

TITLE III: ADMINISTRATION

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CHAPTER 30: MAYOR-COUNCIL PLAN

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- 30.01 Form of government
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' 30.01 FORM OF GOVERNMENT.

The form of government provided for this city shall be known as the AMayor-Council Plan.@  
(KRS 83A.130(1))

' 30.02 GOVERNING OFFICERS.

(A) The city shall be governed by an elected executive who shall be called Mayor and by an elected legislative body which shall be called the City Council, and by such other officers and employees as are provided for by statute or city ordinance. (KRS 83A.130(2))

(B) The City Council shall be composed of six members. (KRS 83A.030(1))



CHAPTER 31: CITY OFFICIALS

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GENERAL PROVISIONS

' 31.01 OATH; BOND.

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

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

' 31.02 COMPENSATION.

(A) City Council shall establish the compensation of every elected city officer not later than the first Monday in May in the year in which the officer is elected. An elected officer's compensation shall not be changed after his election or during his term of office.

(1) In order to equate the compensation of Mayors and Councilmembers with the purchasing power of the dollar, the Department for Local Government computes by the second Friday in February of every year the annual increase or decrease in the consumer price index of the preceding year by using 1949 as the base year in accordance with Section 246 of the Constitution of Kentucky, which provides that the Mayor in cities of the first class shall be paid at a rate no greater than \$12,000 per annum and Mayors in cities other than the first class and Councilmembers shall be paid at a rate no greater than \$7,200 per annum.

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

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

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

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

Statutory reference:

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

' 31.03 REMOVAL FROM OFFICE.

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

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

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Statutory reference:

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

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

' 31.04 CONTINUITY OF GOVERNMENT IN EVENT OF EMERGENCY.

When the absence or disability of the Mayor of the city shall prevent the Mayor from serving in the office during a national, state or local emergency, the duties and responsibilities of the Mayor shall be administered temporarily by the Mayor Pro Tem. In the event that neither the Mayor nor the Mayor Pro Tem are able to serve in the office of Mayor, by reason of absence or disability, during a national, state or local emergency, the duties of the office of Mayor shall be assumed temporarily by the Fire Chief and if that person is unable to serve by reason of absence or disability, then by Director of the Kenton County Department of Homeland Security and Emergency Management.  
(Ord. 12-01-03, passed 1-7-04)

ELECTED OFFICIALS

' 31.20 ELECTION PROCEDURE.

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

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

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

(D) Each appointed and elected city office existing on July 15, 1980, shall continue until abolished by ordinance, except that the offices of Mayor and City Councilmembers may not be abolished.

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

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

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

Statutory reference:

Election of city officers, see KRS 83A.050

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

' 31.21 MAYOR.

(A) Election; term of office. The Mayor of this city shall be elected by the voters of the city at a regular election. His term of office begins on the first day of January following his election and shall be for four years and until his successor qualifies.

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

(C) Vacancy. If a vacancy occurs in the office of Mayor, Council shall fill the vacancy within 30 days. If for any reason, any vacancy in the office of Mayor is not filled within 30 days after it occurs, the Governor shall promptly fill the vacancy by appointment of a qualified person who shall serve for the same period as if otherwise appointed. (KRS 83A.040(1), (2), (6))

(1) When voting to fill a vacancy in the office of Mayor, a member of the City Council shall not vote for himself. (KRS 83A.040(2)(c))

(2) When voting to fill a vacancy created by the resignation of the Mayor, the resigning Mayor shall not vote on his successor. (KRS 83A.040(3))

(3) No vacancy by reason of a voluntary resignation in the office of Mayor shall occur unless a written resignation which specifies the resignation date is tendered to the City Council. The resignation shall be effective at the next regular or special meeting of the city legislative body occurring after the date specified in the written letter of resignation. (KRS 83A.040(7))

(4) If a vacancy occurs in the office of Mayor which is required by law to be filled temporarily by appointment, the City Council shall immediately notify in writing both the County Clerk and the Secretary of State of the vacancy. (KRS 83A.040(8))



(5) The City Council shall elect from among its members an individual to preside over meetings of the City Council during any vacancy in the office of the Mayor in accordance with the provisions of KRS 83A.130. (KRS 83A.040(2)(d))

(D) Powers and duties.

(1) The executive authority of the city is hereby vested in and shall be exercised by the Mayor. The Mayor shall enforce the Mayor-Council Plan, city ordinances and orders, and all applicable statutes. He shall supervise all departments of city government and the conduct of all city officers and employees under his jurisdiction and require each department to make reports to him as required by ordinance or as he deems desirable.

CITY OFFICIALS

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

(3) The Mayor shall report to the Council and to the public on the condition and needs of city government as he finds appropriate or as required by ordinance, but not less than annually. He shall make any recommendations for actions by the Council he finds in the public interest.  
(KRS 83A.130(3))

(4) Subject to disapproval of the Council, the Mayor shall promulgate procedures to insure orderly administration of the functions of city government and compliance with statutes or ordinances. Upon promulgation or upon revision or rescission of the procedures, copies shall be filed with the person responsible for maintaining city records. (KRS 83A.130(4))

(5) Any delegation of the Mayor's power, duties, or responsibilities to subordinate officers and employees and any expression of his official authority to fulfill executive functions shall be made by executive order. Executive orders shall be sequentially numbered by years and kept in a permanent file. (KRS 83A.130(7))

(6) All bonds, notes, contracts, and written obligations of the city shall be made and executed by the Mayor or his agent designated by executive order. (KRS 83A.130(8))

(7) The Mayor shall be the appointing authority with power to appoint and remove all city employees, including police officers, except as tenure and terms of employment are protected by statute, ordinance, or contract and except for employees of the Council. (KRS 83A.130(9))

(8) The Mayor shall provide for the orderly continuation of the functions of city government at any time he is unable to attend to the duties of his office by delegating responsibility for any function to be performed, in accordance with division (D)(5) above. However, the Mayor may not delegate the responsibility of presiding at meetings of the Council, and the authority to approve ordinances or promulgate administrative procedures may only be delegated to an elected officer. With approval of the Council, the Mayor may rescind any action taken in his absence under this section within 30 days of such action. If for any reason the disability of the Mayor to attend to his duties persists for 60 consecutive days, the office of Mayor may be declared vacant by a majority vote of the Council and the provisions of ' 31.21(C) shall apply. (KRS 83A.130(10))

' 31.22 COUNCILMEMBERS.

For provisions concerning City Council, see Chapter 32.

NONELECTED CITY OFFICIALS

' 31.35 ESTABLISHMENT OF NONELECTED CITY OFFICES.

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

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

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

(B) With the exception of the Police Chief and all city police officers, all nonelected city officers shall be appointed by the Mayor with approval of City Council. The Police Chief and all city police officers shall be appointed by the Mayor at will and such appointments need not be approved by City Council.

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

(D) The following are nonelected city offices:

- (1) City Clerk.
- (2) City Assessor.
- (3) City Attorney.
- (4) City Treasurer.
- (5) City Engineer.
- (6) Alcoholic Beverage Control Administrator.
- (7) Building and Zoning Inspector.
- (8) Playground and Park Supervisor.
- (9) Water Meter Reader.
- (10) License Inspector.
- (11) Custodian.
- (12) Road Maintenance Worker.

(Am. Ord. 6-1-99, passed 7-3-99)

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Statutory reference:

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

' 31.36 CITY CLERK.

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

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

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

(1) Keep an accurate record of the proceedings of all regular and special meetings of the city and handle and maintain all correspondence;

(2) Write and sign all money vouchers for approved bills and payments;

(3) Notify the paper, the Mayor and all Councilmembers within the legal time of all meetings called by City Council and/or the Mayor;

(4) Sort the mail;

(5) Keep all correspondence filed properly (this includes ordinances);

(6) Mail approved ordinances to citizens as approved by City Council;

(7) Prepare water bills on a quarterly basis;

(8) Prepare tax bills on a yearly basis;

(9) Issue yard sale permits;

(10) Fill in for City Treasurer during his or her absence;

(11) Be in the city office on Tuesday morning from 9:00 a.m. to 11:00 a.m. to collect taxes, water bills, sell city stickers, receive water deposits and city citations. These items will be collected only if citizen has exact change and/or a check;

(12) Type any letters requested by City Council and/or the Mayor;

(13) Make sure the office equipment is serviced as needed;

(14) Prepare address labels as needed for newsletters and the like; and

(15) Report to the Mayor.

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

(E) No person shall be appointed or act as the City Clerk unless such person has taken the oath required by Section 228 of the Constitution of the Commonwealth of Kentucky and has provided bond, if required, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein.

(Am. Ord. 6-1-99, passed 7-3-99)

Cross-reference:

City Clerk to perform duties of Alcoholic Beverage Control Administrator, see ' 112.03

' 31.37 CITY ASSESSOR.

(A) The office of City Assessor is hereby established.

(B) The City Assessor shall be appointed by the Mayor with the approval of the City Council pursuant to KRS 83A.080; and may be removed by the Mayor at will.

(C) No person shall be appointed or act as the City Assessor unless such person has taken the oath required by Section 228 of the Constitution of the Commonwealth of Kentucky and has provided a bond in the sum as established by City Council, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein.

(D) The City Assessor shall perform the following:

(1) Keep an accurate assessment of all property in the city according to state law;

(2) Keep an accurate record and description of property owners;

(3) Figure taxes for yearly tax bills. This information should be given to the City Clerk and Ways and Means Chairperson no later than May 1 of each year.

(E) The compensation of the City Assessor shall be in an amount to be established by City Council by ordinance.

(Am. Ord. 6-1-99, passed 7-3-99)

' 31.38 CITY ATTORNEY.

(A) Establishment. There is hereby established the office of City Attorney.

(B) Appointment and qualifications. The Mayor, with the approval of City Council, shall appoint a City Attorney who shall be the general law officer and legal counsel of the city. The Mayor may remove the City Attorney at will. He shall be an attorney licensed to practice in the Commonwealth of Kentucky. He shall be chosen solely on the basis of his legal qualifications, with special emphasis on actual experience in or knowledge of Kentucky municipal and administrative law. The City Attorney may also engage in the private practice of law and may hold other public or private employment.

