

SUPPLEMENT NO. 2  
April 2022

**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. 2022-06, enacted January 24, 2022.**

See the Code Comparative Table for further information.

*Remove Old Pages*

Title page  
xiii—xvi  
Checklist of up-to-date pages  
  
SH:1  
CD2:1—CD2:14  
CD2:43, CD2:44  
CD4:1—CD4:6  
CD4:27, CD4:28  
CD6:1  
CD6:3—CD6:8  
CD6:15, CD6:16  
CD9:1  
  
CD12:11—CD12:13  
CD36:19—CD36:22  
CD40:1—CD40:5  
CD40:7—CD40:16  
CCT:45  
SLT:1—SLT:4  
CDi:1—CDi:10  
CDi:12.1—CDi:30.1

*Insert New Pages*

Title page  
xiii—xvi  
Checklist of up-to-date pages  
(following Table of Contents)  
SH:1, SH:2  
CD2:1—CD2:14.1  
CD2:43, CD2:44  
CD4:1—CD4:6.1  
CD4:27—CD4:32  
CD6:1  
CD6:3—CD6:7  
CD6:15, CD6:16  
CD9:1  
CD9:3—CD9:25  
CD12:11—CD12:13  
CD36:19—CD36:22  
CD40:1—CD40:5  
CD40:7—CD40:13  
CCT:45, CCT:46  
SLT:1—SLT:4  
CDi:1—CDi:10.2  
CDi:13—CDi:30.2

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

INSTRUCTION SHEET—Cont'd.



---

[info@municode.com](mailto:info@municode.com) | 800.262.2633 | [www.municode.com](http://www.municode.com)

P.O. Box 2235 Tallahassee, FL 32316

**THE  
GEORGETOWN  
CODE**

---

Published in 2020 by Order of the City Council

---

**municode**  
POWERED BY CIVICPLUS<sup>®</sup>

---

[info@municode.com](mailto:info@municode.com) | 800.262.2633 | [www.municode.com](http://www.municode.com)

P.O. Box 2235 Tallahassee, FL 32316



TABLE OF CONTENTS

	Page
Officials of the City at the Time of this Recodification .....	iii
Current Officials (Reserved) .....	v
Preface .....	vii
Adopting Ordinance .....	xi
Checklist of Up-to-Date Pages .....	[1]
Supplement History Table .....	SH:1

CODE OF ORDINANCES

Chapter

1. General Provisions .....	CD1:1
2. Administration .....	CD2:1
Art. I. In General .....	CD2:7
Art. II. Council .....	CD2:8
Art. III. Officers and Employees .....	CD2:10
Div. 1. Generally .....	CD2:10
Div. 2. Mayor .....	CD2:12
Div. 3. Mayor Pro Tem .....	CD2:12
Div. 4. Clerk-Treasurer .....	CD2:13
Div. 5. City Attorney .....	CD2:16
Div. 6. Code of Ethics .....	CD2:17
Subdiv. I. In General .....	CD2:17
Subdiv. II. Standards of Conduct .....	CD2:20
Subdiv. III. Financial Disclosure .....	CD2:26
Subdiv. IV. Nepotism .....	CD2:29
Subdiv. V. Enforcement .....	CD2:30
Art. IV. Departments .....	CD2:37
Div. 1. Generally .....	CD2:37
Div. 2. Fire Department .....	CD2:37
Div. 3. Police Department .....	CD2:38
Subdiv. I. In General .....	CD2:38
Subdiv. II. Salary Supplement for Police Officers .....	CD2:40
Div. 4. Building Department .....	CD2:42
Art. V. Boards and Commissions .....	CD2:42
Div. 1. Generally .....	CD2:42
Div. 2. Board of Water and Sanitary Sewer Commissioners .....	CD2:44
Div. 3. Housing Commission .....	CD2:49
Div. 4. Air Board .....	CD2:49

