

WELLINGTON, KENTUCKY

CODE OF ORDINANCES

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WELLINGTON, KENTUCKY

CODE OF ORDINANCES

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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 Wellington Code, for which designation "codified ordinances" or "code" may be substituted. Code, title, chapter, and section headings do not constitute any part of the law as contained in the code. (KRS 446.140)

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

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§ 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))

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

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

CITY, MUNICIPAL CORPORATION, or MUNICIPALITY. When used in this code shall denote the City of Wellington 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(9))

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

COUNTY. Jefferson County, Kentucky.

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

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

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

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

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

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

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

KRS. Kentucky Revised Statutes.

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

LEGISLATIVE BODY. The City 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(25))

MONTH. Calendar month. (KRS 446.010(26))

MUNICIPALITY. The City of Wellington, Kentucky.

OATH. Includes AFFIRMATION in all cases in which an affirmation may be substituted for an oath. (KRS 446.010(27))

PEACE OFFICER. Includes sheriffs, constables, coroners, jailers, metropolitan and urban-county government correctional officers, marshals, policemen, and other persons with similar authority to make arrests. (KRS 446.010(30))

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(32))

PERSONAL PROPERTY. Includes all property except real.

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

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

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

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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(35))

SHALL. The act referred to is mandatory. (KRS 446.010(37))

SWORN. Includes **AFFIRMED** in all cases in which an affirmation may be substituted for an oath. (KRS 446.010(41))

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

STATE. The State of Kentucky.

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

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

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

VACANCY IN OFFICE. Such as exists when there is an unexpired part of a term of office without a lawful incumbent therein, or when the person elected or appointed to an office fails to qualify according to law, or when there has been no election to fill the office at the time appointed by law; it applies whether the vacancy is occasioned by death, resignation, removal from the state, county, city, or district, or otherwise. (KRS 446.010(44))

VIOLATE. Includes failure to comply with. (KRS 446.010(45))

YEAR. Calendar year. (KRS 446.010(47))

§ 10.03 RULES OF CONSTRUCTION.

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

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

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(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 such others as may have acquired a peculiar and appropriate meaning in the law, shall be construed according to such meaning. (KRS 446.080(4))

§ 10.04 COMPUTATION OF TIME.

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

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

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

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

performance of such duty or compliance with such notice.

§ 10.05 MAJORITY MAY ACT FOR ALL; AUTHORIZED AGENT.

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

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

§ 10.06 WRITINGS AND SIGNATURES.

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

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

§ 10.07 SEVERABILITY.

It shall be considered that it is the intent of 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)

§ 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.

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.

(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)

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§ 10.09 RIGHTS AND LIABILITIES ACCRUING BEFORE REPEAL OF ORDINANCE.

No new ordinance shall be construed to repeal a former ordinance as to any offense committed against a former ordinance, nor as to any act done, or penalty, forfeiture, or punishment incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or done, or any penalty, forfeiture, or punishment so incurred, or any right accrued or claim arising before the new ordinance takes effect, except that the proceedings thereafter had shall conform, so far as practicable, to the laws in force at the time of such proceedings. If any penalty, forfeiture, or punishment is mitigated by any provision of the new ordinance, such provision may, by the consent of the party affected, be applied to any judgment pronounced after the new ordinance takes effect.
(KRS 446.110)

§ 10.10 CONSTRUCTION OF SECTION REFERENCES.

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

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

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

§ 10.11 ORDINANCES REPEALED.

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

§ 10.12 ORDINANCES UNAFFECTED.

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

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§ 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 such purpose effected prior to the codification and not inconsistent thereto, shall remain in effect and are saved.

§ 10.14 AMENDMENTS TO CODE; AMENDATORY LANGUAGE.

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

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

§ 10.15 CONFLICTING PROVISIONS.

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

§ 10.16 REFERENCE TO OFFICES.

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

§ 10.17 ERRORS AND OMISSIONS.

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

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published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

§ 10.18 HISTORICAL AND STATUTORY REFERENCES.

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

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

§ 31.10 MAYOR.

The executive authority of the city shall be vested in and exercised by the Mayor.

(Ord. 10, passed 1-1-80)

Statutory reference:

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

§ 10.99 GENERAL PENALTY.

Where an act or omission is prohibited or declared unlawful in this

be deemed a violation and the offender shall be fined not more than \$250 for each offense.

TITLE III: ADMINISTRATION

Chapter

30. COMMISSION PLAN

31. CITY OFFICIALS

32. CITY COMMISSION

33. FINANCE AND REVENUE

34. PUBLIC RECORDS

35. TAXATION

36. CODE OF ETHICS

CHAPTER 30: COMMISSION PLAN

Section

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))

§ 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 such other officers and employees as may be provided for by statute or city ordinance. (KRS 83A.140(2))

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

CHAPTER 31: CITY OFFICIALS

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- 31.01 Oath; bond
- 31.02 Compensation
- 31.03 Removal from office
- 31.04 Citation officers

Elected Officials

- 31.20 Election procedure
- 31.21 Mayor; Mayor Pro Tem
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- 31.23 Indemnification of elected officials

Nonelected City Officials

- 31.35 Establishment of nonelected city offices
- 31.36 City Clerk

GENERAL PROVISIONS

§ 31.01 OATH; BOND.

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

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

§ 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 election or during his term of office.

Commissioners with the purchasing power of the dollar, the Department of Local Government computes by the second Friday in February of every year the annual increase or decrease in the consumer price index of the preceding year by using 1949 as the base year in accordance with section 246 of the Constitution of Kentucky, which provides that the Mayor and Commissioners shall be paid at a rate no greater than \$7,200 per annum.

(2) The Commission shall set the compensation of these officers in accordance with KRS 83A.070 at a rate no greater than that stipulated by the Department of Local Government.

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

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

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

Statutory reference:

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

§ 31.03 REMOVAL FROM OFFICE.

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

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

Statutory reference:

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

Removal of nonelected officers, see KRS 83A.080(2)

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§ 31.04 CITATION OFFICERS.

(A) The legislative body of the city may authorize the employment of citation officers as needed. Citation officers shall have the qualifications prescribed by ordinance. Citation officers shall not have the powers of peace officers to make arrests or carry deadly weapons, but may issue citations as authorized by ordinance upon observation of:

(1) Nonmoving motor vehicle offenses.

(2) Violations of ordinances except for moving motor vehicle offenses and except for offenses which constitute a violation of the Kentucky Penal Code.

(B) The procedure for citations issued by a citation officer shall be as provided in KRS 431.015.

(C) This section shall not be a limitation on the power of a citation officer to make an arrest as a private person as provided in KRS 431.005. (KRS 83A.087)

ELECTED OFFICERS

§ 31.20 ELECTION PROCEDURE.

(A) Election of city officers is governed by general election laws as provided in KRS Chapters 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 Chapter 83A. Such 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) of this section by ordinance, except that no change shall be made earlier than five years from the last change.

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

(D) Each appointed and elected city office existing on July 15, 1980, shall continue until abolished by ordinance, except that the offices of Mayor and 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.

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

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

Statutory reference:

Election of city officers, see KRS 83A.050

Creation, abolishment of city offices, see KRS 83A.080(3), (4)

§ 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 term of office shall begin on the first day of January following his election and shall be for four years and until his successor qualifies. If a person is elected 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 a term of office.

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

(C) Vacancy. If a vacancy occurs in the office of Mayor, 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(1), (2), (6))

(1) When voting to fill a vacancy in the office of Mayor, a member of the City Commission may vote for himself. (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 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 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. (KRS 83A.040(8))

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

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(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.
(KRS 83A.140(4))

(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 office and he shall then possess all rights, powers, and duties of Mayor.

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))

§ 31.22 COMMISSIONERS.

For provisions concerning the City Commission, see Chapter 32.

§ 31.23 INDEMNIFICATION OF ELECTED OFFICIALS.

(A) The city shall provide for the defense of any employee by an attorney chosen by the city in any action in tort arising out of an act or omission occurring within the scope of his employment of which it has been given notice pursuant to subsection (B) of this section. The city shall pay any judgment based thereon or any compromise or settlement of the action except as provided in subsection (C) of this section and except that the city's responsibility under this section to indemnify an employee shall be subject to the limitations contained in KRS 65.2002.

(B) Upon receiving service of a summons and complaint in any action in tort brought against him, an employee shall, within ten days of receipt of service, give written notice of such action in tort to the executive authority of the city.

(C) The city may refuse to pay a judgment or settlement in any action against an employee, or if the city pays any claim or judgment against any employee pursuant to subsection (A) of this section, it may recover from such employee the amount of such payment and the costs to defend if:

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

(2) The action was outside the actual or apparent scope of his employment;

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(3) The employee willfully failed or refused to assist the defense of the cause of action, including the failure to give notice to the executive authority of the local government pursuant to subsection (B) of this section;

(4) The employee compromised or settled the claim without the approval of the governing body of the local government; or

(5) The employee obtained private counsel without the consent of the city, in which case, the city may also refuse to pay any legal fees incurred by the employee.
(KRS 65.2005)

NONELECTED CITY OFFICIALS

§ 31.25 ESTABLISHMENT OF NONELECTED CITY OFFICES

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

(1) Title of office;

(2) Powers and duties of office;

(3) Oath of office;

(4) Bond, if required; and

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

(B) 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.

Statutory reference:

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

§ 31.36 CITY CLERK.

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

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

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

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

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

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

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

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

1. City Clerk;

2. City Treasurer;

4. City Attorney;
5. Finance Director;
6. Fire Chief; and
7. Public Works Director;

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

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

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

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

(E) No person shall be appointed or act as the City Clerk unless such person has taken the oath required by section 228 of the Constitution of the Commonwealth of Kentucky and has provided bond,

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if required, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein.

CHAPTER 32: CITY COMMISSION

Section

General Provisions

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

Rules of Procedure

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

Ordinances

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

GENERAL PROVISIONS

§ 32.01 MEMBERS; ELECTION, QUALIFICATIONS, 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 Commissioner shall be a resident of the city for not less than

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one year prior to his or her election. Terms of office begin on the first day of January following his election and shall be for two years.

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

(KRS 83A.040(4))

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

§ 32.02 VACANCIES.

(A) Vacancies. If one or more vacancies on the 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 selection as will enable him to meet and act with the remaining members in making further appointments until all vacancies are filled. If vacancies occur in a way that all seats become vacant, the Governor shall appoint qualified persons to fill the vacancies sufficient to constitute a quorum. Remaining vacancies shall be filled as provided in this section. (KRS 83A.040(5))

(1) No vacancy by reason of a voluntary resignation of a member of the City 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 after the date specified in the written letter of resignation. (KRS 83A.040(7))

(2) 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 in the 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))

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 and 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.

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(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 such 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))

(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 it sworn statements regarding the performance of his 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 promulgate procedures to insure orderly administration of the functions of city government and compliance with statute, ordinance, or order.

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

(KRS 83A.140(8))

§ 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 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))

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RULES OF PROCEDURE

§ 32.20 MAYOR AS PRESIDING OFFICER.

The Mayor shall preside at all meetings of the Commission and may vote in all proceedings. (KRS 83A.140(4))

Cross-reference:

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

§ 32.21 MEETINGS.

