

# **JEFFERSONTOWN, KENTUCKY**

## **CODE OF ORDINANCES**

2010 S-2 Supplement contains:  
Local legislation current through Ord. 1257, passed 7-7-10; and  
State legislation current through KRS Pamphlet 2009

AMERICAN LEGAL PUBLISHING CORPORATION

432 Walnut Street Cincinnati, Ohio 45202-3909 (800) 445-5588

**ORDINANCE NO. 1192**

AN ORDINANCE RELATING TO ENACTING AS AN ORDINANCE, A CODE OF ORDINANCE FOR THE CITY OF JEFFERSONTOWN, KENTUCKY REVISING, AMENDING, RESTATING, CODIFYING, AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE CITY DEALING WITH SUBJECTS EMBRACED IN THE CODE.

WHEREAS, the present general ordinances of the City of Jeffersontown, Kentucky are incomplete and inadequate and the manner of arrangement, classification and indexing thereof is insufficient to meet the immediate needs of the city; and

WHEREAS, the Acts of the Legislature of the Commonwealth of Kentucky empower and authorize the legislative body of the city to revise, amend, restate, codify and to compile any existing ordinance or ordinances and all new ordinances not heretofore adopted or published and to incorporate the ordinances into one ordinance in book form; and

WHEREAS, the legislative body of the City of Jeffersontown, Kentucky has authorized a general compilation, revision and codification of the ordinances of the city of a general and permanent nature and publication of such ordinance in book form;

NOW, THEREFORE, BE IT ORDAINED by the legislative body of the City of Jeffersontown, Kentucky that:

Section 1. The general ordinances of the City of Jeffersontown, Kentucky as herein revised, amended, restated, codified, and compiled in book form are adopted as and shall constitute the "Code of Ordinances of the City of Jeffersontown, Kentucky."

Section 2. The code as adopted in Section 1 shall consist of the following titles:

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*Chapter*

***TITLE I: GENERAL PROVISIONS***

*10. General Provisions*

***TITLE III: ADMINISTRATION***

- 30. Mayor and City Council*
- 31. City Officers and Employees*
- 32. Code of Ethics*
- 33. City Organizations*
- 34. Police Department*
- 35. Civil Service Commission*
- 36. Code Enforcement Board*

**Jeffersontown - Adopting Ordinance**

***TITLE V: PUBLIC WORKS***

- 50. *General Provisions*
- 51. *Solid Waste*

***TITLE VII: TRAFFIC CODE***

- 70. *General Traffic and Parking Regulations*
- 71. *Traffic Schedules*
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***TITLE IX: GENERAL REGULATIONS***

- 90. *Streets and Sidewalks*
- 91. *Fire Prevention and Protection*
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- 93. *Abandoned Vehicles*
- 94. *Signs*
- 95. *Nuisances*
- 96. *Animals*

***TITLE XI: BUSINESS REGULATIONS***

- 110. *General Provisions*
- 111. *Alcoholic Beverages*
- 112. *Sexually-Oriented Businesses*

***TITLE XIII: GENERAL OFFENSES***

- 130. *General Offenses*

***TITLE XV: LAND USAGE***

- 150. *General Provisions*
- 151. *Building Regulations; Construction*

***TABLE OF SPECIAL ORDINANCES***

*Table*

- I. *Annexations*
- II. *Zoning Map Changes*
- III. *Tax Rates*
- IV. *Budgets and Appropriations*
- V. *Franchise Agreements*
- VI. *Streets*
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**PARALLEL REFERENCES**

*References to Kentucky Revised Statutes*  
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*References to Ordinances*

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- Section 3. All prior ordinances pertaining to the subjects treated in the code shall be deemed repealed from and after the effective date of the code, except as they are included and reordained in whole or in part in the code; provided that such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of the code, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements or plats, accepting dedications of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the code.
  
- Section 4. The code shall be deemed published as of the day of its adoption and approval by the city legislative body and the Clerk of the City of Jeffersontown, Kentucky is hereby authorized and ordered to file a copy of the code in the Office of the City Clerk.
  
- Section 5. The code shall be in full force and effect from and after its date of passage, approval and publication as required by law. The code shall be presumptive evidence in all courts and places of ordinance and all provisions, sections, penalties and regulations therein contained, and of the date of passage, and that the same is properly signed, attested, recorded and approved, and that any public hearings and notices thereof as required by law have been given.

INTRODUCED AND READ AT A MEETING OF THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY AT A MEETING HELD ON THE 2ND DAY OF AUGUST, 2004.

READ, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY AT A MEETING HELD ON THE 18TH DAY OF AUGUST, 2004.

VETOED:

APPROVED:

\_\_\_\_\_  
CLAY S. FOREMAN, MAYOR

Clay S. Foreman /s/  
CLAY S. FOREMAN, MAYOR

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

ATTEST:

Jim Leidgen /s/  
JIM LEIDGEN, CITY CLERK

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**10. GENERAL PROVISIONS**



## CHAPTER 10: GENERAL PROVISIONS

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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 Jeffersontown Code, for which designation “codified ordinances” or “code” may be substituted. Code, title, chapter, and section headings do not constitute part of the law as contained in the code.

(KRS 446.140)

(B) (1) All references to codes, titles, chapters, and sections are to the components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the “traffic code.”

(2) Sections may be referred to and cited by the designation “§” followed by the number, such as “§ 10.01.”

(3) 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 the 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))

**CATTLE.** Includes horse, mule, ass, cow, ox, sheep, hog, or goat of any age or sex.  
(KRS 446.010(6))

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

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

**COMPANY.** May extend and be applied to any corporation, company, person, partnership, joint stock company, or association.  
(KRS 446.010(7))

**CORPORATION.** May extend and be applied to any corporation, company, partnership, joint stock company, or association.  
(KRS 446.010(8))

**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(9))

**DIRECTORS.** When applied to corporations, includes managers or trustees.  
(KRS 446.010(10))

**DOMESTIC.** When applied to corporations, partnerships, limited partnerships, or limited liability companies, all those incorporated or formed by authority of the state.  
(KRS 446.010(11))

**DOMESTIC ANIMAL.** Any animal converted to domestic habitat.  
(KRS 446.010(12))

**EXECUTIVE AUTHORITY.** The Mayor of the City of Jeffersontown.  
(KRS 83A.010(6))

**FEDERAL.** Refers to the United States.  
(KRS 446.010(13))

**FOREIGN.** When applied to corporations, partnerships, limited partnerships, or limited liability companies, includes all those incorporated or formed by authority of any other state.  
(KRS 446.010(14))

**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(18))

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

**LEGISLATIVE BODY MEMBER.** A City Council member.  
(KRS 83A.010(8))

**MAY.** The act referred to is permissive.  
(KRS 446.010(20))

**MONTH.** Calendar month.  
(KRS 446.010(21))

**MUNICIPALITY.** The City of Jeffersontown, Kentucky.

**OATH.** Includes **AFFIRMATION** in all cases in which an **AFFIRMATION** may be substituted for an **OATH**.  
(KRS 446.010(22))

**PEACE OFFICER.** Includes sheriffs, constables, coroners, jailers, metropolitan and urban-county government correctional officers, marshals, police officers, and other persons with similar authority to make arrests.  
(KRS 446.010(25))

**PERSON.** May extend and be applied to bodies-politic and corporate, societies, communities, the public generally, individuals, partnerships, registered limited liability partnerships, joint stock companies, and limited liability companies.  
(KRS 446.010(27))

**PERSONAL PROPERTY.** Includes all property, except real.

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

**PROPERTY.** Includes real, personal, and 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(29))

**SHALL.** The act referred to is mandatory.  
(KRS 446.010(30))

**SIDEWALK.** The 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.**

(1) 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.

(2) Not all chapters have **SUBCHAPTERS**.

**SWORN.** Includes **AFFIRMED** in all cases in which an **AFFIRMATION** may be substituted for an **OATH**.  
(KRS 446.010(33))

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

**VACANCY IN OFFICE.** Such as exists when there is an unexpired part of a term of office without a lawful incumbent therein, when the person elected or appointed to an office fails to qualify according to law or when there has been no election to fill the office at the time appointed by law; it applies whether the vacancy is occasioned by death, resignation, removal from the state, county, city, district, or otherwise.  
(KRS 446.010(35))

**VIOLATE.** Includes failure to comply with.  
(KRS 446.010(36))

**YEAR.** Calendar year.  
(KRS 446.010(38))

**§ 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 1 person or

thing, and a word importing the plural number only may extend and be applied to 1 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 the 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 others, as may have acquired a peculiar and appropriate meaning in the law, shall be construed according to the 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 1 of the days just mentioned. When the period of time prescribed or allowed is less than 7 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, the reasonable time or notice shall mean the time only as may be necessary for the prompt performance of the duty or compliance with the notice.

#### § 10.05 MAJORITY MAY ACT FOR ALL; AUTHORIZED AGENT.

(A) Words giving authority to 3 or more public officers or other persons shall be construed as giving the authority to a majority of the 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, the requirement shall be construed to include 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 the 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; unless the remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional part that it is apparent that the 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 the 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 the 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 the 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 the Council which enacted the amendment. An amended ordinance with a delayed effective date remains unchanged with respect to that amendment if the ordinance making the amendment is repealed at the same or at a subsequent meeting of the Council as long as the repealing ordinance takes effect prior to the effective date of the original amendment.

(D) No other action of the 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.**

(A) 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 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 the proceedings.

(B) If any penalty, forfeiture, or punishment is mitigated by any provision of the new ordinance, the 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, the reference shall be construed to mean a violation of any provision of the section or sections included in the reference.

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

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

#### **§ 10.11 ORDINANCES REPEALED.**

(A) 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.

(B) 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 the 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) (1) 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.

(2) Any chapter, section, or division repealed by subsequent ordinances may be excluded from this code by omission from reprinted pages.

(3) Subsequent ordinances, as printed or omitted, shall be prima facie evidence of the subsequent ordinances until the Council shall adopt a new code of ordinances.

(B) The method of amendment set forth herein 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.**

(A) 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.

(B) 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.**

(A) If a manifest error be discovered consisting of the misspelling of any word or words or 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.

(B) No alteration shall be made or permitted if any question exists regarding the nature or extent of the 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 all amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-1960; Am. Ord. 15, passed 1-1-1970; Am. Ord. 20, passed 1-1-1980; Am. Ord. 25, passed 1-1-1985)

(B) If a section of this code is derived from the previous code of ordinances of the city published in a previous year and subsequently amended, the prior code section number shall be indicated in the history by “(1989 Code, §     ).”

(C) (1) 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 1-17-1980; Am. Ord. 20, passed 1-1-1985)

(2) 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 1-1-1980)

*Statutory reference:*

*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 AND CITY COUNCIL**
- 31. CITY OFFICERS AND EMPLOYEES**
- 32. CODE OF ETHICS**
- 33. CITY ORGANIZATIONS**
- 34. POLICE DEPARTMENT**
- 35. CIVIL SERVICE COMMISSION**
- 36. CODE ENFORCEMENT BOARD**



## CHAPTER 30: MAYOR AND CITY COUNCIL

### Section

- 30.01 City to have Mayor-Council form of government
- 30.02 Number of members of City Council
- 30.03 City Council meetings
- 30.04 Compensation
- 30.05 Committees

### **§ 30.01 CITY TO HAVE MAYOR-COUNCIL FORM OF GOVERNMENT.**

(A) The form of government of the City of Jeffersontown, Kentucky, shall be the Mayor-Council form of government.

(B) 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 the other officers and employees as may be provided for by statute or city ordinance.

(C) The executive authority of the city shall be vested in and exercised by the Mayor. The Mayor shall enforce the Mayor-Council plan, city ordinances and orders, and all applicable statutes. He or she shall supervise all departments of city government and the conduct of all city officers and employees under his or her jurisdiction, and shall require each department to make reports to him or her required by ordinance or as he or she deems desirable. The Mayor shall maintain liaison with related units of local government respecting interlocal contracting and joint activities. The Mayor shall report to the Council and to the public on the condition and needs of city government as he or she finds appropriate or as required by

ordinance, but not less than annually. He or she shall make any recommendations for actions by the Council he or she finds in the public interest.

(D) Subject to disapproval of the Council, the Mayor shall promulgate procedures to ensure orderly administration of the functions of city government and compliance with statute or ordinance. Upon promulgation or upon revision or rescission of the procedures, copies shall be filed with the person responsible for maintaining city records as provided under KRS 83A.060.

(E) The Mayor shall preside at meetings of the Council. The Council may set by ordinance the manner in which 1 of its number may be selected to preside at meetings of the Council in place of the Mayor. The Mayor may participate in Council proceedings, but shall not have a vote, except that he or she may cast the deciding vote in case of a tie.

(F) All ordinances adopted by the Council shall be submitted to the Mayor who shall, within 10 days after submission, either approve the ordinance by affixing his or her signature or disapprove it by returning it to the Council together with a statement of his or her objections. No ordinance shall take effect without the Mayor's approval unless he or she fails to return it to the legislative body within 10 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 1 more than a majority of the membership.

(G) Any delegation of the Mayor's powers, duties, or responsibilities to subordinate officers and employees and any expression of his or her official

authority to fulfill executive functions shall be made by executive order. Executive orders shall be sequentially numbered by years and shall be kept in a permanent file.

(H) All bonds, notes, contracts, and written obligations of the city shall be made and executed by the Mayor or his or her agent designated by executive order.

(I) The Mayor shall be the appointing authority with power to appoint and remove all city employees, except as tenure and terms of employment are protected by statute, ordinance, or contract and except for employees of the Council.

(J) The Mayor shall provide for the orderly continuation of the functions of city government at any time he or she is unable to attend to the duties of his or her office by delegating responsibility for any function to be performed in accordance with division (G) above. Approving ordinances or promulgating administrative procedures may only be delegated to an elected officer. With approval of the Council, the Mayor may rescind any action taken in his or her absence under this division within 30 days of the action. If for any reason the disability of the Mayor to attend to his or her 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 KRS 83A.040 shall apply.

(K) The legislative authority of the city shall be vested in and exercised by the elected Council of the City. The Council shall not perform any executive functions except those functions assigned to it by statute. Regular meetings of the Council shall be held at least once each month at the times and places as are fixed by ordinance. 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 Council members and for compliance with KRS Chapter 61. At a special meeting, no business may be considered other than that set forth in the designation of purpose. The minutes of every

meeting shall be signed by the person responsible for maintaining city records provided under KRS 83A.060 and by the officer presiding at the meeting.

(L) The Council shall by ordinance establish all appointive officers, and the duties and responsibilities of those officers, and codes, rules, and regulations for the public health, safety, and welfare. The Council shall by ordinance provide for sufficient revenue to operate city government and shall appropriate the funds of the city in a budget which shall provide for the orderly management of city resources.

(M) The Council shall have the right to investigate all activities of city government. The Council may require any city officer or employee to prepare and submit to it sworn statements regarding his or her performance of his or her 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 shall have the right to review any statement before submission to the Council and to appear personally or through his or her designee on behalf of any department, office, or agency in the course of any investigation.

(1989 Code, § 100.5) (Ord. 753, passed 3-2-1981)

### **§ 30.02 NUMBER OF MEMBERS OF CITY COUNCIL.**

The City Council shall be composed of 8 elected members, as provided by law.  
(Ord. 1132, passed 5-1-2000)

### **§ 30.03 CITY COUNCIL MEETINGS.**

Regular meetings of the City Council shall be held at 6:00 p.m. (local prevailing time) on the first Monday of each month and at 9:00 a.m. (local

prevailing time) on the third Wednesday of each month at the City Hall, 10416 Watterson Trail, Jeffersontown, Kentucky 40299. If any meeting date be a state or national holiday, the meeting scheduled for that date shall be held at the time and place provided on the next succeeding day.  
(1989 Code, § 120.14A) (Ord. 754, passed 3-2-1981; Am. Ord. 925, passed 1-21-1986; Am. Ord. 1084, passed 11-6-1995)

(B) Each committee shall be chaired by a Council member and shall consist of 1 or more additional Council members. Appointment to chair a committee and appointment to the committee shall be by resolution of the City Council.

(C) The Council may, by resolution, create any additional committees as it deems necessary or desirable.  
(1989 Code, § 100.3) (Ord. 656, passed 1-5-1976)

**§ 30.04 COMPENSATION.**

(A) Compensation and benefits for services of the hereinafter named officers be, and hereby is, fixed as determined by the City Council:

- (1) Mayor; and
- (2) Members of City Council.

(B) Members of the City Council shall receive the same benefits and holidays as city employees.  
(1989 Code, § 130.45A) (Ord. 901, passed 4-15-1985; Am. Ord. 975, passed 3-21-1988; Am. Ord. 1017, passed - -)

**§ 30.05 COMMITTEES.**

(A) The administration of affairs of the City of Jeffersontown shall be carried out by the following committees:

- (1) Public Works;
- (2) Safety;
- (3) Finance;
- (4) Administrative;
- (5) Planning; and
- (6) Parks and Recreation.



## CHAPTER 31: CITY OFFICERS AND EMPLOYEES

### Section

#### *City Officers*

- 31.01 City Clerk/Treasurer
- 31.02 City Alcoholic Beverage Control Administrator
- 31.03 City Engineer
- 31.04 Electrical Inspector

#### *City Employment Policies*

- 31.15 Classification and compensation plan; personnel administration
- 31.16 Participation in the County Employees Retirement System
- 31.17 Legal defense of city officers and employees
- 31.18 Discrimination on basis of handicapped status; grievance procedure

#### ***Cross-reference:***

*Mayor and City Council, see Ch. 30*

### **CITY OFFICERS**

#### **§ 31.01 CITY CLERK/TREASURER.**

(A) There is hereby created the Office of City Clerk/Treasurer for the City of Jeffersontown, Kentucky.

(B) The City Clerk/Treasurer will receive compensation and benefits as determined by the City Council from time to time.

(1989 Code, § 130.48) (Ord. 942, passed - -1986)

(C) As additional compensation, during the term of the City Clerk/Treasurer, he or she shall be eligible for all benefits inuring to employees of the city. (Am. Ord. 1170, passed 1-24-2003)

#### **§ 31.02 CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.**

(A) There is created the Office of City Alcoholic Beverage Control Administrator for the City of Jeffersontown.

(B) The Alcoholic Beverage Control Administrator shall be appointed by the Mayor of the City of Jeffersontown, Kentucky, to serve at the pleasure of the appointing authority.

(C) The individual designated as Administrator shall execute a bond with a good corporate surety in the penal sum of not less than \$1,000.

(D) The functions of the Office of the City Alcoholic Beverage Control Administrator shall be to adopt reasonable regulations governing the procedure relative to application for and revocations of licenses, and for the supervision and control of manufacture, sale, transportation, storage, advertising, and trafficking of alcoholic beverages. All the regulations must be ratified by resolution of the City Council and approved by the State Alcoholic Beverage Control Board created by KRS 241.030.

(1989 Code, § 210.2) (Ord. 447, passed 8-1-1966; Am. Ord. 510, passed 5-4-1970; Am. Ord. 511, passed 5-4-1970)

**§ 31.03 CITY ENGINEER.**

(A) There is created the Office of City Engineer for the City of Jeffersontown, Kentucky.

(B) The City Engineer shall be designated by resolution of the City Council.

(C) The compensation to be paid to the official shall be as established by resolution of the City Council.

(1989 Code, § 260.1) (Ord. 481, passed 2-19-1968)

**§ 31.04 ELECTRICAL INSPECTOR.**

(A) There is hereby created the Office of City of Jeffersontown Electrical Inspector, to conduct electrical inspections; issue permits, and charge and collect rates for the services; and enforce the provisions therein.

(B) The Electrical Inspector shall be appointed by the Mayor, with the advice and consent of the City Council, and shall serve for a period of 2 years, or until his or her replacement is nominated and approved.

(C) The compensation of the Electrical Inspector shall be fixed at the time of appointment.

(D) No person shall be nominated who does not meet or exceed the following minimum qualifications, to-wit:

(1) Seven years experience as an electrical inspector;

(2) An electrical supervisor licensed by the Louisville Metro Board of Electrical Control, or a similar government entity;

(3) Certified as an Electrical Inspector by the Commonwealth of Kentucky; and

(4) Possessing the following skills:

(a) Knowledge of electrical repair and design principles;

(b) Knowledge of codes, laws, and safety standards related to electrical work;

(c) Knowledge of electrical inspection methods and equipment;

(d) Ability to plan and organize the work of subordinates;

(e) Ability to explain laws and codes to contractors and subordinates;

(f) Ability to read and interpret technical materials such as blueprints;

(g) Ability to prepare licensing examinations;

(h) Ability to evaluate electrical work;

(i) Skill in observation; and

(j) Skill in written communication.

(1989 Code, § 130.40) (Ord. 846, passed 9-8-1983)

***CITY EMPLOYMENT POLICIES*****§ 31.15 CLASSIFICATION AND COMPENSATION PLAN; PERSONNEL ADMINISTRATION.**

(A) The classification and compensation plan shall be the system of personnel administration for the City of Jeffersontown, Kentucky, and is hereby adopted by reference and incorporated herein as if set out in full.

(B) The compensation and classification ordinance for city employees, a copy of which is on file at the City Clerk’s office, is adopted herein by reference.

(1989 Code, § 230.2) (Ord. 927, passed 1-21-1986; Am. Ord. 1188, passed 5-3-2004; Am. Ord. 1202, passed 6-6-2005; Am. Ord. 1206, passed 7-5-2005; Am. Ord. 1207, passed 7-5-2005; Am. Ord. 1211, passed 11-17-2005; Am. Ord. 1219, passed 8-8-2006; Am. Ord. 1230, passed 1-16-2008; Am. Ord. 1246, passed 3-2-2009; Am. Ord. 1253, passed 2-10-2010)

**§ 31.16 PARTICIPATION IN THE COUNTY EMPLOYEES RETIREMENT SYSTEM.**

(A) The City of Jeffersontown, Kentucky, will participate in the County Employees Retirement System which is managed by the Board of Trustees of the Kentucky Retirement System pursuant to KRS 78.510 through 78.852.

(B) The City of Jeffersontown, Kentucky, declares its intention to permit all eligible police and general full-time employees, including City Council members, from and after 1-1-1978, and the City Attorney, from and after 1-1-1982, these positions being full-time, within the purview of the statute, requiring a minimum of 100 hours per month, inclusive of 24 hours per day on-call requirements, at their option, to obtain service credit in the County Employees Retirement System as provided under the provisions of the alternate participation plan for service rendered between 7-1-1958 and 7-1-1985, the cost of which service credit will be actuarially determined by the Board of Trustees of the Kentucky Retirement Systems and funded by the city as employer to the extent that the cost would not be satisfied within the standard employer contribution rate.

(C) The City of Jeffersontown, Kentucky, acknowledges its obligation to pay the cost of the service credit over a 6-year amortization period and to appropriate monies to make the payment in addition to the required standard employer contribution rate.

(D) The City of Jeffersontown, Kentucky, hereby elects to participate in the County Employees Retirement System, effective 7-1-1985 and authorizes the Mayor to execute the appropriate instruments to effectuate the election.

(E) Employees hired after 7-1-1985 shall participate only in the County Employees Retirement System.

(F) The City of Jeffersontown hereby adopts the terms and provisions of the County Employees Retirement System under KRS 78.510 through 78.582, and elects the alternate participation plan under KRS 78.530(3), and declares its intention to enter into an agreement with the Board of Trustees for the amortization of the cost of the prior service credit over a 6-year period commencing on or about 7-1-1985. The city further declares its intention to enter into an agreement with the Board of Trustees for the amortization of the costs of the prior service credit, as required by this amendment, over a 6-year period commencing on or about 7-1-1995, or at the prior time as the city elects to make a lump sum payment therefore.

(1989 Code, § 231.2) (Ord. 909, passed 6-17-1985; Am. Ord. 1074, passed 2-21-1995)

**§ 31.17 LEGAL DEFENSE OF CITY OFFICERS AND EMPLOYEES.**

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

**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.

**EMPLOYEE.** All full- and part-time employees of the City of Jeffersontown, but shall not include any independent contractor of any employee, agent, supplier, or subcontractor of any independent contractor.

**OFFICER.** Any elected official of the City of Jeffersontown, City Clerk/Treasurer, City Tax Administrator, City Engineer, and the Attorney for the City.

(B) Except as provided in division (E) below, 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 officer or employee for the representation or shall provide independent representation. An officer or employee may have his or her own legal counsel to assist in the defense at the expense of the officer or employee.

(D) Upon receiving service of a summons and complaint in any action in tort brought against him or her, an officer or employee shall, within 10 days of his or her 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 officer's duties or the employee's employment;

(2) The officer or employee 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) above.

(F) If the city refuses to provide an officer or employee with a defense and the officer or employee provides his or her 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 officer's duties or the employee's employment and the officer or employee is found to have acted without fraud, malice, or corruption.

(G) Subject to the limitations set forth in division (H) below, 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 action in tort, or any compromise or settlement of the 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 the payment and the cost 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 officer's duties or the employee's employment;

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

(4) The officer or employee compromised or settled the claim without the consent of the City Council.

(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 City Council.

(J) Nothing in this section shall be construed as a waiver of any defense which the city may assert in any action in tort brought against it or any officer or employee of the city. Defense by the city of any action shall not be deemed an admission by the city that the acts of the officer or employee were within the actual or apparent scope and course of the person's office or duties.

(1989 Code, § 250.18) (Ord. 932, passed 3-25-1986)

**§ 31.18 DISCRIMINATION ON BASIS OF HANDICAPPED STATUS; GRIEVANCE PROCEDURE.**

(A) *Generally.*

(1) The procedures in division (B) below shall be the grievance procedures for anyone who believes he or she has been discriminated against by the City of Jeffersontown, Kentucky, based on handicapped status with respect to federally funded programs.

(2) The administration of these procedures and related federal and state regulations shall be the responsibility of the executive authority of the City of Jeffersontown, Kentucky.

(3) These procedures may be amended by ordinance to comply with court directives or additional federal and state regulations.

(B) *Grievance procedure for complaints relating to suspected or alleged discrimination on basis of handicapped status in the City of Jeffersontown, Kentucky.*

(1) Any person (employee or citizen) who believes that he or she has been subjected to discrimination as prohibited by the federal revenue sharing program regulations and § 504 of the Rehabilitation Act of 1973, being 29 U.S.C. 794 may personally, or by representation, file a complaint with the office of the Mayor of the City of Jeffersontown, Kentucky. A person who has not personally been subjected to discrimination may also file a complaint.

(2) When any person, (citizen, applicant, or employee) who believes he or she has been adversely affected by an act or decision by the City of Jeffersontown, Kentucky, and that the act or decision was based on handicapped status, shall have the right to process a complaint or grievance in accordance with the following procedure.

(a) *Step 1.* An aggrieved person must submit a written statement to the Public Works Director of the City of Jeffersontown, Kentucky, setting forth the nature of the discrimination alleged and facts upon which the allegation is based.

(b) *Step 2.* The Public Works Director shall contact the complainant no later than 15 days after receiving the written statement to establish an informal meeting with the objective of resolving the matter informally. However, in no case shall the informal meeting be conducted sooner than 5 days, nor more than 45 days, after receiving the written statement. There shall be prepared a written documentary of the discussions at the informal meeting which shall be preserved in the records of the City of Jeffersontown, Kentucky.

(c) *Step 3.* Within 15 days of the informal meeting, if no decision has been made by the Public Works Director, or if the decision of the Public Works Director does not satisfy the complainant, he or she may request a hearing with the City Council of the City of Jeffersontown, Kentucky, by submitting a written request to the Public Works Director.

(d) *Step 4.* In thus discussing the grievance, the complainant may designate any person of his or her choice to appear with him or her and participate in the discussion. The City Council shall require the Public Works Director to participate in the discussion of the grievance when it is brought before the City Council. The City Council shall issue a written decision on the matter within 15 days and the decision shall be the final procedure for the complainant at the local level. There shall be prepared a written documentary of the discussion at the hearing, which shall be preserved in the records of the City of Jeffersontown, Kentucky.

(1989 Code, § 360.12) (Ord. 893, passed 11-5-1984)



## CHAPTER 32: CODE OF ETHICS

Section

	<i>General Provisions</i>		<i>Enforcement</i>
32.01	Title	32.70	Board of Ethics; creation
32.02	Findings	32.71	Alternate members
32.03	Purpose and authority	32.72	Facilities and staff
32.04	Definitions	32.73	Power and duties of the Board of Ethics
	<i>Standards of Conduct</i>	32.74	Filing and investigation of complaints
32.15	Conflicts of interest; generally	32.75	Notice of hearings
32.16	Conflicts of interest; contracts	32.76	Hearing procedure
32.17	Receipts of gifts	32.77	Appeals
32.18	Use of city property, equipment, and personnel	32.78	Limitation of actions
32.19	Representation of interest before city government	32.79	Advisory opinions
32.20	Misuse of confidential information	32.80	Reprisals against persons disclosing violations prohibited
32.21	Post-employment restriction	32.99	Penalty
32.22	Honoraria		
	<i>Financial Disclosure</i>		<b>GENERAL PROVISIONS</b>
32.35	Who must file		
32.36	When to file statements; amended statements		<b>§ 32.01 TITLE.</b>
32.37	Form of the statement of financial interests		This chapter shall be known and may be cited as the City of Jeffersontown, Kentucky, Code of Ethics. (Ord. 1071, passed 11-21-1994)
32.38	Control and maintenance of the statements of financial interest		
32.39	Contents of the financial interest statement		<b>§ 32.02 FINDINGS.</b>
32.40	Noncompliance with filing requirement		The legislative body of the City of Jeffersontown, Kentucky, finds and declares that:
	<i>Nepotism</i>		
32.55	Nepotism prohibited		(A) Public office and employment with the city are public trust;

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

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

(Ord. 1071, passed 11-21-1994)

### § 32.03 PURPOSE AND AUTHORITY.

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

(B) It is the further purpose of this chapter to meet the requirements of KRS 65 *et seq.*, as enacted by the 1994 Kentucky General Assembly.

(C) This chapter is enacted under the power vested in the city by KRS 65 *et seq.*  
(Ord. 1071, passed 11-21-1994)

### § 32.04 DEFINITIONS.

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

**BOARD OF ETHICS.** City of Jeffersontown, Kentucky, Board of Ethics which is created and vested by this chapter with the responsibility of enforcing the requirements of the city's Code of Ethics.

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

**CANDIDATE.** Any individual who seeks nomination or election to a city office. An individual is a candidate when the individual files a notification and declaration for nomination for office with the County Clerk or Secretary of State, or is nominated for office by a political party, or files a declaration of intent to be a write-in candidate with the County Clerk or Secretary of State.

**CITY.** Refers to the City of Jeffersontown, Kentucky.

**CITY AGENCY.** Any board, commission, authority, nonstock corporation, or other entity created, either individually or jointly, by this city.

**EMPLOYEE.** Any person, whether full-time or part-time, and whether paid or unpaid, who is employed by or provides service to the city. The term **EMPLOYEE** shall not include any contractor or subcontractor or any of their employees.

**FAMILY MEMBER.** A spouse, parent, child, brother, sister, mother-in-law, father-in-law, son-in-law, grandparent, or grandchild.

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

**OFFICER.** Any person, whether full-time or part-time, and whether paid or unpaid, who is 1 of the following:

- (1) The Mayor;
- (2) A legislative body member;

- (3) The City Clerk/Treasurer;
- (4) The City Manager;
- (5) The City Administrator;
- (6) Any person who occupies a nonelected office created under KRS 83A.080; or
- (7) A member of the governing body of any city agency who has been appointed to the governing body of the agency by the city.  
(Ord. 1071, passed 11-21-1994)

### ***STANDARDS OF CONDUCT***

#### **§ 32.15 CONFLICTS OF INTEREST; GENERALLY.**

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

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

(B) No officer or employer shall intentionally use or attempt to use his or her official position with the city to secure unwarranted privileges or advantages for himself or herself or others.

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

- (1) The officer or employee;
- (2) A family member;
- (3) An outside employer;
- (4) Any business in which the officer or employee or any family member has a financial interest; or
- (5) Any business in which the officer or employee or any family member is negotiating or seeking prospective employment or other business or professional relationship.

(D) No officer or employee shall be deemed in violation of a provision in this section, if, by reason of the officer's or employee's participation, vote, decision, action, or inaction, no financial benefit accrues to the officer or employee, a family member, an outside employer, or a business as defined in divisions (C)(4) and (C)(5) above, as a member of any business, occupation, profession, or other group, to any greater extent than any gain could reasonably be expected to accrue to any other member of the business, occupation, profession, or other group.

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

(Ord. 1071, passed 11-21-1994) Penalty, see § 32.99

### § 32.16 CONFLICTS OF INTEREST; CONTRACTS.

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

(1) The prohibition in division (A) shall not apply to contracts entered into before an elected officer filed as a candidate for city office, before an appointed officer was appointed to a city or city agency office, or before an employee was hired by the city or city agency. However, if any contract entered into by a city or city agency officer or employee before he or she became a candidate, was appointed to office, or was hired as an employee, is renewable after he or she becomes a candidate, assumes the appointed office, or is hired as an employee, then the prohibition in division (A) shall apply to the renewal of the contract.

(2) The prohibition in division (A) shall not apply if the contract is awarded after public notice and competitive bidding, unless the officer or employee is authorized to participate in establishing the contract specifications, awarding the contract, or managing contract performance after the contract is awarded. If the officer or employee has any of the authorities set forth in the preceding sentence, then the officer or employee shall have no interest in the contract, unless the requirements set forth in division (A)(3) below are satisfied.

(3) The prohibition in division (A) shall not apply in any case where the following requirements are satisfied.

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

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

(c) A finding is made by the governing body of the city or city agency that the contract with the officer or employee is in the best interest of the public and the city or city agency because of price, limited supply, or other specific reasons.

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

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

(Ord. 1071, passed 11-21-1994) Penalty, see § 32.99

### § 32.17 RECEIPTS OF GIFTS.

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

(Ord. 1071, passed 11-21-1994) Penalty, see § 32.99

**§ 32.18 USE OF CITY PROPERTY, EQUIPMENT, AND PERSONNEL.**

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

(A) The use is specifically authorized by a stated city policy; and/or

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

(Ord. 1071, passed 11-21-1994) Penalty, see § 32.99

**§ 32.19 REPRESENTATION OF INTEREST BEFORE CITY GOVERNMENT.**

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

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

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

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

(Ord. 1071, passed 11-21-1994) Penalty, see § 32.99

**§ 32.20 MISUSE OF CONFIDENTIAL INFORMATION.**

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

(Ord. 1071, passed 11-21-1994) Penalty, see § 32.99

**§ 32.21 POST-EMPLOYMENT RESTRICTION.**

No officer or employee of the city or any city agency shall appear or practice before the city or any city agency with respect to any matter on which the officer or employee personally worked while in the service of the city or city agency for a period of 1 year after the termination of the officer's or employee's service with the city or city agency.

(Ord. 1071, passed 11-21-1994) Penalty, see § 32.99

**§ 32.22 HONORARIA.**

(A) No officer or employee of the city or a city agency shall accept any compensation, honorarium, or gift with a fair market value greater than \$100 in consideration of an appearance, speech, or article unless the appearance, speech, or article is both related to the officer's or employee's activities outside of municipal service and is unrelated to the officer's or employee's service with the city.

(B) Nothing in this section shall prohibit an officer or employee of the city or any city agency from receiving and retaining from the city or on behalf of the city actual and reasonable out-of-pocket expenses incurred by the officer or employee in connection with an appearance, speech, or article, provided that the officer or employee can show by

clear and convincing evidence that the expenses were incurred or received on behalf of the city or city agency and primarily for the benefit of the city or city agency and not primarily for the benefit of the officer or employee or any other person.

(Ord. 1071, passed 11-21-1994) Penalty, see § 32.99

### ***FINANCIAL DISCLOSURE***

#### **§ 32.35 WHO MUST FILE.**

The following classes of officers and employees of the city and city agencies shall file an annual statement of financial interest with the Board of Ethics:

(A) Elected city officials;

(B) Candidates for elected city office;

(C) Members of the Board of Ethics created by this chapter; and

(D) Nonelected officers and employees of the city or any city agency who are authorized to make purchases of materials or services, or award contracts, leases, or agreements involving the expenditure of more than \$1,000.

(Ord. 1071, passed 11-21-1994) Penalty, see § 32.99

#### **§ 32.36 WHEN TO FILE STATEMENTS; AMENDED STATEMENTS.**

(A) The statement of financial interest required by § 32.35 shall be filed with the Board of Ethics, or the administrative official designated as the custodian of its records by the Board of Ethics, no later than 4:00 p.m. on June 30 each year, provided that:

(1) An officer or employee newly appointed to fill an office or position of employment with the city or a city agency shall file his or her initial statement no later than 30 days after the date of the appointment; and

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

(B) The Board of Ethics may grant a reasonable extension of time for filing a statement of financial interest for good cause shown.

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

(Ord. 1071, passed 11-21-1994) Penalty, see § 32.99

#### **§ 32.37 FORM OF THE STATEMENT OF FINANCIAL INTERESTS.**

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

(Ord. 1071, passed 11-21-1994) Penalty, see § 32.99

#### **§ 32.38 CONTROL AND MAINTENANCE OF THE STATEMENTS OF FINANCIAL INTEREST.**

(A) The Board of Ethics shall be the official custodian of the statements of financial interests and shall have control over the maintenance of the statements of financial interests. The statements of financial interest shall be maintained by the Board of

Ethics, or the administrative official designated by the Board of Ethics as the custodian, as public documents available for public inspection immediately upon filing.

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

(1) Upon the expiration of 3 years after a person ceases to be an officer or employee of the city or city agency, the Board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person; and

(2) Upon the expiration of 3 years after any election at which a candidate for elected city office was not elected or nominated, the Board shall cause to be destroyed any statements of financial interest or copies of those statements filed by the person.  
(Ord. 1071, passed 11-21-1994)

### **§ 32.39 CONTENTS OF THE FINANCIAL INTEREST STATEMENT.**

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

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

(2) The title of the filer's office sought or position of employment;

(3) The occupation of the filer and the filer's spouse;

(4) Information that identifies each source of income of the filer and the filer's immediate family members exceeding \$5,000 during the preceding calendar year, and the nature of the income (such as, salary, commission, dividends, retirement fund distribution, and the like);

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

(6) The name and address of any business located outside of the state, if the business has engaged in any business transactions with the city during the past 3 years or which is anticipated to engage in any business transactions with the city, in which the filer or any member of the filer's immediate family had at any time during the preceding calendar year an interest of \$10,000 at fair market value or 5% ownership interest or more;

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

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

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

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

(Ord. 1071, passed 11-21-1994) Penalty, see § 32.99

**§ 32.40 NONCOMPLIANCE WITH FILING REQUIREMENT.**

(A) The Board of Ethics, or the designated administrative official, shall notify by certified mail each person required to file a statement of financial interest who fails to file the statement by the due date, files an incomplete statement, or files a statement in a form other than that prescribed by the Board. The notice shall specify the type of failure or delinquency, shall be remedied, and shall advise the person of the penalties for a violation.

(B) (1) Any person who fails or refuses to file the statement or who fails or refuses to remedy a deficiency in the filing identified in the notice under division (A) above within the time period established in the notice shall be guilty of a civil offense and shall be subject to a civil fine imposed by the Board in an amount not to exceed \$25 per day, up to a maximum total civil fine of \$500.

(2) Any civil fine imposed by the Board under this section may be recovered by the city in a civil action in the nature of debt if the offender fails or refuses to pay the penalty within a prescribed period of time.

(C) Any person who intentionally files a statement of financial interest which he or she knows to contain false information or intentionally omits required information shall be guilty of a Class A misdemeanor.

(Ord. 1071, passed 11-21-1994)

***NEPOTISM***

**§ 32.55 NEPOTISM PROHIBITED.**

(A) No officer or employee of the city or a city agency shall advocate, recommend, or cause the employment, appointment, promotion, transfer, or advancement of a family member to an office or position of employment with the city or a city agency.

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

(C) No officer or employee shall participate in any action relating to the employment or discipline of a family member, except that this prohibition shall not prevent an elected or appointed official from voting on or participating in the development of a budget which includes compensation for a family member, provided that the family member is included only as a member of a class of persons or group, and the family member benefits to no greater extent than any other similarly situated member of the class or group.

(D) The prohibitions in this section shall not apply in any relationship or situation that would violate the prohibition, but which existed prior to 11-21-1994, the effective enactment date of this chapter.

(Ord. 1071, passed 11-21-1994) Penalty, see § 32.99

***ENFORCEMENT***

**§ 32.70 BOARD OF ETHICS; CREATION.**

(A) There is hereby created a Board of Ethics which shall have the authorities, duties, and responsibilities as set forth in this chapter to enforce the provisions of this chapter.

(B) The Board of Ethics shall consist of 5 members who shall be appointed by the executive authority of the city, subject to the approval of the legislative body. The initial members of the Board of Ethics shall be appointed within 60 days of the effective date of this chapter. No member of the Board of Ethics shall hold any elected or appointed office, whether paid or unpaid, or any position of employment with the city or any city agency. The members shall serve for a period of 3 years, except that, with respect to the members initially appointed, 1 member shall be appointed for a term of 1 year, 2 members shall be appointed for a term of 2 years, and

2 members shall be appointed for a term of 3 years. Thereafter, all appointments shall be for a term of 3 years. No more than 3 of the members shall be of the same political party. Each member of the Board of Ethics shall have been a resident of the city for at least 1 year prior to the date of appointment and shall reside in the city throughout the term in office. The members of the Board of Ethics shall have attained at least 18 years of age, be citizens of the United States of America, and not have been convicted of a felony or any crime involving moral turpitude.

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

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

(E) Members of the Board of Ethics shall serve without compensation.

(F) The Board of Ethics shall, upon the initial appointment of its members, and annually thereafter, elect a Chairperson from among the membership. The Chairperson shall be the presiding officer and a full voting member of the Board.

(G) Meetings of the Board of Ethics shall be held, as necessary, upon the call of the Chairperson or at the written request of a majority of the members.

(H) The presence of 3 or more members shall constitute a quorum and the affirmative vote of 3 or more members shall be necessary for any official action to be taken. Any member of the Board of Ethics who has a conflict of interest with respect to

any matter to be considered by the Board shall disclose the nature of the conflict, shall disqualify himself or herself from voting on the matter, and shall not be counted for purposes of establishing a quorum.

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

(Ord. 1071, passed 11-21-1994) Penalty, see § 32.99

### § 32.71 ALTERNATE MEMBERS.

The executive authority of the city with the approval of the legislative body may appoint 2 alternate members of the Board of Ethics who may be called upon to serve when any regular member of the Board is unable to discharge his or her duties. An alternate member shall be appointed for a term of 1 year. Alternate members shall meet all qualifications and be subject to all of the requirements of this chapter that apply to regular members.

(Ord. 1071, passed 11-21-1994)

### § 32.72 FACILITIES AND STAFF.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**STAFF.** Shall include professional consultants, whose services shall be contracted through the office of the City Clerk/Treasurer and City Attorney.

(B) Within the limits of the funds appropriated by the legislative body in the annual budget, the city shall provide the Board of Ethics with staff, either directly or by contract or agreement.

(Ord. 1071, passed 11-21-1994)

**§ 32.73 POWER AND DUTIES OF THE BOARD OF ETHICS.**

The Board of Ethics 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 of 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 oaths;

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

(D) To refer any information concerning violations of this chapter to the executive authority of the city, the city legislative body, the governing body of any city agency, the County Attorney, or other appropriate person or body, as necessary;

(E) To render advisory opinions to city and city agency officers and employees regarding whether a given set of facts and circumstances would constitute a violation of any provision of this 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 all statements of financial interests that are required to be filed by this chapter and to ensure that the statements are available for public inspection in accordance with the requirements of this chapter and the 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 legislative body of the city; and

(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. 1071, passed 11-21-1994)

**§ 32.74 FILING AND INVESTIGATION OF COMPLAINTS.**

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

(B) Within 30 days of the receipt of a proper complaint, the Board of Ethics shall conduct a preliminary inquiry concerning the allegations contained in the complaint. The Board shall afford a person who is the subject of the complaint an opportunity to respond to the allegations in the complaint. The person shall have the right to be represented by counsel, to appear and be heard under oath, and to offer evidence in response to the allegations.

(C) All proceedings and records relating to a preliminary inquiry being conducted by the Board of Ethics shall be confidential until a final determination is made by the Board, except:

(1) The Board may turn over to the Commonwealth's Attorney or County Attorney evidence which may be used in criminal proceedings; and

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

(D) The Board shall make a determination based on its preliminary inquiry whether the complaint is within its jurisdiction and, if so, whether it alleges a minimal factual basis to constitute a violation of this chapter. If the Board concludes that the complaint is outside of its jurisdiction, frivolous, or without factual basis, the Board shall immediately terminate the inquiry, reduce the conclusion to writing, and transmit a copy of its decision to the complainant and to all officers or employees against whom the complaint was filed.

(E) If the Board of Ethics concludes, based upon its preliminary inquiry, that the complaint is within its jurisdiction and contains allegations sufficient to establish a minimal factual basis to constitute a violation, the Board shall notify the officer or employee who is the subject of the complaint and may:

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

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

(F) Any person who knowingly files with the Board a false complaint alleging a violation of any provision of this chapter by an officer or employee of the city or any city agency shall be guilty of a Class A misdemeanor.

(Ord. 1071, passed 11-21-1994)

### **§ 32.75 NOTICE OF HEARINGS.**

If the Board of Ethics determines that a hearing regarding allegations contained in the complaint is necessary, the Board shall issue an order setting the matter for a hearing within 30 days of the date the order is issued, unless the alleged violator petitions for and the Board consents to a later date. The order setting the matter for a hearing, along with a copy of any pertinent regulations of the Board relating to the hearing shall be sent to the alleged violator within 24 hours of the time the order setting a hearing is issued. (Ord. 1071, passed 11-21-1994)

### **§ 32.76 HEARING PROCEDURE.**

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

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

(C) All testimony in a Board hearing shall be taken under oath, administered by the presiding officer. All parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses, to submit evidence, and to be represented by counsel. All witnesses shall have the right to be represented by counsel.

(D) Any person whose name is mentioned during the hearing and who may be adversely affected thereby may appear personally before the Board, with or without counsel, to give a statement regarding the adverse mention, or may file a written statement regarding the adverse mention for incorporation into the proceeding.

(E) All hearings of the Board of Ethics shall be public, unless the members vote to go into executive session in accordance with KRS 61.810.

(F) After the conclusion of the hearing, the Board of Ethics shall, as soon as practicable, begin deliberations in executive session for the purpose of reviewing the evidence before it and making a determination whether a violation of this chapter has been proven. Within 30 days after completion of the hearing, the Board shall issue a written report of its findings and conclusions. During the period of deliberation, no member of the Board shall have any contact with the complainant or alleged violator, and no new evidence shall be entertained.

(G) If the Board concludes in its report that no violation of this chapter has occurred, it shall immediately send written notice of the determination to the officer or employee who was the subject of the complaint and to the party who filed the complaint.

(H) If the Board concludes in its report that in consideration of the evidence produced at the hearing there is clear and convincing proof of a violation of this chapter, the Board may:

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

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

(3) In writing, recommend to the executive authority and the governing body that the violator be sanctioned as recommended by the Board, which may include a recommendation for discipline, or dismissal, or removal from office;

(4) Issue an order requiring the violator to pay a civil penalty of not more than \$1,000; and/or

(5) Refer evidence of criminal violations of the chapter or state laws to the County Attorney or Commonwealth's Attorney of the jurisdiction for prosecution.

(Ord. 1071, passed 11-21-1994)

### **§ 32.77 APPEALS.**

Any person who is found guilty of a violation of any provision of this chapter by the Board of Ethics may appeal the findings to the Circuit Court of the County within 30 days after the date of the final action by the Board of Ethics by filing a petition with the court against the Board. The Board shall transmit to the Clerk of the Court all evidence considered by the Board at the public hearing.

(Ord. 1071, passed 11-21-1994)

### **§ 32.78 LIMITATION OF ACTIONS.**

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

(Ord. 1071, passed 11-21-1994)

**§ 32.79 ADVISORY OPINIONS.**

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

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

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

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

(1) In writing, by the person who requested the opinion; and/or

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

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

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

(Ord. 1071, passed 11-21-1994)

**§ 32.80 REPRISALS AGAINST PERSONS DISCLOSING VIOLATIONS PROHIBITED.**

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

(B) This section shall not be construed as prohibiting disciplinary or punitive action if an officer or employee of the city or any city agency discloses information which he or she knows:

(1) To be false or which he or she discloses with reckless disregard for its truth or falsity;

(2) To be exempt from required disclosure under the provisions of the Kentucky Open Records Act, KRS 61.870 through 61.884; and/or

(3) Is confidential under any other provision of law.

(Ord. 1071, passed 11-21-1994) Penalty, see § 32.99

**§ 32.99 PENALTY.**

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.



## CHAPTER 33: CITY ORGANIZATIONS

### Section

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- 33.002 Commissioners
- 33.003 Qualification
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#### *Park, Playground, and Recreation Board*

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***YOUTH COMMISSION*****§ 33.001 CREATION.**

There be, and hereby is, created a Jeffersontown Youth Commission which shall be charged with the duty and responsibility in assisting in the establishment of a private, nonpartisan youth group which:

(A) Is dedicated to community betterment through constructive service and activities programs;

(B) Will effectively serve in advisory capacity in presenting programs calculated to preserve and better the community for youthful living;

(C) Will seek active community and local government support in the development of youth-oriented community programs; and

(D) Will seek the cooperation of private, charitable, and governmental organizations in planning and coordinating efforts to eliminate or solve youth problems.

(1989 Code, § 150.10) (Ord. 503, passed 1-19-1970)

**§ 33.002 COMMISSIONERS.**

The Commission shall consist of not more than 3 Commissioners who shall be appointed by the Mayor and shall serve a term of 1 year, and may be reappointed for like terms, subject to prior removal by the appointing authority without cause.

