in a file, kept for that purpose, all orders, certificates and approvals of applications issued by him or her concerning the privilege of the manufacture and traffic in alcoholic beverages.

(b) The City Administrator shall be empowered to do all and sundry of those things required of him or her, pursuant to the Alcoholic Beverage Control Act, being KRS Ch. 241 to 244 and existing ordinances, rules and regulations of the city and such other laws and ordinances as may from time to time become effective.

(3) The City Administrator shall be empowered to make such rules and regulations as are necessary properly to enforce the above laws and not in conflict herewith.

(D) *Appointment; oath; bond.* The City Administrator shall take office on his or her appointment and on taking the oath as required by applicable state law.

(E) *Functions of City Administrator.* The functions of the City Administrator shall be in accord with the provisions of the laws of the state pertaining to alcoholic beverages, their administration and control.

(F) *Action on license application; appeals.*

(1) When an application is filed with the City Administrator for a license to do business in accord with the provisions of this chapter, the City Administrator shall either approve or disapprove the application, transmitting the application, together with his or her recommendations thereon, and the reasons therefor, to the state's Department of Alcoholic Beverage Control.

(2) Appeals from order of the City Administrator shall be prosecuted in accord with the provisions of the laws of the state.

(1984 Code, § 111.023) (Ord. O-6-82, passed 2-2-1982; Ord. O-13-94, passed 4-12-1994; Ord. O-01-20, passed 1-14-2020)

Statutory reference:

Alcoholic beverages, see KRS Ch. 242 et seq.

City Administrator, see KRS 241.160

§ 112.05 ENTERTAINMENT DESTINATION CENTERS.

(A) *Economic growth and tourism.*

(1) This section is hereby established pursuant to applicable state laws and regulations regarding an entertainment destination center or "EDC" premises.

(2) Pursuant to applicable law, this section confirms that an entertainment destination center licensed premises would aid economic growth and tourism in the city for the following applicant(s):

(a) Rivercenter Entertainment Venues, LLC, dba Piazza at Rivercenter; and

(b) City of Covington, Kentucky.

(B) *Boundaries.* Pursuant to applicable state regulations, geographic boundaries in which one or more state-issued entertainment destination center licenses are allowed are hereby identified as all of the area that lies within and adjacent to the following description:

> Beginning at a point on the westernmost parcel line for parcel number 040-34-04-008.00 at the Ohio River's south bank, south along said parcel line until turning eastward along the southernmost parcel line for said parcel, then turning south along the westernmost right-of-way boundary for Bakewell Street, then turning west at the north westernmost right-of-way boundary on W. 5th Street and continuing west until the north easternmost right-of-way boundary at the intersection of W. 5th Street and Philadelphia Street, then turning south along the easternmost right-of-way boundary on Philadelphia Street until reaching the south easternmost right-of-way boundary on W. 6th Street, then turning east along the southernmost boundary of W. 6th Street until reaching the south westernmost right-of-way boundary for the intersection of W. 6th Street and Bakewell Street, then turning south on Bakewell Street along the westernmost right-of-way boundary until the south westernmost right-of-way boundary at the intersection of Bakewell Street and W. 7th Street, then turning east along the southernmost right-of-way boundary on W. 7th Street until reaching the south easternmost right-of-way boundary at the intersection of Main

Street and W. 7th Street, then turning north at the south easternmost right-of-way boundary at the intersection of Main Street and W. 7th Street and continuing north along the easternmost right-of-way boundary along Main Street until reaching the south easternmost right-of-way boundary at the intersection of Main Street and W. 6th Street, then turning east along the southern most right-of-way boundary along W. 6th Street until reaching the north westernmost right-of-way boundary at the intersection of W. 6th Street and Russell Street, then turning south along the westernmost right-of-way boundary of Russell Street until reaching the south westernmost right-of-way boundary at the intersection of Russell Street and W. 8th Street, then turning east along the southernmost right-of-way boundary along W. 8th Street until reaching the south easternmost right-of-way boundary at the intersection of W. 8th Street and Madison Avenue, then turning north along the westernmost right-of-way boundary along Madison Avenue until reaching the south easternmost right-of-way at the intersection of Madison Avenue and E. 5th Street, then turning east along the southernmost right-of-way boundary along E. 5th Street until reaching the south easternmost right-of-way boundary at the intersection of E. 5th Street and Scott Street, then turning north along the easternmost right-of-way boundary along Scott Street until reaching the south easternmost right-of-way boundary at the intersection of Scott Street and E. 4th Street, then turning east along the southernmost right-of-way boundary long E. 4th Street until reaching the south easternmost right-of-way boundary at the intersection of E. 4th Street and Greenup Street, then turning north long the easternmost right-of-way boundary along Greenup Street and continuing north along the easternmost right of way boundary of Riverside Place to the south westernmost point of parcel number 054-14-00002.00 and continuing north along said parcel until southern bank of the Ohio River, then turning west along the southern bank of the Ohio River back to the point of origin.

(C) (1) Each business located within the EDC that sells alcoholic beverages shall hold the necessary alcoholic beverage license or licenses for its premises.

(2) A licensee within or adjacent to the EDC may sell alcoholic beverages from one or more non-permanent locations within any common area of the EDC if:

(a) The licensee holds a supplemental bar license for each non-permanent location; and

(b) The licensee holds written permission for these sales by the EDC licensee.

(D) Patrons may take lawfully purchased alcoholic beverage drinks from licensed premises located within or adjacent to the EDC to other licensed premises or to a common area within the EDC, subject to applicable state laws.

(E) (1) For any EDC licensed premises where the City of Covington is the EDC licensee, the city reserves the right to determine the most appropriate use of the EDC licensed premises through its special event permit ordinance.

(2) A special event permit shall authorize the event organizer to hold an event within the city's EDC licensed premises.

(3) By locating an approved event within the city's EDC licensed premises, patrons may bring beverages from other business' licensed premises into the special event permit boundaries and common areas and vice versa, subject to applicable state laws and applicable restrictions set forth with the special event permit process.

(4) Any such event shall be restricted in location so that its borders fall entirely within the city's EDC boundaries.

(5) The city, through the special event permit ordinance and process, shall ensure that any organizer of a special event within the EDC maintains adequate security, ensures any portion of public thoroughfare is controlled in a manner that ensures public safety and pedestrian protection from vehicular traffic, and prohibits patrons from taking alcoholic beverages outside the physical boundaries of the EDC.

(Ord. O-16-18, passed 3-27-2018; Ord. O-13-19, passed 5-28-2019; Ord. O-19-23, passed 12-5-2023)

§ 112.06 LICENSING AND HEARINGS.

(A) *Licenses required; fees.*

(1) *Schedule of licenses and fees.*

(a) For the privilege of trafficking in alcoholic beverages in the city, and pursuant to the

authority of KRS 243.070, there is hereby established a corresponding city license for each of the state licenses described in the following schedule.

(b) The actions, business and transactions authorized and permitted thereby shall be the same as those of the state licenses to which the city licenses correspond and which are indicated and described in the sections of state law indicated in the following schedule, and no person shall engage in any such action, business or transaction within the city without having first obtained the applicable state and city licenses to do so. The fees for such city licenses shall be as indicated in the following schedule and shall be per annum unless otherwise specified.

License	Statutory Authorization	Description of Authorized Business and Transactions	Fee
License	Statutory Authorization	Description of Authorized Business and Transactions	Fee
Authorized public consumption license	KRS 243.070(16)	KRS 243.089	$250
Bottling house or bottling house storage license	KRS 243.070(12)	KRS 243.035	$500
Brewer's license	KRS 243.070(13)(a)	KRS 243.150	$500
Caterer's license	KRS 243.070(11)	KRS 243.033	$400
Distiller's license	KRS 243.070(2)(a)	KRS 243.120	$500
Extended hours supplemental license	KRS 243.070(10)	KRS 243.050(1)	$400
Limited golf course license	KRS 243.070(15)(b)	KRS 243.039	$600
Limited restaurant license	KRS 243.070(14)(b)	KRS 243.034	$600
Malt beverage brew-on-premises license	KRS 243.070(13)(f)	804 KAR 4:340	$100
Malt beverage distributor's license	KRS 243.070(13)(c)	KRS 243.180	$300
Microbrewery license	KRS 243.070(13)(b)	KRS 243.157	$500
Non-quota retail malt beverage package license (NQ)	KRS 243.070(13)(d) KRS 243.070(18)	KRS 243.280	$200
Non-quota Type 1 retail drink license (NQ1)	KRS 243.070(5)	KRS 243.082	$600
Non-quota Type 2 retail drink license (NQ2)	KRS 243.070(6)(b)	KRS 243.084	$600
Non-quota Type 3 retail drink license (NQ3)	KRS 243.070(7)	KRS 243.086	$250
Non-quota Type 4 retail malt beverage drink license (NQ4)	KRS 243.070(13)(e) KRS 243.070(18)	KRS 243.088	$200
Quota retail drink license	KRS 243.070(3)(b)	KRS 243.250	$600
Quota retail package license	KRS 243.070(2)(d)	KRS 243.240	$1,000
Rectifier's license (Class A)	KRS 243.070(2)(b)(1)	KRS 243.130	$500
Rectifier's license (Class B)	KRS 243.070(2)(b)(2)	KRS 243.130	$500
Special Sunday retail drink license	KRS 243.070(9)	KRS 243.050(2)	$250
Special temporary alcoholic beverage auction license	KRS 243.070(8)	KRS 243.036	$50 per event
Special temporary license	KRS 243.070(4)(b)	KRS 243.260	$50 per event
Supplemental bar license	KRS 243.070(17)	KRS 243.037	As provided in division (A)(2)(b)
Wholesaler's license	KRS 243.070(2)(c)	KRS 243.160 KRS 243.170	$2,000

(2) *Miscellaneous fees.*

(a) The holder of a non-quota retail malt beverage package license may obtain a non-quota Type 4 malt beverage drink license for a fee of $50 per annum. The holder of a non-quota Type 4 malt beverage drink license may obtain a non-quota retail malt beverage package license for a fee of $50 per annum.

(b) The fee for each of the first five supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental bar license issued in excess of five to the same licensee at the same premises.

(3) *Prorate license fees.*

(a) When any person applies for a new or transfer of an existing license authorized to be issued pursuant to the provisions of this section after February 1 of any year, he or she shall be charged, if the license is issued, an amount equal to as many twelfths of the annual license fee as there are calendar months, including the month in which the license is granted, until the following November 30; provided, however, that, no license shall be issued for less than 50% of the annual license fee. If the license being sought is a batch license, any person or entity applies for a new or transfer of such license authorized pursuant to the provisions of this section after November 1 of any year, he or she shall be charged, if the license is issued, an amount equal to as many twelfths of the annual license fee as there are calendar months, including the month in which the license is granted, until the following August 31; provided, however, that, no batch license shall be issued for

less than 50% of the annual license fee.

(b) No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.

(4) *Delinquent financial claims*. No license for the sale or manufacture of alcoholic beverages shall be granted or renewed for the operation on any premises, or to any person, firm, partnership or corporation, on or against which taxes, assessments or other financial claims of the city are delinquent or unpaid.

(B) *License application; contents.*

(1) Any person desiring to engage in any business or transaction in the city referenced in the division (A)(1) above licensing schedule shall, before so doing, file with the City Administrator an application on forms provided by the city, which shall be verified and contain the following information:

(a) The name, age, address and residence of each applicant and if there is more than one and they are partners, the partnership, names and their addresses; and, if the applicant is a corporation, the application shall contain the name and address of the corporate officers, the board of directors, any stockholder that owns more than 50% of the stock and the name and address of the agent for service of process;

(b) Whether or not the applicant is a citizen and resident of the state and for what period of time;

(c) The name and address of each person interested or to become interested in the business for which the license is being sought, together with the nature of that interest, and if the applicant is a corporation; the names, addresses and agents of each officer, director and managerial employee and the name of the state under the law of which such corporate applicant is incorporated;

(d) The street and number of the premises to be licensed, whether or not the applicant is the owner of such premises or what interest he or she has therein and the name and address of any other person, either as principal or associate, who is interested with applicant either in the premises or in the business to be licensed;

(e) A statement that the applicant will, in good faith, abide by every statute, federal or state, and the ordinances of the city relating to the manufacture, sale and transportation of alcoholic beverages that may or shall be in force pertaining thereto; and

(f) A statement that neither the applicant nor any person interested or to become interested therein has been convicted of any felony at any time or convicted of any misdemeanor or violation directly or indirectly attributable to the use, manufacture, sale or traffic in alcoholic beverages within two years preceding the date of application and that he or she has not had any license that has been issued to him or her for such purposes, suspended or revoked for cause within two years prior to the date of such application.

(2) If the City Administrator is satisfied hat the license should be granted, an order shall be passed to that effect and thereupon a license shall be issued to the applicant.

(C) *Certified check required; refund on rejection.* All applications filed for a license pursuant to this section shall be accompanied by a certified check in the amount of the cost of the license applied therefor. If the application for the license shall be rejected, the check shall be immediately returned to the applicant.

(D) *Change in fact situation after issuance of license; supplemental statements.*If, after a license has been issued, there is a change in any of the facts required to be set forth under this section, a verified supplemental statement, in writing, giving notice of such change shall be filed with the City Administrator within ten days after such change occurs.

(E) *Conditions of premises.*

(1) No license for the sale of alcoholic beverages at retail shall be issued for any premises, unless the applicant for the license is the owner of the premises or is in possession of the premises under a written lease for a term not less than the license period.

(2) No premises shall be licensed for the sale of alcoholic beverages at retail, except where the licensee's premises and the entrance to the premises are on the street level and located in a business center or on a main thoroughfare.

(F) *Location of premises to be licensed.*

(1) No license for the sale of alcoholic beverages at retail shall be issued for any premises that is located on the same street as and within 200 feet of a building occupied exclusively as a school, hospital, or place of worship, without giving a ten-day written notice to the governing authority of the school, hospital or place of worship, setting forth the kind of license for which the applicant intends to apply. Such notice must be sent by registered mail through the post office of the United States, and the return registered mail receipt and a copy of the notice shall be attached to the application at the time application is made.

(2) The section shall not apply to a hotel, drug store or private club which has been bona fide in business as a licensee at the location for not less than one year preceding the passage of the Alcoholic Control Administration Act of 1938.

(3) Measurement of the 200-foot distance referred to shall be taken on the street on which the licensee's premises are located in a straight line from the nearest property line of the real estate on which is located the building used for the school,

hospital or place of worship, to the nearest property line of the real estate on which is located the building for which a license is sought.

(G) *Qualification of licensee.*

(1) No natural person shall become a licensee under the provisions of this section who:

(a) Has been convicted of any misdemeanor or felony directly or indirectly attributable to the use of alcoholic beverages within two years preceding the application;

(b) Is under the age of 21 years; or

(c) Is not an actual bona fide resident of the state or of the United States.

(2) No partnership, limited partnership, limited liability company or corporation shall become a licensee under the provisions of this section if any member of the partnership or any of the directors, principal officers or managers would not qualify as a licensee under divisions (G)(1)(a) or (G)(1)(b) above.

(H) *Licenses; expiration date.* All licenses issued under or pursuant to the provisions of this section shall expire at midnight on November 30 of each year. Notwithstanding the foregoing, if a license holder has properly obtained permission from the state's Department of Alcoholic Beverage Control to renew licenses on a batch basis, the city license shall be renewable on the date consistent with the batch renewal date determined by the state's Department of Alcoholic Beverage Control.

(I) *Contents of license.* All licenses issued pursuant to this section shall contain the following information:

(1) The name and address of the licensee;

(2) The number of the license;

(3) The type of license;

(4) A description by street and number of the licensed premises;

(5) The name and address of the owner of the building in which the licensed premises are located;

(6) The expiration date of the license; and

(7) A statement in substance that the license shall not be a property or vested right and that it may be revoked or suspended at any time pursuant to law.

(J) *Display of license; duplicate licenses.*

(1) Before commencing or doing any business for the time for which a license has been issued, the license shall be posted and at all times displayed in a conspicuous place in the room or principal room where the business is carried on so that all persons visiting the place may readily see the license.

(2) Whenever a license is lost or destroyed without the fault of the licensee or his or her agent or employee, a duplicate license shall be issued on proof of loss satisfactory to the City Administrator and upon the payment of a fee of $5.

(K) *License revocation or suspension.*

(1) Any license issued pursuant to this section may be revoked or suspended by the City Administrator, after complying with the hearing requirements below, for the following causes:

(a) Conviction of the licensee or his or her agent or employee of selling any illegal beverages on the premises licensed;

(b) If the licensee makes any false material statements in an application for a license;

(c) If the licensee violates any provisions of the laws of the state, the United States Government or the ordinances of the city, pertaining to alcoholic beverages, their regulation and control;

(d) Conviction of the licensee of any felony;

(e) Conviction of the licensee, or his or her agent who controls or operates the licensee's premises, of any offense pertaining to prostitution, illegal gambling, knowingly possessing or receiving stolen property, sale or use of illegal drugs or the illegal sale or use of controlled substances or prescription drugs;

(f) If the licensee allows the premises to be used as the site for any criminal activity nuisance, as defined by §92.10 of this code of ordinances;

(g) If the licensee allows the premises to be used as the site for any public nuisance, as defined in §92.05 of this code of ordinances;

(h) If licensee allows the premises to be used as the site for a unlicensed sexually-oriented business;

(i) If the licensee is delinquent or in default of an obligation to pay a loan, fine, lien or other financial obligation to the city, then license is subject to suspension until the obligation is satisfied; or

(j) If the licensee is in violation of any provision of the Kentucky Standards of Safety (Fire Prevention Code), as adopted by the city pursuant to § 91.05 of this code of ordinances, or has failed to obtain a fire inspection of the licensed premises within the past 12 months. It shall be a defense to this division (K)(1) that the Fire Department has failed to conduct an inspection of the licensee's premises, unless such failure was the result of obstruction or interference by the licensee.

(2) The existence of any delinquent or unpaid city taxes, assessments or other financial claims against or on any person, firm, partnership, corporation or premises, licensed for the sale or manufacture of alcoholic beverage shall be cause for revocation of the license of the person, firm, partnership or corporation or for the premises.

(L) *Suspension of license.* The City Administrator may, after a hearing, order a suspension of the license for up to 180 days for any cause which he or she may, but is not required to, revoke under the provisions of the Alcoholic Beverage Control Act of the state, being KRS Ch. 241 to 244 and the ordinances of the city. The suspended licensee may pay a fine of $50 per day in lieu of the suspension, subject to the approval of the City Administrator. The City Administrator shall issue a written order of such suspension via regular United States mail to the licensee's address indicated on the license.

(M) *Issuance of license after revocation.* Any person, partnership, LLC or other corporate entity who has suffered, or any of its members or partners have suffered, a revocation under the provisions of this section shall not again be licensed for that purpose within a period of two years after the date of revocation.

(N) *Conditions of accepting license.* All licenses issued pursuant to this section shall be accepted by the applicant subject to the following conditions.

(1) The premises so licensed shall be subject to the entry of police, the City Administrator or other duly authorized representatives of the city, at all reasonable hours for the purpose of inspection and search, and for the removal from the premises of all things and articles contained on the premises in violation of the ordinances of the city and the laws of the state.

(2) The licensee holding a license pursuant to this chapter shall not sell any alcoholic beverages behind blinds or screens, but such sales shall be conducted openly and without any attempt to hide or screen the sales from the public view, in conformity with state law.

(3) No person licensed to sell alcoholic beverages at retail shall cause, suffer or permit the licensed premises to be disorderly. The license of any establishment deemed to be a disorderly premises may be subject to revocation or suspension. Acts which constitute disorderly premises consist of causing, suffering or permitting patrons, the licensee, or the licensee's servants, agents or employees, to cause public inconvenience, annoyance or alarm or creating a risk through:

(a) Engaging in fighting or in violent, tumultuous or threatening behavior;

(b) Making excessive noise in violation of the following standards;

1. *Excessive daytime noise.* Any sound or amplified sound between the hours of 8:00 a.m. through 10:00 p.m. Sunday through Thursday or from 8:00 a.m. to 11:00 p.m. Friday and Saturday that is plainly audible at the following distances:

a. One hundred feet from the source of the noise when it originates on public property within the city; or

b. One hundred feet from any point on the property line when the noise originates from private property within the city.

2. *Excessive nighttime noise.* Any sound or amplified sound between the hours of 10:00 p.m. through 8:00 a.m., beginning Sunday night through Friday morning, and from 11:00 p.m. to 8:00 a.m., beginning Friday night through Sunday morning, that is plainly audible at the following distances:

a. Fifty feet from the source of the noise when it originates on public property within the city; or

b. Fifty feet from any point on the property line when the noise originates from private property within the city;

(c) Refusing to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard or other emergency;

(d) Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose;

(e) Creating a public nuisance;

(f) Engaging in criminal activity that would constitute a capital offense, felony or misdemeanor; or

(g) Failing to maintain the minimum health, fire, safety or sanitary standards established by the state or a local government, or by state administrative regulations, for the licensed premises.

(4) Treating, or giving away alcoholic beverages at no cost to the customer, shall be unlawful and is forbidden.

(5) No alcoholic beverages shall be sold or dispensed to any minor nor shall the licensee sell, give away, furnish or permit to be consumed on the premises any alcoholic beverages during hours when the sale of alcoholic beverages is prohibited. In the event a licensee hereunder is also engaged in the business of operating a delicatessen, grocery, restaurant or other such establishment, he or she may keep his or her place of business open during the prohibited hours

heretofore set out. The licensee must cover all alcoholic beverages or conspicuously post a sign which indicates that the alcoholic beverages are not available for sale or make the alcoholic beverages completely inaccessible to the public. Failure to so comply shall be deemed a violation of this section.

(O) *Placing of license in dormancy.* Any alcoholic beverage license holder who places his or her license in dormancy in accordance with the regulations of the state's Department of Alcoholic Beverage Control or pursuant to state statute shall also automatically, without further action or approval, have placed his or her city alcoholic beverage license in dormancy. The obligation to pay license fees to the city shall continue while any alcoholic beverage license is in dormancy.

(P) *Hearings.* Revocation or suspension proceedings shall be governed as follows.

(1) *Notice of hearings.* The City Administrator shall provide written notice, via regular United States mail or hand delivery to the licensee, notice of any hearing related to the possible suspension or revocation of the licensee's alcoholic beverage license. The address provided by the licensee to the city on its license application shall be deemed the address for notice of hearing. The licensee shall notify the city of any change of address subsequent to the submission of an application for license. Notice to the licensee must be postmarked at least seven days prior to the hearing. Notice of any hearing shall be publicly posted a City Hall at least 24 hours prior to the hearing.

(2) *Procedure.*

(a) The City Administrator shall be the hearing officer for any proceedings related to the possible suspension or revocation of any city alcoholic beverage license.

(b) Any hearing before the City Administrator shall be a public hearing and conducted in accordance with the procedural guidelines indicated in KRS 13B.080 and 13B.090.

(c) The City Solicitor, or his or her designee, shall represent the city at the hearing. The licensee has a right to retain counsel for representation at the hearing.

(d) The City Administrator shall issue a written decision, including findings of fact and conclusions of law, within seven days of the conclusion of the hearing.

(3) *Appeals*. Any order of suspension or revocation issued by the City Administrator may be appealed to the state's Alcoholic Beverage Control Board within 30 days of the date of the order.

(1984 Code, § 111.025) (Ord. O-6-84, passed 2-28-1984; Ord. O-17-84, passed 3-13-1984; Ord. O-46-84, passed 8-14-1984; Ord. O-67-85, passed 9-3-1985; Ord. O-81-86, passed 12-16-1986; Ord. O-6-89, passed 1-31-1989; Ord. O-13-94, passed 4-12-1994; Ord. O-27-97, passed 9-2-1997; Ord. O-44-98, passed 9-15-1998; Ord. O-24-08, passed 8-19-2008; Ord. O-36-13, passed 10-22-2013; Ord. O-29-15, passed 8-18-2015; Ord. O-28-16, passed 10-18-2016; Ord. O-40-16, passed 12-6-2016; Ord. O-21-17, passed 10-10-2017 ; Ord. O-07-23, passed 6-27-2023)

§ 112.07 PACKAGE RETAIL LIQUOR OUTLET.

(A) No person shall drink any alcoholic beverages in any public place or in any motor vehicle on any parking lot area or other facility used by any package liquor license holder in connection with his or her business in any manner.

(B) All persons, firms, corporations, partnerships, joint ventures or sole proprietorships shall be required to post a sign or signs on all parking lots adjacent, adjoining or connected with or used by a package liquor retail sales outlet. The licensee shall provide the City Manager with a drawing of his or her normal entrances, driveways or other access onto the parking lot and all customer or patron driveway entrances to and exits from the building from which the package alcoholic beverage is dispensed. The licensee shall post lighted signs at normal vehicle or pedestrian exterior entrances via driveways or other access to the parking lot. The licensee shall post signs of identical wording, readable from 50 feet, at customer or patron driveway entrances to and exits from the building from which the package alcoholic beverage is dispensed. Wording of all such signs shall be:

NO DRINKING ON PARKING LOT. VIOLATORS WILL BE PROSECUTED! MINIMUM FINE $100.00, MAXIMUM FINE $500.00 (CITY ORDINANCE).

(C) Any person, firm, corporation, partnership or joint venture which fails to prohibit the drinking of any alcoholic beverages on a parking lot adjacent, adjoining or connected with a package liquor retail sales outlet shall be deemed in violation hereof. Any person, firm, corporation, partnership or joint venture which has erected and properly maintained and lighted a sign, as required by division (B) above, shall be exempt from the provisions hereof.

(1984 Code, § 111.028) (Ord. O-6-82, passed 2-2-1982)

§ 112.08 SPECIAL SUNDAY RETAIL DRINK LICENSE.

(A) *Establishment.* There is hereby established a city special Sunday retail drink license, pursuant to the authority granted by KRS 243.070 and KRS 244.290.

(B) *Restrictions.* The holder of the special Sunday retail drink license shall be governed by the restrictions contained in KRS 244.290 and the regulations of the City Administrator. The hours of operation for holders of a special Sunday retail drink license shall be governed by § 112.02 of this chapter that outlines the hours of operation allowed for licensed premises.

(C) *Fee.* The fee for the special Sunday retail drink license shall be as established by this chapter.

(1984 Code, § 111.031) (Ord. O-6-82, passed 2-2-1982; Ord. O-18-82, passed 3-16-1982; Ord. O-13-94, passed 4-12-1994; Ord. O-16-06, passed 4-11-2006; Ord. O-36-13, passed 10-22-2013)

§ 112.09 2:30 A.M. PERMITS.

(A) *Permit required.* No person shall operate or maintain a business enterprise permitting the sale, exchange or transfer of distilled spirits, wine or malt beverages between the hours of 1:00 a.m. and 2:30 a.m. without first obtaining a 2:30 a.m. permit from the city's Alcoholic Beverage Control Board (ABC Board).

(1) *Annual permit term.* Effective April 1, 2022, the annual term for 2:30 a.m. permits shall begin December 1 and end November 30 of the following year. The term and associated fee for new 2:30 a.m. permits will be prorated in accordance with the date of approval as outlined in § 112.09(D).

(2) *Permit renewal schedule.* 2:30 a.m. permits must be renewed on an annual basis. Applications and fees for renewal shall be due to the City Administrator by November 15, and will be subject to the annual review process set forth in § 112.09(I)(7).

(B) *Eligibility and qualifications of holder and grandfather clause.*

(1) All applications for a 2:30 a.m. permit shall be in writing and made directly to the City Administrator or his or her designee. The City Administrator shall request a background check and criminal history from the Chief of Police or his or her Police Department designee with respect to the considered applicant's eligibility and the written certification of approval from the Zoning Administrator.

(2) To be eligible for a 2:30 a.m. permit, the applicant must have a current and valid city and state alcoholic beverage license of one or more of the following types:

(a) Quota retail drink license;

(b) Non-quota Type 1 retail drink license (NQ1);

(c) Non-quota Type 2 retail drink license (NQ2);

(d) Non-quota Type 3 retail drink license (NQ3); or

(e) Non-quota Type 4 retail malt beverage drink license (NQ4).

(3) Package retail sales licensees, unless the licensee also has a valid city and state license of the types listed in division (B)(2) above shall not be eligible for a 2:30 a.m. permit.

(4) All taxes, fines, outstanding liens, fees and license charges in connection with the applicant's business enterprise due the city, including annual minimum occupational license, must be paid before an applicant shall be considered. Additionally, if the applicant is the recipient of any loan granted or administered by the city, all payments or obligations concerning the loan(s) must be current at the time the application is submitted. However, if there is a member, officer, shareholder or partner of an entity that is an applicant who is in default of an obligation as indicated above, the entity not in default shall not be denied the right to submit an application.

(5) No new permit shall be issued without the written certification of the Zoning Administrator that the use complies with current land use standards, as set forth in the Neighborhood Development Code.

(6) No applicant shall be granted a 2:30 a.m. permit who has been convicted of any felony within the last five years or misdemeanor relating to the use of alcoholic beverages within two years prior to submission of application or otherwise is in violation of the provisions of KRS 243.100 et seq.

(7) No applicant shall be granted a 2:30 a.m. permit unless the person is an actual resident of the state or a corporation licensed to do business within the commonwealth.

(8) Persons holding permits prior to the enactment of this section and also those businesses holding a liquor by the drink license and located in the area annexed to the city by Ord. O-47-76, adopted 6-10-1976, shall be granted the privilege of continued operation without regard to the zoning requirements of division (B)(5) above. All future transfers of existing nightclub permits at the same location will be honored if the transfers comply with the conditions and regulations listed in this section.

(C) *Permit fee.* The fee for a 2:30 a.m. permit shall be $3,000.00 per year, payable on or before November 15 of each year. If a 2:30 a.m. permittee in good standing is approved by the ABC Board to transfer his or her 2:30 a.m. permit to a new 2:30 a.m. permittee at the same location during the license year, there shall be no additional fee assessed for that license year.

(D) *Proration of fees.* Fees collected for the purchase of 2:30 a.m. permits shall be due and prorated on a monthly basis if

the application is received and awarded during the license year.

(E) *Disposition of revenue.* The proceeds of the permit fees collected under this section shall be deposited in the city's General Fund Account.

(F) *Information.* All applications and permits issued pursuant to the provisions of this section shall contain the following:

(1) Name, address, telephone number and email address of applicant (including all officers, stockholders of small corporations (two or fewer stockholders), members of a limited liability company and/or partner(s);

(2) Number of the permit;

(3) Type of permit;

(4) Street address of the premises which holds the permit;

(5) The name and address of the owner of the building in which the permit is located;

(6) The expiration date of the permit; and

(7) A statement that the permit shall not be a property right, and that it may be revoked or suspended at any time, pursuant to the law.

(G) *Conditions of permit.* All permits issued pursuant to this section shall be accepted by the applicant subject to the following.

(1) The premises shall be subject to the entry of police, City Administrator, law enforcement officers or other duly authorized representatives of the city at all reasonable hours for the purposes of inspection and at all times during the operation of the premises.

(2) The licensed premises shall, at all times, be conducted in an orderly manner and no indecent or criminal conduct shall be allowed at any time, nor shall violations of any law be permitted thereon.

(3) No spirituous, vinous or malt liquors shall be sold or dispensed to any minor.

(4) No licensee shall sell, give away, furnish or permit to be consumed on the premises any alcoholic beverages between the hours of 2:30 a.m. and 6:00 a.m., or at any time during the hours of a Sunday after 2:30 a.m. (unless the applicant has obtained a special Sunday retail drink license that allows for sale to begin at 11:00 a.m. on Sunday). During the time periods referred to herein, no person shall be present on the premises of the establishment licensed for the sale of alcoholic beverages, except the owner or his or her authorized employees, contractors and agents.

(5) The licensee shall not violate any provisions of the laws or ordinances of the United States, the state or the city pertaining to alcoholic beverages, their regulation and control.

(H) *Specific regulations for 2:30 a.m. permit holders.*

(1) No live entertainment shall be permitted after 11:00 p.m. on Sunday through Thursday, or after 1:00 a.m. on Friday and Saturday for those establishments located in a residential zone.

(2) All 2:30 a.m. permit holders shall make every reasonable effort to arrange for orderly closing of the establishment, including, but not limited to, instructions to customers that they should depart the premises in a quiet and orderly fashion.

(3) All 2:30 a.m. permit holders shall regulate noise levels to assure that noises emanating from the establishment do not disturb the surrounding residents.

(4) All 2:30 a.m. permit holders shall comply with all city Building and Zoning Codes, including the statewide Building Code, the city's sign regulations and city nuisance and property maintenance codes and all alcoholic beverage control ordinances, statutes and regulations.

(5) Compliance with any additional reasonable requirements set by the ABC Board as a condition of the applicant receiving a 2:30 a.m. permit. The ABC Board may impose reasonable conditions and/or restrictions related to the use and operation the premises after 1:00 a.m. based on the circumstances and operations of the premises such as the volume of traffic, the nature of the neighborhood where the premises are located, the number of patrons, whether live or recorded music is played, and so forth. These conditions and/or restrictions may be in addition to any conditions imposed by the Board of Adjustment if a conditional use requirement is required for the use of the premises. The ABC Board's conditions and/or restrictions will be limited to the hours between 1:00 a.m. and 2:30 a.m. They include, but are not limited to: requiring seating in the rear of the premises or in a restricted area or in an enclosed area installation of fencing or landscaping to act as a barrier; requiring the closure of windows; requiring security measures to be provided by the establishment; requiring the business to restrict outdoor seating after 1:00 a.m.; and/or that no amplified music be allowed outside after 1:00 a.m.

(6) Any suspension or revocation of the 2:30 a.m. permit holder's regular city or state liquor by the drink license shall result in a suspension or revocation of the holder's 2:30 a.m. permit for the same time period.

(I) *Hearing provision.*

(1) There is hereby established a City Alcoholic Beverage Control Board (ABC Board) consisting of the Police Chief, the City Manager or his or her designee and a citizen of the city. The citizen of the city shall be appointed by the Mayor with

the approval of the Board of Commissioners for a three-year renewable term.

(2) The ABC Board shall conduct a public hearing regarding all new and transferred 2:30 a.m. permit applications and certain renewal applications as specified in divisions (I)(6) and (I)(7) below. The City Clerk shall post notice of any meeting of the city's ABC Board at least 24 hours before the meeting takes place. For all hearings regarding new or transferred 2:30 a.m. permits, the City Administrator shall mail written notice of the hearing no less than seven days prior to the hearing to all properties abutting the premises for which the permit is to be issued.

(3) The City Administrator, the City Solicitor or the City Solicitor's designee shall represent the city at any and all hearings before the ABC Board. The City Administrator shall present evidence gathered in support or disapproval of the 2:30 a.m. permit application or renewal and make his or her recommendation to the ABC Board. It will also be the responsibility the City Administrator to investigate complaints and/or allegations of violations of this or other city, state or federal alcoholic beverage control laws by a 2:30 a.m. permit holder and to present his or her findings to the ABC Board.

(4) The ABC Board shall consider the recommendation of the City Administrator and all evidence presented. The Board shall render a decision either approving, approving with conditions or disapproving the application or renewal of a 2:30 a.m. permit. If the application or renewal is disapproved, the ABC Board shall list the reason(s) for such a denial. In addition to the conditions and regulations previously listed, the Board may deny or suspend the 2:30 a.m. permit application or renewal for any of the follow reasons:

(a) The applicant is not in compliance with the terms and conditions of divisions (B), (G) and/or (H) above;

(b) The establishment abuts a church, school or abuts an accessory use of the church or school, and the applicant has not gained the written consent of the church or school;

(c) The applicant is a sexually-oriented business and has not obtained a sexually-oriented business license;

(d) An excessive amount of police calls involving excessive noise, disruptive or illegal conduct at the applicant's establishment. Excessive means three or more calls concerning separate, unrelated incidents that are documented by a law enforcement agency; or

(e) Any arrest and conviction for prostitution or drug activity occurring on the applicant's premises within the last three years.

(5) If the city's ABC Board approves a 2:30 a.m. permit with conditions, the City Administrator and the city's Police Department shall have the power to conduct periodic checks to ensure that the applicant is in compliance.

(6) The ABC Board shall have the responsibility for investigating and hearing complaints regarding 2:30 a.m. permit holders and it shall have the authority to levy fines up to $500 per violation or suspend or revoke a 2:30 a.m. permit where it finds violations of this section or other applicable beverage control laws. The ABC Board may allow a 2:30 a.m. permittee to continue to operate subject to conditions. The ABC Board may conduct hearings upon verified complaints from citizens or upon its own motion, or on complaints received by the City Administrator, police officers or other enforcement personnel regarding the violation of law by a 2:30 a.m. permit holder.

(7) The City Administrator shall conduct an annual review before the renewal of any 2:30 a.m. permit and if it is determined that probable cause exists that the 2:30 a.m. permit holder is in violation of regulations established by this section or other city, state or federal law, then the City Administrator shall present a recommendation to the ABC Board to deny or suspend the 2:30 a.m. permit that is up for renewal. The ABC Board shall hold a hearing and render a decision on whether the 2:30 a.m. permit renewal application should be denied, suspended, renewed or renewed with conditions.

(8) The 2:30 a.m. permit holder will have the opportunity to present evidence in his or her own defense at any hearings conducted by the ABC Board and shall have the right to be represented by an attorney at law, and the proceeding shall be mechanically or stenographically recorded. Any party desiring to have a court reporter shall be responsible for the cost of the court reporter.

(9) The 2:30 a.m. permit holder or the complainant may appeal the decision of the ABC Board to the Board of Commissioners by filing a notice of appeal with the City Clerk within ten days of the date of the written decision of the ABC Board.

(a) The appellant shall be responsible for having the mechanically recorded transcript typed and submitted to the City Clerk within 30 days of the date of the notice of appeal. Five copies of the typed transcript as well as any other written memoranda shall be submitted by the appellant to the City Clerk for forwarding to the Mayor and Board of Commissioners no later than 45 days from the date of the notice of appeal.

(b) The appellee shall have 15 days from the date of the filing of the appellant's transcript and memoranda to file a reply brief or any other argument in response to appellant's brief.

(c) The Mayor and Board of Commissioners may affirm, deny, amend or remand the findings of the ABC Board based upon the transcript and the written memoranda of appellant and appellee. In addition, it shall be discretionary with the Mayor and Board of Commissioners as to whether oral arguments will be permitted to aid the Mayor and Board of Commissioners in reaching their decision.

(d) The findings of the Mayor and Board of Commissioners shall be reduced to writing and their decision shall be appealable to the County Circuit Court.

(J) *Transferability.*

(1) An individual holding a 2:30 a.m. permit may transfer that permit to a new location which he or she will own and operate, if it complies with division (B)(5) above.

(2) Whenever transfer to a different transferee is proposed at the same location, the 2:30 a.m. permit may be transferred if it complies with division (B)(5) above, and if the transferee is granted approval by the ABC Board after following the application steps listed in this section.

(3) When a 2:30 a.m. permit holder in any zone which does not comply with division (B)(5) above, transfers the business to a new owner, the 2:30 a.m. permit may be transferred subject to the approval of the ABC Board after following the application steps listed in this section.

(K) *State approval.* Whenever an applicant to obtain or transfer a 2:30 a.m. permit has obtained city approval for a city alcoholic beverage license and is awaiting approval of a state alcoholic beverage license, and is operating validly under another state alcoholic beverage license, the applicant may operate under the newly obtained or transferred 2:30 a.m. permit while awaiting state approval.

(1984 Code, § 111.032) (Ord. O-6-82, passed 2-2-1982; Ord. O-18-84, passed 3-13-1984; Ord. O-28-84, passed 5-8-1984; Ord. O-32-85, passed 6-11-1985; Ord. O-85-85, passed 12-3-1985; Ord. O-71-88, passed 8-24-1988; Ord. O-7-89, passed 1-31-1989; Ord. O-37-91, passed 7-23-1991; Ord. O-34-92, passed 8-29-1992; Ord. O-30-98, passed 6-25-1998; Ord. O-4-08, passed 1-29-2008; Ord. O-36-13, passed 10-22-2013; Ord. O-07-22, passed 3-22-2022; Ord. O-19-23, passed 12-5-2023) Penalty, see § 112.99

§ 112.10 NUDE PERFORMANCES PROHIBITED.

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

BUSINESS ESTABLISHMENTS. A business within the city, where distilled spirits, wine or malt beverages are sold for consumption on the premises pursuant to an alcoholic beverage license that has been issued by the city.

LICENSE. Any city alcoholic beverage license listed in §112.06(A)(1) of this chapter.

LICENSEE. Any person to whom a license has been issued by the city, including the officers and agents of the licensee.

PERSON. A human being, and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental authority.

PREMISES. The land and building in and upon which any business establishment is regulated by alcoholic beverage statutes.

(B) It shall be unlawful for and a person is guilty of performing nude or nearly nude activity when that person appears on a business establishment's premises in such a manner or attire as to expose to view any portion of the pubic area, anus, vulva or genitals, or any simulation thereof, or when any female appears on a business establishment's premises in such manner or attire as to expose to view portion of the breast referred to as the areola, nipple or simulation thereof.

(C) A licensee is guilty of permitting nude or nearly nude activity when having control of the business establishment's premises permits said premises:

(1) To be used by any person on the premises in such a manner or attire as to expose to view portions of the pubic area, anus, vulva or genitals, or any simulation thereof; or

(2) To be used by any female to appear on the premises in such manner or attire as to expose to view any portion of the breast referred to as the areola, nipple or any simulation thereof.

(D) In the event a violation of this section occurs, the City Administrator shall forthwith conduct a hearing pursuant to KRS 243.520 (in conjunction with KRS 241.160 and KRS 241.190) to determine whether the license at whose business establishment the activity prohibited by this section occurred, shall have his or her license suspended or revoked.

(1984 Code, § 111.033) (Ord. O-9-83, passed 3-8-1983; Ord. O-36-13, passed 10-22-2013) Penalty, see § 112.99

§ 112.11 SOLICITATION FOR THE PURCHASE OF ALCOHOLIC BEVERAGES PROHIBITED.

(A) No employee or independent contractor of an establishment licensed to sell alcoholic beverages shall solicit patrons of said establishment to purchase any alcoholic beverage for consumption by any employee or independent contractor of the licensed establishment.

(B) No employee or independent contractor of an establishment licensed to sell alcoholic beverages shall be compensated in any manner that is measured by a percentage or fraction of distilled spirits, wine and/or malt beverage retail sales.

(1984 Code, § 111.034) (Ord. O-15-86, passed 3-18-1986; Ord. O-32-91, passed 7-2-1991; Ord. O-36-13, passed 10-22-2013) Penalty, see § 112.99

§ 112.12 ALCOHOL WARNING SIGNS; DRINKING ALCOHOL DURING PREGNANCY.

All licensed retail vendors of alcoholic beverages shall post in a prominent place a printed sign at least 11 inches by 14 inches in size, with letters at least one inch high, which shall warn that drinking alcoholic beverages during pregnancy can cause birth defects.

(1984 Code, § 111.036) (Ord. O-18-90, passed 5-15-1990) Penalty, see § 112.99

§ 112.99 PENALTY.

(A) (1) Any person found guilty of violating any provision of §§112.02, 112.06, 112.07 or 112.08 of this chapter, except § 112.06(P), shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding $500 or by imprisonment in the county jail for not more than 90 days, or both fine and imprisonment in the discretion of the court.

(2) Any license holder who accumulates three violations of §112.06(N)(3)(b) within a period of 12 consecutive months shall be referred to the city's Alcoholic Beverage Control Board for the imposition of any administrative penalty, including an administrative fine and/or a suspension of the license for period of up to two weeks.

(3) This penalty may be imposed in addition to any administrative penalty imposed by the city's Alcoholic Beverage Control Administrator or the state's Alcoholic Beverage Control Board.

(B) Any person, firm or corporation convicted of violating §112.06(P) of this chapter shall be deemed guilty of a misdemeanor and shall be fined not less than $25, nor more than $500, in the discretion of the District Court.

(C) (1) Any person who violates any provision of §112.09 of this chapter shall be deemed guilty of a misdemeanor and shall be fined in an amount of not less than $50, nor more than $500, or imprisoned for not more than 90 days, or both fine and imprisonment for each violation, in the discretion of the court.

(2) The criminal penalty shall be in addition to any penalty imposed by revocation or suspension of the 2:30 a.m. permit by the city's Alcoholic Beverage Control Board.

(D) Any person found to be in violation of the provisions of §112.10 of this chapter shall be deemed guilty of a misdemeanor and shall be fined in a sum not more than $500 or six months in jail, or both so fined and imprisoned, at the discretion of a court of appropriate jurisdiction.

(E) Any person found to be in violation of §112.11 of this chapter shall be deemed guilty of a misdemeanor and shall be fined in a sum not more than $500 or imprisoned for not more than six months in jail, or both so fined and imprisoned at the discretion of the court of appropriate jurisdiction.

(F) Any person found to be in violation of the provisions of §112.12 of this chapter shall be deemed guilty of a violation and shall, upon conviction thereof, be fined not less than $10, nor more than $100, for each offense.

(1984 Code, § 111.999) (Ord. O-6-82, passed 2-2-1982; Ord. O-9-83, passed 3-8-1983; Ord. O-15-86, passed 3-18-1986; Ord. O-55-86, passed 9-2-1986; Ord. O-18-90, passed 5-15-1990; Ord. O-13-94, passed 4-12-1994 ; Ord. O-07-23, passed 6-27-2023)

CHAPTER 113: AMUSEMENTS AND RECREATION

Section

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POOL AND BILLIARD HALLS

§ 113.01 DEFINITIONS.

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

POOL or ***BILLIARDS.***

(1) The several games played on a table known as a pool table or billiard table, surrounded by an elastic ledge or cushion, with or without pockets, with balls which are impelled by a cue;

(2) These terms shall include all forms of the game known as carom billiards, pocket billiards, three-cushion billiards, English billiards and all other games played on a billiard table; and

(3) The terms also include the games known as snooker, 15-ball pool, eight-ball pool, bottle pool, pea-pool and all other games played on a pool table and all games played on a so-called pigeon-hole table.

POOL ROOM or ***BILLIARD ROOM.*** Any public place where the game of pool or billiards is played or permitted to be played.

(1984 Code, § 111.200)

§ 113.02 ENFORCEMENT.

The City Manager and the Police Department shall enforce the provisions of this subchapter.

(1984 Code, § 111.201)

§ 113.03 LICENSE REQUIRED.

No person shall maintain, conduct or operate any pool room, pool table, billiard room or billiard table without first obtaining the required license. Nothing in this subchapter shall be construed to apply to any pool tables or billiard tables maintained for private use without any profit in any individual's residence.

(1984 Code, § 111.202) Penalty, see § 113.99

§ 113.04 APPLICATION.

(A) The application for a license required by this subchapter shall be in writing and accompanied by a certified check or cash in the amount of the license fee.

(B) The application shall set forth:

(1) The full name and address of all interested persons therein;

(2) The location and description of the room or premises where the licensed activity will be conducted; and

(3) The number of pool or billiard tables to be used.

(C) On approval of the application by the Finance Department, the Finance Department shall issue the license, but only to the actual proprietor of the licensed business room or premises.

(1984 Code, § 111.203)

§ 113.05 ISSUANCE; TRANSFERABILITY.

Every license granted under this subchapter shall be issued for a period of one year from May 1 to April 30 of the following year. No license to maintain, conduct or operate a pool table or billiard table shall be transferred without the consent of the Finance Department.

(1984 Code, § 111.204) Penalty, see § 113.99

§ 113.06 DISPLAY OF LICENSE.

Every license required by this subchapter shall be displayed at all times by the licensee in a conspicuous place in the pool room or billiard room.

(1984 Code, § 111.205) Penalty, see § 113.99

§ 113.07 ACCESS AND INSPECTION.

(A) The Police Department shall have access at all reasonable times to all pool and billiard rooms and shall periodically inspect all pool and billiard rooms for compliance with this subchapter.

(B) The police officers shall carry credentials and, if refused entry on the premises, shall obtain search warrants for the inspections.

(1984 Code, § 111.206)

§ 113.08 HOURS OF OPERATION.

No person shall play any game between the hours of 2:30 a.m and 6:00 a.m. on any billiard table, pool table or like instruments used for public amusement, in any building, hall, store or room in the city, open to the public.

(1984 Code, § 111.207) (Ord. O-6-87, passed 2-17-1987) Penalty, see § 113.99

§ 113.09 GAMBLING.

(A) *Gambling in pool or billiard rooms.*

(1) No dice shall be thrown, nor shall a pea-ball or shake-ball be used, nor shall cards, raffles or other games of chance or any form of gambling be permitted in any pool or billiard room or in the room in which pool or billiard tables are located, or at any cigar stand or any other business in the same room, whether or not the room is divided by a partition, nor shall any checks be given which can be redeemed for merchandise or cash.

(2) This section shall not prevent the giving of cash or merchandise prizes to pool or billiard players in tournament, league or any other exhibition play.

(B) *Leasing pool room for gambling purposes.* No person shall let, lease or rent to any person or permit to be used after receiving notice any room, house or building to be used or occupied as a pool room in violation of division (A) above.

(1984 Code, § 111.209) Penalty, see § 113.99

§ 113.10 WIRE OR MESSENGER SERVICE.

No telegraph, telephone or messenger company, or any officer, agent, messenger or employee thereof, shall furnish, deliver or communicate to any owner, proprietor, agent or employee of any pool room, maintained, kept, operated or conducted in the city, any message, communication or information to be used at the pool room, concerning any horse race or other races or event on which any money or other thing of value has been wagered in violation of § 113.09(A) of this chapter.

(1984 Code, § 111.210) Penalty, see § 113.99

§ 113.11 VIOLATIONS.

Whenever it shall appear to the satisfaction of the Board of Commissioners that this subchapter has been violated at any particular location in the city, the license issued by the city for the use of such tables or similar instruments for public amusement at that location, shall be deemed canceled and forfeited when so ordered by resolution of the Board of Commissioners, in addition to any other penalty provided in this code.

(1984 Code, § 111.212)

PUBLIC MARKETS

§ 113.25 LOCATION OF PUBLIC MARKET SPACES.

The following locations shall contain public market spaces: Old Town Plaza Area, Seventh Street on Washington Street; and MainStrausse Area, on Sixth Street from the railroad to Philadelphia Street; and on Main Street from Fifth Street to Seventh Street.

(1984 Code, § 111.250) (Ord. O-19-67, passed 3-16-1967; Ord. O-50-79, passed 5-31-1979)

§ 113.26 LICENSE FEE; RENTAL YEAR.

(A) The Finance Department shall collect the sum of $15 for each single stand or stall assigned at the market space designated in § 113.25 of this chapter.

(B) The rental year shall be from May 1 to April 30 and no assignments, requiring rental payments, shall be made, except for the full annual period.

(1984 Code, § 111.251) (Ord. O-19-67, passed 3-16-1967; Ord. O-41-74, passed 4-11-1974)

§ 113.27 LOCATION OF STANDS.

The location of stands in the market spaces shall be arranged under the direction of the Police Department.

(1984 Code, § 111.252) (Ord. O-19-67, passed 3-16-1967; Ord. O-41-74, passed 4-11-1974)

§ 113.28 UNWHOLESOME FOOD; SLAUGHTERING.

(A) No person shall sell or offer for sale any unwholesome, damaged or spoiled provisions or meats of any kind in any public market.

(B) No person shall slaughter or dress any animal or fish within any market spaces or place any garbage, offal, filth or rubbish in any market space.

(1984 Code, § 111.253) (Ord. O-19-67, passed 3-16-1967) Penalty, see § 113.99

§ 113.29 EXEMPTION.

The provisions of this subchapter shall not apply to farmers, gardeners and producers, by themselves, selling any article which is the product of their farms or gardens in any quantities, at any time and place.

(1984 Code, § 111.254) (Ord. O-19-67, passed 3-16-1967)

§ 113.30 APPLICABILITY OF SUBCHAPTER.

The provisions of this subchapter shall not in any way affect or alter the provisions of Ch. 110 of this code of ordinances requiring licenses or occupational taxes.

(1984 Code, § 111.255) (Ord. O-19-67, passed 3-16-1967)

FESTIVAL VENDOR LICENSE

§ 113.45 LICENSE REQUIRED.

(A) No person shall sell goods or services at a duly permitted special event unless they have a valid city occupational license or a festival vendor license, as defined herein.

(B) The festival vendor license shall be issued by the Finance Department upon payment of the sum of $15 for each single stand or stall or other location at the location of the special event. The license year shall be from May 1 to April 30.

(C) The annual fee for the festival vendor license may be collected by the organization responsible for conducting the special event or festival, and said organization shall remit its collections to the Finance Department immediately upon their receipt.

(D) This festival vendor license shall not apply to businesses operating amusement park rides. These businesses are subject to the city itinerant vendors regulations.

(1984 Code, § 111.260) (Ord. O-2-91, passed 2-19-1991)

§ 113.99 PENALTY.

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

(B) Any person who violates any provision of §§113.01 through 113.11 of this chapter shall be deemed guilty of a misdemeanor and shall be fined not more than $500 or imprisoned for not more than six months, or both fined and imprisoned.

(C) Any person who violates any provision of §§113.25 through 113.30 of this chapter shall be deemed guilty of a misdemeanor and shall be fined not more than $500 or imprisoned for not more than six months, or both fined and imprisoned.

(D) Any person who violates any provision of §113.45 of this chapter shall be deemed guilty of a misdemeanor and shall be fined not more than $500. Each day of continued violation shall be deemed a separate offense.

(1984 Code, § 111.999) (Ord. O-2-91, passed 2-19-1991; Ord. O-13-94, passed 4-12-1994; Ord. O-5-04, passed 2-3-2004)

CHAPTER 114: SOLICITORS, PEDDLERS AND ITINERANT MERCHANTS

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SOLICITORS AND PEDDLERS

§ 114.01 DEFINITIONS.

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

CANVASSER. Any person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident, for the primary purpose of:

(1) Attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the ***CANVASSER*** accepts the donation of money for or against such cause; or

(2) Distributing a handbill or flyer advertising a non-commercial event or service.

CHARITABLE. This term means and includes the words patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal, either actual or purported.

CITY. The City of Covington, Kentucky.

CITY MANAGER. The City Manager of the City of Covington, Kentucky.

CONTRIBUTIONS. This term means and includes the words alms, money, subscription, property or any donations under the guise of a loan or money or property.

PEDDLER. Any person who goes upon the premises of any private residence in the city, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale. ***PEDDLER*** also includes any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of the scheme to evade the provisions of this subchapter. ***PEDDLER*** does not include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to a resident for purchase at a location away from his or her residence or at a time different from the time of visit.

PEDDLING. All activities ordinarily performed by a peddler as indicated in the above referenced definition of “peddler”.

PERSON. A natural person or any firm, corporation, partnership, limited liability company, association, club, society or other organization.

SOLICITATION. All activities ordinarily performed by a solicitor as indicated in the above referenced definition of “solicitor”.

SOLICITOR.

(1) Any person who goes upon the premises of any private residence in the city, not having been invited by the occupant thereof, for the purpose of taking or attempting to take orders for the sale of goods, merchandise, wares or other personal property of any nature for future delivery, or for services to be performed in the future; and

(2) ***SOLICITOR*** also includes any person who, without invitation, goes upon private property, to request contribution of funds or anything of value, or sell goods or services for political, charitable, religious or other non-commercial purposes.

(1984 Code, § 111.060) (Ord. O-21-04, passed 3-30-2004)

§ 114.02 PERMIT REQUIREMENTS AND EXEMPTIONS.

It shall be unlawful for any person 18 years of age or older to engage in peddling or solicitation activities within the city without first obtaining a permit issued by the City Manager’s office; provided, however, that, the following are exempted from the provisions of this subchapter:

(A) Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made;

(B) Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation;

(C) Any solicitation in the form of a collection at a regular meeting, assembly or service of a charitable person;

(D) Any solicitation for the relief of any individual specified by name at the time of the solicitation where the solicitor represents in each case that the entire amount collected shall be turned over to the named beneficiary; or

(E) A “canvasser”, as defined in § 114.01 of this chapter.

(1984 Code, § 111.061) (Ord. O-21-04, passed 3-30-2004)

§ 114.03 PERMIT FOR SPONSORING JUVENILE PEDDLERS.

(A) No person under the age of 18 shall be permitted to engage in peddling, except as provided in this section.

(B) A permit shall be obtained by a sponsoring person, company or organization for the conduct of any peddling or solicitation activities involving, in whole or in part, a sales force of one or more persons under 18 years of age.

(C) The sponsor shall be responsible for supervising and controlling the conduct of all persons, including juveniles, peddling under the sponsor's permit.

(D) (1) The sponsor shall provide to each individual in its sales force a badge or other easily readable form of identification that identifies the name of the sponsor and the name of the individual.

(2) The sponsor shall require all individuals in its sales force to wear such identification so that it is clearly visible at all times when the individuals are peddling or soliciting.

(E) The sponsor shall comply with the laws of the commonwealth governing youth workers.

(1984 Code, § 111.062) (Ord. O-21-04, passed 3-30-2004)

§ 114.04 PERMIT APPLICATION.

Every person subject to the provisions of this subchapter shall file with the City Manager's office an application in writing on a form to be furnished by the City Manager, which shall provide the following information:

(A) Proof of age, address and identification of the applicant, to be provided through the applicant's driver's license, articles of incorporation (for sponsors) or other legally recognized form of identification;

(B) A brief description of the business or activity to be conducted;

(C) The hours and location for which the right to peddle or solicit is desired;

(D) If employed, the name, address and telephone number of the employer; or, if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing a relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;

(E) A statement as to whether or not the applicant has been convicted of a felony, misdemeanor or ordinance violation (other than traffic violations), the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred and other pertinent details thereof;

(F) Proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this subchapter; and

(G) Two photographs of the applicant that shall have been taken within 60 days immediately prior to the date of filing of the application. The photographs shall measure three inches by two inches and show the head and shoulders of the applicant in a clear and distinguishing manner.

(1984 Code, § 111.063) (Ord. O-21-04, passed 3-30-2004)

§ 114.05 FEES.

(A) At the time the application is filed with the City Manager's office, the applicant shall pay a fee to cover the cost to the city of processing the application and investigating the facts stated therein.

(B) The permit fee shall be $50 for each solicitor or peddler.

(1984 Code, § 111.064) (Ord. O-21-04, passed 3-30-2004)

§ 114.06 BOND.

All solicitors requiring cash deposits or taking orders for cash delivery purchases (C.O.D.) or who require a contract of agreement to finance the sale of any goods, services or merchandise for future delivery or for services to be performed in the future, shall furnish to the City Manager's office a bond in the amount of $500.

(1984 Code, § 111.065) (Ord. O-21-04, passed 3-30-2004)

§ 114.07 APPLICATION REVIEW AND PERMIT ISSUANCE.

(A) Upon receipt of an application, the City Manager, or authorized representative, shall review the application as deemed necessary to ensure the protection of the public health, safety and general welfare.

(B) If the City Manager finds the application to be satisfactory, the City Manager shall endorse his or her approval on the application and shall, upon payment of the prescribed fee, deliver the required permit to the applicant.

(C) The permit shall show the name, address and photograph of the permit holder, the class of permit issued, the kinds of goods or services to be sold or delivered, the date of issuance and the length of time that the permit shall be in effect. The permit shall also show the permit number and identifying description of any vehicle to be used in carrying on the business for which the permit is issued.

(D) A record of all permits issued shall be maintained by the City Manager's office for a period of two years.

(1984 Code, § 111.066) (Ord. O-21-04, passed 3-30-2004)

§ 114.08 DENIAL OF PERMIT.

(A) Upon the City Manager's review of the application, the City Manager may refuse to issue a permit to the applicant under this subchapter for any of the following reasons:

(1) The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers or their customers;

(2) An investigation reveals that the applicant falsified information on the application;

(3) The applicant has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances or any violent acts against persons or property, such conviction being entered within five years preceding the date of application;

(4) The applicant is a person against whom a judgment has been entered for or who has been convicted of fraud, deceit or misrepresentation within the five years immediately preceding the date of application;

(5) There is no proof as to the authority of the applicant to serve as an agent to the principal; or

(6) The applicant has been denied a permit under this subchapter within the immediate past year, unless the applicant can and does show to the satisfaction of the City Manager that the reasons for such earlier denial no longer exist.

(B) The City Manager's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his or her application is disapproved and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form or at the applicant's last known address.

(1984 Code, § 111.067) (Ord. O-21-04, passed 3-30-2004)

§ 114.09 PERMIT EXPIRATION.

All permits issued under the provisions of this subchapter shall expire one year from the date of issuance, unless an earlier expiration date is noted on the permit.

(1984 Code, § 111.068) (Ord. O-21-04, passed 3-30-2004)

§ 114.10 IDENTIFICATION BADGES.

(A) At the same time the permit is issued, the City Manager shall issue to each permit holder a badge, which shall be worn by the permit holder in such a way as to be conspicuous at all times while the permit holder is soliciting or peddling in the city.

(B) A canvasser, otherwise exempt from the provisions of this subchapter, may request the issuance of an identification badge from the city for the purpose of assuring city resident's of the canvasser's good faith.

(1984 Code, § 111.069) (Ord. O-21-04, passed 3-30-2004)

§ 114.11 PERMIT EXHIBITION.

Every person required to obtain a permit under the provisions of this subchapter shall exhibit the permit when requested to do so by any prospective customer or upon the request of city official.

(1984 Code, § 111.070) (Ord. O-21-04, passed 3-30-2004)

§ 114.12 TRANSFER PROHIBITED.

It shall be unlawful for any person other than the permit holder to use or wear any permit or badge issued under the provisions of this subchapter.

(1984 Code, § 111.071) (Ord. O-21-04, passed 3-30-2004) Penalty, see § 114.99

§ 114.13 ENTRY UPON PREMISES UNLAWFUL.

(A) It shall be unlawful for any person, whether licensed or unlicensed, while conducting the business of a canvasser, peddler or solicitor, to enter upon any residential premises in the city where the owner, occupant, or person legally in charge of the premises has:

(1) Posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Peddlers", "No Solicitors" or words of similar import; or

(2) Filed a no solicitation registration form with the city on a form furnished by the city for that purpose.

(B) (1) The city will maintain a "no solicitation" list of those persons who wish to restrict solicitation on their property by canvassers, peddlers and solicitors. The no solicitation list shall be a public document and a copy of the list shall be provided

to each recipient of a permit to engage in solicitation. If a canvasser chooses not to apply for an identification card, it will be the responsibility of that canvasser to obtain a copy of the no solicitation list. The no solicitation registration form furnished by the city will allow the resident to identify certain exceptions to the no solicitation list so as to allow certain individuals or groups identified by the resident to visit the resident's home. These exceptions will be placed on the no solicitation list under the resident's home address.

(2) The City Manager may periodically add, delete or modify the exceptions listed on the no solicitation registration form.

(1984 Code, § 111.072) (Ord. O-21-04, passed 3-30-2004) Penalty, see § 114.99

§ 114.14 HOURS OF SOLICITATION.

No person, while conducting the activities of a peddler or solicitor, whether licensed or unlicensed, shall enter upon any private property, knock on doors or otherwise disturb persons in their residences between the hours of 9:00 p.m. and 9:00 a.m.

(1984 Code, § 111.073) (Ord. O-21-04, passed 3-30-2004) Penalty, see § 114.99

§ 114.15 PERMIT REVOCATION.

Any permit issued under this subchapter may be revoked or suspended by the City Manager after notice and hearing for any of the following reasons:

(A) Fraud, misrepresentation or false statement contained in the application for a permit;

(B) Fraud, misrepresentation or false statement made by permit holder in the course of conducting solicitation or peddling activities;

(C) Conducting peddling or solicitation activities contrary to the provisions contained in the permit;

(D) Conviction for any crime involving moral turpitude; or

(E) Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public.

(1984 Code, § 111.074) (Ord. O-21-04, passed 3-30-2004)

§ 114.16 NOTICE AND HEARING.

Notice of a hearing for revocation of a permit issued under this subchapter shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the permit holder at the address shown on the permit application or at the last known address of the permit holder.

(1984 Code, § 111.075) (Ord. O-21-04, passed 3-30-2004)

§ 114.17 APPEALS.

(A) Any person aggrieved by the action or decision of the City Manager to deny, suspend or revoke a permit applied for under the provisions of this subchapter shall have the right to appeal such action or decision to the Board of Commissioners within 15 days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to his or her last known address.

(B) An appeal shall be taken by filing with the City Clerk a written statement setting forth the grounds for the appeal.

(C) The Clerk shall transmit the written statement to the Board of Commissioners within ten days of its receipt and the City Clerk shall set a time and place for a hearing on the appeal.

(D) A hearing shall be set not later than 30 days from the date of receipt of the appellant's written statement.

(E) Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.

(F) The decision of the Board of Commissioners on the appeal shall be final and binding on all parties concerned.

(1984 Code, § 111.076) (Ord. O-21-04, passed 3-30-2004)

§ 114.18 CLAIMS OF EXEMPTION.

Any person claiming to be legally exempt from the regulations set forth in this subchapter, or from the payment of a permit fee, shall cite to the City Manager the statute or other legal authority under which exemption is claimed and shall present to the City Manager proof of qualification for such exemption.

(1984 Code, § 111.077) (Ord. O-21-04, passed 3-30-2004)

ITINERANT MERCHANTS

§ 114.30 DEFINITIONS.

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

ITINERANT VENDORS. All persons who engage in or conduct a temporary or transient business in the city for selling goods, wares and merchandise, with the intention of continuing in that business in the city for a period of not more than 120 days within a 12-month period.

TELEPHONE SOLICITORS. All persons whose primary occupation is to engage in the practice or business of soliciting customers or contributions by telephone within the city, with the intention of continuing in that business in the city for a period of not more than 120 days within a 12-month period.

(1984 Code, § 111.140) (Ord. O-75-81, passed 9-22-1981; Ord. O-44-82, passed 7-20-1982)

§ 114.31 LICENSE REQUIRED.

(A) (1) No person shall engage in the business or trade of itinerant vendor or telephone solicitor without having first obtained a license from the Finance Department pursuant to the city's occupational license tax ordinance, and further posting a surety bond of $250 per employee or depositing cash with the Finance Department in the amount of $250 per employee.

(2) The bond or deposit shall be held to assure the annual filing of tax returns with the city.

(B) If the tax return is not filed, or if the occupational taxes are not paid, then the Finance Department is authorized to apply the amount of cash or deposit toward the estimated tax due or to proceed against the surety for the amount of estimated tax due.

(C) After all taxes have been paid, the Finance Department is authorized to refund all amounts held or to release the surety on the bond.

(1984 Code, § 111.141) (Ord. O-75-81, passed 9-22-1981; Ord. O-44-82, passed 7-20-1982) Penalty, see § 114.99

VENDING CART SALES

§ 114.45 DEFINITIONS.

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

GOODS. Previously prepared food or non- alcoholic beverages including hot dogs, pretzels and similar food items, but not including fruits and vegetables or raw or unprocessed food products such as fish or poultry.

PASSAGEWAY. An unobstructed pedestrian walkway measured from the closest portion of the vending cart to any building, property line, public amenity or fixture or curb line of the street.

VENDING CART.

(1) A two or four wheeled vehicle designed to carry goods permitted under this subchapter. Such vehicles shall not be propelled through the use of a motor or motor vehicle; and

(2) The dimensions of such vehicles shall not exceed the following: six feet in length; four feet wide; and seven feet high. Umbrellas shall be six feet in diameter.

VENDOR. Any person engaged in selling goods for immediate delivery upon purchase and operating exclusively from public space.

(1984 Code, § 111.500) (Ord. O-76-88, passed 9-13-1988)

§ 114.46 LOCATION.

(A) Licensed vendors shall be permitted to operate within the GC, CBD or PO Zoning Districts within the following area: beginning at the intersection of Second and Washington Streets, then proceeding east on Second Street to Court Street, then south on Court Street to Third Street, then east on Third Street to Greenup Street, then south on Greenup Street to a point 200 feet south of Fourth Street, then west 200 feet to an alley, then south along the alley to Fifth Street, then west along Fifth Street to Scott Boulevard, then south on Scott Boulevard 120 feet to a point, then west 200 feet to an alley, then south along the alley to Sixth Street, then east along Sixth Street 260 feet to an alley, then south along the alley to Seventh Street, then east along Seventh Street 80 feet to an alley, then south along the alley to Eighth Street, then west along Eighth Street to the east right-of-way of the CSX Railroad overpass, then northwest along the overpass 780 feet to a point, then east to Russell Street, then north on Russell Street 40 feet to an alley, then east along the alley 300 feet to a point, then north 120 feet to Sixth Street, then east along Sixth Street 40 feet to a point, then north 140 feet to a point, then east 100 feet to an alley, then north along the alley to Fifth Street, then east along Fifth Street 200 feet to an alley, then north along the alley to Fourth Street, then east on Fourth Street to Madison Avenue, then north along Madison Avenue 680 feet to an alley, then west along the alley to Washington Street, then north on Washington Street to Second Street and the point of beginning. Where streets form the boundaries of the area, both sides of the street shall be included in the area.

(B) Within the area described, vendors shall be permitted to operate, subject to the following restrictions:

(1) Only on sidewalks not less than ten feet in width;

(2) A minimum six-foot wide pedestrian passageway shall be maintained;

(3) Shall not be located within the length of any bus stop;

(4) Shall not be located closer than five feet from any building entrance, display window, driveway or fire hydrant;

(5) Shall not be located within any marked loading zone;

(6) Shall not be located within ten feet of the approach side of a crosswalk at any intersection;

(7) Shall not be located within 200 feet (as measured along block faces) of any other vending cart;

(8) Shall not be located within any residential zoning district; and

(9) Shall not be located within 100 feet of any existing restaurant; except that, existing restaurants are permitted to operate within 100 feet of their restaurant; provided, they are in compliance with all other provisions of this subchapter.

(1984 Code, § 111.501) (Ord. O-76-88, passed 9-13-1988)

§ 114.47 NUMBER OF PERMITS.

(A) No more than nine permits for vending cart operation shall be issued in any calendar year. Each permit shall apply only to one vending location. All applications shall designate a specific address and/or a distance measurement from the intersection of two streets including which side of the street (north, south, east, west) the vending cart is to be located. Permits shall be issued on a first come, first served basis and shall be renewed annually.

(B) Locations shall be selected from the following list of available sites or from other sites which are certified by the Zoning Administrator to meet all requirements of this subchapter. The addresses listed indicate approximate positions and all vending carts must be placed in compliance with the location restrictions.

21 West Seventh Street (near the street)
622 Madison Avenue
518 Madison Avenue
372 Madison Avenue
318 Madison Avenue
301-311 Scott Boulevard
330 Court Street
425 Scott Boulevard
434 Scott Boulevard (this is an alternate site; 425 Scott Boulevard or 434 Scott Boulevard can be used, but not both)
505 Scott Boulevard

(C) (1) If necessary, the City Manager may establish a lottery for designating locations in each succeeding year following the adoption of this subchapter. Each currently licensed vendor must submit one application for the drawing. A maximum of three applications may be submitted by any person, firm or corporation desiring multiple locations. All applications for the drawing must be submitted at least 30 days prior to the annual renewal date of the license.

(2) All applicants must be present on the assigned date for the drawing to choose their location. The vendor whose application is drawn first shall select a specified location and the drawing shall continue until the number of permits available or applications are exhausted. Each applicant shall have a maximum of two minutes to select a location.

(1984 Code, § 111.502) (Ord. O-76-88, passed 9-13-1988; Ord. O-87-88, passed 11-15-1988)

§ 114.48 SIGNS.

(A) All signs shall be an integral part of the vending cart with lettering not exceeding ten inches in height. Only the name of the vendor or the vending company, the products offered and the price of the products shall be included on the sign.

(B) Signs shall not be internally illuminated or make use of flashing or intermittent lighting, animation or noise-making devices. Graphic illustrations shall display only the products being offered.

(1984 Code, § 111.503) (Ord. O-76-88, passed 9-13-1988) Penalty, see § 114.99

§ 114.49 LITTERING.

(A) Each vendor shall keep the area within 15 feet of the location of the vending cart free from all litter and debris resulting from the operation.

(B) Each vendor shall maintain a clearly marked trash container on the cart for litter. Use of public trash receptacles for this purpose is prohibited.

(1984 Code, § 111.504) (Ord. O-76-88, passed 9-13-1988) Penalty, see § 114.99

§ 114.50 GENERAL PROVISIONS.

(A) Vendors shall not sell to vehicular traffic at any location.

(B) The permit or occupational license issued by the city must be displayed on the front of the vending cart, or that portion of the cart facing the street, at all times.

(C) Vending cart sales shall be permitted only between the hours of 6:00 a.m. and 10:00 p.m. All vending carts must be removed from the site during non-business hours.

(D) Vendor's licenses shall be issued to an individual, corporation or other entity and are not transferable.

(1984 Code, § 111.505) (Ord. O-76-88, passed 9-13-1988) Penalty, see § 114.99

§ 114.51 EXCLUSIONS.

This subchapter shall not apply to temporary commercial displays, sidewalk sales, the farmers market located on West Seventh Street or other events occurring in the public right-of-way authorized by the city.

(1984 Code, § 111.506) (Ord. O-76-88, passed 9-13-1988)

§ 114.52 REVOCATION OF LICENSES.

Any license issued pursuant to these regulations may be revoked by the City Manager, after notice, for any of the following causes:

(A) Fraud, misrepresentation or false statements contained in the application for the license;

(B) Violation of any of the provisions of this subchapter;

(C) Vending at a location not specified on the license; and/or

(D) Sales of goods not specified on the application for a vendors license or sales of goods not permitted under this subchapter.

(1984 Code, § 111.507) (Ord. O-76-88, passed 9-13-1988)

§ 114.53 APPLICATION REQUIREMENTS.

(A) All persons requesting a vending cart operation permit shall submit the following information:

(1) Completed occupational license questionnaire obtained from the city's Finance Department;

(2) Drawing and photographs illustrating that the vending cart to be used will comply with all dimensional and signage requirements contained within this subchapter;

(3) A written description of the products to be offered for sale;

(4) A copy of a permit or certification from the Fire Department stating that the proposed vending cart complies with all local requirements; and

(5) A copy of a permit obtained from the Health Department for the products to be offered for sale.

(B) In addition to the license fee requirements of §110.02 of this code of ordinances, each vendor shall be required to pay $240 in advance by December 1, for a full year of operation, except that existing restaurants operating within 100 feet of the establishment may obtain a permit at no charge; provided, they comply with all the provisions of this subchapter. The full year of operation shall be from January 1 through December 31. The $240 permit fee shall be prorated on a monthly basis, or part thereof, at $20 per month. This is a per location charge and any person or entity holding permits for multiple locations will be responsible for this fee for each location.

(C) Proof of insurance must be submitted with the application for the duration of the licensing period in an amount not less than $100,000 in limited liability per occurrence, and the city shall be named as an additional insured.

(1984 Code, § 111.508) (Ord. O-76-88, passed 9-13-1988; Ord. O-87-88, passed 11-15-1988)

MOBILE FOOD VENDING SERVICES

§ 114.65 DEFINITIONS.

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

MOBILE FOOD VENDOR. An itinerant merchant who operates a mobile food unit business.

MOBILE FOOD UNIT. A licensed, motorized vehicle permitted by the Northern Kentucky Health Department for food service, which is temporarily parked in a location to sell food and/or non-alcoholic beverage items to the general public.

MOBILE FOOD VENDING SERVICE BOUNDARIES. The following rights-of-way and city-owned parking lots are permissible parking areas for mobile food units:

(1) Philadelphia Street from Fourth Street to Seventh Street;

(2) Madison Avenue from Rivercenter Boulevard to Eighth Street;

(3) Seventh Street between Washington Street and Madison Avenue;

(4) Bill Cappel Sports Complex - city- owned parking lot;

(5) Eighth Street between Greenup Street and Garrard;

(6) Southern Avenue between Church and Caroline Avenue; and

(7) Main Street from West Eleventh Street to Martin Luther King Jr. Boulevard.

(1984 Code, § 111.550) (Ord. O-02-20, passed 1-14-2020)

§ 114.66 PERMIT REQUIRED TO OPERATE MOBILE FOOD VENDING SERVICE.

(A) A mobile food unit may not operate within the city without obtaining a permit for mobile food vending services.

(B) Mobile food unit services on city-owned property shall be limited to the rights-of-way and defined parking lots described in the mobile food vending service boundaries. Mobile food unit services on other city-owned property shall be limited to areas approved on a city special event permit.

(C) Mobile food service on private property shall be limited to the zones permitted in the city's Zoning Code, and require written permission of the property owner.

(D) A mobile food vendor may obtain a permit to serve customers, provided all standards identified in this section are met. If demand for mobile food units exceeds available spaces within the defined locations, the city will issue permits on a first come first served basis.

(E) The granting of a permit under this section shall not constitute a property interest or right in any city-owned property, including, but not limited to, city rights and sidewalks. Any permit granted herein does not provide a mobile food vendor or mobile food unit exclusive rights to any public property or parking space.

(1984 Code, § 111.551) (Ord. O-02-20, passed 1-14-2020)

§ 114.67 PERMIT APPLICATION AND FEES.

(A) Permitting shall be on a per mobile food unit basis, with each different mobile food vendor requiring a separate license for each individual mobile food unit.

(B) There shall be a permit application fee of $500 per mobile food unit per year. The application fee shall be non-refundable. Ten percent of the fee shall be remitted by the city to the Covington Motor Vehicle Parking Authority to offset loss of on-street parking revenue. The permit fee for permits issued after July 1 shall be $250 per mobile food unit for the remainder of that calendar year.

(C) All applications for permits shall be submitted to the City Manager and shall be accompanied with all submittal requirements on the city's application form, including the required certificate of insurance, state and county approvals, proof of Health Department approval, and permitting fee.

(D) Permits are valid for the calendar year the permit is issued, unless otherwise invalidated, revoked or terminated prior to the end of the term. Mobile food vendors must reapply (including payment of all applicable fees) each calendar year.

(E) The mobile food vendor must submit proof of a valid insurance policy through an insurance carrier authorized or eligible to do business in the commonwealth for any damage to the public right-of-way and for any damages for which the city might incur liability for property damage, personal injury or death arising out of the mobile food vendor's operations. The minimum liability limit of the policy shall be $1,000,000. The city shall be listed as an additional insured as its interests may appear on all certificates of insurance.

(F) By submitting a permit application, the mobile food vendor agrees to abide by all terms and conditions of this subchapter, and agrees that it shall hold the city, its employees, agents and elected officials harmless and indemnify them for any loss, liability, damage and costs and expenses arising from its operations. The city is not liable for any business loss, property loss or other damage that may result from use of the permit, or suspension or revocation of the permit, relocation of the mobile food unit, or the discontinuance of the practice of permitting such activity, and no such mobile food vendor shall maintain any claim or action against the city and/or its officials, officers, employees or agents on account of any suspension, relocation, revocation or discontinuance. The indemnifications required herein shall include, but not be limited to, injury or death resulting from a slip and fall of the mobile food vendor's employees or customers due to grease, debris, snow or ice in the queue areas of the mobile food vending unit.

(1984 Code, § 111.552) (Ord. O-02-20, passed 1-14-2020)

§ 114.68 REVIEW CRITERIA.

When considering a permit application, the City Manager or his or her designee shall consider the following criteria:

(A) Impact on local economy;

(B) Impact on public health and safety;

(C) Impact on transportation and traffic;

(D) Completeness of the application and accuracy of information;

(E) Compliance with the terms of this subchapter, and other city, county, state and federal laws, ordinances, rules and regulations;

(F) Outstanding delinquent accounts or liabilities, if any, to the city;

(G) The existing number of mobile food unit permits operating within the city rights-of-way; and

(H) If demand exceeds appropriate and available space.

(1984 Code, § 111.553) (Ord. O-02-20, passed 1-14-2020)

§ 114.69 AUTHORIZED LOCATIONS AND LOCATIONS RESTRICTIONS FOR MOBILE FOOD UNIT VENDING SERVICES.

(A) The mobile food unit may only be parked within the mobile food unit service boundaries or upon private property in an authorized zone.

(B) If located upon private property, the mobile food unit shall comply with all setback, sightline and other city zoning code regulations regarding the location of an accessory structure.

(C) In order to preserve sufficient public parking, and to prevent potential traffic congestion on city streets and sidewalks which may present a risk to public health and safety and the right to quiet enjoyment of property, at any one time no more than three mobile food units may be located on a single street within the mobile food unit service boundaries.

(D) Mobile food vendors must be actively engaged in vending operations at all times while occupying any public property.

(E) All mobile food units must be situated to allow at least five feet of unobstructed space for pedestrians on sidewalks, pedestrian paths, and other locations intended primarily for pedestrian travel. If any applicable law, including the Americans with Disability Act, shall require a greater distance, the greater distance shall apply.

(F) Mobile food units may not be parked in a location that prohibits or restricts access to a private property or public facility. A minimum five-foot spacing is required from any driveway, measured from the driveway apron.

(G) Mobile food vendors may not operate in any manner that blocks, obstructs or restricts the free passage of vehicles or pedestrians in the lawful use of the sidewalks or highways or ingress or egress to the abutting property.

(H) The mobile food unit must be located at least five feet from any utility box, utility vault, handicapped ramp or emergency call box. The mobile food unit must be located at least 15 feet from all fire hydrants.

(I) Mobile food units may not be parked upon a sidewalk, in grass, or on any other unpaved surface unless specifically authorized in an applicable city permit.

(J) Mobile food units shall not park on public rights-of-way during designated street sweeping times, or when a road is closed, or blocked, including for maintenance. Mobile food units and vendors shall comply with all ordinances, laws and regulations, including, but not limited to, those regarding traffic and parking.

(1984 Code, § 111.554) (Ord. O-02-20, passed 1-14-2020)

§ 114.70 OPERATING RESTRICTIONS, NUISANCE PREVENTION AND PUBLIC HEALTH AND SAFETY.

A mobile food unit must comply with the following standards at all times during operation.

(A) The mobile food vendor must dispose of all waste associated with the mobile food unit operation, and must make waste and recycling receptacles available to its customers. City receptacles may not be utilized. No liquid waste or grease may be poured into any tree pit, storm drain, gutter pan, sidewalk or any other public space, or in a manner inconsistent with the city's solid waste disposal regulations or nuisance code. Grease cannot be released into the city's sanitary sewer system. The mobile food vendor shall make available hand sanitizer to its customers.

(B) Permitted mobile food units may operate every day of the week from the hours of 6:00 a.m. to 10:00 p.m. The mobile food unit may not operate or park within the mobile food vending service boundaries before 5:30 a.m. and must cease operation and leave the permitted parking space by 10:30 p.m.

(C) Mobile food vending units shall not exceed 31 feet in length or eight feet, five inches in width. If parked within a public right-of-way, the mobile food unit shall comply with all applicable parking regulations, and shall not occupy more than one marked parking space.

(D) The mobile food vendor shall not utilize tables or chairs on public property, including city sidewalks or streets, in conjunction with the mobile food unit. All equipment shall be contained within or on the mobile food unit. This section shall not prevent an approved special event permit from specifically authorizing the use of tables, chairs and other free- standing equipment on public property.

(E) Mobile food vendors shall not utilize the city's electrical outlets, unless specifically authorized by the city in writing.

(F) Every mobile food vendor to whom a permit is issued shall, at all times while engaged in that business, have the applicable permit in his or her possession, prominently displayed in the front windshield of the vehicle, for public viewing, and shall produce the same at the request of any city official or at the request of any individual to whom the mobile food vendor is exhibiting his or her food or attempting to sell the same.

(G) Mobile food vendors must comply with all other applicable ordinances, laws and regulations, including, but not limited to, applicable ordinances regulating license fees and taxes.

(H) During operation, mobile food vendors shall be required to keep the vending area adjacent to the mobile food unit free from ice, snow, oil or other material that may cause a slip and fall hazard.

(1984 Code, § 111.555) (Ord. O-02-20, passed 1-14-2020)

§ 114.71 SUSPENSION OR REVOCATION OF PERMIT.

(A) The City Manager or his or her designee may suspend or revoke any permit issued under this section, or require a mobile food vendor to relocate its mobile food unit, for any of the following reasons:

(1) To allow for construction, maintenance or repair of any street, curb, gutter, sidewalk, storm drain inlet or any other similar facility;

(2) Failure to comply with all terms of this subchapter, or other applicable local, state and federal regulations;

(3) Revocation of any required permit to conduct the mobile food service operations, including revocation by the Northern Kentucky Health Department or other issuing entity;

(4) Excessive noise;

(5) Improper disposal of solid waste, grease, oil or other materials from the mobile food unit;

(6) When the desired location of the mobile food unit is closed, or during special events;

(7) In the event this subchapter is amended or repealed as to render the mobile food vendor's activities inconsistent with the city's mobile food unit regulations; and

(8) To maintain the comfort, health, safety and welfare of the public.

(B) If the City Manager or his or her designee exercises the right to suspend or revoke a permit issued under this section, written notice shall be provided to the mobile food vendor at the address on file for the permit. The city's delay or failure to issue a suspension or revocation of any permit shall not constitute a waiver of this section. No reimbursement for any portion of the permit fee shall be made in the event a mobile food unit permit is suspended or revoked, or if a mobile food unit is required to relocate temporarily or permanently.

(1984 Code, § 111.556) (Ord. O-02-20, passed 1-14-2020)

§ 114.72 TERMINATION OR AMENDMENT OF MOBILE FOOD VENDING.

The city's Board of Commissioners may amend, revise or terminate mobile food service by ordinance duly enacted. The city shall retain the entire fee paid for the permit by the permit holder; no refund shall be issued to any mobile food unit permit issued that is no longer valid because of an amendment, revision or termination.

(1984 Code, § 111.557) (Ord. O-02-20, passed 1-14-2020)

§ 114.73 APPEALS.

Any person aggrieved by a decision of the City Manager or his or her designee regarding denial, suspension or revocation of a mobile food vending service permit shall have the right to appeal any such decision to the Board of Commissioners by filing a written notice of appeal with the City Clerk within five days after the written decision is rendered. The appeal shall be heard no later than 20 days after the notice of appeal is filed. The appeal shall be based on the record, except when the Board of Commissioners, in its sole discretion, requests additional evidence from the interested parties or other witnesses. No appeals will be considered if an appeal is not filed in a timely manner.

(1984 Code, § 111.558) (Ord. O-02-20, passed 1-14-2020)

§ 114.99 PENALTY.

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

(B) Any person who violates any provisions of §§114.01 through 114.18 of this chapter shall be deemed guilty of a

misdemeanor and shall be fined not more than $500 or imprisoned for not more than six months, or both fined and imprisoned.

(C) Any person, firm or corporation found to be in violation of the provisions of §114.31 of this chapter shall be deemed guilty of a misdemeanor and shall be fined in a sum not more than $500 or six months in jail, or both so fined and imprisoned, at the discretion of a court of appropriate jurisdiction.

(D) Any person, firm or corporation found guilty of violating the provisions of §§114.45 through 114.53 of this chapter shall be deemed guilty of a misdemeanor and shall be fined not less than $300 or imprisoned for not more than 60 days, or both, for the first offense, and fined not less than $500 or imprisoned for not more than 90 days, or both, for each offense after the first in the same calendar year, plus mandatory revocation of license with the second offense.

(E) A violation of §§ 114.65 through 114.73 shall be a civil offense. Any person who violates §§114.65 through 114.73 shall be subject to a civil fine of $200 per day per violation.

(1984 Code, § 111.999) (Ord. O-44-82, passed 7-20-1982; Ord. O-76-88, passed 9-13-1988; Ord. O-87-88, passed 11-15-1988; Ord. O-13-94, passed 4-12-1994; Ord. O-21-04, passed 3-30-2004)

CHAPTER 115: DETECTIVE AND GUARD AGENCIES

Section

115.01 Definitions

115.02 Business and individual licenses required

115.03 Application; fee

115.04 License fee

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§ 115.01 DEFINITIONS.

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

AGENTS AND EMPLOYEES. All persons employed by a merchant guard, merchant patrol or detective agency, in the conduct of his or her business, except stenographic and clerical employees whose duties are confined entirely to stenographic and clerical duties in the business office of the merchant guard, merchant patrol or detective agency, or other employees not directly engaged in providing protection or surveillance.

BUSINESS OR INDUSTRIAL GUARD. Any individual who accepts employment from a single employer for the purpose of watching, guarding or otherwise protecting the persons or property of that employer only, or to preserve the peace in the conduct of that employer's business. ***BUSINESS OR INDUSTRIAL GUARD*** shall not include any individual so employed by any common carrier engaged in interstate commerce, or maintenance persons and installers, janitors, repair persons or persons engaged in similar occupations, or officers of the city or county police departments engaged in off- duty employment.

DETECTIVE AGENCIES. Any person who engages in the business of furnishing a service for clients for any type of private investigation.

MERCHANT GUARD or ***MERCHANT PATROL.*** Any person who conducts or is engaged in the business of providing protection to persons and property or preserving the peace in the conduct of any business, except a business or industrial guard.

SPECIAL INVESTIGATOR or ***INDEPENDENT INVESTIGATOR.*** Any individual who engages in the business of furnishing information or private investigation, including bodily injury cases for other persons or clients. Information developed or fees earned on any individual case or file shall be privileged material and not subject to review as herein provided.

(1984 Code, § 111.090) (Ord. O-83-67, passed 12-28-1967)

§ 115.02 BUSINESS AND INDIVIDUAL LICENSES REQUIRED.

(A) *Business license.* No person shall engage in the business of a merchant guard, merchant patrol or detective agency, or act as a business or industrial guard without first obtaining a license.

(B) *Individual license.*

(1) No merchant guard, merchant patrol or detective agency shall employ any agent or employee unless the person to be employed has obtained a license as provided in this chapter.

(2) No person shall accept employment as an agent or employee of a merchant guard, merchant patrol or detective agency without obtaining a license, as herein provided.

(1984 Code, § 111.091) (Ord. O-83-67, passed 12-28-1967) Penalty, see § 115.99

§ 115.03 APPLICATION; FEE.

(A) Applications for a license as a merchant guard, merchant patrol, detective agency or agent or employee of a merchant guard, merchant patrol or detective agency shall file an application with the office of the Finance Department on forms to be provided by the Department for that purpose. The license application shall contain the information required by the following list:

(1) If an application for a license as a merchant guard, merchant patrol or detective agency, a description of the nature and type of business to be conducted, the services to be offered and the area expected to be covered in the conduct of the business, a statement as to the number of employees to be employed as agents or employees, a statement as to the number and type of vehicles to be used in the conduct of the business and description thereof, including any radio equipment, a description of the equipment used in the maintenance of the office other than vehicles to be used in the conduct of the business and any other pertinent facts required by the Finance Department;

(2) If an application for a license as an agent or an employee of a merchant guard, merchant patrol or detective agency, or as a business of industrial guard, the name of the person by whom the applicant is to be employed, the address where the applicant is to be employed, the nature of the service to be rendered, the purpose of the employment, and any other pertinent facts required by the Finance Department. In addition, the Finance Department shall require evidence that the applicant will be employed by a merchant guard, merchant patrol, a detective agency or other employer in the event the application is approved;

(3) A statement as to whether or not the applicant has been convicted of any felony, misdemeanor or ordinance violation other than traffic violations, the nature of the offense, the penalty or punishment imposed, and the date and place where the offense occurred. The applicant shall make a personal visit to the office of the Bureau of Identification of the Police Department of the City of Covington, the City of Newport and the Kenton County Patrol. The applicant shall be fully processed to the satisfaction of the Bureau of Identification of the city's Police Department;

(4) A statement as to whether or not the applicant has ever had a judgment or conviction for fraud, deceit or misrepresentation entered against him or her and, if so, the details thereof;

(5) A statement as to the business or employment record of the applicant for ten years immediately preceding the date of application; and

(6) Three letters certifying to the good character and business responsibility of the applicant.

(B) All applications for licenses under this section shall be accompanied by an application fee of $10.

(1984 Code, § 111.092) (Ord. O-83-67, passed 12-28-1967)

§ 115.04 LICENSE FEE.

Every person engaging in the business of a merchant guard, merchant police or private detective agency shall pay an annual license fee based on 0.75% of his or her gross receipts, with a minimum filing fee of $25, payable May 1, annually.

(1984 Code, § 111.093) (Ord. O-83-67, passed 12-28-1967)

§ 115.05 RESTRICTIONS ON ISSUANCE.

No license shall be issued to any person:

(A) Under 18 years of age;

(B) Who is not a citizen of the United States;

(C) Whose character, reputation and record of sobriety are not satisfactory to the Finance Department and the Police

Department;

(D) Against whom a judgment or conviction for fraud, deceit or misrepresentation has been entered within ten years immediately preceding the date of application;

(E) Who has a record of drug addiction or a record of violent acts against persons or property; or

(F) Who is unable to prove that he or she will be employed as a business or industrial guard, or any agent or employee of an industrial guard, merchant guard, merchant police or detective agency upon issuance of a license.

(1984 Code, § 111.094) (Ord. O-83-67, passed 12-28-1967)

§ 115.06 IDENTIFICATION CARDS AND BADGES.

(A) *Identification cards.* The Finance Department shall issue to each licensee an identification card approximately two and one-half inches by four inches. The identification card shall include:

(1) The type of license and expiration date thereof;

(2) The name, address, physical description and picture of the licensee;

(3) The name of the employer if the licensee is a business or industrial guard or detective agency, or the agent and employee of the merchant guard, merchant patrol or detective agency;

(4) The signature of the licensee and that of the Finance Director; and

(5) Any other information that the Finance Department may deem advisable.

(B) *Badges.*

(1) The Finance Director, in addition to the identification card, may issue a uniform type badge to be designed by him or her.

(2) The Finance Department is authorized to approve the use of badges and insignia provided to agents or employees by the merchant guard, merchant patrol or detective agency or to business or industrial guards by an employer, where the badges and insignia are not a colorable imitation of or cannot be confused with the badge worn by officers of the Police Department, County Patrol or the County Sheriff's office.

(1984 Code, § 111.095) (Ord. O-83-67, passed 12-28-1967)

§ 115.07 UNIFORMS.

(A) Uniforms, if any, worn by business or industrial guards and detective agencies, and agents or employees of merchant guards, merchant patrols or detective agencies while employed within the city and county, shall be of a color different from that worn by officers of the Police Department, County Patrol, the County Sheriff's office and the State Highway Patrol.

(B) The uniforms shall be presented to the Finance Department and the Chief of Police for their approval as to color, prior to issuance to employees and agents of merchant guards, merchant patrols or detective agencies, and before being worn by the business and industrial guards. Once the determination is made, it shall not thereafter be changed, except by mutual agreement between the Finance Department and the Chief of Police.

(1984 Code, § 111.096) (Ord. O-83-67, passed 12-28-1967)

§ 115.08 VEHICLE MARKINGS; NEW VEHICLES.

(A) The vehicles used in the conduct of the merchant guard, merchant patrol or detective agency business by a licensee shall be of a color approved by the Finance Department and the Chief of Police. The color shall be different from that of the vehicles of the Police Department and, once determined, shall not be changed, except by mutual agreement between the Finance Department and the Chief of Police. Insignias shall not be painted on the sides of the vehicles which are similar to or which could be confused with that painted on the sides of the vehicles of the city, county or state law enforcement agencies.

(B) The vehicles used in the conduct of the merchant guard, merchant patrol or detective agency business shall not be equipped with any lights or sirens in violation of the traffic code of the city, county or the state.

(C) Whenever a new vehicle is acquired by a licensee for use in the conduct of his or her business as provided in this section, the type and description of the vehicle shall be immediately reported to the Finance Department.

(1984 Code, § 111.097) (Ord. O-83-67, passed 12-28-1967) Penalty, see § 115.99

§ 115.09 USE OF CERTAIN WORDS PROHIBITED.

The words "police" or "officer" shall not be used in any advertising or on the premises within the limits of the city occupied by the merchant guard, merchant patrol or detective agency, or on any of its vehicles or equipment.

(1984 Code, § 111.098) (Ord. O-83-67, passed 12-28-1967) Penalty, see § 115.99

§ 115.10 CHANGE OF ADDRESS.

Any licensee changing a place of business or abode shall immediately notify the Finance Department of that fact, together with the address of the new place of business or abode. In the event a licensee changes his or her place of abode, this shall not be deemed to be a transfer of license or require the payment of any additional fee.

(1984 Code, § 111.099) (Ord. O-83-67, passed 12-28-1967)

§ 115.11 DISMISSAL.

(A) Whenever a business or industrial guard or agent or employee of a merchant guard, merchant patrol or detective agency is discharged for any reason, his or her employer shall immediately notify the Finance Department of that fact, together with the reasons for the dismissal.

(B) When a business or industrial guard or agent or employee of a merchant guard, merchant patrol or detective agency is dismissed, he or she shall forthwith surrender the identification card and badge issued him or her to the Finance Department. In the event the person surrendering a set of identification card and badge is re-employed during the remainder of the year, the identification card and badge may be re-issued to him or her without charge.

(1984 Code, § 111.100) (Ord. O-83-67, passed 12-28-1967)

§ 115.12 PROHIBITED ACTS.

No licensee shall:

(A) Arrest any person, except when that person commits a criminal offense in the presence of the licensee;

(B) Fail to turn over any such person arrested immediately to the Police Department, and a warrant filed by the licensee;

(C) Hinder or interfere with any investigation under the jurisdiction of the Police Department;

(D) Fail to report immediately to the Police Department all violations of city, state or federal laws which constitute felonies or a breach of the peace coming to his or her attention;

(E) Wear a uniform, badge or insignia other than authorized by the Finance Department and the Chief of Police;

(F) Represent himself or herself to be an officer of the Police Department; or

(G) Fail to conduct himself or herself in a lawful and orderly manner at all times.

(1984 Code, § 111.101) (Ord. O-83-67, passed 12-28-1967) Penalty, see § 115.99

§ 115.13 REVOCATION FOR VIOLATION.

Any person violating any of this chapter shall, in addition to any other penalty provided in this code, have his or her license revoked.

(1984 Code, § 111.102) (Ord. O-83-67, passed 12-28-1967)

§ 115.99 PENALTY.

Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor and shall be fined not more than $500 or imprisoned for not more than six months, or both fined and imprisoned.

(1984 Code, § 111.999) (Ord. O-13-94, passed 4-12-1994)

CHAPTER 116: INSURANCE COMPANIES

Section

116.01 Municipal insurance premium tax

§ 116.01 MUNICIPAL INSURANCE PREMIUM TAX.

(A) There is hereby imposed on each insurance company a license fee for the privilege of engaging in the business of insurance within the corporate limits of the city for the calendar year 1985 and thereafter on a calendar year basis.

(B) The license fee imposed upon each insurance company which issues life insurance policies on the lives of persons residing within the corporate limits of the city shall be 12% of the first year's premiums actually collected within each calendar quarter by reason of the issuance of such policies. The 12% rate shall be effective 7-1-2015.

(C) The license fee imposed upon each insurance company which issues any insurance policy which is not a life insurance policy shall be 12% 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 whose classes of business which such company is

authorized to transact, less all premiums returned to policy holders. Any license fee or tax imposed upon premium receipts shall not include premiums excluded from license fees or taxes by the provisions of KRS 91A.080.

(D) All license fees imposed by this section shall be due no later than 30 days after the end of each calendar quarter. License fees which are not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6). In addition, the city hereby assesses a 10% penalty for a tax or fee not paid within 30 days after the due date.

(E) Every insurance company subject to the license fees imposed by this section shall annually, by March 31, furnish the city with a written breakdown of all collections in the preceding calendar year for the following categories of insurance:

(1) Casualty;

(2) Automobile;

(3) Inland marine;

(4) Fire and allied perils;

(5) Health; and

(6) Life.

(F) The provisions of KRS 91A.080 are hereby adopted by reference; that statute provides for regulation by the Department of Insurance and includes penalties for violation of this section.

(G) All taxes, fees and interest received by the city pursuant to the provisions of this chapter shall be deposited in the General Fund of the city.

(1984 Code, § 111.120) (Ord. O-40-84, passed 7-24-1984; Ord. O-3-89, passed 1-24-1989; Ord. O-30-06, passed 6-27-2006; Ord. O-05-15, passed 3-19-2015; Ord. O-12-16, passed 6-27-2016; Ord. O-09-19, passed 4-9-2019)

CHAPTER 117: SECONDHAND DEALERS AND PAWN SHOPS

Section

Junk, Scrap Metal, Precious Metal and Secondhand Dealers,

Secondhand Stores and Pawn Shops

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117.03 Daily reports to Police Department

117.04 Records

117.05 Business sign and license to be posted

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117.99 Penalty

JUNK, SCRAP METAL, PRECIOUS METAL AND SECONDHAND DEALERS, SECONDHAND STORES AND PAWN SHOPS

§ 117.01 DEFINITIONS.

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

CONSIGNMENT. A transaction in which a person/bailer delivers goods to a merchant for the purpose of sale, and the merchant acts as the bailee or agent for the goods and markets such goods for sale on behalf of the person/bailor. The

merchant does not acquire ownership or title to such goods at any time, but may receive a commission upon sale of the consigned goods.

JUNK DEALER. Any person engaged in the business of operating a junk yard.

JUNKYARD. Any land, building, structure, enclosure or site where waste materials are purchased, collected or processed for the purpose of dealing resale, barter or exchange.

LICENSEE. Any premises, entity or individual operating as a junk dealer, precious metal dealer, scrap metal dealer, pawn shop, secondhand dealer or secondhand store, as defined in this subchapter, that has secured a city secondhand/pawn retailer license.

PAWNBROKER/PAWN SHOP. Any premises, entity or individual who loans money on deposit of personal property, or who deals in the purchase of personal property on the condition of selling the property back again at a stipulated price, or who makes a public display at his, her or its place of business of the sign generally used by pawnbrokers to denote their business, or who publically exhibits a sign advertising money to loan on personal property or deposit.

PRECIOUS METAL. Any secondhand or antique jewelry, coins, watches, diamonds or other precious stones, cutlery, old gold, silver, platinum or other precious metals, or any other secondhand manufactured articles, composed wholly or in part of gold, silver, platinum or other precious metals.

PRECIOUS METAL DEALER. Any person or entity dealing in the purchase or exchange of secondhand or antique jewelry, coins, watches, diamonds or other precious stones, cutlery, old gold, silver, platinum or other precious metals, or any other secondhand manufactured articles, composed wholly or in part of gold, silver, platinum or other precious metals.

SCRAP METAL. Any waste and/or new metal products, including, but not limited to, old, unwanted metal, parts of vehicles, building supplies, wrought iron, wiring, piping, copper tubing, aluminum (except aluminum cans), steel and surplus materials.

SCRAP METAL DEALER. Any person engaged in the business of purchasing and/or selling scrap metal.

SCRAPYARD. Any premises where a business or entity is located that deals in the purchase and sale of scrap, including, but not limited to, recycling operations.

SECONDHAND DEALER. Any person engaged in the business of selling used automobile parts or other motor vehicle parts.

SECONDHAND STORE. Any premises or individual involved in the retail sales of previously used items, such as appliances, refrigerators, stoves, power tools, athletic equipment, clothing, washing machines and dryers, and previously used electronics, such as televisions, computers, cellular phones, portable music devices and stereos. This definition includes stores or other entities that are sometimes referred to as “pawn shops” and vintage clothing stores.

VINTAGE CLOTHING STORE. Any premises used for the sale or trading of vintage collectible or haute couture clothing or jewelry, which means finely constructed clothing or jewelry with high and generally agreed upon standards of aesthetic quality.

WASTE MATERIAL. Scrap metals of all kinds, whether processed by cutting or not, waste paper and paper products, old rags and all other waste products, of any nature whatsoever.

(1984 Code, § 111.150) (Ord. O-27-82, passed 4-13-1982; Ord. O-1-07, passed 1-23-2007; Ord. O-5-10, passed 2-16-2010)

Statutory reference:

Recyclers, see KRS 177.905 et seq.

§ 117.02 LICENSE REQUIRED.

No person shall engage in the business of junk dealer, precious metal dealer, scrap metal dealer, pawn shop or secondhand dealer or secondhand store, as defined in § 117.01 of this chapter, without first having secured all licenses required for the operation of such a business from the city’s Finance Department, including a business regulatory license and a secondhand/pawn retailer license. The annual license fee for the secondhand/pawn retailer license shall be $150. No applicant shall be eligible for a license if he, she or it is delinquent or in default of an obligation to pay a tax, license fee, loan, fine, lien or other financial obligation to the city. The Finance Department shall forward a copy of all secondhand/pawn retailer licenses issued to the city’s Police Department.

(1984 Code, § 111.151) (Ord. O-1-07, passed 1-23-2007; Ord. O-5-10, passed 2-16-2010) Penalty, see § 117.99

§ 117.03 DAILY REPORTS TO POLICE DEPARTMENT.

(A) Any person or entity licensed under this subchapter shall make a daily report to the Police Department as specified by city’s Police Department regulations, of every purchase involving pawned items or the purchase of scrap metal, precious metal or secondhand items from individuals or a representative(s) of individuals. The report shall contain the applicable information set forth in § 117.04 of this chapter. The daily report shall be transmitted electronically to the city’s Police Department in a manner prescribed by that department. The city’s Police Department shall be empowered to formulate administrative regulations regarding the electronic transfer of the daily report and related information, and the photographs

that must be provided to or retained for the Police Department.

(B) All licensees shall furnish the above information to the Chief of Police or his or her designee each day by 11:00 a.m. for all transactions which took place during the previous 24 hours preceding each report.

(1984 Code, § 111.152) (Ord. O-1-07, passed 1-23-2007; Ord. O-5-10, passed 2-16-2010)

§ 117.04 RECORDS.

(A) All junk dealers, precious metal dealers, scrap metal dealers, pawn shops or secondhand dealers or secondhand stores shall keep a record of their transactions involving pawned items or the purchase of scrap metal, precious metal or secondhand items from third parties. These records shall be open at all reasonable times for inspection by the Police Department, City Finance Department, City Code Enforcement Department or any law enforcement officer of the state when in discharge of his or her official duty. These records shall be kept in the manner and format specified in the applicable city Police Department administrative regulations.

(B) The records mandated above shall contain the following information:

(1) Name, address and phone number of seller, as well as that person's age, sex, race and driver's license number or the number of the seller's state identification card or official United States military identification;

(2) Date and time of purchase of the item by the licensee;

(3) A detailed description of the article or articles purchased by the dealer or store, including any manufacturer's name, identification numbers, serial number, model number and any identifying marks and/or scratches; and

(4) The signature of the scrap metal dealer, precious metal dealer, secondhand dealer, pawn shop operator or secondhand-store operator and the seller as executed at the time of the purchase, provided the dealer/licensee shall compare the seller's signature to the signature upon the seller's license or other required identification at the time of purchase.

(C) In addition to the records mandated above, the dealer/licensee shall also collect the information below related to each transaction and retain these records at the establishment where the transaction took place. The information set forth below shall be available upon request to the city's Police Department, the city's Code Enforcement Department and all other law enforcement officers when in discharge or his or her official duties at any time during the dealer/licensee's regular business hours:

(1) A photocopy, or clear copy produced by a computer scanner, of the seller's driver's license, state identification card or official United States military identification with photograph (collectively "photo identification");

(2) A digital photograph of the seller's face, or a still color print of the seller's face generated by a surveillance system in excess of the minimal specification permitted in the Police Department's administrative regulations related to this subchapter (a licensee that has scanned a clear copy of the seller's photo identification via computer that matches the current appearance of the seller shall be exempt from this provision);

(3) A digital photograph of the article or articles purchased by the dealer or store (digital photographs are not necessary for compacted discs, VHS tapes or DVDs, or any item with a complete, readable serial number); and

(4) At the option of the licensee, the seller and the article or articles to be purchased may be depicted in the same digital photograph.

(D) (1) The scrap metal dealer, precious metal dealers, secondhand dealer, pawn shop operator or secondhand store operator shall maintain all records of purchase of items covered under this subchapter, except photographs or surveillance system records, for a minimum period of one year from the date of the transaction.

(2) Photographs or surveillance system records shall be retained by the licensee for a minimum period of six months from the date of the transaction.

(1984 Code, § 111.153) (Ord. O-1-07, passed 1-23-2007; Ord. O-5-10, passed 2-16-2010)

§ 117.05 BUSINESS SIGN AND LICENSE TO BE POSTED.

Any secondhand dealer, precious metal dealer, secondhand store, pawn shop, junk dealer, scrap metal dealer or any person who purchases, sells, exchanges or receives secondhand furniture, precious metals, secondhand articles of any kind, or scrap, other than automobiles, shall keep up in a conspicuous place in or on the shop, store or place of business, a sign having his or her name and occupation inscribed thereon and post their secondhand/pawn retailer license in a location able to be viewed by the public.

(1984 Code, § 111.154) (Ord. O-1-07, passed 1-23-2007; Ord. O-5-10, passed 2-16-2010) Penalty, see § 117.99

§ 117.06 TAGGING OF MERCHANDISE; DENIAL RESTRICTIONS ON RESALE.

(A) (1) Articles purchased or exchanged by any person or entity licensed under this subchapter, excepting precious and scrap metal, and shall be retained by the purchaser for at least ten days before disposal or sale of the articles and kept in an accessible place at the business where the articles were purchased or received.

(2) A tag shall be attached to the articles in some visible and convenient place with the number written thereon, corresponding to the entry number on the report required by this subchapter.

(B) Scrap metal (such as aluminum cars, brass, copper and steel) or precious metal purchased by a licensee shall be retained by the licensee for at least 72 hours before disposal.

(C) Any pawned item shall be retained by the licensee according to the timeframes set forth in KRS 226.050 or other applicable state statute.

(D) Licensees shall retain each and every article received by them in the same state or condition in which it was received, and all articles during any one day's transaction shall be kept separately and shall not be commingled with articles received during any other day's transactions. Furthermore, all articles shall be made available for examination by officers of the City Code Enforcement Department, City Police Department or any law enforcement officer, when in discharge of his or her official duties, at all reasonable times during the applicable hold period set forth above.

(1984 Code, § 111.155) (Ord. O-1-07, passed 1-23-2007; Ord. O-5-10, passed 2-16-2010)

§ 117.07 TRANSACTIONS WITH MINORS.

No junk dealer, precious metal dealer, secondhand dealer, pawn shop or secondhand store or scrap metal dealer shall directly or indirectly purchase or receive by way of barter or exchange or otherwise any articles or items of any person under the age of 18 years old, knowing or having reason to believe him or her to be a minor.

(1984 Code, § 111.156) (Ord. O-1-07, passed 1-23-2007; Ord. O-5-10, passed 2-16-2010) Penalty, see § 117.99

§ 117.08 EXCEPTIONS.

(A) Nothing contained herein shall require compliance with this subchapter by a business or entity that only deals in consignment of merchandise and does not purchase items from the public or accept items for pawn, or by a licensee who is accepting a return for cash, credit or replacement of any item originally purchased from the licensee.

(B) Any transaction involving a vehicle, wedding gown or work of art (such as paintings, sculptures, ceramic art, drawings or photography) is exempt from the provisions of this subchapter.

(1984 Code, § 111.157) (Ord. O-5-10, passed 2-16-2010)

§ 117.09 FENCE REQUIRED AROUND JUNKYARD; STORAGE OF WASTE MATERIALS.

(A) *Fence required.*

(1) No junkyard shall be operated without being enclosed by a durable fire-proof fence at least eight feet high. The fence shall be constructed of a solid masonry material or a chain link fence backed by a solid non-ferrous, non-combustible material which shall not permit visibility of the premises, and so as to contain the waste materials within the enclosure.

(2) No storage of any waste materials or accumulation thereof shall be permitted outside of the confines of the enclosure.

(B) *Storage of waste.* No waste materials shall be stored in a junkyard for a longer period of time than 90 days, in order to prevent excessive stockpiling. All inflammable waste materials shall be stored in a suitable fire-proof building or structure.

(1984 Code, § 111.158) (Ord. O-10-62, passed 3-8-1962; Ord. O-44-64, passed 8-13-1964; Ord. O-1-07, passed 1-23-2007; Ord. O-5-10, passed 2-16-2010) Penalty, see § 117.99

§ 117.10 BURNING OF WASTE.

(A) No junk dealer shall burn any waste material for any purpose.

(B) Nothing herein shall prohibit the cutting of metals for packing or shipping by torches ordinarily used for that purpose.

(1984 Code, § 111.159) (Ord. O-1-07, passed 1-23-2007; Ord. O-5-10, passed 2-16-2010) Penalty, see § 117.99

§ 117.11 CONFLICTS OF LAW.

If any of this subchapter and its corresponding penalty conflicts with the provisions set forth in state statutes, then the provision set forth in state statutes shall govern.

(1984 Code, § 111.160) (Ord. O-5-10, passed 2-16-2010)

§ 117.12 REVOCATION OR SUSPENSION OF LICENSE; HEARING AND APPEALS PROCEDURE.

(A) *License revocation or suspension.*

(1) Any license issued pursuant to this chapter may be revoked or suspended by the City Code Enforcement Board, after complying with the hearing requirements below, for the following causes:

(a) If the licensee makes any false material statements in an application for a secondhand/pawn retailer license;

(b) Conviction of the licensee, or his, her or its agents, of any felony;

(c) Conviction of the licensee, or his, her or its agent who controls or operates licensee's premises, of any offense pertaining to prostitution, illegal gambling, knowingly selling, possession or receiving stolen property, sale or use of illegal drugs, or the illegal sale or use or controlled substances or prescription drugs;

(d) If the licensee allows the premises to be used as the site for any criminal activity nuisance, as defined by §92.05 of this code of ordinances; or

(e) If the licensee is delinquent or in default of an obligation to pay a tax, license fee, loan, fine, lien or other financial obligation to the city, then license is subject to suspension until the obligation is satisfied.