(C) Duties and powers. The City Attorney shall perform the following duties:

- (1) Attend regular and special Council meetings;
- (2) Prepare city ordinances as directed by City Council;
- (3) Provide legal advise to City Council and the Mayor; and
- (4) Prepare monthly report for Council. Extra duties to be paid at a rate mutually agreed upon.

(D) Compensation for extraordinary services. In addition to the salary fixed for City Attorney by annual ordinance of City Council, the City Attorney shall receive additional compensation as an independent contractor for all extraordinary services, including appearances in legal actions and administrative proceedings and hearings involving the city, municipal bond issues, real estate acquisitions and dispositions, and other matters beyond the scope of usual legal counsel to the city or requiring an unusual amount of time. For such extraordinary services, the City Attorney shall be paid reasonable fees commensurate with the amount and value of time devoted thereto, based upon charges made by other attorneys for comparable legal services.

(E) Oath and bond. No person shall be appointed or act as City Attorney unless such person has taken the oath required by Section 228 of the Constitution of the Commonwealth of Kentucky and has provided a bond in the sum as established by City Council, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein.  
(Am. Ord. 6-1-99, passed 7-3-99)

' 31.39 CITY TREASURER.

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

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

(C) Duties and powers. The City Treasurer shall perform the following duties:

(1) Receive all monies collected and deposit monies in a recognized depository carrying federal insurance as indicated by Council and/or Ways and Means Chairperson;

(2) Disburse checks and/or monies only upon receipt of a voucher for same;

(3) Keep a regular account of all monies as received, and disburse all monies authorized by the City Council and/or City Clerk. Books shall be kept in accordance with general accounting principles as directed by the City Accountant;

(4) Submit a monthly report on the receipts and disbursements. This report is to be available to City Council members by the beginning of each monthly Council meeting;

(5) Oversee an annual audit by an independent auditor decided by City Council and/or the Ways and Means Chairperson. The City Council and/or the Ways and Means Chairperson can call for additional audits as needed;

(6) Be in the city office during regular office hours (exception is Tuesday morning) to collect taxes, water bills, sell city stickers, receive water deposits and city citations; and

(7) Report to the Ways and Means Chairperson and/or the Mayor.

(D) Oath and bond. No person shall be appointed or act as the City Treasurer unless such person has taken the oath required by Section 228 of the Constitution of the Commonwealth of Kentucky, and has provided a bond in the sum as established by City Council, with corporate surety authorized to transact business in the Commonwealth of Kentucky and conditioned upon the performance of the duties specified herein.

(E) Compensation. The compensation of the City Treasurer shall be in an amount to be established by City Council by ordinance. (Am. Ord. 6-1-99, passed 7-3-99)

' 31.40 CITY ENGINEER.

(A) The office of City Engineer is hereby established.



(B) The City Engineer shall be appointed by the Mayor with the approval of the City Council pursuant to KRS 83A.080; and may be removed by the Mayor at will.

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

(D) The City Engineer shall advise the Mayor and City Council on all matters relating to the maintenance and improvement of streets, alleys, and other public ways, and on matters which may be deemed necessary for the public good, welfare, and convenience, including matters pertaining to sewers and culverts, and shall perform such work and services in connection therewith, as may be assigned him by the City Council. ('77 Code, ' 2-340(3))

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

' 31.41 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

For provisions concerning the Alcoholic Beverage Control Administrator, see ' 112.03.  
(Am. Ord. 1-2-87, passed - -87)

' 31.42 BUILDING AND ZONING INSPECTOR.

(A) Establishment. The office of Building and Zoning Inspector is hereby established.

(B) Appointment. The Building and Zoning Inspector shall be appointed by the Mayor with the approval of the City Council pursuant to KRS 83A.080; and may be removed by the Mayor at will.

(C) Oath; bond. No person shall be appointed or act as the Building and Zoning Inspector unless such person has taken the oath required by Section 228 of the Constitution of the Commonwealth of Kentucky and has provided a bond in the sum as established by City Council, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein.

(D) Powers and duties.

(1) It shall be the duty of the Building and Zoning Inspector to administer, execute, and enforce the provisions of the official building, housing, flood control, and zoning ordinances of the city.

(2) The Building and Zoning Inspector shall take any action as permitted by law to correct the violations of the provisions of the official building, housing, flood control, and zoning ordinances of the city.

(3) The Building and Zoning Inspector shall have the authority to order discontinuance of illegal use of land, buildings, structures, signs, fences, or additions, alterations, or structural changes.

(E) Compensation. The compensation of the Building and Zoning Inspector shall be in an amount to be established by City Council by ordinance.

(F) Deputies. The city hereby authorizes such deputies as may be needed from time to time to assist the Building and Zoning Inspector.

Cross-reference:

- Powers and duties as to the Building Code, see ' 150.03
- Powers and duties as to flood damage prevention, see ' 151.45
- Administration of Housing Code, see ' 152.26

' 31.43 PLAYGROUND AND PARK SUPERVISOR.

For provisions concerning the Playground and Park Supervisor, see ' 95.20.

' 31.44 WATER METER READER.

For provisions concerning the Water Meter Reader, see ' 50.65.

' 31.45 LICENSE INSPECTOR.

(A) Established. There is hereby created the office of the License Inspector.

(B) Powers and duties. The powers and duties of the License Inspector are:

(1) To provide for the issuance of all licenses required by the ordinances of the city, including but not limited to alcoholic beverage control licenses, occupational licenses, city motor vehicle sticker licenses, and real estate rental licenses and to act as the City Administrative Officer pursuant to ' 110.01 through 110.23 of this code.

(2) To enforce all ordinances, statutes and regulations regarding the issuance of and maintenance and retention of licenses and enforcement of violations regarding licenses and conduct of businesses and activities licensed within the confines of the city.

(C) Oath and bond. No person shall be appointed or act as the License Inspector unless such person has taken the oath required by Section 228 of the Constitution of the Commonwealth of Kentucky, and the code of ordinances of the city, and shall provide bond in the sum as established by the City Council, with corporate surety authorized to transact business in the Commonwealth of Kentucky and conditioned upon the performance of the duty specified herein.

(D) Compensation. The compensation of the License Inspector shall be the sum of \$200 per year.

(E) Emergency passage provision. Due to the lack of a License Inspector within the confines of the city and the necessity to have a License Inspector as soon as possible to provide for conformity with laws and regulations regarding licenses and the issuance and maintenance of same, a second reading of this section, as required by Kentucky Revised Statutes, is not required, in that an emergency situation exists within the city due to a lack of a License Inspector. (Ord. 8-1-92, passed 8-11-92; Am. Ord. 9-2-04, passed 11-3-04)

' 31.46 CUSTODIAN.

The duties of custodian shall be as follows:

(A) Keep the sidewalks free of snow and ice in winter. Do not let salt stand on sidewalks after snow and ice are removed;

(B) Sweep the outside of the building, including the east ramp. Spray weeds and grass in cracks as needed;

(C) Clean outside windows twice a year;

(D) Washrooms (three): keep facilities clean, including mopping floors as needed. Fill paper towels, soap, tissues, and toilet tissue;

(E) Upstairs: run sweeper, polish furniture in Council room and all offices, change light bulbs and exit lights as needed, clean inside windows at least twice a year, take curtains down and clean at least twice a year, empty all trash cans and replace bags after office hours.

(F) Downstairs: keep tables and bar top clean, mop floors once a week. This includes bathrooms, hall area and bar area, clean and/or mop the steps, change light bulbs and exit lights as needed, clean inside windows at least twice a year, take curtains down and clean at least twice a year, arrange tables and chairs in an orderly fashion, empty all trash cans and replace bags, take trash out on regular trash days;

(G) Purchase supplies as needed with petty cash, submit bills to City Clerk for reimbursement of petty cash;

(H) Clean Hall after rental. The Hall chairperson will advise when the Hall is rented. Hall needs to be cleaned as soon as possible as rented. Custodian shall receive \$50 extra; and

(I) Report to Hall Committee Chairperson and/or the Mayor.  
(Ord. 6-1-99, passed 7-3-99)

' 31.47 ROAD MAINTENANCE WORKER.

The duties of a road maintenance worker shall be as follows:

(A) Paint curbs as requested by the Road and Light Committee Chairperson;

(B) Replace signs as requested by the Road and Light Committee Chairperson;

(C) Fill potholes with blacktop as requested by the Road and Light Committee Chairperson;

(D) Report to the Road and Light Committee Chairperson and/or the Mayor.  
(Ord. 6-1-99, passed 7-3-99)

CHAPTER 32: CITY COUNCIL

Section

General Provisions

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- 32.03 Powers and duties

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GENERAL PROVISIONS

' 32.01 MEMBERS; ELECTION, QUALIFICATIONS, COMPENSATION.

(A) Election; term of office. Each Councilmember shall be elected at-large by the voters of the city at a regular election. Terms of office begin on the first day of January following the election and are for two years, except as provided by ' 31.20.

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

(C) Compensation. The rate of compensation for Councilmembers is hereby fixed at \$240 per year. (Ord. 11-1-79, passed 1-17-80)

' 32.02 VACANCIES.

(A) Vacancies. If one or more vacancies on Council occur in a way that one or more members remain seated, the remaining members shall within 30 days fill the vacancies one at a time, giving each new appointee reasonable notice of his selection as will enable him to meet and act with the remaining members in making further appointments until all vacancies are filled. If vacancies occur in a way that all seats become vacant, the Governor shall appoint qualified persons to fill the vacancies sufficient to constitute a quorum. Remaining vacancies are filled as provided in this section. (KRS 83A.040(5))

(1) No vacancy by reason of a voluntary resignation of a member of the City Council shall occur unless a written resignation which specifies a resignation date is tendered to the City Council. The resignation shall be effective at the next regular or special meeting of the city legislative body occurring after the date specified in the written letter of resignation. (KRS 83A.040(7))

(2) If a vacancy occurs on the City Council which is required by law to be filled temporarily by appointment, the City Council shall immediately notify in writing both the County Clerk and the Secretary of State of the vacancy. (KRS 83A.040(8))

(B) Failure to fill vacancies. If for any reason, any vacancy on Council is not filled within 30 days after it occurs, the Governor shall promptly fill the vacancy by appointment of a qualified person who shall serve for the same period as if otherwise appointed. (KRS 83A.040(6))

Statutory reference:

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

' 32.03 POWERS AND DUTIES.