(A) Regular meetings of the Commission shall be held on the fourth Tuesday of each calendar month at 6:30 p.m., at a place decided upon by the Commissioners and published to the residents. In the event the date for the regular meeting shall fall on a holiday, the fourth Monday of that month shall then be designated as the regular meeting date and at the same time. (Ord. 1, passed 6-17-46; Am. Ord. 2008-04, passed 11-25-08; Am. Ord. 8, Series 2015-2016, passed 3-22-16)

(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 Chapter 61.

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

(D) The minutes of every meeting shall be signed by the person responsible for maintaining city records as provided under § 31.36 and by the officer presiding at the meeting.
(KRS 83A.140(7))

§ 32.22 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))

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ORDINANCES

§ 32.35 ONE SUBJECT; TITLE.

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

§ 32.36 INTRODUCTION; ENACTING CLAUSE.

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

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§ 32.37 FORM OF AMENDMENT.

No ordinance shall be amended by reference to its title only, and ordinances to amend shall set out in full the amended ordinance or section indicating any text being added by a single solid line drawn underneath it. Text that is intended to be removed shall be marked at the beginning with an opening bracket and at the end with a closing bracket. The text between the brackets shall be stricken through with a single solid line.
(KRS 83A.060(3))

§ 32.38 READING REQUIREMENT; EXCEPTION FOR EMERGENCY.

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

(B) In an emergency, upon the affirmative vote of two-thirds of the membership, the 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 § 32.42 shall be complied with within ten days of the enactment of the emergency ordinance.
(KRS 83A.060(4), (7))

§ 32.39 ADOPTION OF STANDARD CODES BY REFERENCE.

The Commission may adopt the provisions of any local, statewide, or nationally recognized standard code and codifications of entire bodies of local legislation by an ordinance that identifies the subject matter by title, source, and date and incorporates the adopted provisions by reference without setting them out in full, if a copy accompanies the adopting ordinance and is made a part of the permanent records of the city.
(KRS 83A.060(5))

§ 32.40 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(C) and 32.41, 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))

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§ 32.41 INDEXING AND MAINTENANCE REQUIREMENTS.

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

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

(B) All other city ordinances shall be kept in the minute book or an ordinance book in the order adopted and maintained in this code of ordinances.
(KRS 83A.060(8))

§ 32.42 PUBLICATION REQUIREMENTS.

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

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

(1) The title of the ordinance;

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

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

(C) Ordinances that include descriptions of real property may include a sketch, drawing, or map, including common landmarks, such as streets or roads in lieu of metes and bounds descriptions.
(KRS 83A.060(9))

§ 32.43 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))

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§ 32.44 PERIODIC REVIEW REQUIRED.

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

(KRS 83A.060(11))

§ 32.45 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.

(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(12), (13))

§ 32.46 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 such ordinances.

(KRS 83A.060(14))

§ 32.47 LEGISLATIVE IMMUNITY.

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

(KRS 83A.060(15))

Statutory reference:

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

CHAPTER 33: FINANCE AND REVENUE

Section

Financial Administration

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

Improvements

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

FINANCIAL ADMINISTRATION**§ 33.01 DEFINITIONS.**

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

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

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

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

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

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

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

§ 33.02 ACCOUNTING RECORDS AND FINANCIAL REPORTS.

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

(1) Determine compliance with statutory provisions; and

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

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

§ 33.03 ANNUAL BUDGET ORDINANCE.

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

(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.

the Commission.

(F) The budget proposal shall be prepared in such form and detail as is 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 may adopt the budget ordinance making appropriations for the fiscal year in such sums as it finds sufficient and proper, whether greater or less than the sums recommended in the budget proposal. The budget ordinance may take any form that 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 section 157 of the Kentucky Constitution.

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

(J) 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. Such 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. Such reports shall be submitted not less than once every three months in each fiscal year.

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

(M) No city agency, or member, director, officer, or employee of any city agency, may bind the city in any way to any extent beyond the amount of money at that time appropriated for the purpose of the agency. All contracts, agreements, and obligations, express or implied, beyond such existing appropriations are void; nor shall any city officer issue any bond, certificate, or warrant for the payment of money by the city in any way to any extent, beyond the balance of any appropriation made for the purpose.
(KRS 91A.030)

(A) A city with a population of less than 1,000 based upon the most recent Federal decennial census 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 City Commission, pursuant to division (C)(5) of this section, the city shall forward an electronic copy or three paper copies of the audit report to the Department for Local Government for information purposes. The Department for Local Government shall make available on request either an electronic or paper copy of the audit report to the Legislative Research Commission to be used for the purposes of KRS 6.955 to 6.975 or to the Auditor of Public Accounts. After the close of each even-numbered fiscal year, the city shall prepare a financial statement in accordance with KRS 424.220 and immediately forward one electronic or paper copy to the Department for Local Government, which shall make available on request either an electronic or paper copy of the financial statement to the Legislative Research Commission or to the Auditor of Public Accounts.

(B) Any city, 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 exempted in accordance with this division shall annually prepare a financial statement in accordance with KRS 424.220 and immediately forward one electronic or paper copy to the Department for Local Government for information purposes. The Department for Local Government shall make available upon request either an one electronic or paper copy of the financial statement to the Legislative Research Commission to be used for the purposes of KRS 6.955 to 6.975 or to the Auditor of Public Accounts.

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

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

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

(4) The auditor 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;

(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 work papers upon request.

(D) A copy of an audit report which meets the requirements of this section is 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.

(E) Within 30 days of the presentation of the audit to the Commission, the city shall publish an advertisement, in accordance with KRS Chapter 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 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, when a financial statement is required by Section 309 of this Act, are available to the public at no cost at the business address of the officer responsible for preparation of such statement.

(F) The city may utilize the alternative publication methods authorized by KRS 424.190(2) to comply with the provisions of this section.

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

(KRS 91A.040)

Statutory reference:

Governor's Office for Local Development 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. sec. 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)

IMPROVEMENTS

§ 33.10 DEFINITIONS.

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

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

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.

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FAIR BASIS. Assessed value basis, front foot basis, square foot

basis, or benefits received basis.

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

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

PROPERTY. Any real property benefited by an improvement.

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

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

§ 33.11 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)

Statutory reference:

Improvements; alternate methods, see KRS Ch. 107

§ 33.12 APPORTIONMENT OF COST.

The cost of any improvement shall be apportioned on a benefits received basis with respect to any property owned by the state, a local unit of government, or any educational, religious, or charitable organization. The Commission may assess such property in the same manner as for privately owned property or it may pay the costs so apportioned out of general revenues.
(KRS 91A.230)

§ 33.13 COMPREHENSIVE REPORT REQUIRED.

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

(A) The nature of the improvement;

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

(C) The preliminary estimated cost of the improvement;

(D) The fair basis of assessment proposed;

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

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

§ 33.14 PUBLIC HEARING REQUIRED.

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

(A) The nature of the improvement;

(B) Description of area of the improvement;

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

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

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

§ 33.15 ADOPTION OF ORDINANCE; NOTICE TO AFFECTED OWNERS.

Within 90 days of conclusion of the hearing, the city shall determine whether to proceed with the improvement by special assessments, and if it determines to proceed shall adopt an ordinance so stating

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and containing all necessary terms, including the items referred to in § 33.13 and a description of all properties. Promptly upon passage the city shall publish such ordinance pursuant to KRS Chapter 424 and shall mail by certified mail to each affected property owner a notice of determination to proceed with the project, the fair basis of assessment to be utilized, the estimated cost to the property owner, and the ratio the cost to each property owner bears to the total cost of the entire project.
(KRS 91A.260)

§ 33.16 AFFECTED OWNER MAY CONTEST.

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

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

(KRS 91A.270)

§ 33.17 WHEN CITY MAY PROCEED; ASSESSMENT CONSTITUTES LIEN.

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

(KRS 91A.280)

§ 33.18 EFFECT OF ADDITIONAL PROPERTY OR CHANGE IN FINANCING.

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

(KRS 91A.290)

CHAPTER 34: PUBLIC RECORDS

Section

General Provisions

34.01 Definitions

Procedures for Requesting Public Records

- 34.05 Initial request with immediate inspection
- 34.06 Referral to proper custodian
- 34.07 Public records not immediately available
- 34.08 Refusal of unreasonable requests
- 34.09 Time limitation; denial of inspection
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- 34.13 Fees for copies
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- 34.15 Online access to public records in electronic form
- 34.16 Public records protected from disclosure
- 34.17 Notification of the Attorney General

GENERAL PROVISIONS

§ 34.01 DEFINITIONS.

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

CITY. The city government of this city.

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

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(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

new or other informational programs; or

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

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

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

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

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

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

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

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

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

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

SOFTWARE. The program code which makes a computer system function, but does not include

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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

application programs, procedures, routines, and subroutines such as translators and utility programs, but does not include that material which is prohibited from disclosure or copying by a license agreement between a public agency and an outside entity which supplied the material to the agency.
(KRS 61.870)

PROCEDURES FOR REQUESTING PUBLIC RECORDS

§ 34.05 INITIAL REQUEST WITH IMMEDIATE INSPECTION.

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

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

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

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

§ 34.06 REFERRAL TO PROPER CUSTODIAN.

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

§ 34.07 PUBLIC RECORDS NOT IMMEDIATELY AVAILABLE.

If the public record is in active use, in storage, or not otherwise available, the official custodian shall immediately notify the applicant and shall designate a place, time, and date for inspection or mailing of the public records, not to exceed 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))

§ 34.08 REFUSAL OF UNREASONABLE REQUESTS.

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

§ 34.09 TIME LIMITATION; DENIAL OF INSPECTION.

The official custodian, upon any request for records made under this chapter, shall determine within 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 its decision. Any agency response denying, in whole or in part, inspection of any record shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld. The response shall be issued by the official custodian or under his authority and shall constitute final agency action.
(KRS 61.880)

§ 34.10 CONCEALING OR DESTROYING RECORDS PROHIBITED.

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

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§ 34.11 ACCESS TO RECORDS RELATING TO PARTICULAR INDIVIDUAL.

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

§ 34.12 FORMAT OF COPIES.

(A) Upon inspection, the applicant shall have the right to make abstracts of the public records and memoranda thereof, and to obtain copies of all public records not exempted by the terms of § 34.16. When copies are requested, the custodian may require a written request and advance payment of the prescribed fee, including postage where appropriate. If the applicant desires copies of public records other than written records, the custodian of the records shall duplicate the records or permit the applicant to duplicate the records; however, the custodian shall ensure that such duplication will not damage or alter the original records.

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

(2) The minimum standard format in paper form shall be defined as not less than 8½ inches x 11 inches in at least one color on white paper, or for electronic format, in a flat file electronic American Standard Code for Information Interchange (ASCII) format. If the public agency maintains electronic public records in a format other than ASCII, and 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(1) - (3))

§ 34.13 FEES FOR COPIES.

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

(B) (1) Unless an enactment of the General Assembly prohibits the disclosure of public records

to persons who intend to use them for commercial purposes, if copies of nonexempt public records are requested for commercial purposes, the public agency may establish a reasonable fee.

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

commercial purpose for a specified fee.

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

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

(b) Cost to the public agency of the creation, purchase, or other acquisition of the public records.
(KRS 61.874(3), (4))

Cross-reference:

Fees for online access to public records, see § 34.15

§ 34.14 MISSTATEMENT OF PURPOSE PROHIBITED.

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

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

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

(C) Noncommercial purpose, if the person uses or knowingly allows the use of the public record for a commercial purpose. A newspaper, periodical, radio or television station shall not be held to have used or knowingly allowed the use of the public record for a commercial purpose merely because of its publication or broadcast, unless it has also given its express permission for that commercial use.
(KRS 61.874(5)) Penalty, see § 10.99

§ 34.15 ONLINE ACCESS TO PUBLIC RECORDS IN ELECTRONIC FORM.