(2) The Code Enforcement Board may suspend any secondhand/pawn retailer license for a period not to exceed one year or revoke the secondhand/pawn retailer license.

(B) *Hearings.* Revocation or suspension proceedings shall be governed as follows.

(1) *Notice of hearings.* The City Code Enforcement Department or Police Department shall provide written notice, via regular United States mail or hand delivery to the licensee, notice of any hearing related to the possible suspension or revocation of the establishment's secondhand/pawn retailer license. The address provided by the licensee to the city on its license application shall be deemed the address for notice of hearings. The licensee shall notify the city of any change of address subsequent to the submission of an application for license. Notice to the licensee must be postmarked at least seven days prior to the hearing.

(2) *Procedure.*

(a) Any hearing before the City Code Enforcement Board shall be a public hearing and conducted in accordance with the procedural guidelines indicated in KRS 13B.080 and 13B.090.

(b) The City Solicitor, or his or her designee, shall represent the city at the hearing. The licensee has a right to retain counsel for representation at the hearing.

(c) The Code Enforcement Board shall issue a written decision, including findings of fact and conclusions of law, with within seven days of the conclusion of the hearing.

(3) *Appeals.* Any order of suspension or revocation issued by the Code Enforcement Board may be appealed to the county's District Court.

(1984 Code, § 111.161) (Ord. O-5-10, passed 2-16-2010)

§ 117.99 PENALTY.

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

(B) Any violation of any provision in §§117.01 through 117.12 of this chapter is classified as a civil offense, pursuant to the authority of KRS 65.8808. The city's Code Enforcement Board shall have power to issue remedial orders and impose civil fines to enforce this section. Enforcement of this section shall be in accordance with the procedures outlined in the Code Enforcement Board guidelines located in §§ 92.16 through 92.23 of this code of ordinances. Civil fines for violations of §§ 117.01 through 117.12 of this chapter shall be those set forth in §92.99 of this code of ordinances. The city shall possess a lien on property, real or personal, for all fines, penalties, charges, attorney's fees and other reasonable costs associated with enforcing this code, and the cost of placing of a lien on a parcel of real property pursuant to this code. The lien shall be superior to and have priority over all other liens, except state, county, school district and city taxes if all legal requirements are satisfied. In addition to the above civil penalties, a person who violates of any provision in §§ 117.01 through 117.12 of this chapter may be charged with a Class A misdemeanor, and, upon conviction, shall be subject to a fine and/or jail time in accordance with the penalties for a Class A misdemeanor provided for in state statutes.

(1984 Code, § 111.999) (Ord. O-27-82, passed 4-13-1982; Ord. O-13-94, passed 4-12-1994)

CHAPTER 118: MARRIAGE BROKERS

Section

118.01 Marriage brokers prohibited

118.99 Penalty

§ 118.01 MARRIAGE BROKERS PROHIBITED.

(A) No person shall engage in or in any way follow the business, occupation or calling of guiding, directing, aiding or in any manner assisting for compensation or reward, either directly or indirectly, any person in the procuring of a marriage

license.

(B) No person shall guide, direct or aid in any manner, for compensation or reward, either directly or indirectly, such persons as may have obtained a marriage license in having the marriage ceremony performed.

(1984 Code, § 111.170) Penalty, see § 118.99

§ 118.99 PENALTY.

Any person convicted of violating the provisions of §118.01 of this chapter shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $250 or imprisonment for a period not to exceed 30 days, or both, for the first day's violation. Each day's continued violation shall constitute a separate offense.

(1984 Code, § 111.999) (Ord. O-26-82, passed 4-13-1982; Ord. O-13-94, passed 4-12-1994)

CHAPTER 119: VEHICLE AND LIVERY BUSINESSES

Section

Commercial Quadricycle Businesses

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Horse-Drawn Vehicles/Carriages; Other Passenger-Type

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COMMERCIAL QUADRICYCLE BUSINESSES

§ 119.001 DEFINITION.

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

COMMERCIAL QUADRICYCLE. A vehicle equipped with a minimum of ten pairs of fully operative pedals for propulsion by means of human muscular power exclusively and which:

(1) Has four wheels;

(2) Is operated in a manner similar to that of a bicycle;

(3) Has a unibody design;

(4) Is equipped with a minimum of four hydraulically operated brakes;

(5) Is used for commercial tour purposes; and

(6) Is operated by the vehicle owner or an employee of the owner.

(1984 Code, § 111.040) (Ord. O-27-16, passed 10-18-2016)

§ 119.002 LICENSING REQUIREMENTS AND FEES; INTEREST AND PENALTY.

All commercial quadricycles operated in the city must be duly licensed as follows.

(A) *Application contents.* An application to operate commercial quadricycles upon the streets of the city must be submitted to the city and must contain the following information:

(1) The owner's name, address and telephone number and the operator's name, address and telephone number, if different from the owner;

(2) The place of business and business telephone number;

(3) The number of commercial quadricycles owned or to be used in the business operation, the owners identification number and location of such number on the unit, the manufacturer's name and model, condition of the unit (new, good, fair, poor), and maximum seating capacity for each commercial quadricycles unit which applicant will use;

(4) Whether the licensee has ever been convicted of a felony if the licensee is an individual; whether any of the partners have been convicted of a felony if the applicant is a partnership; and whether any of the officers or directors have been convicted of a felony if the applicant is a corporation;

(5) A list of all drivers and operators of the commercial quadricycle and an acknowledgment that no driver of a commercial quadricycle has been convicted of any criminal offense or violation related to alcoholic substances for a minimum period of two years prior to employment;

(6) A statement and documentation confirming the commercial quadricycle business meets all applicable state requirements regarding the minimum amount of general liability insurance; and

(7) Operation schedules and proposed route(s) for the operation of a business solely within a specific designated operational area.

(B) *Fees.*

(1) The initial application fee shall be $30 with an additional $30 for each commercial quadricycle licensed.

(2) The annual renewal application fee is $30 with an additional $30 for each commercial quadricycle licensed.

(C) *Verification.* All applications or renewals thereof shall be verified under oath and include a written agreement by the licensee to operate the business in accordance with the provisions of these regulations and to indemnify and hold harmless the city, its agents and employees, for all judgments, losses and expenses arising out of the operations permitted by this license.

(D) *Denial.* Failure to submit the above criteria will be grounds for denial of any license or renewal thereof. Such denial may be appealed pursuant to § 119.006(B) of this chapter.

(E) *Changes.* Any change in the criteria set forth above during any licensing period must be submitted to the city within five days of such change or the business license may be suspended or revoked pursuant to procedures set forth in §§ 119.006 and 119.007 of this chapter.

(F) *Insurance.* Failure to maintain appropriate and continuous insurance coverage throughout the licensing period will subject the business to suspension of its business license until proof that such insurance is reinstated or a new policy issued in accordance with these provisions.

(G) *Inspections.* Each commercial quadricycle shall be registered with the city before it is operated pursuant to this subchapter. A commercial quadricycle business must provide a serial number, VIN or other identification number for each quadricycle it operates within the city. The city shall inspect each commercial quadricycle no less than annually to determine if the commercial quadricycle meets safety and equipment standards. A commercial quadricycle business must notify the city of the replacement or addition of any commercial quadricycle and any such replacement or added commercial quadricycle must be inspected and approved by the city before it is placed into operation and in furtherance of the commercial quadricycle business.

(H) *Business license fee due; penalty.*

(1) The business fees set forth in division (B) above shall be due and payable annually on January 15. All applications or renewals thereof must contain the criteria heretofore mentioned, including appropriate updated information as may apply.

(2) With respect to the business license fee, the existing commercial quadricycle businesses must comply in compliance with the provisions of these commercial quadricycle regulations within 30 days after notice to do so by the city or be subject to the penalty and interest provisions set forth in these regulations.

(3) All renewal applications must be made at least ten days prior to the expiration date of January 15. There will be no proration of business fees.

(4) The business fees imposed which remain unpaid after they become due shall bear interest at the rate of 1% per month. Any applicant who fails to pay the business fees when due shall also be charged a penalty of 5% if the delay does not exceed 30 days from the due date. If the license fees are not paid within the first 30 days from the due date, an additional 5% penalty for each additional month, or fraction thereof, of the amount of the unpaid fee shall be assessed. In no event shall the penalty assessed exceed 25%.

(5) If any portion of the license fee is unpaid due to fraud, as revealed by inspection, 50% of the license fee shall be added as a penalty in addition to any other penalty herein provided.

(6) In addition to the penalties contained herein, the city may enforce the collection of the fees, penalties and interest thereon by instituting a civil action in a court of appropriate jurisdiction.

(7) Fees, once collected, shall not be subject to refund, except in instances where licenses are denied.

(1984 Code, § 111.041) (Ord. O-27-16, passed 10-18-2016)

§ 119.003 MANDATORY EQUIPMENT AND INSPECTION.

(A) Each commercial quadricycle must contain a permanent commercial quadricycle permit number issued by the city which also contains the maximum seating capacity for such commercial quadricycle. This must be clearly and permanently

displayed at the left front of each commercial quadricycle so as to identity and reference commercial quadricycle from another. Said commercial quadricycle permit number shall be renewed annually by appropriate decal issued by the city at the same time other business fees are due and payable.

(B) Each commercial quadricycle must have brakes, brake lights and electric turn signals, along with L.E.D. tail lights and L.E.D. front lights which are visible from a distance of 1,000 feet.

(C) Each commercial quadricycle must have yellow lights capable of flashing which shall be in operation in a continuous flashing fashion while crossing a bridge and which are visible for at least 1,000 feet in any direction.

(D) Each commercial quadricycle must be maintained so as to ensure the safety of its patrons and employees.

(E) Each commercial quadricycle shall be equipped with a leak-proof waste bin for the disposal of any garbage, solid waste or litter associated with the operation of the commercial quadricycle.

(F) Each commercial quadricycle should be equipped with a slow-moving vehicle emblem required by the state to be attached to the rear of the commercial quadricycle.

(G) Sufficient reflective material must be placed along the shafts of the commercial quadricycle or other parts.

(H) A fully-charged back-up battery must be carried on each commercial quadricycle during travel away from the base operation to meet emergency situations due to failure of the primary battery.

(I) In no case shall a commercial quadricycle permit be transferable from commercial quadricycle to another.

(J) Upon application, payment of the necessary fees therefor, approved inspection of each commercial quadricycle, and submission of an affidavit that each commercial quadricycle complies with the requirements of this subchapter, the city will issue a commercial quadricycle permit or decal for each.

(K) If a permanent plate or decal is lost, stolen, or damaged so as to require replacement, the owner/ licensee shall make application to the city for a duplicate plate or decal, under oath, on such forms and giving such information as the city may require. In the case of a damaged plate or decal, the owner/ licensee shall return the plate or decal with such application. Upon receipt of the application and the payment of a replacement fee of $10, the city will issue a duplicate plate or decal to the owner/licensee.

(L) No commercial quadricycle business shall be permitted to operate upon any street in the city unless a valid permit issued by the city is attached to the commercial quadricycle and said permit is not under suspension or revocation.

(1984 Code, § 111.042) (Ord. O-27-16, passed 10-18-2016)

§ 119.004 REQUIREMENTS FOR OPERATION; PROHIBITIONS AND RESTRICTIONS.

(A) *Specific designated operational area and approved routes.* No commercial quadricycle business or commercial quadricycle shall be operated outside of a specific designated operational area unless special permission is granted by the city. Any specific designated operational area of travel for a commercial quadricycle business or commercial quadricycle is subject to the right of the city, through its Police Department, to prohibit the use thereof at any time when such area of travel would be inconsistent with other special events or public safety requirements. A commercial quadricycle must be operated only on an approved travel route within the specific designated operational area. A person desiring to operate a commercial quadricycle business or commercial quadricycle shall submit, as part of his or her application, a proposed travel route or routes. The City Manager, or his or her designee, after conferring with other city departments and staff as applicable, may accept, deny or propose modification to the proposed route or routes. If a commercial quadricycle business desires to change, alter or otherwise modify one or more of its approved travel routes, it must submit such a request, in writing, to the City Manager. The City Manager, or his or her designee, after conferring with other city departments and staff as applicable, may accept, deny or propose modification to the requested route change, alteration or modification.

(B) *Hours of operation.* A commercial quadricycle business must comply with all applicable laws, ordinances and regulations regarding alcoholic beverages. In addition, no commercial quadricycle shall be operated between the hours of 9:00 p.m. and 11:00 a.m. on weekdays (Sunday through Thursday) and 12:00 a.m. and 11:00 a.m. on weekends (Friday and Saturday).

(C) *Specific prohibitions and requirements.* It shall be unlawful for a commercial quadricycle business and any employee, agent or independent contractor therefor to:

(1) Operate a vehicle that does not meet the definition of “commercial quadricycle”;

(2) Allow passengers to ride in a manner other than on a permanent and regular seat attached to the commercial quadricycle;

(3) Carry more passengers than the number of seats available on the commercial quadricycle;

(4) Operate the commercial quadricycle in a manner that results in damage to public property;

(5) Operate the commercial quadricycle in a manner that results in a collision or impact with a pedestrian;

(6) Operate the commercial quadricycle in a manner that obstructs pedestrian traffic on a sidewalk;

(7) Allow another to attach their person, bicycle, coaster, sled, toy vehicle, roller skates, skateboard, scooter or other

rolling device to the commercial quadricycle;

(8) Allow any trailer or other rolling device to attach to the commercial quadricycle;

(9) Operate a commercial quadricycle on a street or alley that has been closed by the city to motor vehicles or vehicles;

(10) Solicit or accept substitute or additional passengers at any time after the commercial quadricyle begins a route;

(11) Operate a commercial quadricycle that has exposed rust, ripped upholstery or fabric, or exposed wood that is not in good condition;

(12) Allow a passenger to possess more than three alcoholic beverages of any kind on the commercial quadricycle;

(13) Allow passengers to bring opened packages of alcoholic beverages onto a commercial quadricyle;

(14) Allow passengers to drink alcoholic beverages from an container other than a non-descript plastic cup while occupying or riding the commercial quadricycle;

(15) Allow passengers to bring or possess any glass containers of alcoholic beverages on the quadricycle;

(16) Allow passengers to bring opened packages or drinks of alcoholic beverages from retail premises onto the commercial quadricycle;

(17) Allow the sale, offer for sale or offer of any samples of alcoholic beverages;

(18) Allow noise to emanate from the commercial quadricycle in a manner that would be a nuisance to others;

(19) Operate a commercial quadricycle at a speed which poses a danger to its passengers, other vehicles or pedestrians;

(20) Operate a commercial quadricycle while under the influence of intoxicating liquors or drugs;

(21) Consume edibles, including soft drinks, nor drink any alcoholic liquor or be intoxicated as defined by law while serving as the driver of a commercial quadricycle;

(22) Disregard or disobey any traffic law and regulation of the city and the state;

(23) Abandon his or her commercial quadricycle, permit another to drive for him or her, or permit any passenger to ride on the driver's seat;

(24) Permit the seating capacity rated for a commercial quadricycle to be exceeded;

(25) Allow passengers to stand or ride on any part of the commercial quadricycle while in motion, except seated inside the commercial quadricycle. All passengers must be seated except when loading or unloading; or

(26) Solicit, annoy or obstruct in any manner the movement of a person, or follow any person for such purpose.

(D) *Lighting requirements.* The driver of each commercial quadricycle during travel from one-half hour before sunset and at all such other times as conditions exist for poor visibility, shall cause the front lights and tail lights of the commercial quadricycle to be in operation. The driver of each commercial quadricycle upon approaching or exiting a bridge and, during travel on the bridge, shall have the yellow lights flashing in a continuous fashion.

(E) *Standards for loading And unloading passengers.* No commercial quadricycle shall load or unload passengers in any manner which poses a safety risk to its passengers, other vehicles or pedestrians. No commercial quadricycle shall load or unload passengers in a way which damages property. When loading or unloading passengers, a commercial quadricycle shall not block or impede pedestrian or vehicular traffic or otherwise stop or park in any manner prohibited by any law, ordinance or regulation.

(1984 Code, § 111.043) (Ord. O-27-16, passed 10-18-2016) Penalty, see § 119.999

§ 119.005 VIOLATIONS.

(A) Whenever any officer of the city's Police Department believes any provision of §§119.001 through 119.004 of this chapter has been violated, he or she will issue a citation for violation thereof and the violator will be subject to the penalty set out in § 119.999 of this chapter for commercial quadricycle businesses.

(B) The city's police shall, as soon as possible, but not less than 14 days after citing a business or driver for violation of §§ 119.001 through 119.004 of this chapter, notify the City Manager in writing of the violation. If the holder of the license to operate a commercial quadricycle business or his or her employees or agents are convicted of violating any provision of this subchapter, the City Manager may suspend this license, pursuant to the requirement of § 119.006 of this chapter.

(C) In addition, any license issued pursuant to this subchapter may be revoked or suspended by the City Manager after complying with the hearing requirements below, for the following causes:

(1) If the licensee makes any false material statements in an application for a license;

(2) Conviction of the licensee of any felony;

(3) Conviction of the licensee, or his or her agent who controls or operates the licensee's premises, of any offense

pertaining to prostitution, illegal gambling, knowingly possessing or receiving stolen property, sale or use of illegal drugs, or the illegal sale or use of controlled substances or prescription drugs;

(4) If the licensee is delinquent or in default of an obligation to pay a loan, fine, lien or other financial obligation to the city, then license is subject to suspension until the obligation is satisfied; or

(5) The existence of any delinquent or unpaid city taxes, assessments or other financial claims against or on any person, firm, partnership, corporation or premises, licensed for the operation of a commercial quadricycle business shall be cause for revocation or suspension of the license of the person, firm, partnership or corporation.

(1984 Code, § 111.044) (Ord. O-27-16, passed 10-18-2016)

§ 119.006 NOTICE OF SUSPENSION/ REVOCATION.

(A) When the licensee, his or her agents, or his or her employees have been convicted of a violation of these regulations, the City Manager may notify the violator by certified mail that all licenses/permits have been suspended for a period not to exceed 30 days and that said licenses/permits will be automatically revoked if, at the end of the suspension period, the offense for which the violator was convicted has not been remedied so as to conform to these regulations within that 30-day suspension period. The violator may appeal this determination of suspension/ revocation of the licenses/permits pursuant to the process in division (B) below.

(B) When an application has been denied pursuant to the provisions of §119.002 of this chapter, or when a person is aggrieved by the result of an inspection under § 119.003 of this chapter, or when a person is aggrieved by a decision with regard to a request to approve or modify a travel route under § 119.004 of this chapter, or a license/permit has been suspended or revoked pursuant to § 119.006 of this chapter, the applicant or aggrieved person may file a petition setting forth his or her reasons for contesting such action with the City Clerk and request that a hearing be held within 30 days of the date of the filing of such petition with the City Clerk. Any petition for hearing must be submitted within ten working days of receipt of the City Manager's denial or suspension/ revocation notice in order to effect an appeal thereof. The City Clerk shall forthwith notify the City Manager and the Board of Commissioners that such a petition and request for hearing has been filed and the date of such filing. The City Clerk shall also submit a copy of the petition, along with the notification, to the City Manager and the Board of Commissioners.

(1984 Code, § 111.045) (Ord. O-27-16, passed 10-18-2016)

§ 119.007 NOTICE OF HEARING; PROCESS.

(A) The Board of Commissioners shall hold all hearings for appeal of suspensions/revocations or denials and make decisions upholding or modifying in the case of suspensions/revocations, or sustaining or overruling in the case of denials.

(B) All notices for suspension/revocation shall be by certified mail.

(C) The notices shall set forth the violation, the effective date of suspension/revocation and the length of the suspension and shall contain information enabling the recipient to be informed of his or her right to appeal pursuant to § 119.006(B) of this chapter.

(D) In the case of appeals of suspensions/ revocations or denials where the petition has been filed, the Board of Commissioners shall notify the petitioner of the date, time and place of hearing of the appeal or denial by certified mail. Such notice shall be placed in the mail within five days of the filing of the petition with the City Clerk, or as soon thereafter as practicable.

(E) The notice and other pleadings shall be filed with the City Clerk and the hearing and subsequent decision shall be recorded in the official minutes books of the city.

(F) An attested copy of the decision of the Board of Commissioners shall be mailed to the petitioner or his or her attorney.

(1984 Code, § 111.046) (Ord. O-27-16, passed 10-18-2016)

TAXICABS

§ 119.020 GENERAL PROVISIONS.

(A) *Title.* This subchapter shall be known and may be cited as the "Taxicab Ordinance", hereinafter referred to as this "subchapter".

(B) *Purpose.* This subchapter is designed to protect the public health, safety and welfare by:

(1) Identifying every taxicab lawfully conducting business operations in the city and every person lawfully driving a taxicab in the city;

(2) Providing guidelines for taxicab operators and taxicab drivers to conduct business operations in the city, but this subchapter is not intended to ensure a taxicab driver's suitability or qualifications to drive a taxicab, which is the sole responsibility of all taxicab operators;

(3) Establishing a system to calculate taxicab fares in a just and uniform manner; and

(4) Providing for administration, enforcement and civil penalties.

(1984 Code, § 111.270) (Ord. O-70-04, passed 12-7-2004)

§ 119.021 DEFINITIONS.

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

CITY. City of Covington, Kentucky.

DRIVER. Every person in charge of or operating any taxicab either as agent, employee or otherwise.

DRIVER'S IDENTIFICATION CARD. A laminated badge provided by the Police Department that displays the name, age and photograph of a taxicab driver. A ***DRIVER'S IDENTIFICATION CARD*** is a license granted by the city for a person to drive a taxicab upon the streets of the city.

FINANCE DEPARTMENT. The city's Finance Department and any employee of the city to whom the Finance Department shall delegate the authority to issue taxicab stickers and driver's identification cards.

HOLDER. One who has successfully obtained either a taxicab sticker or a driver's identification card from the city.

OPERATOR. Any person, corporation or other business who has the bona fide legal title or control, direction, operation, maintenance or leasing of any taxicab or the collection of revenue derived from taxicabs so operated for hire on the streets of the city.

POLICE DEPARTMENT. The City of Covington Police Department.

RECORD. A daily record prepared by a taxicab driver of all trips made by such driver, showing time and place of origin, destination, number of passengers and the amount of fare for each trip.

TAXI STANDS. Designated parking areas for metered taxicabs.

TAXICAB. Any motor vehicle propelled and operated for passage or hire, subject to call from a garage or otherwise operating for hire. ***TAXICAB*** shall not include any motor buses running and operating on established routes, sight-seeing buses, funeral vehicles or limousines.

TAXICAB NUMBER. An identification number issued by the city for each taxicab licensed to operate in the city.

TAXICAB STICKER. The license, one per vehicle, that is granted by the city for a person, corporation or other entity to own and operate a taxicab within the city limits.

WAITING TIME. The time when the taxicab is not in motion, beginning with the arrival at the place to which it has been called or the time consumed while standing at the discretion of the passenger.

(B) *Designation of stands.*

(1) The city shall establish bus stops, taxicab stands and stands for other passenger common carrier vehicles on such public streets in such places and in such number as to afford the greatest benefit and convenience to the public.

(2) Every such bus stop, taxicab stand or other stand shall be designated by appropriate signs.

(1984 Code, § 111.271) (Ord. O-40-04, passed 6-22-2004; Ord. O-70-04, passed 12-7-2004)

Statutory reference:

Authority of city to regulate taxicabs, see KRS 281.635

§ 119.022 AUTHORIZATION FROM CITY REQUIRED TO OPERATE TAXICAB.

(A) *Taxicab sticker required.* No person, corporation or other business shall operate taxicabs upon the streets of the city without first having obtained stickers for each taxicab from the Finance Department. Nothing in this subchapter or section shall be construed to prohibit any taxicab from coming into the city to discharge persons accepted for transportation outside the city.

(B) *Filing of application required.* An application for a taxicab sticker per vehicle to be operated shall be filed annually with the Finance Department upon forms provided by the city. Such application shall contain and be accompanied by the following information:

(1) Name, address and telephone number of applicant; if a corporation, limited liability company or partnership, the names and addresses of the corporation officers, members or partners shall be furnished;

(2) The number of vehicles to be operated or controlled by the applicant and any number assigned to the vehicle by the applicant;

(3) The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant;

(4) Proof of liability insurance for each taxicab according to §119.023 of this subchapter;

(5) A certified copy of the applicant's certificate of public convenience and necessity issued by the state's Transportation Cabinet that grants the applicant the authority from the state to provide taxicab services in the city; and

(6) Such further information as the Finance Department may reasonably require.

(C) *Application fee*. A fee of $40 per taxicab shall be paid to the Finance Department at the time of filing an application for taxicab stickers.

(D) *Taxicab number*. Upon approval of the application, the Finance Department shall furnish the operator a taxicab sticker for each taxicab authorized to operate in the city. Each sticker shall be imprinted with the taxicab number. The number will be used to identify each taxicab lawfully operating within the city. The sticker shall be affixed to the rear window on the lower left side and is to be permanently affixed to the window.

(E) *Stickers.* The sticker shall be issued for a specific vehicle and shall not be transferred to another vehicle. The taxicab operator may surrender a specific sticker for a vehicle that has been removed from service due to a mechanical failure, accident or not being in good operating condition. A second sticker shall be issued in lieu thereof, without charge, by the Finance Department on notification that the vehicle is inoperable and on the surrender of the original sticker. The notification shall be accompanied by such information as will show that the vehicle to which the sticker is to be transferred complies with all other requirements of this subchapter.

(F) *Violations*. Any person who knowingly and intentionally falsifies a taxicab sticker application shall have the authority granted by the city to operate taxicabs revoked in addition to any other penalty provided in this code.

(1984 Code, § 111.272) (Ord. O-40-04, passed 6-22-2004; Ord. O-70-04, passed 12-7-2004) Penalty, see § 119.999

§ 119.023 LIABILITY INSURANCE REQUIRED.

(A) Except as provided in division (E) below, no sticker for a taxicab shall be issued until the owner shall file with the Finance Department a valid policy of accident insurance in some good and solvent incorporated insurance company licensed and admitted to do business in the state.

(B) The insurance policy shall continuously cover each and every taxicab owned, operated or leased by the applicant and by which the insurance company shall be liable in the sum of not less than $50,000 of any one accident resulting in bodily injuries to or the death of one person, and not less than $100,000 total liability on account of any one accident resulting in bodily injuries to or the death of more than one person regardless of whether the taxicab was being driven by the owner, his or her agent or lessee. The policy shall provide that the insurance company shall be liable in the sum of $25,000 for any and all property damage which may occur by reason of the negligence or careless operation of any taxicab covered by the policy, regardless of whether the taxicab was being driven by the owner, his or her agent, lessee or licensee.

(C) The accident insurance policy shall provide that insolvency or bankruptcy of the insured shall not release the insurance company from any payment due under the policy. If, by reason of insolvency or bankruptcy, an execution on a judgment against the insured is returned unsatisfied, the judgment creditor shall have a right of action against the insurance company to cover the amount of the judgment to the extent that the insured would have had to recover against the company had the insured paid the judgment.

(D) (1) The city shall be notified at least 30 days prior to the cancellation, expiration and/or change of insurance policy or coverage.

(2) A copy of the policy or policies for liability and property damage shall be submitted to the Finance Department prior to the issuance of a taxicab sticker.

(3) All insurance policies shall be kept in full force and effect by the applicant at all times.

(4) Insurance carriers shall notify the city if there is a change in coverage for vehicles that have received a taxicab sticker from the city.

(5) Failure to file such policies with the Finance Department shall automatically suspend the validity of the taxicab sticker until such time as the insurance policy or policies are submitted and approved by the Finance Department.

(E) The owner of any taxicabs may, in lieu of carrying liability insurance as provided in divisions (B) and (C) above, deposit and maintain a bond with corporate surety approved by the office of the City Solicitor, in the sum of not less than $100,000, running to the city, conditioned that, in the event of any injury or damage to any person or property growing out of the negligence of any taxicab owned or operated or leased by the insured, the person so injured in his or her person or property shall have a right of action thereon in the sum of not more than $100,000 total liability on account of any one accident resulting in bodily injuries to or the death of more than one person and in the sum of not less than $25,000 for any and all property damage, and regardless of whether the driver of the taxicab at the time of the accident or accidents is the owner, his or her agent or lessee.

(F) (1) A taxicab operator shall submit to the Finance Department a report on any accident involving the operation of a taxicab that results in death or injury to a person or damage to a vehicle or other property exceeding $500.

(2) The taxicab operator shall submit the report on a form prescribed by the Finance Department not later than the fifteenth day of the month following the day of the accident.

(1984 Code, § 111.273) (Ord. O-40-04, passed 6-22-2004; Ord. O-70-04, passed 12-7-2004) Penalty, see § 119.999

Statutory reference:

Bonding and liability insurance requirements for taxicab operators, see KRS 281.655

§ 119.024 TRANSFER OF STICKER PROHIBITED.

No taxicab sticker shall be sold, assigned, mortgaged, leased or otherwise transferred at any time. Any such attempted transfer shall be cause for revocation of the taxicab sticker.

(1984 Code, § 111.274) (Ord. O-40-04, passed 6-22-2004; Ord. O-70-04, passed 12-7-2004) Penalty, see § 119.999

§ 119.025 DRIVER'S IDENTIFICATION CARD.

(A) *Identification card application*. No person shall drive or be in actual physical control of a taxicab within the limits of the city unless he or she is in possession of a valid driver's identification card. The driver of a taxicab must apply for a driver's identification card from the Finance Department. The application for a driver's identification card shall be filed with the Finance Department on forms provided by the city and such application shall be verified under oath and shall contain and be accompanied by the following:

(1) The applicant's name, Social Security number and date of birth;

(2) The applicant's residence address and telephone number and states of residence during the three years preceding the date of the application;

(3) The applicant's state-issued motor vehicle operator's license number, original date of issue and date of expiration;

(4) A description of the applicant's experience in driving motor vehicles generally and in driving taxicabs;

(5) The name, address and telephone number of the owner of the taxicab to be driven by the applicant;

(6) The taxicab number of the taxicab to be driven by the applicant;

(7) A statement that the applicant has read and understands the provisions of this subchapter applicable to drivers of taxicabs; and

(8) Any additional information required on the application form prescribed by the Finance Department.

(B) *Application fee*. An application fee of $40 shall be charged at the time of making the application.

(C) *Must obtain driver's identification card from Police Department*. The driver must obtain a driver's identification card from the Police Department. The driver will be fingerprinted by the Police Department before the driver's identification card is issued.

The driver's identification card shall bear the name, age and photograph of the applicant and shall state that the driver is certified to drive a taxicab within the city. The driver's identification card shall be prominently displayed inside the taxicab during all times of operation so that passengers may view the identification card from his or her seat. All drivers must produce his or her driver's identification card to any peace officer of the city upon request.

(1984 Code, § 111.275) (Ord. O-40-04, passed 6-22-2004; Ord. O-70-04, passed 12-7-2004) Penalty, see § 119.999

§ 119.026 NOTICE TO FINANCE DEPARTMENT UPON CHANGE IN DRIVER'S STATUS.

(A) In the event a driver changes his or her residence address and/or phone number, he or she must notify the Finance Department within 30 days of the change in address and/or phone number and provide the Finance Department with his or her new residence address and/or phone number.

(B) If a taxicab driver incurs any violation that would be part of a criminal record while holding a driver's identification card, the driver must inform the Finance Department within 30 days. In the discretion of the Finance Department, the driver's identification card may be suspended or revoked. Prior to suspension or revocation the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard by the City Manager.

(C) A driver whose state-issued driver's license is suspended, revoked or expired must notify the city and surrender his or her driver's identification card to the city.

(1984 Code, § 111.276) (Ord. O-40-04, passed 6-22-2004; Ord. O-70-04, passed 12-7-2004)

§ 119.027 RENEWAL OF STICKER OR IDENTIFICATION CARD.

(A) Every sticker or identification card shall be renewed between January 1 and January 31 of each year. Application for renewal shall be in such form as the Finance Department may require.

(B) Application for renewal of a sticker or identification card must be accompanied with the requisite renewal fee. The renewal fee for a taxicab sticker and a driver's identification card is $40.

(C) A sticker or identification card not renewed after January 31 shall automatically become null and void and cannot be reinstated. Nothing herein contained shall prohibit the filing of a new application.

(D) The Finance Department shall not renew any sticker or identification card if such sticker or identification card has been revoked, or if suspended, during the period of suspension. A sticker or identification card shall not be considered as revoked or suspended when an appeal is pending before the City Manager or in a court of competent jurisdiction from an order of revocation or suspension until said appeal has been decided.

(1984 Code, § 111.277) (Ord. O-40-04, passed 6-22-2004)

§ 119.028 REVOCATION, DENIAL OR APPLICATION FOR TAXICAB STICKER OR DRIVER'S IDENTIFICATION CARD.

An application for a taxicab sticker or driver's identification card issued under the provisions of this chapter may be denied by the Finance Department, and a taxicab sticker or driver's identification card may be revoked or suspended by the Finance Department if the holder thereof or applicant therefor has violated any of the provisions of this subchapter, any ordinance of the city, including the payment of all fees and/or taxes, or the laws of the United States or of the state, the violation of which reflects unfavorably upon the fitness of applicant or holder to offer public transportation.

(1984 Code, § 111.278) (Ord. O-40-04, passed 6-22-2004)

§ 119.029 HEARING AND APPEALS PROCESS.

(A) Following the denial of an application, or the suspension or revocation of a taxicab sticker or driver's identification card, the applicant or holder shall have an opportunity to be heard by the City Manager. Upon request for an appeal, the applicant or holder shall make a personal appearance at a fixed time and place before the City Manager to offer evidence as to why his or her application should be approved or his or her sticker or identification card should be reinstated.

(B) After the personal appearance by the applicant or holder, the City Manager may approve an application that has been denied or reinstate any sticker or identification card that had been suspended or revoked by the Finance Department, if the City Manager finds that the applicant has satisfied all of the requirements for holding a taxicab sticker or driver's identification card stated under this subchapter.

(C) If the application is denied or the sticker or identification card is not reinstated by the City Manager, the applicant shall have the right to appeal to any court having jurisdiction.

(1984 Code, § 111.279) (Ord. O-40-04, passed 6-22-2004)

§ 119.030 DENIAL OR REVOCATION; REAPPLICATION.

No application for a sticker or identification card covered by this subchapter shall be made by any person or other entity whose application for such sticker or identification card has been denied or whose sticker or identification card has been revoked until expiration of 12 months from the date of the denial or revocation of the sticker or identification card.

(1984 Code, § 111.280) (Ord. O-40-04, passed 6-22-2004) Penalty, see § 119.999

§ 119.031 DISPLAY OF REGISTRATION PLATES REQUIRED.

All taxicabs must display registration plates issued by the state's Transportation Cabinet pursuant to KRS Ch. 186 and 186A.

(1984 Code, § 111.281) (Ord. O-40-04, passed 6-22-2004) Penalty, see § 119.999

§ 119.032 NAME OF OPERATOR DISPLAYED.

(A) The following information must be displayed on the exterior of a taxicab:

(1) The taxicab operator's name or the registered assumed name of the taxicab service; and

(2) The telephone number of the service.

(B) The lettering and designs of the information required in division (A) above must be displayed:

(1) On the outside of each front or rear door;

(2) In painted letters not less than three inches or more than six inches in height; and

(3) In a clear, legible manner and in colors contrasting to the colors of the taxicab.

(C) In addition, each taxicab may bear an identifying design on its exterior.

(1984 Code, § 111.282) (Ord. O-40-04, passed 6-22-2004) Penalty, see § 119.999

§ 119.033 MAINTENANCE; INSPECTION OF VEHICLE.

Every vehicle operating under this subchapter shall be properly maintained and kept in a clean and sanitary condition at all times when such vehicle is offered for hire.

(1984 Code, § 111.283) (Ord. O-40-04, passed 6-22-2004) Penalty, see § 119.999

§ 119.034 USE OF AIR CONDITIONING OR HEATING.

The taxicab's air conditioning or heating equipment shall be operated when the vehicle is in service unless a passenger requests that the equipment not be operated.

(1984 Code, § 111.284) (Ord. O-40-04, passed 6-22-2004) Penalty, see § 119.999

§ 119.035 CITY MAP REQUIRED.

Each driver shall keep a map of the Northern Kentucky area in the taxicab when driving the taxicab.

(1984 Code, § 111.285) (Ord. O-40-04, passed 6-22-2004)

§ 119.036 CITY-WIDE TAXICAB SERVICE REQUIRED.

A taxicab operator may not refuse to provide taxicab service to the general public to and from any point inside the city that is accessible by a public street. It is an affirmative defense to prosecution under this section that the operator or the driver had reason to believe that service in a particular circumstance would have subjected the driver to violence or the taxicab to destruction.

(1984 Code, § 111.286) (Ord. O-40-04, passed 6-22-2004)

§ 119.037 DISPATCHING OF TAXICABS.

(A) A taxicab operator shall maintain a dispatch terminal that is operational 24 hours each day for the purpose of receiving calls and dispatching taxicabs.

(B) A taxicab operator shall respond to each call received for service inside the city as soon as practicable. If the service cannot be rendered within a reasonable time, the taxicab operator shall inform the caller of the reason for the delay and the approximate time required to answer the call.

(C) While driving a taxicab, a driver shall respond to service requests from the driver's dispatch terminal when the location for pick-up is within a reasonable distance from the location of the taxicab.

(1984 Code, § 111.287) (Ord. O-40-04, passed 6-22-2004) Penalty, see § 119.999

§ 119.038 TAXIMETER.

(A) (1) All taxicabs operated under the authority of this subchapter shall be equipped with taximeters fastened in front of passengers, visible to them at all times, day and night.

(2) After sundown, the face of the meter shall be illuminated.

(3) Such taximeters shall be maintained and used for purposes of correctly measuring and computing the distance traveled by such taxicab while employed. Such taximeter shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism. There shall also be allowed an electronic timing mechanism to operate when said vehicle is not in motion to register waiting time. They shall be sealed at all points and connections, which if manipulated, would affect their correct reading and recording. Each taximeter shall have thereon a flag to denote when the vehicle is employed and when it is not employed and it shall be the duty of the driver to throw the flag of such meter into a non-recording position at the termination of each trip. It shall be unlawful for the driver of the vehicle to transport any passenger without such flag being placed in the recording position to indicate that the vehicle is employed. The taximeter shall be subject to inspection at any time by the Police Department or other officer as might from time to time be authorized by the City Manager and, upon any discovery of any inaccuracy in the taximeter, it shall be the duty of the inspecting officer to notify the person operating such taxicab to cease operation; thereupon, such taxicab shall be kept off the highways until the taximeter is repaired and in the required working condition.

(B) No operator or driver shall use his or her vehicle in non-metered taxicab operations between points within the city, unless an hourly or daily rate is agreed upon by the driver and passenger(s) according to § 119.039(B) of this chapter.

(1984 Code, § 111.288) (Ord. O-40-04, passed 6-22-2004) Penalty, see § 119.999

§ 119.039 FARE SCHEDULE.

(A) *Rate schedule.* No person operating or controlling any motor vehicle operated as a taxicab, equipped with a taximeter within the limits of the city, shall charge no more than the following rates:

(1) For the drop-off (first one-quarter mile): $3.60;

(2) For each additional one-eighth mile or part thereof in excess of the first one-quarter mile: $0.20 per one-eighth mile;

(3) Beyond a limit of ten miles: $1.60 per mile; and

(4) Waiting time: $20 per hour.

(B) *Daily rates*. For the use of any taxicab for the day, the rate may be at any amount fixed by written agreement between the parties. In the absence of a written agreement, an hourly rate not to exceed $6 shall prevail.

(C) *Dead mileage*.

(1) No charge shall be made for a distance less than one mile traversed by a taxicab within the city limits going to respond to a call. For a distance greater than one mile, a charge of $0.20 per mile may be made for each mile or fraction thereof in excess of the first mile.

(2) No returning charge whatever shall be made for any distance traversed regardless of the point of commencement or finish of the trip made.

(3) Dead mileage shall be computed only from the station nearest to the location of the call.

(4) Where the taximeter rate is used, no charge shall be made by a taxicab for the distance traversed in responding to a call, where the distance is one mile or less. Where the distance is in excess of one mile, a charge of not more than $0.25 per mile or fraction thereof may be made for the excess distance.

(D) *Waiting time charges*.

(1) On taximeter runs, a charge of $0.10 may be made for each three minutes of waiting time.

(2) No charge shall be made for time lost by reason of the inefficiency of the taxicab or its driver or time lost by premature arrival in response to a call.

(3) As used in this section, ***WAITING TIME*** shall include the time during which the taxicab is not in motion, after its arrival at the place to which it has been called, and the time consumed while standing at the direction of a passenger.

(E) *Extra passengers*. Where a taxicab carries more than one passenger on a taximeter fare basis, an additional charge of not more than $0.25 for the entire trip may be made for each extra passenger.

(F) *Baggage charges*. No charge shall be made for any bag, suitcase or ordinary light traveling baggage in an amount not to exceed in weight 50 pounds, carried by any person paying fare.

(G) *Children's rates*.

(1) No charge shall be made for children under four years of age when accompanied by a person paying a fare.

(2) Not more than two children shall be carried free. If more than two children accompanied by a person paying fare are carried, the rate chargeable for additional passengers shall apply to all children in excess of two.

(3) For children under four years of age not accompanied by a fare paying adult and for all children over four years of age, all provisions as to fare for individual and additional passengers shall apply.

(H) *Posting of fares required*. Each taxicab shall have posted in a conspicuous place therein a schedule of rates for the transportation of persons within the incorporated limits of the city and no charge shall be made, except as provided by the rates so posted.

(I) *Receipts*. If demanded by the passenger, the driver in charge of the taxicab shall deliver to the person paying for the hiring of the taxicab at the time of such payment, a receipt thereof in legible type or writing containing the name of the owner, any items for which a charge is made and the total amount paid.

(1984 Code, § 111.289) (Ord. O-40-04, passed 6-22-2004; Ord. O-33-06, passed 7-25-2006) Penalty, see § 119.999

§ 119.040 RULES AND REGULATIONS FOR DRIVERS.

(A) *Reporting of property found in cab*. All drivers shall promptly report to the Police Department all property of value left in the taxicabs by passengers, together with all information in his or her possession regarding the passenger and property.

(B) *Reporting of accident or casualty required*.

(1) Any driver who is involved in an accident resulting in fatal or non-fatal personal injury to any person or damage to the vehicle rendering the vehicle inoperable shall be required to immediately notify a law enforcement officer having jurisdiction. In the event the driver is incapable of notifying a law enforcement officer having jurisdiction, such responsibility shall rest with the operator of the taxicab or any occupant of the taxicab at the time of the accident. A law enforcement officer having jurisdiction shall investigate the accident and file a written report of the accident with his or her law enforcement agency.

(2) Any driver who is involved in an accident resulting in any property damage exceeding $500 in which an investigation is not conducted by a law enforcement officer shall file a written report of the accident with the Department of State Police within ten days of occurrence of the accident upon forms provided by the Department.

(3) Any driver that does not comply with divisions (B)(1) and (B)(2) above is subject not only to the penalties provided by this subchapter but also the penalties afforded by KRS Ch. 189.

(C) *Record required*.

(1) Every driver shall keep a daily record of all trips made each day showing time and place of origin and destination of each trip, the amount of the fare and the number of the passengers transported. Such record shall be given to the operator by the driver at the conclusion of his or her tour of duty.

(2) The record shall be kept by the operator at his or her place of business for 60 days.

(3) The records shall be subject to inspection by any police officer of the city at all reasonable times.

(D) *Solicitation of passengers*. While waiting employment, taxicabs shall remain in or at their designated station. No person shall drive or cruise or be permitted to drive or cruise any taxicab over any of the streets of the city for the purpose of soliciting passengers.

(E) *Passengers*.

(1) While on duty, no driver shall permit any person to ride in the front seat with him or her until three passengers occupy the back seat.

(2) No driver shall carry any person in the taxicab other than the passenger by whom he or she has been engaged.

(3) No driver shall carry more than five passengers on any one trip.

(F) *Discharge of passengers*. Drivers shall neither receive, nor discharge, passengers in the roadway, but shall pull up to the right-hand sidewalk as nearly as possible, or, in the absence of a sidewalk, to the extreme right-hand side of the road, and there receive or discharge passengers, except one-way streets where passengers may be discharged at either the left-hand or the right-hand sidewalk or the side of the roadway in the absence of a sidewalk.

(G) *Driver's conduct and dress code*.

(1) While on duty, a driver shall act in a professional and courteous manner.

(2) Drivers shall wear full-length trousers (slacks or blue jeans), a shirt with a collar and sleeves, and shoes. Female drivers may wear a skirt. Shorts may be worn from May 16 through Labor Day. Shorts must be solid in color and in good repair. Cutoffs or frayed shorts shall not be worn. Shorts may be no more than three inches above the knee, and shorts below the knee shall not be worn. Shorts shall be worn with a belt. Drivers shall wear socks and shoes. Sandals are not permitted. Clothes must be clean and neat, in good condition, free from fraying, tears, rips, stains and dirt. Shirts must be buttoned.

(H) *Unlawful acts*. A driver may not knowingly:

(1) Facilitate the commission of an unlawful act;

(2) Solicit another person to engage in sexual conduct with another person for compensation;

(3) Transport an individual who is engaged in the commission of an unlawful act, or otherwise aid or promote an unlawful act; or

(4) Permit an unlawful act to be conducted in the taxicab.

(1984 Code, § 111.290) (Ord. O-40-04, passed 6-22-2004) Penalty, see § 119.999

Statutory reference:

Reporting of vehicle accident to law enforcement officer, see KRS 189.635 and 189.993(12)

§ 119.041 RULES AND REGULATIONS FOR PASSENGER.

(A) *Defrauding cab drivers*. No person shall defraud the operator or driver of any taxicab. Refusal to pay the lawful charge for carriage, absconding without payment shall be evidence of the intent to defraud.

(B) *Dogs prohibited*. No dogs shall be allowed in any taxicab, except a service/medical assistance dog accompanying his or her master.

(1984 Code, § 111.291) (Ord. O-40-04, passed 6-22-2004) Penalty, see § 119.999

§ 119.042 ENFORCEMENT.

(A) It shall be the duty of the Traffic Division of the Police Department, in conjunction with the Finance Department, to enforce and investigate the provisions of this subchapter. Upon observing a violation of the provisions of this subchapter, a law enforcement officer shall issue a citation to the offender. The penalty for violation of provisions of this subchapter shall conform to § 119.999 of this chapter.

(B) The City Commission is hereby empowered to hold public hearings, when appropriate, to hear complaints from members of the public regarding violations of the provisions of this subchapter, and notice shall be sent to the person, corporation or entity about which such complaint is to be made, which requires the taxicab company representatives to attend the public hearing.

(1984 Code, § 111.292) (Ord. O-40-04, passed 6-22-2004)

HORSE-DRAWN VEHICLES/CARRIAGES; OTHER PASSENGER-TYPE

HORSE-DRAWN UNITS

§ 119.055 LICENSING REQUIREMENTS AND FEES; INTEREST AND PENALTY.

All horse-drawn vehicles/carriages or other passenger-type horse-drawn units operated in the city must be duly licensed as follows.

(A) An application to operate horse-drawn vehicles/carriages or other passenger-type horse- drawn units (hereafter collectively referred to as a horse-drawn vehicle/carriage) upon the streets of the city must be submitted to the Finance Department and must contain the following information:

(1) The owner's name, address and telephone number and the operator's name, address and telephone number, if different from the owner;

(2) The place of business and business telephone number;

(3) The number of horse-drawn vehicles/ carriages owned or to be used in the business operation, the owner's identification number and location of such number on the unit, the manufacturer's name and model, condition of the unit (new, good, fair, poor) and maximum seating capacity for each vehicle/carriage unit which the applicant will use;

(4) The number of animals owned or to be used in the business operation, the animal's name, description, approximate weight and age;

(5) The licensee shall cause a different number for each horse to be recessed into the outside left front and the outside right rear horse shoes of each horse and these should be highlighted so the animal's number can be plainly and conspicuously identified. The number shall be submitted with the application, along with photographs of the front, side and particular markings, if any, of each horse, which shall be used in conjunction with other information in describing and identifying each animal;

(6) A certificate from a licensed veterinarian must be submitted with the application or renewal thereof for each horse to be used in the licensee's business operation which states that the horse has the immunizations as required by the state and that said animal is fit to perform the function of labor which these regulations govern; and

(7) Whether the licensee has ever been convicted of a felony if the licensee is an individual; whether any of the partners have been convicted of a felony if the applicant is a partnership; and whether any of the officers or directors have been convicted of a felony if the applicant is a corporation.

(B) Proof of insurance must be submitted with the application for the duration of the licensing period, as follows:

(1) Not less than $100,000 in limited liability per occurrence;

(2) Not less than $300,000 in public liability per occurrence; and

(3) Not less than $50,000 for property damage per occurrence.

(C) Operation schedules for the business must be submitted with the application.

(D) A schedule of rates and charges to be made to passengers must be submitted with the application, which rates shall not be changed without ten days prior notice to the Finance Department.

(E) (1) The initial application fee shall be $60 with an additional $25 for each vehicle/carriage licensed.

(2) The annual renewal application fee is $50 with an additional $25 for each vehicle/carriage licensed.

(F) (1) Horse-drawn vehicle/carriage business licensees shall not travel outside the following designated boundaries in the city: 12th Street on the south, Shelby Street on the east, Crescent Avenue on the west and Riverside Drive, exclusive of bridge travel, to the north.

(2) However, special occasion travel routes may be approved for a licensee for one-time trips when submitted directly to the Police Chief, or his or her designee. Special occasion travel routes may be approved for special events outside the designated travel boundaries of the city which would include, but not necessarily be limited to, weddings or anniversaries. Any such application for a special occasion travel route shall be in writing and shall specify the date and hour requested, and designate the special occasion and travel route to be taken. If, after consideration and investigation, the Police Chief or his or her designee finds that the convenience of the public in the use of the streets would not be unduly disturbed by such special route, he or she may issue approval for the time specified. Such approval must be stamped on the face of the original requesting document, and must be in the possession of the driver of the vehicle/carriage during travel over the special occasion travel route.

(G) All applications or renewals thereof shall be verified under oath and include a written agreement by the licensee to operate the business in accordance with the provisions of these regulations and to indemnify and hold harmless the city, its agents and employees, for all judgments, losses and expenses arising out of the operations permitted by this license.

(H) Failure to submit the above criteria will be grounds for denial of any license or renewal thereof. Such denial may be appealed pursuant to § 119.061(B) of this chapter.

(I) Any change in the criteria set forth above during any licensing period must be submitted to the Finance Department within five days of such change or the business license may be suspended or revoked pursuant to procedures set forth in §§ 119.061 and 119.062 of this chapter.

(J) Failure to maintain appropriate and continuous insurance coverage throughout the licensing period will subject the business to suspension of its business license until proof that such insurance is reinstated or a new policy issued in accordance with these provisions.

(K) (1) The business fees set forth in division (E) above shall be due and payable annually on January 15. All applications or renewals thereof must contain the criteria heretofore mentioned, including appropriate updated information as may apply.

(2) With respect to the business license fee, the existing horse-drawn vehicle/carriage businesses must comply in compliance with the provisions of these horse-drawn vehicle/carriage regulations within 30 days after notice to do so by the Finance Department or be subject to the penalty and interest provisions set forth in these regulations.

(3) All renewal applications must be made at least ten days prior to the expiration date of January 15. There will be no proration of business fees.

(4) The business fees imposed which remain unpaid after they become due shall bear interest at the rate of 1% per month. Any applicant who fails to pay the business fees when due shall also be charged a penalty of 5% if the delay does not exceed 30 days from the due date. If the license fees are not paid within the first 30 days from the due date, an additional 5% penalty for each additional month, or fraction thereof, of the amount of the unpaid fee shall be assessed. In no event shall the penalty assessed exceed 25%.

(5) If any portion of the license fee is unpaid due to fraud, as revealed by inspection, 50% of the license fee shall be added as a penalty in addition to any other penalty herein provided.

(6) In addition to the penalties contained herein, the city may enforce the collection of the fees, penalties and interest thereon by instituting a civil action in a court of appropriate jurisdiction.

(7) Fees, once collected, shall not be subject to refund, except in instances where licenses are denied.

(1984 Code, § 111.400) (Ord. O-16-87, passed 3-24-1987; Ord. O-56-04, passed 8-24-2004)

§ 119.056 MANDATORY EQUIPMENT.

(A) Each horse-drawn vehicle/carriage must contain a permanent vehicle/carriage permit number issued by the Finance Department which also contains the maximum seating capacity for such vehicle/ carriage. This must be clearly and permanently displayed at the left front of each vehicle/carriage so as to identify and reference one vehicle/carriage from another. Said vehicle/carriage permit number shall be renewed annually by appropriate decal issued by the Finance Department at the same time other business fees are due and payable.

(B) Each vehicle/carriage must have brakes, brake lights and electric turn signals, along with tail lights and front lights which are visible for a distance of 1,000 feet.

(C) Each vehicle/carriage must have yellow lights capable of flashing which shall be in operation in a continuous flashing fashion while crossing a bridge and which are visible for at least 1,000 feet in any direction.

(D) Each vehicle/carriage must be maintained so as to ensure the safety of its patrons and employees.

(E) Each vehicle/carriage must be equipped with a device to catch horse manure from falling to the pavement for later proper disposal upon return to the base of operations.

(F) Each vehicle/carriage shall be equipped with a chemical to be poured over horse urine by drivers so as to break down and eliminate accumulated agents and odors.

(G) Each vehicle/carriage should be equipped with a slow-moving vehicle emblem required by the state to be attached to the rear of the vehicle.

(H) Sufficient reflective material must be placed along the shafts of the vehicle/carriage, or other parts thereof, which normally parallel the body, head or legs of the horse pulling such vehicle/carriage.

(I) A fully-charged back-up battery must be carried on each vehicle/carriage during travel away from the base operation to meet emergency situations due to failure of the primary battery.

(J) In no case shall a vehicle/carriage permit be transferable from one horse-drawn vehicle/carriage to another.

(K) Upon application and payment of the necessary fees therefor and submission of an affidavit that each vehicle/carriage complies with the requirements of this section, the Finance Department will issue a horse-drawn vehicle/carriage permit or decal for each.

(L) If a permanent plate or decal is lost, stolen, or damaged so as to require replacement, the owner/ licensee shall make application to the Finance Department for a duplicate plate or decal, under oath, on such forms and giving such information as the Finance Department may require. In the case of a damaged plate or decal, the owner/licensee shall return the plate or decal with such application. Upon receipt of the application and the payment of a replacement fee of $10, the Finance Department will issue a duplicate plate or decal to the owner/licensee.

(M) No vehicle/carriage business shall be permitted to operate upon any street in the city unless a valid permit issued by the Finance Department is attached to the rear of the vehicle/carriage and said permit is not under suspension or

revocation.

(1984 Code, § 111.401) (Ord. O-16-87, passed 3-24-1987; Ord. O-56-04, passed 8-24-2004) Penalty, see § 119.999

§ 119.057 VEHICLE/CARRIAGE DRIVER REQUIREMENTS; PERMIT REQUIRED; FEE.

No person shall drive a commercial horse-drawn vehicle/carriage unless the following requirements are met and a permit to engage in that occupation has been issued by the Finance Department.

(A) The applicant must have a valid chauffeur's license issued by the State of Ohio or Commonwealth of Kentucky for the duration of the permit period.

(B) The applicant shall be free of alcohol and drug addiction.

(C) The applicant shall be free of defective vision, defective hearing and any other infirmities that would render such driver unfit for the safe operation of a public vehicle.

(D) Each applicant must file a sworn affidavit that he or she has successfully completed an apprenticeship of 40 hours with horse-drawn vehicles/ carriages or has previous experience exceeding 40 hours therein, which shall include, but is not limited to:

(1) The proper method of fitting a harness to a horse and hitching and unhitching a properly harnessed horse;

(2) Has ridden with a licensed driver the first 24 hours of the apprenticeship to observe the proper handling and driving of a horse-drawn vehicle/ carriage and has been trained in emergency situations for unexpected animal behavior;

(3) Has driven the horse-drawn vehicle/ carriage under the supervision of a licensed driver for the last 16 hours of the apprenticeship; and

(4) Is familiar with the traffic regulations and designated horse-drawn vehicle/ carriage routes.

(E) Upon compliance with the requirements of this section, the Finance Department may issue a permit to the individual to engage in the occupation of driving horse-drawn vehicles/carriages in the city. Such permit shall contain a photograph of the holder, his or her name, address, date of birth and date of issuance. The applicant must make himself or herself available to the Police Department for photographic purposes.

(F) Such permit is renewable annually and expires one year from the date of issuance by the city. There shall be a charge of $10 for each permit.

(G) The permit required herein must be in the possession of the driver at all times while driving vehicles/carriages upon city streets, and must be shown to any officer of the city's Police Department upon request.

(H) Any person who knowingly and intentionally falsifies a driver permit application shall have the license issued by the city to drive horse-drawn vehicles/carriages revoked, in addition to any other penalties provided in this chapter.

(1984 Code, § 111.402) (Ord. O-16-87, passed 3-24-1987; Ord. O-56-04, passed 8-24-2004) Penalty, see § 119.999

§ 119.058 TRAVEL REQUIREMENTS; RESTRICTIONS.

(A) Horse-drawn vehicle/carriage drivers shall travel only those boundaries, as herein designated, for horse-drawn vehicle/carriage travel, including special occasion travel routes as approved by the Police Chief or his or her designee.

(B) Any authorized area of travel for horse- drawn vehicle/carriage businesses is subject to the right of the city, through its Police Department, to prohibit the use thereof at any time when such area of travel would be inconsistent with other special events or public safety requirements.

(C) Horse-drawn vehicles/carriages are prohibited from traveling in the city between the hours of 1:30 a.m. and 9:00 a.m. at all times.

(D) Horse-drawn vehicles/carriages are prohibited from traveling in the city between the hours of 3:00 p.m. and 6:00 p.m., Monday through Friday, except on national legal holidays.

(E) No driver shall operate a vehicle/carriage while under the influence of intoxicating liquors or drugs.

(F) No person may consume edibles, including soft drinks, nor drink any alcoholic liquor or be intoxicated as defined by law while such person is operating or being transported by a horse-drawn vehicle/carriage, nor may any person transport, carry, possess or have any alcoholic liquor while being transported by a horse-drawn vehicle/carriage, except in the original package with the seal unbroken, in the city.

(G) The driver shall observe and obey all traffic laws and regulations of the city and the state.

(H) No driver shall abandon his or her vehicle/carriage, permit another to drive for him or her, except an apprentice, or permit any passenger to ride on the driver's seat.

(I) Drivers shall never permit the seating capacity rated for his or her vehicle/carriage to be exceeded.

(J) The licensee shall not permit vehicles/ carriages to travel the city streets unless the following is adhered to.

(1) Each vehicle/carriage with a seating capacity not to exceed seven, including the driver and guide, may be operated by one or more horses.

(2) Each vehicle/carriage with a seating capacity from eight to 14, inclusive, including driver and guide, shall be operated with not less than two horses.

(3) Each vehicle/carriage with a seating capacity from 15 to 48, inclusive, including driver and guide, shall be operated with not less than four horses.

(K) No passenger shall be permitted to stand or ride on any part of the vehicle/carriage while in motion, except seated inside the vehicle/carriage. Drivers shall take all necessary precautions to prohibit such activity. All passengers must be seated, except when loading or unloading.

(L) Drivers or passengers shall not solicit, annoy or obstruct in any manner the movement of a person, or follow any person for such purpose.

(M) Drivers are prohibited from smoking while carrying passengers for optimum safety and control of the horse-drawn vehicle/carriage and the safety of its occupants.

(N) The driver of each horse-drawn vehicle/ carriage during travel from one-half hour after sunset and at all such other times as conditions exist for poor visibility, shall cause the front lights and tail lights of the vehicle/carriage to be in operation.

(O) The driver of each horse-drawn vehicle/ carriage upon approaching or exiting a bridge, and during travel on the bridge, shall have the yellow lights flashing in a continuous fashion.

(P) The driver of a horse-drawn vehicle/ carriage shall not travel on the same bridge in the same direction at any point in time while another such vehicle/carriage is traveling thereon. However, travel in caravans from two up to and including five vehicles/carriages may travel by escort with yellow lights flashing, but said bridge travel must not encompass more than six minutes from time of entrance to time of exit from the bridge.

(Q) The driver shall not permit the speed at which any horse-drawn vehicle/carriage is driven to exceed a slow trot.

(1984 Code, § 111.403) (Ord. O-16-87, passed 3-24-1987; Ord. O-56-04, passed 8-24-2004) Penalty, see § 119.999

§ 119.059 CARE AND SHELTER OF ANIMALS.

(A) A licensee and/or driver shall adhere to the following.

(1) Horses used to drive vehicles/ carriages shall be given a ten-minute rest period at the end of two consecutive labor hours, and potable water must be made available during the rest period. Labor hours are defined as“in-harness” hours for commercial purposes.

(2) It shall be unlawful to keep a horse in harness for commercial purposes for periods in excess of eight successive labor hours without a minimum of three successive hours out of harness. The eight successive hour rule is defined as “in-harness” hours for commercial purposes, whether those hours are accumulated in-state or out-of-state.

(3) Horses shall not be in harness for commercial purposes more than five days in a seven- day period.

(B) Horses’ hoofs must be properly shod with rubber compound type horse shoes, borium/driltex shoes or similar non-slip type shoes to keep the animal from slipping on the pavement and the hoof shall be kept trimmed.

(C) All horses must have medical examinations at six-month intervals by a licensed veterinarian at the expense of the licensee, and written medical records including state-required immunizations and treatment should be kept on each horse and be available for inspection at reasonable times upon request by the city or its designee. The examination shall encompass that which is consistent with maintaining the health and well-being of the animal as determined by the usual and customary recommended treatment of animals working under such conditions by the Veterinarian Association. Such examinations should include, but not be limited to, leg and hoof exams, dental exams, internal parasite lab report, cardiovascular exam and drug analysis at intervals sufficient to detect inhumane treatment of the animal at the discretion of the licensed veterinarian if drug abuse is suspected.

(D) Horse equipment such as harnesses, bridles and bits must be properly fitted and kept clean and in good repair. Collars, if used, should fit the horse properly.

(E) Horses shall not be worked for commercial purposes in temperatures below 25°F under calm conditions or a wind chill equivalent of 22°F, nor shall a horse be worked for commercial purposes in temperatures above 90°F as combined with a maximum relative humidity of 10%, or an equivalent temperature of 90°F as combined with relative humidity. All references to temperature shall be as established by the U.S. Weather Bureau for urban areas (i.e., Covington).

(F) Horses must receive adequate and substantial feeding daily which is free from contamination. The feed should be of sufficient quantity and nutritive value to meet normal daily requirements for the condition and size of the animal so as to maintain a healthy flesh.

(G) Lame or sick horses should never be worked.

(H) The paddock area of the stables must be kept free of debris and have adequate drainage and soil surface so that it can be used by the horses at any time while not working.

(I) Stable stalls shall be a minimum of 12 feet by 12 feet per horse.

(J) Clean, fresh drinking water must be in the stalls and available to the horse at all times.

(K) Stall bedding should be a minimum of four inches deep and changed daily.

(L) All buildings and sheds used for stabling horses shall be well-lighted and ventilated and provide protection from the weather. All buildings and sheds used for stabling the animals shall be kept clean and in good repair at all times and manure shall be removed therefrom daily. Any enclosure where the animals are kept shall be graded and raked so as to keep the surface reasonably dry.

(M) A pest control program should be utilized to control flies and other insects. All facilities shall be free of unsanitary conditions where animals are kept so as to be free and clean of conditions which might harbor or be excessively conducive to the breeding of insects, rodents or disease.

(N) No animal shall be subject to any cruel or harassing treatment, including any violation of the mandatory rest periods and water schedules, as well as the other criteria established herein. The licensee shall be responsible for the humane care and treatment of his or her animals, or the animals used in the business operation when they are under his or her direct supervision and control. At all other times, the licensee is required to take all necessary and reasonable steps to ensure the humane care and treatment of the animals while under the direct supervision and control of the licensed driver or of any other employees the licensee might employ in connection with the care and shelter of the animals.

(O) All such facilities shall be subject to inspection at reasonable times, upon request thereof, by a representative of the Animal Rights Community, the Animal Welfare League, the county's Society for the Prevention of Cruelty to Animals and/or the animal warden of the city. The Building Official shall, likewise, at reasonable times, upon request thereof, be permitted to inspect the premises for Building or Fire Code violations pursuant to state, local or federal regulations.

(P) (1) Consecutive daily records in a bound volume, in ink, must be kept of the movements of each horse-drawn vehicle/carriage and horse by the licensee, as follows:

(a) Driver's name;

(b) Driver's permit expiration date;

(c) Horse's identification number;

(d) Vehicle/carriage plate permit number;

(e) Exact time of departure; and

(f) Exact time of return.

(2) Such records shall be subject to inspection by the city's designee at reasonable times, upon request thereof.

(1984 Code, § 111.404) (Ord. O-16-87, passed 3-24-1987; Ord. O-56-04, passed 8-24-2004)

§ 119.060 CITATION ISSUANCE FOR VIOLATION.

(A) Whenever any officer of the city's Police Department believes any provision of §§119.055 through 119.062 of this chapter has been violated, he or she will issue a citation for violation thereof and the violator will be subject to the penalty set out in § 119.999 of this chapter for horse drawn vehicle/carriage businesses.

(B) The city police shall, as soon as possible, but not less than 14 days after citing a business or driver for violation of §§ 119.055 through 119.062, notify the Finance Department in writing of the violation. If the holder of the license to operate a horse drawn vehicle/carriage business or his or her employees or agents are convicted of violating any provision of this subchapter, the Finance Department may suspend this license, pursuant to the requirement of § 119.061 of this chapter.

(1984 Code, § 111.405) (Ord. O-56-04, passed 8-24-2004)

§ 119.061 NOTICE OF SUSPENSION/ REVOCATION.

(A) When the licensee, his or her agents, or his or her employees have been convicted of a violation of these regulations, the Finance Department may notify the violator by certified mail that all licenses/permits have been suspended for a period not to exceed 30 days and that said licenses/permits will be automatically revoked if, at the end of the suspension period, the offense for which the violator was convicted has not been remedied so as to conform to these regulations within that 30-day suspension period. The violator may appeal this determination of suspension/revocation of the licenses/permits pursuant to the process in division (B) below.

(B) When an application has been denied pursuant to the provisions of §119.055 of this chapter, or a license/permit has been suspended or revoked pursuant to this chapter, the applicant may file a petition setting forth his or her reasons for contesting such action with the City Clerk and request that a hearing be held within 30 days of the date of the filing of such petition with the City Clerk. Any petition for hearing must be submitted within ten working days of receipt of the Finance Department's denial or suspension/revocation notice in order to effect an appeal thereof. The City Clerk shall forthwith notify the Finance Department, the City Manager and the Board of Commissioners that such a petition and request for hearing has been filed and the date of such filing. The City Clerk shall also submit a copy of the petition, along with the notification, to the Finance Department, the City Manager and the Board of Commissioners.

(1984 Code, § 111.406) (Ord. O-16-87, passed 3-24-1987; Ord. O-56-04, passed 8-24-2004)

§ 119.062 NOTICE OF HEARING; PROCESS.

(A) The Board of Commissioners shall hold all hearings for appeal of suspensions/revocations or denials and make decisions upholding or modifying in the case of suspensions/revocations or sustaining or overruling in the case of denials.

(B) All notices for suspension/revocation shall be by certified mail.

(C) The notices shall set forth the violation, the effective date of suspension/revocation and the length of the suspension and shall contain information enabling the recipient to be informed of his or her right to appeal pursuant to § 119.061(B) of this chapter.

(D) In the case of appeals of suspensions/ revocations or denials where the petition has been filed, the Board of Commissioners shall notify the petitioner of the date, time and place of hearing of the appeal or denial by certified mail. Such notice shall be placed in the mail within five days of the filing of the petition with the City Clerk, or as soon thereafter as practicable.

(E) The notice and other pleadings shall be filed with the City Clerk and the hearing and subsequent decision shall be recorded in the official minutes books of the city.

(F) An attested copy of the decision of the Board of Commissioners shall be mailed to the petitioner or his or her attorney.

(1984 Code, § 111.407) (Ord. O-16-87, passed 3-24-1987; Ord. O-56-04, passed 8-24-2004)

TEMPORARY SALE OR DISPLAY OF

MOTOR VEHICLES

§ 119.075 DEFINITIONS.

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

DISPLAY. The placement of motor vehicles by a licensed motor vehicle dealer for the specific purpose of sale or advertising at a location that is not its established place of business for more than 24 hours, but not to exceed the time limits otherwise provided in this chapter. Nothing in this subchapter shall be deemed to prohibit a licensed motor vehicle dealer from off-site warehousing, storing, parking or driving a demonstrator vehicle in the normal course of business.

LICENSED MOTOR VEHICLE DEALER. Dealers, manufacturers, factory branches, distributors factory representatives, distributor branches and distributor representatives, as those terms are defined in KRS 190.010 and where applicable, those who hold a license from the commonwealth, pursuant to KRS 190.020.

TEMPORARY SALE OR DISPLAY. The conducting or holding of a sale or display of motor vehicles not to exceed seven days if held outdoors, and not to exceed 14 days if held indoors, but shall not otherwise preclude the following activities, which do not require a permit under this subchapter:

(1) A display or sale of motor vehicles by a motor vehicle dealer trade association and its participating members for which a permit is issued by the commonwealth;

(2) A display of less than three motor vehicles for advertising purposes at one location, or as part of the licensee's sponsorship of a charitable or other public event;

(3) A manufacturer's sponsored display or sale of motor vehicles for its participating dealers within the city; except that, the participating dealers, to include participating dealers not licensed in the state, shall individually secure the permit required by this subchapter; or

(4) Trade shows and similar major public events that have achieved regional or national prestige and that contribute substantially to the economy of the community and state.

(1984 Code, § 111.700) (Ord. O-73-04, passed 12-13-2004)

§ 119.076 PERMIT REQUIRED.

(A) No person, corporation or other business entity other than a licensed motor vehicle dealer or a new vehicle manufacturer, as defined in KRS 190.010, shall conduct, hold or otherwise participate in a temporary sale or display of motor vehicles at a location other than in the established place of business as specified in the licensed motor vehicles dealer's state license without first obtaining a temporary sale or display permit from the City Manager.

(B) No person, corporation or other business entity other than a state-licensed motor vehicle dealer shall be entitled to receive a temporary sale or display permit under this section, except as otherwise provided in this chapter.

(1984 Code, § 111.701) (Ord. O-73-04, passed 12-13-2004)

§ 119.077 REQUIREMENTS FOR TEMPORARY SALE OR DISPLAY.

(A) All permits shall be submitted 21 days prior to the temporary sale or display and shall be granted or refused within three working days after submission of a complete application and shall expire, unless revoked or suspended, at the end of the permit period.

(B) The application shall be on a form provided by the city and shall include:

(1) The name and address of the licensed motor vehicle dealer(s) holding or conducting the temporary sale or display;

(2) The location, by street address, of the temporary sale or display;

(3) Certification from the Zoning Administrator that the location is properly zoned for such temporary sale or display;

(4) A copy of the state license of the dealer(s) conducting the temporary sale or display, if appropriate; and

(5) The name of the person, corporation or other business entity sponsoring the temporary sale or display if different from the applicant for the permit.

(1984 Code, § 111.702) (Ord. O-73-04, passed 12-13-2004)

§ 119.078 PERMIT FEE.

The permit fee for each temporary sale or display shall be $50 for each participating dealer, payable at the time of application.

(1984 Code, § 111.703) (Ord. O-73-04, passed 12-13-2004)

§ 119.079 APPEALS.

The applicant(s) will be notified of the granting or rejecting of the permit, and if the application is rejected, the reason or reasons for rejection and the applicant(s) will be notified of his or her right to appeal the rejection to the City Commission and of the time in which such appeal shall be made prior to the scheduled temporary sale or display.

(1984 Code, § 111.707) (Ord. O-73-04, passed 12-13-2004)

§ 119.080 TEMPORARY SALE/DISPLAY; POSTING PERMIT.

The temporary sale or display shall be advertised as temporary in nature and shall consist of a representative sampling of the inventory of each participating licensee. The temporary sale or display permit shall be conspicuously posted at the location of the sale or display.

(1984 Code, § 111.708) (Ord. O-73-04, passed 12-13-2004)

§ 119.999 PENALTY.

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

(B) In addition to any other remedy, any person, firm or corporation found guilty of violating the provisions of §§ 119.001 through 119.007 of this chapter shall be deemed guilty of a violation and shall be fined not less than $15, nor more than $200, for each offense. In addition, the city's Police Department is hereby authorized to tow any commercial quadricycle for violation of any parking regulation set forth in Ch. 73 of this code of ordinances. Nothing herein shall preclude the appropriate citation of an operator or passenger for violation of any other law.

(C) Any person who violates any provisions of §§119.020 through 119.042 of this chapter shall be deemed guilty of a misdemeanor and shall be fined not more than $500 or imprisoned for not more than six months, or both fined and imprisoned.

(D) In addition to any other remedy, any person, firm or corporation found guilty of violating the provisions of §§ 119.055 through 119.062 of this chapter shall be deemed guilty of a misdemeanor and shall be fined not less than $50, nor more than $200, for each offense (a separate offense shall be deemed committed on each day during or on which a violation occurs or continues), or may be imprisoned for not less than 60 days, or both.

(E) Any person who violates any provision of §§119.075 through 119.080 of this chapter shall be guilty of a violation and, on conviction, shall be punished by a fine of not less than $100 or more than $250 for each offense. Each day of such violation shall constitute a separate offense, and no additional notice other than notice of the original offense shall be required to convict a person for violations resulting from a continuation of such offense.

(1984 Code, § 111.999) (Ord. O-16-87, passed 3-24-1987; Ord. O-13-94, passed 4-12-1994; Ord. O-40-04, passed 6-22-2004; Ord. O-56-04, passed 8-24-2004; Ord. O-27-16, passed 10-18-2016)

CHAPTER 120: SEXUALLY-ORIENTED BUSINESSES

Section

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§ 120.01 PURPOSE; FINDINGS.

(A) *Purpose.* It is the purpose of this chapter to regulate sexually-oriented businesses in order to promote the health, safety, morals and general welfare of the citizens of the city, and to establish reasonable and uniform regulations of sexually-oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually- oriented materials. Similarly, it is no the intent nor effect of this chapter to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market. Neither is it the intent, nor effect, of this chapter to condone or legitimize the distribution of obscene material.

(B) *Findings.* Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearing and in reports made available to the City Commission, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.,* 475 U.S. 41(1986), *Young v. American Mini Theatres,* 426 U.S. 50 (1976), and *Barnes v. Glen Theatre, Inc.* 501 U.S. 560 (1991), and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and also on findings from the Report of the Attorney General's Working Group On the Regulation of Sexually-oriented Businesses, (6-6-1989, State of Minnesota), the Commission finds:

(1) Sexually-oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises;

(2) Certain employees of sexually-oriented businesses defined in §120.02 of this chapter as adult theaters and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments;

(3) Sexual acts, including masturbation, and oral and anal sex, occur at sexually-oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos or live sex shows;

(4) Offering and providing such space encourages such activities, which creates unhealthy conditions;

(5) Persons frequent certain adult theaters, adult arcades and other sexually-oriented businesses for the purpose of engaging in sex within the premises of such sexually-oriented businesses;

(6) At least 50 communicable diseases may be spread by activities occurring in sexually-oriented businesses,

including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections;

(7) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts;

(8) Sanitary conditions in some sexually- oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities;

(9) Numerous studies and reports have determined that semen is found in the areas of sexually-oriented businesses where persons view “adult” oriented films;

(10) The findings noted in divisions (B)(1) through (B)(9) above raise substantial governmental concerns;

(11) Sexually-oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns;

(12) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually-oriented businesses. Further, such a licensing procedure will place a heretofore non- existent incentive on the operators to see that the sexually operated business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the city. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually- oriented business, fully in possession and control of the premises and activities occurring therein;

(13) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters;

(14) Clear view of the sexually-oriented business’s premises public area advances a substantial government interest in curbing the illegal and unsanitary sexual activity occurring in sexually- oriented businesses, excluding adult motels;

(15) Requiring licensees of sexually-oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments;

(16) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually-oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually-transmitted diseases;

(17) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this chapter is designed to prevent or who are likely to be witnesses to such activity;

(18) The fact that an applicant for an adult use license has been convicted of a sexually-related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this chapter;

(19) The barring of such individuals from the management of adult uses for a period of years serves as a deterrent to and prevents conduct which leads to the transmission of sexually-transmitted diseases; and

(20) The general welfare, health, morals and safety of the citizens of the city will be promoted by the enactment of this chapter.

(1984 Code, § 111.600) (Ord. O-17-99, passed 5-25-1999)

§ 120.02 DEFINITIONS.

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

ADULT ARCADE. Any place to which the public is permitted or invited wherein coin-operated, slug-operated or for any form of consideration, electronically, electrically or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE, ADULT NOVELTY STORE or ***ADULT VIDEO STORE.***

(1) A commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

(a) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or

(b) Instruments, devices or parapher- nalia which are designed for use in connection with specified sexual activities.

(2) A commercial establishment may have other principal business purposes that do not involve the offering for sale or

rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as ***ADULT BOOKSTORE***, ***ADULT NOVELTY STORE*** or ***ADULT VIDEO STORE.*** Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ***ADULT BOOKSTORE***, ***ADULT NOVELTY STORE*** or ***ADULT VIDEO STORE*** so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT CABARET. A nightclub, bar, restaurant or similar commercial establishment which regularly features:

(1) Persons who appear in a state of nudity or semi-nude; or

(2) Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities; or

(3) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTEL. A hotel, motel or similar commercial establishment which:

(1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;

(2) Offers a sleeping room for rent for a period of time that is less than ten hours; or

(3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

ADULT MOTION PICTURE THEATER. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. Regularly shown films, motion pictures, video cassettes, slides or other similar photographic reproductions as characterized herein do not include sexually-oriented speech and expressions that take place inside the context of some larger form of expression.

ADULT THEATER. A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities. Regularly featured appearances and performances by persons who appear and perform as characterized herein do not include appearances and performances which include sexually-oriented speech and expression that takes place inside the context of some larger form of expression.

EMPLOYEE. A person who performs any service on the premises of a sexually-oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. ***EMPLOYEE*** does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

ESTABLISHMENT. Includes any of the following:

(1) The opening or commencement of any sexually-oriented business as a new business;

(2) The conversion of an existing business, whether or not a sexually-oriented business, to any business;

(3) The additions of any sexually-oriented business to any other existing sexually-oriented business; or

(4) The relocation of any sexually-oriented business.

LICENSEE. A person in whose name a license to operate a sexually-oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually-oriented business.

NUDE MODEL STUDIO. Any place where a person who appears semi-nude, in a state of nudity, or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. ***NUDE MODEL STUDIO*** shall not include a proprietary school licensed by the state or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or in a structure:

(1) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing;

(2) Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and

(3) Where no more than one nude or semi- nude model is on the premises at any one time.

NUDITY or ***STATE OF NUDITY.*** The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of

any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

PERSON. An individual, proprietorship, partnership, corporation, association or other legal entity.

PUBLIC AREA. The portion of a sexually- oriented business, excluding adult motels, that is accessible to the customer, excluding restrooms, while the business is open for business.

SEMI-NUDE or in a ***SEMI-NUDE CONDITION.*** The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other apparel; provided, the areola is not exposed in whole or in part.

SEXUAL ENCOUNTER CENTER. A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

(1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi- nude.

SEXUALLY-ORIENTED BUSINESS. An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

SPECIFIED ANATOMICAL AREAS.

(1) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

(2) Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

SPECIFIED CRIMINAL ACTIVITY. Any of the following offenses:

(1) Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;

(2) For which:

(a) Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

(b) Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

(c) Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offense occurring within any 24-month period.

(3) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

SPECIFIED SEXUAL ACTIVITIES. Any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or

(3) Excretory functions as part of or in connection with any of the activities set forth in divisions (1) and (2) of this definition.

TRANSFER OF OWNERSHIP OR CONTROL. Includes any of the following:

(1) The sale, lease or sublease of the business;

(2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or

(3) The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(1984 Code, § 111.601) (Ord. O-17-99, passed 5-25-1999; Ord. O-30-99, passed 8-3-1999; Ord. O-33-02, passed 7-16-2002; Ord. O-2-05, passed 1-25-2005)

§ 120.03 CLASSIFICATION.

Sexually-oriented businesses are classified as follows:

(A) Adult arcades;

(B) Adult bookstores, adult novelty stores or adult video stores;

(C) Adult cabarets;

(D) Adult motels;

(E) Adult motion picture theaters;

(F) Adult theaters;

(G) Nude model studios; and

(H) Sexual encounter centers.

(1984 Code, § 111.602) (Ord. O-17-99, passed 5-25-1999; Ord. O-2-05, passed 1-25-2005)

§ 120.04 LICENSE REQUIRED.

(A) It is unlawful:

(1) For any person to operate a sexually- oriented business without a valid sexually-oriented business license issued by the city pursuant to this chapter;

(2) For any person who operates a sexually-oriented business to employ a person to work for the sexually-oriented business who is not licensed as a sexually-oriented business employee by the city pursuant to this chapter; or

(3) For any person to obtain employment with a sexually-oriented business without having secured a sexually-oriented business employee license pursuant to this chapter.

(B) An application for a license must be made on a form provided by the city.

(C) All applicants must be qualified according to the provisions of this chapter. The application may request and the applicant shall provide such information (including fingerprints) as to enable the city to determine whether the applicant meets the qualifications established in this chapter.

(D) If a person who wishes to operate a sexually- oriented business is an individual, the person must sign the application for a license as applicant. If a person who wishes to operate a sexually-oriented business is other than an individual, each individual who has a 20% or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under division (E) below and each applicant shall be considered a licensee if a license is granted.

(E) The completed application for a sexually-oriented business license shall contain the following information and shall be accompanied by the following documents:

(1) If the applicant is:

(a) An individual, the individual shall state his or her legal name and any aliases and submit proof that he or she is 18 years of age or older, or 20 years of age if the sexually-oriented business is licensed to sell alcoholic beverages;

(b) A partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any; or

(c) A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal stockholders, and the name of the registered corporate agent and the name and address of the registered office for service of process within the state.

(2) If the applicant intends to operate the sexually-oriented business under a name other than that of the applicant; he or she must state the sexually- oriented business's fictitious name and submit the required registration documents;

(3) Whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined in § 120.02 of this chapter and, if so, the specified criminal activity involved, the date, place and jurisdiction of each;

(4) Whether the applicant, or a person residing with the applicant, has had a previous license under this chapter or other similar sexually-oriented business ordinances from another city or county denied, suspended or revoked, including the name and location of the sexually-oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or a person residing with the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this chapter or other similar sexually-oriented business ordinance from another city or county whose license has previously been denied, suspended or revoked, including the name and location of the sexually-oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation;

(5) Whether the applicant or a person residing with the applicant holds any other licenses under this chapter or other

similar sexually-oriented business ordinance from another city or county and, if so, the names and locations of such other licensed businesses;

(6) The single classification of license for which the applicant is filing;

(7) The location of the proposed sexually- oriented business, including a legal description of the property, street address and telephone numbers, if any;

(8) The applicant's mailing address and residential address;

(9) A recent photograph of the applicant;

(10) The applicant's driver's license number, Social Security number and/or his or her state or federally issued tax identification number;

(11) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business, and designating that part of the premises that is accessible to customers labeled the public area, and designating the location of public restrooms. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches; and

(12) If an applicant wishes to operate a sexually-oriented business, other than an adult motel, which shall exhibit on the premises, in a viewing room or booth of less than 150 square feet of floor space, films, video cassettes, other video reproductions or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in § 120.13 of this chapter.

(F) Before any applicant may be issued a sexually-oriented business employee license, the applicant shall submit on a form to be provided by the city, the following information:

(1) The applicant's name or any other name (including "stage" names) or aliases used by the applicant;

(2) Age, date and place of birth;

(3) Height, weight, hair and eye color;

(4) Present residence address and telephone number;

(5) Present business address and telephone number;

(6) Date, issuing state and number of driver's permit or other identification card information;

(7) Social Security number; and

(8) Proof that the individual is at least 18 years of age, or at least 20 years of age if the sexually-oriented business is licensed to sell alcoholic beverages.

(G) Attached to the application form for a sexually-oriented business employee license as provided above, shall be the following:

(1) A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the Police Department. Any fees for the photographs and fingerprints shall be paid by the applicant;

(2) A statement detailing the license history of the applicant for the five years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate, in this or any other county, city, state or country, has ever had a license, permit or authorization to do business denied, revoked or suspended, or had any professional or vocational license or permit denied, revoked or suspended. In the event of any such denial, revocation or suspension, state the name, the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application; and

(3) A statement whether the applicant has been convicted of a specified criminal activity as defined in §120.02 of this chapter and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.

(1984 Code, § 111.603) (Ord. O-17-99, passed 5-25-1999; Ord. O-33-02, passed 7-16-2002; Ord. O-5-03, passed 2-4-2003) Penalty, see § 120.99

§ 120.05 ISSUANCE OF LICENSE.

(A) Upon the filing of said application for a sexually-oriented business employee license, the city shall issue a temporary license to the applicant. The application shall then be referred to the appropriate city departments for an investigation to be made on such information as is contained on the application. The application process shall be completed within 30 days from the date the completed application is filed. After the investigation, the city shall issue a license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

(1) The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;

(2) The applicant is under the age of 18 years;

(3) The applicant has been convicted of a specified criminal activity as defined in §120.02 of this chapter;

(4) The sexually-oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by a particular provision of this chapter; or

(5) The applicant has had a sexually- oriented business employee license revoked by the city

within two years of the date of the current application. If the sexually-oriented business employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension or revocation of a license issued pursuant to this division (A)(5) shall be subject to appeal as set forth in § 120.11 of this chapter.

(B) A license granted pursuant to this section shall be subject to annual renewal upon the written application of the applicant and a finding by the city that the applicant has not been convicted of any specified criminal activity as defined in this § 120.02 of this chapter or committed any act during the existence of the previous license, which would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of the fee as set forth in § 120.06 of this chapter.

(C) Within 30 days after receipt of a completed sexually-oriented business application, the city shall approve or deny the issuance of a license to an applicant; however, pending an investigation to approve or deny the issuance of a license, the city shall issue a temporary license to operate a sexually- oriented business. The city shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

(1) An applicant is under 18 years of age;

(2) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;

(3) An applicant has been denied a license by the city to operate a sexually-oriented business within the preceding 12 months or whose license to operate a sexually-oriented business has been revoked within the preceding 12 months;

(4) An applicant has been convicted of a specified criminal activity defined in §120.02 of this chapter;

(5) The license fee required by this chapter has not been paid; and

(6) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this chapter.

(D) The license, if granted, shall state on this face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually-oriented business and the classification for which the license is issued pursuant to § 120.03 of this chapter. All licenses shall be posted in a conspicuous place at or near the entrance to the sexually-oriented business so that they may be easily read at any time. The information given by an employee of a sexually- oriented business in the application process including the employee's mailing address, residential address, driver's license number, Social Security number (or EIN), telephone number, date and place of birth or other information which would enable third parties to determine the residence of the employee, shall be regarded by the city and the city's Police Department or any other city department keeping such records as confidential and exempt from disclosure under KRS 61.878(1)(a) or other applicable section of state's Open Records Act, being KRS 61.870 to 61.884. The city, through the Solicitor's office, will deny inspection of such records and appeal any Attorney General's decision for production of these records, so that no production shall be permitted or ordered, except by the county's Circuit Court. The city shall notify by registered mail the person who is the subject of these records of any attempt to inspect them and advise the person of the city's efforts to maintain their confidentiality.

(E) A sexually-oriented business license shall issue for only one classification as found in §120.03 of this chapter.

(1984 Code, § 111.604) (Ord. O-17-99, passed 5-25-1999; Ord. O-30-99, passed 8-3-1999)

§ 120.06 FEES.

(A) Every application for a sexually-oriented business license (whether for a new license or for renewal of an existing license) shall be accompanied by a $155 non-refundable application and investigation fee.

(B) Every application for a sexually-oriented business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by an annual $155 non-refundable application, investigation and license fee. The renewal fee shall be based upon the actual cost of administration of the application and investigation.

(C) All application fees shall be prorated on a month by month basis if the application is received after January 31 of each year.

(D) All license applications and fees shall be submitted to the Finance Department of the city, and shall comply with §§ 110.01 through 110.15 of the code of ordinances.

(E) If an employee applies for a new employee license at a different location within nine months of the date of issuance of his or her last license investigation, then the application and investigation fee will be reduced by $125.

(1984 Code, § 111.605) (Ord. O-17-99, passed 5-25-1999; Ord. O-40-99, passed 11-23-1999) Penalty, see § 120.99

§ 120.07 INSPECTION.

(A) An applicant or licensee shall permit representatives of the Police Department, Health Department, Fire Department, Zoning Department or other city departments or agencies to inspect the premises of a sexually-oriented business for the purpose of ensuring compliance with the law, at reasonable times when it is occupied or open for business. However, such inspection shall comply with the civil enforcement regulations and procedures of each department and every decision to inspect shall be in response to a reasonable and valid need to inspect.

(B) It shall be unlawful for a person who operates a sexually-oriented business or his or her agent or employee to place any curtain or other obstruction that prevents or limits the view of the public area by representatives of the Police Department.

(1984 Code, § 111.606) (Ord. O-17-99, passed 5-25-1999; Ord. O-37-99, passed 10-26-1999; Ord. O-33-02, passed 7-16-2002) Penalty, see § 120.99

§ 120.08 EXPIRATION OF LICENSE.

(A) Each license shall expire at 11:59 p.m. of December 31 of each year and may be renewed only by making application as provided in § 120.04 of this chapter. Application for renewal shall be made at least 30 days before the expiration date and, when made less than 30 days before the expiration date, the expiration of the current license will not be affected. Any application fee will be prorated on a monthly basis.

(B) When the city denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the city finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted license if at least 90 days have elapsed since the date denial became final.

(1984 Code, § 111.607) (Ord. O-17-99, passed 5-25-1999)

§ 120.09 SUSPENSION.

The city shall suspend a license for a period not to exceed 30 days if it determines that a licensee or an employee of a licensee has:

(A) Violated or is not in compliance with any section of this chapter; or

(B) Refused to allow an inspection of the sexually-oriented business premises as authorized by this chapter.

(1984 Code, § 111.608) (Ord. O-17-99, passed 5-25-1999)

§ 120.10 REVOCATION.

(A) The city, through its City Manager, shall revoke a license if a cause of suspension in §120.09 of this chapter occurs and the license has been suspended within the preceding 12 months.

(B) (1) The city shall revoke a license if it determines that:

(a) A licensee gave false or misleading information in the material submitted during the application process;

(b) A licensee has knowingly allowed possession, use or sale of controlled substances on the premises;

(c) A licensee has knowingly allowed prostitution on the premises;

(d) A licensee knowingly operated the sexually-oriented business during a period of time when the licensee's license was suspended;

(e) Except in the case of an adult motel, a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the licensed premises; or

(f) A licensee is delinquent in payment to the city, county or state for any taxes or fees past due.

(2) Nothing in this section shall subject an operator of a sexually-oriented business to a revocation of a license because of a violation of or non-compliance with the provisions of this chapter by an employee unless the operator knew or should have known of the violation or non-compliance.

(C) When the city revokes a license, the revocation shall continue for one year, and the licensee shall not be issued a sexually-oriented business license for one year from the date the revocation became effective. If, subsequent to revocation, the city finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective.

(1984 Code, § 111.609) (Ord. O-17-99, passed 5-25-1999; Ord. O-30-99, passed 8-3-1999; Ord. O-37-99, passed 10-26-1999)

§ 120.11 APPEALS OF DENIAL, SUSPENSION OR REVOCATIONS.

(A) If the city, by act of the Finance Director or City Manager, refuses an application or a renewal of an application of a sexually-oriented business license or an application for a sexually-oriented business employee license, or if the city, by act

of the City Manager, suspends or revokes a sexually-oriented business license or sexually-oriented business employee license, the City Manager shall advise the applicant or the license holder in writing of the denial, suspension or revocation, as the case may be, setting forth in writing the specific reasons for the action with a citation of the ordinance section which is the basis for the denial, suspension or revocation. Notice of the denial, suspension or revocation shall be served by registered mail or according to the state's rules of civil procedure. The notice shall advise the applicant or license holder of the right to appeal within 15 days of receipt of service the decision/action to the Mayor and Board of Commissioners.

(B) Immediately upon the applicant's appeal to the Mayor and Board of Commissioners, the city shall issue a temporary license to operate a sexually- oriented business or to work as a sexually-oriented business employee. This temporary license shall remain in effect throughout the final judicial review and the final decision on the denial, suspension or revocation. Upon appeal by the applicant or license holder to the Mayor and Board of Commissioners, the legislative body shall convene an administrative hearing on the appeal, which shall ensure the following due process guarantees.

(1) At appropriate stages of proceedings, the parties shall be given full opportunity to file pleadings, motions, objections, offers of settlement, briefs, proposed findings of fact and conclusions of law and proposed recommended or final orders. The original of all filings shall be mailed to the City Clerk and copies of any and all filed items shall be served on all parties by mail. The Clerk shall, when any filing is received, mark the document as received.

(2) The Mayor and Board of Commissioners shall authorize the issuance of subpoenas when requested by a party, and any party may apply to the county's Circuit Court for an order requiring obedience.

(3) The proceedings shall guarantee all parties the opportunity to respond, present evidence, conduct cross-examinations and submit rebuttal evidence.

(4) The proceedings shall guarantee that any party may participate in person or be represented by counsel.

(5) If a party fails to attend or participate in any hearing or other stages of the process or fails to comply with any order of the Mayor and Board of Commissioners, the Mayor and Board of Commissioners may adjourn the proceedings and issue a default order granting or denying relief as appropriate or may conduct the proceedings without the participation of the defaulting party, having due regard for the interest of justice and the orderly and prompt conduct of the proceedings.

(6) The proceedings shall be open to the public.

(7) After the taking of evidence and argument of the parties or counsel, the Mayor and Board of Commissioners shall prepare findings of fact and conclusions of law and order either sustaining the decision/action of the City Manager, or sustaining the appeal of the applicant or license holder, or modifying the decision of the City Manager as they deem appropriate.

(8) The Mayor and Board of Commissioners shall make their findings of fact based exclusively on the evidence of record, and hearsay evidence may be admissible if it is the type of evidence that reasonable and prudent persons would rely on in their daily affairs, but it shall not be sufficient in itself to support a finding of fact unless it would be admissible over objections in civil actions.

(9) All testimony shall be made under oath or affirmation.

(10) The Mayor and Board of Commissioners shall cause all testimony, motions and objections in a hearing to be accurately and completely recorded. Any person, upon request and upon payment of the costs of copying, may receive a copy of the recording or a copy of the transcript if the hearing has been transcribed. The city shall have the burden to show the propriety of the decision/action taken against the applicant or license holder. The party asserting any affirmative defense has the burden to establish that defense. The ultimate burden of persuasion is met by a preponderance of evidence in the record.

(11) A licensee (applicant or license holder) may appeal an adverse decision of the Mayor and Board of Commissioners. The city shall take no action to enforce a decision to deny a license application or enforce a suspension or revocation of a licensee's license during the 15-day period granted by this section to appeal the adverse administrative decision to the Mayor and the Board of Commissioners, or during the proceedings before the Mayor and Board of Commissioners. After a decision by the Mayor and Board of Commissioners suspending or revoking the license, the order may be enforced.

(12) If a licensee (applicant or license holder) appeals a decision of suspension or revocation to the county's Circuit Court or court of competent jurisdiction, the enforcement of the adverse decision shall be stayed pending a final decision of the court or interim order temporarily enforcing the adverse order of denial, suspension or revocation.

(1984 Code, § 111.610) (Ord. O-30-99, passed 8-3-1999; Ord. O-40-99, passed 11-23-1999; Ord. O-9-00, passed 3-21-2000; Ord. O-33-02, passed 7-16-2002)

§ 120.12 TRANSFER OF LICENSE.

A licensee shall not transfer his or her license to another, nor shall a licensee operate a sexually- oriented business under the authority of a license at any place other than the address designated in the application.

(1984 Code, § 111.611) (Ord. O-17-99, passed 5-25-1999)

§ 120.13 ADULT MOTELS; ADDITIONAL REGULATIONS.

Additional regulations governing adult motels are as follows.

(A) Evidence that a sleeping room in a hotel, motel or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten hours creates a rebuttable presumption that the establishment is an adult motel, as defined in § 120.02 of this chapter.

(B) A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually-oriented license, he or she rents or subrents a sleeping room to a person and, within ten hours from the time the room is rented, he or she rents or subrents the same sleeping room again.

(C) For purposes of division (B) above, the terms***RENT*** or ***SUBRENT*** mean the act of permitting a room to be occupied for any form of consideration.

(1984 Code, § 111.612) (Ord. O-17-99, passed 5-25-1999)

§ 120.14 EXHIBITION OF SEXUALLY EXPLICIT FILMS, VIDEOS OR LIVE ENTERTAINMENT IN VIEWING ROOMS; REGULATIONS.

(A) A person who operates or causes to be operated a sexually-oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette, live entertainment or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements.

(1) Upon application for a sexually-oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The city may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(2) The application shall be sworn to be true and correct by the applicant.

(3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the city.

(4) It is the duty of the licensee of the premises to ensure that at least one licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this division (A)(5) must be by direct line of sight from the manager's station.

(6) It shall be the duty of the licensee to ensure that the view area specified in division (A)(5) above remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to division (A)(1) above.

(7) No viewing room may be occupied by more than one person at any time.

(8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five footcandles as measured at the floor level.

(9) It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(10) No licensee shall allow openings of any kind to exist between viewing rooms or booths.

(11) No person shall make or attempt to make an opening of any kind between viewing booths or rooms.

(12) The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.

(13) The licensee shall cause all floor coverings in viewing booths to be non-porous, easily cleanable surfaces, with no rugs or carpeting.

(14) The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, non- porous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within 48 inches of the floor.

(B) A person having a duty under divisions (A)(1) through (A)(14) above commits a misdemeanor if he or she knowingly fails to fulfill that duty.

(1984 Code, § 111.613) (Ord. O-17-99, passed 5-25-1999)

§ 120.15 NUDE MODEL STUDIOS; ADDITIONAL REGULATIONS.

Additional regulations governing nude model studios are as follows.

(A) A nude model studio shall not employ any person under the age of 18 years.

(B) A person under the age of 18 years commits an offense if the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this

division (B) if the person under 18 was in a restroom not open to public view or visible to any other person.

(C) A person commits an offense if the person appears in a state of nudity, or knowingly allows another to appear in a state of nudity, in an area of a nude model studio premises which can be viewed from the public right-of-way.

(D) A nude model studio shall not place or permit a bed, sofa or mattress in any room on the premises; except that, a sofa may be placed in a reception room open to the public.

(1984 Code, § 111.615) (Ord. O-17-99, passed 5-25-1999) Penalty, see § 120.99

§ 120.16 PUBLIC NUDITY; ADDITIONAL REGULATIONS.

Additional regulations governing public nudity are as follows.

(A) It shall be unlawful for a person who knowingly and intentionally, in a sexually-oriented business, appears in a state of nudity or depicts specified sexual activities.

(B) It shall be unlawful for a person who knowingly or intentionally in a sexually-oriented business appears in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least three feet from any patron or customer and on a stage at least 18 inches from the floor.

(C) It shall be unlawful for an employee, while semi-nude in a sexually-oriented business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee, while the employee is semi-nude in a sexually-oriented business. However, nothing herein shall prohibit a patron or customer from placing a gratuity in a tip jar.

(D) It shall be unlawful for an employee, while semi-nude, to touch a customer or the clothing of a customer.

(E) It shall be unlawful for a customer or patron to go on the stage of a sexually-oriented business while an employee of the sexually-oriented business is on the stage in a state of nudity or semi-nude.

(1984 Code, § 111.616) (Ord. O-17-99, passed 5-25-1999; Ord. O-33-02, passed 7-16-2002) Penalty, see § 120.99

§ 120.17 CHILDREN PROHIBITED.

(A) It shall be unlawful for a person to knowingly allow a person under the age of 18 years on the premises of a sexually-oriented business.

(B) In addition, to comply with KRS 244.090(1)(b), no person under the age of 20 years shall be employed in a sexually-oriented business licensed to sell alcoholic beverages.

(1984 Code, § 111.617) (Ord. O-17-99, passed 5-25-1999; Ord. O-5-03, passed 2-4-2003) Penalty, see § 120.99

§ 120.18 HOURS OF OPERATION.

(A) No sexually-oriented business, except for an adult motel, that possesses a state alcoholic beverage license, may remain open at any time between the hours of 1:00 a.m. and 8:00 a.m. on weekdays and Saturdays, and 1:00 a.m. and 12:00 p.m. on Sundays. However, if the sexually-oriented business has a valid nightclub license issued by the city, the sexually- oriented business may remain open for business until 2:30 a.m.

(B) No sexually-oriented business, except for an adult motel that does not possess a state alcoholic beverage license, may remain open at any time between the hours of 10:00 p.m. and 8:00 a.m. on weekdays and Saturdays, and between the hours of 10:00 p.m. Saturday and 12:00 p.m. on Sundays.

(1984 Code, § 111.618) (Ord. O-17-99, passed 5-25-1999; Ord. O-47-99, passed 1-11-2000) Penalty, see § 120.99

§ 120.19 EXEMPTIONS.

It is a defense to prosecution under § 120.17 of this chapter that a person appearing in a state of nudity did so in a modeling class operated:

(A) By a proprietary school, licensed by the state; a college, junior college or university supported entirely or partly by taxation;

(B) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or

(C) In a structure:

(1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;

(2) Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and

(3) Where no more than one nude model is on the premises at any one time.

(1984 Code, § 111.619) (Ord. O-17-99, passed 5-25-1999)

§ 120.20 INJUNCTION.

A person who operates or causes to be operated a sexually-oriented business without a valid license or in violation of § 120.04 of this chapter is subject to a suit for injunction.

(1984 Code, § 111.620) (Ord. O-17-99, passed 5-25-1999)

§ 120.99 PENALTY.

Any person violating the provision of this chapter shall be guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment for a period not to exceed one year, or both.

(1984 Code, § 111.999) (Ord. O-17-99, passed 5-25-1999)

CHAPTER 121: PERSONAL SALES

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AUCTIONS

§ 121.01 GENERAL MERCHANDISE SALES.

(A) *License required.* No person shall sell or offer for sale at public auction, any goods, wares, merchandise, furniture or any other article, or effects, carried in stock, or applied merchandise without first obtaining a license to do so and paying a

license tax as provided by law or ordinance.

(B) *Tags on sale items; contents; statement of warranty.*

(1) Any person conducting an auction shall attach to each article of merchandise exposed or offered for sale at the auction, a tag on which shall be written or printed in English, a true statement of the character and quality of the goods or article offered or exposed for sale. The purpose of the tag shall be to given to each purchaser of any article at such a sale full and correct information of the nature, kind and quality of the article of merchandise being sold. The auctioneer shall read the information or statement contained on the tag before offering the merchandise for sale.

(2) If any secondhand goods or articles are offered for sale at such an auction, that fact shall appear in the statement on the tag. The tag attached to the articles of merchandise shall be signed by the person conducting the sale and shall be firmly attached to the article of merchandise sold at public sale.

(3) The tag shall be delivered with the article so sold to the purchaser and the representations on the tag shall constitute a warranty of the kind, character and quality of the article sold.

(4) The statement on the tag shall begin with the words: "The undersigned represents that the (describe or name the article) to which this statement is attached is (then shall follow in detail representations as to the quality, kind and character of the merchandise, together with all facts relative thereto, in detail as above provided) ."

(C) *Bidding regulations.*

(1) Any person conducting an auction sale, or who may hereafter be licensed to conduct such a sale by auction, shall not employ or use at the sale any "by-bidder", "capper" or "booster". No auctioneer shall, at such a sale, accept or pretend to accept any false, misleading or fictitious bid for any article offered for sale, but every sale must be bona fide.

(2) The auctioneer at the sale shall recognize no bidder for any article exposed for sale, unless the bidder shall speak in tone audible to those present, the amount of his or her bid, or shall extend his or her arm above the heads of the crowd so as to be plainly seen and identified as the bidder by those present.

(3) The article sold shall be immediately and publicly delivered to the bidder and the amount of the bid then and there publicly paid for the article by the purchaser.

(4) When an article is offered for sale and a bid is received therefor as provided for herein, the article shall be sold for the bid offered, unless the auctioneer, at the time he or she offers the article for sale, shall publicly announce that he or she reserves the right to reject the bid received. Only when such a reservation is made shall the auctioneer have the right to reject the bid offered.

(D) *Bond required.* All persons shall, before beginning to conduct an auction or public sale, execute a bond to the city in the sum of $5,000 conditioned on their fully complying with the provisions of this section and that the articles sold at the sale are the kind, quality and character which are represented to be on the tag attached to the article sold. The bond shall be for the benefit of the purchasers of any articles sold at the auction which may prove not to be of the kind and quality represented.

(1984 Code, § 111.050) Penalty, see § 121.99

Statutory reference:

Licensing of auctioneers, see KRS 330.010 et seq.

§ 121.02 JEWELRY SALES.

(A) *License required.* No person shall sell or offer for sale at public auction any gold ware or silver ware, gold or silver plated ware, any plated ware of any kind, or precious stones, watches, clocks, jewelry, toilet articles, fountain pens, pencils or any merchandise usually carried in stock by wholesale or retail jewelers, unless the person shall first procure a license so to do, and pay the license tax as provided by law.

(B) *Application.*

(1) Any person desiring to hold an auction sale of jewelry-type merchandise described in this section shall file with the Recorder a statement verified by the person or officers of the corporation proposing to conduct the sale, setting forth the following:

(a) The name and address of the applicant or applicants;

(b) The place where the sale is to be conducted;

(c) The name and address of the person proposing to conduct the sale or if the person is a corporation, the state in which it was incorporated and the name of the person on whom process may be served as shown by statement filed in the office of Secretary of State at Frankfort, Kentucky, the amount of the capital stock of the corporation actually paid up, the value of the assets of the corporation and where located, and whether the assets are personal or real, property and the value of the real and personal property separately. If the sale is to be conducted by individuals or partnership, the names of all persons connected therewith; kind and value of assets owned by each of the parties, whether personal or real and where located; and

(d) The name of the auctioneer who is to conduct the sale.

(2) The Recorder shall provide a blank setting forth the questions to be answered by the applicant disclosing the information provided for herein, all of which shall be answered in writing and subscribed and sworn to by the applicant and, if the applicant is a corporation, by the principal officers thereof.

(C) *Tagging of sales items; contents.*

(1) Any person conducting an auction as provided in this section shall attach to each article exposed or offered for sale at the auction, a tag.

(2) The tag shall contain, in written or printed English a true statement:

(a) Of the character and quality of the articles offered or exposed for sale;

(b) If a diamond the exact weight and quality of the stone;

(c) If any other precious stone, its true weight and description;

(d) If the article is of metallic substance, whether the article is pure and of what degree of fineness;

(e) If plated, the nature of the plating and the true nature of the metal covered by the plating; and

(f) If the article offered for sale is an imitation of a precious stone, a gold or silver article, the tag must plainly show that fact.

(3) The purpose of the statement is that each purchaser at such a sale of any article exposed for sale shall have full and correct information of the nature and quality of the article being sold.

(4) When watches or clocks are offered for sale at an auction, the tags shall show:

(a) The quality of the case, whether solid or plated and the kind of case;

(b) The true name of the manufacturer of the watch or clock; and

(c) The parts, movements or mechanism thereof.

(5) When sold, no parts, movements or mechanism of other watches or clocks shall be secretly substituted for those originally contained in the watch or clock when offered for sale. No false or misleading names or trademarks shall be used or substituted in connection therewith for the movements thereof. No secondhand works shall be placed in any watch or clock cases, and sold or offered for sale for new. All such substitutions shall be shown on the tag and the fact plainly stated by the auctioneer in offering the article for sale.

(6) If any secondhand goods or articles are offered for sale at such an auction that facts shall appear on the tag and so stated by the auctioneer conducting the sale at the time the secondhand article is offered or exposed for sale.

(7) The tags giving the information as required by this section shall be signed by the person conducting the sale. The tag shall remain firmly attached to the article sold at public sale and shall be delivered with the article sold to the purchaser.

(8) The facts stated on the tags shall constitute a warranty of the kind, character and quality of the article so sold. The statement shall begin with the words: “The undersigned represents that the (describe or name the article) to which this statement is attached is (then shall follow in detail representations as to the quality, kind and character of the article, together with a description in detail provided above) .”

(D) *Hours of sales.* All auction sales of jewelry, gold or silver ware, plated ware, precious stones, watches, clocks or jewelry of every kind and character, shall be conducted between the hours of 7:30 a.m. and 6:00 p.m.

(E) *Prohibited sales items; gifts.*

(1) No person shall offer for sale or sell at public auction, vendue or outcry, any watch, ring, stickpin, charm, watch chain, earring, lavaliere, precious stone, cuff button or other article of jewelry of any kind, nature, character or description.

(2) No person shall offer for sale or sell at public auction, vendue or outcry, any goods, wares or merchandise with the understanding that the purchaser thereof shall receive gratis or as part consideration, any watch, ring, stickpin, charm, watch chain, earring, lavaliere, precious stone, cuff button or other article of jewelry of any kind, nature, character or description.

(1984 Code, § 111.051) Penalty, see § 121.99

RENTAL AGENCIES

§ 121.15 DEFINITIONS.

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

CONSUMER. A person who engages in a consumer transaction with a rental agency.

CONSUMER TRANSACTION. Any oral or written agreement, sale, lease, assignment, award by chance or other transfers of an item of goods, a

service, a franchise or an intangible, to an individual for purposes that are primarily personal, family or household, or solicitation to supply any of these things.

LANDLORD. The owner of a rental property or other person authorized or empowered to rent such rental property to others.

RENTAL AGENCY. Any individual, partnership, firm, corporation, company, society, association or other group or organization whether or not organized for profit who for compensation collects and offers for sale information concerning rental property.

RENTAL PROPERTY. Includes, for the purposes of this subchapter, any residential dwelling unit which is offered for rent.

(1984 Code, § 111.330) (Ord. O-35-84, passed 7-3-1984)

§ 121.16 PROHIBITED ACTS AND PRACTICES.

It is unlawful for any rental agency, agent or employee to otherwise solicit consumers for the rental agency business within the city unless:

(A) The rental agency does not require payment by a consumer of any charge or fee at any time prior to the consumer's entering into a rental agreement or lease with a landlord as a result of information provided by the rental agency and posts a conspicuous

sign in the rental agency office in an area in which the agency conducts business with consumers stating that no fee may be collected until the consumer has entered into a rental agreement or lease as a result of the agency's provision of rental information; or

(B) The following procedures are followed:

(1) (a) The agency's agreement with each customer is evidenced by a written, dated contract which contains the following notice:

THERE IS NO GUARANTEE THAT YOU WILL FIND A RENTAL UNIT

(b) Such notice must be placed conspicuously on the contract, which may contain nothing contrary to or in mitigation of the notice.

(2) The agency posts a conspicuous sign in its place of business in any area in which the agency transacts business with consumers fully explaining that the agency does not guarantee it will find a rental unit for the consumer in compliance with this subchapter; and

(3) The agency has posted with the Finance Director a good and sufficient bond in the sum of $10,000 which shall be conditioned to indemnify any purchasers who suffer any loss by reason of the rental agency's failure to comply with this subchapter or ceasing doing business without fulfilling contractual obligations to consumers.

(1984 Code, § 111.331) (Ord. O-35-84, passed 7-3-1984; Ord. O-70-85, passed 9-24-1985) Penalty, see § 121.99

§ 121.17 CONSUMER'S RELIEF.

For violation of § 121.16 of this chapter, the consumer may rescind the transaction or recover the consumer's actual damages in a civil action.

(1984 Code, § 111.332) (Ord. O-35-84, passed 7-3-1984)

§ 121.18 LICENSE REQUIRED.

No person shall engage in the occupation, trade or profession of rental agencies without first obtaining a license to do so and paying the necessary fees, as provided by §§ 110.01 through 110.14 of this code of ordinances.

(1984 Code, § 111.334) (Ord. O-35-84, passed 7-3-1984) Penalty, see § 121.99

GARAGE AND YARD SALES

§ 121.30 DEFINITIONS.

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

GARAGE SALE. The sale of personal property household belongings, typically held outdoors or in a garage at the residential premises of the seller. The term shall include, but not be limited to, all sales entitled "garage sale", "yard sale", "lawn sale", "attic sale", "rummage sale", "flea market sale" or any similar casual sale of tangible personal property.

PERSON. Includes individuals, neighborhood associations or non-profit entities.

(1984 Code, § 111.800) (Ord. O-7-07, passed 3-27-2007; Ord. O-32-08, passed 8-19-2008)

§ 121.31 PERMIT REQUIRED.

No person shall conduct a garage sale unless that person has obtained a permit issued by the Code Enforcement Department and paid any applicable fee to the Finance Department.