(A) The legislative authority of the city is hereby vested in and shall be exercised by the elected Council of the city. The Council may not perform any executive functions except those functions assigned to it by statute. (KRS 83A.130(11))

(B) The Council shall establish all appointive offices and the duties and responsibilities of those offices and codes, rules, and regulations for the public health, safety, and welfare. (KRS 83A.130(12))

(C) The Council shall provide, by ordinance, for sufficient revenue to operate city government and shall appropriate the funds of the city in a budget which provides for the orderly management of city resources. (KRS 83A.130(12))

(D) The Council may investigate all activities of city government. The Council may require any city officer or employee to prepare and submit to it sworn statements regarding the performance of his official duties. Any statement required by the Council to be submitted or any investigation undertaken by the Council, if any office, department, or agency under the jurisdiction of the Mayor is involved, shall not be submitted or undertaken unless and until written notice of the Council's action is given to the Mayor. The Mayor may review any statement before submission to the Council and to appear personally or through his designee on behalf of any department, office, or agency in the course of any investigation. (KRS 83A.130(13))

#### RULES OF PROCEDURE

##### ' 32.20 MAYOR AS PRESIDING OFFICER.

(A) The Mayor shall preside at meetings of the Council. Any time the Mayor cannot preside at any regular or special meeting of City Council, the Council may elect one of its members to preside at any such meeting, and any such election shall be by a majority vote of those members of Council present at such meeting. (Ord. 9-2-82, passed 10-5-82)

(B) The Mayor may participate in Council proceedings, but shall not have a vote, except that he may cast the deciding vote in case of a tie.

##### Statutory reference:

Mayor as presiding officer, see KRS 83A.130(5)

##### ' 32.21 MEETINGS.

(A) Regular meetings of the Council shall be held on the first Wednesday of each month at 6:30 p.m. at the City Building. (Ord. 11-1-92, passed 11-10-92; Am. Ord. 3-2-02, passed 3-2-02)

(B) Special meetings of the Council may be called by the Mayor or upon written request of a majority of the Council. In the call, the Mayor or Council shall designate the purpose, time, and place of the special meeting with sufficient notice for the attendance of Councilmembers and for compliance with KRS Chapter 61.

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

(D) The minutes of every meeting shall be signed by the person responsible for maintaining city records as provided under ' 31.36 and by the officer presiding at the meeting. (KRS 83A.130(11))

(E) The City Council shall conduct their meetings in accordance with Robert's Rules of Order, newly revised edition.

(F) The City Attorney shall act as parliamentarian for the City Council.

('77 Code, ' 2-205)

' 32.22 QUORUM.

Unless otherwise provided by statute, a majority of the Council constitutes a quorum and a vote of a majority of a quorum is sufficient to take action.

(KRS 83A.060(6))

ORDINANCES

' 32.35 ONE SUBJECT; TITLE.

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

(KRS 83A.060(1))

' 32.36 INTRODUCTION; ENACTING CLAUSE.

Each ordinance shall be introduced in writing and shall have an enacting clause styled ABe it ordained by the City of Bromley.@

(KRS 83A.060(2))

' 32.37 FORM OF AMENDMENT.

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

(KRS 83A.060(3))

Cross-reference:

Amendatory language, see ' 10.14

' 32.38 READING REQUIREMENT; EXCEPTION FOR EMERGENCY.

(A) Except as provided in division (B) of this section, no ordinance shall be enacted until it has been read on two separate days.

The reading of an ordinance may be satisfied by stating the title and reading a summary rather than the full text.

(B) In an emergency, upon the affirmative vote of two-thirds of the membership, the Council may suspend the requirements of second reading and publication in order for an ordinance to become effective by naming and describing the emergency in the ordinance. Publication requirements of ' 32.43 shall be complied with within ten days of the enactment of the emergency ordinance.

(KRS 83A.060(4), (7))



' 32.39 APPROVAL, DISAPPROVAL BY MAYOR.

(A) All ordinances adopted by the Council shall be submitted to the Mayor who, within ten days after submission, shall either approve the ordinance by affixing his signature or disapprove it by returning it to the Council together with a statement of his objections.

(B) No ordinance shall take effect without the Mayor's approval unless he fails to return it to the legislative body within ten days after receiving it or unless the Council votes to override the Mayor's veto, upon reconsideration of the ordinance not later than the second regular meeting following its return, by the affirmative vote of one more than a majority of the membership.

(KRS 83A.130(6))

' 32.40 ADOPTION OF STANDARD CODES BY REFERENCE.

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

(KRS 83A.060(5))

' 32.41 OFFICIAL CITY RECORDS.

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

(B) The Council has provided, under the provisions of ' 31.36(C) and 32.42, for the maintenance and safekeeping of the permanent records of the city. The City Clerk and the presiding officer shall sign the official record of each meeting.

(KRS 83A.060(8))

' 32.42 INDEXING AND MAINTENANCE REQUIREMENTS.

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

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

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

(KRS 83A.060(8))

' 32.43 PUBLICATION REQUIREMENTS.

(A) Except as provided in ' 32.38(B), no ordinance shall be effective until published pursuant to KRS Chapter 424. Ordinances may be published in full or in summary as designated by the legislative body. If the legislative body elects to publish an ordinance in summary, the summary shall be prepared or certified by an attorney licensed to practice law in the Commonwealth of Kentucky and shall include the following:

(1) The title of the ordinance;

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

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

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

' 32.44 ADDITIONAL REQUIREMENTS FOR ADOPTION MAY BE ESTABLISHED BY CITY.

The city may, by ordinance, specify additional requirements for adoption of ordinances in greater detail than contained herein, but the city may not lessen or reduce the substantial requirements of this chapter or any statute relating to adoption of ordinances.  
(KRS 83A.060(10))

' 32.45 PERIODIC REVIEW REQUIRED.

Not less than once every five years all ordinances in this code of ordinances shall be examined for consistency with state law and with one another and shall be revised to eliminate redundant, obsolete, inconsistent, and invalid provisions.  
(KRS 83A.060(11))

' 32.46 MUNICIPAL ORDERS.

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

(B) In lieu of an ordinance, municipal orders may be used for matters relating to the internal operation and functions of the city and to appoint or remove or approve appointment or removal of members

of boards, commissions, and other agencies over which the Council has control.

(KRS 83A.060(12), (13))

' 32.47 PROVED BY CLERK; RECEIVED IN EVIDENCE.

All ordinances and orders of the city may be proved by the signature of the City Clerk; and when the ordinances are placed in this code of ordinances by authority of the city, the printed copy shall be received in evidence by any state court without further proof of such ordinances.

(KRS 83A.060(14))

' 32.48 LEGISLATIVE IMMUNITY.

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

(KRS 83A.060(15))

Statutory reference:

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

COMMITTEES

' 32.60 CITY HALL COMMITTEE.

(A) The City Hall Committee is hereby established as a standing committee of City Council. The Councilmember or members comprising this Committee shall be appointed by the Mayor.

(B) The City Hall Committee shall advise City Council concerning the maintenance, supervision, and use of City Hall.

(Am. Ord. 7-1-11, passed 8-3-11)

Cross-reference:

City Hall regulations, see Chapter 36

' 32.61 LAW COMMITTEE.

(A) The Law Committee is hereby established as a standing committee of City Council. The Councilmember or members comprising this Committee shall be appointed by the Mayor.

(B) The Law Committee shall act as the liaison between City Council and the City Attorney and between the City Council and the Police Department and shall advise the Council in all ordinary legal matters.

(Am. Ord. 7-1-11, passed 8-3-11)

' 32.62 LICENSE COMMITTEE.

(A) The License Committee is hereby established as a standing committee of City Council. The Councilmember or members comprising this Committee shall be appointed by the Mayor.

(B) The License Committee shall advise Council as to all licensing procedures and fees provided for by the city.  
(Am. Ord. 7-1-11, passed 8-3-11)

' 32.63 PARKS AND PLAYGROUNDS COMMITTEE.

(A) The Parks and Playgrounds Committee is hereby established as a standing committee of City Council. The Councilmember or members comprising this Committee shall be appointed by the Mayor.

(B) The Parks and Playgrounds Committee shall advise Council as set forth in ' 95.21 of this Code.  
(Am. Ord. 7-1-11, passed 8-3-11)

' 32.64 ROAD AND LIGHT COMMITTEE.

(A) The Road and Light Committee is hereby established as a standing committee of City Council. The Councilmember or members comprising this Committee shall be appointed by the Mayor.

(B) The Road and Light Committee shall advise Council concerning all public ways within the city, the supply of light service to the city, and such needed equipment as light poles, light bulbs, and the like.  
(Am. Ord. 7-1-11, passed 8-3-11)

' 32.65 WATER COMMITTEE.

(A) The Water Committee is hereby established as a standing committee of City Council. The Councilmember or members comprising this Committee shall be appointed by Council.

(B) The Water Committee shall advise the City Council concerning the supply of water service to the city.

Cross-reference:

Water regulations, see Chapter 50

' 32.66 WAYS AND MEANS COMMITTEE.

(A) The Ways and Means Committee is hereby established as a standing Committee of City Council. The Councilmember or members comprising this Committee shall be appointed by the Mayor.

(B) For provisions concerning the duties of the Ways and Means Committee, see ' 33.25 through 33.31.  
(Am. Ord. 7-1-11, passed 8-3-11)

' 32.67 INSURANCE COMMITTEE.

(A) The Insurance Committee is hereby established as a standing Committee of City Council. The Councilmember or members comprising this Committee shall be appointed by the Mayor.