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

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(B) Fees shall not exceed:

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

(2) If the records are requested for a commercial purpose, a reasonable fee based on the factors set forth in § 34.13.
(KRS 61.874(6))

§ 34.16 PUBLIC RECORDS PROTECTED FROM DISCLOSURE.

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

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

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

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

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

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

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

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

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

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

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(4) Public records pertaining to a prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within, or expanding within the Commonwealth. This exemption shall not include those records pertaining to applications to agencies for permits or licenses necessary to do business or to expand business operations within the state, except as provided in division (A) (2) above.

(5) Public records which are developed by an agency in

including but not limited to, banks, savings and loan associations, and credit unions, which disclose the agency's internal examining or audit criteria and related analytical methods.

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

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

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

(9) 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.

(10) (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;

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2. Vulnerability assessments;

3. Antiterrorism protective measures and plans;

4. Counterterrorism measures and plans;

5. Security and response needs assessments;

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

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

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

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

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

2. Disrupt a system identified in division (10)(a)6.;
or

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

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

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

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

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

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

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

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

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

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

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

§ 34.17 NOTIFICATION OF THE ATTORNEY GENERAL.

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

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CHAPTER 35: TAXATION

Section

- 35.01 County assessment adopted
- 35.02 Due date; payment
- 35.03 Delinquency
- 35.04 Ad valorem taxes on motor vehicles
- 35.05 Disposition of funds

(A) Pursuant to the authority granted in KRS 132.285, the city hereby adopts the Jefferson 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.

(B) The assessment as finally determined for county tax purposes shall serve as the basis for all city levies for the fiscal year commencing after the assessment date.

§ 35.02 DUE DATE; PAYMENT.

(A) All taxes, except ad valorem taxes on motor vehicles, shall become due on April 1.

(B) Any taxpayer who pays his city taxes before April 1 after they become due shall be entitled to a 2% discount thereon, and the Clerk shall allow the discount and give a receipt in full to the taxpayer.

§ 35.03 DELINQUENCY.

(A) All city taxes, except ad valorem taxes on motor vehicles, shall become delinquent on July 1 following their due dates.

(B) Any taxes not paid by the date when they become delinquent shall be subject to a penalty of 7% on the taxes due and unpaid. The delinquent taxpayer shall also pay all costs and expenses incidental to any action taken by the city for collection of the delinquent tax bill.

(C) Delinquent taxes shall be collectable under the provisions of the state law relating to the collection of delinquent taxes by cities of the sixth class.

§ 35.04 AD VALOREM TAXES ON MOTOR VEHICLES.

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

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

§ 35.05 DISPOSITION OF FUNDS.

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

CHAPTER 36: CODE OF ETHICS

Section

- 36.01 Definitions
- 36.02 Standards of conduct
- 36.03 Nepotism
- 36.04 Financial disclosure
- 36.05 City Ethics Committee

§ 36.01 DEFINITIONS.

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

BUSINESS ASSOCIATE. Includes the following:

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

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

CANDIDATE. An individual who seeks nomination or election to a city office.

CITY AGENCY. Any board, commission, authority, nonstock corporation, or other entity formed by the city or a combination of local governments.

CITY EMPLOYEE. Any individual whether or not compensated, full or part-time, employed by or serving the city who is not a city officer, excluding employees of a school district or school board.

CITY OFFICER. Any individual whether or not compensated, full or part-time, elected to any city office; or any individual who serves as a member of the governing body of any city agency, excluding employees of a school district or school board.

MEMBER OF IMMEDIATE FAMILY. A spouse, an unemancipated child residing in the household, or a person claimed by the individual or spouse as a tax dependent.
(Ord. 1995-1, passed - -95)

§ 36.02 STANDARDS OF CONDUCT.

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

(B) No city government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or his immediate family.

(C) No city government officer shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has a substantial interest, has a direct financial or personal involvement which might reasonably be expected to impair his objectivity or independence of judgment.

(D) No city government officer or employee shall undertake any employment or service, compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties.

(E) No city government officer shall be deemed in conflict with these provisions if, by reason of his participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group.
(Ord. 1995-1, passed - -95)

§ 36.03 NEPOTISM.

A member of the immediate family of a city officer shall not be employed or appointed to a permanent position in the city, unless the following criteria are met:

(A) No family member shall be compensated more than others in like jobs.

(B) All family members must meet job qualifications.
(Ord. 1995-1, passed - -95)

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§ 36.04 FINANCIAL DISCLOSURE.

(A) All elected officials shall be required to file an annual financial disclosure statement.

(B) The financial disclosure statement should include the following information:

- (1) Name of filer.
- (2) Current home and business addresses.
- (3) Filer's office held.

(4) A list of any income which has been derived from any financial dealings with the city during the past three years or may reasonably expect or anticipate to have any financial dealings within the next 12 months above \$2,000.

(C) Each statement shall be signed and dated by the elected official filing the disclosure of financial interest.

(D) The financial disclosure statements shall be filed with the City Ethics Committee Chairperson and a copy to be filed with the City Clerk.
(Ord. 1995-1, passed - -95)

§ 36.05 CITY ETHICS COMMITTEE.

(A) The City Ethics Committee shall consist of at least two members; excluding elected officials. Members shall receive no compensation, but will be reimbursed for all necessary expenses. The terms of members shall be staggered and not for more than four years.

(1) Appointments must be made no later than 60 days after the adoption of this chapter.

(2) Vacancies on the City Ethics Committee shall be filled within 60 days by the Mayor; if a vacancy is not filled within 60 days, the remaining members of the Committee shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.

(B) Powers and duties for the administration of this chapter shall be under the authority of the Committee. The Committee shall:

(1) Receive complaints, initiate investigations on its own motion, conduct investigations, inquiries and hearings concerning any matter covered by this code;

(2) Issue advisory opinions whether or not a given set of facts and circumstances constitute a violation of any provision of this chapter;

(3) Prescribe and provide forms for reports, statements, and notices;

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(4) Determine whether required forms have been filed and, if so, whether such filings conform to the requirements;

(C) The procedure for complaint and preliminary investigations shall be:

(1) Committee shall investigate any complaint on its own motion

beginning ten days after inception, and furnishing a copy of the complaint with general statement of the alleged violation to the person under investigation;

(2) The person who is the subject of the complaint and investigation shall have opportunity to respond to the complaint, to have counsel present, and to present evidence;

(3) Any person who knowingly files with the Committee a false complaint of misconduct on the part of any elected or appointed official or other person shall be guilty of a Class A misdemeanor.

(D) If the Committee concludes in its investigation there is clear and convincing evidence of a violation of this chapter, it 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 Commissioners of the city;

(3) In writing, recommend to the Mayor and Commissioners that the violator be sanctioned as recommended by the Committee, which may include a recommendation for discipline or dismissal;

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

(5) Issue an order requiring the violator to pay for all costs and expenses resulting from the violation;

(6) Refer evidence of criminal violation of this chapter to the County Attorney or proper jurisdictional authority.

(E) Any person found by the committee to have committed a violation of this Ethics Code may appeal the action to the Jefferson County Circuit Court. The appeal shall be initiated within 30 days after the date of the final action of the Committee by filing a petition with the court against the Committee. The committee shall transmit to the clerk of the court all evidence considered by the Committee. The court shall hear the appeal upon the record as certified by the Committee.

(F) Retention of Ethics Committee records shall be maintained in compliance with the standards of the Archives and Records Commission, pursuant to KRS 171.420.

(Ord. 1995-1, passed - -95)

TITLE V: PUBLIC WORKS

*(This title is reserved for local ordinances dealing with sewer, water,
and trash collection.)*

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TITLE VII: TRAFFIC CODE

Chapter

70. GENERAL PROVISIONS

71. TRAFFIC RULES

**72. PARKING
REGULATIONS**

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CHAPTER 70: GENERAL PROVISIONS

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§ 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 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 such boulevard.

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

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

CURB. The boundary of that portion of the street used for vehicles

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

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 foot paths.

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

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

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

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

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.

General Provisions

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.

§ 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 United States government, this state, county, or city, and it shall be unlawful for any such driver to violate any of the provisions of this traffic code, except as otherwise permitted in this traffic code or by state statute.

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

Penalty, see § 70.99

§ 70.03 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.

§ 70.04 AUTHORITY FOR ENFORCEMENT.

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

Penalty, see § 70.99

§ 70.05 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 discretion, have authority to impose such traffic regulations as he may deem necessary for temporary periods not to exceed two weeks. If these temporary regulations are necessary for a period longer than two weeks, the City Clerk shall be notified in writing of the extended order.

TRAFFIC-CONTROL DEVICES

§ 70.15 SIGNAL LEGENDS.

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

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

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

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

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

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

(F) "Yield Right-of-Way": Vehicular traffic facing the "Yield Right-of-Way" sign shall bear the primary responsibility of safely entering the primary intersecting or merging right-of-way. All traffic facing the sign shall yield the right-of-way to all vehicles and pedestrians within such primary intersecting or merging right-of-way. No vehicle facing a "Yield Right-of-Way" sign shall enter the merging or intersecting right-of-way at a speed in excess of 15 miles per hour, except that this speed limit shall not apply to vehicles entering an expressway.

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

Penalty: see § 70.20

Statutory reference:

Traffic-control signals, see KRS 189.338

§ 70.16 ESTABLISHMENT AND MAINTENANCE OF TRAFFIC-CONTROL DEVICES.

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

§ 70.17 OBEDIENCE TO SIGNALS.

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

(B) Such sign, signal, marking, or barrier shall have the same authority as the personal direction of a police officer.
Penalty, see § 70.99

§ 70.18 INTERFERENCE WITH SIGNALS.

No person shall without authority attempt to or in fact alter, deface, injure, knock down, or remove any official control device or any railroad sign or signal, or any inscription, shield, or insignia thereon, or any part thereof.
Penalty, see § 70.99

§ 70.19 UNAUTHORIZED SIGNALS OR MARKINGS.

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

official control device or any railroad sign or signal. No person shall place or maintain, nor shall any public authority permit on any street, any traffic sign or signal bearing any commercial advertising. Nothing in this section shall be construed as restricting any public department or public utility of the city in any emergency or temporarily from marking or erecting any traffic barrier or sign whose placing has been approved by the city.

(B) Every such prohibited sign, signal, or marking is declared to be a public nuisance and the city is empowered forthwith to remove it or cause it to be removed.

Penalty, see § 70.99

§ 70.20 DEVICE TO BE LEGIBLE AND IN PROPER POSITION.

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

§ 70.21 TEMPORARY DISREGARD OF DEVICES BY POLICE OFFICERS.

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

§ 70.99 GENERAL PENALTY.

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

CHAPTER 71: TRAFFIC RULES

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Operation Generally

- 71.01 Obstructing traffic
- 71.02 Reverse or U turns
- 71.03 Backing vehicles
- 71.04 Vehicles crossing sidewalks

Accidents

- 71.15 Duty of operator
- 71.16 Accident report

Prohibitions

- 71.25 Operator of vehicle to drive carefully
- 71.26 Right-of-way of emergency vehicles; following emergency vehicles; driving over fire hose
- 71.27 Smoke emission or other nuisance
- 71.28 Reckless operation

- 71.99 Penalty

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 manner as to create an obstruction thereof.