GEORGETOWN CODE

Chapter	Page
Div. 5. Parks, Playground and Recreation Board..	CD2:50
Div. 6. Recreational Tourist and Convention Commission .....	CD2:51
Div. 7. Historic Commission.....	CD2:52
Div. 8. Architectural Review Board .....	CD2:53
Div. 9. Cemetery Ministerial Board .....	CD2:54
Div. 10. Business Park Authority.....	CD2:55
Div. 11. Georgetown Events and Commerce Center Authority, Inc.....	CD2:57
Art. VI. Code Enforcement .....	CD2:59
3. Reserved.....	CD3:1
4. Alcoholic Beverages .....	CD4:1
Art. I. In General .....	CD4:3
Art. II. Licenses.....	CD4:5
Div. 1. Generally .....	CD4:5
Div. 2. License Applications; Maintenance of License .....	CD4:9
Art. III. Miscellaneous Provisions .....	CD4:18
5. Reserved.....	CD5:1
6. Animals .....	CD6:1
Art. I. In General .....	CD6:3
Art. II. Animal Control .....	CD6:3
7. Reserved.....	CD7:1
8. Buildings and Building Regulations .....	CD8:1
Art. I. In General .....	CD8:3
Art. II. Building and Residential Codes .....	CD8:4
Art. III. Electrical Code.....	CD8:5
Art. IV. Plumbing Code .....	CD8:8
Art. V. Gas Code .....	CD8:10
Art. VI. Mechanical Code .....	CD8:10
Art. VII. Property Maintenance Code.....	CD8:11
Art. VIII. Moving of Structures.....	CD8:16
Art. IX. Fences .....	CD8:17
Art. X. Property and Building Numbering .....	CD8:18
9. Communications Services .....	CD9:1
10. Elections .....	CD10:1
11. Reserved .....	CD11:1
12. Emergency Management and Emergency Services.....	CD12:1
Art. I. In General .....	CD12:3
Art. II. Disaster and Emergency Response .....	CD12:3
Art. III. Alarm Systems.....	CD12:4
Art. IV. Georgetown-Scott County 911 Center .....	CD12:12
13. Reserved .....	CD13:1
14. Environment.....	CD14:1
Art. I. In General .....	CD14:3

TABLE OF CONTENTS—Cont'd.

Chapter	Page
Art. II. Hazardous Materials .....	CD14:3
Art. III. Erosion Prevention and Sediment Control ...	CD14:9
15. Reserved .....	CD15:1
16. Fire Prevention and Protection.....	CD16:1
Art. I. In General .....	CD16:3
Art. II. Fire Safety Standards .....	CD16:6
Art. III. Explosives .....	CD16:8
Art. IV. Fire Lanes .....	CD16:9
Art. V. Fireworks Enforcement Code.....	CD16:11
17. Reserved .....	CD17:1
18. Floodplain Management .....	CD18:1
Art. I. In General .....	CD18:3
Art. II. Administration .....	CD18:19
Div. 1. Generally .....	CD18:19
Div. 2. Appeals and Variances .....	CD18:23
Art. III. Flood Hazard Reduction .....	CD18:27
19. Reserved .....	CD19:1
20. Health.....	CD20:1
Art. I. In General .....	CD20:3
Art. II. Smoking in Public Places .....	CD20:4
21. Reserved .....	CD21:1
22. Human Rights .....	CD22:1
Art. I. In General .....	CD22:3
Art. II. Human Rights Commission.....	CD22:6
Art. III. Prohibited Discriminatory Practices .....	CD22:10
23. Reserved .....	CD23:1
24. Licenses, Permits and Miscellaneous Business Regulations	CD24:1
Art. I. In General .....	CD24:3
Art. II. Garage Sales .....	CD24:3
Art. III. Tattoo Establishments.....	CD24:4
25. Reserved .....	CD25:1
26. Nuisances .....	CD26:1
Art. I. In General .....	CD26:3
Art. II. Blighted and Deteriorated Properties.....	CD26:6
27. Reserved .....	CD27:1
28. Offenses and Miscellaneous Provisions .....	CD28:1
Art. I. In General .....	CD28:3
Art. II. Noise.....	CD28:7
Art. III. Explicit Sexual Material.....	CD28:9
Art. IV. Unmanned Aircraft .....	CD28:12
29. Reserved .....	CD29:1