(B) The duties of the Insurance Committee shall be to review and evaluate the city's insurance coverage and then to advise Council as to how to obtain the most reasonable rates possible.  
(Am. Ord. 7-1-11, passed 8-3-11)



CHAPTER 33: FINANCE AND REVENUE

Section

Financial Administration

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- 33.02 Accounting records and financial reports
- 33.03 Annual audit of city funds
- 33.04 Official depositories; disbursement of city funds

Improvements

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FINANCIAL ADMINISTRATION

33.01 DEFINITIONS.

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

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

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

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

AFISCAL YEAR.@ The accounting period for the administration of fiscal operations.

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

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

' 33.02 ACCOUNTING RECORDS AND FINANCIAL REPORTS.

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

(1) Determine compliance with statutory provisions;

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

(3) Readily provide such financial data as may be required by the federal revenue sharing program.

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

' 33.03 ANNUAL AUDIT OF CITY FUNDS.

(A) The city shall, after the close of each fiscal year, cause each fund of the city to be audited by the auditor of public accounts or a certified public accountant. The audits shall be completed by February 1 immediately following the fiscal year being audited. Within ten days of the completion of the audit and its presentation to the city legislative body, pursuant to division (B)(5) of this section, each city shall forward three copies of the audit report to the Kentucky Department for Local Government for information purposes. The Department shall forward one copy of the audit report to the Legislative Research Commission to be used for the purposes of KRS 6.955 to 6.975.

(B) The city shall enter into a written contract with the selected auditor. The contract shall set forth all terms and conditions of the agreement which shall include, but not be limited to, requirements that:

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

(2) The auditor shall include in the annual city audit report an examination of local government economic assistance funds



granted to the city under KRS 42.450 to 42.495. The auditor shall include a certification with the annual audit report that the funds were expended for the purpose intended;

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

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

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

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

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

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

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

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

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

(1) The auditor's opinion letter;

(2) The "Budgetary Comparison Schedules-Major Funds," which shall include the general fund and all major funds;

(3) A statement that a copy of the complete audit report, including financial statements and supplemental information, is on file at city hall and is available for public inspection during normal business hours;

(4) A statement that any citizen may obtain from city hall a copy of the complete audit report, including financial statements and supplemental information, for his personal use;

(5) A statement which notifies citizens requesting a personal copy of the city audit report that they will be charged for duplication costs at a rate that shall not exceed twenty five cents (\$0.25) per page; and

(6) A statement that copies of the financial statement prepared in accordance with KRS 424.220 are available to the public at no cost at the business address of the officer responsible for preparation of such statement.

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

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

(KRS 91A.040)

Statutory reference:

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

' 33.04 OFFICIAL DEPOSITORIES; DISBURSEMENT OF CITY FUNDS.

(A) The Mayor shall designate as the city's official depositories one or more banks, federally insured savings and loan companies, or trust companies within the Commonwealth. The amount of funds on deposit in an official depository shall be fully insured by deposit insurance or surety bonds.

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

(KRS 91A.060)

#### IMPROVEMENTS

#### ' 33.10 DEFINITIONS.

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

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

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

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

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

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

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

APROPERTY.@ Any real property benefited by an improvement.

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

ASQUARE FOOT BASIS.@ The apportionment of cost of an improvement

according to the ratio the square footage of individual parcels of property bears to the square footage of all such property.  
(KRS 91A.210)

' 33.11 FINANCING OF IMPROVEMENTS.

(A) The city may not finance any improvement in whole or in part through special assessments except as provided in this subchapter and in any applicable statutes. (KRS 91A.200)

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

(C) The city may provide for lump sum or installment payment of assessments or for bond or other long-term financing, and for any improvement may afford property owners the option as to method of payment or financing.  
(KRS 91A.220)

Statutory reference:

Improvements; alternate methods, see KRS Ch. 107

' 33.12 APPORTIONMENT OF COST.

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

' 33.13 COMPREHENSIVE REPORT REQUIRED.

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

(A) The nature of the improvement;

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

(C) The preliminary estimated cost of the improvement;

(D) The fair basis of assessment proposed;

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

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

' 33.14 PUBLIC HEARING REQUIRED.

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

(A) The nature of the improvement;

(B) Description of area of the improvement;

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

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

(E) Time and place of the hearing.

(KRS 91A.250)

' 33.15 ADOPTION OF ORDINANCE; NOTICE TO AFFECTED OWNERS.

Within 90 days of conclusion of the hearing, the city shall determine whether to proceed with the improvement by special assessments, and if it determines to proceed shall adopt an ordinance so stating and containing all necessary terms, including the items referred to in ' 33.13 and a description of all properties. Promptly upon passage the city shall publish such ordinance pursuant to KRS Chapter 424 and shall mail by certified mail to each affected property owner a notice of determination to proceed with the project, the fair basis of assessment to be utilized, the estimated cost to the property owner, and the ratio the cost to each property owner bears to the total cost of the entire project.

(KRS 91A.260)

' 33.16 AFFECTED OWNER MAY CONTEST.

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

(B) The city may proceed with the improvement with respect to any properties whose owners have not filed or joined in an action as provided in this section or who have contested only the amounts of their assessments, and the provisions of the resolution are final and

binding with respect to such property owners except as to contested amounts of assessments. After the lapse of time as herein provided, all actions by owners of properties are forever barred.  
(KRS 91A.270)

' 33.17 WHEN CITY MAY PROCEED; ASSESSMENT CONSTITUTES LIEN.

(A) After the passage of time for the action provided for in ' 33.16, or after favorable final judgment in any such action, whichever comes later, the city may proceed with the improvement or part thereof stayed by the action, including notice requiring payment of special assessment or installment thereon and bonds or other method proposed to finance the improvement. The first installment may be apportioned so that other payments will coincide with payment of ad valorem taxes.

(B) The amount of any outstanding assessment or installments thereof on any property, and accrued interest and other charges, constitutes a lien on the property to secure payment to the bondholders or any other source of financing of the improvement. The lien takes precedence over all other liens, whether created prior to or subsequent to the publication of the ordinance, except a lien for state and county taxes, general municipal taxes, and prior improvement taxes, and is not defeated or postponed by any private or judicial sale, by any mortgage, or by any error or mistake in the description of the property or in the names of the owners. No error in the proceedings of the Council shall exempt any benefited property from the lien for the improvement assessment, or from payment thereof, or from the penalties or interest thereon, as herein provided.  
(KRS 91A.280)

' 33.18 EFFECT OF ADDITIONAL PROPERTY OR CHANGE IN FINANCING.

The city may undertake any further proceedings to carry out the improvement or any extension or refinancing thereof, except that ' 33.13 through 33.17 applies if additional property is included in the improvement or if change is made in the method or period of financing; but additional property may be included in the improvement with the consent of the owner thereof without compliance with other sections if it does not increase the cost apportioned to any other property, or any other change may be made without such compliance if all property owners of the improvement consent.  
(KRS 91A.290)

ANNUAL BUDGET PROCEDURES

' 33.25 DEFINITIONS.

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

ABUDGET OFFICER.@ Mayor.

ABUDGET YEAR.@ The fiscal year for which a budget is made.

ACHIEF FINANCIAL OFFICER.@ City Treasurer.

ACURRENT YEAR.@ The fiscal year in which a budget is prepared and adopted; that is, the fiscal year next preceding the budget year.

APREVIOUS YEAR.@ The last complete fiscal year before the current year.  
(Ord. 5-3-1978, passed 9-5-78)

' 33.26 PURPOSE; POWERS AND DUTIES.

(A) The purpose of this subchapter is to adopt rules governing the City Council in its proceedings for administering the financial affairs of the city, and to establish a standard procedure for the making and administration of budgets, to place responsibility for the tasks related to budget preparation and administration, the determination of the amount of taxes and other revenues in such manner that budgets may be balanced on the basis of actual cash receipts within the budget period, the establishment of appropriations, the payment of debt, and the control of other expenditures. Its provisions are intended to enable the Council to make financial plans for both current and capital expenditures, and to permit taxpayers and investors to form intelligent opinions based on sufficient information as to the financial policies and administration of the city. For the accomplishment of this purpose, the provisions of this subchapter shall be broadly construed, and shall be in effect until repealed or amended by a majority vote of the Council in the same manner as required by state law.

(B) Within the provisions and for the purpose of this subchapter, officers and employees shall have the power and be subject to the duties expressly stated or necessarily implied.  
(Ord. 5-3-1978, passed 9-5-78)

Statutory reference:

Annual budget ordinance, see KRS 91A.030

' 33.27 FISCAL YEAR.

The fiscal year shall begin on the first day of July of each year, in accordance with Kentucky Constitution ' 169.  
(Ord. 5-3-1978, passed 9-5-78)

' 33.28 PROCEDURE FOR ADOPTION.

(A) Preparation and submission of budget. The Budget Officer, after review by the City Council Ways and Means Committee, shall submit to the Council a budget and an explanatory budget message. The budget shall include the following:

- (1) Organization units within the department or agency,

- (2) Object of expenditure.
  - (a) Personal services.
  - (b) Contractual services.
  - (c) Materials and supplies.
  - (d) Other expenses.
  - (e) Capital outlay.
- (3) Such other supporting data as necessary.

(B) Adoption of budget. The budget shall be adopted by the favorable votes of at least a majority of all the members of the governing body.

(C) Effective date of budget; certification; copies. Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget, as finally adopted, shall be certified by the Budget Officer and the Clerk and filed in the office of the Chief Financial Officer. The budget, so certified, shall be printed or otherwise reproduced and sufficient copies thereof shall be made available for the use of all offices, departments, and agencies, and for the use of interested persons and civic organizations. A summary shall be published in accordance with KRS 424.240.

(D) Budget established appropriations. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.

(Ord. 5-3-1978, passed 9-5-78)

' 33.29 CONTENTS AND FORM OF BUDGET.

(A) Budget.

(1) The budget shall provide a complete program and financial plan for all general fund revenues for the budget year. It shall contain in tabular form:

- (a) A general summary.
- (b) Detailed estimates of all anticipated revenues applicable to proposed expenditures.
- (c) All proposed expenditures.

