

BANCROFT, KENTUCKY CODE OF ORDINANCES

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TITLE I: GENERAL PROVISIONS

Chapter

10. RULES OF CONSTRUCTION; GENERAL PENALTY

CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

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§ 10.01 SHORT TITLES.

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

(KRS 446.140)

(B) All references to codes, titles, chapters, and sections are to those components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the “traffic code”. Sections may be referred to and cited by the designation “§” followed by the number, such as “§ 10.01”. Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

(Prior Code, § 10.01)

§ 10.02 DEFINITIONS.

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

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

(KRS 446.010(1))

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

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

(KRS 446.010(2))

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

(KRS 446.010(52))

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 shall denote the City of Bancroft irrespective of its population or legal classification.

COMMISSION. The City Commission.

(KRS 83A.010(3))

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

(KRS 446.010(8))

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

(KRS 446.010(9))

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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(10))

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

(KRS 446.010(12))

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

(KRS 446.010(13))

DOMESTIC ANIMAL. Any animal converted to domestic habitat.

(KRS 446.010(14))

EXECUTIVE AUTHORITY. The Commission.

(KRS 83A.010(6))

FEDERAL. Refers to the United States.

(KRS 446.010(15))

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

(KRS 446.010(17))

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(22))

LEGISLATIVE BODY. The City Commission.

(KRS 91A.010(8))

LEGISLATIVE BODY MEMBER. A City Commissioner.

(KRS 83A.010(8))

MAY. The act referred to is permissive.

(KRS 446.010(24))

MONTH. Calendar month.

(KRS 446.010(25))

MUNICIPALITY. The City of Bancroft, Kentucky.

OATH. Includes affirmation in all cases in which an affirmation may be substituted for an **OATH.** (KRS 446.010(26))

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

(KRS 446.010(28))

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(29))

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

(KRS 446.010(31))

PERSONAL PROPERTY. Includes all property except real.

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

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

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

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

REAL PROPERTY. Includes lands, tenements, and hereditaments.

REGULAR ELECTION. The election in even-numbered years at which members of Congress are elected, and the election in odd-numbered years at which state officers are elected. (KRS 446.010(34))

SHALL. The act referred to is mandatory. (KRS 446.010(35))

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

STATE. The Commonwealth of Kentucky.

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

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

SWORN. Includes affirmed in all cases in which an affirmation may be substituted for an oath. (KRS 446.010(40))

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

VACANCY IN OFFICE. Exists when there is an unexpired part of a term of office without a lawful incumbent therein, when the person elected or appointed to an office fails to qualify according to law, or when there has been no election to fill the office at the time appointed by law; it applies whether the vacancy is occasioned by death, resignation, or removal from the state, county, city, or district, or otherwise. (KRS 446.010(43))

VIOLATE. Includes failure to comply with. (KRS 446.010(44))

YEAR. Calendar year. (KRS 446.010(46))
(Prior Code, § 10.02)

§ 10.03 RULES OF CONSTRUCTION.

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

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(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 City Commission.

(KRS 446.080(1))

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

(KRS 446.080(3))

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

(KRS 446.080(4))

(Prior Code, § 10.03)

§ 10.04 COMPUTATION OF TIME.

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

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

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

(KRS 446.030)

(D) In all cases where the law requires any act to be done in a reasonable time or reasonable notice to be given. **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.

(Prior Code, § 10.04)

§ 10.05 MAJORITY MAY ACT FOR ALL; AUTHORIZED AGENT.

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(A) Words giving authority to three 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 those acts when done by an authorized agent.
(Prior Code, § 10.05)

§ 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) (Prior Code, § 10.06)

§ 10.07 SEVERABILITY.

It shall be considered that it is the intent of City Commission in enacting any ordinance, that if any part of the ordinance be held unconstitutional the remaining parts shall remain in force, unless the ordinance provides otherwise, or unless the remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional part that it is apparent that City Commission 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 City Commission.

(KRS 446.090) (Prior Code, § 10.07)

§ 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 City Commission.

(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 City Commission 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 City Commission which enacted the amendment.

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

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(E) No other action of City Commission 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) (Prior Code, § 10.08)

§ 10.09 RIGHTS AND LIABILITIES ACCRUING BEFORE REPEAL OF ORDINANCE.

No new ordinance shall be construed to repeal a former ordinance as to any offense committed against a former ordinance, nor as to any act done, or penalty, forfeiture, or punishment incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any 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. 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) (Prior Code, § 10.09)

§ 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.

(Prior Code, § 10.10)

§ 10.11 ORDINANCES REPEALED.

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

(Prior Code, § 10.11)

§ 10.12 ORDINANCES UNAFFECTED.

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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.

(Prior Code, § 10.12)

§ 10.13 ORDINANCES SAVED.

Whenever an ordinance by its nature either authorizes or enables the City Commission, 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.

(Prior Code, § 10.13)

§ 10.14 AMENDMENTS TO CODE; AMENDATORY LANGUAGE.

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

(B) The method of amendment set forth in § 32.32 should be used by the city to amend, add, or repeal a chapter, section, or division of this code of ordinances.

(Prior Code, § 10.14)

§ 10.15 CONFLICTING PROVISIONS.

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

(Prior Code, § 10.15)

§ 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.

(Prior Code, § 10.16)

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§ 10.17 ERRORS AND OMISSIONS.

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

(Prior Code, § 10.17)

§ 10.18 HISTORICAL AND STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the amending ordinances, if any, are listed following the text of the code section. Example:

(Ord. 10, passed 5-13-1960; Ord. 15, passed 1-1-1970; Ord. 20, passed 1-1-1980; Ord. 25, passed 1-1-1985)

(B) If a KRS cite is included in the history, this indicates that the text of the section reads word-for-word the same as the statute. Example:

(KRS 83A.090)

(C) 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:

§ 39.01 PUBLIC RECORDS AVAILABLE.

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

Inspection of public records, see KRS 61.870 et seq.

(Prior Code, § 10.18)

§ 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.

(Prior Code, § 10.99)

Statutory references:

Enforcement of ordinances, see KRS 83A.065

Maximum fine for violations, see KRS 534.040(2)(c)

TITLE III: ADMINISTRATION

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- 31. CITY OFFICIALS**
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- 33. FINANCE AND REVENUE**
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CHAPTER 30: COMMISSION PLAN

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- 30.01 Form of government
- 30.02 Governing officers

§ 30.01 FORM OF GOVERNMENT.

The form of government provided in this chapter shall be known as the “Commission Plan”.

(KRS 83A.140(1)) (Prior Code, § 30.01)

§ 30.02 GOVERNING OFFICERS.

(A) The city shall be governed by an elected officer, who shall be called Mayor, and by elected legislative body members, who shall be called City Commissioners, and which together shall be known as the City Commission, and by other officers and employees as may be provided for by statute or city ordinance.

(B) The City Commission shall be composed of the Mayor and four Commissioners.
(KRS 83A.030(2)) (Prior Code, § 30.02)

CHAPTER 31: CITY OFFICIALS

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GENERAL PROVISIONS

§ 31.01 OATH; BOND.

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

(B) *Bond.*

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

(2) All officers and employees of the city who handle public funds in the execution of their duties shall give a good and sufficient bond to the city for the faithful and honest performance of their duties, and as security for all money coming into the officer’s hands or under the officer’s control. The amount of the bond shall be established based on the amount of public funds the officer handles at any point in time during the fiscal year and may be satisfied by a blanket or umbrella bond covering all or a group of city officers and employees. The cost of the bond shall be paid by the city.

(3) Elected officials who post bond as required by statute, and employees of their offices covered by a blanket or umbrella bond, shall be deemed to have complied with division (B)(1) above.

(KRS 65.067) (Prior Code, § 31.01)

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§ 31.02 COMPENSATION.

(A) The Commission shall by ordinance fix the compensation of every elected city officer not later than the first Monday in May in the year in which the officer is elected. An elected officer's compensation shall not be changed after his or her election or during his or her term of office.

(KRS 83A.070(1))

(1) In order to equate the compensation of the Mayor and Commissioners with the purchasing power of the dollar, the Governor's Office for Local Development computes by the second Friday in February of every year the annual increase or decrease in the consumer price index of the preceding year by using 1949 as the base year in accordance with § 246 of the Constitution of the commonwealth, which provides that the Mayor and Commissioners shall be paid at a rate no greater than \$7,200 per annum.

(2) The City Commission shall set the compensation of these officers in accordance with KRS 83A.070 at a rate no greater than that stipulated by the Governor's Office for Local Development.

(KRS 83A.075)

(B) The Commission shall establish the compensation of city employees and nonelected city officers in accordance with the personnel and pay classification plan ordinance of the city.

(KRS 83A.070(2))

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

(KRS 83A.070(3))

(Prior Code, § 31.02)

§ 31.03 REMOVAL FROM OFFICE.

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

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

(Prior Code, § 31.03)

Statutory references:

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

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

§ 31.04 INDEMNIFICATION OF CITY OFFICIALS.

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(A) For purposes of this section, the following definitions shall apply unless the context clearly 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-time and part-time employees of the city, including auxiliary police officers, if any, but shall not include any independent contractor or any employee, agent, supplier, or subcontractor of any independent contractor.

OFFICER. Any elected or appointed official of 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 or contract 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 such 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 or contract brought against him or her, an officer or employee shall, within ten 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 or contract brought against an officer or employee of the city if it determines and notifies the officer or employee in writing that:

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

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

(3) A timely request to defend was not made in accordance with division (D) 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 said 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 or 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, the city shall pay any judgment rendered against an officer or employee in any action in tort, or any compromise or settlement of such action.

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

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

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

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

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

(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 Commission.

(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.
(Prior Code, § 31.04) (Ord. 03-1986, passed 5-8-1986)

§ 31.05 NEWLY-ELECTED CITY OFFICIAL TRAINING.

(A) All newly-elected officials of the city shall attend the Kentucky League of Cities Training Program for newly-elected city officials as soon as practical after their installment as officers. Any associated fees shall be paid by the city.

(B) This municipal order shall be effective 11-12-1998.
(KRS 83A.060(12) and (13)) (Order 1, passed 11-12-1998)

ELECTED OFFICIALS

§ 31.20 ELECTION PROCEDURE.

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

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

(C) The city shall pay the costs of city elections only if city elections are held at a time other than prescribed by law for elections generally.
(KRS 83A.050)

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(D) Each appointed and elected city office existing upon adoption of this chapter shall continue until abolished by ordinance, except that the Offices of Mayor and Commissioners may not be abolished.

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

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

(KRS 83A.080(4))

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

(KRS 83A.080(5))

(Prior Code, § 31.20)

§ 31.21 MAYOR; MAYOR PRO TEM.

(A) *Election; term of office.* The Mayor of this city shall be elected by the voters of the city at a regular election. A candidate for Mayor shall be a resident of the city for not less than one year prior to his or her election. His or her term of office begins on January 1 following his or her election and shall be for four years and until his or her successor qualifies. If a person is selected or appointed as Mayor in response to a vacancy and serves less than four calendar years, then that period of service shall not be considered for purposes of re-election to a term of office.

(B) *Qualifications.* The Mayor shall be at least 25 years of age, shall be a qualified voter in the city, and shall reside in the city throughout his or her term of office.

(KRS 83A.040(1))

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

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

(1) When voting to fill a vacancy in the Office of Mayor, a member of the City Commission may vote for himself or herself.

(KRS 83A.040(2)(b))

(2) When voting to fill a vacancy created by the resignation of the Mayor, the resigning Mayor shall not vote on his or her successor.

(KRS 83A.040(3))

(3) No vacancy by reason of a voluntary resignation in the Office of Mayor shall occur unless a written resignation which specifies the resignation date is tendered to the City Commission. The resignation shall be effective at the next regular or special meeting of the City Commission occurring after the date specified in the written letter of resignation.

(KRS 83A.040(7))

(4) If a vacancy occurs in the Office of Mayor which is required by law to be filled temporarily by appointment, the City Commission shall immediately notify in writing both the County Clerk and the Secretary of State of the vacancy.

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(KRS 83A.040(8))

(5) The City Commission shall elect from among its members an individual to preside over meetings of the City Commission during any vacancy in the Office of the Mayor in accordance with the provisions of KRS 83A.130 to 83A.150.

(KRS 83A.040(2)(d))

(D) *Powers and duties.*

(1) The Mayor shall preside at all meetings of the Commission and may vote in all proceedings.

(2) All bonds, notes, contracts, and written obligations of the city authorized by ordinance or resolution shall be executed by the Mayor on behalf of the city.

(E) *Mayor Pro Tem.*

(1) The Commission shall designate one City Commissioner to serve as Mayor Pro Tem. The Mayor Pro Tem shall act for the Mayor whenever the Mayor is unable to attend to the duties of his or her office, and he or she shall then possess all rights, powers, and duties of Mayor.

(2) If the disability of the Mayor to attend to his or her duties continues for 60 consecutive days, the Office of Mayor may be declared vacant by a majority vote of the Commission membership, and the provisions of division (C) above shall apply.

(KRS 83A.140(4))

(Prior Code, § 31.21)

§ 31.22 COMMISSIONERS.

For provisions concerning the City Commission, see Chapter 32.
(Prior Code, § 31.22)

NONELECTED CITY OFFICIALS

§ 31.35 ESTABLISHMENT OF NONELECTED CITY OFFICES.

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

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

(KRS 83A.080)

(B) All nonelected city officers shall be appointed by the Commission.

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

(Prior Code, § 31.35)

Statutory reference:

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

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§ 31.36 CITY CLERK.

(A) *Establishment.* The city hereby establishes the Office of City Clerk.

(B) *Duties and powers.* The duties and responsibilities of the Clerk required by statute shall include, but are not limited to, the following:

(1) Maintenance and safekeeping of the permanent records of the city;
(2) Performance of the duties required of the custodian pursuant to Chapter 34 of this code of ordinances;

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

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

(a) The correct name of the Mayor, Commission members, and the following appointed officials who are serving as of January 1 of each year:

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

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

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

(KRS 83A.085)

(C) *Additional duties and powers.* Further duties of the City Clerk required by this section shall be:

- (1) To keep a true and complete record of all proceedings of the City Commission;
- (2) To handle all incoming and outgoing correspondence;
- (3) To keep city files on contracts, ordinances, and city documents;
- (4) To keep a list of contractors;
- (5) To prepare an agenda for city meetings;
- (6) To contact new residents and inform them of city services available to them;
- (7) To keep up with all real estate transactions;
- (8) To keep a running file on assessments;
- (9) To issue tax bills;
- (10) To publish the Bancroft Bulletin;
- (11) To handle dealings with contractors;
- (12) To publish a directory;
- (13) To issue permits;
- (14) To keep books and issue checks;

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- (15) To publish notices;
- (16) To act as a clearing house for complaints from citizens; and
- (17) To perform such other duties as may be required by statute or ordinance.

(D) *Compensation.* The compensation of the City Clerk shall be in an amount to be established by the City Commission by ordinance.

(E) *Oath; bond.* No person shall be appointed or act as the City Clerk unless such person has taken the oath required by § 228 of the Constitution of the commonwealth, and has provided bond, in an amount of \$5,000 with corporate surety authorized to transact business in the commonwealth and conditioned upon the performance of the duties specified herein.

(Prior Code, § 31.36) (Ord. 3-1970, passed 8-20-1970; Ord. 6-1973, passed 3-1-1973; Ord. 1-1987, passed 4-2-1987; Ord. 7, Series 1997, passed 12-11-1997)

Cross-reference:

Compensation, see § 31.02

§ 31.37 CITY TREASURER.

(A) *Establishment.* The Office of City Treasurer is hereby established.

(B) *Appointment and qualifications.* The City Commission shall appoint a City Treasurer who shall be the custodian of all funds of the city. The City Commission may remove the City Treasurer at will. He or she shall have graduated from an accredited high school and shall be chosen on the basis of his or her secretarial and accounting skills.

(C) *Duties and powers.* The City Treasurer shall have and exercise all powers and duties assigned to him or her by statute, this chapter, and other municipal responsibilities delegated from time to time. He or she shall advise the City Commission and all other city officers and employees in all financial matters pertaining to their municipal duties or employment or affecting the interests of the city. He or she shall collect, keep safe, promptly deposit, and account for all city revenues and monies from all sources; shall maintain accurate and complete records of all city financial transactions according to accepted accounting standards; and shall submit summary statements of receipts and disbursements monthly to the City Commission. He or she shall prepare and maintain payroll records for all city officers and employees, verify the public purpose of and the city's legal obligation for all disbursements from city funds, pay all claims and accounts against the city approved by the City Commission, and sign all checks authorized to be issued against city funds.

(D) *Oath and bond.* No person shall be appointed or act as the City Treasurer unless such person has taken the oath required by § 228 of the Constitution of the commonwealth, and has provided a bond in the sum of \$5,000, with corporate surety authorized to transact business in the commonwealth and conditioned upon the performance of the duties specified herein.

(E) *Compensation.* The compensation of the City Treasurer shall be in an amount to be established by City Commission by ordinance.

(Prior Code, § 31.37) (Ord. 3-1970, passed 8-20-1970)

§ 31.38 CITY ENGINEER.

(A) *Establishment.* The Office of City Engineer is hereby established.

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(B) *Appointment and qualifications.* The City Engineer shall be appointed by the City Commission and may be removed by the Commission at will.

(C) *Oath; bond.* No person shall be appointed or act as the City Engineer unless such person has taken the oath required by § 228 of the Constitution of the commonwealth and has provided a bond, if required, in the sum as established by City Commission, with corporate surety authorized to transact business in the commonwealth and conditioned upon the performance of the duties specified herein.

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

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

(Prior Code, § 31.38)

OTHER OFFICIALS

§ 31.50 CITY ATTORNEY.

(A) The City Commission shall retain a City Attorney who shall be the legal counsel for the city. He or she shall be an attorney licensed to practice in the commonwealth. He or she shall be chosen solely on the basis of his or her legal qualifications, with special emphasis on actual experience in or knowledge of municipal and administrative law of the commonwealth. The City Attorney may also engage in the private practice of law and may hold other public or private employment.

(B) The City Attorney shall have and exercise all powers and duties assigned to him or her by statute, this chapter, and such other municipal responsibilities delegated from time to time. He or she shall attend meetings of the City Commission, as required, shall advise the City Commission and all other city officers and employees in all legal matters pertaining to their municipal duties or affecting the interests of the city, shall appear for and defend the city in all legal actions and administrative proceedings in which the city is a party or is interested, shall institute legal action for and on behalf of the city wherever necessary for protection or enforcement of rights or interests of the city, shall prepare and examine ordinances, resolutions, orders, and legal instruments as the Commission may direct, and generally shall attend to all legal business of the city.

(C) In addition to the monthly retainer, the City Attorney may receive additional compensation as an independent contractor for all matters beyond the scope of usual legal counsel to the city or requiring an unusual amount of time. For such extraordinary services, the City Attorney shall be paid reasonable fees commensurate with the amount and value of time devoted thereto, based upon charges made by other attorneys for comparable legal services. (Prior Code, § 31.45)

CHAPTER 32: CITY COMMISSION

Section

General Provisions

- 32.01 Members; election, qualifications, and compensation
- 32.02 Vacancies
- 32.03 Powers and duties
- 32.04 Each Commissioner to superintend specific city departments

Rules of Procedure

- 32.15 Mayor as Presiding Officer
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- 32.30 One subject; title
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- 32.38 Additional requirements for adoption may be established by city
- 32.39 Periodic review required
- 32.40 Municipal orders
- 32.41 Proved by City Clerk; received in evidence
- 32.42 Legislative immunity

GENERAL PROVISIONS

§ 32.01 MEMBERS; ELECTION, QUALIFICATIONS, AND COMPENSATION.

(A) *Election; term of office.* Each Commissioner shall be elected at large by the voters of the city at a regular election. A candidate for Commission shall be a resident of the city for not less than one year prior to his or her election. Terms of office begin on January 1 following the election and shall be for two years, except as provided by KRS 83A.050.

(B) *Qualifications.* A member shall be at least 21 years of age, shall be a qualified voter in the city, and shall reside in the city throughout his or her term of office.
(KRS 83A.040(4))

(C) *Compensation.* For provisions concerning compensation, see § 31.02.
(Prior Code, § 32.01)

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§ 32.02 VACANCIES.

(A) Vacancies.

(1) If one or more vacancies on Commission occur in a way that one or more members remain seated, the remaining members shall, within 30 days, fill the vacancies one at a time, giving each new appointee reasonable notice of his or her selection as will enable him or her to meet and act with the remaining members in making further appointments until all vacancies are filled.

(2) If vacancies occur in a way that all seats become vacant, the Governor shall appoint qualified persons to fill the vacancies sufficient to constitute a quorum.

(3) Remaining vacancies are filled as provided in this section.

(KRS 83A.040(5))

(a) No vacancy by reason of a voluntary resignation of a member of the City Commission shall occur unless a written resignation which specifies a resignation date is tendered to the City Commission. The resignation shall be effective at the next regular or special meeting of the City Commission occurring after the date specified in the written letter of resignation.

(KRS 83A.040(7))

(b) Pursuant to KRS 118.305(7), if a vacancy occurs on the City Commission which is required by law to be filled temporarily by appointment, the City Commission shall immediately notify in writing both the County Clerk and the Secretary of State of the vacancy.

(KRS 83A.040(8))

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

(KRS 83A.040(6))

(Prior Code, § 32.02)

Statutory reference:

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

§ 32.03 POWERS AND DUTIES.

(A) All legislative, executive, and administrative authority of the city is hereby vested in and exercised by the Commission. The Commission shall enforce the Commission Plan, ordinances, orders of the city, and all applicable statutes.

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

(2) The Commission shall supervise all departments of city government and the conduct of all city officers and employees under its jurisdiction and may require each department to make reports to it as it finds necessary.

(3) The Commission shall report to the public on the condition and needs of the city government as provided by ordinance, but not less than annually.

(KRS 83A.140(3))

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(B) In carrying out its duty to supervise the departments of city government and the conduct of all city officers and employees under its jurisdiction, the Commission may require any city officer or employee to prepare and submit to its sworn statements regarding the performance of his or her official duties.

(KRS 83A.140(5))

(C) The Commission shall by ordinance establish all appointive offices and the duties and responsibilities of those offices and codes, rules, and regulations for the public health, safety, and welfare.

(D) The Commission shall by ordinance provide for sufficient revenue to operate city government and shall appropriate these funds in a budget which shall provide for the orderly management of the city's resources.

(E) The Commission shall promulgate procedures to ensure orderly administration of the functions of city government and compliance with statutes, ordinances, or orders.

(KRS 83A.140(8))

(Prior Code, § 32.03)

§ 32.04 EACH COMMISSIONER TO SUPERINTEND SPECIFIC CITY DEPARTMENTS.

(A) All administrative and service functions of the city shall be classified under departments created by ordinance which shall prescribe the functions of the department and the duties and responsibilities of the department head and his or her employees.

(B) The Commission shall, at its first regular meeting in each year, designate the Commission member to have superintendence over each department established under this section; however, the Commission may delegate responsibility for overall supervision of any or all departments to a city administrative officer established pursuant to KRS 83A.090.

(KRS 83A.140(6)) (Prior Code, § 32.04)

RULES OF PROCEDURE

§ 32.15 MAYOR AS PRESIDING OFFICER.

The Mayor shall preside at all meetings of the Commission and may vote in all proceedings.

(KRS 83A.140(4)) (Prior Code, § 32.20)

Cross-reference:

Vacancy in Office of Mayor; Mayor Pro Tem, see § 31.21

§ 32.16 MEETINGS.

(A) Regular meetings of the Commission shall be held on the second Thursday of each month at 7:00 p.m., at Jefferson Manor, 1801 Lynn Way, Jefferson County.

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(B) Special meetings may be called by the Mayor or a majority of the City Commissioners. In the call, the Mayor or City Commissioners shall designate the purpose, time, and place of the special meeting with sufficient notice for the attendance of Commission members and for compliance with KRS Ch. 61.

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

(D) The minutes of every meeting shall be signed by the person responsible for maintaining city records as provided under § 31.36 and by the officer presiding at the meeting. (KRS 83A.140(7)) (Prior Code, § 32.21) (Ord. 1-1984, passed 1-5-1984; Ord. 5-1987, passed 10-8-1987; Ord. 6-87, passed 10-8-1987)

§ 32.17 QUORUM.

Unless otherwise provided by statute, a majority of the Commission constitutes a quorum and a vote of a majority of a quorum is sufficient to take action. (KRS 83A.060(6)) (Prior Code, § 32.22)

ORDINANCES

§ 32.30 ONE SUBJECT; TITLE.

Each ordinance shall embrace only one subject and shall have a title that clearly states the subject.

(KRS 83A.060(1)) (Prior Code, § 32.35)

§ 32.31 INTRODUCTION; ENACTING CLAUSE.

Each ordinance shall be introduced in writing and shall have an enacting clause, styled: “Be it ordained by the City of _____”.

(KRS 83A.060(2)) (Prior Code, § 32.36)

§ 32.32 FORM OF AMENDMENT.

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

(KRS 83A.060(3)) (Prior Code, § 32.37)

§ 32.33 READING REQUIREMENT; EXCEPTION FOR EMERGENCY.

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

(KRS 83A.060(4))

(B) In an emergency, upon the affirmative vote of two-thirds of the membership, the Commission may suspend the requirements of second reading and publication in order for an ordinance to become effective by naming and describing the emergency in the ordinance. Publication requirements of § 32.37 shall be complied with within ten days of the enactment of the emergency ordinance.

(KRS 83A.060(7))

(Prior Code, § 32.38)

§ 32.34 ADOPTION OF STANDARD CODES BY REFERENCE.

The Commission may adopt the provisions of any local, state-wide, or nationally-recognized standard code and codifications of entire bodies of local legislation by an ordinance that identifies the subject matter by title, source, and date and incorporates the adopted provisions by reference without setting them out in full, if a copy accompanies the adopting ordinance and is made a part of the permanent records of the city.

(KRS 83A.060(5)) (Prior Code, § 32.39)

§ 32.35 OFFICIAL CITY RECORDS.

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

(B) The Commission has provided, under the provisions of §§ 31.36(B) and (C) and 32.36, for the maintenance and safekeeping of the permanent records of the city. The City Clerk and the presiding officer shall sign the official record of each meeting.

(KRS 83A.060(8)) (Prior Code, § 32.40)

§ 32.36 INDEXING AND MAINTENANCE REQUIREMENTS.

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

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

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

(KRS 83A.060(8)) (Prior Code, § 32.41)

§ 32.37 PUBLICATION REQUIREMENTS.

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(A) Except as provided in § 32.33(B), no ordinance shall be effective until published pursuant to KRS Ch. 424.

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

(1) The title of the ordinance;

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

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

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

(KRS 83A.060(9)) (Prior Code, § 32.42)

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

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

(KRS 83A.060(10)) (Prior Code, § 32.43)

§ 32.39 PERIODIC REVIEW REQUIRED.

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

(KRS 83A.060(11)) (Prior Code, § 32.44)

§ 32.40 MUNICIPAL ORDERS.

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

(KRS 83A.060(12))

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

(KRS 83A.060(13))

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(Prior Code, § 32.45)

§ 32.41 PROVED BY CITY CLERK; RECEIVED IN EVIDENCE.

All ordinances and orders of the city may be proved by the signature of the City Clerk; and when the ordinances are placed in this code of ordinances by authority of the city, the printed copy shall be received in evidence by any state court without further proof of the ordinances. (KRS 83A.060(14)) (Prior Code, § 32.46)

§ 32.42 LEGISLATIVE IMMUNITY.

For anything said in debate, Commissioners shall be entitled to the same immunities and protections allowed to members of the General Assembly. (KRS 83A.060(15)) (Prior Code, § 32.47)

Statutory reference:

Privileges of members of General Assembly, see KRS 6.050 and Constitution of the commonwealth § 43

CHAPTER 33: FINANCE AND REVENUE

Section

Financial Administration

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

Improvements

- 33.20 Definitions
- 33.21 Financing of improvements
- 33.22 Apportionment of cost
- 33.23 Comprehensive report required
- 33.24 Public hearing required
- 33.25 Adoption of ordinance; notice to affected owners
- 33.26 Affected owner may contest
- 33.27 When city may proceed; assessment constitutes lien
- 33.28 Effect of additional property or change in financing

- 33.99 Penalty

Cross-reference:

FINANCIAL ADMINISTRATION

§ 33.01 DEFINITIONS.

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

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

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

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

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

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

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

(KRS 91A.010) (Prior Code, § 33.01)

§ 33.02 ACCOUNTING RECORDS AND FINANCIAL REPORTS.

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

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

(B) The municipal accounting system shall be organized and operated on a fund basis.
(KRS 91A.020) (Prior Code, § 33.02)

§ 33.03 ANNUAL BUDGET ORDINANCE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(KRS 91A.030) (Prior Code, § 33.03)

§ 33.04 AUDIT OF CITY FUNDS.

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(A) (1) Except as provided in division (B) below, each city of the sixth class shall, after the close of each odd-numbered fiscal year, cause each fund of the city to be audited by the Auditor of Public Accounts or a certified public accountant. The audits shall be completed by February 1 immediately following the fiscal year to be audited. Within ten days of the completion of the audit and its presentation to the Commission, in accordance with division (C)(5) below, each sixth-class city shall forward three copies of the audit report to the Department for Local Government for information purposes.

(2) After the close of each even-numbered fiscal year, each sixth-class city shall prepare a financial statement in accordance with KRS 424.220 and immediately forward one copy to the Department for Local Government.

(B) Any city of the sixth class, which for any fiscal year receives and expends, from all sources and for all purposes, less than \$75,000, and which has no long-term debt, whether general obligation or revenue debt, shall not be required to audit each fund of the city for that particular fiscal year. Each city shall annually prepare a financial statement in accordance with KRS 424.220 and immediately forward one copy to the Department for Local Government for information purposes.

(C) Each city required by this section to conduct an annual or biannual audit shall enter into a written contract with the selected Auditor. The contract shall set forth all terms and conditions of the agreement which shall include, but not be limited to, requirements that:

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

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

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

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

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

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

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

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

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

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

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

- (1) The auditor's opinion letter;
- (2) The "Budgetary Comparison Schedules - Major Funds", which shall include the General Fund and all major funds;
- (3) A statement that a copy of the complete audit report, including financial statements and supplemental information, is on file at City Hall and is available for public inspection during normal business hours;
- (4) A statement that any citizen may obtain from City Hall a copy of the complete audit report, including financial statements and supplemental information, for his or her personal use;
- (5) A statement which notifies citizens requesting a personal copy of the city audit report that they will be charged for duplication costs at a rate that shall not exceed \$0.25 per page; and
- (6) A statement that copies of the financial statement prepared in accordance with KRS 424.220 are available to the public at no cost at the business address of the officer responsible for preparation of the statement.

(F) Any city of the fifth or sixth class may utilize the alternative publication methods authorized by KRS 424.190(2) to comply with the provisions of this section.

(KRS 91A.040) (Prior Code, § 33.04) Penalty, see § 33.99

Statutory reference:

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

§ 33.05 OFFICIAL DEPOSITORIES; DISBURSEMENT OF CITY FUNDS.

(A) The Commission shall designate as the city's official depositories one or more banks, federally- insured savings and loan companies, or trust companies within the commonwealth. The amount of funds on deposit in an official depository shall be fully insured by deposit insurance or collateralized in accordance with 12 U.S.C. § 1823, to the extent uninsured, by any obligations, including surety bonds permitted by KRS 41.240(4).

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

(KRS 91A.060) (Prior Code, § 33.05)

§ 33.06 FISCAL YEAR.

Pursuant to § 169 of the Constitution of the commonwealth, July 1 to June 30 is hereby established as the fiscal year for the operation of the city.

(Prior Code, § 33.06)

IMPROVEMENTS

§ 33.20 DEFINITIONS.

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

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

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

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

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

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

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

PROPERTY. Any real property benefitted by an improvement.

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

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

(KRS 91A.210) (Prior Code, § 33.10)

§ 33.21 FINANCING OF IMPROVEMENTS.

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

(KRS 91A.200)

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

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

(KRS 91A.220)

(Prior Code, § 33.11)

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Statutory reference:

Improvements; alternate methods, see KRS Ch. 107

§ 33.22 APPORTIONMENT OF COST.

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

(KRS 91A.230) (Prior Code, § 33.12)

§ 33.23 COMPREHENSIVE REPORT REQUIRED.

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

- (A) The nature of the improvement;
- (B) The scope and the extent of the improvement, including the boundaries or other description of the area to be assessed;
- (C) The preliminary estimated cost of the improvement;
- (D) The fair basis of assessment proposed;
- (E) If financing of assessments is provided, the proposed method, including the proposed years to maturity of any bonds to be issued in connection with the improvement; and
- (F) Other information as may further explain material aspects of the improvement, assessments, or financing.

(KRS 91A.240) (Prior Code, § 33.13)

§ 33.24 PUBLIC HEARING REQUIRED.

(A) After preparation of the report required by § 33.23, the city shall hold at least one public hearing on the proposed improvement at which all interested persons shall be heard.

(B) Notice of the hearing shall be published pursuant to KRS Ch. 424, and mailed to each affected property owner by certified mail, return receipt requested, and shall include:

- (1) The nature of the improvement;
- (2) The description of area of the improvement;
- (3) A statement that the city proposes to finance the improvement in whole or in part by special assessment of property and the method to be used;
- (4) The time and place the report may be examined; and
- (5) The time and place of the hearing.

(KRS 91A.250) (Prior Code, § 33.14)

§ 33.25 ADOPTION OF ORDINANCE; NOTICE TO AFFECTED OWNERS.

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Within 90 days of conclusion of the hearing, the city shall determine whether to proceed with the improvement by special assessments, and if it determines to proceed, it shall adopt an ordinance so stating and containing all necessary terms, including the items referred to in § 33.23 and a description of all properties. Promptly upon passage, the city shall publish the ordinance pursuant to KRS Ch. 424 and shall mail by certified mail to each affected property owner a notice of determination to proceed with the project, the fair basis of assessment to be utilized, the estimated cost to the property owner, and the ratio the cost to each property owner bears to the total cost of the entire project.

(KRS 91A.260) (Prior Code, § 33.15)

§ 33.26 AFFECTED OWNER MAY CONTEST.

(A) Within 30 days of the mailing of the notice provided for in § 33.25, any affected property owner may file an action in the County Circuit Court, contesting the undertaking of the project by special assessment, the inclusion of his or her property in the improvement, or the amount of his or her assessment. If the action contests the undertaking of the improvement by the special assessment method of the inclusion of the property of that property owner, no further action on the improvement insofar as it relates to any property owner who is a plaintiff shall be taken until the final judgment has been entered.

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

(KRS 91A.270) (Prior Code, § 33.16)

§ 33.27 WHEN CITY MAY PROCEED; ASSESSMENT CONSTITUTES LIEN.

(A) After the passage of time for the action provided for in § 33.26, or after favorable final judgment in the action, whichever comes later, the city may proceed with the improvement or part thereof stayed by the action, including notice requiring payment of special assessment or installment thereon and bonds or other method proposed to finance the improvement. The first installment may be apportioned so that other payments will coincide with payment of ad valorem taxes.

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

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(KRS 91A.280) (Prior Code, § 33.17)

§ 33.28 EFFECT OF ADDITIONAL PROPERTY OR CHANGE IN FINANCING.