GEORGETOWN CODE

Chapter	Page
30. Parks and Recreation.....	CD30:1
Art. I. In General .....	CD30:3
Art. II. Park Rules .....	CD30:3
31. Reserved .....	CD31:1
32. Streets, Sidewalks and Other Public Places .....	CD32:1
Art. I. In General .....	CD32:3
Art. II. Obstructions .....	CD32:3
Art. III. Construction and Repair of Sidewalks .....	CD32:6
Art. IV. Restoration of Streets.....	CD32:7
Art. V. Lighting .....	CD32:15
33. Reserved .....	CD33:1
34. Subdivision Regulations .....	CD34:1
35. Reserved .....	CD35:1
36. Taxation.....	CD36:1
Art. I. In General .....	CD36:3
Art. II. Waiver of City Taxes .....	CD36:5
Art. III. Occupational License Taxes.....	CD36:6
Art. IV. Insurance Companies .....	CD36:20
Art. V. Room Tax.....	CD36:22
37. Reserved .....	CD37:1
38. Traffic and Vehicles .....	CD38:1
Art. I. In General .....	CD38:5
Art. II. Parking, Stopping and Standing .....	CD38:9
Div. 1. Generally .....	CD38:9
Div. 2. Municipal Parking Lots .....	CD38:16
Div. 3. Residential Parking Permit Program.....	CD38:18
Art. III. Truck Routes .....	CD38:23
Art. IV. Enforcement .....	CD38:24
Art. V. Golf Carts.....	CD38:26
Art. VI. Snow Emergencies and Snow Removal.....	CD38:28
39. Reserved .....	CD39:1
40. Utilities .....	CD40:1
Art. I. In General .....	CD40:7
Art. II. Solid Waste Collection and Disposal.....	CD40:7
Art. III. Sewers and Sewage Disposal.....	CD40:13
Div. 1. Generally .....	CD40:13
Div. 2. Use of Public Sewers.....	CD40:28
Div. 3. Private Wastewater Disposal .....	CD40:30
Div. 4. Building Sewers and Connections.....	CD40:31
Div. 5. Pollutant Discharge Limits.....	CD40:34
Div. 6. Pretreatment Program Administration....	CD40:41
Div. 7. Fees .....	CD40:54
Div. 8. Powers and Authority of Inspectors .....	CD40:55
Div. 9. Enforcement .....	CD40:56



## Checklist of Up-to-Date Pages

(This checklist will be updated with the  
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.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

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.

<b>Page No.</b>	<b>Supp. No.</b>	<b>Page No.</b>	<b>Supp. No.</b>
Title page	2	CD2:15, CD2:16	OC
iii	OC	CD2:17, CD2:18	OC
vii, viii	OC	CD2:19, CD2:20	OC
ix	OC	CD2:21, CD2:22	OC
xi, xii	OC	CD2:23, CD2:24	OC
xiii, xiv	2	CD2:25, CD2:26	OC
xv, xvi	2	CD2:27, CD2:28	OC
xvii	1	CD2:29, CD2:30	OC
SH:1, SH:2	2	CD2:31, CD2:32	OC
CD1:1	OC	CD2:33, CD2:34	OC
CD1:3, CD1:4	OC	CD2:35, CD2:36	OC
CD1:5, CD1:6	OC	CD2:37, CD2:38	OC
CD1:7, CD1:8	OC	CD2:39, CD2:40	OC
CD2:1, CD2:2	2	CD2:41, CD2:42	OC
CD2:3, CD2:4	2	CD2:43, CD2:44	2
CD2:5, CD2:6	2	CD2:45, CD2:46	OC
CD2:7, CD2:8	2	CD2:47, CD2:48	OC
CD2:9, CD2:10	2	CD2:49, CD2:50	OC
CD2:11, CD2:12	2	CD2:51, CD2:52	OC
CD2:13, CD2:14	2	CD2:53, CD2:54	OC
CD2:14.1	2	CD2:55, CD2:56	OC

