

TITLE IX: GENERAL REGULATIONS

Chapter

90. ANIMALS

91. DISCARDED ITEMS

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Resolution Wrecker Service Change 05-11-2006-01

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CHAPTER 90: ANIMALS

Section

- 90.01 Dogs running at large
- 90.02 Abandonment of animals

§ 90.01 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

§ 90.02 ABANDONMENT OF ANIMALS.

(A) It shall be unlawful for any person in possession of any domesticated or vicious animal to drop, release, leave, place or deposit such animal in Gallatin County for the purpose of abandonment of the animal.

(B) It shall be unlawful for any person to assist another in the abandonment of a domesticated or vicious animal in Gallatin County, or to solicit another person or offer anything of value to another person to abandon a domesticated or vicious animal in this county.

(C) As used in this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(1) **POSSESSION** shall not apply to the brief apprehension or detaining of a domesticated or vicious animal in order to determine its nature, kind, health or the owner or keeper of same, without intent to take charge of it.

(2) **DOMESTICATED** refers to such animals as are habituated to live in or about the habitations of man.

(3) **VICIOUS** means having a tendency or propensity to do any act which might endanger the safety of persons or property.

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(D) Any person violating the provisions of this section shall be fined at a sum not to exceed \$500.00 or incarcerated in the county jail for a period not to exceed 30 days or both.
(Ord. 07-11-91, passed 7-11-91)

GALLATIN COUNTY CODE OF ORDINANCES
CHAPTER 90
SECTION 90.03
ORDINANCE NO. 06-13-02

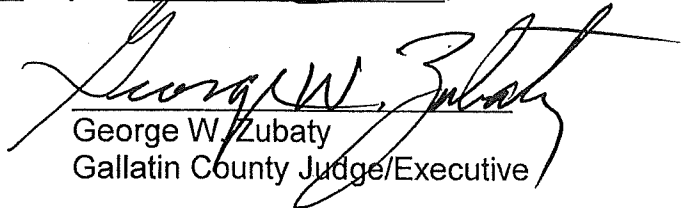
AN ORDINANCE RELATED TO FEES PAYABLE FOR DOG LICENSES

Be it ordained by the Gallatin County Fiscal Court as follows:

Section 90.03

- (a) Henceforth the owner or keeper of any dog six months of age or older, kept in Gallatin County, Kentucky, shall obtain from the Gallatin County Dog Warden a license for each dog kept.
- (b) Said dog license shall expire on June 30 of each year and shall be renewed annually.
- (c) The fee payable for each dog license shall be the sum of five dollars (\$5.00).
- (d) Any person or entity operating a kennel may, in lieu of the license required hereinabove, obtain from the Dog Warden a kennel license for the sum of Twenty-five Dollars (\$25.00) permitting the keeping of up to ten (10) dogs. Kennel licenses shall expire on June 30 of each year and shall be renewed annually.

Enacted upon its second reading this 13 day of June, 2002.


George W. Zubaty
Gallatin County Judge/Executive

A True Copy: ATTEST


Clerk, Gallatin County Fiscal Court

GALLATIN COUNTY CODE OF ORDINANCES

Chapter 90, section 90.04

Ordinance No. 05-08-08-1

AN ORDINANCE AMENDING GALLATIN COUNTY ORDINANCES AS CODIFIED IN
CHAPTER 90: ANIMALS TO INCLUDE A NEW SUBSECTION ENTITLED §90.04
"DANGEROUS DOGS"

WHEREAS, an ever-increasing number of reports have been received regarding dogs
running at large, and a fear exists for the safety of the public at large including elderly, small children
and family pets; and

WHEREAS, it has become apparent that the Gallatin County Fiscal Court needs to address
citizen concern with heightened security and safety measures; and

WHEREAS, Gallatin County intends to maintain a safe community and desires to reduce the
risk associated with dogs running at large; and

WHEREAS, it is the objective of the Gallatin County Fiscal Court to strengthen current laws
addressing dangerous dogs and institute stricter penalties for pet owners who fail to correctly or
responsibly maintain pets in Gallatin County, Kentucky; and

NOW THEREFORE, BE IT ORDAINED that the Gallatin County Fiscal Court adopts the
following regulations regarding the treatment of dangerous dogs:

BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF GALLATIN, COMMONWEALTH
OF KENTUCKY THAT THE FOLLOWING ORDINANCE SECTION BE CREATED:

§90.04 (A) Dangerous Dogs

1. Definition. A "Dangerous Dog", as used in this section, shall mean:

1. Any dog that bites or attacks any person or has attempted to bite or attack any

person. A dog may be found to have attempted to attack or bite if while restrained by a leash, fence or other means, it is clear from the dog's actions that only the presence of the leash, fence, or other means of restraint prevented the dog from making an immediate attack; or

2. Any dog with a propensity, tendency or disposition to attack, to cause injury or otherwise threaten the safety of domestic animals; or any dog which attacks a person or domestic animal without provocation or without justification; or

3. Any dog whether leashed or not, which, in a vicious or terrorizing manner, approaches any person in a public place including sidewalks, or any public grounds and causes that person to have a reasonable fear of imminent physical harm; or

4. Any dog that exhibits an unreasonably aggressive pattern of behavior including but not limited to: charging a person or a domestic animal from within or outside its enclosure, snarling or growling excessively at a person or creating alarm and appears to Animal Control that the dog may readily escape its enclosure or confinement.

5. Any dog used in the commission of a crime as provided in the Kentucky Revised Statutes including, but not limited to dog fighting, threatening or menacing, or guarding the conduct of unlawful activity.

2. A dog shall not be considered dangerous if:

1. The dog attacked or injured a person who was trespassing upon the premises of the dog's owner at the time of the attack or injury.

2. The dog attacked or injured a person who (at the time) was committing or attempting to commit a crime on the premises occupied by the dog's owner at the time of the attack or injury.

3. The dog attacked or injured a person who was tormenting, abusing or assaulting the dog at the time of the attack or injury.

4. A dog which injures or attacks a species or type of domestic animal appropriate to the work of the dog while working as a hunting dog, herding dog, or predator control dog on the property of or under the control of its owner.

5. The dog was protecting or defending a person from an attack or assault and the person protected was within the immediate vicinity of the dog.

6. The dog, while acting under the control or supervision of an official acting within the scope of their duties as a military, correctional, or law enforcement official trained to supervise the dog.

7. The Animal Control Warden or Animal Control Officer, after investigation, reasonably believes the dog acted due to pain or injury; or was protecting itself, its kennel or its offspring.

§90.04 (B) Duties of Owner when dog is determined to be Dangerous:

1. Outdoor Confinement:

a. Owner of a dangerous dog shall securely enclose the dog.

b. Secured enclosure shall include, but is not limited to:

1. Locked pen or structure at least (5) feet by ten (10) feet and of sufficient height to prevent the dog's escape (minimum of 6 feet),

2. Designed to prevent entry by young children,

3. Sides of structure or pen are securely attached to flooring which prevents the dog's escape,

4. Displays a warning "Dangerous Dog" visible from at least twenty (20) feet; including a symbol indicating the presence of a dangerous dog.

c. If the dog is not on the owner's premises, the owner is required to:

1. Muzzle and restrain the dog with a leash or lead not to exceed four (4) feet in length,

2. Muzzle should prevent injury to the dog, not interfering with the dog's vision or breathing, but should be designed to prevent the dog from biting a person or another animal,

3. Insure the dog is under the control of a responsible adult capable of controlling the dog while leashed.

2. Indoor Confinement:

a. Owner of a dangerous dog shall keep dog within the confinement of the owner's home.

b. While indoors, the owner of a dangerous dog shall insure the dog cannot leave the home/structure unless under control and supervision defined in (C)(1)(c).

§90.04 (C) Licensing Surcharge:

The annual licensing fee for a dangerous dog shall include a \$50.00 surcharge in addition to the regular licensing fee. The surcharge required by this provision shall be enforced by Animal Control.

§90.04 (D) Ownership:

a. It shall be unlawful to receive or harbor a dog declared or determined dangerous/vicious by a court or government of another county or state.

b. The owner of a dangerous dog shall notify the Gallatin County Animal Shelter of the transfer of ownership of the dog and provide the shelter with the name, address and phone number of the dog's new owner within 10 days of the

transfer.

c. A microchip shall be implanted by a licensed veterinarian in all dangerous dogs. The owner shall provide the following information:

- Security name (password)
- Owner's name
- Dog's name
- Color of dog
- Dog's date of birth
- Contact phone number

§90.04 (E) Duties of Animal Control when dog is deemed dangerous:

1. When a dog is deemed dangerous, the Animal Control Officer may order:

a. The dog to be spayed or neutered, if not already altered, unless a veterinarian certifies in writing that the dog is medically unfit for alteration.

b. The owner of any dangerous dog to pay a fine as set forth in §90.04 (G): Penalties if said animal is found on property not owned or controlled by its owner, or not restrained in a secure area plus any applicable reclamation fee.

c. Upon a second documented "vicious dog" event, animals determined to be dangerous shall be forfeited and euthanized unless otherwise ordered by the Court. Said animals shall be held pending disposition by the Gallatin District Court.

d. A report shall be kept with the County Animal Control Office records verifying the dog is dangerous. Such report shall include names and address of owner, detailed description of the dog and qualifying papers stating dog is dangerous, such as a court order.

§90.04 (F) Enforcement

1. It shall be a violation of this ordinance to interfere with a law enforcement officer or Animal Control Officer in carrying out and enforcing this ordinance.
2. This ordinance shall apply to the current provisions of KRS Chapter 258 and all subsequent amendments from the date of their enactment into law unless specifically limited or qualified by amendment to this ordinance.

§90.04 (G): Penalties

1. Failure to comply after notice may result in a hearing before the District Court and/or any other appropriate enforcement measures.
2. Any owner who fails to comply with any provision of this ordinance shall be subject to a fifty dollar (\$50) fine for the first offense, one hundred dollar (\$100) fine for the second offense and two hundred dollar (\$200) fine for the third and subsequent offenses.
3. Each day that the owner is not in compliance shall constitute a separate offense.

Section VI: This Ordinance becomes effective immediately upon passage and publication.

Introduced and publicly read on first reading on this the 8th day of May, 2008.

Publicly read and approved on second reading on this the 12th day of June, 2008.

Approved JFW

GALLATIN COUNTY FISCAL COURT

BY:

Kenny French

Kenny French, Gallatin County Judge/Executive

ATTEST:

Tracy Miles
Tracy Miles, Clerk

PREPARED BY:

John G. Wright

Gallatin County Attorney

CHAPTER 91: DISCARDED ITEMS

Section

- 91.01 Definition
- 91.02 Discarded item on person's own property prohibited
- 91.03 Discarding of items on property of another prohibited

- 91.99 Penalty

§ 91.01 DEFINITION.

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

DISCARDED ITEMS. This term includes, but is not limited to, motor vehicle, boats, and home appliances and furniture, in a dilapidated or apparently inoperable condition and left discarded on private property for more than seven consecutive days. This definition shall not apply to a discarded item or parts thereof which is enclosed within a building or where the discarded item or part thereof is not visible from an adjacent or abutting property owner, street, road, or public park, or otherwise is totally concealed with appropriate covering, or discarded item which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, junk yard or salvage yard; provided, however, that this exception shall not authorize the maintenance of a public or private nuisance as defined under provision of law other than this chapter. (Ord. passed 6-14-90)

§ 91.02 DISCARDED ITEM ON PERSON'S OWN PROPERTY PROHIBITED.

(A) The Gallatin County Fiscal Court finds that the practice of some property within the unincorporated area of the county of allowing discarded items to remain on real property in their possession constitutes a detriment of the welfare and convenience of the residents of the county. Such discarded items detract from the appearance of the county and affect the economic development of the county. Therefore, it is the public policy of this county to prohibit the keeping of discarded items on private property within the unincorporated limits of the county, and such discarded items are hereby declared to be public nuisances.

(B) It shall be unlawful for any person or corporation to leave, place, deposit or undertake to dispose of any discarded item upon property occupied or possessed by him or it.

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(C) Any law enforcement officer who knows, sees or otherwise has knowledge that a person or corporation has allowed a discarded item to remain on property in violation of this chapter shall issue a citation to such property owner ordering him to appear before the District Court.
(Ord. passed 6-14-90) Penalty, see § 91.99

§ 91.03 DISCARDING OF ITEMS ON PROPERTY OF ANOTHER PROHIBITED.

No person shall place, leave, deposit or otherwise undertake to dispose of any discarded item, upon any private property owned or possessed by another or upon and public property or right-of-way in the county. Any person whose property lies within the unincorporated area of the county and on whose property a discarded item is disposed may file a complaint with the county sheriff.
(Ord. passed 6-14-90) Penalty, see § 91.99

§ 91.99 PENALTY.

(A) Any person who knowingly violates the provisions of § 91.02 of this chapter shall be deemed guilty of a misdemeanor and fined not less than \$100 nor more than \$500 and each day that a violation continues shall constitute a separate offense for which a citation may be issued and a fine imposed.

(B) Any person who violates the provisions of § 91.03 of this chapter shall be deemed guilty of a misdemeanor and fined not less than \$100 nor more than \$500 and each day that a violation continues shall constitute a separate offense for which a fine may be imposed.

(C) Fines imposed hereunder may be wholly or partially suspended upon condition that the offending items be removed and disposed of in a lawful manner within a reasonable time as determined by the court under pain of contempt.
(Ord. passed 6-14-90)

CHAPTER 92: EMERGENCY SERVICES

Section

Office of Emergency Management

- 92.01 Creation
- 92.02 Development and implementation
- 92.03 Jurisdiction
- 92.04 Requirements
- 92.05 Budget
- 92.06 Director

Public Safety Communications Center

- 92.15 Taxes levied
- 92.16 Other charges
- 92.17 Equipment and facilities furnished

- 92.99 Penalty

OFFICE OF EMERGENCY MANAGEMENT

§ 92.01 CREATION.

There is hereby created the Gallatin County Office of Emergency Management, in accordance with the provisions of KRS Chapters 39A through 39F, which shall serve in the interest of public safety within the territorial boundaries of Gallatin County. (Ord. 02-11-99, passed 2-11-99)

§ 92.02 DEVELOPMENT AND IMPLEMENTATION.

The Gallatin County Office of Emergency Management shall develop, implement, and maintain the local comprehensive emergency management program for Gallatin County in accordance with the provisions of KRS Chapter 39A through 39F, the comprehensive emergency management program requirements of the State Division of Emergency Management, the provisions of the Kentucky

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Emergency Operations Plan, administrative regulations promulgated by the State Division of Emergency Management, and the resolutions, orders or ordinances of the Fiscal Court of Gallatin County. (Ord. 02-11-99, passed 2-11-99)

§ 92.03 JURISDICTION.

The Gallatin County Office of Emergency Management shall be an organizational unit of county government attached to the Office of County Judge/Executive and shall have primary jurisdiction, responsibility, and authority for all matters pertaining to the comprehensive emergency management program and disaster emergency response of Gallatin County. (Ord. 02-11-99, passed 2-11-99)

§ 92.04 REQUIREMENTS.

The Gallatin County Office of Emergency Management shall meet all requirements of a local emergency management agency as defined in KRS Chapters 39A through 39F, and shall be the administrative branch of the Gallatin County Disaster Emergency Services organization established pursuant to said chapters. (Ord. 02-11-99, passed 2-11-99)

§ 92.05 BUDGET.

The Gallatin County Judge/Executive shall designate and include a separate Office of Emergency Management budget unit classification within each annual Gallatin County budget, and all financial matters of the Gallatin County Office of Emergency Management shall be handled through the county treasury and uniform budget system. (Ord. 02-11-99, passed 2-11-99)

§ 92.06 DIRECTOR.

(A) The County Judge/Executive, within 30 days of assuming office, shall appoint a Gallatin County Emergency Management Director in accordance with the provisions of KRS Chapter 39B, and shall immediately notify the state Division of Emergency Management of the appointment.

(B) The Gallatin County Emergency Management Director, appointed pursuant to this chapter, shall be sworn by oath to the office of Emergency Management Director immediately upon appointment, and shall serve at the pleasure of the County Judge/Executive, but shall serve no longer than four consecutive years without reappointment and, as a minimum, shall meet all the qualification requirements specified in KRS Chapters 39A through 39F.

(C) The Gallatin County Emergency Management Director shall have and exercise all the powers, authorities, rights, and duties as specified in KRS Chapters 39A through 39F, and in the orders or ordinances of the fiscal court of Gallatin County, to include the following:

- (1) To represent the County Judge/Executive on all matters pertaining to the comprehensive emergency management program and the disaster and emergency response of Gallatin County;
- (2) To be the executive head and chief administrative officer of the Gallatin County Office of Emergency Management and direct, control, supervise, and manage the development, preparation, organization, administration, operation, implementation, and maintenance of the comprehensive emergency management program of Gallatin County, and to coordinate all disaster and emergency response of Gallatin County;
- (3) To develop, update and maintain the Gallatin County Emergency Operations Plan in compliance with the provisions of KRS Chapters 39A through 39F;
- (4) To establish, maintain and coordinate or direct the Gallatin County Disaster and Emergency Services Organization in accordance with the provisions of the Gallatin County Emergency Operations Plan, the Kentucky Emergency Operations Plan, and the provisions of KRS Chapter 39A through 39F;
- (5) To notify the County Judge/Executive and the State Division of Emergency Management immediately of the occurrence, or threatened or impending occurrence, of any emergency, disaster, or catastrophic incident or situation, and provide in such notice an assessment of possible or actual damages or threats to life, health, safety, property, or the environment, and recommend any emergency actions or orders which should be executed;
- (6) To be the chief advisor to, and the primary on-scene representative of, the County Judge/Executive in the event of any emergency, declared emergency, disaster, or catastrophe within Gallatin County.
- (7) To respond and have full access to the scenes of an emergency, declared emergency, disaster, or catastrophe and immediately investigate, analyze, or assess the nature, scope, or seriousness of all situations; coordinate the establishment and operation of an incident command or management system; execute the provisions of the Gallatin County Emergency Operations Plan; activate the Gallatin County Emergency Operations Center or on-scene command post; convene meetings, gather information, and conduct briefings; notify the County Judge/Executive and the State Division of Emergency Management immediately of the nature, scope, or seriousness of any emergency situation and provide information on all on-going response actions being taken in association with the incident; provide any assistance requested, as deemed necessary or appropriate; and take any actions to fully expedite and coordinate the disaster and emergency response of all local public or private agencies, departments, units, or individuals;
- (8) To take or direct immediate actions to protect public safety at the direction of the County Judge/Executive during any declared emergency or disaster;
- (9) To act as an official representative of the State Division of Emergency Management when specifically requested by the state director;

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(10) To report directly to the County Judge/Executive and act in an official policy-making capacity when carrying out all duties of the office of emergency management director;

(11) To have full signatory authority, in accordance with the county administrative code, for execution of all contracts, agreements, or other official documents pertaining to the administration, organization, and operation of the Gallatin County Office of Emergency Management and the local comprehensive emergency management program upon prior approval from the County Judge/Executive;

(12) To direct all paid or volunteer employees, staff assistants, or other workers of the Gallatin County Office of Emergency Management, and supervise any operating units and personnel associated with it which are officially appointed and affiliated with the Gallatin County Disaster and Emergency Services Organization pursuant to the provisions of KRS Chapters 39A through 39F;

(13) To prepare and submit regular or scheduled program activity reports to the area manager of the State Division of Emergency Management and the County Judge/Executive;

(14) To execute bond in the amount as determined by the County Judge/Executive, when directed by the County Judge/Executive;

(15) To prepare and submit to the County Judge/Executive, on an annual basis by the first day of March, a program and agency budget request for the Gallatin County Office of Emergency Management;

(16) To enroll and be a registered member of the Kentucky Emergency Management Association;

(17) To perform the duties of, or appoint with the approval of the Fiscal Court of Gallatin County, the Gallatin County Search and Rescue Coordinator pursuant to the provisions of KRS Chapter 39F; and

(18) To perform all administrative, organizational, or operational tasks required pursuant to KRS Chapters 39A through 39F, Kentucky administrative regulations, the Kentucky Emergency Operations Plan, or program guidance issued by the state Division of Emergency Management; and to carry out all other emergency management-related duties as required by the resolutions, orders, or ordinances of the fiscal court of Gallatin County, the executive orders of the County Judge/Executive, and the provisions of the Gallatin County Emergency Operations Plan.
(Ord. 02-11-99, passed 2-11-99)

Chapter 92

AN ORDINANCE CREATING
THE Gallatin COUNTY OFFICE OF EMERGENCY MANAGEMENT

BE IT ORDAINED BY THE FISCAL COURT OF Gallatin COUNTY:

SECTION I:

WHEREAS, the General Assembly of the Commonwealth of Kentucky has enacted KRS Chapters 39A to 39F requiring the creation of a local emergency management agency and comprehensive emergency management program in Gallatin County, and

WHEREAS, the fiscal court of Gallatin County desires to protect and safeguard the property, health, safety, and welfare of the citizens and the environment of Gallatin County in accordance with the provisions of KRS Chapters 39A to 39F;

NOW, THEREFORE, the fiscal court of Gallatin County enacts this ordinance which shall be known and may be cited as the "Gallatin County Emergency Management Ordinance".

SECTION II:

There is hereby created the Gallatin County Office of Emergency Management, in accordance with the provisions of KRS Chapters 39A to 39F, which shall serve in the interest of public safety within the territorial boundaries of Gallatin County.

The Gallatin County Office of Emergency Management shall develop, implement, and maintain the local comprehensive emergency management program for Gallatin County in accordance with the provisions of KRS Chapters 39A to 39F, the comprehensive emergency management program requirements of the state Division of Emergency Management, the provisions of the Kentucky Emergency Operations Plan, administrative regulations promulgated by the state Division of Emergency Management, and the resolutions, orders or ordinances of the fiscal court of Gallatin County.

The Gallatin County Office of Emergency Management shall be an organizational unit of county government attached to the Office of County Judge/Executive and shall have primary jurisdiction, responsibility, and authority for all matters pertaining to the comprehensive emergency management program and disaster and emergency response of Gallatin County.

The Gallatin County Office of Emergency Management shall meet all requirements of a local emergency management agency as defined in KRS Chapters 39A to 39F, and shall be the administrative branch of the Gallatin County Disaster and Emergency Services organization established pursuant to KRS Chapters 39A to 39F.

The Gallatin County Judge/Executive shall designate and include a separate Office of Emergency Management budget unit classification within each annual Gallatin County budget, and all financial matters of the Gallatin County Office of Emergency Management shall be handled through the county treasury and uniform budget system.

SECTION III.

The county judge/executive, within thirty (30) days of assuming office, shall appoint a Gallatin County Emergency Management Director in accordance with the provisions of KRS Chapter 39B, and shall immediately notify the state Division of Emergency Management of the appointment.

The Gallatin County Emergency Management Director, appointed pursuant to this section, shall be sworn by oath to the office of emergency management director immediately upon appointment, and shall serve at the pleasure of the county judge/executive, but shall serve no longer than four (4) consecutive years without reappointment and, as a minimum, shall meet all the qualification requirements specified in KRS Chapters 39A to 39F.

SECTION IV:

The Gallatin County Emergency Management Director shall have and exercise all the powers, authorities, rights, and duties as specified in KRS Chapters 39A to 39F, and in the orders or ordinances of the fiscal court of Gallatin County, to include the following:

(A) To represent the county judge/executive on all matters pertaining to the comprehensive emergency management program and the disaster and emergency response of Gallatin County;

(B) To be the executive head and chief administrative officer of the Gallatin County Office of Emergency Management and direct, control, supervise, and manage the development, preparation, organization, administration, operation, implementation, and maintenance of the comprehensive emergency management program of Gallatin County, and to coordinate all disaster and emergency response of Gallatin County;

(C) To develop, update, and maintain the Gallatin County Emergency Operations Plan in compliance with the provisions of KRS Chapters 39A to 39F;

(D) To establish, maintain, and coordinate or direct the Gallatin County Disaster and Emergency Services organization in accordance with the provisions of the Gallatin County Emergency Operations Plan, the Kentucky Emergency Operations Plan, and the provisions of KRS Chapter 39A to 39F;

(E) To notify the county judge/executive and the state Division of Emergency Management immediately of the occurrence, or threatened or impending occurrence, of any emergency, disaster, or catastrophic incident or situation, and provide in such notice an assessment of possible or actual damages or threats to life, health, safety, property, or the environment, and recommend any emergency actions or orders which should be executed;

(F) To be the chief advisor to, and the primary on-scene representative of, the county judge/executive in the event of any emergency, declared emergency, disaster, or catastrophe within Gallatin County;

(G) To respond and have full access to the scenes of an emergency, declared emergency, disaster, or catastrophe and immediately investigate, analyze, or assess the nature, scope, or seriousness of all situations; coordinate the establishment and operation of an incident command or management system; execute the provisions of the Gallatin County Emergency Operations Plan; activate the Gallatin County Emergency Operations Center or on-scene command post; convene meetings, gather information, and conduct briefings; notify the county judge/executive and the state Division of Emergency Management immediately of the nature, scope, or seriousness of any emergency situation and provide information on all on-going response actions being taken in association with the incident; provide any assistance requested, as deemed necessary or appropriate; and take any actions to fully expedite and coordinate the disaster and emergency response of all local public or private agencies, departments, units, or individuals;

(H) To take or direct immediate actions to protect public safety at the direction of the county judge/executive during any declared emergency or disaster;

(I) To act as an official representative of the state Division of Emergency Management when specifically requested by the state director;

(J) To report directly to the county judge/executive and act in an official policy-making capacity when carrying out all duties of the office of emergency management director;

(K) To have full signatory authority, in accordance with the county administrative code, for execution of all contracts, agreements, or other official documents pertaining to the administration, organization, and operation of the Gallatin County Office of Emergency Management and the local comprehensive emergency management program; upon prior approval from the County Judge/Executive.

(L) To direct all paid or volunteer employees, staff assistants, or other workers of the Gallatin County Office of Emergency Management, and supervise any operating units and personnel associated with it which are officially appointed and affiliated with the Gallatin County Disaster and Emergency Services organization pursuant to the provisions of KRS Chapters 39A to 39F;

(M) To prepare and submit regular or scheduled program activity reports to the area manager of the state Division of Emergency Management and the county judge/executive;

(N) To execute bond in the amount as determined by the county judge/executive, when directed by the county judge/executive;

(O) To prepare and submit to the county judge/executive, on an annual basis by the first day of March, a program and agency budget request for the Gallatin County Office of Emergency Management;

(P) To prepare and submit to the state Division of Emergency Management, on an annual basis by the fifteenth of July, a fiscal year Program Paper and budget request for the Gallatin County Office of Emergency Management;

(Q) To enroll and be a registered member of the Kentucky Emergency Management Association;

(R) To perform the duties of, or appoint with the approval of the fiscal court of Gallatin County, the Gallatin County Search and Rescue Coordinator pursuant to the provisions of KRS Chapter 39F.

(S) To perform all administrative, organizational, or operational tasks required pursuant to KRS Chapters 39A to 39F, Kentucky administrative regulations, the Kentucky Emergency Operations Plan, or program guidance issued by the state Division of Emergency Management; and to carry out all other emergency management-related duties as required by the resolutions, orders, or ordinances of the fiscal court of Gallatin County, the executive orders of the county judge/executive, and the provisions of the Gallatin County Emergency Operations Plan.

SECTION V:

Any person violating any of the provisions of this ordinance, or any lawful orders, rules or regulations promulgated pursuant to it, upon conviction shall be guilty of a Class A misdemeanor. Violators of this ordinance may be issued a citation by the Sheriff of Gallatin County or by a duly authorized official.

SECTION VI:

The provisions of this ordinance are severable and if any provisions shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality, or inapplicability shall not affect or impair the remaining provisions of this ordinance. This ordinance shall be in full force and effect from and after its approval, adoption and publication, and all ordinances or parts of ordinances in conflict herewith are hereby repealed and held for naught.

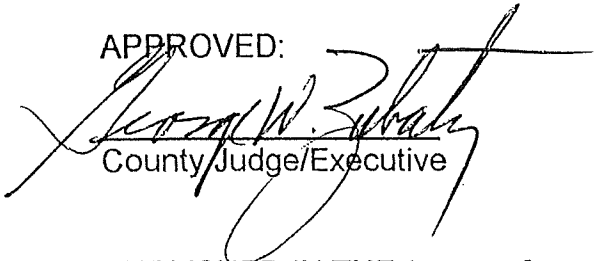
Approved on first reading on the (day)(month)(year).

14 JAN 99

Approved on second reading on (day)(month)(year).

2/11/99

APPROVED:


County Judge/Executive

ATTEST:


County Court Clerk

PUBLISHED IN THE (name of newspaper) on (day)(month)(year).

PUBLIC SAFETY COMMUNICATIONS CENTER

§ 92.15 TAXES LEVIED.

Gallatin County shall levy a tax on each telephone line terminating within Gallatin County whether within or without the City of Warsaw, the City of Glencoe, or the City of Sparta, and each city waives the right to levy such tax and to collect the proceeds therefrom. Three percent of said tax shall be paid to Cincinnati Bell Telephone Company for its charges in collecting and remitting such tax, plus any and all infrastructure costs to the Cincinnati Bell Telephone Company. (Ord. 03-11-99, passed 3-11-99)

§ 92.16 OTHER CHARGES.

Other charges, if any, authorized to be made by Cincinnati Bell Telephone Company shall be considered non-regulated fees and shall be so entered on individual bills and will not be charged against the tax levied. (Ord. 03-11-99, passed 3-11-99)

§ 92.17 EQUIPMENT AND FACILITIES FURNISHED.

(A) Gallatin County shall purchase all necessary equipment and pay for its installation at the present Gallatin County Dispatching Center, Gallatin County Jail, KY 35, Warsaw, and shall use an appropriate portion of the proceeds of such tax to defray the cost of such equipment and its installation and financing charges in connection therewith. The balance of such fund shall be utilized for the purposes of operating the Gallatin County Public Safety Communications Center.

(B) The parties recognize that the funds derived from the above-mentioned tax can be used only for the receipt of emergency calls and for the dispatching of emergency equipment.

(C) The parties agree that the Gallatin County Public Safety Communication Center will continue to dispatch the City of Warsaw personnel, water department equipment and personnel, and sewer department equipment and personnel on a non-priority basis.

(D) In consideration of such service, Gallatin County will continue to furnish to the Public Safety Communication Center the facilities now occupied by the Gallatin County Dispatching Center, all of the equipment now utilized by the Dispatching Center, and heat, water, electricity and other utilities as now furnished in consideration for a monthly payment of a sum equal to the average monthly cost of one dispatcher including wages and all benefits for a minimum period of one year and a period not to exceed three years. Thereafter, said utilities and all debt of the Gallatin County P.S.C.C. shall be its responsibility from its annual budget.

(E) After the Board of Directors has been appointed, and two months of receipts have been received from Cincinnati Bell, the county will turn over to the Board of Directors of the Public Safety

Communication Center the operation of such center, and thereafter the operation of such center shall be the responsibility of the Board of Directors.
(Ord. 03-11-99, passed 3-11-99)

§ 92.99 PENALTY.

Any person violating any of the provisions of this chapter, or any lawful orders, rules or regulations promulgated pursuant to it, upon conviction shall be guilty of a Class A misdemeanor. Violators of this chapter may be issued a citation by the Sheriff of Gallatin County or by a duly authorized official. (Ord. 02-11-99, passed 2-11-99)

Be it ordained by the Fiscal Court of Gallatin County,
Commonwealth of Kentucky:

AN ORDINANCE FOR THE MARKING OF STRUCTURES ADDRESSED WITHIN
GALLATIN COUNTY, KENTUCKY

POSTING OF DESIGNATED ADDRESS NUMBERS

1. The owner or occupant or person in charge of any house, building, mobile home or other structure which a number has been assigned shall:
 - (A) Within 30 days after the receipt or notification of such numbers, affix the number in a conspicuous place.
 - (B) Remove any different numbers, which might be mistaken for, or confused with, the number assigned to said structure by the Gallatin County 9-1-1 Office.
 - (C) Each principal building shall display the number assigned to the frontage on which the front entrance is located. In case the principal building or structure is occupied by more than one business or family dwelling unit, each separate front entrance shall display a separate number. When suite or lot numbers are assigned, the suite or lot number shall also be displayed in the same manner as the house number.
 - (D) Numerals indicating the official numbers assigned to each principal building, shall be posted in a manner as to be legible and distinguishable from the street or road and from any direction for Emergency Responders on which the property is located. The use of reflective numbers and letters for addressing purpose is recommended. The numbers and letters shall be a minimum of 3" inches in height and may be painted or applied to the structure. Address numbers shall also be located on the mailboxes where applicable.
 - (E) Mailboxes shall be marked with not less than a 2-inch number or letter.
 - (F) If the structure is not visible from the street or road on which it is located, and not the mailbox beside the driveway leading to the structure, a sign or number post shall be erected which allows the numbers to be displayed either vertically from the top down or horizontally.
2. AREA OF ENFORCEMENT
This ordinance is limited to the limits of Gallatin County Kentucky.
3. EFFECTIVE DATE
This ordinance shall take effect and be in force and effect from and after its passage.
4. CONFLICTS WITH OTHER ORDINANCES
All ordinance or parts or ordinances in conflict with this ordinance are hereby repealed.

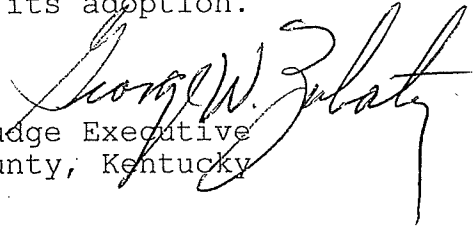
5. PUBLICATION OF ORDINANCE

The Gallatin County Court Clerk is directed to publish the ordinance in the local media one time, to obtain proof of publication thereof and to file said proof in the minutes of the Fiscal Court.

It was therefore declared that said ordinance be, and the same is hereby adopted as the ordinance for the implementation of structure address marking for the County of Gallatin, Kentucky and that said ordinance shall take effect and be in force from and after its adoption.

SO ORDERED THIS 8 DAY OF August

George Zubaty, Judge Executive
Gallatin County, Kentucky



First Reading: 7/19/01

Second Reading: 8/8/01

ORDINANCE NO. 03-11-99

JOINT ORDINANCE OF THE COUNTY OF GALLATIN AND OF THE CITIES OF WARSAW, GLENCOE, AND SPARTA, KENTUCKY

AN ORDINANCE OF GALLATIN COUNTY, KENTUCKY AND THE CITY OF WARSAW, THE CITY OF GLENCOE, THE CITY OF SPARTA PROVIDING FOR THE IMPLEMENTATION OF A GALLATIN COUNTY PUBLIC SAFETY COMMUNICATION CENTER, THE LEVYING OF TAXES PURSUANT TO THE KENTUCKY REVISED STATUTES AND THE PURCHASE OF NECESSARY EQUIPMENT AND TO PROVIDE FOR THE FUNDING OF A GALLATIN COUNTY PUBLIC SAFETY COMMUNICATIONS CENTER.

BE IT ORDAINED by Gallatin County, Kentucky, and

BE IT ORDAINED by the City of Warsaw, and

BE IT ORDAINED by the City of Glencoe, and

BE IT ORDAINED by the City of Sparta

WHEREAS, the Cities and the County desire to establish a single Gallatin County Public Safety Communication Center/Emergency Service Record Center to be located in the Gallatin County Jail and to jointly fund and control such Gallatin County Public Safety Communication Center, each of the governmental agencies named above, by the adoption of this ordinance, agree:

SECTION I

Gallatin County, Kentucky shall levy a tax on each telephone line terminating within Gallatin County whether within or without any of the above-named cities and each city waives the right to levy such tax and to collect the proceeds therefrom.

SECTION II

Gallatin County, Kentucky will levy a tax of two dollars (\$2.00) on each telephone line terminating in Gallatin County, of which three percent (3 %) thereof shall be paid to Cincinnati Bell Telephone Company for its charges in collecting and remitting such tax; plus any and all infrastructure costs to the Cincinnati Bell Telephone Company.

SECTION III

Other charges, if any, authorized to be made by Cincinnati Bell Telephone Company shall be considered non-regulated fees and shall be so entered on individual bills and will not be charged against the tax levied.

SECTION IV

Gallatin County, Kentucky shall purchase all necessary equipment and pay for its installation at the present Gallatin

County Dispatching Center, Gallatin County Jail, KY 35, Warsaw, Kentucky and shall use an appropriate portion of the proceeds of such tax to defray the cost of such equipment and its installation and financing charges in connection therewith. The balance of such fund shall be utilized for the purposes of operating the Gallatin County Public Safety Communications Center.

SECTION V

The parties recognize that the funds derived from the above-mentioned tax can be used only for the receipt of emergency calls and for the dispatching of emergency equipment.

Gallatin County has for many years furnished, with payments from The City of Warsaw, Glencoe and Sparta, an emergency dispatching center which also was utilized for the dispatching of the personnel and equipment of the City of Warsaw and its police, water, and sewer. The parties agree that the Gallatin County Public Safety Communication Center will continue to dispatch the City of Warsaw personnel, water department equipment and personnel, sewer department equipment and personnel on a non-priority basis.

SECTION VI

In consideration of such service the Gallatin County will continue to furnish to the Gallatin County Public Safety Communication Center the facilities now occupied by the Gallatin County Dispatching Center, all of the equipment now utilized by the Gallatin County Dispatching Center and heat, water, electricity and other utilities as now furnished in consideration for a payment monthly of a sum equal to the average monthly cost of one dispatcher including wages and all benefits and consistent with the inter-Governmental Agreement attached hereto for a minimum period of one (1) year and a period of time not to exceed three (3) years, Thereafter, said utilities and all debt of the Gallatin County P.S.C.C. shall be its responsibility from its annual budget.

SECTION VII

The County of Gallatin will continue to operate the Gallatin County Dispatching Center as it is presently operated until such time as the Board of Directors for the Gallatin County Public Safety Communications Center have been appointed and until such time as two months receipts have been received from Cincinnati Bell Telephone Company pursuant to the tax hereinabove mentioned.

SECTION VIII

On the first day of first month following these events the County of Gallatin will turn over to the Board of Directors of the Gallatin County Public Safety Communications Center the operation of such Gallatin County Public Safety Communications Center and thereafter the operation of such Gallatin County Public Safety Communications Center shall be the responsibility of such Board of

Directors with the County of Gallatin continuing to comply with Paragraphs 6 and 7 and consistent with the attached Inter-Governmental Agreement.

SECTION IX

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

SECTION X

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

SECTION XI

This ordinance shall be effective as soon as possible according to law.