(2) The total of such anticipated revenues shall equal the total of such proposed expenditures.



(B) Proposed expenditures. The proposed expenditures shall be itemized as set out in ' 33.28(A) and each item numbered generally in accordance with the classification system recommended in the Kentucky Municipal Accounting Manual. Separate provision shall be included in the budget for at least:

(1) Administration, operation, and maintenance of each office, department, or agency of the city supported by the General Fund.

(2) Contingent expense in an amount not more than 5% of the total revenue estimated for the budget year.

(3) Expenditures proposed for capital projects.

(C) Budget summary. At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, and by departments and kinds of expenditures, in such a manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget.  
(Ord. 5-3-1978, passed 9-5-78)

#### ' 33.30 ADMINISTRATION.

(A) Approval of expenditures.

(1) The Chief Financial Officer shall have charge of the administration of the financial affairs of the city and to that end shall supervise and be responsible for the disbursement of all moneys and have control over all expenditures to insure that appropriations are not exceeded. He shall exercise financial budgetary control over each office, department, and agency and shall cause separate accounts to be kept for the items of appropriation contained in the budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, and the unencumbered balance.

(2) The same classification and numbering system used in the budget and required by ' 33.29(B) shall be used. Unless the Chief Financial Officer shall certify that there is sufficient unencumbered balance available, no expenditure shall be made.

(B) Transfers of appropriations. The Financial Officer may at any time transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within a departmental unit. At the request of the Budget Officer the Council may by resolution transfer any unencumbered appropriation balance or portion thereof from one departmental unit to another.

(C) When contracts and expenditures prohibited. No office, department, or agency shall, during any budget year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money for any purpose in

excess of the amounts appropriated for that general classification of expenditure pursuant to this subchapter. Any contract, verbal or written, made in violation of this subchapter shall be null and void.

(D) Appropriations lapse at end of year. All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered.  
(Ord. 5-3-1978, passed 9-5-78)

' 33.31 EMERGENCY APPROPRIATIONS AND BORROWING.

(A) Emergency appropriations.

(1) At any time in any budget year, the City Council may, pursuant to this section, make emergency appropriations to meet a pressing need for public expenditure, for other than a regular or recurring requirement, to protect the public health, safety, or welfare.

(2) Such appropriation shall be by ordinance adopted by the favorable votes of at least a majority of the members of the City Council. The total amount of all emergency appropriations made in any budget year shall not exceed the amount of unanticipated actual revenue in excess of the budget estimates, plus transfers from other appropriations.

(B) Borrowing in anticipation of taxes. In any budget year in anticipation of the collection of the revenues for the budget year, but not in excess of 50% of such revenue then uncollected, the City Council may by resolution borrow money and issue negotiable notes of the city.  
(Ord. 5-3-1978, passed 9-5-78)

CHAPTER 34: TAXATION

Section

- 34.01 Delinquent taxes
- 34.02 Notice of delinquency
- 34.03 Foreclosure actions

Cross-reference:

City Assessor, see ' 31.37

' 34.01 DELINQUENT TAXES.

As soon as practical following August 15 of each year, the City Treasurer shall prepare and forward to the City Attorney copies of any and all delinquent ad valorem taxes owed to the city.  
(Ord. 6-3-83, passed 7-5-83; Am. Ord. 7-1-92, passed 8-11-92)

' 34.02 NOTICE OF DELINQUENCY.

Upon receipt of delinquent tax bills, the City Attorney shall promptly notify in writing the person or persons responsible for payment of the bills, which written notice shall specify that the bills must be paid within 90 days following August 15 of that particular year, or a foreclosure suit will be filed to enforce collection.  
(Ord. 6-3-83, passed 7-5-83; Am. Ord. 7-1-92, passed 8-11-92)

' 34.03 FORECLOSURE ACTIONS.

After 90 days following August 15 of each year, the City Attorney shall prepare and file real estate tax foreclosure actions as allowed by law, to enforce collection of any and all outstanding delinquent tax bills which have been delinquent. The City Attorney shall include any and all outstanding tax bills in the foreclosure actions.  
(Ord. 6-3-83, passed 7-5-83; Am. Ord. 7-1-92, passed 8-11-92)



CHAPTER 35: PUBLIC RECORDS

Section

General Provisions

35.01 Definitions

Procedures for Requesting Public Records

- 35.05 Initial request with immediate inspection
- 35.06 Referral to proper custodian
- 35.07 Public records not immediately available
- 35.08 Refusal of unreasonable requests
- 35.09 Time limitation; denial of inspection
- 35.10 Concealing or destroying records prohibited
- 35.11 Access to records relating to particular individual
- 35.12 Format of copies
- 35.13 Fees for copies
- 35.14 Misstatement of purpose prohibited
- 35.15 On-line access to public records in electronic form
- 35.16 Public records protected from disclosure
- 35.17 Notification of the Attorney General

GENERAL PROVISIONS

35.01 DEFINITIONS.

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

ACITY.@ The city government of this city.

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

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

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

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

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

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

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

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

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

APUBLIC RECORDS.@ All books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by the public agency. APUBLIC RECORDS@ shall not include any records owned or maintained by or for the public agency that are not related to functions, activities, programs, or operations funded by the public agency nor any records that may be excluded by ' 35.16.

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

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

public agency and an outside entity which supplied the material to the agency.  
(KRS 61.870)

PROCEDURES FOR REQUESTING PUBLIC RECORDS

' 35.05 INITIAL REQUEST WITH IMMEDIATE INSPECTION.

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

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

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

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

' 35.06 REFERRAL TO PROPER CUSTODIAN.

If the City Clerk does not have custody or control of the public record or records requested, the City Clerk shall notify the applicant and shall furnish the name and location of the official custodian of the agency's public records.  
(KRS 61.872(4))

' 35.07 PUBLIC RECORDS NOT IMMEDIATELY AVAILABLE.

If the public record is in active use, in storage, or not otherwise available, the official custodian shall immediately notify the applicant and shall designate a place, time, and date for inspection or mailing of the public records, not to exceed three days (excepting Saturdays, Sundays, and legal holidays) from receipt of the application, unless a detailed explanation of the cause is given for further delay and the place, time, and earliest date on which the public record will be available for inspection or duplication.

(KRS 61.872(5))

' 35.08 REFUSAL OF UNREASONABLE REQUESTS.

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

(KRS 61.872(6))

' 35.09 TIME LIMITATION; DENIAL OF INSPECTION.

The official custodian, upon any request for records made under this chapter, shall determine within three days (excepting Saturdays, Sundays, and legal holidays) after the receipt of any request whether to comply with the request and shall notify in writing the person making the request within the three-day period of its decision. Any agency response denying, in whole or in part, inspection of any record shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld. The response shall be issued by the official custodian or under his authority and shall constitute final agency action.

(KRS 61.880)

' 35.10 CONCEALING OR DESTROYING RECORDS PROHIBITED.

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

' 35.11 ACCESS TO RECORDS RELATING TO PARTICULAR INDIVIDUAL.

Any person shall have access to any public record relating to him or in which he is mentioned by name, upon presentation of appropriate identification, subject to the provisions of ' 35.16 of these rules and regulations.

(KRS 61.884)

' 35.12 FORMAT OF COPIES.

(A) Upon inspection, the applicant shall have the right to make



abstracts of the public records and memoranda thereof, and to obtain copies of all public records not exempted by the terms of ' 35.16. When copies are requested, the custodian may require a written request and advance payment of the prescribed fee, including postage where appropriate. If the applicant desires copies of public records other than written records, the custodian of the records shall duplicate the records or permit the applicant to duplicate the records; however, the custodian shall ensure that such duplication will not damage or alter the original records.

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

(2) The minimum standard format in paper form shall be defined as not less than 8 1/2 inches x 11 inches in at least one color on white paper, or for electronic format, in a flat file electronic American Standard Code for Information Interchange (ASCII) format. If the public agency maintains electronic public records in a format other than ASCII, and the format conforms to the requestor's requirements, the public record may be provided in this alternate electronic format for standard fees as specified by the public agency. Any request for a public record in a form other than the forms described in this section shall be considered a nonstandardized request.

(KRS 61.874(1) - (3))

' 35.13 FEES FOR COPIES.

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

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

(2) The public agency from which copies of nonexempt public records are requested for a commercial purpose may require a certified statement from the requestor stating the commercial purpose for which

they shall be used, and may require the requestor to enter into a contract with the agency. The contract shall permit use of the public records for the stated commercial purpose for a specified fee.

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

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

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

Cross-reference:

Fees for on-line access to public records, see ' 35.15

' 35.14 MISSTATEMENT OF PURPOSE PROHIBITED.

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

(A) Commercial purpose, without stating the commercial purpose, if a certified statement from the requestor was required by the public agency pursuant to ' 35.13;

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

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

' 35.15 ON-LINE ACCESS TO PUBLIC RECORDS IN ELECTRONIC FORM.

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

(B) Fees shall not exceed:

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

(2) If the records are requested for a commercial purpose, a reasonable fee based on the factors set forth in ' 35.13. (KRS 61.874(6))

' 35.16 PUBLIC RECORDS PROTECTED FROM DISCLOSURE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Criticality lists resulting from consequence assessments;

2. Vulnerability assessments;

3. Antiterrorism protective measures and plans;

4. Security and response needs assessments;

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

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

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

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

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

2. Disrupt a system identified in division (a)5.;

or

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

(c) On the same day that a public agency denies a request to inspect a public record for a reason identified in this division, that public agency shall forward a copy of the written denial of the request, referred to in KRS 61.880(1), to the executive director of the office for Security Coordination and the Attorney General;

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

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

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

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

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

(D) If any public record contains material which is not excepted under this section, the public agency shall separate the excepted and make the nonexcepted material available for examination.

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

(KRS 61.878)

' 35.17 NOTIFICATION OF THE ATTORNEY GENERAL.

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

CHAPTER 36: CITY HALL

Section

- 36.01 Limitation of use of facilities
- 36.02 Conditions for use
- 36.03 Use of facilities
- 36.04 Prohibited acts
- 36.05 Hall Custodian

' 36.01 LIMITATION OF USE OF FACILITIES.