[1]

GEORGETOWN CODE

<b>Page No.</b>	<b>Supp. No.</b>	<b>Page No.</b>	<b>Supp. No.</b>
CD2:57, CD2:58	OC	CD6:15, CD6:16	2
CD2:59, CD2:60	OC	CD7:1	OC
CD2:61, CD2:62	OC	CD8:1, CD8:2	OC
CD2:63, CD2:64	OC	CD8:3, CD8:4	OC
CD2:65, CD2:66	OC	CD8:5, CD8:6	OC
CD2:67, CD2:68	OC	CD8:7, CD8:8	OC
CD2:69, CD2:70	OC	CD8:9, CD8:10	OC
CD2:71, CD2:72	OC	CD8:11, CD8:12	1
CD2:73, CD2:74	OC	CD8:13, CD8:14	OC
CD2:75, CD2:76	OC	CD8:15, CD8:16	OC
CD2:77, CD2:78	OC	CD8:17, CD8:18	OC
CD2:79	OC	CD9:1	2
CD3:1	OC	CD9:3, CD9:4	2
CD4:1, CD4:2	2	CD9:5, CD9:6	2
CD4:3, CD4:4	2	CD9:7, CD9:8	2
CD4:5, CD4:6	2	CD9:9, CD9:10	2
CD4:6.1	2	CD9:11, CD9:12	2
CD4:7, CD4:8	OC	CD9:13, CD9:14	2
CD4:9, CD4:10	OC	CD9:15, CD9:16	2
CD4:11, CD4:12	OC	CD9:17, CD9:18	2
CD4:13, CD4:14	OC	CD9:19, CD9:20	2
CD4:15, CD4:16	OC	CD9:21, CD9:22	2
CD4:17, CD4:18	OC	CD9:23, CD9:24	2
CD4:19, CD4:20	OC	CD9:25	2
CD4:21, CD4:22	OC	CD10:1	OC
CD4:23, CD4:24	OC	CD10:3	OC
CD4:25, CD4:26	OC	CD11:1	OC
CD4:27, CD4:28	2	CD12:1	1
CD4:29, CD4:30	2	CD12:3, CD12:4	OC
CD4:31, CD4:32	2	CD12:5, CD12:6	OC
CD5:1	OC	CD12:7, CD12:8	OC
CD6:1	2	CD12:9, CD12:10	OC
CD6:3, CD6:4	2	CD12:11, CD12:12	2
CD6:5, CD6:6	2	CD12:13	2
CD6:7	2	CD13:1	OC
CD6:9, CD6:10	OC	CD14:1	OC
CD6:11, CD6:12	OC	CD14:3, CD14:4	OC
CD6:13, CD6:14	OC	CD14:5, CD14:6	OC