(B) It shall be unlawful for the operator of any vehicle to enter any intersection or crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding the indication of any traffic-control signal which may be located at the intersection or crosswalk.

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

Penalty, see § 71.99

§ 71.02 REVERSE OR U TURNS.

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

(KRS 189.330(8)) 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.

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. On

entering the roadway from the alley, driveway, or building the operator shall yield the right-of-way to all vehicles approaching on the roadway. The operator of any vehicle intending to cross a sidewalk and turn into an alley from the roadway may do so at low speed and with caution.
Penalty, see § 71.99

ACCIDENTS

§ 71.15 DUTY OF OPERATOR.

It shall be the duty of the owner of, operator of, or passenger in any motor vehicle which is

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involved in an accident in which any person is injured or property damaged to stop immediately and ascertain the extent of the injury or damage and render such assistance as may be needed.

Penalty, see § 71.99

Statutory reference:

Duty in case of accident, see KRS 189.580

§ 71.16 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.

Penalty, see § 71.99

PROHIBITIONS

§ 71.25 OPERATOR OF VEHICLE TO DRIVE CAREFULLY.

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

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

(KRS 189.290) Penalty, see § 71.99

§ 71.26 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

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

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

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

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

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

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

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

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

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

(F) This section does not operate to relieve the person who drives an emergency vehicle from the duty to operate the vehicle with due regard for the safety of all persons using the highway.
(KRS 189.930) Penalty, see § 71.99

§ 71.27 SMOKE EMISSION OR OTHER NUISANCE.

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

§ 71.28 RECKLESS OPERATION.

(A) No vehicle shall be operated, propelled or driven in a reckless manner and at a rate of speed or in such a manner as to endanger or to be likely to endanger the life, limbs or any property of any person.

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(B) Any person who drives any vehicle in such a manner as to indicate a willful or wanton disregard of the safety of persons or property, shall be guilty of reckless driving.

(C) The operation of any vehicle except emergency vehicle at a speed in excess of 25 miles per hour shall be prima facie evidence of reckless and improper driving. Whoever violates the provisions of this division (C) shall be subject to the fine schedule set forth in KRS 189.394.

(Ord. 5, passed 6-17-46) Penalty, see § 71.99

Statutory reference:

Authority to regulate speed, see KRS 189.390(4)

§ 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) Any person who violates § 71.26 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))

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CHAPTER 72: PARKING REGULATIONS

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Parking Generally

- 72.01 Obstructional parking; double parking
- 72.02 Manner of parking
- 72.03 Limitations of stopping and parking
- 72.04 Restrictions and prohibitions on designated streets
- 72.05 Parking restricted to allow street cleaning
- 72.06 Parking in excess of certain number of hours prohibited; towing authorized
- 72.07 Parking on parade route
- 72.08 Parking on off-street facility
- 72.09 Owner responsibility
- 72.10 Parking outside parking and roadway areas
- 72.11 Display of parked vehicle for sale
- 72.12 Parking with handicapped permits
- 72.13 Parking of trucks, boats, trailers and similar vehicles
- 72.14 Storing abandoned or junked vehicles on private property prohibited

Impounding

- 72.20 Impoundment of vehicles authorized; redemption
- 72.21 Required notice to owner
- 72.22 Sale of vehicle

Snow Emergency

- 72.35 Announcement of snow emergency
- 72.36 Termination of emergency
- 72.37 Snow emergency routes

- 72.99 Penalty

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.

Penalty, see § 72.99

§ 72.02 MANNER OF PARKING.

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

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

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

(D) The city may establish diagonal parking at certain places, requiring the parking of vehicles at a certain angle to the curb and within a certain portion of the roadway adjacent thereto. However, diagonal parking shall not be established where the roadway space required therefor would be within ten feet of the center line of any street. Such diagonal parking places shall be designated by suitable signs, and shall indicate by markings on the pavement the required angle and the width of the roadway space within which such vehicle shall park.

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

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 contact 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 of any flashing beacon, stop sign or traffic control signal located at the side of the roadway;
- (7) On any controlled access highway;
- (8) Within a highway tunnel;
- (9) Within 15 feet of a fire hydrant; or
- (10) In an area between the roadways of a divided highway.

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

(KRS 189.450(5), (6)) Penalty, see § 72.99

§ 72.04 RESTRICTIONS AND PROHIBITIONS ON DESIGNATED STREETS.

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

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

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

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

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

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

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

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

Penalty, see § 72.99

§ 72.05 PARKING RESTRICTED TO ALLOW STREET CLEANING.

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

Penalty, see § 72.99

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

It shall be unlawful for anyone to allow any vehicle to remain parked continuously from 12 a.m. to 6 a.m. on any of the public ways or streets of the city. Continuously parked is defined as a vehicle left parked in any one place for a period exceeding two hours. Any vehicle left parked in any one place on any of the public ways or streets of the city during said period or longer shall be deemed abandoned and shall be subject to the laws, rules, and regulations of the City of Wellington, County of Jefferson, and the State of Kentucky relating to abandoned vehicles, including the towing of said vehicles at the owner's expense.

(Ord. 10, passed 6-21-48; Am. Ord. 7, Series 2015-2016, passed 9-22-15)

Penalty, see § 72.99

Cross-reference:

Removal of abandoned vehicles, see § 72.21 et seq.

§ 72.07 PARKING ON PARADE ROUTE.

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

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(B) It shall be unlawful to park or leave unattended any vehicle in violation of such signs or directions.
Penalty, see § 72.99

§ 72.08 PARKING ON OFF-STREET FACILITY.

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

(B) If at any time a vehicle is parked, abandoned, or otherwise trespasses in violation of division (A) of this section, the owner, lessee, or person in charge of the property or facility may have the unauthorized motor vehicle removed in accordance with the provisions of §§ 72.20 through 72.22.

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

Penalty, see § 72.99

Statutory reference:

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

§ 72.09 OWNER RESPONSIBILITY.

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

Penalty, see § 72.99

§ 72.10 PARKING OUTSIDE PARKING AND ROADWAY AREAS.

It shall be unlawful for any person to park any vehicle in or on any property within the city which is not designated as a parking area or designed and regularly maintained as a roadway, subject to the limitations set out in

§ 72.06 above. This prohibition includes parking on the traffic islands within the city. Anyone in violation of this section will be towed away at the owner's expense, in addition to the penalties set out in § 72.99.
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

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demonstrations are being made on any street.
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 permit a motor vehicle to be parked in such a manner as to constitute a traffic hazard.
Penalty, see § 72.99

§ 72.13 PARKING OF TRUCKS, BOATS, TRAILERS AND SIMILAR VEHICLES.

No truck, airplane, boat, housecar, mobile home, motor vehicle, trailer, camper, or part of such vehicle shall be parked or stored in any front yard or street side yard.

§ 72.14 STORING ABANDONED OR JUNKED VEHICLES ON PRIVATE PROPERTY PROHIBITED.

(A) It shall be unlawful for any person to park, store, leave or permit parking or storing of any junked or abandoned vehicle of any kind, or part thereof, for a period of time in excess of seven days, upon any private residential property.

(B) This section shall not apply to a vehicle in an enclosed building.

IMPOUNDING

§ 72.20 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.

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

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

§ 72.21 REQUIRED NOTICE TO OWNER.

(A) When a motor vehicle has been involuntarily towed or transported pursuant to order of police, other public authority, or private person or business for any reason or 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 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 Chapter 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.

(B) If a vehicle described in division (A) is placed in a garage or other storage facility, the owner of the facility shall attempt to provide the notice provided in division (A) 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 Chapter 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(1), (2))

§ 72.22 SALE OF VEHICLE.

(A) (1) Any person engaged in the business of storing or towing motor vehicles, who has substantially complied with the aforementioned

contents, except as set forth in division (B) of this section, for the reasonable or agreed charges for towing, recovery, storage, transporting, and other applicable charges due on the vehicle, as long as it remains in his possession.

(2) Prior to payment of fees and release of a vehicle, a towing or storage company shall not refuse the right of physical inspection of the towed vehicle by the owner or an insurance company

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representative. Release of the vehicle shall occur to the owner or insurance company representative upon payment and consent of the release from the owner or the owner's authorized representative. Each additional service shall be set forth individually as a single line item in the bill with an explanation and the exact charge for the service.

(3) If after a period of 45 days, the reasonable or agreed charges for towing, recovery, storage, transporting, and other applicable charges due on a motor vehicle and its contents have not been paid, the motor vehicle and its contents, except as set forth in division (B) of this section, 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. A lien on a vehicle under this subsection shall be subject to prior recorded liens.

(B) Division (A) of this section shall not apply to the following contents of a motor vehicle, which shall be released to the vehicle owner or the owner's designated agent upon request, if the request is made within 45 days of the date the vehicle was towed:

(1) Prescription medication in its proper container;

(2) Personal medical supplies and equipment or records;

(3) Educational materials, including but not limited to calculators, books, papers, and school supplies;

(4) Documents, files, electronic devices, or equipment which may be able to store personal information or information relating to a person's employment or business;

(5) Firearms and ammunition. Notwithstanding the provisions of division (C) of this section, firearms and ammunition which are not claimed by the owner of the vehicle within 45 days of the date the vehicle was towed shall be transferred to the Department of State Police for disposition as provided by KRS 16.220;

(6) Cargo in the possession of persons engaged in transportation in interstate commerce as registered under KRS 186.020;

(7) Cargo in the possession of an integrated intermodal small

- (8) Child restraint systems or child booster seats; and
- (9) Checks, checkbooks, debit or credit cards, money orders, stocks, or bonds.

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(C) Except as provided for in division (B)(5) of this section, any contents exempted under division (B) of this section that are not claimed by the owner of the vehicle within 45 days of the date the vehicle was towed may be sold or otherwise legally disposed of by the storage or towing company.

(D) The storage or towing company shall not be responsible for contents in a vehicle's trunk or other locked compartment to which the storage or towing company is without access, unless the towing company intentionally opens the area without the owner's consent.

(E) The provisions of this section shall not apply when a local government causes a vehicle to be towed pursuant to KRS 82.605 to 82.640 or if state government causes a vehicle to be towed.
(KRS 376.275(3) - (7))

SNOW EMERGENCY

§ 72.35 ANNOUNCEMENT OF SNOW EMERGENCY.

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 such parking be prohibited, the Commission or city official is authorized to announce such prohibition, to become effective at a time specified by it. After the effective time of such 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 such fall. 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.

Penalty, see § 72.99

§ 72.36 TERMINATION OF EMERGENCY.

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

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§ 72.37 SNOW EMERGENCY ROUTES.

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

§ 72.99 PENALTY.

(A) For first offense, place a warning with a copy of the section that is being violated on the violator's windshield and record the license number of the offending vehicle.

(B) For a second violation place a warning of repeated offense on the windshield indicating that the license number is on file with the City Clerk.

(C) If the violation occurs again for the same vehicle, place a notice of due process hearing scheduled to be held by the City Commission along with a notice that there will be a fine of \$100.

(D) At the hearing, determine if a fine should be imposed.

(E) If the offending vehicle continues to violate the chapter and the fine has not been paid, then have the car towed for repeated violations and non-payment of fines.

(Ord. 72.06, passed 7-23-13)

Statutory Reference:

Penalty, see also KRS 189.990(1)

CHAPTER 73: BICYCLES AND MOTORCYCLES

Section

73.01 Skating and coasting

73.02 Clinging to vehicles

73.99 Penalty

Cross-reference:

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

Statutory reference:

Bicycles; safety regulations and standards, see KRS 189.287

Regulations for operating and riding on motorcycles, see KRS 189.285

§ 73.01 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.

