

SUPPLEMENT NO. 1
March 2021

CODE OF ORDINANCES
City of
GEORGETOWN, KENTUCKY
Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 2020-17, enacted October 12, 2020.

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Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.

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Municipal Code Corporation P.O. Box 2235 Tallahassee, FL 32316
info@municode.com 800.262.2633 www.municode.com

ORDINANCE 2020-17

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF GEORGETOWN, KENTUCKY.

SPONSORS: David Lusby and Connie Tackett

WHEREAS, the Georgetown City Council has considered and enacted many ordinances since the last codification; and,

WHEREAS, the Georgetown City Council wishes to incorporate said ordinances into its Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GEORGETOWN, KENTUCKY:

SECTION ONE

The Code entitled "The Georgetown Code," published by Municipal Code Corporation, consisting of Chapters 1 through 42, each inclusive, is adopted.

SECTION TWO

All ordinances of a general and permanent nature enacted on or before March 9, 2020, and not included in the Code or recognized and continued in force by reference therein, are repealed.

SECTION THREE

The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

SECTION FOUR

Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 30 days or by both such fine and imprisonment. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

SECTION FIVE

Additions or amendments to the Code when passed in such form as to indicate the intention to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

SECTION SIX

Ordinances adopted after March 9, 2020, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

SECTION SEVEN

If any section, subsection, paragraph, sentence, clause, phrase, or a portion of this ordinance is declared illegal or unconstitutional or otherwise invalid, such declaration shall not affect the remaining portions hereof.

SECTION EIGHT

This Ordinance shall be in full force and effect upon passage and publication.

PUBLICLY INTRODUCED AND READ FIRST TIME: September
28, 2020

PUBLICLY READ SECOND TIME AND PASSED: October 12, 2020
Tom Prather

APPROVED: Tom Prather
(Oct 14, 2020 13:26 EDT)

Tom Prather, Mayor

ATTEST: Tracie Hoffman
(Oct 14, 2020 13:49 EDT)

Tracie Hoffman, City Clerk

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Checklist of Up-to-Date Pages

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printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

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In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

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SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Municipal Code will be able to gain a more complete picture of the Code's historical evolution.

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2020-16	9-28-20	Omitted	1
2020-17	10-12-20	Included	1

of the council receiving such certificate to direct the clerk of council to record the same in the journal of proceedings, together with an order declaring the persons named in such certificates duly elected councilmembers of the city, and shall also direct the clerk-treasurer to issue notice to each of the persons so elected, notifying them of the fact of their election. (Code 1966, § 32.2; Code 1983, § 2-17)

Sec. 2-23. First meeting; oath of office.

Members elected to the council shall meet on the first Monday in December after their election in the city hall, and take the oath prescribed by the constitution, and, in addition thereto, an oath that they will faithfully, and without favor or affection to anyone, discharge the duties of councilmember during their continuance in office. The council-elect shall then be called to order by the mayor and enter upon the discharge of the duties of their office. (Code 1966, § 32.4; Code 1983, § 2-19)

State law reference—Oath of officers and attorneys, Ky. Const. § 228.

Sec. 2-24. Regular meetings.

The council hereby establishes its regularly scheduled meetings on the second and fourth Monday nights of each month at the hour of 6:00 p.m., in the council chamber, city hall. (Code 1966, § 32.5; Code 1983, § 2-20; Ord. No. 05-028, § 2, 10-20-2005; Ord. No. 07-001, § 1, 2-12-2007; Ord. No. 07-014, § 1, 8-27-2007)

State law references—Mandate for regular meetings, KRS 83A.130(11); Open Meetings Act, KRS 61.800 et seq.

Sec. 2-25. Adjourned meetings.

At any regular meeting the council may adjourn to another time before the next regular meeting; and such meeting, when held, shall be known as an adjourned meeting. Any business which could be transacted at any regular meeting may be considered and voted upon at any adjourned meeting. At any adjourned meeting, the council may likewise adjourn to another time which precedes the next regular meeting. (Code 1966, § 32.6; Code 1983, § 2-21)

Sec. 2-26. Rules of order.

The council hereby adopts the most recent edition of Robert's Rules of Order for the conduct of its meetings. (Code 1983, § 2-23)

Sec. 2-27. Standing committees.

- (a) The mayor shall appoint the following standing committees of council:
- (1) Police;
 - (2) Finance;
 - (3) Fire, safety and welfare;

(4) Public works.

(b) The standing committees shall be advisory only. They shall advise the council and make recommendations concerning those subject areas assigned to them.