(1989 Code, § 150.10) (Ord. 503, passed 1-19-1970)

**§ 33.003 QUALIFICATION.**

No person who has not attained the age of 13 years and no person who has attained the age of 21 years shall be eligible for appointment as a Commissioner.

(1989 Code, § 150.10) (Ord. 503, passed 1-19-1970)

**§ 33.004 SALARY.**

The Commissioners of the Jeffersontown Youth Commission shall receive compensation and benefits as determined by the Council from time to time.

(1989 Code, § 150.10) (Ord. 503, passed 1-19-1970)

**§ 33.005 AUTHORITY.**

The Commissioners of the Jeffersontown Youth Commission shall have no authority to bind the city of Jeffersontown to any contract, purchase, award, or obligation, except after resolution or ordinance of the City Council hereafter specifically taken.

(1989 Code, § 150.10) (Ord. 503, passed 1-19-1970)

***PARK, PLAYGROUND, AND RECREATION BOARD*****§ 33.020 ESTABLISHMENT.**

There is hereby established a Park, Playground, and Recreation Board for the City of Jeffersontown, Kentucky.

(1989 Code, § 150.13) (Ord. 640, passed 3-3-1975)

**§ 33.021 POWERS.**

(A) The Park, Playground, and Recreation Board for the City of Jeffersontown, Kentucky, shall have the power to provide, maintain, conduct, and equip parks, playgrounds, and recreation centers in the buildings thereon, and may employ trained and qualified park superintendents, playground directors, supervisors, recreation superintendents, or other officers and employees.

(KRS 97.020)

(B) The Park, Playground, and Recreation Board for the City of Jeffersontown shall possess all the powers and be subject to all the responsibilities

imposed by KRS 97.010 through 97.050 as well as all other applicable statutes of the State of Kentucky and/or ordinances of the City of Jeffersontown. (1989 Code, § 150.13) (Ord. 640, passed 3-3-1975)

**§ 33.022 MEMBERS; APPOINTMENTS.**

(A) The Park, Playground, and Recreation Board for the City of Jeffersontown shall consist of 5 persons to be appointed by the Mayor, to serve for terms of 4 years and until their successors are appointed, except that the members first appointed shall be 1 for 1 year, 1 for 2 years, 1 for 3 years, and 2 for 4 years. Vacancies shall be filled in the same manner as original appointments and for the unexpired term. (KRS 97.030)

(B) The Mayor shall appoint a member of the City Council of the City of Jeffersontown to serve as an ex officio member of the Park, Playground, and Recreation Board for the City of Jeffersontown. The Board shall notify this member of all meetings. (1989 Code, § 150.13) (Ord. 640, passed 3-3-1975)

**§ 33.023 ACCEPTANCE OF DONATIONS.**

(A) The Park, Playground, and Recreation Board for the City of Jeffersontown may, pursuant to KRS 97.040, accept any grant or devise, real estate, or any bequest or gift of money for any donation, the principal or income of which is to be used for park, playground, or recreation purposes.

(B) Money received for the purposes shall, unless otherwise provided by the terms of the bequest, be deposited with the Clerk/Treasurer of the City of Jeffersontown to the account of the Park, Playground, and Recreation Board for the City of Jeffersontown and may be withdrawn and paid out in the same manner as money appropriated for recreational purposes. (1989 Code, § 150.13) (Ord. 640, passed 3-3-1975)

**§ 33.024 BORROWING MONEY; ISSUING BONDS.**

For the purpose of defraying the cost of establishing, erecting, and acquiring any recreational project, including, but not limited to, parks, playgrounds, and recreation centers and necessary appurtenances thereto, the City Council of the City of Jeffersontown may exercise its authority to borrow money and issue revenue bonds, which authority is outlined in KRS 97.150 through 97.240, and all of the provisions of the sections shall be applicable in the case of issuance of revenue bonds by the City Council of the City of Jeffersontown. (1989 Code, § 150.13) (Ord. 640, passed 3-3-1975)

**§ 33.025 COMPENSATION.**

Members of the Park, Playground, and Recreation Board for the City of Jeffersontown shall serve without compensation. (1989 Code, § 150.13) (Ord. 640, passed 3-3-1975)

**§ 33.026 QUALIFICATIONS FOR MEMBERSHIP.**

(A) Each member of the Park, Playground, and Recreation Board for the City of Jeffersontown shall be a legal voter of the City of Jeffersontown.

(B) If any member, during the term of his or her office, becomes a candidate for, or is elected or appointed to, any public office, he or she shall automatically vacate his or her membership on the Board and another person shall be appointed in his or her place; but from serving as a member of any other appointment, board, or commission of the city, county, state, or federal government. (1989 Code, § 150.13) (Ord. 640, passed 3-3-1975)

**§ 33.027 OATH.**

Each person appointed to the Park, Playground, and Recreation Board for the City of Jeffersontown shall appear before the City Clerk/Treasurer and make

and subscribe to an oath that he or she will faithfully, diligently, and to the best of his or her ability perform all the duties as a member of the Park, Playground, and Recreation Board for the City of Jeffersontown; that he or she will not in any manner, directly or indirectly, be concerned in any contract, purchase, sale, or employment of any kind in connection with or growing out of any business of the Park, Playground, and Recreation Board for the City of Jeffersontown, or, the providing, acquisition, maintenance, development, equipping, conducting, managing, or improving of any park or playground property. The oath shall be filed in the office of the City Clerk and shall be a public record.

(1989 Code, § 150.13) (Ord. 640, passed 3-3-1975)

### **§ 33.028 REPORTS AND RECORDS.**

The Park, Playground, and Recreation Board for the City of Jeffersontown shall keep a set of books showing the receipts and expenditures of the Board. The books shall at all times be subject to examination by the Mayor or any committee of the City Council of the City of Jeffersontown authorized to make the examination, either by themselves or by an expert accountant. The Board shall each January transmit to the Mayor and the City Council of the City of Jeffersontown a full and detailed report and statement of the acts of the Board for the preceding year, with a complete and itemized account of all receipts and disbursements of money and an itemized estimate of the money needed for park and playground purposes.

(1989 Code, § 150.13) (Ord. 640, passed 3-3-1975)

### **§ 33.029 APPROPRIATIONS.**

In order to provide sufficient funds for the carrying on of the work of the Park, Playground, and Recreation Board for the City of Jeffersontown, the City Council of the City of Jeffersontown shall annually appropriate from the General Fund of the city the sums as in the judgment of the City Council shall be reasonably necessary for the purpose. All monies so appropriated shall remain in the General Fund and be dispersed by the City Clerk/Treasurer upon

presentation of valid invoices. All purchases shall be approved by the Park, Playground, and Recreation Board for the City of Jeffersontown before disbursements of funds therefor.

(1989 Code, § 150.13) (Ord. 640, passed 3-3-1975)

### **§ 33.030 EXPENSES IN EXCESS OF APPROPRIATION.**

Except with the approval of the City Council of the City of Jeffersontown, the Park, Playground, and Recreation Board for the City of Jeffersontown shall not incur for operation, maintenance, and improvement any liability or expense exceeding the total funds derived by appropriation from the city.

(1989 Code, § 150.13) (Ord. 640, passed 3-3-1975)

### **§ 33.031 MEETINGS.**

All meetings of the Park, Playground, and Recreation Board for the City of Jeffersontown shall be completely open to the public and press and appropriate notice to the various news and press media shall be given of all special meetings of the Board pursuant to applicable state law.

(1989 Code, § 150.13) (Ord. 640, passed 3-3-1975)

### **§ 33.032 POWER TO ADOPT PARK AND PLAYGROUND RULES AND REGULATIONS.**

(A) The Park, Playground, and Recreation Board for the City of Jeffersontown shall adopt rules and regulations for the reasonable and proper use and for preventing injuries to or misuse of all park and recreational property.

(B) All violations of these rules and regulations and all other offenses committed within any park shall be punished as provided by law in cases of misdemeanors and violations of any city ordinances.

(1989 Code, § 150.13) (Ord. 640, passed 3-3-1975)

**COMMISSION REGARDING CONSTRUCTION  
AND ERECTION OF STOP SIGNS**

**§ 33.045 CREATION.**

There is hereby created a Commission of the City of Jeffersontown, Kentucky, for the purpose of accepting applications and making determinations with respect to the construction and erection of stop signs within the corporate boundaries of City of Jeffersontown, Kentucky.  
(1989 Code, § 150.16) (Ord. 930, passed 3-24-1986)

**§ 33.046 MEMBERS.**

Upon the passage and enactment hereof, a Commission composed of the Chief of Police, Public Works Director, and City Engineer shall be charged with establishing and erection of stop signs within the corporate boundaries of the City of Jeffersontown, Kentucky.  
(1989 Code, § 150.16) (Ord. 930, passed 3-24-1986)

**§ 33.047 REPORT TO CITY COUNCIL.**

From time to time, at least quarterly, the Commission shall report to the City Council the placement of the signs in the county.  
(1989 Code, § 150.16) (Ord. 930, passed 3-24-1986)

**§ 33.048 ENFORCEMENT.**

Upon the erection of any stop sign in the City of Jeffersontown, Kentucky, all statutes with respect to the violation thereof shall be enforced through the Louisville Metro District Court.  
(1989 Code, § 150.16) (Ord. 930, passed 3-24-1986)

**§ 33.049 PRIOR STOP SIGN VALIDITY.**

Sections 33.045 *et seq.* shall not affect the validity of any stop sign erected prior to the publication hereof.  
(1989 Code, § 150.16) (Ord. 930, passed 3-24-1986)

**DEPARTMENT OF PUBLIC WORKS**

**§ 33.060 ESTABLISHMENT.**

The Department of Public Works within and for the City of Jeffersontown be and the same is hereby created.  
(1989 Code, § 210.1) (Ord. 182, passed 12-21-1955)

**§ 33.061 DEFINITION.**

For the purpose of §§ 33.060 *et seq.*, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**PUBLIC WORKS.**

(1) Lands, or buildings and structures, or either or both, and shall include municipal building wherein any governmental function of the municipality or any department or agency thereof may be located or carried, cultural or recreational buildings, centers structures or lands; bridges, viaducts, overpasses and underpasses; streets, roads, highways, sidewalks, alleys; garbage disposal, incinerators, garbage disposal plants, and other public sanitary structures or lands including public utilities, however, the foregoing enumeration is to be construed as illustrative rather than exclusive, and other types of public buildings, structures, or lands, or services which appear necessary for municipal purposes shall be included in the term **PUBLIC WORKS**.

(2) There is, however, excluded from the definition of **PUBLIC WORKS** the utilities of water and sewer which utilities have heretofore been provided for, by ordinance, by the establishment of the Jeffersontown Water and Sewage Commission. (1989 Code, § 210.1) (Ord. 182, passed 12-21-1955)

### § 33.062 DEPARTMENT DUTIES.

It shall be the duty of the Department of Public Works to construct, maintain, alter, repair, or improve any municipal public works. (1989 Code, § 210.1) (Ord. 182, passed 12-21-1955)

### ***DISASTER AND EMERGENCY SERVICE UNIT***

### § 33.075 ESTABLISHMENT.

There is hereby established a Disaster and Emergency Service Unit pursuant to KRS 39.010. (1989 Code, § 330.1) (Ord. 645, passed 6-16-1975)

### § 33.076 DUTIES, RESPONSIBILITIES, POWERS, AND AUTHORITY.

The duties, responsibilities, powers, and authority of the Unit shall be those prescribed in KRS, Chapter 39B. (1989 Code, § 330.1) (Ord. 645, passed 6-16-1975)

### § 33.077 EQUIPMENT AND PROPERTY.

(A) The Unit shall be allowed to equip itself pursuant to applicable provisions of KRS, Chapter 39B, provided that all contracts for the acquisition of property or leases of property are approved by the City Council in advance of execution of the contracts or leases by the Mayor.

(B) A complete, accurate, and updated inventory of all equipment and properties held by, or purchased or leased on behalf of, the Unit shall be filed semiannually by the Director of the Unit with the City Clerk/Treasurer, who shall maintain same in a permanent record to be reviewed at least once each year by the City Council. (1989 Code, § 330.1) (Ord. 645, passed 6-16-1975)

### § 33.078 DIRECTOR.

(A) Pursuant to KRS 39.020, the Mayor shall appoint a Director.

(B) The Director shall have direct responsibility for the organization, administration, and operation of the local organization for disaster and emergency response, subject to the direction and control of the Mayor. (1989 Code, § 330.1) (Ord. 645, passed 6-16-1975)

### § 33.079 COMPENSATION.

The compensation of the Director is hereby to be determined by the City Council from time to time. (1989 Code, § 330.1) (Ord. 645, passed 6-16-1975)

### ***BUILDING DEPARTMENT***

### § 33.090 SHORT TITLE.

The short title for §§ 33.090 *et seq.* shall be known, cited, and referred to as the Jeffersontown Building Department Ordinance. (1989 Code, § 350.1) (Ord. 476, passed 12-18-1967)

**§ 33.091 CREATION; BUILDING OFFICIAL.**

(A) There is created a Building Department which shall consist of a chief executive official to be known as the Building Official, the Building Official to be the best qualified individual available as determined and appointed by the Mayor.

(B) His or her appointment shall be for 4 years, subject to removal at the pleasure of the City Council. (1989 Code, § 350.1) (Ord. 476, passed 12-18-1967)

**§ 33.092 BUILDING CODE.**

The administration of the Building Department and the duties of the Building Official shall be as prescribed in the Building Code. (1989 Code, § 350.1) (Ord. 476, passed 12-18-1967)

**§ 33.093 RECORDS.**

(A) The Building Official shall keep or cause to be kept permanent, accurate records of all the business of this Department at the City Hall, City of Jeffersontown, including §§ 33.090 *et seq.* and the Building Code.

(B) The records shall be open to public inspection. (1989 Code, § 350.1) (Ord. 476, passed 12-18-1967)

***ECONOMIC DEVELOPMENT AUTHORITY***

**§ 33.105 CREATION.**

There is hereby created the Jeffersontown Economic Development Authority. (Ord. 1085, passed 11-15-1995; Am. Ord. 1149, passed 2-20-2002)

**§ 33.106 BOARD OF DIRECTORS.**

(A) Oversight of the Jeffersontown Economic Development Authority shall be by a Board of Directors appointed by the Mayor and approved by the City Council.

(B) The Mayor and 2 members of the City Council shall serve as members of the Board of Directors. (Ord. 1085, passed 11-15-1995; Am. Ord. 1149, passed 2-20-2002)

**§ 33.107 PURPOSES.**

The Jeffersontown Economic Development Authority shall serve as a first review committee of all local projects and make recommendations to the City Council of the necessity and implementation of all projects. (Ord. 1085, passed 11-15-1995; Am. Ord. 1149, passed 2-20-2002)

**§ 33.108 FUNDING; APPROPRIATIONS.**

The Jeffersontown Economic Development Authority shall be funded by the city and an annual budget appropriation shall be made therefore until §§ 33.105 *et seq.* is amended, vacated, or otherwise voided. (Ord. 1085, passed 11-15-1995; Am. Ord. 1149, passed 2-20-2002)

**§ 33.109 STAFFING.**

The Jeffersontown Economic Development Authority shall be staffed by employees of the City of Jeffersontown, Kentucky, 1 of whom shall be the Executive Director; the Mayor shall determine the number, job description, and duties of the employees. (Ord. 1085, passed 11-15-1995; Am. Ord. 1149, passed 2-20-2002)

**§ 33.110 REPORTING.**

The Executive Director shall report to the Mayor and City Council at least quarterly and at the other times as requested by the Mayor or City Council.

(Ord. 1085, passed 11-15-1995; Am. Ord. 1149, passed 2-20-2002)

**§ 33.111 DELEGATION OF AUTHORITY.**

Nothing herein shall be construed to be a delegation of authority by the Mayor or City Council to the Jeffersontown Economic Development Authority.

(Ord. 1085, passed 11-15-1995; Am. Ord. 1149, passed 2-20-2002)

## CHAPTER 34: POLICE DEPARTMENT

### Section

- 34.01 Establishment; appointments; terms; compensation
- 34.02 Concealed weapons
- 34.03 Law Enforcement Foundation Program; salary supplement

the commencement of each term of office and at the time of the appointment of the individual to serve and as determined from time-to-time by the City Council.

(F) The duties of the Police Department shall be as prescribed by statute.  
(1989 Code, § 320.3) (Ord. 130, passed 1-6-1954)

### **§ 34.01 ESTABLISHMENT; APPOINTMENTS; TERMS; COMPENSATION.**

(A) This section shall be referred to as the Police Department Ordinance.

(B) There is hereby established a Police Department for the City of Jeffersontown and the Department shall be under the direct supervision of the Chief of Police who shall command the Police Department.

(C) (1) In addition to the Chief of Police, there shall be 2 Assistant Chiefs of Police who shall be appointed by the Mayor and the additional number of police officers as the Mayor may from time to time appoint.

(2) The Assistant Chiefs of Police shall command the Police Department in the absence of the Chief of Police and otherwise they shall be deemed second in command.

(D) The Chief of Police, the Assistant Chiefs of Police, and the members of the Police Department shall be appointed by the Mayor.

(E) The compensation for the Chief of Police, the Assistant Chiefs of Police, and the members of the Department shall be established by the City Council at

### **§ 34.02 CONCEALED WEAPONS.**

(A) All regular members of the Jeffersontown City Police Department who carry deadly weapons on or about their persons in their regularly scheduled duties as a police officers for the City of Jeffersontown, Kentucky, may carry concealed deadly weapons on or about their person at all times within the County of Jefferson of the Commonwealth of Kentucky, and in the Commonwealth of Kentucky outside the County of Jefferson when authorized to do so in writing by the Mayor of the City of Jeffersontown or the person as may be designated by him or her.

(B) The authority granted in division (A) above is in addition to other lawful authority heretofore existing for the persons to carry weapons in the performance of their duties.

(C) This section shall apply only to the weapons as are customarily carried by members of the Jeffersontown City Police Department in performing their police duties for the City of Jeffersontown.  
(1989 Code, § 320.13) (Ord. 573, passed 11-20-1972)

**§ 34.03 LAW ENFORCEMENT FOUNDATION PROGRAM; SALARY SUPPLEMENT.**

(A) The City of Jeffersontown, Kentucky, hereby declares its intention to participate in the Law Enforcement Foundation Program established by KRS 15.410 through 15.510.

(B) Each officer of the Jeffersontown Police Department shall be paid compensation and benefits as determined by the City Council from time to time.

(C) (1) Each officer employed on or after 7-1-1973 shall have as a minimum educational attainment a high school degree, or its equivalent as determined by the Kentucky Law Enforcement Council.

(2) Each officer employed on or after 7-1-1972 shall within 1 year of his or her date of employment complete a basic training course of at least 400 hours duration at a school certified or recognized by the Kentucky Law Enforcement Council.

(D) (1) Each officer, whether originally employed before or after 7-1-1972, shall successfully complete each year an in-service training course of 40-hours duration appropriate to his or her rank and responsibility at a school certified or recognized by the Kentucky Law Enforcement Council.

(2) Each officer shall receive in each calendar year 5-days' time off with pay for the purpose of taking the required in-service training.

(E) No officer shall have his or her base salary reduced or be denied a normal salary increase to which he or she is otherwise entitled because of the salary incentive payments provided by the Kentucky Crime Commission under KRS 15.410 through 15.510.

(F) The Police Department of Jeffersontown and each officer thereof shall comply with all provisions of

law applicable to local police, including the transmission of data to the Bureau of Criminal Information and Statistics as required by KRS 17.150.

(G) The Chief of Police Department of the City of Jeffersontown shall prepare or cause to be prepared the quarterly and other reports as may be reasonably required by the Kentucky Crime Commission to facilitate administration of the fund and further the purposes of KRS 15.410 through 15.510.

(H) The Police Department of the City of Jeffersontown and each officer thereof shall further comply with all reasonable rules and regulations appropriate to the size and location of the local police department issued by the Kentucky Crime Commission to facilitate the administration of the fund and further the purposes of KRS 15.410 through 15.510.

(I) (1) The Clerk/Treasurer of the City of Jeffersontown shall deposit in an appropriate account which can be identified separately from all other sources all monies received under KRS 15.410 through 15.510.

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

(3) All financial records relating to monies received under KRS 15.410 through 15.510 shall be retained for a period of 3 years and until the completion of an audit approved by the Kentucky Crime Commission and the United States Law Enforcement Assistance Administration.

(1989 Code, § 321.3) (Ord. 585, passed 4-9-1973)

## CHAPTER 35: CIVIL SERVICE COMMISSION

### Section

- 35.01 Creation
- 35.02 Definitions
- 35.03 Authority with regard to Department of Public Protection
- 35.04 Appointments
- 35.05 Examination; rating; eligible list
- 35.06 Classification of employment
- 35.07 Qualifications of applicant
- 35.08 Present employees
- 35.09 Appointments; promotions
- 35.10 Dismissal, suspension, or reduction
- 35.11 Appeals
- 35.12 Number of employees; salaries; abolishment of office or position; reinstatement
- 35.13 Commission proceedings to be open
- 35.14 Prohibition of political activity

### § 35.02 DEFINITIONS.

There is hereby incorporated into, and made a part hereof by reference the same as if copied herein at length, all of the definitions contained in KRS 90.300 even though these sections apply to cities of the second and third class inasmuch as cities of the fourth class are given the authority to adopt the provisions of KRS 90.300 through 90.420 inclusive, the same as a city of the third class, provided that the definition for pension fund under KRS 90.300(1)(g) has no particular applicability inasmuch as it is not the intent of this chapter to create the pension fund. (1989 Code, § 150.12) (Ord. 639, passed 1-20-1975; Am. Ord. 653, passed 12-1-1975; Am. Ord. 806, passed 7-20-1982)

### § 35.03 AUTHORITY WITH REGARD TO DEPARTMENT OF PUBLIC PROTECTION.

(A) A Civil Service Commission is hereby created by ordinance which Commission shall hold examinations as to the qualifications of applicants for employment within the Department of Public Protection, sometimes hereinafter referred to as the Police Department, of the City of Jeffersontown. All employees of the Department of Public Protection are to be included within the scope of the operation of this chapter, provided, however, that all members of the Department of Public Protection (Police Department) holding the rank of Major or higher, or anyone classified as Chief of Police or Assistant Chief of Police, shall be excepted from the operation of this chapter. The latter mentioned excepted personnel

### § 35.01 CREATION.

(A) Pursuant to KRS 95.761(1), the City Council of the City of Jeffersontown hereby creates a Civil Service Commission and further hereby adopts, pursuant to KRS 95.761(3), the provisions of KRS 90.300 through 90.420 which latter mention sections govern civil service.

(B) Provided that inasmuch as the language of KRS 90.410(1) is permissive with regard to the creation and maintenance of a pension plan, the City Council of the City of Jeffersontown hereby elects not to provide for a pension fund as a part of this chapter. (1989 Code, § 150.12) (Ord. 639, passed 1-20-1975; Am. Ord. 653, passed 12-1-1975; Am. Ord. 806, passed 7-20-1982)

shall be governed by other applicable ordinances and statutes as to their appointment, promotion, dismissal, and all other related matters concerning their employment.

(B) Any classified employee who shall accept an appointment and qualify as Major, Assistant Chief, or Chief of the Department of Public Protection (Police Department) shall be deemed to have received a leave of absence from the classified service for and during the incumbency of any of the respective positions. Should any Major, Assistant Chief, or Chief cease to serve, the same classification and rank which he or she had prior to the appointment shall be restored to him or her. Those members of the Department serving in any of the above excepted positions at the time of the enactment of this chapter shall retain as a permanent rank that rank held by him or her immediately prior to his or her appointment to 1 of the above excepted positions and shall be permitted to return to that rank within the Department (without loss of credit of time in grade or rank) at the time he or she resigns, or is relieved of, or otherwise vacates, any of the above excepted positions.  
(1989 Code, § 150.12) (Ord. 639, passed 1-20-1975; Am. Ord. 653, passed 12-1-1975; Am. Ord. 806, passed 7-20-1982)

#### § 35.04 APPOINTMENTS.

(A) The Mayor, subject to the approval of the City Council, shall appoint 3 persons who shall constitute the Civil Service Commission of the City of Jeffersontown. Each appointee shall be at least 30 years of age and not related by either blood or marriage to the Mayor or any member of the City Council. The appointees shall originally be appointed 1 for a term of 1 year, 1 for a term of 2 years, and 1 for a term of 3 years, respectively, and the successors to these appointees shall be appointed in like manner, each for a period of 3 years and until his or her successor is appointed and qualified. A vacancy shall be filled for the unexpired term in the same manner as original appointments. At the time of any appointment, not more than 2 Commissioners shall be

adherents of the same political party. The appointee originally appointed for the term of 3 years shall be Secretary of the Commission. Each appointee shall qualify by taking an oath of office as required by law. The salaries of the members of the Commission may be fixed by the City Council.

(B) If the Mayor fails to appoint a Civil Service Commission within 30 days after he or she has the power to so appoint or after a vacancy exists, the Mayor Pro Tem shall make the appointment and the appointee shall hold office until the expiration of the term and until his or her successor is appointed and qualified.  
(1989 Code, § 150.12) (Ord. 639, passed 1-20-1975; Am. Ord. 653, passed 12-1-1975; Am. Ord. 806, passed 7-20-1982)

#### § 35.05 EXAMINATION; RATING; ELIGIBLE LIST.

(A) The Civil Service Commission shall make and enforce rules, not inconsistent with the provisions of KRS 90.310 through 90.410 or the ordinances of the City of Jeffersontown, for examinations and registrations therefor.

(B) (1) The Civil Service Commission shall prescribe and propound the examinations as are proper, commensurate with vacant positions within the Department of Public Protection (Police Department), according to classification prescribed by ordinance, shall set the times and places for holding examinations as may be proper, and shall give public notice of examination by publication pursuant to KRS Chapter 424.

(2) The Civil Service Commission shall, as soon after examinations as is practicable, certify to the Mayor a list of the applicants so examined, with the one having the highest average ranked first and all others ranked numerically according to the result of the examination.

(3) Every soldier, sailor, marine, members of the Air Force, Army's Nurses Corp, and members of the other branches of the military services and Red Cross Nurses who served during the period of hostility between the United States and the central powers in World War I and between the United States and Japan and Germany in World War II, or who may have served in the military service of this country during any military engagement including any police action in which the United States may have been involved, who has been honorably discharged, is a resident voter of the city and who is an applicant for any position of civil service of the City of Jeffersontown shall be entitled to a 5% increase on his or her examination mark.

(4) The Mayor may designate certain civil service positions and prescribe that for the positions the examination shall first be given exclusively to current employees; provided, however, that if less than 3 employees with the minimum of 2 years seniority achieve a passing grade, the examination shall be held in accordance with division (B)(1) above. (1989 Code, § 150.12) (Ord. 639, passed 1-20-1975; Am. Ord. 653, passed 12-1-1975; Am. Ord. 806, passed 7-20-1982)

**§ 35.06 CLASSIFICATION OF EMPLOYMENT.**

(A) The classification of members of the Department of Public Protection (Police Department) shall be as follows:

- (1) Chief of Police - excepted;
- (2) Assistant Chiefs of Police - excepted;
- (3) Members holding rank of Major or higher - excepted;
- (4) Captain - included;
- (5) Lieutenant - included;
- (6) Sergeant - included;

- (7) Corporal - included;
- (8) Police officer grade A - included;
- (9) Police officer grade B - included;
- (10) Police officer grade C (probationary) - Not included until 1-year's service with the Department is completed, at which time class C patrolperson automatically becomes class B patrolperson;
- (11) Civilian radio operator - included;
- (12) Civilian relief radio operator - excepted;
- (13) Civilian clerk class A - included; and
- (14) Civilian clerk class B - included.

(B) Effective with the enactment of this chapter, the above employees are classified within and subject to the Civil Service Commission with the exception of those who have been designated as excepted therefrom. Those excepted employees shall derive no rights or privileges from the operation of this chapter nor shall they have recourse to hearings or reviews by the Civil Service Commission. The excepted employees shall have recourse to the Chief of Police and/or the Mayor and shall serve entirely at the pleasure of the Mayor. Members of the Department holding any of the above mentioned included classifications at the time of the enactment of this chapter shall be deemed to hold that classification as their current "permanent" civil service rank (acting or temporary ranks excepted) without being required to be tested by the Commission (See also § 35.03(B), regarding members ranked as Chief, Assistant Chief, or Major at the time of the enactment of this chapter.) (1989 Code, § 150.12) (Ord. 639, passed 1-20-1975; Am. Ord. 653, passed 12-1-1975; Am. Ord. 806, passed 7-20-1982)

**§ 35.07 QUALIFICATIONS OF APPLICANT.**

(A) The Civil Service Commission shall examine all applicants as to their physical and mental qualification for the particular classification wherein they seek employment. To be eligible for examination for police officer grade C or above, a person must not be less than 21 years of age (KRS 61.300) and for civilian positions within the Department of Public Protection (Police Department) a person, in order to be eligible for examination, must not be less than 18 years of age. In no event, for either police officer or civilian position, shall the person so applying have passed his or her forty-sixth birthday. Each and every person applying for all positions covered by this chapter shall be a law-abiding citizen of sobriety and integrity, and must be able to read and write and understand the English language. Any present employee who is over 45 years of age and who is otherwise qualified shall be eligible to take any promotional examination.

(B) No person shall be appointed to a position under civil service until that person is a resident of Jefferson County, which county contains the City of Jeffersontown.

(1989 Code, § 150.12) (Ord. 639, passed 1-20-1975; Am. Ord. 653, passed 12-1-1975; Am. Ord. 806, passed 7-20-1982)

**§ 35.08 PRESENT EMPLOYEES.**

Employees who at the time the provisions of KRS 90.310 through 90.410 are adopted by this city have been in the employ of this city for 1 year last past shall not be required to stand an original examination, and shall be eligible for all the benefits provided by KRS 90.310 through 90.410.

(1989 Code, § 150.12) (Ord. 639, passed 1-20-1975; Am. Ord. 653, passed 12-1-1975; Am. Ord. 806, passed 7-20-1982)

**§ 35.09 APPOINTMENTS; PROMOTIONS.**

(A) The Mayor shall make all civil service appointments, and the appointments shall be made only from the lists of applicants certified to him or her by the Civil Service Commission after examination. Appointments shall be made only by the selection of 1 of the 3 holding the highest averages in the particular class and grade wherein the vacancy exists, except as provided in division (E) below.

(B) Whenever it is imperative to fill a vacancy in classified civil service before the Commission can certify a list of as many as 3 persons eligible for appointment after competitive examination, the Mayor shall nominate a competent person for the same class or next lower rank to the Commission for noncompetitive examination, and, if certified by the Commission as qualified after the noncompetitive examination, he or she may be appointed provisionally to fill the vacancy until an appointment can be made after competitive examination. This provisional appointment shall continue only until a regular appointment can be made from the eligible list prepared by the Commission, which eligible list shall be prepared within 90 days after a vacancy occurs.

(C) In case of great emergency and when no one upon the eligible list or by promotion from a lower rank is available, an appointment may be made by the Mayor without examination, but in no case shall the appointment continue longer than 60 days, and in no case shall successive appointments be made of the same person, or other persons, to the vacancy.

(D) Temporary appointments made necessary by reason of illness or disability of regular employees shall continue only during the period of disability.

(E) Whenever, from any cause, there shall be a vacancy in any of the classified services, the employee in the classification ranking next highest in seniority, if he or she chooses, shall succeed to and fill the vacancy, unless upon charges made by the city that the employee is not qualified to fill the vacancy, and after notice and upon trial to determine his or her qualifications in the same manner as is now required

for the dismissal, suspension, or reduction in grade or pay of an employee, it be established by the city that the employee has not the necessary qualifications to enable him or her to discharge the duties of the office or position in which the vacancy occurs. In case of a vacancy in the classified service where peculiar and exceptional qualifications of a particular professional or educational character are required upon satisfactory evidence that for reasons stated in writ by the Mayor, competitive examination in that case has failed to provide an eligible list; the Commission may suspend the provisions requiring competitive examination under civil service.

(F) Where the service to be rendered by an appointee in the classified service is for a temporary period not to exceed 60 days and the need of the services is imperative, the appointing authority may select for that temporary service any person on the list of those eligible for permanent appointment. Successive temporary appointments to the same position shall not be made under this provision. The acceptance or refusal by an eligible applicant of a temporary appointment shall not affect his or her standing on the register for permanent employment; nor shall temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position.

(G) No person shall be certified by the Commission from an eligible list more than 4 times to the same Mayor for the same or similar position. (1989 Code, § 150.12) (Ord. 639, passed 1-20-1975; Am. Ord. 653, passed 12-1-1975; Am. Ord. 806, passed 7-20-1982)

### **§ 35.10 DISMISSAL, SUSPENSION, OR REDUCTION.**

(A) No employee in the classified service of the City of Jeffersontown shall be dismissed, suspended, or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination, or violation of law involving moral turpitude, or violation of any rule adopted by the City Council or Civil Service Commission.

(B) (1) Any person may prefer charges in writing against any employee by filing them with the Mayor, who shall communicate the charges without delay to the Civil Service Commission of the city. The charges must be signed by the person making them and must set out clearly each charge. The appointing authority shall, whenever probable cause appears, prefer charges against any employee whom he or she believes guilty of conduct justifying his or her removal.

(2) Upon the filing of charges, the Clerk of the Civil Service Commission shall notify its members and serve a copy of the charges upon the accused employee with a statement of the date, place, and hour at which the hearing of charges will begin, this hearing not to be held within 3 days of the date of the service of charges upon the accused employee. The day on which the charges are served on the accused employee shall count as 1 of the days of notice. The person accused may in writing waive the service of charges and demand trial within 3 days after they have been filed with the Clerk of the Civil Service Commission.

(C) Upon the hearing, the charges shall be considered traversed and put in issue, and the trial shall be limited to the issues presented by the written charges.

(D) The Civil Service Commission shall have the power to summon and compel attendance of witnesses at all hearings by subpoena issued by the Clerk of that body and served upon the witnesses by members of the Department of Public Protection (Police Department) of the City of Jeffersontown or any officer authorized to serve subpoenas, and the Civil Service Commission shall have the power of a justice of the peace to punish for contempt. The accused employee shall have the right to have subpoenaed any witnesses he or she may desire, upon furnishing their names to the Clerk. As many as 10 subpoenas may be served upon the request of the accused employee without charge, but each additional subpoena requested by him or her shall be issued by the Clerk and served by the Department of Public Protection

(Police Department) only upon payment of \$.50 to the City Clerk/Treasurer by the employee. The action and decision of the Civil Service Commission on the charges shall be reduced to writing and kept in a book for that purpose and the written charge shall be attached to the book containing the body's decision.

(E) In cases where the head of the Department or the Mayor has probable cause to believe an employee has been guilty of conduct justifying his or her removal or punishment, he or she shall immediately suspend that employee from duty or from both pay and duty pending trial and the employee shall not be placed on duty or allowed pay thereafter until the charges are heard by the Civil Service Commission.

(F) The Civil Service Commission shall punish any employee found guilty or reprimand or a suspension for any length of time not to exceed 6 months, or by reducing the grade, if the employee's classification warrants, or by combining any 2 or more of these punishments, or by dismissal. No employee shall be reprimanded, removed, suspended, or dismissed except as provided in this section. (1989 Code, § 150.12) (Ord. 639, passed 1-20-1975; Am. Ord. 653, passed 12-1-1975; Am. Ord. 806, passed 7-20-1982)

### § 35.11 APPEALS.

(A) Any employee within the classified service found guilty by the Civil Service Commission of any charges provided by this chapter may appeal to the circuit court of the county in which the city is located, if the punishment is a suspension of more than 30 days, a reduction in grade, or dismissal, but the enforcement of the judgment of the Civil Service Commission shall not be suspended pending appeal.

(B) (1) Upon request in writing by the accused, and the payment of costs therefor, the Clerk of the Civil Service Commission shall file a certified copy of the charges and the judgment of that body in the circuit court.

(2) Upon the transcript being filed, the case shall be docketed in the circuit court and tried de novo.

(C) (1) If the Clerk of the Commission fails to certify the transcript to the circuit court within 5 days after the request is made, then the aggrieved person may file an affidavit in that court setting out as fully as possible the charges made at the time of trial and judgment, together with a statement that demand for the transcript had been made of the Clerk more than 5 days prior to filing of the affidavit.

(2) Upon filing of this affidavit in the circuit court, the case shall be docketed in that court and the court may compel the filing of the transcript by the Clerk by entering the proper mandatory order; and upon failure of the Clerk so to do, he or she shall be liable to fine and imprisonment for contempt.

(3) The appeal shall have precedence over other business and be determined speedily.

(D) An appeal will lie from the judgment of the circuit court to the court of appeals as in other cases, if the original punishment fixed by the Civil Service Commission was dismissal of the accused. (1989 Code, § 150.12) (Ord. 639, passed 1-20-1975; Am. Ord. 653, passed 12-1-1975; Am. Ord. 806, passed 7-20-1982)

### § 35.12 NUMBER OF EMPLOYEES; SALARIES; ABOLISHMENT OF OFFICE OR POSITION; REINSTATEMENT.

(A) The City Council shall fix by ordinance the number and classification of city employees, and the salaries for each classification. When the number of employees and their classification has been fixed by ordinance, no employee shall be dismissed, suspended, or reduced in grade or pay for any reason except that set out in this chapter or KRS 90.360.

(B) Whenever in the exercise of a reasonable discretion, it shall be the judgment of the City Council that economic necessity requires it, or that there is no

longer a need for a particular office or position to exist, the Board of Commissioners may abolish the office or position and any officer or employee occupying the office or position may be laid off or suspended until and in the office or position is recreated or re-established. The abolition of any office or position must not be a subterfuge to affect another purpose, but must be actual and bona fide and must not amount to the mere alteration, modification, or abolition of title only.

(C) Should any officer or employee conceive that he or she has been aggrieved by the abolition or the proposed abolition of the office or position, he or she may, at any time within 90 days, file a petition in equity in the circuit court of the county wherein the city is located, stating his or her reason why the position or office has not been fairly abolished, or why it should not be abolished, and upon issue joined thereon by the city, the burden shall be on the latter to establish the necessity for and the good faith of the city in abolishing the office or position. The right to abolish and the right to have the office or position recreated shall be determined as other equitable actions are determined.

(D) If the office or position is recreated or re-established within 5 years, then any person who was deprived of his or her office or position shall be restored to the office or position he or she formerly held or occupied in the order of his or her seniority or he or she shall elect to do so, and the city shall advise the officer or employee at his or her last known address and advertise pursuant to KRS Chapter 424, that the office or position has been recreated or re-established.  
(1989 Code, § 150.12) (Ord. 639, passed 1-20-1975; Am. Ord. 653, passed 12-1-1975; Am. Ord. 806, passed 7-20-1982)

### **§ 35.13 COMMISSION PROCEEDINGS TO BE OPEN.**

All proceedings of the Civil Service Commission shall be open to the public and minutes of all official action shall be recorded by the Secretary of the

Commission and maintained in the office of the City Clerk/Treasurer in a permanent file with reasonable access to any citizen demonstrating legitimate need to view same. Permission to examine the records shall not be withheld from any citizen who shall give timely notice of his or her desire to make an examination.  
(1989 Code, § 150.12) (Ord. 639, passed 1-20-1975; Am. Ord. 653, passed 12-1-1975; Am. Ord. 806, passed 7-20-1982)

### **§ 35.14 PROHIBITION OF POLITICAL ACTIVITY.**

(A) Persons holding positions in the classified service shall not be discriminated against in any way because of their political or religious opinions or affiliations or because of their exercise of their right to vote as they please.

(B) No person in the classified service, nor any person on leave of absence from a position in the classified service, and neither the Chief of Police or the Assistant Chief of Police, if any there is, shall directly or indirectly give, solicit, receive, or remit any assessment, subscription, or contribution, to or for any political party or group of candidates, or any candidate for public office, or in any manner be concerned therewith; nor shall any person be a member of any campaign committee, or governing committee of any political organization nor any officer in either, nor shall any person be an election officer or work at the polls on Election Day, or participate in purgation or registration of voters; or in any manner be concerned therewith, provided, however, that nothing herein shall prevent the person from freely expressing his or her views as a citizen or from casting his or her vote in any election.  
(1989 Code, § 150.12) (Ord. 639, passed 1-20-1975; Am. Ord. 653, passed 12-1-1975; Am. Ord. 806, passed 7-20-1982)



## CHAPTER 36: CODE ENFORCEMENT BOARD

### Section

- 36.01 Definitions
- 36.02 Creation and membership
- 36.03 Authority
- 36.04 Members; appointments, terms, removals, and oath
- 36.05 Board organization; meetings and quorum; alternate members
- 36.06 Conflict of interest
- 36.07 Jurisdiction
- 36.08 Powers and duties
- 36.09 Enforcement proceedings
- 36.10 Hearing; notice; final order
- 36.11 Legal counsel
- 36.12 Appeals; final judgment
- 36.13 Ordinance fine schedule
- 36.14 Liens; fines, charges, and fees

**ORDINANCE.** An official action of a local government body, which is a regulation of a general and permanent nature and enforceable as a local law and shall include any provision of a code of ordinances adopted by the city legislative body which embodies all or part of an ordinance.  
(Ord. 1105, passed 11-3-1997)

### § 36.02 CREATION AND MEMBERSHIP.

There is hereby created, pursuant to KRS 65.8801 through 65.8839, within the city a Code Enforcement Board which shall be composed of 5 members, all of whom shall be at least 21 years of age and a resident of the city for a period of at least 1 year prior to the creation of the Board and shall reside there throughout the term in office.  
(Ord. 1105, passed 11-3-1997)

### § 36.01 DEFINITIONS.

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

**CODE ENFORCEMENT BOARD.** An administrative body created and acting under the authority of the Local Government Code Enforcement Board Act.

**CODE ENFORCEMENT OFFICER.** A city police officer, safety officer, citation officer, or other public law enforcement officer with the authority to issue a citation.

### § 36.03 AUTHORITY.

The Code Enforcement Board shall have the power to issue remedial orders and impose civil fines as a method enforcing city ordinances when a violation of the ordinance has been classified as a civil offense. The Code Enforcement Board shall not have the authority to enforce any ordinance the violation of which constitutes an offense under any provision of the Kentucky Revised Statutes, including, specifically, any provision of the Kentucky Penal Code and any moving motor vehicle offense.  
(Ord. 1105, passed 11-3-1997)

**§ 36.04 MEMBERS; APPOINTMENTS, TERMS, REMOVALS, AND OATH.**

(A) Members of the Code Enforcement Board shall be appointed by the executive authority of the city, subject to the approval of the legislative body.

(B) (1) The initial appointment to a 5-member Code Enforcement Board shall be as follows:

(a) One member appointed to a 1-year term;

(b) Two members appointed to a 2-year term; and

(c) Two members appointed to a 3-year term.

(2) All subsequent appointments shall be for a term of 3 years. A member may be reappointed, subject to the approval of the legislative body.

(C) The executive authority may appoint, subject to the approval of the legislative body, 2 alternate members to serve on the Code Enforcement Board in the absence of regular members. Alternate members shall meet all of the qualifications and shall be subject to all of the requirements that apply to regular members of the Code Enforcement Board.

(D) Any vacancy on the Board shall be filled by the executive authority, subject to approval of the legislative body, within 60 days of the vacancy. If the vacancy is not filled within that time period, the remaining Code Board members shall fill the vacancy.

(E) (1) A Code Board member may be removed from office by the executive authority for misconduct, inefficiency, or willful neglect of duty.

(2) The executive authority must submit a written statement to the member and the legislative body setting forth the reasons for removal.

(F) All members of the Code Enforcement Board must, before entering upon the duties of their office, take the oath of office prescribed by § 228 of the Kentucky Constitution.

(G) Members of the Code Enforcement Board shall serve without compensation.  
(Am. Ord. 1109, passed 4-15-1998)

(H) No member of the Code Enforcement Board may hold any elected or nonelected office, paid or unpaid, or any position of employment with the city.  
(Ord. 1105, passed 11-3-1997)

**§ 36.05 BOARD ORGANIZATION; MEETINGS AND QUORUM; ALTERNATE MEMBERS.**

(A) The Board shall annually elect a Chair from among its members. The Chairperson shall be the presiding officer and a full voting member of the Board.

(B) Regular meetings of the Code Enforcement Board shall be held on the second Tuesday of each month. Meetings other than those regularly scheduled shall be special meetings held in accordance with the requirements of the Kentucky Open Meetings Act.

(C) All meetings and hearings of the Code Enforcement Board shall be held in accordance with the requirements of KRS 65.8815(5) and the Kentucky Open Meetings Act.

(D) The affirmative vote of a majority of a quorum of the Board shall be necessary for any official action to be taken.

(E) Minutes shall be kept for all proceedings of the Code Enforcement Board and the vote of each member on any issue decided by the Board shall be recorded in the minutes.  
(Ord. 1105, passed 11-3-1997)

**§ 36.06 CONFLICT OF INTEREST.**

Any member of the Code Enforcement Board who has any direct or indirect financial or personal interest in any matter to be decided shall disclose the nature of the interest and shall disqualify himself or herself from voting on the matter in which he or she has an interest and shall not be counted for purposes of establishing quorum; the member shall be recused prior to any discussion of the matter.  
(Ord. 1105, passed 11-3-1997)

**§ 36.07 JURISDICTION.**

The Code Enforcement Board shall have jurisdiction to enforce and shall enforce those city ordinances and code provisions which specifically provide for Code Board enforcement.  
(Ord. 1105, passed 11-3-1997)

**§ 36.08 POWERS AND DUTIES.**

The City of Jeffersontown Code Enforcement Board shall have the following powers and duties:

(A) To adopt rules and regulations to govern its operations and the conduct of its hearings;

(B) To conduct hearings to determine if there has been a violation of an ordinance over which it has jurisdiction;

(C) To subpoena alleged violators, witnesses, and evidence to its hearings. Subpoenas issued by the Code Enforcement Board may be served by any Code Enforcement Officer;

(D) To take testimony under oath. The Chairperson shall have the authority to administer oaths for the purpose of taking testimony;

(E) To make findings of fact and issue orders necessary to remedy any violation of a city ordinance or code provision which the Board is authorized to enforce; and

(F) To impose civil fines, as authorized, on any person found to have violated an ordinance over which the Board has jurisdiction.  
(Ord. 1105, passed 11-3-1997)

**§ 36.09 ENFORCEMENT PROCEEDINGS.**

The following requirements shall govern all enforcement proceedings before the Board.

(A) Enforcement proceedings before the Code Enforcement Board shall only be initiated by the issuance of a citation by a Code Enforcement Officer.

(B) (1) Except as provided in division (C) below, if a Code Enforcement Officer believes, based on his or her personal observation or investigation, that a person has violated a city ordinance, he or she shall issue a verbal warning requiring immediate remediation, or issue a notice of violation to the offender allowing the offender a specified period of time to remedy the violation without fine.

(2) If the offender fails or refuses to remedy the violations within the time specified, the Code Enforcement Officer is authorized to issue a citation.  
(Am. Ord. 1131, passed 4-19-2000)

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

(D) The citation issued by the Code Enforcement Officer shall contain the following information:

(1) The date and time of issuance;

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

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

(4) The facts constituting the offense;

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

(6) The name of the Code Enforcement Officer;

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

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

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

(10) A statement that if the person fails to pay the civil fine set forth in the citation, or contest the citation, within the time allowed, the person shall be deemed to have waived the right to a hearing before the Code Enforcement Board to contest the citation and that the determination that the violation was committed shall be final.

(E) After issuing a citation to an alleged violator, the Code Enforcement Officer shall notify the Code Enforcement Board by delivering the citation to the City Clerk/Treasurer.

(F) The person to whom the citation is issued shall respond to the citation within 7 days of the date of issuance by either paying the civil fine or requesting, in writing, a hearing before the Code Enforcement Board to contest the citation. If the person fails to respond to the citation within 7 days, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final.

(G) If the alleged violator does not contest the citation within the time prescribed, the Code Enforcement Board shall enter a final order

determining that the violation was committed and impose the civil fine set forth in the citation. A copy of the final order shall be served on the person guilty of the violation.

(Ord. 1105, passed 11-3-1997)

### **§ 36.10 HEARING; NOTICE; FINAL ORDER.**

(A) When a hearing has been requested, the Code Enforcement Board shall schedule a hearing. The hearing shall be conducted within 14 days of the request, unless the requester wants or agrees to a continuance not to exceed 14 additional days.

(B) Not less than 7 days before the date of the hearing, the Code Enforcement Board shall notify the requester 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.

(C) Any person requesting a hearing before the Code Enforcement Board who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be final. The Code Enforcement Board shall enter a final order determining the violation as committed and shall impose the civil fine set forth in the citation. A copy of the final order shall be served upon the person guilty of the violation.

(D) All testimony shall be taken under oath and recorded. Testimony shall be taken from the Code Enforcement Officer, the alleged violator, and any witnesses to the violation offered by the Code Enforcement Officer or alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(E) The Code Enforcement Board shall, based on the evidence, determine whether a violation was committed. If it determines that no violation was committed, an order dismissing the citation shall be entered. If it determines that a violation was committed, an order shall be issued upholding the citation and either imposing a fine up to the maximum authorized by this or other ordinance, or requiring the offender to remedy a continuing violation, or both.

(F) Every final order of the Code Enforcement Board shall be reduced to writing, which shall include the date the order was issued. A copy shall be furnished to the person named in the citation. If the person named in the citation is not present when the final order is issued, the order shall be delivered in accordance with the procedures set forth in division (B) above.  
(Ord. 1105, passed 11-3-1997)

**§ 36.11 LEGAL COUNSEL.**

(A) Each case before the Code Enforcement Board shall be presented by an attorney selected by the city or by a Code Enforcement Officer for the city.

