CHAPTER 152: SUBDIVISION REGULATIONS

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GENERAL PROVISIONS

§ 152.01 TITLE.

This chapter shall be known as and cited as the "Subdivision Regulations for Gallatin County, Kentucky."
(Ord. 05-14-98, passed 5-14-98)

§ 152.02 PURPOSE.

The purpose of these regulations is to establish rules and standards to guide land subdivision within Gallatin County in order to promote the public health, safety, convenience and general welfare of the citizenry.
(Ord. 05-14-98, passed 5-14-98)

§ 152.03 AUTHORITY.

(A) Pursuant to the authority granted to cities and counties by the Kentucky Revised Statues (KRS) 100.273 to 100.291 and upon adoption of these regulations, the Gallatin County Fiscal Court does hereby exercise the power and authority to review, approve and disapprove plats for the subdivision of land.

(B) Notwithstanding all other provisions contained herein, this chapter shall not apply within that area within one and one-half miles of all points upon the boundary of the City of Warsaw, Kentucky.
(Ord. 05-14-98, passed 5-14-98; Am. Ord. 04-08-99-02, passed 4-8-99)

§ 152.04 JURISDICTION.

The rules contained herein governing the subdivision of land shall be applicable within the unincorporated areas of Gallatin County.
(Ord. 05-14-98, passed 5-14-98)

§ 152.05 SEVERABILITY CLAUSE.

If any word or words, phrase or phrases, sentence or sentences and/or paragraph or paragraphs of this regulation should be declared unconstitutional, it shall not invalidate any other portion of the regulation.
(Ord. 05-14-98, passed 5-14-98)

§ 152.06 DEFINITIONS.

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

ADMINISTRATIVE OFFICIAL. Any department, employee, advisory, elected or appointed body which is authorized to administer any provision of the subdivision regulations.

ALLEY. Any public or private way used for public travel which is 20 feet or less in width.

BLOCK. A unit of property entirely surrounded by public highways, streets, railroad rights-of-way, waterways, public parks, cemeteries, corporate boundary lines or other barriers (except alleys or crosswalks) or any combination hereof.

BOND. Shall be posted with the Gallatin County Fiscal Court, according to distance of road or street, before any lots are sold or contracted for sale or subdivided for rental in said subdivision unless road or street is paved to county standards.

BUILDING LINE (BUILDING SETBACK LINE). The line extending across a lot generally parallel to the street on which the lot faces.

COMMISSION. The Gallatin County Fiscal Court.

COUNTY CLERK. The County Court Clerk of Gallatin County.

CUL-DE-SAC. A short, local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

DESIGN. The arrangement of land for lots, rights-of-way, easements, setback lines and improvements to include alignment, grade, length and width of these elements.

DIMENSIONAL VARIANCE. A departure from the terms of the subdivision regulations pertaining to width, depth or area of lots or setback lines where such departure will not be contrary to the safety and convenience of the general public or the intent of the Subdivision Regulations.

DRAINAGE RIGHTS-OF-WAY. The land required for the installation of storm water sewers or drainage ditches providing for the flow of water within a natural stream or from surface runoff to safeguard the public against flood damage.

EASEMENT. A grant by the property owner of the use of a strip of land for a specific purpose by the general public or utility companies.

FLOOD-HAZARD AREA. All land subject to periodic inundation by the overflow of natural waterways, as designated by federal flood plain management maps of Gallatin County, Kentucky.

HEALTH DEPARTMENT. The Gallatin County Health Department. Soils analysis on each lot shall be completed by Gallatin County Health Department prior to filing of final plat.

IMPROVEMENTS. The totality of grading, crosswalks, culverts, bridges, sanitary or storm sewers, water mains, street pavements, curbs and gutters, pedestrian ways or all other appropriate improvements required to render land use suitable for the proposed use.

LEGISLATIVE BODY. Gallatin County Fiscal Court.

LOT. A parcel of land devoted to a common use or occupied by a single principal building and its accessory structures having its principal frontage upon a street or road 80 feet or greater.

(1) *CORNER LOT.* A lot situated at the intersection of two or more streets or roads.

(2) *LOT DEPTH.* The horizontal distance between front and rear lot lines measured along the median between the two side lot lines.

(3) *LOT WIDTH.* The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

MONUMENT. An object (concrete, iron pin or pipe) set in the ground to mark the boundaries of real estate or to mark a survey station.

PARCEL. A plot of land.

PLAT. The map of a subdivision.

(1) *PLAT, PRELIMINARY.* Map or plan of a proposed land subdivision containing the information and materials specified in §§ 152.35 and 152.36.

(2) *PLAT FINAL III.* Record plat of a subdivision prepared by a registered land surveyor in accordance with the requirements of §§ 152.35 and 152.36.

PRIVATE STREET. A dead-end passway providing access to no more than three agricultural lots only (will be exempt from county roads specifications until such times as there exist four or more agricultural lots platted or unplatted; or a deviation from the agricultural uses stipulated herein).

PRIVATE DRIVE. A drive leading to lot or lots that may be deeded to a family member and shall state in deed a private drive and not maintained by the Gallatin County Fiscal Court Road Department.

RIGHT-OF-WAY. The land opened or dedicated for a street road, sidewalk, drainage way, railroad or other public purpose.

STREET. A public vehicular way permanently open for public use which affords the principal means of access to abutting properties.

(1) ***ARTERIAL STREET.*** Streets serving the major traffic movements entering, leaving or moving within an area. The principal function is to move traffic and in cases of high traffic volumes requires limited access or controlled points of access. Access to property is of secondary importance. These streets are normally characterized by traffic controls and parking restrictions.

(2) ***COLLECTOR STREET.*** Street which provide for traffic movement between arterials and local streets and direct access to abutting properties.

(3) ***LOCAL STREET.*** The sole purpose of a local street is to provide direct access to abutting properties. A cul-de-sac's classified as a local street.

SUBDIVIDER. A person, firm corporation, partnership, association, estate or any other group or combination acting as a unit for the purpose of subdividing or re-subdividing a lot, tract or parcel of land into three or more lots for the purpose of transfer of ownership or development.

SUBDIVISION. The division of a parcel of land into three or more lots or parcels, for the purpose, whether immediate or future, of sale, lease or building development, or if a new street is involved, any division of a parcel of land; providing that a division of land for agricultural purposes into lots or parcels of ten acres, or more and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided: any division or redivision of land into parcels occurring within 12 months following a division of the same land shall be deemed subdivision within the meaning of this act.

SUBDIVISION (MINOR). The division of land into lots for residential purposes and that fronts on county or state roads, and:

(1) Does not include any new street, easements, rights-of-way, rights of ingress or egress (except an approved sewer and water system);

(2) Does not include a provision for a public area or public facility;

(3) Conforms to the setback line requirements and other requirements; and

(4) Conveys the right-of-way necessary for road widening and maintenance of county roads, where the granting of such right-of-way can be given without undue hardship.

(5) Subdivision minors are subject to all final approval before filing final plat.

SUBDIVISION RESTRICTIONS. Must be placed on all plats by the subdivider, signed and

dated, when submitting to commission. Developer must state in subdivision restrictions whether splitting of lots is permissible once final plat has been recorded. However, should restrictions allow splitting of lots owner must seek approval from Gallatin County Health Department prior to filing an amended plat.
(Ord. 05-14-98, passed 5-14-98)

§ 152.07 SUBDIVISION OF LAND.

No person or his agent shall subdivide any land that does no meet Gallatin County Subdivision Regulations.
(Ord. 05-14-98, passed 5-14-98) Penalty, see § 152.99

§ 152.08 RECORDING OF PLATS.

No plat of a subdivision of land within the jurisdiction of this regulation shall be recorded by the Gallatin County Clerk until the final plat has been approved by the Commission.
(Ord. 05-14-98, passed 5-14-98)

§ 152.09 SALE PRIOR TO APPROVAL OF FINAL PLAT.

No person owning land composing a subdivision, or his agent, shall transfer, sell or agree to sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision before such plat has received final approval of the Commission and has been recorded. Any such instrument of transfer sale or contract shall be void and shall not be subject to be recorded, but all rights of such purchaser to damages are hereby preserved. The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used is the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any rights or remedies he may otherwise have.
(Ord. 05-14-98, passed 5-14-98) Penalty, see § 152.99

§ 152.10 INJUNCTION.

The Commission shall have the power to apply for an injunction against any type of subdivision construction by a subdivider or landowner in violation of the provisions of this regulation.
(Ord. 05-14-98, passed 5-14-98)

§ 152.11 IMPROVEMENTS.

No improvements, such as sidewalks, water supply system, storm water drainage, sewerage lines and treatment facilities, gas service, electric service or street lighting, or grading, paving, or surfacing

of any street shall be made within any such subdivision by any owner or owners or his or their agent, or by any public service corporation at the request of said owner or owners or by his or their agent until the plats for the subdivision and the plans for the improvements have been properly reviewed and approved by the Commission.
(Ord. 05-14-98, passed 5-14-98) Penalty, see § 152.99

§ 152.12 DEVELOPMENT IN PHASES.

Where a tract of land is proposed to be subdivided in several stages over a period of years and the subdivider requests approval in parts, he shall, at the time of submission of the first part, submit a detailed plan of the entire tract to be eventually developed, with appropriate sectioning to demonstrate to the Commission that the total design as proposed for the entire subdivisions is feasible. The Commission shall give preliminary approval or disapproval to the overall plan and final approval or disapproval on the parts as submitted from time to time. In the event of disapproval of the overall plan or any part or parts thereof, the action shall be written the record of the Commission stating the specific regulation or regulations of nonconformance.
(Ord. 05-14-98, passed 5-14-98)

§ 152.13 PAVING ROADS; BOND.

Developer must pave all roads or streets to county standards or post bond with the Gallatin County Fiscal Court in the appropriate amount according to distance of roads or streets before any lots are sold or contracted for sale or subdivided for rental in said subdivision.
(Ord. 05-14-98, passed 5-14-98) Penalty, see § 152.99

PROCEDURES

§ 152.25 MINOR SUBDIVISION.

(A) All subdivision of land shall be subject to final plat requirements if offered for sale to public.

(B) A subdivision may be classified as a minor subdivision by the Commission if all lots front on a county or state road and requires no roads or streets.

(C) Upon meeting the requirements established in § 152.06 and division (B) of this section the subdivider may follow the final plat procedure presented in § 152.27.

(D) The owner or subdivider of land classified as a minor subdivision shall be required hereafter to comply with provisions pertaining to final plat.
(Ord. 05-14-98, passed 5-14-98)

§ 152.26 PRELIMINARY PLAT.

(A) The subdivider should meet and consult informally with the Commission prior to the preparation of a preliminary plat for familiarization with these regulations and to ascertain the location of proposed major streets, water and sewer systems and other pertinent public facilities.

(B) The preliminary plat shall be prepared by a registered land surveyor in accordance with the format design and improvement requirements of these regulations. All required engineering data shall be prepared by a registered professional engineer. Utility companies and other concerned city and county agencies shall be consulted prior to the preparation of the preliminary plat.

(C) Two copies of the preliminary plat and supplementary materials specified in §§ 152.35 and 152.36 shall be submitted to the Commission with a minimum of five working days prior to the meeting at which the preliminary plat is to receive consideration.

(D) The Commission shall review the preliminary plat and supplementary materials for conformity with these regulations and within ten days approve, approve with conditions or disapprove said plat. Failure of the Commission to act on the preliminary plat within ten days shall constitute approval. The action of the Commission regarding the preliminary plat shall be recorded in the minutes of the meeting.
(Ord. 05-14-98, passed 5-14-98)

§ 152.27 FINAL PLAT.

(A) The final plat shall be prepared by a registered land surveyor and all required engineering data shall be prepared by a registered professional engineer in accordance with the regulations subject to all conditions placed upon the preliminary plat by the Commission.

(B) Five copies of the final plat and supplementary materials specified in §§ 152.35 and 152.36 shall be submitted to the Commission a minimum of five working days prior to the meeting at which the final plat is to receive consideration.

(C) The Commission shall review the final plat and supplementary materials for conformity with these regulations and within ten days approve, approve with conditions, postpone or disapprove said plat. Failure of the Commission to act on the final plat within ten days shall constitute approval.

(D) The action of the Commission regarding the final plat shall be recorded in the minutes of the meeting and for final plats receiving approval, the appropriate signatures shall be affixed to five copies of the final plat. One signed copy of the final plat shall be retained by the commission, four signed copies shall be returned to the subdivider.

(E) A certified copy of the final plat shall be filed for recording by the subdivider in the Office of the County Clerk within 90 days after approval of said final plat by the Commission.

(F) Approval by the Commission of the final plat shall not constitute the acceptance by the Gallatin Fiscal Court of the dedication of any streets, roads or grounds.

(G) Bond must be posted with Gallatin County Fiscal Court or roads or streets shall be in place to meet Fiscal Court standard before final plat is filed with County Clerk.
(Ord. 05-14-98, passed 5-14-98)

PLAT FORMAT AND CONTENT

§ 152.35 PRELIMINARY PLAT.

(A) Format and identification.

(1) The preliminary plat shall be prepared at the scale of one inch equals 100 feet or less on durable paper or mylar in a clear and legible manner.

(2) A vicinity map, at an approximate scale of one inch equals 1,000 feet, indicating the general location of the subdivision shall be placed in the upper right or left comer of the sheet.

(3) The title block shall be placed at the bottom of the sheet and shall contain the following information:

(a) The name of the proposed subdivision which shall not duplicate or approximate the name of any other subdivision within Gallatin County.

(b) The name and address of the owner of the land to be subdivided and the name and address of the subdivider if other than the owner.

(c) The name, address and number of the registered land surveyor responsible for the preparation of the plat.

(d) A legend containing a graphic and written scale, north arrow, date of plat preparation and acreage of land to be subdivided.

(B) Site data.

(1) The preliminary plat shall indicate the subdivision boundaries with bearings and distances, all existing easements, street, road and rights-of-way.

(2) The names of all present property owners abutting the boundaries of the subdivision.

(3) Existing water, sewer and storm drainage facilities on and adjacent to the subdivision showing size, elevation and direction of flow.

(4) Contours referenced to the United States Geological Survey (USGS) data at an interval of not greater than five feet.

(5) Existing drainage channels, water courses, ponds, poorly drained areas, sinkholes, wells and springs.

(6) The location, right-of-way and pavement widths and names of all existing improved streets, roads or alleys on or within 500 feet of the subdivision. Recorded but unimproved streets or roads shall be indicated with dashed lines.

(7) The location and results of soil evaluation test in accordance with the specifications of the state and Gallatin County Health Department for all proposed individual septic tanks.

(C) Proposed design and improvements.

(1) All lots shall be consecutively numbered and shall indicate the approximate dimensions and area in acres and tenths.

(2) The location of front and side yard setback lines shall be indicated for each lot.

(3) The location, width, approximate grades and names of all proposed streets shall be shown. Approximate elevations at the center line of each street shall be shown at the beginning, end and intersection of all streets.

(4) The cross-section of the entire right-of-way shall be shown for each proposed street indicating the width and type of pavement and, if applicable, the size and type of street gutters and the location and width of sidewalks.

(5) The location of all existing and proposed monuments shall be shown.

(6) The approximate location, dimension and area of all existing and proposed utility easements shall be indicated.

(7) The proposed drainage system shall be illustrated with typical cross-sections showing all proposed drainage facilities.

(8) The proposed layout and connections with existing systems shall be shown for water and sewer.

(D) Additional data required.

(1) One copy of an application for approval of the subdivision.

(2) Two copies of any deed restrictions or covenants proposed by the subdivider.

(3) A letter from the appropriate authority having jurisdiction indicating the availability of

water or sewerage service if the subdivision is to be connected to a public water or sewer system. (Ord. 05-14-98, passed 5-14-98)

§ 152.36 FINAL PLAT.

(A) *Format and identification.*

(1) The final plat shall be legibly drawn in black waterproof ink on mylar or similar reproducible material at a scale no smaller than one inch equals 100 feet.

(2) The final plat shall be labeled record plat in large letters immediately above the name of the subdivision.

(3) A vicinity map, at an approximate scale of one inch equals 1,000 feet, indicating the general location of the subdivision shall be placed in the upper right or left corner of the street.

(4) The legend shall contain the graphic and written scale, north arrow, date of plat preparation and acreage of the land contained within the subdivision.

(B) *Design data.*

(1) The final plat shall indicate lot dimensions in feet to hundredths of a foot, bearings to the nearest one minute and the number of each lot.

(2) The plat shall indicate the accurate location of all permanent reference monuments. Every survey point shall be marked with a material detectable by a metal detector.

(3) The minimum front yard setback line shall be indicated for each lot.

(4) The plat shall indicate the names, bearings and angles of intersection and width for each proposed street or road right-of-way.

(5) The plat shall show the exact location of streets adjacent to the subdivision and the width along the property lines for existing or recorded streets intersecting or paralleling the boundaries of the subdivision.

(6) The plat shall show the location and width of all proposed utility and drainage easements.

(C) *Additional data required.*

(1) Three copies of any deed restrictions or covenants proposed by the developer shall be submitted as part of the final plat.

(2) Drawings showing cross-sections, profiles, construction details and specifications for all

required improvements shall be prepared by a registered professional engineer and submitted as part of the final plat for the following if required by the Commission.

(a) Sanitary Sewer System Plan.

(b) Water System Plan.

(c) Streets and Roads Plan.

(d) Storm Drainage Plan.

(e) Erosion Sedimentation Control Plan.

(3) Five copies of final plat.

(D) *Certifications.* The following certification blocks shall be shown on the final plat and signed prior to recording of the plat.

OWNER'S CERTIFICATION

I (we) do hereby certify that I am (we are) the owner(s) of record of the property shown and described here on which is recorded in Deed Book _____, page ___, in the Office of the County Clerk; and do hereby adopt this plan of lots for this property; and do hereby dedicate the streets and any other spaces so indicated to public use; and do establish and reserve the easements indicated for public utility and drainage purposes.

_____ Date

_____ Owner(s)

CERTIFICATION OF PLAT

I hereby certify that this plat was prepared by me or under my direction; that all monuments indicated hereon actually exist and their location, size and material are correctly indicated; the information shown hereon is correct to the best of my knowledge and belief, and all requirements of the Gallatin County Subdivision Regulations have been fully complied with.

_____ Date

_____ Surveyor's Name, No. & Seal

CERTIFICATION OF THE APPROVAL OF WATER AND SEWERAGE SYSTEMS

I hereby certify that the water supply and sewerage disposal systems installed or proposed for installation in the subdivision entitled: _____, fully meet the requirements of the Commonwealth of Kentucky and the Gallatin County Health Departments and are hereby approved as shown.

_____ Date

_____ Gallatin County Health Department

CERTIFICATION OF IMPROVEMENTS

I hereby certify that improvement plans for the subdivision have been reviewed by me and are in conformance with the Gallatin County Subdivision Regulations. I further certify that a Surety Performance Bond in the amount of $___ has been posted with the Gallatin County Fiscal Court to assure completion of all required improvements in case of default.

_____ Date

_____ Authorized Representative

CERTIFICATION OF COMMISSION

I hereby certify that this RECORD PLAT was approved by the Gallatin County Planning Commission on _____, 199_, and is now eligible for recording in the Office of the County Clerk.

_____ Date

_____ Commission Chairman or Secretary

(Ord. 05-14-98, passed 5-14-98)

DESIGN AND IMPROVEMENT STANDARDS

§ 152.45 LOTS.

(A) All lots shall abut for at least 80 feet upon a street dedicated public use except a lot fronting on the curved portion of a cul-de-sac may be reduced to a minimum of 40 feet provided the lot is 80 feet wide at the front yard setback line.

(B) Lot dimensions shall comply with requirements of the Gallatin County Health Department. However, residential lots not served by a public sanitary sewer system shall contain a minimum of three-fourth acre with a width of no less than 80 feet and a depth of no less than equals one acre.

(C) Lots located on land subject to flooding, subsidence or other hazards to the health and safety of potential users may be declared unsuitable for residential development by the Commission and such plans or portions thereof may be disapproved by the Commission.

(D) Corner lots shall be of sufficient width to permit compliance with the required minimum side yard setback line.
(Ord. 05-14-98, passed 5-14-98) Penalty, see § 152.99

§ 152.46 BLOCKS.

(A) Residential blocks shall not exceed 1,200 feet nor be less than 450 feet in length.

(B) The width of blocks shall be sufficient to provide two tiers of lots of appropriate depth except where reverse frontage lots are used to alleviate conflicting traffic or uses.

(C) Blocks used for non-residential purposes shall be of such length, width and design to incorporate adequate provision of off-street parking, loading and unloading and control of vehicular access to adjacent streets.
(Ord. 05-14-98, passed 5-14-98) Penalty, see § 152.99

§ 152.47 UTILITY AND DRAINAGE EASEMENT.

(A) Utility easements 20 feet in width may be required between, at the rear or across lots. Easements of a greater width may be required if deemed appropriate by the Commission.

(B) Storm water easements or drainage rights-of-way may be required if necessary to provide proper drainage within or through a subdivision.

(C) Utility and drainage easements shall connect with existing easements on adjoining properties.
(Ord. 05-14-98, passed 5-14-98) Penalty, see § 152.99

§ 152.48 STREETS AND ROADS.

(A) The location of all streets in a proposed subdivision shall conform in general alignment to the Major Street Plan.

(B) The proposed street layout shall provide for the continuation of existing streets to adjoining tracts.

(C) Streets shall be designed with respect to topography-to provide proper drainage and grades.

(D) Proposed streets in alignment with existing streets shall bear the name of the existing street. Proposed street names shall not duplicate or be confused with names of existing streets.

(E) The entire minimum right-of-way shall be dedicated when a subdivision is located on one or both sides of a street.

(F) Intersections involving more than four basic street approaches shall be prohibited.

(G) Street jogs with centerline offsets of less than 80 feet shall be prohibited.

(H) The minimum radius at property lines at all intersections shall be 20 feet for all streets.

(I) No private streets or reserve strips shall be allowed except as they meet the following criteria:

(1) The minimum right-of-way of the proposed private street meets those standards set for local streets.