(Code 1966, § 32.10; Code 1983, § 2-24)

Sec. 2-28. Use of city hall.

The council is hereby authorized to designate the occupancy of any or all of city hall, and the use of city hall by motion without the passage of any other ordinance, and without publication.

(Code 1966, § 32.70; Code 1983, § 2-25)

Secs. 2-29—2-59. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES*

DIVISION 1. GENERALLY

Sec. 2-60. Personnel and pay classification plan.

(a) The purpose of this section is to comply with the requirements of KRS 83A.070(4), providing that each city shall fix the compensation of city employees in accordance with a personnel and pay classification plan which plan shall be adopted by ordinance.

(b) There is hereby adopted by reference, "personnel policies and procedures," such document being on file in the clerk-treasurer's office, made a part hereof, incorporated herein by reference, and marked "Exhibit A" for purposes of identification.

(c) Those positions of employment as are set forth in "Exhibit B" on file in the clerk-treasurer's office, made a part hereof, and incorporated herein by reference, are hereby established as authorized positions of employment, and the system of classification as set forth in the document is hereby adopted.

(Code 1983, § 2-111; Ord. No. 82-006, §§ 1—4, 12-2-1982; Ord. No. 12-017, § 2, 9-26-2012; Ord. No. 2020-14, § 1, 9-14-20; Ord. No. 2020-15, § 1, 9-28-20)

Editor's note—Ordinance No. 00-35, §§ I—III, adopted December 21, 2000, repealed the provisions of Ordinance No. 96-012, articles 1—3, and 5—7, which pertained to the creation of employee positions, the repeal of former personnel policies, the adoption of the personnel policies and employee handbook, and work plans for existing personnel. Ordinance No. 00-35 readopted and amended article 4 of Ordinance No. 96-012, which pertained to employee position classifications. The amended employee position classifications are not set out herein but are on file and available for inspection in the office of the clerk-treasurer.

***State law references**—Creation of nonelective city offices, KRS 83A.080; establishment of appointive offices, KRS 83A.130(12).

Subsequently, Ordinance No. 00-35 was amended by Ordinance No. 02-029, adopted November 21, 2002. Ordinance No. 05-17, adopted August 5, 2005, amended Ordinance No. 00-35.

The following ordinances amended employee position classifications:

<i>Ordinance No.</i>	<i>Adoption Date</i>
05-032	12-1-2005
06-001	1-19-2006
06-006	3-2-2006
06-010	5-18-2006
06-013	6-15-2006
06-014	7-20-2006
06-018	8-17-2006
06-023	9-19-2006
06-024	9-21-2006
06-030	11-16-2006
07-003	2-26-2007
07-005	3-12-2007
07-010	6-11-2007
08-006	3-10-2008
08-008	4-14-2008
08-012	6-27-2008
08-019	9-22-2008
08-024	12-15-2008
09-005	2-23-2009
09-019	6-22-2009
10-005	2-8-2010
10-011	5-10-2010
10-015	6-14-2010

<i>Ordinance No.</i>	<i>Adoption Date</i>
12-013	8-13-2012
12-017	9-26-2012
13-002	1-28-2013
13-010	5-20-2013
13-015	7-22-2013
14-015	7-28-2014
14-020	10-13-2014
15-018	12-14-2015
16-002	2-22-2016
16-003	3-28-2016
16-004	4-25-2016
16-008	6-27-2016
16-012	10-10-2016
16-014	11-28-2016
17-006	6-1-2017
17-010	6-26-2017
18-014	6-25-2018
18-015	7-9-2018
18-016	9-10-2018
19-002	2-11-2019
19-028	11-25-2019
2020-14	9-14-2020
2020-15	9-28-2020

Sec. 2-61. Code enforcement officer.

(a) *Creation of code enforcement officer.* There is hereby created the position classification of code enforcement officer, Grade 8, who shall have all the powers granted under KRS 65.8801 to 65.8839. This position shall answer to the police chief, unless administratively reassigned by executive order. The position requires the qualifications and performance of duties set out on the attached position classification which is incorporated as part of this section and designated Exhibit A.

(b) *Positions subject to temporary re-assignment.* This position, as all city employees, is subject to temporary re-assignment by the mayor as the needs of the city dictate. (Code 1983, § 2-112; Ord. No. 96-033, §§ 1, 2, 1-2-1997; Ord. No. 03-013, 4-17-2003; Ord. No. 05-021, § 1, 10-6-2005; Ord. No. 07-006, § 1, 3-12-2007; Ord. No. 13-002, § 2, 1-28-2013; Ord. No. 16-009, § 3, 9-12-2016)

Editor’s note—Exhibit A of Ord. No. 96-033 is not set out herein but is available for inspection in the office of the director of finance.