Penalty, see § 73.99

§ 73.02 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 is riding thereto.

(B) No person shall ride on the projection, running board, or fenders of any vehicle.

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.

TITLE IX: GENERAL REGULATIONS

Chapter

90. ANIMALS

**91. STREETS AND
SIDEWALKS**

92. NUISANCES

93. LITTERING

94. SIGNS

CHAPTER 90: ANIMALS

Section

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

- 90.15 Definition
- 90.16 License required
- 90.17 Registration and issuance of license
- 90.18 License tag to be attached to dog
- 90.19 Dogs running at large
- 90.20 Noise disturbance
- 90.21 Reclaiming impounded dog

- 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. Abandonment shall constitute the relinquishment of all rights and claims by the owner to the animal. (KRS 257.100(4))

AT LARGE. Off the premises of the owner, and not under the control of the owner or his agent either by leash, cord, chain, or otherwise.

to remain on or about the premises owned or occupied by him.

§ 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.

(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 such animal upon the premises of another.
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 intentionally or wantonly:

(1) Subjects any animal to or causes cruel or injurious mistreatment through abandonment, participates other than as provided in § 90.03 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 custody to cruel neglect; or

(3) Kills any animal other than a domestic animal killed by poisoning. This section 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;

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(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;

(2) For purposes of fish and game laws, including the possession of

higher education; or a business entity registered with 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.

(C) (1) If a person is convicted of or pleads guilty to an offense under division (A) of this section arising from the person's treatment of an equine, the court may impose one or both of the following penalties against the person, in addition to fines and imprisonment:

(a) An order that the person pay restitution for damage to the property of others and for costs incurred by others, including reasonable costs, as determined by agreement or by the court after a hearing, incurred in feeding, sheltering, veterinary treatment, and incidental care of any equine that was the subject of the offense resulting in conviction; or

(b) An order terminating or imposing conditions on the person's right to possession, title, custody, or care of any equine that was the subject of the offense resulting in conviction.

(2) If a person's ownership interest in an equine is terminated by a judicial order under division (C)(1)(b) of this section, the court may order the sale, conveyance, or other disposition of the equine that was the subject of the offense resulting in conviction.

(KRS 525.130) 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 or exchange or to give away baby chicks, ducklings or other fowl or rabbits, under two months of age in any 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) Penalty, see § 90.99

No owner of a domestic animal shall abandon the animal.
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 of Agriculture 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.

(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 to view the animal in his presence, or shall obtain consent to the destruction from the owner of the animal.

(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 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 agent at his 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)

DOGS

§ 90.15 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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§ 90.16 LICENSE REQUIRED.

It shall be unlawful for any person to own or keep a dog or dogs in the

city without first obtaining a license for each dog. This section and § 90.17 shall not apply to dogs whose owners are nonresidents temporarily within the city for a period less than 30 days.
Penalty, see § 90.99

§ 90.17 REGISTRATION AND ISSUANCE OF LICENSE.

(A) All dogs kept in the city shall be registered as to sex, breed, name and address of the owner, and name of the dog. At the time of the registration the owner shall obtain a license tag for the dog and shall pay a fee as established by the City Commission for each dog.

(B) The license tag shall be valid for one year from the date of issue. A new tag shall be obtained each year by every owner and a new fee paid.
Penalty, see § 90.99

§ 90.18 LICENSE TAG TO BE ATTACHED TO DOG.

The license tag shall be fastened to the collar of the dog and shall be worn continuously, and the failure to have the tag so attached shall subject the owner or keeper thereof to the penalties provided herein.
Penalty, see § 90.99

§ 90.19 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.
Penalty, see § 90.99

§ 90.20 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 such 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 occupies or owns shall be considered as harboring the dog.
Penalty, see § 90.99

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§ 90.21 RECLAIMING IMPOUNDED DOG.

The owner of any dog so impounded may reclaim the dog upon the payment of all appropriate fees and after fulfilling any and all other requirements.

§ 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 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)

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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

- 91.15 Public hearing required
- 91.16 Notice requirements
- 91.17 Public may testify; effect of testimony
- 91.18 Hearing to be held prior to construction
- 91.19 Separate hearing for each project not required
- 91.20 Exemptions from hearing requirement

Obstructions

- 91.30 Unloading on street or sidewalk
- 91.31 Street and sidewalk obstruction
- 91.32 Materials on street or sidewalk
- 91.33 Removal of ice and snow

Sidewalk Maintenance and Repair Program

- 91.45 Purpose
- 91.46 Scope
- 91.47 Repair of sidewalks
- 91.48 City participation

- 91.99 Penalty

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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.

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. Application 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 such 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

§ 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) 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 such fill and restoration and the deposit referred to in § 91.02 shall be forfeited. Thereupon the deposit shall be paid into the appropriate city fund, except such 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. If the amount of such 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.

§ 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. Penalty, see § 91.99

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§ 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.

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 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.

Sidewalks; construction along public roads; specifications, see KRS 178.290

Sidewalks; ramps for wheelchairs, see KRS 66.660

ROAD AND BRIDGE PROJECTS

§ 91.15 PUBLIC HEARING REQUIRED.

Before the city expends state derived tax revenues on a municipal highway, road, street, or bridge it shall hold a hearing in accordance with the provisions of this subchapter to take the sense of the public with regard to the project and to priorities for use of tax moneys for road and bridge purposes.
(KRS 174.100)

§ 91.16 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

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work on any project covered by this subchapter.
(KRS 174.100(1))

§ 91.17 PUBLIC MAY TESTIFY; EFFECT OF TESTIMONY.

(A) At the hearing any person may speak with regard to any proposed project, any project which he feels should be built or done which has not been proposed, priorities for completion of projects, and any other matter related to road or bridge projects.

(B) The city shall not be bound by the testimony heard at the hearing but shall give due consideration to it.
(KRS 174.100(2), (3))

§ 91.18 HEARING TO BE HELD PRIOR TO CONSTRUCTION.

The city shall not begin construction on a road or bridge project wherein state derived tax revenues are involved until the hearing as provided herein has been held.
(KRS 174.100(4))

§ 91.19 SEPARATE HEARING FOR EACH PROJECT NOT REQUIRED.

This subchapter shall not be construed to require a separate hearing

program, provided all projects subsequently undertaken have been identified at the hearing, shall meet the requirements of this subchapter.
(KRS 174.100(5))

§ 91.20 EXEMPTIONS FROM HEARING REQUIREMENT.

(A) The provisions of this subchapter shall not apply to emergency repair or replacement of roads or bridges necessitated by natural or man-caused disasters nor to street cleaning or snow removal operations.

(B) The provisions of this subchapter shall not apply to projects which are under construction as of the effective date of this subchapter unless construction is suspended after the effective date of this subchapter and the city desires to reactivate the project.
(KRS 174.100(6), (7))

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OBSTRUCTIONS

§ 91.30 UNLOADING ON STREET OR SIDEWALK.

No person shall unload any heavy material in the streets of the city by throwing or letting the material fall upon the pavement of any street, alley, sidewalk, or other public way, without first placing some sufficient protection over the pavement.
Penalty, see § 91.99

§ 91.31 STREET AND SIDEWALK OBSTRUCTION.

(A) 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.

(B) It shall be unlawful for any person to place or maintain any shrub, planting trees, nursery installation of a permanent nature, landscape enhancement, or other obstruction within the boundaries of the right-of-way of the respective streets or public ways within the corporate limits of the city.

(C) It shall be unlawful for any person, firm or corporation to use any sidewalk, street or public way for conducting any business, occupation or trade or advertising business, occupation or trade or vending any article.

(D) It shall be unlawful to allow and permit the flow of water of any kind, of any drain or other pipe, upon any street, alley, sidewalk or public way, except surface drainage, or roof drainage.
(Ord. 8, passed 7-21-47) Penalty, see § 91.99

§ 91.32 MATERIALS ON STREET OR SIDEWALK

No person shall encumber any street or sidewalk. No owner, occupant, or person having the care of any building or lot of land, bordering on any street or sidewalk, shall permit it to be encumbered with barrels, boxes, cans, articles, or substances of any kind, so as to interfere with the free and unobstructed use thereof.

Penalty, see § 91.99

Cross-reference:

Littering on streets or sidewalks, see Ch. 93

§ 91.33 REMOVAL OF ICE AND SNOW.

It shall be the duty of the owner or of the occupant of each and every parcel of real estate in the city abutting upon any sidewalk to keep the sidewalk abutting his premises free and clear of snow and

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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.

Penalty, see § 91.99

SIDEWALK MAINTENANCE AND REPAIR PROGRAM

§ 91.45 PURPOSE.

The purpose of this subchapter is to provide the city and its residents the opportunity to repair, maintain and construct the sidewalks located within the corporate boundaries of the city in such a manner as to safeguard life, health, property and public welfare within the city.

(Ord. 95-02, passed 9-25-95)

§ 91.46 SCOPE.

The provisions of this subchapter shall apply to the removal, repair, construction and maintenance of any sidewalk located within the corporate boundaries of the city. In the event there is an apparent discrepancy in the requirements specified in different sections of this subchapter, or between the requirements of this subchapter and of any other applicable law, the more restrictive shall govern.

(Ord. 95-02, passed 9-25-95)

§ 91.47 REPAIR OF SIDEWALKS.

(A) The owners of property abutting on public ways within the city in which a sidewalk is located are hereby required to maintain that part of the sidewalk adjoining the property respectively belonging to them at their own expense by repairing any holes, uneven surfaces and other defective places therein by using the materials as nearly similar as possible to that of which

said sidewalk is constructed.

(B) As soon as it ascertains the existence of defects of a sidewalk in the city, the City Commission shall forthwith notify, in writing, the owner of said property abutting the public way in which said sidewalk is located, to repair same at his own expense within a period of 60 days after delivery of the notice.

(C) In the event said owner fails to make such repairs, the City Commission is authorized to have the necessary repairs made and to assess the cost of same to said owner and notify the owner of the assessment in writing.

(D) In the event said owner fails to remit the costs as assessed within 30 days of the notice as given in division (C) above, the Clerk shall take the necessary steps to place a lien against the abutting

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property owner in the office of the Jefferson County Clerk in the amount of the unpaid assessment.

(Ord. 95-02, passed 9-25-95)

§ 91.48 CITY PARTICIPATION.

(A) At the time the City Commission notifies the owner of the property abutting the public way in which the sidewalk is located as to the existence of defects in the sidewalk pursuant to § 91.47(C), it shall also advise the property owner that the city will participate in the repair or maintenance of the sidewalk to the extent of 40% of the overall cost of repair or maintenance and upon approval of the contractor hired to do the repair or maintenance.

(B) In no event will the city reimburse the property owner to the extent as outlined in division (A) above if the repair or maintenance is done by the property owner without consent of the city.

(C) In the event that the property owner participates with the city in the repair or maintenance of the sidewalk abutting to the owner's property as outlined under division (A) above, the City Commission may develop a plan of payment with each property owner.

(Ord. 95-02, passed 9-25-95)

§ 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.

Section

- 92.01 Definitions
- 92.02 Common law and statutory nuisances
- 92.03 Certain conditions declared a nuisance
- 92.04 Abatement procedure
- 92.05 Nuisance created by others
- 92.06 Suspension of license

92.99 Penalty

Statutory reference:

Private nuisances, see KRS 411.500 - 411.570

§ 92.01 DEFINITIONS.