(2) The private street shall not be principal access for more than three agriculture lots or family lots with restrictions listed.

(3) All lots within the proposed subdivision shall be for agricultural purposes and shall contain at least ten acres.

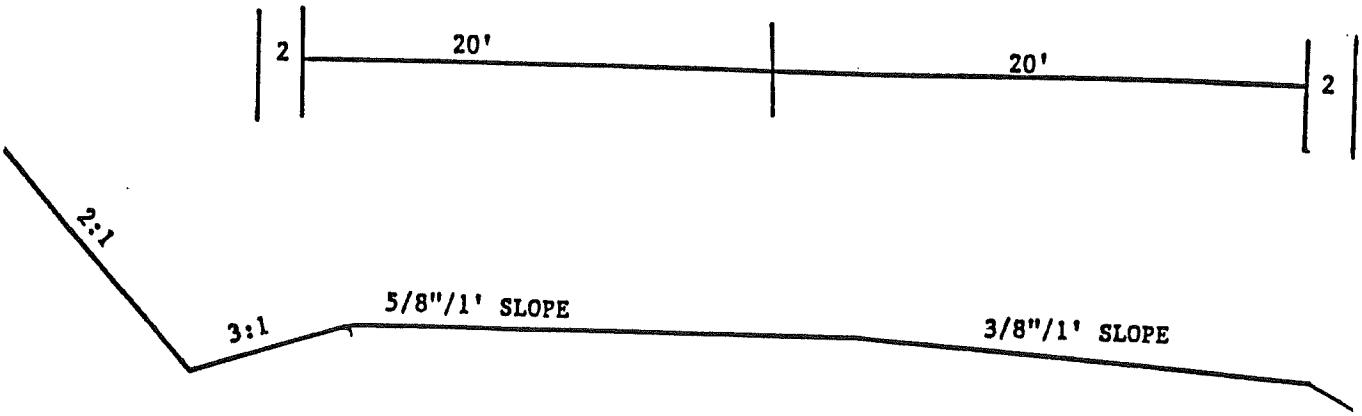
(4) The warranty deed of each lot in a proposed subdivision containing a private street shall contain a covenant providing for the maintenance of the street and right-of-way; also

(5) No lot having immediate access from a private street shall be resubdivided for any use other than agricultural until the private street and right-of-way become a public street by proper dedication by the owners and accepted by the Gallatin County Court.

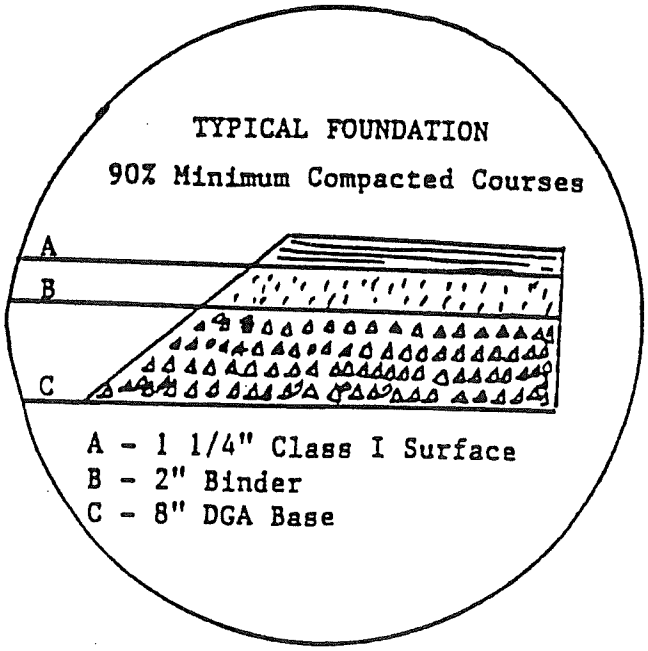
(6) No private street and right-of-way shall be accepted for maintenance by the Gallatin County Fiscal Court unless the pavement meets the minimum requirements of the Court.

(7) No further subdivision development shall be permitted unless the right-of-way and pavement meets the minimum requirements of the applicable subdivision regulations at the time of request.

(8) The provisions of these subdivision regulations may be liberally applied by the Commission as it deems appropriate and may impose such conditions.



TYPICAL ROADWAY SECTION
(WITHOUT CURBS)
MINIMUM SPECIFICATIONS FOR
GARRARD CO. SUBDIVISIONS



Foundation Courses shall be compacted with 10 ton roller or equivalent. Class I finish course shall contain not less than 105 # per square yard per 1" compacted surface.

(J) All streets shall be classified in accordance with the Major Street Plan and contain the following minimum specifications:

Classification	*Min. Dedicated Right-of-Way Width*	*Pavement Width*	*Road or Street Shoulders*
Industrial	60 ft.	20 ft. plus	May have two foot or curb
County Roads	40 ft.	20 ft. plus	May have two foot or curb
Subdivisions			
25 or fewer lots	40 ft.	20 ft. plus	May have two foot or curb
26 or more	40 ft.	20 ft. plus	May have two foot or curb
Private Street & Reserve Strips	40 ft.	20 ft. plus	May have two foot or curb

(K) The construction standards and specifications for streets and roads shall be in accordance with the rules and regulations of the Gallatin County Fiscal Court. The design guidelines are as follows:

Subdivision Road Requirements

1. All Developers of Gallatin County Subdivisions must dedicate to the Gallatin County Fiscal Court a minimum of 40' Right-of-Way when county takes over roads or streets into county road system.

2. Rural Subdivision Road Requirements: Minimum 40' right-of-way minimum pavement width of 20'. An subdivisions shall have a 2' shoulder on each side or curb. Road Foundation Requirements: 1.8" DGA Base, 2.2" Binder, 3.11/4" Class I Surface.

3. All entrance pipe shall be 24' in length and a minimum of 15" in diameter or of sufficient size to carry the volume of flow in the particular area. Acceptance by the County Road Engineer or Fiscal Court requires all entrance pipe be installed prior to acceptance.

4. Minimum road foundation specifications are incorporated in these requirements (sketch). Signed weight tickets on foundation materials are to be furnished by the developer to Gallatin County Road Engineer to enable check on required materials.

5. The Gallatin County Fiscal Court may take over a roadway only when at least 75% of the lots have been developed and the finished roadway has been in place at least one year, roads or streets condition meet Gallatin County Fiscal Court Standard. Should

there be intersecting streets in the development, individual streets may be accepted upon meeting the above requirements, providing the developer has posted bond (minimum $20,000), payable to Gallatin County Fiscal Court, to assure the Fiscal Court that possible damages to roadway sustained by construction vehicles can be repaired at no cost to the Fiscal Court.

6. The developer shall see that scrap materials and other debris from building or excavation in the development is disposed of properly. No unsold lots shall be allowed to become cluttered with waste and debris from within the development.

(Ord. 05-14-98, passed 5-14-98) Penalty, see § 152.99

ADMINISTRATION AND ENFORCEMENT

§ 152.60 ADMINISTRATIVE OFFICIAL.

The Commission shall designate an Administrative Official to be charged with and provided the authority to enforce these regulations.
(Ord. 05-14-98, passed 5-14-98)

§ 152.61 FILING FEE.

The Plan Commission Ball establish a uniform schedule of fees proportioned to the cost of checking and verifying the proposed final plats. The subdivider shall pay the specified fee at the time of filing the plat.
(Ord. 05-14-98, passed 5-14-98)

§ 152.62 VARIANCES.

The Commission may vary the requirements of these regulations where strict application would result in extreme practical difficulties because of exceptional or unique topographic conditions or other physical conditions.
(Ord. 05-14-98, passed 5-14-98)

§ 152.63 LIABILITIES.

Any member of the Commission or any employee thereof, shall not render himself liable personally in the discharge of his duties. Any legal suit brought against any member of the

Commission or employee because of such act performed by him in the enforcement of any provision of this regulation shall be defended by legal representation of the county until the final termination of the proceedings.
(Ord. 05-14-98, passed 5-14-98)

§ 152.64 GRANDFATHER CLAUSE.

Any subdivision that final plat has been filed with Gallatin County Clerk shall be grandfathered in under present road restrictions.
(Ord. 05-14-98, passed 5-14-98)

§ 152.99 PENALTY.

Any person who violates the provisions of this chapter shall, upon conviction, be deemed guilty of a misdemeanor and fined not less than $10 nor more than $500 for each offense. Each day of violation shall constitute a separate offense.
(Ord. 05-14-98, passed 5-14-98)

ORDINANCE NO. 2003-___

AN ORDINANCE RELATING TO SUBDIVISION STREET WIDTHS

WHEREAS, THE CONSTRUCTION STANDARDS AND SPECIFICATIONS FOR STREETS AND ROADS SHALL BE IN ACCORDANCE WITH THE SUBDIVISION RULES AND REGULATIONS OF THE GALLATIN COUNTY FISCAL COURT

WHEREAS, IT IS NOT PRACTICAL IN EVERY SITUATION TO REQUIRE A WIDER NEW STREET TO EMPTY ONTO AN OLDER BUT NARROWER STREET;

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF GALLATIN COUNTY, KENTUCKY THAT THE FOLLOWING AMENDMENT BE MADE:

Gallatin County, Kentucky, Subdivision Regulation shall be amended as follows (amendments in brackets[]):

Section 6.4 STREETS AND ROADS
SUBSECTION J. All streets shall be classified in accordance with the Major Street Plan and contain the following minimum specifications:

Classification	Minimum Dedicated Right-of-way Width	Pavement Width	Road or Street Shoulders
Industrial	60 feet	20 feet plus	may have 2 ft or curb
County Roads	40 feet	20 feet plus	may have 2 ft or curb
Subdivisions			
[Thru Streets-any street connecting existing public street or to an existing road outside of subdivision]			
25 or fewer lots	40 feet	20 feet plus	may have 2 ft or curb
26 or more lots	40 feet	20 feet plus	
[Side Streets-any street running between streets inside a subdivision and cul de sac		18 feet plus	may have 2 ft or curb]
Private Street & Reserve strips	40 feet	20 feet plus	may have 2 ft or curb

PASSED THIS 10 DAY OF July, 2003.

First Reading: 6/12/03
Second Reading:

Attest: Tracy Miles
CLERK

GALLATIN COUNTY JUDGE EXECUTIVE

ORDINANCE NO. 04-08-99-02

AN ORDINANCE RELATED TO THE GRANT OF EXTRATERRITORIAL JURISDICTION TO THE CITY OF WARSAW FOR IMPOSITION SUBDIVISION AND OTHER LAND USE REGULATIONS

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

(A) Pursuant to KRS 100.131, the City of Warsaw Planning and Zoning Commission is hereby granted authority to exercise extraterritorial jurisdiction for the purposes of imposition of its subdivision and land use regulations in that area within one and one-half (1 1/2) miles from all points upon the boundary of the City of Warsaw.

(B) This ordinance shall become effective upon its passage and publication in accordance with law and the affirmative act of the Planning and Zoning Commission of the City of Warsaw accepting and undertaking the extraterritorial jurisdiction granted herein.

(C) Any or all of the extraterritorial jurisdiction granted unto the City of Warsaw Planning and Zoning Commission may be revoked at any time at will by simple resolution of the Gallatin County Fiscal Court.

(D) Upon enactment and publication of this ordinance and assumption of the extraterritorial jurisdiction granted herein by the City of Warsaw Planning and Zoning Commission, Gallatin County Ordinance No. 5-14-98 (Chapter 152 of the Gallatin County Code of Ordinances, or such other number designation as may hereafter be assigned to it) relating to Subdivision Regulations shall be deemed amended so as to not apply to that area within one and one-half (1 1/2) miles of all points upon the boundary of the City of Warsaw. A new section of that Ordinance shall read: "Notwithstanding all other provisions contained, herein, this Ordinance shall not apply within that area within one and one-half (1 1/2) miles of all points upon the boundary of the City of Warsaw, Kentucky". Upon revocation of the extraterritorial jurisdiction granted herein, said Subdivision Regulations Ordinance shall be fully revived.

(E) As used herein the term City of Warsaw Planning and Zoning Commission shall refer to that agency of The City of Warsaw charged with the implementation, enforcement and administration of that City's planning and zoning regime established under KRS Chapter 100.

(F) In the event any part or section of this Ordinance be held unenforceable by a court of competent jurisdiction, all other portions hereof shall remain in full force and effect.

Enacted this 8th day of April, 1999.

George W. Zubaty
Gallatin County Judge/Executive

A TRUE COPY: ATTEST

Jane L. Davis
Clerk, Gallatin Fiscal Court

CHAPTER 153: ZONING CODE

Section

153.01 Minimum setback lines and foundation requirements

153.99 Penalty

§ 153.01 MINIMUM SETBACK LINES AND FOUNDATION REQUIREMENTS.

(A) For purposes of this section, the term ***STRUCTURE*** shall mean any building or edifice, residential in nature or otherwise, including, but not limited to, mobile and modular homes, garages, storage sheds, barns, workshops, single family and multi-family residential dwellings, and commercial buildings, physical plants and warehouses, located, constructed, erected, installed or placed upon any land situated in Gallatin County, Kentucky after the effective date of this section.

(B) No structure shall be located, installed, built, constructed or erected such that any part thereof lies, sits or is situated closer than 60 feet from the nearest point of the centerline of any road or highway maintained by the County of Gallatin, the Commonwealth of Kentucky or the United States of America.

(C) All structures intended for or capable of sustaining human habitation located, built, erected, constructed or installed in Gallatin County, Kentucky, shall be placed upon and attached to solid permanent foundations.

(D) The provisions of this section may also be enforced by civil action initiated by the County of Gallatin, the Commonwealth of Kentucky, the United States of America or any owner of realty adjacent to that upon which the offense occurs by appropriate petition, application or complaint in the Gallatin Circuit Court seeking injunctive or other legal or equitable relief.

(E) Division (B) of this section shall not apply to lots or parcels of realty upon which compliance with said division (B) has been rendered impossible due to size constraints of the lot or parcel itself created prior to enactment of this section.
(Ord. 12-14-95-01, passed 12-14-95) Penalty, see § 153.99

§ 153.99 PENALTY.

Violation of § 153.01 of this chapter shall be deemed guilty of a misdemeanor and punishable by

a fine not to exceed $500 or imprisonment for a period of five days or both. Each period of 30 days in violation of § 153.01 of this chapter after an initial conviction therefor shall constitute a separate offense.
(Ord. 12-14-95-01, passed 12-14-95)

ORDINANCE NO. 2002-10-10-02-01

AN ORDINANCE RELATING TO OFF PREMISES SIGNS PERMITTED AS A CONDITIONAL USE

WHEREAS, THE BOARD OF ADJUSTMENT AND ZONING APPEALS OF GALLATIN COUNTY, KENTUCKY MAY PERMIT AN OFF-PREMISES SIGN AS A CONDITIONAL USE IN THE HB, LI, HI, AND AGRICULTURAAL ZONES AND SHALL BE SUBJECT TO THE FOLLOWING MINIMUM REGULATIONS AND REQUIREMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ADJUSTMENTS OF GALLATIN COUNTY, KENTUCKY:

1. That the application for conditional use permit shall be accompanied by the following information:

A) All the information required in Kentucky Department of Transportation regulations;
B) Identification of all interstate highways or other thoroughfares from which the sign will be visible;
C) Number of nearest milepost on interstate highway from which the sign will be visible or distance and direction from the nearest intersection on another thoroughfare;
D) A profile of the line through the center of the proposed sign at an angle of 0 to 75 degrees to the centerline of each thoroughfare from which the sign will be visible;
E) A copy of a stamped engineered print, for each structure
F) No moving parts (Trivision included) allowed;
G) Must abide by Kentucky State regulations on lighting.

2. An off-premises sign, as a conditional use, shall conform, at minimum, to the following requirements:

A) No sign shall be larger than one thousand six hundred (1,600) square feet and no linear dimension shall exceed one hundred (100) feet;
B) The maximum height of any sign shall not exceed one hundred fifty (150) feet;
C) All signs shall be located at least six hundred and sixty (660) feet from the right-of-way lines of any interstate highways and at least ten (10) feet from the right-of-way lines of any other thoroughfares;
D) Off-premises signs shall not be permitted at intervals of less than five hundred (500) feet, measured along the centerline of each interstate highway or thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline. These dimensions apply independently to each side of the road.

3. The fee schedule for billboards shall be $200.00 if sign is less that 200 square feet and $500.00 if sign is more than 200 square feet.

PASSED THIS 10 DAY OF Oct 2002.

First Reading: 25 Sept 02
Second Reading: 10 Oct 02

Attest: Elaine Lillard

George W. Fulaty

A JOINT ORDINANCE OF THE CITY OF WARSAW, KENTUCKY; THE CITY OF GLENCOE, KENTUCKY; CITY OF SPARTA, KENTUCKY; AND COUNTY OF GALLATIN, KENTUCKY RELATED TO THE ESTABLISHMENT OF A JOINT PLANNING COMMISSION FOR THE MUNICIPALITIES OF WARSAW, GLENCOE AND SPARTA AND THE COUNTY OF GALLATIN IN THE STATE OF KENTUCKY.

BE IT ORDAINED AS FOLLOWS:

The City Council of the City of Warsaw, the City of Glencoe, the City Council of the City of Sparta, and the Fiscal Court of Gallatin County do ordain as follows:

That a Joint City-County Planning Commission is hereby established and created as authorized by Chapter 100, Kentucky Revised Statutes, and as stated in this agreement between the respective municipalities and the county, as follows:

AGREEMENT TO PROVIDE FOR A JOINT PLANNING COMMISSION FOR THE MUNICIPALITIES AND COUNTY NAMED HEREIN

The City Council of the City of Warsaw, the City Council of the City of Glencoe, the City Council of the City of Sparta, and the Fiscal Court of Gallatin County, Kentucky in order to guide and accomplish a co-ordinated and harmonious development of these municipalities and of this county, which will. in accordance with existing and future needs. best promote public health. safety, morals. order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development, hereby ordain, order and agree that a Joint City-County Planning Commission be created and established as authorized by the Kentucky Revised Statutes, Chapter 100.

SECTION I: NAME

The title of said planning commission shall be the Planning Commission of Gallatin County, Kentucky.

SECTION II: MEMBERSHIP

The Planning Commission of Gallatin County, Kentucky shall be composed of eleven (11) members appointed as follows:

a. One (1) member to be appointed by the Mayor of the City of Warsaw with the approval of the City Council of the City of Warsaw, who shall be a citizen member,

b. One (1) member to be appointed by the Mayor of the City of Glencoe with the approval of the City Council of the City of Glencoe, who shall be a citizen member;

c. One (1) member to be appointed by the May of the City of Sparta with the approval of the City Council of the City of Sparta, who shall be a citizen member;

d. Eight (8) members to be appointed by the Judge of Gallatin County, Kentucky with the approval of the Fiscal Court of Gallatin County, Kentucky; no less than five (5) of whom shall be citizen members. To the extent possible, a member should be appointed from each of the 8 voting precincts within the county.

e. The term of each member, who is appointed because of his official connection with his appointing body shall be for his respective official tenure, and of the citizen members shall be four (4) years and until their successors take office; except that the original terms of the citizen members shall be staggered such that an equal number shall have initial terms of one, two, three and four years, respectively, as fairly determined by lot. In the event of an uneven number of initially staggered terms, the extra or odd term shall be for 1 year initially.

SECTION III: ORGANIZATION

The commission shall elect, from among the citizen members, a Chairman, vice chairman, secretary and treasurer and any other officers which it deems necessary. In the absence of the Chairman the Vice Chairman shall act and shall have all the powers and duties of the Chairman. The Chairman and Vice-Chariman must be citizen members. The terms of the Chairman and Vice Chairman shall each be for (1) year and the terms of the Secretary and Treasurer shall each be fore (1) year. The Commission shall conduct regular meeting as it deems necessary for the transaction of its business; but there shall be at least six (6) regular meeting annually. The Commission shall adopt By-Laws for the transaction of business, and shall keep minutes and records of all proceedings, including regulations, transactions, findings, determinations, and the number of votes for and against each question, and if any member is absent or disqualified from voting, a record indicating that fact, all of which shall immediately after adoption be filed in the office of the Commission, and shall be public record. Both the ex-officio members and the citizen members, except the chairman, shall be entitled to vote upon any subject or matter before the commission and five (5) members including the chairman or acting chairman shall constitute a quorum for the transaction of any business. Provided, however, the approval of any ordinance, regulation, order, rule or resolution shall be made only by a majority vote of the entire commission. In case of a tie vote or a deadlock, the chairman shall have the power to vote, shall cast his vote and break such tie or deadlock.

SECTION IV: POWERS, DUTIES AND RESPONSIBILITY

From and after the time when the Planning Commission of Gallatin County, Kentucky shall have been organized and selected its officers, together with the adoption of its rules of

procedure and by-laws, then said commission shall have all the power, duties and responsibilities as set forth in Kentucky Revised Statues 100.

SECTION V: FINANCES

a. The actual and necessary expenses of operation of this Commission shall be borne by the parties hereto in fair and equitable proportions as determined by the parties hereto at such time as the anticipated costs become apparent or ascertainable by the parties.

b. The fiscal year of the Planning Commission of Gallatin County, Kentucky shall be from the 1st day of July to the 30th day of June.

c. Quarterly the Planning Commission of Gallatin County shall submit to the parties hereto a statement of its anticipated expenses for the insuing quarter and the parties hereto shall immediately forward their portion thereof to the Treasurer of the Planning Commission of Gallatin County, taking credit for any Sums previously deposited with the commission or paid of its behalf.

d. The above notwithstanding, the Gallatin County Fiscal Court agrees to fund all planning operations until such time as the Planning commission becomes operational and revenue producing, at which time the Fiscal Court in its discretion, may reduce its contribution in accordance with its determination of the best interest of the County.

e. Upon approval of the Fiscal Court and City Councils of participating cities, Planning Commission citizen members may receive compensation and /or reimbursement of expenses in accordance with KRS 100.153

If and when the Planning Commission produces revenues sufficient to fund its operations and to provide expense reimbursement and/or compensation to its citizen members, it may provide for same in its budget and, if properly approved, disburse same.