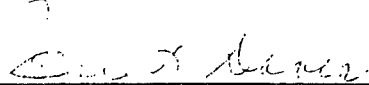
SECTION XII

This ordinance shall be published in summary pursuant to KRS 83A.060(9) and KRS 100.207 and shall be effective as soon as possible according to law.

Adpoted this 11 day of MAR, 1999, at its second meeting.


George W. Zubaty, County
Judge/Exezutive

A True Copy: ATTEST


Jane L. Davis, Clerk
Gallatin Fiscal Court

Ordinance/Resolution No. _____

AN ORDINANCE/RESOLUTION RELATING TO PARTICIPATION IN THE KENTUCKY LAW ENFORCEMENT FOUNDATION PROGRAM FUND

Be it ordained/ordered by the GALLATIN CO. FISCAL COURT of the
(legislative body)

GALLATIN CO. SHERIFF'S Dept.
(unit of local government)

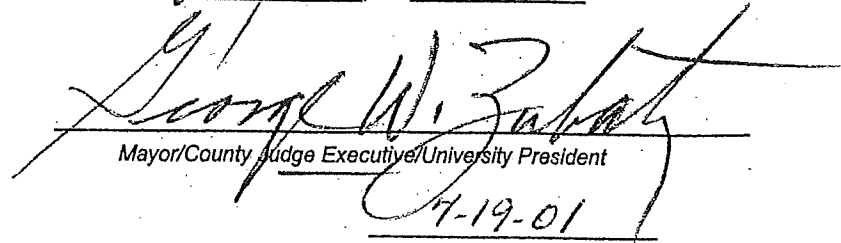
SECTION 1. It is hereby declared that the GALLATIN CO. SHERIFF'S Dept.
(unit of local government)

will make application for participation in the Kentucky Law Enforcement Foundation Program Fund Training Incentive Program.

SECTION 2. If accepted for participation in the Fund, the GALLATIN CO. SHERIFF'S Dept.
(unit of local government)

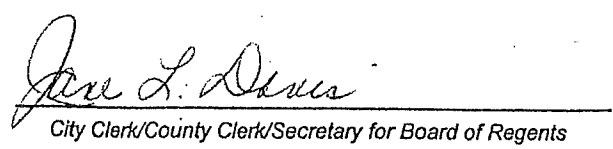
shall comply with KRS 15.410 - 15.510, the general conditions contained in the application, and such further rules, regulations and policies as may be reasonably prescribed by the Kentucky Justice Cabinet.

Adopted this 19 day of July, 2001.



Mayor/County Judge Executive/University President

7-19-01
Date



City Clerk/County Clerk/Secretary for Board of Regents

7-19-01
Date

ORDINANCE

Number _____

AN ORDINANCE ESTABLISHING THE GALLATIN COUNTY SHERIFF AND HIS DEPUTIES AS THE LEGALLY CREATED AND RECOGNIZED LAW ENFORCEMENT AGENCY FOR GALLATIN COUNTY.

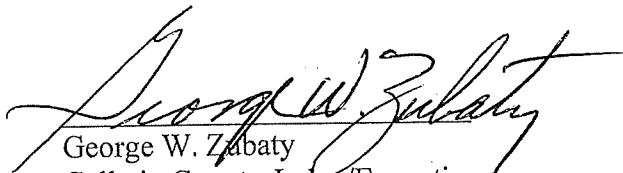
WHEREAS, the Gallatin County Sheriff is a Constitutionally authorized law enforcement officer as are any of his properly appointed Deputies and;

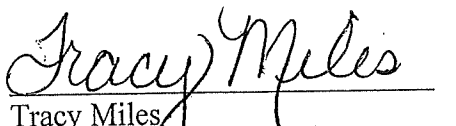
WHEREAS, the Gallatin County Fiscal Court recognizes that the Gallatin County Sheriff and Deputies provide a needed law enforcement service for our community;

WHEREAS, it appears that it is necessary to have an ordinance pronouncing the law enforcement duties that are expected of the Gallatin County Sheriff and his Deputies.

NOW, THEREFORE, be it ordained by the Fiscal Court of the County of Gallatin, Commonwealth of Kentucky, as follows:

- 1) That the Gallatin County Sheriff and his Deputies are hereby authorized by any and all authority vested in the Gallatin County Fiscal Court as official and legal Law Enforcement officers and agency in Gallatin County Kentucky and as far as the Kentucky Constitution provides jurisdiction, and;
- 2) After a reading in full on the 13th day of July 2005 followed by a second reading in full on the 11th day of August, 2005 and on proper motions and proper seconds, this ordinance was adopted. This ordinance is effective upon publication.


George W. Zabaty
Gallatin County Judge/Executive


Tracy Miles
Gallatin County Fiscal Court Clerk

ORDINANCE NO. _____
AN ORDINANCE ~~FOR~~ ESTABLISHING THAT THE GALLATIN COUNTY
SHERIFF AND DEPUTIES ARE A LEGALLY CREAT~~E~~D AND RECOGNIZED
LAW ENFORCEMENT AGENCY

Whereas, Gallatin County Sheriff is a Constitutionally authorized law enforcement officer as are any of his properly appointed Deputies; and;

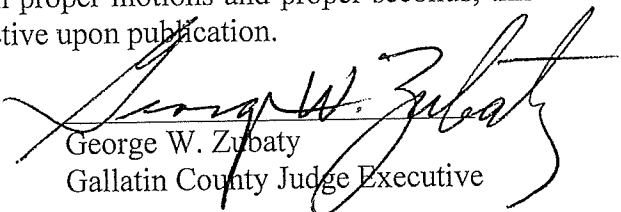
Whereas, the Gallatin County Government recognizes that the Gallatin County Sheriff and Deputies provide a needed law enforcement service for our community;#

Whereas, it appears that it is necessary to have an ordinance pronouncing the law enforcement duties that are expected of the Gallatin County Sheriff and deputies

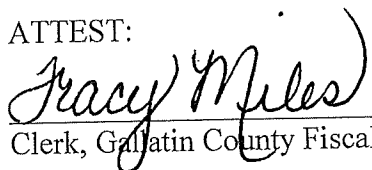
NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF GALLATIN, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

That the Gallatin County Sheriff and Sheriff's Deputies are hereby authorized by any and all authority vested in the Gallatin Fiscal Court as official and legal Law Enforcement officers and agency in Gallatin County KY and as far as the KY Constitution provides jurisdiction.

After a reading in full on the 1st day of July, 2005, followed by a second reading in full on the 11th day of August, 2005, and on proper motions and proper seconds, this ordinance was adopted. This ordinance is effective upon publication.


George W. Zubaty
Gallatin County Judge Executive

ATTEST:


Clerk, Gallatin County Fiscal Court

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT AND CONTINUATION OF A COUNTY POLICE FORCE FOR GALLATIN COUNTY, KENTUCKY

Whereas, Gallatin County has continuously maintained a county Police force for more than 7 year, and;

Whereas, in connection with an audit of the Gallatin County Police Department by the Department of the Criminal Justice Training, an attempt was made to locate the ordinances that initially established the Gallatin County Police Department, and;

Whereas, it appears that it is necessary to have a copy of the ordinance establishing the County Police force in order to bring the department into compliance for the receipt of KLEFPF funding, and;

Whereas, after a search of all available records, the initial ordinance establishing the County Police force has not been able to be located, and;

WHEREAS, the Gallatin County Fiscal Court desires to remedy the above problem by passing this ordinance providing for the establishment and continuation of the Gallatin County Police Department.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF GALLATIN, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

SECTION ONE

That pursuant to the authority of KRS 70.540, KRS 67.083(3)(u) and KRS 67.710(7), the Gallatin County Judge/Executive with the approval of the Gallatin County Fiscal Court does hereby establish and provide for the continuation of the County Police force known as the Gallatin County Police Department as such presently exists and is being maintained.

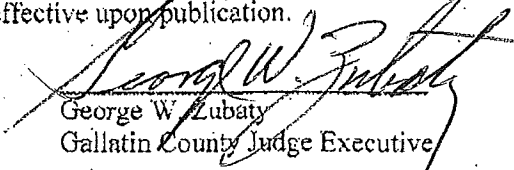
SECTION TWO

The members of the Gallatin County Police Department will continue as presently exists and as noted on the attached list of officers.

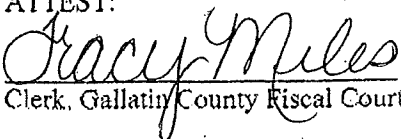
SECTION THREE

That all other rules and regulations, salaries and any other matters relating to the operation of the Gallatin County Police Department will continue in full force and effect as presently exists. The purpose of this ordinance is to replace the initial ordinance establishing the County Police force which has not been able to be located and is not meant in any manner to change the existing operations, rules and regulations relative to the Gallatin County Police Department.

After a reading in full on the 11th day of August, 2005, followed by a second reading in full on the 8th day of September, 2005, and on proper motion duly seconded, the ordinance was adopted. This ordinance is effective upon publication.


George W. Zubaty
Gallatin County Judge Executive

ATTEST:


Tracy Miles
Clerk, Gallatin County Fiscal Court

ORDINANCE NUMBER 5-8-03-01

AN ORDINANCE OF THE COUNTY OF Gallatin, KENTUCKY, DESIGNATING Barry Alexander TO SERVE AS DIRECTOR OF EMERGENCY MANAGEMENT FOR THE COUNTY OF Gallatin AND PROVIDING FOR THE AVAILABILITY OF SAID DIRECTOR TO PERFORM CERTAIN REQUIREMENTS OF THE POSITION OF DIRECTOR.

WHEREAS, the County of Gallatin has established a local program for disaster and emergency preparedness, response and recovery, and

WHEREAS, the County of Gallatin pursuant to KRS 39B.020 wishes to qualify for financial reimbursement from the state Division of Emergency Management,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY OF Gallatin:

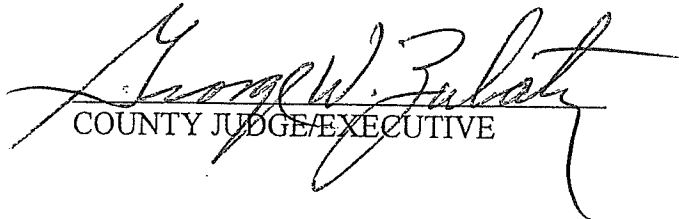
Section 1. That Barry Alexander is hereby designated to serve as Director of Emergency Management for the County of Gallatin and shall routinely be available to respond to emergencies, attend training, and to attend meetings convened by the emergency management area manager.

Section 2. That Barry Alexander, when acting in the capacity of Director of Emergency Management, shall relinquish authorities and responsibilities associated with any other governmental employment with the County of Gallatin and Steve Zimmer shall assume those authorities and responsibilities until such time as the Director shall cease acting in the capacity of Director.

Section 3. That in no case shall the County of Gallatin seek reimbursement for the Director's salary for any time spent in another capacity.

Section 4. This ordinance may be published in summary form in accordance with law.

Section 5. This ordinance shall have full force and effect after two readings, adoption and publication as required by law.


COUNTY JUDGE EXECUTIVE

ATTEST:
Nancy Miles
COUNTY COURT CLERK

FIRST READING: 4/10/03
SECOND READING: 5/8/03
ADOPTION: 5/8/03
PUBLISHED: 5/12/03

ORDINANCE NUMBER 06-12-03-01

AN ORDINANCE OF THE COUNTY OF Gallatin, KENTUCKY, DESIGNATING Barry Alexander TO SERVE AS DIRECTOR OF EMERGENCY MANAGEMENT FOR THE COUNTY OF Gallatin AND PROVIDING FOR THE AVAILABILITY OF SAID DIRECTOR TO PERFORM CERTAIN REQUIREMENTS OF THE POSITION OF DIRECTOR.

WHEREAS, the County of Gallatin has established a local program for disaster and emergency preparedness, response and recovery, and

WHEREAS, the County of Gallatin pursuant to KRS 39B.020 wishes to qualify for financial reimbursement from the state Division of Emergency Management,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY OF Gallatin:

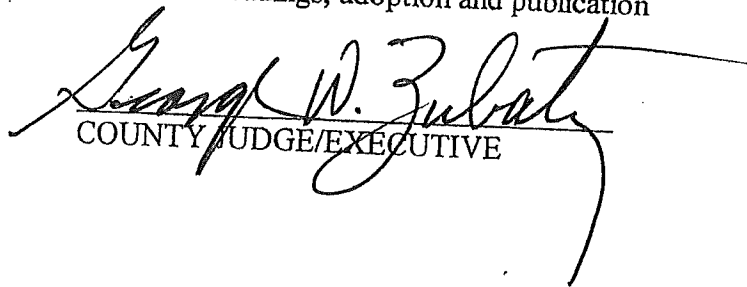
Section 1. That Barry Alexander is hereby designated to serve as Director of Emergency Management for the County of Gallatin and shall routinely be available to respond to emergencies, attend training, and to attend meetings convened by the emergency management area manager.

Section 2. That Barry Alexander, when acting in the capacity of Director of Emergency Management, shall relinquish authorities and responsibilities associated with any other governmental employment with the County of Gallatin and Steve Zimmer shall assume those authorities and responsibilities until such time as the Director shall cease acting in the capacity of Director.

Section 3. That in no case shall the County of Gallatin seek reimbursement for the Director's salary for any time spent in another capacity.

Section 4. This ordinance may be published in summary form in accordance with law.

Section 5. This ordinance shall have full force and effect after two readings, adoption and publication as required by law.


COUNTY JUDGE/EXECUTIVE

ATTEST:

COUNTY COURT CLERK

FIRST READING: 4/10/03
SECOND READING: 6-12-03
ADOPTION: 6-12-03
PUBLISHED: 6-16-03

1st Reading
9/8/11

ORDINANCE NO. 090811

AN ORDINANCE ESTABLISHING AND IMPLEMENTING A PROGRAM TO RECOVER SERVICE FEES FOR THE DEPLOYMENT OF PUBLIC SAFETY SERVICES RENDERED BY THE COUNTY OF GALLATIN FOR MOTOR VEHICLE ACCIDENTS SERVICES THAT ARE OUTSIDE THE SCOPE OF BASIC CRIME PREVENTION, INVESTIGATION AND FIRE PROTECTION.

WHEREAS, Emergency Safety Services Department service run activity to vehicular accidents to increase each year; new Home Security regulations, such as biological training and equipment, etc. will create demands on all operational areas of the Safety Services Department's services; and ,

WHEREAS, the Safety Services Department have investigated different methods to maintain a high level of quality of Safety Services emergency services throughout times of constantly increasing service demands, where maintaining an effective response by the Safety Services Department decreases the insurance companies costs by saving lives and minimizing vehicular damage by fire; and,

WHEREAS, raising the real property tax to meet the increase in service demands would not be fair to the property owners, when a majority of the Motor Vehicular Accidents (MVA) involve individuals not owning property or paying property taxes in the jurisdiction of the Fire and Police Departments; and the ability of the Safety Services Department to effectively respond decreases the liability of the insurance companies by saving lives and minimizing vehicular damage by fire: and,

WHEREAS, the City Council desires to implement a fair and equitable procedure by which to collect said MVA fees and shall establish a billing system in accordance with State and Federal laws, regulations and guidelines; Now, Therefore,

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF GALLATIN:

SECTION 1. The County of Gallatin's Safety Services Departments shall initiate service fees for the delivery of Safety Services Department services, personnel, supplies and equipment to the scene of motor vehicle accidents. The rate of the service fees shall be that which is the usual, customary and reasonable costs (UCR), which includes any services, personnel, supplies and equipment and may fluctuate based on the needs of the accident.

SECTION 2. The service fees shall be initially filed to the motor vehicle insurance, representing an add-on-cost of the claim for damages of the vehicles, property and/or

injuries. The claim cost shall be filed to the insurance company, the owner of a vehicle, owner of the property, or other responsible parties.

SECTION 3. The County Judge Executive and/or Finance Director may make rules or regulations, and from time-to-time may amend, revoke or add rules and regulations, not consistent with this Section as they may deem necessary or expedient in respect to billing for these fees or the collection thereof.

SECTION 4. All amounts collected as a result of this Ordinance shall be placed into a fund as established by the Finance Director to be used exclusively for personnel, supplies and equipment for the Safety Services Departments.

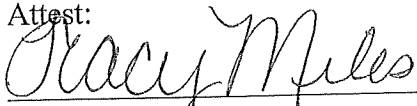
SECTION 5. It is found and determined that all formal actions of the Gallatin County Fiscal Court concerning and relating to the adoption of this Ordinance were adopted in open meetings of the Fiscal Court, and that all deliberations of the Gallatin Fiscal Court and any of its committees that resulted in such formal actions were in compliance with all legal requirements, and the Codified Ordinances of the County of Gallatin.

SECTION 6. This ordinance shall take effect upon publication.

First Reading 9-8-11
Second Reading 10-11-11



GALLATIN COUNTY JUDGE EXECUTIVE

Attest:


Gallatin County Clerk

Commonwealth of Kentucky

Gallatin County Fiscal Court

Resolution No. 05-11-2006-01

RESOLUTION TO CHANGE THE REQUIREMENTS FOR THOSE DOING WRECKER SERVICE IN AND FOR THE GALLATIN COUNTY FISCAL COURT

WHEREAS, Gallatin County Dispatch Center assists the county police, sheriff's office, and other services in acquiring wrecker service for those who have been involved in an accident and/or are in need of wrecker service in Gallatin County; and

WHEREAS, the Gallatin County Fiscal Court sees the need to meet the same requirements as the Kentucky State Police and DOT require for their wrecker service; and

WHEREAS, each wrecker service must apply with Gallatin County Dispatch and meet the requirements of the application as follows to include but not limited too:

1. A copy of insurance policy(s) or insurance cover sheet from their agent must accompany each completed application. These are some but not all the requirement needed of each wrecker service:
 - a. Minimum level of coverage for intrastate commerce is:
 - i. Vehicles under 18,000 lbs service must have Property Damage Insurance of \$40,000/\$20,000/\$5,000.
 - ii. Vehicles over 18,000 lbs service must have Property Damage Insurance of \$1,000,000/\$300,000/\$50,000.
 - iii. Vehicles carrying hazardous materials; service must have \$1,000,000 worth of coverage.

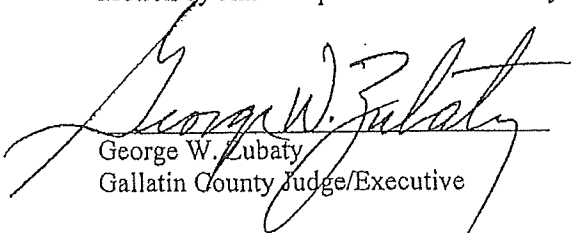
WHEREAS, each wrecker service must list all vehicles that will be used on the service, and list the capacity of all vehicles used on the service; and:

WHEREAS, the wrecker service must apply with Gallatin County Dispatch and meet the requirements of the application as follows and;

WHEREAS, all persons who will be authorized to operate the wrecker as indicated by the owner or manager of the service agree to release and hold harmless the Gallatin County Fiscal Court and any agent, officer, or employee of the court from any liability or claim for any damages arising out of the operation of any wrecker owned, leased, operated or under the supervision of the said wrecker service or by reason of any act or omission by any agent or employee under my direction of the wrecker service.

NOW, THEREFORE, be it resolved by the Gallatin County Fiscal Court on this 11th day of May, 2006 shall adopt these new requirements at our regular session of the Gallatin County Fiscal Court this 11th day of May 2006.

Motion by Jim Campbell and seconded by Ken McFarland. All ayes.


George W. Zubaty
Gallatin County Judge/Executive


Attest: Tracy Miles, Court Clerk



Commonwealth of Kentucky

Gallatin County Fiscal Court
Resolution No. 05-11-2006-01

**RESOLUTION TO CHANGE THE REQUIREMENTS FOR THOSE DOING WRECKER
SERVICE IN AND FOR THE GALLATIN COUNTY FISCAL COURT**

WHEREAS, Gallatin County Dispatch Center assists the county police, sheriff's office, and other services in acquiring wrecker service for those who have been involved in an accident and/or are in need of wrecker service in Gallatin County; and

WHEREAS, the Gallatin County Fiscal Court sees the need to meet the same requirements as the Kentucky State Police and DOT requirements for their wrecker service; and

WHEREAS, each wrecker service must apply with Gallatin County Dispatch and meet the requirements of the application as follows to include but not limited too:

1. A copy of insurance policy(s) or insurance cover sheet from their agent must accompany each completed application. These are some but not all the requirement needed of each wrecker service:
 - a. Minimum level of coverage for intrastate commerce is:
 - i. Vehicles under 18,000 lbs service must have Property Damage Insurance of \$40,000/\$20,000/\$5,000.
 - ii. Vehicles over 18,000 lbs service must have Property Damage Insurance of \$1,000,000/\$300,000/\$50,000.
 - iii. Vehicles carrying hazardous materials; service must have \$1,000,000 worth of coverage.

WHEREAS, each wrecker service must list all vehicles that will be used on the service, and list the capacity of all vehicles used on the service; and:


WHEREAS, the wrecker service must apply with Gallatin County Dispatch and meet the requirements of the application as follows and;

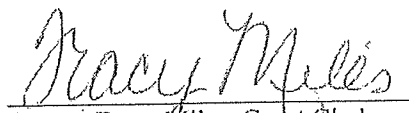
WHEREAS, all persons who will be authorized to operate the wrecker as indicated by the owner or manager of the service agree to release and hold harmless the Gallatin County Fiscal Court and any agent, officer, or employee of the court from any liability or claim for any damages arising out of the operation of any wrecker owned, leased, operated or under the supervision of the said wrecker service or by reason of any act or omission by any agent or employee under my direction of the wrecker service.

NOW, THEREFORE, be it resolved by the Gallatin County Fiscal Court on this 11th day of May, 2006 shall adopt these new requirements at our regular session of the Gallatin County Fiscal Court this 11th day of May 2006.

Motion made by Jim Campbell and seconded by Ken McFarland. All ayes.

Revised January 1, 2007.


Kenny R. French
Gallatin County Judge/Executive


Attest: Tracy Miles, Court Clerk



GENERAL ORDER OM-B-13

Title / Subject

ROTATING WRECKER LOG

EFFECTIVE DATE
12/31/99

REVISION DATE
12/31/05

REFERENCES

CALEA STANDARDS

DISTRIBUTION

All Sworn Personnel

REPORT:

POLICY

The agency shall utilize a rotating wrecker log maintained in the post radio room to ensure that requests for wrecker services are equitably distributed in compliance with agency policy. All wreckers on the rotating wrecker log shall be inspected annually utilizing the KSP-25. Nothing in this policy shall be construed to create, or affect, a property interest or right in either being placed on, or removed from, the KSP Wrecker Log.

REQUIREMENTS FOR PLACEMENT ON THE ROTATING WRECKER LOG

- A. The wrecker service must provide all information requested by the agency including: towing and storage rates, insurance information, names and operator's license numbers of all wrecker operators, information required to complete the KSP-25 and any other information required by policy or requested by the post commander.
1. Should any information provided on the KSP-25 change, including but not limited to the Wrecker Service Charges in Section 6, the wrecker service shall be required to complete a revised KSP-25 with the correct information and forward it to the appropriate KSP Post. Failure to maintain a current KSP-25 on file, or charging a wrecker service fee in excess of that reported, may result in the immediate and irrevocable removal of the wrecker service from the KSP Rotating Wrecker Log.
 2. The wrecker service must be in compliance and remain in compliance with all state statutes and administrative regulations relating to commercial carriers.
 3. The wrecker service must consent to both an initial inspection, and to subsequent unannounced annual inspections before being placed on the rotating wrecker log.
 4. If the wrecker service engages in interstate commerce, it must be in compliance and remain in compliance with the Federal Motor Carrier Safety Act and with all related administrative regulations.
 5. If the wrecker service contends that it does not engage in interstate commerce, it must state this as part of the application process for inclusion on the rotating wrecker log.
- B. Post commanders shall have discretion as to placing and removing wrecker services on their post wrecker log, but should be prepared to show cause for

failure to authorize inclusion of a wrecker service or its removal. A wrecker service may be refused placement on the agency's rotating wrecker log, or may be removed from that list for:

1. Violation of any state or federal law related to the towing or storing of any motor vehicle;
2. Violation of any law relating to the suitability of the wrecker service being placed on or remaining on the agency wrecker log;
3. Unsatisfactory performance or failure to respond to wrecker service calls;
4. Refusal to permit agency inspection of the wrecker or to provide information required by the agency;
5. Charging a wrecker service fee in excess of that being reported on the KSP-25; and/or
6. Failure to maintain a current, and valid, KSP-25.

ASSIGNMENT OF CALLS FOR SERVICE ON ROTATING WRECKER LOG

A. Agency requests for a wrecker service to respond shall be made in consecutive order, except when:

1. The owner or permissive user of a vehicle to be towed requests a particular wrecker service to respond. These requests shall not count as a service call for purposes of the rotating wrecker log. The requested wrecker shall be selected from the CAD Wrecker Module "Owner Request" area so that rotation is not affected. The name, address, and operators license number of the requesting party and whether the requesting party is the owner or permissive user of the vehicle shall be documented in the appropriate fields of the wrecker module form.; or
2. The officer requesting a wrecker service is certain that the next scheduled wrecker service on the rotating wrecker log cannot tow the vehicle in a safe or timely manner, or store the towed vehicle and makes a request for a particular wrecker to respond. Whether a wrecker can respond in a timely fashion (i.e., within thirty minutes), depends upon the circumstances and is a discretionary determination for the officer. In such cases, the requested wrecker shall be selected from the CAD Wrecker Module "Officer Request" area and the reason for the officer's request shall be documented in the comments field on the form. Officers shall ensure that favoritism or the appearance of favoritism of individual wrecker services are avoided.

B. Agency personnel shall not recommend or solicit business for any wrecker except in conformance with agency policy. Such recommendations do not apply to circumstances where there are no reasonable options to the use of a particular business.

WRECKER SERVICES NOT ENGAGED IN INTERSTATE COMMERCE

The signature of the owner or manager, as subscribed and sworn before a Notary Public, to the fact that this wrecker will not engage in interstate commerce.

WRECKER SERVICES ENGAGED IN INTERSTATE COMMERCE

The following information is needed when a wrecker service engages in interstate commerce:

1. **US DOT Number**
2. **Safety Rating Compliance Letter:** A letter from the US Department of Transportation, Federal Highway Administration is the wrecker service notifying them of their motor carrier safety rating. (If a wrecker service is not in compliance, they should be removed from the wrecker list.)
3. **Federal Form MCS-90/Certificate of Insurance:** A copy of Federal Form MCS-90 on file with the inspection form listing the required insurance endorsement for the applicable safety regulation transportation. A Certificate of Insurance naming the Kentucky State Police as certificate holder to be notified in the event that the insurance lapses or is cancelled on this wrecker.
4. **Minimum Level of Coverage for Interstate Commerce:**

	Property Damage Insurance
Vehicle	\$750,000
Non-hazardous Property	\$5 Million
Hazardous Materials	

GENERAL GUIDELINES FOR COMPLETING THE KSP-25

1. **NAME OF FIRM**-The actual name, address and phone number of the wrecker service firm. Denote actual hours the wrecker service will answer calls for service (i.e., Monday-Friday, 0000-2400 hours or Sunday-Saturday, 0800-2400 hours, etc.).
2. **NAME OF OWNER**-Name, address and phone number of owner or manager of the wrecker service.
3. **NAME OF INSURANCE COMPANY/AGENT**-Insurance company/agent, which has a policy covering this vehicle. The officer to insure the policy number is noted and insurance coverage is sufficient should inspect the actual insurance policy.
Minimum level of coverage for intrastate commerce is:

	Property Damage Insurance
Vehicle	\$40,000/\$20,000/\$5,000
Vehicles under 18,000 lbs.	\$100,000/\$300,000/\$50,000
Vehicles over 18,000 lbs.	\$1 million
Vehicles carrying hazardous materials	

4. VEHICLE INFORMATION

1. Make and model of the inspected wrecker (a separate form shall be filled out for each individual wrecker).
2. License plate registration number and vehicle identification number of the inspected wrecker should be noted and checked in NCIC/LINK.
3. Check appropriate response if vehicle is or is not a rollback.
4. Note actual Kentucky Motor Fuel Users License Number and date of expiration.
5. **CAPACITY**- select all classes of listed vehicles which the inspected wrecker is capable of hauling.
6. **STORAGE**-Select all classes of listed vehicles which the inspected wrecker is capable of hauling.
7. **WRECKER SERVICE CHARGERS**-Provide all applicable charges the wrecker service expects to charge when answering a call. (Some wrecker services may or may not charge a rate per mile above the flat rate).
8. **WRECKER OPERATIONS**-All persons who will be authorized to operate the wrecker as indicated by the owner or manager. Operations' phone numbers may be listed on this line if the owner or manager requests direct contact. Signature of the owner or manager is required in order to acknowledge the pre-conditions of placement on the Kentucky State Police Wrecked Service List.

WRECKER SERVICES NOT ENGAGED IN INTERSTATE COMMERCE

I certify that my wrecker has not and will not, without first coming into full compliance with the federal Motor Carrier Safety Act, engage in Interstate commerce, that is, in any trade, traffic or transportation between any place in Kentucky and any place outside Kentucky, or between any two places in Kentucky by going through another state. I understand that "interstate commerce" includes the transportation of goods either originating in transit from beyond the state or ultimately bound for destination beyond the state, even though the route of a particular carrier may be wholly within one state.

Owner or Manager

Commonwealth of Kentucky: County of: _____

Subscribed and sworn to before me by: _____
This the _____ day of _____ 20

Notary Public

My commission expires _____ / _____ / _____

WRECKER SERVICES ENGAGED IN INTERSTATE COMMERCE

1. US DOT NUMBER _____

2. SAFETY RATING COMPLIANCE LETTER: Yes No
Date Inspected _____ / _____ / _____ Satisfactory _____ Conditional _____

3. COPY OF FEDERAL FORM MCS-90 (ATTACH): Yes No
(Proof of mandated level of insurance protection)

4. COPY OF THE CERTIFICATE OF INSURANCE: Yes No
(Kentucky State Police listed as the certificate holder)

Name of Insurance Company _____
Address _____ Zip _____ Phone () _____

Agent Name/Address _____ Yes No

Liability Minimum - \$750,000: Yes No

Liability Minimum Towing Hazardous Materials - \$5 Million Yes No

Inspected by: _____ Unit # _____ Date _____ / _____ / _____

Approved by: _____ Date _____ / _____ / _____

**KENTUCKY STATE POLICE
ROTATING WRECKER SERVICE INSPECTION**

County/Countries: _____
 Business Hours: 24/7 Other: _____
 Phone # Business: _____
 Phone # Cell _____

Company Name: _____ **Address:** _____

1. NAME OF OWNER _____
 2. NAME OF INSURANCE CO. & AGENT Phone # _____
 Policy # _____ Amount of Coverage _____

3. VEHICLE INFORMATION: _____
 Make/Model _____ Registration Number _____
 VIN _____ Rollbacks Yes No
 Ky. Motor Fuel User's License #. _____ Exp. Date _____

4. CAPACITY & STORAGE:
 Automobile/Pickups Only _____ Truck/Buses to 8 Tons _____ Over 8 Tons _____
 Hazardous Material Vehicles Yes No
 Inside _____ Outside (Fenced) _____ Outside (Not Fenced) _____

5. WRECKER SERVICE CHARGES:
 \$ _____ Flat rate or rate for first mile.
 \$ _____ Per mile for each additional mile one way (state charges to cover entire round trip).
 \$ _____ Per hour at scene (for other than simple, ordinary pull-ins).
 \$ _____ Per day for inside storage.
 \$ _____ Per day for outside storage secured by fence and lock.
 \$ _____ Per day for outside storage not secured by fence and lock.

6. WRECKER OPERATORS:
 Name _____ Address _____
 Commercial Drivers License # _____
 Name _____ Address _____
 Commercial Drivers License # _____
 Name _____ Address _____
 Commercial Drivers License # _____

I acknowledge that there exists no contractual relationship, express or implied, between my wrecker service and the Kentucky State Police, and that any violation of the law or instance of unsatisfactory performance may result in the removal of my wrecker service from the log. I understand that my placement on the KSP Rotating Wrecker Log in no way establishes or creates any property rights and that should the operational and/or administrative needs of the Kentucky State Police require it, my wrecker service can be removed from the Rotating Wrecker Log with, or without, cause.

I further understand that should any information provided on this form change, including but not limited to the Wrecker Service Charges in Section 6, I will immediately complete a revised KSP 25 with the correct information and forward it to the appropriate KSP Post. Failure to maintain a current KSP 25 on file, or charging a wrecker service fee in excess of that reported, may result in the immediate and irrevocable removal of my wrecker service from the KSP Rotating Wrecker Log.

Under no circumstances will my wrecker service hold, or otherwise detain, the contents (luggage, tools, compact discs, etc) of a vehicle towed and/or stored pursuant to a KSP-related matter as collateral for the tow/storage bill. In all KSP-related towing matters the vehicle itself shall be the sole source of collateral.

I agree to release and hold harmless the Kentucky State Police and any agent, officer, or employee thereof from any liability or claim for damages arising out of the operation of any wrecker owned, leased, operated or under my supervision or by reason of any act or omission by myself or any agent or employee under my direction or employment.

As a condition of placement on the Kentucky State Police Rotating Wrecker Log, I hereby grant consent to the Kentucky State Police and any officer thereof to inspect or search my business premises, any vehicles which I have towed or stored at the request of the Kentucky State Police, any wreckers used to respond to calls for service from the Kentucky State Police, and any business records relating to calls for service from the Kentucky State Police or to any wreckers used for said calls for service. It is expressly understood that this search or inspection may be done at any time, with or without notice, and that any refusal to permit such a search or inspection will result in immediate and irrevocable removal of my wrecker service from the Kentucky State Police Rotating Wrecker Log.

Owner/Manager (Print Name) _____ Owner/Manager (Signature) _____ Date _____

Commonwealth of Kentucky

GALLATIN FISCAL COURT

Resolution No. 05-2006-01-A1

RESOLUTION TO CHANGE THE REQUIREMENTS FOR THOSE DOING WRECKER SERVICE IN AND FOR THE GALLATIN COUNTY FISCAL COURT

Whereas, The Gallatin County Fiscal Court desires to let individuals make their own choice of wrecker service provider, if they can, and remove Gallatin County and the Dispatch Center from appearing to sponsor the wrecker service sent per the "rotation";

Be it therefore resolved by the Gallatin Fiscal Court

ADDENDUM TO RESOLUTION #05-2006-01
Re: Dispatch of Wrecker/Recovery Services for Gallatin County

1) The guidelines of KSP #25 will remain in effect. Each wrecker service that is participating in the Wrecker rotation for service in Gallatin County shall annually provide proof of compliance with the KY State Police requirements either by providing a copy of the KSP 25 form or by an affidavit of compliance. The affidavit will be a statement, under oath, that the provider is in compliance with the requirements of KSP#25. The proof shall be mailed to Gallatin County Judge Executive's office at P.O. Box 144, 200 Washington, Street, Warsaw, KY 41095.

2) Any emergency condition which requires the dispatch of a Wrecker/Recovery Service will be as follows:

1. The Gallatin County Sheriff will provide itemized cost of services from Wrecker/Recovery Services in Gallatin County to the entity or persons of need.
2. At this time the entity or persons will select a wrecker, recovery company, and make the call directly to the selected company for services needed or if the call cannot be made directly then that entity may request the sheriff or the dispatch make the call on his or her behalf.
3. If no selection can be made or is made by the entity in a timely manner and if emergency circumstances warrant the call to be placed by Gallatin Dispatch, the Gallatin County Sheriff's Department cause the "next on list" to be called, in a rotation.
4. If the wrecker recovery company was called as "owner's choice" they do not lose position on the rotation list.
5. This includes "light wrecker" and "heavy wrecker" services.

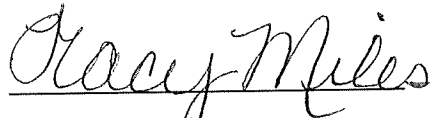
All wrecker/recovery services are required to keep all necessary documents, permits, insurance, inspection, fee schedules, certificates of insurance, etc. it is the responsibility of the wrecker/recovery service to maintain these records for inspection per KSP #25.

This does not change the wrecker service's legal obligations and duties, statutory or otherwise, to perform their services in a reasonable and workmanlike manner and with safety as a priority for their customers, their employees and the public in general.

NOW, THEREFORE, be it resolved by the Gallatin County Fiscal Court on this 12th day of March, 2015 shall adopt this resolution amending the previous resolution regarding Wrecker Services and dispatch in Gallatin County.



Ken McFarland
Gallatin County Judge Executive



ATTEST: Tracy Miles,
Gallatin County Clerk

CHAPTER 93: FIRE PREVENTION AND PROTECTION

Section

Fire Prevention

- 93.01 Blasting permit
- 93.02 Hours of blasting operation
- 93.03 Storage of flammables and other matter

- 93.99 Penalty

FIRE PREVENTION

§ 93.01 BLASTING PERMIT.

No person shall cause a blast to occur within the county without making application in writing beforehand, setting forth the exact nature of the intended operation, and receiving a permit to blast from the Fiscal Court or other authorized county official. The Fiscal Court or other authorized county official, before granting such permit may require the applicant to provide a bond to indemnify the county and all other persons against injury or damages which might result from the proposed blasting. Penalty, see § 93.99

§ 93.02 HOURS OF BLASTING OPERATION.

(A) From and after the date of enactment of this section, it shall be unlawful for any person, corporation or other entity to engage in any surface or subsurface blasting operation within the unincorporated boundaries of the county at any time other than between the hours of 9:00 a.m. and 5:00 p.m., prevailing time.

(B) The term ***BLASTING OPERATION*** as used herein shall be defined as set forth in KRS 351.310(2). The term ***EXPLOSIVES*** as used in that definition shall have the meaning set forth in KRS 351.310(1).

(Ord. 12-11-97, passed 12-11-97) Penalty, see § 93.99

§ 93.03 STORAGE OF FLAMMABLES AND OTHER MATTER.

(A) All flammable or combustible materials shall be arranged and stored in a manner which affords reasonable safety against the danger of fire.

(B) Waste paper, ashes, oil rags, waste rags, excelsior, or any material of a similar hazardous nature shall not be accumulated in any cellar or any other portion of any building of any kind. Proper fireproof receptacles shall be provided for such hazardous materials.

(C) No matter shall be stored or arranged in a manner which impedes or prevents access to or exit from any premises in case of fire.

Penalty, see § 93.99

§ 93.99 PENALTY.