The city may undertake any further proceedings to carry out the improvement or any extension or refinancing thereof, except that §§ 33.23 through 33.27 apply if additional property is included in the improvement or if change is made in the method or period of financing; but additional property may be included in the improvement with the consent of the owner thereof without compliance with other sections if it does not increase the cost apportioned to any other property, or any other change may be made without this compliance, if all property owners of the improvement consent.

(KRS 91A.290) (Prior Code, § 33.18)

§ 33.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Any person who violates any provision of § 33.04 shall be fined not less than \$50 nor more than \$500. In addition, any officer who fails to comply with any of the provisions of § 33.04 shall, for each failure, be subject to a forfeiture of not less than \$50 nor more than \$500, in the discretion of the court, which may be recovered only once, in a civil action brought by any resident of the city. The costs of all proceedings, including a reasonable fee for the attorney of the resident bringing the action, shall be assessed against the unsuccessful party.

(Prior Code, § 33.04)

CHAPTER 34: PUBLIC RECORDS

Section

General Provisions

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GENERAL PROVISIONS

§ 34.01 DEFINITIONS.

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

CITY. The city government of Bancroft, Kentucky.

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

- (1) Publication or related use of a public record by a newspaper or periodical;
- (2) Use of a public record by a radio or television station in its news or other informational programs; or
- (3) Use of a public record in the preparation for prosecution or defense of litigation, or claims settlement by the parties to the action, or the attorneys representing the parties.

(KRS 61.870(4))

CUSTODIAN.

- (1) The official custodian or any authorized person having personal custody and control of public records.

(KRS 61.870(6))

- (2) The **CUSTODIAN** having personal custody of most of the public records of this city is the City Clerk.

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

(KRS 61.870(8))

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

(KRS 61.870(7))

OFFICIAL CUSTODIAN.

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

(KRS 61.870(5))

- (2) The **OFFICIAL CUSTODIAN** of this city shall be the Mayor.

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

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

PUBLIC AGENCY.

- (1) Every state or local government officer;
- (2) Every state or local government department, division, bureau, board, commission, and authority;
- (3) Every state or local legislative board, commission, committee, and officer;
- (4) Every county and city governing body, council, school district board, special district board, and municipal corporation;
- (5) Every state or local court or judicial agency;
- (6) Every state or local government agency, including the policy-making board of an institution of education, created by or pursuant to state or local statute, executive order, ordinance, resolution, or other legislative act;
- (7) Any body created by state or local authority in any branch of government;
- (8) Any body which derives at least 25% of its funds expended by it in the commonwealth from state or local authority funds;
- (9) Any entity where the majority of its governing body is appointed by a public agency as defined in this definition; by a member or employee of the public agency; or by any combination thereof;
- (10) Any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council, or agency, except for a committee of a hospital medical staff, established, created, and controlled by a public agency as defined in this definition; and
- (11) Any interagency body of two or more public agencies where each public agency is defined in this definition.

(KRS 61.870(1))

PUBLIC RECORDS. All books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, which are prepared, owned, used, in the possession of, or retained by the public agency. ***PUBLIC RECORDS*** shall not include any records owned or maintained by or for the public agency discussed in division (8) of the definition of ***PUBLIC AGENCY*** above that are not related to functions, activities, programs, or operations funded by state or local authority.

(KRS 61.870(2))

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

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

(KRS 61.870(3))

(Prior Code, § 34.01)

PROCEDURES FOR REQUESTING PUBLIC RECORDS

§ 34.15 INITIAL REQUEST WITH IMMEDIATE INSPECTION.

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

(B) If the custodian determines that a person's request is in compliance with this chapter and KRS 61.870 et seq., the Open Records Act, and the requested public records are immediately available, the custodian shall deliver the records for inspection. A person may inspect public records at the designated office of the city during the regular office hours, or in appropriate cases, by receiving copies of the records through the mail.

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

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

(Prior Code, § 34.05) (Ord. 1, Series 2015, passed 2-12-2015)

Statutory reference:

Right to inspection, limitations, see KRS 61.872(1) through (3)

§ 34.16 REFERRAL TO PROPER CUSTODIAN.

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

(KRS 61.872(4)) (Prior Code, § 34.06)

§ 34.17 PUBLIC RECORDS NOT IMMEDIATELY AVAILABLE.

If the public record is in active use, in storage, or not otherwise available, the official custodian shall immediately notify the applicant and shall designate a place, time, and date for

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inspection or mailing of the public records, not to exceed three days (excepting Saturdays, Sundays, and legal holidays) from receipt of the application, unless a detailed explanation of the cause is given for further delay and the place, time, and earliest date on which the public record will be available for inspection or duplication.

(KRS 61.872(5)) (Prior Code, § 34.07)

§ 34.18 REFUSAL OF UNREASONABLE REQUESTS.

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

(KRS 61.872(6)) (Prior Code, § 34.08)

§ 34.19 TIME LIMITATION; DENIAL OF INSPECTION.

(A) The official custodian, upon any request for records made under this chapter, shall determine within three days (excepting Saturdays, Sundays, and legal holidays) after the receipt of any request whether to comply with the request and shall notify in writing the person making the request within the three-day period of his or her decision.

(B) Any agency response denying, in whole or in part, inspection of any record shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld.

(C) The response shall be issued by the official custodian or under his or her authority and shall constitute final agency action.

(KRS 61.880) (Prior Code, § 34.09)

§ 34.20 CONCEALING OR DESTROYING RECORDS PROHIBITED.

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

(Prior Code, § 34.10)

§ 34.21 ACCESS TO RECORDS RELATING TO PARTICULAR INDIVIDUAL.

Any person shall have access to any public record relating to him or her or in which he or she is mentioned by name, upon presentation of appropriate identification, subject to the provisions of § 34.26 of these rules and regulations.

(KRS 61.884) (Prior Code, § 34.11)

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§ 34.22 FORMAT OF COPIES.

(A) Upon inspection, the applicant shall have the right to make abstracts of the public records and memoranda thereof, and to obtain copies of all public records not exempted by the terms of § 34.26. When copies are requested, the custodian may require a written request and advance payment of the prescribed fee, including postage where appropriate. If the applicant desires copies of public records other than written records, the custodian of the records shall duplicate the records or permit the applicant to duplicate the records; however, the custodian shall ensure that the duplication will not damage or alter the original records.

(KRS 61.874(1))

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

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

(KRS 61.874(2))

(Prior Code, § 34.12)

§ 34.23 FEES FOR COPIES.

(A) *Noncommercial purposes.*

(1) The public agency may prescribe a reasonable fee for making copies of nonexempt public records requested for use for noncommercial purposes which shall not exceed the actual cost of reproduction, including the costs of the media and any mechanical processing cost incurred by the public agency, but not including the cost of staff required.

(2) If a public agency is asked to produce a record in a nonstandardized format, or to tailor the format to meet the request of an individual or a group, the public agency may at its discretion provide the requested format and recover staff costs as well as any actual costs incurred.

(KRS 61.874(3))

(B) *Commercial purposes.*

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

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

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

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

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

(KRS 61.874(4)) (Prior Code, § 34.13)

Cross-reference:

Fees for online access to public records, see § 34.25

§ 34.24 MISSTATEMENT OF PURPOSE PROHIBITED.

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

(A) Commercial purpose, without stating the commercial purpose, if a certified statement from the requestor was required by the public agency pursuant to § 34.23(B)(2);

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

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

(KRS 61.874(5)) (Prior Code, § 34.14) Penalty, see § 10.99

§ 34.25 ONLINE ACCESS TO PUBLIC RECORDS IN ELECTRONIC FORM.

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

(B) Fees shall not exceed:

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

(2) If the records are requested for a commercial purpose, a reasonable fee based on the factors set forth in § 34.23(B).

(KRS 61.874(6))

(Prior Code, § 34.15)

§ 34.26 PUBLIC RECORDS PROTECTED FROM DISCLOSURE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Criticality lists resulting from consequence assessments;
2. Vulnerability assessments;
3. Antiterrorism protective measures and plans;
4. Security and response needs assessments;
5. Infrastructure records that expose a vulnerability referred to

in this division (A)(13)(a)5. through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include, but not be limited to, information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems;

6. The following records when their disclosure will expose a vulnerability referred to in this division (A)(13)(a)6.: detailed drawings; schematics; maps; or specifications of structural elements, floor plans, and operating, utility, or security systems of any building or facility owned, occupied, leased, or maintained by a public agency; and

7. Records when their disclosure will expose a vulnerability referred to in this division (A)(13)(a)7., and that describe the exact physical location of hazardous chemical, radiological, or biological materials.

(b) As used in this division (A)(13)(b), **TERRORIST ACT** means a criminal act intended to:

1. Intimidate or coerce a public agency or all or part of the civilian population;
2. Disrupt a system identified in division (A)(13)(a)5.; or
3. Cause massive destruction to a building or facility owned, occupied, leased, or maintained by a public agency.

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(c) On the same day that a public agency denies a request to inspect a public record for a reason identified in this division (A)(13)(c), that public agency shall forward a copy of the written denial of the request, referred to in KRS 61.880(1), to the Executive Director of the Office for Security Coordination and the Attorney General.

(d) Nothing in this division (A)(13)(d) shall affect the obligations of a public agency with respect to disclosure and availability of public records under state environmental, health, and safety programs.

(e) The exemption established in this division (A)(13)(e) shall not apply when a member of the Kentucky General Assembly seeks to inspect a public record identified in this division (A)(13)(e) under KRS 61.870 et seq., the Open Records Act.

(14) Public or private records, including books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, having historic, literary, artistic, or commemorative value accepted by the archivist of a public university, museum, or government depository from a donor or depositor other than a public agency. This exemption shall apply to the extent that nondisclosure is requested in writing by the donor or depositor of such records, but shall not apply to records the disclosure or publication of which is mandated by another statute or by federal law.

(KRS 61.878(1))

(B) (1) No exemption under this section shall be construed to prohibit disclosure of statistical information not descriptive of any readily identifiable person.

(KRS 61.878(2))

(2) In addition, if any public record contains material which is not excepted under this section, the city shall separate the excepted and make the nonexcepted material available for examination, subject to the possible applicability of § 34.18.

(KRS 61.878(4))

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

(KRS 61.878(5))

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

(KRS 61.878(3))

(Prior Code, § 34.16) (Ord. 2, Series 2015, passed 2-12-2015)

§ 34.27 NOTIFICATION OF THE ATTORNEY GENERAL.

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The official custodian shall notify the Attorney General of any actions filed against the city in the Circuit Court regarding the enforcement of the Open Records Law, KRS 61.870 to 61.884.

(Prior Code, § 34.17)

CHAPTER 35: DEPARTMENTS

Section

General Provisions

35.001 Departments created

Department of Administration and Finance

35.015 Establishment

35.016 Purpose and powers

Police Department

35.030 Establishment

35.031 Police Chief; police officers

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Department of Public Services

35.060 Establishment

35.061 Purpose and powers

Department of Community Outreach

35.075 Establishment

35.076 Purpose and powers

GENERAL PROVISIONS

§ 35.001 DEPARTMENTS CREATED.

- (A) Pursuant to KRS 83A.140, the following Departments are created:
- (1) Administration and Finance;
 - (2) Police;
 - (3) City Maintenance;
 - (4) Public Services; and
 - (5) Community Outreach.

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(B) The Commissioners may hire department heads and employees or may subcontract on an as-needed basis for work performed in each Department.
(Prior Code, § 35.01) (Ord. 2-1986, passed 4-3-1986; Ord. 3, Series 2015, passed 3-12-2015)

Cross-reference:

Each Commissioner to superintend specific city departments, see § 32.04

DEPARTMENT OF ADMINISTRATION AND FINANCE

§ 35.015 ESTABLISHMENT.

There is established in the city a Department of Administration and Finance.
(Prior Code, § 35.10) (Ord. 2-1986, passed 4-3-1986)

§ 35.016 PURPOSE AND POWERS.

The purpose and powers of the Department of Administration and Finance shall be to conduct the administrative affairs of the city, and the powers of the Department include:

- (A) Preparation, creation, recording, storage, and retrieval of all city documents;
- (B) Maintenance of personnel policies and records;
- (C) Preparation of all financial statements, city checks, and other forms and functions necessary for financial operations and the City Treasury; and
- (D) Performance of all legal services on behalf of the city.

(Prior Code, § 35.11) (Ord. 2-1986, passed 4-3-1986; Ord. 16, Series 2015, passed 3-12-2015)

POLICE DEPARTMENT

§ 35.030 ESTABLISHMENT.

There is hereby established a Police Department in the city.
(Prior Code, § 35.25) (Ord. 8, Series 1997, passed 12-11-1997)

§ 35.031 POLICE CHIEF; POLICE OFFICERS.

(A) The Police Department may consist of a Chief of Police and at least one regular and one back-up police officer.

(B) The Office of Police Chief is hereby established.

(C) The Police Chief, if any, and all police officers shall be appointed by the City Commission and may be removed by the City Commission, except as tenure and terms of employment are protected by statute, ordinance, or contract.

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(D) No person shall be appointed or act as the Police Chief, unless such person has taken the oath required by § 228 of the Constitution of the commonwealth, and has provided a bond, if required, with corporate surety authorized to transact business in the commonwealth, and conditioned upon the performance of the duties specified herein and with the qualifications set forth below.

(E) Training and experience shall consist of any combination of education, training, and experience which provides the necessary knowledge, skills, and abilities to perform effectively the duties of the position.

(F) Subject to the authority of the City Commission, the Chief of Police, if any, shall be a peace officer and shall be responsible for the organization and operation of the Police Department of the city, and he or she shall supervise, direct, and control the equipment and personnel thereof as peace officers of the city and state in the enforcement of all statutes, laws, and ordinances thereof.

(G) (1) In the absence of a Police Chief, the Commissioner designated to have superintendence over the Police Department shall supervise, direct, and control the equipment and personnel thereof as peace officers of the city and state in the enforcement of all statutes, laws, and ordinances thereof.

(2) He or she shall not be a peace officer, and shall have primarily administrative authority.

(H) The compensation of the Police Chief and all police officers shall be in an amount to be established by City Commission by ordinance.

(Prior Code, § 35.26) (Ord. 8, Series 1997, passed 12-11-1997; Ord. 3, Series 1999, passed 6-10-1999)

§ 35.032 EFFECTIVE DATE.

This subchapter shall take effect and be in force from immediately.
(Ord. 8, Series 1997, passed 12-11-1997)

DEPARTMENT OF CITY MAINTENANCE

§ 35.045 ESTABLISHMENT.

There is established in the city a Department of City Maintenance.
(Prior Code, § 35.40) (Ord. 2-1986, passed 4-3-1986)

§ 35.046 PURPOSE AND POWERS.

(A) The Department of City Maintenance shall construct, design, repair, and maintain necessary lands, buildings, structures, and utilities (other than sewer facilities) of the city.

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(B) The Department of City Maintenance shall be empowered to take such steps as are necessary to construct, design, maintain, or repair structures, lanes, streets, sidewalks, signs, parks, easements, rights-of-way, public utilities, and all other municipal properties of the city.

(C) The Department of City Maintenance shall be responsible for the maintenance of Bancroft Lane over and above any routine maintenance provided by the Department of City Maintenance, including, but not limited to: maintenance and repair of the roadway; removal of debris from Bancroft Lane and right-of-way; maintenance and repair of the fence and care of the city trees along Bancroft Lane; and additional matters which may arise unique to Bancroft Lane.

(D) The City Commission shall have the power to hire such persons as necessary to carry out its responsibilities to any and all statutory, municipal and insurance contracting requirements.

(Prior Code, § 35.41) (Ord. 2-1986, passed 4-3-1986; Ord. 15, Series 2015, passed 3-12-2015)

Cross-reference:

City Engineer, see § 31.38

DEPARTMENT OF PUBLIC SERVICES

§ 35.060 ESTABLISHMENT.

There is established in the city a Department of Public Services.
(Prior Code, § 35.70) (Ord. 2-1986, passed 4-3-1986)

§ 35.061 PURPOSE AND POWERS.

The purpose of the Department of Public Services shall be to provide certain public services to the residents of the city. The Department shall have the power to hire, supervise, or contract for services to the citizens such as fire protection, cable television, waste removal, gas, water, electricity, and other services not otherwise provided for herein which are necessary on an ongoing basis for the health, comfort, and safety of the public.

(Prior Code, § 35.71) (Ord. 2-1986, passed 4-3-1986)

DEPARTMENT OF COMMUNITY OUTREACH

§ 35.075 ESTABLISHMENT.

There is hereby established a Department of Community Outreach in the city.
(Ord. 18, Series 2015, passed 3-12-2015)

§ 35.076 PURPOSE AND POWERS.

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The purpose and powers of the Department of Community Outreach shall be to disseminate public information and the powers of the Department include:

- (A) Dissemination of public information;
 - (B) Creation and maintenance of a city website;
 - (C) Preparation and organization of events hosted by the city; and
 - (D) Creation of a Policy and Procedure Manual regarding the dissemination of public information, subject to approval by the Commission.
- (Ord. 18, Series 2015, passed 3-12-2015)

CHAPTER 36: TAXATION

Section

- 36.01 Application of provisions
- 36.02 Assessment date
- 36.03 County assessment adopted
- 36.04 Levy of ad valorem tax
- 36.05 Use of revenues generated
- 36.06 Preparation of tax bills
- 36.07 When taxes become due and payable
- 36.08 Notice of due date to be published
- 36.09 Delinquent tax lien
- 36.10 Ad valorem taxes on motor vehicles

§ 36.01 APPLICATION OF PROVISIONS.

The provisions set forth in this chapter for the assessment, levying, and collection of city ad valorem taxes shall apply for the period commencing on January 1 of each year and ending on December 31 of each year, being the calendar year.
(Prior Code, § 36.01)

§ 36.02 ASSESSMENT DATE.

January 1 of each year is hereby set as the assessment date for all real property subject to city taxation within the corporate limits of the city.
(Prior Code, § 36.02)

§ 36.03 COUNTY ASSESSMENT ADOPTED.

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

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(B) In the event that any change in the county assessment is made after the city tax bills have been prepared, any affected city tax bills shall be amended accordingly. Any additional taxes owing shall be due without penalty or interest within 60 days after the date of the amended bill; and any excess taxes shall be refunded without interest within 60 days after the date of the amended bill.

(Prior Code, § 36.03) (Ord. 3-1988, passed 9-8-1988)

§ 36.04 LEVY OF AD VALOREM TAX.

The city hereby levies an annual ad valorem tax on all real property at a rate per \$100 of assessed valuation as is established by annual ordinance of the City Commission. In the event that said rate is subsequently determined by a court of last resort to be excessive, then the city shall adopt the maximum ad valorem rate allowed by law in lieu of said rate.

(Prior Code, § 36.04) (Ord. 3-1988, passed 9-8-1988; Ord. 4-1990, passed 8-9-1990)

§ 36.05 USE OF REVENUES GENERATED.

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

(Prior Code, § 36.05) (Ord. 3-1988, passed 9-8-1988)

§ 36.06 PREPARATION OF TAX BILLS.

The City Clerk is directed to obtain from the County Property Valuation Administrator a true copy of the county assessment of said real property and to request said Administrator to prepare the city tax bills therefrom. Each bill shall show the property taxed, the taxable assessment, the amount of tax due, the dates due and payable, and the name and address of the owner. The city shall pay to the County Property Valuation Administrator, when billed, the fee prescribed by KRS 132.285 for said services. The City Clerk shall mail said bills no later than September 1 of each year.

(Prior Code, § 36.06)

§ 36.07 WHEN TAXES BECOME DUE AND PAYABLE.

(A) All taxes, except ad valorem taxes on automobiles, shall be due and payable according to KRS Chs. 92 and 134 as follows:

(1) If paid by October 15 of each year, the ad valorem (gross tax) less a discount in the amount as established by annual ordinance of the City Commission, shall be due; and

(2) If paid by December 1 of each year, the ad valorem (gross tax) shall be due in full (no discount).

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(B) Said taxes not paid by the due date of December 1 of each year, are delinquent and shall be due and payable as follows:

(1) If paid by December 31 of that year, the full amount of the ad valorem (gross tax), plus interest at the rate per annum established by annual ordinance from the due date until paid, plus a penalty in the amount established by annual ordinance, shall be due; and

(2) If paid after December 31 of that year, the full amount of the ad valorem (gross tax), plus interest at the rate per annum established by annual ordinance from the due date until paid, plus a penalty in the amount established by annual ordinance, shall be due.

(C) Said taxes shall be paid to the order of "Treasurer, City of Bancroft"; and all payments shall be delivered to the location specified by annual ordinance of the City Commission.

(Prior Code, § 36.07) (Ord. 3-1988, passed 9-8-1988; Ord. 4-1990, passed 8-9-1990)

§ 36.08 NOTICE OF DUE DATE TO BE PUBLISHED.

The City Police Chief shall cause notice of the due date of said taxes to be advertised in the "legal notices" section of the appropriate newspaper one time only, not less than seven nor more than 21 days before the due date.

(Prior Code, § 36.08)

§ 36.09 DELINQUENT TAX LIEN.

(A) The city shall have a lien as provided in KRS 134.420 to secure the payment of said taxes, interest, penalties, and any fees, commissions, charges, and other expenses incurred in the collection of any delinquent taxes. Collection of any delinquent taxes shall be made in a manner prescribed by law.

(B) The delinquent taxpayer shall also pay all costs and expenses incidental to any action taken by the city for collection of the delinquent tax.

(C) The City Clerk shall file the notice of delinquent tax lien required by KRS 134.420 in such manner as lis pendens are filed.

(Prior Code, § 36.09) (Ord. 3-1988, passed 9-8-1988)

§ 36.10 AD VALOREM TAXES ON MOTOR VEHICLES.

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

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

(Prior Code, § 36.10)

CHAPTER 37: CODE OF ETHICS

Section

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- 37.002 Declaration of intent and purpose
- 37.003 Purpose and authority
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- 37.033 Control and maintenance of the statements of financial interests
- 37.034 Contents of the financial interests statement
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- 37.071 Appeals
- 37.072 Limitation of actions
- 37.073 Advisory opinions
- 37.074 Reprisals against persons disclosing violations prohibited

- 37.999 Penalty

GENERAL PROVISIONS

§ 37.001 TITLE OF CHAPTER.

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This chapter shall be known and may be cited as the “City of Bancroft Code of Ethics”.
(Prior Code, § 37.01) (Ord. 5-1994, passed 12-8-1994)

§ 37.002 DECLARATION OF INTENT AND PURPOSE.

The City Commission declares that the proper operation of local government requires that public officers and employees be independent and impartial; that city policy and decisions be made through established city processes; that public officers or employees not use public office or employment to obtain private or personal benefit; that public officers and employees avoid action which creates the appearance of impropriety, and that the citizens of the city have confidence in the integrity of their local government.

(Prior Code, § 37.02) (Ord. 5-1994, passed 12-8-1994)

§ 37.003 PURPOSE AND AUTHORITY.

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

(B) It is the further purpose of this chapter to meet the requirements of KRS 65.003 as enacted by the 1994 Kentucky General Assembly.

(C) This chapter is enacted under the power vested in the city by KRS 82.082 and pursuant to requirements of KRS 65.003.

(Prior Code, § 37.03) (Ord. 5-1994, passed 12-8-1994)

§ 37.004 DEFINITIONS.

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

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

CITY. The City of Bancroft, Kentucky.

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.

ENFORCEMENT AGENT. The City Enforcement Agent created by this chapter and vested with the responsibility of enforcing the city’s code of ethics.

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.

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

- (1) The Mayor;
- (2) A City Commissioner;
- (3) The City Clerk; or
- (4) Any person who occupies a nonelected office created under KRS

83A.080.

(Prior Code, § 37.04) (Ord. 5-1994, passed 12-8-1994)

STANDARDS OF CONDUCT

§ 37.015 CONFLICTS OF INTEREST IN GENERAL.

Every officer and employee of the city shall comply with the following standards of conduct in divisions (A) through (C) below.

(A) An elected or nonelected officer or employee of the city shall not intentionally participate in the discussion of, vote, or make a decision in his or her official capacity on any matter:

(1) In which the officer or employee, or any family member, or business associate will derive a direct monetary gain or suffer a direct monetary loss as a result of the officer's or employee's vote or decision; or

(2) Which relates specifically to a business in which the officer or employee owns or controls an interest of \$10,000 or more, or an interest of more than 5%.

(B) No officer or employee shall be deemed in violation of any provision in this section if, by reason of the officer's or employee's participation, vote, decision, action, or inaction, no financial benefit accrues to the officer or employee, a family member, an outside employer, or business, 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.

(C) 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, 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.

(Prior Code, § 37.20) (Ord. 5-1994, passed 12-8-1994) Penalty, see § 37.999

§ 37.016 CONFLICTS OF INTEREST IN CONTRACTS.

(A) No officer or employee of the city 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, except as follows.

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(B) The prohibition in division (A) above 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 office, or before an employee was hired by the city; however, if any contract entered into by a city 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) above shall apply to the renewal of the contract.

(C) The prohibition in division (A) above 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 (D) below are satisfied.

(D) The prohibition in division (A) above shall not apply in any case where the following requirements are satisfied:

(1) 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;

(2) The disclosure is made a part of the official record of the governing body of the city before the contract is executed;

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

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

(Prior Code, § 37.21) (Ord. 5-1994, passed 12-8-1994) Penalty, see § 37.999

§ 37.017 RECEIPT OF GIFTS.

No city officer or employee shall knowingly accept or solicit any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation under circumstances in which it could be reasonably 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 official duties.

(Prior Code, § 37.22) (Ord. 5-1994, passed 12-8-1994) Penalty, see § 37.999

§ 37.018 USE OF CITY PROPERTY, EQUIPMENT, AND PERSONNEL.

No officer or employee of the city shall use or permit the use of city property (including land, vehicles, equipment, materials, and any other property) for personal convenience or profit except when the use is available to citizens of the city generally or is provided as a matter of city policy.

(Prior Code, § 37.23) (Ord. 5-1994, passed 12-8-1994) Penalty, see § 37.999

§ 37.019 MISUSE OF CONFIDENTIAL INFORMATION.

No officer or employee of the city 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 Commonwealth Open Records Act, KRS 61.872 to 61.884, at the time of its use or disclosure.
(Prior Code, § 37.24) (Ord. 5-1994, passed 12-8-1994) Penalty, see § 37.999

FINANCIAL DISCLOSURE

§ 37.030 WHO MUST FILE.

Elected city officers and candidates for city office shall file an annual statement of financial interests with the Ethics Enforcement Agent.
(Prior Code, § 37.35) (Ord. 5-1994, passed 12-8-1994; Ord. 5-1996, passed 11-14-1996)
Penalty, see § 37.999

§ 37.031 WHEN TO FILE STATEMENTS; AMENDED STATEMENTS.

(A) The initial statement of financial interests required by this section shall be filed with the Enforcement Agent, or the administrative official designated as the custodian of its records by the Enforcement Agent, no later than 6:00 p.m., January 30, 1995. All subsequent statements of financial interest shall be filed no later than 6:00 p.m. on January 30 each year; provided, that:

- (1) Newly-elected officers shall file their initial statements 30 days after the election;
- (2) A candidate for city office shall file a statement no later than 30 days after the date on which the person becomes a candidate; or
- (3) An officer appointed to fill a vacancy in an elected office shall file an initial statement 30 days after the appointment.

(B) The Enforcement Agent may grant a reasonable extension of time for filing a statement of financial interests for good cause shown.

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

(Prior Code, § 37.36) (Ord. 5-1994, passed 12-8-1994; Ord. 5-1996, passed 11-14-1996)
Penalty, see § 37.999

§ 37.032 FORM OF THE STATEMENT OF FINANCIAL INTERESTS.

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The statement of financial interests shall be filed on a form prescribed by the Enforcement Agent, or the administrative officer designated by the Agent. The Agent, or the designated administrative officer, shall deliver a copy of the form to each officer required to file the statement, by first class mail or hand delivery, no later than December 30 of each year. In the case of the appointed officer or candidate, the form shall be mailed or delivered as soon as practicable after the appointment of filing for candidacy. The failure of the Agent, or the designated administrative officer, to deliver a copy of the form to any officer/candidate shall not relieve the officer/candidate of the obligation to file the statement.
(Prior Code, § 37.37) (Ord. 5-1994, passed 12-8-1994; Ord. 5-1996, passed 11-14-1996)

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

(A) The Enforcement Agent shall be the official custodian of the statements of financial interests and shall have control over the maintenance of the statements of financial interests. The statements of financial interests shall be maintained by the Enforcement Agent, or the administrative officer designated by the Enforcement Agent as the custodian, as public documents, available for public inspection immediately upon filing.

(B) A statement of financial interests shall be retained by the Agent, or the designated administrative officer, for a period of five years after filing; provided, that upon the expiration of three years after a person ceases to be an officer of the city, the Agent shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person.
(Prior Code, § 37.38) (Ord. 5-1994, passed 12-8-1994)

§ 37.034 CONTENTS OF THE FINANCIAL INTERESTS STATEMENT.

(A) Matters to be disclosed by all elected city officers or candidates for office on the disclosure forms shall include:

- (1) City office held or sought;
- (2) Names, home addresses, and telephone numbers of city officer/candidate and spouse;
- (3) Occupation, business addresses, and telephone numbers of city officer/candidate and spouse;
- (4) The location of any real property other than the primary residence within the city in which the city officer/candidate or spouse has an ownership or other financial interest in excess of \$1,000;
- (5) The name of any business, of which the city officer or spouse is an officer, director, employee, or partner, or in which the city officer or spouse legally or beneficially owns or controls more than 5% of any outstanding stock or has a proprietary interest, and the spouse's position, if any, with the business, if any such entity has engaged within the past 12 months, or which is anticipated to have any business dealings with the city; and
- (6) The name of any person from whom the city officer/candidate, or his or her spouse, has derived during the previous calendar year, any income or other financial benefit,

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in excess of \$1,000 whereby such income or other financial benefit was derived from business dealings with the city.

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

(Prior Code, § 37.39) (Ord. 5-1994, passed 12-8-1994; Ord. 5-1996, passed 11-14-1996)

§ 37.035 NONCOMPLIANCE WITH FILING REQUIREMENT.

The Enforcement Agent, or the designated administrative officer, shall notify by certified mail each person required to file a statement of financial interests who fails to file the statement by the due date, files an incomplete statement, or files a statement in a form other than that prescribed by the Agent. The notice shall specify the type of failure or delinquency, shall establish a date by which the failure or delinquency shall be remedied, and shall advise the person of the penalties for a violation.

(Prior Code, § 37.40) (Ord. 5-1994, passed 12-8-1994) Penalty, see § 37.999

NEPOTISM

§ 37.050 NEPOTISM PROHIBITED.

(A) No officer or employee of the city shall advocate, recommend, or cause the:

- (1) Employment;
- (2) Appointment;
- (3) Promotion;
- (4) Transfer; or
- (5) Advancement of a family member to an office or position of employment with the city.

(B) No officer or employee of the city 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 officer from voting on or participating in the development of a budget which includes compensation for a family member; provided, that the family member is included only as a member of a class of persons or a group, and the family member benefits to no greater extent than any other similarly situated member of the class or group.

(D) The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to December 8, 1994.

(Prior Code, § 37.50) (Ord. 5-1994, passed 12-8-1994) Penalty, see § 37.999

ENFORCEMENT

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§ 37.065 ETHICS ENFORCEMENT AGENT CREATED.

(A) There is hereby created an Ethics Enforcement Agent who shall have the authority, duties, and responsibilities as set forth in this chapter to enforce the provisions of this chapter.

(B) The Enforcement Agent shall be a resident of the city appointed by the Mayor and approved by the City Commission.

(C) The Enforcement Agent shall serve without compensation, unless otherwise approved by the City Commission, but shall be reimbursed for all necessary and reasonable expenses incurred in the performance of its duties.

(D) Minutes shall be kept for all proceedings.

(E) The city reserves the right to enter into an agreement at any time with one or more other cities or counties pursuant to the provisions of the Interlocal Cooperation Act, KRS 65.210 et seq., for the purpose of establishing a joint commission responsible for the provisions of this chapter.

(Prior Code, § 37.60) (Ord. 5-1994, passed 12-8-1994)

§ 37.066 FACILITIES AND STAFF.

Within the limits of the funds appropriated by the City Commission in the annual budget, the city shall provide the Enforcement Agent, either directly or by contract or agreement, with the facilities, materials, supplies, and staff needed for the conduct of its business.

(Prior Code, § 37.61) (Ord. 5-1994, passed 12-8-1994)

§ 37.067 POWER AND DUTIES OF THE ENFORCEMENT AGENT.

The Enforcement Agent shall have the following powers and duties:

(A) To initiate on his or her 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 his or her 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 Agent 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 Agent;

(D) To refer any information concerning violations of this chapter to the Mayor, the City Commission, the County Attorney, or other appropriate person or body, as necessary;

(E) To render advisory opinions to city 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 who are subject to its terms by issuing appropriate orders and imposing penalties authorized by this chapter;

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(G) To control and maintain, or to supervise the control and maintenance by the designated custodian, of 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 KRS 61.870 et seq., the Open Records Act;

(H) To develop and submit any reports regarding the conduct of its business that may be required by the Mayor or City Commission; and/or

(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.

(Prior Code, § 37.62) (Ord. 5-1994, passed 12-8-1994; Ord. 4, Series 2015, passed 2-12-2015)

§ 37.068 FILING AND INVESTIGATION OF COMPLAINTS.

(A) All complaints alleging any violation of the provisions of this chapter shall be submitted to the Enforcement Agent, or the administrative officer designated by the Enforcement Agent. All complaints shall be in writing, signed by the complainant, and shall meet any other requirements established by the Enforcement Agent. The Enforcement Agent shall acknowledge receipt of a complaint to the complainant within ten working days from the date of receipt. The Agent shall forward within ten working days to each officer or employee of the city 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 Enforcement Agent shall conduct a preliminary inquiry concerning the allegations contained in the complaint. The Agent shall afford a person who is the subject of the complaint an opportunity to respond to the allegations in the complaint. The person shall have the right to be represented by counsel, to appear and be heard under oath, and to offer evidence in response to the allegations.

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

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

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

(D) The Agent 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 Agent concludes that the complaint is outside of its jurisdiction, frivolous, or without factual basis, the Agent 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 Agent 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 Agent shall notify the officer or employee who is the subject of the complaint and may:

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(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 Mayor and City Commission; and

(2) Initiate a hearing to determine whether there has been a violation.
(Prior Code, § 37.63) (Ord. 5-1994, passed 12-8-1994) Penalty, see § 37.999

§ 37.069 NOTICE OF HEARINGS.

If the Enforcement Agent determines that a hearing regarding allegations contained in the complaint is necessary, the Agent 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 Agent consents to a later date. The order setting the matter for hearing, along with a copy of any pertinent regulations of the Agent relating to the hearing shall be sent to the alleged violator within 24 hours of the time the order setting a hearing is issued.

(Prior Code, § 37.64) (Ord. 5-1994, passed 12-8-1994)

§ 37.070 HEARING PROCEDURE.

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

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

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

(E) All hearings of the Enforcement Agent shall be public.

(F) After the conclusion of the hearing, the Enforcement Agent shall, as soon as practicable, begin deliberation 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 Agent shall issue a written report of its findings and conclusions.

