

CITY OF ANCHORAGE, KENTUCKY

CODE OF ORDINANCES

2022 S-21 Supplement contains:
Local legislation current through 1-2021, passed 2-8-21; and
State legislation current through 2021

AMERICAN LEGAL PUBLISHING CORPORATION

525 Vine Street ✧ Suite 310 ✧ Cincinnati, Ohio 45202
1-800-445-5588 ✧ www.amlegal.com

ORDINANCE 98-7

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the fourth supplement to the Code of Ordinances of the City of Anchorage, Kentucky, which contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Kentucky Revised Statutes;

WHEREAS, it is the intent of the Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW THEREFORE, BE IT ORDAINED by the City of Anchorage:

SECTION 1: That the fourth supplement to the Code of Ordinances of the City of Anchorage, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, is hereby adopted by reference as if set out in its entirety.

SECTION 2: That this ordinance shall take effect and be in force from and after its date of passage, approval, and publication as required by law.

First Reading: 7-13-98

Second Reading: 8-10-98

Passed and adopted this 10th day of August, 1998.

Peyton Hoge III /s/
Peyton Hoge, III, Mayor

Christi Franklin /s/
Christi Franklin, City Clerk

ORDINANCE 00-9

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT
TO THE CODE OF ORDINANCES**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the sixth supplement to the Code of Ordinances of the City of Anchorage, Kentucky, which contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Kentucky Revised Statutes;

WHEREAS, it is the intent of the Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW THEREFORE BE IT ORDAINED by the City of Anchorage:

SECTION 1: That the sixth supplement to the Code of Ordinances of the City of Anchorage, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, is hereby adopted by reference as if set out in its entirety.

SECTION 2: That this ordinance shall take effect and be in force from and after its date of passage, approval, and publication as required by law.

YES

NO

Judy Holtman (Not Present)

Martha Juckett X

Rudy Miller X

Susan Mitchell X

Mark O'Brien (Not Present)

Peg Revell X

Adopting Ordinance

Passed and approved this 12th day of June, 2000 by a vote of 4 yes and 0 no.

Peyton Hoge III /s/ per Executive Order
Peyton Hoge III, Mayor

Christi Franklin /s/
Christi Franklin, City Clerk

ORDINANCE 01-5

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the seventh supplement to the Code of Ordinances of the City of Anchorage, Kentucky, which contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Kentucky Revised Statutes;

WHEREAS, it is the intent of the Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW THEREFORE BE IT ORDAINED by the City of Anchorage:

SECTION 1: That the seventh supplement to the Code of Ordinances of the City of Anchorage, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, is hereby adopted by reference as if set out in its entirety.

SECTION 2: That this ordinance shall take effect and be in force from and after its date of passage, approval, and publication as required by law.

	<u>YES</u>	<u>NO</u>
Judy Holtman	X	
Brian Rublein	X	
Rudy Miller	X	
Susan Mitchell	X	
Monica Westhusing	X	
Dan Heiskell	X	

Adopting Ordinance

Passed and approved this 9 day of July, 2001 by a vote of 6 yes and 0 no.

Rudy Miller /s/

Rudy Miller, Presiding Officer

Michelle Fianza /s/

Michelle Fianza, City Clerk

ORDINANCE 02-6

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the eighth supplement to the Code of Ordinances of the City of Anchorage, Kentucky, which contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Kentucky Revised Statutes;

WHEREAS, it is the intent of the Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW THEREFORE BE IT ORDAINED by the City of Anchorage:

SECTION 1: That the eighth supplement to the Code of Ordinances of the City of Anchorage, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, is hereby adopted by reference as if set out in its entirety.

SECTION 2: That this ordinance shall take effect and be in force from and after its date of passage, approval, and publication as required by law.

	<u>YES</u>	<u>NO</u>
Judy Holtman	X	
Brian Rublein	X	
Rudy Miller	X	
Susan Mitchell	X	
Monica Westhusing	X	
Dan Heiskell	X	

Adopting Ordinance

Passed and approved this 11 day of November, 2002 by a vote of 6 yes and 0 no.

W. Thomas Hewitt /s/
W. Thomas Hewitt, Mayor

Michelle Fianza /s/
Michelle Fianza, City Clerk

CITY OF ANCHORAGE
ORDINANCE NO. 3, SERIES 2003

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT
TO THE CODE OF ORDINANCES**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the seventh supplement to the Code of Ordinances of the City of Anchorage, Kentucky, which contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Kentucky Revised Statutes;

WHEREAS, it is the intent of the Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW THEREFORE BE IT ORDAINED by the City of Anchorage:

SECTION 1: That the seventh supplement to the Code of Ordinances of the City of Anchorage, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, is hereby adopted by reference as if set out in its entirety.

SECTION 2: That this ordinance shall take effect and be in force from and after its date of passage, approval, and publication as required by law.

YES

NO

Judy Holtman	Absent
Brian Rublein	X
Rudy Miller	Absent
Susan Mitchell	X
Monica Westhusing	X
Peggy Revell	X

Adopting Ordinance

Passed and approved this 9th day of June, 2003 by a vote of 4 yes and 0 no.

W. Thomas Hewitt /s/
W. Thomas Hewitt, Mayor

Michelle Fianza /s/
Michelle Fianza, City Clerk

CITY OF ANCHORAGE, KENTUCKY
ORDINANCE NO. 10, SERIES 2006

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT
TO THE CODE OF ORDINANCES**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2006 S-11 supplement to the Code of Ordinances of the City of Anchorage, Kentucky, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Kentucky Revised Statutes;

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW, THEREFORE, BE IT ORDAINED by the City of Anchorage:

SECTION 1: That the 2006 S-11 supplement to the Code of Ordinances of the City of Anchorage, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, Ohio and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2: That this ordinance shall take effect and be in force from and after its date of passage, approval and publication as required by law.

Date of First Reading: November 15, 2006

Date of Second Reading: December 11, 2006

	<u>YES</u>	<u>NO</u>
Richard Sweet	X	
Roger Durham	X	
Rudy Miller	X	
Susan Mitchell	X	
Brian Rublein	X	
Lisa Davenport	X	

W. Thomas Hewitt /s/
W. Thomas Hewitt, Mayor

Nan Schlindwein /s/
Nan Schlindwein, City Clerk

ORDINANCE NO. 4, SERIES 2009

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT
TO THE CODE OF ORDINANCES OF THE CITY OF ANCHORAGE, KENTUCKY**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2009 S-13 supplement to the Code of Ordinances of the City of Anchorage, Kentucky, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Kentucky Revised Statutes;

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW, THEREFORE, BE IT ORDAINED by the City of Anchorage:

SECTION 1: That the 2009 S-13 supplement to the Code of Ordinances of the City of Anchorage, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, Ohio and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2: That this ordinance shall take effect and be in force from and after its date of passage, approval and publication as required by law.

Date of First Reading:

Date of Second Reading: June 16, 2009

	<u>YES</u>	<u>NO</u>
Ramsey, Neil	X	
Durham, Roger	X	
Wetherton, Bill	X	
Heiskell, Dan	X	
Mitchell, Susan	X	
Rublein, Brian	X	

W. Thomas Hewitt /s/
W. Thomas Hewitt, Mayor

Nan Schlindwein /s/
Nan Schlindwein, City Clerk

ORDINANCE NO. 9, SERIES 2010

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT
TO THE CODE OF ORDINANCES OF THE CITY OF ANCHORAGE, KENTUCKY**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2010 S-14 supplement to the Code of Ordinances of the City of Anchorage, Kentucky, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Kentucky Revised Statutes;

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW, THEREFORE, BE IT ORDAINED by the City of Anchorage:

SECTION 1: That the 2010 S-14 supplement to the Code of Ordinances of the City of Anchorage, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, Ohio and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2: That this ordinance shall take effect and be in force from and after its date of passage, approval and publication as required by law.

Introduced By:

Date of First Reading:

Date of Second Reading: August 9, 2010

YES

NO

Ramsey, Neil

Hagan, Cecelia

Wetherton, Bill

Heiskell, Dan

Mitchell, Susan

Rublein, Brian

Anchorage - Adopting Ordinance

I certify that the within ordinance was enacted by a vote of ___ yes and ___ no by the City Council of Anchorage, KY.

Date of Publish:

W. Thomas Hewitt /s/
W. Thomas Hewitt, Mayor

Alice McKinley /s/
Alice McKinley, City Clerk

ORDINANCE NO. 3, SERIES 2011

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT
TO THE CODE OF ORDINANCES OF THE CITY OF ANCHORAGE, KENTUCKY.**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2011 S-15 supplement to the Code of Ordinances of the City of Anchorage, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Kentucky Revised Statutes;

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW, THEREFORE, BE IT ORDAINED by the City of Anchorage:

SECTION 1. That the 2011 S-15 supplement to the Code of Ordinances of the City of Anchorage, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. That this ordinance shall take effect and be in force from and after its date of passage, approval, and publication as required by law.

Introduced By: Cecelia Hagen

Date of First Reading: Aug. 2, 2011

Date of Second Reading: Sept. 12, 2011

	<u>YES</u>	<u>NO</u>
Ramsey, Neil	X	___
Hagan, Cecelia	X	___
Wetherton, Bill	X	___
Heiskell, Dan	X	___
Mitchell, Susan	X	___
Rublein, Brian	___	<i>Absent</i> ___

Anchorage - Adopting Ordinance

I certify that the within ordinance was enacted by a vote of 5 yes and 0 no by the City Council of Anchorage, KY.

Date of Publish: Sept. 16, 2011

W. Thomas Hewitt /s/
W. Thomas Hewitt, Mayor

Alice McKinley /s/
Alice McKinley, City Clerk

ORDINANCE NO. 6, SERIES 2012

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT
TO THE CODE OF ORDINANCES OF THE CITY OF ANCHORAGE, KENTUCKY.**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2012 S-16 supplement to the Code of Ordinances of the City of Anchorage, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Kentucky Revised Statutes;

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW, THEREFORE, BE IT ORDAINED by the City of Anchorage:

SECTION 1. That the 2012 S-16 supplement to the Code of Ordinances of the City of Anchorage, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. That this ordinance shall take effect and be in force from and after its date of passage, approval, and publication as required by law.

Introduced By: Cecelia Hagen

Date of First Reading: Sept. 10, 2012

Date of Second Reading: Oct. 15, 2012

	<u>YES</u>		<u>NO</u>
Ramsey, Neil	X		___
Hagan, Cecelia	X		___
Wetherston, Bill	___	<i>Absent</i>	___
Heiskell, Dan	X		___
Mitchell, Susan	___	<i>Absent</i>	___
Rublein, Brian	X		___

Anchorage - Adopting Ordinance

I certify that the within ordinance was enacted by a vote of 4 yes and 0 no by the City Council of Anchorage, KY.

Date of Publish: October 20, 2012

W. Thomas Hewitt /s/
W. Thomas Hewitt, Mayor

Alice McKinley /s/
Alice McKinley, City Clerk

ORDINANCE NO. 7, SERIES 2014

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT
TO THE CODE OF ORDINANCES OF THE CITY OF ANCHORAGE, KENTUCKY.**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2014 S-17 supplement to the Code of Ordinances of the City of Anchorage, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Kentucky Revised Statutes;

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW, THEREFORE, BE IT ORDAINED by the City of Anchorage:

SECTION 1. That the 2014 S-17 supplement to the Code of Ordinances of the City of Anchorage, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. That this ordinance shall take effect and be in force from and after its date of passage, approval, and publication as required by law.

Introduced By: Diane Cook

Date of First Reading: August 11, 2014

Date of Second Reading: September 18, 2014

	<u>YES</u>	<u>NO</u>
Diane Cook	X	___
Cecelia Hagan	X	___
Dan Heiskell	X	___
Neil Ramsey	X	___
Brian Rublein	X	___
Bill Wetherton	X	___

Anchorage - Adopting Ordinance

Passed and approved this 8th day of September, 2014, by a vote of 6 yes and 0 no.

Publication Date: September 22, 2014

W. Thomas Hewitt /s/
W. Thomas Hewitt, Mayor

Alice McKinley /s/
Alice McKinley, City Clerk

ORDINANCE NO. 7, SERIES 2015

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT
TO THE CODE OF ORDINANCES OF THE CITY OF ANCHORAGE, KENTUCKY.**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2015 S-18 supplement to the Code of Ordinances of the City of Anchorage, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Kentucky Revised Statutes;

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW, THEREFORE, BE IT ORDAINED by the City of Anchorage:

SECTION 1. That the 2015 S-18 supplement to the Code of Ordinances of the City of Anchorage, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. That this ordinance shall take effect and be in force from and after its date of passage and publication as required by law.

Introduced By: Cecelia Hagan

Date of First Reading: November 9, 2015

Date of Second Reading: December 14, 2015

	<u>YES</u>	<u>NO</u>
Diane Cook	X	___
Cecelia Hagan	X	___
Connie O'Connell	X	___
Neil Ramsey	X	___
Brian Rublein	Absent	___
Bill Wetherton	X	___

Anchorage - Adopting Ordinance

Passed and approved this 30th day of December, 2015, by a vote of 5 yes and 0 no.

Publication Date: December 30, 2015

W. Thomas Hewitt /s/
W. Thomas Hewitt, Mayor

Renee M. Major /s/
Renee M. Major, City Clerk

ORDINANCE NO. 9, SERIES 2017

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT
TO THE CODE OF ORDINANCES OF THE CITY OF ANCHORAGE, KENTUCKY.**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2017 S-19 supplement to the Code of Ordinances of the City of Anchorage, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Kentucky Revised Statutes;

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW, THEREFORE, BE IT ORDAINED by the City of Anchorage:

SECTION 1. That the 2017 S-19 supplement to the Code of Ordinances of the City of Anchorage, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. The provisions of this Ordinance are severable; the invalidity of any such provision of this Ordinance shall not affect the validity of any other provision thereof. Such other provision shall remain in full force and effect as long as they remain valid in the absence of those provisions deemed to be invalid.

SECTION 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 4: This ordinance shall become effective upon its passage and publication according to law.

W. Thomas Hewitt /s/

W. Thomas Hewitt

Mayor, City of Anchorage

Introduced By: Cecelia Hagan

Date of First Reading: 14 August 2017

Date of Second Reading: 9 September 2017

Anchorage - Adopting Ordinance

I hereby certify that the within ordinance was enacted by a vote of the City Council of Anchorage, Kentucky on this 11 date of September, 2017, as indicated below.

	<u>YES</u>	<u>NO</u>
Hagan, Cecelia	X	___
O'Connell, Connie	Absent	___
Cook, Diane	X	___
Ramsey, Neil	X	___
Rublein, Brian	X	___
Wetherton, Bill	X	___

Renee M. Major /s/
Renee M. Major, City Clerk

Date Approved: 11 September 2017

Date of Publication: 02 October 2017

CITY OF ANCHORAGE

ORDINANCE NO. 3, SERIES 2020

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE
CODE OF ORDINANCES OF THE CITY OF ANCHORAGE, KENTUCKY**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2020 S-20 supplement to the Code of Ordinances of the City of Anchorage, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and,

WHEREAS, American Legal Publishing Corporation has recommended the revision or additional of certain sections of the Code of Ordinances which are based on or make reference to section so the Kentucky Revised Statutes; and,

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ANCHORAGE AS FOLLOWS:

Section 1: That the 2020 S-20 supplement to the Code of Ordinances of the City of Anchorage, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2: The provisions of this Ordinance are severable; the invalidity of any such provision of this Ordinance shall not affect the validity of any other provision thereof. Such other provision shall remain in full force and effect as long as they remain valid in the absence of those provisions deemed to be invalid.

Section 3: All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4: This Ordinance shall become effective upon its passage and publication according to law.

W. Thomas Hewitt /s/
W. THOMAS HEWITT
MAYOR, CITY OF ANCHORAGE
Date: 4 May 2020

Introduced By: Neil Ramsey
Date of First Reading: 13 April 2020
Date of Second Reading: 20 April 2020

Anchorage - Adopting Ordinance

I hereby certify that the within ordinance was enacted by a vote of the City Council of Anchorage, Kentucky on this 20th date of April, 2020, as indicated below.

	YES	NO
Cook, Diane	<u>X</u>	___
Delehanty, Matthew	<u>X</u>	___
Ramsey, Neil	<u>Absent</u>	___
Walters, Jason	<u>X</u>	___
Wilson, Hunter	<u>X</u>	___
Wetherton, Bill	<u>X</u>	___

Renee Major /s/
Renee Major, City Clerk

Date Approved: 20 April 2020
Date of Publication: 30 April 2020

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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 Anchorage 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.

§ 10.02 DEFINITIONS.

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

ACTION. Includes all proceedings in any court of this state. (KRS 446.010(1))

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

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

AVIS. The automated vehicle information system established and maintained by the Transportation Cabinet to collect titling and registration information on vehicles and boats and information on holders of motor vehicle operator's licenses and personal identification cards. (KRS 446.010(55))

BUSINESS TRUST. Includes, except when utilized in KRS Chapter 386, a “statutory trust” as organized under KRS Chapter 386A. (KRS 446.010(6))

CERTIFIED MAIL. Any method of governmental, commercial, or electronic delivery that allows a document or package to have proof of:

(1) Sending the document or package;

(2) The date the document or package was delivered or delivery was attempted; and

(3) The signature of the receipt of the document or package.
(KRS 446.010(8))

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

COMPANY. May extend and be applied to any corporation, company, person, partnership, joint stock company, or association. (KRS 446.010(9))

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

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

COUNTY. Jefferson County, Kentucky.

CRUELTY. As applied to animals, includes every act or omission whereby unjustifiable physical pain, suffering, or death is caused or permitted.
(KRS 446.010(12))

DIRECTORS. When applied to corporations, includes managers or trustees. (KRS 446.010(13))

DOMESTIC. When applied to a corporation, partnership, business trust, or limited liability company, means all those incorporated or formed by authority of this state. (KRS 446.010(14))

DOMESTIC ANIMAL. Any animal converted to domestic habitat. (KRS 446.010(15))

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

FEDERAL. Refers to the United States.
(KRS 446.010(17))

FOREIGN. When applied to a corporation, partnership, limited partnership, business trust, statutory trust, or limited liability company, includes all those incorporated or formed by authority of any other state. (KRS 446.010(18))

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

KRS. Kentucky Revised Statutes.

LAND or REAL ESTATE. Includes lands, tenements, and hereditaments and all rights thereto and interest therein, other than a chattel interest.
(KRS 446.010(23))

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

LEGISLATIVE BODY MEMBER. A City Councilman. (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 Anchorage, 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, coroners, jailers, metropolitan and urban-county government correctional officers, marshals,

policemen, and other persons with similar authority to make arrests. (KRS 446.010(31))

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

REGISTERED MAIL. Any governmental, commercial, or electronic method of delivery that allows a document or package to have:

(1) Its chain of custody recorded in a register to enable its location to be tracked;

(2) Insurance available to cover its loss; and

(3) The signature of the recipient of the document or package available to the sender.

(KRS 446.010(36))

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

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

SWORN. Includes **AFFIRMED** in all cases in which an affirmation may be substituted for an oath. (KRS 446.010(43))

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

STATE. The State of Kentucky.

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

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

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

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

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

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

§ 10.03 RULES OF CONSTRUCTION.

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

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

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

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

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

§ 10.04 COMPUTATION OF TIME.

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

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

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

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

§ 10.05 MAJORITY MAY ACT FOR ALL; AUTHORIZED AGENT.

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

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

§ 10.06 WRITINGS AND SIGNATURES.

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

(B) Every writing contemplated by this code shall be in the English language.
(KRS 446.060)

§ 10.07 SEVERABILITY.

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

§ 10.08 REVIVOR.

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

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

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

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

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

(KRS 446.100)

§ 10.09 RIGHTS AND LIABILITIES ACCRUING BEFORE REPEAL OF ORDINANCE.

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

(KRS 446.110)

§ 10.10 CONSTRUCTION OF SECTION REFERENCES.

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

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

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

amended, revised, recodified, or renumbered, unless the subject matter be changed or materially altered by the amendment or revision.

§ 10.11 ORDINANCES REPEALED.

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

§ 10.12 ORDINANCES UNAFFECTED.

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

§ 10.13 ORDINANCES SAVED.

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

§ 10.14 AMENDMENTS TO CODE; AMENDATORY LANGUAGE.

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

(B) The method of amendment set forth in § 32.37 should be used by the city to amend, add, or repeal a chapter, section, or division of this code of ordinances.

§ 10.15 CONFLICTING PROVISIONS.

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

§ 10.16 REFERENCE TO OFFICES.

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

§ 10.17 ERRORS AND OMISSIONS.

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

§ 10.18 HISTORICAL AND STATUTORY REFERENCES.

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

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

§ 31.10 MAYOR.

The executive authority of the city shall be vested in and exercised by the Mayor.
(Ord. 10, passed 1-1-80)

Statutory reference:

*For powers and duties of the Mayor, see
KRS 83A.130*

§ 10.99 GENERAL PENALTY.

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

TITLE III: ADMINISTRATION

Chapter

- 30. MAYOR-COUNCIL PLAN**
- 31. CITY OFFICIALS**
- 32. CITY COUNCIL**
- 33. FINANCE AND REVENUE**
- 34. PUBLIC RECORDS**
- 35. TAXATION**
- 36. DEPARTMENTS AND COMMISSIONS**
- 37. CODE OF ETHICS**

CHAPTER 30: MAYOR-COUNCIL PLAN

Section

- 30.01 Form of government
- 30.02 Governing officers

§ 30.01 FORM OF GOVERNMENT.

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

§ 30.02 GOVERNING OFFICERS.

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

(B) The City Council shall be composed of not less than six nor more than 12 members as prescribed by ordinance.
(KRS 83A.030(1))

CHAPTER 31: CITY OFFICIALS

Section

General Provisions

- 31.01 Oath; bond
- 31.02 Compensation
- 31.03 Removal from office
- 31.04 Indemnification of officers and employees

Elected Officials

- 31.20 Election procedure
- 31.21 Mayor
- 31.22 Councilmembers

Nonelected City Officials

- 31.35 Establishment of nonelected city offices
- 31.36 City Clerk
- 31.37 City Administrative Officer
- 31.38 City Engineer
- 31.39 Deputy Mayor

Personnel Provisions

- 31.50 Retirement policy

Cross-reference:

Code of Ethics, see Ch. 37

GENERAL PROVISIONS

§ 31.01 OATH; BOND.

(A) *Oath.* Each officer of the city shall, before entering upon the discharge of duties of his office, take the following oath: “I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of this Commonwealth, and the

Constitution of the United States, and be faithful and true to the Commonwealth of Kentucky, so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of _____, according to law; and I do further solemnly swear (or affirm) that, since the adoption of the present Constitution, I being a citizen of this United States, have not fought a duel with deadly weapons within this State, nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as a second in carrying a challenge, nor aided or assisted any person thus offending, so help me God,” as established by section 228 of the Kentucky Constitution.

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

§ 31.02 COMPENSATION.

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

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

(2) The City Council shall set the compensation of these officers in accordance with KRS 83A.070 at a rate no greater than that stipulated by the State Finance and Administration Cabinet.

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

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

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

Statutory reference:

Compensation, see KRS 83A.070 and 83A.075

§ 31.03 REMOVAL FROM OFFICE.

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

(B) *Nonelected officers.* Nonelected city officers may be removed by the Mayor at will, unless otherwise provided by state law or ordinance.

Statutory reference:

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

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

§ 31.04 INDEMNIFICATION OF OFFICERS AND EMPLOYEES.

(A) For purposes of this section, the following definitions shall apply unless the context clearly requires a different meaning:

(1) **ACTION IN TORT.** Any claim for monetary damages based upon negligence, intentional tort, nuisance, products liability and strict liability and shall also include any wrongful death or survival-type action.

(2) **OFFICER.** Any elected or appointed official of the city.

(3) **EMPLOYEE.** All full- and part-time employees of the city including volunteer firefighters and auxiliary police officers, if any, but shall not include any independent contractor or any employee, agent, supplier or subcontractor of any independent contractor.

(B) Except as provided in division (E) of this section, the city shall, without cost to the officer or employee, provide for the legal defense of any officer or employee in any action in tort arising out of an act or omission occurring within the scope of the officer's or employee's employment or public duties with the city.

(C) The city may provide for the defense of any officer or employee through its own legal counsel or by employing independent legal counsel or by purchasing insurance which requires the insurer to defend. If the city defends through its own legal counsel and its legal counsel determines that the interests of the officer or employee and the city conflict, the city shall obtain the written consent of the employee for such representation or shall provide independent representation. An employee may have his own legal counsel to assist in the defense at the expense of the employee.

(D) Upon receiving service of a summons and complaint in any action in tort brought against him, an officer or employee shall, within ten days of his receipt of service, give written notice of the claim and make a request that the city provide a defense to the action. The notice of claim and request for defense shall be filed with the Mayor.

(E) The city may refuse to provide for the defense of any action in tort brought against an officer or employee of the city if it determines and notifies the officer or employee in writing that:

(1) The act or omission was not within the actual or apparent scope of the employee's employment or the officer's official capacity;

(2) The employee or officer acted or failed to act because of fraud, malice or corruption; or

(3) A timely request to defend was not made in accordance with division (D) of this section.

(F) If the city refuses to provide an officer or employee with a defense and the officer or employee provides his own defense, the officer or employee shall be entitled to recover all necessary and reasonable costs of the defense from the city if the act or omission is judicially determined to have arisen out of the actual or apparent scope of the employee's employment and the employee is found to have acted without fraud, malice or corruption.

(G) Subject to the limitations set forth in division (H) of this section, and provided that the city shall not pay any award of punitive or exemplary damages, the city shall pay any judgment rendered against an officer or employee in any action in tort, or any compromise or settlement of such action.

(H) The city may refuse to pay any judgment, compromise or settlement in any action in tort against an officer or employee, or if the city pays any judgment, compromise or settlement, it may recover from the officer or employee the amount of such payment and the costs to defend, if:

(1) The officer or employee acted or failed to act because of fraud, malice or corruption;

(2) The action was outside the actual or apparent scope of the employee's employment or the officer's official capacity;

(3) The employee or officer willfully failed or refused to assist the defense of the action; or

(4) The employee or officer compromised or settled the claim without the consent of the legislative body of the city.

(I) An officer or employee who is being provided a defense in an action in tort by the city shall not enter into any compromise or settlement of the action without the approval of the legislative body of the city.

(J) Nothing in this section shall be construed as a waiver to any defense which the city may assert in any action in tort brought against it or any officer or employee of the city.

(Ord. 86-2, passed 3-25-86)

ELECTED OFFICIALS

§ 31.20 ELECTION PROCEDURE.

(A) The Mayor, City Councilmembers and any other elected officials, shall be elected at-large in accordance with the provisions for non-partisan elections set forth in KRS 83A.170. (Ord. 85-2, passed 1-29-85)

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

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

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

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

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

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

Statutory reference:

Election of city officers, see KRS 83A.050

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

§ 31.21 MAYOR.

(A) *Election; term of office.* The Mayor of this city shall be elected by the voters of the city at a regular election. A candidate for mayor shall be a resident of the city for not less than one year prior to his or her election. His term of office begins on the first day of January following his election and shall be for four years and until his successor qualifies.

(B) *Qualifications.* The Mayor shall be at least 21 years of age, shall be a qualified voter in the city, and shall reside in the city throughout his term of office.

(C) *Vacancy.* If a vacancy occurs in the office of Mayor, Council shall fill the vacancy within 30 days. If for any reason, any vacancy in the office of Mayor is not filled within 30 days after it occurs, the Governor shall promptly fill the vacancy by appointment of a qualified person who shall serve for the same period as if otherwise appointed.
(KRS 83A.040(1), (2), (6))

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

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

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

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

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

(D) Powers and duties.

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

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

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

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

(5) Any delegation of the Mayor's power, duties, or responsibilities to subordinate officers and employees and any expression of his official authority to fulfill executive functions shall be made by

executive order. Executive orders shall be sequentially numbered by years and kept in a permanent file. (KRS 83A.130(7))

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

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

(8) The Mayor shall provide for the orderly continuation of the functions of city government at any time he is unable to attend to the duties of his office by delegating responsibility for any function to be performed, in accordance with division (D)(5) above. However, the Mayor may not delegate the responsibility of presiding at meetings of the Council, and the authority to approve ordinances or promulgate administrative procedures may only be delegated to an elected officer. With approval of the Council, the Mayor may rescind any action taken in his absence under this section within 30 days of such action. If for any reason the disability of the Mayor to attend to his duties persists for 60 consecutive days, the office of Mayor may be declared vacant by a majority vote of the Council and the provisions of § 31.21(C) shall apply. (KRS 83A.130(10))

§ 31.22 COUNCILMEMBERS.

For provisions concerning City Council, see Chapter 32.

NONELECTED CITY OFFICIALS

§ 31.35 ESTABLISHMENT OF NONELECTED CITY OFFICES.

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

- (1) Title of office;
- (2) Powers and duties of office;
- (3) Oath of office;
- (4) Bond, if required; and

(5) Compensation, which may be specifically established or set by reference to another ordinance in which the compensation is specifically established.

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

(C) All nonelected officers may be removed by the Mayor at will unless otherwise provided by statute or ordinance.

(D) The following are nonelected city offices:

- (1) City Clerk;
- (2) City Administrative Officer;
- (3) City Engineer;
- (4) City Zoning Compliance Officer; and
- (5) City Tax Assessor.

Statutory reference:

Nonelected city offices, see KRS 83A.080(1), (2), (3)

§ 31.36 CITY CLERK.

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

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

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

(1) Maintenance and safekeeping of the permanent records of the city;

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

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

(4) No later than January 31 of each year, mail or electronically submit to the Department for Local Government a list containing current city information including but not limited to the following:

(a) The correct name, telephone number, and electronic mail address of the Mayor, legislative body members, and the correct name, telephone number and electronic mail address for the city’s appointed officials or employees who are serving in the following roles or substantially similar roles as of January 1 of each year:

1. City Clerk;
2. City Treasurer or Chief Financial Officer;
3. City Manager or Administrator;
4. City Attorney;
5. Human Resources Director;
6. Police Chief;
7. Fire Chief;
8. Public Works Director;
9. Risk Manager;
10. Public Relations or Communications officer; and

11. Planning and Zoning Administrator.

(b) The correct name of the city, mailing address for city hall, and telephone number of the city hall; and

(c) The name and telephone number of either an elected or appointed official to serve as a contact person that may be reached during normal business hours of 8:00 a.m. to 4:30 p.m.;

(5) Performance of all other duties and responsibilities required of the City Clerk by statute or ordinance.
(KRS 83A.085)

(D) Compensation shall be in the amount as established by the City Council from time to time as set forth in § 31.02.

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

§ 31.37 CITY ADMINISTRATIVE OFFICER.

(A) There is hereby created the office of City Administrative Officer.

(B) Qualifications for the office of City Administrative Officer are:

(1) A four-year degree from an accredited college or university, or equivalent post graduate education, in public or police administration, finance, business, or a related field;

(2) Experience in administration and personnel management sufficient to insure competent performance of the duties of City Administrative Officer; and

(3) Be bondable in the minimum amount set forth in division (F) of this section.

(C) Duties of the office of City Administrative Officer are:

(1) Advise the executive authority of the city in policy formulation on overall problems of the city;

(2) Have major responsibility for preparation and administration of operating and capitol improvement budgets under direction of the executive authority;

(3) Advise the executive authority of the city in the appointment of subordinate administrative personnel;

(4) Administer personnel policies of the city as are established by the Mayor and Council including, but not limited to, employment, promotions, salaries, suspensions, dismissals, and the like, all subject to appropriate statutes, ordinances, and administrative or executive orders;

(5) Report directly to the Mayor and set up a succession of reporting in the absence of the Mayor in regard to the supervision of the Police Department;

(6) Have continuing direct relationships with all other operating department heads of the city on implementation and administration of programs;

(7) Advise the city on matters regarding insurance, liability and related policy formation;

(8) Have ultimate responsibility, together with the City Treasurer and Clerk, for the city's banking affairs and investment of city funds in accordance with state and federal requirements and city policies;

(9) Be the representative of the Mayor and/or City Councilmembers at public functions and meetings, including board meetings of the Fire and Ambulance Districts, attend all City Council

meetings, deliver such oral or written reports as requested by the Mayor or City Council, and respond to inquiries and complaints directed to the city;

(10) Prepare requests for funding from other governmental entities and administer programs funded by those entities;

(11) Together with City Clerk and Treasurer, insure that the various tax bills, license fees, user fees, and the like of the city are properly prepared and mailed and that the functions of property valuation and equalization are carried out;

(12) Act as one of the authorized officials of the city for the purpose of signing city checks.

(D) The City Administrative Officer shall carry out all additional duties lawfully delegated by appropriate order of the Mayor and shall have the same powers as the Mayor in carrying out such duties.

(E) Before entering upon the duties of the office of City Administrative Officer, the City Administrative Officer shall take the oath of office set forth in Section 228 of the Constitution of the Commonwealth of Kentucky.

(F) Before entering upon the duties of the office of City Administrative Officer, the City Administrative Officer shall post a bond in the faithful performance of duties in favor of the city in the amount of \$100,000.

(G) Compensation for the office of City Administrative Officer shall be as established by the City Council from time to time as set forth in § 31.02, and shall be reasonable and commensurate with the qualifications and experience of the person occupying the office and shall be confirmed annually by the City Council.

(H) The City Administrative Officer shall be appointed by the Mayor with the approval of the City Council as recorded in the minutes of the Council. The City Administrative Officer shall serve at the pleasure of the Mayor.
(Ord. 92-1, passed 3-23-92)

§ 31.38 CITY ENGINEER.

(A) The office of City Engineer is hereby established.

(B) The City Engineer shall be appointed by the Mayor with the approval of the City Council pursuant to KRS 83A.080; and may be removed by the Mayor at will.

(C) No person shall be appointed or act as the City Engineer unless such person has taken the oath required by Section 228 of the Constitution of the Commonwealth of Kentucky and has provided a bond in the sum as established by City Council with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein.

(D) The City Engineer shall advise the Mayor and City Council on all matters related to the maintenance and improvement of streets, alleys, and other public ways, and on matters which may be deemed necessary for the public good, welfare, and convenience, including matters pertaining to sewers and culverts, and shall perform such work and services in connection therewith, as may be assigned him by the City Council.

(E) The compensation of the City Engineer shall be in an amount to be established by City Council by ordinance.

§ 31.39 DEPUTY MAYOR.

(A) The office of Deputy Mayor is hereby established.

(B) The Mayor may appoint a resident of the city to fill the office of Deputy Mayor by appointment through executive order.

(C) The Deputy Mayor shall serve at the pleasure of the Mayor, however, in the event of a vacancy in the office of Mayor, the Deputy Mayor

serving at the time of the vacancy shall continue to serve until such time as a new Mayor is elected or appointed as provided by statute.

(D) The Deputy Mayor shall have such duties and powers as are delegated to the office by the Mayor through executive order and as otherwise provided by law, shall take the constitutional oath of office and shall serve without bond.

(E) The Deputy Mayor shall serve without compensation, however, he or she shall be entitled to reimbursement, at rates and in amounts approved by the Commonwealth of Kentucky for its employees, for legally compensable expenses incurred in carrying out the duties of the office.

(F) When the Mayor is unable to attend any meeting of the City Council, or during any vacancy in the office of Mayor, the members of the City Council who are present at the meeting shall nominate a presiding officer who shall be elected by a majority vote of the members of the Council attending the meeting and who shall serve as presiding officer for only that meeting.

(Ord. 00-1, passed 1-23-00; Am. Ord. 00-3, passed 4-10-00)

PERSONNEL PROVISIONS**§ 31.50 RETIREMENT POLICY.**

(A) The city is hereby authorized to participate in the County Employee Retirement System effective September 1, 1999, and that all eligible regular, full-time officers and employees of the city are hereby authorized and directed to comply with the statutory requirements of this Retirement System.

(B) All employees of the city whose duties require an average of 100 hours during each working month shall be considered as "regular full-time" employees for County Retirement purposes.
(Ord. 99-8, passed 7-12-99)

CHAPTER 32: CITY COUNCIL

Section

General Provisions

- 32.01 Members; election, qualifications, compensation
- 32.02 Vacancies
- 32.03 Powers and duties

Rules of Procedure

- 32.20 Mayor as Presiding Officer
- 32.21 Meetings
- 32.22 Quorum

Ordinances

- 32.35 One subject; title
- 32.36 Introduction; enacting clause
- 32.37 Form of amendment
- 32.38 Reading requirement; exception for emergency
- 32.39 Approval, disapproval by Mayor
- 32.40 Adoption of standard codes by reference
- 32.41 Official city records
- 32.42 Indexing and maintenance requirements
- 32.43 Publication requirements
- 32.44 Additional requirements for adoption may be established by city
- 32.45 Periodic review required
- 32.46 Municipal orders
- 32.47 Proved by Clerk; received in evidence
- 32.48 Legislative immunity

Administrative Delegation

- 32.60 Appeal of discretionary administrative decisions

GENERAL PROVISIONS

§ 32.01 MEMBERS; ELECTION, QUALIFICATIONS, COMPENSATION.

(A) *Election; term of office.* Each Council-member shall be elected at-large by the voters of the city at a regular election. A candidate for a legislative body shall be a resident of the city for not less than one year prior to his or her election. Terms of office begin on the first day of January following the election and shall be for two years.

(B) *Qualifications.* A member shall be at least 18 years of age, shall be a qualified voter in the city, and shall reside in the city throughout his term of office.
(KRS 83A.040(4))

(C) *Compensation.* For provisions concerning compensation, see § 31.02.

§ 32.02 VACANCIES.

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

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

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

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

Statutory reference:

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

§ 32.03 POWERS AND DUTIES.

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

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

(C) The Council shall provide, by ordinance, for sufficient revenue to operate city government and shall appropriate the funds of the city in a budget which provides for the orderly management of city resources. (KRS 83A.130(12))

(D) The Council may investigate all activities of city government. The Council may require any city officer or employee to prepare and submit to it sworn

statements regarding the performance of his official duties. Any statement required by the Council to be submitted or any investigation undertaken by the Council, if any office, department, or agency under the jurisdiction of the Mayor is involved, shall not be submitted or undertaken unless and until written notice of the Council's action is given to the Mayor. The Mayor may review any statement before sub-mission to the Council and to appear personally or through his designee on behalf of any department, office, or agency in the course of any investigation.

(KRS 83A.130(13))

RULES OF PROCEDURE

§ 32.20 MAYOR AS PRESIDING OFFICER.

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

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

(KRS 83A.130(5))

Cross-reference:

Council's responsibility to select one of its own members to preside when there is vacancy in the office of Mayor, see § 31.21

§ 32.21 MEETINGS.

(A) Regular meetings of the Council shall be held at 6:00 p.m. on the second Monday of each calendar month in the meeting room of City Hall at 1306 Evergreen Road, Anchorage, Kentucky. In the event that a change is required in the date or time of the regular meeting, a special meeting may be called as provided in division (B) below.

(Ord. 94-8, passed 5-16-94; Am. Ord. 97-5, passed 4-9-97; Am. Ord. 03-5, passed 7-14-04; Am. Ord. 6-2015, passed 9-17-15)

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

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

(D) The minutes of every meeting shall be signed by the person responsible for maintaining city records as provided under § 31.36 and by the officer presiding at the meeting.
(KRS 83A.130(11))

§ 32.22 QUORUM.

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

ORDINANCES

§ 32.35 ONE SUBJECT; TITLE.

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

§ 32.36 INTRODUCTION; ENACTING CLAUSE.

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

§ 32.37 FORM OF AMENDMENT.

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

§ 32.38 READING REQUIREMENT; EXCEPTION FOR EMERGENCY.

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

(B) In an emergency, upon the affirmative vote of two-thirds of the membership, the Council may suspend the requirements of second reading and publication in order for an ordinance to become effective by naming and describing the emergency in the ordinance. Publication requirements of § 32.43 shall be complied with within ten days of the enactment of the emergency ordinance.
(KRS 83A.060(4),(7))

§ 32.39 APPROVAL, DISAPPROVAL BY MAYOR.

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

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

§ 32.40 ADOPTION OF STANDARD CODES BY REFERENCE.

The Council may adopt the provisions of any local, statewide, or nationally recognized standard code and codifications of entire bodies of local legislation by an ordinance that identifies the subject matter by title, source, and date and incorporates the adopted provisions by reference without setting them

out in full, if a copy accompanies the adopting ordinance and is made a part of the permanent records of the city.

(KRS 83A.060(5))

§ 32.41 OFFICIAL CITY RECORDS.

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

(B) The Council has provided, under the provisions of §§ 31.36(C) and 32.42, for the maintenance and safekeeping of the permanent records of the city. The City Clerk and the presiding officer shall sign the official record of each meeting.

(KRS 83A.060(8))

§ 32.42 INDEXING AND MAINTENANCE REQUIREMENTS.

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

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

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

(KRS 83A.060(8))

§ 32.43 PUBLICATION REQUIREMENTS.

(A) Except as provided in § 32.38(B), no ordinance shall be enforceable until published pursuant to KRS Chapter 424.

(B) Ordinances may be published in full or in summary as designated by the legislative body. If the legislative body elects to publish an ordinance in summary, the summary shall be prepared or certified

by an attorney licensed to practice law in the Commonwealth of Kentucky and shall include the following:

(1) The title of the ordinance;

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

(3) The full text of each section that imposes taxes or fees.

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

(KRS 83A.060(9))

§ 32.44 ADDITIONAL REQUIREMENTS FOR ADOPTION MAY BE ESTABLISHED BY CITY.

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

(KRS 83A.060(10))

§ 32.45 PERIODIC REVIEW REQUIRED.

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

(KRS 83A.060 (11))

§ 32.46 MUNICIPAL ORDERS.

(A) Council may adopt municipal orders. All municipal orders shall be in writing and may be adopted only at an official meeting. Orders may be

amended only by a subsequent municipal order or ordinance. All orders adopted shall be maintained in an official order book.

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

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

§ 32.47 PROVED BY CLERK; RECEIVED IN EVIDENCE.

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

(KRS 83A.060(14))

§ 32.48 LEGISLATIVE IMMUNITY.

For anything said in debate, Councilmembers shall be entitled to the same immunities and protections allowed to members of the General Assembly.

(KRS 83A.060(15))

Statutory reference:

Privileges of members of General Assembly, see KRS 6.050 and Ky. Const. § 43

ADMINISTRATIVE DELEGATION

§ 32.60 APPEAL OF DISCRETIONARY ADMINISTRATIVE DECISIONS.

(A) Wherever within this code of ordinances the City Council has by ordinance or code section delegated discretionary decision making power to any administrative officer or employee of the city (collectively, “administrative officer”) or to any sub-body, 1997 S-3

including without limitation boards and commissions established by ordinance, any person who is adversely affected by a decision made by the administrative officer or sub-body to which the power was delegated shall have a right of appeal to the City Council.

(B) Should any ordinance or code section that delegates discretionary power to an administrative officer or sub-body contain a procedure for the appeal to the City Council of decisions made by the administrative officer or sub-body, the procedure of the particular ordinance shall control.

(C) Should any ordinance or code section that delegates discretionary power to an administrative officer or sub-body not contain a procedure for the appeal to the City Council of decisions made by the administrative officer or sub-body, the right of appeal shall be controlled by this section.

(D) Any person who is adversely affected by a discretionary decision of an administrative officer or sub-body to which the decision making power was delegated and who wishes to appeal the decision to the City Council pursuant to division (C) of this section shall provide written notice to the City Clerk within 14 days of the day on which the person was first informed of the adverse decision. The date of initial notice to the person adversely affected, whether in person or the date of mailing, shall control. The notice of appeal shall state the grounds for appeal and contain copies of any documents that the appellant deems pertinent to the appeal.

(E) The City Clerk, upon receipt of a notice of appeal filed under division (D) of this section shall place the appeal on the agenda of the next meeting of the City Council which is at least seven days hence, notify the appellant of the date of the hearing, and provide to all members of the Council, the chairperson of the sub-body or administrative officer from whose decision the appeal is taken, the Mayor, and the City Attorney with copies of the notice of appeal and any documents pertinent to the appeal.

(F) The filing of an appeal shall act as a stay on all action by both appellant and the city in regard to the matter in controversy.

(G) Unless otherwise agreed between the city and the appellant, the appeal shall be heard as part of the regular meeting of the City Council. All appeals to the City Council shall be heard, debated, and decided in open session; however, the debate may be passed to the end of the agenda. On motion of a member of the Council, debate may be passed until the next regularly scheduled meeting of the Council for the purpose of conducting additional fact finding. At the conclusion of debate, a majority vote of the members present shall decide the appeal. Procedure at the presentation of the appeal will be governed by the ordinary rules of parliamentary procedure and state law governing the meeting of the Council. No right to rehearing or further appeal within the city government shall exist.

(H) The decision of the City Council on whether to grant or reject the appeal shall not constitute a hearing de novo. The appellant shall carry the burden of proof to demonstrate that the decision of the administrative office or sub-body from which the appeal is taken was clearly erroneous.

(I) The City Council's action on the appeal shall either affirm the decision of the sub-body or administrative officer or wholly or partially grant the appeal through specific instructions to be placed in the minutes of the City Council. Following the decision of the City Council, the matter on appeal shall be returned to the sub-body or administrative officer as affirmed or with instructions, and the stay of action by the appellant and the city shall be dissolved.

(J) This section shall not be construed to and does not in any way relate to the discretionary decisions made by officers of the city police department in the enforcement or non-enforcement of laws and ordinances the violation of which can be punished by a fine or other criminal penalty, or by administrative officers or sub-bodies where the means of appeal is prescribed by state statutes.
(Ord. 96-11, passed 10-21-96)

CHAPTER 33: FINANCE AND REVENUE

Section

Financial Administration

- 33.01 Definitions
- 33.02 Accounting records and financial reports
- 33.03 Annual budget ordinance
- 33.04 Annual audit of city funds
- 33.05 Official depositories; disbursement of city funds

Improvements

- 33.10 Definitions
- 33.11 (Reserved)
- 33.12 Apportionment of cost
- 33.13 Comprehensive report required
- 33.14 Public hearing required
- 33.15 Adoption of ordinance; notice to affected owners
- 33.16 Affected owner may contest
- 33.17 When city may proceed; assessment constitutes lien
- 33.18 Effect of additional property or change in financing

Funds

- 33.25 Infrastructure depreciation trust fund

FINANCIAL ADMINISTRATION

§ 33.01 DEFINITIONS.

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

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

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

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

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

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

GENERALLY ACCEPTED PRINCIPLES OF GOVERNMENTAL ACCOUNTING. Those standards and procedures promulgated and recognized by the Governmental Accounting Standards Board. (KRS 91A.010)

§ 33.02 ACCOUNTING RECORDS AND FINANCIAL REPORTS.

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

(1) Determine compliance with statutory provisions; and

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

(B) The municipal accounting system shall be organized and operated on a fund basis.
(KRS 91A.020)

§ 33.03 ANNUAL BUDGET ORDINANCE.

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

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

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

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

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

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

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

year in program goals, programs, and appropriation levels; and explain any major changes in fiscal policy.

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

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

(I) The full amount estimated to be required for debt service during the budget year shall be appropriated, for all governmental fund types.

(J) Council may amend the budget ordinance at any time after the ordinance's adoption, so long as the amended ordinance continues to satisfy the requirements of this section.

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

(L) To the extent practical, the system utilized in the administration and implementation of the adopted budget ordinance shall be consistent in form with the accounting system called for in § 33.02.

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

extent, beyond the balance of any appropriation made for the purpose.
(KRS 91A.030)

§ 33.04 ANNUAL AUDIT OF CITY FUNDS.

(A) Except as provided in KRS 91A.040(2) to (4), the city shall, after the close of each fiscal year, cause each fund of the city to be audited by the auditor of public accounts or a certified public accountant. The audit shall be completed by February 1 immediately following the fiscal year being audited. The city shall forward an electronic copy of the audit report to the Department for Local Government for information purposes by no later than March 1 immediately following the fiscal year being audited.

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

(1) The auditor be employed to examine the basic financial statements which shall include the government-wide and fund financial statements;

(2) The auditor shall include in the annual city audit report an examination of local government economic assistance funds granted to the city under KRS 42.450 to 42.495. The auditor shall include a certification with the annual audit report that the funds were expended for the purpose intended.

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

(4) The auditor shall prepare a typewritten or printed report embodying:

(a) The basic financial statements and accompanying supplemental and required supplemental information;

(b) The auditor's opinion on the basic financial statements or reasons why an opinion cannot be expressed;

(c) Findings required to be reported as a result of the audit.

(5) The completed audit and all accompanying documentation shall be presented to Council at a regular or special meeting; and

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

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

(D) Each city shall, within 30 days after the presentation of an audit to the city legislative body, publish an advertisement, in accordance with KRS Ch. 424, containing:

(1) The auditor's opinion letter;

(2) The "Budgetary Comparison Schedules-Major Funds," which shall include the general fund and all major funds;

(3) A statement that a copy of the complete audit report, including financial statements and supplemental information, is on file at city hall and is available for public inspection during normal business hours;

(4) A statement that any citizen may obtain from city hall a copy of the complete audit report, including financial statements and supplemental information, for his or her personal use;

(5) A statement which notifies citizens requesting a personal copy of the city audit report that they will be charged for duplication costs at a rate that shall not exceed \$.25 per page; and

(6) A statement that copies of the financial statement prepared in accordance with KRS 424.220, when a financial statement is required by that section, are available to the public at no cost at the business address of the officer responsible for preparation of such statement.

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

(KRS 91A.040)

Statutory reference:

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

**§ 33.05 OFFICIAL DEPOSITORIES;
DISBURSEMENT OF CITY FUNDS.**

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

insurance or collateralized in accordance with 12 USC 1823, to the extent uninsured, by any obligations, including surety bonds permitted by KRS 41.240 (4).

(B) All receipts from any source of city money or money for which the city is responsible, which has not been otherwise invested or deposited in a manner authorized by law, shall be deposited in official depositories. All city funds shall be disbursed by written authorization approved by the Mayor which states the name of the person to whom funds are payable, the purpose of the payment, and the fund out of which the funds are payable. Each authorization shall be numbered and recorded.
(KRS 91A.060)

IMPROVEMENTS

§ 33.10 DEFINITIONS.

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

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

BENEFITS RECEIVED BASIS. The apportionment of cost of an improvement according

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

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

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

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

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

PROPERTY. Any real property benefitted by an improvement.

SPECIAL ASSESSMENT or **ASSESSMENT.** A special charge fixed on property to finance an improvement in whole or in part.

SQUARE FOOT BASIS. The apportionment of cost of an improvement according to the ratio the square footage of individual parcels of property bears to the square footage of all such property.
(KRS 91A.210)

§ 33.11 (RESERVED).

§ 33.12 APPORTIONMENT OF COST.

The cost of any improvement shall be apportioned on a benefits received basis with respect

to any property owned by the state, a local unit of government, or any educational, religious, or charitable organization. Council may assess such property in the same manner as for privately owned property or it may pay the costs so apportioned out of general revenues.
(KRS 91A.230)

§ 33.13 COMPREHENSIVE REPORT REQUIRED.

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

(A) The nature of the improvement;

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

(C) The preliminary estimated cost of the improvement;

(D) The fair basis of assessment proposed;

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

(F) Such other information as may further explain material aspects of the improvement, assessments, or financing.
(KRS 91A.240)

§ 33.14 PUBLIC HEARING REQUIRED.

After preparation of the report required by § 33.13, the city shall hold at least one public hearing on the proposed improvement at which all interested persons shall be heard. Notice of the hearing shall be published pursuant to KRS Chapter 424, and mailed to each affected property owner by certified mail, return receipt requested, and shall include:

(A) The nature of the improvement;

(B) Description of area of the improvement;

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

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

(E) Time and place of the hearing.
(KRS 91A.250)

§ 33.15 ADOPTION OF ORDINANCE; NOTICE TO AFFECTED OWNERS.

Within 90 days of conclusion of the hearing, the city shall determine whether to proceed with the improvement by special assessments, and if it determines to proceed shall adopt an ordinance so stating and containing all necessary terms, including the items referred to in § 33.13 and a description of all properties. Promptly upon passage the city shall publish such ordinance pursuant to KRS Chapter 424 and shall mail by certified mail to each affected property owner a notice of determination to proceed with the project, the fair basis of assessment to be utilized, the estimated cost to the property owner, and the ratio the cost to each property owner bears to the total cost of the entire project.
(KRS 91A.260)

§ 33.16 AFFECTED OWNER MAY CONTEST.

(A) Within 30 days of the mailing of the notice provided for in § 33.15, any affected property owner may file an action in the circuit court of the county, contesting the undertaking of the project by special assessment, the inclusion of his property in the improvement, or the amount of his assessment. If the action contests the undertaking of the improvement by the special assessment method of the inclusion of the property of that property owner, no further action on the improvement insofar as it relates to any property owner who is a plaintiff shall be taken until the final judgment has been entered.

(B) The city may proceed with the improvement with respect to any properties whose owners have not

filed or joined in an action as provided in this section or who have contested only the amounts of their assessments, and the provisions of the resolution are final and binding with respect to such property owners except as to contested amounts of assessments. After the lapse of time as herein provided, all actions by owners of properties are forever barred.
(KRS 91A.270)

§ 33.17 WHEN CITY MAY PROCEED; ASSESSMENT CONSTITUTES LIEN.

(A) After the passage of time for the action provided for in § 33.16, or after favorable final judgment in any such action, whichever comes later, the city may proceed with the improvement or part thereof stayed by the action, including notice requiring payment of special assessment or installment thereon and bonds or other method proposed to finance the improvement. The first installment may be apportioned so that other payments will coincide with payment of ad valorem taxes.

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

§ 33.18 EFFECT OF ADDITIONAL PROPERTY OR CHANGE IN FINANCING.

The city may undertake any further proceedings to carry out the improvement or any extension or

refinancing thereof, except that §§ 33.13 through 33.17 applies if additional property is included in the improvement or if change is made in the method or period of financing; but additional property may be included in the improvement with the consent of the owner thereof without compliance with other sections if it does not increase the cost apportioned to any other property, or any other change may be made without such compliance if all property owners of the improvement consent.

(KRS 91A.290)

FUNDS

§ 33.25 INFRASTRUCTURE DEPRECIATION TRUST FUND.

There is hereby created an infrastructure depreciation trust fund for the purpose of repairing, restoring, refurbishing, and rebuilding structures and facilities owned by the city. The fund shall be maintained as part of the city's general fund, however, the City Clerk shall maintain and keep separate records regarding the fund.

(Ord. 85-11, passed 11-25-85; Am. Ord. 90-10, passed 12-17-90; Am. Ord. 95-15, passed 7-10-95)

CHAPTER 34: PUBLIC RECORDS

Section

General

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GENERAL

§ 34.01 DEFINITIONS.

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

CITY. The city government of this city.

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

(1) Publication or related use of a public record by a newspaper or periodical;

(2) Use of a public record by a radio or television station in its news or other informational programs; or

(3) Use of a public record in the preparation for prosecution or defense of litigation, or claims settlement by the parties to such action, or the attorneys representing the parties.

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

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

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

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

OFFICIAL CUSTODIAN of this city shall be the Mayor.

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

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

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

PUBLIC RECORDS. All books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by the public agency. **PUBLIC RECORDS** shall not include any records owned or maintained by or for the public agency that are not related to functions, activities, programs, or operations funded by the public agency nor any records that may be excluded by § 34.16.

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

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

outside entity which supplied the material to the agency.
(KRS 61.870)

PROCEDURES FOR REQUESTING PUBLIC RECORDS

§ 34.05 INITIAL REQUEST WITH IMMEDIATE INSPECTION.

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

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

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

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

§ 34.06 REFERRAL TO PROPER CUSTODIAN.

If the City Clerk does not have custody or control of the public record or records requested, the City Clerk shall notify the applicant and shall furnish the name and location of the official custodian of the agency's public records.
(KRS 61.872(4))

§ 34.07 PUBLIC RECORDS NOT IMMEDIATELY AVAILABLE.

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

§ 34.08 REFUSAL OF UNREASONABLE REQUESTS.

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

§ 34.09 TIME LIMITATION; DENIAL OF INSPECTION.

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

§ 34.10 CONCEALING OR DESTROYING RECORDS PROHIBITED.

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

§ 34.11 ACCESS TO RECORDS RELATING TO PARTICULAR INDIVIDUAL.

Any person shall have access to any public record relating to him or in which he is mentioned by name, upon presentation of appropriate identification, subject to the provisions of § 34.16 of these rules and regulations.
(KRS 61.884)

§ 34.12 FORMAT OF COPIES.

(A) Upon inspection, the applicant shall have the right to make abstracts of the public records and memoranda thereof, and to obtain copies of all public records not exempted by the terms of § 34.16. When copies are requested, the custodian may require a written request and advance payment of the prescribed fee, including postage where appropriate. If the applicant desires copies of public records other

than written records, the custodian of the records shall duplicate the records or permit the applicant to duplicate the records; however, the custodian shall ensure that such duplication will not damage or alter the original records.

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

(2) The minimum standard format in paper form shall be defined as not less than 8½ inches x 11 inches in at least one color on white paper, or for electronic format, in a flat file electronic American Standard Code for Information Interchange (ASCII) format. If the public agency maintains electronic public records in a format other than ASCII, and this format conforms to the requestor's requirements, the public record may be provided in this alternate electronic format for standard fees as specified by the public agency. Any request for a public record in a form other than the forms described in this section shall be considered a nonstandardized request.
(KRS 61.874(1) - (3))

§ 34.13 FEES FOR COPIES.

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

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

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

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

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

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

(KRS 61.874(3),(4))

Cross-reference:

Fees for online access to public records, see § 34.15

§ 34.14 MISSTATEMENT OF PURPOSE PROHIBITED.

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

(A) Commercial purpose, without stating the commercial purpose, if a certified statement from the requestor was required by the public agency pursuant to § 34.13;

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

(C) Noncommercial purpose, if the person uses or knowingly allows the use of the public record for

a commercial purpose. A newspaper, periodical, radio or television station shall not be held to have used or knowingly allowed the use of the public record for a commercial purpose merely because of its publication or broadcast, unless it has also given its express permission for that commercial use.

(KRS 61.874(5)) Penalty, see § 10.99

§ 34.15 ONLINE ACCESS TO PUBLIC RECORDS IN ELECTRONIC FORM.

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

(B) Fees shall not exceed:

(1) The cost of physical connection to the system and reasonable cost of computer time access charges; and

(2) If the records are requested for a commercial purpose, a reasonable fee based on the factors set forth in § 34.13.

(KRS 61.874(6))

§ 34.16 PUBLIC RECORDS PROTECTED FROM DISCLOSURE.

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

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

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

(3) (a) Records confidentially disclosed to the agency, or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.