(A) Violation of § 93.02 of this chapter shall be deemed guilty of a misdemeanor and punishable by a fine of not more than \$500 or imprisonment for a period not to exceed ten days, or both. Each instance of violation shall constitute a separate offense. (Ord. 12-11-97, passed 12-11-97)

(B) Any person who violates any other provision of this chapter shall be deemed guilty of a misdemeanor and fined not more than \$500.

CHAPTER 94: HAZARDOUS MATERIALS

Section

- 94.01 Purpose
- 94.02 Applicability
- 94.03 Definitions
- 94.04 Determination of reportable quantities
- 94.05 Prohibited acts
- 94.06 Notice to public safety communications center
- 94.07 Administering agency
- 94.08 Response authority
- 94.09 Liability for costs
- 94.10 Authorized release
- 94.11 Contractual indemnification and subrogation
- 94.12 Release prevention and control plan required
- 94.13 Inspections
- 94.14 Confidential information and trade secrets
- 94.15 Enforcement and notice of violation
- 94.16 Penalties
- 94.17 Fees
- 94.18 Disclaimer of liability

Cross-reference:

Solid waste, see Ch. 50

§ 94.01 PURPOSE.

This chapter is adopted by the Gallatin County Fiscal Court for the purpose of protecting public health and safety in Gallatin County, Kentucky through prevention and control of hazardous materials incidents and releases, requiring the timely reporting of releases of hazardous materials to appropriate local public safety and emergency agencies and requiring payment by parties responsible for hazardous materials of all expenses incurred by public safety and emergency agencies in responding to such hazardous materials releases. (Ord. 06-10-99-01, passed 5-13-99)

§ 94.02 APPLICABILITY.

Pursuant to authority of KRS 67.083, the provisions of this chapter shall apply to all persons who manufacture, use, store, or transport hazardous materials prescribed by this chapter and as defined

herein within the entire area of Gallatin County including all incorporated and unincorporated areas thereof. (Ord. 06-10-99-01, passed 5-13-99)

§ 94.03 DEFINITIONS.

As used in this chapter, unless the context of usage clearly requires otherwise, the meanings of specific terms this chapter shall be as follows:

AUTHORIZED RELEASE. Release of hazardous materials in accordance with an appropriate permit granted by a state or federal agency having primary jurisdiction over such release.

CONSUMER PRODUCT. Meaning stated in 15 U.S.C. 2052.

COSTS. All expenses incurred by local government and/or local emergency response organizations regardless of whether or not such agencies are publicly or privately owned in responding to any hazardous materials spill, leak or other release into the environment and for any remedial or removal actions taken to protect and safeguard the public health and safety, property or the environment. The term includes, but is not limited to, costs incurred for personnel, equipment and the use thereof, materials, supplies, services, lost wages of volunteer personnel, damage or loss of equipment, both organization and personal, and related expenses resulting directly from response to a release or threatened release of a hazardous material.

EMPLOYEE. Any person who works, with or without compensations, in a workplace.

EMPLOYER. Any person, firm, corporation, partnership, association, government agency, or other entity engaged in a business or providing services which has employees.

ENVIRONMENT. Navigable waters of the United States and any other surface water, ground water, drinking water supply, soil surface, subsurface strata, storm sewer or publicly owned sanitary sewer or treatment works (other than those handling only wastewater generated at the facility) within Gallatin County, Kentucky. The terms shall include air only for purposes of reporting releases pursuant to the further provisions of this chapter.

FACILITY. Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, tank, motor vehicle, truck trailer, rolling stock, or aircraft; or any site or area where a hazardous material has been deposited, stored, disposed of, abandoned, placed or otherwise come to be located. Consumer products in consumer use and vessels are not included.

HAZARDOUS MATERIALS. Any element, compound, substance or material or any combination thereof which are toxic, flammable, explosive, corrosive, radioactive, oxidizers, etiological agents, carcinogenic, or are highly reactive when mixed with other substances, including, but not limited to, any substance or material which is designated a hazardous material pursuant to the "Hazardous Materials Transportation Act" (49 U.S.C.A. Sec 1801, *et seq*) or is listed by Appendix A, 40 CFR Part 302, "List of Hazardous Materials and Reportable Quantities", as amended, published by the U.S.

Environmental Protection Agency (EPA), in a quantity and form which may pose a substantial present or potential hazard to human health, property or the environment when improperly released, treated, stored, transported, disposed of, or otherwise managed.

NORMAL APPLICATION OF PESTICIDES. Application pursuant to the label directions for application of a pesticide product registered under section 30 or section 24 of the Federal Insecticide, Fungicide and Rodenticide Act as amended (7 U.S.C. 135 *et seq.*) (FIRA), or pursuant to the terms and conditions of an experimental use permit issued under section 5 of FIRA, or pursuant to an exemption granted under section 13 of FIRA.

OIL. Oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.

PERSON. Any individual, business, firm, partnership, corporation, consortium, association trust, joint stock company, cooperative, joint venture, city, county, city or county special district, the state or any department, agency or political subdivision thereof, the United States Government, or any other commercial or legal entity.

RELEASE. Any spilling, leaking, pumping, pouring, emitting, escaping, emptying, discharging, injecting, leaching, dumping, or disposing of a hazardous material into or on any land, air, water, well, stream, sewer or pipe so that such hazardous materials or any constituent thereof may enter the environment. The term shall not apply to:

(A) With respect to a claim which such persons may assert against the employer of such persons as provided by CERCLA regulations;

(B) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or a pipeline station pumping engine; or

(C) The normal application of fertilizers and pesticides.

REMEDIAL ACTION. Any action consistent with permanent remedy taken instead of or in addition to any removal actions in the event of a release or threatened release of a hazardous material into the environment, to prevent or minimize the release of hazardous materials so that they do not migrate to cause a substantial present or potential hazard to human health, property or the environment. The term includes but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches or ditches, clay (or other earth) cover, neutralization, cleanup of released hazardous materials or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive waste, repair or replacement of leaking containers, collections of leachate and runoff, on-site treatment incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect public health and welfare and the environment.

REMOVAL. The cleanup or removal of released hazardous materials from the environment, such actions as may be necessary or appropriate to monitor, assess, and evaluate the release or threatened release of hazardous materials, the disposal of removed material, or the taking of such actions as may

be necessary to prevent, minimize, or mitigate damage to public health or welfare or the environment. The term includes, but is not limited to, security fencing, provision of alternative water supplies, temporary evacuation, reception and care of threatened persons, and diking of fuel storage tanks.

REPORTABLE QUANTITY. That quantity as set forth in § 94.04 of this chapter, or such quantity as deemed appropriate by the Kentucky Emergency Response Commission or the Northern Kentucky Emergency Planning Committee.

RESPONSE. Any remedial or removal actions, including, but not limited to, response by local public safety and emergency agencies and subsequent actions taken to insure the preservation and protection of the public health, safety, welfare and the environment.

STORE. To deposit or place a substance in the county for a period of ten days or more provided such substance is no otherwise in transit.

USE. To store, maintain, treat, process, handle, generate, dispose of, or otherwise manage. Use shall not include any mode of transportation other than on-site transportation.

VESSEL. Every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water. (Ord. 06-10-99-01, passed 5-13-99)

§ 94.04 DETERMINATION OF REPORTABLE QUANTITIES.

(A) *Listed Hazardous Materials.* The quantity appearing in column "RQ" for each hazardous material listed by Appendix A, "List of Hazardous Materials and Reportable Quantities", 40 CFR Part 302, as amended, published by the U.S. Environmental Protection Agency (EPA) shall be the reportable quantity for that material, or as required by the State Emergency Response Commission or the Northern Kentucky Emergency Planning Committee.

(B) *Unlisted Hazardous Materials.* Unlisted hazardous wastes designated as hazardous materials have the reportable quantity of ten pounds, except for those unlisted hazardous wastes exhibiting the characteristics of EP toxicity identified in 40 CFR 261.24. Unlisted hazardous wastes which exhibit EP toxicity have the reportable quantities listed in Appendix A to 40 CFR Part 302, as amended, for the contaminant on which the characteristics of EP toxicity is based. If an unlisted hazardous waste exhibits EP toxicity on the basis of more than one contaminant, the reportable quantity for that waste shall be the lowest of the reportable quantities listed by Appendix A to 40 CFR Part 302, as amended, for those contaminants. If an unlisted hazardous waste exhibits the characteristics of EP toxicity and one or more of the other characteristics, the reportable quantity shall be the lowest of the applicable reportable quantities.

(C) *Oil.*

(1) The reportable quantity for releases of oil to waters of the United States or adjoining shorelines is any quantity which violates applicable water quantity standards or causes a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

(2) The reportable quantity for releases of oil to the environment other than releases to waters of the United States and adjoining shorelines is ten gallons.

(3) Notwithstanding any other provisions of this chapter, a release of oil from a properly functioning vessel engine shall not be deemed to be in a reportable quantity; however, this provision shall not be applicable to oil accumulated in a vessel's bilges.

(D) *Higher Reportable Quantity.* Notwithstanding any other provisions of this chapter, the administering agency, after review of the Gallatin County "Hazardous Materials Use and Spill Prevention Control Plan" (HMPC) required to be submitted pursuant to the further provisions of this chapter, may designate a reportable quantity for a hazardous material in excess of the quantity determined under this chapter if the administering agency determines that the higher reportable quantity is consistent with the purposes and objectives of this chapter.

(E) *Releases to Sanitary Sewer System.* A release of a mixture or solution of which a hazardous material is a component shall be considered to be a release in a reportable quantity only where the component hazardous material of the mixture or solution is released in a quantity equal to or greater than its reportable quantity. (Ord. 06-10-99-01, passed 5-13-99)

§ 94.05 PROHIBITED ACTS.

No person shall cause, threaten or allow the release of a hazardous material into the environment within the territorial boundaries of Gallatin County, unless such release is an authorized release in accordance with an appropriate permit granted by that agency of state or federal government which has primary jurisdiction over such release and such release is in such place and manner as will not create a substantial present or potential hazard to human health, property or the environment. (Ord. 06-10-99-01, passed 5-13-99)

§ 94.06 NOTICE TO PUBLIC SAFETY COMMUNICATIONS CENTER.

(A) *Notice Upon Discovery.* When a release or a threatened release, other than an authorized release, of a hazardous material in a quantity equal to or exceeding the reportable quantity hereinbelow established for such material occurs or is imminent on any facilities of any kind within Gallatin County, the person in charge of such facilities, upon discovery of such release or threatened release, or evidence that a release has occurred even though it has apparently been controlled, shall immediately cause notice of the existence of such release or threatened release, the circumstances of same, and the location thereof to the Public Safety Communications Center.

(B) *Emergency Telephone Number.* The notice required to be given by this chapter in Gallatin County may be given by telephoning (606) 567-7021 (or by telephoning 911 after becomes available). This one call will meet the requirements for notification of local agencies and, to the extent permitted by existing or future agreement, will provide notice to appropriate agencies of the Commonwealth of Kentucky, including, but not limited to, the Cabinet for Natural Resources and Environmental Protection, the Office of the State Fire Marshal in the Department of Housing, Buildings, and Construction in the Cabinet for Public Protection and Regulation, and the Division of Disaster and Emergency Services in the Department of Military Affairs, when directed by the Emergency Management Office of Gallatin County.

(C) *Duty to Control Releases.* The notice required to be given by this chapter shall not be construed as forbidding or otherwise exempting any person on or about the facilities from exercising all diligence necessary to control such release prior to or subsequent to such notice to the Public Safety Communications Center, especially if such efforts may result in the containment of the release and/or the abatement of extreme hazard to the employees or the general public. Delays in reporting due to any in-house requirement for notification to off-site owners/supervisors shall not be acceptable as reason for delay in notification required by this chapter, and any such delay may result in penalties.

(D) *Duty to Report to Other Agencies.* No statement contained in this chapter shall be construed to exempt or release any person from any other notification or reporting procedures in accordance with applicable state or federal laws or regulations.
(Ord. 06-10-99-01, passed 5-13-99)

§ 94.07 ADMINISTERING AGENCY.

The purpose of this chapter is to establish a uniform county-side program for protection of the environment from uncontrolled releases of hazardous materials to be administered by existing agencies of local government. The Department of Emergency Management shall be the lead agency in administering this chapter. (Ord. 06-10-99-01, passed 5-13-99)

§ 94.08 RESPONSE AUTHORITY.

(A) The Gallatin County Emergency Management Hazardous Materials Response Team (hereinafter called "HMRT") shall have primary authority to coordinate response to any release or threatened release of hazardous materials in any incorporated or unincorporated area of Gallatin County.

(B) The Fire Chief of the jurisdiction in which such release or threatened release is located shall have secondary authority for taking remedial or removal actions necessary to control or contain such release or threatened release and to assure the protection of human health, property and the environment. The role of HMRT is to give technical advice and assistance to the Emergency Management Director and Fire Chief. HMRT shall not direct the emergency response unless requested to do so by the Fire Chief or the Emergency Management Director or their authorized representative.

(C) HMRT or the Emergency Management Office shall immediately report any release or threatened release to the executive authority of the jurisdiction (e.g. County Judge/Executive or his administrative assistant, Mayor, City Administrative Officer, County Administrator). If in the opinion of the executive authority, the seriousness of the situation warrants, the chief executive officer of the jurisdiction (County Judge/Executive or Mayor or Emergency Management Director) shall declare the existence of a state of emergency in the jurisdiction, and thereafter, the response authority provided by this section shall then be vested in such chief executive officer, or other appropriate person to exercise all or part of the response authority provided by this section until further notice.

(D) All local emergency response personnel shall cooperate with and operate under the direction of the chief executive officer of the jurisdiction, the Emergency Management Director or other person then exercising response authority under this section until such time as the person then exercising response authority has determined that the response is complete, or responsibility for response has been assumed by the state or federal agency having primary jurisdiction over such release or threatened release.

(E) The person exercising response authority under this section shall coordinate and/or cooperate with other federal, state or local public health, safety and emergency agencies involved in the response to a release or threatened release of hazardous materials.

(F) The person exercising response authority under this section may, with the approval of the executive authority of the jurisdiction, obtain vital supplies, equipment, services and other properties found lacking and needed for the protection of human health, property and the environment and obligate the jurisdiction for the fair value thereof, pursuant to KRS 39 et al. (Ord. 06-10-99-01, passed 5-13-99)

§ 94.09 LIABILITY FOR COSTS.

Notwithstanding any other provision or rule of law, the following persons shall be jointly and severally liable for all costs of removal and remedial actions incurred by local public safety and emergency agencies as a result of a release or threatened release of hazardous materials into the environment:

(A) The owner and operator of a facility or vessel from which there is a release or substantial threat of release of hazardous materials;

(B) Any person who, at the time of disposal, transport, storage, or treatment of hazardous materials, owned or operated the facility or vessel used for such disposal, transport, treatment, or storage from which there was a release or substantial threat of a release of hazardous materials;

(C) Any person who, by contract, agreement or otherwise, has arranged with another party or entity for transport, storage, disposal or treatment of hazardous materials owned, controlled or possessed by another party or entity from which facility there is a release or substantial threat of a release of hazardous materials; and

(D) Any person who accepts or accepted any hazardous materials for transport to disposal, storage or treatment facilities from which there is a release or substantial threat of a release of hazardous materials. (Ord. 06-10-99-01, passed 5-13-99)

§ 94.10 AUTHORIZED RELEASE.

There shall be no liability under this chapter for any release permitted by state or federal law, but only to the extent that such release is made in accordance with an appropriate permit granted by the state or federal agency having primary jurisdiction over such release and that such release is in full compliance with such permit with respect to time, location and manner of the release so that such release will not create a hazard or potential hazard to human health, property or the environment, or, if such release is in substantially lesser quantities than those reportable quantities established by state or federal law, regulations, permit requirements, or ordinances of the jurisdiction in which such release occurs.

§ 94.11 CONTRACTUAL INDEMNIFICATION: SUBROGATION.

(A) No conveyance, transfer, sale, indemnification, hold harmless, or similar agreement shall be effective to release the owner or operator of any facility or vessel or any person who may be liable for a release of hazardous materials or threat thereof under this chapter. Nothing in this section shall bar any arrangement to insure, hold harmless or indemnify a party to such agreement for any liability under this chapter.

(B) Nothing in this section, including the provisions of subsection (A) above, shall bar a cause of action that an owner or operator or any other person subject to liability under this chapter, or a

guarantor, has or would have, by reason of subrogation or otherwise against any person.
(Ord. 06-10-99-01, passed 5-13-99)

§ 94.12 RELEASE PREVENTION AND CONTROL PLAN REQUIRED.

(A) The following persons who use hazardous materials must prepare, submit and maintain a Gallatin County "Hazardous Materials Use and Spill Prevention Control Plan", hereinafter referred to as "HMPC Plan":

(1) All federal, state and local government agencies which use hazardous materials in reportable quantities;

(2) All of the following businesses or services within the county which use hazardous materials, as classified by the Standard Industrial Classification, (SIC) Code:

<u>Classification</u>	<u>Business or Service</u>
0782	Lawn and garden services
2011-3999	Manufacturing
4011-4953	Transportation, Communication and Public Utilities
5043	Photographic Equipment and Supplies (Wholesale Trade)
5085	Industrial Supplies (Wholesale Trade)
5161-5199	Specific Categories in Wholesale Trade
5541	Gasoline Service Stations (Retail Trade)
7011-7218	Industrial and Commercial Launderers, etc., in Services
7342	Disinfecting and Exterminating Services
7395	Photofinishing Laboratories in Services
7512	Passenger Car Rental in Services
7538-7549	Automotive Repair Shops & Auto Services in Services
8062	General Medical and Surgical Hospitals in Services
8063	Psychiatric Hospitals in Services

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Specialty Hospitals except Psychiatric in Services; and

(3) Those persons not covered in (1) or (2) above who use hazardous materials may be required to submit an HMPC Plan if the administering agency finds it necessary to protect the public health and safety.

(B) *Exemptions.*

(1) Persons who handle agricultural chemicals in the ordinary course of agricultural operations other than warehousing or bulk storage of such chemicals for resale or commercial applications.

(2) Persons who handle hazardous materials otherwise regulated only at temporary construction sites, except for fuel storage.

(3) Persons who handle hazardous materials only in conjunction with residential use or property for non-commercial purposes.

(4) Consumer products and food stuffs packaged for distribution to and intended for use by the general public. This refers to ingredients used in production of food stuffs which are regulated by the Federal Food, Drug and Cosmetic Act, as amended.

(C) *Required HMPC Plan Elements.*

The administering agency shall provide forms with the necessary instructions and requirements for completing HMPC plans in compliance with this chapter. The HMPC plans will include, but not be limited to:

(1) Facility identification;

(2) Spill history;

(3) Identification of hazardous materials (HM) storage, in-plant transfer, process and materials handling areas and hazardous materials truck, rail car, and/or vessel loading and unloading areas;

(4) Description of plant site runoff from parking areas described in (3), including in-place containment appurtenances (e.g. dikes) and means of releasing rainwater from such areas;

(5) Other means of spill prevention, control and countermeasure of all listed hazardous materials, such as containment or detection equipment and absorbent materials;

(6) Provisions for the operation and maintenance of all items described in (5) above;

(7) Contingency plans, including spill notification procedures for both internal personnel as well as outside authorities, including the Gallatin County HMRT;

- (8) Provisions for training of personnel in the utilization of contingency plans;
- (9) Security provisions;
- (10) Provisions for inspections, spill report preparation and records retention;
- (11) Schedule (with actual dates or milestones) for plan elements yet to be implemented, with provisions for reporting progress to the administering agency;
- (12) Provisions for periodic review and amendments to the plan;
- (13) Certification of the plan by a registered professional engineer or an officer of the company; and
- (14) For the purposes of this section, only one plan need be submitted by the owner of electrical equipment at multiple locations when such equipment contains hazardous materials as a coolant, lubricant, or insulation for the operation of such equipment. Subsections (3) and (5) above shall not apply to single plans authorized under this subsection.

(D) *Plan Submittal Deadlines.* Those persons and facilities required to submit an HMPC plan under this chapter shall submit such plans in duplicate to the administering agency within 180 days following the effective date of this chapter provided, however, that persons required to submit such HMPC Plans may request in writing for extensions of time where the complexity of the operations involved require additional time in which to complete such plans. When granted by the administering agency, such extensions of time shall be for periods of 30 days, renewable thereafter for like periods until January 1, 2000, at which time all HMPC Plans shall have been submitted to the administering agency for review.

(E) *Review and Approval of Plan.* The HMPC Plan shall be reviewed by the administering agency, the fire department having jurisdiction, and, where appropriate, the Northern Kentucky Emergency Planning Committee, and sanitation district operating within Gallatin County, or other local agency with appropriate authority; however, final administrative action on the HMPC Plan shall be taken by the administering agency. Upon submission of the HMPC Plan or the granting of time extension in accordance with subsection (D) of this section, the person submitting the plan shall be presumed to be in compliance with this section pending final approval of the plan. HMPC plans which do not provide the necessary information or are otherwise defective shall be rejected and returned to the person submitting the plan for revision and resubmittal.

(F) Any rejection or denial of approval of an HMPC plan by the administering agency may be appealed to the governing body of the jurisdiction in which the facility for which such submitted plan is located. As soon as practicable following receipt of notice of such appeal, the governing body shall conduct a public hearing into the matter and, after consideration of all evidence and testimony relative to such an appeal, shall, by majority vote, uphold the findings of the administering agency or may modify the requirements of the HMPC plan for the particular facility as it may deem appropriate so long as such modifications are in compliance with the intent of this chapter, which is to promote and secure protection of human health, property and the environment against present or potential hazards

occasioned by the uncontrolled release of hazardous materials into the environment.

(G) *Updates, Revisions, and Changes.* A new or modified HMPC plan may be required and submitted to the administering agency when any person institutes the use of a new process or changes in its manufacturing or processing facilities, or when there are significant changes in its existing operation or wastewater constituents or characteristics.

(H) *Training and Education Programs.*

(1) Each employer who uses hazardous materials as herein defined and who is required to prepare an HMPC plan shall be required to have an initial and on-going safety and accident prevention training program for all employees. This training and education shall include, but not be limited to, appropriate work practices, protective measures and emergency procedures. The details and frequency of the training program should be provided as a part of the HMPC plan for the facility.

(2) The administering agency shall have the authority to require different frequencies of training for industries with frequent spills and/or spill histories.
(Ord. 06-10-99-01, passed 5-13-99)

§ 94.13 INSPECTIONS.

The administering agency and the response authority shall have the authority to jointly conduct the periodic inspections of any facilities, for the purpose of ascertaining and causing to be corrected, any condition which may be a violation of this chapter. Joint inspection shall be conducted where necessary for purposes of HMPC plan review. Inspections shall be made during working hours except by special arrangement with the person in charge of the facility.
(Ord. 06-10-99-01, passed 5-13-99)

§ 94.14 CONFIDENTIAL INFORMATION AND TRADE SECRETS.

Information and data provided by any person or obtained from any report, questionnaire, permit application, permit and monitoring program, or form inspections shall not be made available to the public or any other government agency, unless required by law.

(A) Upon submission of information in any form, it shall be the obligation of the submitter to separate all confidential and trade secret material from any materials subject to disclosure under the law.

(B) Any request made under the law for information containing confidential or trade secret information shall be brought to the attention of the person requesting confidentiality of its trade secrets by certified mail, return receipt requested. The notification shall advise the person requesting confidentiality of the decision of the administering agency regarding release of the confidential information. In no event will such confidential information be released until five days have elapsed from the date notice is sent by certified mail.

(C) Within 72 hours after receipt of notice, the person requesting confidentiality of its trade secrets shall have the burden to initiate appropriate actions at law or otherwise to protect its confidential or trade secret information from disclosure, and must demonstrate that public disclosure of confidential or trade secret information is likely to cause substantial harm to his competitive position.

(D) Any individual who releases information containing confidential or trade secret information in violation of law or this section shall be subject to disciplinary action by his employer for malfeasance, misfeasance and willful neglect of official duties, and may further be guilty of misuse of confidential information under KRS 522.040.

(E) The provisions of this section shall in no way prohibit or limit the exchange of information, confidential or otherwise, between public agencies when the exchange is serving a legitimate government need or is necessary in the performance of a government function including, but not limited to, the carrying out of the provisions and intent of this chapter.

(F) Gallatin County Emergency Management shall be the repository for all trade secret information for the purposes of this chapter. (Ord. 06-10-99-01, passed 5-13-99)

§ 94.15 ENFORCEMENT; NOTICE OF VIOLATION.

(A) The administering agency hereinbefore designated shall have primary responsibility for enforcement of the provisions of this chapter.

(B) Upon notification or discovery of any violation of the provisions of this chapter, the administering agency shall immediately investigate the site upon which the violation is located. The administering agency will be the lead enforcement agency for violations of this chapter. If a violation exists, a citation describing the violation may be served upon the person who is responsible for the facilities upon which the violation has occurred, if the identity of the person is known. The responsible party shall be notified either in writing or orally of the following:

(1) A statement that if the situation is not remedied within the prescribed period of time, the administering agency may proceed to correct the violation;

(2) A statement that the person shall be liable for any costs incurred by public agencies associated with their releases except for those costs that are associated with a normal emergency response;

(3) A statement that after the administering agency has corrected the violation, a bill shall be sent charging the person the amount of costs and expenses incurred by the governmental agency in correcting the violation; and

(4) A statement that penalties may be levied for violations that have occurred.

(C) *Governmental Response.* In cases where the identity of the person who is responsible for

facilities upon which a violation has occurred is not known at the time a violation is reported or discovered, the county or any governmental agency within the county may take reasonable steps to abate any problem and may take reasonable steps to clean up the area affected to assure continuing safety of the public and the environment. When the identity of the person responsible for the facility is determined, a bill shall be sent to that person for the costs for correcting the violation according to the provisions of subsections (A) and (B) of this section.

(D) *Injunctive Relief.* The administering agency is empowered to seek injunctive relief for violations of this chapter should other means prove ineffective and a threat to public health and safety exists. (Ord. 06-10-99-01, passed 5-13-99)

§ 94.16 PENALTIES.

(A) Any person who is responsible for the release or substantial threat of a release of hazardous materials into the environment in violation of § 94.05 or who fails to report such release or threatened release in violation of § 94.06 of this chapter shall, upon conviction thereof by a court of competent jurisdiction, be guilty of a Class A Misdemeanor and subject to a fine or improvements or by both such fine and imprisonment as is otherwise provided by law for such offense. Each day that such violation occurs, exists or continues shall be deemed to be a separate offense.

(B) Any person who otherwise violates any provision of this chapter other than §§ 94.05 or 94.06 shall, upon conviction thereof by a court of competent jurisdiction, be guilty of a Class B Misdemeanor and subject to such fine or imprisonment or by both such fine and imprisonment as is otherwise provided by law for such offense. Each day that such violation occurs, exists or continues shall be deemed to be a separate offense.

(C) In addition to the penalties provided in subsections (A) and (B) above, any person violating any provisions of this chapter shall become liable civilly to the appropriate county or city government for any expense, loss or damage to the government or agency thereof caused by reason of such violation, including, but not limited to, any clean-up, evacuation, administration, or other expenses, and legal expenses.

§ 94.17 FEES.

Fees shall be imposed for HMPC plan review or approval, the revenues of which shall cover only the costs of HMPC plan review and approval. The administering agency shall set and collect fees. The fee schedule shall be uniform for all persons required to submit HMPC plans under the provisions of this chapter.

§ 94.18 DISCLAIMER OF LIABILITY

This chapter shall not create liability on the part of the administering agency or on the part of the response authority for any damages that result from reliance on this chapter or any administrative

decision lawfully made thereunder. All persons are advised to determine to their own satisfaction the level of protection, in addition to that required by this chapter, necessary or desirable to ensure that there is no unauthorized release of hazardous materials.

COMMONWEALTH OF KENTUCKY
GALLATIN COUNTY FISCAL COURT
GALLATIN COUNTY, KENTUCKY

ORDINANCE NO. 06-10-99-01

AN ORDINANCE RELATING TO THE USE AND CONTROL OF HAZARDOUS MATERIALS IN GALLATIN COUNTY, KENTUCKY, THE TIMELY REPORTING OF RELEASES THEREOF, AND PROVIDING COMPENSATION FROM THE PARTIES RESPONSIBLE FOR HAZARDOUS MATERIALS RELEASES TO LOCAL GOVERNMENT, PUBLIC SAFETY, AND EMERGENCY AGENCIES FOR EXPENSES INCURRED RESPONDING TO SUCH HAZARDOUS MATERIALS RELEASES AND REPEALING ORDINANCE NO. N/A.

WHEREAS, hazardous materials can pose a direct and potential threat to the health, safety and welfare of the people of this county and to the surrounding environment and that it is the duty of local government to protect its citizens, and that persons who handle hazardous materials also have a responsibility to the community and its residents to minimize risks; and

WHEREAS, the releases or spillage of hazardous materials may require emergency response by the various public safety and emergency agencies of the county and/or the cities therein to protect the health, safety and welfare of the people of this county and their environment; and

WHEREAS, the Fiscal Court further determines that an ordinance is necessary to provide a comprehensive approach on the local level to prevent the uncontrolled release of hazardous materials into the surrounding environment which can directly or indirectly cause harm or damage to the environment and to human health and property, and for this approach to be effective, cooperation between the public and private sectors is essential; and

WHEREAS, in order to implement a plan related to hazardous materials, information on the locations and types of hazardous materials stored, manufactured, used, disposed of, transported, or otherwise managed in and through this county must be gathered, compiled, and updated for use by the government, while protecting the legitimate interests of business in safeguarding confidential information and trade secrets; and

WHEREAS, the Fiscal Court further determines that the timely reporting of releases or threatened releases of hazardous materials spills is critical to government emergency response procedures designed to limit and control danger to life and property; and

WHEREAS, this ordinance is intended to complement efforts at the state and federal levels to deal effectively with the issues of hazardous materials allowing coordination of the efforts of all three levels of government to avail Gallatin and the three

(3) incorporated cities therein of the best possible opportunities to protect their citizens and the environment from the potentially devastating effects of uncontrolled releases of hazardous materials; and

WHEREAS, the Fiscal Court further determines that the regulations established in this Ordinance are necessary and appropriate, reasonably established, and rationally related to the potentially exigent circumstances which may be posed by the release or spillage of hazardous materials occurring in this county;

NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF COMMONWEALTH OF KENTUCKY AS FOLLOWS:

SECTION I - PURPOSE

This Ordinance is adopted by the Gallatin County Fiscal Court for the purpose of protecting public health and safety in Gallatin County, Kentucky through prevention and control of hazardous materials incidents and releases, requiring the timely reporting of releases of hazardous materials to appropriate local public safety and emergency agencies and requiring payment by parties responsible for hazardous materials of all expenses incurred by public safety and emergency agencies in responding to such hazardous materials releases.

SECTION II - APPLICABILITY

Pursuant to authority of K.R.S. 67.083 (7), the provisions of this Ordinance shall apply to all persons who manufacture, use, store, or transport hazardous materials prescribed by this Ordinance and as defined herein within the entire area of Gallatin County, including all incorporated and unincorporated areas thereof.

SECTION III - DEFINITIONS

As used in the herein Ordinance, unless the context of usage clearly requires otherwise, the meanings of specific terms in this Ordinance shall be as follows:

(1) "Authorized Release" means a release of hazardous materials in accordance with an appropriate permit granted by a state or federal agency having primary jurisdiction over such release;

(2) "Consumer Product" shall have a meaning stated in 15 U.S.C. 2052;

(3) "Costs" shall mean and include all expenses incurred by local government and/or local emergency response organizations regardless of whether or not such agencies are publicly or privately owned in responding to any hazardous materials spill, leak or other release into the environment and for any remedial or removal actions taken to protect and safeguard the public health and safety, property or the environment. The term includes, but is not limited to, costs incurred for personnel, equipment and the use thereof, materials, supplies, services, lost wages of volunteer personnel, damage or loss of equipment, both organization and personal, and related expenses resulting directly from response to a release of threatened release of a hazardous material;

(4) "Employee" means any person who works, with or without compensations, in a workplace;

(5) "Employer" means any person, firm, corporations, partnership, association, government agency, or other entity engage in a business or providing services which has employees;

(6) "Environment" means the navigable waters of the United States and any other surface water, ground water, drinking water supply, soil surface, subsurface strata, storm sewer or publicly owned sanitary sewer or treatment works (other than those handling only wastewater generated at the facility) within Gallatin County, Kentucky. The terms shall include air only for purposes of reporting releases pursuant to the further provisions of this Ordinance;

(7) "Facility" means any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, tank, motor vehicle, truck trailer, rolling stock, or aircraft; or any site or area where a hazardous material has been deposited, stored, disposed of, abandoned, placed otherwise come to be located. Consumer products in consumer use and vessels are not included;

(8) "Hazardous Materials" means any element, compound, substance or material or any combination thereof which are toxic, flammable, explosive, corrosive, radioactive, oxidizers, etiological agents, carcinogenic, or are highly reactive when mixed with other substances, including, but not limited to, any substance or material which is designated a hazardous material pursuant to the "Hazardous Materials Transportation Act" (49 U.S.C.A., Sec. 1801, et seq.) or is listed by Appendix A, 40 CFR Part 302, "List of Hazardous Materials and Reportable Quantities", as amended, published by the U.S. Environmental Protection Agency (EPA), a copy of which said list is attached as Appendix A hereto and herein in words and figures, in a quantity and form which may pose a substantial present or potential hazard to human health, property or the environment when improperly released, treated, stored, transported, disposed of, or otherwise



managed;

(9) "Normal Application of Pesticides" means application pursuant to the label directions for application of a pesticide product registered under section 30 or section 24 of the Federal Insecticide Fungicide, and Rodenticide Act as amended (7 U.S.C. 135 et seq.) (FIRA), or pursuant to the terms and conditions of an experimental use permit issued under section 5 of FIRA, or pursuant to an exemption granted under section 18 of FIRA;

(10) "Oil" means oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

(11) "Release" means any spilling, leaking, pumping, pouring, emitting, escaping, emptying, discharging, injecting, leaching, dumping, or disposing of a hazardous material into or on any land, air, water, well, stream, sewer or pipe so that such hazardous materials or any constituent thereof may enter the environment. The term shall not apply to (a) with respect to a claim which such persons may assert against the employer of such persons as provided by CERCLA regulations, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or a pipeline station pumping engine, and (c) the normal application of fertilizers and pesticides;

(12) "Person" means any individual, business, firm, partnership, corporation, consortium, association, trust, joint stock company, cooperative, joint venture, city, county, city or county special district, the state or any department, agency or political subdivision thereof, the United States Government, or any other commercial or legal entity;

(13) "Remedial Action" means any action consistent with permanent remedy taken instead of or in addition to any removal actions in the event of a release or threatened release of a hazardous material into the environment, to prevent or minimize the release of hazardous materials so that they do not migrate to cause a substantial present or potential hazard to human health, property or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches or ditches, clay (or other earth) cover, neutralization, cleanup of released hazardous materials or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, repair or replacement of leaking containers, collections of leachate and runoff, on site treatment incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect public health and welfare and the environment;

(14) "Removal" means the cleanup or removal of released hazardous materials from the environment, such actions as may be necessary or appropriate to monitor, assess, and evaluate the



release or threatened release of hazardous materials, the disposal of removed material, or the taking of such actions as may be necessary to prevent, minimize, or mitigate damage to public health or welfare or the environment. The term includes, but is not limited to, security fencing, provision of alternative water supplies, and temporary evacuation, reception and care of threatened persons, diking of fuel storage tanks;

(15) "Reportable Quantity" means that quantity as set forth in Section IV of this Ordinance, or such quantity as deemed appropriate by the Kentucky Emergency Response Commission or the Northern Kentucky Emergency Planning Committee;

(16) "Response" means any remedial or removal actions, including, but not limited to, response by local public safety and emergency agencies and subsequent actions taken to insure the preservation and protection of the public health, safety, welfare and the environment;

(17) "Store" means to deposit or place a substance in the county for a period of ten (10) days or more provided such substance is no otherwise in transit;

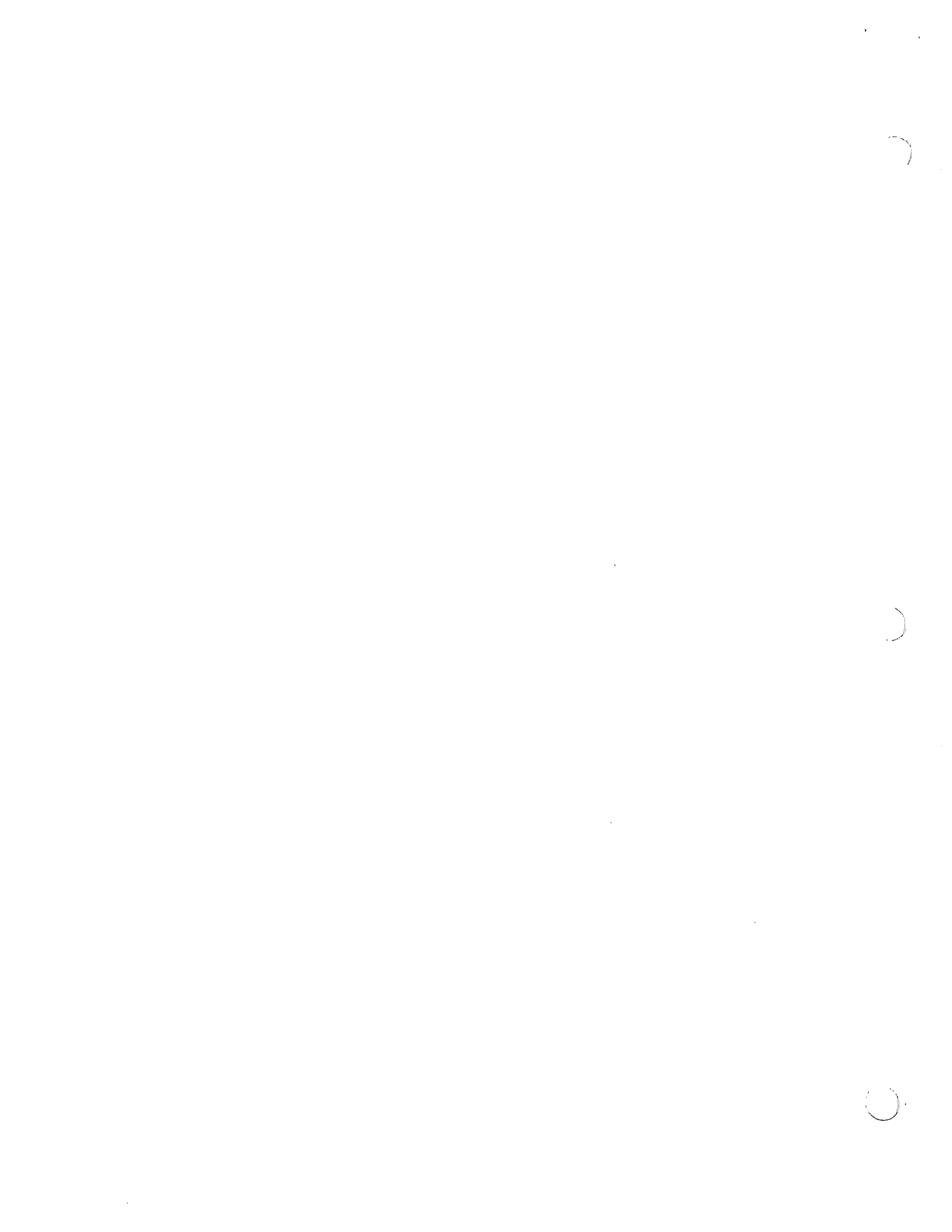
(18) "Use" means to store, maintain, treat, process, handle, generate, dispose of, or otherwise manage. Use shall not include any mode of transportation other than onsite transportation;

(19) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

SECTION IV - DETERMINATION OF REPORTABLE QUANTITIES

A. Listed Hazardous Materials: The quantity appearing in column "RQ" for each hazardous material listed by Appendix A, "List of Hazardous Materials and Reportable Quantities", 40 CFR Part 302, as amended, published by the U.S. Environmental Protection Agency (EPA) shall be the reportable quantity for that material, or as required by the State Emergency Response Commission or the Northern Kentucky Emergency Planning Committee.