(B) The City Attorney may either be counsel to the Code Enforcement Board or may present cases before the Code Enforcement Board, but in no case serve in both capacities.  
(Ord. 1105, passed 11-3-1997)

**§ 36.12 APPEALS; FINAL JUDGEMENT.**

(A) (1) An appeal from any final order of the Code Enforcement Board may be taken to the Louisville Metro District Court within 30 days of the date the order is issued.

(2) The appeal shall be initiated by the filing of a complaint and a copy of the Code Enforcement Board's order in the same manner as any civil action under the Kentucky Rules of Civil Procedure.

(B) If no appeal from a final order of the Code Enforcement Board is filed within the time period set in division (A) above, the Code Enforcement Board's order shall be deemed final for all purposes.  
(Ord. 1105, passed 11-3-1997)

**§ 36.13 ORDINANCE FINE SCHEDULE.**

Violations of ordinances that are enforced by the City Code Enforcement Board shall be subject to the following schedule of civil fines.

(A) (1) If a citation for a violation of an ordinance is not contested by the person charged with the violation, the penalties set forth in this division (A) shall apply.

(2) However, the Board may waive all or any portion of a penalty for an uncontested violation, if in its discretion the Board determines that the waiver will promote compliance with the ordinance in issue.

<i>Violation</i>	<i>First Offense</i>	<i>Second Offense</i>	<i>All Others</i>
Animals	\$25	\$50	\$100
Building Codes	\$100	\$125	\$150
Nuisance	\$10	\$25	\$50
Licensing	\$50	\$75	\$100
Signage	\$10	\$25	\$50
Littering	\$10	\$25	\$50
Parking	\$10	\$25	\$50
Streets and Sidewalks	\$10	\$25	\$50

(B) If the citation is contested and a hearing before the Code Board is required, the following maximum penalties may be imposed at the discretion of the Code Board.

(C) The lien shall take precedence over all other subsequent liens, except state, county, school board, and city taxes, and may be enforced by judicial proceedings.

<i>Violation</i>	<i>First Offense</i>	<i>Second Offense</i>	<i>All Others</i>
Animals	\$100	\$200	\$300
Building Codes	\$500	\$750	\$1,000
Nuisance	\$75	\$150	\$250
Licensing	\$500	\$750	\$1,000
Signage	\$50	\$100	\$700
Littering	\$50	\$100	\$200
Parking	\$50	\$100	\$200
Streets and Sidewalks	\$50	\$100	\$200

(D) In addition to the remedy prescribed in division (A) above, the person found to have committed the violation shall be personally responsible for the amount of all fines assessed for the violation and for all charges and fees incurred by the city in connection with the enforcement of the ordinance. The city may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

(Ord. 1105, passed 11-3-1997)

(Ord. 1105, passed 11-3-1997)

**§ 36.14 LIENS; FINES, CHARGES, AND FEES.**

(A) The city shall possess a lien on property owned by the person found by a final, nonappealable order of the Code Enforcement Board, or by a final judgment of the court, to have committed a violation of a city ordinance for all fines assessed for the violation and for all charges and fees incurred by the city in connection with the enforcement of the ordinance.

(B) The lien shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest until paid.

**TITLE V: PUBLIC WORKS**

Chapter

**50. GENERAL PROVISIONS**

**51. SOLID WASTE**



## CHAPTER 50: GENERAL PROVISIONS

### Section

50.01 Construction permits; culverts  
50.02 Openings, cuts, or excavations

50.99 Penalty

### § 50.01 CONSTRUCTION PERMITS; CULVERTS.

(A) It shall be unlawful for any person, firm, or corporation to install any culvert or pipe within any right-of-way in the City of Jeffersontown without first having obtained a written permit from the Department of Public Works, which permit shall designate the type, size, and elevation, as well as the length of any culvert pipe to be so installed.

(B) The Department of Public Works shall, before issuing any permits, contact the City Engineer for the purpose of having him or her determine the proper size, length, type, and elevation of the proposed culvert or pipe.

(C) It shall further be unlawful for any person, firm, or corporation to close any culvert or ditch or any portion of the surface drainage system of the City of Jeffersontown without first obtaining written permit aforesaid.

(1989 Code, § 600.1) (Ord. 202, passed 9-3-1956)  
Penalty, see § 50.99

### § 50.02 OPENINGS, CUTS, OR EXCAVATIONS.

(A) It shall be unlawful for any person, firm, or corporation, or for any employee of any person, firm, or corporation, to make any opening, cut, or excavation in or under the surface of any street, alley, sidewalk, or highway in the City of Jeffersontown without a written permit from the City Clerk/Treasurer or, in the event of his or her absence, from the Mayor.

(B) In the event that any sewer, main, conduit, or other structure in or under any street, alley, sidewalk, or highway shall burst, break, or otherwise be in a condition as to seriously endanger person or property, the owner of the sewer, main, conduit, or other structure shall immediately take charge of and repair the trouble and shall immediately take all necessary precautions to make the location safe and secure. The owner shall not, however, begin making any permanent repairs in the street, sidewalk, or highway surface or proceed with any further opening or removal or any further portion of the surface until the owners have secured a permit as set forth in division (A) above. The permit shall be secured from the City Clerk/Treasurer or, in his or her absence, from the Mayor, and it shall be obtained within 18 hours after the break or serious trouble shall have developed, and the necessary repairs to the street, alley, sidewalk, or highway shall be made as soon as possible after the receipt of the permit.

(C) When any person, firm, or corporation desires to make an opening or excavation in or under the surface of the street, sidewalk, alley, or highway, the person, firm, or corporation shall make application

to the City Clerk/Treasurer or, in his or her absence, to the Mayor, for a permit to do the work. After the issuance of the permit, the work allowed thereby shall be done within the time fixed by the permit and the surface of the street, alley, sidewalk, or highway shall be restored to as good condition as it was before the opening or excavation was made. Any deficiency in materials shall be made good with new materials by the party making the cut or excavation. The person, firm, or corporation to whom the permit was issued shall maintain the condition of the surface over the opening or excavation for a period of 1 year in as good condition as the remainder of the street, alley, sidewalk, or highway and shall repair or reconstruct the same as often as may be necessary. Should any person, firm, or corporation fail to maintain, repair, or reconstruct any surface within 5 days after notice from the Clerk/Treasurer or Mayor or, in their absence, any member of the City Council, then the City Council may have the surface repaired or reconstructed and charge the cost of same to the person, firm, or corporation responsible therefor and, upon their failure to pay for the repairs, the city may have redress against them at law for the amount expended. The person, firm, or corporation shall indemnify and save harmless the City of Jeffersontown against any claim for damages by reason of any defective condition of any street, alley, sidewalk, or highway surface, due to the construction or by reason of any work so done of whatever nature.

(D) To protect the City of Jeffersontown and to assure the proper construction and reconstruction of any street, alley, sidewalk, highway, or cuts in the medians or the curbs of the public way, each person, firm, or corporation shall, upon the application for a permit as set out herein, file with the person issuing the permit for each opening, excavation, or cut a bond signed by a recognized surety company in the amount of the cost of the construction of the project for which the permit is issued or \$2,000, whichever is the greater for each opening, excavation, or cut, and to guarantee compliance with this section.

(E) To further protect the City of Jeffersontown from any loss or damage occurring to third persons, the City Council may by appropriate action require an additional bond, acceptable to them, and in an amount not to exceed \$10,000, which bond shall be filed at the same time and place as the bond mentioned in division (D) above.

(F) Any permit issued as herein described shall in no way be construed as affecting or recognizing the validity of any existing grants, franchises, or permits or of any rights alleged to exist, unless especially stated therein.

(1989 Code, § 620.19) (Ord. 119, passed 9-2-1953; Am. Ord. 669, passed 11-17-1986) Penalty, see § 50.99

#### **§ 50.99 PENALTY.**

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

## CHAPTER 51: SOLID WASTE

### Section

- 51.01 Definitions
- 51.02 City collection and disposal of refuse
- 51.03 Location of disposal sites
- 51.04 Prohibited conduct
- 51.05 Multiple family dwellings
  
- 51.99 Penalty

#### ***Cross-reference:***

*Abandoned iceboxes, refrigerators, and the like, see § 95.04*  
*Health and Sanitation; Housing, see Ch. 92*

### § 51.01 DEFINITIONS.

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

#### ***NONPUTRESCIBLE MATERIALS.***

Combustible or noncombustible solid waste, except trees and tree limbs, tires, and/or inflammable or explosive materials, and shall include packaging materials from consumable household goods such as paper, cardboard, tin cans, wood, glass, crockery, and similar materials.

***PERSON.*** Legal entity.

***PUTRESCIBLE MATERIALS.*** Animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food, and other animal and vegetable offal, except body waste, leaves, and grass clippings.

***REFUSE.*** Putrescible and nonputrescible materials.

***REFUSE CONTAINER.*** A watertight container of a type sold commercially for the packaging of residential refuse for disposal, having a maximum capacity of 20 gallons.  
(1989 Code, § 830.12) (Ord. 662, passed 5-3-1976)

### § 51.02 CITY COLLECTION AND DISPOSAL OF REFUSE.

(A) Subject to all other provisions herein stated, the city shall collect and dispose of all refuse from all properties bearing zoning classification of R-1, R-2, R-3, R-4, C-1, C-2, and C-N; provided, however:

(1) The city shall not collect more than 3 containers weighing no more than 50 pounds each from any property on any 1 collection date;

(2) Except as provided in § 51.04(E), this chapter shall not prohibit the actual producers of refuse, or the owners of premises upon which the refuse has accumulated, from collecting, conveying, and disposing of the refuse; and

(3) Except as provided in § 51.04(E), this chapter shall not prohibit commercial collectors of refuse from collecting and hauling the refuse over city streets.

(B) All refuse to be collected by the city shall be collected, conveyed, and disposed of by the Department of Public Works. Ownership of refuse set upon the public way for collection and collected by the city shall become the property of the city.

(C) Refuse shall be collected by the city from the premises served 2 times each week and, after the effective date of this chapter, the Director of Public Works, subject to approval of the City Council by resolution, shall have the authority to make regulations concerning routes and days of collection; provided that any resolution so taken shall be published in conformity with statutory requirements provided for publication of ordinances.

(D) The Director of Public Works, subject to the approval of the City Council by resolution, shall be charged with the responsibility of providing sufficient personnel and equipment for the efficient collection and hauling of refuse.  
(1989 Code, § 830.12) (Ord. 662, passed 5-3-1976)

### § 51.03 LOCATION OF DISPOSAL SITES.

The City Council, subject to all statutes made and provided, shall establish by contract location of sites for the disposal of refuse.  
(1989 Code, § 830.12) (Ord. 662, passed 5-3-1976)

### § 51.04 PROHIBITED CONDUCT.

(A) All refuse containers shall be placed immediately adjacent to the paved portion of the public way designated as the route for refuse collection before 6:00 a.m. on the fixed date of collection for the premises, and the waste container shall be promptly removed from the public way by the occupant of the property after the contents have been removed.

(B) No person shall place or throw any refuse in any public way or other public place, or upon any private property whether owned by the person or not, within the city, except in proper containers for collection in the manner provided in this chapter.

(C) Any accumulation of refuse on any premises within the city is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within 30 days of the effective date of this chapter shall be deemed a violation of this chapter.

(D) No person shall cast, place, sweep, or deposit anywhere within the city any refuse in a manner that it may be accrued or deposited by the elements upon any street, sidewalk, alley, sewer, or other public place or into any occupied or unoccupied premises within the city.

(E) Producers or commercial collectors referred to in § 51.02(A) shall not haul refuse over public ways within the city except in a watertight vehicle provided with a tight cover and so operated as to prevent refuse from being blown, dropped, or spilled.  
(1989 Code, § 830.12) (Ord. 662, passed 5-3-1976)  
Penalty, see § 51.99

### § 51.05 MULTIPLE FAMILY DWELLINGS.

Notwithstanding any provision of this chapter, multiple family dwellings receiving city refuse collection services prior to the effective date of this chapter shall receive service under this chapter so long as the property retains its present zoning classification.  
(1989 Code, § 830.12) (Ord. 662, passed 5-3-1976)

### § 51.99 PENALTY.

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.



**TITLE VII: TRAFFIC CODE**

Chapter

- 70. GENERAL TRAFFIC AND PARKING REGULATIONS**
- 71. TRAFFIC SCHEDULES**
- 72. PARKING SCHEDULES**



**CHAPTER 70: GENERAL TRAFFIC AND PARKING REGULATIONS**

Section

*Traffic Regulations*

70.01 Speed limits

(2) On major and through streets where designated by ordinance and indicated by appropriate signs, the maximum speed shall be 35 mph subject to the limitations applicable to all streets noted in this section.

*Parking Regulations*

70.15 Parking prohibited; generally  
70.16 Handicapped parking; permits  
70.17 Parking of recreational vehicles  
70.18 Trucks; semi-trailers  
70.19 Boats  
  
70.99 Penalty  
Appendix A: Schedule of Fines

(3) The Director of Public Works in conjunction with the Chief of Police may, upon proper determination, reduce the maximum speed limits on any part of any street in the city to as low as 15 mph through the curves, intersections, and congested areas where a greater rate of speed is deemed to be unsafe, which reduced maximum shall be effective at any time when appropriate signs given notice thereof are erected.

***TRAFFIC REGULATIONS***

**§ 70.01 SPEED LIMITS.**

(A) It shall be unlawful to operate or drive any vehicle or bus on any street at a rate of speed which is inconsistent with the provisions hereof.

(B) No operator of a vehicle on a city street shall drive at a greater speed than is reasonable and prudent, having regard for the traffic and for conditions and use of the street.

(C) (1) The maximum speed on city streets is hereby declared to be 25 mph subject to the exceptions which follows.

(D) The Director of Public Works is directed to indicate speed limits provided above by uniform signs and markings of a fixed type and uniformly placed as far as conditions permit; and no person other than authorized by the Director of Public Works and the Chief of Police shall erect any signs or place the markings.  
(1989 Code, § 520.17) (Ord. 868, passed 3-19-1984)  
Penalty, see § 70.99

**PARKING REGULATIONS****§ 70.15 PARKING PROHIBITED;  
GENERALLY.**

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

**CONTRACT WRECKER.** Any wrecker service designated by the Chief of Police of Jeffersontown to perform the towing of vehicles.

**CROSSWALK.**

(a) The part of a roadway at an intersection within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

**DOLLY.** A low, flat-wheeled frame for moving vehicles.

**EMERGENCY.** A sudden, generally unexpected occurrence demanding immediate action.

**FIRE HYDRANT.** A street hydrant, attached to a water main, to which a hose can be attached for fighting fires.

**HIGHWAY.** Any public road, street, avenue, alley or boulevard, bridge, viaduct, or trestle and the approaches thereto.

**INTERSECTION.**

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of 2 highways which join one another, but

not necessarily continue, at approximately right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come into conflict; or

(b) Where a highway includes 2 roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate **INTERSECTION**. In the event the intersecting highway also includes 2 roadways 30 feet or more apart, then every crossing of 2 roadways of the highways shall be regarded as a separate **INTERSECTION**. The junction of a private alley with a public street or highway shall not constitute an **INTERSECTION**.

**OPERATOR.** The person in actual physical control of a vehicle.

**ROADWAY.** The portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes 2 or more separate **ROADWAYS**, the term **ROADWAY** as used herein shall refer to any **ROADWAY** separately, but not to all the **ROADWAYS** collectively.

**SAFETY ZONE.** The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a **SAFETY ZONE**.

**VEHICLE.** All agencies for transportation of person or property over or upon the public highways of the City of Jeffersontown and all vehicles passing over or upon the highways, except road rollers, road graders, farm tractors, vehicles on which power shovels are mounted, the other construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways, the vehicles as travel exclusively upon

rails. Motor **VEHICLES** includes all vehicles as defined above which are propelled other than by muscular power.

(B) It shall be unlawful for the operator of any vehicle to stop or park a vehicle; except in the case of emergency or in compliance with the provisions of the Traffic Code, or when directed by a police officer, or traffic sign or signal; at any time in the following places:

- (1) Within an intersection;
- (2) Upon the main traveled portion of a highway or street where parking prohibitions are posted;
- (3) On a crosswalk or sidewalk;
- (4) Between a safety zone and the adjacent curb, or within 30 feet of point on the curb immediately opposite the ends of a safety zone, except when the position is marked for parking;
- (5) Within 20 feet of a crosswalk at an intersection;
- (6) Within 30 feet of a signal light or stop sign placed beside the roadway;
- (7) Within 20 feet of the driveway entrance to a fire station or between signs legally placed on the side of the street opposite the entrance;
- (8) Within 5 feet of a fire hydrant;
- (9) In front of a public or private driveway;
- (10) On the roadway side of any vehicle (double parking not permitted);
- (11) Where a sign has been placed for “No Parking” or “No Stopping;”
- (12) Within 50 feet of the tracks at a railroad crossing;

(13) Upon any bridge, elevated roadway, tunnel, or viaduct;

(14) Beside or opposite any street excavation or obstruction when the parking obstructs traffic;

(15) Along the left side of any roadway or street unless it is a 1-way street or roadway;

(16) Within a parking area over the time posted on an official sign;

(17) Within 1 place for a period of 24 hours or longer upon any street or highway or off-street parking facility without consent of the owner, lessee, or person in charge of the property or facility;

(18) Upon any street, highway, roadway, or alley where it would hinder, obstruct, or delay snow removal;

(19) On the easterly side of Watterson Trail from College Drive to the southerly line of Town Square from 6:00 a.m. to 8:30 a.m., Saturdays, Sundays, and nationally observed holidays excepted; provided, however, that the ban shall not apply to Transit Authority of River City public transportation busses on regularly scheduled runs; or

(20) At any time on either side of Bunsen Way between its intersections with Watterson Trail and Carton Drive.

(C) Every vehicle parked in violation of any provision of the section shall be affixed with a citation stating the nature of the offense and direct removal of the vehicle from any street, highway, roadway, or alley within the City of Jeffersontown. In the event the vehicle is not removed within a reasonable time, or the vehicle presents an immediate hazard to life or property, any police officer of the City of Jeffersontown may order removal of the vehicle by the City of Jeffersontown or its duly authorized agent.

(D) The payment of fines provided by this section may be made to the Clerk/Treasurer of the City of Jeffersontown within 10 days from the date of

issuance of the citation. The City Clerk/Treasurer shall issue a receipt showing the payment of the fine and authorize the release of any towed or stored vehicle upon payment of any towing and storage charges hereinafter provided.

(E) If payment of the fine for which the citation was issued is not made within 10 days of the date of issuance as above provided, the officer who issued the citation shall cause summons to issue from the Commonwealth of Kentucky, Jefferson District Court, for the violation for which the citation was issued to invoke the penalties provided in this section.

(F) In the event any vehicle is towed by the City of Jeffersontown or its duly authorized agent, or stored, the vehicle shall be subject to tow charges and storage charges for which the person providing the services shall have a lien for charges as follows:

(1) Towing - \$15;

(2) Towing where dolly required to enable towing - \$27; and

(3) Storage - first day, \$5, and additional days, \$2 each.

(G) If the towing and storage charges are not paid within 60 days of the date of the citation, the owner of the vehicle shall be notified of charges due by certified mail addressed to the registered owner at his or her address as it appears on the registration certificate, or, if not registered, to the last known address of the owner. Ten days after mailing of the notice, if all charges then due have not been paid, the vehicle may be sold to satisfy the charges.

(1989 Code, § 540.22) (Ord. 707, passed 3-19-1979; Am. Ord. 712, passed 6-6-1979; Am. Ord. 734, passed 7-7-1980; Am. Ord. 759, passed 6-1-1981; Am. Ord. 809, passed 10-5-1982; Am. Ord. 819, passed 12-21-1982) Penalty, see § 70.99

**§ 70.16 HANDICAPPED PARKING; PERMITS.**

(A) (1) All owners of off-street parking facilities intended for public use shall have the number of level parking spaces as set forth in the following table reserved for physically handicapped persons. Each space shall be identified by a sign, the lower limit of which shall be at least 36 inches above ground level and not more than 48 inches above ground level. Any above grade identifying sign installed prior to the effective date of this section shall be deemed to comply with the height specifications of this section. Each reserved parking space shall be not less than 12 feet wide.

<i>Total Parking In Lot</i>	<i>Required Number of Accessible Spaces</i>
10 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 1,000	2% of total
Over 1,000	20 plus 1 for each 100 over 1,000

(2) 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.

(B) (1) Any other provision to the contrary notwithstanding, a motor vehicle bearing a special parking permit for handicapped persons issued pursuant to any valid ordinance or statute, 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 2 hours in excess of the parking limit. The motor vehicle may be parked in a loading zone for that period of time necessary to permit entrance or exit of the handicapped person from the building or entrance or exit of a handicapped person from the parked vehicle, but in no circumstances longer than 30 minutes.

(2) This section shall neither permit parking in a no stopping or no parking zone nor where parking is prohibited for the purpose of creating a fire lane or to accommodate heavy traffic during morning, afternoon, or evening hours, nor permit a motor vehicle to be parked in a manner as to constitute a traffic hazard.

(C) (1) No person shall make, issue, or knowingly use any imitation or counterfeit of a special parking permit for the handicapped.

(2) No person shall display or cause or permit to be displayed upon any vehicle the permit knowing it to be fictitious or issued for another person.

(3) No unauthorized person shall knowingly possess a special parking permit for the handicapped. (1989 Code, § 540.23) (Ord. 728, passed 5-5-1980; Am. Ord. 730, passed 6-2-1980) Penalty, see § 70.99

**§ 70.17 PARKING OF RECREATIONAL VEHICLES.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**CITY STREETS.** The entire right-of-way of any street in the City of Jeffersontown.

**FRONT YARD.** Any area of property fronting on any city street, from the center line thereof to the building set-back line as established by the Code of Regulations of the Louisville Metro Planning Commission, whether or not any structure has been erected.

**RECREATIONAL VEHICLE.** A vehicle, with or without motive power, capable of human habitation or camping purposes and used for sporting, recreation, or social activities, including, but not limited to trailers, motor coaches, motor homes, fifth-wheels, campers, camper shells, and camper trailers.

**RESIDENTIAL AREA.** Any property zoned for residential use.

**SPECIAL SITUATION PERMIT.** May be issued not to exceed 10 days in any calendar year.

**STREET SIDE YARD.** A yard extending across the side of a corner lot between the rear line of the front yard and front line of the rear yard, and between the principal building and the street rights-of-way line, and being the minimum horizontal distance between the principal building or any projections thereof other than the projections of the uncovered steps, uncovered balconies or uncovered porches, to the right-of-way line as established by the Code of Regulations of the Louisville Metro Planning Commission, whether or note any structure has been erected.

(B) *Prohibited acts.*

(1) It shall be unlawful and a violation of this section for any person, corporation, company or other entity to park or leave on any street, alley, or highway within the city, any boat, whether attached to a vehicle or unattached, motor home, camper trailer, trailer coach or recreational vehicle whether self-propelled or attached to another vehicle.

(2) It shall be unlawful and a violation of this section for any person, corporation, company or other entity to park or leave standing, any boat,

whether attached to a vehicle or unattached, motor-home, camper trailer, trailer coach or recreational vehicle whether self-propelled or attached, on the residential front yard or street side yard, as defined herein for a period in excess of 72 hours in any 30-day period. Acceptable conditions for parking of such vehicles shall be as follows:

(a) A trailer coach, travel or camper trailer, recreational vehicle may be parked or stored in an approved enclosed garage or accessory building, provided such is not occupied for dwelling or business.

(b) Trailer coaches, travel or camper trailers, or recreational vehicles not to exceed 40 feet in length total including bumpers and hitches, duly licensed under the provisions of KRS Chapter 187 as camping or travel trailers may be parked or stored in a rear or side yard of any residential lot not beyond the front building line of such lot.

(C) *Non-conforming use.*

(1) Any owner of a recreational vehicle as defined herein, no larger than 40 feet in length including bumpers and hitches, and who has owned said vehicle for a period in excess of 30 days next preceding the publication of the ordinance creating this section, shall be exempt herefrom so long as they own the registered recreational vehicle and maintain their primary residence at the registered address.

(2) Nothing herein shall operate to permit any encroachment of any part of a recreational vehicle in, or upon or onto any public rights-of-way.

(D) *Exemptions.* This section shall not apply to any lot properly zoned for conducting businesses relating to such trailers, provided such businesses are properly licensed under license laws of the city and no such trailer is occupied for dwelling purposes.

(E) *Religious, charitable and similar organizations.* Nothing in this section shall be construed as prohibiting the right of any religious, charitable, or eleemosynary organization or

association from the use of a trailer coach, travel or camper trailer or recreational vehicle in connection with their religious, charitable, or eleemosynary operation provided that the use by such religious, charitable or eleemosynary association or organization shall be for purposes other than a dwelling.

(F) *Hearing procedure and penalties.*

(1) Citations may be issued by any Jeffersontown, Kentucky Police Officer or City of Jeffersontown, Kentucky Code Enforcement Officer.

(2) The Jeffersontown, Kentucky Code Enforcement Board is hereby designated to hear appeals from persons, corporations or other entities on the issue of whether the cited conduct constitutes a violation of this section.

(3) Upon receipt of a citation for violation of this section, the person, corporation or other entity thus cited shall have 10 days to request a hearing before the Board.

(4) At the hearing, which shall be scheduled and concluded at the next regularly scheduled meeting of the Code Enforcement Board, no less than 2 weeks following the issuance of a citation, the person, corporation or other entity cited shall have the right to present evidence and testimony. The Board shall make written finding available to the person, corporation or other entity, and the citing officer within 10 days from the date the hearing is concluded.

(5) Any owner, agent, or occupant and any other person who violates any of the provisions of this section shall be fined \$100 for each offense, and each day of such violation shall constitute a separate offense and be punishable as such.

(6) Any person, corporation or other entity served with a citation shall promptly remove the offending vehicle, boat, trailer or motor home within 24 hours of said citation, or the city officer may cause said offending vehicle, boat, trailer or mobile home to be towed at the owner's expense. In the event no

abutting property owner expresses and ownership interest in the vehicle parked upon a city street, it shall be cited and impounded, if not removed within 48 hours next following said citation, at the expense of the owner.

(7) Upon proper application being made, the City Code Enforcement Officer may issue a Special Situation Permit for a period not to exceed 10 days during any 365-day period granting abatement of the section, and permitting parking in the defined front yard area. The City Council finds and deems the following to be Special Situations within the purview of this section:

(a) Out of town guests who are anticipated to be operating motor homes or hauling boats or trailers; and,

(b) Driveways re-surfacing, sealing or other home improvements which require a resident to park in the defined front yard area.

(8) The fees and fines collected shall be payable to the City of Jeffersontown, Kentucky and shall be deposited by the city in its general fund to be budgeted as a part of the city's general fund income. (Ord. 1176, passed 12-17-2003)

**§ 70.18 TRUCKS; SEMI-TRAILERS.**

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

**TRAILER.** Any vehicle designed to be drawn by a motor truck or truck tractor, but supported wholly upon its own wheels, and intended for the carrying of freight or merchandise and with a local capacity of over 1,000 pounds.

**TRAILER (SEMI).** A vehicle designed to be attached to, and having its front end supported by, a motor-truck or truck-tractor, and intended for the carrying of freight or merchandise and with a load capacity of over 1,000 pounds.

**TRUCK (MOTOR).** Any motor-propelled vehicle designed for carrying freight or merchandise and not operated or driven on fixed rails or tracks, but it shall not include any self-propelled vehicles designed primarily for passenger transportation but equipped with frames, racks, or bodies having a load capacity not exceeding 2,000 pounds, or vehicles of a rated capacity of less than 1½ tons.

**TRUCKS (SEMI-TRAILER).** Any motor-propelled vehicle, not operated or driven on fixed rails or tracks, designed to draw and to support the front end of a semi-trailer, which together with the tractor shall be considered to be 1 unit.

(B) It shall be unlawful within the limits of the City of Jeffersontown, Kentucky, for anyone to park any trailer, trailer (semi), truck (motor), or truck (semi-trailer) on any property zoned for residential use, except:

(1) For the purpose of loading or unloading; and/or

(2) A trailer coach, or travel or camper trailer, permitted under § 70.17.

(C) (1) Any owner, agent or occupant, and any other person, who violates any of the provisions of this section shall be fined not less than \$50 nor more than \$100 for each offense, and each day of the violation shall constitute a separate offense, and be punishable as such.

(2) Any vehicle so offending for a period of time in excess of 24 hours; or cited on more than 2 occasions during any 30-day period; or cited on more than 3 occasions during any calendar year; shall, in addition to being cited, be towed at the owner's expense.

(1989 Code, § 540.18) (Ord. 545, passed 3-6-1972; Am. Ord. 1162, passed 8-6-2002) Penalty, see § 70.99

**§ 70.19 BOATS.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CITY STREETS.** The entire right-of-way of any street in the City of Jeffersontown, Kentucky.

**FRONT YARD.** Any area of property fronting on any city street, from the center line thereof to the building setback line as established by the Code of Regulations of the Louisville and Louisville Metro Planning Commission, whether or not any structure has been erected.

**RESIDENTIAL AREA.** Any property zoned for residential use.

**SPECIAL SITUATION PERMIT.** May be issued not to exceed 30 days in any calendar year.

(B) *Prohibited acts.*

(1) It shall be unlawful and a violation of this section for any person, corporation, company, or other entity to park or leave on any residential street, for a period in excess of 48 hours in any 7-day period, any boat, whether attached to a vehicle or unattached, motor home or trailer, whether self-propelled or attached to another vehicle.

(2) It shall be unlawful and a violation of this section for any person, corporation, company, or other entity to park, or leave standing, any vehicle, boat, motor home, or tractor on the unpaved portion of a residential front yard, as defined in division (A) above, for a period in excess of 48 hours in any 7-day period.

(C) *Special situation permit.* Upon proper application being made, the City Code Enforcement Officer may issue a special situation permit for a period not to exceed 30 days during any 365-day

period granting abatement of this section. The City Council finds and deems the following to be special situations within the purview of this section:

(1) Out-of-town guests who are anticipated to be operating motor homes or hauling boats or trailers; and

(2) Driveway resurfacing, sealing, or other home improvements which require a resident to park in the defined front yard area.

(Ord. 1122, passed 6-15-1999) Penalty, see § 70.99

**§ 70.99 PENALTY.**

Any person violating any provision of Chapters 70, 71 or 72 for which no specific penalty is prescribed shall be subject to § 10.99.

## APPENDIX A: SCHEDULE OF FINES

<i>Violation</i>	<i>KRS Cite</i>	<i>Fine Amount</i>
Did not have right-of-way at intersection	189.330	\$20
On wrong side of road	189.300	\$30
Improper passing	189.340	\$30
Failure to signal (or improper signal)	189.380	\$20
Improper turning	189.330	\$20
Coasting car out of gear down grade	189.430	\$30
Disregarding stop sign	189.330(5)	\$20
Disregarding yield right-of-way sign	189.330(6)	\$20
Disregarding traffic-control device (traffic light)	189.231(2), 189.338	\$20
Improper starting from parked position	189.440	\$20
Reckless driving	189.290	\$35
Passing loading or unloading school bus or church bus	189.370	\$50
Following another truck too closely - 250 feet	189.340(6)(b)	\$35
Driving from side to side of highway	189.300	\$30
Driving too slowly for traffic conditions	189.390(5), 189.300(2)	\$20
Refusing to give ½ of highway to persons desiring to pass	189.300(2)	\$30
Meeting; failure to dim headlights	189.040(5)	\$25

## Jeffersontown - Traffic Code

<i>Violation</i>	<i>KRS Cite</i>	<i>Fine Amount</i>
Following; failure to dim headlights	189.040(6)	\$25
Speeding up when being passed	189.350	\$35
Holding second lane (2- or 3-lane roadways)	189.300	\$20
Failure to give right-of-way (to vehicle or pedestrian)	189.310, 189.570(2)	\$20
Failure to give right-of-way to emergency vehicle	189.930	\$100
Disregarding railroad crossing flasher lights	189.560	\$25
Failure to stop at railroad crossing	189.560	\$25
Failure to illuminate head lamps	189.030	\$30
Changing drivers while car is in motion (reckless driving)	189.290	\$35
Following another vehicle (passenger cars only) too closely	189.340(6)(a)	\$35
Obstructed vision and/or windshield	189.110	\$25
Failure to display slow-moving vehicle emblem	189.820	\$10
Following emergency vehicle too closely	189.930(3)	\$100
Too many passengers in vehicle (front seat)	189.470(1)	\$25

(1989 Code, § 500.3) (Ord. 689, passed 12-19-1977)

**CHAPTER 71: TRAFFIC SCHEDULES**

Schedule

- I. Stop signs
- II. 1-way streets

**SCHEDULE I. STOP SIGNS.**

<i>Stop Street</i>	<i>Through Street</i>	<i>Ord. No.</i>	<i>Date Passed</i>	<i>1989 Code</i>
Barclay Drive	Sue Helen Drive	277	6-8-1959	§ 530.1
Camilie Street	Calais Street	361	6-13-1963	§ 530.7
Charlane Parkway	Galene Drive	293	10-19-1959	§ 530.2
Dell Road	Sprowl Road and College Drive	911	6-17-1985	§ 530.14* **
Guttenburg Road	Ferrer Way	898	3-18-1985	§ 530.10* **
Marlin Drive	Dell Road	305	3-7-1960	§ 530.4
Michaele Lane	Billtown Road	333	9-18-1961	§ 530.5
Robsion Road	Billtown Road	333	9-18-1961	§ 530.5
Shelby Street	Watterson Trail	302	1-18-1960	§ 530.3
Valley Drive	Grand Avenue	333	9-18-1961	§ 530.5
Watterson Trail	Shelby Street	345	3-5-1962	§ 530.6
Wendell Court	Wendell Way and Gleeson Drive	910	6-17-1985	§ 530.13* **

**NOTES TO TABLE:**

\* - The Director of Public Works shall place appropriate signs thereon immediately upon the passage and publication of the schedule.  
 \*\* - Failure to comply with the provision on behalf of any motor vehicle operator shall constitute a violation.

Penalty, see § 70.99



**SCHEDULE II. 1-WAY STREETS.**

<i>1-Way Street/Alley</i>	<i>Location/ Direction</i>	<i>Ord. No.</i>	<i>Date Passed</i>	<i>1989 Code</i>	<i>Special Notes</i>
Bruners Way	From intersection with Watterson Trail in a southerly direction to its intersection at Neal Drive	967	10-5-1987	§ 620.39	The Public Works Department is hereby ordered to post appropriate signs indicating the 1-way direction of Bruners Way. Failure to comply with the schedule constitutes a violation.
Jefferson Street	From College Drive to its terminus at Taylorsville Road	903	6-3-1985	§ 530.11	The Public Works Director shall immediately, upon passage and publication of the schedule, post the appropriate signs in accordance with the traffic flow diagram attached to the ordinance and otherwise incorporated herein. Failure to comply with the posted traffic by any motor vehicle operator shall constitute a violation.
Peach Street	1-way to College Drive	904	6-3-1985	§ 530.12	The Public Works Director shall immediately, upon passage and publication of the schedule, post the appropriate signs in accordance with the traffic flow diagram attached to the ordinance and otherwise incorporated herein. Failure to comply with the posted traffic by any motor vehicle operator shall constitute a violation.
Intersecting alley from Peach Street to Jefferson Street	1-way from Peach Street to Jefferson Street	903	6-3-1985	§ 530.11	The Public Works Director shall immediately, upon passage and publication of the schedule, post the appropriate signs in accordance with the traffic flow diagram attached to the ordinance and otherwise incorporated herein. Failure to comply with the posted traffic by any motor vehicle operator shall constitute a violation.

Penalty, see § 70.99



**CHAPTER 72: PARKING SCHEDULES**

Schedule

- I. No parking zones
- II. No stopping or no parking zones
- III. Parallel parking zones
- IV. Time limits

**SCHEDULE I. NO PARKING ZONES.**

<i>No Parking Street</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date Passed</i>	<i>1989 Code</i>	<i>Special Notes</i>
Bayport Road, both sides	From Billtown Road to the city limits of Jeffersontown, Kentucky, a distance of 2,100 feet	1052	10-4-1993	-	It shall be unlawful to park, or leave standing, any motor vehicle, including cars, trucks, or motorcycles, from 6:00 a.m. to 9:00 a.m., and from 5:00 p.m. to 9:00 p.m. (local prevailing time.) The Public Works Department is authorized and directed to place appropriate "No Parking" signs in appropriate designated areas.
Cedarwood Way, both sides	Between Willowwood Way on the north and the fence line enclosing the grounds surrounding the Jeffersontown Elementary School on the south	626	10-21-1974	§ 540.20	It shall be unlawful for the operator of any vehicle to stop or park the vehicle, except in the case of emergency or in compliance with the provisions of the Traffic Code, or when directed by a police officer, or a traffic sign or signal at any time and any place along either side of Cedarwood Way. This parking restriction shall apply to the paved portion of Cedarwood Way, but shall not prohibit parking where provided by a property owner whose property adjoins Cedarwood Way, so long as the parking is provided on

## Jeffersontown - Traffic Code

<i>No Parking Street</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date Passed</i>	<i>1989 Code</i>	<i>Special Notes</i>
Cedarwood Way, both sides (Cont'd)	Between Willowwood Way on the north and the fence line enclosing the grounds surrounding the Jeffersontown Elementary School on the south	626	10-21-1974	§ 540.20	that land owned by the property owner and in no way encroaches upon or interferes with the paved portion of Cedarwood Way or any easement existing in favor of any governmental body existing along either side of the roadway. The Public Works Department is hereby directed to place signs designating the area as a "No Parking" zone between the hours of 6:00 a.m. and 5:00 p.m., Saturdays and Sundays excepted, where it deems the signs appropriate, and shall maintain the signs in good condition.**
Watterson Trail, both sides	Between its intersections with College Drive on the north and Dell Road on the south	625	10-7-1974	§ 540.19	It shall be unlawful for the operator of any vehicle to stop or park the vehicle, except in the case of emergency or in compliance with the provisions of the Traffic Code, or when directed by a police officer, or a traffic sign or signal at any time. This parking restriction shall apply to the paved portion of Watterson Trail, but shall not prohibit parking where provided by a property owner whose property adjoins Watterson

**Parking Schedules**

<i>No Parking Street</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date Passed</i>	<i>1989 Code</i>	<i>Special Notes</i>
Watterson Trail, both sides <i>(Cont'd)</i>	Between its intersections with College Drive on the north and Dell Road on the south	625	10-7-1974	§ 540.19	Trail, so long as the parking is provided on that land owned by the property owner and in no way encroaches upon or interferes with the paved portion of Watterson Trail, or any easement existing in favor of any governmental body existing in favor of any governmental body existing along either side of the roadway. The Public Works Department is hereby directed to place signs designating the area as a "No Parking" zone where it deems the signs appropriate and shall maintain the signs in good condition.*
<p>NOTES TO TABLE:                      * - Any violator shall be fined not less than \$5 and no more than \$50.                      ** - Any violator shall be fined not less than \$5 nor more than \$50.</p>					

Penalty, see § 70.99



**SCHEDULE II. NO STOPPING OR NO PARKING ZONES.**

<i>No Stopping or No Parking Street</i>	<i>Ord. No.</i>	<i>Date Passed</i>	<i>1989 Code</i>	<i>Special Notes</i>
Ampere Court	758	5-4-1981	§ 540.24	It shall be unlawful to stop or park any vehicle at any time, except in case of emergency or when directed by a police officer.
Bluegrass Parkway	828	3-15-1983	§ 540.25	It shall be unlawful to stop or park any vehicle at any time, except in case of emergency or when directed by a police officer. The Public Works Department is hereby directed to place signs designating the area as a “No Stopping or No Parking Zone” where it deems the signs appropriate, and it shall maintain the signs in good condition.
Plantside Drive	829	3-15-1983	§ 540.26	It shall be unlawful to stop or park any vehicle at any time, except in case of emergency or when directed by a police officer. The Public Works Department is hereby directed to place signs designating the area as a “No Stopping or No Parking Zone” where it deems the signs appropriate and it shall maintain the signs in good condition.
<p><b>NOTES TO TABLE:</b>                      * - Violation shall be punishable by a fine of not less than \$25 nor more than \$100.                      ** - Violation shall be punishable by a fine of not less than \$25 nor more than \$100.                      *** - Violation shall be punishable by a fine of not less that \$25 nor more than \$100.</p>				

Penalty, see § 70.99



**SCHEDULE III. PARALLEL PARKING ZONES.**

(A) *Schedule.*

<i>Parallel Parking Zone</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date Passed</i>	<i>1989 Code</i>	<i>Special Notes</i>
Watterson Trail, both sides	Between that property which is designated by the address of 10513 Watterson Trail on the west side of Watterson Trail and that property which is designated by the address of 10514 Watterson Trail on the east side of Watterson Trail, northwardly to the intersection of Watterson Trail with Bluebird Lane	641	4-7-1975	§ 540.21	It shall be unlawful for the operator of any vehicle to park the vehicle at any time in a manner which is not parallel with the center line of the roadway.

(B) *Application.* The parking restriction shall apply to the paved portion of Watterson Trail but shall not prohibit parking where provided by a property owner whose property adjoins Watterson Trail, so long as the parking is provided on that land owned by the property owner and in no way encroaches upon or interferes with the paved portion of Watterson Trail or any easement existing in favor of any governmental body along either side of the roadway, and so long as the parking does not interfere with the parallel parking for which provisions is hereby made along both sides of Watterson Trail.

(C) *Public Works Department.* The Public Works Department is hereby directed to place along Watterson Trail, between the properties above mentioned and the intersection above described, signs designating the area as a Parallel Parking Zone where it deems the signs appropriate, and it shall maintain the signs in good condition. (1989 Code, § 540.21) (Ord. 641, passed 4-7-1975) Penalty, see § 70.99



**SCHEDULE IV. TIME LIMITS.**

(A) *Schedule.*

<i>Street</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date Passed</i>	<i>Special Notes</i>
Watterson Trail, both sides	Between its intersection with Billtown Road and its intersection with Old Taylorsville Road	1030	4-20-1992	It shall be unlawful for the operator of any vehicle to stop or park a vehicle; except in the case of emergency or in compliance with the provisions of the Traffic Code, or when directed by a police officer, or traffic sign or signal; at any time on either side of Watterson Trail, except in designated spaces, during designated periods of time, and in no event for a period in excess of 2 hours; Saturdays, Sundays, and nationally observed holidays excepted.

(B) *Citation.* Every vehicle parked in violation of any provision of this schedule shall be affixed with a citation stating the nature of the offense and direct removal of the vehicle from the street. In the event the vehicle is not removed within a reasonable time, or the vehicle presents an immediate hazard to life or property, any police officer of the City of Jeffersontown may order removal of the vehicle by the City of Jeffersontown or its duly authorized agent.

(C) *Payment of fines.* The payment of fines provided by this schedule may be made to the Clerk/Treasurer of the City of Jeffersontown within 10 days from the date of issuance of the citation. The City Clerk/Treasurer shall issue a receipt showing the payment of the fine and authorize the release of any towed or stored vehicle upon payment of any towing and storage charges hereinafter provided.

(D) *Summons.* If payment of the fine for which the citation was issued is not made within 10 days of the date of issuance as above provided, the officer who issued the citation shall cause summons to issue from the Commonwealth of Kentucky, Jefferson District Court, for the violation for which the citation was issued to invoke the penalties provided in this schedule.

(E) *Towing and storage charges.* In the event any vehicle is towed by the City of Jeffersontown or its duly authorized agent, or stored, the vehicle shall be subject to tow charges and storage charges for which the person providing the services shall have a lien for charges as follows:

- (1) Towing - \$15;
- (2) Towing where dolly required to enable towing - \$27; and
- (3) Storage - first day, \$5, and additional days, \$2 each.

(F) *Failure to pay towing and storage charges.* If the towing and storage charges are not paid within 60 days of the date of the citation, the owner of the vehicle shall be notified of charges due by certified mail addressed to the registered owner at his or her address as it appears on the registration certificate, or, if not registered, to the last known address of the owner. Ten days after mailing of the notice, if all charges then due have not been paid, the vehicle may be sold to satisfy the charges.

(G) *Signage.* The Department of Public Works is hereby directed to erect appropriate signage delineating parking spaces, setting forth a 2-hour limit and prohibiting parking during peak traffic periods.  
(Ord. 1030, passed 4-20-1992) Penalty, see § 70.99

**TITLE IX: GENERAL REGULATIONS**

Chapter

- 90. STREETS AND SIDEWALKS**
- 91. FIRE PREVENTION AND PROTECTION**
- 92. HEALTH AND SANITATION; HOUSING**
- 93. ABANDONED VEHICLES**
- 94. SIGNS**
- 95. NUISANCES**
- 96. ANIMALS**



**CHAPTER 90: STREETS AND SIDEWALKS**

Section

*General Provisions*

- 90.01 Numbering of houses
- 90.02 Street addresses
- 90.03 Permits; excavations, depositing material upon, and the like
- 90.04 Designation of city streets as connecting links of state or federal highways
- 90.05 Naming of streets

*Street Trees*

- 90.20 Short title
- 90.21 Definitions
- 90.22 City Forester
- 90.23 Permits required
- 90.24 Duties of private owners
- 90.25 Procedure upon order to preserve or remove
- 90.26 Abuse or mutilation of trees

*Parades*

- 90.40 Short title
- 90.41 Definitions
- 90.42 Permit required
- 90.43 Exceptions
- 90.44 Application for permit
- 90.45 Denial of permit
- 90.46 Notice to city officials
- 90.47 Interference prohibited
- 90.48 Appeal of denial of permit
  
- 90.99 Penalty  
Appendix A: Street Lights for City of Jeffersontown

**GENERAL PROVISIONS**

**§ 90.01 NUMBERING OF HOUSES.**

(A) It shall be unlawful for the owner or occupant of any dwelling, building, or other structure to fail to have placed upon the dwelling, building, or other structure house numbers identifying the premises as hereinafter set forth.

(B) It shall be the duty of the Police Department of the City of Jeffersontown to notify the occupant of every structure upon which house numbers are necessary for the purposes set forth in the preamble hereof and to notify the occupant of the proper number to be placed upon the structure which the occupant occupies. The occupant shall be deemed owner or the head of the household or the proprietor of the business or person holding himself or herself out to have possession of the structure and notice shall be complete when it shall have been served in accordance with Kentucky Revised Statutes pertaining to the service and notice of forcible detainer actions.

(C) The proper designation or number to be furnished by the Police Department to the owner or occupant of any structure upon which house numbers are required shall be the numbers recommended by the Louisville Metro Planning and Zoning Commission, and the numbers shall be at least 3 inches in height and shall be placed upon or immediately adjacent to the main entranceway into the structure, dwelling, or building at the usual and customary height above the ground or floor level as is normal for house numbers.  
(1989 Code, § 300.3) (Ord. 195, passed 5-14-1956)  
Penalty, see § 90.99

## § 90.02 STREET ADDRESSES.

(A) All residential, commercial, and industrial property located in Jeffersontown, Kentucky, shall conspicuously display the appropriate street address as assigned by the Jeffersontown Department of Public Works in accordance with the following standards.

### (1) *Single-family dwellings.*

(a) The address shall be placed at the front of the residence or in a manner so as to be visible from the nearest fronting road.

(b) The address shall be clearly visible from the nearest fronting road and kept free and clear of any obstructions hindering reasonable visibility from the fronting road.

(c) The numbers shall be in standard Arabic form of a size at least 3 inches by 2 inches, or larger if necessary to be visible from the nearest fronting road, and in a color distinguishable from its background, with the exception that existing posting numerals shall be acceptable hereunder if so visible as to adequately identify each single family dwelling.

### (2) *Apartment buildings.*

(a) The address shall be placed in a manner to ensure prompt identification of apartment buildings from the nearest fronting road or parking area, depending upon the location and placement of each particular apartment building.

(b) The addresses shall be clearly visible and kept free and clear of any obstructions hindering reasonable visibility from the nearest fronting road or parking area.

(c) The numbers shall be in standard Arabic form of a size at least 3 inches by 2 inches, or larger if necessary to be visible from the nearest fronting road or parking area, and in a color distinguishable from its background, with the

exception that existing posted numerals shall be acceptable hereunder if so visible as to adequately identify each apartment building.

(d) 1. In the event that apartment buildings located in a complex or elsewhere are not clearly visible from the nearest public thoroughfare, the owner of any apartment buildings shall use a system of identification that is reasonably calculated to be readily identifiable by public service and emergency personnel.

2. The Jeffersontown Code Enforcement Officer, or his or her authorized representative, shall have the authority to approve any identification system proposed in writing by apartment building owners.

3. The written approval obtained from the Jeffersontown Code Enforcement Officer shall be prima facie evidence of compliance with this section.

### (3) *Commercial and industrial structures.*

(a) The address shall be placed on all commercial and industrial structures so as to ensure visibility from the nearest fronting road and, if the commercial or industrial structure is not visible from the nearest fronting road, the street address shall be posted in a conspicuous manner so as to be visible from the nearest fronting road.

(b) The numbers shall be in standard Arabic form of a size at least 5 inches by 3 inches, or larger if necessary to be visible from the nearest fronting road, and in a color distinguishable from its background, with the exception that existing posted numerals shall be acceptable hereunder if so visible as to adequately identify each commercial or industrial structure.

(c) 1. In the event that commercial or industrial structures located in a complex or elsewhere are not clearly visible from the nearest public thoroughfare, the owner of any structures shall

use a system of identification that is reasonably calculated to be readily identifiable by public service and emergency personnel.

2. The Jeffersontown Code Enforcement Officer or his or her authorized representative shall have the authority to approve any identification system proposed in writing by owners of commercial or industrial structures.

3. The written approval obtained from the Jeffersontown Code Enforcement Officer shall be prima facie evidence of compliance with this section.

(B) (1) The Jeffersontown Code Enforcement Officer, or his or her authorized representatives, are hereby designated as enforcement personnel for this section.