Secs. 2-62—2-80. Reserved.

DIVISION 2. MAYOR*

Sec. 2-81. Emergency powers.

In times of emergency, the mayor shall be available to make such executive determinations as may be required to ensure the appropriate response by the government to the needs of its constituents.

(Code 1983, § 2-51; Ord. No. 88-011, § 1, 5-19-1988)

Sec. 2-82. Disability of mayor during times of emergency; order of succession of authority.

In the event of disability of the mayor during times of emergency which prevents the effective exercise of the duties of that office, all necessary authority shall vest in the councilmember who received the greater number of votes in the previous general election in which a council seat was contested. That member being unable to serve, all necessary authority shall vest in the councilmember with the most successive terms in office. If that member is unable to serve, the succession shall fall to the next most senior member. This order of succession shall continue until a member is able to serve. In the event there are two or more members with the same tenure, succession shall fall to that member receiving the higher number of votes in the last general election in which a council seat was contested.

(Code 1983, § 2-52; Ord. No. 88-011, § 2, 5-19-1988)

Secs. 2-83—2-107. Reserved.

DIVISION 3. MAYOR PRO TEM

Sec. 2-108. Office created.

The office of mayor pro tem is hereby created.

(Code 1983, § 2-61; Ord. No. 81-004, § 1, 5-7-1981)

Sec. 2-109. Method of selection.

Pursuant to the provisions of KRS 83A.130(5), the office of mayor pro tem shall be held by that person elected to the council at the regular November election who received the highest number of votes in the election. The council, at its first meeting, as prescribed by section 2-23, shall certify appointment of the mayor pro tem in accordance with the provisions of section 2-22. The member of the council appointed mayor pro tem shall serve as such concurrent with his term as a member of the council.

(Code 1983, § 2-62; Ord. No. 81-004, § 2, 5-7-1981)

*State law reference—Powers and duties of mayor, KRS 83A.130.

- (8) Animals shall not be overworked. Animals worked more than two hours without 30 minutes' rest or receiving less than ten hours' rest out of every 24 hours shall be presumed to be overworked.
 - (9) All harnesses and bridles shall be kept cleaned and in good repair.
 - (10) No animal shall be made to perform by means of any prod, stick, electrical shock, physical force, or by causing pain or discomfort. Whips and riding crops shall be used in a manner by which no injury is caused to the animal.
 - (11) The city may order all or part of the premises closed or quarantine a particular animal for any of the following reasons:
 - a. Excessive parasitism, diagnosed by a veterinarian, which would cause the animal to be unfit to be ridden or driven.
 - b. General malnutrition as diagnosed by a veterinarian.
 - c. Presence or suspicion of transmissible disease as diagnosed by a veterinarian.
 - (12) All stalls, barns, paddocks, fields, or any enclosures where horses or ponies are kept shall be secured by gates and fencing in good repair and sufficient to prevent the escape of the animal.
- (d) *Theatrical exhibitions / circuses.*
- (1) All theatrical exhibitions/traveling circuses shall, in addition to the requirements of this section, comply with standards provided in the other sections of this article. Facilities shall be subject to inspection by the city during reasonable hours.
 - (2) Animal quarters shall be of sufficient size to allow each animal to stand up, lie down, and turn around in a natural position without touching the sides or top of the enclosure, another animal or waste. Each enclosure shall maintain a comfortable and healthful temperature level as well as adequate ventilation.
 - (3) The enclosure, performance, or exhibit area shall include a barrier located in such a manner as to prevent the public from coming in physical contact with the animals. Exempted from this provision are pony rides and petting zoos containing only domestic animals and exhibitions sanctioned by the state department of agriculture.
 - (4) No animal shall be made to perform by means of any prod, stick, electrical shock, chemical or physical force, or by causing pain or discomfort. Any whip or riding crop must be used so as not to cause injury to the animal.
 - (5) No animal shall be caused or induced to fight, wrestle or be physically matched against any other animal, person or machine.
 - (6) No animal shall perform or be displayed in any dangerous situation, such situation presenting the danger of physical injury to the animal or person.
 - (7) The city must be notified of all displays or performances, including date, time, and location at least 48 hours in advance of the scheduled time.
- (Code 1983, § 3-31; Ord. No. 04-027, § 11, 11-18-2004)

Sec. 6-29. Animal waste disposal.