CHECKLIST OF UP-TO-DATE PAGES

<b>Page No.</b>	<b>Supp. No.</b>	<b>Page No.</b>	<b>Supp. No.</b>
CD14:7, CD14:8	OC	CD20:1	OC
CD14:9, CD14:10	OC	CD20:3, CD20:4	OC
CD14:11, CD14:12	OC	CD20:5, CD20:6	OC
CD14:13, CD14:14	OC	CD20:7, CD20:8	OC
CD14:15, CD14:16	OC	CD20:9, CD20:10	OC
CD14:17, CD14:18	OC	CD20:11, CD20:12	OC
CD14:19, CD14:20	OC	CD20:13	OC
CD14:21, CD14:22	OC	CD21:1	OC
CD14:23	1	CD22:1	OC
CD15:1	OC	CD22:3, CD22:4	OC
CD16:1, CD16:2	OC	CD22:5, CD22:6	OC
CD16:3, CD16:4	OC	CD22:7, CD22:8	OC
CD16:5, CD16:6	OC	CD22:9, CD22:10	OC
CD16:7, CD16:8	OC	CD22:11, CD22:12	OC
CD16:9, CD16:10	OC	CD22:13, CD22:14	OC
CD16:11, CD16:12	OC	CD22:15, CD22:16	OC
CD16:13, CD16:14	OC	CD23:1	OC
CD16:15, CD16:16	OC	CD24:1	OC
CD17:1	OC	CD24:3, CD24:4	1
CD18:1, CD18:2	OC	CD24:5	OC
CD18:3, CD18:4	OC	CD25:1	OC
CD18:5, CD18:6	OC	CD26:1	OC
CD18:7, CD18:8	OC	CD26:3, CD26:4	OC
CD18:9, CD18:10	OC	CD26:5, CD26:6	OC
CD18:11, CD18:12	OC	CD26:7, CD26:8	OC
CD18:13, CD18:14	OC	CD27:1	OC
CD18:15, CD18:16	OC	CD28:1	OC
CD18:17, CD18:18	OC	CD28:3, CD28:4	OC
CD18:19, CD18:20	OC	CD28:5, CD28:6	OC
CD18:21, CD18:22	OC	CD28:7, CD28:8	OC
CD18:23, CD18:24	OC	CD28:9, CD28:10	OC
CD18:25, CD18:26	OC	CD28:11, CD28:12	OC
CD18:27, CD18:28	OC	CD28:13, CD28:14	OC
CD18:29, CD18:30	OC	CD28:15, CD28:16	OC
CD18:31, CD18:32	OC	CD29:1	OC
CD18:33, CD18:34	OC	CD30:1	OC
CD18:35	OC	CD30:3	OC
CD19:1	OC	CD31:1	OC

GEORGETOWN CODE

<b>Page No.</b>	<b>Supp. No.</b>	<b>Page No.</b>	<b>Supp. No.</b>
CD32:1, CD32:2	OC	CD38:23, CD38:24	OC
CD32:3, CD32:4	OC	CD38:25, CD38:26	OC
CD32:5, CD32:6	OC	CD38:27, CD38:28	OC
CD32:7, CD32:8	OC	CD38:29, CD38:30	OC
CD32:9, CD32:10	OC	CD38:31	OC
CD32:11, CD32:12	OC	CD39:1	OC
CD32:13, CD32:14	OC	CD40:1, CD40:2	2
CD32:15, CD32:16	OC	CD40:3, CD40:4	2
CD32:17	OC	CD40:5	2
CD33:1	OC	CD40:7, CD40:8	2
CD34:1	OC	CD40:9, CD40:10	2
CD34:3	OC	CD40:11, CD40:12	2
CD35:1	OC	CD40:13	2
CD36:1, CD36:2	1	CD40:17, CD40:18	OC
CD36:3, CD36:4	OC	CD40:19, CD40:20	OC
CD36:5, CD36:6	1	CD40:21, CD40:22	OC
CD36:6.1	1	CD40:23, CD40:24	OC
CD36:7, CD36:8	OC	CD40:25, CD40:26	OC
CD36:9, CD36:10	OC	CD40:27, CD40:28	OC
CD36:11, CD36:12	OC	CD40:29, CD40:30	OC
CD36:13, CD36:14	OC	CD40:31, CD40:32	OC
CD36:15, CD36:16	OC	CD40:33, CD40:34	OC
CD36:17, CD36:18	OC	CD40:35, CD40:36	OC
CD36:19, CD36:20	2	CD40:37, CD40:38	OC
CD36:21, CD36:22	2	CD40:39, CD40:40	OC
CD36:23	OC	CD40:41, CD40:42	OC
CD37:1	OC	CD40:43, CD40:44	OC
CD38:1, CD38:2	OC	CD40:45, CD40:46	OC
CD38:3	OC	CD40:47, CD40:48	OC
CD38:5, CD38:6	OC	CD40:49, CD40:50	OC
CD38:7, CD38:8	OC	CD40:51, CD40:52	OC
CD38:9, CD38:10	OC	CD40:53, CD40:54	OC
CD38:11, CD38:12	OC	CD40:55, CD40:56	OC
CD38:13, CD38:14	OC	CD40:57, CD40:58	OC
CD38:15, CD38:16	OC	CD40:59, CD40:60	OC
CD38:17, CD38:18	OC	CD40:61, CD40:62	OC
CD38:19, CD38:20	OC	CD40:63, CD40:64	OC
CD38:21, CD38:22	OC	CD40:65, CD40:66	OC