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

(H) If the Enforcement Agent 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 Agent 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 Mayor and City Commission;
- (3) In writing, recommend to the Mayor and the City Commission that the violator be sanctioned as recommended by the Agent, which may include a recommendation for discipline, dismissal, or removal from office;
- (4) Issue an order requiring the violator to pay a civil penalty of not less than \$50 and not more than \$500; or
- (5) Refer evidence of criminal violations of this chapter or state laws to the County Attorney or Commonwealth Attorney of the jurisdiction for prosecution.

(Prior Code, § 37.65) (Ord. 5-1994, passed 12-8-1994)

§ 37.071 APPEALS.

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

(Prior Code, § 37.66) (Ord. 5-1994, passed 12-8-1994)

§ 37.072 LIMITATION OF ACTIONS.

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

(Prior Code, § 37.67) (Ord. 5-1994, passed 12-8-1994)

§ 37.073 ADVISORY OPINIONS.

(A) The Enforcement Agent 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 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 Enforcement Agent may adopt regulations, consistent with KRS 61.870 et seq., the Open Records Act, to establish criteria under which it will issue confidential advisory

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opinions. All other advisory opinions shall be public documents, except that before an advisory opinion is made public, it shall be modified so that the identity of any person associated with the opinion shall not be revealed.

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

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

(2) By the Agent, 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 Agent may make public the advisory opinion request and related materials.

(E) A written advisory opinion issued by the Agent shall be binding on the Agent 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 Agent if they had existed at the time the opinion was rendered; however, if any fact determined by the Agent to be material was omitted or misstated in the request for an opinion, the Agent shall not be bound by the opinion.

(F) A written advisory opinion issued by the Agent 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.

(Prior Code, § 37.68) (Ord. 5-1994, passed 12-8-1994; Ord. 5, Series 2015, passed 2-12-2015)

§ 37.074 REPRISALS AGAINST PERSONS DISCLOSING VIOLATIONS PROHIBITED.

(A) No officer or employee of the city shall subject to reprisal, or directly or indirectly use, or threaten to use, any official authority or influence in any manner whatsoever which tends to discourage, restrain, deter, prevent, interfere with, coerce, or discriminate against any person who in good faith reports, discloses, divulges, or otherwise brings to the attention of the Agent or officer 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 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 Commonwealth Open Records Act, KRS 61.870 to 61.884; or

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

(Prior Code, § 37.69) (Ord. 5-1994, passed 12-8-1994)

§ 37.999 PENALTY.

(A) Except when another penalty is specifically set forth in this chapter, any officer or employee of the city who is found by the Enforcement Agent to have violated any provision of this chapter shall be deemed guilty of a civil offense and may be subject to a civil fine imposed by the Agent of not less than \$50 and not more than \$500, which may be recovered by the city in

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a civil action in the nature of debt if the offender fails to pay the penalty within a prescribed period of time.

(B) In addition to all other penalties which may be imposed under this chapter, any officer or employee of the city who is found by the Enforcement Agent to have violated any provision of this chapter shall forfeit to the city an amount equal to the economic benefit or gain which the officer or employee is determined by the Agent to have realized as a result of the violation. The amount of any forfeiture may be recovered by the city in a civil action in the nature of debt, if the offender fails to pay the amount of the forfeiture within a prescribed period of time.

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

(Prior Code, § 37.99)

(D) Any violation of § 37.016 shall constitute a Class A misdemeanor, and upon conviction, the court may void any contract entered into in violation of § 37.016. Additionally, a violation of § 37.016 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.

(Prior Code, § 37.21)

(E) (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 § 37.035 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 Agent in an amount not to exceed \$25 per day, up to a maximum total civil fine of \$500. Any civil fine imposed by the Agent 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.

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

(Prior Code, § 37.40)

(F) Pursuant to § 37.068, 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 shall be guilty of a Class A misdemeanor.

(Prior Code, § 37.63) (Ord. 5-1994, passed 12-8-1994)

CHAPTER 38: PREVAILING WAGES OF CONSTRUCTION CONTRACTS

Section

38.01 County prevailing wage ordinance adopted by reference

§ 38.01 COUNTY PREVAILING WAGE ORDINANCE ADOPTED BY REFERENCE.

The county prevailing wage ordinance is hereby adopted and incorporated as part of this code of ordinances as fully as if set out at length herein.
(Ord. 12, Series 2002, passed 3-12-2002)

TITLE V: PUBLIC WORKS

Chapter

50. GARBAGE

CHAPTER 50: GARBAGE

Section

General Provisions

- 50.01 Definitions
- 50.02 Depositing, dumping, or accumulating garbage
- 50.03 Depositing or accumulating junk

Collection

- 50.15 Collection service
- 50.16 Trash to be placed at curb
- 50.17 Persons delinquent not to place trash for collection
- 50.18 Container specifications

Recyclable Materials

- 50.30 Placement; recyclable materials for collection
- 50.31 Unlawful removal of recyclable materials
- 50.32 Removal of recyclable materials

- 50.99 Penalty

GENERAL PROVISIONS

§ 50.01 DEFINITIONS.

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

RESIDENTIAL UNIT. Single-family dwelling.

RUBBISH, TRASH, or REFUSE. Includes all other waste material not included as **WASTE** or **GARBAGE** except for motor vehicles and parts; building materials; concrete; tree

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limbs, branches, or roots not in bundles less than four feet; tires; and furniture. These items are deemed to be **JUNK**.

WASTE or **GARBAGE**. Includes refuse of animals, fruit or vegetable matter, kitchen, and household waste, paper, and food containers.

(Prior Code, § 50.01)

§ 50.02 DEPOSITING, DUMPING, OR ACCUMULATING GARBAGE.

It shall be unlawful to deposit or permit to accumulate any waste, trash, or garbage of any kind or nature on any public street, alley, or other public property within the city, or upon any private property within the city, except as provided elsewhere herein in preparation for collection.

(Prior Code, § 50.02) Penalty, see § 50.99

§ 50.03 DEPOSITING OR ACCUMULATING JUNK.

All matter not constituting waste, rubbish, trash, refuse, or garbage, shall be deemed to be junk. It shall be unlawful for any person to deposit or permit to accumulate or dump any matter deemed to be junk on any public street, alley, or any other public property within the city or upon any private property within the city.

(Prior Code, § 50.03) Penalty, see § 50.99

COLLECTION

§ 50.15 COLLECTION SERVICE.

Editor's Note:

Garbage and refuse service for the city is performed by independent contractors under a franchise agreement with the city.

(Prior Code, § 50.15)

§ 50.16 TRASH TO BE PLACED AT CURB.

Occupants of all residential units shall place the trash for collection at the curb in front of the residential unit no earlier than noon on the day prior to the day scheduled for collection at that residential unit. The receptacle, of the type designated hereafter, shall be removed from the curb and returned to the premises of the residential unit prior to midnight on the day of collection.

(Prior Code, § 50.16) Penalty, see § 50.99

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§ 50.17 PERSONS DELINQUENT NOT TO PLACE TRASH FOR COLLECTION.

It shall be unlawful for owners or occupants who are delinquent in the payment of the waste collection assessment to place waste or waste containers containing waste at the curb for collection. This action by the owner or occupant of the residential unit shall subject the owner or occupant to prosecution for theft of services.

(Prior Code, § 50.17) Penalty, see § 50.99

§ 50.18 CONTAINER SPECIFICATIONS.

All waste shall be placed for collection in standard (not to exceed 35 gallons) metal or plastic garbage cans with lids and handles for carrying, or placed in plastic trash bags made of heavy plastic which must be secured tightly and be of sufficient thickness and strength to prevent the contents enclosed from leaking or tearing under normal handling.

(Prior Code, § 50.18) Penalty, see § 50.99

RECYCLABLE MATERIALS

§ 50.30 PLACEMENT; RECYCLABLE MATERIALS FOR COLLECTION.

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

(B) Placing recyclable materials in the designated container, in the specified location, shall be deemed to vest title to the material in the city. Non-recyclable material will not be collected and will not become the property of the city.

(Prior Code, § 50.30) (Ord. 1-1990, passed 7-12-1990)

§ 50.31 UNLAWFUL REMOVAL OF RECYCLABLE MATERIALS.

No person shall remove any recyclable materials from the designated container, or remove the container itself, without the consent of the Mayor or the member of the City Commission who has been designated to oversee the Recycling and Trash Removal Program.

(Prior Code, § 50.31) (Ord. 1-1990, passed 7-12-1990)

§ 50.32 REMOVAL OF RECYCLABLE MATERIALS.

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No person shall remove any recyclable materials from the designated container, or remove the container itself, without the content of the Mayor or the member of the City Commission who has been designated to oversee the Recycling and Trash Removal Program. (Prior Code, § 50.32) (Ord. 1-1990, passed 7-12-1990) Penalty, see § 50.99

§ 50.99 PENALTY.

(A) Any person, firm, or corporation violating any provision of this chapter not otherwise provided for with another penalty shall, upon conviction, be fined not more than \$500 for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(B) Any person, corporation, or firm violating any provision of § 50.31, upon conviction thereof, shall be guilty of a violation and fined not less than \$10 nor more than \$250 per violation. Each instance of unauthorized removal of recyclable materials shall be deemed and construed as a separate offense.

(Prior Code, § 50.99) (Ord. 1-1990, passed 7-12-1990)

TITLE VII: TRAFFIC CODE

Chapter

- 70. GENERAL PROVISIONS**
- 71. TRAFFIC RULES**
- 72. PARKING REGULATIONS**
- 73. BICYCLES AND MOTORCYCLES**

CHAPTER 70: GENERAL PROVISIONS

Section

General Regulations

- 70.01 Definitions
- 70.02 Required obedience to traffic directions
- 70.03 Powers and duties of Police Department
- 70.04 Authority for enforcement
- 70.05 Temporary regulations

Traffic-Control Devices

- 70.20 Signal legends
- 70.21 Establishment and maintenance of traffic-control devices
- 70.22 Obedience to signals
- 70.23 Interference with signals
- 70.24 Unauthorized signals or markings
- 70.25 Device to be legible and in proper position

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- 70.26 Temporary disregard of devices by police officer
- 70.99 Penalty

GENERAL REGULATIONS

§ 70.01 DEFINITIONS.

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

AUTHORIZED EMERGENCY VEHICLES. Vehicles of the Fire Department or Police Department, vehicles of the Commonwealth Attorney's Office when on official business, and ambulances on an authorized emergency run.

BOULEVARD. Any legally designated street at which cross traffic is required to stop before entering or crossing the **BOULEVARD**.

BUSINESS DISTRICT. Any portion of any street between two consecutive intersections in which 50% or more of the frontage on either side of the street is used for business purposes.

CROSSWALK. The portion of the roadway included within the extension of the sidewalk across any intersection, and other portions of the roadway between two intersections that may be legally designated as crossing places and marked by stanchions, paint lines, or otherwise.

CURB. The boundary of that portion of the street used for vehicles, whether marked by curbstones or not.

INTERSECTION. That part of the public way embraced within the extensions of the street lines of two or more streets which join at an angle, whether or not one street crosses the other.

OFFICIAL TRAFFIC-CONTROL DEVICES. All signs, signals, warnings, directions, markings, and devices placed or erected or maintained by authority of the City Commission.

ONE-WAY STREET. A street on which vehicles are permitted to move in one direction only.

OPERATOR. Every person who is in actual physical control of the guidance, starting, and stopping of a vehicle.

PARK. When applied to vehicles, to leave a vehicle standing, whether occupied or not, for a period of time longer than is necessary to receive or discharge passengers or property.

PEDESTRIAN. Any person afoot.

PLAY STREET. Any street or portion thereof so designated by the City Commission and reserved as a play area for children, from which all traffic is barred, except vehicles to and from abutting properties.

POLICE DEPARTMENT. The Police Department or other persons or agency authorized to perform the duties of § 70.03, or any other acts necessary to implement and enforce this traffic code.

PUBLIC WAY. The entire width between property lines of every way, dedicated passway, or street set aside for public travel, except bridle paths and footpaths.

REVERSE TURN. To turn a vehicle on any street in such a manner as to proceed in the opposite direction.

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RIGHT-OF-WAY. The privilege of the immediate and preferential use of the street.

ROADWAY. That portion of any street, improved, designated, or ordinarily used for vehicular travel.

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

STOPPING. As applied to vehicles, to stop a vehicle longer than is actually necessary to receive or discharge passengers.

STREET. Every public way, including alleys.

TRAFFIC. Pedestrians, ridden or herded animals, vehicles, buses, and other conveyances, individually or collectively, while using any street for the purpose of travel.

VEHICLE. Every device in, on, or by which any person or property is or may be transported or drawn on any street, except devices moved by human power or used exclusively on stationary rails or tracks.

(Prior Code, § 70.01)

§ 70.02 REQUIRED OBEDIENCE TO TRAFFIC DIRECTIONS.

(A) It shall be unlawful for any person to fail or refuse to comply with any lawful order, signal, or direction given by a uniformed police officer, or to fail or refuse to comply with any of the traffic regulations of this traffic code.

(B) The provisions of this traffic code shall apply to the driver of any vehicle owned or used in the service of the U.S. government, this state, county, or city, and it shall be unlawful for any driver to violate any of the provisions of this traffic code, except as otherwise permitted in this traffic code or by state statute.

(C) Every person propelling any pushcart or riding a bicycle or an animal on any roadway, and every person driving any animal on any roadway, and every person driving any animal-drawn vehicle shall be subject to the provisions of this traffic code applicable to the driver of any vehicle, except those provisions of this traffic code which by their very nature can have no application.

(Prior Code, § 70.02) Penalty, see § 70.99

§ 70.03 POWERS AND DUTIES OF POLICE DEPARTMENT.

It shall be the duty of the Police Department to direct all traffic in conformance with this traffic code and to enforce the traffic regulations as set forth in this traffic code, to make arrest for traffic violations, to investigate accidents, and to cooperate with other officers of the city in the administration of the traffic laws, and in developing ways and means to improve traffic conditions.

(Prior Code, § 70.03)

§ 70.04 AUTHORITY FOR ENFORCEMENT.

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Authority to direct and enforce all traffic regulations of this city in accordance with the provisions of this traffic code and to make arrests for traffic violations is given to the Police Department, and, except in case of emergency, it shall be unlawful for any other person to direct or attempt to direct traffic by voice, hand, whistle, or any other signal.
(Prior Code, § 70.04) Penalty, see § 70.99

§ 70.05 TEMPORARY REGULATIONS.

When required for the convenience and safety of the public and to alleviate unusual traffic problems, the City Commission or any authorized city official shall, at his or her discretion, have authority to impose traffic regulations as he or she may deem necessary for temporary periods not to exceed two weeks. If these temporary regulations are necessary for a period longer than two weeks, the City Clerk shall be notified in writing of the extended order.
(Prior Code, § 70.05)

TRAFFIC-CONTROL DEVICES

§ 70.20 SIGNAL LEGENDS.

Whenever traffic is regulated or controlled exclusively by a traffic-control sign or signs exhibiting the words “Go”, “Caution”, or “Stop”, or exhibiting different colored lights for purposes of traffic control, the following colors only shall be used, and these terms and lights shall indicate and be obeyed as follows.

(A) *Green alone or “Go”*. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at that place prohibits either turn; however, vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection at the time the signal is exhibited.

(B) *Steady yellow alone or “Caution” when shown following the green or “Go” signal*. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. Vehicular traffic facing a steady yellow signal may enter and clear the intersection.

(C) *Red alone or double red or “Stop”*. Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at another point as may be indicated by a clearly visible line, and shall remain standing until green or “go” is shown alone.

(D) *Flashing red alone*. Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at another point as may be indicated by a clearly visible line, and shall not again proceed until it can do so without danger.

(E) *Flashing amber alone*. Vehicular traffic facing the signal shall reduce its speed and proceed cautiously across the intersection controlled by the signal.

(F) *“Yield right-of-way”*. Vehicular traffic facing the “yield right-of-way” sign shall bear the primary responsibility of safely entering the primary intersecting or merging right-of-way. All traffic facing the sign shall yield the right-of-way to all vehicles and

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pedestrians within the primary intersecting or merging right-of-way. No vehicle facing a “yield right-of-way” sign shall enter the merging or intersecting right-of-way at a speed in excess of 15 mph, except that this speed limit shall not apply to vehicles entering an expressway.

(G) *Lane lights.* When lane lights are installed over any street for the purpose of controlling the direction of flow of traffic, vehicular traffic shall move only in traffic lanes over which green arrows appear; however, when flashing amber lights appear above a lane, all left turns shall be made from that lane. Where red arrows appear above the lanes, vehicles shall not move against them. If flashing amber lights show above a lane, that lane shall be used only for passing and for left turns unless a sign at that place prohibits the turn.

(Prior Code, § 70.15) Penalty, see § 70.99

Statutory reference:

Traffic-control signals, see KRS 189.338

§ 70.21 ESTABLISHMENT AND MAINTENANCE OF TRAFFIC-CONTROL DEVICES.

The city shall establish and maintain all official traffic-control devices necessary within the city. All traffic-control devices, including signs, shall be employed to indicate one particular warning or regulation, shall be uniform, and as far as possible shall be placed uniformly. All traffic-control devices and signs shall conform to required state specifications.

(Prior Code, § 70.16)

§ 70.22 OBEDIENCE TO SIGNALS.

(A) It shall be unlawful for the driver of any vehicle to disobey the signal of any official traffic-control device placed in accordance with the provisions of this traffic code or of a traffic barrier or sign erected by any of the public departments or public utilities of the city, or any electric signal, gate, or watchman at railroad crossings, unless otherwise directed by a police officer; however, the type and the right to or necessity for the barrier or sign must be approved by the city.

(B) The sign, signal, marking, or barrier shall have the same authority as the personal direction of a police officer.

(Prior Code, § 70.17) Penalty, see § 70.99

§ 70.23 INTERFERENCE WITH SIGNALS.

No person shall, without authority, attempt to or in fact alter, deface, injure, knock down, or remove any official control device or any railroad sign or signal, or any inscription, shield, or insignia thereon, or any part thereof.

(Prior Code, § 70.18) Penalty, see § 70.99

§ 70.24 UNAUTHORIZED SIGNALS OR MARKINGS.

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(A) (1) It shall be unlawful for any person to place, maintain, or display on or in view of any street any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic device or railroad sign or signal which attempts or purports to direct the movement of traffic, or which conceals or hides from view or interferes with the effectiveness of any official control device or any railroad sign or signal.

(2) No person shall place or maintain, nor shall any public authority permit on any street, any traffic sign, signal, or any commercial advertising.

(3) Nothing in this section shall be construed as restricting any public department or public utility of the city in any emergency or temporarily from marking or erecting any traffic barrier or sign whose placing has been approved by the city.

(B) Every prohibited sign, signal, or marking is declared to be a public nuisance and the city is empowered forthwith to remove it or cause it to be removed.
(Prior Code, § 70.19) Penalty, see § 70.99

§ 70.25 DEVICE TO BE LEGIBLE AND IN PROPER POSITION.

No provision of this traffic code for which signs or any other traffic-control device is required shall be enforceable against an alleged violator if at the time and place of the alleged violation, the required device was not in proper position and sufficiently legible to be seen by an ordinarily observant person.

(Prior Code, § 70.20)

§ 70.26 TEMPORARY DISREGARD OF DEVICES BY POLICE OFFICER.

In an emergency, any police officer may, at his or her discretion, disregard traffic-control lights or signals or established regulations in order to facilitate the movement of traffic.

(Prior Code, § 70.21)

§ 70.99 PENALTY.

Any person who violates any provision of this traffic code where no other penalty is specifically provided shall be guilty of a misdemeanor and shall be fined not less than \$20 nor more than \$500.

(Prior Code, § 70.99)

CHAPTER 71: TRAFFIC RULES

Section

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OPERATION GENERALLY

§ 71.01 OBSTRUCTING TRAFFIC.

(A) It shall be unlawful to operate any vehicle or permit it to remain standing in any street in such a manner as to create an obstruction thereof.

(B) It shall be unlawful for the operator of any vehicle to enter any intersection or crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle without obstructing the passage of other vehicles or pedestrians,

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notwithstanding the indication of any traffic-control signal which may be located at the intersection or crosswalk.

(C) Any intersection deemed by the city to be of special or critical importance to the movement of traffic shall be marked in a distinctive manner in order to indicate its importance. Should the operator of any vehicle enter any intersection so marked when there is insufficient room on the other side of the intersection to accommodate the vehicle, the indication of any traffic-control signal notwithstanding, he or she shall be deemed to have violated this division (C) rather than division (B) above.

(Prior Code, § 71.01) Penalty, see § 71.99

§ 71.02 REVERSE OR U-TURNS.

The operator of any vehicle shall not turn the vehicle so as to proceed in the opposite direction unless the movement can be made in safety without interfering with other traffic.

(Prior Code, § 71.02) Penalty, see § 71.99

§ 71.03 BACKING VEHICLES.

It shall be unlawful for the operator of any vehicle to back the vehicle at any intersection for the purpose of executing a turning movement. A vehicle from any parking position shall be backed by the operator in such manner as to proceed on the same side of the roadway in the lawful direction of travel.

(Prior Code, § 71.03) Penalty, see § 71.99

§ 71.04 VEHICLES CROSSING SIDEWALKS.

(A) It shall be unlawful for the operator of any vehicle to drive within any sidewalk space except at a permanent or temporary driveway or by special permit from the City Commission or any authorized city official.

(B) It shall be unlawful for the operator of any vehicle to drive the vehicle out of any alley, driveway, building, or lot and across a sidewalk, or its extension across the alley, unless the vehicle has been brought to a complete stop immediately prior to crossing the sidewalk or its extension. Upon entering the roadway from the alley, driveway, or building, the operator shall yield the right-of-way to all vehicles approaching on the roadway. The operator of any vehicle intending to cross a sidewalk and turn into an alley from the roadway may do so at low speed and with caution.

(Prior Code, § 71.04) Penalty, see § 71.99

§ 71.05 SPEED LIMIT.

No operator of any vehicle upon any street of the city shall drive at a greater speed than is reasonable or prudent, having regard for the traffic, the use of the highways, and the prevailing

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conditions; however, the maximum rate of speed at any time shall be 35 mph, unless otherwise specifically established by the city or the state.

(KRS 189.390) (Prior Code, § 71.05) (Ord. 4-1977, passed 3-3-1977) Penalty, see § 71.99

§ 71.06 TRUCKS AND SLOW-MOVING VEHICLES.

The operator of any vehicle moving slowly upon a city street or highway shall keep that vehicle as closely as practicable to the right-hand boundary of the street or highway, allowing more swiftly moving vehicles reasonably free passage to the left.

(KRS 189.300(2)) (Prior Code, § 71.06) (Ord. 4-1977, passed 3-3-1977) Penalty, see § 71.99

§ 71.07 REQUIRED LIGHTS.

(A) All motor vehicles, motorcycles, motor-driven cycles, mopeds, and bicycles shall display headlights, taillights, and the like in accordance with KRS 189.040, 189.050, 189.055, 189.060, and 189.287.

(B) Any person, firm, or corporation violating the provisions of this section shall be fined as set forth in § 71.99.

(Prior Code, § 71.07) (Ord. 4-1977, passed 3-3-1977) Penalty, see § 71.99

§ 71.08 VEHICLE LOAD LIMITS.

(A) A person shall not operate on any highway, except those highways designated by the Secretary of Transportation under the provisions of KRS 189.222, or those locally maintained highways under the provisions of KRS 189.222(11) or 189.230(4), any of the following trucks, trailers, manufactured homes, or vehicles:

(1) Any motor truck, semitrailer, trailer, manufactured home, or vehicle which exceeds 11-1/2 feet in height or 96 inches in width, including any part of the body or load;

(2) Any motor truck, except a semitrailer truck, which exceeds 26-1/2 feet in length, including any part of the body or load;

(3) Any semitrailer truck which exceeds 30 feet in length, including any part of the body or load;

(4) Any truck, semitrailer truck, or truck and trailer unit which exceeds 36,000 pounds gross weight, including the load; or

(5) Any truck, semitrailer truck, or tractor-tailor unit which exceeds a gross weight equal to the sum of 600 pounds per inch in the combined width of the tires upon which the vehicle may be propelled but not more than 36,000 pounds.

(B) Notwithstanding the provisions of this section, any truck hauling building materials under KRS 189.2226, or to a road construction project on a highway rated less than the maximum weight provided above, may haul up to 80,000 pounds gross weight, including the load, without a permit.

(KRS 189.221) (Prior Code, § 71.08) (Ord. 6, Series 2015, passed 2-12-2015) Penalty, see § 71.99

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Statutory reference:

Increased weight limits on state maintained highways, see KRS 189.222(1)

ACCIDENTS

§ 71.20 DUTY OF OPERATOR.

It shall be the duty of the owner of, operator of, or passenger in any motor vehicle which is involved in an accident, in which any person is injured or property is damaged, to stop immediately and ascertain the extent of the injury or damage and render any assistance as may be needed.

(Prior Code, § 71.15) Penalty, see § 71.99

Statutory reference:

Accident involving death or serious injury; penalty for not reporting, see KRS 189.990

Duty in case of accident, see KRS 189.580

§ 71.21 ACCIDENT REPORT.

The operator, owner, or passenger involved in an accident resulting in the injury or death of any person, or an accident in which property is damaged, shall immediately report the accident or property damage to the Police Department.

(Prior Code, § 71.16) Penalty, see § 71.99

PROHIBITIONS

§ 71.35 RECKLESS DRIVING; INJURY TO STREETS.

(A) The operator of any vehicle upon a highway shall operate the vehicle in a careful manner, with regard for the safety and convenience of pedestrians and other vehicles upon the highway.

(B) No person shall willfully operate any vehicle on any highway in such a manner as to injure the highway.

(KRS 189.290) (Prior Code, § 71.25) Penalty, see § 71.99

§ 71.36 RIGHT-OF-WAY OF EMERGENCY VEHICLES; FOLLOWING EMERGENCY VEHICLES; DRIVING OVER FIRE HOSE.

(A) Upon the approach of an emergency vehicle equipped with and operating one or more flashing, rotating, or oscillating red or blue lights visible under normal conditions from a

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distance of 500 feet to the front of the vehicle; or when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way, immediately drive to a position parallel to and as close as possible to the edge or curb of the highway clear of any intersection, and stop and remain in that position until the emergency vehicle has passed, except when otherwise directed by a police officer or firefighter.

(B) Upon the approach of any emergency vehicle operated in conformity with the provisions of division (A) above, the operator of every vehicle shall immediately stop clear of any intersection and shall keep that position until the emergency vehicle has passed, unless directed otherwise by a police officer or firefighter.

(C) No operator of any vehicle, unless he or she is on official business, shall follow any emergency vehicle being operated in conformity with the provisions of division (A) above closer than 500 feet, nor shall he or she drive into, park the vehicle into, or park the vehicle within the block where the vehicle has stopped in answer to an emergency call or alarm, unless he or she is directed otherwise by a police officer or firefighter.

(D) No vehicle, train, or other equipment shall be driven over any unprotected hose of a fire department when the hose is laid down on any street, private driveway, or track for use at any fire alarm unless the fire department official in command consents that the hose be driven over.

(E) Upon approaching a stationary emergency vehicle or public safety vehicle, when the emergency vehicle or public safety vehicle is giving a signal by displaying alternately flashing yellow, red, red and white, red and blue, or blue lights, a person who drives an approaching vehicle shall either, while proceeding with due caution:

(1) Yield the right-of-way by moving to a lane not adjacent to that of the authorized emergency vehicle, if:

(a) The person is driving on a highway having at least four lanes with not fewer than two lanes proceeding in the same direction as the approaching vehicle; and

(b) If it is possible to make the lane change with due regard to safety and traffic conditions.

(2) Reduce the speed of the vehicle, maintaining a safe speed to road conditions, if changing lanes would be impossible or unsafe.

(F) This section does not operate to relieve the person who drives an emergency vehicle from the duty to operate the vehicle with due regard for the safety of all persons using the highway.

(KRS 189.930) (Prior Code, § 71.26) Penalty, see § 71.99

§ 71.37 SMOKE EMISSION; NOISE.

(A) Every vehicle when on a highway shall be so equipped as to make a minimum of noise, smoke, or other nuisance, to protect the rights of other traffic, and to promote the public safety.

(KRS 189.020)

(B) Except as provided in any regulations adopted by the state pursuant to KRS 189.287, every motor vehicle and bicycle when in use on a highway shall be equipped with a horn or other device capable of making an abrupt sound sufficiently loud to be heard under all ordinary traffic conditions. Every person operating an automobile or bicycle shall sound the horn

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or sound device whenever necessary as a warning of the approach of such vehicle to pedestrians or other vehicles, but shall not sound the horn or sound device unnecessarily. A bell may be used on a bicycle.

(KRS 189.080)

(C) Every motor vehicle with an internal-combustion, steam, or air motor shall be equipped with a suitable and efficient muffler. No person while on a highway shall operate a motor vehicle with the muffler cut out or removed. No cutout shall be so arranged or connected as to permit its operation or control by the driver of any motor vehicle while in position for driving. No person shall modify the exhaust system of a motor vehicle or an off-highway vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle. The original muffler shall comply with all of the noise requirements of KRS Ch. 224 and any regulations promulgated pursuant thereto. No person shall operate a motor vehicle with an exhaust system so modified.

(KRS 189.140)

(Prior Code, § 71.27) (Ord. 4-1977, passed 3-3-1977) Penalty, see § 71.99

§ 71.38 GLARING LIGHTS.

It shall be unlawful for the operator of any vehicle driving during the hours when lights are required as set forth in KRS 189.030, to operate such vehicle with the rays of its headlights projecting ahead on the high beam when other vehicles are approaching from the opposite direction within 500 feet. The low beam of a vehicle shall be deemed to avoid glare at all times, regardless of road contour and loading.

(KRS 189.040(5)) (Prior Code, § 71.28) (Ord. 4-1977, passed 3-3-1977) Penalty, see § 71.99

PARADES

§ 71.50 DEFINITIONS.

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

PARADE. Any **PARADE**, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display in or on any street, sidewalk, park, or other public place in the city.

PARADE PERMIT. A permit required by this subchapter.
(Prior Code, § 71.40)

§ 71.51 PERMIT REQUIRED.

(A) No person or persons shall engage in, participate in, aid, form, or start any parade unless a parade permit has been obtained from the City Commission or any authorized city official.

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(B) This subchapter shall not apply to:

(1) Funeral processions; or

(2) A governmental agency acting within the scope of its functions.

(Prior Code, § 71.41) Penalty, see § 71.99

§ 71.52 APPLICATION FOR PERMIT.

A person seeking issuance of a parade permit shall file an application with the City Commission or any authorized city official on forms provided by the Commissioner or the official.

(A) *Filing period.* The application for a parade permit shall be filed not less than five days or not more than 60 days before the date on which it is proposed to conduct the parade.

(B) *Application.* The application for a parade permit shall set forth the following information:

(1) The name, address, and telephone number of the person seeking to conduct the parade;

(2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorized and responsible heads of the organization;

(3) The name, address, and telephone number of the person who will be the Parade Chairperson and who will be responsible for its conduct;

(4) The date when the parade is to be conducted;

(5) The route to be traveled, the starting point, and the termination point;

(6) The approximate number of persons, animals, and vehicles which will constitute the parade, the type of animals, if any, and the description of the vehicles;

(7) The hours when the parade will start and terminate;

(8) A statement as to whether the parade will occupy all or only a portion of the width of the streets, sidewalk, park, or other public place proposed to be traversed;

(9) The location by street of any assembly area for the parade;

(10) The time at which units of the parade will begin to assemble at any assembly area or areas;

(11) The interval of space to be maintained between units of the parade;

(12) If the parade is designed to be held by and on behalf of or for any person other than the applicant, the applicant for the permit shall file a communication in writing from the person authorizing the applicant to apply for the permit on his or her behalf; and

(13) Any additional information reasonably necessary to a fair determination as to whether a permit should issue.

(C) *Fee.* There shall be paid at the time of filing an application for a parade permit a fee in an amount as established by the City Commission.

(Prior Code, § 71.42) Penalty, see § 71.99

§ 71.53 STANDARDS FOR ISSUANCE OF PERMIT.

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The City Commission or any authorized city official shall issue a permit when, from a consideration of the application and from other information obtained, he or she finds that:

(A) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(B) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;

(C) The conduct of the parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;

(D) The concentration of persons, animals, and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of or ambulance service to areas contiguous to the assembly areas;

(E) The conduct of the parade will not interfere with the movement of firefighting equipment en route to a fire; and

(F) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

(Prior Code, § 71.43) Penalty, see § 71.99

§ 71.54 NOTICE OF REJECTION OF PERMIT.

The City Commission or any authorized city official shall act on the application for a parade permit within three days, Saturdays, Sundays, and holidays excepted, after filing thereof. If the City Commission or authorized city official disapproves the application, he or she shall mail to the applicant within the three days, Saturdays, Sundays, and holidays excepted, after the date on which the application was filed, a notice of his or her action stating the reasons for the denial of the permit.

(Prior Code, § 71.44)

§ 71.55 APPEAL PROCEDURE WHEN PERMIT DENIED.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the City Commission. The appeal shall be taken within 30 days after notice of denial. The City Commission shall act on the appeal within 30 days after its receipt.

(Prior Code, § 71.45)

§ 71.56 ALTERNATIVE PERMIT.

The City Commission or any authorized city official, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different than that named by the applicant. An applicant desiring to accept an alternate permit shall file a written notice of his or her acceptance. An alternate parade permit

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shall conform to the requirements of and shall have the effect of a parade permit under this subchapter.

(Prior Code, § 71.46)

§ 71.57 NOTICE TO CITY AND OTHER OFFICIALS WHEN PERMIT ISSUED.

Immediately on the issuance of a parade permit, a copy thereof shall be sent to the following persons:

- (A) The City Commission;
- (B) The City Attorney;
- (C) The Police Chief and the Fire Chief; and
- (D) The general manager or responsible head of each public utility, the regular routes of whose vehicles will be affected by the route of the proposed parade.

(Prior Code, § 71.47)

§ 71.58 CONTENTS OF PERMIT.

Each parade permit shall state the following information:

- (A) Starting time;
- (B) Minimum speed;
- (C) Maximum speed;
- (D) Maximum interval of space to be maintained between the units of the parade;
- (E) The portions of the street, sidewalk, park, or other public place to be traversed that may be occupied by the parade;

- (F) The maximum length of the parade in miles or fractions thereof; and
- (G) Other information as is reasonably necessary to the enforcement of this

subchapter.

(Prior Code, § 71.48) Penalty, see § 71.99

§ 71.59 DUTIES OF PERMITTEE.

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The Parade Chairperson or other person heading or leading the activity shall carry the parade permit on his or her person during the conduct of the parade.

(Prior Code, § 71.49) Penalty, see § 71.99

§ 71.60 PUBLIC CONDUCT DURING PARADES.

(A) *Interference.* No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or parade assembly or with any person, vehicle, or animal participating or used in a parade.

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(B) *Driving through parades.* No driver of a vehicle except a police car or other emergency vehicle shall drive between the vehicles or persons comprising a parade when the vehicles or persons are in motion and are conspicuously designated as a parade.

Cross-reference:

Parking on parade routes, see § 72.07
(Prior Code, § 71.50)

§ 71.61 REVOCATION OF PERMIT.