The custodian of every animal shall remove immediately any excreta deposited by his animal on public walks, streets, recreation areas or private property belonging to another. (Code 1983, § 3-32; Ord. No. 04-027, § 13, 11-18-2004)

Sec. 6-30. Enforcement and penalties.

(a) Violation of any section of this article, other than a violation which would also constitute a criminal offense under any provision of the Kentucky Revised Statutes, shall constitute a civil offense which shall be enforced according to the procedures set forth in the code enforcement provisions of chapter 2, article VI, by the code enforcement board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(b) The penalty for violations of this article shall be as set forth in section 2-842. All violations of this section shall be considered Class 1 violations.

(c) Penalties for a violation of any section of this article will be waived only if the same or similar violation has not occurred on the property within the same calendar year and the violation is remedied within seven days of issuance of the citation or within the time period specified by the code enforcement officer.

(Code 1983, § 3-33; Ord. No. 16-009, § 7, 9-12-2016; Ord. No. 18-006, § 6, 1-22-2018)

State law reference—Penalty for ordinance violations, KRS 83A.065.

ARTICLE VII. PROPERTY MAINTENANCE CODE**Sec. 8-164. Adoption of International Property Maintenance Code.**

(a) The city adopts the 2012 edition of the International Property Maintenance Code, as published by the International Code Council. Three copies of the 2012 edition of the International Property Maintenance Code are, and shall remain, on file in the city clerk-treasurer's office. This code shall:

- (1) Regulate conditions and maintenance of all property, buildings and structures;
- (2) Provide the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use;
- (3) Provide for the condemnation of buildings and structures unfit for human occupancy and use along with the demolition of such existing unfit structures; and
- (4) Provide for the issuance of appropriate permits and collection of required fees.

(b) Each and all of the regulations, provision, penalties, conditions and terms of the 2012 edition of the International Property Maintenance Code on file in the office of the city clerk-treasurer are referenced and incorporated as part of this chapter as if set out in full in this article, together with all additions, amendments and deletions provided in section 8-165. (Code 1966, § 160.1; Code 1983, § 4-121; Ord. No. 90-025, § 1, 10-4-1990; Ord. No. 93-029, § 1, 12-16-1993; Ord. No. 99-018, §§ 1—3, 7-1-1999; Ord. No. 05-009, § 1, 6-16-2005; Ord. No. 16-009, § 14, 9-12-2016)

State law reference—Authority to adopt technical codes by reference, KRS 83A.060(5).

Sec. 8-165. Amendments to the text of the printed code.

The following sections set forth all additions, insertions, deletions and changes, which the council deems appropriate to customize the 2012 International Property Maintenance Code (hereinafter the IPMC) to the city's property maintenance enforcement system.

The following language shall be read in conjunction with the language in section 101.1 of the IPMC:

§ 101.1 Title. The jurisdiction shall be the City of Georgetown, Kentucky.

The following language shall be read in conjunction with the language in section 103.1 of the IPMC:

§ 103.1 General. The code enforcement board and the city's code enforcement officers are responsible for the enforcement of this code.

Section 104.3 of the IPMC is omitted and the following language substituted in its stead:

§ 104.3 Right of entry.

The provisions of section 2-791 of the Georgetown Code shall govern right of entry and due process.

The following language shall be read in conjunction with the language in section 106 of the IPMC:

§ 106 Violations.

All references to a "notice of violation" throughout the code shall be replaced by the word "citation" as that term is used in chapter 2, article VI, of the Georgetown Code.

Section 106.4 is omitted and the following language substituted in its stead:

§ 106.4 Penalties.

Penalties for violations of the property maintenance code shall be as set forth in section 2-842 of the Georgetown Code.

Sections 107.1 through and including 107.5 are omitted and the following language substituted in their stead:

The procedures set forth in chapter 2, article VI, of the Georgetown Code shall govern notice, form and service.

The following language is added to the text provided in the Section 108.2 of the printed code:

§ 108.2 Closing of vacant structures.

An administrative fee of \$100.00 shall be assessed in addition to the cost of closing the property. The payment of all charges assessed for the closing of the property, costs and fee, shall be secured by a lien on the real estate upon which the structure is located. Notice of the lien shall be filed of record as provided elsewhere in the code.