(A) *Contents of permit.* The person conducting the garage sale shall apply for a permit from the Code Enforcement Department and provide the following information:

(1) Name, address and phone number of applicant;

(2) Location of garage sale;

(3) Date(s) of garage sale; and

(4) The name of the owner of the premises of the garage sale.

(B) *Neighborhood sponsored garage sales.* A neighborhood association, a group of residents who take on problems or organize activities within a neighborhood, desiring to sponsor a neighborhood- wide yard sale involving ten or more persons or households, may apply for a single permit on behalf of those participating in the garage sale.

(C) *Fees*. The first permit obtained by an individual, neighborhood association or non-profit entity within a calendar year shall be at no cost. A $10 fee shall be paid to the Finance Department for each subsequent garage sale permit. A $50 fee shall be paid for each subsequent neighborhood or non-profit entity sponsored garage sale.

(1984 Code, § 111.801) (Ord. O-7-07, passed 3-27-2007; Ord. O-12-07, passed 4-24-2007; Ord. O-32-08, passed 8-19-2008)

§ 121.32 FREQUENCY OF GARAGES SALES.

No more than three garage sale permits may be issued to one neighborhood association, non-profit entity, individual or residence and/or household during any calendar year. If multiple permits are issued to the same person at a different residence, or vice versa, the number of permits shall be counted collectively.

(1984 Code, § 111.802) (Ord. O-7-07, passed 3-27-2007; Ord. O-32-08, passed 8-19-2008)

§ 121.33 HOURS OF OPERATION.

Garage sales shall be limited in time to no more than the daylight hours of three consecutive days.

(1984 Code, § 111.803) (Ord. O-7-07, passed 3-27-2007; Ord. O-32-08, passed 8-19-2008)

§ 121.34 DISPLAY OF PROPERTY OFFERED FOR SALE.

Property offered for sale or sold shall be displayed only on the property of the residence where a garage sale permit has been issued. All displays shall maintain a minimum of one-foot clearance from any property line.

(1984 Code, § 111.804) (Ord. O-7-07, passed 3-27-2007; Ord. O-32-08, passed 8-19-2008)

§ 121.35 SIGNS.

One temporary sign of not more than four square feet shall be permitted to be displayed on the property of the residence where a garage sale is being conducted. Such signs shall be displayed only during the times of the sales as delineated on the permit. In no case shall the sign be placed on any property other than the property of the residence to which the permit has been issued, nor shall any sign be located closer than five feet from the property line.

(1984 Code, § 111.805) (Ord. O-7-07, passed 3-27-2007; Ord. O-32-08, passed 8-19-2008) Penalty, see § 121.99

§ 121.36 GENERAL RETAIL SALES PROHIBITED.

(A) (1) The conduct of general retail sales or commercial activities in residential areas is, except as otherwise expressly authorized under this subchapter, prohibited.

(2) Garage sales are permitted only insofar as they are conducted consistent with the limitations set forth herein.

(B) (1) Garage sales, other than those sponsored by a neighborhood association or non-profit entity, must be conducted at the permit holder's primary residence.

(2) Commercial property or vacant lots shall not qualify as a primary residence.

(1984 Code, § 111.806) (Ord. O-7-07, passed 3-27-2007; Ord. O-32-08, passed 8-19-2008) Penalty, see § 121.99

§ 121.37 INSPECTION AND RIGHT OF ENTRY.

Police officers, Code Enforcement Officers or city administrators shall have the right to enter and inspect the premises of a garage sale.

(1984 Code, § 111.807) (Ord. O-7-07, passed 3-27-2007; Ord. O-32-08, passed 8-19-2008)

§ 121.38 REVOCATION AND REFUSAL OF PERMIT.

(A) *Revocation of permit.* A garage sale permit can be revoked or denied if it is determined that the applicant has submitted false information in the permit application, if the conduct of the sale is creating a nuisance, a hazard or if unlawful activity is occurring on the premises.

(B) *Refusal of permit.*

(1) The City Manager is granted authority to reasonably deny the issuance of a garage sale permit or to revoke its issuance in the event that the garage sale could create or creates hazardous or unsafe conditions including, but not limited to, traffic congestion, or an inability of the police or fire personnel to provide adequate protection for the garage sale or in other parts of the city, or there is insufficient city personnel to monitor the garage sale and the adjacent activities, and/or crowded conditions.

(2) The denial or revocation of a permit is warranted, for example, when its issuance is in conflict with a public event in the city such as, including, but not limited to, special events, ceremonies, shows, demonstrations, pageants, parades, festivals, public displays, concerts and/or exhibits.

(1984 Code, § 111.808) (Ord. O-7-07, passed 3-27-2007; Ord. O-32-08, passed 8-19-2008)

§ 121.99 PENALTY.

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

(B) Any person who violates any provision of §§121.01 or 121.02 of this chapter shall be deemed guilty of a misdemeanor and shall be fined not more than $500 or imprisoned for not more than six months, or both fined and imprisoned.

(C) (1) No rental agency, agent or employee shall violate, nor participate in the violation of, any of the provisions of §§ 121.15 through 121.18 of this chapter governing rental agencies. Whoever violates the provisions thereof shall be deemed guilty of a misdemeanor and shall be fined not more than $250 and/or imprisoned for not more than 90 days.

(2) Each transaction that violates any provision of §§121.15 through 121.18 of this chapter governing rental agencies shall constitute a separate violation.

(D) (1) *Civil penalty.* Any violation of §§ 121.30 through 121.36 and 121.38 of this chapter is classified as a civil offense pursuant to the authority of KRS 65.8808. Any person who violates §§ 121.30 through 121.36 and 121.38 of this chapter shall be subject to a civil fine of not less than $100 per day per violation, but not more than $500 per day per violation, or the cost to the city to abate the violation of §§ 121.30 through 121.36 and 121.38 of this chapter, or both. Each day that a violation of §§ 121.30 through 121.36 and 121.38 of this chapter continues shall be deemed a separate offense to a maximum of $10,000 per citation.

(2) *Liens and costs*. The city shall possess a lien on property for all fines, penalties, charges, attorney's fees and other reasonable costs associated with enforcing this code and placing of a lien on a parcel of real property pursuant to this code. The lien shall be superior to and have priority over all other liens filed subsequently, except state, county, school board and city taxes.

(3) *Code Enforcement Officers*. Code Enforcement Officers are hereby granted authority to issue citations for violations of §§ 121.30 through 121.36 and 121.38 of this chapter, but shall not have the powers of peace officers to make arrests or carry

deadly weapons. The person receiving a notice of violation shall appear within a designated time pursuant to the citation.

(1984 Code, § 111.999) (Ord. O-35-84, passed 7-3-1984; Ord. O-13-94, passed 4-12-1994; Ord. O-7-07, passed 3-27-2007; Ord. O-32-08, passed 8-19-2008)

CHAPTER 122: DISCONTINUING BUSINESS SALES

Section

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§ 122.01 DEFINITIONS.

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

COST. The price which the seller actually paid for goods.

FIRE SALE. Any sale held in such a manner as to induce a belief that the goods are being sold at a reduction in price due to damage by fire, smoke, water or otherwise.

GOING OUT OF BUSINESS SALE. Any sale, whether described by such a name or by any other name such as, but not limited to, “closing out sale”, “liquidation sale”, “lost our lease sale” or “forced to vacate sale” held in such a manner as to induce a belief that on disposal of the stock of goods on hand, the business will cease and discontinue at the premises where the sale is conducted.

GOODS. All goods, wares, merchandise and other personal property, except choses in action and money.

REMOVAL SALE. Any sale held in such a manner as to induce a belief that on disposal of the stock of goods on hand, the business will cease and discontinue at the premises where the sale is conducted and, thereafter, will be moved to and occupy another location.

SALE. A transfer of goods from the seller to the buyer for a price less than that for which the goods were originally offered to the public by the person conducting a sale hereunder.

(1984 Code, § 112.01) (Ord. O-61-66, passed 10-6-1966)

§ 122.02 EXCEPTIONS.

(A) This chapter shall not apply to sheriffs, constables or other public or court officers or to any other person acting under the direction or authority of any court, state or federal, selling goods, wares or merchandise in the course of their official duties.

(B) This chapter shall not apply to any bona fide farmer who holds any complete or partial disbursement sale of any land, farm machinery, livestock or any other farm implements or produce.

(1984 Code, § 112.02) (Ord. O-61-66, passed 10-6-1966)

§ 122.03 LICENSE REQUIRED.

No person shall advertise, represent or hold out to the public that any sale of goods is an insurance, bankruptcy, mortgage foreclosure, insolvent’s, assignee’s, executor’s, administrator’s, receiver’s, trustee’s, removal sale, going out of business sale or fire sale unless he or she first obtains a license to conduct the sale from the Finance Department.

(1984 Code, § 112.03) (Ord. O-61-66, passed 10-6-1966; Ord. O-37-74, passed 4-11-1974) Penalty, see § 122.99

§ 122.04 LICENSE APPLICATION.

(A) Any person proposing to conduct any sale governed by this chapter shall file an application in writing and under oath with the Finance Department setting out the following facts and information regarding the proposed sale:

(1) The name and address of the applicant for the license, who must be the owner of the goods to be sold. If the

applicant is a partnership, corporation, firm or association, the name and the position of the duly authorized individual filing the application;

(2) The name and style in which the sale is to be conducted;

(3) The address of the premises where the sale is to be conducted;

(4) The dates and period of time during which the sale is to be conducted;

(5) The name and address of the person who will be in charge and responsible for the conduct of the sale;

(6) (a) A full explanation with regard to the condition or necessity which is the occasion for the sale, including a statement of the descriptive name of the sale and the reasons why the name is truthfully descriptive of the sale; and

(b) If the application is for a license to conduct a removal sale, it shall also contain a statement setting forth the location of the premises to which the business is to be moved. If the application is for a license to conduct a fire sale, it shall contain a statement as to the time, location and cause of the damage.

(7) A full, detailed and complete inventory of the goods that are to be sold. The inventory shall:

(a) Itemize the goods to be sold and contain sufficient information concerning each item or class of items, to clearly identify them;

(b) List separately any goods which were purchased during a 60-day period immediately prior to the date of making application for the license; and

(c) Show the cost price of each item or class of items of goods and the total value of the inventory at cost together with the name and address of the seller of the item to the applicant, the date of the purchase and the date of the delivery of each item to the applicant.

(B) Any person making a false statement in the license application shall be guilty of perjury and shall be punished as provided in § 122.99 of this chapter.

(1984 Code, § 112.04) (Ord. O-61-66, passed 10-6-1966; Ord. O-37-74, passed 4-11-1974) Penalty, see § 122.99

§ 122.05 ENDORSEMENT OF FINANCE DIRECTOR; RECORD.

The Finance Director shall endorse on the application the date of its filing, preserve the application as a record of his or her office, and make an abstract of the facts set forth in the application in a file kept for that purpose, properly indexed. The abstract shall contain the name of the person asking for the license, the nature of the proposed sale, the place where the sale is to be conducted, its duration, the inventory of the goods to be sold and a general statement as to where the goods came from. The Finance Director shall make in the file a notation as to the issuance or refusal of the license applied for together with the date of the same. The Finance Director shall endorse on the application the date the license is granted or refused, and the application and abstract shall be prima facie evidence of all statements therein contained.

(1984 Code, § 112.05) (Ord. O-61-66, passed 10-6-1966; Ord. O-37-74, passed 4-11-1974)

§ 122.06 BOND.

(A) Any person applying for a license under this chapter shall provide a good and sufficient bond, payable to the city in the penal sum of $1,000 with sureties approved by the City Solicitor, conditioned on compliance with this chapter.

(B) Attached to the bond shall be a verified statement by the owner or his or her duly authorized agent that:

(1) The sale is for the purpose designated in the advertising of the sale;

(2) The inventory contains no goods on consignment or not purchased in the usual course of business for resale, on bona fide orders without cancellation or return privileges;

(3) No goods shall be added to the inventory after the application is made or during the sale;

(4) The applicant or any person with whom applicant is or has been associated in the business has not conducted a going out of business sale at the same location within one year prior to the date of filing of the application; and

(5) No means have been established by the applicant for continuation of the business at the same location on termination of the sale in the case of a going out of business sale and the business described in the going out of business sale is to be discontinued on termination of the sale and is not to be continued by the same person, directly or indirectly, under the same name or under a different name at the same location for which the inventory for the sale was filed.

(C) Every bond required by this section shall be kept by the Finance Department until the expiration of three years from the final date of the sale as filed, and shall then be surrendered to the principal if he or she has so requested, otherwise to one of the sureties. If, at the expiration of three years, the Finance Department has reason to believe a pending court action relates to the bond, the Finance Department shall retain the bond until final disposition of the action.

(1984 Code, § 112.06) (Ord. O-61-66, passed 10-6-1966; Ord. O-37-74, passed 4-11-1974; Ord. O-41-92, passed 11-17-

1992) Penalty, see § 122.99

§ 122.07 STATE APPROVAL REQUIRED FOR DAMAGED FOOD OR DRUG SALES.

No application for a going out of business sale shall be accepted by the Finance Department if the sale involves food or drugs damaged by fire or other casualty unless the approval of the state's Department of Health is obtained.

(1984 Code, § 112.07) (Ord. O-61-66, passed 10-6-1966; Ord. O-37-74, passed 4-11-1974)

§ 122.08 LICENSE FEES.

(A) A fee of 0.25% of inventory with a minimum filing fee of $50 shall accompany an application for the license.

(B) A fee of $25 shall be paid for each renewal of a license.

(1984 Code, § 112.08) (Ord. O-61-66, passed 10-6-1966)

§ 122.09 ISSUANCE.

(A) The Finance Department, on receipt of an application required by §122.04 of this chapter and on receipt of the license fee, shall issue a license to the applicant, authorizing the applicant to advertise, represent and sell the particular goods so inventoried at the time and place stated in the application in accordance with the provisions of this chapter.

(B) The license shall be issued in duplicate and shall bear a number and date of its expiration.

(1984 Code, § 112.09) (Ord. O-61-66, passed 10-6-1966; Ord. O-37-74, passed 4-11-1974)

§ 122.10 TERM.

A license to conduct a sale issued pursuant to this chapter shall not be issued for a period of more than 30 days from the start of the sale. The sale may be conducted only during the period set forth in the license.

(1984 Code, § 112.10) (Ord. O-61-66, passed 10-6-1966)

§ 122.11 RENEWAL.

(A) A license may be renewed not more than once for a period not to exceed 30 days for each renewal.

(B) The application for renewal of the license shall be made not more than 13 days prior to the time of the expiration of the license and shall contain a new inventory of goods remaining on hand at the time the application for renewal is made, which new inventory shall be prepared and furnished in the same manner and form as the original inventory.

(C) The license application shall be accompanied by an affidavit of the licensee stating all of the goods listed in the inventory have not been disposed of and that no new goods have been or will be added to the inventory previously filed by purchase, acquisition on consignment or otherwise.

(D) No renewal shall be granted if any goods have been added to the stock listed in the inventory since the date of the issuance of the license.

(1984 Code, § 112.11) (Ord. O-61-66, passed 10-6-1966; Ord. O-41-92, passed 11-17-1992)

§ 122.12 REFUSAL.

(A) The Finance Department may refuse any applicant for a license under this chapter:

(1) For any fraud, misrepresentation or false statement contained in the application for a license or renewal of a license; and

(2) Any violation of this chapter.

(B) If the Finance Department refuses to issue the license, the applicant may appeal to the Board of Commissioners. The Finance Director shall notify the City Solicitor who shall appear in opposition to the issuance of the license.

(1984 Code, § 112.12) (Ord. O-61-66, passed 10-6-1966; Ord. O-37-74, passed 4-11-1974)

§ 122.13 PERSONS NOT ELIGIBLE FOR LICENSE.

(A) No license under this chapter shall be issued to any person:

(1) To conduct a sale in the trade name or style of a person in whose goods the applicant for the license has acquired a right or title thereto within six months prior to the time of making application for such a license; or

(2) To continue a sale in the name of a licensee under this chapter whose goods the person acquired a right to title while such a sale is in progress.

(B) This section shall not apply to any person who has acquired a right, title or interest in goods as an heir, devisee or legatee or pursuant to an order or process of a court of competent jurisdiction.

(1984 Code, § 112.13) (Ord. O-61-66, passed 10-6-1966; Ord. O-37-74, passed 4-11-1974)

§ 122.14 DISPLAY OF APPLICATION AND LICENSE.

(A) A copy of the application for a license to conduct a sale under this chapter, including the inventory filed herewith, shall be posted in a conspicuous place in the sales room or place where the inventoried goods are to be sold, so that the public may be informed of the facts relating to the goods before purchasing the goods. The copy need not show the cost price of the goods.

(B) The duplicate copy of a license shall be attached to the front door of the premises where the sale is conducted in such a manner as to be clearly visible from the street.

(1984 Code, § 112.14) (Ord. O-61-66, passed 10-6-1966)

§ 122.15 RESTRICTIONS ON LICENSES.

(A) Any license issued under this chapter shall be granted and valid only for the sale of the inventoried goods which are the property of the licensee.

(B) The license shall apply only to the premises specified in the application.

(C) No license shall be transferred or assigned.

(D) If a licensee under this chapter is engaged in business in other locations, advertising or offering of goods on behalf of the other locations shall not represent or imply any participation in or cooperation with the sale on the premises specified in the license, nor shall any advertising or other offering of goods on behalf of the premises where the licensed sale is being conducted represent or imply any participation in or cooperation with the sale at other locations.

(1984 Code, § 112.15) (Ord. O-61-66, passed 10-6-1966; Ord. O-37-74, passed 4-11-1974)

§ 122.16 BANKRUPTCY SALES.

(A) No person shall sell, advertise or otherwise represent for sale any goods as a bankruptcy, executor's, administrator's, receiver's or trustee's sale, except pursuant to, and in compliance with, federal or state statutory authority or judicial process.

(B) No person shall sell, advertise or otherwise represent for sale as an assignee's or insolvent sale except where there is a bona fide assignment for the benefit of creditors.

(1984 Code, § 112.16) (Ord. O-61-66, passed 10-6-1966) Penalty, see § 122.99

§ 122.17 ADVERTISING.

All advertising relating to any sale licensed under this chapter shall prominently state the final date of sale and the number of the license. All such advertising shall be confined to or refer only to the address and place of business specified in the inventory as to be discontinued.

(1984 Code, § 112.17) (Ord. O-61-66, passed 10-6-1966)

§ 122.18 REMOVAL OF GOODS FROM PLACE OF SALE.

Any removal of the goods included in an application from the place of sale mentioned in the application shall cause the goods to become disqualified for inclusion in a going out of business sale, removal sale or fire sale. No license shall be issued for the conducting of a sale of any such removed goods at any other place.

(1984 Code, § 112.18) (Ord. O-61-66, passed 10-6-1966)

§ 122.19 ADDITIONAL GOODS.

(A) No person proposing to conduct an insurance, bankruptcy, mortgage, foreclosure, insolvent's, assignee's, executor's, administrator's, receiver's, trustee's, removal, going out of business or fire sale under a license as provided in this chapter shall order any goods for the purpose of selling and disposing of the goods at the sale.

(B) Any abnormal purchase and additions to the stock goods within 60 days prior to the filing of the application for a license to conduct the sale shall be presumptive evidence that the purchases and additions to stock were made is contemplation of the sale and for the purpose of selling the goods at the sale.

(C) No person carrying on or conducting any sale under a license as provided in this chapter shall add, during the continuance of the sale any goods to the stock of goods included in his or her original application for the license or sell any such added goods. Every addition of goods to the inventory included in the original application and each sale of goods not so included in the application, shall constitute a separate offense under this division (C), and shall void any license issued to conduct the sale.

(1984 Code, § 112.19) (Ord. O-61-66, passed 10-6-1966) Penalty, see § 122.99

§ 122.20 COMPLIANCE REQUIRED.

(A) No person shall advertise, represent or hold out to the public any sale of goods to be an insurance, bankruptcy, mortgage foreclosure, insolvent's, assignee's, executor's, administrator's, receiver's, trustee's, removal, going out of business or fire sale without first complying with the provisions of this chapter.

(B) No person shall hold, conduct or carry on any sale of goods contrary to the provisions of this chapter.

(1984 Code, § 112.20) (Ord. O-61-66, passed 10-6-1966)

§ 122.99 PENALTY.

(A) *Civil penalties.*

(1) The City Solicitor may enforce the provisions of this chapter by civil action for injunctive relief in any court of competent jurisdiction. In such an action to obtain the injunction, it shall be sufficient to allege and prove that a violation of this chapter has occurred or is about to occur. It shall not be necessary to allege or prove that any person has been misled or deceived by any advertisement or sale, or that any person has been damaged or sustained any loss as a result of any violation of this chapter.

(2) When this chapter is enforced by the City Solicitor through a civil action, he or she may ask for and the court may assess civil penalty for the benefit of the city, not to exceed the sum of $2,000. This civil penalty is to be in lieu of all penalties set forth in this code.

(B) *Criminal penalties.*

(1) Any person who violates any provision of this chapter, except §122.04(B) of this chapter, shall be deemed guilty of a misdemeanor and fined not more than $500 or imprisoned for not more than six months, or both fined and imprisoned.

(2) Any person guilty of perjury as provided in §122.04(B) of this chapter shall be guilty of a Class A misdemeanor, and shall be fined not more than $500, or imprisoned for not more than 12 months, or both fined and imprisoned.

(1984 Code, § 112.99) (Ord. O-61-66, passed 10-6-1966; Ord. O-13-94, passed 4-12-1994)

CHAPTER 123: JOBS DEVELOPMENT INCENTIVES

Section

123.01 Purpose

123.02 Definitions

123.03 General provisions

123.04 Job development incentives

123.05 Commonwealth of Kentucky incentives

123.06 Vacant property rehabilitation incentives

§ 123.01 PURPOSE.

(A) The appropriate purpose and use of incentives is to broaden and diversify the tax base, create new job opportunities for the citizens of the city and promote the economic growth and welfare of the city. Economic development incentives are necessary because of the inherent competition between localities for new businesses, new investments and jobs. Nevertheless, incentives shall be used prudently on projects where they will be a deciding factor as to whether a business will remain or locate in the city.

(B) The city's objective for offering economic development incentives shall be to encourage the expansion of commerce to businesses demonstrating a long-term commitment to the community by:

(1) Creating and retaining quality, value-added (primary) jobs;

(2) Broadening and diversifying the city's tax base;

(3) Encouraging capital investments;

(4) Increasing the city's global competitiveness; and

(5) Promoting the growth and wellbeing of the city.

(1984 Code, § 116.01) (Ord. O-13-20, passed 8-11-2020)

§ 123.02 DEFINITIONS.

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

AGREEMENT. An agreement made pursuant to this chapter between the city and an approved business or building owner with respect to an economic development project.

ANNUAL PAYROLL. All compensation paid or payable by a business for work done or services performed or rendered in the city by every resident and non-resident who is an employee of that particular business, which is normally subject to the city's occupational license tax pursuant to § 110.03(A)(1) including compensation in excess of the FICA cap provided for in § 110.03(B)(1).

APPLICANT. A business or building owner applying for incentives under this chapter.

AWARDEE. A business or building owner that has been approved for incentives under this chapter by the City Commission and has executed an agreement.

BASE TAXABLE PAYROLL. A businesses existing taxable payroll as calculated as of an agreed-upon date under an agreement.

BUILDING OWNER. A natural person, corporation, limited liability company, partnership or other entity that owns or has as similarly permanent interest in a building located within the city. For purposes of this section, any group of owners of a single building shall constitute a single ***BUILDING OWNER***.

BUSINESS. A corporation, firm, partnership, limited liability company, sole proprietorship or similar entity engaging or intending to engage in commercial activity within the city. Accelerators, incubators and co-working spaces may constitute a single business for the purpose of applications and agreements under this chapter.

DEPARTMENT. The city's Department for Economic Development.

ECONOMIC IMPACT ANALYSIS (EIA). Examines the effect of an event on the economy in a specified area. It usually measures changes in business revenue, business profits, personal wages and/or jobs. The economic event analyzed can include implementation of a new policy or project, or may simply be the presence of a business or organization. An ***ECONOMIC IMPACT ANALYSIS*** typically measures or estimates the change in economic activity between two scenarios, one assuming the economic event occurs, and one assuming it does not occur. An ***ECONOMIC IMPACT ANALYSIS*** is commonly conducted when there is public concern about the potential impacts of a proposed project or policy.

GOOD STANDING. A qualified and properly licensed business with a city occupational license for any and all city locations, are not in default of any prior or current agreements with the city, have not made or filed pending adverse claims against the city in the form of settlement demands and/or lawsuits, are not delinquent on its obligations to pay loans, fines, liens or other obligations owed to the city, and are in good standing with § 35.004 of this code of ordinances.

NEW ANNUAL PAYROLL. The annual payroll that is created by a business following, as a result of, or in anticipation of an agreement.

PAYROLL INCENTIVE EVALUATION FACTORS. Written criteria approved by City Commission used for evaluating the payroll incentives described in this chapter. The ***PAYROLL INCENTIVE EVALUATION FACTORS*** shall provide the criteria for staff to make recommendations on the percentage amount of any incentive described in this chapter. The ***PAYROLL INCENTIVE EVALUATION FACTORS*** shall be available to the public upon request. The city is hereby authorized to pass and update the ***PAYROLL INCENTIVE EVALUATION FACTORS*** via Commissioners' order.

PROJECT. The commercial and industrial projects created by such combined efforts of the public sector and the private sector are known as economic development projects.

RETURN ON INVESTMENT (ROI). A performance measure used to evaluate the efficiency of an investment***ROI*** tries to directly measure the amount of return on a particular investment, relative to the investment's cost. To calculate ***ROI***, the benefit (or return) of an investment is divided by the cost of the investment. The result is expressed as a percentage or a ratio.

TAXABLE PAYROLL. All compensation paid or payable in the city for work done or services performed or rendered in the city by every resident and non-resident who is an employee of a particular business, which is normally subject to the city's occupational license tax pursuant to § 110.03(A)(1) or any other provision of this code. This definition shall not include any compensation that is exempt or otherwise not subject to the city's occupational license tax.

(1984 Code, § 116.02) (Ord. O-13-20, passed 8-11-2020)

§ 123.03 GENERAL PROVISIONS.

(A) *Application.*

(1) An applicant shall submit its signed application for incentives under this chapter to the Department of Economic Development on forms provided by the Department and will provide any additional information reasonably requested to enable the Department to evaluate the application, including a copy of the proposed lease, letter of intent or purchase terms for the proposed business location.

(2) A non-refundable application fee of $1,000 is payable to the city upon submission of a signed application.

(3) Each request for incentives will be evaluated on an individual basis. All requests for local incentives will have an economic impact analysis (EIA) and/or a return on investment (ROI) calculation completed prior to consideration by staff.

These will be used initially to determine the viability of the proposed project and must show a positive economic impact upon the city. The analysis will be performed for the number of years that equals the number of years the incentive recipient would be subject to monitoring and compliance provisions in the incentive agreement.

(4) All economic development incentives will be formalized in a written agreement between the city and the recipient business. At minimum, it will outline:

(a) Specific employment and capital investment targets, including:

1. Jobs created and payroll commitments;

2. Capital investment in real property;

3. Compliance with the non- incentivized retention period;

(b) Compliance with all applicable governmental laws, rules, ordinances and regulations; and

(c) Compliance with any conditions imposed by the Economic Development Incentive Agreement.

(5) If the Department of Economic Development recommends approval of an agreement and it is approved by the city's Board of Commissioners, the applicant will provide the Department with an executed copy of any lease or purchase agreement prior to execution of the incentive agreement.

(B) *Disbursement of incentives.*

(1) All incentives provided for by this chapter shall be disbursed on an annual basis for the previous calendar year. With the exception of commonwealth incentives under § 123.05, an applicant's first year in which incentives are provided shall begin on January 1 of the year provided for in the agreement, but no later than 18 months from the effective date of the agreement between the city and the applicant.

(2) An awardee that has executed an agreement pursuant to this chapter shall submit requests for reimbursement of incentives for the previous calendar year to the City Finance Department by April 30 of each year. The awardee shall use the form provided by the City Finance Department, and provide all necessary information for the City Finance Department to calculate the amount of the incentive. If the City Finance Department does not receive an awardee's request for reimbursement by April 30 of any year, then the awardee shall forgo all reimbursements under this chapter for the previous calendar year.

(3) The City Finance Department, upon proper request by an awardee pursuant to division (B)(2) above, shall disburse incentives for the previous calendar year to the awardee by July 31 of the same year.

(4) An awardee shall not be eligible to receive incentives under this chapter for the previous calendar year unless it has paid in full all taxes owed pursuant to § 110.03 of this code and is in good standing with the city.

(C) *Failure to comply.* If an awardee fails to comply with the agreement or fails to meet the requirements of this chapter, the awardee shall not be eligible to receive any reimbursement provided for by this chapter that has not been disbursed at the time of noncompliance.

(D) *Incentives may not be combined.* The incentives provided for by this chapter may not be combined with any other occupational license incentive programs offered by the city without the approval of the Board of Commissioners.

(E) *Prior incentives.* Changing economic conditions and availability of funds may cause the city to modify, amend or discontinue any economic development incentive program. Incentives provided to a business under an agreement pursuant to prior version of this chapter shall remain in effect as originally agreed, unless this chapter clearly indicates otherwise.

(F) *Compliance.*

(1) Annual reviews will be conducted by economic development staff to establish compliance with the written agreement between the city and the awardee.

(2) For any out of compliance incentive, the Economic Development Director will schedule a business retention and expansion meeting with the awardee that has missed the contractual performance obligation. The Economic Development Director will then meet with the City Manager, City Solicitor and Finance Director to review and make recommendations on non-performing agreements.

(a) *First occurrence.* The city will not process a payment for that year, but the agreement will continue without modification for a one-year probationary period. The city will warn the business and notify it that it has one year to achieve its payroll expectations or the agreement will terminated.

(b) *Second occurrence.* After two consecutive or non-consecutive years of non- compliance, the city will terminate the contract due to non-performance and pursue the claw backs outlined in the agreement.

(3) Each fall, Economic Development and Finance will compile all active incentive agreements and provide a summary incentive report on actual performance and compliance. The City Manager will include recommendations to City Commission for any out-of-compliance agreement.

(1984 Code, § 116.03) (Ord. O-13-20, passed 8-11-2020)

§ 123.04 JOB DEVELOPMENT INCENTIVES.

(A) *New business incentive.* New business incentive is targeted for new companies that are considering a site in the city and the incentive will be a deciding factor as to whether the business will locate in the city.

(1) *Eligibility.* A business shall be eligible for incentives under this division (A) provided the business:

(a) Applies for an incentive under this division (A), is recommended by the Department of Economic Development and approved by the Board of Commission, and executes an incentive agreement;

(b) Has not announced a site location decision and is proposed to be located in the city at the time of its application, and if approved, thereafter remains located in the city;

(c) Will have employees within the city who are primarily engaged in professional, technical and innovation, administrative, manufacturing, communication or general medical and/or general surgical hospital occupations; and

(d) Within the first year of the agreement the awardee must create a minimum new annual payroll of $250,000 to be eligible for this incentive.

(2) *Nature of incentive.* A business approved for an incentive under this division (A) may receive an annual reimbursement of up to 1% of taxable payroll. The incentive rate shall be based on the most recent payroll incentive evaluation factors.

(3) *Duration.*

(a) For companies leasing a site, the incentive period may be for up to half of the applicant's lease term, up to a total of five consecutive calendar years, provided the business continues to meet all requirements of this chapter and the agreement.

(b) For companies purchasing a site, the incentive may be for up to a total of five consecutive years, provided the business continues to meet all requirements of this chapter and the agreement.

(c) A retention period equal to the number of years of the incentive period will immediately follow each incentive period, where the business must remain an active business in the city and meet all requirements of this chapter and the incentive agreement, including, but not limited to, all annual payroll requirements.

(B) *Enhanced new business incentive.*

(1) *Purpose.* The enhanced new business incentive is targeted for new companies that are considering a site in the city that will have a significant economic impact and the incentive will be a deciding factor as to whether the business will locate in the city.

(2) *Eligibility.* A business shall be eligible to apply for an incentive under this division (B), provided the business:

(a) Applies for an incentive under this division (B), is recommended by the Department of Economic Development and approved by the Board of Commissioners;

(b) Has not announced a site location decision and is proposed to be located in the city at the time of its application and thereafter remains located in the city;

(c) Will have employees within the city who are primarily engaged in professional, technical and innovation, administrative, manufacturing, communication or general medical and/or general surgical hospital occupations;

(d) The applicant must create a minimum new annual payroll of $2,000,000 within the first year of business within the city to be eligible for this incentive; and

(e) The business demonstrates to the Economic Development Department that the relocation of the business sufficiently satisfies at least two of the evaluation criteria in Category A or at least four of the evaluation criteria in Category B below.

1. *Category A (at least two).*

a. The business is a target industry sector as determined by the city's economic development strategy, as such is adopted by city commission from time to time;

b. The business will be locating a facility headquarters in the city;

c. The business will be making a private investment of at least $3,000,000 in property acquisition, lease, improvements, machinery and equipment, infrastructure or other similar investments; and

d. The business will bring or create over 25 jobs paying above the city's median wages for that given year of the incentive application, and offer an employee benefit package.

2. *Category B (at least four).*

a. The project ties into a specific strategy recommendation within the city's economic development strategy, as such is adopted by City Commission from time to time;

b. The business has demonstrated a strong commitment to the city, such as hiring Covington residents, agreeing to a longer non- incentivized retention period, or other similar efforts as outlined by the business;

c. The project will stimulate investment in redeveloping neighborhoods outside of the TIF District that the city may deem of significant benefit to the community;

d. The investment provides the opportunity for future expansion and increased employment; and

e. The business' industry sector will help diversify the city's economy as determined by the applicant's appropriate North American Industry Classification System (NAICS) codes.

(3) *Nature of incentive.* A business approved for an incentive under this division (B) may receive an annual reimbursement up to 1.25% of taxable payroll. The incentive rate shall be based on the most recent payroll incentive evaluation factors.

(4) *Duration.*

(a) For companies leasing a site, the incentive period may be for up to half of the applicant's lease term, up to a total of ten consecutive calendar years, provided the business continues to meet all requirements of this chapter and the agreement.

(b) For companies purchasing a site, the incentive may be for up to a total often consecutive years, provided the business continues to meet all requirements of this chapter and the agreement.

(c) A retention period equal to the same number of years as the incentive period will immediately follow each incentive period, and the business must remain in the city and meet all requirements of the agreement.

(C) *Business expansion incentive.*

(1) *Purpose.* The business expansion incentive is targeted for existing Covington companies that are planning an expansion that includes new jobs.

(2) *Eligibility.* A business shall be eligible for an incentive under this division (C) provided the business:

(a) Applies for an incentive under this division (C), is recommended by the Department of Economic Development and approved by the Board of Commission, and executes an incentive agreement;

(b) Has not announced the expansion or started the project:

(c) Is located in the city; and

(d) Applicant must create a minimum new annual payroll of $250,000 in excess of its base taxable payroll to be eligible for this incentive.

(3) *Nature of incentive.* A business approved for an incentive under this division may receive an annual reimbursement up to 1% of taxable payroll in excess of its base taxable payroll. The incentive rate shall be based on the most recent payroll incentive evaluation factors.

(4) *Duration.*

(a) For companies leasing a site, the incentive period may be for up to half of the applicant's remaining lease term, up to a total of five consecutive calendar years, provided the business continues to meet all requirements of this chapter and the agreement.

(b) For companies owning or purchasing a site, the incentive may be for up to a total of five consecutive years, provided the business continues to meet all requirements of this chapter and the agreement.

(c) A retention period equal to the same number of years as the incentive period will immediately follow each incentive period, and the business must remain in the city and meet all requirements of the agreement.

(D) *Business retention incentives.*

(1) *Purpose.* The business retention incentive is to be used prudently for existing Covington companies that are at risk of relocating out of the city for an expansion that includes new jobs and capital investment.

(2) *Eligibility.* A business shall be eligible for incentives under this division (D) provided the business:

(a) Applies for an incentive under this division (D), is recommended by the Department of Economic Development and approved by the Board of Commissioners, and executes an agreement;

(b) Has employees within the city who are primarily engaged in professional, technical and innovation, administrative, manufacturing, communication, or general medical and/or general surgical hospital occupations;

(c) The applicant must have a minimum annual payroll of $2,000,000 to be eligible for this incentive;

(d) Has operated in the city with a valid occupational license at all times;

(e) Can provide documentation to the Economic Development Department that the business is undergoing due diligence on a site in another municipality, as demonstrated by a competing written incentive offer letter, a lease/purchase

LOI or other documentation deemed acceptable by the Economic Development Department; and

(f) The Economic Development Department demonstrates that the project sufficiently satisfies at least three of the evaluation criteria in Category A or at least five of the evaluation criteria in Category B below:

1. *Category A (at least three).*

a. It can be demonstrated that without incentives the jobs may be moved away from the area or eliminated, as evidenced by a written statement and evidence from the business;

b. If retained, the business will be making a new private investment of at least $3,000,000 in property acquisition, lease, improvements, machinery and equipment, infrastructure and the like;

c. The business will retain over 25 jobs and add additional jobs; and

d. The business is a headquarters facility.

2. *Category B (at least five).*

a. The business has demonstrated a strong commitment to the city, such as hiring Covington residents, utilizing city contractors/suppliers, philanthropic activity or other local community efforts;

b. The business is a target industry sector as determined by the city's economic development strategy, as such is adopted by City Commission from time to time;

c. The project ties into a strategy recommendation within the most recently adopted economic development strategy, such as "Develop and Invest in Real Estate Product for the City";

d. The project will stimulate investment in redeveloping neighborhoods outside of the TIF District that the city may deem of significant benefit to the community;

e. The investment provides the opportunity for future expansion and increased employment; and

f. The business' industry sector will help diversify the city's economy as determined by the applicant's appropriate North American Industry Classification System (NAICS) codes.

(3) *Nature of incentive.*

(a) A business approved for an incentive under this division (D) may receive an annual reimbursement up to 0.75% of its base taxable payroll and up to 1% of its taxable payroll in excess of its base taxable payroll, provided the business's total taxable payroll is in excess of its base taxable payroll. The incentive rate shall be based on the most recent payroll incentive evaluation factors.

(b) If the taxable payroll of a business approved for an incentive under this division (D) is not in excess of its base taxable payroll in any calendar year, then the business may receive an annual reimbursement for that calendar year up to 0.75% of its taxable payroll.

(4) *Duration.*

(a) For companies signing a new lease, the incentive period may be for up to half of the applicant's new lease term, up to a total of five consecutive calendar years, provided the business continues to meet all requirements of this chapter and the agreement.

(b) For companies owning or purchasing a new site, the incentive may be for up to a total of five consecutive years, provided the business continues to meet all requirements of this chapter and the agreement.

(c) A retention period equal to the same number of years as the incentive period will immediately follow each incentive period, and the business must remain in the city and meet all requirements of the agreement.

(1984 Code, § 116.04) (Ord. O-13-20, passed 8-11-2020)

§ 123.05 COMMONWEALTH OF KENTUCKY INCENTIVES.

On the Commonwealth of Kentucky's approval of an application for the benefits and incentives available to an applicant under the commonwealth's economic development incentive programs that are provided through statutory authorization and otherwise, and that require the city's participation, the city may offer a rebate to the applicant on all new Kentucky-resident jobs up to 1% of taxable payroll for a term not to exceed ten years from the date of activation of an incentive program. The incentive rate shall be based on the most recent payroll incentive evaluation factors. Alternatively, the city may offer up to 1% rebate to the applicant on all new jobs to the city provided the applicants agrees to a retention period equal to the same number of years as the incentive period. The business must remain in the city and meet all requirements of the agreement.

(1984 Code, § 116.05) (Ord. O-13-20, passed 8-11-2020)

§ 123.06 VACANT PROPERTY REHABILITATION INCENTIVES.

(A) *Purpose.* The vacant property rehabilitation incentive is to help convert the city's vacant, historic inventory stock into move-in ready commercial space for prospective businesses.

(B) *Eligibility.* A building owner shall be eligible for incentives under this section provided the building owner:

(1) Applies for an incentive under this division (B), is recommended by the Department of Economic Development and approved by the Board of Commission, and executes an agreement;

(2) Rehabilitates a building located within the city for use as leasable retail, office or commercial space, provided the building is:

(a) At least 50 years old; and

(b) Has been at least 51% vacant, as measured by gross floor space, for a period of 24 or more continuous months at the time the building owner submits an application for incentives under this section. For purposes of this requirement, area used for storage or residential shall be considered to be vacant.

(C) *Nature of incentive.*

(1) A building owner approved for an incentive under this section shall receive an annual reimbursement equal to 1.25% of taxable payroll paid by employers with respect to all employees:

(a) With a primary workstation in the building that is the subject of the agreement; and

(b) Provided the business was not located within the city prior to its locating in the building that is the subject of the agreement.

(2) A building owner approved for an incentive under this section shall receive an annual reimbursement equal to 0.625% of taxable payroll paid by employers with respect to all employees:

(a) With a primary workstation is the building that is the subject of the agreement;

(b) But not meeting the requirements of division (C)(1)(b) above.

(D) *Duration.* The incentive may continue for a total of up to five consecutive calendar years, provided the building owner continues to meet all requirements of this chapter and the agreement.

(E) *Ineligibility.* Any tenants of a property receiving a vacant property rehabilitation incentive will be ineligible to apply for any other incentives under this chapter until after the vacant property rehabilitation incentive has expired.

(F) If the property falls outside of the TIF District, a vacant property rehabilitation incentive may be used in conjunction with a property tax moratorium outlined in Ch. 45 of this code of ordinances.

(1984 Code, § 116.06) (Ord. O-13-20, passed 8-11-2020)

CHAPTER 124: HOMELESS SHELTERS AND TRANSITIONAL LIVING

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GENERAL PROVISIONS

§ 124.01 DEFINITIONS.

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

ADDRESS. The physical location/address of a person or entity. It may not be a P.O. Box address.

BOARDING AND LODGING HOUSE. A dwelling unit where for compensation and by prearrangement rooms are provided for no more than eight people, meals may or may not be provided, but there exists one common kitchen facility. This term does not apply to hotel, motel, extended stay lodging facilities, short-term rental facilities, recovery residences, nursing home rooms or assisted living units.

CAMPUS. Shelters located on contiguous lots that are operated by the same operator.

CODE ENFORCEMENT OFFICER. Any employee of the city working under the direction of the Neighborhood Services Director and charged with the enforcement of the city's Nuisance Code, exclusive of clerical and administrative staff, as well as police and fire safety officers.

COUNSELING CENTER. A resource in the shelter that may direct residents to service providers that assist with alcohol and substance abuse treatment services, mental health services, health care, legal services and alternative living arrangement services in the local community. This center in the shelter may provide help with job placement and educational opportunities.

CRIMINAL RECORD CHECK. A criminal record check performed by the Kentucky Administrative Office of the Courts for records of criminal actions in the state.

DIRECTOR. Director of Neighborhood Services or other person designated by the City Manager.

HEALTH DEPARTMENT. The Northern Kentucky District Health Department.

HOMELESS or ***HOMELESS INDIVIDUAL OR PERSON.*** An individual who lacks a fixed, regular and adequate nighttime residence; and an individual who has a primary nighttime residence that is:

(1) A supervised publicly or privately operated homeless shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters and transitional housing for the mentally ill);

(2) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

HOMELESS SHELTER. A facility the primary purpose of which is to provide temporary shelter for the homeless. The facility provides overnight sleeping accommodations with or without charge; may provide meals and ancillary social, educational or health services. The facility is staffed. No facility that is operated by the American Red Cross or other like entities to accommodate disaster victims who are left homeless due to events such as fires, flood or hazardous materials releases that is operated under the Kenton County Emergency Operations Plan is included.

KENTUCKY HOMELESS MANAGEMENT INFORMATION SYSTEM (KYHMIS). The data system for agencies providing services for the homeless and maintained by the Kentucky Housing Corporation.

MANAGEMENT PLAN. A plan to implement the operating requirements and hours of operation sections of this chapter that the shelter shall create.

MULTI-SERVICE SHELTER. A facility that provides meals, clothing and other such services for persons who are not residents of the homeless shelter, in addition to operating a homeless shelter.

OPERATOR. The person or group that runs the transitional housing or a homeless shelter or boarding and lodging house.

RESIDENT. A person properly registered or signed into a shelter for overnight occupancy that uses any or all of the services of a shelter.

RECOVERY RESIDENCE.

(1) Any premises, place, or building that:

(a) Holds itself out as a recovery residence, recovery home, sober living residence, alcohol, illicit drug, and other intoxicating substance-free home for unrelated individuals, or any other similarly named or identified residence that promotes substance use disorder recovery through abstinence from intoxicating substances; and

(b) Provides a housing arrangement for a group of unrelated individuals who are recovering from substance use disorders or to a group of parents who are recovering from a substance use disorder and their children, including peer-to-peer supervision models; and

(2) Does not include any premises, place, or building that is licensed or otherwise approved by the cabinet or any other agency of state government to operate as a residential or inpatient substance use treatment facility.

SHELTER. A homeless shelter or transitional housing or boarding and lodging house.

TRANSITIONAL HOUSING. A temporary residential living arrangement for persons participating in a program that provides supportive services (such as counseling, education, training and the like) to help persons achieve personal independence. Staff is available as needed. ***TRANSITIONAL HOUSING*** is not a rehabilitation home (as defined in the Land Development Code). These facilities are not subject to the Uniform Residential Landlord Tenant Act (KRS 383.500 et seq.).

(1984 Code, § 117.01) (Ord. O-05-20, passed 2-11-2020; Ord. O-21-24, passed 8-27-2024)

HOMELESS SHELTERS AND BOARDING AND LODGING HOUSES

§ 124.10 ANNUAL LICENSE REQUIRED; POSTING OF LICENSE.

(A) No person, firm or corporation shall own or operate a shelter on any premises within the city unless an annual license for the operation of a shelter has been applied for and issued by the Director for the premises and the license remains in effect in conformity with the provisions of this subchapter.

(B) Any license issued under this subchapter shall be valid from the date of issuance until the next occurring September 1, whether or not the next occurring September 1 is within the same calendar year as the grant of the license, unless the license has been suspended or revoked.

(C) Each owner or operator of a shelter licensed under this subchapter shall post the operator's license, in a conspicuous place at or near the entrance to such shelter so that it may be easily read at any time.

(D) Application for renewal of a license shall be made at least 90 days, but not before 210 days, before the expiration of the current license.

(E) If the renewal application and/or the annual fee are not tendered in a timely fashion, the Director shall serve notice to the operator that the failure to submit the renewal application and/or the annual fee within ten business days will be deemed an abandonment of the license as of the above-referenced renewal deadline. Service of the notice required by this section shall be deemed complete upon certified mailing, return receipt requested or personal delivery.

(F) The services of the multi-service shelter shall be subject to the requirements of this subchapter only for the programs and services related to the operation of the homeless shelter. Notwithstanding the foregoing, a multi-service shelter must comply with § 124.13(A)(18).

(1984 Code, § 117.02) (Ord. O-05-20, passed 2-11-2020; Ord. O-21-24, passed 8-27-2024)

§ 124.11 ANNUAL APPLICATION FOR LICENSE; INVESTIGATION; FEE.

(A) Each annual application to the Director for a license to operate a shelter shall be in writing, notarized and shall be in the form prescribed by the Director. The application, at a minimum, shall set forth:

(1) The name, address and phone number of the applicant;

(2) The organizational documents and by-laws of the organization showing its business address, email address and telephone number;

(3) The names, addresses, email address and phone numbers of each member of the board of directors and key personnel responsible for the day-to-day operation of the facility if the applicant is a corporation;

(4) The designation of a registered office and registered agent (who regularly works at the registered office) located in Kenton County, Kentucky which registered agent shall be its representative for the service of process or notice under this subchapter;

(5) The location for which the permit is desired; a zoning permit and a certificate of occupancy listing the maximum allowable occupancy;

(6) If the applicant is not the owner of record of the real property on which the shelter is located or to be located, the application shall include the name and address of the owner of record of the real property, and a copy of lease or other agreement authorizing use of the property by applicant;

(7) A management plan describing:

(a) Staffing: number, training and qualifications;

(b) Participation in the Kentucky Homelessness Management Information System (KYHMIS) or such other HMIS as determined by order of the City Board of Commissioners upon recommendation of the City Manager; and

(c) Shelter policies required pursuant to § 124.13.

(8) The notarized statement of the executive director that all owners, officers, directors and employees that have direct contact with a child at the shelter do not have a criminal record involving a felony violation of any crime against a minor, or an equivalent law of another jurisdiction within ten years next preceding the date of application, or any violation of this subchapter. Licensed shelters serving minors who are required to abide by KRS 17.165 may satisfy this standard by producing a current child caring or placing license;

(9) Boarding and lodging house applications shall provide the following additional information:

(a) Resident/client profile (population to be served);

(b) Site plan and floor plans;

(c) Rules of conduct and business management plan;

(d) Support services to be provided and projected staffing level, if any; and

(e) Proposed maximum stay for each resident.

(10) This licensure requirement shall apply in addition to licensure of boarding and lodging house licensed by the Commonwealth of Kentucky under KRS 216B.305 et seq.

(B) A nonrefundable fee of $100 shall accompany the application for a shelter. A nonrefundable fee of $150 shall accompany the application for a campus.

(C) (1) An annual application for a license must be made for each separate shelter or campus.

(2) When an application is received by the Director, the Director shall refer a copy of the application to the appropriate city agencies, which shall within ten business days of their receipt of the license application cause the facilities to be inspected to determine if the facilities meet the zoning, health, sanitation, structural, fire, property maintenance and fire safety requirements set out in any applicable state and local laws, and report such information to the Director within ten business days of such inspection.

(a) A food establishment inspection shall not be required at the time of application for a shelter license if the Northern Kentucky District Health Department conducted such an inspection at the shelter location within the six months prior to the application, or if the shelter does not have cooking facilities.

(b) The Northern Kentucky District Health Department will advise the Director in writing as to whether a food establishment inspection is required for the shelter license application.

(D) A license to operate a shelter shall be issued to the applicant by the Director within ten business days after receipt of the inspection reports required by division (C) above, if the application is fully and accurately completed and if the required inspections reveal that the shelter meets the zoning, health, sanitation, structural, fire and safety requirements of any currently applicable federal, state and local laws as may be amended from time to time. However, no license shall be issued by the Director if any one of the following is found to be true:

(1) The applicant or any of its owners, officers, directors or employees that have direct contact with a child at the shelter has a felony violation of any crime against a minor, or an equivalent law of another jurisdiction within ten years next preceding the date of application, or any felony conviction for any crime involving physical abuse or sexual abuse, or any violation of this subchapter;

(2) An applicant is delinquent in the payment to the city of taxes, fees, fines or penalties assessed against or imposed upon the applicant in relation to a shelter;

(3) The license fee required by division (B) above has not been paid;

(4) The proposed shelter is located in a zoning district other than a district in which shelters are allowed to operate under the applicable zoning regulations of the city; or

(5) The applicant's premises have been found by the Director to not be in compliance with laws or regulations of any applicable federal, state or local governments.

(E) In the event of denial, the Director shall notify the applicant in writing of the reasons for such denial. Said notice shall be mailed, certified mail, return receipt requested, within ten business days after the Director receives the inspection reports required by division (C) above.

(F) In the event the inspection required by this section is not completed within the timeframe set forth in division (C) above or if the Director fails to notify the applicant in writing of the reasons for denial of the application in the manner prescribed in division (E) above, then the application will be deemed to be granted and the shelter authorized to operate

until such time as all required inspections have been completed, the Director has received the required reports, and the applicant receives notice of the Director's decision on the application by certified mail, return receipt requested.

(1984 Code, § 117.03) (Ord. O-05-20, passed 2-11-2020; Ord. O-21-24, passed 8-27-2024)

§ 124.12 COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS.

Each separate shelter shall be in compliance with any currently applicable laws and regulations of the federal, state or local governments, as may be amended from time to time including, but not limited to:

(A) The International Property Maintenance Code (IPMC) 2015, National Fire Protection Association (NFPA) Life Safety Code, National Fire Protection Association (NFPA) 1 Fire Code;

(B) The city's Zoning Code;

(C) Occupancy limits established by the local building official and the city's Fire Department;

(D) The provisions of KRS 17.545 unless the shelter excludes registered sex offenders; and

(E) Laws or regulations on nondiscrimination, zoning, building, safety, occupancy limits, property maintenance, food sanitation, health and sanitation, fire, electrical, plumbing, mechanical, reporting the dependency, abuse or neglect of minor children and other applicable laws.

(1984 Code, § 117.04) (Ord. O-05-20, passed 2-11-2020)

§ 124.13 DUTIES OF OPERATOR.

(A) In addition to being in compliance with any currently applicable laws and regulations of the federal, state or local governments required by § 124.12, it shall be the duty of the operator of a shelter licensed under this subchapter to:

(1) Maintain the health and safety standards set out herein or in any currently applicable laws or regulations of the federal, state or local governments as may be amended from time to time;

(2) Have a criminal record check performed on all employees having direct contact with a child at the shelter prior to such employee's performing duties for the shelter, and annually thereafter;

(3) Have a criminal record check performed on all volunteers having direct contact with a child at the shelter within one week of the volunteer first volunteering for the shelter, and annually thereafter, or, if a licensed shelter serving minors, operator shall abide by state licensing requirements governing volunteers;

(4) Provide and have available for review, by any employee, volunteer or resident, educational materials regarding communicable diseases and precautions to be taken to protect the employee, volunteer and shelter residents;

(5) Maintain a written and posted first aid and cardiopulmonary resuscitation ("CPR") policy, including having:

(a) At least one person trained and currently certified in first aid and CPR on duty on each shift;

(b) All certifications of employees or volunteers for first aid and CPR shall be kept on file for inspection by the Northern Kentucky District Health Department; and

(c) Adequate and available medical supplies for first aid and CPR.

(6) Provide written policies and procedures on the handling of prescription or over-the-counter drugs, including controls and/or limitations on access to prescription and over-the-counter drugs kept in the shelter;

(7) Maintain sanitary conditions in the shelter;

(8) Maintain all mattresses and box springs with a water resistant encasing protective cover that

will resist tearing and can be wiped thoroughly with a disinfectant cleaner before use by any other residents;

(9) Post a clearly marked evacuation plan that is approved by the appropriate Fire Department or Fire District official in areas available to both shelter staff and residents, and keep a copy of the plan on file;

(10) Provide services to all individuals within the city free from discrimination because of race, color, religion, national origin, familial status, age, disability, sex, gender identity or sexual orientation. Nothing contained herein shall be construed to prohibit any shelter from maintaining separate facilities for the different sexes or being a unisex facility;

(11) Allow clients access to restrooms during shelter hours of operation;

(12) If required, have and maintain a Kentucky food establishment permit and have received a passing score on their most recent inspection;

(13) Boarding and lodging houses shall not have any signage which identifies the use;

(14) Boarding and lodging houses shall be located on or near a collector or arterial street with reasonable access to public transportation;

(15) Boarding and lodging houses shall provide sufficient on-site parking as required by the city's Zoning Code;

(16) The new owner of a shelter, including a boarding and lodging house, must file the registration statement within ten days of a change of ownership and/or acquiring title to the shelter;

(17) The operator shall participate in and provide complete and accurate information for residents to the Kentucky Homeless Management Information System (KYHMIS) or designated alternative on a quarterly basis. The operator shall grant the city complete access to all its data submitted to KYHMIS to the extent permitted by law;

(18) The facility shall provide adequate waiting areas within the premises for clients and prospective clients to ensure that public sidewalks, streets and alleys are not used as queuing or waiting areas;

(19) In the interest of infection control, the operator shall maintain an accurate and complete list of the names of all residents housed in the shelter;

(20) The operator shall maintain sufficient insurance coverage to protect against liability and foreseeable loss, and shall include the city as a named insured for any liability that may accrue to the city as a result of the operation of the shelter;

(21) The operator shall have on premises adequately trained staff as to deal with the potential behavioral issues that will arise from the resident population without excessive reliance on the city's public safety agencies;

(22) The operator shall continuously monitor waiting areas to inform prospective residents whether they can be served in a reasonable time. If they cannot be served by the operator because of time or resource constraints or occupancy limits, the monitor shall inform the prospective resident of alternative programs and locations where he or she may seek similar service;

(23) The operator shall provide for timely removal of litter attributable to clients within the vicinity of the facility every 24-hour period;

(24) The service provider shall have a plan to minimize disruption or damage caused by clients' behavior on properties located within two blocks of the facility;

(25) The operator shall maintain good communication and have procedures in place to respond to operational issues which may arise from the neighborhood, city staff or the general public;

(26) The operator shall implement other conditions and/or measures as determined by the city in consultation with other city agencies, necessary to ensure the management and for residents of the establishment maintain the quiet enjoyment, safety and cleanliness of the shelter and the vicinity of use;

(27) The operator shall establish standards for responding to emergencies and incidents involving the expelling of residents from the shelter. Re-admittance policies for residents who have previously been expelled from the shelter shall also be established;

(28) The operator shall establish re-admittance policies for residents whose behavior or conduct has required public safety agency intervention;

(29) Alcohol and illegal drug use is prohibited on site. Service providers shall expel residents from the facility if found to be using alcohol or illegal drugs while on site, unless good cause is shown;

(30) The facility shall be open 24 hours a day, seven days a week to provide, at a minimum, around the clock access to toilet and shower facilities for those eligible to be served by the facility;

(31) In order to encourage clients to pursue stable and permanent housing, the operator shall limit the maximum stay for residents to 150 days within a 365-day period, except for residents participating in a transitional housing program as described in the management plan submitted as part of the licensing process; or for good cause shown; and

(32) The operator shall not allow shopping carts or pets on the premises, except when the pets are registered as disability or emotional support pets.

(B) Notwithstanding the above requirements set forth in division (A) above, divisions (A)(17) through (A)(32) above shall not apply to boarding and lodging houses.

(1984 Code, § 117.05) (Ord. O-05-20, passed 2-11-2020; Ord. O-21-24, passed 8-27-2024)

§ 124.14 RIGHT OF ENTRY TO INSPECT.

Any peace officer, Code Enforcement Officer, Fire Department or Fire District official and any other appropriate investigating officials of the city, shall have the right to enter any portion of a shelter's premises during regular business hours where shelter residents and employees are permitted for the purpose of making reasonable inspections and determining compliance with zoning, health, sanitation, structural, electrical, plumbing, fire, property maintenance and safety regulations, as well as all other provisions of law or regulations.

(1984 Code, § 117.06) (Ord. O-05-20, passed 2-11-2020)

§ 124.15 TRANSFER OF LICENSE.

(A) No shelter license shall be transferable except with the written approval of the Director. The application for such a transfer shall be in writing and shall contain the same information required for the initial application for such a license.

(B) The application procedure shall be the same as outlined in §124.11. A $100 transfer fee shall be charged for each such license transfer.

(C) In the event of denial, notification and reasons for denial shall be given to the applicant in the manner provided by § 124.11. A denial of a transfer may be appealed in the same manner as the denial of an application for an original shelter license.

(1984 Code, § 117.07) (Ord. O-05-20, passed 2-11-2020; Ord. O-21-24, passed 8-27-2024)

§ 124.16 DENIAL OF APPLICATION FOR A NEW LICENSE.

(A) In the event the Director denies an application for a new shelter, the Director shall advise the applicant of his or her decision, and the reasons therefore, by certified letter, return receipt requested, sent to the most current address listed in the affected operator's file. Such denial of an application for a new shelter license shall include information regarding the right to appeal the decision. The applicant affected by the denial of a new permit shall have ten business days from the date of receipt of said notice to appeal the Director's decision by notifying him or her in writing of the basis for said appeal. The notice of appeal may be hand delivered to the Director or sent certified mail, return receipt requested. Unless a timely notice of appeal is received, the decision of the Director shall be final. When the Director denies an application for a new shelter, the applicant shall not operate as a shelter until either the Code Enforcement Board or a court of competent jurisdiction so orders. Notwithstanding the preceding sentence, all homeless shelters and transitional housing facilities in existence and in operation on the effective date of this subchapter shall be issued an initial license for a term in accordance with § 124.10(B) of this subchapter.

(B) When the Director receives a notice of an appeal, he or she shall schedule a time and date for the appeal to be heard before the Code Enforcement Board and such hearing shall be held within 30 calendar days of the date the Director receives the notice of appeal. The Director shall notify the appellant in writing of the hearing date and may send such notice by regular first class mail. The appellant may request an alternate hearing date but in no event shall it be more than 30 days after the originally scheduled date.

(C) At the hearing on the new license denial, the appellant shall have the right to counsel, present evidence and offer testimony by witnesses. The hearing shall be transcribed. The Board shall render written findings within 20 days of its oral decision. The Board's decision will be final unless appealed.

(D) Any party adversely affected by the Code Enforcement Board's decision may appeal it to the Kenton Circuit Court within 30 days of the date the Board issues its written findings. The party appealing the Board's decision will be responsible for the cost of preparing the transcript which, along with evidence presented and the written findings of the Board, shall constitute the record on appeal. The decision of the Board shall be effective during the pendency of the appeal unless stayed by a court of competent jurisdiction.

(1984 Code, § 117.08) (Ord. O-05-20, passed 2-11-2020; Ord. O-21-24, passed 8-27-2024)

§ 124.17 REVOCATION, SUSPENSION OR DENIAL OF THE TRANSFER OF A LICENSE.

(A) In the event the Director has reason to believe that a shelter is operating in violation of this subchapter, or that the transfer of a license would create a violation of this subchapter, the Director shall provide written notice to the operator that the shelter license is suspended, revoked or denied a transfer. The written notice shall include the reasons for the revocation, suspension or denial of a transfer, and shall be sent by certified letter, return receipt requested, to the most current address listed in the affected operator's file. Such notice shall include information regarding the right to appeal the decision. Any decision by the Director to suspend, revoke or deny the transfer of any license issued hereunder shall remain in abeyance until all appeals are exhausted or the time for filing the initial appeal from the Director's decision under division (B) below has expired.

(B) Upon receipt of a decision from the Director to suspend, revoke or deny the transfer of a license, the operator affected thereby shall have ten business days from the date of receipt of said notice to appeal the Director's decision by notifying the Director in writing of the basis for said appeal. The notice of appeal may be hand delivered to the Director or sent certified mail, return receipt requested. Unless a timely notice of appeal is received, the decision of the Director shall be final.

(C) When the Director receives a notice of an appeal, the Director shall schedule a time and date for the appeal to be heard before the Code Enforcement Board and such hearing shall be held within 30 calendar days of the date the Director receives the notice of appeal. The Director shall notify the appellant in writing of the hearing date and may send such notice by regular first class mail. The appellant may request an alternate hearing date but in no event shall it be more than 30 days after the originally scheduled date.

(D) At the hearing on any license suspension, revocation or denial of license transfer, the operator shall have the right to counsel, present evidence and offer testimony by witnesses. The hearing shall be transcribed. The Board shall render written findings within 20 days of its oral decision. The Board's decision will be final unless appealed.

(E) Any party adversely affected by the Code Enforcement Board's decision may appeal it to the Kenton Circuit Court within 30 days of the date the Board issues its written findings. The party appealing the Board's decision will be responsible for the cost of preparing the transcript which, along with evidence presented and the written findings of the Board, shall constitute the record on appeal. The decision of the Board shall be effective during the pendency of the appeal unless stayed by a court of competent jurisdiction.

(1984 Code, § 117.09) (Ord. O-05-20, passed 2-11-2020)

§ 124.18 ENFORCEMENT.

(A) In addition to the penalties provided in §124.99 of this chapter, the Director is authorized to enforce the provisions of this subchapter through declaratory, injunctive and other civil actions filed in any court of competent jurisdiction.

(B) The Director has the authority to issue rules and regulations for the implementation of this subchapter. Written notice of the issuance of any rules and/or regulations concerning the implementation of this subchapter shall be sent by first class mail to all license holders ten days prior to the date they become effective. The rules and regulations shall be available to the public online through the city website.

(1984 Code, § 117.10) (Ord. O-05-20, passed 2-11-2020)

§ 124.19 IMPLEMENTATION SCHEDULE.

(A) Elements of this subchapter requiring an existing shelter to invest $50,000 or more in capital funds to become compliant shall be effective two years from the date of passage and publication of the chapter. Shelters desiring such a delay shall submit a petition to the Director within 90 days after adoption of this subchapter.

(B) The operators of existing facilities shall apply for the permit and submit the required documentation within six months after the date of passage and publication of this subchapter.

(C) All shelters occupied for the first time after January 1, 2020 shall comply fully with the requirements of the subchapter without delay.

(1984 Code, § 117.11) (Ord. O-05-20, passed 2-11-2020)

RECOVERY RESIDENCES

§ 124.30 ANNUAL RECOVERY RESIDENCE LICENSE REQUIRED; POSTING OF LICENSE.

(A) No person shall own or operate a recovery residence unless the owner or operator has first obtained a recovery residence license. A separate license is required for each recovery residence owned

or operated by an individual or entity. The issued license shall be posted in a readily visible place in the recovery residence.

(B) The license is renewable annually and shall expire on the last day of the month one year after the date of issuance.

(C) The license is non-transferable, may not be assigned to another person or entity, and is void upon transfer of the property.

(Ord. O-21-24, passed 8-27-2024)

§ 124.31 APPLICATION FOR LICENSE.

(A) The owner or operator of each recovery residence shall submit a written application for a recovery residence license to the Director or a designee on a form provided by the city. The city may provide an electronic application in lieu of or in addition to a written application. The application shall, at minimum, set forth:

(1) The name, address, email address and phone number of the applicant;

(2) The name, address, email address and phone number of a designated point of contact, if different from the applicant;

(3) The address of the recovery residence to be licensed;

(4) The number of bedrooms in the recovery residence and maximum occupancy;

(5) Proof of certification or provisional approval by a certifying organization recognized by Kentucky, or proof that a certification process has been initiated with a certifying organization;

(6) A sworn statement of compliance with KRS 222.500 through 222.510;

(7) Proof of a zoning permit or approval for the property to be used as a recovery residence; and

(8) Proof of valid business and occupational licenses with the city.

(B) If the license application is incomplete, the Director or a designee shall return the application with written instructions regarding proper completion and resubmission of the application.

(Ord. O-21-24, passed 8-27-2024)

§ 124.32 LICENSE FEE.

The fee for issuance or renewal of each recovery residence rental license shall be $100 and shall be submitted with the license application.

(Ord. O-21-24, passed 8-27-2024)

§ 124.33 INSPECTION REQUIRED.

(A) Following receipt of a complete application, a city code inspector shall inspect the property prior to the issuance of the license and the recovery residence must pass inspection to obtain the license.

(B) If the inspection finds violation of any of the codes, the code inspector shall provide written notice to the applicant and the license application shall not be further considered until the code violations are corrected and the unit successfully reinspected. If the violations are not corrected within 20 days after notice of violation, the application shall be denied unless the deadline is further extended by the code inspector.

(C) A reinspection fee of $75 shall be charged for each reinspection required because the recovery residence failed to meet the standards set forth in this subchapter or the applicant failed to appear for a scheduled inspection.

(Ord. O-21-24, passed 8-27-2024)

§ 124.34 COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS.

Each recovery residence shall be in compliance with any currently applicable laws and regulations of the federal, state or local governments, as may be amended from time to time including, but not limited to:

(A) The International Property Maintenance Code (IPMC) 2015, National Fire Protection Association (NFPA) Life Safety Code, National Fire Protection Association (NFPA) 1 Fire Code;

(B) The city's Zoning Code;

(C) Occupancy limits established by the local building official and the city's Fire Department; and

(D) The provisions of KRS 17.545 unless the recovery residence excludes registered sex offenders.

(Ord. O-21-24, passed 8-27-2024)

§ 124.35 RIGHT OF ENTRY TO INSPECT.

Any peace officer, Code Enforcement Officer, Fire Department or Fire District official and any other appropriate investigating officials of the city, shall have the right to enter any portion of a recovery residence's premises during regular business hours where residents and employees are permitted for the purpose of making reasonable inspections and determining compliance with zoning, health, sanitation, structural, electrical, plumbing, fire, property maintenance and safety regulations, as well as all other provisions of law or regulations.

(Ord. O-21-24, passed 8-27-2024)

§ 124.36 ADMINISTRATION; ENFORCEMENT.

(A) The provisions of this subchapter shall be administered and enforced by the Director or a designee.

(B) The Director or a designee shall cooperate with, share and receive information required to be provided to the city by the Commonwealth of Kentucky, Cabinet for Health and Family Services, Kentucky Recovery Housing Network or other government agency.

(C) Violations of the provisions of this subchapter shall be enforced by the Director or a designee in accordance with the code enforcement proceeding set forth in Ch. 92 of this code of ordinances and the penalties set forth in § 124.99.

(D) In addition to the penalties provided in §124.99, the Director is authorized to enforce the provisions of this subchapter through appropriate legal action to compel a recovery residence that is operating in violation of this subchapter and/or KRS 222.500 through 222.510, as may be amended, to cease operating.

(Ord. O-21-24, passed 8-27-2024)

§ 124.99 PENALTY.

(A) (1) Any person who operates a shelter without a license as provided in §§124.10 through 124.19 shall be issued a citation by an enforcement officer designated by the Director, and ordered to cease operations until a valid license is obtained. Operating a shelter without a license shall constitute a civil offense and any person, firm or corporation who operates a shelter without a license shall be subject to a civil fine of not less than $500, nor more than $1,000, per day for each day that a shelter is operated without a valid license. Citations and enforcement proceedings shall be pursued in accordance with Ch. 92 of this code of ordinances. Each day of such violation(s) shall constitute a separate offense.

(2) Operating a licensed shelter in a manner that violates the provisions of §§124.10 through 124.19 shall constitute a civil offense and any person, firm or corporation who operates a licensed shelter in a manner that violates the provisions of §§ 124.10 through 124.19 shall be subject to a civil fine of not less than $100, nor more than $1,000, per day for each day that a licensed shelter is operated in a manner that violates this code. Citations and enforcement proceedings shall be pursued in accordance with Ch. 92 of this code of ordinances. Each day of such violation(s) shall constitute a separate offense.

(3) Any person who owns or operates a recovery residence in a manner that violates the provisions of §§ 124.30 through 124.36 shall be subject to a maximum civil fine of $1,000 for each violation. If the person who has committed the violation does not contest the citation, a civil fine of $500 for each violation shall be imposed. If the owner or operator of the recovery residence has been found guilty of violating the provisions of §§ 124.30 through 124.36 with respect to the same recovery residence at issue, within the five years preceding the date on which the citation is issued, the owner or operator shall be subject to having its license for that particular recovery residence suspended for a period of time up to one year, or revoked for a period of time up to five years.

(B) A person found to have committed a violation of this code shall be personally responsible for the amount of the civil fines assessed for the violation and for all charges, fees and abatement costs incurred by the city in connection with the enforcement. The city may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

(1984 Code, § 117.99) (Ord. O-05-20, passed 2-11-2020; Ord. O-27-20, passed 12-15-2020; Ord. O-11-23, passed 6-28-2023; Ord. O-21-24, passed 8-27-2024)

CHAPTER 125: SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS

Section

125.01 Purpose; findings

125.02 Definitions

125.03 Prohibition on sexual orientation or gender identity change efforts

125.99 Penalty

§ 125.01 PURPOSE; FINDINGS.

(A) *Purpose.* This chapter is an exercise of the city's police power for the public safety, health and welfare; and its provisions shall be liberally construed to accomplish this purpose.

(B) *Findings and intent.* Medical and mental health experts have denounced efforts to change sexual orientation and gender identity as ineffective and unsafe for people, especially minors. These efforts are based on the discredited premise that being non-heterosexual is a mental disorder that can be corrected or cured. It is the intent of the Board of Commissioners that these unethical conversion treatments that correlate with serious and dangerous harm to the health and well-being of minors be prohibited. Therefore, the Board finds and declares that a compelling and important interest exists in protecting the physical and psychological well-being of minors from efforts to change sexual orientation and gender identity within the municipality through the professional conduct of licensed providers, and no other less intrusive means of protecting minors from the harms associated with conversion therapy would be effective in furthering the city's interest.

(1984 Code, § 111.901) (Ord. O-07-20, passed 3-24-2020)

§ 125.02 DEFINITIONS.

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

MINOR. Any person under 18 years of age.

PROVIDER. Any person licensed, certified or registered to provide professional counseling including, but not limited to, behavior analysts, licensed professional counselors, marital and family therapists or associates, physicians or assistants, osteopaths or assistants, registered or practical nurses or assistive personnel, certified nurse aides, physical or occupational therapists or assistants, psychologists or psychological associates, social workers or associates, licensed professional conservators or guardians, naturopaths or a person who performs counseling as part of the person's professional training, including those licensed under KRS 335.

SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS OR CONVERSION THERAPY. Any counseling, practice or treatment that seek to change a person's sexual orientation or gender identity, including, but not limited to, efforts to change behaviors or gender expression, or reduce or eliminate sexual or romantic attraction or feelings toward a person of the same gender. ***SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS*** do not include counseling that does not seek to change sexual orientation or gender identity and:

(1) Assists a person undergoing gender transition;

(2) Provides acceptance, support and understanding to the person; or

(3) Facilitates a person's coping, social support, identity exploration and development, including sexual orientation and gender identity neutral interventions to prevent or address unlawful conduct or unsafe sexual practices.

(1984 Code, § 111.902) (Ord. O-07-20, passed 3-24-2020)

§ 125.03 PROHIBITION ON SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS.

(A) It is unlawful for any provider to provide, apply or use sexual orientation or gender identity change efforts or conversion therapy with a minor through a provider's professional conduct.

(B) This section shall not be construed to limit a provider's ability refer a client to an entity not covered under this chapter or to limit a provider's speech or conduct in a non-professional capacity.

(1984 Code, § 111.903) (Ord. O-07-20, passed 3-24-2020) Penalty, see § 125.99

§ 125.99 PENALTY.

A violation of this chapter is classified as a civil offense pursuant to the authority of KRS 65.8808. The Code Enforcement Board shall have power to issue remedial orders and impose civil fines to enforce this chapter. Enforcement of this chapter shall be in accordance with the procedures outlined in the Code Enforcement Board guidelines located in §§ 92.16 through 92.23. Civil fines for violations of this chapter shall be those set forth in §92.99. The city shall possess a lien on property, real or personal, for all fines, penalties, charges, attorney's fees and other reasonable costs associated with enforcing this code, and the cost of placing of a lien on a personal or real property pursuant to this code of ordinances. The lien shall be superior to and have priority over all other liens, except state, county, school district and city taxes if all legal requirements are satisfied.

(1984 Code, § 111.999) (Ord. O-07-20, passed 3-24-2020)

CHAPTER 126: MASSAGE THERAPISTS AND PERSONS PROVIDING MASSAGE IN EXCHANGE FOR MONEY

Section

126.01 Definition

126.02 Occupational license required

126.99 Penalty

§ 126.01 DEFINITION.

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

MASSAGE. A method of treating the body for remedial or hygienic purposes, including, but not limited to, rubbing, stroking, kneading or tapping with the hand or an instrument or both, separately or in conjunction with any other therapeutic procedure including, but not limited to, acupressure.

(1984 Code, § 111.180) (Ord. O-5-04, passed 2-3-2004)

§ 126.02 OCCUPATIONAL LICENSE REQUIRED.

(A) Every business that employs or contracts with person(s) who practice massage therapy or provide massages in exchange for money, whether such person is an employee of a business or contracts with the business as an independent contractor, shall obtain an occupational license from the Finance Department. After its initial issuance, the occupational license must be renewed by the Finance Department every year thereafter.

(B) No person shall practice massage therapy, hold himself or herself out to be a massage therapist, or provide massages in exchange for money, unless the person meets the educational and licensing requirements of KRS 309.358 and 309.361. Massage therapists or persons providing massages in exchange for money, whether employed by a business or acting as an independent contractor, must hold a valid license issued by the state's Board of Licensure for Massage Therapy. Massage therapists or persons providing massages for money, who operate as independent contractors, must obtain an occupational license from the Finance Department before performing massage therapy services or providing massages in exchange for money in the city. After its initial issuance, the occupational license must be renewed by the Finance Department.

(C) All applicants for an occupational license under this subchapter must present his or her license issued by the state's Board of Licensure for Massage Therapy upon application for or renewal of an occupational license.

(1984 Code, § 111.181) (Ord. O-5-04, passed 2-3-2004) Penalty, see § 126.99

§ 126.99 PENALTY.

Any person who violates any provision of this chapter shall be guilty of a Class B misdemeanor and shall be subject to a fine and/or jail time in accordance with the penalties for a Class B misdemeanor provided for in state statutes.

(1984 Code, § 111.999) (Ord. O-5-04, passed 2-3-2004)

CHAPTER 127: SHORT-TERM RENTALS

Section

127.01 Purpose

127.02 Definitions

127.03 Unlicensed short-term rentals prohibited

127.04 License required

127.05 Short-term rental dwelling license

127.06 Ownership limits

127.07 Density limits

127.08 Application contents

127.09 License review, inspection and license issuance

127.10 Short-term rental agent

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127.13 Short-term rental registration renewal

127.14 Suspension or revocation

127.15 Rental License Appeals Board

127.16 Short-term rental dwelling license fees

127.17 Duties of the Code Enforcement Division

127.18 Short-term rental hosting platform obligations

127.19 Transition rules

127.99 Penalty

§ 127.01 PURPOSE.

It is the purpose of this chapter to promote the health, safety, and welfare of residents and of occupants of short-term rental dwellings in the city. By requiring the registration of all short-term rental dwelling units, it is the city's intent to ensure that short-term rental housing is safe, sanitary and properly operated and maintained in continued compliance with all applicable regulations to meet basic housing maintenance requirements, to protect the health and safety of visiting tenants and to not become a nuisance to the neighborhood and community. The regulation will protect the residential character of Covington's residential neighborhoods and preserve the character of the city's historic districts.

(Ord. O-11-23, passed 6-28-2023)

§ 127.02 DEFINITIONS.

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

ADJACENT PROPERTY OWNERS. The owners of all properties that physically adjoin or are directly or diagonally across the street or alley from the property sought to be licensed.

BLOCK FACE. All lots on a block fronting on a public or private street of any classification in the Kenton County Comprehensive Plan, on the same side of the street, and between two consecutive street intersections, not including alleys.

HOSTING PLATFORM. An internet-based application that allows a short-term rental host to advertise a short-term rental and provides a means for potential short-term rental tenants to arrange rental and payment through the platform.

PERSON. Any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a

unit.

RENTAL AGENT. A natural person designated by the host of a short-term rental on the short-term rental license application. The host may serve as the rental agent.

RENTAL INSPECTOR. The Neighborhood Services Director or a designee including, but not limited to, code enforcement officers and/or inspectors in the Code Enforcement Division.

SHORT-TERM RENTAL.

(1) Any residential dwelling unit or part thereof;

(2) Offered or held out to the public for rent on a hosting platform, web or mobile application or other online platform, newspaper, magazine, or brochure through which short-term rentals are listed, advertised, solicited or otherwise held out for rent;

(3) For a duration of occupancy of less than 30 consecutive days.

SHORT-TERM RENTAL DWELLING LICENSE. The short-term rental dwelling license established by this chapter.

SHORT TERM RENTAL HOST (HOST). Any person who is the owner of record of residential property who offers a residential dwelling or portion of such dwelling as a short-term rental or any person who is a lessee of residential property pursuant to a written agreement for the lease of such property and who is authorized by the owner to operate a short-term rental.

SHORT-TERM RENTAL, HOST-OCCUPIED. A short-term rental that is the primary residence of the short-term rental host who is also the record owner of the property. Host-occupied property refers to real property which contains one or more dwelling unit(s) where the principal dwelling unit must be occupied by the property owner and constitute his/her primary and usual place of residence. The dwelling units must share the PIDN assigned by the Kenton County PVA.

SHORT-TERM RENTAL, NON-HOST-OCCUPIED. A short-term rental that is not the primary residence of the short-term rental host. A short-term rental which serves as the primary residence for a host who is not the record owner of the property, including lessees, is included in this definition.

SHORT-TERM RENTAL TENANT (TENANT). Any person (excluding family members of the host of the short-term rental) who rents a short-term rental for a fee or any form of compensation, in exchange for occupancy of the short-term rental for a period of less than 30 consecutive days.

(Ord. O-11-23, passed 6-28-2023; Ord. O-08-24, passed 5-14-2024)

§ 127.03 UNLICENSED SHORT-TERM RENTALS PROHIBITED.

It shall be unlawful for any owner or person to list or advertise an unlicensed short-term rental on a hosting platform, web or mobile application or other online platform, newspaper, magazine, or brochure through which short-term rentals are listed, advertised, solicited or otherwise held out for rent.

(Ord. O-11-23, passed 6-28-2023)

§ 127.04 LICENSE REQUIRED.

A person who desires to use its premises as a short-term rental must have a valid, active short-term rental license for each short-term rental unit prior to using, allowing the use of, or advertising the use of said premises as a short-term rental.

(Ord. O-11-23, passed 6-28-2023)

§ 127.05 SHORT-TERM RENTAL DWELLING LICENSE.

(A) All hosts must register their short-term rental units with the city.

(B) A separate license is required for each short-term rental unit.

(C) The license is renewable annually and shall expire on the last day of the month one year after the date of issuance.

(D) The license is non-transferable, may not be assigned to another person or entity, and is void upon transfer of the property.

(E) Host-occupied short-term rentals are exempt from historic district and neighborhood density limits.

(Ord. O-11-23, passed 6-28-2023; Ord. O-08-24, passed 5-14-2024)

§ 127.06 OWNERSHIP LIMITS.

In order to assure maximum opportunity for a wide range of investors and persons, no person shall hold more than a maximum of four non-host-occupied licenses, as determined by ownership interests. Where a short-term rental dwelling license is held by a limited liability corporation, the license shall be considered held by its members.

(Ord. O-11-23, passed 6-28-2023)

§ 127.07 DENSITY LIMITS.

(A) There shall be no more than two short-term rental licenses per structure.

(B) In order to protect the residential character of Covington's national historic districts and neighborhoods, protect the affordability of its housing stock for long-term residents, and encourage investment in underserved neighborhoods, the following density limits are established:

(1) *Historic districts, with boundaries as set forth on the National Register of Historic Places.*

(a) Downtown Commercial, including 1991, 1996 and 2001 expansions: unlimited number of non-host-occupied short-term rental units with no distance separation requirements.

(b) Licking Riverside: maximum of five non-host-occupied short-term rental units, with no more than one per block face.

(c) Mutter Gottes: maximum of 12 non-host-occupied short-term rental units, with no more than one per blockface, except that on Fourth Street and Fifth Street there may be no more than three non-host-occupied short-term rental units per block face.

(d) Ohio Riverside, including 1987 expansion: one short-term rental unit per block face, host-occupied only.

(2) *Neighborhoods, with boundaries as set forth on the City of Covington website and as may be amended in the future.*

(a) Austinburg Neighborhood: maximum of ten non-host-occupied short-term rental units, with no more than one per block face;

(b) Botany Hills Neighborhood: maximum of 12 non-host-occupied short-term rental units, with no more than one per block face;

(c) City Heights Neighborhood: no host- or non-host-occupied short-term rentals allowed;

(d) Eastside and Helentown Neighborhoods combined, except that portion of the Neighborhoods included in the Downtown Commercial Historic District, including expansions: maximum of 15 non-host-occupied short-term rental units, with no more than one per block face;

(e) Kuhr's Lane Neighborhood: maximum of three non-host-occupied short-term rental units, with no more than one per block face;

(f) Kenton Hills Neighborhood: maximum of three non-host-occupied short-term rental units, with no more than one per block face;

(g) Latonia, including the West Latonia, Latonia Milldale, Latonia Ritte's East and Latonia Rosedale Neighborhoods combined: maximum of 20 non-host-occupied short-term rental units, with no more than one per block face;

(h) Levassor Park Neighborhood: maximum of three non-host-occupied short-term rental units, with no more than one per block face;

(i) Lewisburg Neighborhood: maximum of eight non-host-occupied short-term rental units, with no more than one per block face;

(j) Main Strasse Neighborhood: maximum of 25 non-host-occupied short-term rental units, with no more than one per block face, except that in the TUMU zone within the Main Strasse Historic District break out commercial zone there may be no more than three non-host-occupied short-term rental units per block face;

(k) Monte Casino Neighborhood: maximum of five non-host-occupied short-term rental units, with no more than one per block face;

(l) Peaselburg Neighborhood: maximum of ten non-host-occupied short-term rental units, with no more than one per block face;

(m) Seminary Square Neighborhood: maximum of seven non-host-occupied short-term rental units, with no more than one per block face;

(n) South Covington Neighborhood: maximum of five non-host-occupied short-term rental units, with no more than one per block face;

(o) Wallace Woods Neighborhood: maximum of seven non-host-occupied short-term rental units, with no more than one per block face;

(p) West Fifteenth Street Neighborhood: maximum of one non-host-occupied short-term rental unit; and

(q) Westside Neighborhood, except that portion of the Neighborhood included in the Downtown Commercial Historic District, including expansions: maximum of seven non-host-occupied short-term rental units, with no more than one per block face.

(3) *Remainder of the city.* No short-term rental structures permitted.

(Ord. O-11-23, passed 6-28-2023; Ord. O-08-24, passed 5-14-2024)

§ 127.08 APPLICATION CONTENTS.

(A) The application for a short-term rental dwelling license shall require the following information:

(1) The current street address of the unit to be licensed;

(2) The name, address, email address, and phone numbers of the owner of the premises or corporation's owner's representative, as applicable;

(3) If the owner is not a natural person, the applicant shall identify all partners, officers and directors of any such entity and provide their personal contact information;

(4) The name, address, email address, and phone number of the designated rental agent;

(5) The number of bedrooms in the unit and maximum occupancy;

(6) The number and location of parking spaces allotted to the unit;

(7) Documentary evidence of actual notice to all adjacent property owners of intent to apply for a license within 30 days prior to submission of the application; failure to notify all adjacent property owners will disqualify the application;

(8) If the applicant is a lessee of the property, evidence of approval by the property owner for authority to operate the unit as a short-term rental;

(9) The rental agent's written statement of acceptance of the responsibilities;

(10) A list of all hosting platforms through which the short-term rental is listed or is reasonably anticipated to be listed; and

(11) (a) If the license application is for a short-term rental, host occupied, the host must submit a sworn affidavit stating that the primary dwelling unit is the legal residence and domicile of the applicant and provide proof of residency in the form of two of the following:

1. A valid Kentucky driver's license, other state issued I.D., or other identification recognized by the Covington Police Department;

2. Registration for vehicles owned by and registered in the name of the applicant;

3. Voter registration card;

4. Previous year's W-2 form or IRS tax return;

5. Deed; or

6. Utility bill.

(b) This requirement may also be satisfied if the owner's address in the Kenton County PVA is the same as the address of the short-term rental.

(B) The applicant shall certify that to the best of his, her or its knowledge, the short-term rental is in conformity with:

(1) The Kentucky Building Code (residential only);

(2) The International Residential Code (one- and two-family dwellings);

(3) International Property Maintenance Code;

(4) The Fire Code NFPA; and

(5) The Life Safety Code NFPA 101.

(C) The applicant shall further acknowledge that the short-term rental must at all times maintain compliance with applicable federal, state and local laws, regulations, ordinances or other rules or codes governing the operation of the short-term rental, including the Covington Nuisance Code;

(D) The applicant shall acknowledge an obligation to use his or her best effort to assure that use of the premises by a short-term rental tenant will not disrupt the neighborhood and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties.

(E) The City Manager or a designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this chapter.

(Ord. O-11-23, passed 6-28-2023; Ord. O-08-24, passed 5-14-2024)

§ 127.09 LICENSE REVIEW, INSPECTION AND LICENSE ISSUANCE.

(A) Applications shall not be considered complete unless all documentation required is submitted and the full license fees have been paid. Incomplete applications will be rejected.

(B) The applicant will be notified of a final determination on an application no later than 30 days following submission of a complete application.

(C) A city code inspector shall inspect the property prior to the issuance of the license and the short-term rental unit must pass inspection to obtain the license.

(D) If the inspection finds violation of any of the codes, the code inspector shall provide written notice to the rental agent and the license application shall not be further considered until the code violations are corrected and the unit successfully reinspected. If the violations are not corrected within 20 days after notice of violation, the application shall be denied, unless the deadline is further extended by the code inspector.

(E) All application denials shall be in writing and shall set forth specific reasons for the denial.

(F) An application may be denied if:

(1) The applicant is not in good standing with the City of Covington;

(2) The applicant has made a material misrepresentation of fact on the application;

(3) The short-term rental premises are subject to outstanding orders from a city department that have not been corrected;

(4) The short-term rental premises have been determined to be a location of a criminal activity nuisance in accordance with § 92.10 of this code of ordinances;

(5) The applicant, owner, or rental agent of the short-term rental has failed to comply with or enforce the reguirements of this chapter;

(6) The maximum number of allowed licenses in the historic district, neighborhood or zone has been reached;

(7) The unit failed code inspection;

(8) Ownership limits set forth in §127.06 have been reached; and/or

(9) Other identified violations of the requirements of this subchapter.

(G) Any short-term rental dwelling license applicant or licensee aggrieved by any license application denial, may, within seven days of receipt of notice of such action, file a written appeal with the Rental License Appeals Board setting forth his or her reasons for contesting the action.

(Ord. O-11-23, passed 6-28-2023; Ord. O-08-24, passed 5-14-2024)

§ 127.10 SHORT-TERM RENTAL AGENT.

(A) The operator of a short-term rental shall designate a short-term rental agent on its application for a short-term rental license.

(B) Short-term rental agent means a natural person designated by the operator of a short-term rental on the short-term rental license application. Such person shall be available for and responsive to contact at all times and someone who is customarily present at a location within the city for purposes of transacting business. A short-term rental host may also serve as the short-term rental agent.

(C) A host may change the designation of a short-term rental agent temporarily or permanently; however, there shall be only one such agent for a property at a given time. To change the designated agent, the host shall notify Covington Code Enforcement in writing of the new agent's identity, together with all information regarding such person as reguired by the applicable provisions of § 127.08.

(Ord. O-11-23, passed 6-28-2023)

§ 127.11 SHORT-TERM RENTAL AGENT DUTIES.

(A) The duties of the short-term rental agent are:

(1) Manage the business affairs of the short-term rental unit, including responsibility for all advertising;

(2) Be reasonably available to handle any problems arising from use of the short-term rental unit;

(3) Appear on the premises of any short-term rental unit within one hour following notification from the city that occupants of the short-term rental unit have created unreasonable noise or disturbances; engaged in disorderly conduct, overcrowding, or consumption of illegal drugs or excess alcohol; or other issues related to the use or occupancy of the premises;

(4) Keep his or her name and emergency contact phone number and the license number of the unit posted in a readily visible place in the short-term rental unit;

(5) Provide tenants with instructions to comply with noise, parking, occupancy and curfew ordinances;

(6) Provide his or her name and emergency contact phone number to adjoining property owners;

(7) Receive and accept service of any notice of violation related to the use or occupancy of the premises;

(8) Monitor the short-term rental unit for compliance with this chapter;

(9) List the short-term rental license number on each hosting platform; a rental agent may not use a hosting platform that does not provide a field for the city license number;

(10) Ensure compliance with the city's solid waste and recycling rules, including trash collection schedule; and

(11) Provide access to the unit upon request by Code Enforcement or police officials responding to complaints.

(B) Any violation of these duties shall be considered a violation of the city code relating to short-term rental units for purposes of application of the penalty for accumulated violations.

(Ord. O-11-23, passed 6-28-2023)

§ 127.12 OPERATING REGULATIONS.

(A) *Nondiscrimination.* The host or rental agent shall not decline a potential guest, impose different terms or conditions, or discourage or indicate any preference for or against a guest based on race, gender, sexual orientation, gender identity or expression, color, ancestry, national origin, age, disability, familial status, or military status.

(B) *Maximum occupancy.* The number of occupants shall not exceed two adults per bedroom, plus two additional persons; regardless of the number of bedrooms the maximum occupancy of a short-term rental unit shall not exceed 12 persons, including children.

(C) *Minimum stay required.* No short-term rental shall be offered for a period of less than one night.

(D) *Event advertising restriction.* The rental agent or tenant shall not advertise or promote a special event, or allow the advertising and promotion of a special event (e.g. event center, banquet, wedding, reception, reunion, bachelor or bachelorette party, concert, or any similar activity that would assemble large numbers of invitees) to be held on the premises.

(E) *Special events prohibited.* The rental agent or tenant shall not allow, suffer or permit an event center or special event as described above to be held on the premises.

(F) *Posting of host rules.* The host or rental agent operating a short-term rental shall provide a notice of instructions (also known as "host rules") to occupants staying at the premises. The notice shall instruct the occupants as to all applicable city regulations pertaining to short-term rentals. These include, but are not limited to, occupancy restrictions, limits on parking, trash pickup, prohibitions on special events, limits on noise, and curfew times.

(G) *Posting of license number.* The license number shall be posted on the premises along with the contact information of the property owner and rental agent.

(H) *Advertising.* A valid, active short-term rental license number issued by the city shall be included on every hosting platform listing or any newspaper, magazine, brochure, website, or mobile application advertisement.

(I) The host, rental agent or tenant of a short-term rental shall not allow, permit, or make any noise that would be in violation of the city's noise ordinance.

(J) *Parking restrictions.* The rental agent may not allow parking of vehicles on public streets not in accordance with city ordinances.

(Ord. O-11-23, passed 6-28-2023)

§ 127.13 SHORT-TERM RENTAL REGISTRATION RENEWAL.

(A) The application to renew a short-term rental dwelling license shall be submitted no earlier than 60 days and no later than 30 days before its expiration date. If a person fails to apply for renewal as provided herein, he, she or it must apply for a new registration rather than a renewal.

(B) Every complete application for a short-term rental dwelling license renewal shall include updates, if any, to the information contained in the previous license application and be signed by the license holder affirming that updated information is accurate and complete.

(C) Verifications deemed necessary and proper to ensure continuing compliance with this chapter may be required.

(D) Applications shall not be considered complete until all documentation required is submitted. Incomplete applications will not be accepted.

(E) A license will be issued only after the full licensure fee has been paid.

(F) The renewal application may be denied, in writing, for any of the reasons set forth in §127.09(F).

(Ord. O-11-23, passed 6-28-2023)

§ 127.14 SUSPENSION OR REVOCATION.

(A) Any action unfavorable to the applicant or licensee, including license denial, suspension or revocation, or decisions related to violations of this chapter may be appealed to the Rental License Appeals Board.

(B) Adjacent property owners or their neighborhood association may, within 30 days of the grant of a license, appeal any action by the city granting a license in reliance on incomplete or inaccurate information contained in the application required by § 127.08 or violation of the density limits established in §127.07.

(Ord. O-11-23, passed 6-28-2023; Ord. O-08-24, passed 5-14-2024)

§ 127.15 RENTAL LICENSE APPEALS BOARD.

(A) The Rental License Appeals Board shall be comprised of full-time city employees as appointed by the City Manager or a designee and shall include at least one staff member selected from the Finance Department and one from the Police Department. The staff Board will receive evidence; however, the rules of evidence will not govern the proceeding. The staff Board will issue a written finding as to each alleged infraction, specifically identifying each founded accusation, which shall constitute a violation.

(B) The Rental License Appeals Board may appoint a hearing officer, who shall be empowered to conduct the hearing and make a written recommendation to the Board.

(C) The Rental License Appeals Board shall be empowered to hear appeals and conduct hearings arising from:

(1) The denial of an application for a short-term rental dwelling license;

(2) The denial of an application for renewal of a short-term rental dwelling license;

(3) Conduct that may give rise to suspension or revocation of a license; and

(4) Appeals from third parties alleging an unlawful approval of a short-term rental license based on inaccurate or incomplete information contained in the application required by § 127.08 or violation of the density limits established in § 127.07.

(D) Upon receipt of an appeal, or in the case of a hearing for possible suspension or revocation, the Board shall set a date for a hearing and shall notify the applicant or licensee and adjacent property owners. Except upon mutual agreement by the applicant or licensee and the city, the hearing shall be held not less than three days and not more than 30 days from the date the appeal is received.

(E) If the applicant or licensee fails to appear at a properly scheduled hearing before the Board, the Board shall summarily affirm the action, unless the applicant or licensee shows good cause for his or her failure to appear.

(F) At the hearing before the Board, the city, or the third party, shall present evidence supporting the appealed action. The applicant or licensee shall be given an opportunity to show cause why the appealed action should be sustained, modified or reversed. The burden of proof shall be upon the city or the third party to demonstrate that the appealed, action was permitted by the provisions of this chapter or was in violation of the requirements of this chapter.

(G) The Rental License Appeals Board may:

(1) Affirm the action;

(2) Reverse the action; and/or

(3) Modify the action by reversing with conditions or granting an extension of time for the performance of any act required where there is a practical difficulty or undue hardship connected with the performance of any act required by the provisions of this chapter, provided that such extension or other action shall be consistent with the general purpose of this chapter to ensure the public health, safety and welfare. Where conditions are imposed or additional time is granted, the Board may delay final action and continue the matter to a later date in order to ensure compliance.

(H) The decision of the Rental License Appeals Board shall be reduced to writing and shall be final unless continued. The written decision shall be mailed or hand delivered to the appellant and the short-term rental agent or third party appellant.

(I) Any aggrieved party to a final decision of the Board may appeal, within 20 days of the date of the issuance thereof, to the city's Code Enforcement Board for a hearing pursuant to § 92.18 of the Covington Code of Ordinances.

(J) Any decision of the Code Enforcement Board adverse to the appellant shall indicate that the appellant has a right to appeal to the Kenton County Circuit Court in accordance with the Rules of Civil Procedure.

(Ord. O-11-23, passed 6-28-2023; Ord. O-08-24, passed 5-14-2024)

§ 127.16 SHORT-TERM RENTAL DWELLING LICENSE FEES.

(A) The fee for the issuance of the initial license shall be $500 effective June 1, 2024. The fee shall be $30 for all licensure applications received prior to June 1, 2024.

(B) The fee for renewal of the license shall be $250.

(C) A code enforcement re-inspection fee of $100 shall be charged if the unit has to be re-inspected because it failed to meet the standards set forth in this chapter or if the host or rental agent failed to appear for a scheduled inspection.

(D) A code enforcement re-inspection fee of $150 shall be charged if a second reinspection is required because the unit failed to meet the standards set forth in this chapter or if the host or rental agent failed to appear for a scheduled inspection.

(E) Short-term rental units that were operated without a license shall be charged a fee of equal to three times the amount of the license fees set forth above.

(Ord. O-11-23, passed 6-28-2023; Ord. O-08-24, passed 5-14-2024)

§ 127.17 DUTIES OF THE CODE ENFORCEMENT DIVISION.

(A) The Code Enforcement Division shall maintain a file for each license and maintain a record of violations for each unit, inspection reports and responses to complaints.

(B) The Code Enforcement Division shall make available, as a convenience, an inspection checklist to each applicant identifying code requirements specially applicable to short-term rental units, including:

(1) Smoke detector requirements;

(2) Carbon monoxide detector requirements;

(3) Fire extinguisher requirements;

(4) Mandated posting of a clearly marked emergency evacuation plan for the premises; and

(5) Shared stairways or entrances are required to be unobstructed, secure, and sanitary.

(C) The Code Enforcement Division shall establish a waiting list for applications.

(Ord. O-11-23, passed 6-28-2023)

§ 127.18 SHORT-TERM RENTAL HOSTING PLATFORM OBLIGATIONS.

All hosting platforms through which short-term rentals within the city are listed, advertised, solicited or otherwise held out for rent shall provide a field on the platform to allow hosts to input short-term rental license numbers. A hosting platform which does not provide a field for the license number shall be ineligible to provide services for short-term rentals in Covington.

(Ord. O-11-23, passed 6-28-2023)

§ 127.19 TRANSITION RULES.

(A) Any person holding more than four short-term rental dwelling licenses on the date this chapter is passed shall be permitted to maintain and renew all short-term rental dwelling licenses held at said time.

(B) All short-term rentals licensed as of the effective date of this chapter shall be permitted to continue operation and are eligible for renewal without regard to the density or maximum number limits imposed by this chapter.

(C) During the transitional period (prior to adoption of revised zoning regulations) short-term rental license applications will be accepted and evaluated pending the issuance of conditional use zoning permits to be issued by the Board of Architectural Review and Development (BOARD) as applicable.

(D) Short-term rental license applications will be reviewed in the order received.

(E) Applications received prior to November 1, 2023 will proceed with a $30 fee; applications received after November 1, 2023 will require the new application fee of $500 as outlined in this chapter.

(F) Any person that applied for a short-term rental license during or prior to the moratorium will need to reapply using the new application process and forms. Those that previously applied will have 30 days from the adoption of this chapter to submit new applications to hold your place in queue. If submitted within 30 days, the date of the new application will remain the same as the original application. All applications received after 30 days of adoption will be processed in the order received.

(G) Short-term rental licenses will only be issued upon the receipt and acceptance of short-term rental license applications that have provided all necessary supporting documentation, including zoning approval.

(Ord. O-11-23, passed 6-28-2023)

§ 127.99 PENALTY.

(A) *Accumulated violations.* When a short-term rental agent has accumulated three violations for the same unit within a period of 12 consecutive months, the city shall revoke any pending or issued licenses and reject all applications for that particular property for a period of 12 consecutive months from the date of the final decision.

(B) *Operating without a license.* Operating a short-term rental without a license shall constitute a civil offense and any person who violates § 127.03 shall be subject to a civil fine of up to $500 per day. In addition, a person guilty of operating a short-term rental without a license shall be ineligible to apply for a license for that particular property for a period of 12 consecutive months from the date of the final decision.

(Ord. O-11-23, passed 6-28-2023)

CHAPTER 128: MEDICAL CANNABIS

Section

128.01 Definitions

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§ 128.01 DEFINITIONS.

The definitions within KRS 218B.010 are hereby adopted and incorporated by reference as if fully rewritten herein. For the purpose of this chapter, the following definitions shall also apply unless the context clearly indicates or requires a different meaning.

APPLICANT. Any person who applies for a license under this chapter.

CITY SOLICITOR. The City Solicitor or his/her designee.

LICENSEE. Any person who has applied for and been granted a license to operate a medical cannabis business by the City of Covington.

(Ord. O-19-24, passed 8-13-2024; Ord. O-34-24, passed 12-17-2024)

§ 128.02 SALE OF MEDICAL CANNABIS AND OPERATION OF ALL MEDICAL CANNABIS BUSINESSES PERMITTED.

(A) The sale of medical cannabis to a registered qualified patient and the operation of all medical cannabis businesses permitted by Kentucky law are hereby permitted within the city limits of the City of Covington, Kentucky.

(B) For determining the zoning districts where the operation of a dispensary offering for sale medical cannabis directly to registered qualified patients is a permitted use under the Covington Neighborhood Development Code, such dispensary shall be interpreted as a “Other Medical Facility (Pharmacy)”, as defined in Article 158.09, Section 9.27.3.M of the Covington Neighborhood Development Code.

(C) For determining the zoning districts where the operation of a medical cannabis cultivator business is a permitted use under the Covington Neighborhood Development Code, such cultivator operation shall be interpreted as “Other Light Industrial”, as defined in Article 158.09, Section 9.27.3.L of the Covington Neighborhood Development Code.

(D) For determining the zoning districts where the operation of a medical cannabis processor business is a permitted use under the Covington Neighborhood Development Code, such processor operation shall be interpreted as “Micro-Manufacturing”, as defined in Article 158.09, Section 9.27.3.M of the Covington Neighborhood Development Code.

(E) For determining the zoning districts where the operation of a medical cannabis safety compliance facility business is a permitted use under the Covington Neighborhood Development Code, such safety compliance facility operation shall be interpreted as “Research, Testing, and Development Laboratory”, as defined in Article 158.09, Section 9.27.3.R of the Covington Neighborhood Development Code.

(F) For determining the zoning districts where the operation of a medical cannabis producer business is a permitted use under the Covington Neighborhood Development Code, such producer operation shall be interpreted as a “Other Warehousing and Freight”, as defined in Article 158.09, Section 9.27.3.W of the Covington Neighborhood Development Code.

(Ord. O-19-24, passed 8-13-2024)

§ 128.03 HOURS OF OPERATION.

A dispensary shall only dispense medicinal cannabis to a cardholder in an indoor, enclosed, secure facility between the hours of 8:00 a.m. and 8:00 p.m.

(Ord. O-34-24, passed 12-17-2024)

§ 128.04 USE OF REVENUE.

All moneys derived from the collection of licensure application fees, initial licensing fees, and licensure renewal fees provided for herein shall be paid into and become a part of the General Fund of the city to be used to compensate for any additional costs caused by the operation of cannabis businesses.

(Ord. O-34-24, passed 12-17-2024)

§ 128.05 CITY SOLICITOR TO ADMINISTER.

Action on license application; appeals.

(A) When an application is filed with the City Solicitor for a license to do business in accordance with the provisions of this chapter, the City Solicitor shall either approve or disapprove the application in accordance with this chapter.

(B) Appeals from order of the City Solicitor shall be heard by the Board of Commissioners.

(Ord. O-34-24, passed 12-17-2024)

§ 128.06 LICENSING AND FEES.

(A) *Licenses required.*

(1) *Schedule of licenses and fees.*

(a) For the privilege of operating a medicinal cannabis business in the city, there is hereby established a corresponding city license for each of the state licenses described in the following schedule.

(b) The actions, business and transactions authorized and permitted thereby shall be the same as those of the state licenses to which the city licenses correspond and which are indicated and described in the sections of state law indicated in the following schedule, and no person shall engage in any such action, business or transaction within the city without having first obtained the applicable state and city licenses to do so. The fees for such city licenses shall be as indicated in the following schedule and shall be per annum unless otherwise specified.

Cultivator $500

Dispensary $500

Processor $500

Producer $500

Cannabis safety

compliance facility $500

(2) *Delinquent financial claims.* No license for the sale, production, cultivation, or transport of medicinal cannabis shall be granted or renewed for the operation on any premises, or to any person, firm, partnership or corporation, who is not in compliance with § 35.003.

(3) *Required business and premises security.* No person shall cultivate, process, produce, possess, test, transfer, transport, or sell medicinal cannabis or otherwise operate a cannabis business without first taking reasonable measures to ensure the security and protection of the facility (and its contents) and persons working within the facility. All medical cannabis businesses must take, at minimum, the following security measures:

(a) 24/7 monitoring and continuously recording surveillance video cameras in 1080p quality or better, covering all areas inside the business where medicinal cannabis or coins/currency are located and the full perimeter outside the business premises in the case of a standalone building or, in the case where the business is not located in a standalone building, at all points of entry and exit, including windows;

(b) Alarm systems covering interior and perimeter;

(c) Badging and tracking of all employees and visitors;

(d) Personnel security during non-business hours; and

(e) Secure storage areas and entrances with locks.

(B) *License application; contents.*

(1) Any person desiring to engage in a medicinal cannabis business, before so doing, shall file with the City Solicitor an application on forms provided by the city, which shall be verified and contain the following information:

(a) The name, age, email address, phone number, address and residence of each applicant and, if there is more than one and they are partners, the partnership, names and their addresses; and, if the applicant is a corporation, the application shall contain the name and address of the corporate officers, the board of directors, any stockholder that owns more than 50% of the stock and the name and address of the agent for service of process;

(b) The proposed legal name of the cannabis business;

(c) Identification of each type of proposed medicinal cannabis business operating at that location (cultivator, dispensary, producer, processor, or safety compliance facility);

(d) Whether or not the applicant is a citizen and resident of the state and for what period of time;

(e) The name and address of each person interested or to become interested in the business for which the license is being sought, together with the nature of that interest; and, if the applicant is a corporation, the names, addresses and agents of each officer, director and managerial employee and the name of the state under the law of which such corporate applicant is incorporated;

(f) The street and number of the premises to be licensed, whether or not the applicant is the owner of such premises or what interest he or she has therein and the name and address of any other person, either as principal or associate, who is interested with applicant either in the premises or in the business to be licensed;

(g) A list (with sufficient evidence to confirm) of measures taken by the applicant to ensure the security and protection of the facility (and its contents) and persons working within the facility during and after business hours;

(h) A statement that the applicant will, in good faith, abide by every statute, federal or state, and the ordinances of the city relating to medicinal cannabis that may or shall be in force pertaining thereto;

(i) Zoning approval in accordance with the Neighborhood Development Code;

(j) An affidavit confirming that the applicant complies and shall continue to comply with all aspects of the applicable building codes, fire codes, and all other applicable state and local laws or regulations;

(k) An affidavit confirming that no prospective board members who managed or served on the board was convicted, fined, censured, or had a registration or license suspended or revoked in any administrative or judicial proceedings;

(l) An affidavit confirming that no principal officer, board member, agent, volunteer, or employee has been convicted of a disqualifying felony offense or is younger than 21 years of age and that no employee, board member, or owner, in part or in whole, is a medicinal cannabis practitioner; and

(m) A copy of their state issued license for the same purpose and location as evidenced in the application. No person shall cultivate, process, produce, possess, test, transfer, transport, or sell medicinal cannabis or otherwise operate a cannabis business without first obtaining a license from the state pursuant to KRS 218B.080.

(2) If the City Solicitor is satisfied that the license should be granted, a license shall be issued to the applicant.

(a) *Contents of license.* All licenses issued pursuant to this section shall contain the following information.

1. The name and address of the licensee;

2. The type of license;

3. A description by street and number of the licensed premises;

4. The name and address of the owner of the building in which the licensed premises are located;

5. A statement in substance that the license shall not be a property or vested right and that it may be revoked or suspended at any time pursuant to law; and

6. The name and address of the owner of the building in which the licensed premises are located.

(b) *Licenses; expiration date.* All medicinal cannabis business licenses and renewals shall expire upon the earlier of: (1) December 31 following the most recent application or renewal; (2) the revocation of any licenses or permits issued by the Commonwealth of Kentucky authorizing the entity to operate the medicinal cannabis business.

(C) *Certified check required; refund on rejection.* All applications filed for a license pursuant to this section shall be accompanied by a certified check in the amount of the cost of the license applied therefor. If the application for the license shall be rejected, the check shall be immediately returned to the applicant.

(D) *Change in fact situation after issuance of license; supplemental statements.* If, after a license has been issued, there is a change in any of the facts required to be set forth under this section, a verified supplemental statement, in writing, giving notice of such change shall be filed with the City Solicitor within 20 days after such change occurs.

(E) *Conditions of premises.*

(1) No license for a medicinal cannabis business shall be issued for any premises, unless the applicant for the license is the owner of the premises or is in possession of the premises under a written lease for a term not less than the license period.

(2) *Location of premises to be licensed.* No license for a medicinal cannabis business shall be issued for any premise that is located within 1,000 feet of an existing child-care center, as defined by KRS 199.894(3), family child-care home, as defined in KRS 199.894(5), or a registered childcare provider in the Child Care Assistance Program, as regulated by 922 KAR 2:180.

(F) *Display of license; duplicate licenses.*

(1) Before commencing or doing any business for the time for which a license has been issued, the license shall be posted and at all times displayed in a conspicuous place, in the room or principal room where the business is carried on so that all persons visiting the place may readily see the license.

(2) Whenever a license is lost or destroyed without the fault of the licensee or his or her agent or employee, a duplicate license shall be issued on proof of loss satisfactory to the City Solicitor and upon the payment of a fee of $5.

(G) *Refusal or revocation of a license.*

(1) *Qualification of licensee.* The City Solicitor shall refuse to issue a license or renew the license of an existing medicinal cannabis business in the following circumstances:

(a) When the applicant intentionally or knowingly makes a false statement as to a material matter in an application;

(b) When the applicant fails to complete any part of the application;

(c) When the licensee has failed to pay any fee, tax, fine, or penalty related to a violation of this chapter;

(d) When the medicinal cannabis business is subject to unsatisfied penalties, fines, liens assessed or levied by the government, for any reason;

(e) When the applicant of the medicinal cannabis business cannot provide sufficient evidence that the location of the proposed medicinal cannabis business is not within 1,000 feet of an existing child-care center, as defined by KRS 199.894(3), family child-care home, as defined in KRS 199.894(5), or a registered childcare provider in the Child Care Assistance Program, as regulated by 922 KAR 2:180;

(f) When the operator of the medicinal cannabis business fails to comply with any applicable state or local law or regulation, including, without limitation, mandatory zoning, building, safety, maintenance, health, sanitation, fire, electrical, plumbing, and mechanical codes; and/or

(g) When the renewal of a medicinal cannabis business license is denied by the state for any reason up to and including failure to successfully achieve minimal performance standards as outlined in KRS 218B.140.

(2) The City Solicitor may revoke the medicinal cannabis business license for any of the following reasons:

(a) When any one of the circumstances provided in division (G) above occurs; or

(b) When the licensee has been found to be in violation of this chapter, two or more times during the relevant license term.

(3) A licensee whose medicinal cannabis business license has been revoked is not eligible to apply for another medicinal cannabis business license at the location for which the license was revoked for a period of one year.

(4) *Procedure to deny, revoke, or refuse renewal of a medicinal cannabis business license.*

(a) Upon finding that a condition exists to deny an application, revoke a license, or refuse to renew a medicinal cannabis business license, the City Solicitor shall issue a letter to the licensee or applicant requiring that it come forward and show cause why the above action should not be taken.

(b) The licensee or applicant shall have ten calendar days to respond to the City Solicitor's letter in writing and present evidence showing that the proposed action should not be taken.