(2) They are hereby vested with the authority to issue citations for violations of this section, which shall be enforced with the intent to ensure that each residential, commercial, and industrial structure in Jeffersontown, Kentucky, is clearly identified by its assigned street address in order to enable emergency and other public service personnel to promptly identify same at all times during the night and day.  
(1989 Code, § 350.3) (Ord. 971, passed 12-7-1987)  
Penalty, see § 90.99

**§ 90.03 PERMITS; EXCAVATIONS, DEPOSITING MATERIAL UPON, AND THE LIKE.**

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**STREET.** Any land or right-of-way dedicated or used as a public way.

(B) No person shall deposit material upon, do any filling or excavation in or upon, or plant any shrubbery, bush, or tree within, construct any private culvert or driveway on or within, any street of the city without having first obtained a permit therefor.

(C) The permit shall be issued by the City Clerk/Treasurer, with the written approval of the Director of Public Works, and upon the payment by the applicant to the City Clerk/Treasurer of \$1.

(D) The application for the permit shall be in writing, signed by the applicant, and shall state the location and nature of what the applicant proposes to do.

(1989 Code, § 620.35) (Ord. 851, passed 9-8-1983)  
Penalty, see § 90.99

**§ 90.04 DESIGNATION OF CITY STREETS AS CONNECTING LINKS OF STATE OR FEDERAL HIGHWAYS.**

(A) (1) Whenever the Commissioner of Highways of the Commonwealth of Kentucky, by authority of KRS 177.020 through 177.079, 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 the streets, bridges, or viaducts in the manner provided by the aforesaid statutes, the city is hereby expressly authorized, instructed, and directed to enter into any and all contracts to carry out the purposes and provisions of the statutes.

(2) Should the Department of Highways construct or reconstruct any streets in the city, the work shall be done by the Department as the agent for the city, as set out in KRS 177.043(3).  
(1989 Code, § 640.1) (Ord. passed 2-3-1947)

(B) (1) Whenever the Commissioner of Highways of the Commonwealth of Kentucky, by authority of KRS 177.041 through 177.047,

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 the streets, bridges, or viaducts in the manner provided by the aforesaid statutes, the Mayor of the city is hereby expressly authorized, instructed, and directed to enter into any and all contracts and agreements with the Department of Highways necessary to carry out the purposes and provisions of the statutes.

(2) Should the Department of Highways construct or reconstruct streets in the city, the work shall be done by the Department as the agent of the city, as set out in KRS 177.044(3).  
(1989 Code, § 640.2) (Ord. 162, passed 2-2-1955)

#### § 90.05 NAMING OF STREETS.

No city-owned property, facility, park, or street will be named for an individual unless the individual has been deceased for at least 5 years.  
(Ord. 1171, passed 4-7-2003) Penalty, see § 90.99

#### *STREET TREES*

#### § 90.20 SHORT TITLE.

This Ordinance shall be known and may be cited as the Street Tree Ordinance of the City of Jeffersontown, Kentucky.  
(1989 Code, § 210.3) (Ord. 565, passed 7-17-1972)

#### § 90.21 DEFINITIONS.

For the purpose of §§ 90.20 *et seq.*, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CITY.** The City of Jeffersontown.

**CITY FORESTER.** The City Forester of the City of Jeffersontown.

**PERSON.** Any person, firm, partnership, association, corporation, company, or organization of any kind.

**STREET TREE** or **TREE.** A tree in a public place, except where otherwise indicated.  
(1989 Code, § 210.3) (Ord. 565, passed 7-17-1972)

#### § 90.22 CITY FORESTER.

(A) *Establishment.* There is hereby established in the Public Works Department of the city the Office of City Forester.

(B) *Authority.* The City Forester shall have exclusive jurisdiction and supervision over all trees, other plants, and grassy areas planted or growing in public places.

(1) *Preserve or remove.* The City Forester shall have the authority and it shall be his or her duty to plant, trim, spray, preserve, and remove trees, other plants, and grassy areas in public places to ensure safety or preserve the symmetry and beauty of the public places.

(2) *Order to preserve or remove.* The City Forester shall have the authority and it shall be his or her duty to order the trimming, preservation, or removal of trees or plants upon private property when he or she shall find the action necessary to public safety or to prevent the spread of disease or insects to public trees and places.

(3) *Supervision.* The City Forester shall have the authority and it shall be his or her duty to supervise all work done under a permit issued in accordance with the terms of §§ 90.20 *et seq.*

(4) *Issue conditional permit.* The City Forester shall have the authority to affix reasonable conditions to the grant of a permit hereunder.  
(1989 Code, § 210.3) (Ord. 565, passed 7-17-1972)

**§ 90.23 PERMITS REQUIRED.**

(A) *Preserve or remove.* No person shall trim, spray, preserve, or remove trees, other plants, and grassy areas in public places without first filing an application and procuring a permit from the City Forester.

(1) *Application data.* The application required herein shall state the number and kind of trees to be trimmed, sprayed, preserved, or removed; the kind of treatment to be administered; the kind and condition of nearest trees upon the adjoining property; and the other information as the City Forester shall find reasonably necessary to a fair determination of whether a permit should issue hereunder.

(2) *Standards for issuance.* The City Forester shall issue the permit provided for herein when he or she finds that the desired action or treatment is necessary and that the proposed method and workmanship are satisfactory.

(B) *Plant.* No person shall plant or set out any tree or plant in a public place without first filing an application and procuring a permit from the City Forester.

(1) *Application data.* The application required herein shall state the number of trees or plants to be planted or set out; the location, grade, and variety of each tree or plant; the method of planting, including the supplying of suitable soil; and the other information as the City Forester shall find reasonably necessary to a fair determination of whether a permit should issue hereunder.

(2) *Standards of issuance.* The City Forester shall issue the permit provided for herein when he or she finds that the proposed plantings will not interfere with the public health, safety, or welfare.

(3) *Regulations for planting in a public place.* Work done under a permit issued hereunder shall be performed in strict accordance with the terms thereof and with the following regulations established for the planting, trimming, and care of trees in public places.

(a) Trees must not be less than 1 inch in diameter of trunk 1 foot above the ground.

(b) All trees from 1 to 3 inches in diameter of trunk 1 foot above the ground must be protected and supported by tree guards.

(c) No tree shall be placed so as, in the opinion of the City Forester, to cause a traffic hazard.

(d) In felling trees, the same must be removed with the root stump grubbed out when so required by the City Forester.

(e) All cuts above 1 inch in diameter must be waterproofed.

(f) Trees shall be planted at least 30 feet apart except where a special permit is obtained from the City Forester.

(g) No tree shall be planted where the clear space between the curb and the sidewalk is less than 3 feet.

(h) No tree shall be planted where the soil is too poor to ensure the growth of the tree unless the owner excavates a suitable hole of not less than 36 cubic feet and replaces the material removed with suitable loam, or soil stripped from pasture land.

(i) No tree shall be planted nearer than 1 foot from the curb line of the sidewalk unless a special permit is granted by the City Forester.

(j) No tree shall be planted on any street except of the variety selected by the City Forester for that street.

(1989 Code, § 210.3) (Ord. 565, passed 7-17-1972) Penalty, see § 90.99

**§ 90.24 DUTIES OF PRIVATE OWNERS.**

It shall be the duty of any person growing a tree within a public highway or responsible for trees growing on property abutting on public places supporting trees or plants:

(A) To trim his or her trees so as not to cause a hazard to public places or interfere with the proper lighting of public highways by the street lights, and so that minimum clearance of any overhanging portion thereof shall be 9 feet; and

(B) To treat or remove any tree or plant so diseased or insect ridden as to constitute a hazard to trees or plants in public places.  
(1989 Code, § 210.3) (Ord. 565, passed 7-17-1972)  
Penalty, see § 90.99

**§ 90.25 PROCEDURE UPON ORDER TO PRESERVE OR REMOVE.**

When the City Forester shall find it necessary to order the trimming, preservation, or removal of trees or plants upon private property, as authorized in § 90.22, he or she shall serve a written order to correct the dangerous condition upon the owner, operator, occupant, or other person responsible for its existence.

(A) *Method of service.* The order required herein shall be served in one of the following ways:

(1) By making personal delivery of the order to the person responsible;

(2) By leaving the order with some person of suitable age and discretion upon the premises;

(3) By affixing a copy of the order to the door at the entrance of the premises in violation;

(4) By mailing a copy of the order to last known address of the owner of the premises, by registered mail; or

(5) By publishing a copy of the order in a local paper once a week, for 3 successive weeks.

(B) *Time for compliance.* The order required herein shall set forth a time limit for compliance, dependent upon the hazard and danger created by the violation. In cases of extreme danger to persons or public property, the City Forester shall have the authority to require compliance immediately upon service of the order.

(C) *Appeal from order.* A person to whom an order hereunder is directed shall have the right, within 24 hours of the service of the order, to appeal to the Chief Administrator, who shall review the order within 7 days and file his or her decision thereon. Unless the order is revoked or modified, it shall remain in full force and be obeyed by the person to whom directed. No person to whom an order is directed shall fail to comply with the order within 14 days after an appeal shall have been determined.

(D) *Failure to comply.* When a person to whom an order is directed shall fail to comply within the specified time, the City Forester shall remedy the condition or contract with others for the purpose and charge the cost thereof to the person to whom the order is directed. The person remedying a condition under a contract made hereunder shall be authorized to enter premises for that purpose.

(E) *Special assessment.* If the cost of remedying a condition is not paid within 30 days after receipt of a statement therefor from the City Forester, the cost shall be levied against the property upon which the hazard exists as a special assessment. The levying of the assessment shall not affect the liability of the person to whom the order is directed to fine and imprisonment as herein provided. The special assessment shall be certified by the City Forester to the City Clerk/Treasurer and shall thereupon become and be a lien upon the property, shall be included in the next tax bill rendered to the owner or owners thereof unless paid before, and shall be collected in the same manner as other taxes against the property.  
(1989 Code, § 210.3) (Ord. 565, passed 7-17-1972)  
Penalty, see § 90.99

**§ 90.26 ABUSE OR MUTILATION OF TREES.**

No person shall:

(A) Damage, cut, carve, transplant, or remove any tree or plant or injure the bark;

(B) Pick the flowers or seeds of any tree or plant;

(C) Attach any rope, wire, or other contrivance to any tree or plant;

(D) Dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area; and/or

(E) Cause or permit any wire charged with electricity to come in contact with any tree or plant or allow any gaseous, liquid, or solid substance which is harmful to the trees or plants to come in contact with them.

(1989 Code, § 210.3) (Ord. 565, passed 7-17-1972) Penalty, see § 90.99

**PARADES**

**§ 90.40 SHORT TITLE.**

Sections 90.40 *et seq.* shall be known as the Parade Ordinance of the City of Jeffersontown, Kentucky.

(1989 Code, § 300.4) (Ord. 664, passed 6-7-1976)

**§ 90.41 DEFINITIONS.**

For the purpose of §§ 90.40 *et seq.*, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**PARADE.** Any march or procession of any kind in or upon any street in the City of Jeffersontown, Kentucky.

**PERSON.** Any person, firm, partnership, association, corporation, company, or organization of any kind.

**SAFETY COMMITTEE.** A committee of the City Council dealing with safety in the City of Jeffersontown, Kentucky.

(1989 Code, § 300.4) (Ord. 664, passed 6-7-1976)

**§ 90.42 PERMIT REQUIRED.**

No person or persons shall engage in, participate in, or start any parade, unless a parade permit has been obtained from the Safety Committee. This parade permit is for the protection and safety of the people involved in a parade as well as the citizens of Jeffersontown.

(1989 Code, § 300.4) (Ord. 664, passed 6-7-1976) Penalty, see § 90.99

**§ 90.43 EXCEPTIONS.**

Sections 90.40 *et seq.* shall not apply to:

(A) Funeral processions;

(B) Students going to and from school, or participating in educational activities, providing the conduct is under the immediate direction and supervision of the proper school authorities;

(C) If a parade is on a sidewalk, no parade permit will be necessary, nor will be necessary, nor will one be necessary to cross a street; and/or

(D) No permit would be required to assemble. (1989 Code, § 300.4) (Ord. 664, passed 6-7-1976)

**§ 90.44 APPLICATION FOR PERMIT.**

A person seeking issuance of a parade permit shall file an application with the Safety Committee on forms provided by the Safety Committee. If 3 people in this Committee cannot be contacted, 1 person of this Committee could issue a permit.

(A) An application for a parade permit shall be filed with the Safety Committee not less than 72 hours before proposed to conduct the parade.

(B) The application for a parade permit shall set forth the following information:

(1) Date of parade;

(2) Time of parade;

(3) Name and address of person or persons seeking to conduct parade; and

(4) Route to be traveled.

(1989 Code, § 300.4) (Ord. 664, passed 6-7-1976)  
Penalty, see § 90.99

**§ 90.45 DENIAL OF PERMIT.**

No parade permit shall be denied unless the parade would be a threat to public safety or a traffic hazard.

(1989 Code, § 300.4) (Ord. 664, passed 6-7-1976)

**§ 90.46 NOTICE TO CITY OFFICIALS.**

The Mayor, Chief of Police, and the Fire Chief will be notified of time of parade and route.

(1989 Code, § 300.4) (Ord. 664, passed 6-7-1976)  
Penalty, see § 90.99

**§ 90.47 INTERFERENCE PROHIBITED.**

No person shall unreasonably hamper, obstruct, or impede, or interfere with, any parade or parade assembly, or with any person, vehicle, or animal participating or used in a parade, and no driver of a vehicle, except a police car or other emergency vehicle, shall drive between the vehicles or persons participating in a parade.

(1989 Code, § 300.4) (Ord. 664, passed 6-7-1976)  
Penalty, see § 90.99

**§ 90.48 APPEAL OF DENIAL OF PERMIT.**

Any person aggrieved shall have the right to appeal the denial of a parade permit to the full City Council and the Mayor shall call a special meeting to hear any appeal in 3 days.

(1989 Code, § 300.4) (Ord. 664, passed 6-7-1976)  
Penalty, see § 90.99

**§ 90.99 PENALTY.**

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

**APPENDIX A: STREET LIGHTS FOR CITY OF JEFFERSONTOWN**

<i>250 Watt, Mercury Vapor Street Lights</i>		
<i>Location</i>	<i>With Pole</i>	<i>Without Pole</i>
Intersection: Michael Road and Leo Lane		X
Intersection: Michael Road and Angel Terrace		X
Intersection: Robsion Road and Leo Lane		X
Intersection: Robsion Road and Angel Terrace		X
Intersection: Garden Drive and Ethelwood Drive	X	
Intersection: Garden Drive and Shanna Drive	X	
Intersection: Garden Drive and Lisa Lane	X	
Intersection: Garden Drive and Calais Drive	X	
Intersection: Calais Drive and Lisa Lane	X	
Intersection: Calais Drive and Camille Road	X	
Intersection: Calais Drive and Dolphin Court	X	
Intersection: Camille Road and Mardale Drive	X	
Intersection: Sue Helen Drive and Ethelwood Drive	X	
Intersection: Sue Helen Drive and Emerald Drive	X	
Intersection: Galene Drive and Ethelwood Drive	X	
Intersection: Galene Drive and Emerald Drive	X	
Intersection: Galene Drive and Mardale Drive	X	
Intersection: Galene Drive and Calais Drive	X	
Intersection: Galene Drive and Dolphin Court	X	
Intersection: Galene Drive and Galene Court	X	
Intersection: Galene Drive and Charlane Parkway		X
Intersection: Charlane Parkway and Orandi Court	X	
Intersection: Charlane Parkway and Barclay Drive	X	

## Jeffersontown - General Regulations

<i>250 Watt, Mercury Vapor Street Lights</i>		
<i>Location</i>	<i>With Pole</i>	<i>Without Pole</i>
3603 St. Edwards Drive		X
Intersection: Dell Road and Marlin Drive		X
Intersection: Marlin Drive and Canterbury Drive	X	
Intersection: Canterbury Drive and Willow Avenue	X	
3118 Lynnwood Way	X	
South Intersection: Patti Lane and Glenawyn Circle		X
North Intersection: Patti Lane and Glenawyn Circle		X
Intersection: Old Taylorsville Road and Eastview Avenue		X
Intersection: Bruners Way and Dennybrook Way		X
Intersection: Valley Drive and Barkley Drive		X
Intersection: Merioneth Drive and Merioneth Court		X
Intersection: Merioneth Drive and Cranston Drive		X
Intersection: Merioneth Drive and Llandoverly Drive		X
Intersection: Llandoverly Drive and Durbing Avenue	X	
Intersection: Llandoverly Drive and Harlech Lane	X	
Intersection: Llandoverly Drive and Cardagan Drive	X	
Intersection: Cardagan Drive and Cranston Drive	X	
Intersection: Swing Drive and Kidwelly Drive	X	
Intersection: Swing Drive and Tregaron Avenue	X	
Intersection: Swing Drive and Ballad Boulevard	X	
Intersection: Harlech Lane and Durbing Avenue	X	
Intersection: Harlech Lane and Cranston Drive	X	
Intersection: Harlech Lane and Harlech Court	X	
Intersection: Harlech Lane and Tregaron Avenue	X	
Intersection: Ballad Boulevard and Melody Way	X	

<i>250 Watt, Mercury Vapor Street Lights</i>		
<i>Location</i>	<i>With Pole</i>	<i>Without Pole</i>
Intersection: Ballad Boulevard and Harmony Road	X	
Intersection: Mahan Drive and Merriwood Drive	X	
Intersection: Six Mile Lane and Lynnwood Way		X

<i>400 Watt, Mercury Vapor Street Lights</i>		
<i>Location</i>	<i>With Pole</i>	<i>Without Pole</i>
Intersection: Janlyn Road and Lyric Lane	X	
Intersection: Lyric Lane and Harmony Road	X	
Intersection: Taylorsville Road and Community Center		X
Intersection: Sue Helen Drive and Galene Drive		X
Intersection: Sue Helen Drive and Barclay Drive	X	
Intersection: Sue Helen Drive and Entrance St. Edwards School	X	
Intersection: Sue Helen Drive and Calais Drive	X	
Intersection: Charlane Parkway and St. Edwards Drive	X	
Intersection: Billtown Road and Michael Drive		X
Intersection: Billtown Road and Robsion Road		X
Pole #P11-133 Billtown Road		X
Pole #P11-130 Billtown Road		X
Intersection: Taylorsville Road and Lynnwood Way		X
Intersection: Bruners Way and Patterson Trail		X

## Jeffersontown - General Regulations

<i>250 Watt, Mercury Vapor Street Lights</i>		
<i>Location</i>	<i>Existing Pole</i>	<i>Special Pole</i>
Pole #Q10-12 Old Taylorsville Road and Denny Brook Way	X	
10800 Brunners Way	X	
2907 Valley Drive	X	
Pole #P10-256 College Drive	X	
Pole #P-10-158 College Drive	X	
Pole #P10-749 Galene Drive and Dell Road	X	
Barclay Drive and Camille Road		X
9500 Shanna Drive		X
9513-15 Shanna Drive		X
Canterbury Drive and Ackerman Lane		X
Pole #P10-340 Marlin Drive	X	
Browns Court		X
10105 Caldwell Drive	X	
Pole #P11-277 Leo Lane	X	
Pole #P11-264 Angel Terrace	X	
Pole #P10-267 Old Six Mile Lane	X	
Old Six Mile Road and Maple Road		X
Swing Drive and Swing Court		X

(1989 Code, § 370.1)

## CHAPTER 91: FIRE PREVENTION AND PROTECTION

### Section

#### *General Provisions*

91.01 Fire hydrants

#### *2000 IFC International Fire Code Standards*

91.15 Generally

91.16 Requirements

91.17 Enforcement

#### *Smoke Detectors*

91.30 Definitions

91.31 Smoke detectors required

91.32 Type and placement

91.33 Providing, installing, and maintaining detectors

91.34 Enforcement

91.35 Conflicts

91.99 Penalty

written permit to do so issued in the form prescribed by the Jeffersontown Water and Sewerage Commission or the Louisville Water Company and signed by an authorized agent or representative of the Commission or Company. Any person opening or closing the valves, hydrants, pipes, cisterns, plugs, or other water outlets shall have the permit in their possession at all times and shall produce same when so requested by any City of Jeffersontown official. The above prohibition shall not apply to emergency shut-off or for emergency repairs if done so at the direction of an authorized agent or representative of the Jeffersontown Water and Sewerage Commission or the Louisville Water Company, nor shall it apply to firefighters in the authorized performance of their official duties, nor to authorized repair personnel of the Jeffersontown Water and Sewerage Commission or the Louisville Water Company acting at the direction of the management of the Commission or Company.

(B) *Vandalism of fire hydrants prohibited.*

(1) It shall be unlawful for anyone to vandalize a fire hydrant in or on the public ways of the City of Jeffersontown so as to render it inoperable in any way.

(2) It shall be unlawful for any person to paint or in any other way deface or change the normal appearance of a fire hydrant, except to paint the hydrants in the normal course of preventive maintenance and in compliance with the directives of the volunteer Fire Department or fire protection district having jurisdiction over the hydrants. (1989 Code, § 360.11) (Ord. 769, passed 8-17-1981) Penalty, see § 91.99

### **GENERAL PROVISIONS**

#### **§ 91.01 FIRE HYDRANTS.**

(A) *Operation of fire hydrants.* It shall be unlawful for any person to open or close any valve of any fire hydrant, water pipe, fire cistern, water plug, or other water outlets in or on the public ways of the City of Jeffersontown, Kentucky, or to in any way tamper with any of the hydrants, pipes, cisterns, plugs, or other water outlets unless the person has a

**2000 IFC INTERNATIONAL FIRE CODE  
STANDARDS**

**§ 91.15 GENERALLY.**

The 2000 IFC International Fire Code, a copy of which is on file in the office of the Clerk of the Fiscal Court of Louisville Metro, Kentucky, is hereby adopted in full as a regulation of the City of Jeffersontown, Kentucky, as if written in length, in words, and figures herein, except that fire hydrant, fire lane, and access road placement shall be subject to the additional minimum requirements set out hereinafter.

(1989 Code, § 350.4) (Ord. 972, passed 12-7-1987)

**§ 91.16 REQUIREMENTS.**

All new building construction, alteration, or additions to structures of commercial, industrial, mercantile, educational, institutional, assembly, hotel, motel, single-family, duplex family, multi-family, residential subdivisions, and/or mobile home park occupancies shall comply with the following requirements:

(A) *Building plans.* Building plans shall show the location and placement of existing fire hydrants, fire lanes, and access roads on both public and private property as approved by the Jeffersontown Building Inspector, or his or her designated representative, in cooperation with the recommendations of the Fire Chief (references to the Fire Chief herein specifically refer to the Fire Chief of the fire protection district or area in which the subject property is located), or his or her designated representative, before any actual construction has begun.

(B) *Access road.* No person, firm, or corporation shall start construction of the combustible stage of a structure unless and until all weather access roads of at least crushed rock construction not less than 18 feet in width as approved by the City of Jeffersontown, Kentucky, Building Inspector, or his

or her designated representative, in cooperation with the recommendations of the Fire Chief, or his or her designated representative, are provided, maintained, and available for use and operation.

(C) *Fire hydrants.* Where water mains are accessible, no person, firm, or corporation shall start construction of the combustible stage of a structure unless and until fire hydrants are available for use and in operation in locations approved by the City of Jeffersontown, Kentucky, Building Inspector, or his or her designated representative, in cooperation with the recommendations of the Fire Chief or his or her designated representative, in accordance with the specifications set out below. Where water mains are not accessible, an adequate plan for fire protection shall be submitted to and approved by the Jeffersontown Building Inspector, or his or her designated representative, in cooperation with the recommendations of the Fire Chief, or his or her designated representative, prior to the start of construction.

(1) *Fire hydrant type and water supply.*

(a) For the purpose of division (C)(1), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**FIRE HYDRANTS** or **HYDRANTS.** Pumper-type **HYDRANTS** which are equipped with not less than two, 2½-inch, outlets and a large pumper outlet, or 2 large pumper outlets.

**YARD HYDRANTS.** Hydrants which are equipped with not less than two, 2½-inch outlets and are supplied with water from a siamese connection.

(b) All fire hydrants shall meet the minimum specifications and be installed in conformity with the standards and requirements of the local water utility and the standards of the 2000 IFC International Fire Code Standards and be constructed and maintained so as to have adequate water flow according to the standards of the city water utility and the standards of the 2000 IFC International Fire Code.

(c) Fire hydrants shall be able to deliver 750 gallons per minute with a friction loss of not more than 2½ pounds per square inch in the hydrant and a total loss of not more than 5 pounds per square inch between the street main and the outlet. This provision is applicable to the design of the hydrants only and not to be utilized in determining proper and/or necessary water flow requirements.

(d) Fire hydrants shall be equipped with not less than 2½-inch outlets and a large pumper outlet or 2 large pumper outlets.

(e) A gate valve must be installed in the hydrant connection to the street main.

(f) Hydrants shall be tested periodically for proper functioning in accordance with the requirements of the authority having jurisdiction, but at least semiannually.

(g) Water mains shall be not less than 6 inches in diameter, including fire hydrant branch connections installed in conformity with the minimum requirements of the local water utility. Where size and physical characteristics indicate, the developer may be required to install mains of a larger diameter.

(h) Water mains shall be so arranged that the distance between intersecting mains does not exceed 800 feet. If intersecting mains are at a distance in excess of 800 feet, 8 inch or larger mains must be used.

(i) Eight-inch mains shall be used where dead end and poor circulating gridironing is likely to exist for a considerable period of time, or where the layout of the streets and topographical characteristics are not well adopted to a circulating system. Where initial pressures are high (75 P.S.I. or greater) a satisfactory gridiron may be obtained with longer lengths of 6-inch pipe between intersecting mains.

(j) The distribution system shall be equipped with a sufficient number of valves so located that breakage or other interruption will not cause the

shutdown of any substantial portion of a main. Whenever service is installed in conjunction with fire hydrants, the service shall be of the fire protection type and at least 6 inches in size.

(k) All piping and materials installed as a fire protection service shall have UL/or FM listing with a minimum rating of 150 pounds per square inch in order to comply with the provisions herein.

(2) *Location of hydrants.*

(a) In single-family residential areas, fire hydrants shall be spaced not farther than 750 feet apart as measured over hard-surfaced roads, with the closer spacing as may be required by the enforcing agencies set out hereinafter where special circumstances require the closer spacing.

(b) In commercial, industrial, mercantile, educational, institutional, assembly, hotel, motel, duplex family, and multi-family areas, fire hydrants shall be spaced not farther than 500 feet apart, as measured over surface roads, with the closer spacing as may be required by the enforcing agencies set out herein where special circumstances require the closer spacing. Each building, as originally constructed, or including any proposed addition(s), 3,000 square feet of floor area or less shall have hydrants within the following distances (distances being measured over hard-surfaced roads): 250-foot distance, first hydrant; and 1,000-foot distance, second hydrant. Each building with more than 3,000 square feet of floor area as originally constructed, or including any proposed addition(s), shall have hydrants within the following distances (distances being measured over hard-surfaced roads): 250-foot distance, first hydrant; and 500 foot distance, second hydrant; 1,000-foot distance, third hydrant. No exterior portion of any building shall be located more than 500 feet from a hydrant (distances being measured along the shortest feasible exterior route for laying hose).

(c) Each building being fully protected by a 2000 IFC International Fire Code qualified sprinkler system may utilize yard hydrants to comply with the provision set out in division (C)(2)(b) above requiring hydrants to be located not more than 500 feet from any exterior portion of the building. However, this provision does not eliminate the necessity to comply with the spacing of fire hydrants as set out in the remaining provisions of division (C)(2)(b) above.

(d) Each building being fully protected by a 2000 IFC International Fire Code qualified sprinkler system shall have a fire hydrant located not more than 100 feet from the siamese connection (the 100 feet shall be measured over an unobstructed level grade).

(e) Hydrants installed on private water services shall comply with the provisions for spacing as set out in divisions (C)(2)(a) and (C)(2)(b) above only as to structures erected on the same property as the private water service.

(f) All hydrants must be located at least 25 feet from any exterior wall of any masonry building and at least 50 feet from any exterior wall of a frame building or a building of equivalent construction, including brick or stone veneer.

(g) All hydrants shall be located so as to be easily accessible to fire protection apparatus from approved hard-surfaced driveways or fire lanes. Hydrants shall be located not more than 15 feet from the edge of an approved hard-surfaced access road and the center of the hydrant nozzle shall be not less than 18 inches nor more than 30 inches above ground level (final grade).

(h) All hydrants shall be kept clear of weeds, rubbish, and any and all other obstructions by the abutting property owner.

(i) Parking within 10 feet of a hydrant is prohibited.

(j) No fire hydrants which utilize a metered service for their source of water shall be considered in fulfilling the provisions of §§ 91.15 *et seq.*

(D) *Fire lanes.* No person, firm, or corporation in charge of, occupying, or the owner of any site for commercial, industrial, mercantile, educational, institutional, assembly, hotel, motel, multi-family, or mobile home park occupancy shall occupy, operate, utilize, or otherwise enjoy the site unless and until a properly marked hard-surfaced, all-weather fire lane, not less than 18 feet in width, shall be provided and maintained as approved by the City Building Inspector, or his or her designated representative, in cooperation with the recommendations of the Fire Chief, or his or her designated representative, in accordance with the specifications set out below.

(1) The markings of fire lanes on private property devoted to public use shall be approved by the Fire Chief or his or her designated representative and shall be marked as follows.

(a) Where curbs are present, both the vertical and horizontal planes of the curb shall be highlighted with a 4-inch or wider stripe of traffic yellow paint. In addition to the markings above where the posting of signs is practicable, "No Parking Fire Lane" signs shall be placed at heights not less than 36 inches nor greater than 96 inches (measured from the bottom of the sign) and positioned at intervals not greater than 60 feet.

(b) Where the posting of signs is not practicable and there are no curbs present, the entire perimeter of the fire lane shall be highlighted with a 4 inch or wider stripe of traffic yellow paint and the words "No Parking Fire Lane" shall be painted with the same color paint at intervals of not greater than 50 feet. The letters shall be a minimum of 18 inches in height and have a 2-inch or greater body stripe.

(2) Parking of motor vehicles within 10 feet of entrances or exit ways or otherwise obstructing fire lanes shall be prohibited at all times.

(3) Fire lanes and driveways shall be located so that all buildings served by them are accessible to fire equipment.

(4) Fire lanes required by §§ 91.15 *et seq.* shall not be required for sites whose structures total less than 5,000 square feet unless constituting or declared a fire hazard by the Fire Chief or his or her designated representative.

(E) *Completion of construction.* Upon the completion of the construction phase of any buildings covered under this section, it shall be the duty of the owner and/or operator of the property to provide for the paving and continued maintenance and repair of any and all fire lanes as have been required pursuant to this section and the continued maintenance, repair, and operating capabilities of any and all private fire hydrants, private sprinkler systems, or other private water facilities, as required pursuant to this section. The Fire Chief, Police Chief, or their designated representatives shall have the authority to enter upon any premises covered by §§ 91.15 *et seq.* to enforce the requirements herein.

(F) *Building permits.* Upon the approval of the Jeffersontown Building Inspector for Code Enforcement, or his or her designated representative, in cooperation with the recommendations of the Fire Chief, or his or her designated representative, the Jeffersontown Building Inspector shall issue a building permit for the construction, alteration, or addition to any building covered under this section, the permit being fully conditional and contingent upon strict compliance with the provisions of §§ 91.15 *et seq.* Any failure to comply with the provisions of §§ 91.15 *et seq.* shall result in the revocation of this building permit and the permit will be held to be void ab initio. (1989 Code, § 350.4) (Ord. 972, passed 12-7-1987) Penalty, see § 91.99

**§ 91.17 ENFORCEMENT.**

The Jeffersontown Building Inspector, or his or her designated representative, in cooperation with the recommendations of the Fire Chief, or his or her

designated representative, and the officials of other departments of the city and county having jurisdiction are hereby authorized and directed to enforce all provisions of §§ 91.15 *et seq.*, and the final determination concerning compliance herewith shall be the sole discretion of the City of Jeffersontown Building Inspector. Upon the presentation of his or her official credentials, the enforcement officer may enter any premises covered by these regulations to perform the duties imposed upon him or her by these regulations.

(1989 Code, § 350.4) (Ord. 972, passed 12-7-1987)

***SMOKE DETECTORS***

**§ 91.30 DEFINITIONS.**

For the purpose of §§ 91.30 *et seq.*, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***DWELLING.*** Any building which contains 2 or more dwelling units or any rooming units, rooms, or area designated or used for sleeping purposes either as a primary use or use on casual occasions. ***DWELLING*** shall include a rooming house, hotels, motels, tourist homes, school dormitories, apartments, and/or condominium buildings.

***DWELLING UNIT.*** Any group of rooms, located within a building and forming a single housekeeping unit, with facilities which are used or designed to be used for living, sleeping, cooking, or eating, except single family residential units.

***OWNER.*** Any person, who, alone, jointly, or severally with others:

- (1) Shall have all or part of the legal title to any dwelling or dwelling unit, without accompanying actual possession thereof, or shall have all or part of the beneficial ownership of any dwelling or dwelling unit and a right to present use and enjoyment thereof, including a mortgage in possession; or

(2) Shall have charge, care, or control of any dwelling or dwelling unit as owner, or as executor, administrator, trustee, guardian of the estate, or duly authorized agent of the owner. Any person thus representing the actual owner shall be bound to comply with the owner's obligations under §§ 91.30 *et seq.*

**ROOMING UNIT.** Any room which is designed or used for sleeping purposes. A rooming unit may include a room in a rooming house, a hotel, a motel, a tourist home, a school dormitory, or an apartment building which may or may not have some additional facilities for eating or cooking contained therein. (1989 Code, § 350.2) (Ord. 970, passed 12-7-1987)

### § 91.31 SMOKE DETECTORS REQUIRED.

(A) In all nonowner-occupied single family and duplex family residential units designed or used for sleeping purposes in existence on or about 2-15-1987, smoke detectors powered by a hard wire AC primary power source or a battery shall be installed and maintained within 6 months after the effective dates of §§ 91.30 *et seq.*

(B) In all multi-family residential units, rooming houses, tourist homes, dormitories, or other dwellings designed or used for sleeping purposes in existence on or about 2-15-1987, smoke detectors powered by a hard wire AC primary power source shall be installed and maintained within 1 year after the effective date of §§ 91.30 *et seq.*, except for owner-occupied single family residential units which may utilize smoke detectors powered by a hard wire AC primary power source or a battery in compliance with §§ 91.30 *et seq.* An extension of the time period set forth above not to exceed 6 months may be granted by the City Building Inspectors upon the showing of a good faith effort by the owner to comply with the provisions of §§ 91.30 *et seq.* The extensions will be granted in cooperation with the recommendation of the Fire Chief, or his or her designated representative, for the local fire district wherein the dwellings are located.

(C) Where significant effort has been made by installing battery-operated smoke detectors, the mandatory installation period listed in division (B) above may be extended for a period not to exceed 5 years upon formal request by the affected party to the Jeffersontown Building Inspector, and the approval of any request shall be made in cooperation with the recommendation of the Fire Chief, or his or her designated representative, for the local fire district wherein the dwelling unit is located.

(D) In all hotels and motels in existence on or about 2-15-1987, battery-powered smoke detectors shall be installed and maintained within 1 year after the effective date of §§ 91.30 *et seq.* (1989 Code, § 350.2) (Ord. 970, passed 12-7-1987) Penalty, see § 91.99

### § 91.32 TYPE AND PLACEMENT.

(A) In order to comply with §§ 91.30 *et seq.*, only ionization or photoelectric-type detectors approved by a nationally recognized testing laboratory shall be installed.

(B) Smoke detectors shall be placed in accordance with the applicable N.F.P.A. standards. Detectors may be ceiling- or wall-mounted, provided that if wall-mounted they shall be within 18 inches, but not closer than 12 inches of the ceiling.

(C) In a dwelling unit which contains a well defined sleeping room separated from the other activity areas of the same unit, the detector shall be located in the corridor within the unit or interior area giving access to the rooms used for sleeping purposes. Where sleeping areas are separated and/or where a single smoke detector will not adequately service all sleeping areas, there shall be a smoke detector installed adjacent to each sleeping area. In a rooming unit, the detector shall be centrally located on the ceiling.

(D) In a dwelling containing 2 or more dwelling units or any rooming unit, in addition to the requirements for individual smoke detectors in each

dwelling unit or rooming unit, detectors shall be placed in centrally located common areas so that smoke detectors will adequately service all sleeping areas.

(E) In multi-family residential dwellings containing 4 or more units, the smoke detectors installed in the common areas and storage areas shall be so installed so that activation of 1 of the detectors in the common areas or storage area shall cause all of the detectors within the common areas or storage areas contained within exterior perimeter walls or separated by fire or party walls as applicable to be activated to alert.

(1989 Code, § 350.2) (Ord. 970, passed 12-7-1987) Penalty, see § 91.99

**§ 91.33 PROVIDING, INSTALLING, AND MAINTAINING DETECTORS.**

(A) The owner of a dwelling shall be responsible for supplying and installing in an operable condition the required detector(s) and for providing the manufacture's maintenance and testing instruments to a tenant.

(B) The owner of a dwelling shall be responsible for maintenance and testing of detectors, in accordance with manufacturer's instructions, which are located in common areas and/or detectors in rooming units where the tenant usually has short periods of occupancy (hotels, motels, tourist homes).

(C) The tenant shall be responsible for maintaining and testing the detector, in accordance with the manufacturer's instructions, which are within his or her exclusive control during the life of the tenancy. The tenant shall be responsible for notifying the owner in writing when a detector(s) becomes inoperable, and the owner shall have 10 days after receipt of the written notice in which to repair or replace the detector(s) in an operable condition. Battery replacement in smoke detectors shall be the responsibility of the tenant until the conversion to a hard wire AC primary power source has been accomplished as required by § 91.31.

(D) At every change of tenancy in all multi-family residential units and dormitories, it shall be the duty of the owner to test and ascertain that those detectors contained in the unit are in operable condition and, if not, the owner shall be responsible for placing them in operable condition.

(E) In all hotels, motels, rooming houses, or tourist homes, it shall be the duty of the owner to test the detectors on a regular basis in accordance with manufacturer's instructions, and the owner shall be responsible for maintaining the units in an operable condition. A log of smoke detector inspections and findings shall be maintained by the owner, and shall be made available to Fire Inspectors upon request.

(1989 Code, § 350.2) (Ord. 970, passed 12-7-1987) Penalty, see § 91.99

**§ 91.34 ENFORCEMENT.**

The Jeffersontown Building Inspector, or his or her designated representative, in cooperation with the recommendations of the local fire official, the Fire Chief, or his or her designated representative, and the officials of other departments of the city and county having jurisdiction, is hereby authorized and directed to enforce all provisions of §§ 91.30 *et seq.* and the final determination concerning compliance herewith shall be the sole discretion of the City of Jeffersontown, Kentucky, Building Inspector. Upon the presentation of his or her official credentials, the City of Jeffersontown, Kentucky, Building Inspector may enter any premises covered by these regulations to perform the duties imposed upon him or her by these regulations.

(1989 Code, § 350.2) (Ord. 970, passed 12-7-1987)

**§ 91.35 CONFLICTS.**

In any case where a provision of §§ 91.30 *et seq.* is found to be in conflict with a provision of any fire or safety code of Louisville Metro, the City of Jeffersontown, Kentucky, or Commonwealth of

Kentucky, the provision which establishes the higher standard for the promotion and protection of health and safety shall prevail.  
(1989 Code, § 350.2) (Ord. 970, passed 12-7-1987)

**§ 91.99 PENALTY.**

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

**CHAPTER 92: HEALTH AND SANITATION; HOUSING**

Section

*General Provisions*

92.01 Littering

*Housing Standards*

92.15 Generally  
92.16 Definitions  
92.17 Sewer and water facilities  
92.18 Windows; lighting; basements  
92.19 Structures; proper maintenance and upkeep  
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*Unfit Structures*

92.35 Generally; definitions  
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***Cross-reference:***

*Building Regulations; Construction, see Ch. 151*

**GENERAL PROVISIONS**

**§ 92.01 LITTERING.**

(A) It shall be unlawful to deposit, throw, or leave any trash, debris, or litter upon any public lands, rights-of-ways, easements, or other public places within the City of Jeffersontown.

(B) It shall be unlawful to so maintain premises, waste containers, or sewer industrial wastes as to permit trash, debris, or litter to be deposited upon public lands, rights-of-ways, easements, or other public places within the City of Jeffersontown.

(C) It shall be unlawful to transport any trash, debris, or litter upon any public lands, rights-of-way, easements, or other public places within the City of Jeffersontown so as to permit the trash, debris, or litter to be deposited upon public lands, rights-of-way, easements, or other public places within the City of Jeffersontown.  
(1989 Code, § 820.13) (Ord. 449, passed 8-15-1966)  
Penalty, see § 92.99

**HOUSING STANDARDS**

**§ 92.15 GENERALLY.**

All persons, including firms and corporations, owning, controlling, and letting property for occupancy for dwelling purposes in the City of

Jeffersontown shall be subject to the requirements of §§ 92.15 *et seq.* and shall conform to its provisions and be subject to the penalties imposed by it. (1989 Code, § 820.11) (Ord. 228, passed 3-18-1957)

## § 92.16 DEFINITIONS.

For the purpose of §§ 92.15 *et seq.*, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**APARTMENT.** Same as dwelling unit as defined below.

**BASEMENT.** A portion of the building located partially underground but having less than ½ its clear floor to ceiling height below the average grade of the adjoining ground.

**CELLAR.** A portion of the building located partially or wholly underground, and having ½ or more than ½ of its clear floor to ceiling height below the average grade of the adjoining ground.

**DWELLING.** Any building which is wholly or partially used or intended to be used for living or sleeping by human occupants, provided that temporary housing as hereinafter defined shall not be regarded as a **DWELLING**.

**DWELLING UNIT.** Any room or group of rooms located with a dwelling and forming a single habitable unit with or without facilities which are used or intended to be used for living, sleeping, cooking, and eating.

**GARBAGE.** The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food and similar animal and vegetable refuse.

**HABITABLE ROOM.** A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms,

water closet compartments, laundries, pantries, foyers, or communicating corridors, closets, and storage spaces.

**HEALTH OFFICER.** The City Physician of the City of Jeffersontown and for Louisville Metro Board of Health, or his or her authorized representative.

**HOUSING DIRECTOR.** The Building Inspector and/or any member of City Council assigned to the Planning and Zoning Committee.

**LESSEE.** Any person who, by written contract or lease or by any week-to-week or month-to-month tenancy agreement, shall have the right to ????? a dwelling or dwelling unit.

**MULTIPLE DWELLING.** Any dwelling containing more than 1 dwelling unit.

**NUISANCE.** A public **NUISANCE**, as known at common law or in equity. Anything that is dangerous to human life or health in, under, over, around, or about a dwelling or dwelling unit, or that renders the air or human food or drink therein unwholesome; and any dwelling or unit, or part thereof, that is not sufficiently supported, ventilated, drained, cleaned, or lighted, are also nuisances.

**OCCUPANTS.** Any person, living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit.

**OPERATOR.** Any person having charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.

**OWNER.** Any person, firm, or corporation who, alone or jointly or severally with others:

(1) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(2) Shall have charge, care, or control of any dwelling or dwelling unit, as **OWNER** or agent of the **OWNER**, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the **OWNER**. Any person thus representing the actual **OWNER** shall be bound to comply with provisions of §§ 92.15 *et seq.* imposed upon the **OWNER**.

**PERSON.** Any individual, firm, corporation, association, or partnership.

**PLUMBING.** All of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed clothes washing machines, catch basins, drains, bents, and other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

**RUBBISH.** Combustible or noncombustible waste materials, except garbage; the term shall include residue from the burning of wood, coal, coke.

**RUBBISH STORAGE FACILITIES** and **GARBAGE STORAGE FACILITIES.** Where outside containers for rubbish and garbage are temporarily stored.

**SUPPLIED.** Paid for, furnished, provided by control of the owner or operator.

**TEMPORARY HOUSING.** Any tent, shelter, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or any utility system on the same premises for more than 30 consecutive days.  
(1989 Code, § 820.11) (Ord. 228, passed 3-18-1957)

**§ 92.17 SEWER AND WATER FACILITIES.**

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living, sleeping, cooking, or eating therein which does not comply with the following requirements.

(A) Every dwelling unit shall contain a room which affords privacy to a person within the room and which is equipped with an inside flush water closet and lavatory basin, and every dwelling unit shall also contain a kitchen sink. Every dwelling unit shall contain a bathtub or shower installed in a room affording privacy. Every flush water closet shall be connected to cold water lines and public sewer. Every kitchen sink, every lavatory basin, every bathtub, and every shower shall be connected to hot and cold water lines and public sewer. All plumbing fixtures and fittings shall be in good working condition. Sufficient water shall be piped to all plumbing fixtures for the proper operation of the fixtures.

(B) Every dwelling unit shall be furnished with water heating facilities capable of heating water to the temperature as to permit an adequate supply of water to be drawn in each fixture at a temperature of not less than 120°F. Water heating facilities shall be properly connected to hot and cold water lines.

(C) Occupants of not more than 2 dwelling units may share a single flush water closet, a single lavatory basin, and a single bathtub or shower, if neither dwelling unit contains more than ????? rooms and the habitable area of each dwelling is not more than 250 square feet, not including a kitchen with area not in excess of 60 square feet.

(D) Every dwelling unit shall be supplied with adequate rubbish storage facilities, the type and location of which shall be in accordance with regulations prescribed by the Director of Housing and the Health Officer. In case of dwellings consisting of 4 or more dwelling units, rubbish storage facilities shall be supplied by the owner. In the case of dwellings consisting of fewer than 4 units, the rubbish storage facilities shall be supplied by the occupant.

(E) Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers. In the case of dwellings consisting of 4 or more dwelling units, garbage storage containers or garbage disposal facilities shall be supplied by the owner. In the case of dwellings consisting of fewer than 4 units, the garbage storage containers or garbage storage facilities shall be supplied by the occupant.

(F) There shall be for each dwelling unit a safe unobstructed means of egress leading to a safe open space at ground level, without going through another dwelling unit.

(G) The requirements of divisions (A), (B), and (C) of these standards shall not apply in cases where sewer and water facilities are not available in the street or alley on which the lot containing the dwelling abuts.

(H) All courts, yards, or other areas on the premises of every dwelling shall be properly graded and drained.

(1989 Code, § 820.11) (Ord. 228, passed 3-18-1957) Penalty, see § 92.99

#### **§ 92.18 WINDOWS ; LIGHTING; BASEMENTS.**

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements.

(A) Every habitable room in a dwelling or dwelling unit shall contain a window or windows or a door opening directly to the outside air and the total area of the window or windows or door shall not be less than 10% of the floor area of the room.

(B) All window sashes shall be glazed and provided with suitable hardware and to open to the extent of not less than 5% of the floor area of the room.

(C) Every dwelling and every dwelling unit shall be weatherproofed and capable of being adequately and safely heated, and the heating equipment in every dwelling unit shall be properly vented and shall be maintained in good order and repair by the occupant unless the rental agreement provides otherwise.

(D) When there is electric service available, every habitable room in a dwelling unit shall be wired in accordance with the state electrical code.

(E) Every public hallway and stairway shall be provided with a safe and adequate type of artificial light controlled by convenient switches. Where the public hallways and stairways of a dwelling or dwelling unit are not provided with windows opening directly to the outside air, the owner shall keep a proper light burning in the hallway near the stairs upon each floor from sunrise to sunset. The owner shall keep a proper light burning in the public hallways and stairways of every dwelling and dwelling unit near the stairs upon the ground floor every night from sunset to sunrise throughout the year upon all other floors and stair halls from sunset until 10:00 p.m.

(F) Every dwelling unit shall be provided with suitable screens for protection against insects at every window and door thereof. In case of dwelling consisting of 4 or more dwelling units, the screens shall be furnished by the owner, unless the rental agreement provides otherwise.

(G) The basement of every dwelling shall be dry and ventilated and shall be kept free from rubbish accumulation and rodent infestation.

(H) No room in any basement shall be occupied as a habitable room unless:

(1) The clear inner height is at least 6 feet, 8 inches;

(2) The floors and walls are waterproof and damp-proof in accordance with accepted building methods and standards; and

(3) Every basement dwelling unit must in all cases comply with all of the minimum standards set out in §§ 92.15 *et seq.*

(I) No cellar space shall be used as a habitable room or dwelling unit.  
(1989 Code, § 820.11) (Ord. 228, passed 3-18-1957) Penalty, see § 92.99

**§ 92.19 STRUCTURES; PROPER MAINTENANCE AND UPKEEP.**

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements.

(A) Every foundation, floor, wall, ceiling, and roof shall be reasonably weather tight, watertight, and rodent proof; shall be capable of affording privacy; and shall be kept in good repair.

(B) Every window, exterior door, and basement hatchway shall be reasonably weather tight, watertight, and rodent proof; shall be capable of affording privacy; and shall be kept in good repair.

(C) Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load the normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

(D) Every plumbing fixture and waste water pipe within a single dwelling unit and used principally by occupants of that dwelling unit shall be maintained in good sanitary working conditions free from defects, leaks, and obstructions by the occupant of that dwelling unit, unless it is otherwise provided by a written rental agreement. In the case of plumbing fixtures and waste water pipes within a dwelling and used by the occupants of more than 1 dwelling unit, the fixtures and pipes shall be maintained in good sanitary working conditions free from defects, leaks, and obstructions by the owner.