Section 109.5 is omitted and the following language substituted in its stead:

§109.5 Costs of emergency work. The section is amended to read as follows:

The city shall pay the costs incurred in the performance of emergency work necessitated by violations of this code. Legal counsel of the jurisdiction shall institute appropriate proceedings, including the placement of a lien, against the owner of the premises where the unsafe structure is or was located for the recovery of such costs including the administrative fee of \$100.00 assessed pursuant to section 108.2.

The following language is added to the text provided in Section 110.3 of the printed code:

§ 110.3 Failure to comply.

The cost of such demolition and removal includes an administrative fee of \$100.00 assessed pursuant to Section 108.2.

Section 111 is omitted and the following language substituted in its stead:

§ 111. Means of Appeal.

The procedures set forth in chapter 2, article VI, of the Georgetown Code shall govern notice, form and service.

Chapter 12

EMERGENCY MANAGEMENT AND EMERGENCY SERVICES*

Article I. In General

Secs. 12-1—12-19. Reserved.

Article II. Disaster and Emergency Response

Sec. 12-20. Definitions.

Sec. 12-21. Director.

Secs. 12-22—12-45. Reserved.

Article III. Alarm Systems

Sec. 12-46. Purpose.

Sec. 12-47. Definitions.

Sec. 12-48. Alarm business responsibility.

Sec. 12-49. Alarm user responsibility.

Sec. 12-50. Equipment and technical standards.

Sec. 12-51. Alarm user permit.

Sec. 12-52. Corrective action.

Sec. 12-53. Police consolidated alarm panel.

Sec. 12-54. Penalties.

Secs. 12-55—12-70. Reserved.

Article IV. Georgetown-Scott County 911 Center

Sec. 12-71. 911 service fee assessed.

Sec. 12-72. Collection of 911 service fee.

Sec. 12-73. Excess funds and revenue monitoring.

***State law reference**—Emergency management, KRS chs. 39A—39C.

deadline of the 30-day revocation notice period. The length of the extension shall be determined by the city. The city shall notify the permittee of the extension. The notice of extension shall include:

- a. The corrective action which the permittee had indicated would be taken.
- b. The requirements for documentation to be submitted to the city stating the completion of the corrective action.
- c. The deadline for submitting to the city the required documentation stating the completion of the corrective action.
- d. A statement of intent to revoke the permit should the permittee fail or refuse to submit the required documentation before the deadline stated in the notice of extension.

(f) If the alarm user submits the required documentation to the city upon or before the deadline stated in the notice of extension, the permit shall not be revoked. If the alarm user does not submit the required documentation to the city upon or before the stated deadline, the permit shall be revoked, or, if a permit is not required, emergency services will no longer respond to that location.

(g) An alarm user whose permit has been revoked may apply for a new permit provided that he submits a false alarm prevention report and the \$25.00 administrative review fee with the application. The fee for reapplication shall be no cost.

(h) Newly installed and reinstalled alarm systems shall not be subject to the provisions of this section relating to counting and assessment of false alarms for a period of 30 days from the date the alarm system becomes operational if the alarm owner notifies the city in writing within ten days of the completion of the installation or reinstallation. The written notice shall specify the date the system was installed or reinstalled, and, if reinstalled, the notice shall also describe the nature and extent of the reinstallation.

(Code 1983, § 2.5-7; Ord. No. 92-014, § 7, 4-16-1992)

Sec. 12-53. Police consolidated alarm panel.

(a) The city shall enter into an agreement with an alarm company that will furnish a police consolidated alarm panel at no cost to the city. The connection fee and annual cost of this service shall be by competitive bid and approved by the city council.

(b) All alarm businesses and users must utilize the police consolidated alarm panel if the alarm is monitored by the city communications center except dialing devices.

(c) Any installation and equipment shall be at no expense to the city except the power supply.

(Code 1983, § 2.5-8; Ord. No. 92-014, § 8, 4-16-1992)

Sec. 12-54. Penalties.

Any person, firm or corporation, whether as principal owner, agent, tenant or otherwise who violates any provision of this article is guilty of a misdemeanor, and, upon conviction thereof, may be punished by a fine not exceeding \$500.00.

(Code 1983, § 2.5-9; Ord. No. 92-014, § 10, 4-16-1992)

State law reference—Penalty for ordinance violations, KRS 83A.065.

Secs. 12-55—12-70. Reserved.

ARTICLE IV. GEORGETOWN-SCOTT COUNTY 911 CENTER

Sec. 12-71. 911 service fee assessed.