SECTION VI: DURATION

This contract shall remain in effect in perpetuity, subject to modification, amendment or termination by the mutual agreement of the parties hereto. Withdrawal by any party may be effected only upon terms and conditions agreed upon by all parties hereto.

SECTION VII: BY-LAWS AND MINUTES

The Planning commission shall, pursuant to KRS 100.167, adopt by-laws for the transaction of its business and regulation of its affairs which may make any provision not inconsistent herewith or contrary to law, and shall keep and maintain records and minutes of all of its proceedings.

BE IT FURTHER ORDAINED, that the Mayors of the Cities of Warsaw, Glencoe and Sparta and the County Judge/Executive of Gallatin County are each empowered, authorized and directed by the respective legislative bodies of those said bodies politic to execute in behalf of each of the same the abovestated interlocal agreement as reduced to separate writing pursuant to KRS 65.210 et seq.

BE IT FURTHER ORDAINED, that this ordinance shall be effective from and after its publication following adoption by each of the parties hereto, the general welfare of the

citizens of the City of Warsaw, the City of Glencoe, the City of Sparta, and the County of Gallatin, Kentucky, so requiring.

Enacted upon its second reading this 9 day of August, 2000.

George W. Zeluty

A True Copy: ATTEST

Jane L. Dixon

ORDINANCE NO. 2003-08-14-01

AN ORDINANCE RELATING TO PLANNING AND ZONING ORDINANCE AMEMDMENT:

WHEREAS, THE GALLATIN COUNTY PLANNING AND ZONING BOARD HAS RECOMMENDED AMENDING SECTION 153.6(I)(1) HB-HIGHWAY BUSINESS DISTRICT TO ALLOW MORE PRINCIPAL USES;

NOW THEREFORE BE IT ORDANINED BY THE GALLATIN COUNTYY, KY FISCAL COURT THAT SECTION 153.6(I)(1) OF THE PLANNNING AND ZONING ORDINANCE ENTITLED HB-HIGHWAY BUSINESS DISTRICT, PRINCIPAL USES PERMITTED SHALL BE AMENDED TO READ AS FOLLOWS:

Those uses allowed in CBD Zoning District, Retail or Commercial uses serving the community as a whole, or whose customer base is the community at large not just the local or transitory population. Such uses include but are not limited to:

All general retail sales; large retail stores; grocery stores; movie theatres; furniture and re-upholsterers; automobile service stations; automobile and small truck sales and/or service; minor automobile and truck repairs; new and used car and truck sales lots; restaurant-drive in or sit-down; motels and hotels; boat and marine supplies; marine sales, service and storage; recreational vehicle and automobile storage; mobile home sales; travel trailer sales and service; small tractor and light construction equipment sales and service; drive-in theatres, skating rinks; bowling alleys; and mini-warehouses.

(Amendments are underlined)

PASSED THIS 14 DAY OF Aug, 2003.

First Reading: July 10, 2003
Second Reading: August 14, 2003

Attest: Tracy Miles
CLERK

George W. Zubah
GALLATIN COUNTY JUDGE EXECUTIVE

ORDINANCE

12-14-06-09

AN ORDINANCE OF GALLATIN COUNTY, KENTUCKY, ADOPTING AND APPROVING A RECOMMENDATION OF THE GALLATIN PLANNING COMMISSION, THEREBY AMENDING THE OFFICIAL ZONING MAP OF GALLATIN COUNTY BY CHANGING THE ZONING CLASSIFICATION OF THE WHITEHOURSE DEVELOPMENT GROUP LLC PROPERTY CONTAINING 55 ACRES LOCATED AT THE NORTH EAST CORNER OF THE INTERSECTION OF HIGHWAY 1039 ANDI-71 (EXIT 55) FROM RESIDENTIAL ONE (R-1A) TO COMMERCIAL.

WHEREAS, Adam Chaney representing Whitehorse Development Group LLC has made application with the County to rezone their properties located at the northeast corner of the intersection of Highway 1039 and I-71 (exit 55) from Single Family Residential (R-1A) to General Business District.

WHEREAS, the Gallatin County Planning Commission held a public hearing on October 3, 2006 after proper notice, gathered substantial evidence, and solicited input from all those interested in commenting upon and testifying regarding the proposed zone changes; and

WHEREAS, after deliberation, discussion and consideration of the substantial evidence gathered during the public hearing process, the Gallatin County Planning Commission determined that the applications were consistent with the County's Comprehensive Plan and with the zoning regulations; and therefore recommended in favor of the zone change applications with conditions: written guarantee that sewer if not provided by Carrollton Utilities, would be provided by Whitehorse via a sewer line to Kentucky Speedway sewer retention basin.

WHEREAS, this written guarantee has been received from Whitehorse.

NOW, THEREFORE, BE IT ORDAINED BY GALLATIN COUNTY AS FOLLOWS:

SECTION 1: Based upon the findings and conclusions of the Gallatin county Planning Commission, and upon the foregoing premises, the following zone change request is hereby approved: To rezone the property owned by Whitehorse Development located at Highway 1039 and I-71 (Exit 55) from R1-A to Commercial District.

SECTION 2: The Official Zoning Map of Gallatin County, Kentucky, is hereby amended by designating the property listed in Section 1 hereof as Commercial District.

SECTION 3: This Ordinance shall be fully effective upon its adoption, approval and publication according to law.

SECTION 4. All ordinances or parts of ordinances in conflict herewith, to the extent of such conflict, if any, are hereby repealed.

SECTION 5: The foregoing Ordinance was read, passed and adopted by the Gallatin County Fiscal Court, meeting in regular session on the 14th day of December.

Yea Ken McFarland Nay _____

Yea Eric Moore Nay _____

Yea Jim Campbell Nay _____

Yea Tom Ellis Nay _____

George W. Zubaty

Judge/Executive George W. Zubaty

Attest:

Tracy Miles

Tracy Miles, Court Clerk

ORDINANCE NO. 2003-06-12-03-02

AN ORDINANCE RELATING TO DEMOLITION OF STRUCTURES AND BUILDINGS

WHEREAS, THE PLANNING AND ZONING COMMISSION OF GALLATIN COUNTY AND THE PLANNING AND ZONING ADMINISTRATOR FIND A NEED TO MONITOR DEMOLITION OF STRUCTURES AND BUILDINGS FOR THE PURPOSE OF ENCOURAGING PROMPT COMPLETION OF SUCH PROJECTS:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ADJUSTMENTS OF GALLATIN COUNTY, KENTUCKY:

1. That the Zoning ordinance shall be amended as follows:

ARTICLE 3 - ADMINISTRATION

153.3 (B) Zoning Compliance (Building) Permits

1. (A) **Required Prior to Construction or Alteration:** It shall be unlawful to commence construction or alteration of any structure until the Administrative Official has issued a building permit authorizing such work, except as specified elsewhere in the Zoning/Building Regulation. The Planning Commission may establish a schedule of reasonable fees to be charged for the issuance of building permits, which schedule must be approved by the city and county legislative bodies. An accounting procedure shall be established by the Planning Commission and an annual report of all such fees received by the Planning Commission shall be submitted to the legislative body designated as fiscal agent for the Commission.

2. (B) **Required Prior to Demolition:** It shall be unlawful to commence demolition of any structure or building until the Administrative Official has issued a demolition permit authorizing such work and establishing a time period within which the demolition shall be completed. The time allowed for such demolition shall be set by the Administrative Official between 30 days and 6 months depending upon the circumstances. No fee shall be charged for the demolition permit. However, failure to complete the demolition within the established time period shall subject the violator to the penalties contemplated in section 153.14(b). (amended language highlighted by underlining)

PASSED THIS 12 DAY OF June by the Gallatin Fiscal Court.

First Reading: April 10, 2003
Second Reading: June 12, 2003

Attest: Tracy Miles
Clerk

George W. Zubaty
Gallatin County Judge Executive

RECOMMEDED by
Planning and Zoning Commission
April 1, 2003

COMMERCIAL BUILDING PERMIT FEES
INCLUDES ALL BUILDINGS EXCEPT SINGLE FAMILY

CONSTRUCTION COST AS VERIFIED BY CONTRACTOR'S AFFIDAVIT

		FEE
$ 0	TO $ 19,999.99	$ 100.00
20,000.00	29,999.99	125.00
30,000.00	59,999.99	150.00
60,000.00	89,999.99	175.00
90,000.00	109.999.99	200.00
110,000.00	199,999,99	300.00
200,000.00	399,999,99	500.00
400,000.00	599,999.99	700.00
600,000.00	799,999.99	900.00
800,000.00	AND UP	1,000.00

TEMPORARY CONSTRUCTION BUILDINGS NO CHARGE

SIGN -- UP TO 16 SQ. FT. $10.00
ABOVE 16 SQ. FT. 25.00

CELL TOWERS -- ONE ANTENNA $500.00
EACH ADDITIONAL ANTENNA AS ADDED $250.00

DEMOLITION PERMIT REQUIRED IN ALL ZONES (EXCEPT AGR. EXEMPTION)

$25.00

UNLESS THERE IS AN ENVIROMENTAL CONTAMINATION PROBLEM DETERMINED BY PLANNING COMMISSION OR DESIGNEE, FEE WILL THEN BE SET ON A CASE BY CASE BASIS BY THE PLANNING COMMISSION

FEE SCHEDULE IS SUBJECT TO CHANGE WITH A VOTE OF PLANNING COMMISSION

Revised March 4, 2002

OTHER FEES

REQUEST FOR ZONE MAP CHANGE

FROM AGRICULTURAL R1 – TO – ANY OTHER ZONE – FEE $500.00
Except to I-1 or I-2 - FEE $750.00

FROM R2 OR R3 TO ANY OTHER ZONE – FEE $500.00
Except to I-1 or I-2 – FEE $750.00

FROM ANY ZONE TO I-1 OR I-2 – FEE $750.00

CHANGE IN USE WITHIN SAME ZONE $100.00

Minor Subdivision (three or less lots) – FEE $50.00

Subdivisons of four or more lots – FEE $150.00 Plus $10.00 Per Lot

Fence – FEE $10.00 (except in agriculture use no charge)

Signs – up to 16 sq. ft. - $10.00
Above 16 sq. ft. - $25.00
All sign plans must be reviewed
And require a drawing

FEE SCHEDULE IS SUBJECT TO CHANGE WITH A VOTE OF PLANNING COMMISSION

Revised March 4, 2002

ESTIMATING YOUR RESIDENTIAL PERMIT AND INSPECTION FEE

1. START WITH CHART A
2. SELECT THE ITEMS THAT MATCH WHAT YOU ARE GOING TO BUILD
3. ENTER THE DOLLAR AMOUNT FOUND IN CHART A ON LINES 7,8, AND 9
4. MULTIPLY THE DOLLAR AMOUNT TIMES THE SQ. FT. AND THAT EQUAL THE ESTIMATED COST OF YOUR LIVING SPACE, BASEMENT AND GARAGE
5. ADD LINES 7,8 AND 9 AND THAT EQUALS = TOTAL ESTIMATED COST OF YOUR HOUSE
6. THEN USE CHART B TO FIND ESTIMATE OF BUILDING PERMIT AND INSPECTION FEE
7.

CHART A

A. LIVING SPACE ESTIMATED CONSTRUCTION COST IS $35.00 PER SQ. FT.
B. BASEMENT - UNFINISHED EST. CONST. COST IS $8.00 PER SQ. FT.
C. BASEMENT - FINISHED EST. CONST. COST IS $29.95 PER SQ. FT.
D. ATTACHED GARAGE - EST. CONST. COST IS $10.00 PER SQ. FT.
E. DETACHED GARAGE - EST. CONST. COST IS $15.00 PER SQ. FT.

******** DIMENSIONS OF BUILDINGS ARE TO BE OUTSIDE MEASURMENTS ********

					ESTIMATED COST
8.	A = $35.	X SQUARE FEET	_____	OF LIVING SPACE =	_____
9.	_____	X SQUARE FEET	_____	OF BASEMENT =	_____
10.	_____	X SQUARE FEET	_____	OF GARAGE =	_____
				TOTAL COST OF PROJECT	_____

CHART B

ESTIMATED COST OF YOUR HOUSE			ESTIMATED FEE
$ 0	TO	$ 29,999.99	$ 100.00
30,000.00		49,999.99	150.00
50,000.00		74,999.99	200.00
75,000.00		99,999.99	250.00
100,000.00		149,999.99	300.00
150,000.00		199,999.99	400.00
200,000.00		349,999.99	500.00
350,000.00		499,999.99	600.00
500,000.00		749,999.99	800.00
750,000.00		999,999.99	1,000.00
1,000,000.00		and up	2,500.00

Approved outbuildings up to 120 square feet the fee is $20.00

DEMOLITION PERMIT REQUIRED IN ALL ZONES (EXCEPT AGR. EXEMPTION) $25.00 UNLESS THERE IS AN ENVIROMENTAL CONTAMINATION PROBLEM DETERMINED BY PLANNING COMMISSION OR DESIGNEE, FEE WILL THEN BE SET ON A CASE BY CASE BASIS BY THE PLANNING COMMISSION OR BY THEIR DESIGNEE

FEES ARE BASED ON SQUARE FOOTAGE AND PLANNING COMMISSION'S ESTIMATE OF COST, NOT ACTUAL COST. FEE SCHEDULE IS SUBJECT TO CHANGE WITH A VOTE OF THE PLANNING COMMISSION.

TEMPORARY HOUSING NO FEE CHARGED - WILL BE CHECKED FOR ORDINANCE COMPLIANCE

Revised March 4, 2002

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Enacted upon its second reading on October 11, 2001.

George W. Zubaty
Gallatin County Judge/Exec.

A True Copy: ATTEST

Jane L. Davis
Clerk, Gallatin County Fiscal Court

CODE OF ORDINANCES: CHAPTER 154

LOCAL ORDINANCE NUMBER 10-11-01

AN ORDINANCE RELATED TO REGULATING THE SITING OF WIRELESS TELECOMMUNICATIONS FACILITIES

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

Section 1. Purpose and Legislative Intent.

The Telecommunications Act of 1996 affirmed the County of Gallatin's authority concerning the placement, construction and modification of Wireless Telecommunications Facilities. The County of Gallatin finds that Wireless Telecommunications Facilities may pose significant concerns to the health, safety, public welfare, character and environment of the County and its inhabitants. The County also recognizes that facilitating the development of wireless service technology can be an economic development asset to the County and of significant benefit to the County and its residents. In order to insure that the placement, construction or modification of Wireless Telecommunications Facilities is consistent with the County's land use policies, the County is adopting a single, comprehensive, Wireless Telecommunications Facilities application and permit process. The intent of this Local Ordinance is to minimize the negative impact of Wireless Telecommunications Facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the County of Gallatin.

Section 2. Title.

This Ordinance shall be known and cited as the Wireless Telecommunications Facilities Siting Ordinance for the County of Gallatin.

Section 3. Severability.

A) If any word, phrase, sentence, part, section, subsection, or other portion of this Ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

B) Any Special Use Permit issued under this Ordinance shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is overturned by a competent authority, the permit shall be void in total, upon determination by the County.

Section 4. Definitions.

For purposes of this Ordinance, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

1. "**Accessory Facility** or **Structure**" means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.

2. **"Applicant"** means any Wireless service provider submitting an Application for a Special Use Permit for Wireless Telecommunications Facilities.

3. **"Application"** means all necessary and appropriate documentation that an Applicant submits in order to receive a Special Use Permit for Wireless Telecommunications Facilities.

4. **"Antenna"** means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. Such shall include, but not be limited to radio, television, cellular, paging, personal Telecommunications services (PCS), microwave Telecommunications and services not licensed by the FCC, but not expressly exempt from the County's siting, building and permitting authority.

5. **"Board"** means the Gallatin County Fiscal Court or its designee.

6. **"Co-location"** means the use of a Tower or structure to support Antennae for the provision of wireless services without increasing the height of the Tower or structure.

7. **"Commercial Impracticability"** or **"Commercially Impracticable"** means the inability to perform an act on terms that are reasonable in commerce, the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be "commercial impracticable" and shall not render an act or the terms of an agreement "commercially impracticable".

8. **"Commonwealth"** means the Commonwealth of Kentucky.

9. **"Completed Application"** means an Application that contains all information and/or data necessary to enable an informed decision to be made with respect to an Application.

10. **"County"** means the County of Gallatin, Kentucky.

11. **"FAA"** means the Federal Aviation Administration, or its duly designated and authorized successor agency.

12. **"FCC"** means the Federal Communications Commission, or its duly designated and authorized successor agency.

13. **"Height"** means, when referring to a Tower or structure, the distance measured from the pre-existing grade level to the highest point on the Tower or structure, even if said highest point is an Antenna or lightening protection device.

14. **"NIER"** means Non-Ionizing Electromagnetic Radiation

17. **"Person"** means any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.

18. **"Personal Wireless Facility"** See definition for 'Wireless Telecommunications Facilities'.

19. **"Personal Wireless Services"** or **"PWS"** or **"Personal Telecommunications Service" or "PCS"** shall have the same meaning as defined and used in the 1996 Telecommunications Act.

20. **"Telecommunication Site"** See definition for Wireless Telecommunications Facilities.

21. **"Special Use Permit"** means the official document or permit by which an Applicant is allowed to construct and use Wireless Telecommunications Facilities as granted or issued by the County.

22. **"Stealth" or "Stealth Technology"** means minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances,.

23. **"Telecommunications"** means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

24. **"Telecommunications Structure"** means a structure used in the provision of services described in the definition of 'Wireless Telecommunications Facilities'.

25. **"Temporary"** means, temporary in relation to all aspects and components of this Ordinance, something intended to, or that does, exist for fewer than ninety (90) days.

26. **"Wireless Telecommunications Facilities"** means and includes a **"Telecommunications Tower"** and **"Tower"** and **"Telecommunications Site"** and **"Personal Wireless Facility"** means a structure, facility or location designed, or intended to be used as, or used to support, Antennas or other transmitting or receiving devices. This includes without limit, Towers of all types and kinds and structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other structures that can be used to mitigate the visual impact of an Antenna or the functional equivalent of such, including all related facilities such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal Telecommunications services, commercial satellite services, microwave services and services not licensed by the FCC, but not expressly exempt from the County's siting, building and permitting authority, excluding those used exclusively for the County's fire, police or exclusively for private, non-commercial radio and television reception and private citizen's bands, amateur radio and other similar non-commercial Telecommunications where the height of the facility is below the height limits set forth in this ordinance.

Section 5. Overall Policy and Desired Goals for Special Use Permits for Wireless Telecommunications Facilities.

In order to ensure that the placement, construction, and modification of Wireless Telecommunications Facilities protects the County's health, safety, public welfare, environmental features, the nature and character of the community and neighborhood and other aspects of the quality of life specifically listed elsewhere in this Ordinance, the County hereby adopts an overall policy with respect to a Special Use

Permit for Wireless Telecommunications Facilities for the express purpose of achieving the following goals:

1) Implementing an Application process for person(s) seeking a Special Use Permit for Wireless Telecommunications Facilities;
2) Establishing a policy for examining an application for and issuing a Special Use Permit for Wireless Telecommunications Facilities that is both fair and consistent.
3) OrdinancePromoting and encouraging, wherever possible, the sharing and/or co-location of Wireless Telecommunications Facilities among service providers;
4) Promoting and encouraging, wherever possible, the placement, height and quantity of Wireless Telecommunications Facilities in such a manner, including but not limited to the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances,.

Section 6. Special Use Permit Application and Other Requirements.

A) All Applicants for a Special Use Permit for Wireless Telecommunications Facilities or any modification of such facility shall comply with the requirements set forth in this section. The County Council is the officially designated agency or body of the County to whom applications for a Special Use Permit for Wireless Telecommunications Facilities must be made, and that is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting, recertifying or not recertifying, or revoking special use permits for Wireless Telecommunications Facilities. The County may at its discretion delegate or designate other official agencies of the County to accept, review, analyze, evaluate and make recommendations to the County Council with respect to the granting or not granting, recertifying or not recertifying or revoking special use permits for Wireless Telecommunications Facilities.

B) An Application for a Special Use Permit for Wireless Telecommunications Facilities shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The landowner, if different than the Applicant, shall also sign the Application. At the discretion of the County, any false or misleading statement in the Application may subject the Applicant to denial of the Application without further consideration or opportunity for correction.

C) Applications not meeting the requirements stated herein or which are otherwise incomplete, may be rejected by the County.

D) The Applicant shall include a statement in writing:

1) That the applicant's proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions of the Special Use Permit, without exception, unless specifically granted relief by the County in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable County, Commonwealth and Federal Laws, rules, and regulations;

2) That the construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in the Commonwealth.

E) No Wireless Telecommunications Facilities shall be installed or constructed until the Application is reviewed and approved by the County, and the Special Use Permit has been issued.

F) No Tower owner or manager shall be permitted to submit an application for a Special Use Permit for a Tower if the Tower owner does not have a signed agreement committing a commercial service provider to occupy space on the Tower.

G) All applications for the construction or installation of new Wireless Telecommunications Facilities shall contain the information hereinafter set forth. The application shall be signed by an authorized individual on behalf of the Applicant. Where a certification is called for, such certification shall bear the signature and seal of a Professional Engineer licensed in the Commonwealth. The Application shall include the following information:

1) Documentation that demonstrates the need for the Wireless Telecommunications Facility to provide service primarily and essentially within the County. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites;

2) The Name, address and phone number of the person preparing the report;
3) The Name, address, and phone number of the property owner, operator, and Applicant, and to include the legal form of the Applicant;
4) The Postal address and tax map parcel number of the property;
5) The Zoning District or designation in which the property is situated;
6) Size of the property stated both in square feet and lot line dimensions, and a diagram showing the location of all lot lines;
7) The Location of nearest residential structure;
8) The Location, size and height of all structures on the property which is the subject of the Application;
9) The Location, size and height of all proposed and existing antennae and all appurtenant structures;
10) The Type, locations and dimensions of all proposed and existing landscaping, and fencing;
11) The number, type and design of the Tower(s) and Antenna(s) proposed and the basis for the calculations of the Tower's capaCounty to accommodate multiple users;
12) The make, model and manufacturer of the Tower and Antenna(s);
13) A description of the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
14) The frequency, modulation and class of service of radio or other transmitting equipment;
15) The actual intended transmission and the maximum effective radiated power of the Antenna(s);
16) Direction of maximum lobes and associated radiation of the Antenna(s);
17) Certification that the NIER levels at the proposed site are within the threshold levels adopted by the FCC;
18) Certification that the proposed Antenna(s) will not cause interference with other telecommunications devices;
19) A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities;
20) Certification that a topographic and geomorphologic study and analysis has been conducted, and that taking into account the subsurface and substrata, and the proposed drainage plan, that the site is adequate to assure the stability of the proposed Wireless Telecommunications Facilities on the proposed site.