(b) Records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which are compiled and maintained:

1. In conjunction with an application for or the administration of a loan or a grant;

2. In conjunction with an application for or the administration of assessments, incentives, inducements, and tax credits as described in KRS Ch. 154;

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

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

(c) The exemptions provided for in divisions (A)(3)(a) and (b) above, shall not apply to records the disclosure or publication of which is directed by statute.

(4) Public records pertaining to a prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within, or expanding within the Commonwealth. This exemption shall not include those

records pertaining to applications to agencies for permits or licenses necessary to do business or to expand business operations within the state, except as provided in division (A)(2) above.

(5) Public records which are developed by an agency in conjunction with the regulation or supervision of financial institutions, including but not limited to banks, savings and loan associations, and credit unions, which disclose the agency's internal examining or audit criteria and related analytical methods.

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

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

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

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

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

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

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

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

1. Criticality lists resulting from consequence assessments;

2. Vulnerability assessments;

3. Antiterrorism protective measures and plans;

4. Security and response needs assessments;

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

6. The following records when their disclosure will expose a vulnerability referred to in this division: detailed drawings, schematics, maps, or specifications of structural elements, floor plans,

and operating, utility or security systems of any building or facility owned, occupied, leased or maintained by a public agency; and

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

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

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

2. Disrupt a system identified in division (a)5.; or

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

(c) On the same day that a public agency denies a request to inspect a public record for a reason identified in this division, that public agency shall forward a copy of the written denial of the request, referred to in KRS 61.880(1), to the executive director of the Kentucky Office of Homeland Security and the Attorney General;

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

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

(14) Public or private records, including books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, having historic, literary, artistic, or commemorative value accepted by the archivist of a

public university, museum, or government depository from a donor or depositor other than a public agency. This exemption shall apply to the extent that nondisclosure is requested in writing by the donor or depositor of such records, but shall not apply to records the disclosure or publication of which is mandated by another statute or by federal law.

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

(a) A contract is awarded; or

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

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

(17) Communications of a purely personal nature unrelated to any governmental function; and

(18) Except as provided in KRS 61.168, photographs or videos that depict the death, killing, rape, or sexual assault of a person. However, such photographs or videos shall be made available by the public agency to the requesting party for viewing on the premises of the public agency, or a mutually agreed upon location, at the request of;

(a) i. Any victim depicted in the photographs or videos, his or her immediate family, or legal representative;

ii. Any involved insurance company or its representative; or

iii. The legal representative of any involved party;

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

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

(B) No exemption under this section shall be construed to prohibit disclosure of statistical information not descriptive of any readily identifiable person. In addition, if any public record contains material which is not excepted under this section, the city shall separate the excepted and make the nonexcepted material available for examination, subject to the possible applicability of § 34.08.

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

(D) No exemption under this section shall be construed to deny, abridge, or impede the right of a municipal employee, an applicant for employment, or an eligible on a register to inspect and copy any record, including preliminary and other supporting documentation, that relates to him. Such records shall include, but not be limited to work plans, job performance, demotions, evaluations, promotions, compensation, classification, reallocation, transfers, layoffs, disciplinary actions, examination scores, and preliminary and other supporting documentation. A city employee, applicant, or eligible shall not have the right to inspect or copy any examination or any documents relating to ongoing criminal or administrative investigations by any agency.
(KRS 61.878)

§ 34.17 NOTIFICATION OF THE ATTORNEY GENERAL.

The official custodian shall notify the Attorney General of any actions filed against the city in circuit court regarding the enforcement of the open records law, KRS 61.870 to 61.884.

CHAPTER 35: TAXATION

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GENERAL PROVISIONS

§ 35.01 PROPERTY ASSESSMENT PROCEDURES FOR AD VALOREM TAXES.

(A) The method and manner of assessment, levy and collection of ad valorem taxes, except that taxes on motor vehicles and motor boats shall be governed by KRS 132.487, shall fully conform in all respects to KRS 92.412, and any conflicts between the city's code of ordinances, as it may exist from time to time, and KRS 92.412, shall be resolved in favor of the state statute.

(B) The method of assessment by the City's Tax Assessor, and their development of an assessment list, shall conform as nearly as possible to that required by law of the property valuation administrator of the county, and shall include a mechanism by which the assessor can correct errors and notify owners.

(C) The assessment of any real property in the name of a person other than the true owner shall not invalidate the assessment or any liens created upon the property.

(D) The owner of any property, personal or real, who fails to give a list of all taxable property when requested by the Assessor, or who provides a false or fraudulent list of property, shall be subject to a penalty of \$500.00.

(E) When a taxpayer is notified of the assessor's valuation of their property, they shall also be notified of their right to appeal the assessor's valuation to the Board of Tax Supervisors, and that they have a right to appeal a decision of the Board of Tax Supervisors to the Jefferson Circuit Court within 30 days of the final adjournment of the Board of Tax Supervisors by filing with the court a copy of the action of the Board, as certified by the Clerk of the Board.

(F) Tax bills shall be prepared by the City Clerk and delivered by first class mail to each tax payer at their last known address.

(Ord. 7-2017, passed 5-22-17)

§ 35.02 DUE DATE; PAYMENT.

(A) All taxes, except ad valorem taxes on motor vehicles and motor boats, shall become due on July 1. The city shall give notice of the due date by publication pursuant to KRS Chapter 424.

(B) All ad valorem taxes, except for motor vehicles and motor boats, due the city, shall receive a discount for prepayment in an amount set by the City Council annually in the same ordinance that sets the tax rate for that year. The discount shall apply to taxes paid prior to June 1 of any year.

(Ord. 91-1, passed 2-25-91; Am. Ord. 96-2, passed 5-6-96; Am. Ord. 7-2017, passed 5-22-17)

§ 35.03 DELINQUENCY.

(A) All sums due the city from any person including without limitation ad valorem taxes (except for motor vehicles), all other taxes, assessments for services and service districts, fees for services, and civil penalties shall accrue interest on the amount unpaid at the rate of 12% per annum, compounded annually, beginning the day after the payment was due the city, or in the case of civil penalties beginning the later of:

(1) Thirty days after notice is sent to the person of the amount due; or

(2) Ten days after the person is notified of the final action of the Council regarding an appeal of the civil penalty.

(B) One hundred twenty days after the date interest begins to accrue pursuant to division (A) on an unpaid amount due the city, or for ad valorem taxes on November 1 of the year in which the taxes were due, a penalty shall be added to the unpaid amount equal to 25% of the lesser of:

(1) The amount due the city prior to the accrual of any interest; or

(2) The amount remaining due including any accrued interest. Interest as provided in division (A) shall accrue on the amount of any penalty assessed under this division beginning the date the penalty is assessed.

(Ord. 91-1, passed 3-25-91; Am. Ord. 12-2010, passed 12-13-10)

Cross-reference:

Tax liens and foreclosure, see §§ 35.40 et seq.

§ 35.04 AD VALOREM TAXES ON MOTOR VEHICLES.

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

(B) (1) Ad valorem taxes due on motor vehicles shall become delinquent following the earlier of [the following]:

(a) The end of the month in which registration renewal is required by law; or

(b) The last day of the second calendar month following the month in which a vehicle was transferred.

(2) Unpaid ad valorem taxes on motor vehicles shall be subject to the penalty and interest provisions of in KRS 134.810 as the statute is now enacted or may be subsequently amended.

(Ord. 91-1, passed 2-25-91)

§ 35.05 DISPOSITION OF FUNDS.

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

AGRICULTURAL AND UNDEVELOPED LAND

§ 35.20 DEFINITIONS.

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

AGRICULTURAL LAND. Any tract of land, including all income producing improvements, consisting of at least 10 contiguous acres in area used for the production of livestock, poultry, and/or crops, including trees.

DEFERRED TAX. The difference in the tax assessed on agricultural land or undeveloped lots associated with a residence and the tax that would have been assessed if based on fair cash value.

FAIR CASH VALUE. The estimated price property would bring at a fair voluntary sale. When newly subdivided lots, previously taxed as part of a whole, or undeveloped lots associated with a residence, previously assessed under § 35.21(D), are offered for sale, ***FAIR CASH VALUE*** shall be no less than 80% of the asking price of the lot, or, if transferred by sale at the time of assessment, the actual sale price.

HORTICULTURAL LAND. Any tract of land, including all income producing improvements, of at least five contiguous acres in area commercially used for the cultivation of a garden, orchard, or the raising of fruits or nuts, vegetables, flowers, or ornamental plants.

OFFERED FOR SALE. A lot will be considered as being offered for sale if a sign is posted on the lot indicating that the lot is available for sale, if the lot is advertised for sale in any manner, if the lot is listed with an agent for the purpose of sale, or it is transferred by sale.

UNDEVELOPED LOTS ASSOCIATED WITH A RESIDENCE. Each separately platted lot on which no residence now exists, that is of sufficient area for the construction of a residence under the applicable

zoning regulation, that is a part of a contiguous property, the whole of which is not less than 40,000 square feet, upon which a single residence has been constructed, each separate lot being titled identically and that is not offered for sale.

(Ord. 95-1, passed 2-6-95; Am. Ord. 95-10, passed 5-1-95; Am. Ord. 95-12, passed 6-5-95; Am. Ord. 02-7, passed 12-17-02)

§ 35.21 ASSESSMENT OF PROPERTY.

All property within the city shall be assessed at its fair cash value except as follows:

(A) Property that is exempt from taxation under Section 170 of Kentucky's Constitution;

(B) Property that is exempt from taxation under statutory law;

(C) Agricultural land or horticultural land, which shall be assessed upon its income producing capability and comparable sales of farm land purchased for farm purposes where the price is indicative of farm use value, excluding sales representing purchases for farm expansion, better accessibility, and other factors which inflate the purchase price beyond farm use of value, if any, and considering other factors enumerated at KRS 132.010(11), and as subsequently amended;

(D) Undeveloped lots associated with a residence, and not offered for sale, shall be assessed collectively, as a single tract, including the residence with which the undeveloped lots are associated, and shall not be assessed as though the lots are development lots being offered for sale; and

(E) Land subject to assessment under § 35.24. (Ord. 95-1, passed 2-6-95; Am. Ord. 95-12, passed 6-5-95; Am. Ord. 02-7, passed 12-17-02)

§ 35.22 APPLICATION FOR SUBSTITUTE ASSESSMENT.

Any taxpayer believing that all or a portion of their property qualifies to be assessed under

§ 35.21(C) or (D) shall, prior to January 1 of any calendar year, apply to the city for a substitute assessment. The application shall state with specificity the exception for which the applicant applies, the reasons the exception is applicable, and for an exception under § 35.21(D), provide the city with copies of the most recent deed for the property for which the exception is sought, and a current plat of the property. The initial determination on the application shall be made by the city's Tax Assessor. The Tax Assessor's determination may be appealed to the Supervisors of Taxes. Any appeal from the determination by the Supervisors of Taxes shall be taken according to state law. All property shall be assessed at fair cash value unless an application for exception is timely made and affirmatively acted upon by the Tax Assessors or Supervisors of Taxes. (Ord. 95-1, passed 2-6-95; Am. Ord. 99-10, passed 11-8-99; Am. Ord. 02-7, passed 12-17-02)

§ 35.23 TAX LIABILITY WHEN REAL PROPERTY TAXED AS AGRICULTURAL OR HORTICULTURAL, OR AS UNDEVELOPED LOTS ASSOCIATED WITH A RESIDENCE, IS CONVERTED TO ANOTHER USE.

When land is valued and taxed as agricultural or horticultural land under § 35.21(C), or as undeveloped lots associated with a residence under § 35.21(D), is converted to any other use after January 1 of the tax year, that portion of the land for which the use is changed shall be subject to a tax for the succeeding year at its fair cash value. The owner of the property at the time the land use change is initiated shall, within 90 days, report the change to the city's Tax Assessor. The owner shall also provide to the Tax Assessor information concerning the most recent sale or lease of the property, copies of any appraisal or feasibility reports made, and any other information in determining the fair cash value of the property. (Ord. 95-1, passed 2-6-95; Am. Ord. 02-7, passed 12-17-02)

§ 35.24 SCENIC EASEMENTS.

Any separately platted lot of at least 20,000 square feet in area, on which no structure now exists, which except for the grant of a scenic easement to the city, that is accepted by the city, would be available for the construction of a business or residence under the zoning and other laws and regulations in effect at the time of the grant of the easement, and the area of which has not been nor in the future will be used in the calculation of the overall density of a larger tract for the purpose of development, shall be assessed at 10% of its otherwise fair cash value. (Ord. 95-1, passed 2-6-95)

§ 35.25 TAX ASSESSOR.

The Mayor shall annually appoint, subject to confirmation by the Council, a Tax Assessor who shall have the powers and be charged with carrying out the duties enumerated in KRS 92.412. The Tax Assessor shall take the oath of office required by the Constitution, shall serve without bond, and shall be compensated at the annual rate of \$4,000. (Ord. 95-1, passed 2-6-95; Am. Ord. 4-2017, passed 5-22-17)

§ 35.26 SUPERVISORS; EQUALIZATION OF ASSESSMENTS.

(A) The Mayor shall annually appoint, subject to confirmation by the Council, three supervisors of taxes, who live in the city and own real property within the corporate limits of the city.

(B) Each member of the Board of Tax Supervisors shall take an oath to faithfully discharge his or her duties.

(C) The Board shall elect from among its membership a Chair. The City Clerk shall serve as Clerk for the Board.

(D) The Board shall have all powers and be charged with all duties provided in KRS 92.242 for the equalization of assessments.

(E) The Board shall meet no later than the last week of February of each calendar year and provide at least ten days printed notice of its meeting by publication pursuant to KRS Chapter 424.

(F) The supervisors of taxes shall serve without bond, and shall be compensated at the rate of \$1 per day of service.
(Ord. 5-2017, passed 5-22-17)

TAX LIENS AND FORECLOSURE

§ 35.40 NOTICE OF DELINQUENCY.

In addition to the regular tax bills, the City Clerk shall notify any taxpayer, via first class mail, at their last known address to the city, of any tax and interest due the city, that has not been timely paid, 30 days prior to the date the taxes become delinquent under this chapter and a penalty is assessed. A second notice shall be provided to the taxpayer 30 days prior to the date that the city instructs its attorney to file liens against real property owned by the taxpayer.

However, the failure of the City Clerk to give the notice required by this section shall not affect the liability of the taxpayer for taxes, penalty, interest, or attorney's fees.

(Ord. 93-16, passed 9-26-93)

Cross-reference:

Delinquent taxes, see § 35.03

§ 35.41 LIST OF DELINQUENT TAX BILLS.

Should any tax due the city on or before July 1 of any calendar year have not been paid by January 1 of the following calendar year, the City Clerk shall, no later than January 31 of that year, provide to the City Attorney a list of each unpaid tax bill, the amount thereof including penalty and interest as of December 31 of the year in which the tax was first due, the lot and block number of the real estate, the name and address of the taxpayer(s), and the amount and type of any other tax due the City for which a lien may be filed.

(Ord. 93-16, passed 9-26-93)

§ 35.42 NOTICE OF LIEN.

Upon receipt of the list provided for in § 35.41, the City Attorney shall within 60 days thereafter prepare and file a notice of the city's lien for unpaid taxes, and notify any other holder of a lien against the same real estate of the city's lien and its superiority to such other liens. Once filed, a copy of the tax lien shall be transmitted to the City Clerk.

(Ord. 93-16, passed 9-26-93)

§ 35.43 FORECLOSURE; ATTORNEY'S FEES.

(A) Except for extraordinary circumstances, as recognized by a majority vote of the City Council, and recorded in the minutes of the Council, the City Attorney shall be required to foreclose on the city's lien for any unpaid tax, in excess of \$100, and which has been due the City for two years or longer.

(B) The City Attorney shall be compensated for his or her services at an hourly rate not to exceed the standard and usual rate charged for similar collection and foreclosure proceedings.

(C) Any attorney's fees incurred by the city for collection activity, the filing of liens, and foreclosure of tax liens shall be assessed as an additional penalty due the city from the taxpayer and constitute a lien against the property to which the service rendered by the attorney relates.

(Ord. 93-16, passed 9-26-93)

§ 35.44 COLLECTION OF PAST DUE ASSESSMENTS.

The terms "tax" and "taxes" as used in §§ 35.40 through 35.43 of this chapter shall include ad valorem taxes, except for motor vehicles, and all other taxes and assessments including assessments for services and service districts, which remain unpaid as of their due date.

(Ord. 1-2009, passed 1-12-09)

CHAPTER 36: DEPARTMENTS AND COMMISSIONS

Section

Police Department

- 36.01 Establishment
- 36.02 Police Chief; police officers
- 36.03 Authority to carry weapons
- 36.04 Warning equipment required for police vehicles

Ambulance Service District

- 36.15 Established

POLICE DEPARTMENT

§ 36.01 ESTABLISHMENT.

(A) There is hereby established a Police Department in the city.

(B) The provisions of Municipal Order No.5, Series 1994, relating to the command, operation, and training of the Police Department are incorporated herein by reference as though fully set out herein. (Ord. 96-9, passed 7-17-96)

§ 36.02 POLICE CHIEF; POLICE OFFICERS.

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

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

(C) No person shall be appointed or act as the Police Chief or a regular police officer unless such

person has taken the oath required by section 228 of the Constitution of the Commonwealth of Kentucky.

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

§ 36.03 AUTHORITY TO CARRY WEAPONS.

The Chief of Police and members of the Police Department of the city are authorized to carry weapons, within or without the city boundaries, when necessary for their protection in the discharge of their official duties as prescribed by law. (Ord. 73-06, passed 8-20-73)

§ 36.04 WARNING EQUIPMENT REQUIRED FOR POLICE OFFICERS.

All police vehicles of the city should be equipped with a combination of red and blue flashing, rotating or oscillating lights, and other emergency equipment, which complies in all respects with KRS 189.920. (Ord. 86-1, passed 3-24-86; Am. Ord. 91-4, passed 2-25-91)

Cross-reference:

Special surveillance by Police Department, see § 95.01

AMBULANCE SERVICE DISTRICT

§ 36.15 ESTABLISHED.

The City Council hereby establishes the Anchorage Ambulance Service District. (Ord. 80-3, passed 5-19-80)

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CHAPTER 37: CODE OF ETHICS

Section

GENERAL PROVISIONS

General Provisions

37.01 Definitions

Standards of Conduct

- 37.10 Conflicts of interest
- 37.11 Abuse of power
- 37.12 Gifts
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- 37.14 Representation of interests before city government
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Financial Disclosure

- 37.30 Officers and employees required to file
- 37.31 Contents of financial disclosure statement
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- 37.50 Nepotism prohibited

Enforcement

- 37.60 City Ethics Commission created
- 37.61 Membership
- 37.62 Compensation
- 37.63 Minutes of meetings
- 37.64 Powers and duties
- 37.65 Appeal of decisions
- 37.99 Penalty

§ 37.01 DEFINITIONS.

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

BUSINESS ASSOCIATE. Includes the following:

- (1) A private employer;
- (2) A general or limited partnership, or a general or limited partner within the partnership;
- (3) A corporation that is family-owned or in which all shares of stock are closely-held; and the shareholders, owners, and officers of such a corporation; and
- (4) A corporation, business association, or other business entity in which the city officer or employee serves as a compensated agent or representative.

BUSINESS ORGANIZATION. 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 city office with the County Clerk.

CITY GOVERNMENT AGENCY. Any board, commission, authority, nonstock corporation or other entity formed by the city or by the city participating with other units of local government.

CITY EMPLOYEE. Any person, whether compensated or not, whether full-time or part-time, employed by or serving the city government or city agency who is not a city officer.

CITY OFFICER. Any person who is elected to any city office.

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

RULE OF NECESSITY. The city government may make or enter into a contract in which an officer or employee or members of his immediate family or a business associate has an economic interest under the following conditions:

(1) The nature of the transaction and the nature of the interest is publicly disclosed on the record prior to the time it is engaged in; and

(2) A specific finding is made by the city government, and entered on the official record of the proceedings of the city council that, notwithstanding the conflict, it is in the best interest of the local government because of limited supply, price, or documented emergency.
(Ord. 94-13, passed 11-21-94)

STANDARDS OF CONDUCT

§ 37.10 CONFLICTS OF INTEREST.

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

(B) No city officer or employee shall act in their official capacity in any matter where they, a member of their immediate family, or a business organization in which they have an interest, have a direct or indirect financial or personal involvement that might reasonably be expected to impair their objectivity or independence of judgment.

(C) No city officer or employee shall undertake any employment or service, compensated or not, which might reasonably be expected to prejudice their independence of judgment in the exercise of their official duties.
(Ord. 94-13, passed 11-21-94)

§ 37.11 ABUSE OF POWER.

No city officer or employee shall use or attempt to use their official position to secure unwarranted privileges or advantages for themselves or others.
(Ord. 94-13, passed 11-21-94)

§ 37.12 GIFTS.

(A) No city officer or employee, member of their immediate family, or business organization in which they have an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing them, directly or indirectly, in the discharge of their official duties. This provision shall not apply to accepting, on an unsolicited basis, promotional items with a fair cash value of less than \$20, or to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office as governed by the Kentucky Revised Statutes.

(B) No city officer or employee shall be prohibited from giving or receiving an award publicly presented in recognition of public service, commercially reasonable loans made in the ordinary course of the lender's business, or reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public

events, appearances, ceremonies or fact-finding trips related to official city government business.
(Ord. 94-13, passed 11-21-94)

§ 37.13 MISUSE OF CONFIDENTIAL INFORMATION.

No city officer or employee shall use, or allow to be used, their public office or employment, or any information, not generally available to the members of the public, which they receive or acquire in the course of and by reason of their office or employment, for the purpose of securing financial gain for themselves, any member of their immediate family, or any business organization with which they are associated except under the rule of necessity.
(Ord. 94-13, passed 11-21-94)

§ 37.14 REPRESENTATION OF INTERESTS BEFORE CITY GOVERNMENT.

(A) No city officer or employee or business organization in which they have an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application, or other matter pending before any agency in the local government in which they serve.

(B) Nothing shall prohibit any city officer or employee, or members of their immediate family, from representing themselves in negotiations or proceedings concerning their own interests.
(Ord. 94-13, passed 11-21-94)

§ 37.15 EXEMPTED CONDUCT.

(A) No city officer shall be deemed in conflict with the provisions of this subchapter if, by reason of their participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to them as a member of any business, profession, occupation, or group, to any greater extent than any gain could

reasonably be expected to accrue to any other member of such business, profession, occupation, or group.

(B) No city officer shall be prohibited from making an inquiry for information or providing assistance on behalf of a constituent, if no fee, reward, or other thing of value is promised to, given to or accepted by any officer or a member of their immediate family, whether directly or indirectly in return therefor.

(Ord. 94-13, passed 11-21-94)

FINANCIAL DISCLOSURE

§ 37.30 OFFICERS AND EMPLOYEES REQUIRED TO FILE.

The following individuals shall be required to file a financial disclosure statement:

(A) The Mayor;

(B) Members of the City Council;

(C) The Chief Administrative Officer; and

(D) Any other officer or employee with procurement authority exceeding \$500 per purchase.
(Ord. 94-13, passed 11-21-94) Penalty, see § 37.99

§ 37.31 CONTENTS OF FINANCIAL DISCLOSURE STATEMENT.

The financial disclosure statement should include the following information:

(A) Name of filer;

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

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

(D) Occupations of filer and spouse;

(E) Positions held by the filer and any member of the filer's immediate family in any business organization or nonprofit entity from which the filer or any member of the filer's immediate family received compensation in excess of \$5,000 during the preceding calendar year, and the name, address, and telephone number of the business organization or nonprofit entity;

(F) Name, address, and telephone number of each source of income from within the Commonwealth of Kentucky of both the filer and spouse which exceeded \$5,000 during the preceding calendar year;

(G) Name, address, and telephone number of each business organization located within the Commonwealth in which the filer or any member of the filer's immediate family had an interest of \$10,000 at a fair market value or 5% ownership interest or more during the preceding calendar year; and

(H) The location and type (commercial, residential, agricultural) of all real property within the city, other than the filer's primary residence, in which the filer or any members of the filer's immediate family had an interest of \$10,000 or more during the preceding calendar year.

(Ord. 94-13, passed 11-21-94) Penalty, see § 37.99

§ 37.32 DUE DATE.

The financial disclosure statement shall be filed annually by officers and employees no later than February 1. Candidates shall be required to file the statement no later than 21 days after the filing date. Newly appointed officers and employees shall be required to file their initial statement no later than 21 days after the date of appointment. Should the City Ethics Commission adopt a form of its own, or one promulgated by the Commonwealth of Kentucky Department of Local Government, the financial disclosure statement shall be filed on that form.
(Ord. 94-13, passed 11-21-94) Penalty, see § 37.99

§ 37.33 DISCLOSURE OF PRIVATE INTERESTS.

Any officer or employee, or any member of their immediate family, of the city government who shall have any private financial interest, directly or indirectly, in any contract or matter pending before the City Council or any division, department, or agency of city government shall disclose such private interest to the City Council.

(Ord. 94-13, passed 11-21-94) Penalty, see § 37.99

NEPOTISM

§ 37.50 NEPOTISM PROHIBITED.

(A) No city officer or employee shall act in their official capacity to hire or cause to be hired any member of their immediate family at an hourly pay rate or with benefits in excess of any other employee with similar job duties, responsibilities, and qualification requirements.

(B) No city officer or employee shall exercise contract management authority where any member of the immediate family of the official or employee is employed by or has contracts with persons doing city work over which the official or employee has or exercises contract management authority.

(Ord. 94-13, passed 11-21-94)

ENFORCEMENT

§ 37.60 CITY ETHICS COMMISSION CREATED.

A City Ethics Commission is hereby created which shall have the powers to enforce all provisions of this Code of Ethics.

(Ord. 94-13, passed 11-21-94)

§ 37.61 MEMBERSHIP.

The Commission shall be composed of one member to be nominated by the Mayor and confirmed by the City Council. The appointment shall be for a term of four years and the appointee may serve one additional consecutive term.

(Ord. 94-13, passed 11-21-94)

§ 37.62 COMPENSATION.

Members of the City Ethics Commission shall serve without compensation, but shall be reimbursed for all necessary and reasonable expenses incurred in the performance of their duties.

(Ord. 94-13, passed 11-21-94)

§ 37.63 MINUTES OF MEETINGS.

Minutes shall be kept for all proceedings of the City Ethics Commission and filed with the City Clerk.

(Ord. 94-13, passed 11-21-94)

§ 37.64 POWERS AND DUTIES.

The City Ethics Commission shall have the following powers and duties:

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

(B) 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 oath.

(C) To administer oaths and to issue orders requiring the attendance and testimony of witnesses and the production of documentary evidence relating to an investigation or hearing being conducted by the board.

(D) To refer any information concerning violations of this chapter to the executive authority of the city, the City Council, the governing body of any city agency, the county attorney, and other appropriate person or body, as necessary.

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

(F) 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.

(G) To control and maintain 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 requirements of this chapter and the Kentucky Open records Act.

(H) To develop and submit any reports regarding the conduct of its business that may be required by the executive authority or City Council.

(I) 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.
(Ord. 94-13, passed 11-21-94)

§ 37.65 APPEAL OF DECISIONS.

Decisions of the City Ethics Commission regarding violations may be appealed to the Jefferson Circuit Court.

(Ord. 94-13, passed 11-21-94)

§ 37.99 PENALTY.

Failure to file a disclosure statement or to otherwise comply with §§ 37.30 through 37.33 shall subject the violator to a fine of up to \$500.

(Ord. 94-13, passed 11-21-94)

TITLE V: PUBLIC WORKS

Chapter

50. GARBAGE AND REFUSE

51. SEWERS

52. STORMWATER MANAGEMENT AND CONTROL

53. CABLE SERVICES AND OTHER TELECOMMUNICATIONS SERVICES FRANCHISING

CHAPTER 50: GARBAGE AND REFUSE

Section

§ 50.03 REMOVAL PROHIBITED.

Recyclable Materials

- 50.01 Collection by authorized agents
- 50.02 Materials become property of city
- 50.03 Removal prohibited

- 50.99 Penalty

No person shall remove any recyclable materials from the designated container, or remove the container itself, without the consent of the administrative official assigned to oversee the Recycling and Trash Removal Program.
(Ord. 89-007, passed 9-25-89) Penalty, see § 50.99

§ 50.99 PENALTY.

RECYCLABLE MATERIALS

§ 50.01 COLLECTION BY AUTHORIZED AGENTS.

Recyclable materials placed at a designated site, or edge of a public street or dedicated right-of-way, in a specially designated container, for the purpose of collecting newsprint, glass, aluminum containers, bi-metal containers, plastic milk jugs, and plastic two liter bottles, and such other materials as may be hereafter designated by the city as recyclable materials, will be collected by the authorized agent of the city.
(Ord. 89-007, passed 9-25-89) Penalty, see § 50.99

§ 50.02 MATERIALS BECOME PROPERTY OF CITY.

Placing recyclable materials in the designated container, in the specified location, shall be deemed to vest title to the materials in the city. Nonrecyclable material will not be collected and will not become the property of the city.
(Ord. 89-007, passed 9-25-89) Penalty, see § 50.99

Any person, firm or corporation who violates any provision of §§ 50.01 through 50.03 shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500. Each instance of unauthorized removal of recyclable materials shall be deemed and construed a separate offense.

CHAPTER 51: SEWERS

Section

General Provisions

- 51.01 Definitions
- 51.02 Discharge of sewage into any water
- 51.03 Prohibited conditions; discharges
- 51.04 Strictest regulations to prevail
- 51.05 Application of state law
- 51.06 Connection fee

Sewage Treatment Plants

- 51.15 Application of standards
- 51.16 Responsibilities of owner and operator
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- 51.18 Compliance required
- 51.19 Adjustment of parameters
- 51.20 Inspection of plants
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GENERAL PROVISIONS

§ 51.01 DEFINITIONS.

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

EFFLUENT LIMITATION. A maximum allowable rate of discharge, concentration or amount of a pollutant which may be released from a point source into any water.

POINT SOURCE. Any discernable, confined, conduit including pipes, ditches, channels, sewers or tunnels from which pollutants are discharged.

SEWAGE. The water carried human or animal wastes from residences, buildings, or other places together with such underground, surface, storm or other water, as may exist or accumulate on any premises or any other place in the city.

SEWAGE TREATMENT. Any works or device for the treatment of sewage.

STORMWATER. Any water resulting from precipitation mixed with the accumulation of dirt, soil, and other debris or substances collected from the surfaces on which precipitation falls or flows.

WATER. Any and all streams, creeks, lakes, ponds, impounding reservoir, springs, wells, marshes and all other bodies of surface or underground water, natural or artificial, situated wholly or partly within or bordering the city.
(Ord. 77-1, passed 1-17-77)

§ 51.02 DISCHARGE OF SEWAGE INTO ANY WATER.

No sewage may be discharged to, deposited on, or permitted to flow into any water, flowing through or bordering on the city, unless such sewage meets the standards and requirements established by this chapter.
(Ord. 77-1, passed 1-17-77) Penalty, see § 51.99

§ 51.03 PROHIBITED CONDITIONS; DISCHARGES.

(A) Sewage or stormwater shall not be allowed to remain open to the atmosphere or on the surface of the ground so that it is or is likely to be a source of noxious or offensive odors, or dangerous to health, including being a source of insects or a public nuisance.

(B) Sewage shall not be allowed to endanger any source of supply of drinking water, recreational water, or cause the pollution of any storm drain, channel, or property within the city.

(C) Stormwater or basement drainage shall not be admitted to sanitary sewers designed and intended to be used exclusively as carriers of domestic sewage, except by written permission of the city.

(D) The effluent from a septic tank, home treatment process or sewage treatment plant shall not be discharged into any water, stormwater drain or city sewer system without the written permission of the city.

(E) Where a sewage treatment plant is provided, no sewage shall be allowed to bypass the plant, nor shall any untreated sewage be discharged into water or on property that such plant is designed to protect. (Ord. 77-1, passed 1-17-77) Penalty, see § 51.99

§ 51.04 STRICTEST REGULATIONS TO PREVAIL.

Whenever there is a difference in water quality regulations among local, state and federal authorities, the strictest shall apply to the area in this city. (Ord. 77-1, passed 1-17-77)

§ 51.05 APPLICATION OF LAW.

The state water quality standards specified in Title 401 of the Kentucky Administrative Regulations shall be applicable in the city, except as this chapter, as authorized by state law, declares and determines through investigation that certain water quality control standards and sewage treatment plant standards must be enforced to insure the continued quality of the waters of the city. (Ord. 77-1, passed 1-17-77)

§ 51.06 CONNECTION FEE.

(A) The Mayor and City Council have authorized the planning, design, and construction of sanitary sewer facilities within a specific area of the city which the Mayor and City Council have established as the Sewer Service District.

(B) The Mayor and City Council have determined a fair and just sewer assessment shall be paid by owners of real property, for each residence, located within the Sewer Service District;

(C) The sewer service assessment fee shall be based upon the zoning classification and use of the property and applied to each residence within the Sewer Service District. Specifically, the sewer service assessment fee shall be assessed as follows:

Residential Property, Zoned RE:	\$15,500
Residential Property, Zoned R-1:	\$13,100
Residential Property, Zoned R-2:	\$11,940

(D) The Mayor and City Council have approved the sewer service assessment fee and have approved the Sewer Connection Fee Agreement form which is to be completed by property owners, for each residence owned, within the Sewer Service District;

(E) The Mayor and City Council have authorized the Clerk Treasurer to collect and record all fees received from sewer service fees, to manage the application process, filing, and approval of completed Sewer Connection Application Fee Agreement forms;

(F) The Mayor and City Council direct the City Treasurer to deposit all sewer service fees received into a trust fund account, and all said receipts shall be paid to reduce the debt service for the plan, design and construction and installation of the city's sewer facilities within the Sewer Service District.
(Ord. 01-6, passed 7-9-01; Am. Ord. 06-4, passed 4-11-06)

SEWAGE TREATMENT PLANTS

§ 51.15 APPLICATION OF STANDARDS.

The following operational standards are applicable to all sewage treatment facilities located in the city.
(Ord. 77-1, passed 1-17-77)

§ 51.16 RESPONSIBILITIES OF OWNER AND OPERATOR.

(A) The owner of any sewage treatment facility in the city is subject to these standards and shall be responsible for the following aspects of the facility's construction and operation.

(1) The owner shall provide and maintain the physical facilities, equipment and supplies so that the plant is capable of meeting the operational parameters as set forth in this chapter.

(2) The owner shall exercise control over the expansion of service so as to insure that the volume of sewage received by the facility remains within the established design capacity.

(3) The facility shall maintain the capability of diverting entering sewage and stormwater in a holding pond in the event of a plant malfunction. The holding pond shall have a capacity of holding a volume equivalent to the total volume of sewage handled by the treatment facility in any ten day period.

(4) The effluent limitation of a sewage treatment plant shall, at all times, be no more than one part effluent to five parts water naturally occurring in the stream at the point of discharge. The concentration or amount of pollutant in the effluent shall be equivalent to an effluent ultimate BOD (Biochemical Oxygen Demand) of 19.5 and can be met with the following effluent concentrations:

(a) $BOD_5 = 10.0 \text{ mg/l}$
(milligrams/liter)

(b) AMMONIA (AS N) = 1.0 mg/l

(c) DO -8.0 mg/l

(5) The effluent of the sewage treatment plant shall conform to the effluent and stream water quality standards of the Division of Water Quality, Kentucky Department for Natural Resources and Environment Protection, the Louisville and Jefferson County Board of Health and permits issued under Public Law 92.500 Sec. 402.

(6) The owner shall exercise control over the expansion of service so as to insure that the volume of sewage received by the facility remains within the established design capacity and that the effluent does not violate the established flow ratio.

(7) The owner shall be responsible for providing a full time sewage treatment plant operator for each facility licensed in the state, holding a current unrevoked Treatment Plant Operator's permit from the Louisville and Jefferson County Board of Health. The owner shall provide the city with the name of the operator, his permit number, and telephone number where he can be reached. This information must be made readily available to properties served by the treatment plant. This information must be current and kept up-to-date. (For example, if a change is made in the operator, new information must be supplied.)

(8) Pursuant to the fact that the city has qualified as a historic district, the owner shall be responsible for obtaining the written approval of the city for architectural design and structure, and the general appearance of any sewage treatment plant prior to construction.

(9) To insure proper operation within stated guidelines, backup generators will be provided. Protection shall be provided for a one hundred year rain.

(10) Any advanced waste treatment plant shall have the capability of controlling the nutrients

in the effluent. The plant shall be capable of reducing nutrients and the plant discharge shall be located to avoid increased algae growth downstream and in down stream impoundments.

(B) The operation of the wastewater treatment facility covered by these standards shall be the responsibility of the owner.

(1) Routine maintenance and housekeeping of the grounds, structures, buildings and equipment of the sewage treatment facility.

(2) Routine operation of the plant in a manner which will promote and establish effective treatment with particular attention to the general guidelines set forth in this regulation.

(3) The conduct and recording of all tests specified in this chapter.
(Ord. 77-1, passed 1-17-77; Am. Ord. 99-2, passed 2-8-99)

§ 51.17 PLANT MONITORING.

The plant shall be monitored for the biological activity in the following manner:

(A) *Surveillance of the aeration tank.*

(1) The pH level of the liquors in the aeration tank shall be determined by the operator once each day and recorded in the operational log of the plant. The pH of these liquors is to be maintained between 6.6 and 7.6.

(2) The DO (Dissolved Oxygen) of the liquors in the aeration tank shall be determined by the operator daily and recorded in the operational log of the plant. The DO shall be determined at three depths within the tank: within 10 to 15 inches of the surface, approximate mid-point and at the bottom. The DO of these liquors shall be maintained between 1.4 and 4.0 milligrams/liter (ppm).

(3) The operator shall daily determine and record in the operational log of the plant, the percent of settleable solids in the liquors of the aeration chamber. The percent of settleable solids of these liquors shall be maintained between 20% and 50%.

(4) When the operator finds that one or more of the above determinations of the liquors of the aeration tank fall outside of the prescribed acceptable range, he shall take appropriate corrective action such as: wasting of solids, increasing or decreasing the aeration rate. When any corrective action is taken by the operator, it shall be entered in the operation log of the plant.

(5) Should further surveillance of the aeration tank indicate a continued deterioration of the parameters as described in test determinations, the operator shall immediately seek assistance of his supervisor, plant consultant and/or the Louisville and Jefferson County Department of Health.

(B) *Use of chemicals.* Except for chlorination of the effluent, no chemical shall be introduced into the plant liquors without obtaining the approval of the Louisville and Jefferson County Department of Health.

(C) *Surveillance of the effluent.* The operator shall each day determine and record in the operational log of the plant the pH and chlorine residual of the effluent and the effluent limitations parameters set out in § 51.16(A)(4) of this chapter.
(Ord. 77-1, passed 1-17-77)

§ 51.18 COMPLIANCE REQUIRED.

Failure of the operator to perform the above determinations, record and maintain the operational log or take and record appropriate action, or secure assistance, shall constitute a violation of these regulations.
(Ord. 77-1, passed 1-17-77)

§ 51.19 ADJUSTMENT OF PARAMETERS.

Anything contained in these regulations to the contrary notwithstanding, if it shall be determined by the Department of Health that a suitable environment for the balanced operation of any specific plant, cannot be maintained within the parameters herein set forth, the Department will issue, in writing, a suitable order bearing the parameters herein set out in

such fashion as in its judgment will maintain a suitable balance in the plant, for the effective treatment of the wastewater.

(Ord. 77-1, passed 1-17-77)

§ 51.20 INSPECTION OF PLANTS.

The city or its designated agent reserves the right to make a full inspection of sewage treatment plants located in the city at any time; such inspections may include but are not limited to the performing of any and all tests necessary to determine whether the plant is maintaining operational standards within the specified parameters.

(Ord. 77-1, passed 1-17-77)

§ 51.99 PENALTY.

Any person or corporation who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500. In addition thereto, such person or corporation may be enjoined from continuing such violations. Each day upon which a violation occurs shall constitute a separate violation and due to the various of daily procedures required by this chapter, there may be more than one violation per day in any one treatment plant.

(Ord. 77-1, passed 1-17-77)

CHAPTER 52: STORMWATER MANAGEMENT AND CONTROL

Section

General Provisions

- 52.01 Purpose
- 52.02 Definitions
- 52.03 Preemption of inconsistent provisions
- 52.04 General requirements for developers
- 52.05 Excess stormwater passages
- 52.06 Runoff and storage capacity
- 52.07 Stormwater storage areas
- 52.08 Sinkholes, subterranean water channels
- 52.09 Sumps and other drains
- 52.10 Application required for subdivision development and certain improvements; fee
- 52.11 Maintenance of drainage channels

Administration and Enforcement

- 52.20 Variances
- 52.21 Enforcement by Flood Safety Officer
- 52.22 Employment of professional personnel
- 52.23 Bonding requirements

Appendix: Builder's Contract Bond

GENERAL PROVISIONS

§ 52.01 PURPOSE.

In order to promote the health, safety and general welfare of the public by minimizing as much as possible the damages of flooding to life and property, it is the intent of this chapter that runoff control devices be provided as land areas are developed and redeveloped. It is not the intent that

these areas be used exclusively for detaining stormwater, but be put to use for other compatible urban uses.

(Ord. 89-006, passed 8-28-89)

§ 52.02 DEFINITIONS.

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

CONTROLLED RELEASE STRUCTURE. A facility constructed to regulate the volume of stormwater runoff that is conveyed during a specific length of time.

DEVELOPED. Conditions after construction or other manmade change to improved or unimproved, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

EXCESS STORMWATER. The portion of stormwater runoff which exceeds the capacity of storm sewers or natural drainage channels serving a specific watershed.

EXCESS STORMWATER PASSAGE. A channel formed in the ground surface to carry stormwater runoff which cannot be carried by normal drainage channels.

FLOOD SAFETY OFFICER. The City Engineer or such other person or persons appointed by the City Council to administer the provisions of this chapter including professional engineers and/or consultants employed by the city.

IMPERVIOUS SURFACE. Asphalt, concrete, or any other surface which does not allow measurable infiltration.

NATURAL DRAINAGE. Water which flows by gravity in channels formed by the surface topography of the earth prior to changes made by the efforts of man.

OFF-SITE. External to the boundary of a lot or development.

ON-SITE. Internal to the boundary of a lot or development.

POINT DISCHARGE. Release of stormwater at a specific location.

RETENTION or DETENTION. Restraining the rate of stormwater runoff through some natural or man made device.

RUNOFF. Rainfall excess after natural losses from infiltration, evaporation, transportation, or incidental pondage.

STORMWATER RUNOFF RELEASE RATE. The rate at which stormwater runoff is released from dominant to servient land.

STORMWATER WATER STORAGE AREA. An area designed to temporarily accumulate excess stormwater.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement is started, or if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition, **SUBSTANTIAL IMPROVEMENT** is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences.

SWALE. Surface type conveyance for stormwater, usually designed to carry incidental, localized runoff.
(Ord. 89-006, passed 8-28-89)

§ 52.03 PREEMPTION OF INCONSISTENT PROVISIONS.

It is not the intent of this chapter to supersede or preempt any laws and regulations of the United States of America or the Commonwealth of Kentucky, or their political subdivisions, now existing or hereinafter enacted, so long as the laws and regulations can reasonably be interpreted to be more restrictive than the provisions of this chapter.
(Ord. 89-006, passed 8-28-89)

§ 52.04 GENERAL REQUIREMENTS FOR DEVELOPERS.

(A) All developments undertaken as outlined in this chapter shall be done in such a way as to insure that stormwater falling on a given site shall be absorbed or retained on site to the extent that after development the rate of water leaving the site shall not be significantly different than if the site had remained undeveloped.

(B) A developer shall not be permitted to disturb the land in such a manner as to create significant water related damages to other landowners in the vicinity by having point discharge creating erosion across land or placing obstructions where floodpeak increases. If the point discharge is high enough to produce erosion, other measures shall be taken to dissipate the flow.

(C) In the event that any developer shall intend to make changes in the contour of any land proposed to be subdivided, developed, or changed in use by grading, excavating or the removal or destruction of the natural topsoil, trees, or other vegetative covering thereon the same shall only be accomplished after the owner of the land or his agent has submitted to the Flood Safety Officer for approval a plan for erosion and sedimentation controls. Such plans shall contain adequate measures for control of erosion and siltation where necessary and incorporate any guidelines or policies suggested by the City Engineer, City Forester or their designees. The Erosion Control Plan must be designed as suggested in the *Handbook for Urban Erosion and Sediment Control for Jefferson County, Kentucky, 1975*, prepared by the Jefferson County Conservation District by the United States Department

of Agriculture, Soil-Conservation Service. The City Engineer shall review the plans as submitted, and shall take necessary steps to insure compliance by the developer with these plans as finally approved.

(D) Where it can be demonstrated by the developer that a higher stormwater release rate will not be contrary to the purpose and intent of this chapter and where such proposed release rate will not adversely affect properties in the downstream portion of the watershed, the Flood Safety Officer may permit such release to be used as deemed appropriate. (Ord. 89-006, passed 8-28-89)

§ 52.05 EXCESS STORMWATER PASSAGES.

(A) An excess stormwater passage shall be provided for all stormwater areas. Such passage shall have the capacity to convey through the proposed development the excess stormwater. The capacity for a passage shall be such that it will be able to transport the peak rate of runoff from a 100-year return frequency storm.

(B) There shall be no buildings or structures constructed within excess storm passages, however, parking lots, playgrounds and park areas, which shall not impair or endanger the water holding capability of a development shall be considered compatible uses.

(C) Appropriate land planning shall be undertaken to preserve the existing natural drainage of a proposed development as part of the excess stormwater passage.

(D) Open channels shall be protected from erosion by appropriate vegetative cover, lining, or other treatment. Earth side slopes shall have a slope ratio no greater than three to one when the channel is less than five feet in depth and of no more than four to one when the channel is greater than five feet in depth. When the side slopes are protected by rip-rap or concrete, they may have a slope of two to one provided the rip-rap has a minimum thickness of 18 inches or the concrete has a minimum thickness of four inches and is reinforced with woven wire mesh. (Ord. 89-006, passed 8-28-89)

§ 52.06 RUNOFF AND STORAGE CAPACITY.

The volume of required stormwater storage and runoff shall be calculated on the basis of the runoff from a 100-year frequency storm with a one-hour duration. The calculations can be made in accordance with the instantaneous runoff factor method, the rational method, or other methods that may be deemed appropriate by the Flood Safety Officer. (Ord. 89-006, passed 8-28-89)

§ 52.07 STORMWATER STORAGE AREAS.

(A) Storage areas shall be designed to the satisfaction of the Flood Safety Officer and if possible to provide secondary purposes for recreation, open spaces, parking lot, or other types of use that will not be adversely affected by intermittent flooding.

(B) All stormwater storage areas must be designed to contain and safely pass stormwater runoff. The combined capacity of these storage areas shall be sufficient to contain the storm from the development. The retention facility must be designed for periodic maintenance and energy dissipators shall be provided at points necessary. The combination of storage of the water from a 100-year storm and the design release rate shall not result in a storage duration in excess of 72 hours.

(C) The ponding of stormwater runoff shall not exceed a depth of one foot on a sidewalk, other area regularly used by pedestrians, riding trail, or parking area.

(D) The drainage and grading design shall be prepared to insure that in a 100-year storm the depth of water runoff in any street will not exceed the floor level of the first floor of any building on a lot adjacent to the street.

(E) For a 100-year storm, the ponding of surface water on local, collector, and arterial streets must not exceed a depth of 12 inches at the gutter or shoulder; water exceeding this shall be designed to overflow into an excess stormwater passage. The maximum velocity of water in the deepest part of the gutter shall be ten feet per second and paved gutters shall have a minimum grade of 0.5%.

(F) Overflow for each stormwater storage area shall be provided in the event a storm in excess of the design capacity occurs. Such overflow shall be constructed to function without specific attention and shall become part of the excess stormwater passage.

(G) Rooftop storage of excess stormwater is prohibited.

(H) For wet pond storage areas when calculating the storage capacity, only the volume available to store excess stormwater shall be considered. Permanent water storage does not constitute control of excess storm runoff.

(I) The following specific preliminary and final design criteria shall apply:

(1) *Preliminary design.*

(a) Where the drainage outlet for the new construction is a surface-gravity system, the change in run-off during the first one hour of the 100-year storm will apply.

Example:

$$\text{Retention} = \Delta C R A$$

Where: C = 0.30 (change in runoff coefficient)

R = 2.80 in. (100 year - 1 hour design storm)

A = 50 acres (total area)

$$\text{Retention} = 0.30 \times \frac{2.80}{12} \times 50 = 3.50 \text{ acre-ft.}$$

(b) Where the drainage outlet for a new construction is either a pump and force main or a sinkhole situation, the change in run-off for three hours will apply.

Example:

$$\text{Retention} = \Delta C R A$$

Where R = 3.75 in. (100 year - 3 hour design storm)

(2) *Final design.*

(a) Routing required for all basins greater than 4000 cf. The routing information must include the following:

1. Inflow hydrograph.
2. Outflow hydrograph.
3. Depth vs. storage relationship at minimum one foot intervals.
4. Depth vs. outflow relationship at minimum one foot intervals.

(b) Outlet sized to allow for pre-developed 100-year design flow.

(c) The outlet must be throttled to retain water during the two-year, five-year, 15-year and 25 year storm.

(d) Emergency spillway must pass the post-developed 100-year storm.

(e) A paved concrete ditch, a minimum of six inches deep, shall connect all concentrated flow entry points to the outlet.

(f) The retention basin bottom slopes shall be a minimum of 2%.

(g) The side slopes shall be no steeper than three to one.
(Ord. 89-006, passed 8-28-89)

§ 52.08 SINKHOLES, SUBTERRANEAN WATER CHANNELS.

(A) The use of sinkholes or subterranean water channels for direct drainage of excess stormwater

shall not be permitted although they may be used to drain a stormwater storage area. The introduction of any foreign matter or the filling, clogging, or interfering with the natural drainage capabilities of the sinkholes shall not be permitted.

(B) Any person, firm, or corporation proposing alterations, improvements, or other disturbance of any sinkholes or known subterranean water channel must submit plans to the Flood Safety Officer showing that the alterations, improvements, or disturbance would not interfere with the drainage capability or would pollute the ground water. Also included in the plans erosion control methods must be shown for any activities which might create erosion or sedimentation.

(C) Sinkholes shall not be altered or covered in any way which would negatively affect the drainage capabilities of the sinkhole. Development within the 100-year floodplain of a sinkhole shall not be permitted.

(Ord. 89-006, passed 8-28-89)

§ 52.09 SUMPS AND OTHER DRAINS.

Drainage from sumps, air conditioning or other refrigeration condensers, water activated heat pumps, and all sources other than rainfall drained from rooftops shall be routed on site by pipe or drain tile to a natural drain or swale to be carried off site. In no instance shall such drainage be carried off site and allowed to diffusely dissipate or result in damp or wet soil conditions outside of a swale or natural drain.

(Ord. 89-006, passed 8-28-89)

§ 52.10 APPLICATION REQUIRED FOR SUBDIVISION DEVELOPMENT AND CERTAIN IMPROVEMENTS; FEE.

(A) An application is required to be submitted to the Flood Safety Officer or his designee prior to subdivision development or issuance of a building and zoning compliance certificate for each of the following proposed improvements within the city limits. This chapter shall apply to:

(1) Individual residences where the proposed improvement will result in more than 20% of the area of the lot being covered by an impervious surface or for any residential improvement for which a building permit is sought and which involves unusual circumstances which in the judgment of the City Engineer may potentially have an adverse effect on off site properties by an increase or diversion of stormwater runoff; residential developments of two lots or more regardless of the amount of area to be covered by impervious surface; all multifamily, commercial, institutional, governmental, utility, or other developments;

(2) Subdivision proposals and other proposed new developments;

(3) Proposals to alter or relocate a watercourse, deposit, or remove any material within a watercourse, plant or remove any vegetation, or alter any embankment within a watercourse (this requirement shall be in addition to any review of the state); and

(4) Any development meeting the conditions listed in division (A)(3) of this section which does not have a valid building and zoning compliance certificate as of the effective date of this chapter [i.e., February 1, 1993] shall be regulated under the terms of this chapter.

(B) (1) Plans, specifications, and all calculations for the control of storm runoff as required by this chapter shall be provided with the application.

(2) A pipe and ditch chart shall be included along with a composite drainage plan. The chart must include the design storm, time of concentration, C factor intensity, drainage area, design flow, actual pipe or channel capacity, velocity, pipe or channel size, pipe or channel length, size and slope.

(C) Required maintenance for retention basins or other structures shall be permanently provided by the developer with responsibility becoming that of the private landowner after complete development, subject to inspection by the Flood Safety Officer.

Every retention basin or structure shall be legally defined on both deed and plat and the maintenance entity shall be specified.

(D) The applicant is required to dedicate easements along those drainageways necessary for adequate watershed drainage, maintenance, and operations.

(E) Each application must be on a form furnished by the city, submitted in at least three copies and each be accompanied by a map to determine location of the proposed sites. At least one copy of the application, map, and other attachments are to be retained for city use by the Flood Safety Officer.

(F) An application fee for a permit for proposed improvements, other than subdivisions, within the city must also be accompanied by a fee of \$1,000, plus \$2 per 1,000 square feet of surface area in excess of 105,000 square feet, and specifications and plans as required in this chapter and any additional specifications and plans necessary for the Flood Safety Officer to determine the proposed improvements meet this chapter. Subdivisions of three lots or less, that do not involve the construction of public improvements such as streets, shall require an application fee of \$1,000 per lot plus \$2 per 1,000 square feet of surface area in excess of 315,000 square feet (total surface area of all lots). Subdivisions of three lots or less that require the construction of public improvements including streets, and all subdivisions of four lots or more shall require an application fee in the amount of \$1,500 per platted lot plus \$2 per 1,000 square feet of gross surface area in excess of the product of 105,000 multiplied by the number of platted lots.

(G) When it has been determined that the applicant has sufficiently met the requirements, permits will be issued for proposed improvements to be carried out. If a definite determination cannot be made, the Flood Safety Officer may request that additional information be supplied by the applicant, or may request the city or its authorized agent to prepare an additional set of specifications and plans adequate to derive a determination. Issuance of a permit shall not preclude the city from reviewing specific drainage issues that may arise during the

construction period. The Flood Safety Officer shall have the authority to request additional information of the developer when circumstances arise that were not foreseen in the original review. The cost of development of such additional information and any construction revisions required shall be the responsibility of the developer.

(H) At the time of application the developer must submit the intended construction schedule for the development. Seeding and grassing shall be scheduled to occur within the time frames established by the Kentucky Department of Transportation Standard Specifications for Road and Bridge Construction. Failure to adhere to the approved schedule may result in a violation of this chapter and additional erosion control measures may be required at the discretion of the Flood Safety Officer.

(Ord. 89-006, passed 8-28-89; Am. Ord. 93-001, passed 2-1-93; Am. Ord. 95-6, passed 2-6-95)

§ 52.11 MAINTENANCE OF DRAINAGE CHANNELS.

(A) It shall be the responsibility of the owner of the real estate where natural drainage channels, or man made drainage channels are located, to maintain the channels free of any form of obstruction which impedes water flow. In the event that any drainage channel on private property shall become clogged, the Flood and Safety Officer shall give the property owner written notice of the remedial work required. Should the property owner have not accomplished the required work within 30 days of written notice, the city, may, at its option, perform such work as necessary to open the drainage channel, bill the owner of the property for the required work performed by the city, and levy a lien against the real estate until such time as the city has been reimbursed for clearing the drainage channel.

(B) It shall be unlawful for any person in the city to deposit leaves, grass clippings, or any other form of debris, or obstruction, in any natural or man made drainage channel. In addition to the requirements set out in division (A) of this section for clearing of the drainage channel, any person guilty of depositing any form of material in a drainage channel which results in an obstruction to the channel may be

fined up to \$250. Each day the drainage channel is blocked shall constitute a separate offense.
(Ord. 89-006, passed 8-28-89)

ADMINISTRATION AND ENFORCEMENT

§ 52.20 VARIANCES.

The City Council, upon application to the Flood Safety Officer, may grant variances to the applicant, from the regulations specified in this chapter. The applicant must specify hardships to result in following the prescribed regulations. The Flood Safety Officer, in conjunction with a City Council member who regularly handles public works or zoning and land use matters, must examine and decide the validity of the proposed hardships. This request is then submitted to the City Council by the Flood Safety Officer and City Engineer along with a recommendation about granting the variance.

(A) The variance will be granted only upon showing that there is good and sufficient cause. Financial hardship to the property owners shall not constitute proper or appropriate grounds for a variance under this chapter.

(B) A record of all variance actions shall be maintained by the Flood Safety Officer including the justification for issuance.

(C) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
(Ord. 89-006, passed 8-28-89)

§ 52.21 ENFORCEMENT BY FLOOD SAFETY OFFICER.

(A) The Flood Safety Officer shall have the authority to establish necessary administrative and certification procedures to insure the intent and purpose of this chapter is carried out.

(B) The Flood Safety Officer has the authority to revoke the building and zoning compliance certificate, or any other certificate or permit issued by the city, to issue stop work orders, or to request such stop work orders from appropriate authorities of the county, for any development, construction or other improvements which does not meet the requirements provided in this chapter.

(C) For failure to make an application for proposed improvements on a site or implement the improvements as approved in the application, the person, firm, or corporation determined to be in noncompliance shall be deemed guilty of a violation, shall be fined \$250 for each violation, and must take corrective action as required. Where the person responsible for the violation is not the same as the owner(s) where the violation is found, both the violator and the owner(s) may be fined. After written notification from the Flood Safety Officer, the landowner shall have 20 days to comply with this chapter, or appeal the order. Each day the improvement remains in violation past this time, shall be deemed a separate offense.

(D) An appeal of the final decision of the Flood Safety Officer may be made to the City Council within 20 days following notification.
(Ord. 89-006, passed 8-28-89)

§ 52.22 EMPLOYMENT OF PROFESSIONAL PERSONNEL.

The Mayor, within the limits set by the City Council in its budget ordinance, and upon recommendation of the Flood Safety Officer, is authorized to enter into personal service contracts with appropriate professional personnel as are needed for the implementation and enforcement of this chapter and is additionally authorized to appoint those so employed as Deputy Flood Safety Officers for the purposes of administering and enforcing this chapter.
(Ord. 89-006, passed 8-28-89)

§ 52.23 BONDING REQUIREMENTS.