There shall be a monthly 911 service fee imposed upon each occupied unit located in the City of Georgetown, Kentucky. For purposes of this article, "unit" shall include all classes of property, including, but not limited to, commercial, residential, industrial, and agricultural. A unit will be considered "occupied" if it generates the need for services such as water, sewer, gas, telephone, electric or solid waste collection. Multi-family units, including, but not limited to, apartment buildings and commercial strip malls, using a master water meter shall be assessed a fee for each individual dwelling unit or commercial/industrial unit.

The following schedule of 911 service fee rates shall apply to each occupied unit:

Rate Effective December 1, 2020—June 30, 2021:	\$6.00 per month
Rate Effective July 1, 2021—June 30, 2022:	\$7.00 per month
Rate Effective July 1, 2022	\$8.00 per month

(Ord. No. 2020-13, § 1, 9-14-20)

Sec. 12-72. Collection of 911 service fee.

(a) The 911 service fees collected shall be utilized for expenditures directly attributable to the establishment, operation, or maintenance of a public safety answering point ("PSAP"), the delivery of 911 emergency services, or the provision of wireless enhanced 911 services, as provided in KRS 65.670.

(b) Effective December 1, 2020, GMWSS shall collect the 911 service fee and remit collections, on not less than a quarterly basis, to the City of Georgetown. GMWSS shall be permitted to retain not more than seven percent of the 911 service fee to offset administrative collection costs, as negotiated on an annual basis with the city finance director, mayor and GMWSS Administration.

(c) GMWSS may, in collaboration with the city, adopt administrative regulations governing the collection and payment of the 911 service fee.

(d) Any party responsible for payment of the 911 service fee who misrepresents his/her/its obligation to remit the fee shall be subject to a Class A misdemeanor. The failure of any party responsible for payment of the 911 service fee to remit the 911 service fee(s) as required herein shall be assessed a penalty of \$10.00 per month per delinquent occupied unit.
(Ord. No. 2020-13, § 1, 9-14-20)

Sec. 12-73. Excess funds and revenue monitoring.

Excess funds received from collection of the 911 service fee shall be placed into a separate, dedicated fund for expenditures directly attributable to the establishment, operation, or maintenance of a public safety answering point ("PSAP"), the delivery of 911 emergency services, or the provision of wireless enhanced 911 services, as provided in KRS 65.670. Excess funds generated by the 911 service fee shall not be commingled with general fund revenues. The city shall annually evaluate whether the revenues generated by this fee are sufficient to support the present and future needs of the Georgetown-Scott County 911 Center.
(Ord. No. 2020-13, § 1, 9-14-20)

(f) The permittee shall be self-policing and shall correct or remedy any EPSC measures that are not effective or functioning properly at all times during the various phases of construction. All updates to EPSC measures shall be accurately noted in the SWPPP.

(g) The SWPPP must be updated throughout the construction project and available for review on site.

(Code 1983, § 8-98; Ord. No. 2010-014, § 8, 6-28-2010)

Sec. 14-68. Enforcement.

(a) Violation of any section of this article shall constitute a civil offense which shall be enforced according to the procedures set forth in chapter 2, article VI, by the code enforcement board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(b) The penalty for violations of this article shall be as set forth in section 2-842. All violations of this section shall be considered Class 2 violations.

(c) Penalties for a violation of any section of this article will be waived only if the same or similar violation has not occurred on the property within the same calendar year and the violation is remedied within seven days of issuance of the citation or within the time period specified by the code enforcement officer.

(Code 1983, § 8-99; Ord. No. 2010-014, § 9, 6-28-2010; Ord. No. 16-009, § 22, 9-12-2016; Ord. No. 18-006, § 8, 1-22-2018)

Sec. 14-69. Permits and fees.

The fees for permits and inspections shall be as provided for in the schedule attached to the ordinance from which this article is derived.

(Code 1983, § 8-100; Ord. No. 2010-014, § 10, 6-28-2010)

Editor's note—The schedule is on file in the clerk-treasurer's office.

ARTICLE I. IN GENERAL

Secs. 24-1—24-18. Reserved.

ARTICLE II. GARAGE SALES

Sec. 24-19. Definitions.

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

Garage sales means and includes all sales entitled garage sale, lawn sale, attic sale, rummage sale, yard sale or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of said sale.

Goods include any goods, warehouse merchandise or other property capable of being the object of a sale regulated hereunder.