(E) No person shall occupy or let to any other person for occupancy any vacant dwelling or dwelling unit unless it is clean, sanitary, and fit for human occupancy. If in the opinion of the Health Officer or the Director of Housing a dwelling or dwelling unit has been erected, altered, or occupied contrary to law; or if a dwelling or dwelling unit is infected with a contagious disease or is dangerous to life or health by reason of want or repairs or defects in drainage,

plumbing, ventilation, or construction, or by reason of the existence on the premises of a nuisance; the Health Officer or the Director of Housing, or both or either of them, may require all person to vacate the dwelling or dwelling unit within not less than 24 hours or more than 10 days for reasons set out in their order. In case that order is not complied with, the Health Officer or the Director of Housing, or either or both of them, may cause the dwelling or dwelling unit to be vacated until the time as the condition upon which the order is based has been corrected.

(F) Every roof of a dwelling unit shall be equipped with adequate gutters and down spouts capable of carrying off normal rainfall, and the roof, gutters, and down spouts shall be kept in good repair and free from obstruction by the owner.

(G) All dwellings, fences, and outbuildings in a dilapidated or unsafe condition shall be removed or repaired. All sheds and auxiliary structures attached to dwellings which create blind rooms or which overcrowd the land shall be removed. All yard structures, privies, fences, and rubbish which obstruct light and air, harbor rats and vermin, and create an undesirable environment shall be removed.

(H) All occupants shall keep every dwelling and yard clean and free from accumulation of dirt, filth, rubbish, or similar matter and shall keep same free from vermin and rodent infestation. This shall apply to that portion of the property which the occupant occupies or over which the occupant has exclusive control.

(1989 Code, § 820.11) (Ord. 228, passed 3-18-1957) Penalty, see § 92.99

**§ 92.20 FLOOR SPACE.**

No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements.

(A) Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

(B) In every dwelling unit of 2 or more rooms, every room occupied for sleeping purposes by 1 occupant shall contain at least 60 square feet of floor space and every room occupied for sleeping purposes by more than 1 occupant shall contain at least 40 square feet of floor space for each occupant thereof over 12 years of age and at least 30 square feet for each occupant thereof under 12 years of age.

(C) At least ½ of the floor area of every habitable room shall have a ceiling height of at least 7 feet; and the floor area of that part of any room where the ceiling height is less than 5 feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(D) Where more than 2 persons occupy any dwelling unit, food shall not be prepared or cooked in any room used for sleeping purposes unless where so originally architecturally designed.  
(1989 Code, § 820.11) (Ord. 228, passed 3-18-1957)  
Penalty, see § 92.99

#### § 92.21 MULTIPLE DWELLING UNITS.

(A) Every owner of a dwelling containing more than 4 dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public area of the dwelling and premises thereof.

(B) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, facilities, yard, and otherwise, all parts of the premises which he or she and his or her family occupies, uses, and controls.

(C) Sections 92.15 *et seq.* are not intended to amend, alter, or repeal, and do not amend, alter, or repeal, any ordinance of the City of Jeffersontown which is more stringent on any subject herein enumerated.

(1989 Code, § 820.11) (Ord. 228, passed 3-18-1957)  
Penalty, see § 92.99

### ***UNFIT STRUCTURES***

#### **§ 92.35 GENERALLY; DEFINITIONS.**

(A) For the purpose of §§ 92.35 *et seq.*, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***GOVERNING BODY.*** The City Council of the City of Jeffersontown.

***OWNER.*** The holder of the title in fee simple and every mortgage of record.

***PARTIES IN INTEREST.*** All individuals, associations, and corporations who have interests of record in any structure and any who are in possession thereof.

***PUBLIC AUTHORITY.*** The General Welfare Commission or any officer who is in charge of any department or branch of government of the city, county, or state relating to health, fire, building regulations, or to other activities concerning structures in the city.

***PUBLIC OFFICER.*** The officer or officers who are authorized to exercise the powers prescribed by §§ 92.35 *et seq.*

***STRUCTURE.*** Any building, or part thereof, used or occupied, or intended for use or occupancy, for human habitation, or commercial or industrial purposes, and includes any outbuildings and appurtenances belonging thereto or usually enjoyed therewith.

(B) The powers and authority herein conferred shall be in addition and supplemental to the powers conferred by any other law, statute, ordinance, or regulation.  
(1989 Code, § 820.14) (Ord. 515, passed 7-6-1970)

**§ 92.36 CITY POLICE POWERS.**

Whenever any city finds that there exists in the city structures which are unfit for human habitation, occupancy, or use due to dilapidation, defects increasing the hazards of fire, accidents, or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering the structures unsafe or unsanitary, or dangerous or detrimental to the health, safety, or morals, or otherwise inimical to the welfare of the residents of the city, the city may exercise its police powers to repair, close, or demolish the structures in the manner hereinafter provided.  
(1989 Code, § 820.14) (Ord. 515, passed 7-6-1970)

**§ 92.37 GENERAL WELFARE COMMISSION.**

(A) Upon the adoption of an ordinance finding that structural conditions of the character described in § 92.36 exist within a city, the City Council may adopt ordinances relating to the structures within the city which are unfit for human habitation, occupancy, or use.

(B) The ordinances shall provide that the General Welfare Commission be designated to exercise the powers prescribed in §§ 92.35 *et seq.*  
(1989 Code, § 820.14) (Ord. 515, passed 7-6-1970)

**§ 92.38 COMPLAINT.**

(A) Whenever a petition is filed with the General Welfare Commission by a public authority or by at least 5 residents of the city charging that any structure is unfit for human habitation, occupancy, or use, whenever it appears to the General Welfare

Commission (on its own motion) that any structure is unfit for human habitation, occupancy, or use, the General Welfare Commission shall, if its preliminary investigation discloses a basis for the charges, issue and cause to be served upon the owner of and the parties in interest in the structure a complaint stating the charges in that respect.

(B) The complaint shall state:

(1) That a hearing will be held before the General Welfare Commission (or its designated agent) at a place therein fixed not less than 10 days nor more than 30 days after the serving of the complaint;

(2) That the owner and parties in interest may file an answer to the complaint and appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and

(3) That the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the General Welfare Commission.  
(1989 Code, § 820.14) (Ord. 515, passed 7-6-1970)

**§ 92.39 SERVICE OF COMPLAINT.**

Complaints or orders issued by the General Welfare Commission pursuant to §§ 92.35 *et seq.* shall be served upon persons either personally or by certified mail, but if the whereabouts of the person is unknown and the same cannot be ascertained by the General Welfare Commission in the exercise of reasonable diligence, and the General Welfare Commission shall make an affidavit to that effect, then the serving of the complaint or order upon the persons may be made by publication pursuant to KRS Chapter 424. A copy of the complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order, and shall be recorded in the office of the County Clerk of the county wherein the structure is located.  
(1989 Code, § 820.14) (Ord. 515, passed 7-6-1970)

**§ 92.40 COMMISSION ORDER.**

If, after the notice and hearing, the General Welfare Commission determines that the structure under consideration is unfit for human habitation, occupancy, or use, it shall state in writing its findings of fact in support of the determination and shall issue and cause to be served upon the owner thereof an order requiring the owner:

(A) To the extent and within the time specified in the order, to repair, alter, or improve the structure to render it fit for human habitation, occupancy, or use, or, at the option of the owner, to vacate and close the structure if the repair, alteration, or improvement of the structure can be made at a cost that is not more than 50% of the value of the structure; or

(B) Within the time specified in the order, to remove or demolish the structure if the repair, alteration, or improvement of the structure cannot be made at a cost that is not more than 50% of the value of the structure.  
(1989 Code, § 820.14) (Ord. 515, passed 7-6-1970)

**§ 92.41 FAILURE TO COMPLY WITH ORDER.**

(A) (1) If the owner fails to comply with an order to repair, alter, or improve or, at the option of the owner, to vacate and close the structure, the General Welfare Commission may cause the structure to be repaired, altered, or improved, or to be vacated and closed.

(2) The General Welfare commission may cause to be posted on the main entrance of any structure so closed a placard with the following words: This building is, unfit for human habitation, occupancy or use; the use or occupation of this building for human habitation, occupancy or use, is prohibited and unlawful.

(B) If the owner fails to comply with an order to remove or demolish the structure, the General Welfare Commission may cause the structure to be removed or demolished.

(C) (1) The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition shall be a lien upon the real property upon which cost was incurred.

(2) If the structure is removed or demolished by the General Welfare Commission, it shall sell the materials of the structure and shall credit the proceeds of the sale against the cost of removal or demolition and any balance remaining shall be deposited in the circuit court by the General Welfare Commission, shall be secured in the manner as may be directed by the court, and shall be distributed by the court to the persons found to be entitled thereto by final order or decree of the court.

(1989 Code, § 820.14) (Ord. 515, passed 7-6-1970)

**§ 92.42 UNFIT CONDITIONS.**

The General Welfare Commission may determine that a structure is unfit for human habitation, occupancy, or use, if it finds that conditions exist in the structure which are dangerous or injurious to the health, safety or morals of the occupants of the structure, the occupants of neighboring structure, or other residents of the city. The conditions may include the following (without limiting the generality of the foregoing): defects increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; and/or uncleanness.

(1989 Code, § 820.14) (Ord. 515, passed 7-6-1970)

**§ 92.43 INJUNCTIONS.**

Any person affected by an order issued by the General Welfare Commission may, within 30 days after the posting and service of the order, petition the circuit court for an injunction restraining the General

Welfare Commission from carrying out the provisions of the order, and the court may issue a temporary injunction restraining the General Welfare Commission, pending the final disposition of the cause. Hearings shall be had by the court on the petitions within 20 days, or as soon thereafter as possible. In all the proceedings, the findings of the General Welfare Commission as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the General Welfare Commission shall be entitled to recover any damages for action taken pursuant to any order of the General Welfare Commission, or because of noncompliance by the person with any order of the General Welfare Commission.

(1989 Code, § 820.14) (Ord. 515, passed 7-6-1970)

**§ 92.44 COMMISSION POWERS.**

The General Welfare Commission of the City of Jeffersontown shall have all the powers as are necessary or convenient to carry out and effectuate the purposes and provisions of §§ 92.35 *et seq.*, including the following powers in addition to others herein granted:

(A) To investigate the structural conditions in the city in order to determine which structures therein are unfit for human habitation, occupancy, or use;

(B) To administer oaths, affirmations, examine witnesses, and receive evidence;

(C) To enter upon premises for the purpose of making examinations, but the entries shall be made in the manner as to cause the least possible inconvenience to the persons in possession;

(D) To appoint and fix the duties of the officers, agents, and employees as it deems necessary to carry out the purposes of §§ 92.35 *et seq.*; and

(E) To delegate any of its functions and powers under §§ 92.35 *et seq.* to the officers and agents as it designates.

(1989 Code, § 820.14) (Ord. 515, passed 7-6-1970)

**§ 92.45 EXPENSES AND COSTS OF INVESTIGATIONS.**

The City Council shall as soon as possible prepare and estimate of the annual expenses or costs to provide the equipment, personnel, and supplies necessary for periodic examinations and investigations of the structure in the City of Jeffersontown for the purpose of determining the fitness of the structures for human habitation, occupancy, or use, and for the enforcement and administration of §§ 92.35 *et seq.*; and may make the appropriations from its revenues as it may deem necessary for this purpose and may accept and apply grants or donations to assist it in carrying out the provisions of §§ 92.35 *et seq.*

(1989 Code, § 820.14) (Ord. 515, passed 7-6-1970)

**§ 92.46 CONDEMNATION.**

When the General Welfare Commission has condemned as unfit for human habitation, occupancy, or use, any structure, pursuant to the provisions of §§ 92.35 *et seq.*, and has ordered same to be vacated, the General Welfare Commission may, after 10 days notice to the occupant or occupants thereof, apply to the justice of the peace for the district in which the court an order of eviction against the occupant or occupants thereof, and the constable for the district shall forthwith evict the occupant or occupants and his or her belongings from the building.

(1989 Code, § 820.14) (Ord. 515, passed 7-6-1970)

**§ 92.99 PENALTY.**

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.



## CHAPTER 93: ABANDONED VEHICLES

### Section

- 93.01 Definitions
- 93.02 Abandonment of vehicles
- 93.03 Leaving of wrecked, nonoperating vehicle on street
- 93.04 Disposition of wrecked or discarded vehicles
- 93.05 Impounding
  
- 93.99 Penalty

### § 93.01 DEFINITIONS.

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

**PERSON.** Any person, firm, partnership, association, corporation, company, or organization of any kind.

**PROPERTY.** Any real property within the city which is not a street or highway.

**STREET OR HIGHWAY.** The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**VEHICLE.** A machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners, or slides, and transport persons or property or pull machinery,

and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy, and wagon. (1989 Code, § 820.16) (Ord. 557, passed 6-5-1972; Am. Ord. 688, passed 12-19-1977; Am. Ord. 1059, passed 6-7-1994; Am. Ord. 1129, passed 4-19-2000)

### § 93.02 ABANDONMENT OF VEHICLES.

No person shall abandon any vehicle within the city, and no person shall leave any vehicle at any place within the city for the time and under the circumstances as to cause the vehicle reasonably to appear to have been abandoned.

(1989 Code, § 820.16) (Ord. 557, passed 6-5-1972; Am. Ord. 688, passed 12-19-1977; Am. Ord. 1059, passed 6-7-1994; Am. Ord. 1129, passed 4-19-2000) Penalty, see § 93.99

### § 93.03 LEAVING OF WRECKED, NONOPERATING VEHICLE ON STREET.

No person shall leave any partially dismantled, nonoperating, wrecked, or junked vehicle on any street or highway within the city.

(1989 Code, § 820.16) (Ord. 557, passed 6-5-1972; Am. Ord. 688, passed 12-19-1977; Am. Ord. 1059, passed 6-7-1994; Am. Ord. 1129, passed 4-19-2000) Penalty, see § 93.99

**§ 93.04 DISPOSITION OF WRECKED OR DISCARDED VEHICLES.**

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***DISCARDED VEHICLES.*** Any vehicle, as defined in § 93.01, which is unlicensed or has a license which has been expired for a period in excess of 30 days.

(B) No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked, or discarded vehicle to remain on the property longer than 7 days; and no person shall leave any vehicle on any property within the city for a longer time than 7 days; except that this chapter shall not apply with regard to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of the business enterprise; except no business enterprise shall store partially dismantled, nonoperating, wrecked, junked, or discarded vehicles for a period in excess of 30 days unless the vehicle is in an enclosed storage place not visible from any street, sidewalk, alleyway, or abutting property. (1989 Code, § 820.16) (Ord. 557, passed 6-5-1972; Am. Ord. 688, passed 12-19-1977; Am. Ord. 1059, passed 6-7-1994; Am. Ord. 1129, passed 4-19-2000) Penalty, see § 93.99

**§ 93.05 IMPOUNDING.**

The Chief of Police or any member of his or her department designated by him or her, and any Code Enforcement Officer of the city, is hereby authorized to remove or have removed any vehicle left at any place within the city which reasonably appears to be

in violation of this chapter or lost, stolen, or unclaimed. The vehicle shall be impounded until lawfully claimed or disposed of in accordance with the provisions of KRS 376.275.

(1989 Code, § 820.16) (Ord. 557, passed 6-5-1972; Am. Ord. 688, passed 12-19-1977; Am. Ord. 1059, passed 6-7-1994; Am. Ord. 1129, passed 4-19-2000)

**§ 93.99 PENALTY.**

Any person violating any of the provisions of this chapter shall be deemed guilty of a violation and shall be punishable as such hereafter.

(1989 Code, § 820.16) (Ord. 557, passed 6-5-1972; Am. Ord. 688, passed 12-19-1977; Am. Ord. 1059, passed 6-7-1994; Am. Ord. 1129, passed 4-19-2000)

## CHAPTER 94: SIGNS

### Section

- 94.01 Purpose
- 94.02 Zoning law
- 94.03 Definitions
- 94.04 Exemptions
- 94.05 Unsafe and unlawful signs
- 94.06 Existing/nonconforming signs
- 94.07 Plans, specifications and permits
- 94.08 General requirements for all signs
- 94.09 Freestanding/monument signs
- 94.10 Attached signs
- 94.11 Projecting signs
- 94.12 Marquee signs
- 94.13 Miscellaneous signage
- 94.14 Signs at interstate exchanges
- 94.15 Maintenance and inspection
- 94.16 Registration and fees
  
- 94.99 Penalty
- Appendix: Heights of pole, columnar, and monument signs

structure, the limitations of zoning laws affecting required light and ventilation requirements and use of land shall take precedence over the regulations contained in this chapter.  
(Ord. 1182, passed 3-18-2004; Am. Ord. 1229, passed 12-3-2007)

### § 94.03 DEFINITIONS.

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

**ATTACHED SIGN.** A business sign painted on or mounted on and parallel to the facade of a building, and extending in front of the building wall 18 inches or less. Signs temporarily or permanently affixed to a window are not considered attached signs.

**AWNING.** A shelter supported by the exterior wall of a building and projecting a minimum of 24 inches from the wall over a window and/or doorway or building facade.

**AWNING SIGN.** Graphics, symbols and written copy painted on, printed on, or attached flat against the surface of an awning.

**BANNER SIGN.** A cloth, plastic or other soft material sign placed flat against the facade of a building or strongly secured between 2 poles. No banner sign shall flap or move with the wind.

**BENCH SIGN.** A sign painted on or affixed to any portion of a bench or seating area at bus stops or other such pedestrian areas.

### § 94.01 PURPOSE.

That the provisions of this chapter shall govern the appearance, construction, alteration, repair, and maintenance of all signs and outdoor display structures, together with their appurtenant and auxiliary devices, in respect to aesthetics as well as structural and fire safety.  
(Ord. 1182, passed 3-18-2004; Am. Ord. 1229, passed 12-3-2007)

### § 94.02 ZONING LAW.

Where more restrictive in respect to location, use, size or height of signs and outdoor display

**BUSINESS SIGN (ON PREMISES SIGN).** A sign used to identify a business, profession, trade or occupation on the site and/or the generic or brand name products or services available at the site, and shall include an attached sign, a window sign, a freestanding sign, a projecting sign, an awning sign, and a freestanding directional sign, all as more specifically described in and allowed herein, and a small freestanding sign as more specifically described in and allowed by § 94.13.

**BILLBOARD (POSTER PANEL).** A board, panel or tablet used for the display of printed or painted advertising matter.

**CANOPY, BUILDING.** A rigid, multi-sided structure covered with fabric, metal or other material and supported by a building at 1 or more points, and by columns or posts at the other points.

**CANOPY, FREESTANDING.** A rigid, multi-sided structure covered with fabric, metal or other material and supported solely by columns or posts.

**CANOPY SIGN.** A sign painted on, printed on or attached flat against the surface of the canopy.

**CARD SIGN.** Any sign designated as a “price card” sign, no larger than 2 square feet, whether or not the facing may be changed.

**CHANGEABLE COPY SIGN/READER BOARD.** A sign, or portion thereof, with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

**CHANGING IMAGE SIGN.** A sign, including a sign using a video display method, that changes its message or background by means of electrical, kinetic, solar or mechanical energy. A **VIDEO DISPLAY METHOD** is a method of display characterized by real-time, full-motion imagery. A sign on which the only copy that changes is an electronic or mechanical indication of time or

temperature shall be considered a “time and temperature” portion of a sign and not a **CHANGING IMAGE SIGN** for purposes of this chapter.

**COLUMNAR SIGN.** A freestanding business sign supported by columns or pillars, having an aggregate width equal to less than 80% of the width of the sign cabinet or sign face.

**CONSTRUCTION/ARCHITECT SIGN.** A sign used to identify the persons or businesses engaged in the construction of a building on site.

**CORPORATE FLAGS.** A flag used to advertise a business, product or service. **CORPORATE FLAGS** shall be considered business signs and shall be subject to the business sign restrictions herein.

**COPY.** A writing, reproduction, transcript, specimen, manuscript, printing, any literary or journalistic material not limited to, but including, an advertisement.

**DISPLAY SIGN.** A structure that is arranged, intended, designed or used as an advertisement, announcement or direction; and includes a sign, sign screen, billboard, poster panel, and advertising devices of every kind.

**DIRECTIONAL SIGNS.** An on-premise sign that is no greater than 1 square foot without occupant identification, used to direct pedestrian or vehicular traffic, including but not limited to, signs for entrances, exits, parking areas, one-way drives and drive-throughs. One single-faced “Menu Board”-type sign is allowed for a drive through facility, and shall not be counted toward the number of freestanding business signs allowed, provided such sign is no larger than 32 square feet.

**FACADE.** All the wall plans of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.

**FREESTANDING SIGN.** A display sign that is set firmly in or upon the ground surface and is not attached to any building or other structure.

**ILLEGAL SIGN.** A sign that was not in compliance with this or the applicable regulation when it was erected, installed, altered or displayed.

**ILLUMINATED SIGN.** An electrically illuminated sign within the limitations set forth in this chapter. A sign may be either internally or externally illuminated.

**INCIDENTAL SIGN.** Any sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message, legible from a position off the lot on which the sign is located, shall be considered incidental.

**INDUSTRIAL PARK IDENTIFICATION SIGN.** A sign located within the perimeter of the properties comprising an industrial park and identifying that industrial park; such sign may be located on property commonly owned, or an easement commonly maintained, by the users or owners of the industrial park or an association thereof, and shall not be considered an off-premised advertising sign or billboard.

**INSTITUTION IDENTIFICATION SIGN.** A sign identifying a church, school or other institution of learning, library, museum, community center or similar institution on site.

**MARQUEE.** A roof-like awning or canopy of permanent construction, projecting from the wall of a building above an entrance, often bearing a signboard.

**MARQUEE SIGN.** A sign attached to or hung from a marquee canopy or other covered structure, projecting from and supported by the building, and extending beyond the building wall.

**MONUMENT-STYLE SIGN.** A freestanding business sign with a base width of at least 80% of the width of the sign cabinet or sign face.

**NONCONFORMING SIGN.** A sign that was erected or installed in compliance with the sign regulations in effect at the time of its erection or installation, but which is not in compliance with this chapter, and which has not been reconstructed, altered or otherwise modified since the adoption of this chapter in any manner that renders the sign or its placement less in compliance with this chapter.

**OFF-PREMISES SIGN.** See **OUTDOOR ADVERTISING SIGN.**

**ON-PREMISES SIGN.** See **BUSINESS SIGN.**

**OUTDOOR ADVERTISING SIGN.** Commonly known as a “billboard” or an “off premised sign”, is a sign used to display, advertise or otherwise direct attention to any business enterprise, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. A shared business sign that meets the provisions of this chapter, and a directional sign as authorized herein, shall not be considered an **OUTDOOR ADVERTISING SIGN.**

**POLE/PYLON SIGN.** Any sign that is mounted on 1 or more freestanding poles or pylons.

**PROJECTING SIGN.** Any sign that is erected on or attached to, and not parallel to, a building wall or structure, and extends beyond the building wall more than 18 inches.

**PUBLIC WAY.** Any street, highway, road, alley, right-of-way, easement, or publicly maintained sidewalk or easement walkway.

**RENT/SALE SIGN.** A sign used to advertise the premises on site, or a portion thereof, for sale or lease.

**ROOF SIGN.** A sign erected and constructed, wholly or in part, upon, against, or above the roof of a building. For purposes of this chapter, any portion of a building above or behind the fascia or parapet of a building shall be considered part of the roof.

**SHARED BUSINESS SIGN.**

(1) A business sign that advertises 2 or more businesses in separate premises, which utilize common off-street parking and/or shared access. A **SHARED BUSINESS SIGN** is not considered an outdoor advertising sign by this chapter.

(2) One or more businesses occupying the same space, such as a filling station with a convenience store that may include a fast food restaurant service area, would not be eligible for a **SHARED BUSINESS SIGN**. Multiple businesses in a shopping center, even if they are on the same lot, would qualify for a **SHARED BUSINESS SIGN**.

**SIGHT LINE.** See **VISION CLEARANCE**.

**SIGN.** Any device, structure, fixture, display, or placard using graphics, symbols, or written copy, or any combination thereof, for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, place, activity, business, or service.

**SIGN PLAN.** A coordinated plan for developing signs for an individual building or a group of buildings.

**SINGLE-FAMILY RESIDENTIAL OCCUPANT SIGN.** A sign used to identify the individual or individuals occupying a single-family residence.

**SMALL FREESTANDING BUSINESS SIGN.** A freestanding business sign that is no greater than 12 square feet in area for each sign face.

**STREET FRONTAGE.** The distance along which a lot line adjoins a public street right-of-way

between lot lines intersecting the same street. Corner lots have at least 2 street frontages.

**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 walls or fences exceeding 4 feet in height, buildings, and signs. In this chapter, reference to buildings includes structures and vice versa.

**SUBDIVISION IDENTIFICATION SIGN.** A sign used to identify a residential subdivision on site.

**SUBSTANTIAL REPAIR.** **SUBSTANTIAL REPAIR** as used in this section shall refer to:

(1) Any change in copy face not designed to bring the existing sign within compliance with this chapter, if such copy face change is made to reflect a new business or new owner; or

(2) Actual repairs made (not designed to bring the sign within compliance), the test being the actual cost of any such repair. Such cost of repair, if in excess of 25% of the original cost of the sign, shall be sufficient for the purpose of this chapter to qualify same as a **SUBSTANTIAL REPAIR**.

**TEMPORARY SIGN.** A display sign, banner, pennant, balloon or other advertising device constructed of cloth, canvas, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display.

**TIME OR TEMPERATURE SIGN.** A sign, or portions thereof, on which the only copy that changes is an electronic or mechanical indication of time and/or temperature.

**TRAILER, PORTABLE, OR MOBILE SIGN.**

(1) A sign not permanently affixed to a permanent structural device; or any sign capable of being towed, pushed or otherwise achieving mobility. Said trailer, portable, or mobile signs may be

permitted for a period not to exceed 15 days, and there shall be a 60-day waiting period before subsequent applications therefor may be accepted.

(2) A **TRAILER, PORTABLE, OR MOBILE SIGN**, which is stored on property for a period in excess of 72 hours, shall not be visible from any city street, county road, state or federal highway.

(3) A **TRAILER, PORTABLE, OR MOBILE SIGN** shall not be placed closer than 5 feet from any existing right-of-way; and shall not exceed 32 square feet per side.

(4) For purposes of KRS 100.253, portable signs shall be regarded as personal property, unattached to the real property on which they are placed, and such signs are not structures and no nonconforming land use rights shall attach to them.

**VISION CLEARANCE.** On corner lots (where a street intersects with another street) in all districts where setbacks are required along the street frontage, no fence, wall, freestanding sign, structure, shrubbery, or planting shall be permitted that is over 2 feet in height above the established elevation of the curb level, or that is not clear of branches, in the case of plant material, from 2 to 6 feet above the established elevation for a distance equal to the respective required yard, not to exceed 30 feet, measured from the point of intersection of the intersecting lot lines and within the triangle formed by connecting the ends of the respective distances.

**WINDOW.** The combined area of glazing within a wall opening.

**WINDOW SIGN.** A sign that is placed inside a window, or applied to or attached to windowpanes or glass, and which is visible from the exterior of the window. Signs that are permanently painted or otherwise permanently affixed to the window shall be considered **WINDOW SIGNS**. (Ord. 1182, passed 3-18-2004; Am. Ord. 1193, passed 9-15-2004; Am. Ord. 1229, passed 12-3-2007)

#### § 94.04 EXEMPTIONS.

No permit shall be required for the signs or outdoor display structures covered by the provisions of this section. Such exceptions, however, shall not be construed to relieve the owner of the sign from responsibility for its erection and maintenance in a safe manner.

(A) *Indoor wall signs.* Indoor wall signs shall not require a permit.

(B) *Store signs.* Non-illuminated signs not exceeding 1 square foot in surface area, erected over a show window or over the door of a store or business establishment, which announce only and without elaboration the name of the proprietor and the nature of the business conducted therein.

(C) *Government building signs.* Signs erected on a municipal, state or federal building that announce the name, nature of the occupancy, and information as to use of or admission to the premises.

(D) *Help wanted signs.* A sign erected to announce employment opportunities at the business on the property where the sign is located. In Neighborhood, Suburban Marketplace Corridor and Town Center Form Districts such signs shall not be over 3 feet in height, nor more than 5 square feet in area. In Suburban Workplace Form Districts such signs shall not be over 4 feet in height, nor more than 12 square feet in area. No such sign may be affixed or anchored in any manner to any pole, post or other fixture owned or maintained by any governmental agency or public utility company. Such sign must be removed when and/or if the employment opening no longer exists. Help wanted signs are limited to 1 per lot.

(E) *Sale or rent signs.* Signs erected to announce the sale or rental of the real property so designated, provided such signs are not over 3 feet in height, nor more than 12 square feet in area. No such sign may be affixed or anchored in any manner to any

pole, post or other fixture owned or maintained by any governmental agency or public utility company. Such signs must be removed within 1 week following the close of the transaction to which the same applied. Sold signs may be affixed to an earlier-erected sale sign after the close of the sale, but shall also be removed within 1 week from closing date. Multi-unit sale or rent signs shall be limited to 2 signs per ingress. In C-N, EZ-1, C-1, C-2, C-3, C-M, M-1, M-2, M-3, OR, OR-1, OR-2, OR-3, OTF, W-1, W-2, W-3, PRO and PEC Districts, freestanding or attached sale or rent signs, not exceeding 64 square feet, shall be allowed. Such signs shall be removed no later than 1 week after closing of sale or consummation of lease. Within the above-listed zoning districts, 2 sale or rent signs are permitted on street frontages in excess of 600 feet. The combined area of the 2 signs shall not exceed the total area allowed for 1 such sign.

(F) *Transit directions.* The erection or maintenance of a sign designating the location of a transit line, railroad station, or other public carrier, when not more than 3 square feet in area.

(G) *Governmental body signs.* Signs erected by the City of Jeffersontown, Metro Louisville, or the State of Kentucky, or an agent thereof.

(H) *Construction signs.* Construction signs, engineers' and architects' signs, and other similar signs that may be authorized by the Code Enforcement Officer in connection with construction operations for new developments, not to exceed 3 feet in height, nor more than 12 square feet in area. In the alternative, 1 sign identifying all persons or business firms engaged in construction of a building on site is allowed, provided the sign shall not exceed 64 square feet in area, and 15 feet above ground in height. All such signs shall be removed within 1 week of the completion of project to which such signs refer. **COMPLETION** means a sufficient degree of completion that would enable the occupier or user of the complete project to commence occupancy or use of same.

(I) *Special displays.* Special decorative displays, used for holidays, public demonstrations, or promotion of civic welfare or charitable purposes on which there is not commercial advertising.

(J) *Political signs.* Political campaign signs are not to exceed 32 square feet in exposed surface area, and are to be removed by the person or organization placing such signs within 1 week following the election to which they apply.

(K) *Industrial parks.* Industrial developments zoned PEC are exempt from restrictions on style and lighting contained in this chapter. One industrial park identification sign shall be allowed on each street on which the industrial park fronts, and shall not exceed a maximum of 300 square feet in area per sign face. (Maximum of 4 faces.) Tenant identification areas on the industrial park identification sign are permitted to a maximum of 225 feet of each sign face.

(L) *Vehicle signs.* A sign upon a vehicle, provided that any such vehicle with a sign face of over 12 square feet is not conspicuously parked so as to constitute a sign (e.g., on more than 1 average parking space); nothing herein prevents such a vehicle from being used for bona fide delivery and other vehicular purposes.

(M) *Animating features statues, and 3-dimensional images.* Animating features such as public art or murals of a non-commercial nature, as approved by the Code Enforcement Officer. (Ord. 1182, passed 3-18-2004; Am. Ord. 1229, passed 12-3-2007)

#### § 94.05 UNSAFE AND UNLAWFUL SIGNS.

(A) *Unsafe signs.*

(1) *Notice.* When any sign becomes insecure, in danger of falling, or otherwise unsafe, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this

chapter, the owner thereof, or the person or firm maintaining same, shall, upon written notice of the Code Enforcement Officer, forthwith in the case of immediate danger and in any case within not more than 10 days the order is not complied with, the Code Enforcement Officer may remove such sign at the expense of the owner or lessee thereof, or the person or firm maintaining same where such notification has been made upon the latter. Nothing herein shall operate to prevent Code Enforcement Officer from exercising his or her judgment pursuant to division (2) and (3) hereof.

(2) *Egress obstructions.* The Code Enforcement Officer shall notify the owner or lessee of the building or structure, by certified mail, whenever a sign is so erected as to obstruct free ingress to or egress from a required door, window, fire escape or other required exitway element.

(3) *Signs constituting traffic hazard.* No sign or other advertising structure as regulated by this chapter shall be erected in a public right-of-way, at the intersection of any streets in a manner as to obstruct vision clearance; or at any location where, by reason of its position, shape or operation, it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal or device. Further, no signs shall make use of any word, phrase, symbol, or character in such a manner as to interfere with, mislead or confuse traffic. Any sign or advertising structure violating this section shall be deemed to be unlawful.

(B) *Unlawful signs.* Should any sign be installed, erected or maintained in violation of any of the terms of this chapter, the Code Enforcement Officer shall notify, by certified mail or by personal service, the owner or lessee of the premises of the person or firm maintaining the said sign to alter such signs so as to comply with this chapter, and secure the necessary permit therefor, or to remove the same. If such order is not complied with within 10 days after such notice, the Code Enforcement Officer may remove such sign at the expense of the owner or

lessee of the premises, or if such owner or lessee cannot be located, then at the expense of the person or firm maintaining the sign.

(1) *Signs containing immoral or indecent material.*

(a) A sign containing immoral or indecent material, literary, graphic or pictorial, shall be deemed a violation of this chapter. Current community standards shall govern what is considered indecent or immoral.

(b) Nothing in this division shall be construed to prohibit the Code Enforcement Officer from issuing a citation for any violation of this division.

(2) *Projecting signs.* A projecting display sign erected at other than right angles to the wall of a building or structure outside of a building line that extends above the roof cornice or parapet wall, or above the roof level when there is no cornice or parapet wall, and that obstructs access to the roof, is hereby deemed unlawful. Such signs shall be reconstructed or removed as herein required.

(3) *Alley signs.* No sign shall be permitted to project beyond a public alley lot line.

(4) *Outdoor advertising signs.* Outdoor advertising signs are hereby prohibited by this chapter.

(Ord. 1182, passed 3-18-2004; Am. Ord. 1229, passed 12-3-2007)

## **§ 94.06 EXISTING/NONCONFORMING SIGNS.**

(A) *Reconstructing signs.*

(1) No sign heretofore approved and erected shall be substantially repaired, altered or moved, nor shall any sign, or any substantial part

thereof, which is blown down or destroyed, be re-erected, reconstructed or rebuilt unless it is made to comply with all applicable requirement of this chapter.

(2) Any sign in existence at the time of the enactment of this chapter and for which a proper permit has been granted by the city, which permit shall not have been revoked at the time of the passage of this chapter, shall be allowed to remain in its present form.

(B) *Repair of unsafe signs.* This section shall not be construed to prevent the repair or restoration to a safe condition, as directed by the Code Enforcement Officer, of any non-substantial part of an existing sign when damaged by storm or other accidental emergency.

(C) *Relocating signs.* Any sign that is moved to another location, either on the same or to other premises, shall be considered a new sign, and a permit shall be secured for any work performed in connection therewith when required by this chapter.  
(Ord. 1182, passed 3-18-2004; Am. Ord. 1229, passed 12-3-2007)

#### **§ 94.07 PLANS. SPECIFICATIONS AND PERMITS.**

(A) *New signs.* No signs shall hereafter be erected, constructed, altered, or maintained except as herein provided and until after a permit has been issued by the Code Enforcement Officer.

(B) *Alterations.* No signs shall be enlarged or relocated except in conformity to the provisions of this chapter for new signs, nor until a proper permit has been secured. The changing of movable parts of a prior-approved sign that is designed for such changes, or the repainting or reposting of display matter shall not be deemed an alteration, provided the conditions of the original approval and the requirements of this chapter are not violated.  
(Ord. 1182, passed 3-18-2004; Am. Ord. 1229, passed 12-3-2007)

#### **§ 94.08 GENERAL REQUIREMENTS FOR ALL SIGNS.**

(A) *Illuminated/non-illuminated signs.* Illuminated or non-illuminated business signs are allowed in all nonresidential zoning districts (these districts include: OR, OR-1, OR-2, OR-3,OTF, C-R, C-N, C-1, C-2, C-3, C-M, M-1, M-2, M-3, EZ-1, PEC, PRO, W-1, W-2, W-3). Illuminated signs shall not adjoin residential zones unless separated by a street.

(B) *Design loads.* The effect of special local wind pressures shall be thoroughly considered in the design; but in all cases shall conform to the Kentucky Building Code.

(C) *Illumination.*

(1) No sign shall be illuminated by other than electrical means and electrical devices, and wiring shall be installed in accordance with the requirements of the National Electrical Code. In no case shall any open spark or flame be used for display purposes unless specifically approved by the Code Enforcement Officer.

(2) Signs coming within the operation of this chapter may have exterior illumination or internal illumination. Where internal illumination is used, the effective intensity of same shall not exceed 15 watts per square foot.

(D) *Obstructions to exitways.* No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exitway, window or door opening used as an element of a means of egress, or to prevent free passage from 1 part of a roof to another part thereof, or access thereto by firefighting forces.

(E) *Obstruction of ventilation.* No sign shall be attached in any form, shape or manner that will interfere with any opening required for ventilation; except that such signs may be erected in front of and

may cover transom windows, when not in violation of the provisions of this chapter or any other related building legislation in force in the city.

(F) *Size and heights.*

(1) *Attached signs.*

(a) Attached signs shall have an area as identified in the table below:

**ATTACHED SIGNAGE**

<i>Area of Facade of Building</i>	<i>Maximum Sign Area</i>
Less than 500 square feet	20% of building facade area
Greater than or equal to 500, but less than 1,000 square feet	100 square feet plus 15% of the amount by which building facade area exceeds 500 square feet
Greater than or equal to 1,000, but less than 3,500 square feet	175 square feet plus 5% of the amount by which building facade area exceeds 1,000 square feet
Greater than or equal to 3,500 square feet, but less than 5,000 square feet	300 square feet
Greater than or equal to 5,000 square feet (industrial uses only in M-1, M-2, M-3 and EZ Districts and all uses in C-3 District)	10% of facade - Maximum of 500 square feet in C-3 Districts and a maximum of 750 square feet in other allowed districts

(b) Window signs are permitted within the C-N, C-1, C-2, and C-M zoning districts. A use may display window signs so long as the aggregate area of such signs does not exceed 50% of total window area located on the ground floor of the building. For computation of area, window panels separated by muntins or mullions shall be considered as 1 continuous windowpane. Window signs shall not be considered attached signs.

(2) *Freestanding business signs.* The display area of all freestanding signs shall not exceed an area larger than what is permitted and identified in the table below.

**FREESTANDING SIGNS**

<i>Form District</i>	<i>Single Business Area</i>	<i>Single Business Height (ft)</i>	<i>Shared 2-3 Business Area</i>	<i>Shared 2-3 Business Height (ft)</i>	<i>Shared &gt; 4 Business area (S.F.)</i>	<i>Shared &gt; 4 Business Height (ft)</i>
Neighborhood	40	6	40	6	40	6
Suburban Workplace (PEC Zone Only)	60	9	80	9	100	9
Suburban Marketplace Corridor	40	9	60	9	80	9
Town Center	40	6	50	6	60	6

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(3) Pole/pylon signs. Pole/pylon signs shall not exceed 20 feet in height from existing ground grade, and with a minimum ground clearance of not less than 9 feet. Pole/pylon signs are not allowed in Neighborhood Form Districts.

(4) Pole/pylon signs and columnar signs. Pole/pylon signs and columnar signs are not allowed in Town Center Form Districts.

(G) Situs certain. All signs, except those coming under the classification of temporary signs, or those specifically exempt from the operation of this chapter, shall be immobile and of permanent construction.

(H) Reflective signs prohibited. No reflectors or reflective material shall be used on any permanent sign. Any sign containing any such device or material shall be deemed unlawful.

(I) Color. No luminous or colors capable of change due to refraction of light are to be used.

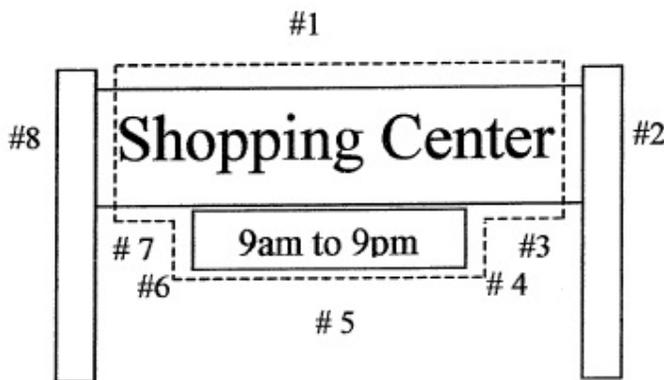
(J) Location. Signs must be located on the applicant’s place of business.

(K) Obstruction of right-of-way. No sign shall be placed in a manner visible from any public street, alley, right-of-way, sidewalk or other public easement except as provided herein; nor shall any sign be placed in or extend over street, right-of-way, roadway, sidewalk, public or private utility or access or other easement, or alley except as provided herein.

(L) Obstruction of vision. All signs allowed hereunder shall be constructed and placed so as not to obstruct sight lines for persons using streets, pedestrian rights-of-way and driveways (See the definition of “vision clearance” in § 94.03.)

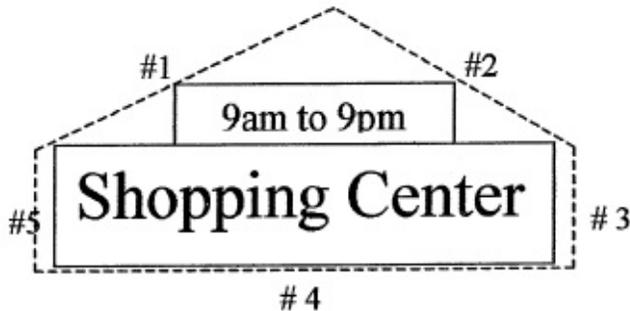
(M) Measurement.

(1) Freestanding/monument sign measurement method. The maximum allowed area for freestanding business signs shall be measured by drawing 8 or fewer straight lines encompassing the extremities of the sign within the smallest possible area; provided, however, that the area of a freestanding sign shall not include poles, supports or other structures that are solely for support and do not contain any advertising, and the area of a freestanding sign shall not include the space between the business identification portion of a freestanding business sign and the reader board portion.



EXAMPLE - FREESTANDING/MONUMENT SIGN MEASUREMENT METHOD

(2) *Attached sign measurement method.* The maximum allowed area for all signs other than freestanding business signs shall be determined by drawing 5 or fewer straight lines encompassing the extremities of the sign within the smallest possible area.



#### EXAMPLE - ATTACHED SIGN MEASUREMENT METHOD

(N) *Illumination.* No sign shall be illuminated except as expressly provided herein.

(1) Signs in C-N, C-1, C-2, C-3, C-M, EZ-1, M-1, M-2, M-3 and PEC zones are allowed, unless the Code Enforcement Officer shall find that the lighting causes glare or otherwise interferes with the vision of persons operating motor vehicles, or if the lighting would cause glare in a residential zone, unless separated by a street or road.

(2) All illuminated signs shall be non-flashing and shall be constant in intensity and color, except for signs that display time and temperature.

(O) *Traffic signs.* No sign shall be allowed if the Code Enforcement Officer finds that the sign is constructed or designed in a manner that may cause it to be confused with a traffic sign or other traffic control device.

(P) *Faces.* No sign shall have more than 4 faces. Signs with more than 2 sign faces shall be calculated for compliance with this section in the following manner. The maximum allowable size of each sign face shall be calculated by taking the maximum allowable square footage for a 2-sided freestanding sign and dividing it by the total number of sign faces.

(Q) *Awnings and canopies.*

(1) Awnings and canopies constructed of translucent materials that are internally illuminated, with the exception of fully shielded lighting fixtures directed down onto non-illuminated ground and/or sidewalk, shall be considered attached signs and shall be included as part of the total allowable signage on any one facade of a building.

(2) Signs located on an opaque awning or canopy shall be included as part of the total allowable signage are permitted on any one facade of a building. Awning signs and canopy signs may be internally illuminated in accordance with the National Electrical Code. Exterior lightning is permitted in accordance with Chapter 4, Part 1, Lighting, of the Louisville/Jefferson County Land Development Code.

(R) *Outdoor advertising.* Outdoor advertising is prohibited. Shared business signs shall not be considered outdoor advertising signs by this chapter.

(S) *Changing image signs.* Electronic changeable copy signs shall conform to the following standards.

(1) All changing image signs under 5 square feet in area with no more than 1 line of text, which may or may not include an image or images, shall not exceed a rate of change of once per 4 seconds.

(2) All changing image signs 5 square feet or more in area and/or with more than 1 line of text, which may or may not include an image or images, shall not exceed a rate of change of once per 6 seconds.

(T) *Window signs.*

(1) Window signs shall not exceed 50% of the total window area on a given facade.

(2) Window signs are permitted within the C-N, C-1, C-2, and C-M zoning districts. A use may display window signs so long as the aggregate area of such signs does not exceed 50% of total window area located on the ground floor of the building. For computation of area, window panels separated by muntins or mullions shall be considered as 1 continuous windowpane. Window signs shall not be considered attached signs.

(U) *Composite signs.* A composite group of signs or shared business sign integrated into 1 framed unit or compact structure constitutes 1 sign.

(V) *V-shaped signs.* A back-to-back or V-shaped sign constitutes 1 sign if it has a common set of supports. If the interior angle between the 2 sign faces is less than 120 degrees, the sign area is of 1 sign face only. If the angle between the 2 sign faces is

greater than or equal to 120 degrees, the sign area is the sum of the areas of the 2 sign faces.

(Ord. 1182, passed 3-18-2004; Am. Ord. 1229, passed 12-3-2007)

#### **§ 94.09 FREESTANDING/MONUMENT SIGNS.**

(A) No ground sign shall be erected so as to obstruct free access or egress from any building.

(B) No ground sign shall be set nearer to the street lot line than 2 feet, except that where more restrictive, applicable zoning regulations or state or federal laws shall govern.

(C) Freestanding business signs are allowed within all nonresidential zoning districts (these districts include: OR, OR-1, OR-2, OR-3, OTF, C-R, C-N, C-1, C-2, C-3, C-M, M-1, M-2, M-3, EZ-1, PEC, PRO, W-1, W-2, W-3.)

(D) No freestanding sign shall be located in or project over or into the right-of-way or into any adjoining property.

(E) A lot fronting only on 1 street shall have no more than 1 freestanding sign unless the street frontage exceeds 600 feet, then a second freestanding sign is allowed. The sum of the areas of the 2 freestanding signs combined shall not exceed the total maximum area allowed for 1 freestanding sign. Freestanding signs on 1 lot shall be separated by at least 60 linear feet.

(F) A lot fronting on 2 or more public streets shall be allowed to have 1 freestanding sign for each street frontage. If 1 street frontage exceeds 600 feet, then a third sign shall be permitted in accordance with § 94.09(E). If the site contains more than 1 street frontage with more than 600 feet of length, then only 1 of the street frontages shall be permitted to have a second sign in accordance with § 94.09(E).

(G) There shall be no minimum setback for a freestanding business sign as long as the sign meets the restrictions listed herein.

(H) Where more than 1 freestanding sign is proposed for installation on a development site with multiple frontages, a minimum of 60 linear feet shall separate each freestanding sign.

(Ord. 1182, passed 3-18-2004; Am. Ord. 1229, passed 12-3-2007)

#### § 94.10 ATTACHED SIGNS.

No sign shall be erected to extend above the top of the wall, or extend beyond the ends of the wall to which they are attached, unless meeting all of the requirements for projecting signs or ground signs as the case may be. No attached sign shall extend into the public way more than 12 inches, but no sign projected into the public way may, at its lowest point, be less than 9 feet above the level of the said public way. Such wall signs must be safely and adequately attached to the building to which they are secured.

(Ord. 1182, passed 3-18-2004; Am. Ord. 1229, passed 12-3-2007)

#### § 94.11 PROJECTING SIGNS.

(A) *Materials.* Projecting signs shall be constructed entirely of metal or other approved materials.

(B) *Maximum projection.*

(1) No sign may project more than 12 inches over the public way unless it be an electric sign. An **ELECTRIC SIGN** is a sign illuminated by electric lights. Both sides of projecting signs shall be illuminated to the extent of a minimum of 5 watts per square foot.

(2) No projecting sign shall be more than 4 feet in height or vertical width at any section, nor shall

such sign project more than 9 feet outside of the property line; and in no event shall such sign extend to a point less than 2 feet from the curb. A clear space of not less than 10 feet shall be provided below all parts of such signs. No projecting sign shall be closer than 10 inches to the building to which it is attached, except when designed and built as an integral part of a building.

(Ord. 1182, passed 3-18-2004; Am. Ord. 1229, passed 12-3-2007)

#### § 94.12 MARQUEE SIGNS.

(A) *Materials.* Marquee signs shall be constructed entirely of metal or other approved materials.

(B) *Height.* Marquee signs may extend to within 2 feet of the curb line, but no such sign shall be less than 8 feet above the level of the sidewalk at the marquee's lowest level, nor shall the sign have a vertical width greater than 4 feet.

(C) *Length.* Marquee signs may extend the full length of, but in no case shall they project beyond, the ends of the marquee.

(Ord. 1182, passed 3-18-2004; Am. Ord. 1229, passed 12-3-2007)

#### § 94.13 MISCELLANEOUS SIGNAGE.

(A) *Temporary signs.*

(1) A display sign, banner, pennants, balloons or other advertising device constructed of cloth, canvas, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display, which period is not to run in excess of 15 days, including decorative displays for holidays or public demonstrations; there shall be no electrical connections for illumination to any temporary sign or trailer sign authorized herein.

**Jeffersontown - General Regulations**

(2) There shall be a 60-day waiting period before subsequent application therefor may be accepted.

(3) In addition hereto, each temporary sign application shall be accompanied by a \$50 refundable deposit, to be refunded upon removal, if said removal occurs within 15 days next following erection. In no case will a refund occur when the removal occurs more than 15 days next following erection.