B. Unlisted Hazardous Materials: Unlisted hazardous wastes designated as hazardous materials have the reportable quantity of 10 pounds, except for those unlisted hazardous wastes exhibiting the characteristics of EP toxicity identified in 40 CFR 261.24. Unlisted hazardous wastes which exhibit EP toxicity have the reportable quantities listed in Appendix A to 40 CFR Part 302, as amended, for the contaminant on which the characteristics of EP toxicity is based. If an unlisted hazardous waste exhibits EP toxicity on the basis of more than one contaminant, the reportable quantity for that waste shall be the lowest of the reportable quantities listed by Appendix A to 40 CFR Part 302, as amended, for those contaminants. If an unlisted hazardous waste exhibits the characteristics of EP toxicity and one or more of



the other characteristics, the reportable quantity shall be the lowest of the applicable reportable quantities.

C. Oil: (1) The reportable quantity for releases of oil to waters of the United States or adjoining shorelines is any quantity which violates applicable water quantity standards or causes a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines, (2) The reportable quantity for releases of oil to the environment other than releases to waters of the United States and adjoining shorelines is 10 gallons. (3) Notwithstanding any other provisions of this Section, a release of oil from a properly functioning vessel engine shall not be deemed to be in a reportable quantity; however, this provision shall not be applicable to oil accumulated in a vessel's bilges.

D. Higher Reportable Quantity: Notwithstanding any other provisions of this Section, the administering agency, after review of the Gallatin County "Hazardous Materials Use and Spill Prevention Control Plan" (HMPC) required to be submitted pursuant to the further provisions of this Ordinance, may designate a reportable quantity for a hazardous material in excess of the quantity determined under this Section if the administering agency determines that the higher reportable quantity is consistent with the purposes and objectives of this Ordinance.

E. Releases to Sanitary Sewer System: A release of a mixture or solution of which a hazardous material is a component shall be considered to be a release in a reportable quantity only where the component hazardous material of the mixture or solution is released in a quantity equal to or greater than its reportable quantity.

SECTION V - PROHIBITED ACTS

No person shall cause, threaten or allow the release of a hazardous material into the environment within the territorial boundaries of Gallatin County, Kentucky, unless such release is an authorized release in accordance with an appropriate permit granted by that agency of state or federal government which has primary jurisdiction over such release and such release is in such place and manner as will not create a substantial present or potential hazard to human health, property or the environment.

SECTION VI - NOTICE TO PUBLIC SAFETY COMMUNICATIONS CENTER

A. Notice Upon Discovery: When a release or a threatened release, other than an authorized release, of a hazardous material in a quantity equal to or exceeding the reportable quantity hereinbelow established for such material occurs or is



imminent on any facilities of any kind within Gallatin county, the person in charge of such facilities, upon discovery of such release or threatened release, or evidence that a release has occurred even though it has apparently been controlled, shall immediately cause notice of the existence of such release or threatened release, the circumstances of same, and the location thereof to the Public Safety Communications Center.

B. Emergency Telephone Number: The notice required to be given by this Section in Gallatin County may be give by telephoning (606) 567-7021 (or by telephoning 911 after Becomes Available). This one call will meet the requirements for notification of local agencies and, to the extent permitted by existing or future agreement, will provide notice to appropriate agencies of the Commonwealth of Kentucky, including, but not limited to, the Cabinet for Natural Resources and Environmental Protection, the Office of the State Fire Marshal in the Department of Housing, Buildings and Construction in the Cabinet for Public Protection and Regulation, and the Division of Disaster and Emergency Services in the Department of Military Affairs, when directed by the Emergency management Office of Gallatin County.

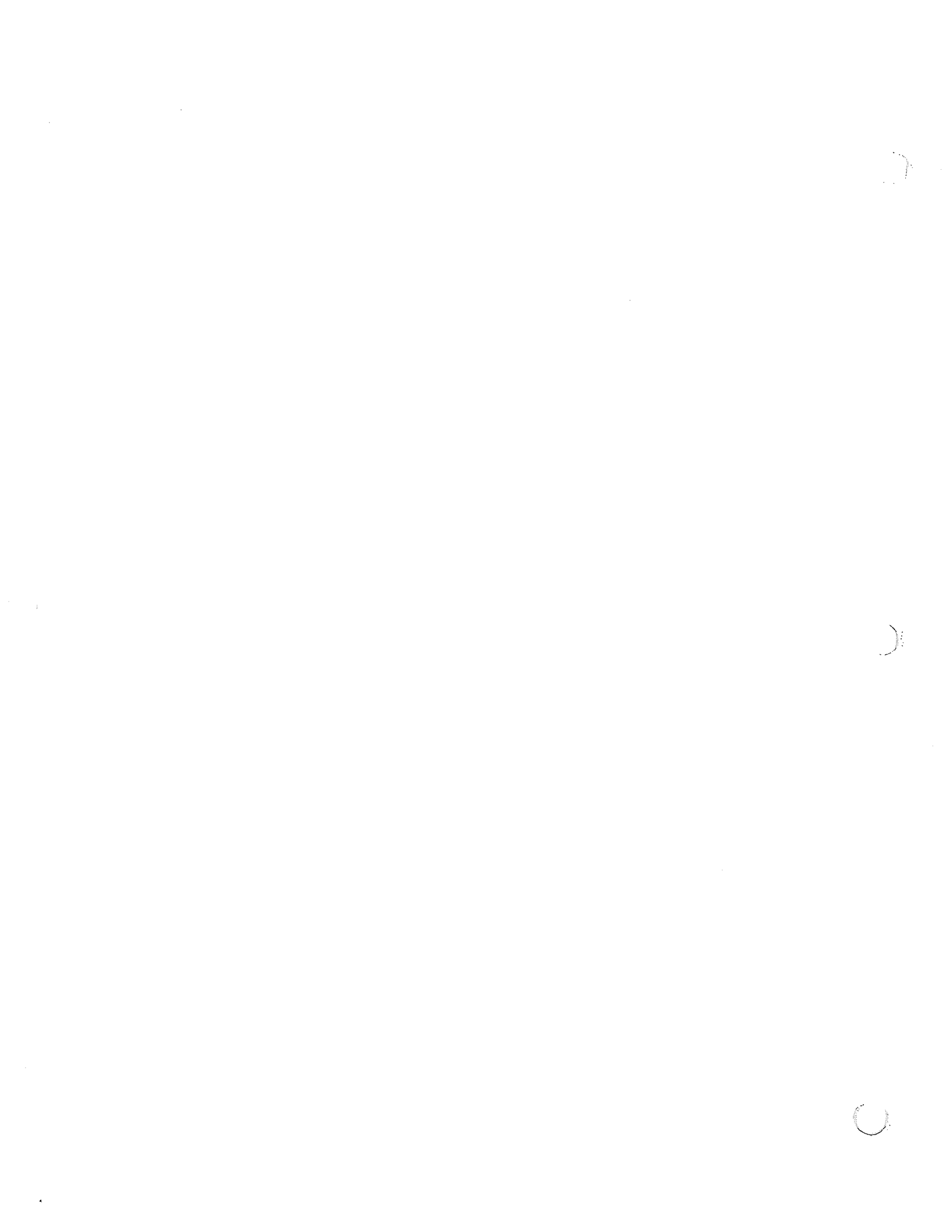
C. Duty to Control Releases: The notice required to be given by this Section shall not be construed as forbidding or otherwise exempting any person on or about the facilities from exercising all diligence necessary to control such release prior to or subsequent to such notice to the Public Safety Communications Center, especially if such efforts may result in the containment of the release and /or the abatement of extreme hazard to the employees or the general public. Delays in reporting due to any in-house requirement for notification to off site owners/supervisors shall not be acceptable as reason for delay in notification required by this Section, and any such delay may result in penalties.

D. Duty to Report to Other Agencies: No statement contained in this Section shall be construed to exempt or release any person from any other notification or reporting procedures in accordance with applicable state or federal laws or regulations.

SECTION VII - ADMINISTERING AGENCY

The purpose of this Ordinance is to establish a uniform county-wide program for protection of the environment from uncontrolled releases of hazardous materials to be administered by existing agencies of local government. The Department of Emergency Management shall be the lead agency in administering this Ordinance.

SECTION VIII - RESPONSE AUTHORITY



A. The Gallatin County Emergency Management Hazardous Materials Response Team (hereinafter called "HMRT") shall have primary authority to coordinate response to any release or threatened release of hazardous materials in any incorporated or unincorporated area of Gallatin County.

B. The Fire Chief of the jurisdiction in which such release or threatened release is located shall have secondary authority for taking remedial or removal actions necessary to control or contain such release or threatened release and to assure the protection of human health, property and the environment. The role of HMRT is to give technical advice and assistance to the Emergency Management Director and Fire Chief. HMRT shall not direct the emergency response unless requested to do so by the Fire Chief or the Emergency Management Director or their authorized representative.

C. HMRT or the Emergency Management Office shall immediately report any release or threatened release to the executive authority of the jurisdiction (e.g. County Judge/Executive or his administrative assistant, Mayor, City Administrative Officer, County Administrator). If in the opinion of the executive authority, the seriousness of the situation warrants, the chief executive officer of the jurisdiction (County Judge/Executive or Mayor or Emergency Management Director) shall declare the existence of a state of emergency in the jurisdiction, and thereafter, the response authority provided by this Section shall then be vested in such chief executive officer. In such or other appropriate person to exercise all or part of the response authority provided by this Section until further notice.

D. All local emergency response personnel shall cooperate with and operate under the direction of the chief executive officer of the jurisdiction, the Emergency Management Director or other person then exercising response authority under this Section until such time as the person then exercising response authority has determined that the response is complete, or responsibility for response has been assumed by the state or federal agency having primary jurisdiction over such release or threatened release.

E. The person exercising response authority under this Section shall coordinate and/or cooperate with other federal, state or local public health, safety and emergency agencies involved in the response to a release or threatened release of hazardous materials.

F. The person exercising response authority under this Section may, with the approval of the executive authority of the jurisdiction, obtain vital supplies, equipment, services and other properties found lacking and needed for the protection of human health, property and the environment and obligate the jurisdiction for the fair value thereof, pursuant to KRS 39 et al.



SECTION IX - LIABILITY FOR COSTS

Notwithstanding any other provision or rule of law, the following persons shall be jointly and severally liable for all costs of removal and remedial actions incurred by local public safety and emergency agencies as a result of a release or threatened release of hazardous materials into the environment:

A. The owner and operator of a facility or vessel from which there is a release or substantial threat of release of hazardous materials;

B. Any person who, at the time of disposal, transport, storage, or treatment of hazardous materials, owned or operated the facility or vessel used for such disposal, transport, treatment, or storage from which there was a release or substantial threat of a release of hazardous materials;

C. Any person who, by contract, agreement or otherwise, has arranged with another party or entity for transport, storage, disposal or treatment of hazardous materials owned, controlled or possessed by another party or entity from which facility there is a release or substantial threat of a release of hazardous materials;

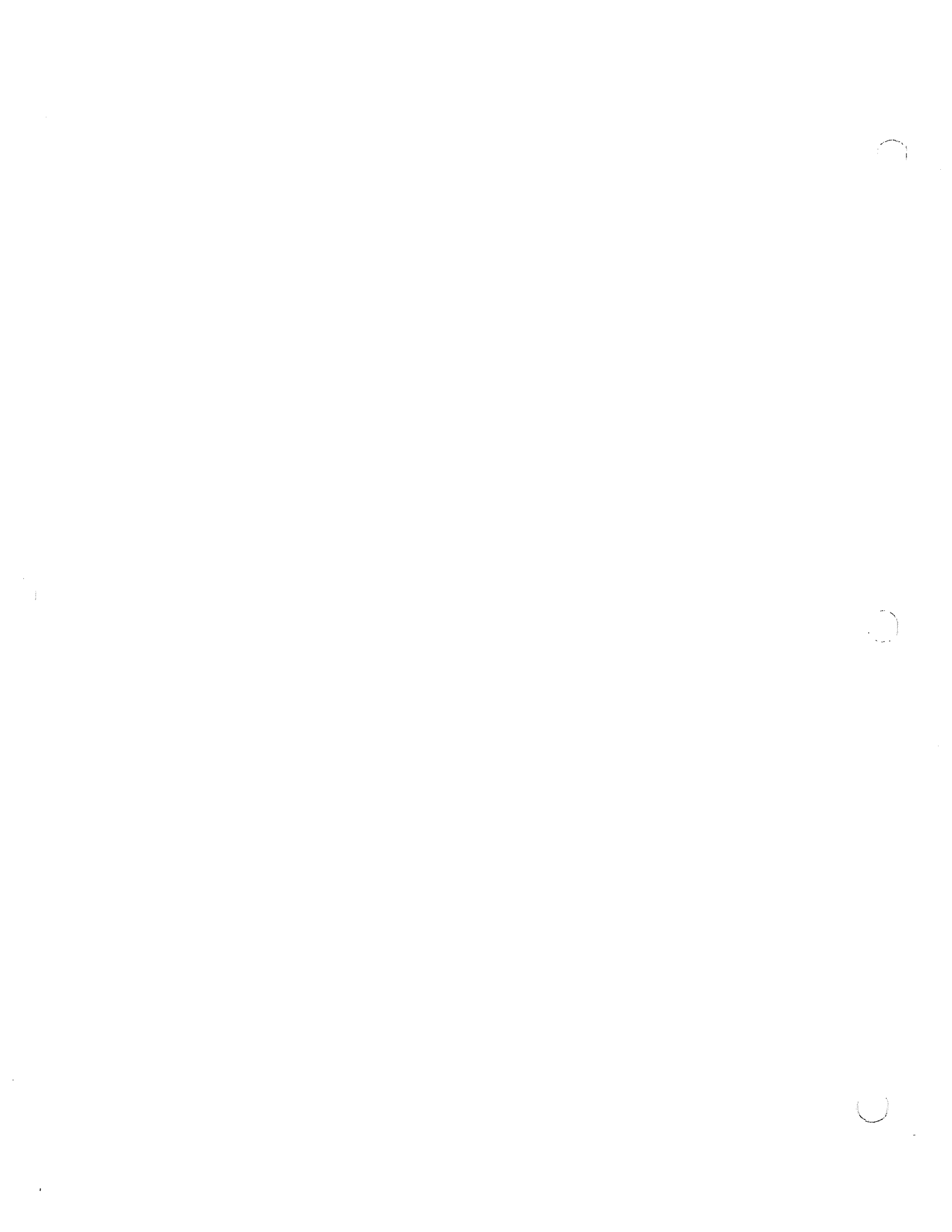
D. Any person who accepts or accepted any hazardous materials for transport to disposal, storage or treatment facilities from which there is a release or substantial threat of a release of hazardous materials.

SECTION X - AUTHORIZED RELEASE

There shall be no liability under this Ordinance for any release permitted by state or federal law, but only to the extent that such release is made in accordance with an appropriate permit granted by the state or federal agency having primary jurisdiction over such release and that such release is in full compliance with such permit with respect to time, location and manner of the release so that such release will not create a hazard or potential hazard to human health, property or the environment, or, if such release is in substantially lesser quantities than those reportable quantities established by state or federal law, regulations, permit requirements, or ordinances of the jurisdiction in which such release occurs.

SECTION XI - CONTRACTUAL INDEMNIFICATION: SUBROGATION

A. No conveyance, transfer, sale, indemnification, hold harmless, or similar agreement shall be effective to release the owner or operator of any facility or vessel or any person who may



be liable for a release of hazardous materials or threat thereof under this Ordinance. Nothing in this Section shall bar any arrangement to insure, hold harmless or indemnify a party to such agreement for any liability under this Ordinance.

B. Nothing in this Section, including the provisions of subsection A above, shall bar a cause of action that an owner or operator or any other person subject to liability under this Ordinance, or a guarantor, has or would have, by reason of subrogation or other wise against any person.

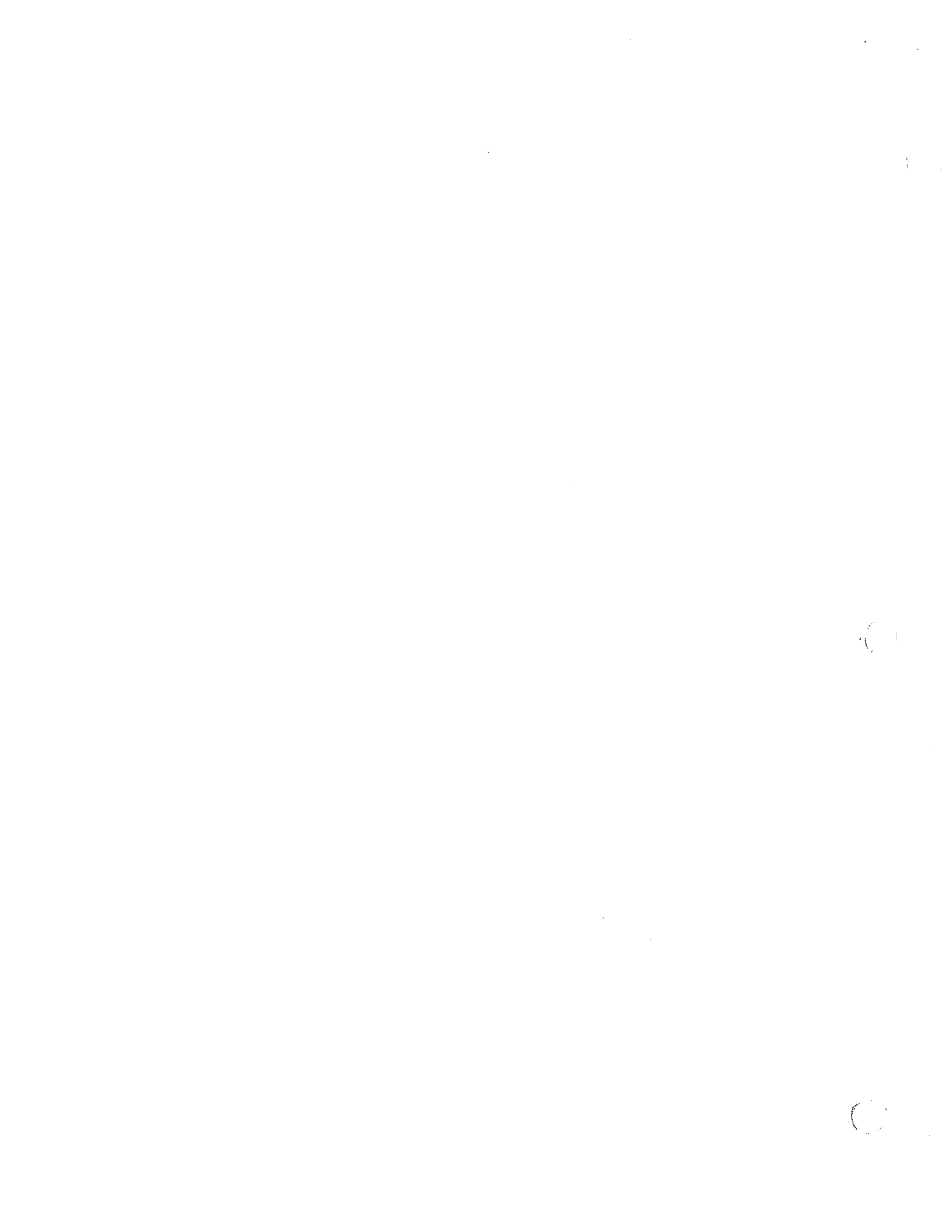
SECTION XII - RELEASE PREVENTION AND CONTROL PLAN REQUIRED

A. The following persons who use hazardous materials must prepare, submit and maintain a Gallatin County "Hazardous Materials Use and Spill Prevention Control Plan", hereinafter referred to a "HMPC Plan":

1. All federal, state and local government agencies which use hazardous materials in reportable quantities;

2. All of the following businesses or services within the County which use hazardous materials, as classified by the Standard Industrial Classification (SIC) Code:

<u>Classification</u>	<u>Business or Service</u>
0782	Lawn and garden services
2011 - 3999	Manufacturing
4011 - 4953	Transportation, Communication & Public Utilities
5043	Photographic Equipment & Supplies (Wholesale Trade)
5085	Industrial Supplies (Wholesale Trade)
5161 - 5199	Specific Categories in Wholesale Trade
5541	Gasoline Service Stations (Retail Trade)
7011 - 7218	Industrial & Commercial Launderers, etc., in Services
7342	Disinfecting & Exterminating Services
7395	Photofinishing Laboratories



	in Services
7512	Passenger Car Rental in Services
7538 - 7549	Automotive Repair Shops & Auto Services in Services
8062	General Medical & Surgical Hospitals in Services
8063	Psychiatric Hospitals in Services
8069	Specialty Hospitals except Psychiatric in Services

3. Those persons not covered in 1 or 2 above who use hazardous materials may be required to submit a HMPC Plan if the administering agency finds it necessary to protect the public health and safety.

B. EXEMPTIONS:

1. Persons who handle agricultural chemicals in the ordinary course of agricultural operations other than warehousing or bulk storage of such chemicals for resale or commercial applications.

2. Persons who handle hazardous materials otherwise regulated only at temporary construction sites, except for fuel storage.

3. Persons who handle hazardous materials only in conjunction with residential use or property for non-commercial purposes.

4. Consumer products and food stuffs packaged for distribution to and intended for use by the general public. This refers to ingredients used in production of food stuffs which are regulated by the Federal Food, Drug and Cosmetic Act, as amended.

C. REQUIRED HMPC PLAN ELEMENTS:

The administering agency shall provide forms with the necessary instructions and requirements for completing HMPC Plans in compliance with this Ordinance. The HMPC Plans will include, but not be limited to:

1. Facility identification;
2. Spill history;
3. Identification of hazardous materials (HM) storage,

in-plant transfer, process and materials handling areas and hazardous materials truck, rail car and/or vessel loading and unloading areas;

4. Description of plant site runoff from parking areas described in 3., including in-place containment appurtenances (e.g. dikes) and means of releasing rainwater from such areas;

5. Other means of spill prevention, control and countermeasure of all listed hazardous materials, such as containment or detection equipment and absorbent materials;

6. Provisions for the operation and maintenance of all items described in 5. above;

7. Contingency plans, including spill notification procedures for both internal personnel as well as outside authorities, including the Gallatin County HMRT;

8. Provisions for training of personnel in the utilization of contingency plans;

9. Security provisions;

10. Provisions for inspections, spill report preparation and records retention;

11. Schedule (with actual dates or milestones) for plan elements yet to be implemented, with provisions for reporting progress to the administering agency;

12. Provisions for periodic review and amendments to the Plan;

13. Certification of the Plan by a Registered Professional Engineer or an officer of the company;

14. For the purposes of this Section, only one plan need be submitted by the owner of electrical equipment at multiple locations when such equipment contains hazardous materials as a coolant, lubricant, or insulation for the operation of such equipment. Subsections 3 and 5 above shall not apply to single plans authorized under this subsection.

D. PLAN SUBMITTAL DEADLINES:

Those persons and facilities required to submit a HMPC Plan under this Ordinance shall submit such plans in duplicate to the administering agency within 180 days following the effective date of this Ordinance provided, however, that persons required to submit such HMPC Plans may request in writing for extensions of time where the complexity of the operations involved require additional time in which to complete such plans. When granted by the administering agency, such extensions of time shall be for

periods of thirty (30) days, renewable thereafter for like periods until January 1, 2000, at which time all HMPC Plans shall have been submitted to the administering agency for review.

E. REVIEW AND APPROVAL OF PLAN: The HMPC Plan shall be reviewed by the administering agency, the fire department having jurisdiction, and, where appropriate, the Northern Kentucky Emergency Planning Committee, and sanitation district operating within Gallatin County, or other local agency with appropriate authority; however, final administrative action on the HMPC Plan shall be taken by the administering agency. Upon submission of the HMPC Plan or the granting of time extension in accordance with subsection D of this Section, the person submitting the plan shall be presumed to be in compliance with this Section pending final approval of the plan. HMPC plans which do not provide the necessary information or are otherwise defective shall be rejected and returned to the person submitting the plan for revision and resubmittal.

F. APPEALS: Any rejection or denial of approval of an HMPC Plan by the administering agency may be appealed to the governing body of the jurisdiction in which the facility for which such plan is submitted is located. As soon as practicable following receipt of notice of such appeal, the governing body shall conduct a public hearing into the matter and, after consideration of all evidence and testimony relative to such an appeal, shall, by majority vote, uphold the findings of the administering agency or may modify the requirements of the HMPC Plan for the particular facility as it may deem appropriate so long as such modifications are in compliance with the intent of this Ordinance which is to promote and secure protection of human health, property and the environment against present or potential hazards occasioned by the uncontrolled release of hazardous materials into the environment.

G. UPDATES, REVISIONS, AND CHANGES: A new or modified HMPC Plan may be required and submitted to the administering agency when any person institutes the use of a new process or changes in its manufacturing or processing facilities, or when there is significant changes in its existing operation or wastewater constituents or characteristics.

H. TRAINING AND EDUCATION PROGRAMS:

1. Each employer who uses hazardous materials as herein defined and who is required to prepare an HMPC Plan shall be required to have an initial and on-going safety and accident prevention training program for all employees. This training and education shall include, but not be limited to, appropriate work practices, protective measures and emergency procedures. The details and frequency of the training program should be provided as a part of the HMPC Plan for the facility.



2. The administering agency shall have the authority to require different frequencies of training for industries with frequent spills and/or spill histories.

SECTION XIII - INSPECTIONS

The administering agency and the response authority shall have the authority to jointly conduct the periodic inspections of any facilities, for the purpose of ascertaining and causing to be corrected, any condition which may be a violation of this Ordinance. Joint inspection shall be conducted where necessary for purposes of HMPC Plan review. Inspections shall be made during working hours except by special arrangement with the person in charge of the facility.

SECTION XIV - CONFIDENTIAL INFORMATION AND TRADE SECRETS

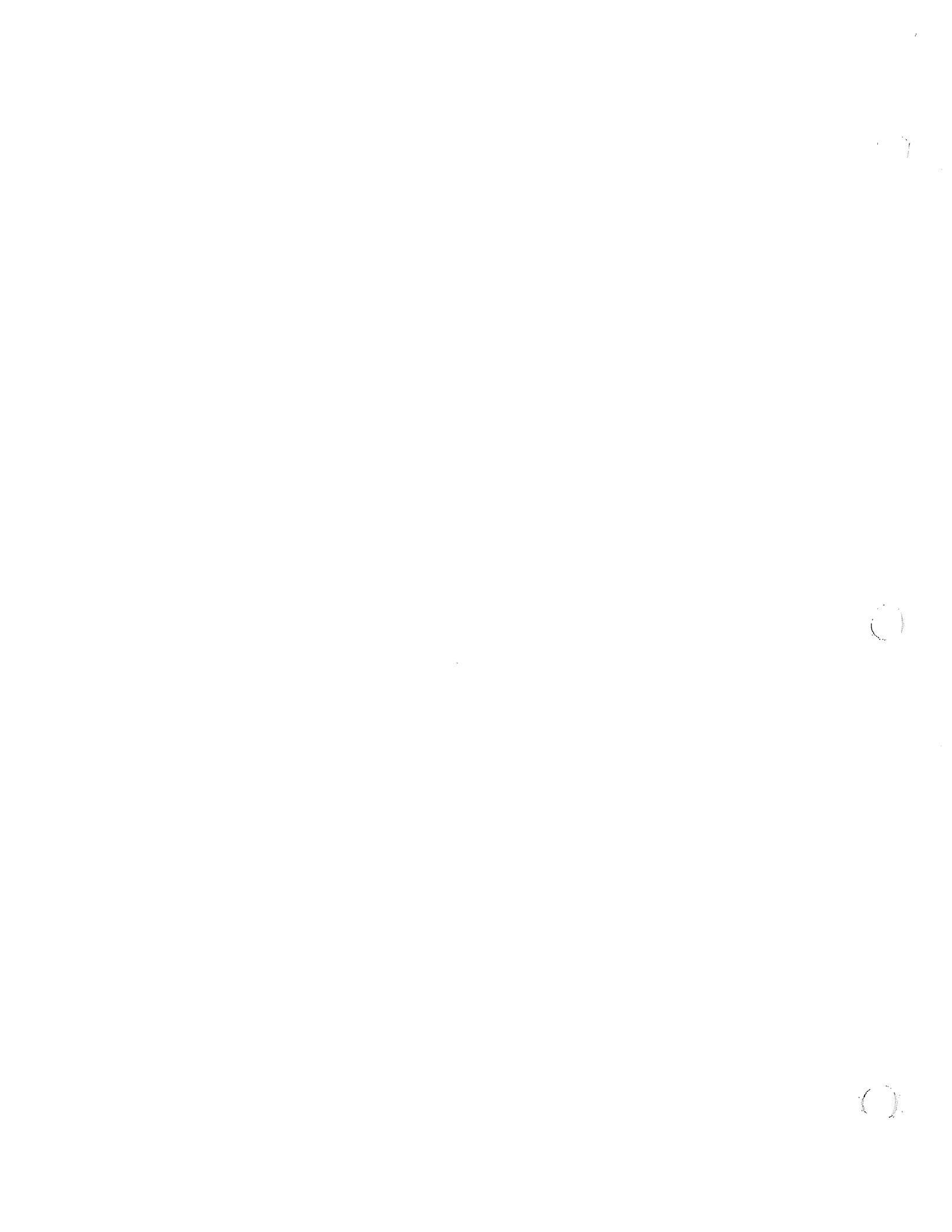
Information and data provided by any person or obtained from any report, questionnaire, permit application, permit and monitoring program, and from inspections shall not be made available to the public or any other government agency, unless required by law.

A. Upon submission of information in any form, it shall be the obligation of the submitter to separate all confidential and trade secret material from any materials subject to disclosure under the law.

B. Any request made under the law for information containing confidential or trade secret information shall be brought to the attention of the person requesting confidentiality of its trade secrets by certified mail, return receipt requested. The notification shall advise the person requesting confidentiality of the decision of the administering agency regarding release of the confidential information. In no event, will such confidential information be released until five (5) days have elapsed from date notice is sent by certified mail.

C. Within seventy-two (72) hours after receipt of notice, the person requesting confidentiality of its trade secrets shall have the burden to initiate appropriate actions at law or otherwise to protect its confidential or trade secret information from disclosure, and must demonstrate that public disclosure of confidential or trade secret information is likely to cause substantial harm to his competitive position.

D. Any individual who releases information containing confidential or trade secret information in violation of law or this section shall be subject to disciplinary action by his employer for malfeasance, misfeasance and willful neglect of official duties, and may further be guilty of misuse of confidential information under K.R.S. 522.040.



E. The provisions of this Section shall in no way prohibit or limit the exchange of information, confidential or otherwise, between public agencies when the exchange is serving a legitimate government need or is necessary in the performance of a government function including, but not limited to, the carrying out of the provisions and intent of this Ordinance.

F. Gallatin County Emergency Management shall be the repository for all trade secret information for the purposes of the Ordinance.

SECTION XV - ENFORCEMENT; NOTICE OF VIOLATION

A. The administering agency hereinbefore designated shall have primary responsibility for enforcement of the provisions of this Ordinance.

B. Upon notification or discovery of any violation of the provisions of this Ordinance, the administering agency shall immediately investigate the site upon which the violation is located. The administering agency will be the lead enforcement agency for violations of this Ordinance. If a violation exists, a citation describing the violation may be served upon the person who is responsible for the facilities upon which the violation has occurred, if the identity of the person is known. The responsible party shall be notified either in writing or orally of the following;

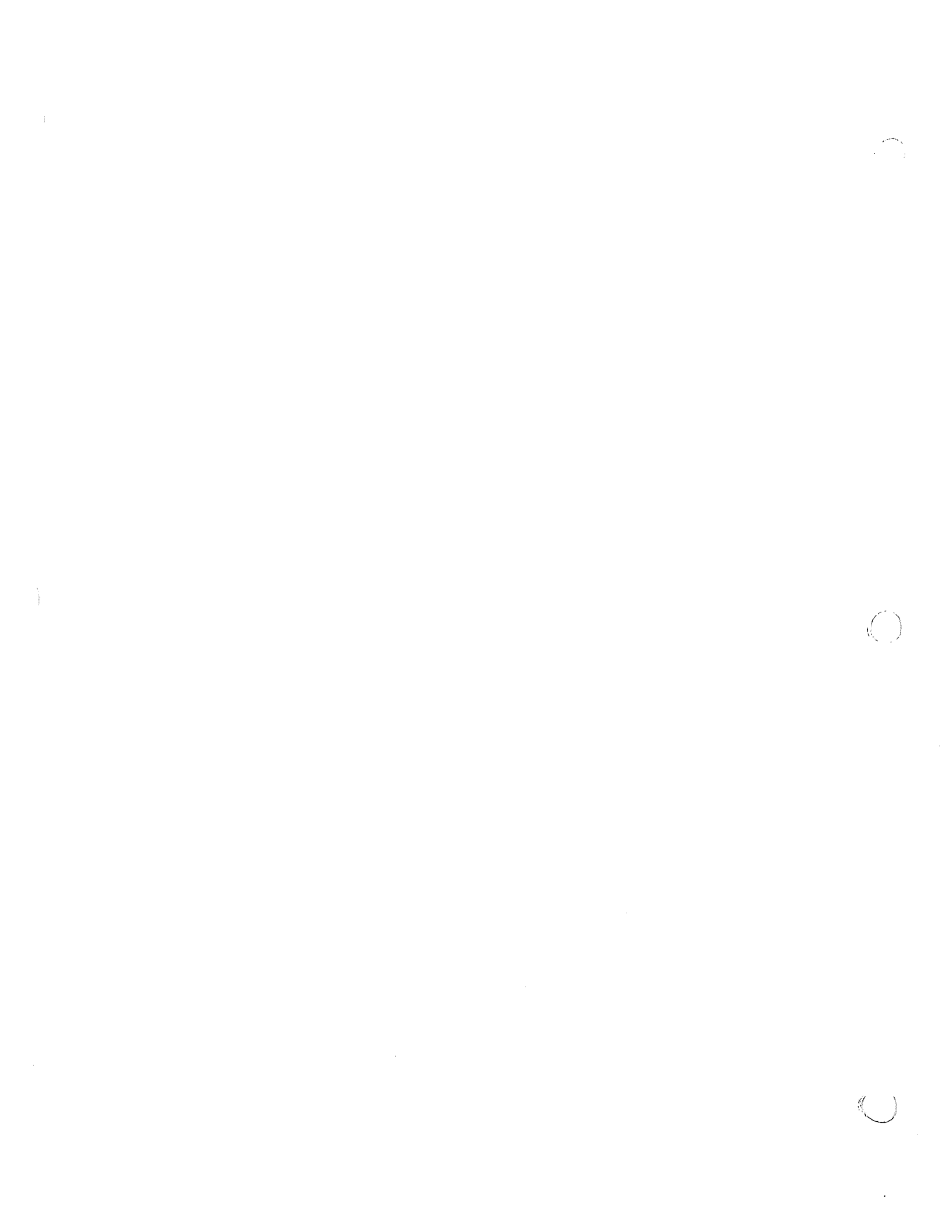
(1) a statement that if the situation is not remedied within the prescribed period of time, the administering agency may proceed to correct the violation;

(2) a statement that the person shall be liable for any costs incurred by public agencies associated with their releases except for those costs that are associated with a normal emergency response;

(3) a statement that after the administering agency has corrected the violation, a bill shall be sent charging the person the amount of costs and expenses incurred by the governmental agency in correcting the violation;

(4) a statement that penalties may be levied for violations that have occurred.

C. Governmental Response: In cases where the identity of the person who is responsible for facilities upon which a violation has occurred is not known at the time a violation is reported or discovered, the county or any governmental agency within the county may take reasonable steps to abate any problem and may take reasonable steps to clean-up at the area affected to assure continuing safety of the public and the environment. When



the identity of the person responsible for the facility is determined, a bill shall be sent to that person for the costs for correcting the violation according to the provisions of subsections A and B of this Section.

D. Injunctive Relief: The administering agency is empowered to seek injunctive relief for violations of this Ordinance should other means prove ineffective and a threat to public health and safety exists.

SECTION XVI - PENALTIES

A. Any person who is responsible for the release or substantial threat of a release of hazardous materials into the environment in violation of Section V or who fails to report such release or threatened release in violation of Section VI of this Ordinance shall, upon conviction thereof by a court of competent jurisdiction, be guilty of a Class A Misdemeanor and subject to a fine or improvements or by both such fine and imprisonment as is otherwise provided by law for such offense. Each day that such violation occurs, exists or continues shall be deemed to be a separate offense.

B. Any person who otherwise violates any provision of this Ordinance other than Section V (Prohibited Acts) or VI (Notification) shall, upon conviction thereof by a court of competent jurisdiction, be guilty of a Class B Misdemeanor and subject to such fine or imprisonment or by both such fine and imprisonment as is otherwise provided by law for such offense. Each day that such violation occurs, exists or continues shall be deemed to be a separate offense.

C. In addition to the penalties provided in subsections A and B above, any person violating any provisions of this Ordinance shall become liable civilly to the appropriate county or city government for any expense loss or damage to the government or agency thereof causes by reason of such violation, including, but not limited to, any clean-up, evacuation, administration or other expenses, and legal expenses.