H) In the case of a new Tower, the Applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing Tower(s) or the use of alternative buildings or other structures within the County. Copies of written requests and responses for shared use shall be provided to the County in the Application, along with any letters of rejection stating the reason for rejection.

I) The Applicant shall certify that the Telecommunication Facility, foundation and attachments are designed and will be constructed to meet all local, County, Commonwealth and Federal structural requirements for loads, including wind and ice loads.

J) The Applicant shall certify that the Wireless Telecommunications Facilities will be effectively grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.

K) An Applicant may be required to submit an Environmental Assessment Analysis and a Visual addendum. Based on the results of the Analysis, including the Visual addendum, the County may require submission of a more detailed visual analysis. The scope of the required Environmental and visual assessment will be reviewed at the pre-application meeting.

L) The Applicant shall furnish a Visual Impact Assessment, which shall include:

1) A " Zone of Visibility Map" which shall be provided in order to determine locations from which the Tower may be seen.

2) Pictorial representations of "before and after" views from key viewpoints both inside and outside of the County as may be appropriate, including but not limited to Commonwealth highways and other major roads; Commonwealth and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key sites at a pre-application meeting.

3) An assessment of the visual impact of the Tower base, guy wires and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.

M) The Applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related facilities and structures of the proposed Wireless Telecommunications Facilities.

N) Any and all representations made by the Applicant to the County on the record during the Application process, whether written or verbal, shall be deemed a part of the Application and may be relied upon in good faith by the County.

O) All utilities at a Wireless Telecommunications Facilities site shall be installed underground and in compliance with all Laws, ordinances, rules and regulations of the County, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.

P) All Wireless Telecommunications Facilities shall contain a demonstration that the Facility be sited so as to be the least visually intrusive reasonably possible and thereby have the least

adverse visual effect on the environment and its character, on existing vegetation, and on the residences in the area of the Wireless Telecommunications Facility.

Q) Both the Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings, this shall include the utilization of stealth or concealment technology as may required by the County.

R) At a Telecommunications Site, an access road, turn around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.

S) A Person who holds a Special Use Permit for Wireless Telecommunications Facilities shall construct, operate, maintain, repair, provide for removal of, modify or restore the permitted Wireless Telecommunications Facilities in strict compliance with all current applicable technical, safety and safety-related codes adopted by the County, Commonwealth, or United States, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.

T) A holder of a Special Use Permit granted under this Ordinance shall obtain, at its own expense, all permits and licenses required by applicable Law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the County or other governmental entity or agency having jurisdiction over the applicant.

U) An Applicant shall submit to the County the number of completed Applications determined to be needed at the pre-application meeting. Written notification of the Application shall be provided to the legislative body of all adjacent municipalities and to the County Planning Department.

V) The Applicant shall examine the feasibility of designing a proposed Tower to accommodate future demand for at least five (5) additional commercial applications, for example, future co-locations. The Tower shall be structurally designed to accommodate at least five (5) additional Antenna Arrays equal to those of the Applicant, and located as close to the Applicant's Antenna as possible without causing interference. This requirement may be waived, provided that the Applicant, in writing, demonstrates that the provisions of future shared usage of the Tower is not technologically feasible, is Commercially Impracticable or creates an unnecessary and unreasonable burden, based upon:

1) The foreseeable number of FCC licenses available for the area;
2) The kind of Wireless Telecommunications Facilities site and structure proposed;
3) The number of existing and potential licenses without Wireless Telecommunications Facilities spaces/sites;
4) Available space on existing and approved Towers.

W) The owner of the proposed new Tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed Tower by other Wireless service providers in the future, and shall:.

1. Respond within 60 days to a request for information from a potential shared-use applicant;

2. Negotiate in good faith concerning future requests for shared use of the new Tower by other Telecommunications providers;

3. Allow shared use of the new Tower if another Telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the Tower or equipment to accommodate a shared user without causing electromagnetic interference.

Failure to abide by the conditions outlined above may be grounds for revocation of the Special Use Permit for the Tower.

X) There shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues which will help to expedite the review and permitting process. A pre-application meeting shall also include a site visit if there has not been a prior site visit for the requested site. Costs of the County's consultants to prepare for and attend the pre-application meeting will be borne by the applicant.

Y) The holder of a Special Use Permit shall notify the County of any intended modification of a Wireless Telecommunication Facility and shall apply to the County to modify, relocate or rebuild a Wireless Telecommunications Facility.

Z) In order to better inform the public, in the case of a new Telecommunication Tower, the applicant shall, prior to the public hearing on the application, hold a "balloon test". The Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three (3) foot in diameter brightly colored balloon at the maximum height of the proposed new Tower. The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test shall be advertised by the Applicant seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the County . The Applicant shall inform the County, in writing, of the dates and times of the test, at least fourteen (14) days in advance. The balloon shall be flown for at least four consecutive hours sometime between 7:00 am and 4:00 PM on the dates chosen. The primary date shall be on a week-end, but in case of poor weather on the initial date, the secondary date may be on a week day.

AA)The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the Tower or existing structure intended to support wireless facilities requires lighting under Federal Aviation Administration Regulation Part 77. This requirement shall be for any new tower or for an existing structure or building where the application increases the height of the structure or building. If this analysis determines, that the FAA must be contacted, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided in a timely manner.

Section 7. Location of Wireless Telecommunications Facilities.

A) Applicants for Wireless Telecommunications Facilities shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, one (1) being the highest priority and six (6) being the lowest priority.

1) On existing Towers or other structures without increasing the height of the tower or structure;

2) On County-owned properties;
3) On properties in areas zoned for Heavy Industrial use
4) On properties in areas zoned for Commercial use
5) On properties in areas zoned for Agricultural use
6) On properties in areas zoned for Residential use

B) If the proposed site is not the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the Applicant if the permit were not granted for the proposed site.

C) An Applicant may not by-pass sites of higher priority by stating the site proposed is the only site leased or selected. An Application shall address co-location as an option. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the County why co-location is Commercially or otherwise Impracticable. Agreements between providers limiting or prohibiting co-location shall not be a valid basis for any claim of Commercial Impracticability or hardship.

D) Notwithstanding the above, the County may approve any site located within an area in the above list of priorities, provided that the County finds that the proposed site is in the best interest of the health, safety and welfare of the County and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood.

E) The Applicant shall submit a written report demonstrating the Applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected shall be included with the Application.

F) Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the County may disapprove an Application for any of the following reasons.

1) Conflict with safety and safety-related codes and requirements;
2) Conflict with the historic nature or character of a neighborhood or historical district;
3) The use or construction of Wireless Telecommunications Facilities which is contrary to an already stated purpose of a specific zoning or land use designation;
4) The placement and location of Wireless Telecommunications Facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the County, or employees of the service provider or other service providers;
5) Conflicts with the provisions of this Ordinance.

Section 8. Shared use of Wireless Telecommunications Facilities and other structures.

A) Locating on existing Towers or others structures without increasing the height, shall be preferred by the County, as opposed to the construction of a new Tower. The Applicant shall submit a

comprehensive report inventorying existing Towers and other suitable structures within four (4) miles of the location of any proposed new Tower, unless the Applicant can show that some other distance is more reasonable and demonstrate conclusively why an exiting Tower or other suitable structure can not be used .

B) An Applicant intending to locate on an existing Tower or other suitable structure shall be required to document the intent of the existing owner to permit its use by the Applicant.

C) Such shared use shall consist only of the minimum Antenna array technologically required to provide service primarily and essentially within the County, to the extent practicable, unless good cause is shown.

Section 9. Height of Telecommunications Tower(s).

A) The Applicant shall submit documentation justifying the total height of any Tower, Facility and/or Antenna and the basis therefore. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the County, to the extent practicable, unless good cause is shown.

B) The maximum permitted height of a new Tower shall be one hundred-forty (140) feet, based on six (6) collocated antenna arrays requiring ten (10) feet of vertical space each, and an ambient tree height of eighty (80) feet.

C)

C) No Tower constructed after the effective date of this Ordinance, including allowing for all attachments, shall exceed that height which shall permit operation without required artificial lighting of any kind in accordance with municipal, County, Commonwealth, and/or any Federal statute, law, local law, County ordinance, code, rule or regulation.

Section 10. Appearance and Visibility of Wireless Telecommunications Facilities.

A) Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by Law.

B) Towers shall be galvanized and painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Ordinance.

C) If lighting is required, Applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under Commonwealth and Federal regulations.

Section 11. Security of Wireless Telecommunications Facilities.

All Wireless Telecommunications Facilities and Antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

1) All Antennas, Towers and other supporting structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and

2) Transmitters and Telecommunications control points shall be installed such a manner that they are readily accessible only to persons authorized to operate or service them.

Section 12. Signage.

Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of an Antenna that has transmission capabilities and shall contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the Applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. The sign shall not be lighted, unless lighting is required by applicable law, rule or regulation. No other signage, including advertising, shall be permitted.

Section 13. Lot Size and Setbacks.

All proposed Towers and any other proposed Wireless Telecommunications Facility structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: A distance equal to the height of the proposed Tower or Wireless Telecommunications Facility structure plus ten percent (10%) of the height of the Tower or structure, or the existing setback requirement of the underlying zoning district, whichever is greater. Any Accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.

Section 14. Retention of Expert Assistance and Reimbursement by Applicant.

A) The County may hire any consultant and/or expert necessary to assist the County in reviewing and evaluating the Application, including the construction and modification of the site, once permitted, and any requests for recertification.

B) An Applicant shall deposit with the County funds sufficient to reimburse the County for all reasonable costs of consultant and expert evaluation and consultation to the County in connection with the review of any Application including the construction and modification of the site, once permitted . The initial deposit shall be $8,500.00. The placement of the $8,500 with the County shall precede the pre-application meeting. The County will maintain a separate escrow account for all such funds. The County's consultants/experts shall invoice the County for its services in reviewing the Application, including the construction and modification of the site, once permitted. If at any time during the process this escrow account has a balance less than $2,500.00, the Applicant shall immediately, upon notification by the County, replenish said escrow account so that it has a balance of at least $5,000.00. Such additional escrow funds shall be deposited with the County before any further action or consideration is taken on the Application. In the event that the amount held in escrow by the County is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the Applicant.

C) The total amount of the funds needed as set forth in subsection (B) of this section may vary with the scope and complexity of the project, the completeness of the Application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

Section 15. Exceptions from a Special Use Permit for Wireless Telecommunications Facilities.

A) No Person shall be permitted to site, place, build, construct, modify or prepare any site for the placement or use of, Wireless Telecommunications Facilities as of the effective date of this Ordinance without having first obtained a Special Use Permit for Wireless Telecommunications Facilities. Notwithstanding anything to the contrary in this section, no Special Use Permit shall be required for those non-commercial exceptions noted in the definition of Wireless Telecommunications Facilities.

B) All Wireless Telecommunications Facilities existing on or before the effective date of this Ordinance shall be allowed to continue as they presently exist, provided however, that any visible modification of an existing Wireless Telecommunications Facility must comply with this Ordinance.

Section 16. Public Hearing and Notification Requirements.

A) Prior to the approval of any Application for a Special Use Permit for Wireless Telecommunications Facilities, a public hearing shall be held by the County, notice of which shall be published in the official newspaper of the County no less than ten (10) calendar days prior to the scheduled date of the public hearing. In order that the County may notify nearby landowners, the Applicant, the Application shall contain the names and address of all landowners whose property is located within fifteen hundred (1500) feet of any property line of the lot or parcel on which the new Wireless Telecommunications Facilities are proposed to be located.

B) There shall be no public hearing required for an application to co-locate on an existing tower or other structure, as long as there is no proposed increase in the height of the Tower or structure, including attachments thereto.

C) The County shall schedule the public hearing referred to in Subsection (A) of this section once it finds the Application is complete, the County, at any stage prior to issuing a Special Use Permit, may require such additional information as it deems necessary.

Section 17. Action on an Application for a Special Use Permit for Wireless Telecommunications Facilities.

A) The Board will undertake a review of an Application pursuant to this Ordinance in a timely fashion, and shall act within a reasonable period of time given the relative complexity of the Application and the circumstances, with due regard for the public's interest and need to be involved, and the Applicant's desire for a timely resolution.

B) The Board may refer any Application or part thereof to any advisory or other committee for a non-binding recommendation.

C) After the public hearing and after formally considering the Application, the County may approve, approve with conditions, or deny a Special Use Permit. Its decision shall be in writing and shall be supported by substantial evidence contained in a written record. The burden of proof for the grant of the permit shall always be upon the Applicant.

D) If the County approves the Special Use Permit for Wireless Telecommunications Facilities , then the Applicant shall be notified of such approval in writing within ten (10) calendar days of the County's action, and the Special use Permit shall be issued within thirty (30) days after such approval. Except for necessary building permits, and subsequent Certificates of Compliance, once a Special Use Permit has been granted hereunder, no additional permits or approvals from the County , such as site plan or zoning approvals, shall be required by the County for the Wireless Telecommunications Facilities covered by the Special Use Permit.

E) If the County denies the Special Use Permit for Wireless Telecommunications Facilities, then the Applicant shall be notified of such denial in writing within ten (10) calendar days of the County's action.

Section 18. Recertification of a Special Use Permit for Wireless Telecommunications Facilities.

A) Between twelve (12) months and six (6) months prior to the five (5) year anniversary date after the effect date of the Special Use Permit and all subsequent five year anniversaries of the effective date of the original Special Use Permit for Wireless Telecommunications Facilities, the holder of a Special Use Permit for such Wireless Telecommunication Facilities shall submit a signed written request to the Board for recertification. In the written request for recertification, the holder of such Special Use Permit shall note the following:

1) The name of the holder of the Special Use Permit for the Wireless Telecommunications Facilities;
2) If applicable, the number or title of the Special Use Permit;
3) The date of the original granting of the Special Use Permit;
4) Whether the Wireless Telecommunications Facilities have been moved, re-located, rebuilt, or otherwise visibly modified since the issuance of the Special Use Permit and if so, in what manner;
5) If the Wireless Telecommunications Facilities have been moved, re-located, rebuilt, , or otherwise visibly modified, then whether the County approved such action, and under what terms and conditions, and whether those terms and conditions were complied with;
6) That the Wireless Telecommunications Facilities are in compliance with the Special Use Permit and compliance with all applicable codes, Laws, rules and regulations;
8) Recertification that the Tower and attachments both are designed and constructed and continue to meet all local, County, Commonwealth and Federal structural requirements for loads, including wind and ice loads. Such recertification shall be by a Professional Engineer licensed in the Commonwealth, the cost of which shall be borne by the Applicant.

B) If, after such review, the County determines that the permitted Wireless Telecommunications Facilities are in compliance with the Special Use Permit and all applicable statutes, laws, local laws, ordinances, codes, rules and regulations, then the County issue a recertification of the Special Use Permit for the Wireless Telecommunications Facilities, which may include any new provisions or conditions that are mutually agreed upon, or that are required by applicable statutes, laws, ordinances, codes, rules or regulations. If, after such review it is determined that the permitted Wireless Telecommunications Facilities are not in compliance with the Special Use Permit and all applicable statutes, laws, ordinances, codes, rules and regulations, then the County may refuse to issue a recertification Special Use Permit for the Wireless Telecommunications Facilities; and in such event, such Wireless Telecommunications Facilities shall not be used after the date that the Applicant receives written notice of the decision by the

County until such time as the Facility is brought into compliance. Any decision requiring the cessation of use of the Facility or imposing a penalty shall be in writing and supported by substantial evidence contained in a written record and shall be promptly provided to the owner of the Facility.

C) If the Applicant has submitted all of the information requested and required by this Ordinance, and if the review is not completed, as noted in subsection (B) of this section, prior to the five (5) year anniversary date of the Special Use Permit, or subsequent five year anniversaries, then the Applicant for the permitted Wireless Telecommunications Facilities shall receive an extension of the Special Use Permit for up to six (6) months, in order for the completion of the review.

D) If the holder of a Special Use Permit for Wireless Telecommunications Facilities does not submit a request for recertification of such Special Use Permit within the timeframe noted in subsection (A) of this section, then such Special Use Permit and any authorizations granted thereunder shall cease to exist on the date of the fifth anniversary of the original granting of the Special Use Permit, or subsequent five year anniversaries, unless the holder of the Special Use Permit adequately demonstrates that extenuating circumstances prevented a timely recertification request. If the County agrees that there were legitimately extenuating circumstances, then the holder of the Special Use Permit may submit a late recertification request or Application for a new Special Use Permit.

Section 19. Extent and Parameters of Special Use Permit for Wireless Telecommunications Facilities.

The extent and parameters of a Special Use Permit for Wireless Telecommunications Facilities shall be as follows:

1) such Special Use Permit shall be non-exclusive;

2) such Special Use Permit shall not be assigned, transferred or conveyed without the express prior written notification to the County .

3) such Special Use Permit may, following a hearing upon due prior notice to the Applicant, be revoked, canceled, or terminated for a violation of the conditions and provisions of the Special Use Permit, or for a material violation of this Ordinance after prior written notice to the holder of the Special Use Permit.

Section 20. Application Fee.

A) At the time that a person submits an Application for a Special Use Permit for a new Tower, such person shall pay a non-refundable application fee of $5,000.00 to the County. If the Application is for a Special Use Permit for co-locating on an existing Tower or other suitable structure, where no increase in height of the Tower or structure is required, the non-refundable fee shall be $2,000.00.

B) No Application fee is required in order to recertify a Special Use Permit for Wireless Telecommunications Facilities, unless there has been a visible modification of the Wireless Telecommunications Facility since the date of the issuance of the existing Special Use Permit for which the conditions of the Special Use Permit have not previously been modified. In the case of any modification, the fees provided in Subsection (A) shall apply.

Section 21. Performance Security.

The Applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at its cost and expense, be jointly required to execute and file with the County a bond, or other form of security acceptable to the County as to type of security and the form and manner of execution, in an amount of at least $75,000.00 and with such sureties as are deemed sufficient by the County to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any Special Use Permit issued pursuant to this Ordinance. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original Special Use Permit.

Section 22. Reservation of Authority to Inspect Wireless Telecommunications Facilities.

In order to verify that the holder of a Special Use Permit for Wireless Telecommunications Facilities and any and all lessees, renters, and/or licensees of Wireless Telecommunications Facilities, place and construct such facilities, including Towers and Antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, Laws, ordinances and regulations and other applicable requirements, the County may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, Towers, Antennas and buildings or other structures constructed or located on the permitted site.

Section 23. Annual NIER Certification.

The holder of the Special Use Permit shall, annually, certify to the County that NIER levels at the site are within the threshold levels adopted by the FCC.

Section 24. Liability Insurance.

A) A holder of a Special Use Permit for Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Special Use Permit in amounts as set forth below

   1) Commercial General Liability covering personal injuries, death and property damage: $1,000,000 per occurrence/$2,000,000 aggregate;
   2) Automobile Coverage: $1,000,000.00 per occurrence/ $2,000,000 aggregate;
   3) Workers Compensation and Disability: Statutory amounts.

B) The Commercial General liability insurance policy shall specifically include the County and its officers, boards, employees, committee members, attorneys, agents and consultants as additional named insureds.

C) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the Commonwealth and with a Best's rating of at least A.

D) The insurance policies shall contain an endorsement obligating the insurance company to furnish the County with at least thirty-(30) days prior written notice in advance of the cancellation of the insurance.

E) Renewal or replacement policies or certificates shall be delivered to the County at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.

F) Before construction of a permitted Wireless Telecommunications Facilities is initiated, but in no case later than fifteen (15) days after the grant of the Special Use Permit, the holder of the Special Use Permit shall deliver to the County a copy of each of the policies or certificates representing the insurance in the required amounts.

Section 25. Indemnification.

A) Any application for Wireless Telecommunication Facilities that is proposed for County property, pursuant to this Ordinance, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the County, and its officers, boards, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the County, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the County.

B) Notwithstanding the requirements noted in subsection (A) of this section, an indemnification provision will not be required in those instances where the County itself applies for and secures a Special Use Permit for Wireless Telecommunications Facilities.

Section 26. Fines.

A) In the event of a violation of this Ordinance or any Special Use Permit issued pursuant to this Ordinance, the County may impose and collect, and the holder of the Special Use Permit for Wireless Telecommunications Facilities shall pay to the County, fines or penalties as set forth below.

B) A violation of this local Ordinance is hereby declared to be an offense, punishable by a fine not exceeding three hundred fifty dollars per day per occurrence or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this article or of such ordinance or regulation shall be deemed misdemeanors and for such purpose only all provisions of Law relating to misdemeanors shall

apply to such violations. Each week's continued violation shall constitute a separate additional violation.

C) Notwithstanding anything in this Ordinance, the holder of the Special Use Permit for Wireless Telecommunications Facilities may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with this Ordinance or any section of this Ordinance. An attempt to do so shall subject the holder of the Special Use Permit to termination and revocation of the Special Use Permit. The County may also seek injunctive relief to prevent the continued violation of this Ordinance, without limiting other remedies available to the County.

Section 27. Default and/or Revocation.

