

TITLE I: GENERAL PROVISIONS

Chapter

10. RULES OF CONSTRUCTION; GENERAL PENALTY



CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

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§ 10.01 SHORT TITLES

(A) All ordinances of a permanent and general nature of the city as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections shall be known and designated as the Williamstown 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))

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

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

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

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

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

"COUNTY." Grant County, Kentucky.

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

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

"DOMESTIC." When applied to a corporation, partnership, business trust, or limited liability company, means all those incorporated or formed by authority of this state. (KRS 446.010 (15))

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

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

"EXECUTIVE ORDER." An order issued by the mayor which is binding upon the officers and employees of the city and any governmental agency over which the city has jurisdiction. (KRS 83A.010 (7))

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

"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 (19))

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

"KRS." Kentucky Revised Statutes.

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

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

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

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

"MISDEMEANOR." An offense for which the criminal fine can not exceed the amount set forth in KRS 534.040(2)(a), or a term of imprisonment not to exceed the periods set forth in KRS 532.090(1) or both. (KRS 83A.065)

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

"MUNICIPALITY." The City of Williamstown, Kentucky.

"OATH." Includes "AFFIRMATION" in all cases in which an affirmation may be substituted for an oath. (KRS 446.010 (28))

"OFFICER." Any person elected to a position by the voters or any person appointed to a position which:

(a) Is created by the Constitution, the General Assembly, or a city;

(b) Possesses a delegation of a portion of the sovereign power of government;

(c) Has powers and duties to be discharged which are conferred directly or by implication by the city;

(d) Has duties performed independently and without control of a superior power other than the law;

(e) Has some permanency;

(f) Requires an official oath;

(g) Is assigned by a commission or other written authority; and

(h) Provides for an official bond if required by proper authority. (KRS 83A.010(10))

"ORDINANCE." An official act of a city legislative body, which is a regulation of a general and permanent nature and enforceable as a local law or is an appropriation of money. (KRS 83A.010 (11))

"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.

"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))

"RESOLUTION." A resolution is a less formal mechanism for dealing with matters of a special or temporary character. While an ordinance, and to a large extent a municipal order, involves a distinctly legislative act, a resolution is simply an expression of the opinion, will or policy of the legislative body on some matter of ministerial business which has come before the body.

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

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

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

"STATE." The Commonwealth of Kentucky.

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

"SUBCHAPTER." A division of a chapter, designated in this code by an underlined 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, along 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, or district, or otherwise. (KRS 446.010(46))

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

"VIOLATION." An offense for which the criminal fine can not exceed the amount set forth in KRS 534.040(2)(c). (KRS 83A.065)

"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, things, or acts as well as to one person, thing, or act and a word importing the plural number only may extend and be applied to one person, thing, or act as well as to several persons, things, or acts. (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 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 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. 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, and shall be paid by the close of business to the city in which its business office is legally opened.

(B) If any proceeding is directed by law to take place or any act is directed to be done on a particular day of the 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 by the close of business that the city offices are legally opened.

(Am. Ord. 2009-14, passed 11-23-09; Am. Ord. 2009-15, passed 11-23-09; Am. Ord. 2009-16, passed 11-23-09; Am. Ord. 2009-17, passed 11-23-09; Am. Ord. 2009-18, passed 11-23-09; Am. Ord. 2010-05, passed 6-15-10; Am. Ord. 2010-06, passed 6-15-10; Am. Ord. 2010-07, passed 6-15-10; Am. Ord. 2010-08, passed 6-15-10; Am. Ord. 2011-02, passed 2-22-11; Am. Ord. 2011-03, passed 3-22-11; Am. Ord. 2011-26, passed 10-3-11; Am. Ord. 2012-11, passed 8-6-12; Am. Ord. 2012-16, passed 10-16-12; Am. Ord. 2012-17, passed 10-16-12; Am. Ord. 2013-05, passed 4-1-13; Am. Ord. 2013-07, passed 4-1-13; Am. Ord. 2013-08, passed 4-1-13; Am. Ord. 2013-22, passed 8-5-13; Am. Ord. 2013-23, passed 8-20-13; Am. Ord. 2014-05, passed 4-22-14; Am. Ord. 2014-13, passed 12-1-14; Am. Ord. 2015-01, passed 2-17-15; Am. Ord. 2015-10, passed 7-21-15; Am. Ord. 2016-01, passed 4-19-16; Am. Ord. 2017-10, passed 8-7-17)

Statutory reference:

Computation of time, see KRS 446.030

§ 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.

When an ordinance that has repealed a former ordinance is repealed, the former ordinance shall not be revived unless the law repealing it is passed during the same meeting of Council which enacted the second repeal.

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

(1) Section amended:

"Section \_\_\_\_\_ of the Williamstown Code of Ordinances is amended to read as follows: . . ."

(2) Section added:

"Section \_\_\_\_\_, which reads as follows, is added to and amends the Williamstown Code of ordinances: . . ."

## (3) Section repealed:

"Section \_\_\_\_\_ of the Williamstown Code of Ordinances, which reads as follows, is repealed: . . ."

## Cross reference:

Form of amendment, see § 32.04

## § 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 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.

## Cross reference:

For provisions concerning errors and omissions of city officials or employees, see Chapter 36

## § 10.99 GENERAL PENALTY.

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