SECTION XVII - FEES

Fees shall be imposed for HMPC Plan review or approval, the revenues of which shall cover only the costs of HMPC Plan review and approval. The administering agency shall set and collect fees. The fee schedule shall be uniform for all persons required to submit HMPC Plans under the provisions of this Ordinance.

SECTION XVIII - DISCLAIMER OF LIABILITY

This Ordinance shall not create liability on the part of the

administering agency or on the part of the response authority for any damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder. All persons are advised to determine to their own satisfaction the level of protection, in addition to that required by this Ordinance, necessary or desirable to ensure that there is no unauthorized release of hazardous materials.

SECTION XIX - SEVERABILITY

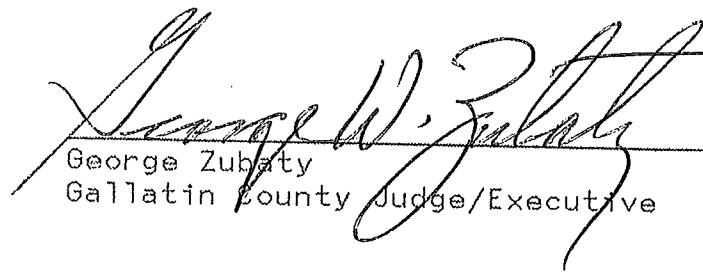
If any provision or section of this Ordinance or the enforcement of such provision or section is held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not effect or render invalid or unenforceable any other provision or section.

SECTION XX - EFFECTIVE DATE

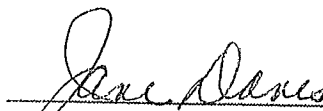
This Ordinance shall become effective immediately upon its passage and approval according to law,

Passed on first reading this 13 day of May 1999.

Adopted this 10th day of June 1999.


George Zubaty
Gallatin County Judge/Executive

ATTEST:


Jane Davis
Gallatin County Fiscal Court Clerk

CHAPTER 95: LITTERING

Section

- 95.01 Throwing litter from vehicle
- 95.02 Tracking foreign matter on streets
- 95.03 Hauling loose material
- 95.04 Sweeping litter into gutters
- 95.05 Litter on private property

- 95.99 Penalty

§ 95.01 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 county or upon private property.
Penalty, see § 95.99

§ 95.02 TRACKING FOREIGN MATTER ON STREETS.

No person shall drive or move any vehicle or truck within the county, 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 § 95.99

§ 95.03 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 § 95.99

§ 95.04 SWEEPING LITTER INTO GUTTERS.

No person shall sweep into or deposit in any gutter, street, or other public place within the county 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 § 95.99

§ 95.05 LITTER ON PRIVATE PROPERTY.

(A) No person shall throw or deposit litter on any occupied private property within the county, 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 county whether owned by that person or not. Penalty, see § 95.99

§ 95.99 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 96: NUISANCES

Section

- 96.01 Public and private nuisances prohibited
- 96.02 Abatement; demolition and removal of structures
- 96.03 Common law and statutory nuisances
- 96.04 Certain conditions declared a nuisance
- 96.05 Nuisance created by others
- 96.06 Suspension of license

- 96.99 Penalty

§ 96.01 PUBLIC AND PRIVATE NUISANCES PROHIBITED.

(A) It shall be unlawful for any person to permit, allow, suffer, or cause property, real or personal, within the unincorporated area of Gallatin County, Kentucky, which is occupied by his actual or constructive possession thereof, or, if said property is vacant or abandoned, owned by that person, to be utilized in such manner as to constitute a public or private nuisance or to come into the state of being a public or private nuisance, or to become the source of a public or private nuisance emanating therefrom, or to harbor thereon a public or private nuisance. *PERSON* shall include and mean a corporation.

(B) (1) As used in this section, the term *NUISANCE* shall mean that which annoys and disturbs another in the possession of his property, rendering its ordinary use or occupation physically uncomfortable to him or obstructs or interferes with the free, reasonable and lawful use and enjoyment of the property of another; or which endangers the life or health of others; or which impairs or obstructs the free passage or use in the customary manner of any public street, alley, sidewalk, square, park or other passway.

(2) As used herein, the term *NUISANCE* shall include, but not be limited to, the following states of being that otherwise satisfy (B)(1) above: the accumulation of unpackaged or uncontained rubbish, trash, refuse, garbage or wastes of a combustible or non-combustible nature, organic or non-organic, solid or degradable; the uncontrolled growth of noxious weeds or plants; the emission of noxious odors or fumes; the existence of freely accessible conditions or objects creating a hazard to the health, safety and well-being of the public; the existence of freely accessible objects attractive to minors and dangerous or hazardous thereto; the occurrence of loud and disruptive or alarming noise; the existence of abandoned, deteriorating or inoperable property which is hazardous to the safety and well-being of the public; the existence of any abandoned, deteriorating or inoperable property serving no utilitarian, pecuniary or aesthetic function; the existence of any condition or object dangerous to

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the health and safety of the public by reason of being not readily recognizable as dangerous; and any other condition, state of being, or object which satisfies the definition set forth in (B)(1) above. The term "public" shall not apply to trespassers over the age of 14 years.

(Ord. 10-11-90, passed 10-11-90) Penalty, see § 96.99

§ 96.02 ABATEMENT; DEMOLITION AND REMOVAL OF STRUCTURES.

(A) With respect to any property within the unincorporated area of Gallatin County, upon which a public or private nuisance has been found to exist or emanate therefrom by final judgment of any court of competent jurisdiction, in a civil or criminal action, or upon which there is found by the Fiscal Court to exist any structure or condition posing a present and articulable danger to the health or safety of citizens of Gallatin County other than the owners and occupants thereof, if any, the Fiscal Court, may, in its sole discretion, cause such nuisance, condition or structure to be abated and/or removed, demolished and/or razed from the subject property in a reasonable and practicable manner.

(B) Prior to exercising the right to remove, demolish, raze or abate as set forth in division (A), the Fiscal Court shall give not less than 15 days notice of its intended action to the property owner by first class mail, postage pre-paid, addressed to the last known address of the property owner as indicated by the records of the Gallatin Circuit Court Clerk, Gallatin County Court Clerk, Gallatin County Property Valuation Administrator or other reliable source at the disposal of the Fiscal Court.

(C) The Fiscal Court shall keep an accurate account of the cost of removal and/or abatement of the subject nuisance or structure and shall reduce same to writing, which cost shall be borne jointly and severally by the subject property owners.

(D) Within 30 days after completion of the work contemplated herein, the Fiscal Court shall cause an invoice in an amount equal to the cost to the county of the work, together with a commercially reasonable fee for use of county equipment, if any, to be mailed to the property owner by first-class mail, postage prepaid, at his last known address and shall therewith demand payment of same.

(E) In the event that the property owner fails to fully pay the sum invoiced in accordance with division (D) within 30 days after the mailing of same, Gallatin County shall then have a lien upon the subject property, perfected by the filing of a notice of same in the office of the Gallatin County Court Clerk containing the name of the property owner, the basis of the lien, the amount secured, the date on which the lien arose, and an adequate description of the property. The sum secured by said lien shall bear interest at the legal rate. Said lien shall subsist for a period of 15 years following the date on which it arose.

(Ord. 5-12-94-2, passed 5-12-94)

§ 96.03 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 § 96.99

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

(C) *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.

(D) *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.

(E) *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.
Penalty, see § 96.99

§ 96.05 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.

§ 96.06 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 Council may suspend the license of the person or persons conducting the business or activity.

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(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 Council may remove the suspension.

§ 96.99 PENALTY.

Any person found guilty of violating the provisions of this chapter shall be deemed guilty of a misdemeanor and sentenced to a term of imprisonment in the county jail for a term not to exceed three days or shall be fined in an amount not to exceed \$150, or both. Each day on which a nuisance persists following the tenth day after receipt of the defendant, his agent or employee, of written notice from the Gallatin County Judge/Executive, Gallatin Fiscal Court or any peace officer, that there is probable cause to believe that a nuisance exists on, or by reason of the state of, the property owned or possessed by the defendant shall constitute a separate offense.

(Ord. 10-11-90, passed 10-11-90)

*An Ordinance of Unincorporated Gallatin County, Kentucky
Establishing a Code Enforcement Board*

WHEREAS, it is the intent of KRS 65.8801 to 65.8839 to protect, promote, and improve the health, safety, and welfare of the citizens residing within Gallatin County, Kentucky; and

WHEREAS, it is the desire of the Fiscal Court of Gallatin County, Kentucky, to utilize the authority granted in KRS 65.8801 to 65.8839 by creating a Gallatin County Code Enforcement Board.

NOW THEREFORE be it ordained by the Fiscal Court of Gallatin County formation of an administrative board with the authority to issue remedial orders and impose fines in order to provide an equitable, expeditious, effective and inexpensive method of ensuring compliance with the ordinances in force within Gallatin County.

Section 1. Definitions.

The following words, terms and phrases used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. *"Abatement Costs"* means necessary and reasonable costs for and associated with clearing, preventing unauthorized entry to, or demolishing all or a portion of a structure or premises, or taking any other action, with regard to a structure or premises, necessary to remedy a violation and to maintain and preserve the public health, safety and welfare in accordance with any County ordinance.
- B. *"Code Enforcement Board"* means an administrative body created and acting under the authority of the Fiscal Court of Gallatin County, in compliance with KRS 65.8801 to 65.8839.
- C. *"Code Enforcement Officer"* means any law enforcement officer, safety officer or other enforcement officer with authority to issue a citation.
- D. *"Final Order"* means any order:
 - a. Issued by the code enforcement board in accordance with Section 10(e) or (f) of this ordinance;
 - b. Issued by the code enforcement board in accordance with Section 10(e) of this ordinance that is not appealed to the board as provided in Section 10(f) of this ordinance.
 - c. Created because a violator neither paid nor contested the citation within fourteen (14) days as provided in Section 9(f) of this ordinance; or;
 - d. Created because the violator failed to appear at a hearing requested to contest the citation as provided in Section 10(c) of this ordinance.
- E. *"Imminent Danger"* means a condition which is likely to cause serious or life-threatening injury or death at any time.
- F. *"Ordinance"* means a regulation of a general and permanent nature enforceable as a local law and includes any provision of a code of ordinances adopted by the Fiscal Court of Gallatin County.
- G. *"Owner"* means a person, association, corporation, partnership or other legal entity having a legal or equitable title in real property.
- H. *"Premises"* means a lot, plot or parcel of land, including any structures upon it.

Section 2. Membership.

The code enforcement board shall be composed of five (5) members, all of whom shall be residents of the county for a period of at least one (1) year prior to their appointment and shall maintain residence throughout their term in office.

Section 3. Enforcement powers.

- A. The code enforcement board shall have the power to issue remedial orders and impose civil fines as a method of enforcing county ordinances.
- B. The code enforcement board shall not have the authority to enforce any ordinance regulating conduct which would also, under any provision of the Kentucky Revised Statutes, constitute a criminal offense or a moving motor vehicle offense.

Section 4. Membership.

- A. Members of the code enforcement board shall be appointed by the County Judge Executive, subject to the approval of the Fiscal Court.
- B. The initial appointment to the code enforcement board shall be as follows:
 - a. One (1) member shall be appointed for a term of one year;
 - b. Two (2) members shall be appointed for a term of two years; and;
 - c. Two (2) members shall be appointed for a term of three years.
- C. All subsequent appointments shall be for a term of three (3) years. A member may be reappointed, subject to the approval of the Fiscal Court, for a total of two (2) complete terms.
- D. All members of the code enforcement board shall, before beginning the duties of their office, shall take the oath of office prescribed by Section 228 of the Commonwealth of Kentucky Constitution.
- E. No member of the code enforcement board shall hold any elected or appointed office, paid or unpaid, or any position of employment with the County.
- F. Members of the code enforcement board shall be reimbursed actual expenses approved in advance and shall be compensated in the amount of Fifty Dollars (\$50.00) per meeting on a quarterly basis.
- G. A board member may be removed from office by the County Judge Executive for misconduct, inefficiency, attendance or willful neglect of duty. The Judge shall submit a written statement to the member being removed and to the Fiscal Court stating the reasons for removal. The member so removed shall have the right of appeal to the Circuit Court.
- H. Any vacancy on the board shall be filled within sixty (60) days of the vacancy by the County Judge Executive, subject to approval of the Fiscal Court. If the vacancy is not filled within that time period the remaining board members shall fill the vacancy. Any vacancy shall be filled for the remainder of the unexpired term.

Section 5. Organization of board.

- A. In March of each year, the code enforcement board shall annually elect a chair and vice chair from among its members. The chair shall be the presiding officer and a full voting member of the board. In the absence of the chair, the vice chair shall preside in place of and exercise the powers of the chair.
- B. Regular meetings of the code enforcement board shall be determined as soon as possible and posted in the local newspaper. Once established, meetings other than those regularly scheduled shall be considered special or emergency meetings and must be held in accordance with the requirements of KRS 65.8815(5) and the Kentucky Open Meetings Act.
- C. All meetings and hearings of the code enforcement board shall be considered public meetings and should be held in accordance with the requirements of KRS 65.8815(5) and the Kentucky Open Meetings Act.
- D. The presence of a majority of the board's membership shall constitute a quorum and the affirmative vote of a majority of a quorum shall be necessary for any official action to be taken.
- E. The chair is responsible for ensuring minutes are kept for all proceedings of the board and the vote of each member on any issue decided shall be recorded in the minutes.

Section 6. Conflict of interest.

Any member of the code enforcement board who has any direct or indirect financial or personal interest in any matter to be decided shall disclose the nature of the interest, disqualify themselves from voting on the matter in which the interest exists and shall not be counted for purposes of establishing a quorum.

Section 7. Powers of the Code Enforcement Board.

The Gallatin County Code Enforcement Board shall have the following powers and duties:

- A. Adopt rules and regulations to govern its operations and the conduct of its hearings consistent with this ordinance.
- B. Conduct hearings to determine if there has been a violation of an ordinance over which it has jurisdiction.
- C. Subpoena alleged violators, witnesses and evidence to its hearings. Subpoenas issued by the code enforcement board may be served by any code enforcement officer.
- D. Take testimony under oath. The chair shall have the authority to administer oaths for the purpose of taking testimony.
- E. Make findings of fact and issue orders necessary to remedy any violation of a county ordinance or code provision which the board is authorized to enforce.
- F. Impose civil fines, as authorized, on any person found to have violated an ordinance over which the board has jurisdiction.

Section 8. Enforcement proceedings.

The following procedures shall govern all enforcement proceedings heard by the code enforcement board:

- A. Enforcement proceedings shall only be initiated by the issuance of a citation by a code enforcement officer.
- B. Except when immediate action is necessary pursuant to Section 17 of this ordinance, if a code enforcement officer believes, based on his personal observation or investigation that a person is in violation of a county ordinance, he shall issue a Notice of Violation detailing the violation and providing a specified period of time to remedy the violation without incurring a fine. If the party cited is not the owner of record then a copy of the violation should be sent by regular first-class mail. If the violation is not properly corrected or if no action is taken to remedy the violation, the code enforcement officer is authorized to issue a citation requiring appearance before the code enforcement board.
- C. The code enforcement officer shall issue the citation utilizing one of the following methods:
 - a. Personal service to the alleged violator;
 - b. Leaving a copy of the citation with any person eighteen (18) years of age or older who is on the premises, if the alleged violator is not on the premises at the time the citation is issued; or
 - c. Mailing a copy of the citation by regular first-class mail to the last known or recorded mailing address of the alleged violator and the current owner of record; or
 - d. If, in the exercise of reasonable diligence, the issuance of a citation using the methods set out above is not possible, then the citation is properly served by posting a copy of the citation in a conspicuous place on the premises and mailing a copy of the citation by regular first class mail to the owner of record.
- D. The citation issued by the code enforcement officer shall contain the following information:
 - a. Date and time of issuance;
 - b. Name and address of the person to whom the citation is issued;
 - c. Physical address of the premises where the violation occurred;
 - d. Date and time offense was committed;

- e. Facts detailing the offense;
 - f. Section of the code or number of the ordinance violated;
 - g. Name of the code enforcement officer;
 - h. Civil fine that may be imposed for the violation, including, if applicable;
 - i. The civil fine to be imposed if the citation is not contested; and
 - ii. The maximum civil fine that may be imposed if the fine is contested.
 - i. The procedure required to follow in order to pay the civil fine or to contest the citation; and
 - j. A statement that if the party fails to pay the civil fine set forth in the citation or contest the citation within the time allowed, the person shall be deemed to have waived the right to a hearing before the code enforcement board to contest the citation; the determination that the violation was committed shall be final; the citation as issued shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation; and the party shall be deemed to have waived the right to appeal the final order in District Court.
- E. After issuing a citation, the code enforcement officer shall notify the code enforcement board by delivering the citation to the office of the Gallatin County Fiscal Court.
- F. The party to whom the citation was issued shall have ten (10) days from the date of issuance to respond by either paying the civil fine or requesting, in writing, a hearing to contest the citation. If the party fails to respond to the citation within ten (10) days, the party shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final. In this event, the citation as issued shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation, and the person shall be deemed to have waived the right to appeal the final order to District Court.

Section 9. Hearing; notice; and final order.

- A. When a hearing has been requested, the code enforcement board or its administrative staff shall schedule a hearing.
- B. Not less than seven (7) days prior to the scheduled date of the hearing, the code enforcement board shall notify the requestor of the date, time, and location of the hearing. The notice may be provided via regular first-class mail; certified mail, return receipt requested; personal delivery; or by leaving the notice at the party's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice.
- C. Any person requesting a hearing who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be final. In this event, the citation as issued shall be deemed a final order determining the violation was committed and imposing the civil fine set forth in the citation, and the alleged violator shall be deemed to have waived the right to appeal the final order to District Court.
- D. All testimony at the hearing shall be taken under oath and recorded. Testimony shall be taken from the code enforcement officer, the alleged violator, and any witnesses to the alleged violation offered by the code enforcement officer or alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.
- E. Every final order following a hearing shall be reduced to writing, which shall include the findings and conclusions reached and the date the final order was issued. A copy shall be furnished to the party named in the citation.
- F. If the party named in the citation is not present when the final order is issued, the order shall be delivered by regular first class mail; certified mail, return receipt requested; personal delivery; or by leaving the notice at the party's usual place of residence with any individual who is eighteen (18) years of age or older and who is informed of the contents of the notice.

Section 10. Presentation of cases.

Each case before the code enforcement board shall be presented by an attorney for the County, a code enforcement officer or a member of the county's administrative staff. The county attorney may either be counsel to the code enforcement board or may present cases before the board but shall in case serve in both capacities.

Section 11. Appeals; final judgement.

- A. An appeal of a final order from a code enforcement board following a hearing conducted pursuant to Section 10 (e) of this ordinance may be made to the Gallatin County District Court within thirty (30) days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the final order in the same manner as any civil action under the Kentucky Rules of Civil Procedure.
- B. If no appeal from a final order following a hearing is filed within the time period listed above, the order shall be deemed final for all purposes.

Section 12. Ordinance fine schedule. To be developed

Violations of ordinances that are enforced by the county code enforcement board shall be subject to the following schedule of civil fines:

Violation	1 st Offense	2 nd Offense	All Others
TBD			

Section 13. Liens; fines; charges; and fees.

- A. The county shall possess a lien on property owned by the party found by a final order as defined by Section 1(d), or by a final judgement of the court, to have committed a violation of a county ordinance. The lien shall be for all civil fines assessed for the violation and for all charges and fees incurred by the county in connection with the enforcement of the ordinance, including abatement costs. An affidavit of the code enforcement officer shall constitute prima facie evidence of the amount of the lien and regularity of the proceedings pursuant to KRS 65.8801 to 65.8839.
- B. The lien shall be recorded in the office of the county clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest until paid. The lien shall continue for ten (10) years following the date of the final order or final court judgement.
- C. Subject to Section 15 of this ordinance, the lien shall take precedence over all other liens, except state, county, school board and city taxes, and may be enforced by judicial proceedings, including a foreclosure action.
- D. In addition to the remedy prescribed in subsection (a) of this Section, the party found to committed the violation shall be personally responsible for the amount of all civil fines assessed for the violation and for all charges, fees and abatement costs incurred by the county in connection with the enforcement of the ordinance. The county may bring a civil action against the party and shall have the same remedies as provided for the recovery of a debt.

Section 14. Lienholder Notification System. To be developed

The county shall obtain and maintain priority over previously filed liens, as provided in Section 13 of this ordinance, in accordance with the following provisions:

- A. Individuals and entities, including but not limited to lienholders, may register with the city to receive electronic notification of final orders entered pursuant to this ordinance.
- B. In order to receive the notification, the registrant shall submit the following information to the fiscal court administrative office:
 - a. Name;
 - b. Mailing address;
 - c. Phone number; and
 - d. Electronic mailing address.
- C. A registrant may use the electronic form provided on the county web site to submit the information required by subsection (b) of this Section. It shall be the responsibility of the registrant to maintain and update the required contact information with the city. The county shall inform a registrant of any evidence received that the electronic mailing address is invalid or no functional so that the registrant may provide an updated electronic mailing address.
- D. Once every two (2) weeks the county shall send electronic mail notification of all final orders entered pursuant to this ordinance since the last date of notification to each party registered pursuant to this Section. The notification shall provide an electronic link to the city code enforcement database located on the county web site. The database shall include the following information regarding each final order;
 - a. Name of the party charged with the violation;
 - b. Physical address of the premises where the violation occurred;
 - c. Last known mailing address for the owner of the premises where the violation occurred, if in the exercise of reasonable diligence, it is ascertainable
 - d. Copy of the complete final order; and
 - e. Status of the final order regarding its ability to be appealed pursuant to this ordinance.
- E. If an appeal is filed on a final order pursuant to this ordinance, the county shall send electronic notification to all registrants.
- F. The county shall update its code enforcement database to reflect the issued final order, and shall post this notification required by subsection (d) of this Section containing an updated link to the code enforcement database in a conspicuous place on the county web site, at the same time that it provides the electronic notification.
- G. The county shall maintain the records created under this Section for ten (10) years following their issuance.

Section 16. Liens.

- A. A lienholder of record who has registered pursuant to Section 14(b) of this ordinance may, within forty-five (45) days from the date of issuance of notification under Section 15(d) of this ordinance:
 - a. Correct the violation, if it has not already been abated; or
 - b. Pay all civil fines assessed for the violation, and all charges and fees incurred by the county in connection with enforcement of the ordinance, including abatement costs.
- B. Nothing in this Section shall prohibit the county from taking immediate action if necessary, under Section 16 of this ordinance.
- C. The lien provided by Section 13 of this ordinance shall not take precedence over previously recorded liens if:
 - a. The county failed to comply with the requirements of Section 14 of this ordinance for notification of the final order; or
 - b. A prior lienholder complied with subsection (a) of this Section.

- D. A lien that does not take precedence over previously recorded liens under subsection © of this Section shall, if the final order remains partially unsatisfied, take precedence over all other subsequent liens except liens for state, county, school board and city taxes.
- E. The county may record a lien before the forty-five (45) day period established in subsection (a) of this Section expires. If the lien is fully satisfied prior to the expiration of the forty-five (45) day period, the county shall release the lien in the county clerk's office where the lien is recorded within fifteen (15) days of satisfaction.
- F. Failure of the county to comply with Sections 14 and 15 of this ordinance, failure of a lien to take precedence over previously filed liens as provided in subsection © of this Section, shall not limit or restrict any other remedies the county has against the property of the violator.

Section 17. Immediate action.

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

FIRST READING: November 14, 2019
SECOND READING: December 12, 2019

Gallatin County Fiscal Court



Ryan Morris, Judge Executive

Attest:

Tracy Miles
Gallatin Co. Clerk

SECTION 1 – PUBLIC AND PRIVATE NUISANCES PROHIBITED

- A. It shall be unlawful for any person to permit, allow, suffer, or cause property, real or personal, within the area of Gallatin County, Kentucky, which is occupied by his actual or constructive possession thereof, or, if said property is vacant or abandoned, owned by that person to be utilized in such manner as to constitute a public or private nuisance or to come into the state of being a public or private nuisance, or to become the source of a public or private nuisance emanating therefrom, or to harbor thereon a public or private nuisance. PERSON shall include and mean a corporation.
- B. As used in this section the term Nuisance shall mean that which annoys and disturbs another in the possession of his/her property, rendering its ordinary use or occupation physically uncomfortable to him/her or obstructs or interferes with the free, reasonable and lawful use and enjoyment of the property of another; or which endangers the life or health of others; or which impairs or obstructs the free passage or use in the customary manner of any public street, alley, sidewalk, square, park or other pass way.
- C. As used herein, the term NUISANCE shall include, but not be limited to, the following states of being that otherwise satisfy (B) above: the accumulation of unpackaged or uncontained rubbish, trash, refuse, garbage or wastes of a combustible or non-combustible nature, organic or non-organic, solid or degradable; the uncontrolled growth of noxious weeds or plants; the emission of noxious odors or fumes; the existence of freely accessible conditions or objects creating a hazard to the health, safety and well-being of the public; the existence of feely accessible objects attractive to minors and dangerous or hazardous thereto; the occurrence of loud and disruptive or alarming noise; the existence of abandoned, deteriorating or inoperable property serving no utilitarian, pecuniary or aesthetic function; the existence of any condition or object dangerous to the health and safety of the public by reason not readily recognizable as dangerous; and any other condition, state of being, or object which satisfies the definition set forth in (B) above.

SECTION 2 – COMPLAINT PROCEDURE**A. Policy**

The Code Enforcement Board accepts and investigates complaints from the public concerning property issues within the County. In addition, during their general duties, all County staff and members of any legislative body are encouraged to report possible property maintenance or zoning violations to the Code Enforcement Board. The Board and County greatly appreciate all who alert it to possible code violations.

B. Complaint Processing Procedure – Legislative Body Complaints

- a. When County employees or members of a legislative body observe possible violations of property maintenance or zoning regulation this information must be passed on the Code Enforcement Administrator or Code Enforcement Officer as soon as possible.
- b. The Code Enforcement Administrator or Enforcement Officer will investigate the situation within two business days.

- c. When the enforcement effort has begun, the information and status will be listed on the County Code Enforcement database and will be available for review on its website.

C. Complaint Processing Procedures – Citizen Complaints

- a. A complaint may be filed in person, over the phone, by e-mail, or by filing a complaint form. Complainant's identity is to be kept anonymous.
- b. Property Maintenance or Zoning complaint forms are available at the Fiscal Court Offices or online at the Code Enforcement website.
- c. At a minimum, the information which must be provided on the complaint is:
 - i. Address of property.
 - ii. Detailed description of conditions surrounding complaint.
- d. Once received, a complaint is logged into the Code Enforcement database and scheduled for inspect in not later than two business days.
- e. When entered in the database, a Case Number will be assigned to the complaint and will remain attached to any other subsequent information or action pertaining to a location.

D. Section 3 – Referral to other County Departments

The Code Enforcement Administrator or Enforcement Office may forward any/all complaints which need to be handled by other County Departments, as appropriate, such as the Sheriff's Office or Health Department.

E. Special Accommodation

Owners of multiple properties in the County may request certain special notification procedures. Special requests will be evaluated by the Code Enforcement Administrator. If the request is deemed to be acceptable, does not conflict with the notification and timelines delineated in this code they may be implemented. It is important to stress that any decision to accept special notification procedures will be the responsibility and purview of the Code Enforcement Administrator.

SECTION 3 – UNLICENSED/INOPERABLE VEHICLES

A. Policy

This code prohibits the off-street parking of inoperable or unlicensed motor vehicles outside in residential, commercial, and professional/office zoning districts. "Off-street" means on private property not in the street, across the sidewalk, or other right-of-way. Inoperable or unlicensed vehicles in the street, parked across the sidewalk, or right-of-way are a matter handled by, or in conjunction with, the Sheriff's Office or local law enforcement.

B. Storage of Vehicles

- a. This code requires that vehicles be parked on a continuous hard surface such as stone, asphalt, or concrete.
 - i. If no violation is found, take picture confirming no violation exists and enter information into the database. Close-out the case.
 - ii. If violation does exist, follow enforcement procedures.

C. Inspection Procedure

- a. From the public right-of-way or with permission from the property owner, occupant or neighboring properties, the inspecting officer will determine the subject vehicle(s) are:
- i. Parked on private property, if yes, is it:
 - ii. Inoperable. Conditions indicating inoperability include:
 1. Flat tire(s)
 2. Missing engine (protruding wires, cables, or engine parts)
 3. Vehicle is raised on jack stands/ramps and/or missing tires/axles.
 4. Vehicle is unable to be started/running and driven (either backed up and forward in driveway or on road)

OR, IS IT:

- iii. Unlicensed. A vehicle is unlicensed if it does not have a valid license plate or has no or an expired annual registration sticker(s).
 1. If no violation is found, take picture of no violation exists and enter information into the database. Close-out the case.
 2. If violation does exist, follow enforcement procedures.

SECTION 4 – TRASH/JUNK/DEBRIS**A. Policy**

- a. The County Code requires that properties be free of unsightly materials, debris, and trash. This policy is in place to limit conditions that may become a fire hazard, act as breeding areas for vermin or insects or may become a blighting influence on neighboring properties.

B. Inspection Procedure

- a. From the public right-of-way or with permission from the property owner, occupant or neighboring properties, the inspecting officer will determine whether any trash or debris is visibly located on the property.
 1. If no violation is found, take picture of no violation exists and enter information into the database. Close-out the case.
 2. If violation does exist, follow enforcement procedures.

SECTION 5 – TALL GRASS AND WEEDS**A. Policy**

- a. The County Code requires the periodic cutting of grass and weeds on properties within the County that exceed eight (8) inches in height. The periodic cutting of grass and weeds benefits the public welfare by prohibiting the blighting influence of overgrown parcels, promoting property maintenance that helps sustain property values, and reduces the possible infestations of overgrown areas by vermin.

B. Inspection Procedure

- a. Determine whether the subject property has grass/weeds in excess of eight (8) inches in height.
- b. EXCEPTION. This section shall not apply to real property that meets any one of the following requirements:
 - i. Real property lawfully and substantially used for agricultural purposes for profit.

- ii. Real property of more than two (2) acres where a fifteen (15) foot wide strip directly adjacent to the boundaries of developed property is provided. However, compliance is not required for the portions of any boundaries of such real property that are adjacent to an undeveloped lot and which are more than 10 feet from the closest point of contact with a developed lot. Real property will be deemed "developed" if a permanent structure, including but not limited to paving, has been erected or installed on the parcel.
- iii. Any real property owned by any governmental entity and used as a park or similar recreational facility or as an educational facility.

C. Enforcement Procedure Violation Execution

- a. Knock on the front door of the property to see if someone responsible for the property is on the premises. If so, explain the tall grass violation and give them a reasonable time frame to remedy the violation (generally 24-48 hours) and enter this information in the County database with specifics. Before leaving take pictures illustrating the violation.
- b. Whether or not contact is made on the initial day of inspection, photograph the violation(s) and enter this information into the database.
- c. Send Violation Letter detailing the responsibility to cut grass and weeds, as discussed, within five (5) days from the date of the letter.
- d. Return to property on the deadline date set in the Violation Letter and take pictures of the property along with the following action:
 - i. If the grass is cut, enter results into database and close violation.
 - ii. If grass and weeds have not been cut, enter information into database and forward to Administrator with recommendation to cut grass or other suitable solution.
- e. Code Enforcement Administrator will review file, accept recommendation for alternative action or contact a mowing contractor with the following instructions and a Work Order number:
 - i. Contractor must respond to request no later than five (5) days, prefer three (3) days, from notification date.
 - ii. Contractor must provide service within 2 business days together with before and after pictures to the Gallatin County Fiscal Court Office.
 - iii. Billing invoices must be submitted, within 5 business days, to the Gallatin County Finance Officer with it clearly identified as being requested by the Code Enforcement Board together with the Work Order number assigned, brief description of work completed, and time spent on site.
 - iv. Complete and proper invoices will be processed with weekly invoicing.
 - v. Code Enforcement Administrator, or designee, will create a file from database entries which includes the following information:
 1. Copy of the Violation Letter together with any photographs;
 2. Copy of Citation Letter together with any photographs;
 3. Copy of Work Order for cutting contractor together with before and after photographs.
 4. Contractor invoicing with Work Order.

5. Three copies are made of all information with one copy being forwarded:
 - a. One copy to the County Finance Officer for invoice processing.
 - b. One copy to the County Tax Administrator for assessment to property taxes of the specific parcel.
 - c. One copy maintained in a three (3) year rotating file for annual Grass and Weed Violations.

SECTION 6 - RECREATIONAL VEHICLES, BOATS, CAMPERS, AND OTHER SIMILAR VEHICLES IN RESIDENTIAL AREAS.

A. Policy

- a. The County Code prohibits the off-street parking of recreational vehicles, trailer, campers, truck caps, boats, and other similar vehicles in residential districts except under certain conditions. This policy helps to preserve the proper character of residential districts, promote property maintenance standards, and protect the public safety and welfare by limiting hazardous conditions created by the improper storage of recreational vehicles, trailers, boats, etc.

B. Inspection Procedure

- a. From the public right-of-way or with the permission from the property owner, occupant, or neighboring properties, determine whether the subject vehicle is:
 - i. Parked on private property, if yes, is the vehicle:
 1. Parked in front yard (corner lots have two front yards).
 - ii. Unlicensed or has expired tags.
 - iii. Being used to conduct a business.
 - iv. Permanently connected to any utility service.
 - v. Being used as a dwelling.
 - vi. Being used for storage.
 - vii. Maintained in good repair.
 - viii. Parked on a continuous hard surface.
 - ix. Maintained in a condition to be transported. For example, wheels shall not be removed, tires shall not be flat, and the vehicle shall not be fixed to the ground.
- b. If no violation is found, take pictures of non-violation, and enter information into the County database. Close out the case.
- c. If violation is found to exist, follow enforcement procedure.
- d. EXCEPTION
 - i. If the measurements or terrain of the side yard and back yard are such that neither one can accommodate the vehicle, or if there is no reasonable access to side or rear yard that can accommodate the vehicle, such a vehicle may be parked on the driveway in the front yard subject to the conditions listed below. A corner lot is always deemed to have reasonable access to the rear yard, and a fence is not necessarily deemed to prevent reasonable access. The conditions for such driveway parking in the front yard are as follows:

1. All of the conditions listed above as being applicable to outside parking in the side or rear yards shall also apply to parking in the front yard driveway.
2. In front yards, the vehicle shall be parked on the designated driveway.
3. No part of the vehicle may be closer than twelve (12) feet to the face of the curb.
4. No part of the vehicle may extend over the public sidewalk.
5. The vehicle may not impair a view of the right-of-way be persons on the right-of-way or about to enter it.
6. The wheels of such vehicle shall be choked while parked.

SECTION 7 – GENERALLY APPLICABLE ENFORCEMENT PROCEDURES FOR VERIFIED VIOLATIONS

- A. Attempt to contact the property owner or an occupant at least 18 years of age and explain the nature of the violation. It is appropriate to suggest ways to correct the violation. It is not appropriate to communicate with a minor regarding a violation since it is important that someone having apparent authority over a property directly receives all communications so that the issue may be resolved quickly.
- B. Whether contact is made with property owner or another person at property at least 18 years of age, issue a Violation Letter together with copies of photos illustrating the violation. The Violation Letter should also include contact information for the Code Enforcement Officer as well as the Administrator along with instructions that violation must be corrected within seven (7) days from the date of mailing.
- C. After the deadline has elapsed, the Code Enforcement Officer will return to inspect the violation. If the violation has been corrected, enter applicable information into the County database and close out the file. If the violation remains, take pictures of the violation, and issue a Uniform Citation to the property owner and tenants/occupants. Enter all information regarding the violation into the County database together with any/all actions taken.
- D. The Uniform Citation requires a response to this citation within seven (7) days of the date of issuance be either paying the civil fine set forth in the citation, or requesting, in writing, a hearing to contest the citation.
- E. If the Citation is not paid within the seven day period, you are deemed to have waived the right to a hearing before the Code Enforcement Board to contest the charge(s) and a determination that a violation was committed shall be final. You also forfeit the right to appeal the final order before the Gallatin County District Court.
- F. Fourteen (14) days after the Final Order is issued the Enforcement Officer will inspect the property and if the violation still exists a Uniform Citation is issued with the new fine doubled the amount of the Final Order.
- G. If the Citation is not paid within the seven day period, you are deemed to have waived the right to a hearing before the Code Enforcement Board to contest the charge(s) and a determination that a violation was committed shall be final. You also forfeit the right to appeal the final order before the Gallatin County District Court.

H. Seven (7) days after Final Order is issued the Enforcement Officer will inspect the property and if the violation still exists a Uniform Citation is issued with the new fine doubled the amount of the Final Order.

I. Repeat Violators:

a. Any property or property owner found to have multiple violations in any 24 consecutive month period will be designated as a "habitual offender" and forfeit the courtesy of a Violation Notice and proceed directly to Citation status with any/all civil fine amounts doubled.

J. 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 Joint Code Enforcement Board thru the Zoning Director may suspend the license of the person or persons conducting the business or activity.

b. The Zoning Director 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 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 confirmation that the nuisance has been satisfactorily abated, along with any other reasonable conditions set forth in the notice have been met, the Zoning Director may remove the suspension.

SECTION 8 – FINE SCHEDULE

Any person found to be in violation of the provisions of this this chapter shall be subject to the following fine schedule:

OFFENSE	UNCONTESTED FINE	CONTESTED FINE OR UNPAID FINE
FIRST	\$ 50.00	\$ 100.00
SECOND	\$ 100.00	\$ 200.00
THIRD	\$ 200.00	\$ 400.00
ADDITIONAL	\$ 400.00	\$ 800.00

Each day on which a nuisance persists following the tenth day after issuance of written notice from the Code Enforcement Officer of Joint Code Enforcement Board that there is probable cause to believe a violation exists on, or by reason of the state of, the property owned or possessed by the violator shall constitute a separate offense.

Jon Ryan Morris

5/13/2021

Accepted By: Jon Ryan Morris
Judge Executive

Date

Tracy Miles

5/13/2021

Attested By: Tracy Miles
County Clerk

Date

Fiscal Court First Reading Date:

5/13/2021

Fiscal Court Second Reading Date:

6/10/2021

Effective Upon Approval and Publication.