CHECKLIST OF UP-TO-DATE PAGES

<b>Page No.</b>	<b>Supp. No.</b>	<b>Page No.</b>	<b>Supp. No.</b>
CD40:67, CD40:68	OC	CCT:39, CCT:40	OC
CD40:69, CD40:70	OC	CCT:41, CCT:42	OC
CD40:71, CD40:72	OC	CCT:43, CCT:44	OC
CD40:73, CD40:74	OC	CCT:45, CCT:46	2
CD40:75, CD40:76	OC	SLT:1, SLT:2	2
CD40:77, CD40:78	OC	SLT:3, SLT:4	2
CD40:79, CD40:80	OC	CDi:1, CDi:2	2
CD40:81, CD40:82	OC	CDi:3, CDi:4	2
CD40:83, CD40:84	OC	CDi:5, CDi:6	2
CD40:85	OC	CDi:7, CDi:8	2
CD41:1	OC	CDi:9, CDi:10	2
CD42:1	OC	CDi:10.1, CDi:10.2	2
CD42:3, CD42:4	OC	CDi:11, CDi:12	1
CD42:5, CD42:6	OC	CDi:13, CDi:14	2
CD42:7, CD42:8	OC	CDi:15, CDi:16	2
CD42:9	OC	CDi:17, CDi:18	2
CD43:1	OC	CDi:19, CDi:20	2
CD44:1	OC	CDi:21, CDi:22	2
CD44:3	OC	CDi:23, CDi:24	2
CCT:1, CCT:2	OC	CDi:25, CDi:26	2
CCT:3, CCT:4	OC	CDi:27, CDi:28	2
CCT:5, CCT:6	OC	CDi:29, CDi:30	2
CCT:7	OC	CDi:30.1, CDi:30.2	2
CCT:9, CCT:10	OC	CDi:31, CDi:32	OC
CCT:11, CCT:12	OC	CDi:33, CDi:34	OC
CCT:13, CCT:14	OC	CDi:35, CDi:36	OC
CCT:15, CCT:16	OC	CDi:37	OC
CCT:17, CCT:18	OC		
CCT:19, CCT:20	OC		
CCT:21, CCT:22	OC		
CCT:23, CCT:24	OC		
CCT:25, CCT:26	OC		
CCT:27, CCT:28	OC		
CCT:29	OC		
CCT:31, CCT:32	OC		
CCT:33, CCT:34	OC		
CCT:35, CCT:36	OC		
CCT:37, CCT:38	OC		



### 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.

<b>Ordinance Number</b>	<b>Date Adopted</b>	<b>Included/Omitted</b>	<b>Supplement Number</b>
2020-10	6-22-20	Omitted	1
2020-11	6-22-20	Omitted	1
2020-12	8-10-20	Included	1
2020-13	9-14-20	Included	1
2020-14	9-14-20	Included	1
2020-15	9-28-20	Included	1
2020-16	9-28-20	Omitted	1
2020-17	10-12-20	Included	1
2021-01	2-22-21	Omitted	2
2021-02	3- 8-21	Omitted	2
2021-03	3- 8-21	Included	2
2021-04	5-10-21	Omitted	2
2021-05	3-22-21	Included	2
2021-06	6-14-21	Omitted	2
2021-07	6-28-21	Included	2
2021-08	6-28-21	Omitted	2
2021-09	6-28-21	Included	2
2021-10	7-12-21	Omitted	2
2021-11	8- 9-21	Omitted	2
2021-12	8- 9-21	Included	2
2021-13	9-27-21	Omitted	2
2021-14	9-27-21	Included	2
2021-15	10-11-21	Omitted	2
2021-16	11- 8-21	Included	2
2021-17	11-22-21	Omitted	2
2021-18	11-22-21	Omitted	2
2021-19	11-22-21	Omitted	2
2021-20	11-22-21	Omitted	2
2021-21	12-13-21	Omitted	2
2021-22	12-13-21	Omitted	2
2021-23	12-13-21	Included	2
2021-24	12-13-21	Omitted	2