The city will require bonds to be posted by the developer(s) of any major subdivision (as that term is defined in the Development Code for Jefferson County) and for any substantial improvement (as that term is defined herein) which results in more than 20% of any single lot being covered by an impervious surface. The purpose of the bond is to insure the commitment of the builder or developer in meeting the construction requirements of this chapter. Bond requirements may be met by one or more of the forms attached to Ordinance 89-006. The amount of the bond shall be equal to twice the developer's estimated cost of drainage and site grading construction as certified by the developer's engineer and approved by the Flood Safety Officer. All bond forms prescribed shall be considered "cash" bonds, except those on which an insurance company is acting as surety. Bonds shall consist of the delivery to the City Clerk of the "builder's contract bond," as set out in attachment "A" attached to Ordinance 89-006, and accompanied by appropriate security or surety. The following are acceptable:

(A) A cashier's or certified check payable to the city and drawn on a federally insured bank or federal savings bank.

(B) A certificate of deposit or a savings certificate in the name of the builder or other person placing the bond issued by a federally insured bank or a federal savings bank, assigned to the city in a form to be approved by the city, with acknowledgment by the bank or federal savings bank.

(Ord. 89-006, passed 8-28-89; Am. Ord. 95-6, passed 2-6-95)

APPENDIX: BUILDER'S CONTRACT BOND**BUILDER'S CONTRACT BOND
TO THE
CITY OF ANCHORAGE**

Project Name: _____

Location: _____

Date: _____

The undersigned builder(s) or developer(s) of the above named project is (are) responsible for the installation, good repair and proper functioning of all improvements relating to the requirements of City of Anchorage Ordinance No. 6, Series 1995, an ordinance relating to drainage and storm water management and control, as evidenced by the construction and drainage plans approved on _____ and any amendments thereto which have been approved in writing. Work to meet the requirements of the ordinance and approved plans shall begin and proceed in a manner which does not cause unreasonable harm, inconvenience or annoyance to any other property owner. This obligation shall continue until the City Engineer has granted a release in writing. The builder or developer shall abide by any time limits which the City, or any of its designated officials, may have specified in writing.

All bond forms prescribed in Ordinance No. 6, Series 1995, shall be considered "cash" bonds, except those on which an insurance company is acting as surety. All forms of surety on this bond shall be maintained at an active status until released by the City, and the evidence of such status shall be furnished to the City on demand.

Builder/Developer

State of Kentucky
County of _____

Subscribed and sworn to before me

by _____ on this _____ day of _____

My commission expires: _____

NOTARY PUBLIC
KENTUCKY STATE AT LARGE

CHAPTER 53: CABLE SERVICES AND OTHER TELECOMMUNICATIONS SERVICES FRANCHISING

Section

immediately prior to such term no longer being defined in the Cable Act or such definition otherwise becoming inapplicable.

General Provisions

- 53.01 Definitions
- 53.02 Delegation
- 53.03 Application of provisions

CABLE SYSTEM. Any cable system as defined in the Cable Act.

CITY. The City of Anchorage.

Granting Authority and Franchising Procedure

CITY COUNCIL. The City Council of the city and its designee or any successor thereto.

- 53.10 Granting authority
- 53.11 Franchise applications
- 53.12 Non-refundable application fees for new franchises
- 53.13 Responsibilities of applicants
- 53.14 Public availability of applications
- 53.15 Evaluation criteria
- 53.16 Procedure for consideration of and action on applications
- 53.17 Terms and conditions of franchise

FRANCHISE. An initial authorization, or renewal thereof, issued by the city, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement or otherwise, which authorizes the occupation and use of the streets to provide telecommunications services.

GRANTEE. The legal entity to which is granted the right, authority and responsibility to construct, install, operate and maintain a system of equipment as necessary to furnish, supply and distribute cable or telecommunications services or both, to inhabitants within the franchise area.

GENERAL PROVISIONS

§ 53.01 DEFINITIONS.

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

CABLE SERVICES. As defined in the Communications Act of 1934, as amended by the Cable Communications Policy Act of 1984 and the Cable Television Consumer Protection and Competition Act of 1992, and as may be further amended from time to time (the "Cable Act"). In the event that **CABLE SERVICES** is no longer defined in the Cable Act or the definition in the Cable Act otherwise becomes inapplicable, **CABLE SERVICES** shall be as defined in the Cable Act

MAY. Is permissive.

ORDINANCE. This chapter and all modifications and amendments thereto.

PERSON. Individual or any association, firm, partnership, joint venture, corporation or other legally recognized entity, whether for profit or not for profit, but shall not mean the City.

SHALL. Is mandatory, not merely directive.

STREETS. The surface of, as well as the spaces above and below, any and all streets, alleyways, avenues, highways, boulevards, driveways, bridges,

tunnels, parks, parkways, public grounds or waters, and other public rights-of-way within or belonging to the city.

TELECOMMUNICATIONS SERVICES.

Receipt and/or distribution, through any means, including, without limitation, coaxial cable, optical fiber, or satellite or microwave transmission, of one or more audio, voice or data signals. ***TELECOMMUNICATIONS SERVICES*** includes both cable services and noncable telecommunications services.

(Ord. 97-7, passed 5-12-97)

§ 53.02 DELEGATION.

Consistent with applicable law, the City Council shall have the right to delegate and redelegate, and to revoke any such delegation or redelegation, from time to time, any of its rights or obligation: under this chapter to any body, organization or official. Any such delegation, redelegation or revocation, no matter how often made, shall not be deemed an amendment to this chapter or to require the consent of any applicant for a franchise or franchisee. The City Council may also establish and appoint one or more advisory boards, with such duration and such number of members as the City Council shall determine, to advise it on such of the matters which are the subject of this chapter.

(Ord. 97-7, passed 5-12-97)

§ 53.03 APPLICATION OF PROVISIONS.

This chapter shall not be retroactively applied to franchises for cable services and other telecommunications services existing on the effective date of this chapter.

(Ord. 97-7, passed 5-12-97)

***GRANTING AUTHORITY AND
FRANCHISING PROCEDURE***

§ 53.10 GRANTING AUTHORITY.

(A) No person shall provide cable services or operate a cable system without a franchise granted in 1998 S-4

accordance with the provisions of this chapter and no person shall use or occupy the streets to provide any telecommunications service other than cable services without a franchise granted in accordance with the provisions of this chapter.

(B) The City Council may grant one or more franchises in accordance with this chapter, provided that the City Council reserves the right to modify any provision of this chapter by amendment hereof.

(C) The grant of any franchise shall be made by adoption of a separate ordinance by the City Council and shall be on such terms and conditions as may be specified in said separate ordinance and/or a franchise agreement between the city and the franchisee.

(D) Any franchise granted shall be nonexclusive. The city specifically reserves the right to grant, at any time, such additional franchises as it deems appropriate and or itself engages in the provision of telecommunication services.

(E) A franchise may be granted for all or any defined portion of the city and for all or less than all telecommunications services, and for telecommunications services for all or less than all purposes.

(F) The grant of franchises by the city shall be subject to the provisions of applicable law, such as the provisions in the Communications Act of 1934, as amended, governing cable television franchises and renewals thereof.

(Ord. 97-7, passed 5-12-97)

§ 53.11 FRANCHISE APPLICATIONS.

(A) Applications for franchises shall be submitted in such form and be issued on such terms and conditions as the City Council may determine subject to applicable law.

(B) Any Application for a franchise shall contain and/or require the following information with respect to the proposed franchise and such other information as the City Council shall deem necessary or appropriate:

(1) Applicant's name, address, telephone number, and federal employer identification number or social security number; copy of applicant's corporate charter or partnership agreement as applicable and any trade names (and registrations) used by applicant;

(2) A detailed statement of the corporation or business entity organization of the applicant, including but not limited to the following, and to whatever extent required by the city:

(a) The names and the residence and business addresses of all officers and directors of the applicant;

(b) The names, residence, and business addresses of all persons and entities having any share of the ownership of the applicant and the respective ownership share of each person or entity;

(c) The names and address of any parent or subsidiary of the applicant, namely, any other business entity owning or controlling applicant in whole or in part or owned or controlled in whole or in part by the applicant, and a statement describing the nature of any such parent or subsidiary business entity, including but not limited to telecommunications or cable systems owned or controlled by the applicant, its parent, and subsidiary, and the areas served thereby;

(d) A detailed and complete financial statement of the applicant, certified by an independent certified public accountant, for the fiscal year immediately preceding the date of the application hereunder, or a letter or other acceptable evidence in writing from a recognized lending institution or funding source, addressed to both the applicant and the Council, setting forth the basis for a study performed by such lending institution or funding source, and a clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by the applicant to construct and operate the proposed telecommunications or cable system in the city, or a statement from an independent certified public

accountant certifying that the applicant has available sufficient free, net, and uncommitted cash resources to construct and operate the proposed cable or telecommunications system in the city;

(e) A detailed financial plan (pro forma) describing for each year of the franchise, projected number of subscribers, rates, all revenues, operating expenses, capital expenditures, depreciation schedules, income statements, and a sources and uses of funds statement; and

(f) A statement identifying, by place and date, any other cable system or telecommunication franchise(s) awarded to the applicant, its parent or subsidiary; the status of said franchise(s) with respect to completion thereof; the total cost of completion of such franchised cable or telecommunication system(s); and the amount of applicant's and its parent's or subsidiary's resources committed to the completion thereof;

(3) A detailed description of the proposed plan of operation of the applicant which shall include, but not be limited to, the following:

(a) A description of the cable services and any other telecommunications services proposed to be provided;

(b) A detailed map indicating all areas proposed to be served, and a proposed time schedule for the installation of all equipment necessary to become operational throughout the entire area to be serviced;

(c) A statement or schedule setting forth all proposed classifications or rates and charges to be made against subscribers and all rates and charges as to each at said classifications, including installation charges, cable service charges, and any other telecommunications service charges;

(d) A detailed, informative, and referenced statement describing the actual equipment and operational standards proposed by the applicant;

(e) A copy of the form of any agreement, undertaking, or other instrument proposed to be entered into between the applicant and any subscriber to cable or telecommunications services; and

(f) A detailed statement setting forth in its entirety any and all agreements and undertakings, whether formal or informal, written, oral, or implied, existing or proposed to exist between the applicant and any person, firm, or corporation which materially relate or pertain to or depend upon the application and the granting of the franchise;

(4) A copy of any agreement covering the franchise area, if existing between the applicant and any utility providing for the use of any facilities of the utility, including but not limited to, poles, lines, or conduits; and

(5) Any other details, statements, supplementary information, or references pertinent to the subject matter of such application which shall be required or requested by the Council, or by any other provision of law.

(Ord. 97-7, passed 5-12-97)

§ 53.12 NON-REFUNDABLE APPLICATION FEE FOR NEW FRANCHISES.

No application for a new franchise shall be considered without payment by the applicant of application fees as provided in this section. If a franchise is granted, application fees will not be deemed a credit towards any other fees or sums due by the grantee. If an application is denied, the application fee will not be refunded.

(A) Purpose of Application Fees. The application fees provided by this section will serve to cover the direct and indirect costs incurred by the city in processing the application, evaluating the applicant, and granting a franchise, and shall include, but not be limited to, administrative, engineering, publication, legal, and consultant's expenses.

(B) Administration Fee. The applicant will be expected to pay the reasonable costs of the city in evaluating the application, notwithstanding any other requirement of this chapter, each applicant must furnish with its proposal a non-refundable application fee in the amount of \$100.00 by certified check or cashier's check made payable to the City of Anchorage.

(Ord. 97-7, passed 5-12-97)

§ 53.13 RESPONSIBILITIES OF APPLICANTS.

It shall be the responsibility of each applicant for a franchise to comply with all applicable laws, ordinances, resolutions, rules, regulations and other directives at the city and any federal, state or local governmental authority having jurisdiction.

(Ord. 97-7, passed 5-12-97)

§ 53.14 PUBLIC AVAILABILITY OF APPLICATIONS.

To the extent determined by the City Council, applications for Franchises, including any additions, modifications or amendments thereto, shall be available for public inspection at a designated City office during normal business hours.

(Ord. 97-7, passed 5-12-97)

§ 53.15 EVALUATION CRITERIA.

In making any determination hereunder as to any application for a franchise, the City Council may consider such factors as it deems appropriate and in the public interest, including, without limitation:

(A) The adequacy of the proposed compensation to be paid to the city, including the value of any facilities and telecommunications services offered by the applicant to the city;

(B) The legal, financial, technical and other appropriate qualifications of the applicant;

(C) The ability of the applicant to maintain the property of the city in good condition throughout the term of the franchise;

(D) The value and efficiency to the city and its residents of the cable services and other telecommunications services to be provided, including the type of telecommunications services to be provided, as well as alternatives to those services and services that may be precluded by the grant of the franchise;

(E) The willingness and ability of the applicant to meet construction and physical requirements and to abide by all purpose and policy conditions, limitations and requirements with respect to the franchise; and

(F) Any other public interest factors or considerations deemed pertinent by the city for safeguarding the interests of the city and the public. (Ord. 97-7, passed 5-12-97)

§ 53.16 PROCEDURE FOR CONSIDERATION AND ACTION ON APPLICATIONS.

(A) The city may make such investigations and take or authorize the taking of such other steps as the City Council deems necessary or appropriate to consider and act on applications for franchises and determine whether a franchise should be granted to an applicant, and may require the applicant to furnish additional information and data for this purpose. In considering applications, the City Council may seek advice from other city officials or bodies, from such other advisory bodies as it may establish or determine appropriate, or from the public, and may request the preparation of one or more reports to be submitted to the City Council, which may include recommendations with respect to such applications.

(B) If the City Council, after considering such information as it determines to be appropriate, elects to further consider one or more applications, the City Council shall set one or more public hearings for consideration of the application(s), fixing and setting forth a day, hour and place certain when and where any person having any interest therein or objections

thereto may file written comments and appear before the City Council and be heard, and providing notice of such public hearing(s) in accordance with applicable law.

(C) The City Council may authorize negotiations between city officials and applicants to determine whether the city and such applicants are able to reach agreement on the terms of the proposed franchise.

(D) Upon completion of the steps deemed appropriate by the City Council, the City Council may grant the franchise, and may specify the conditions under which the franchise is granted. Alternatively, the city may reject any and all applications from whatever source and whenever received except that a franchising authority may not grant an exclusive franchise and may not unreasonably refuse to award an additional competitive franchise. The city also reserves the right to waive any or all requirements when it determines that the best interests of the city may be served thereby and may, if it so desires, request new or additional proposals. (Ord. 97-7, passed 5-12-97)

§ 53.17 TERMS AND CONDITIONS OF FRANCHISE.

The terms and conditions applicable to any franchise granted pursuant to this chapter shall be set forth in the separate ordinance granting the franchise or in a separate written agreement. Such separate ordinance or written agreement, among other things, shall address the following subjects:

(A) The term of the franchise;

(B) The franchise area and the cable services and other telecommunications services and purposes of such other telecommunications services, if any, which are the subject of the franchise;

(C) The compensation to be paid to the city, which may include the payment of fees or the provision of facilities or services, or both;

(D) The circumstances upon which the franchise may be terminated or canceled;

(E) The mechanisms, such as performance bonds, security funds or letters of credit, to be put in place to ensure the performance of the franchisee's obligations under the franchise;

(F) The city's right to inspect the facilities and records of the franchisee;

(G) Insurance and indemnification requirements applicable to the franchisee;

(H) The obligation of the franchisee to maintain complete and accurate books of account and records, and the city's inspection rights with respect thereto;

(I) Provisions to ensure quality workmanship and construction methods;

(J) Provisions to ensure that the franchisee will comply with all applicable city, state and federal laws, regulations, rules and policies, including, without limitation, those related to employment, purchasing and investigations;

(K) Provisions to ensure adequate oversight and regulation of the franchisee by the city;

(L) Provisions to restrict the assignment or other transfer of the franchise without the prior written consent of the city;

(M) Remedies available to the city to protect the city's interest in the event of the franchisee's failure to comply with terms and conditions of the franchise;

(N) Provisions to ensure that the franchisee will obtain all necessary licenses and permits from, and comply with, all laws, regulations, rules and policies of any governmental body having jurisdiction over the franchisee, including the Federal Communications Commission;

(O) Provisions to ensure that the franchisee will protect the property of the city and the delivery of public services from damage or interruption of operations resulting from the construction, operation, maintenance, repair or removal of improvements related to the franchise;

(P) Provisions designed to minimize the extent to which the public use of the streets of the city are disrupted in connection with the construction of improvements relating to the franchises and

(Q) Such other provisions as the city determines are necessary or appropriate in furtherance of the public interest.

(Ord. 97-7, passed 5-12-97)

TITLE VII: TRAFFIC CODE

Chapter

70. GENERAL PROVISIONS

71. TRAFFIC RULES

72. PARKING REGULATIONS

73. (RESERVED)

74. (RESERVED)

75. TRUCKS, TRAILERS AND COMMERCIAL VEHICLES

76. TRAFFIC SCHEDULES

CHAPTER 70: GENERAL PROVISIONS

Section

§ 70.01 SHORT TITLE.

- 70.01 Short title
- 70.02 Definitions
- 70.03 Required obedience to traffic directions
- 70.04 Powers and duties of Police Department

This Title VII may be known and cited as the Traffic Code.
(Ord. 71-1, passed 4-19-71)

- 70.05 Authority for enforcement
- 70.06 Temporary regulations
- 70.07 Required obedience to traffic code; public employees
- 70.08 Obedience to Police and Fire Department Officials
- 70.09 Exemptions for emergency vehicles
- 70.10 Golf carts

§ 70.02 DEFINITIONS.

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

AUTHORIZED EMERGENCY VEHICLES.

Any vehicle used for emergency purposes by:

Traffic-Control Devices

- 70.20 Signal legends
- 70.21 Establishment and maintenance of traffic-control devices
- 70.22 Obedience to signals
- 70.23 Interference with signals
- 70.24 Unauthorized signals or markings
- 70.25 Device to be legible and in proper position
- 70.26 Temporary disregard of devices by police officers

(1) The Department of Kentucky State Police;

(2) A public police department;

(3) The Department of Corrections;

(4) A sheriff's office;

(5) A rescue squad;

(6) An emergency management agency if it is a publicly owned vehicle;

Motor Vehicle Noise

- 70.40 Scope
- 70.41 Definitions
- 70.42 dBA noise limit
- 70.43 Excessive noise
- 70.44 Stationary test
- 70.45 Audible signalling devices; burglar alarms

(7) An ambulance service, mobile integrated healthcare program, or medical first-response provider licensed by the Kentucky Board of Emergency Medical Services, for any vehicle used to respond to emergencies or to transport a patient with a critical medical condition;

(8) Any vehicle commandeered by a police officer;

- 70.99 Penalty

(9) Any vehicle with the emergency lights required under KRS 189.920 used by a paid or volunteer fireman or paid or volunteer ambulance personnel, or a paid or local emergency management director while responding to an emergency or to a location where an emergency vehicle is on emergency call;

(10) An elected coroner granted permission to equip a publicly or privately owned motor vehicle with lights and siren pursuant to KRS 189.920;

(11) A deputy coroner granted permission to equip a publicly or privately owned motor vehicle with lights and siren pursuant to KRS 189.920; or

(12) A conservation officer of the Kentucky Department of Fish and Wildlife Resources. (KRS 189.910)

BICYCLE. Every device propelled by human power upon which any person may ride, having two wheels in tandem either of which is more than 20 inches in diameter, and including any device generally recognized as a bicycle though equipped with two front or rear wheels. (Ord. 71-1, passed 4-19-71)

BOULEVARD. Any legally designated street at which cross traffic is required to stop before entering or crossing such boulevard.

BUSINESS DISTRICT. Any portion of any street between two consecutive intersections in which 50% or more of the frontage on either side of the street is used for business purposes.

COMMERCIAL VEHICLE. Every vehicle designed, maintained, or used primarily for the transportation of property. (Ord. 71-1, passed 4-19-71)

CROSSWALK. That portion of the roadway included within the extension of the sidewalk across any intersection, and such other portions of the roadway between two intersections, as may be legally designated as crossing places and marked by stanchions, paint lines, or otherwise.

CURB. The boundary of that portion of the street used for vehicles whether marked by curbstones or not.

DRIVER. Every person who drives or is in actual physical control of a vehicle. (Ord. 71-1, passed 4-19-71)

INTERSECTION. That part of the public way embraced within the extensions of the street lines of two or more streets which join at an angle whether or not one such street crosses the other.

LANED ROADWAY. A roadway which is divided into two or more clearly marked lanes for vehicular traffic. (Ord. 71-1, passed 4-19-71)

MOTOR VEHICLE. Every vehicle which is self propelled and not operated upon rails, or not deriving its power from overhead wires. (Ord. 71-1, passed 4-19-71)

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, including motor scooters and bicycles with motor attached but excluding a tractor. (Ord. 71-1, passed 4-19-71)

OFFICIAL TIME EASTERN. Whenever certain hours are named herein they shall mean Eastern time or Eastern daylight-saving time as may be in current use in this city. (Ord. 71-1, passed 4-19-71)

OFFICIAL TRAFFIC-CONTROL DEVICES. All signs, signals, warnings, directions, markings, and devices placed or erected or maintained by authority of the Chief of Police.

ONE-WAY STREET. A street on which vehicles are permitted to move in one direction only.

OPERATOR. Every person who is in actual physical control of the guidance, starting, and stopping of a vehicle.

PARK. When applied to vehicles, to leave a vehicle standing, whether occupied or not, for a period of time longer than is necessary to receive or discharge passengers or property.

PEDESTRIAN. Any person afoot.

PLAY STREET. Any street or portion thereof so designated by the Chief of Police and reserved as a play area for children, from which all traffic is barred, except vehicles to and from abutting properties.

POLICE 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. (Ord. 71-1, passed 4-19-71)

POLICE DEPARTMENT. The Police Department or other persons or agency authorized to perform the duties of § 70.03 or any other acts necessary to implement and enforce this traffic code.

PRIVATE ROAD or DRIVEWAY. Every way or place in private ownership and used for vehicular travel by the owner and those having expressed or implied permission from the owner, but not by other persons. (Ord. 71-1, passed 4-19-71)

PUBLIC WAY. The entire width between property lines of every way, dedicated passway, or street set aside for public travel, except bridle paths and foot paths.

REVERSE TURN. To turn a vehicle on any street in such a manner as to proceed in the opposite direction.

RIGHT-OF-WAY. The privilege of the immediate and preferential use of the street.

ROADWAY. That portion of any street, improved, designated, or ordinarily used for vehicular travel.

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

STOP. When required means complete cessation from movement. (Ord. 71-1, passed 4-19-71)

STOPPING. As applied to vehicles, to stop a vehicle longer than is actually necessary to receive or discharge passengers.

STREET. Every public way, including alleys.

TRAFFIC. Pedestrians, ridden or herded animals, vehicles, buses, and other conveyances, individually or collectively, while using any street for the purpose of travel.

TRAFFIC-CONTROL SIGNAL. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed. (Ord. 71-1, passed 4-19-71)

VEHICLE. Every device in, on, or by which any person or property is or may be transported or drawn on any street except devices moved by human power or used exclusively on stationary rails or tracks.

§ 70.03 REQUIRED OBEDIENCE TO TRAFFIC DIRECTIONS.

(A) It shall be unlawful for any person to fail or refuse to comply with any lawful order, signal, or direction given by a uniformed police officer, or to fail or refuse to comply with any of the traffic regulations of this traffic code.

(B) The provisions of this traffic code shall apply to the driver of any vehicle owned or used in the service of the United States government, this state, county, or city, and it shall be unlawful for any such driver to violate any of the provisions of this traffic code, except as otherwise permitted in this traffic code or by state statute.

(C) Every person propelling any pushcart or riding a bicycle or an animal on any roadway, and every person driving any animal on any roadway, and every person driving any animal-drawn vehicle shall be subject to the provisions of this traffic code applicable to the driver of any vehicle, except those provisions of this traffic code which by their very nature can have no application.
Penalty, see § 70.99

§ 70.04 POWERS AND DUTIES OF POLICE DEPARTMENT.

It shall be the duty of the Police Department to direct all traffic in conformance with this traffic code and to enforce the traffic regulations as set forth in this traffic code, to make arrest for traffic violations, to investigate accidents, and to cooperate with other officers of the city in the administration of the traffic laws, and in developing ways and means to improve traffic conditions.

§ 70.05 AUTHORITY FOR ENFORCEMENT.

Authority to direct and enforce all traffic regulations of this city in accordance with the provisions of this traffic code and to make arrests for traffic violations is given to the Police Department, and, except in case of emergency, it shall be unlawful for any other person to direct or attempt to direct traffic by voice, hand, whistle, or any other signal. Penalty, see § 70.99

§ 70.06 TEMPORARY REGULATIONS.

When required for the convenience and safety of the public and to alleviate unusual traffic problems, the Chief of Police or other authorized city official shall, at his discretion, have authority to impose such traffic regulations as he may deem necessary for temporary periods not to exceed two weeks. If these temporary regulations are necessary for a period longer than two weeks, the City Clerk shall be notified in writing of the extended order.

§ 70.07 REQUIRED OBEDIENCE TO TRAFFIC CODE; PUBLIC EMPLOYEES.

(A) It is a misdemeanor for any person to do any act forbidden or to fail to perform any act required in this traffic code.

(B) 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, this state, county, or city, and it shall be unlawful for any said driver to violate any of the provisions of this

traffic code, except as otherwise permitted in this section or by state statute.

(Ord. 71-1, passed 4-19-71) Penalty, see § 70.99

§ 70.08 OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS.

No person shall willfully fail or refuse to comply with any lawful order or due action of a police officer or Fire Department official.

(Ord. 71-1, passed 4-19-71) Penalty, see § 70.99

§ 70.09 EXEMPTIONS FOR EMERGENCY VEHICLES.

(A) The driver of an authorized emergency vehicle, when doing to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(B) The driver of an authorized emergency vehicle may:

(1) Park or stand, irrespective of the provisions of this traffic code.

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

(3) Exceed the maximum speed limits so long as he does not endanger life or property.

(4) Disregard regulations governing direction of movement or turning in specified directions.

(C) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary and when the vehicle is equipped with at least one lighted lamp displaying a red or blue light visible under normal atmospheric conditions.

(D) The foregoing provisions shall not relieve the driver of any authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.
(Ord. 71-1, passed 4-19-71)

(E) The operation of emergency vehicles shall at all times comply with the then current provisions of state statutes.

§ 70.10 GOLF CARTS.

(A) As used in this section, the term **GOLF CART** shall have the meaning provided by KRS 189.286(1)(a) as that statute now exists or may be amended from time to time.

(B) Golf carts operated in compliance with division (C) below may be operated on any public roadway of the City of Anchorage excepting only those portions of such roadways that cross a state-maintained highway on which the Transportation Cabinet of the Commonwealth of Kentucky has determined that the prohibition of the use of golf carts is necessary in the interest of public safety.

(C) Any golf cart operated on the public roadways of the City of Anchorage, pursuant to the authority of this section, shall:

(1) Meet all the requirements for a golf cart specified at KRS 189.286(1)(a), as that statute now exists or is amended from time to time; and

(2) Be issued a permit by the City of Anchorage, which may take the form authorized by §§ 72.60 et seq. of this code, and display such sticker identifying the golf cart as one that complies with the terms of this section, the laws of the Commonwealth of Kentucky, and the Code of Federal Regulations; and

(3) Be inspected by a certified inspector designated by the Sheriff of Jefferson County and certified by the Commonwealth of Kentucky's Department of Vehicle Regulation to insure that the golf cart complies with the requirements of this section. The inspection fee under this division shall not exceed \$5 with an additional fee not to exceed \$10 per trip charged if it becomes necessary for the certified inspector to travel to the site of the golf cart rather than having the golf cart brought to a designated inspection area.

(D) Any person operating a golf cart on a public roadway of the city, pursuant to the authority of this section, shall:

(1) Observe all traffic laws relating to motor vehicles, or vehicles, of the city and of the Commonwealth of Kentucky; and

(2) Possess a valid operator's license in his or her possession; and

(3) Operate the golf cart only after the time of official sunrise and before the time of official sunset for the City of Louisville on the day the golf cart is being operated; and

(4) Display on the golf cart a slow-moving vehicle emblem in compliance with KRS 189.820; and

(5) Insure the golf cart, by the owner or operator, in compliance with KRS 304.39-080, and have the proof of insurance inside the golf cart at all times of operation on a public roadway of the city.

(E) This section shall not apply to a golf cart operated within the City of Anchorage unless the golf cart is operated on a public roadway of the city.

(F) This section shall not authorize the use of a golf cart on any public roadway in the city that is maintained by the Commonwealth of Kentucky Transportation Cabinet.

(G) Any person violating the provisions of this section shall, upon conviction of a first offense, be fined not less than \$100, nor more than \$250. Any person convicted of a subsequent violation of this section within two years of a prior conviction under this section, shall be fined not less than \$250, nor more than \$500.

(Ord. 10-2010, passed 9-13-10)

TRAFFIC-CONTROL DEVICES

§ 70.20 SIGNAL LEGENDS.

Whenever traffic is regulated or controlled exclusively by a traffic-control sign or signs exhibiting the words “Go,” “Caution,” or “Stop,” or exhibiting different colored lights for purposes of traffic control, the following colors only shall be used, and these terms and lights shall indicate and be obeyed as follows:

(A) *Green alone or “Go.”* Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. However, vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection at the time such signal is exhibited.

(B) *Steady yellow alone or “Caution” when shown following the green or “Go” signal.* Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. Vehicular traffic facing a steady yellow signal may enter and clear the intersection.

(C) *Red alone or double red or “Stop.”* Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at

such other point as may be indicated by a clearly visible line, and shall remain standing until green or “Go” is shown alone.

(D) *Flashing red alone.* Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at such other point as may be indicated by a clearly visible line, and shall not again proceed until it can do so without danger.

(E) *Flashing amber alone.* Vehicular traffic facing the signal shall reduce its speed and proceed cautiously across the intersection controlled by such signal.

(F) *“Yield Right-of-Way.”* Vehicular traffic facing the “Yield Right-of-Way” sign shall bear the primary responsibility of safely entering the primary intersecting or merging right-of-way. All traffic facing the sign shall yield the right-of-way to all vehicles and pedestrians within such primary intersecting or merging right-of-way. No vehicle facing a “Yield Right-of-Way” sign shall enter the merging or intersecting right-of-way at a speed in excess of 15 miles per hour, except that this speed limit shall not apply to vehicles entering an expressway.

(G) *Lane lights.* When lane lights are installed over any street for the purpose of controlling the direction of flow of traffic, vehicular traffic shall move only in traffic lanes over which green arrows appear. However, when flashing amber lights appear above a lane all left turns shall be made from that lane. Where red arrows appear above such lanes, vehicles shall not move against them. If flashing amber lights show above a lane, that lane shall be used only for passing and for left turns unless a sign at such place prohibits such turn.

Penalty, see § 70.99

Statutory reference:

Traffic-control signals, see KRS 189.338

§ 70.21 ESTABLISHMENT AND MAINTENANCE OF TRAFFIC-CONTROL DEVICES.

The city shall establish and maintain all official traffic-control devices necessary within the city. All traffic-control devices, including signs, shall be employed to indicate one particular warning or regulation, shall be uniform, and as far as possible shall be placed uniformly. All traffic-control devices and signs shall conform to required state specifications.

§ 70.22 OBEDIENCE TO SIGNALS.

(A) It shall be unlawful for the driver of any vehicle to disobey the signal of any official traffic-control device placed in accordance with the provisions of this traffic code or of a traffic barrier or sign erected by any of the public departments or public utilities of the city, or any electric signal, gate, or watchman at railroad crossings, unless otherwise directed by a police officer. However, the type and the right to or necessity for such barrier or sign must be approved by the city.

(B) Such sign, signal, marking, or barrier shall have the same authority as the personal direction of a police officer.

Penalty, see § 70.99

§ 70.23 INTERFERENCE WITH SIGNALS.

No person shall without authority attempt to or in fact alter, deface, injure, knock down, or remove any official control device or any railroad sign or signal, or any inscription, shield, or insignia thereon, or any part thereof.

Penalty see § 70.99

§ 70.24 UNAUTHORIZED SIGNALS OR MARKINGS.

(A) It shall be unlawful for any person to place, maintain, or display on or in view of any street any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic device or railroad sign or signal which attempts or purports to direct the movement of traffic, or which conceals or hides from view or interferes with the effectiveness of any official control device or any railroad sign or signal. No person shall place or maintain, nor shall any public authority permit on any street, any traffic sign or signal any commercial advertising. Nothing in this section shall be construed as restricting any public department or public utility of the city in any emergency or temporarily from marking or erecting any traffic barrier or sign whose placing has been approved by the city.

(B) Every such prohibited sign, signal, or marking is declared to be a public nuisance and the city is empowered forthwith to remove it or cause it to be removed.

Penalty, see § 70.99

§ 70.25 DEVICE TO BE LEGIBLE AND IN PROPER POSITION.

No provision of this traffic code for which signs or any other traffic-control device is required shall be enforceable against an alleged violator if at the time and place of the alleged violation the required device was not in proper position and sufficiently legible to be seen by an ordinarily observant person.

§ 70.26 TEMPORARY DISREGARD OF DEVICES BY POLICE OFFICERS.

In an emergency any police officer may at his discretion disregard traffic-control lights or signals or established regulations in order to facilitate the movement of traffic.

MOTOR VEHICLE NOISE**§ 70.40 SCOPE.**

This subchapter shall apply to the control of all noise caused by motor vehicles and originating within the limits of the city.

(Ord. 81-2, passed 2-16-81)

§ 70.41 DEFINITIONS.

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

A-WEIGHTED SOUND LEVEL. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

LIGHT MOTOR VEHICLE. Any automobile, van, motorcycle, motor driven cycle, motor scooter or truck with gross vehicular weight of less than 18,000 pounds.

MODIFIED EXHAUST SYSTEM. An exhaust system in which.

(1) The original noise abatement devices have been physically altered causing them to be less effective in reducing noise;

(2) The original noise abatement devices have been either removed or replaced by noise abatement devices which are not as effective in reducing noise as the original devices; or

(3) Devices have been added to the original noise abatement devices, such that noise levels are increased.

NOISE. Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

NOISE LEVEL. Shall refer to the A-weighted sound level produced by a motor vehicle.

PERSON. Any individual, association, partnership, or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

SOUND LEVEL METER. An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighing networks used to measure sound pressure levels. The instrument shall comply with the standards for Type 1 or Type 2 sound level meters as specified in American National Standards Institute Standard ANSI 51.4-1971 or its successor.

SOUND PRESSURE LEVEL. Twenty times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals. The sound pressure level is expressed in decibels.

TERMINOLOGY. All terminology used in this subchapter, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.
(Ord. 81-2, passed 2-16-81)

§ 70.42 dBA NOISE LIMIT.

It shall be unlawful for any person to cause noise levels from the operation of a motor vehicle in excess of 80 dBA at any location within the corporate limits of the city. Measurement can be made at any distance greater than or equal to 15 feet from the closest approach to the vehicle at any suitable site in accordance with procedures outlined in the Code of Recommended Practices on file with the City Clerk.
(Ord. 81-2, passed 2-16-81) Penalty, see § 70.99

§ 70.43 EXCESSIVE NOISE.

It shall be unlawful for any person to operate a motor vehicle such as to cause excessive noise levels as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal, or as the result of the operation of audio devices such as but not limited to, radios, phonographs, and tape players.
(Ord. 81-2, passed 2-16-81) Penalty, see § 70.99

§ 70.44 STATIONARY TEST.

At the request of the operator of the motor vehicle, the officer can administer a stationary motor vehicle noise test as outlined in the Code of Recommended Practices on file with the City Clerk. If the officer cannot administer the test at the time of the request, he will notify the operator when and where the operator may have his vehicle tested. The stationary motor vehicle noise test can provide information as to the extent of defectiveness of the

exhaust system or as to whether excessive noise levels were caused by improper operation of the motor vehicle.

(Ord. 81-2, passed 2-16-81)

**§ 70.45 AUDIBLE SIGNALLING DEVICES;
BURGLAR ALARMS.**

(A) It shall be unlawful for any person to operate any horn or other audible signalling device on any motor vehicle except in an emergency or when required by law.

(B) Burglar alarms on motor vehicles shall only be of the electronic signalling type which transmit a nonaudible signal to a receiver which can be carried by the owner or operator of the vehicle.

(Ord. 81-2, passed 2-16-81) Penalty, see § 70.99

§ 70.99 PENALTY.

Any person who violates any provision of this traffic code where no other penalty is specifically provided shall be guilty of a misdemeanor and shall be fined not less than \$20 nor more than \$500.

CHAPTER 71: TRAFFIC RULES

Section

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71.999 Penalty

OPERATION GENERALLY

§ 71.001 OBSTRUCTING TRAFFIC.

(A) It shall be unlawful to operate any vehicle or permit it to remain standing in any street in such manner as to create an obstruction thereof.

(B) It shall be unlawful for the operator of any vehicle to enter any intersection or crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding the indication of any traffic-control signal which may be located at the intersection or crosswalk.

(C) Any intersection deemed by the city to be of special or critical importance to the movement of traffic shall be marked in a distinctive manner in order to indicate its importance. Should the operator of any vehicle enter any intersection so marked when there is insufficient room on the other side of the intersection to accommodate the vehicle, the indication of any traffic-control signal notwithstanding, he shall be deemed to have violated this division rather than division (B) above.

Penalty, see § 71.999

§ 71.002 REVERSE OR U TURNS.

(A) The operator of any vehicle shall not turn such vehicle so as to proceed in the opposite direction

unless such movement can be made in safety without interfering with other traffic. (KRS 189.330(8))

(B) The driver of any vehicle shall not at any time make a U turn at any intersection in the city. (Ord. 71-1, passed 4-19-71) Penalty, see § 71.999

§ 71.003 TURN PROCEDURES.

The driver of a vehicle intending to turn at an intersection shall do 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 roadway.

(B) *Left turn on two-way roadways.* At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. (Ord. 71-1, passed 4-19-71)

§ 71.004 BACKING VEHICLES.

(A) It shall be unlawful for the operator of any vehicle to back the vehicle at any intersection for the purpose of executing a turning movement. A vehicle from any parking position shall be backed by the operator in such manner as to proceed on the same side of the roadway in the lawful direction of travel.

(B) 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. (Ord. 71-1, passed 4-19-71) Penalty, see § 71.999

§ 71.005 VEHICLES CROSSING SIDEWALKS.

(A) It shall be unlawful for the operator of any vehicle to drive within any sidewalk space except at a permanent or temporary driveway or by special permit from the Chief of Police or other authorized city official.

(B) It shall be unlawful for the operator of any vehicle to drive the vehicle out of any alley, driveway, building, or lot and across a sidewalk, or its extension across the alley, unless the vehicle has been brought to a complete stop immediately prior to crossing the sidewalk or its extension. On entering the roadway from the alley, driveway, or building the operator shall yield the right-of-way to all vehicles approaching on the roadway. The operator of any vehicle intending to cross a sidewalk and turn into an alley from the roadway may do so at low speed and with caution.

Penalty, see § 71.999

§ 71.006 STOP AND YIELD INTERSECTIONS.

(A) The Chief of Police is hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine:

(1) Whether vehicles shall stop at any such intersections in which event he shall cause to be erected a stop sign at every such place where a stop is required; or

(2) Whether vehicles shall yield the right-of-way to vehicles on a different street, in which event he shall cause to be erected a yield sign at every place where obedience thereto is required.

(B) Except when directed to proceed by a police officer or traffic-control signal, every drive of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

(C) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a stopped 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 such driver is moving across or within the intersection; provided, however, that 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 failure to yield right away.
(Ord. 71-1, passed 4-19-71)

§ 71.007 FUNERALS AND OTHER 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 chapter. 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 to 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 or by such other method as may be determined and designated by the Police Department.
(Ord. 71-1, passed 4-19-71) Penalty, see § 71.999

§ 71.008 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.
(Ord. 71-1, passed 4-19-71) Penalty, see § 70.99

§ 71.009 SPEED LIMITS.

(A) No operator of a vehicle upon any street within the city shall drive at a greater speed than is reasonable and prudent, having regard for the traffic and for the condition and use of the roadway.

(B) Where no condition exists that requires lower speed for compliance with division (A) of this section, the speed of any vehicle not in excess of the limits specified in this section shall be lawful, but any speed in excess of the limits specified in this section shall be unlawful.

(C) The speed limit for all streets and roads within the city for which no specific speed limit is otherwise required shall be 25 miles per hour.

(D) In the event that temporary conditions require that the authorized rate of speed on any street or roadway within the city be lower than that authorized by this section, the Chief of Police is authorized to regulate traffic so as to permit the movement of traffic in an orderly and safe manner and shall erect appropriate signs giving notice of the maximum reasonable rate of speed which shall not exceed the speeds otherwise set by this section.

(E) The Anchorage Maintenance Department shall erect appropriate signs giving notice of the speeds authorized by this section.

(Ord. 71-1, passed 4-19-71) Penalty, see § 71.999

Cross-reference:

Schedule of speed limits, see Ch. 76, Sched. I

ACCIDENTS

§ 71.020 DUTY OF OPERATOR.

It shall be the duty of the owner of, operator of, or passenger in any motor vehicle which is involved in an accident in which any person is injured or

property damaged to stop immediately and ascertain the extent of the injury or damage and render such assistance as may be needed.

Penalty, see § 71.999

Statutory reference:

Duty in case of accident, see KRS 189.580

§ 71.021 NOTICE OF ACCIDENT; REPORT.

(A) The driver of a vehicle involved in an accident resulting in injury to or death of any person shall, after compliance with the provisions of state law, by the quickest means of communication give notice of such accident to the Police Department if such accident occurs within the city.

(B) The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total damage to all property to an apparent extent of \$100 or more shall immediately call the Police Department to investigate the accident and get the information for a report. Such reports shall be on an approved form and shall give sufficient information to disclose with references to a traffic accident, the causes and conditions then existing and the persons and vehicles involved.

(C) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident and there is another occupant in the vehicle at the time of the accident, such occupant shall make or cause to be given the notice not given by the driver.

(Ord. 71-1, passed 4-19-71)

§ 71.022 PUBLIC INSPECTION OF REPORTS RELATING TO ACCIDENTS.

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 agencies may disclose the identity of a person involved in an accident when such identity is not otherwise known

or when such person denies his presence at such accident.

(Ord. 71-1, passed 4-19-71)

SAFETY BELT REQUIREMENTS

§ 71.035 DEFINITIONS.

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

STREET. Any public road, highway, avenue, alley or boulevard, bridge, viaduct or trestle and the approaches to them and includes off-street parking facilities offered for public use, whether publicly or privately owned, except for hire parking facilities.

MOTOR VEHICLE. Any self-propelled vehicle which is capable of transporting one or more persons, but shall not include motorcycles, school buses, church buses, or other public conveyance vehicles; and road rollers, road graders, farm tractors, vehicles on which power shovels are mounted and such other construction and farming equipment customarily only used on the site of construction or farming and which is not practical for the transportation of persons or property upon the highways.

(Ord. 91-7, passed 7-23-91)

§ 71.036 DRIVER AND OCCUPANTS TO WEAR SAFETY BELTS.

(A) Each driver and each occupant 16 years of age or older of a motor vehicle operated on the streets of the city shall wear a properly adjusted and fastened safety belt as provided for under Federal Motor Vehicle Safety Standard 208.

(B) The driver of a motor vehicle operated on the streets of the city shall secure or cause to be secured in a properly adjusted and fastened safety belt system or child safety restraint any passenger under 16 years of age to whom the provisions of KRS 189.125 do not apply.

(Ord. 91-7, passed 7-23-91)

§ 71.037 EXEMPTIONS.

The provisions of this section shall not apply to the following:

(A) A motor vehicle manufactured before July 1, 1966;

(B) A motor vehicle or passenger with a physically or psychologically handicapping condition which would prevent appropriate restraint in a safety belt or child safety restraint, provided, however, that the condition is duly certified by a physician who shall state the nature of the handicap, as well as the reason such restraint is inappropriate, and provided, further, that the written certification is in the possession of the driver or passenger, as applicable, at the time of the conduct in question; or

(C) A motor vehicle which is not required to be equipped with a safety belt system under federal law. (Ord. 91-7, passed 7-23-91)

§ 71.038 DETENTION SOLELY TO DETERMINE COMPLIANCE PROHIBITED.

No person shall be stopped, inspected or detained solely to determine compliance with this section. (Ord. 91-7, passed 7-23-91) Penalty, see § 71.999

§ 71.039 DISSEMINATION OF INFORMATION CONCERNING SAFETY BELTS.

The City Clerk and the Anchorage Police Department shall immediately establish a program for disseminating information concerning this to both the citizens of Anchorage and the citizens of the county, who may from time to time pass through the city, about the requirements of this subchapter. This program shall include, but not be limited to, direct mail dissemination through the *City Newsletter*, news releases, cooperative programs with other Anchorage civic groups and the Anchorage Public School, and such other programs as city officials deem appropriate and for which funds are available. (Ord. 91-7, passed 7-23-91)

PROHIBITIONS**§ 71.050 OPERATOR OF VEHICLE TO DRIVE CAREFULLY.**

(A) The operator of any vehicle upon a highway shall operate the vehicle in a careful manner, with regard for the safety and convenience of pedestrians and other vehicles upon the highway.

(B) No person shall willfully operate any vehicle on any highway in such a manner as to injure the highway.

(KRS 189.290) Penalty, see § 71.999

§ 71.051 RIGHT-OF-WAY OF EMERGENCY VEHICLES; FOLLOWING EMERGENCY VEHICLES; DRIVING OVER FIRE HOSE.

(A) (1) Upon the approach of an emergency vehicle equipped with, and operating, one or more flashing, rotating, or oscillating red or blue lights visible under normal conditions from a distance of 500 feet to the front of such vehicle; or when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way, immediately drive to a position parallel to, and as close as possible to, the edge or curb of the highway clear of any intersection, and stop and remain in such position until the emergency vehicle has passed, except when otherwise directed by a police officer or firefighter.

(2) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (Ord. 71-1, passed 4-19-71)

(B) Upon the approach of any emergency vehicle operated in conformity with the provisions of division (A) above, the operator of every vehicle shall immediately stop clear of any intersection and shall keep such position until the emergency vehicle has passed, unless directed otherwise by a police officer or firefighter.

(C) No operator of any vehicle, unless he is on official business, shall follow any emergency vehicle being operated in conformity with the provisions of division (A) above closer than 500 feet, nor shall he drive into, park the vehicle into, or park the vehicle within the block where the vehicle has stopped in answer to an emergency call or alarm, unless he is directed otherwise by a police officer or firefighter.

(D) No vehicle, train, or other equipment shall be driven over any unprotected hose of a fire department when the hose is laid down on any street, private driveway, or track for use at any fire alarm unless the Fire Department Official in command consents that the hose be driven over.

(E) Upon approaching a stationary emergency vehicle or public safety vehicle, when the emergency vehicle or public safety vehicle is giving a signal by displaying alternately flashing yellow, red, red and white, red and blue, or blue lights, a person who drives an approaching vehicle shall, while proceeding with due caution:

(1) Yield the right-of-way by moving to a lane not adjacent to that of the authorized emergency vehicle, if;

(a) The person is driving on a highway having at least four lanes with not fewer than two lanes proceeding in the same direction as the approaching vehicle; and

(b) If it is possible to make the lane change with due regard to safety and traffic conditions; or

(2) Reduce the speed of the vehicle, maintaining a safe speed to road conditions, if changing lanes would be impossible or unsafe.

(F) This section does not operate to relieve the person who drives an emergency vehicle from the duty to operate the vehicle with due regard for the safety of all persons using the highway.
(KRS 189.930) Penalty, see § 71.999

§ 71.052 SMOKE EMISSION OR OTHER NUISANCE.

Every vehicle when on a highway shall be so equipped as to make a minimum of noise, smoke, or other nuisance, to protect the rights of other traffic, and to promote the public safety.
(KRS 189.020) Penalty, see § 71.999

§ 71.053 CONTROLLED ACCESS ROADWAYS.

No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exists as are established by a public authority.
(Ord. 71-1, passed 4-19-71) Penalty, see § 71.999

§ 71.054 RIDING ON PORTION OF VEHICLE NOT INTENDED FOR PASSENGERS.

No person shall ride any vehicle upon any portion thereof not designed or intended for the use of passengers. 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.
(Ord. 71-1, passed 4-19-71) Penalty, see § 71.999

§ 71.999 PENALTY.

(A) Whoever violates any provision of this chapter for which no other penalty is specifically provided shall be guilty of a misdemeanor and shall be fined not less than \$20 nor more than \$500.

(B) Any person who violates § 71.51 shall be guilty of a misdemeanor and shall be fined not less than \$60 nor more than \$500, or be imprisoned in the county jail for not more than 30 days, or both. (KRS 189.993(8))

(C) Any violation of § 70.009 or Chapter 76, Schedule I shall be punished as a violation of KRS 189.390 and in accordance with the penalty provisions of KRS 189.394 as the Statutes are currently enacted or may be subsequently amended. (Ord. 91-6, passed 7-22-91)

(D) Whoever violates any provision of § 71.036 shall be guilty of a violation and shall be fined not more than \$25. (Ord. 91-6, passed 7-22-91)

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CHAPTER 72: PARKING REGULATIONS

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- 72.99 Penalty

Statutory reference:

Revenues from fees, fines, and forfeitures related to parking, see KRS 65.120

Cross-reference:

Citation on illegally parked vehicle, see § 70.61

PARKING GENERALLY

§ 72.01 OBSTRUCTIONAL PARKING; DOUBLE PARKING.

(A) It shall be unlawful for any person to leave any vehicle or any other thing that may be a nuisance, obstruction, or hindrance in or on any street, alley, or sidewalk within the city either during the day or night.

(B) It shall be unlawful for any person to stop or park any vehicle on the roadway side of any other vehicle stopped or parked at the edge or curb of a street.

Penalty, see § 72.99

§ 72.02 MANNER OF PARKING.

(A) It shall be unlawful for the operator of any vehicle to stop or park the vehicle in a manner other than with its right-hand side toward and parallel with the curb, except that where parking is permitted on the left side of a one-way street, the left-hand side

shall be so parked, and except for commercial loading and unloading on one-way streets.

(B) No vehicle shall be parked or left standing on any street unless its two right wheels are within six inches of and parallel with the curb, except that on one-way streets where parking is permitted on the left side the two left wheels are to be within six inches of and parallel with the curb.

(C) No vehicle shall be backed to the curb on any street, except that wagons and trucks may do so when loading and unloading provided that such loading and unloading and delivery of property and material shall not consume more than 30 minutes. Such backing of trucks or wagons is prohibited at all times and on all streets in the city where any truck or wagon so backed interferes with the use of the roadway of moving vehicles or occupies road space within ten feet of the center line of the street.

(D) The city may establish diagonal parking at certain places, requiring the parking of vehicles at a certain angle to the curb and within a certain portion of the roadway adjacent thereto. However, diagonal parking shall not be established where the roadway space required therefor would be within ten feet of the center line of any street. Such diagonal parking places shall be designated by suitable signs, and shall indicate by markings on the pavement the required angle and the width of the roadway space within which such vehicle shall park.

(E) It shall be unlawful for the operator of any vehicle to so park such vehicle that any part thereof shall extend beyond the lines marking the side or the rear of the space assigned for one vehicle.

(F) That temporary parking along rights-of-way will be along one side only, so as to provide adequate fire and emergency vehicle passage for the protection of life and property. (Ord. 86-7, passed 7-15-86) Penalty, see § 72.99

§ 72.03 LIMITATIONS OF STOPPING AND PARKING.

It shall be unlawful for the operator of any vehicle to stop or park such vehicle except in a case of real emergency or in compliance with the provisions of this traffic code or when directed by a police officer or traffic sign or signal at any time in the following places:

(A) On the mainly-traveled portion of any roadway or on any other place in the roadway where vehicles stand in any manner other than as specified in § 72.02.

(B) On a sidewalk.

(C) In front of sidewalk ramps provided for persons with disabilities.

(D) In front of a public or private driveway.

(E) Within an intersection or on a crosswalk.

(F) At any place where official signs prohibit stopping or parking. This does not apply to police officers when operating properly identified vehicles during the performance of their official duties.

(G) Within 30 feet of any flashing beacon, traffic sign, or traffic-control device.

(H) On any controlled access highway.

(I) Within a highway tunnel.

(J) Within 15 feet of a fire hydrant.

(K) In an area between the roadways of a divided highway.

(L) No person shall move a vehicle not lawfully under his or her control into any such prohibited area. (KRS 189.450(5), (6)) Penalty, see § 72.99

**§ 72.04 RESTRICTIONS AND PROHIBITIONS
ON DESIGNATED STREETS.**

(A) The provisions of this section prohibiting the stopping and parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control devices.

(B) The provisions of this section imposing a time limit on parking shall not relieve any person from his duty to observe other and more restrictive provisions prohibiting or limiting the stopping or parking of vehicles in specific places or at specified times.

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(C) When signs are erected in compliance with the provisions of division (F) below giving notice thereof, no person shall park a vehicle at any time on any street so marked by official signs.

(D) When a curb has been painted in compliance with the provisions of division (F) below, no person shall park a vehicle at any time at or adjacent to any curb so marked.

(E) When signs are erected in compliance with the provisions of division (F) below, in each block giving notice thereof, no person shall park a vehicle between the hours specified by official signs on any day except Sundays on any street so marked.

(F) (1) The city shall determine on what streets or portions thereof stopping or parking shall be restricted or prohibited. Whenever under authority of or by this traffic code or any other ordinance any parking limit is imposed or parking is prohibited on designated streets, or parking areas are restricted to handicapped parking, appropriate signs shall be erected giving notice thereof. However, in lieu of erecting such signs or in conjunction therewith, the face and top of a curb or curbs at or adjacent to which parking is prohibited at all times may be painted a solid yellow color.

(2) No such regulations or restrictions shall be effective unless the signs have been erected and are in place or the curbs are painted yellow at the time of any alleged offense, except in the case of those parking restrictions which by their very nature would not require such signs and markings.

(G) When signs are erected in compliance with division (F) above in each block giving notice thereof, no person shall park a vehicle for a time longer than specified on official signs any day except Sunday and on any street so marked.
Penalty, see § 72.99

§ 72.05 PARKING RESTRICTED TO ALLOW STREET CLEANING.

The city is authorized to designate street cleaning areas and shall provide suitable signs and markings on the street to be cleaned, restricting parking on that 1996 S-1 Repl.

particular day. It shall be unlawful for the operator of any vehicle to stop on any street so designated.
Penalty, see § 72.99

§ 72.06 OVERNIGHT PARKING PROHIBITED.

Overnight parking along rights-of-way is prohibited and violations will be towed away to the city's impound lot at the owner's expense.
(Ord. 84-6, passed 6-25-84; Am. Ord. 1, passed 8-27-84; Am. Ord. 86-7, passed 7-15-86) Penalty, see § 72.99

§ 72.07 PARKING ON PARADE ROUTE.

(A) The Chief of Police or other authorized city official shall have the authority, whenever in his judgment it is necessary, to prohibit or restrict the parking of vehicles along a street or part thereof constituting a part of the route of a parade or procession, to erect temporary traffic signs to that effect, and to prohibit and prevent such parking.

(B) It shall be unlawful to park or leave unattended any vehicle in violation of such signs or directions.
Penalty, see § 72.99

§ 72.08 PARKING ON OFF-STREET FACILITY.

(A) It shall be unlawful for the driver of a motor vehicle to park or abandon the vehicle or drive on or otherwise trespass on another's property, or on an area developed as an off-street parking facility, without the consent of the owner, lessee, or person in charge of such property or facility.

(B) If at any time a vehicle is parked, abandoned, or otherwise trespass in violation of division (A) of this section, the owner, lessee, or person in charge of the property or facility may have the unauthorized motor vehicle removed in accordance with the provisions of §§ 72.20 through 72.22.

(C) Every property owner or operator of an off-street parking facility shall post signs stating thereon

that the property or parking lot or facility is privately owned and that unauthorized vehicle will be removed at the owner's expense before exercising the authority granted in division (B).

Penalty, see § 72.99

Statutory reference:

Removal of vehicles by owners of private parking lots; signs, see KRS 189.725

§ 72.09 OWNER RESPONSIBILITY.

If any vehicle is found illegally parked in violation of any provisions of this subchapter regulating stopping, standing, or parking of vehicles, and the identity of the driver cannot be determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for the violation.

Penalty, see § 72.99

§ 72.10 PARKING IN PARKS.

It shall be unlawful for any person to park any motor vehicle in or on any section of any public park, playground, play lot, or tot lot within the city not designed as a parking area or designed and regularly maintained as a roadway. However, nothing contained in this section shall be construed as prohibiting the parking of a motor vehicle parallel to a designated and regularly maintained roadway in any such park or playground where at least two wheels of the motor vehicle are resting on such roadway.

Penalty, see § 72.99

§ 72.11 DISPLAY OF PARKED VEHICLE FOR SALE.

It shall be unlawful to park a motor vehicle displayed for sale or a motor vehicle on which demonstrations are being made on any street.

Penalty, see § 72.99

§ 72.12 HANDICAPPED PARKING REGULATIONS.

(A) All owners of off-street parking facilities 1996 S-1 Repl.

intended for public use shall have a number of level parking spaces as set forth in the following table, identified by above grade signs as reserved for physically handicapped persons. Each reserved parking space shall be not less than 12 feet wide.

Accessible Parking Spaces

Total Parking in Lot	Required Number of Accessible Spaces
Up to 25.	1
26 to 50.	2
51 to 75.	3
76 to 100.	4
101 to 150.	5
151 to 200.	6
201 to 300.	7
301 to 400.	8
401 to 500.	9
501 to 1000.	2% of total
Over 1000.	20 plus 1 for each 100 over 1000

(B) Parking spaces for the physically handicapped shall be located as close as possible to elevators, ramps, walkways, and entrances. Parking spaces shall be located so that the physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, walkways and elevators.

(C) A motor vehicle bearing a license plate for a disabled veteran issued under authority of KRS 186.042 or a special license place for a handicapped person issued under authority of KRS 186.042 or a special parking permit for handicapped persons issued by the Jefferson County Clerk's Office, Jefferson County, Kentucky, when operated by a handicapped person or when transporting a handicapped person may be parked in a designated handicapped parking place, or when parked where any parking limit is imposed may be parked for two hours in excess of such parking limit. Such motor vehicle may be parked in a loading zone for that period of time necessary to permit entrance or exit of the handicapped person from the building or entrance or exit of a handicapped person from the parked vehicle, but in no circumstances longer than 30 minutes.

(D) This section shall neither permit parking in

a no-stopping or no-parking zone nor where parking is prohibited from the purpose of creating a fire lane or to accommodate heavy traffic during morning, afternoon, or evening hours, nor permit a motor vehicle to be parked in such a manner as to constitute a traffic hazard.

(Ord. 83-3, passed 6-27-83) Penalty, see § 72.99

§ 72.13 PARKING PROHIBITED WHERE DESIGNATED BY OFFICIAL SIGNS; PLACEMENT OF SIGNS.