INTERLOCAL AGREEMENT
GALLATIN COUNTY JOINT CODE ENFORCEMENT BOARD

WHEREAS, each party to this Agreement is a "local government" as that term is defined by Kentucky Revised Statutes (KRS) 65.8805; and

WHEREAS, the parties to the Agreement are authorized to exercise and enjoy the powers, privileges, responsibilities, and authority exercised or capable of exercise by local governments of the Commonwealth of Kentucky pursuant to KRS 65.210 to 65.300; and

WHEREAS, the parties of this Agreement have determined that as a matter of good public policy a collaborative effort between them is the best and most efficient method to provide for administration of their individual zoning ordinances pursuant to KRS Chapter 100, the uniform state building code pursuant to KRS Chapter 198B, the International Property Maintenance Code, and other applicable local ordinances when a violation of them has been classified as a civil offense pursuant to KRS 65.8801 to 65.8839; and

WHEREAS, the parties to this agreement are authorized to designate zones and administer ordinances and regulation for zoning pursuant to KRS Chapter 100; and

WHEREAS, the parties to this Agreement are authorized to administer ordinances and regulations that require permits, inspections, and certificates of occupancy pursuant to KRS Chapter 198B; and

WHEREAS, the parties to this Agreement are authorized to administer ordinances and regulations that govern conditions and maintenance of property, buildings, and structures; provide for the condemnation of buildings and structures unfit for human occupancy and use; and provide for the issuance of permits for demolition of blighted and/or condemned buildings and structures pursuant to KRS Chapters 99 and 100; and

WHEREAS, the parties to this Agreement are authorized to create a joint code enforcement board which shall have the power to issue remedial orders and impose civil fines as a method of enforcing local government ordinances pursuant to KRS 65.8808; and

WHEREAS, for the purposes of public health, efficient governmental administration, and uniform enforcement, it is in the best interest of all parties to this Agreement that a single entity be responsible for ensuring compliance with adopted ordinances; and

WHEREAS, the Cities of Glencoe and Sparta in the County of Gallatin, Commonwealth of Kentucky (Cities), and the County of Gallatin, Commonwealth of Kentucky ("County") have participated in an Interlocal Agreement by which there was created the Gallatin County the Gallatin County Joint Code Enforcement Board;

NOW, THEREFORE, in consideration of and in exchange for the promises and the mutual understandings and obligations hereinafter set forth, the adequacy of which consideration is hereby acknowledgment and affirmed, the parties hereto agree as follows;

SECTION 1 – DEFINITIONS

Joint Code Enforcement Board – An administrative body created and acting under the authority of the Local Code Enforcement Board Act, KRS 55.8801 to 65.8839.

Code Enforcement Officer – A city police officer, county police officer, safety officer, citation officer, sheriff, sheriff deputy, or any other public law enforcement officers with authority to issue a citation.

Party or Parties – The local governments participating in the Joint Code Enforcement Board through this Agreement.

Citation – A citation that conforms to the requirements set forth in KRS 65.8825.

SECTION 2 – LOCAL GOVERNMENT AUTHORIZATION

The parties certify, warrant, and confirm that they are duly qualified and authorized to enter into this Agreement and to carry out the terms and provisions hereof.

SECTION 3 – PURPOSE

The meaning of this Agreement is to establish a Joint Code Enforcement Board pursuant to and within the meaning of KRS 65.8805(3), with all authority provided in KRS 65.8801 through 65.8839, commonly known as the “Local Government Code Enforcement Boards Act” and any subsequent amendments thereto.

SECTION 4 – CREATION AND MEMBERSHIP

There is hereby created pursuant to KRS 65.8801 to 65.8839 the Gallatin County Joint Code Enforcement Board which shall be composed of a representative from each of the Magistrate Districts of the county and one representative from each of the cities a party hereto pursuant to KRS 65.8811(1)(b), and any subsequent amendments thereto.

SECTION 5 – DURATION AND TERMINATION

The duration of this Agreement shall be perpetual, unless terminated as set forth herein. Each of the parties shall be entitled to terminate participation in this Agreement if: (1) a court decision negates the validity, enforceability, or legality of any part of this Agreement; or if (2) it determines that it is in its best interest to terminate this Agreement. In the event of such termination, the party shall be released from any and all obligations under this Agreement. A party may withdraw from this Agreement without affecting the remaining members, so long as at least two members continue.

In the event that a party voluntarily withdraws its participation in this Agreement, it shall, if practicable, provide sixty (60) days’ notice before the effective date of said termination.

SECTION 6 – APPOINTMENT AND QUALIFICATIONS OF BOARD MEMBERS

Each city shall, by its respective executive authority and approval of its legislative body, appoint a member to serve on the Joint Board, the Judge Executive shall appoint a representative from each Magisterial District, designated by that respective Magistrate. All appointments shall be made for a term of three (3) years. Vacancies shall be filled in accordance with KRS 65.8811.

Each of the parties may also appoint up to two (2) alternate members, subject to the approval of its legislative body, to serve in the absence of its appointed Joint Board Member. Alternate appointments shall be made for a term of three (3) years.

Members and alternate members shall meet all of the qualifications and be subject to all of the requirements of KRS 65.8801 to 65.8839. Members serving on the Joint board shall have resided within the boundaries of the party they represent for a period of at least one (1) year prior to the date of the member’s appointment and shall reside there throughout their term in office.

Members or alternate members shall be compensated at the rate of \$50.00 per duly constituted meeting they attend and reimbursed for expenses as approved by the Joint board.

All members and alternate members of the Joint Board must, before entering upon the duties of their office, take the oath of office prescribed by Section 228 of the Kentucky Constitution.

No member or alternate member of the Joint Board shall hold any elected or appointed office, paid or unpaid, or any position of employment with the local government that he or she represents.

Members and alternate members are encouraged to obtain training on topics pertinent to code enforcement.

All hearing officers, including members of the Joint Board who serve as hearing officers, must obtain training related to the conduct of administrative hearings in accordance with KRS 13B.080. Training hours shall comply with the requirements set forth in 40 KAR 5:010.

SECTION 7 – RESPONSIBILITIES OF THE PARTIES

The parties shall each take appropriate action accepting, ratifying, and approving this Agreement pursuant to KRS 65.240(2).

SECTION 8 – POWERS OF THE JOINT BOARD

Pursuant to KRS 65.8808 to 65.8839, the Joint Board shall have the power to issue remedial orders and impose civil fines as a method of enforcing local government ordinances when a violation of those ordinances has been classified as a civil offense.

The Joint Board shall not have the authority to enforce any ordinance of which the violation constitutes a criminal offense under any provision of the Kentucky Revised Statutes, including specifically, any provision of the Kentucky Penal Code and any moving motor vehicle offense.

The Joint Board shall continue to operate according to its Bylaws as previously adopted in conformity with KRS 65.8801 to 65.8839.

The Joint Board shall have the powers and duties to:

1. Adopt rules and regulations to govern its operations and the conduct of its hearings;
2. Conduct hearings, or assign a hearing officer to conduct a hearing, to determine if there has been a violation of any ordinance over which it has jurisdiction; any Joint Board members including the chairman, may also be assigned to conduct hearings on behalf of the Joint Board;
3. Subpoena alleged violators, witnesses, and evidence to its hearings; subpoenas issued by the Joint Board may be served by any code enforcement officer;
4. Take testimony under oath; the chairman, or an assigned hearing officer, shall have the authority to administer oaths for the purpose of taking testimony;
5. Make findings of fact and issue orders necessary to remedy any violation of a participating local government's ordinance or code provision which the Joint Board is authorized to enforce; and
6. Impose civil fines for violations of the respective ordinances of the parties that conform to the requirements of KRS 65,8808, over which the Joint Board has jurisdiction.

SECTION 9 – ENFORCEMENT PROCEEDINGS

The following requirements shall govern all enforcement proceedings before the Joint Board:

1. Enforcement proceedings before the Joint Board shall only be initiated by the issuance of a citation by a code enforcement officer.
2. When a code enforcement officer, based upon personal observation or investigation, has reasonable cause to believe that a person has committed a violation of a local government ordinance, the officer is authorized to issue a citation by:
 - a. Personal service to the alleged violator;
 - b. Leaving a copy of the citation with any person eighteen (18) years of age or older who is on the premises, if the alleged violator is not on the premises at the time the citation is issued; or
 - c. Posting a copy of the citation in a conspicuous place on the premises and mailing a copy of the citation by regular, first-class mail of the United States Postal Service to the owner of record of the property if no one is on the premises at the time the citation is issued.

When authorized by ordinance, a code enforcement officer may, in lieu of immediately issuing a citation, give notice that a violation shall be remedied within a specified period of time. If the person to whom the notice is given fails or refuses to remedy the violation within the time specified, the code enforcement is authorized to issue a citation.

3. The citation issued by the code enforcement officer shall be in a form prescribed pursuant to code administration services, and shall contain, in addition to any other information required by ordinance or rule of the board:

- a. The date and time of issuance;
 - b. The name and address of the person to whom the citation is issued;
 - c. The date and time the offense was committed;
 - d. The facts constituting the offense;
 - e. The section of the code or the number of the ordinance violated;
 - f. The name of the code enforcement officer;
 - g. The civil fine that will be imposed if the person does not contest the citation;
 - h. The maximum civil fine that may be imposed if the person elects to contest the citation;
 - i. The procedure for the person to follow in order to pay the civil fine or contest the citation; and
 - j. A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation, within the time allowed, the person shall be deemed to have waived the right to a hearing before the Joint Board to contest the citation and that the determination that the violation was committed shall be final.
4. After issuing a citation to the alleged violator the code enforcement officer shall notify the Joint Board by delivering a copy of the citation to the Joint Board chairperson.
 5. When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven (7) days of issuance by either paying the civil fine or requesting, in writing, a hearing before the Joint Board to contest the citation. If the person fails to respond to the citation within seven (7) days, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final. In this event, the board shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation. If the alleged violator does not contest the citation within the time prescribed, the Joint Board shall enter a final order determining that the violation was committed and impose the civil fine set forth in the citation. A copy of the final order shall be served on the person guilty of the violation in any manner that conforms to the federal and state constitutional requirements for procedural due process.

SECTION 10 – HEARING, NOTICE, AND FINAL ORDER

The following requirements shall govern all hearings, notices, and final orders of the Joint Board:

1. When a hearing has been requested, the Joint Board, through the County Planning and Zoning Director, shall place the appeal on the Joint Board's next regularly scheduled monthly meeting agenda so long as it is more than seven (7) days from the date the appeal was received. The Joint Board may conduct the hearing or may assign a hearing officer to conduct a hearing. In addition, any board member, including the chair, may be assigned to conduct the hearing on behalf of the Joint Board.
2. Not less than seven (7) days before the date of the hearing, the Joint Board, through the Director, shall notify the requester of the date, time, and place of the hearing. The notice may be given by certified mail, return receipt requested; by personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice.
3. Any person requesting a hearing before the Joint Board who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be final. The joint Board shall enter a final order determining the violation was committed and shall impose the civil fine set forth in the citation. A copy of the final order shall be served upon the person guilty of the violation in accordance with subsection (6) below.
4. All testimony shall be taken under oath and recorded. The Joint Board, or assigned hearing officer, shall take testimony from the code enforcement officer, the alleged violator, and any witnesses to the

- violation offered by the code enforcement officer or alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern proceedings.
5. If a hearing officer is assigned to conduct the hearing, the hearing officer shall make written findings of fact, conclusions of law and a recommended order for consideration by the Joint Board. After the Joint Board conducts the hearing, or upon receipt of recommendations of a hearing officer assigned to conduct the hearing, the Joint board shall, based upon the evidence, determine whether a violation was committed. If the Joint Board determines that no violation was committed, an order dismissing the citation shall be entered. If the Joint Board determines that a violation was committed, the Joint Board shall issue an order upholding the citation and either imposing a fine up to the maximum as authorized by ordinance or requiring the offender to remedy a continuing violation within a specified time, or both.
 6. Every final order of the Joint Board shall be reduced to writing, which shall include the findings of fact and conclusions of law and the date the order was issued. A copy of the order shall be furnished to the person named in the citation. If the person named in the citation is not present when the final order is issued, then the order shall be delivered to that person by certified mail, return receipt requested; by personal delivery; by leaving a copy of the order at the person's usual place of residence with any individual residing herein who is eighteen (18) years of age or older and who is informed of the contents of the order; or, by posting a copy of the order in a conspicuous place on the premises at the time the final order is delivered, or in any manner that conforms to the federal and state constitutional requirements for procedural due process.

SECTION 11 – PRESENTATION OF CASES

Each case before the Joint Board shall be presented by a code enforcement officer that issued the citation, or by a member of the staff or an attorney-at-law for the jurisdiction in which the violation occurred.

SECTION 12 – APPEALS; FINAL JUDGEMENT

An appeal from any final order of the Joint Board may be made to the Gallatin County District Court within thirty (30) days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the Joint Board's order in the same manner as any civil action under the Kentucky Rules of Civil Procedure. This appeal shall be tried de novo. A judgement of the District Court may be appealed to the Gallatin County Circuit Court in accordance with the Kentucky Rules of Civil Procedure. If no appeal from a final order of the Joint Board is filed within the time period set out in this section above, the Joint Board's order shall be deemed for all purposes final.

SECTION 13 – FINE SCHEDULE

For violation of ordinances that conform to KRS 85.8808 over which the Joint Board has jurisdiction, the Joint Board may impose the civil fines established in those ordinances.

SECTION 14 – LIENS

The local government shall possess a lien on property owned by the person found by a final, non-appealable order of a code enforcement board, or by final judgement of the court, to have committed a violation of a local government ordinance for all fines assessed for the violation and for all charges and fees incurred by the local government in connection with the enforcement of the ordinance. The lien shall be recorded in the office of the county clerk. The lien shall be notice to all persons from the time of its recordings and shall bear interest until paid. The lien shall take precedence over all other subsequent liens, except state, county, school board, and city taxes, and may be enforced by judicial proceedings.

In addition to the remedy prescribed in subsection (1) if this section, the person found to have committed the violation shall be personally responsible for all fines assessed for the violation and for all charges and fees incurred by the local government in connection with the enforcement of the ordinance. The local government

may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

SECTION 15 – ADMINISTRATIVE OFFICIAL/FINANCES

The Gallatin County Zoning Director shall perform as administrative official to the Joint board to carry out the necessary administrative functions for the operation of this agreement. The County shall provide for an attorney to be counsel for the Joint Board and the parties' respective attorneys may present cases during its hearings.

The County, thru the Zoning Director shall administer the finances of the Joint Board. The reasonable expenses of the Joint Board and its members, administrative official, and legal counsel shall be paid from fees collected for required permits, inspections, and certificates issued on behalf of the parties and from civil fines paid as a result of enforcement actions brought by code enforcement officers and, as applicable; levied by the Joint Board.

Foreclosure on any liens stemming from final orders issued by the Joint Board shall be handled by legal counsel as designated by the jurisdiction in which the violation(s) occurred. All net proceeds from the foreclosure of Joint Board liens shall be split evenly between the party in whose jurisdiction the violations(s) occurred and the County, after deducting any administrative costs incurred by the zoning administrator and Joint Board. Legal counsel bringing the foreclosure action on a code enforcement board lien shall be entitled to recover reasonable attorney's fee as determined upon application and approval of the Court, and any related costs and fees.

SECTION 16 – ADDITIONAL PARTIES

The parties recognize that other cities within Gallatin County may wish to join the Joint Board. Any city wishing to join shall sign this Agreement and be made a party thereto immediately upon signature and approval of its legislative body. No action shall be required on the part of any existing party to this Agreement for the allowance of a new party joining pursuant to this section.

SECTION 17 – INITIATION OF COMPLAINTS

Each participating jurisdiction may establish its own policy for how a code enforcement officer initiates and responds to complaints for code violations occurring within its boundaries. While a code enforcement officer may have the authority to issue citations in multiple jurisdictions, he or she must follow the policy set forth by the jurisdiction in which the violation occurs. In the absence of an expressed policy, code enforcement officers may operate under the policy set by the Joint Board for Code Violations.

SECTION 18 – CONTROLLING LAW

This Agreement, pursuant to KRS Chapter 65, is subject to review and approval by the Department for Local Government of the Commonwealth of Kentucky, as indicated and confirmed by the signature of the Commissioner of the Department for Local Government hereon below, pursuant to KRS 65.260(2).

IN WITNESS WHEREOF, the parties hereto have caused their duly authorized signatures to be affixed below with the date of signature.

MIKE HAMPTON

Mayor – City of Glencoe

Mike Hampton

5/20/2021

Signature

Date

PAULA GILES

Glencoe City Clerk

Paula Giles

5/20/2021

Attest

Date

GARY EDMONDSON

Glencoe City Attorney

Gary Edmondson

5/24/21

Signature

Date

SIDNEY GULLION
MAYOR – CITY OF SPARTA

[Signature]
Signature

5/24/21
Date

LESA BULLARD
Sparta City Clerk

[Signature]
Attest

5/24/21
Date

JOHN WRIGHT
Sparta City Attorney

[Signature]
Signature

5/21/21
Date

JON RYAN MORRIS
Gallatin County Judge Executive

[Signature]
Signature

5/13/21
Date

TRACY MILES
Gallatin County Clerk

[Signature]
Attest

5/13/21
Date

JOHN WRIGHT
GALLATIN COUNTY ATTORNEY

[Signature]
Signature

5/25/21
Date

I, _____ Department for Local Government Commissioner, pursuant to KRS 65.210 through 65.300, hereby certify that the foregoing Agreement is proper in form and compatible with the laws of the Commonwealth of Kentucky.

Commissioner Department of Local Government Date
Commonwealth of Kentucky

Copy to:
Office of the Attorney General
700 Capitol Avenue, Suite 118
Frankfort, Kentucky 40601

Fiscal Court First Reading Date: 5/13/2021
Fiscal Court Second Reading Date: 6/10/2021 (scheduled)

Effective Upon Approval and Publication.

SECTION 1 – PUBLIC AND PRIVATE NUISANCES PROHIBITED

- A. It shall be unlawful for any person to permit, allow, suffer, or cause property, real or personal, within the area of Gallatin County, Kentucky, which is occupied by his actual or constructive possession thereof, or, if said property is vacant or abandoned, owned by that person to be utilized in such manner as to constitute a public or private nuisance or to come into the state of being a public or private nuisance, or to become the source of a public or private nuisance emanating therefrom, or to harbor thereon a public or private nuisance. PERSON shall include and mean a corporation.
- B. As used in this section the term Nuisance shall mean that which annoys and disturbs another in the possession of his/her property, rendering its ordinary use or occupation physically uncomfortable to him/her or obstructs or interferes with the free, reasonable and lawful use and enjoyment of the property of another; or which endangers the life or health of others; or which impairs or obstructs the free passage or use in the customary manner of any public street, alley, sidewalk, square, park or other pass way.
- C. As used herein, the term NUISANCE shall include, but not be limited to, the following states of being that otherwise satisfy (B) above: the accumulation of unpackaged or uncontained rubbish, trash, refuse, garbage or wastes of a combustible or non-combustible nature, organic or non-organic, solid or degradable; the uncontrolled growth of noxious weeds or plants; the emission of noxious odors or fumes; the existence of freely accessible conditions or objects creating a hazard to the health, safety and well being of the public; the existence of feely accessible objects attractive to minors and dangerous or hazardous thereto; the occurrence of loud and disruptive or alarming noise; the existence of abandoned, deteriorating or inoperable property serving no utilitarian, pecuniary or aesthetic function; the existence of any condition or object dangerous to the health and safety of the public by reason not readily recognizable as dangerous; and any other condition, state of being, or object which satisfies the definition set forth in (B) above.

SECTION 2 – COMPLAINT PROCEDURE**A. Policy**

The Code Enforcement Board accepts and investigates complaints from the public concerning property issues within the County. In addition, during their general duties, all County staff and members of any legislative body are encouraged to report possible property maintenance or zoning violations to the Code Enforcement Board. The Board and County greatly appreciate all who alert it to possible code violations.

B. Complaint Processing Procedure – Legislative Body Complaints

- a. When County employees or members of a legislative body observe possible violations of property maintenance or zoning regulation this information must be passed on the Code Enforcement Administrator or Code Enforcement Officer as soon as possible.
- b. The Code Enforcement Administrator or Enforcement Officer will investigate the situation within two business days.
- c. When the enforcement effort has begun, the information and status will be listed on the County Code Enforcement database and will be available for review on its website.

C. Complaint Processing Procedures – Citizen Complaints

- a. A complaint may be filed in person, over the phone, by e-mail, or by filing a complaint form. Complainant's identity is to be kept anonymous.
- b. Property Maintenance or Zoning complaint forms are available at the Fiscal Court Offices or online at the Code Enforcement website.
- c. At a minimum, the information which must be provided on the complaint is:

- i. Address of property.
- ii. Detailed description of conditions surrounding complaint.
- d. Once received, a complaint is logged into the Code Enforcement database and scheduled for inspect in not later than two business days.
- e. When entered in the database, a Case Number will be assigned to the complaint and will remain attached to any other subsequent information or action pertaining to a location.

D. Section 3 – Referral to other County Departments

The Code Enforcement Administrator or Enforcement Office may forward any/all complaints which need to be handled by other County Departments, as appropriate, such as the Sheriff's Office or Health Department.

E. Special Accommodation

Owners of multiple properties in the County may request certain special notification procedures. Special requests will be evaluated by the Code Enforcement Administrator. If the request is deemed to be acceptable, does not conflict with the notification and timelines delineated in this code they may be implemented. It is important to stress that any decision to accept special notification procedures will be the responsibility and purview of the Code Enforcement Administrator.

SECTION 3 – UNLICENSED/INOPERABLE VEHICLES

A. Policy

This code prohibits the off-street parking of inoperable or unlicensed motor vehicles outside in residential, commercial, and professional/office zoning districts. "Off-street" means on private property not in the street, across the sidewalk, or other right-of-way. Inoperable or unlicensed vehicles in the street, parked across the sidewalk, or right-of-way are a matter handled by, or in conjunction with, the Sheriff's Office or local law enforcement.

- B. This code requires that vehicles be parked on a continuous hard surface such as stone, asphalt, or concrete.
 - i. If no violation is found, take picture of non-violation and enter information into the database. Close-out the case.
 - ii. If violation does exist, follow enforcement procedures.

C. Inspection Procedure

- a. From the public right-of-way or with permission from the property owner, occupant or neighboring properties, the inspecting officer will determine the subject vehicle(s) are:
 - i. Parked on private property, if yes, is it:
 - ii. Inoperable. Conditions indicating inoperability include:
 - 1. Flat tire(s)
 - 2. Missing engine (protruding wires, cables, or engine parts)
 - 3. Vehicle is raised on jack stands/ramps and/or missing tires/axles
 - 4. Vehicle is unable to be started/running and driven (either backed up and forward in driveway or on road)

OR, IS IT:

- iii. Unlicensed. A vehicle is unlicensed if it does not have a valid license plate or has no or an expired annual registration sticker(s).
 - 1. If no violation is found, take picture of non-violation and enter information into the database. Close-out the case.
 - 2. If violation does exist, follow enforcement procedures.
- b. Storage of vehicles

SECTION 4 – TRASH/JUNK/DEBRIS**A. Policy**

- a. The County Code requires that properties be free of unsightly materials, debris, and trash. This policy is in place to limit conditions that may become a fire hazard, act as breeding areas for vermin or insects or may become a blighting influence on neighboring properties.

B. Inspection Procedure

- a. From the public right-of-way or with permission from the property owner, occupant or neighboring properties, the inspecting officer will determine whether any trash or debris is visibly located on the property.
 1. If no violation is found, take picture of non-violation and enter information into the database. Close-out the case.
 2. If violation does exist, follow enforcement procedures.

SECTION 5 – TALL GRASS AND WEEDS**A. Policy**

- a. The County Code requires the periodic cutting of grass and weeds on properties within the County that exceed eight (8) inches in height. The periodic cutting of grass and weeds benefits the public welfare by prohibiting the blighting influence of overgrown parcels, promoting property maintenance that helps sustain property values, and reduces the possible infestations of overgrown areas by vermin.

B. Inspection Procedure

- a. Determine whether the subject property has grass/weeds in excess of eight (8) inches in height.
- b. EXCEPTION. This section shall not apply to real property that meets any one of the following requirements:
 - i. Real property lawfully and substantially used for agricultural purposes for profit.
 - ii. Real property of more than two (2) acres where a fifteen (15) foot wide strip directly adjacent to the boundaries of developed property is provided. However, compliance is not required for the portions of any boundaries of such real property that are adjacent to an undeveloped lot and which are more than 10 feet from the closest point of contact with a developed lot. Real property will be deemed "developed" if a permanent structure, including but not limited to paving, has been erected or installed on the parcel.
 - iii. Any real property owned by any governmental entity and used as a park or similar recreational facility or as an educational facility.

C. Enforcement Procedure Violation Execution

- a. Knock on the front door of the property to see if someone responsible for the property is on the premises. If so, explain the tall grass violation and give them a reasonable time frame to remedy the violation (generally 24-48 hours) and enter this information in the County database with specifics. Before leaving take pictures illustrating the violation.
- b. Whether or not contact is made on the initial day of inspection, photograph the violation(s) and enter this information into the database.
- c. Send Violation Letter detailing the responsibility to cut grass and weeds, as discussed, within five (5) days from the date of the letter.
- d. Return to property on the deadline date set in the Violation Letter and take pictures of the property along with the following action:
 - i. If the grass is cut, enter results into database and close violation.

- ii. If grass and weeds have not been cut, enter information into database and forward to Administrator with recommendation to cut grass or other suitable solution.
- e. Code Enforcement Administrator will review file, accept recommendation for alternative action or contact a mowing contractor with the following instructions and a Work Order number:
 - i. Contractor must respond to request no later than five (5) days, prefer three (3) days, from notification date.
 - ii. Contractor must provide service within 2 business days together with before and after pictures to the Gallatin County Fiscal Court Office.
 - iii. Billing invoices must be submitted, within 5 business days, to the Gallatin County Finance Officer with it clearly identified as being requested by the Code Enforcement Board together with the Work Order number assigned, brief description of work completed and time spent on site.
 - iv. Complete and proper invoices will be processed with weekly invoicing.
 - v. Code Enforcement Administrator, or designee, will create a file from database entries which includes the following information:
 - 1. Copy of the Violation Letter together with any photographs
 - 2. Copy of Citation Letter together with any photographs
 - 3. Copy of Work Order for cutting contractor together with before and after photographs.
 - 4. Contractor invoicing with Work Order.
 - 5. Three copies are made of all information with one copy being forwarded:
 - a. One copy to the County Finance Officer for invoice processing.
 - b. One copy to the County Tax Administrator for assessment to property taxes of the specific parcel.
 - c. One copy maintained in a three (3) year rotating file for annual Grass and Weed Violations.

SECTION 6 - RECREATIONAL VEHICLES, BOATS, CAMPERS, AND OTHER SIMILAR VEHICLES IN RESIDENTIAL AREAS.

A. Policy

- a. The County Code prohibits the off-street parking of recreational vehicles, trailer, campers, truck caps, boats, and other similar vehicles in residential districts except under certain conditions. This policy helps to preserve the proper character of residential districts, promote property maintenance standards, and protect the public safety and welfare by limiting hazardous conditions created by the improper storage of recreational vehicles, trailers, boats, etc.

B. Inspection Procedure

- a. From the public right-of-way or with the permission from the property owner, occupant or neighboring properties, determine whether the subject vehicle is:
 - i. Parked on private property, if yes, is the vehicle:
 - 1. Parked in front yard (corner lots have two front yards).
 - ii. Unlicensed or has expired tags.
 - iii. Being used to conduct a business.
 - iv. Permanently connected to any utility service.
 - v. Being used as a dwelling.
 - vi. Being used for storage.
 - vii. Maintained in good repair.

- viii. Parked on a continuous hard surface.
- ix. Maintained in a condition to be transported. For example, wheels shall not be removed, tires shall not be flat, and the vehicle shall not be fixed to the ground.
- b. If no violation is found, take pictures of non-violation, and enter information into the County database. Close out the case.
- c. If violation is found to exist, follow enforcement procedure.
- d. EXCEPTION
 - i. If the measurements or terrain of the side yard and back yard are such that neither one can accommodate the vehicle, or if there is no reasonable access to side or rear yard that can accommodate the vehicle, such a vehicle may be parked on the driveway in the front yard subject to the conditions listed below. A corner lot is always deemed to have reasonable access to the rear yard, and a fence is not necessarily deemed to prevent reasonable access. The conditions for such driveway parking in the front yard are as follows:
 1. All of the conditions listed above as being applicable to outside parking in the side or rear yards shall also apply to parking in the front yard driveway.
 2. In front yards, the vehicle shall be parked on the designated driveway.
 3. No part of the vehicle may be closer than twelve (12) feet to the face of the curb.
 4. No part of the vehicle may extend over the public sidewalk.
 5. The vehicle may not impair a view of the right-of-way be persons on the right-of-way or about to enter it.
 6. The wheels of such vehicle shall be chocked while parked.

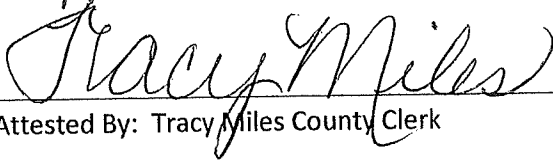
SECTION 7 – GENERALLY APPLICABLE ENFORCEMENT PROCEDURES FOR VERIFIED VIOLATIONS

- A. Attempt to contact the property owner or an occupant at least 18 years of age and explain the nature of the violation. It is appropriate to suggest ways to correct the violation. It is not appropriate to communicate with a minor regarding a violation since it is important that someone having apparent authority over a property directly receives all communications so that the issue may be resolved quickly.
- B. Regardless if contact is made with property owner or other person at property at least 18 years of age, issue a Violation Letter together with copies of photos illustrating the violation. The Violation Letter should also include contact information for the Code Enforcement Officer as well as the Administrator along with instructions that violation must be corrected within seven (7) days from the date of mailing.
- C. After the deadline has elapsed, the Code Enforcement Officer will return to inspect the violation. If the violation has been corrected, enter applicable information into the County database and close out the file. If the violation remains, take pictures of the violation, and issue a Uniform Citation to the property owner and tenants/occupants. Enter all information regarding the violation into the County database together with any/all actions taken.
- D. The Uniform Citation requires a response to this citation within seven (7) days of the date of issuance be either paying the civil fine set forth in the citation, or requesting, in writing, a hearing to contest the citation.
- E. If the Citation is not paid within the seven day period, you are deemed to have waived the right to a hearing before the Code Enforcement Board to contest the charge(s) and a determination that a violation was committed shall be final. You also forfeit the right to appeal the final order before the Gallatin County District Court.

- F. Fourteen (14) days after the Final Order is issued the Enforcement Officer will inspect the property and if the violation still exists a Uniform Citation is issued with the new fine doubled the amount of the Final Order
- G. If the Citation is not paid within the seven day period, you are deemed to have waived the right to a hearing before the Code Enforcement Board to contest the charge(s) and a determination that a violation was committed shall be final. You also forfeit the right to appeal the final order before the Gallatin County District Court.
- H. Seven (7) days after Final Order is issued the Enforcement Officer will inspect the property and if the violation still exists a Uniform Citation is issued with the new fine doubled the amount of the Final Order
- I. Repeat Violators:
 - a. Any property or property owner found to have multiple violations in any 24 consecutive month period will be designated as a "habitual offender" and forfeit the courtesy of a Violation Notice and proceed directly to Citation status.



Accepted By: Jon Ryan Morris Judge Executive



Attested By: Tracy Miles County Clerk

First Reading 9/10/2020

Second Reading 10/8/2020

Public Notices

PUBLIC NOTICE:

Eagle Creek Vineyard, LLC declares its intention to apply for an NQ-4 malt beverage license no later than June 1, 2021. The business to be licensed will be located at 106 B. Main Street, Warsaw KY 41095, doing business as Eagle Creek Vineyard, LLC. Owners are David B. Lynn and Elizabeth A. Lynn, 999 Furnish Rd., Ghent KY 41045. Any person, association, corporation, or public body who protects the granting of the license by writing the Department of Alcoholic Beverage Control, 500 Meno St. 2NE33, Frankfort KY 40601 within thirty (30) days of the date of this legal publication.

picture confirming no violation exists and enter information into the database. Close-out the case. If it violation does exist, follow enforcement procedures. C. Inspection Procedure 1. From the public right-of-way or with permission from the property owner, occupant or neighboring properties, the inspecting officer will determine subject vehicle(s) are: i. Parked on private property, if yes, is it: ii. Inoperable. Conditions indicating inoperability include: 1. Flat tire(s) 2. Missing engine (protruding wires, cables, or engine parts) 3. Vehicle is rusted and in lack stands/ramps and/or missing tires/axles. 4. Vehicle is unable to be started/runned and driven (either backed up and forward in driveway or on road) OR, IS IT: iii. Unlicensed. A vehicle is unlicensed if it does not have a valid license plate or has no or an expired annual registration sticker(s). 1. If no violation is found, take picture of no violation exists and enter information into the database. Close-out the case. 2. If violation does exist, follow enforcement procedures. SECTION 4. TRASH/JUNK/DEBRIS A. Policy 1. The County Code requires that properties be free of unightly materials, debris, and trash. This policy is in place to limit conditions that may become a fire hazard, such as breeding areas for vermin or insects or may become a blighting influence on neighboring properties. B. Inspection Procedure 1. From the public right-of-way or with permission from the property owner, occupant or neighboring properties, the inspecting officer will determine whether any trash or debris is visibly located on the property. 1. If no violation is found, take picture of no violation exists and enter information into the database. Close-out the case. 2. If violation does exist, follow enforcement procedures. SECTION 5. TALL GRASS AND WEEDS A. Policy 1. The County Code requires the periodic cutting of grass and weeds on properties within the County that exceed eight (8) inches in height. The periodic cutting of grass and weeds benefits the public welfare by prohibiting the blighting influence of overgrown parcels, promoting property maintenance that helps sustain property values, and reduce the possible infestations of overgrown areas by vermin. B. Inspection Procedure 1. Determine whether the subject property has grass/weeds in excess of eight (8) inches in height. b. EXCEPTION. This section shall not apply to real property that meets any one of the following requirements: i. Real property lawfully and substantially used for agricultural purposes for profit. ii. Real property of more than two (2) acres where a fifteen (15) foot wide strip directly adjacent to the boundaries of developed property is provided. However, compliance is not required for the portions of any bounded areas of such real property that are adjacent to an undeveloped lot and which are more than ten feet from the closest point of contact with a developed lot. Real property will be deemed "developed" if it is permanent structure, including but not limited to paving, has been erected or installed on the parcel. iii. Any real property owned by any governmental entity and used as a park or similar recreational facility or as an educational facility. C. Enforcement Procedure Violation Execution 1. Knock on the front door of the property to see if someone responsible for the property is on the premises. If so, explain the tall grass violation and give them a reasonable time frame to remedy the violation (generally 24-48 hours) and enter this information in the County database with specifics. Before leaving take pictures illustrating the violation. b. Whether or not contact is made on the initial day of inspection, photograph the violation(s) and enter this information into the database. c. Send Violation letter detailing the responsibility to cut grass and weeds, as discussed, within five (5) days from the date of the letter. d. Return to property on the deadline date set in the Violation Letter and take pictures of the property along with the following action: i. If the grass is cut, enter results into database and close violation. ii. If grass and weeds have not been cut, enter information into database and forward to Administrator with recommendation to cut grass or other suitable solution. c. Code Enforcement Administrator will review file, accept recommendation for alternative action or contact a mowing contractor with the following instructions and a Work Order.