The city shall have the authority to revoke a parade permit issued hereunder on application of the standards for issuance as herein set forth.
(Prior Code, § 71.51)

§ 71.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no other penalty is specifically provided shall be guilty of a misdemeanor and shall be fined not less than \$20 nor more than \$500.

(B) The fine for violating the speed limit as specified in § 71.05 shall be the same as set forth in the fine schedule of KRS 189.394.
(Prior Code, § 71.05)

(C) Any person who violates § 71.36 shall be guilty of a misdemeanor and shall be fined not less than \$60 nor more than \$500, or be imprisoned in the county jail for not more than 30 days, or both. (KRS 189.993(8)) (Prior Code, § 71.99) (Ord. 4-1977, passed 3-3-1977)

CHAPTER 72: PARKING REGULATIONS

Section

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Statutory reference:

Revenues from fees, fines, and forfeitures related to parking, see KRS 65.120

PARKING GENERALLY

§ 72.01 OBSTRUCTIONAL PARKING; DOUBLE PARKING.

(A) It shall be unlawful for any person to leave any vehicle or any other thing that may be a nuisance, obstruction, or hindrance in or on any street, alley, or sidewalk within the city either during the day or night.

(B) It shall be unlawful for any person to stop or park any vehicle on the roadway side of any other vehicle stopped or parked at the edge or curb of a street.
(Prior Code, § 72.01) Penalty, see § 72.99

§ 72.02 MANNER OF PARKING.

(A) It shall be unlawful for the operator of any vehicle to stop or park the vehicle in a manner other than with its right-hand side toward and parallel with the curb, except that where parking is permitted on the left side of a one-way street, the left-hand side shall be so parked, and except for commercial loading and unloading on one-way streets.

(B) No vehicle shall be parked or left standing on any street unless its two right wheels are within six inches of and parallel with the curb, except that on one-way streets where parking is permitted on the left side, the two left wheels are to be within six inches of and parallel with the curb.

(C) No vehicle shall be backed to the curb on any street, except that wagons and trucks may do so when loading and unloading; provided, that the loading and unloading and delivery of property and material shall not consume more than 30 minutes. This backing of trucks or wagons is prohibited at all times and on all streets in the city where any truck or wagon so backed interferes with the use of the roadway by moving vehicles or occupies road space within ten feet of the centerline of the street.

(D) The city may establish diagonal parking at certain places, requiring the parking of vehicles at a certain angle to the curb, and within a certain portion of the roadway adjacent

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thereto; however, diagonal parking shall not be established where the roadway space required therefor would be within ten feet of the centerline of any street. The diagonal parking places shall be designated by suitable signs, and shall indicate by markings on the pavement the required angle and the width of the roadway space within which the vehicle shall park.

(E) It shall be unlawful for the operator of any vehicle to so park the vehicle that any part thereof shall extend beyond the lines marking the side or the rear of the space assigned for one vehicle.

(Prior Code, § 72.02) Penalty, see § 72.99

§ 72.03 LIMITATIONS OF STOPPING AND PARKING.

(A) No person shall stop or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in the following places:

- (1) On a sidewalk;
- (2) In front of sidewalk ramps provided for persons with disabilities;
- (3) In front of a public or private driveway;
- (4) Within an intersection or on a crosswalk;
- (5) At any place where official signs prohibit stopping or parking;
- (6) Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
- (7) On any controlled access highway;
- (8) Within a highway tunnel;
- (9) Within 15 feet of a fire hydrant; or
- (10) On an area between the roadways of a divided highway.

(KRS 189.450(5))

(B) No person shall move a vehicle not lawfully under his or her control into any prohibited area.

(KRS 189.450(6))

(Prior Code, § 72.03) Penalty, see § 72.99

§ 72.04 RESTRICTIONS AND PROHIBITIONS ON DESIGNATED STREETS.

(A) The provisions of this section prohibiting the stopping and parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control devices.

(B) The provisions of this section imposing a time limit on parking shall not relieve any person from his or her duty to observe other and more restrictive provisions prohibiting or limiting the stopping or parking of vehicles in specific places or at specified times.

(C) When signs are erected in compliance with the provisions of division (F) below giving notice thereof, no person shall park a vehicle at any time on any street so marked by official signs.

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(D) When a curb has been painted in compliance with the provisions of division (F) below, no person shall park a vehicle at any time at or adjacent to any curb so marked.

(E) When signs are erected in compliance with the provisions of division (F) below, in each block giving notice thereof, no person shall park a vehicle between the hours specified by official signs on any day except Sundays on any street so marked.

(F) (1) The city shall determine on what streets or portions thereof stopping or parking shall be restricted or prohibited. Whenever under authority of or by this traffic code or any other ordinance any parking limit is imposed or parking is prohibited on designated streets, or parking areas are restricted to handicapped parking, appropriate signs shall be erected giving notice thereof; however, in lieu of erecting the signs or in conjunction therewith, the face and top of a curb or curbs at or adjacent to which parking is prohibited at all times may be painted a solid yellow color.

(2) No regulations or restrictions shall be effective unless the signs have been erected and are in place or the curbs are painted yellow at the time of any alleged offense, except in the case of those parking restrictions which by their very nature would not require the signs and markings.

(G) When signs are erected in compliance with division (F) above in each block giving notice thereof, no person shall park a vehicle for a time longer than specified on official signs any day except Sunday and on any street so marked.

(Prior Code, § 72.04) Penalty, see § 72.99

§ 72.05 PARKING RESTRICTED TO ALLOW STREET CLEANING.

The city is authorized to designate street cleaning areas and shall provide suitable signs and markings on the street to be cleaned, restricting parking on that particular day. It shall be unlawful for the operator of any vehicle to stop on any street so designated.

(Prior Code, § 72.05) Penalty, see § 72.99

§ 72.06 PARKING IN EXCESS OF CERTAIN NUMBER OF HOURS PROHIBITED; TOWING AUTHORIZED.

It shall be unlawful for anyone to park in any one place any vehicle on any of the public ways or streets of the city for a period of 24 hours or longer. Any vehicle left parked in any one place on any of the public ways or streets of the city for a period of 24 hours or longer shall be deemed abandoned, and shall be subject to all existing regulations of the city pertaining to abandoned motor vehicles.

(Prior Code, § 72.06) (Ord. 4-1977, passed 3-3-1977) Penalty, see § 72.99

Cross-reference:

Removal of abandoned vehicles, see §§ 72.25 through 72.27

§ 72.07 PARKING ON PARADE ROUTE.

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(A) The City Commission or any authorized city official shall have the authority, whenever in his or her judgment it is necessary, to prohibit or restrict the parking of vehicles along a street or part thereof constituting a part of the route of a parade or procession, to erect temporary traffic signs to that effect, and to prohibit and prevent parking.

(B) It shall be unlawful to park or leave unattended any vehicle in violation of the signs or directions.

(Prior Code, § 72.07) Penalty, see § 72.99

Cross-reference:

Parades, see §§ 71.51 - 71.61

§ 72.08 PARKING ON OFF-STREET FACILITY.

(A) It shall be unlawful for the driver of a motor vehicle to park or abandon the vehicle or drive on or otherwise trespass on another's property, or on an area developed as an off-street parking facility, without the consent of the owner, lessee, or person in charge of the property or facility.

(B) If at any time a vehicle is parked, abandoned, or otherwise trespasses in violation of division (A) above, the owner, lessee, or person in charge of the property or facility may have the unauthorized motor vehicle removed in accordance with the provisions of §§ 72.25 through 72.27.

(C) Every property owner or operator of an off-street parking facility shall post signs stating thereon that the property or parking lot or facility is privately owned, and that an unauthorized vehicle will be removed at the owner's expense before exercising the authority granted in division (B) above.

(Prior Code, § 72.08) Penalty, see § 72.99

Statutory reference:

Removal of vehicles by owners of private parking lots; signs, see KRS 189.725

§ 72.09 OWNER RESPONSIBILITY.

If any vehicle is found illegally parked in violation of any provisions of this subchapter regulating stopping, standing, or parking of vehicles, and the identity of the driver cannot be determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for the violation.

(Prior Code, § 72.09) Penalty, see § 72.99

§ 72.10 PARKING IN PARKS.

It shall be unlawful for any person to park any motor vehicle in or on any section of any public park, playground, play lot, or tot lot within the city not designed as a parking area or designed and regularly maintained as a roadway; however, nothing contained in this section shall be construed as prohibiting the parking of a motor vehicle parallel to a designated and regularly

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maintained roadway in any park or playground where at least two wheels of the motor vehicle are resting on the roadway.

(Prior Code, § 72.10) Penalty, see § 72.99

§ 72.11 DISPLAY OF PARKED VEHICLE FOR SALE.

It shall be unlawful to park a motor vehicle displayed for sale or a motor vehicle on which demonstrations are being made on any street.

(Prior Code, § 72.11) Penalty, see § 72.99

§ 72.12 PARKING WITH HANDICAPPED PERMITS.

(A) Any other provision to the contrary notwithstanding, a motor vehicle bearing a decal in its front windshield issued by the County Clerk pursuant to appropriate county ordinances for handicapped persons, when operated by a handicapped person or when transporting a handicapped person, may be parked in a designated handicapped parking place, or when parked in a metered parking space may be parked for two hours for no fee, or when parked where any parking limit is imposed may be parked for two hours in excess of the parking limit. The motor vehicle may be parked in a loading zone for that period of time necessary to permit entrance or exit of the handicapped person to or from the parked vehicle, but in no circumstances longer than 30 minutes.

(B) This section shall not permit parking in a “no stopping” or “no parking” zone, nor where parking is prohibited for the purpose of creating a fire lane or to accommodate heavy traffic during morning, afternoon, or evening hours, nor to permit a motor vehicle to be parked in such a manner as to constitute a traffic hazard.

(Prior Code, § 72.12) Penalty, see § 72.99

IMPOUNDING

§ 72.25 IMPOUNDMENT OF VEHICLES AUTHORIZED; REDEMPTION.

(A) All police officers are empowered to authorize the impoundment of a vehicle violating vehicle-related ordinances after a citation has been issued.

(B) A vehicle slated for impoundment will be tagged and placed under control of the Police Department. Should a vehicle be moved without the consent and approval of the Police Department, a warrant shall be issued immediately for the violator's arrest.

(C) All fines, fees, and charges must be paid in full before a release of impoundment can be issued for the vehicle's release.

(Prior Code, § 72.20)

§ 72.26 REQUIRED NOTICE TO OWNER.

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(A) When a motor vehicle has been involuntarily towed or transported pursuant to order of the police, other public authority, or private person or business for any reason; when the vehicle has been stolen or misappropriated, and its removal from the public ways has been ordered by police, other public authority, or by private person or business, or in any other situation where a motor vehicle has been involuntarily towed or transported by order of the police, other authority, or by private person or business, the police, other authority, or private person or business shall attempt to ascertain from the State Transportation Cabinet the identity of the registered owner of the motor vehicle or lessor of a motor carrier as defined in KRS Ch. 281 and within ten business days of the removal shall, by certified mail, attempt to notify the registered owner at the address of record of the make, model, license number, and vehicle identification number of the vehicle, of the location of the vehicle, and of the requirements for securing the release of the motor vehicle.

(KRS 376.275(1))

(B) If a vehicle described in division (A) above is placed in a garage or other storage facility, the owner of the facility shall attempt to provide the notice provided in division (A) above by certified mail to the registered owner at the address of record of the motor vehicle or lessor of a motor carrier as defined in KRS Ch. 281 within ten business days of recovery of or taking possession of the motor vehicle. This notice shall contain the information as to the make, model, license number, and vehicle identification number of the vehicle, the location of the vehicle, and the amount of reasonable charges due on the vehicle. When the owner of the facility fails to provide notice as provided herein, the motor vehicle storage facility shall forfeit all storage fees accrued after ten business days from the date of tow. This division (B) shall not apply to a tow lot or storage facility owned or operated by the city.

(KRS 376.275(2))

(Prior Code, § 72.21)

§ 72.27 SALE OF VEHICLE.

Any person engaged in the business of storing or towing motor vehicles in either a private capacity or for the city who has substantially complied with the requirements of § 72.26 shall have a lien on the motor vehicle for the reasonable or agreed charges for storing or towing the vehicle as long as it remains in his or her possession. If, after a period of 45 days, the reasonable or agreed charges for storing or towing a motor vehicle have not been paid, the motor vehicle may be sold to pay the charges after the owner has been notified by certified mail ten days prior to the time and place of the sale. If the proceeds of the sale of any vehicle pursuant to this section are insufficient to satisfy accrued charges for towing, transporting, and storage, the sale and collection of proceeds shall not constitute a waiver or release of responsibility for payment of unpaid towing, transporting, and storage charges by the owner or responsible casualty insurer of the vehicle. This lien shall be subject to prior recorded liens.

(KRS 376.275(3)) (Prior Code, § 72.22)

SNOW EMERGENCY

§ 72.40 ANNOUNCEMENT OF SNOW EMERGENCY.

(A) Whenever the City Commission or any authorized city official finds that falling snow, sleet, or freezing rain will create a condition which makes it necessary that the parking of motor vehicles on snow emergency routes be prohibited, or whenever it is found on the basis of a firm forecast of snow, sleet, or freezing rain that the weather conditions so forecasted may create a condition making it necessary that parking be prohibited, the Commission or city official is authorized to announce the prohibition, to become effective at a time specified by him, her, or it. After the effective time of the prohibition, no person shall park any vehicle or permit any vehicle to remain parked on a snow emergency route. However, if a fall of snow, sleet, or freezing rain occurs after 11:00 p.m. and prior to 6:00 a.m., and the City Commission or any authorized city official has not announced prior to 11:00 p.m., that parking on snow emergency routes is to be prohibited after a specified time, a vehicle parked on a snow emergency route may remain so parked until 7:00 a.m. following the fall.

(B) The prohibition of parking announced by the City Commission or any authorized city official under the authority of this section shall remain in effect until the Commission or city official announces the termination of the snow emergency, in part or in whole, after which the prohibition of parking authorized by this section shall no longer be in effect.

(Prior Code, § 72.35) Penalty, see § 72.99

§ 72.41 TERMINATION OF EMERGENCY.

(A) Whenever the City Commission or any authorized city official shall find that some or all of the conditions which gave rise to the snow emergency prohibition no longer exist, the Commission or city official is authorized to declare the termination of the emergency, in part or in whole, effective immediately on announcement.

(B) If the announcement is made other than between 6:00 a.m. and 11:00 p.m., it shall be repeated between those hours.

(Prior Code, § 72.36)

§ 72.42 SNOW EMERGENCY ROUTES.

The term ***SNOW EMERGENCY ROUTE*** shall mean any route designated by the City Commission or any authorized city official. On a street or highway designated as a snow emergency route, special signs shall be posted to this effect.

(Prior Code, § 72.37)

§ 72.99 PENALTY.

(A) Any person receiving a citation for any parking violation in the city shall be deemed to have committed a violation and shall be subject to a criminal fine or civil penalty or both.

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(B) The criminal fine shall be \$25. The civil penalty shall be \$25. Said fine or penalty shall be payable to the city within seven days of the citation's issuance.

(C) Each day a violation of this chapter continues shall be a separate and distinct offense.

(D) In addition to enforcement of a criminal fine, offenders shall be subject to a civil penalty to be recovered by the city in a civil action in the nature of a debt if the penalty is not paid within the time prescribed above.

(E) This penalty section may be enforced by either or both remedies authorized herein.

(F) This section shall take effect from and after its passage and publication as required by law.

(Prior Code, § 72.99) (Ord. 1, Series 2000, passed 8-10-2000)

CHAPTER 73: BICYCLES AND MOTORCYCLES

Section

73.01 Operation of bicycles

73.02 Operation of motorcycles and motorscooters

73.03 Skating and coasting

73.04 Clinging to vehicles

73.99 Penalty

Cross-reference:

Required obedience to traffic directions, see § 70.02(C)

§ 73.01 OPERATION OF BICYCLES.

(A) No person shall operate a bicycle on the sidewalks of the city.

(B) No person shall operate a bicycle on any section of a public park, playground, play lot, or tot lot, except on a roadway or in a parking area.

(C) No operator of any bicycle shall carry another person on the bicycle.

(Prior Code, § 73.01) Penalty, see § 73.99

Statutory reference:

Bicycles; safety regulations and standards, see KRS 189.287

§ 73.02 OPERATION OF MOTORCYCLES AND MOTORSCOOTERS.

(A) No operator of any motorcycle, motorscooter, or power-driven bicycle shall carry another person except on a seat attached thereto or in a sidecar attached to the vehicle.

(B) No operator of a motorcycle, motorscooter, or power-driven bicycle shall operate the vehicle in any public park, except on a roadway or in a parking area.

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(C) No operator of a motorcycle, motorscooter, or power-driven bicycle shall operate the vehicle in any play lot or tot lot.

(Prior Code, § 73.02) Penalty, see § 73.99

Statutory reference:

Operating and riding on motorcycles, see KRS 189.285

§ 73.03 SKATING AND COASTING.

Except on streets which may be declared from time to time as “play streets” by the city and protected by barriers or official signs, it shall be unlawful for any person on skates or riding on a coaster sled or toy vehicle of any kind to go on any roadway except at a crosswalk.

(Prior Code, § 73.03) Penalty, see § 73.99

§ 73.04 CLINGING TO VEHICLES.

(A) No person while riding on a bicycle, coaster sled, roller skates, or any toy vehicle shall cling to any moving vehicle on any street, or fasten or attach the vehicle on which he or she is riding thereto.

(B) No person shall ride on the projection, running board, or fenders of any vehicle.
(Prior Code, § 73.04) Penalty, see § 73.99

§ 73.99 PENALTY.

Whoever violates any provision of this chapter shall be deemed to have committed a violation and shall be fined not more than \$50 for each offense.

(Prior Code, § 73.99)

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ANIMALS**
- 91. STREETS AND SIDEWALKS**
- 92. NUISANCES**
- 93. FIREWORKS; FIRE PREVENTION**
- 94. LITTERING**
- 95. NOISE**

CHAPTER 90: ANIMALS

Section

Bancroft - General Provisions

General Provisions

- 90.01 Definitions
- 90.02 Animals running at large
- 90.03 Cruelty to animals in the second degree
- 90.04 Dyeing or selling dyed chicks or rabbits
- 90.05 Abandoning domestic animals prohibited
- 90.06 Destruction of abandoned and suffering animal

Dogs

- 90.20 Definition
- 90.21 Dogs running at large
- 90.22 Noise disturbance
- 90.23 Impoundment

Rabies Control

- 90.35 Definitions
- 90.36 Compliance of owners required
- 90.37 Persons to notify Pound when animal suspected of having rabies
- 90.38 Animal suspected of having rabies to be confined
- 90.39 Procedure when person bitten by animal

- 90.99 Penalty

GENERAL PROVISIONS

§ 90.01 DEFINITIONS.

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

ABANDON. To forsake entirely, or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner or his or her agent.
(KRS 257.010)

AT LARGE. Off the premises of the owner, and not under the control of the owner or his or her agent either by leash, cord, chain, or otherwise.

OWNER. Every person having a right of property to an animal and every person who keeps or harbors an animal, has it in his or her care, or permits it to remain on or about the premises owned or occupied by him or her.
(Prior Code, § 90.01)

§ 90.02 ANIMALS RUNNING AT LARGE.

(A) No person who is the owner of any animal shall permit it to run at large in any public road, highway, street, lane, or alley, or upon unenclosed land, or permit it to go on any private yard, lot, or enclosure without the consent of the owner of the yard, lot, or enclosure.

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(B) The owner of an animal who permits it to run at large in violation of this section is liable for all damages caused by the animal upon the premises of another.
(Prior Code, § 90.02) Penalty, see § 90.99

§ 90.03 CRUELTY TO ANIMALS IN THE SECOND DEGREE.

(A) A person is guilty of cruelty to animals in the second degree when, except as authorized by law, he or she intentionally or wantonly:

(1) Subjects any animal to, or causes cruel or injurious mistreatment through abandonment, participates other than as provided in KRS 525.125 in causing it to fight for pleasure or profit (including, but not limited to, being a spectator or vendor at an event where a four-legged animal is caused to fight for pleasure or profit), mutilation, beating, torturing any animal other than a dog or cat, tormenting, failing to provide adequate food, drink, space, or health care, or by any other means;

(2) Subjects any animal in his or her custody to cruel neglect; or

(3) Kills any animal other than a domestic animal killed by poisoning. This division (A)(3) shall not apply to intentional poisoning of a dog or cat. Intentional poisoning of a dog or cat shall constitute a violation of this section.

(B) Nothing in this section shall apply to the killing of animals:

(1) Pursuant to a license to hunt, fish, or trap;

(2) Incident to the processing as food or for other commercial purposes;

(3) For humane purposes;

(4) For veterinary, agricultural, spaying or neutering, or cosmetic purposes;

(5) For purposes relating to sporting activities, including, but not limited to, horse racing at organized races and training for organized races, organized horse shows, or other animal shows;

(6) For bona fide animal research activities of institutions of higher education; or a business entity registered with the U.S. Department of Agriculture under the Animal Welfare Act or subject to other federal laws governing animal research;

(7) In defense of self or another person against an aggressive or diseased animal;

(8) In defense of a domestic animal against an aggressive or diseased animal;

(9) For animal or pest control; or

(10) For any other purpose authorized by law.

(KRS 525.130) (Prior Code, § 90.03) Penalty, see § 90.99

Statutory reference:

Cruelty to animals in the first degree, a Class D felony, see KRS 525.125

§ 90.04 DYEING OR SELLING DYED CHICKS OR RABBITS.

No person shall sell, exchange, offer to sell or exchange, display, or possess living baby chicks, ducklings, or other fowl or rabbits which have been dyed or colored; nor dye or color any baby chicks, ducklings, or other fowl or rabbits; nor sell, exchange, offer to sell, exchange, or to give away baby chicks, ducklings, or other fowl or rabbits under two months of age in any

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quantity less than six, except that any rabbit weighing three pounds or more may be sold at an age of six weeks.

(KRS 436.600) (Prior Code, § 90.04) Penalty, see § 90.99

§ 90.05 ABANDONING DOMESTIC ANIMALS PROHIBITED.

No owner of a domestic animal shall abandon the animal.

(Prior Code, § 90.05) Penalty, see § 90.99

§ 90.06 DESTRUCTION OF ABANDONED AND SUFFERING ANIMAL.

(A) Any peace officer, animal control officer, or any person authorized by the Board may destroy or kill, or cause to be destroyed or killed, any animal found abandoned and suffering and not properly cared for, or appearing to be injured, diseased, or suffering past recovery for any useful purpose.

(KRS 257.100(1))

(B) Before destroying the animal, the officer shall obtain the judgment to that effect of a veterinarian or of two reputable citizens called by him or her to view the animal in his or her presence, or shall obtain consent to the destruction from the owner of the animal.

(KRS 257.100(2))

(C) (1) Any animal placed in the custody of a licensed veterinarian for treatment, boarding, or other care, which shall be unclaimed by its owner or his or her agent for a period of more than ten days after written notice by registered or certified mail, return receipt requested, is given the owner or his or her agent at his or her last known address, shall be deemed to be abandoned and may be turned over to the nearest humane society or animal shelter or disposed of as the custodian may deem proper.

(2) The giving of notice to the owner, or the agent of the owner of the animal by the licensed veterinarian, shall relieve the licensed veterinarian and any custodian to whom the animal may be given of any further liability for disposal.

(KRS 257.100((3))

(D) Abandonment shall constitute the relinquishment of all rights and claims by the owner to the animal.

(KRS 257.100(4))

(Prior Code, § 90.06) Penalty, see § 90.99

DOGS

§ 90.20 DEFINITION.

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

DOG. Any member of the canine family, six months of age or over, male or female.

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(Prior Code, § 90.15)

§ 90.21 DOGS RUNNING AT LARGE.

It shall be unlawful for the owner or keeper of any dog, either licensed or unlicensed, regardless of the age of the dog, to allow the dog to be at large and unattended or to run in any street, park, lawn, garden, schoolyard, playground, or on any other public or private property. (Prior Code, § 90.16) Penalty, see § 90.99

§ 90.22 NOISE DISTURBANCE.

No person shall keep or harbor any dog within the city which, by frequent and habitual barking, howling, or yelping, creates unreasonably loud and disturbing noises of a character, intensity, and duration as to disturb the peace, quiet, and good order of one or more of the inhabitants of two or more separate residences. Any person who shall allow any dog habitually to remain, be lodged, or fed within any dwelling, yard, or enclosure which he or she occupies or owns shall be considered as harboring the dog. (Prior Code, § 90.17) Penalty, see § 90.99

§ 90.23 IMPOUNDMENT.

Every police officer, peace officer, or other authorized official shall have the authority to apprehend any dog running at large in violation of this chapter and any unlicensed dog in the city, and to impound the dog or have the dog impounded in the appropriate place. (Prior Code, § 90.18)

RABIES CONTROL

§ 90.35 DEFINITIONS.

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

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

CRUELTY. Includes every act or omission whereby unjustifiable physical pain, suffering, or death is caused or permitted.

DOMESTIC ANIMAL. Any animal converted to a domestic habitat.

OWNER. Any person having a right of property in the animal or who keeps, possesses, or harbors an animal, or who has it in his or her care, or acts as its custodian, or who permits an animal to remain on or about any premises occupied by him or her.

VACCINATION or IMMUNIZATION. The injection of vaccine approved by the Bureau of Animal Industry, U.S. Department of Agriculture, administered by an accredited veterinarian.

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(Prior Code, § 90.30) (Ord. 3-1977, passed 3-3-1977)

§ 90.36 COMPLIANCE OF OWNERS REQUIRED.

(A) All owners of animals who reside within the city shall comply with the prevailing laws of the state, all regulations of the County Board of Health, and of any other governmental agencies or instrumentalities that are charged with and promulgate any regulations concerning the vaccination of animals or any other standards of health which are applicable to the keeping of animals. Failure of any owner to comply with any of the aforementioned statutes, rules, or regulations shall be punishable in accordance with § 90.99.

(B) Any owner of an animal who resides within the city shall affix evidence of a certificate of vaccination to any animal in the possession of the owner, and the owner shall have proper written verification, as may be issued, that the subject animal has been vaccinated.

(Prior Code, § 90.31) (Ord. 3-1977, passed 3-3-1977) Penalty, see § 90.99

§ 90.37 PERSONS TO NOTIFY POUND WHEN ANIMAL SUSPECTED OF HAVING RABIES.

Whenever an animal is infected with rabies, suspected of being infected with rabies, or has been bitten by an animal known or suspected to be infected with rabies, the owner of the animal or any person having knowledge thereof shall forthwith notify the City of Louisville Pound, stating precisely where the animal was last seen and a description of the animal.

(Prior Code, § 90.32) (Ord. 3-1977, passed 3-3-1977) Penalty, see § 90.99

§ 90.38 ANIMAL SUSPECTED OF HAVING RABIES TO BE CONFINED.

The Commonwealth Health Department shall serve a notice in writing upon the owner of an animal known to have been bitten by an animal known or suspected of being infected with rabies requiring the owner to confine such animal for a period of not less than six months at the owner's expense; provided, however, that animals properly treated with an anti-rabies vaccine shall be confined for a period of not less than three months.

(Prior Code, § 90.33) (Ord. 3-1977, passed 3-3-1977) Penalty, see § 90.99

§ 90.39 PROCEDURE WHEN PERSON BITTEN BY ANIMAL.

(A) Every physician, after his or her first professional attendance upon a person bitten by an animal shall, within 12 hours, report to the Commonwealth Health Department the name, age, sex, color, and precise location of the person so bitten. When no physician is in attendance, the parent or guardian of every child so bitten shall, within 12 hours after first having knowledge that the child was so bitten, make like report to the Commonwealth Health Department. When no physician is in attendance, an adult so bitten or the person caring for him or her, shall make like report to the Commonwealth Health Department.

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(B) The Commonwealth Health Department shall serve notice upon the owner of an animal which has attacked or bitten a person to confine the animal at the expense of the owner upon his or her premises, at the City of Louisville Pound, or at some other place designated in the notice, for a period of at least 14 days after the animal has attacked or bitten a person. The Commonwealth Health Department shall be permitted by the owner of such animal which has attacked or bitten a person to examine the premises where such animal is ordered confined at any time, and daily if desired, within the 14-day period of confinement, to determine whether such animal is being confined, and no person shall obstruct or interfere with the Commonwealth Health Department in making such inspection.

(Prior Code, § 90.34) (Ord. 3-1977, passed 3-3-1977) Penalty, see § 90.99

§ 90.99 PENALTY.

(A) Any person who violates any provision of this chapter for which another penalty is not already otherwise provided shall be guilty of a misdemeanor and shall be fined not more than \$500 for each offense. Each day the violation exists shall constitute a separate offense.

(B) Any person who violates § 90.03 shall be guilty of a Class A misdemeanor, and shall be fined not more than \$500, imprisoned for not more than 12 months, or both for each offense.

(KRS 525.130)

(C) Any person who violates § 90.04 shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500.

(KRS 436.600)

(Prior Code, § 90.99)

CHAPTER 91: STREETS AND SIDEWALKS

Section

Excavations and Construction

- 91.01 Opening permit required
- 91.02 Application and cash deposit
- 91.03 Restoration of pavement
- 91.04 Barriers around excavations
- 91.05 Warning lights
- 91.06 Sidewalk construction

Road and Bridge Projects

- 91.20 Public hearing required
- 91.21 Notice requirements
- 91.22 Public may testify; effect of testimony
- 91.23 Hearing to be held prior to construction
- 91.24 Separate hearing for each project not required
- 91.25 Exemptions from hearing requirement

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Obstructions

91.40	Unloading on street or sidewalk
91.41	Street and sidewalk obstruction
91.42	Materials on street or sidewalk
91.43	Removal of ice and snow
91.99	Penalty

EXCAVATIONS AND CONSTRUCTION

§ 91.01 OPENING PERMIT REQUIRED.

It shall be unlawful for any person, other than an authorized city official, to make any opening in any street, alley, sidewalk, or public way of the city unless a permit to make the opening has been obtained prior to commencement of the work.

(Prior Code, § 91.01) Penalty, see § 91.99

§ 91.02 APPLICATION AND CASH DEPOSIT.

Each permit for making an opening shall be confined to a single project and shall be issued by the City Commission or other authorized city official. Applications shall be made on a form prescribed by the City Commission, giving the exact location of the proposed opening, the kind of paving, the area and depth to be excavated, and other facts as may be provided for. The permit shall be issued only after a cash deposit sufficient to cover the cost of restoration has been posted with the City Commission or other authorized city official, conditioned upon prompt and satisfactory refilling of excavations and restoration of all surfaces disturbed.

(Prior Code, § 91.02)

§ 91.03 RESTORATION OF PAVEMENT.

(A) The opening and restoration of a pavement or other surface shall be performed under the direction and to the satisfaction of the City Commission or other authorized city official, and in accordance with rules, regulations, and specifications approved by the City Commission.

(B) (1) Upon failure or refusal of the permittee satisfactorily to fill the excavation, restore the surface, and remove all excess materials within the time specified in the permit or, where not specified therein, within a reasonable time after commencement of the work, the city may proceed without notice to make the fill and restoration and the deposit referred to in § 91.02 shall be forfeited.

(2) Thereupon the deposit shall be paid into the appropriate city fund, except that part demanded and paid to the permittee as the difference between the deposit and the charges of the city for restoration services performed by it.

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(3) If the amount of the services performed by the city should exceed the amount of the deposit, the City Clerk or other proper administrative officer shall proceed to collect the remainder due from the permittee.

(Prior Code, § 91.03)

§ 91.04 BARRIERS AROUND EXCAVATIONS.

Any person engaged in or employing others in excavating or opening any street, sidewalk, alley, or other public way shall have the excavation or opening fully barricaded at all times to prevent injury to persons or animals.

(Prior Code, § 91.04) Penalty, see § 91.99

§ 91.05 WARNING LIGHTS.

Any person engaged in or employing others in excavating or otherwise in any manner obstructing a portion or all of any street, sidewalk, alley, or other public way, at all times during the night season, shall install and maintain at least two illuminated red lamps which shall be securely and conspicuously posted on, at, or near each end of the obstruction or excavation, and if the space involved exceeds 50 feet in extent, at least one additional lamp for each added 50 feet or portion thereof excavated or obstructed.

(Prior Code, § 91.05) Penalty, see § 91.99

§ 91.06 SIDEWALK CONSTRUCTION.

It shall be the duty of the authorized city official to supervise construction or repair of sidewalks within the city. He or she shall cause specifications to be prepared for the construction of the various kinds of pavements and transmit the specifications to the City Commission for approval. When the specifications are approved, the City Commission shall advertise for proposals to do all the work which may be ordered by the city in construction and repair of sidewalks, and shall contract therefor, for a period not exceeding one year, with the lowest responsible bidder, who shall furnish good and sufficient sureties for the faithful performance of the work. The City Commission may make separate contracts for the different kinds of work with different parties.

(Prior Code, § 91.06)

Statutory references:

Sidewalks; construction along public roads; specifications, see KRS 178.290

Sidewalks; ramps for wheelchairs, see KRS 66.660

ROAD AND BRIDGE PROJECTS

§ 91.20 PUBLIC HEARING REQUIRED.

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Before the city expends state-derived tax revenues on a municipal highway, road, street, or bridge, it shall hold a hearing in accordance with the provisions of this subchapter to take the sense of the public with regard to the project and to priorities for use of tax monies for road and bridge purposes.

(KRS 174.100) (Prior Code, § 91.15)

§ 91.21 NOTICE REQUIREMENTS.

Prior to the contemplated date of expenditure of state-derived tax revenues on a road or bridge by the city, the city shall hold a public hearing for the purpose of taking the sense of the public with regard to road and bridge matters within the city. Notice of the hearing shall be given not less than seven days nor more than 21 days before the scheduled date of the public hearing, and before beginning work on any project covered by this subchapter.

(KRS 174.100(1)) (Prior Code, § 91.16)

§ 91.22 PUBLIC MAY TESTIFY; EFFECT OF TESTIMONY.

(A) At the hearing, any person may speak with regard to any proposed project, any project which he or she feels should be built or done which has not been proposed, priorities for completion of projects, and any other matter related to road or bridge projects.

(KRS 174.100(2))

(B) The city shall not be bound by the testimony heard at the hearing, but shall give due consideration to it.

(KRS 174.100(3))

(Prior Code, § 91.17)

§ 91.23 HEARING TO BE HELD PRIOR TO CONSTRUCTION.

The city shall not begin construction on a road or bridge project wherein state-derived tax revenues are involved until the hearing as provided herein has been held.

(KRS 174.100(4)) (Prior Code, § 91.18)

§ 91.24 SEPARATE HEARING FOR EACH PROJECT NOT REQUIRED.

This subchapter shall not be construed to require a separate hearing for each project. A single hearing encompassing the entire road and bridge program, provided all projects subsequently undertaken have been identified at the hearing, shall meet the requirements of this subchapter.

(KRS 174.100(5)) (Prior Code, § 91.19)

§ 91.25 EXEMPTIONS FROM HEARING REQUIREMENT.

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(A) The provisions of this subchapter shall not apply to emergency repair or replacement of roads or bridges necessitated by natural or human-caused disasters, nor to street cleaning or snow removal operations.

(KRS 174.100(6))

(B) The provisions of this subchapter shall not apply to projects which are under construction as of the effective date of this subchapter, unless construction is suspended after that date and the city desires to reactivate the project.