GEORGETOWN CODE

<b>Ordinance Number</b>	<b>Date Adopted</b>	<b>Included/Omitted</b>	<b>Supplement Number</b>
2021-25	12-13-21	Included	2
2021-26	12-13-21	Included	2
2021-27	12-13-21	Included	2
2022-01	1-13-22	Omitted	2
2022-02	1-13-22	Omitted	2
2022-03	1-13-22	Omitted	2
2022-04	1-13-22	Omitted	2
2022-05	1-24-22	Omitted	2
2022-06	1-24-22	Included	2



## Chapter 2

### ADMINISTRATION\*

#### Article I. In General

- Sec. 2-1. Persons responsible for compliance with city regulations.  
Secs. 2-2—2-20. Reserved.

#### Article II. Council

- Sec. 2-21. Number of councilmembers.  
Sec. 2-22. Installation of councilmembers.  
Sec. 2-23. First meeting; oath of office.  
Sec. 2-24. Regular meetings.  
Sec. 2-25. Adjourned meetings.  
Sec. 2-26. Rules of order.  
Sec. 2-27. Standing committees.  
Sec. 2-28. Use of city hall.  
Secs. 2-29—2-59. Reserved.

#### Article III. Officers and Employees

##### Division 1. Generally

- Sec. 2-60. Personnel and pay classification plan.  
Sec. 2-61. Code enforcement officer.  
Secs. 2-62—2-80. Reserved.

##### Division 2. Mayor

- Sec. 2-81. Emergency powers.  
Sec. 2-82. Disability of mayor during times of emergency; order of succession of authority.  
Secs. 2-83—2-107. Reserved.

##### Division 3. Mayor Pro Tem

- Sec. 2-108. Office created.  
Sec. 2-109. Method of selection.  
Sec. 2-110. Compensation.  
Sec. 2-111. Duties.  
Secs. 2-112—2-134. Reserved.

---

\***State law references**—General provisions applicable to cities, KRS ch. 82; organization of government in cities, KRS ch. 83A.

## GEORGETOWN CODE

### Division 4. Clerk-Treasurer

- Sec. 2-135. Establishment.
- Sec. 2-136. Appointment.
- Sec. 2-137. Merger of clerk and treasurer.
- Sec. 2-138. Duties.
- Sec. 2-139. Journal of proceedings.
- Sec. 2-140. Preservation of records.
- Sec. 2-141. Record of legislation.
- Sec. 2-142. Countersigning of bonds; seal.
- Sec. 2-143. Attested copies of bonds.
- Secs. 2-144—2-169. Reserved.

### Division 5. City Attorney

- Sec. 2-170. Statement of purpose.
- Sec. 2-171. Office created.
- Sec. 2-172. Duties and obligations.
- Sec. 2-173. Compensation.
- Sec. 2-174. Support services.
- Sec. 2-175. Offices and telephone to be provided.
- Secs. 2-176—2-203. Reserved.

### Division 6. Code of Ethics

#### *Subdivision I. In General*

- Sec. 2-204. Title.
- Sec. 2-205. Findings.
- Sec. 2-206. Purpose and authority.
- Sec. 2-207. Definitions.
- Secs. 2-208—2-237. Reserved.