A) If Wireless Telecommunications Facilities are repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this Ordinance or of the Special Use Permit, then the County shall notify the holder of the Special Use Permit in writing of such violation. Such notice shall specify the nature of the violation or non-compliance and that the violations must be corrected within seven (7) days of the date of the postmark of the Notice, or of the date of personal service of the Notice, whichever is earlier. Notwithstanding anything to the contrary in this subsection or any other section of this Ordinance, if the violation causes, creates or presents an imminent danger or threat to the health or safety of lives or property, the County may, at its sole discretion, order the violation remedied within twenty-four (24) hours.

B) If within the period set forth in (A) above the Wireless Telecommunications Facilities are not brought into compliance with the provisions of this Ordinance, or of the Special Use Permit, or substantial steps are not taken in order to bring the affected Wireless Telecommunications Facilities into compliance, then the County may revoke such Special Use Permit for Wireless Telecommunications Facilities, and shall notify the holder of the Special Use Permit within forty-eight (48) hours of such action.

Section 28. Removal of Wireless Telecommunications Facilities.

A) Under the following circumstances, the County may determine that the health, safety, and welfare interests of the County warrant and require the removal of Wireless Telecommunications Facilities.

1) Wireless Telecommunications Facilities with a permit have been abandoned (i.e. not used as Wireless Telecommunications Facilities) for a period exceeding ninety consecutive (90) days or a total of one hundred-eighty (180) days in any three hundred-sixty five (365) day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within 90 days;

2) Permitted Wireless Telecommunications Facilities fall into such a state of disrepair that it creates a health or safety hazard;

3) Wireless Telecommunications Facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required Special Use Permit, or any other necessary authorization.

B) If the County makes such a determination as noted in subsection (A) of this section, then the County shall notify the holder of the Special Use Permit for the Wireless Telecommunications Facilities within forty-eight (48) hours that said Wireless Telecommunications Facilities are to

be removed, the County may approve an interim temporary use agreement/permit, such as to enable the sale of the Wireless Telecommunications Facilities.

C) The holder of the Special use Permit, or its successors or assigns, shall dismantle and remove such Wireless Telecommunications Facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within ninety (90) days of receipt of written notice from the County. However, if the owner of the property upon which the Wireless Telecommunications Facilities are located wishes to retain any access roadway to the Wireless Telecommunications Facilities, the owner may do so with the approval of the County.

D) If Wireless Telecommunications Facilities are not removed or substantial progress has not been made to remove the Wireless Telecommunications Facilities within ninety (90) days after the permit holder has received notice, then the County may order officials or representatives of the County to remove the Wireless Telecommunications Facilities at the sole expense of the owner or Special Use Permit holder.

E) If, the County removes, or causes to be removed, Wireless Telecommunications Facilities, and the owner of the Wireless Telecommunications Facilities does not claim and remove it from the site to a lawful location within ten (10) days, then the County may take steps to declare the Wireless Telecommunications Facilities abandoned, and sell them and their components.

F) Notwithstanding anything in this Section to the contrary, the County may approve a temporary use permit / agreement for the Wireless Telecommunications Facilities, for no more ninety (90) days, during which time a suitable plan for removal, conversion, or re-location of the affected Wireless Telecommunications Facilities shall be developed by the holder of the Special Use Permit, subject to the approval of the County, and an agreement to such plan shall be executed by the holder of the Special Use Permit and the County. If such a plan is not developed, approved and executed within the ninety (90) day time period, then the County may take possession of and dispose of the affected Wireless Telecommunications Facilities in the manner provided in this Section.

Section 29. Relief.

Any Applicant desiring relief, waiver or exemption from any aspect or requirement of this Ordinance may request such at the pre-Application meeting, provided that the relief or exemption is contained in the original Application for either a Special Use Permit, or in the case of an existing or previously granted Special Use Permit a request for modification of its Tower and/or facilities. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the Applicant to prove. The Applicant shall bear all costs of the County in considering the request and the relief, waiver or exemption. No such relief or exemption shall be approved unless the Applicant demonstrates by clear and convincing evidence that, if granted the relief, waiver or exemption will have no significant affect on the health, safety and welfare of the County, its residents and other service providers.

Section 30. Periodic Regulatory Review by the County.

A) The County may at any time conduct a review and examination of this entire Ordinance.

B) If after such a periodic review and examination of this Ordinance, the County determines that one or more provisions of this Ordinance should be amended, repealed, revised, clarified, or

deleted, then the County may take whatever measures are necessary in accordance with applicable Law in order to accomplish the same. It is noted that where warranted, and in the best interests of the County, the County may repeal this entire Ordinance at any time.

C) Notwithstanding the provisions of subsections (A) and (B) of this Section, the County may at any time, and in any manner (to the extent permitted by Federal, Commonwealth, or local law), amend, add, repeal, and/or delete one or more provisions of this Ordinance.

Section 31. Adherence to Commonwealth and/or Federal Rules and Regulations.

A) To the extent that the holder of a Special Use Permit for Wireless Telecommunications Facilities has not received relief, or is otherwise exempt, from appropriate Commonwealth and/or Federal agency rules or regulations, then the holder of such a Special Use Permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any Commonwealth or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.

B) To the extent that applicable rules, regulations, standards, and provisions of any Commonwealth or Federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a Special Use Permit for Wireless Telecommunications Facilities , then the holder of such a Special Use Permit shall conform the permitted Wireless Telecommunications Facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

Section 32. Conflict with Other Laws.

Where this Ordinance differs or conflicts with other Laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, Commonwealth or federal government, this Ordinance shall apply.

Section 33. Effective Date.

This Ordinance shall be effective immediately upon passage, pursuant to applicable legal and procedural requirements.

Section 34. Authority.

This Local Ordinance is enacted pursuant to applicable authority granted by the Commonwealth and federal government.

APPROVED BY COUNSEL

_____

155.

GALLATIN ORDINANCE No. _____

WHEREAS, Gallatin County has enjoyed growth and prosperity and because of the growth and prosperity various business have developed around tourism and in the enjoyment of the natural beauty of our community, including camping and recreation businesses;

WHEREAS, the Gallatin County intends to control that growth through planning and zoning but the current ordinances does not contemplate a zone for camping and recreation;

WHEREAS, the Gallatin County Fiscal Court believes that a such a zone would be beneficial for the safety and general welfare of the citizens of Gallatin County, Kentucky;

Therefore be it resolved by the Gallatin Fiscal Court that the ordinances of Gallatin County be amended to include the following zone, a PRRR District or Planned Rural Recreation and Resort Zone:

Purpose and Intent

The purpose of the planned rural recreational resort (PRRR) district is to protect and promote the public health, safety, and general welfare by allowing development of large scale regional recreational and entertainment facilities in appropriate locations under a unified plan of development. The **PRRR** district is intended to enhance the county's economic viability by permitting a mix of commercial and recreational development strategically designed such that public access, lighting, business-related deliveries, and other aspects of commercial and recreational development will have limited impact on surrounding areas. The PRRR district will allow limited residential development in conjunction with commercial and recreational development in an appropriate setting.

General qualifying requirements.

Land may be considered for PRRR district zoning only if it meets the following conditions:

(1) *Ownership requirements.* The project area must be under unified control at the time of application. The holder of a written contract or option to purchase the land shall, for the purpose of such application, but not for the approval of any final plans, be deemed to be an owner of such land. Unified control may be established by:

(a) Formation of an owners' association which shall have the authority to act as a single entity in application for rezoning and in the development of the PRRR, or;

(b) Covenants and restrictions, properly executed and recorded in the office of the clerk of the circuit court of the county, which shall run with the land and will insure all development will be in accordance with the master plan and any conditions and restrictions of the rezoning,

(2) *Availability of public utilities.* The project area shall be served by a public waterand sewer system All uses in the project requiring water and sewer service shall connect to the approved system.

(3) *Open space.* Not less than twenty five (25) percent of the total acreage of each PRRR project shall be devoted to open space.

(4) *Streets.* Public streets are permitted, subject to approval and acceptance by the Kentucky Department of Transportation (KYDOT) or Gallatin County. Private streets are permitted, subject to applicable county ordinaces. All entrances from existing public roads or highways shall be approved by KYDOT or Gallatin County, whichever is appropriate.

(5) *One hundred-year flood plain.* Land within the one hundred-year flood plain shall be used only for open space, parking, trails, and picnic shelters that are completely open on all sides. No other structures shall be permitted. No structures or uses shall be permitted in the floodway.

(6) *Outdoor lighting.* Within the PRRR district all outdoor lighting, including the placement, orientation, distribution patterns, and fixture types of outdoor lights, shall be installed to protect the district and the adjoining properties from light trespass and light pollution to the fullest extent possible. Outdoor lighting shall be subject to the following regulations:

(a) No lighting shall be allowed to produce illumination or glare on public or private streets or roads detrimental to the safety and convenience of the public.
(b) Lighting shall protect the privacy of the residents of the PRRR and adjoining residents by the use of shielded fixtures and the establishment of structural or vegetative screening;
(c) Display lighting shall be fully shielded to avoid illumination other than that of the sign or other object of the light;
(d) All outdoor lighting, including that for recreational facilities, shall be recessed or shielded so that all light emitted is projected below a plane running from the bottom of the light fixture to the property line of the PRRR;
(e) Canopy lighting shall be recessed and/or shielded so that all light emitted is projected directly beneath the canopy and not beyond it. All parts of the light fixtures must be recessed into the horizontal ceiling of the canopy, and the vertical edges of the canopy shall be lower than the horizontal ceiling in which the lighting is affixed.
(f) No neon or flashing lighting shall be permitted;
(g) Temporary emergency lighting is exempted from the requirements of this section.

(7) *Landscaping.* Landscaping shall be an important and integral aspect of the PRRR project. In accordance with the intent and purpose of the district, landscaping is one of the major elements that distinguishes the PRRR from conventional commercial development by creating a visually pleasing project appearance, buffering or screening the perimeter and road frontage of the development, separating various elements of the project, screening service areas, and dividing parking areas to avoid large unbroken expanses of pavement. Additionally, landscaping provides a variety of environmental benefits by improving air and water quality, reducing detrimental heat island effect, mitigating soil erosion, and conserving energy costs at nearby buildings. In addition to the regulations cited elsewhere herein, the following guidelines shall apply to

landscape design: Landscaping may include such elements as grass areas, shrubs, flowers, and trees. Walls, fences, benches, tables, playgrounds, courtyards, and plazas may be incorporated into a landscaped area.

(8) *Noise* No adverse impact from noise shall be allowed and noise shall be considered by planning and zoning at the time of the zoning change request on a project by project basis.

Adding additional acreage or uses.

(1) Additional land may be added to an existing planned commercial development if it is adjoining, forms a logical addition to the existing development, and is under unified control. For the purpose of this subsection, a public road does not prevent lands being considered as adjoining.

(2) The application procedure for an adding additional acreage shall be the same as if an original application were filed. All of the requirements of this chapter shall apply.

(3) The addition of a permitted use which is not shown on the approved master plan shall require an amendment to the master plan. The procedure to amend the master plan shall be the same as if an original application were filed. All of the requirements of this chapter shall apply.

Specific requirements for recreational vehicle parks.

In addition to the requirements set out above, applicants for recreational vehicle parks must submit an application for zoning amendment to a recreational vehicle district per the requirements of this ordinance, and the preliminary site plan requirements as set forth in the planning and zoning ordinances. Additional information may be requested by the planning zoning commission.

Length of Stay in Recreational Vehicle Park.

Maximum length of occupancy of spaces within the RV Park shall be as follows:

(1) Persons occupying vehicles with total hookups, including sewer, water and electricity, shall not occupy any RV park space for a period exceeding one hundred eighty (180) days in any 12-month period, nor shall the cumulative occupancy by such persons of different RV park spaces anywhere in the facility exceed a total of one hundred eighty (180) days in any 12- month period.

(2) Persons occupying tents or vehicles with less than total hookup capacity shall not occupy any RV park space for a period exceeding fourteen (14) days in any 12-month period, nor shall the cumulative occupancy by such persons of different RV park spaces anywhere in the facility exceed a total of fourteen (14) days in any 12-month period.

Variance or Conditional Use. The applicant may petition the Gallatin Board of Adjustments for a variance or conditional use permits as provided by law.

Penalties. Any violation of the requirements herein are a Class B misdemeanor carrying punishment of up to $250 fine and up to 6 months in the county jail. Each day is a separate violation.

This Ordinance becomes effective immediately upon passage and publication.
Introduced and publicly read on first reading on this the 8th day of March, 2012.
Publicly read and approved on second reading on this the 10th day of May, 2012.

GALLATIN COUNTY JUDGE EXECUTIVE

Attest:

Gallatin County Clerk

Prepared by:
John G. Wright
Gallatin County Attorney

1st reading

GALLATIN FISCAL COURT
ORDINANCE NO. 03082012

AN ORDINANCE RELATED TO PLANNING AND ZONING

Be it Ordained by the Gallatin Fiscal Court as follows:

There is hereby created a new section of the Gallatin County Zoning Ordinance (chapter 153, Gallatin County Code of Ordinances), which shall establish, define and provide for the regulation of a Planned Rural Recreational Resort zone (PRRR), which shall read as follows:

Purpose and Intent

The purpose of the planned rural recreational resort (PRRR) district is to protect and promote the public health, safety, and general welfare by allowing development of large scale regional recreational and entertainment facilities in appropriate locations under a unified plan of development. The **PRRR** district is intended to enhance the county's economic viability by permitting a mix of commercial and recreational development strategically designed such that public access, lighting, business-related deliveries, and other aspects of commercial and recreational development will have limited impact on surrounding areas. The PRRR district will allow limited residential development in conjunction with commercial and recreational development in an appropriate setting.24

Planned rural recreational resort development shall occur only when it can be demonstrated that a specific or unique need exists in a local neighborhood or community, or that regional recreational and commercial activity of a specific nature would maintain the character of the local area and would benefit the entire county community. Within the PRRR district, development is to be carefully planned to provide the organized location of commercial and recreational structures, service, and activity areas; open space; and coordinated vehicular, pedestrian, and bicycle routes or circulation. Landscaped areas and buffer zones shall be provided to protect the integrity of surrounding properties.
Recognizing that such developments may be incompatible with existing or planned higher density residential or commercial uses due to noise, traffic or other factors, it is intended that the PRRR district be allowed outside of the designated growth areas established in the Comprehensive Plan provided the general purposes of the Comprehensive Plan are promoted. The PRRR district is intended to provide an alternative to traditional commercial and recreational development by allowing the use of creative design to preserve trees, streams, ponds, and other natural features and to enhance commercial and recreational development with innovative landscaping, architecture, and low impact development. Care must be taken in residential, rural and agricultural areas to protect and buffer those areas from potential impacts of this type of development.

Recognizing that such a development may substantially reduce the functional integrity and safety of public roads if permitted on inappropriately sized roads and with unplanned access, it is intended that the PRRR district be established on roads designated as principal and minor arterial highways in the Comprehensive Plan. It is further intended that the number of access points to public roads be minimized and that development and access be oriented towards an internal roads system having carefully planned intersections with existing public roads.
A **PRRR** district shall be established in accordance with an approved master plan. The master plan shall be designed to ensure the convenient relationships between various functional areas of the project. The design, arrangement, and shape of each use area or lot shall provide satisfactory and desirable sites for buildings and/or the designated use and shall provide safe and convenient access and traffic flow.

Specific requirements for recreational vehicle parks.

In addition to the requirements set out, recreational vehicle parks must also meet the following requirements.

(a) Applicants for recreational vehicle parks must submit an application for zoning amendment to a recreational vehicle district per the requirements of this ordinance.11

(b) *Recreational vehicle park application and preliminary site plan required with rezoning request.* Applicants for recreational vehicle parks shall meet the following minimum requirements for site plans to be submitted with an application for zoning amendment to a recreational vehicle district:12

(1) Site plans shall be legibly drawn to scale.
(2) A vicinity map showing the location and area of the proposed park.
(3) The boundary lines, area, and boundary dimensions of the proposed park.
(4) The location and dimensions, if any, of all existing streets and street rights-ofway, easements, water, sewerage, drainage facilities, and other community facilities and utilities on and adjacent to the proposed park.
(5) Proposed layout, including interior streets with dimensions, location and type of solid waste collection facilities, lot lines, dimensions, and areas of campsites; common open space and recreation areas, common parking areas and other common areas; recreation buildings, if any, and other permanent structures. 10
(6) Plan for adequate drainage with street and lot plan designed to avoid drainage problems. Proposed layout shall consider terrain and its effect on adequate drainage away from proposed campsites and in the design of streets with channels or drainage structures to assure that ponding or other associated drainage problems will not occur.
(7) The site plan shall be accompanied by a narrative statement describing how the standards and requirements set forth herein are to be met; a statement
that there will be an adequate supply of potable water from either a public water supply system or from a private water system conforming to all applicable laws, regulations, resolutions and ordinances, and a statement that there will be an adequate sewer system. Both statements on

water and sewer shall have preliminary approval from the health official or the director of public works, where appropriate.

(1) The proposed method and location of the sewage disposal system.
(2) The proposed sources and location of the water supply.
(3) The number, location, and dimensions of all campsites.
(4) The number, description, and location of proposed sanitary facilities such as toilets, dump stations, sewer lines, etc.
(5) Name and address of applicant.
(6) Location, boundaries, and dimensions of the proposed project.
(7) Such other pertinent information as the Health Commissioner may deem necessary.
(b) In addition to the provision in the preceding paragraph, no site plan for a camping and
(d) Area regulations.

(1) The minimum lot size required for application and institution of a camping and overnight recreational area shall be ten (10) contiguous acres.3
(2) The minimum campsite area shall be 2,000 square feet. 4
(3) The density of campsites provided for units shall in no case exceed 15 camp sites per gross park acreage and no one (1) acre shall exceed 15 camp sites. For density purposes, a net acre shall not include any land in the 100-year floodplain or land used for streets and other public purposes.5
(e) No camping and overnight recreational area or individual camping unit shall be used as a permanent place of residence, abode, domicile, dwelling, or business. Continuous occupancy for more than 14 days in any 30-day period or more than six months in any twelve-month period is prohibited. Except that manufactured homes or single-family residences established pursuant to this ordinance may be located in each camping and overnight recreational area as residences for caretakers who derive a significant portion of their income from the maintenance and / or management of the facility.7
(f) Every owner or operator of a camping and overnight recreational area shall maintain a register containing a record of all camping units and occupants. Such register shall be available to the Zoning Administrator, or any other authorized agent inspecting the camping and overnight recreational area and shall be preserved for one full year or such time as is needed to demonstrate that the facilities are not being used by anyone other than the caretaker as a permanent residence or domicile. Said register shall contain:
(1) the names and permanent addresses of all camping unit occupants;
(2) the make, model, and license number of the camping unit; and
(3) the dates of arrival and departure of a camping unit and its occupants.
(g) Retail sales exclusively for the use of camping and overnight recreational area tenants are permitted. Items are limited to food, recreational supplies, personal care items, and other items clearly supportive of campground tenants. needs. Except in planned rural recreational resorts, sites engaged in retail uses, including parking related to such use, shall be no larger than 10 percent of the total camping and overnight recreational area or one (1) acre, whichever is the lesser.
(h) No permanent or semi-permanent structure shall be affixed to any recreational vehicle as a structural addition to such recreational vehicle, nor shall any accessory structure be permitted on any campsite except as provided below.

(1) A deck may be provided for use by the occupants of a recreational vehicle provided the deck is no larger than 180 square feet and extends no further than ten (10) feet beyond the recreational vehicle.
(2) A porch may be provided for the use of the occupants provided it does not exceed two-hundred (200) square feet and extends no further than ten (10) feet beyond the recreational vehicle. At least 50 percent of each porch wall shall be windows, screens and/or doors.
(3) A protective awning may be constructed above a recreational vehicle provided it extends no further than one (1) foot on any side of a recreational vehicle and the maximum height of the roof shall not exceed fifteen (15) feet.9
(i) No permanent or semi-permanent alterations may be made to a recreational vehicle that would render it inoperable as a motor vehicle. Neither the wheels, tires, nor axles shall be removed from a vehicle nor shall it be permanently affixed to the ground. Trailer hitches may be temporarily reversed but may not be removed.
(j) Sanitary stations.
(1) Each camping and overnight recreational area shall be provided with at least one (1) sanitary station.
(2) In no case shall portable toilets be permitted within a camping and overnight recreational area

Caretaker's Residence. One manufactured home or single-family residence, established pursuant to this ordinance, may be located in a campground as a caretaker's residence.

Sewage Holding Tank. A sewage holding tank for self contained recreational vehicles shall be provided within the recreational vehicle park or the park operator shall provide or have provided a pumping service from the recreational vehicles into a sewage tank truck.

General qualifying requirements.

Land may be considered for PRRR district zoning only if it meets the following conditions:
(a) Ownership requirements. The project area must be under one (1) ownership or under unified control at the time of application. The holder of a written contract or option to purchase the land shall, for the purpose of such application, but not for the approval of any final plans, be deemed to be an owner of such land. Unified control may be established by:
(1) Formation of an owners' association which shall have the authority to act as a single entity in application for rezoning and in the development of the PRRR, or;
(2) Covenants and restrictions, properly executed and recorded in the office of the clerk of the circuit court of the county, which shall run with the land and will insure all development will be in accordance with the master plan and any conditions and restrictions of the rezoning, or;
(3) By an agreement of all owners, properly executed and recorded in the office of the clerk of the circuit court of the county, which shall ensure all
development will be in accordance with the master plan and any conditions and restrictions of the rezoning;
(b) Availability of public utilities. The project area shall be served by a public water and sewer system or a community water and sewer system approved by the appropriate local/state agencies. All uses in the project requiring water and sewer service shall connect to the approved system.

(c) Open space. Not less than twenty five (25) percent of the total acreage of each PRRR project shall be devoted to open space.
(d) Streets. Public streets are permitted, subject to approval and acceptance by the Kentucky Department of Transportation (KYDOT). Private streets are permitted, subject to the regulations stated hereinafter. All entrances from existing public roads or highways shall be approved by KYDOT.
(e) One hundred-year flood plain. Land within the one hundred-year flood plain shall be used only for open space, parking, trails, and picnic shelters that are completely open on all sides. No other structures shall be permitted. No structures or uses shall be permitted in the floodway. Filling of the flood plain for the purpose of constructing a building, other than picnic shelters, shall not occur, even if permitted by other agencies.