(KRS 174.100(7))

(Prior Code, § 91.20)

OBSTRUCTIONS

§ 91.40 UNLOADING ON STREET OR SIDEWALK.

No person shall unload any heavy material in the streets of the city by throwing or letting the material fall upon the pavement of any street, alley, sidewalk, or other public way, without first placing some sufficient protection over the pavement.

(Prior Code, § 91.30) Penalty, see § 91.99

§ 91.41 STREET AND SIDEWALK OBSTRUCTION.

No person shall obstruct any street, alley, sidewalk, or other public way within the city by erecting thereon any fence or building, or permitting any fence or building to remain thereon. Each day that any fence or building is permitted to remain upon the public way shall constitute a separate offense

(Prior Code, § 91.31) Penalty, see § 91.99

§ 91.42 MATERIALS ON STREET OR SIDEWALK.

No person shall encumber any street or sidewalk. No owner, occupant, or person having the care of any building or lot of land, bordering on any street or sidewalk, shall permit it to be encumbered with barrels, boxes, cans, articles, or substances of any kind, so as to interfere with the free and unobstructed use thereof.

(Prior Code, § 91.32) Penalty, see § 91.99

Cross-reference:

Littering on streets or sidewalks, see Chapter 94 of this code of ordinances

§ 91.43 REMOVAL OF ICE AND SNOW.

It shall be the duty of the owner or of the occupant of each and every parcel of real estate in the city abutting upon any sidewalk to keep the sidewalk abutting his or her premises free and

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clear of snow and ice to the extent feasible under the prevailing weather conditions, and to remove therefrom all snow and ice, to the extent feasible under the prevailing weather conditions, accumulated thereon within a reasonable time which will ordinarily not exceed 12 hours after the abatement of any storm during which the snow and ice may have accumulated. (Prior Code, § 91.33) Penalty, see § 91.99

§ 91.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$500.
(Prior Code, § 91.99)

CHAPTER 92: NUISANCES

Section

92.01	Title
92.02	Public nuisance defined
92.03	Prohibition
92.04	Enforcement
92.05	Abatement
92.06	Lien authorized

§ 92.01 TITLE.

This chapter shall be known and may be cited as the “City of Bancroft Nuisance Code”.
(Ord. 2 Series 1998, passed - -)

§ 92.02 PUBLIC NUISANCE DEFINED.

(A) As used in this chapter, a **PUBLIC NUISANCE** shall mean any act, thing, occupation, condition, or use of property which shall continue for such length of time as to:

- (1) Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public;
- (2) In any way render the **PUBLIC NUISANCE** in life or in the use or property;
- (3) Greatly offend the public morals or decency;
- (4) Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, sidewalk, stream, ditch, or drainage; or
- (5) Essentially interfere with the comfortable enjoyment of life and property, or tend to depreciate the value of the property of others.

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(B) **PUBLIC NUISANCES** shall include, but not be limited to, the following acts: conduct; omissions; conditions; or things:

- (1) All decayed, harmfully adulterated, or unwholesome food or drink sold or offered for sale to the public;
 - (2) Carcasses of household pets or other animals not buried or otherwise disposed of in a sanitary manner within 24 hours after death;
 - (3) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing materials, scrap metal, or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rodents, or other vermin may breed or may reasonably be expected to breed;
 - (4) All stagnant water in which mosquitoes, flies, or other insects can multiply;
 - (5) Garbage and refuse containers which are not fly-tight;
 - (6)
 - (a) All noxious weeds and other rank growth or vegetation; or
 - (b) Any vegetation, including, but not limited to, grass, in excess of eight inches in height.
 - (7) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, or industrial dust within the city limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property;
 - (8) The pollution of any public well or cistern, stream, lake, canal, or body of water by sewage, creamery, or industrial wastes or other substances;
 - (9) Any use of property, substances, or things within the city emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, effluvia, or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure, or inconvenience the health of any appreciable number of persons within the city;
 - (10) Any building or structure which is uncompleted and abandoned, deteriorated, dilapidated, or extremely unsound, and endangers the health and safety of the public;
 - (11) Any inoperable or abandoned vehicle which exists in violation of any of the provisions of this chapter;
 - (12) Any vehicle parked on private property, except on a driveway made of black top or concrete;
 - (13) Dumpsters, located on a public way unless the dumpster is owned, leased, or under the control of the city; and
 - (14) Other actions, conduct, omissions, conditions, or things defined or specified in this chapter as nuisances or as **PUBLIC NUISANCES**.
- (Ord. 2 Series 1998, passed - -; Ord. 19, Series 2015, passed 6-11-2015)

§ 92.03 PROHIBITION.

(A) No person shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the city.

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(B) The procedures and remedies set forth in §§ 92.04 and 92.05 may be used in the alternative or in consonance with or in lieu of any other remedy or procedure set forth in this chapter for the removal of violations or nuisances.

(Ord. 2 Series 1998, passed - -) Penalty, see § 10.99

§ 92.04 ENFORCEMENT.

(A) All complaints alleging the existence of a public nuisance shall be filed in writing with the City Police Department.

(B) A city police officer shall promptly inspect the premises or cause them to be inspected and shall make a written report of the findings of the inspection. Whenever practicable, photographs of the premises shall be attached to the written report. The inspecting officer shall file a written report with the Police Department.

(Ord. 2 Series 1998, passed - -; Ord. 20, Series 2015, passed 6-11-2015)

§ 92.05 ABATEMENT.

(A) Upon determining that a public nuisance exists and that there is danger to the public health, safety, peace, morals, or decency, a city police officer shall serve a notice of the public nuisance or cause a notice to be served on the owner or occupant of the property where the public nuisance exists or upon the person causing, permitting, or maintaining the nuisance. A copy of the notice shall be posted on the premises where the public nuisance exists.

(B) (1) The notice shall specifically describe the public nuisance and shall direct the owner or the occupant of the private property where the public nuisance exists or the person causing, permitting, or maintaining the nuisance to abate or remove the nuisance within 24 hours of service or posting of the notice. If the owner, occupant, or person cannot be located after reasonable inquiry, posting shall be sufficient notice.

(2) The notice shall state that unless the nuisance is so abated or removed, the city will cause it to be abated or removed, that the cost will be charged to the owner, occupant, or person causing, permitting, or maintaining the nuisance, and that the cost shall be a lien on the real property where the nuisance was abated or removed. The notice shall also state that the owner or occupant is personally liable for the amount of the lien including interest, civil penalties, and other charges per KRS 381.770(6).

(3) If the public nuisance does not constitute a great and immediate danger to the public health, safety, or welfare, a city police officer may serve or cause the service of the owner or occupant of the premises or the person in whose name the real estate was last billed for property tax purposes a notice to demand the abatement or removal of the violation within ten days. Service may be had by certified mail or personal service.

(C) If a nuisance is not abated or removed after notice pursuant to this section and within the time specified in the notice, a city police officer may cause the abatement or removal of the public nuisance. The reasonable cost thereof shall be a lien on the real property where the nuisance was abated or removed.

(D) (1) The person upon whom a notice to abate a nuisance is served, the property owner, tenant, or other affected person may appeal the determination of a nuisance, in writing, to

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the City Commission. The written appeal must be made within the time period in which to abate the nuisance is given in the notice.

(2) The Commission shall meet with the appellant at the next regularly scheduled Commission meeting after receipt of the written appeal. The Commission may extend the time in which the nuisance must be abated, determine that a nuisance does not or no longer exists, or that the nuisance must be abated within the time period set out in the notice or immediately if the period has run; provided, however, that if the nuisance was determined to be an emergency and that the opportunity for an appeal was not available due to the short period of time to abate the nuisance, an appeal may be heard after the abatement of the nuisance by the city, in that event, the Commission may determine that the appellant is liable for the costs, or that, upon good cause shown, that the appellant is not liable for the costs and that a lien shall not be filed by the city upon the property. The notice to abate shall contain a statement as to the right of appeal.

(Ord. 2 Series 1998, passed - -; Ord. 21, Series 2015, passed 6-11-2015)

§ 92.06 LIEN AUTHORIZED.

(A) (1) Whenever a bill for the reasonable costs of abatement or removal of a nuisance pursuant to this chapter remains unpaid for 14 days after it has been sent, the Clerk shall file a notice of lien with the County Clerk, pursuant to KRS 381.770.

(2) Unpaid bills for the cost of abatement shall also be added to the city ad valorem tax bill for the property. Any notice of lien pursuant to this chapter shall be filed within 90 days after the cost and expense of abatement or removal of nuisance has been incurred by the city.

(3) The notice shall consist of a sworn statement setting out:

- (a) A description of the real estate sufficient for identification thereof;
- (b) The amount of money representing the cost and expense incurred or payable for the service; and
- (c) The date or dates when the costs and expense was incurred by the city.

(B) Any purchaser whose rights in and to the real estate have arisen subsequent to removal of the public nuisance and prior to the filing of the notice shall not be held liable for the costs of abatement or removal, and the lien of the city shall not have priority as to any mortgage, judgment creditor, or other lienor whose rights in and to the real estate arise prior to the filing of the notice.

(C) Costs and expenses under this chapter include, but are not limited to, the actual costs and expenses in time of city employees or city-authorized contractors and in materials used in the actual abatement of the nuisance pursuant to this chapter, transportation to and from the property, title searches, or certifications, preparations of lien documents, foreclosure, and other related expenses, including, but not limited to, reasonable attorney's expenses.

(D) A copy of the notice of lien shall be mailed by the Clerk to the owner of the property, to the occupant, or to the person or persons in whose name the real estate was last billed for property tax purposes.

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(E) The city may enforce the lien by action initiated in the County Circuit Court for the unpaid assessment of the costs and expenses, and the proceeds of the sale applied to pay the charges, after deducting costs.

(F) The City Commission may institute proceedings in the name of the city in any court having jurisdiction over the matters against any property for which the costs and expenses have remained unpaid for 30 days after a statement of the costs and expenses have been mailed to the property owner, to the occupant, or to the person or persons in whose name the property was last billed for property tax purposes.

(G) After notice of lien has been filed and upon payment of the costs and expenses plus interest from the date 30 days after the bill was sent, the Clerk shall file with the County Clerk a release of the lien.

(H) If payment of the city's costs of removal or abatement of the nuisance is not paid to the city within 30 days of the filing of the notice of the lien, the City Attorney is empowered to commence proceedings in the Circuit Court seeking a personal judgment from the owner of or persons interested in the property at the time the complaint for removal or abatement was filed with the Circuit Court Clerk in the amount of the costs. The action shall be based upon KRS 381.770(6). The action authorized by this division (H) shall be in addition to, and without waiver of, any other remedy.

(Ord. 2 Series 1998, passed - -)

CHAPTER 93: FIREWORKS; FIRE PREVENTION

Section

Fireworks

- 93.01 Definitions; legality of items
- 93.02 Sale or use prohibited; exception for public display
- 93.03 Common fireworks; restrictions on sale
- 93.04 Bond or liability insurance requirement
- 93.05 Exempted sales and uses
- 93.06 Destruction of fireworks

Fire Prevention

- 93.20 Blasting permit
- 93.21 Storage of flammables and other matter
- 93.99 Penalty

FIREWORKS

§ 93.01 DEFINITIONS; LEGALITY OF ITEMS.

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(A) As used in KRS 227.700 to 227.750, **FIREWORKS** means any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of “consumer fireworks” as defined in division (B) below or “display” fireworks as defined in division (D) below, and as set forth in the U.S. Department of Transportation’s (DOT) hazardous materials regulations. **FIREWORKS** does not include:

(1) *Exception No. 1:* Toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps manufactured in accordance with DOT regulations, and packed and shipped according to those regulations, are not considered to be fireworks and shall be allowed to be used and sold at all times;

(2) *Exception No. 2:* Model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models are not considered to be fireworks; or

(3) *Exception No. 3:* Propelling or expelling charges consisting of a mixture of sulfur, charcoal, and saltpeter are not considered as being designed for producing audible effects.

(KRS 227.700)

(B) As used in KRS 227.700 to 227.750, **CONSUMER FIREWORKS** means fireworks that are suitable for use by the public, designed primarily to produce visible effects by combustion, and that comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission. The types, sizes, and amount of pyrotechnic contents of these devices are limited as enumerated in this section. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing 50 milligrams or less of explosive composition, and aerial devices containing 130 milligrams or less of explosive composition. **CONSUMER FIREWORKS** are further defined by the Consumer Product Safety Commission in CPSC, 16 C.F.R. parts 1500 and 1507, are classified as Division 1.4G Class C explosives by the U.S. Department of Transportation and include the following.

(1) *Ground and hand-held sparkling devices.*

(a) *Dipped stick-sparkler or wire sparkler.* These devices consist of a metal wire or wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to 100 grams of pyrotechnic composition per item. Those devices containing any perchlorate or chlorate salts may not exceed five grams of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than 100 grams of composition per item are not included in this category, in accordance with DOT regulations.

(b) *Cylindrical fountain.* Cylindrical tube containing not more than 75 grams of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least one-half inch.

(c) *Cone fountain.* Cardboard or heavy paper cone containing up to 50 grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When

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more than one cone is mounted on a common base, the total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least one-half inch.

(d) *Illuminating torch.* Cylindrical tube containing up to 100 grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base, or hand-held. When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least one-half inch.

(e) *Wheel.* A device attached to a post or tree by means of a nail or string. A wheel may have one or more drivers, each of which may contain not more than 60 grams of pyrotechnic composition. No wheel may contain more than 200 grams total pyrotechnic composition. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect.

(f) *Ground spinner.* Small device containing not more than 20 grams of pyrotechnic composition, similar in operation to a wheel, but intended to be placed on the ground and ignited. A shower of sparks and color is produced by the rapidly-spinning device.

(g) *Flitter sparkler.* Narrow paper tube attached to a stick or wire and filled with not more than 100 grams of pyrotechnic composition that produces color and sparks upon ignition. The paper at one end of the tube is ignited to make the device function.

(h) *Toy smoke device.* Small plastic or paper item containing not more than 100 grams of pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(2) *Aerial devices.*

(a) *Sky rockets and bottle rockets.* Cylindrical tube containing not more than 20 grams of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of flight.

(b) *Missile-type rocket.* A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability.

(c) *Helicopter, aerial spinner.* A tube containing up to 20 grams of pyrotechnic composition. A propeller or blade is attached which, upon ignition, lifts the rapidly-spinning device into the air. A visible or audible effect is produced at the height of flight.

(d) *Roman candles.* Heavy paper or cardboard tube containing up to 20 grams of pyrotechnic composition. Upon ignition, up to ten stars (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several-second intervals.

(e) *Mine, shell.* Heavy cardboard or paper tube usually attached to a wood or plastic base and containing up to 60 grams of total chemical composition (lift charge, burst charge, and visible or audible effect composition). Upon ignition, **STARS**, components producing reports containing up to 130 milligrams of explosive composition per report, or other devices are propelled into the air. The term **MINE** refers to a device with no internal components containing a bursting charge, and the term **SHELL** refers to a device that propels a component that subsequently bursts open in the air. A mine or shell device may contain more than one tube provided the tubes fire in sequence upon ignition of one external fuse. The term **CAKE** refers to a densely-packed collection of mine or shell tubes. Total chemical composition including lift charges of any multiple tube devices may not exceed 200 grams. The maximum quantity of lift

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charge in any one tube of a mine or shell device shall not exceed 20 grams, and the maximum quantity of break or bursting charge in any component shall not exceed 25% of the total weight of chemical composition in the component. The tube remains on the ground.

(f) *Aerial shell kit, reloadable tube.* A package kit containing a cardboard, high-density polyethylene (HDPE), or equivalent launching tube with multiple-shot aerial shells. Each aerial shell is limited to a maximum of 60 grams of total chemical composition (lift charge, burst charge, and visible or audible effect composition), and the maximum diameter of each shell shall not exceed one and three-fourths. In addition, the maximum quantity of lift charge in any shell shall not exceed 20 grams, and the maximum quantity of break or bursting charge in any shell shall not exceed 25% of the total weight of chemical composition in the shell. The total chemical composition of all the shells in a kit, including lift charge, shall not exceed 400 grams. The user lowers a shell into the launching tube, at the time of firing, with the fuse extending out of the top of the tube. After the firing, the tube is then reloaded with another shell for the next firing. All launching tubes shall be capable of firing twice the number of shells in the kit without failure of the tube. Each package of multiple-shot aerial shells must comply with all warning label requirements of the Consumer Product Safety Commission.

(3) *Audible ground devices.*

(a) *Firecrackers, salutes.* Small paper-wrapped or cardboard tube containing not more than 50 milligrams of pyrotechnic composition. Those used in aerial devices may contain not more than 130 milligrams of explosive composition per report. Upon ignition, noise and a flash of light is produced.

(b) *Chaser.* Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced. The explosive composition used to create the noise may not exceed 50 milligrams.

(KRS 227.702)

(C) Items listed below are classified as **NOVELTIES** and **TRICK NOISEMAKERS** and are not classified as common fireworks by the U.S. Department of Transportation, and their transportation, storage, retail sale, possession, sale, and use shall be allowed throughout the state at all times.

(1) *Snake, glow worm.* Pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. These devices may not contain mercuric thiocyanate.

(2) *Smoke device.* Tube or sphere containing pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(3) *Wire sparkler.* Wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. These items may not contain magnesium and must not exceed 100 grams of composition per item. Devices containing any chlorate or perchlorate salts may not exceed five grams of composition per item.

(4) *Trick noisemaker.* Item that produces a small report intended to surprise the user. These devices include the following:

(a) *Party popper.* Small plastic or paper item containing not more than 16 milligrams of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streamers and producing a small report;

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(b) *Booby trap.* Small tube with string protruding from both ends, similar to a party popper in design. The ends of the string are pulled to ignite the friction sensitive composition, producing a small report;

(c) *Snapper.* Small, paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes, producing a small report;

(d) *Trick match.* Kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match, a small report or a shower of sparks is produced;

(e) *Cigarette load.* Small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one of the pegs, a small report is produced; and

(f) *Auto burglar alarm.* Tube which contains pyrotechnic composition that produces a loud whistle or smoke, or both, when ignited. A small quantity of explosive, not exceeding 50 milligrams, may also be used to produce a small report. A squib is used to ignite the device.

(KRS 227.704)

(D) As used in KRS 227.700 to 227.750, **DISPLAY FIREWORKS** means pyrotechnic devices or large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. This term includes, but is not limited to, firecrackers containing more than two grains (130 milligrams) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as consumer fireworks. **DISPLAY FIREWORKS** are defined by the Consumer Product Safety Commission in CPSC, 16 C.F.R. parts 1500 and 1507, and are classified as Class B explosives by the U.S. Department of Transportation.

(KRS 227.706)

(E) Legality of these items is as follows.

(1) Items described in division (B) above are legal for retail sale, provided all applicable federal and state requirements with respect thereto are met.

(2) Items described in division (D) above are not legal for retail sale but are legal under permits granted pursuant to this subchapter for the purposes specified in this subchapter for public displays and may be sold at wholesale as provided in this subchapter.

(3) Items described in division (C) above are legal for retail sale, provided all applicable federal and state requirements with respect thereto are met.

(KRS 227.708)

(Prior Code, § 93.01)

§ 93.02 SALE OR USE PROHIBITED; EXCEPTION FOR PUBLIC DISPLAY.

No person, firm, copartnership, or corporation shall offer for sale, expose for sale, sell at retail, or keep with intent to sell, possess, use, or explode any display fireworks, except for the following:

(A) (1) The Chief of the Fire Department or other authorized city official may grant permits for supervised public displays of fireworks by the city, fair associations, amusement parks, and other organizations or groups of individuals. Every display shall be

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handled by a competent display operator to be approved by the public official by whom the permit is granted, and shall be of a character, and so located, discharged, or fired as in the opinion of the official, after proper inspection, to not be hazardous to property or endanger any person. **COMPETENT DISPLAY OPERATOR** shall be defined as the person with overall responsibility for the operation and safety of a fireworks display. The competent display operator shall have a Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) license and have participated as an assistant in firing at least five public displays. A **COMPETENT DISPLAY OPERATOR** is also an employee possessor; or

(2) A permit under this division (A) shall be issued only to a competent display operator holding an ATF license. At least one competent display operator shall be on site during display set-up and firing. This competent display operator shall maintain a copy of the permit application, as signed by the local authority having jurisdiction as identified in this section, on site and at all times the display is in place, and shall be presented on demand of the State Fire Marshal or local fire chief. All public displays that require issuance of a permit shall be conducted in accordance with the provisions of National Fire Protection Association (NFPA) 1123 – Code for Fireworks Display (adopted edition). Permits shall be filed with the State Fire Marshal at least 15 days in advance of the date of the display. After the privilege is granted, sales, possession, use, and distribution of fireworks for the display shall be lawful for that purpose only. No permit granted under this division (A) shall be transferable. For the purposes of this division (A), **PUBLIC DISPLAY OF FIREWORKS** shall include the use of pyrotechnic devices or pyrotechnic materials before a proximate audience, whether indoors or outdoors. Any person remaining within the display area shall be identified as licensed by the ATF, or an employee thereof, or be an assistant in training to become a competent display operator. All persons remaining within the display area shall be at least 18 years of age. The Commissioner of the Department of Housing, Buildings, and Construction with recommendation from the State Fire Marshal shall promulgate administrative regulations in accordance with KRS Ch. 13A to administer the provisions of this division (A). The regulations shall address the process by which permits are issued and any other procedures that are reasonably necessary to effectuate this division (A).

(B) The sale, at wholesale, of any display fireworks for permitted displays by any resident manufacturer, wholesaler, dealer, or jobber, in accordance with regulations of the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives if the sale is to the person holding a display permit as outlined in division (A) above. The permit holder shall present the permit along with other verifiable identification at the time of sale;

(C) The sale of display fireworks in accordance with a license issued by the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(D) The sale and use in emergency situations of pyrotechnic signaling devices and distress signals for marine, aviation, and highway use;

(E) The use of fuses and railway torpedoes by railroads;

(F) The sale and use of blank cartridges for use in a show or theater or for signal or ceremonial purpose in athletics or sports;

(G) The use of any pyrotechnic device by military organizations;

(H) The use of fireworks for agricultural purposes under the direct supervision of the U.S. Department of the Interior or any equivalent or local agency; and

(I) Nothing in this section shall prohibit a person, firm, co-partnership, nonprofit, or corporation from offering for sale, exposing for sale, selling at retail, keeping with intent to sell,

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possessing, or using consumer fireworks as defined in § 93.01(B) and as permitted pursuant to KRS 227.715.

(KRS 227.710) (Prior Code, § 93.02) Penalty, see § 93.99

§ 93.03 COMMON FIREWORKS; RESTRICTIONS ON SALE.

Except as provided in § 93.02, the consumer fireworks described in § 93.01(B) may be offered for sale, sold at retail, or kept with the intent to sell, only if the requirements of this section are met.

(A) Any person, firm, co-partnership, nonprofit, or business intending to sell consumer fireworks described in § 93.01(B) shall register annually with the State Fire Marshal, who may assess a fee of no more than \$25 for each site at which fireworks shall be sold. The registration requirement under this division (A) shall not apply to permanent business establishments which are open year round and in which the sale of fireworks is ancillary to the primary course of business. Each location shall be required to charge sales tax at the current rate imposed on retailers in KRS 139.200.

(B) Permanent business establishments open year-round and in which the sale of consumer fireworks is ancillary to the primary course of business shall only be permitted to sell those consumer fireworks described in § 93.01(B)(1), or shall meet the criteria for “seasonal retailer” described in division (C) below.

(C) **SEASONAL RETAILERS** shall be defined as any person, firm, co-partnership, nonprofit, or corporation intending to sell “consumer fireworks” between June 10 and July 7, or December 26 and January 4 of each year or both, and shall include permanent businesses, temporary businesses, stores, stands, or tents. A seasonal retailer shall register with the State Fire Marshal, who may assess a fee of no more than \$250 for each site at which fireworks shall be sold. Each location shall be required to charge sales tax at the current rate imposed on retailers in KRS 139.200.

(D) Any person, firm, co-partnership, nonprofit, or corporation intending to sell consumer fireworks, as defined in § 93.01(B) as the primary source of business, that is not a seasonal retailer as defined in division (C) above, shall register with the State Fire Marshal, who may assess a fee of no more than \$500 for each site at which fireworks will be sold. Each location shall be required to charge sales tax at the current rate imposed on retailers in KRS 139.200.

(E) The annual registration required by this section shall be received by the State Fire Marshal at least 15 days prior to offering fireworks for sale at the site for which the registration is intended. Evidence that a sales and use tax permit has been obtained from the Department of Revenue shall be presented to the State Fire Marshal as a condition of registration. If the registration is received less than 15 days prior to offering fireworks for sale at the site for which registration is intended, an additional assessment of \$100 shall be added to the initial fee.

(F) Each site at which fireworks are offered for sale shall have its registration certificate displayed in a conspicuous location at the site.

(G) Each site at which fireworks are offered for sale shall comply with all applicable provisions of the International Building Code, with Kentucky Amendments (adopted edition), and NFPA 1124 (National Fire Protection Association) – Code for the Manufacture,

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Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles (adopted edition).

(H) No person or business shall give, offer for sale, or sell any consumer fireworks listed in § 93.01(B) to any person under 18 years of age.

(I) No person under 18 years of age may be employed by a fireworks distribution facility or manufacturing facility. No person under 18 years of age shall sell consumer fireworks at a consumer fireworks retail sales facility registered under this section unless the individual is supervised by a parent or guardian.

(J) The State Fire Marshal may revoke the registration of any site which is in violation of a requirement of this section, or any other requirement provided pursuant to this subchapter. If the violation renders any property especially susceptible to fire loss, and there is present such hazard to human life or limb that the public safety imperatively requires emergency action, the State Fire Marshal may take that action, as provided in KRS 227.330(6).

(K) A person lawfully possessing consumer fireworks, as defined in § 93.01(B) may use those items if:

- (1) He or she is at least 18 years of age;
- (2) Fireworks are not ignited within 200 feet of any structure, vehicle, or any other person; and
- (3) Use of the fireworks does not place him or her in violation of any lawfully enacted local ordinance.

(KRS 227.715) (Prior Code, § 93.03) Penalty, see § 93.99

§ 93.04 BOND OR LIABILITY INSURANCE REQUIREMENT.

No permit shall be issued under § 93.02 unless the applicant shall give bond or evidence of liability insurance deemed adequate by the official to whom application for the permit is made, in a sum not less than \$1,000,000; however, the appropriate city official or the State Fire Marshal may require a larger amount if in his or her judgment the situation requires it, conditioned for the payment of all damages which may be caused thereby either to a person or to property by reason of the permitted display, and arising from any acts of the licensee, his or her agents, employees, or subcontractors.

(KRS 227.720) (Prior Code, § 93.04) Penalty, see § 93.99

§ 93.05 EXEMPTED SALES AND USES.

Nothing in this subchapter shall prevent the retail sale and use of explosives or signaling flares used in the course of ordinary business or industry; gold star producing sparklers, which contain no magnesium or chlorate; toy snakes which contain no mercury; smoke novelties and party novelties, which contain less than 0.25 grain of explosive mixture; shells or cartridges, used as ammunition in firearms; blank cartridges for a show or theatre, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations; or the sale of any kind of fireworks, provided the same are to be shipped by the seller directly out of the state.

(KRS 227.730) (Prior Code, § 93.05)

§ 93.06 DESTRUCTION OF FIREWORKS.

(A) The State Fire Marshal, or any fire department having jurisdiction which has been deputized to act on behalf of the State Fire Marshal, shall cause to be removed at the expense of the owner all stocks of fireworks which are stored and held in violation of this subchapter. After a period of 60 days, the seized fireworks may be offered for sale by closed bid to a properly certified fireworks wholesaler.

(B) After a period of 60 days, the seized fireworks may be offered for sale by closed bid to a properly certified manufacturer, distributor, or wholesaler. All seized fireworks or explosives with a Class 1.3G or “display” designation shall require the notification of the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives. The State Fire Marshal shall provide the owner or possessor a receipt containing the complete inventory of any fireworks seized within five business days of the seizure.

(C) Before any seized fireworks may be disposed of:

(1) If the owner of the seized fireworks is known to the State Fire Marshal, the State Fire Marshal shall give notice by registered mail or personal service to the owner of the State Fire Marshal’s intention to dispose of the fireworks. The notice shall inform the owner of the State Fire Marshal’s intent. The State Fire Marshal shall conduct an administrative hearing in accordance with KRS Ch. 13B concerning the disposal of fireworks; or

(2) If the identity of the owner of any seized fireworks is not known to the State Fire Marshal, the State Fire Marshal shall cause to be published, in a newspaper of general circulation in the county in which the seizure was made, notice of the seizure, and of the State Fire Marshal’s intention to dispose of the fireworks. The notice shall be published once each week for three consecutive weeks. If no person claims ownership of the fireworks within ten days of the date of the last publication, the State Fire Marshal may proceed with disposal of the fireworks. If the owner does claim the fireworks within ten days of the date of the last publication, a hearing as set out in division (C)(1) above shall be held.

(D) Nothing in KRS 227.700 to 227.750 shall restrict a local government from enacting ordinances that affect the sale or use of fireworks within its jurisdiction.
(KRS 227.750) (Prior Code, § 93.06)

FIRE PREVENTION

§ 93.20 BLASTING PERMIT.

No person shall cause a blast to occur within the city without making application in writing beforehand, setting forth the exact nature of the intended operation, and receiving a permit to blast from the City Commission or other authorized city official. The City Commission or other authorized city official, before granting the permit, may require the applicant to provide a bond to indemnify the city and all other persons against injury or damages which might result from the proposed blasting.

(Prior Code, § 93.20) Penalty, see § 93.99

§ 93.21 STORAGE OF FLAMMABLES AND OTHER MATTER.

(A) All flammable or combustible materials shall be arranged and stored in a manner which affords reasonable safety against the danger of fire.

(B) Waste paper, ashes, oil rags, waste rags, excelsior, or any material of a similar hazardous nature shall not be accumulated in any cellar or any other portion of any building of any kind. Proper fireproof receptacles shall be provided for these hazardous materials.

(C) No matter shall be stored or arranged in a manner which impedes or prevents access to or exit from any premises in case of fire.

(Prior Code, § 93.21) Penalty, see § 93.99

§ 93.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no specific penalty is provided shall be guilty of a misdemeanor and shall be fined not more than \$500.

(B) Any person violating the provisions of §§ 93.02 or 93.03, the regulations issued thereunder or any order issued thereunder, or who knowingly induces another, directly or indirectly, to violate the provisions of those sections, shall be fined not more than \$1,000, or imprisoned for not more than 30 days, or both.

(KRS 227.990(4)) (Prior Code, § 93.99)

CHAPTER 94: LITTERING

Section

- 94.01 Throwing litter from vehicle
- 94.02 Tracking foreign matter on streets
- 94.03 Hauling loose material
- 94.04 Sweeping litter into gutters
- 94.05 Litter on private property

- 94.99 Penalty

§ 94.01 THROWING LITTER FROM VEHICLE.

No person while a driver or passenger in a vehicle shall throw or deposit litter upon any street or other public place within the city or upon private property.

(Prior Code, § 94.01) Penalty, see § 94.99

§ 94.02 TRACKING FOREIGN MATTER ON STREETS.

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No person shall drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit upon any street, alley, or other public place mud, dirt, sticky substances, litter, or foreign matter of any kind.

(Prior Code, § 94.02) Penalty, see § 94.99

§ 94.03 HAULING LOOSE MATERIAL.

Every person hauling or causing to be hauled dirt, sand, gravel, cement, fill dirt, or loose material of any kind in or upon any street, alley, sidewalk, or other public place shall haul it or cause it to be hauled in vehicles provided with tight boxes or beds so constructed or loaded as to prevent any of the contents from falling or being thrown, blown, or deposited upon any street, alley, sidewalk, or other public place. Any materials which fall from or which are thrown, blown, or deposited from any vehicle upon any street, alley, sidewalk, or other public place shall be removed immediately by the person in charge of the vehicle.

(Prior Code, § 94.03) Penalty, see § 94.99

§ 94.04 SWEEPING LITTER INTO GUTTERS.

No person shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(Prior Code, § 94.04) Penalty, see § 94.99

§ 94.05 LITTER ON PRIVATE PROPERTY.

(A) No person shall throw or deposit litter on any occupied private property within the city, whether owned by that person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon streets, sidewalks, or other public places, or upon any private property.

(B) No person shall throw or deposit litter on any open or vacant private property within the city, whether owned by that person or not.

(Prior Code, § 94.05) Penalty, see § 94.99

§ 94.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500. Each day the violation is committed or permitted to continue shall constitute a separate offense.

(Prior Code, § 94.99)

CHAPTER 95: NOISE

Section

95.01 Unusual and loud noise prohibited

95.99 Penalty

Cross-reference:

Vehicle noise, see § 71.37

Animals, see § 90.22

§ 95.01 UNUSUAL AND LOUD NOISE PROHIBITED.

(A) It shall be unlawful for any person, firm, or corporation to create or assist in creating any unreasonably loud and disturbing noise in the city. Noise of such character, intensity, and duration as to be detrimental to the public health, welfare, and peace is prohibited.

(B) The following acts, among others, are declared to be loud and disturbing noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

(1) The playing of any radio, phonograph, or other musical instrument in a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort, or repose of any person in any dwelling, hotel, or other type of residence;

(2) The blowing of any whistle, except to give notice of the time to begin or stop work or as a warning of danger;

(3) The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof;

(4) The conducting, operating, or maintaining of any garage or service station in any residential area so as to cause loud or offensive noises to be emitted therefrom between the hours of 10:00 p.m. and 7:00 a.m. on weekdays or on Sundays;

(5) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, or within 150 feet of any hospital, which unreasonably interferes with the working of those institutions, provided conspicuous signs are displayed in those streets indicating that the area is a school, court, or hospital area;

(6) The creation of any excessive noise on Sundays on any street adjacent to any church, provided conspicuous signs are displayed in such streets adjacent to churches indicating that the same is a church street;

(7) The erection (including excavation), demolition, alteration, or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m., on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the City Commission;

(8) The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced;

(9) The shouting and crying of peddlers, barkers, hawkers, and vendors which disturbs the quiet and peace of the neighborhood;

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(10) The use of any drum, loud speaker, or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, or sale or display of merchandise; and/or

(11) The use of any mechanical loud speakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes except where specific license is received from the City Commission.

(Prior Code, § 95.01) Penalty, see § 95.99

§ 95.99 PENALTY.

Any person, firm, or corporation violating any provision of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be punished by a fine not to exceed \$500. Each day such violation shall continue shall constitute a separate offense.

(Prior Code, § 95.99)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS

111. CABLE FRANCHISES

112. INSURANCE COMPANIES

CHAPTER 110: PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS

Section

- 110.01 Definitions
- 110.02 Prohibition
- 110.03 Permit requirement
- 110.04 Application procedure
- 110.05 Duty of City Clerk
- 110.06 Standards for issuance
- 110.07 Revocation procedure
- 110.08 Standards for revocation
- 110.09 Appeal procedure
- 110.10 Exhibition of identification
- 110.11 Enforcement

- 110.99 Penalty

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§ 110.01 DEFINITIONS.

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

BUSINESS. The business carried on by any person who is an itinerant merchant, peddler, or solicitor, as defined in this section.