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

AUTOMOBILE PARTS. Any portion or parts of any motor driven vehicle as detached from the vehicle as a whole.

INOPERATIVE CONDITION. Unable to move under its own power due to defective or missing parts, and which has remained in such condition for a period of not less than ten consecutive days.

MOTOR VEHICLE. Any style or type of motor driven vehicle used for the conveyance of persons or property.

PUBLIC NUISANCE. Any act, thing, occupation, condition or use of property which shall continue for such a length of time as to:

(1) Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public;

(2) 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

(3) Essentially interfere with the comfortable enjoyment of life and property, or tend to depreciate the value of property of others.

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SCRAP METAL. Pieces or parts of steel, iron, tin, zinc, copper, aluminum, or any alloy thereof, whether covered with porcelain or any other material, whether intact or in parts, which has served its usefulness in its original form and can no longer be used for its originally intended purpose.

UNFIT FOR FURTHER USE. In a dangerous condition; having defective or missing parts; or in such a condition generally as to be unfit for further use as a conveyance.

§ 92.02 COMMON LAW AND STATUTORY NUISANCES

In addition to what is declared in this chapter to be a public nuisance, those offenses which are known to the common law and statutes of Kentucky as public nuisances may be treated as such and be proceeded against as is provided in this chapter or in accordance with any other provision of law. Penalty, see § 92.99

§ 92.03 CERTAIN CONDITIONS DECLARED A NUISANCE.

It shall be unlawful for the owner, occupant, or person having control or management of any land within the city to permit a public nuisance to develop thereon. The following conditions are declared to be public nuisances:

(A) Dangerous trees or stacks adjoining street. Any tree, stack, or other object standing in such a condition that it will, if the condition is allowed to continue, endanger the life, limb, or property of, or cause hurt, damage, or injury to persons or property upon the public streets or public ways adjacent thereto, by the falling thereof or of parts thereof.

(B) Accumulation of rubbish. An accumulation on any premises of filth, refuse, trash, garbage, or other waste material which endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger that it will catch or communicate fire, attract and propagate vermin, rodents, or insects, or blow rubbish into any street, sidewalk, or property of another.

(C) Storage of explosives. The storage of explosive material which creates a safety hazard to other property or persons in the vicinity.

(D) Weeds and grass. The excessive growth of weeds, grass, or other vegetation. Unless otherwise provided, **EXCESSIVE** shall mean growth to a height of eight inches or more.

(E) Open wells. The maintenance of any open, uncovered, or insecurely covered cistern, cellar, well, pit, excavation, or vault situated upon private premises in any open or unfenced lot or place.

(F) Trees and shrubbery obstructing streets, sidewalks, and drainage. The growing and maintenance of trees or shrubbery which in any way interferes with the use, construction, or maintenance of streets or sidewalks, causes injury to streets or sidewalks, or constitutes an obstruction to drainage.

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(G) Keeping of animals. The failure to keep an animal's pen, yard, lot, or other enclosure in a sanitary condition and free from preventable offensive odors.

(H) Junk; scrap metal; motor vehicles. The storage of motor vehicles in an inoperative condition, motor vehicles unfit for further use, automobile parts, or scrap metal within the city limits except on premises authorized by the city for such purposes.

§ 92.04 ABATEMENT PROCEDURE.

(A) It shall be unlawful for the owner, occupant, or person having control or management of any land within the city to permit a public nuisance, health hazard, or source of filth to develop thereon.

(B) Whenever a nuisance situation is discovered, the authorized city official shall give five days' written notice to remedy the nuisance situation. The notice shall be mailed to the last known address of the owner of property, as it appears on the current tax assessment roll. Upon the failure of the owner of the property to comply, the authorized city official is authorized to send employees upon the property to remedy the situation.

(C) The city shall have a lien against the property for the reasonable value of labor and materials used in remedying the nuisance situation. The affidavit of the authorized city official shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to state law and this section, and shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest at the rate established by the city thereafter until paid. The lien created shall take precedence over all other liens, except state, county, school board, and city taxes, except as provided in division (D) below. The lien may be enforced by judicial proceeding.

(D) The lien provided in division (C) above shall not take precedence or priority over a previously recorded lien if:

(1) The city, county, consolidated local government, or urban-county government failed to provide the lien holder a copy of the determination in accordance with KRS state law; or

(2) The lien holder received a copy of the determination as required by state law, and the lien holder corrected the violations or paid the fines, penalty charges, and costs incurred in remedying the violation.

(E) In addition to this remedy or any other remedy authorized by law, the owner of a property upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien, including all interest, civil penalties, and other charges and the city may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed. The

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failure of a city, county, consolidated local government, or urban-county government to comply with state law, and the failure of a lien to take precedence over previously filed liens as provided in division (D) above, shall not limit or restrict any remedies that the city, county, consolidated local government, or urban-county government has against the owner of the property.

§ 92.05 NUISANCE CREATED BY OTHERS.

For the purposes of this chapter, it shall not be essential that the nuisance be created or contributed to by the owner, occupant, or person having control or management of the premises, but merely that the nuisance be created or contributed to by licensees, invitees, guests, or other persons for whose conduct the owner or operator is responsible, or by persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care ought to have become aware of.

§ 92.06 SUSPENSION OF LICENSE.

(A) Whenever it is shown that a nuisance is associated with or caused by the conduct of a business or activity licensed by the city and that the existence of the nuisance presents an immediate threat to the public health, safety, or welfare, the City Commission may suspend the license of the person or persons conducting the business or activity.

(B) The City Clerk shall cause a notice of the suspension to be served personally upon the licensee, or upon any responsible agent of the licensee, at the premises where the licensed business or activity is being conducted. The notice shall clearly inform the licensee of the reason for the suspension, and the conditions that must be met for the suspension to be removed.

(C) Upon application of the licensee, and upon a showing that the nuisance has been satisfactorily abated and that any other reasonable conditions set forth in the notice have been met, the City Commission may remove the suspension.

§ 92.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500 for each offense. Each day's continued violation shall constitute a separate offense.

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CHAPTER 93: LITTERING

Section

- 93.01 Throwing litter from vehicle
- 93.02 Tracking foreign matter on streets
- 93.03 Hauling loose material
- 93.04 Sweeping litter into gutters
- 93.05 Litter on private property

93.99 Penalty

§ 93.01 THROWING LITTER FROM VEHICLE.

No person while a driver or passenger in a vehicle shall throw or deposit litter upon any street or other public place within the city or upon private property.
Penalty, see § 93.99

§ 93.02 TRACKING FOREIGN MATTER ON STREETS.

No person shall drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit upon any street, alley, or other public place, mud, dirt, sticky substances, litter, or foreign matter of any kind.
Penalty, see § 93.99

§ 93.03 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.
Penalty, see § 93.99

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§ 93.04 SWEEPING LITTER INTO GUTTERS.

No person shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
Penalty, see § 93.99

§ 93.05 LITTER ON PRIVATE PROPERTY.

(A) No person shall throw or deposit litter on any occupied private property within the city, whether owned by that person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon streets, sidewalks, or other public places, or upon any private property.

(B) No person shall throw or deposit litter on any open or vacant private property within the city whether owned by that person or not.
Penalty, see § 93.99

§ 93.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500. Each day the violation is committed or permitted to continue shall constitute a separate offense.

CHAPTER 94: SIGNS

Section

94.01 Signs in the city
94.02 Exemptions

94.99 Penalty

§ 94.01 SIGNS IN THE CITY.

It shall be unlawful for any person to place a commercial sign within the city limits/corporate boundaries of the city. For purposes of this chapter, commercial sign is defined as any device or surface on which letters, illustrations, designs, figures or any other symbols are painted printed, stamped, raised or in any manner outlined or attached and used as a display for business purposes.

(Ord. - -, passed 1-15-01) Penalty, see § 94.99

§ 94.02 EXEMPTIONS.

(A) Real estate signs. Signs relating to the sale of real property within the city limits/corporate boundaries of the city, provided that said sign is placed only on the property to be sold.

(B) Temporary signs. Signs which pertain to persons or firms supplying services, labor or materials to individual residents, provided that said signs are placed only on the property of the resident effected. Further, in no event shall sign remain more than ten days upon completion of the project and not to exceed a period of 90 days.

(Ord. - -, passed 1-15-01)

§ 94.99 PENALTY.

Violation of the provisions of this chapter shall constitute a misdemeanor. Any person who violates this chapter shall, upon conviction thereof, be fined not less than \$25 nor more than \$250. In addition to the fine above, the offending sign may be removed and confiscated.

(Ord. - -, passed 1-15-01)

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TITLE XI: BUSINESS REGULATIONS

Chapter

**110. PEDDLERS, ITINERANT
MERCHANTS, AND SOLICITORS**

111. INSURANCE COMPANIES

112. RENTAL PROPERTIES

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CHAPTER 110: PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS

Section

- 110.01 Definitions
- 110.02 License requirement
- 110.03 Application procedure
- 110.04 Standards for issuance
- 110.05 Revocation procedure
- 110.06 Standards for revocation
- 110.07 Appeal procedure
- 110.08 Exhibition of identification

- 110.99 Penalty

§ 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 such 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; or

(2) Any person who, without traveling from place to place, sells or offers goods for sale from any public place within the city.

A person who is a peddler is not an itinerant merchant.

SOLICITOR. Any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a solicitor is not a peddler.

§ 110.02 LICENSE REQUIREMENT.

(A) Any person who is an itinerant merchant, peddler, or solicitor shall obtain a license before engaging in such activity within the city.

(B) The fee for the license required by this chapter shall be as set from

(C) No license issued under this chapter shall be transferable.

(D) All licenses issued under this chapter shall expire 90 days after the date of issuance thereof.

Penalty, see § 110.99

§ 110.03 APPLICATION PROCEDURE.

(A) All applicants for licenses required by this chapter shall file an application with the City Clerk. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. The applicant may be requested to provide information concerning the following items:

(1) The name and address of the applicant;

(2) (a) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the city;

(b) The local address of such individual;

(c) The permanent address of such individual;

(d) The capacity in which such individual will act;

(3) The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation;

(4) The time period or periods during which it is proposed to carry on applicant's business;

(5) (a) The nature, character, and quality of the goods or services to be offered for sale or delivered;

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(b) If goods, their invoice value and whether they are to be sold by sample as well as from stock;

(c) If goods, where and by whom such goods are manufactured or grown, and where such goods are at the time of application;

(6) The nature of the advertising proposed to be done for the business;

(7) Whether or not the applicant, or the individual identified in division (A)(2)(a) above, or the person identified in division (A)(3) has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(B) Applicants for peddler or solicitor licenses may be required to provide further information concerning the following items, in addition to that requested under division (A) above:

(1) A description of the applicant;

(2) A description of any vehicle proposed to be used in the business, including its registration number, if any.

(C) All applicants for licenses required by this chapter shall attach to their application the following:

(1) If required by the city, copies of all printed advertising proposed to be used in connection with the applicant's business;

(2) If required by the city, credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to any attachments required under division (C), a statement from a licensed physician, dated not more than ten days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.

Penalty, see § 110.99

§ 110.04 STANDARDS FOR ISSUANCE.

(A) Upon receipt of an application, an investigation of the applicant's business reputation and moral character shall be made.