(c) The City Solicitor shall determine whether the licensee or applicant has produced sufficient evidence to contest the proposed action. If sufficient evidence has been provided, the license shall be granted. In the event that sufficient evidence has not been presented, the license shall be denied, refused or revoked. Notice of a denial, refusal, or revocation shall be provided to the applicant/licensee.

(d) An applicant/licensee aggrieved by the City Solicitor's decision may request a hearing before the Board of Commissioners within 30 days of the order.

(H) *Hearings.*

(1) *Notice of hearings.* The City Solicitor shall provide written notice, via regular United States mail or hand delivery to the licensee, of any hearing related to the possible suspension or revocation of the licensee's medicinal cannabis license. The address provided by the licensee to the city on its license application shall be deemed the address for notice of hearing. The licensee shall notify the city of any change of address subsequent to the submission of an application for license. Notice to the licensee must be postmarked at least seven days prior to the hearing. Notice of any hearing shall be publicly posted at City Hall at least 24 hours prior to the hearing.

(2) *Procedure.*

(a) The Mayor shall be the hearing officer for any proceeding related to the possible suspension or revocation of any medicinal cannabis license.

(b) Any hearing before the Board of Commissioners shall be a public hearing and conducted in accordance with the procedural guidelines indicated in KRS 13B.080 and 13B.090.

(c) The City Solicitor, or his or her designee, shall represent the city at the hearing. The applicant or licensee has a right to retain counsel for representation at the hearing.

(d) The Board of Commissioners shall issue a written decision, including findings of fact and conclusions of law, within seven days of the conclusion of the hearing.

(e) An appeal from any final order issued by the Board of Commissioners following a hearing conducted pursuant to this section may be made to the Kenton County District Court within 30 days after the date when the order is issued by the Board of Commissioners.

(Ord. O-34-24, passed 12-17-2024)

§ 128.07 DISPENSARY WARNING SIGNS.

A dispensary shall post a sign in a conspicuous location at each entrance of the facility that reads:

"THESE PREMISES ARE UNDER CONTINUOUS VIDEO SURVEILLANCE. NO ONE UNDER THE AGE OF 18 IS PERMITTED TO ENTER."

The letters on the signs are required to be at minimum one inch in height. The sign must also conform to the zoning requirements under the Neighborhood Development Code.

(Ord. O-34-24, passed 12-17-2024)

§ 128.99 PENALTY.

(A) (1) Any person who operates a medicinal cannabis business without a license as provided in this chapter shall be issued a citation by a city Code Enforcement Officer and ordered to cease operations until a valid license is obtained. Operating a medicinal cannabis business without a license shall constitute a civil offense and any person, firm or corporation who operates a medicinal cannabis business without a license shall be subject to a civil fine of $1,000 per day for each day that a medicinal cannabis business is operated without a valid license. The fine shall be increased to $2,000 per day starting on the eighth day that a medical cannabis business is operated without a valid license and shall continue at that rate thereafter. At any time the city may file suit for an injunction in Kenton Circuit Court to force closure of a medical cannabis business operating without a valid license. Citations and enforcement proceedings shall be pursued in accordance with Ch. 92. Each day of such violation(s) shall constitute a separate offense.

(2) Operating a licensed medicinal cannabis business in a manner that violates the provisions of this chapter shall constitute a civil offense and any person, firm or corporation who operates a licensed medicinal cannabis business in a manner that violates the provisions of this chapter shall be subject to a civil fine of $1,000 per day for each day that a licensed medicinal cannabis business is operated in a manner that violates this chapter. Citations and enforcement proceedings shall be pursued in accordance with Ch. 92. Each day of such violation(s) shall constitute a separate offense.

(B) A person found to have committed a violation of this chapter shall be personally responsible for the amount of the civil fines assessed for the violation and for all charges, fees and abatement costs incurred by the city in connection with the enforcement. 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. O-34-24, passed 12-17-2024)

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL PROVISIONS

131. OFFENSES AGAINST PROPERTY

132. OFFENSES AGAINST PUBLIC PEACE

133. OFFENSES AGAINST MORALS

134. OFFENSES AGAINST JUSTICE AND ADMINISTRATION

135. DRUG OFFENSES

CHAPTER 130: GENERAL PROVISIONS

Section

Registration of Convicted Persons

130.01 Registration of criminals required

130.02 Exemption

130.03 Required information

130.04 Photographs and fingerprints

130.05 Registration of convicts living outside city limits

130.06 False registration information

130.07 Change of address

130.08 Public notice of registration requirements

130.09 Registration records confidential; exceptions

130.99 Penalty

Case reference:

Requirement of notice, see Lambert v. California, 355 U.S. 225 (1957)

REGISTRATION OF CONVICTED PERSONS

§ 130.01 REGISTRATION OF CRIMINALS REQUIRED.

Every person entering into the city, and staying for a period of two weeks or more, who has been convicted two or more times in federal or state courts of offenses which are felonies under the laws of the United States or of the state in which committed or which would be classed as felonies, if committed in the state, shall register with and furnish to the Bureau of Identification of the Police Department a written statement signed by him or her within 24 hours after having actual notice or a reasonable opportunity to have actual notice of the requirement to register. There shall be no automatic presumption that a person has notice of the requirements of this subchapter.

(1984 Code, § 130.01) (Ord. O-41-63, passed 8-15-1963; Ord. O-48-63, passed 9-26-1963; Ord. O-13-94, passed 4-12-1994) Penalty, see § 130.99

§ 130.02 EXEMPTION.

Nothing in this subchapter shall be deemed or construed to apply to any person who has received a pardon for each offense of which he or she has been convicted.

(1984 Code, § 130.02) (Ord. O-41-63, passed 8-15-1963)

§ 130.03 REQUIRED INFORMATION.

(A) Every person required to register under this subchapter shall furnish the following information:

(1) His or her true name and every other name or alias by which he or she is or has been known;

(2) A full and complete description of himself or herself;

(3) The name and degree of each offense of which he or she has been convicted;

(4) The name of the place where each such offense was committed;

(5) The name under which he or she was convicted and the date of the conviction;

(6) The name, if any, and location of each penal institution in which he or she has been confined by way of punishment for each offense;

(7) The location or address used or to be used by him or her as a residence, stopping place or living quarters in the city, with a description of the character of each such place, whether a hotel, apartment house, dwelling house or otherwise, giving the street number thereof, if any, or any description of such place as shall so identify it as to make it possible to locate;

(8) The length of time he or she expects to remain within the city; and

(9) Such other information as may be required by the Bureau of Identification for the purpose of aiding the Bureau in carrying out the provisions of this subchapter.

(B) Every person residing within the city who is required to register with the Bureau of Identification shall, in addition to the information required to be furnished in accordance with division (A) above, also set forth the occupation or employment in which he or she is engaged, the name of his or her employer, the business in which the employer is engaged and the nature and character of the business.

(1984 Code, § 130.03) (Ord. O-41-63, passed 8-15-1963; Ord. O-48-63, passed 9-26-1963) Penalty, see § 130.99

§ 130.04 PHOTOGRAPHS AND FINGERPRINTS.

Every person registering in accordance with §130.01 of this chapter shall be photographed and fingerprinted by the Bureau of Identification. The photograph and fingerprints shall be made a part of the permanent records of the Police Department.

(1984 Code, § 130.04) (Ord. O-41-63, passed 8-15-1963) Penalty, see § 130.99

§ 130.05 REGISTRATION OF CONVICTS LIVING OUTSIDE CITY LIMITS.

(A) Every convicted person required to register under this subchapter, except such persons as are referred to in division (B) below, who enters and remains in the city for 24 hours, shall, within three hours after the expiration of such 24-hour period, furnish to the Bureau of Identification a written statement in like form and containing all of the information required by § 130.03 of this chapter and shall, in addition thereto, state in writing in such statement the date that he or she entered the state, and each of his or her places of residence or abode for the three-month period next preceding the date of his or her arrival in the city.

(B) Any convicted person who does not reside in the city, who has a temporary or permanent place of abode outside the city, and who comes into or is within the city limits on five occasions or more, during any 30-day period, shall be subject to the provisions of this subchapter and shall, immediately on entering the city on such fifth occasion, register with the Chief of Police and furnish the information required by the provisions of this subchapter.

(1984 Code, § 130.05) Penalty, see § 130.99

§ 130.06 FALSE REGISTRATION INFORMATION.

No person who is subject to the provisions of this subchapter shall furnish in any report a false or fictitious address, or furnish any false or misleading information or statement relating to information required by this subchapter.

(1984 Code, § 130.06) (Ord. O-41-63, passed 8-15-1963) Penalty, see § 130.99

§ 130.07 CHANGE OF ADDRESS.

(A) In the event that any person required to register in accordance with the provisions of this subchapter shall change his or her place of residence, stopping place or living quarters to a new or different place within the city, he or she shall, within 24 hours after leaving the registered location, notify the Bureau of Identification of the changed address is a signed statement.

(B) The statement shall set forth his or her new address.

(C) Similar notification shall be made in the case of further changes of address.

(1984 Code, § 130.07) (Ord. O-41-63, passed 8-15-1963) Penalty, see § 130.99

§ 130.08 PUBLIC NOTICE OF REGISTRATION REQUIREMENTS.

Notice of the requirement to furnish a criminal registration statement shall be provided as follows:

(A) By signs posted at all major entrances to the city;

(B) By signs conspicuously posted at all transportation terminals;

(C) By signs conspicuously posted in all places serving alcoholic beverages to the public; and

(D) By signs conspicuously posted at the place for registering or, if no place for registering, then at the entrance to any lodging house, hotel or motel. At the time of registering or when the accommodations are let, the person letting the lodging shall notify the person seeking the accommodations of the posted notice stipulating the criminal registration requirement and shall specifically point out the location of such posted notices.

(1984 Code, § 130.08)

§ 130.09 REGISTRATION RECORDS CONFIDENTIAL; EXCEPTIONS.

(A) Criminal registration statements, photo- graphs and fingerprints shall at all times be kept by the Bureau of Identification in a file separate and apart from other files and records maintained and kept by the Police Department. The file shall not be opened to inspection by the public or by any person other than a regular member of the Police Department pursuant to police business.

(B) Any photograph may be exhibited to persons other than police officers of the city for the purpose of assisting in identifying the perpetrators of any crime.

(C) (1) The Bureau of Identification shall have the authority to transmit copies of the criminal registration statements, photographs and fingerprints to the sheriff of any county in the state, to the head of any organized police department of a municipality or to the head of any state department engaged in the enforcement of any criminal law of that state or to the

head of any federal law enforcement agency when a request is made in writing by the head of the law enforcement agency asking for the record of a certain person named therein or for the record of a person whose photographs or fingerprints reasonably correspond with photographs or fingerprints submitted with the request.

(2) The written request shall state that the record is deemed necessary for the use of such law enforcement officer or agency for the investigation of a crime or any person who is accused of committing a crime and further stating that the record will be used only for that purpose.

(1984 Code, § 130.09)

§ 130.99 PENALTY.

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

(B) Any person convicted of violating the provisions of §§130.01 through 130.09 of this chapter shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $250 or imprisonment for a period not to exceed 30 days, or both, for the first day's violation. Each day's continued violation shall constitute a separate offense.

(1984 Code, § 130.99) (Ord. O-26-82, passed 4-13-1982; Ord. O-13-94, passed 4-12-1994)

CHAPTER 131: OFFENSES AGAINST PROPERTY

Section

General Provisions

131.01 Throwing stones or missiles

131.02 Barbed wire or electrical fencing

131.03 Sleeping in vacant structures

131.04 Fouling public washrooms

131.05 Walking on ice

City Hall Grounds

131.20 Definition

131.21 Peddling; begging

Theft Offenses

131.35 False representation

131.99 Penalty

Statutory reference:

Criminal property damage, see KRS Ch. 512

Offense against property by force, see KRS Ch. 433

Theft and related offenses, see KRS Ch. 514

GENERAL PROVISIONS

§ 131.01 THROWING STONES OR MISSILES.

(A) No person shall throw any stone, snowball or any other missile on or at any vehicle, building, tree or other public or private property or on or at any person.

(B) No person shall throw any stone, snowball or other missile from any vehicle, either moving, stopped or parked, on or at any building, tree, sign or other public or private property or on or at any person.

(1984 Code, § 131.01) (Ord. O-23-68, passed 4-18-1968; Ord. O-26-82, passed 4-13-1982) Penalty, see § 131.99

§ 131.02 BARBED WIRE OR ELECTRICAL FENCING.

(A) No person shall build, construct, erect or maintain any electrical or barbed wire fencing within the city.

(B) Any such barbed wire or electrical fencing shall be removed within ten days after notice by the Chief of Police has been given to the owners or occupants of lots on which such fences are constructed or maintained. If the fencing is not

removed, the Chief of Police shall cause such fencing to be removed and the costs to be charged as taxes and become a lien against the property.

(C) This section shall not apply to:

(1) Electrical fencing when used on any farmlands; provided that, such fencing be at least ten feet from any street or sidewalk and be charged with not more than 12 volts of electricity; or

(2) Barbed wire when strung on extension arms at the top of a fence; provided that, such barbed wire be at least six feet from the ground and not extend beyond the property line which such fence is situated.

(1984 Code, § 131.02) (Ord. O-26-82, passed 4-13-1982; Ord. O-3-89, passed 1-24-1989) Penalty, see § 131.99

Statutory reference:

Current provisions regulating farm boundary fences, see KRS 256.030 through 256.050

§ 131.03 SLEEPING IN VACANT STRUCTURES.

(A) No person shall occupy, lodge or sleep in any vacant or unoccupied barn, garage, shed, shop or other building or structure, or in any automobile, truck, railroad car or other vehicle, without owning or without permission of the owner or person entitled to possession of such vehicle or building.

(B) No person shall sleep in any vacant lot during the hours of darkness.

(1984 Code, § 131.03) (Ord. O-23-68, passed 4-18-1968; Ord. O-26-82, passed 4-13-1982) Penalty, see § 131.99

§ 131.04 FOULING PUBLIC WASHROOMS.

No person shall discharge urine or perform any other office of nature on the seats or floors, or commit any other filthy nuisance on the floors and seats, urinals or in the passage around the doors of the privies of any public building in the city.

(1984 Code, § 131.04) (Ord. O-26-82, passed 4-13-1982) Penalty, see § 131.99

§ 131.05 WALKING ON ICE.

It shall be unlawful for any person to walk or otherwise congregate on the frozen waters of the Ohio River or Licking River within the jurisdictional boundary of the city.

(1984 Code, § 131.05) Penalty, see § 131.99

CITY HALL GROUNDS

§ 131.20 DEFINITION.

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

CITY HALL. The city/county building or court house.

(1984 Code, § 131.15)

§ 131.21 PEDDLING; BEGGING.

No person shall be permitted to expose anything for sale or hawk, peddle or solicit for any purpose in the City Hall or on the surrounding sidewalk. No person shall beg or otherwise solicit alms in the City Hall or on the sidewalk surrounding it.

(1984 Code, § 131.16) Penalty, see § 131.99

THEFT OFFENSES

§ 131.35 FALSE REPRESENTATION.

No person shall falsely represent himself or herself as blind, deaf, dumb, crippled or physically defective for the purpose of obtaining money or other things of value, or to secure aid or assistance on account of such false representation.

(1984 Code, § 131.25) (Ord. O-26-82, passed 4-13-1982) Penalty, see § 131.99

Statutory reference:

Theft and related offenses, see KRS Ch. 514

§ 131.99 PENALTY.

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

(B) Any person convicted of violating the provisions of §131.01 of this chapter shall be deemed guilty of a misdemeanor

and shall be subject to a fine of not more than $100 or imprisonment for a period not to exceed 30 days, or both.

(C) Any person convicted of violating the provisions of §§131.02 through 131.04, 131.21 or 131.35 of this chapter shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $250 or imprisonment for a period not to exceed 30 days, or both, for the first day's violation. Each day's continued violation shall constitute a separate offense.

(D) Any person or persons violating the provisions of §131.05 of this chapter shall be deemed guilty of a misdemeanor and shall be fined in a sum not less than $25, nor more than $500.

(1984 Code, § 131.99) (Ord. O-26-82, passed 4-13-1982; Ord. O-13-94, passed 4-12-1994; Ord. O-23-94, passed 4-12-1994)

CHAPTER 132: OFFENSES AGAINST PUBLIC PEACE

Section

132.01 Peeping Tom

132.02 Public panhandling, begging, charitable and political solicitation regulated

132.03 Erroneous activation of security alarm

132.04 River front area restrictions

132.05 MainStrasse Festival Grounds restrictions

132.06 Restrictions on foreign state officers

132.07 Curfew for minors

132.08 Permitting possession and consumption of alcoholic beverages on premises

132.99 Penalty

Statutory reference:

Riot, disorderly conduct and related offenses, see KRS Ch. 514

§ 132.01 PEEPING TOM.

No person shall trespass on the property or premises of another with the intent to peer or peep into the window or door of the dwelling.

(1984 Code, § 132.08) Penalty, see § 132.99

§ 132.02 PUBLIC PANHANDLING, BEGGING, CHARITABLE AND POLITICAL SOLICITATION REGULATED.

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

AGGRESSIVE PANHANDLING. BEGGING, CHARITABLE AND POLITICAL SOLICITATION. Includes the following forms of conduct:

(1) Confronting someone in a way that would cause a reasonable person to fear bodily harm;

(2) Accosting an individual by approaching or speaking to the individual or individuals in such a manner as to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon the individual's person or upon property in the immediate possession of the individual;

(3) Touching someone without the individual's consent;

(4) Using obscene or abusive language toward an individual while attempting to panhandle or solicit the individual;

(5) Forcing oneself upon the company of another by continuing to solicit in close proximity to the individual addressed after the person to whom the solicitation is directed has made a negative response, by blocking the passage of the individual solicited or otherwise engaging in conduct that could reasonably be construed as intending to compel or force a person to accede to a solicitation;

(6) Acting with the intent to intimidate someone into giving money; or

(7) Other conduct that a reasonable person being solicited would regard as threatening or intimidating in order to solicit a contribution or donation.

AREAS WITH HEIGHTENED PERSONAL PRIVACY CONCERNS. Includes the following locations:

(1) Locations within 20 feet of an automated teller machine or financial institution;

(2) Locations within 20 feet of a sidewalk café during operating hours unless the solicitor's presence is authorized by the owner or operator of the café;

(3) Locations within 20 feet of any school building or school playground when school is in session or school related activities are taking place on the premises;

(4) Locations within 20 feet of an entrance to any public restroom; or

(5) On private or residential property after having been asked to refrain from panhandling or soliciting by the owner or other person lawfully in possession of such property.

AREAS WITH HEIGHTENED PERSONAL SECURITY CONCERNS. Includes the following locations:

(1) Areas within 20 feet of a public parking garage when a reasonable individual would have a justified reasonable concern for safety, security and welfare;

(2) Areas within 20 feet of a public bus stop or public transit entrance where a reasonable individual would have a reasonable, justified concern for personal security due to congestion and close proximity to others;

(3) Areas within 20 feet of access to building entrances, public events venues, public accommodation or commercial businesses where a reasonable person would have a reasonable, justified concern for personal security due to congestion and close proximity to others: or

(4) Other areas in which congestion could give a reasonable person a reasonable, justified concern for personal security due to congestion and close proximity to others.

AREAS WITH HEIGHTENED PUBLIC SAFETY CONCERNS. Includes the traffic or travel lane of any public streets or highways open to vehicular traffic within the city, with the definition of traffic or travel lane to include any entrances or exits from any street or highway or interstate, the shoulders, curbs, gutters, marked or unmarked crosswalks and the rights-of-way areas adjacent to and outside of the traffic or travel lanes, but not including sidewalks, and areas with heightened public safety concerns shall also include traffic medians of whatever size located within those public streets or highways.

AUTOMATED TELLER MACHINE. A device linked to a financial institution's account record that is able to carry out transactions, including, but not limited to, account transfers, deposits, cash withdrawals, balance inquiries and mortgage and loan payments.

AUTOMATED TELLER MACHINE FACILITY. The area comprised of one or more automatic teller machines and any adjacent space that is made available to banking customers after regular banking hours.

FINANCIAL INSTITUTION. Any state bank, out-of-state bank, national bank, trust company or credit unions as those terms are defined in the Kentucky Revised Statutes (KRS).

PASSIVE PANHANDLING, BEGGING, CHARITABLE AND POLITICAL SOLICITATION. Includes the definition of soliciting for charitable or political purposes, begging or panhandling set out in this division (A), but only such conduct that involves requests for contributions presented in writing without speaking and oral requests for contributions or other activities that do not constitute or fall within the definition of aggressive panhandling, begging, charitable and political solicitation as defined in this division (A).

PUBLIC PLACE. Any publicly owned place, including but not limited to any sidewalk, parking lot, plaza, transportation facility, place of amusement, park, play grounds, fairgrounds and sporting facilities.

SOLICITING (SOLICIT) FOR CHARITABLE OR POLITICAL PURPOSES, BEGGING (BEG) OR PANHANDLING (PANHANDLE). Requesting an immediate donation of money or other thing of value from another person regardless of the solicitor's purpose or intended use of the money or other thing of value for the use of one's self or others and may be without limitation, by spoken, written or printed word, or by other means of communications and includes the purchase of an item for an amount far exceeding its value where under the circumstances a reasonable person would understand that the purchase is in substance a donation and further this definition shall include charitable and political solicitation.

(B) *Aggressive solicitation prohibited.* No person shall engage in aggressive panhandling, begging, charitable and political solicitation at any time or any location in the city.

(C) *Passive solicitation regulated.*

(1) The Board of Commissioners finds that passive panhandling, begging, charitable and political solicitation as defined in this section is speech protected under the First Amendment unless other well-grounded governmental concerns are implicated. Passive panhandling, begging, charitable and political solicitation in the traffic or travel lanes of public streets and highways or in traffic medians within those public streets or highways is inherently dangerous, is distracting to both pedestrians and drivers of motor vehicles, gives rise to an increased risk of injury to pedestrians and the motor vehicle occupants, interferes with the free flow of traffic and potentially threatens the safety and well-being of nearby third parties. The traffic or travel lanes of public streets and highways and the medians within those public streets and highways are not designed for and are not an appropriate location for anything other than travel. This section provides ample alternative sites for passive panhandling, begging, charitable and political solicitation in areas that do not give rise to enhanced public safety concerns, personal privacy concerns and personal security concerns. Accordingly, passive panhandling, begging, charitable

and political solicitation is permitted in the city except as otherwise prohibited below.

(2) Passive panhandling, begging, charitable and political solicitation is prohibited in areas defined as areas with heightened personal security concerns, areas with heightened personal privacy concerns and areas with heightened public safety concerns. For the purposes of this division (C), passive panhandling, begging, charitable and political solicitation specifically includes an attempt by a pedestrian to enter into an area with heightened public safety concerns in order to exchange or attempt to exchange any item with the occupant of a motor vehicle while the vehicle is located in areas with heightened public safety concerns as defined in division (A) above and any solicitation is prohibited by both the solicitor and the occupant of the motor vehicle. Passive panhandling, begging, charitable and political solicitation is allowed on areas of sidewalks not otherwise prohibited by this section, but no such solicitation may include any attempts to solicit in areas with heightened public safety concerns.

(1984 Code, § 132.09) (Ord. O-34-19, passed 11-12-2019) Penalty, see § 132.99

§ 132.03 ERRONEOUS ACTIVATION OF SECURITY ALARM.

(A) No person who owns or controls premises shall permit a security alarm system to be erroneously activated on the premises. There is hereby established a fee, charge and penalty of $25 for each erroneous activation of a security alarm system located in the city, except for the first two erroneous activations thereof in each calendar month and except for the erroneous activations thereof which result from natural causes over which the owners and operators of such systems have no control.

(B) The Chief of Police shall maintain a record of such erroneous activations or false alarms and certify copies thereof to the Finance Director each month. The Finance Director shall thereupon send a bill for the appropriate charges to the person or company who controls the premises upon which the alarm system is located. Upon non-payment of the bill for a period of 30 days, the respective alarm systems shall be removed from the police dispatcher's office, if so connected, and the person or company shall be cited to District Court for violation of this section.

(C) Any person who engages in the occupation of the installation of security alarms shall install or cause to be installed a security alarm without first notifying the person who owns or controls the premises upon which the security alarm is to be installed of the provisions of this section. Notification shall include providing a copy of this section or including the provisions of this section in any contract between the installing company and the person who owns or controls the premises upon which the security alarm is to be installed.

(1984 Code, § 132.10) (Ord. O-31-82, passed 5-11-1982; Ord. O-46-85, passed 7-16-1985) Penalty, see § 132.99

§ 132.04 RIVER FRONT AREA RESTRICTIONS.

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

OPERATING AGENCY. For the river front area, shall be the city.

RIVER FRONT AREA. Includes the public areas commonly known as the area north of Fourth Street to the Ohio River, bounded on the east by the Licking River and on the west by Johnson Street. Public areas shall include the public streets, public sidewalks, public walkways, public parks, public parking lots, public parking areas, the publicly-owned river banks, and the publicly-owned flood walls and flood wall levees and flood wall rights-of-way.

SPACE USE. Includes, but is not limited to, public meetings, music concerts, parades, fireworks displays and races.

(B) *General provisions.*

(1) No person, group of persons or other entity shall be permitted to use the public areas of the river front area for a special use, except in accordance with the terms of the permit issued by the city.

(2) All permits shall contain the following minimum requirements.

(a) Groups, organizations or associations applying for a permit shall pay in advance the estimated reasonable costs of cleaning the river front area after the use and shall agree, in writing, to be responsible for repairing damage to the area, its appurtenances, facilities and landscaping which, in any way, arises out of the proposed use of the river front area.

(b) Any person issued a permit to use the river front area under the authorization of this section shall keep the permit on his or her person during such activity and show it upon request.

(3) The following may be a requirement of permits granted: the posting of bond or insurance policy and the hiring of off-duty city police officers or other peace officers to protect the public and the city from any loss, injuries or damage that may arise from such use.

(C) *Prohibitions.* The following rules and regulations are hereby adopted.

(1) No person shall make use of river front area property at any time for activities which are specifically prohibited by posted signs or when such use is likely to cause bodily harm to himself, herself or others or cause damage to property.

(2) No person may climb onto any building, fence or any other structure located on river front area property.

(3) Any section or part of any of the river front area may be declared closed to the public at any time and for certain

uses, as the city shall find necessary.

(4) All persons who have a valid permit for the use of the river front area property shall have prior right for such use; except that, persons participating in activities sponsored by the city shall have first option for use.

(5) No person shall sell or expose or offer anything for sale on the river front area, except the appropriate operating agency's duly authorized concessionaire or concessionaires of any person, group of persons or organization using the river front area pursuant to a valid permit issued by the city, and then only during the hours designated in such permit and when such concessionaire has all the required permits to engage in such sales.

(6) Except by written permission of the appropriate operating agency, no person shall lead, ride or otherwise cause or permit any horse, pony, mule, burro or any other animal or reptile to enter onto river front area property; except that, persons may ride or lead any such animal on paths or trails set aside by the city or its agents for such purposes.

(7) No person shall discharge firearms, slings, bows or any other device by which persons, animals or birds may be injured or frightened, or throw stones or other missiles within river front area property, except under the supervision of any employee of the city or its agents or with the written permission of the operating agency.

(8) No person may have in his or her possession or consume any kind of beer, wine or intoxicating liquor on or within river front area property; except that, persons may make use of any beverage sold on the river front area by an employee of the city or its agents or by any other properly authorized concessionaire and in only the specified areas designated by the issued permit.

(9) No person shall move or alter the arrangement of any chain, cable, post or barrier of any kind when placed on river front area property for the purpose of regulating the use of such property.

(10) No person, except with the written permission of the appropriate operating agency, shall take, carry away, remove, dig, cut, disturb, molest, destroy, mar or damage any solid or mineral substance or any form of vegetation, whether living or dead, on the river front area. Nor shall any person, except with the written permission of the appropriate operating agency, take, carry away, remove, disassemble, destroy, mar, deface, mark or damage or attach anything to any river front area equipment, building or structure on the river front area.

(11) No person shall possess a glass beverage container, nor possess or consume any kind of beer, wine or intoxicating liquor, in the river front area between the hours of 2:00 p.m. on the day of the Riverfest fireworks display and 2:00 a.m. on the morning following the Riverfest fireworks display, or from the hours of 12:00 noon until 11:59 p.m. on the days of the Tall Stacks event.

(12) No person shall operate a motor vehicle in the river front area between the hours of 5:00 p.m. and 10:30 p.m. on the day of the Riverfest fireworks display. No person shall operate a motor vehicle after 10:30 p.m. in the river front area on any street closed to vehicular traffic by the Police Chief or his or her designee. No person shall operate a motor vehicle in the river front area on any streets closed to vehicular traffic by the Police Chief or his or her designee during the Tall Stacks event.

(13) No person shall moor a boat or other floating facility on the Ohio River in the river front area on the day of the Riverfest fireworks display or on any of the five days preceding the event, except for boats used to provide public safety and emergency services as approved by the city. No person shall moor a boat or other floating facility on the Ohio River in the river front area during the days of the Tall Stacks event or on any of the five days preceding the event, except for boats used to provide public safety and emergency services and boats moored as part of exhibits as approved by the city.

(1984 Code, § 132.111) (Ord. O-34-84, passed 7-3-1984; Ord. O-48-86, passed 8-19-1986; Ord. O-51-91, passed 8-28-1991; Ord. O-36-92, passed 10-6-1992; Ord. O-50-95, passed 8-22-1995; Ord. O-24-02, passed 5-21-2002) Penalty, see § 132.99

§ 132.05 MAINSTRASSE FESTIVAL GROUNDS RESTRICTIONS.

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

MAINSTRASSE FESTIVAL GROUNDS. Includes all public sidewalks, streets and parks and portions thereof within the area described as beginning at the northwest corner of the considered "MainStrasse Festival Grounds" at the pedestrian overpass which crosses over the off-ramp from I-71/I-75, leading from Goebel Park toward the Quality Inn, the boundary runs east along the south side of West Fifth Street, to a point at the eastern most side of the sidewalk on the east side of Main Street; thence south to the northeast corner of the sidewalk of the intersection of West Sixth Street and Main Street, proceeding east along the northern most side of the sidewalk on the north side of West Sixth Street to a point at the intersection of West Sixth Street with the railroad overpass; thence south along the western edge of the property of the railroad overpass to a point at the southern most side of the sidewalk on the south side of West Sixth Street; thence west along the sidewalk on the south side of West Sixth Street to a point at the southeast corner of the sidewalk at the intersection of West Sixth Street and Main Street; thence south along the sidewalk on the east side of Main Street to a point at the southeast corner of the sidewalk at the intersection of West Seventh Street and Main Street; thence west along the sidewalk on the south side of West Seventh Street to a point at the southeast corner of the sidewalk at the intersection of West Seventh Street and Bakewell Street; thence south along the sidewalk on the east side of Bakewell Street for a distance of 30 feet; thence west across Bakewell Street to a point 30 feet south of the southwest corner of the sidewalk at the intersection of West Seventh Street and Bakewell Street at the westernmost side of the sidewalk on the west side of

Bakewell Street; thence north along the westernmost side of the sidewalk on the west side of Bakewell Street to a point at the southwest corner of the sidewalk at the intersection of Bakewell Street and West Sixth Street; thence west along the southernmost side of the sidewalk on the south side of West Sixth Street to a point at the southeast corner of the sidewalk at the intersection of West Sixth Street and Philadelphia Street; thence south along the easternmost side of the sidewalk on the east side of Philadelphia Street to a point at the northeast corner of the sidewalk at the intersection of Philadelphia Street and West Seventh Street; thence west across Philadelphia Street to a point at the northwest corner of the sidewalk at the intersection of West Seventh Street and Philadelphia Street; thence north along the westernmost side of the sidewalk on the west side of Philadelphia Street to a point at the intersection of the southernmost boundary of the Visitor's Center parking lot and Philadelphia Street; thence west along the southernmost boundary of the Visitor's Center parking lot to a point at the southwest corner of the Visitor's Center parking lot; thence north along the westernmost boundary of the Visitor's Center parking lot, following the ridge that separates the higher elevation of Goebel Park from the retention basin below and returns to the point of beginning at the northwest corner of the considered ***MAINSTRASSE FESTIVAL GROUNDS*** at the pedestrian overpass which crosses over the off-ramp from I-71/I-75, leading from Goebel Park toward Quality Inn.

OPERATING AGENCY. For the MainStrasse Festival Grounds area, shall be the city.

SELLING, ***DISTRIBUTING*** or ***GIVING AWAY.*** On the MainStrasse Festival Grounds area, shall include transactions where any part of the transaction occurs on the MainStrasse Festival Grounds.

(B) *General provisions.*

(1) No person, group of persons or other entity shall be permitted to use the public areas of the MainStrasse Festival Grounds area for a special use, except in accordance with the terms of the permit issued by the city.

(2) All permits shall contain the following minimum requirements.

(a) Groups, organizations or associations applying for a permit shall pay in advance the estimated reasonable costs of cleaning the MainStrasse Festival Grounds area after the use and shall agree in writing to be responsible for repairing damage to the area, its appurtenances, facilities, and landscaping which, in any way, arises out of the proposed use of the MainStrasse Festival Grounds area.

(b) Any person issued a permit to use the MainStrasse Festival Grounds area under the authorization of this section shall keep the permit on his or her person during such activity and show it upon request.

(3) The following may be a requirement of permits granted:

(a) The posting of bond or insurance policy and the hiring of off-duty city police officers or other peace officers to protect the public and the city from any loss, injuries or damage that may arise from such use; and

(b) The operating agency may establish minimum prices for the sale of certain products on the MainStrasse Festival Grounds and no person shall sell said products below said price while the permit is in effect.

(C) *Prohibitions.* The following prohibitions are hereby adopted and incorporated in any special use permit issued hereafter for the MainStrasse Festival Grounds.

(1) No person shall make use of MainStrasse Festival Grounds area property at any time for activities which are specifically prohibited by posted signs or when such use is likely to cause bodily harm to himself, herself or others, or cause damage to property.

(2) Any section or part of any of the MainStrasse Festival Grounds area may be declared closed to the public at any time and for certain uses, as the city shall find necessary, and no person shall enter said section or part of the MainStrasse Festival Grounds area that has been posted "Closed To The Public".

(3) All persons who have a valid permit for the use of the MainStrasse Festival Grounds property shall have prior right for such use; except that, persons participating in activities sponsored by the city shall have first option for use. Priority shall be given to persons who have had at least three years of prior event permits for the MainStrasse Festival Grounds.

(4) No person shall sell or expose or offer anything for sale on the MainStrasse Festival Grounds area, except the appropriate operating agency's duly authorized concessionaire or concessionaires of any person, group of persons or organization using the MainStrasse Festival Grounds area pursuant to a valid permit issued by the city, and then only during the hours designated in such permit and when such concessionaire has all the required permits to engage in such sales. Nothing herein shall prohibit the conducting of business on the sidewalk if the establishment has a valid permit authorized pursuant to § 96.075 of this code of ordinances.

(5) Except by written permission of the appropriate operating agency, no person shall lead, ride or otherwise cause or permit any horse, pony, mule, burro, dog or any other animal or reptile to enter onto MainStrasse Festival Grounds area property; except that, persons may ride or lead any such animal on paths or trails set aside by the city or its agents for such purposes. Nothing herein shall prohibit a blind or otherwise disabled person from walking a guide dog onto the MainStrasse Festival Grounds.

(6) No person shall discharge firearms, slings, bows or any other device by which persons, animals or birds may be injured or frightened, or throw stones or other missiles within the MainStrasse Festival Grounds area property, except under the supervision of any employee of the city or its agents or with the written permission of the operating agency.

(7) No person, other than the city, shall move or alter the arrangement of any chain, cable, post or barrier of any kind when placed on MainStrasse Festival Grounds area property for the purpose of regulating the use of such property.

(8) No person, except with the written permission of the appropriate operating agency, shall take, carry away, remove, dig, cut, disturb, molest, destroy, mar or damage any solid or mineral substance or any form of vegetation, whether living or dead, on the MainStrasse Festival Grounds areas; nor shall any person, except with the written permission of the appropriate operating agency, take, carry away, remove, disassemble, destroy, mar, deface, mark or damage or attach anything to any MainStrasse Festival Grounds area equipment, building or structure on the MainStrasse Festival Grounds area.

(9) No person shall sell, use or possess glass or metal beverage containers containing beer, wine or intoxicating liquor in the MainStrasse Festival Grounds area.

(1984 Code, § 132.112) (Ord. O-15-98, passed 5-13-1998; Ord. O-41-98, passed 8-18-1998; Ord. O-24-02, passed 5-21-2002; Ord. O-14-08, passed 5-27-2008) Penalty, see § 132.99

§ 132.06 RESTRICTIONS ON FOREIGN STATE OFFICERS.

(A) For the purpose of this section, ***FOREIGN STATE AGENT*** or ***FOREIGN STATE OFFICER*** shall mean any person compensated directly or indirectly by a state, other than the Commonwealth of Kentucky.

(B) No foreign state agent or foreign state officer shall be able to come into the city to enforce that state's laws relating to alcoholic beverages, including any law levying a tax on alcoholic beverages, or to conduct an investigation or surveillance activities done in the city relating to a possible violation of the foreign state's law relating to the importation of alcoholic beverages.

(1984 Code, § 132.12) (Ord. O-68-85, passed 9-17-1985) Penalty, see § 132.99

§ 132.07 CURFEW FOR MINORS.

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

ALLOW. Either permit or neglect to refrain or prevent. It requires actual or constructive knowledge on the part of the parent or guardian, that is, the parent or guardian must actually know about the child violating this section, or the circumstances must be such that a reasonable prudent parent or guardian should have known the child was violating this section.

MINOR. Any unemancipated person under the age of 18 or, as may be otherwise phrased, any person of the age of 17 or under.

PARENT. Any person having legal custody of a minor:

(a) As a natural or adoptive parent;

(b) As a legal guardian;

(c) As a person who stands in loco parentis; or

(d) As a person to whom legal custody has been given by order of court.

REMAIN. To stay behind, to tarry or to stay unnecessarily upon or in any public right-of-way, public assembly, building, place, street or location or business open to the public.

TRAVEL. To walk, drive or otherwise proceed along a sidewalk, street, highway or any other public right-of-way.

(B) (1) It shall be unlawful for any person under the age of 18 to be or remain in or upon any public assembly, building, place, location or business open to the public or to travel along a sidewalk, street, highway or other public right-of-way within the city at night during the following periods:

(a) 12:00 a.m. Saturday to 6:00 a.m. Saturday;

(b) 12:00 a.m. Sunday to 6:00 a.m. Sunday;

(c) 11:00 p.m. Sunday to 6:00 a.m. Monday;

(d) 11:00 p.m. Monday to 6:00 a.m. Tuesday;

(e) 11:00 p.m. Tuesday to 6:00 a.m. Wednesday;

(f) 11:00 p.m. Wednesday to 6:00 a.m. Thursday; and

(g) 11:00 p.m. Thursday to 6:00 a.m. Friday.

(2) It shall be unlawful for any person under the age of 18 to remain in, or upon any public assembly, building, place, location or business open to the public, or travel upon a sidewalk, street, highway or other public right-of-way within the city when the child is required to be in attendance at either public or private school, unless the child is accompanied by a parent, guardian or other adult person having written documentation having care and custody of the child or is on an emergency

errand or other legitimate business directed by a parent, guardian or other adult person having the care and custody of the child.

(3) It shall be unlawful for any parent or guardian having legal custody of a minor to knowingly allow the minor to be or remain in or upon a public assembly, building, place, location or business open to the public, or to travel upon a sidewalk, street, highway or other public right-of-way in the city under circumstances not constituting an exception as enumerated in division (C) below during the time periods contained in divisions (B)(1) or (B)(2) above.

(C) In the following exceptional cases, a minor remaining in or upon any public assembly, building, place, location or business open to the public, or traveling upon any sidewalk, street, highway or other public right-of-way in the city during the hours provided for in divisions (B)(1) or (B)(2) above shall not be considered in violation of this section:

(1) When the minor is accompanied by a parent or guardian, as defined in division (A) above;

(2) When accompanied by an adult having written authorization of a parent or guardian of such minor;

(3) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly; provided that, written notice signed by the minor and countersigned by a parent or guardian is in the possession of such minor specifying when, where and in what manner said minor will be exercising such First Amendment rights;

(4) In case of reasonable necessity, but only after such minor's parent or guardian has communicated to the Police Department the facts establishing such reasonable necessity;

(5) When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next-door neighbor who has not communicated an objection to a police officer or the Police Department;

(6) When returning home, by a direct route from, and within one hour of the termination of, a school activity or any activity of a religious or other voluntary association; provided that, justification indicating the place and time of termination of said event can be given to any investigating officer of the Police Department;

(7) When authorized by regulation issued by the City Manager in cases of reasonable necessity involving more minors than may reasonably be dealt with on an individual basis. The regulation should be issued sufficiently in advance to permit publicity through news media and through other agencies such as the schools. The regulation shall define the activity, the scope of the use of the public assembly, building, place, location or business open to the public, sidewalk, street, highway or other public right-of-way permitted, and the period of time involved not to extend more than one hour beyond the time for termination of the activity, and the reason for finding that the regulation is reasonably necessary. The City Manager shall notify the Police Department of this information;

(8) When engaged in a business or occupation which the laws of the state authorize a minor to perform;

(9) When the minor is, with parental consent, in a motor vehicle with a lawfully authorized driver;

(10) When the minor, who is a duly authorized and licensed driver, is operating a motor vehicle within the city for the purpose of passing through, by direct route, from one location to another either within or out of the city, including all minors that may also be within the vehicle; and

(11) When the minor is participating in a school related activity.

(D) (1) A police officer upon finding or being notified of any minor in or upon any public assembly, building, place, location or business open to the public, sidewalk, street, highway or other public right- of-way reasonably believed to be in violation of this section, may cite the minor for a criminal violation. The police officer may then proceed to transport the child to the safety of the child's home, school and/or to his or her parents or guardians.

(2) A police officer upon finding or being notified of any minor in or upon any public assembly, building, place, location or business open to the public, street or highway whose parent is believed to be in violation of this section may confront such minor and request such information as his or her name, age, address of his or her parent or legal guardian.

(3) If a child is under suspension from school, the child shall not be returned to the school where the suspension is in effect unless authorized by that school's authorities.

(1984 Code, § 132.13) (Ord. O-13-86, passed 3-18-1986; Ord. O-52-86, passed 9-9-1986; Ord. O-5-89, passed 1-31-1989; Ord. O-51-92, passed 12-15-1992; Ord. O-5-97, passed 4-1-1997; Ord. O-22-11, passed 8-23-2011; Ord. O-34-11, passed 12-6-2011) Penalty, see § 132.99

§ 132.08 PERMITTING POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON PREMISES.

(A) No person being the owner or occupant or otherwise in possession of any property located within the city knowingly shall allow any person under the age of 21 years to remain on such property while in the possession of intoxicating liquor or beer or while consuming intoxicating liquor or beer.

(B) It shall be an affirmative defense under this section if the person charged with the offense, within one hour after the utilization of intoxicating liquor or beer constituting the basis of the violation, enlisted the aid of and cooperated with law enforcement personnel to cause minors who are utilizing intoxicating liquor or beer in violation of this section to not remain on the property.

(1984 Code, § 132.14) (Ord. O-59-86, passed 9-16-1986) Penalty, see § 132.99

§ 132.99 PENALTY.

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

(B) Any person convicted of violating the provisions of § 132.01 of this chapter shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $250 or imprisonment for a period not to exceed 30 days, or both, for the first day's violation. Each day's continued violation shall constitute a separate offense.

(C) Any person who violates § 132.02 shall be guilty of a violation and upon conviction shall be punished by a fine not to exceed $250. Each day of such violation shall constitute a separate offense and no additional notice other than notice of the original offense shall be required to convict a person for violations resulting from a continuation of such offense.

(D) Failure to pay the charges imposed by § 132.03 of this chapter shall constitute a violation of this chapter and any person who violates this chapter shall be found guilty of a violation and shall be fined not less than $25, nor more than $100.

(E) Any violation of §§ 132.04 or 132.05 of this chapter shall be deemed to be a misdemeanor and, upon conviction, shall be subject to a penalty of not more than $250 and/or imprisonment in the county jail for not more than 90 days.

(F) Any person convicted of violating § 132.06 of this chapter shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment for a period not to exceed six months, or both.

(G) (1) Violation by a minor of the provisions of § 132.07 of this chapter shall constitute a criminal violation, and the minor shall be subject to a fine of not more than $250.

(2) Any parent or guardian violating § 132.07 of this chapter shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment for a period not to exceed six months, or both.

(H) Any person violating § 132.08 of this chapter shall be deemed guilty of a misdemeanor and shall be subject to a fine of $250 or imprisonment in the county jail for not more than 90 days.

(1984 Code, § 132.99) (Ord. O-26-82, passed 4-13-1982; Ord. O-31-82, passed 5-11-1982; Ord. O-34-84, passed 7-3-1984; Ord. O-68-85, passed 9-17-1985; Ord. O-13-86, passed 3-18-1986; Ord. O-52-86, passed 9-9-1986; Ord. O-59-86, passed 9-16-1986; Ord. O-5-89, passed 1-31-1989; Ord. O-36-90, passed 8-7-1990; Ord. O-51-92, passed 12-15-1992; Ord. O-13-94, passed 4-12-1994; Ord. O-5-97, passed 4-1-1997; Ord. O-15-98, passed 5-13-1998; Ord. O-70-03, passed 11-25-2003; Ord. O-34-19, passed 11-12-2019)

CHAPTER 133: OFFENSES AGAINST MORALS

Section

133.01 Nudity prohibited

133.99 Penalty

Statutory reference:

Pornography, see KRS Ch. 531

Prostitution, see KRS Ch. 529

Sexual offenses, see KRS Ch. 510

§ 133.01 NUDITY PROHIBITED.

It shall be unlawful for and a person is guilty of a public nudity when that person appears in a public place in such a manner or attire as to expose to view any portion of the pubic area, anus, vulva or genitals, with less than a fully opaque covering, or when any female appears in a public place in such manner and attire as to expose to view portions of the breast referred to as the areola, nipple, with less than a fully opaque covering.

(1984 Code, § 133.15) (Ord. O-39-91, passed 7-23-1991) Penalty, see § 133.99

§ 133.99 PENALTY.

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

(B) Any person convicted of violating the provisions of § 133.01 of this chapter shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment for a period not to exceed six months, or both, for the first day's violation. Each day's continued violation shall constitute a separate offense.

(1984 Code, § 133.99) (Ord. O-26-82, passed 4-13-1982; Ord. O-39-91, passed 7-23-1991; Ord. O-13-94, passed 4-12-1994)

CHAPTER 134: OFFENSES AGAINST JUSTICE AND ADMINISTRATION

Section

134.01 Use of siren or gong

134.02 Report of treatment of wounds

134.99 Penalty

§ 134.01 USE OF SIREN OR GONG.

No person, except members of the Police Department, Fire Department or ambulance services, shall ring, use or otherwise sound any gong, siren, whistle or any other device for making similar noise.

(1984 Code, § 135.07) (Ord. O-26-82, passed 4-13-1982) Penalty, see § 134.99

§ 134.02 REPORT OF TREATMENT OF WOUNDS.

Every physician or surgeon whenever he or she shall treat any person in the city for a wound inflicted by a dangerous or deadly weapon of any kind shall notify the Police Department within one hour of the time when he or she renders such professional service or is called on to render the service.

(1984 Code, § 135.09) (Ord. O-26-82, passed 4-13-1982) Penalty, see § 134.99

§ 134.99 PENALTY.

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

(B) Any person convicted of violating the provisions of §134.01 of this chapter shall be deemed guilty of a misdemeanor and shall be fined in an amount not to exceed $250 or imprisonment for a period of not to exceed 30 days, or both, for the first day's violation. Each day's continued violation shall constitute a separate offense.

(C) Any person convicted of violating the provisions of §134.02 of this chapter shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500.

(1984 Code, § 135.99) (Ord. O-26-82, passed 4-13-1982; Ord. O-13-94, passed 4-12-1994)

CHAPTER 135: DRUG OFFENSES

Section

Toxic Glue

135.01 Definitions

135.02 Sale of toxic glue to minor

135.03 Aiding and abetting violation

135.04 Records of sales; contents; inspection

135.05 Display of model glue

135.99 Penalty

Cross-reference:

Offenses Against Morals, see Ch. 133

Statutory reference:

Controlled substances, see KRS Ch. 218A

TOXIC GLUE

§ 135.01 DEFINITIONS.

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

MINOR. Any person under the age of 18 years.

TOXIC GLUE. Any glue, adhesive cement, mucilage, plastic solvent or other adhesive containing toluene, acetone, xylene, butyl alcohol, hexane, tricresyl, phosphate or other toxic ingredient.

(1984 Code, § 137.01) (Ord. O-33-67, passed 5-11-1967)

§ 135.02 SALE OF TOXIC GLUE TO MINOR.

No person shall sell or transfer possession of any toxic glue to any minor, except as authorized by §135.04 of this chapter.

(1984 Code, § 137.02) (Ord. O-33-67, passed 5-11-1967; Ord. O-40-73, passed 5-3-1973; Ord. O-13-94, passed 4-12-1994) Penalty, see § 135.99

§ 135.03 AIDING AND ABETTING VIOLATION.

No person shall assist, aid, abet or encourage any other person to violate the provisions of this subchapter.

(1984 Code, § 137.04) Penalty, see § 135.99

§ 135.04 RECORDS OF SALES; CONTENTS; INSPECTION.

(A) A person making a sale or transfer of possession of model glue to a minor who exhibits and delivers the written consent of his or her parent or guardian shall record the name, address, sex and age of the minor and the name and address of the consenting parent or guardian.

(B) All data required by this section, including the written consent, shall be kept in a permanent register available for inspection by the Police Department for a period of at least six months immediately following such sale or transfer.

(1984 Code, § 137.05)

§ 135.05 DISPLAY OF MODEL GLUE.

No person selling or offering for sale any model glue shall display the same on open shelves, counters or other places where such model glue would be readily accessible to minors or other members of the public desiring to purchase or obtain the same.

(1984 Code, § 137.06) Penalty, see § 135.99

§ 135.99 PENALTY.

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

(B) Any person convicted of violating the provisions of §§135.01 through 135.05 of this chapter shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $250 or imprisonment for a period not to exceed 30 days, or both, for the first day's violation. Each day's continued violation shall constitute a separate offense.

(1984 Code, § 137.99) (Ord. O-26-82, passed 4-13-1982; Ord. O-13-94, passed 4-12-1994)

TITLE XV: LAND USAGE

Chapter

150. BUILDING CODE

151. FIRE AND SAFETY CODES

152. PROPERTY MAINTENANCE CODE

153. UNIFORM RESIDENTIAL LANDLORD AND TENANT ACT

154. MOBILE HOMES

155. RENTAL DWELLING LICENSING

156. COMMUNITY DEVELOPMENT

157. SUBDIVISIONS

158. NEIGHBORHOOD DEVELOPMENT CODE

159. HISTORIC COVINGTON DESIGN GUIDELINES

CHAPTER 150: BUILDING CODE

Section

General Provisions

150.01 Kentucky Building Code and Kentucky Residential Code adopted by reference

150.02 National Electric Code adopted by reference

Building Inspection and Zoning Administration

150.15 Building Inspector; records required

150.16 Permit required

150.17 Permit fees

150.18 Building permit valuations

150.19 Lots to abut public street

Electrical Inspection

150.30 Definitions

150.31 Electrical Inspectors

150.32 Contractor; notification of work; concealing wiring; forms; using same Inspector

150.33 Revocation of contractor's license

150.34 Certification of approval required for electrical work

150.35 Certificate of approval required for service

150.36 Issuance of certificate of approval; revocation

150.37 Liability

150.38 Authorization of agreements

150.39 Electrical permits

150.99 Penalty

Appendix A: County Ordinance on Electricians; Electrical Contractors

GENERAL PROVISIONS

§ 150.01 KENTUCKY BUILDING CODE AND KENTUCKY RESIDENTIAL CODE ADOPTED BY REFERENCE.

(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 of the commonwealth are hereby adopted in their entirety and incorporated herein by reference.

(B) Copies of the Kentucky Building Code and the applicable edition of the Kentucky Residential Code are on file in the offices of the City Clerk and the Northern Kentucky Area Planning Commission, and officials in those two offices shall at all times keep copies of said Building Codes for reference.

(C) (1) The Northern Kentucky Area Planning Commission is hereby designated as the local enforcement agency for the Kentucky Building Code.

(2) All Building Code inspections shall be performed by persons certified by the state's Department of Housing, Buildings and Construction.

(3) All electrical inspections shall be performed by a certified inspector specifically approved by the state's Department of Housing, Buildings and Construction.

(D) Pursuant to KRS 198B.060(8), a building inspection program is hereby established in the city for application to all buildings, including single-family dwellings as provided in the adopted codes.

(1984 Code, § 150.01) (Ord. O-10-80, passed 2-5-1980; Ord. O-18-03, passed 4-15-2003; Ord. O-22-10, passed 6-28-2010; Ord. O-43-12, passed 11-27-2012)

§ 150.02 NATIONAL ELECTRIC CODE ADOPTED BY REFERENCE.

(A) The National Electric Code, as it may be amended, is hereby adopted in full by this section, and the same shall have the effect as if it were written fully herein, as a minimum standard for the construction, alteration and repair of any electrical wiring done within the effective area of this subchapter.

(B) These standards shall be used by the Electrical Inspector in making his or her inspections.

(1984 Code, § 150.02) (Ord. O-46-90, passed 10-2-1990; Ord. O-22-10, passed 6-28-2010)

BUILDING INSPECTION AND ZONING ADMINISTRATION

§ 150.15 BUILDING INSPECTOR; RECORDS REQUIRED.

The Building Inspector shall keep a permanent and accurate accounting of:

(A) All permit fees and other moneys collected;

(B) The names of all persons on whose account the money or fees was paid; and

(C) The date and amount thereof.

(1984 Code, § 150.10) (Ord. O-75-67, passed 9-21-1967; Ord. O-22-10, passed 6-28-2010)

§ 150.16 PERMIT REQUIRED.

(A) *Permit required.* No person shall commence any work on a building or structure or the construction of any physical improvement to real estate before obtaining the necessary permit from the city.

(B) *Permit issuance; payment of fees.*

(1) No building or zoning permit shall be issued until the prescribed fees shall have been paid.

(2) No amendment to a permit shall be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure, shall have been paid.

(3) On all buildings, structures or alterations requiring a building or zoning permit, the required fee shall be paid at the time of filing the application with the applicable city department.

(1984 Code, § 150.11) (Ord. O-75-67, passed 9-21-1967; Ord. O-22-10, passed 6-28-2010) Penalty, see § 150.99

§ 150.17 PERMIT FEES.

(A) The city hereby adopts the Schedule of Fees below for the processing and issuing of zoning permits, building permits and for Board of Adjustment hearing fees.

(1) *Schedule of fees - residential.*

Residential Building Permit Fees				
Construction Type	***Fee***	***Due w/app***	***Bal Due***	***Notes***
Residential Building Permit Fees				
Construction Type	***Fee***	***Due w/app***	***Bal Due***	***Notes***
Accessory uses not listed herein	$148	Total		3, 12, 16, 32
Addition	$0.208/sf	$200	Prior to permit	3, 16, 18, 19, 32
Alteration/remodel	$0.208/sf	$200	Prior to permit	1, 8, 16, 32
Basement finish	$296	Total		3, 16, 25, 32
Condominium	$0.208/sf	$200	Prior to permit	8, 16, 32
Covered deck/porch	$208	Total		3, 16, 23, 31, 32
Deck	$148	Total		3, 16, 27, 32
Demolition	$92	Total		3, 16, 28, 32
Electrical permit	$30	Total		32, 33
Fence>6 ft. in height	$92	Total		3, 16, 32

In-ground pool	$415	Total		3, 10, 16, 32
Large accessory storage structure/detached garage	$445	Total		3, 16, 18, 19, 32
Modular home/manufactured home	$326	Total		3, 16, 24, 32
Move and set/permanent foundation	$326	Total		3, 16, 30, 32
Repair	$148	Total		3, 16, 20, 32
Residential mechanical	See HVAC fee schedule			
Retaining wall	$208	Total		3, 15, 16, 32
Single-family dwelling (detached)	$0.208/sf	$200	Prior to permit	8, 16, 22, 32
Small accessory storage structure	$148	Total		3, 16, 17, 32
Small projects	$92	Total		3, 16, 32, 35
Sun room	$326	Total		3, 16, 32
Townhome	$0.208/sf	$200	Prior to permit	8, 16, 21, 32
Two-family dwelling	$0.208/sf	$200	Prior to permit	8, 16, 26, 32

Special Provisions	***Fee***	***Due***	***Notes***
Special Provisions	***Fee***	***Due***	***Notes***
Appeal of staff decision	$356	With application	N/A
Construction without a permit	Fee x 2	Total due w/application	3, 13, 32
Fast track processing	Fee x 1.5	1.5 x amt due w/application	3, 6, 32
Foundation only	$237	With application	2, 3, 32
Permit reissuance	% of permit	With reissuance	34
Plan revision (after 2 submittals)	$130	At time of 3rd submission	3, 5, 32
Re-inspections (after 1 at no cost)	$130	Prior to CO	3, 4, 32
Special inspections	$208	Prior to CO	3, 7, 32

Residential Building Permits	
No.	***Notes: Definitions/Clarifications/Policies***

Residential Building Permits

No.	***Notes: Definitions/Clarifications/Policies***
1	**Alteration/Remodel:** renovation of an existing structure or a finished area within a structure.
2	**Foundation Only:** construction of the footers, slab and foundation prior to issuance of the building permit for the entire structure. (Requires an additional charge.)
3	**Flat Fee:** a one-time fee for plan review, permitting, inspections and certificate of completion.
4	**Reinspection Fee:** the letter that accompanies each building permit will state the number of inspections covered by the fee. Applicants will be permitted one free reinspection beyond those covered by the application fee. Additional reinspections require an additional charge.
5	**Plan Revision:** two reviews of submitted plans (one initial and one re-submittal) are included in each application fee. Additional plan revisions require an additional charge.
6	**Fast Track Processing:** review of building permit application and plans outside normal channels for time-sensitive projects. (Requires an additional charge.)
7	**Special Inspection:** requested before or after hours inspections accommodated as staffing allows.

8	**Square Footage Fee:** a one-time fee for plan review, permitting, inspections and certificate of completion based on the number derived from measuring total floor space at the subfloor level including the enclosing walls. (Includes basement area, first floor area, second floor area, garage, bonus room, covered deck. Excludes porches and uncovered decks and patios.)
9	**Addition:** an addition to any structure located on a residential lot.
10	**In-Ground Pool:** a swimming pool located below grade with a minimum water depth of 18 inches.
11	**Above-Ground Pool:** a swimming pool located above grade with a minimum water depth of 18 inches.
12	**Accessory Structures/Uses:** structures or uses not otherwise listed such as flag poles, solar panels and the like.
13	**Construction without Permit:** commencing construction activities covered by the required building permit but without the permit. (Requires an additional charge.)
14	**Residential Electric:** applicable when the project includes only electrical work such as lighting the outside of an existing structure or upgrading electrical service.
15	**Retaining Wall:** a separate permit is required for each 200 lineal feet of retaining wall.
16	**Calculating fees:** a separate fee is required for each “construction type” specified in the fee schedule even if the individual activities are part of the same project on the same site.
17	**Small Acc Structure:** a structure consisting of between 120 and 400 square feet used for storage.
18	**Large Acc Structure:** a structure of greater than 400 square feet used for storage.
19	**Detached Garage:** an accessory structure used primarily for motor vehicle storage.
20	**Repair:** reconstruction/repair of a structure on a residential lot.
21	**Townhome:** a dwelling constructed in an attached grouping of 3 separated by a property line.
22	**Single-Family Dwelling:** a dwelling not connected to any other dwelling.
23	**Covered Deck:** a deck covered by a roof. (The fee covers both the deck and the roof.)
24	**Modular Home:** an industrialized building system product not classified as a modular or mobile home, but which is used as a dwelling.
25	**Finished Basement:** all activities that are part of the process of changing an unfinished basement into finished living space.
26	**Two-Family Dwelling:** a structure containing no more than two attached dwellings.
27	**Deck:** a structure typically built out of wood, with an exterior floor surface, without a roof, and attached to a dwelling on at least one side.
28	**Demolition:** the complete or partial demolition of a structure on a residential lot.
29	**Residential Mechanical:** $75 for first unit, $50 for second unit of two-family or $25 for each additional unit for multi-family. Price includes 3 inspections.
30	**Move and Set:** all activities involved with moving a structure from one site to another.
31	**Covered Porch:** a structure typically built with concrete, with an exterior floor surface, with a roof, and attached to a dwelling on at least one side.
32	**Refunds:** all fees collected at the time of application are non-refundable. Once a permit is issued, all fees are non-refundable.
33	**Residential Electric:** permit cards may be purchased in groups in advance.
34	**Permit Reissuance:** % of actual permit fee based on % of project completed and approved. See grid.
35	**Small Projects:** projects normally requiring only one inspection. Additional trips are extra.

(2) *Schedule of fees - commercial.*

Commercial Building Permit Fees					
		Plus			
Construction	***Fee***		***Due***	***Bal Due***	***Notes***

Type		1K-5K sf	5001-30K sf	>30K sf	w/App		

Commercial Building Permit Fees

Construction Type	Fee	Plus			Due w/App	Bal Due	Notes
		1K-5K sf	5001-30K sf	>30K sf			
Accessory structures/uses	$297				$297		5, 18, 19, 21
Alteration/tenant finish	$474	$0.213/sf	$0.119/sf	$0.06/sf	$474	PTP	1, 2, 6, 13, 18, 19
Cellular tower/antenna colocation	$296				$266		5, 18-20
Change of use	$267				$240		5, 18, 19, 22
Deck	$267				$240		5, 18, 19
Demolition	$148				$133		5, 18, 19
Electrical permit	$30				$30		15, 18, 19
Fence > 6 ft. in height	$92				$80		5, 18, 19
Fire alarm		$326	$408	$524	Full		5, 18, 19
Fire supp system (4 - 200 heads)	$326				$326		5, 18, 19
Fire supp system (201 - 400 heads)	$408				$408		5, 18, 19
Fire supp system (>400 heads)	$524				$524		5, 18, 19
Foundation only	$296				$296		3, 16, 19
HVAC	See HVAC fee schedule.						
New structure/additions: industrial, warehouse	$1,186		$0.119/sf	$0.06/sf	$1,186	PTP	6, 13, 18, 19
New structure: business/mercantile, assembly and other use groups	$1,186		$0.178/sf	$0.09/sf	$1,186	PTP	6, 13, 18, 19
Other fire supp system	$326				$326		5, 18, 19
Range hood/suppression	$326				$326		5, 10, 18, 19
Repair	$356				$356		5, 18, 19
Retaining wall	$208				$208		5, 17, 18, 19
Shell	$593				$593		4, 6, 18, 19
Sign	$166				$166		5, 18, 19
State co-permits	50%				Full		18, 19, 23
Swimming pool	$415				$415		5, 18, 19
Temporary tents	$166				$166		5, 16, 18, 19

Special Provisions	***Fee***	***Due***	***Notes***
Special Provisions	***Fee***	***Due***	***Notes***
Annual permits	Above fee plus	With application	24
Appeal of staff decision	$356	With application	N/A
Construction without permit	Above fee x 2	Total due with app	14, 19
Fast track processing	Above fee x 1.5	1.5 x amount due w/application	9, 19
Permit reissuance	% of permit fee	With application	25
Plan revisions (after 2 submittals)	$237	At time of 3rd submission	8
Re-inspections (after 1 at no cost)	$155	Prior to CO	7
Special inspections	$237	Prior to CO	12, 19

Commercial Building Permits	
No.	***Notes: Definitions/Clarifications/Policies***
Commercial Building Permits	
No.	***Notes: Definitions/Clarifications/Policies***
1	**Tenant Finish:** new construction within a vacant non-residential space.
2	**Alteration:** renovation of an existing structure or a finished area within a structure.
3	**Foundation Only:** construction of the footers, slab and foundation prior to issuance of the building permit for the entire structure. (Requires an additional charge paid at the time of application.)
4	**Shell:** construction of the new structure that excludes all interior work except stairwells and elevator shafts. Certificates of occupancy are not issued for shells. A shell permit requires a stand-alone application unrelated to the full application that will follow.
5	**Flat Fee:** a one-time fee for plan review, permitting, inspections and certificate of completion.
6	**Square Footage Fee:** the total fee due includes the base fee plus the square footage times the multiplier shown.
7	**Reinspection Fee:** the letter that accompanies each building permit will state the number of inspections covered by the fee. Applicants will be permitted one free reinspection per permit; additional reinspections require an additional charge.
8	**Plan Revision:** 2 reviews of submitted plans (1 initial and 1 resubmittal) are included in each application fee. Additional plan revisions require an additional charge.
9	**Fast Track Processing:** review of building permit application and plans outside normal channels for time sensitive projects. (Requires an additional charge.)
10	**Range Hood:** each hood being installed requires a separate fee.
11	**Range Hood Fire Suppression:** each fire suppression system being installed requires a separate fee.
12	**Special Inspection:** requested before or after business hours inspection accommodated as staffing allows.
13	**Basis for Square Footage Fees:** new construction and additions are calculated from the outside dimensions of the building, plus all floor areas including all unfinished areas. Tenant finish fees are based on the entire square footage of the tenant space. Interior alterations are based on the square footage of the area being renovated.
14	**Construction w/o a Permit:** commencing construction activities covered by the required building permit but without the permit. (Requires an additional charge.)
15	**Commercial Electric:** permit cards may be purchased in groups in advance.
16	**Sign/Tent:** fee covers all sign or tents being installed. If both, then one fee for each type to be erected.
17	**Retaining Wall:** a separate permit is required for each 200 lineal feet of retaining wall.

18	**Calculating fees:** a separate fee is required for each “construction type” specified in the fee schedule even in the individual activities are part of the same project on the same site.
19	**Refunds:** all fees collected at the time of application are non-refundable. Once a permit is issued, all fees are non-refundable.
20	**Cellular Antenna Tower:** an application and permit are required for new construction as well as for co-locating new antennae on an existing structure and thereby expanding its scope/intensity. Not required for replacement.
21	**Accessory Structure/Use:** structures or uses not otherwise listed such as flag poles, paint booths, overhead cranes, playground equipment, site place/telescoping, bleachers and the like.
22	**Change of Use:** changing the use of a structure or a space within it from one Use Group to another, as defined by the State Building Code.
23	**State Co-Permits:** required by state law, these permit fees cover inspections not performed by state personnel. (Minimum fee is $200; maximum is 50% of normal NKAPC fee.)
24	**Annual Permits:** construction value plus a per-trip fee based on $45/hour after the first inspection.
25	**Permit Reissuance:** % of actual permit fee based on % of project completed and approved. See grid.

SCHEDULE OF FEES - ZONING ADMINISTRATION	
Activity	***Fee***
SCHEDULE OF FEES - ZONING ADMINISTRATION	
Activity	***Fee***
Board of Adjustments	$350
Change of use	$80
Home occupations	$53
Sign deposit for BOA hearings refundable on return	$35
Zoning permits	
Accessory structures/uses	$80
Commercial/industrial	$213
Multi-family	$160
Signs	$107
Single-family	$107
Two-family	$107

No.	***Notes: Definitions/Clarifications/Policies***
No.	***Notes: Definitions/Clarifications/Policies***
1	**Alteration/Remodel:** renovation of an existing structure or a finished area within a structure.
2	**Foundation Only:** construction of the footers, slab and foundation prior to issuance of the building permit for the entire structure. (Requires an additional charge)
3	**Flat Fee:** a one-time fee for plan review, permitting, inspections and certificate of completion.
4	**Re-inspection Fee:** the letter that accompanies each building permit will state the number of inspections covered by the fee. Applicants will be permitted 1 free re-inspection beyond those covered by the application fee. Additional re-inspections require an additional charge.
5	**Plan Revision:** 2 reviews of submitted plans (one initial and one re-submittal) are included in each application fee. Additional plan revisions require an additional charge.
6	**Special Inspection:** requested before or after hours inspections accommodated as staffing allows.

7	**Square Footage Fee:** a one-time fee for plan review, permitting, inspections and certificate of completion based on the number derived from measuring total floor space at the subfloor level including the enclosing walls. (Includes basement area, first floor area, second floor area, garage, bonus room, covered deck. Excludes porches and uncovered decks and patios.)
8	**Addition:** an addition to any structure located on a residential lot.
9	**In-Ground Pool:** a swimming pool located below grade with a minimum water depth of 18 inches.
10	**Above-Ground Pool:** a swimming pool located above grade with a minimum water depth of 18 inches.
11	**Accessory Structures/Uses:** structures or uses not otherwise listed such as flag poles and the like.
12	**Construction w/o Permit:** commencing construction activities covered by the required building permit but without the permit. (Requires and additional charge.)
13	**Retaining Wall:** a separate permit is required for each 200 lineal feet of retaining wall.
14	**Calculating fees:** a separate fee is required for each “construction type” specified in the fee schedule even if the individual activities are part of the same project on the same site.
15	**Small Acc Storage Structure:** a structure consisting of between 120 and 250 square feet used for storage.
16	**Lg Acc Storage Structure:** a structure of greater than 250 square feet used for storage.
17	**Detached Garage:** an accessory structure used primarily for motor vehicle storage.
18	**Repair:** reconstruction/repair of a structure on a residential lot.
19	**Townhome:** a dwelling constructed in an attached grouping of three separated by a property line.
20	**Single-Family Dwelling:** a dwelling not connected to any other dwelling.
21	**Covered Deck:** a deck covered by a roof. (The fee covers both the deck and the roof.)
22	**Modular Home:** an industrialized building system product not classified as a modular or mobile home but which is used as a dwelling.
23	**Finished Basement:** all activities that are part of the process of changing an unfinished basement into finished living space.
24	**Two-Family Dwelling:** a structure containing no more than two attached dwellings.
25	**Deck:** a structure typically built out of wood, with an exterior floor surface, without a roof, and attached to a dwelling on at least one side.
26	**Demolition:** the complete or partial demolition of a structure on a residential lot.
27	**Residential Mechanical:** applicable when the project includes a mechanical work such as repair, replacement or installation of furnaces, boilers, water heaters, condenser units and the like per dwelling unit.
28	**Move and Set:** all activities involved with moving a structure from one site to another.
29	**Covered Porch:** a structure typically built with concrete, with an exterior floor surface, with a roof, and attached to a dwelling on at least one side.
30	**Refunds:** all fees collected at the time of application are non-refundable. Once a permit is issued, all fees are non-refundable.

(B) In order for the schedule of fees above to continue to reflect the increasing inflationary costs of administration of the above programs, the fees shall, on an annual basis, be adjusted by the City Manager and City Finance Director to reflect any increase that would be necessary with the conventional application of the Consumer Price Index as promulgated by the state’s Office for Local Government to these fees. Based on this calculation, the fees shall be increased annually and the schedule of fees shall be so amended by operation of this provision.

(C) (1) *HVAC installation permit fees - one- and two-family dwellings.*The fee for each heating, ventilation or air conditioning system installation permit for one- and two-family dwellings shall be $75 for the first system, plus $50 for each additional system.

(2) *HVAC installation permit fees - multi-family dwellings.* The fee for each heating, ventilation or air conditioning system installation permit for multi-family dwellings other than duplexes, shall be $75 for the first system, plus $25 for each additional system.

(3) *HVAC Installation permit fees - commercial*

(a) The fee for each heating, ventilation or air conditioning system installation permit other than one- or two- and

multi-family dwellings shall be based upon the total dollar value of each HVAC installation, either actual or estimated.

(b) 1. It shall be the obligation of the installing contractor to supply the complete value, including labor and material costs regardless of the purchaser.

2. Except as provided in this division (C)(3), an exact figure does not need to be quoted or divulged to the HVAC inspector or department.

3. The permit application shall include an affirmative, signed statement that the true value lies within certain limits, as listed in the left column of the table in division (C)(3)(b)3.b. below.

a. The fees for heating, ventilation or air conditioning system installation are listed in the right column of the table; and

b. The department may request documented proof of costs from the permit applicant if the true value is in question.

HVAC Permit Fees ***(set by the state's Department of Housing, Buildings and Construction)***	
Residential	***Fee****

HVAC Permit Fees
 (set by the state's Department of Housing, Buildings and Construction)

Residential	***Fee****
1- and 2-family dwellings (first system)	$75
1- and 2-family dwellings (each additional system)	$50
Multi-family buildings (first system)	$75
Multi-family buildings (each additional system)	$25
Commercial ***(amount based on total dollar value of the HVAC installation)***	***Fee****
$2,000 or less	$75
$2,001 to $10,000	$150
$10,001 to $25,000	$225
$25,001 to $50,000	$275
$50,001 to $75,000	$325
$75,001 to $100,000	$435
$100,001 to $150,000	$550
$150,001 to $200,000	$660
$200,001 to $250,000	$770
$250,001 to $300,000	$890
$300,001 to $400,000	$1,000
$400,001 to $500,000	$1,350
$500,001 to $600,000	$1,500
$600,001 to $700,000	$1,650
$700,001 to $800,000	$1,850
$800,001 to $900,000	$2,050
$900,001 to $1,000,000	$2,250
$1,000,001 to $1,100,000	$2,450
$1,100,001 to $1,200,000	$2,650
$1,200,001 to $1,300,000	$2,850
$1,300,001 to $1,400,000	$3,050
$1,400,001 to $1,500,000	$3,250
$1,500,001 and above	$3,450

(1984 Code, § 150.12) (Ord. O-22-10, passed 6-28-2010; Ord. O-01-11, passed 2-8-2011; Ord. O-05-11, passed 4-5-2011;

Ord. O-36-12, passed 10-23-2012)

§ 150.18 BUILDING PERMIT VALUATIONS.

If, in the opinion of the Building Inspector based on evaluation of the fair market value of the property, the valuation of any building, alteration or structure appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimated cost to meet the approval of the Building Inspector.

(1984 Code, § 150.13) (Ord. O-75-67, passed 9-21-1967;Ord. O-22-10, passed 6-28-2010)

§ 150.19 LOTS TO ABUT PUBLIC STREET.

No building or structure to be used for human habitation shall be constructed, and no building permit therefor shall be issued by the city, unless the lot or parcel of land on which the building or structure is constructed shall abut on a duly dedicated public way which shall have been improved by concrete, bituminous concrete or the equivalent hard surfacing, and which shall have been further improved by the installation of sewer and water facilities which conform to all existing regulations.

(1984 Code, § 150.14) (Ord. O-22-61, passed 5-3-1961; Ord. O-22-10, passed 6-28-2010) Penalty, see § 150.99

ELECTRICAL INSPECTION

§ 150.30 DEFINITIONS.

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

ELECTRICAL. Pertaining to the installation, alteration or repair of wires and conduits for the purpose of transmitting electricity, and the installation of fixtures and equipment in connection therewith.

ELECTRICAL CONTRACTOR. Any licensed individual, partnership, corporation or limited liability company that is licensed to engage in, offers to engage in, or advertises or holds itself out to be qualified to engage in designing, planning, superintending, contracting of or assuming responsibility for the installation, alteration or repair of any electrical wiring used for the purpose of furnishing heat, light or power, and employs electrical workers to engage in this practice. If the electrical contractor is not a master electrician, the ***ELECTRICAL CONTRACTOR*** shall employ at least one full-time master electrician.

ELECTRICIAN. Any person licensed by the department who is employed by an electrical contractor and is engaged in the construction, alteration or repair of any electrical wiring used for the purpose of furnishing heat, light or power.

MASTER ELECTRICIAN. Any individual licensed to assume responsible charge, supervision or direction of an electrician engaged in the construction, installation, alteration or repair of electrical wiring used to furnish heat, light or power.

(1984 Code, § 150.20) (Ord. O-23-04, passed 4-13-2004; Ord. O-22-10, passed 6-28-2010)

§ 150.31 ELECTRICAL INSPECTORS.

(A) *License required*. Any person conducting electrical inspections in the city must obtain an occupational license from the city and comply with the requirements of §§ 110.01 through 110.15 of this code of ordinances.

(B) *Electrical permit fee.* An administrative processing fee of $25 shall also be collected by the city for any electrical permit application, which shall be in addition to any other permit or inspection fees.

(C) *Qualifications and requirements of city Electrical Inspector.* Any Electrical Inspector working within the city must be certified by the state's Commissioner of Housing, Buildings and Construction, and any other applicable authority, as an Electrical Inspector.

(D) *Duty of Electrical Inspector; inspections.* The Electrical Inspector shall inspect all electrical wiring, construction and installation of electrical conductors, fittings, devices and fixtures for light, heat or power service equipment to ascertain the compliance with the National Electrical Code incorporated in the Uniform State Building Code promulgated pursuant to KRS 198B.050 or the standards of safety of the commonwealth. (See KRS 227.450(4).)

(E) *Inspection fees.*

(1) (a) The Electrical Inspector shall have the right to charge a reasonable fee, as set forth in this subchapter, which shall be the full and complete compensation for services rendered in the making of such inspection.

(b) The fee shall include the rendering of a written report and an inspection survey report when requested by the city's Director of Code Enforcement Department or its designee as determined by the City Manager.

(2) The fee shall be paid by the contractor or person performing or installing the electrical wiring or equipment. No part of the inspection fee shall be paid by the city.

(F) *Inspections only of work by licensed contractors.*

(1) (a) The Electrical Inspectors shall only inspect and approve work done by electrical contractors, electricians and

master electricians who are duly licensed by the city and owner-occupants of single-family dwellings who perform electrical work on their own property.

(b) Any owner-occupant performing electrical work on his or her own home shall so certify in writing to the Building Inspector before such work commences.

(c) Such certification is a prerequisite to inspection by the Electrical Inspector of any electrical work performed in single-family dwelling that is not done by an electrical contractor, electrician or master electrician.

(2) The Electrical Inspectors shall immediately report to the city any electrical contractor, electrician or master electrician or any agent, servant or employee thereof who is doing or performing or has done or performed electrical work or installations within the city who is not licensed by the city.

(3) The Electrical Inspectors shall immediately notify the Director of Code Enforcement if they discover violations of other city safety codes and/or find the existence of other dangerous situations during their inspections.

(1984 Code, § 150.21) (Ord. O-16-65, passed 3-18-1965; Ord. O-13-94, passed 4-12-1994; Ord. O-23-04, passed 4-13-2004; Ord. O-22-10, passed 6-28-2010)

§ 150.32 CONTRACTOR; NOTIFICATION OF WORK; CONCEALING WIRING; FORMS; USING SAME INSPECTOR.

(A) Any person installing, repairing or rearranging electrical wiring or equipment shall notify the Electrical Inspector prior to the time the work is commenced and when the work is ready for inspection.

(B) (1) No person shall conceal any electrical wiring or installations until after the electrical wiring or installations have been reported to the Electrical Inspectors and have been inspected and approved by the Electrical Inspector.

(2) Concealment of electrical wiring or installations may require the removal of concealing materials to allow for the inspection of such wiring or installations by the Electrical Inspector.

(C) Once a person selects an Electrical Inspector to inspect electrical work done or performed by an electrical contractor, electrician, master electrician or owner-occupant, that person must continue to use the selected Electrical Inspector until the inspection process is complete and a certification of approval has been issued by the Electrical Inspector.

(D) The Electrical Inspectors shall furnish and make available forms or blanks for the above mentioned purpose.

(1984 Code, § 150.22) (Ord. O-23-04, approved 4-13-2004; Ord. O-22-10, passed 6-28-2010) Penalty, see § 150.99

§ 150.33 REVOCATION OF CONTRACTOR'S LICENSE.

(A) Should any licensed electrical contractor, electrician or master electrician violate any of the provisions of this subchapter or should he or she do and perform work not in accordance herewith, his or her city business regulatory/occupational license shall be subject to revocation by the city, after compliance with the hearing provisions set forth in the applicable section of this code of ordinances.

(B) The license revocation shall be in addition to any other penalties imposed by this code.

(1984 Code, § 150.23) (Ord. O-23-04, approved 4-13-2004; Ord. O-22-10, passed 6-28-2010)

§ 150.34 CERTIFICATION OF APPROVAL REQUIRED FOR ELECTRICAL WORK.

(A) (1) A certification of approval shall be obtained from a duly qualified Electrical Inspector for all work covered by any electrical permit or for any electrical work that is done within the city.

(2) Before a certification of approval is issued by an Electrical Inspector, the electrical work must meet the minimum standards of the National Electrical Code or other applicable codes and ordinances as adopted by the Board of Commissioners.

(B) One copy of the certification shall be provided to the Code Enforcement Department or applicable city department by the Electrical Inspector within five days after issuance.

(1984 Code, § 150.24) (Ord. O-18-67, passed 3-16-1967; Ord. O-55-01, passed 12-18-2001; Ord. O-23-04, approved 4-13-2004; Ord. O-22-10, passed 6-28-2010)

§ 150.35 CERTIFICATE OF APPROVAL REQUIRED FOR SERVICE.

(A) No person including any electric light or power company shall connect with or furnish current to any electrical installation within the city until after such electrical installation has been inspected and approved by the Electrical Inspector, and a certificate of approval issued by him or her.

(B) A copy of the certificate of approval shall be submitted to the applicable city department within three days after the date of its issuance.

(1984 Code, § 150.25) (Ord. O-16-65, passed 3-18-1965; Ord. O-55-01, passed 12-18-2001; Ord. O-23-04, approved 4-13-2004; Ord. O-22-10, passed 6-28-2010) Penalty, see § 150.99

§ 150.36 ISSUANCE OF CERTIFICATE OF APPROVAL; REVOCATION.

(A) No licensed Electrical Inspector shall issue a certificate of approval on any particular wiring or electrical installation until the electrical contractor, electrician, master electrician or owner-occupant fully complies with the requirements of the National Electric Code and other appropriate codes and ordinances as adopted by the Board of Commissioners.

(B) (1) The issuance of any certificate of approval by an Electrical Inspector other than in accordance with the requirements of this subchapter shall be cause for the city to revoke the Electrical Inspector's license and/or the city business regulatory/occupational license.

(2) In addition, failure of the Electrical Inspector to comply with any other requirements of this subchapter shall be further cause to revoke this license.

(3) The revocation shall be in addition to the criminal penalties provided in this city code.

(1984 Code, § 150.26) (Ord. O-16-65, passed 3-18-1965; Ord. O-23-04, passed 4-13-2004; Ord. O-22-10, passed 6-28-2010)

§ 150.37 LIABILITY.

(A) This subchapter shall not be construed to relieve from or lessen the responsibility or liability of any person owning, operating, controlling, maintaining or installing any electrical wiring, devices, appliances or equipment for damage to persons or property caused by any defect or failure therein.

(B) The city shall not be held as assuming any such liability or responsibility by reason of the inspections authorized herein, or issuance of a certificate of approval.

(1984 Code, § 150.27) (Ord. O-16-65, passed 3-18-1965; Ord. O-23-04, passed 4-13-2004; Ord. O-22-10, passed 6-28-2010)

§ 150.38 AUTHORIZATION OF AGREEMENTS.

The City Manager is authorized to execute any agreements necessary to carry out the provisions of this subchapter.

(1984 Code, § 150.28) (Ord. O-16-65, passed 3-18-1965; Ord. O-23-04, passed 4-13-2004; Ord. O-22-10, passed 6-28-2010)

§ 150.39 ELECTRICAL PERMITS.

(A) Electrical permits shall be obtained prior to the installation, addition, alteration, repair, relocation or removal of electrical wiring.

(B) The cost of the permit for electrical installation, additions, alterations, repair, relocation or removal shall be $25, which shall be in addition to any electrical inspection fees.

(C) All electrical permits shall be obtained from the Code Enforcement Department or other city department designated by the City Manager.

(1984 Code, § 150.29) (Ord. O-18-67, passed 3-16-1967; Ord. O-45-76, passed 6-10-1976; Ord. O-55-01, passed 12-18-2001; Ord. O-23-04, passed 4-13-2004; Ord. O-22-10, passed 6-28-2010) Penalty, see § 150.99

Statutory reference:

Power of city to require electrical permits, see KRS 227.480

§ 150.99 PENALTY.

(A) Any person, firm or corporation, violating the provisions of this chapter shall be guilty of a Class A misdemeanor and, upon conviction in any court of competent jurisdiction, shall be fined not less than $25, nor more than $250, or imprisoned for not more than 90 days, or both so fined and imprisoned in the discretion of the court for each offense, and each day that the person, firm or corporation violates this or any provision thereof may be deemed a separate offense.

(B) In addition to or in the alternative of the penalty set forth in division (A) above, the city may impose a civil penalty of not less than $250, or more than $500, on any person, firm or corporation violating the provisions of this chapter, as authorized under KRS 83A.065, and for purposes of calculating the civil penalty, each day that the person, firm or corporation violates this or any provision thereof may be deemed a separate offense.

(1984 Code, § 150.99) (Ord. O-13-94, passed 4-12-1994; Ord. O-83-03, passed 12-16-2003; Ord. O-22-10, passed 6-28-2010)

APPENDIX A: COUNTY ORDINANCE ON ELECTRICIANS; ELECTRICAL CONTRACTORS

KENTON COUNTY ORDINANCE NO. 950.81

AN ORDINANCE OF KENTON COUNTY, KENTUCKY RELATING TO THE STANDARDS TO BE MAINTAINED BY ELECTRICIANS, ELECTRICAL CONTRACTORS AND ELECTRICAL INSPECTORS, TO AUTHORIZE AN INTERLOCAL AGREEMENT WITH OTHER UNITS OF LOCAL GOVERNMENT, TO PROVIDE FOR LICENSING FEES, TO ADOPT A STANDARDIZED STATE ELECTRIC CONTRACTOR'S EXAMINATION, AND SETTING THE FINE AND PENALTY FOR VIOLATIONS OF THIS ORDINANCE.

WHEREAS, KRS 227.450 et seq. authorizes units of local government to regulate the licensing and testing of electricians and electrical contractors;

WHEREAS, House Bill 649 (HB 649), an act relating to electricians and electrical contractors, was adopted by the 1994 Kentucky General Assembly amending KRS 227.450 and KRS 227.530;

WHEREAS, KRS 227.450 through 227.530 authorizes city or county governments to regulate the electrical occupations in their jurisdictions and also authorizes two or more local governments to undertake this regulation cooperatively pursuant to the provisions of KRS Chapter 65;

WHEREAS, HB 649 provides that if the governing body of two or more counties authorizes a cooperative agreement pursuant to KRS 227.470, then the provisions of KRS 227.450 to 227.530 will apply to the cities within the county, unless within 60 days of adoption of the County Ordinance, the City passes a resolution opting out of this legislation.

WHEREAS, the Northern Kentucky Electric Authority was established in 1962 pursuant to the above referenced statutes and has been conducting examinations for various jurisdictions in Kenton, Campbell and Boone Counties;

WHEREAS, in order to protect the public safety and welfare, Kenton County, Kentucky, intends to regulate the electrical occupations within Kenton County, and to enter into a cooperative agreement with other units of local government and to delegate the authority for licensing of persons engaged in the electrical occupation, examinations and related matters to the Northern Kentucky Electrical Authority pursuant to KRS 227.490.

BE IT ORDAINED BY KENTON COUNTY, KENTUCKY;

SECTION I

DEFINITIONS:

As used in this Ordinance unless the context otherwise requires:

(1) "Electrical Contractor" means any individual, partnership or corporation that engages in the business of or employs others for the construction, alteration or repair of any electrical wiring used for the purpose of furnishing hear, light or power.

(2) "Electrician" means any person who is employed by an electrical contractor and is engaged in the construction, alteration or repair of any electrical wiring used for the purpose of furnishing hear, light or power;

(3) "Electrical" pertains to the installation of wires and conduits for the purpose of transmitting electricity, and the installation of fixtures and equipment in connection therewith.

(4) "Electrical inspector" means any person certified by the Commissioner of Housing, Buildings and Construction pursuant to KRS 227.489 who, for compensation, inspects the construction and installation of electrical conductors, fittings, devices and fixtures for light, heat or power service equipment to ascertain the compliance with the national electrical code incorporated in the uniform state building code promulgated pursuant to KRS 198B.050 or the standards of safety of the Commonwealth of Kentucky.

SECTION 2

That the Uniform State Building Code as is established by the Board of Housing, Buildings and Construction of the State of Kentucky, is hereby adopted in full by this Ordinance, and the same shall have the effect as if it were written fully herein, as a minimum standard for the construction, alteration and repair of any electrical wiring done within the effective area of this Ordinance. These standards shall also be used by the electrical inspector in making his inspections.

SECTION 3

That the formerly established Northern Kentucky Electric Authority, the examining and appeal board currently consisting of seven members, which may be increased as authorized in KRS 227.470, shall:

(1) Administer electrical contractor's examinations which have been selected and approved by the Department of Housing, Buildings and Construction and administer electrician examinations;

(2) Have the power to issue, renew, suspend and revoke electrical contractor and electrician licenses;

(3) Have the power to require electrical contractors and electricians to pay reasonable fees for examinations, initial licenses and renewals;

(4) Accept an electrical contractor examination certificate issued by the Department of Housing, Buildings and Construction as evidence that an applicant has met the examination requirements;

(5) Have the power to require all electrical contractors and electricians to conform to reasonable standards prior to engaging in their occupation;

(6) Compile and submit to the Department of Housing, Buildings and Construction all disciplinary actions taken against licensed electrical contractors on a quarterly basis;

(7) Have all other powers authorized for a "local examining board" by KRS 227.450 et seq.

SECTION 4

It shall be unlawful for any person, except the owner of the property, to engage in the business of installing, altering or repairing, within the limits of Kenton County, Kentucky, any electrical wiring, devices or equipment unless such individual is the holder of the electrical contractors license or employed by licensed electrical contractor and the holder of an electrician's license. Application for such license must be made in writing to the Board, stating the name, experience and qualifications of applicant. Upon said applicant's complying with the requirements of this Ordinance and passing an examination approved by the Northern Kentucky Electric Authority, a license shall be granted to the individual applying for the same.

SECTION 5

That there is hereby established an agreement of reciprocity between Kenton, Campbell, and Boone Counties and any other county in which there exists legislation basically containing the provisions of this Ordinance and the County Judge/Executive is hereby authorized to execute an Interlocal Agreement with any such County.

SECTION 6

That any person, firm or corporation, violating the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction in any court of competent jurisdiction, shall be fined not less than $25 nor more than $250 or imprisoned for not more than 90 days, or both so fined and imprisoned in the discretion of the court for each offense and each day that said person, firm or corporation violates this Ordinance, or any provision thereof may be deemed a separate offense.

SECTION 7

That the provisions of the Ordinance are severable. If any provision, section, paragraph, sentence or part thereof, or the application thereof to any person, firm or corporation shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of the Ordinance, it being the legislative intent to ordain and enact such provision, section, paragraph, sentence and part thereof, separately and independently of each other.

SECTION 8

That any local legislation and parts of local legislation inconsistent with this Ordinance or in conflict herewith, are to the extent of such inconsistency or conflict hereby repealed.

SECTION 9

That this Ordinance shall take effect and be in full force when passed by the Kenton Fiscal Court, published and recorded according to law.

COUNTY OF KENTON

BY: CLYDE MIDDLETON /s/
Judge Executive

ATTEST:

CAROL BROCKELL /s/

Editor's note:

County Ord. 950.81 was approved by the City Commission with the enactment of Ord. O-21-97, passed 7-22-1997.

CHAPTER 151: FIRE AND SAFETY CODES

Section

151.01 Adoption of fire codes by reference

151.02 Adoption of state standards of safety by reference

151.03 Enforcement

151.99 Penalty

§ 151.01 ADOPTION OF FIRE CODES BY REFERENCE.

(A) The National Fire Codes, published by the National Fire Protection Association, is adopted and by this reference made a part of this chapter, with the same force and effect as if set out in full herein, and as amended from time to time, as the official fire code of the city.

(B) Copies of all volumes of the National Fire Codes in their entirety shall be on file in the office of the city's Fire Department, Fire Prevention Bureau, for public inspection and use.

(1984 Code, § 151.01) (Ord. O-25-08, passed 8-19-2008)

§ 151.02 ADOPTION OF STATE STANDARDS OF SAFETY BY REFERENCE.

(A) The latest edition of the Standards of Safety, and all codes a part thereof, as promulgated by the office of the state's Fire Marshal of the Department of Insurance of the commonwealth, are adopted in full and by this reference made a part of this chapter with the same force and effect as if set out at length herein.

(B) Copies of the above adopted standards are on file in the office of the Clerk for public inspection and use.

(1984 Code, § 151.02) (Ord. O-27-71, passed 5-6-1971; Ord. O-13-94, passed 4-12-1994)

§ 151.03 ENFORCEMENT.

(A) In any case where a provision of this chapter is found to be in conflict with any existing code, ordinance or regulation of the city, the provision which establishes the higher standards shall prevail.

(B) The administration of this section shall be the responsibility of the Fire Chief, or his or her designee, with

communication and cooperation with applicable city staff and agencies including, but not limited to, City Code Enforcement Officers, building officials and police officers, to assure uniform and equal enforcement of the provisions of applicable National Fire Codes

(1984 Code, § 151.03) (Ord. O-54-74, passed 5-23-1974; Ord. O-17-81, passed 4-7-1981; Ord. O-18-81, passed 4-7-1981; Ord. O-13-94, passed 4-12-1994; Ord. O-31-01, passed 8-7-2001; Ord. O-83-03, passed 12-16-2003; Ord. O-25-20, passed 12-1-2020) Penalty, see § 151.99

§ 151.99 PENALTY.

(A) Any person who violates any provision, rule or regulation made under §151.03 of this chapter and the National Fire Codes, or who induces another to violate any provision, rule or regulation of § 151.03 and the National Fire Codes, on conviction, shall be fined not less than $25, nor more than $1,000, or confined in the county jail for not more than 60 days, or both. Each day such violations exist shall, in the discretion of the court, be considered as a separate offense.

(B) In addition to or in the alternative of the penalty set forth in division (A) above, the city may impose a civil penalty of not less than $250, or more than $500, on any person, firm or corporation violating the provisions of this chapter, as authorized under KRS 83A.065, and for purposes of calculating the civil penalty, each day that the person, firm or corporation violates this or any provision thereof may be deemed a separate offense.

(1984 Code, § 151.99) (Ord. O-18-81, passed 4-7-1981; Ord. O-13-94, passed 4-12-1994; Ord. O-83-03, passed 12-16-2003)

CHAPTER 152: PROPERTY MAINTENANCE CODE

Section

General Provisions

152.01 Title; scope; conflict with other ordinances

152.02 Building Official

152.03 Certificate of occupancy

152.04 Liability

International Property Maintenance Code

152.15 International Property Maintenance Code adopted by reference

152.16 Amendments to code

Street Numbering

152.30 Numbering required

152.99 Penalty

Cross-reference:

Building Codes, see Ch. 150

Nuisances, see Ch. 92

Sanitation and Health, see Ch. 95

GENERAL PROVISIONS

§ 152.01 TITLE; SCOPE; CONFLICT WITH OTHER ORDINANCES.

(A) This subchapter shall be known and may be cited as the “Property Maintenance Code”.

(B) This subchapter shall apply to every building, structure or appurtenance connected or attached to such building or structure within the city.

(C) In any case where a provision of this subchapter is found to be in conflict with any existing code, ordinance or regulation of the city, the provision which establishes the higher standard shall prevail, except for the provisions of the State Building Code.

(1984 Code, § 152.01) (Ord. O-69-80, passed 11-4-1980; Ord. O-83-03, passed 12-16-2003)

§ 152.02 BUILDING OFFICIAL.

(A) The administration of this subchapter shall be the responsibility of the City Manager, or his or her designee, in close cooperation with the Fire Chief, the county's Health Department and other officials and agencies; he or she may seek written opinions concerning the conditions of dwellings or other buildings.

(B) The City Manager, or his or her designee, and his or her assistants shall be free from personal liability for acts done in good faith in the performance of official duties.

(C) The City Manager, or his or her designee, or any one of his or her assistants shall not have a financial interest in the furnishing of labor, material or appliances for the construction, alteration or maintenance of a building, except where he or she is the owner, and shall not act as an agent for real estate sales, leases or rentals.

(D) (1) The City Manager, or his or her designee, is authorized to conduct surveys and make inspections in any area of the community to determine compliance with this subchapter or other ordinance he or she is empowered to enforce.

(2) The City Manager, or his or her designee, shall investigate all complaints whether they be verbal, written or in the form of a petition alleging or charging that a violation of this subchapter exists or that a building or dwelling is unfit or unsafe for human habitation or other occupancy.

(3) For the purpose of making such surveys, inspections and investigations, the Director of Code Enforcement and his or her assistants are authorized, on identification and statement of purpose, to enter, inspect, survey and investigate between the hours of 8:00 a.m. and 5:00 p.m., or at any time if an emergency exists, or if requested by the owner or occupant, all buildings, dwellings, dwelling units, rooming units and general premises. The owner or occupant of every building, dwelling, dwelling unit, rooming unit and general premises, or the person in charge thereof, shall give the City Manager, or his or her designee, free access to such building, dwelling, dwelling unit, rooming unit or general premises for the purpose of such inspection, survey or investigation.

(E) The City Manager, or his or her designee, shall keep records of all complaints received, inspection reports, orders and complaints issued and of other actions taken. The records shall be available for public inspection. He or she shall prepare an annual report including statistics based on the records kept.

(1984 Code, § 152.02) (Ord. O-69-80, passed 11-4-1980; Ord. O-31-01, passed 8-7-2001; O-16-20, passed 8-11-2020)

§ 152.03 CERTIFICATE OF OCCUPANCY.

(A) After the effective date of this subchapter, for any vacant building or building which is ordered vacant, where a notice of violation of this subchapter has been issued by the City Manager, or his or her designee, no person shall re-occupy or let to another to re-occupy any dwelling, dwelling unit, rooming house or rooming unit in the building until a certificate of occupancy has been issued.

(B) The city, or its agent or designee, shall issue a certificate of occupancy in the name of the owner as defined herein for every building in the city inspected and found to be in conformity with this subchapter and other local and state housing and building requirements.

(C) A certificate of occupancy shall be issued within seven days after application therefor or a statement shall be given, in writing, specifying the reasons why a certificate of occupancy cannot be issued.

(D) Whenever any building is found to contain violations of this subchapter, the City Manager, or his or her designee, shall give notice that unless the violations are corrected within a reasonable period of time, the certificate of occupancy will be revoked, subject to appeal before the local Board of Housing, Building and Construction Appeals.

(1984 Code, § 152.04) (Ord. O-69-80, passed 11-4-1980; Ord. O-31-01, passed 8-7-2001; Ord. O-16-20, passed 8-11-2020) Penalty, see § 152.99

§ 152.04 LIABILITY.

No officer, agent or employee of the city shall render himself or herself personally liable for any act required or permitted in the discharge of duties under this subchapter and any suit on such a claim shall be defended by the City Attorney until the final determination.

(1984 Code, § 152.08) (Ord. O-69-80, passed 11-4-1980)

INTERNATIONAL PROPERTY

MAINTENANCE CODE

§ 152.15 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED BY REFERENCE.

The city hereby adopts the International Code Council, Inc., International Property Maintenance Code and subsequent amendments thereto, subject to the changes, deletions and amendments contained in this subchapter (hereinafter the "Property Maintenance Code" or "this code"). The Property Maintenance Code shall apply to the maintenance of any and all buildings and structures in the city. The Property Maintenance Code, as promulgated by the International Code Council, Inc., is hereby incorporated by reference, subject to the changes, deletions and amendments contained in this subchapter. A copy of the Property Maintenance Code shall be available for inspection and copying in the office of the City Clerk. The title of this subchapter shall be "Property Maintenance Code" and shall be found herein.

(1984 Code, § 152.20) (Ord. O-81-03, passed 12-16-2003)

§ 152.16 AMENDMENTS TO CODE.

The following sections and subsections are hereby revised as stated below.

Section 101.1. Title. Insert "City of Covington, Kentucky" for name of jurisdiction.

Section 102.3 Application of other codes. This subsection is replaced as follows:

"Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with procedures and provisions of the Kentucky Building Code, Kentucky Residential Code, Kentucky Plumbing Code, Kentucky Mechanical Code, Kentucky Standards of Safety, National Fire Code, and the National Electric Code, as well as any other codes adopted by the Commonwealth of Kentucky now and in the future. Nothing in this Code shall be construed to cancel, modify, or set aside any provision of the Zoning Code for the City of Covington, Kentucky."

Section 102.7 Referenced Codes and Standards. This subsection is replaced as follows:

"The codes and standards referenced in this code shall be those that are listed in 107.1 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply."

Section 103.1 General. This subsection is replaced as follows:

"The City of Covington Neighborhood Services Department shall be responsible for the enforcement of the Property Maintenance Code. Code Enforcement Officers who have been designated appropriately under state and local laws shall be known as "code officials" under this Code."

Section 103.2 Appointment. This subsection is not adopted.

Section 103.3 Deputies. This subsection is not adopted.

Section 103.5 Fees. This subsection is not adopted. See § 92.99 for a fee schedule.

SECTION 106 VIOLATIONS. This heading is replaced with the following heading:

Section 106.2 Notice of violation. The heading of this subsection and the subsection itself are replaced as follows:

"Section 106.2 Violations of the Property Maintenance Code; notice of violation, citations, appeals, and liens.

"A code official shall carry out all Property Maintenance Code actions in accordance with the legal requirements adopted by the City of Covington regarding code enforcement procedures, set forth in Chapter 92 of the City of Covington Code of Ordinances and based on applicable Kentucky laws."

Section 106.3 Prosecution of violation. The subsection is replaced as follows:

"A code official shall carry out all Property Maintenance Code actions in accordance with the legal requirements adopted by the City of Covington regarding code enforcement procedures, set forth in Chapter 92 of the City of Covington Code of Ordinances and based on applicable Kentucky laws."

Section 106.4 Violation penalties. This heading and subsection are replaced with the following:

"Section 106.4 Penalties for violation of Property Maintenance Code.

(1) A violation of this code shall constitute a civil offense, and any person, firm or corporation who violates any provision of this subchapter shall be subject to a civil fine identified in § 92.99 of the Covington Code of Ordinances, or the cost to the City of Covington to abate the violation, or both.

(2) The City of Covington shall possess a lien on property for all fines, penalties, charges, attorney's fees and other reasonable costs associated with enforcing this code and placing of a lien on the parcel of real property pursuant to this code. The lien shall be superior to and have priority over all other liens, except state, county, school board and city taxes if all legal requirements are satisfied."

SECTION 107 NOTICES AND ORDERS. This heading is replaced with the following heading:

"SECTION 107

VIOLATIONS OF STATE CODES"

Section 107.1 Notice to person responsible. The heading of this subsection and the subsection itself are replaced as follows:

Section 107.1 Violations of the state codes; citation, appeals, and liens.

"Code officials may issue citation(s) for violation(s) of the Kentucky Building Code, Kentucky Standards of Safety, Kentucky Plumbing Code, Kentucky Residential Code, Kentucky Mechanical Code, National Fire Code, and the National Electric Code ("state codes"). Citations shall be issued in the same manner as set forth in subsection 106.2(4) and (5) and penalties may be imposed as set forth in subsection 106.3. To appeal a citation finding a violation of a state code, the alleged violator may appeal the citation pursuant to Chapter 92 of the Covington Code of Ordinances."

Section 107.2 Form. This section is not adopted.

Section 107.3 Method of service. This section is not adopted.

Section 107.4 Penalties. This section is not adopted.

Section 108.3 Notice. This subsection is replaced as follows:

"A code official shall give notice of any enforcement actions arising from the Property Maintenance Code in accordance with the legal requirements adopted by the City of Covington regarding code enforcement procedures, set forth in Chapter 92 of the City of Covington Code of Ordinances and based on applicable Kentucky laws."

Section 108.4 Placarding. This subsection is replaced as follows:

"With respect to structures that violate this subsection, upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises a placard bearing the following language:

This building is unfit for human habitation, occupancy, or use; the use or occupation of this building for human habitation, occupancy, or use is prohibited and unlawful.

With respect to defective equipment, upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the equipment a placard that the equipment is defective and should not be used and/or may have the equipment rendered inoperable until such time as it complies with this Code."

Section 108.4.1 Placard Removal. This subsection is replaced as follows:

"The code official shall remove the above-referenced placard whenever the defect or defects upon which the placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be deemed guilty of a class "A" misdemeanor and subject to immediate arrest and applicable fines."

Section 108.5 Prohibited occupancy. This subsection is replaced as follows:

"Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be deemed guilty of a class "A" misdemeanor and subject to immediate arrest and applicable fines."

Section 109.5 Costs of emergency repairs. This subsection shall be revised to read as follows:

"Cost incurred in the performance of emergency work shall by paid by the City. The City may recover these costs by filing a lien on the property on which the emergency work was performed and it may recover these costs by foreclosing on this lien or by taking other appropriate legal action."

Section 109.6 Hearing. This subsection is replaced as follows:

"Any person ordered to take emergency measures shall comply with such order immediately in accordance with the City of Covington Code of Ordinances and applicable Kentucky law. Any affected person may appeal a citation and order to take emergency measures to the Code Enforcement Board pursuant to Chapter 92 of the Covington Code of Ordinances and any applicable Kentucky law. All relevant portions of Chapter 92 of the Covington Code of Ordinances shall apply with regard to the filing and hearing of an appeal to the Code Enforcement Board and any subsequent appeal authorized by law."

Section 110.2 Notices and orders. This section is replaced as follows:

"A code official shall give notice of any enforcement actions arising from the Property Maintenance Code in accordance with the legal requirements adopted by the City of Covington regarding code enforcement procedures, set forth in Chapter 92 of the City of Covington Code of Ordinances and based on applicable Kentucky laws."

110.4. Salvage materials. This section is replaced as follows:

"When any structure has been ordered demolished and removed, the City Board of Commissioners or other designated officer under said contract or arrangement shall have the right -- but is not required -- to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal and after the payment of any liens, fines, or taxes owed on the property, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state."

Section 111 Means of appeal. This section and all following subsections or subchapters shall not be adopted.

Section 202 GENERAL DEFINITIONS.

The definition of "CODE OFFICIAL" is revised to read as follows:

"CODE OFFICIAL. A Code Enforcement Officer or other official who is charged with the administration and enforcement of this code, or any duly authorized representative."

Section 304.14 Insect screens. The two dates to be inserted in this subsection are April 30th and October 31st.

"**Section 308 RUBBISH AND GARBAGE.**

Section 308 is replaced with the following:

"All owners and occupants in the city shall follow applicable solid waste and recycling rules and regulations, as set forth in Chapter 95 of the Covington Code of Ordinances."

Section 309.3 Single occupant. This subsection is replaced as follows:

"**Section 309.3 Single occupant.** Both the owner and the occupant of a one-family dwelling or of a single-tenant non- residential structure shall be jointly and severally liable and/or responsible for extermination on the premises."

Section 306.5 Occupant. This subsection is replaced as follows:

"**Section 306.5 Occupant.** Both the owner and the occupant of any structure shall be jointly and severally liable and/or responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be solely responsible for extermination."

Section 601.1 Scope. This subsection is replaced as follows:

"**Section 601.1 Scope.** The provisions of this subchapter, Chapter 150 of the City Code of Ordinances, and Appendix "A" to Chapter 150 of the Code all shall govern the minimum mechanical and electrical facilities and equipment to be provided."

Section 602.1 Facilities Required. This heading and subsection are replaced as follows:

"**Section 602.1 Heating Facilities**. Heating facilities shall be provided in structures as required by this section. Every residential and commercial occupancy shall have a permanent heat source. A permanent heat source is one in which the power source is either hard wired or piped into the appropriate utility."

Section 602.3 Heat supply. The two dates to be inserted in this subsection are September 30 and May 31.

Section 602.4 Occupiable work spaces. The two dates to be inserted in this subsection are September 30 and May 31.

Section 604.2 Service. This subsection is replaced as follows:

"The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electric Code. Dwelling units shall be served by a three wire, 120/140 volt, single phase electrical service having a rating of not less than 60 amperes."

Section 701.1 Scope. This subsection is replaced as follows:

"Section 701.1 Scope. The provisions of this subchapter and Chapter 151 of the City Code of Ordinances shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided."

(1984 Code, § 152.21) (Ord. O-81-03, passed 12-16-2003; Ord. O-63-05, passed 11-29-2005; Ord. O-25-06, passed 5-9-2006; Ord. O-52-07, passed 11-27-2007; Ord. O-9-08, passed 3-18-2008; Ord. O-33-16, passed 11-15-2016; Ord. O-13-17, passed 6-27-2017; O-16-20, passed 8-11-2020)

STREET NUMBERING

§ 152.30 NUMBERING REQUIRED.

(A) All property owners, residents, users or occupiers of houses or tenements within the city shall post on the front of the building or tenement identifying numbers conforming to the street address. The numbers shall be painted or affixed by some water-proof substance, contrasting in color to the background where affixed, of a minimum size of three inches and sufficient to be readily visible and legible by a person possessing 20/20 vision from the street fronting the house or tenement. An owner, resident, user or occupier of a house or tenement may satisfy the requirement of this section by erecting and maintaining a sign in the yard abutting the public right-of-way that meets all other requirements of this section.

(B) An owner, resident, user or occupier of a house or tenement shall satisfy the requirements of division (A) above by displaying the identifying street number on a mailbox so long as the number is readily visible from each direction on the street fronting the house or tenement and the mailbox on which the number is affixed is physically located and maintained on the same property as the house or tenement referred to in division (A) above.

(C) (1) In addition to the identifying numbers required in division (A) above, all owners of property used as an apartment complex shall prominently display permanent signs on each building within the complex identifying all units in the building. As used in this division (C), the term ***APARTMENT COMPLEX*** shall include two or more multi-family buildings under common ownership or management; a ***MULTI-FAMILY BUILDING*** is any building containing more than two living units.

(2) An owner may satisfy the requirements of this division (C) by erecting and maintaining a sign in the yard of each building in the complex so long as the sign shall display the identifying number for each unit in the building in a fashion so as to be readily visible from the street.

(D) No person shall remove, alter or deface any street identifying number conforming to the terms of this section.

(1984 Code, § 152.80) (Ord. O-11-94, passed 4-12-1994) Penalty, see § 152.99

§ 152.99 PENALTY.

(A) (1) Any person who violates any, provision, rule or regulation made under §152.03 of this chapter, or who induces another to violate any provision, rule or regulation of this section, on conviction, shall be deemed guilty of a misdemeanor and shall be fined not less than $25, nor more than $500, or confined in the county jail for not more than 60 days, or both. Each day such violations exist shall, in the discretion of the courts, be considered as a separate offense.

(2) In addition to or in the alternative of the penalty set forth in division (A)(1) above, the city may impose a civil penalty of not less than $250 or more than $500 on any person, firm or corporation violating the provisions of this chapter, as authorized under KRS 83A.065, and for purposes of calculating the civil penalty, each day that the person, firm or corporation violates this or any provision thereof may be deemed a separate offense.

(B) It shall be unlawful for any owner, resident, user or occupier of a house or tenement in the city to fail to comply with the provisions of § 152.30 of this chapter. Any violation of § 152.30 shall be a civil offense, subject to enforcement through Ch. 92 of this code of ordinances and the penalties and processes enumerated therein.

(C) In addition to or in the alternative of the penalty set forth in division (A) above, the city may impose a civil penalty of not less than $250 or more than $500 on any person, firm or corporation violating the provisions of this chapter, as authorized under KRS 83.065, and for purposes of calculating the civil penalty, each day that the person, firm or corporation violates this or any provision thereof may be deemed a separate offense.

(1984 Code, § 152.99) (Ord. O-69-80, passed 11-4-1980; Ord. O-85-88, passed 11-15-1988; Ord. O-49-90, passed 10-16-1990; Ord. O-11-94, passed 4-12-1994; Ord. O-83-03, passed 12-16-2003; Ord. O-6-04, passed 2-3-2004; O-16-20, passed 8-11-2020)

CHAPTER 153: UNIFORM RESIDENTIAL LANDLORD AND TENANT ACT

Section

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Statutory reference:

Uniform Residential Landlord and Tenant Act, see KRS 383.505 et seq.

GENERAL PROVISIONS

§ 153.01 PURPOSE; POLICIES.

(A) This chapter shall be liberally construed and applied to promote its underlying purposes and policies.

(B) Underlying purposes and policies of this chapter are:

(1) To encourage landlords and tenants to maintain and improve the quality of housing; and

(2) To make uniform the law with respect to the subject of this chapter among those states which enact it.

(KRS 383.505) (1984 Code, § 153.01) (Ord. O-29-85, passed 5-29-1985)

§ 153.02 PRINCIPLES OF LAW AND EQUITY.

Unless displaced by the provisions of this chapter, the principles of law and equity, including the law relating to capacity to contract, mutuality of obligations, principal and agent, real property, public health, safety and fire prevention, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy or other validating or invalidating cause supplement its provisions.

(KRS 383.510) (1984 Code, § 153.02) (Ord. O-29-85, passed 5-29-1985)

§ 153.03 CONSTRUCTION.

This chapter being a general act intended as a unified coverage of its subject matter, no part of it is to be construed as impliedly repealed by subsequent legislation if that construction can reasonably be avoided.

(KRS 383.515) (1984 Code, § 153.03) (Ord. O-29-85, passed 5-29-1985)

§ 153.04 ADMINISTRATION OF REMEDIES; ENFORCEMENT.