(i) Outdoor lighting. Within the PRRR district all outdoor lighting, including the placement, orientation, distribution patterns, and fixture types of outdoor lights, shall be installed to protect the district and the adjoining properties from light trespass and light pollution to the fullest extent possible. Outdoor lighting shall be subject to the following regulations:
(1) No lighting shall be allowed to produce illumination or glare on public or private streets or roads detrimental to the safety and convenience of the public;
(2) Lighting shall protect the privacy of the residents of the PRRR and adjoining residents by the use of shielded fixtures and the establishment of structural or vegetative screening;
(3) All outdoor lighting, including display lighting, shall be turned off after the close of business hours, except that needed for safety and security, in which case lighting shall be reduced to the minimum level necessary;
(4) Display lighting shall be fully shielded to avoid illumination other than that of the sign or other object of the light;
(5) All outdoor lighting, including that for recreational facilities, shall be recessed or shielded so that all light emitted is projected below a plane running from the bottom of the light fixture to the property line of the PRRR;
(6) Canopy lighting shall be recessed and/or shielded so that all light emitted is projected directly beneath the canopy and not beyond it. All parts of the light fixtures must be recessed into the horizontal ceiling of the canopy, and the vertical edges of the canopy shall be lower than the horizontal ceiling in which the lighting is affixed.
(7) No neon or flashing lighting shall be permitted;
(8) Temporary emergency lighting is exempted from the requirements of this section.
(j) Landscaping. Landscaping shall be an important and integral aspect of the PRRR project. In accordance with the intent and purpose of the district, landscaping is one of the major elements that distinguishes the PRRR from conventional commercial development by creating a visually pleasing project appearance, buffering or screening the perimeter and road frontage of the development, separating various elements of the project, screening service areas, and dividing parking areas to avoid large unbroken expanses of pavement. Additionally, landscaping provides a variety of environmental benefits by improving air and water quality, reducing detrimental heat island effect, mitigating soil erosion, and conserving energy costs at nearby buildings. In addition to the regulations cited elsewhere herein, the following guidelines shall apply to landscape design:

(1) Landscaping may include such elements as grass areas, shrubs, flowers, and trees. Walls, fences, benches, tables, playgrounds, courtyards, and plazas may be incorporated into a landscaped area.

Adding additional acreage or uses.

(a) Additional land may be added to an existing planned commercial development if it is adjoining, forms a logical addition to the existing development, and is under the same ownership or unified control. For the purpose of this subsection, a public road does not prevent lands being considered as adjoining.
(b) The application procedure for an adding additional acreage shall be the same as if an original application were filed. All of the requirements of this chapter shall apply.
(c) The addition of a permitted use which is not shown on the approved master plan shall require an amendment to the master plan. The procedure to amend the master plan shall be the same as if an original application were filed. All of the requirements of this chapter shall apply.
RECREATIONAL VEHICLE (RV) . A vehicular-type camping unit certified by the manufacturer as complying with ANSI A119.2 or A119.5 and primarily designed to provide travel and destination RV'ing that either has its own mode of power or is mounted on or towed by another vehicle. The basic units are camping trailer, fifth-wheel trailer, motor home, park trailer, travel trailer, and truck camper.
(1) CAMPING TRAILER. A recreational vehicle that is mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold for use.
(2) FIFTH-WHEEL TRAILER. A recreational vehicle designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.
(3) MOTOR HOME. A recreational vehicle built on or permanently attached to a selfpropelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.
(4) PARK TRAILER. A recreational vehicle that meets the following criteria:
(a) Built on a single chassis mounted on wheels.
(b) Certified by the manufacturer as complying with ANSI A119.5.
(5) TRAVEL TRAILER. A recreational vehicle designed to be towed by a motorized vehicle containing a towing mechanism that is mounted behind the tow vehicle's bumper.
(6) TRUCK CAMPER. A recreational vehicle consisting of a roof, floor, and sides designed to be loaded onto and unloaded from the bed of a pickup truck.
RECREATIONAL VEHICLE/DEPENDENT. A recreational vehicle not containing sanitary facilities and/or devices for connecting said facilities to a community waste disposal system.
RECREATIONAL VEHICLE/INDEPENDENT. A recreational vehicle containing sanitary facilities and devices for connecting said facilities to a community waste disposal system. This type of RV is also referred to as a "self-contained recreational vehicle."
RENT. Compensation or other consideration given for a prescribed right, use, possession or occupancy of an RV park or campground.

RENTAL/ON-SITE . A camping unit placed within an RV park or campground which is available for rental to guests.

Length of Stay in Recreational Vehicle Park.

Maximum length of occupancy of spaces within the RV park shall be as follows:

A. Persons occupying vehicles with total hookups, including sewer, water and electricity, shall not occupy any RV park space for a period exceeding one hundred eighty (180) days in any 12- month period, nor shall the cumulative occupancy by such persons of different RV park spaces anywhere in the facility exceed a total of one hundred eighty (180) days in any 12- month period.
B. Persons occupying tents or vehicles with less than total hookup capacity shall not occupy any RV park space for a period exceeding fourteen (14) days in any 12-month period, nor shall the cumulative occupancy by such persons of different RV park spaces anywhere in the facility exceed a total of fourteen (14) days in any 12-month period.

Responsibilities of the Recreational Vehicle Park Management.

A. The operator of a recreational vehicle park shall operate in compliance with this Chapter and regulations issued hereunder and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and a clean and sanitary condition.

Waivers. The applicant may petition the Planning and Zoning Commission to waive or modify requirements of these regulations. The applicant must demonstrate to the satisfaction of such Commission that there are special or extraordinary circumstances particular to his/her proposal such that strict application of these regulations would impose undue hardship or not meet with the intent of this Chapter. The applicant must further demonstrate that the waiver or modification will not result in any adverse impacts on the users of the development, adjacent properties, nor the general public.

Appeals. Any person whose application for a recreational vehicle park development under this Chapter has been denied may, within ten (10) days after the date on which the application was denied, appeal to the Council under the procedure provided in Code Section 6.4.18 herein. A hearing on the matter will be scheduled within sixty (60) days of the date of the appeal being filed.

Violations; Penalties. Any person, firm or corporation violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined pursuant to this Code and the Idaho Code. Each day such violation is permitted to continue shall constitute a separate offense and shall be punishable as such. The City may also use any civil remedies available to gain compliance with this Chapter

Recreational Vehicle (RV) Park Development Standards

(A) Park Area Requirements: 1 acre minimum, or at least sixteen (16) spaces.
(B) Space Area Requirements: 1,000 sq ft. Minimum (No RV park shall have a density greater than 16 units per acre.)
(C) Space Width Requirements: 20 feet minimum.
(D) Park Setback Requirements: Each recreational vehicle shall have the following clearances:
(1) Side Setback: 10 feet minimum from adjacent property, unless adjacent to public street then 20 feet;
(2) Front Setback: 20 feet minimum from a public street.
(3) Rear Setback: 10 feet minimum from adjacent property, unless adjacent to public street then 20 feet;
(E) Allowed Vehicle Requirements: Only recreational vehicles, as defined in this Ordinance, may be located in an RV park.
(F) Parking Requirements: Parking shall be provided for each RV in the park in addition to one automobile for each RV space. RV parking spaces need not be hard surfaced but should be of a gravel type material and be kept weed free. Each recreational vehicle (RV) shall be able to park in designated spaces, and no portion of a driveway or roadway may be used for recreational vehicle parking. All RV.s shall maintain at least ten (10) feet spacing between units.
(G) Access & Road Requirements: Each RV park shall have access roads as follows: For oneway roadways with no parking—I2 feet in width; for two-way roadways with no parking--18 feet in width; for entrance roadways–30 feet in width.
Access through residential zones is prohibited.
(H) Outdoor Living Space Requirements: Each RV space shall provide an .outdoor living. space adjacent to the vehicle parking space. The outdoor living space shall be a minimum of three hundred (300) sq ft and shall be maintained in a clean and weed-free manner.
(I) Landscaping Requirements: Each RV park shall provide ten (10) feet of landscaping along public streets according to the Landscaping section of this Ordinance.
(J) Utility Requirements: All RV parks shall be served by the public water supply and public sewer system (including dump stations). All utilities shall be placed underground. City utilities shall be metered as determined by City Building Inspector. Installation of back-flow valves and dump stations shall be in accordance with the applicable code.
(K) Sanitary Facility Requirements: All RV parks shall contain a service building containing all sanitary facilities required by the Utah State Dept. of Health Code for RV.s and shall provide a dump station for dependent recreational vehicles. Parking around the service building shall be hard surfaced.
(L) Recreational Area Requirements: Recreational space of not less than five (5) percent of the total area of the RV park shall be provided. Recreational space does not include park

Adopted this 14 day of June, 2012, upon its second reading.

Gallatin County Judge/Executive

This is to attest that the foregoing is a true and correct copy of the Ordinance enacted upon its second reading by the Gallatin Fiscal Court on the _____ day of _____, 2012.

Tracy Miles

Clerk, Gallatin Fiscal Court

ORDINANCE NO. 7/10/07/01

ORDINANCE REGULATING OUTDOOR ADVERTISING DISPLAYS
IN THE COUNTY OF GALLATIN

BE IT HEREBY ORDAINED by the Gallatin Fiscal Court, as follows:

Section 1. Purposes

This chapter is intended to provide reasonable standards for outdoor advertising while discouraging their proliferation, disrepair or garishness.

Section 2. General Provisions and Definitions

(a) An outdoor advertising display means identification, description or illustration which directs attention to a product, person, business or service not offered or sold as the primary use, business or activity on the premises where it is located.

(b) An outdoor advertising display may not be erected or placed on any property, which is zoned residential, historic or agricultural use, except as permitted by this Ordinance.

(c) An outdoor advertising display may only be erected or placed in Permitted Areas. For purposes of this Ordinance, "Permitted Areas" shall be property adjacent to the right-of-way of US 42, US 127, KY 35 KY 16 and KY 1039.

Section 3. Maintenance and Removal

(a) When the product, person, business or service that is advertised on an outdoor advertising display is abandoned or altered, the display must be removed or altered within ninety (90) days to depict an existing product, person, business or service.

(b) An outdoor advertising display is considered not functional:

i) When its essential elements are no longer readable unless said display is not in use and is being properly maintained;

ii) when a condition of dilapidation exists; or

iii) when the area that is leased for display on undeveloped property is not kept free of weeds, debris or refuse

(c) The building inspector, zoning enforcement officer or law enforcement officer has the right of entry to inspect outdoor advertising displays to determine whether they are functional. If the inspector or officer determines that a display is not functional, he shall send written notice to the owner of the display to remove, alter or repair the display or the area of undeveloped property on which the display is located. If the owner does not comply within sixty (60) days, the

building inspector shall order removal of the sign at the owner's expense.

Section 4. Prohibitions

The following are prohibited in connection with any outdoor advertising display:

(a) placement over or in a street, highway right-of-way or sidewalk,
(b) placement where the display or its illumination may interfere with, obstruct the view of, or be confused with traffic or railroad signs or signals or oncoming traffic, or where they would present a traffic hazard as determined by the inspector or officer,
(c) lights resembling danger or emergency lights,
(d) flashing moving or intermittent lights, except white,
(e) rotating or revolving beams of light.

Section 5. Permitted uses by District

(a) An outdoor advertising display may not be erected or placed in any residential or agricultural zone or historical district.
(b) An outdoor advertising display may only be erected or placed along US 42, US 127, KY 35, KY 16 and KY 1039 subject to the restrictions set forth in this Ordinance.

Section 6. Requirements

(a) **Height** An outdoor advertising display shall not exceed fifty (50) feet in height, said measurement to be from average grade of the property upon which the subject display is erected to the lowest point on the principal face of the outdoor advertising display.
(b) **Size** The total area of all faces in any configuration of an outdoor advertising display shall not exceed the total of six hundred (600) square feet on each side of said display.
(c) **Distance from Certain Districts** An outdoor display may not be erected or placed within five hundred (500) feet of an historical district, public, elementary or public secondary school, or residential district, as measured along the right-of-way immediately adjacent to said advertising display.
(d) **Spacing** The distance between two outdoor advertising displays may not be less than five hundred (500) feet on the same side of the right-of-way as measured along the right-of-way adjacent to said advertising display.
(e) **Set backs** The outdoor display shall be no closer than 50 feet from the side lines of the property nor 60 feet from the center line of the roadway.

Section 7. Non-Conforming Signs

The structural support of outdoor advertising signs deemed non-conforming uses under the Zoning Ordinance may be reconstructed, rebuilt or replaced in order to bring said sign into compliance. Should such non-conforming outdoor advertising sign be damaged or destroyed, the owner may reconstruct rebuild or replace said sign. In doing so, the face area of such outdoor advertising display shall not be increased. If, as a result of the location of said sign, it is in violation of this Ordinance, the owner shall be entitled to remove said outdoor advertising sign but shall be permitted to erect a new sign at a subsequent location, which erection shall be specifically permitted, notwithstanding Section 8 hereinafter with respect to Cap and Replacement. The owner shall not, however, be required to do so.

Section 8. Cap and Replacement

In order that the total face area and number of faces of all lawful outdoor advertising signs within the business districts and the County not be increased, no person shall construct an outdoor advertising sign without first removing an outdoor advertising sign equal in face area and number of faces. At present there exists within the County of Gallatin approximately fifteen (15) outdoor advertising displays which would be subject to this Ordinance. Permits for construction of an outdoor advertising sign shall only be issued for additional outdoor advertising signs at the ratio of one (1) face for each population increase in the County of Gallatin of four hundred (400) in order that the proliferation of outdoor advertising displays be curtailed.

Section 9. Construction Permit

No person shall construct an outdoor advertising sign without obtaining an outdoor advertising construction permit from the Building Inspector, zoning enforcement officer or law enforcement officer. An outdoor advertising sign permit shall be required in addition to a building permit and any other permit or license required by law or ordinance.

Section 10. Notice of Violation

The building inspector shall annually inspect every outdoor advertising sign to determine compliance with law. Said inspector, zoning enforcement officer or law enforcement officer shall send a notice of violation to the holder of the annual outdoor advertising sign permit or, if no annual permit has been issued with respect to a sign, to the owner of the real property on which the sign is located of any

outdoor advertising sign found not to comply and shall post a copy of the notice on the sign or its supporting structure which will require either compliance or removal pursuant to Section 3 of this Ordinance.

Section 11. Penalties

Whoever violates any provision of this Chapter shall be fined not more than TWO HUNDRED FIFTY DOLLARS ($250.00); provided, however, that said violation has not been corrected within sixty (60) days after notice of same. Display of an outdoor advertising sign in violation of this Chapter within a different calendar month shall be a separate offense on a second conviction as to the same outdoor advertising sign as to the same provision of this Chapter.

Section 12. Property Exempt from Ordinance

This Ordinance does not affect outdoor advertising structures on interstate highways or parkways in that these signs are regulated by the Kentucky Department of Transportation.

Section 13. Fees

The following fees and charges shall be imposed upon owners and applicants for outdoor advertising sign construction permits:

(a) application for outdoor sign construction permit: $500.00

(b) annual permit renewal: $50.00

This Ordinance shall take effect upon its passage and publication according to law.

ATTEST:

Elaine Lillard

First Reading: June 14, 2007
Second Reading: July 10, 2007

Part A:

Acceptance of Terms and Conditions by the Applicant

Date: December 17, 2013

To: US Department of the Interior, National Park Service,

Mr. John Barrett
US Dept. of the Interior
National Park Service
100 Alabama Street, S.W.
Atlanta, GA 30303

The undersigned, Gallatin County Fiscal Court
hereinafter referred to as the Applicant or Grantee, acting by and through

Mr. Ken MacFarland, Judge Executive
200 Washington Street
Warsaw, KY 41095
859-567-5691

Hereby makes application to the US Dept. of the Interior, National Parks Service, acting for and on behalf of the Secretary of the Interior pursuant to 40 U.S.C. § 550 (e), and in accordance with the regulations and policies of the U.S. Department of the Interior for the transfer of the following property which has been declared surplus by the

General Services Administration

and is subject to assignment to the National Park Service for the disposal of park or recreational purposes:

Property:	Big Sugar Creek Access Site (Boat Ramp), Markland Dam and Locks, Gallatin County, KY
Acres:	19.88 Acres
GSA Control Number:	4-D-KY-0623-AB

The property is more fully described in Part B of this application, attached hereto and made a part thereof. Enclosed herewith as Part C of the application is a resolution or certified statement showing the authority of the undersigned to execute this application and to do all other acts necessary to consummate the transaction.

National Park Service will give the Applicant sufficient opportunity to review any additional requirements prior to the conveyance of the title to the property.

I agree that the instrument effective the transfer to the Applicant of any property covered by this application will contain provisions satisfactory to the United States of America, incorporating the substance of the foregoing agreement, with such provisions to consist of (1) a condition, coupled with a

right reserved to the United States of America to cause the property to revert to the United States of America at its option in the event of any breach of such condition, and (2) a covenant running with the land. The Applicant understands that the United States of America shall have the right to seek judicial enforcement of this agreement, and that this agreement shall be binding upon the successors and assigns of the Applicant.

12/17/13
(Date of Application)

(Signature)

Gallatin County Judge Executive
(Title)

Gallatin County Fiscal Court
(Agency)

Part B:

Justification for Acquiring Property

1. Description of Property:

(a) **Narrative:** The subject property is called the Big Sugar Creek Access Site off of US Highway 42 & US Highway 27 in Gallatin County, Kentucky, GSA Control Number 4-D-KY-0623-AB. The property consists of 19.88 acre site, a public boat ramp, a turn around and a paved parking lot. The property is accessed off of US Highway 27in Gallatin County. The site is paved with a slope in the pavement down to a boat ramp. The land is currently leased to Gallatin County by Department of Army. An inventory of existing improvements is included with the maps and legal descriptions in the attachments to this section.

(b) **Maps:** Maps and aerial photographs showing the location of the subject property and developed features attached.

(c) **Legal Description:** A copy of the legal description and metes and bounds provided by the Department of Army is attached.

(d) **Photographs:** Color photographs of the site are attached.

2. Program of Utilization for the Property

(a) **Narrative:** The proposed use of the subject property is to maintain the site as a public access boat ramp with parking. The property is developed with a two lane boat ramp, turn around, and parking lot. Gallatin County plans to continue to maintain the property as it has under its current lease of the

property. There are plans to add lighting, a walking trail, restrooms, and to improve the dock area with a picnic area, signage, and the addition of lines to the parking area.

(b) **Schedule of Development:** The schedule of development will proceed immediately upon conveyance of the property to Gallatin County. The county will be ready to commence with necessary improvements. Because the site is currently maintained by the county the improvements proposed above can be made immediately. The improvements to the site will tentatively begin in August of 2014 and conclude by the end of June 2014. (c) **Site Plan:** We have not had access to a current site plan beyond the basic site maps provided by the Department of Army during the leasing process that the County previously went through. The physical features of the property and basic layout of the site appear on the attached aerial photograph.

(d) **Historic Preservation Plan:** The Environmental Baseline Study provided during the leasing of the site to Gallatin County by the Department of Army states that the site contains no historic properties or cultural resources. Therefore no historic preservation plan should be required.

3. Need

(a) The population of Gallatin County, KY rose from around 4,000 to 8,000 from 1970 to 2000. The population has remained very stable for the past decade with a slight increase of about 500 persons in the past three years. The county contains three cities, Glencoe, Sparta, and Warsaw. Warsaw is the county seat and is located approximately 5 miles from Warsaw and Glencoe. Warsaw is by far the largest city in Gallatin County with 1,660 residents as of 2012. Currently two marinas exist in Gallatin County, Pier 99 and Smuggler's Cove, both are privately owned and are located south and east of the site. This site is currently the only public boat ramp.

(b) Currently there are no publically owned boat access ramps. The site is close to Big Bone Lick state park and a variety of city parks and county sites that see other recreational use. However, this site offers a unique recreational opportunity with the presence of the boat ramp, turnaround and parking.

(c) The county, but for the current lease site, lacks any public access boat ramps that are not privately owned. Therefore continuing possession of this site is crucial to maintaining public access to the waterway.

(d) The site has seen regular use while under lease by the County. It is expected that this level of use will continue and increase after improvements are made to the site.

4. Suitability of the property for Public Park and recreational use:

(a) The size and shape of the parking lot, turnaround, and boat ramp provide easy access to the site and for launching boats. Additionally the site affords adequate parking and room for additional recreational fixtures like a picnic area and restrooms.

(b) The parking lot, turnaround and boat ramp enable the County to use the site for the intended purpose as a public access boat ramp.

(c) The site is accessed by US Highway 42 and US Highway 127, providing direct access to residents of the county and the cities of Warsaw and Glencoe. The site is further connected to the city of Sparta by Interstate 71 which links to US Highway 127. Interstate 71 provides easy access to residents of the major population centers in Cincinnati, OH metropolitan area and the city of Louisville, KY.

(d) The proposed site is currently served by US Highway 42 and US Highway 127, and is linked by US Highway 127 to Interstate 71.

5. Capability of the applicant in developing, operating, and maintaining the property for Public Park and recreational use:

(a) The county is more than capable of maintaining and improving the property. The site is currently maintained as a public facility by the County as the property was previously leased by the Applicant for the purpose it now seeks to acquire the site for.

(b) The site is currently maintained by the county and is therefore already a part of the operating budget for the county. Please see attached Gallatin County Fiscal Court appropriation Condition Report.

(c) The Staffing for the maintenance of the site, will be provided by the Gallatin County Parks and Recreational Department. We have several seasonal workers that are already working for the County, that will maintain the grounds, The funding for their salaries is already included in the Fiscal Court's Budget.