(B) The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare. In particular, tangible evidence that the applicant:

(1) Has been convicted of a crime of moral turpitude; or

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(2) Has made willful misstatements in the application; or

(3) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like; or

(4) Has committed prior fraudulent acts; or

(5) Has a record of continual breaches of solicited contracts; or

(6) Has an unsatisfactory moral character

will constitute valid reasons for disapproval of an application.

§ 110.05 REVOCATION PROCEDURE.

Any license or permit granted under this chapter may be revoked by the City Clerk after notice and hearing, pursuant to the standards in § 110.06. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the licensee at his last known address at least ten days prior to the date set for the hearing.

§ 110.06 STANDARDS FOR REVOCATION.

A license granted under this chapter may be revoked for any of the following reasons:

(A) Any fraud or misrepresentation contained in the license application; or

(B) Any fraud, misrepresentation, or false statement made in connection with the business being conducted under the license; or

(C) Any violation of this chapter; or

(D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or

(E) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals, or general welfare of the public.

§ 110.07 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision under §§ 110.04 or 110.06 shall have the right to appeal to the City Commission. The appeal shall be taken by filing with the City Commission, within 14 days after notice of the decision has been mailed to such person's last known address, a written statement

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setting forth the grounds for appeal. The City Commission shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner as provided in § 110.05.

(B) The order of the City Commission after the hearing shall be final.

§ 110.08 EXHIBITION OF IDENTIFICATION.

(A) Any license issued to an itinerant merchant under this chapter shall be posted conspicuously in or at the place named therein. In the event more than one place within the city shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The City Clerk shall issue a license to each peddler or solicitor licensed under this chapter. The license shall contain the words "Licensed Peddler" or "Licensed Solicitor," the expiration date of the license, and the number of the license. The license shall be kept with the licensee during such time as he is engaged in the business licensed.
Penalty, see § 110.99

§ 110.99 PENALTY.

misdemeanor and shall be fined not more than \$500. Each day's violation shall constitute a separate offense.

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CHAPTER 111: INSURANCE COMPANIES

Section

- 111.01 Imposition of license fee
- 111.02 Amount of fee for companies issuing life insurance
- 111.03 Amount of fee for companies issuing policies other than life insurance
- 111.04 Due date; interest
- 111.05 Written breakdown of collections

§ 111.01 IMPOSITION OF LICENSE FEE.

There is hereby imposed on each insurance company a license fee for the privilege of engaging in the business of insurance within the corporate limits of the city, on a calendar-year basis.
(Ord. 35.06, passed 7-1-03)

§ 111.02 AMOUNT OF FEE FOR COMPANIES ISSUING LIFE INSURANCE.

The license fee imposed upon each insurance company which issues life insurance policies on the lives of persons residing within the corporate limits of the city shall be 5% of the first year's premiums actually collected within each calendar quarter by reason of the issuance of such policies.

(Ord. 35.06, passed 7-1-03)

Statutory reference:

Similar state law, see KRS 91A.080(2)

§ 111.03 AMOUNT OF FEE FOR COMPANIES ISSUING POLICIES OTHER THAN LIFE INSURANCE.

The license fee imposed upon each insurance company which issues any insurance policy which is not a life insurance policy shall be 5% of the premiums actually collected within each calendar quarter by reason of the issuance of such policies on risks located within the corporate limits of the city on those classes of business which such company is authorized to transact, less all premiums returned to policyholders; however, any license fee or tax imposed upon premium receipts shall not include premiums received for insuring employers against liability for personal injuries to their employees, or

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death caused thereby, under the provisions of the Workers' Compensation Act, and shall not include premiums received on policies of group health insurance provided for state employees under KRS 18A.225(2) and 18A.228. (Ord. 35.06, passed 7-1-03)

Statutory reference:

Similar state law, see KRS 91A.080(3), (10)

§ 111.04 DUE DATE; INTEREST.

All license fees imposed by this chapter shall be due no later than 30 days after the end of each calendar quarter. License fees which are not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6).

(Ord. 35.06, passed 7-1-03)

Statutory reference:

Similar state law, see KRS 91A.080(8), (9)

§ 111.05 WRITTEN BREAKDOWN OF COLLECTIONS.

Every insurance company subject to the license fees imposed by this chapter shall annually, by March 31, furnish the city a written breakdown of all collections in the preceding calendar year for the following categories of insurance:

(A) Casualty.

(B) Automobile.

(C) Inland marine.

(D) Fire and allied perils.

(E) Health.

(F) Life.

(Ord. 35.06, passed 7-1-03)

Statutory reference:

Similar state law, see KRS 91A.080(8)

Section

112.01 Purpose and definitions
112.02 Registration of rental dwellings
112.03 Condition of rental property
112.04 Issuance of permit

112.99 Penalties

§ 112.01 PURPOSE AND DEFINITIONS.

(A) The City Commission does hereby find (pursuant to KRS 92.330), that it is necessary to provide for the licensure and taxing of rental properties as businesses, because renting of property in exchange for compensation is in fact a business and the operation of rental property can be detrimental to property values and community appearance and interfere with the comfortable enjoyment of adjacent property or premises. Further, there are conditions in the operation of rental property which (unless corrected), can be hazardous or injurious to the health, safety or welfare of the general public. KRS 92.280 grants authority to the city to tax and license rental businesses and to establish a clear and concise communication process between the city and each owner of each rental unit. This updated information and communication process is essential for the city to make sure that it can address any detrimental property conditions, or health or safety violation at the rental property, quickly and efficiently. The fee for the annual license shall defray the cost of the city's administration.

(B) The following definitions shall apply to this chapter:

LOCAL AGENT. An individual, fiduciary, partnership, association, corporation or other entity, whom represents the owner of a rental dwelling for purposes of this chapter.

OWNER. An individual, fiduciary, partnership, association, corporation or other entity holding legal or equitable title in a rental dwelling.

RENTAL DWELLING or RENTAL PROPERTY. Any residential dwelling, which is in whole or in part occupied by one or more person(s) pursuant to an oral or written agreement for monetary or

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any other consideration, but which person(s) is not acquiring an ownership interest in the dwelling. It does not include dwellings that are occupied only by members of the owner's immediate family, who do not pay rent.

TENANT. Any person, other than an owner, occupying all or part of a rental dwelling.

§ 112.02 REGISTRATION OF RENTAL DWELLINGS.

(A) Registration required. All owners of rental dwellings shall annually register the rental property with the city on an application in a form provided by the city. At the time an application is filed, a registration fee of \$100 shall be paid in full. The fee shall be accounted for by the city as a separate line item in its general funds and is intended to defray the costs of administering this chapter; the cost for the city to insure that all permits are obtained each year and to generally fund the city's regulation, inspection and inventory of rental dwellings in the city.

(B) Annual registration. The annual registration date shall be January 1 of each year.

(C) Registration of new rental dwellings. The owner of a new rental dwelling or of any dwelling newly converted to a rental dwelling shall register the rental dwelling prior to allowing occupancy.

(D) Change in registration information. If there is any change in the information supplied in a rental application, the owner must re-register within 60 days after any change occurs in registration information, but does not have to pay another registration fee.

(E) Registration of rental dwellings. Application for registration or re-registration shall include:

(1) The address of the rental dwelling;

(2) The number of rental dwelling units;

(3) The name, residence address, business address, business phone number and personal phone number of the owner and/or the local agent, if applicable;

(4) The address where the owner and/or the local agent, if applicable, will accept notices or orders from the city; and

(5) Verification that all state and city taxes levied and assessed against the rental dwelling that are due and payable at the time of the filing of the application have been paid. Delinquencies on such taxes may result in the denial of an application for registration or re-registration under this section.

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(G) Inaccurate or incomplete registration information. It shall be a violation of this chapter for an owner to provide inaccurate information for the registration or re-registration of rental dwellings or to fail to provide information required by the application.

(H) Designation of local agent. If the owner of a rental dwelling, or a

responsible member or officer of the owner, does not reside within 60 miles of the city, the owner shall designate a responsible local agent who shall be legally responsible for operating such rental dwelling in compliance with this chapter, this code of ordinances, and other applicable laws or regulations. All official notices may be served on the responsible local agent, and any notice so served shall be deemed to have been served upon the owner of record.

(I) More than one owner or ownership entity. Where more than one person has an ownership interest, the required information shall be provided for each owner. If those cases in which the owner is not a person, the information required for registration shall be provided for the organization owning the rental dwelling and for the president, general manager, directors), partner(s), executor, trustee(s), or other chief executive officer(s) of the organization.

(Ord. 2, Series 2016-2017, passed 11-22-16)

§ 112.03 CONDITION OF RENTAL PROPERTY.

(A) All rental property must be kept in compliance with the City of Wellington Code of Ordinances, as well as Metro Louisville Ordinances, as a condition of operating a rental property in the city.

(B) The registration application must be accurate and complete. If there is any change in the application information, it must be updated within 60 days.

(C) Each rental dwelling shall provide measures acceptable to the city to prevent any excessive noise at any property line.

(D) Each rental dwelling shall provide measures acceptable to the city to prevent violations of the city's parking ordinance by tenants of the rental unit.

(Ord. 2, Series 2016-2017, passed 11-22-16)

§ 112.04 ISSUANCE OF PERMIT.

(A) Within 30 days of receipt of an application for registration (or re-registration), along with the registration fee, by the city the city shall either issue the owner a permit to operate the rental property, or, if the city decides not to issue the permit, the city shall provide a written list of deficiencies or violations that must be corrected before a permit may be issued.

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(B) If the owner contests the permit denial, the owner may appeal the denial to the full city commission. The appeal must be filed within 20 days of the receipt of the denial by owner. The appeal will be heard by the full commission at its next regular city meeting, at which time the owner may present evidence relevant to whether the property is in compliance with all City of Wellington Ordinances, as well as Metro Louisville Ordinances.

(Ord. 2, Series 2016-2017, passed 11-22-16)

§ 112.99 PENALTIES.

(A) Criminal.

(1) Any person who shall violate any provision of this section shall be guilty of a violation and fined not less than \$20 nor more than \$200.

(2) Where Kentucky Revised Statutes mandates a fine higher than that stipulated herein, the fine contained in 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 this chapter, with a minimum civil penalty of \$50 for each violation.

(2) The civil penalty provided herein may be recovered by the city in a civil action in the nature 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 to or in conjunction with the criminal penalties authorized herein.
(Ord. 2, Series 2016-2017, passed 11-22-16)

TITLE XIII: GENERAL OFFENSES

(Reserved)

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TITLE XV: LAND USAGE

Chapter

REGULATIONS	150.	BUILDING
ANTENNAS	151.	SATELLITE
PORTABLE STORAGE CONTAINERS	152.	TEMPORARY
REFUSE DUMPSTERS	153.	TEMPORARY

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CHAPTER 150: BUILDING REGULATIONS

Section

150.01 Adoption of Kentucky Building Code and Standards of Safety;
enforcement agents

150.02 Application

150.03 Appeals

150.99 Penalty

§ 150.01 ADOPTION OF KENTUCKY BUILDING CODE AND STANDARDS OF SAFETY; ENFORCEMENT AGENTS.

(A) The Kentucky Building Code, as contained in Chapter 7, Title 815 of the Kentucky Administrative Regulations; the Kentucky Plumbing Code, as contained in Chapter 20, Title 815 of the Kentucky Administrative Regulations; the Kentucky Standards of Safety, as contained in Chapter 10, Title 815 of the Kentucky Administrative Regulations, together with any amendments, are hereby adopted by reference as if fully set forth in this code of ordinances. Copies of the above codes and any amendments thereto shall be placed on file in the office of the City Clerk where they shall be available for public inspection during normal business hours.