(A) Parking where official signs prohibit will result in either a citation or will be towed away to the city's impound lot at the owner's expense.

(B) The placement of official signs regulating parking will be determined by the Chief of Police with the approval of the Town Council.

(Ord. 84-6, passed 6-24-84; Am. Ord. 1, passed 8-27-84; Am. Ord. 86-7, passed 7-15-86) Penalty, see § 72.99

§ 72.14 OBSTRUCTION OF FIRE LANE.

No area which has been designated and properly marked as a fire lane shall be blocked or obstructed at any time.

(Ord. 84-6, passed 6-25-84; Am. Ord. 1, passed 8-27-84; Am. Ord. 86-7, passed 7-1-86; Am. Ord. 2, passed 4-27-87) Penalty, see § 72.99

§ 72.15 SHORT-TERM DAYTIME PUBLIC PARKING.

Designated short-term daytime public parking be available in front of the Anchorage Post Office, City Hall and Police Station and off right-of-way serving businesses and institutions within the city.

(Ord. 84-6, passed 6-25-84; Am. Ord. 1, passed 8-27-84; Am. Ord. 86-7, passed 7-15-86)

§ 72.16 CONFORMANCE WITH COUNTY RESIDENTIAL ZONES.

Regular parking of automobiles at residences must conform to regulations established by county residential zones.

(Ord. 84-6, passed 6-24-84; Am. Ord. 1, passed 8-27-84; Am. Ord. 86-7, passed 7-15-86; Am. Ord. 2, passed 4-27-87)

§ 72.17 CERTAIN VEHICLES; OTHER ITEMS TO BE CONCEALED.

The type of vehicles which must be housed in permanently concealed fenced areas or in legal accessory or attached structures shall include but is not limited to the following: campers, mobile homes, live in trailers, buses, boats with sleeping quarters, recreational vehicles, dump trucks, commercially licensed vehicles over 10,000 pounds, farm and construction equipment other than that regularly used for the maintenance of the property or being temporarily used for maintenance or improvement purposes, portable storage containers (unless such containers are being used in conjunction with construction work for which a building permit has been issued for the lot on which the containers are located, and in such case, the containers may not be present on the lot for more than six consecutive months), portable moving containers (unless such containers are being used by persons who reside or will reside in a residence on the lot on which the containers are located, the containers were being used for the purpose of moving personal, family, or household goods out of or into the residence, and the containers are present on the lot of no more than 30 consecutive days), and mobile billboards and signs. Lawn and garden trailers and two horse trailers may be parked in rear yards.

(Ord. 84-6, passed 6-24-84; Am. Ord. 1, passed 8-27-84; Am. Ord. 86-7, passed 7-15-86; Am. Ord. 2, passed 4-27-87; Am. Ord. 6-2010, passed 6-14-10) Penalty, see § 72.99

§ 72.18 TEMPORARY PARKING PERMITS.

Temporary parking permits may be obtained for vehicles listed in § 72.17 for the purposes of unconcealed repairs and the like. These temporary permits will have a beginning and ending date and will be issued by the City Clerk.

(Ord. 84-6, passed 6-25-84; Am. Ord. 1, passed 8-27-84; Am. Ord. 86-7, passed 7-15-86)

IMPOUNDING**§ 72.30 IMPOUNDMENT OF VEHICLES AUTHORIZED; REDEMPTION.**

(A) All police officers are empowered to authorize the impoundment of a vehicle violating vehicle-related ordinances after a citation has been issued.

(B) A vehicle slated for impoundment will be tagged and placed under control of the Police Department. Should a vehicle be moved without the consent and approval of the Police Department a warrant shall be issued immediately for the violator's arrest.

(C) All fines, fees, and charges must be paid in full before a release of impoundment can be issued for the vehicle's release.

§ 72.31 REQUIRED NOTICE TO OWNER; SALE OF A VEHICLE.

(A) (1) Any person engaged in the business of storing or towing motor vehicles, who has complied with the notification requirements of KRS 281.928, shall have a lien on the motor vehicle and its contents, except as set forth in division (B) below, for the applicable and reasonable charges assessed in accordance with KRS 281.926 and 281.932, as long as it remains in his possession.

(2) If, after a period of 45 days, the applicable and reasonable charges assessed in accordance with KRS 281.926 and 281.932 have not been paid, the motor vehicle and its contents, except as set forth in division (B) below, may be sold to pay the charges after the owner and any lienholder have been notified by certified mail at the addresses specified in KRS 281.928(1), ten days prior to the time and place of the sale. If the proceeds of the sale of any vehicle pursuant to this section are insufficient to satisfy accrued charges, the sale and collection of proceeds shall not constitute a waiver or release of responsibility for payment of unpaid charges by the owner or responsible casualty insurer of the vehicle. A lien on a vehicle under this section shall be subject to prior recorded liens, unless released by any existing lienholder pursuant to division (A)(3) below.

(3) A lienholder having a prior recorded lien listed on the title issued by the Commonwealth of Kentucky shall be notified by certified mail within the first ten days of impoundment in accordance with KRS 281.928. Such notification, in addition to the requirements of KRS 281.928, shall include the make, model, license number, vehicle identification number, owner's name and last known address, and tentative date of sale for the vehicle, and state that the towing company or storage facility seeks to obtain a new title free and clear of any liens, excluding tax liens. If the above-referenced certified letter is not sent within the ten days by the towing and storage company, then only ten days of storage may be charged. The lienholder has the right to take possession of the motor vehicle after showing proof of lien still enforced, and paying the reasonable or agreed towing and storage charges on the motor vehicle. If a lienholder does not exercise the right to take possession of the motor vehicle under this division within 45 days of notification, and all lienholders agree in writing, the towing company or storage facility may obtain a new title under KRS 186A.145 free and clear of any liens, excluding tax liens. Nothing in this section shall allow the transfer of a vehicle subject to a lien, except as provided in KRS 186A.190.

(4) If there are no lienholders required to be notified under KRS 281.920 to 281.936, KRS 359.230 and KRS 376.275, and the owner does not exercise the right to take possession of the motor vehicle under this section within 45 days of notification required under KRS 281.928, the tow company or storage facility may obtain a new title under KRS 186A.145 free and clear of any liens, excluding tax liens.

(B) Division (A) above shall not apply to the following contents of a motor vehicle, which shall be released to the vehicle owner or the owner's designated agent upon request, if the request is made within 45 days of the date the vehicle was towed:

(1) Prescription medication in its proper container;

(2) Personal medical supplies and equipment or records;

(3) Educational materials, including but not limited to calculators, books, papers, and school supplies;

(4) Documents, files, electronic devices, or equipment which may be able to store personal information or information relating to a person's employment or business;

(5) Firearms and ammunition. Notwithstanding the provisions of § 72.32(A), firearms and ammunition which are not claimed by the owner of the vehicle within 45 days of the date the vehicle was towed shall be transferred to the Department of Kentucky State Police for disposition as provided by KRS 16.220;

(6) Cargo in the possession of persons engaged in transportation in interstate commerce as registered under KRS 186.020;

(7) Cargo in the possession of an integrated intermodal small package carrier as defined by KRS 281.605(12);

(8) Child restraint systems or child booster seats; and

(9) Checks, checkbooks, debit or credit cards, money orders, stocks, or bonds.
(KRS 376.275(1), (2))

§ 72.32 SALE OF THE CONTENTS OF A VEHICLE.

(A) Except as provided in § 72.31(B)(5), any contents exempted under § 72.31(B)(3), (4), (6), and (7) that are not claimed by the owner of the vehicle within 45 days of the date the vehicle was towed may be sold or otherwise legally disposed of by the storage or towing company. Any contents exempted under § 72.31(B)(1), (2), (8), and (9) that are not claimed by the owner of the vehicle within 45 days of the date the vehicle was towed, shall not be sold, but shall be otherwise legally disposed of by the storage or towing company.

(B) The storage or towing company shall not be responsible for contents in a vehicle's trunk or other locked compartment to which the storage or towing company is without access, unless the towing company intentionally opens the area without the owner's consent.
(KRS 376.275(3), (4))

IDENTIFICATION INSIGNIA

§ 72.60 DEFINITIONS.

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

MOTOR VEHICLE. Shall be given the definition provided by KRS 189.010 as that statute is now enacted or may be amended in the future.

RESIDENT. Any person, natural or otherwise, whose permanent place of residence or principal place of business is within the city.

OWNER. The person to whom a title for a motor vehicle is issued.

REGULARLY PARKED OVERNIGHT. More than 30 nights in any calendar year.

CURRENTLY ISSUED. Issued within the past 28 months.
(Ord. 91-10, passed 10-28-91)

§ 72.61 REGISTRATION REQUIRED.

Any resident of the city who regularly parks a motor vehicle overnight within the city shall register all such motor vehicles with the Police Department.
(Ord. 91-10, passed 10-28-91)

§ 72.62 INFORMATION TO BE OBTAINED; STANDARDIZED FORM.

The Police Department shall obtain such information about the motor vehicle(s), and its owner and operator, as the Police Department deems appropriate by means of a standardized form made available at the Police Department.
(Ord. 91-10, passed 10-28-91)

§ 72.63 ISSUANCE AND DISPLAY OF INSIGNIA.

Upon the proper registration of a motor vehicle with the Police Department, the city shall issue the owner or operator, an insignia for display on the lower left hand corner of the rear window of the registered vehicle. Where a rear window location is inappropriate, the insignia shall be displayed on the lower left hand corner of the front window.
(Ord. 91-10, passed 10-28-91)

§ 72.64 TERM OF IDENTIFICATION INSIGNIA.

The identification insignia shall be procured the city for all even numbered years beginning in 1992 and be valid until the next even numbered year. Identification insignia shall be available for the subsequent even numbered year beginning on November 1 of all odd numbered years.
(Ord. 91-10, passed 10-28-91)

§ 72.65 FEE.

The city shall charge a fee in round dollar increments which shall reasonably recover the cost of the registration program and identification insignias. The fee to be charged for 1992 and 1993 shall be \$2 per issued insignia without regard to the number of months until a new insignia is required. Each insignia shall be numbered to correspond to the information form obtained for the vehicle on which the insignia will be displayed.
(Ord. 91-10, passed 10-28-91)

§ 72.66 EXEMPTIONS.

Any resident who operates a motor vehicle bearing official license plates, or entitled to bear official license plates, any resident of the city for less than 30 days, and any resident who parks a vehicle overnight within the city during the first 30 days that the resident has custody of the vehicle or is the registered owner of the vehicle, shall be exempt from this subchapter.
(Ord. 91-10, passed 10-28-91)

§ 72.99 PENALTY.

(A) Any person receiving a citation for any parking violation in the city shall be deemed to have committed a violation and shall be fined in an amount not less than \$20 nor more than \$100.
(KRS 189.990(1))

(B) (1) Any person or business that violates § 72.12 shall be guilty of a violation and shall be fined not less than \$25 nor more than \$100. Each day that the person or business is in violation shall constitute a separate offense.

(2) The owner of any vehicle parked in a "Handicapped Only" parking space without a duly issued permit shall be guilty of a violation and shall be fined no less than \$25 nor more than \$100.

(3) The owner of any vehicle marked with a special parking permit which is not being used for the benefit of a handicapped person, or while being used for the benefit of a handicapped person exceeds the time limit set out above, shall be guilty of a violation and shall be fined not less than \$25 nor more than \$100.

(4) The owner of any vehicle parked in a "Handicapped Only" parking area with an expired special parking permit shall be guilty of a violation and shall be fined not less than \$25 nor more than \$100.

(Ord. 83-3, passed 6-27-83)

(C) Any resident who parks a motor vehicle within the city overnight, other than those vehicles specifically exempted in §§ 72.60 through 72.66, after March 1, 1992, and which vehicle does not have affixed to it a currently issued identification insignia as provided for in §§ 72.60 through 72.66, shall be guilty of a violation and shall be fined \$25. Each day of noncompliance shall constitute a separate violation.

(Ord. 91-10, passed 10-28-91)

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CHAPTER 73: (RESERVED)

CHAPTER 74: (RESERVED)

CHAPTER 75: TRUCKS, TRAILERS AND COMMERCIAL VEHICLES

Section

- 75.01 Weight and dimension limits
- 75.02 Exempted vehicles
- 75.03 Temporary permits for exempted vehicles
- 75.04 Dimension limits for exempted vehicles
- 75.05 Weight limits for exempted vehicles
- 75.06 Restricted use of city streets for exempted vehicles
- 75.07 Exemptions for certain trucks hauling building materials
- 75.08 Exemption for vehicles bearing official license plates
- 75.09 Covering required for trucks hauling loose material
- 75.10 Posting of signs stating vehicle weight limit
- 75.11 Bridges, culverts and the like not subject to exemptions
- 75.12 Damages to property responsibility of owner, operator, lessee of vehicle
- 75.13 Authority of city to seek court action upon repeat violations
- 75.14 STAA vehicles prohibited on certain streets
- 75.15 Restriction of gross vehicle weight on city streets
- 75.99 Penalty

§ 75.01 WEIGHT AND DIMENSION LIMITS.

No person shall operate on any city street, unless otherwise specifically permitted by this chapter, any truck, semitrailer truck, or truck and trailer unit which exceeds 600 pounds per inch of the aggregate tread width of the tires on a single axle, or 20,000 pounds

per single axle, with axles less than 42 inches apart to be considered a single axle, whichever is less, but in no event more than 36,000 pounds gross vehicle weight, or that exceeds the height, width, and length limitations of KRS 189.221 (height, 11½ feet; width, 96 inches; length, 26½ feet for straight trucks and 30 feet for semitrailer trucks and truck and trailer units). (Ord. 93-9, passed 5-3-93) Penalty, see § 75.99

§ 75.02 EXEMPTED VEHICLES.

(A) Any owner, operator, or lessee of equipment used primarily for residential construction purposes, public utility service purposes (including the transportation of utility poles), and other specialized equipment such as truck cranes and loaders, holding a permit issued by the Commonwealth of Kentucky for the purpose of moving the equipment whose gross weight or dimensions exceed those established by KRS 189.221, shall be exempt from the terms of this chapter when operated on the city streets of the city for the purpose of traveling to or from a job site within the city; however, such vehicles shall be subject to all of the requirements enumerated in KRS 189.274.

(B) Vehicles engaged exclusively in the transportation of household goods to or from a residence within the city, vehicles engaged exclusively in the transplanting of trees or transportation of trees for transplanting at sites within the city, and vehicles transporting, pulling, or associated with parade floats or parade entries for use within the city, shall be exempt from the gross vehicle weight and dimensional restrictions of § 75.01.

(C) Vehicles engaged exclusively in the transportation of ready-mixed concrete, crushed stone, fill dirt and rock, soil, bulk sand, asphalt, and concrete to or from a construction site within the city

shall be exempt from the gross vehicle weight limit of § 75.01.

(D) Vehicles engaged exclusively in the transportation of wood trusses to a residential construction site within the city shall be exempt from the length limit of § 75.01.

(E) Vehicles engaged exclusively in the collection and hauling of refuse to or from a construction site within the city shall be exempt from the weight and length limits of § 75.01. Such vehicles that make regular (either on a scheduled basis or on a called basis if the number of pickups exceeds 11 per calendar year) pickups in the city may obtain an annual permit to exceed the gross weight limitation of § 75.01 upon payment of a \$500 fee and may obtain an annual permit to exceed the length limitation upon payment of a \$100 fee. More than one type of permit may be issued for the same vehicle. The applicant for a permit issued under this section shall specify the route to be used in the city, which shall be subject to the approval of the Chief or Assistant Chief of Police and the City Engineer, and which shall be shown on the face of the permit. Operation of a vehicle under a permit on any street, or portion thereof, not specified on the permit shall subject the operator to being cited for any violation of § 75.01.

(Ord. 93-9, passed 5-3-93)

§ 75.03 TEMPORARY PERMITS FOR EXEMPTED VEHICLES.

Temporary permits may be issued by the Mayor, Chief Administrative Officer, City Clerk, Chief or Assistant Chief of Police, or City Engineer, when in the judgement of any of them special circumstances or unusual conditions warrant the issuance of such a permit to exceed the dimensional and/or weight restrictions of § 75.01. The permits shall list on their face the date the permit is issued, the person or entity entitled to the benefit of the permit, the reason for the issuance of the permit, the specific exemptions granted, the streets, or portions thereof on which the permit is valid, and the expiration date which shall not

be later than 30 days from the date the permit is issued.

(Ord. 93-9, passed 5-3-93)

§ 75.04 DIMENSION LIMITS FOR EXEMPTED VEHICLES.

Vehicles operated on any city street under the dimension exemptions of § 75.02 (B),(D),(E) and § 75.03 shall not exceed: height, 13½ feet; length, semitrailers 53 feet; trailers, 28 feet; motor trucks, 45 feet. Double trailer units are not permitted on city streets.

(Ord. 93-9, passed 5-3-93) Penalty, see § 75.99

§ 75.05 WEIGHT LIMITS FOR EXEMPTED VEHICLES.

Vehicles operated on any city street under the weight exemptions of § 75.02 (B),(C),(E) and § 75.03 shall not exceed 20,000 pounds per single axle, with axles less than 42 inches apart to be considered as a single axle; 34,000 pounds on two axles in tandem arrangement which are spaced 42 inches or more apart and less than 96 inches apart; 48,000 pounds on three axles which are spaced 42 inches or more apart and less than 120 inches apart. No single axle in any arrangement shall exceed 20,000 pounds or 500 pounds per inch of the aggregate width of all the tires on a single axle, whichever is less. The total gross weight of the vehicle and load shall not exceed 60,000 pounds. There shall be no tolerance for deviation from the gross weight, per axle weight, or tire load allowed when a vehicle is being operated under an exemption provided by this chapter.

(Ord. 93-9, passed 5-3-93) Penalty, see § 75.99

§ 75.06 RESTRICTED USE OF CITY STREETS FOR EXEMPTED VEHICLES.

Upon the direction of any police officer of the city, or the City Engineer, vehicles operating under any exemption provided by this chapter may be required to use specific city streets, or portions

thereof, or be restricted from using all or portions of certain city streets, if in the judgement of the police officer or City Engineer the use of the street would block the access of or unduly delay the access to any city street by fire trucks or other emergency vehicles, unduly impede the flow of traffic, result in damage to the city streets or associated structures or to any area adjacent to the paved surface of the street or damage to overhanging tree limbs, or present any safety hazard. The failure to obey a direction given under this section shall revoke the exemption otherwise provided by this chapter and subject the operator of the vehicle to being cited for any violation of § 75.01. (Ord. 93-9, passed 5-3-93)

§ 75.07 EXEMPTIONS FOR CERTAIN TRUCKS HAULING BUILDING MATERIALS.

(A) Notwithstanding any other provision of this chapter, any truck hauling building materials to a road construction project on a city street may, without a permit, haul up to 80,000 pounds gross weight, including the load. This privilege shall extend only to travel between the materials manufacturing site and the road construction project and shall be automatically rescinded upon the completion of said project.

(B) Any truck hauling building materials for the construction of any facility owned, operated, or leased by any governmental entity and that is within 1,000 feet of State Highway 146 shall be subject only to the laws and administrative regulations of the Commonwealth in regard to the operation on State Highway 146 within the city and be exempt from the terms of this chapter. (Ord. 93-9, passed 5-3-93) Penalty, see § 75.99

§ 75.08 EXEMPTION FOR VEHICLES BEARING OFFICIAL LICENSE PLATES.

Any vehicle bearing official license plates issued by the Commonwealth of Kentucky, or any vehicle

entitled to bear official license plates, shall be exempt from the terms of this chapter. (Ord. 93-9, passed 5-3-93)

§ 75.09 COVERING REQUIRED FOR TRUCKS HAULING LOOSE MATERIAL.

It shall be unlawful to operate on any city street any vehicle containing substances such as earth, sand, gravel, rocks, construction material, ashes, coal, scrap metal, junk, paper, packing materials, paper boxes, tree limbs, brush, garbage, waste, refuse or other loose matter, likely to be scattered during operation unless the substances are covered with tarpaulin or other covering in such a manner as to prevent them from being scattered. Any such vehicle shall be so constructed and loaded as to prevent the scattering, sifting, leaking, or dropping of such substances on the city streets while it is operated thereon.

(Ord. 93-9, passed 5-3-93) Penalty, see § 75.99

§ 75.10 POSTING OF SIGNS STATING VEHICLE WEIGHT LIMIT.

The 36,000 pound gross vehicle weight limit of § 75.01 shall be posted by the city wherever the city boundaries cross a city street, county road, or State Highway 146. The signs posted on State Highway 146 shall indicate the limit applies to "city streets." Such signs may be incorporated with other signage. The City Works Department shall remove other existing weight limit signs within the city.

(Ord. 93-9, passed 5-3-93) Penalty, see § 75.99

§ 75.11 BRIDGES, CULVERTS AND THE LIKE NOT SUBJECT TO EXEMPTIONS.

This chapter shall not be construed as the certification by the city that any road, bridge, culvert, or any surface or structure whatsoever over which any truck, semitrailer truck, or truck or trailer unit passes

is capable of supporting the weights permitted by this chapter. Weight limits for bridges remain applicable, as posted, and are not subject to the exceptions of this chapter. Where weight limits are not posted on bridges within the city, the city does not certify that the structure is capable of supporting in excess of 36,000 pounds. Any bridges, culverts, or other similar structures on county roads or State Highway 146, are subject to the limits and certifications of those jurisdictions. Crossing any bridge, culvert, or similar structure with a vehicle in excess of the posted weight limit for the bridge, culvert, or similar structure, regardless of any exemption from this chapter or permit issued hereunder, shall be a violation of the terms of this chapter.
(Ord. 93-9, passed 5-3-93) Penalty, see § 75.99

§ 75.12 DAMAGES TO PROPERTY RESPONSIBILITY OF OWNER, OPERATOR, LESSEE OF VEHICLE.

Any damage to public property caused by the operation of a vehicle in excess of the dimensions or weight otherwise permitted by KRS 189.221, whether by exception to this chapter or not, or if by permit, damage in an amount in excess of the permit fee, shall be the responsibility of the owner, operator, and/or lessee of the vehicle, and the city shall be entitled to pursue its civil remedies against such owner, operator, or lessee in addition to the fines provided for herein.
(Ord. 93-9, passed 5-3-93)

§ 75.13 AUTHORITY OF CITY TO SEEK COURT ACTION UPON REPEAT VIOLATIONS.

In the event any one person, including corporations or other business entities, that use multiple vehicles or drivers, repeatedly violates the provisions of this chapter, the City Attorney is authorized to bring an action on behalf of the city in any circuit court of the Commonwealth for the purpose of seeking temporary relief, permanent

injunction, and damages in addition to such other penalties as are provided by this chapter.
(Ord. 93-9, passed 5-3-93)

§ 75.14 STAA VEHICLES PROHIBITED ON CERTAIN STREETS.

Due to significant and clearly evidenced safety problems, STAA Vehicles, as that term is defined in 603 K.A.R. 5:250, are prohibited from using Kentucky 146 within the city limits and are further prohibited from using the city maintained roads known as Evergreen Road, Bellewood Road, Lucas Lane, and Old Harrods Creek Road.
(Ord. 91-08 passed 9-23-91) Penalty, see § 75.99

§ 75.15 RESTRICTION OF GROSS VEHICLE WEIGHT ON CITY STREETS.

Upon the written advice of the City Engineer, or professional engineers consulting with the city, the city's Works Department may post signs on any street, or portion of a street, designating a gross vehicle weight limit for that street, or portion of a street, designating a gross vehicle weight limit for that street that is lower than the gross vehicle weight limit specified in § 75.01. Any person operating a motor vehicle on a city street, or portion of a street, at a gross vehicle weight in excess of that posted pursuant to this section, should be guilty of a violation punishable as provided in § 75.99. Any weight limit posted pursuant to this section shall be on signs clearly visible to the operators of motor vehicles and posted at the beginning of the street, or section of street, to which the gross vehicle weight limit is applicable and additionally at the last point on the street, or section of street, where the operator of a motor vehicle can avoid entering the section of street to which the weight limit posted pursuant to this section applies.
(Ord. 7-2010, passed 6-14-10)

§ 75.99 PENALTY.

(A) Any person violating any provision of § 75.09 shall be guilty of a violation and shall be fined not less than \$50 nor more than \$250.

(B) Any person violating the restrictions of this chapter in regard to vehicle dimensions or weight shall be subject to a penalty as provided in KRS 189.990.

(C) Any person failing to heed any order or direction of a police officer, or the City Engineer, made under the terms of this chapter shall be guilty of a misdemeanor and shall be fined not less than \$200 nor more than \$500. (Ord. 93-9, passed 5-3-93)

(D) The operator of any STAA vehicle violating the terms of § 75.14 shall be guilty of a violation and shall be subject to a fine in the minimum amount of \$50 and not to exceed \$250. (Ord. 91-08, passed 9-23-91)

CHAPTER 76: TRAFFIC SCHEDULES

Schedule

I. Speed limits

SCHEDULE I. SPEED LIMITS.

It shall be unlawful for any person to drive a vehicle at a speed in excess of 25 m.p.h. anywhere within the corporate limits of the city, subject to the exceptions specified below.

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date</i>
Evergreen Road	From Kentucky 146 northwardly to Osage Road	15 m.p.h.	93-7; 06-2; 11-2010; 1-2021	5-3-93; 3-13-06; 10-11-10; 2-8-21
LaGrange Road	Between eastern corporate limits of city and Glenbrook Road, being Kentucky 146	35 m.p.h.	91-6; 11-2010	7-22-91; 10-11-10
Log Cabin Lane	From Glenbrook Road eastwardly continuing south on Surrey Lane to the city limits	15 m.p.h.	1-2021	2-8-21
Park Road	Between western corporate limits of city and intersection of Bellewood Road, being Kentucky 146	35 m.p.h.	91-6; 11-2010	7-22-91; 10-11-10
Park Road	From Bellewood Road/Kentucky 146 on the west to its eastern terminus	15 m.p.h.	11-2010	10-11-10
Ridge Road	Those parts of Ridge Road designated as Kentucky 146 from Bellewood Road on the west and Glenbrook Road on the east	35 m.p.h.	93-7; 11-2010	5-3-93; 10-11-10
Station Road	The entirety of the road from Evergreen Road to Station Road	15 m.p.h.	11-2010	10-11-10

Penalty, see § 71.99

TITLE IX: GENERAL REGULATIONS

Chapter

90. TREES

91. STREETS AND SIDEWALKS

92. NUISANCES

93. FIRE PREVENTION

94. LITTERING

95. BURGLAR ALARMS

96. PARKS AND RECREATION

97. HELICOPTER LANDING SITE

CHAPTER 90: TREES

Section

- 90.01 Intent
- 90.02 Forestry Board
- 90.03 Definitions
- 90.04 Application
- 90.05 Procedures for plans, permits or orders
- 90.06 Criteria for decisions
- 90.07 Reforestation
- 90.08 Emergencies
- 90.09 Exemptions
- 90.10 Variances and waivers of requirements
- 90.11 Appeal procedure
- 90.12 Stop work orders; withholding or revoking of building and zoning compliance certificate
- 90.13 Tree removal companies; construction companies
- 90.99 Penalty
- Appendix A: Schedule of Penalties
- Appendix B: Construction/Tree Preservation Plan
- Appendix C: Tree Removal Notification
- Appendix D: Builder's Contract Bond

§ 90.01 INTENT.

Trees are declared to be beneficial public resources. To that end, it shall be unlawful to cut down, damage, poison, or in any other manner, destroy or cause to be destroyed any trees covered by this chapter, or to fail to comply with the reforestation provisions set forth therein, except in accordance with the provisions of this chapter.
(Ord. 91-11, passed 11-25-91)

§ 90.02 FORESTRY BOARD.

There is hereby established a City Forestry Board, whose members and Chairperson may submit nominations for board members to the City Forester for appointment by the Mayor for terms of one year. Members' terms may be extended from year to year by executive order.

(A) *Duties.* The Forestry Board shall be responsible for supervising the city nursery, distributing and arranging for the planting of nursery trees, advising the City Council and the Mayor on matters pertaining to the city's forest, and such other duties as may, from time to time, be assigned to it by the Mayor.

(B) *Delegation of authority.* The City Forester may delegate to members of the Forestry Board the authority to perform certain duties which are assigned to the Forester in the chapter. Any such delegation shall be in writing, a record of which shall be maintained by the City Clerk.
(Ord. 91-11, passed 11-25-91; Am. Ord. 2-2012, passed 2-13-12)

§ 90.03 DEFINITIONS.

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

BONA FIDE AGRICULTURE. A land use to derive income from growing plants or trees on land, not including land used principally for another use and incidentally for growing trees or plants for income.

CALIPER. See ***DIAMETER.***

CANOPY TREE. Any species of tree which the City Forester designates as suitable for cultivation in the area, and which, under normal growing

conditions; reaches a mature height in excess of 50 feet.

CITY FORESTER. Any officer, agent, or employee of the city designated by the Mayor for the purpose of carrying out certain duties defined in this chapter.

CONSTRUCTION MACHINERY and VEHICLES. Equipment and vehicles used in the construction of structures defined in this section, or movement of earth, including but not limited to: bulldozers, cement mixers, cement trucks, backhoes, cranes, transport trucks, and vehicles, whether private or commercial.

DIAMETER. The diameter in inches of a tree measured at four and ½ feet above the existing grade.

GRUBBING. The effective removal of understory vegetation from the site.

HISTORIC TREE. A tree which has been found by the City Forester to be of notable historic interest to the city because of its age, type, size or historic association and has been so designated and that designation has been officially made and promulgated as part of the official records of the city.

LAND CLEARING STAGE. Those operations where trees and vegetation are removed and which occur previous to construction or building: e.g., including but not limited to road right-of-way excavation and paving, lake and drainage system excavation, utility excavation, grubbing and any other necessary clearing operations.

PROTECTIVE BARRIER. A physical structure limiting access to a protected area, composed of wood or other suitable materials, that assures compliance with the intent of this chapter. Variations of these methods may be permitted upon a written request if they satisfy the intent of this chapter.

OWNER-OCCUPANT. Any person who is the owner of record of a dwelling in the city, and who maintains his legal residence at the dwelling.

REMOVE or REMOVAL. The actual removal of a tree by digging up, cutting down, or the effective removal through damage.

SPECIMEN TREE. A tree that has been determined by the City Forester to be of high value because of its type, size, age or other professional criteria, and which has been so designated in the records of the city.

STRUCTURE. Buildings that have roofs supported by columns or walls for the shelter or enclosure of persons, animals, materials or property of any kind. The term “structure” shall also include anything constructed or erected that requires the use of ground locations, including but not limited to: in-ground swimming pools, decks and patios, streets and roadways, driveways, parking areas, tennis courts, signs, stables, other outbuildings and poles 15 feet or more in height. (See §§ 150.30 et seq.)

TRANSPLANT. The digging up by a property owner of a tree from one place on his property and the planting of the same tree in another place on the same property.

TREE. Any self-supporting, woody plant of a species which normally, in the area, grows at maturity to an overall height of a minimum of 15 feet.

TRENCH or TRENCHING. A narrow cut in the ground exceeding 12 feet in length and of such depth as to affect any tree roots in the area of the trench.

UNREASONABLE BURDEN. Any cost or consequence of compliance with the terms and provisions of this chapter that is found by the City Forester to be unreasonable when compared to the cost or consequences of actions that would be taken if such terms and provisions did not exist.

UTILITIES. Public utility, commercial, and private lines and pipelines, including, but not limited to: overhead electric wires, television and communication cables, guy wires, underground water, gas, sewer drainage, communication and power lines and pipelines.

(Ord. 91-11, passed 11-25-91)

§ 90.04 APPLICATION.

The terms and provisions of this chapter shall apply to real property as follows:

(A) *Tree removals.*

(1) On any land, it shall be unlawful for any person other than an owner-occupant residing on that land to remove or cause to be removed any tree with a trunk diameter of three inches or more or any tree planted pursuant to the provisions of § 90.07 of this chapter without first having obtained a permit to do so in accordance with the procedures set forth in § 90.05 of the chapter.

(2) No owner-occupant shall remove or cause to be removed any tree(s) on land on which that owner-occupant's dwelling is located, without first providing written notice of his intention to do so according to procedures set forth in § 90.05 of this chapter. No specimen or historic trees or trees planted pursuant to § 90.07 of this chapter shall be removed or caused to be removed by an owner- occupant without a permit.

(3) The replacement requirements of § 90.07 of this chapter shall apply to all trees removed pursuant to this provision, unless varied by the City Forester in accordance with the provisions of § 90.10 of this chapter. No trees shall be removed under this provision on property for which a Tree Preservation Plan is required pursuant to the provisions of division (C) of this section.

(B) *Trenching.* On any land it shall be unlawful for any person, whether in conjunction with new construction, utility construction, or otherwise, to trench or permit trenching without first obtaining a permit, or an approved Tree Preservation Plan pursuant to the provisions of division (C) of this section.

(C) *Construction.*

(1) *Tree Preservation Plans.* Any plat presented to the city for the purpose of obtaining a Zoning Compliance Certificate must be accompanied by a Tree Preservation Plan ("Plan") that shall include a statement that the party seeking the

certificate is aware of this chapter and summarizing the party's plans for compliance with this chapter. The Tree Preservation Plan shall be prepared according to guidelines and procedures established by the City Forester, and in accordance with the criteria for approval set forth in § 90.06 of this chapter, and shall be approved by the City Forester prior to the issuance of a Zoning Compliance Certificate.

(2) On any land it shall be unlawful, prior to or during construction of any structures, for any person to place solvents, building materials, construction machinery, construction vehicles, or soil deposits in any location other than a location specified on an approved Tree Preservation Plan, or to engage in any other practices that have a potential for causing root or trunk injury, including, but not limited to: excavating, building, trenching, grading, tree removal, grubbing, filling, stringing of overhead or underground utilities, land clearing or other land alteration, except in accordance with the terms and provisions of an approved Tree Preservation Plan. During construction, no attachments or wires shall be attached to any trees designated for protection under such plans.

(3) In any allowance of green space or open space under innovative zoning permits, the developer shall be responsible for the appearance and maintenance of the open space or green space, including removal of litter or maintenance of trees, until such time as the open space is turned over to the property owners or owners' association, expressly set up for the maintenance of the green space. After it is turned over to the owners or owners' association, they shall be responsible for the maintenance of the open space. The open space must be kept free of litter, construction debris and, where specified by the City Forester, fallen trees. The City Engineer or Zoning Officer will inspect the open space, and give notice to the appropriate parties (developers or owners) of any violation. If the violation is not corrected within 30 days, fine will be levied as provided for in this chapter until the situation is remedied.

(D) *Trimming by utilities and railroads.* It shall be unlawful for any utility or railroad to trim any tree, whether or not located along the right of way, without first meeting with the City Forester, and

obtaining a permit for the proposed trimming. Trimming performed pursuant to such permits shall be done in a manner determined by the City Forester to be least detrimental to the health of the tree, where consistent with the requirements of the appropriate safety or electric code then in effect in the Commonwealth of Kentucky. At no time shall any employee, agent, contractor or subcontractor for any utility or railroad, during the process of construction or maintenance. of utility lines, or the trimming of trees, use climbers or any other sharpened instrument for the purpose of aiding the individual in the climbing of a tree.

(Ord. 91-11, passed 11-25-91) Penalty, see § 90.99

§ 90.05 PROCEDURES FOR PLANS, PERMITS OR ORDERS.

(A) Applications for tree removal, railroad or utility trimming, and trenching permits and for Approvals of Tree Preservation Plans shall be submitted to the City Clerk in accordance with procedures established by the City Forester.

(B) Notifications by owner-occupants of their intention to remove trees shall be submitted in writing to the City Clerk in accordance with procedures established by the City Forester. If the notification is sent by mail, it shall be deemed as received by the city on the third calendar day after the date it is postmarked. Such procedures shall include a waiting period, not to exceed ten days following notification and prior to removal of the tree(s). During the waiting period, the City Forester may require a field check to determine whether the removal will have an adverse impact according to the criteria set forth in § 90.06 of this chapter, and may issue an order preventing the removal of the tree(s) upon such a determination, or if he concludes that he lacks sufficient information to make a determination. Such order of the City Forester shall be effective upon its delivery to the owner-occupant's residence, and acceptance by any person of suitable age and discretion who normally resides at the residence, or if no one of suitable age is present, three days after the notice is mailed to the owner-occupant by certified mail, return receipt requested.

(C) Prior to the approval of any plan or permit or the issuance of any order preventing a tree removal, the City Forester shall complete a field check. All permits shall be issued for a period of 60 days by the City Forester. Approved tree preservation plans shall be valid for a period of one year, and may be extended by the City Forester for an additional period of time on a case by case basis.

(D) *Basis for denial.* The City Forester, upon a determination that an application is to be denied, or an order preventing tree removal is to be issued, shall state the basis for such denial or order specifically and shall notify the applicant of the criteria upon which the denial is predicated.

(E) *Display of permits; inspection.* Holders of permits issued pursuant to this provision shall prominently display on the site the permit issued. Such permit shall be displayed continuously while trees are being removed or work being done as authorized on the permit, and for ten days thereafter. As a condition for the issuance of the permit, the applicant shall agree in writing to entry onto his premises by representatives of the city and all law enforcement officers to inspect the work and the permit at any time, and such entry shall be lawful. Failure to allow such entry shall be unlawful, shall constitute a violation of this chapter, and shall constitute failure to display the permit as required under this section.

(F) Any procedure established by the City Forester pursuant to this provision shall be implemented upon its publication but shall be submitted to the City Council for its approval or amendment at the next regularly scheduled Council Meeting. Copies of such procedures shall be made available without charge by the City Clerk.

(Ord. 91-11, passed 11-25-91) Penalty, see § 90.99

§ 90.06 CRITERIA FOR DECISIONS.

Upon receiving the field inspection report and any requested recommendations concerning an application, the City Forester shall issue a permit, or approve a tree preservation plan, if the relevant

criteria set forth herein are met, and provided that none of the conditions set forth division (D) of this section exist:

(A) *Tree removals.*

(1) The tree unreasonably restricts the economic enjoyment of the property and cannot be relocated on the site because of age, type or size of the tree; or

(2) The tree is diseased, injured, judged to be structurally unsound, interferes with existing utility service, or creates unsafe vision clearance for pedestrian or vehicular traffic.

(B) *Trenching.*

(1) The trench is required for the installation or maintenance of utility, septic field, or irrigation service, or for such other purposes as are necessary to the economic enjoyment of the property; and

(2) The trench is located in a manner designed to minimize damage to tree roots.

(C) *Tree preservation plans.* Tree preservation plans shall be approved if they are prepared in accordance with generally accepted urban forest preservation principles and provided that they fulfill the following requirements:

(1) All tree removals and trenches specified on the plan shall meet the criteria set forth in division (B) of this section and this division (C).

(2) The plan provides for suitable protective barriers to be erected for all trees which are not designated for removal and that could be damaged by construction activity, which barriers shall remain in place until the completion of all construction and grading; specified locations for ingress, egress, operation and parking of all construction vehicles and equipment as defined in § 90.03 of this chapter, and for storage of solvents, hazardous materials, and soil and material stockpiles; and specified locations for all clearing, grubbing, grading and excavation.

(D) *Denials.* In considering applications and notifications submitted pursuant to this chapter, the City Forester shall evaluate the potential for adverse impact in the following areas on the urban and natural environment and shall issue an order denying the application or preventing the proposed tree removal if one or more of the following conditions exist:

(1) Ground and surface water stabilization. The proposed action will substantially alter the water table adversely with regard to water assimilation by vegetation, transpiration, and the evaporation potential of associated soils and bodies of water.

(2) Water quality or aquifer recharge. The proposed action will substantially lessen the potential for natural assimilation of nutrients, chemical pollutants, heavy metals, silt and other noxious substances from ground and surface waters.

(3) Ecological impacts. The proposed action will have a substantial adverse impact upon existing biological and ecological systems, or microclimatic conditions that directly affect these systems, or will create conditions that may adversely affect the dynamic equilibrium of associated systems.

(4) Noise pollution. The proposed action will significantly increase ambient noise levels to the degree that a nuisance is anticipated to occur or that a violation of the city's noise control regulations (i.e., § 92.35) is anticipated to occur.

(5) Air movement. The proposed action will significantly reduce the ability of the existing vegetation to reduce wind velocities to the degree that a nuisance is likely to occur.

(6) Air quality. The proposed action will significantly affect the natural clearing of the atmosphere by vegetation through particulate matter interception or the release of oxygen to the atmosphere as a byproduct of photosynthesis.

(7) Wildlife habitat. The proposed action will significantly reduce available habitat for wildlife existence and reproduction or result in the emigration of wildlife from adjacent or associated ecosystems.

(8) *Aesthetic degradation.* The proposed action will have an adverse effect on property values in the neighborhood where the applicant's property is located, or the proposed action will adversely affect a specimen or historic tree which is not, at the time of the application, hazardous, dead, diseased, injured, or judged to be structurally unsound, or does not interfere with existing utility service or create unsafe vision clearance for pedestrian or vehicular traffic. (Ord. 91-11, passed 11-25-91) Penalty, see § 90.99

§ 90.07 REFORESTATION.

(A) *Replacement of trees.* As a condition of the granting of a permit or the approval of a tree preservation plan, the applicant shall be required to replace each tree being removed, as shall all owner-occupants who remove trees pursuant to the provisions of § 90.04 of this chapter. Each replacement tree shall be 1½ inches caliper or diameter at 4½ feet or at least six or seven feet in height and shall be nursery grade or better, and shall not be removed by any person without a permit to do so, pursuant to the provisions of § 90.04(A) of this chapter.

(B) *Alternative replacement.* As an alternative to one for one replacement of trees, a property owner may elect to replace trees at a ratio of one replacement tree for each three trees removed, provided that the tree species shall be selected from a list, maintained by the City Clerk, of trees approved by the City Forester for use under the replacement ratio option, and each tree planted pursuant to this provision shall be of a height or trunk caliper specified on the list for that species.

(C) *New construction.* To compensate for the adverse environmental impact of additional development within the city, including but not limited to such factors as added impervious surface, additional vehicle exhaust, and reduced photosynthetic surface area, the City Forester shall, as a condition of approval of tree preservation plans submitted for the construction of new structures, require the planting of sufficient trees, in addition to trees required to be planted pursuant to divisions (A) or (B) of this

section, as are necessary to increase the total density on the site to an average of two trees per 5,000 square feet of lot size. The City Forester shall specify that a portion of the trees planted pursuant to this provision, not to exceed one-third of the total, be of a canopy tree species. New trees required to be planted by this provision shall be of a minimum of 1½ inches caliper or diameter at 4½ feet or at least six or seven feet in height, and shall not be removed by any person without a permit to do so pursuant to the provisions of § 90.04(A) of this chapter.

(D) *Time for replacement.* All replacement trees required to be planted by the terms of a tree preservation plan, tree removal permit or by an owner-occupant who has removed trees pursuant to § 90.04 of this chapter shall be planted within 12 months of the date of approval of the plan or permit, or of notification submitted pursuant to § 90.05 of this chapter. Any unfulfilled obligation to plant trees under this provision shall attach to the real property to which the obligation relates and shall run with the land.

(E) *Bond.* Where the applicant for a permit for tree removal, or applicant for approval of a tree preservation plan, will be required to replace, or in connection with division (C) of this section initially plant, more than ten trees, the City Forester may, in his or her discretion, as a prerequisite to the granting of the permit, or approval of the tree preservation plan, require the applicant to post a cash bond in an amount not to exceed \$50 per tree for the replacement of trees under division (A) of this section and initial planting under division (C) of this section, or \$100 per tree if the applicants seek to reduce the number of trees required by use of division (B) of this section. The bond shall be posted in cash or cash equivalent with the City Clerk. The bond shall be released by the City Clerk only upon the approval of the City Forester or his or her designee. Upon notification by the City Forester, or his or her designee, that the holder of the permit, or applicant under the tree preservation plan, has failed to timely comply with the replanting, or initial planting, requirements of the permit or tree preservation plan, the bond shall be forfeited to the city in an amount equivalent to the sum certified by the City Forester, or his or her designee, as being required to meet the replanting or initial planting

requirements of the permit or tree preservation plan. If the required bond exceeds the sum of \$10,000, the person posting the bond may apply for a partial release of the bond at such time as the City Forester, or his or her designee, certifies to the City Clerk that more than one half of the required replanting, both in number and value, has been fulfilled, and certifies the amount of the bond that should be released up to a maximum of 50%.

(Ord. 91-11, passed 11-25-91; Am. Ord. 95-3, passed 2-6-95; Am. Ord. 98-10, passed 12-7-98; Am. Ord. 2-2012, passed 2-13-12) Penalty, see § 90.99

§ 90.08 EMERGENCIES.

In case of emergencies, such as windstorm or other disasters, the requirements of these regulations may be waived by the City Forester, upon a finding that such waiver is necessary so that public or private work to restore order in the city will not be impeded. Excavation, tree removal, tree trimming, or other work subject to the terms of this chapter, and which is necessary for the restoration of existing electric, water, natural gas or telephone service, or rail service, may be performed without the approval of the City Forester, provided such work is reported to the City Forester within five business days of its completion. (Ord. 91-11, passed 11-25-91)

§ 90.09 EXEMPTIONS.

(A) The provisions of this chapter shall not apply to any land recognized by the city upon which bona fide agricultural uses, as defined in § 90.03, are being conducted.

(B) Specifically exempt from the terms and provisions of this chapter are any trees so designated by the City Council.

(C) The City Maintenance Department shall be exempt from the permit requirements of this chapter, provided, however that no work which would otherwise require a permit or plan pursuant to this

chapter shall be performed by the Department, except under the direction of the City Forester.

(Ord. 91-11, passed 11-25-91)

§ 90.10 VARIANCES AND WAIVERS OF REQUIREMENTS.

(A) The City Forester may, upon appropriate application in writing, vary or waive any terms and provisions of this chapter, other than the provisions of §§ 90.12 and 90.13 of this chapter, due to unreasonable burdens in the use of any land to which this chapter applies.

(B) Where necessary to insure that construction work may go forward without interruption, the City Forester may orally vary the terms of an approved tree preservation plan if he finds that compliance with the plan will impose an unreasonable burden, and provided that the variance shall not substantially alter the impact of construction on any trees designated for protection on the plan, and further provided that a written amendment to the plan shall be submitted to the City Clerk within 24 hours of the issuance of the oral approval.

(Ord. 91-11, passed 11-25-91)

§ 90.11 APPEAL PROCEDURE.

Any person adversely affected by a decision of the City Forester in the enforcement or interpretation of any of the terms or provisions of this chapter may appeal such decision to the City Council. Such appeal shall be taken by filing written notice thereof with the City Clerk within 20 days after the decision of the City Forester. The notice of appeal shall set forth in writing the reasons for the appeal and, where applicable, a drawing to scale of any alternative proposal of the applicant. The notice of appeal shall be immediately circulated by the City Clerk to all members of the Council. The appeal will be considered by the Council at its next regular meeting, or at a special meeting of which the applicant must receive a minimum of seven days notice. The required notice may, at the discretion of the appellant, be waived.

(Ord. 91-11, passed 11-25-91)

**§ 90.12 STOP WORK ORDERS;
WITHHOLDING OR REVOKING OF
BUILDING AND ZONING COMPLIANCE
CERTIFICATE.**

The city may withhold the issuance of building and zoning compliance certificate until such time as the necessary permits or approvals have been obtained under the terms of this chapter. In the event that the holder of a building and zoning compliance certificate shall violate the terms of this chapter the Police Department shall issue a stop work order at the site and all work shall cease until the violation is corrected. In the event that the violation remains uncorrected for a period of three days, the building and zoning compliance certificate shall be revoked and notice of the revocation shall be immediately transmitted to the Jefferson County Office of Building Inspection. No person who has failed to pay a fine or civil penalty levied pursuant to this chapter shall be entitled to receive a building and zoning compliance certificate from the city.

(Ord. 91-11, passed 11-25-91) Penalty, see § 90.99

**§ 90.13 TREE REMOVAL COMPANIES;
CONSTRUCTION COMPANIES.**

All provisions of this chapter shall apply to any person removing trees on behalf of any other person, including all tree removal, construction companies or persons in the business of removing trees or constructing. It shall be unlawful for any person or company to remove or cause to be removed any tree, or undertake any work for which a permit is required pursuant to this chapter, unless a valid permit therefor is in effect and is displayed.

(Ord. 91-11, passed 11-25-91) Penalty, see § 91.99

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter or the terms or provisions of any order, permit or tree preservation plan issued or approved pursuant thereto shall be subject to a civil penalty of not less than \$10 nor more than \$500 as set out in the schedule of penalties appearing on Appendix A to this chapter which is incorporated herein by reference as

though fully set out herein, for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any notice of civil penalty issued by the city for violation of this chapter may be personally delivered by an officer of the Police Department or may be mailed to the last known address of the offender by certified mail, return receipt requested. Should any person served notice for violation of this chapter not pay the penalty or arrange for a compromise of penalty pursuant to division (B) of this section, within 30 days of the issuance thereof, the city is empowered to bring an action in the appropriate court of the Commonwealth of Kentucky for enforcement of the penalty.

(B) Any person who has received a notice of civil penalty for a first violation of this chapter may apply to the City Forester to have the penalty reduced or eliminated, provided that such penalty has not been assessed under circumstances which caused it to be assessed at twice the amount shown for the violation on the schedule of penalties established pursuant to Appendix A to division (A) of this section. The City Forester may grant the application upon a showing that the person has complied with the terms of an agreement with the City Forester to plant trees in excess of the number of trees otherwise required to be planted by the terms of this chapter, on the property where the violation occurred, provided, however, that the actual cost of the trees and the planting thereof shall not be less than 75% of the amount of the total penalty. The number, type, size and planting time and location of trees planted under agreements reached pursuant to this provision shall be determined by the City Forester. Where the City Forester determines that it is not practical or desirable to plant trees pursuant to this provision on the property where the violation occurred, the City Forester may authorize the planting of some or all of the trees on property within the city owned by any governmental entity, with the permission of the entity.

(C) In addition to the penalties provided herein, the city or any resident of the city shall be entitled to seek injunctive relief through the courts of the commonwealth in order that the intent of this chapter may be carried out. The city may also seek to

recover a civil penalty through such civil action equal to the total value of those trees illegally damaged or removed.

(Ord. 91-11, passed 11-25-91)

APPENDIX A: SCHEDULE OF PENALTIES

<i>List of Violations</i>	<i>Amount of Penalty</i>
Construction without a Tree Preservation Plan	\$500
Tree removal without a permit/notification	\$200 per tree
Tree removal not shown on Tree Preservation Plan	\$250 per tree
Replacement trees not planted within allotted time period	\$200 per tree
Replacement trees which do not meet required specifications	\$100 per tree
Trenching without a permit/Trenching not shown on Tree Preservation Plan	\$100 per violation, plus \$10 per foot for each length of trench in excess of 12 feet; \$125 minimum to a maximum of \$500
Protective fences not in place	\$250
Material stored inside fenced areas	\$400
Vehicles inside fenced areas	\$200 per vehicle
Evidence of grade change or soil disturbance inside area required to be protected by fences	\$500
Ingress and egress not shown on Tree Preservation Plan	\$125
Material or soil stockpiles not shown on Tree Preservation Plan	\$150 per stockpile
Vehicles parked in locations other than indicated on Tree Preservation Plan	\$50 per vehicle
Paint or other chemicals improperly disposed of	\$50 per offense
Failure to properly maintain green space	\$150

<i>List of Violations</i>	<i>Amount of Penalty</i>
Failure to comply with stop work order	\$500
<p>Under the following circumstances, the applicable penalty will be twice the amount shown above, to a maximum of \$500:</p> <ol style="list-style-type: none">1. Recurring or uncorrected violations following the issuance of a warning, a stop work order, or a notice of civil penalty.2. More than five violations found on a single platted lot within any 12-month period.3. Any violation affecting a historic or specimen tree.4. Any violation resulting in damage certified by the City Forester as likely to cause irreversible injury or death to six or more trees with a caliper of over four inches each.5. The presence of aggravating circumstances which demonstrate the violator's conscious indifference to the consequences of his or her acts which constitute a violation of this chapter.	

(Ord. 91-11, passed 11-25-91; Am. Ord. 2-2012, passed 2-13-12)

APPENDIX B: CONSTRUCTION/TREE PRESERVATION PLAN**CITY OF ANCHORAGE
CONSTRUCTION/TREE PRESERVATION PLAN**

Property Owner's Name _____
Property Address _____
Home Address _____ Phone _____
Contractor's Name _____
Contractor's Address _____ Phone _____

I Agree to comply with the provision of the Tree Preservation Plan as developed for the property listed above and am aware that failure to do so can result in stop work orders and/or fines.

Contractor/Builder _____ Property Owner _____

Plan Approved by _____ Date _____

**CITY OF ANCHORAGE
CONSTRUCTION/TREE PRESERVATION PLAN**

Please respond to the questions in the space provided.

1. Types of equipment to be used for clearing, grading, digging, of basements, providing of concrete, etc. and statement describing plan to limit their access to tree preservation areas of the lot.

2. Methods of disposal of chemicals, paints, solvents, and other substances toxic to plants.

3. Trash storage and removal (soil and stockpiling areas).

4. Signs to be posted indicating protected areas during construction and types of fencing to be used around protected areas.

5. Statement of the minimum number of trees to be planted after construction is completed.

**CITY OF ANCHORAGE
CONSTRUCTION/TREE PRESERVATION PLAN
INSTRUCTION SHEET**

In the space provided on the Tree Preservation Plan, include the following:

- * A sketch or plat of the property (to scale) showing the location of the house, any proposed additions, pools, tennis courts, driveways, terraces, etc. and any other pertinent structures.
- * Identify all trees to be preserved within seventy-five (75) feet of the proposed construction. Mark each tree with the following code: P (Preserve).

Indicate the following on your sketch:

- * Designated areas for stockpiling soil (to scale) .
- * Designated areas for stockpiling materials (to scale).
- * Designated areas for parking of construction workers (to scale).
- * Designated ingress and egress for any construction vehicles, and routes (to scale) to be travelled by any traffic.
- * Designated routes for all utilities, whether trenched or overhead.
- * Designated areas for trenching of septic system, or sanitary or storm sewers, or any other trenches required.
- * Temporary fencing to be used as protective barriers during construction for the protection of tree root systems.

On page 2 of the Construction/Tree Preservation Plan, answer all questions in the space provided in as detailed a manner as possible.

PRIOR TO MAKING CHANGES

If any changes are needed in this plan, CALL the Anchorage Police Station (244-0562) and ask for Officer Brenda Taylor.

**SAMPLE
CITY OF ANCHORAGE
CONSTRUCTION/TREE PRESERVATION PLAN**

Please respond to the question in the space provided.

1. Types of equipment to be used for clearing, grading, digging of basements, providing of concrete, etc. and statement describing plan to limit their access to tree preservation areas of the lot.

Bulldozer, backhoe, concrete trucks, tractor and grader box, ditch witch, building material delivery trucks (i.e., brick, lumber, drywall, etc). All construction vehicles described above will be limited to the area of construction shown on the attached drawing. Visible barriers and signs (also shown on drawing) will protect areas of tree preservation from any vehicular encroachment. Concrete for foundation etc. will be pumped from designated access areas that are shown on drawing.

2. Methods for disposal of chemicals, paints, solvents and other substances toxic to plants.

Paint solvents will be drained into a large metal drum which will be hauled away at the end of construction.

3. Trash storage and removal (i.e. dumpsters, etc.).

Dumpsters will be located at the back edge of the proposed driveway and hauled away on the designated ingress - egress path as shown on the attached plat.

4. Signs to be posted indicating protected areas during construction and types of fencing to be used around protected areas.

STAY BEHIND PROTECTIVE
BARRIERS
by order of
JDW - Contractor 276-8873

NO VEHICULAR
TRAFFIC
JDW - Contractor
276-8873

STOCKPILE
MATERIALS
HERE ONLY

NO STOCKPILING OF
MATERIALS
JDW - Contractor

STAY IN
DESIGNATED
ROADWAY

Plastic mesh fencing will be used to designate protected areas in lot.

5. Statement of the minimum number of trees to be planted after construction is completed.

Trees will be replaced to provide a minimum of two trees per five thousand square feet or 18 trees per acre, existing trees must be at least 3 inches in caliper. Replacement trees will be no less than 1 and ½ inches in caliper.

APPENDIX C: TREE REMOVAL NOTIFICATION**CITY OF ANCHORAGE
TREE REMOVAL NOTIFICATION****Instructions:**

This form is to be used only by owner-occupants for removal of trees on property where they reside. *All others must obtain a tree removal permit.*

Complete this form prior to removal of any living or dead trees and mail or deliver to: City Clerk, City of Anchorage, P.O. Box 23266, Anchorage KY 40223. Any tree(s) for which this form is filed may be removed ten (10) days after the notification is received by the City Clerk, unless the Forestry Department requests a field check and/or orders a delay of the removal. If the tree(s) covered by this notification are not removed within sixty (60) days of the date of the notification, you must resubmit the notification before removing any trees.

The Tree Protection and Preservation Ordinance requires all trees you remove to be replaced within one year of removal. Replacement trees must be a minimum of one and one half inches in diameter and of nursery grade or better. Alternatively, each three trees removed may be replaced by one tree of a species and minimum diameter specified by the City Forester on a list which is available upon request from the City Clerk.

Name: _____ Number of trees to be removed: _____

Address: _____ Phone: _____

Tree Removal Company: _____ Phone: _____

Approximate diameter, height, and species (if known) of each tree to be removed:

Reason for removal of each tree:

Are the trees located at the above address? _____

I certify that the above information is true and correct to the best of my knowledge, and that I will, within one year of the date of the removal of the tree(s) described above, plant replacement(s) for each tree removed, in accordance with the provisions of Section 7 of the Anchorage Tree Protection and Preservation Ordinance.

Owner-Occupant Signature

Date

**APPENDIX D: BUILDER'S CONTRACT BOND
BUILDER'S CONTRACT BOND TO THE CITY OF ANCHORAGE**

Project Name: _____

Location: _____

Date: _____

The undersigned builder(s) or developer(s) of the above named project is (are) responsible for the installation, good repair and proper functioning of all improvements relating to the requirements of City of Anchorage Ordinance No. 3, Series 1995, an ordinance amending Ordinance No. 11, Series 1991 relating to tree protection, preservation, and planting as evidenced by the Tree Preservation Plan approved on _____ and any amendments thereto which have been approved in writing. Work to meet the requirements of the ordinance and approved plans shall begin and proceed in a manner which does not cause unreasonable harm, inconvenience or annoyance to any other property owner. This obligation shall continue until the City Forester has granted a release in writing. The builder or developer shall abide by any time limits which the City, or any of its designated officials, may have specified in writing.