The use of the facilities in the City Hall shall be limited to the following bodies and groups: City Council, committees and officers serving under the Council, the Voluntary Fire Department, the Voluntary Fire Department Auxiliary, the Bromley Civic Association, and other citizens whose purpose is lawful and acceptable in the discretion of the City Council.

('77 Code, ' 8-100)

' 36.02 CONDITIONS FOR USE.

(A) The City Council shall designate nights reserved for its own use. Upon application being filed with the Mayor or his designee by any party covered by ' 36.01, permission for use of the facilities and the amount to be charged therefor shall be determined by the Mayor or his designee, subject to any limitations established by Council by ordinance or order.

(B) It shall be a condition of the granting of such permission that the party assumes liability for any and all damage to city property during or by reason of the use of the Hall.

(C) It is a further condition accompanying the granting of such permission that the Hall shall be left clean and free from refuse, with all furniture properly arranged.

(D) Failure of user to respect conditions imposed in divisions (B) and (C) of this section shall act as revocation of the privileges to continued use of the Hall.

('77 Code, ' 8-105)

' 36.03 USE OF FACILITIES.

(A) Any actual bona fide adult resident of the city and any active crew member of the Volunteer Fire Department shall pay to the City Treasurer the sum of \$100 as a deposit for the use of the facilities of the City Hall. At the conclusion of the event, the \$100 deposit shall be refunded to such person having made the deposit, less any charges for damage, breakage, loss, or other expenses incurred by the city arising from the event referred to in this section.

(B) Any person using the facilities of the City Hall under division (A) above, shall be required to pay a \$50 fee to cover charges incurred by the city for cleanup of the hall and facilities following

the use of same. The \$50 cleanup fee is non-refundable to any person or group.

(Ord. 6-1-85, passed - -85; Am. Ord. 9-2-94, passed 10-1-94)

' 36.04 PROHIBITED ACTS.

No person shall spit upon nor destroy, scratch, mar, or deface the City Hall or any furniture or fixtures therein.

('77 Code, ' 8-110) Penalty, see ' 10.99

' 36.05 HALL CUSTODIAN.

The City Council shall appoint a Hall Custodian who shall be an employee of the Council to perform such duties as directed by the Council. The Hall Custodian shall serve during good behavior and satisfactory service for a term co-terminus with that of the appointing Council. The compensation for this office shall be set by appropriate ordinance of the City Council.

('77 Code, ' 8-400)



CHAPTER 37: DEPARTMENTS, BOARDS, AND COMMISSIONS

Section

- 37.01 Board of Adjustment
- 37.02 Dixie Police Authority Board
- 37.03 Board of Equalization
- 37.04 Board of Housing Appeals
- 37.05 Vacant Properties Review Commission
- 37.06 Code Enforcement Board

' 37.01 BOARD OF ADJUSTMENT.

(A) Creation; term. There is hereby created a Board of Adjustment to serve as Board of Appeals on zoning matters, as well as to perform those duties of KRS Chapter 100. The Board shall consist of seven members to be appointed by the Mayor with approval of City Council. All members of the Board of Adjustment shall be citizen members as defined by KRS 100.111(4), but no more than two members of the Board of Adjustment may be citizen members of the Planning Commission. The members of the Board of Adjustment shall serve for a term of four years, in accordance with state law. ('77 Code, ' 2-400)

(B) Conduct of proceedings. The Board of Adjustment shall conduct its proceedings in accordance with KRS Chapter 100. ('77 Code, ' 2-405)

(C) Compensation. The members of the Board of Adjustment shall receive as their compensation for services, the sum set forth by Council from time to time per each actual working session day. ('77 Code, ' 2-410)

(D) Duties. The members of the Board of Adjustment shall perform all those duties prescribed by state law and the ordinances of the city. ('77 Code, ' 2-415)

(E) Costs for appeal to Board of Adjustment. The costs for appeals and hearings, together with all other incidental expenses incurred as a result of proceedings before the Board of Adjustment, shall be due and payable upon the initiation of any action before the Board of Adjustment. ('77 Code, ' 2-420)

(F) The filing fee for application to the Board of Adjustment for any official action by the Board shall be \$100. (Ord. 5-3-89, passed 6-3-89)

Statutory reference:

Boards of Adjustment, see KRS 100.217

' 37.02 DIXIE POLICE AUTHORITY BOARD.

(A) The city has police services by and through the Dixie Police Authority, an inter-governmental agency consisting of the Cities of Bromley, Crescent Springs and Crescent Park.

(B) The Mayor is hereby authorized to appoint two members to the Dixie Police Authority Board, which members shall consist of either Councilmembers or the Mayor of the city.

(C) The two officials from the city appointed to the Dixie Police Authority Board shall serve two years, or the term of their office whichever is shorter.  
(Ord. 1-1-92, passed 1-4-92)

' 37.03 BOARD OF EQUALIZATION.

(A) The Board of Equalization for the city is hereby established. The City Council shall appoint three discreet property owners as members of the Board of Equalization.

(B) Each member of the Board shall receive \$5 for each day of actual service.

(C) The City Clerk shall act as Clerk of the Board of Equalization.  
(KRS 92.270)

' 37.04 BOARD OF HOUSING APPEALS.

For provisions concerning the Board of Housing Appeals, see ' 152.25 through 152.30.

' 37.05 VACANT PROPERTY REVIEW COMMISSION.

(A) There is hereby established a Vacant Property Review Commission.

(B) The number of members of the Commission shall be three and they shall be appointed by the Mayor with the approval of Council.

(C) The duties of the Vacant Property Review Commission shall be those duties set forth in KRS 99.705 through 99.730.

(D) The Vacant Property Review Commission shall elect a chairperson and other such officers as it shall see fit.

(E) The qualifications for membership of the Vacant Property Review Commission shall be the same as the qualifications for the Board of Adjustment.

(F) The city does hereby ordain the provisions of KRS 99.705 through 99.730.  
(Ord. 3-1-87, passed - -87)

' 37.06 CODE ENFORCEMENT BOARD.

(A) Purpose. The purpose of this section is to create the Bromley Code Enforcement Board that shall have the power to issue remedial orders and impose civil fines when a violation of an ordinance has been classified as a civil offense.

(B) Powers.

(1) The Bromley Code Enforcement Board shall have all powers and duties granted pursuant to KRS 65.8801 to 65.8839 and related statutes, and all powers and duties granted in this section and related ordinances.

(2) The Board shall have the power to issue remedial orders and impose civil fines as a method of enforcing city ordinances when a violation of the ordinance has been classified as a civil offense.

(3) The Board shall also have the following powers: to adopt rules and regulations to govern its operations and the conduct of its hearings; to conduct hearings to determine if there has been a violation of an ordinance over which it has jurisdiction; to subpoena alleged violators, witnesses and evidence to its hearings (subpoenas issued by the Board may be served by a Code Enforcement Officer or as otherwise provided in the Kentucky Rules of Civil Procedure); to take testimony under oath; to make findings of fact and issue orders necessary to remedy any violation of a city ordinance or code provision which the Board is authorized to enforce.

(C) Board membership.

(1) The Bromley Code Enforcement Board shall consist of three members and two alternates appointed by the Mayor, with the approval of City Council.

(2) The terms of the members and alternate members of the board shall be for three years. However, the terms of the initial Board members and alternate members shall be staggered as follows: one member shall be appointed for a term of one year; two members shall be appointed for a term of two years; two members shall be appointed for a term of three years; one alternate member shall be appointed for a term of one year and one alternate member shall be appointed for a term of two years.

(3) Membership requirements, vacancies, removal and oaths of members shall be as required by statute. Board members must take the oath of office prescribed in Section 228 of the Kentucky Constitution and as required by KRS 65.8811.

(4) The City Council may provide compensation, reimbursement for expenses and education of members as it may from time to time order.

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

(6) No member of the Board may hold any elected or non-elected office, paid or unpaid, or any position of employment with the city.

(D) Meetings; organization of the Board.

(1) The Board meetings shall be held as necessary to enforce all civil offenses. The Mayor may assign a monthly date and time for the Board to meet on a routine basis; or meetings may be scheduled as required by the business of the Board.

(2) The Mayor shall appoint a chairperson for the Board. The chairperson shall be the presiding officer and a full voting member of the Board.

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

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

(E) Enforcement proceedings. The following requirements shall govern all enforcement proceedings before the Board:

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

(2) Except as provided in division (E)(3) below, if the Code Enforcement Officer believes, based on his or her personal observation or investigation, that a person has violated a city ordinance or code provision, a notice of violation may be issued to the violator allowing the violator a specified period to remedy the violation without fine or sanction. If the offender fails or refuses to remedy the violation within the time specified, the notice of violation shall serve as a citation.

(3) Nothing in this section shall prohibit the city from taking immediate action to remedy a violation of its ordinances or codes 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.

(4) The citation issued by the Code Enforcement Office shall contain the following information:

(a) The date and time of the issuance;

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

(c) The date and time the offense was committed or discovered;

(d) Brief facts constituting the offense;

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

(f) The name of the Code Enforcement Officer;

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

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

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

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

(5) After issuing a citation to an alleged violator, the Code Enforcement Officer shall notify the Code Enforcement Board and the city by delivering a copy the citation to the City Clerk=s Office.

(6) The person to whom the citation is issued shall respond to the citation within seven days of the date of issuance by either paying the civil fine or requesting, in writing, a hearing before the Code Enforcement Board to contest the citation. The request for a hearing shall be delivered to the City Clerk=s Office. The request shall include the name and address of the person requesting the hearing so Bromley may notify the person of the hearing. If the person fails to respond to the citation within seven days, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final.

(7) If the alleged violator does not contest the citation within the time prescribed, the Code Enforcement Board shall enter a final order determining that the violation was committed and shall impose the appropriate civil fine set forth to such violation. A copy of the final order shall be served on the person found in violation of a city code or ordinance.

(F) Hearing: notice and final order.

(1) When a hearing has been requested, the Code Enforcement Board shall schedule a hearing. The hearing shall be conducted at the next regularly prescribed time for the Board to meet or the subsequent meeting date.