(4) No more than 2 single-faced, or 1 double-faced temporary sign permit shall be issued to a single business on an individual lot during the permit period. On lots with multiple businesses, i.e., shopping centers, and fronting on 2 or more public streets, an additional temporary sign permit may be issued to a separate business. On lots with multiple businesses, i.e., shopping centers, with a street frontage exceeding 600 feet, a third temporary sign shall be permitted for a separate business on that lot. Under no circumstances will any lot be permitted more than 3 temporary signs.

(5) The temporary freestanding business sign shall advertise only the business, profession, trade or occupation lawfully practiced on site, and/or the generic or brand name products or services lawfully available on site, or religious, charitable or other non-commercial messages.

(6) Temporary freestanding business signs may not be illuminated. Display signs may not contain electrical components. All components of a small freestanding sign shall be non-moving and stationary.

(7) No temporary freestanding business sign shall be allowed within the public right-of-way or public easement.

(8) No temporary freestanding business sign shall be constructed and placed so as to interfere with vehicular traffic by obstructing sight lines for streets, pedestrian rights-of-way and driveways.

(9) If the Code Enforcement Officer finds a temporary freestanding business sign so placed on private property that the sign as located causes an obstruction to pedestrian or vehicular traffic, or restricts the vision of drivers of vehicles on abutting streets or on the subject property, the Code Enforcement Officer or police officer may cause the sign to be removed to a safe location on the subject property. The Code Enforcement Officer may remove any sign located on the public right-of-way and dispose of same.

(B) *Small freestanding business signs.*

(1) One small freestanding business sign shall be allowed on each lot located in Town Center Form Districts.

(2) The small freestanding business sign shall not exceed 12 square feet of surface area per face, and there shall be no more than 2 faces. The sign shall not extend more than 4 feet above the ground on which it is placed.

(3) The small freestanding business sign shall advertise only the business, profession, trade or occupation lawfully available on site, and/or the generic or brand name products or services lawfully available on site, or religious, charitable or other non-commercial messages. Display of small freestanding business signs shall be limited to the hours of operation of the business, profession, trade or occupation lawfully practiced on site.

(4) Small freestanding business signs shall not be illuminated or contain any electrical component.

(5) No small freestanding business sign shall be allowed on any public right-of-way or public easement, unless all required permits have been issued therefor. It shall be a condition of all such permits that the sign shall be removed from the public right-of-way when the business is closed.

(6) No small freestanding business sign shall be constructed and placed so as to interfere with vehicular traffic by obstructing sight lines for streets, pedestrian rights-of-way and driveways.

(7) If the Code Enforcement Officer finds a small freestanding business sign so placed on private property that the sign as located causes an obstruction to pedestrian or vehicular traffic, or restricts the vision of drivers of vehicles on abutting streets or on the subject property, the Code Enforcement Officer may cause the sign to be removed to a safe location on the subject property. The Code Enforcement Officer or Jeffersontown Police Officer may remove any sign located on the public right-of-way and dispose of same.

(8) All small freestanding business signs shall be kept in good repair and in a proper state of preservation.

(9) Every small freestanding business sign, and the premises immediately surrounding it, shall be maintained by the owner or person in charge thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

(C) *Changeable copy sign/reader board sign.*

(1) Only 1 sign, with an accumulative area not to exceed 32 square feet. The sign can be attached to an approved freestanding/monument sign, as defined herein, or attached to the structure as approved. Provided said changeable copy/reader board sign shall not contain any business identification.

(2) There shall be no fee charged for manually operated reader board signs in addition to the fee charged for the accompanying pole or ground sign; nor shall the square footage hereof operate to reduce the square footage allowed for a pole sign or ground sign. However, nothing herein shall abate fees for an applicant who chooses the exclusive use of a

changeable reader board sign without a pole or ground sign.

(Ord. 1182, passed 3-18-2004; Am. Ord. 1193, passed 9-15-2004; Am. Ord. 1229, passed 12-3-2007)

**§ 94.14 SIGNS AT INTERSTATE EXCHANGES.**

Signs located within a 250-yard radius of interstate highway exchanges shall be governed by all provisions of this chapter, except as follows:

(A) Such signs may not exceed 150 square feet in overall surface area.

(B) Pole signs may not extend higher than 40 feet nor lower than 9 feet from ground grade.

(C) Signs may have internal illumination and shall be exempt from the maximum effective intensity requirement set forth in § 94.08(C)(2).

(Ord. 1182, passed 3-18-2004; Am. Ord. 1229, passed 12-3-2007)

**§ 94.15 MAINTENANCE AND INSPECTION.**

(A) *Maintenance.* All signs, together with all their supports, braces, guys and anchors, shall be kept in repair in accordance with the provisions of this chapter; and when not galvanized or constructed of approved corrosion-resistive, non-combustible materials, shall be painted when necessary to prevent corrosion.

(B) *Housekeeping.* It shall be the duty and responsibility of the owner and lessee of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary and healthful condition. Any person, firm or corporation occupying any vacant lot or premises with a ground sign shall be charged with the keeping of same clean, sanitary, inoffensive and free and clear of all noxious substances in the vicinity of such ground sign.

(C) *Inspection.* Every sign for which a permit has been issued and every existing sign for which a permit is required, including ground, wall, marquee and pole signs, may be inspected at the discretion of the Code Enforcement Officer. "Exempted" signs may be inspected at the discretion of the Code Enforcement Officer to insure their entitlement to such status. (Ord. 1182, passed 3-18-2004; Am. Ord. 1229, passed 12-3-2007)

#### § 94.16 REGISTRATION AND FEES.

(A) *Registration.* Every sign, unless otherwise exempt by operation of this chapter, shall be permitted with the City Department of Permitting and Enforcement by the person maintaining the same. No permit shall be granted until an application has been filed with the City Department of Permitting and Enforcement, showing the plans and specifications, including dimensions, material and details of construction for the proposed sign

(B) *Fees.*

(1) *Freestanding and attached signs.*

(a) The fee for freestanding and attached sign permits shall be \$20 for the first sign on any group of signs being installed under 1 permit on a single piece of property, and \$10 for each additional sign.

(b) For any sign having a surface area in excess of 25 square feet, there shall be an additional fee of \$2 for each square foot of excess surface. But in no event shall the fee for any such sign exceed a maximum of \$200.

(c) The fee for any changing image sign shall be \$20, up to the maximum square footage of 32 square feet. However, any changing image sign, up to 32 square feet, permitted with a freestanding or attached sign shall be included with no additional charge.

(2) *Temporary signs.* Fees for temporary signs shall be \$20, up to the maximum allowed square footage of 32 square feet.

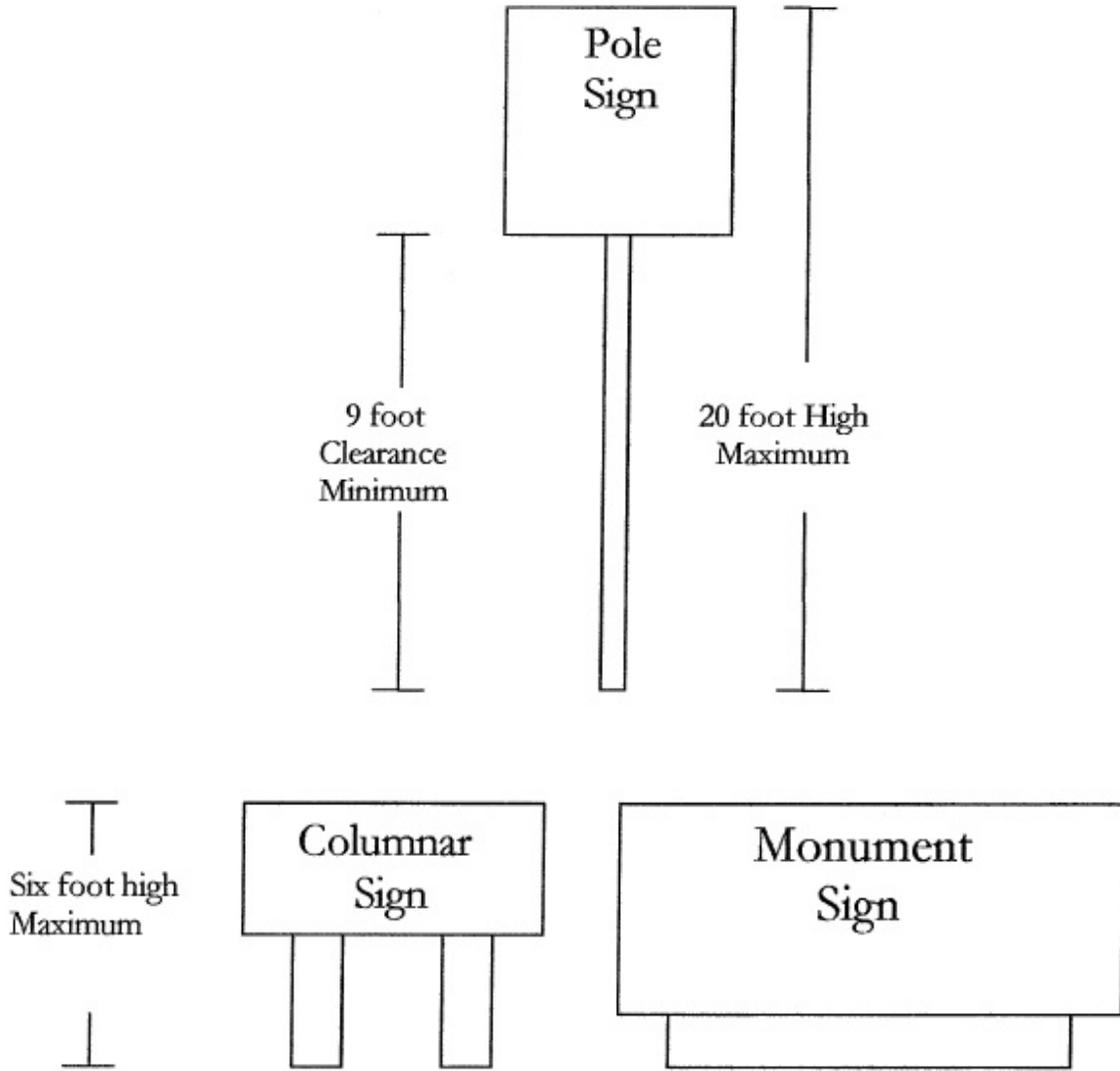
(3) *Small freestanding business signs.* Fees for small freestanding business signs shall be \$20, up to the maximum square footage of 12 square feet. (Ord. 1182, passed 3-18-2004; Am. Ord. 1229, passed 12-3-2007)

#### § 94.99 PENALTY.

(A) Any person, firm or corporation violating any of the terms or provisions of this chapter, and any person, firm or corporation failing to conform to any of the provision of this chapter, or failing to obey any order of the Code Enforcement Officer of the city, issued in pursuance of this chapter, shall be deemed guilty of a violation, and upon conviction thereof shall be fined not less than \$50 nor more than \$500; and where such violation is of a continuing nature, each day such person, firm or corporation violates any such provision, or fails to conform to any of the provisions of this chapter or any such order of the Code Enforcement Officer, shall be deemed a separate offense.

(B) All citations issued hereunder shall be in accordance with § 36.09, Enforcement Proceedings, all hearings shall be in accordance with § 36.10, Hearing; Notice; Final Order, and appeals therefrom shall conform to § 36.12, Appeals: Final Judgment. (Ord. 1182, passed 3-18-2004; Am. Ord. 1229, passed 12-3-2007)

**APPENDIX: HEIGHTS OF POLE, COLUMNAR, AND MONUMENT SIGNS**



(Ord. 1229, passed 12-3-2007)



## CHAPTER 95: NUISANCES

### Section

95.01	Excessive noise	(c) Sound any horn or signal device on any vehicle for an unnecessary and unreasonable period of time or in the manner as to create an unreasonable or harsh sound;
95.02	False alarms	
95.03	Abatement of nuisance; liens	
95.04	Abandoned iceboxes, refrigerators, and the like	
95.99	Penalty	(d) Use or operate any vehicle which produces, or use or operate any vehicle so out of repair or so loaded with any materials as to cause, any loud and unnecessary, grating, grinding, rattling, or other loud and excessive noise;

### § 95.01 EXCESSIVE NOISE.

(A) It shall be unlawful for any person within the corporate limits of the City of Jeffersontown to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noises 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 the person, without written consent of the Chief of Police.

(B) (1) It shall be unlawful to:

(a) Sound any horn or signal device on any vehicle not in motion, except as a danger warning if another vehicle is approaching apparently out of control;

(b) Sound any horn or signal device on any vehicle in motion, except as a danger warning after or as an attempt is made to decelerate the vehicle by the application of brakes;

(e) Discharge into the open air the exhaust of any vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

(f) Create any loud and excessive noises in connection with loading or unloading any vehicles; and/or

(g) Use any mechanical loud speaker or amplifiers on any moving or standing vehicle for advertising or other purposes, without written consent of the Chief of Police.

(2) Nothing contained in this section shall be construed as prohibiting the operator of any vehicle from sounding a horn or signal device in compliance with the requirements of, or in the performance of any duty imposed by, the statutes and laws of the Commonwealth of Kentucky.

(3) As used in this section, the word shall include any device in, upon, or by which any person or property is or may be transported or drawn upon any street in the City of Jeffersontown. (1989 Code, § 1010.9) (Ord. 121, passed 10-7-1953) Penalty, see § 95.99

**§ 95.02 FALSE ALARMS.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ALARM SYSTEM.** Any assembly of equipment arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which the police are expected to respond.

**ALARM USER.** The person, partnership, association, or corporation in control of the building or structure or facility or portion thereof wherein an alarm system is maintained.

**UNWANTED ALARM.** An alarm signal eliciting a response by the police when a situation requiring a response by the police does not in fact exist.

(B) *Registration.*

(1) It shall be unlawful for an alarm user to have an operational alarm system on his or her property unless that alarm system is registered with the Jeffersontown Police Department as herein provided.

(2) Within 180 days from the effective date of this section, all alarm users shall register their alarm systems with the Jeffersontown Police Department on forms provided by the Police Department. There shall be no fee assessed for registering the alarm systems.

(3) In addition to other needed information, the alarm system registration shall include the type of alarm, and the name, address and telephone number of the alarm company servicing or installing the system. Also included will be an emergency telephone number of the resident/user or his or her representative to permit prompt notification of alarm calls and also facilitate and assist the police in inspection of the property when responding to alarms.

Changes in emergency telephone numbers shall be kept current, and failure to provide updated information shall be a violation of this section.

(C) *Alarm response.*

(1) Whenever an alarm is activated in the city requiring an emergency response to the location by the Police Department, and the Police Department does respond, a police officer on the scene of the activated alarm system may inspect the area protected by the system and shall determine whether the emergency response was required as indicated by the alarm system, or whether in some way the alarm system malfunctioned or was activated by mistake and thereby was an unwanted alarm.

(2) If the police officer at the scene of the activated alarm system determines the alarm to be an unwanted alarm, the officer shall make a report of the unwanted alarm, a notification of which shall be mailed to the alarm user at the location of the alarm system installation advising the alarm user of the false alarm.

(Ord. 1123, passed 6-15-1999; Am. Ord. 1130, passed 4-19-2000) Penalty, see § 95.99

**§ 95.03 ABATEMENT OF NUISANCE; LIENS.**

(A) It shall be unlawful for the owner, occupant, or person having control or management of any land within the City of Jeffersontown, Kentucky, to permit a public nuisance, health hazard, or source of filth to develop thereon through the accumulation of rubbish or the excessive growth thereon of weeds or grass.

(B) Whenever a situation is discovered, the Code Enforcement Officer shall give 5-days' written notice to remedy the situation. The notice shall be mailed to the last known address of the owner of the property, as it appears on the current tax assessment roll. Upon the failure of the property owner to comply, the Code Enforcement Officer is authorized to send employees upon the property to remedy the situation.

(C) The city shall have a lien against the property for the reasonable value of labor and materials used in remedying the situation, in no case less than \$200. The affidavit of the Director of Public Works shall constitute prima facia evidence of the amount of the lien and the regularity of the proceedings pursuant to this section, and shall be recorded in the office of the County Court Clerk of Louisville Metro. The lien shall be noticed to all persons from the time of its recording and shall bear interest at 12% per annum thereafter until paid.

(D) Nothing herein shall abate citations arising pursuant to other ordinances.

(E) In addition to the remedies set forth in divisions (B) and (C) above, for a second, or repeated, violation within any calendar year it shall be unlawful and a violation of this section for the owner, occupant, or person having the control or management of any land within the City of Jeffersontown, Kentucky, to permit a public nuisance, health hazard, or source of filth to develop thereon through the accumulation of rubbish or the excessive growth thereon of weeds or grass.  
(Ord. 1140, passed 2-22-2001) Penalty, see § 95.99

#### **§ 95.04 ABANDONED ICEBOXES, REFRIGERATORS, AND THE LIKE.**

(A) It shall be unlawful for any person, firm, or corporation to leave or permit to remain outside of any dwelling, building, or other structure under his, her, or its control, in a place accessible to children, any abandoned, unattended, or discarded icebox, refrigerator, or other container which has an airtight door or lid, snap lock, or other locking device, without first removing the door or lid.

(B) Upon a finding by the Code Enforcement Officer, or any other authorized city official, that no responsible adult is available to immediately secure and/or remove the icebox, refrigerator, or other container which has an airtight door or lid, the Code Enforcement Officer, or other authorized city official,

shall forthwith declare an emergency and attend the icebox, refrigerator, or other container which has an airtight door or lid until same is removed by the Department of Public Works.

(C) Any icebox, refrigerator, or other container which has an airtight door or lid so removed by the Department of Public Works shall be held for a period not to exceed 30 days, at which time it will be discarded.

(D) The owner of the property where the icebox, refrigerator, or other container which has an airtight door or lid shall be responsible for the cost of removing and disposing of the icebox, refrigerator, or other container which has an airtight door or lid, in addition to any other penalty contained herein, and the expense of removal shall constitute a lien against the property whereon it was discovered.  
(Ord. 1161, passed 8-5-2002) Penalty, see § 95.04

#### **§ 95.99 PENALTY.**

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.



## CHAPTER 96: ANIMALS

### Section

- 96.01 Dogs running at large  
96.02 Prohibition of animals at the Gaslight Festival  
96.99 Penalty

**ANIMAL ATTENDANT.** Any person attending or controlling any animal as defined herein.

**OWNER.** Any person, partnership, company, or corporation owning, keeping, or harboring animals.

**RESIDENT OF GEOGRAPHIC BOUNDARIES.** Any person, partnership, company, or corporation with a home or business situs within the geographic boundaries.

**GEOGRAPHIC BOUNDARIES.** Watterson Trail, from Billtown Road to Bluebird Lane; College Drive, from Taylorsville Road to Watterson Trail; and Taylorsville Road from College Drive to Ruckriegel Parkway.

### § 96.01 DOGS RUNNING AT LARGE.

(A) *Running at large prohibited.* It shall be unlawful for any owner or person in charge of a dog to permit or allow the dog to run at large in the City of Jeffersontown.

(B) *Leash required.* It shall be unlawful for any owner or person in charge of a dog to permit the dog to be on the streets of the City of Jeffersontown unless the dog is on a leash or otherwise under absolute control of the owner or his or her agent. (1989 Code, § 1020.17) (Ord. 326, passed 3-6-1961) Penalty, see § 96.99

(B) It shall be unlawful for any owner or animal attendant, as defined herein, to possess, exhibit, or have any animal, as defined herein, within the geographic boundaries, as defined herein, during the Gaslight Festival.

### § 96.02 PROHIBITION OF ANIMALS AT THE GASLIGHT FESTIVAL.

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

**ANIMAL.** Any living creature, domestic or wild, including, but not limited to, livestock, dogs, cats, poultry, snakes, pet rodents, pet birds, and vermin.

(C) Specifically excluded from the prohibitions of this section are animals trained to aid the blind, while thus engaged, and animals, as defined herein, whose owners are permanent residents within the geographic boundaries, as defined herein, while on the resident property.

(D) The Department of Public Works shall provide appropriate signage at the terminus of all boundaries. (Ord. 1114, passed 9-8-1998) Penalty, see § 96.99

**§ 96.99 PENALTY.**

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

**TITLE XI: BUSINESS REGULATIONS**

Chapter

- 110. GENERAL PROVISIONS**
- 111. ALCOHOLIC BEVERAGES**
- 112. SEXUALLY-ORIENTED BUSINESSES**
- 113. INSURANCE COMPANIES**



**CHAPTER 110: GENERAL PROVISIONS**

Section

*General Provisions*

- 110.01 City tax exemptions for manufacturing establishments
- 110.02 Business on Sunday

*License Fees*

- 110.15 Definitions
- 110.16 Effective date
- 110.17 License fees required; initial registration
- 110.18 Regulation, administration, enforcement, and collection of license fees and the purpose thereof
- 110.19 Duty of employer to withhold, report, and pay license fees of employees
- 110.20 Duty of employee when employer fails to withhold, report, or pay
- 110.21 Interest and penalties for late reporting or payment
- 110.22 Apportionment where compensation or net profit is derived from activity both within and without the city
- 110.23 Reports and returns required
- 110.24 Use of occupational license tax
  
- 110.99 Penalty

**GENERAL PROVISIONS**

**§ 110.01 CITY TAX EXEMPTIONS FOR MANUFACTURING ESTABLISHMENTS.**

Any manufacturing establishment not located within the boundaries of the city on the effective date of this section, which subsequently become located within the boundaries, shall be exempt from all city taxes for a period of 5 years next following the location in the city; provided, however, that only those manufacturing establishments employing 5 or more employees shall be so exempt.  
(1989 Code, § 222.14) (Ord. 820, passed 2-7-1983)

**§ 110.02 BUSINESS ON SUNDAY.**

(A) It is the policy of the City of Jeffersontown to allow freedom of choice as to activities on Sunday to the maximum extent permissible under the Statutes of the Commonwealth of Kentucky, realizing that the conditions enumerated in the Statutes on the activities so allowed will protect the rights of employees of businesses so operating on Sunday, and will ensure a reasonable level and desirable atmosphere of peace and tranquility on Sundays.

(B) Any person may work on Sunday at his or her own or at any other occupation, or may employ any person, in work or business, whether for profit or amusement.

(C) Nothing contained in this section shall be construed to permit or allow any activities prohibited by the provisions of any state statute or other ordinance of the city.  
(1989 Code, § 400.2) (Ord. 562, passed 7-3-1972)  
Penalty, see § 110.99

### ***LICENSE FEES***

#### **§ 110.15 DEFINITIONS.**

Words and phrases used in §§ 110.15 *et seq.* shall have the ordinary and accepted meaning ascribed to them and the special meaning ascribed to them below. The singular shall include the plural, the plural shall include the singular, the masculine or feminine shall include both, and the neuter genders wherever susceptible to such interpretation.

***BUSINESS.*** Any enterprise, activity, trade, occupation, profession, or undertaking of any nature conducted for gain or profit. ***BUSINESS*** shall not include a board of trade, chambers of commerce, trade associations or unions, or other associations performing services usually performed by trade associations or unions as recognized by the Internal Revenue Service. ***BUSINESS*** shall not include funds, foundations, corporations, or associations organized and operated for the exclusive and sole purpose of religious, charitable, scientific, literary, educational, civic, or fraternal purposes, where no part of the earnings, incomes, or receipts of such unit, group, or association, inures to the benefit of any private shareholder or other person.

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

***CITY.*** The City of Jeffersontown, Kentucky.

### ***COMPENSATION and GROSS RECEIPTS.***

Wages, salaries, commissions, or any other form of remuneration paid or payable by an employer for services performed by an employee, which are required to be reported for federal income tax purposes and adjusted as follows:

(1) Include any amounts contributed by an employee to any retirement, profit sharing, or deferred compensation plan, which are deferred for federal income tax purposes under a salary reduction agreement or similar arrangement, including but not limited to, salary reduction arrangements under §§ 401(a), 401(k), 402(e), 403(a), 403(b), 408, 414(h), or 457 of the Internal Revenue Code; and

(2) Include any amounts contributed by an employee to any welfare benefit, fringe benefit, or other benefit plan made by salary reduction or other payment method that permits employees to elect to reduce federal taxable compensation under the Internal Revenue Code, including but not limited to, §§ 125 and 132 of the Internal Revenue Code.

***DIRECTOR OF REVENUE.*** The ***DIRECTOR OF REVENUE*** as set forth in Ordinance No. 1188. Series 2004, as amended.

***EMPLOYEE.*** Any person who renders services to another person or any business entity for compensation, including an officer of a corporation and any officer, ***EMPLOYEE***, or elected official of the United States, a state, a city, any political subdivision of a state, or any agency or instrumentality of any 1 or more of the above. A person classified as an independent contractor under the Internal Revenue Code shall not be considered an ***EMPLOYEE***.

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

(1) If the person for whom the individual performs or performed the services does not have control of the payment of the wages for such services, the term **EMPLOYER** means the person having control of the payment of such wages; and

(2) In the case of a person paying wages on behalf of a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, the term **EMPLOYER** means such person; § 3401(d) of the Internal Revenue Code.

**INTERNAL REVENUE CODE.** The **INTERNAL REVENUE CODE** as defined in KRS 67.750(7).

**LICENSE FEE.** A tax imposed for the privilege of exercising the right to engage in a trade, occupation, or profession for oneself for profit or gain, within the City of Jeffersontown, Kentucky.

**PERSON.** All natural persons, partnerships, firms, associations, governmental bodies and agencies, business entities, and corporations, and, whenever used in any portions of §§ 110.15 *et seq.* prescribing a penalty in the form of fine or imprisonment, shall mean and include the individual members of a firm, partnership, or association, and the officers of any governmental body or agency, or any business entity or corporation.

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

**TRADE, OCCUPATION, OR PROFESSION.** Any and all activities and the rendering of any and all services of all kinds for remuneration, or net profit or gain of any kind, when applied to persons so engaged for themselves, whether the person be a resident of the City of Jeffersontown, Kentucky, or not. (1989 Code, § 222.12,(1),(2)&(3)) (Ord. 822, passed 2-7-1984; Am. Ord. 875, passed 5-21-1984; Am. Ord. 1233, passed 5-18-2008)

**§ 110.16 EFFECTIVE DATE.**

Sections 110.15 *et seq.* shall apply and be in effect from and after July 1, 2008. (1989 Code, § 222.12,(1),(2)&(3)) (Ord. 822, passed 2-7-1984; Am. Ord. 875, passed 5-21-1984; Am. Ord. 1233, passed 5-18-2008)

**§ 110.17 LICENSE FEES REQUIRED; INITIAL REGISTRATION.**

(A) All persons engaged in any trade, occupation, or profession within the city, when employed by another, shall pay a license fee measured by and equal to 1 % of gross receipts or compensation paid or payable in the city for work done or services performed or rendered in the city.

(B) All persons, firms, business entities or corporations engaged in any trade, occupation, or profession within the city for themselves, for profit or gain, shall pay a license fee of \$75 per annum.

(C) In the event that the license fee provided in division (B) above is less than the license fee provided in Ordinance No. 214, Series 1956, and amendments thereto, or Ordinance No. 710, Series 1979 (Alcohol Beverage License), then the license fees provided by said Ordinance No. 214, Series 1956, and amendments thereto, applicable to the licensee's trade, business, or profession, or by Ordinance No. 710, Series 1979, (Alcohol Beverage License), shall apply and be charged as a license fee hereunder. The license fee herein provided shall be paid on a pro-rata basis from April 1, 1983, to the end of the fiscal period of the licensee. Provided, however, for any fiscal year ending after March 31, 1983, the license fee shall be \$75 or the license fee established in Ordinance No. 710, Series 1979, as to businesses required to be licensed for the sale of alcohol beverages.

(D) All persons, firms, business entities, or corporations, prior to beginning any trade, occupation, or profession within the city, shall procure an occupation license from the city. The

## Jeffersontown - Business Regulations

license shall issue after the person, firm, business entity, or corporation registers with the City Clerk by supplying the name and business address of the person, firm, business entity, or corporation seeking the license, and pays an initial license fee of \$75.

(E) It shall be unlawful for any person, firm, business entity, or corporation to engage in any trade, occupation, or profession within the city without first registering as hereinabove provided in divisions (C) or (D), or without withholding, reporting and paying the license fees herein provided and required.

(F) The following are exempt from this section:

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

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

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

(4) Public service corporations that pay an ad valorem tax on property, valued and assessed by the Kentucky Department of Revenue pursuant to the provisions of KRS 136.120. Licensees whose businesses are predominantly non-public service, but who are also engaged in public service activity, are required to pay a business license fee of \$75.

(5) Persons or business entities that have been issued a license under KRS Chapter 243 to engage in manufacturing or trafficking in alcoholic beverages.

(6) Insurance companies incorporated under the laws of and doing business in the Commonwealth of Kentucky, except as provided in KRS 91A.080.

(7) Any profits, earnings, or distributions of an investment fund which would qualify under Kentucky Law.

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

(1989 Code, § 222.12,(1),(2)&(3)) (Ord. 822, passed 2-7-1984; Am. Ord. 875, passed 5-21-1984; Am. Ord. 1227, passed 7-2-2007; Am. Ord. 1233, passed 5-18-2008) Penalty, see § 110.99

### **§ 110.18 REGULATION, ADMINISTRATION, ENFORCEMENT, AND COLLECTION OF LICENSE FEES AND THE PURPOSE THEREOF.**

(A) It shall be the duty of the Director of Revenue to collect all license fees and deposit the same in the General Fund of the city to be used to defray the general expenses of the city government.

(B) The Director of Revenue shall have the power, and it shall be his or her duty, to make and publish the rules and regulations as may be necessary to administer §§ 110.15 *et seq.* and to provide the printed forms as may be required for reporting, paying, and receipting all the license fees and for all other requirements in the proper and efficient administration of §§ 110.15 *et seq.*

(1989 Code, § 222.12,(1),(2)&(3)) (Ord. 822, passed 2-7-1984; Am. Ord. 875, passed 5-21-1984; Am. Ord. 1233, passed 5-18-2008)

**§ 110.19 DUTY OF EMPLOYER TO WITHHOLD, REPORT, AND PAY LICENSE FEES OF EMPLOYEES.**

(A) Every employer making payment of compensation or gross receipts to an employee shall deduct and withhold, upon the payment of the compensation or gross receipts, any tax imposed by the city against the compensation or gross receipts. Amounts withheld shall be paid to the city in accordance with §§ 110.15 *et seq.*

(B) Every employer required to deduct and withhold tax under this section shall, for the quarter ending after July 1, and for each quarter ending thereafter, on or before the end of the month following the close of each quarter, make a return and report to the city, and pay to the city the tax required.

(C) Every employer who fails to withhold or pay to the city any sums required by §§ 110.15 *et seq.* to be withheld and paid shall be personally and individually liable to the city for any sum or sums withheld or required to be withheld in accordance with the provisions of this section.

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

(E) Every employer required to deduct and withhold tax under this section shall annually, on or before February 28 of each year, complete and file, on a form furnished or approved by the city, a reconciliation of the occupational license tax withheld where compensation is paid or payable to employees. Either copies of federal forms W-2 and W-3 transmittal of wage and tax statements, or a detailed employee listing with the required equivalent

information, as determined by the city, shall be submitted.

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

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

(H) The president, vice president, secretary, treasurer, or any other person holding an equivalent corporate office of any business entity subject to §§ 110.15 *et seq.* shall be personally and individually liable, both jointly and severally, for any tax required to be withheld from compensation or gross receipts paid to one or more employees of any business entity, and neither the corporate dissolution or withdrawal of the business entity from the city, nor the cessation of holding any corporate office, shall discharge that liability of any person; provided, however, if the person or individual liable under this division had no authority to collect, truthfully account for, or pay over any tax imposed by §§ 110.15 *et seq.* at the time that the taxes imposed by §§ 110.15 *et seq.* become or became due then, under those circumstances, the person shall not be personally liable.

(1989 Code, § 222.12,(1),(2)&(3)) (Ord. 822, passed 2-7-1984; Am. Ord. 875, passed 5-21-1984; Am. Ord. 1233, passed 5-18-2008) Penalty, see § 110.99

**§ 110.20 DUTY OF EMPLOYEE WHEN EMPLOYER FAILS TO WITHHOLD, REPORT, OR PAY.**

(A) Every employee receiving compensation or gross receipts in the city subject to the tax imposed under § 110.17 shall be personally liable for the tax, notwithstanding the provisions of § 110.19(G) and (H).

(1) In all cases where the employer does not withhold the tax levied under §§ 110.15 *et seq.* from the employee, such employee or employees shall be responsible for filing with the city, each quarter in the same manner as if they were the employer.

(2) If an employer fails to or is not required to withhold, report, or pay the license fee, it shall become the duty of the employee to file with the city.

(3) The only employer that is not required to withhold, report, and pay the occupational license tax is the federal government, including the United States Postal Service.

(B) The payment required to be made by an employee can be made quarterly, for the periods ending March 31, June 30, September 30, and December 31 of each year, or at any time the employee wishes to make an estimated payment for the year in which wages are earned.

(C) All license fees must be received by February 28 for the preceding calendar year, together with a copy of the employee's W-2 form.

(D) Employers not required to withhold, report, or pay the license fee must, annually during the month of January of each year, make a return to the Occupational Tax Administrator, in which is set forth the name and Social Security number of each employee of the employer during the preceding calendar year, giving the amount of salaries, wages, commissions or other compensation earned during the year by such employees, part-time employees, temporary employees, and terminated employees, whether it be voluntary or involuntary.

(1989 Code, § 222.12,(1),(2)&(3)) (Ord. 822, passed 2-7-1984; Am. Ord. 875, passed 5-21-1984; Am. Ord. 1233, passed 5-18-2008) Penalty, see § 110.99

#### **§ 110.21 INTEREST AND PENALTIES FOR LATE REPORTING OR PAYMENT.**

(A) All license fees not paid when due shall bear interest at 12% per annum from due date until paid.

(B) Upon failure by the employee to file any report when due or to pay any tax when due, a penalty equal to 10% of the amount of the tax due shall be imposed; provided the return is filed and the tax is paid within 6 months of the due date; and provided, further, that an additional penalty of ½ of 1% of the amount of the tax due shall be imposed for each month or fractional part of the month that the tax remains unpaid after 6 months.

(C) In no event shall the penalty exceed 25%. (1989 Code, § 222.12,(1),(2)&(3)) (Ord. 822, passed 2-7-1984; Am. Ord. 875, passed 5-21-1984; Am. Ord. 1233, passed 5-18-2008)

#### **§ 110.22 APPORTIONMENT WHERE COMPENSATION OR NET PROFIT IS DERIVED FROM ACTIVITY BOTH WITHIN AND WITHOUT THE CITY.**

(A) Whenever an employee receives compensation or gross receipts for services or activity performed both within and without the city, the license fee required under §§ 110.15 *et seq.* shall be computed and paid upon the basis of the proportion of compensation or gross receipts earned for services performed within the city, according to the sworn statement of the employee or the employer, or both, as required by the Director of Revenue.

(B) In all cases of license fees computed upon the basis of apportionment of compensation or gross receipts as herein provided, the apportionment shown by the sworn statement of the employee or employer, or both, shall not be binding upon the city, but shall be subject to verification by the Director of Revenue, or his or her agents or employees, through examination and audit of the books and records of the

employee or his or her employer, or both, if required by the Director of Revenue.

(1989 Code, § 222.12,(1),(2)&(3)) (Ord. 822, passed 2-7-1984; Am. Ord. 875, passed 5-21-1984; Am. Ord. 1233, passed 5-18-2008) Penalty, see § 110.99

### **§ 110.23 REPORTS AND RETURNS REQUIRED.**

(A) In addition to the reports hereinbefore specified, each employer is required to file an annual report with the Director of Revenue, on forms to be provided by him or her, within 105 days after the end of the fiscal period selected by the employer, showing all essential information, data, and figures, upon which the licensee fees required by §§ 110.15 *et seq.* are computed. Every person required to apply any license fee provided by §§ 110.15 *et seq.* shall be required to make all books, records, and accounts upon which information required by §§ 110.15 *et seq.* is based available to the Director of Revenue, his or her agents or employees, for the purpose of examination, audit, or verification. If any employer subject to the provisions of §§ 110.15 *et seq.* shall voluntarily submit copies of his or her current income tax returns made to either the state or federal governments for examination, then in that case no further examination or audit will be required until and unless there is reexamination or audit made by the taxing authority to whom the return was made. The Director of Revenue may dispense with examination of the books, records, accounts, or tax returns of the employer in any case where the Director of Revenue is furnished with a certificate of a qualified certified public accountant, or the sworn statement of any other reputable accountant or bookkeeper of the employer, stating that the amount of tax reported conforms to the state or federal income tax return filed by the employer for the applicable period.

(B) Nothing herein shall prevent or preclude the Director of Revenue from demanding an examination and audit of the books, records, and accounts, as herein provided, at any time he or she may have reasonable grounds to believe that the employer has

not correctly reported and paid the license fees due under the provisions of §§ 110.15 *et seq.*

(C) All information, except the name and address of a licensee, employer or employee obtained by the Director of Revenue or any of his or her agents or employees, or any other official or employee of the city, from any reports, examination or audit of books, records, accounts, income tax returns, or any other source, in the administration of §§ 110.15 *et seq.*, shall be treated and considered as confidential and privileged except for official purposes, unless otherwise treated by judicial decree or specific provision of law, and shall not be open to inspection by the public.

(D) Any official, agent or employee of the city who divulges any information obtained under the provisions of §§ 110.15 *et seq.*, except for the purposes of administering §§ 110.15 *et seq.* as herein provided, shall be guilty of a Class A misdemeanor.

(E) It is further provided that the Director of Revenue or any city official or employee shall have the right to disclose to the Commonwealth of Kentucky Department of Revenue, or a duly authorized agent or employee thereof, any of the information protected by this section and § 110.22, provided reciprocal right to information concerning any person liable for license fees under the provisions of §§ 110.15 *et seq.* is made available to the city by the state authorities; and provided, further, that the city may publish statistics based upon information obtained in the administration of §§ 110.15 *et seq.* so long as the published statistics do not reveal the identity of any licensee.

(F) No present or former employee of the city shall intentionally and without authorization inspect or divulge any information acquired by him or her of the affairs of any person or information regarding the tax schedules, returns, or reports required to be filed with the city or other proper officer, or any information produced by a hearing or investigation, insofar as the information may have to do with the affairs of the

person's business. This prohibition does not extend to information required in prosecutions for making false reports or returns for taxation, or any other infraction of the tax laws, or in any way made a matter of public record, nor does it preclude furnishing any taxpayer, or the taxpayer's properly authorized agent, with information respecting his or her own return. Further, this prohibition does not preclude any employee of the city from testifying in any court, or from introducing as evidence returns or reports filed with the city, in an action for violation of the city tax laws or in any action challenging the city laws.

(1989 Code, § 222.12,(1),(2)&(3)) (Ord. 822, passed 2-7-1984; Am. Ord. 875, passed 5-21-1984; Am. Ord. 1233, passed 5-18-2008) Penalty, see § 110.99

#### § 110.24 USE OF OCCUPATIONAL LICENSE TAX.

Proceeds of fees and taxes collected hereunder shall be deposited to the General Fund of the city for appropriation in the city's annual budget.

(Ord. 1233, passed 5-18-2008)

#### § 110.99 PENALTY.

(A) (1) Every employer who fails to file a return or pay the tax on or before the date prescribed in §§ 110.15 *et seq.* may be subject to a penalty in an amount equal to 5% of the tax due for each calendar month or fraction thereof. The total penalty levied pursuant to this division shall not exceed 25% of the total tax due; however, the penalty shall not be less than \$25.

(2) In addition to the penalties prescribed in this division, any business entity or employer shall pay, as part of the tax, an amount equal to 12% per annum simple interest on the tax shown due, but not previously paid, from the time the tax was due until the tax is paid to the city. A fraction of a month is counted as an entire month.

(3) Every tax imposed by §§ 110.15 *et seq.*, and all increases, interest, and penalties thereon, shall become, from the time the tax is due and payable, a personal debt of the taxpayer to the city.

(4) The city may enforce the collection of the occupational tax due under § 110.17, and any fees, penalties, and interest as provided in § 10.99(A) (1), (2), (3), and (4), or § 110.21, by civil action in a court of appropriate jurisdiction. To the extent authorized by law, the city shall be entitled to recover all court costs and reasonable attorney fees incurred by it in enforcing any provision of §§ 110.15 *et seq.*

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

(6) Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under §§ 110.15 *et seq.* of a return, affidavit, claim, or other document that is fraudulent or false as to any material matter, whether or not the falsity or fraud is with the knowledge or consent of the person authorized or required to present the return, affidavit, claim, or document, shall be guilty of a Class A misdemeanor.

(7) A **RETURN** or **REPORT** for the purpose of this section shall mean and include any **RETURN**, **REPORT**, declaration, or form prescribed by the city, and required to be filed with the city by the provisions of §§ 110.15 *et seq.*, or by the rules of the city, or by written request for information to the business entity by the city.

(8) Any person violating the provisions of §§ 110.15 *et seq.* by intentionally inspecting confidential taxpayer information without authorization shall be guilty of a Class A misdemeanor.

(9) Any person violating the provisions of §§ 110.15 *et seq.* by divulging confidential taxpayer information shall be guilty of a Class A misdemeanor.

(B) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(Am. Ord. 1233, passed 5-18-2008)



## CHAPTER 111: ALCOHOLIC BEVERAGES

### Section

#### *General Provisions*

- 111.01 Hours of sale
- 111.02 No license issued if premises is near school

#### *Licenses and Fees*

- 111.15 License required
- 111.16 License fees
- 111.17 License expiration
- 111.18 Hotels, motels, and restaurants; convention centers
- 111.19 State Alcoholic Beverage Control Board
- 111.20 City Alcoholic Beverage Control Administrator

- 111.99 Penalty

#### ***Cross-reference:***

*Business on Sunday, see § 110.02*

*General business licenses, see §§ 110.15 et seq.*

*Traffic Code, see Title VII*

### **GENERAL PROVISIONS**

#### **§ 111.01 HOURS OF SALE.**

##### **(A) *Prohibited hours of sale.***

(1) *Distilled spirits and wine.* It shall be unlawful for any person, firm, or corporation, licensed for the sale of distilled spirits or wine at

retail, to sell, give away, permit to be sold or given away, or permit on the licensed premises the consumption of the products between the hours of 4:00 a.m. and 6:00 a.m. on any weekday and Saturday, or between the hours of 4:00 a.m. and 1:00 p.m. Sunday, or on Election Day when polls are open in Jeffersontown, Kentucky.

(2) *Malt beverages.* It shall be unlawful for any person, firm, or corporation, licensed for the sale of malt beverages at retail, to sell, give away, permit to be sold or given away, or permit on the licensed premises the consumption of the products between the hours of 4:00 a.m. and 6:00 a.m. on any weekday and Saturday, or between the hours of 4:00 a.m. Sunday and 1:00 p.m. Sunday, or on any Election Day when the polls are open in Jeffersontown, Kentucky.

(3) *Special hours in May.* The unlawful hours of sale of distilled spirits and wine and the unlawful hours of sale of beer indicated in divisions (A)(1) and (A)(2) above shall be the hours of 4:00 a.m. and 6:00 a.m. for the Monday before the first Saturday in May of each year through 4:00 a.m. of the following Sunday.

(4) *January 1.* The unlawful hours of sale of distilled spirits and wine and the unlawful hours of sale of beer indicated in divisions (A)(1) and (A)(2) above shall be the hours of 4:00 a.m. and 6:00 a.m. for January 1 of each year; except when December 31 and January 1 fall on Sunday and Monday, respectively; in which case the rules from divisions (A)(1) and (A)(2) above apply.

(5) *Hours permitted; distilled spirits and wine.* The sale of distilled spirits or wine at retail may be permitted on premises licensed for the purposes, between the hours of 2:00 a.m. and 4:00 a.m. on each day of the week, except for the hours of 4:00 a.m. Sunday through 6:00 a.m. Monday, upon issuance of a special hours license as set forth in division (B) below.

(6) *Hours permitted; malt beverages.* The sale of malt beverages at retail may be permitted on premises licensed for the purposes, between the hours of 2:00 a.m. and 4:00 a.m. on each day of the week, except for the hours of 4:00 a.m. Sunday through 1:00 p.m. Sunday, upon issuance of a special hours license as set forth in division (B) below.

(B) *Special hours licenses.*

(1) *Distilled spirits and wine.* The Jeffersontown, Kentucky, Alcoholic Beverage Control Commission may issue a special hours license to any person, firm, or corporation holding a license to sell distilled spirits and wine at retail upon payment in advance to the Jeffersontown, Kentucky, Alcoholic Beverage Control Commission an annual license fee of \$450.

(2) *Malt beverages.* The Jeffersontown, Kentucky, Alcoholic Beverage Control Commission may issue a special hours license to any person, firm, or corporation holding a license to sell malt beverages at retail upon the payment in advance to the Jeffersontown, Kentucky, Alcoholic Beverage Control Commission the sum of \$50. (1989 Code, § 410.4) (Ord. 859, passed 12-28-1983; Am. Ord. 1212, passed 11-17-2005) Penalty, see § 111.99

**§ 111.02 NO LICENSE ISSUED IF PREMISES IS NEAR SCHOOL.**

(A) No original license for the sale of alcoholic beverages at retail within the City of Jeffersontown, Kentucky, shall be issued where the premises to be licensed are within 1,000 feet of a building used primarily for classrooms of a school.

(B) The measurements shall be taken in a straight line from the nearest outside wall of the building on the proposed licensed premises to the nearest outside wall of the school building. (1989 Code, § 450.7) (Ord. 871, passed 4-2-1984)

**LICENSES AND FEES**

**§ 111.15 LICENSE REQUIRED.**

Within the corporate limits of the City of Jeffersontown, Kentucky, it shall be unlawful for any person, firm, or corporation to do any act authorized by any alcoholic, malt beverage, or wine license with respect to the manufacture, storage, sale, purchase, transportation, or other traffic in alcoholic beverages unless he or she holds the kind of license that authorizes the act from the Commonwealth of Kentucky, County of Jefferson, and City of Jeffersontown. (1989 Code, § 222.13A) (Ord. 691, passed 5-15-1978; Am. Ord. 711, passed 4-2-1979; Am. Ord. 733, passed 6-16-1980; Am. Ord. 765, passed 7-20-1981; Am. Ord. 822, passed 2-7-1983; Am. Ord. 875, passed 5-21-1984) Penalty, see § 111.99

**§ 111.16 LICENSE FEES.**

The following kinds of distilled spirits, malt beverage, and wine licenses may be issued by the City of Jeffersontown Alcoholic Beverage Administrator on the payment of fees as follows:

- (A) Distiller's license, per annum - \$500;
- (B) Rectifier's license, per annum - \$3,000;
- (C) Blender's license, per annum - \$3,000;
- (D) Wholesaler's license, per annum - \$1,500;
- (E) Retail distilled spirits package license, per annum - \$1,200;

(F) Retail distilled spirits drink license, per annum - \$1,600;

(G) Special temporary distilled spirits, per month or part of month - 1/6 of fees enumerated in divisions (E) or (F) above;

(H) Special private club distilled spirits, per annum - \$75;

(I) Brewer's license, per annum - \$500;

(J) Malt beverage distributor's license, per annum - \$400;

(K) Malt beverage retailer's license:

(1) New applicant - \$200;

(2) Renewals - \$150; and

(3) Special temporary license, per month or part of month - \$12.50.

(L) Restaurant wine license (subject to the provisions of KRS 243.032):

(1) Original issue, per annum - \$600; and

(2) Annual renewal - \$400.

(M) Convention center - \$2,000; and

(N) Special Sunday retail drink license fee - the City Alcoholic Beverage Administrator shall issue a special Sunday retail drink license to any person who holds a license to sell at retail liquor and wine by the drink and who otherwise qualify for the license in accordance with the provisions of KRS Chapter 243, as amended, and § 111.18 hereof, on payment in advance to the City Alcoholic Beverage Administrator of the sum of \$300. For a convention center, the sum shall be \$2,000.

(1989 Code, § 222.13A) (Ord. 691, passed 5-15-1978; Am. Ord. 711, passed 4-2-1979; Am.

Ord. 733, passed 6-16-1980; Am. Ord. 765, passed 7-20-1981; Am. Ord. 822, passed 2-7-1983; Am. Ord. 875, passed 5-21-1984)

**§ 111.17 LICENSE EXPIRATION.**

All licenses issued shall expire on June 30 of each year.

(1989 Code, § 222.13A) (Ord. 691, passed 5-15-1978; Am. Ord. 711, passed 4-2-1979; Am. Ord. 733, passed 6-16-1980; Am. Ord. 765, passed 7-20-1981; Am. Ord. 822, passed 2-7-1983; Am. Ord. 875, passed 5-21-1984)

**§ 111.18 HOTELS, MOTELS, AND RESTAURANTS; CONVENTION CENTERS.**

(A) For the purpose of §§ 111.15 *et seq.*, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**CONVENTION CENTERS.** Any facility commonly known as a **CONVENTION CENTER** which holds a convention center caterers' license pursuant to the provisions of 804 KAR 7:045, and has been approved by the Kentucky Alcoholic Beverage Control Commission. The hours of operation under this license shall be prevailing time Monday through Saturday and with special license, defined herein, Sunday 1:00 p.m. until prevailing time for weekday closing.

(B) All hotels, motels, and restaurants, which are retail drink and wine by the drink licensees and who have dining facilities with a minimum seating capacity of 100 people at tables and who receive at least 50% or more of their gross annual income from dining facilities by the sale of food, may sell, permit to be sold, or permit consumption of liquor or wine on Sundays between the hours of 1:00 p.m. and 2:00 a.m. on Monday, the following day.

(C) Nothing herein should be construed to permit the retail sale of alcoholic beverages to the general public by a convention center licensee.