Part C:

Resolution/Certification o

Resolution number 01092014

Whereas, certain real property owned by the United States of America, located in the city of Warsaw, County of Gallatin, State of Kentucky, has been declared surplus and, at the discretion of the Genral Services Administration, may be assigned to the Secretary of the Interior for disposal for public park or recreational purposes under the provisions of 40 U.S.C. 550(e), and any regulations and policies promulgated pursuant thereto, more particularly described as follows:

Big Sugar Access Site, Markland Locks and Dam

19.88 Acres

General Services Administration number_____

Whereas, the Gallatin County Fiscal Court needs and will use said property in perpetuity for public park or recreational purposes as set forth in its application and in accordance with the requirements of said Act and any regulations and policies promulgated thereunder;

Now, Therefore, Be It Resolved, that the Gallatin County Fiscal Court shall make application to the National Park Service for, and secure the transfer to, the above-mentioned property for said use and subject to such exceptions, reservations, terms, covenants, agreements, conditions, and restrictions as the National Park Service and the Federal disposal agency may require in connection with the disposal of said property under said Act and the regulations and policies issued pursuant therto.

Be It Further Resolved that the Gallatin County Fiscal Court has the legal authority, and is willing and able, to properly develop, maintain, operate, and assume liability of the property, and that Ken McFarland, Judge Executive of Gallatin County is hereby authorized, for and on behalf of the Gallatin County Fiscal Court to do and perform any and all acts and things which may be necessary to carry out the foregoing resolution, including the preparing, making, and filing of plans, applications, reports, and other document, the execution, acceptance, delivery, and recordation of agreements, deeds, and other instruments pertaining to the transfer of said property, including the filing of copies of the application and the conveyance documents in the records of the governing body, and the payment of any and all sums necessary on account of the purchase price thereof or fees or costs incurred in connection with the transfer of said property for survey, title searches, recordation or instruments, or other costs identified with acquisition of said property.

The Gallatin County Fiscal Court

I, Ken McFarland, hereby certify that I am the Judge Executive of the Gallatin County Fiscal Court; and that the foregoing resolution is a true and correct copy of the resolution adopted by the vote of a majority of the members of said Gallatin County Fiscal Court, present at meeting of said body on the 9 day of January, 20 14, at which a quorum was present.

Ken McFarland Judge-Exec
(Signature)

Acceptance by the United States of America

The foregoing application is hereby approved and accepted by and on behalf of the Secretary of the Interior for the United States of America this _____day of _____,20_____.

_____
(Signature)

_____

(Title)

_____

(Office)

National Park Service
U.S. Department of the Interior

f Authority to Acquire Property

GALLATIN FISCAL COURT
ORDINANCE NO. 05-14-15

IN RE: AN ORDINANCE RELATED TO FLOOD PLAIN MANAGEMENT

Be it Ordained by The Gallatin Fiscal Court, as follows:

Section One: The membership of the Permit Appeals Board established under the Gallatin County Flood Plain Management Ordinance shall be composed of each of those persons serving, from time of time, upon The Gallatin County Board of Adjustment.

Section Two: Board of Adjustment member shall be ex officio members of the Permit Appeals Board.

Passed upon its first reading 04-09-15.

Enacted upon its second reading 05-14-15.

Ken McFarland
GALLATIN COUNTY JUDGE/EXEC.

A TRUE COPY: ATTEST
Tracy Miles
GALLATIN COUNTY COURT CLERK

RESOLUTION NUMBER 7920-

AMENDING ORDINANCE 2008-01

WHEREAS, Gallatin County Fiscal Court has discussed and considered amending the Gallatin County Flood Plain Ordinance that was adopted in its most current form in December 2017;

Whereas, considers that the local Flood Plain ordinance includes two additional feet about the base flood elevation as an additional cushion in time of flood and this additional footage is referred to as 'freeboard" ; and

WHEREAS, Gallatin Fiscal Court believes it is in the best interest of Gallatin County and its residents to remove the additional two feet of "freeboard" and get in compliance with the current standard s as established by the Commonwealth of Kentucky,

BE IT THREFORE ORDAINED THAT on March 12, 2020, The Gallatin County Fiscal Court passed an ordinance for first reading to amend the Floodplain Ordinance. It removed the language requiring a 2 foot freeboard. The language now only refers to the level of the base flood elevation, putting it in line with the state statutes and regulations. A full and complete copy of this ordinance can be found at the Gallatin County Judge Executive's office at 200 Washington St, Warsaw, KY 41095. The second reading of said ordinance was passed on July 9, 2020 and this ordinance shall be effective upon publication

Signed this 9th day of July, 2020.

Jon Ryan Morris
Gallatin County Judge Executive

Tracy Miles ATTEST
Clerk

Ordinances advertised

PUBLIC NOTICES

PUBLIC NOTICE:

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

WHEREAS, it is the intent of 65.8801 to 65.8839 to protect, ote, and improve the health, y, and welfare of the citizens re- ding 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 Count-y.

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 pollion 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 neipaid nor contested the citation in fourteen (14) days as provided ction 9(f) of this ordinance; or;

cl. 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, part11ership 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 time 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 be for a term of three (3) years. ember may be reappointed, subject he 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 according to the provisions of 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. Making 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

cl. 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.

1. 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 c01mnitted shall be final; 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 Dis1Tict 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 clelively; 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) clays 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
1st Offense
2nd 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(cl), 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 c01mection 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 co1111ection 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 140 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
cl. Electronic mailing address.

C. A registrant may use the electronic mailing address to request that the fiscal court administrative office provide notice of final orders by a conspicuous place on the county website, 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 lien holder of record who has registered pursuant to Section 1 4(b) of this ordinance may, within fortyfive (45) clays from the date of issuance of notification under Section 15(cl) 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
32-1c

PUBLIC NOTICE:
An Ordinance Relating to Gallatin County Fiscal Court Personnel Policies In the Area of Employee Health Insurance, Including Premiums Paid on Behalf of the Employee by the Employer, Gallatin County, and the Eligibility for that Coverage.

Whereas, Section 5 of the Gallatin County Personnel Policies discuss the health insurance coverage that will be provided to an employee under certain circumstances;

Whereas, changes to federal law, including the Affordable Care Act, have changed the law in this are in a way that requires an update of the personnel policies to comply with the federal law;

Whereas, there are discrepancies in the language of the current personnel policy in regard to Health Insurance eligibility and premiums and the Gallatin Fiscal Court sought input from the current Health Insurance Provider;

Whereas, Gallatin County Fiscal Court held a special meeting to gather information in order to better understand the issues with the language of the policy and eligibility for health insurance converage; and

Whereas, Gallatin County Fiscal Court wants to provide adequate health insurance for its employees while also dealing with the rising cost of medical care and the insurance coverage that covers those costs for our loyal employees.

Be it Ordained by the Fiscal Court of the County of Gallatin,

Commonwealth of Kentucky:

Section 1: Section 5.3 of the Gallatin County Personnel Policies shall be amended to read as follows:

Section 5.3 Health Insurance

5.3.1 Premiums

The County will pay health insurance premiums (single or family) with the option of up to 20% employee contribution. The county reserves the right to review and modify the health insurance plan during the annual contract renewal. In addition, during the contract renewal the county reserves the right to adjustt the contribution amount from employees.

5.3.1 Eligibility

To be eligible for Health Insurance, the employee must be hired as a fulltime employee and average at least 30 hours a week. Health insurance will become effective on the 31st day of employment.

Section 2: 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 County Fiscal Court that resulted in such formal actions were in compliance with all legal requirements, and the Codified Ordinances of the County of Gallatin.

Section 3: This Ordinance shall take effect upon publication.

First Reading: June 18, 2020

Second Reading: July 9, 2020

/s/Ryan Morris
Gallatin County Judge Executive

Attest: /s/Tracy Miles
Gallatin County Clerk
32-1c

PUBLIC NOTICE:
Resolution Number 7920-
Amending Ordinance 2008-01

Whereas, Gallatin County Fiscal Court has discussed and considered amending the Gallatin County Flood Plain Ordinance that was adopted in its most current form in December 2017;

Whereas, considers that the local Flood Plain ordinance includes two additional feet above the base flood elevation as an additional cushion in time of flood and this additional footage is referred to as 'freeboard'; and

Whereas, Gallatin Fiscal Court believes it is in the best interest of Gallatin County and its residents to remove the additional two feet of 'freeboard' and get in compliance with the current standards as established by the Commonwealth of Kentucky.

Be It Therefore Ordained That on March 12, 2020, The Gallatin County Fiscal Court passed an ordinance for first reading to amend the Floodplain Ordinance. It removed the language requiring a 2 foot 'freeboard'. The language now only refers to the level of the base flood elevation, putting it in line with the state statutes and regulations. A full and complete copy of this ordinance can be found at the Gallatin County Judge Executive's Office at 200 Washington St., Warsaw, KY 41095. The second reading of said ordinance was passed on July 9, 2020 and this ordinance shall be effective upon publication.

Signed this 9th day of July, 2020

/s/Jon Ryan Morris
Jon Ryan Morris,
Gallatin County Judge Executive

Attest: /s/Tracy Miles
Tracy Miles, Clerk
32-1c

PUBLIC NOTICE:
The City of Warsaw is accepting bids for the following item:
Repair/Replace and Resurface Storm Drains in the City of Warsaw Along U.S. 42 East and West, and Highway 35.
Project is Dependent on State Grant Funds Being Awarded
Anyone interested in bidding is welcome come to come to the City Building at 303 East Main Street to review and discuss the project.

•Project is to replace storm drain tops/sidewalks.

•All concrete must be Class A.

•Successful bidder must show proof of liability insurance.

•Successful bidder must have a valid city business license.

Please contact City Hall with any questions 859-567-5900.

The bids can be mailed to the City at P.O. Box 785 Warsaw, Kentucky 41095 or dropped off at the City Building, 303 East Main Street and clearly marked **BID FOR STORM DRAINS.**

All bids will be received by September 1, 2020 by 4 p.m.

The City reserves the right to reject any and all bids, and to waive any inconsistency, technicalities or informalities.

Charlie French
Mayor, City of Warsaw
32-1c

PUBLIC NOTICE:
In accordance with Chapter 65A.080 (2), KRS 424.220, of the Kentucky Revised Statutes, the 2019-2020 Gallatin County Conservation District Annual Financial Report will be available for public viewing at the Gallatin County Extension Office bulletin board August 18 through September 28, 2020.

This advertisement was paid for by the Gallatin County Conservation District using taxpayer dollars in the amount of $25.00.

32-1c

PUBLIC NOTICE:
The public will take notice that the undersigned has qualified as the Executrix of the estate of Melville E. Carr, 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.

Carolyn J. Carr
3780 Ky Hwy. 465
Sparta, Ky 41086
32-1c

PUBLIC NOTICE:
The Northern Kentucky Area Development District (NKADD) is accepting Requests for Qualifications (RFQ) from qualified firms to provide project management, environmental inventory and assessment, and public outreach related to a U.S. Environmental Protection Agency (EPA) Community-Wide Assessment Grant for Brownfields awarded to the NKADD as part of the Fiscal Year 2020 Grant Competition. Proposals will be received until August 31, 2020, no later than 12 p.m. ET. The RFQ may be obtained by visiting our website at http://www.nkadd.org. Questions concerning this RFQ may be directed to Dominique DeLucia at dominique.delucia@nkadd.org.

32-1c

Flood Plain Resolution Amending Ordinance 2008-01

–ABSOLUTE ESTATE AUCTION –

Friday, August 14 • 6 p.m.

At News Auction House, 616 Park Avenue, Carrollton, KY 41008, Take I-71 to exit 44 to Hwy 227N, go 3 miles to Carrollton city limits - on left. Next to Chapman Tire Co.

ANTIQUES – COLLECTABLES - HOUSEHOLD ITEMS

Iron bank; 2 Iron toy wagons; 2 Handmade quilts; High back bed; Dresser; Pie safe; Buffet; Rocker; Coca Cola table/chairs; Wood flower stand; Gold plated 12 pc setting silverware w/chest; Humpty Dumpty egg crate; P.P.c 4 gal. crock; Cranberry vase; Oil lamps; Electric oil lamp; 2 Rowe potter; Flat irons; Trivet/stand; BB gun; Artifacts – Grinding stones, Paint rock, Flint rock, Axes, Arrows, Geodes; Rolling pins; Costume jewelry; Cigarette lighters; Harris bottle; Claw foot dining table w/chairs; Glassware; Bavarian; Crystal; Pink depression; Wine decanter; Riverside milk bottle; Crocks; Salts; Church plate. Other items too numerous to list.

MASK REQURED PER COVID 19 REQUIREMENTS

TERMS: Cash or Check with I.D. NO CONCESSIONS

Sam & Martha Earls • Executor: Cheryl L. West, Ellettsville, TN

Auctioneer Robert L. New • Carrollton, KY 41008 • 502-525-0295

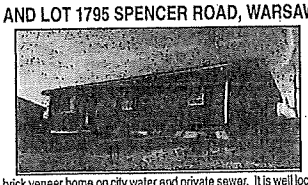
GOVERNMENT FORECLOSURE SALE

THURSDAY, AUGUST 27, 2020 11:00 A.M.

AT GALLATIN COUNTY COURTHOUSE UPSTAIRS LOBBY

100 WEST MAIN STREET, WARSAW, KY 41095

OF HOUSE AND LOT 1795 SPENCER ROAD, WARSAW, KY 41095



This is a nice three bedroom brick veneer home on city water and private sewer. It is well located in a quiet neighborhood. It consists of a living room, kitchen, three bedrooms, and one bath. This property is considered suitable for the Rural Development, Housing Program. This would be an excellent buy for an investor interested in rental property or for resale after minor repairs.

Open house will not be held. Property may be made available for viewing on a case by case basis and by appointment only.

The minimum acceptable bid for this property is $26,800.00.

Payment of the current year's property taxes are the responsibility of the purchaser.

GALLATIN FISCAL COURT
ORDINANCE NO. 05-14-15-2

An Ordinance related to the regulation of siting of Cellular Antenna Towers.

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

SECTION ONE: That Gallatin County Ordinance No. 10-11-01 be and is hereby repealed.

SECTION TWO: Gallatin County does hereby adopt, ratify, and enact into law all terms, provisions, definitions, policies, criteria, authority and language contained in Ky. Revised Statutes 100.985 through 100.987, inclusive, and successor statutes.

SECTION THREE: The language set forth in the aforesaid statutes, in its entirety, is hereby incorporated into the Gallatin County Code of Ordinances as if fully set out in the body thereof.

Adopted on its first reading on 4-9-15.

Adopted and enacted into law upon its second reading 5-14-15.

Ken McFarland
GALLATIN COUNTY JUDGE/EXEC.

A TRUE COPY: ATTEST
Tracy Miles
GALLATIN COUNTY COURT CLERK

100.985 Definitions for KRS 100.985 to 100.987.

In addition to the definitions set forth in KRS 100.111, the following definitions shall apply to KRS 100.985 to 100.987:

(1) "Cellular antenna tower" means a tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services;

(2) "Cellular telecommunications service" means a retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations;

(3) "Co-location" means locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower;

(4) "Personal communication service" has the meaning as defined in 47 U.S.C. sec. 332(c);

(5) "Uniform application" means an application to construct a cellular antenna tower submitted to a planning commission in conformity with KRS 100.9865 and 100.987;

(6) "Utility" has the meaning as defined in KRS 278.010(3); and

(7) "Antennas or related equipment" means transmitting, receiving, or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.

Effective: April 23, 2002

History: Amended 2002 Ky. Acts ch. 343, sec. 2, effective April 23, 2002; and ch. 346, sec. 157, effective July 15, 2002. -- Created 1998 Ky. Acts ch. 231, sec. 1, effective July 15, 1998.

Legislative Research Commission Note (4/23/2002). This section was amended by 2002 Ky. Acts ch. 343, sec. 2, and ch. 346, sec. 157, which appear to be in conflict. The changes made by ch. 346 are revisory in nature, while the changes made by ch. 343 are substantive. The changes of ch. 343 have been allowed to prevail. Cf. KRS 7.123.

100.9865 Contents of uniform application.

In addition to the requirements of KRS 100.987, a uniform application shall include:

(1) The full name and address of the applicant;

(2) The applicant's articles of incorporation, if applicable;

(3) A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky, that includes boring logs and foundation design recommendations;

(4) A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard areas;

(5) Clear directions from the county seat to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions;

(6) The lease or sale agreement for the property on which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the county clerk, an applicant may file a copy of the agreement as recorded by the county clerk and, if applicable, the portion of the agreement demonstrating compliance with KRS 100.987(2);

(7) The identity and qualifications of each person directly responsible for the design and construction of the proposed tower;

(8) A site development plan or survey, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the tower and all easements and existing structures within five hundred (500) feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within two hundred (200) feet of the access drive, including the intersection with the public street system;

(9) A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas;

(10) The tower and foundation design plans and a description of the standard according to which the tower was designed, signed, and sealed by a professional engineer registered in Kentucky;

(11) A map, drawn to a scale no less than one (1) inch equals two hundred (200) feet, that identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower;

(12) A statement that every person who, according to the records of the property valuation administrator, owns property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed, has been:

(a) Notified by certified mail, return receipt requested, of the proposed construction, which notice shall include a map of the location of the proposed construction;

(b) Given the telephone number and address of the local planning commission; and

(c) Informed of his or her right to participate in the planning commission's proceedings on the application;

(13) A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners;

(14) A statement that the chief executive officer of the affected local governments and their legislative bodies have been notified, in writing, of the proposed construction;

(15) A copy of the notice sent to the chief executive officer of the affected local governments and their legislative bodies;

(16) A statement that:

(a) A written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted and shall remain in a visible location on the proposed site until final disposition of the application; and

(b) A written notice, at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower near this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted on the public road nearest the site;

(17) A statement that notice of the location of the proposed construction has been published in a newspaper of general circulation in the county in which the construction is proposed;

(18) A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use for the specific property involved;

(19) A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided, and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure, including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designed to host multiple wireless service providers' facilities or on an existing structure, such as a telecommunications tower or other suitable structure capable of supporting the applicant's antennas and related facilities; and

(20) A map of the area in which the tower is proposed to be located, that is drawn to scale, and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located.

Effective: April 23, 2002

History: Created 2002 Ky. Acts ch. 343, sec. 5, effective April 23, 2002.

100.986 Prohibited actions of planning commission in regulating placement of cellular antenna towers.

In regulating the placement of cellular antenna towers, a planning commission shall not:

(1) Regulate the placement of a cellular antenna tower on the basis of the environmental effects of radio frequency emissions to the extent that these facilities comply with the regulations of the Federal Communications Commission concerning radio frequency emissions;

(2) Institute a moratorium upon the siting of cellular antenna towers;

(3) Charge an application fee that exceeds an amount that is reasonably related to expenses associated with processing an application to construct a cellular antenna tower, and to issue any necessary permits including any required building permit, up to a maximum of two thousand five hundred dollars ($2500). Application fee amounts shall not be raised after June *15*, 2002;

(4) Regulate the placement of antennas or related equipment on an existing structure; or

(5) Require the submission of application materials in addition to those required by KRS 100.9865 and 100.987, unless agreed by both parties.

Effective:April 23, 2002

History: Created 2002 Ky. Acts ch. 343, sec. 4, effective April 23, 2002.

100.987 Local government may plan for and regulate siting of cellular antenna towers -- Duties of utility or company proposing to construct antenna tower -- Confidentiality of information contained in application -- Duties and powers of planning commission -- Co-location.

(1) A planning unit as defined in KRS 100.111 and legislative body or fiscal court that has adopted planning and zoning regulations may plan for and regulate the siting of cellular antenna towers in accordance with locally adopted planning or zoning regulations in this chapter.

(2) Every utility or a company that is engaged in the business of providing the required infrastructure to a utility that proposes to construct an antenna tower for cellular telecommunications services or personal communications services within the jurisdiction of a planning unit that has adopted planning and zoning regulations in accordance with this chapter shall:

(a) Submit a copy of the applicant's completed uniform application to the planning commission of the affected planning unit to construct an antenna tower for cellular or personal telecommunications services. The uniform application shall include a grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:

1. All of the planning unit's jurisdiction; and
2. A one-half (1/2) mile area outside of the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers;

(b) Include in any contract with an owner of property upon which a cellular antenna tower is to be constructed, a provision that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing a cellular antenna tower, including a timetable for removal; and

(c) Comply with any local ordinances concerning land use, subject to the limitations imposed by 47 U.S.C. sec. 332(c), KRS 278.030, 278.040, and 278.280.

(3) All information contained in the application and any updates, except for any map or other information that specifically identifies the proposed location of the cellular antenna tower then being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The local planning commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction. Any person violating this subsection shall be guilty of official misconduct in the second degree as provided under KRS 522.030.

(4) After an applicant's submission of the uniform application to construct a cellular antenna tower, the planning commission shall:

(a) Review the uniform application in light of its agreement with the comprehensive plan and locally adopted zoning regulations;

(b) Make its final decision to approve or disapprove the uniform application; and

(c) Advise the applicant in writing of its final decision within sixty (60) days commencing from the date that the uniform application is submitted to the planning commission or within a date certain specified in a written agreement between the local planning commission and the applicant. If the planning commission fails to issue a final decision within sixty (60) days and if there is no written agreement between the local planning commission and the applicant to a specific date for the planning commission to issue a decision, the uniform application shall be deemed approved.

(5) If the planning commission disapproves of the proposed construction, it shall state the reasons for disapproval in its written decision and may make suggestions which, in its opinion, better accomplish the objectives of the comprehensive plan and the locally adopted zoning regulations. No permit for construction of a cellular or personal communications services antenna tower shall be issued until the planning commission approves the uniform application or the sixty (60) day time period has expired, whichever occurs first.

(6) The planning commission may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. A planning commission may provide the location of existing cellular antenna towers on which the commission deems the applicant can successfully co-locate its transmitting and related equipment. If the local planning commission requires the applicant to attempt co-location, the applicant shall provide the local planning unit with a statement indicating that the applicant has:

(a) Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, and that identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities; or

(b) Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that:

1. Identifies the location of the towers or other structures on which the applicant attempted to co-locate; and
2. Lists the reasons why the co-location was unsuccessful in each instance.

(7) The local planning commission may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.