(2) The person requesting a hearing shall be notified of the hearing time and date at the address provided in the request for the hearing.

(3) Failure to appear at the hearing may result in a default against the person requesting the hearing.

(4) All testimony shall be taken under oath. Formal rules of evidence do not apply. The Board shall receive only relevant and material evidence. All evidence received shall be given such weight as the Board deems it is entitled after consideration of any objections that may be made. The Board shall receive such evidence that a reasonable mind might accept as adequate to support a conclusion.

(5) The hearing shall be recorded. A request for a copy of the recording of the hearing must be made in writing. The requesting party must pay a reasonable fee for the recording as determined by the City Clerk's office. The Board has no obligation to preserve recordings beyond 30 days of the hearing date.

(6) The Code Enforcement Board shall, based on the evidence, determine whether a violation has occurred. If it is determined that no violation has occurred, an order dismissing the citation shall be entered. If it determines that a violation was committed, an order shall be issued upholding the citation imposing the appropriate fine and/or remedy for the violation.

(7) Every final order of the Code Enforcement Board shall be reduced to writing and include the date the order was issued. A copy shall be furnished to the person named in the citation. If the person named in the citation is not present when the final order is issued, the order shall be delivered to the violator at the address indicated in the request for a hearing.

(G) Appeals.

(1) An appeal from any final order of the Code Enforcement Board may be made to the Kenton County District Court within 30 days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the Code Enforcement Board's order in the same manner as any civil action under the Kentucky Rules of Civil Procedure.

(2) If no appeal from a final order of the Code Enforcement Board is filed within the time period set forth in division (G)(1) above, the Code Enforcement Board's order shall be deemed final.

(H) Ordinance civil fine schedule. Violations of ordinances that are enforced by the city Code Enforcement Officer and Board shall be subject to the following schedule of civil fines:

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

Each Section Violated

<u>1st offense</u>	<u>2nd Offense</u>	<u>All others</u>
\$10 to \$100	\$30 to \$300	\$90 to \$900

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

Each Section Violated

<u>1st offense</u>	<u>2nd Offense</u>	<u>All others</u>
\$20 to \$200	\$60 to \$600	\$180 to \$1,800

(3) Each section of a code or ordinance violated shall be considered a separate finable offense. If two or more sections of a code or ordinance are violated the fines shall be cumulative and be enforced under the same citation. Each day a violation exists shall be considered a separate offense upon issuance of a separate citation.

(4) The Bromley Code Enforcement Board is hereby authorized and directed to determine within the by-laws and Rules of Procedure a civil penalty schedule within the civil penalty ranges shown in divisions (H)(1) and (H)(2) herein.

(5) All fines that are paid under this section shall be deposited in the general fund of the city.

(6) No fine imposed by the local code enforcement board and no lien recorded as a result of any action of the local code enforcement board or its agents shall be abated, reduced, forgiven or otherwise compromised unless done so by resolution of the City Council of the City of Bromley, upon a showing of good cause for such abatement or reduction in the best financial or other general interest of the city.

(I) Liens, fines - charges and fees.

(1) The city shall, pursuant to KRS 65.8835, possess a lien on property owned by the person found by a final, non-appealable order

of the Bromley Code Enforcement Board or by a final judgment of a court of law if the Board's decision has been appealed, to have committed a violation, for all fines assessed for the violation and for all charges and fees incurred by the city in connection with the enforcement.

(2) The lien shall be recorded in the office of the Kenton County Clerk. The lien shall be notice to all person from the time of its recording and shall bear interest at the legal rate until paid.

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

(J) Civil remedies. In addition to the imposition of a lien, the city may institute other civil action and seek an injunction or monetary damages to enforce its ordinances and collect the debts arising from the fines imposed by the Bromley Code Enforcement Board. (Ord. 6-1-03, passed 6-1-03; Am. Ord. 12-1-04, passed 1-5-05)



CHAPTER 38: CODE OF ETHICS

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## GENERAL PROVISIONS

' 38.01 TITLE.

This chapter shall be known and may be cited as the ACity of Bromley Code of Ethics.@  
(Ord. 11-3-94, passed 12-6-94)

' 38.02 FINDINGS.

The legislative body of the city finds and declares that:

(A) Public office and employment with the city are public trusts.

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

(C) The government of this city has a duty to provide its citizens with standards by which they may determine whether public duties are being faithfully performed, and to make its officers and employees aware of the standards which the citizenry rightfully expects them to comply with while conducting their public duties.  
(Ord. 11-3-94, passed 12-6-94)

' 38.03 PURPOSE AND AUTHORITY.

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

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

(C) This chapter is enacted under the power vested in the city by KRS 82.082 and pursuant to requirements of KRS 65.003.  
(Ord. 11-3-94, passed 12-6-94)

' 38.04 DEFINITIONS.

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

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

ABOARD OF ETHICS.@ The City Board of Ethics which is created and vested by this chapter with the responsibility of enforcing the requirements of the city's code of ethics.

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

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

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

AFAMILY MEMBER.@ A spouse, parent, child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild.

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

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

- (1) The Mayor.
- (2) A legislative body member.
- (3) The City Clerk.
- (4) The City Manager.
- (5) The City Administrator.
- (6) Any person who occupies a nonelected office created under KRS 83A.080.
- (7) A member of the governing body of any city agency who has been appointed to the governing body of the agency by the city. (Ord. 11-3-94, passed 12-6-94)

## STANDARDS OF CONDUCT

' 38.15 CONFLICTS OF INTEREST IN GENERAL.

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

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

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

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

(1) The officer or employee.

(2) A family member.

(3) An outside employer.

(4) Any business in which the officer or employee, or any family member has a financial interest.

(5) Any business with which the officer or employee or any family member is negotiating or seeking prospective employment or other business or professional relationship.

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

(E) Every officer or employee who has a prohibited financial interest which the officer or employee believes or has reason to believe may be affected by his or her participation, vote, decision or other action taken within the scope of his or her public duties shall disclose the precise nature and value of the interest, in writing, to the governing body of the city or city agency served by the officer or

employee, and the disclosure shall be entered on the official record of the proceedings of the governing body. The officer or employee shall refrain from taking any action with respect to the matter that is the subject of the disclosure.

(Ord. 11-3-94, passed 12-6-94) Penalty, see ' 38.99

' 38.16 CONFLICTS OF INTEREST IN CONTRACTS.

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

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

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

(3) The prohibition in division (A) of this section shall not apply in any case where the following requirements are satisfied:

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

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

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

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

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

(KRS 61.252) Penalty, see ' 38.99

' 38.17 RECEIPT OF GIFTS.

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

(Ord. 11-3-94, passed 12-6-94) Penalty, see ' 38.99

' 38.18 USE OF CITY PROPERTY, EQUIPMENT, AND PERSONNEL.

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

(A) The use is specifically authorized by a stated city policy.

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

(Ord. 11-3-94, passed 12-6-94) Penalty, see ' 38.99

' 38.19 REPRESENTATION OF INTERESTS BEFORE CITY GOVERNMENT.

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

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

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

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

(Ord. 11-3-94, passed 12-6-94) Penalty, see ' 38.99

' 38.20 MISUSE OF CONFIDENTIAL INFORMATION.

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

(Ord. 11-3-94, passed 12-6-94) Penalty, see ' 38.99

' 38.21 POST-EMPLOYMENT RESTRICTION.

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

(Ord. 11-3-94, passed 12-6-94) Penalty, see ' 38.99

' 38.22 HONORARIA.

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

(B) Nothing in this section shall prohibit an officer or employee of the city or any city agency from receiving and retaining from the city or on behalf of the city actual and reasonable out-of-pocket expenses incurred by the officer or employee in connection with an appearance, speech or article, provided that the officer or employee can show by clear and convincing evidence that the expenses were incurred or received on behalf of the city or city agency and primarily for the benefit of the city or city agency and not primarily for the benefit of the officer or employee or any other person.

(Ord. 11-3-94, passed 12-6-94) Penalty, see ' 38.99

FINANCIAL DISCLOSURE

' 38.35 WHO MUST FILE.

The following classes of officers and employees of the city and

city agencies shall file an annual statement of financial interests with the Board of Ethics:

(A) Elected city officials.

(B) Candidates for elected city office.

(C) Members of the City Planning and Zoning Commission and Board of Adjustment.

(D) Members of the Board of Ethics created by this chapter.

(E) Nonelected officers and employees of the city or any city agency who are authorized to make purchases of materials or services, or award contracts, leases or agreements involving the expenditure of more than \$500.

(Ord. 11-3-94, passed 12-6-94)

' 38.36 WHEN TO FILE; AMENDED STATEMENTS.

(A) The initial statement of financial interests required by this section shall be filed with the Board of Ethics, or the administrative official designated as the custodian of its records by the Board of Ethics, no later than 5:00 p.m. March 31, 1995. All subsequent statements of financial interest shall be filed no later than 5:00 p.m. on March 31 each year, provided that:

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

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

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

(C) In the event there is a material change in any information contained in a financial statement that has been filed with the Board, the officer or employee shall, no later than 30 days after becoming aware of the material change, file an amended statement with the Board.  
(Ord. 11-3-94, passed 12-6-94)

' 38.37 FORM OF STATEMENT OF FINANCIAL INTERESTS.

The statement of financial interests shall be filed on a form prescribed by the Board of Ethics, or the administrative official designated by the Board of Ethics. The Board, or the designated administrative official, shall deliver a copy of the form to each officer and employee required to file the statement, by first class mail or hand delivery, no later than March 1 of each year. The failure



of the Board, or the designated administrative official, to deliver a copy of the form to any officer or employee shall not relieve the officer or employee of the obligation to file the statement.  
(Ord. 11-3-94, passed 12-6-94)

' 38.38 CONTROL AND MAINTENANCE OF STATEMENTS OF FINANCIAL INTERESTS.

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

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

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

(2) Upon the expiration of three years after any election at which a candidate for elected city office was not elected or nominated, the Board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person.  
(Ord. 11-3-94, passed 12-6-94)

' 38.39 CONTENTS OF FINANCIAL INTERESTS STATEMENT.