All bond forms prescribed in Ordinance No. 11, Series 1995, shall be considered "cash" bonds, except those on which an insurance company is acting as surety. All forms of surety on this bond shall be maintained at an active status until released by the City, and the evidence of such status shall be furnished to the City on demand.

Builder/Developer

State of Kentucky

County of _____

Subscribed and sworn to before me

by _____ on this _____ day of _____

My commission expires: _____

NOTARY PUBLIC
KENTUCKY STATE AT LARGE

Tree Preservation Ordinance

CHAPTER 91: STREETS AND SIDEWALKS

Section

State or Federal Maintained Highways

General Provisions

91.60 Maintenance agreements

- 91.01 Designation of riding trails and walkways
- 91.02 Use of streets by groups; permit required

Targeted Residential Picketing

- 91.65 Definitions
- 91.66 Prohibitions

Excavations and Construction

91.99 Penalty

- 91.15 (Reserved)
- 91.16 (Reserved)
- 91.17 (Reserved)
- 91.18 Barriers around excavations
- 91.19 Warning lights
- 91.20 Sidewalk construction
- 91.21 Disturbance or trenching of streets; permit and bond

Appendix: Builder's Contract Bond

GENERAL PROVISIONS

§ 91.01 DESIGNATION OF RIDING TRAILS AND WALKWAYS.

(A) All streets, roads, highways, avenues, the rights-of-way associated therewith, dedicated but unused rights-of-way, and easements over which vehicular traffic is ordinarily permitted or where the removal of snow, storm debris, or other maintenance is performed by the city, all whether now existing or hereinafter created, are hereby designated as riding trails. For the purposes of this section, it is presumed that vehicular traffic is permitted on any easement where there is no physical impediment present that blocks use of the easement by motor vehicles.

Road and Bridge Projects

- 91.30 Public hearing required
- 91.31 Notice requirements
- 91.32 Public may testify; effect of testimony
- 91.33 Hearing to be held prior to construction
- 91.34 Separate hearing for each project not required
- 91.35 Exemptions from hearing requirement

Obstructions

- 91.45 Unloading on street or sidewalk
- 91.46 Street and sidewalk obstruction
- 91.47 Materials on street or sidewalk
- 91.48 Removal of ice and snow

(B) All persons riding horseback are permitted to ride their horses on the grass, gutters, or shoulders adjacent to the riding trails, or where it is impossible to use the area adjacent to the surfaced or graded roadway, on the roadway itself, and to use any portion of a dedicated but unimproved right-of-way where there is an existing path or trail.

(C) All persons walking or running on riding trails, in addition to using those areas set out in division (B) of this section are at all times permitted to use the two feet of the graded or surfaced roadway nearest that side of the roadway on which they are facing oncoming traffic.

(D) Motorized vehicles are prohibited from using any portion of a riding trail other than graded or paved roadways ordinarily open to vehicular traffic.

(E) It shall be unlawful to block a riding trail that was open on April 27, 1992, by means of a physical barrier, or to place or plant things that interfere with or restrict the use of riding trails.

(F) It shall be unlawful to place a barrier on any riding trail that is not readily visible in all lighting conditions between dawn and dusk, deliberately place sharp objects on any riding trail, or to commit any other intentional act that constitutes danger to those persons and animals using the riding trails designated herein. For the purpose of this division (F), **BARRIER** shall be defined as wire (including fence), rope, string, monofilament line, metal bars, wood, or any other thing or object stretched across the width of the entire riding trail, or any portion thereof, and of sufficient strength to trip or injure the persons and animals using the riding trail.

(Ord. 92-04, passed 6-22-92) Penalty, see § 91.99

§ 91.02 USE OF STREETS BY GROUPS; PERMIT REQUIRED.

(A) It shall be unlawful for groups of people or vehicles to use, traverse or otherwise occupy the roads, lanes, streets or public ways within the boundaries of the city without first securing a permit at least two weeks in advance of any such event.

(B) Requests for the permits shall be in writing and state the approximate number of people and/or vehicles, the date, the time of start and finish of each event and the purpose.

(C) Requests of the permits shall be made to the City Clerk during regular office hours, 9:00 a.m. to 12:00 p.m., weekdays or by appointment and approved by the Chief of Police.

(D) The permits shall assure unimpeded access for fire or emergency vehicles and personnel and reasonable access and egress to residential, business and institutional properties during the event.

(E) If a permit is approved, it shall be prominently posted for public scrutiny and released to the local press.

(Ord. 84-14, passed 7-23-84) Penalty, see § 91.99

EXCAVATIONS AND CONSTRUCTION

§ 91.15 (RESERVED).

§ 91.16 (RESERVED).

§ 91.17 (RESERVED).

§ 91.18 BARRIERS AROUND EXCAVATIONS.

Any person engaged in or employing others in excavating or opening any street, sidewalk, alley, or other public way shall have the excavation or opening fully barricaded at all times to prevent injury to persons or animals.

Penalty, see § 91.99

§ 91.19 WARNING LIGHTS.

Any person engaged in or employing others in excavating or otherwise in any manner obstructing a portion or all of any street, sidewalk, alley, or other public way, at all times during the night season shall install and maintain at least two illuminated red lamps which shall be securely and conspicuously posted on, at, or near each end of the obstruction or excavation, and if the space involved exceeds 50 feet in extent, at

least one additional lamp for each added 50 feet or portion thereof excavated or obstructed.

Penalty, see § 91.99

§ 91.20 SIDEWALK CONSTRUCTION.

(A) *City-owned sidewalks.* It shall be the duty of the authorized city official to supervise construction or repair of sidewalks within the city. He shall cause specifications to be prepared for the construction of

the various kinds of pavements and transmit the specifications to the legislative body for approval. When the specifications are approved, the legislative body shall advertise for proposals to do all the work which may be ordered by the city in construction and repair of sidewalks, and shall authorize the Mayor to contract therefor, for a period not exceeding one year, with the lowest responsible bidder, who shall for the faithful performance of the work. The Mayor, if authorized by City Council, may make separate contracts for the different kinds of work with different parties.

(B) Privately-owned sidewalks.

(1) Anyone can build a sidewalk next to a public road in the city, with the permission of the City Council.

(2) The person or persons owning the sidewalk will bear full responsibility for the cost, construction and maintenance, for as long as the sidewalk exists, but shall permit the public access and usage.

(3) The sidewalk owner(s) bear any and all liability for the sidewalk and those that use it.

(4) Applicants for permission to build a sidewalk must comply with the following:

(a) Present a plan indicating size, location, etc. of the proposed sidewalk;

(b) Present a statement of need for the sidewalk indicating population(s) served;

(c) Present a cost estimate for the construction;

(d) Present a desired schedule for construction;

(e) Present a letter of commitment from any organization backing the proposal. The letter should state the exact extent of commitment to the project; and

(f) Present a petition supporting the proposal from all persons on whose property the 1996 S-1 Repl.

sidewalk will be constructed, or whose property abuts a city right-of-way on the same side of the street and at a point where the sidewalk will be constructed.

(Res. 94-2, passed 3-7-94)

§ 91.21 DISTURBANCE OR TRENCHING OF STREETS; PERMIT AND BOND.

(A) *Definition.* For the purposes of this section, the term **UNDERGROUND UTILITIES** shall mean any electric, communications, natural gas, water, sewer, or drainage service or means of transmission that is installed beneath the surface of the soil or street.

(B) *Permit required.* No person shall destroy, disturb, cut, trench, or use construction equipment on the paved surface or associated right-of-way of a now existing or hereafter constructed public street without a permit granted by the city unless such destruction, disturbance, cutting, trenching, or use of construction equipment is in conjunction with the repair or refurbishment of previously existing underground utilities or is for the purpose of connecting previously existing underground utilities to one previously existing single family residence.

(C) *Restoration of street; bond required.* No permit shall be granted for the destruction, disturbance, cutting, trenching, or use of construction equipment within a public right-of-way without the applicant's written agreement to back fill and restore the subsurface of the street or public right-of-way to specifications set by the City Engineer or to repave the entire width of the street for the length of the destruction, disturbance, cut, trench, or area where construction equipment is used, and for an additional 100 feet as measured from both ends of the affected area, with a minimum of 1-1/2 inches of compacted asphalt which meets the specifications of the City Engineer, and until the applicant has posted a cash bond (cash or cash equivalent) with the city in an amount to be set by the City Engineer which is his or her discretion is estimated to be 110% of the cost to the city of completing the rebuilding and repaving required of the applicant should the applicant not accomplish the rebuilding or repaving.

(D) *Contents of permit.* The permit shall be

issued by the City Engineer, City Administrator, or Mayor upon compliance by the applicant with the terms of this section and shall state the beginning and ending date of the permitted construction and the date by which all rebuilding and repaving will be completed, and specifically describe the portion(s) of any street(s) to which the permit applies.

(E) *Release or forfeiture of bond.*

(1) If the rebuilding and repaving is not completed within six months of the designated date of completion on the permit, the cash bond shall be forfeited to the city.

(2) The cash bond posted by the holder of a permit shall only be released upon certification by the City Engineer that all of the rebuilding and repaving requirements of the permit have been fulfilled.

(F) Nothing in this section shall exempt any person from compliance with the requirements of Chapter 90 of this code, including but not limited to such additional cash bond as may be required by the City Forester under the terms of that chapter. (Ord. 95-4, passed 2-6-95) Penalty, see 91.99

ROAD AND BRIDGE PROJECTS

§ 91.30 PUBLIC HEARING REQUIRED.

Before the city expends state derived tax revenues on a municipal highway, road, street, or bridge it shall hold a hearing in accordance with the provisions of this subchapter to take the sense of the public with regard to the project and to priorities for use of tax moneys for road and bridge purposes. (KRS 174.100)

§ 91.31 NOTICE REQUIREMENTS.

Prior to the contemplated date of expenditure of state derived tax revenues on a road or bridge by the city, the city shall hold a public hearing for the purpose of taking the sense of the public with regard 1996 S-1 Repl.

to road and bridge matters within the city. Notice of the hearing shall be given not less than seven days nor more than 21 days before the scheduled date of the public hearing and before beginning work on any project covered by this subchapter.

(KRS 174.100(1))

§ 91.32 PUBLIC MAY TESTIFY; EFFECT OF TESTIMONY.

(A) At the hearing any person may speak with regard to any proposed project, any project which he feels should be built or done which has not been proposed, priorities for completion of projects, and any other matter related to road or bridge projects.

(B) The city shall not be bound by the testimony heard at the hearing but shall give due consideration to it.

(KRS 174.100(2),(3))

§ 91.33 HEARING TO BE HELD PRIOR TO CONSTRUCTION.

The city shall not begin construction on a road or bridge project wherein state derived tax revenues are involved until the hearing as provided herein has been held.

(KRS 174.100(4))

§ 91.34 SEPARATE HEARING FOR EACH PROJECT NOT REQUIRED.

This subchapter shall not be construed to require a separate hearing for each project. A single hearing encompassing the entire road and bridge program, provided all projects subsequently undertaken have been identified at the hearing, shall meet the requirements of this subchapter.

(KRS 174.100(5))

§ 91.35 EXEMPTIONS FROM HEARING REQUIREMENT.

(A) The provisions of this subchapter shall not apply to emergency repair or replacement of roads or

bridges necessitated by natural or man-caused disasters nor to street cleaning or snow removal operations.

(B) The provisions of this subchapter shall not apply to projects which are under construction as of the effective date of this subchapter unless construction is suspended after the effective date of this subchapter and the city desires to reactivate the project.

(KRS 174.100(6),(7))

OBSTRUCTIONS

§ 91.45 UNLOADING ON STREET OR SIDEWALK.

No person shall unload any heavy material in the streets of the city by throwing or letting the material fall upon the pavement of any street, alley, sidewalk, or other public way, without first placing some sufficient protection over the pavement.

Penalty, see § 91.99

§ 91.46 STREET AND SIDEWALK OBSTRUCTION.

No person shall obstruct any street, alley, sidewalk, or other public way within the city by erecting thereon any fence or building, or permitting any fence or building to remain thereon. Each day that any fence or building is permitted to remain upon the public way shall constitute a separate offense.

Penalty, see § 91.99

§ 91.47 MATERIALS ON STREET OR SIDEWALK.

No person shall encumber any street or sidewalk. No owner, occupant, or person having the care of any

building or lot of land, bordering on any street or sidewalk, shall permit it to be encumbered with barrels, boxes, cans, articles, or substances of any kind, so as to interfere with the free and unobstructed use thereof.

Penalty, see § 91.99

Cross-reference:

Littering on streets or sidewalks, see Ch. 94

§ 91.48 REMOVAL OF ICE AND SNOW.

It shall be the duty of the owner or of the occupant of each and every parcel of real estate in the city abutting upon any sidewalk to keep the sidewalk abutting his premises free and clear of snow and ice to the extent feasible under the prevailing weather conditions, and to remove therefrom all snow and ice, to the extent feasible under the prevailing weather conditions, a reasonable time which will ordinarily not exceed 12 hours after the abatement of any storm during which the snow and ice may have accumulated.

Penalty, see § 91.99

STATE OR FEDERAL MAINTAINED HIGHWAYS

§ 91.60 MAINTENANCE AGREEMENTS.

(A) Whenever the Commissioner of Highways of the Commonwealth of Kentucky, by authority of KRS 177.041 to 177.047 inclusive designates any streets or portions thereof, including viaducts and bridges, as connecting links of state or federal maintained highways, or necessary feeder streets thereto and thereby undertakes the future maintenance, repair, construction or reconstruction of such streets, bridges or viaducts in the manner provided by the aforesaid statutes, the Mayor is hereby expressly authorized, instructed and directed to enter into any and all constructs and agreements with the Department of Highways necessary to carry out the purposes and provisions of the statutes.

(B) Should the Department of Highways construct or reconstruct any streets in the city, such work shall be done by the Department as the agent of the city, as set out in KRS 177.044(3).
(Ord. 55-3, passed 4-5-55)

TARGETED RESIDENTIAL PICKETING

§ 91.65 DEFINITIONS.

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

DWELLING. Any structure or building within the city that is primarily used as a residence.

PICKETING. The practice of sitting, standing, marching, or patrolling by one or more persons in front of or around any dwelling to persuade an occupant of such dwelling or to protest some action, attitude, or belief of an occupant of such dwelling.

RESIDENTIAL ZONE. Any portion of the city within the RE, R1 or R2 zoning districts as defined by the Louisville and Jefferson County Planning Commission and adopted by the city and such future zoning districts in which the only permitted use (not including conditional uses) is for single family dwellings.

TARGETED RESIDENTIAL PICKETING. Picketing that is directed primarily toward a single dwelling and its owner or occupants.
Ord. 97-14, passed 8-6-97)

§ 91.66 PROHIBITIONS.

(A) It shall be unlawful to engage in targeted residential picketing within the city.

(B) Unless acting pursuant to a permit issued by the city for temporary use of a public street(s) or right of way, it shall be unlawful for more than three pickets to engage in picketing within a single block (that area of a street between two cross or intersecting streets or between a cross or intersecting street and the end of the street), or 1,000 linear feet of street, whichever is the shorter distance, within any residential zone of the city.

(C) It shall be unlawful to picket on any street or county or state road, or the adjacent right of way, within any area of the city except during that period of any day which begins 30 minutes after the official sunrise for Louisville, Kentucky and ends 30 minutes prior to the officially designated sunset for Louisville, Kentucky.

(D) It shall be unlawful for anyone engaged in picketing within a residential zone of the city to use any of the following as part of their picketing activity:

(1) Sound amplification equipment;

(2) Any sign or display of a visual image, whether by electronic means or otherwise, with a total visual content of greater than ten square feet; or

(3) Signs or displays of any kind mounted on, attached to, or pulled by a motor vehicle.

(Ord. 97-14, passed 8-6-97; Am. Ord. 03-6, passed 11-10-03)

§ 91.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no penalty is otherwise provided shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$500.

(B) Any person who violates § 91.01(E) shall be guilty of a violation and shall be subject to a fine of up to \$250.

(C) Any person who violates § 91.01(F) shall be guilty of a Class A Misdemeanor and shall be punished as such. (Ord. 92-4, passed 6-22-92)

(D) Any person who violates any provision of § 91.02 shall be guilty of a Class A Misdemeanor and shall be fined not less than \$20 nor more than \$500. (Ord. 84-11, passed 7-23-84)

(E) Any person who violates § 91.21 by the destruction, disturbance, cutting, trenching, or use of construction equipment on a public right of way of the city, or easement held by the city, or upon any portion of a public street, without a valid permit issued by the city shall be deemed a Class B misdemeanor and subject to a fine of not less than \$50 nor more than \$500, or a sentence to a term of imprisonment of up to 90 days, or both. (Ord. 95-4, passed 2-6-95)

(F) (1) Any person who violates any prohibition of § 91.66, with the violation of each prohibition being a separate offense, shall, upon their first conviction, be fined not less than \$10 nor more than \$100 for each offense.

(2) Any person who continues to violate any prohibition of § 91.66, after first being cited for a violation, and who refuses to comply with or resists the enforcement of § 91.66 or the direction of a police officer to cease the activity declared by § 91.66 to be unlawful, shall be guilty of a Class B misdemeanor, and, at the discretion of the officer, may be physically arrested, or, and in accordance with Kentucky law, be issued a criminal citation/summons for the appearance of the violator in Jefferson District Court, and shall upon conviction be fined not less than \$250 nor more than \$500, or imprisoned for not more than 30 days or both.

(3) Any person who violates § 91.66 and who within the 12 months immediately preceding the date of the violation has previously been convicted or paid a fine for the violation of § 91.66, shall, if found guilty of the second offense, be fined not less than \$250 nor more than \$500 for each offense. (Ord. 97-14, passed 8-6-97)

APPENDIX: BUILDER'S CONTRACT BOND

**BUILDER'S CONTRACT BOND
TO THE
CITY OF ANCHORAGE**

Project Name: _____

Location: _____

Date: _____

The undersigned builder(s) or developer(s) of the above named project is (are) responsible for the installation, good repair and proper functioning of all improvements relating to the requirements of City of Anchorage Ordinance No. 4, Series 1995, an ordinance requiring the repair and repaving of City streets, a permit of the destruction, disturbance, cutting, or trenching of City streets as evidenced by the construction plans approved on _____ and any amendments thereto which have been approved in writing. Work to meet the requirements of the ordinance and approved plans shall begin and proceed in a manner which does not cause unreasonable harm, inconvenience or annoyance to any other property owner. This obligation shall continue until the City Engineer has granted a release in writing. The builder or developer shall abide by any time limits which the City, or any of its designated officials, may have specified in writing.

All bond forms prescribed in Ordinance No. 4, Series 1995, shall be considered "cash" bonds, except those on which an insurance company is acting as surety. All forms of surety on this bond shall be maintained at an active status until released by the City, and the evidence of such status shall be furnished to the City on demand.

Builder/Developer

State of Kentucky

County of _____

Subscribed and sworn to before me

by _____ on this _____ day of _____.

My commission expires: _____

NOTARY PUBLIC
KENTUCKY STATE AT LARGE

Repair, Repaving City Streets

CHAPTER 92: NUISANCES

Section

General Provisions

- 92.01 Declaration of nuisance
- 92.02 Acts of nuisance
- 92.03 Notice to property owner; abatement or removal order
- 92.04 Abatement by city; lien
- 92.05 City may contract for abatement
- 92.06 Summary abatement
- 92.07 Preparation and mailing of notices and bills
- 92.08 Collection and disposition of money
- 92.09 Authority to execute and release liens

Junked Vehicles

- 92.20 Definitions
- 92.21 Junked vehicles deemed public nuisance; exceptions
- 92.22 Disposal of junked vehicles
- 92.23 Enforcement by Police Officer
- 92.24 Application

Noise

- 92.35 Unnecessary noise prohibited
- 92.36 Live entertainment sound levels
- 92.99 Penalty

GENERAL PROVISIONS

§ 92.01 DECLARATION OF NUISANCE.

Any act, condition or use of premises or building by any person, group, firm or corporation within the city whereby the health or life of any person may be endangered, injured or impaired, or any disease may,

directly or indirectly, be caused by the act, condition or use of premises or building, or because of the act, condition or use of premises or building any property may be endangered, injured or damaged, or if the act, condition or use of premises or building is detrimental to the property of others or the reasonable enjoyment and use of property by others, or which causes or tends to cause substantial diminution in the value of other property in the neighborhood where the act, condition or use of premises or building occurs, is hereby declared to be a nuisance and unlawful.
(Ord. 92-07, passed 8-24-92) Penalty, see § 92.99

§ 92.02 ACTS OF NUISANCE.

Acts of nuisance shall include but are not expressly restricted to, the owner, occupant or the agent of any owner or occupant of lots, parcels or areas within the city:

(A) Permitting the premises to become unsanitary or a fire menace by allowing any offensive or unsafe matter to grow, accumulate or otherwise occupy and remain upon such premises. Such matter includes unusually high grass, noxious weeds, trash, lumber, junk, and debris. This section shall not be construed to prohibit the growing and harvesting of hay for legitimate agricultural purposes.

(B) Permitting pools of water to accumulate and remain upon the premises and become stagnant and foul.

(C) Allowing junk or disabled cars and trucks as prohibited and further defined in §§ 92.20 through 92.24, broken appliances, trash, waste and old lumber to accumulate and remain upon the premises as a possible harborage for rats, snakes and other vermin.

(D) Keeping bees or permitting bees to swarm on the property.

(E) Establishing or keeping any compost or manure pile, which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease carrying pests, animals or insects, provided the presence of earthworms in a compost pile shall not constitute a nuisance.

(Ord. 92-07, passed 8-24-92)

§ 92.03 NOTICE TO PROPERTY OWNER; ABATEMENT OR REMOVAL ORDER.

(A) Whenever the existence of any nuisance defined in this chapter exists in the city in violation hereof, the City Clerk shall give not less than ten days notice to the owner of the real property or the occupant, if any, of the premises whereupon such public nuisance exists, to abate or remove the same, stating the nature of the public nuisance on private property and that it must be removed and abated within ten days, and further that a request for hearing must be made before expiration of said ten-day period by the aggrieved person, such notice to be mailed, by certified or registered mail, with a five-day return receipt requested, or personally served by an officer of the Police Department with a return made to the City Clerk, to the owner or the occupant of the private premises whereupon such nuisance exists. If the notice is sent by mail, and the notice is returned undelivered by the United States Post Office, official action to abate said nuisance shall be continued to a date not less than ten days from the date of such return.

(B) If within ten days after service of a notice to abate the nuisance, any owner or occupant of the premises where the nuisance exists may request a public hearing before the City Council or an official of the city designated by the City Council for the purpose of conducting such hearing.

(C) The notice to remove or abate a nuisance shall further notify the recipient that if the recipient defaults in the required abatement or removal, the city may at once cause the same to be done, charge the cost and expense incurred in doing or having such work done, or improvements made, to the owner of

the property, and fix a lien if the nuisance is such that it can be abated or removed by the city.

(D) Any resolution or order requiring the removal or abatement of a nuisance shall include a description of the nuisance, and if the nuisance is a motor vehicle, the correct identification number, and license number, if available at the site of the nuisance. (Ord. 92-07, passed 8-24-92)

§ 92.04 ABATEMENT BY CITY; LIEN.

(A) In the event of the failure, refusal or neglect of the owner or occupant of any premises or property to cause such nuisance to be removed or abated in the manner and within the time provided herein, it shall be the duty of the Chief Administrative Officer to cause the nuisance defined in this chapter to be promptly and similarly abated, in a reasonable and prudent manner, at the expense of the city if the nuisance is such that it can be abated by the city. The City Clerk or their duly authorized representatives, shall compile the cost of such work done and improvements made in abating such nuisance, and shall charge the same against the owner of the premises. It is hereby provided that general overhead of administrative expense of inspection, locating the owner, issuing a notice, reinspection and ordering work done, together with all necessary incidents of same, shall require a charge of \$25 for each lot, series of two or more adjacent and contiguous lots, or tract or parcel of acreage, and such minimum charge is hereby established and declared to be an expense of such work and improvement. Notwithstanding, therefore, any tabulation of recorded cost, a minimum charge of \$25 shall be assessed against each lot so improved under the terms of this section, but such sum of \$25 is hereby expressly stated to be a minimum charge only, and shall have no application when the tabulated cost of the work done shall exceed such minimum charge.

(B) The City Clerk shall compile the cost of the work, and after charging the same against the owner of the premises, the City Clerk shall certify a statement of such expenses and shall file the same with the County Clerk, the city

shall have a lien upon the land described therein and upon which the improvements have been made, second only to tax liens and liens for street improvements, to secure the expenditure so made, and the lien shall bear interest at 12% per annum thereafter until paid. For any such expenditures, and interest, as aforesaid, suit may be instituted by the City Attorney and recovery and foreclosure had in the name of the city; and the statement so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended in any such work or improvements. Upon payment of the full charges assessed against any property, pursuant to the procedure hereinabove set forth, the City Clerk shall be authorized to execute, for and in behalf of the city, a written release approved by the City Attorney.

(Ord. 92-07, passed 8-24-92)

§ 92.05 CITY MAY CONTRACT FOR ABATEMENT.

The city, shall have the right to award any quantity of work authorized herein to a general contractor whose bid shall be accepted by the City Council as the lowest and best secured bid for the doing of the work herein mentioned during a stipulated time not to exceed one year.

(Ord. 92-07, passed 8-24-92)

§ 92.06 SUMMARY ABATEMENT.

In addition to the remedies prescribed by this chapter and cumulative thereof, if it shall be brought to the attention of the City Council, and it shall be determined that any such nuisance, or nuisances, are likely to have an immediate adverse effect upon the public health, comfort or safety, then and in that event the City Council may, by appropriate resolution or motion, order in writing that such nuisance or nuisances be abated or removed by the owner, occupant or user, at the expense of such person, firm or corporation, within 24 hours or within such reasonable time as the City Council may order. If the person, firm, or corporation fails to abate and remove the nuisance within the time specified, the city may order the nuisance summarily abated by the

city in a reasonably prudent manner in accordance with the provisions in § 92.02 of this chapter.

(Ord. 92-07, passed 8-24-92) Penalty, see § 92.99

§ 92.07 PREPARATION AND MAILING OF NOTICES AND BILLS.

All notices to abate or remove any nuisance defined under this chapter, and all statements evidencing costs to the city of abating and removing of nuisances, upon failure, refusal or neglect of the owner to abate and remove the nuisance after having been notified to do so, as well as all other clerical work incident to enforcement of the provisions of this section, shall be prepared and mailed by the City Clerk or authorized representatives to the owner of record of the property.

(Ord. 92-07, passed 8-24-92)

§ 92.08 COLLECTION AND DISPOSITION OF MONEY.

All payments of money by and collection of money, exclusive of fines, if any, from property owners for the purpose of paying the city for the expense in abating and removing nuisances as provided for in this chapter shall be deposited into the general fund of the city. Any such payment or collection so made shall be received by and receipted for by the City Clerk.

(Ord. 92-07, passed 8-24-92)

§ 92.09 AUTHORITY TO EXECUTE AND RELEASE LIENS.

The City Clerk is hereby authorized to execute liens and lien releases on behalf of the city as to any and all liens created under this chapter. In addition to the amount of the lien, the City Clerk shall collect the amount expended by the city to record the lien and the amount required for the release of the lien.

(Ord. 92-07, passed 8-24-92)

JUNKED VEHICLES**§ 92.20 DEFINITION.**

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

JUNKED VEHICLE. Any motor vehicle or vehicles as defined by KRS 186.010(4) and (8) which is inoperative and which does not have lawfully affixed thereto an unexpired license plate and which is wrecked, dismantled, partially dismantled, or discarded, or remains inoperative for a continuous period of more than 120 days.
(Ord. 92-07, passed 8-24-92)

§ 92.21 JUNKED VEHICLES DEEMED PUBLIC NUISANCE; EXCEPTIONS.

The location or presence of any junked vehicle or vehicles on any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the city shall be deemed a public nuisance and it shall be unlawful for any person, firm, or corporation to cause or maintain such public nuisance by wrecking, dismantling, rendering inoperable, abandoning or discarding a vehicle on the property of another or to suffer, permit or allow the same to be placed, located, maintained or exist upon his or their own real property; provided that his subsection shall not apply to a vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or unlicensed inoperable vehicles stored on private property provided, however, that the vehicles and outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery, or other appropriate means, and the storage of which does not otherwise violate applicable zoning regulations.
(Ord. 92-07, passed 8-24-92) Penalty, see § 92.99

§ 92.22 DISPOSAL OF JUNKED VEHICLES.

If such public nuisance is not abated by the owner or occupant after notice is given in accordance with this chapter, official action shall be taken by the city to abate such nuisance. Junked vehicles or parts thereof may be stored and disposed of by the city in compliance with KRS 376.275.
(Ord. 92-07, passed 8-24-92)

§ 92.23 ENFORCEMENT BY POLICE OFFICER.

Any officer of the Police Department may enter upon private property for the purposes specified in this chapter to examine vehicles or parts thereof, obtain information as to the identity of the vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter.
(Ord. 92-07, passed 8-24-92)

§ 92.24 APPLICATION.

Nothing in this subchapter shall affect the provisions of this code and any other ordinance of the city that permit immediate removal of a vehicle left on public property which constitutes an obstruction to traffic or violates any other regulation of the city.
(Ord. 92-07, passed 8-24-92)

NOISE**§ 92.35 UNNECESSARY NOISE PROHIBITED.**

It shall be unlawful for any person within the city to make, continue or cause to be made or continued, any loud, unnecessary or unusual noise which either annoys, injures or endangers the comfort, repose, health or safety of others, unless the making and continuing of the same be necessary for the protection or preservation of property or the health, safety, life or limb of said person or others.
(Ord. 63-5, passed 9-12-63)

§ 92.36 LIVE ENTERTAINMENT SOUND LEVELS.

(A) No person shall perform, participate in, or permit any entertainment within the city's C-N Neighborhood Commercial Zone, whether indoor or outdoor, that produces a sound intensity level, as measured at a height of four feet about the ground, that exceeds the lesser of:

(1) Seventy-five decibels as measured at any point at least 25 horizontal feet from any source of the sound associated with the entertainment;

(2) Sixty-five decibels as measured at any point on any lot of a residential zone of the city upon which there is an existing residence.

(B) Violation of this section shall be deemed to be the making of an unreasonable noise and punishable as a Class B misdemeanor, or as in cases of disorderly conduct under KRS 525.060.

(Ord. 3-2010, passed 4-19-10)

§ 92.99 PENALTY.

(A) Any person, firm or corporation violating any provision of this chapter for which no other penalty is set forth shall be guilty of a misdemeanor and shall be fined not less than \$10 nor more than \$250 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 92-07, passed 8-24-92)

(B) Any person who violates any of the provisions of § 92.35 shall be guilty of a misdemeanor and shall be fined not less than \$10 nor more than \$500 for each offense.

CHAPTER 93: FIRE PREVENTION

Section

- 93.01 Storage of flammables and other matter

Burning of Structures; Use in Fire Training

- 93.10 Definition
93.11 Burning prohibited
93.12 Application to burn
93.13 Notice of application; approval
93.14 Duration of approval of application
93.15 Joint training not prohibited

Blasting

- 93.25 Activities regulated
93.26 Conformance with state regulations
93.27 Blasting permit
93.28 Explosives permit

93.99 Penalty

§ 93.01 STORAGE OF FLAMMABLES AND OTHER MATTER.

(A) All flammable or combustible materials shall be arranged and stored in a manner which affords reasonable safety against the danger of fire.

(B) Waste paper, ashes, oil rags, waste rags, excelsior, or any material of a similar hazardous nature shall not be accumulated in any cellar or any other portion of any building of any kind. Proper fireproof receptacles shall be provided for such hazardous materials.

(C) No matter shall be stored or arranged in a manner which impedes or prevents access to or exit from any premises in case of fire.
Penalty, see § 93.99

BURNING OF STRUCTURES; USE IN FIRE TRAINING

§ 93.10 DEFINITION.

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

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a location on the ground, including without limitation buildings.
(Ord. 94-9, passed 7-11-94)

§ 93.11 BURNING PROHIBITED.

No structure within the city shall be intentionally burned, in lieu of demolition, or otherwise, nor used in conjunction with any fire department training wherein smoke or other pollutants will be released into the atmosphere, nor used in connection with other forms of training by a fire department that will require fire apparatus to be used or parked off of existing roads and driveways, except upon joint application of the owner of the real property and the Anchorage Fire Protection District to the city, as approved by the City Administrator, or in his or her absence, the City Engineer or Zoning Officer.
(Ord. 94-9, passed 7-11-94) Penalty, see § 93.99

§ 93.12 APPLICATION TO BURN.

An application for the burning of a structure, for the use of a structure for smoke training, or for other fire department training requiring the off road or off driveway use or parking of fire apparatus shall be approved only upon the certification by the Chief of

the Anchorage Fire Protection District, or his or her designee, that:

(A) The structure is suitable for training purposes, that it is needed by the Fire Protection District for training, and will be made available to the Fire Protection District for training for a minimum of 30 days;

(B) There is adequate water supply in the area for the protection of surrounding property and that the training to be conducted in regard to the structure meets all guidelines of the National Fire Protection Association for training fires and other purposes;

(C) The Fire Protection District or the owner of the real property has filed a tree preservation plan with the Anchorage Forestry Department and received that Department's approval for the training activities to be conducted, including but not limited to the burning of the structure and/or the use and placement of trucks and other equipment on the property;

(D) The Fire Protection District has thoroughly inspected the property to be burned or used and that it does not contain asbestos that could be released into the atmosphere nor does it contain any other substance deemed by the Environmental Protection Agency to be hazardous if released into the atmosphere;

(E) The burning of the structure will be conducted in such a manner that heat dissipation therefrom will not adversely affect people, animals, structures, or plant life on any adjoining property;

(F) A notice of the Fire Protection District's application to the city for permission to burn or use the structure for other training was sent to the owners of all adjoining property on the date of or prior to the date of the application; and,

(G) If the structure is located within the Historic Preservation District, and the training will destroy or in any way affect the exterior appearance of the structure, that an appropriate permit has been issued by the Historic Preservation Commission.
(Ord. 94-9, passed 7-11-94)

§ 93.13 NOTICE OF APPLICATION; APPROVAL.

Notice of the approval of any application made under this subchapter shall appear on the agenda of the next regular meeting of the City Council following the date of the approval. The approval shall be effective on the day following the meeting of the City Council at which notice of the approval is on the agenda unless the Council shall act by the majority of those Council members present voting to void the approval. Should the Council vote to void the approval, the City Clerk or City Administrator shall immediately notify the chief or any officer of the Fire Protection District, both orally and in writing, of the Council's action.
(Ord. 94-9, passed 7-11-94)

§ 93.14 DURATION OF APPROVAL OF APPLICATION.

The approval shall be valid for a minimum of 30 days and a maximum of 60 days from the effective date of approval.
(Ord. 94-9, passed 7-11-94)

§ 93.15 JOINT TRAINING NOT PROHIBITED.

Nothing in this subchapter shall be construed to prohibit joint training exercises by the Anchorage Fire Protection District and other fire protection districts or fire departments within the city of Anchorage.
(Ord. 94-9, passed 7-11-94)

BLASTING

§ 93.25 ACTIVITIES REGULATED.

(A) This chapter shall apply to the possession, storage, sale, transportation, and use of explosives and blasting agents.

(B) This chapter shall not apply to:

(1) Explosives or blasting agents while in

the course of transportation via railroad, water, highway, or air when the explosives and blasting agents in the normal and emergency operation of State or Federal agency are moving under the jurisdiction of, and in conformity with, regulations adopted by any federal or state department or agency;

(2) The transportation and use of explosives or blasting agents in the normal and emergency operation of state or federal agencies nor to municipal fire and police departments, providing they are acting in their official capacity and in the proper performance of their duties;

(3) Small arms ammunition and components thereof, which are subject to the Gun Control Act of 1968 (18 U.S.C. 44) and regulations promulgated thereunder;

(4) Blasting standards KRS 351.320, 351.330, and 351.340 and Regulations 805 KAR 4:010 through 4:060; and

(5) Explosives or blasting agents being used on the site of federal or state projects.
(Ord. 94-4, passed 1-7-94)

§ 93.26 CONFORMANCE WITH STATE REGULATIONS.

All activities within the scope of this chapter shall conform to the regulations of the Kentucky Department of Mines and Minerals, 805 KAR 4:010 through 805 KAR 4:165, as said regulations now exist, or may hereinafter be amended.
(Ord. 94-4, passed 1-7-94) Penalty, see § 93.99

§ 93.27 BLASTING PERMIT.

(A) *Required.* No person or corporation shall conduct a blasting operation within the city without first obtaining a permit from the City Engineer, or his or her designee.

(B) *Fee.* The fee for a blasting permit or permit renewal shall be \$100.

(C) *Explosives over five pounds.* No person or corporation shall be issued a permit to blast on private property with more than five pounds of explosives unless the person in charge of the blasting holds a valid Kentucky Blaster License.

(D) *Location.* The blasting permit shall specify the location of the blasting to be permitted.

(E) *Renewal.* In the event that a project is not completed, blasting permits must be renewed annually upon the applicant's payment of the renewal fee.

(F) *Issuance of permit; public property.* A permit allowing blasting shall be issued upon application but, on public property, shall not become valid until seven days after its issuance.

(G) *Unanticipated blasting.* If unanticipated blasting is required, the permit may become valid as soon as the City Engineer notifies all required agencies.

(H) *City contracts.* On any contract issued by the city, blasting permits shall be issued by the city Engineer unless otherwise specified in said contract.

(I) *False statements.* False statements, made for the purpose of obtaining a permit, shall render the permit null and void from the time of issue.

(J) *Distribution of permit copies.* Copies of the blasting permit shall be distributed by the City Engineer to the city Police Department, the city or Middletown Fire Departments (depending upon the fire district in which the blasting site is located and to both fire departments if within 500 feet of a fire district boundary), the Louisville Water Company, Louisville Gas & Electric, and to each residence located within 1,000 feet of the specific site for which the permit is issued.
(Ord. 94-4, passed 1-7-94)

§ 93.28 EXPLOSIVES PERMIT.

No person or corporation shall operate a business within the city where explosives are maintained, whether for sale, or otherwise, without first obtaining

a permit from the City Engineer. The fee for this permit shall be \$100.

(Ord. 94-4, passed 1-7-94) Penalty, see § 93.99

§ 93.99 PENALTY.

(A) Any person who violates §§ 93.10 through 93.15 shall be guilty of a Class A misdemeanor and shall be fined up to \$500, or imprisoned for a term not to exceed 12 months, or both. (Ord. 94-9, passed 7-11-94)

(B) Any person who violates §§ 93.25 through 93.28 shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500, and/or imprisoned for a term not to exceed 30 days. (Ord. 94-4, passed 1-7-94)

(C) Any person who violates any other provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500.

(Next page is page 43)

CHAPTER 94: LITTERING

Section

- 94.01 Throwing litter from vehicle
- 94.02 Tracking foreign matter on streets
- 94.03 (Reserved)
- 94.04 Sweeping litter into gutters
- 94.05 Litter on private property

- 94.99 Penalty

§ 94.01 THROWING LITTER FROM VEHICLE.

No person while a driver or passenger in a vehicle shall throw or deposit litter upon any street or other public place within the city or upon private property.

Penalty, see § 94.99

§ 94.02 TRACKING FOREIGN MATTER ON STREETS.

No person shall drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit upon any street, alley, or other public place, mud, dirt, sticky substances, litter, or foreign matter of any kind.

Penalty, see § 94.99

§ 94.03 (RESERVED).

§ 94.04 SWEEPING LITTER INTO GUTTERS.

No person shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

Penalty, see § 94.99

§ 94.05 LITTER ON PRIVATE PROPERTY.

(A) No person shall throw or deposit litter on any occupied private property within the city, whether owned by that person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon streets, sidewalks, or other public places, or upon any private property.

(B) No person shall throw or deposit litter on any open or vacant private property within the city whether owned by that person or not.

Penalty, see § 94.99

§ 94.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500. Each day the violation is committed or permitted to continue shall constitute a separate offense.

CHAPTER 95: BURGLAR ALARMS

Section

- 95.01 Special surveillance by Police Department
- 95.02 Registration of alarms; service charge
- 95.03 Silencing of alarms upon request of Police Department

- 95.99 Penalty

(C) Failure to register an alarm or the failure to provide the name of an alarm service company capable of silencing a malfunctioning or false alarm will result in a fine as provided in § 95.99 not to exceed \$250 per day of violation.

(Ord. 81-3, passed 2-16-81; Am. Ord. 1, passed 7-25-88) Penalty, see § 95.99

§ 95.01 SPECIAL SURVEILLANCE BY POLICE DEPARTMENT.

The Police Department is hereby authorized to make special surveillance of any residence in the city upon the request of the owner and to charge for such special surveillance a fee of \$1 for each 24-hour period of special surveillance.

(Ord. 72-5, passed 12-18-72)

Cross-reference:

Police Department, see §§ 36.01 - 36.04

§ 95.02 REGISTRATION OF ALARMS; SERVICE CHARGE.

(A) All burglar alarms installed within the city shall be registered with the Police Department. The registration shall include, but not be limited to, the supplying of the name of an alarm service company capable of silencing a malfunctioning or false alarm located in the registrant's structure.

(B) A service charge of \$5 per month shall be charged by the Police Department to cover the service of monitoring the false alarms or, in the alternative, a charge of \$25 shall be imposed for each malfunction or false alarm where it becomes necessary for the police to make the emergency run.

§ 95.03 SILENCING OF ALARMS UPON REQUEST OF POLICE DEPARTMENT.

Any person (including corporations and other business entities) who is contractually obligated to provide service for a burglar or fire alarm system installed within the city must upon the request of the Police Department have the capability of silencing the alarm within three hours of a telephone request from the Police Department to provide such service. Failure of any person to timely provide the service when requested by the Police Department will result in a fine as provided in § 95.99 not to exceed \$250 per day of violation. A failure to respond as the result of an act of God, natural disaster, or other emergency circumstances shall not constitute a violation of this chapter.

(Ord. 1, passed 7-25-88)

§ 95.99 PENALTY.

(A) Any person who fails to register a burglar alarm or fails to provide the name of an alarm service company capable of silencing a malfunctioning or false alarm as provided in § 95.02 shall be guilty of a violation and shall be subject to a fine not to exceed \$250 per day of violation.

(B) Any person who fails to timely provide the service when requested by the City Police Department shall be guilty of a violation and shall be and shall be

subject to a fine not to exceed \$250 per day of violation.

(Ord. 81-3, passed 2-16-81; Am. Ord. 1, passed 7-25-88)

CHAPTER 96: PARKS AND RECREATION

Section

§ 96.99 PENALTY.

96.01 Use of Hobbs Memorial Chapel Park

Any person who violates any provision of this chapter shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500.

96.99 Penalty

§ 96.01 USE OF HOBBS MEMORIAL CHAPEL PARK.

(A) The use of the city park grounds on Osage Road known as Hobbs Memorial Chapel by any person or group of persons is hereafter prohibited between the hours of 8:00 p.m. and 8:00 a.m., unless such user or users shall have previously obtained from the Police Chief a written permit for such use, in accordance with the provisions of division (B) of this section, in which event such use shall be strictly in accordance with the terms and conditions of such permit and not otherwise.

(B) Any person or group of persons desiring to use the park between the hours of 8:00 p.m. and 8:00 a.m. may file with the Police Chief a written application for permit, containing such detailed information regarding the period of time and the manner of such proposed use and a specification of the person or group of persons desiring such permit, and if the Police Chief is satisfied from the information contained in such application that such proposed use will not unduly disturb the immediate neighborhood or unduly create policing problems, he is authorized to issue the permit, limited to one period of time not exceeding 13 hours, to be specified in the permit.
(Ord. 63-4, passed 7-11-63) Penalty, see § 96.99

CHAPTER 97: HELICOPTER LANDING SITE

Section

97.01	Defined terms
97.02	Landing and takeoff
97.03	Transportation
97.04	Application
97.05	Operations
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OPERATION. One landing and takeoff of a helicopter. For example, a landing on one calendar day and take off on another calendar day shall be considered a single operation.

CALENDAR YEAR. That 12-month period beginning on the date of the permit and on each anniversary date of the permit thereafter.
(Ord. 3-2017, passed 5-8-17)

§ 97.02 LANDING AND TAKEOFF.

Except for helicopters exempt from this chapter under § 97.14 , or in case of emergency, no helicopter shall land or takeoff at any place within the city other than a helicopter landing site.
(Ord. 3-2017, passed 5-8-17)

§ 97.01 DEFINED TERMS.

As used in this chapter, the following words and terms are defined as follows:

HELICOPTER LANDING SITE. A ground-level hard surface pad the length, width, or diameter of which is in compliance with Section 207(b) of Federal Aviation Administration Advisory Circular 150/5390-2C; which, at the time of construction of the pad, is located no closer than 1,000 feet to any residential structure within the city, or closer than 500 feet to any other structure (other than structures located on land owned or controlled by the owner ("Owner") of the Helicopter Landing Site) in which people or animals might reasonably be expected to be present; the landing and takeoff paths to and from which shall be clear of obstructions extending outward and upward at an angle of eight feet horizontally to one foot vertically; which meets all applicable regulations of the Federal Aviation Administration; and which has been approved for use as a helicopter landing site by the City Council.

§ 97.03 TRANSPORTATION.

A helicopter landing site may only be used for the personal transportation of residents of the city, or guests of residents of the city, and shall not be used for any commercial purpose.
(Ord. 3-2017, passed 5-8-17)

§ 97.04 APPLICATION.

Any resident of the city who proposes to establish a helicopter landing site on land owned or controlled by them, shall make application to the City Clerk, together with a \$100 application fee, for approval of the site. The application shall be presented to the City Council which shall act on the application by resolution after receiving the advice of the Chief of the Anchorage Fire Protection District, the Chief of the Anchorage Police Department, and the City

Engineer regarding compliance of the proposed helicopter landing site with the provisions of this chapter and any other factor any of them deems important to protecting the environment of the city and the safety of the users of the helicopter landing site and of any residents of the city within a 2,000-foot radius of the site. Upon approval of the site by the City Council, the City Clerk shall issue a permit to the applicant for the helicopter landing site. The permit shall be valid for a period of two years at which time the permit must be renewed by application to the City Clerk and payment of a \$100 application fee. The officials charged with the review of an initial application shall review such renewal application only as to any changes of the helicopter landing site and the area of the city within a 1,000-foot radius of the helicopter landing site.

(Ord. 3-2017, passed 5-8-17)

§ 97.05 OPERATIONS.

During any phase of an operation at the helicopter landing site, no helicopter shall be flown at an altitude less than 500 feet above ground level over the city except over land where the owner or operator of the helicopter has obtained written flyover permission from the owner of the land below the path of the helicopter. This section shall apply only to operations at the helicopter landing site and shall not be deemed to in any way preempt the authority of the Federal Aviation Administration regarding the altitude of helicopters during ordinary transit over the city.

(Ord. 3-2017, passed 5-8-17)

§ 97.06 WEIGHT.

Any helicopter that uses the helicopter landing site shall not exceed 10,000 pounds maximum gross takeoff weight, as certified by the Federal Aviation Administration, and shall be certified as compliant with the Stage 2 noise requirements of the Federal Aviation Administration. The pilot of any helicopter using the helicopter landing site shall use appropriate noise abatement procedures as have been approved by the manufacturer of the helicopter or the Federal Aviation Administration including without limitation minimization of rotor blade flap.

(Ord. 3-2017, passed 5-8-17)

§ 97.07 HOURS OF OPERATION.

Operations shall not be conducted at a helicopter landing site prior to 9:00 a.m. or after the later of 7:00 p.m., or 30 minutes after local sunset and in no instance after 9:00 p.m., or when the ceiling reported by the Federal Aviation Administration weather reporting station for Bowman Field is less than 800 feet or the visibility is less than three nautical miles.

(Ord. 3-2017, passed 5-8-17)

§ 97.08 TRANSPORTATION.

Should the owner of a helicopter landing site equip the site with any form of lighting it shall, to the maximum extent possible, be shielded so that it does not spread horizontally more than 50 feet beyond the hard surface pad of the helicopter landing site, and beyond that distance is visible only from above at an angle of one foot vertically to eight feet horizontally as measured from any edge of the pad. Such lighting shall not be illuminated except for a period not to exceed five minutes prior to a landing or five minutes after a takeoff at the helicopter landing site.

(Ord. 3-2017, passed 5-8-17)

§ 97.09 INTENDED USE.

At least 30 minutes prior to the estimated time of landing or takeoff from a helicopter landing site, the Owner, operator, or pilot of the helicopter shall notify the dispatcher at the Anchorage Police Department of the intended use of the site and the approximate time of the anticipated landing or takeoff.

(Ord. 3-2017, passed 5-8-17)

§ 97.10 FUEL.

No fuel shall be stored at a helicopter landing site and no fueling shall be performed at a helicopter landing site except in case of emergency.

(Ord. 3-2017, passed 5-8-17)

§ 97.11 ADDITIONAL OPERATIONS.

A helicopter landing site, being incidental to the use of residential property and not its primary purpose, shall not be used for operations more than four times in any calendar week and no more than 86 times in any calendar year. Upon request by the owner for an additional operation in any calendar week, made not less than 24 hours prior to the additional operation, the Mayor, or his or her designee is authorized to approve one additional operation in a week, not to exceed three such additional operations in any calendar year. One time in any calendar year, upon application of the owner, the Mayor, or his or her designee, may authorize a maximum of six additional operations in a single calendar week (up to a total ten operations in that week). Application for more than one additional operation in a week shall be made at least five days in advance of the week for which the approval is sought. Granting of any application for approval of more than four operations per week shall be in the sole discretion of the Mayor, which approval shall not be unreasonably withheld. The approval by the Mayor of additional operations in any calendar week shall not increase the maximum number of operations permitted in a calendar year. Should the owner request additional operations under the exceptions provided herein, and the owner not use the approved additional operations, the owner shall retain the right to make a subsequent request.

(Ord. 3-2017, passed 5-8-17)

§ 97.12 QUARTERLY REPORT.

The owner of a helicopter landing site shall provide a quarterly written report to the City Clerk within four weeks of the end of each calendar quarter on the use of the helicopter landing site during the preceding calendar quarter. The report shall specify the date and time of each landing and takeoff of a helicopter using the helicopter landing site and the FAA registration number of the helicopter. Upon request of the City Clerk, the owner of the helicopter landing site shall provide to the Clerk copies of logs maintained for any helicopter conducting operations at the helicopter landing site and copies of the logs maintained by pilots of those helicopters.

(Ord. 3-2017, passed 5-8-17)

§ 97.13 PERMIT.

A permit issued pursuant to this chapter, upon agreement of the applicant, may contain additional restrictions on the use of the helicopter landing site, including, without limitation, the direction, expressed as compass headings, from which landings and takeoffs will be made.

(Ord. 3-2017, passed 5-8-17)

§ 97.14 WHERE ORDINANCE DOES NOT APPLY.

This chapter shall not apply to a helicopter owned, registered, or leased to any federal, state or local government, or operated by any hospital or recognized air ambulance service, or to any helicopter making an emergency landing as determined in the sole discretion of the pilot of the helicopter.

(Ord. 3-2017, passed 5-8-17)

§ 97.15 AIR SPACE RIGHTS.

Nothing in this chapter shall be deemed to abridge the air space rights of the owner of any land within the city.

(Ord. 3-2017, passed 5-8-17)

§ 97.16 FEDERAL AVIATION ADMINISTRATION.

Nothing in this chapter shall be deemed a preemption of any authority of the Federal Aviation Administration over the operations of helicopters and to the extent any provision of this chapter shall conflict with the regulations of the Federal Aviation Administration, such regulations shall control.

(Ord. 3-2017, passed 5-8-17)

§ 97.17 VIOLATIONS.

A violation of any provision of this chapter shall subject the permit holder to a civil penalty of \$500 per violation for each of the first three violations, \$3,000 for a fourth violation, and \$5,000 for a fifth violation in any calendar year, and upon commission of a fifth

violation commencement of proceeding to revoke the permit for the helicopter landing site for a period of six months. The city shall provide written notice to the permit holder following the fourth violation in any calendar year that any further violation during the year will result in proceedings by the city to revoke the permit. Following the occurrence of a fifth violation in a calendar year, the Council shall set a hearing on revocation of the permit for the helicopter landing site. The holder of the permit shall have at least 20 days' notice of the hearing by certified mail, or hand-delivery, to the holder of the permit at the address specified on the permit. The holder of the permit shall be entitled to present evidence at the hearing regarding the alleged violations on which the revocation action is based and any extenuating circumstances involving the violation. The Council shall issue its findings promptly following such hearing. At the end of the six-month period of revocation, the holder of the permit may reapply for a permit, under the same terms and fees as a renewal application. The city may additionally enforce the provisions of this chapter by seeking injunctive relief in the Jefferson Circuit Court.
(Ord. 3-2017, passed 5-8-17)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. (RESERVED)

111. PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS

112. ALCOHOLIC BEVERAGES

113. INSURANCE COMPANIES

114. (RESERVED)

CHAPTER 110: (RESERVED)

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CHAPTER 111: PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS

Section

- 111.01 Definitions
- 111.02 License requirement
- 111.03 Application procedure
- 111.04 Standards for issuance
- 111.05 Revocation procedure
- 111.06 Standards for revocation
- 111.07 Appeal procedure
- 111.08 Exhibition of identification
- 111.09 No solicitation list
- 111.10 Prohibitions
- 111.11 Exemptions

- 111.99 Penalty

§ 111.01 DEFINITIONS.

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

BUSINESS. The business carried on by any person who is an itinerant merchant, peddler, or solicitor as defined in this section.

CHARITABLE ORGANIZATION. Any organization as defined by KRS 367.650(2).

GOODS. Merchandise of any description whatsoever, and includes, but is not restricted to, wares, foodstuffs, and subscriptions, and services if any goods are furnished by the person who offers the service.

ITINERANT MERCHANT. Any person, whether as owner, agent, or consignee, who engages in a temporary business of selling goods within the city and who, in the furtherance of such business,

uses any building, structure, vehicle, or any place within the city. The term does not include any person selling agricultural products grown by such person or by any person who is an immediate family member of the person selling the agricultural products; or any person selling goods at a sale conducted by a charitable organization and which sale is conducted by that charitable organization on no more than one day per calendar year.

NO SOLICITATION PROPERTY. Any real property within the city which has been either:

(1) Posted with signs with the words “No Solicitors,” or “No Trespassing,” or any words of similar import thereon; or

(2) Registered by an owner or occupant with the City Clerk as property to which uninvited peddlers and solicitors are prohibited.

PEDDLER.

(1) Any person who travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or

(2) Any person who, without traveling from place to place, sells or offers goods for sale from any public place within the city.

A person who is a peddler is not an itinerant merchant.

SOLICITOR. Any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a solicitor is not a peddler. (Am. Ord. 06-6, passed 6-12-06)

§ 111.02 LICENSE REQUIREMENT.

(A) Any person who is an itinerant merchant, peddler, or solicitor shall obtain a license before engaging in such activity within the city.

(B) The fee for the license required by this chapter shall be as set from time to time by the legislative body.

(C) No license issued under this chapter shall be transferable.

(D) All licenses issued under this chapter shall expire 90 days after the date of issuance thereof. Penalty, see § 111.99

§ 111.03 APPLICATION PROCEDURE.

(A) All applicants for licenses required by this chapter shall file an application with the City Clerk. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. The applicant may be requested to provide information concerning the following items:

(1) The name and address of the applicant;

(2) (a) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the city;

(b) The local address of such individual;

(c) The permanent address of such individual;

(d) The capacity in which such individual will act;

(3) The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation;

(4) The time period or periods during which it is proposed to carry on applicant's business;

(5) (a) The nature, character, and quality of the goods or services to be offered for sale or delivered;

(b) If goods, their invoice value and whether they are to be sold by sample as well as from stock;

(c) If goods, where and by whom such goods are manufactured or grown, and where such goods are at the time of application;

(6) The nature of the advertising proposed to be done for the business;

(7) Whether or not the applicant, or the individual identified in division (A)(2)(a) above, or the person identified division (A)(3) has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(B) Applicants for peddler or solicitor licenses may be required to provide further information concerning the following items, in addition to that requested under division (A) above:

(1) A description of the applicant;

(2) A description of any vehicle proposed to be used in the business, including its registration number, if any.

(C) All applicants for licenses required by this chapter shall attach to their application the following:

(1) If required by the city, copies of all printed advertising proposed to be used in connection with the applicant's business;

(2) If required by the city, credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to any

attachments required under division (C), a statement from a licensed physician, dated not more than ten days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.

Penalty, see § 111.99

§ 111.04 STANDARDS FOR ISSUANCE.

(A) Upon receipt of an application, an investigation of the applicant's business reputation and moral character shall be made.

(B) The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare. In particular, tangible evidence that the applicant:

- (1) Has been convicted of a crime of moral turpitude;
- (2) Has made willful misstatements in the application;
- (3) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors and the like;
- (4) Has committed prior fraudulent acts;
- (5) Has a record of continual breaches of solicited contracts; or
- (6) Has an unsatisfactory moral character will constitute valid reasons for disapproval of an application.

§ 111.05 REVOCATION PROCEDURE.

Any license or permit granted under this chapter may be revoked by the City Clerk after notice and hearing, pursuant to the standards in § 111.06. Notice of hearing for revocation shall be given in

writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the licensee at his last known address, at least ten days prior to the date set for the hearing.

§ 111.06 STANDARDS FOR REVOCATION.

A license granted under this chapter may be revoked for any of the following reasons:

- (A) Any fraud or misrepresentation contained in the license application; or
- (B) Any fraud, misrepresentation, or false statement made in connection with the business being conducted under the license; or
- (C) Any violation of this chapter; or
- (D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or
- (E) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals, or general welfare of the public.

§ 111.07 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision under §§ 111.04 or 111.06 shall have the right to appeal to the legislative body. The appeal shall be taken by filing with the legislative body, within 14 days after notice of the decision has been mailed to such person's last known address, a written statement setting forth the grounds for appeal. The legislative body shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner as provided in § 111.05.

(B) The order of the legislative body after the hearing shall be final.

§ 111.08 EXHIBITION OF IDENTIFICATION.

(A) Any license issued to an itinerant merchant under this chapter shall be posted conspicuously in or at the place named therein. In the event more than one place within the city shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The City Clerk shall issue a license to each peddler or solicitor licensed under this chapter. The license shall contain the words "Licensed Peddler" or "Licensed Solicitor," the expiration date of the license, and the number of the license. The license shall be kept with the licensee during such time as he is engaged in the business licensed.

Penalty, see § 111.99

§ 111.09 NO SOLICITATION LIST.