RECREATIONAL VEHICLES, BOATS, CAMPER, AND OTHER SIMILAR VEHICLES IN RESIDENTIAL AREAS. A. Policy 1. The County Code prohibits the off-street parking of recreational vehicles, trailer, campers, truck caps, boats, and other similar vehicles in residential districts except under certain conditions. This policy helps to preserve the proper character of residential districts; promote property maintenance standards; and protect the public safety and welfare by limiting hazardous conditions created by the improper storage of recreational vehicles, trailers, boats, etc. B. Inspection Procedure 1. From the public right-of-way or with the permission from the property owner, occupant, or neighboring properties, determine whether the subject vehicle is: i. Parked on private property, if yes, is the vehicle: 1. Parked in front yard (corner lots have two front yards) ii. Unlicensed or has expired tags iii. Being used to conduct a business. iv. Permanently connected to any utility service. v. Being used as a dwelling. vi. Being used for storage. vii. Maintained in good repair. viii. Parked on a continuous hard surface. ix. Maintained in a condition to be transported. For example, wheels shall not be removed, tires shall not be flat, and the vehicle shall not be fixed to the ground. 10. If no violation is found, take pictures of no-violation, and enter information into the County database. Close out the case. c. If violation is found to exist, follow enforcement procedure. d. EXCEPTION 1. If the measurements or terrain of the side yard and back yard are such that neither one can accommodate the vehicle, or if there is no reasonable access to side or rear yard that can accommodate the vehicle, such a vehicle may be parked on the driveway in the front yard subject to the conditions listed below. A corner lot is always deemed to have reasonable access to the rear yard, and a fence is not necessarily deemed to prevent reasonable access. The conditions for such driveway parking in the front yard are as follows: 1. All of the conditions listed above are being applicable to outside parking in the side or rear yards shall also apply to parking in the front yard driveway. 2. In front yards, the vehicle shall be parked on the designated driveway. 3. No part of the vehicle may be closer than twelve (12) feet to the face of the curb. 4. No part of the vehicle may extend over the public sidewalk. 5. The vehicle may not impair a view of the right-of-way to persons on the right-of-way or about to enter it. 6. The wheels of such vehicle shall be chocked while parked. SECTION 7. GENERALLY APPLICABLE ENFORCEMENT PROCEDURES FOR VIOLATIONS A. Attempt to contact the property owner or an occupant at least 18 years of age and explain the nature of the violation. If it is appropriate to suggest ways to correct the violation. It is not appropriate to communicate with a minor regarding a violation since it is important that someone having apparent authority over a property directly receives all communications so that the issue may be resolved quickly. B. Whether contact is made with property owner or another person at property at least 18 years of age, issue a Violation Letter together with copies of photos illustrating the violation. The Violation Letter should also include contact information for the Code Enforcement Officer as well as the Administrator along with instructions that violation must be corrected within seven (7) days from the date of mailing. C. After the deadline has elapsed, the Code Enforcement Officer will return to inspect the violation. If the violation has been corrected, enter applicable information into the County database and close out the file. If the violation remains, take pictures of the violation, and issue a Uniform Citation to the property owner and tenant/occupants. Enter all information regarding the violation into the County database together with any/all actions taken. D. The Uniform Citation requires a response to this citation within seven (7) days of the date of issuance by either paying the civil fine set forth in the citation, or requesting, in writing, a hearing to contest the citation. E. If the Citation is not paid within the seven day period, you are deemed to have waived the right to a hearing before the Code Enforcement Board to contest the charge(s) and a determination that a violation was committed shall be final. You also forfeit the right to appeal the final order before the Gallatin County District Court. F. Fourteen (14) days after the Final Order is issued the Enforcement Officer will reinspect the property.

and the conditions that must be met for the suspension to be removed. c. Upon application of the license, no person found to be in violation of the provisions of this chapter shall be subject to the following fine schedule: 1st Offense, \$50 uncorrected fine, \$100 corrected fine or unpaid fine. 2nd Offense, \$100 uncorrected fine, \$200 corrected fine or unpaid fine. 3rd Offense, \$200 uncorrected fine, \$400 corrected fine or unpaid fine. 4th Offense, \$400 uncorrected fine, \$800 corrected fine or unpaid fine. Each day on which a nuisance persists following the tenth day after issuance of written notice from the Code Enforcement Officer of Joint Code Enforcement Board that there is probable cause to believe a violation exists on, or by reason of the state of, the property owned or possessed by the violator shall constitute a separate offense. Accepted By: /s/Don Ryan Morris, Judge Executive Date: 5/13/21 /s/Tracy Miles, County Clerk Date: 5/13/21

The Information for Bidders, Form of Bid, Form of Contract, Plans, Specifications, and Forms of Bid Bond, Performance and Payment Bond, and other Contract Documents may be examined at the following locations: Glencoe City Building 112 North Main Street Glencoe, Kentucky 41046 Please call (859)903-3550 to make arrangements to examine or purchase copies of plans, contract forms and documents. Copies may be obtained by contacting the City at (859)903-3550 and upon receipt of a non-refundable payment of \$45.00 for each set of plans and documents. The owner reserves the right to waive any informality or to reject any or all bids. Each bidder must deposit his bid, security in the amount, form and subject to the conditions provided in the information for Bidders. Attention of bidders is particularly called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under the contract. Section 3, Segregated Facility, Section 109 and E.O. 11246 and Title VI Minority bidders are encouraged to bid. No bidder may withdraw his bid within 60 days after the actual date of the opening thereof. 18-4c

PUBLIC NOTICE:

CHAPTER 96

JOINT CODE ENFORCEMENT

EFFECTIVE: 9/1/2020

SECTION 1-

PUBLIC AND PRIVATE

NUISANCES PROHIBITED

A. It shall be unlawful for any person to permit, allow, suffer, or cause property real or personal, within the area of Gallatin County, Kentucky, which is occupied by its actual or constructive possession thereof, or if said property is vacant or abandoned, owned by that person to be utilized in such manner as to constitute a public or private nuisance or to come into the state of being a public or private nuisance, or to become the source of a public or private nuisance emanating therefrom, or to harbor thereon a public or private nuisance. PERSON shall include and mean a corporation. B. As used in this section the term Nuisance shall mean that which annoys and disturbs another in the possession of his/her property, rendering its ordinary use or occupation physically uncomfortable to him/her or obstructs or interferes with the free, reasonable and lawful use and enjoyment of the property of another; or which endangers the life or health of others, or which impairs or obstructs the free passage or use in the customary manner of any public street, alley, sidewalk, square, park or other pass way. C. As used herein, the term NUISANCE shall include, but not be limited to, the following states of being that otherwise satisfy (B) above: the accumulation of un packaged or uncontained rubbish, trash, refuse, garbage or wastes of a combustible or non-combustible nature, organic or non-organic, solid or degradable; uncontrolled growth of noxious plants or weeds; the emission of noxious odors or fumes; the existence of freely accessible conditions or objects creating a hazard to the health, safety and well-being of the public; the existence of freely accessible objects attractive to minors and dangerous or hazardous thereto; the occurrence of loud and disruptive or alarming noises; the existence of abandoned, deteriorating or inoperable property serving no utilitarian, pecuniary or aesthetic function; the existence of any condition or object dangerous to the health and safety of the public by reason not readily recognizable as dangerous; and any other condition, state of being, or object which satisfies the definition set forth in (B) above.

20-1c

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PUBLIC NOTICE:

SUMMARY FOR PUBLICATION

ORDINANCE NO. 2021-0002

AN ORDINANCE OF THE

CITY OF GLENCOE, GALLATIN

COUNTY, KENTUCKY, CREATING

A NEW SECTION IN THE

CODE OF ORDINANCES TO ESTABLISH

UNIFORM REGULATIONS AND REQUIREMENTS

FOR THE LICENSING AND

REGULATION OF ALCOHOLIC

BEVERAGES, INCLUDING THE

ESTABLISHMENT OF CITY

LICENSE FEES AND ASSIGNING

THE DUTIES OF THE CITY

ALCOHOLIC BEVERAGE CONTROL

ADMINISTRATOR; AND

ESTABLISHING TIMES FOR

THE SALE OF ALCOHOLIC BEVERAGES.

WHEREFORE, BE IT ORDAINED BY THE CITY OF GLENCOE, GALLATIN COUNTY, KENTUCKY, AS FOLLOWS: Section 1 - GENERAL PROVISIONS. The provisions of the State Alcohol Beverage Control laws established in KRS Chapters 241, 242, 243, and 244 pertaining to licenses and regulations of the State Alcohol Beverage Control Board, including definitions contained therein, as well as amendments and supplements thereto, are hereby adopted, except as otherwise lawfully provided herein. Section 2 - CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR. The duties of the City Alcohol Beverage Control Administrator (the "City ABC Administrator") shall be appointed by the Mayor by Executive Order with approval of the legislative body. Section 3 - LICENSE. (A) For the privilege of causing, permitting, and engaging in the actions, business, and transactions authorized therein in regard to traffic in alcoholic and malt beverages in the city as permitted to the authority of KRS 243.070, there is hereby established a corresponding city license for each of the state licenses described in the following schedule. (B) No person shall cause, permit, or engage in any of the actions, business, and transactions authorized by such city and state licenses within the city without both a valid city license and a valid state license therefore: Distiller's license, per annum \$500.00 Rectifier's license, per annum \$3000.00 Blender's license, per annum \$3000.00 Wholesaler's distilled spirits and wine license, per annum \$3000.00 Distilled spirits and wine retail package license, per annum \$600.00 Distilled spirits and wine retail drink license, motel drink \$600.00 Or supplemental bar license, per annum \$600.00 Special temporary wine license, per event \$50.00 Distilled spirits and wine special temporary license, per event \$200.00 Special private club license, per annum \$300.00 Distilled spirits and wine special Sunday retail drink license, per annum \$300.00 Extended hours supplemental license, per annum \$200.00 Nonresident special agent or solicitor's license, per annum \$40.00 Special temporary wine license, per event \$50.00 Distilled spirits and wine special temporary auction license, per annum \$200.00 Special private club license, per annum \$300.00 Distilled spirits and wine special Sunday retail drink license, per annum \$300.00 Extended hours supplemental license, per annum \$200.00

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COUNTY, KENTUCKY, CREATING

A NEW SECTION IN THE

CODE OF ORDINANCES TO ESTABLISH

UNIFORM REGULATIONS AND REQUIREMENTS

FOR THE LICENSING AND

REGULATION OF ALCOHOLIC

BEVERAGES, INCLUDING THE

ESTABLISHMENT OF CITY

LICENSE FEES AND ASSIGNING

THE DUTIES OF THE CITY

ALCOHOLIC BEVERAGE CONTROL

ADMINISTRATOR; AND

ESTABLISHING TIMES FOR

THE SALE OF ALCOHOLIC BEVERAGES.

WHEREFORE, BE IT ORDAINED BY THE CITY OF GLENCOE, GALLATIN COUNTY, KENTUCKY, AS FOLLOWS: Section 1 - GENERAL PROVISIONS. The provisions of the State Alcohol Beverage Control laws established in KRS Chapters 241, 242, 243, and 244 pertaining to licenses and regulations of the State Alcohol Beverage Control Board, including definitions contained therein, as well as amendments and supplements thereto, are hereby adopted, except as otherwise lawfully provided herein. Section 2 - CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR. The duties of the City Alcohol Beverage Control Administrator (the "City ABC Administrator") shall be appointed by the Mayor by Executive Order with approval of the legislative body. Section 3 - LICENSE. (A) For the privilege of causing, permitting, and engaging in the actions, business, and transactions authorized therein in regard to traffic in alcoholic and malt beverages in the city as permitted to the authority of KRS 243.070, there is hereby established a corresponding city license for each of the state licenses described in the following schedule. (B) No person shall cause, permit, or engage in any of the actions, business, and transactions authorized by such city and state licenses within the city without both a valid city license and a valid state license therefore: Distiller's license, per annum \$500.00 Rectifier's license, per annum \$3000.00 Blender's license, per annum \$3000.00 Wholesaler's distilled spirits and wine license, per annum \$3000.00 Distilled spirits and wine retail package license, per annum \$600.00 Distilled spirits and wine retail drink license, motel drink \$600.00 Or supplemental bar license, per annum \$600.00 Special temporary wine license, per event \$50.00 Distilled spirits and wine special temporary license, per event \$200.00 Special private club license, per annum \$300.00 Distilled spirits and wine special Sunday retail drink license, per annum \$300.00 Extended hours supplemental license, per annum \$200.00 Nonresident special agent or solicitor's license, per annum \$40.00 Special temporary wine license, per event \$50.00 Distilled spirits and wine special temporary auction license, per annum \$200.00 Special private club license, per annum \$300.00 Distilled spirits and wine special Sunday retail drink license, per annum \$300.00 Extended hours supplemental license, per annum \$200.00

PUBLIC NOTICE:

ORDINANCE NO. 2021-0002

AN ORDINANCE OF THE

CITY OF GLENCOE, GALLATIN

COUNTY, KENTUCKY, CREATING

A NEW SECTION IN THE

CODE OF ORDINANCES TO ESTABLISH

UNIFORM REGULATIONS AND REQUIREMENTS

FOR THE LICENSING AND

REGULATION OF ALCOHOLIC

BEVERAGES, INCLUDING THE

ESTABLISHMENT OF CITY

LICENSE FEES AND ASSIGNING

THE DUTIES OF THE CITY

istence of feely accessible parcels, promoting property maintenance that helps sustain property values, and protect the public health, safety and welfare of the community.

SECTION 2 - COMPLAINT PROCEDURE

Code Enforcement Board
The Code Enforcement Board accepts and investigates complaints from the public concerning property "within" the County. In addition, during their general duties, all County staff and members of any legislative body are encouraged to report possible property maintenance or zoning violations to the Code Enforcement Board.

B. Complaint Processing Procedure - Legislative Body Complaints

a. When County employees or members of a legislative body observe possible violations of property maintenance or zoning regulation this information must be passed on the Code Enforcement Administrator or Code Enforcement Officer as soon as possible.

b. The Code Enforcement Administrator or Enforcement Officer will investigate the situation within two business days.

c. When the enforcement effort has begun, the information and status will be listed on the County Code Enforcement database and will be available for review on its website.

C. Complaint Processing Procedures - Citizen Complaints

a. A complaint may be filed in person, over the phone, by e-mail, or by filing a complaint form. Complainant's identity is to be kept anonymous.

b. Property Maintenance or Zoning complaint forms are available at the Fiscal Court Offices or online at the Code Enforcement website.

c. At a minimum, the information which must be provided on the complaint is:

i. Address of property.
ii. Detailed description of conditions surrounding complaint.

d. Once received, a complaint is logged into the Code Enforcement database and scheduled for inspection in not later than two business days.

e. When entered in the database, a Case Number will be assigned to the complaint and will remain attached to any other subsequent information or action pertaining to a location.

Section 3 - Referral to other City Departments
The Code Enforcement Administrator or Enforcement Officer may forward any/all complaints which need to be handled by other County Departments, as appropriate, such as the Sheriff's Office or Health Department.

E. Special Accommodation
Owners of multiple properties in the County may request certain special notification procedures. Special requests will be evaluated by the Code Enforcement Administrator. If the request is deemed to be acceptable, does not conflict with the notification and timelines delineated in this code they may be implemented. It is important to stress that any decision to accept special notification procedures will be the responsibility and purview of the Code Enforcement Administrator.

SECTION 3 - UNLICENSED/INOPERABLE VEHICLES

A. Policy
This code prohibits the off-street parking of inoperable or unlicensed motor vehicles outside in residential, commercial, and professional/office zoning districts. "Off-street" means on private property not in the street, across the sidewalk, or other right-of-way. Inoperable or unlicensed vehicles in the street, parked across the sidewalk, or right-of-way are a matter handled by, or in conjunction with, the Sheriff's Office or local law enforcement.

B. Storage of Vehicles

a. This code requires that vehicles be parked on a continuous hard surface such as stone, asphalt, or concrete.

i. If no violation is found, the

part of the vehicle may be closer than twelve (12) feet to the face of the curb.

5. No part of the vehicle may extend over the public sidewalk.

6. The wheels of such vehicle shall be chocked while parked.

SECTION 4 - GENERALLY APPLICABLE ENFORCEMENT PROCEDURES FOR VERIFIED VIOLATIONS

A. Attempt to contact the property owner or an occupant at least 18 years of age and explain the nature of the violation. It is appropriate to suggest ways to correct the violation. It is not appropriate to communicate with a minor regarding a violation since it is important that someone having parental authority over a property directly receives all communications so that the issue may be resolved quickly.

B. Whether contact is made with property owner or another person at property at least 18 years of age, issue a Violation Letter together with copies of photos illustrating the violation. The Violation Letter should also include contact information for the Code Enforcement Officer as well as the Administrator along with instructions that violation must be corrected within seven (7) days from the date of mailing.

C. After the deadline has elapsed, the Code Enforcement Officer will return to inspect the violation. If the violation has been corrected, enter applicable information into the County database and close out file. If the violation remains, take pictures of the violation, and issue a Uniform Citation to the property owner and tenants/occupants. Enter all information regarding the violation into the County database together with any/all actions taken.

D. The Uniform Citation requires a response to this citation within seven (7) days of the date of issuance be either paying the civil fine set forth in the citation, or requesting, in writing, a hearing to contest the citation.

E. If the Citation is not paid within the seven day period, you are deemed to have waived the right to a hearing before the Code Enforcement Board to contest the charge(s) and a determination that a violation was committed shall be final. You also forfeit the right to appeal the final order before the Gallatin County District Court.

F. Fourteen (14) days after the Final Order is issued the Enforcement Officer will inspect the property and if the violation still exists a Uniform Citation is issued with the new fine doubled the amount of the Final Order.

G. If the Citation is not paid within the seven day period, you are deemed to have waived the right to a hearing before the Code Enforcement Board to contest the charge(s) and a determination that a violation was committed shall be final. You also forfeit the right to appeal the final order before the Gallatin County District Court.

H. Seven (7) days after Final Order is issued the Enforcement Officer will inspect the property and if the violation still exists a Uniform Citation is issued with the new fine doubled the amount of the Final Order.

I. Repeat Violators:
a. Any property or property owner found to have multiple violations in any 24 consecutive month period will be designated as a "habitual offender" and forfeit the courtesy of a Violation Notice and proceed directly to Citation status with any/all civil fine amounts doubled.

J. 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 Joint Code Enforcement Board shall the Zoning Director may suspend the license of the person or persons conducting the business or activity.

b. The Zoning Director 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 conducted. The notice shall clearly inform the licensee of the reason for the suspen-

the City Clerk, City of Sparta.

C. The aforementioned Tax Rate is levied for the purpose of paying city officials, employees of the City of Sparta, donations to local fire departments, street repairs, construction and reconstruction of streets, as well as, the current expenses of the City of Sparta, Kentucky and shall be known as the general fund for the purpose of paying all legal claims arising from the City of Sparta, Kentucky.

Section 2
All taxes are due December 31st of each year.

All unpaid taxes as of January 1, shall become delinquent and a penalty of ten percent (10%) will be added to the tax bill. (Every January 1st thereafter that the tax remains unpaid an additional penalty of ten (10%) will be added, compounded annually)

The tax liability impose herein shall be based upon the assessed value of the property owned by the taxpayer on January 1, or as determined by the Gallatin County and Owen County Property Valuation Administrator.

Section 3
Each taxpayer shall be liable for all taxes imposed on the basis of the property owned by the taxpayer on January 1.

Section 5
The foregoing was read, passed and adopted by the Council of the City of Sparta, Kentucky, meeting in Regular Session on the 17 day of August 2020.

1st reading for amendment March 8, 2021. The foregoing was read, passed and adopted by the Council of the City of Sparta, Kentucky, meeting in Regular Session on the 12 day of April 2021.

This Matter Effective Upon Publication
Adopted this 12 day of April 2021.

/s/Sydney Gullion
Sydney Gullion, Mayor
/s/Lessa Buland
Lessa Buland, Clerk

20-1c

PUBLIC NOTICE:
All interested persons please take notice that the City of Warsaw's Board of Adjustments will hold a public hearing on FRIDAY, JUNE 11, 2021 at 10:00am at the City Building, 303 East Main Street, Warsaw, Kentucky, to hear evidence and public comment regarding the following request:

Mr. Randy and Rachel Chestnut, dba "Jesse Coffee House" would like a conditional use permit in order to operate a church at his property at 202 East Market Street.

The property is currently zoned Residential R-1. Mr. and Mrs. Chestnut wish to apply for a CONDITIONAL USE PERMIT pursuant to Article 9 section 901-904.

The Board of Adjustments will hold a special board of adjustment meeting directly following the public hearing.

The public hearing shall be conducted according to: Kentucky State Law and Warsaw City Ordinance, and any persons is invited to attend and submit written/and/or verbal comment. Further information is available at the Warsaw City Building, 859-567-5900. 20-1c

PUBLIC NOTICE:
The public will take notice that the undersigned has qualified as the Administratrix of the estate of Roy Stephen Brubaker, deceased. All persons indebted to, will make payment to, and all persons having claims upon said estate will make their claims as required by law.

Angie Atkins
4495 Hwy. 562
Warsaw, Ky 41095
20-1c

PUBLIC NOTICE:
Section 00 11 13
Advertisement for Bids
Howard Street Culvert Replacement
City of Glencoe
P.O. Box 98
Glencoe, Kentucky 41046

Separate sealed bids for the Howard Street Culvert Replacement Project will be received by the City of Glencoe, KY until June 11, 2021 at 5 p.m. and then at said office publicly opened and read aloud on June 14, 2021 during the Glencoe City Council Meeting.

Beverage Control Administrator (the "City ABC Administrator") shall be appointed by the Mayor by Executive Order with approval of the legislative body.

SECTION 3 - LICENSE

For the privilege of causing, permitting, and engaging in the actions, business, and transactions authorized thereby in regard to traffic in alcoholic and malt beverages in the city and pursuant to the authority of KRS 243.070, there is hereby established a corresponding city license for each of the state licenses described in the following schedule.

(A) No person shall cause, permit, or engage in any of the actions, business, or transactions authorized by such city and state licenses within the city without both a valid city license and a valid state license therefore:

Distiller's license, per annum \$500.00
Rectifier's license, per annum \$3000.00
Blender's license, per annum \$3000.00

Wholesaler's distilled spirits and wine license, per annum \$3000.00
Distilled spirits and wine retail package license, per annum \$600.00
Distilled spirits and wine retail drink license, motel city license \$600.00
Or supplemental bar license per annum \$600.00
Special temporary wine license, per event \$50.00
Distilled spirits and wine special temporary license, per event \$200.00
Special private club license, per annum \$300.00
Distilled spirits and wine special Sunday retail drink license, per annum \$300.00

Extended hours supplemental license, per annum \$2000.00
Nonresident special agent or solicitor's license, per annum \$40.00
Special temporary wine license, per event \$50.00
Distilled spirits and wine special temporary auction license, per event \$200.00
Special private club license, per annum \$300.00
Distilled spirits and wine special Sunday retail drink license, per annum \$300.00
Extended hours supplemental license, per annum \$2000.00
Nonresident special agent or solicitor's license, per annum \$40.00
Restaurant Wine License per annum \$600.00
New Applicants \$400.00
Caterer's License per annum \$800.00
Riverboat License per annum \$1200.00
Horse Racetrack License per annum \$2000.00
Convention Center or Convention Hotel Complex License per annum \$2000.00
Bottling House Distilled Spirits License or Wine Storage License per annum \$1000.00
Automobile Racetrack License per annum \$2000.00
Souvenir Retail Liquor License per annum \$1000.00
Malt beverage licenses as follows:
Brewer's license per annum \$500.00
Microbrewery license, per annum \$300.00
Malt beverage distributor's license, per annum \$400.00
Retail malt beverage license, per annum \$200.00
Special temporary retail malt beverage license, per event \$25.00
Malt beverage brew-on-premises license, per annum \$100.00

(D) Any city license issued pursuant to this ordinance shall be prominently displayed on the premises in conjunction with the display of the state license(s) in accordance to state law.

LICENSE; RENEWAL

(A) A license issued pursuant to this ordinance shall expire on June 30 of each year. Application for renewal of such license shall be submitted no later than thirty (30) days before expiration thereof and shall be made pursuant to Section 5 upon a showing the criteria therefor has been met, the filing and approval of a renewal application, and the payment of the applicable annual license fee(s) as set forth herein.

Section 10 ADDITIONAL RESTRICTIONS ON SALE BY LICENSEE; SUNDAY SALES.
(A) Pursuant to the authority of KRS 244.290 and KRS 244.480, no distilled spirits, wine, or malt beverages shall be sold or delivered at retail, whether by the drink or by package, in the City between the hours of 1:00 a.m. and 6:00 a.m., Monday through Saturday, nor between the hours of 1:00 a.m. and 1:00 p.m. on Sunday. In addition, no alcoholic beverages may be sold at retail in the City during the hours when any polls are open in the City on any public or regular election day.

SECTION 11 - SIDEWALK CAFE PERMIT / OUTDOOR ENTERTAINMENT

(1) Licensees in the downtown business district/area may request a permit to use sidewalk as adjacent to the primary and adjacent licensed premises to serve food and alcoholic beverages there. In the case of permitted sidewalk cafes, they shall be deemed part of the licensed premises.

Section 12 - DORMANCY.
(A) If it is necessary that a licensee actually conduct the business authorized by the license for which provision is made herein or else the license will be declared dormant and become null and void after ninety (90) days.

SECTION 13 - CIVIL OFFENSE

Any violation of any provision herein is hereby classified as a civil offense pursuant to KRS 65.8308 and subchapter 65.60 et seq. and such classification is intended, and shall be construed, to provide an additional or supplemental means of obtaining compliance with the provisions herein, and nothing contained herein, or in subchapter 65.60 et seq. shall prohibit the enforcement of the provisions herein by any other means authorized by law, specifically, without limitation, the provisions of Section 13 hereinafter.

Section 14 - PENALTY.
Any violation of a provision herein shall constitute a violation, punishable by a fine of up to KRS 65.8308 and subchapter 65.60 et seq. for each offense, to be prosecuted as all other municipal ordinance violations are prosecuted. Each day of each violation shall constitute a separate offense. However, nothing contained herein shall prohibit the City from enforcing any provision of this chapter by following the applicable state penalties set forth in KRS Chapters 241, 242, 243, and 244.

Section 15 - SEVERABILITY.
If any provision of this ordinance or related ordinance or statute or the application thereof is held invalid, such invalidity shall not affect other provisions of this ordinance.

SECTION 16 - EFFECTIVE DATE

This Ordinance shall be effective upon its adoption and approval according to law and publication thereafter.

Section 17.
All Ordinances or parts of any Ordinances in conflict herewith to the extent of such conflict, if any, are hereby repealed. The foregoing Ordinance was read, passed and adopted by the Council of the City of Glencoe, Kentucky, meeting in Regular Session on the 12th day of April, 2021, and in Regular Session on the 10th day of May, 2021, with 6 yes votes, 0 no votes, and 0 abstentions, and was ordered published in sunnysy according to law.

Approved:
/s/Mike Hampton
Mike Hampton, Mayor
Attest:
/s/Paula Giles
Paula Giles, Clerk
1st Reading: 5/12/21
2nd Reading: 5/10/21
Publication: 5/12/21

This Summary prepared and certified by Gary L. Edmondson, Attorney At Law, Licensed in the Commonwealth of Kentucky Lic. No. 20270

20-1c

Public Notices

PUBLIC NOTICE:
Notice of Public Auction to Owners of the Within Described Estate and All Interested Parties:
SKS Communitas/Anbury Pointe will expose to public sale to the highest bidder, on the 28th day of June 2021, at 9 a.m. Location of Sale will be 401 Anbury Pointe Dr., Warsaw, KY home only, 1993 Clayton Serial Number CLA035970N. Located at 123 Sycamore Cir., Warsaw, KY 41095. 23-3c

PUBLIC NOTICE:
CHAPTER 96
JOINT CODE ENFORCEMENT
EFFECTIVE 9/1/2020

SECTION 1- PUBLIC AND PRIVATE NUISANCES PROHIBITED

A. It shall be unlawful for any person to permit, allow, suffer, or cause property, real or personal, within the area of Gallatin County, Kentucky, which is occupied by his actual or constructive possession thereof, or if said property is vacant or abandoned, owned by that person to be utilized in such manner as to constitute a public or private nuisance or to come into the state of being a public or private nuisance, or to become the source of a public or private nuisance emanating therefrom, or to harbor thereon a public or private nuisance. PERSON shall include and mean a corporation.

B. As used in this section the term nuisance shall mean that which annoys and disturbs another in the possession of his/her property, rendering its ordinary use or occupation physically uncomfortable to him/her or obstructs or interferes with the free, reasonable and lawful use and enjoyment of the property of another; or which endangers the life or health of others; or which impairs or obstructs the free passage or use in the customary manner of any public street, alley, sidewalk, square, park or other pass way.

C. As used herein, the term NUISANCE shall include, but not be limited to, the following states of being that otherwise satisfy (B) above: the accumulation of unpackaged or uncontained rubbish, trash, refuse, garbage or wastes of a combustible or non-combustible nature, organic or non-organic, solid or degradable, the uncontrolled growth of noxious weeds or plants; the emission of noxious odors or fumes; the existence of freely accessible conditions or objects creating a hazard to the health, safety and well-being of the public; the existence of freely accessible objects inactive to minors and dangerous or hazardous thereto; the occurrence of loud and disruptive or alarming noise; the existence of abandoned, deteriorating or inoperable property serving no utilitarian, pecuniary or aesthetic function; the existence of any condition or object dangerous to the health and safety of the public by reason not readily recognizable as dangerous; and any other condition, state of being, or object which satisfies the definition set forth in (B) above.

SECTION 2 - COMPLAINT PROCEDURE

A. Policy
The Code Enforcement Board accepts and investigates complaints from the public concerning property issues within the County. In addition, during their general duties, all County staff and members of any legislative body are encouraged to report to possible property maintenance or zoning violations to the Code Enforcement Board. The Board and County greatly appreciate all who alert it to possible code violations.

SECTION 3 - COMPLAINT PROCEDURE

A. Policy
The Code Enforcement Board accepts and investigates complaints from the public concerning property issues within the County. In addition, during their general duties, all County staff and members of any legislative body are encouraged to report to possible property maintenance or zoning violations to the Code Enforcement Board. The Board and County greatly appreciate all who alert it to possible code violations.

SECTION 4 - TALL GRASS AND WEEDS

A. Policy
a. The County Code requires that properties be free of unsightly materials, debris, and trash. This policy is in place to limit conditions that may become a fire hazard, act as breeding areas for vermin or insects or may become a blighting influence on neighboring properties.

SECTION 5 - UNLICENSED/INOPERABLE VEHICLES

A. Policy
This code prohibits the off-street parking of inoperable or unlicensed motor vehicles outside in residential, commercial, and professional office areas. "Off-street" means on private property not in the street, across the sidewalk, or other right-of-way. Inoperable or unlicensed vehicles in the street, parked across the sidewalk, or right-of-way are a matter handled by, or in conjunction with, the Sheriff's Office or local law enforcement.

Special requests will be evaluated by the Code Enforcement Administrator. If the request is deemed to be acceptable, does not conflict with the notification and timelines delineated in this code they may be implemented. It is important to stress that any decision to accept special notification procedures will be the responsibility and purview of the Code Enforcement Administrator.

SECTION 3 - UNLICENSED/INOPERABLE VEHICLES

A. Policy
This code prohibits the off-street parking of inoperable or unlicensed motor vehicles outside in residential, commercial, and professional office areas. "Off-street" means on private property not in the street, across the sidewalk, or other right-of-way. Inoperable or unlicensed vehicles in the street, parked across the sidewalk, or right-of-way are a matter handled by, or in conjunction with, the Sheriff's Office or local law enforcement.

SECTION 3 - UNLICENSED/INOPERABLE VEHICLES

B. Storage of Vehicles
1. This code requires that vehicles be parked on a continuous hard surface such as stone, asphalt, or concrete.
i. If no violation is found, take picture confirming no violation exists and enter information into the database. Close out the case.
ii. If violation does exist, follow enforcement procedures.

SECTION 3 - UNLICENSED/INOPERABLE VEHICLES

C. Inspection Procedure
a. From the public right-of-way or with permission from the property owner, occupant or neighboring properties, the inspecting officer will determine the subject vehicle(s) are:
i. Parked on private property, if yes, is it:
ii. Inoperable. Conditions indicating inoperability include:
1. Flat tire(s)
2. Missing engine (protruding wires, cables, or engine parts)
3. Vehicle is riddled on jack stands/tramps and/or missing tires/axles.
4. Vehicle is unable to be started/running and driven (either backed up and forward in driveway or on road)

OR, IS IT:

iii. Unlicensed. A vehicle is unlicensed if it does not have a valid license plate or has no or an expired annual registration sticker(s).
1. If no violation is found, take picture of no violation exists and enter information into the database. Close-out the case.
2. If violation does exist, follow enforcement procedures.

SECTION 4 - TRASH/JUNK/DEBRIS

A. Policy
a. The County Code requires that properties be free of unsightly materials, debris, and trash. This policy is in place to limit conditions that may become a fire hazard, act as breeding areas for vermin or insects or may become a blighting influence on neighboring properties.

SECTION 4 - TRASH/JUNK/DEBRIS

B. Inspection Procedure
a. From the public right-of-way or with permission from the property owner, occupant or neighboring properties, the inspecting officer will determine whether any trash or debris is visibly located on the property.
1. If no violation is found, take picture of no violation exists and enter information into the database. Close-out the case.
2. If violation does exist, follow enforcement procedures.

SECTION 5 - TALL GRASS AND WEEDS

A. Policy
a. The County Code requires the periodic cutting of grass and weeds on properties within the County that exceed eight (8) inches in height. The periodic cutting of grass and weeds benefits the public welfare by prohibiting the blighting influence of overgrown parcels, promoting property maintenance that helps sustain property value, and reduces the possible infestation of overgrown areas by vermin.

SECTION 5 - TALL GRASS AND WEEDS

B. Inspection Procedure
a. Determine whether the subject property has grass/weeds in excess of eight (8) inches in height.
b. EXCEPTION. This section shall not apply to real property that meets any one of the following requirements:
i. Real property lawfully and substantially used for agricultural purposes for profit.
ii. Real property of more than two (2) acres where a fifteen (15) foot wide strip directly adjacent to the boundary of developed property is provided. However, compliance is not required for the portions of any boundaries of such real property that are adjacent to an undeveloped lot and which

are more than 10 feet from the closest point of contact with a developed lot. Real property will be deemed "developed" if a permanent structure, including but not limited to paving, has been erected or installed on the parcel.
iii. Any real property owned by any governmental entity and used as a park or similar recreational facility or as an educational facility.
C. Enforcement Procedure Violation Resolution
a. Knock on the front door of the property to see if someone responsible for the property is on the premises. If so, explain the tall grass violation and give them a reasonable time frame to remedy the violation (generally 24-48 hours) and enter this information in the County database with specifics. Before leaving take pictures illustrating the violation.

SECTION 5 - TALL GRASS AND WEEDS

b. Whether or not contact is made on the initial day of inspection, photograph the violation(s) and enter this information into the database.
c. Send Violation Letter detailing the responsibility to cut grass and weeds, as discussed, within five (5) days from the date of the letter.
d. Return to property on the deadline date set in the Violation Letter and take pictures of the property along with the following action:
i. If the grass is cut, enter results into database and close violation.
ii. If grass and weeds have not been cut, enter information into database and forward to Administrator with recommendation to cut grass or other suitable solution.

SECTION 5 - TALL GRASS AND WEEDS

e. Code Enforcement Administrator will review file, accept recommendation for alternative action or contact a moving contractor with the following instructions and a Work Order number:
i. Contractor must respond to request no later than five (5) days, prefer three (3) days, from notification date.
ii. Contractor must provide service within 2 business days together with before and after pictures to the Gallatin County Fiscal Court Office.
iii. Billing invoices must be submitted, within 5 business days, to the Gallatin County Finance Officer with it clearly identified as being requested by the Code Enforcement Board together with the Work Order number assigned, brief description of work completed, and time spent on site.

SECTION 5 - TALL GRASS AND WEEDS

iv. Complete and proper invoices will be processed with weekly invoicing.
v. Code Enforcement Administrator, or designee, will create a file from database entries which includes the following information:
1. Copy of the Violation Letter together with any photographs;
2. Copy of Citation Letter

SECTION 5 - TALL GRASS AND WEEDS

together with any photographs;
3. Copy of Work Order for cutting contractor together with before and after photographs.
4. Contractor invoicing with Work Order.
5. Three copies are made of all information with one copy being forwarded:
a. One copy to the County Finance Officer for invoice processing.
b. One copy to the County Tax Administrator for assessment to property taxes of the specific parcel.
c. One copy maintained in a three (3) year rotating file for annual Grass and Weed Violations.

SECTION 6 - RECREATIONAL VEHICLES, BOATS, CAMPERS, AND OTHER SIMILAR VEHICLES IN RESIDENTIAL AREAS.

A. Policy
a. The County Code prohibits the off-street parking of recreational vehicles, trailer, campers, truck caps, boats, and other similar vehicles in residential districts except under certain conditions. This policy helps to preserve the proper character of residential districts, promote property maintenance standards, and protect the public safety and welfare by limiting hazardous conditions created by the improper storage of recreational vehicles, trailers, boats, etc.
B. Inspection Procedure
a. From the public right-of-way or with the permission from the property owner, occupant, or neighboring properties, determine whether the subject vehicle is:
i. Parked on private property, if yes, is the vehicle:
1. Parked in front yard (corner lots have two front yards).
ii. Unlicensed or has expired tags.
iii. Being used to conduct a business.
iv. Permanently connected to any utility service.
v. Being used as a dwelling.
vi. Being used for storage.
vii. Maintained in good repair.
viii. Parked on a continuous hard surface.
ix. Maintained in a condition to be transported. For example, wheels shall not be removed, tires shall not be flat, and the vehicle shall not be fixed to the ground.
b. If no violation is found, take pictures of no-violation, and enter information into the County database. Close out the case.
c. If violation is found to exist, follow enforcement procedure.
d. EXCEPTION
i. If the measurements or terrain of the side yard and back yard are such that neither one can accommodate the vehicle, or if there is no reasonable access to side or rear yard that can ac-

SECTION 6 - RECREATIONAL VEHICLES, BOATS, CAMPERS, AND OTHER SIMILAR VEHICLES IN RESIDENTIAL AREAS.

commodate the vehicle, such a vehicle may be parked on the driveway in the front yard subject to the conditions listed below. A corner lot is always deemed to have reasonable access to the rear yard, and a fence is not necessarily deemed to prevent reasonable access. The conditions for such driveway parking in the front yard are as follows:
1. All of the conditions listed above as being applicable to outside parking in the side or rear yards shall also apply to parking in the front yard driveway.
2. In front yards, the vehicle shall be parked on the designated driveway.
3. No part of the vehicle may be closer than twelve (12) feet to the face of the curb.
4. No part of the vehicle may extend over the public sidewalk.
5. The vehicle may not impair a view of the right-of-way be persons on the right-of-way or about to enter it.
6. The wheels of such vehicle shall be chocked while parked.

SECTION 7 - GENERALLY APPLICABLE ENFORCEMENT PROCEDURES FOR VERIFIED VIOLATIONS

A. Attempt to contact the property owner or an occupant at least 18 years of age and explain the nature of the violation. It is appropriate to suggest ways to correct the violation. It is not appropriate to communicate with a minor regarding a violation since it is important that someone having apparent authority over a property directly receives all communications so that the issue may be resolved quickly.
B. Whether contact is made with property owner or another person at property at least 18 years of age, issue a Violation Letter together with copies of photos illustrating the violation. The Violation Letter should also include contact information for the Code Enforcement Officer as well as the Administrator along with instructions that violation must be corrected within seven (7) days from the date of mailing.
C. After the deadline has elapsed, the Code Enforcement Officer will return to inspect the violation. If the violation has been corrected, enter applicable information into the County database and close out the file. If the violation remains, take pictures of the violation, and issue a Uniform Citation to the property owner and tenant/occupants. Enter all information regarding the violation into the County database together with any/all actions taken.
D. The Uniform Citation requires a response to this citation within seven (7) days of the date of issuance be either paying the civil fine set forth in the citation, or requesting, in writing, a hearing to contest the citation.
E. If the Citation is not paid within the seven day period, you are deemed to have waived the right to a hearing before the Code Enforcement Board to contest the charge(s) and a determination that a violation was committed shall be final. You also forfeit the right to appeal the final order before the Gallatin County District Court.
F. Fourteen (14) days after the Final Order is issued the Enforcement Officer will inspect the property and if the violation still exists a Uniform Citation is issued with the new fine doubled the amount of the Final Order.
G. If the Citation is not paid within the seven day period, you are deemed to have waived the right to a hearing before the Code Enforcement Board to contest the charge(s) and a determination that a violation was committed shall be final. You also forfeit the right

SECTION 7 - GENERALLY APPLICABLE ENFORCEMENT PROCEDURES FOR VERIFIED VIOLATIONS

to appeal the final order before the Gallatin County District Court.
H. Seven (7) days after Final Order is issued the Enforcement Officer will inspect the property and if the violation still exists a Uniform Citation is issued with the new fine doubled the amount of the Final Order.
I. Repeat Violators:
a. Any property or property owner found to have multiple violations in any 24 consecutive month period will be designated as a "habitual offender" and forfeit the courtesy of a Violation Notice and proceed directly to Citation status with any/all civil fine amounts doubled.
J. 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 Joint Code Enforcement Board through the Zoning Director may suspend the license of the person or persons conducting the business or activity.
b. The Zoning Director 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 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 confirmation that the nuisance has been satisfactorily abated, along with any other reasonable conditions set forth in the notice have been met, the Zoning Director may reinstate the suspension.
SECTION 8 - FINE SCHEDULE
Any person found to be in violation of the provisions of this chapter shall be subject to the following fine schedule:
*1st Offense, \$50 uncontrosted fine,
\$100 contested fine or unpaid fine.
*2nd Offense, \$100 uncontrosted fine,
\$200 contested fine or unpaid fine.
*3rd Offense, \$200 uncontrosted fine,
\$400 contested fine or unpaid fine.
*4th Offense, \$400 uncontrosted fine,
\$800 contested fine or unpaid fine.
Each day on which a nuisance persists following the tenth day after issuance of written notice from the Code Enforcement Officer of Joint Code Enforcement Board that there is probable cause to believe a violation exists on, or by reason of the state of, the property owned or possessed by the violator shall constitute a separate offense.