(1989 Code, § 222.13A) (Ord. 691, passed 5-15-1978; Am. Ord. 711, passed 4-2-1979; Am. Ord. 733, passed 6-16-1980; Am. Ord. 765, passed 7-20-1981; Am. Ord. 822, passed 2-7-1983; Am. Ord. 875, passed 5-21-1984) Penalty, see § 111.99

**§ 111.99 PENALTY.**

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

**§ 111.19 STATE ALCOHOLIC BEVERAGE CONTROL BOARD.**

Any item relating to trafficking in alcoholic beverages that is not covered by §§ 111.15 *et seq.* shall be governed by the rules and regulations established by the Alcoholic Beverage Control Board of the Commonwealth of Kentucky, including all penalties.

(1989 Code, § 222.13A) (Ord. 691, passed 5-15-1978; Am. Ord. 711, passed 4-2-1979; Am. Ord. 733, passed 6-16-1980; Am. Ord. 765, passed 7-20-1981; Am. Ord. 822, passed 2-7-1983; Am. Ord. 875, passed 5-21-1984)

**§ 111.20 CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.**

The City Alcoholic Beverage Control Administrator shall administer all alcoholic beverage control ordinances and regulations of the City of Jeffersontown and all statutes of the Commonwealth of Kentucky relating thereto and the regulations of the Kentucky Alcoholic Beverage Control Board.

(1989 Code, § 222.13A) (Ord. 691, passed 5-15-1978; Am. Ord. 711, passed 4-2-1979; Am. Ord. 733, passed 6-16-1980; Am. Ord. 765, passed 7-20-1981; Am. Ord. 822, passed 2-7-1983; Am. Ord. 875, passed 5-21-1984)

## CHAPTER 112: SEXUALLY-ORIENTED BUSINESSES

### Section

- 112.01 Definitions
- 112.02 Restrictions, requirements, and conditions

### § 112.01 DEFINITIONS.

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

#### ***ADULT ENTERTAINMENT ACTIVITIES.***

One or more of the following activities.

(1) ***ADULT AMUSEMENT ARCADE.*** An establishment having as a substantial or significant portion of its business 1 or more of the following: customer-operated motion picture devices, peep shows and/or similar devices, either coin, token, or slug operated, or in consideration of an entrance fee or the like or both, which display material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities, as herein defined.

(2) ***ADULT BOOKSTORE.*** An establishment having as a substantial or significant portion of its stock in trade for sale, rent, or display, pictures, books, periodicals, magazines, appliances, and similar material which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities as hereinafter described or an establishment with a segment or section devoted to the sale or display of the material.

(3) ***ADULT MINI-MOTION PICTURE THEATRE.*** An establishment with a capacity for less than 50 persons having as a substantial or significant portion of its use the presentation of materials having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing, or relating to sexual activities, as hereinafter described, for observation by persons therein.

(4) ***ADULT MOTION PICTURE THEATRE.*** An establishment with a capacity of 50 or more persons having as a substantial or significant portion of its use the presentation of material having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing, or relating to sexual activities, as hereinafter described, for observation by persons therein.

(5) ***ADULT STAGE SHOW THEATRE.*** An establishment used for presenting live performances of humans and/or animals having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing, or relating to sexual activities, as hereinafter described, for observation by persons therein.

(6) ***BATHHOUSE.*** An establishment for providing bathing, sauna, steam room, and/or lavatory facilities for male and/or female persons which promotes its services by using and/or advertising the use of homosexual attendants.

(7) ***CABARET.*** An establishment which features as entertainers, and/or waiters, and/or bartenders, male or female impersonators and/or persons, either male or female, who expose to public view of the patrons of the establishment at any time

the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, and/or buttocks, and/or human or simulated male genitals in a discernible turgid state, even if completely and opaquely covered.

(8) **COMMERCIAL SEXUAL ENTERTAINMENT CENTER.** A commercial establishment which consistently excludes minors from areas open to adult patrons and which establishments or area are advertised by the owners or operators thereof, so as to convey the idea that there is being offered in the areas entertainment or items which are designed to appeal to adult sexual interests, whether or not the entertainment or items are designed to appeal to adult sexual interests, and whether or not the entertainment or items involve or depict sexual activities as herein defined.

(9) **MASSAGE PARLOR.** An establishment for treating the human body by rubbing, stroking, kneading, tapping, or similar treatment with the hand, and promotes its services by using and/or advertising the use of female attendants and/or masseuses for male patrons.

(10) **TAXI DANCE HALL.** An establishment operated as a public dance hall where dance partners, either male or female, are available for hire for a monetary consideration payable either by the dance or as part of an entrance fee or membership fee.

**SEXUAL ACTIVITIES.** Is defined as:

(1) Depiction of human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse, or sodomy; and/or

(3) Holding or other erotic touching of human genitals, pubic region, buttocks, or breasts. (1989 Code, § 920.27A) (Ord. 869, passed 4-2-1984)

## § 112.02 RESTRICTIONS, REQUIREMENTS, AND CONDITIONS.

(A) (1) The public entrance to an establishment engaging in adult entertainment activities shall not be located within 1,000 feet of:

(a) Any building containing a public or private elementary, middle, or secondary school, institution of higher education, or business college; or

(b) Any park, mall, or park-like area of open space under the control of the City of Jeffersontown.

(2) The distance shall be measured along a straight line from the nearest property line of the real estate on which the building or public park-like area is located to the entrance to the property line of the establishment engaging in an adult entertainment activity.

(Am. Ord. 1187, passed 4-26-2204)

(B) The property line of an establishment engaging in adult entertainment activities may not be located within 1,000 feet of an area zoned R-E, R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7, R-7A, R-8, R-8A, R-9, or R-10 (the distance shall be measured along a straight line from the boundary line of an area zoned for residential use) to the entrance to the establishment engaging in an adult entertainment activity, and may only be located in the M-3 Industrial District use.

(Am. Ord. 1187, passed 4-26-2004)

(C) The public entrance to an establishment engaging in adult entertainment activities shall not be located within 500 feet of the public entrance of another adult entertainment activity establishment.

(1989 Code, § 920.27A) (Ord. 869, passed 4-2-1984; Am. Ord. 1073, passed 2-16-1995) Penalty, see § 10.99

### **Cross-reference:**

*Land development code and uses permitted, see § 150.16*

## CHAPTER 113: INSURANCE COMPANIES

### Section

- 113.01 License fee imposed
- 113.02 Determining amount of license fee
- 113.03 License fee rate for life insurance policies
- 113.04 License fee due after each calendar quarter
- 113.05 Breakdown of collections due annually
- 113.06 Interest due on unpaid license fee
- 113.07 Exemptions
- 113.08 Effective date; collection date
- 113.09 Disposition of monies collected

(B) When an insurance company collects a premium as a result of the change in the policy during the policy term, the tax rate used shall be the rate in effect on the effective date of the policy change.

(C) With respect to premiums returned to policyholders, the license fee or tax shall be returned by the insurance company to the policyholder pro rata on the unexpired amount of the premium at the same rate at which it was collected, and shall be taken as a credit by the insurance company on its next quarterly report to the city.

(D) The license fee imposed upon premium receipts shall not include premiums received for insuring employers against liability for personal injuries to their employees, or the death of their employees caused thereby, under the provisions of the Workers' Compensation Act.  
(Ord. 1245, passed 3-2-2009)

### § 113.01 LICENSE FEE IMPOSED.

There is hereby created a license fee to be imposed upon any insurance company with respect to any policy that is not a life insurance policy, based upon 5% of the premiums actually collected by the company within each calendar quarter on risk located within the corporate limits of the city, on those classes of business that the company is authorized to transact, less all premiums returned to policyholders.  
(Ord. 1245, passed 3-2-2009)

### § 113.02 DETERMINING AMOUNT OF LICENSE FEE.

(A) In determining the amount of license fee to be collected and paid to the city, the insurance company shall use the tax rate effective on the first day of the policy term.

### § 113.03 LICENSE FEE RATE FOR LIFE INSURANCE POLICIES.

The license fee of 5% of the premium actually collected, or tax imposed by this chapter upon an insurance company with respect to life insurance policies, shall be based upon the first year's premiums, and shall be applied to the amount of the premiums actually collected within each calendar quarter upon the lives of persons residing within the corporate limits of the city.  
(Ord. 1245, passed 3-2-2009)

**§ 113.04 LICENSE FEE DUE AFTER EACH CALENDAR QUARTER.**

The license fees provided for by this chapter shall be due 30 days after the end of each calendar quarter, commencing September 30, 2009.  
(Ord. 1245, passed 3-2-2009)

**§ 113.05 BREAKDOWN OF COLLECTIONS DUE ANNUALLY.**

Annually by March 31, each insurer shall furnish the city with a breakdown of all collections in the preceding calendar year for the following categories of insurance: a) casualty; b) automobile; c) inland marine; d) fire and allied perils; e) health; and f) life.  
(Ord. 1245, passed 3-2-2009)

**§ 113.06 INTEREST DUE ON UNPAID LICENSE FEE.**

Any license fee not paid on or before the due date shall bear interest, at the tax interest rate as defined in KRS 131.010(6), from the date due until paid. Such interest payable to the city is separate of any penalties provided for in KRS 91A.080(7).  
(Ord. 1245, passed 3-2-2009)

**§ 113.07 EXEMPTIONS.**

Specifically excluded from the license fees imposed herein are premiums received on policies of group health insurance provided for state employees under KRS 18A.225, and premiums received on health insurance policies issued to individuals, and premiums on policies issued through Kentucky Access created in KRS 304.178-005.  
(Ord. 1245, passed 3-2-2009)

**§ 113.08 EFFECTIVE DATE; COLLECTION DATE.**

This chapter shall be effective July 1, 2009; however, collection of monies shall not commence until September 30, 2009.  
(Ord. 1245, passed 3-2-2009)

**§ 113.09 DISPOSITION OF MONIES COLLECTED.**

(A) Between the date of the passage of this chapter and July 1, 2009, all monies collected are the property of the successor in interest to the County of Jefferson, pursuant to an inter-local cooperation act agreement entered into by and between the city and the county on or about September 15, 1994, and later amended and terminated.

(B) The City Clerk is instructed to advise the Department of Insurance that all monies collected from and after July 1, 2009, to and through September 30, 2009, and thereafter are the property of, and shall be forwarded to, the city.  
(Ord. 1245, passed 3-2-2009)

**TITLE XIII: GENERAL OFFENSES**

Chapter

**130. GENERAL OFFENSES**



## CHAPTER 130: GENERAL OFFENSES

### Section

- 130.01 Firearms discharge
- 130.02 Offenses against public property; generally
- 130.03 Fire hydrants; operation, maintenance, and vandalism
  
- 130.99 Penalty

#### ***Cross-reference:***

*Fire Prevention and Protection, see Ch. 91*

### § 130.01 FIREARMS DISCHARGE.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***FIREARMS.*** Any weapon from which a shot, readily capable of producing death, or other serious physical injury, may be discharged.

***WEAPON.*** Any weapon from which a projectile, metal shot, or metal pellet is or may be propelled or discharged by compressed air, gas, or spring, commonly known as air rifles, air pistols, CO2 guns, or BB guns.

(B) *Discharge unlawful.* It shall be unlawful within the City of Jeffersontown to use or discharge any firearm or weapon, as defined herein.

(C) *Exemptions.* This section shall not apply to sworn law enforcement officers in the execution of their statutory duties, while in the course and scope of their office.

(D) *Violations.* Any person violating this section shall be deemed guilty of a violation; and any weapon as described herein found in the possession of any person convicted under the provisions of this section may be ordered by the court to be confiscated and destroyed.

(1989 Code, § 360.14) (Ord. 952, passed - -1986) Penalty, see § 130.99

### § 130.02 OFFENSES AGAINST PUBLIC PROPERTY; GENERALLY.

(A) It shall be unlawful to pick, pull, dig, tear up, cut, break, burn, mark, deface, or otherwise alter any guidepost, milestone, street sign, lamppost, turf, brush, or public property of any nature, including the placing of leaves, trash, debris, or litter in public rights-of-way, easements, streams, or other public places.

(B) It shall be unlawful to molest, damage, or interfere with the public waterworks or sewer system, including the tapping in thereto without the express approval of the City of Jeffersontown by and through the Jeffersontown Water and Sewerage Commission. (1989 Code, § 1020.18) (Ord. 473, passed 11-6-1967) Penalty, see § 130.99

### § 130.03 FIRE HYDRANTS; OPERATION, MAINTENANCE, AND VANDALISM.

(A) *Operation of fire hydrants.* It shall be unlawful for any person to open or close any valve or any fire hydrant, water pipe, fire cistern, water plug,

or other water outlets in or on the public ways of the City of Jeffersontown, Kentucky, or to in any way tamper with any of the pipes, cisterns, hydrants, plugs, or other outlets unless the person has a written permit to do so, issued in the form prescribed by the City of Jeffersontown and signed by an authorized agent or representative of the city. Any person opening or closing the valves, pipes, hydrants, plugs, or other outlets shall have the permit in their possession at all times and shall produce same when so requested by any city official. The above prohibition shall not apply to firefighters in the authorized performance of their official duties nor to authorized repair personnel of the City of Jeffersontown, Kentucky, acting at the direction of authorized agents of the city.

(B) *Vandalism of fire hydrants prohibited.*

(1) It shall be unlawful for anyone to vandalize a fire hydrant in or on the public ways of Jeffersontown so as to render it inoperable in any way, except for any emergency shutoff or for emergency repairs if done so at the direction of an authorized agent or representative of the city.

(2) It shall be unlawful for any person to paint or in any other way deface or change the normal appearance of a fire hydrant, except to paint the hydrants in the normal directives of the Volunteer Fire Department or Fire Protection District having jurisdiction over the hydrants.

(1989 Code, § 1020.20) (Ord. 973, passed 12-7-1987) Penalty, see § 130.99

**§ 130.99 PENALTY.**

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

**TITLE XV: LAND USAGE**

Chapter

- 150. GENERAL PROVISIONS**
- 151. BUILDING REGULATIONS;  
CONSTRUCTION**
- 152. BINDING ELEMENTS**



**CHAPTER 150: GENERAL PROVISIONS**

Section

*General Provisions*

150.01 Historic preservation

*Adoption of Codes by Reference*

150.15 Requirements for heating, ventilation, and air conditioning contractors

150.16 Development Code

**GENERAL PROVISIONS**

**§ 150.01 HISTORIC PRESERVATION.**

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**HISTORIC VALUE.** Buildings, sites, or areas that are:

(a) Associated with a person or event important to the city, county, state, or nations past;

(b) Of architectural distinction; and/or

(c) Symbolic of a significant architectural period.

(B) Buildings, sites, or areas that are determined by the City Council of the City of Jeffersontown to be of historic value to the City of Jeffersontown, County of Jefferson, Commonwealth of Kentucky, or the United States of America shall be preserved.

(C) Prior to any determination of historic value, the Council shall pass a resolution describing the building, site, or area being considered as having historic value, and fix a time for public hearing not more than 30 days after the adoption of the resolution. The resolution shall be advertised in the manner provided in KRS 424.130.

(D) If, after public hearing, the Council determines that the building, site, or area is ~~to~~ one of historic value, no demolition permit shall issue, and no rezoning application shall be considered for a period of 6 months from the date of application to the City Council, unless the plans of the applicant for the demolition permit or rezoning application makes adequate provision as determined by the Council for the preservation of the building, site, or area. (1989 Code, § 910.6A) (Ord. 564, passed 7-3-1972) Penalty, see § 10.99

**ADOPTION OF CODES BY REFERENCE**

**§ 150.15 REQUIREMENTS FOR HEATING, VENTILATION, AND AIR CONDITIONING CONTRACTORS.**

The city's requirements for heating, ventilation, and air conditioning contractors are hereby adopted by reference and incorporated herein as if set out in full. (Ord. 1037, passed - -; Am. Ord. 1226, passed 7-2-2007)

§ 150.16 DEVELOPMENT CODE.

(A) *Adoption of Louisville Metro Development Code.* The city hereby adopts the Land Development Code for all of Jefferson County, Kentucky as promulgated by the Department of Planning and Design Services of the Louisville Metro Development Code as if completely rewritten herein, with the following exceptions, to wit.

(B) *Exceptions.*

**FINDINGS:**

2.4.3 C-1 Commercial District. The following provisions shall apply in the C-1 Commercial District unless otherwise provided in these regulations:

A. PERMITTED USES:

Automobile rental agencies with no more than ~~25~~10 rental passenger vehicles stored on site, and no more than 2 service bays for cleaning or maintenance, and having no repair or storage/dispensing fuel.

2.4.4 C-2 Commercial District. The following provisions shall apply in the C-2 Commercial District unless otherwise provided in these regulations:

A. PERMITTED USES:

All uses permitted in the C-1 Commercial District are allowed in the C-2 Commercial District as well as the following uses:

~~Boat Storage~~

**Chapter 4 Generally Applicable Development Standards**

**Conditional Uses**

~~4.2.1213 Commercial Animal Feeding Yards (including hogs, chickens, and other animals as determined by the Board of Zoning Adjustment)~~

~~Commercial Animal Feeding Yards may be allowed in M-2 and M-3 Zoning Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.~~

~~A. All buildings, structures, pens, and yards shall be at least 100 feet from all property lines.~~

~~B. Adequate water supply shall be available to maintain the premises in a sanitary condition.~~

~~C. The applicant shall demonstrate adequate provisions to prevent surface water quality impacts due to animal wastes.~~

**Accessory Uses and Miscellaneous Standards**

Adult entertainment, subject to the requirements of Chapter 4, Part 4 is hereby amended as a permitted use, as follows:

2.4.4 C-2 COMMERCIAL DISTRICT

The following provisions shall apply in the C-2 Commercial District unless otherwise provided in these regulations.

A. PERMITTED USES:

~~Adult entertainment, subject to the requirements of Chapter 4, Part 4~~

2.5.4 M-3 INDUSTRIAL DISTRICT

The following provisions shall apply in the M-3 Industrial District unless otherwise provided in these regulations.

A. PERMITTED USES:

Adult entertainment, subject to the requirements of Chapter 4, Part 4

Section 4.4.1 (A) Adult Entertainment Activities

Please add “escort services” as one of the following activities.

Section 4.4.1 ADULT ENTERTAINMENT ACTIVITIES

B. ~~Adult entertainment may be permitted in the C-2 Commercial, C-3 Commercial and C-M Manufacturing~~ M-3 Industrial zoning districts provided it is in conformance with all applicable federal, state and local laws and regulations, included the provisions of this Land Development Code, and the following requirements:

1. The public entrance to an establishment engaging in adult entertainment activity shall not be located within ~~500~~ 1,000 feet of any building containing a public or private elementary, middle, or secondary school, institution of higher education or business college, or any park-mall or park-like area of open space under the control of a government agency, or any building used for a place of religious worship , or any building used for a governmental function or public library. Such distance shall be measured along a straight line from the building

or public park-like area is located to the entrance to such establishment engaging in adult entertainment activity.

2. The public entrance to an establishment engaging in adult entertainment activity shall not be located within ~~500~~ 1,000 feet of any area zoned R-R, R-E, R-1, R-2, R-3, R-4, R-5, R-5A, R-5B, R-6, R-7, R-8A, UN, OR, OR-1, OR-2, OR-3, OTF, TNZD, PRD, PVD or any property used for residential purposes. Such distance shall be measured along a straight line from the boundary line of the nearest area zoned R-R, R-E, R-1, R-2, R-3, R-4, R-5, R-5A, R-5B, R-6, R-7, R-8A, UN, OR, OR-1, OR-2, OR-3, OTF, TNZD, PRD, PVD or used for residential purposes to the entrance to such establishment engaging in adult entertainment activity.

3. The public entrance to an establishment engaging in adult entertainment activity shall not be located within ~~500~~ 1,000 feet of the public entrance of another adult entertainment activity establishment.

4. The public entrance to an establishment engaging in adult entertainment activity shall not be located within ~~500~~ 1,000 feet of the public entrance of an establishment licensed to serve alcoholic beverages.

Section 4.4.3B 2 - Location 4th paragraph.

Please add the language "appropriate" before Public Works Department.

#### 4.4.5 HOME OCCUPATIONS

K. License Registration of Home Occupations.

Prior to the establishment of any home occupation that (i) serves customers, clients or pupils at the site or (ii) has 1 or more non-resident employees, the proprietor shall register the occupation. Day care centers as a home occupation shall require a home occupation registration. The registration shall not be transferable and shall not run with the land; it shall terminate upon sale or transfer of the property to a new owner or tenant. The Planning Director shall maintain records of registered home occupations. The registration form shall be the basis for determining compliance with the requirements of this section 4.4.5. Home occupation proprietors shall be responsible for updating their registration forms, at such time as their operation change from the activities described in the

registration documents. Any home occupation meeting either criteria (I) or (ii) above that was established before the effective date of this Section shall have 1 year from the effective date of this Section to register the home occupation. Upon registration of a home occupation the Planning Director shall transmit a copy of said registration to the City of Jeffersontown.

#### Chapter 4 Part 5

#### Part 5 Alternative Development Incentives

\*The City of Jeffersontown has not adopted this section of the Land Development Code at this time.

#### Chapter 5 Form District Regulations

#### Part 4 Residential Site Design Standards

#### Section 5.4.2 Suburban Form District

Revise language as follows:

D. Accessory Structures

1. 1. Maximum Size - The maximum building footprint for an accessory structures for single-family residential buildings shall not exceed ~~1,000~~ 750 square feet for the first floor and not to exceed 1,000 square feet total in 2-story structure. The maximum height of accessory structures shall not exceed the Height of the principal structure. Accessory structures with building footprint greater than 1,000 square feet may be permitted in accordance with Section 4.3.5\*

Multiple accessory structures are allowed, subject to the limits in paragraph 3.b, below.

3. Accessory Structures/Uses in a Required Rear or Side Yard - Accessory structures and uses for residential buildings may be permitted in a required side or rear yard setback when the following standards are met:

a. The minimum setback from a rear property line shall be 5 feet. The minimum setback From side property lines shall be  $\geq 3$  feet, except that accessory structures and uses shall observe the same setback from street side property lines as required for principal structures. Parking areas shall be at least 5 feet from the required rear property line. Parking is permitted within required side yards.\*

**Part 5 Non-Residential/Mixed Use Site Design Standards**

**Section 5.5.1 Traditional Form District Design Standards**

Revise language as follows:

A. General Site Design Standards (Downtown Form District excluded)

1. Building Location and Orientation

a. Principal building entrances shall face the primary street serving the development or shall be oriented toward a focal point such as a landscaped public square, plaza or similar formal public open space. Entrances to principal buildings may be located in a manner that promotes safe and efficient movement of pedestrian access relative to all modals of transportation (i.e. vehicular, pedestrian, bicycle, etc.) All structures that are located along the primary street serving the development shall also have doors or windows facing the primary street (see b. below for lots with more than 1 street frontage.) Principal building shall be parallel to the primary street. If the

prevalent (more than 50%) orientation of buildings on the block is at an angle to the street, the new building’s orientation shall be the same as other buildings. The walls of buildings on the corners should be parallel to the streets.

**Part 5 Non-Residential/Mixed Use Site Design Standards**

**Section 5.5.2 Suburban Form District Design Standards**

Revise language as follows:

A. Building Location and Orientation

1. Principal buildings and building entrances on a site shall have entrances and glazing, display windows or windows affording views into the business which face the abutting public street serving the development. In the alternative, principal buildings and entrances shall be oriented toward a focal point. Entrances to principal buildings may be located in a manner that promotes safe and efficient movement of pedestrian access relative to all modals of transportation (i.e. vehicular, pedestrian, bicycle, etc.) Structures located at a street corner may have a single entrance, located at the corner of the building. Buildings with frontage on 2 streets shall have consistent building design and materials on each facade. Internally oriented structures closest to the public street(s) serving the development shall also have doors or windows facing the street.

**Chapter 6 Mobility Standards**

**Part 2 Streets and Rights-of-Way**

6.2.6 Requirements for Specific Types of Streets and Alleys

A. Minimum requirements - New streets shall provide right-of-way and improvements specified in the following table, according to the functional class of the street and the form district in which it is located, subject to the following exception:

1. Sidewalks shall not be required on lots that are 5 acres or greater in area and developed for single-family residential uses unless they connect with existing sidewalks.

~~**Fee in Lieu Option**—The Director of Works or designee may allow the payment in lieu of sidewalk construction upon a finding that construction of a sidewalk is not appropriate due to 1 of the following:~~

~~1. Sidewalks construction is impracticable due to topographical conditions or narrow right-of-way; or~~

~~2. A determination by the Director of Works or designee that sidewalks do not exist in the area and there is not a likelihood for sidewalks to be constructed in the future. Amount of fee shall be set by Metro Public Works based on average sidewalk construction. All fees paid shall be used for sidewalk construction within the same Metro Council District. It should be noted that payment of a fee in lieu of sidewalk construction is an option available to developers that must be approved by the Director of Works. Applicants retain the right to request a sidewalk waiver; in no case shall the Planning Commission or Director of Works require the payment of a fee in lieu of sidewalk construction.~~

## **Chapter 7 Subdivision Regulations**

### **Part 2 Procedures for Major Subdivisions**

#### **7.2.20 Preliminary Plan Approval Process**

B. Distribution of Plan - Upon receipt of the preliminary plan, the Division shall submit copies to the City of Jeffersontown, interested public agencies and utility companies and shall obtain a written report or approval on the plan from each such agency and the City of Jeffersontown. ~~or company.~~ Notice of the proposed subdivision and date for Technical Review Committee (TRC) meeting shall be provided to adjoining property owners (Note: Subdivisions contiguous to the City of Jeffersontown shall also be distributed as noted above.)

#### **7.2.30 Construction Plan**

C. Submission to Other Agencies - The subdivider shall submit that part of the construction plan as required for approval or comment to interested agencies which shall consist of the following:

1. Director of Works
2. Metropolitan Sewer District
3. The fire chief of the district having jurisdiction over property
4. Health Department
5. Utilities providing water, gas, electricity and phone service
6. If the proposed subdivision abuts on a street maintained by the Commonwealth of Kentucky, than to the district engineer for the Kentucky Department of Transportation.
7. If the proposed subdivision is located wholly, partially or connecting to streets within the City of Jeffersontown then submit to the Director of Planning and Design for the City of Jeffersontown.

### **Part 8 Minor Subdivisions**

#### **7.8.11 Agency Review**

The subdivider shall submit to the following agencies copies of the minor subdivision plat for approval. Approval shall be in the form

of a stamp from the appropriate agency on the back of the plat. Agency review will include the following:

A. Appropriate agency responsible for transportation review for the subject property. If located within the City of Jeffersontown and the criteria of Section 7.8.12 H is not met then approval from the City of Jeffersontown is required.

**7.7.14 Approval and Recording of Plat**

If approved and all conditions are met, the Director or any authorized staff member shall complete and sign the Certificate of Approval located on the face of the plat. Approval shall be valid for 1 year. During this period the approved minor subdivision plat shall be recorded in the office of the Clerk, Jefferson County, Kentucky. Plats located within the City of Jeffersontown and have dedicated additional rights-of-way shall be transmitted to the City upon approval.

**Chapter 8 Business Regulations**

*(NOTE: “The City of Jeffersontown has a sign regulation ordinance and it shall be inserted in this section and utilized as it exists or may be amended”)*

**9.1.10 Credit for On-Street Parking Spaces or public parking lots**

Legal on-street parking spaces or public parking lots may be used to satisfy the minimum parking space requirements of the Part. The use of on-street parking spaces or public parking lots to satisfy the minimum parking space requirements of this Part, however, in no way limits the use of said parking spaces to customers, employees or visitors of that particular use. Such parking spaces shall be available to the general

public. The use of this provision shall be in accordance with the following:

A. Credit for on-street parking spaces or public parking lots may be given only in the Neighborhood, Traditional Neighborhood, Traditional Marketplace Corridor, Traditional Workplace, Town Center, Downtown and Village Form Districts.

B. Any on-street parking space or public parking lot used in this manner must be located on a public street or a public parking lot directly abutting and on the same side of the street as the development site.

C. On-street parking spaces or public parking lots whose use is governed by parking meters or by peak hour parking restrictions may not be used to satisfy the minimum parking requirements of residential uses, but may be used for all other uses as long as the restricted hours of use do not overlap with the land use's peak hours of operation. Bus stops, clear zones adjacent to curb cuts and other areas in which parking is prohibited shall not be included in the calculation of on-street parking spaces.

D. On-street parking spaces or public parking lots that are not directly abutting the development site may be counted towards the minimum parking space requirements only if the on-street parking spaces or public parking lot intended to serve customers, clientele, employees or staff are located within 1,000 feet of the buildings or uses requiring the parking and do not cross more than four lanes of traffic. The 1,000 feet requirements shall be measured by the shortest waling distance (using sidewalks and designated crosswalks) from the nearest point of the property on which the parking spaces are located, to the nearest point of the property on which the use is located and

which the parking is intended to serve. A parking study shall be submitted in accordance with Section 9.1.17 and approved by the City of Jeffersontown. ~~specifically authorized by a Parking Waiver.~~

E. For the purposes of this section an on-street parking space shall be a minimum of 20 feet in length. Fractional spaces less than .8 (16 feet) shall not be counted as a parking space.

### 9.1.17 Parking Studies

A. When Required. A Parking Study shall be required when any of the following occurs:

1. An applicant wishes to utilize the Joint Use Parking provisions described in Section 9.1.6.
2. An applicant requests a General Parking Waiver to allow the provision of less parking spaces than are required by this Part.
3. An applicant requests a General Parking Waiver to allow the provision of more parking spaces than is allowed by this Part.
4. An applicant wishes to use on-street parking spaces or public parking lots than are not directly adjacent to or abutting the development site ~~or parking spaces in a public parking lot~~ to meet the minimum number of parking spaces required by this Part.
5. The Planning Director, upon consultation with the Director of Works and the agency responsible for approval of off-street parking facilities, requests a Parking Study due to unusual circumstances on or near the site.

B. Content.

#### Item 1 and 2 below

A Parking Study submitted to satisfy the requirements of this Part shall include the following information based upon the reason the Parking Study is required. The Planning Director, upon consultation with the Director of Works, and the agency responsible for approval of off-street parking facilities, may waive any of these required contents or require additional information depending upon the specifics of the application. The Parking Study shall be reviewed by, and must be acceptable to the Planning Director, upon consultation with the Director of Works and the agency responsible for approval of off-street parking facilities.

#### Item 3 below

A Parking Study submitted to satisfy the requirements of this Part shall include the following information based upon the reason the Parking Study is required. The Planning Director, upon consultation with the Director of Works, City of Jeffersontown and the agency responsible for approval of off-street parking facilities, may waive any of these required contents or require additional information depending upon the specifics of the application. The Parking Study shall be reviewed by the Planning Director, upon consultation with the Director of Metro Works, City of Jeffersontown and the agency responsible for approval of off-street parking facilities and make a recommendation of action to the City of Jeffersontown.

3. ~~Parking Study Waivers~~ for Use of On-Street Parking Spaces Not Adjacent to Site or Spaces Located in Public Parking Lots

a. A map depicting the site and all lots, uses, streets, and alleys adjacent to on-street parking spaces proposed to be used to satisfy the minimum parking space requirements of this Part. The map should also depict the on-street parking spaces or public parking lot and should be drawn to scale and include a north arrow; and

b. The results of at least three separate site surveys, conducted on different days, that depict the usage of the existing on-street parking spaces or public parking lot during the peak hour of usage and four hours before and after that time. Site surveys are not needed for any portion of the period four hours before and after the peak hour in which the use is not in operation. One of the days surveyed should be the peak day or busiest day in the vicinity, if one can be determined for the specific use(s); and

c. Any other information requested by the Planning Director, ~~or the Director of Metro Works~~ and the City of Jeffersontown.

d. A map showing the location of on-street and off-street parking spaces used in the parking study. The map shall clearly delineate the location and number of spaces used in the study.

**Chapter 11 Development Review Procedures**

**PART 1 ADMINISTRATIVE OFFICIALS**

**11.4.5 Public Hearing**

D. Following the public hearing, the Planning Commission shall make a recommendation regarding the appropriateness of the Zoning District or Form District Map Amendment to the

legislative body with zoning authority over the property in question. In addition, the Planning Commission shall by separate vote, recommend ~~approve approval, rejection~~ or defer action on the development plan submitted and considered in conjunction with the proposed Zoning or Form District Map Amendment to the City of Jeffersontown.

**11.4.7 Plan Certain Developments**

**A. Designation of Binding Elements**

The Planning Commission or Legislative Body with zoning authority shall designate, at the time of approval or amendment of any development plan, those elements, provisions and restrictions of the approved plan, including a time period for development plan expiration, that shall be integral and permanent part of the development plan and thereby binding on the use and development of the subject property. Binding elements approved as part of any development plan shall be applicable to all development plans subsequently prepared for a subject, and shall be binding upon the future use and development of said property. The Planning Commission shall make a recommendation regarding the appropriateness of any waivers of said binding elements to the City of Jeffersontown, unless specifically waived by the Planning Commission.

**PART 6 DEVELOPMENT PLANS**

**11.6.2 Category 1 Review Procedure**

Prior to issuance of building permits, the ~~Jeffersontown local~~ Jeffersontown ~~local~~ building inspector ~~official~~ shall assure the plan is in compliance with the applicable provisions of this code and all binding elements and conditions of approval. The provisions include but are

not limited to: allowable uses; yard and setback requirements; height; landscaping; environmental assessment; and parking. In cases in which the building official has reason to question the development plan's compliance with any provision of the Land Development Code, applicable binding elements and conditions of approval, the building official may forward the development plan to the Planning Director for a review and action on the plan.

#### 11.6.3 Category 2 Review Procedure

##### A. Application for Planning Director Approval

Applications for Category 2 development approval shall be submitted on forms supplied by the department. Applications shall be signed by the property owner or his or her agent and filed with Planning and Design Services. Applications shall be accompanied by supporting material determined appropriate by the Planning Director and by the appropriate fee. The list of required supporting materials shall be available from the offices of Planning and Design Services. Failure to submit all required material may result in delay of the application review. At a minimum, the application shall be accompanied by a development plan of sufficient detail to demonstrate to the Planning Director that the proposed development is in compliance with the applicable requirements of these regulations and any applicable binding elements or condition of approval. The Planning Director shall recommend approval to the City of Jeffersontown if approve the proposed development is in if it complies with the requirements of this code; associated binding elements, if any; and other applicable law. In cases in which the Planning Director has reason to question the development plan's compliance with any

provision of the Land Development Code, applicable binding elements and conditions of approval, the Director may forward the development plan to the Planning Commission, or designated committee thereof, for review and action on the plan. The Planning Commission shall be separate vote, recommend approval, rejection or defer action on the development plan submitted and considered to the City of Jeffersontown.

##### B. Issuance of Building Permits

In addition to those materials required by the appropriate building code, applications for construction activity meeting the Category 2 thresholds shall be accompanied by a development plan which has been approved by the Planning Director and the City of Jeffersontown. Building permits for Category 2 development shall be issued only in conformance with the development plan approved by the Planning Director and the City of Jeffersontown. and any applicable binding elements or conditions of approval of a district development plan.

#### 11.6.4 Category 3 Review Procedure

##### A. Commission Approval Required

In addition to those materials required by the appropriate building code, applications for permit for construction activity meeting the Category 3 thresholds shall be accompanied by a development plan which has been approved by the Planning Commission and the City of Jeffersontown under the Community Design Review Procedure outlined below. The Planning Commission may delegate this review process to a Committee of the Commission. The Technical Review Committee process defined in Chapter 7 shall satisfy the

Community Design Review Process required for subdivisions that meet the threshold established in the form district regulations.

B. Community Design Review Process

3. Review Session - Review of and action on the proposal shall take place in a public meeting before the Planning Commission or Committee thereof. No less than 10 calendar days prior to an original or continued review session date, the applicant shall submit original or revised development plans, studies, reports, etc. which have been prepared in response to comments received during the review process. This section does not preclude the applicant from presenting, at the review session, changes to the plan in response to concerns of the neighbors, agency review staff or the Planning Commission. The Planning Commission or designated Committee shall recommend approval to the City of Jeffersontown if approve the proposed development ~~if it~~ complies with the requirements of this code; associated binding elements, if any; and other applicable law.

C. Issuance of Building Permits

In addition to those materials required by the appropriate building code, applications for permit for construction activity meeting te Category 3 thresholds shall be accompanied by a development plan which has been approved by the Planning Director and the City of Jeffersontown. Building permits for Category 3 development shall be issued only in conformance with the development plan approved by the Planning Director and the City of Jeffersontown, and any applicable binding elements or conditions of approval of a district development plan.

**PART 7 APPEALS**

11.7.1 Planning Commission Review of Staff Determinations

A. Applicability - When the Planning Director, Director of Works or Local Building Official (Building Inspector within the City of Jeffersontown) is authorized by this Land Development Code to take action on a proposal on behalf of the Planning Commission, such action may be appealed to the Planning Commission by filing an appeal no later than 10 calendar days after the date of the action. All actions which have not been appealed to the Planing Commission within 10 calendar days shall not be subject to further administrative review or appeal.

B. Notice - Notice of the appeal shall be given to the applicant (if not the appellant) and all first tier property owners at least 7 calendar days prior to the meeting at which the Planning Commission will consider the appeal.

C. Delegation to Committee - The Planning Commission may delegate authority to consider ~~and take final actions on~~ appeals to its Land Development and Transportation Committee or other such Committee of the Commission duly created under the By-Laws of the Commission. The Planning Commission shall make a recommendation regarding the appropriateness of any appeals to the City of Jeffersontown.

~~11.7.4 Legislative Body Review of Commission Action on Development Plans~~

~~A. Applicability - Planning Commission approval or denial of any development for developments except Category 1 developments (as defined in Section 11.6.1) may be reviewed by the legislative body~~

having zoning authority over the property in question, if the legislative body determines that such a review is warranted. Any such review shall be conducted as a public hearing. Initial review of Planning Director actions on plans for Category 2 development shall be by the Planning Commission in accordance with Section 11.7.1.

~~B. Initiation of Review - The owner(s) of the subject property or any aggrieved party may request a hearing before the legislative body by submitting a written letter to the appropriate legislative body stating the reason(s) why such a review is warranted. The legislative body with zoning authority over the subject site may initiate the review on its own by resolution. Such letter shall be filed with the appropriate legislative body or resolution adopted within 15 calendar days after the date the minutes of the Planning Commission are approved reflecting its action regarding said development plan. The legislative body shall forward a copy of said letter or resolution to the owner of the subject property, if the owner is not the applicant for review. A copy of said letter or resolution shall also be forwarded by the legislative body to the Planning Commission.~~

~~C. Notice - If the legislative body determines that a review regarding the development plan is warranted, it shall, by letter, notify the following of the date, time, place and subject of the public hearing, and of the right of the public to inspect the subject plans in the office of Planning and Design Services, and the right of the public to comment at the public hearing on the proposed development:~~

~~1. The Planning Commission~~

~~2. All parties of record to any Planning Commission hearing previously held regarding the subject plan; and~~

~~3. All owners of property adjoining the subject property or directly across the street from the subject property.~~

~~D. Public Hearing - The public hearing shall include a presentation by a staff member of the Planning Commission stating the reason(s) for action. In addition, any applicant for review of the Planning Commission's action pertaining to the plan shall state why he or she believes that Planning Commission's action was not justified. The legislative body may hear any other such witnesses and review any other evidence at the hearing it deems appropriate.~~

~~E. Legislative Action - If the legislative body, subsequent to the public hearing agrees with the Planning Commission's action, it shall so indicate by resolution. If the legislative body disagrees with the Planning Commission's action, it may adopt a resolution directing the Planning Commission to alter its action in accordance with whatever directions and conditions the legislative body so indicates. A copy of all such resolutions shall be forwarded, by the legislative body to the Planning Commission.~~

~~F. Planning Commission Action - If the legislative body directs the Planning Commission by resolution to alter its action in a specified manner, the Planning Commission shall do so in accordance with said resolutions at its next regularly scheduled meeting. If the Planning Commission fails to comply, the alterations regarding the development plan specified by said resolutions shall become effective upon the adjournment of said meeting.~~

**PART 8 WAIVERS**

11.8.5 Findings Necessary for Granting of Waiver or Modification

The Planning Commission may recommend approval to the City of Jeffersontown of any waivers or modifications of standards upon a finding that:

11.8.7 Delegation to a Committee

The Planning Commission may delegate the authority to consider ~~and take final actions on~~ modifications or waivers to its Land Development and Transportation Committee or other such Committee of the Commission duly created under the By-Laws of the Commission. Committee decisions may be appealed to the Commission. The Planning Commission shall make a recommendation regarding the appropriateness of any waivers or modification to the City of Jeffersontown.

**FORM DISTRICT BOUNDARIES**

The Department of Planning and Design Services transmittal of its form district boundaries was received, and amended in accordance with the exhibit A , a copy of which is on file in the office of the City Clerk of Jeffersontown.

(Ord. 1185, passed 4-7-2004; Am. Ord. 1215, passed 5-2-2006; Am. Ord. 1231, passed 3-3-2008; Am. Ord. 1238, passed 5-18-2008)

***Cross-reference:***

*Sexually-oriented businesses, see Ch. 112*

***Editor's note:***

*Sign regulations referenced in Chapter 8 - Business Regulations are located in Ch. 94 of the City of Jeffersontown code of ordinances*





## CHAPTER 151: BUILDING REGULATIONS; CONSTRUCTION

### Section

#### General Provisions

- 151.01 Building permits and fees
- 151.02 Minimum standards for low voltage and signal circuit wiring in life support systems
- 151.03 Bond requirement; drainage and streams
- 151.04 Electrical permits; fees
- 151.05 Kentucky Residential Code adopted
- 151.06 Property maintenance code adopted
- 151.07 Kentucky Building Code adopted
- 151.08 Designated enforcement officer
- 151.09 Building inspection program

#### *Electrical Installation Standards*

- 151.15 Objective
- 151.16 Definitions
- 151.17 Application
- 151.18 Electrical Inspector
- 151.19 Permits
- 151.20 Inspection and approval
- 151.21 Electrical occupation licenses
- 151.22 Board of Electrical Control

- 151.99 Penalty

#### **Cross-reference:**

*Building Department, see §§ 33.090 et seq.*  
*Department of Public Works, see §§ 33.060 et seq.*

*Development Code, see § 150.16*

*Economic Development Authority, see §§ 33.105 et seq.*

*Electrical Inspector, see § 31.04*

*Historic preservation, see § 150.01*

*Housing Standards, see §§ 92.15 et seq.*

*Requirements for heating, ventilation, and air conditioning contractors, see § 150.15*

*Unfit Structures, see §§ 92.35 et seq.*

#### **GENERAL PROVISIONS**

#### **§ 151.01 BUILDING PERMITS AND FEES.**

(A) Any person, firm, or corporation, before proceeding with the erection, construction, alteration, wrecking, raising, moving, or repair of or addition to any structure within the city limits of the City of Jeffersontown, shall first obtain from the City of Jeffersontown a permit and it shall be unlawful to commence or proceed with the work until the permit shall have been first obtained.

(B) No permit shall be issued until application therefore has been made in writing, and the application shall include complete plans, specifications, and a detailed statement in writing giving the location and the intended use thereof with the number and name of the street and the name of the owner or owners of the property. The plans and specifications may be returned to the owner or his or her agent 6 months after the completion of the structure, or, if not called for by that time, may be destroyed.

(C) Each application shall be accompanied by a fee as set forth in division (D) below, which the fee shall be retained by the city if a permit is issued, or returned to the applicant if for some reason the permit is denied.

#### (D) (1) *Building permit fees.*

(a) The permit fees for new construction, additions, complete alterations of an entire building, tents, and other temporary structures

and change of Kentucky Building Code use group classification permits shall be calculated according to the following table.

<i>Kentucky Building Code Use Group Classifications</i>	<i>Fee Amount Per Square Foot</i>
A-1, A-3, A-4, Assembly	\$.12
A-2, Assembly	\$.15
B, Business	\$.12
E, Educational	\$.12
F-1, F-2, Factory	\$.12
H, High hazard	\$.12
I-1, I-2, I-3, Institutional	\$.12
M, Mercantile	\$.12
R-1, R-2, R-3, Residential	\$.12
S-1, S-2, Storage	\$.10
U, Utility; Miscellaneous	\$.10
<p><b>NOTES TO TABLE:</b>                      Square footage shall be based on the number of square feet on every floor, including basements.</p>	

(b) For alterations/repair, structures other than buildings, or any type of work for which the square feet can not be calculated, the fee shall be calculated by a reasonable estimated cost to be submitted by the applicant. The fee shall be \$10 plus \$2.50 per \$1,000 of estimated cost.

(c) No building permit fee calculated under this section shall be less than \$50.

(d) The fee for a "foundation only" permit shall be \$50.

(2) *In ground swimming pools permit fee.* For each in ground swimming pool, the fee shall be \$50.

(3) *Moving of buildings.*

(a) The fee for moving a building shall be \$200 if the activity makes use of a public way.

(b) The fee for moving a building shall be \$50 if the activity does not make use of a public way.

(4) *Wrecking permit fee.* The fee for a wrecking permit shall be \$50 for the first 1,000 square feet, plus \$10 for each additional 1,000 square feet or fraction thereof.

(E) No permit shall be required for minor repairs or partitioning of a building which does not involve any change in the electrical or mechanical systems supporting walls, members, or structural parts or vital features of the building.

(F) The Building Inspector, after examination and determination that the plans and specifications are in compliance with all provisions of the city ordinance and zoning regulations, shall issue and sign all single family residential building permits and all permits relating to alteration or repair. No other building permit shall be issued until after approval by the City Council.

(1989 Code, § 351.9A) (Ord. 683, passed 4-21-1977; Am. Ord. 931, passed 3-25-1986; Am. Ord. 982, passed 9-20-1988; Am. Ord. 1039, passed 7-6-1992; Am. Ord. 1224, passed 7-2-2007; Am. Ord. 1251, passed 10-21-2009) Penalty, see § 151.99

**§ 151.02 MINIMUM STANDARDS FOR LOW VOLTAGE AND SIGNAL CIRCUIT WIRING IN LIFE SUPPORT SYSTEMS.**

(A) *Object.* The object of this section is to expand electrical enforcement procedures by

providing minimum standards for low voltage and signal circuit wiring in life support systems, such as, but not limited to, smoke detectors and fire alarm systems, installed in the City of Jeffersontown, Kentucky.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**THE BOARD.** The Jeffersontown Board of Electrical Control.

**THE CITY.** The City of Jeffersontown, Kentucky.

**CODE.** The National Electrical Code, as adopted by the Kentucky State Uniform Building Code.

**ELECTRICAL DEPARTMENT.** The Jeffersontown Electrical Inspection Department.

**FIRE ALARM INSPECTOR.** A Commonwealth of Kentucky Certified Fire Alarm Inspector.

**INSPECTOR.** A Jeffersontown Electrical Inspector.

**LIMITED ELECTRICAL SUPERVISOR LICENSE.** A license, procured through the Jeffersontown Electrical Inspection Department, to qualified installers of low voltage and signal circuit for life support systems.

**LOW VOLTAGE.** Circuits and equipment operating at less than 50 volts.

**SIGNAL CIRCUIT.** Any electric circuit that energizes signaling equipment.

(C) *Requirements.*

(1) Any person who desires to procure a Limited Electrical Supervisor license, as required by

this section, shall make application to the Board. The application shall be made on a form provided by the Electrical Department. The Board shall examine the applicant concerning his or her fitness and qualifications as to the installation of life support systems.

(2) Upon the Board's approval, the applicant may be required to adhere to testing on low voltage and signal circuit wiring of life support systems. Applicants shall be required to receive an average of not less than 75% on the examination.

(3) The examination will be administered by the Electrical Department and graded by the Board.

(4) Upon successful completion of a low voltage and signal circuit wiring of life support systems examination, applicants shall be required to obtain a Limited Electrical Supervisor license.

(5) Limited Electrical Supervisors shall be required to provide proof of liability of \$250,000 or more.

(6) Low voltage and signal circuit life support systems in the city shall require issuance of an electrical permit and electrical inspection as pursuant to § 151.04.

(7) Prior to an issuance of a certificate of compliance issued by the Inspector, fire alarm systems must be inspected and approved as functional by a Fire Alarm Inspector.

(8) Low voltage and signal circuit life support systems must be installed in compliance with the code.

(9) Upon issuance of an electrical permit as applied by a Limited Electrical Supervisor, Supervisor shall be required to obtain a Jeffersontown business license.

(D) *Exemptions.* City Licensed Electrical Supervisors shall be exempt from low voltage and

signal circuit life support systems testing and licensing of a Limited Electrical Supervisor license. However, they shall adhere to this section.

(E) *Fees.* Each person, firm, or corporation installing a low voltage and signal circuit life support system as required by this section shall pay the following fees to the city by paying them to the Electrical Department as agent of the city:

(1) Low voltage and signal circuit life support systems examination - \$10;

(2) Limited Electrical Supervisor license - \$10; and

(3) Electrical permit fees shall be payed as pursuant to § 151.04. (1989 Code, § 360.13) (Ord. 923, passed 11-19-1985) Penalty, see § 151.99

### **§ 151.03 BOND REQUIREMENT; DRAINAGE AND STREAMS.**

(A) Any person, firm, or corporation, before proceeding the original erection or construction of a structure within the city limits of the City of Jeffersontown, shall first, at the time of obtaining a building permit, deposit with the City of Jeffersontown a bond, in cash or by corporate surety, in the sum of \$500 to insure the proper continuity of elevations in the surface water ditches on the city right-of-way and/or drainage easements and it shall be unlawful to commence or proceed with the work until the bond shall have been first obtained.

(B) The bond shall not be required at the time of issuance of a building permit if a valid subsisting subdivision performance bond is existing under the provisions of applicable state law. In the event the bond is terminated prior to completion of original erection or construction of any structure, the person, firm, or corporation engaged in the construction shall, within 3 days after notice and demand by the City of

Jeffersontown, post bond as required in division (A) above. No original erection or construction of any structure shall be started or continued without compliance with the terms of this section.