The statement of financial interests shall include the following information for the preceding calendar year:

(A) The name, current business address, business telephone number, and home address of the filer.

(B) The title of the filer's office, office sought, or position of employment.

(C) The occupation of the filer and the filer's spouse.  
(Ord. 11-3-94, passed 12-6-94)

' 38.40 NONCOMPLIANCE WITH FILING REQUIREMENT; NOTICE AND FINE.

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

(B) Any person who fails or refuses to file the statement or who fails or refuses to remedy a deficiency in the filing identified in the notice under division (A) of this section within the time period established in the notice shall be guilty of a civil offense and shall be subject to a civil fine imposed by the Board in an amount not to exceed \$25 per day, up to a maximum total civil fine of \$500. Any civil fine imposed by the Board under this section may be recovered by the city in a civil action in the nature of debt if the offender fails or refuses to pay the penalty within a prescribed period of time.

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

(Ord. 11-3-94, passed 12-6-94) Penalty, see ' 38.99

NEPOTISM

' 38.50 NEPOTISM PROHIBITED.

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

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

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

(D) The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to December 31, 1994.

(Ord. 11-3-94, passed 12-6-94) Penalty, see ' 38.99

ENFORCEMENT

' 38.60 BOARD OF ETHICS CREATED.

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

(Ord. 11-3-94, passed 12-6-94)

' 38.61 MEMBERSHIP.

The Board of Ethics shall consist of three members who shall be

appointed by the executive authority of the city, subject to the approval of the legislative body (if different from the executive authority). The initial members of the Board of Ethics shall be appointed within 60 days of the effective date of this chapter. No member of the Board of Ethics shall hold any elected or appointed office, whether paid or unpaid, or any position of employment with the city or any city agency. The members shall serve for a term of three years; except that with respect to the members initially appointed, one member shall be appointed for a term of one year, one member shall be appointed for a term of two years, and one member shall be appointed for a term of three years. Thereafter, all appointments shall be for a term of three years. Each member of the Board of Ethics shall have been a resident of the city for at least one year prior to the date of the appointment and shall reside in the city throughout the term in office. The members of the Board of Ethics shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. The members may be re-appointed for any number of consecutive terms.

(Ord. 11-3-94, passed 12-6-94)

' 38.62 REMOVAL FROM OFFICE.

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

(Ord. 11-3-94, passed 12-6-94)

' 38.63 VACANCIES.

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

(Ord. 11-3-94, passed 12-6-94)

' 38.64 COMPENSATION.

Members of the Board of Ethics shall serve without compensation, unless otherwise approved by the legislative body, but shall be reimbursed for all necessary and reasonable expenses incurred in the performance of their duties.

(Ord. 11-3-94, passed 12-6-94)

' 38.65 CHAIRPERSON; MEETINGS.

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

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

(C) The presence of two or more members shall constitute a quorum and the affirmative vote of two or more members shall be necessary for any official action to be taken. Any member of the Board of Ethics who has a conflict of interest with respect to any matter to be considered by the Board shall disclose the nature of the conflict, shall disqualify himself or herself from voting on the matter, and shall not be counted for purposes of establishing a quorum.

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

(Ord. 11-3-94, passed 12-6-94)

' 38.66 ALTERNATE MEMBERS.

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

(Ord. 11-3-94, passed 12-6-94)

' 38.67 FACILITIES AND STAFF.

Within the limits of the funds appropriated by the legislative body in the annual budget, the city shall provide the Board of Ethics, either directly or by contract or agreement, with the facilities, materials, supplies, and staff needed for the conduct of its business.

(Ord. 11-3-94, passed 12-6-94)

' 38.68 POWERS AND DUTIES.

The Board of Ethics shall have the following powers and duties:

(A) To initiate on its own motion, receive and investigate complaints, hold hearings, and make findings of fact and determinations with regard to alleged violations of the provisions of this chapter.

(B) To issue orders in connection with its investigations and hearings requiring persons to submit in writing and under oath reports and answers to questions that are relevant to the proceedings and to order testimony to be taken by deposition before any individual designated by the Board who has the power to administer oaths.

(C) To administer oaths and to issue orders requiring the attendance and testimony of witnesses and the production of documentary

evidence relating to an investigation or hearing being conducted by the Board.

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

(E) To render advisory opinions to city and city agency officers and employees regarding whether a given set of facts and circumstances would constitute a violation of any provision of this chapter.

(F) To enforce the provisions of this chapter with regard to all officers and employees of the city and city agencies who are subject to its terms by issuing appropriate orders and imposing penalties authorized by this chapter.

(G) To control and maintain all statements of financial interests that are required to be filed by this chapter and to insure that the statements are available for public inspection in accordance with the requirements of this chapter and the Kentucky Open Records Act.

(H) To develop and submit any reports regarding the conduct of its business that may be required by the executive authority or legislative body of the city.

(I) To adopt rules and regulations and to take other actions, as necessary, to implement the provisions of this chapter, provided that the rules, regulations, and actions are not in conflict with the provisions of this chapter or any state or federal law.  
(Ord. 11-3-94, passed 12-6-94)

Statutory reference:

Kentucky Open Records Act, KRS 61.870 through 61.884

' 38.69 FILING AND INVESTIGATION OF COMPLAINTS.

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

(B) Within 30 days of the receipt of a proper complaint, the Board of Ethics shall conduct a preliminary inquiry concerning the allegations contained in the complaint. The Board shall afford a person who is the subject of the complaint an opportunity to respond to

the allegations in the complaint. The person shall have the right to be represented by counsel, to appear and be heard under oath, and to offer evidence in response to the allegations.

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

(1) The Board may turn over to the Commonwealth's Attorney or county attorney evidence which may be used in criminal proceedings.

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

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

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

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

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

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

(Ord. 11-3-94, passed 12-6-94) Penalty, see ' 38.99

#### ' 38.70 NOTICE OF HEARINGS.

If the Board of Ethics determines that a hearing regarding allegations contained in the complaint is necessary, the Board shall issue an order setting the matter for a hearing within 30 days of the

date the order is issued, unless the alleged violator petitions for and the Board consents to a later date. The order setting the matter for hearing, along with a copy of any pertinent regulations of the Board relating to the hearing shall be sent to the alleged violator within 24 hours of the time the order setting a hearing is issued.

(Ord. 11-3-94, passed 12-6-94)

' 38.71 HEARING PROCEDURE.

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

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

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

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

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

(F) After the conclusion of the hearing, the Board of Ethics shall, as soon as practicable, begin deliberations in executive session for the purpose of reviewing the evidence before it and making a determination whether a violation of this chapter has been proven. Within 30 days after completion of the hearing, the Board shall issue a written report of its findings and conclusions.

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

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

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

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

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

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

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

(Ord. 11-3-94, passed 12-6-94) Penalty, see ' 38.99

' 38.72 APPEALS.

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

(Ord. 11-3-94, passed 12-6-94)

' 38.73 LIMITATION OF ACTIONS.

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

(Ord. 11-3-94, passed 12-6-94)

' 38.74 ADVISORY OPINIONS.

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

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



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

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

(1) In writing by the person who requested the opinion.

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

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

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

(Ord. 11-3-94, passed 12-6-94)

Statutory reference:

Kentucky Open Records Act, KRS 61.870 through 61.884

' 38.75 REPRISALS AGAINST PERSONS DISCLOSING VIOLATIONS PROHIBITED.

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

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

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

(2) To be exempt from required disclosure under the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884.

(3) Is confidential under any other provision of law.  
(Ord. 11-3-94, passed 12-6-94)

' 38.99 PENALTY.

(A) Except when another penalty is specifically set forth in this chapter, any officer or employee of the city or any city agency who is found by the Board of Ethics to have violated any provision of this chapter shall be deemed guilty of a civil offense and may be subject to a civil fine imposed by the Board of Ethics not to exceed \$1,000, which may be recovered by the city in a civil action in the nature of debt if the offender fails to pay the penalty within a prescribed period of time.

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

(C) In addition to all other penalties which may be imposed under this chapter, a finding by the Board of Ethics that an officer or employee of the city or any city agency is guilty of a violation of this chapter shall be sufficient cause for removal, suspension, demotion, or other disciplinary action by the executive authority of the city or city agency, or by any other officer or agency having the power of removal or discipline. Any action to remove or discipline any officer or employee for a violation of this chapter shall be taken in accordance with all applicable ordinances and regulations of the city and all applicable laws of the Commonwealth.  
(Ord. 11-3-94, passed 12-6-94)

CHAPTER 39: CITY POLICIES

Section

39.01 Limitation on false alarm drops by businesses

39.99 Penalty

' 39.01 LIMITATION ON FALSE ALARM DROPS BY BUSINESSES.

(A) It is hereby and herewith determined that more than two false alarm drops per business establishment per calendar month is a threat to public safety and convenience, and that any alarm drops in excess of the two false alarm drops per calendar month per licensed business establishment must be prohibited by appropriate punitive measures.

(B) For each false alarm drop over two per calendar month per licensed business establishment, the business license holder shall be subject to a civil penalty as provided in ' 39.99(A), payable to the Dixie Police Authority.

(C) For all other purposes of this section shall be enforced as other city ordinances, and the appropriate criminal action shall be taken to insurance compliance.

(D) The Chief of Police and the Chief of the Fire Department shall certify such excessive false alarm drops to the City Clerk, who shall bill the offending license holder. In the event the offending party fails to pay the billing, cause shall be had to revoke the business license as well as other appropriate civil and criminal remedies.

(Ord. 3-1-92, passed 3-7-92) Penalty, see ' 39.99

' 39.99 PENALTY.

(A) For each false alarm drop over the two alarm limit provided in ' 39.01(A), the civil penalty referred to in ' 39.01(B) shall be \$50 per drop. (Ord. 3-1-92, passed 3-7-92)

(B) In addition to the civil penalty provided in division (A) of this section, any person who violates any provision of ' 39.01 shall be guilty of a violation and shall be subject to a fine not to exceed \$250.