(A) The City Clerk shall maintain by street, street number, and, if applicable, unit number, of any residence within the city for which the resident or occupant has notified the City Clerk by oral, electronic, or written communication that the resident or occupant wishes their residence to be a no solicitation property.

(B) Any residence for which the City Clerk has received notification as provided in division (A) shall remain on the no solicitation property list until the earlier of the time that the resident or occupant notifies the City Clerk otherwise, or the City Clerk is notified that the resident or occupant no longer resides on the property.

(C) The City Clerk shall provide a dated copy of the no solicitation property list to any peddler or solicitor for whom a license is issued under this chapter. Any peddler or solicitor may rely upon the copy of the no solicitation property list received from the City Clerk for 30 days from the date on which they receive a copy of the list.

(D) Any peddler or solicitor doing business in the city must have in their possession at all times a copy of the no solicitation property list received from the City Clerk within the 30 days prior to the date on which the peddler or solicitor is doing business within the city.

(Ord. 06-6, passed 6-12-06)

§ 111.10 PROHIBITIONS.

(A) No person granted a license under this chapter shall engage in any business at or enter the real property of any residence that is a no solicitation property.

(B) No peddler or solicitor shall engage in any business within the city prior to 9:00 a.m., or after the earlier of 8:00 p.m. or 30 minutes prior to the time of official sunset for Louisville, Kentucky, on the day in question.

(Ord. 06-6, passed 6-12-06)

§ 111.11 EXEMPTIONS.

Any person who acts as a peddler or solicitor for a charitable organization and who is not paid for their services, and who remits all proceeds from any sale of goods to be used for the purposes of the charitable organization, shall be exempt from the provisions of this chapter.

(Ord. 06-6, passed 6-12-06)

§ 111.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500, or subject to a term of imprisonment not to exceed 12 months, or both. Each day's violation shall constitute a separate offense.

(Am. Ord. 06-6, passed 6-12-06)

CHAPTER 112: ALCOHOLIC BEVERAGES

Section

Sale of Alcoholic Beverages

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- 112.01 Definitions
- 112.02 Adoption of Alcoholic Beverage Control Law
- 112.03 Alcoholic Beverage Control Administrator; establishment

Licenses

- 112.15 (Reserved)
- 112.16 (Reserved)
- 112.17 License for sale of distilled spirits nontransferable
- 112.18 (Reserved)
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- 112.20 Transfer of unexpired term of retail malt beverage license
- 112.21 Payment of license tax by applicant required
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- 112.23 Conditions for grant of license
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- 112.26 Disposition of funds
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- 112.45 Dispensing of alcoholic beverages from private residences prohibited
- 112.46 Prima facie evidence of illegal sale of distilled spirits
- 112.47 Special Sunday retail drink license
- 112.48 Hours of operation restricted; special hours license
- 112.49 Compliance required
- 112.99 Penalty

GENERAL PROVISIONS

§ 112.01 DEFINITIONS.

Words, phrases or terms not specifically defined herein, whenever used in this chapter, unless the context requires otherwise, shall have the same meaning as set out in KRS 241.010. (Ord. 87-10, passed 6-23-87; Am. Ord. 5-2014, passed 6-12-14)

§ 112.02 ADOPTION OF ALCOHOLIC BEVERAGE CONTROL LAW.

The provisions of the Alcohol Beverage Control law (KRS Chapter 243) are adopted as far as applicable as a portion of this chapter except as otherwise lawfully provided. (Ord. 87-10, passed 6-23-87)

§ 112.03 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR; ESTABLISHMENT.

The Office of Alcoholic Beverage Control Administrator shall be established to carry out the following functions:

(A) To issue city licenses and regulations as the State Alcoholic Beverage Control Board mandates. (KRS 241.190)

(B) To collect license fees as authorized by the City Council pursuant to KRS 243.030, 243.040 and 243.070.

(C) To administer the regulatory license fee upon the gross receipts to every establishment selling alcoholic beverages established by the legislative body of the city.
(Ord. 84-2, passed 5-29-84)

LICENSES**§ 112.15 (RESERVED)****§ 112.16 (RESERVED)****§ 112.17 LICENSE FOR SALE OF DISTILLED SPIRITS NONTRANSFERABLE.**

No license to sell distilled spirits under this chapter shall be transferable either as to licensee or location except as provided in KRS Chapter 243 and not then until a payment of \$1 shall be made by the applicant to the city as a fee for the transfer.
(Ord. 87-10, passed 6-23-87) Penalty, see § 112.99

§ 112.18 (RESERVED)**§ 112.19 (RESERVED)****§ 112.20 TRANSFER OF UNEXPIRED TERM OF RETAIL MALT BEVERAGE LICENSE.**

The unexpired term of any of the license of any retail dealer in malt beverages may be transferred with the assent and permission of the City Council, which permission shall be endorsed upon the license by the Mayor. A payment of 5% of the original cost of the license shall be made by the applicant to the city plus a \$1 permit fee as a fee for the transfer.
(Ord. 87-10, passed 6-23-87)

§ 112.21 PAYMENT OF LICENSE TAX BY APPLICANT REQUIRED.

The license tax for every license issued under this chapter shall be payable by the person making such application for the license and to whom the license is issued, and no other person, firm, or corporation shall pay for any license issued under this chapter. In addition to all other penalties provided in this chapter, a violation of this section shall authorize and require the revocation of the license, the tax of which was paid by another, and also the revocation of the license, if any, of the person, firm, or corporation paying for the license of another.
(Ord. 87-10, passed 6-23-87)

§ 112.22 ORDER OF COURT; APPROVAL OF CITY COUNCIL REQUIRED FOR ISSUANCE OF LICENSE.

No assignment of any license issued under this chapter shall be made except by order of any Court of competent jurisdiction and with the approval of the City Council.
(Ord. 87-10, passed 6-23-87) Penalty, see § 112.99

§ 112.23 CONDITIONS FOR GRANT OF LICENSE.

All licenses granted under this chapter shall be granted subject to the following conditions, and all other conditions of other applicable ordinances and regulations of the city:

(A) Every applicant procuring a license consents to the entry of the Chief of Police or any member of the City Council, or Alcohol Beverage Control Administrator, at all reasonable hours for the purpose of inspection and search and consents to the removal from the premises of all things and articles which are had in violation of the ordinances of the city and state or federal law and consents to the introduction of these things and articles in any hearing or prosecution that may be brought for the offense.

(B) Each licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous, or indecent conduct shall be allowed at any time on any licensed premises and no nuisance suffered, permitted or maintained.

(C) No violation of any state or federal law shall be permitted in any form upon the licensed premises.

(D) (1) No retail by the package liquor license shall be granted or issued to any licensee for any location within 2,000 feet of any existing premises licensed for these sales. All distances shall be measured along the right-of-way of existing public vehicular roadways from a point on any right-of-way line nearest the entrance of any existing premises licensed for these sales to a point on any right-of-way line nearest the entrance of the proposed licensed premises.

(2) The distance limitation prescribed shall not affect any existing license location nor the right of the owner to renew or transfer the license for that location. The location of any existing license shall not be transferred to a new location in violation of this section.

(Ord. 87-10, passed 6-23-87) Penalty, see § 112.99

§ 112.24 TERM OF LICENSE.

Except for special event licenses, temporary licenses, or any licenses of limited duration, all licenses issued under this chapter shall expire on October 31, of each year and fees shall be due and payable on November 1, annually.

(Ord. 87-10, passed 6-23-87; Am. Ord. 1-2017, passed 1-18-17)

§ 112.25 AUTHORITY OF CITY CLERK TO APPROVE AND ISSUE LICENSE; COLLECT FEES.

All licenses granted under this chapter shall be approved by the City Council and issued by the City Clerk. All license fees from any license issued under this chapter shall be collected by the Clerk who shall make a monthly report to the City Council of all license fees collected.

(Ord. 87-10, passed 6-23-87)

§ 112.26 DISPOSITION OF FUNDS.

All money received by the Clerk shall be transferred to the general fund of the city and be used as other general funds of the city are used.

(Ord. 87-10, passed 6-23-87)

§ 112.27 DELINQUENT PAYMENT.

No license to sell distilled spirits, wine, or malt beverages, shall be granted to any person, firm, or corporation who or which is delinquent in the payment of any taxes due the city at the time of issuing the license. No license shall be granted to sell upon any premises or property owned and occupied, or rented and occupied by the licensee, upon which there are any delinquent taxes due the city.

(Ord. 87-10, passed 6-23-87) Penalty, see § 112.99

§ 112.28 DUPLICATE LICENSE.

When a license is lost or destroyed without fault on the part of the holder of the license or his agent or employee a duplicate in lieu of the original license may be issued by the City Clerk after the City Council is satisfied as to the facts. The person applying for the duplicate license shall pay a fee of \$1 for the duplicate.

(Ord. 87-10, passed 6-23-87)

**§ 112.29 VIOLATION BY LICENSEE;
REVOCATION OF LICENSE.**

(A) Any license issued under this chapter may be revoked by the City Council for violation of any provisions of the Kentucky Alcoholic Beverage Control law and may be revoked for violation of the provisions of this chapter.

(B) A violation of any of the provisions of this chapter or any supplementary or amendatory ordinance, by a duly authorized agent or employee of a licensee shall constitute a violation by the licensee. Whenever any licensee violates any provisions of any statute or ordinance relating to alcoholic beverage control, a proceeding for the revocation of the licenses may be instituted in the manner and under the procedure established by state law and the City Council is empowered to revoke or suspend any license issued under this chapter upon the conviction of the licensee of any violation of this chapter, or any law, rule, or regulation set out in KRS Chapter 243.

(Ord. 87-10, passed 6-23-87)

**§ 112.30 LICENSE FEES IN ADDITION TO
OTHER TAXES.**

All license fees herein provided are in addition to ad valorem taxes and all other taxes provided for by law or ordinance.

(Ord. 87-10, passed 6-23-87)

**§ 112.31 ACTIONS LIMITED TO THOSE
AUTHORIZED BY LICENSE.**

No person shall do any act authorized by any kind of license with respect to the manufacture, storage, sale, purchase, transporting, or other traffic in alcoholic beverages in the city unless they hold the kind of license that authorizes such act issued by the Alcohol Beverage Control Administrator or the City Clerk.

(Ord. 87-10, passed 6-23-87) Penalty, see § 112.99

SALE OF ALCOHOLIC BEVERAGES**§ 112.45 DISPENSING OF ALCOHOLIC
BEVERAGES FROM PRIVATE RESIDENCES
PROHIBITED.**

The City Council shall not authorize the issuance, and the City Clerk shall not issue any permit or licenses to dispense alcoholic beverages or liquors from any home or residence.

(Ord. 87-10, passed 6-23-87)

**§ 112.46 PRIMA FACIE EVIDENCE OF
ILLEGAL SALE OF DISTILLED SPIRITS.**

If any distilled spirits are found on the outside of a locked or closed off department of any premises licensed to sell distilled spirits at retail during any hours when the licensee is prohibited by state law from selling distilled spirits, a prima facie presumption shall arise that the distilled spirits were kept on the outside of the locked or closed off department for the purpose of sale in violation of this chapter and state law. This violation shall be grounds for revocation or suspension of the license, and in addition to other penalties provided for the violation of this section the Chief of Police or the City Council shall be authorized to confiscate and destroy any and all distilled spirits.

(Ord. 87-10, passed 6-23-87) Penalty, see § 115.99

§ 112.47 SPECIAL SUNDAY RETAIL DRINK LICENSE.

(A) The City Alcohol Beverage Control Administrator is authorized to issue a special Sunday retail drink license to any person who holds a license to sell at retail, liquor, wine, or malt beverages by the drink and who otherwise qualifies for such a license in accordance with the provisions of KRS Chapter 243, as amended, on payment in advance to the City Clerk or City Alcohol Beverage Control Administrator of the sum of \$300.

(B) The license fee may, in the reasonable discretion of the Alcohol Beverage Control Administrator or the City Clerk, be prorated for periods less than one year.
(Ord. 87-10, passed 6-23-87; Am. Ord. 5-2014, passed 6-12-14; Am. Ord. 2-2015, passed 6-8-15; Am. Ord. 1-2017, passed 1-18-17)

§ 112.48 HOURS OF OPERATION RESTRICTED; SPECIAL HOURS LICENSE.

(A) No premises for which there has been granted a license for the sale of distilled spirits or wine at retail shall be permitted to remain open for any purpose between 12:00 a.m. and 8:00 a.m., or at any time during the 24 hours of a Sunday, except as otherwise permitted herein, provided, that if a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine, and all fixtures and apparatus connected with his business as a licensee, and said department is kept locked during the times mentioned above, he shall be deemed to have complied with this section.

(B) Any licensee for the sale of distilled spirits or wine at retail who should desire to remain open for any purpose other than the hours specified above shall make application to the City Council for a special hours license. Upon the approval of the City Council the special hours license may be issued by the City Clerk or Alcohol Beverage Control Administrator

upon the payment by the applicant of the special hours license fee of \$500.

(Ord. 87-10, passed 6-23-87; Am. Ord. 5-2014, passed 6-12-14) Penalty, see § 112.99

§ 112.49 COMPLIANCE REQUIRED.

Nothing in this chapter shall excuse or relieve the owner, proprietor, employee, or person in charge, of any licensed premises in the city where alcoholic beverages are sold, from the restrictions, requirements and penalties of any other ordinance or ordinances of the city or of state law relating to violations pertaining to alcoholic beverages.

(Ord. 87-10, passed 6-23-87)

§ 112.99 PENALTY.

Whoever violates this chapter shall be deemed guilty of a misdemeanor and shall be fined not more than \$500. Each day's violation shall constitute a separate offense. A violation of this chapter by duly authorized agent or employee of the licensee shall constitute a violation of the licensee.

(Ord. 87-10, passed 6-23-87)

CHAPTER 113: INSURANCE COMPANIES

Section

- 113.01 Imposition of license fee
- 113.02 Amount of fee for companies issuing life insurance
- 113.03 Amount of fee for companies issuing policies other than life insurance
- 113.03A Fee for companies issuing insurance policies for motor vehicles
- 113.04 Due date; interest
- 113.05 Written breakdown of collections

§ 113.01 IMPOSITION OF LICENSE FEE.

There is hereby imposed on each insurance company a license fee for the privilege of engaging in the business of insurance within the corporate limits of the city, on a calendar-year basis.
(Ord. 84-3, passed 6-25-84)

§ 113.02 AMOUNT OF FEE FOR COMPANIES ISSUING LIFE INSURANCE.

The license fee imposed upon each insurance company which issues life insurance policies on the lives of persons residing within the corporate limits of the city shall be 5% of the first year's premiums actually collected within each calendar quarter by reason of the issuance of such policies.
(Ord. 84-3, passed 6-25-84; Am. Ord. 1, passed 3-28-88; Am. Ord. 1-2019, passed 3-11-19; Am. Ord. 1-2020, passed 3-9-2020)

Statutory reference:

Application of license fee on insurance premiums, see KRS 91A.080(2)

§ 113.03 AMOUNT OF FEE FOR COMPANIES ISSUING POLICIES OTHER THAN LIFE INSURANCE.

The license fee imposed upon each insurance company which issues any insurance policy which is not a life insurance policy, except as provided in § 113.03A, shall be 5% of the premiums actually collected within each calendar quarter by reason of the issuance of such policies on risks located within the corporate limits of the city on those classes of business which such company is authorized to transact, less all premiums returned to policyholders; however, any license fee or tax imposed upon premium receipts shall not include premiums received for insuring employers against liability for personal injuries to their employees, or death caused thereby, under the provisions of the Workers' Compensation Act and shall not include premiums received on policies of group health insurance provided for state employees under KRS 18A.225(2) and 18A.228 or, premiums received by any state employee benefit fund created pursuant to KRS Chapter 18A for the purpose of providing health benefits to state employees.

(Ord. 84-3, passed 6-25-84; Am. Ord. 1, passed 3-28-88; Am. Ord. 1-2019, passed 3-11-19; Am. Ord. 1-2020, passed 3-9-2020)

Statutory reference:

Imposition of fee on other policies, see KRS 91A.080(3)

Policies exempt from fee, see KRS 91A.080(10)

§ 113.03A FEE FOR COMPANIES ISSUING INSURANCE POLICIES FOR MOTOR VEHICLES.

The license fee imposed upon each insurance company which issues motor vehicle insurance

policies for persons residing or entities located within the City of Anchorage shall be based upon 5% of the premium and applied to the amount of such premiums actually collected within each calendar quarter by reason of the issuance of such policies.
(Ord. 1-2019, passed 3-11-19)

§ 113.04 DUE DATE; INTEREST.

All license fees imposed by this chapter shall be due no later than 30 days after the end of each calendar quarter. License fees which are not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6).
(Ord. 84-3, passed 6-25-84)

Statutory reference:

Due date, see KRS 91A.080(8)

Overdue fees; interest and penalties, see KRS 91A.080(9)

§ 113.05 WRITTEN BREAKDOWN OF COLLECTIONS.

Every insurance company subject to the license fees imposed by this chapter shall annually, by March 31, furnish the city with a written breakdown of all collections in the preceding calendar year for the following categories of insurance:

- (A) Casualty.
- (B) Automobile.
- (C) Inland marine.
- (D) Fire and allied perils.
- (E) Health.

- (F) Life.

(Ord. 84-3, passed 6-25-84)

Statutory reference:

Report of collections, see KRS 91A.080(8)

CHAPTER 114: (RESERVED)

TITLE XIII: GENERAL OFFENSES

Chapter

130. OFFENSES AGAINST MUNICIPAL REGULATIONS

CHAPTER 130: OFFENSES AGAINST MUNICIPAL REGULATIONS

Section

- 130.01 Discharge of firearms
- 130.02 Concealed deadly weapons on city property
- 130.99 Penalty

(C) Any person violating division (A) of this section shall be denied entrance into the restricted area and/or ordered to leave the building. Any employ of the city found in violation of division (A) shall be subject to disciplinary action, up to and including dismissal from employment, in accordance with the city personnel policies.
(Ord. 97-6, passed 4-9-97)

§ 130.01 DISCHARGE OF FIREARMS.

It shall be unlawful for any person to shoot or discharge a firearm within the city limits unless otherwise specifically permitted by Kentucky law.
(Ord. 80-2, passed 5-19-80) Penalty, see § 130.99

§ 130.02 CONCEALED DEADLY WEAPONS ON CITY PROPERTY.

(A) No person shall carry a concealed deadly weapon into any of the following:

(1) Any meeting of the governing body of the city, except that nothing in this section shall preclude a member of the body, holding a concealed deadly weapon license, from carrying a concealed deadly weapon at a meeting of the body of which he is a member.

(2) Any police station, except that nothing in this section shall preclude a sworn police officer and other law enforcement officers authorized to carry concealed weapons pursuant KRS 527.020 from carrying such concealed deadly weapons.

(3) Any building or portion of any building owned, leased, occupied, or controlled by the city.

(B) Signs prohibiting the carrying of concealed deadly weapons shall be posted at the entrance of all restricted areas.

§ 130.99 PENALTY.

Any person who violates any provision of this chapter shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500 or imprisonment for up to 12 months, or both such fine and imprisonment.

TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS

151. COMPREHENSIVE PLAN

152. HISTORIC PRESERVATION

153. SIGNS

154. SUBDIVISION REGULATIONS

155. SWIMMING POOLS

156. ZONING CODE

157. ENVIRONMENTAL PRESERVATION TRUST

CHAPTER 150: BUILDING REGULATIONS

Section

Violations

General Provisions

- 150.01 Control of lights shining on rights-of-way, public property
- 150.02 Provisions for access required prior to issuance of building permit
- 150.03 Street frontage requirements

- 150.50 Violation of stop work order; continuation of works after revocation of zoning compliance certificate

- 150.99 Penalty

Appendix A: Construction/Tree Preservation Plan

Appendix B: Permit to Trench

Appendix C: Builder's Contract Bond

Appendix D: Zoning Compliance Certificate Guidelines

Standard Codes Adopted

- 150.15 Adoption of Kentucky Building Code and Standards of Safety; enforcement agents
- 150.16 Application
- 150.17 Appeals

Building and Zoning Compliance Certificates

- 150.30 Definition
- 150.31 Compliance certificate required prior to construction, alteration and the like
- 150.32 Application procedure
- 150.33 City Engineer to report on issuance or denial of certificates
- 150.34 Fee schedule
- 150.35 Presentation of copy of certificate to County Code Enforcement Office
- 150.36 Display of certificate at building site; conformance to specifications required
- 150.37 Expiration of certificate
- 150.38 Revocation of certificate
- 150.39 Building site clean-up; obstruction of traffic flow

GENERAL PROVISIONS

§ 150.01 CONTROL OF LIGHTS SHINING ON RIGHTS-OF-WAY, PUBLIC PROPERTY.

(A) No light, from the light source, filament, or reflector, shall be placed within the front setback area, or for corner lots, a side set back area, as defined by the applicable zoning regulation, except for lights installed for the purpose of illuminating an entrance to property, and, in which case, they shall individually and collectively, not cast a light upon any portion of the surfaced area of a public right-of-way, measured at a height of four feet above the surface, of an intensity greater than four foot-candles.

(B) No light, regardless of its size or type, shall be placed within the rear or side set back areas of residential property except where such areas are used for an entrance to the property and then such light(s) shall conform to the standards set out in section one of this section.

(C) No light, regardless of its size or type, shall be permitted which is constructed or situated in such a manner that it casts a light beyond the boundaries of the property upon which the light is maintained and which can be measured at any point on the property of another at an intensity greater than one foot-candle or at any point on a residential structure of another at an intensity of greater than one-tenth of one foot-candle.

(D) The city shall retain the right to place street lights within its public rights-of-way where such lights are deemed necessary by the city or its officials for the safety of motorists and pedestrians. Such lights shall not be subject to the restrictions of this section. (Ord. 88-4, passed 3-28-88) Penalty, see § 150.99

§ 150.02 PROVISIONS FOR ACCESS REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT.

(A) Building permits will not be approved for structures on so called "flag lots."

(B) That cul-de-sac lots must-have front lot widths equal to a minimum of 50% of the lot width at the required building line at the required setback distance before building permits may be approved.

(C) The required building lines will be established perpendicular to a straight line connecting the points where non-parallel side lot lines cross the cul-de-sac or other rights of way before building permits may be approved.

(D) The required building lines will be established perpendicular to side lines where side lines are parallel before building permits may be approved. (Ord. 84-12, passed 7-23-84) Penalty, see § 150.99

§ 150.03 STREET FRONTAGE REQUIREMENTS.

Building and zoning compliance certificates shall not be issued by the city for any lot on which the street frontage as measured in linear feet, and all portions of the lot between the street frontage and the building set-back line (on a buildable portion of the lot), do not equal at least one-half of the width of the lot at the required building set-back line as established for the zoning district in which the lot is located.

(Ord. 97-10, passed 7-14-97)

STANDARD CODES ADOPTED

§ 150.15 ADOPTION OF KENTUCKY BUILDING CODE AND STANDARDS OF SAFETY; ENFORCEMENT AGENTS.

(A) The Kentucky Building Code, as contained in Chapter 7, Title 815 of the Kentucky Administrative Regulations; the Kentucky Plumbing Code, as contained in Chapter 20, Title 815 of the Kentucky Administrative Regulations; the Kentucky Standards of Safety, as contained in Chapter 10, Title 815 of the Kentucky Administrative Regulations, together with any amendments, are hereby adopted by reference as if fully set forth in this code of ordinances. Copies of the above codes and any amendments thereto shall be placed on file in the office of the City Clerk where they shall be available for public inspection during normal business hours.

(B) The Jefferson County Department of Building Inspection shall be designated as the local enforcement agent for the Kentucky Building Code.

(C) The Chief of the Fire Department and all other designated officers, agents, and employees of the city are hereby charged with the enforcement of the provisions of the Standards of Safety. (Ord. 63-3, passed - -63) Penalty, see § 150.99

§ 150.16 APPLICATION.

The application of the State Building Code shall be extended to all single-family dwellings in the city which are to be constructed or remodeled.

§ 150.17 APPEALS.

Appeals from decisions made by the Building Inspector under this chapter may be taken to the State Board of Housing, Buildings and Construction unless and/or until a local board of housing appeals, as set forth in KRS Chapter 198B, is established to hear such appeals.

Statutory reference:

Appeals procedure, see KRS 198B.070

***BUILDING AND ZONING
COMPLIANCE CERTIFICATES***

§ 150.30 DEFINITIONS.

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

ACCESSORY BUILDINGS AND STRUCTURE.

Those buildings and structures that are associated with a single family residence but are not used for residential or commercial purposes, and are not constructed on a permanent foundation or if constructed on a permanent foundation do not exceed 250 square feet of floor or ground space. Accessory buildings and structures shall include, without limitation, decks, tennis courts, and outbuildings.

STRUCTURES. Buildings that have roofs supported by columns or walls for shelter or enclosure of persons, animals, materials or property of any kind. ***STRUCTURE*** shall also include anything constructed or erected which requires the use of ground locations including but not limited to in-ground swimming pools, decks and patios, tennis courts, signs, stables, entrances to any street that exceed eight feet in height or the parts of which collectively occupy more than 75 square feet of ground space, other outbuildings and poles 15 feet or more in height. Structures and buildings are used interchangeably in this subchapter.

(Ord. 86-9, passed 8-26-86; Am. Ord. 93-15, passed 9-26-93; Am. Ord. 95-16, passed 8-7-95)

**§ 150.31 COMPLIANCE CERTIFICATE
REQUIRED PRIOR TO CONSTRUCTION,
ALTERATION AND THE LIKE.**

No structure shall be erected, including site preparation, modified externally, reconstructed, wrecked, removed or altered without an approved Building and Zoning Compliance Certificate being first secured and applicable fees paid.

(Ord. 86-9, passed 8-26-86) Penalty, see § 150.99

§ 150.32 APPLICATION PROCEDURE.

(A) Applications for the certificates referred to above and applicable fees shall be made to the City Clerk and proceeds shall be paid to the city's general fund.

(B) Applications shall be numbered and recorded by the City Clerk and accompanied by an approved plat with professional surveyor's seal or equivalent indicating proposed location of structures with accurate measurements of lot lines, interior distances, existing structure locations, and a full set of nonreturnable, detailed plans and specifications.

(C) Applications shall be accompanied by any required approvals from the City-County Health Department, the Metropolitan Sewer District, the County Works Department, the Fire Department Inspector (for fire plug location), the Jefferson County Zoning Office, the Zoning Officer for compliance with established zoning district regulations, the City Forester or his deputy, the Flood Safety Officer, and where applicable the City Historic Preservation Commission.

(D) Applications with required accompanying approvals and documents shall then be submitted to the City Clerk. Following review and approval by the City Zoning Officer and the City Engineer, the certificate may be issued.

(Ord. 86-9, passed 8-26-86; Am. Ord. 2, passed 9-26-88; Am. Ord. 4, passed 8-28-89; Am. Ord. 93-15, passed 9-26-93)

**§ 150.33 CITY ENGINEER TO REPORT ON
ISSUANCE OR DENIAL OF CERTIFICATES.**

The City Engineer shall report Building and Zoning Compliance Certificates he has issued to the next regular City Council meeting and the reasons for any certificates denied.

(Ord. 86-9, passed 8-26-86)

§ 150.34 FEE SCHEDULE.

(A) The Building and Zoning Compliance Certificate fees shall be computed as follows:

Anchorage - Land Usage

- (1) New single-family residences.. \$0.50
per square foot of floor space
No maximum
- (2) All other new buildings.. . . . \$0.75
per square foot of floor and ground space
No maximum
- (3) An addition to an existing single family
residence more than 500 square feet and buildings and
structures associated with a single family residence
that are not otherwise exempt. \$25
per square foot of floor space
No maximum
- (4) Addition to an existing residence less
than 500 square feet of floor space.. . . . \$50
- (5) Swimming pool (based on surface
area) \$10
per square foot
No maximum
- (6) Demolition (other than interior
renovation).. \$20
per square foot
No maximum
- (7) Interior renovation.. . . . No fee

(B) (1) Floor space as used in this section includes all living space of single family residences any part of which is above grade, and all available floor space under roof of any commercial structure.

(2) Ground space as used in this section includes all space other than floor space of a commercial project which is covered by an impervious surface, and entrances to a residential development.

(C) Any other fees charged by duly constituted authorities shall be in addition to the fees in division (A) of this section.

(D) After the issuance of a Building and Zoning Compliance Certificate, for the construction, reconstruction, or alteration of a structure which totals 1,500 square feet or more, and prior to delivery to the applicant, the applicant shall post with

the city a cash bond (cash or cashier's check payable to the city) in the amount of \$1,500, for the purpose of insuring construction of the structure for which the certificate is sought in accordance with the site plan approved by the City Engineer or Zoning Officers and tree preservation plan approved by the City Forester or his deputy.

(1) Upon the applicant's completion of all footings and/or foundations, the applicant shall notify either the City Engineer or Zoning Officer within five days so that the footings or foundations may be inspected for compliance to the site plan and zoning regulations. Failure to notify the City Engineer or Zoning Officer will result in forfeiture of the cash bond.

(2) Upon completion of construction and grading as specified on the applicant's building plans and tree preservation plan, and if there are no unpaid fines or civil penalties for violation of ordinances, the bond shall be refunded or released. Unpaid fines or civil penalties for violation of ordinances shall be set off against the bond prior to refund or release. (Ord. 86-9, passed 8-26-86; Am. Ord. 93-15, passed 9-26-93; Am. Ord. 95-2, passed 2-6-95; Am. Ord. 95-16, passed 8-7-95) Penalty, see § 150.99

§ 150.35 PRESENTATION OF COPY OF CERTIFICATE TO COUNTY CODE ENFORCEMENT OFFICER.

A copy of the Building and Zoning Compliance Certificate shall be presented to the Jefferson County Code Enforcement Office which shall be responsible for the examination and approval of all plans and specifications and issue building permits and in addition permits for heating, air conditioning, boiler, refrigeration, electrical and specialized systems. (Ord. 86-9, passed 8-26-86; Am. Ord. 4, passed 8-28-89; Am. Ord. 93-15, passed 9-26-93)

§ 150.36 DISPLAY OF CERTIFICATE AT BUILDING SITE; CONFORMANCE TO SPECIFICATIONS REQUIRED.

Building and Zoning Compliance Certificates shall be prominently displayed on the premises at the

building site during construction. The performance of the construction or alteration shall conform to specifications in the application and work shall be subject to periodical and repeated inspections by the Zoning Inspector or appointed city representative. For any deviations from applicable specifications, the city shall have the authority and duty to issue a stop work order until deviations are corrected by the applicant or his contractor. Failure of the applicant to correct any deviations within 30 days shall entitle the city, at its option, to correct the deviations at the expense of the applicant or to order termination of work and cancellation of the Zoning and Compliance Certificate.

(Ord. 86-9, passed 8-26-86; Am. Ord. 4, passed 8-28-89; Am. Ord. 93-15, passed 9-26-93)

§ 150.37 EXPIRATION OF CERTIFICATE.

The Building and Zoning Compliance Certificates shall expire after 270 days from the date of approval and it shall be unlawful to continue construction after expiration.

(Ord. 86-9, passed 8-26-86; Am. Ord. 93-15, passed 9-26-93)

§ 150.38 REVOCATION OF CERTIFICATE.

The City Engineer, Zoning Compliance Officer, City Forester, Flood Safety Officer, and Chairperson of the Historic Preservation District Commission or anyone designated to act in the absence of the aforementioned officials, shall have the authority to revoke the Building and Zoning Compliance Certificate for any property where a violation of any ordinance of the city has been found. Notification of the revocation of the Building and Zoning Compliance Certificate shall be immediately transmitted to the Jefferson County Code Enforcement Office, and any of the aforesaid city officials, or any officer of the city Police Department, shall, upon revocation of the Building and Zoning Compliance Certificate, post on the property a stop work order.

(Ord. 86-9, passed 8-26-86; Am. Ord. 93-15, passed 9-26-93)

§ 150.39 BUILDING SITE CLEAN-UP; OBSTRUCTION OF TRAFFIC FLOW.

The applicant is responsible for building site clean-up upon completion of construction or upon work stoppage or cancellation of permit. The applicant will assure that adequate traffic flow will not be obstructed and that emergency fire and safety vehicles will have freedom of movement.

(Ord. 86-9, passed 8-26-86; Am. Ord. 4, passed 8-28-89; Am. Ord. 93-15, passed 9-26-93)

VIOLATIONS

§ 150.50 VIOLATION OF STOP WORK ORDER; CONTINUATION OF WORKS AFTER REVOCATION OF ZONING COMPLIANCE CERTIFICATE.

(A) No person shall perform work, or direct work to be performed, in violation of a stop work order issued by any officer or employee of the city empowered to issue such an order by any ordinance of the city, or statute of the Commonwealth of Kentucky.

(B) No person shall perform work, or direct work to be performed, that requires a valid building and zoning compliance certificate, following the revocation of such certificate, and before such certificate is reinstated or reissued.

(C) Police officers of the city who observe a violation of this section may physically arrest the violator, or, in their discretion, and in accordance with the appropriate Kentucky Revised Statutes, issue the violator a criminal citation/summons for the appearance of the violator in Jefferson District Court. (Ord. 92-6, passed 8-24-92) Penalty, see § 150.99

§ 150.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is otherwise

provided shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500, imprisonment for up to 30 days or both such fine and imprisonment.

(B) Any person, property owner, firm, or corporation which violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of §§ 150.01 and 150.02, or fails to comply with a notice of violation from the City Zoning Officer or City Engineer shall be fined not less than \$10 nor more than \$250 for each offense. Each day that the violation is permitted to exist shall constitute a separate offense.

(C) Any person who violates any provision of the state codes adopted in § 150.01 shall be subject to the following penalties:

(1) Violators of the Uniform State Building Code or the Uniform State Residential Code shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$1,000 for each offense. (KRS 198B.990(1))

(2) Violators of the State Standards of Safety shall, upon conviction, be subject to a fine of not less than \$25 nor more than \$1,000, imprisonment for not more than 60 days, or both, for each offense. (KRS 227.990(1))

(3) Violators of the State Plumbing Code shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$100, imprisonment for not more than 90 days, or both, for each offense. (KRS 318.990)

(D) Any person, corporation or firm violating any provisions of this §§ 150.30 through 150.39 upon conviction thereof shall be guilty of a violation and fined not less than \$50 nor more than \$500 per violation. Each day during which such violations continue shall be deemed and construed a separate offense. The failure to carry out the provisions and terms of the conditional permit shall constitute a violation of said sections and each day such a violation continues shall be deemed and construed a separate offense. Where a violation of §§ 150.30

through 150.39 also constitutes a violation of any chapter or section of the Kentucky Revised Statutes it shall be presumed that the laws of the Commonwealth take precedence and the penalty for the violation thereof shall apply.

(Ord. 86-9, passed 8-26-86; Am. Ord. 4, passed 8-28-89; Am. Ord. 93-15, passed 9-26-93)

APPENDIX A: CONSTRUCTION/TREE PRESERVATION PLAN

CITY OF ANCHORAGE CONSTRUCTION/TREE PRESERVATION PLAN

Property Owner's Name _____
Property Address _____
Home Address _____ Phone _____
Contractor's Name _____
Contractor's Address _____ Phone _____

I Agree to comply with the provision of the Tree Preservation Plan as developed for the property listed above and am aware that failure to do so can result in stop work orders and/or fines.

Contractor/Builder _____ Property Owner _____
Plan Approved by _____ Date _____

**CITY OF ANCHORAGE
CONSTRUCTION/TREE PRESERVATION PLAN**

Please respond to the questions in the space provided.

1. Types of equipment to be used for clearing, grading, digging, of basements, providing of concrete, etc. and statement describing plan to limit their access to tree preservation areas of the lot.

2. Methods of disposal of chemicals, paints, solvents, and other substances toxic to plants.

3. Trash storage and removal (soil and stockpiling areas).

4. Signs to be posted indicating protected areas during construction and types of fencing to be used around protected areas.

5. Statement of the minimum number of trees to be planted after construction is completed.

**CITY OF ANCHORAGE
CONSTRUCTION/TREE PRESERVATION PLAN
INSTRUCTION SHEET**

In the space provided on the Tree Preservation Plan, include the following:

- * A sketch or plat of the property (to scale) showing the location of the house, any proposed additions, pools, tennis courts, driveways, terraces, etc. and any other pertinent structures.
- * Identify all trees to be preserved within seventy-five (75) feet of the proposed construction. Mark each tree with the following code: P (Preserve).

Indicate the following on your sketch:

- * Designated areas for stockpiling soil (to scale).
- * Designated areas for stockpiling materials (to scale).
- * Designated areas for parking of construction workers (to scale).
- * Designated ingress and egress for any construction vehicles, and routes (to scale) to be travelled by any traffic.
- * Designated routes for all utilities, whether trenched or overhead.
- * Designated areas for trenching of septic system, or sanitary or storm sewers, or any other trenches required.
- * Temporary fencing to be used as protective barriers during construction for the protection of tree root systems.

On page 2 of the Construction/Tree Preservation Plan, answer all questions in the space provided in as detailed a manner as possible.

PRIOR TO MAKING CHANGES

If any changes are needed in this plan, CALL the Anchorage Police Station (244-0562) and ask for Officer Brenda Taylor.

**SAMPLE
CITY OF ANCHORAGE
CONSTRUCTION/TREE PRESERVATION PLAN**

Please respond to the Question in the space provided.

1. Types of equipment to be used for clearing, grading, digging of basements, providing of concrete, etc. and statement describing plan to limit their access to tree preservation areas of the lot.

Bulldozer, backhoe, concrete trucks, tractor and grader box, ditch witch, building material delivery trucks (i.e., brick, lumber, drywall, etc). All construction vehicles described above will be limited to the area of construction shown on the attached drawing. Visible barriers and signs (also shown on drawing) will protect areas of tree preservation from any vehicular encroachment. Concrete for foundation etc. will be pumped from designated access areas that are shown on drawing.

2. Methods for disposal of chemicals, paints, solvents and other substances toxic to plants.

Paint solvents will be drained into a large metal drum which will be hauled away at the end of construction.

3. Trash storage and removal (i.e. dumpsters, etc.).

Dumpsters will be located at the back edge of the proposed driveway and hauled away on the designated Ingress - egress path as shown on the attached plat.

4. Signs to be posted indicating protected areas during construction and types of fencing to be used around protected areas.

STAY BEHIND PROTECTIVE
BARRIERS
by order of
JDW - Contractor

NO VEHICULAR
TRAFFIC
JDW -
Contractor

STOCKPILE
MATERIALS
HERE ONLY

NO STOCKPILING OF
MATERIALS
JDW - Contractor

STAY IN
DESIGNATED
ROADWAY

Plastic mesh fencing will be used to designate protected areas in lot.

5. Statement of the minimum number of trees to be planted after construction is completed.

Trees will be replaced to provide a minimum of two trees per five thousand square feet or 18 trees per acre. Existing trees must be at least 3 inches in caliper. Replacement trees will be no less than 1 and ½ inches in caliper.

APPENDIX B: PERMIT TO TRENCH

CITY OF ANCHORAGE PERMIT TO TRENCH

Property Owner's Name _____
 Property Address _____ Phone _____
 Type of tree/s to be removed _____
 Reason for removal/trench _____
 Contractor's Name _____
 Contractor's Address _____ Phone _____

Please include sketch of lot showing location of tree/s to be removed or trench to be dug. Use space below for your drawing. Do not use back of form.

| N

Required tree replacement as per Anchorage Tree Ordinance:

Homeowner Signature _____ Date _____
 Contractor/Utility Representative Signature _____ Date _____
 Permit Approved by _____ Date _____
 Permit Expires on: _____

APPENDIX C: BUILDER'S CONTRACT BOND**BUILDER'S CONTRACT BOND
TO THE
CITY OF ANCHORAGE**

Project Name: _____

Location: _____

Date: _____

The undersigned builder(s) or developers) of the above named project is (are) responsible for the installation, good repair and proper functioning of all improvements relating to the requirements of City of Anchorage Ordinance No. 2, Series 1995, an ordinance amending Ordinance No. 15, Series 1993 relating to the Anchorage Zoning Compliance Certificate approved on _____ and any amendments thereto which have been approved in writing. Work to meet the requirements of the ordinance and approved plans shall begin and proceed in a manner which does not cause unreasonable harm, inconvenience or annoyance to any other property owner. This obligation shall continue until the City Zoning Officer has granted a release in writing. The builder or developer shall abide by any time limits which the City, or any of its designated officials, may have specified in writing.

All bond forms prescribed in Ordinance No. 2, Series 1995, shall be considered "cash" bonds, except those on which an insurance company is acting as surety. All forms of surety on this bond shall be maintained at an active status until released by the City, and the evidence of such status shall be furnished to the City on demand.

Builder/Developer

State of Kentucky

County of _____

Subscribed and sworn to before me
by _____ on this _____ day of _____.

My commission expires: _____

NOTARY PUBLIC
KENTUCKY STATE AT LARGE

Zoning Compliance Certificate

ZONING COMPLIANCE CERTIFICATE GUIDELINES

ZONING COMPLIANCE CERTIFICATE CITY OF ANCHORAGE

<u>NEW HOUSE:</u>	50 cents/sq. ft. No Maximum
Other Buildings or Structures:	75 cents/sq. ft. No Maximum

BUILDING ADDITIONS OR ATTACHED STRUCTURE FEES

House Addition > 500 sq. ft.	25 cents/sq. ft. No Maximum
< 500 sq. ft.	\$50.00
Decks (permits required)	No fee
Tennis Courts, etc. (permit required)	No fee
Interior renovation only	No permit required
Demolition (not interior)	20 cents/sq. ft. No Maximum
Swimming pool fees (Based on pool surface area only)	10 cents/sq. ft. No Maximum

FOUNDATION INSPECTION BOND:

\$1500.00 Refundable cash bond (or certified check). Returned to payee on submission to City of Certificate of Occupancy and payment of any fines. (Forfeited if City is not notified to inspect foundation within 5 days upon completion of all footings and/or foundations). For more information see Ordinance #2, Series 1995.

NEW HOME REQUIREMENTS

1. If property is located in Anchorage Pointe, a letter of approval is required from the Homeowners Association before any other permits can be issued. Please contact Ed Parrish at 244-3235.
2. If property is located in Creel Place, a letter of approval is required from Henry Potter at 584-4415 before any other permits can be issued.
3. Contact City Hall weekdays from 9:00 a.m. to 5:00 p.m. at 245-4654 to determine if lot is within the Historic District. If so, set up an appointment with the Anchorage Historic Preservation Commission by Wednesday for a Friday morning appointment. Architectural blue prints and other materials are needed. No fees required.
4. Contact City Hall weekdays from 9:00 a.m. to 5:00 p.m. at 245-4654 to set up an appointment with the Anchorage Forestry Department by Friday for a Monday morning appointment. Completed permits are due at City Hall the Friday proceeding the Monday appointment. A site plan is needed. A cash bond is required.
5. Stamp of approval from Board of Health (625-6650) if building is on septic tank, or other on-site system. (Get two copies stamped). Not required if on sewers.
6. Stamp of approval from Anchorage Flood Safety Officer (Tony Hilinski 245-8466). A cash bond is required in some cases. Get two copies stamped. Not required if property is located within Anchorage Woods, Merriday Hills, Stonebridge, Oak Meadows, Anchorage Pointe, or Springhill Gardens Subdivisions.
7. Set up appointment to meet with Zoning Officer, Wes Gunther, at 245-0175 or City Engineer, Tony Hilinski, at 245-6486 for Anchorage Zoning Compliance Certificate. Fees are to be paid at this time and a cash bond is to be posted.

Anchorage - Land Usage

8. Plot plan, drawn by a registered surveyor, to show specific location of residence and all unattached building must be completed.
9. One (1) set of building plans to be left at City Hall.
10. Anchorage Zoning Compliance Certificate must be presented to Jefferson County Code Enforcement Office (531 Court Place) at 625-5960 to receive a construction permit. A construction permit must be obtained before starting foundation.
11. Notify City Zoning Officer at 245-0175 or the City Engineer at 245-6486 for foundation inspection once completed. Foundation fee will be returned after completion of home. Unpaid fines or civil penalties for violation of Anchorage ordinances shall be set off against the bond prior to refund or release.

BUILDING ADDITIONS OR UNATTACHED STRUCTURE REQUIREMENTS

1. Same as one (1 & 2) above.
2. Contact City Hall for an appointment with Historic Preservation Commission to satisfy ordinance requirements. See #3 above.
3. Contact City Hall for an appointment with the Forestry Dept. and satisfy ordinance requirements. See #4 above.
4. Complete plot plan showing specific location of residence, all unattached buildings, location of lateral 7 fields (if existing), and new addition. Distances between building and to property lines must indicated. This plan may be drawn by either the builder, homeowner or registered surveyor.
5. Stamp of approval from Board of Health at 625-6650. Get two copies stamped.
6. Stamp of approval from Anchorage Flood Safety Officer, Tony Hilinski, at 245-8486 unless the property is located in Stonebridge subdivision. Get two copies stamped. If property is located in Stonebridge, a letter of authorization from NTS is required.
7. Set up appointment to meet with City Engineer or Zoning Officer for an Anchorage Zoning Compliance Certificate. Fees are due at this time.
8. Present Anchorage Zoning Compliance Certificate to Jefferson County Code Enforcement Office (531 Court Place) at 625-5950 to receive construction permit. Construction permit must be obtained before starting foundation.

SWIMMING POOL REQUIREMENTS

1. All of the above listed for additions or unattached structures.
2. Dimensions of pool listed on plot plan showing distance from property lines and home.
3. Description of location for required 42" minimum height child-proof fence.
4. A brochure or description of construction and construction materials for pool.

NOTE: ABOVE GROUND POOLS ARE PROHIBITED BY ANCHORAGE ORDINANCE

CHAPTER 151: COMPREHENSIVE PLAN

Section

General Provisions

151.01 Adoption of by reference

Binding Elements

- 151.15 Definitions
- 151.16 Enforcement of binding elements
- 151.17 Authority of the Planning Commission
- 151.18 Form citation and issuance
- 151.19 Hearing before the Planning Commission
- 151.20 Appeal of Planning Commission orders
- 151.21 Payment of fines
- 151.22 Civil action by the City Council

- 151.99 Penalty

GENERAL PROVISIONS

§ 151.01 ADOPTION OF BY REFERENCE.

(A) The Comprehensive Plan entitled “Guided Growth and Redevelopment for Louisville and Jefferson County” adopted by the Louisville and Jefferson County Planning Commission is hereby adopted by reference and incorporated into this code of ordinances as if fully set forth herein. (Ord. 84-2, passed 6-25-84; Am. Ord. 97-9, passed 6-9-97; Am. Ord. 00-2, passed 4-10-00)

(B) The amendments to the Comprehensive Plan regarding the R-R, R-E and R-1 zoning district regulations, which were recommended for approval

by the Louisville and Jefferson County Planning Commission on October 6, 1988, are hereby adopted by reference and incorporated into this code of ordinances as if fully set forth herein. (Ord. 1988-8, passed 11-28-88)

(C) Copies of said Comprehensive Plan and all amendments to the Plan are available for public inspection during normal hours at the office of the City Clerk. (Am. Ord. 5-2008, passed 5-27-08)

BINDING ELEMENTS

§ 151.15 DEFINITIONS.

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

BINDING ELEMENT. A binding requirement, provision, restriction, or condition imposed by the Planning Commission or its designee, or a promise or agreement made by an applicant in writing, in connection with the approval of a land use development plan or subdivision plan.

LAND USE ENFORCEMENT OFFICER. A Zoning Enforcement Officer employed by the Planning Commission.

LAND USE ORDINANCE. An official action of the City Council which is a regulation of a general and permanent nature relating to the use and development of land within the city. It is enforceable as a local law and includes any provision of the City Code of Ordinances which embodies all or part of an ordinance.

PLANNING COMMISSION. The Louisville and Jefferson County Planning Commission.
(Ord. 01-2, passed 6-11-01)

§ 151.16 ENFORCEMENT OF BINDING ELEMENTS.

The violation of any binding element, as defined herein, shall constitute a civil offense which may subject the violator to a civil fine and/or other remedial orders of the Planning Commission in accordance with procedures set forth in this subchapter.

(Ord. 01-2, passed 6-11-01)

§ 151.17 AUTHORITY OF THE PLANNING COMMISSION.

(A) (1) The Planning Commission may issue remedial orders and impose civil fines as a method of enforcing a binding element when a violation of that binding element has occurred.

(2) If the violation of a binding element would also constitute an offense under any provision of the Kentucky Revised Statutes, including specifically, and without limitation, any provision of the Kentucky Penal Code and any moving motor vehicle offense, such a violation of a binding element shall not be a civil offense under this subchapter but a criminal offense which may be prosecuted in the court of appropriate jurisdiction.

(B) In the exercise of its authority under this subchapter, the Planning Commission shall have the power to:

(1) Adopt rules and regulations to govern its operation and conduct of its hearing that are consistent with the requirements of this subchapter;

(2) Conduct hearings to determine whether there has been a violation of a binding element;

(3) Subpoena alleged violators, witnesses, and evidence to its hearings and all such subpoenas issued by the Planning Commission may be served by any Land Use Enforcement Officer;

(4) Take testimony under oath and the Chairman of the Planning Commission may administer such oaths to witnesses prior to their testimony before the Planning Commission on any matter;

(5) Make findings and issue orders that are necessary to remedy any violation of a binding element; and

(6) Impose civil fines as authorized in this subchapter on any person found to have violated any binding element that the Planning Commission is authorized to enforce.

(Ord. 01-2, passed 6-11-01)

§ 151.18 FORM CITATION AND ISSUANCE.

(A) Enforcement proceedings for the violation of a binding element shall be initiated by the issuance of a citation by a Land Use Enforcement Officer.

(B) When a Land Use Enforcement Officer, based upon personal observation or investigation, has reasonable cause to believe that a violation of a binding element has occurred, the officer may issue a warning notice and citation to the offender. Prior to issuing a citation, however, the officer shall issue a warning notice giving the offender ten days, Saturdays, Sundays, and holidays excluded, in which to remedy the violation. If the person to whom the notice is given fails or refuses to remedy the violation within the specified time, the Land Use Enforcement Officer may issue a citation. However, if the violation is a threat to the public safety, the Land Use Enforcement Office immediately shall issue a citation without a prior warning notice.

(C) The citation issued by the Land Use Enforcement Officer shall be in a form prescribed by

the Planning Commission and shall contain, in addition to any other information required by the Planning Commission:

- (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 violation of the binding element was committed;
- (4) The facts constituting the violation of the binding element;
- (5) A specific description of the binding element violated;
- (6) The name of the Land Use Enforcement Officer;
- (7) The civil fine that will be imposed for the violation if the person does not contest the citation;
- (8) The procedure for the person to follow in order to pay the civil fine or to contest the citation; and
- (9) A statement that if the person fails to pay the civil fine set forth in the citation or to contest the citation within the time allowed, the person shall be deemed to have waived the right to a hearing before the Planning Commission to contest the citation, and that the determination that a violation was committed shall be final.

(D) All citations issued shall be hand-delivered to the alleged violator. After issuing a citation to an alleged violator, the Land Use Enforcement Officer shall notify the Planning Commission by delivering the citation to the administrative official designated by the Planning Commission.

(E) When a citation is issued, the person to whom the citation is issued shall respond to the citation within 14 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

Planning Commission to contest the citation. If the person fails to respond to the citation within 14 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 Planning Commission shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation.

(Ord. 01-2, passed 6-11-01)

§ 151.19 HEARING BEFORE THE PLANNING COMMISSION.

(A) When a hearing before the Planning Commission has been requested, the Planning Commission, through its clerical and administrative staff, shall schedule a hearing. The hearing shall be conducted within 30 days of the date of the request, unless the person who requested the hearing requests or agrees to a continuance not to exceed 30 days. All continuances must receive the approval of the Planning Commission. Not less than seven days before the date set for the hearing, the Planning Commission shall notify the person who requested the hearing of the date, time, and place of the hearing. The notice may be given by certified mail, return-receipt requested; by personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is 18 years of age or older and who is informed of the contents of the notice. Any person requesting a hearing before the Planning Commission 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 Planning Commission shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation.

(B) Each case before the Planning Commission shall be presented by an attorney who shall be counsel to the Planning Commission.

(C) All testimony before the Planning Commission shall be under oath and shall be recorded.

The Planning Commission shall take testimony from the Land Use Enforcement Officer, the alleged offender, and any witnesses to the alleged violation offered by the Land Use Enforcement Officer or the alleged offender. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(D) After the hearing, the Planning Commission shall determine, based on the evidence presented, whether a violation was committed. When the Planning Commission determines that no violation was committed, an order dismissing the citation shall be entered. When the Planning Commission 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 up to the maximum authorized by this subchapter, or may order the offender to remedy a continuing violation within a specified time to avoid the imposition of a fine, or both, as authorized herein.

(E) Every final order of the Planning Commission shall be reduced to writing, which shall include the date the order was issued, and a copy of the order shall be furnished to the person named in the citation. If the person named in the citation is not present at the time a final order of the Planning Commission is issued, the order shall be delivered to that person by certified mail, return-receipt requested; by personal delivery, or by leaving a copy of the order at that person's usual place of residence with any individual residing therein who is 18 years of age or older and who is informed of the contents of the order.

(Ord. 01-2, passed 6-11-01)

§ 151.20 APPEAL OF PLANNING COMMISSION ORDERS.

Any final order issued by the Planning Commission with respect to a citation for the violation of a binding element may be appealed in conformity with KRS 100.413.

(Ord. 01-2, passed 6-11-01)

§ 151.21 PAYMENT OF FINES.

The person or entity found to have committed a violation of a binding element shall be responsible for the amount of all fines assessed for the violation. A Planning Commission may file a civil action in its name against the person or entity and shall have the remedies provided in KRS 100.415.

(Ord. 01-2, passed 6-11-01)

§ 151.22 CIVIL ACTION BY THE CITY COUNCIL.

Nothing contained in this subchapter shall prohibit the City Council from taking immediate action in the court of appropriate jurisdiction to remedy a violation of a binding element when there is reason to believe that the existence of the binding element violation presents a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the binding element violation will be irreparable or irreversible.

(Ord. 01-2, passed 6-11-01)

§ 151.99 PENALTY.

Any person who violates a binding element shall be subject to a fine of not less than \$500 nor more than \$4,000 and shall comply with such remedial orders as may be issued by the Planning Commission. Each day during which the binding element violation exists after the period granted by KRS 153.07(B) to remedy the violations shall be deemed a separate offense.

(Ord. 01-2, passed 6-11-01)

CHAPTER 152: HISTORIC PRESERVATION

Section

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- 152.03 Definitions
- 152.04 Nominations to National Register of Historic Places
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Historic Preservation Districts and Landmarks

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- 152.75 Definition
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- Appendix A: Guidelines for Public Improvement within the Anchorage Historic Preservation District
- Appendix B: Historic Preservation District Map
- Appendix C: Application for Certificate of Appropriateness
- Appendix D: Certificate of Appropriateness

GENERAL PROVISIONS**§ 152.01 INTENT AND DECLARATION OF PUBLIC POLICY.**

(A) The City Council finds that the city has been damaged because of new construction that has harmed the historic and architectural character of the city notwithstanding the feasibility and desirability of designing new buildings that would be appropriate to the established character of the city.

(B) The Council finds that buildings having historic, architectural or cultural value have been significantly altered or destroyed notwithstanding the feasibility and desirability of preserving these buildings or altering them in an appropriate way.

(C) The Council finds that the historic and architectural character of the city is of vital importance in maintaining the economy of the city.

(D) The Council finds that the city of Anchorage has played an important role in the development of Jefferson County and that the history of the city is shown today through buildings representing the activities and events during its growth. The City Council finds that the city has buildings that represent the persons who live or have lived in the city during a period of more than 100 years. It is the finding of the City Council that the distinctive and significant character of the city can only be maintained by protecting and enhancing its historic, architectural and cultural heritage and by preventing unnecessary injury to its historic preservation district and its landmarks which are a civic and community asset.

(E) The City Council finds that the federal and state governments have passed laws to protect historic districts and landmarks and that the National Historic Preservation Act was amended in 1980 to establish a certified local government program creating a new federal-state-local partnership to encourage the efforts by cities to protect and preserve their historic districts and landmarks.

(F) The City Council finds that this chapter and the historic preservation program benefit all the residents of the city and all the owners of property.

(G) The City Council declares as a matter of public policy that the preservation, protection and use of historic districts and landmarks are a public necessity because they have a special character and historic, architectural, and cultural value and thus serve as visible reminders of the history and heritage of this city, state and nation. The City Council declares as a matter of public policy that this chapter is required in the interest of the health, prosperity, safety, welfare and economic well-being of the people. (Ord. 92-9, passed 12-21-92)

§ 152.02 PURPOSE.

The purpose of this chapter is to effect the goals as set forth in the above findings and declarations of public policy and specifically, but not exclusively, to:

(A) Effect and accomplish the preservation, protection and use of the Historic Preservation District and individual landmarks which have a special character and historic, architectural and cultural value to the city, state and nation;

(B) Promote the educational, cultural, economic and general welfare of the people and safeguard the city's history and heritage as embodied and reflected in its Historic Preservation District and landmarks;

(C) Stabilize and improve property values in such district and in the city as a whole;

(D) Foster civic pride in the value of notable accomplishments of the past;

(E) Strengthen the economy of the city;

(F) Protect and enhance the city's attractions to residents and visitors; and

(G) Enhance the visual and aesthetic character, diversity and interest of the city.
(Ord. 92-9, passed 12-21-92)

§ 152.03 DEFINITIONS.

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

ALTERATION. Any construction, replacement or change to the exterior of a building or structure when it is visible to the public. An alteration shall include a proposed sign or changes to an existing sign.

CERTIFICATE OF APPROPRIATENESS. The permit, issued by the Historic District Commission, which gives its approval for work to be done in the Historic Preservation District or on a landmark.

CERTIFIED LOCAL GOVERNMENT. A government meeting the requirements of the National Historic Preservation Act and the implementing regulations of the U.S. Department of the Interior and the Kentucky Heritage Council.

COMMISSION. The Anchorage Historic District Commission.

DEMOLITION. Any act that destroys in whole or in part a landmark or a building or structure in the Historic Preservation District.

HISTORIC PRESERVATION DISTRICT. An area of architectural, historical or cultural significance which meets one or more of the criteria contained in §§ 152.30 through 152.38 of this chapter and which has been designated by the city.

LANDMARK. A building or structure of architectural, historical or cultural significance which meets one or more of the criteria contained in §§ 152.30 through 152.38 of this chapter and which has been designated by the city.