(C) At the completion of the construction, the person, firm, or corporation having deposited the cash bond shall apply to the Building Inspector for a certificate of acceptance indicating that all work in the drainage area has been completed in accordance with good engineering practices.

(D) The Building Inspector of the City of Jeffersontown shall immediately inspect the site and, if the drainage has been properly maintained, issue the certificate of acceptance to the applicant. The Clerk/Treasurer of the City of Jeffersontown shall, upon the presentation of the certificate of acceptance, immediately pay unto the person, firm, or corporation having posted the bond the full amount of the bond.

(E) At the expiration of the building permit issued simultaneously with the posting of the performance bond herein above referred to, the surface water drainage has not been properly maintained or provided for, the Building Inspector shall after 30-days' written notice order the bond forfeited and proceed to have the work done in accordance with the city specifications. The cost of construction in excess of the bond forfeiture shall constitute a lien on the property benefitted and shall be added to the tax bill issued on the affected property and shall be subject to the same rights and remedies as applied to the collection of delinquent taxes. (1989 Code, § 630.1) (Ord. 490, passed 4-21-1969; Am. Ord. 539, passed 10-19-1971; Am. Ord. 543, passed 1-3-1972; Am. Ord. 580, passed 3-5-1973) Penalty, see § 151.99

### **§ 151.04 ELECTRICAL PERMITS; FEES.**

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

**THE CITY.** The City of Jeffersontown, Kentucky.

**ELECTRICAL INSPECTOR.** An **ELECTRICAL INSPECTOR** appointed by the Mayor with the advice and consent of the City Council.

**ELECTRICAL WIRING AND EQUIPMENT.** All installations of electrical conductors, fittings, devices, and fixtures within the city.

**U.S.B.C.** The Uniform State Building Code in effect from time to time as promulgated, amended and supplemented by the Kentucky Board of Housing, Buildings and Construction.

(B) Without first securing a permit from the Electrical Inspector, no electrical wiring or equipment shall be installed within the city, nor shall any alteration or addition be made in any existing installations, within or on any:

- (1) Multiple-family dwelling or apartment building;
- (2) Hotel, motel, lodging house, or dormitory arranged for shelter and sleeping accommodations;
- (3) Mercantile building; and/or
- (4) Office and industrial occupancies.

(C) During the installation of electrical wiring and equipment, the Electrical Inspector shall make inspections to ensure compliance with the U.S.B.C. No work in connection with electrical wiring or equipment shall be covered or concealed until it has been inspected and permission to cover the work has been granted by the Electrical Inspector. On completion of the work, the Electrical Inspector shall inspect the work to ascertain compliance with the U.S.B.C.

(D) No person, firm, or corporation shall use or permit the use of, or supply current for, electrical wiring or equipment for heating, light, or power within or on any building or structure or premises set forth in division (B) above located within the city, unless a certificate of inspection, certifying that the electrical wiring and equipment complies with the U.S.B.C., has been issued by the Electrical Inspector.

(E) No permit or certificate shall be required for the execution and use of the following classes of work:

- (1) Minor repair work, including the replacement of lamps or the connection of approved portable electrical devices to approved permanently installed receptacles;
- (2) The installation, alteration, or repair of electrical devices for the operation of communications and signals or the transmission of intelligence by wire by public service agencies;
- (3) The installation, alteration, or repair of electrical equipment of a power or public service company for its use in the generation, transmission, distribution, or metering of electricity;
- (4) The installation of any temporary system required for the testing or servicing of electrical wiring or equipment; and
- (5) Any work begun before the enactment of this section.

(F) Each person, firm, or corporation installing, altering, or adding to any installation for which a permit or certificate is required by this section shall pay the following fees to the city by paying them to the Electrical Inspector as agent for the city.

- (1) *Residential services to 600 AMPS, and light commercial to 400 AMPS (6,000 square feet).*
  - (a) For each permit - \$25;

(b) For each initial or rough inspection - \$25;

(c) For each reinspection or final inspection - \$25;

(d) For each branch circuit - \$3; and

(e) For each temporary on main - \$25.

(2) *Commercial buildings services.*

(a) Permit - \$25;

(b) Per inspection - \$25;

(c) Per sub panel - \$30;

(d) Per circuit - \$3; and

(e) Per amps on service - \$0.25.

(1989 Code, § 950.1) (Ord. 849, passed 9-8-1983; Am. Ord. 1040, passed 7-6-1992; Am. Ord. 1225, passed 7-2-2007) Penalty, see § 151.99

**§ 151.05 KENTUCKY RESIDENTIAL CODE ADOPTED.**

(A) The city hereby adopts the *Kentucky Residential Code*, most recent edition, and any future editions or amendments promulgated in 815 KAR 7:125 by the Board of Housing, Buildings and Construction, regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of 1- and 2-family dwellings and townhouses in the city; providing for the issuance of permits and collection of fees therefor, and repealing all other ordinances and parts of ordinances in conflict herewith.

(B) That a certain document, 3 copies of which are on file in the office of the City Clerk, being marked and designated as *Kentucky Residential Code*,

including appendix chapters, as published by Kentucky Department of Housing, Buildings and Construction, is hereby adopted as the code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of 1- and 2-family dwellings and townhouses not more than 3 stories in height in the city, and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such *Kentucky Residential Code*, most recent edition, published by the Department of Housing Buildings and Construction on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this section.

(Ord. 1241, passed 8-4-2008; Am. Ord. 1250, passed 10-21-2009)

**§ 151.06 PROPERTY MAINTENANCE CODE ADOPTED.**

That a certain document, 3 copies of which are on file in the office of the City Clerk, being marked and designated as the Property Maintenance Code of the City of Jeffersontown, including appendix chapters, is hereby adopted as the code of the city for regulating all existing residential and non-residential structures and all existing premises, and shall constitute minimum requirements and standards for premises, structures, equipments, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing and premises, and for administration; enforcement and penalties. These requirements and standards shall also be applied to the exterior of occupied and non-residential structures. Each and all of the regulations, provisions, conditions and terms of such property maintenance code on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this section.

(Ord. 1242, passed 8-20-2008)

**§ 151.07 KENTUCKY BUILDING CODE ADOPTED.**

(A) The *Kentucky Building Code*, promulgated in 815 KAR 7:120 by the Board of Housing, Buildings and Construction, Commonwealth of Kentucky, is hereby adopted in full as if set out at length herein.

(B) A copy of the *Kentucky Building Code* is on file in the office of the City Clerk, and the Clerk shall at all times keep a copy of it on file for reference.

(C) An attested copy of Ordinance 1251 shall be transmitted to the office of Housing, Buildings and Construction of the Commonwealth of Kentucky. (Ord. 1251, passed 10-21-2009)

**§ 151.08 DESIGNATED ENFORCEMENT OFFICER.**

(A) The City Building Inspector shall be designated as the local enforcement agent for the Kentucky Building Code.

(B) All building code inspections shall be performed by persons certified by the Kentucky Office of Housing, Buildings and Construction.

(C) All electrical inspections shall be performed by a state-certified electrical inspector specifically approved by this jurisdiction. (Ord. 1251, passed 10-21-2009)

**§ 151.09 BUILDING INSPECTION PROGRAM.**

Pursuant to KRS 198B.060(8), a building inspection program is hereby established in the city for application to all buildings. (Ord. 1251, passed 10-21-2009)

***ELECTRICAL INSTALLATION STANDARDS***

**§ 151.15 OBJECTIVE.**

The object of §§ 151.15 *et seq.* is to reduce hazards from electrical causes by providing minimum standards for electrical installation in Jeffersontown, Kentucky. (1989 Code, § 352.4A) (Ord. 855, passed 11-7-1983; Am. Ord. 862, passed 12-28-1983)

**§ 151.16 DEFINITIONS.**

For the purpose of §§ 151.15 *et seq.*, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BOARD.*** Board of Electrical Control, as defined in § 151.22.

***CODE.*** National Electrical Code as adopted by Kentucky State Uniform Building Code.

***ELECTRICAL CONTRACTOR.*** Any person possessing a license issued in accordance with § 151.22.

***ELECTRICAL MAINTENANCE WORK.*** Minor repair work performed by an employee who possesses an electrical maintenance license issued in accordance with §§ 151.15 *et seq.*

***ELECTRICAL WORK.*** The installation or repair of electrical wiring, appliances, apparatus, or electrical device.

***INSPECTOR.*** The Jeffersontown, Kentucky, Electrical Inspector.

***INSTALLATION.*** Includes the performance of electrical work, the manner of wiring, and the material and equipment used in connection with the work.

**MAINTENANCE OCCUPATIONAL ELECTRICIAN.** A person who holds occupational license under § 151.22.

**MINOR REPAIR WORK.** Includes work such as replacing snap switches, replacing fuses, lamp sockets, and receptacles.

**REPAIR.** The repair of the damaged or faulty existing wiring facilities to their original condition before damage or fault occurred.

**SUPERVISING ELECTRICIAN.** A person possessing a license issued in accordance with § 151.22. (1989 Code, § 352.4A) (Ord. 855, passed 11-7-1983; Am. Ord. 862, passed 12-28-1983)

**§ 151.17 APPLICATION.**

(A) The provisions of §§ 151.15 *et seq.* shall apply to all electrical installations and equipment located within the boundaries of Jeffersontown, Kentucky, including wiring or apparatus power by private plants.

(B) There are exemptions from §§ 151.15 *et seq.* below:

(1) Installation of public utility made pursuant to the generation or distribution of the utility; and

(2) Installation and equipment for the operation of county radio, fire alarm, and police systems.  
(1989 Code, § 352.4A) (Ord. 855, passed 11-7-1983; Am. Ord. 862, passed 12-28-1983)

**§ 151.18 ELECTRICAL INSPECTOR.**

(A) Sections 151.15 *et seq.* shall be administered by the Jeffersontown, Kentucky, Electrical Inspector.

(B) Whenever the Electrical Inspector shall have cause to suspect that a defect exists in an electrical system located on any property subject to the provisions of §§ 151.115 *et seq.*, he or she may demand entry during reasonable hours upon displaying his or her badge of authority or other credentials in order to discharge his or her official duties which include the inspection or testing of any electrical installation. If the owner or occupant refuses to admit the Inspector or hinders or interferes with him or her, in any manner, the Inspector shall have the power to order the discontinuance of electrical service.

(C) The Electrical Inspector shall have the power to disconnect or order the discontinuance of electrical services to conductors or apparatus found to be in violation of the electrical codes.  
(1989 Code, § 352.4A) (Ord. 855, passed 11-7-1983; Am. Ord. 862, passed 12-28-1983)

**§ 151.19 PERMITS.**

(A) Prior to the performance of any electrical work, a permit must be obtained from the Electrical Inspector.

(B) Applications for electrical permits shall state the names of the owners and the location where the work is to be performed and the full extent of the work to be done. Applications for permits must be countersigned by a licensed supervising electrician holding a contractor's license or employed by a licensed electrical contractor.

(C) Any person applying for a permit to make an electrical installation on his or her own premise, solely occupied by him or her and his or her family, shall not be required to have his or her application countersigned by a licensed supervising electrician.

(D) Applications for permits for new electrical work or extension to existing work at a plant or firm holding a maintenance occupational license must be signed by the representative of the plant or firm holding the electrical maintenance license (electrical contractor's license is not a prerequisite for this type permit).

(E) If work authorized by an electrical permit is not commenced within 6 months after the date thereof, the permit shall become void.

(F) An electrical permit shall be valid only for the location stated in the application.

(G) The Electrical Inspector may require a full set of plans and specifications for any proposed electrical work before a permit is issued.

(H) During festivals, conventions, carnivals, or similar occasions of a temporary nature, special permits shall be requested and may be granted by the Electrical Inspector for the installation of an approved system of lighting or as a source of electrical energy to power equipment and electrical rides. The permits shall be issued for a period of not more than 30 days and may be renewed only at the discretion of the Electrical Inspector.

(I) A permit for temporary electrical current for a period of 90 days may be granted by the Electrical Inspector where an urgent necessity is shown to exist and where no danger will result. The permit must be in writing by a licensed contractor.

(J) Any permit shall be void where:

(1) Work covered by the permit is not commenced within 6 months of the date of issuance; and/or

(2) The supervising electrician who signed the permit gives written notice to the Electrical Inspector of his or her desire to be released from further responsibility.

(K) Should a supervising electrician leave or be discharged from the employ of any person having a contractor's license, notice shall be given to the division within 5 days and all work under the direction of the supervising electrician shall stand suspended until employment of another qualified supervisor. (1989 Code, § 352.4A) (Ord. 855, passed 11-7-1983; Am. Ord. 862, passed 12-28-1983) Penalty, see § 151.99

#### § 151.20 INSPECTION AND APPROVAL.

(A) The Electrical Inspector shall be notified in writing by any person, firm, or corporation installing any new electrical work, first when rough-in work is complete, and second when the entire job is complete. The Electrical Inspector, upon receipt of the notice, shall inspect the work and, if the work conforms with the provisions of the electrical code, he or she shall post a notice of approval at or near the work. Supervising electrician shall sign all requests for the inspections.

(B) No electrical wiring shall be covered or concealed until approved by the Electrical Inspector. Should the Electrical Inspector condemn any of the work for not being in compliance with the code, notice in writing shall be given to the person, firm, or corporation engaged in the installation of the work.

(C) Within 15 days after the notification or within the further reasonable time requested, the work shall be altered or removed, as the case may require to fully comply with the code.

(D) The Electrical Inspector is hereby empowered to reinspect all existing wiring, appliances, devices, and equipment coming within the scope of the code. When the installation of any wiring appliances, devices, and equipment is found to be in a dangerous or unsafe condition, the person, firm, or corporation owning, using, or operating the same shall be notified in writing and shall make the necessary repairs or changes required to place the wiring, appliances, devices, and equipment in a safe condition. The work must be completed within 15 days.

(E) The Electrical Inspector is hereby empowered to disconnect or order the discontinuance of electrical service to the conductors or apparatus found to be in a dangerous or unsafe condition, or to have been installed without a permit or not in compliance with the code. He or she shall attach thereto a notice stating the reasons for the action, and it shall be unlawful for any person to remove the notice or to reconnect the conductors or apparatus until the same is placed in a safe and secure condition and approved by the Electrical Inspector.

(F) No electrical connections are to be made without the approval of the Electrical Inspector. The Electrical Inspector is empowered to order the disconnection of any electrical installation or equipment which has been connected before the approval for service has been given. Failure to comply with the order is a violation of §§ 151.15 *et seq.*

(G) The Electrical Inspector shall, upon request, issue a certificate of final inspection when the electrical installation is completed and found to comply with the code. No certificate will be issued for incomplete work. (1989 Code, § 352.4A) (Ord. 855, passed 11-7-1983; Am. Ord. 862, passed 12-28-1983) Penalty, see § 151.99

**§ 151.21 ELECTRICAL OCCUPATION LICENSES.**

(A) There shall be 3 classes of electrical occupation licenses.

(1) *Electrical contractor's license.* Any person, firm, or corporation who engages in the business of installation, alteration, maintenance, or repair of electrical wiring, equipment, apparatus, or fixtures in Jeffersontown, Kentucky, is required to have an electrical contractor's license.

(2) *Electrical maintenance license.* Any person, firm, or corporation, excepting service companies holding franchises, who regularly employs a competent electrical maintenance person performing work only in or about his or her own building or property for the employer's own purpose and use only is required to have an electrical maintenance license. The licensee need not have the license provided for in division (A)(1) above.

(3) *Supervising electrician license.* Any person who directs, installs, supervises, or controls the installation, alteration, repair, or maintenance of electrical equipment, wires, or apparatus by others is required to have a supervising electricians license.

(B) License issued under the provisions of §§ 151.15 *et seq.* shall be nontransferable and shall be posted in a conspicuous place in the licensee's place of business.

(C) Any person who desires to procure a license as required by §§ 151.15 *et seq.* shall make application to the Electrical Inspector for the class or kind of license desired giving his or her name, address, and location of business. The application shall be made on a form provided by the Electrical Inspector. Upon the filing of the application with the Electrical Inspector and the payment of the prescribed license fee, the Electrical Inspector shall issue a license to the applicant to perform work pertaining to the class of occupational license for which application was made; provided that, before a supervising

electrical license is issued to any person, he or she must first have successfully met the requirements and passed the examination as provided in §§ 151.15 *et seq.* However, any applicant or the license of a electrical supervisor presently holding a Louisville Metro, Kentucky, electrical license and/or City of Louisville, Kentucky, electrical license shall be deemed to have meet the requirements for licensing as set forth herein.

(D) Applicants for a supervising electrician occupational license shall be not less than 6-years experience in the installation, alteration, repair, or maintenance of electrical equipment, wires, and apparatus with a minimum of 1-year experience in performing electrical installations which meet the requirements of the National Electrical Code and shall submit to an examination before the Board of Electrical Control concerning his or her fitness and qualifications as to the installation of electrical wiring and apparatus. Applicants shall be required to receive an average of not less than 75% on the examination. A certificate of graduation from or an affidavit of attendance at a recognized technical school or college may, at the discretion of the Electrical Control Board, be credited as part of the required 6 years.

(E) All occupational licenses shall be issued for the calendar year or fraction thereof and shall be obtained on or before January 31 of each year and shall expire at midnight on December 31. No license may be renewed after a period of 31 days from the date of expiration.

(F) All electrical contractor applicants, as set forth herein, shall provide proof of insurance of minimum liability insurance coverage in the amount of \$250,000 or more, upon issuance of contractors license.

(G) License applicants shall pay the following fees to the City of Jeffersontown, Kentucky, by paying the following fees to the Jeffersontown Electrical Inspection Department as an agent for the city:

(1) For each electrical contractor's license - \$50 per calendar year;

(2) For each active electrical supervisors license - \$10 per calendar year;

(3) For each inactive electrical supervisors license - \$10 1-time registration fee;

(4) For each electrical maintenance license - \$10 per calendar year; and

(5) The total licenses set forth herein are due for the entire year, or any part thereof. (1989 Code, § 352.4A) (Ord. 855, passed 11-7-1983; Am. Ord. 862, passed 12-28-1983) Penalty, see § 151.99

#### § 151.22 BOARD OF ELECTRICAL CONTROL.

(A) There shall be appointed by the Mayor, subject to the approval of the City Council, a Board of Electrical Control consisting of 5 members, 1 of whom shall be an electrical engineer, 1 an electrical contractor representing commercial electrical trade to residential work, 1 a representative of a public service company, and 1 representing the electrical industry at large. The members of the Board shall be appointed for a term of 2 years and shall be subject to removal for cause by the Mayor with the consent of the City Council.

(B) The Electrical Inspector shall be a member ex officio of the Board of Electrical Control and shall preside at all meetings of the Board. The Board shall meet at least monthly in regular session and each

appointed member shall receive \$ 25 per day for each regular monthly session that he or she attends. A majority of the Board shall constitute a quorum. The members of the Board shall elect a Secretary to keep the record of all meetings.

(1) The Board shall be vested with the authority to act as a board of examiners and shall, at its regular monthly sessions, examine applicants for licenses. The applicants shall be examined concerning their qualifications and competency to engage in the business of installing electrical wiring and materials.

(2) The Board shall have the authority to revoke any license that has been issued incident to an application containing false information.

(3) If a complaint is made respecting the character of work done by the holder of any occupational license issued under §§ 151.15 *et seq.*, the Board shall immediately cause written notice of the complaint to be mailed to the licensee, the notice shall state the nature of the complaint, and the time which the Board has fixed for a hearing thereon. License holder may appear at the hearing. If, after the hearing, the Board is of the opinion that the complaint is justified, it shall have the power to suspend the occupation license of the licensee.

(4) The Board may stop the issuance of electrical permits to a licensee if there is a failure by the licensee to correct any defect, error, or deficiency in any work performed by him or her within 15 calendar days after notification thereof. The Electrical Inspector shall be promptly notified of the correction of any defect, error, or deficiency.

(5) In addition to the authority invested herein, the Board is charged with the duty to act as an advisory body to the Electrical Inspector, with the power to formulate to the rules or regulations as may be necessary to cover conditions which are not otherwise covered by the code and to render upon request an interpretation of the code. Any rules or

regulations shall be filed with the City Clerk/Treasurer for review by the City Council and shall not be operative until approved by the body. (1989 Code, § 352.4A) (Ord. 855, passed 11-7-1983; Am. Ord. 862, passed 12-28-1983)

**§ 151.99 PENALTY.**

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

## CHAPTER 152: BINDING ELEMENTS

### Section

- 152.01 Definitions
- 152.02 Enforcement of binding elements
- 152.03 Authority of the Planning Commission
- 152.04 Form citations and issuance
- 152.05 Hearing before the Planning Commission
- 152.06 Appeal of Planning Commission orders
- 152.07 Payment of fines
- 152.08 Civil action
  
- 152.99 Penalty

is enforceable as a local law and includes any provisions of the Jeffersontown Code of Ordinances which embodies all or part of an ordinance.

***PLANNING COMMISSION.*** The Louisville Metro Planning Commission.  
(Ord. 1201, passed 6-6-2005)

### **§ 152.02 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 chapter.  
(Ord. 1201, passed 6-6-2005) Penalty, see § 152.99

### **§ 152.01 DEFINITIONS.**

For the purpose of this chapter, 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, its designee, or a city ordinance; 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 authorized 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 of Jeffersontown, Kentucky. It

### **§ 152.03 AUTHORITY OF THE PLANNING COMMISSION.**

(A) 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 within the City of Jeffersontown, Kentucky's boundaries 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 chapter but a criminal offense which may be prosecuted in the court of appropriate jurisdiction.

(B) In the exercise of its authority under this chapter, the Planning Commission shall have the power to:

(1) Adopt rules and regulations to govern its operation and conduct of its hearings that are consistent with requirements of this chapter;

(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 severed 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;

(6) Impose civil fines as authorized in this chapter on any person found to have violated any binding element that the Planning Commission is authorized to enforce.

(Ord. 1201, passed 6-6-2005)

#### § 152.04 FORM CITATIONS AND ISSUANCE.

(A) Enforcement proceedings for the violation of a binding element shall be initiated by the issuance of a citation by an authorized Land Use Enforcement Officer.

(B) When a Land Use Enforcement Officer, based upon personal observation of 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 10 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 Officer 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. 1201, passed 6-6-2005)

**§ 152.05 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 7 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 a 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 chapter, 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. 1201, passed 6-6-2005)

**§ 152.06 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. 1201, passed 6-6-2005)

**§ 152.07 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. The 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. 1201, passed 6-6-2005) Penalty, see § 152.99

**§ 152.08 CIVIL ACTION.**

Nothing contained in this chapter shall prohibit the City of Jeffersontown, Kentucky 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. 1201, passed 6-6-2005)

**§ 152.99 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 § 152.04(B) to remedy the violation shall be deemed a separate offense.

(Ord. 1201, passed 6-6-2005)

## **TABLE OF SPECIAL ORDINANCES**

Table

- I. ANNEXATIONS**
- II. ZONING MAP CHANGES**
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**TABLE I: ANNEXATIONS**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
-	- -	Annexation of land
-	8-13-1906	Annexation of land
-	3-14-1916	Annexation of land
-	6-16-1929	Reduction of boundary line
-	6-6-1946	Reduction of town limits
126	12-8-1953	Annexation of land
149	8-17-1954	Annexation of land
153	10-6-1954	Annexation of land
154	10-6-1954	Annexation of land
158	11-23-1954	Annexation of land
170	8-24-1955	Annexation of land
171	8-24-1955	Annexation of land
177	11-2-1955	Annexation of land
181	12-21-1955	Annexation of land
193	4-16-1956	Annexation of land
206	10-1-1956	Annexation of land
215	12-17-1956	Annexation of land
216	12-17-1956	Annexation of land
266	12-29-1958	Annexation of land

**Jeffersontown - Table of Special Ordinances**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
272	3-23-1959	Annexation of land
285	8-3-1959	Annexation of land
289	10-5-1959	Annexation of land
303	2-15-1960	Annexation of land
341	1-22-1962	Annexation of land
347	4-2-1962	Annexation of land
370	10-21-1963	Annexation of land
375	12-23-1963	Annexation of land
378	3-16-1964	Annexation of land
381	4-20-1964	Annexation of land
382	4-20-1964	Annexation of land
384	5-4-1964	Annexation of land
389	8-17-1964	Annexation of land
396	11-9-1964	Annexation of land
397	11-30-1964	Annexation of land
398	11-30-1964	Annexation of land
401	1-18-1965	Annexation of land
410	4-5-1965	Annexation of land
411	4-5-1965	Annexation of land
412	4-5-1965	Annexation of land
430	1-3-1966	Annexation of land
440	5-2-1966	Annexation of land
445	7-11-1966	Annexation of land

## Annexations

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
446	7-11-1966	Annexation of land
501	1-19-1970	Annexation of land
505	4-6-1970	Annexation of land
508	4-20-1970	Annexation of land
512	6-15-1970	Annexation of land
538	10-4-1971	Annexation of land
544	1-17-1972	Annexation of land
555	5-1-1972	Annexation of land
568	9-18-1972	Annexation of land
575	1-15-1973	Annexation of land
576	2-5-1973	Annexation of land
578	5-7-1973	Annexation of land
595	8-20-1973	Annexation of land
596	8-20-1973	Annexation of land
604	1-2-1974	Annexation of land
650	11-3-1975	Annexation of land
700	11-20-1978	Annexation of land
703	12-18-1978	Annexation of land
705	2-5-1979	Annexation of land
717	8-20-1979	Annexation of land
725	1-7-1980	Annexation of land
755	3-2-1981	Annexation of land
772	10-5-1981	Annexation of land

## Jeffersontown - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
807	8-16-1982	Annexation of land
810	10-18-1982	Annexation of land
811	10-19-1982	Annexation of land
812	11-1-1982	Annexation of land
813	11-15-1982	Annexation of land
814	12-6-1982	Annexation of land
815	12-6-1982	Annexation of land
818	12-21-1982	Annexation of land
819A	2-7-1983	Annexation of land
825	2-21-1983	Annexation of land
827	3-21-1983	Annexation of land
830	3-21-1983	Annexation of land
837	6-7-1983	Annexation of land
838	6-7-1983	Annexation of land
847	8-22-1983	Annexation of land
848	8-22-1983	Annexation of land
850	9-8-1983	Annexation of land
852	9-8-1983	Annexation of land
860	12-28-1983	Annexation of land
867	3-19-1984	Annexation of land
868	3-6-1984	Annexation of land
873	5-7-1984	Annexation of land
874	5-7-1984	Annexation of land

## Annexations

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
1026	12-10-1991	Annexation of land
1049	8-2-1993	Annexation of land
1054	12-13-1993	Proposed annexation
1110	4-16-1998	Annexation of land
1115	10-21-1998	Annexation of land
1116	10-21-1998	Annexation of land
1154	7-17-2002	Proposed annexation
1155	7-17-2002	Proposed annexation
1156	7-17-2002	Proposed annexation
1157	7-17-2002	Proposed annexation
1158	7-17-2002	Proposed annexation
1159	7-17-2002	Proposed annexation
1160	7-17-2002	Proposed annexation
1164	11-20-2002	Annexation of land
1165	11-20-2002	Annexation of land
1166	11-20-2002	Annexation of land
1167	11-20-2002	Annexation of land
1169	11-20-2002	Annexation of land



**TABLE II: ZONING MAP CHANGES**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
517	8-17-1970	Rezoning
518	8-17-1970	Rezoning
519	8-17-1970	Rezoning
520	10-5-1970	Rezoning
522	10-5-1970	Rezoning
527	3-15-1971	Rezoning
530	4-19-1971	Rezoning
531	5-3-1971	Rezoning
534	7-19-1971	Rezoning
540	10-19-1971	Rezoning
549	3-20-1972	Rezoning
552	4-17-1972	Rezoning
563	7-3-1972	Rezoning
571	11-20-1972	Rezoning
572	11-20-1972	Rezoning
577	2-5-1973	Rezoning
579	2-19-1973	Rezoning
581	3-19-1973	Rezoning
582	3-19-1973	Rezoning

## Jeffersontown - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
583	3-19-1973	Rezoning
597	9-17-1973	Rezoning
598	9-24-1973	Rezoning
599	10-1-1973	Rezoning
612	2-4-1974	Rezoning
614	5-6-1974	Rezoning
616	6-3-1974	Rezoning
619	7-15-1974	Rezoning
627	11-18-1974	Rezoning
634	12-16-1974	Rezoning
649	10-20-1975	Rezoning
652	12-1-1975	Rezoning
658	2-2-1976	Rezoning
677	1-17-1977	Rezoning
678	2-21-1977	Rezoning
693	5-15-1978	Rezoning
719	10-15-1979	Rezoning
724	12-12-1979	Rezoning
726	3-17-1980	Rezoning
734	8-18-1980	Rezoning
761	6-15-1981	Rezoning
803	7-6-1982	Rezoning
824	2-21-1983	Rezoning

## Zoning Map Changes

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
832	5-16-1983	Rezoning
843	2-20-1984	Rezoning
844	7-18-1983	Rezoning
864	2-20-1984	Rezoning
866	3-5-1984	Rezoning
870	4-2-1984	Rezoning
895	12-17-1984	Rezoning
900	4-1-1985	Rezoning
914	8-19-1985	Rezoning
915	8-19-1985	Rezoning
921	11-20-1985	Rezoning
922	11-20-1985	Rezoning
946	8-4-1986	Rezoning
948	11-17-1986	Rezoning
954	1-20-1987	Rezoning
965	9-9-1987	Rezoning
969	10-19-1987	Rezoning
976	5-16-1988	Rezoning
985	12-5-1988	Rezoning
988	5-1-1989	Rezoning
992	6-5-1989	Rezoning
994	8-7-1989	Rezoning
995	8-21-1989	Rezoning

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
998	2-19-1990	Amendment of Ord. 985; rezoning
1001	3-5-1990	Rezoning
1003	12-6-1989	Rezoning
1004	3-21-1990	Rezoning
1005	6-4-1990	Rezoning
1013	2-7-1991	Amendment of Ord. 1005; rezoning
1014	2-19-1991	Rezoning
1023	12-2-1991	Rezoning
1024	12-10-1991	Amendment of Ord. 998; rezoning
1028	3-21-1992	Rezoning
1031	5-18-1992	Rezoning
1035	7-6-1992	Rezoning
1036	7-6-1992	Rezoning
1042	11-9-1992	Rezoning
1043	11-10-1992	Rezoning
1051	9-7-1993	Rezoning
1053	11-15-1993	Rezoning
1055	12-27-1993	Amendment of Ord. 824; rezoning
1060	6-7-1994	Rezoning
1062	9-6-1994	Amendment of Ord. 1060; rezoning
1066	9-19-1994	Rezoning
1068	10-18-1994	Rezoning
1069	11-7-1994	Rezoning

## Zoning Map Changes

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
1070	11-7-1994	Amendment of Ord. 1024; rezoning
1072	12-13-1994	Rezoning
1075	2- -1995	Rezoning
1076	2- -1995	Rezoning
1077	2-21-1995	Rezoning
1079	4-3-1995	Rezoning
1088	3-20-1996	Rezoning
1090	- -1996	Rezoning
1093	7-1-1996	Rezoning
1095	8-22-1996	Rezoning
1096	8-22-1996	Rezoning
1097	11-20-1996	Rezoning
1098	12-3-1996	Rezoning
1099	- -1996	Amendment of Ord. 1077; rezoning
1106	10-15-1997	Rezoning
1107	11-19-1997	Rezoning
1111	5-20-1998	Rezoning
1117	1-20-1999	Rezoning
1118	2-1-1999	Rezoning
1124	8-2-1999	Rezoning
1125	10-4-1999	Rezoning
1136	7-19-2000	Rezoning
1138	11-15-2000	Rezoning

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
1142	- -2001	Rezoning
1144	7-18-2001	Rezoning
1148	1-16-2002	Rezoning
1150	4-1-2002	Rezoning
1151	5-15-2002	Rezoning
1163	8-21-2002	Amendment of Ord. 1136; rezoning
1172	6-2-2003	Rezoning
1180	- -2003	Rezoning
1181	3-17-2004	Rezoning
1194	11-1-2004	Rezoning
1195	12-20-2004	Rezoning
1196	12-20-2004	Rezoning
1197	- -2005	Rezoning
1198	4-20-2005	Rezoning
1200	5-18-2005	Rezoning
1209	7-20-2005	Rezoning
1210	7-20-2005	Rezoning
1213	12-21-2005	Rezoning
1214	2-6-2006	Rezoning
1221	4-18-2007	Rezoning
1232	3-19-2008	Amendment of Ord. 1144; rezoning
1240	8-20-2008	Rezoning

**Zoning Map Changes**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
1252	12-16-2009	Rezoning
1257	7-7-2010	Rezoning



**TABLE III: TAX RATES**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
-	- -1992	Tax rate for fiscal 1992-1993
989	6-5-1989	Tax rate for fiscal 1989-1990
1006	6-19-1990	Tax rate for fiscal 1990-1991
1020	6-3-1991	Tax rate for fiscal 1991-1992
1047	6-21-1993	Tax rate for fiscal 1993-1994
1058	6-7-1994	Tax rate for fiscal 1994-1995
1082	6-6-1995	Tax rate for fiscal 1995-1996
1092	6-3-1996	Tax rate for fiscal 1996-1997
1102	5-21-1997	Tax rate for fiscal 1997-1998
1112	6-17-1998	Tax rate for fiscal 1998-1999
1120	6-15-1999	Tax rate for fiscal 1999-2000
1134	6-6-2000	Tax rate for fiscal 2000-2001
1143	6-5-2001	Tax rate for fiscal 2001-2002
1152	6-4-2002	Tax rate for fiscal 2002-2003
1173	6-3-2003	Tax rate for fiscal 2003-2004
1189	6-8-2004	Tax rate for fiscal 2004-2005
1204	6-15-2005	Tax rate for fiscal 2005-2006
1217	6-14-2006	Tax rate for fiscal 2006-2007
1222	6-20-2007	Tax rate for fiscal 2007-2008
1236	6-18-2008	Tax rate for fiscal 2008-2009

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
1247	6-1-2009	Tax rate for fiscal 2009-2010
1255	6-16-2010	Tax rate for fiscal 2010-2011

**TABLE IV: BUDGETS AND APPROPRIATIONS**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
990	6-5-1989	Budget and appropriation for fiscal 1989-1990
1007	6-19-1990	Budget and appropriation for fiscal 1990-1991
1021	6-4-1991	Budget and appropriation for fiscal 1991-1992
1029	4-20-1992	Amendment of Ord. 1021
1034	- -1992	Budget and appropriation for fiscal 1992-1993
1046	6-21-1993	Budget and appropriation for fiscal 1993-1994
1048	- -1993	Amendment of Ord. 1034
1059	6-7-1994	Budget and appropriation for fiscal 1994-1995
1083	6-6-1995	Budget and appropriation for fiscal 1995-1996
1091	6-3-1996	Budget and appropriation for fiscal 1996-1997
1103	- -1997	Budget and appropriation for fiscal 1997-1998
1113	6-17-1998	Budget and appropriation for fiscal 1998-1999
1121	6-15-1999	Budget and appropriation for fiscal 1999-2000
1135	6-6-2000	Budget and appropriation for fiscal 2000-2001
1144	6-5-2001	Budget and appropriation for fiscal 2001-2002
1153	6-4-2002	Budget and appropriation for fiscal 2002-2003
1174	6-3-2003	Budget and appropriation for fiscal 2003-2004
1190	6-8-2004	Budget and appropriation for fiscal 2004-2005
1205	6-15-2005	Budget and appropriation for fiscal 2005-2006
1218	6-14-2006	Budget and appropriation for fiscal 2006-2007

**Jeffersontown - Table of Special Ordinances**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
1223	6-20-2007	Budget and appropriation for fiscal 2007-2008
1237	6-18-2008	Budget and appropriation for fiscal 2008-2009
1239	6-19-2008	Amendment of Ord. 1223
1248	6-1-2009	Budget and appropriation for fiscal 2009-2010
1258	6-16-2010	Budget and appropriation for fiscal 2010-2011

**TABLE V: FRANCHISE AGREEMENTS**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
704	12-18-1978	Community Antenna Television System franchise
727	4-9-1980	Franchise agreement; CPI of Louisville, Inc.
794	6-7-1982	CATV franchise; Commission creation
1008	9-16-1990	Franchise; water service
1081	6-5-1995	Franchise; CATV services



**TABLE VI: STREETS**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
-	8-4-1947	Street name change
-	5-3-1948	Street name change
-	6-7-1948	Street name change
-	1-10-1949	Street name change
95	7-2-1951	Street name change
96	7-2-1951	Street name change
122	10-7-1953	Street name change
420	8-16-1965	Street closure
438	4-4-1966	Street closure
449	8-15-1966	Street closures
526	2-15-1971	Street closures
697	8-7-1978	Street closure
709	4-2-1979	Alley closure
720	10-15-1979	Street name change
722	11-5-1979	Street name change
761	6-15-1981	Street closures
774	11-16-1981	Street name change
858	12-19-1983	Street closure
924	12-16-1985	Street name change

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
928	2-18-1986	Street dedications
936	8-18-1986	Street name change
980	9-6-1988	Street closure
981	9-6-1988	Street closure
986	1-9-1989	Street closures
999	2-19-1990	Street name change
1015	2-19-1991	Alley closure
1041	9- -1992	Street name change
1045	5-17-1993	Street name change
1063	9-19-1994	Street name change
1087	2-5-1996	Street closure
1119	4-21-1999	Street closure
1137	7-20-2000	Street closure
1178	9-18-2003	Street closure
1203	6-15-2005	Street name change
1208	7-20-2005	Street name change
1216	5-2-2006	Alley closure

**TABLE VII: CONTRACTS AND AGREEMENTS**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
416	6-21-1965	Contract annexation
423	11-4-1965	Contract annexation
436	3-21-1966	Contract annexation
441	5-2-1966	Contract annexation
556	5-1-1972	Interlocal Cooperation Agreement Relating to Falls of the Ohio Metropolitan Area Metropolitan Council of Governments
933	3-25-1986	Waterworks and Sanitary Sewer Systems Commission
961	6-1-1987	Interlocal agreement; insurance
964	7-20-1987	Trust Participation Agreement
966	10-5-1987	Bond adoption and authorization
991	- -1989	Bond assignment and substitution agreement
1009	9-16-1990	Ratification of sale of city wastewater treatment plant
1010	9-20-1990	Public Properties Corporation
1011	10-1-1990	Authorization; Kentucky League of Cities Investment Pool Plus
1025	12-10-1991	Industrial building revenue bonds
1061	9-19-1994	Lease financing with Kentucky Municipal Finance Corporation

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
1065	--	Interlocal cooperation agreement
1067	10-18-1994	Industrial building revenue bond; Louisville Bedding Company
1078	3-20-1995	Variable rate demand industrial building revenue bonds
1080	9-3-1995	Subdivision of property
1086	12-4-1995	Issuance of taxable variable rate industrial building revenue bonds
1089	3-20-1996	Approval of lease financing with Kentucky Municipal Finance Corporation
1101	4-7-1997	Industrial building revenue bond; Louisville Bedding Company
1108	12-9-1997	Industrial building revenue bonds; Papa John's USA
1126	11-1-1999	Industrial building revenue bonds; Papa John's USA
1127	1-3-2000	Kentucky League of Cities Funding Trust Lease Program revenue bonds
1133	5-17-2000	Approval of lease for financing of project
1139	12-4-2000	Industrial building revenue bonds; Papa John's USA
1146	10-17-2001	Variable rate industrial building revenue bonds; JCK Realty, LLC

**TABLE VIII: BONDS**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
1179	9-18-2003	General obligation bonds
1199	5-18-2005	General obligation bonds
1234	5-22-2008	General obligation floating indebtedness funding notes
1235	5-22-2008	General obligation unfunded liability funding note



**PARALLEL REFERENCES**

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References to 1989 Code  
References to Ordinances



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15.410–15.510	34.03
17.150	34.03
18A.225	113.07
39.010	33.075
39.020	33.078
Chapter 39B	33.076; 33.077
46.010(28)	10.02
Chapter 61	30.01
61.300	35.07
61.810	32.76
61.870–61.884	32.80
61.872–61.884	32.19
65 <i>et seq.</i>	32.03
65.8801–65.8839	36.02
65.8815(5)	36.05
67.750(7)	110.15
78.510–78.852	31.16
78.530(3)	31.16
83A.010(5)	10.02
83A.010(6)	10.02
83A.010(8)	10.02
83A.040	30.01
83A.060	30.01
83A.080	32.04
90.300	35.02
90.300(1)(g)	35.02
90.300–90.420	35.01; 35.02
90.310–90.410	35.05; 35.08
90.360	35.12
90.410(1)	35.01
91A.010(8)	10.02
91A.080	110.17
91A.080(7)	113.06
95.761(1)	35.01
95.761(3)	35.01
97.010–97.050	33.021
97.020	33.021
97.030	33.022

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97.150-97.240	33.023
100.253	94.03
100.413	152.06
100.415	152.07
131.010(6)	113.06
136.120	110.17
177.020-177.079	90.04
177.041-177.047	90.04
177.043(3)	90.04
177.044(3)	90.04
Chapter 187	70.17
198B.060(8)	151.09
241.030	31.02
Chapter 243	110.17, 111.16
243.032	111.16
304.178-005	113.07
376.275	93.05
Chapter 424	35.05; 35.12; 92.39
424.130	150.01
446.010(1)	10.02
446.010(2)	10.02
446.010(6)	10.02
446.010(7)	10.02
446.010(8)	10.02
446.010(9)	10.02
446.010(10)	10.02
446.010(11)	10.02
446.010(12)	10.02
446.010(13)	10.02
446.010(14)	10.02
446.010(18)	10.02
446.010(20)	10.02
446.010(21)	10.02
446.010(22)	10.02
446.010(25)	10.02
446.010(27)	10.02
446.010(29)	10.02
446.010(30)	10.02
446.010(33)	10.02
446.010(35)	10.02
446.010(36)	10.02
446.010(38)	10.02

<i>KRS Cites</i>	<i>Code Section</i>
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446.020(2)	10.03
446.030	10.04
446.050	10.05
446.060	10.06
446.080(1)	10.03
446.080(3)	10.03
446.080(4)	10.03
446.090	10.07
446.100	10.08
446.110	10.09
446.140	10.01



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100.5	30.01
120.14A	30.03
130.40	31.04
130.45A	30.04
130.48	31.01
150.10	33.001–33.005
150.12	34.03; 35.02–35.14
150.13	33.020–33.032
150.16	33.045–33.049
210.1	33.060–33.062
210.2	31.02
210.3	90.20–90.26
222.12,(1)	110.15–110.23
222.12,(2)	110.15–110.23
222.12,(3)	110.15–110.23
222.13A	111.15–111.20
222.14	110.01
230.2	31.15
231.2	31.16
250.18	31.17
260.1	31.03
300.3	90.01; 90.40–48
320.3	34.01
320.13	34.02
321.3	34.03
330.1	33.075–33.079
350.1	33.090–33.093
350.2	91.30–91.35
350.3	90.02
350.4	91.15–91.07
351.9A	151.01; 151.15–151.22
360.11	91.01
360.12	31.18
360.13	151.02
360.14	130.01
370.1	Ch. 90, App. A

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<i>1989 Code</i>	<i>2004 Code</i>
400.2	110.02
410.4	111.01
450.7	111.02
500.3	Ch. 70, App. A
520.17	70.01
530.1	Ch. 71, Sched. I
530.2	Ch. 71, Sched. I
530.3	Ch. 71, Sched. I
530.4	Ch. 71, Sched. I
530.5	Ch. 71, Sched. I
530.6	Ch. 71, Sched. I
530.7	Ch. 71, Sched. I
530.10	Ch. 71, Sched. I
530.11	Ch. 71, Sched. II
530.12	Ch. 71, Sched. II
530.13	Ch. 71, Sched. I
530.14	Ch. 71, Sched. I
540.18	70.18
540.19	Ch. 72, Sched. I
540.20	Ch. 72, Sched. I
540.21	Ch. 72, Sched. III
540.22	70.15
540.23	70.16
540.24	Ch. 72, Sched. II
540.25	Ch. 72, Sched. II
540.26	Ch. 72, Sched. II
600.1	50.01
620.19	50.01
620.35	90.03
620.39	Ch. 71, Sched. II
630.1	151.03
640.1	90.04
640.2	90.04
820.11	92.15-92.21
820.13	92.01
820.14	92.35-92.46
820.16	93.01-93.05; 93.99
830.12	51.01-51.05
910.6A	150.01; 112.02
950.1	151.04
1010.9	95.01
1020.17	96.01
1020.18	130.02
1020.20	130.03

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-	8-13-1906	TSO I
-	3-14-1916	TSO I
-	6-16-1929	TSO I
-	6-6-1946	TSO I
-	2-3-1947	90.04
-	8-4-1947	TSO VI
-	5-3-1948	TSO VI
-	6-7-1948	TSO VI
-	1-10-1949	TSO VI
95	7-2-1951	TSO VI
96	7-2-1951	TSO VI
121	10-7-1953	95.01
122	10-7-1953	TSO VI
126	12-8-1953	TSO I
130	1-6-1954	34.01
149	8-17-1954	TSO I
153	10-6-1954	TSO I
154	10-6-1954	TSO I
158	11-23-1954	TSO I
162	2-2-1955	90.04
170	8-24-1955	TSO I
177	8-24-1955	TSO I
181	12-21-1955	TSO I
182	12-21-1955	33.060-33.062
193	4-16-1956	TSO I
195	5-14-1956	90.01
202	9-3-1956	50.01
206	10-1-1956	TSO I
215	12-17-1956	TSO I
216	12-17-1956	TSO I
228	3-18-1957	92.15-92.21
266	12-29-1958	TSO I
272	3-23-1959	TSO I
277	6-8-1959	Ch. 71, Sched. I
285	8-3-1959	TSO I

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289	10-5-1959	TSO I
293	10-19-1959	Ch. 71, Sched. I
302	1-18-1960	Ch. 71, Sched. I
303	2-15-1960	TSO I
305	3-7-1960	Ch. 71, Sched. I
326	3-6-1961	96.01
333	9-18-1961	Ch. 71, Sched. I
341	1-22-1962	TSO I
345	3-5-1962	Ch. 71, Sched. I
347	4-2-1962	TSO I
361	6-13-1963	Ch. 71, Sched. I
370	10-21-1963	TSO I
375	12-23-1963	TSO I
401	1-18-1964	TSO I
378	3-16-1964	TSO I
381	4-20-1964	TSO I
382	4-20-1964	TSO I
384	5-4-1964	TSO I
389	8-17-1964	TSO I
396	8-17-1964	TSO I
397	11-30-1964	TSO I
398	11-30-`964	TSO I
410	4-5-1965	TSO I
411	4-5-1965	TSO I
412	4-5-1965	TSO I
416	6-21-1965	TSO VII
420	8-16-1965	TSO VI
423	11-4-1965	TSO VII
430	1-3-1966	TSO I
436	3-21-1966	TSO VII
438	4-4-1966	TSO VI
440	5-2-1966	TSO I
441	5-2-1966	TSO VII
445	7-11-1966	TSO I
446	7-11-1966	TSO I
447	8-1-1966	31.02
449	8-15-1966	92.01; TSO VI
473	11-6-1967	130.02
476	12-18-1967	33.090-33.093
481	2-19-1968	31.03
490	4-21-1969	151.03
501	1-19-1970	TSO I
503	1-19-1970	33.001-33.005
505	4-6-1970	TSO I

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510	5-4-1970	31.02
511	5-4-1970	31.02
512	6-15-1970	TSO I
515	7-6-1970	92.35-92.46
517	8-17-1970	TSO II
518	8-17-1970	TSO II
519	8-17-1970	TSO II
520	10-5-1970	TSO II
522	10-5-1970	TSO II
526	2-15-1971	TSO VI
527	3-15-1971	TSO II
530	4-19-1971	TSO II
531	5-3-1971	TSO II
534	7-19-1971	TSO II
538	10-4-1971	TSO I
539	10-19-1971	151.03
540	10-19-1971	TSO II
543	1-3-1972	151.03
544	1-17-1972	TSO I
545	3-6-1972	70.18
549	3-10-1972	TSO II
552	4-17-1972	TSO II
555	5-1-1972	TSO I
556	5-1-1972	TSO VII
557	6-5-1972	93.01-93.05; 93.99
562	7-3-1972	110.02
563	7-3-1972	TSO II
564	7-3-1972	150.01
565	7-17-1972	90.20-90.26
568	9-18-1972	TSO I
571	11-20-1972	TSO II
572	11-20-1972	TSO II
573	11-20-1972	34.02
575	1-15-1973	TSO I
576	2-5-1973	TSO I
577	2-5-1973	TSO II
578	5-7-1973	TSO I
579	2-19-1973	TSO II
580	3-5-1973	151.03
581	3-19-1973	TSO II
582	3-19-1973	TSO II
583	3-19-1973	TSO II
585	4-9-1973	34.03

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595	8-20-1973	TSO I
596	8-20-1973	TSO I
597	9-17-1973	TSO II
598	9-24-1973	TSO II
599	10-1-1973	TSO II
604	1-2-1974	TSO I
612	2-4-1974	TSO II
614	5-6-1974	TSO II
616	7-15-1974	TSO II
619	7-15-1974	TSO II
625	10-7-1974	Ch. 72, Sched. I
626	10-21-1974	Ch. 72, Sched. I
627	11-18-1974	TSO II
634	12-16-1974	TSO II
639	1-20-1975	35.01-35.14
640	3-3-1975	33.020-33.032
641	4-7-1975	Ch. 72, Sched. III
645	6-16-1975	33.075-33.079
649	10-20-1975	TSO II
650	11-3-1975	TSO I
652	12-1-1975	TSO II
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