Person means and includes individuals, partnerships, voluntary associations, and corporations, and shall include religious or charitable institutions.
(Code 1983, § 12-16; Ord. No. 99-019, § 1, 7-1-1999)

Sec. 24-20. Permits and fees.

No permit or fee is required prior to conducting a garage sale in the city.
(Code 1983, § 12-17; Ord. No. 99-019, § 2, 7-1-1999)

Sec. 24-21. Restricted number of sales.

No location shall be used for a garage sale by any person more than three times in any 12-month period, excepting, however, locations actually owned by a religious, charitable, or civic organization, and such organizations not being subject to the limitations imposed by this action.
(Code 1983, § 12-18; Ord. No. 99-019, § 3, 7-1-1999)

Sec. 24-22. Person and sale excepted.

The provisions of this article shall not apply to or affect the following persons or sales:

- (1) Persons selling goods pursuant to an order process of a court of competent jurisdiction.
- (2) Persons acting in accordance with their powers and duties as public officials.
- (3) Any person selling or advertising for sale an item of personal property which are specifically named or described in the advertisement and which separate items do not exceed five in number.

(Code 1983, § 12-19; Ord. No. 99-019, § 5, 7-1-1999)

Sec. 24-23. Enforcement and penalties.

(a) Violation of any section of this article shall constitute a civil offense which shall be enforced according to the procedures set forth in chapter 2, article VI by the code enforcement board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(b) The penalty for violations of this article shall be as set forth in section 2-842. All violations of this section shall be considered Class 1 violations.
(Code 1983, § 12-20; Ord. No. 16-009, § 28, 9-12-2016; Ord. No. 18-006, § 10, 1-22-2018)

Secs. 24-24—24-49. Reserved.

ARTICLE III. TATTOO ESTABLISHMENTS*

Sec. 24-50. Definitions.

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

Certificate of inspection means written approval from the health officer or his authorized representative that said tattooing establishment has been inspected and meets all of the terms of this article relating to physical facilities, equipment and layout for operation of such business.

Health officer means the city health officer or his authorized representative.

Operator means any individual, firm, company, corporation or association that owns or operates an establishment where tattooing is performed and any individual who performs or practices the art of tattooing on the person of another.

Tattoo, tattooed, or tattooing means any method of placing designs, letters, scrolls, figures, symbols or any other mark upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to touch or puncture the skin.

(Code 1983, § 16.1-1; Ord. No. 84-012, § 4, 8-16-1984)

Sec. 24-51. License required.

It shall be unlawful for any person to engage in the business of operating a tattoo establishment without first obtaining a license to engage in such business in accordance with the provisions hereof.

(Code 1983, § 16.1-2; Ord. No. 84-012, § 1, 8-16-1984)

*State law reference—Tattooing, KRS 211.760.

Chapter 36

TAXATION*

Article I. In General

- Sec. 36-1. Assessments.
- Sec. 36-2. Special licenses; regulatory fees.
- Secs. 36-3—36-22. Reserved.

Article II. Waiver of City Taxes

- Sec. 36-23. Purpose.
- Sec. 36-24. Procedure.
- Sec. 36-25. Eligible manufacturing establishments.
- Sec. 36-26. Limits of authority.
- Sec. 36-27. Appeals.
- Secs. 36-28—36-54. Reserved.

Article III. Occupational License Taxes

- Sec. 36-55. Definitions.
- Sec. 36-56. Required.
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***State law references**—Finance and revenue of cities other than the first class, KRS ch. 92; general power of urban-county government and city of home rule class to tax, KRS 92.280.

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ARTICLE II. WAIVER OF CITY TAXES*

Sec. 36-23. Purpose.

This article establishes the procedure through which the city council may waive any or all city taxes on any new manufacturing establishments. There shall be no waivers except through this process.

(Code 1983, § 17-101; Ord. No. 90-031, § 1, 12-13-1990)

Sec. 36-24. Procedure.

Any manufacturing establishment, other than those already located within the city limits, may qualify for a waiver of city taxes. In order to obtain a waiver of any city taxes the manufacturing establishment must be recommended to the city council by the mayor. In open session, the city council shall consider the following issues:

- (1) Whether the proposed establishment is a manufacturing establishment as contemplated under section 170 of the state constitution and KRS 91.260 and 92.300;
- (2) Whether the location of the proposed manufacturing establishment within the city would be beneficial and consistent with the best interest of the city; and
- (3) Whether an inducement in the form of a city tax waiver is necessary to the location of the proposed manufacturing establishment within the city.