NEW CONSTRUCTION. An addition to an existing building or structure or the construction of a new build in or structure.
(Ord. 92-9, passed 12-21-92)

§ 152.04 NOMINATIONS TO NATIONAL REGISTER OF HISTORIC PLACES.

(A) *Initiation of nominations.* To participate in the Certified Local Government program, the city shall initiate all local nominations to the National Register of Historic Places and shall request the Mayor and the Commission to submit recommendations on each proposed nomination to the National Register. The Mayor and the Commission shall obtain comments from the public that shall be included in their National Register recommendations. Within 60 days of the receipt of a nomination from a

private individual or the initiation of a nomination by the city, the city shall inform the Kentucky Heritage Council and the owner of the property of the two recommendations regarding the eligibility of the property. If the Mayor and the Commission do not agree, both opinions shall be forwarded in the city's report. If both the Mayor and the Commission recommend that a property not be nominated, the Kentucky Heritage Council shall inform the property owner, the Kentucky Historic Preservation Review Board and the State Historic Preservation Officer, and the property will not be nominated unless an appeal is filed with the State Historic Preservation Officer.

(B) *Review of nominations.* If the Mayor and the Commission agree that a property should be nominated or if either of them feel that a property should be nominated, the nomination will receive a preliminary review by the Kentucky Historic Preservation Review Board. The Review Board shall make a recommendation to the State Historic Preservation Officer who decides whether to forward the nomination to the U.S. Secretary of the Interior who shall make the decision on listing the property on the National Register. The Mayor, the Commission or the property owner may appeal the final decision by the State Historic Preservation Officer.
(Ord. 92-9, passed 12-21-92)

§ 152.05 CONFORMITY WITH CERTIFICATE OF APPROPRIATENESS.

All work performed pursuant to a Certificate of Appropriateness shall conform to the provisions of such certificate. It shall be the responsibility of the Zoning Inspector and the Commission to inspect from time to time any work being performed to assure such compliance. In the event work is being performed which is not in accordance with such certificate, the city shall issue a stop work order. All work shall cease on the designated property. No additional work shall be undertaken as long as such stop work order shall continue in effect. The Commission shall meet with the owner or tenant to resolve the problem. The City Attorney may seek in Circuit Court an injunction

and any other appropriate relief in order that the intent of this chapter shall be carried out.
(Ord. 92-9, passed 12-21-92)

HISTORIC DISTRICT COMMISSION

§ 152.15 ESTABLISHMENT.

There is hereby established the Anchorage Historic District Commission. The Commission shall consist of seven voting members, and, in the discretion of the Mayor and City Council, as many as three non-voting members, appointed by the Mayor and approved by the City Council. The members shall have demonstrated interest in historic preservation, and at least two members shall have training or experience in a preservation-related profession: architecture, history, archeology, architectural history, planning or related fields. When one or two professional members are not available, the Mayor may appoint other persons interested in historic preservation to serve. When the Commission reviews an issue that is normally evaluated by a professional member and that field is not represented by the Commission, the Commission shall seek expert advice before rendering its decision. In making appointments, the Mayor shall seek to include a member who is active in real estate. Members of the Commission shall serve without compensation, but they shall be reimbursed for expenses incurred in the performance of their duties in accordance with the rules adopted by the Commission. Each member shall attend at least one educational meeting on historic preservation per year. This meeting shall have been approved by the State Historic Preservation Officer.
(Ord. 92-9, passed 12-21-92; Am. Ord. 93-3, passed 4-5-93; Am. Ord. 07-1, passed 2-12-07)

§ 152.16 TERMS OF OFFICE; VACANCIES.

The terms of office of the members shall be three years, except the terms of two members of the original Commission shall expire after two years and

the terms of two members of the original Commission shall expire after one year. Each member shall serve until the appointment and qualification of his successor. Vacancies on the Commission shall be filled within 60 days. When a vacancy occurs during a term of office, it shall be filled within 60 days, and the person selected shall be appointed for the unexpired portion of the term.

(Ord. 92-9, passed 12-21-92; Am. Ord. 93-3, passed 4-5-93)

§ 152.17 OFFICERS.

The Commission shall each year elect members to serve as Chairperson, Vice-Chairperson and Secretary. The Chairperson shall preside at the meetings of the Commission and shall be the spokesman for the Commission. In his absence, the Vice-Chairperson shall perform these duties. The Secretary shall prepare the minutes of the Commission's meetings which shall be available for public inspection. One of the Commission's officers may be elected from among the non-voting members.
(Ord. 92-9, passed 12-21-92; Am. Ord. 93-3, passed 4-5-93; Am. Ord. 07-1, passed 2-12-07)

§ 152.18 CONFLICT OF INTEREST.

No member of the Commission shall vote on any matter that may affect the property, income or business interest of that member.

(Ord. 92-9, passed 12-21-92) Penalty, see § 152.99

§ 152.19 POWERS AND DUTIES.

(A) *Specific powers.* In addition to the powers and duties stated elsewhere, the Commission shall take action necessary and appropriate to accomplish the purpose of this chapter. These actions may include, but are not limited to, the following:

(1) Conducting a survey of historic buildings and areas and preparing a plan for their preservation;

(2) Recommending to the City Council the designation of Historic Preservation Districts and individual landmarks;

(3) Adopting written guidelines for making exterior changes to designated property and for undertaking new construction on designated property;

(4) Regulating alterations visible to the public that are proposed for designated property; regulating demolitions, relocations, and new construction involving designated property;

(5) Working with and advising the federal, state and county governments and others parts of city government;

(6) Advising and assisting property owners and other persons and groups including neighborhood organizations who are interested in historic preservation; and

(7) Conducting educational programs including the preparation of publications and the placing of historical markers.

(B) *Rehabilitation of buildings.* The Commission may initiate and encourage plans for the preservation and rehabilitation of individual historic buildings. The Commission shall, on a regular basis, give recognition to owners and tenants who maintain or rehabilitate their historic buildings with care and thus contribute to the preservation of the history of the city.

(C) *Survey of historic buildings.* In making its survey of historic buildings and areas, the Commission shall conduct this work in accordance with the guidelines of the Kentucky Heritage Council. The Commission shall provide that its survey and preservation plan shall be maintained and continued. The Commission shall use the preservation plan to assist the city and the county in their overall planning efforts.

(D) *Meetings of the Commission.* The Commission shall adopt and make public rules for the transaction of its business and shall hold monthly public meetings and special public meetings, when necessary. All meetings shall have a previously available agenda and shall comply with the Kentucky Open Meeting Statute, KRS 61.805. A simple majority of the membership shall be required for decisions involving historic districts and landmarks.

(E) *Annual report.* The Commission shall prepare and keep on file, available for public inspection, a written annual report of its activities,

cases, decisions, qualifications of members and other work.

(F) *Right to receive and spend funds.* The Commission, in addition to any appropriations made by the city, shall have the right to receive, hold and spend funds which it may legally receive from any and every source both in and out of the Commonwealth of Kentucky for the purpose of carrying out the provisions of this chapter.

(G) *Other duties under the Certified Local Government Program.* In the development of the Certified Local Government Program, the city may ask the Commission to perform other responsibilities that may be delegated to the city under the National Historic Preservation Act.

(H) *Assistance for the Commission.* The Commission shall receive regular assistance in the performance of its responsibilities from the City staff. In addition, the city shall, by contract, obtain assistance on preservation matters from a professional with expertise in historic preservation, architecture, or a closely related field.
(Ord. 92-9, passed 12-21-92)

HISTORIC PRESERVATION DISTRICTS AND LANDMARKS

§ 152.30 RECOMMENDATIONS AND DESIGNATIONS.

The Commission shall recommend to the City Council the designation of historic preservation districts and individual landmarks, and the City Council may make these designations by the enactment of ordinances.

(Ord. 92-9, passed 12-21-92; Am. Ord. 93-10, passed 6-1-93)

§ 152.31 PUBLIC HEARINGS AND NOTICE.

To start the designation process, the Commission shall assemble information about the district or property being considered for designation and shall

schedule a public hearing on the proposed designation. Advertised notice of the hearing shall be given, including conspicuous posting in the proposed district or on the lot of the proposed landmark for 15 consecutive days immediately prior to the hearing. Notice shall also be given in a zoned publication serving the city. At least 15 days prior to the public hearing written notice shall be given by certified mail to the owners of property under consideration and the owners of all adjoining property. A copy of the written notice shall also be sent to all the owners by first class mail. The Secretary of the Commission or other officer of the Commission shall certify that the notices were mailed. Written notice shall be considered sufficient when it is mailed to the person listed on the tax rolls of the city.
(Ord. 92-9, passed 12-21-92; Am. Ord. 93-10, passed 6-1-93)

§ 152.32 ADOPTION OF GUIDELINES.

Before its first public hearing on a designation, the Commission shall adopt general guidelines that will apply to Historic Preservation Districts and landmarks and will assist owners in the preservation and rehabilitation of their property. The guidelines shall include the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* and may include other guidelines that will apply to all designated property in the city. In its guidelines and in its decisions the Commission shall not limit new construction to any one architectural style but shall seek to preserve the character and integrity of the historic districts and landmarks. The Commission may expand or amend the guidelines it has adopted provided it holds a public hearing on the changes and submits the proposed changes to the City Council for its comments and approval.
(Ord. 92-9, passed 12-21-92; Am. Ord. 93-10, passed 6-1-93)

§ 152.33 CRITERIA FOR DESIGNATION.

A Historic Preservation District or a landmark shall qualify for designation when it meets one or

more of the following criteria which shall be discussed in a Commission report making its recommendations to the City Council:

(A) Its character as an established and geographically definable residential neighborhood, united by culture, architectural styles or physical plan and development;

(B) Its character as a geographically definable area possessing a significant concentration of buildings or structures united by past events or by its plan or physical development;

(C) Its value as a reminder of the cultural or archeological heritage of the city, state or nation;

(D) Its location as a site of a significant local, state or national event;

(E) Its identification with a person or persons who significantly contributed to the development of the city, state or nation;

(F) Its identification as the work of a master builder, designer, or architect whose individual work has influenced the development of the city, state or nation;

(G) Its value as a building that is recognized for the quality of its architecture and that retains sufficient elements showing its architectural significance; or

(H) Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials.
(Ord. 92-9, passed 12-21-92; Am. Ord. 93-10, passed 6-1-93)

§ 152.34 RECOMMENDATION AND REPORT TO CITY COUNCIL.

After evaluating the testimony at its public hearing, survey information and other material it has assembled, the Commission shall make its recommendation to the City Council with a written

report on the area or property under consideration. The report shall contain information about the buildings which have been identified for inclusion in the proposed designation. The recommendation and the report shall also be sent to the Planning Commission.

(Ord. 92-9, passed 12-21-92; Am. Ord. 93-10, passed 6-1-93)

§ 152.35 REVIEW BY PLANNING COMMISSION.

The Commission shall, at the same time it submits its recommendation and report to the City Council, send them to the Louisville and Jefferson County Planning Commission and request a review and comments from the Planning Commission within 60 days based on the relationship between the proposed designation and existing and future plans for the development of the city.

(Ord. 92-9, passed 12-21-92; Am. Ord. 93-10, passed 6-1-93)

§ 152.36 ACTION BY CITY COUNCIL TIME PERIOD.

The City Council shall approve, modify or disapprove the proposed designation within 60 days after receiving the recommendation and report of the Commission. The time period may be extended to 90 days if a review has been received from the Planning Commission within the initial 60 days to allow consideration of that review.

(Ord. 92-9, passed 12-21-92; Am. Ord. 93-10, passed 6-1-93)

§ 152.37 NOTIFICATION OF DESIGNATION.

The Commission shall notify each owner of the decision relating to its property and shall arrange that the designation of a property as a landmark or as a part of a Historic Preservation District be filed by the County Clerk in the land records by owner's name and tax district lot and block number. The

Commission shall also give notice of the designation to the government offices in the city and county which shall retain them for future reference. The Commission shall also send a map of the approved Historic Preservation District to the Planning Commission and request the Planning Commission to make a note on the zoning map or zoning map overlay of the existence of the Historic Preservation District and make the map of it available to the public. The Commission shall also request the Planning Commission to include the approved Historic Preservation District and approved landmarks on Core Graphic 11 of the Comprehensive Plan and any amendments thereto and such new Comprehensive Plan as may thereafter be adopted.

(Ord. 92-9, passed 12-21-92; Am. Ord. 93-10, passed 6-1-93)

§ 152.38 AMENDMENT OR RECISION OF A DESIGNATION.

The amendment or recision of any designation shall be accomplished through the same steps as were followed in the original designation.

(Ord. 92-9, passed 12-21-92; Am. Ord. 93-10, passed 6-1-93)

APPROVAL OF CHANGES TO PROPERTY IN HISTORIC PRESERVATION DISTRICTS

§ 152.50 CERTIFICATE OF APPROPRIATENESS REQUIRED.

(A) A certificate of appropriateness from the commission shall be required before a person may undertake the following actions affecting a landmark or a property in a historic preservation district:

(1) Alteration of any portion of an exterior part of a building or structure that is visible from a public street;

(2) New construction;

(3) Demolition; or

(4) Relocation.

(B) A certificate of appropriateness is required even when the proposed work does not require a building permit. When seeking a building permit from county government for a project involving designated property, a person must submit a certificate of appropriateness approving any of the work listed in this division.

(Ord. 92-9, passed 12-21-92)

§ 152.51 APPLICATION TO COMMISSION.

A person shall be referred to the Commission by the City Clerk when he wants to undertake an exterior alteration visible to the public, new construction, demolition or relocation affecting a landmark or a property in a historic preservation district. The person shall supply the Commission with the information it requests in order to reach a decision on his application for a certificate of appropriateness. The applicant shall provide, where applicable, drawings of the proposed work, photographs of the existing building or site and adjacent properties, and information about the building materials to be used. When an applicant wishes to demolish a landmark or building or structure within the Historic Preservation District, if applicable, the applicant shall submit detailed plans for the replacement building or structure, the time table for completion of the new construction, and a lending commitment, bond or other information or documents to assure completion of the new construction.

(Ord. 92-9, passed 12-21-92; Am. Ord. 00-10, passed 8-14-00)

§ 152.52 STOP WORK ORDER; INJUNCTION.

In the event work is being performed without the required certificate of appropriateness, the city shall issue a stop work order. All work shall cease on the designated property. No additional work shall be undertaken as long as such stop work order shall

continue in effect. The Commission shall meet with the owner or tenant to resolve the problem. The City Attorney may seek in Circuit Court an injunction and any other appropriate relief in order that the intent of this chapter shall be carried out. The procedures authorized in this section may also be used in the event work is being performed which is not in accordance with the certificate of appropriateness issued by the Commission.

(Ord. 92-9, passed 12-21-92) Penalty, see § 152.99

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§ 152.53 ACTION BY HISTORIC DISTRICT COMMISSION; NOTICE TO APPLICANTS.

(A) The Commission shall hold a public hearing on each Certificate of Appropriateness within 30 days after a completed application is received by the Commission. The Commission shall make a decision on the application within 45 days after the receipt of a completed application provided that the Commission may extend the time for decision an additional 60 days when the application is for a demolition or new construction. The Commission shall approve or disapprove each application, and it shall give its reasons for its decision using the criteria contained in this section and in its guidelines. Should the Commission, by majority vote, decide that the application may have significant impact on the neighborhood and/or the Historic District, in lieu of approving or disapproving the application at the public meeting, the Commission, by majority vote, may set a public hearing on the certificate of appropriateness which shall be held within 45 days of the date of the vote. The Commission may suggest modifications to an application and may then approve a certificate of appropriateness providing for revisions in the plans submitted. If the Commission fails to decide on an application within the specified time period, the application shall be deemed approved.

(B) Applicants, and all owners of property that adjoins the property for which the certificate of appropriateness is sought, as those owners are indicated in the tax records of the city, shall be given

notice of the public meetings and hearings relating to their application and shall be informed of the Commission's decision. When an application been approved, the applicant shall be given a certificate of appropriateness. Advertised notice of the public hearing shall be given, including conspicuous posting on the property for five consecutive days immediately prior to the hearing. Notice of a public hearing shall also be given in a zoned publication serving the city. The Commission may include in its application fee a charge for the cost of giving notice of the public hearing.
(Ord. 92-9, passed 12-21-92; Am. Ord. 98-1, passed 2-9-98)

§ 152.54 GUIDELINES FOR DECIDING ON APPLICATIONS.

In making a decision on an application, the Commission shall use its guidelines. The Commission shall consider the effect of the proposed work on the landmark or the property in the historic district upon which such work is to be done, and the relationship between such work and other adjacent or nearby buildings and property. In evaluating the effect and the relationship, the Commission shall consider historical and architectural significance, architectural style, design, texture, materials and color. The certificate from the Commission shall not relieve the applicant from complying with the requirements of other state and local laws and regulations.
(Ord. 92-9, passed 12-21-92)

§ 152.55 CONSULTATION WITH APPLICATIONS.

Before an applicant prepares his plans, he may bring a tentative proposal to the Commission for its comments. The Commission shall be aware of the importance of finding a way to meet the current needs of the applicant. The Commission shall also recognize the importance of approving plans that will be reasonable for the applicant to carry out.
(Ord. 92-9, passed 12-21-92)

§ 152.56 ROUTINE ALTERATIONS; ORDINARY MAINTENANCE.

(A) The Commission shall prepare a list of routine alterations that shall receive immediate approval from the Chairperson or Vice-Chairperson of the Commission without a public meeting, when an applicant complies with the specifications of the Commission. The list shall include paint colors appropriate for different types of buildings. At each meeting the Commission shall be informed of the certificates of appropriateness that have been issued under this provision.

(B) Ordinary repairs and maintenance may be undertaken without a certificate of appropriateness provided this work on a landmark or a property in a

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historic district does not change its exterior appearance that is visible to the public. Every person in charge of a landmark or a property in a historic district shall keep in good repair all of the exterior portions of such buildings or structures; and all interior portions thereof which, if not so maintained, may cause such buildings or structures to deteriorate or to become damaged or otherwise to fall into a state of disrepair. The purpose of this provision is to prevent a person from forcing the demolition of his building by neglecting it and by permitting damage to the building because of weather or vandalism. No provision in this chapter shall be interpreted to require an owner or tenant to undertake an alteration or to restore his building to its original appearance. The provisions of this section shall be in addition to the provisions of the Kentucky Building Code requiring buildings and structures to be kept in good repair.
(Ord. 92-9, passed 12-21-92; Am. Ord. 98-1, passed 2-9-98) Penalty, see § 152.99

§ 152.57 EMERGENCY SITUATIONS.

(A) When a property is damaged by fire, a storm or other unexpected event, the owner or tenant may receive approval from the Chairperson or Vice-

Chairperson of the Commission for work to be done in response to this emergency. At its next meeting the commission shall be informed of the certificate of appropriateness that was issued. In situations requiring temporary action, an owner may do work in order to protect temporarily his property from further damage provided he reports this work to the Commission within two business days.

(B) In any case where the city determines that there are emergency conditions dangerous to life, health or property affecting a landmark or a property in a historic district, the city may order the remedying of these conditions without the approval of the Commission. When it is possible, the city shall consult with the Chairperson or Vice-Chairperson of the Commission about the action being taken. If consultation is not possible, the city shall notify the Commission of the action taken after the completion of the work.

(Ord. 92-9, passed 12-21-92)

§ 152.58 DEMOLITION OF LANDMARK, BUILDING OR STRUCTURE IN HISTORIC PRESERVATION DISTRICT.

When an applicant wishes to demolish a landmark or a building or structure in a historic preservation district, the Commission shall negotiate with the applicant to see if an alternative to demolition can be found. The Commission may ask interested individuals and organizations for assistance in seeking an alternative to demolition and in obtaining estimates on rehabilitation costs for the threatened building. After its public meeting, the Commission may decide that a building or structure in a historic district may be demolished because it does not contribute to the historic district. On all other demolition applications, the Commission shall study the question of economic hardship for the applicant and shall determine whether the landmark or the property in the historic district can be put to reasonable beneficial use without the approval of the demolition application. In the case of an income-producing building, the Commission shall also determine whether the applicant can obtain a reasonable return from his building. The Commission

may ask applicants for additional information to be used in making these determinations. If economic hardship or obtaining a reasonable return is not proved, the Commission shall deny the demolition application unless the Commission finds grounds to grant the demolition application under the points contained in § 152.54 of this chapter. When the Commission gives permission to demolish a building or structure, that permission shall be valid for one year from the date that the permit is issued. If the demolition has not been started and completed within one year, the Commission shall review the circumstances and shall require a new application to authorize the demolition, or to authorize any work that remains to be done.

(Ord. 92-9, passed 12-21-92; Am. Ord. 98-1, passed 2-9-98; Am. Ord. 00-10, passed 8-14-00)

§ 152.59 MOVING A LANDMARK, BUILDING OR STRUCTURE IN HISTORIC PRESERVATION DISTRICT.

When an applicant wishes to move a landmark or a building or structure in a historic district or when an

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applicant wishes to move a building or structure to a lot containing a landmark or to a property in a historic district, the Commission shall consider the contribution the building or structure makes to its present setting; whether there are definite plans for the site to be vacated; whether the building or structure can be moved without significant damage to its physical integrity; and the compatibility of the building or structure to its proposed site and adjacent properties. These considerations shall be in addition to the points contained in § 152.54 of this chapter.

(Ord. 92-9, passed 12-21-92)

§ 152.60 LENGTH OF VALIDITY OF CERTIFICATE OF APPROPRIATENESS.

A certificate of appropriateness shall remain valid for one year after it is issued. Work is required to start before the end of the one year period. If the approved

work has not been completed within two years after the certificate of appropriateness was issued, the Commission shall review the situation and may require an application for a certificate of appropriateness for the work that remains to be done. (Ord. 92-9, passed 12-21-92)

§ 152.61 APPEAL OF COMMISSION'S DECISION.

Any applicant for a certificate of appropriateness that is denied by the Commission, in whole or in part, and any resident of the city who objects to the issuance of a certificate of appropriateness that is approved by the Commission, shall have an appeal to the City Council as provided by City of Anchorage Code of Ordinances § 32.60. (Ord. 5-2019, passed 11-11-19)

MOBILE HOMES

§ 152.75 DEFINITION.

The term ***MOBILE HOME*** shall mean:

Any vehicle or similar portable structure used, or so constructed as to permit its being used as a conveyance upon the public streets or highways, and designed to permit occupancy thereof as a dwelling place for one or more persons, including camper or vacation trailers; or any structure fabricated in offsite manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the federal Manufactured Housing Construction and Safety Standards Code as set forth in the Code of Federal Regulations, Title 25, Part 3280, 3282, 3283, and 42 U.S.C. §§ 5410 et seq., and as mandated by the United States of America and as administered by the United States Department of Housing and Urban Development and commonly referred to as the HUD

Code, but not meeting the additional standards as required in the definition herein of a single-family dwelling (as that term is defined in the land development code in effect for the city). (Ord. 10-2017, passed 11-13-17)

§ 152.76 MOBILE HOMES PROHIBITED IN THE HISTORIC DISTRICT.

No mobile home shall be located within the city's Historic District unless the mobile home is completely concealed from view from any public street, public access easement, or any residence located within the Historic District, by placement of the mobile home inside of a barn, garage, or similar structure, in which the mobile home is completely enclosed. The structure in which the mobile home is placed shall either have existed prior to the effective date of Ordinance No. 9, Series 1992, or, if constructed after the effective date of that ordinance, was constructed in the manner approved in a certificate of appropriateness approved by the Historic Preservation Commission. (Ord. 10-2017, passed 11-13-17)

§ 152.99 PENALTY.

Any person violating any of the provisions of this chapter shall be assessed a civil penalty of \$250 for each offense. Each day's violation shall constitute a separate offense. (Ord. 92-9, passed 12-21-92)

APPENDIX A: GUIDELINES FOR PUBLIC IMPROVEMENT WITHIN THE HISTORIC PRESERVATION DISTRICT

Guidelines for Public Improvement within the Anchorage Historic Preservation District

GUIDELINES

Public improvement for tracts of land within the Anchorage Historic Preservation District should follow as closely as possible to existing practices.

After its initial growth along the wilderness roads and the east-west railroad line, this community was developed as a town rather than separate divisions of large properties. Anchorage was incorporated in 1878.

Features such as stone-arched bridges and triangle intersections were in use in Anchorage, patterned after the work of the Olmsted Brothers, firm in Cherokee Park in Louisville, before that firm was employed to design a plan for the Town of Anchorage in 1914. The Anchorage Historic Preservation Commission has identified these features and proposes to maintain them through the following guidelines:

Ordinances referred to are available in entirety at City Hall.

ARCHITECTURE - See section I of the Anchorage Historic Preservation District Guidelines.

STREETS

- (1) Street Materials: Asphalt pavement is preferred material as plain or impressed concrete is rarely found and is inappropriate for the semi-rural surroundings due to its sharp edges and brightness.
- (2) Street Width: Roadway widths of 16 to 18 feet are typical of Anchorage country lanes, with the preferred width being the minimum allowable under Jefferson County regulations. The contractor will ask for waiver to 18 feet of the standard 24 feet for access roads and 20 feet for a cul-de-sac in Jefferson County,
- (3) Curbs: Curbs are generally inappropriate for the semi-rural surroundings both in color and the hard-line made in adjacent turf. When curbs are mandated by a governing body they should be colored dark brownish-gray as suggested in the Olmsted Plan. Otherwise they are "excessively glaring and conspicuous." Gravel shoulders are preferable.
- (4) Cul-de-sac: Generally road alignment should provide for intersecting streets as is typical in Anchorage, which facilitate both pedestrian and vehicular movement. When cul-de-sacs cannot be avoided, they should have a landscaped center island of at least 15 feet radius to minimize the pavement mass.

- (5) Street Layout: Streets should be planned to minimize disruption of tree stands and natural streams. Disruption of 40% or more of the ground surface above tree roots will typically kill the tree. Therefore, sufficient clearance should be provided to save tree stands. Natural streams should be crossed as close to right angles as possible to minimize disruption and piping length. When streets parallel streams they should maintain a landscape buffer of at least 30 feet between the pavement and the stream to preserve the natural stream bed and established vegetation.
- (6) Striping: Pavement should not be striped except when required by law.
- (7) Street Drainage: Roadside swales, as required drainage, should be as shallow as possible based on good engineering design. Side slope should be less than 14% (7(H) :1(V)) except they may be steepened in tree preservation areas. Swale bottoms should be grassed and rounded to minimize its impact on the view of the adjacent property. Lined swales should be limited to those areas where required by the Drainage Ordinance and then lined as described under open channels.
- (8) Street Intersection: At minor intersections, triangles should be incorporated where appropriate with the proportions of the largest existing triangles in Anchorage. Corners should be rounded rather than right angles.

UTILITIES

- (1) Electric and Telephone: New construction should be underground and as close to the street whenever possible to limit trimming of future tree canopies. Transformer and connection boxes for underground utilities should be shielded from view from the street by dense natural appearing shrubbery.
- (2) Existing Streets: New underground utilities such as sanitary sewers and water lines should be placed under existing streets to minimize disruption of mature vegetation and swales adjacent to existing streets.
- (3) Bridges: Bridge construction or reconstruction should be built in the 1690's Olmsted style, arches similar in size and material found throughout Anchorage. Concrete or creekstone end walls are inappropriate based upon the predominance of large cut limestone blocks.
- (4) Storm Drainage Pipes: Pipes shall be concrete rather than metal due to its longevity, minimizing disruption of the future landscape and compatibility with stone end walls. End walls should be built of mortared limestone blocks typical of arch bridges in Anchorage. The open end of a pipe should not be in view from the roadway. Generally, piping should be minimized in favor of open channel drainage.

- (5) Open Channels: Turf-lined channels are preferred. When channels are required to be surfaced due to velocity or quantity of flow, a turf anchoring device (e.g. Enkamat) should be investigated. If a hard lining is necessary then a hand placed rip-rap stone or other “loose” stone surface should be utilized. Concrete should not be used due to its inappropriateness in a semi-rural environment.
- (6) Detention Basins: When basins are required to reduce peak flows from new development, they shall be designed without excavation whenever possible. When excavation is required, topsoil should be stripped and replaced to a one foot depth. Slopes should be kept flatter than 20% (5(H):1(V)). To allow the basin to blend into the natural landscape, slopes and banks should be curvilinear and respect surrounding tree stands and natural features. At the top and bottom of slopes, the grade should change gradually with a curve transition into the adjacent flatter slopes. Overflow structures for basins should be hidden from view with grated inlets and/or limestone block walls rather than concrete. Limestone blocks should be similar to those used on arch bridges in Anchorage. Minimum slopes on the bottom of dry basins should be at least 2% (50(H) :1(V)) to provide adequate drainage, thereby allowing the establishment of turf. Should the basin be designated by recorded easement as a preservation area, flatter slopes may be acceptable if wetland type vegetation is allowed to mature.
- (7) Sewage Pump Stations: They must be screened from public view by natural appearing planting.

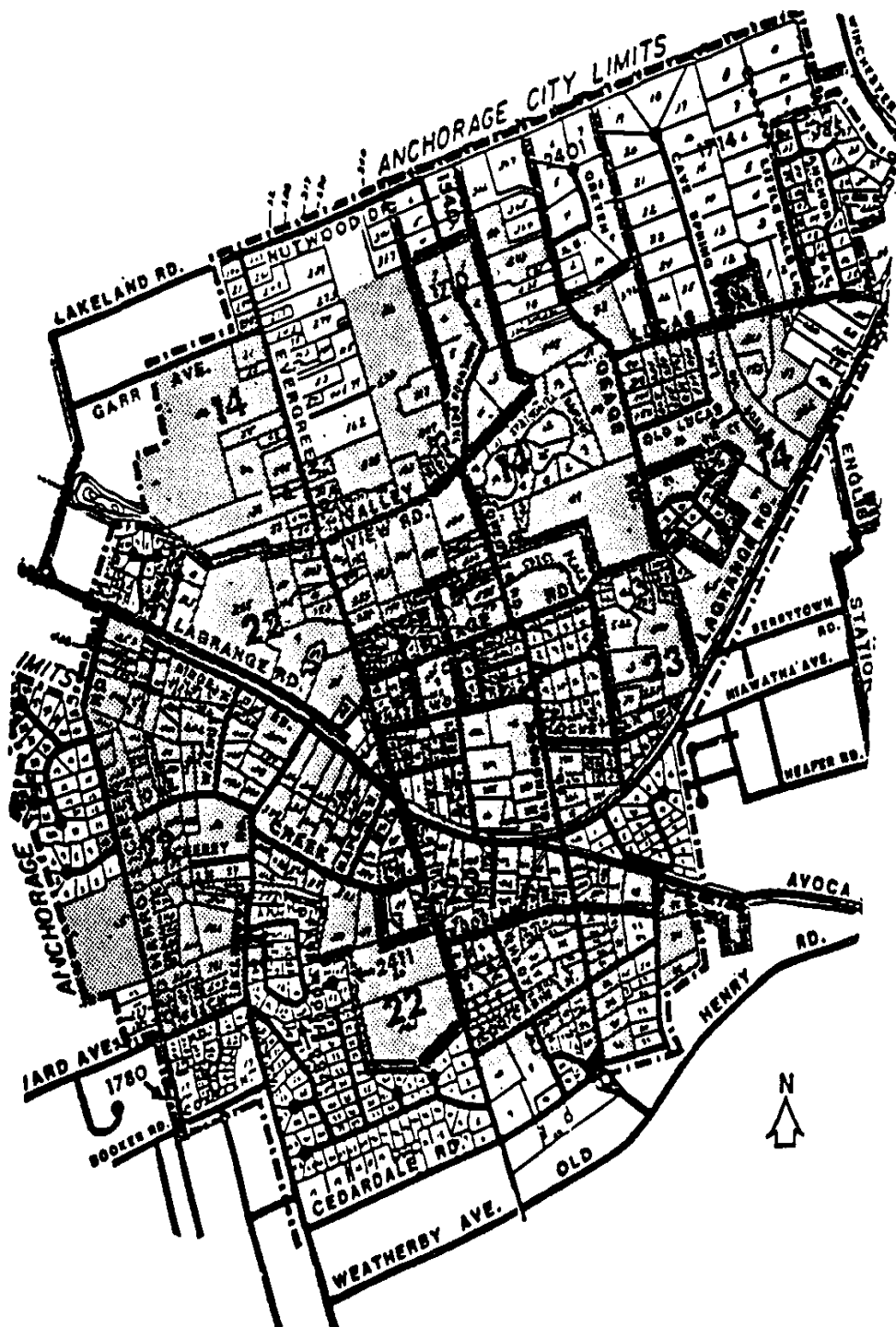
DESIGN - LANDSCAPING AND DECORATIVE FEATURES:

New developments should be designed with sensitivity to the surrounding natural and built environment, using streams and natural vegetation as integral features.

- (1) Landscaping: Jefferson County requires developers to landscape new subdivisions and provides detailed regulations for landscaper buffers between commercial and residential areas. The Anchorage Tree Ordinance (#11, Series 1991) requires a permit for removal of trees and specific replacement. Appropriate trees should be planted along new streets after consultation with the Anchorage Forestry Department. Lots backing up to existing streets are inappropriate unless a heavily-treed 200-foot wide landscape buffer is used.
- (2) Sidewalks: When provided, may be on one or both sides of the street far enough back from the street to allow for roadside trees and drainage swales. The walks should flow with the terrain rather than using fills or cuts which produce a forced appearance.

- (3) Lighting.
 - 1. Anchorage City Ordinance (#4, Series 1966) states that street lights are inappropriate and incompatible with the City's character.
- (4) Fences and Walls:
 - 1. Jefferson County regulations for R.E. Zones permit ornamental fencing not to exceed four feet in height in the front of private properties except when vision clearance is impaired. Commission approval is required.
 - 2. Side or rear yards may be bounded by ornamental fencing of wood or ornamental iron not to exceed 7 feet in height. No approval is required. Farm board fencing is most frequently used and least obtrusive in this semi-rural area.
- (5) Signature Entrances and Signs: The elaborate entrances identifying many subdivisions are inappropriate to the town of Anchorage.
 - 1. Anchorage City Ordinance #10, Series 1986 prohibits any signs for real estate or political purposes on the rights of way of city streets.
 - 2. Street Signs - for direction and street numbers shall conform in style and material to those in city-wide use.
- (6) Erosion Control: All construction activities should be shielded from natural swales and streams by erosion control measures to prevent the degradation of the downstream environment. Anchorage City Ordinance #1, Series 1993 relates to drainage and storm water management
- (7) Riding Trails: All new development shall include plans for recreational passageways with an easement of 25 feet suitable for safe passage of riders on horseback. Anchorage City Ordinance #4, Series 1992 designates street, road rights-of-way, passageways and easements of the City as riding trails and walkways. No obstruction shall be permitted.

APPENDIX B: HISTORIC PRESERVATION DISTRICT MAP



APPENDIX C: APPLICATION FOR CERTIFICATE OF APPROPRIATENESS**ANCHORAGE HISTORIC DISTRICT COMMISSION****Application for Certificate of Appropriateness**

Applicant Name _____ Date _____

Applicant Address _____ Phone _____

Name of business (if applicable) _____

Property owner and address _____

Address of proposed changes _____

Description of proposed changes (attach drawings and photos)

APPENDIX D: CERTIFICATE OF APPROPRIATENESS

**CERTIFICATE OF APPROPRIATENESS
ANCHORAGE HISTORIC DISTRICT COMMISSION**

Application # _____ Date of Application _____
 Property Address _____
 Applicant /Contractor _____ Owner/Resident _____
 Address _____ Address _____

DECISION BY, _____ Committee _____ Date _____
 AHDC _____ Date _____

FINAL ACTION,
 Approve _____ Approve with Conditions _____ Disapprove _____

WORK APPROVED, CONDITIONS, OR REASON FOR BEING DISAPPROVED

 AHDC Chair/Secretary

 Date

This Certificate of Appropriateness approves only the work described. Any additional work or changes in the work described above must be approved by the Anchorage Historic District Commission. This document certifies that the proposal meets design requirements only. Zoning and/or building permits must be obtained where required. Applicant is responsible for securing all appropriate permits.

City of Anchorage
 P.O. Box 23266
 Anchorage, KY 40223
 (302) 245-4654

2 copies #1 file #2 applicant

CHAPTER 153: SIGNS

Section

- 153.01 Intent and declaration of public policy
- 153.02 Definitions
- 153.03 Administration
- 153.04 Permit procedure
- 153.05 Removal of signs
- 153.06 Variances
- 153.07 General standards
- 153.08 Prohibited signs
- 153.09 Sign illumination
- 153.10 Material and style
- 153.11 Temporary sign requiring a sign permit
- 153.12 Permanent signs requiring a permit
- 153.13 Signs not requiring a permit
- 153.14 Nonconforming signs
- 153.15 Protection of first amendment rights
- 153.16 Pointer signs

- 153.99 Penalty

§ 153.01 INTENT AND DECLARATION OF PUBLIC POLICY.

(A) The purpose of this chapter is to authorize the use of signs which are compatible with their surroundings, appropriate to the activity which displays the sign, expressive of the identity of the individual activities and the community as a whole, and legible in the circumstances they are seen.

(B) The City Council wishes to promote safety of persons and property by providing that signs do not create traffic hazards by distracting or confusing motorists, impairing the ability of motorists to see pedestrians, other vehicles, obstacles or to read traffic signs, that signs do not create a hazard due to collapse, fire, collision, decay or abandonment, and that they promote the aesthetics, safety, health, morals,

and general welfare and protection of adequate light and air within the city by regulation of their posting, displaying, erection, use and maintenance.

(C) It is the further intent of the City Council to promote the efficient transfer of general public and commercial information through the use of signs, to protect the public welfare, and to enhance the overall appearance and economic value of the landscape and preservation of the unique natural environment that distinguishes the city.

(D) These sign regulations shall apply to all exterior and window signs in the city.
(Ord. 96-8, passed 8-5-96)

§ 153.02 DEFINITIONS.

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

ABANDONED SIGN. A sign which was erected on property in conjunction with a particular use which has been discontinued for a period of 90 days or more, or a sign the content of which pertains to a time, event, or purpose which no longer applies.

ADMINISTRATOR. That person designated by the City Council to enforce the provisions of this chapter.

BACK-TO-BACK SIGN. A sign constructed on a single set of supports with messages visible on any side, provided that double message boards are physically contiguous.

BANNERS AND PENNANTS. Any animated, rotating, fluttering, or non-stationary device made of flexible materials designed to attract, except

decorative/noncommercial flags and banners not exceeding 12 square feet in area.

BUILDER IDENTIFICATION SIGN. A sign denoting the name/logo of the builder.

BUILDING. A structure having a roof supported by columns or walls and for the shelter or enclosure of persons, animals, materials, or property of any kind.

CANOPY. A structure constructed of rigid materials, including but not limited to metal, wood, concrete, plastic, or glass, which is attached to and supported by a building or by columns, poles, or braces extended to the ground.

CANOPY SIGN. A sign which is suspended from, attached to, supported from, or forms a part of a canopy.

CITY COUNCIL. The body that hears and acts upon any appeals to this chapter.

DILAPIDATED SIGN. Any sign which is insecure or otherwise structurally unsound, has defective parts, or is in need of painting or maintenance.

ELECTRICAL SIGN. A self-illuminated sign or sign structure in which electric wiring, connections, and/or fixtures are used as part of the sign proper.

FACADE. The entire building wall, including main street wall face, and parapet, fascia, windows, doors, canopy, and roof on any complete elevation.

FLASHING SIGN. Any lighted or electrical sign which emits lights in sudden transitory bursts.

FREE-STANDING SIGN. A sign supported by a sign structure secured in the ground and which is wholly independent of any building, fence, vehicle, or object other than the sign structure, for support.

FRONTAGE. The length of the property line of any one premises or parcel serving as a public right-of-way line.

HEIGHT OF SIGN. The vertical distance measured from the adjacent average elevation of road to the top of the sign face or sign structure, whichever is greater.

IDENTIFICATION SIGN. A permanent ground sign which identifies an office park, industrial park, multi-family complex, retail center, shopping center, or subdivision (that is, a single-family residential district).

ILLUMINATED SIGN. Any sign which is directly lighted by an electrical source, internal or external.

INFLATABLE SIGN. A sign that is either expanded to its full dimensions or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

INGRESS/EGRESS SIGN. A sign which designates only the direction of ingress or egress of a parking area or driveway, such as "In," "Out," and "One-Way."

MOVING MESSAGE BOARD. Any electrical sign having a continuous message flow across its face by utilization of lights or other electrical impulses forming various words or designs.

NONCONFORMING SIGN. Any sign which was granted a permit and was erected or displayed prior to the effective date of this chapter or subsequent amendments thereto, which does not conform with the standards of this chapter.

OCCUPANCY. Any use of or activity upon the premises.

OFF-PREMISE SIGN. A sign identifying, advertising, or directing the public to a business, merchandise, service, institution, residential area, entertainment, or activity which is located, sold, rented, based, produced, manufactured, furnished, or taking place at a location other than on the property platted for the business where the sign is located.

ON-PREMISE SIGN. Any sign, the content of which relates to use, occupancy, function, service, or product sold or manufactured on the property plotted for the business where the sign is located.

PAINTED WALL SIGN. A sign painted directly on any exterior building wall or door surface, exclusive of window and door glass areas on any outside wall or roof or on glass of any building.

PANEL. The primary surface of a sign upon which the message of the sign is carried.

PARAPET. A vertical false front or wall extension above the roof line.

PENNANTS. See **BANNERS**.

POLITICAL SIGN. A sign erected by a political candidate, group, or agent thereof for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the city shall vote.

PORTABLE SIGN. Any sign which is not permanently affixed to a building, structure, or the ground, or which is attached to a mobile vehicle.

PREMISES. The real property (as a unit) which is affected either directly or indirectly by the contents of this chapter.

PROJECT SIGN. Any sign erected and maintained on the premises temporarily while undergoing construction by an architect, contractor, developer, finance organization, subcontractor, or materials vendor, upon which property such individual is furnishing labor, services, or material.

PUBLIC RIGHT-OF-WAY LINE. The line where the property meets the public right-of-way at a public street or public waterway, provided that this definition shall not include unimproved alleys, easements, or other similar dedicated uses.

PUBLIC WAY. Any street, highway, road, path, or right-of-way, whether privately or publicly owned, which is designed or used for vehicular or

pedestrian traffic either by public right or custom, or by invitation of two or more common owners.

REAL ESTATE SIGN. A temporary sign erected by the owner, or his or her agent, advertising the real property upon which the sign is located for rent, for lease, or for sale.

REAL ESTATE POINTER SIGN. Arrow signs.

ROOF. The exterior upper covering of the top of a building.

ROTATING SIGN. A sign erected over or on, and wholly or partially dependent upon, the roof of any building for support, or attached to the roof in any way. Any sign which revolves around one or more fixed areas.

SIDEWALK or SANDWICH SIGN. A moveable sign not secured or attached to the ground or any building or structure.

SIGN. Any device or representation the primary purpose of which is visual communication and that is used for the purpose of bringing the subject thereof to the attention of others and which is located on or attached to premises, real property, structures on real property, or a vehicle, except for the following:

(1) Signs not sufficiently visible from a public street, or private property of another, that the subject of visual communication is discernable and that do not employ a means for attracting the attention of others through the use of lights or otherwise.

(2) Non-illuminated names of buildings, dates of erection, monument citations, commemorative tablets, and the like when carved into stone, concrete, metal, or any other permanent type of construction and made an integral part of an allowed structure or made flush to the ground.

(3) Signs required by law or signs of a duly constituted governmental body.

(4) Signs placed by a public utility for the safety, welfare, or convenience of the public, including but not limited to signs identifying high voltage, public telephone, or underground cables.

(5) Signs upon a vehicle, provided that any such vehicle with a sign face of over two square feet is not conspicuously parked so as to constitute a sign; nothing herein prevents such a vehicle from being used for bona fide delivery and other vehicular purposes.

(6) Temporary holiday decorations.

(7) Numerals displayed on and denoting the address of a building or property which are not part of an otherwise existing attached or freestanding sign.

(8) "No trespassing," "no hunting," "no fishing," "no loitering," and similar signs that do not exceed one square foot in area.

(9) Any device or representation in a residential zone, meeting all of the criteria for a sign, but not displayed for more than five consecutive days or more than 20 days in a calendar year.

SIGN, AREA OF. The area, measured in square feet, enclosed by the perimeter of the sign face. With respect to signs which are composed of individual symbols, letters, figures, illustrations, messages, forms, or panels, sign area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign, and any "cutouts" or extensions, but shall not include any supporting structure or bracing.

SIGN FACE. The part of the sign that is or can be used to identify, advertise, or communicate information, or for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color, and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface, or object which or against which it is placed. The sign structure shall not be included as a portion of the sign face, provided that no message, symbol, or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure.

SIGN STRUCTURE. A supporting structure erected, used, or intended for the purpose of identification or attracting attention, with or without a sign thereon, situated upon or attached to the premises, upon which any sign may be fastened, affixed, displayed, or applied, provided, however, that this definition shall not include a building, fence, wall, or earthen berm.

SNIP SIGN. A sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, or fences, or to other objects, and the advertising matter appearing thereon is not applicable to the present use of the premises on which such sign is located.

SWINGING SIGN. A sign installed on an arm, mast, or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

TEMPORARY SIGN. Any sign or information-transmitting structure intended to be erected or displayed for a limited period.

TIME AND TEMPERATURE SIGN. An electrical sign utilizing lights going on and off periodically to display the current time and temperature in the community.

TRAFFIC DIRECTION or SAFETY SIGN. A sign which is on-premises consisting of type and/or an arrow and is designed, sized, and erected solely for the purpose of vehicular or pedestrian traffic direction, parking, or safety.

VEHICLE SIGN. A permanent or temporary sign affixed, painted on, or placed in or upon any parked vehicle, parked trailer, or other parked device capable of being towed, which is displayed in public view under such circumstances as to location on the premises, time of day, duration, availability of other parking space on the premises, and the proximity of the vehicle to the area on the premises where it is loaded, unloaded, or otherwise carries out its principal function, which circumstances indicate that the primary purpose of said display is to attract the attention of the public rather than to serve the business of the owner thereof in the manner which is customary for said vehicle.

WINDOW SIGN. Any sign which is painted on, applied to, attached to, or projected upon or within the exterior or interior of a building glass area, including doors, or located within 15 feet of the interior of a building glass area, including doors, the identification, message, symbol, insignia, visual representation, logotype, or any other form which communicates information of which can be read from off premises contiguous property or public right-of-way.

WINDOW SIGN, TEMPORARY. A window sign of a temporary nature used to direct attention to the sale of merchandise, or a change in the status of the business, including but not limited to signs for sales, specials, going out of business, and grand openings.

(Ord. 96-8, passed 8-5-96)

§ 153.03 ADMINISTRATION.

The city shall have the responsibility and full authority to administer and enforce all provisions of this chapter.

(Ord. 96-8, passed 8-5-96)

§ 153.04 PERMIT PROCEDURE.

(A) No sign or sign structure, except as provided in § 153.13 shall be erected, displayed, altered, relocated, or replaced until a sign permit has been issued. For the purpose of this chapter, all signs are considered accessory uses of real property and shall be located on the premises of the principal use to which they pertain.

(B) Applications for sign permits shall be submitted on a form provided by the City Administrator, shall be accompanied by the requisite review fee, and shall contain or have attached at a minimum the following information in either written or graphic form:

(1) Application date.

(2) Name, address, and telephone number of the sign owner and, if different, the owner of the land on which the sign will be erected.

(3) Address of the property where the sign or sign structure will be erected.

(4) Signature(s) of the sign owner and, if different, the owner of the land on which the sign will be displayed.

(5) Location of the sign on the property.

(6) Type of sign (for example, monument or wall) and general description of structural design and construction materials.

(7) Drawings of the proposed sign which shall contain specifications indicating color samples, height, perimeter, and area dimensions, means of support, method of illumination if any, and any other significant aspect of the proposed sign.

(8) Any other information requested by the City Administrator in order to carry out the purpose and intent of these regulations.

(Ord. 96-8, passed 8-5-96; Am. Ord. 4-2016, passed 7-20-16) Penalty, see § 153.99

§ 153.05 REMOVAL OF SIGNS.

(A) The City Administrator may remove or order the removal of any sign constructed after the enactment of this chapter which is not in conformance with the provisions of this chapter. Ten days notice shall be given to the sign and/or land owner prior to removal.

(B) If the City Administrator shall find any sign an immediate peril to persons or property, the sign shall be removed. If the Administrator cannot locate the sign owner or lessor for immediate removal of the sign, the Administrator shall have the sign removed by city employees.

(C) If the City Administrator is absent from the city, the Mayor, Zoning Enforcement Officer, Chief of Police, or City Attorney may act in place of the City Administrator for the purposes of this section.

(Ord. 96-8, passed 8-5-96)

§ 153.06 VARIANCES.

(A) The City Council may grant variances to allow for variations to the criteria specified in this chapter.

(B) The City Council may consider applications for variances only in situations where the applicant has been denied a sign permit by the City Administrator. The City Council may grant a variance if it finds that the following physical conditions exist:

(1) The zoning lot on which an activity is located is unusually shaped or exhibits unusual topography; and

(2) Such physical characteristics prevent legal signage from identifying the activity as compared to legal signage identifying other activities in the immediate area.

(C) The City Administrator, at his or her discretion, may grant a variance for a temporary sign which will exist for a period not to exceed 14 days. (Ord. 96-8, passed 8-5-96)

§ 153.07 GENERAL STANDARDS.

(A) The regulations in this section specify the numbers, types, sizes, heights, and locations of signs which are permitted within the city and which require a permit. Any sign regulations approved by the City Council may supersede all or parts of this section.

(B) In measuring the area of signs permitted under these regulations, the entire face of the sign (one side only for back-to-back signs) shall be included. Where both sides of a back-to-back (parallel) sign contain lettering or other allowable display, only one side shall be used to compute the allowable size of the sign. Where a sign consists of two or more faces which are not back-to-back (parallel), each sign shall be calculated separately.

(C) All signs shall have zero setback from the property line; however, no sign shall be placed closer than ten feet from the curb and/or street edge. (Ord. 96-8, passed 8-5-96) Penalty, see § 153.99

§ 153.08 PROHIBITED SIGNS.

(A) The following types of signs are prohibited unless specifically stated otherwise in this chapter:

(1) Swinging signs.

(2) Snip signs.

(3) Banners (except as permitted in § 153.11).

(4) Off-premises signs.

(5) A sign which contains any moving, flashing, animated lights, visible moving, or moveable parts, or giving the appearance of animation.

(6) Roof signs.

(7) Vehicle signs.

(8) Any sign which emits a sound, odor, or visible matter.

(9) Any sign which obstructs free ingress to or egress from a required door, window, fire escape, or other required exit way.

(10) Any sign and/or sign structure which obstructs the view of, may be confused with, or purports to be a governmental or traffic direction/safety sign.

(11) Any sign or sign structure other than free-standing and vertical wall extension, any portion of which extends above the parapet, building roof line, or canopy against which the sign is located.

(12) Signs using the words "stop," "danger," or any other word, phrase, symbol, or character in a manner that misleads, confuses, or distracts a vehicle driver.

(13) Moving message and time and temperature signs.

(14) Except as otherwise provided, no sign whether temporary or permanent, except by a public agency, is permitted within any street or highway right-of-way.

(15) Signs painted on or attached to trees, fence posts, rocks, or other natural features, telephone, or utility poles or painted on the roofs of buildings visible from any public thoroughfare.

(16) Subdivision identification ensigns.

(17) Abandoned or dilapidated signs.

(18) Any sign which exhibits statements, words, or pictures of obscene, pornographic, or immoral subjects.

(19) Portable signs (except those denoting personal events such as birthdays and anniversaries which are not in place for more than five consecutive days).

(20) Signs affixed to a private residence or dwelling or displayed upon the grounds thereof, except one personal identification sign not exceeding two square feet and one non-illuminated “for sale” or “for rent” sign not exceeding 7-1/2 square feet.

(21) Inflatable signs.

(22) Real estate pointer (arrow) signs.

(23) Canopy signs.

(24) Painted wall signs.

(25) Rotating signs.

(Ord. 96-8, passed 8-5-96) Penalty, see § 153.99

§ 153.09 SIGN ILLUMINATION.

(A) *Electrical requirements.* Electrical requirements pertaining to signs shall be as prescribed under the electrical codes of the Commonwealth of Kentucky and Jefferson County, as they may change from time to time, and as they have been adopted by the city.

(B) *Permissible means.* If illuminated, signs shall be illuminated only by the following means:

(1) By a white, steady stationary light of reasonable intensity shielded and directed solely at the sign.

(2) By white interior light.

(3) Light sources to illuminate signs shall be shielded from all adjacent residential buildings and streets and shall not be of such brightness so as to cause glare hazardous to pedestrians or auto drivers or so as to create a nuisance to adjacent residential districts and shall comply with the applicable restrictions (for example, off premises spill-over into residential area) of § 150.01.

(Ord. 96-8, passed 8-5-96) Penalty, see § 153.99

§ 153.10 MATERIAL AND STYLE.

(A) Signs shall not have light reflecting backgrounds but may use light reflecting lettering.

(B) The various parts of a sign shall be compatible.

(C) A multi-faced sign shall have the same name and same message on all used faces.

(D) It is the intent of this chapter to encourage signs of standard geometric shapes.

(E) Except in the C-1 zoning district, signs shall not be of or contain a commercial sponsor name or motif (soda bottles, hamburgers, or other figures), or other outdoor commercial displays.

(Ord. 96-8, passed 8-5-96) Penalty, see § 153.99

§ 153.11 TEMPORARY SIGN REQUIRING A SIGN PERMIT.

A yearly permit shall be required for allowed temporary signs, separate and exempt from the requirements and fee of § 153.04, and the signs must conform to the following specifications:

(A) (1) Temporary commercial and residential construction/development phase signs shall be limited to two signs per development, not to exceed one per street entrance. The maximum width shall be four feet, the maximum area shall be 16 square feet, with a maximum of two sides per sign.

(2) Removal of signs from single-family subdivisions shall be required when 80% of the lots are sold.

(B) Banners to be placed above the public right-of-way advertising an event to occur within the city that is sponsored by the city, the Anchorage Independent School District, the Anchorage Fire Protection District, the Anchorage Ambulance District, or a non-profit organization based in the city or affiliated with a similar organization within the city.

(1) Should the City Administrator deny a permit under this section, the applicant may appeal to the City Council, as set forth in § 32.60.

(2) Any banner placed under this section shall remain in place for no more than 30 consecutive days and at its lowest point above the public right-of-way shall be no less than 13-1/2 feet above the right-of-way.

(3) Banners may only be permitted within the CN, C-1, and OR zoning districts.

(Ord. 96-8, passed 8-5-96; Am. Ord. 96-11, passed 10-21-96; Am. Ord. 96-14, passed 11-18-96; Am. Ord. 97-2, passed 3-3-97) Penalty, see § 153.99

§ 153.12 PERMANENT SIGNS REQUIRING A PERMIT.

Permits shall be required for allowed permanent signs that conform to the following criteria:

(A) Within the C-1 zoning district:

(1) *Single commercial establishments.* Single commercial establishments shall be limited to one sign per street frontage not to exceed two signs.

The type of sign shall be monument and/or wall/marquee. The size and height shall be limited to:

(a) Monument: 40 square feet in area and ten feet in height.

(b) Wall/marquee: the sign area cannot exceed 50% of the length of the facade or a maximum area of 100 square feet, and three feet in height.

(c) Backlighting and indirect lighting are recommended. Internal lighting shall be allowed when that lighting illuminates sign graphics (lettering and logos) only and the remainder of the sign is opaque (transmitting no light).

(2) *Retail/shopping center.* Centers with four or more establishments planned as an integrated development shall be authorized to erect signs based on the following criteria:

(a) Center identification signs shall be limited to one monument type sign per street entrance not to exceed two signs per development.

(b) Signs shall be of monument and/or wall/marquee type.

(c) The minimum area of the sign shall be ten square feet, the maximum area shall be 30 square feet, and maximum height shall be five feet.

(d) Backlighting and indirect lighting are recommended. Internal lighting is allowed when that lighting illuminates sign graphics (lettering and logos) only and the remainder of the sign is opaque (transmitting no light).

(3) *Sidewalk sandwich signs.* Sidewalk sandwich signs shall be limited to one per business. The height cannot exceed four feet when standing and 2-1/2 feet in overall width. The sign must be placed within 12 feet of the front entrance of the business establishment.

(4) *Gasoline filling stations.*

(a) Petroleum products pumps and dispensers which are within view of a public way shall be permitted to display only information required by law and, in addition, the brand name and type of product being dispensed.

(b) Premises which dispense retail bulk petroleum products by pump shall be permitted one additional sign on the premises announcing the price per gallon of no more than four products with characters not exceeding 12 inches in height. In lieu of the one additional sign permitted above, the price per gallon may be displayed on each individual pump structure with characters not exceeding six inches in height.

(B) Zoning lot with one office building within the OR or C-1 zoning districts:

(1) The building shall be limited to one sign of monument type.

(2) The sign shall be 20 square feet in area and three feet in height.

(3) Backlighting and indirect lighting are recommended. Internal lighting is allowed when that lighting illuminates sign graphics (lettering and logos) only and the remainder of the sign is opaque (transmitting no light).

(4) One wall/marque door sign shall be permitted at each individual exterior business entrance, not to exceed six square feet nor 1-1/2 feet in height.

(C) Office complex within the OR zoning district:

(1) A complex with two or more office buildings planned as an integrated development shall be authorized to erect signs based on the following criteria:

(a) Each individual building within the complex may erect one sign of monument type.

(b) The sign shall be a maximum of 20 square feet in area four feet high.

(c) Backlighting and indirect lighting is recommended. Internal lighting is allowed when that lighting illuminates sign graphics (lettering and logos) only and the remainder of the sign is opaque (transmitting no light).

(2) Each individual business establishment within an office building may erect:

(a) One wall/marquee type sign.

(b) The sign shall be one square foot for each two linear feet of building frontage with the maximum sign area not to exceed 16 square feet. The highest point of the sign may not be more than seven feet above grade.

(c) Backlighting and indirect lighting are recommended. Internal lighting is allowed when the lighting illuminates sign graphics (lettering and logos) only and the remainder of the sign is opaque (transmitting no light).

(D) Within the CN zoning district:

(1) All signs within the CN zoning district shall be constructed of wood and shall be painted.

(2) No sign within the CN zoning district shall be illuminated other than by the ambient light from ordinary and permitted sources, such as street lights located on or in the public right-of-way.

(3) No sign shall exceed the dimensional limitations of division (A) of this section. (Ord. 96-8, passed 8-5-96; Am. Ord. 97-2, passed 3-3-97) Penalty, see § 153.99

§ 153.13 SIGNS NOT REQUIRING A PERMIT.