(A) The remedies provided by this chapter shall be so administered that an aggrieved party may recover appropriate damages. The aggrieved party has a duty to mitigate damages.

(B) Any right or obligation declared by this chapter is enforceable by action unless the provision declaring it specifies a different and limited effect.

(KRS 383.520) (1984 Code, § 153.04) (Ord. O-29-85, passed 5-29-1985)

§ 153.05 SETTLEMENT OF DISPUTED CLAIM OR RIGHT.

A claim or right arising under this chapter or on a rental agreement, if disputed in good faith, may be settled by agreement.

(KRS 383.525) (1984 Code, § 153.05) (Ord. O-29-85, passed 5-29-1985)

§ 153.06 EXCLUSIONS FROM APPLICATION.

The following arrangements are not governed by this chapter:

(A) Residence at an institution, public or private, if incidental to detention or the provision of medical, geriatric, educational counseling, religious or similar service;

(B) Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or a person who succeeds to his or her interest;

(C) Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;

(D) Transient occupancy in a hotel, or motel, or lodgings subject to the state's Transient Lodgings or Room Occupancy Excise Tax Act;

(E) Occupancy by an employee of a landlord whose right to occupancy is conditional upon employment in and about the premises;

(F) Occupancy by an owner of a condominium unit or a holder of a proprietary lease in a cooperative; and

(G) Occupancy of a dwelling unit located on land devoted to the production of livestock, livestock products, poultry, poultry products or the growing of tobacco or other crops including timber.

(KRS 383.535) (1984 Code, § 153.06) (Ord. O-29-85, passed 5-29-1985)

§ 153.07 JURISDICTION; SERVICE OF PROCESS.

(A) The district courts of the state may exercise jurisdiction over any landlord or tenant with respect to any conduct in the state governed by this chapter or with respect to any claim arising from a transaction subject to this chapter. In addition to any other method provided by rule or by statute, personal jurisdiction over a landlord or tenant may be acquired in a civil action or proceeding instituted in the court by the service of process in the manner provided by this section.

(B) If a landlord is not a resident of the state or is a corporation not authorized to do business in the state and engages in any conduct in the state governed by this chapter, or engages in a transaction subject to this chapter, he or she may designate an agent upon whom service of process may be made in the state. The agent shall be a resident of the state or a corporation authorized to do business in the state. The designation shall be in writing and filed with the Secretary of State. If no designation is made and filed or if process cannot be served in the state upon the designated agent, process may be served upon the Secretary of State, but service upon him or her is not effective unless the plaintiff or petitioner forthwith mails a copy of the process and pleading by registered or certified mail to the defendant or respondent at his or her last reasonably ascertainable address. An affidavit of compliance with this section shall be filed with the Clerk of the Court on or

before the return day of the process, if any, or within any further time the court allows.

(KRS 383.540) (1984 Code, § 153.07) (Ord. O-29-85, passed 5-29-1985)

§ 153.08 DEFINITIONS.

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

ACTION. Includes recoupment, counterclaim, set-off suit in equity and any other proceeding in which rights are determined, including an action for possession.

BUILDING AND HOUSING CODES. Includes any law, ordinance or governmental regulation concerning fitness for habitation, or the construction, maintenance, operation, occupancy, use or appearance of any premises or dwelling unit.

DWELLING UNIT. A structure or the part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

GOOD FAITH. Honesty in fact in the conduct of the transaction concerned.

LANDLORD. The owners, lessor or sublessor of the dwelling unit or the building of which it is a part, and it also means a manager of the premises who fails to disclose as required by § 153.29 of this chapter.

ORGANIZATION. Includes a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, and any other legal or commercial entity.

OWNER. One or more persons, jointly or severally, in whom is vested all or part of the legal title to property or all or part of the beneficial ownership and a right to present use and enjoyment of the premises. The term includes a mortgagee in possession.

PERSON. Includes an individual or organization.

PREMISES. A dwelling unit and the structure of which it is a part and facilities and appurtenances therein and grounds, areas and facilities held out for the use of tenants generally or whose use is promised to the tenant.

RENT. All payments, except a security deposit as defined in this section, to be made to the landlord under the rental agreement.

RENTAL AGREEMENT. All agreements, written or oral, and valid rules and regulations adopted under §153.34 of this chapter embodying the terms and conditions concerning the use and occupancy of a dwelling unit and premises.

ROOMER or ***BOARDER.*** A tenant occupying a dwelling unit:

(1) Which lacks at least one major bathroom facility or kitchen facility, such as a toilet, refrigerator or a stove;

(2) In a building where one or more such major facilities are supplied to be used in common by the occupants of the tenant's dwelling unit and by the occupants of one or more other dwelling units; and

(3) In a building in which the landlord resides.

SECURITY DEPOSIT. An escrow payment made to the landlord under the rental agreement for the purpose of securing the landlord against financial loss due to damage to the premises occasioned by the tenant's occupancy other than ordinary wear and tear.

SINGLE-FAMILY RESIDENCE. A structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit, it is a ***SINGLE-FAMILY RESIDENCE*** if it has direct access to a street or thoroughfare and shares neither heating facilities, hot water equipment, not any other essential facility or service with any other dwelling unit.

TENANT. A person entitled under a rental agreement to occupy a dwelling unit to the exclusion of others.

UNCONSCIONABLE. An act or conduct which is willful and is so harsh and unjust as would be condemned or considered to be wrongful and would be shocking to the conscience of honest and fair- minded persons.

WILLFUL. With deliberate intention, not accidentally or inadvertently, and done according to a purpose.

(KRS 383.545) (1984 Code, § 153.08)

§ 153.09 "GOOD FAITH" OBLIGATION.

Every duty under this chapter and every act which must be performed as a condition precedent to the exercise of a right or remedy under this chapter imposes an obligation of good faith in its performance or enforcement.

(KRS 383.550) (1984 Code, § 153.09) (Ord. O-29-85, passed 5-29-1985)

§ 153.10 UNCONSCIONABILITY.

(A) If the court, as a matter of law, finds:

(1) A rental agreement or any provision thereof was unconscionable when made, the court may refuse to enforce the agreement, enforce the remainder of the agreement without the unconscionable provision, or limit the application of any unconscionable provision to avoid an unconscionable result; or

(2) A settlement in which a party waives or agrees to forego a claim or right under this chapter or under a rental agreement was unconscionable when made, the court may refuse to enforce the settlement, enforce the remainder of the settlement without the unconscionable provision or limit the application of any unconscionable provision to avoid an unconscionable result.

(B) If unconscionability is put into issue by a party or by the court upon its own motion, the parties shall be afforded a reasonable opportunity to present evidence as to the setting, purpose and effect of the rental agreement or settlement to aid the court in making the determination.

(KRS 383.555) (1984 Code, § 153.10) (Ord. O-29-85, passed 5-29-1985)

§ 153.11 NOTICE.

A person has notice of a fact if:

(A) (1) He or she has actual knowledge of it;

(2) He or she has received a notice or notification of it; or

(3) From all the facts and circumstances known to him or her at the time in question, he or she has reason to know that it exists.

(B) A person knows or has knowledge of a fact if he or she has actual knowledge of it.

(C) A person notifies or gives notice or notification to another person by taking steps reasonably calculated to inform the other in ordinary course whether or not the other actually comes to know of it. A person receives a notice or notification when:

(1) It comes to his or her attention;

(2) In the case of the landlord, it is delivered in writing at the place of business of the landlord through which the rental agreement was made or at any place held out by him or her as the place for receipt of the communications, or mailed by certified mail to him or her at his or her place of business or at any place held out by him or her as the place for receipt of any communication; or

(3) In the case of the tenant, it is delivered in hand to the tenant or mailed by registered or certified mail to him or her at the place held out by him or her as the place for receipt of the communication, or in the absence of such designation, to his or her last known place of residence.

(D) Notice, knowledge or a notice or notification received by an organization is effective for a particular transaction from the time it is brought to the attention of the individual conducting that transaction and, in any event, from the time it would have been brought to his or her attention if the organization had exercised reasonable diligence.

(KRS 383.560) (1984 Code, § 153.11) (Ord. O-29-85, passed 5-29-1985)

CONDITIONS, REGULATIONS AND PROHIBITIONS

§ 153.25 TERMS AND CONDITIONS OF RENTAL AGREEMENT.

(A) A landlord and a tenant may include in a rental agreement terms and conditions not prohibited by this chapter or other rule of law, including rent, term of the agreement and other provisions governing the rights and obligations of the parties.

(B) Rent is payable without demand or notice at the time and place agreed upon by the parties. Unless otherwise agreed, rent is payable at the dwelling unit and periodic rent is payable at the beginning of any term of one month or less and otherwise in equal monthly installments at the beginning of each month. Unless otherwise agreed, rent is uniformly apportionable from day-to-day.

(C) Unless the rental agreement fixes a definite term, the tenancy is week-to-week in case of a roomer who pays weekly rent, and in all other cases month-to- month.

(KRS 383.565) (1984 Code, § 153.12) (Ord. O-29-85, passed 5-29-1985)

§ 153.26 PROHIBITED PROVISIONS.

(A) A rental agreement may not provide that the tenant:

(1) Agrees to waive or forego rights or remedies under this chapter;

(2) Authorizes any person to confess judgment on a claim arising out of the rental agreement;

(3) Agrees to pay the landlord’s attorney’s fees; or

(4) Agrees to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for

that liability or the costs connected therewith.

(B) A provision prohibited by division (A) above included in the rental agreement is unenforceable.

(KRS 383.570) (1984 Code, § 153.13) (Ord. O-29-85, passed 5-29-1985)

§ 153.27 SEPARATION OF RENTS AND OBLIGATIONS.

A rental agreement, assignment, conveyance, trust deed or security instrument may not permit the receipt of rent free of the obligation to comply with § 153.31(A) of this chapter.

(KRS 383.575) (1984 Code, § 153.14) (Ord. O-29-85, passed 5-29-1985)

§ 153.28 SECURITY DEPOSITS.

(A) All landlords of residential property requiring security deposits prior to occupancy shall be required to deposit all tenants' security deposits in an account used only for that purpose, in any bank or other lending institution subject to regulation by the commonwealth or any agency of the United States Government. Prospective tenants shall be informed of the location of the separate account and the account number.

(B) Prior to tendering any consideration deemed to be a security deposit, the prospective tenant shall be presented with a comprehensive listing of any then- existing damage to the unit which would be the basis for a charge against the security deposit and the estimated dollar cost of repairing such damage. The tenant shall have the right to inspect the premises to ascertain the accuracy of such listing prior to taking occupancy. The landlord and the tenant shall sign the listing, which signatures shall be conclusive evidence of the accuracy of such listing, but shall not be construed to be conclusive to latent defects. If the tenant shall refuse to sign such listing, he or she shall state specifically in writing the items on the list to which he or she dissents and shall sign such statement of dissent.

(C) At the termination of occupancy, the landlord shall inspect the premises and compile a comprehensive listing of any damage to the unit which is the basis for any charge against the security deposit and the estimated dollar cost of repairing such damage. The tenant shall then have the right to inspect the premises to ascertain the accuracy of such listing. The landlord and the tenant shall sign the listing, which signatures shall be conclusive evidence of the accuracy of such listing. If the tenant shall refuse to sign such listing, he or she shall state specifically in writing the items on the list to which he or she dissents, and shall sign such statement of dissent.

(D) No landlord shall be entitled to retain any portion of a security deposit if the security deposit was not deposited in a separate account as required by division (A) above and if the initial and final damage listings required by divisions (B) and (C) above are not provided.

(E) A tenant who disputes the accuracy of the final damage listing given pursuant to division (C) above may bring an action in District Court. Tenant's claim shall be limited to those items from which the tenant specifically dissented in accordance with the provisions of division (C) above, or except as otherwise provided, and if the tenant shall fail to sign the listing or specifically dissent in accordance with division (C) above, the tenant shall not be entitled to recover any damages under this section.

(F) In the event a tenant leaves not paying his or her last month's rent and does not demand a return of his or her deposit, the landlord may, after 30 days, remove the deposit from the account and apply any such excess to the debt owing.

(G) In the event the tenant leaves not owing rent and having any refund due, the landlord shall send notification to the last known or reasonably determinable address, of the amount of any refund due the tenant. In the event the landlord shall not have received a response from the tenant within 60 days from the sending of such notification, the landlord may remove the deposit from the account and retain it free from any claim of the tenant or any person claiming in his behalf.

(KRS 383.580) (1984 Code, § 153.15) (Ord. O-29-85, passed 5-29-1985)

§ 153.29 DISCLOSURE.

(A) A landlord or any person authorized to enter into rental agreement on his or her behalf shall disclose to the tenant in writing at or before the commencement of the tenancy the name and address of:

(1) The person authorized to manage the premises; and

(2) An owner of the premises or a person authorized to act for and on behalf of the owner for the purpose of service of process and receiving and receipting for notices and demands.

(B) The information required to be furnished by this section shall be kept current and this section extends to and is enforceable against any successor landlord, owner or manager.

(C) A person who fails to comply with division (A) above becomes an agent of each person who is a landlord for:

(1) Service of process and receiving and receipting for notices and demands; and

(2) Performing the obligations of the landlord under this chapter and under the rental agreement and expending or making available for the purpose all rent collected from the premises.

(KRS 383.585) (1984 Code, § 153.16) (Ord. O-29-85, passed 5-29-1985)

§ 153.30 POSSESSION OF PREMISES.

At the commencement of the term, a landlord shall deliver possession of the premises to the tenant in compliance with the rental agreement and § 153.31 of this chapter. The landlord may bring an action for possession against any person wrongfully in possession and may recover the damages provided in § 153.51(D) of this chapter.

(KRS 383.590) (1984 Code, § 153.17) (Ord. O-29-85, passed 5-29-1985)

§ 153.31 LANDLORD'S MAINTENANCE OBLIGATIONS AND AGREEMENTS.

(A) A landlord shall:

(1) Comply with the requirements of applicable building and housing codes materially affecting health and safety;

(2) Make all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition;

(3) Keep all common areas of the premises in a clean and safe condition;

(4) Maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air conditioning and other facilities and appliances, including elevators, supplied or required to be supplied by him or her; and

(5) Supply running water and reasonable amounts of hot water at all times and reasonable heat between October 1 and May 1, except where the building that includes the dwelling unit is not required by law to be equipped for that purpose, or the dwelling unit is so constructed that heat or hot water is generated by an installation within the exclusive control of the tenant and supplied by a direct public utility connection.

(B) If the duty imposed by division (A)(1) above is greater than any duty imposed by divisions (A)(2), (A)(3), (A)(4) or (A)(5) above, the landlord's duty shall be determined by reference to division (A)(1) above.

(C) The landlord and tenant of a single-family residence may agree in writing that the tenant perform the landlord's duties specified in division (A)(5) above and also specified repairs, maintenance tasks, alterations and remodeling, but only if the transaction is entered into in good faith and not for the purpose of evading the obligations of the landlord.

(D) The landlord and tenant of any dwelling unit other than a single-family residency may agree that the tenant is to perform specified repairs, maintenance tasks, alterations or remodeling only if:

(1) The agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the landlord and is set forth in a separate writing signed by the parties and supported by adequate consideration;

(2) The work is not necessary to cure non- compliance with division (A)(1) above; and

(3) The agreement does not diminish or affect the obligation of the landlord to other tenants in the premises.

(KRS 383.595) (1984 Code, § 153.18) (Ord. O-29-85, passed 5-29-1985)

§ 153.32 LIMITATION OF LIABILITY.

(A) Unless otherwise agreed, a landlord who conveys premises that include a dwelling unit subject to a rental agreement in a good faith sale to a bona fide purchaser is relieved of liability under the rental agreement and this chapter as to events occurring after written notice to the tenant of the conveyance.

(B) Unless otherwise agreed, a manager of premises that include a dwelling unit is relieved of liability under the rental agreement and this chapter as to events occurring after written notice to the tenant of the termination of his or her management.

(KRS 383.600) (1984 Code, § 153.19) (Ord. O-29-85, passed 5-29-1985)

§ 153.33 TENANT'S MAINTENANCE OBLIGATIONS.

A tenant shall:

(A) Comply with all obligations primarily imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety;

(B) Keep that part of the premises that he or she occupies and uses as clean and safe as the condition of the premises permit;

(C) Dispose from his or her dwelling unit all ashes, garbage, rubbish and other waste in a clean and safe manner.

(D) Keep all plumbing fixtures in the dwelling unit or used by the tenant as clean as their condition permits;

(E) Use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air conditioning and other facilities and appliances including elevators in the premises;

(F) Not deliberately or negligently destroy, deface, damage, impair or remove any part of the premises or knowingly permit any person to do so; and

(G) Conduct himself or herself and require other persons on the premises with his or her consent to conduct themselves

in a manner that will not disturb his or her neighbors' peaceful enjoyment of the premises.

(KRS 383.605) (1984 Code, § 153.20) (Ord. O-29-85, passed 5-29-1985)

§ 153.34 RULES AND REGULATIONS.

(A) A landlord, from time to time, may adopt a rule or regulation, however described, concerning the tenant's use and occupancy of the premises. It is enforceable against the tenant only if:

(1) Its purpose is to promote the convenience, safety or welfare of the tenants in the premises, preserve the landlord's property from abusive use or make a fair distribution of services and facilities held out for the tenants generally;

(2) It is reasonably related to the purpose for which it is adopted;

(3) It applies to all tenants in the premises in a fair manner;

(4) It is sufficiently explicit in its prohibition, direction or limitation of the tenant's conduct to fairly inform him or her of what he or she must or must not do to comply;

(5) It is not for the purpose of evading the obligations of the landlord; and

(6) The tenant has notice of it at the time he or she enters into the rental agreement, or when it is adopted.

(B) If a rule or regulation is adopted after the tenant enters into the rental agreement that works a substantial modification of his or her bargain, it is not valid unless the tenant consents to it in writing.

(KRS 383.610) (1984 Code, § 153.21) (Ord. O-29-85, passed 5-29-1985)

§ 153.35 ACCESS.

(A) A tenant shall not unreasonably withhold consent to the landlord to enter into the dwelling unit in order to inspect the premises, make necessary or agreed repairs, decorations, alterations or improvements, supply necessary or agreed services, or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workers or contractors.

(B) A landlord may enter the dwelling unit without consent of the tenant in case of emergency.

(C) A landlord shall not abuse the right of access or use it to harass the tenant. Except in case of emergency or unless it is impracticable to do so, the landlord shall give the tenant at least two days' notice of his or her intent to enter and may enter only at reasonable times.

(D) A landlord has no other right of access, except:

(1) Pursuant to court order;

(2) As permitted by §§ 153.45 and 153.46(B) of this chapter; or

(3) Unless the tenant has abandoned or surrendered the premises.

(KRS 383.615) (1984 Code, § 153.22) (Ord. O-29-85, passed 5-29-1985)

§ 153.36 TENANT'S USE AND OCCUPANCY.

Unless otherwise agreed, a tenant shall occupy his or her dwelling unit only as a dwelling unit. The rental agreement may require that the tenant notify the landlord of any anticipated extended absence from the premises in excess of seven days no later than the first day of the extended absence.

(KRS 383.620) (1984 Code, § 153.23) (Ord. O-29-85, passed 5-29-1985)

§ 153.37 NON-COMPLIANCE BY LANDLORD.

(A) Except as provided in this chapter, if there is a material non-compliance by the landlord with the rental agreement or a non-compliance with § 153.31 of this chapter materially affecting health and safety, the tenant may deliver a written notice to the landlord specifying the acts and omissions constituting the breach and that the rental agreement will terminate upon a date not less than 30 days after receipt of the notice if the breach is not remedied in 14 days, and the rental agreement shall terminate as provided in the notice subject to the following:

(1) If the breach is remediable by repairs, the payment of damages or otherwise and the landlord adequately remedies the breach before the date specified in the notice, the rental agreement shall not terminate by reason of the breach;

(2) If substantially the same act or omission which constituted a prior non-compliance covered by this division (A) of which notice was given recurs within six months, the tenant may terminate the rental agreement upon at least 14 days' written notice specifying the breach and the date of termination of the rental agreement; and

(3) The tenant may not terminate for a condition caused by the deliberate or negligent act or omission of the tenant, a member of his or her family, or other person on the premises with his or her consent.

(B) Except as provided in this chapter, the tenant may recover damages and obtain injunctive relief for any non-compliance by the landlord with the rental agreement or § 153.31 of this chapter.

(C) The remedy provided in division (B) above is in addition to any right of the tenant arising under division (A) above.

(D) If the rental agreement is terminated, the landlord shall return all prepaid rent.

(KRS 383.625) (1984 Code, § 153.24) (Ord. O-29-85, passed 5-29-1985)

§ 153.38 LANDLORD'S FAILURE TO DELIVER POSSESSION.

(A) If the landlord fails to deliver possession of the dwelling unit to the tenant as provided in §153.30 of this chapter, rent abates until possession is delivered and the tenant may:

(1) Terminate the rental agreement upon at least five days' written notice to the landlord and upon termination the landlord shall return all prepaid rent and damage fee; or

(2) Demand performance of the rental agreement by the landlord and, if the tenant elects, maintain an action for possession of the dwelling unit against the landlord or any person wrongfully in possession and recover the damages sustained by him or her.

(B) If a person's failure to deliver possession is willful and not in good faith, an aggrieved person may recover from that person an amount not more than three months' periodic rent or threefold the actual damages sustained, whichever is greater, and reasonable attorney's fees.

(KRS 383.630) (1984 Code, § 153.25) (Ord. O-29-85, passed 5-29-1985)

§ 153.39 REMEDIES FOR NON- COMPLIANCE THAT AFFECTS HEALTH AND SAFETY.

(A) (1) If the landlord willfully and materially fails to comply with the rental agreement or fails to comply with §153.31 of this chapter and such non- compliance materially affects health and safety and the reasonable cost of compliance is less than $100, or an amount equal to one-half of the monthly rent, whichever amount is greater, the tenant may notify the landlord of his or her intention to correct the condition at the landlord's expense.

(2) If the landlord willfully fails to comply within 14 days after being notified by the tenant in writing or as promptly as conditions require in case of emergency, the tenant may cause the work to be done in a professional manner and, after submitting to the landlord an itemized statement for the work actually done and for which the tenant has paid in full, deduct from his or her rent the actual and reasonable cost or the fair and reasonable value of the work, not exceeding the amount specified in this division (A).

(B) A tenant may not repair at the landlord's expense if the condition was caused by the deliberate or negligent act or omission of the tenant, a member of his or her family or other person on the premises with his or her consent.

(KRS 383.635) (1984 Code, § 153.26) (Ord. O-29-85, passed 5-29-1985)

§ 153.40 WRONGFUL FAILURE TO SUPPLY ESSENTIAL SERVICES.

(A) If, contrary to the rental agreement of §153.31 of this chapter, the landlord willfully fails to supply heat, running water, hot water, electric, gas or other essential service, the tenant may give written notice to the landlord specifying the breach and may:

(1) Procure reasonable amounts of heat, hot water, running water, electric, gas and the essential service during the period of the landlord's non- compliance and deduct their actual and reasonable cost from the rent;

(2) Recover damages based upon the diminution in the fair rental value of the dwelling unit; or

(3) Procure reasonable substitute housing during the period of the landlord's non-compliance, in which case the tenant is excused from paying rent for the period of the landlord's non-compliance.

(B) In addition to a remedy provided in division (A)(3) above, the tenant may recover reasonable attorney's fees.

(C) If the tenant proceeds under this section, he or she may not proceed under §§153.37 or 153.38 of this chapter as to that breach.

(D) Rights of the tenant under this section do not arise until he or she has given notice to the landlord or if the condition was caused by the deliberate or negligent act or omission of the tenant, a member of his or her family, or other person on the premises with his or her consent.

(KRS 383.640) (1984 Code, § 153.27) (Ord. O-29-85, passed 5-29-1985)

§ 153.41 LANDLORD'S NON-COMPLIANCE AS DEFENSE TO ACTION FOR POSSESSION OR RENT.

(A) (1) In an action for possession based upon non-payment of the rent or in an action for rent when the tenant is in possession, the tenant may counterclaim for any amount he or she may recover under the rental agreement of § 153.25 of this chapter. In that event the court from time to time may order the tenant to pay into court all or part of the rent accrued and thereafter accruing, and shall determine the amount due to each party. The party to whom a net amount is owed shall be paid first from the money paid into court, and the balance by the other party.

(2) If no rent remains due after application of this section, judgment shall be entered for the tenant in the action for

possession. If the defense or counterclaim by the tenant is without merit and is not raised in good faith, the landlord may recover reasonable attorney's fees.

(B) In an action for rent when the tenant is not in possession, he or she may counterclaim as provided in division (A) above, but is not required to pay any rent into court.

(KRS 383.645) (1984 Code, § 153.28) (Ord. O-29-85, passed 5-29-1985)

§ 153.42 FIRE OR CASUALTY DAMAGE.

(A) If the dwelling unit or premises are damaged or destroyed by fire or casualty or so injured by the elements, act of God or other cause to an extent that enjoyment of the dwelling unit is substantially impaired, the tenant or the landlord may terminate the rental agreement upon 14 days' notice; however, the tenant may immediately vacate the premises.

(B) (1) If the rental agreement is terminated under provision of this section, the landlord shall return all the unused portion of the prepaid rent.

(2) Accounting for rent in the event of termination or apportionment shall be made as of the date of the casualty.

(KRS 383.650) (1984 Code, § 153.29) (Ord. O-29-85, passed 5-29-1985)

§ 153.43 TENANT'S REMEDIES FOR UNLAWFUL OUSTER, EXCLUSION OR DIMINUTION OF SERVICE.

If a landlord unlawfully removes or excludes the tenant from the premises or willfully diminishes services to the tenant by interrupting or causing the interruption of heat, running water, hot water, electric, gas or other essential service, the tenant may recover possession or terminate the rental agreement and, in either case, recover an amount not more than three months periodic rent and a reasonable attorney's fee. If the rental agreement is terminated, the landlord shall return all prepaid rent.

(KRS 383.655) (1984 Code, § 153.30) (Ord. O-29-85, passed 5-29-1985)

§ 153.44 TENANT'S NON-COMPLIANCE WITH RENTAL AGREEMENT; FAILURE TO PAY RENT.

(A) Except as provided in this chapter, if there is a material non-compliance by the tenant with the rental agreement or a material non-compliance with § 153.43 of this chapter or this section, the landlord may deliver a written notice to the tenant specifying the acts and omissions constituting the breach and that the rental agreement will terminate upon a date not less than 14 days after receipt of the notice. If the breach is not remedied in 15 days, the rental agreement shall terminate as provided in the notice subject to the following. If the breach is remediable by repairs or the payment of damages or otherwise and the tenant adequately remedies the breach before the date specified in the notice, the rental agreement shall not terminate. If substantially the same act or omission which constituted a prior non-compliance of which notice was given recurs within six months, the landlord may terminate the rental agreement upon at least 14 days' written notice specifying the breach and the date of termination of the rental agreement.

(B) If rent is unpaid when due and the tenant fails to pay rent within seven days after written notice by the landlord of non-payment and his or her intention to terminate the rental agreement if the rent is not paid within that period, the landlord may terminate the rental agreement.

(C) Except as provided in this chapter, the landlord may recover damages and obtain injunctive relief for any non-compliance by the tenant with the rental agreement or §§ 153.34 or 153.35 of this chapter. If the tenant's non-compliance is willful, the landlord may recover actual damages and reasonable attorney's fees.

(KRS 383.660) (1984 Code, § 153.31) (Ord. O-29-85, passed 5-29-1985)

§ 153.45 TENANT'S FAILURE TO MAINTAIN.

If there is non-compliance by the tenant with §§153.34 or 153.35 materially affecting health and safety that can be remedied by repair, replacement of a damaged item or cleaning, and the tenant fails to comply as promptly as conditions require in case of emergency or within 14 days after written notice by the landlord specifying the breach and requesting that the tenant remedy it within that period of time, the landlord may enter the dwelling unit and cause the work to be done in a professional manner and submit the itemized bill for the actual and reasonable cost or the fair and reasonable value thereof as rent on the next date periodic rent is due, or if the rental agreement has terminated, for immediate payment.

(KRS 383.665) (1984 Code, § 153.32) (Ord. O-29-85, passed 5-29-1985)

§ 153.46 REMEDIES FOR ABSENCE, NON- USE AND ABANDONMENT.

(A) If the rental agreement requires the tenant to give notice to the landlord of an anticipated extended absence in excess of seven days as required in § 153.36 of this chapter and the tenant willfully fails to do so, the landlord may recover actual damages from the tenant.

(B) During any absence of the tenant in excess of seven days, the landlord may enter the dwelling unit at times reasonably necessary.

(C) If the tenant abandons the dwelling unit, the landlord shall make reasonable efforts to rent it at a fair rental. If the landlord rents the dwelling unit for a term beginning before the expiration of the rental agreement, it terminates as of the date

of the new tenancy. If the landlord fails to use reasonable efforts to rent the dwelling unit at a fair rental or if the landlord accepts the abandonment as a surrender, the rental agreement is deemed to be terminated by the landlord as of the date the landlord has notice of the abandonment. If the tenancy is from month-to-month or week-to-week, the term of the rental agreement for this purpose is deemed to be a month or a week, as the case may be.

(KRS 383.670) (1984 Code, § 153.33) (Ord. O-29-85, passed 5-29-1985)

§ 153.47 WAIVER OF LANDLORD'S RIGHT TO TERMINATE.

Acceptance of rent with knowledge of a default by the tenant or acceptance of performance by him or her that varies from the terms of the rental agreement constitutes a waiver of the landlord's right to terminate the rental agreement for that breach, unless otherwise agreed after the breach has occurred.

(KRS 383.675) (1984 Code, § 153.34) (Ord. O-29-85, passed 5-29-1985)

§ 153.48 LANDLORD'S LIEN OR SECURITY INTEREST; DISTRESS FOR RENT.

(A) A lien or security interest on behalf of the landlord in the tenant's household goods is not enforceable unless perfected before 8-1-1984.

(B) Distraint for rent is abolished.

(KRS 383.680) (1984 Code, § 153.35) (Ord. O-29-85, passed 5-29-1985)

§ 153.49 REMEDY AFTER TERMINATION.

If the rental agreement is terminated, the landlord may have a claim for possession and for rent and a separate claim for actual damages for breach of the rental agreement and reasonable attorney's fees as provided in § 153.44(C) of this chapter.

(KRS 383.685) (1984 Code, § 153.36) (Ord. O-29-85, passed 5-29-1985)

§ 153.50 RECOVERY OF POSSESSION LIMITED.

A landlord may not recover or take possession of the dwelling unit by action or otherwise, including willful diminution of services to the tenant by interrupting or causing the interruption of heat, electric, running water, hot water, gas or other essential service to the tenant, except in case of abandonment, surrender or as permitted in this chapter.

(KRS 383.690) (1984 Code, § 153.37) (Ord. O-29-85, passed 5-29-1985)

§ 153.51 PERIODIC TENANCY; HOLDOVER REMEDIES.

(A) The landlord or the tenant may terminate a week-to-week tenancy by a written notice given to the other at least seven days before the termination date specified in the notice.

(B) The landlord or the tenant may terminate a month-to-month tenancy by a written notice given to the other at least 30 days before the periodic rental date specified in the notice.

(C) The landlord or the tenant may terminate a tenancy begun upon the termination of a written lease by written notice given to the other at least ten days before the termination date specified in the notice; except that, if the tenant fails to pay rent within ten days after the day it becomes due, the landlord may terminate the tenancy at any time without notice.

(D) If the tenant remains in possession without the landlord's consent after expiration of the term of the rental agreement or its termination, the landlord may bring an action for possession and if the tenant's holdover is willful and not in good faith the landlord may also recover an amount not more than three months' periodic rent or threefold the actual damages sustained by him or her, whichever is greater, and reasonable attorney's fees. If the landlord consents to the tenant's continued occupancy, § 153.25(C) of this chapter applies.

(KRS 383.695) (1984 Code, § 153.38) (Ord. O-29-85, passed 5-29-1985)

§ 153.52 REMEDIES FOR ABUSE OF ACCESS.

(A) If the tenant refuses to allow lawful access, the landlord may obtain injunctive relief to compel access, or terminate the rental agreement. In either case the landlord may recover actual damages and reasonable attorney's fees.

(B) If the landlord makes an unlawful entry or a lawful entry in an unreasonable manner or makes repeated demands for entry otherwise lawful but which have the effect of unreasonably harassing the tenant, the tenant may obtain injunctive relief to prevent the reoccurrence of the conduct or terminate the rental agreement. In either case, the tenant may recover actual damages and reasonable attorney's fees.

(KRS 383.700) (1984 Code, § 153.39) (Ord. O-29-85, passed 5-29-1985)

§ 153.53 RETALIATORY CONDUCT.

(A) Except as provided in this section, a landlord may not retaliate by increasing rent or decreasing services or by bringing or threatening to bring an action for possession after:

(1) The tenant has complained to a governmental agency charged with responsibility for enforcement of a building or housing code of a violation applicable to the premises materially affecting health and safety;

(2) The tenant has complained to the landlord of a violation under §153.31 of this chapter; or

(3) The tenant has organized or become a member of a tenant's union or similar organization.

(B) If the landlord acts in violation of division (A) above, the tenant is entitled to the remedies provided in §153.43 of this chapter and has a defense in any retaliatory action against him or her for possession. In an action by or against the tenant, evidence of a complaint within one year before the alleged act of retaliation creates a presumption that the landlord's conduct was in retaliation. The presumption does not arise if the tenant made the complaint after notice of a proposed rent increase or diminution of services. ***PRESUMPTION*** means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its non-existence.

(C) Notwithstanding divisions (A) and (B) above, a landlord may bring an action for possession if:

(1) The violation of the applicable building or housing code was caused primarily by lack of reasonable care by the tenant or other person in his or her household or upon the premises with his or her consent;

(2) The tenant is in default in rent; or

(3) Compliance with the applicable building or housing code requires alteration, remodeling or demolition which would effectively deprive the tenant of use of the dwelling unit.

(D) The maintenance of an action under division (C) above does not release the landlord from liability under §153.39 of this chapter.

(KRS 383.705) (1984 Code, § 153.40) (Ord. O-29-85, passed 5-29-1985)

CHAPTER 154: MOBILE HOMES

Section

154.01 Definitions

154.02 Purpose

154.03 Approved parks only

154.04 Removal of wheels

154.99 Penalty

Cross-reference:

Community Development, see Ch. 156

Property Maintenance Code, see Ch. 152

Rental Dwellings, see Ch. 155

Zoning Code, see Ch. 158

§ 154.01 DEFINITIONS.

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

TRAILER COACH or ***MOBILE HOME***. Any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance on the public streets or public highways and designed to permit the occupancy thereof as a dwelling place for one or more persons.

TRAILER COACH PARK. Any plot of ground on which two or more trailer coaches occupied for dwelling or sleeping purposes are located, regardless whether or not a charge is made for such accommodation; except such plots of ground with trailer coaches thereon, all of which are owned or leased by an employer and all of which in turn are leased, rented or made available to employees who are temporarily assigned to this general area, and which trailer coaches are located on employer-owned property in an Industrial "A" Zone.

(1984 Code, § 154.01) (Ord. O-41-58, passed 10-1-1958; Ord. O-44-63, passed 8-29-1963; Ord. O-42-79, passed 4-25-1979)

§ 154.02 PURPOSE.

It is declared that the limiting of the parking or placing of trailer coaches or mobile homes in duly licensed trailer coach

parks holding such permits as are required by the commonwealth and the city for such operation is necessary to promote the public health, safety, morals or the general welfare of the city.

(1984 Code, § 154.02) (Ord. O-41-58, passed 10-1-1958; Ord. O-44-63, passed 8-29-1963; Ord. O-42-79, passed 4-25-1979)

Statutory reference:

Mobile home parks, see KRS 219.310 et seq.

§ 154.03 APPROVED PARKS ONLY.

It shall be unlawful for any person, firm or corporation to park or place any trailer coach or mobile home on any plot of ground within the city, except in a duly licensed trailer coach park holding such permits as are required by the commonwealth and the city for such operation.

(1984 Code, § 154.03) (Ord. O-41-58, passed 10-1-1958; Ord. O-44-63, passed 8-29-1963; Ord. O-42-79, passed 4-25-1979)

Statutory reference:

Permit for construction of mobile home park, see KRS 219.350

Permit for operation of park, see KRS 219.330

§ 154.04 REMOVAL OF WHEELS.

It shall be unlawful, except for repair, to remove the wheels or otherwise permanently fix any trailer coach or mobile home to the ground in the city.

(1984 Code, § 154.04) (Ord. O-41-58, passed 10-1-1958; Ord. O-44-63, passed 8-29-1963; Ord. O-42-79, passed 4-25-1979)

§ 154.99 PENALTY.

Any person violating this chapter shall be deemed guilty of a misdemeanor and shall be fined not less than $50, nor more than $500, for each offense, or sentenced to 30 days' imprisonment in the county jail, or both. Each day that a violation is permitted to exist shall constitute a separate offense.

(1984 Code, § 154.99) (Ord. O-41-58, passed 10-1-1958; Ord. O-42-79, passed 4-25-1979)

CHAPTER 155: RENTAL DWELLING LICENSING

Section

155.01 Purpose

155.02 General provisions

155.03 Definitions

155.04 Responsibilities of owners or managing agents

155.05 Rental dwelling license

155.06 Issuance and duration of rental dwelling license; fees

155.07 Renewal of rental dwelling license

155.08 Denial of rental dwelling license

155.09 Vacation of affected rental dwellings

155.10 Remedies not exclusive

155.99 Penalty

§ 155.01 PURPOSE.

(A) It is the purpose of this chapter to promote the health, safety and welfare of residents and of occupants of rental dwellings in the city.

(B) By requiring the registration of all rental dwelling units, it is the city's intent to ensure that rental housing is safe, sanitary and properly operated and maintained in continued compliance with all applicable regulations to meet basic housing

maintenance requirements and to not become a nuisance to the neighborhood and community.

(1984 Code, § 155.01) (Ord. O-17-20, passed 8-11-2020)

§ 155.02 GENERAL PROVISIONS.

(A) All persons renting residential property in the city must obtain a rental dwelling license. This chapter shall apply to all rental dwellings and rental dwelling units as defined herein, including single-family residential dwellings and dwelling units in otherwise owner-occupied dwellings, including, but not limited to, boarding houses, condominiums, townhouses and leasehold cooperatives.

(B) The requirement to obtain a rental dwelling license shall not apply to rental dwellings owned by governmental agencies as public housing. However, such rental dwellings shall be subject to the remaining provisions hereof, in particular the licensing standards and conditions.

(C) The provisions hereof shall not apply to licensed hotels or motels, bed and breakfast establishments, jails, convents, monasteries, nursing homes, board and care homes, parsonages, parish houses, rectories or hospitals.

(1984 Code, § 155.02) (Ord. O-17-20, passed 8-11-2020)

§ 155.03 DEFINITIONS.

(A) *Meaning of certain words.* Whenever the words ***BUILDING, BUILDING UNIT, DWELLING. DWELLING UNIT, PREMISES*** and ***STRUCTURE*** are used in this chapter, they shall be construed as though they are followed by the words “or any part thereof or any premises accessory thereto”. Words used in the singular include the plural and the plural the singular, the masculine gender includes the feminine and the feminine the masculine.

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

APPLICANT. Any owner or managing agent applying for a rental dwelling license.

BOARD. The Code Enforcement Board established by Ch. 92 of the city’s code of ordinances.

BUILDING. A fixed construction with walls, foundation and roof, such as a house, factory and garage.

DWELLING UNIT. A room, or group of rooms forming a single habitable unit, including mobile homes, used or available for use for living or sleeping purposes. ***DWELLING UNIT*** shall not include a room in a rooming house or a sleeping room let to another in any house. ***DWELLING UNIT*** shall not include hotels, suite hotels or motels that primarily rent rooms on a daily or weekly basis.

KENTUCKY BUILDING CODE. The statewide Building Code adopted pursuant to KRS 198B.010 et seq.

KENTUCKY STANDARDS OF SAFETY. The Kentucky Standards of Safety (Fire Prevention Code), as promulgated in Chapter 10, Title 81.5 of the Kentucky Administrative Regulations by the State Commissioner of the Department of Housing, Buildings and Construction, on the advice and recommendation of the State Fire Marshal, and all codes adopted by reference therein.

MANAGING AGENT. Any person responsible for the maintenance or operation of any residential rental property.

NUISANCE CODE. Ch. 92 of the city’s code of ordinances.

OCCUPANT. Any individual having possession of a premises or any individual over one year of age, living, sleeping, cooking or eating in or having possession of a dwelling unit or a rooming unit; except that in dwelling units a guest shall not be considered an occupant.

OWNER. Any person who, alone or jointly or severally with others:

(a) Shall have legal title to any premise, building or building unit, with or without accompanying actual possession thereof; or

(b) Shall have charge/care, or control of any premises, building unit, as owner or managing agent of the owner, or any executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner.

PERSON. Any individual, firm, corporation, association, partnership, cooperative or governmental agency.

PREMISES. A platted lot or part thereof or unplatted lot or parcel of land or plat of land, either occupied or unoccupied by a dwelling or other structure, and includes any such building or part thereof, accessory structure or other structure thereon.

PROPERTY MAINTENANCE CODE. The International Property Maintenance Code, as adopted by the city pursuant to §§ 152.15 and 152.16 of the city’s code of ordinances.

PROVISIONAL RENTAL DWELLING LICENSE. The rental dwelling license issued after application but before inspection of a rental dwelling unit. The provisional rental dwelling license converts to a regular rental dwelling license upon

successful inspection.

RENTAL DWELLING. Any residential structure or residential or commercial building containing one or more units, which the owner or managing agent either actually rents or leases or intends to rent or lease to the public for residential purposes, excluding those buildings not covered by this chapter. This definition shall also include situations where the residential structure is occupied by a person or persons who is/are not the title owner of the structure and the title owner is being compensated for such arrangement.

RENTAL DWELLING LICENSE. The rental dwelling license established by this chapter.

RENTAL DWELLING UNIT. Any residential unit within a rental dwelling that is actually rented, leased or otherwise made available to the public or is intended to be rented, leased or otherwise made available to the public for residential purposes, excluding those units not covered by this chapter. This definition shall also include situations where the residential structure is occupied by a person or persons who is/are not the title owner of the structure and the title owner is being compensated for such arrangement. With regard to mixed-use properties, only those units within the parcel that are rented, leased or made available to the public for residential purposes shall require a rental dwelling license.

RENTAL INSPECTOR. Any employee so designated by the City Manager or his or her designee, including, but not limited to, Code Enforcement Officers employed by the Code Enforcement Division.

RESIDENT. Any adult residing within the city.

SAFETY. The condition of being reasonably free from danger and hazards which may cause accidents or disease.

TENANT. A person 18 years of age or older who occupies a dwelling unit and is either the owner of the unit or one who legally occupies the unit pursuant to a lease, rental agreement or other financial arrangement with the owner or managing agent.

UNIT. A room or group of rooms located within a building forming a single habitable unit.

ZONING ORDINANCE. The city's Zoning Ordinance (Commissioners' Ordinance O-22-20) and all amendments thereto.

(1984 Code, § 155.03) (Ord. O-17-20, passed 8-11-2020)

§ 155.04 RESPONSIBILITIES OF OWNERS OR MANAGING AGENTS.

(A) No person shall let to another person for occupancy any unit unless it complies with all applicable laws and ordinances, including the Kentucky Standards of Safety, Kentucky Building Code. Property Maintenance Code, Nuisance Code, zoning ordinance and/or any other applicable laws.

(B) Every owner or managing agent of a rental dwelling containing two or more rental dwelling units shall maintain in an unobstructed, secure and sanitary condition any shared entrances or shared stairways or public areas.

(C) The owner or managing agent of any rental dwelling which is required to be licensed hereunder, prior to the time of sale of the rental dwelling, shall notify the buyer, in writing, of all unabated orders and notices of violations issued against the rental dwelling. A copy of the notification shall be mailed to the City Manager or his or her designee within five days of furnishing the notification to the buyer. For the purpose hereof, ***TIME OF SALE*** shall be construed to mean when a written purchase agreement is executed by the buyer or, in the absence of a purchase agreement, upon the execution of any document providing for the conveyance of any rental dwelling required to be licensed.

(1984 Code, § 155.04) (Ord. O-17-20, passed 8-11-2020)

§ 155.05 RENTAL DWELLING LICENSE.

(A) No person shall rent, offer for rent or allow to be occupied any rental dwelling unit unless the owner or managing agent has first obtained a provisional or regular rental dwelling license as provided herein.

(B) One rental dwelling license shall be issued per parcel to allow registered owners or managing agents to hold more than one rental dwelling license if the person rents residential property on more than one parcel.

(C) The city shall have authority to exercise its regulatory powers under this chapter, including the power to issue, deny or renew any rental dwelling license, with respect to any rental dwelling unit.

(1984 Code, § 155.05) (Ord. O-17-20, passed 8-11-2020)

§ 155.06 ISSUANCE AND DURATION OF RENTAL DWELLING LICENSE; FEES.

(A) The owner or managing agent of each rental dwelling unit shall make initial written application for a rental dwelling license to the City Manager or his or her designee on a form provided by the city. The city may provide an electronic application in lieu of, or in addition to, a written application. Failure to file an application shall be deemed a violation of this division (A).

(B) A license fee shall be payable before a rental dwelling license or renewal license is issued. Rental dwelling license and renewal license fees shall be assessed per the number of rental dwelling units per parcel according to the following schedule:

1 Unit/Parcel	$30
2—4 Units/Parcel	$60
5—12 Units/Parcel	$90
13—99 Units/Parcel	$120
100+ Units/Parcel	$150

(C) All first-time applicants will be issued a three-year provisional rental dwelling license.

(D) Upon successful inspection as described hereunder, the provisional rental dwelling license will convert to a regular rental dwelling license. The regular rental dwelling license will be valid through the date listed on the provisional rental dwelling license unless sooner terminated.

(E) No regular rental dwelling license or renewal thereof shall be issued unless:

(1) The rental property is in compliance with all the provisions of the Kentucky Building Code, Kentucky Standards of Safety, Nuisance Code, Property Maintenance Code and zoning ordinance; and

(2) The property owner provides the certification of a City Code Enforcement Officer attesting that the rental property at issue is in compliance with the requirements of the Kentucky Building Code, Kentucky Standards of Safety, Nuisance Code, Property Maintenance Code and zoning ordinance. Nothing in this chapter, except in the case of an emergency pursuant to § 10.22, shall be deemed to authorize the city to conduct an inspection of any property without the consent of the owner or managing agent, if the rental dwelling or rental dwelling units are unoccupied, and if occupied, upon the consent of the occupant of the property, in the absence of a warrant duly issued by a court of law.

(F) Any rental dwelling license issued hereunder is nontransferable.

(G) In the event ownership of rental property is transferred to a new owner, the new owner or managing agent shall apply for a rental dwelling license within 30 days of the closing of title if any portion of the premises is rented or leased at the time of closing. If an application is not filed as required by this division (G) there shall be a presumption that the property is being utilized as rental property by the new owner(s) or managing agent(s) in violation of law. Failure to file an application or to apply within the specified period shall be deemed a violation of this division (G).

(H) A late charge equal to three times the amount of the license fees set forth in division (B) above shall be charged to owners or managing agents who fail to apply for a rental dwelling license or to renew a rental dwelling license within the specified period. The late charge shall be assessed per the number of rental dwelling units per parcel according to the following schedule:

1 Unit/Parcel	$90
2—4 Units/Parcel	$180
5—12 Units/Parcel	$270
13—99 Units/Parcel	$360
100+ Units/Parcel	$450

(I) A re-inspection fee of $50 shall be charged if the owner or managing agent fails to appear for a scheduled inspection for a second time.

(J) A re-inspection fee of $50 shall be charged if the unit has to be re-inspected because it failed to meet the standards set forth in this chapter or if the owner or managing agent failed to appear for a scheduled inspection.

(K) Rental dwelling licenses shall be renewed on April 15 each year, or the next applicable business day following if April 15 falls on a weekend or legal holiday. The City Manager, or his or her designee, may implement prorated license fees and staggered inspection dates to facilitate successful operation of the rental dwelling license program.

(L) A rental dwelling license shall be posted in a conspicuous place in a common area of any multi- family building.

(1984 Code, § 155.06) (Ord. O-17-20, passed 8-11-2020)

§ 155.07 RENEWAL OF RENTAL DWELLING LICENSE.

(A) The owner or managing agent of each rental dwelling unit holding a current and valid regular rental dwelling license shall make written application, with payment of the license fee as set forth in § 155.06(B). for a renewal of the original rental dwelling license application to the City Manager, or his or her designee, on a form provided by the city. The city may provide an electronic renewal application in lieu of, or in addition to, a written application. All renewal applications shall be filed before the expiration of the regular rental dwelling license. Failure to file a renewal application within the specified period will result in a late charge as set forth in § 155.06(H).

(B) A rental dwelling license may only be renewed by the same owner or managing agent for the property who is listed

on the original rental dwelling license application upon the payment of the rental dwelling license fee as set forth in § 155.06.

(C) No application for renewal or reissuance shall be granted while a rental dwelling license is subject to enforcement proceedings until the violations that resulted in enforcement proceedings have been remedied and any civil fines imposed during the enforcement proceedings have been paid, or the proceedings are dismissed.

(1984 Code, § 155.07) (Ord. O-17-20, passed 8-11-2020)

§ 155.08 DENIAL OF RENTAL DWELLING LICENSE.

(A) Failure to comply with any of these standards and conditions shall be adequate grounds for refusal to issue a regular rental dwelling license:

(1) The rental dwelling does not comply with all applicable provisions of the Kentucky Building Code, Kentucky Standards of Safety, Nuisance Code, Property Maintenance Code and zoning ordinance;

(2) The rental dwelling exceeds the maximum number of units permitted by the zoning ordinance;

(3) The rental dwelling is overcrowded or illegally occupied in violation of any applicable code;

(4) The rental dwelling has been used or converted to another type of use in violation of the zoning ordinance;

(5) The owner or managing agent of the rental dwelling is delinquent in the payment of any financial obligation owed to the city, including, but not limited to, occupational license taxes or other taxes, liens, and rental dwelling license fees or late charges;

(6) The owner or managing agent of a rental dwelling fails to correct any code violations within a proscribed timeframe;

(7) The rental dwelling is determined to be hazardous or unfit for human habitation due to defects in its structure or its electrical, plumbing or mechanical systems, or is boarded, requiring a code compliance inspection prior to re-occupancy; or

(8) The existence of any other condition or circumstance which, in the opinion of the city, is dangerous, unsafe or jeopardizes the health, welfare and safety of the general public or occupants.

(B) In the event a provisional rental dwelling license does not convert to a regular rental license, or if a regular rental dwelling license is not eligible for renewal, and the subject property is still being operated as rental dwelling, a code enforcement citation shall be issued to the owner of the property for failure to obtain a rental dwelling license pursuant to the procedures set forth in Ch. 92 of the city's code of ordinances.

(1984 Code, § 155.08) (Ord. O-17-20, passed 8-11-2020)

§ 155.09 VACATION OF AFFECTED RENTAL DWELLINGS.

When any provisional rental dwelling license does not convert to a regular rental license, or if a regular rental dwelling license is not eligible for renewal, or if a license holder has failed to obtain a current rental dwelling license upon proper application, the City Manager, or his or her designee, shall order the rental dwelling or rental dwelling unit vacated, giving the tenants and/or occupants thereof a reasonable time to arrange for new housing, not to exceed 60 days. No rental dwelling unit shall be rented again until the owner or managing agent is properly licensed under this chapter.

(1984 Code, § 155.09) (Ord. O-17-20, passed 8-11-2020)

§ 155.10 REMEDIES NOT EXCLUSIVE.

The remedies provided herein are not to be deemed exclusive. They shall be in addition to and do not supersede or preempt other remedies such as application for a search warrant pursuant to § 10.23 emergency inspections authorized under § 10.22, condemnation, written violation orders and warnings, citations issued pursuant toCh. 92 of this code of ordinances, and/or criminal charges for violation of substantive provision of any city or state codes relating to fire, zoning, life safety, property maintenance and/or buildings. Further, the remedies herein do not supersede or affect the legal rights and remedies provided under law to the tenants to any rental dwelling or unit therein.

(1984 Code, § 155.10) (Ord. O-17-20, passed 8-11-2020)

§ 155.99 PENALTY.

(A) A violation of this chapter shall constitute a civil offense, and any person who violates any provision of this chapter shall be subject to the civil fines specified in § 92.99 of this code of ordinances.

(B) The city shall possess a lien on property for all fines, penalties, charges, attorney's fees and other reasonable costs associated with enforcing this chapter and placing of a lien on a parcel of real property pursuant to this code. The lien shall be superior to and have priority over all other liens filed subsequently, except state, county, school board and city taxes.

(1984 Code, § 155.99) (Ord. O-17-20, passed 8-11-2020)

CHAPTER 156: COMMUNITY DEVELOPMENT

Section

156.01 Comprehensive Plan adopted

§ 156.01 COMPREHENSIVE PLAN ADOPTED.

The portion of the Kenton County Comprehensive Plan, as it applies to the city, is adopted by reference and made a part hereof as fully as if set forth at length herein.

(1984 Code, § 156.01) (Ord. O-59-82, passed 9-2-1982)

Cross-reference:

Amendments to Comprehensive Plan, see TSO Table II

Statutory reference:

Comprehensive plan required, see KRS 100.183 et seq.

CHAPTER 157: SUBDIVISIONS

Section

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Appendix A: Sidewalk and Driveway Construction

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Appendix C: Typical Detail Sections for Street Designs

Appendix D: Certificates, Acknowledgments and Approvals

Appendix E: Sight Distance Requirements

Cross-reference:

Comprehensive Plan, see § 156.01

Comprehensive Plan Amendments, see TSO Table II

Nuisances, see Ch. 92

Zoning Code, see Ch. 158

Statutory reference:

Authority, see KRS 100.111 through 100.991

GENERAL PROVISIONS

§ 157.001 SHORT TITLE.

These regulations shall be known and may be cited as the “Subdivision Regulations of Kenton County, State of Kentucky”.

(1984 Code, § 157.01) (Ord. O-86-78, passed 8-17-1978)

§ 157.002 PURPOSE AND AUTHORITY.

(A) *Purpose*. These subdivision regulations as herein set forth have been prepared in accordance with the adopted comprehensive plan for the county, to promote the public health, safety, morals and general welfare of the county; to provide for the proper arrangement of streets in relation to existing or proposed streets; to provide for adequate and convenient open spaces for vehicular and pedestrian traffic, utilities, access of firefighting apparatus, recreation, light and air, and the avoidance of congestion of the population, and to facilitate the orderly and efficient layout and appropriate use of the land. In addition, these regulations also provide for the accurate surveying of land, preparing and recording of plats, and the equitable handling of all subdivision plats by providing uniform procedures and standards for observance by both the approving authority and subdividers.

(B) *Authority*. These regulations are adopted in accordance with KRS 100.111 through 100.991.

(1984 Code, § 157.02) (Ord. O-86-78, passed 8-17-1978)

§ 157.003 SCHEDULE OF CONSTRUCTION AND SALE OF LOTS.

No lot, tract or parcel in a subdivision in which the property is located may be sold or transferred unless a final plat has been approved by the Planning Commission’s duly authorized representative, signed by the Chairperson of the Commission, and recorded with the County Clerk in which the property is located.

(1984 Code, § 157.03) (Ord. O-86-78, passed 8-17-1978)

§ 157.004 SCHEDULE OF IMPROVEMENTS.

(A) The subdivider of any tract or parcel of land located within the county shall not proceed with the construction of any improvements until he or she has obtained:

(1) Approval or conditional approval of the preliminary plat;

(2) Approval or approval, subject to conditions of the improvement drawings and specifications; or

(3) Final plat approval.

(B) Preliminary grading of the site may proceed following approval or conditional approval of the preliminary plat; providing that, plans for erosion and sedimentation are submitted to the Planning Commission’s duly authorized representative, for approval or approval subject to conditions.

(1984 Code, § 157.04) (Ord. O-86-78, passed 8-17-1978)

§ 157.005 DEFINITIONS.

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

ACCESS POINT.

(1) A driveway, a local street, a collector street or subcollector street, intersecting an arterial street;

(2) A driveway or a local street intersecting a collector street or subcollector street; or

(3) A driveway or a local street intersecting a local street.

AGRICULTURE. The use of land for agricultural purposes, including agriculture, dairying, farming, floriculture, horticulture, pasturage, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided that, the operation of any such accessory use shall be secondary to that of the normal agricultural activities.

ALLEY. Public rights-of-way which normally affords a secondary means of access to abutting property.

BLOCK. A parcel of land within a subdivision that is bounded by streets or bounded by streets and the exterior boundary of the subdivision. For this definition, an alley is not considered a street, but part of the ***BLOCK***.

BLOCK LENGTH. The distance between inter- sections of through streets, such distance being measured parallel to the longest street bounding the block and from right-of-way line to right-of-way line of the two intersecting streets.

CERTIFICATE OF OCCUPANCY. A certificate which must be obtained prior to occupancy of any premises.

CITY INSPECTOR or ***COUNTY INSPECTOR.*** A person employed by the applicable legislative body or the Planning Commission's duly authorized representative, whose responsibility it is to inspect items required by these regulations.

COMMISSION, PLANNING COMMISSION or ***PLANNING AND ZONING COMMISSION.*** The County and Municipal Planning and Zoning Commission.

COMPREHENSIVE PLAN. The comprehensive plan for the county, adopted by the Kenton County and Municipal Planning and Zoning Commission. It is a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships. It shall contain as a minimum the following elements:

(1) A statement of goals and objectives, principles, policies and standards;

(2) A land use plan element;

(3) A transportation plan element;

(4) A community facilities plan element; and

(5) May include any additional elements, such as, without being limited to: community renewal; housing; flood control; pollution; conservation; natural resources; and others.

DEVELOPER. See ***SUBDIVIDER.***

DULY AUTHORIZED REPRESENTATIVE. The Northern Kentucky Area Planning Commission shall be the***DULY AUTHORIZED REPRESENTATIVE*** for the County and Municipal Planning and Zoning Commission and shall be authorized to check, review and approve, where provided in these regulations, all submissions regarding their conformance to these regulations.

EASEMENT. A right, distinct from the owner- ship of the land, to cross property with facilities such as, but not limited to, sewer lines, water lines and transmission lines, or the right, distinct from the ownership of the land, to reserve and hold an area for drainage or access purposes.

ENGINEER. A qualified registered professional engineer in good standing with the state's Board of Registration for Professional Engineers and Land Surveyors.

FINAL PLAT. A subdivision plat proposed in accordance with the provisions herein in which the plat is designated to be placed on record with the County Clerk after approval by the Planning Commission's duly authorized representative.

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland waters;

(2) The unusual and rapid accumulation of runoff of surface waters from any source; and

(3) Mudslides (such as mudflows) which are proximately caused or precipitated by accumula- tions of water on or under the ground.

FLOOD, 100 YEAR FREQUENCY. The highest level of flooding at, on the average, is likely to occur once every 100 years.

FLOODPLAIN or ***FLOOD AREA.*** Any normal dry land area that is susceptible to being inundated by water from any source.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

FLOODWAY ENCROACHMENT LINES. The lines marking the limits of floodways on the official zoning map.

FRONT YARD DEPTH. The minimum distance required to be maintained within the lot between a line parallel to the front lot line, as defined herein, and the front lot line.

FRONTAGE LOT. All the property abutting on one side of the right-of-way of a street, measured along the right-of-way line of the street between the intersecting lot lines. In no case shall the line along an alley be considered as acceptable for

FRONTAGE.

IMPROVEMENT PLANS. The engineering plans showing types of materials and construction details for the physical structures and facilities to be installed in, or in conjunction with, the subdivision.

KENTON COUNTY. Refers to both the incorporated and unincorporated areas of Kenton County, State of Kentucky.

LOT. A parcel of land or any combination of several lots of record, occupied or intended to be occupied by a principal building or a building group as permitted under the applicable legislative body or fiscal court's zoning ordinance, together with their accessory buildings or uses and such access, yards and other open spaces required under those zoning ordinances.

LOT AREA. The total area of a horizontal plane bounded by the front, side and rear lot lines, but not including any area occupied by street, alley or railroad rights-of-way, as opposed to an easement, and shall be in one zone only.

LOT, CORNER. A corner lot is a lot situated at the intersection of two streets or on a curved street on which the interior angle of such intersection or curved street does not exceed 135 degrees.

LOT, DEPTH OF. The distance measured in the mean direction of the side lot lines from the midpoint of the front lot lines to the midpoint of the rear lot lines.

LOT, DOUBLE FRONTAGE. A lot other than a corner lot that has frontage on more than one street.

LOT, FLAG. A lot which abuts a public street via a narrow strip of land, at least 20 feet in width, except as herein provided.

LOT, INTERIOR. A lot other than a corner lot with only one frontage on a deeded and occupied public right-of-way.

LOT LINE, FRONT. The common boundary line of a lot and a street right-of-way line. In the case of a corner lot or a double frontage lot, the common boundary line and that street right-of-way line toward which the principal or usual entrance to the main building faces.

LOT LINE, REAR. The boundary line of a lot which is most nearly opposite the front lot line of such lot. In the case of a triangular or wedge-shaped lot, for measurement purposes only, a line ten feet in length within the lot parallel to and at the maximum distance from the front lot line. In the case of a corner lot, providing that all requirements for yard space are complied with, the owner may choose either side not abutting a street as the ***REAR LOT LINE***, even though it is not opposite the front lot line. Once the choice has been made, it cannot be changed unless all requirements for yard space can be complied with.

LOT LINE, SIDE. Any boundary line of a lot, other than a front lot line or rear lot line.

LOT OF RECORD. A designated fractional part of a subdivision according to a specific recorded plot or survey, the map of which has been officially approved by the Planning Commission and recorded in the office of the County Clerk.

LOT WIDTH. The width of the lot as measured along the building front setback line.

NKAPC. The Northern Kentucky Area Planning Commission.

OFFICIAL MAP. The adopted official map of the applicable legislative body or fiscal court, as provided for in KRS Ch. 100.

PRELIMINARY PLAT. A tentative plat of a proposed subdivision prepared in accordance with the provisions herein for presentation to the Planning Commission for its action.

RESUBDIVISION. A subdivision which is actually a resubdivision of a previously recorded plat, representing a revision of the old lots, but where no new improvements are to be constructed or extended.

RIGHT-OF-WAY. A general term denoting land, property or interest therein, usually in a strip and dedicated for or devoted to such uses as a street, alley or railroad.

STREETS.

(1) Any vehicular ways, except alleys;

(2) All ***STREETS*** will be within dedicated rights-of-way which have been properly processed, approved and recorded; and

(3) The following shall be used to classify all ***STREETS***.

(a) ***STREET, ARTERIAL.*** Public thoroughfares which serve the major movements of traffic within and through the community.

(b) ***STREET, COLLECTOR.*** Public thoroughfares which serve to collect and distribute traffic primarily from subcollector to arterial streets.

(c) ***STREET, CUL-DE-SAC*** or ***COURT.*** A street having an outlet at one end only and having the other end permanently closed with facilities permitting vehicles to turn around.

(d) ***STREET, DEAD-END.*** A street having an outlet at one end only and terminated at the other end by undeveloped property. It may or may not have facilities permitting vehicles to turn around.

(e) ***STREET, EXPRESSWAY.*** A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.

(f) ***STREET, FREEWAY.*** A divided multi-line highway for through traffic with all crossroads separated in grades and with full control of access.

(g) ***STREET, FRONTAGE ROAD, SERVICE ROAD*** or ***ACCESS ROAD.*** A street adjacent to a freeway, expressway or arterial street separated therefrom by a dividing strip and providing access to abutting properties.

(h) ***STREET, LOCAL.*** Roadways which are designed to be used primarily for direct access to abutting properties.

(i) ***STREET, PRIVATE.*** A paved private roadway which affords access to abutting property for private users of such property. For the purposes of density calculations, a ***PRIVATE STREET*** shall constitute the areas of its paved surface and sidewalks or the private right-of-way if designated on the recorded plat.

(j) ***STREET, PUBLIC.*** A public roadway, constructed within the boundaries of an officially dedicated public right-of-way, which affords principal means of access to abutting property. For purposes of density calculations, a ***PUBLIC STREET*** shall constitute all of the area within the public right- of-way.

(k) ***STREET, SUBCOLLECTOR.*** A street designed to provide a traffic route from local to collector streets.

SUBDIVIDER. Any individual, firm, association, syndicate, copartnership, corporation, trust, governmental agency or any other legal entity commencing proceedings under these regulations, to create a subdivision of land, as defined herein, for himself, herself or for another.

SUBDIVISION. The division of a parcel of land into two or more lots or parcels or tracts for the purpose, whether immediate or future, of sale, lease or building development, or if a new street is involved, any division of a parcel of land; providing that, a division of land for agricultural purposes into lots or parcels of five acres or more and not involving a new street shall not be deemed a ***SUBDIVISION***. The term includes ***RESUBDIVISION*** and, when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.

SURVEYOR. A qualified registered land surveyor in good standing with the state's Board of Registration.

TRACT. A parcel of land identified by letter or number, the boundaries of which are shown on the recorded subdivision plat.

(1984 Code, § 157.05) (Ord. O-86-78, passed 8-17-1978)

SUBDIVISION PROCEDURE

§ 157.020 COMPLIANCE.

Any person desiring to subdivide any lot, tract or parcel of land, or to change or rearrange any such lot, tract or parcel of land within the county, shall comply with the procedures established in this subchapter and other applicable subchapters and sections of these regulations and in the sequence specified.

(1984 Code, § 157.10) (Ord. O-86-78, passed 8-17-1978)

§ 157.021 PRELIMINARY INFORMATION.

The subdivider is encouraged to notify the Planning Commission, or its duly authorized representative, of his or her intention to subdivide a property prior to submission of the preliminary plat. Such notification should include mention or illustration of any aspect or feature which will affect the design or layout of the subdivision. For clarity, the subdivider may utilize a map to illustrate various features or aspects of the property.

(1984 Code, § 157.11) (Ord. O-86-78, passed 8-17-1978)

§ 157.022 SUBMISSION OF PRELIMINARY PLAT.

The subdivider shall file two copies of the preliminary plat with the Planning Commission's duly authorized representative, prepared in accordance with the requirements of § 157.050 of this chapter, at least 15 consecutive days prior to the next regular meeting of the Planning Commission. Such submission shall be considered the date of official filing. The subdivider shall also submit copies of the preliminary plat to the applicable local (city, county and other local agencies) and state governmental agencies and other organizations (see checklist, a part of the preliminary plat application). At this time, the following material shall also be filed with the Commission's duly authorized representative, where applicable.

(A) *Application for preliminary plat approval.*

(1) An application (provided by the Commission) shall be submitted.

(2) At the time of submission, the Commission's duly authorized representative shall indicate on the application the date of submission and signature of the Commission's duly authorized representative.

(B) *Statement of recommendations*. Where public construction projects are to be included in the subdivision, a copy of the statement of recommenda- tions from the Northern Kentucky Area Planning Commission shall be submitted.

(C) *Individual on-site disposal system permit*. Where individual on-site disposal systems have been approved, as per § 157.102(C) of this chapter, a copy of the permit to use on-site disposal systems, approved by the Northern Kentucky District Health Department, shall be required.

(D) *Preliminary plat fees*. Preliminary plat fees shall be submitted in accordance with §157.131(A) of this chapter.

(E) *Erosion and sedimentation control plans*. In the event the subdivider elects to proceed with grading, following preliminary plat approval, or conditional approval, but prior to the submission of improvement drawings and specifications, one copy of plans for control of erosion and sedimentation (as per § 157.113 of this chapter) must also be submitted to the Planning Commission's duly authorized representative for review and approval.

(1984 Code, § 157.12) (Ord. O-86-78, passed 8-17-1978)

§ 157.023 PROCESSING OF PRELIMINARY PLAT.

The preliminary plat, the application and all other required information shall be checked by the Planning Commission's duly authorized representative for compliance with the requirements of the preliminary plat as per § 157.050 of this chapter, the requirements of the applicable zoning ordinance, and any other pertinent sections of applicable regulations. The Planning Commission's duly authorized representative shall also contact the applicable local and state governmental agencies and other organizations for their comments concerning the preliminary plat.

(1984 Code, § 157.13) (Ord. O-86-78, passed 8-17-1978)

§ 157.024 PLANNING COMMISSION ACTION.

(A) The Commission's duly authorized representative shall review the preliminary plat including determination of its conformance to the requirements of these regulations, and shall consider the recommendations or comments of all applicable local (city, county and other local agencies) and state governmental agencies and other organizations, and shall forward such recommendations or comments to the Planning Commission along with its recommenda- tions. The Planning Commission shall then review the recommendations of its duly authorized representative and the recommendations or comments of all applicable local (city, county and other local agencies) and state governmental agencies and other organizations, and take one of the following actions: approve the plat; approve the plat, subject to conditions; or disapprove the plat; within two consecutive meetings from date of official filing, unless such time is extended by agreement between the Planning Commission and the subdivider. Approval of the preliminary plat by the Commission does not constitute final approval of the subdivision, but is merely an authorization to proceed with the preparation of the improvement drawings and specifications and the final plat.

(B) In the event of conditional approval or disapproval of the preliminary plat, a statement, in writing, by the Planning Commission or its duly authorized representative, setting forth the conditions of approval, or reasons for disapproval, shall be submitted to the subdivider.

(C) Approval or conditional approval of a preliminary plat shall be valid and not subject to additional requirements for a period of 24 consecutive calendar months; except that, if a portion of an approved preliminary plat is approved or conditionally approved as a final plat, the approval or conditional approval of the remainder of the preliminary plat shall be valid for 24 consecutive calendar months after the date of approval or conditional approval of the final plat (as provided for in § 157.028 of this chapter). The Planning Commission may, on receipt of a request by the subdivider, grant an extension to this 24-month period if prevailing conditions have not changed appreciably.

(1984 Code, § 157.14) (Ord. O-86-78, passed 8-17-1978)

§ 157.025 SUBMISSION AND PROCESSING OF PRELIMINARY GRADING PLANS.

Following approval or conditional approval of the preliminary plat, the subdivider may elect to proceed with preliminary grading of the area to be subdivided; provided that, plans for erosion and sedimentation (as per § 157.113 of this chapter) are submitted to the Planning Commission's duly authorized representative who shall check the erosion and sedimentation plans for preliminary grading to ensure their conformance with the approved or conditionally approved preliminary plat and that they meet the requirements established in §§ 157.100 through 157.116 of this chapter and other pertinent sections of these regulations. Following this review, the Planning Commission's duly authorized representative shall take one of the following actions: approve the erosion and sedimentation plans for preliminary grading; approve the erosion and sedimentation plans for preliminary grading, subject to conditions; or disapprove the erosion and sedimentation plans for preliminary grading. In the event of conditional approval or disapproval, a statement, in writing, by the Planning Commission's duly authorized representative, setting forth the conditions of approval, or the reasons for disapproval, shall be submitted to the subdivider.

(1984 Code, § 157.15) (Ord. O-86-78, passed 8-17-1978)

§ 157.026 SUBMISSION OF IMPROVEMENT DRAWINGS AND SPECIFICATIONS.

(A) Following approval or conditional approval of the preliminary plat by the Planning Commission, the subdivider may elect to submit the improvement drawings and specifications to the Planning Commission's duly authorized representative for review and approval, prior to the submission of the final plat. It shall also be the responsibility of the subdivider to submit copies of the improvement drawings and specifications to the applicable local and state governmental agencies and other organizations affected by the subdivision. The improvement drawings and specifications shall include at least the area

intended for processing as a final plat.

(B) At this time, the subdivider shall submit to the Planning Commission's duly authorized representative, the following:

(1) One copy of the sanitary sewerage and storm system plans and profiles (as per §§157.101 and 157.102 of this chapter);

(2) One copy of the water system plans (as per §157.103 of this chapter);

(3) One copy of the street plans and profiles, including typical cross-sections (as per §157.114 of this chapter);

(4) One copy of drainage report, including computations (as per §157.101 of this chapter);

(5) One copy of plans for control of erosion and sedimentation (as per §157.113 of this chapter) if not submitted previously for processing as per § 157.025 of this chapter; and

(6) The required fees as per § 157.131(A) of this chapter.

(1984 Code, § 157.16) (Ord. O-86-78, passed 8-17-1978)

§ 157.027 PROCESSING OF IMPROVEMENT DRAWINGS AND PLANS.

The Planning Commission's duly authorized representative shall check the improvement drawings and plans to ensure they are in conformance with the approved or conditionally approved preliminary plat and that they meet the requirements established in §§ 157.100 through 157.116 of this chapter and other pertinent sections of these regulations. The Planning Commission's duly authorized representative shall also contact the applicable local and state governmental agencies and other organizations for their comments as they pertain to the proposed improvement drawings and specifications. Following these reviews, the Planning Commission's duly authorized representative shall take one of the following actions: approve the improvement drawings and specifications; approve the improvement drawings and specifications, subject to conditions; or disapprove the improvement drawings and specifications. In the event of conditional approval or disapproval, a statement, in writing, by the Planning Commission's duly authorized representative, setting forth the reasons for conditional approval or disapproval, shall be submitted to the subdivides.

(1984 Code, § 157.17) (Ord. O-86-78, passed 8-17-1978)

§ 157.028 SUBMISSION OF FINAL PLAT.

(A) *General.* The final plat shall only be submitted after the preliminary plat has been approved, or conditionally approved. The final plat shall conform to the approved or conditionally approved preliminary plat and shall include all changes, additions, deletions or approvals as may be required on conditional approval by the Commission, and shall be prepared in accordance with § 157.065 of this chapter and other applicable sections of these regulations.

(B) *Preparation.* The subdivider may cause, within 24 consecutive calendar months after the approval or conditional approval of the preliminary plat, the subdivision or any part thereof, to be surveyed and a final plat thereof to be prepared. The final plat shall contain only that portion of the approved or conditionally approved preliminary plat which the subdivider wishes to have approved, recorded and developed at that time. Final plats which are a portion of the approved or conditionally approved preliminary plat shall be named and listed as "Filing No. (assigned by Planning Commission's duly authorized representative) of (Name of Subdivision)". Final plats which are resubdivisions of approved and recorded final plats shall be labeled as "Resubdivision of (Appropriate Listing Title)". The subdivider shall ensure that the final plat is prepared under the supervision of a registered land surveyor.

(C) *Filing.* The subdivider shall submit, to the Planning Commission's duly authorized representa- tive, one copy of the final plat drawing prepared in accordance with § 157.065 of this chapter. At this time, the following material shall also be filed with the Commission's duly authorized representative, unless otherwise noted.

(1) *Application for final plat approval.* An application provided by the Commission shall be submitted. At the time of submission, the Commission's duly authorized representative shall indicate, on the application, the date of submission and signature of the Commission's duly authorized representative.

(2) *Traverse sheets.* One copy of the traverse calculations. The minimum traverse calculations required shall include a closed traverse of the subdivision boundaries (as per § 157.065(B)(2) of this chapter).

(3) *Improvement drawings and specifica- tions.* Improvement drawings and specifications will be required, if not submitted previously for processing, as per §§ 157.026 and 157.027 of this chapter:

(a) One copy of the sanitary sewerage and storm systems plans and profiles (as per §157.102 of this chapter);

(b) One copy of the water system plans (as per §157.103 of this chapter); and

(c) One copy of the street plans and profiles, including typical cross-sections (as per §157.104 of this chapter).

(4) *Drainage plans including computations and plans for control of erosion and sedimentation.*This report will be required, if not submitted previously for processing, as per §§ 157.025 and 157.026 of this chapter:

(a) One copy of drainage report, including computations (as per §157.101 of this chapter); and

(b) One copy of plans for control of erosion and sedimentation (as per §157.113 of this chapter).

(5) *As-built improvement drawings*. Where the improvement drawings and specifications were previously submitted and approved prior to the submission of the final plat, as per §§ 157.026 and 157.027 of this chapter, and where improvements were constructed differently from the originally approved improvement drawings, the subdivider shall submit one copy of as-built improvement drawings for the sanitary sewerage and storm system and water system.

(6) *Final plat fees*. Final plat fees shall be submitted in accordance with §157.131(A) of this chapter.

(7) *Guarantee.* A guarantee if applicable per § 157.116 of this chapter.

(1984 Code, § 157.18) (Ord. O-86-78, passed 8-17-1978)

§ 157.029 PROCESSING FINAL PLAT WHERE APPLICABLE; IMPROVEMENT DRAWINGS AND SPECIFICATIONS.

(A) The Planning Commission's duly authorized representative shall check the final plat as to conformity with the approved, or conditionally approved, preliminary plat and all other pertinent aspects as required herein and other applicable sections of these regulations.

(B) Where applicable, the Planning Commission's duly authorized representative, shall also check the improvement drawings and specifications, drainage plans and plans for erosion and sedimentation control to ensure that they are in conformity with the final plat and that they meet the requirements established in §§ 157.100 through 157.116 of this chapter and other pertinent sections of these regulations.

(C) In the event the improvement drawings and specifications were previously submitted and approved prior to the submission of the final plat, the Planning Commission's duly authorized representative shall review the as-built drawings if required as per § 157.028(C)(5) of this chapter for their conformity to the final plat.

(1984 Code, § 157.19) (Ord. O-86-78, passed 8-17-1978)

§ 157.030 FINAL APPROVAL OF PLAT BY PLANNING COMMISSION.

Following the review of the final plat and when applicable, the improvement drawing and specifications, as per § 157.029 of this chapter, the Planning Commission's duly authorized representative shall take one of the following final actions:

(A) Final approval of a plat shall be given in one of two ways:

(1) *After construction of improvements*. After the subdivider has obtained approval or conditional approval, as indicated in § 157.027 of this chapter, and has installed all required improvements in compliance with these regulations and has provided as-built drawings (if such improvements were constructed differently than from the originally approved improvement drawings), the Planning Commission's duly authorized representative shall then give final approval. The original drawing of the final plat shall then be signed and dated by the Chairperson of the Planning Commission; or

(2) *Before construction of improvements*. The Planning Commission's duly authorized representative may give final approval before all required improvements are installed; provided that, a construction agreement and a guarantee are provided for the purpose of assuring installation of such improvements. The amount of the guarantee shall be based on an estimate made by the subdivider and approved by the Planning Commission's duly authorized representative. (See § 157.116 of this chapter.) On determination that all requirements of these regulations have been met, the Planning Commission's duly authorized representative shall give final approval. The original drawing of the final plat shall then be signed and dated by the Chairperson of the Planning Commission. The guarantee shall not be returned to the subdivider until all improvements are installed, and as-built drawings have been provided, according to these regulations.

(B) Should the Planning Commission's duly authorized representative decide to disapprove the final plat, written notice of such action, including the reasons for disapproval, shall be mailed to the subdivider by the Planning Commission's duly authorized representative. The action shall be entered on the official records of the Planning Commission's duly authorized representative.

(1984 Code, § 157.20) (Ord. O-86-78, passed 8-17-1978)

§ 157.031 EFFECT OF APPROVAL.

After the final plat has been approved by the Planning Commission's duly authorized representative, and signed by the Chairperson of the Planning Commission, it shall be recorded as specified in § 157.033 of this chapter.

(1984 Code, § 157.21) (Ord. O-86-78, passed 8-17-1978)

§ 157.032 DISPOSITION OF APPROVED FINAL PLAT.

After approval of the final plat by the Planning Commission's duly authorized representative, the Planning Commission's duly authorized representative shall cause to have made, at the expense of the subdivider, one copy of the final plat to be retained by the Planning Commission's duly authorized representative.

(1984 Code, § 157.22) (Ord. O-86-78, passed 8-17-1978)

§ 157.033 RECORDING.

After approval of the final plat, the original drawing of the approved final plat shall be filed in the County Clerk's office, after

which lots may be sold, leased or transferred. A certificate of occupancy, however, may not be issued until all required improvements have been installed. In the case where sidewalk improvements have not been completed, a conditional certificate of occupancy shall be given, provided either a guarantee is executed as per § 157.116(B) of this chapter, or a time period for completion is established, by contract with the applicable legislative body or fiscal court not to exceed six months, signed by both the builder and owner of the premises for which the improvements will serve.

(1984 Code, § 157.23) (Ord. O-86-78, passed 8-17-1978)

§ 157.034 SUBMISSION OF AS-BUILT IMPROVEMENT DRAWINGS.

In the case where the Planning Commission's duly authorized representative has given final plat approval before construction of improvements as per § 157.030(A)(2) of this chapter, and after all water, sewer, and street improvements have been installed in accordance with these regulations, the subdivider shall submit to the Planning Commission's duly authorized representative one copy each of the as-built drawings for water, sanitary and storm sewer improvements, for record purposes.

(1984 Code, § 157.24) (Ord. O-86-78, passed 8-17-1978)

§ 157.035 ACCEPTANCE OF IMPROVEMENTS FOR MAINTENANCE OR LAND OFFERED FOR DEDICATION.

After all improvements have been installed in accordance with the approved improvement drawings and specifications and the as-built drawings have been submitted, and the applicable legislative body or fiscal court's inspector has indicated that the inspection was made and approved (as per § 157.114 of this chapter), the applicable legislative body or other applicable public body should accept the improvements for maintenance (or in the case of lands to be dedicated may accept such lands in fee simple, by easement or other such instrument approved by the applicable governmental body) and then transmit a copy of the instrument of acceptance to the Planning Commission's duly authorized representative.

(1984 Code, § 157.25) (Ord. O-86-78, passed 8-17-1978)

§ 157.036 SUBMISSION AND PROCESSING OF IDENTIFICATION PLATS.

(A) *Purpose of identification plat.* It is the purpose of the identification plat to provide a process whereby not more than two lots may be subdivided from land held in large tracts, without having to be processed through the preliminary and final plat procedures, as established in these regulations. The identification plat process is also intended to provide for certain lot line adjustments that may be required (such as side and rear lot lines) when involving no more than three contiguous lots. In order to be processed as an identification plat, the following requirements must be met in addition to other requirements of these regulations:

(1) The parcel to be subdivided will not involve the construction of any public water lines, storm and sanitary sewers and streets;

(2) Not more than two lots may be subdivided from the original tract of land existing prior to 1966;

(3) Lot lines that are to be adjusted in already recorded subdivisions shall not involve more than three contiguous lots. If more than three lots are involved, then the lots shall be handled as a resubdivision and processed according to the applicable requirements of the preliminary and final plats; and

(4) Except as noted in division (A)(3) above, the identification plat process shall not be permitted in areas already approved or conditionally approved as a preliminary plat.

(B) *Submission of the identification plat.*

(1) The subdivider shall submit to the Planning Commission's duly authorized representative the original and one copy of the identification plat at a size measuring eight and one-half by 11 inches or eight and one-half by 14 inches (intended for attachment to a deed) and prepared in accordance with the applicable requirements of § 157.065 of this chapter and other pertinent sections of these regulations. In addition, the identification plat shall also contain the following information:

(a) A statement by a registered land surveyor preparing the plat that the parcel represents the first or second parcel subdivided from the original tract existing prior to 1966;

(b) In the case of the second lot to be subdivided, sufficient information shall be included to locate the parcel being subdivided in relation to the previous subdivided parcel, as well as its location within the original tract existing prior to 1966; and

(c) A vicinity map drawn at a scale of one inch to 2,000 feet or greater (for example, one inch to 1,000 feet) on the plat showing, within one- half mile of the proposed subdivision, existing roads and other significant features (such as streams and lakes).

(2) At this time, the following information shall also be filed with the Planning Commission's duly authorized representative:

(a) *Application for identification plat approval.* An application provided by the Commission shall be submitted. At the time of submission, the Commission's duly authorized representative shall indicate on the application the date of submission and signature of the Commission's duly authorized representative;

(b) *Traverse sheets.* One copy of the traverse calculations. The minimum traverse calculations required shall include a closed traverse of the subdivision boundaries as per § 157.065(B)(2) of this chapter; and

(c) *Identification plat fees.* Plat fees shall be submitted in accordance with §157.131(A) of this chapter.

(C) *Processing of identification plat.* The Planning Commission's duly authorized representative shall review the identification plat as per the applicable requirements of § 157.065 of this chapter, the requirements of this section and other pertinent sections of these regulations. Following the review, the Planning Commission's duly authorized representative shall take one of the following actions: approve the identification plat; or disapprove the identification plat. Should the Planning Commission's duly authorized representative disapprove the identification plat, written notice of such action, including the reasons for disapproval, shall be mailed to the subdivider by the Planning Commission's duly authorized representative. The action shall be entered in the official records of the Planning Commission's duly authorized representative. If approved and signed by the Chairperson of the Planning Commission, the original identification plat shall be recorded in the County Clerk's office per the county's requirements.

(1984 Code, § 157.26) (Ord. O-86-78, passed 8-17-1978)

§ 157.037 SUBMISSION AND PROCESSING OF CONDOMINIUM PROPERTY REGIME PLATS.

(A) *Generally.* In accord with the Horizontal Property Law, KRS 381.805 through 381.910, whenever a developer, the sole owner or the co-owners of a building constructed or to be constructed, expressly declare, through the recordation of a master deed or lease, a condominium property regime may be established. Once the property is submitted to the condominium property regime, a unit in the building may be individually conveyed and may be the subject of ownership possession or sale and other acts as if it were sole and entirely independent of the other units in the building of which they form a part and the corresponding individual titles and interest shall be recordable. It is the purpose of the condominium property regime plat to provide a process whereby two or more apartments, townhouses, rooms, office spaces or other units in existing or proposed buildings or structures may be subdivided and offered or proposed to be offered for sale in accordance with requirements as established by these regulations. In order to be processed as a condominium property regime plat, the following requirements must be met in addition to other requirements of these regulations and applicable sections of KRS 381.805 through 381.910:

(1) The condominium project will not involve the construction of any public streets, water lines, storm and sanitary sewers which require review and processing through preliminary and final plat procedures; and

(2) The condominium project will not involve the subdivision and conveyance of land with any unit within the condominium property regime for which other processes are available.

(B) *Submission of condominium property regime plats.*

(1) The developer shall submit to the Planning Commission's duly authorized representative five copies of the final plat drawings prepared in accordance with § 157.065 of this chapter. In addition to other requirements of these regulations, the final plat shall show the location of the building or buildings proposed for the condominium project. Simultaneously with the submission of the final plat, there shall be attached five copies of a set of floor plans of the building or buildings in accord with KRS 381.835, bearing the certification of a registered architect or professional engineer.

(2) At this time, the following information shall be filed with the Planning Commission's duly authorized representative:

(a) *Application for condominium property regime plat approval.* An application form provided by the Commission shall be submitted (see App. D of this chapter) at the time of filing for condominium property regime plat approval;

(b) *Traverse sheets.* One copy of the traverse calculations. The minimum traverse calculations required shall include a closed traverse of the property (as per § 157.065(B)(2) of this chapter);

(c) *Master deed or lease.* One copy of the master deed or lease, in accord with the requirements of KRS 381.835 through 381.837; and

(d) *Condominium property regime plat fees.* Plat fees shall be submitted the same as for final plats, in accord with § 157.131(A) of this chapter.

(C) *Processing of condominium property regime plats.*

(1) The Planning Commission's duly authorized representative shall review the condominium property regime plats for conformance to the applicable requirements of § 157.065 of this chapter and KRS 381.805 through 381.910.

(2) (a) Following the review, the Planning Commission's duly authorized representative shall forward its recommendation or comments to the Planning Commission.

(b) The Planning Commission shall then review the recommendations of its duly authorized representative and shall take one of the following actions: approve the condominium property regime plats; or disapprove the condominium property regime plats.

(3) (a) Should the Planning Commission disapprove the plats, written notice of such action, including the reasons for disapproval, shall be mailed to the subdivider by the Planning Commission's duly authorized representative.

(b) The action shall be entered in the official records of the Planning Commission.

(4) If approved and signed by the Chairperson of the Planning Commission, the original condominium property regime plats shall be recorded simultaneously with the master deed or lease in the County Clerk's office per the county's requirements.

(1984 Code, § 157.27) (Ord. O-86-78, passed 8-17-1978)

PRELIMINARY PLAT REQUIREMENTS

§ 157.050 SPECIFICATIONS FOR AND CONTENT.

The following information below shall be clearly shown on or accompany the preliminary plat. The subdivider shall file with the Planning Commission's duly authorized representative two copies of the preliminary plat for review. Such plat shall be drawn at a scale of one inch to 200 feet or greater (such as one inch to 100 feet).

(A) *Information to be contained on preliminary plat.*

(1) Proposed name of subdivision, which shall not duplicate or too closely approximate, phonetically or in spelling, the name of any other subdivision in the county;

(2) Name, address and phone number of record owner;

(3) Name, address and phone number of subdivider;

(4) Name, address and phone number of person, firm or organization preparing the preliminary plat, with the seal and signature of the registered professional engineer responsible for its preparation;

(5) North point, written and graphic scale and date;

(6) Vicinity sketch map. A vicinity sketch map drawn at a scale of one inch to 2,000 feet or greater (such as one inch to 1,000 feet), including the following information, if applicable, within at least one-half mile of the proposed subdivision:

(a) Proposed subdivision name and location;

(b) Existing and proposed streets; and

(c) Other significant features (such as streams and lakes).

(7) The perimeter boundary lines of the tract to be subdivided and submitted as a preliminary plat shall be drawn to scale showing all bearings and distances;

(8) The existing use or uses of the property and, to scale, the outline of any existing buildings or improvements to be retained and their location in relation to existing or proposed street and lot line locations (addresses if available);

(9) The right-of-way lines and names of all existing or platted streets, other public ways and easements adjacent to or in connection with the subdivision including right-of-way widths and other important features at least within 100 feet of the boundary lines, such as railroad lines and watercourses;

(10) Names of adjacent subdivisions and the property lines, at least within 100 feet of the subdivision boundary, and owners of record of all adjacent parcels that are unsubdivided (for adjacent platted land, refer to subdivision plat by name, plat book, and page);

(11) Location and dimensions of all existing easements and rights-of-way within the subdivision;

(12) Existing utilities on and adjacent to the subdivision, location and size of water mains, sanitary, storm or combined sewers;

(13) Existing contours at five-foot intervals within the subdivision;

(14) Subsurface conditions on the sub- division; any known conditions that are not typical, or which may cause problems, such as soils and geological formations, old mine shafts, wells and known mineral deposits;

(15) Proposals:

(a) Streets and alleys. Layout, names, right-of-way and pavement widths, approximate corner radii at the right-of-way line and the approximate proposed grades of all streets;

(b) Other rights-of-way or easements, location, width and purpose;

(c) Lots. Lots and blocks numbered; and

(d) Water and sewer systems. Plan view layout of water lines, storm and sanitary sewer lines, including sizes, to serve the subdivision.

(16) Statement of the lot area of the smallest lot in the subdivision (reference shall be made to the lot and block number);

(17) Parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved by deed restriction or protective covenant for use of all property owners in the subdivision or parcels of land or lots to be used for any purpose other than private, shall be so designated;

(18) Proposed uses for all land in the subdivision;

(19) Approximate boundaries of areas subject to flood of 100-year frequency (including 100-year floodway) and the location, width and direction of flow of all watercourses, lakes, marshy areas and swamps; and

(20) Total site data, including acreage, number of lots and, if applicable, approximate number of square feet or acres in parks and other public uses.

(B) *Additional information to be submitted at time of filing of preliminary plat.*

(1) One copy of an application for preliminary plat approval (provided by the Commission);

(2) If individual on-site disposal systems have been approved, as per §157.102 of this chapter, one copy of a permit to use on-site disposal systems approved by the Northern Kentucky District Health Department;

(3) One copy of applicable Board of Adjustment action identifying any dimensional variances granted, if applicable; and

(4) In the event the subdivider elects to proceed with preliminary grading following preliminary plat approval or conditional approval, but prior to submission and processing of the improvement drawings and specifications, one copy of plans for control of erosion and sedimentation must also be submitted to the Commission's duly authorized representative, for review and approval.

(1984 Code, § 157.35) (Ord. O-86-78, passed 8-17-1978)

FINAL PLAT REQUIREMENTS

§ 157.065 SPECIFICATIONS FOR AND CONTENT.

(A) The subdivider shall file with the Planning Commission's duly authorized representative one copy of the final plat for review. The final plat of the subdivision shall be drawn on material as provided by the County Clerk's office in black, water-proof India ink. The final plat shall be drawn at a scale of one inch to 50 feet or greater (such as one inch to 30 feet). However, if the final plat will contain lots of 100 feet or greater, fronting along a street, then a scale of one inch to 100 feet or greater may be used.

(B) Where necessary, the final plat may be on several sheets accompanied by an index showing the entire subdivision. The particular number of the sheet, the total number of sheets, and the relation of each adjoining sheet shall be clearly shown by a small key map on each sheet. Each sheet of the plat shall show the north point, written and graphic scale and the date. The final plat shall contain a vicinity map showing the location of the subdivision with relation to at least one east/west and one north/south major arterial. The final plat shall further show the following, including all mathematical information and data necessary to locate and retrace any of the required data thereon.

(1) *Information to be contained on final plat.*

(a) The boundary lines of the final plat shall be drawn in heavy solid lines with accurate lengths and bearings. These boundaries shall be determined by an accurate field survey, which shall be balanced and closed. All lines shown on the plat which do not constitute a part of the subdivision shall be dashed. Any area enclosed by the subdivision, but not a part thereof, shall be labeled "Not A Part of This Subdivision";

(b) The exact location and the widths of all existing or recorded streets, intersecting or paralleling the boundaries of the subdivision at least within 100 feet;

(c) The exact location and width of all abutting lot lines. Names of recorded owners of adjoining unplatted land and reference to subdivision plats of adjoining platted land by name, plat book and page;

(d) The boundary line of the proposed final plat shall be tied by bearings and distances to a selected point (described on the plat) on the nearest established centerline or right-of-way line of any street or highway or a previously established monument, in which case the location of the monument shall be identified and accurately described on the plat. In addition, the final plat shall be tied by bearings and distances to a point in the original parent tract;

(e) Municipal and county boundaries lines, if applicable;

(f) The exact layout of the subdivision showing:

1. Street and alley centerlines and right-of-way lines shall be graphically shown; street names, bearings and distances along center lines;

2. Sufficient linear, angular and curve data (at least delta, tangent, radius and length of curve) to readily determine the bearing and length of the boundary lines of every block, lot and tract which is a part of the subdivision;

3. All easements or other rights-of-way (the limitation of the easement rights shall be stated or referenced on the plat); and

4. All lot lines with dimensions and bearings.

(g) Identification of any waivers of the subdivision regulations granted by the Planning Commission, such as: sidewalks on one side of the street; width of street pavement; or any need for additional off-street parking spaces;

(h) All blocks and lots numbered or lettered in a consecutive manner with no omissions or duplications. Ditto marks shall not be used for lot dimensions. Tracts offered for dedication, other than for streets or easements shall be designated by letter or number. Further, the accurate outline of all such tracts shall be shown with the proposed use indicated thereon;

(i) All permanent monuments set or to be set shall be shown on the final plat (see §157.111(A) and (B) of this chapter):

1. The location of all monuments placed in making the survey and if any points were reset, that fact shall be stated and attached to final plat for recording; and

2. Monuments shall be set at intersections of street centerlines and curve points or offsets therefrom. The exact location of all such monuments shall be shown on the final plat before approval is requested.

(j) The accurate outline of all property (if applicable) which is to be reserved by deed restriction or protective covenant for the common use of the property owners in the subdivision;

(k) Flood hazard information. Elevation and flood profiles shall be shown on the final plat if required (as determined as per § 157.084 of this chapter);

(l) All easements shall be shown by a fine dashed line and clearly labeled and identified on the plat. If an easement shown on the plat is already of record, its recorded reference must be given;

(m) Name of the subdivision and name or number of the larger subdivision or tract of which the tract now being subdivided is a part;

(n) North point (showing true north), written and graphic scale and date;

(o) Total site data, including acreage and, if applicable, number of square feet or acres in parks and other public uses; and

(p) Certification, acknowledgments and descriptions. The following certificates, acknowledgments and descriptions shall appear on the title sheet of the final plat (unless otherwise stated herein). Representative certificates, acknowledgments and approvals that shall be used on the final plat appear in App. D of these regulations.

1. Dedication certificates. A notarized certificate shall be signed and acknowledged offering for dedication all parcels of land shown on the final plat which are intended for public dedication;

2. Surveyor's certificate. A certificate shall be signed by a registered land surveyor, in the state, stating that he or she is responsible for the survey and that the final plat accurately depicts the subdivision and the survey. The signature of such surveyor must be accompanied by his or her seal and registration number;

3. Reference of property from which the plat is taken. Each reference in such description to any tract, development or subdivision shall show a complete reference to records of the county;

4. Other affidavits. The title sheet shall contain such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law and by these regulations. If such documents are recorded elsewhere, then reference to such documents should be included on the final plat;

5. Certificate of approval by the Chairperson of the Planning Commission; and

6. Certificate of acceptance for recording by the County Clerk.

(2) *Additional information to be submitted at time of filing of final plat.*

(a) One copy of an application for final plat approval provided by the Commission;

(b) One copy of traverse calculations, resulting from an accurate and complete boundary survey of the perimeter of the final plat. Traverse calculations when computed from field measurements, on the ground, shall close with an error of closure not to exceed one foot to 5,000 feet;

(c) Improvement drawings and specifi- cations (improvement drawings and specifications will be required if not submitted previously for processing as per §§ 157.026 and 157.027 of this chapter): drawings, showing typical cross-sections, profiles, construction details and specifications for all required improvements shall be prepared by a registered engineer in conformance with the provisions in §§ 157.100 through 157.116 of this chapter and any other pertinent sections of these regulations:

1. One copy of the sanitary sewerage and storm system plans (as per §§157.101 and 157.102 of this chapter);

2. One copy of the water system plans (as per §157.103 of this chapter);

3. One copy of the street plans and profiles, including typical cross-sections (as per §157.104 of this chapter);

4. One copy of drainage report, including computations (as per §157.101 of this chapter); and

5. One copy of plans for control of erosion and sedimentation (as per §157.113 of this chapter).

(d) As-built improvement drawings. Where the improvement drawings and plans were previously submitted and approved prior to the submission of the final plat, the subdivider shall be required to submit one copy each of as-built

improvement drawings for sanitary sewerage and storm system, and water system;

(e) One copy of all deed restrictions or protective covenants (may be either placed directly on the final plat, or if separately recorded, reference is made on the final plat);

(f) Final plat fees. Final plat fees shall be submitted in accordance with §157.131(A) of this chapter;

(g) Guarantee. A guarantee (if appli- cable) per §157.116 of this chapter; and

(h) Recording fees. The subdivider shall pay the recording fee, per requirements of the County Clerk.

(1984 Code, § 157.45) (Ord. O-86-78, passed 8-17-1978)

DESIGN STANDARDS FOR LAYOUT OF SUBDIVISIONS

§ 157.080 STREETS.

(A) *Conformity to comprehensive plan or official map* Whenever a tract of land to be subdivided or resubdivided includes any part of, or is adjacent to, a proposed arterial or collector street as designated on the comprehensive plan or the official map, the subdivider shall meet with the Planning Commission's duly authorized representative to determine its compliance (such as, right-of-way width for future widening and pavement widths) and resulting design requirements of such locations, otherwise such street right-of-way shall be platted by the subdivider in the exact location so designated and at the width indicated in these regulations.

(B) *Street extension.*

(1) *Existing streets*. The arrangement of streets in new subdivisions shall make provision for the proper continuation of existing streets in adjoining areas, unless determined otherwise by the Planning Commission, or its duly authorized representative.

(2) *Adjacent property*. Where adjoining areas are not subdivided and are appropriate for future subdivision, arrangement of streets in new subdivisions shall make provision for the proper projection of streets to those adjoining areas in a manner which shall provide for the practical development of the adjacent property.

(3) *Half streets*. Dedication of one-half of the rights-of-way (half streets) for streets proposed along the boundaries of land to be subdivided shall be prohibited.

(C) *Street classification and function.*

(1) *Arterial streets*.

(a) Arterial streets should be planned so as to provide for the smooth flow of traffic between points of heavy traffic generation and from one section of the community or communities to another. Such arterial streets should traverse the entire community or communities.

(b) Arterial streets should not bisect neighborhoods, but should act as boundaries between such neighborhoods.

(c) Direct access onto the roadway from abutting properties shall be discouraged.

(2) *Collector streets*. Collector streets should be designed to provide a traffic route from subcollector streets to arterial streets. These streets should be designed to carry traffic which has an origin or destination within the neighborhood and between arterial streets. Streets shall be designed in such a manner to discourage short cuts through the neighborhood. Direct access to abutting property should be discouraged whenever possible.

(3) *Subcollector streets.* Subcollector streets shall be designed to provide a traffic route from local streets to collector streets. The streets will serve equally both traffic movement and abutting properties.

(4) *Local streets, including cul-de-sacs and courts.* Local streets shall provide direct and full access to each lot and direct traffic movement to another local street or to a subcollector street. The street shall be laid out so that their use by through traffic will be discouraged. Local street intersections with arterial streets shall be discouraged, wherever practical.

(5) *Frontage roads*. Frontage roads may be required along an existing or proposed arterial street to provide access to lots along such streets.

(6) *Alleys*. Where alleys are to be provided (such as in the case of certain commercial development), they shall be designed to provide only secondary access.

(D) *Street rights-of-way.*

(1) *Widths and grades of new streets*. Street right-of-way widths and grades shall conform to the following minimum requirements:

TABLE 1 STREET RIGHTS-OF-WAY WIDTH AND GRADE REQUIREMENTS			
Type of Street	***Minimum Right-of-Way Width (in feet) ******	***Grades by Percent***	
		Maximum	***Minimum***

TABLE 1 STREET RIGHTS-OF-WAY WIDTH AND GRADE REQUIREMENTS			
Type of Street	***Minimum Right-of-Way Width (in feet) ******	***Grades by Percent***	
		Maximum	***Minimum***

Alleys	20	10	0.5
Arterial	*	*	*
Collector	60	10	0.5
Courts	40	12	0.8
Frontage road	**	**	**
Local (including cul-de-sacs)			
Residential	50	12	0.8
Commercial and industrial areas	60	10	0.8
Subcollector	50	12	0.8

NOTES TO TABLE:
* Arterial streets shall be based on current design standards and other pertinent requirements of the state's Department of Transportation and the official area-wide comprehensive plan.
** Requirements will vary for a frontage road depending on whether the street would serve as a local subcollector or collector type street and as such would be designed in accordance with the respective requirements of the streets.
*** Except as may be permitted in §157.104,Table 2, of these regulations.

(2) *Exiting streets*. Subdivisions platted along existing streets shall dedicate additional right-of-way, if necessary, to meet the minimum street width requirements set forth in division (D)(1) above. Such dedication shall be in accordance with the following.

(a) At least the minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street.

(b) When the subdivision is located on only one side of an existing street, one-half of the required right-of-way width, measured from the centerline of the right-of-way, shall be dedicated. However, the owner or owners of such property shall not be required to dedicate more than one-half of the required rights-of-way width.

(E) *Curves and sight distance criteria.*

(1) *Horizontal curve*. Where there is a change in the alignment of a street along the centerline, a curve with a radius adequate to ensure safe sight distance shall be constructed. The minimum radii of curves shall be:

Street Type	***Minimum Curve Radius***
Arterial	*
Collector	400 feet
Local or subcollector	100 feet

(2) *Sight distance*. Minimum sight distance shall be as required in App. E, Tables 7a and 7b.

(3) *Reverse curves*. A tangent of at least 200 feet for collector streets shall be provided between reverse curves. No tangent shall be required for local and subcollector streets.

(4) *Vertical curves*. The minimum vertical curve length required shall be calculated by multiplying the algebraic difference in grades times a "K" factor. Rounded "K" factors for local and subcollector and collector streets are as follows:*

Type of Street	*"K" Factors*
Collector	K equals 30 for crest curves
	K equals 35 for sag curves
Local and subcollector	K equals 15 for crest curves
	K equals 15 for sag curves
NOTES TO TABLE: * Design of arterial streets shall be based on current standards of the state's Department of Transportation.	

(F) *Cul-de-sac and dead-end streets*. Cul-de-sacs and dead-end streets designed to be dead-end permanently shall not be longer than 1,200 feet, unless local topographic or other physical conditions are such as to render these provisions impracticable.

(G) *Street names and house numbers.*

(1) *Duplication*. The name of a new street shall not duplicate existing or platted street names in the county, or approximate such names in spelling, or sound or pronunciation, or by the use of alternate prefixes such as "North", "South" or such suffixes as "Lane", "Way", "Drive", "Court", "Avenue" and "Street".

(2) *Continuation of streets*. New street names shall bear the same name of any continuation of, or when in alignment with, an existing or platted street.

(3) *Approval of street names*. All street names shall be approved by the Planning Commission's duly authorized representative before approval of the final plat.

(4) *House numbers*. House numbers shall be assigned by the Planning Commission's duly authorized representative before approval of the final plat.

(H) *Alleys.*

(1) Alleys shall be prohibited in residential zoning districts, unless otherwise approved by the Planning Commission or its duly authorized representative.

(2) In commercial and industrial areas, adequate alleys shall be provided where the design requires. Alleys shall not serve as part of the required off-street parking, loading or unloading space required by the applicable zoning ordinance.

(I) *Private streets*. New private streets or alleys shall not be created or extended, except as approved by the Planning Commission, and existing ones shall, whenever practicable, be dedicated to the public.

(1984 Code, § 157.55) (Ord. O-86-78, passed 8-17-1978; Ord. O-28-79, passed 3-22-1979) Penalty, see § 157.999

§ 157.081 INTERSECTIONS.

(A) *Angle of intersection*. The centerline of all streets shall intersect as nearly at a 90-degree angle as possible, but in no case shall the angle of intersection be less than 75 degrees or greater than 105 degrees, unless a special modification is granted by the Planning Commission due to certain exceptional conditions.

(B) *Centerline offset of adjacent intersections*. Where T-intersections are used, the following minimum centerline offsets of adjacent intersections shall be as follows:

Type of Street	*Minimum Centerline Offset of Adjacent Intersections in Feet*
Collector - collector	200
Local - local	150
Local - subcollector	150
Subcollector - collector	150

(C) *Corner radii*. Property lines at street intersections shall be provided from the same radius point necessary to establish the pavement radius. If because of certain exceptional conditions a modification is granted permitting an angle of intersection less than 75 degrees, or greater than 105 degrees, then the minimum radii shall be increased or decreased, respectively.

(D) *Centerline grades within intersections*. Maximum centerline grades within street intersections shall not exceed the grade for through streets, as identified in § 157.080, Table 1, of these regulations, depending on the type of street. The maximum grade of the centerline of the side streets intersecting with the gutter line of the through street shall not exceed 4% for a distance of not less than 75 feet from the centerline for local and subcollector streets and 150 feet for collector streets.

(E) *Design adjacent to freeways, expressways, arterials or collectors*. The following principles shall be used in the design of subdivisions adjacent to freeways, expressways or arterials.

(1) Street design shall have the purpose of making adjacent lots desirable by cushioning the impact of heavy traffic and of minimizing the interference with traffic on such thoroughfares.

(2) Collector, subcollector and local streets shall not be permitted to intersect with freeways or expressways. The number of intersections with arterial streets shall be held to a minimum. Wherever practicable, such intersections shall be spaced not less than 600 feet apart. In the case of collector streets, intersections with those streets shall be spaced not less than 400 feet apart and access to driveways shall be spaced at intervals of not less than 200 feet. At those access points where turning vehicles to and from the arterial and collector streets will affect the roadway capacity or safety, reserved turn lanes shall be required, wherever practical. Frontage or service roads shall be used when these spacing requirements cannot be met.

(3) Where frontage roads are not required, lots adjacent to such thoroughfares shall, when practical, be served and be accessible only by a street generally paralleling the thoroughfare or by a series of cul-de-sacs or loop streets extending towards the thoroughfare from an internal street system.

(1984 Code, § 157.56) (Ord. O-86-78, passed 8-17-1978)

§ 157.082 EASEMENTS.

(A) *Utility easements*. Public utility easements at least ten feet in total width may be required along the front, rear and sides of lots where needed for the accommodation of a public utility, drainage or sanitary structures, or any combination of the foregoing. Where deemed necessary by the Planning Commission's duly authorized representative, an additional easement width shall be provided.

(B) *Watercourses*. The subdivider shall dedicate rights-of-way or provide easements for storm drainage purposes which conform substantially with the lines of any natural watercourses, channels, streams or creeks which traverse the subdivision or for any new channel which is established to substitute for a natural watercourse, channel, stream or creek. Such rights-of-way or easements shall be of a width which will provide for the maintenance needs of the channel as determined by the Planning Commission's duly authorized representative.

(1984 Code, § 157.57) (Ord. O-86-78, passed 8-17-1978)

§ 157.083 PHYSICAL CONSIDERATIONS.

Wherever practicable, subdivisions shall be planned to take advantage of the natural topography of the land, to economize in the construction of drainage facilities, to reduce the amount of danger, to minimize destruction of trees and topsoil, and to preserve such natural features as watercourses, unusual rock formations, large trees, sites for historical significance and other assets which, if preserved, will add attractiveness and value to the subdivision and the community.

(1984 Code, § 157.58) (Ord. O-86-78, passed 8-17-1978)

§ 157.084 FLOOD HAZARDS.

(A) *Prohibition of development in areas susceptible to flooding*. Land subject to flooding or otherwise uninhabitable shall not be platted for residential, commercial or industrial uses or for any other use which may increase the danger of health, life, property or aggravate erosion or flood hazards. Such land within the subdivision shall be set aside on the plat for such uses as will not be endangered by periodic or occasional inundation or will not result in conditions contrary to the public welfare (such as use as open space, extensive recreation use and conservation purposes).

(B) *Limited development.* Areas of land adjacent to streams, rivers or bodies of water which have a high degree of susceptibility to flooding shall be limited to development according to either the flood protection control regulations, if adopted as part of the applicable zoning ordinance, or according to the following regulations.

(1) The limits of the floodplain (areas subject to flooding during the occurrence of a 100-year flood), including elevations of the 100-year flood level along the Ohio and Licking Rivers and certain tributaries thereof, are designated on maps and charts on file in the office of the NKAPC. The limits of the floodway are contained within the floodplain area.

(2) In the case of any subdivision to be developed along the tributaries of the Ohio and Licking Rivers, and located in those areas which are identified as being susceptible to flooding according to the report prepared by the United States Department of the Agriculture, Soil Conservation Service *Soil Survey of Boone, Campbell and Kenton Counties, Kentucky*, August, 1973, a survey shall be made by a qualified registered civil engineer establishing the elevation of the 100-year flood and floodway for a tributary.

(3) No subdivider in development of a subdivision shall fill any area with earth, debris or any other material or raise the level of any area in any manner, or place a building, barrier or obstruction of any sort on any area located within the floodway which would result in any increase in flood levels during the occurrence of a 100-year flood discharge. Plans and specifications for any work which the subdivider believes will not increase the flood levels shall be submitted to the Northern Kentucky Area Planning Commission and to the Planning Commission's duly authorized representative (if different) for review and approval to determine if the encroachment will meet the requirements of these regulations. Mobile homes shall be prohibited from being placed within the floodway.

(4) All land in the subdivision which is outside the floodway of the Ohio and Licking Rivers and their tributaries, but located within the floodplain, may be used for any purpose for which it is zoned; provided that, the land is graded in such a manner that any residential construction within the floodplain shall have the lowest floor, which is used for living quarters, elevated to or be above the level of the 100-year flood; and the land is graded in such a manner that any new non-residential structures within the floodplain area shall have the lowest floor elevated to or be above the level of the 100-year flood or together with attendant utility and sanitary facilities shall be designed and flood-proofed so that, below the 100-year flood level, any structures that are anticipated to be constructed are water-tight with walls impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of frequency.

(5) All streets and utilities constructed to serve the subdivision to be located within the floodplain, but which are outside the floodway, shall be: flood protected; the land filled; or any combination thereof, to a level of not less than the elevation of the 100-year flood level. Where the fill is partially within the floodplain, roadway access and utilities shall be provided from the dry side (areas located above the 100-year floodplain).

(C) *Stream easement*. If a stream flows through or is adjacent to the proposed subdivision, the plat shall provide for a storm water easement or drainage right-of-way along the stream for a floodway of at least ten feet. For the smaller streams, the plat shall provide for channel improvement to enable them to carry all reasonable floods within banks. The floodway easement shall be wide enough to provide for future enlargement of the stream channels as adjacent areas become more highly developed and run-off rates are increased.

(D) *Streets*. Approval shall not be given for streets within a subdivision which would be subject to flooding. All streets must be located at elevations above a flood of a 100-year frequency in order that no portion of the subdivision would become isolated by floods; except that, where a secondary access is provided which would be above a 100-year flood frequency. However, streets may be permitted in areas subject to flooding of a 100-year frequency provided the streets provide access to activities relating to rivers, streams and recreational activities located along the areas.

(1984 Code, § 157.59) (Ord. O-86-78, passed 8-17-1978)

§ 157.085 BLOCKS.

(A) *Arrangement*. The arrangement of blocks shall be such as to provide for convenient access, circulation, control and safety of street traffic. Blocks intended to be used for commercial or industrial purposes shall be designed specifically for such uses with space set aside for off-street parking and loading or unloading facilities as required by the applicable zoning ordinance.

(B) *Length.* Blocks should not exceed 1,200 feet, except where topographical or exceptional physical conditions exist.

(C) *Width.* The width of blocks should ordinarily be sufficient to allow for two tiers of lots except for double frontage lots as permitted in § 157.086 of this chapter.