(Code 1983, § 17-102; Ord. No. 90-031, § 2, 12-13-1990)

Sec. 36-25. Eligible manufacturing establishments.

Only those manufacturing establishments currently located outside of the city are eligible to receive a tax waiver under this article. The locational requirement is satisfied by an existing manufacturing establishment located within the county as an inducement to consent to annexation. Existing manufacturing establishment within the city are not eligible for this exemption.

(Code 1983, § 17-104; Ord. No. 90-031, § 4, 12-13-1990)

Sec. 36-26. Limits of authority.

The taxes which may be waived pursuant to this article are those payable by the eligible manufacturing establishment. Taxes which are collected by the establishment cannot be waived under this article.

(Code 1983, § 17-105; Ord. No. 90-031, § 5, 12-13-1990)

***State law reference**—Tax exemptions, KRS 92.300.

Sec. 36-27. Appeals.

(a) A licensee shall have the right to appeal eligible decisions of the revenue commission ("GSCRC") within 30 days by:

- (1) Sending a written notice, including sufficient documentation to support the appeal, to the director of the GSCRC; or
- (2) Submitting a written request for a meeting with the director of the GSCRC to explain his or her appeal and present evidence.
- (3) After reviewing documentation and/or hearing the licensee, the director of the GSCRC shall in writing affirm, modify, or withdraw the decision.

(b) A licensee shall have the right to appeal a decision of the director made under subsection (a) of this section within 30 days by submitting a written request for a meeting with the board of commissioners to explain his or her appeal and present evidence. After reviewing documentation and/or hearing the licensee, the board of commissioners shall, in writing affirm, modify, or reverse the assessment, but only upon a showing that the director's decision was not supported by substantial evidence on the record.

(c) Eligible decisions subject to appeal under this section shall be limited to:

- (1) Audit findings or an additional assessment under KRS 67.775.
- (2) Apportionment factor used for calculating tax liability.
- (3) Questions as to nexus in the jurisdiction.
- (4) Other factors related to the assessment/calculation of tax liability.

(d) An appeal shall serve to stay the collections process, during which time GSCRC shall not take any adverse actions against the taxpayer or commence civil litigation. After the appeals process is final, this stay shall immediately expire.

(Ord. No. 2020-12, § 1, 8-10-20)

Secs. 36-28—36-54. Reserved.**ARTICLE III. OCCUPATIONAL LICENSE TAXES*****Sec. 36-55. Definitions.**

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

Business means any enterprise, activity, trade, occupation, profession or undertaking of any nature conducted for gain or profit. The term "business" shall not include the usual

***State law references**—Authority to levy occupational taxes, KRS 92.281; license taxes, KRS ch. 137.

activities of boards of trade, chambers of commerce, trade associations, or unions, or other associations performing services usually performed by trade associations or unions. The term "business" shall not include funds, foundations, corporations, or associations organized and operated for the exclusive and sole purpose of religious, charitable, scientific, literary, educational, civic or fraternal purposes, where no part of the earnings, incomes, or receipts of such unit, group or association, inures to the benefit of any private shareholder or other person.

Business entity means each separate corporation, limited liability company, business development corporation, partnership, limited partnership, registered limited liability partnership, sole proprietorship, association, joint stock company, receivership, trust, professional service organization, or other legal entity through which business is conducted.

Compensation means wages, salaries, commissions, or any other form of remuneration paid or payable by an employer for services performed by an employee, which are required to be reported for federal income tax purposes and adjusted as follows:

- (1) Include any amounts contributed by an employee to any retirement, profit sharing, or deferred compensation plan, which are deferred for federal income tax purposes under a salary reduction agreement or similar arrangement, including but not limited to salary reduction arrangements under section 401(a), 401(k), 402(e), 403(a), 403(b), 408, 414(h), or 457 of the Internal Revenue Code; and
- (2) Include any amounts contributed by an employee to any welfare benefit, fringe benefit, or other benefit plan made by salary reduction or other payment method which permits employees to elect to reduce federal taxable compensation under the Internal Revenue Code, including but not limited to sections 125 and 132 of the Internal Revenue Code.

Domestic servant means an individual employed to drive his employer in the capacity of a chauffeur or employed on the grounds or in the home of his employer in activities to care for or wait upon the employer, the employer's family or guests, or to care for the home, grounds, and/or vehicle of the employer or the employer's family or guests, not including such individuals who are employed by a cleaning service, personal nursing service, chauffeuring service or other entity which offers the services of its employees to the public.

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