Permits shall not be required for allowed signs conforming with the following specified criteria:

(A) *Real estate signs - residential.*

(1) Residential real estate signs shall be limited to one per lot.

(2) The size and height shall be limited 30" x 36".

(3) Signs must be removed within five days of closing.

(B) *Builder identification sign.*

(1) Builder identification signs shall be limited to one per property.

(2) The size and height shall be limited to 30" x 36".

(3) The sign must be removed within five days after the closing.

(C) *Commercial real estate or lease signs.*

(1) Retail/shopping centers and office complexes shall be limited to one sign per street entrance to the development.

(2) Zoning lots with one commercial establishment shall be limited to one sign per vacancy.

(3) The maximum size and height of freestanding signs shall be 12 square feet and three feet in height.

(4) Signs erected for multi-tenant developments along street frontage for the purpose of indicating the availability of property for sale or lease must be removed when the development has reached 80% occupancy. All other categories of commercial property real estate or lease sign must be removed within five days of the closing or lease of the property.

(G) *Political signs.*

(1) The maximum size shall be six square feet.

(2) Political signs shall not be posted more than 30 days prior to the election to which the sign relates and shall be removed within five days after the election to which the sign pertains.

(Ord. 96-8, passed 8-5-96) Penalty, see § 153.99

§ 153.14 NONCONFORMING SIGNS.

(A) Any sign that met all legal requirements when constructed but that is not in compliance with this chapter shall be deemed a nonconforming sign.

(B) Nonconforming signs must be removed if:

(1) Fifty percent of the sign has been damaged or destroyed. At that point, the sign must be erected in conformance with these regulations. If the damage or destruction is less than 50%, the sign may be restored but shall not be enlarged in any manner; or

(2) The sign has not been used for a period of six months or longer; or

(3) The sign is relocated on the same or different premises; or

(4) There are any modifications to the sign or its message other than routine maintenance.

(C) The City Administrator may remove or order the removal of any sign which falls into categories set forth in divisions (B)(1) through (B)(4) of this section, provided, however, that the city shall give ten days notice of the intent to remove said sign to the owner of the sign and to the owner of the property upon which the sign is constructed. The Administrator may, following said notice, remove the sign at the city's expense and bill the owner for all costs, such costs constituting a lien on the property of the sign's owner until the owner reimburses the city for such expense. (Ord. 96-8, passed 8-5-96) Penalty, see § 153.99

§ 153.15 PROTECTION OF FIRST AMENDMENT RIGHTS.

Any sign, display, or device allowed under this chapter may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this chapter.
(Ord. 96-8, passed 8-5-96)

§ 153.16 POINTER SIGNS.

(A) Notwithstanding any other provision of this chapter, a single sign, the sole function of which is to provide a directional aid for locating a home for sale that is being held open for inspection by prospective purchasers, subject to the restrictions specified herein, may be erected by the owner of the home, or an agent of the owner, of a home for sale and open for inspection.

(B) The sign must be for directional aid to locate a home for sale, and open for inspection, which is located on one of the following streets:

Anchor Way	Greten Lane
Arbor Court	Hazelwood Road
Captain's Bridge Way	Hickory Lane
Cave Spring Place	Hobbs Park Road
Cherry Lane	Holly Lane
Cold Spring Road	Homewood Drive
Creel Lodge Drive	Linden Drive
Crest Arm Road	Little Lane
East Cove Road	Little Hills Lane
Elm Road	Locust Lane Drive
Forest School Lane	Log Cabin Lane
Glenbrook Road (south of RR tracks)	Maple Lane

Magnolia Lane	Ridge Road (Glenbrook Road to Avoca)
Meadow Lane Court	Shady Lane
Mistletoe Road	Somerhill Court/Place/Way
Nutwood Road/Drive	Spring Garden Drive
Old Bridge Place	Springhill Drive/Court
Old Lucas Lane	Springhill Gardens Drive
Osage Circle	Squire's Lane
Osage Road North (Lucas Lane to cul de sac)	Stonegate Road
Owl Court	Surrey Lane
Owl Cove Place	Towner Place
Parkway Road	Valley View Road
Pine Way	Walnut Lane
Redwood Way	Woodland Road
Ridge Court	

(C) Any sign erected pursuant to this section shall be subject to the following additional restrictions:

(1) The message conveyed by the symbols or words on the sign shall be limited to indicating the direction to a home for sale and that is open for inspection;

(2) The total surface area of a single sign, excluding any supports, shall not exceed 108 square inches;

(3) The vertical dimension for the message surface of the sign shall not be less than six inches;

(4) The total height of the sign, including any supports, shall not exceed 18 inches;

(5) No part of the sign shall be closer than two feet or further than seven feet from the edge of the pavement;

(6) The sign may not be attached to a tree, fence, or any roadside structure;

(7) The sign may be erected only on the day the home is held open for inspection, and may not be erected before 9:00 a.m. or be present after the earlier of official local sunset or 7:00 p.m.;

(8) Nothing can be attached to the sign, including without limitation, balloons, ribbons, reflectors, lights, or any other form of attention attracting device; and

(9) A record title holder, or adult resident, of the land on or closest to the point at which the sign is erected, even if the sign is erected on a city or state right-of-way, must grant written permission for erection of the sign.

(Ord. 07-5, passed 8-6-07)

§ 153.99 PENALTY.

Any person who violates any provision of this chapter for which another penalty is not otherwise provided shall be fined not less than \$10 nor more than \$100 for each offense. Each day the offense exists shall constitute a separate offense.

(Ord. 96-8, passed 8-5-96)

CHAPTER 154: SUBDIVISION REGULATIONS

Section

154.01 Adoption by reference

§ 154.01 ADOPTION BY REFERENCE.

(A) The “Metropolitan Subdivision Regulations,” which are based on the Comprehensive Plan are hereby adopted by reference and incorporated into this code of ordinances as if fully set forth herein. (Ord. 84-2, passed 6-25-84)

(B) Copies of said subdivision regulations are available for public inspection during normal hours at the office of the City Clerk.

CHAPTER 155: SWIMMING POOLS

Section

§ 155.99 PENALTY.

- 155.01 Above ground swimming pools prohibited within city
- 155.02 Fencing of swimming pools required
- 155.99 Penalty

Any person, corporation, or firm violating any provision of this chapter, upon conviction thereof, shall be guilty of a Class A misdemeanor and shall be fined not less than \$20 and not more than \$500 per violation. Each day during which such violations continue shall be deemed and construed a separate offense.

(Ord. 84-5, passed 6-25-84; Ord. 1, passed 9-23-85)

§ 155.01 ABOVE GROUND SWIMMING POOLS PROHIBITED WITHIN CITY.

Above ground residential swimming pools are declared illegal and building permits will not be issued for their construction, use or maintenance.

(Ord. 84-5, passed 6-24-84)

§ 155.02 FENCING OF SWIMMING POOLS REQUIRED.

(A) Every person owning land on which there is situated a swimming pool, which contains 24 inches (610 millimeters) or more of water in depth at any point, shall erect and maintain thereon an adequate enclosure either surrounding the property or pool area, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must be not less than 42 inches above the underlying ground. All gates must be self latching with latches places 42 inches above the underlying ground and otherwise made inaccessible from the outside to small children.

(B) A natural barrier, hedge, pool cover or other protective device approved by the governing body may be used so long as the degree of protection afforded by the substituted devices or structures is not less than the protection afforded by the enclosure, gate an latch described herein.

(Ord. 85-3, passed 3-25-85)

CHAPTER 156: ZONING CODE

Section

General Provisions

- 156.01 Adoption by reference
- 156.011 Required front setbacks in established residential areas
- 156.02 Setback lines for accessory buildings
- 156.03 Height restrictions for certain fences, walls or shrubbery plantings
- 156.04 Variance procedure
- 156.05 Accessory space

Zoning Code of Conduct

- 156.15 Entries in docket book
- 156.16 Action taken during zoning proceeding
- 156.17 Notification of interested persons
- 156.18 Return of matter to Planning Commission
- 156.19 Possible decisions of city
- 156.20 Attorneys; rules of civil procedure
- 156.21 Motion for reconsideration or rehearing
- 156.22 Time limit for final action by city
- 156.23 Order of business
- 156.24 Basis for decisions; evidence
- 156.99 Penalty

§ 156.01 ADOPTION BY REFERENCE.

(A) The amendments to the text of the zoning regulations proposed by the Commission in Docket No. 9-26-00 are hereby adopted with the following exceptions:

(1) Article 5, Section 5.1B (Conditional Uses in OR Office Residential) - eliminate assisted living residence;

(2) Article 6, Section 6.1 A (Permitted Uses in C-N Neighborhood Commercial) - eliminate assisted living residence; eliminate restaurants and pubs (without drive-in facilities) if a minor, integral part of an organized shopping center; adds new permit - restaurants, pubs and tea rooms (without drive-in facilities), adds new permit - dance instruction studios.

(3) Article 6, Section 6.3 (Permitted Uses in C-1 Commercial) - eliminate assisted living residence, automobile rental agencies, beer depots, extended stay lodging facilities and pawnshops.

(4) The R-R, R-E, R-1 and R-2 zoning regulations are amended as follows:

(a) The R-R zoning regulation is amended to remove family day care homes as a conditional use;

(b) The R-E, R-1 and R-2 zoning regulations are amended to remove community residences and family care homes as permitted uses and family day care homes as a conditional use;

(c) The current definition of day care center is deleted and replaced;

(d) A new use of "In home day care" is added;

(e) Day care centers and in-home cares regardless of the number of individuals are allowed as conditional uses.

(B) The zoning regulations proposed for readoption by the Commission in Docket No. 9-23-01 are hereby adopted with following exceptions (which are not adopted):

Signature entrances, fences and walls
(Section 9.1)
Adult entertainment activities (Section 9.4)
Innovative residential developments
(Section 9.5)
Outdoor sales display and storage (Section 9.7)
Definition (2) of Single Family Home (Article 2)
Sign regulations (Article 11)

R-3	Residential Single Family
R-4	Residential Single Family
R-5	Residential Single Family
RRD	Residential Redevelopment
R-5A	Residential Multi-Family
R-5B	Residential Two-Family
R-6	Residential Multi-Family
R-7	Residential Multi-Family
R-8A	Residential Multi-Family
OR-1	Office Residential
OR-2	Office Residential
OR-3	Office Residential
OTF	Office Tourist Facility
C-R	Commercial Residential
C-2	Commercial
C-3	Commercial
C-M	Commercial Manufacturing
EZ-1	Enterprise Zone
M-1	Industrial
M-2	Industrial
M-3	Industrial
PRO	Planned Research/Office
PEC	Planned Employment Center
DRO	Development Review Overlay
W-1	Waterfront
W-2	Waterfront
W-3	Waterfront
WRO	Waterfront Development Review Overlay
PVD	Planned Village Development

(C) The C-1 Commercial zoning regulation is readopted with the following amendments:

(1) Eliminate Section C2f which states that residential uses shall observe the yard requirements for the R-7 District;

(2) Reduce the maximum floor area ratio (Section c4a) to .5;

(3) Reduce the maximum density (Section C4b) to 4 dwellings per acre.

(D) The C-N Neighborhood Commercial zoning regulation is readopted with the following amendment: eliminate Section C2f which states that adjacent residential uses shall observe the yard requirements for the R-6 District.

(E) The amendments to the text of the zoning regulations as proposed by the Planning Commission in Case No. 14AMEND1001, are hereby adopted as follows:

(1) Article 15, Section 42, Subsection A, shall read as follows:

A. The land area (lot or lots) on which one (1) single-family residence now exists and for which the owner seeks a Conditional Use Permit to operate a Bed and Breakfast Inn shall be a minimum of seven (7) acres, and regardless of land area shall not be subject to further subdivision should a Conditional Use Permit be issued for a Bed & Breakfast Inn.

(2) Article 15, Section 42, Subsection E, shall read as follows:

E. Bed and Breakfast Inns located within the R-E and R-I Districts shall be required to comply with the City of Anchorage Noise Ordinance otherwise applicable for only the CN District and shall not conduct any outdoor activities and/or events that are attended by anyone that is not a current registered overnight guest of the Bed and Breakfast Inn. However, the Bed and Breakfast Inn may host a maximum of twelve (12) private functions during any calendar year at which a maximum of one hundred twenty-five (125) guests, who are not registered guests of the Bed and Breakfast Inn, may attend. Should the private gathering be sponsored by a non-profit organization serving the City of Anchorage, the restriction as to the maximum number of non-registered guests shall not apply. This provision shall not be altered or waived by the Board of Zoning Adjustment.

(F) The seven zoning district classifications effective in the city shall continue to be R-R Rural Residential, R-E Rural Estate, R-1 Single Family Residential, R-2 Single Family Residential, OR Office Residential, C-N Neighborhood Commercial and C-1 Commercial with exceptions and amendments to these regulations as provided in this section.

(G) Copies of said zoning regulations are available for public inspection during normal hours at the office of the City Clerk.

(Ord. 84-2, passed 6-25-84; Am. Ord. 87-5, passed 4-27-87; Am. Ord. 88-8, passed 11-28-88; Am. Ord. 95-17, passed 10-2-95; Am. Ord. 97-02, passed 3-3-97; Am. Ord. 97-8, passed 6-9-97; Am. Ord. 97-15, passed 12-8-97; Am. Ord. 98-9, passed 12-7-98; Am. Ord. 02-5, passed 11-13-02; Am. Ord. 13-2008, passed 11-12-08; Am. Ord. 14-2008, passed 11-12-08; Am. Ord. 5-2010, passed 6-14-10; Am. Ord. 4-2014, passed 6-9-2014; Am. Ord. 6-2016, passed 10-10-16; Am. Ord. 7-2016, passed 10-10-16; Am. Ord. 4-2020, passed 6-8-2020)

§ 156.011 REQUIRED FRONT SETBACKS IN ESTABLISHED RESIDENTIAL AREAS.

(A) For the purpose of this section, ***ESTABLISHED RESIDENTIAL AREA*** shall mean any side of a block (that portion of a street between two existing paved cross streets, or between a single cross street and a dead end) within an area of the city zoned R-E, R-1, or R-2, where, as of the effective date of this section, there are residential structures built upon at least 50% of the platted lots.

(B) The required front setback for lots within established residential areas of the city shall be setback established for that zoning classification, or the front setback of the residential structure located closest to the street of the existing residential structures within the established residential area, whichever is the greatest distance.

(C) The restrictions of this section shall apply to additions to existing residential structures as well as to new residential structures.

(Ord. 99-9, passed 7-22-99)

§ 156.02 SETBACK LINES FOR ACCESSORY BUILDINGS.

(A) For all existing lots within those areas of the city zoned R-E, R-1, and R-2, on which there exists a residential structure, a front building limit shall be established for the individual lot by drawing a line parallel with the street in front of the lot, from sideline to sideline, at a distance from the street to be determined by the distance from the existing right-of-way, or pavement, whichever is of greater width, to that portion of the residential structure, including a garage, which is closest to the street.

(B) For lots within those areas of the city zoned R-E, R-1, and R-2, on which there is no existing structure, at such time as a single structure, including garage, which constitutes a residence, has been completed, in accordance with applicable zoning regulations, a front building limit shall be established for that lot by drawing a line parallel with the street in front of the lot from sideline to sideline, at a distance from the street to be determined by the distance from the existing right-of-way or pavement, whichever is of greater width, to that portion of the structure which is closest to the street.

(C) No accessory building or accessory space, as defined herein, shall be constructed if any portion of the accessory building or space extends toward the street and beyond the line described in divisions (A) and (B) of this section.

(D) This section shall not be deemed to restrict the construction of an addition, other than accessory space, to an existing residence, which will be an integral part of the residence, and constructed as living space for the residents, but which will extend closer to the street than the original residence, and will remain within the front setback restrictions of the applicable zoning regulations.

(E) For the purpose of this section the terms ***ACCESSORY BUILDING*** and ***ACCESSORY SPACE*** shall be defined as a subordinate building or portion of the main building, not used as living space for the residents, and the use of which is merely incidental to that of the main building. The definition shall specifically include a garage.

(F) This section shall be read in conjunction with all appropriate zoning regulations and shall be deemed to not be in conflict with the regulations where they are more restrictive, and be deemed to be supplemental to those regulations where this section is more restrictive.

(G) The City Engineer and Building Inspector are hereby directed to not issue a zoning compliance certificate in conjunction with any application for a building permit which provides for the construction of any accessory building, which will be located closer to the street in front of the existing structure than is permitted by this section.

(Ord. 88-1, passed 1-25-88) Penalty, see § 156.99

§ 156.03 HEIGHT RESTRICTIONS FOR CERTAIN FENCES, WALLS OR SHRUBBERY PLANTINGS.

On all corner lots abutting on any street, no fence, wall, or shrubbery planting shall be permitted that is over three feet in height above the established elevation of the curb level, for a distance of 25 feet measured from the point of intersection of the intersecting lot lines and within the triangle formed by connecting the ends of the two 25-foot distances.

(Ord. 71-3, passed 9-20-71) Penalty, see § 156.99

§ 156.04 VARIANCE PROCEDURE.

(A) For all existing lots the use of which is constrained by ordinances the owner of the land can submit an application requesting a variance to the City Council.

(B) The application must be in writing and include a detailed explanation as to the reasons for the request.

(C) Upon receipt of an application for variance, the City Clerk shall set the time, place and date for a public hearing on the request.

(D) Adjacent landowners must be notified of the application made by the requesting party and given a mechanism to enunciate any grievances they might

have to the proposed request. Such notification must be 14 days in advance of the hearing, by certified mail, return receipt requested, to the owners of all property adjoining the property for which the variance is proposed. It shall be the duty of the person or persons requesting the variance to furnish the Council the names and addresses of the, owners of all adjoining parties.

(E) The notice shall include the, street address of the party in question, or if one is not available, a geographic description sufficient to locate and identify the property and the names of the two streets on either side of the property which intersect the street on which the property is located. If the property is located at the intersection of two streets, the notice shall designate the intersection by name of both streets rather than name the two streets on either side of the property. The notice shall also include the time, place and date of the hearing.

(F) Public notice must also be given. The notice of the hearing shall be posted conspicuously on the property for 14 consecutive days immediately prior to the hearing. The posting should include the time, place and date of the hearing in letters at least one-inch in height. The sign shall be constructed of durable material and shall state the telephone number of the City Clerk.

(G) The Council shall hold a public hearing on all proposed variances. The public hearing shall consider the appropriateness of the proposed variance and the appropriateness of the development plan for the site in question.

(H) The following are the criteria the Council must consider in deciding whether a variance is justified and that which needs to be proven by the applicant:

(1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.

(2) The strict application of the provisions of the ordinance would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant.

(3) Such special circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance.

(4) Reasons that the variance will not adversely affect the public health, safety and welfare and will not alter the essential character of the general vicinity, and will not cause a hazard or a nuisance to the public.

(I) The Council may impose conditions or restrictions on any variance it decides to grant. The variance shall comply as nearly as possible in every respect with the spirit of the ordinance.

(J) The granting or denial of a variance is completely discretionary.

(K) The variance applies to the property for which it is granted and not to the individual who applied for it. A variance runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

(L) Variances shall be granted only as to the dimensional restrictions of an ordinance. No variance shall entirely relieve the applicant from compliance with an ordinance.

(M) The Council shall not possess the power to grant a variance to permit a use of any land, building or structure which is not permitted by the zoning regulation in the zone in question, or to alter density requirements in the zone in question. The variance power of the Council is only as to ordinances enacted by the city which constitute restrictions over and above the zoning regulations promulgated by the Louisville and Jefferson County Planning Commission.

(Ord. 88-7, passed 7-25-88) Penalty, see § 156.99

§ 156.05 ACCESSORY SPACE.

No accessory space shall be used for the stabling or housing of livestock or poultry if the accessory space is located within 75 feet of any property line.

(Ord. 97-10, passed 7-14-97) Penalty, see § 156.99(B).

ZONING CODE OF CONDUCT

§ 156.15 ENTRIES IN DOCKET BOOK.

(A) Promptly upon receipt by the City Clerk of the minutes forwarded by the Planning Commission with respect to its initial recommendations or revised recommendations concerning any zoning matters, the City Clerk shall make entries into a docket book to be kept by the City Clerk for zoning matters only. The entries shall be made as the matter progresses and shall show:

(1) The name of the applicant and the Planning Commission docket number.

(2) The date the minutes were received.

(3) The date that a copy of the Planning Commission's minutes was sent to each member of the City Council, the Mayor and the City Attorney.

(4) A brief description of the location of the property.

(5) All subsequent proceedings.

(B) Upon receipt of the minutes, the City Clerk shall place the matter for the first call at the next regular meeting of the city, and shall give not less than five days' notice, by mail, of the receipt of the minutes and the time and date of the first calling of the matter. Such notice shall be given to the applicant, the Planning Commission, all lawyers of record, and all parties who spoke at the public hearing before the Planning Commission, as shown by the minutes.

(Ord. 84-10, passed 7-23-84)

§ 156.16 ACTION TAKEN DURING ZONING PROCEEDING.

During the course of a zoning proceeding, the following action may be taken:

(A) Any party may file written motions including a motion for filing additional evidence, with the City Clerk at least three days before the first call of the case.

(B) The city may upon a showing of exception or compelling circumstances determine that it will hold another hearing and fix a time and date for such hearing.

(C) The city may return the matter to the Planning Commission.
(Ord. 84-10, passed 7-23-84)

§ 156.17 NOTIFICATION OF INTERESTED PERSONS.

After any action in the matter has been taken, the City Clerk shall so notify the Planning Commission, the applicant, all attorneys of record, and all interested persons of record.
(Ord. 84-10, passed 7-23-84)

§ 156.18 RETURN OF MATTER TO PLANNING COMMISSION.

In the event the city returns the matter to the Planning Commission for further study, it shall set forth in writing the specific reasons for returning the matter to the Planning Commission and shall advise the Planning Commission concerning the type of further action which it desires the Commission to take, specifying the time within which it shall resubmit the matter to the city with the further report. The Planning Commission may be granted additional time for good cause within which it shall return its further recommendations. The matter shall then proceed as the city directs.
(Ord. 84-10, passed 7-23-84)

§ 156.19 POSSIBLE DECISIONS OF CITY.

The city may approve the proposed change, partially approve and partially reject, reject the proposed change, or return the proposal to the Planning Commission for further action. The decision of the city shall be mailed or delivered to the persons notified in § 156.17 within ten days after the minutes of the city are approved.

(Ord. 84-10, passed 7-23-84)

§ 156.20 ATTORNEYS; RULES OF CIVIL PROCEDURE.

Attorneys practicing zoning matters shall follow the Kentucky Rules of Civil Procedure. The Council may require the same procedure of others. The City Attorney and the attorney for the Planning Commission shall be attorneys of record.
(Ord. 84-10, passed 7-23-84)

§ 156.21 MOTION FOR RECONSIDERATION OR REHEARING.

Any party of record may submit a motion to the city for reconsideration or rehearing within ten days after the date of the meeting the City Council at which a resolution was adopted denying in whole or in part the requested zoning change, or after the meeting of the City Council at which the introduction and first reading of the ordinance approving the zoning change was held.

(Ord. 84-10, passed 7-23-84)

§ 156.22 TIME LIMIT FOR ACTION BY CITY.

Final action by the city in every zoning case shall be voted within six months of receipt from the Planning Commission. The Clerk shall automatically place any pending zoning case on the docket of the last city meeting before the six-month period expires. No such pending case may be further delayed, except with the concurring vote of a majority of the entire City Council, including the Mayor.
(Ord. 84-10, passed 7-23-84) Penalty, see § 156.99

§ 156.23 ORDER OF BUSINESS.

(A) Call to order by the presiding officer.

(B) Reading of the minutes of the Special Zoning Meeting, unless dispensed with by the city and approved.

(C) Old business and matters deferred by past action.

(D) New zoning matters to come before the city.
(Ord. 84-10, passed 7-23-84)

§ 156.24 BASIS FOR DECISIONS; EVIDENCE.

(A) Decisions shall be based on the Planning Commission public record, the staff report of the Planning Commission, the arguments at the Planning Commission public hearing, any motions and determinations made thereon, any additional evidence made a part of the official record of the city and any public hearings held by the city. A majority vote of the entire City Council shall be required to override the recommendations of the Planning Commission. It will be the responsibility of the applicant to provide the city with a transcript of any necessary Planning Commission public hearings.

(B) (1) No additional evidence in the form of exhibits, petitions, letters, personal contacts or otherwise shall be considered by the city in reaching a decision on any zoning matter unless such additional evidence is made a part of the official record pursuant to order of the city and after all interested parties have been afforded an opportunity to rebut such additional evidence. Such additional evidence shall not be made a part of the record unless the motion is supported by a void reason why such evidence was not presented at the Planning Commission public hearing.

(2) Any additional evidence as described above received by the city shall be filed with the City Clerk. Such evidence shall be available for inspection and may be made a part of the official record upon motion and order.

(C) Personal contacts with interested parties which tend to exert pressure or influence in zoning cases pending before the city shall be avoided by members of the city government.

(D) Nothing in this section shall preclude the Mayor or Council members from making a personal inspection of the site.

(Ord. 84-10, passed 7-23-84) Penalty, see § 156.99

§ 156.99 PENALTY.

(A) Any person who violates any provision of this chapter shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500, imprisonment for up to 30 days, or both such fine and imprisonment.

(B) Violation of § 156.05 shall be punishable by a fine of not less than \$10 nor more than \$50 for each offense, and each and every day of such violation shall constitute a separate offense and shall be punishable as such. (Ord. 97-10, passed 7-14-97)

CHAPTER 157: ENVIRONMENTAL PRESERVATION TRUST

Section

- 157.01 Establishment
- 157.02 City as holder
- 157.03 Management authority
- 157.04 Enforcement
- 157.05 Conservation purposes
- 157.06 Factors for consideration
- 157.07 Anchorage Historic District Commission
- 157.08 Policies
- 157.09 Donations
- 157.10 Establishment of committee
- 157.11 Duties of Commission
- 157.12 Director of the Trust
- 157.13 Trust staff

cities of the fourth class and, for purposes of conservation, it meets the definition of “holder” as found in KRS 382.800.
(Ord. 3-2014, passed 5-12-14)

§ 157.03 MANAGEMENT AUTHORITY.

The Mayor shall have management authority over the Trust, its operation, and any staff assigned by the city to its operation.
(Ord. 3-2014, passed 5-12-14)

§ 157.04 ENFORCEMENT.

The Trust shall have the power to enforce the terms of any conservation easements, deed restrictions, or other property interests donated to the city. Any expenses related to enforcement shall come from the city’s General Fund.
(Ord. 3-2014, passed 5-12-14)

§ 157.05 CONSERVATION PURPOSES.

(A) The preservation and protection of real property within the city is hereby found and declared to be an important governmental policy of the city. All real property interests accepted by the city pursuant to this chapter shall be exclusively for conservation purposes.

(B) For purposes of this chapter, **CONSERVATION PURPOSES** shall be defined as follows:

§ 157.01 ESTABLISHMENT.

There is hereby established the City of Anchorage Environmental Preservation Trust (“Trust”). The Trust shall be a program of the city devoted to the development, execution and promotion of voluntary conservation and preservation strategies for the purpose of enhancing the city’s ability to implement the open space, cultural, historic, environmental, and heritage goals set out hereinabove and the objectives of the Land Use Code of the city.
(Ord. 3-2014, passed 5-12-14)

§ 157.02 CITY AS HOLDER.

The city shall be the holder of any and all real property interests associated with such voluntary conservation and preservation strategies provided holding any such property interest is within its scope and powers as delineated in Kentucky’s statutes for

(1) The preservation of land areas for outdoor recreation by, or the education of the general public;

(2) The protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem;

(3) The preservation of certain open space (including farmland and forest land);

(4) The preservation of a historically important land area or a certified historic structure. (Ord. 3-2014, passed 5-12-14)

§ 157.06 FACTORS FOR CONSIDERATION.

All real property interests accepted pursuant to this chapter by the city shall have significant conservation value and/or shall significantly advance the cultural and heritage goals of the Land Use Code of the city and of the Anchorage Historic Preservation District ("District"). Among the factors to be considered in determining whether the proposed real property interest has a significant public interest are:

(A) The uniqueness of the property to the area;

(B) The intensity of land development in the vicinity of the property (both existing development and foreseeable trends of development);

(C) The consistency of the proposed open space use with public programs (whether federal, state or local) for conservation in the region, including programs for outdoor recreation, irrigation or water supply protection, water quality maintenance or enhancement, flood prevention and control, erosion control, and protection of land areas included in, or related to, a government approved master plan or land management area;

(D) The consistency of the proposed open space use with existing private conservation programs in the area, in close proximity to the property;

(E) The likelihood that development of the property would lead to or contribute to degradation of the scenic, natural, or historic character of the area;

(F) The opportunity for the general public to use the property or to appreciate its scenic values;

(G) The importance of the property in preserving a local or regional landscape;

(H) The likelihood that the donee will acquire equally desirable and valuable substitute property or property rights;

(I) The cost to the donee of enforcing the terms of the conservation restriction;

(J) The population density in the area of the property; and

(K) The consistency of the proposed open space use with a legislatively mandated program identifying particular parcels of land for future protection. (Ord. 3-2014, passed 5-12-14)

§ 157.07 ANCHORAGE HISTORIC DISTRICT COMMISSION.

The powers of the Anchorage Historic District Commission ("Commission") are hereby extended beyond the boundaries of the District and are to extend to be coincident with the boundaries of the city in regard to matters governed by this chapter of the city's Code of Ordinances. (Ord. 3-2014, passed 5-12-14)

§ 157.08 POLICIES.

(A) The Commission is empowered to set policies for the Trust, including, but not limited to: acquisition and stewardship policies, insurance of sound standards and practices in conducting Trust affairs, establishment of criteria for selecting projects based on the goals and objectives of the Land Use

Code of the city and its historic preservation goals, provision of technical expertise, assistance with educational program development, assistance in the development of private fundraising strategies, and oversight of the implementation of its policies.

(B) The Commission shall review all properties within the city's limits and develop a list of properties which it deems worthy of protection pursuant to this chapter. While this list is being prepared, the Commission shall review any properties proposed for a conservation easement and shall make recommendations to the City Council regarding acceptance of a conservation easement or other appropriate protection on the property by the city. For properties not listed as eligible for protection, the Commission shall review each project and, when appropriate, based on such review, make recommendations to the City Council regarding acceptance of any potential real property interest in the Trust.

(C) The City Council shall have the final authority to accept or reject any offers of conservation easements under this section. The Commission shall make management and/or operational recommendations to the Mayor for purposes of encouraging successful implementation of these policies.

(Ord. 3-2014, passed 5-12-14)

§ 157.09 DONATIONS.

(A) Without limiting the authority of the Commission to set policies for its evaluation of real property interests proposed for donation to the Trust, and without limiting the criteria by which the City Council considers the recommendations of the Commission, the Commission and the City Council, in evaluation of a proposed donation of a real property interest to the Trust, shall consider, and the Commission shall make findings in regard to any of the following applicable goals to be accomplished

through donation of a real property interest to the Trust for the purpose of scenic enjoyment and determine whether such donation would yield significant public benefit for that purpose:

(1) The preservation of the land within the District;

(2) The protection of the scenic, ecological, or historic character of land that is contiguous to the District;

(3) Whether the property could be subdivided, or the intensity of the existing use substantially increase, and the likelihood that further development or subdivision of the property would lead to or contribute to the degradation of the scenic, natural, or historic character of the area;

(4) The compatibility of the land use with other land in the vicinity;

(5) The degree of contrast and variety provided by the visual scene;

(6) The openness of the land;

(7) Relief from urban closeness;

(8) The harmonious variety of shapes and textures;

(9) The degree to which the land use maintains the scale and character of the urban landscape to preserve open space, visual enjoyment, and sunlight for the surrounding area;

(10) The consistency of the proposed scenic view with a methodical state scenic identification program, such as a state landscape inventory; and

(11) The consistency of the proposed scenic view with a regional or local landscape inventory made pursuant to a sufficiently rigorous review process, especially if the donation is endorsed by an appropriate state or local governmental agency.

(B) Conservation easements which are intended to protect open space for purposes of scenic enjoyment shall prohibit any fencing which would obstruct views of the property.
(Ord. 3-2014, passed 5-12-14)

§ 157.10 ESTABLISHMENT OF COMMITTEE.

Upon enactment of this chapter, the Commission shall endeavor to establish a committee, reporting to the Commission, to advise it on matters regarding its responsibilities under this chapter, which committee shall include, to the extent possible, members with the following characteristics:

(A) An attorney with federal tax law and/or estate planning expertise;

(B) A land resource specialist and/or environmental planning expert; and

(C) A communications professional and/or environmental education professional.

(D) It is expected that the advisory committee will consist of residents of Anchorage; however, to the extent it is necessary to reach outside the boundaries of the city to acquire appropriate professional expertise, the Commission is hereby authorized to include amongst members of the committee non-residents of the city.
(Ord. 3-2014, passed 5-12-14)

§ 157.11 DUTIES OF COMMISSION.

The Commission shall include matters relating to the Trust on its regular meeting agenda. The Commission shall submit an annual report to the City Council of all of its activities relating to the Trust.
(Ord. 3-2014, passed 5-12-14)

§ 157.12 DIRECTOR OF THE TRUST.

The Mayor shall appoint, subject to City Council approval, a Director of the Trust to administer Trust activities and implement the policies set for the Trust by the Commission. At the discretion of the Mayor, and subject to the approval of the Council, the Chairperson of the Commission may serve as the Director of the Trust.
(Ord. 3-2014, passed 5-12-14)

§ 157.13 TRUST STAFF.

The Mayor may assign existing employees of the city to serve as staff to the Trust as necessary to assure sound Trust standards and practices. The Commission shall advise the Mayor regarding any staffing concerns or needs as it deems appropriate.
(Ord. 3-2014, passed 5-12-14)

TABLE OF SPECIAL ORDINANCES

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TABLE I: ANNEXATIONS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
05-3	9-8-05	Annexing certain property beginning at the intersection of Bayless and Johnson Avenues
11-5	11-14-11	Annexing certain property beginning at a point to E.M. Drummond and Jessie F. Clark in Blanche Kohn's line thence southwardly along said Kohn's and Drummond's line at a corner in the line of Atwood Martin
14-4	9-4-14	Annexing certain territory commencing at the present limits of Anchorage, Kentucky at the southeast corner of property owned by George P. Weller, running thence eastwardly along Bayless Avenue as extended
24-3	10-3-24	Annexing certain property commencing at a point in the present southern boundary of Anchorage, Kentucky where the Middletown and Harrods Creek Road intersects Ward Avenue
27-6	6-10-27	<p>The following two territories:</p> <p>(1) Beginning at the present southern boundary of Anchorage where it intersects the east line of Johnson Avenue.</p> <p>(2) Beginning at the present western boundary of Anchorage where it intersects the north line of the county road which is located on the north side of the Louisville and Nashville Railroad.</p>
27-7	7-8-27	Annexing certain territory beginning at the present boundary line of Anchorage where it intersects the east line of Johnson Avenue.

Anchorage - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
28-5	6-4-28	Annexing certain territory beginning in the present town boundary which is the north line of the county road leading from Anchorage to Lakeland, at the southwest corner of G.W. Prewitt.
28-9	10-5-28	<p>Annexing the following three parcels of land:</p> <p>(1) Parcel 1. Beginning in the north line of a county road between the properties of Owl Creek Club and John Marshall Estate where same is intersected by the present boundary of Anchorage.</p> <p>(2) Parcel 2. Beginning in the east line of Evergreen Avenue, where the present northern boundary of Anchorage intersects the same.</p> <p>(3) Parcel 3. Beginning in the west line of Evergreen Avenue, where same is intersected by the present northern boundary of Anchorage.</p>
29-6	11-8-29	Annexing certain territory beginning at the present boundary of Anchorage which is the west line of Glenbrook Road (formerly Johnson Avenue) at a point 145 feet south of Log Cabin Lane (formerly McMichael Avenue).
30-10	11-14-30	Annexing certain territory commencing at a point in the County Road at the northeast corner of Mrs. John Marshall's land, running thence southeastwardly with Mrs. Marshall's northeast line south 29 degrees 30 minutes east 299.09 feet to a point in Mrs. Marshall's line.
34-9	8-16-34	Annexing certain property beginning in the present eastern boundary where the southern line of J.W. Ward intersects Osage Road.
39-7	11-17-39	Annexing certain territory beginning in the present boundary line of Anchorage on the west line of Glenbrook Road at a point 245 feet south of Log Cabin Lane.

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
41-5	4-1-41	Annexing certain territory commencing at the south line of Ridge Road and the west line of Minor Avenue, as shown on the plat of Bellevue Park.
41-9	11-14-41	Annexing certain territory beginning in the west line of Minor Avenue where it is intersected by the present boundary of Anchorage, which is the south line of Lot 5 in Block 9 of Bellevue Park Subdivision, if extended.
42-3	2-13-42	<p>Annexing the following two territories:</p> <p>First, beginning in the present boundary of Anchorage where it intersects the east line of a county road known as Osage Road;</p> <p>Second, beginning in the present boundary of Anchorage where it intersects the line common to Cary Robertson and Lorenzo K. Wood.</p>
45-4	8-10-45	Annexing certain territory beginning at the point in the eastern boundary line of the city as established by ordinance approved September 4, 1914, where said boundary line intersects the northwestern line of the LaGrange Road.
46-8	4-17-46	Annexing certain territory beginning at the point of intersection of the western line of Evergreen Road and the southern line of Garr Avenue, which point is also in the present northern boundary line of the city.
48-4	2-12-48	<p>Annexing the following two territories:</p> <p>(1) Territory No 1: Beginning in the present eastern boundary line of the city where it intersects the northwestern line of LaGrange Road.</p> <p>(2) Territory No. 2: beginning at a point in the present western boundary line of the city which is also the northeastern corner of Evergreen Road and Parkway.</p>

Anchorage - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
49-6	7-14-49	Annexing certain territory beginning at a point in the present northern boundary of the city where it intersects the western line of the 60-foot roadway, established in deed to Addison Yeaman and wife dated August 28, 1941, and of record in Deed Book 178, page 151.
54-6	7-12-54	Annexing certain territory beginning at a point in the eastern boundary line of the city as established by ordinance approved February 13, 1942, which beginning point is also in the line common to property of Cary Robertson and Mrs. Frank J. Navin, and in the northern line of the county road known as Lucas Lane.
56-9	8-30-56	Annexing certain territory beginning at a point in the northeast line of the LaGrange Road (State Highway #146) at the point where said line of said highway intersects the east line of the property conveyed to Grant B. Smith and M.H. Smith by deed dated April 19, 1950, and of record in Deed Book 2611.
56-10	11-8-56	Annexing certain territory beginning at a point in the northeast line of the LaGrange Road (State Highway #146) at the point where said line of said highway intersects the east line of the property conveyed to Grant B. Smith and M. H. Smith by deed dated April 19, 1950, and of record in Deed Book 2611.
57-8	6-13-57	Annexing certain territory beginning at a point in the northeast line of LaGrange Road (State Highway #146) at the point where said line of said Highway intersects the line common to James M. Payne and George P. Schupp and Louise C. Schupp (being also the present western boundary line of the city).
57-11	7-18-57	Annexing certain territory beginning at a point in the southern line of Garr Avenue and 834 feet westerly of the western line of Evergreen Avenue.

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
58-1	1-9-58	Annexing certain property beginning in the east line of Evergreen Road at the point which is intersected by the south line of the 20 acre tract of land conveyed as Tract No. 1 in the deed from Andrew J. Howard to John L. and Mary R. Breitenstein by deed dated May 7, 1947 recorded in Deed Book 2235.
58-2	1-16-58	Annexing certain territory beginning at a pipe in the southwest corner of the tract of land containing 2.96 acres, described in deed to Jesse S. Lindsay and Virginia M. Lindsay, his wife, dated June 7, 1957 and recorded in Deed Book 3452.
59-4	5-14-59	Annexing certain territory beginning at a point in the northeast corner of Lot No. 3, Little Hills Subdivision, plat of which is of record in Plat and Subdivision Book 12, page 24.
73-1	3-19-73	Annexing certain territory commencing at the corner of Old Harrods Creek Road and Booker Road in a southwesterly direction a line extending to Dorsey Lane including the property described as Block 22 Lots 76 and 448 belonging to Joseph A. and Esther Ratterman.
73-2	6-18-73	Annexing certain territory (Area 2 — Avoca Road) beginning at the city limits contiguous with the northeast corner of Parcel 49, Block 23, Jefferson County Tax Map, belonging to Thomas J. and Helen Wrassman.
73-3	6-18-73	Annexing certain territory (Area 3 — Old Henry Road and Evergreen Road) beginning at a point in the southerly boundary of the city at its intersection with the westerly line of Glenbrook Avenue (formerly Johnson Avenue).
73-4	6-18-73	Annexing certain territory (Area 4 — Frey's Hill to Winchester Acres) beginning at the city limits contiguous with the northwest corner of Parcel 190, Block 14, Jefferson County Tax Map, belonging to John W. and Helen F. Shields.

Anchorage - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
73-7	9-17-73	Annexing certain territory (Area 5 — Hobbs Chapel and portion of Bellewood Road) beginning at the northwest corner of Booker Avenue and Bellewood Road (formerly Anchorage-Middletown Road), also being the southeast corner of the Orrin W. and Anna Towner property.
76-1	2-16-76	Annexing certain property beginning at a point on the city boundary at the southwest corner of a tract conveyed to Orrin W. and Anna Towner by deed recorded in Deed Book 1945, page 327.
80-8	11-17-80	Annexing certain property beginning at a point in the easterly line of Evergreen Road 242 feet of the southerly line of Parkway said point being contiguous with the Anchorage city limits at the northwest corner of Lot 2, Block 3 of the Bellevue Park Subdivision.
83-1	2-28-83	Annexing certain property beginning at a point in the southeast corner of the intersection of Old Harrods Creek Road and LaGrange Road, such point being within the present boundary of the limits of the city.
84-16	9-24-84	<p>Annexing the following three properties:</p> <p>(1) Beginning at a point in the northern boundary of Lakeland Road right-of-way, opposite the northwest corner of Block 14, Lot 190, belonging to Mr. and Mrs. John W. Shields;</p> <p>(2) Beginning at a point in the eastern boundary of Evergreen Road right-of-way, coinciding with the southwestern corner of Block 295, Lot 79 owned by South Central Bell;</p> <p>(3) Beginning at a point in the northern boundary of the right-of-way of LaGrange Road (KY Highway 146) at the southwest corner of Block 22, Lot 6 owned by George Anson.</p>

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
85-9	9-9-85	Annexing certain territory beginning at a point in the north right-of-way line of Ward Avenue and the west right-of-way line of Old Harrods Creek Road and being the southeasternmost corner of a tract of land conveyed to NTS/Owl Creek Investment Partnership, Ltd.

TABLE II: BOND ISSUES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
01-3	11-7-01	Providing for the issuance of \$12,000 worth of \$500 bonds.
14-2	5-1-14	Providing for the issue, sale and payment of \$25,000 of bonds for the purpose of installing a waterworks system.
60-4	6-15-60	Authorizing \$290,000 of city water revenue bonds for the purpose of providing funds with which to construct and acquire water system extensions and improvements to serve the city.
60-5	7-6-60	Fixing the interest rate or rates on the \$290,000 of water revenue bonds, dated July 1, 1960.
71-2	7-7-71	Establishing the interest coupon rates applicable to \$150,000 "City of Anchorage School Building Revenue Bonds — Series of 1971," as authorized by an ordinance adopted on June 21, 1971.
82-2	2-15-82	Providing for the issuance and sale of \$1,050,000 principal amount of City of Anchorage school building revenue bonds, dated March 1, 1982.
82-5	- -82	Relating to the authorization of the issuance of \$650,000 principal amount of "City of Anchorage, Kentucky, Industrial Building Revenue Bond, Series 1982, (Anchorage Restriction Limited Partnership Project)."
82-6	11-22-82	Relating to the authorization of the issuance of \$100,000 principal amount of "City of Anchorage, Kentucky, Industrial Building Revenue Bonds, Series 1982, (Anchorage Restoration Limited Partnership Project)."

Anchorage - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
85-1	- -85	Authorizing City of Anchorage School Building Refunding Revenues Bonds in the amount of \$1,035,000 which may be increased or reduced by not exceeding \$200,000.
89-3	- -89	Relating to the issuance of "City of Anchorage, Kentucky School Building Revenue Bonds, Series 1989" in the amount of \$1,350,000 (plus or minus up to 10%).
98-8	11-11-98	Authorizing the issuance of the city economic development bonds, series of 1998 (Bellewood Presbyterian Home for Children, Inc. Project) in a principal amount of not more than \$5,000,000 to finance renovations and improvements to the campus of Bellewood Presbyterian Home for Children.

TABLE III: CONTRACTS AND AGREEMENTS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
27-4	5-20-27	Authorizing the execution of a contract with Louisville and Nashville Railroad Company regarding the construction of a new street and the closing of two grade crossings.
35-2	5-10-35	Setting forth the grant agreement between the city, and the United States of America for a grant to aid in the construction and repairing of streets within the corporate limits of the city.
51-3	7-12-51	Authorizing the Chairman of the Board of Trustees on behalf of the city to execute a specific contract with the State Agency of the Old-Age and Survivor Insurance System.
66-4	4-21-66	Accepting an agreement with the action taken by the Fiscal Court of Jefferson County on June 14, 1965, wherein a county through road system was established, insofar only as it relates to certain streets and roads through the City of Anchorage.
85-6	5-27-85	Authorizing the Mayor of the city to execute an interlocal cooperation agreement with the Louisville and Jefferson County Department of Disaster and Emergency Services pertaining to disaster and emergency relief.
86-6	7-15-86	Approving a pooled lease program authorizing the execution of the interlocal cooperation agreement under which the program will be organized and revenue bonds for the financing thereof will be issued.

Anchorage - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
87-6	5-5-87	Approving a joint and cooperative program for self-insurance, insurance and the investment of public funds among various cities, urban-county governments and other public agencies within the Commonwealth of Kentucky and authorized the execution of the "Interlocal Cooperation Agreement" to establish the Kentucky Municipal Risk Management Association.
87-9	6-23-87	Approving participation by the city in the Kentucky Municipal Risk Management Association (KMRMA) General insurance Trust approving the purchase by the city through the KMRMA General Insurance Trust of such liability and property damage insurance coverages as shall be determined advisable and authorizing the Mayor to execute for and on behalf of the city in connection with its participation in the KMRMA General Insurance Trust, a binding trust participation agreement between the city and the KMRMA.
—	9-28-87	Authorizing a cooperation agreement between the city and Jefferson County relating to the Housing and Community Development Act of 1974.
90-6	5-29-90	Authorizing the participation of the city in the Kentucky Municipal League Pooled Lease Financing Program, the financing by the city through the program of a project and the execution and delivery of an interlocal cooperation agreement and a lease purchase agreement between the Kentucky Municipal Finance Cooperation and the city under which the city, having conveyed its interest in certain property to the corporation, will lease from the corporation the property therein described.
90-7	8-27-90	Authorizing participation in the "Kentucky League of Cities Investment Pool Plus" and authorizing the Mayor to execute an Interlocal Cooperation agreement to evidence the city's participation in the program.

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
90-8	10-1-90	Authorizing the participation of the city in the Kentucky Municipal League Pooled Lease Financing Program, the financing by the city through the program of a project and the execution and delivery of an interlocal cooperation agreement and a lease purchase agreement between the Kentucky Municipal Finance Corporation and the city, under which the city, having conveyed its interest in certain property to the corporation, will lease from the corporation the property therein described.
93-2	2-1-93	Authorizing participation in the "Kentucky League of Cities Investment Pool Plus," and authorizing the Mayor to execute the Interlocal Cooperation Agreement to evidence the city's participation in the program.
93-8	5-3-93	Accepting the transfer of a portion of Ridge Road from the county through road system to the city.
94-7	5-16-94	Adopting an interlocal agreement for the Jefferson County League of Cities Cable Commission.
05-3	9-12-05	Accepting the transfer of those portions of Old Harrods Creek Road, Bellewood Road, and Evergreen Road from Louisville/Jefferson County Metro Government to the city.

TABLE IV: DEDICATIONS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
84-3	8-31-84	Dedicating for public use North Osage Road, formally known as Cold Springs Road.
04-4	7-7-04	Dedicating Creel Lodge Drive within the Creel Place subdivision.
04-5	8-9-04	Dedicating Anchorage Woods Circle and Anchorage Woods Court within the Anchorage Woods subdivision.
06-1	1-9-06	Dedicating Old Bridge Place, Somerhill Place, Somerhill Court, and Somerhill Way.
06-5	5-8-06	Dedicating Springhill Gardens Drive.
1-2012	1-9-12	Accepting Forest School Lane for public use, and accepting maintenance responsibility.
3-2012	4-16-12	Dedicating Anchorage Pointe for public use.
5-2015	9-2-15	Dedication of Greten Lane for public use.

TABLE V: FRANCHISES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
1899-2	11-8-1899	The Ohio Valley Telephone Company to operate a telephone exchange in the City of Anchorage.
79-2	- -79	Granting a franchise to construct, operate and maintain a Community Antenna Television (CATV) System within the city.
80-9	10-20-80	Granting a franchise to construction, operate and maintain a Community Antenna Television (CATV) System within the city to Storer Communications for a period of 15 years.
94-1	1-31-94	Providing for the regulation of basic service tier rates and related equipment, installation and service charges of any cable television system operating within the city, notwithstanding any inconsistent provisions in the franchise.
95-18	12-18-95	Renewal of franchise for Community Antenna Television (CATV) to TKR Cable of Greater Louisville.
1-2014	1-13-14	Approving the extension of the franchise agreement for Community Antenna Television (CATV) Services of Insight Kentucky Partners II L.P.

TABLE VI: STREET CLOSINGS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
41-1	- -41	Closing of Lawndale Avenue, from the eastern line of Evergreen Road to the western line of Elm Road.
41-2	- -41	Closing all of Primrose Avenue, from Lawndale Avenue to the northern line of Little Lane (formerly Maplewood Avenue) and from the southern line of Little Lane (formerly Maplewood Avenue) to the northeastern line of the unnamed avenue adjoining the Louisville and Nashville Railroad Company's right-of-way on the northeast thereof.
64-4	9-10-64	Authorizing the closing of East Point Road and a portion of Crestarm Road.
93-13	6-21-93	Closing a portion of Parkway Boulevard.
9-2008	9-8-08	Closing a portion of Glenbrook Road right-of-way.
10-2008	9-8-08	Closing a portion of Glenbrook Road right-of-way.
11-2008	9-8-08	Closing a portion of Glenbrook Road right-of-way.
3-2013	9-8-13	Closing public way - Ridge Road.
4-2015	8-10-15	Closing a portion of Cherry Lane.
3-2019	6-17-19	Closing a portion of Cherry Lane.
6-2020	11-9-20	Closing a portion of Parkway Road, Glenbrook Road, and Meadow Lane Court rights-of-way.

TABLE VII: STREET NAME CHANGES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>																																																				
29-2	- -29	Changing names of certain portions of the following streets and avenues:																																																				
		<table><tr><th><u>Present Name</u></th><th><u>New Name</u></th></tr><tr><td>Railroad Ave. N. of L & H R.R.</td><td>Park Rd.</td></tr><tr><td>Railroad Ave. S. of L & H R.R.</td><td>Ridge Rd.</td></tr><tr><td>Thompson Ave.</td><td>Walnut Ln.</td></tr><tr><td>Bellewood Ave.</td><td>Bellewood Rd.</td></tr><tr><td>Maple Ave.</td><td>Maple Lane</td></tr><tr><td>Evergreen Ave.</td><td>Evergreen Rd.</td></tr><tr><td>Owl Creek or Big Spring Ave.</td><td>Owl Creek Ln.</td></tr><tr><td>Unnamed street</td><td>Cherry Ln.</td></tr><tr><td>Ward Ave.</td><td>Beech Rd.</td></tr><tr><td>Shallcross Ave.</td><td>Shady Ln.</td></tr><tr><td>Johnson Ave.</td><td>Glenbrook Rd.</td></tr><tr><td>Bayless Ave.</td><td>Woodland Rd.</td></tr><tr><td>McMichael Ave.</td><td>Log Cabin Rd.</td></tr><tr><td>Unnamed street</td><td>Station Rd.</td></tr><tr><td>Gray Tower Ave.</td><td>Elm Rd.</td></tr><tr><td>Hazelwood Ave.</td><td>Hazelwood Rd.</td></tr><tr><td>Home View Ave.</td><td>Hazelwood Rd.</td></tr><tr><td>Lincoln Ave.</td><td>Lincoln Ln.</td></tr><tr><td>Jefferson Ave.</td><td>Spring Garden Ln.</td></tr><tr><td>Sherley Ave.</td><td>Stone Gate Rd.</td></tr><tr><td>Osage Ave.</td><td>Osage Rd.</td></tr><tr><td>Woodrow Ave.</td><td>Locust Ln.</td></tr><tr><td>Marshall Ave.</td><td>Cold Spring Rd.</td></tr><tr><td>Maplewood Ave.</td><td>Little Ln.</td></tr><tr><td>Valley View Ave.</td><td>Valley View Rd.</td></tr></table>	<u>Present Name</u>	<u>New Name</u>	Railroad Ave. N. of L & H R.R.	Park Rd.	Railroad Ave. S. of L & H R.R.	Ridge Rd.	Thompson Ave.	Walnut Ln.	Bellewood Ave.	Bellewood Rd.	Maple Ave.	Maple Lane	Evergreen Ave.	Evergreen Rd.	Owl Creek or Big Spring Ave.	Owl Creek Ln.	Unnamed street	Cherry Ln.	Ward Ave.	Beech Rd.	Shallcross Ave.	Shady Ln.	Johnson Ave.	Glenbrook Rd.	Bayless Ave.	Woodland Rd.	McMichael Ave.	Log Cabin Rd.	Unnamed street	Station Rd.	Gray Tower Ave.	Elm Rd.	Hazelwood Ave.	Hazelwood Rd.	Home View Ave.	Hazelwood Rd.	Lincoln Ave.	Lincoln Ln.	Jefferson Ave.	Spring Garden Ln.	Sherley Ave.	Stone Gate Rd.	Osage Ave.	Osage Rd.	Woodrow Ave.	Locust Ln.	Marshall Ave.	Cold Spring Rd.	Maplewood Ave.	Little Ln.	Valley View Ave.	Valley View Rd.
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34-4	5-11-34	Changing the name of Cold Spring Road from Osage Road to the east corporate limits to Osage Road.																																																				
44-4	2-11-44	Changing name of Minor Avenue to Surrey Lane.																																																				

TABLE VIII: ZONING MAP CHANGES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
88-9	11-28-88	Amending the Zoning District classifications of lots in the city from R-E Residential Estate to R-E Residential Estate (as revised), from R-5 Residential Single-Family to R-1 Residential Single-Family, and from R-E Residential Estate to R-1 Residential Single-Family.
08-2	3-10-08	Rezoning property located at 11301 Park Road, containing 4.6 acres, from R-E Residential Estate to OR Office Residential.
8-2016	10-10-16	Rezoning property known as the Stonebridge Subdivision from R-4 to R2A; property known as 914 Old Harrods Creek Road, commonly known as the Church of the Epiphany property from R-4 to R-1; and property known as 805 Surrey Lane from R-4 to R-1.

PARALLEL REFERENCES

**References to Kentucky Revised Statutes
References to Ordinances**

REFERENCES TO KENTUCKY REVISED STATUTES

<i>KRS Section</i>	<i>Code Section</i>
6.050	32.48
6.955 - 6.975	33.04
16.220	72.31
Ch. 18A	113.03
18A.225(2)	113.03
18A.228	113.03
Ch. 31	34.16
41.240(4)	33.05
42.450 - 42.495	33.04
Ch. 61	32.21
61.168	34.16
61.805	152.19
61.870	34.01
61.870 - 61.882	31.36
61.870 - 61.884	34.17
61.872(4)	34.06
61.872(5)	34.07
61.872(6)	34.08
61.874(1) - (3)	34.12
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61.874(4)	34.13
61.874(5)	34.14
61.874(6)	34.15
61.878	34.01, 34.16
61.878(1)	34.16
61.880	34.09
61.880(1)	34.16
61.884	34.11
62.060	31.01
65.120	Ch. 72
83A.010(5)	10.02
83A.010(6)	10.02
83A.010(8)	10.02
83A.030(1)	30.02
83A.040(1)	31.21
83A.040(2)	31.21
83A.040(2)(c)	31.21
83A.040(2)(d)	31.21
83A.040(3)	31.21

Anchorage - Parallel References

<i>KRS Section</i>	<i>Code Section</i>
83A.040(4)	32.01
83A.040(5)	32.02
83A.040(6)	31.21, 32.02
83A.040(7)	31.21, 32.02
83A.040(8)	31.21, 32.02
83A.040(9)	31.03
83A.050	31.20
83A.060(1)	32.35
83A.060(2)	32.36
83A.060(3)	32.37
83A.060(4)	32.38
83A.060(5)	32.40
83A.060(6)	32.22
83A.060(7)	32.38
83A.060(8)	32.41, 32.42
83A.060(9)	32.43
83A.060(10)	32.44
83A.060(11)	32.45
83A.060(12)	32.46
83A.060(13)	32.46
83A.060(14)	32.47
83A.060(15)	32.48
83A.070	31.02
83A.075	31.02
83A.080	31.38
83A.080(1)	31.35
83A.080(2)	31.35
83A.080(3)	31.03, 31.35
83A.080(4)	31.20
83A.080(5)	31.20
83A.085	31.36
83A.130	31.21
83A.130(1)	30.01
83A.130(2)	30.02
83A.130(3)	31.21
83A.130(4)	31.21
83A.130(5)	32.20
83A.130(6)	32.39
83A.130(7)	31.21
83A.130(8)	31.21
83A.130(9)	31.21
83A.130(10)	31.21
83A.130(11)	32.03, 32.21
83A.130(12)	32.03
83A.130(13)	32.03

<i>KRS Section</i>	<i>Code Section</i>
83A.170	31.20
83A.175	32.02
91A.010	33.01
91A.010(8)	10.02
91A.020	33.02
91A.030	33.03
91A.040	33.04
91A.040(2)-(4)	33.04
91A.050	33.05
91A.060	33.05
91A.080(2)	113.02
91A.080(3)	113.03
91A.080(8)	113.04, 113.05
91A.080(9)	113.04
91A.080(10)	113.03
91A.210	33.10
91A.230	33.12
91A.240	33.13
91A.250	33.14
91A.260	33.15
91A.270	33.16
91A.280	33.17
91A.290	33.18
92.242	35.26
92.412	35.01, 35.25
100.413	151.20
100.415	151.21
131.010(6)	113.04
131.190	34.16
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