(1984 Code, § 157.60) (Ord. O-86-78, passed 8-17-1978)

§ 157.086 LOTS.

(A) *Conformance to zoning*. All lots shall conform to or exceed the requirements of the applicable zoning ordinance. Each lot shall front at least 20 feet onto a publicly dedicated street, other than an alley, or in the case of two contiguous flag lots, 20-foot frontage may be reduced to ten feet of frontage per parcel; provided, the contiguous lots share a common unobstructed easement of access to the publicly dedicated street of at least 20 feet in width; and, further provided, the common easement shall be located within 20-foot strip. In no case shall more than two flag lots be contiguous to each other at the publicly dedicated street. Flag lots shall only be used in those locations where due to geometric, topographic and other physical features, it would be impractical to extend a publicly dedicated street to serve lots located in the areas, as determined by the Planning Commission's duly authorized repre- sentative.

(B) *Lot frontage and width.*

(1) *Arterial street frontage*. No access onto an arterial street shall be permitted from abutting properties, except as provided for in these regulations.

(2) *Corner lots*. Corner lots shall have extra width to permit conformance to the minimum setback from the side street. In no case shall a corner lot be so narrow that minimum zoning requirements cannot be met.

(3) *Double frontage lots*. Lots shall not be laid out so that they have frontage onto more than one street, except:

(a) When the lots are adjacent to the intersection of two streets; or

(b) When the rear of the lot faces an arterial, freeway, expressway, collector street or railroad right-of-way, and the front of the lot faces onto another street.

(C) *Lot depth.*

(1) *Conformance to zoning*. Each lot shall conform to all requirements of the applicable zoning ordinance.

(2) *Maximum depth*. The maximum depth of a lot shall not be greater than four times the width of the lot, except lots which contain over five acres of area. Exceptional individual site conditions may require variation from these requirements,

as permitted by the Planning Commission, or its duly authorized representative.

(3) *Extra depth and width in certain cases.* Additional side yard and lot depth as per the applicable zoning ordinance may be required where a lot in a subdivision abuts an industrial or commercially zoned area.

(D) *Useable lots.*

(1) *Building lots.* All subdivisions shall result in the creation of lots which are developable and capable of being built on. No lots may be developed which create building sites which are impracticable to improve due to known problems related to soil conditions and geological formations and areas subject to flood prone conditions based on information on file in the offices of the NKAPC (soil survey studies prepared by the United States Soil Conservation Service, Geological survey maps prepared by the United States Geological Survey and flood prone information supplied by the United States Army Corps of Engineers and the United States Geological Survey).

(2) *Strips of parcels.* No remnants of property shall be left which do not conform to minimum lot requirements for the zoning district in which the property is located, or which are not required for a private or public utility purpose, or which are not accepted by the legislative body or fiscal court or any other appropriate public body for an appropriate use.

(3) *Side lot lines.* The side lot lines of all lots, whenever practicable, shall be at right angles to the street which the lot faces or radial to the center of curvature, if such street is curved. In the case of a cul-de-sac on which the lot faces, side lot lines shall be as nearly radial to the center of curvature of the cul-de-sac as practicable.

(1984 Code, § 157.61) (Ord. O-86-78, passed 8-17-1978)

§ 157.087 PEDESTRIAN WAYS.

Where deemed necessary by the Planning Commission's duly authorized representative, pedestrian ways may be required, and if provided, they should not exceed a 15% grade, unless steps of an acceptable design, as determined by the Planning Commission's duly authorized representative, are to be constructed.

(1984 Code, § 157.62) (Ord. O-86-78, passed 8-17-1978)

§ 157.088 PUBLIC SITES.

Where a proposed park or other recreational area, school site or other public ground identified in the adopted County Comprehensive Plan is located in whole or in part within the proposed subdivision, the Planning Commission's duly authorized representative may require a reservation, as a condition precedent to preliminary plat approval, not to exceed one year, for the purchase of such public ground by the applicable public body.

(1984 Code, § 157.63) (Ord. O-86-78, passed 8-17-1978)

IMPROVEMENTS

§ 157.100 IMPROVEMENTS; PRECONSTRUCTION MEETING.

The improvements which are required shall be designed by a registered professional engineer and installed in accordance with the provisions of these and other applicable regulations. Prior to the commencement of any project, a preconstruction meeting will be held with the applicable legislative body's engineer, or its duly authorized representative, to discuss the project in regard to procedure, materials and inspections.

(1984 Code, § 157.70) (Ord. O-86-78, passed 8-17-1978)

§ 157.101 DRAINAGE.

(A) A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part.

(B) The following requirements and methods shall be followed.

(1) *Storm drainage; report required.* The subdivider shall submit to the Planning Commission's duly authorized representative, a report by a registered professional engineer, as to the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision, to handle the runoff which would be generated by the development of the land within the subdivision, and the additional runoff to be anticipated from the upstream drainage area, according to the land use identified in the adopted comprehensive plan for the county. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed subdivision. This report shall also include:

(a) Estimate of the quantity of storm water entering the subdivision naturally from areas outside the subdivision;

(b) Quantities of flow at each pickup point (inlet); and

(c) Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.

(2) *Drainage requirements (final grading).*

(a) No final grading or sidewalk or pavement construction or installation of utilities shall be permitted in any proposed street until the improvement drawing and specifications have been submitted and approved by the Planning Commission's duly authorized representative.

(b) The subdivider shall grade each subdivision in order to establish street, block and lot grades in proper relation to each other and to topography, as follows.

1. *Street grading plan.* A grading plan shall be prepared for the streets along with street improvement details, as per § 157.104 of this chapter.

2. *Block grading*. Block grading shall be accomplished in one or more of the following methods:

a. A ridge constructed along the rear lot lines providing for drainage into the streets;

b. Parts of all lots draining to a sidewalk or ditch along the rear lot lines; or

c. Draining across rear or side lot lines; provided that, drainage onto adjoining properties shall be controlled.

3. *Lot grading*. Lot grading shall be accomplished as follows: lots shall be graded so that water drains away from each building at a minimum grade of 2%. Surface drainage swales shall have a minimum grade of 2% and shall be designed so that the surface water will drain into a driveway, street gutter, storm sewer, drain inlet or natural drainage way. The minimum grades of driveways shall be 0.4% and the maximum grade shall be as specified in § 157.105 of this chapter.

4. *Top soil*. If grading results in the stripping of top soil, top soil shall be uniformly spread over the lots as grading is finished.

5. *Trees*. As many trees as can be reasonably utilized in the final development plan shall be retained and the grading adjusted to the existing grade of the trees where practicable.

(3) *Drainage system requirements*. The design criteria for storm drainage systems shall be based on information from the *Manual of Instructions for Drainage Design* prepared by the state's Department of Transportation or any other acceptable drainage manual.

(a) Culverts and storm sewers in all streets shall be designed for at least a ten-year storm frequency and in no case shall a storm sewer be less than 12 inches in size. In no case shall the time of concentration be less than eight minutes.

(b) For open channels, roadway ditches, curb and gutters, and all inlets, a storm frequency of ten years and a time of concentration of 20 minutes which yields an average intensity of four inches per hour shall be used in all computations.

(4) *Road drainage system*. All roadways shall be provided with an adequate storm drainage system.

(a) The road storm sewer system shall serve as the primary drainage system and shall be designed to carry roadway, adjacent land and building storm water drainage. No storm sewer shall be permitted to be run into the sanitary sewer system within the proposed subdivision.

(b) Curb drainage inlets and catch basins shall be provided at intervals along roadways. Inlet spacing shall be adequate to ensure that the flow of water should not encroach on the outside lane by more than six feet for a storm of 20 minutes duration and ten-year storm frequency.

(5) *Off-road drainage systems*. The design of any off-road drainage shall include the watershed affecting the subdivision and shall be extended to a watercourse or drainage way adequate to receive the storm drainage.

(a) When the drainage system is outside of the road right-of-way, the subdivider shall make provisions for dedicating of an easement to the applicable legislative body or fiscal court to provide for the future maintenance of the system.

(b) The size and location of all off- street watercourses or ditches running through the subdivision shall be enclosed or left open, subject to the approval of the Planning Commission's duly authorized representative.

(c) Roof and area drain pipes shall not be connected into or through the curb and gutter section of the public street, but rather directly connected to a storm sewer system or discharged onto the same parcel of land from which the water is generated.

(6) *Drainage easement*. Easements for drainage purposes shall be a minimum of ten feet in width. Where the watercourse is large, easement widths shall be increased as determined by the Planning Commission's duly authorized representative. Where watercourses cross platted lots diagonally, the subdivider should straighten such courses where practicable and should substantially follow sublot lines. Easements shall be shown on the record plat and shall cover all existing or reconstructed watercourses.

(7) *Protection of drainage systems*. The banks of newly created ditches and channels shall be stabilized with adequate material to prevent erosion. Newly created ditches and open channels shall be seeded, sodded, rip-rapped, paved or other acceptable erosion control methods used depending on grades, slopes and type of soils. Wherever practical, existing ditches and channels shall be retained in their natural state.

(8) *Material specifications.* Material and construction specifications for all drainage projects shall be designed in accordance with the requirements of App. C of these regulations.

(1984 Code, § 157.71) (Ord. O-86-78, passed 8-17-1978)

§ 157.102 SANITARY SEWER SYSTEM.

In those areas identified in the county's Comprehensive Plan as urban service area, the subdivider shall construct a sanitary sewage collection system designed to serve adequately all lots in his subdivision plus line adequate in size to facilitate the orderly development of nearby land which is an integral part of the neighborhood service or drainage area (see § 157.103 of this chapter) and connect the collection system to a centralized sewerage system, or an approved package treatment plant (surface discharge), except as herein provided.

(A) *Plans required*. The subdivider shall submit plans and specifications prepared by a registered professional engineer showing the proposed sanitary sewerage system and facilities. The plans shall show pipe sizes, gradients, type of pipe, invert elevations, location and type of manholes, the location, type and size of all lift or pumping stations, the location, type and capacity of all proposed package treatment plants, and all construction details including such other information as required by the Planning Commission's duly authorized representative.

(B) *Design standards*. The design criteria for the sanitary sewerage system shall be based on the*Standards for Sewage Works* prepared by the Great Lakes-Upper Mississippi River Board of State Sanitary Engineers, and in conformance with the requirements or guidelines of the state's Water Pollution Control Commission.

(C) *Material specifications.* Material and construction specifications including testing requirements for all sanitary sewer projects shall be in accordance with the requirements of the Sanitation District #1 of Campbell and Kenton Counties, except as herein provided.

(D) *On-site sewage disposal.* Except as herein provided, individual on-site sewage disposal systems may be permitted in those areas identified on the county's Comprehensive Plan as urban service area and non-urban service area, in accordance with the Department of Housing, Buildings and Construction, Division of Plumbing Regulations. Furthermore, individual on-site sewage disposal systems may be permitted only under the following conditions.

(1) Such on-site systems shall be permitted to be located on sites along existing, improved and newly constructed streets; except that, any existing right-of-way and pavement width may be widened where required by these regulations.

(2) The site shall contain a minimum area of one acre with a minimum lot width at the setback line of 100 feet.

(3) The system shall be provided with an aerobic type (aerator) treatment plant which will be effective until a connection is made to a centralized sewer system; except that, in the non-urban service area the on-site sewage disposal system shall be in accordance with the Department of Housing, Buildings and Construction, Division of Plumbing Regulations.

(E) *Connection to centralized system.* Where new street rights-of-way are created or new streets constructed within an existing right-of-way, all existing lots or newly subdivided lots shall be required to connect to a centralized sewerage system, as provided for in this section. In the event that existing sanitary sewer lines are located within a reasonable distance of the site, as determined by the Planning Commission's duly authorized representative, then the site shall be connected to the public sanitary sewer system. Where permitted, under these regulations, all such systems shall also be approved by the appropriate agencies.

(1984 Code, § 157.72) (Ord. O-86-78, passed 8-17-1978; Ord. O-152-78, passed 12-28-1978) Penalty, see § 157.999

§ 157.103 WATER SYSTEM.

It shall be the responsibility of the subdivider to contact the County Water District indicating his or her proposed layout of the water distribution system according to the subdivision procedures identified in §§ 157.020 through 157.037 of this chapter. In the area identified in the county's Comprehensive Plan as urban service area, the subdivider shall design and construct a complete water distribution system which shall serve adequately all lots within the proposed subdivision plus, coordinated with the County Water District, lines adequate in size to facilitate the orderly development of nearby land which is an integral part of the neighborhood service area. (See § 157.102 of this chapter.)

(A) *Plans required*. The subdivider shall submit plans and specifications prepared by a registered professional engineer showing the proposed water system. The plans shall show line sizes, type of pipe, location of hydrants and valves, and other appurtenances, if applicable, supply facilities, booster pumps and elevated or ground-level storage tanks, including all construction details.

(B) *Design standards*. The design criteria for the water distribution system shall be as required by the County Water District. The applicable agencies should make provision to ensure necessary fire flow requirements.

(C) *On-site disposal system/water system*. In those areas where on-site disposal systems are permitted in the urban service area, as provided for in § 157.102(D) of this chapter, a connection to the applicable water agency's supply shall not be required.

(1984 Code, § 157.73) (Ord. O-86-78, passed 8-17-1978)

§ 157.104 STREETS.

(A) *Plans required.*

(1) The subdivider shall submit plans and specifications prepared by a registered engineer showing the proposed street system. The plans shall show the proposed right-of-way width, pavement width, location and the proposed alignment, grade,

geometric details and typical cross-sections of each proposed street, including curbs and gutters and sidewalks (where applicable). The plans and specifications shall show for each proposed street design criteria such as street classification, pavement classification and thickness, and classification and thickness of base and subbase materials.

(2) In addition, the following information shall be required.

(a) The plans and profiles of all surrounding streets which are to connect to a street in the proposed subdivision (for a distance of 100 feet back from the boundary line of the proposed subdivision).

(b) All profiles shall be drawn at a scale not to exceed one inch equals 100 feet horizontal and one inch equals ten feet vertical.

(c) Elevations shall be shown at all vertical P.I.(s) and percent grade between P.I.

(d) Elevations shall be tied to a bench mark (U.S.G.S. or other bench marks when available), when, within a reasonable distance (as determined by the Planning Commission's duly authorized representative) and shall be shown on the improvement drawings.

(e) Details of curb and gutter, sidewalks, street section and paving shall be shown.

(B) *Pavement specifications*. All streets shall be paved with portland cement concrete or asphalt concrete and constructed in accordance with the specifications in App. A or B (whichever is applicable) of these regulations.

(C) *Minimum pavement widths.* Pavement widths shall be measured from back of curb to back of curb, or if no curbs are required, then measurements shall include the entire paved surface. Minimum pavement widths for each street shall be as shown in § 157.104, Table 2, of this chapter and laid out in the manner indicated by the typical street cross-sections shown in App. C of these regulations.

(D) *Curbs and gutters.*

(1) The subdivider shall construct vertical curbs, at least six inches in height or roll curbs four inches in height, for all residential streets (where applicable) as identified in § 157.104, Table 2, of this chapter. For streets to be constructed of asphalt concrete, curb and gutter shall be constructed according to the typical section detail in App. C of this chapter.

(2) All curbs and gutters shall be constructed of portland cement concrete and in accordance with the specifications in App. A of this chapter and typical cross-sections in App. C of this chapter.

(E) *Curb radii*. The minimum curb radius at intersections shall be as follows:

Type of Street Intersection*	***Minimum Curve Radius (in Feet)***
Arterial - arterial	**
Collector - collector	30
Local - local or subcollector	25
Subcollector - subcollector	25
Subcollector - collector	30
NOTES TO TABLE: * In the case of local or collector streets located in commercial or industrial areas, the minimum curb radii shall be increased to 50 feet. ** Shall be based on current design standards of the state's Department of Transportation.	

(F) *Sidewalks*. Sidewalks shall be required as identified in §157.104, Table 2, of these regulations in all areas identified in the county's Comprehensive Plan as urban service areas, which will require urban type services. Sidewalks shall be constructed of portland cement concrete in accordance with the specifications of App. A of these regulations, at least four inches thick and increased to five inches of thickness when included as part of a driveway. All sidewalks shall be constructed with a minimum width of four feet and this width increased to five feet for streets in multi- family residential, commercial and industrial areas, where pedestrian traffic volume indicates the need for this additional width. Sidewalks shall be laid out in the manner indicated by the typical cross-sections shown in App. C of this chapter.

TABLE 2

IMPROVEMENT REQUIREMENTS BY TYPE OF STREET SERVING RESIDENTIAL SUBDIVISION (F)

Type of Street	*Number of Lots Served*	*Right-of-Way (in feet)*	*Pavement Width (in feet)*	*Curb and Gutter (C)*	*Sidewalks along Street (B)*	*On-Street Parking*	*Minimum Front Yard Depth Required (in feet)*	*Off- treet Parking Required*	*Minimum Lot Width Required (in feet)*	*Minimum Pavement Thickness*

Courts - dead-end Typical Optional	Under 7	40 40	22 20	Yes Yes	None None	One Side None	(A) 35	(A) 4 Spaces (E)	(A) (A)	(G)
Cul-de-sac - dead-end Typical Optional	7 - 25	50 40	25 20	Yes Yes	One Side One Side	One Side None	(A) 50	(A) 4 Spaces (E)	(A) (A)	(G)
Local Typical Optional	Under 100	50 40	25 20	Yes Yes	Both Sides Both Sides (B)	One Side None	(A) 50	(A) 4 Spaces (E)	(A) 100 (H)	(G)
Subcollector Typical Optional	100 - 500	50 40	28 22	Yes Yes	Both Sides Both Sides (B)	One Side None	(A) 50	(A) 4 Spaces (E)	(A) 100	(G)
Collector (D) Typical Optional	Over 500	60 60	30 22	Yes Yes	Both Sides Both Sides (B)	One Side None	(A) 50	(A) 4 Spaces (E)	(A) 100	(G)

NOTES TO TABLE:

Where streets are to serve industrial or commercial areas, the pavement design shall be based on a study prepared by the subdivider's engineer, projecting the type of vehicles using the street and traffic volumes and approved by the Planning Commission's duly authorized representative.

(A) Minimum as per applicable zoning ordinance requirements.

(B) Sidewalks may be permitted on only 1 side of the street, providing the minimum front yard depth is 50 feet and the minimum lot width is 100 feet. When subdivisions are designed to provide pedestrian walkways to the rear of lots or in other locations other than along the street, the Planning Commission or its duly authorized representative may waive sidewalks along the streets. In the case where local streets serving less than 25 lots, sidewalks may be permitted on 1 side of the street.

(C) Shoulders and side ditches may be permitted and designed in accordance with these regulations (see App. C); provided, the minimum front yard depth is 50 feet, the minimum lot width is 100 feet, the minimum right-of-way is increased by 10 feet, except for collector streets.

(D) Driveway access points along collector streets shall be discouraged, however, if permitted, shall be spaced not less than 200 feet apart.

(E) Individual off-street parking spaces shall be laid out in such a manner to insure that each space has unrestricted ingress and egress to a public street (for example, not blocked from gaining access to the street via another parked vehicle).

(F) Arterial streets shall be designed in accordance with the requirements of the Kentucky Department of Transportation.

(G) Minimum pavement thickness for portland cement concrete and asphalt concrete shall be designed in accordance with App. A, § 16, Table 3, and App. B, § 6, Table 6, respectively.

(H) In the case where local streets serving less than 25 lots, the minimum lot width shall be as per the applicable zoning ordinance requirements.

(G) *Parking*. Parking on any street where pavement width is less than 36 feet shall be limited to one side of the street. Parking lanes shall not be shifted from one side to the other from block to block or, where the proposed street is the extension of an existing street, the parking lane shall extend continuously on the same side of the street. If practicable, the parking lane shall be located on the opposite side of the street from where the fire hydrant is located.

(H) *Cul-de-sac and dead-end streets*. Cul-de-sac courts and dead-end streets shall be designed in accordance with the typical design details as per App. C of this chapter. However, if conditions warrant, other turn-around designs may be permitted by the Planning Commission or its duly authorized representative. If such street is of a temporary nature and a further extension into adjacent land is anticipated, then the turn around, beyond normal street width, shall be in the nature of an easement of the premises included in the turn around, as per the typical design in App. C of this chapter. Such easement may be vacated to abutting property owners when the dead-end street is legally extended into adjacent land. If such dead-end street serves four lots or less, no temporary turn around will be required.

(I) *Construction of required pavement width on existing streets* Where a subdivision is located on only one side of an existing street, and where the pavement width of such existing street is less than that required by these regulations, the subdivider shall be required to construct one-half the required pavement width, as per these regulations, along the side fronting his property on such street.

(1984 Code, § 157.74) (Ord. O-86-78, passed 8-17-1978)

§ 157.105 DRIVEWAY APPROACHES.

Driveways for residential areas (single- and two- family) shall be provided with a minimum width of nine feet and a

minimum radius at the curb of five feet, or a five-foot flare, for collector streets and a minimum radius at the curb of four feet, or a four-foot flare, for local and subcollector streets. In areas of heavier traffic volumes or where special conditions are encountered (multi-family, industrial and commercial areas), increased driveway widths, plus increased minimum radii or flares may be required by the Planning Commission or its duly authorized representative. All driveways within the right-of-way shall be constructed in accordance with the specifications of App. A or B (whichever is applicable) of this chapter. Within the street right-of- way area, driveway grades shall not exceed 8%. In upward sloping driveways beyond the street right-of-way area, the change in grade shall not exceed 12% with ten feet of distance. On downward sloping driveways beyond the street right-of-way area (entering basement garages), the change in grade shall not exceed 8% within any ten feet of distance. (See design as per App. C of this chapter.)

(1984 Code, § 157.75) (Ord. O-86-78, passed 8-17-1978)

§ 157.106 OFF-STREET PARKING AREAS.

Off-street parking areas shall be constructed in accordance with the requirements of the applicable zoning ordinance, unless additional off-street parking is required as per these regulations.

(1984 Code, § 157.76) (Ord. O-86-78, passed 8-17-1978)

§ 157.107 TELEPHONE AND ELECTRICAL UTILITY LINES.

All new telephone and electrical utility lines should be installed underground and be in conformance with the appropriate utility company's policy and requirements.

(1984 Code, § 157.77) (Ord. O-86-78, passed 8-17-1978)

§ 157.108 STREET SIGNS.

(A) *Street name signs.* The applicable legislative body or fiscal court shall arrange for installation of street signs at all street intersections. The signs shall conform to the specifications of the applicable legislative body or fiscal court and be mounted at a height of approximately seven feet above the top of the curb or the crown of the pavement. They shall be located on diagonally opposite corners on the far right hand side of the intersection for traffic on the more important streets.

(B) *Traffic-control signs and devices*. The applicable legislative body or fiscal court shall arrange for the installation of traffic-control signs and devices which shall be in conformance with the *Manual on Uniform Traffic-Control Devices* as prepared by the Joint Committee on Traffic-Control Devices, United States Department of Commerce, Bureau of Public Roads.

(1984 Code, § 157.78) (Ord. O-86-78, passed 8-17-1978)

§ 157.109 STREET LIGHTS.

The applicable legislative body or fiscal court, when required, shall arrange for the installation of street lights in the subdivision.

(1984 Code, § 157.79) (Ord. O-86-78, passed 8-17-1978)

§ 157.110 PLANTING SCREEN OR FENCES.

The Planning Commission or its duly authorized representative may require and permit planting screens, fences or masonry walls, as required by the applicable zoning ordinance.

(1984 Code, § 157.80) (Ord. O-86-78, passed 8-17-1978)

§ 157.111 MONUMENTATION.

(A) *Monuments of record; permanent control monuments*. The subdivider shall establish or confirm the prior establishment of permanent control monuments along the centerline of all streets not to exceed 500 feet in spacing. Such permanent control monuments shall be designed according to specifications as per App. C of this chapter. All such monuments shall be set in pavement. All permanent control monuments shall be clearly shown on the final plat.

(B) *Other monuments.*

(1) Other monuments set shall be metal pins of no less than one-half-inch diameter and no less than 24 inches in length. Monuments of this type shall be set at the following locations in division (B)(2) below.

(2) Monuments as described in division (B)(1) above shall be set out at every point of intersection of the outer boundary of the subdivision with an existing or created right-of-way line of any street, railroad or other way.

(C) *Markings.* Appropriately identified markings shall also be located at each point along the street curb which intersects with the side lot lines of each lot.

(D) *Reference monument.* In such cases where the placement of a required monument at its proper location is impractical, a reference monument may be set close by that point providing its location is properly shown on the final plat.

(1984 Code, § 157.81) (Ord. O-86-78, passed 8-17-1978)

§ 157.112 PLANS FOR FUTURE EXPANSION; EXTRA SIZE AND OFF-SITE IMPROVEMENTS.

(A) *Generally.* All improvements shall be installed to satisfy the service requirements for the service or drainage area in which the subdivision is located and the improvements shall be of sufficient capacity to handle the expected development of the overall service drainage area involved.

(B) *Extra-size improvements.* Where the Planning Commission's duly authorized representative has determined that improvements in excess of the size needed to serve just the proposed subdivision are required, the subdivider shall be so notified and arrangements for construction shall be agreed on.

(1984 Code, § 157.82) (Ord. O-86-78, passed 8-17-1978)

§ 157.113 PLANS REQUIRED FOR CONTROL OF EROSION AND SEDIMENTATION.

(A) Any developer who intends to make changes in the contour of any land proposed to be subdivided, developed or changed in use by grading, excavating or removing the natural top soil, trees or other vegetative covering thereon, shall submit a plan for erosion and sedimentation control to the Planning Commission's duly authorized representative for approval. The Planning Commission's duly authorized representative may determine that such plans are not necessary.

(B) Such plans, if required, shall contain adequate measures for control of erosion and siltation where necessary, using the guidelines and policies contained herein.

(1) *Requirements.*

(a) One set of plans for the control of erosion and sedimentation shall be submitted to the Planning Commission's duly authorized representative, as per the procedures established in §§ 157.020 through 157.037 of this chapter.

(b) In the event the Planning Commission's duly authorized representative gives final plat approval before construction of improvements as per § 157.030(A)(2) of this chapter, measures to be taken to control erosion and sedimentation shall be included, as provided as per these regulations.

(c) During the construction phase, further technical assistance will be furnished, if requested, by the Planning Commission's duly authorized representative, or by the local representative of the Soil Conservation Service. The Planning Commission, or its duly authorized representative, shall enforce compliance with the approved plans.

(d) The Planning Commission's duly authorized representative shall make periodic inspections of the methods used and the overall effectiveness of the erosion and sedimentation control program.

(2) *Suggested control measures*. The following control measures should be used for an effective erosion and sedimentation control plan for the area being subdivided:

(a) The smallest practical area of land should be exposed at any one time during development;

(b) When land is exposed during development, the exposure should be kept to the shortest practical period of time;

(c) Where necessary, after grading, temporary vegetation or mulching should be used to protect areas exposed during development;

(d) Sediment basins (debris basins, desilting basins or silt traps) should be installed and maintained until ground cover has been completed to remove sediment from run-off waters from land undergoing development;

(e) On-site provisions should be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development;

(f) The permanent final vegetation and structures should be installed as soon as practical in the development;

(g) The development plan should be fitted to the topography and soils so as to create the least erosion potential; and

(h) Wherever feasible, natural vegetation should be retained and protected.

(1984 Code, § 157.83) (Ord. O-86-78, passed 8-17-1978)

§ 157.114 CONSTRUCTION INSPECTIONS.

Inspectors shall be employed by the applicable legislative body or if the body does not have a qualified inspector, then inspections shall be performed by the Planning Commission's duly authorized representative and authorized to inspect all work done and all materials furnished. Such inspection, including final inspection, may extend to all or any part of the work and to the preparation, fabrication or manufacture of the materials to be used. The inspector shall not be authorized to revoke, alter or waive any requirements of the approved improvement drawings and specifications but authorized to call the attention of the contractor any failure of the work or materials to conform to the approved improvement drawings and specifications. The contractor shall notify the inspector within 12 hours prior to the time when the work is to begin on each phase of construction, such as sewer and water lines, storm sewers and street paving. The inspector shall begin inspection at the time of construction and maintain inspection as the work progresses on each phase of the project until all construction is complete. Further, and during the time of construction, any work determined by the inspector not to conform to the requirements of the approved improvement drawings and specifications shall be suspended and corrected, prior to proceeding with that phase of the project. Any question at issue which cannot be determined to conform with the approved

improvement drawings and specifications shall be referred to and decided on by the Planning Commission's duly authorized representative.

(1984 Code, § 157.84) (Ord. O-86-78, passed 8-17-1978)

§ 157.115 CONSTRUCTION RESPONSIBILITIES.

(A) *Cooperation of subdivider or contractor.* The subdivider or contractor shall have available on the project, at all times, two copies of all required plans and specifications. He or she shall cooperate with the inspector and with other contractors in every way possible. The subdivider or contractor shall, at all times, during actual construction, have a competent superintendent acting as his or her agent on the project. The superintendent shall be capable of reading and thoroughly understanding the plans and specifications and he or she shall receive instructions from the inspector. The superintendent shall have full authority to execute the orders or directions of the inspector. A superintendent shall be furnished irrespective of the amount of work sublet.

(B) *Final clean up.* On completion of the work, the subdivider or contractor shall clean up all ground occupied or affected by him or her in connection with the work.

(1984 Code, § 157.85) (Ord. O-86-78, passed 8-17-1978)

§ 157.116 AGREEMENTS AND GUARANTEES.

(A) *Guarantees*. The subdivider may execute and file guarantees with the Planning Commission's duly authorized representative, in lieu of actual installation or completion of the required improvements, except sidewalks, when requesting approval of the final plat. Such guarantees shall be an amount for the required improvements, as estimated by the subdivider's engineer, and approved by the Planning Commission's duly authorized representative. The cost estimate shall be based on the amount determined to be reasonably necessary to complete all of the improvements required to be constructed by the subdivider, as specified in the approved improvement drawings and specifications, including the fees for field inspections.

(B) *Form of guarantee.* The guarantee shall be in the form of cash, direct or general obligations of the United States government, a surety bond, or an approved escrow agreement. The guarantee shall be executed by the subdivider as principal, and if a surety bond, shall be executed by a corporation authorized to act as a surety under the state laws, as surety. The guarantee shall be an assurance of faithful performance of any and all work and the construction and installation of all improvements required to be done by the subdivider, as specified in the approved improvement drawings and specifications, together with all engineering and inspection fees as required by § 157.131(A) of this chapter. The guarantee shall contain the further condition that should the subdivider fail to complete all work and improvements required to be done by him or her within 24 consecutive calendar months of the date of approval of the final plat, or within a mutually agreed on extension, but never to exceed 12 consecutive calendar months, that the Planning Commission or its duly authorized representative may, at its option, cause all required work to be done and improvements constructed. The parties executing the guarantee shall be firmly bound for the payment of all necessary costs therefor. Whenever the subdivider elects to deposit cash or direct or general obligations of the United States government, or an approved escrow agreement, the Planning Commission or its duly authorized representative shall be authorized, in the event of any default on the part of the subdivider or the performance of any work or construction of any improvements for which such guarantees have been deposited, to cause the required work to be done and to withdraw that amount required for payment of all costs therefor.

(1984 Code, § 157.86) (Ord. O-86-78, passed 8-17-1978)

ADMINISTRATION AND ENFORCEMENT

§ 157.130 ADMINISTRATION.

It shall be the responsibility of the Planning Commission's duly authorized representative to administer these regulations, except where specific authority is retained by the Planning Commission as provided per these regulations.

(1984 Code, § 157.90) (Ord. O-86-78, passed 8-17-1978)

§ 157.131 FEES.

(A) *Fees for preliminary and final plats; grading plans; improvement drawings and specifications; inspections and other plats.*

(1) *Preliminary plats*. For the first acre or portion thereof: $25, plus $5 for each additional acre or portion thereof.

(2) *Preliminary grading plans*. Included in the fee for preliminary plats.

(3) *Improvement drawings and specifica- tions*. For the first acre or portion thereof: $10, plus $2 for each additional acre or portion thereof.

(4) *Inspection of improvements.* (See division (C) below.)

(5) *Final plat*. For the first acre or portion thereof: $15, plus $3 for each additional acre or portion thereof.

(6) *Identification plats*. Per plat: $25.

(7) *Planned Unit Development (PUD), Residential Cluster Development (RCD) and other similar plats* For the first acre or portion thereof: $25, plus $15 for each additional acre or portion thereof.

(B) *Payment of fees*. The subdivider shall pay all fees to the Planning Commission's duly authorized representative at the time of submitting plats, improvement drawings and specifications, and grading plans for approval. The fees shall be paid by check or money order only, and made payable to the County and Municipal Planning and Zoning Commission.

(C) *Fees for inspecting improvements as per approved improvement drawings and specifications* An inspection fee of $25 per lot shall be charged to the subdivider per each lot for inspections during the construction of the improvements. The inspection fee shall be based on the number of lots intended for processing or recording as a final plat. The fee shall be paid at the time of submission of the final plat by the Planning Commission's duly authorized representative and made payable to the County and Municipal Planning and Zoning Commission. Where improvements are to be installed prior to final plat approval, no final plat approval will be given nor shall such a plat be recorded until all inspection fees are paid in full. In the event final plat approval is given prior to installment of improvements, the guarantee posted by the subdivider as per § 157.116 shall assure the payment of all inspection fees and no guarantees shall be released until all inspection fees are paid in full. It shall be the responsibility of the Planning Commission's duly authorized representative to ensure that inspections will be made by the applicable city or county or designated inspector. In the event the applicable city or county does not have a qualified inspector to perform inspections, then the inspection shall be performed by the Planning Commission's duly authorized representative. Following satisfactory completion of all inspections, the Planning Commission's duly authorized representative shall pay the applicable legislative body for the Commission's duly authorized representative the fee as provided for in these regulations.

(D) *Fees for recording final plats in County Clerk's office*. The subdivider shall pay the recording fee as per the requirements of the County Clerk's office.

(1984 Code, § 157.91) (Ord. O-86-78, passed 8-17-1978)

§ 157.132 MODIFICATIONS.

(A) The Planning Commission may grant a modification or waiver to these regulations, as specified herein, providing the Planning Commission shall find:

(1) Unusual topographical or exceptional physical conditions exist;

(2) Strict compliance with these regulations would create an extraordinary hardship in the face of the exceptional conditions; or

(3) The modifications would provide for innovative design layout of the subdivision.

(B) In granting any modification or waiver to these regulations, the Planning Commission shall find that the modification or waiver will not be detrimental to the public interest or in conflict with the intent and purpose of these regulations.

(C) The Planning Commission may require certain conditions to be met, as may be determined necessary, to accomplish the purpose of these regulations, when modified.

(1984 Code, § 157.92) (Ord. O-86-78, passed 8-17-1978)

§ 157.133 ENFORCEMENT.

(A) *Planning Commission's duly authorized representative approval required for all subdivisions*. No person or his or her agent shall subdivide any land before securing the approval of the Planning Commission's duly authorized representative of a plat designating the areas to be subdivided, and no plat of a subdivision of land within the planning unit jurisdiction shall be recorded by the County Clerk until the plat has been approved by the Commission's duly authorized representative, and the approval entered thereon in writing by the chairperson.

(B) *Sale of land in subdivision*.

(1) No person owning land composing a subdivision, or his or her agent, shall transfer or sell or agree to sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the Planning Commission's duly authorized representative, signed by the Chairperson of the Planning Commission and has been recorded.

(2) Any such instrument of transfer, sale or contract shall be void and shall not be subject to be recorded, but all rights of such purchaser to damages are preserved. The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any rights or remedies he or she may otherwise have.

(C) *Revision of plat after approval*. No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after final approval has been given by the Planning Commission's duly authorized representative and an endorsement is made in writing on the plat, unless the plat is first resubmitted and the changes approved by the Planning Commission's duly authorized representative.

(D) *Improvements in conflict with official map*. After the applicable legislative body or fiscal court has adopted an official map, no board, public officer or authority shall accept, layout, improve or authorize any improvements to be constructed in

any street, including rights-of-way, watercourses, park and playgrounds, public school or other public building sites shown on the official map, except as provided for in KRS 100.293 through 100.317.

(E) *Enforcement by Planning Commission or its duly authorized representative.* The Planning Commission or its duly authorized representative shall have a cause of action for all appropriate relief including injunctions against any governmental bodies or any person who violates any of these regulations.

(1984 Code, § 157.93) (Ord. O-86-78, passed 8-17-1978)

§ 157.134 APPEALS FROM PLANNING COMMISSION'S DULY AUTHORIZED REPRESENTATIVE.

Any subdivider claiming to be aggrieved by any actions by the Planning Commission's duly authorized representative may appeal such actions to the Planning Commission.

(1984 Code, § 157.94) (Ord. O-86-78, passed 8-17-1978)

§ 157.135 APPEALS FROM PLANNING COMMISSION.

Any appeal from the Planning Commission's action may be taken in the following manner.

(A) Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission may appeal from the action to the circuit court of the county in which the land lies. Such appeal shall be taken within 30 consecutive calendar days after the final action of the Planning Commission. Final action shall not include the Commission's recommendation made to other governmental bodies.

(B) (1) All appeals shall be taken in the appropriate circuit court within 30 consecutive calendar days after the action or decision of the Planning Commission and all decisions which have not been appealed within 30 consecutive calendar days shall become final.

(2) After the appeal is taken, the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the Clerk of the Circuit Court shall issue a summons to all parties, including the Planning Commission in all cases, and shall cause it to be delivered for service as in any other law action.

(1984 Code, § 157.95) (Ord. O-86-78, passed 8-17-1978)

§ 157.136 OVERRIDING NORTHERN KENTUCKY AREA PLANNING COMMISSION RECOMMENDATIONS.

Pursuant to KRS 147.680, the legislative body, in overriding the recommendations of the Northern Kentucky Area Planning Commission, must notify the Northern Kentucky Area Planning Commission in writing, stating the action that was taken by that body and specifying the reasons for such actions.

(1984 Code, § 157.96) (Ord. O-86-78, passed 8-17-1978)

§ 157.137 PUBLIC HEARING.

Before adoption of these subdivision regulations or any amendments thereto by the Planning Commission, a public hearing shall be held by the Planning Commission. A public notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the county, in accordance with KRS Ch. 424.

(1984 Code, § 157.97) (Ord. O-86-78, passed 8-17-1978)

§ 157.999 PENALTY.

Pursuant to KRS 100.991, any person or entity who violates any of these regulations shall on conviction be deemed guilty of a misdemeanor and shall be fined not less than $10, but not more than $500. Each day of violation shall constitute a separate offense.

(1984 Code, § 157.99) (Ord. O-86-78, passed 8-17-1978)

APPENDIX A: SIDEWALK AND DRIVEWAY CONSTRUCTION

Section

1. Cement for street, curb and gutter, sidewalk and driveway construction
2. Materials
3. Batching
4. Measuring air content
5. Forms
6. Placing concrete
7. Consolidating and finishing
8. Integral curb

9. Curing
10. Joints
11. Tie bars
12. Joint sealer
13. Structures encountered in the paved area
14. Protection and opening to traffic
15. Curb, gutter, sidewalk and driveways
16. Pavement thickness

§ 1. CEMENT FOR STREET, CURB AND GUTTER, SIDEWALK AND DRIVEWAY CONSTRUCTION.

(A) *Labor.* The work covered by these specifications consists of furnishing all labor, equipment and materials and in performing all operations in connection with the construction of air-entrained portland cement concrete pavement for streets and alleys in accordance with these specifications and the applicable drawings.

(B) *Work.* The cement concrete pavement work shall consist of a single course of cement concrete, including reinforcement and longitudinal and transverse joints, when required, constructed on a prepared subgrade or insulation course in conformity with the lines, grades and cross-sections shown on the plans.

(C) *Grading.* This term shall consist of all grading above or below subgrade elevations, of whatever nature, required to bring the street to the proper subgrade elevation, including necessary excavation for curb, gutter, sidewalk, construction of embankments, excavation and proper sloping of all cuts, and other work incidental thereto.

(1) *Excavations.* All excavations shall be made to approximate subgrade elevations and shall be true to grade. No excavation shall be made below subgrade elevation except to remove a spongy material, vegetable matter or other material as ordered or approved by the inspector, or his or her duly authorized representative. In the event the contractor does excavate any other area below subgrade elevation, he or she shall replace the excavated material with satisfactory material and shall thoroughly compact same.

(2) *Excavation below subgrade.* Whenever excavation below subgrade elevation to remove spongy material, vegetable matter or other material is required, the contractor shall remove same in a satisfactory manner, and shall replace it with satisfactory material in layers not to exceed 12 inches in thickness and shall thoroughly compact each layer before the next layer is placed.

(3) *Construction of embankments.*

(a) All top soil shall be removed to eliminate all vegetation from the area upon which embankment is to be constructed. Soil so removed may not be used in construction of embankment.

(b) Embankment shall be constructed of approved materials to approximate subgrade elevation in layers to not exceed 12 inches in thickness and extending the full width of the embankment. Each layer shall be compacted to not less than 92% of the density determined from the *Standard Test for Moisture-Density Relationship* (AASHO Designation T-99) in areas involving structures and public improvements including slopes greater than 3:1.

(4) *Subgrade preparation.*

(a) The subgrade shall be in a moist condition at the time the concrete is placed. It shall be thoroughly wetted a sufficient time in advance of the placing of the concrete to insure that there will be no puddles or pockets of mud when the concrete is placed. The subgrade, however, shall not be allowed to dry out before the concrete is placed.

(b) The subgrade soils shall be of uniform material and density to provide for satisfactory pavement performance. Soft spots that show up during construction should be excavated and recompacted with the same type of material as found in the adjacent subgrade. Uniform support cannot be obtained merely by dumping extra granular material on the soft spot. With a uniform subgrade, excessive shrink and swell of expansion soils shall be prevented by adequate moisture and density controls during compactions. The compaction percent of the density determined from the *Standard Test for Moisture-Density Relationship* (AASHO Designation T-99) will effectively control shrinking and swelling during periods of dry weather; providing, the subgrade is not allowed to dry before the pavement is constructed. Concurrent with compaction, the subgrade shall be shaped to plan elevation, grade and cross-section. Special care shall be taken in compacting the backfill of sewers, drainage facilities and other permanent structures that may be in the paved area.

(c) Immediately prior to placing the concrete, the subgrade shall be tested for conformity with the cross-section shown on the plans by means of an approved template riding on the side forms. If necessary, material shall be removed or added, as required, to bring all portions of the subgrade to the correct elevation. It shall then be thoroughly compacted and again tested with the template. Concrete shall not be placed on any portion of the subgrade which has not been tested for correct elevation. The subgrade should also be cleared of any loose material which may have fallen upon it.

(5) *Equipment for compaction of embankment and subgrade.* Any compaction equipment capable of uniformly producing the required embankment and subgrade densities, without lamination of, or within, successive layers, will be permitted. All compaction equipment shall be in good condition and shall be operated efficiently to assure uniform

compaction.

(6) *Subgrade for curbs, gutters, sidewalks and driveways.* Subgrade areas to be occupied by curbs, gutters, sidewalks and driveways shall be excavated, backfilled as required, and compacted to establish grade. This work shall be done with particular care in accordance with all requirements herein.

(7) *Equipment operated on the streets.* The contractor shall be permitted to operate only pneumatic- tired equipment over any paved street surfaces and shall be responsible for correction of any damage to street surfaces in any manner resulting from the contractor's operations.

(8) *Protection of utility lines.* The contractor shall at all times take proper precautions for the protection of utility lines, the presence of which are known, or can be determined by the examination of appropriate maps of applicable agencies and legislative body or fiscal court.

(1984 Code, Ch. 157, App. A, § 1) (Ord. O-86-78, passed 8-17-1978) Penalty, see § 157.999

§ 2. MATERIALS.

(A) Concrete shall be composed of portland cement, air-entraining agent, aggregates and water.

(1) *Portland cement.* Cement of the type specified shall conform to requirements of the current ASTM specifications for portland cement Type I or Type III (Designation C-150). Cement which for any reason has become partially set or which contains lumps of caked cement shall be rejected. Either packaged or bulk cement may be used.

(2) *Air-entraining agent.* Air-entraining agents shall conform to the requirements of the current ASTM specifications for air-entraining agents for concrete (Designation C-260).

(3) *Chemical admixtures for concrete.* Admixture of the type specified shall conform to the requirements of the current ASTM specifications for admixtures of Type A and Type D (Designation C-494).

(4) *Aggregates.*

(a) All aggregates for concrete shall meet the current standard requirements for concrete pavements of the State Department of Transportation, Bureau of Highways, or the current ASTM specification for concrete aggregates (Designation C-33).

(b) Aggregates shall be so handled that moisture content and gradation are reasonably uniform and do not change appreciably from batch to batch or hour to hour.

(c) No aggregates shall be used which have become contaminated or intermixed. Frozen aggregates or aggregates containing frozen lumps shall be thawed before use.

(5) *Water.* Water used in mixing or curing concrete shall be clean and free from injurious amounts of oil, acids, salt, alkali or organic materials or other substances harmful to concrete. Normally water from public supplies or which is suitable for drinking is always satisfactory.

(6) *Reinforcing steel.* Reinforcing steel, if specified, shall conform to current Standard Specifications of the state's Department of Transportation, Bureau of Highways.

(B) *Joints.*

(1) *Expansion joints.* Expansion joints shall be non-extruding performed joint fillers and shall conform to current standard specifications of the state's Department of Transportation. The selection of the type will be at the contractor's option.

(2) *Joint sealing compound.* Sealing material for filling all types of pavement joints shall comply with current standard specifications of the state's Department of Transportation. The selection of the type will be at the contractor's option.

(3) *Premolded joint material.* Premolded parting strips, when called for on the plans, shall be at least one-eighth-inch thick and of width shown on the plans. They shall consist of strips which have been formed from layers of felt or shredded felt, cane, wood or other suitable fibers, securely bound together and uniformly impregnated with a suitable binder. They shall be of such character that they will not be permanently deformed by ordinary handling during hot weather or become hard and brittle in cold weather.

(C) *Curing.*

(1) *Burlap or cotton mats.* Burlap or cotton mats shall at time of using be in good condition, free from homes, dirt, clay or any other substance which would have a deleterious effect on concrete. Burlap or cotton mats shall be of quality specified by AASHO (Designation M-182 and M-73, respectively).

(2) *Waterproof paper or plastic sheets.* Waterproof paper or plastic sheets for curing concrete shall conform to the current ASTM or AASHO specifications for waterproof paper for curing concrete, C-171 and M-139, respectively. Moisture retention shall conform to the requirements of ASTM (Designation C-156).

(3) *Membrane curing compounds.* Membrane curing compounds shall be the white pigmented type and conform to the requirements for the current AASHO standard specifications for liquid membrane forming compounds for curing concrete (Designation M-148 or ASTM Designation C-309).

(1984 Code, Ch. 157, App. A, § 2) (Ord. O-86-78, passed 8-17-1978) Penalty, see § 157.999

§ 3. BATCHING.

Measurement and batching of cement, fine and coarse aggregates shall be by weight. Scales in use shall be accurate when static load tested to ±0.4% of the total capacity of the scale. One sack of cement shall be considered to weigh 94 pounds net. Bulk and cement from fractional sacks shall be weighed.

(A) *Strength of concrete.*

(1) The concrete shall attain a minimum expected strength of concrete at 28 days of 3,500 pounds per square inch compressive strength or 550 pounds per square inch flexural strength modulus of rupture.

(2) Concrete specimens to check the adequacy of the delivered concrete for strength shall be made and cured in accordance with ASTM C-31, making and curing concrete compressive and flexural test specimens in the field. Compressive strength specimens shall be tested in accordance with ASTM C-39, and flexural strength determination shall be in accordance with ASTM C-78.

(B) *Proportioning concrete.*

(1) It shall contain not less than six sacks of cement (94 pounds per sack) per cubic yard of concrete and a maximum of five and one-half gallons of water per sack of cement, including surface water contained in the aggregates. The proper proportions of cement, water and aggregates shall be determined in accordance with ACI Standard 613, *Recommended Practice for Selecting Proportions for Concrete*, or the Portland Cement Association booklet, *Design and Control of Concrete Mixers*.

(2) The entrained air shall be obtained by using air-entraining agent. All concrete shall be air-entrained in accordance with the following:

Maximum Size of Aggregate (Inches)	***Air Content Percent by Volume***
1-1/2, 2, 2-1/2	5 ± 1%
3/4, 1	6 ± 1%
3/8, 1/2	7½ ± 1%

(C) *Consistency.* The slump of the concrete shall not exceed five inches when hand finishing techniques are employed, and shall not exceed three inches when a mechanical finishing machine is used. The consistency shall be measured as described in the current ASTM standard method of slump test for consistency of portland cement concrete (Designation C-143) or the method of test for ball penetration for portland cement concrete, ASTM (Designation C-360).

(D) *Ready-mixed concrete.*

(1) All ready-mixed concrete shall be furnished in accordance with the current ASTM specifications for ready-mixed concrete (Designation C-94). Any concrete which is not plastic and workable when it reaches the subgrade shall be rejected.

(2) When construction conditions are such that it is absolutely necessary for trucks hauling concrete to operate on the grade between forms, they shall not back over previously deposited fresh concrete.

(a) *Time of delivery.* Concrete shall be delivered and discharged from a truck mixer or agitator truck within a period of one and one-half hour at air temperatures up to 85°F, and one hour at air temperatures higher than 85°F after introduction of the water to the cement and aggregates or of the cement to the aggregates. Delivery tickets shall have this time clearly shown thereon, and the inspector shall check the same to be certain that delivery is made within the period specified.

(b) *Type of delivery equipment.* Concrete shall be delivered in truck mixers or agitator truck (trucks providing mechanical agitation by revolving drums or revolving blades in a stationary drum) operated after time required for thorough mixing of the concrete at the speed designated by the manufacturer as agitating speed.

(E) *Job-mixed concrete.*

(1) Job-mixed concrete shall be mixed in a drum mixer which shall conform to the concrete paving mixer standards of the Mixer Manufacturers Bureau of the Association General Contractors of America. The mixer shall be capable of combining the aggregates, cement and water into a thoroughly mixed and uniform mass within the specified time and of discharging the material without segregation.

(2) The entire contents of the drum shall be discharged before recharging. The volume of the mixed materials per batch shall not exceed the manufacturer's guaranteed capacity of the mixer.

(3) The mixing of each batch shall continue for not less than one minute after all materials, except water, are in the mixer. The mixer shall rotate at the rate recommended by its manufacturer. The mixer shall be provided with a batch timing device which shall be subject to inspection and adjustment by the inspector.

(F) *Retempering of concrete.* Retempering of concrete which has partially hardened, by remixing, with or without water, shall not be permitted.

(1984 Code, Ch. 157, App. A, § 3) (Ord. O-86-78, passed 8-17-1978) Penalty, see § 157.999

§ 4. MEASURING AIR CONTENT.

The air content shall be measured in accordance with ASTM method of test for air content of freshly mixed concrete by the pressure method (Designation C-231) or ASTM method of test for air content of freshly mixed concrete by the volumetric method (Designation C-173).

(1984 Code, Ch. 157, App. A, § 4) (Ord. O-86-78, passed 8-17-1978)

§ 5. FORMS.

(A) Forms may be made of wood or metal and shall have a depth equal to or greater than the prescribed edge of thickness of the pavement. Each section of form shall be straight, free from bends or warps.

(B) The method of connections between the form sections shall be such that the joint thus formed is tight and free from movement in any direction.

(C) Forms shall be of such cross-sections and strength and so secured as to resist the pressure of the concrete when placed and the impact and vibration of any equipment which they support without springing or settlement.

(1) *Setting forms.* The subgrade under the forms shall be compacted and shaped so that the form when set shall provide the specified elevation. The supply of forms shall be sufficient to permit their remaining in place for sufficient time so when removed the concrete will not be displaced. All forms shall be cleaned and oiled each time they are used.

(2) *Grade and alignment.* The alignment and grade elevation of the forms shall be checked by the contractor immediately ahead of concrete placement and necessary corrections will be made. Any forms that have been disturbed or subgrade that has become unstable shall be corrected and forms reset and rechecked. Any variations in grade and alignment shall be subject to approval by the inspector, prior to placing the concrete.

(1984 Code, Ch. 157, App. A, § 5) (Ord. O-86-78, passed 8-17-1978) Penalty, see § 157.999

§ 6. PLACING CONCRETE.

(A) The concrete shall be mixed in quantities required for immediate use and shall be deposited on the subgrade to the required depth and width of the construction land in successive batches and in a continuous operation without the use of intermediate forms or bulkheads. The concrete shall be placed as uniformly as possible in order to minimize the amount of additional spreading necessary. While being placed, the concrete shall be vibrated and compacted with suitable tools so that the formation of voids or honeycomb pockets is prevented.

(B) No concrete shall be placed around manholes or other structures until they have been brought to the required grade and alignment. Additional tamping and compaction will be required after raising manholes.

(1) *Cold weather concreting.* Concrete may be placed when the air temperature in the shade and away from artificial heat is more than 35°F and rising. Concrete shall not be placed when the air temperature in the shade and away from artificial heat is less than 40°F and falling.

(2) *Hot weather concreting.* Except by written authorization, concrete placing shall cease if the temperature of the plastic concrete cannot be maintained at 90°F or lower.

(3) *Retarding chemical.* To facilitate the placement of concrete in hot weather, a retarding chemical admixture Type B or D, in conformance with ASTM C-494, may be used.

(1984 Code, Ch. 157, App. A, § 6) (Ord. O-86-78, passed 8-17-1978) Penalty, see § 157.999

§ 7. CONSOLIDATING AND FINISHING.

(A) The pavement shall be struck off and consolidated with a mechanical finishing machine or by hand- finishing methods. When a mechanical finishing machine is used, the concrete shall be struck off at such a height that after consolidation and final finishing, it shall be at the elevation as shown on the plans.

(B) The finishing machine shall be provided with a screed which will consolidate the concrete by pressure, vibration or both. The concrete shall be brought to a true and even surface, free from rock pockets. The edge of the screeds along the curb line may be notched out to allow for sufficient concrete to form the integral curb. Hand-finishing tools shall be kept available for use in case the finishing machine breaks down.

(C) When hand-finishing is used, the pavement shall be struck off and consolidated by a vibrating screed to the elevation as shown on the plans. When the forward motion of the vibrating screed is stopped, the vibrator shall be shut off; it shall not be allowed to idle on the concrete.

(1) *Scraping and straight-edging.*

(a) The pavement may be required, by the inspector, where applicable, to be scraped with a straight-edge equipped with handles long enough to permit it to be operated from the edge of the pavement.

(b) When irregularities are discovered, they shall be corrected by adding or removing concrete. All disturbed places

shall be floated with a wooden or metal float not less than three feet long and not less than six inches wide and again straight-edged.

(2) *Edging.* Before final finishing is completed and before the concrete has taken its initial set, the edges of the slab and curb shall be carefully finished with an edger, having a radius of one-eighth inch.

(3) *Final surface finish.* A burlap drag shall be used as the final finishing method for concrete pavement. The drag shall be at least three feet in width and long enough to cover the entire pavement width. It shall be laid on the surface of the pavement and dragged forward in the direction in which the pavement is being laid. The curb shall have the same final finish as the pavement.

(4) *Texture, grades.* The final surface of the concrete pavement and curb shall have a uniform gritty texture, free from excessive harshness and true to the grades and cross-sections shown on the plans. The inspector may require changes in the final finishing procedures as required to produce the desired final surface texture.

(1984 Code, Ch. 157, App. A, § 7) (Ord. O-86-78, passed 8-17-1978)

§ 8. INTEGRAL CURB.

(A) When integral vertical curbs are required along the edges of all street pavement, depressed curbs shall be provided at all driveway entrances and at such other locations as designated by the approved plans.

(B) The integral curb shall be constructed with or immediately following the finished operation. Special care shall be taken so that the curb construction does not lag the pavement construction and form a cold joint.

(C) In placing curb concrete, sufficient spading shall be done to secure adequate bond with paving a slab and eliminate all voids in the curb.

(D) Curbs shall be formed to the cross-section in accordance with App. C of this chapter.

(1984 Code, Ch. 157, App. A, § 8) (Ord. O-86-78, passed 8-17-1978)

§ 9. CURING.

(A) Concrete shall be cured by protecting it against loss of moisture, rapid temperature change, from rain, flowing water and mechanical injury for a period of not less than five days from the beginning of the curing operation. Moist curing, water-proof paper, white pigmented liquid membrane compound, or a combination thereof may be used for curing. Immediately after finishing operations have been completed, the entire surface of the newly laid concrete shall be covered by the curing medium which is applicable to local conditions and approved by the inspector.

(B) The edge of concrete slabs exposed by the removal of forms shall be protected immediately to provide these surfaces with continuous curing treatment equal to the method selected for curing a slab surface and to prevent injury to concrete edges.

(C) The covering material shall be kept free of any substances which may be detrimental to the surface of the concrete. The initial curing medium shall be effective and shall be applied so as to prevent checking, cracking and the appearance of dry spots in the surface of the concrete. The contractor shall have the equipment needed for adequate curing at hand and ready to install before actual concrete placement begins. In all cases in which the curing medium requires the use of water, the curing shall have prior right to all water supply. Failure to provide sufficient cover material of the type selected, failure to maintain saturation for the entire curing period in the moist-curing methods, lack of water to adequately care for both curing and other requirements or other failures to comply with curing requirements shall be cause for immediate suspension of concreting operations.

(1) *Moist curing.*

(a) Moist curing shall be accomplished by covering of burlap, cotton mats or other approved fabric mat used singly or in combination.

(b) Curing mats shall be thoroughly wet when applied and kept continuously wet and in intimate contact with the pavement surface for the duration of the moist curing period. Other fabric mats shall conform in design and shall provide a curing medium at least equal to cotton mats. Cotton mats, other fabric mats and burlap mats and burlap strips shall be furnished in the widths or lengths, after shrinkage, required to cover the entire width and edges of the pavement lane. Mats or burlap shall be lapped at joints between adjacent sheets to prevent drying of this location. Moist curing, when used as initial curing, shall be continued for not less than 24 hours. Type and weight of cotton mats for curing concrete shall conform to ASTM C-440 or AASHO M-73. Burlap strips shall conform to AASHO M-182.

(2) *Water-proof paper and polythene setting curing.* The surface of the concrete shall be wetted with a fine spray of water and then covered with the water-proof paper or sheeting. The paper or sheeting shall be in pieces large enough to cover the entire width and edges of the slab and shall be lapped not less than 12 inches. Paper or sheeting shall be adequately weighted to prevent displacement or billowing due to wind. Paper or sheeting folded down over the side of the pavement widths shall be secured by a continuous bank of earth. Tears or holes appearing in the paper or sheeting during the curing period shall be immediately repaired.

(3) *Liquid membrane curing compound.* Pigmented liquid membrane curing compound shall meet the specifications under ASTM C-309. The curing compound must be applied to cover the surface completely and uniformly at a rate which will

achieve the performance requirement specified in AASHO specifications M-148 or ASTM Designation C-309. This method of curing shall be applied immediately behind the final finishing operation or after the initial curing when a combination of methods are used. Failure to provide complete and uniform coverage at the required rate will be cause for discontinuance of this method of curing and the substitution of one of the other approved methods. The compound shall be kept agitated to prevent the pigment from settling. Special care shall be taken to apply the curing compound to the pavement edges immediately after the forms have been removed.

(1984 Code, Ch. 157, App. A, § 9) (Ord. O-86-78, passed 8-17-1978)

§ 10. JOINTS.

(A) All joints shall be constructed as per App. C of this chapter.

(B) Longitudinal and transverse joints shall be constructed as shown on the plans and construction joints wherever construction may require them.

(C) Longitudinal joints are those joints parallel to the lane of construction. They may be either intermediate center joints or the construction joints between construction lanes.

(D) Expansion joints may be only transverse. They are used only where specifically shown on the plans.

(E) Transverse joints shall be contraction, expansion or construction joints.

(F) The edges of the pavement and those joints where such edging is shown on the plans shall be rounded with an edger having a radius of one-eighth inch. Transverse joints shall be continuous across the entire paved area, including the curb.

(1) *Expansion joints.*

(a) Expansion joints, where shown on the plans, shall conform to the specifications in App. A, § 2(B)(1), of these regulations. They shall extend the entire width of the pavement. They shall be of the dimensions and spacing as shown on the plans. The filler shall be held accurately in place during the placing and finishing of the concrete by a bulkhead, a metal channel cap or other approved method. Expansion joints shall be located in pavement sections entering a curve at the PC and PT, at all street intersections at the point of curvature of the turning radii entering the intersection and at cul-de-sacs or turn-arounds at the point of curvature of the first turning radii approaching the turn-around.

(b) Under no circumstances shall any concrete be left above the expansion material or across the joint at any point. Any concrete spanning the ends of the joint next to the forms shall be carefully cut away after the forms are removed.

(c) Before the pavement is opened to traffic, the groove above the filler shall be cleaned and sealed with specified joint sealing material covered under App. A, § 2(B)(2), of these regulations.

(2) *Transverse joints.*

(a) Transverse contraction joints shall be of sawed, formed dummy groove or premolded strip type. All transverse joints shall be one-fourth of the pavement thickness.

(b) The spacing of undoweled contraction joints shall be specified by the design engineer and shall be based on accurate performance records from streets in service. In no case shall the contraction joints be spaced at intervals greater than 20 feet.

(c) If sawed joints are specified on the plans, they shall be sawed early enough to control cracking, but late enough to prevent any damage by blade action in the slab surface and to the concrete immediately adjacent to the joints.

(3) *Construction joints.* Transverse construction joints of the type shown on the plans shall be placed wherever the placing of concrete is suspended for more than 30 minutes. A transverse construction joint with smooth bars shall be used if the joint occurs at the location of a contraction joint. Deformed tie bars are used if the joint occurs at any other locations.

(4) *Longitudinal joints.* Longitudinal joints shall be placed as shown on the plans. They shall be of the sawed, dummy groove, premolded strip of tied construction type. All longitudinal sawed joints shall conform to App. A, § 10(F)(2), of these regulations. Joints between construction lanes shall be the tied construction type. The depth of longitudinal joints, except for construction joints, shall be at least one-fourth of the pavement thickness. They shall coincide with lane markings wherever possible and shall be provided between each traffic lane.

(5) *Integral curb joints.* In the construction of transverse joints of concrete integral curb pavement, special care must be taken to see that all transverse joints extend continuously through the pavement and curb, except tied transverse construction joints.

(1984 Code, Ch. 157, App. A, § 10) (Ord. O-86-78, passed 8-17-1978) Penalty, see § 157.999

§ 11. TIE BARS.

Tie bars, when shown on the plans, shall be of threaded J-bar type and of the dimensions and at the spacing specified according to App. C of this chapter.

(1984 Code, Ch. 157, App. A, § 11) (Ord. O-86-78, passed 8-17-1978)

§ 12. JOINT SEALER.

After the curing period, all sawed and dummy groove joints in the pavement shall be cleaned and sealed with material, joint sawing residue, dirt and curing membrane shall be removed. Any excess material should be removed from the pavement surface as soon after sealing as possible.

(1984 Code, Ch. 157, App. A, § 12) (Ord. O-86-78, passed 8-17-1978)

§ 13. STRUCTURES ENCOUNTERED IN THE PAVED AREA.

(A) All manholes and catch basins encountered in the areas to be paved shall be raised or lowered to the surface of the new pavement. Catch basins may be separated from the pavement and curb by boxing out around basin.

(B) When a joint falls within five feet of or contacts basins, manholes or other structures, one or more panels either side of opening shall be shortened to permit joint to fall on round structures and at a corner of rectangular structures as shown in App. C of these regulations.

(1984 Code, Ch. 157, App. A, § 13) (Ord. O-86-78, passed 8-17-1978)

§ 14. PROTECTION AND OPENING TO TRAFFIC.

Traffic shall be excluded from the pavement by erecting and maintaining barricades and signs until the concrete is at least 14 days old or has attained a compressive strength of 3,500 pounds per square inch or 550 pounds per square inch flexural strength. This traffic restriction shall apply to the contractor's construction equipment and vehicles as well as general traffic. As soon as curing and sealing are completed, the contractor shall clean up the pavement free from all debris.

(1984 Code, Ch. 157, App. A, § 14) (Ord. O-86-78, passed 8-17-1978)

§ 15. CURB, GUTTER, SIDEWALK AND DRIVEWAYS.

Construction of curb, gutter, sidewalk and driveways shall require the same care as the pavement. The preceding requirements shall apply, where pertinent, to the construction of curb, gutter, sidewalks and driveways within the right-of-way. In addition, sidewalks or driveways shall be constructed so that the transverse joint spacing shall be equal to the width of the sidewalk or driveway, but in no case shall the transverse joint spacing for driveways exceed 12 feet and not greater than five feet for sidewalk spacing. Sidewalk and driveways within the right-of-way shall be constructed with a pavement thickness of at least four and five inches, respectively. (See App. C of this chapter for typical section details.)

(1984 Code, Ch. 157, App. A, § 15) (Ord. O-86-78, passed 8-17-1978) Penalty, see § 157.999

§ 16. PAVEMENT THICKNESS.

(A) Pavement thickness for each type of street classification shall be as provided in Table 3 below. Streets that are subjected to exceptionally heavy truck traffic shall require a more complete detailed analysis by the subdivider's engineer and approved by the Planning Commission's duly authorized representative.

(B) All arterial streets shall be designed in accordance with the requirements of the state's Department of Transportation.

TABLE 3

MINIMUM PAVEMENT THICKNESS FOR

FOR STREETS - PORTLAND CEMENT CONCRETE*

Street Classification	***Pavement Thickness (Inches)***
Collector	9
Local streets including courts and cul-de-sacs	7
Subcollector	8
NOTES TO TABLE: * Street shall be designed according to the typical street section details in App. C of this chapter. ** Where streets are to serve industrial or commercial areas, the pavement design shall be based on a study prepared by the subdivider's engineer projecting the type of vehicles using the street and traffic volumes approved by the Planning Commission's duly authorized representative.	

(1984 Code, Ch. 157, App. A, § 16) (Ord. O-86-78, passed 8-17-1978)

APPENDIX B: ASPHALT CONCRETE PAVEMENT FOR

STREET AND DRIVEWAY CONSTRUCTIONS

Section

1. General provisions
2. Grading
3. Preparation of existing granular base courses for surfacing
4. Asphalt pavement
5. Design of asphalt pavement structure
6. Adjusting manhole tops

§ 1. GENERAL PROVISIONS.

The work covered by these specifications consists of furnishing all labor, equipment and materials and in performing all operations in connection with the construction of asphalt concrete pavement for streets and alleys in accordance with these specifications and the applicable drawings.

(1984 Code, Ch. 157, App. B, § 1) (Ord. O-86-78, passed 8-17-1978)

§ 2. GRADING.

This term shall consist of all grading above or below subgrade elevations, of whatever nature, required to bring the street to the proper subgrade elevation, including necessary excavation for curb, gutter, sidewalk, construction of embankments, excavation and proper sloping of all cuts, and other work incidental thereto.

(A) *Excavations.* All excavations shall be made to approximate subgrade elevations and shall be true to grade. No excavation shall be made below subgrade elevation except to remove a spongy material, vegetable matter or other material as ordered or approved by the inspector, or his or her duly authorized representative. In the event the contractor does excavate any other area below subgrade elevation, he or she shall replace the excavated material with satisfactory material and shall thoroughly compact same.

(B) *Excavation below subgrade.* Whenever excavation below subgrade elevation to remove spongy material, vegetable matter or other material is required, the contractor shall remove same in a satisfactory manner, and shall replace it with satisfactory material in layers not to exceed 12 inches in thickness and shall thoroughly compact each layer before the next layer is placed.

(C) *Construction of embankments.*

(1) All top soil shall be removed to eliminate all vegetation from the area upon which embankment is to be constructed. Soil so removed may not be used in construction of embankment.

(2) Embankment shall be constructed, of approved materials, to approximate subgrade elevation in layers to not exceed 12 inches in thickness and extending the full width of the embankment. Each layer shall be compacted to not less than 92% of the density determined from the *Standard Test for Moisture-Density Relationship* (AASHO Designation T-99) in areas involving structures and public improvements including slopes greater than 3:1.

(D) *Subgrade preparation.*

(1) The subgrade shall be in a moist condition at the time the paving course is placed. It shall be thoroughly wetted a sufficient time in advance of the placing of the concrete to ensure that there will be no puddles or pockets of mud when the concrete is placed. The subgrade, however, shall not be allowed to dry out before the paving course is placed.

(2) The subgrade soils shall be of uniform material and density to provide for satisfactory pavement performance. Soft spots that show up during construction should be excavated and recompacted with the same type of material as found in the adjacent subgrade. Uniform support cannot be obtained merely by dumping extra granular material on the soft spot. With a uniform subgrade, excessive shrink and swell of expansive soils shall be prevented by adequate moisture and density controls during compactions. The compaction percent of the density determined from the *Standard Test for Moisture-Density Relationship* (AASHO Designation T-99) will effectively control shrinking and swelling during periods of dry weather, providing the subgrade is not allowed to dry before the pavement is constructed. Concurrent with compaction, the subgrade shall be shaped to plan elevation, grade and cross-section. Special care shall be taken in compacting the backfill of sewers, drainage facilities and other permanent structures that may be in the paved area.

(3) Immediately prior to placing the paving course, the subgrade shall be tested for conformity with the cross-section shown on the plans by means of an approved template riding on the side forms. If necessary, material shall be removed or added, as required, to bring all portions of the subgrade to the correct elevation. It shall then be thoroughly compacted and again tested with the template. The paving course shall not be placed on any portion of the subgrade which has not been tested for correct elevation. The subgrade should also be cleared of any loose material which may have fallen on it.

(E) *Equipment for compaction of embankment and subgrade.* Any compaction equipment capable of uniformly producing the required embankment and subgrade densities, without lamination of, or within, successive layers, will be permitted. All compaction equipment shall be in good condition and shall be operated efficiently to assure uniform compaction.

(F) *Subgrade for curbs, gutters, sidewalks and driveways.* Subgrade areas to be occupied by curbs, gutters, sidewalks and driveways shall be excavated, backfilled as required, and compacted to establish grade. This work shall be done with

particular care in accordance with all requirements herein.

(G) *Equipment operated on the streets.* The contractor shall be permitted to operate only pneumatic-tired equipment over any paved street surfaces and shall be responsible for correction of any damage to street surfaces in any manner resulting from the contractor's operations.

(H) *Protection of utility lines.* The contractor shall at all times take proper precautions for the protection of utility lines, the presence of which are known, or can be determined by the examination of appropriate maps of applicable agencies and legislative body or fiscal court.

(1984 Code, Ch. 157, App. B, § 2) (Ord. O-86-78, passed 8-17-1978) Penalty, see § 157.999

§ 3. PREPARATION OF EXISTING GRANULAR BASE COURSES FOR SURFACING.

(A) *Description and general requirements.* In areas where granular base course has been placed as a previous stage of street or road construction, the contractor shall blade, shape and compact the base course in conformance with the required dimensions, line, grade and cross-section to permit completion of the paving work. When directed by the inspector, additional base course aggregate shall be provided or excess aggregate removed and disposed of by the contractor, as to provide conformance with the required roadway section.

(B) *Thickness of surfacing required for existing granular base courses.* The existing thickness of granular base comprises a portion of the required design thickness as specified in App. B, § 5(B), of this chapter.

(C) *Dividing existing thickness.* The existing thickness of granular base must be divided by the appropriate conversion factor, contained in App. B, § 6, Table 4, of this chapter for the inplace base type to determine the portion of the design thickness, the equivalent thickness, represented by the existing granular base course. The difference between the design thickness and the equivalent thickness is the thickness of surfacing that shall be required to be constructed over the existing granular base course. Composition and construction of the required surfacing shall meet all requirements herein specified.

(1984 Code, Ch. 157, App. B, § 3) (Ord. O-86-78, passed 8-17-1978)

§ 4. ASPHALT PAVEMENT.

(A) *Description and general requirements.*

(1) This item shall consist of furnishing all materials and performing all construction procedures required to build an asphalt pavement, on prepared and approved subgrade, conforming to the requirements of these specifications and to the pavement designs shown on the approved plans. It may include any, or all, but is not necessarily limited to, materials and methods specified under this section.

(2) Asphalt pavement shall consist of an asphalt concrete surface course or courses, constructed on a base course or courses or subbase course designed in compliance with the requirements of App. B, § 5, of this chapter.

(3) Successive layers of the pavement shall be offset from the edge of the underlying layer a distance equal to the course thickness of the lower layer, except when abutting existing construction. When the asphalt layers of the pavement abuts a building foundation, barrier curb or similar vertical surface, the abutting surface shall be heavily painted with asphalt prior to construction of the asphalt course. The surface course shall be finished one-fourth inch above adjacent flush construction to permit proper compaction.

(B) *Materials and construction requirements.*

(1) *Asphalt concrete surface course.* Asphalt concrete surface course materials and construction shall conform to the current requirements of the state's Department of Transportation, Bureau of Highways for asphalt concrete surface, Class I. Surface course mixture composition may conform to the requirements of either surface course I or II, as set forth in App. B, § 6, Table 5, of this chapter. Minimum asphalt concrete surface course thickness shall be as stated inApp. B, § 6, Table 6, of this chapter.

(2) *Asphalt concrete base course.*

(a) Asphalt concrete base course materials and construction shall conform to the current requirements of the State Department of Transportation, Bureau of Highways, specifications for asphalt concrete base course, Class I, except as noted herein.

(b) Composition requirements of the mixture shall conform to the gradation limits for asphalt concrete base course I or II, set forth in App. B, § 6, Table 5, of this chapter. Asphalt concrete used shall fall within the range shown and shall be approved by the inspector.

(c) Uncrushed gravel and natural sand may be used as aggregate provided all other requirements of the specifications are complied with.

(3) *Crushed aggregate base course.*

(a) *Description.* Crushed aggregate base course, when provided for in the approved structural design of the pavement, shall consist of a granular layer constructed on prepared subgrade or subbase in accordance with these specifications and in conformity with the approved dimensions, lines, grades and cross- sections.

(b) *Materials and construction methods.* Crushed aggregate base course shall conform to all the current requirements for materials and construction methods of the State Department of Transportation for dense graded aggregate base course; except that, 100% crushed gravel (at least one major crushed face on all aggregate coarser than a No. 4 sieve) may be used. When use of a crushed gravel is elected, aggregate shall conform to all other requirements of the referenced specification. In addition, fine aggregate (finer than a No. 4 sieve) shall consist of angular particles produced from crushing larger gravel particles. If necessary, fine aggregate produced from crushed stone may be blended, by approved mechanical methods, at the mixing plant to produce the required gradation.

(4) *Granular subbase course.*

(a) *Description.* Subbase, when provided for in the approved structural design of the pavement, shall consist of a granular layer conforming to the following material and construction specifications.

(b) *Aggregate requirements.* Material for granular subbase may be crushed or uncrushed aggregate containing no more than a total of 5% deleterious substances, such as, but not limited to, shale, soft particles, coal or lignite. The subbase aggregate shall have a sand equivalent, as determined from AASHO Designation T-176, of not less than 25. That portion of the aggregate passing a No. 40 sieve shall have a liquid limit of not more than 25 and a plasticity index of not more than six when tested in accordance with AASHO Designations T-89 and T-91, respectively. Gradation of granular subbase shall be reasonably uniform and consistent and shall conform to the gradation requirements set forth in App. B, § 6, Table 5, for this chapter for asphalt treated base III or IV.

(c) *Construction of subbase.* Subbase shall be constructed on completed and approved subgrade to the required dimensions, grade and cross-section. Aggregate shall be spread by mechanical spreaders, or other equipment approved by the inspector; capable of spreading material uniformly in layers not exceeding six inches compacted depth. Subbase shall be compacted with approved equipment to not less than 100% AASHO Designation T-99 density.

(5) *Asphalt prime coat.*

(a) Asphalt prime coat shall be applied to the surface of granular courses on which asphalt base or surface courses will be constructed.

(b) Asphalt prime shall conform to the state's Department of Transportation requirements for cutback asphalt emulsion primer type L. Prime shall be applied to the surface of granular base course at a rate of 0.20 to 0.40 gallons per square yard, as directed by the inspector, in conformance with requirements of the referred to specification.

(6) *Asphalt tack coat.*

(a) Tack coat shall consist of SS-1h, meeting the current requirements of the state's Department of Transportation.

(b) It shall, directed by the inspector, be diluted with equal parts of water. Application equipment and procedure shall conform to the requirements of the state's Department of Transportation for tack coats. Tack coat shall be applied to the surface of asphalt courses that have become dusty or dry from traffic use before the subsequent course is constructed or in other circumstances when the inspector so directs.

(1984 Code, Ch. 157, App. B, § 4) (Ord. O-86-78, passed 8-17-1978)

§ 5. DESIGN OF ASPHALT PAVEMENT STRUCTURE.

(A) *Description.* Asphalt pavement structures for subdivision streets shall be designed in conformance with the requirements of this specification. Thickness of the total pavement and of component layers, shall be determined on the basis of street classification.

(B) *Pavement thickness requirements.*

(1) Thickness of component layers of the pavement for streets within the right-of-way and of the total pavement structure shall be determined as per App. B, § 6, Table 6, of this chapter.

(2) Where streets are to serve industrial or commercial areas, the pavement design shall be based on a study prepared by the subdivider's engineer projecting the type of vehicles using those streets and traffic volumes, and approved by the Planning Commission's duly authorized representative.

(1984 Code, Ch. 157, App. B, § 5) (Ord. O-86-78, passed 8-17-1978)

§ 6. ADJUSTING MANHOLE TOPS.

The contractor shall raise or lower existing manhole tops to coincide with the finished grade elevation of the paving.

TABLE 4

CONVERSION FACTORS APPLICABLE TO BASES

Base Material	***Conversion Ratio***
Asphalt concrete	1.0

Asphalt treated base, gradations III or IV	1.3
Granular base	2.0
Granular subbase	3.0

NOTE TO TABLE:
The conversion factor shown is a conversion ratio, for each material, multiplied by the required design thickness of asphalt concrete to provide thickness of other bases that will give the same degree of performance.

TABLE 5

COMPOSITION LIMITS FOR ASPHALT MIXTURES

PERCENT PASSING BY WEIGHT

Sieve Size	***Asphalt Concrete***				***Asphalt-Treated Base***	
	Base I	***Base II***	***Surface I***	***Surface II***	***Base III***	***Base IV***
Sieve Size	***Asphalt Concrete***				***Asphalt-Treated Base***	
	Base I	***Base II***	***Surface I***	***Surface II***	***Base III***	***Base IV***
1-1/2 inch	100	--	--	--	100	--
1 inch	85-100	100	--	--	--	--
3/4 inch	--	80-100	--	--	70-100	100
1/2 inch	50-80	--	100	100	--	--
3/8 inch	--	54-76	80-100	--	40-80	70-100
No. 4	30-50	37-57	55-75	75-95	--	--
No. 8	25-45	25-45	35-60	60-85	25-60	40-100
No. 16	15-35	15-35	25-50	45-70	--	--
No. 50	5-20	5-20	9-21	15-40	5-30	15-50
No. 100	3-10	3-10	5-14	5-25	3-15	4-25
No. 200	--	--	3-7	4-10	--	--
% asphalt	3.5-6.0	4.0-7.0	5.0-8.0	6.0-9.0	3.5-6.0	4.0-8.0

TABLE 6: THICKNESS REQUIREMENTS

FOR ASPHALT PAVED STREETS

Street Classification	***Pavement Design***				
	Total Minimum Thickness (Method I)		***Total Minimum Thickness (Method 2)***		
	Surface Type I or II (inch)	***Base Type I or II (inch)***	***Minimum Surface Type I or II (inch)***	***Minimum Base Type I or II (inch)***	***Minimum Granular Subbase (inch)***
Local	1-1/2	6-1/2	1-1/2	2-1/2	9
Subcollector	1-1/2	7-1/2	1-1/2	3-1/2	10
Collector	1-1/2	8-1/2	1-1/2	5	8

NOTES TO TABLE:

(1) Methods 1 and 2 will produce approximately the same pavement quality and strength.

(2) Selection of the method shall be at contractor's option.

(3) Following destinations pertinent to surface and base type used in this table correspond to the State Department of Highways standard specifications:

Surface Type I = Class I, Type A (state highway designation)

Surface Type II = Class I, Type L (state highway designation)

Base Type I = Class I, Base (state highway designation)

Base Type II = Class I, Binder (state highway designation)

Granular base and granular subbase of Method 2 shall conform to composition limits specified in App. B, § 4(B)(4) and (5)

(4) Where streets are to serve industrial or commercial areas, the pavement design shall be based on a study prepared by the subdivider's engineer projecting the type of vehicles using the street and traffic volumes approved by the Planning Commission's duly authorized representative.

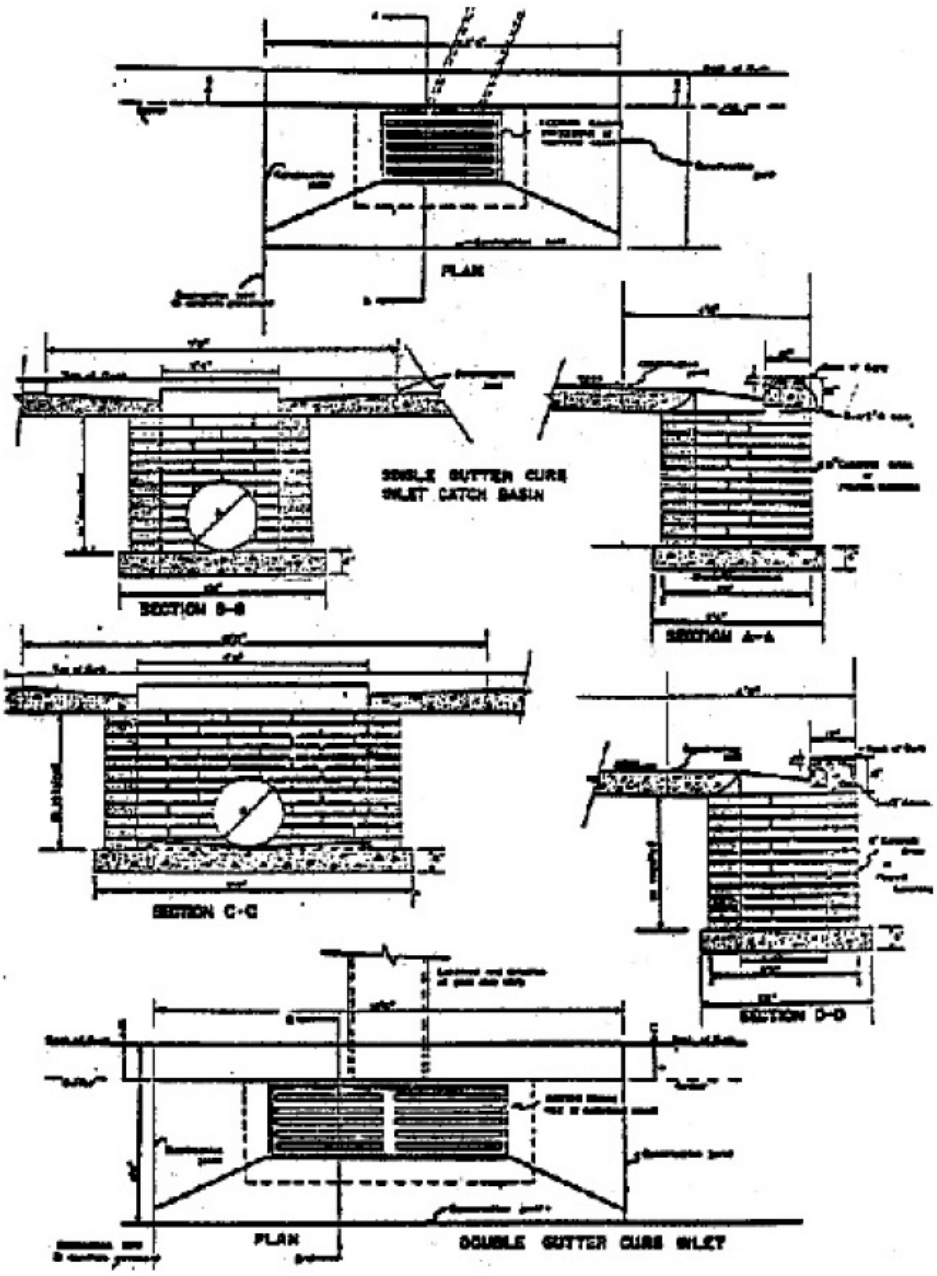
(5) Arterial streets shall be based on requirements of the state's Department of Transportation.

(1984 Code, Ch. 157, App. B, § 6) (Ord. O-86-78, passed 8-17-1978)

APPENDIX C: TYPICAL DETAIL SECTIONS FOR STREET DESIGNS

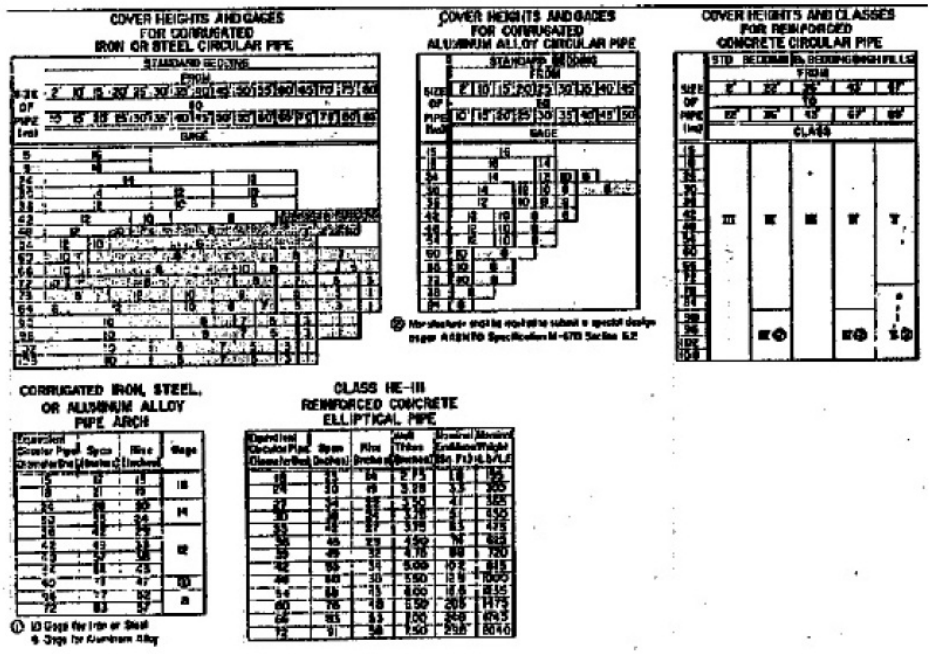
1. Single and double gutter inlet
2. Cover heights, gages and classes for certain-type pipe
3. Sanitary and combined sewer pipe types and fill heights
4. Standard drop manhole
5. Standard manhole
6. Typical water main and fire hydrant assembly location for all streets
7. Curb and gutter details
8. Typical sections
9. Typical shoulder and ditch detail
10. Turnaround details for dead-end streets
11. Detail of temporary turnaround for future street extension
12. Residential driveway details
13. Detail centerline permanent control monument
14. Joint details

§ 1. SINGLE AND DOUBLE GUTTER INLET.



(1984 Code, Ch. 157, App. C, § 1) (Ord. O-86-78, passed 8-17-1978)

§ 2. COVER HEIGHTS, GAGES AND CLASSES FOR CERTAIN-TYPE PIPE.



NOTES

B1 Bedding (see current standard drawing RDI-020) will not be required for corrugated iron, steel or aluminum alloy pipe.

24-inch diameter circular pipe is minimum size for cover heights from 30 feet to 65 feet.

42-inch diameter circular pipe is minimum size for cover heights from 65 feet and greater.

Inlet and outlet ends of vertically elongated pipe shall be fabricated circular. Transition from circular ends to vertically elongated portion in 18 feet (maximum).

Maximum cover height from top of pipe to subgrade shall govern class or gage of pipe to be used for the entire length of pipe installation.

The minimum fill cover height for entrance pipe is 0.5 feet.

Gage or class of entrance pipe for fill heights of less than two feet shall meet the following requirements:

(A) Gage of CSP shall be that shown for heights of two feet to ten feet.

(B) Gage of CAP and CAPA shall be of a heavier gage than shown by the table. Reduced tabulated gage number by two gages.

Example: 16 gage tabulated minus two gages = 14 gage required

(C) Gage of CSPA shall be that shown in the table

(D) Class of RCP shall be that shown for height of two feet to 22 feet.

As per §§ 157.101 and 157.102 of this chapter:

Corrugated Iron or Steel Pipe fabricated with 5% vertical elongation.

Corrugated Structural Plate Steel Pipe fabricated with 5% vertical elongation.

Corrugated Aluminum Alloy Pipe fabricated with 5% vertical elongation.

Maximum safe cover height for non-circular pipe is 15 feet.

(1984 Code, Ch. 157, App. C, § 2) (Ord. O-86-78, passed 8-17-1978)

§ 3. SANITARY AND COMBINED SEWER PIPE TYPES AND FILL HEIGHTS.

Diameter (Inches)	*Vitrified Clay Pipe*		*Plain Concrete Pipe*				*Cast Iron Pipe*		
	Extra Strength (In Feet)		*Standard Strength (In Feet)*		*Extra Strength (In Feet)*		*Standard Strength*	*Heavy Strength*	*Extra-Heavy Strength*
	Standard Bedding	*B[1] Bedding*	*Standard Bedding*	*B[1] Bedding*	*Standard Bedding*	*B[1] Bedding*	*Standard Bedding (In Feet)*		
Diameter (Inches)	*Vitrified Clay Pipe*		*Plain Concrete Pipe*				*Cast Iron Pipe*		
	Extra Strength (In Feet)		*Standard Strength (In Feet)*		*Extra Strength (In Feet)*		*Standard Strength*	*Heavy Strength*	*Extra-Heavy Strength*

	Standard Bedding	*B*[1] *Bedding*	*Standard Bedding*	*B*[1] *Bedding*	*Standard Bedding*	*B*[1] *Bedding*	*Standard Bedding (In Feet)*		
4	30		27						
6			21	30			8	12	16
8	27	30	18		27	30			
10	22		15		22				
12	20		13	28	20				
15			12	26					
18				24					
21			11	23	18	37			
24		37		22					
27	18						22	36	50
30									
33			-	-	-	-			
36									
39		36							

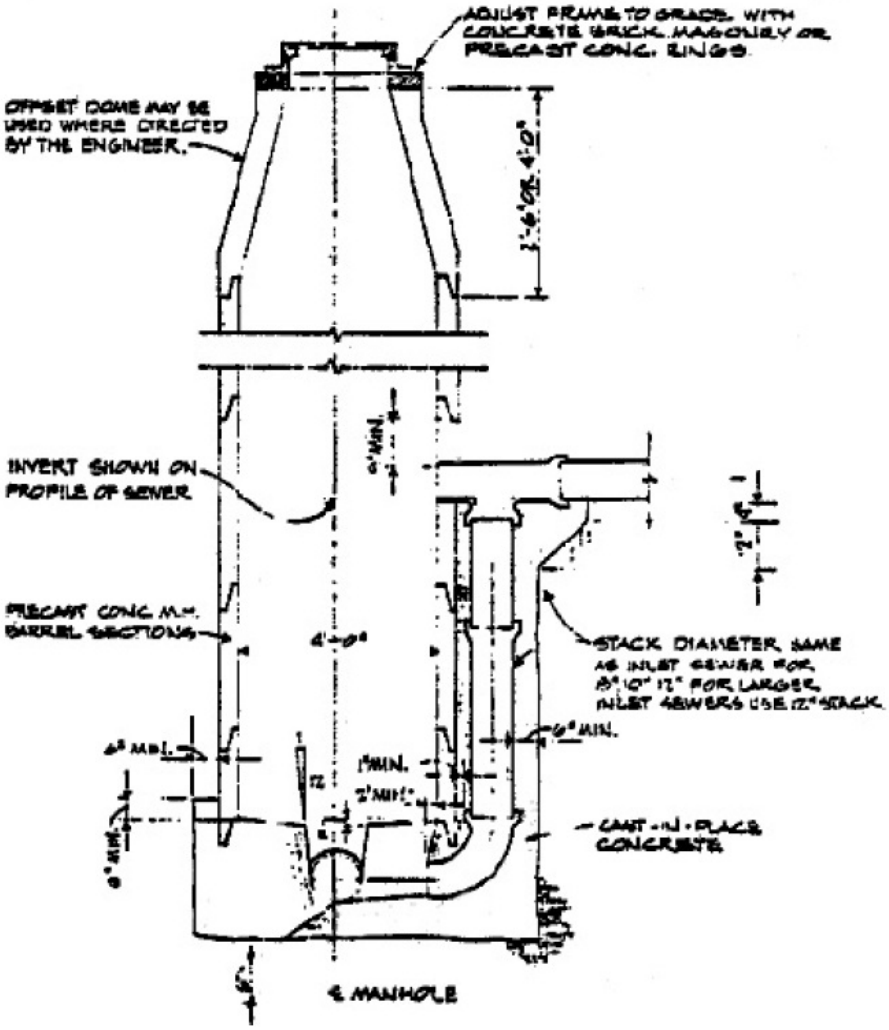
1. No sanitary or combined sewer pipe less than 15 inches in diameter shall be installed under a fill height of greater than 30 feet.

2. Reinforced concrete pipe may also be used for sanitary and combined sewers. See current RDI-001 for fill heights.

As per § 157.102 of this chapter.

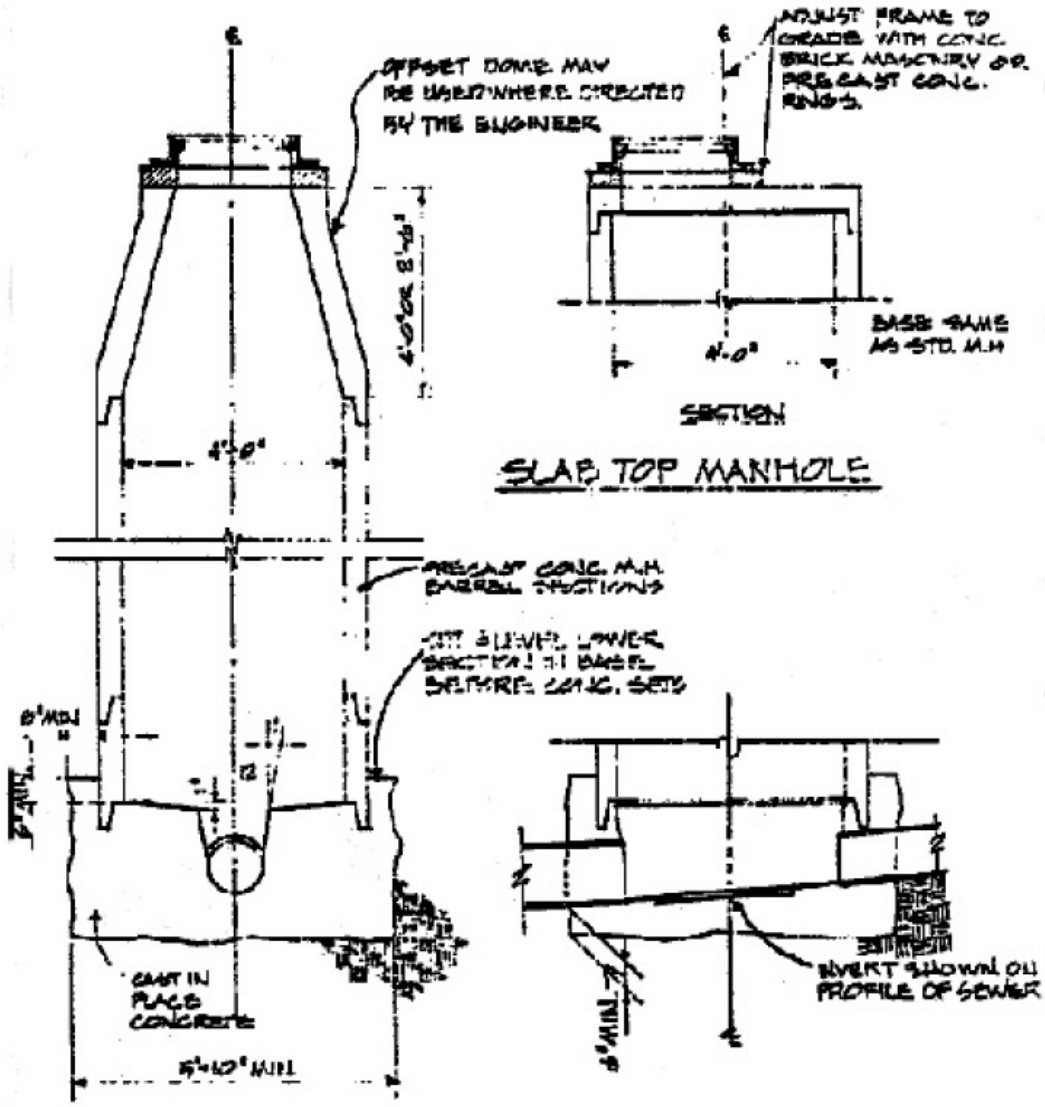
(1984 Code, Ch. 157, App. C, § 3) (Ord. O-86-78, passed 8-17-1978)

§ 4. STANDARD DROP MANHOLE.



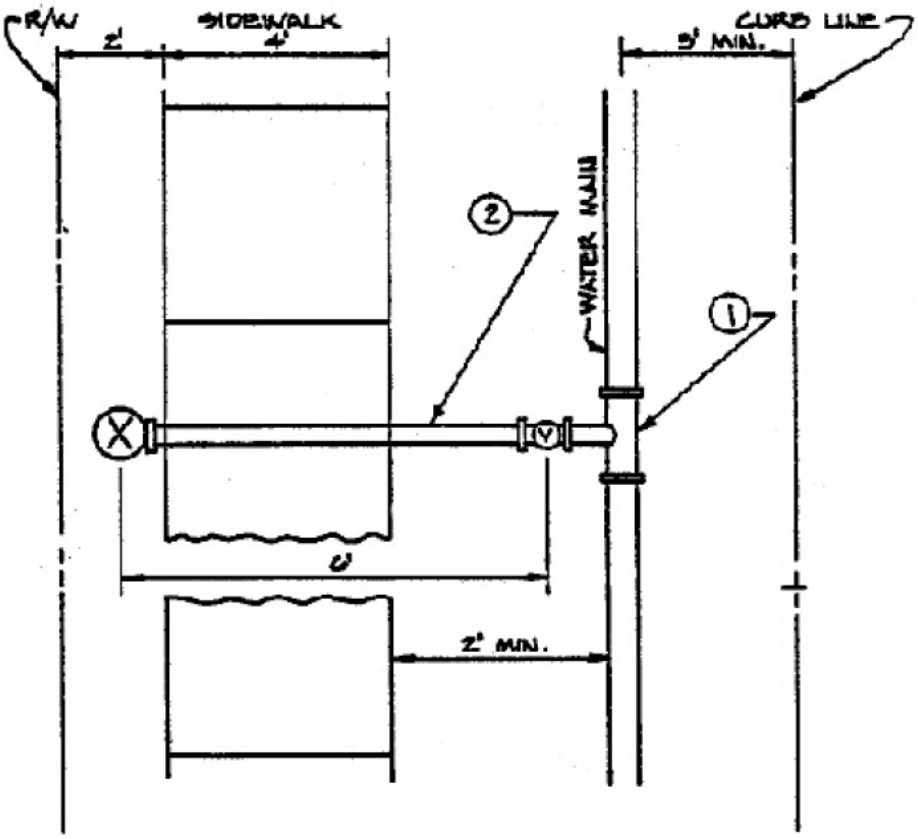
(1984 Code, Ch. 157, App. C, § 4) (Ord. O-86-78, passed 8-17-1978)

§ 5. STANDARD MANHOLE.



(1984 Code, Ch. 157, App. C, § 5) (Ord. O-86-78, passed 8-17-1978)

§ 6. TYPICAL WATER MAIN AND FIRE HYDRANT ASSEMBLY LOCATION FOR ALL STREETS.

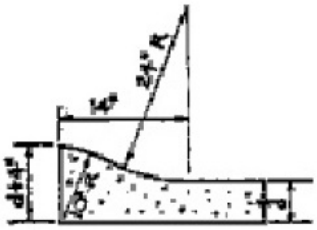


1 - ANCHORING TEE - CLOW PART NO. F-1217 OR APPROVED EQUAL

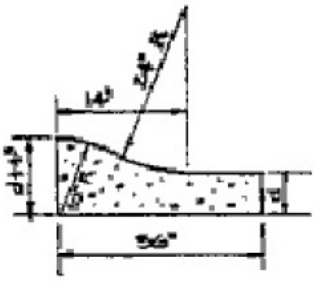
2 - HYDRANT ADAPTER - WILL BE SOLID X SWIVEL CLOW PART NO. F-1211M5 OR APPROVED EQUAL

(1984 Code, Ch. 157, App. C, § 6) (Ord. O-86-78, passed 8-17-1978)

§ 7. CURB AND GUTTER DETAILS.

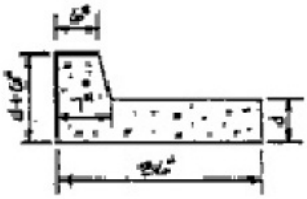


INTEGRAL CURB
CONCRETE PAVEMENT



CONCRETE CURB
ASPHALT PAVEMENT

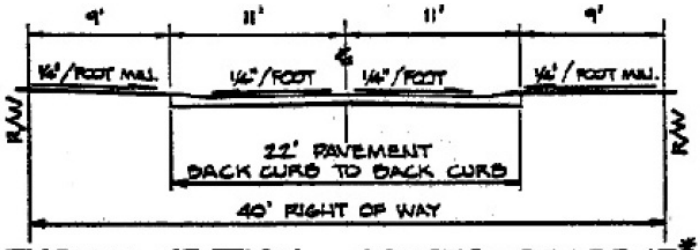
INTEGRAL CURB
CONCRETE PAVEMENT



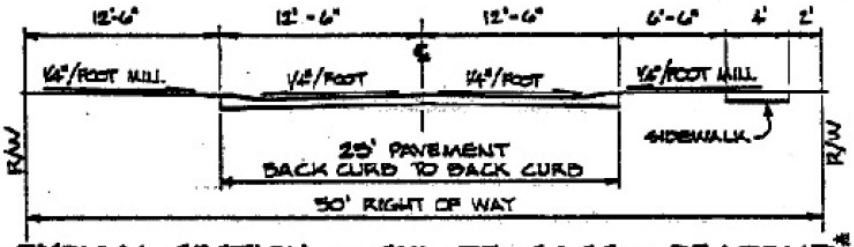
CONCRETE CURB
ASPHALT PAVEMENT

(1984 Code, Ch. 157, App. C, § 7) (Ord. O-86-78, passed 8-17-1978)

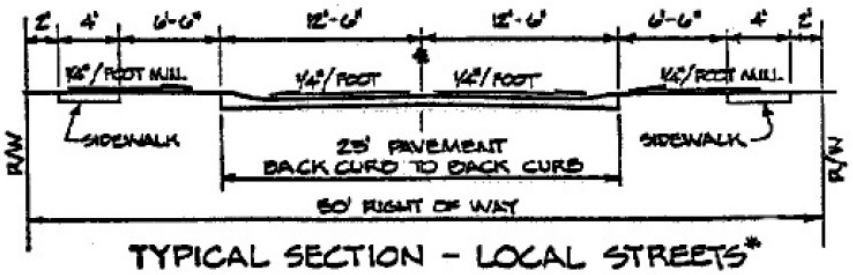
§ 8. TYPICAL SECTIONS .



TYPICAL SECTION – COURTS – DEADEND*



TYPICAL SECTION – CUL-DE-SACS – DEADEND*

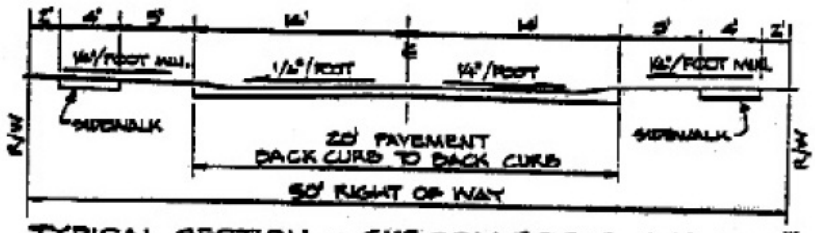


TYPICAL SECTION – LOCAL STREETS*

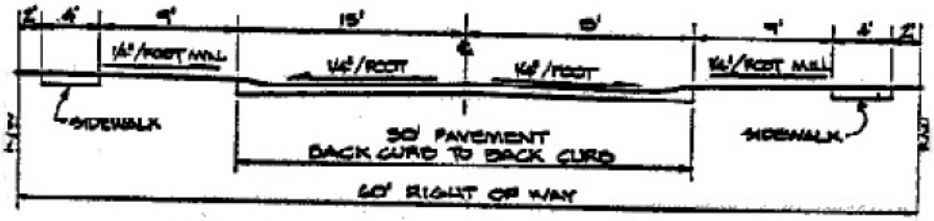
*Typical sections would vary with use of optional section as per §157.104, Table 2, of this chapter.

(1984 Code, Ch. 157, App. C, § 8) (Ord. O-86-78, passed 8-17-1978)

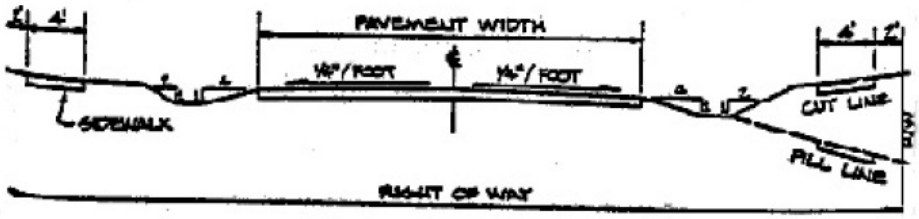
§ 9. TYPICAL SHOULDER AND DITCH DETAIL.



TYPICAL SECTION - SUBCOLLECTOR STREETS*



TYPICAL SECTION — COLLECTOR STREETS*



OPTION TO CURB AND GUTTER - ALL STREETS

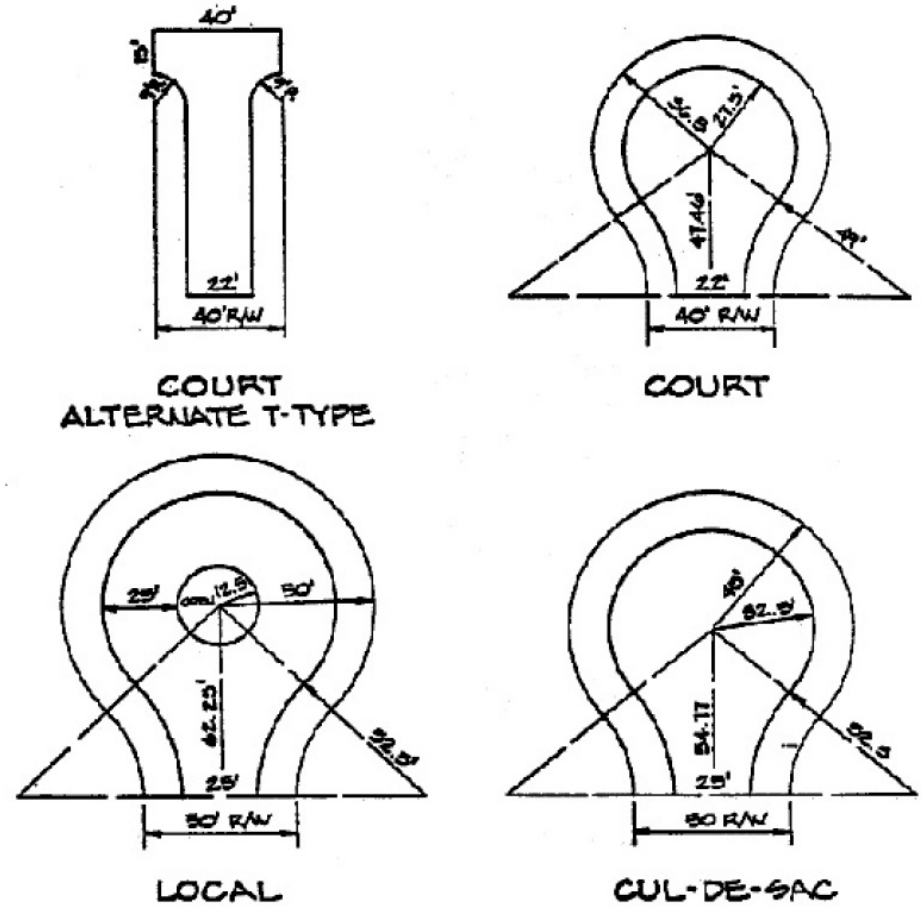
FRONT YARD DEPTH - 50 FOOT MINIMUM AND LOT WIDTH - 100 FOOT MINIMUM

AS PER § 157.104, TABLE 2

*Typical sections would vary with use of optional section as per §157.104, Table 2, of this chapter.

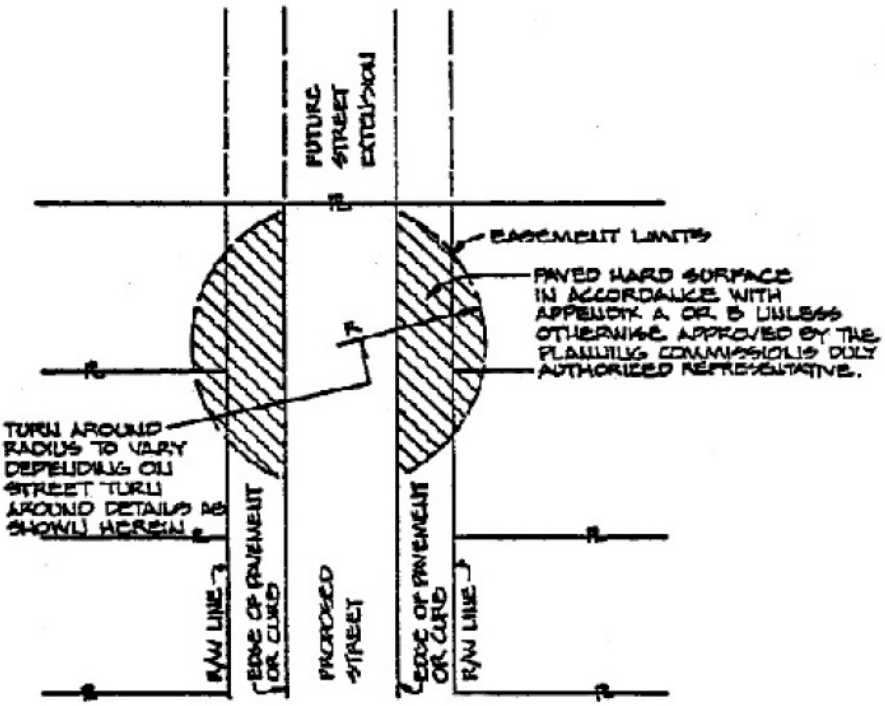
(1984 Code, Ch. 157, App. C, § 9) (Ord. O-86-78, passed 8-17-1978)

§ 10. TURNAROUND DETAILS FOR DEAD-END STREETS.



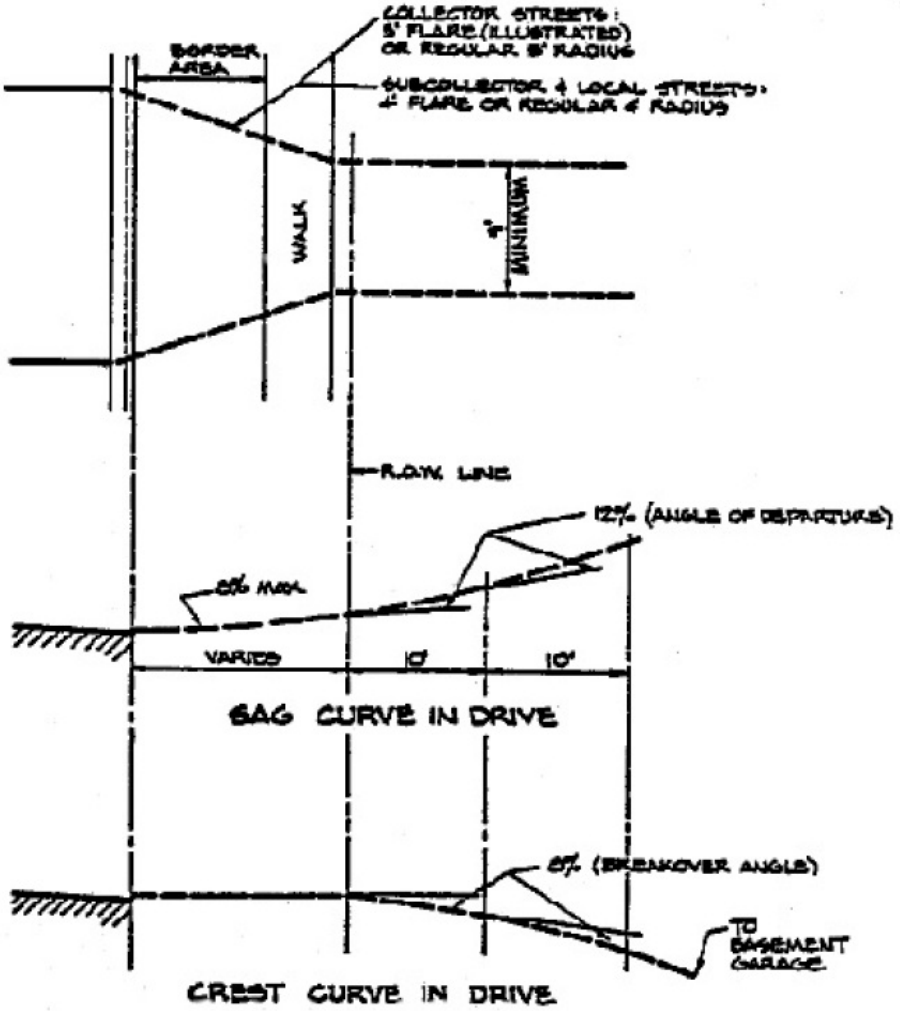
(1984 Code, Ch. 157, App. C, § 10) (Ord. O-86-78, passed 8-17-1978)

§ 11. DETAIL OF TEMPORARY TURNAROUND FOR FUTURE STREET EXTENSION.