GOODS. Merchandise of any description whatsoever, and includes, but is not restricted to, wares and foodstuffs.

ITINERANT MERCHANT. Any person, whether as owner, agent, or consignee, who engages in a temporary business of selling goods within the city and who, in the furtherance of the business, uses any building, structure, vehicle, or any place within the city.

PEDDLER.

(1) Any person who travels from place to place by any means carrying goods for sale or making sales or making deliveries;

(2) Any person who, without traveling from place to place, sells or offers goods for sale from any public place within the city; and

(3) A person who is a **PEDDLER** is not an itinerant merchant.

SOLICITOR. Any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a **SOLICITOR** is not a peddler.

(Ord. 1-04, passed 2-12-2004)

§ 110.02 PROHIBITION.

It shall be prohibited and unlawful for any person to:

(A) Engage in the business of door-to-door sales of any merchandise and services of any type; and

(B) Solicit in furtherance of a business or enterprise within the city without first applying for and obtaining a permit to do so from the city.

(Ord. 1-04, passed 2-12-2004) Penalty, see § 110.99

§ 110.03 PERMIT REQUIREMENT.

(A) Any person who is an itinerant merchant, peddler, or solicitor shall obtain a permit before engaging in the temporary business of selling goods, peddling, and soliciting business within the city.

(B) An application for a permit shall be made by the itinerant merchant, peddler, or solicitor, at a minimum, 30 days prior to the effective date of the permit.

(C) The fee for the permit required by this chapter shall be \$100 as set from time to time by the Commission or the appropriate legislative body of the city.

(D) No permit issued under this chapter shall be transferable.

(E) All permits issued under this chapter shall expire 35 days after the date of issuance thereof.

(Ord. 1-04, passed 2-12-2004)

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§ 110.04 APPLICATION PROCEDURE.

(A) (1) All applicants for permits required by this chapter shall file an application with the City Clerk. This application shall be signed by the applicant, if an individual; or by all partners, if a partnership; or by the president, if a corporation.

(2) The applicant may be requested to provide information concerning the following items:

- (a) The name and address of the applicant;
- (b) 1. The name of the individual having management authority or supervision of the applicant's business during the time the door-to-door sales, peddling, or soliciting is proposed to be carried on in the city;
 - 2. The local address of the individual;
 - 3. The permanent address of the individual; and
 - 4. The capacity in which the individual will act.
- (c) The name and address of the person, if any, for whose purpose the business, door-to-door sales, peddling, or soliciting will be carried on, and if a corporation, the state of incorporation;
- (d) The time period or periods during which it is proposed to carry on the applicant's business of door-to-door sales, peddling, or soliciting;
- (e) 1. The nature, character, and quality of the goods or services to be offered for sale, peddled, solicited, or delivered;
 - 2. If goods, their invoice value, and whether they are to be sold by sample as well as from stock; and
 - 3. If goods, where and by whom the goods are manufactured or grown, and where the goods are at the time of application;
- (f) The nature of the advertising proposed to be done for and in furtherance of the business, door-to-door sales, peddling, or soliciting; and
- (g) Whether or not the applicant, or the individual identified in division (A)(2)(b)1. above, or the person identified in division (A)(2)(c) above has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(B) Applicants for permits may be required to provide information concerning the following items, in addition to those requested under division (A) above:

- (1) A description of the applicant; and
- (2) A description of any vehicle proposed to be used in the business, door-to-door sales, peddling, or soliciting, including its registration number, if any.

(C) All applicants for permits required by this chapter shall attach to their applications the following:

- (1) If required by the city, copies of all printed advertising proposed to be used in connection with the applicant's business; and
- (2) If required by the city, credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as the representative.

(D) If the applicant is a corporation, there shall be stated on the application form the date of incorporation, the state of incorporation, and, if the applicant is a corporation formed in a state other than the commonwealth, the date on which such corporation is qualified to transact business as a foreign corporation in this state;

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(E) A statement showing the kind of business proposed to be conducted, the length of time for which the applicant desires to transact such business, and the location of the proposed place of business;

(F) An inventory of the aggregate value of any goods, wares, or merchandise to be offered for sale during the permit period;

(G) A statement that the applicant has acquired all other required city, county, and state permits;

(H) The applicant's sales and use tax permit number or temporary vendor's registration number;

(I) The name and permanent address of the applicant's registered agent or office;

(J) The absence of any of the above information, if required by the city, shall result in the denial of such permit by the City Clerk; and

(K) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to any attachments required under division (C) above, a statement from a licensed physician, dated not more than ten days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.

(Ord. 1-04, passed 2-12-2004; Ord. 7, Series 2015, passed 2-12-2015) Penalty, see § 110.99

§ 110.05 DUTY OF CITY CLERK.

The City Clerk shall inform the Commission of any and all requests under this chapter for permits at the Commission meetings. The City Clerk shall forward a copy of each approved permit application to the office of the Commission and to the office of the Chief of Police within 24 hours of approval.

(Ord. 1-04, passed 2-12-2004)

§ 110.06 STANDARDS FOR ISSUANCE.

(A) Upon receipt of an application, an investigation of the applicant's business reputation and moral character shall be made.

(B) (1) The application shall be approved unless the investigation discloses tangible evidence that the conduct of the applicant's business of door-to-door sales, peddling, or soliciting within the city would pose a substantial threat to the public health, safety, morals, or general welfare.

(2) In particular, tangible evidence that the applicant has done or possesses any of the following will constitute valid reasons for denial of an application for permit under this chapter:

- (a) Has been convicted of a crime of moral turpitude;
- (b) Has made willful misstatements in the application;
- (c) Has committed prior violations of city ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like;
- (d) Has committed prior fraudulent acts;
- (e) Has a record of continual breaches of solicited contracts; or
- (f) Has an unsatisfactory moral character.

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(Ord. 1-04, passed 2-12-2004)

§ 110.07 REVOCATION PROCEDURE.

Any permit granted under this chapter may be revoked by the City Clerk after notice and hearing, pursuant to the standards set forth in § 110.08. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint, and the time and place of the hearing. The notice shall be mailed to the permittee at his or her last known address, at least ten days prior to the date set for the hearing.

(Ord. 1-04, passed 2-12-2004)

§ 110.08 STANDARDS FOR REVOCATION.

A permit granted under this chapter may be revoked for any of the following reasons:

- (A) Any fraud or misrepresentation contained in the permit application;
- (B) Any fraud, misrepresentation, or false statement made in connection with the business being conducted under the permit;
- (C) Any violation of this chapter;
- (D) Conviction of the permittee of any felony, or conviction of the permittee of any misdemeanor involving moral turpitude; or
- (E) Conducting the permitted business of door-to-door sales, peddling, or soliciting in an unlawful manner or in a way as to constitute a menace to the health, safety, morals, or general welfare of the public.

(Ord. 1-04, passed 2-12-2004) Penalty, see § 110.99

§ 110.09 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision under §§ 110.06, 110.07, or 110.08 shall have the right to appeal to the appropriate legislative body of the city. The appeal shall be taken by filing with the appropriate legislative body of the city, within 14 days after notice of the decision has been mailed to the aggrieved person's last known address, a written statement setting forth the grounds for appeal. The appropriate legislative body of the city shall set the time and place for a hearing, and notice for the hearing shall be given to the person in the same manner as provided in § 110.07.

(B) The order of the legislative body after the hearing shall be final.
(Ord. 1-04, passed 2-12-2004)

§ 110.10 EXHIBITION OF IDENTIFICATION.

(A) Any permit issued to an itinerant merchant under this chapter shall be posted conspicuously in or at the place named therein. In the event more than one place within the city shall be used to conduct the business permitted, separate permits shall be issued for each place.

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(B) The City Clerk shall issue a permit to each peddler and solicitor who has applied for and received a permit under this chapter. The permit shall contain the words “permitted peddler” or “permitted solicitor”. The permit shall clearly state the expiration date of the permit and the number of the permit. The permit shall be kept with the permittee during the time as he or she is engaged in the business permitted.
(Ord. 1-04, passed 2-12-2004) Penalty, see § 110.99

§ 110.11 ENFORCEMENT.

(A) Any violation of this chapter shall subject the offender to fines, penalties, and forfeitures that may be imposed by law. The city may secure injunctions and abatement orders, when appropriate, to ensure compliance with this chapter or ordinances as authorized by the Kentucky Revised Statutes.

(B) This chapter may be enforced by any one or in combination of the remedies authorized by this chapter and as authorized by the Kentucky Revised Statutes.
(Ord. 1-04, passed 2-12-2004)

§ 110.99 PENALTY.

(A) *Criminal.*

(1) Any person who shall violate any provision of this chapter shall be fined \$100.

(2) Where Kentucky Revised Statutes mandates a fine higher than that stipulated herein, the fine contained in the Kentucky Revised Statutes shall apply.

(3) Any continuing violation of this chapter shall be considered a separate and distinct offense for each day on which a violation occurs or continues, and a separate penalty may be imposed therefor.

(B) *Civil.*

(1) Any person who shall violate any provision of this chapter shall subject the offender to a civil penalty in an amount equal to two times the minimum fine prescribed in division (A) above, with a minimum civil penalty of \$100 for each violation.

(2) The civil penalty provided herein may be recovered by the city in a civil action in the name of a debt if the offender does not pay the penalty within 20 days after the offender has been cited for the ordinance violation. As used herein, **CITED** shall mean notified of the violation and the penalty in writing by an elected or appointed official of the city or the official attorney for the city. The civil penalty may be used as an alternative or in conjunction with the criminal penalties authorized herein.

(Ord. 1-04, passed 2-12-2004)

CHAPTER 111: CABLE FRANCHISES

Section

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General Provisions

- 111.001 Declaration of findings
- 111.002 Title
- 111.003 Applicability
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- 111.006 Public inspection of records
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§ 111.001 DECLARATION OF FINDINGS.

The city hereby declares as a legislative finding that the rights-of-way within the city:

- (A) Are a unique and physically-limited resource;
 - (B) Are critical to the travel and transport of persons and property in the city;
 - (C) Are intended for public uses and must be managed and controlled consistent with that intent;
 - (D) Can be partially occupied by the facilities of utilities and public service entities, to the enhancement of the health, welfare, and general economic well being of the city and its citizens; and
 - (E) Require adoption of the specific additional regulations established by this chapter to ensure coordination of users, maximize available space, reduce maintenance and costs to the public, and facilitate entry of a maximum number of providers of communications and other services in the public interest.
- (Ord. 1, Series 2003, passed 2-13-2003)

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§ 111.002 TITLE.

This chapter may be referred to and cited as the “Communications Services Franchise Ordinance”.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.003 APPLICABILITY.

(A) The requirements of this chapter shall apply to the full extent of the terms herein and shall be limited in scope or application only to the extent as may be required by applicable federal or state law, including such changes in applicable law as may be hereinafter enacted.

(B) No provisions of this chapter shall be disregarded pursuant to this section, except on express application to and determination by the city to such effect based on the specific factual circumstances demonstrated. The provisions of this chapter shall be deemed incorporated in each communications franchise granted.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.004 DEFINITIONS.

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

AFFILIATE. As to any person, each person, directly or indirectly, controlling, controlled by, or under common control with such person.

ANTENNA. Any device that transmits or receives signals. Such signals include, but are not limited to, radio and infrared waves for voice, data, or video communications purposes.

CABLE ACT. The Cable Communications Policy Act of 1984, Pub. Law No. 98-549, (codified at 47 U.S.C. §§ 521 through 611 (1982 and Supp. V. 1987), as amended by the Cable Television Consumer Protection and Competition Act of 1992, Pub. Law No. 102-385, and the Telecommunications Act of 1996, Pub. Law No. 104-104 (1996) as it may, from time to time, be amended.

CABLE FRANCHISE. The rights and obligations extended by the city to a person to own, lease, construct, maintain, or operate a cable system in the rights-of-way within the franchise area for the purpose of providing cable services. Any such authorization, in whatever form granted, shall not mean or include:

(a) Any other permit or authorization required for the privilege of transacting and carrying on a business within the city required by the ordinances and laws of the city, including the provision of communications services; or

(b) Any permit, agreement, or authorization required in connection with operations in the rights-of-way including, without limitation, permits and agreements for placing devices on or in poles, conduits, or other structures, whether owned by the city or a private entity, or for excavating or performing other work in or along the rights-of-way.

CABLE FRANCHISE FEE. Shall have the same meaning as is ascribed to the term franchise fee at 47 U.S.C. § 542(g).

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CABLE INTERNET SERVICE. The provision by a person of access to the internet or any intranet to customers over a cable system and shall include the provision of incidental services that are required by law to be treated under the same regulation as such direct access service. The city shall treat **CABLE INTERNET SERVICES** as a cable service unless it is definitively determined under applicable law that **CABLE INTERNET SERVICE** is not a cable service, in which case, any person providing or wishing to provide **CABLE INTERNET SERVICES** shall obtain a separate communications franchise from the city. All prior payments to the city attributable to **CABLE INTERNET SERVICE** under a cable franchise shall be irrefutably deemed to be lawful compensation, irrespective of any rates or terms required for any future use under any new communications franchise.

CABLE SERVICE. Shall have the same meaning as is ascribed to the term “cable service” at 47 U.S.C. § 522(6).

CABLE SYSTEM. Shall have the same meaning as is ascribed to the term “cable system” at 47 U.S.C. § 522(7).

CITY. The City of Bancroft, Kentucky.

COLLOCATION. The shared use of facilities, including, but not limited to, the placement of a conduit owned by more than one rights-of-way user in the same trench or boring and the placement of equipment owned by more than one user in the same or connected conduit. **COLLOCATION** does not include interconnection of facilities or the sale or purchase of capacity (whether bundled or unbundled).

COMMUNICATIONS. The transmission via the facilities, in whole or in part, between or among points specified by the user, of information of the user’s choosing (e.g., data, video, voice, and the like), without change in the form or content of the information as sent and received, regardless of the statutory or regulatory scheme to which such transmissions may be subject.

COMMUNICATIONS FRANCHISE. A franchise for the use of the rights-of-way for communications services as authorized herein and executed by the city and the franchisee.

COMMUNICATIONS FRANCHISE FEE. The fee imposed by the city on the franchisee for use of the rights-of-way pursuant to a communications franchise pursuant to § 111.035.

COMMUNICATIONS SERVICE. The transmission via facilities, in whole or in part, of any writings, signs, signals, pictures, sounds, or other forms of intelligence through wire, wireless, or other means, including, but not limited to, any “telecommunications service”, “enhanced service”, “information service”, or “internet service”, as such terms are now, or may in the future be, defined under federal law, and including all instrumentality, facilities, conduit, apparatus (“communications facilities”), and services (among other things, the receipt, forwarding, and delivery of telecommunications) incidental to or designed to directly or indirectly facilitate or accept such transmission. This term does not include cable service or open video system service, but cable services and open video system service shall be subject to separate franchising requirements and applications. This term does not include over-the-air, radio, or television broadcasts to the public at large licensed by the FCC or any successor thereto.

FACILITIES. Any portion of a system located in, along, over, upon, under, or through the rights-of-way.

FCC. The U.S. Federal Communications Commission or any successor thereto.

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FRANCHISE. A communications franchise as defined herein or any other franchise granted by the city pursuant to §§ 163 and 164 of the Constitution of the commonwealth or by the Kentucky General Assembly prior to the adoption of §§ 163 and 164 of the Constitution of the commonwealth which permits the use of the rights-of-way for communications services. Use of this definition in this chapter is not intended to include any license or permit for the privilege of transacting and carrying on a business within the city, as may be required by any other ordinance or laws of the city or the state.

FRANCHISE AREA. Unless otherwise specified in the applicable franchise, means the entire unincorporated area of the city as it is now constituted or may in the future be constituted.

FRANCHISEE. The party subject to a communications franchise, or its successors, assigns, or transferees.

GROSS RECEIPTS.

(a) All revenues and the fair market value of all in-kind services or other consideration received directly or indirectly by a franchisee or its affiliates for communications services originating, terminating, or originating and terminating within the corporate limits of the city or otherwise derived from the use of the communications services facilities. Except to the extent as may be prohibited by law, such **GROSS RECEIPTS** shall specifically include, but shall not be limited to, all revenue or other consideration derived from the following:

1. Recurring local exchange service for businesses and residences which includes basic telephone exchange service, touch tone, custom calling services, and measured local calls;
2. Recurring local exchange service for public, semi-public, and private pay phones;
3. Local directory assistance (411);
4. Line status verification/busy interrupt;
5. Local operator assistance;
6. Information delivery service;
7. Cellular and other wireless communications services; provided, that the same derive from a system having an antennae or other parts of the mobile system physically located within the rights-of-way;
8. Nonrecurring local exchange service which shall include customer service for installation of lines, reconnection of service, and charge for duplicate telephone bills;
9. Interconnection with other providers of communications services pursuant to §§ 251 and 252 of the Telecommunications Act, including without limitation, all revenue or other consideration derived from the provisions of “unbundled access” and “resale” as contemplated by § 251 of the Telecommunications Act;
10. Internet access services, including all high-speed and traditional subscriber line services (and including cable internet service), unless such service revenues or other consideration are validly included and collected as gross revenues in a cable franchise between the franchisee and the city;
11. Rent, physical use, collocation, or sale of the facilities, network elements, or a portion thereof for any purpose;
12. Late charges or interest received on gross receipts; and/or

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13. Any portion of the communications franchise fees collected by the franchisee from any other person.

(b) **GROSS RECEIPTS** shall not include uncollectible debt or any federal, state, or local taxes separately stated on a customer's bill. In the event a franchisee receives revenues or other consideration for communications services or other activities within and without the city of which the specific portion attributed to operations in the city cannot be directly determined ("unallocated revenues"), **GROSS RECEIPTS** with respect to such revenues and other consideration shall mean the portion thereof derived by multiplying such revenues by a fraction, the numerator of which is the **GROSS RECEIPTS** from the city and the denominator of which is the total revenues and other consideration of the franchisee attributable from the area generating such unallocated revenues. All revenue and other consideration from or relating to or connected with communications services derived from any billing address within the city shall be presumed to be **GROSS RECEIPTS** of the franchisee, unless demonstrated in writing to the contrary as to each such revenue and other consideration.

GROSS REVENUES. Any revenue or other consideration actually received by a person from the operation of a cable system to provide cable services.

LESSEE. A person who provides communications services within the city solely by leasing facilities and who has no control over what, where, or how any facilities are erected, installed, maintained, operated, repaired, removed, restored, or otherwise used.

MAY. The act referred to is permissive.

OPEN VIDEO SYSTEM (OVS) SERVICE. Shall have the same meaning as is ascribed to the term at 47 U.S.C. § 573.

PERSON. Any corporation, partnership, limited liability company, proprietorship, individual, organization, governmental entity, or any natural person.

PRIVATE COMMUNICATION SYSTEM. A system used by a person solely in connection with such person's business; provided, that such person does not use, or permit the use of, such system to provide communications services to any other person.

PRIVATE COMMUNICATIONS SYSTEM OWNER. A person who owns or leases a private communications system.

RENEWAL. A new communications franchise granted to an existing franchisee.

RESELLER SERVICE PROVIDER. A person who provides communications services within the city solely by reselling communications services and who has no control over what, where, or how any facilities are erected, installed, maintained, operated, repaired, removed, restored, or otherwise used.

RIGHTS-OF-WAY. The surface and space on, above, and below every street, alley, road, highway, lane, or other public right-of-way dedicated or commonly used now or hereafter for utility purposes and facilities thereon, including, but not limited to, overhead lighting facilities. **RIGHTS-OF-WAY** shall not include public property owned or leased by the city and not intended for rights-of-way use, including, but not limited to, parks or public works facilities.

SHALL AND WILL. The act referred to is mandatory. Words not defined shall be given their common and ordinary meaning.

STATE. The Commonwealth of Kentucky.

SYSTEM. Any and all equipment, structures, materials, or tangible components located in the rights-of-way and used to provide communications services, including, without limitation, all plant (whether inside or outside), cabinets, surface location markers, fiber strands,

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electronic equipment, amplification equipment, optic equipment, transmission, and distribution structures, antennae, lines, pipes, mains, conduit, ducts, regenerators, repeaters, vaults, pedestals, manholes, handholds, pull boxes, splice closures, wires, cables, towers, wave guides, and anything else designed and constructed for the purpose of producing, receiving, amplifying, or distributing communications services.

TELECOMMUNICATIONS ACT. The Telecommunications Act of 1996, codified at Title 47 of the United States Code.

(B) *Tense; singular and plural.* Words used in the present tense include the future tense, words in the singular number include the plural number, and words in the plural number include the singular.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.005 PRESERVATION OF AUTHORITY.

(A) Any rights granted pursuant to this chapter and pursuant to any franchise authorized hereunder are subject to the authority of the city to adopt and enforce ordinances necessary to the health, safety, and welfare of the public. The franchisees and other holders of franchises shall be subject to and comply with all applicable laws enacted by the city pursuant to its home rule or statutory powers, to the extent not in conflict with laws of the commonwealth or federal law.

(B) Nothing in this chapter shall be deemed to waive a right, if any, that any party may have to seek judicial or regulatory review as to the provisions herein or as to actions of the parties under applicable federal, state, or local law currently in effect or as may hereinafter be amended.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.006 PUBLIC INSPECTION OF RECORDS.

Certain information required to be filed with the city pursuant to this chapter is subject to inspection and copying by the public pursuant to the provisions of the Commonwealth Open Records Act, KRS 61.870 et seq.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.007 INDEMNIFICATION.

(A) As a condition of use of the rights-of-way, each franchisee at its sole cost and expense, shall indemnify, protect, defend (with counsel acceptable to the city), and hold harmless the city, its elected officials, officers, employees, and agents, from and against any and all claims, demands, losses, damages, liabilities, fines, charges, penalties, administrative and judicial proceedings and orders, judgments, remedial actions of any kind, and all costs and expenses of any kind, including, without limitation, reasonable attorney's fees and costs of defense arising, directly or indirectly, in whole or in part, out of or in relation to the city's award of the franchise, the rights granted to the franchisee, or the activities performed, or failed to be performed, by

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such franchisee under the franchise or use of the rights-of-way, except to the extent such acts or use arise from or are caused by the gross negligence or willful misconduct of the city, its elected officials, officers, or employees.

(B) This indemnification shall survive the expiration or termination of any franchise or use of the rights-of-way.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.008 COMPLIANCE WITH LAWS.

In performing activities and exercising its rights and obligations under any franchise, each franchisee and other holder of a franchise shall comply with all applicable federal, state, and local laws, ordinances, regulations, and policies, including, but not limited to, all laws, ordinances, regulations, and policies relating to construction and use of public property.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.009 ENFORCEMENT; ATTORNEY'S FEES.

The city shall be entitled to enforce this chapter and any franchise through all remedies lawfully available, and each franchisee shall pay the city its costs of enforcement, including, but not limited to, reasonable attorney's fees, in the event that the franchisee is determined judicially to have violated the terms of this chapter or any franchise.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.010 RELATIONSHIP WITH PARTIES.

Under no circumstances shall any franchise authorized by this chapter be construed to create any relationship of agency, partnership, joint venture, or employment between the parties.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.011 EFFECTIVE DATE.

This chapter shall become effective upon its passage and approval by the Commission.

(Ord. 1, Series 2003, passed 2-13-2003)

COMMUNICATION SERVICES

§ 111.025 UNLAWFUL TO OPERATE WITHOUT A FRANCHISE.

It shall be unlawful for any person to erect, install, maintain, operate, repair, replace, remove, or restore communications facilities or to provide communications services by use of

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facilities in the rights-of-way in the city without a valid, unexpired franchise from the city, unless otherwise specifically authorized under applicable federal or state law, or otherwise provided by city ordinance. Unless otherwise provided hereinafter by city ordinance, reseller service providers and lessees shall not be required to obtain a franchise. Private communication systems shall not require a franchise, but shall be licensed pursuant to §§ 111.110 through 111.112.

(Ord. 1, Series 2003, passed 2-13-2003) Penalty, see § 111.999

§ 111.026 FRANCHISES NONEXCLUSIVE.

The authority granted by the city in any franchise shall be for the nonexclusive use of the rights-of-way. The city specifically reserves the right to grant, at any time, such additional franchises or other rights to use the rights-of-way for any purpose to any other person, including itself, as it deems appropriate, subject to all applicable laws.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.027 NATURE OF RIGHTS.

Franchises shall not convey title, equitable or legal, in the rights-of-way, and shall give only the right to occupy rights-of-way, for the purposes and for the period stated in this chapter and as may be further limited by the franchise. No franchise may excuse the franchisee from obtaining appropriate access or attachment agreements before locating its facilities on another person's facilities. All franchises shall be deemed to be incorporated and be limited by the provisions of this chapter and shall create rights inuring solely to the benefit of the franchisee.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.028 APPLICATION; APPLICATION FEE REQUIRED.

(A) Applications for an original communications franchise granted hereunder shall be filed with the City Clerk with ten additional copies. All applications received by the city from the applicants will become the sole property of the city. Applicants shall submit all requested information as provided by the terms of this chapter.

(B) The following information must be complete and verified as true by the applicant:

(1) *Filing fee.* Applications shall be accompanied by a non-refundable application fee of \$1,000 payable to the city. Said application fee shall compensate the city and defray in whole or part the city's costs to process any application filed under this chapter and negotiate, award, and administer any franchise. Said application fee shall not be considered communications franchise fee payments;

(2) *Name and address of applicant.* The applicant's name, address, e-mail address, and telephone and facsimile numbers; date of application and signature of applicant or appropriate corporate officer(s); the name, address, and e-mail address, and telephone and facsimile numbers of a local representative who shall be available at all times; and information regarding how to contact the local representative in an emergency;

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(3) *Description of proposed system.* A description of the applicant's proposed system design;

(4) *Services.* A statement setting forth a description of all the types of services proposed;

(5) *Applicant organization.*

(a) If the applicant is an individual, partnership, or unincorporated association, it shall state the names and addresses of all persons (including corporations) having a proprietary or equitable interest in and to the applicant's business operation, and in and to the prospective communications franchise if granted. The term **EQUITABLE INTEREST** shall include all assignments of value, as well as all contingent assignments of any right or privilege under the prospective communications franchise, and shall also include any benefit, payment, or emolument whatsoever resulting from the grant of a communications franchise under this chapter;

(b) If the applicant is a non-public corporation, the application shall state, additionally, the names and addresses of the officers, directors, and shareholders of the corporation, together with the number of shares held by each shareholder;

(c) If the applicant is a publicly-held corporation, as defined by the rules and regulations of the Securities and Exchange Commission, the application shall contain the states in which the applicant is incorporated and/or qualified to do business, the names and addresses of the officers, directors, and shareholders owning 20% or more of applicant's outstanding stock, together with the number of shares held by each shareholder;

(d) If the applicant is a corporation, the application shall provide written evidence that it is authorized to do business in the commonwealth, as certified by the Secretary of State; and

(e) The applicant must fully disclose the ownership of the facilities to be used in rendering the service.

(6) *Intra-company relationships.* An organizational chart depicting the applicant's intra-company relationships, including parent, subsidiary, or affiliate companies;

(7) *Technical description.*

(a) A technical description of the type of system proposed by the applicant and applicant's five-year plan for the installation of the system.

(b) The following information shall be included in the application:

1. If the applicant is proposing an underground installation in existing ducts or conduits within the rights-of-way, information in sufficient detail to identify:

a. The excess capacity currently available in such ducts or conduits before installation of applicant's system; and

b. The excess capacity, if any that will exist in such ducts or conduits after installation of applicant's system.

2. If the franchisee is proposing an underground installation within new ducts or conduits to be constructed within the rights-of-way:

a. The location, depth, size, and quantity of proposed new ducts or conduits; and

b. The excess capacity that will exist in such ducts or conduits after installation of applicant's system.

3. A preliminary installation schedule and completion date.

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(8) *Existing franchises.* Applicants, including all shareholders and parties with any interest in the applicant, shall disclose the locations of all other franchises and the dates of award for each location;

(9) *Engineering statement.* A statement from the applicants senior technical staff member, or consultant, advising that the applicant's planned system and operations thereof would meet all the requirements set forth herein;

(10) *Litigation and violations.*

(a) A statement as to whether the applicant or any of its officers or directors or holders of 20% or more of its voting stock has in the last ten years been involved in litigation which in any way is related to the operation and performance of a communications system, or in any way relates to the applicant's ability to perform its obligations under this chapter; or

(b) A statement as to whether the applicant or any of its officers, directors, or holders of 20% or more of its voting stock has in the last ten years been served with notice of a franchise violation by a municipality.

(11) *Additional requirements.*

(a) Supplementary, additional, or other information that the applicant deems reasonable for consideration may be submitted at the same time as its application, but must be separately bound and submitted with the above number of copies. The city may, at its discretion, consider such additional information as part of the application;

(b) Applications may be modified at any time prior to the opening of the applications; provided, that any modifications must be duly executed in the manner that the applicant's application must be executed;

(c) Conditional applications will not be accepted;

(d) A copy of the applicant's certificate of authority from the Public Service Commission ("PSC") where the applicant is lawfully required to have such certificate from the PSC;

(e) A copy of the applicant's certificate of authority from the FCC where the applicant is lawfully required to have such certificate from the FCC;

(f) A copy of all insurance policies and certificates required under this chapter;

(g) A statement signed by the applicant that the applicant agrees to be bound by all provisions of this chapter and agrees to obtain all applicable permits and authorizations prior to constructing, installing, or operating a system in the rights-of-way;

(h) The applicant shall keep all of the information required in this section current at all times by providing to the city information of changes within 60 days following the date on which the applicant has knowledge of any change; and

(i) The information provided by the applicant shall be certified as true and correct and the applicant shall be responsible to certify to the city any material changes to the information provided in the completed application during the term of any franchise.

(12) *Supplementation to applications.* The Commission reserves the right to require such supplementary, additional, or other information that it deems reasonably necessary for its determinations;

(13) *City's rights reserved.* The city reserves the right to waive all formalities and/or technicalities where the best interest of the city may be served; and

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(14) *Reasonable costs.* The franchisee shall be responsible for payment of any reasonable costs incurred by the city in processing these applications and in negotiating, awarding, and administering the franchise to the extent such costs exceed the application fees paid including, without limitation, reasonable attorney's and other consultant's fees.
(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.029 STANDARDS FOR PROCEDURES FOR APPROVAL OR RENEWAL OF FRANCHISES.

(A) The franchises shall be granted in accordance with §§ 163 and 164 of the Constitution of the commonwealth. The city shall authorize franchises or renewals to any eligible franchisee for the right and privilege to construct, own, operate, repair, replace, and maintain facilities in, through, and along the city's rights-of-way for the purposes of providing communications services on a nonexclusive basis within the city, subject, however, to the standards, terms, and conditions herein set forth within this chapter, which shall be deemed incorporated therein, and any special conditions as may be provided for in the franchise.

(B) All franchisees shall be required to obtain and maintain any necessary and lawful permit, license certification, grant, registration, or any other authorization required by any appropriate governmental entity, including, but not limited to, the city, the FCC, and the Commonwealth Public Service Commission. The city may establish standard franchises setting forth the minimum requirements for all franchisees.
(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.030 ACCEPTANCE AND EFFECTIVE DATE OF FRANCHISE.

(A) Any franchise granted hereunder, together with the rights, privileges, and authority granted thereby, shall take effect and be in force from and after the effective date of a resolution granting a franchise hereunder; provided, that on or before said date the franchisee shall:

(1) File with the city an unconditional acceptance of the franchise grant and enter into and execute such contracts and documents as required by the city that are consistent with the terms and provisions of this chapter;

(2) File certificates of insurance as set forth in this chapter;

(3) File such bond or bonds as required in this chapter; and

(4) Advise the City Clerk in writing of the franchisee's address for mail and official notifications from the city.

(B) The franchisee, by acceptance of any franchise granted hereunder, acknowledges that it has relied upon its own investigation and understanding of the power and authority of the city to grant such a franchise.

(C) The franchisee, by acceptance of any franchise granted hereunder, acknowledges that it has thoroughly examined and is familiar with the terms and conditions of this chapter, the resolution granting the franchise, and such other contracts and documents entered into by the franchisee relative to the franchise.

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(D) The franchisee, by acceptance of any franchise granted hereunder, acknowledges and agrees that the matters contained in the franchisee's application for the franchise or supplements thereto, shall be incorporated into the resolution granting the franchise as though set out verbatim and shall thereafter be considered an integral part of such ordinance in all communications, correspondence, filings, or applications with all appropriate regulatory agencies, including, but not limited to, the FCC or the Public Service Commission.
(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.031 CABLE SERVICE AND OPEN VIDEO SYSTEMS (OVS); SEPARATE FRANCHISE REQUIRED.

(A) A communications franchise shall not permit a franchisee to provide cable services as a "cable operator" (as defined by 47 U.S.C. § 522(5)) within the city. Upon the franchisee's request for a franchise to provide cable services as a "cable operator" (as defined by 47 U.S.C. § 522(5)) within the city, the city shall timely negotiate such cable franchise in good faith with the franchisee.

(B) A communications franchise shall also not permit the franchisee to operate an open video system. A person may operate an open video system only if that person obtains a separate franchise permitting the same, and such person remits the maximum fees permitted by 47 U.S.C. § 573(c)(2)(B), and where such person otherwise complies with FCC regulations promulgated pursuant to 47 U.S.C. § 573.

(C) Absent such applicable separate franchise from the city, the franchisee shall be prohibited from offering OVS service and any such service shall be considered a breach of its franchise.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.032 USE OF RIGHTS-OF-WAY; POLICE POWERS; FRANCHISEE'S USE SUBORDINATE.

(A) A franchisee shall construct and maintain its facilities in accordance with all applicable federal, state, and local laws, including all permit requirements, fee payments, and all other city codes and ordinances in effect as of the date of the award of its franchise or thereafter adopted to the extent not in contravention of state or federal law.

(B) The grant of a franchise does not in any way affect the continuing authority of the city through the proper exercise of its home rule or statutory powers to adopt and enforce ordinances necessary to provide for the health, safety, and welfare of the public. The city makes no express or implied representation or warranty regarding its rights to authorize the installation or construction of facilities on any particular segment of the rights-of-way.

(C) The burden and responsibility for making all such determinations in advance of construction or installation shall be entirely upon the franchisee. The use of the rights-of-way authorized by any franchise shall in all matters be subordinate to the city's use and rights therein.

(D) Without limiting the generality of the foregoing:

(1) All rights and privileges granted herein are subject to the police powers of the city and its rights under applicable laws and regulations to regulate the construction,

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operation, and maintenance of the franchisee's system, including, but not limited to, the right to adopt and enforce additional ordinances and regulations as the city shall find necessary in the exercise of its police powers; the right to adopt and enforce applicable zoning, building, permitting, and safety ordinances and regulations; the right to adopt and enforce regulations relating to equal employment opportunities; and the right to adopt and enforce ordinances and regulations containing rights-of-way, communications, and utility standards;

(2) The city reserves the right to exercise its police powers, notwithstanding anything in this chapter and in any franchise to the contrary. Any conflict between the provisions of this chapter or a franchise and any other present or future lawful exercise of the city's police powers shall be resolved in favor of the latter;

(3) The franchisee shall not be excused from complying with any of the requirements of this chapter or any subsequently adopted amendments to this chapter, by any failure of the city on any one or more occasions to seek, or insist upon, compliance with such requirements or provisions;

(4) If federal or state law alters the required services, fees, costs, conditions, or standards upon which the communications system is to operate, the city shall have the right to amend this chapter to make it consistent with the modified federal or state laws; and/or

(5) Any franchise granted pursuant to this chapter shall be subject to any present and future legislation or resolution, which may be enacted by the city.
(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.033 EMERGENCIES.