SECTION 8 - FINE SCHEDULE

Accepted By:
/s/Joan Ryan Morris
Joan Ryan Morris, Judge Executive
Date: 5/13/21
Attested By:
/s/Tracy Miles
Tracy Miles, County Clerk
Date: 5/13/21
Fiscal Court First Reading Date: 5/13/21
Fiscal Court Second Reading Date: 6/10/21
Effective Upon Approval and Publication. 24-1c

together with any photographs;
3. Copy of Work Order for cutting contractor together with before and after photographs.
4. Contractor invoicing with Work Order.
5. Three copies are made of all information with one copy being forwarded:
a. One copy to the County Finance Officer for invoice processing.
b. One copy to the County Tax Administrator for assessment to property taxes of the specific parcel.
c. One copy maintained in a three (3) year rotating file for annual Grass and Weed Violations.

SECTION 6 - RECREATIONAL VEHICLES, BOATS, CAMPERS, AND OTHER SIMILAR VEHICLES IN RESIDENTIAL AREAS.

A. Policy
a. The County Code prohibits the off-street parking of recreational vehicles, trailer, campers, truck caps, boats, and other similar vehicles in residential districts except under certain conditions. This policy helps to preserve the proper character of residential districts, promote property maintenance standards, and protect the public safety and welfare by limiting hazardous conditions created by the improper storage of recreational vehicles, trailers, boats, etc.
B. Inspection Procedure
a. From the public right-of-way or with the permission from the property owner, occupant, or neighboring properties, determine whether the subject vehicle is:
i. Parked on private property, if yes, is the vehicle:
1. Parked in front yard (corner lots have two front yards).
ii. Unlicensed or has expired tags.
iii. Being used to conduct a business.
iv. Permanently connected to any utility service.
v. Being used as a dwelling.
vi. Being used for storage.
vii. Maintained in good repair.
viii. Parked on a continuous hard surface.
ix. Maintained in a condition to be transported. For example, wheels shall not be removed, tires shall not be flat, and the vehicle shall not be fixed to the ground.
b. If no violation is found, take pictures of no-violation, and enter information into the County database. Close out the case.
c. If violation is found to exist, follow enforcement procedure.
d. EXCEPTION
i. If the measurements or terrain of the side yard and back yard are such that neither one can accommodate the vehicle, or if there is no reasonable access to side or rear yard that can ac-

SECTION 6 - RECREATIONAL VEHICLES, BOATS, CAMPERS, AND OTHER SIMILAR VEHICLES IN RESIDENTIAL AREAS.

commodate the vehicle, such a vehicle may be parked on the driveway in the front yard subject to the conditions listed below. A corner lot is always deemed to have reasonable access to the rear yard, and a fence is not necessarily deemed to prevent reasonable access. The conditions for such driveway parking in the front yard are as follows:
1. All of the conditions listed above as being applicable to outside parking in the side or rear yards shall also apply to parking in the front yard driveway.
2. In front yards, the vehicle shall be parked on the designated driveway.
3. No part of the vehicle may be closer than twelve (12) feet to the face of the curb.
4. No part of the vehicle may extend over the public sidewalk.
5. The vehicle may not impair a view of the right-of-way be persons on the right-of-way or about to enter it.
6. The wheels of such vehicle shall be chocked while parked.

SECTION 7 - GENERALLY APPLICABLE ENFORCEMENT PROCEDURES FOR VERIFIED VIOLATIONS

A. Attempt to contact the property owner or an occupant at least 18 years of age and explain the nature of the violation. It is appropriate to suggest ways to correct the violation. It is not appropriate to communicate with a minor regarding a violation since it is important that someone having apparent authority over a property directly receives all communications so that the issue may be resolved quickly.
B. Whether contact is made with property owner or another person at property at least 18 years of age, issue a Violation Letter together with copies of photos illustrating the violation. The Violation Letter should also include contact information for the Code Enforcement Officer as well as the Administrator along with instructions that violation must be corrected within seven (7) days from the date of mailing.
C. After the deadline has elapsed, the Code Enforcement Officer will return to inspect the violation. If the violation has been corrected, enter applicable information into the County database and close out the file. If the violation remains, take pictures of the violation, and issue a Uniform Citation to the property owner and tenant/occupants. Enter all information regarding the violation into the County database together with any/all actions taken.
D. The Uniform Citation requires a response to this citation within seven (7) days of the date of issuance be either paying the civil fine set forth in the citation, or requesting, in writing, a hearing to contest the citation.
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F. Fourteen (14) days after the Final Order is issued the Enforcement Officer will inspect the property and if the violation still exists a Uniform Citation is issued with the new fine doubled the amount of the Final Order.
G. If the Citation is not paid within the seven day period, you are deemed to have waived the right to a hearing before the Code Enforcement Board to contest the charge(s) and a determination that a violation was committed shall be final. You also forfeit the right

SECTION 7 - GENERALLY APPLICABLE ENFORCEMENT PROCEDURES FOR VERIFIED VIOLATIONS

to appeal the final order before the Gallatin County District Court.
H. Seven (7) days after Final Order is issued the Enforcement Officer will inspect the property and if the violation still exists a Uniform Citation is issued with the new fine doubled the amount of the Final Order.
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a. Any property or property owner found to have multiple violations in any 24 consecutive month period will be designated as a "habitual offender" and forfeit the courtesy of a Violation Notice and proceed directly to Citation status with any/all civil fine amounts doubled.
J. 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 Joint Code Enforcement Board through the Zoning Director may suspend the license of the person or persons conducting the business or activity.
b. The Zoning Director 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 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 confirmation that the nuisance has been satisfactorily abated, along with any other reasonable conditions set forth in the notice have been met, the Zoning Director may reinstate the suspension.
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Each day on which a nuisance persists following the tenth day after issuance of written notice from the Code Enforcement Officer of Joint Code Enforcement Board that there is probable cause to believe a violation exists on, or by reason of the state of, the property owned or possessed by the violator shall constitute a separate offense.

SECTION 8 - FINE SCHEDULE

Accepted By:
/s/Joan Ryan Morris
Joan Ryan Morris, Judge Executive
Date: 5/13/21
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Tracy Miles, County Clerk
Date: 5/13/21
Fiscal Court First Reading Date: 5/13/21
Fiscal Court Second Reading Date: 6/10/21
Effective Upon Approval and Publication. 24-1c

NOTICE OF ADOPTION OF BUDGET ORDINANCE

GALLATIN COUNTY FISCAL COURT

Fiscal Year 2021-2022

BUDGET SUMMARY

AN ORDINANCE Relating to the Annual Budget and Appropriations.

BE IT ORDAINED BY THE FISCAL COURT OF GALLATIN COUNTY, KENTUCKY,

SECTION ONE: The following budget is adopted for the Fiscal Year 2021-2022 and the amounts stated are appropriated for the purposes indicated.

General Fund	
5000 GENERAL GOVERNMENT	1,114,683.00
5100 PROTECTION TO PERSONS AND PROPERTY	116,174.00
5200 GENERAL HEALTH AND SANITATION	86,503.00
5300 SOCIAL SERVICES	83,500.00
5400 RECREATION AND CULTURE	2,000.00
7000 OTHER COUNTY LIABILITIES	10,000.00
8000 CAPITAL PROJECTS	100,000.00
9100 GENERAL SERVICES	202,423.00
9200 CONTINGENT APPROPRIATIONS	6,843.00
9300 TRANSFERS TO OTHER FUNDS	
9400 FRINGE BENEFITS- EMPLOYERS SHARE	955,000.00
9500 DISTRIBUTIONS TO OTHER GOVT AGENCIES	25,000.00
Total	2,702,126.00
Road Fund	
6100 ROADS	864,622.00
7700 LEASES	155,672.00
9100 GENERAL SERVICES	50.00
9200 CONTINGENT APPROPRIATIONS	16,464.00
9300 TRANSFERS TO OTHER FUNDS	
9400 FRINGE BENEFITS- EMPLOYERS SHARE	92,000.00
Total	1,128,808.00
Wail Fund	
5100 PROTECTION TO PERSONS AND PROPERTY	650,060.00
7700 LEASES	5,331.00
9100 GENERAL SERVICES	200.00
9200 CONTINGENT APPROPRIATIONS	1,000.00
9400 FRINGE BENEFITS- EMPLOYERS SHARE	47,000.00
Total	703,591.00
Local Government Economic Assistance Fund	
5100 PROTECTION TO PERSONS AND PROPERTY	25,000.00
5200 GENERAL HEALTH AND SANITATION	88,000.00
5300 SOCIAL SERVICES	12,800.00
5400 RECREATION AND CULTURE	169,500.00
7700 LEASES	66,000.00
9200 CONTINGENT APPROPRIATIONS	10,164.00
9300 TRANSFERS TO OTHER FUNDS	
9400 FRINGE BENEFITS- EMPLOYERS SHARE	15,500.00
Total	388,164.00
GRANTS FUND	
6200 AIRPORTS	9,140,000.00
Total	9,140,000.00
Ambulance Fund	
5100 PROTECTION TO PERSONS AND PROPERTY	813,500.00

to appeal the final order before the Gallatin County District Court.
H. Seven (7) days after Final Order is issued the Enforcement Officer will inspect the property and if the violation still exists a Uniform Citation is issued with the new fine doubled the amount of the Final Order.
I. Repeat Violators:
a. Any property or property owner found to have multiple violations in any 24 consecutive month period will be designated as a "habitual offender" and forfeit the courtesy of a Violation Notice and proceed directly to Citation status with any/all civil fine amounts doubled.
J. 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 Joint Code Enforcement Board through the Zoning Director may suspend the license of the person or persons conducting the business or activity.
b. The Zoning Director 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 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 confirmation that the nuisance has been satisfactorily abated, along with any other reasonable conditions set forth in the notice have been met, the Zoning Director may reinstate the suspension.
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Each day on which a nuisance persists following the tenth day after issuance of written notice from the Code Enforcement Officer of Joint Code Enforcement Board that there is probable cause to believe a violation exists on, or by reason of the state of, the property owned or possessed by the violator shall constitute a separate offense.

SECTION 8 - FINE SCHEDULE

Accepted By:
/s/Joan Ryan Morris
Joan Ryan Morris, Judge Executive
Date: 5/13/21
Attested By:
/s/Tracy Miles
Tracy Miles, County Clerk
Date: 5/13/21
Fiscal Court First Reading Date: 5/13/21
Fiscal Court Second Reading Date: 6/10/21
Effective Upon Approval and Publication. 24-1c

NOTICE OF ADOPTION OF BUDGET ORDINANCE

GALLATIN COUNTY FISCAL COURT

Fiscal Year 2021-2022

BUDGET SUMMARY

AN ORDINANCE Relating to the Annual Budget and Appropriations.

BE IT ORDAINED BY THE FISCAL COURT OF GALLATIN COUNTY, KENTUCKY,

SECTION ONE: The following budget is adopted for the Fiscal Year 2021-2022 and the amounts stated are appropriated for the purposes indicated.

General Fund	
5000 GENERAL GOVERNMENT	1,114,683.00
5100 PROTECTION TO PERSONS AND PROPERTY	116,174.00
5200 GENERAL HEALTH AND SANITATION	86,503.00
5300 SOCIAL SERVICES	83,500.00
5400 RECREATION AND CULTURE	2,000.00
7000 OTHER COUNTY LIABILITIES	10,000.00
8000 CAPITAL PROJECTS	100,000.00
9100 GENERAL SERVICES	202,423.00
9200 CONTINGENT APPROPRIATIONS	6,843.00
9300 TRANSFERS TO OTHER FUNDS	
9400 FRINGE BENEFITS- EMPLOYERS SHARE	955,000.00
9500 DISTRIBUTIONS TO OTHER GOVT AGENCIES	25,000.00
Total	2,702,126

SECTION 4 - TRASH/JUNK/DEBRIS
A. Policy
 a. The County Code requires that properties be free of unsightly materials, debris, and trash. This policy is in place to limit conditions that may become a fire hazard, act as breeding areas for vermin or insects or may become a blighting influence on neighboring properties.
B. Inspection Procedure
 a. From the public right-of-way or with permission from the property owner, occupant or neighboring proprietors, the inspecting officer will determine whether any trash or debris is visibly located on the property.
 1. If no violation is found, take picture of no violation exists and enter information into the database. Close-out the case.
 2. If violation does exist, follow enforcement procedures.

SECTION 5 - TALL GRASS AND WEEDS
A. Policy
 a. The County Code requires the periodic cutting of grass and weeds on properties within the County that exceed eight (8) inches in height. The periodic cutting of grass and weeds benefits the public welfare by prohibiting the blighting influence of overgrown areas, promoting property maintenance that helps sustain property values, and reduces the possible infestations of overgrown areas by vermin.
B. Inspection Procedure
 a. Determine whether the subject property has grass/weeds in excess of eight (8) inches in height.
 b. EXCEPTION: This section shall not apply to real property that meets any one of the following requirements:
 i. Real property lawfully and substantially used for agricultural purposes for profit.
 ii. Real property of more than two (2) acres where a fifteen (15) foot wide strip directly adjacent to the boundaries of developed property is provided. However, compliance is not required for the portions of any boundaries of such real property that are adjacent to an undeveloped lot and which

C. Complaint Processing Procedures - Citizen Complaints
 a. A complaint may be filed in person, over the phone, by e-mail, or by filling a complaint form. Complainant's identity is to be kept anonymous.
 b. Property Maintenance or Zoning complaint forms are available at the Fiscal Court Offices or online at the Code Enforcement website.
 c. At a minimum, the information which must be provided on the complaint is:
 i. Address of property.
 ii. Detailed description of conditions surrounding complaint.
 d. Once received, a complaint is logged into the Code Enforcement database and scheduled for inspection not later than two business days.
 e. When entered in the database, a Case Number will be assigned to the complaint and will remain attached to any other subsequent information or action pertaining to a location.
D. Section 3 - Referral to other County Departments
 The Code Enforcement Administrator or Enforcement Officer may forward any/all complaints which need to be handled by other County Departments, as appropriate, such as the Sheriff's Office or Health Department.
E. Special Accommodation
 Owners of multiple properties in the County may request certain spe-

SECTION 2 - COMPLAINT PROCEDURE
A. Policy
 The Code Enforcement Board accepts and investigates complaints from the public concerning property issues within the County. In addition, during their general duties, all County staff and members of any legislative body are encouraged to report possible property maintenance or zoning violations to the Code Enforcement Board. The Board and County greatly appreciate all who alert it to possible code violations.
B. Complaint Processing Procedure - Legislative Body Complaints
 a. When County employees or members of a legislative body observe possible violations of property maintenance or zoning regulation, this information must be passed on the Code Enforcement Administrator or Code Enforcement Officer as soon as possible.
 b. The Code Enforcement Administrator or Enforcement Officer will investigate the situation within two business days.
 c. When the enforcement effort has begun, the information and status will be listed on the County Code Enforcement database and will be available for review on its website.
C. Complaint Processing Procedures - Citizen Complaints
 a. A complaint may be filed in person, over the phone, by e-mail, or by filling a complaint form. Complainant's identity is to be kept anonymous.
 b. Property Maintenance or Zoning complaint forms are available at the Fiscal Court Offices or online at the Code Enforcement website.
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 The Code Enforcement Administrator or Enforcement Officer may forward any/all complaints which need to be handled by other County Departments, as appropriate, such as the Sheriff's Office or Health Department.
E. Special Accommodation
 Owners of multiple properties in the County may request certain spe-

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 • 5 Ac. Napoleon area, mostly wooded, fronts Hwy 16, only 3 miles off I-71, city water, \$2,500 upfront, \$545 per mo.
 • 8 Ac. Ghent Area, rolling pasture, pond, great views, double wides welcome, city water & electric, \$2,500 down, \$675 per mo.
 • 3 Ac. Northern Gallatin Co., pasture, views, 20 min. from Florence area, double wide welcome, \$35,900, \$2,000 down.
 • 10 Ac. Folsom, gently rolling pasture, scattered trees, pond, ideal for horses, city water available, \$64,900, \$2,000 down.
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2. Copy of Latham Letter
NOTICE OF ADOPTION OF BUDGET ORDINANCE
GALLATIN COUNTY FISCAL COURT
Fiscal Year 2021-2022
BUDGET SUMMARY
AN ORDINANCE Relating to the Annual Budget and Appropriations.
BE IT ORDAINED BY THE FISCAL COURT OF GALLATIN COUNTY, KENTUCKY:
SECTION ONE: The following budget is adopted for the Fiscal Year 2021-2022 and the amounts stated are appropriated for the purposes indicated.

General Fund	
9000 GENERAL GOVERNMENT	1,114,683.00
9100 PROTECTION TO PERSONS AND PROPERTY	116,174.00
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9300 TRANSFERS TO OTHER FUNDS	
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9500 DISTRIBUTIONS TO OTHER GOVT AGENCIES	25,000.00
Total	2,702,126.00
Road Fund	
6100 ROADS	864,622.00
7700 LEASES	155,672.00
9100 GENERAL SERVICES	50.00
9200 CONTINGENT APPROPRIATIONS	16,464.00
9300 TRANSFERS TO OTHER FUNDS	
9400 FRINGE BENEFITS- EMPLOYERS SHARE	92,000.00
Total	1,120,808.00
Joint Fund	
5100 PROTECTION TO PERSONS AND PROPERTY	650,000.00
7700 LEASES	5,331.00
9100 GENERAL SERVICES	200.00
9200 CONTINGENT APPROPRIATIONS	1,000.00
9400 FRINGE BENEFITS- EMPLOYERS SHARE	47,000.00
Total	703,531.00
Local Government Economic Assistance Fund	
5100 PROTECTION TO PERSONS AND PROPERTY	25,000.00
5200 GENERAL HEALTH AND SANITATION	88,000.00
5300 SOCIAL SERVICES	12,000.00
5400 RECREATION AND CULTURE	169,500.00
7700 LEASES	68,000.00
9200 CONTINGENT APPROPRIATIONS	10,164.00
9300 TRANSFERS TO OTHER FUNDS	
9400 FRINGE BENEFITS- EMPLOYERS SHARE	15,500.00
Total	389,164.00
GRANTS FUND	
6200 AIRPORTS	9,140,000.00
Total	9,140,000.00
Ambulance Fund	
5100 PROTECTION TO PERSONS AND PROPERTY	813,500.00
9200 CONTINGENT APPROPRIATIONS	5,000.00

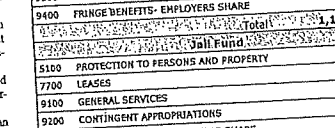
Ambulance Fund	
9400 FRINGE BENEFITS- EMPLOYERS SHARE	191,000.00
Total	809,500.00
Economic Development Fund	
9200 CONTINGENT APPROPRIATIONS	200,000.00
Total	200,000.00
Police Fund	
5100 PROTECTION TO PERSONS AND PROPERTY	249,200.00
9200 CONTINGENT APPROPRIATIONS	2,500.00
Total	251,700.00
Police Training Fund	
9400 FRINGE BENEFITS- EMPLOYERS SHARE	59,500.00
Total	59,500.00
Police Welfare Fund	
5100 PROTECTION TO PERSONS AND PROPERTY	20,000.00
9200 CONTINGENT APPROPRIATIONS	5,050.00
Total	25,050.00
Police Training Fund	
9300 TRANSFERS TO OTHER FUNDS	25,000.00
Total	25,000.00
Tourism Fund	
5400 RECREATION AND CULTURE	103,800.00
9100 GENERAL SERVICES	100.00
9300 CONTINGENT APPROPRIATIONS	2,150.00
Total	106,050.00
AOC	
5000 GENERAL GOVERNMENT	73,250.00
7100 GENERAL OBLIGATION BONDS	199,000.00
Total	272,250.00
Unallocated Appropriations	
Total	18,678,729.00

Adopted this 16th day of June, 2021

 JON EVAN MORRIS, COUNTY JUDGE/EXECUTIVE
NOTICE OF AVAILABILITY
 All interested persons and organizations in Gallatin County are hereby notified that a copy of the county's adopted budget in full is available for public inspection at the Office of the County Judge/Executive during normal business hours.

to have waived the right to a hearing before the Code Enforcement Board to contest the charge(s) and a determination that a violation was committed shall be final. You also forfeit the right to appeal the final order before the Gallatin County District Court.
 F. Fourteen (14) days after the Fiscal Order is issued the Enforcement Officer will inspect the property and if the violation still exists a Uniform Citation is issued with the new fine doubled the amount of the Final Order.
 G. If the Citation is not paid within the seven day period, you are deemed to have waived the right to a hearing before the Code Enforcement Board to contest the charge(s) and a determination that a violation was committed shall be final. You also forfeit the right

Tracy Miles, County Clerk
 Date: 5/13/21
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 Apply M-F 9-4
 Scott's Garage
 803 E Main St.
 Warsaw, KY
 Requires valid drivers license.
 Experience preferred.

CHAPTER 97: PARKS AND RECREATION

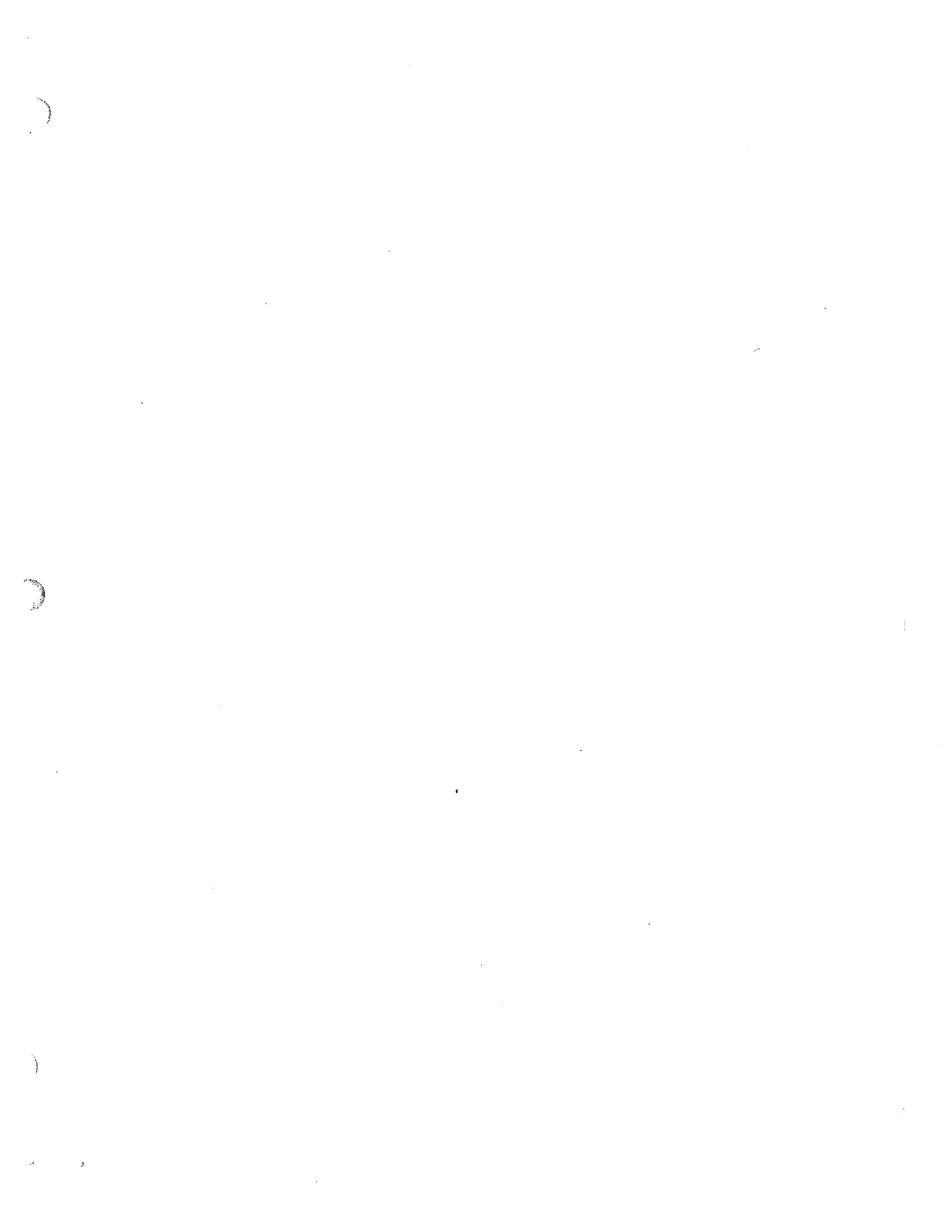
[RESERVED]

Be it ordained by the Fiscal Court of Gallatin County,
Commonwealth of Kentucky:

AN ORDINANCE FOR THE MARKING OF STRUCTURES ADDRESSED WITHIN
GALLATIN COUNTY, KENTUCKY

POSTING OF DESIGNATED ADDRESS NUMBERS

1. The owner or occupant or person in charge of any house, building, mobile home or other structure which a number has been assigned shall:
 - (A) Within 30 days after the receipt or notification of such numbers, affix the number in a conspicuous place.
 - (B) Remove any different numbers, which might be mistaken for, or confused with, the number assigned to said structure by the Gallatin County 9-1-1 Office.
 - (C) Each principal building shall display the number assigned to the frontage on which the front entrance is located. In case the principal building or structure is occupied by more than one business or family dwelling unit, each separate front entrance shall display a separate number. When suite or lot numbers are assigned, the suite or lot number shall also be displayed in the same manner as the house number.
 - (D) Numerals indicating the official numbers assigned to each principal building, shall be posted in a manner as to be legible and distinguishable from the street or road and from any direction for Emergency Responders on which the property is located. The use of reflective numbers and letters for addressing purpose is recommended. The numbers and letters shall be a minimum of 3" inches in height and may be painted or applied to the structure. Address numbers shall also be located on the mailboxes where applicable.
 - (E) Mailboxes shall be marked with not less than a 2-inch number or letter.
 - (F) If the structure is not visible from the street or road on which it is located, and not the mailbox beside the driveway leading to the structure, a sign or number post shall be erected which allows the numbers to be displayed either vertically from the top down or horizontally.
2. AREA OF ENFORCEMENT
This ordinance is limited to the limits of Gallatin County Kentucky.
3. EFFECTIVE DATE
This ordinance shall take effect and be in force and effect from and after its passage.
4. CONFLICTS WITH OTHER ORDINANCES
All ordinance or parts or ordinances in conflict with this ordinance are hereby repealed.



5. PUBLICATION OF ORDINANCE

The Gallatin County Court Clerk is directed to publish the ordinance in the local media one time, to obtain proof of publication thereof and to file said proof in the minutes of the Fiscal Court.

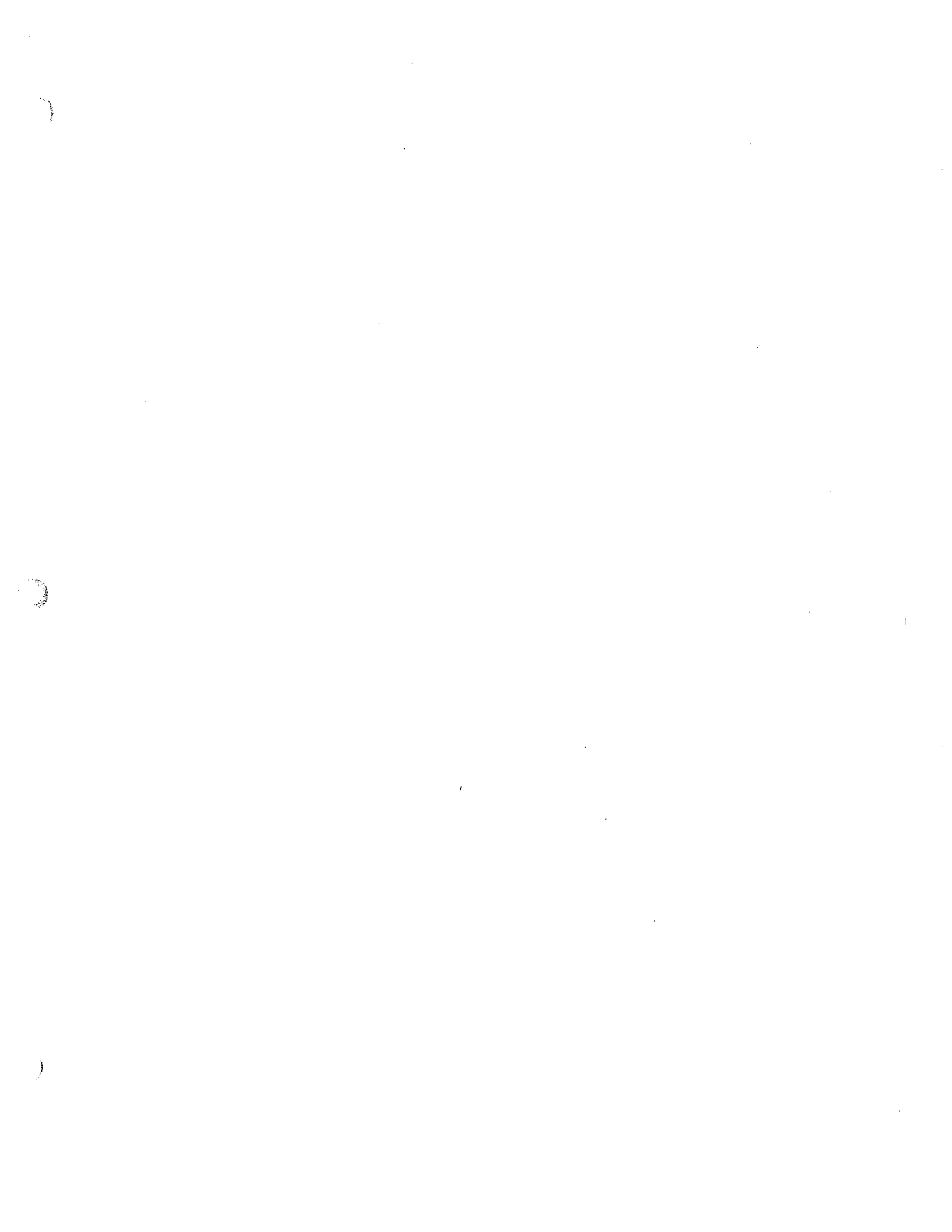
It was therefore declared that said ordinance be, and the same is hereby adopted as the ordinance for the implementation of structure address marking for the County of Gallatin, Kentucky and that said ordinance shall take effect and be in force from and after its adoption.

SO ORDERED THIS 8 DAY OF August


George Zubaty, Judge Executive
Gallatin County, Kentucky

First Reading: 7/19/01

Second Reading: 8/8/01



GALLATIN FISCAL COURT
WARSAW, KENTUCKY
ORDINANCE NO. 05-12-05-01

AN ORDINANCE OF THE FISCAL COURT OF GALLATIN COUNTY, KENTUCKY, RELATING TO THE USE OF THE GALLATIN COUNTY BUILDING COMMONLY KNOWN AS GUTTING BUILDING WHERE THE COUNTY JUDGE EXECUTIVE'S OFFICE AND THE PROPERTY VALUATION ADMINISTRATOR'S OFFICE ARE LOCATED, and

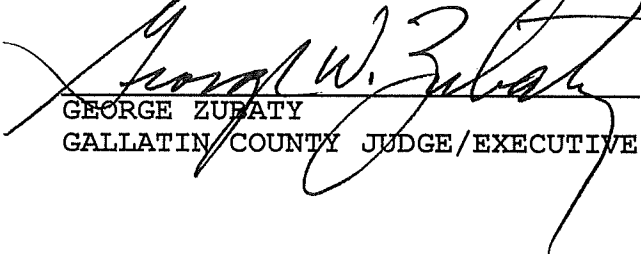
WHEREAS, Gallatin County Fiscal Court, having concerns about the health, safety and comfort of its employees as well as the known dangers of smoking tobacco;

WHEREAS, an Ordinance should be enacted to make the Gutting Building including the County Judge's Office and the Property Valuation Administrators Office "smoke free";

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Gallatin County Fiscal Court that the Gutting Building including the County Judge's Office and the Property Valuation Administrators Office shall be designated smoke free meaning there shall be no tobacco products smoked, inhaled or allowed to burn in the building. Anyone who violates this ordinance shall be subject to a fine ranging from \$10 to \$50. This Ordinance shall take effect and be in full force immediately upon adoption and publication.

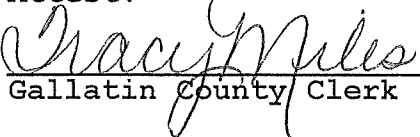
FIRST READ AND APPROVED on the 14th day of April, 2005.

SECOND READING, APPROVED AND ADOPTED on this the 12th day of May, 2005.



GEORGE ZUBATY
GALLATIN COUNTY JUDGE/EXECUTIVE

Attest:



Gallatin County Clerk

L6E9



COMMONWEALTH OF KENTUCKY
GALLATIN COUNTY ATTORNEY
JOHN G. WRIGHT

101 E. MARKET STREET
P. O. Box 966
WARSAW, KENTUCKY 41095

PHONE: (859) 567-5555
FAX: (859) 567-4955

July 20, 2005

Office of the Judge Executive

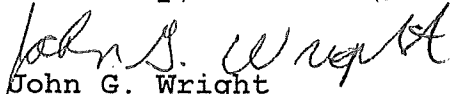
RE: Smoking ban at the Yeager
Building

Greetings,

I have been contacted by several people regarding smoking of tobacco products in the Yeager building. In May of 2005 the Gallatin County Fiscal Court voted and made it a law that there would be no smoking of tobacco products in the Yeager building. I have been contacted as a prosecutor who will be obligated to prosecute those cases if those charges were to come before the Court. This is a notice to both offices that work in that building that this law will be enforced. I am sending a copy of this notice to the law enforcement agency that would be affected by the monitoring of the activities in that building.

If there is an individual that has a problem with that law then they need to take it up with their magistrate. However, until the law changes it will be enforced.

Sincerely,


John G. Wright
Gallatin County Attorney

Copy to:
Gallatin County Sheriff's Office
Warsaw City Police
Jim Caldwell, Gallatin County Police

GALLATIN FISCAL COURT
WARSAW, KENTUCKY
ORDINANCE NO. 05-12-05-01

AN ORDINANCE OF THE FISCAL COURT OF GALLATIN COUNTY, KENTUCKY, RELATING TO THE USE OF THE GALLATIN COUNTY BUILDING COMMONLY KNOWN AS GUTTING BUILDING WHERE THE COUNTY JUDGE EXECUTIVE'S OFFICE AND THE PROPERTY VALUATION ADMINISTRATOR'S OFFICE ARE LOCATED, and

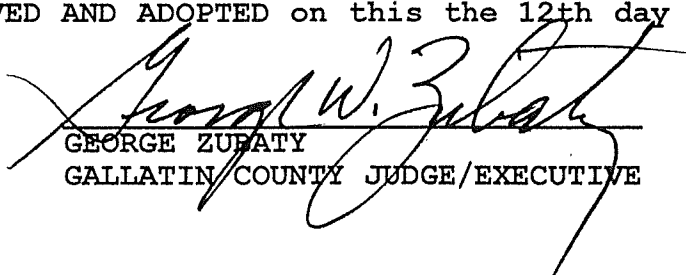
WHEREAS, Gallatin County Fiscal Court, having concerns about the health, safety and comfort of its employees as well as the known dangers of smoking tobacco;

WHEREAS, an Ordinance should be enacted to make the Gutting Building including the County Judge's Office and the Property Valuation Administrators Office "smoke free";

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Gallatin County Fiscal Court that the Gutting Building including the County Judge's Office and the Property Valuation Administrators Office shall be designated smoke free meaning there shall be no tobacco products smoked, inhaled or allowed to burn in the building. Anyone who violates this ordinance shall be subject to a fine ranging from \$10 to \$50. This Ordinance shall take effect and be in full force immediately upon adoption and publication.

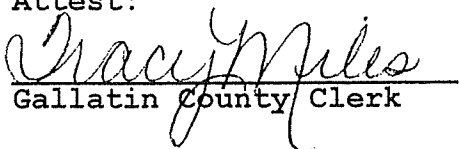
FIRST READ AND APPROVED on the 14th day of April, 2005.

SECOND READING, APPROVED AND ADOPTED on this the 12th day of May, 2005.



GEORGE ZUBATY
GALLATIN COUNTY JUDGE/EXECUTIVE

Attest:



Gallatin County Clerk

Gallatin County Fiscal Court
Resolution No. 032014

WHEREAS, the Gallatin County Fiscal Court recognizes the need for a strong and trainable work force for a strong business segment of the Gallatin County community;

WHEREAS, the Gallatin County Fiscal Court recognizes that Gallatin County Schools are an integral part of producing a strong young trainable work force;

WHEREAS, Gallatin County Fiscal Court recognizes that Jefferson Community Technical college (JCTC) is also an integral part of providing a highly trained work force;

WHEREAS, Gallatin County Fiscal Court recognizes that the students of Gallatin County Schools can become that work force by learning the importance of good attendance and discipline as well as completing their high school education including vocational training;

WHEREAS, the Gallatin County Fiscal Court recognizes the vital need for internet access availability and has committed to making the internet to all citizens of our community;

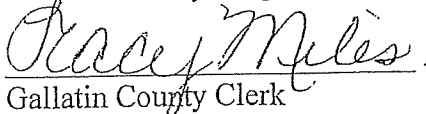
WHEREAS, there is a committee formed from the community to pursue the "Work Ready" designation from the Kentucky Workforce Investment Board (KWIB) and to strive to meet the requirements in the six established areas per KWIB to make our community a "Work Ready" Community including high school graduation rates, National Career Readiness Certification, demonstrated community commitment, educational attainment, soft skill development, and digital literacy;

NOW THEREFORE, the Gallatin County Fiscal Court hereby resolves that Gallatin County should pursue the "Work Ready" designation and that Gallatin County is committed to support the local committee to take the necessary steps to actually achieve that designation for the Gallatin County community.

ADOPTED this 24th of March, 2014 by the Gallatin County Fiscal Court.



Ken McFarland
Gallatin County Judge/Executive

 Attest
Gallatin County Clerk