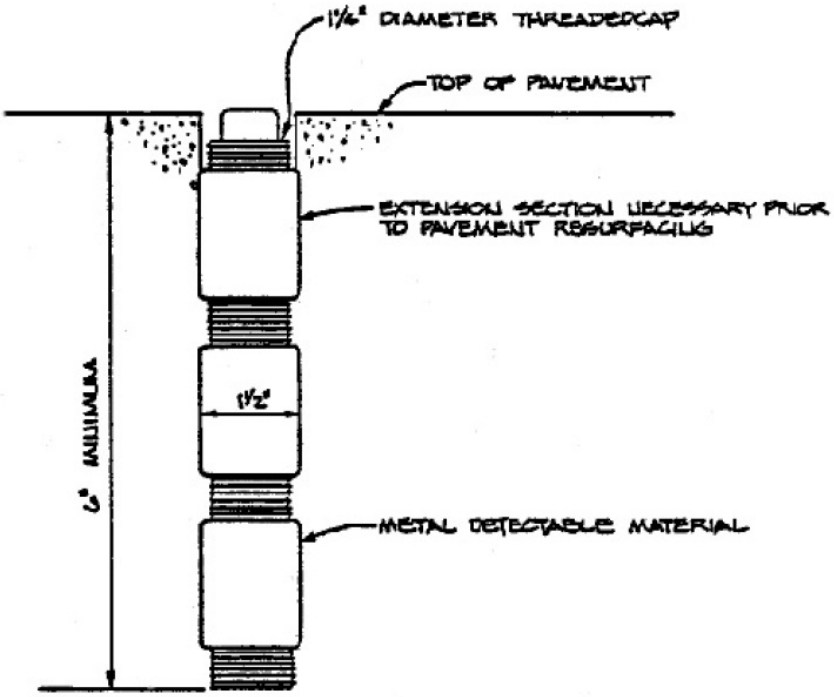
(1984 Code, Ch. 157, App. C, § 11) (Ord. O-86-78, passed 8-17-1978)

§ 12. RESIDENTIAL DRIVEWAY DETAILS.



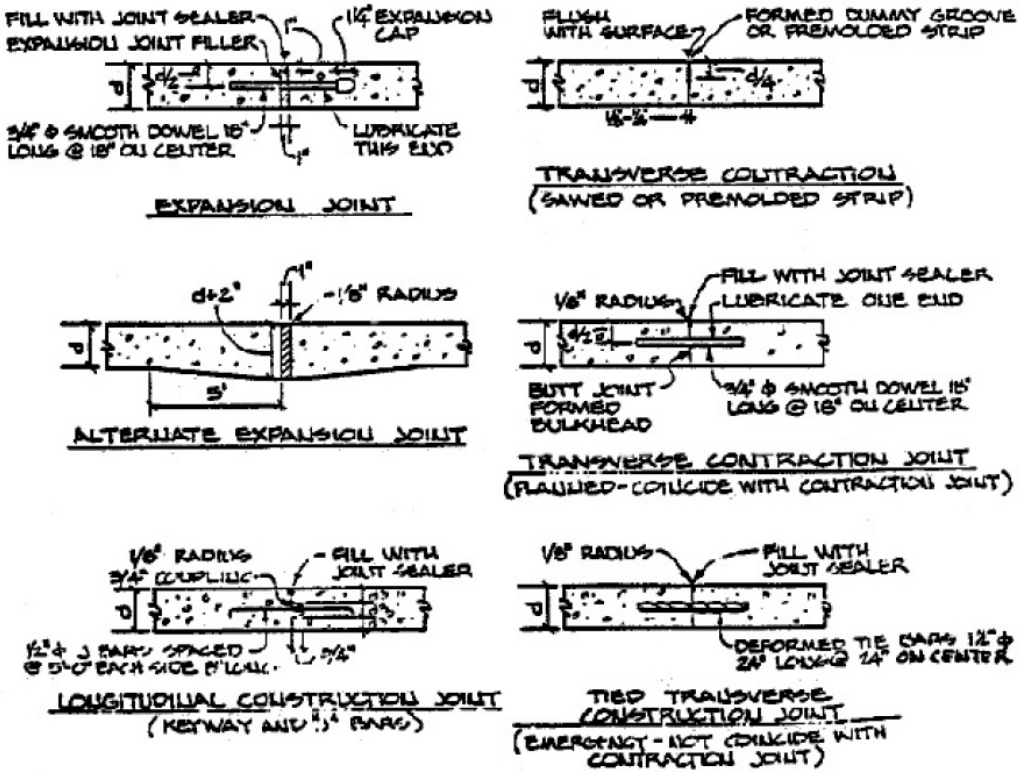
(1984 Code, Ch. 157, App. C, § 12) (Ord. O-86-78, passed 8-17-1978)

§ 13. DETAIL CENTERLINE PERMANENT CONTROL MONUMENT.



(1984 Code, Ch. 157, App. C, § 13) (Ord. O-86-78, passed 8-17-1978)

§ 14. JOINT DETAILS.



(1984 Code, Ch. 157, App. C, § 14) (Ord. O-86-78, passed 8-17-1978)

APPENDIX D: CERTIFICATES, ACKNOWLEDGMENTS AND APPROVALS.

Section

1. General provisions
2. Dedication certificate

3. Forms of acknowledgments
4. Surveyor's certificate
5. Other documents
6. Approval certificates
7. Clerk and Recorder's certificate

§ 1. GENERAL PROVISIONS.

This Appendix D contains representative certificates, acknowledgments and approvals, to be used on final plats, in accordance with § 157.065 of this chapter. These certificates, acknowledgments and approvals may be modified with the Commission's approval. Phrases shown in parentheses in these certificates shall be used if pertinent. All signatures must be written with black, water-proof, India ink. Provisions shall be made on each signature line for large signatures and date.

(1984 Code, Ch. 157, App. D, § 1) (Ord. O-85-78, passed 8-17-1978)

§ 2. DEDICATION CERTIFICATE.

DEDICATION CERTIFICATE:

WE THE UNDERSIGNED DO HEREBY ADOPT THIS PLAT AND DEDICATE THE STREETS (OR OTHER PARCELS OF LAND) SHOWN HEREON TO PUBLIC USE. BEING PART OF THE SAME PROPERTY CONVEYED TO US BY DEED DATED _____ AND RECORDED IN DEED BOOK _____ PAGE _____ OF THE KENTON COUNTY RECORDS AT _____KENTUCKY.

_____

SIGNATURE OF OWNER.

(1984 Code, Ch. 157, App. D, § 2) (Ord. O-85-78, passed 8-17-1978)

§ 3. FORMS OF ACKNOWLEDGMENTS.

(A) For an individual acting in his or her own right:

State of _____ County of _____

The foregoing instrument was acknowledged before me this(date) by (Name of person acknowledged).

(Signature of person taking Acknowledgment)

(Title or Rank)

(Serial Number, if any)

(B) For a corporation:

State of _____ County of _____

The foregoing instrument was acknowledged before me this (date) by (name of officer or agent, title of officer or agent) of (name of corporation acknowledged in) a (state or place of incorporation) corporation, on behalf of the corporation.

(Signature of person taking Acknowledgment)

(Title or Rank)

(Serial Number, if any)

(C) For a partnership:

State of _____ County of _____

The foregoing instrument was acknowledged before me this (date) by (name of acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a partnership.

(Signature of person taking Acknowledgment)

(Title or Rank)

(Serial Number, if any)

(D) For an individual acting as principal by an attorney in fact

State of _____ County of _____

The foregoing instrument was acknowledged before me this (date) by (name of attorney in fact) as attorney in fact on behalf of (name of principal).

(Signature of person taking Acknowledgment)

(Title or Rank)

(Serial Number, if any)

(E) By any public officer, trustee, or personal representative:

State of _____ County of _____

The foregoing instrument was acknowledged before me this (date) by (name and title of position).

(Signature of person taking Acknowledgment)

(Title or Rank)

(Serial Number, if any)

(1984 Code, Ch. 157, App. D, § 3) (Ord. O-85-78, passed 8-17-1978)

§ 4. SURVEYOR'S CERTIFICATE.

I, (surveyor's name - printed), a Registered Land Surveyor in the State of Kentucky, do hereby certify that the survey of _____ was made by me (or under my supervision), and that the accompanying plat accurately and properly shows said subdivision and the survey thereof.

_____

(SIGNATURE)

REGISTERED LAND SURVEYOR NO. _____

(1984 Code, Ch. 157, App. D, § 4) (Ord. O-85-78, passed 8-17-1978)

§ 5. OTHER DOCUMENTS.

Such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law by these regulations shall be of the form and substance approved by the Planning Commission.

(1984 Code, Ch. 157, App. D, § 5) (Ord. O-85-78, passed 8-17-1978)

§ 6. APPROVAL CERTIFICATES.

Approved by the Kenton County and Municipal Planning and Zoning Commission, Kenton County, Kentucky, this _____ day of _____, 20___.

_____

CHAIRPERSON, OR PLANNING COMMISSION'S DULY AUTHORIZED REPRESENTATIVE

(1984 Code, Ch. 157, App. D, § 6) (Ord. O-85-78, passed 8-17-1978)

§ 7. CLERK AND RECORDER'S CERTIFICATE.

I, _____ , CLERK OF KENTON COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS THIS DAY PRESENTED TO ME IN MY OFFICE BY _____ AND ACKNOWLEDGED BY THEM TO BE THEIR ACT AND DEED WAS THIS DAY LEFT FOR RECORD WHEREUPON SAME HAS BEEN RECORDED THIS _____ DAY OF _____ 20__.

_____

SIGNATURE OF COUNTY CLERIC OR DEPUTY.

(1984 Code, Ch. 157, App. D, § 7) (Ord. O-85-78, passed 8-17-1978)

APPENDIX E: SIGHT DISTANCE REQUIREMENTS

TABLE 7a

SIGHT DISTANCES FOR VEHICLES EXITING FROM ACCESS POINTS ONTO ADJACENT ROADS

D = Distance along major road from access point to allow vehicle to enter safely (feet)

See accompanying illustration (*)

Vehicle Type	2 Lane		4 or 6 Lane		2 Lane		4 or 6 Lane		2 Lane		4 or 6 Lane		2 Lane		4 or 6 Lane		2 Lane		4 or 6 Lane	
	DL	DR	DL	DR	DL	DR	DL	DR	DL	DR	DL	DR	DL	DR	DL	DR	DL	DR	DL	DR
Passenger car	150	130	130	130	360	260	220	260	530	440	380	440	740	700	620	700	950	1050	950	1,050
Truck	300	200	200	200	500	400	400	400	850	850	850	850	1,600	1,600	1,600	1,600	2,500	2,500	2,500	2,500

TABLE 7b

LEFT TURN SIGHT DISTANCE FOR VEHICLES ENTERING ACCESS POINTS

S = Sight distance along major route for vehicle to safely turn left into access point (feet)

See accompanying illustration

Vehicle Type	20 MPH			30 MPH			40 MPH			50 MPH			60 MPH		
	2 Lane	4 Lane	6 Lane	2 Lane	4 Lane	6 Lane	2 Lane	4 Lane	6 Lane	2 Lane	4 Lane	6 Lane	2 Lane	4 Lane	6 Lane
Passenger car	150	160	170	230	250	270	370	390	420	520	550	580	700	740	780
Truck	260	260	300	400	440	480	570	620	670	810	880	950	1,000	1,100	1,200

* Measured from a vehicle ten feet back of the pavement edge.

NOTE:

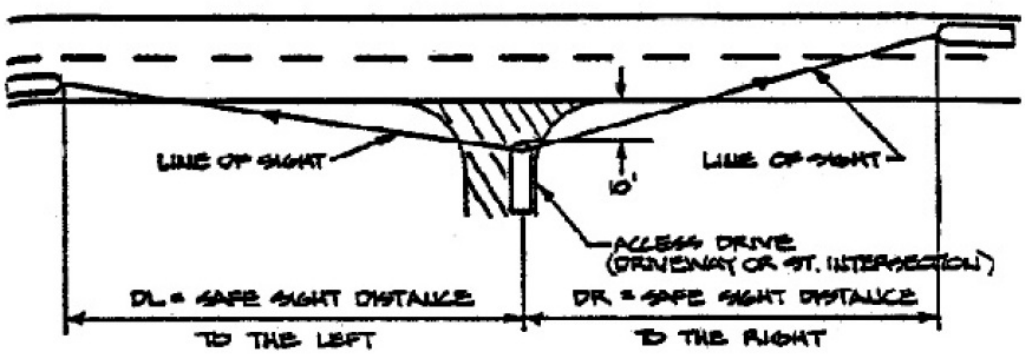
(A) Values are for urban conditions. On rural streets, distances are to be increased by 10% to allow for longer drive reaction timing.

(B) The sight distances apply when street grades are zero to 3.0% (either up or down). When an upgrade is steeper than 3.0%, adjustments are to be made to compensate for the longer time required to reach the speed of highway traffic. The time is less than shown when the highway is descending. Adjustment factors below apply to grades only in that portion of the road between the access points and the downstream point at which a vehicle is emerging from the access points has been able to accelerate to within ten miles per hour of the route speed.

(C) When the street in the section to be used for acceleration after leaving the access point ascends at 3 to 4%, then sight distances in the direction of approaching ascending traffic are to be increased by a factor of 1.4. When the access point ascends at 5 to 6%, sight distance should be increased by a factor of 1.7.

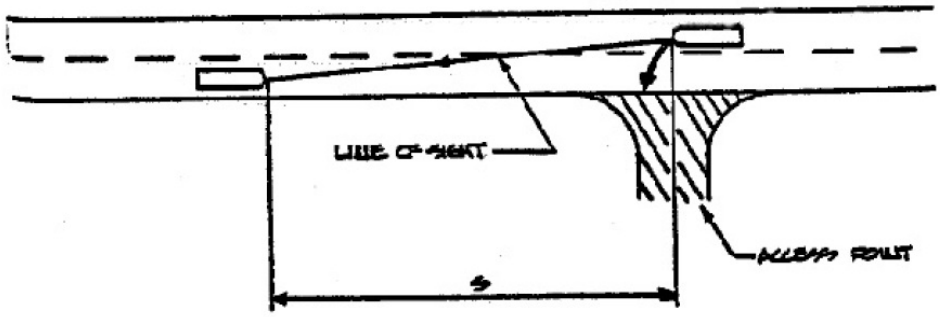
(D) When the road in the section to be used for acceleration after leaving the access point descends at 3 to 4%, then sight distance in the direction of approaching descending highway traffic should be reduced by a factor of 0.6. If the road descends at 5 to 6%, sight distance should be reduced by a factor of 0.5.

(E) When the criteria for sight distances to the right cannot be met, the need can be eliminated by prohibiting left turns by existing vehicles.



SIGHT DISTANCE FOR VEHICLES EXITING FROM ACCESS POINTS

(Refer to Appendix E, Table 7a)



LEFT TURN SIGHT DISTANCE FOR VEHICLES ENTERING ACCESS POINTS

(Refer to Appendix E, Table 7b)

(1984 Code, Ch. 157, App. E) (Ord. O-85-78, passed 8-17-1978)

CHAPTER 158: NEIGHBORHOOD DEVELOPMENT CODE

Section

Neighborhood Development Code

158.01 Neighborhood Development Code adopted

Emergency Temporary Moratorium on Acceptance of New Applications for and Issuance of Conditional Use Permits for Short-Term Rental Dwellings

158.02 Moratorium

158.03 Term; renewal

158.04 Validity and severability

158.05 Repeal

NEIGHBORHOOD DEVELOPMENT CODE

§ 158.01 NEIGHBORHOOD DEVELOPMENT CODE ADOPTED.

The new Zoning Code, which shall be more commonly known as the Neighborhood Development Code and which is attached hereto as Exhibit A, and any amendments thereto, is hereby adopted and incorporated by reference as if fully set forth herein. The Neighborhood Development Code is publicly available in electronic form at:

https://online.encodeplus.com/regs/covington-ky/doc-viewer.aspx#secid-541

(1984 Code, § 158.01) (Ord. O-37-06, passed 8-15-2006; Ord. O-22-20, passed 9-22-2020; Ord. O-13-21, passed 9-28-2021; Ord. O-09-22, passed 4-12-2022; Ord. O-24-22, passed 11-29-2022; Ord. O-25-22, passed 11-29-2022; Ord. O-05-23, passed 5-23-2023; Ord. O-13-23, passed 8-8-2023; Ord. O-03-24, passed 3-12-2024; Ord. O-11-24, passed 6-11-2024; Ord. O-16-24, passed 6-25-2024; Ord. O-33-24, passed 11-19-2024; Ord. O-02-2025, passed 4-8-2025; Ord. O-08-2025, passed 6-10-2025)

EMERGENCY TEMPORARY MORATORIUM ON ACCEPTANCE OF NEW APPLICATIONS FOR AND ISSUANCE OF CONDITIONAL USE PERMITS FOR SHORT-TERM RENTAL DWELLINGS

§ 158.02 MORATORIUM.

The recent increase in short-term rentals in the city has had detrimental effects on the residential character of neighborhoods and the community's affordable housing stock, thereby creating an emergency. The city hereby temporarily prohibits the issuance of new conditional use permits for short-term rental dwellings and prohibits the acceptance, review, and processing by the city's authorized staff and Board of Architectural Review and Development of any applications for conditional use permits for short- term rental dwellings within the city limits pending further study, enactment, and effect of new or amended short-term rental ordinances. This emergency ordinance shall not prohibit the issuance of conditional use permits for short-term rental dwellings to persons who submitted applications for such permits prior to the effective date of this emergency ordinance. Furthermore, the City Manager, or the designee of the City Manager, may issue licenses to those who have already obtained a conditional use permit for short-term rental dwellings.

(Ord. O-30-22, passed 12-20-2022)

§ 158.03 TERM; RENEWAL.

For the reasons set forth above, an emergency is hereby declared to exist and the provisions of this emergency ordinance shall become effective immediately upon its adoption by a vote of 2/3 or more of the legislative body. This emergency ordinance shall terminate and be of no further effect six months from the effective date of this emergency ordinance unless the City Board of Commissioners extends the moratorium or terminates the moratorium. If an extension or termination is approved, the city will publish notice of its adoption.

(Ord. O-30-22, passed 12-20-2022)

§ 158.04 VALIDITY AND SEVERABILITY.

Should any portion of this emergency ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this ordinance.

(Ord. O-30-22, passed 12-20-2022)

§ 158.05 REPEAL.

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

(Ord. O-30-22, passed 12-20-2022)

CHAPTER 159: HISTORIC COVINGTON DESIGN GUIDELINES

Section

159.01 Historic Covington Design Guidelines adopted

§ 159.01 HISTORIC COVINGTON DESIGN GUIDELINES ADOPTED.

The Historic Covington Design Guidelines attached to Ordinance O-04-21, passed 3-9-2021, as Exhibit A, and any amendments thereto, are hereby adopted and incorporated by reference as if fully set forth herein. The Historic Covington Design Guidelines are publicly available in electronic form at:

https://www.covingtonky.gov/government/departments/economic-development/historic-preservation#HistoricPreservationDesignGuidelines

(Ord. O-04-21, passed 3-9-2021)

TABLE OF SPECIAL ORDINANCES

Table

I. STREET CLOSINGS AND VACATIONS

II. COMPREHENSIVE PLAN AMENDMENTS

III. INDUSTRIAL REVENUE BONDS

IV. ACCEPTANCES AND DEDICATIONS

V. ZONING MAP AMENDMENTS

VI. DESIGN GUIDELINES

VII. STREET NAMES

VIII. FRANCHISES

TABLE I: STREET CLOSINGS AND VACATIONS

Ord./Res. No.	*Date Passed*	*Description*
Ord./Res. No.	*Date Passed*	*Description*

2783	5-24-1933	Closing the first alley east of Madison Avenue and extending between Catalpa Street and the first alley north of Holmesdale Court.
3113	6-15-1939	Closing Lynn Street running from the east line of Greenup Street to the west line of Prospect Street.
3172	9-5-1940	Closing a portion of 36th Street between Southern Avenue and Tibbatts Street.
3176	11-20-1940	Closing a portion of Water Street between 16th Street and Pelina Street.
O-24-43	11-10-1943	Closing Gilbert Avenue from the north line of 38th Street and running northwardly a distance of 232 feet.
O-13-46	3-26-1946	Closing and vacating Kellogg Street, being 50 feet wide and running northwardly 200 feet, from the north line of 18th Street.
O-23-46	5-29-1946	Closing and vacation of a 15-foot alley, without name, south of 19th Street, running between Augustine Street and the Louisville and Nashville Railroad Company's right-of- way.
O-40-46	10-10-1946	Closing and vacation of 35th Street from the east line of Caroline Street to the west line of Rogers Street.
O-53-46	12-5-1946	Closing and vacation of a 20-foot alley without a name between 5th and 6th Streets and running westwardly from the first alley west of Bakewell Street, 160 feet north of 6th Street.
O-1-48	1-29-1948	Closing and vacating part of a 10-foot alley lying 220.17 feet east of Washington Street and running between 6th Street and Pike Street.
O-3-48	2-21-1948	Closing and vacating of parts of 2nd Street and various streets and alleys connecting with 2nd Street from Crescent Avenue to Johnson Street and part of Front Street from Johnson Street to Washington Street and various streets and alleys connecting with Front Street.
O-21-48	9-16-1948	Closing East 32nd Street from the east line of Winchester Street in an eastwardly direction to its eastern terminus a distance of 560 feet.
O-3-49	2-10-1949	Closing a 10-foot alley south of 20th Street and running west on Denver Street a distance of 86.37 feet to another 10-foot unimproved alley.
O-21-49	9-15-1949	Closing East 14th Street from the east side of Madison Avenue eastwardly to its terminus which is approximately a distance of 116 feet.
O-25-51	10-11-1951	Closing an unnamed 16-foot wide alley fronting on the south side of Hawthorn Avenue and being the first alley west of Holman Street, and extending south a distance of 115 feet to the north line of the first 16-foot alley south of Hawthorn Street.
O-17-52	- -1952	Closing a 20-foot alley lying 80 feet east of Wheeler Street and running north and south between Bush and 12th Streets.
O-18-52	6-19-1952	Closing a 20-foot alley lying 82.5 feet south of Bush Street and running eastwardly from the above-mentioned north and south 20-foot alley.
O-37-52	- -1952	Closing and vacating part of an unnamed alley 10 feet in width being part of an alley first east of Madison Avenue and being the southerly end of said alley running north and south between 7th and 8th Streets.
O-42-52	12-4-1952	Closing and vacating an unnamed alley 10 feet in width, said alley being first west of and parallel to Main Street and running north and south between 3rd and 4th Streets.
O-22-54	6-4-1954	Closing and vacating part of an unnamed alley 10 feet in width, being part of an alley first west of Eastern Avenue, and extending 100 feet in a southerly direction from Patton Street to another alley running in an east-west direction between Eastern Avenue and Maryland Avenue.
O-24-54	6-18-1954	Closing Kendall Street from 15th Street southwardly to its termination.
O-39-54	9-24-1954	Closing and vacating of a part of the south side of East 2nd Street, 2 feet in width extending 296 feet westwardly from Scott Street.
O-27-55	- -1955	Closing an unnamed 10-foot wide alley lying 100 feet north of 4th Street, running east from Russell Street a distance of approximately 400 feet.
O-32-55	6-3-1955	Closing Lehmer Street from a point 203.12 feet west of the northeast corner of Lehmer Street and Short Main Street, westwardly to its termination.
O-33-56	5-9-1956	Closing 28th Street between the west property line of Birch Avenue and the east property line of Indiana Avenue.

O-45-56	8-15-1956	Closing an alley running north and south between and parallel to Oakland Avenue and Glenway Avenue, from 17th Street south to a 10-foot cross alley.
O-9-57	4-3-1957	Closing an unimproved 10-foot alley, first north of Lewis Street, running east and west between Baker Street and Western Avenue.
O-63-57	12-11-1957	Closing a part of 20th Street in the vicinity of Franklin and Heidel Streets.
O-44-58	10-8-1958	Closing a part of Fraizer Street between 30th Street and the first alley north of same.
O-20-59	4-1-1959	Closing all that portion of Division Street as it now exists as a 29-foot right-of- way running north and south between High and David Streets.
O-27-59	- -1959	Closing the south 10 feet of Lot 1 of Von Hoene and Overman Subdivision that was formerly used as an alley, facing on the west line of Lee Street at a point about 112.1 feet south of Pike Street.
O-47-59	10-21-1959	Closing all that portion of 25th Street as it now exists as a 50-foot right-of-way lying west of Madison Avenue, and running in a general eastwardly and westwardly direction between Madison Avenue and the east right-of-way line of property owned by the Louisville and Nashville Railway Company.
O-42-60	- -1960	Closing a 15-foot alley first west of Latonia Avenue, running north and south between 32nd and 33rd Streets.
O-18-61	4-12-1961	Closing a 10-foot alley running northwardly from Byrd Street and east of Greenup Street.
O-27-61	6-7-1961	Closing a part of Laurel Street abutting the access highway, lying between the access highway and a 10-foot alley east of Baker Street.
O-33-61	- -1961	Closing the 10-foot alley first north of Byrd Street from the west line of Kendall Street to the east line of the first alley east of Garrard Street; and reserving an easement for any existing and future sewer facilities in said alley.
O-8-62	2-15-1962	Closing a portion of a 16-foot alley running east and west between 2nd Street and 3rd Street from the east property line of Garrard Street to the west property line of the first 16-foot alley east of Garrard Street.
O- -62	9-6-1962	Closing that portion of a 16-foot alley running east and west between 3rd and 4th Streets from Scott Street to the first alley west of Scott Street.
O-51-62	- -1962	Closing a 10-foot alley located at the northeast corner of 3rd Street and the first 10-foot alley running north and south first east of Main Street.
O-42-63	8-15-1963	Closing a portion of a 10-foot alley between Russell Street and the C. & O. Railway tracks south of 15th Street and being the first alley east of Russell Street from a point 125 feet south of 15th Street southwardly to the end of said alley.
O-61-63	- -1963	Closing a portion of a 10-foot alley first east of Garrard Street, running southwardly from 15th Street to its termination, a distance of approximately 279 feet.
O-63-63	- -1963	Closing a portion of a 10-foot alley first east of Garrard Street, running northwardly from Patton Street to its termination, a distance of approximately 128 feet.
O-47-64	8-20-1964	Closing 38th Street bounded by the east right-of-way line of the Louisville and Nashville Railroad Company and the extension of the east property line of a one acre tract of ground owned by the Beatrice Food's Company.
O-48-64	8-13-1964	Closing a 10-foot alley located at the northeast corner of 4th Street and the first 10-foot alley west of Johnson Street running north and south between 4th and Stewart Streets.
O-50-64	9-19-1964	Closing Sehon Alley located on the north side of West 30th Street between houses numbered 8 and 10.
O-1-65	1-14-1965	Closing a portion of a 16-foot east and west alley between 3rd and 4th Streets and lying between Madison Avenue and the north and south alley between Madison Avenue and Scott Street.

O-3-65	1-28-1965	Repealing and rescinding § 2 of Ord. O-1-65, passed 1-14-1965; which section reserved an easement on the alley closed and vacated as described in said Ord. O-1-65.
O-5-65	1-28-1965	Closing a portion of Denver Street between the southerly line of 20th Street and the northerly line of 21st Street.
O-10-65	2-25-1965	Closing the streets and alleys in Area “C” in the I.R.S. Urban Renewal Project.
O-43-65	- -1965	Closing the 16-foot north and south alley between Greenup and Garrard Streets from the southerly line of Riverside Drive to the northerly line of the first east and west 16-foot alley.
O-44-65	6-24-1965	Closing the 10-foot alley first east of Jackson Street running northwardly from Barry Street.
O-47-65	7-15-1965	Closing a portion of the 10-foot alley first east of Main Street running southwardly from 3rd Street.
O-50-65	7-29-1965	Closing Winchester Street from 28th Street to 30th Street.
O-25-66	- -1966	Closing the 10-foot north and south alley west of Main Street, running between 4th Street and 5th Street.
O-35-66	5-19-1966	Closing a portion of the 20-foot alley running north and south between East 7th and East 8th Streets.
O-62-66	10-7-1966	Closing the 10-foot and 16-foot alleys running westwardly from Greenup Street between 7th and 8th Streets.
O-2-67	1-12-1967	Closing a portion of the 10-foot alley first east of Maryland Avenue running southwardly from Byrd Street 128 feet to a point in the city.
O-11-67	2-23-1967	Closing the south 600 feet of Lawson Street.
O-24-67	4-20-1967	Closing a portion of Carlisle Street between 32nd and 33rd Streets.
O-69-67	8-17-1967	Closing 50 feet by 80 feet of an unnamed, unimproved street, being lot 47 of Wolking’s Subdivision. (Repealed by Ord. O-36-98, passed 9-29-1998.)
O-7-68	1-25-1968	Closing a portion of 7th Street between the westerly line of Crescent Avenue and the easterly lane of Western Avenue.
O-44-68	8-8-1968	Closing a portion of Philadelphia Street in the Westside Urban Renewal Project Ky. R-54.
O-45-68	8-8-1968	Closing a portion of Beech Court in the Westside Urban Renewal Project Ky. R-54.
O-49-68	9-5-1968	Closing a portion of Berry Street beginning at the northerly line of Berry Street east of Jackson Street.
O-57-68	- -1968	Closing a 16-foot alley first east of Garrard Street running southwardly from 7th Street to the Covington Flood Protection right-of- way.
O-67-68	11-14-1968	Closing various streets and alleys in the Franklin Street Urban Renewal Area.
O-71-68	12-19-1968	Closing a portion of Beech Court in the Westside Urban Renewal Project Ky. R-54.
O-3-69	1-23-1969	Closing the most westerly 11 feet of Washington Street from Pike Street southwardly to 8th Street.
O-10-69	2-13-1969	Closing Lehmer Street from Main Street westwardly 203.12 feet to the east line of that portion of Lehmer Street closed by Ord. O-32-55.
O-52-69	8-21-1969	Closing various alleys in the Westside Industrial Urban Renewal Project No. Ky. R-54 in the city.
O-76-69	12-18-1969	Closing that portion of Lynn Street and a 16-foot alley located within the Lynn Street Urban renewal Project Ky. R-76.
O-36-70	6-25-1970	Closing the most westerly 382.50 feet of Elm Street.
O-41-70	-13-1970	Closing the most northerly 32 feet, more or less, of the first alley east of Church Street, running north and south between 35th and 36th Streets.
O-53-70	12-10-1970	Closing a certain plotted public way of the west side of Winston Avenue, south of 40th Street.
O-3-71	- -1971	Closing the most westerly 200 feet of the first alley north of 4th Street running east and west between Philadelphia Street and Bakewell Street.

O-5-71	1-14-1971	Closing all that portion of Main Street located between 3rd Street and 4th Street.
O-6-71	1-28-1971	Closing the remaining 212.50 feet of Elm Street.
O-9-71	2-18-1971	Closing the alleys in the Library Urban Renewal Project No. CUR-3 in the city.
O-12-71	2-25-1971	Closing all that portion of the first 10-foot alley east of Main Street between Covington Avenue and 4th Street.
O-38-71	6-10-1971	Closing the most westerly 162 feet of Park Drive.
O-49-71	8-12-1971	Closing the first 10- foot alley west of Kavanaugh Street.
O-53-71	9-9-1971	Closing all the public rights-of-way which lie between the north line of 40th Street, the south line of 39th Street, the west line of Huntington Avenue and the east line of Park Avenue.
O-8-72	- -1972	Closing all that portion of the 10-foot alley between Oliver and Patton Streets running west from Oakland Avenue to the first 10-foot alley running north and south between Oliver and Patton Streets.
O-28-72	4-13-1972	Closing that unimproved portion of Winchester Avenue and 32nd Street between the first alley north of 33rd Street and east of the L & N right-of-way.
O-33-72	6-1-1972	Repealing and rescinding Ord. O-28-72 concerning the closing of that unimproved portion of Winchester Avenue and 32nd Street between the first alley north of 33rd Street and east of the L & N right-of- way.
O-38-73	5-3-1973	Closing that portion of Old Highland Pike as shown on original plat 812 of the Kenton County Records.
O-40-72	7-6-1972	Closing a 10-foot right-of-way running east and west between 4th Street and Short Elm and Bakewell and Philadelphia Street.
O-53-72	9-14-1972	Closing all the public rights-of-way which lie between the north line of 3rd Street, the south line of the Covington Flood Protection Works, the west line of Bakewell Street, and the east line of the vacated section of Philadelphia Street between 3rd Street and the Covington Flood Protection Works.
O-3-73	- -1973	Closing the first 10- foot alley east of Garrard Street running north and south between 20th Street and 21st Street.
O-106-73	- -1973	Closing a portion of the first 10-foot alley west of Main Street and south of 5th Street.
O-110-73	10-18-1973	Connecting Prospect Street between 9th Street and Saratoga Street and closing all that portion of Garrard Street between 8th Street and Saratoga Street.
O-111-73	10-18-1973	Closing all that portion of Saratoga Street between Greenup Street and the Covington Flood Protection Works west right-of-way line.
O-115-73	11-1-1973	Closing all that portion of Madison Avenue between 2nd Street and the south right-of-way line of the Covington Flood Protection Works.
O-116-73	- -1973	Closing the alley running north and south between 9th Street and Saratoga Street and parallel to Scott Street and Greenup Street.
O-122-73	- -1973	Closing Stewart Alley.
O-135-73	12-27-1973	Closing Summit Drive between Glen Avenue and Myrtle Avenue.
O-44-74	- -1974	Closing the alley running north and south between Southern Avenue and Inez Avenue.
O-48-74	5-9-1974	Closing all that portion of Wolking Avenue between Carroll Street and Glen Avenue as shown on original plat 502-A.
O-49-74	5-9-1974	Closing Glenn Avenue from 45th Street to Wolking Avenue.
O-59-74	- -1974	Closing the first alley west of Madison Avenue running north from 9th Street to the first east-west intersecting alley.
O-65-74	6-20-1974	Closing a 15-foot alley running north from 35th Street and east to Rogers Street.
O-82-74	8-15-1974	Closing all of the alleys and all of Stewart Street.
O-85-74	8-29-1974	Closing a portion of Sunset Court.
O-7-75	2-6-1975	Closing Park Roads “D”, “E”, “F”, “G” and “H”.

O-55-75	10-2-1975	Closing that portion of 20th Street between Eastern Avenue and Maryland Avenue.
O-56-75	- -1975	Closing all that portion of the first 16-foot alley running north and south from 20th Street to another alley first west of Eastern Avenue.
R-128-75	3-20-1975	Authorizing and directing the Legal Department to dismiss Kenton Circuit Court action No. 27950 (Devou Park Road closings).
O-4-76	- -1976	Closing a certain 10- foot alley lying between Euclid Avenue and Holman Street, north of 19th Street.
O-22-76	3-4-1976	Closing a portion of Covington Avenue.
O-29-76	4-15-1976	Closing the most southerly portion of the first alley running north and south, west of Philadelphia Street and south of 6th Street, as shown on the plat of Goebel Subdivision No. 263 of the County Clerk's records.
O-32-76	4-29-1976	Closing that portion of Altamont running north and south between John Street and the first alley north of John Street.
O-44-76	6-10-1976	Closing Gorge Road between Wright Street and the west line of lot 29 extended of Covington Heights second subdivisions.
O-57-76	- -1976	Closing a portion of the first alley west of Jefferson Avenue running north from Highland Avenue.
O-69-76	- -1976	Closing all that part of the first alley south of Patton Street, running west from Eastern Avenue to the first alley west of Eastern Avenue.
O-82-76	9-9-1976	Amending and reenacting Ord. O-32-76, so as to provide for a correction to close that part of Altamont Street, running north and south between John Street and the first alley south of John Street.
O-105-76	- -1976	Closing all that portion of the first alley east of Greenup Street, running north from East 24th Street to a cross alley in the city.
O-20-77	2-24-1977	Amending and reenacting Ord. O-32-76, so as to provide for a correction to close that portion of Altamont Street, running north and south between John Street and the first alley south of John Street.
O-85-77	6-30-1977	Closing 50 feet by 88 feet of unimproved 46th Street. (Repealed by Ord. O-36-98, passed 9-29-1998.)
R-352-77	7-14-1977	Establishing a charge of $200 for court costs and city services for processing closings of rights-of-way within the city.
O-31-78	- -1978	Closing the first 10- foot alley east of Garrard Street running south from 15th Street.
O-34-78	4-27-1978	Closing all that portion of 24th Street east of Herman Street to the L & N railroad property.
O-80-79	- -1979	Closing portions of public alleys in the city west of Main Street and south of 5th Street in Block 24 of Chester and Mansfield's Subdivision as shown on Copied and Restored Plat No. 356 of the County Clerk's records.
O-81-79	7-12-1979	Closing a portion of 50-foot wide Bakewell Street south of 5th Street in the Chester and Mansfield's Subdivision.
O-82-79	- -1979	Closing a portion of the first 10-foot wide alley west of Bakewell Street and south of 5th Street in Block 25 of Chester and Mansfield's Subdivision as shown on Copied and Restored Plat No. 356 of the County Clerk's records.
O-34-80	- -1980	Closing a portion of 16-foot wide Neave Alley.
O-48-80	7-22-1980	Closing portions of Blue Grass Boulevard, Steffen Court and Paddock Drive in the Sunnyside Subdivision.
O-32-81	5-19-1981	Closing Summit Drive between Glen Avenue and Myrtle Avenue.
O-39-81	6-2-1981	Closing all that portion of the east- west alley lying between Wood Street and a 10-foot alley just west of Wood Street, said alley being the first alley south of 23rd Street.
O-44-81	6-30-1981	Closing a 16-foot alley south of Second Street between Kennedy Street and the first alley west of Kennedy Street, and closing all that portion of Kennedy Street from 3rd Street, northwardly to the first 16 foot alley north of 3rd Street. (Amended by Ord. O-33-98, passed 8-4-1998, to delete closing of Kennedy Street.)
O-63-81	8-11-1981	Closing a portion of 50-foot wide East 2nd Street at its intersection with Shelby Street.

O-64-81	8-11-1981	Closing the north 184 feet of the first 10- foot alley located 90 feet east of and parallel to Philadelphia Street, and closing all that portion of the first east-west alley located east of Philadelphia Street and parallel to and 160 feet south of 5th Street; said alleys being located in the block presently occupied by the Third District School.
O-70-81	9-8-1981	Closing all that portion of Elmwood Street between Vermont and Michigan and reserving the city's easement for sewer purposes.
O-87-81	12-8-1981	Closing a 12-foot alley located on the east side of part of lot 80 of the R. Wallace Subdivision, east of Sterrett Avenue.
O-30-82	4-27-1982	Closing the north- south 10-foot alley first west of Johnson Street, running from 5th Street to the south line of the east- west 20-foot alley, and closing the first 20-foot alley north of 5th Street, running west of Johnson Street to the east line of the first 10-foot alley west of Johnson Street.
O-43-82	7-20-1982	Closing all those portions of the north- south alleys which run northwardly from the east-west alley between Philadelphia Street and Bakewell Street to 4th Street as shown on Plat 116 of the Johnson and Bakewell Subdivision in the County Clerk's office.
O-60-82	9-28-1982	Closing all that portion of Cone Street lying between Parkway Avenue and West Spring Street (formerly Taylor).
O-61-82	9-28-1982	Closing all that portion of the 15-foot alley known as Wilkes Alley between Daniels Street and Frazier Street.
O-82-82	11-16-1982	Closing all that portion of the east- west alley between Riverside Drive and 2nd Street running east form Greenup Street to the first alley east of Greenup Street.
O-83-82	11-30-1982	Closing all that portion of Riverside Drive between the east line of Greenup Street and the east line of the first alley east of Greenup Street, as vacated by Circuit Court Action 14022.
O-26-83	5-17-1983	Closing of 1.6-foot strip along south line of 11th Street adjacent to property owned by Glier's Meats.
O-27-83	5-17-1983	Closing that portion of the first alley west of Jefferson Avenue running north from Highland Avenue.
O-31-83	5-31-1983	Closing that portion of Chesapeake Alley running northwardly 85 feet from 11th Street between 110 West 11th Street and 112 West 11th Street.
O-49-83	9-20-1983	Closing that unimproved portion of Caroline Street from the south line of 30th Street to a point 60 feet south of the south line of 30th Street.
O-45-84	7-24-1984	Closing a portion of the 10-foot alley lying 105 feet north of 17th Street and 101 feet west of Maryland Avenue.
O-70-84	11-13-1984	Closing that portion of a 20-foot alley lying 80 feet east of Wheeler Street and running north and south between Bush Street and 12th Street; also closing that portion of a 20-foot alley lying 82.5 feet south of Bush Street and running eastwardly from the above- mentioned alley.
O-3-85	2-5-1985	Closing that portion of an alley running north and south between Daniels Street and Union Street east of Decoursey Avenue.
O-21-85	4-16-1985	Closing that portion of a 20-foot east-west alley known as Short Pershing running east and west between 6th and 7th Streets, and Main and Bakewell Streets.
O-33-85	6-11-1985	Closing a 16-foot portion of the public right-of-way on the north side of Park Place between Scott Street and Court Street.
O-34-85	6-11-1985	Closing a 5.5-foot portion of the public right-of-way on the east side of Scott Street between 3rd Street and Park Place.
O-35-85	6-11-1985	Amending the legal description of the portion of the alley described in Ord. O-3-85, passed 2-5-1985.
O-47-85	7-16-1985	Closing that portion of the east-west 10-foot alley between Wheeler Street and Maryland Avenue.
O-57-85	8-13-1985	Temporary closing for 90 days of Saratoga Alley running east and west between Madison Avenue and Washington Street, subject to automatic renewal.
O-86-85	12-3-1985	Closing all that portion of 28th Street between Rosina and Indiana Avenue.

O-87-85	12-17-1985	Closing all that portion of Winchester Street between the alley south of 32nd Street and 32nd Street.
O-54-86	9-2-1986	Closing all that portion of Montclair Street between Reid Street and West Street.
O-64-86	10-9-1986	Closing all that portion of Gorge Road between the intersection of John and Oakes Streets and the southerly line of Lot 26 of Covington Heights Second Subdivision.
O-65-86	10-9-1986	Closing all the original Oakes Street, lying between the intersection of Gorge Road and John Street and the intersection of 2nd, Spring and Wright Streets.
O-78-86	11-18-1986	Closing all that portion of 6th Street lying between the east line of Crescent Avenue and the west line of the I-75 right- of-way.
O-26-87	4-28-1987	Amending Ord. O-54-86 which closed all that portion of Montclair Street between Reid Street and West Street to correct the description of that portion of the street to be closed.
O-28-87	4-28-1987	Closing all that portion of Quarry Street lying between the east line of Benton Road and the west line of Franklin Street.
O-52-87	9-1-1987	Closing a one-foot strip of 19th Street at Benton Road.
O-53-87	9-1-1987	Closing all that portion of Wood Alley between 11th Street and 12th Street and a portion of Bush Alley between Wood Alley and Scott Boulevard.
O-60-87	9-29-1987	Closing a portion of the first north-south alley east of Madison Avenue lying between Robbins Street and Lynn Street.
O-61-87	10-13-1987	Closing all that portion of Durrett Street lying between Eastern Avenue and Maryland Avenue.
O-74-87	11-24-1987	Closing all that portion of 3rd Street lying 44 feet east of the first alley east of Garrard Street to its easterly terminus. (Repealed by Ord. O-32-98, passed 5-11-1999.)
O-81-87	1-12-1988	Closing all that portion of the north- south 10-foot alley lying between Oliver Street and the east- west 10-foot alley between Eastern Avenue and Maryland Avenue.
O-2-88	1-26-1988	Closing all those alleys and/or streets as shown on Plat 242 of the County Clerk's records, bounded on the east by the Suspension Bridge right-of-way, on the north by the low- water mark of the Ohio River, on the west by the middle of the right-of-way of Washington Street as shown on the above- mentioned plats and on the south by the north line of Second Street.
O-16-88	3-22-1988	Closing all those alleys bounded by Fourth Street on the north, Philadelphia Street on the west, Fifth Street on the south and Bakewell Street on the east.
O-17-88	3-22-1988	Closing a 110-foot portion of Ridgeway Avenue north of Forest Avenue.
O-27-88	4-7-1988	Closing all those public rights-of-way located within the geographical area known as "Pointe Benton" (the Franklin Street Project).
O-33-88	5-17-1988	Ord. O-2-88, which authorized the closing of all those alleys and/or streets as shown on Plat 242 of the County Clerk's records, is hereby amended to include in the description all those alleys and/or streets as shown on Plat 44 that lie within the above boundaries.
O-34-88	5-31-1988	Closing the south 85 feet of the north- south alley between 2nd Street and 3rd Street, east of Garrard Street.
O-44-88	7-5-1988	Closing all those alleys and/or streets bounded generally by Latonia Avenue, 35th Street and the CSX Railroad.
O-50-88	7-18-1988	Ord. O-34-88 is hereby amended to provide that the closing of said alley shall begin approximately 12 feet north of the southern property line of 322 East 3rd Street and extending northerly to the northern boundary of 316 East 2nd Street.
O-73-88	8-24-1988	Ord. O-50-88 is hereby amended so that closure will begin approximately 12 feet north of the southern property line of 322 East 3rd Street and extend northerly to the northern boundary of 316 East 3rd Street.
O-96-88	1-3-1989	Closing the last 25 feet of the northeast end of View Street.

O-34-89	6-6-1989	Closing a portion of the first east-west alley south of 12th Street and running between Russell Street and Banklick Street.
O-46-89	7-12-1989	Ord. O-34-89, which closed a portion of the first east-west alley south of 12th Street and running between Russell Street and Banklick Street in the city is hereby amended to correct the description of that portion of the alley to be closed.
O-60-89	9-19-1989	Closing all that portion of Chesapeake Alley running north and south between West 10th Street and West 9th Street, 190 feet east of Russell Street, and closing all that portion of the east- west alley between West 9th Street and West 10th Street running east from the above mentioned alley to the railroad property.
O-38-90	8-7-1990	Closing all that portion of Lookout Street lying between Western Avenue and Wright Street.
O-39-90	8-7-1990	Closing approximately 100 feet of Hathaway Court running east of View Street.
O-44-90	9-18-1990	Closing the unimproved 7,363 square feet of Ridge Street lying between Spring Street and John Street.
O-62-90	12-11-1990	Closing 230 feet of the alley first north of Oliver Street running east-west between Eastern Avenue and Oakland Avenue.
O-6-91	3-5-1991	Closing portions of the east-west alley and the first north- south alley west of Main Street bounded generally by 4th Street, 5th Street, Main Street and Bakewell Street.
O-7-91	3-5-1991	Closing that portion of unimproved Shelby Street lying between 3rd Street and Kennedy Street.
O-13-91	4-16-1991	Closing an approximately 163.65-foot section of Lawson Street.
O-14-91	4-16-1991	Closing McNabb Court, Bridget Avenue, Pat Court and a portion of Boots Drive in the Ridgeport subdivision.
O-31-91	7-2-1991	Closing all that portion of unimproved 30th Street lying between Rogers Street and Caroline Street.
O-54-91	9-3-1991	Closing a portion of the east-west alley contiguous to the property known as 1318 Russell Street and a portion of the north-south alley contiguous to 1318 Russell Street.
O-56-91	9-17-1991	Closing a portion of Chesapeake Street/Alley between 13th and 14th Streets and east of and running parallel to Russell Street.
O-59-91	10-1-1991	Closing the south 25-foot portion of 17th Street between Madison Avenue and Washington Street.
O-60-91	10-15-1991	Closing a portion of Division Street between Forest Avenue and the south end of Division Street.
O-61-91	10-15-1991	Closing a portion of River Road.
O-65-91	10-29-1991	Closing a portion of an 8-foot alley running northwardly from the east-west alley running east from Russell Street between 13th and 14th Streets.
O-66-91	11-12-1991	Closing the first north-south 10-foot alley west of Carlisle Avenue running between 32nd and 33rd Streets.
O-5-92	2-25-1992	Closing a 200-foot portion of a 10-foot alley just north of 7th Street between Madison Avenue and Scott Street as shown on Foote's Subdivision Plat 85.
O-49-92	12-8-1992	Closing the east-west alley south of 20th Street between Madison Avenue and Pearl Street as shown on the Wolf and Company Subdivision Plat.
O-12-93	3-23-1993	Closing a portion of the north-south alley between 13th Street and Pleasant Street as shown on the Western Baptist Theological First Subdivision Plat 349, Group 2599. (Repealed by Ord. O-3-95, passed 1-17-1995.)
O-14-93	4-20-1993	Closing the first east- west alley south of 5th Street and east of Montgomery Street as shown on the Gibson and Easton Subdivision Plat 138.
O-16-93	5-4-1993	Closing a north-south alley west of Madison Avenue and between West 11th Street and Robbins Street as shown on College Square Subdivision Plat 350.

O-23-93	6-29-1993	Closing Bracken Court from Robbins Street to its end as indicated on Plats C&R 350 and C&R 328.
O-30-93	8-10-1993	Closing the east-west alley north of East 33rd Street between Union and Frazier Streets.
O-33-93	9-7-1993	Closing the vehicular railroad crossing at East 32nd Street subject to conditions.
O-38-93	9-27-1993	Closing the first alley south of Patton Street running west from Eastern Avenue to the first alley west of Eastern Avenue.
O-41-93	10-26-1993	Closing all of the unimproved portion of Shelby Street lying between Second Street and Kennedy Street. (Repealed by Ord. O-26-95, passed 6-8-1995.)
O-42-93	10-26-1993	Closing all alleys lying in Block 13 of Johnson and Bakewell Subdivision.
O-43-93	11-9-1993	Closing the east-west alley between 11th and 12th Streets running east from Russell Street to the first north-south alley east of Russell Street.
O-2-94	2-1-1994	Closing all of Durrett Street between Eastern Avenue and Garrard Street.
O-14-94	5-10-1994	Closing the 8-foot north-south alley running between Robbins Street and Lynn Street and between Madison Avenue and Scott Street.
O-15-94	5-10-1994	Closing 190 feet of the north-south alley west of Madison and between West 11th and West Robbins.
O-32-94	8-23-1994	Closing a portion of the alley running between Greenup and Garrard Streets and perpendicular to 17th Street. (Repealed by Ord. O-43-95, passed 8-8-1995.)
O-44-94	3-14-1995	Closing a portion of Ninth Street lying between Holman and Banklick Streets. (Repealed by Ord. O-38-95, passed 6-29-1995.)
O-3-95	1-17-1995	Closing a portion of the north-south alley lying between 13th and Pleasant Streets and Greenup and Garrard Streets and repealing Ord. O-12-93. (Repealed by Ord. O-44-95, passed 8-8-1995.)
O-16-95	4-25-1995	Closing a north-south alley at the rear of Hermes Avenue. (Repealed by Ord. O-45-95, passed 8-8-1995.)
O-21-95	5-16-1995	Closing a north-south alley east of Baker Street and south of Laurel Street. (Repealed by Ord. O-46-95, passed 8-8-1995.)
O-26-95	6-8-1995	Closing the unimproved portion of Shelby Street lying between 2nd and Kennedy Streets and repealing Ord. O-41-93. (Repealed by Ord. O-47-95, passed 8-8-1995.)
O-38-95	6-29-1995	Closing a portion of 9th Street lying between Holman and Banklick Streets and repealing Ord. O-44-94.
O-43-95	8-8-1995	Closing a portion of an alley running perpendicular to 17th Street and lying between Greenup and Garrard Street and repealing Ord. O-32-94.
O-44-95	8-8-1995	Closing a portion of the north-south alley lying between 13th and Pleasant Streets and between Greenup and Garrard Streets and repealing Ord. O-3-95.
O-45-95	8-8-1995	Closing a north-south alley at the rear of Hermes Avenue lying between 1302 and 1304 Hermes Avenue and repealing Ord. O-16-95.
O-46-95	8-8-1995	Closing a north-south alley east of Baker Street and south of Laurel Street and repealing Ord. O-21-95.
O-47-95	8-8-1995	Closing unimproved Shelby Street lying between Second and Kennedy Streets and repealing Ordinance O-26-95. (Repealed by Ord. O-34-98, passed 5-11-1999.)
O-48-95	8-22-1995	Closing a portion of the north-south alley on the north side of Hawthorne Street and west of Holman Street.
O-66-95	11-8-1995	Closing those portions of Old Crescent Avenue and 2nd Street east of the east right-of-way line of New Crescent Avenue, north of 3rd Street and south of the Covington flood wall.
O-68-95	12-12-1995	Closing portions of the east-west alley and the first north- south alley west of Main Street bounded generally by 4th Street, 5th Street, Main Street and Bakewell Street.

O-74-95	12-28-1995	Closing the first east- west alley south of 2nd Street between Madison Avenue and Washington Street immediately adjacent to the Convention Center site.
O-1-96	1-23-1996	Closing the portion of Livingston Street east of Freeman Street.
O-4-96	2-20-1996	Closing a 10-foot wide sidewalk easement at the end of Berseem Court.
O-15-96	4-30-1996	Amending Ord. O-1-96 to correct legal description.
O-19-96	5-29-1996	Closing the unimproved 50-foot wide street located between 2611 Madison Avenue and 1 Madison Court.
O-26-96	6-26-1996	Closing the north- south 16-foot wide right-of-way located between Scott Boulevard, Madison Avenue, 3rd Street and the first east-west alley south of Rivercenter Boulevard.
O-39-96	9-17-1996	Amending Ord. O-47-95 to correct names of the property owners. (Repealed by Ord. O-34-98, passed 5-11-1999.)
O-46-96	11-26-1996	Closing the east-west alley located between Scott Boulevard and Madison Avenue, north of 3rd Street and south of Rivercenter Boulevard.
O-2-97	2-18-1997	Closing the most easterly 127 feet of Riedlin Avenue.
O-13-97	6-10-1997	Closing the most northerly portion of the first north-south alley west of Main Street bounded by 4th Street, 5th Street, Main Street and Bakewell Street.
O-35-97	10-28-1997	Closing that portion of Clinton Court lying west of the first alley west of Madison Avenue between 5th and 6th Streets.
O-37-97	12-09-1997	Closing all of the east-west alley located between Park Avenue and Myrtle Avenue just south of Summit Drive as shown on Plat 35 of Dinmore Park Subdivision.
O-42-97	12-23-1997	Closing all that portion of Altamont Road south of Forest Avenue to the terminus of Altamont Road.
O-33-98	8-4-1998	Closing all that portion of Kennedy Street from 3rd Street, northwardly to the first 16-foot alley north of 3rd Street.
O-36-98	9-29-1998	Closing 50 feet by 87 feet of unimproved 46th Street.
O-46-98	10-27-1998	Closing the first alley west of Church Street between Decoursey and 38th Street, and the east-west alley first north of 38th Street between Winston and Church Streets.
O-56-98	1-5-1999	Closing that portion of Maryland Avenue running between 18th and 19th Streets.
O-32-98	5-11-1999	Closing all that portion of 3rd Street lying 44 feet east of the first alley east of Garrard Street and repealing Ord. O-74-87.
O-34-98	5-11-1999	Closing all that portion of unimproved Shelby Street lying between 2nd Street and Kennedy Street and repealing Ord. O-26-95, O-47-95 and O-39-96.
O-35-98	5-11-1999	Closing all that portion of Kennedy Street from 3rd Street northwardly to the first 16-foot alley north of 3rd Street.
O-42-99	12-7-1999	Closing a portion of Fayette Street and a portion of the east- west alley just north of Eastern Avenue and west of Greenup Street.
O-14-00	5-16-2000	Closing the 10-foot east-west alley lying between 3718 and 3720 Park Avenue.
O-42-00	8-22-2000	Closing the east-west alley running from Greenup Street to the first north-south alley west of Garrard Street between 2nd and 3rd Streets.
O-6-02	2-9-2002	Closing the east-west alley running from Scott Street/Boulevard to the Suspension Bridge Yoke (Old Court Street) between 2nd Street, now Rivercenter Boulevard, and 3rd Street.
O-12-02	3-5-2002	Closing that portion of Ridgeway Avenue running from John Street to the 15-foot alley running parallel to John Street and Forest Avenue.
O-21-02	4-23-2002	Closing the east 4- foot portion of the north-south alley running south from 5th Street to the first 10-foot alley south of 5th Street between Madison and Scott Streets.
O-15-03	4-1-2003	Repealing Ord. O-36- 98, which closed a portion of unimproved 46th Street.

O-16-03	4-1-2003	Repealing Ord. O-2- 94, which closed that portion of Durrett Street between Eastern Avenue and Garrard Street.
O-48-03	8-19-2003	Closing the public right-of-way know as C Street.
O-66-04	12-7-2004	Closing the north- south alley lying between 416 West Sixth Street and 418 West Sixth Street.
O-48-06	10-17-2006	Closing the remaining portions of River Road that cross property now owned by William and Valerie Ashmore.
O-51-06	11-14-2006	Closing an unimproved street on property owned by the city located west of Southgate Street within the proposed “The Views” development area.
O-59-06	12-12-2006	Vacating a portion of Banklick Street adjacent to the Pulse Development.
O-60-06	12-12-2006	Closing an unimproved portion of Gorge Road North of a previously closed section situated within 1111 River Hill Drive and West of Wright Street.
O-38-07	9-11-2007	Closing two unnamed alleys near Anns Lane, a portion of Anns Lane, a portion of Monroe Street, a portion of Jefferson Street, a portion of Lexington State Road, a portion of Hermes Avenue, an unnamed street near Lexington State Road, a portion of Linden Street, a portion of Monterey Street, a portion of Bullock Street, a portion of an unnamed alley near Bullock Street and a portion of Euclid Avenue.
O-54-07	11-27-2007	Closing portion of Monroe Street and portion of Euclid Avenue.
O-1-08	1-8-2008	Closing a portion of Southgate Street adjacent to property owned by City View Village, LLC, located on the south side of “The Views” development area.
O-16-08	6-17-2008	Vacating portions of streets associated with the St. Elizabeth Medical Center Complex.
O-11-12	6-12-2012	Vacating a portion of Bush Street between Madison Avenue and the alley running from West 11th Street south to Martin Luther King, Jr. Boulevard.
O-33-12	10-23-2012	Vacating a portion of the street formerly known as Main Street between 13th Street and Watkins Street, an area commonly known as Hellmann’s End. (Repealed and replaced by Ord. O- 50-12.)
O-34-12	10-23-2012	Vacating all of the streets in the City Heights development, except that portion of Benton Road that extends from Monte Lane to the northeast corner of the property commonly known as 2601 Benton Road.
O-41-12	11-27-2012	Vacating and closing the first 140 feet of an alley that runs south from East 24th Street between 119 and 123 East 24th Street.
O-50-12	12-4-2012	Repealing Ord. O-33-12, and replacing it with this ordinance vacating a portion of the street formerly known as Main Street between 13th Street and Watkins Street, an area commonly referred to as Hellmann’s End.
O-2-13	2-12-2013	Vacating a tract of public right-of-way located at the northwest corner of the intersection of Holman Street and Berry Street and abutting 304 Berry Street.
O-16-13	5-21-2013	Repealing Ord. O-41-12 and replacing it with this ordinance vacating the first 140 feet of an alley that runs south from East 24th Street between 119 and 123 East 24th Street.
O-27-15	8-18-2015	Vacating a 16-foot wide alley referenced as Parcel C, located in the Roebling Pointe parking lot, between Roebling Way and Greenup Street.
O-13-16	6-27-2016	Closing a portion of the 10-foot wide alley located to the west of the city-owned parking lot at 20-30 West 8th Street.
O-06-17	3-14-2017	Closing a portion of the right-of-way located to the east of the parking lot at 102 West 8th Street.
O-22-18	6-26-2018	Vacating a portion of the Washington Street right-of-way and vacating an unnamed alley running north of West 8th Street and 203 feet south of West 7th Street.
O-10-19	4-23-2019	Vacating a portion of Audubon Road that is no longer a right-of- way due to the construction of the Devou Golf and Event Center.
O-12-19	5-14-2019	Vacating a portion of New Amsterdam Road.

O-23-19	7-23-2019	Closing a portion of the first alley east of and running parallel to Bakewell Street.
O-28-20	12-15-2020	Closing a portion of the alley commonly known as the “YMCA Alley” east of Madison Avenue.
O-12-22	7-19-2022	Vacating a portion of the Monterey Street right of way and a portion of the unnamed alley south of Fourteenth Street and north of Monterey Street.
O-02-24	1-23-2024	Closing a portion of the first unimproved ten-foot-wide alley east of Greenup Street and perpendicular to 15th Street East.
O-13-2025	8-12-2025	Vacating a portion of Washington Street in the Covington Central Riverfront Site.

TABLE II: COMPREHENSIVE PLAN AMENDMENTS

Ord./Res. No.	***Date Passed***	***Description***
Ord./Res. No.	***Date Passed***	***Description***
O-79-82	11-16-1982	Comprehensive Plan land use element changed from Highway Commercial One (HC-1) to General Commercial Two (C-2) in the vicinity of the Suspension Bridge, East 3rd Street, Washington Avenue and the flood wall right-of-way.
O-84-82	11-30-1982	Comprehensive Plan land use element changed from Commercial General Concentration to Multi-Family Residential in the vicinity of 8th Street to 7th Street on the west side of Greenup Street.
O-61-83	1-17-1984	Comprehensive Plan land use element changed from Multi- Family Residential (R-2b) to Highway Commercial Two (HC-2) on the northeasterly side of Western Avenue.
O-62-83	1-17-1984	The Westside Urban Renewal Plan, Ky. R-54, amended from Multi-Family Residential (R-2b) to Highway Commercial Two (HC-2) on a portion of the plan for property located on Crescent Avenue between 3rd and 4th Streets.
O-20-84	3-27-1984	Comprehensive Plan land use element changed from Single- Family Residential (R-1C) to Industrial Park (IP) in the vicinity of Holdsbranch Road and Madison Pike.
O-32-84	6-5-1984	Comprehensive Plan land use element changed from Single- Family Residential (R-IG) to Low- Density Residential (R-3) in the vicinity of East 12th Street, Prospect, East 11th and flood wall R/W.
O-64-84	10-2-1984	(1) Comprehensive Plan land use element changed from Special Function Commercial Other Specialized Services to Special Function Commercial Highway Interchange at the northeast corner of 5th and Philadelphia Streets.
		(2) Comprehensive Plan land use element changed from Industrial to Special Function Commercial Highway Interchange in the area bounded by 4th, Philadelphia and 3rd Streets and the C & O Railroad.
		(3) Comprehensive Plan land use element changed from Commercial General Concentration to Single/Multi-Family Residential 14.1-20.0 du/na on the south side of Athey Avenue between the C & O Railroad and Russell Street.
		(4) Comprehensive Plan land use element changed from Special Function Commercial Other Specialized Services to Single/Multi-Family Residential 14.1-20.0 du/na on the west side of Banklick Street north of 11th Street.
		(5) Comprehensive Plan land use element changed from Industrial to Commercial General Concentration on the west side of Madison Avenue between 10th and Lynn Streets.

		(6) Comprehensive Plan land use element changed from Special Function Commercial Office to Single/Multi-Family Residential 14.1-20.0 du/na on the north and south sides of 11th Street between Scott and Greenup Streets.
		(7) Comprehensive Plan land use element changed from Multi- Family Residential over 30.0 du/na to Single/Multi-Family Residential 9.1-14.0 du/na at the northeast corner of 12th and Pike Streets.
		(8) Comprehensive Plan land use element changed from Single/Multi-Family Residential 9.1-14.0 du/na to Recreation/Open Space at the southeast corner of 11th Street and Hermes Avenue.
		(9) Comprehensive Plan land use element changed from Industrial to Single/Multi-Family Residential 9.1-14.0 du/na on the west side of Madison Avenue, extending 375 feet south from 18th Street.
		(10) Comprehensive Plan land use element changed from Industrial to Commercial General Concentration at the northwest corner of 19th Street and Madison Avenue.
		(11) Comprehensive Plan land use element changed from Recreation/Open Space to Industrial on the east side of Madison Pike south of Holdsbranch Creek.
		(12) Comprehensive Plan land use element changed from Industrial to Single/Multi-Family Residential 9.1-14.0 du/na:
		(a) At the southeast corner of Frazier and 32nd Streets; and
		(b) In the area bounded by Union Church, and Daniels Streets and Decoursey Avenue.
		(13) Comprehensive Plan land use element changed from Commercial General Concentration to Single-/Multi-Family Residential 9.1-14.0 du/na:
		(a) On the west side of Pearl Street between 19th and 20th Streets;
		(b) At the northwest corner of Church and 36th Streets;
		(c) On the east and west sides of Tibbatts Street between Southern Avenue and 38th Street; and
		(d) On the west side of Locke Street between 38th and 39th Streets.
O-35-87	6-23-1987	Amending development plan for an area on the east side of Western Avenue south of Highway Avenue.
O-40-96	10-1-1996	Approving the Bavarian Brewery Development Project urban renewal plan and establishing procedures for plan implementation.
O-50-01	11-27-2001	Amending development plan for redevelopment of the areas bounded by Madison Avenue, East 4th Street, Greenup Street and East 5th Street.
O-42-02	9-17-2002	Approving Addendum No. 1 of the Main Street development plan for redevelopment of the MainStrasse Village Special Redevelopment Area bounded by West 7th Street to the north, West 8th Street to the south, five parcels along Bakewell Street to the west and the alley behind Main Street to the east.
O-18-06	4-25-2006	Approving the Covington Card Zone South Redevelopment Plan providing for the elimination of blighted conditions.
O-47-06	9-26-2006	Approving the Madison Avenue Corridor Redevelopment Plan to Improve the Madison Avenue Corridor to provide for the elimination of blighted conditions.
O-24-09	8-18-2009	Approving amendment of the Bavarian Brewery Redevelopment Plan.

TABLE III: INDUSTRIAL REVENUE BONDS

Ord./Res. No.	***Date Passed***	***Description***
Ord./Res. No.	***Date Passed***	***Description***

O-90-81	12-8-1981	Issuing $325,000 principal amount of industrial building revenue bonds Series 1981; Phoenix Properties Partnership project.
O-35-82	5-25-1982	1982 Series A bond anticipation note ordinance; public parking facilities.
O-72-82	10-26-1982	Issuing industrial building revenue bond; Barbaradale Associates project.
O-47-83	8-23-1983	Issuing $1,900,000 principal amount of industrial building revenue bonds, Series 1983; Toebben, Ltd. project.
O-54-83	10-25-1983	Issuing $450,000 industrial building revenue bond, Series 1983; Investors 10 project for multi- family rental housing.
O-58-83	11-29-1983	Execution of an escrow trust agreement relating to the plan for funding the payment of the outstanding $3,570,000 health care project revenue bonds, Series 1972.
O-59-83	12-6-1983	Issuing $700,000 industrial building revenue bonds; Safegard Corporation project.
O-39-84	7-24-1984	Issuing $7,200,000 aggregate principal amount of industrial building revenue bonds to assist Gibson Greeting Cards.
O-7-85	2-19-1985	Issuing $1,800,000 industrial building revenue bonds; TSI Kentucky, Inc. project.
O-14-85	4-2-1985	Issuing $1,615,000 principal amount of municipal properties corporation first mortgage bonds, 1985 Series A.
O-24-85	5-7-1985	Issuing $750,000 6-month demand adjustable rate industrial building mortgage revenue bonds, Series 1985; Covington Landmark Properties project.
O-81-85	11-12-1985	Authorizing issuance of $9,000,000 industrial building revenue bonds; The Atkins and Pearce Manufacturing Company project.
O-79-86	12-2-1986	Authorizing issuance of $5,000,000 six- month convertible demand floating rate industrial building revenue bonds, Series 1986, for the J & S Company Project.
O-10-87	2-24-1987	Authorizing issuance of $3,555,000 principal amount (which may be increased or decreased by the amount of $355,000) of school building revenue bonds.
O-66-87	10-27-1987	Authorizing issuance of $500,000 adjustable rate industrial building revenue bonds; the Toerner and Toerner Project.
O-67-87	10-27-1987	Authorizing issuance of $650,000 adjustable rate industrial building revenue bonds; Allen and Allen Project.
O-15-88	3-8-1988	Authorizing issuance of first mortgage bond anticipation notes, 1988 Series, of $2,000,000 for renovation of City Municipal Building.
O-68-88	8-24-1988	Authorizing and issuing first mortgage revenue bonds of $17,500,000 of City of Covington Municipal Properties Corporation Parking and Park Revenue Bonds - 1988 Series A.
O-69-88	8-24-1988	Authorizing issuance of UDAG Grant Anticipation Notes, 1988 First Series, up to principal amount of $5,000,000.
O-43-89	6-30-1989	Directing the City of Covington, Kentucky, Development Properties Corporation, to take all necessary actions as the agency and instrumentality of the city in order to provide for the interim financing of the acquisition and construction of parking lot and docking facilities for use at the city owned premises located on the Covington Riverfront in the vicinity of the Clay Wade Bailey Bridge for an economic development project; and specifically directing, authorizing and approving the sale and issuance by the corporation of its first mortgage bond anticipation notes dated 1989 Series A in the principal amount of $587,737.23; and authorizing the corporation and appropriate officials of the city to take any and all actions necessary to carry out the described financing plan.
O-73-89	11-14-1989	Issuing $9,000,000 floating rate demand industrial building revenue bonds, Series 1989: ESCO Corporation Project
O-8-90	3-6-1990	Approving the authorization, sale and award by the city, $460,000 principal amount of municipal properties corporation first mortgage revenue bonds, 1990 Series A, to the lowest and best bidder therefor.

O-43-90	8-31-1990	Directing the City of Covington, Kentucky, Development Properties Corporation to take all necessary actions as the agency and instrumentality of the city in order to provide for the interim financing of the acquisition and construction of a mooring service facility for use at the city-owned premises located on the Covington Riverfront in the vicinity of the suspension bridge for an economic development project; and specifically directing, authorizing and approving the sale and issuance by the corporation of its first mortgage bond anticipation notes dated 1990 Series A in the principal amount of $350,000; authorizing the Mayor and other appropriate city officials to execute a bill of sale for the project; and authorizing the corporation and appropriate officials of the city to take any and all actions necessary to carry out the described financing plan.
O-55-90	11-13-1990	Authorizing the issuance of $850,000 principal amount industrial building revenue bonds, Series 1990; Northern Kentucky Family Health Centers, Inc. project.
O-18-91	- -1991	Authorizing the issuance of $5,500,000 adjustable rate industrial building revenue bonds, Series 1991; White Castle Distributing, Inc. project.
O-42-91	8-20-1991	Authorizing the issuance of $1,000,000 adjustable rate industrial building revenue refunding and improvement bonds, Series 1991; Allen & Allen Project.
O-43-91	8-20-1991	Authorizing the issuance of $1,500,000 aggregate principal amount of industrial revenue building bonds; St. Charles Care Center, Inc. project.
O-28-92	8-11-1992	Authorizing issuance of industrial building revenue bonds of $600,000 for the Senior Citizens of Northern Kentucky, Inc. project.
O-33-92	8-25-1992	Authorizing issuance of economic development revenue bonds of no more than $28,000,000 for the Internal Revenue Service Center Project.
O-43-92	11-17-1992	Modification to Ord. O-28-92 to account for delay in issuance of $600,000 bonds for Senior Citizens of Northern Kentucky, Inc. project.
O-50-92	12-15-1992	Authorizing the refund of outstanding bonds and approving the issuance of first mortgage refunding revenue bonds for the Municipal Properties Corporation.
O-4-93	2-9-1993	Authorizing issuance of first mortgage bonds in the amount of $1,750,000 for Kentucky Development Properties Corporation.
O-45-93	11-9-1993	Authorizing issuance of $157,000 industrial revenue bonds for the Brighton Center, Inc. project.
O-50-93	12-7-1993	Authorizing issuance of $1,740,000 industrial revenue building bonds for the St. Charles Care Center, Inc. project.
O-12-95	3-28-1995	Authorizing issuance of $6,435,000 industrial revenue building bonds for the Atkins and Pearce, Inc. project.
O-33-95	7-11-1995	Authorizing refund of those bonds known as First Mortgage Bonds Series A as authorized by Ord. O-68-88, and re- issuance of same, with a principal amount of approximately $16,810,000.
O-44-97	12-30-1997	Authorizing issuance of $1,000,000 industrial building revenue bonds for the Covington Ladies Home project.
O-21-98	6-25-1998	Authorizing the issuance of 1999 tax and revenue anticipation notes.
O-47-98	10-27-1998	Authorizing issuance of adjustable rate demand industrial building revenue refunding and improvement bonds, Series 1998; St. Charles Care Center, Inc. project.
O-10-99	3-30-1999	Authorizing the issuance of adjustable rate demand industrial building revenue bonds, Series 1999; Baptist Convalescent Center, Inc. project.
O-20-99	6-29-1999	Authorizing the issuance of 2000 tax and revenue anticipation notes.
O-29-00	7-11-2000	Authorizing the issuance of adjustable rate demand industrial building revenue bonds, Series 2000 (Atkins & Pearce, Inc. project), in the amount of $3,470,000.
O-58-00	10-25-2000	Authorizing the issuance of $9,600,000 of general obligation bond anticipation notes, Series 2000.
O-75-03	12-16-2003	Authorizing the issuance of $700,000 adjustable rate industrial building revenue bonds, Series 2003.

O-76-03	12-16-2003	Authorizing the issuance of adjustable rate industrial building revenue bonds, Series 2003 not to exceed $8,400,000.
O-20-05	4-26-2005	Authorizing the issuance of $7,465,000 of general obligation public project refunding bonds, Series 2005.
O-14-06	4-11-2006	Authorizing the issuance of $1,000,000 industrial building revenue bonds, Series 2006.
O-49-06	10-17-2006	Amending and reinstating a $8,278,387 adjustable rate industrial building revenue bonds, Series 2003.
O-61-06	11-28-2006	Authorizing the issuance of $8,175,000 industrial building revenue refunding bonds, Series 2006.
O-62-06	11-28-2006	Authorizing the issuance of up to $1,100,000 industrial building revenue bonds, Series 2006.
O-19-08	6-27-2008	Authorizing the issuance of 2008 tax and revenue anticipation notes.
O-19-10	6-24-2010	Authorizing the issuance of general obligation bonds not to exceed $350,000 to refund a variable rate lease purchase agreement.
O-31-10	8-24-2010	Authorizing the issuance of industrial building revenue bonds, Series 2010, in an aggregate principal amount not to exceed $5,400,000.
O-40-10	11-23-2010	Authorizing the issuance of taxable general obligation Recovery Zone Economic Development Bonds, Series 2010, in the aggregate principal amount of $2,650,000 (subject to a permitted adjustment increasing or decreasing the size of said bonds by up to $40,000).
O-18-11	7-26-2011	Authorizing the issuance of Industrial Building Revenue Bonds, Series 2011 (St. Charles Care Center, Inc. project) in an aggregate principal amount not to exceed $3,000,000.
O-5-12	3-20-2012	Authorizing the issuance of Industrial Building Revenue Bonds, Series 2012 (Covington Latin School Project) in an aggregate principal amount not to exceed $1,400,000.
O-14-12	6-28-2012	Authorizing the issuance of 2012 Tax and Revenue Anticipation Notes.
O-19-13	6-11-2013	Authorizing the issuance of Industrial Building Revenue Bonds, Series 2013 (Gateway Community & Technical College Foundation, Inc. project) in an aggregate principal amount not to exceed $4,400,000.
O-24-13	6-25-2013	Authorizing the issuance of 2013 Tax and Revenue Anticipation Notes.
O-17-14	6-25-2014	Authorizing the issuance of 2014 Tax and Revenue Anticipation Notes.
O-18-14	7-30-2014	Authorizing the issuance of General Obligation Bonds, Series 2014, in the approximate aggregate principal amount of $18,635,000, for the purpose of financing the acquisition, construction, installation and equipping of multiple public projects.
O-24–14	10-7-2014	Authorizing the issuance of taxable General Obligation Refunding Bonds, Series 2014B, in the approximate aggregate principal amount of $10,960,000, for the purpose of refunding the outstanding city variable rate General Obligation Funding Bonds, Series 2004.
O-18-15	6-16-2015	Authorizing the issuance of 2015 Tax and Revenue Anticipation Notes.
SO-19-15	6-16-2015	Authorizing the issuance of taxable general obligation bonds, Series 2015, in an aggregate principal amount not to exceed $4,000,000.
O-17-16	7-12-2016	Authorizing the issuance of General Obligation Refunding Bonds, Series 2016.
O-16-21	10-26-2021	Authorizing the issuance of General Obligation Refunding Bonds, Series 2021, in an aggregate principal amount of approximately $12,000,000.
O-05-24	4-9-2024	Authorizing the issuance of General Obligation Bond Anticipation Note, Series 2024, in the approximate principal amount of $18,110,000.
O-20-24	8-27-2024	Authorizing the issuance of General Obligation Refunding Bonds and General Obligation Bonds, Series 2024, in a maximum aggregate principal amount of $48,430,000.

TABLE IV: ACCEPTANCES AND DEDICATIONS

Ord./Res. No.	Date Passed	Description
Ord./Res. No.	**Date Passed**	**Description**
O-83-84	11-29-1984	Declaring the offer of dedication of Section One of the Dicky Beal Subdivision to be suitable for future acceptance and beneficial to the public interest.
O-1-85	1-22-1985	Declaring the offer of dedication of the proposed streets of the South Lakewood Hills Subdivision, Phase B, Part 1, to be suitable for future acceptance and beneficial to the public interest.
O-49-87	8-4-1987	Declaring the offer of dedication of Eastside Homes Subdivision and Beck Subdivision to be suitable for future acceptance by the city.
O/R-441-87	10-27-1987	Accepting the plat of Ameriplex Business and Industrial Park Subdivision.
O-77-88	9-13-1988	The offer of dedication of the proposed street known as Atkins and Pearce Drive to be beneficial to the public interest and suitable for future acceptance: also accepted for maintenance by city.
O-01-18	1-16-2018	Transferring two parcels of land to the City of Taylor Mill.
O-20-23	12-5-2023	Accepting offer of dedication of public right-of-way known as Decker Crane Lane and approving the dedication plat.

TABLE V: ZONING MAP AMENDMENTS

Ord./Res. No.	Date Passed	Description
Ord./Res. No.	**Date Passed**	**Description**
O-69-84	11-13-1984	An area at the northeast corner of Madison Pike and Hands Pike from Residential One-E (R-1E) to Neighborhood Shopping Center (NSC).
O-84-84	12-18-1984	An area on the east side of Shelby Street north of Second Street from Conservation (CO) to Residential Three (R-3).
O-17-85	4-16-1985	An area bounded by East 2nd Street, Court Street, Riverside Drive and Greenup Street from High-Density Residential (R-6) to General Commercial (GC).
O-20-85	4-16-1985	An area at the rear of 411 West 6th Street from Urban Residential (RU) to Tourist Service Commercial (TSC).
O-42-85	7-9-1985	An area on the east side of Greenup Street between 12th and Bush Streets and on the south side of 11th Street between Scott and Greenup Streets from Residential Three (R-3) to Neighborhood Commercial Two (NC-2).
O-43-85	7-9-1985	An area on the west side of Philadelphia Street, south of 6th Street, from Urban Residential (RU) and Recreation and Open Space (ROS) to Tourist Service Commercial (TSC).
O-58-85	8-27-1985	An area on the west side of Winston Avenue, south of 43rd Street, from Industrial Park (IP) to Shopping Center (SC).
O-60-85	8-27-1985	An area at 423 Greenup Street from Residential Three (R-3) to General Commercial (GC).
O-41-86	7-15-1986	An area near the intersection of Spring and Wright Streets from Residential One-D (R-1D) and Residential One-G (R-1G) to Residential Three (R-3).
O-57-86	9-16-1986	An area located between Russell and Banklick Streets approximately 200 feet north of 16th Street from Industrial One (I-1) to Residential Four (R-4).
O-67-86	10-21-1986	(1) An area northwest of Devou Park from Conservation (CO) to Residential Three (R-3);

		(2) An area bounded by Madison avenue, 11th Street, Scott Boulevard and Lynn Street from Residential Three (R-3) to Residential Six (R-6); and
		(3) An area along Winston Avenue south of 43rd Street from Industrial Park (IP) to Shopping Center (SC).
O-68-86	10-21-1986	An area on the west side of Madison Avenue between 17th and 18th Streets from Industrial One (I-1) to General Commercial (GC).
O-5-87	2-17-1987	An approximate 237-acre area located along the east side of Ky. 17 between Eaton Drive and Holdsbranch Road, and approximately 500 feet north of Holdsbranch Road, from R-1C, R-1E and R-2b to IP Zone.
O-12-87	3-10-1987	An area located on the west side of Lee Street, south of Pike Street, from R-3 to GC Zone.
O-21-87	3-31-1987	An area at 616 Bakewell Street from Urban Residential (RU) to Tourist Service Commercial (TSC).
O-22-87	4-21-1987	An area on the east side of Michigan Avenue, approximately 500 feet south of 43rd Street and 110 feet north of 44th Street, from Conservation (CO) to Residential One-G (R-1G).
O-32-87	6-9-1987	An area generally located south of 19th Street, west of Franklin Street, east of Benton Road, and including areas adjacent to Quarry Road, from Residential One-G (R-1G) and Recreation and Open Space (ROS) to Residential One-HH (R-1HH).
O-35-87	6-23-1987	An area on the east side of Western Avenue south of Highway Avenue (2nd Street) from Residential Two-b (R-2b) to Highway Commercial Two (HC-2).
O-48-87	8-4-1987	An area at the northwest corner of Madison Avenue and 18th Street from Industrial-One (I-1) to General Commercial (GC) and changing an area approximately 300 feet west of Madison Avenue, between 17th and 18th Streets, from General Commercial (GC) to Industrial-One (I-1); approving the submitted development plan for these areas and amending an existing approved development plan for an adjoining area on the west side of Madison Avenue between 17th and 18th Streets, subject to two conditions; and requiring that development be in accordance with the approved development plan.
O-57-87	9-15-1987	An approximate 55-acre area located along and including the Ohio River, north of the flood wall, between the Clay Wade Bailey Bridge and the west line of Greenup Street, from CO to RCO.
O-72-87	11-10-1987	An area located on the north side of Riverside Drive between the west line of Greenup Street (extended) and the west line of Kennedy Street (extended), and bounded by the city corporation line on the north, from CO to LRCO Zone.
O-76-87	12-9-1987	An area located between View Street and Swain Court from R-1G (Single- Family Residential) to R-2b (Multi- Family Residential).
O-78-87	12-22-1987	An area located east of Latonia Avenue, north of the L & N Railroad, extending approximately 70 feet east of Rogers Street, and bounded on the north by 34th Street, Southern Avenue, Eugenia Avenue and 35th Street, from IP to IU Zone.
O-79-87	12-22-1987	An area located west of Decoursey Avenue and the L & N Railroad, south of 34th Street, and approximately 70 feet east of Rogers Street from IP to GC; and an area located west of Latonia Avenue, south of 35th Street, east of Emerson Avenue and north of the L & N Railroad from IP to R-1G (P).
O-40-88	6-28-1988	An area located on the south side of Patton Street between Maryland and Eastern Avenues from R-1G to R-5.
O-48-88	7-28-1988	An area located along Robbins Street between Banklick and Russell Streets from R-3 (HP) to NC-2 (HP).
O-55-88	8-4-1988	An area located at 612 Philadelphia Street from RU to TSC.
O-79-88	10-4-1988	An area located on the south side of 4th Street between Greenup and Garrard Streets from R-3 to PO.
O-81-88	11-1-1988	An approximate 1.78-acre area located east of the CSX Railroad and west of Banklick Creek, with an access drive at approximately 3733 Old Madison Pike, from R-1C to I-1.

O-22-89	4-11-1989	Adding a Historic Preservation (HP) Overlay Zone to the area generally bounded by the Ohio River, Licking River, 8th Street, Pike Street and I-75, encompassing the following Historic Areas: Ohio Riverside, Licking-Riverside, Downtown Commercial, Old Town and West Side/ MainStrasse.
O-26-89	5-9-1989	An area located on the west side of Lee Street, south of Pike Street, including properties at 1019, 1021 and 1023 Lee Street, from R-3 (Residential) to GC (General Commercial); approving the submitted development plan; and requiring that development be in accordance with the approved development plan.
O-67-89	10-4-1989	An area located at the southwest corner of 9th and Washington Streets from R-3(HP) to I-1(HP).
O-69-89	10-4-1989	Changing an area on the north side of 5th Street between Russell Street and Madison Avenue from R-3(HP) and PO (HP) to R-3A (HP).
O-85-89	1-9-1990	Changing an area located on Spring Street and Highway Avenue, approximately 125 feet west of the intersection of these streets from R-1G to R-3; approving the submitted development plant subject to one condition; and requiring that development be in accordance with approved development plan.
O-9-90	2-20-1990	Changing an area located at 1216-1240 Madison Avenue from R-3 to GC Zone; approving the submitted development plan; subject to one condition; and requiring that development be in accordance with approved development plan
O-14-90	4-3-1990	Changing an area located at 1506-1510 Russell Street from R-1G (P) to I-1; approving the submitted development plan; and requiring that development be in accordance with the approved development plan.
O-53-90	10-30-1990	Changing a 32-acre area on the north side of Hands Pike from R-1C and R-1E to R-1C (RCD); approving the submitted development plan subject to one condition; and requiring that development be in accordance with the approved development plan.
O-45-91	8-20-1991	Changing an area located at the north end of the 500 block of Greenup Street from R-3 (HP) to R-3A (HP).
O-46-91	8-20-1991	Changing an approximately 0.12- acre tract immediately north of the existing paved parking lot between Western and Crescent Avenues from R-2b to HC-2.
O-47-91	8-20-1991	Changing an approximate 3,000- square-foot area located at the northwest corner of the intersection of Decoursey Avenue and 30th Street from R-1G to NC-2.
O-67-91	11-12-1991	Changing an approximate 2,000- square-foot area located along the east side of Russell Street between 13th and 14th Street approximately 200 feet south of 13th Street from R-1G (P) to I-1.
O-74-91	12-3-1991	Changing an area on the south side of 12th Street between Holman and Russell Streets from R-1G to NC-2.
O-70-91	11-14-1991	Changing an area generally located in the northeast quadrant of I-275 and Kentucky 16 from R-2b, R-1D and IP to PO.
O-4-92	2-25-1992	Changing a 14-acre site located east of Hands Pike and at the end of Blue Ridge Drive from R-1E and R-1C to R-1C (RCD) Zone provided all open space indicated on the approved plan remain so, and that it be maintained by the Hillside Trust.
O-11-92	3-31-1992	Changing a 37-acre site located east of Hands Pike and west of Tamarack Drive from R-1E to R-1E (RCD); provided that, the maximum building height is 35 feet, access be provided between Hemlock Drive and the indicated open space, and that at least two accesses be provided to the open space.
O-40-92	10-27-1992	Changing an approximate 0.6-acre site bounded by Madison Avenue, Scott Boulevard, Robbins Street and 11th Street from R-3 to GC Zone; provided, the parking lot be landscaped in accordance with current zoning regulations and shielded lighting be installed.
O-45-92	11-24-1992	Changing an area located at 19 through 25 East 20th Street and 2001, 2002 and 2008 Scott Boulevard from R-1G to GC.
O-15-93	4-20-1993	Revising Ord. O-74-91 by removing condition number 2.

O-17-93	5-18-1993	Changing an approximate 36-acre site located northeast of Hands Pike from R-1E to R-1E (RCD).
O-21-93	6-29-1993	Changing an approximate 1-acre site located at the southeast corner of Daniels Street and Decoursey Avenue from R-1G to GC.
O-22-93	6-29-1993	Revising Ord. O-9-90 by amending the development plan.
O-28-93	7-27-1993	Changing an approximate 1.3-acre site located near the intersection of West 33rd Street and Frazier Street from I-2 to R-1G.
O-32-93	9-7-1993	Changing an approximate 7.800- square-foot area located on the west side of Garrard Street from R-3 (HP) to PO (HP).
O-8-94	3-15-1994	Rezoning an approximate 3.7-acre site along West 7th Street and along Main Street between West 7th and West 8th Street from RU to TSC.
O-22-94	5-31-1994	Amending development plan approved by Ord. O-25-89 on previously rezoned property.
O-42-94	11-1-1994	Rezoning an approximate 32-acre site located on Ridgeview Avenue from R-1D and R-2b to PO.
O-4-95	1-31-1995	Rezoning an area located at 1304 Hermes Avenue to 1308 Hermes Avenue from R-1G to R-3 and accepting approved development plan.
O-15-95	4-11-1995	Rezoning an area located on Banklick Street between 12th and 14th Streets from R-1G to R-1HH.
O-19-95	5-9-1995	Rezoning an approximately 108- acre site located east of Madison Pike from R-1C to R-1E.
O-24-95	6-8-1995	Rezoning an approximate 1.5-acre site at the northwest corner of 11th Street and Madison Avenue from I-1 and R-3 to GC.
O-30-95	6-29-1995	Rezoning an approximate 3,100- square-foot area located on the east side of Philadelphia Street between Pike and 9th Streets from RU (HP) to GC.
O-52-95	9-5-1995	Rezoning an approximate 0.5-acre site at the southwest corner of 12th and Madison Avenue from R-3 and I-1 to GC.
O-56-95	10-3-1995	Rezoning an approximate 1.5-acre site on the north side of Highland Avenue from R-2b to R-1F.
O-76-95	1-3-1996	Rezoning an approximate 3-acre site located approximately 120 feet west of Philadelphia Street, extending from Pike Street to West 9th Street, from NSC to GC.
O-77-95	1-3-1996	Changing an approximate 1.3-acre area located at the northwest corner of the intersection of Madison Avenue and Sterrett Avenue from R-1G to R-3.
O-33-96	8-20-1996	Changing an area on the north side of KY 8 (Highway Avenue) east of Swain Court and adjacent to the Ohio River comprised of 1104, 1108, 1113, 1114 and 1200 Highway Avenue, from CO and R-2b to R-1G.
O-34-96	8-20-1996	Amending zoning map by changing approximately 67 acres located on the south side of Hands Pike 900 feet east of the intersection of Hideaway Drive and Hands Pike from R-1C and R-1E to R-1E (RCD), subject to conditions.
O-1-98	1-20-1998	Amending zoning map changing approximately 0.5- acre area located at the southwest corner of the intersection of Washington Street and 8th Street from I-1 (HP) to CBD (HP) Zone.
O-12-98	4-20-1998	Amending zoning map changing the property located at 3612 Caroline Avenue from R-1HH to GC Zone.
O-13-98	4-20-1998	Amending zoning map changing an approximate 22.1- acre site near the intersection of Madison Pike and Fowler Creek Road from R-1C to R-1E Zone.
O-24-98	6-23-1998	Amending zoning map changing the property located at 1044 and 1046 Scott Street from R-3 to NC-2 zone.
O-25-98	6-23-1998	Amending zoning map changing an approximate one acre located along the east and west sides of Greenup Street from 9th Street to a point south of 10th Street from R-3 to NC-2.
O-38-98	8-4-1998	Amending zoning map changing approximate 16.5- acre site located east of Fowler Creek Road and south of the existing Fowler Ridge Subdivision from R-1C to R-1E.

O-29-99	8-3-1999	Amending zoning map by changing an approximate 22-acre site located on the north side of Senour Road from R-1C to R-1C with an RCD overlay.
O-39-99	11-23-1999	Amending zoning map by changing an approximate 0.3-acre area located at the northeast corner of the intersection of Decoursey Pike with Daniels Street from R-1G to GC zone.
O-31-00	7-25-2000	Amending zoning map by changing an approximate 17-acre area located at the southeast corner of the intersection of Howard Litzler Road with Boron Drive from IP (Industrial Park) Zone to SC (Shopping Center).
O-67-00	12-29-2000	Amending zoning map by changing an approximate 2,100-square-foot area located along the east side of Russell Street, between West 15th Street and West 16th Street, approximately 50 feet south of West 15th Street, from R-1G (P) Zone to I-1 Zone.
O-72-00	12-13-2000	Amending zoning map by changing an approximate 1.1-acre area located at the south corner of the intersection of East 24th Street and Madison Avenue from I-1 (Industrial One) Zone to NC-2 (Neighborhood Commercial Two) Zone.
O-25-01	7-24-2001	Amending zoning map by changing an approximate 0.4-acre area located at the southwest corner of 10th and Scott Streets, extending approximately 195 feet west along 10th Street to an alley, from R-3 to GC Zone.
O-8-02	2-19-2002	Amending zoning map by changing an approximate 2.9-acre area located along the south side of West 43rd Street, approximately 375 feet west of Winston Avenue, at the northwest corner of Latonia Center, from IP (Industrial Park) Zone to SC (Shopping Center) Zone.
O-14-02	3-19-2002	Amending zoning map by changing an approximate 1-acre area located at the northwest corner of the intersection of Holman Street and 18th Street from R- 1G (Detached Single- Family Residential) Zone to R-4 (Medium Density Efficiency Unit Residential) Zone.
O-27-02	6-4-2002	Amending the zoning map by changing an approximate 34,000-square-foot area located along the northwest side of Madison Pike, between Kuhrs Lane and Kyles Lane approximately 525 feet southwest of Kuhr's Lane from R-1C (Detached Single-Family Residential) Zone to NC-1 (Neighborhood Commercial) Zone.
O-38-02	9-3-2002	Amending the zoning map by changing an approximate 13,000-square-foot area located at the southwest corner of the intersection of Southern Avenue with Eugenia Avenue from R-1G (Detached Single-Family Residential) to IU (Urban Industrial).
O-3-03	1-21-2003	Amending the zoning map by changing an approximate 1-acre area on the north and south sides of Thomas Street between Eastern Avenue and Oakland Avenue from R-1G (Detached Single- Family Residential) to R-U (Urban Residential).
O-26-03	6-10-2003	Amending the zoning map by changing an approximate 1.7-acre area bounded by East 32nd Street, Freazier Street, Harold Mason Lane and Union Street from I-2 (Industrial Two) to GC (General Commercial).
O-43-03	7-22-2003	Amending development plan approved of by Ord. O-85-89 and O-22-94 for 917-919 Spring Street.
O-41-04	6-22-2004	Amending the zoning map by changing an approximate 1.06-acre area bounded by East Rivercenter Boulevard on the north, the Suspension Bridge on the east, the Yoke and 3rd Street ramps on the south and Scott Street on the west from GC (General Commercial) to CBD (Central Business District).
O-42-04	6-22-2004	Amending the zoning map by changing an approximate 1.5-acre area located at the intersection of Decoursey Avenue with East 40th Street from R-1G Zone to NC-2 Zone.

O-52-04	8-24-2004	Amending the zoning map by changing an approximate 12-acre area located along the eastern side of Interstate 71/75 and at the western termini of West 14th Street, Monterey Street, Linden Avenue, Old Lexington Road, South Linden Avenue, Monroe Street and West 15th Street from R-1G (Single-Family Residential) Zone and R-3 (Low-Density Residential) Zone to PO-A (Professional Office A) Zone.
O-53-04	8-24-2004	Amending the zoning map by changing an approximate 0.122-acre area located approximately 400 feet west of Magellan Drive contiguous to the Fidelity Office Park from R-2B (Residential Two-b) Zone to PO (Professional Office) Zone.
O-3-05	1-25-2005	Amending the zoning map by changing an approximate 0.6-acre area located at the terminus of View Street on the northeast side of its intersection with Hathaway Court from R-6 (Multi-Family Residential) Zone to R-1G (Single-Family Residential) Zone.
O-13-05	2-15-2005	Amending the zoning map by changing an approximate 0.5-acre area located along the west side of Magellan Drive between Crosby Parkway and Ridgeview Avenue, approximately 1,400 feet south of Crosby Parkway from R-1D (Detached Single- Family Residential) Zone to PO (Professional Office) Zone.
O-52-05	9-13-2005	Amending the zoning map to change an approximate 18-acre area located along the north and south sides of Pike Street, generally extending between Washington Street and Main Street, from CBD(HP) (Central Business District with Historic Preservation Overlay) Zone, GC(HP) (General Commercial with Historic Preservation Overlay) Zone, GC (General Commercial) Zone and R-3(HP) (Residential Three with Historic Preservation Overlay) Zone to ART(HP) (Arts and Technology with Historic Preservation Overlay) Zone.
O-61-05	11-15-2005	Amending the zoning map to change an approximate 1.2-acre area located at the northeast corner of the intersection of Kyles Lane and Madison Pike, from NC-2 (Neighborhood Commercial-Two) and R-1C (Residential One) to GC (General Commercial) Zone.
O-66-05	12-2-2005	Amending the zoning map to change Area B, an approximate 44-acre area located along the north side of Holdsbranch Road, approximately 1,500 feet southeast of Madison Pike, from R-1E (Detached Single-Family Residential) and IP to R-1E (PUD) (Residential Zone with a Planned Unit Development Overlay) Zone; and Area G, an approximately 120- acre area located along the south side of Holdsbranch Road, approximately 1,500 feet southeast of Madison Pike, from R-1C (Detached Single-Family Residential) and IP to R-1D (PUD) (Residential Zone with a Planned Unit Development Overlay) Zone.
O-67-05	12-20-2005	Amending the zoning map to change Area A, an approximate 5.9-acre area located at the northeast corner of the intersection of Madison Pike and Holdsbranch Road, from IP (Industrial Park) to NC-1 (Neighborhood Commercial) Zone.
O-68-05	12-20-2005	Amending zoning map to change an approximately 1.5-acre area located at the intersection of Decoursey Avenue with East 40th Street from NC-2 (Neighborhood Commercial Two) to R-1G (Single-Family Residential) Zone.
O-1-06	1-24-2006	Amending zoning map to change an approximately 1.0-acre area located along the north side of Highway Avenue, across from Parkway Avenue, from R-1G (Single-Family Residential) to R-2B (Two- and Multi-Family Residential Zone) subject to conditions, and to approve setback variances.
O-2-06	1-24-2006	Amending zoning map to change an approximately 0.5-acre area located along the east side of Bakewell Avenue between Seventh and Eighth Streets, approximately 150 feet south of Seventh Street from RU(HP) (Single and Two- Family Residential with a Historical Preservation Overlay Zone) to TSC(HP) (Tourist Service Commercial with a Historical Preservation Overlay Zone).

O-6-06	2-14-2006	Amending the zoning map to change an approximately 2.4-acre area located at the southwest corner of the intersection of West Eighth and Russell Streets from R-3(HP) (Low Density Residential Zone with a Historical Preservation Overlay Zone) and GC (General Commercial) to R-5 (HP) (Medium- Density Residential with a Historical Preservation Overlay Zone) with approved variances and modifications.
O-20-06	4-25-2006	Amending the zoning map to change an approximately 4,300-square-foot area located on the west side of Chesapeake Street between West 12th and 13th Streets from R-1G(P) (Single-Family Residential with a Phased Overlay Zone) to I-1 (Industrial) and variances reducing the minimum required setbacks.
O-27-06	5-23-2006	Amending the zoning map to change an approximately 1.4-acre portion of a 3.3-acre area located along the northeast side of Kyles Lane, between Madison Pike and Valley Drive, approximately 700 feet northwest of Madison Pike, from R-1C (Single-Family Residential) to R-2b (Two- and Multi- Family Residential).
O-14-07	5-11-2007	Amending the zoning map to change an approximately 3.1-acre area located along the south side of West Fifth Street between Philadelphia Street and Main Street, from CT-2P(HP-O) (Commercial-Tourist Zone with a pedestrian character standard and a historic preservation Overlay Zone) to CBD-7M (Central Business District Zone with a mixed character standard); and an approximate 2.8-acre area located along both sides of Eastern Avenue between a point approximately 100 feet north of Patton Street and a point approximately 100 feet south of East Seventeenth Street, from RU-2 (Urban Residential Zone) to CN-1P (Commercial Neighborhood Zone with a pedestrian character standard).
O-46-07	10-23-2007	Amending the zoning map to change Area A, an approximate 1.8-acre area located along the south side of West 14th Street, approximately 200 feet west of Kavanaugh Street; and Area B, an approximate 2,400-square-foot area located along the north side of West 16th Street, approximately 50 feet east of Euclid Avenue, from RU-2 (Urban Residential Zone) to CO-5A (Commercial Office Zone).
O-53-07	11-27-2007	Amending the zoning map to change an approximate 0.4-acre area located at the terminus of Monroe Street and an approximate 0.6-acre area located along the south side of West 15th Street extending between Jefferson Avenue and Euclid Avenue, from RU-2 (Urban Residential Zone) to CO-5A (Commercial Office Zone).
O-46-08	10-28-2008	Amending the zoning map to change an approximate 90.6- acre area, 13.7 acres of which are located north of 12th Street/Martin Luther King Jr. Boulevard between Scott Street on the east and the railroad tracks on the west from RU-0.5, RU-2B, CG-2P and IL-1M zones to a PI(MUC-O) Zone (a Public Institution Zone with a Mixed Use Corridor Overlay Zone), 16.3 acres located south of 12th Street/Martin Luther King Jr. Boulevard, between Wood Street on the east and the railroad tracks on the west from RU-2B, CG-1M and IL-1M to a CG-1M (MUC-O) Zone (a General Commercial Zone with a Mixed Use Corridor Overlay Zone), 3.0 acres located at the terminus of West 17th Street from IL- 1M to PI Zone and 57.6 acres located on the east and west sides of Madison Ave from RU-2, RU-2B, CN-1M, IL-1M to MUC-O (Mixed Use Corridor Overlay Zone).
O-47-08	10-28-2008	Amending the zoning map to change an approximate 47-acre location on the north and south sides of Highland Pike from an RU-2 Zone to an RU-5 Zone.
O-20-09	6-30-2009	Amending the zoning map to expand the Ohio Riverside Historic Preservation Overlay Zone to include the area generally bounded by Scott Boulevard on the west, 3rd Street on the north, Sanford Alley on the east and 4th Street on the south (except for property at 303 Court Street) and changing the property from RU-0.5 and CG-3P to RU-0.5(HP-O) and CG-3P(HP-O).
O-26-09	10-13-2009	Amending the zoning map to change a 3.3-acre site at the northwest corner of the intersection of KY 16 and Senour Road from RS-12.5 to CC-1A.

O-3-10	1-26-2010	Amending the zoning map to change a 1.1-acre area located at the southeast corner of the intersection of East 15th Street and Scott Boulevard from RU-2 to RU-2B.
O-34-10	8-24-2010	Amending the zoning map to change an approximate 2.9-acre parcel along the southeast corner of the intersection of Madison Pike and Hands Pike from a CN-1A Zone to a CG-1A Zone.
O-36-10	9-28-2010	Amending the zoning map to change an approximate 26.5-acre area located along the north side of 12th Street/Martin Luther King Jr. Boulevard between Main Street and Chesapeake Street; and, on the south side of 12th Street/Martin Luther King Jr. Boulevard between I-71/75 on the west, St. Elizabeth Covington on the south, Kavanaugh Street on the east and Linden Grove Cemetery and Watkins Street on the south extending eastward to Chesapeake Street from RU-2, RU-2 (P-O), RU-2B, RU-2B (HP-O), RU-3.5, CO-5A, CG-1M and IL-1M Zones to an LGD (Linden Gateway District) Zone.
O-17-12	8-7-2012	Amending the zoning map to change an approximate 0.18-acre lot located along the west side of Garrard Street between Fourth Street and Fifth Street from a Commercial Office CO-1P(HP-O) Zone to an Urban Residential RU-2B(HP-O) Zone.
O-28-12	9-4-2012	Amending the zoning map to change an approximate 18-acre area located along the north and south sides of Pike Street, generally extending between Washington Street and Main Street, from an ART-3P(HP-O) Zone to CBD-7P(HP-O), CG-7P(HP-O) and RU-2B Zones.
O-32-12	10-23-2012	Amending the zoning map to change an approximate 0.05-acre lot located at the southeast corner of the intersection of Russell Street and West 15th Street from an RU-2(P-O) Zone to an IL-1M (Industrial Limited) Zone.
O-17-13	6-11-2013	Amending the zoning map changing the area at 812 Russell Street from IL-1M (Industrial Limited) and IL-1M(HP-O) (Industrial Limited with Historic Preservation Overlay) to CBD-1P (Central Business) and CBD-1P(HP-O) (Central Business with Historic Preservation Overlay).
O-30-13	8-6-2013	Amending the zoning map changing the area at 129 E. 2nd Street from RU-05 (Urban Residential) to CG-3P (Commercial- General).
O-04-14	2-18-2014	Approving a map amendment to the official zoning ordinance of the city, changing an approximate 19.1-acre area generally located along the south side of Highland Pike between Hanser Drive and Wrights Point Drive and along the north side of Kuhrs Lane from Suburban Residential (RS-7.5) to Agricultural (AG).
O-16-16	6-28-2016	Amending the zoning map changing the zoning classification of 303 Madison Pike, an area of 37.4 acres located to the east of KY 17 between Hands Pike to the north and Fowler Creek to the south, approximately 2,000 feet south of Hands Pike, from RS-7.5 (Suburban Residential) to CG- 2A (a General Commercial Zone).
O-35-16	11-15-2016	Amending the zoning map changing the zoning of approximately 20 acres located on the southwest side of the intersection of Amsterdam Road with Montague Road, and on the north side of Dixie Highway/Pike Street between Arlington Road to the west and Grays Peak to the east, approximately 150 feet west of Grays Peak from RU-2B (Urban Residential) to RU-2B(PUD).
O-22-17	10-10-2017	Amending the zoning map to approve a proposed map amendment and Stage I development plan, changing an area of approximately 101 acres located on the south side of Holdsbranch Road, between Rust Drive to the west and the terminus of Holdsbranch Road to the east, from RS-7.5 (a Suburban Single-Family Residential Zone with a maximum density of 5.8 dwelling units per net acre) and R-1D (PUD) (a residential unit development with a maximum density of 4.8 dwelling units per net acre) to RS-7.5 (PUD) (a Residential Planned Unit Development Zone with a maximum density of 5.8 dwelling units per net acre).
O-24-18	6-26-2018	Amending the zoning map by designating an approximately 0.3-acre parcel located on the north side of West 5th Street between Madison Avenue and Russell Street to the west, approximately 300 feet west of Madison Avenue from CO-1P(HP-O) Zone to an RU-2B(HP-O).

O-25-18	6-28-2018	Amending the zoning map by designating an approximately 1.6-acre parcel located north of West Pike Street between Arlington Road to the west and Grays Peak to the east, approximately 400 feet north of West Pike Street, located directly east of the former Covington Gateway site to RU-2B.
O-39-18	10-23-2018	Amending Ord. O-25-18; amending the zoning map by designating an approximately 1.6- acre parcel located north of West Pike Street between Arlington Road to the west and Grays Peak to the east, approximately 400 feet north of West Pike Street, located directly east of the former Covington Gateway site to RU-2B.
O-21-19	6-24-2019	Amending the zoning map by changing the zoning of approximately .44 acres at 3200 Madison Avenue from RS-12.5 (Suburban Residential) to CG- 1A (General Commercial).
O-31-19	10-15-2019	Rezoning the parcel located at 303 Court Street from CG-3P to CDB-9P.
O-36-19	11-26-2019	Amending the official zoning map changing 209 Greenup Street, an area of approximately 0.65 acres located on the northwest corner of the intersection of Greenup Street and East 3rd Street, from RU-0.5 (an Urban Residential Zone) to CG-3P (a General Commercial Zone).
O-12-20	7-21-2020	Amending the official zoning map of the city changing 1400 Highland Avenue, an area of approximately 14.94 acres, located on the southwest corner of the intersection of East Henry Clay Avenue with Highland Avenue from RS-7.5 (Suburban Residential Zone intended to accommodate low-to-moderate-density) to RU-2B (Urban Residential Zone intended to accommodate moderate density).
O-14-20	8-11-2020	Amending the official zoning map of the city changing 17-25 West Eighth Street from IL-7M (HP-O) (a Limited Industrial Zone with historic overlay) to CDB-7P (HP-O) (a Central Business District Zone with a historic overlay).
O-01-2025	1-28-2025	Amending the official zoning map of the city changing 1564 Banklick Street from LI (Limited Industrial) to SU (Semi-Urban Residential).
O-07-2025	5-27-2025	Amending the Neighborhood Development Code changing 2299 Benton Road from Suburban Residential (SR) to Semi-Urban Residential (SU).

TABLE VI: DESIGN GUIDELINES

Ord./Res. No.	***Date Passed***	***Description***
O-89-88	11- -1988	Establishment of Covington Historic Area Design Guidelines.
O-44-92	11-24-1992	Amendment to Covington Historic Area Design Guidelines to provide additional regulations for signs.
O-67-04	12-7-2004	Amendment to Covington Historic Area Design Guidelines regarding replacement windows.
O-09-14	6-24-2014	Adopting the updated Historic Covington Design Guidelines as approved by the Urban Design Review Board.
O-21-19	6-24-2019	Changing the zoning of approximately 0.44 acres at 3200 Madison Avenue, from RS-12.5 (Suburban Residential) to CG-1A (General Commercial).

TABLE VII: STREET NAMES

Ord./Res. No.	Date Passed	Description
Ord./Res. No.	Date Passed	Description
O-26-94	7-12-1994	Naming the east-west alley connecting Frazier Street and Union Street to Harold Mason Lane.
O-50-94	12-29-1994	Renaming Ridgeview Drive to Magellan Drive.
O-8-95	2-14-1995	Renaming Magellan Drive to Magellan Way.
O-9-95	3-14-1995	Naming the east-west alley from Frazier Street and between East 32nd and East 33rd Streets to Harold Mason Lane.
O-32-96	8-13-1996	Renaming Willow Run between 12th Street and Pike Street to Brewworks Boulevard.
O-11-99	4-13-1999	Renaming Brewworks Boulevard to Jillian's Way.
O-15-99	5-11-1999	Naming an east-west alley between 4th Street and 5th Street running from Madison Avenue to Russell Street to Ziegler's Way.
O-12-00	4-18-2000	Renaming Mullins Street as Michael Partin Court.
O-13-00	5-2-2000	Renaming West 20th Street to Police Memorial Drive.
O-22-01	6-26-2001	Renaming Reid Street to Kelly Furnish Street.
O-2-02	2-5-2002	Renaming that portion of West 11th street lying between Pike Street and Main Street to Goetta Place.
O-18-02	4-9-2002	Naming the east-west alley on the north side of 924 Main Street Dr. James Kelly Alley.
O-45-02	10-15-2002	Naming the right-of- way at the foot of Greenup Street as Ben Bernstein Place.
O-55-02	11-26-2002	Naming the public right-of-way running between Beech Avenue and Indiana Avenue as Daniel Goodenough Court.
O-68-03	10-28-2003	Various streets and roads, or portions thereof, in Devou Park are hereby renamed as follows:
		(1) Home Road - Home Road off of Montague Road north to dead end at the Children's Home;
		(2) Museum Drive - The drive off of Montague Road north to dead end at the Behringer- Crawford Museum;
		(3) Prisoners Lake Drive - The road formerly known as North Park Drive beginning at Montague Road and Bandshell Boulevard north past Prisoners Lake to Parkway Avenue;
		(4) Bandshell Boulevard - The road formerly known as Park Road beginning at Montague Road and Prisoners Lake Drive east along side of the Bandshell to Park Lane and Rotary Lane;
		(5) Shelter House Drive - The road formerly known as Devou Park Drive (closed during the golf course expansion) off of Montague Road between its intersection with Golfview Drive and Bandshell Boulevard and Prisoners Lake Drive;
		(6) Golfview Drive - The road formerly known as Park Drive beginning at Montague Road past the clubhouse on Audubon Road to the dead end;
		(7) Montague Road - The road running from Sleepy Hollow Road and Ludlow through the park past Bandshell Boulevard, Golfview Drive, Haven Gillespie Boulevard to Pike Street and Lewis Street;
		(8) Park Lane - The road formerly known as West Park Lane beginning at Bandshell Boulevard and Rotary Lane and running past Jerome Avenue and Devou Drive to the Overlook;
		(9) Rotary Lane - The road formerly known as West Park Drive beginning at Bandshell Boulevard and Park Lane running past Rotary Grove to Haven Gillespie Boulevard and Devou Drive;
		(10) Devou Drive - The road formerly known as West Park Drive beginning at Park Lane running past Rotary Lane and Haven Gillespie Boulevard to Western Avenue; and
		(11) Haven Gillespie Boulevard - The road running from Montague Road to Rotary Lane and Devou Drive.
O-5-06	1-24-2006	Renaming the ascent at Roebling's Bridge One Roebling Way.