(B) The Mayor shall be designated as the local enforcement agent for the Kentucky Building Code.

(C) The Mayor and all other designated officers, agents, and employees of the city are hereby charged with the enforcement of the provisions of the Standards of Safety.
Penalty, see § 150.99

§ 150.02 APPLICATION.

The application of the State Building Code shall be extended to all single-family dwellings in the city which are to be constructed or remodeled.

§ 150.03 APPEALS.

Appeals from decisions made by the Building Inspector under this chapter may be taken to the State Board of Housing, Buildings and Construction unless and/or until a local board of housing

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appeals, as set forth in KRS Chapter 198B, is established to hear such appeals.

Statutory reference:

Appeals procedure, see KRS 198B.070

§ 150.99 PENALTY.

Any person who violates any provision of the state codes adopted in § 150.01 shall be subject to the following penalties:

(A) Violators of the State Building Code shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$1000 for each offense. (KRS 198B.990(1))

(B) Violators of the State Standards of Safety shall, upon conviction, be subject to a fine of not less than \$25 nor more than \$1000, imprisonment for not more than 60 days, or both, for each offense. (KRS 227.990(1))

(C) Violators of the State Plumbing Code shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$100, imprisonment for not more than 90 days, or both, for each offense. (KRS 318.990)

CHAPTER 151: SATELLITE ANTENNAS

Section

151.01 Definitions
151.02 Location of satellite antenna
151.03 Prohibitions and judicial action
151.04 Existing structures

151.99 Penalty

§ 151.01 DEFINITIONS.

The following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

CITY. The City of Wellington, Kentucky.

SATELLITE ANTENNA. An antenna of any size, shape or description designed for the purpose of receiving microwave transmissions from satellites.

(Ord. 95.01, passed 9-16-02)

§ 151.02 LOCATION OF SATELLITE ANTENNA.

A satellite antenna may be located within the city limits of the city, provided that it complies with the following requirements:

(A) It must be neutral in color and bear no advertising emblem or other

two inches in height;

(B) There may be only one satellite antenna per lot;

(C) The diameter of the antenna shall not be in excess of 24 inches;
and

(D) Roof-mounted antennas are permitted, provided that they are not located within 15 feet of the front of the residential structure in question. Further, the antenna shall not be mounted on the front of the residential structure and cannot be higher than the roof line of the residential structure in question.

(Ord. 95.01, passed 9-16-02) Penalty, see § 151.99

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§ 151.03 PROHIBITIONS AND JUDICIAL ACTION.

(A) No person or owner of a lot within the city shall erect or maintain a satellite antenna, except in compliance with the provisions of this chapter.

(B) In addition to any other penalty provided by law, any structure erected or maintained in violation of the provisions of this section shall be deemed and considered a nuisance, and the city is hereby empowered to obtain judicial relief requiring abatement of said nuisance, including the removal of any antenna erected or maintained or installed in violation of the terms of this chapter.

(C) In the event the city is forced to enforce the provisions of this chapter through the seeking of injunctive relief, the city shall be reimbursed for all its costs, expenses, and attorneys fees incurred in enforcing the provisions of this chapter.

(Ord. 95.01, passed 9-16-02) Penalty, see § 151.99

§ 151.04 EXISTING STRUCTURES.

Any satellite antenna now existing in the city which is not in compliance with the preceding provisions will be deemed in compliance in all respects with the provisions of this chapter.

(Ord. 95.01, passed 9-16-02)

§ 151.99 PENALTY.

Any person and/or owner violating any provision of this chapter shall be fined not less than \$5, nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 95.01, passed 9-16-02)

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CHAPTER 152: TEMPORARY PORTABLE STORAGE CONTAINERS

Section

152.01 Purpose
152.02 Definitions
152.03 Required action
152.04 Permit fees

152.99 Penalty

§ 152.01 PURPOSE.

The purpose of this chapter is to amend the city's land usage laws concerning the increased usage of temporary portable storage containers (commonly referred to as "pods"). The City Council recognizes that the usage of these containers is appropriate and necessary in certain circumstances. However, the Council also finds that it is in the best interests of the community to regulate the usage of mobile storage containers by monitoring the number, location and duration of use.
(Ord. passed 8-25-09)

§ 152.02 DEFINITIONS.

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

TEMPORARY STRUCTURE. Any shed, structure, building, trailer, tent or enclosure of any kind used for storage of personal, commercial or residential property which any person intends to place on the lot with or on any lot immediately adjacent to any permanent structure used for business, commercial or residential purpose. This would include **TEMPORARY PORTABLE STORAGE CONTAINERS** which are defined as a large container designed and rented or leased or purchased for the temporary storage of commercial property or residential household goods, that does not contain a foundation or wheels for movement.
(Ord. passed 8-25-09)

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§ 152.03 REQUIRED ACTION.

No temporary structure or accessory structure shall be erected, constructed or placed upon any residential property without first obtaining a permit from the Clerk. All permits are subject to approval by the City Council and must be submitted in writing. The request must include the arrival date of the pod. The City Council may impose certain reasonable requirements as may be required to keep the temporary structure from becoming unsightly to the surrounding properties. No temporary structure or accessory structure can remain on residential property within the city limits for more than 30 days.

(A) Pods must be well-maintained and in good working condition, displaying the name or logo and telephone number of the owner of the pod, and be suitably supported at each contact point to prevent damage to paved surfaces.

(B) Pods must be kept closed when not being actively used so as not to pose a hazard to children or animals in the area.

(C) The pod must be placed on the drive behind the front line of the home. Where this is not possible and the pod is placed in the public right-of-way, it must have a flasher or reflector on the outside corner facing traffic at all times. Where traffic may approach from either side, the pod must have a flasher or reflector on the outside corner on both sides.

(D) Pods shall not block a public sidewalk.

(E) Pods placed in the public right-of-way for construction, remodeling or demolition projects shall be removed immediately upon the completion of the project. No pod shall be placed in the public right-of-way for more than 30 days. An extension of the 30-day rule may be allowed with written permission from the city.

(F) No pod shall be placed on streets, sides of streets or areas designated as "No Parking". Pods shall not be placed in public parking lots or parks without prior written permission from the city.
(Ord. passed 8-25-09)

§ 152.04 PERMIT FEES.

Upon approval by the Council and payment of the permit fee, the Clerk shall issue a permit to the applicant at no cost. The permit shall be for a period of 30 days and shall authorize the placement of the pod on the property described in the application. Requests for extensions, in writing and showing good cause, may be granted with City Council approval. There will be a cost of \$20 per 30-day extension.
(Ord. passed 8-25-09)

Temporary Portable Storage Containers

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§ 152.99 PENALTY.

(A) There will be a \$25 per day charge for any pod left over 30 days that has not sought and received a time extension from the Council.

(B) The city may remove or have a container removed from public right-of-way, if the container is in violation of this chapter.

(C) The owner of the container, or if the owner cannot be determined, the person placing it in the public right-of-way shall pay all costs, fees, penalties or other expenses incurred by the city in removal, storage fees and disposal of any container and its contents.

(D) If the container is not claimed within 30 days by its owner or person responsible for placing it in the public right-of-way, it may be disposed of as abandoned property, but disposal shall not diminish the responsibility of the owner or the person responsible for placing the container in the public right-of-way to pay all amounts due.

(E) The city shall not release a container from storage until all amounts due under this section have been paid.

(F) Any person and/or property owner violating any provision of this chapter shall be fined not less than \$5, nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. passed 8-25-09)

CHAPTER 153: TEMPORARY REFUSE DUMPSTERS

Section

153.01 Purpose
153.02 Definitions
153.03 Required action
153.04 Permit fees

153.99 Penalty

§ 153.01 PURPOSE.

The purpose of this chapter is to amend the city's land usage laws concerning the usage of temporary refuse dumpsters (commonly referred to as "dumpsters"). The City Council recognizes that the usage of these containers is appropriate and necessary in certain circumstances. However, the Council also finds that it is in the best interests of the community to regulate their usage by monitoring the number, location and duration of use.
(Ord. passed 8-25-09)

§ 153.02 DEFINITIONS.

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

REFUSE DUMPSTER or DUMPSTER. Any portable container used or designed for collection of, transportation of, or disposal of refuse, waste, construction/demolition materials or the like.
(Ord. passed 8-25-09)

§ 153.03 REQUIRED ACTION.

No dumpster shall be placed upon any residential property without first obtaining a permit from the Clerk. Written notification as to the arrival date of said dumpster is to be submitted to the Council in writing.

(A) Dumpsters must be well-maintained and in good working condition, displaying the name or logo and telephone number of the owner of the dumpster, and be suitably supported at each contact point to prevent damage to paved surfaces.

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(B) Dumpsters must be covered when materials inside are easily airborne, pose a hazard, emitting an odor or are otherwise offensive.

(C) Debris must be placed inside the dumpster, not along side or on top of it.

(D) All dumpsters are required to be emptied when full. For the purpose of this chapter, FULL is defined as when the contents of the dumpster reach an average level of one foot below the top edge of the dumpster sides. Any dumpster which has reached the full status and is not emptied within seven calendar days shall be considered in violation of this chapter.

(E) The dumpster must be placed on the drive behind the front line of the home. Where this is not possible and the dumpster is placed in the public right-of-way, it must have a flasher or reflector on the outside corner facing traffic at all times. Where traffic may approach from either side, the dumpster must have a flasher or reflector on the outside corner on both sides. Type I or Type II barricades can be used as an alternate to flashers or reflectors.

(F) Dumpsters shall not block a public sidewalk.

(G) Dumpsters placed in the public right-of-way for construction, remodeling or demolition projects shall be removed immediately upon the completion of the project. No dumpster shall be placed in the public right-of-way for more than 30 days. An extension of the 30-day rule may be allowed with written permission from the city.

(H) No dumpster shall be placed on streets, sides of streets or areas designated as "No Parking". Dumpsters shall not be placed in public parking lots or parks without prior written permission from the city.
(Ord. passed 8-25-09)

§ 153.04 PERMIT FEES.

Upon approval by the Council, the Clerk shall issue a permit to the applicant at no cost. The permit shall be for a period of 30 days and shall authorize the placement of the dumpster on the property described in the application. Requests for extensions, in writing and showing good cause, may be granted with City Council approval. There will be a cost of \$20 per 30-day extension.

§ 153.99 PENALTY.

(A) There will be a \$25 per day charge for any dumpster left over 30 days that has not sought and received a time extension from the Council.

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Temporary Refuse Dumpsters

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(B) The city may remove or have a container removed from public right-of-way, if the container is in violation of this chapter.

(C) The owner of the container, or if the owner cannot be determined, the person placing it in the public right-of-way shall pay all costs, fees, penalties or other expenses incurred by the city in removal, storage fees and disposal of any container and its contents.

(D) If the container is not claimed within 30 days by its owner or person responsible for placing it in the public right-of-way, it may be disposed of as abandoned property, but disposal shall not diminish the responsibility of the owner or the person responsible for placing the container in the public right-of-way to pay all amounts due.

(E) The city shall not release a container from storage until all amounts due under this section have been paid.

(F) Any person and/or property owner violating any provision of this chapter shall be fined not less than \$5, nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
(Ord. passed 8-25-09)

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