(A) The franchisee shall assign a management level person to coordinate with, and assist the city's emergency management agency, in the development of emergency plans.

(B) If at any time, in case of fire or disaster in the city, it shall become necessary in the reasonable judgment of the city, to cut or move any facilities, such cutting or moving may be done and any repairs rendered necessary thereby shall be made by the franchisee at its sole expense.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.034 TERM.

A franchise shall be effective for a term of ten years from its effective date.
(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.035 COMMUNICATIONS FRANCHISE FEES.

The franchisee shall pay to the city as annual compensation for the use of the rights-of-way a communications franchise fee equal to 1% of gross receipts, but in no event shall the communications franchise fee be less than the sum of the following:

(A) One hundred dollars per antenna in the rights-of-way; and

(B) A fee equal to the lesser of either \$50,000 or the sum of the following:

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(1) For each single cable, wire, fiber, conduit, or other linear facility, or bundle of the same up to two inches in diameter placed above-ground, \$1 per foot of rights-of-way on which it is placed or over which it is suspended;

(2) For each bundle of cable, wire, fiber, conduit, or other linear facility greater than two inches in diameter placed above-ground, \$2 per foot of rights-of-way on which it is placed or over which it is suspended; and

(3) For each single cable, wire, fiber, conduit, or other linear facility, or aggregate of the same placed below-ground contemporaneously, \$1 per foot of rights-of-way used to accommodate the same.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.036 USE OF COMMUNICATIONS FRANCHISE FEES.

The city shall dedicate and use all communications franchise fees received under this chapter for maintenance and improvement of city roads, bridges, and rights-of-way.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.037 HOLDERS OF MULTIPLE FRANCHISES.

Persons holding a communications franchise and also a cable franchise shall fairly and accurately apportion and attribute revenues received to the various services offered.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.038 TIMING OF PAYMENT OF COMMUNICATIONS FRANCHISE FEES.

Unless otherwise agreed to in writing, all communications franchise fees shall be due and payable on a quarterly basis and payment shall be made on or before the date which is 30 calendar days after the last day of the calendar quarter for which the payment applies (the “due date”); provided, however, that in the event that a franchisee ceases to provide service for any reason (including as a result of a transfer), such franchisee shall make a final payment of any amounts owed to the city on or before the date which is 30 calendar days after the date on which its operations in the city cease (which shall be deemed a due date for purposes of § 111.039.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.039 INTEREST ON LATE PAYMENTS AND UNDER PAYMENTS.

If any communications franchise fee, or any portion thereof, is not received by the city on or before the due date, interest thereon shall accrue from the due date until received, at the rate of 1.5% per month, unless such other maximum rate is established by applicable law.

(Ord. 1, Series 2003, passed 2-13-2003)

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§ 111.040 FEE STATEMENT.

(A) Each communications franchise fee payment shall be accompanied by a statement (a “fee statement”) showing the manner in which the communications franchise fee was calculated. If any fee statement is determined to understate the communications franchise fee owed, then the franchisee shall provide the city with a corrected statement and shall pay such additional amount owed together with interest on such amount, calculated pursuant to § 111.039.

(B) Within 90 calendar days following the end of the calendar year, each franchisee shall submit a statement, certified as true, setting forth its gross receipts and gross revenues, if any, the amount of linear foot and antennae within the facilities, and describing what revenues or receipts (including each type of services) were included and excluded in the fee calculations for the calendar year, and describing any adjustments made in determining the communications franchise fee; provided, however, that in the event that a franchisee ceases to provide service for any reason (including as a result of a transfer), such franchisee shall provide such a statement within 30 calendar days after the date on which its operations in the city cease.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.041 NO ACCORD AND SATISFACTION.

No acceptance by the city of any communications franchise fee or any other payment shall be construed as an accord that the amount paid is in fact the correct amount, nor shall acceptance of any communications franchise fee or any other payment be construed as a release of any claim of the city.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.042 MAINTAIN RECORDS.

(A) A franchisee shall at all times maintain complete and accurate books of account and records of the business, ownership, and operations of the franchise with respect to the system in a manner that allows the city to determine whether the franchisee has properly calculated its communications franchise fee in compliance with this chapter.

(B) Should the city reasonably determine that the records are not being maintained in such a manner, the franchisee shall correct the manner in which the books and/or records are maintained so that the franchisee comes into compliance with this section.

(C) All financial books and records that are maintained in accordance with FCC regulations, the regulations of the Commonwealth Public Service Commission, and any other governmental entity that regulates utilities in the commonwealth, and generally accepted accounting principles, shall be deemed to be acceptable under this section. Such books and records shall be maintained for a period of at least three years.

(D) The failure to provide information or maintain records as required herein shall be grounds for forfeiture or revocation of a franchise.

(Ord. 1, Series 2003, passed 2-13-2003) Penalty, see § 111.999

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§ 111.043 RIGHT OF INSPECTION AND AUDIT.

(A) The city or its designated representatives shall have the right to inspect, examine, or audit, during normal business hours and upon reasonable notice, all documents, records, or other information that pertain to the system and/or a franchisee's communications franchise fee obligations under its franchise.

(B) In addition to access to the records of the franchisee for audits, upon request, a franchisee shall provide reasonable access to records necessary to verify compliance with the terms of the franchise.

(C) A franchisee shall pay all reasonable audit costs incurred by the city to a maximum of one audit per year.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.044 DESCRIPTION OF SERVICE.

A franchisee shall, on an annual basis, provide the city with a description of the communications services offered within the city during the prior year. Any individual service or item for which the franchisee has a separate charge shall be considered a separate service.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.045 COMMUNICATIONS FRANCHISE FEE NOT A TAX; PAYMENT OF TAXES.

The communications franchise fee is compensation for use of the rights-of-way and shall in no way be deemed a tax of any kind. The communications franchise fees required herein shall be in addition to, not in lieu of, all taxes, charges, assessments, licenses, fees, and impositions otherwise applicable that are or may be imposed by the city. A franchisee shall be fully responsible for the payment of all applicable taxes.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.046 DUTY TO NOTIFY CITY OF RESELLER SERVICE PROVIDERS AND LESSEES.

Each franchisee shall notify the city of the name and address of each reseller service provider and lessee with which it enters into an agreement related to the resale of the franchisee's communications services and/or the lease of facilities, provide to the city a copy of all such agreements between the franchisee and such reseller service providers and/or lessees, and describe the compensation to be provided to the franchisee relating to such reseller service providers and/or lessees.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.047 SALE OR LEASE OF FACILITIES.

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Except as otherwise may be provided by law or franchise, a franchisee shall not sell, or otherwise transfer possession or control of any facilities, or any portion thereof, for any purpose to any person that has not obtained a duly-issued franchise which includes the authority to erect, install, maintain, operate, repair, replace, remove, or restore such facilities. The franchisee shall provide the city at least 30 days' prior notice of any intended sale, lease, or transfer of possession or control.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.048 ASSIGNMENT OF FRANCHISE.

(A) (1) A franchise does not run with the land.
(2) A franchisee shall not sell, assign, sublet, dispose of, or otherwise transfer a franchise (or any of the rights or privileges granted by such franchise) to another person, including, without limitation, by operation of law, without the prior written consent of the city; provided, that such transfer may occur without the consent of the city to an affiliate upon 30 days' prior notice to the city; and provided, further, that entry into an agreement with a reseller service provider related to the resale of the franchisee's communications services or entry into an agreement with a lessee related to the lease of the facilities shall not, by itself, be deemed such a transfer.

(3) The city's consent to such a transfer shall not be unreasonably withheld.

(B) In seeking the city's consent to a transfer, the franchisee and its proposed transferee shall provide to the city in writing:

(1) Such information with respect to the proposed transferee as is currently required of applicants for a renewal of a franchise; and

(2) An agreement, in form and substance acceptable to the city, that the transferee will assume and be bound by all of the provisions, terms, and conditions of this chapter and the franchise and shall be primarily liable and obligated under such documents without, however, relieving the transferring franchisee from its obligations to the city under such documents, including, without limitation, its obligations under § 111.046.

(C) The franchisee shall be liable to the city for any and all costs incurred by the city, including, without limitation, reasonable attorney's and other consultants' fees, resulting from any such attempt to transfer the franchise.

(D) Nothing in any approval by the city of any transfer pursuant to this section shall be construed to waive, release, or delegate any rights or powers of the city.

(Ord. 1, Series 2003, passed 2-13-2003) Penalty, see § 111.999

§ 111.049 FORFEITURE OF FRANCHISE AND PRIVILEGE.

(A) In case of failure on the part of a franchisee, its successors, and assigns, to comply with any of the provisions of this chapter or its franchise, or if the franchisee, its successors, and assigns, should do or cause to be done any act or thing prohibited by or in violation of this chapter or the terms of its franchise, the franchisee, its successors, and assigns, shall forfeit all rights and privileges permitted by this chapter and its franchise, and all rights hereunder shall

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cease, terminate, and become null and void; provided, that said forfeiture shall not take effect until the city shall carry out the following proceedings in division (B) below.

(B) Before the city declares the forfeiture or revocation of a franchise, it shall first serve a written notice upon the franchisee, setting forth in detail the neglect or failure complained of, and the company shall have 30 days thereafter, or such other reasonable period established by the Commission, in which to cure the default by complying with the conditions of its franchise and fully remedying any default or violation. If at the end of such 30-day or other reasonable period, the city determines that the conditions have not been complied with, the city shall take action by an affirmative vote of a majority of the Commission present at the meeting and voting, to terminate the franchise, setting out the grounds upon which the franchise is to be forfeited or revoked. Nothing herein shall prevent the city from invoking any other remedy available at law or in equity.
(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.050 SECURITY FOR PAYMENT OF FEES.

(A) Every franchisee shall provide to the city an irrevocable letter of credit in the amount of \$25,000 to secure the payment of the communications franchise fee and any other amount required to be paid to the city under its franchise.

(B) The letter of credit shall be in a form and with an institution acceptable to the City Attorney. Should the city draw upon the letter of credit, it shall promptly notify the franchisee, and the franchisee shall promptly restore the letter of credit to the full required amount. The letter of credit may be waived or reduced by the city for a franchisee where the city determines in its sole discretion that the particular franchisee's operations will be sufficiently limited that a letter of credit is not necessary to secure the required performance.

(C) The city may from time to time change the amount of the required letter of credit to reflect changed risks to the city and to the public, including, without limitation, as a result of delinquencies in payments to the city by a franchisee.
(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.051 SPECIAL RULES FOR GOVERNMENTAL ENTITIES.

Nothing herein requires the city to apply the provisions of this chapter to a governmental entity if the city determines that it is not in the public interest to do so, and nothing in this chapter shall be read to require a governmental entity to comply with this chapter where the city cannot enforce this chapter against such entity as a matter of law. The city is authorized to enter into agreements with other governmental agencies to facilitate the city's use and management of the rights-of-way, and such agreements shall be enforceable according to their respective terms and notwithstanding any provision of this chapter.
(Ord. 1, Series 2003, passed 2-13-2003)

RIGHTS-OF-WAY MANAGEMENT AND FACILITIES REQUIREMENTS

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§ 111.065 ENCROACHMENT PERMIT.

A franchisee shall be subject to and comply with the additional or supplementary terms and conditions of the city's encroachment on rights-of-way permit, as may be amended from time to time, which is incorporated herein by reference and such provisions and the provisions of said encroachment permit shall be deemed a condition of any franchise.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.066 ADDITIONAL FACILITIES REQUIREMENTS; PLANNED INFRASTRUCTURE.

When a franchisee installs any new underground facilities, the franchisee shall, unless waived by the city, simultaneously install conduits provided by the city ("city conduit"). The city conduit shall be installed in accordance with city specifications. No communications franchise fee shall apply to any city conduit.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.067 REMOVAL OF FACILITIES.

(A) Upon expiration of a franchise, whether by lapse of time, by agreement between the franchisee and the city, or by forfeiture thereof, the franchisee shall remove, at its sole cost, from the rights-of-way any and all of its facilities that are the subject of such a franchise within a reasonable time after such expiration, not to exceed 90 days, and, it shall be the duty of the franchisee immediately upon such removal to restore the rights-of-way from which the facilities are removed to as good a condition as the same were before the removal was effected and as required by the city.

(B) Notwithstanding the foregoing, the city may allow facilities to be left in place when the city determines in its sole discretion that it is not practical or desirable to require removal.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.068 RELOCATION OF FACILITIES.

(A) Whenever the city shall, in its exercise of the public interest, request of the franchisee the relocation or reinstallation of any of its facilities, the franchisee shall forthwith remove, relocate, or reinstall any such property as may be reasonably necessary to meet the request and the cost of such relocation, removal, or reinstallation of the facilities shall be the exclusive obligation of such franchisee.

(B) A franchisee shall, upon request of any other person requesting relocation of facilities and holding a validly-issued building or moving permit of the city, temporarily raise, lower, or relocate its wires or other facilities as may be required for the person to exercise the rights under the permit within 48 hours prior to the date upon which said person intends to exercise its rights under said permit; provided, however, that the franchisee may require such

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permit holder to make payment in advance for any expenses incurred by said franchisee pursuant to such person's request.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.069 FRANCHISE RESPONSIBLE FOR COSTS.

A franchisee shall be responsible for all reasonable costs incurred by the city that are directly associated with the franchisee's erecting, installing, maintaining, operating, repairing, replacing, removing, or restoring its facilities in the rights-of-way. A franchisee shall be responsible for its own costs incurred in removing or relocating its facilities when required by the city due to city requirements relating to maintenance and use of the rights-of-way for city purposes.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.070 INSURANCE AND BONDS.

During the term of any franchise, a franchisee shall obtain and maintain at its sole expense, all insurance and bonds required by this chapter, and nothing contained in this chapter shall limit a franchisee's liability to the city to the limits of insurance certified or carried.

(A) (1) All persons submitting an application for a franchise in accordance herewith shall file with their applications performance bonds with a surety company or trust company or companies as surety or sureties solely for the protection of the city in an amount determined by the Commission to be reasonable for the proposed scope of the system to be effective.

(2) The determination of the amount of the performance bond required shall be made in a nondiscriminatory manner. Said performance bond shall provide for the faithful performance of any and all provisions of this chapter and the franchisee's franchise, including, but not limited to, construction and installation, maintenance, relocation, communications franchise fee payment, and/or removal of any abandoned facilities.

(3) Upon demonstration of the completion of the construction of the system by the franchisee to the city, the city shall reduce the amount of the performance bond by 75%.

(B) Said performance bond shall indemnify the city in its own right and as trustee, from any damages or losses arising out of the failure of the franchisee to faithfully perform and satisfactorily complete construction of the system in accordance with this chapter and any agreement and ordinance in connection herewith, including, but not limited to, the cost of removal of any construction.

(C) The failure of the franchisee to comply with its obligations under this chapter or the franchise as determined by the city shall entitle the city to draw against said performance bond.

(D) The rights reserved to the city with respect to the performance bonds required hereunder are in addition to all other rights of the city, whether reserved by this chapter or authorized by law, and no action, proceeding or exercise of a right with respect to such performance bond shall affect any other rights the city may have.

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(E) The performance bonds required hereunder shall not expire or be materially altered without 30 days' written notice and without securing and delivering to the city a substitute, renewal, and replacement bond in conformance with this chapter. In the event the city does draw monies against the performance bonds required hereunder, within ten the days thereafter, the franchisee shall pay such funds to the bonding company as necessary to bring said performance bonds back to the applicable principal, where it shall continue to be maintained. The performance bonds required hereunder shall contain the following endorsements.

"It is hereby understood and agreed that this performance bond may not be reduced, altered, or canceled by the franchisee or the bonding company without 30 days' written notice, by certified mail, to the City Clerk".

(F) Immediately upon the effective date of the resolution granting a franchise under this chapter, the franchisee shall file with the City Clerk the following liability insurance policies issued by a company authorized to do business in the commonwealth and acceptable to the Commission:

- (1) *General liability.* One million dollars for each occurrence, \$5,000,000 aggregate, against bodily injury, death, or property damage;
- (2) *Automobile insurance.* One million dollars for each occurrence, and aggregate against bodily injury, death, or property damage for any of the franchisee's owned or leased motor vehicles used in the construction or installation of any lines, facilities, or equipment authorized by the franchise; and
- (3) *Workers' compensation.* The amount required by Kentucky Revised Statutes.

(G) The franchisee shall maintain on file with the City Clerk a certified copy of the insurance policy(s) specifically endorsed to include all liability assumed by the franchisee hereunder and a certificate of insurance certifying the coverage required under this chapter, which certificate shall be subject to the approval of the city as to the adequacy of the certificate and of the insurance certified under the requirements of this chapter. Such policy(s) and certificate shall be identified on their face by the name of the franchisee, and shall be submitted to the City Clerk, in accordance with the terms and conditions of this chapter. Failure to maintain adequate insurance as required under this chapter shall be deemed a breach of the franchise.

(H) The franchisee shall maintain public liability, property damage, and other insurance required by this chapter that protects the franchisee and the city, its officers, agents, employees, and appointed and elected officials from any and all claims for damages or personal injury including death, demands, actions, and suits brought against any of them arising from operations under the franchise or in connection therewith. This insurance coverage constitutes a minimum requirement and shall in no way be deemed to lessen, limit, or define the liability of the franchisee, related entities, its successors, or assigns, under the terms of the franchise.

(I) The Commission reserves the right to make increases in the amount of insurance coverage referred to in this section at any time.
(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.071 PERMITS.

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(A) Prior to performing any construction or installation work in the public rights-of-way, the franchisee shall apply to the city for a permit, and shall include descriptive information about the specific location of any lines, facilities, boxes, or related equipment.

(B) All terms and conditions of the permit application shall apply and be adhered to.

(1) The franchisee shall furnish detailed plans of the work to be done within the public rights-of-way and provide other such information as required by the city.

(2) The franchisee shall coordinate any construction work within the public rights-of-way with the city and shall begin construction work only after approval of the city.

(3) All permits issued by the city shall be conspicuously displayed at all times at the indicated work site and shall be available for inspection by city personnel.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.072 NOTIFICATION.

The franchisee shall notify the Mayor, in writing, at least 15 days prior to construction. Such written notification shall contain the location of the construction, the starting date, and the estimated completion date.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.073 UNDERGROUND CONSTRUCTION.

Except as provided in § 111.074, all of the franchisee's facilities shall be installed underground and all street crossings installation shall be made by trenchless technology.

(A) The franchisee shall register any and all underground line locations with the local "before you dig" or "BUD" office for tracking specific underground line locations.

(B) All backfilling and replacement of pavement shall be done by the franchisee:

(1) In accordance with city requirements and all restoration work shall be completed to the same or better condition than found; and

(2) To the satisfaction of the city, and, if not acceptable, may be completed by the city at the franchisee's expense.

(C) At any time the franchisee disturbs the yard, residence, or other real or personal property in the city, the franchisee shall ensure that the yard, residence, or other personal property is returned, replaced, and/or restored to a condition that is sufficiently comparable to the condition that existed prior to the commencement of the work.

(D) The costs associated with both the disturbance and the return, replacement, and/or restoration shall be borne by the franchisee.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.074 AERIAL CONSTRUCTION.

(A) Aerial construction of facilities must be specifically authorized by the city prior to construction and located to minimize interference with the other uses of the rights-of-way and

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other public properties, and interference with the rights and reasonable convenience of property owners whose property adjoins any of the rights-of-way and other public properties.

(B) The decision to authorize above ground construction shall be applied in a nondiscriminatory manner. If other franchisees have facilities above ground and there is capacity available, above ground installations shall be permitted until such time as all franchisees are required to relocate underground. Aerial facilities shall be moved underground at the franchisee's own cost upon request from the city or when other users of the same rights-of-way convert to underground facilities.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.075 STANDARDS.

Any work required or performed pursuant to this chapter shall be done in accordance with federal, state, local law, and the National Electric Code.

(A) In the event that the franchisee leases space on the poles or in the conduits of an electric or other utility, the franchisee shall abide by the construction and other requirements of said utility, and the granting of a communications franchise by the city shall not be construed or interpreted in any way to alleviate the franchisee's responsibilities and obligations to the pole or conduit owner.

(B) The franchisee, its contractors, subcontractors, and anyone directly or indirectly employed by the franchisee, shall conduct such operations so as to promote and preserve the public safety and general welfare of the citizens of the city.

(C) All construction, installation, or maintenance by the franchisee shall be completed with diligence and with respect to all property, contracts, persons, rights, and the interests and rights of the public.

(D) During any phase of construction, installation, maintenance, and repair of the system, the franchisee shall use materials of good and durable quality and all such work shall be performed in a safe, thorough, and reliable manner.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.076 TRAFFIC.

The franchisee's work in the rights-of-way shall be accomplished with a minimum of disruption and interference to the free flow of vehicular and pedestrian traffic on the public rights-of-way or public land.

(A) The franchisee shall maintain lanes of vehicular traffic in each direction at all times during construction, installation, or maintenance activity.

(B) Traffic-control devices to protect and control pedestrian and vehicular traffic in any construction, maintenance, or installation areas may be prescribed by the city in accordance with the Manual on Uniform Traffic Control Devices.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.077 DELAY.

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The city's required improvements to city rights-of-way shall not be delayed by work authorized by this chapter.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.078 SPECIAL EXCEPTIONS.

The city may grant a special exception to the requirements of this chapter if a franchisee, upon application, demonstrates with written evidence that:

(A) The exception will not create any threat to the public health, safety, or welfare;
(B) The franchisee demonstrates that the increased economic burden and the potential adverse impact on the franchisee's construction schedule resulting from the strict enforcement of the requirement actually or effectively prohibits the ability of the franchisee to provide communications services in the city;

(C) The franchisee demonstrates that the requirement unreasonably discriminates against the franchisee in favor of another person; and

(D) Any special exceptions shall be granted in a nondiscriminatory manner.
(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.079 INSPECTIONS.

All construction, installation, and operation of the franchisee's system in the rights-of-way are subject to inspection by the city.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.080 REPAIR OF SUNKEN PAYMENT OVER EXCAVATION.

(A) In case the pavement or the surface of the rights-of-way over any excavation should become depressed or broken at any time within five years after the excavation has been completed and before resurfacing of the rights-of-way, natural wear of the surface excepted, the franchisee shall, upon written notice from the city, immediately proceed to inspect the depressed or broken area over the excavation to ascertain the cause of the failure.

(B) The franchisee shall make repairs to the installation or backfill and have the pavement restored as specified by the city, within such time period as may be specified by the city.

(C) If the pavement is not restored as specified by the city within the time period specified by the city, and unless delayed by a strike or conditions beyond the franchisee's control, the city may cause the work to be done after giving the franchisee 24 hours' final notice. The cost thereof, including, but not limited to, any inspection costs and administrative overhead incurred by the city, shall be assessed against the franchisee.

(Ord. 1, Series 2003, passed 2-13-2003)

ADMINISTRATION OF FRANCHISE

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§ 111.095 CITY'S RESPONSIBILITY.

The city shall be responsible for the continued administration of this chapter and any franchises granted hereunder.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.096 NO CAUSE OF ACTION AGAINST THE CITY.

The franchisee shall have no remedy or recourse whatsoever against the city for any loss, cost, expense, or damage arising from any of the provisions or requirements of a franchise, or because of the enforcement thereof by the city, or for the failure of the city to have the authority to grant, all, or any part, of the rights therein granted; provided, however, that each franchisee acknowledges by its acceptance of the franchise that it has accepted the rights therein granted in reliance upon its independent and personal investigation and understanding of the power of authority of the city to enter into the franchise authorized herein with the franchisee; provided further, that each franchisee acknowledges by its acceptance of the franchise that it has not been induced to enter into the franchise upon any understanding or promise, whether given verbally or in writing by or on behalf of the city, or by any other person concerning any term or condition of the franchise not expressed therein; provided further, that the franchisee acknowledges by the acceptance of any franchise that it has carefully read the provisions, terms, and conditions hereof and thereof and is willing to, and does accept, all of the risk attendant to such provisions, terms, and conditions.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.097 NON-ENFORCEMENT BY THE CITY.

A franchisee shall not be relieved of its obligation to comply with any of the provisions of this chapter or its applicable franchise by reason of any failure of the city to enforce prompt compliance.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.098 PUBLICATION OF NOTICES.

A franchisee shall be responsible for all costs of publication that may be required with respect to its franchise or any amendments or renewals thereto.

(Ord. 1, Series 2003, passed 2-13-2003)

PRIVATE COMMUNICATIONS FACILITIES

§ 111.110 APPLICATION FOR LICENSE.

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A person wishing to erect, install, maintain, operate, repair, replace, remove, or restore a private communications system in the rights-of-way must obtain a license therefore from the city. Such license shall only authorize placement of the private communications system in a specific portion of the rights-of-way for a limited period of time and for a specific purpose in connection with the person's business, and shall not permit the provision of communications service to any other person. Such person shall submit an application to the city on such form as may be developed by the city, accompanied by such application fee as may be determined by the city.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.111 CONDITIONS OF LICENSE.

Any license shall be subject to such conditions as the city may from time to time establish, shall be expressly subordinate to the use of the rights-of-way by the city and the franchisees, and shall otherwise conform to the requirements of this chapter.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.112 COMPENSATION.

A private communications system owner shall pay a fee established by the city from time to time to reflect the fair market value of the property used.

(Ord. 1, Series 2003, passed 2-13-2003)

§ 111.999 PENALTY.

Except as expressly stated in this chapter, the express or implied repeal or amendment by this chapter of any other ordinance or part thereof shall not affect any liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this chapter. Those liabilities and penalties are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this chapter had not been adopted.

(Ord. 1, Series 2003, passed 2-13-2003)

CHAPTER 112: INSURANCE COMPANIES

Section

112.01	Annual license fee imposed
112.02	Business of selling life insurance
112.03	Business of selling all other types of insurance
112.04	When payment due
112.05	Written breakdown of all collections in preceding year
112.06	KRS 91A.080 adopted by reference

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112.07 Effective date

§ 112.01 ANNUAL LICENSE FEE IMPOSED.

There is hereby imposed on each insurance company a license fee for the privilege of engaging in the business of insurance within the corporate limits of the city for the calendar year 2001 and thereafter on a calendar-year basis.

(Ord. 1 Series 2001, passed 1-11-2001)

§ 112.02 BUSINESS OF SELLING LIFE INSURANCE.

The license fee imposed upon each insurance company which issues life insurance policies on the lives of persons residing within the corporate limits of the city shall be 5% of the first year's premiums actually collected within each calendar quarter by reason of the issuance of such policies.

(Ord. 1 Series 2001, passed 1-11-2001)

§ 112.03 BUSINESS OF SELLING ALL OTHER TYPES OF INSURANCE.

(A) The license fee imposed upon each insurance company which issues any insurance policy which is not a life insurance policy shall be 5% of the premiums actually collected within each calendar quarter by reason of the issuance of such policies on risks located within the corporate limits of the city on whose classes of business which such company is authorized to transact, less all premiums returned to policy holders.

(B) Any license fee or tax imposed upon premium receipts shall not include premiums received for insuring employers against liability for personal injuries to their employees, or death caused thereby, under the provisions of KRS Chapter 324, the Worker's Compensation Act and shall not include premiums received on policies of group health insurance provided for state employees under KRS Chapter 18.

(Ord. 1 Series 2001, passed 1-11-2001; Ord. 8, Series 2015, passed 2-12-2015)

§ 112.04 WHEN PAYMENT DUE.

All license fees imposed by this section shall be due no later than 30 days after the end of each calendar quarter. License fees which are not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6).

(Ord. 1 Series 2001, passed 1-11-2001)

§ 112.05 WRITTEN BREAKDOWN OF ALL COLLECTIONS IN PRECEDING YEAR.

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Every insurance company subject to the license fees imposed by this section shall annually, by March 31, furnish the city with a written breakdown of all collections in the preceding calendar year for the following categories of insurance:

- (A) Casualty;
- (B) Automobile;
- (C) Inland marine;
- (D) Fire and allied perils;
- (E) Health;
- (F) Life; and
- (G) Other.

(Ord. 1 Series 2001, passed 1-11-2001)

§ 112.06 KRS 91A.080 ADOPTED BY REFERENCE.

The provisions of KRS 91A.080 are hereby adopted by reference and incorporated as part of this code of ordinances as fully as if set out at length herein; that statute provides for regulation by the Department of Insurance and includes penalties for violation of this section.
(Ord. 1 Series 2001, passed 1-11-2001)

§ 112.07 EFFECTIVE DATE.

The effective date of this chapter shall be July 1, 2001.
(Ord. 1 Series 2001, passed 1-11-2001)

TITLE XIII: GENERAL OFFENSES

Chapter

130. MUNICIPAL REGULATIONS

CHAPTER 130: MUNICIPAL REGULATIONS

Section

- 130.01 Unauthorized use of or damaging property near Goose Creek; other city property
- 130.02 Firearms control
- 130.99 Penalty

§ 130.01 UNAUTHORIZED USE OF OR DAMAGING PROPERTY NEAR GOOSE CREEK; OTHER CITY PROPERTY.

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(A) Any use of city property adjoining Goose Creek within the city that alters it in any way is prohibited without express written consent of the City Commission. This includes, but is not limited to, the following: cutting down trees; pollution or alteration of the creek; littering; landscaping; gardening; erosion; hunting; use of motorized vehicles of any type; alteration of water drainage; or construction of any type.

(B) No person, firm, or corporation shall willfully or maliciously destroy, deface, or commit vandalism upon any public property within the limits of the city or belonging to the city. (Prior Code, § 140.01) (Ord. 8-1977, passed 3-3-1977) Penalty, see § 130.99

§ 130.02 FIREARMS CONTROL.

It shall be unlawful for any person to use or discharge any weapon or firearm except in defense of persons or property, including any weapon from which a projectile, metal pellet is or may be propelled or discharged under pressure, and which is commonly known as an air rifle, air pistol, or BB gun, within the city limits.

(Prior Code, § 140.02) (Ord. 5-1977, passed 3-3-1977; Ord. 4, Series 2013, passed 12-12-2013) Penalty, see § 130.99

§ 130.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than \$500. (Prior Code, § 140.99)

TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS

151. UNFIT STRUCTURES

CHAPTER 150: BUILDING REGULATIONS

Section

150.01 Adoption of Commonwealth Building Code and Standards of Safety; enforcement agents

150.02 Application

150.03 Construction, use, and maintenance of property

150.99 Penalty

§ 150.01 ADOPTION OF COMMONWEALTH BUILDING CODE AND STANDARDS OF SAFETY; ENFORCEMENT AGENTS.

(A) The Kentucky Building Code, as contained in Title 815, Ch. 7 of the Kentucky Administrative Regulations; the Kentucky Plumbing Code, as contained in Title 815, Ch. 20 of the Kentucky Administrative Regulations; the Kentucky Standards of Safety, as contained in Title 815, Ch. 10 of the Kentucky Administrative Regulations, together with any amendments, are hereby adopted and incorporated as part of this code of ordinances as fully as if set out at length herein.

(B) The Kentucky Residential Code, as contained in Title 815, Ch. 7 of the Kentucky Administrative Regulations, and all subsequent amendments thereto and regulations promulgated thereby, are hereby adopted and incorporated as part of this code of ordinances as fully as if set out at length herein.

(C) The County Building Official shall be designated as the local enforcement agency for the Kentucky Building Code and Kentucky Residential Code.

(D) The county is charged with the enforcement of the provisions of the Standards of Safety.

(Prior Code, § 150.01) (Ord. 9, Series 2015, passed 2-12-2015) Penalty, see § 150.99

§ 150.02 APPLICATION.

(A) The application of the Kentucky Building Code is extended to every building or structure that is constructed or to be constructed within the city limits or appurtenances connected or attached to such buildings or structures.

(B) The application of the Kentucky Residential Code is extended to every building or structure that is constructed or to be constructed within the city limits or appurtenance connected or attached to such buildings or structures.

(Prior Code, § 150.02) (Ord. 10, Series 2015, passed 2-12-2015)

§ 150.03 CONSTRUCTION, USE, AND MAINTENANCE OF PROPERTY.

(A) Property shall be used for residential purposes only. Not more than one single-family residence shall be erected on any lot.

(B) No building on any lot shall be nearer the property lines of the lot than the building lines shown on the recorded plat of Bancroft Subdivision, and in no event shall any structure be located nearer to the property lines of the lot than the distance prescribed by the regulations of the Louisville and Jefferson County Planning and Zoning Commission.

(C) The floor area of any residence erected on any lot, exclusive of porches and garages and with or without basements, shall be as follows:

(1) Not less than 1,750 square feet for a residence of one-floor design;

(2) Not less than 1,000 square feet on each floor for a residence of two-story colonial or any full two-story design;

(3) Not less than 1,500 square feet on the first floor for a residence of one and one-half or one and three-quarter-story design; or

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(4) Not less than 1,500 square feet within the foundation perimeter.

(D) The exterior building material of all one-floor plan residences erected on all lots shall be not less than 75% of either brick, stone, or a combination of both. The use of wood shall be for trim, dormers, and decorative effect. The City Commission shall have the power to approve additional use of wood on one and one-half story, full two-story, or multi-level residences.

(E) No mobile home, trailer, camper, recreational vehicle, basement, tent, shack, garage, or other outbuilding placed or erected in the subdivision at any time shall be used as a residence or place of business, temporarily or permanently. During any calendar year no mobile home, recreational vehicle, trailer, camper, boat, or truck shall be left parked on the property, or on any street in the city for a period exceeding an aggregate total of 24 hours.

(F) Garages shall be permitted and may be attached, semi-attached, or detached. If attached or semi-attached to the residence, any garage so erected shall be constructed of the same exterior materials as the residence. If detached from the house, a garage may be constructed of wood, brick, or stone but shall not be constructed of any other material, such as concrete block, or be prefabricated. If detached from the residence, any garage shall be placed at least the minimum number of feet from the rear wall of the main structure of the house that is required by the provisions and regulations of the Louisville and Jefferson County Planning and Zoning Commission.

(G) No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or a nuisance to the neighborhood. No chickens, ducks, geese, or other fowl, and no swine, cattle, goats, horses, or other animals or livestock shall be kept on any lot.

(H) No fence, continuous dense hedge, wall, or retaining wall shall be erected nearer to the front property line than five feet forward from the rear foundation wall of the residence. Rear yard walls, solid board fences, or fences of a closed type of construction require approval of the City Commission and a building permit issued by the City Clerk. Rear yard open-type fences shall not exceed five feet in height.

(I) As construction on each lot is completed, sod shall be placed from the edge of the paved street, both front and side, to the rear of the building line of the main structure and across the entire width of the lot, across the easement between the lot line and the edge of the paved street. Rear yards shall be finished, graded, and either seeded with grass or sodded.

(J) Regarding stormwater drainage, no construction or landscaping is to alter the existing runoff and drainage of stormwaters without prior approval of the City Commission. Upon approval, the applicant must obtain a building permit. No dumping of any refuse or materials in drainage ditches is allowed. Property owners are required to maintain proper stormwater runoff through all drainage ditches passing through their lots, as well as keeping catch basins open and accessible for proper water drainage and maintenance.