O-12-06	3-28-2006	Renaming three roadways at or adjacent to the Fidelity Investments campus as follows:
		(1) The roadway from KY 17 to the intersection roundabout where Magellan Way and Howe Drive connect will be named Highland Pike;
		(2) The roadway that intersects with the intersection roundabout from where Highland Pike on the south side of the roundabout will be named Magellan Way; and
		(3) The roadway that intersects with the intersection roundabout from where Highland Pike on the north side of the roundabout will be named Howe Drive.
O-17-07	5-29-2007	Renaming the public right-of-way known as Holdsbranch Road, specifically the section of Holdsbranch Road from KY17/Madison Pike to Braid Way, as Tuscanyview Drive.
O-37-07	8-27-2007	Designating and co- naming 12th Street as 12th Street/Martin Luther King, Jr. Boulevard.
O-22-08	7-15-2008	Changing the name of a street in the Levassor Park neighborhood from Levassor Avenue to Levassor Place.
O-33-08	9-9-2008	Changing the name of a portion of Main Street to Hellmann's End to honor the Hellmann Lumber Company.
O-54-08	12-16-2008	Naming the new public right-of-way connecting Twelfth Street/Martin Luther King, Jr. Boulevard to the new St. Elizabeth Medical Center Covington as "James Simpson, Jr. Way".
O-9-09	2-24-2009	Naming the alley that is located parallel to and between Decoursey Avenue and Church Street, and that runs from 36th Street to Southern Avenue, Katie O'Donnell Way.
O-12-10	4-27-2010	Naming the alley between Fourth and Seventh Streets that runs parallel and between Greenup and Scott Streets Legacy Way.
O-02-11	2-8-2011	Amending Ord. O- 37-07 by changing the name of Twelfth Street/Martin Luther King, Jr. Boulevard to Martin Luther King, Jr. Boulevard.
O-12-11	6-29-2011	Honoring Ron Einhaus by changing the name of David Street to Ron Einhaus Way.
O-10-16	6-14-2016	Naming an alley "Eifert Family Way", located behind Holy Cross High School.
O-25-16	9-27-2016	Naming the alley that runs east to west between Washington Avenue and Russell Street, north of Pike Street and south of Sixth Street, "Innovation Alley".
O-07-17	4-11-2017	Changing the name of the street commonly known as Jillians Way to Simon Kenton Way.
O-45-18	12-11-2018	Renaming a portion of Seventh Street, running east from Garrard Street to its end, Battelle Lane.
O-29-19	10-15-2019	Naming an unnamed alley running west of Madison Avenue, north of West Fourth Street and west property located at 18 West Fourth Street, "Eva G. Farris Way" in recognition of her many contributions to the city.
O-17-24	7-16-2024	Naming the planned southbound frontage road extension to I-75/I-71 connecting West 4th Street and Pike Street and extending Bullock Street as "Bullock Street".
O-18-24	7-16-2024	Naming the planned extension to the northbound frontage road to I-75/I-71 connecting West 5th Street and Pike Street as "Willow Run Road".
Res. R-03-24	7-16-2024	Requesting that the Kentucky Transportation Cabinet and Planning and Development Services of Kenton County correct the spelling of "Sanford Street" to "Sandford Street" in their databases.
O-22-24	8-27-2024	Naming the planned Covington Central Riverfront project Road oriented east/west between Fourth Street and Rivercenter Boulevard as "Third Street".
O-23-24	8-27-2024	Naming the planned Covington Central Riverfront project road oriented north/south between Johnson Street and Washington Street as "Russell Street".
O-24-24	8-27-2024	Naming the planned Covington Central Riverfront project road oriented north/south from Know Place to Fourth Street, and between Russell Street and Madison Avenue, as "Washington Street".

O-25-24	8-27-2024	Naming the planned Covington Central Riverfront project road between Johnson Street and Washington Street, north of Third Street, and oriented north/south and east/west bordering the west, north and east sides of Block J, as “Russell Square”.
O-26-24	8-27-2024	Naming the planned Covington Central Riverfront project alley between Fourth Street and Third Street, and east/west from Johnson Street to Eva Ferris Way, as “Stewart Alley”.
O-27-24	8-27-2024	Naming the planned Covington Central Riverfront project alley between Johnson Street and Russell Street, and oriented north/south from Stewart Alley to Third Street, as “Kelley Alley”.
O-28-24	8-27-2024	Naming the planned Covington Central Riverfront project alley between Russell Street and Washington Street, and oriented north/south from Stewart Alley to Third Street, as “Hemingray Alley”.
O-29-24	8-27-2024	Naming the planned Covington Central Riverfront project alley between Third Street and Rivercenter Boulevard, and oriented east/west from Russell Square to Washington Street, as “Know Place”.
O-31-24	10-8-2024	Naming a portion of the alley oriented east/west, perpendicular to Madison Avenue and Scott Street, from Scott Street to its intersection with the north/south alley, and between E. 9th Street and E. 10th Street, as “Dr. John D. Redden Way”.
O-12-2025	8-12-2025	Renaming Holman Street as “Holman Avenue”.

TABLE VIII: FRANCHISES

Ord./Res. No.	***Date Passed***	***Description***
Ord./Res. No.	***Date Passed***	***Description***
O/R-576-81	10-20-1981	Awarding 20-year franchise to Cincinnati Bell, Inc. for a telephone and general communication system.
O-52-89	7-28-1989	Granting a 10-year franchise to ULH&P for gas transmission and distribution facilities.
O-66-89	10-3-1989	Granting a 10-year franchise to Owen County Rural Electric for distribution of electrical energy.
O-23-97	8-5-1997	Granting a 12-year non-exclusive franchise with TCI- TKR Cable of Northern Kentucky for the provision of cable television services.
O-11-09	3-10-2009	Granting and issuing a competitive, non- exclusive franchise for a term of 12 years to and authorizing the execution of the franchise agreement with Cincinnati Bell Extended Territories LLC.
O-09-15	4-14-2015	Granting an exclusive franchise to Rumpke of Kentucky, Inc., for a term of five years, for the collection and disposal of solid waste and recyclables.
O-06-20	2-25-2020	Creating and establishing for bid a non-exclusive telecommunications (or related non-cable) franchise for the placement of facilities for the generation, transmission, distribution and sale of telecommunications or related non-cable services within the public rights-of-way of the city for a ten-year duration; and providing for compliance with other relevant laws, regulations, standards and ordinances; definitions; work, materials and construction standards; wire moving and tree trimming; performance bonds; indemnification; insurance; access to property and inspections; notice of filings with the Public Service Commission; no vested rights; limited assignment; notice of foreclosure and bankruptcy; cancellation or termination; violations and penalties; permitting and inspection fees; additional permitting and other requirements for substantial new construction; and bid requirements.
O-17-21	11-16-2021	Repealing Ord. O-11-09; granting and issuing a competitive, non-exclusive franchise for a term of ten years to and authorizing the execution of the franchise agreement with Cincinnati Bell Extended Territories LLC.

O-15-23	8-22-2023	Granting a competitive, non-exclusive franchise to Spectrum Mid-America, LLC, for a term of ten years, for the provision of cable television services.
O-10-24	5-14-2024	Creating and establishing for bid a non-exclusive electric franchise for the placement of facilities for the transmission, distribution, and sale of electricity within the public right-of-way for a 20 year duration.
O-32-24	10-8-2024	Confirming the sale and awarding of a non-exclusive franchise to Owen Electric Cooperative, Inc., for the placement of facilities for the transmission, distribution and sale of electrical energy along and under the public right-of-way for a 20 year duration.

PARALLEL REFERENCES

References to Kentucky Revised Statutes

References to 1984 Code

References to Ordinances

REFERENCES TO KENTUCKY REVISED STATUTES

KRS Section	***Code Section***
KRS Section	***Code Section***
7.119(6)(a)	37.05
Ch. 13A	35.085; 71.31
13B.080	32.049; 112.06; 117.12 ; 128.06
13B.090	32.049; 112.06; 117.12 ; 128.06
15.335	33.03
15.410 through 15.515	33.21
15.605 through 15.630	91.05
17.165	124.11
17.545	124.12; 124.34
Ch. 45A	35.089
45A.300	35.077; 35.082
45A.343 through 45A.460	35.100; 41.01
45A.345	35.071
45A.345 through 45A.460	35.072
45A.352(8)	35.071
45A.360	35.072
45A.365	35.071; 35.077; 35.087
45A.370	35.071; 35.077
45A.375	35.071
45A.380	35.071; 35.077
45A.385	35.071; 35.076
45A.420	35.077; 35.082
45A.425	35.087
45A.430	35.088
45A.435	35.088
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93.17	93.17
93.30	93.30

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94.21	94.026
94.22	94.027
94.23	94.028
94.24	94.029
94.25	94.030
94.26	94.031
94.27	94.032
94.28	94.033
94.29	94.034
94.30	94.035
94.31	94.036
94.40	94.050
94.41	94.051
94.42	94.052
94.54	32.080—32.084
94.99	94.999
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95.06	95.006
95.07	95.007
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111.161	117.12
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111.181	126.02
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116.04	123.04
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117.11	124.19
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151.03	151.03
151.99	151.99
152.01	152.01
152.02	152.02
152.04	152.03
152.08	152.04
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152.80	152.30
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153.03	153.03
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157.58	157.083
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Ch. 157, App. A, § 2	Ch. 157, App. A, § 2
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Ch. 157, App. A, § 4	Ch. 157, App. A, § 4
Ch. 157, App. A, § 5	Ch. 157, App. A, § 5
Ch. 157, App. A, § 6	Ch. 157, App. A, § 6
Ch. 157, App. A, § 7	Ch. 157, App. A, § 7
Ch. 157, App. A, § 8	Ch. 157, App. A, § 8
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Ch. 157, App. A, § 10	Ch. 157, App. A, § 10
Ch. 157, App. A, § 11	Ch. 157, App. A, § 11
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158.01	158.01

REFERENCES TO RESOLUTIONS

Res. No.	***Date Passed***	***Code Section***

Res. No.	Date Passed	Code Section
R-200-66	10-20-1966	Repealed
R-196-68	8-22-1968	Repealed
R-198-68	9-5-1968	Repealed
R-288-68	12-29-1968	Repealed
R-35-69	2-6-1969	Repealed
R-205-70	7-23-1970	Repealed
R-149-71	5-20-1971	Repealed
R-218-72	7-6-1972	Repealed
R-122-74	3-24-1974	Repealed
R-128-75	3-20-1975	TSO Table I
R-352-77	7-14-1977	TSO Table I
R-394-78	6-22-1978	Repealed
R-603-80	9-16-1980	Repealed
R-503-81	9-22-1981	Repealed
O/R-576-81	10-20-1981	TSO Table VIII
R-402-83	9-20-1983	30.02
R-340-16	11-15-2016	Not included
R-11-19	10-15-2019	Not included
R-03-24	7-16-2024	TSO Table VII

REFERENCES TO ORDINANCES

Ord. No.	Date Passed	Code Section
Ord. No.	**Date Passed**	**Code Section**
2783	5-24-1933	TSO Table I
3113	6-15-1939	TSO Table I
3172	9-5-1940	TSO Table I
3176	11-20-1940	TSO Table I
O-24-43	11-10-1943	TSO Table I
O-13-46	3-26-1946	TSO Table I
O-23-46	5-29-1946	TSO Table I
O-40-46	10-10-1946	TSO Table I
O-53-46	12-5-1946	TSO Table I
O-1-48	1-29-1948	TSO Table I
O-3-48	2-21-1948	TSO Table I
O-21-48	9-16-1948	TSO Table I
O-3-49	2-10-1949	TSO Table I
O-21-49	9-15-1949	TSO Table I
O-25-51	10-11-1951	TSO Table I
O-17-52	- -1952	TSO Table I
O-18-52	6-19-1952	TSO Table I
O-37-52	- -1952	TSO Table I
O-42-52	12-4-1952	TSO Table I
O-22-54	6-4-1954	TSO Table I
O-24-54	6-18-1954	TSO Table I
O-39-54	9-24-1954	TSO Table I

O-27-55	- -1955	TSO Table I
O-32-55	6-3-1955	TSO Table I
O-33-56	5-9-1956	TSO Table I
O-45-56	8-15-1956	TSO Table I
O-9-57	4-3-1957	TSO Table I
O-63-57	12-11-1957	TSO Table I
O-41-58	10-1-1958	154.01—154.04; 154.99
O-44-58	10-8-1958	TSO Table I
O-20-59	4-1-1959	TSO Table I
O-27-59	- -1959	TSO Table I
O-47-59	10-21-1959	TSO Table I
O-42-60	- -1960	TSO Table I
O-51-60	6-15-1960	Repealed
O-18-61	4-12-1961	TSO Table I
O-22-61	5-3-1961	150.19
O-27-61	6-7-1961	TSO Table I
O-33-61	- -1961	TSO Table I
O-8-62	2-15-1962	TSO Table I
O-10-62	3-8-1962	117.09
O-20-62	4-19-1962	90.41
O- -62	9-6-1962	TSO Table I
O-51-62	- -1962	TSO Table I
O-41-63	8-15-1963	130.01—130.04; 130.06; 130.07
O-42-63	8-15-1963	TSO Table I
O-44-63	8-29-1963	154.01—154.04
O-48-63	9-26-1963	130.01; 130.03
O-55-63	11-21-1963	Repealed
O-61-63	- -1963	TSO Table I
O-63-63	- -1963	TSO Table I
O-10-64	2-20-1964	90.16
O-39-64	7-23-1964	34.45; 34.47—34.51
O-44-64	8-13-1964	117.09
O-48-64	8-13-1964	TSO Table I
O-47-64	8-20-1964	TSO Table I
O-50-64	9-19-1964	TSO Table I
O-1-65	1-14-1965	TSO Table I
O-3-65	1-28-1965	TSO Table I
O-5-65	1-28-1965	TSO Table I
O-10-65	2-25-1965	TSO Table I
O-16-65	3-18-1965	150.31; 150.35—150.38
O-43-65	- -1965	TSO Table I
O-44-65	6-24-1965	TSO Table I
O-47-65	7-15-1965	TSO Table I
O-50-65	7-29-1965	TSO Table I
O-25-66	- -1966	TSO Table I
O-35-66	5-19-1966	TSO Table I
O-61-66	10-6-1966	122.01—122.20; 122.99
O-62-66	10-7-1966	TSO Table I
O-70-66	12-1-1966	110.01
O-72-66	12-8-1966	72.02; 72.03; 72.05; 72.06; 72.08—72.09
O-80-66	12-22-1966	Repealed
O-82-66	12-22-1966	Repealed

O-2-67	1-12-1967	TSO Table I
O-11-67	2-23-1967	TSO Table I
O-18-67	3-16-1967	150.34
O-19-67	3-16-1967	113.25—113.30
O-22-67	3-30-1967	Repealed
O-24-67	4-20-1967	TSO Table I
O-33-67	5-11-1967	135.01; 135.02
O-34-67	5-25-1967	70.01—70.03; 70.15; 70.16; 70.30—70.43; 70.55; 70.99; 71.01—71.18; 71.30—71.32; 71.45; 71.46; 71.60—71.68; 71.99; 72.01; 72.07; 72.11; 72.12; 73.02; 73.35—73.45; 74.001—74.008; 74.010—74.029; Ch. 75, Schd. I; Ch. 75, Schd. II; Ch. 75, Schd. III; Ch. 75, Schd. IV
O-42-67	6-15-1967	94.025
O-43-67	6-15-1967	Repealed
O-69-67	8-17-1967	TSO Table I
O-75-67	9-21-1967	150.15—150.17
O-83-67	12-28-1967	115.01—115.13
O-7-68	1-25-1968	TSO Table I
O-23-68	4-18-1968	70.02; 93.15; 131.01; 131.03
O-44-68	8-8-1968	TSO Table I
O-45-68	8-8-1968	TSO Table I
O-49-68	9-5-1968	TSO Table I
O-57-68	- -1968	TSO Table I
O-67-68	11-14-1968	TSO Table I
O-71-68	12-19-1968	TSO Table I
O-3-69	1-23-1969	TSO Table I
O-10-69	2-13-1969	TSO Table I
O-52-69	8-21-1969	TSO Table I
O-70-69	11-13-1969	74.030
O-75-69	12-11-1969	Repealed
O-76-69	12-18-1969	TSO Table I
O-36-70	6-25-1970	TSO Table I
O-41-70	-13-1970	TSO Table I
O-53-70	12-10-1970	TSO Table I
O-3-71	- -1971	TSO Table I
O-4-71	1-14-1971	Repealed
O-5-71	1-14-1971	TSO Table I
O-6-71	1-28-1971	TSO Table I
O-9-71	2-18-1971	TSO Table I
O-12-71	2-25-1971	TSO Table I
O-27-71	5-6-1971	151.02
O-38-71	6-10-1971	TSO Table I
O-49-71	8-12-1971	TSO Table I
O-48-71	8-26-1971	34.51
O-53-71	9-9-1971	TSO Table I
O-64-71	12-9-1971	111.03; 111.05
O-69-71	12-23-1971	Repealed
O-8-72	- -1972	TSO Table I
O-28-72	4-13-1972	TSO Table I
O-33-72	6-1-1972	TSO Table I
O-40-72	7-6-1972	TSO Table I
O-41-72	7-6-1972	Repealed
O-53-72	9-14-1972	TSO Table I

O-3-73	- -1973	TSO Table I
O-33-73	4-12-1973	45.01
O-38-73	5-3-1973	TSO Table I
O-39-73	5-3-1973	Repealed
O-40-73	5-3-1973	135.02
O-106-73	- -1973	TSO Table I
O-110-73	10-18-1973	TSO Table I
O-111-73	10-18-1973	TSO Table I
O-115-73	11-1-1973	TSO Table I
O-116-73	- -1973	TSO Table I
O-122-73	- -1973	TSO Table I
O-124-73	11-29-1973	Repealed
O-135-73	12-27-1973	TSO Table I
O-34-74	4-11-1974	Repealed
O-36-74	4-11-1974	Repealed
O-37-74	4-11-1974	122.03—122.07; 122.09; 122.12; 122.13; 122.15
O-40-74	4-11-1974	Repealed
O-41-74	4-11-1974	113.26; 113.27
O-42-74	4-11-1974	72.02; 72.03
O-44-74	- -1974	TSO Table I
O-48-74	5-9-1974	TSO Table I
O-49-74	5-9-1974	TSO Table I
O-54-74	5-23-1974	151.03
O-59-74	- -1974	TSO Table I
O- -74	- -1974	70.02; 71.16
O-65-74	6-20-1974	TSO Table I
O-67-74	7-18-1974	Repealed
O-82-74	8-15-1974	TSO Table I
O-85-74	8-29-1974	TSO Table I
O-7-75	2-6-1975	TSO Table I
O-26-75	5-29-1975	Ch. 75, Schd. II
O-55-75	10-2-1975	TSO Table I
O-56-75	- -1975	TSO Table I
O-77-75	- -1975	Repealed
O-78-75	11-26-1975	Repealed
O-4-76	- -1976	TSO Table I
O-57-76	- -1976	TSO Table I
O-60-76	1-27-1976	Repealed
O-22-76	3-4-1976	TSO Table I
O-29-76	4-15-1976	TSO Table I
O-32-76	4-29-1976	TSO Table I
O-42-76	6-2-1976	Repealed
O-44-76	6-10-1976	TSO Table I
O-59-76	7-29-1976	Repealed
O-69-76	- -1976	TSO Table I
O-8-71	8-26-1976	34.48
O-82-76	9-9-1976	TSO Table I
O-105-76	- -1976	TSO Table I
O-118-76	12-16-1976	Repealed
O-18-77	2-10-1977	Ch. 75, Schd. III
O-20-77	2-24-1977	TSO Table I

O-44-77	4-21-1977	71.45
O-83-77	6-30-1977	72.07
O-84-77	6-30-1977	45.02
O-85-77	6-30-1977	TSO Table I
O-96-77	7-28-1977	72.04; 72.99
O-31-78	- -1978	TSO Table I
O-34-78	4-27-1978	TSO Table I
O-38-78	5-11-1978	74.004
O-42-78	5-25-1978	71.45
O-55-78	6-22-1978	72.99
O-54-78	6-24-1978	110.01
O-65-78	6-29-1978	Repealed
O-68-78	7-6-1978	Repealed
O-76-78	7-24-1978	72.10
O-86-78	8-17-1978	157.001—157.005; 157.020—157.037; 157.050; 157.065; 157.080—157.088; 157.100—157.116; 157.130—157.137; 157.999; Ch. 157, App. A; Ch. 157, App. B; Ch. 157, App. C; Ch. 157, App. D; Ch. 157, App. E
O-88-78	8-17-1978	110.01
O-93-78	8-31-1978	71.47; 94.025
O-94-78	8-31-1978	Repealed
O-37-78	11-30-1978	Repealed
O-137-78	11-30-1978	Repealed
O-147-78	12-28-1978	Repealed
O-152-78	12-28-1978	157.102
O-28-79	3-22-1979	157.080
O-33-79	3-22-1979	Repealed
O-41-79	4-19-1979	Repealed
O-42-79	4-25-1979	154.01—154.04; 154.99
O-50-79	5-31-1979	113.25
O-63-79	6-14-1979	Repealed
O-75-79	6-28-1979	Repealed
O-80-79	- -1979	TSO Table I
O-81-79	7-12-1979	TSO Table I
O-82-79	- -1979	TSO Table I
O-86-79	8-23-1979	45.02
O-4-80	1-22-1980	Repealed
O-5-80	1-22-1980	Repealed
O-10-80	2-5-1980	150.01
O-15-80	2-19-1980	34.45—34.51
O-18-80	3-4-1980	Repealed
O-20-80	3-18-1980	Repealed
O-30-80	5-13-1980	Repealed
O-34-80	- -1980	TSO Table I
O-43-81	6-16-1980	Repealed
O-48-80	7-22-1980	TSO Table I
O-59-80	9-2-1980	72.07; 72.99
O-61-80	9-16-1980	Repealed
O-69-80	11-4-1980	152.01—152.04; 152.99
O-83-80	1-13-1981	Repealed
O-7-81	3-10-1981	Repealed
O-10-81	3-10-1981	70.99; 71.99; 74.999

O-14-81	3-17-1981	Repealed
O-17-81	4-7-1981	151.03
O-18-81	4-7-1981	151.03; 151.99
O-25-81	5-5-1981	Repealed
O-32-81	5-19-1981	TSO Table I
O-37-81	6-2-1981	74.105—74.108
O-39-81	6-2-1981	TSO Table I
O-41-81	6-2-1981	Repealed
O-44-81	6-30-1981	TSO Table I
O-63-81	8-11-1981	TSO Table I
O-64-81	8-11-1981	TSO Table I
O-70-81	9-8-1981	TSO Table I
O-75-81	9-22-1981	114.30; 114.31
O-82-81	10-20-1981	93.30—93.40; 93.99
O-84-81	11-10-1981	Repealed
O-87-81	12-8-1981	TSO Table I
O-90-81	12-8-1981	TSO Table III
O-92-81	12-29-1981	Repealed
O-6-82	2-2-1982	112.01—112.04; 112.07—112.09; 112.99
O-11-82	2-16-1982	112.01
O-13-82	3-16-1982	Repealed
O-16-82	3-16-1982	111.01—111.05; 111.99
O-18-82	3-16-1982	112.08
O-19-82	3-16-1982	Repealed
O-22-82	3-30-1982	Repealed
O-26-82	4-13-1982	91.01—91.03; 91.07; 93.99; 118.99; 130.99; 131.01—131.04; 131.35; 131.99; 132.99; 133.99; 134.01; 134.02; 134.99; 135.99
O-27-82	4-13-1982	117.01; 117.99
O-30-82	4-27-1982	TSO Table I
O-31-82	5-11-1982	132.03; 132.99
O-34-82	5-25-1982	Repealed
O-35-82	5-25-1982	TSO Table III
O-43-82	7-20-1982	TSO Table I
O-44-82	7-20-1982	114.30; 114.31; 114.99
O-50-82	8-17-1982	90.55; 90.56; 90.58; 90.63; 90.99
O-51-82	8-17-1982	90.64
O-58-82	9-2-1982	Repealed
O-59-82	9-2-1982	156.01
O-60-82	9-28-1982	TSO Table I
O-61-82	9-28-1982	TSO Table I
O-72-82	10-26-1982	TSO Table III
O-73-82	10-26-1982	Repealed
O-79-82	11-16-1982	TSO Table II
O-81-82	11-16-1982	45.30—45.36
O-82-82	11-16-1982	TSO Table I
O-77-82	11-30-1982	110.01; 110.04—110.08; 110.12—110.15; 110.99
O-78-82	11-30-1982	110.01; 110.04—110.08; 110.12—110.15; 110.99
O-83-82	11-30-1982	TSO Table I
O-84-82	11-30-1982	TSO Table II
O-89-82	12-14-1982	Repealed
O-93-82	1-11-1983	110.01

O-95-82	1-11-1983	110.31; 110.99
O-3-83	2-8-1983	Repealed
O-7-83	2-15-1983	Repealed
O-9-83	3-8-1983	112.10; 112.99
O-10-83	3-22-1983	Repealed
O-11-83	3-22-1983	Repealed
O-12-83	3-22-1983	Repealed
O-20-83	4-19-1983	34.45—34.48
O-21-83	5-3-1983	Repealed
O-26-83	5-17-1983	TSO Table I
O-27-83	5-17-1983	TSO Table I
O-28-83	5-17-1983	Repealed
O-31-83	5-31-1983	TSO Table I
O-33-83	5-31-1983	Repealed
O-36-83	7-12-1983	Repealed
O-47-83	8-23-1983	TSO Table III
O-48-83	9-6-1983	110.06
O-49-83	9-20-1983	TSO Table I
O-53-83	10-25-1983	Repealed
O-54-83	10-25-1983	TSO Table III
O-58-83	11-29-1983	TSO Table III
O-59-83	12-6-1983	TSO Table III
O-61-83	1-17-1984	TSO Table II
O-62-83	1-17-1984	TSO Table II
O-6-84	2-28-1984	112.06
O-7-84	2-28-1984	30.04
O-8-84	2-28-1984	70.99
O-11-84	2-28-1984	Adopting Ordinance
O-12-84	2-28-1984	46.01
O-16-84	3-13-1984	34.51
O-17-84	3-13-1984	112.06
O-18-84	3-13-1984	112.09
O-20-84	3-27-1984	TSO Table II
O-23-84	4-24-1984	110.07; 110.08
O-28-84	5-8-1984	112.09
O-31-84	6-5-1984	46.01
O-32-84	6-5-1984	TSO Table II
O-34-84	7-3-1984	132.04; 132.99
O-35-84	7-3-1984	121.15—121.18; 121.99
O-39-84	7-24-1984	TSO Table III
O-40-84	7-24-1984	116.01
O-45-84	7-24-1984	TSO Table I
O-46-84	8-14-1984	112.06
O-53-84	8-28-1984	34.47
O-54-84	8-28-1984	74.022
O-55-84	8-28-1984	72.07; Ch. 75, Schd. III
O-62-84	9-25-1984	Repealed
O-64-84	10-2-1984	TSO Table II
O-69-84	11-13-1984	TSO Table V
O-70-84	11-13-1984	TSO Table I
O-73-84	11-27-1984	Ch. 75, Schd. II

O-75-84	11-29-1984	Repealed
O-76-84	11-29-1984	Ch. 75, Schd. II
O-77-84	11-29-1984	Repealed
O-79-84	11-29-1984	Repealed
O-80-84	11-29-1984	Repealed
O-81-84	11-29-1984	Repealed
O-82-84	11-29-1984	Repealed
O-83-84	11-29-1984	TSO Table IV
O-84-84	12-18-1984	TSO Table V
O-1-85	1-22-1985	TSO Table IV
O-2-85	1-22-1985	Ch. 75, Schd. II
O-3-85	2-5-1985	TSO Table I
O-4-85	2-5-1985	71.99
O-5-85	2-5-1985	Repealed
O-7-85	2-19-1985	TSO Table III
O-8-85	2-19-1985	Repealed
O-12-85	3-19-1985	94.017
O-13-85	3-19-1985	Repealed
O-14-85	4-2-1985	TSO Table III
O-15-85	4-16-1985	Repealed
O-17-85	4-16-1985	TSO Table V
O-18-85	4-16-1985	Repealed
O-19-85	4-16-1985	Repealed
O-20-85	4-16-1985	TSO Table V
O-21-85	4-16-1985	TSO Table I
O-24-85	5-7-1985	TSO Table III
O-26-85	5-14-1985	110.98
O-29-85	5-29-1985	153.01—153.11; 153.25—153.53
O-30-85	5-29-1985	Repealed
O-32-85	6-11-1985	112.09
O-33-85	6-11-1985	TSO Table I
O-34-85	6-11-1985	TSO Table I
O-35-85	6-11-1985	TSO Table I
O-36-85	6-26-1985	77.01—77.04; 77.99
O-40-85	7-9-1985	Repealed
O-41-85	7-9-1985	Repealed
O-42-85	7-9-1985	TSO Table V
O-43-85	7-9-1985	TSO Table V
O-46-85	7-16-1985	132.03
O-47-85	7-16-1985	TSO Table I
O-50-85	8-6-1985	90.01; 90.16
O-52-85	8-6-1985	46.02
O-55-85	8-6-1985	Repealed
O-53-85	8-13-1985	Repealed
O-56-85	8-13-1985	Repealed
O-57-85	8-13-1985	TSO Table I
O-58-85	8-27-1985	TSO Table V
O-59-85	8-27-1985	Repealed
O-60-85	8-27-1985	TSO Table V
O-61-85	8-27-1985	50.01
O-67-85	9-3-1985	112.06

O-68-85	9-17-1985	132.06; 132.99
O-69-85	9-24-1985	73.99
O-70-85	9-24-1985	121.16
O-73-85	10-22-1985	Repealed
O-76-85	10-22-1985	74.022; 74.999
O-77-85	10-22-1985	Repealed
O-81-85	11-12-1985	TSO Table III
O-82-85	12-3-1985	Repealed
O-83-85	12-3-1985	50.99
O-85-85	12-3-1985	112.09
O-86-85	12-3-1985	TSO Table I
O-87-85	12-17-1985	TSO Table I
O-89-85	1-14-1986	Repealed
O-2-86	1-28-1986	Repealed
O-4-86	1-28-1986	Repealed
O-6-86	2-4-1986	Repealed
O-13-86	3-18-1986	132.07; 132.99
O-15-86	3-18-1986	112.11; 112.99
O-19-86	4-1-1986	90.41; 90.55; 90.61; 90.62
O-20-86	4-15-1986	Repealed
O-22-86	4-15-1986	Repealed
O-23-86	4-15-1986	Repealed
O-25-86	5-6-1986	34.47
O-28-86	5-20-1986	Repealed
O-31-86	6-10-1986	Repealed
O-32-86	6-10-1986	Repealed
O-36-86	7-1-1986	Repealed
O-37-86	7-1-1986	90.40
O-41-86	7-15-1986	TSO Table V
O-42-86	7-15-1986	Repealed
O-48-86	8-19-1986	132.04
O-50-86	9-2-1986	Ch. 75, Schd. II
O-54-86	9-2-1986	TSO Table I
O-55-86	9-2-1986	112.99
O-51-86	9-9-1986	70.01
O-52-86	9-9-1986	132.07; 132.99
O-56-86	9-16-1986	Repealed
O-57-86	9-16-1986	TSO Table V
O-59-86	9-16-1986	132.08; 132.99
O-61-86	10-9-1986	Repealed
O-64-86	10-9-1986	TSO Table I
O-65-86	10-9-1986	TSO Table I
O-67-86	10-21-1986	TSO Table V
O-68-86	10-21-1986	TSO Table V
O-69-86	10-21-1986	Repealed
O-71-86	10-21-1986	Repealed
O-74-86	11-3-1986	30.05
O-77-86	11-18-1986	Repealed
O-78-86	11-18-1986	TSO Table I
O-79-86	12-2-1986	TSO Table III
O-81-86	12-16-1986	112.06

O-83-86	1-13-1987	Repealed
O-84-86	1-13-1987	Repealed
O-85-86	1-13-1987	111.05
O-1-87	1-28-1987	Repealed
O-3-87	2-10-1987	74.026
O-5-87	2-17-1987	TSO Table V
O-6-87	2-17-1987	113.08
O-7-87	2-17-1987	50.02; 50.99
O-10-87	2-24-1987	TSO Table III
O-11-87	3-10-1987	Ch. 75, Schd. II
O-12-87	3-10-1987	TSO Table V
O-14-87	3-10-1987	74.026
O-15-87	3-24-1987	74.028
O-16-87	3-24-1987	119.055—119.059; 119.061; 119.062; 119.999
O-21-87	3-31-1987	TSO Table V
O-22-87	4-21-1987	TSO Table V
O-23-87	4-21-1987	Repealed
O-25-87	4-28-1987	Repealed
O-26-87	4-28-1987	TSO Table I
O-27-87	4-28-1987	Repealed
O-28-87	4-28-1987	TSO Table I
O-29-87	4-28-1987	31.02
O-30-87	4-28-1987	31.02
O-32-87	6-9-1987	TSO Table V
O-33-87	6-9-1987	Repealed
O-35-87	6-23-1987	TSO Table V
O-35-87	6-23-1987	TSO Table II
O-36-87	6-23-1987	35.001
O-37-87	6-23-1987	Repealed
O-41-87	7-7-1987	Repealed
O-48-87	8-4-1987	TSO Table V
O-49-87	8-4-1987	TSO Table IV
O-52-87	9-1-1987	TSO Table I
O-53-87	9-1-1987	TSO Table I
O-56-87	9-15-1987	Repealed
O-57-87	9-15-1987	TSO Table V
O-60-87	9-29-1987	TSO Table I
O-61-87	10-13-1987	TSO Table I
O-63-87	10-13-1987	74.026
O-64-87	10-13-1987	Repealed
O/R-441-87	10-27-1987	TSO Table IV
O-66-87	10-27-1987	TSO Table III
O-67-87	10-27-1987	TSO Table III
O-71-87	11-10-1987	Repealed
O-72-87	11-10-1987	TSO Table V
O-74-87	11-24-1987	TSO Table I
O-75-87	12-9-1987	Repealed
O-76-87	12-9-1987	TSO Table V
O-77-87	12-22-1987	Repealed
O-78-87	12-22-1987	TSO Table V
O-79-87	12-22-1987	TSO Table V
O-31-87	1-12-1988	Repealed

O-80-87	1-12-1988	Repealed
O-81-87	1-12-1988	TSO Table I
O-2-88	1-26-1988	TSO Table I
O-3-88	2-9-1988	Repealed
O-4-88	2-9-1988	Repealed
O-6-88	2-9-1988	112.02
O-7-88	2-9-1988	70.01
O-9-88	2-23-1988	Repealed
O-10-88	2-23-1988	Repealed
O-11-88	2-23-1988	Repealed
O-12-88	3-8-1988	Repealed
O-15-88	3-8-1988	TSO Table III
O-16-88	3-22-1988	TSO Table I
O-17-88	3-22-1988	TSO Table I
O-22-88	4-5-1988	Ch. 75, Schd. II
O-23-88	4-7-1988	Adopting Ordinance
O-27-88	4-7-1988	TSO Table I
O-29-88	5-3-1988	74.004; 74.999
O-33-88	5-17-1988	TSO Table I
O-35-88	5-23-1988	Repealed
O-34-88	5-31-1988	TSO Table I
O-36-88	6-14-1988	Repealed
O-40-88	6-28-1988	TSO Table V
O-46-88	6-28-1988	91.04; 91.07
O-44-88	7-5-1988	TSO Table I
O-45-88	7-5-1988	Repealed
O-50-88	7-18-1988	TSO Table I
O-48-88	7-28-1988	TSO Table V
O-52-88	8-4-1988	70.99; 74.999
O-53-88	8-4-1988	46.01
O-55-88	8-4-1988	TSO Table V
O-56-88	8-4-1988	Repealed
O-57-88	8-4-1988	Repealed
O-68-88	8-24-1988	TSO Table III
O-69-88	8-24-1988	TSO Table III
O-71-88	8-24-1988	112.09
O-73-88	8-24-1988	TSO Table I
O-76-88	9-13-1988	114.45—114.53; 114.99
O-77-88	9-13-1988	TSO Table IV
O-79-88	10-4-1988	TSO Table V
O-89-88	11- -1988	TSO Table VI
O-81-88	11-1-1988	TSO Table V
O-82-88	11-1-1988	Repealed
O-85-88	11-15-1988	152.99
O-86-88	11-15-1988	110.12
O-87-88	11-15-1988	114.47; 114.53; 114.99
O-88-88	11-15-1988	Ch. 75, Schd. II
O-91-88	11-29-1988	Ch. 75, Schd. II
O-92-88	12-13-1988	Repealed
O-93-88	12-13-1988	Repealed
O-95-88	12-13-1988	Repealed

O-96-88	1-3-1989	TSO Table I
O-97-88	1-3-1989	Repealed
O-98-88	1-3-1989	Repealed
O-100-88	1-3-1989	Repealed
O-1-89	1-24-1989	30.02
O-3-89	1-24-1989	131.02; 116.01
O-5-89	1-31-1989	132.07; 132.99
O-6-89	1-31-1989	112.06
O-7-89	1-31-1989	112.09
O-10-89	1-31-1989	Repealed
O-11-89	2-1-1989	Repealed
O-13-89	2-1-1989	Repealed
O-15-89	2-1-1989	Repealed
O-21-89	4-11-1989	Repealed
O-22-89	4-11-1989	TSO Table V
O-26-89	5-9-1989	TSO Table V
O-29-89	5-22-1989	Repealed
O-29-89	5-22-1989	34.02
O-31-89	5-22-1989	Repealed
O-32-89	5-22-1989	Repealed
O-34-89	6-6-1989	TSO Table I
O-38-89	6-20-1989	Repealed
O-39-89	6-20-1989	Repealed
O-42-89	6-30-1989	Repealed
O-43-89	6-30-1989	TSO Table III
O-44-89	7-12-1989	Repealed
O-46-89	7-12-1989	TSO Table I
O-49-89	7-28-1989	Repealed
O-52-89	7-28-1989	TSO Table VIII
O-54-89	7-28-1989	110.45; 110.46
O-55-89	8-22-1989	Repealed
O-60-89	9-19-1989	TSO Table I
O-64-89	10-3-1989	Repealed
O-66-89	10-3-1989	TSO Table VIII
O-67-89	10-4-1989	TSO Table V
O-68-89	10-4-1989	Repealed
O-69-89	10-4-1989	TSO Table V
O-70-89	10-4-1989	Repealed
O-75-89	11-8-1989	Ch. 75, Schd. II
O-73-89	11-14-1989	TSO Table III
O-77-89	11-28-1989	Repealed
O-82-89	12-12-1989	Ch. 75, Schd. II
O-85-89	1-9-1990	TSO Table V
O-2-90	1-23-1990	Adopting Ordinance
O-3-90	1-23-1990	Repealed
O-9-90	2-20-1990	TSO Table V
O-8-90	3-6-1990	TSO Table III
O-14-90	4-3-1990	TSO Table V
O-15-90	4-3-1990	Repealed
O-16-90	4-3-1990	Repealed
O-18-90	5-15-1990	112.12; 112.99

O-19-90	5-29-1990	Repealed
O-20-90	6-12-1990	Repealed
O-27-90	7-10-1990	Repealed
O-28-90	7-10-1990	Repealed
O-29-90	7-10-1990	Repealed
O-30-90	7-10-1990	34.52
O-32-90	7-10-1990	Repealed
O-33-90	7-10-1990	Repealed
O-36-90	8-7-1990	132.99
O-38-90	8-7-1990	TSO Table I
O-39-90	8-7-1990	TSO Table I
O-41-90	8-31-1990	110.30
O-42-90	8-31-1990	46.01; 46.02
O-43-90	8-31-1990	TSO Table III
O-44-90	9-18-1990	TSO Table I
O-46-90	10-2-1990	150.02
O-49-90	10-16-1990	Repealed
O-50-90	10-30-1990	Repealed
O-52-90	10-30-1990	46.03
O-53-90	10-30-1990	TSO Table V
O-54-90	10-30-1990	50.02; 50.99
O-55-90	11-13-1990	TSO Table III
O-57-90	11-27-1990	35.002
O-6-90	12-11-1990	Repealed
O-59-90	12-11-1990	Repealed
O-60-90	12-11-1990	Repealed
O-62-90	12-11-1990	TSO Table I
O-63-90	12-14-1990	74.004
O-64-90	12-14-1990	Ch. 75, Schd. II
O-65-90	12-14-1990	Adopting Ordinance
O-1-91	2-5-1991	Repealed
O-2-91	2-19-1991	113.45; 113.99
O-3-91	2-19-1991	Repealed
O-4-91	2-19-1991	Repealed
O-6-91	3-5-1991	TSO Table I
O-7-91	3-5-1991	TSO Table I
O-8-91	3-19-1991	Repealed
O-13-91	4-16-1991	TSO Table I
O-14-91	4-16-1991	TSO Table I
O-18-91	- -1991	TSO Table III
O-23-91	5-21-1991	Repealed
O-26-91	6-11-1991	Repealed
O-27-91	6-11-1991	Ch. 75, Schd. II
O-28-91	6-11-1991	71.60
O-31-91	7-2-1991	TSO Table I
O-32-91	7-2-1991	112.11
O-34-91	7-2-1991	Repealed
O-36-91	7-23-1991	Repealed
O-37-91	7-23-1991	112.09
O-39-91	7-23-1991	133.01; 133.99
O-40-91	7-23-1991	10.21

O-42-91	8-20-1991	TSO Table III
O-43-91	8-20-1991	TSO Table III
O-45-91	8-20-1991	TSO Table V
O-46-91	8-20-1991	TSO Table V
O-47-91	8-20-1991	TSO Table V
O-48-91	8-20-1991	71.19
O-49-91	8-20-1991	Repealed
O-51-91	8-28-1991	132.04
O-52-91	8-28-1991	94.015
O-54-91	9-3-1991	TSO Table I
O-56-91	9-17-1991	TSO Table I
O-59-91	10-1-1991	TSO Table I
O-60-91	10-15-1991	TSO Table I
O-61-91	10-15-1991	TSO Table I
O-62-91	10-15-1991	Repealed
O-65-91	10-29-1991	TSO Table I
O-66-91	11-12-1991	TSO Table I
O-67-91	11-12-1991	TSO Table V
O-69-91	11-14-1991	Repealed
O-70-91	11-14-1991	TSO Table V
O-74-91	12-3-1991	TSO Table V
O-76-91	12-26-1991	Repealed
O-2-92	1-28-1992	Repealed
O-6-92	2-2-1992	Repealed
O-4-92	2-25-1992	TSO Table V
O-5-92	2-25-1992	TSO Table I
O-7-92	3-10-1992	Repealed
O-9-92	3-24-1992	Ch. 75, Schd. II
O-11-92	3-31-1992	TSO Table V
O-15-92	4-28-1992	110.05
O-17-92	4-28-1992	Repealed
O-14-92	5-5-1992	Repealed
O-18-92	5-19-1992	72.02; 72.03
O-20-92	6-2-1992	Adopting Ordinance
O-22-92	6-30-1992	Repealed
O-24-92	6-30-1992	97.01; 97.02
O-28-92	8-11-1992	TSO Table III
O-29-92	8-11-1992	94.025
O-31-92	8-25-1992	Repealed
O-33-92	8-25-1992	TSO Table III
O-34-92	8-29-1992	112.09
O-36-92	10-6-1992	132.04
O-39-92	10-27-1992	Repealed
O-40-92	10-27-1992	TSO Table V
O-41-92	11-17-1992	122.06; 122.11
O-43-92	11-17-1992	TSO Table III
O-44-92	11-24-1992	TSO Table VI
O-45-92	11-24-1992	TSO Table V
O-47-92	12-8-1992	Repealed
O-49-92	12-8-1992	TSO Table I
O-50-92	12-15-1992	TSO Table III

O-51-92	12-15-1992	132.07; 132.99
O-1-93	1-26-1993	Not included
O-54-92	1-26-1993	Repealed
O-2-93	2-9-1993	Not included
O-3-93	2-9-1993	Not included
O-4-93	2-9-1993	TSO Table III
O-5-93	2-23-1993	Adopting Ordinance
O-6-93	2-23-1993	Repealed
O-8-93	2-23-1993	Not included
O-9-93	3-9-1993	Not included
O-10-93	3-9-1993	Not included
O-11-93	3-23-1993	Not included
O-12-93	3-23-1993	TSO Table I
O-13-93	4-6-1993	Not included
O-14-93	4-20-1993	TSO Table I
O-15-93	4-20-1993	TSO Table V
O-16-93	5-4-1993	TSO Table I
O-17-93	5-18-1993	TSO Table V
O-18-93	5-18-1993	Not included
O-19-93	5-18-1993	35.001
O-20-93	6-29-1993	Repealed
O-21-93	6-29-1993	TSO Table V
O-22-93	6-29-1993	TSO Table V
O-23-93	6-29-1993	TSO Table I
O-24-93	7-13-1993	Ch. 75, Schd. II
O-25-93	7-13-1993	Not included
O-26-93	7-13-1993	Not included
O-27-93	7-27-1993	Repealed
O-28-93	7-27-1993	TSO Table V
O-29-93	8-10-1993	Not included
O-30-93	8-10-1993	TSO Table I
O-31-93	8-24-1993	Not included
O-32-93	9-7-1993	TSO Table V
O-33-93	9-7-1993	TSO Table I
O-34-93	9-21-1993	Not included
O-35-93	9-21-1993	Not included
O-36-93	9-21-1993	Not included
O-37-93	9-27-1993	Ch. 75, Schd. II
O-38-93	9-27-1993	TSO Table I
O-39-93	- -	Failed to pass
O-40-93	9-27-1993	Not included
O-41-93	10-26-1993	TSO Table I
O-42-93	10-26-1993	TSO Table I
O-43-93	11-9-1993	TSO Table I
O-44-93	11-9-1993	Not included
O-45-93	11-9-1993	TSO Table III
O-46-93	11-9-1993	Not included
O-47-93	11-9-1993	110.07; 110.08
O-48-93	11-9-1993	Repealed
O-49-93	12-7-1993	Repealed
O-50-93	12-7-1993	TSO Table III

O-51-93	12-7-1993	Not included
O-1-94	1-18-1994	Not included
O-2-94	2-1-1994	TSO Table I
O-2-94	2-1-1994	Repealed
O-3-94	2-1-1994	34.52
O-4-94	3-1-1994	Ch. 75, Schd. II
O-5-94	3-1-1994	Not included
O-6-94	3-1-1994	Not included
O-7-94	3-1-1994	Not included
O-8-94	3-15-1994	TSO Table V
O-9-94	3-15-1994	Not included
O-10-94	4-12-1994	Repealed
O-11-94	4-12-1994	152.30; 152.99
O-12-94	4-12-1994	Repealed
O-13-94	4-12-1994	10.04; 10.99; 30.01; 31.01; 50.99; 70.99; 71.99; 72.99; 73.99; 74.999; Ch. 75, Schd. III; 77.99; 90.99; 91.07; 110.14; 110.99; 111.99; 112.04; 112.06; 112.08; 112.99; 113.99; 114.99; 115.99; 117.99; 118.99; 119.999; 121.99; 122.99; 130.01; 130.99; 131.99; 132.99; 133.99; 134.99; 135.02; 135.99; 150.31; 150.99; 151.02; 151.03; 151.99
O-23-94	4-12-1994	131.99
O-20-94	5-7-1994	94.017
O-14-94	5-10-1994	TSO Table I
O-15-94	5-10-1994	TSO Table I
O-17-94	5-10-1994	Not included
O-18-94	5-10-1994	Not included
O-21-94	5-31-1994	Repealed
O-22-94	5-31-1994	TSO Table V
O-23-94	6-14-1994	Not included
O-24-94	6-28-1994	Not included
O-25-94	6-28-1994	Not included
O-26-94	7-12-1994	TSO Table VII
O-27-94	7-12-1994	Adopting Ordinance
O-28-94	7-12-1994	Not included
O-29-94	7-12-1994	Repealed
O-30-94	7-26-1994	Repealed
O-31-94	7-26-1994	Not included
O-34-94	8-9-1994	Repealed
O-32-94	8-23-1994	TSO Table I
O-33-94	8-23-1994	Repealed
O-35-94	9-6-1994	Not included
O-37-94	9-20-1994	Not included
O-38-94	9-20-1994	Ch. 75, Schd. II
O-39-94	9-20-1994	Not included
O-40-94	10-18-1994	Not included
O-41-94	10-18-1994	Not included
O-42-94	11-1-1994	TSO Table V
O-43-94	11-15-1994	Adopting Ordinance
O-45-94	12-13-1994	34.51
O-46-94	12-13-1994	Not included
O-47-94	12-13-1994	70.01; 90.01; 90.55
O-48-94	12-13-1994	Not included
O-49-94	12-29-1994	110.06—110.08

O-50-94	12-29-1994	TSO Table VII
O-51-94	12-29-1994	36.001—36.003; 36.015—36.024; 36.045—36.050; 36.065—36.073; 36.999
O-52-94	12-29-1994	Not included
O-1-95	1-17-1995	Not included
O-2-95	1-17-1995	Not included
O-3-95	1-17-1995	TSO Table I
O-4-95	1-31-1995	TSO Table V
O-5-95	1-31-1995	Repealed
O-6-95	1-31-1995	Not included
O-7-95	2-14-1995	Not included
O-8-95	2-14-1995	TSO Table VII
O-9-95	3-14-1995	TSO Table VII
O-44-94	3-14-1995	TSO Table I
O-10-95	3-28-1995	Not included
O-11-95	3-28-1995	Not included
O-12-95	3-28-1995	TSO Table III
O-13-95	4-11-1995	Repealed
O-14-95	4-11-1995	Repealed
O-15-95	4-11-1995	TSO Table V
O-16-95	4-25-1995	TSO Table I
O-17-95	4-25-1995	Not included
O-18-95	5-9-1995	Repealed
O-19-95	5-9-1995	TSO Table V
O-20-95	5-16-1995	Not included
O-21-95	5-16-1995	TSO Table I
O-22-95	5-30-1995	Ch. 75, Schd. IV
O-23-95	5-30-1995	Repealed
O-24-95	6-8-1995	TSO Table V
O-25-95	6-8-1995	Not included
O-26-95	6-8-1995	TSO Table I
O-27-95	6-8-1995	Not included
O-28-95	6-28-1995	Not included
O-29-95	6-28-1995	Repealed
O-30-95	6-29-1995	TSO Table V
O-31-95	6-29-1995	Repealed
O-32-95	6-29-1995	Not included
O-34-95	6-29-1995	Adopting Ordinance
O-35-95	6-29-1995	Not included
O-37-95	6-29-1995	Repealed
O-38-95	6-29-1995	TSO Table I
O-33-95	7-11-1995	TSO Table III
O-40-95	7-25-1995	Repealed
O-41-95	7-25-1995	Not included
O-39-95	8-8-1995	Not included
O-42-95	8-8-1995	Repealed
O-43-95	8-8-1995	TSO Table I
O-44-95	8-8-1995	TSO Table I
O-45-95	8-8-1995	TSO Table I
O-46-95	8-8-1995	TSO Table I
O-47-95	8-8-1995	TSO Table I
O-48-95	8-22-1995	TSO Table I

O-50-95	8-22-1995	132.04
O-52-95	9-5-1995	TSO Table V
O-53-95	9-5-1995	Repealed
O-54-95	9-5-1995	Not included
O-55-95	9-19-1995	Not included
O-56-95	10-3-1995	TSO Table V
O-57-95	10-3-1995	Not included
O-59-95	10-26-1995	Repealed
O-60-95	10-26-1995	Not included
O-61-95	10-26-1995	Repealed
O-62-95	10-26-1995	Ch. 75, Schd. IV
O-63-95	10-26-1995	Not included
O-66-95	11-8-1995	TSO Table I
O-64-95	11-14-1995	Not included
O-65-95	11-14-1995	Repealed
O-67-95	11-27-1995	Adopting Ordinance
O-70-95	12-7-1995	Not included
O-68-95	12-12-1995	TSO Table I
O-69-95	12-12-1995	Not included
O-72-95	12-28-1995	34.51
O-73-95	12-28-1995	Not included
O-74-95	12-28-1995	TSO Table I
O-75-95	12-28-1995	34.02
O-76-95	1-3-1996	TSO Table V
O-77-95	1-3-1996	TSO Table V
O-1-96	1-23-1996	TSO Table I
O-2-96	2-20-1996	Not included
O-3-96	2-20-1996	Ch. 75, Schd. II
O-4-96	2-20-1996	TSO Table I
O-5-96	3-6-1996	110.01
O-6-96	3-6-1996	Adopting Ordinance
O-7-96	3-6-1996	36.045; 36.046; 36.065; 36.072
O-9-96	4-2-1996	Repealed
O-10-96	4-2-1996	Not included
O-11-96	4-2-1996	Repealed
O-8-96	4-3-1996	Not included
O-12-96	4-16-1996	Not included
O-13-96	4-16-1996	Repealed
O-14-96	4-30-1996	Repealed
O-15-96	4-30-1996	TSO Table I
O-16-96	5-14-1996	Not included
O-17-96	5-14-1996	Not included
O-18-96	5-29-1996	Not included
O-19-96	5-29-1996	TSO Table I
O-20-96	6-11-1996	Not included
O-21-96	6-11-1996	Not included
O-22-96	6-11-1996	Repealed
O-23-96	6-11-1996	91.04
O-25-96	6-26-1996	Not included
O-26-96	6-26-1996	TSO Table I
O-27-96	6-26-1996	Not included

O-24-96	6-27-1996	Not included
O-29-96	8-13-1996	36.045; 36.046
O-30-96	8-13-1996	Not included
O-31-96	8-13-1996	Ch. 75, Schd. II
O-32-96	8-13-1996	TSO Table VII
O-33-96	8-20-1996	TSO Table V
O-34-96	8-20-1996	TSO Table V
O-35-96	9-3-1996	Repealed
O-36-96	9-3-1996	Repealed
O-37-96	9-3-1996	Repealed
O-38-96	9-17-1996	Not included
O-39-96	9-17-1996	TSO Table I
O-40-96	10-1-1996	TSO Table II
O-41-96	10-1-1996	Ch. 75, Schd. II
O-43-96	10-15-1996	Repealed
O-44-96	11-12-1996	Repealed
O-45-96	11-12-1996	Repealed
O-46-96	11-26-1996	TSO Table I
O-47-96	11-26-1996	34.47
O-48-96	11-26-1996	Repealed
O-49-96	11-26-1996	Repealed
O-50-96	11-26-1996	74.105—74.108
O-51-95	11-26-1996	Adopting Ordinance
O-52-96	11-26-1996	Repealed
O-53-96	12-17-1996	Not included
O-54-96	12-17-1996	Not included
O-56-96	1-7-1997	Repealed
O-1-97	1-21-1997	Repealed
O-2-97	2-18-1997	TSO Table I
O-3-97	3-18-1997	Not included
O-4-97	3-18-1997	Not included
O-5-97	4-1-1997	132.07; 132.99
O-6-97	4-15-1997	Not included
O-8-97	5-6-1997	Not included
O-9-97	5-13-1997	Not included
O-10-97	5-27-1997	Not included
O-11-97	5-27-1997	Ch. 75, Schd. III
O-12-97	6-10-1997	Adopting Ordinance
O-13-97	6-10-1997	TSO Table I
O-14-97	6-10-1997	90.01; 90.40
O-15-97	6-24-1997	Not included
O-16-97	6-24-1997	Not included
O-17-97	6-24-1997	Ch. 75, Schd. III
O-18-97	6-24-1997	Ch. 75, Schd. III
O-19-97	6-24-1997	Not included
O-20-97	7-8-1997	Not included
O-21-97	7-22-1997	Not included
O-22-97	7-22-1997	Not included
O-23-97	8-5-1997	TSO Table VIII
O-24-97	8-5-1997	Not included
O-25-97	8-19-1997	Not included

O-26-97	8-19-1997	Not included
O-27-97	9-2-1997	112.01; 112.06
O-28-97	9-2-1997	Repealed
O-29-97	9-2-1997	Repealed
O-31-97	9-2-1997	74.004
O-32-97	9-2-1997	Not included
O-33-97	9-16-1997	Not included
O-34-97	9-30-1997	Not included
O-35-97	10-28-1997	TSO Table I
O-36-97	11-25-1997	Not included
O-37-97	12-09-1997	TSO Table I
O-38-97	12-9-1997	Not included
O-39-97	12-9-1997	Repealed
O-40-97	12-23-1997	Adopting Ordinance
O-41-97	12-23-1997	Not included
O-42-97	12-23-1997	TSO Table I
O-43-97	12-23-1997	Repealed
O-44-97	12-30-1997	TSO Table III
O-45-97	12-30-1997	Not included
O-1-98	1-20-1998	TSO Table V
O-2-98	1-20-1998	34.47
O-3-98	2-3-1998	Not included
O-4-98	2-17-1998	70.01
O-5-98	2-17-1998	74.004
O-6-98	3-10-1998	34.16
O-7-98	3-10-1998	Not included
O-9-98	3-17-1998	Repealed
O-11-98	3-31-1998	Not included
O-10-98	4-7-1998	Not included
O-12-98	4-20-1998	TSO Table V
O-13-98	4-20-1998	TSO Table V
O-14-98	- -	Failed; not included
O-15-98	5-13-1998	132.05; 132.99
O-16-98	6-2-1998	Adopting Ordinance
O-17-98	6-2-1998	94.032
O-18-98	6-2-1998	Not included
O-19-98	6-2-1998	Repealed
O-20-98	6-2-1998	Not included
O-22-98	6-9-1998	Ch. 75, Schd. II
O-23-98	6-23-1998	Repealed
O-24-98	6-23-1998	TSO Table V
O-25-98	6-23-1998	TSO Table V
O-21-98	6-25-1998	TSO Table III
O-26-98	6-25-1998	Not included
O-27-98	6-25-1998	Not included
O-28-98	6-25-1998	Not included
O-29-98	6-25-1998	Not included
O-30-98	6-25-1998	112.09
O-31-98	7-21-1998	32.040—32.054
O-33-98	8-4-1998	TSO Table I
O-37-98	8-4-1998	Repealed

O-38-98	8-4-1998	TSO Table V
O-40-98	8-4-1998	71.69; 71.99
O-41-98	8-18-1998	132.05
O-42-98	9-1-1998	Not included
O-43-98	9-1-1998	Repealed
O-44-98	9-15-1998	112.06
O-36-98	9-29-1998	TSO Table I
O-36-98	9-29-1998	Repealed
O-45-98	10-13-1998	Repealed
O-46-98	10-27-1998	TSO Table I
O-47-98	10-27-1998	TSO Table III
O-48-98	10-27-1998	Repealed
O-49-98	11-24-1998	Adopting Ordinance
O-50-98	11-24-1998	Not included
O-51-98	12-8-1998	Not included
O-52-98	12-8-1998	Not included
O-53-98	12-8-1998	Not included
O-54-98	12-8-1998	Repealed
O-55-98	12-8-1998	Not included
O-57-98	12-11-1998	Not included
O-58-98	12-11-1998	Not included
O-59-98	12-11-1998	Not included
O-60-98	12-11-1998	Repealed
O-56-98	1-5-1999	TSO Table I
O-62-98	1-5-1999	Repealed
O-1-99	1-19-1999	Not included
O-2-99	2-2-1999	Not included
O-3-99	2-2-1999	Not included
O-4-99	3-2-1999	Not included
O-5-99	3-2-1999	Not included
O-6-99	3-16-1999	Not included
O-7-99	3-16-1999	Not included
O-8-99	3-16-1999	Not included
O-9-99	3-16-1999	Not included
O-10-99	3-30-1999	TSO Table III
O-11-99	4-13-1999	TSO Table VII
O-12-99	4-13-1999	Not included
O-13-99	4-27-1999	Not included
O-14-99	4-27-1999	Not included
O-15-99	5-11-1999	TSO Table VII
O-16-99	5-11-1999	Repealed
O-32-98	5-11-1999	TSO Table I
O-34-98	5-11-1999	TSO Table I
O-35-98	5-11-1999	TSO Table I
O-17-99	5-25-1999	120.01—120.10; 120.12—120.20; 120.99
O-18-99	6-29-1999	Not included
O-19-99	6-29-1999	Not included
O-20-99	6-29-1999	TSO Table III
O-21-99	6-29-1999	Not included
O-22-99	6-29-1999	Not included
O-23-99	6-29-1999	Not included

O-24-99	7-20-1999	Adopting Ordinance
O-25-99	7-20-1999	Repealed
O-26-99	7-20-1999	Repealed
O-27-99	7-20-1999	Not included
O-28-99	8-3-1999	Repealed
O-29-99	8-3-1999	TSO Table V
O-30-99	8-3-1999	120.02; 120.05; 120.10; 120.11
O-31-99	8-31-1999	Not included
O-33-99	9-14-1999	90.01; 90.02; 90.15; 90.16; 90.99
O-35-99	9-28-1999	Repealed
O-36-99	10-26-1999	Ch. 75, Schd. II
O-37-99	10-26-1999	120.07; 120.10
O-38-99	11-9-1999	Repealed
O-39-99	11-23-1999	TSO Table V
O-40-99	11-23-1999	120.06; 120.11
O-61-98	11-23-1999	34.52
O-41-99	12-7-1999	Not included
O-42-99	12-7-1999	TSO Table I
O-42-99	12-7-1999	Not included
O-43-99	12-7-1999	Adopting Ordinance
O-44-99	12-7-1999	Repealed
O-45-99	1-11-2000	Repealed
O-46-99	1-11-2000	Not included
O-47-99	1-11-2000	120.18
O-48-99	1-11-2000	Not included
O-1-00	1-25-2000	Not included
O-2-00	3-7-2000	Ch. 75, Schd. II
O-3-00	3-7-2000	Not included
O-4-00	3-7-2000	74.029
O-6-00	3-7-2000	Not included
O-7-00	3-7-2000	Not included
O-8-00	3-21-2000	Not included
O-9-00	3-21-2000	120.11
O-10-00	4-11-2000	32.001
O-11-00	4-11-2000	Repealed
O-12-00	4-18-2000	TSO Table VII
O-13-00	5-2-2000	TSO Table VII
O-16-00	5-9-2000	Not included
O-18-00	5-9-2000	32.001
O-19-00	5-9-2000	Repealed
O-14-00	5-16-2000	TSO Table I
O-15-00	5-16-2000	Not included
O-20-00	5-16-2000	Not included
O-21-00	5-16-2000	90.16
O-22-00	6-13-2000	Not included
O-23-00	6-30-2000	Not included
O-24-00	6-30-2000	Not included
O-25-00	6-30-2000	Repealed
O-26-00	6-30-2000	Not included
O-27-00	6-30-2000	Not included
O-28-00	7-11-2000	Adopting Ordinance
O-29-00	7-11-2000	TSO Table III

O-30-00	7-11-2000	Not included
O-31-00	7-25-2000	TSO Table V
O-32-00	7-25-2000	Repealed
O-33-00	7-25-2000	Repealed
O-34-00	7-25-2000	Not included
O-35-00	7-25-2000	31.01
O-37-00	7-25-2000	Repealed
O-39-00	7-25-2000	Not included
O-40-00	8-8-2000	Repealed
O-41-00	8-22-2000	Not included
O-42-00	8-22-2000	TSO Table I
O-43-00	8-22-2000	Not included
O-44-00	8-22-2000	Not included
O-45-00	9-5-2000	Repealed
O-46-00	9-5-2000	Repealed
O-48-00	9-5-2000	Repealed
O-50-00	9-19-2000	34.51
O-52-00	10-3-2000	Not included
O-53-00	10-3-2000	Repealed
O-54-00	10-3-2000	Not included
O-55-00	10-3-2000	Not included
O-56-00	10-3-2000	Not included
O-57-00	10-3-2000	Not included
O-61-00	10-13-2000	Not included
O-58-00	10-25-2000	TSO Table III
O-59-00	10-25-2000	Not included
O-62-00	10-25-2000	Repealed
O-63-00	11-14-2000	Not included
O-65-00	11-14-2000	Not included
O-66-00	11-14-2000	Repealed
O-69-00	12-13-2000	Not included
O-70-00	12-13-2000	Not included
O-71-00	12-13-2000	46.02
O-72-00	12-13-2000	TSO Table V
O-67-00	12-29-2000	TSO Table V
O-73-00	12-29-2000	Adopting Ordinance
O-74-00	12-29-2000	Not included
O-75-00	12-29-2000	Not included
O-1-01	1-23-2001	Not included
O-3-01	1-23-2001	Not included
O-4-01	1-23-2001	Repealed
O-5-01	1-23-2001	Not included
O-7-01	3-6-2001	Not included
O-8-01	3-6-2001	Not included
O-9-01	3-6-2001	Not included
O-10-01	3-6-2001	Not included
O-12-01	3-20-2001	Not included
O-13-01	3-26-2001	Not included
O-14-01	4-3-2001	112.02
O-15-01	4-17-2001	34.30
O-17-01	5-1-2001	110.30

O-18-01	5-1-2001	Not included
O-19-01	5-4-2001	Not included
O-20-01	6-12-2001	Adopting Ordinance
O-21-01	6-26-2001	Not included
O-22-01	6-26-2001	TSO Table VII
O-24-01	7-10-2001	Not included
O-25-01	7-24-2001	TSO Table V
O-26-01	7-24-2001	Not included
O-27-01	8-7-2001	Repealed
O-28-01	8-7-2001	34.47
O-29-01	8-7-2001	34.30
O-30-01	8-7-2001	Not included
O-31-01	8-7-2001	32.001; 90.22; 90.24; 90.62; 151.03; 152.02; 152.03
O-32-01	8-21-2001	Not included
O-34-01	9-4-2001	Not included
O-35-01	9-4-2001	Not included
O-36-01	9-18-2001	Not included
O-37-01	9-18-2001	34.30
O-38-01	9-18-2001	Repealed
O-39-01	9-18-2001	Repealed
O-40-01	9-18-2001	Not included
O-33-01	10-2-2001	Not included
O-43-01	10-30-2001	Not included
O-44-01	10-30-2001	Not included
O-45-01	11-13-2001	45.03
O-46-01	11-13-2001	46.01
O-47-01	11-13-2001	110.01; 110.04—110.08
O-48-01	11-13-2001	Repealed
O-49-01	11-27-2001	Not included
O-50-01	11-27-2001	TSO Table II
O-51-01	11-27-2001	Not included
O-52-01	12-18-2001	Repealed
O-53-01	12-18-2001	Not included
O-54-01	12-18-2001	74.029
O-55-01	12-18-2001	150.34; 150.35
O-56-01	12-18-2001	Not included
O-57-01	12-28-2001	110.30
O-1-02	1-22-2002	Not included
O-2-02	2-5-2002	TSO Table VII
O-3-02	2-5-2002	Not included
O-4-02	2-5-2002	110.30
O-5-02	2-5-2002	Repealed
O-6-02	2-9-2002	TSO Table I
O-7-02	2-9-2002	Not included
O-8-02	2-19-2002	TSO Table V
O-9-02	2-19-2002	Ch. 75, Schd. II
O-10-02	3-5-2002	Adopting Ordinance
O-11-02	3-5-2002	34.30
O-12-02	3-5-2002	TSO Table I
O-13-02	3-19-2002	Repealed
O-14-02	3-19-2002	TSO Table V

O-15-02	3-19-2002	Repealed
O-16-02	3-19-2002	Not included
O-17-02	4-9-2002	Repealed
O-18-02	4-9-2002	TSO Table VII
O-19-02	4-9-2002	Not included
O-20-02	4-23-2002	Not included
O-21-02	4-23-2002	TSO Table I
O-22-02	4-23-2002	Not included
O-24-02	5-21-2002	94.021; 132.04; 132.05
O-25-02	6-4-2002	Not included
O-26-02	6-4-2002	Repealed
O-27-02	6-4-2002	TSO Table V
O-28-02	6-25-2002	Not included
O-29-02	6-25-2002	Not included
O-30-02	7-16-2002	Repealed
O-31-02	7-16-2002	Repealed
O-32-02	7-16-2002	94.015; 94.017; 94.021; 94.024; 94.031; 94.033; 94.034
O-33-02	7-16-2002	120.02; 120.04; 120.07; 120.11; 120.16
O-34-02	7-16-2002	Not included
O-35-02	7-16-2002	Not included
O-36-02	8-13-2002	Not included
O-37-02	8-20-2002	Repealed
O-38-02	9-3-2002	TSO Table V
O-39-02	9-3-2002	34.30
O-40-02	9-3-2002	Not included
O-41-02	9-3-2002	Not included
O-42-02	9-17-2002	TSO Table II
O-43-02	9-17-2002	Repealed
O-44-02	10-15-2002	Not included
O-45-02	10-15-2002	TSO Table VII
O-46-02	10-15-2002	Not included
O-47-02	10-29-2002	Repealed
O-48-02	10-29-2002	Repealed
O-49-02	10-29-2002	34.30
O-50-02	10-29-2002	Not included
O-51-02	11-12-2002	Adopting Ordinance
O-52-02	11-12-2002	Not included
O-53-02	11-26-2002	Not included
O-54-02	11-26-2002	Not included
O-55-02	11-26-2002	TSO Table VII
O-56-02	12-17-2002	Not included
O-57-02	12-17-2002	Not included
O-58-02	12-17-2002	Not included
O-59-02	12-17-2002	Not included
O-60-02	12-17-2002	Not included
O-1-03	1-7-2003	74.106
O-2-03	1-7-2003	Not included
O-3-03	1-21-2003	TSO Table V
O-4-03	1-21-2003	Not included
O-5-03	2-4-2003	120.04; 120.17
O-6-03	2-4-2003	Not included
O-7-03	2-4-2003	Not included

O-8-03	2-4-2003	Not included
O-9-03	2-18-2003	Repealed
O-10-03	3-18-2003	Not included
O-11-03	3-18-2003	Repealed
O-12-03	3-18-2003	34.30
O-13-03	4-1-2003	92.01—92.21; 92.99
O-14-03	4-1-2003	35.020—35.023
O-15-03	4-1-2003	TSO Table I
O-16-03	4-1-2003	TSO Table I
O-17-03	4-15-2003	Not included
O-18-03	4-15-2003	150.01
O-19-03	4-15-2003	Not included
O-20-03	4-29-2003	32.040—32.054
O-21-03	4-29-2003	94.050—94.052
O-22-03	4-29-2003	34.30
O-23-03	4-29-2003	Not included
O-25-03	5-8-2003	Repealed
O-26-03	6-10-2003	TSO Table V
O-27-03	6-10-2003	Not included
O-28-03	6-10-2003	34.30
O-29-03	6-10-2003	Not included
O-30-03	6-24-2003	Not included
O-31-03	6-24-2003	Not included
O-32-03	6-24-2003	Not included
O-33-03	6-24-2003	90.01—90.03; 90.15—90.18; 90.20—90.27; 90.40—90.44; 90.55—90.59; 90.61—90.64; 90.99
O-34-03	6-24-2003	94.025
O-35-03	6-24-2003	Not included
O-36-03	6-24-2003	Not included
O-37-03	6-24-2003	Not included
O-38-03	6-24-2003	92.05; 92.21
O-39-03	7-22-2003	94.032
O-41-03	7-22-2003	Not included
O-42-03	7-22-2003	Repealed
O-43-03	7-22-2003	TSO Table V
O-44-03	7-22-2003	34.30
O-45-03	7-22-2003	Not included
O-46-03	7-22-2003	Not included
O-51-03	8-18-2003	Not included
O-47-03	8-19-2003	Not included
O-48-03	8-19-2003	TSO Table I
O-49-03	8-19-2003	90.01; 90.15; 90.20; 90.42; 90.55; 90.99
O-50-03	8-19-2003	Not included
O-52-03	8-19-2003	Not included
O-53-03	9-4-2003	Not included
O-54-03	9-16-2003	34.30
O-55-03	9-16-2003	34.30
O-56-03	9-16-2003	34.30
O-57-03	9-16-2003	Not included
O-58-03	9-16-2003	Not included
O-59-03	9-16-2003	Not included

O-60-03	9-16-2003	Not included
O-61-03	9-16-2003	Not included
O-62-03	10-28-2003	34.30
O-63-03	10-28-2003	Not included
O-64-03	10-28-2003	Adopting Ordinance
O-65-03	10-28-2003	Not included
O-66-03	10-28-2003	92.05
O-67-03	10-28-2003	Repealed
O-68-03	10-28-2003	TSO Table VII
O-69-03	11-25-2003	Not included
O-70-03	11-25-2003	Repealed
O-71-03	11-25-2003	Not included
O-72-03	11-25-2003	Repealed
O-73-03	11-25-2003	34.30
O-74-03	11-25-2003	Not included
O-75-03	12-16-2003	TSO Table III
O-76-03	12-16-2003	TSO Table III
O-77-03	12-16-2003	Not included
O-78-03	12-16-2003	Not included
O-79-03	12-16-2003	Not included
O-80-03	12-16-2003	Not included
O-81-03	12-16-2003	152.15; 152.16
O-82-03	12-16-2003	92.05
O-83-03	12-16-2003	150.99; 151.03; 151.99; 152.01; 152.99
O-1-04	1-6-2004	Not included
O-2-04	1-20-2004	32.080—32.084
O-3-04	1-20-2004	Not included
O-4-04	2-3-2004	90.99
O-5-04	2-3-2004	126.01; 126.02; 126.99
O-6-04	2-3-2004	152.99
O-7-04	2-17-2004	Not included
O-8-04	3-16-2004	34.30
O-9-04	3-16-2004	Not included
O-10-04	3-16-2004	Not included
O-11-04	3-16-2004	46.02
O-12-04	3-16-2004	Repealed
O-13-04	3-30-2004	Repealed
O-14-04	3-30-2004	Repealed
O-15-04	3-30-2004	Not included
O-16-04	3-30-2004	Repealed
O-17-04	3-30-2004	Repealed
O-18-04	3-30-2004	34.30
O-19-04	3-30-2004	Not included
O-20-04	3-30-2004	Not included
O-21-04	3-30-2004	114.01—114.18; 114.99
O-23-04	4-13-2004	150.30—150.39
O-26-04	4-13-2004	94.015; 94.034
O-27-04	4-13-2004	34.47
O-26–04	4-13-2004	94.025
O-29-04	5-11-2004	Repealed
O-30-04	5-11-2004	Repealed
O-31-04	5-11-2004	34.30

O-32-04	5-11-2004	Not included
O-33-04	5-11-2004	Repealed
O-35-04	5-25-2004	Not included
O-36-04	5-25-2004	Adopting Ordinance
O-37-04	5-25-2004	Not included
O-38-04	5-25-2004	Not included
O-39-04	5-25-2004	Not included
O-40-04	6-22-2004	119.021—119.042; 119.999
O-41-04	6-22-2004	TSO Table V
O-42-04	6-22-2004	TSO Table V
O-43-04	6-22-2004	Not included
O-44-04	6-29-2004	45.15—45.17
O-45-04	6-29-2004	Not included
O-46-04	6-29-2004	Not included
O-47-04	8-17-2004	46.02
O-48-04	8-17-2004	Not included
O-49-04	8-24-2004	Not included
O-50-04	8-24-2004	Not included
O-51-04	8-24-2004	Repealed
O-52-04	8-24-2004	TSO Table V
O-53-04	8-24-2004	TSO Table V
O-54-04	8-24-2004	34.30
O-55-04	8-24-2004	92.02; 92.03; 92.05
O-56-04	8-24-2004	119.055—119.062; 119.999
O-57-04	9-21-2004	Not included
O-58-04	9-21-2004	Not included
O-59-04	9-21-2004	Not included
O-60-04	10-12-2004	73.01; 73.02; 73.15—73.20; 73.35; 73.37—73.45; 73.99
O-61-04	10-12-2004	Repealed
O-62-04	10-12-2004	Repealed
O-63-04	11-9-2004	Not included
O-64-04	11-9-2004	112.02
O-65-04	12-7-2004	110.01—110.15; 110.99
O-66-04	12-7-2004	TSO Table I
O-67-04	12-7-2004	TSO Table VI
O-68-04	12-7-2004	Adopting Ordinance
O-69-04	12-7-2004	Not included
O-70-04	12-7-2004	119.020—119.026
O-71-04	12-13-2004	Not included
O-72-04	12-13-2004	Repealed
O-73-04	12-13-2004	119.075—119.079
O-74-04	12-28-2004	Not included
O-75-04	12-28-2004	Not included
O-76-04	12-28-2004	Not included
O-77-04	12-28-2004	Repealed
O-1-05	1-25-2005	Not included
O-2-05	1-25-2005	120.02; 120.03
O-3-05	1-25-2005	TSO Table V
O-4-05	1-25-2005	34.47
O-5-05	1-25-2005	Not included
O-6-05	1-25-2005	Not included
O-8-05	1-27-2005	Not included

O-9-05	1-27-2005	Not included
O-10-05	1-27-2005	34.30
O-11-05	1-27-2005	Not included
O-12-05	1-27-2005	Not included
O-13-05	2-15-2005	TSO Table V
O-14-05	3-8-2005	Repealed
O-15-05	3-8-2005	70.30; 70.38—70.43; 70.55; 70.99
O-16-05	3-8-2005	74.006—74.008; 74.010—74.032; 74.082—74.091; 74.105—74.108; 74.999
O-17-05	3-22-2005	Not included
O-18-05	4-26-2005	90.15; 90.55
O-19-05	4-26-2005	Repealed
O-20-05	4-26-2005	TSO Table III
O-21-05	4-26-2005	Adopting Ordinance
O-22-05	5-17-2005	Not included
O-23-05	5-17-2005	90.01; 90.16; 90.17; 90.40; 90.41; 90.44; 90.56; 90.57; 90.59; 90.61; 90.62; 90.64; 90.99
O-24-05	5-17-2005	34.30
O-25-05	5-17-2005	Not included
O-26-05	5-17-2005	Repealed
O-28-05	6-7-2005	Not included
O-29-05	6-21-2005	Not included
O-30-05	6-21-2005	Repealed
O-31-05	6-21-2005	Not included
O-32-05	6-21-2005	Not included
O-33-05	6-21-2005	34.30
O-34-05	6-21-2005	10.21; 110.01; 110.02
O-35-05	6-21-2005	Not included
O-36-05	7-12-2005	Not included
O-38-05	7-29-2005	Not included
O-39-05	7-29-2005	Not included
O-40-05	7-29-2005	Repealed
O-41-05	7-29-2005	34.30
O-42-05	7-29-2005	Not included
O-43-05	8-2-2005	10.21
O-44-05	8-16-2005	Repealed
O-45-05	8-16-2005	Not included
O-46-05	8-26-2005	34.15
O-47-05	8-26-2005	Repealed
O-48-05	8-26-2005	Repealed
O-49-05	9-13-2005	Repealed
O-50-05	9-13-2005	Repealed
O-51-05	9-13-2005	Repealed
O-52-05	9-13-2005	TSO Table V
O-53-05	9-13-2005	Not included
O-54-05	9-13-2005	Not included
O-55-05	10-4-2005	Not included
O-56-05	10-4-2005	Not included
O-57-05	10-25-2005	36.049
O-58-05	10-25-2005	Adopting Ordinance
O-59-05	10-25-2005	Not included
O-60-05	11-15-2005	34.30

O-61-05	11-15-2005	TSO Table V
O-62-05	11-29-2005	Repealed
O-63-05	11-29-2005	152.16
O-64-05	11-29-2005	Not included
O-65-05	11-29-2005	30.06
O-66-05	12-2-2005	TSO Table V
O-67-05	12-20-2005	TSO Table V
O-68-05	12-20-2005	TSO Table V
O-69-05	12-20-2005	110.13
O-70-05	12-20-2005	Not included
O-71-05	12-20-2005	Not included
O-1-06	1-24-2006	TSO Table V
O-2-06	1-24-2006	TSO Table V
O-3-06	1-24-2006	Not included
O-4-06	1-24-2006	Not included
O-5-06	1-24-2006	TSO Table VII
O-6-06	2-14-2006	TSO Table V
O-7-06	2-14-2006	34.30
O-8-06	2-14-2006	Not included
O-9-06	2-14-2006	Not included
O-10-06	3-7-2006	Not included
O-11-06	3-7-2006	35.003
O-12-06	3-28-2006	TSO Table VII
O-13-06	3-28-2006	92.07
O-14-06	4-11-2006	TSO Table III
O-16-06	4-11-2006	112.02; 112.08
O-17-06	4-11-2006	Adopting Ordinance
O-21-06	4-11-2006	Not included
O-18-06	4-25-2006	TSO Table II
O-19-06	4-25-2006	34.30
O-20-06	4-25-2006	TSO Table V
O-22-06	5-9-2006	Not included
O-23-06	5-9-2006	Repealed
O-24-06	5-9-2006	92.99
O-25-06	5-9-2006	152.16
O-26-06	5-9-2006	Not included
O-27-06	5-23-2006	TSO Table V
O-28-06	5-23-2006	Repealed
O-29-06	6-27-2006	Adopting Ordinance
O-30-06	6-27-2006	116.01
O-31-06	6-27-2006	Not included
O-32-06	6-27-2006	Not included
O-33-06	7-25-2006	119.039
O-34-06	7-25-2006	Repealed
O-35-06	7-25-2006	Repealed
O-36-06	8-15-2006	Not included
O-37-06	8-15-2006	158.01
O-38-06	8-15-2006	46.02
O-39-06	8-15-2006	Repealed
O-40-06	8-15-2006	34.30
O-41-06	8-15-2006	Not included

O-42-06	9-13-2006	Not included
O-43-06	9-26-2006	Not included
O-44-06	9-26-2006	Not included
O-45-06	9-26-2006	92.13
O-46-06	9-26-2006	Adopting Ordinance
O-47-06	9-26-2006	TSO Table II
O-48-06	10-17-2006	TSO Table I
O-49-06	10-17-2006	TSO Table III
O-50-06	10-17-2006	32.080—32.084
O-51-06	11-14-2006	TSO Table I
O-52-06	11-14-2006	Adopting Ordinance
O-55-06	11-14-2006	Not included
O-57-06	11-15-2006	Not included
O-61-06	11-28-2006	TSO Table III
O-62-06	11-28-2006	TSO Table III
O-59-06	12-12-2006	TSO Table I
O-60-06	12-12-2006	TSO Table I
O-63-06	12-12-2006	Not included
O-1-07	1-23-2007	117.01—117.10
O-2-07	2-6-2007	92.17
O-3-07	2-6-2007	Repealed
O-4-07	2-6-2007	32.002
O-5-07	2-6-2007	Not included
O-6-07	2-6-2007	Not included
O-7-07	3-27-2007	121.30—121.38; 121.99
O-8-07	4-10-2007	Repealed
O-9-07	4-10-2007	10.04
O-10-07	4-10-2007	Adopting Ordinance
O-11-07	4-24-2007	Not included
O-12-07	4-24-2007	121.31
O-13-07	5-8-2007	Not included
O-14-07	5-11-2007	TSO Table V
O-15-07	5-29-2007	45.17
O-16-07	5-29-2007	Not included
O-17-07	5-29-2007	TSO Table VII
O-18-07	6-19-2007	34.30
O-19-07	6-19-2007	Not included
O-20-07	6-19-2007	Not included
O-21-07	6-19-2007	Not included
O-22-07	6-19-2007	34.30
O-23-07	6-19-2007	Not included
O-24-07	6-19-2007	110.31; 110.99
O-25-07	6-19-2007	Not included
O-26-07	6-19-2007	Not included
O-27-07	6-19-2007	Not included
O-28-07	6-19-2007	Not included
O-29-07	6-19-2007	Not included
O-30-07	7-17-2007	Not included
O-31-07	7-17-2007	Not included
O-32-07	8-14-2007	Adopting Ordinance
O-33-07	8-14-2007	34.30

O-34-07	8-14-2007	Not included
O-35-07	8-14-2007	Not included
O-36-07	8-21-2007	Not included
O-37-07	8-27-2007	TSO Table VII
O-38-07	9-11-2007	TSO Table I
O-39-07	9-11-2007	92.10
O-40-07	9-11-2007	93.30—93.36; 93.40; 93.99
O-41-07	9-25-2007	Not included
O-44-07	10-9-2007	Repealed
O-45-07	10-9-2007	35.020—35.023
O-46-07	10-23-2007	TSO Table V
O-47-07	10-23-2007	Not included
O-48-07	10-30-2007	Not included
O-49-07	10-30-2007	34.30
O-50-07	10-30-2007	Not included
O-51-07	10-30-2007	Repealed
O-52-07	11-27-2007	152.16
O-53-07	11-27-2007	TSO Table V
O-54-07	11-27-2007	TSO Table I
O-55-07	12-5-2007	34.30
O-56-07	12-5-2007	Not included
O-57-07	12-18-2007	Not included
O-1-08	1-8-2008	TSO Table I
O-2-08	1-8-2008	32.003
O-3-08	1-29-2008	30.06
O-4-08	1-29-2008	112.09
O-5-08	2-12-2008	Adopting Ordinance
O-6-08	2-12-2008	Not included
O-7-08	2-12-2008	Not included
O-8-08	3-4-2008	Not included
O-9-08	3-18-2008	152.16
O-10-08	3-18-2008	Not included
O-12-08	4-22-2008	Not included
O-13-08	5-27-2008	92.07
O-14-08	5-27-2008	132.05
O-15-08	6-17-2008	Not included
O-16-08	6-17-2008	TSO Table I
O-17-08	6-27-2008	Not included
O-18-08	6-27-2008	Not included
O-19-08	6-27-2008	TSO Table III
O-22-08	7-15-2008	TSO Table VII
O-23-08	8-19-2008	Adopting Ordinance
O-24-08	8-19-2008	112.06
O-25-08	8-19-2008	151.01
O-26-08	8-19-2008	Not included
O-27-08	8-19-2008	34.30
O-32-08	8-19-2008	121.30—121.38; 121.99
O-29-08	8-21-2008	Not included
O-30-08	8-21-2008	Not included
O-31-08	9-9-2008	92.07

O-33-08	9-9-2008	TSO Table VII
O-34-08	9-9-2008	34.30
O-35-08	9-9-2008	34.30
O-36-08	9-9-2008	Not included
O-38-08	9-9-2008	94.015; 94.034
O-28-08	9-19-2008	Not included
O-40-08	9-23-2008	95.001—95.003; 95.054—95.060; 95.075—95.080; 95.095—95.097; 95.110
O-41-08	10-14-2008	Not included
O-42-08	10-14-2008	34.30
O-44-08	10-28-2008	34.30
O-46-08	10-28-2008	TSO Table V
O-47-08	10-28-2008	TSO Table V
O-48-08	11-18-2008	34.30
O-49-08	11-18-2008	Not included
O-52-08	12-2-2008	110.01—110.03
O-53-08	12-2-2008	Not included
O-51-08	12-8-2008	10.21—10.23; 10.99
O-54-08	12-16-2008	TSO Table VII
O-55-08	12-16-2008	Not included
O-56-08	12-16-2008	Not included
O-57-08	12-16-2008	Not included
O-59-08	12-16-2008	92.05
O-1-09	1-13-2009	Not included
O-2-09	1-20-2009	Repealed
O-3-09	1-20-2009	92.99
O-4-09	1-20-2009	Repealed
O-5-09	1-20-2009	92.13
O-6-09	1-20-2009	74.026
O-7-09	1-20-2009	Not included
O-8-09	1-20-2009	Not included
O-9-09	2-24-2009	TSO Table VII
O-10-09	2-24-2009	Adopting Ordinance
O-11-09	3-10-2009	TSO Table VIII
O-12-09	3-24-2009	Not included
O-13-09	4-14-2009	Repealed
O-14-09	4-21-2009	Repealed
O-17-09	6-19-2009	Not included
O-18-09	6-19-2009	Not included
O-19-09	6-19-2009	Not included
O-20-09	6-30-2009	TSO Table V
O-21-09	8-11-2009	Adopting Ordinance
O-22-009	8-11-2009	34.30
O-23-09	8-18-2009	Not included
O-24-09	8-18-2009	TSO Table II
O-25-09	9-8-2009	Repealed
O-26-09	10-13-2009	TSO Table V
O-27-09	10-27-2009	Ch. 75, Schd. II; Ch. 75, Schd. III; Ch. 75, Schd. IV
O-28-09	10-27-2009	Not included
O-29-09	11-17-2009	Repealed
O-30-09	12-8-2009	Not included
O-31-09	12-8-2009	Not included

O-32-09	12-22-2009	Adopting Ordinance
O-33-09	12-22-2009	Repealed
O-34-09	12-22-2009	34.30
O-1-10	1-12-2010	Repealed
O-3-10	1-26-2010	TSO Table V
O-4-10	1-26-2010	74.033; 74.999
O-5-10	2-16-2010	117.01—117.12
O-6-10	2-16-2010	Repealed
O-8-10	3-16-2010	32.004
O-9-10	3-16-2010	Repealed
O-10-10	3-30-2010	32.065—32.068
O-11-10	3-30-2010	Repealed
O-12-10	4-27-2010	TSO Table VII
O-13-10	5-25-2010	36.003; 36.045—36.047; 36.049; 36.065
O-14-10	6-24-2010	Adopting Ordinance
O-15-10	6-24-2010	Repealed
O-16-10	6-24-2010	Not included
O-17-10	6-24-2010	Not included
O-18-10	6-24-2010	Not included
O-19-10	6-24-2010	TSO Table III
O-20-10	6-24-2010	32.001
O-21-10	6-24-2010	34.30
O-23-10	6-24-2010	Repealed
O-25-10	6-24-2010	Repealed
O-22-10	6-28-2010	150.01; 150.02; 150.15—150.19; 150.30—150.39; 150.99
O-26-10	8-17-2010	32.068
O-27-10	8-17-2010	91.02
O-28-10	8-17-2010	92.17
O-29-10	8-17-2010	94.999
O-30-10	8-17-2010	Not included
O-31-10	8-24-2010	TSO Table III
O-32-10	8-24-2010	Not included
O-33-10	8-24-2010	34.30
O-34-10	8-24-2010	TSO Table V
O-36-10	9-28-2010	TSO Table V
O-37-10	9-28-2010	Repealed
O-38-10	10-12-2010	34.30
O-39-10	10-12-2010	Not included
O-40-10	11-23-2010	TSO Table III
O-41-10	12-7-2010	Repealed
O-42-10	12-7-2010	74.001—74.008; 74.010—74.033; 74.082—74.091; 74.105—74.108; 74.999
O-44-10	12-21-2010	Not included
O-45-10	12-21-2010	Not included
O-01-11	2-8-2011	150.17
O-02-11	2-8-2011	TSO Table VII
O-03-11	2-22-2011	Repealed
O-4-11	3-22-2011	73.46; 73.99
O-05-11	4-5-2011	150.17
O-06-11	4-19-2011	Not included
O-07-11	4-19-2011	Adopting Ordinance
O-08-11	5-3-2011	Not included

O-09-11	6-28-2011	32.065—32.068
O-10-11	6-28-2011	46.02
O-11-11	6-28-2011	34.52
O-12-11	6-29-2011	TSO Table VII
O-13-11	6-29-2011	Not included
O-14-11	6-29-2011	92.06
O-15-11	6-29-2011	Not included
O-16-11	6-29-2011	Not included
O-17-11	6-29-2011	Not included
O-18-11	7-26-2011	TSO Table III
O-19-11	8-9-2011	Not included
O-20-11	8-23-2011	Ch. 75, Schd. II
O-21-11	8-23-2011	Not included
O-22-11	8-23-2011	132.07
O-23-11	8-23-2011	Not included
O-29-11	9-6-2011	34.30
O-30-11	9-20-2011	34.47
O-31-11	9-20-2011	Not included
O-32-11	10-4-2011	Not included
O-33-11	11-1-2011	Adopting Ordinance
O-34-11	12-6-2011	132.07
O-35-11	12-20-2011	Not included
O-36-11	12-20-2011	Not included
O-37-11	12-20-2011	Not included
O-38-11	12-20-2011	Not included
O-01-12	1-24-2012	Repealed
O-2-12	2-21-2012	Not included
O-3-12	2-21-2012	Not included
O-4-12	3-20-2012	90.01—90.03; 90.15—90.19; 90.20—90.27; 90.40—90.44; 90.55—90.59; 90.61—90.64; 90.99
O-5-12	3-20-2012	TSO Table III
O-06-12	4-3-2012	34.30
O-07-12	4-3-2012	34.53
O-08-12	4-17-2012	Not included
O-09-12	5-29-2012	Adopting Ordinance
O-10-12	5-29-2012	Repealed
O-11-12	6-12-2012	TSO Table I
O-12-12	6-28-2012	Not included
O-13-12	6-28-2012	Not included
O-14-12	6-28-2012	TSO Table III
O-15-12	6-28-2012	Repealed
O-17-12	8-7-2012	TSO Table V
O-25-12	8-21-2012	Not included
O-26-12	8-21-2012	Not included
O-27-12	9-4-2012	Repealed
O-28-12	9-4-2012	TSO Table V
O-30-12	9-18-2012	Not included
O-31-12	10-9-2012	Not included
O-32-12	10-23-2012	TSO Table V
O-33-12	10-23-2012	TSO Table I
O-34-12	10-23-2012	TSO Table I
O-35-12	10-23-2012	Not included

O-36-12	10-23-2012	150.17
O-37-12	10-23-2012	92.03; 92.10
O-38-12	10-23-2012	32.001
O-39-12	10-23-2012	34.30
O-40-12	10-23-2012	Not included
O-41-12	11-27-2012	TSO Table I
O-43-12	11-27-2012	150.01
O-44-12	11-27-2012	90.18
O-45-12	12-4-2012	Ch. 75, Schd. II
O-46-12	12-4-2012	Not included
O-47-12	12-4-2012	110.03
O-48-12	12-4-2012	Not included
O-49-12	12-4-2012	92.03; 92.05—92.07; 92.09; 92.14—92.20; 92.99
O-50-12	12-4-2012	TSO Table I
O-51-12	12-4-2012	Not included
O-52-12	12-4-2012	Not included
O-53-12	12-18-2012	Not included
O-54-12	12-18-2012	Not included
O-55-12	12-18-2012	Not included
O-56-12	12-18-2012	Not included
O-57-12	12-18-2012	34.30
O-58-12	12-20-2012	Not included
O-59-12	12-20-2012	Not included
O-60-12	12-20-2012	Adopting Ordinance
O-01-13	1-29-2013	Not included
O-2-13	2-12-2013	TSO Table I
O-4-13	2-12-2013	Repealed
O-5-13	2-26-2013	Repealed
O-06-13	3-12-2013	34.30
O-07-13	3-12-2013	Not included
O-08-13	3-12-2013	Repealed
O-09-13	3-26-2013	34.30
O-10-13	3-26-2013	Not included
O-11-13	3-26-2013	Not included
O-12-13	3-26-2013	74.082; 74.083; 74.086; 74.088—74.090
O-16-13	5-21-2013	TSO Table I
O-17-13	6-11-2013	TSO Table V
O-18-13	6-11-2013	74.086; 74.088; 74.089
O-19-13	6-11-2013	TSO Table III
O-20-13	6-25-2013	Not included
O-21-13	6-25-2013	34.30
O-22-13	6-25-2013	Not included
O-23-13	6-25-2013	Repealed
O-24-13	6-25-2013	TSO Table III
O-27-13	6-25-2013	Not included
O-25-13	6-27-2013	Not included
O-28-13	6-27-2013	Not included
O-29-13	8-6-2013	Not included
O-30-13	8-6-2013	TSO Table V
O-32-13	8-27-2013	Not included
O-33-13	9-24-2013	94.032; 94.035
O-34-13	10-8-2013	34.30

O-35-13	10-8-2013	Not included
O-36-13	10-22-2013	112.01; 112.02; 112.06; 112.08—112.11
O-37-13	10-22-2013	Repealed
O-39-13	12-17-2013	Not included
O-40-13	12-17-2013	34.30
O-41-13	12-17-2013	Not included
O-42-13	12-17-2013	Adopting Ordinance
O-01-14	1-21-2014	34.30
O-02-14	2-18-2014	Repealed
O-03-14	2-18-2014	34.30
O-04-14	2-18-2014	TSO Table V
O-06-14	4-15-2014	Repealed
O-07-14	5-27-2014	Adopting Ordinance
O-08-14	5-27-2014	92.16
O-09-14	6-24-2014	TSO Table VI
O-10-14	6-24-2014	94.036
O-11-14	6-24-2014	34.30
O-12-14	6-25-2014	34.30
O-13-14	6-25-2014	Not included
O-14-14	6-25-2014	Not included
O-15-14	6-25-2014	Not included
O-16-14	6-25-2014	Not included
O-17-14	6-25-2014	TSO Table III
O-18-14	7-30-2014	TSO Table III
O-19-14	7-30-2014	45.15; 45.17
O-20-14	8-26-2014	Not included
O-21-14	9-9-2014	45.02
-	9-23-2014	34.30
O-23-14	9-23-2014	Repealed
O-24–14	10-7-2014	TSO Table III
O-25-14	10-21-2014	30.07
O-26-14	10-21-2014	30.03
O-27-14	12-16-2014	Not included
O-28-14	12-16-2014	Not included
O-30-14	12-16-2014	Repealed
O-01-15	1-20-2015	34.30
O-02-15	2-17-2015	Not included
O-03-15	3-19-2015	Repealed
O-05-15	3-19-2015	116.01
O-06-15	4-14-2015	34.30
O-07-15	4-14-2015	34.30
O-08-15	4-14-2015	34.30
O-09-15	4-14-2015	TSO Table VIII
O-10-15	4-28-2015	34.30
O-11-15	4-28-2015	34.30
O-12-15	5-12-2015	90.28; 90.40
O-13-15	5-12-2015	Adopting Ordinance
O-14-15	5-18-2015	34.30
O-15-15	5-28-2015	Not included
O-16-15	5-28-2015	Not included
O-17-15	6-16-2015	34.30

O-18-15	6-16-2015	TSO Table III
O-19-15	6-16-2015	TSO Table III
O-20-15	6-23-2015	46.02
O-21-15	6-23-2015	34.30
O-22-15	7-21-2015	Not included
O-23-15	7-21-2015	Not included
O-24-15	7-21-2015	34.30
O-25-15	7-21-2015	34.30
O-26-15	8-18-2015	34.30
O-27-15	8-18-2015	TSO Table I
O-28-15	8-18-2015	Ch. 75, Schd. II
O-29-15	8-18-2015	91.05—91.07; 112.06
O-30-15	8-18-2015	92.05; 92.10; 92.99
O-31-15	8-18-2015	110.30; 110.99
O-32-15	8-25-2015	98.01—98.07
O-33-15	8-25-2015	45.02
O-34-15	8-25-2015	Not included
O-35-15	10-20-2015	34.30
O-36-15	10-20-2015	34.30
O-37-15	10-20-2015	Not included
O-39-15	11-10-2015	34.30
O-40-15	11-17-2015	34.30
O-41-15	12-1-2015	Not included
O-42-15	12-8-2015	Not included
O-43-15	12-8-2015	Not included
O-44-15	12-8-2015	Not included
O-45-15	12-8-2015	Not included
O-46-15	12-8-2015	Not included
O-47-15	12-8-2015	46.01
O-48-15	12-8-2015	95.003—95.007; 95.020—95.022; 95.035; 95.050—95.053; 95.125; 95.999
O-49-15	12-15-2015	Ch. 75, Schd. IV
O-50-15	12-15-2015	Not included
O-01-16	1-5-2016	Ch. 75, Schd. IV
O-02-16	1-12-2016	Not included
O-04-16	3-22-2016	34.30
O-06-16	5-3-2016	Adopting Ordinance
O-07-16	5-3-2016	70.55; 70.99
O-08-16	5-3-2016	74.001—74.033; 74.045; 74.060—74.064, 74.066—74.068; 74.080—74.091; 74.105—74.108; 74.998; 74.999
O-09-16	5-24-2016	Ch. 75, Schd. I; Ch. 75, Schd. II
O-10-16	6-14-2016	TSO Table VII
O-11-16	6-27-2016	Not included
O-12-16	6-27-2016	116.01
O-13-16	6-27-2016	TSO Table I
O-14-16	6-28-2016	Not included
O-15-16	6-28-2016	Not included
O-16-16	6-28-2016	TSO Table V
O-17-16	7-12-2016	TSO Table III
O-18-16	7-15-2016	34.30
O-19-16	8-23-2016	Not included

O-20-16	8-23-2016	34.30
O-21-16	8-23-2016	34.30
O-22-16	8-23-2016	34.30
O-24-16	9-13-2016	Ch. 75, Schd. I; Ch. 75, Schd. II
O-25-16	9-27-2016	TSO Table VII
O-26-16	9-27-2016	34.30
O-03-16	10-18-2016	Repealed
O-27-16	10-18-2016	119.001—119.007; 119.999
O-28-16	10-18-2016	112.06
O-29-16	10-18-2016	Not included
O-31-16	10-18-2016	Not included
O-32-16	11-15-2016	92.01—92.23; 92.99
O-33-16	11-15-2016	110.31; 110.99; 152.16
O-34-16	11-15-2016	46.01
O-35-16	11-15-2016	TSO Table V
O-37-16	11-15-2016	34.30
O-38-16	11-15-2016	34.30
O-39-16	12-6-2016	45.17
O-40-16	12-6-2016	112.06
O-41-16	12-20-2016	Not included
O-42-16	12-21-2016	Repealed
O-01-17	1-17-2017	Not included
O-02-17	1-17-2017	Not included
O-03-17	2-21-2017	Not included
O-04-17	2-21-2017	34.30
O-06-17	3-14-2017	TSO Table I
O-07-17	4-11-2017	TSO Table VII
O-08-17	5-2-2017	34.30
O-09-17	5-2-2017	Not included
O-12-17	6-27-2017	92.13; 92.17; 92.22
O-13-17	6-27-2017	152.16
O-14-17	6-27-2017	Not included
O-15-17	6-27-2017	Not included
O-16-17	6-27-2017	Not included
O-17-17	8-8-2017	Ch. 75, Schd. II
O-19-17	9-7-2017	Not included
O-20-17	9-26-2017	34.30
O-21-17	10-10-2017	112.06
O-22-17	10-10-2017	TSO Table V
O-23-17	10-10-2017	Ch. 75, Schd. I
O-24-17	10-24-2017	112.02
O-25-17	10-24-2017	73.01; 73.61 ; 73.99
O-26-17	11-14-2017	110.14
O-27-17	11-28-2017	34.30
O-28-17	11-28-2017	33.01—33.07; 33.20—33.23; 33.35; 33.50—33.54
O-29-16	12-5-2017	Not included
O-30-17	12-5-2017	46.01
O-01-18	1-16-2018	TSO Table IV
O-02-18	1-16-2018	34.30
O-03-18	1-16-2018	31.01
O-04-18	1-16-2018	34.30

O-05-18	1-30-2018	Not included
O-06-18	1-30-2018	Not included
O-07-18	1-30-2018	32.020—32.027
O-08-18	1-30-2018	36.001—36.003; 36.015—36.032; 36.045—36.050; 36.065—36.073; 36.999
O-09-18	1-30-2018	Repealed
O-10-18	1-30-2018	35.004
O-11-18	2-13-2018	Not included
O-12-18	3-13-2018	Ch. 75, Schd. II
O-13-18	3-13-2018	93.55—93.57
O-14-18	3-27-2018	32.001
O-15-18	3-27-2018	10.16
O-16-18	3-27-2018	112.05
O-17-18	3-27-2018	Not included
O-18-18	4-10-2018	34.30
O-20-18	5-8-2018	34.30
O-21-18	6-12-2018	Not included
O-22-18	6-26-2018	TSO Table I
O-23-18	6-26-2018	34.30
O-24-18	6-26-2018	TSO Table V
O-25-18	6-28-2018	TSO Table V
O-26-18	6-28-2018	Not included
O-27-18	6-28-2018	Not included
O-29-18	8-14-2018	34.30
O-30-18	8-14-2018	34.30
O-31-18	8-14-2018	34.30
O-32-18	8-28-2018	73.01; 73.61
O-33-18	8-28-2018	34.30
O-34-18	8-28-2018	Not included
O-35-18	8-28-2018	95.003—95.007; 95.021; 95.050; 95.051; 95.053; 95.125; 95.999
O-36-18	9-25-2018	34.30
O-37-18	10-9-2018	34.30
O-38-18	10-9-2018	32.068
O-39-18	10-23-2018	TSO Table V
O-40-18	12-11-2018	Not included
O-41-18	12-11-2018	74.063; 74.064
O-42-18	12-11-2018	35.035—35.041
O-43-18	12-11-2018	41.01; 41.15—41.22
O-44-18	12-11-2018	Repealed
O-45-18	12-11-2018	TSO Table VII
O-01-19	1-29-2019	Not included
O-03-19	2-26-2019	112.02
O-05-19	3-12-2019	42.01—42.09
O-06-19	3-12-2019	93.30—93.40; 93.99
O-07-19	3-26-2019	40.01—40.08
O-08-19	3-26-2019	Not included
O-09-19	4-9-2019	116.01
O-10-19	4-23-2019	TSO Table I
O-12-19	5-14-2019	TSO Table I
O-13-19	5-28-2019	112.05
O-14-19	6-11-2019	37.01—37.08; 37.20; 37.30; 37.31

O-15-19	6-11-2019	34.30
O-16-19	6-11-2019	Not included
O-17-19	6-24-2019	10.21
O-18-19	6-24-2019	110.01—110.15
O-19-19	6-24-2019	Not included
O-20-19	6-24-2019	Not included
O-21-19	6-24-2019	TSO Table V; TSO Table VI
O-22-19	6-24-2019	34.20—34.23
O-23-19	7-23-2019	TSO Table I
O-24-19	7-23-2019	32.055; 32.070—32.091; 35.060
O-25-19	7-23-2019	34.30
O-26-19	8-13-2019	35.040
O-27-19	8-13-2019	34.01
O-28-19	9-10-2019	Not included
O-29-19	10-15-2019	TSO Table VIII
O-31-19	10-15-2019	TSO Table V
O-32-19	10-29-2019	43.01—43.03
O-33-19	10-29-2019	35.036
O-34-19	11-12-2019	132.02; 132.99
O-36-19	11-26-2019	TSO Table V
O-37-19	12-17-2019	30.01
O-38-19	12-17-2019	Not included
O-01-20	1-14-2020	112.04
O-02-20	1-14-2020	114.65—114.73; 114.99
O-03-20	1-14-2020	71.67
O-04-20	1-28-2020	96.001—96.004; 96.015—96.021; 96.035—96.040; 96.055—96.071; 96.085; 96.999
O-05-20	2-11-2020	124.01 ; 124.10—124.19; 124.99
O-06-20	2-25-2020	TSO Table VIII
O-07-20	3-24-2020	125.01—125.03; 125.99
O-09-20	5-12-2020	Not included
O-10-20	6-23-2020	Not included
O-11-20	6-23-2020	Not included
O-12-20	7-21-2020	TSO Table V
O-13-20	8-11-2020	123.01—123.06
O-14-20	8-11-2020	TSO Table V
O-15-20	8-11-2020	92.01; 92.03; 92.05; 92.06; 92.07; 92.10; 92.12—92.18; 92.23; 92.99
O-16-20	8-11-2020	152.02; 152.03; 152.16; 152.99
O-17-20	8-11-2020	155.01—155.10; 155.99
O-18-20	8-25-2020	94.999
O-19-20	8-25-2020	32.080—32.084
O-20-20	9-15-2020	51.01—51.13; 51.99
O-21-20	9-22-2020	Not included
O-22-20	9-22-2020	158.01
O-23-20	10-27-2020	32.041
O-24-20	12-1-2020	91.06
O-25-20	12-1-2020	151.03
O-26-20	12-1-2020	90.01; 90.59; 90.60; 90.99
O-27-20	12-15-2020	124.99
O-28-20	12-15-2020	TSO Table I

O-01-21	1-5-2021	Not included
O-02-21	2-23-2021	50.10—50.23
O-03-21	3-9-2021	Not included
O-04-21	3-9-2021	159.01
O-05-21	3-23-2021	Adopting Ordinance
O-06-21	4-27-2021	31.01
O-07-21	4-27-2021	32.001
O-08-21	5-11-2021	93.31—93.34
O-09-21	6-29-2021	50.12
O-10-21	6-29-2021	Not included
O-11-21	8-10-2021	33.06
O-12-21	8-24-2021	Not included
O-13-21	9-28-2021	158.01
O-15-21	9-28-2021	32.022
O-16-21	10-26-2021	TSO Table III
O-17-21	11-16-2021	TSO Table VIII
O-18-21	12-14-2021	Not included
O-01-22	1-25-2022	33.24
O-02-22	2-22-2022	32.043
O-03-22	2-22-2022	Not included
O-04-22	3-8-2022	74.009—74.012, 74.015, 74.018, 74.028, 74.060—74.064, 74.067, 74.068, 74.082, 74.083, 74.086—74.089, 74.091
O-05-22	3-8-2022	32.022
O-06-22	3-8-2022	71.15
O-07-22	3-22-2022	112.09
O-08-22	3-22-2022	37.03—37.05, 37.07
O-09-22	4-12-2022	158.01
O-10-22	6-28-2022	Not included
O-11-22	6-28-2022	Not included
O-12-22	7-19-2022	TSO Table I
O-13-22	7-19-2022	92.07, 92.99, 96.085
O-14-22	8-9-2022	50.24—50.37, 50.99
O-15-22	8-9-2022	50.13
O-16-22	8-9-2022	50.38—50.49
O-17-22	8-9-2022	50.50—50.71
O-18-22	8-9-2022	94.001—94.003, 94.015—94.018, 94.021, 94.026, 94.028, 94.030, 94.032, 94.036
O-19-22	8-23-2022	Not included
O-20-22	9-27-2022	74.065
O-21-22	10-25-2022	Not included
O-22-22	11-29-2022	35.036
O-23-22	11-29-2022	33.03
O-24-22	11-29-2022	158.01
O-25-22	11-29-2022	158.01
O-26-22	12-20-2022	96.067
O-27-22	12-20-2022	36.046
O-28-22	12-20-2022	74.045—74.052
O-30-22	12-20-2022	158.02—158.05
O-02-23	3-28-2023	35.100—35.106
O-03-23	4-11-2023	33.02
O-04-23	4-11-2023	Not included
O-05-23	5-23-2023	158.01

O-06-23	6-27-2023	92.07; 92.99
O-07-23	6-27-2023	112.06; 112.99
O-08-23	6-27-2023	Not included
O-09-23	6-27-2023	110.03
O-10-23	6-27-2023	Not included
O-11-23	6-28-2023	124.99; 127.01—127.19; 127.99
O-12-23	8-8-2023	35.036; 35.074; 35.076; 35.077; 35.081
O-13-23	8-8-2023	158.01
O-14-23	8-22-2023	32.005; 32.006
O-15-23	8-22-2023	TSO Table VIII
O-16-23	9-5-2023	Not included
O-17-23	9-26-2023	33.02—33.04
O-18-23	10-24-2023	Not included
O-19-23	12-5-2023	112.02; 112.05; 112.09
O-20-23	12-5-2023	TSO Table IV
O-01-24	1-9-2024	33.06
O-02-24	1-23-2024	TSO Table I
O-03-24	3-12-2024	158.01
O-04-24	3-26-2024	Not included
O-05-24	4-9-2024	TSO Table III
O-06-24	4-23-2024	94.034
O-07-24	4-23-2024	30.08
O-08-24	5-14-2024	127.02; 127.05; 127.07—127.09; 127.14—127.16
O-09-24	5-14-2024	Not included
O-10-24	5-14-2024	TSO Table VIII
O-11-24	6-11-2024	158.01
O-12-24	6-18-2024	Not included
O-13-24	6-25-2024	46.01
O-14-24	6-25-2024	Not included
O-15-24	6-25-2024	42.10
O-16-24	6-25-2024	158.01
O-17-24	7-16-2024	TSO Table VII
O-18-24	7-16-2024	TSO Table VII
O-19-24	8-13-2024	128.01; 128.02
O-20-24	8-27-2024	TSO Table III
O-21-24	8-27-2024	124.01; 124.10; 124.11; 124.13; 124.15; 124.16; 124.30—124.36; 124.99
O-22-24	8-27-2024	TSO Table VII
O-23-24	8-27-2024	TSO Table VII
O-24-24	8-27-2024	TSO Table VII
O-25-24	8-27-2024	TSO Table VII
O-26-24	8-27-2024	TSO Table VII
O-27-24	8-27-2024	TSO Table VII
O-28-24	8-27-2024	TSO Table VII
O-29-24	8-27-2024	TSO Table VII
O-30-24	9-10-2024	Not included
O-31-24	10-8-2024	TSO Table VII
O-32-24	10-8-2024	TSO Table VIII
O-33-24	11-19-2024	158.01
O-34-24	12-17-2024	128.01; 128.03—128.07; 128.99
O-35-24	12-17-2024	30.05
O-01-2025	1-28-2025	TSO Table V

O-02-2025	4-8-2025	158.01
O-03-2025	4-22-2025	73.01; 73.15; 73.21; 73.40; 73.60—73.64; 73.99
O-04-2025	4-22-2025	94.003
O-05-2025	5-13-2025	37.03; 37.04
O-06-2025	5-27-2025	30.07
O-07-2025	5-27-2025	TSO Table V
O-08-2025	6-10-2025	158.01
O-09-2025	6-24-2025	Not included
O-10-2025	7-15-2025	35.040; 35.041
O-11-2025	8-12-2025	Not included
O-12-2025	8-12-2025	TSO Table VII
O-13-2025	8-12-2025	TSO Table I
O-14-2025	9-23-2025	45.02
O-15-2025	9-23-2025	Not included