(8) In the event of co-location, a utility shall be considered the primary user of the tower, if the utility is the owner of the antenna tower and if no other agreement exists that prescribes an alternate arrangement between the parties for use of the tower. Any other entity that co-locates transmission or related facilities on a cellular antenna tower shall do so in a manner that does not impose additional costs or operating restrictions on the primary user.

(9) Upon the approval of an application for the construction of a cellular antenna tower by a planning commission, the applicant shall notify the Public Service Commission within ten (10) working days of the approval. The notice to the Public Service Commission shall include a map showing the location of the construction site. If an applicant fails to file notice of an approved uniform application with the Public Service Commission, the applicant shall be prohibited from beginning construction on the cellular antenna tower until such notice has been made.

(10) A party aggrieved by a final action of a planning commission under the provisions of KRS 100.985 to 100.987 may bring an action for review in any court of competent jurisdiction.

Effective: April 23, 2002

History: Amended 2002 Ky. Acts ch. 343. sec. 3, effective April 23, 2002; and ch. 346, sec. 158, effective July 15, 2002. -- Created 1998 Ky. Acts ch. 231, sec. 2, effective July 15, 1998.

Legislative Research Commission Note (4/23/2002). This section was amended by 2002 Ky. Acts ch. 343, sec. 3, and ch. 346, sec. 158, which appear to be in conflict. The changes made by ch. 346 are revisory in nature, while the changes made by ch. 343 are substantive. The changes of ch. 343 have been allowed to prevail. Cf. KRS 7.123.

160.

ORDINANCE NUMBER 070920-_____

AN ORDINANCE RELATING TO THE ESTABLISHMENT OF A WATERSHED RESTORATION AREA WITHIN THE "HARTIG PARK" AND AUTHORIZING THE GALLATIN COUNTY JUDGE EXECUTIVE TO SIGN THE NECESSARY PAPERWORK INCLUDING THE DEED WITH RESTRICTIVE COVENANTS TO CREATE THE WATERSHED RESTORATION AREA

WHEREAS, Gallatin County, Kentucky has acquired approximately 510 acres by deed of record in Deed Book 117 page 282 in the Gallatin County Clerk's Office in Warsaw, KY and this tract has become what is commonly referred to as the "Anthony J. Hartig Wildlife Management Area" or the in short, "Hartig Park";

WHEREAS, Gallatin County assumed ownership of the land and responsibility for honoring the wishes and restrictions of the donor as set forth in the Deed to wit: Gallatin County, Kentucky shall take the land "to hold for public use forever...which is hereby perpetually dedicated as a nature and game preserve, to be maintained for the public purpose of scientific research, education, aesthetic enjoyment, and providing a habitat for plant and animal species and communities, and other natural objects. The land hereby dedicated shall be open to use by the public for hunting, fishing, camping, hiking wildlife watching, or other wild-life and/or nature related outdoor recreation";

WHEREAS, the "Hartig Park" deed language also states that "Gallatin County shall have the power to adopt additional reasonable rules and regulations for the use of the property by the public consistent with the foregoing purposes and restrictions."

WHEREAS, Gallatin County through a board of local citizens formed to oversee the management of the "Hartig Park" have located funds through the Louisville District Corp of Engineers (Corp) in consultation with an Interagency Review Team (IRT) comprised of representatives of the U.S. Fish and Wildlife Service (USFWS), the U.S. Environmental Protection Agency, Kentucky Fish and Wildlife, and the Kentucky Division of Water (KDOW). Funds were provided from the Northern Kentucky Stream and Wetland Restoration Program for the purpose of compensatory mitigation of Aquatic resources;

WHEREAS, It is proposed by the Interagency Review Team (IRT) that a "Watershed Restoration Area (WRA) of 71 acres +/- of the "Hartig Park" be established to restore and permanently protect aquatic resources and to manage wildlife with in the property by preserving, restoring or enhancing the current natural scenic condition for plants and wildlife to insure the area is available for wild life management, hunting, hiking and wildlife watching in perpetuity. Horseback riding, horse trails and camping shall be prohibited with in the WRA. The local "Hartig Park" board also believes the creation of the WRA is in the best interest of the park and has suggested that Gallatin County take the steps necessary to designate the WRA;

WHEREAS, Gallatin County believes it best to create the WRA within the "Hartig Park" and "adopt additional reasonable rules and regulations for the use of the property " as the WRA is established to restore and permanently protect aquatic resources and to manage wildlife with in the property by preserving, restoring or enhancing the current natural scenic condition for plants and wildlife to insure the area is available for wild life management, hunting, hiking and wildlife watching in perpetuity even if it includes prohibiting: Horseback riding, horse trails and camping with in the WRA.

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

SECTION 1: the 71 +/- tract of the "Hartig Park" shall be designated as Watershed Restoration Area (WRA) as it is in the best interest of Gallatin County, the "Hartig Park" and the purposes set forth in the original deed whereby Gallatin County received said property and if there are any conflicting restrictions Gallatin County exerts its authority under the granting deed to adopt "additional reasonable rules and regulations," such as those set forth in the deed covenants creating the "Hartig Park" Watershed Restoration Area, for the use of the "Hartig Park" property by the public, consistent with the original purposes and restrictions;

SECTION 2: All paperwork necessary to create the Watershed Restoration Area (WRA) with in the "Hartig Park" be completed and signed by Gallatin County Judge Executive Jon Ryan Morris on behalf of Gallatin County, Kentucky including the granting of a deed with covenants as required to create the WRA by Louisville District Corp of Engineers (Corp) in consultation with an Interagency Review Team (IRT) comprised of representatives of the U.S. Fish and Wildlife Service (USFWS), the U.S. Environmental Protection Agency, Kentucky Fish and Wildlife, and the Kentucky Division of Water (KDOW)Funds were provided from the Northern Kentucky Stream and Wetland Restoration Program for the purpose of compensatory mitigation of Aquatic resources.

SECTION 3: 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 that resulted in such formal actions were in compliance with all legal requirements, and the Codified Ordinances of the County of Gallatin.

SECTION 4: This ordinance shall take effect upon publication.

First Reading: July 9, 2020
Second Reading August 13, 2020

First Publication August 5, 2020
Second Publication Aug 19, 2020

GALLATIN COUNTY JUDGE EXECUTIVE

Attest: Gracy Miles
Gallatin County Clerk

PUBLIC NOTICES

PUBLIC NOTICE:
Gallatin County Public Schools
The annual financial report for FY 2019-20 has been posted to the Gallatin County Public School District website for public viewing at: http://gallatin.kyschools.us/Content2/1550
A copy is available at the Gallatin County Public Schools Central Office located at 75 Boardwalk, Warsaw, KY 41095, as well as the Gallatin County Public Library and the offices of the Gallatin County News. To request a mailed copy, contact Kelley Gamble at the Central Office 859-567-1825.
This notification is published in accordance with HB 120 and KRS 424.220.
33-1c

PUBLIC NOTICE:
The adopted budgets and financial statements of Three Rivers District Health Department and the Carroll, Gallatin, Owen & Pendleton County Public Health Taxing Districts may be examined at 1005 Hwy 22 East, Owenton, KY, 502-484-5736.
33-1c

PUBLIC NOTICE:
Second reading of a proposed ordinance amending the Gallatin County budget for Fiscal Year 2020-2021 to include unanticipated receipts from the COVID 19- Relief Fund in the amount of $301,956.00 and increasing expenditures in the area of Ambulance & Sheriff Deputy Payroll will be held on September 10, 2020 at 6:00 p.m. at the Gallatin County Extension Office, 395 Hwy 42 West Warsaw, KY. A copy of the proposed ordinance with full text is available for public inspection at the Office of the County Judge/Executive during normal business hours.
33-1c

PUBLIC NOTICE:
The City of Glencoe is now accepting bids until September 14th at 4:00 pm for the following job description:
Demolition, disposal, restoration and replacement of approximately 1200 linear feet of sidewalk located on Collins St and Hawthorne Street, to include 8 foot of sidewalk in front of the Glencoe City Building, Glencoe, Kentucky. All construction shall comply with state and local building codes and industry standards for municipal sidewalks. Also, must be ADA compliant. Bid shall be priced per square foot of sidewalk all inclusive of demolition, disposal, restoration, replacement and cleanup. The winning bidder shall commence work upon request of the City and work shall be completed within 30 days (excavating, seeding and straw to be done within 30 days). All bidders need to request a copy of City Ordinance pertaining to the Sidewalks. All bidders must provide proof of liability insurance, workers compensation insurance, and obtain a city business license. These items need to be provided with the bid submission. To view the worksite and obtain detailed specifications, contact Jonathan Berkshire at 859-393-3963 and Mayor Michael Hampton at 859-903-3550. All bids to be sealed and sent to Glencoe City Hall.
33-3c

PUBLIC NOTICE:
NOTICE OF ENACTMENT AND SUMMARY OF BOND ORDINANCE NO. 2020-05
ORDINANCE OF THE CITY OF WARSAW, KENTUCKY, AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF $488,000 PRINCIPAL AMOUNT OF CITY OF WARSAW SEWER SYSTEM REVENUE BONDS, SERIES 2020 FOR THE PURPOSE OF FINANCING THE COST (NOT OTHERWISE PROVIDED) OF THE CONSTRUCTION OF EXTENSIONS, ADDITIONS AND IMPROVEMENTS TO THE XISTING SEWER SYSTEM OF SAID CITY; SETTING FORTH TERMS AND CONDITIONS UPON WHICH SAID BONDS MAY BE ISSUED AND OUTSTANDING; PROVIDING FOR THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF SAID SEWER SYSTEM; AND PROVIDING FOR AN ADVERTISED, PUBLIC, COMPETITIVE SALE OF SAID BONDS.
As required by KRS 83A.060(9), I hereby certify that an Ordinance bearing the above title was given first reading (by Title and Summary) by theCity Council of the City of Warsaw, Kentucky, at a duly convened meeting of said Council held on July 13, 2020, and was given second reading (by Title and Summary) and enacted by said Council at a duly convened meeting held on August 10, 2020, and that the following is a Summary of such Ordinance prepared by W. Randall Jones, an attorney duly licensed in the Commonwealth of Kentucky, of the firm of Rubin & Hays, Attorneys at Law, Louisville, Kentucky. (Signed W. Randall Jones)

SUMMARY OF ORDINANCE
Said Ordinance authorizes the issuance of $488,000 of City of Warsaw Sewer System Revenue Bonds, Series 2020 (the "Bonds") for the purpose of financing the cost (not otherwise provided) of the construction of the Project referred to in said title; authorizes interim financing to pay the costs of said Project pending the issuance of the Bonds; designates Engineers for the Project and the depository bank of the proceeds of the Bonds and of certain funds to be maintained in connection with the Bonds; provides for a Sinking Fund for the payment of principal and interest on the Bonds, an Operation and Maintenance Fund, and a Depreciation Fund; provides that said Bonds are secured by a pledge of the gross revenues of the System; establishes the method of payment of the principal of and interest on the Bonds; and the conditions and restrictions for the issuance of bonds ranking on a parity with the Bonds; provides certain covenants of the City for the further protection of the holders of the Bonds, including covenants as the compliance with the Internal Revenue Code of 1986, as amended; and prescribes terms and conditions upon which bids will be received for the purchase of the Bonds.
A copy of the full text of said Ordinance is available for public inspection during regular business hours, Monday through Friday. (Signed) Carolyn Caldwell, City Clerk, City of Warsaw, Kentucky.
33-1c

PUBLIC NOTICE:
ORDINANCE 2020-04
AN ORDINANCE OF THE CITY OF WARSAW, IN GALLATIN COUNTY, KENTUCKY, ENACTING AND ADOPTING A SUPPLEMENT OF THE CODE OF ORDINANCES
WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2019 supplement to the Code of Ordinances of the City of Warsaw, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and
WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Kentucky Revised Statutes;
WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WARSAW, IN GALLATIN COUNTY, KENTUCKY, AS FOLLOWS:
SECTION 1: That the 2019 supplement to the Code of Ordinances of the City of Warsaw, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.
SECTION 2: That this ordinance shall take effect and be in force from and after its date of passage, approval and publication as required by law.
Passed this 10th day of AUGUST, 2020
Passed on First Reading: 7/13/2020
Passed on Second Reading: 8/10/2020
APPROVED:
/s/Charlie French
CHARLIE FRENCH, Mayor
ATTEST:
/s/Carolyn Caldwell
CAROLYN CALDWELL,
City Clerk/Treasurer
DATE OF PUBLICATION: 8/18/2020
31-1c

PUBLIC NOTICE:
THE CITY OF GLENCOE, KENTUCKY
ORDINANCE# 2020-0003
AN ORDINANCE AMENDING CHAPTER 4.04 OF THE CITY OF GLENCOE ORDINANCES TO ADD NEW SECTIONS CLARIFYING THE LICENSE FEE TO BE PAID FOR BUSINESS ENGAGED partnership, entity, or corporation is engaged in more than one occupation or business, such person, firm, partnership, entity, or corporation shall procure from the City Clerk a license for each such business or occupation and pay the license fee for each license, unless such businesses or occupations are operated or practiced in the same physical location and not physically separated by demising wall, separate entrance, or other structure or physical circumstances evidencing an intent that such businesses or occupations are separate and distinct, in which case only one (1) business license shall be required.
SECTION II
All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, if any, repealed.
SECTION III
The provisions of this Ordinance are severable and the invalidity of any provision of this Ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.
SECTION IV
This Ordinance shall be in full force and effect from and after its passage and publication according to law, and said publication may be in summary form.
This ordinance adopted this 10th day of August, 2020.
First Reading: 7/13/2020
Second Reading: 8/10/2020
/s/ Mike Hampton
Mike Hampton, Mayor
Date: 8/10/2020
ATTEST:
/s/Paula Giles
Paula Giles, City Clerk
Date: 8/10/2020
Aye: 6
Nay: 0
33-1c

PUBLIC NOTICE:
ORDINANCE NUMBER 070920-
AN ORDINANCE RELATING TO THE ESTABLISHMENT OF A WATERSHED RESTORATION AREA WITHIN THE "HARTIG PARK" AND AUTHORIZING THE GALLATIN COUNTY JUDGE EXECUTIVE TO SIGN THE NECESSARY PAPERWORK INCLUDING THE DEED WITH RESTRICTIVE COVENANTS TO CREATE THE WATERSHED RESTORATION AREA
WHEREAS, Gallatin County, Kentucky has acquired approximately 510 acres by deed of record in Deed Book 117 page 282 in the Gallatin County Clerk's Office in Warsaw, KY and this tract has become what is commonly referred to as the "Anthony J. Hartig Wildlife Management Area" or the in short, "Hartig Park";
WHEREAS, Gallatin County assumed ownership of the land and responsibility for honoring the wishes and restrictions of the donor as set forth in the Deed to wit: Gallatin County, Kentucky shall take the land "to hold for public use forever... which is hereby perpetually dedicated as a nature and game preserve, to be maintained for the public purpose of scientific research, education, aesthetic enjoyment, and providing a habitat for plant and animal species and communities, and other natural objects. The land hereby dedicated shall be open to use by the public for hunting, fishing, camping, hiking, wildlife watching, or other wild-life and/or nature related outdoor recreation";
WHEREAS, the "Hartig Park" deed language also states that "Gallatin County shall have the power to adopt additional reasonable rules and regulations for the use of the property by the public consistent with the foregoing purposes and restrictions."
WHEREAS, Gallatin County through a board of local citizens formed to oversee the management of the "Hartig Park" have located funds through the Louisville District Corp of Engineers (Corp) in consultation with an Interagency Review Team (IRT) comprised of representatives of the U.S. Fish and Wildlife Service (USFWS), the U.S. Environmental Protection Agency, Kentucky Fish and Wildlife, and the Kentucky Division of Water (KDOW). Funds were provided from the Northern Kentucky Stream and Wetland Restoration Program for the purpose of compensatory mitigation of Aquatic resources;
WHEREAS, It is proposed by the Interagency Review Team (IRT) that a "Watershed Restoration Area (WRA) of 71 acres +/- of the "Hartig Park" be established to restore and permanently protect aquatic resources and to manage wildlife within the property by preserving, restoring or enhancing the current natural scenic condition for plants and wildlife to insure the area is available for wildlife management, hunting, hiking and wildlife watching in perpetuity. Horseback riding, horse trails and camping shall be prohibited within the WRA. The local "Hartig Park" board also believes the creation of the WRA is in the best interest of the park and has suggested that Gallatin County take the steps necessary to designate the WRA;
WHEREAS, Gallatin County believes it best to create the WRA within the "Hartig Park" and "adopt additional reasonable rules and regulations for the use of the property" as the WRA is established to restore and permanently protect aquatic resources and to manage wildlife within the property by preserving, restoring or enhancing the current natural scenic condition for plants and wildlife to insure the area is available for wildlife management, hunting, hiking and wildlife watching in perpetuity even if it includes prohibiting: Horseback riding, horse trails and camping within the WRA.
BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF GALLATIN, COMMONWEALTH OF KENTUCKY:
SECTION 1: The 71 +/- tract of the "Hartig Park" shall be designated as Watershed Restoration Area (WRA) as it is in the best interest of Gallatin County, the "Hartig Park" and the purposes set forth in the original deed whereby Gallatin County received said property and if there are any conflicting restrictions Gallatin County exerts its authority under the granting deed to adopt "additional reasonable rules and regulations," such as those set forth in the deed covenants creating the "Hartig Park" Watershed Restoration Area, for the use of the "Hartig Park" property by the public, consistent with the original purposes and restrictions;
SECTION 2: All paperwork necessary to create the Watershed Restoration Area (WRA) within the "Hartig Park" be completed and signed by Gallatin County Judge Executive Jon Ryan Morris on behalf of Gallatin County, Kentucky including the granting of a deed with covenants as required to create the WRA by Louisville District Corp of Engineers (Corp) in consultation with an Interagency Review Team (IRT) comprised of representatives of the U.S. Fish and Wildlife Service (USFWS), the U.S. Environmental Protection Agency, Kentucky Fish and Wildlife, and the Kentucky Division of Water (KDOW). Funds were provided from the Northern Kentucky Stream and Wetland Restoration Program for the purpose of compensatory mitigation of Aquatic resources.
SECTION 3: 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 that resulted in such formal actions were in compliance with all legal requirements, and the Codified Ordinances of the County of Gallatin.
SECTION 4: This ordinance shall take effect upon publication.
First Reading: July 9, 2020
Second Reading August 13, 2020
First Publication August 5, 2020
Second Publication August 19, 2020
/s/ Ryan Morris
GALLATIN COUNTY JUDGE EXECUTIVE
Attest:
/s/Tracy Miles
Gallatin County Clerk
33-1c

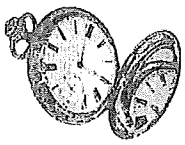
PUBLIC NOTICE

The Gallatin County Board of Education will hold a public hearing at the Central Offices located at 75 Boardwalk, Warsaw, KY on September 3, 2020, at 6:00 PM to hear public comments regarding a proposed general fund tax levy of 66.8 cents on real property and 66.8 cents on personal property.

The General Fund tax levied in fiscal year 2020 was 66.8 cents on real property and 66.8 cents on personal property and produced revenue of $4,128,945. The proposed General Fund tax rate of 66.8 cents on real property and 66.8 cents on personal property is expected to produce $4,421,110. Of this amount $1,466,768.83 is from new and personal property. The compensating tax for 2020 is 65.1 cents on real property and 65.1 cents on personal property and is expected to produce $4,308,597.

The general areas to which revenue of $292,165 above 2020 revenue is to be allocated are as follows: Cost of collections, $11,686; Building fund, $65,606; instruction, $159,637; Transportation, $30,067; and Maintenance of plant, $25,169.

The General Assembly has required publication of this advertisement and information contained herein.



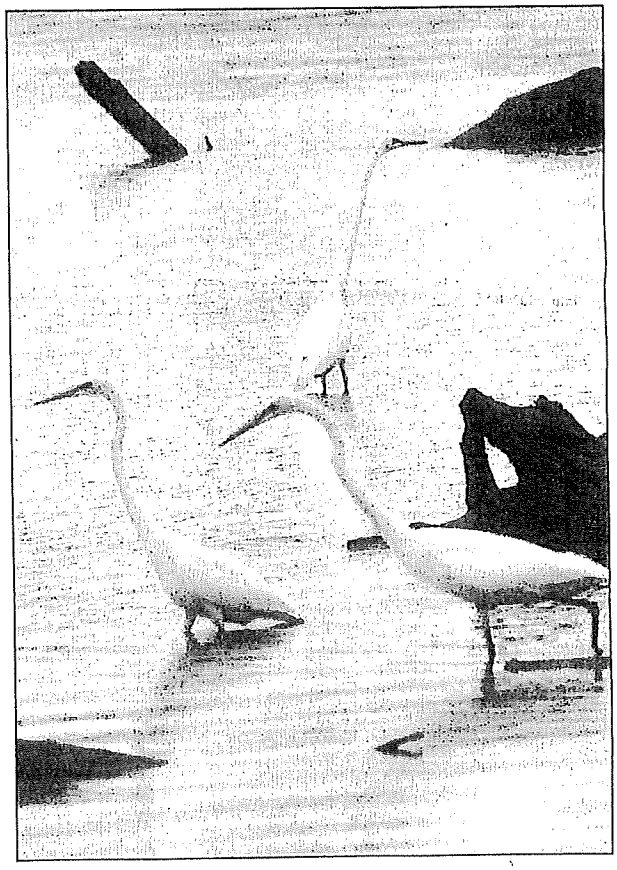
FOR THOSE DIFFICULT TIMES WHEN WORDS ARE NOT ENOUGH

There are times when words aren't enough, when your family needs a solid, dependable foundation to draw strength from.

You can call on us to be there when we're needed the most.

Family Services From Neighbors And Friends Who Care

Hamilton-Stanley Funeral Home
Verona, Kentucky
859-485-4885
24-Hour Funeral Information



Egrets on the move

Three Great Egrets walk around a shallow Ohio River cove looking for small fish to eat. The big birds are common visitors to our part of