(K) As construction of the improvements is completed, each lot shall be landscaped to at least such an extent as will satisfy the minimum requirements of the Federal Housing Authorities as they may at any time exist.

(L) Heating and cooking units in all residences or structures shall be restricted to oil, gas, or electricity.

(M) All driveways shall be of black top or concrete construction, and shall be completed at the time of building of each residence.

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(N) Easements are reserved as shown by the recorded plat of Bancroft Subdivision for various utility installations and maintenance.

(O) Every structure erected upon any lot shall comply strictly with all applicable local, state, and federal laws, building codes, and regulations as they may now exist or later exist at the time of such construction.

(P) No stormwater drains, roof downspouts, or underground drains or streams shall be connected to or introduced into the sanitary sewer lines constructed in the city. Further, it is illegal to dispose of any pollutants into the city's sanitary system that are injurious to the system, or cause undo pollution in the output of the sewage treatment plant.

(Q) No construction as set out above shall be erected or placed on any lot until the construction plans and specifications and a plan showing the locations of the structure have been approved by the City Commission.

(Prior Code, § 150.03) (Ord. 2-1977, passed 3-3-1977) Penalty, see § 150.99

§ 150.99 PENALTY.

(A) Any person who violates any provision of the state codes adopted in § 150.01 shall be subject to the following penalties.

(1) Violators of the Kentucky Building Code shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$1,000 for each offense. Each day the violation continues shall constitute a separate offense.

(KRS 198B.990(1))

(2) Violators of the Kentucky Residential Code shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$1,000 for each offense. Each day the violation continues shall constitute a separate offense.

(KRS 227.990(1))

(3) Violators of the Kentucky Plumbing Code shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$100, or imprisonment for not more than 90 days, or both, for each offense. Each day the violation continues shall constitute a separate offense.

(KRS 318.990)

(4) Violations of the Kentucky Standards of Safety, shall, upon conviction, be subject to a fine of not less than \$25 nor more than \$1,000, or confined to the county jail for not more than 60 days, or both, for each offense. Each day such violations exist shall be considered a separate offense.

(KRS 227.990(1))

(B) Any person, firm, or corporation violating any provision of § 150.03 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500 or imprisoned for not more than 20 days, or both. Each and every day during which such violation continues shall be deemed a separate offense.

(Prior Code, § 150.99) (Ord. 1-1977, passed 3-3-1977; Ord. 2-1977, passed 3-3-1977; Ord. 11, Series 2015, passed 2-12-2015)

CHAPTER 151: UNFIT STRUCTURES

Section

General Provisions

- 151.01 Kentucky Building Code
- 151.02 Buildings unfit for habitation
- 151.03 County to enforce

Minimum Standards

- 151.15 Compliance
- 151.16 Sanitary facilities required; location
- 151.17 Hot and cold water supply
- 151.18 Water heating facilities
- 151.19 Heating facilities
- 151.20 Cooking and heating equipment
- 151.21 Garbage disposal facilities
- 151.22 Fire protection
- 151.23 Light and ventilation
- 151.24 Electrical systems
- 151.25 Exterior and interior of structures
- 151.26 Minimum dwelling space requirements
- 151.27 Sanitation requirements

- 151.99 Penalty

GENERAL PROVISIONS

§ 151.01 KENTUCKY BUILDING CODE.

Fitness for human habitation, occupancy, or use shall be determined in accordance with the criteria established in the most current edition of the Kentucky Building Code or Kentucky Residential Code, whichever may be applicable, as adopted by reference in § 150.01. Any building or structure which fails to meet such criteria or has any defects set forth therein shall be deemed unfit for human habitation, occupancy, or use.

(Prior Code, § 151.01) (Ord. 12, Series 2015, passed 2-12-2015) Penalty, see § 151.99

§ 151.02 BUILDINGS UNFIT FOR HABITATION.

All buildings or structures within the city which are found to be dangerous or injurious to the health, safety, and morals of the occupants of the structure, the occupants of neighboring structures, or other residents of the city shall be deemed unfit for human habitation, occupancy, or use.

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(Prior Code, § 151.02)

§ 151.03 COUNTY TO ENFORCE.

The County Building Official shall be designated as the local enforcement agent for this chapter.

(Prior Code, § 151.03)

MINIMUM STANDARDS

§ 151.15 COMPLIANCE.

No person shall occupy as owner-occupant or let or sublet to another for occupancy any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking, or eating therein, nor shall any vacant dwelling building be permitted to exist which does not comply with the following requirements in this subchapter.

(Prior Code, § 151.15) Penalty, see § 151.99

§ 151.16 SANITARY FACILITIES REQUIRED; LOCATION.

(A) *Dwelling requirements.* Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks, and obstructions.

(B) *Location of sanitary facilities.*

(1) All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet, tub or shower, and lavatory shall be located in a room affording privacy to the user and the room shall be a minimum floor space of 30 square feet, with no dimension less than four feet.

(2) Bathrooms shall be accessible from habitable rooms, hallways, corridors, or other protected or enclosed areas, not including kitchens or other food preparation areas.

(Prior Code, § 151.16) Penalty, see § 151.99

§ 151.17 HOT AND COLD WATER SUPPLY.

Every dwelling unit shall have connected to the kitchen sink, lavatory, and tub or shower an adequate supply of both cold water and hot water. All water shall be supplied through an approved distribution system connected to a potable water supply.

(Prior Code, § 151.17) Penalty, see § 151.99

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§ 151.18 WATER HEATING FACILITIES.

Every dwelling shall have water heating facilities which are properly installed and maintained in a safe and good working condition and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, or shower at a temperature of not less than 120°F minimum storage capacity of the water heater shall be 30 gallons. Those water heating facilities shall be capable of meeting the requirements of this section when the dwelling or dwelling unit heating facilities required under the provisions of this chapter are not in operation.

(Prior Code, § 151.18) Penalty, see § 151.99

§ 151.19 HEATING FACILITIES.

(A) Every dwelling unit shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms and bathrooms in every dwelling unit located therein to a temperature of at least 70°F at a distance three feet above floor level, under ordinary minimum winter conditions.

(B) Unvented fuel burning heaters shall be prohibited.

(Prior Code, § 151.19) Penalty, see § 151.99

§ 151.20 COOKING AND HEATING EQUIPMENT.

All cooking and heating equipment and facilities shall be installed in accordance with the Commonwealth Building Code and shall be maintained in a safe and good working condition. Portable cooking equipment employing flame is prohibited.

(Prior Code, § 151.20) Penalty, see § 151.99

§ 151.21 GARBAGE DISPOSAL FACILITIES.

Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, the type and location of which facilities or containers are approved by the County Building Official.

(Prior Code, § 151.21) Penalty, see § 151.99

§ 151.22 FIRE PROTECTION.

A person shall not occupy as owner-occupant or shall let to another for occupancy, any building or structure which does not comply with the applicable provisions of the Commonwealth Building Code.

(Prior Code, § 151.22) Penalty, see § 151.99

§ 151.23 LIGHT AND VENTILATION.

(A) *Size.* Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 8% of the floor area of that room. Whenever walls or other portions of structures face a window of any room and those light-obstruction structures are located at least three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of that room, the total window area of the skylight shall equal at least 15% of the total floor area of the room.

(B) *Habitable rooms.*

(1) Every habitable room shall have at least one window or skylight which can be easily opened, or any other device as will adequately ventilate the room. The total of openable window area in every habitable room shall equal at least 45% of the minimum window area size or minimum skylight-type window size, as required, or shall have other approved, equivalent ventilation.

(2) Year-round mechanically ventilating conditioned air systems may be substituted for windows, as required herein, in rooms other than rooms used for sleeping purposes. Window-type air conditioning units are not included in this exception.

(C) *Bathroom.* Every bathroom shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms equipped with an approved ventilating system.

(D) *Electric lights and outlets required.* Where there is electric service available to the building structure, every habitable room or space shall contain at least two separate and remote convenience outlets and bedrooms shall have, in addition, at least one wall switch controlled ceiling or wall-type light fixture. In kitchens, three separate and remote convenience outlets shall be provided, and a wall or ceiling type light fixture controlled by a wall switch shall be required. Every hall, water closet compartment, bathroom, laundry room, or furnace room shall contain at least one electric fixture. In bathrooms, the electric light fixture shall be controlled by a wall switch. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one convenience outlet. Every outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.

(E) *Light in public halls and stairways.* Every common hall and inside stairway in every building, other than one-family dwellings, shall be adequately lighted at all times with an illumination of at least one footcandle intensity at the floor in the darkest portion of the normally traveled stairs and passageways.

(Prior Code, § 151.23) Penalty, see § 151.99

§ 151.24 ELECTRICAL SYSTEMS.

Every electrical outlet and fixture required by this chapter shall be installed, maintained, and connected to a source of electric power in accordance with the provisions of Title 815,

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Chapters 7 and 35, of the Kentucky Administrative Regulations and the National Electrical Code adopted as part of the Kentucky Building Code in § 151.01.

(Prior Code, § 151.24) (Ord. 13, Series 2015, passed 2-12-2015) Penalty, see § 151.99

§ 151.25 EXTERIOR AND INTERIOR OF STRUCTURES.

(A) *Foundation.* The building foundation system shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon.

(B) *Exterior walls.* Every exterior wall shall be free of holes, breaks, loose, or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All siding material shall be kept in repair.

(C) *Roofs.* Roofs shall be structurally sound and maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building.

(D) *Means of egress.* Every dwelling unit shall have safe, unobstructed means of egress with minimum ceiling height of seven feet leading to a safe and open space at ground level. Stairs shall have a minimum headroom of six feet eight inches.

(E) *Stairs, porches, and appurtenances.* Every inside and outside stair, porch, and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

(F) *Protective railings.* Protective railings shall be required on any unenclosed structure over 30 inches from the ground level or on any steps containing four risers or more.

(G) *Windows and doors.* Every window, exterior door, and basement or cellar door and hatchway shall be substantially weathertight, watertight, and rodent-proof; and shall be kept in sound working condition and good repair.

(H) *Windows to be glazed.* Every window sash shall be fully supplied with glass window panes or an approved substitute which are without open cracks or holes.

(I) *Window sash.* Window sash shall be properly fitted and weathertight within the window frame.

(J) *Windows to be openable.* Every window required for light and ventilation for habitable rooms shall be capable of being easily opened and secured in position by window hardware.

(K) *Hardware.* Every exterior door shall be provided with proper hardware and maintained in good condition.

(L) *Door frames.* Every exterior door shall fit reasonably well within its frame so as to substantially exclude rain and wind from entering the dwelling building.

(M) *Screens.* Every door opening directly from a dwelling unit to outdoor space shall have screen doors with a self-closing device; and every window or other device with opening to outdoor space, used or intended to be used for ventilation, shall likewise have screens.

(N) *Protective treatment.* All exterior wood surface, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.

(O) *Accessory structures.* Garages, storage buildings, and other accessory structures shall be maintained and kept in good repair and sound structural condition.

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(P) *Interior floor, walls, and ceilings.*

(1) Every floor, interior wall, and ceiling shall be substantially rodent-proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

(2) Every toilet, bathroom, and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit the floor to be easily kept in a clean and sanitary condition.

(Q) *Structural supports.* Every structural element of the dwelling shall be maintained structurally sound and show no evidence of deterioration which would render them incapable of carrying loads which normal use may cause to be placed thereon.

(R) *Protective railings for interior stairs.*

(1) Interior stairs and stairwells more than four risers high shall have handrails located in accordance with the requirements of the Commonwealth Building Code adopted in § 151.01.

(2) Handrails or protective railings shall be capable of bearing normally imposed loads and be maintained in good condition.

(Prior Code, § 151.25) Penalty, see § 151.99

§ 151.26 MINIMUM DWELLING SPACE REQUIREMENTS.

(A) *Required space in dwelling unit.*

(1) 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 area per additional occupant.

(2) The floor area shall be calculated on the basis of the total area of all habitable rooms.

(B) *Required space in sleeping rooms.* In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.

(C) *Minimum ceiling height.*

(1) Habitable (space) rooms other than kitchens, storage rooms, and laundry rooms shall have a ceiling height of not less than seven feet. Hallways, corridors, bathrooms, water closet rooms, and kitchens shall have a ceiling height of not less than seven feet measured to the lowest projection from the ceiling.

(2) If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof. No portion of the room measuring less than five feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

(D) *Occupancy of dwelling unit below grade.* No basement or cellar space shall be used as a habitable room or dwelling unit unless:

(1) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness;

(2) The total of window area in each room is equal to at least the minimum window area size as required in § 151.23(A);

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(3) The required minimum window area is located entirely above the grade of the ground adjoining that window area; and

(4) The total of openable window area in each room is equal to at least the minimum as required under § 151.23(B), except where there is supplied some other device affording adequate ventilation.

(Prior Code, § 151.26) Penalty, see § 151.99

§ 151.27 SANITATION REQUIREMENTS.

(A) *Sanitation.* Every owner of a multiple dwelling shall be responsible for maintaining in a clean and sanitary condition the shared or common areas of the dwelling and premises thereof.

(B) *Cleanliness.* Every tenant of a dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he or she occupies or which is provided for his or her particular use.

(C) *Garbage disposal.* Every tenant of a dwelling or dwelling unit shall dispose of all his or her garbage and any other organic waste which might provide food for rodents and all rubbish in a clean and sanitary manner by placing it in the garbage disposal facilities or garbage or rubbish storage containers.

(D) *Care of premises.*

(1) It shall be unlawful for the owner or occupant of a residential building, structure, or property to utilize the premises of that residential property for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish, or similar items.

(2) It shall be the duty and responsibility of every owner or occupant to keep the premises of the residential property clean and to remove from the premises all abandoned items as listed above, including, but not limited to, weeds, dead trees, trash, garbage, and the like, upon notice from the County Building Official.

(E) *Extermination.* Every occupant of a single-dwelling building and every owner of a building containing two or more dwelling units shall be responsible for the extermination of any insects, rodents, or other pests within the building or premises.

(F) *Use and operation of supplied plumbing fixtures.* Every tenant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(Prior Code, § 151.27) Penalty, see § 151.99

§ 151.99 PENALTY.

(A) The owner of any structure determined to be unfit under this chapter who shall fail to comply with any notice or order to repair, vacate, or demolish a structure issued by the County Building Official shall be guilty of a violation and, upon conviction, shall be fined as set forth in § 150.99.

(B) The occupant or lessee in possession who fails to comply with any notice to vacate and who fails to repair a building in accordance with any notice issued by the County

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Building Official shall be guilty of a violation and, upon conviction, shall be fined as set forth in § 150.99.

(C) Every day a failure to comply continues shall be considered a separate offense.
(Prior Code, § 151.99)

TABLE OF SPECIAL ORDINANCES

Table

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- II. FRANCHISES
- III. CONTRACTS AND AGREEMENTS

TABLE I: ANNEXATIONS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
14-1970	12-8-1970	Annexing certain territory beginning at a point, said point being the northwesterly corner of Lot 1 as shown on the plat of Bancroft Subdivision, the plat of which is recorded in plat and subdivision book 24, page 20, in the office of the Clerk of the County Court; thence north 49 degrees 49' 55", east 2889.55' to a point; thence south nine degrees 01' 06", east 788.22' to a point; thence south 85 degrees 42' 56" east 190.99' to a point; thence south 16 degrees 44' 23", west 2955.33' to a point; thence north 37 degrees 14' 21", west 816.33' to a point; thence south 52 degrees 33' 25" west 192.38' to a point; thence north 39 degrees 52' 21" west 1597.51' to the point of beginning; and being the same boundaries as shown on the plat of the Bancroft Subdivision recorded in plat and subdivision book 24, page 20, in the office of the Clerk of the County Court; excepting therefrom that portion of the property described as follows:
		Beginning at the most northwesterly corner of Lot 1 as shown on the plat of Bancroft Subdivision and recorded in plat

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
		and subdivision book 24, page 20, in the office of the Clerk of the County Court; running thence north 50 degrees 07' 39" east 1520' to a point; running thence south 39 degrees 52' 21" east 1520' to a point; running thence south 50 degrees 07' 39" west 1520' to a point; and running thence north 39 degrees 52' 21" west 1520' to the point of beginning; the same being the existing boundaries of the city
7-1971	5-4-1971	Annexing certain territory beginning at a stone in the northeast corner of Lot 18 of the city recorded in plat and subdivision book 24, page 20 in the office of the Clerk of the County Court, said point also being the southeast corner of the tract of land conveyed to Thomas Nugent recorded in deed book 2667, page 250, in the aforementioned Clerk's office; running thence with the north line of Lot 18 abovementioned 30.19' to an iron pipe and extending to the northwest 33 degrees 36' 45", west between parallel lines 30' apart of the center line of Brownsboro Road, the east line of which measures 1845.54' and is contiguous with the west line of the Nugent tract aforementioned and the west line of which measures 1847.36' and is contiguous with the east line of the tract conveyed to F.W. Ownes, Sr. by deed recorded in deed book 2506, page 513, in the aforementioned Clerk's office. Containing 1.27 acres and being the same property conveyed to Louis and Marie Hollenback in deed book 1927, page 316, Tract 2 and also being a part of the property conveyed to The Jay Gee Realty Co., by deed recorded in deed book 3428, page 83, in the office of the Clerk of the County Court, and same being all of the property located outside of the boundaries of Bancroft Subdivision as said Subdivision is recorded in plat and subdivision book 24, page 20, in the aforesaid Clerk's office, and owned by

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
		The Jay Gee Realty Co. Beginning at a point in the north line of Old Salem Road at the most easterly corner of Lot 18 in the city recorded in plat and subdivision book 24, page 20, in the office of the Clerk of the County Court; running thence with the north line of Old Salem Road and a curve to the left the radius of which is 787', an arc distance of 30.20' to a point and extending back to the northwest north 40 degrees 25' 58" west; between parallel lines 30.19' apart to the north line of Lot 18 aforementioned, the east line of which is contiguous with the east line of said Lot 18 and measures 107.43', and the west line of which measures 108.14'

TABLE II: FRANCHISES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
2-1980	- -	Granting a cable television franchise to CPI of Louisville
5-1995	12-14-1995	Granting a renewal franchise agreement for community antenna television (CATV) services to TCI TKR of Jefferson County
5 Series 1995	12-14-1995	Approving and awarding a renewal franchise agreement for community antenna television (CATV) services of TCI TKR of Jefferson County, Inc., d/b/a/ TKR Cable of Greater Louisville
2, 1999	9-9-1999	Approving the transfer of a franchise from Intermedia Capital Management VI, 11c to Insight Communications Company L.P.
3, Series 2011	11-10-2011	Approving the extension of the franchise agreement for community antenna television (CATV) services to Insight Kentucky Partners II L.P.
3, Series 2013	11-14-2013	Approving the extension of the franchise

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
		agreement for community antenna television (CATV) services to Insight Kentucky Partners II L.P.

TABLE III: CONTRACTS AND AGREEMENTS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
1-1993	5-13-1993	Approving a joint and cooperative program for self-insurance, insurance, and the investment of public funds among various cities, urban-county governments, and other public agencies within the commonwealth

PARALLEL REFERENCES

References to Kentucky Revised Statutes

References to Prior Code

References to Resolutions

References to Ordinances

REFERENCES TO KENTUCKY REVISED STATUTES

<i>KRS Section</i>	<i>Code Section</i>
6.050	32.42
6.955 to 6.975	33.04
Ch. 13A	93.02
Ch. 13B	93.06
Chs. 16 through 121	31.20
Ch. 18	112.03
41.240(4)	33.05
42.450 to 42.495	33.04

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<i>KRS Section</i>	<i>Code Section</i>
Ch. 61	32.16
61.870 et seq.	10.18, 34.15, 34.26, 37.067, 37.073, 111.006
61.870 to 61.884	34.27, 37.074
61.870(1)	34.01
61.870(2)	34.01
61.870(3)	34.01
61.870(4)	34.01
61.870(5)	34.01
61.870(6)	34.01
61.870(7)	34.01
61.870(8)	34.01
61.872 to 61.884	37.019
61.872(1) through (3)	34.15
61.872(4)	34.16
61.872(5)	34.17
61.872(6)	34.18
61.874(1)	34.22
61.874(2)	34.22
61.874(3)	34.23
61.874(4)	34.23
61.874(5)	34.24
61.874(6)	34.25
61.878	34.01
61.878(1)	34.26
61.878(2)	34.26
61.878(3)	34.26
61.878(4)	34.26
61.878(5)	34.26
61.880	34.19
61.880(1)	34.26
61.884	34.21
62.060	31.01
65.003	37.003
65.067	31.01
65.120	Ch. 72
65.210 et seq.	37.065
66.660	91.06

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<i>KRS Section</i>	<i>Code Section</i>
82.082	37.003
Ch. 83A	31.20
83A.010(3)	10.02
83A.010(6)	10.02
83A.010(8)	10.02
83A.030(2)	30.02
83A.040(1)	31.21
83A.040(2)	31.21
83A.040(2)(a)	31.21
83A.040(2)(b)	31.21
83A.040(2)(d)	31.21
83A.040(3)	31.21
83A.040(4)	32.01
83A.040(5)	32.02
83A.040(6)	31.21, 32.02
83A.040(7)	31.21, 32.02
83A.040(8)	31.21, 32.02
83A.040(9)	31.03
83A.050	31.20, 32.01
83A.060(1)	32.30
83A.060(2)	32.31
83A.060(3)	32.32
83A.060(4)	32.33
83A.060(5)	32.34
83A.060(6)	32.17
83A.060(7)	32.33
83A.060(8)	32.35, 32.36
83A.060(9)	32.37
83A.060(10)	32.38
83A.060(11)	32.39
83A.060(12)	31.05, 32.40
83A.060(13)	31.05, 32.40
83A.060(14)	32.41
83A.060(15)	32.42
83A.065	10.99
83A.070	31.02
83A.070(1)	31.02

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<i>KRS Section</i>	<i>Code Section</i>
83A.070(2)	31.02
83A.070(3)	31.02
83A.075	31.02
83A.080	31.35, 37.004
83A.080(2)	31.35
83A.080(3)	31.03, 31.35
83A.080(4)	31.20
83A.080(5)	31.20
83A.085	31.36
83A.090	10.18, 32.04
83A.130 to 83A.150	31.21
83A.140	35.001
83A.140(1)	30.01
83A.140(3)	32.03
83A.140(4)	31.21, 32.15
83A.140(5)	32.03
83A.140(6)	32.04
83A.140(7)	32.16
83A.140(8)	32.03
83A.175	32.02
91A.010	33.01
91A.010(8)	10.02
91A.020	33.02
91A.030	33.03
91A.040	33.04
91A.050	33.04
91A.060	33.05
91A.080	112.06
91A.200	33.21
91A.210	33.20
91A.220	33.21
91A.230	33.22
91A.240	33.23
91A.250	33.24
91A.260	33.25
91A.270	33.26
91A.280	33.27

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<i>KRS Section</i>	<i>Code Section</i>
91A.290	33.28
Ch. 92	36.07
Ch. 107	33.21
Chs. 116 through 121	31.20
118.305(7)	32.02
131.010(6)	112.04
132.285	36.03, 33.06
Ch. 134	36.07
134.420	36.09
134.800	36.10
134.810	36.10
139.200	93.03
Ch. 154	34.26
174.100	91.20
174.100(1)	91.21
174.100(2)	91.22
174.100(3)	91.22
174.100(4)	91.23
174.100(5)	91.24
174.100(6)	91.25
174.100(7)	91.25
178.290	91.06
189.020	71.37
189.030	71.38
189.040	71.07
189.040(5)	71.38
189.050	71.07
189.055	71.07
189.060	71.07
189.080	71.37
189.140	71.37
189.221	71.08
189.222	71.08
189.222(1)	71.08
189.222(11)	71.08
189.2226	71.08
189.230(4)	71.08

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<i>KRS Section</i>	<i>Code Section</i>
189.285	73.02
189.287	71.07, 71.37, 73.01
189.290	71.35
189.300(2)	71.06
189.338	70.20
189.390	71.05
189.394	71.99
189.450(5)	72.03
189.450(6)	72.03
189.580	71.20
189.725	72.08
189.930	71.36
189.990	71.20
189.993(8)	71.99
198B.990(1)	150.99
Ch. 224	71.37
227.330(6)	93.03
227.700	93.01
227.700 to 227.750	93.01, 93.06
227.702	93.01
227.704	93.01
227.706	93.01
227.708	93.01
227.710	93.02
227.715	93.02, 93.03
227.720	93.04
227.730	93.05
227.750	93.06
227.990(1)	150.99
227.990(4)	93.99
257.010	90.01
257.100(1)	90.06
257.100(2)	90.06
257.100(3)	90.06
257.100(4)	90.06
Ch. 281	72.26
318.990	150.99

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<i>KRS Section</i>	<i>Code Section</i>
Ch. 324	112.03
376.275(1)	72.26
376.275(2)	72.26
376.275(3)	72.27
381.770(6)	92.05, 92.06
Ch. 424	32.37, 33.04, 33.24, 33.25
424.190(2)	33.04
424.220	33.04
436.600	90.04, 90.99
446.010(1)	10.02
446.010(2)	10.02
446.010(6)	10.02
446.010(8)	10.02
446.010(9)	10.02
446.010(10)	10.02
446.010(12)	10.02
446.010(13)	10.02
446.010(14)	10.02
446.010(15)	10.02
446.010(17)	10.02
446.010(22)	10.02
446.010(24)	10.02
446.010(25)	10.02
446.010(26)	10.02
446.010(28)	10.02
446.010(29)	10.02
446.010(31)	10.02
446.010(34)	10.02
446.010(35)	10.02
446.010(40)	10.02
446.010(43)	10.02
446.010(44)	10.02
446.010(46)	10.02
446.010(52)	10.02
446.020(1)	10.03
446.020(2)	10.03
446.080(1)	10.03

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<i>KRS Section</i>	<i>Code Section</i>
446.080(3)	10.03
446.080(4)	10.03
446.030	10.04
446.050	10.05
446.060	10.06
446.090	10.07
446.100	10.08
446.110	10.09
446.140	10.01
525.125	90.03
525.130	90.03, 90.99
534.040(2)(c)	10.99

REFERENCES TO PRIOR CODE

<i>Prior Code</i>	<i>Code Section</i>
10.01	10.01
10.02	10.02
10.03	10.03
10.04	10.04
10.05	10.05
10.06	10.06
10.07	10.07
10.08	10.08
10.09	10.09
10.10	10.10
10.11	10.11
10.12	10.12
10.13	10.13
10.14	10.14
10.15	10.15
10.16	10.16
10.17	10.17
10.18	10.18

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<i>Prior Code</i>	<i>Code Section</i>
10.99	10.99
30.01	30.01
30.02	30.02
31.01	31.01
31.02	31.02
31.03	31.03
31.04	31.04
31.20	31.20
31.21	31.21
31.22	31.22
31.35	31.35
31.36	31.36
31.37	31.37
31.38	31.38
31.45	31.50
32.01	32.01
32.02	32.02
32.03	32.03
32.04	32.04
32.20	32.15
32.21	32.16
32.22	32.17
32.35	32.30
32.36	32.31
32.37	32.32
32.38	32.33
32.39	32.34
32.40	32.35
32.41	32.36
32.42	32.37
32.43	32.38
32.44	32.39
32.45	32.40
32.46	32.41
32.47	32.42
33.01	33.01
33.02	33.02

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<i>Prior Code</i>	<i>Code Section</i>
33.03	33.03
33.04	33.04, 33.99
33.05	33.05
33.06	33.06
33.10	33.20
33.11	33.21
33.12	33.22
33.13	33.23
33.14	33.24
33.15	33.25
33.16	33.26
33.17	33.27
33.18	33.28
34.01	34.01
34.05	34.15
34.06	34.16
34.07	34.17
34.08	34.18
34.09	34.19
34.10	34.20
34.11	34.21
34.12	34.22
34.13	34.23
34.14	34.24
34.15	34.25
34.16	34.26
34.17	34.27
35.01	35.001
35.10	35.015
35.11	35.016
35.25	35.030
35.26	35.031
35.40	35.045
35.41	35.046
35.70	35.060
35.71	35.061
36.01	36.01

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<i>Prior Code</i>	<i>Code Section</i>
36.02	36.02
36.03	36.03
36.04	36.04
36.05	36.05
36.06	36.06
36.07	36.07
36.08	36.08
36.09	36.09
36.10	36.10
37.01	37.001
37.02	37.002
37.03	37.003
37.04	37.004
37.20	37.015
37.21	37.016, 37.999
37.22	37.017
37.23	37.018
37.24	37.019
37.35	37.030
37.36	37.031
37.37	37.032
37.38	37.033
37.39	37.034
37.40	37.035, 37.999
37.50	37.050
37.60	37.065
37.61	37.066
37.62	37.067
37.63	37.068, 37.999
37.64	37.069
37.65	37.070
37.66	37.071
37.67	37.072
37.68	37.073
37.69	37.074
37.99	37.999
50.01	50.01

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<i>Prior Code</i>	<i>Code Section</i>
50.02	50.02
50.03	50.03
50.15	50.15
50.16	50.16
50.17	50.17
50.18	50.18
50.30	50.30
50.31	50.31
50.99	50.99
70.01	70.01
70.02	70.02
70.03	70.03
70.04	70.04
70.05	70.05
70.15	70.20
70.16	70.21
70.17	70.22
70.18	70.23
70.19	70.24
70.20	70.25
70.21	70.26
70.99	70.99
71.01	71.01
71.02	71.02
71.03	71.03
71.04	71.04
71.05	71.05, 71.99
71.06	71.06
71.07	71.07
71.08	71.08
71.15	71.20
71.16	71.21
71.25	71.35
71.26	71.36
71.27	71.37
71.28	71.38
71.40	71.50

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<i>Prior Code</i>	<i>Code Section</i>
71.41	71.51
71.42	71.52
71.43	71.53
71.44	71.54
71.45	71.55
71.46	71.56
71.47	71.57
71.48	71.58
71.49	71.59
71.50	71.60
71.51	71.61
71.99	71.99
72.01	72.01
72.02	72.02
72.03	72.03
72.04	72.04
72.05	72.05
72.06	72.06
72.07	72.07
72.08	72.08
72.09	72.09
72.10	72.10
72.11	72.11
72.12	72.12
72.20	72.25
72.21	72.26
72.22	72.27
72.35	72.40
72.36	72.41
72.37	72.42
72.99	72.99
73.01	73.01
73.02	73.02
73.03	73.03
73.04	73.04
73.99	73.99
90.01	90.01

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<i>Prior Code</i>	<i>Code Section</i>
90.02	90.02
90.03	90.03
90.04	90.04
90.05	90.05
90.06	90.06
90.15	90.20
90.16	90.21
90.17	90.22
90.18	90.23
90.30	90.35
90.31	90.36
90.32	90.37
90.33	90.38
90.34	90.39
90.99	90.99
91.01	91.01
91.02	91.02
91.03	91.03
91.04	91.04
91.05	91.05
91.06	91.06
91.15	91.20
91.16	91.21
91.17	91.22
91.18	91.23
91.19	91.24
91.20	91.25
91.30	91.40
91.31	91.41
91.32	91.42
91.33	91.43
91.99	91.99
93.01	93.01
93.02	93.02
93.03	93.03
93.04	93.04
93.05	93.05

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<i>Prior Code</i>	<i>Code Section</i>
93.06	93.06
93.20	93.20
93.21	93.21
93.99	93.99
94.01	94.01
94.02	94.02
94.03	94.03
94.04	94.04
94.05	94.05
94.99	94.99
95.01	95.01
95.02	95.99
140.01	130.01
140.02	130.02
140.99	130.99
150.01	150.01
150.02	150.02
150.03	150.03
150.99	150.99
151.01	151.01
151.02	151.02
151.03	151.03
151.15	151.15
151.16	151.16
151.17	151.17
151.18	151.18
151.19	151.19
151.20	151.20
151.21	151.21
151.22	151.22
151.23	151.23
151.24	151.24
151.25	151.25
151.26	151.26
151.27	151.27

REFERENCES TO RESOLUTIONS

<i>Res. No</i>	<i>Date Passed</i>	<i>Code Section</i>
2, 1999	9-9-1999	TSO Table II

REFERENCES TO ORDINANCES

<i>Ord./Order No</i>	<i>Date Passed</i>	<i>Code Section</i>
2-1980	- -	TSO Table II
2 Series 1998	- -	92.01—92.06
3-1970	8-20-1970	31.36, 31.37
14-1970	12-8-1970	TSO Table I
7-1971	5-4-1971	TSO Table I
6-1973	3-1-1973	31.36
1-1977	3-3-1977	150.99
2-1977	3-3-1977	150.03, 150.99
3-1977	3-3-1977	90.35—90.39
4-1977	3-3-1977	71.05—71.07, 71.37, 71.38, 71.99, 72.06
5-1977	3-3-1977	130.02
8-1977	3-3-1977	130.01
1-1984	1-5-1984	32.16
2-1986	4-3-1986	35.001, 35.015, 35.016, 35.045, 35.046, 35.060, 35.061
3-1986	5-8-1986	31.04
1-1987	4-2-1987	31.36
5-1987	10-8-1987	32.16
6-87	10-8-1987	32.16
3-1988	9-8-1988	36.03—36.05, 36.07, 36.09
1-1990	7-12-1990	50.30—50.32, 50.99
4-1990	8-9-1990	36.04, 36.07
1-1993	5-13-1993	TSO Table III
5-1994	12-8-1994	37.001— 37.004, 37.015—37.019, 37.030—37.035, 37.050, 37.065—37.074, 37.999
5-1995	12-14-1995	TSO Table II

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<i>Ord./Order No</i>	<i>Date Passed</i>	<i>Code Section</i>
5 Series 1995	12-14-1995	TSO Table II
5-1996	11-14-1996	37.030—37.032, 37.034
7, Series 1997	12-11-1997	31.36
8, Series 1997	12-11-1997	35.030—35.032
1	11-12-1998	31.05
3, Series 1999	6-10-1999	35.031
1, Series 2000	8-10-2000	72.99
1 Series 2001	1-11-2001	112.01—112.07
12, Series 2002	3-12-2002	38.01
1, Series 2003	2-13-2003	111.001—111.011, 111.025—111.051, 111.065—111.080, 111.095—111.098, 111.110—111.112, 111.999
1-04	2-12-2004	110.01—110.11, 110.99
3, Series 2011	11-10-2011	TSO Table II
3, Series 2013	11-14-2013	TSO Table II
4, Series 2013	12-12-2013	130.02
1, Series 2015	2-12-2015	34.15
2, Series 2015	2-12-2015	34.26
4, Series 2015	2-12-2015	37.067
5, Series 2015	2-12-2015	37.073
6, Series 2015	2-12-2015	71.08
7, Series 2015	2-12-2015	110.04
8, Series 2015	2-12-2015	112.03
9, Series 2015	2-12-2015	150.01
10, Series 2015	2-12-2015	150.02
11, Series 2015	2-12-2015	150.99
12, Series 2015	2-12-2015	151.01
13, Series 2015	2-12-2015	151.24
3, Series 2015	3-12-2015	35.001
15, Series 2015	3-12-2015	35.046
16, Series 2015	3-12-2015	35.016
18, Series 2015	6-11-2015	35.075, 35.076
19, Series 2015	6-11-2015	92.02
20, Series 2015	6-11-2015	92.04
21, Series 2015	6-11-2015	92.05