#### *Subdivision II. Standards of Conduct*

- Sec. 2-238. Conflicts of interest in general.
- Sec. 2-239. Conflict of interest in contracts.
- Sec. 2-240. Receipt of gifts.
- Sec. 2-241. Use of city property, equipment and personnel.
- Sec. 2-242. Representation of interests before city government.
- Sec. 2-243. Post-employment restriction.
- Sec. 2-244. Misuse of confidential information.
- Sec. 2-245. Fees and honoraria.
- Sec. 2-246. Complicity with or knowledge of others' violations.
- Sec. 2-247. Incompatible offices.
- Sec. 2-248. Withdrawal from participation.
- Secs. 2-249—2-274. Reserved.

#### *Subdivision III. Financial Disclosure*

- Sec. 2-275. Who must file.
- Sec. 2-276. When to file statements; amended statements.
- Sec. 2-277. Form of the statement of financial interests.

## ADMINISTRATION

- Sec. 2-278. Control and maintenance of the statements of financial interest.
- Sec. 2-279. Contents of the financial interests statement.
- Sec. 2-280. Noncompliance with filing requirement.
- Secs. 2-281—2-308. Reserved.

### *Subdivision IV. Nepotism*

- Sec. 2-309. Prohibited.
- Secs. 2-310—2-336. Reserved.

### *Subdivision V. Enforcement*

- Sec. 2-337. Board of ethics—Created.
- Sec. 2-338. Board of ethics—Alternate members.
- Sec. 2-339. Board of ethics—Facilities and staff.
- Sec. 2-340. Power and duties of the board of ethics.
- Sec. 2-341. Filing and investigation of complaints.
- Sec. 2-342. Notice of hearings.
- Sec. 2-343. Hearing procedure.
- Sec. 2-344. Appeals.
- Sec. 2-345. Limitation of actions.
- Sec. 2-346. Advisory opinions.
- Sec. 2-347. Reprisals against persons disclosing violations prohibited.
- Sec. 2-348. Penalties.
- Secs. 2-349—2-369. Reserved.

## **Article IV. Departments**

### Division 1. Generally

- Secs. 2-370—2-396. Reserved.

### Division 2. Fire Department

- Sec. 2-397. Appointment of fire chief; appointment of members.
- Sec. 2-398. Duties of chief.
- Sec. 2-399. Number of firefighter positions.
- Secs. 2-400—2-427. Reserved.

### Division 3. Police Department

#### *Subdivision I. In General*

- Sec. 2-428. Number and classification of police officers.
- Sec. 2-429. Duties of chief.
- Sec. 2-430. Additional positions.
- Sec. 2-431. Ratification and re-creation of the pre-existing city police department.
- Secs. 2-432—2-460. Reserved.

#### *Subdivision II. Salary Supplement for Police Officers*

- Sec. 2-461. Participation in law enforcement foundation program.
- Sec. 2-462. Qualifications for supplement.

## GEORGETOWN CODE

- Sec. 2-463. In-service training course.
- Sec. 2-464. Reductions or increases in salary.
- Sec. 2-465. Compliance with law.
- Sec. 2-466. Chief of police to prepare reports.
- Sec. 2-467. Compliance with rules and regulations.
- Sec. 2-468. Administration of funds.
- Secs. 2-469—2-489. Reserved.

### Division 4. Building Department

- Sec. 2-490. Duties of building official.
- Sec. 2-491. Qualifications of building official.
- Secs. 2-492—2-520. Reserved.

## Article V. Boards and Commissions

### Division 1. Generally

- Sec. 2-521. Uniform regulatory provisions.
- Secs. 2-522—2-550. Reserved.

### Division 2. Board of Water and Sanitary Sewer Commissioners

- Sec. 2-551. Established.
- Sec. 2-552. Meetings.
- Sec. 2-553. Membership.
- Sec. 2-554. Additional member.
- Sec. 2-555. Removal, reelection, eligibility of commissioners.
- Sec. 2-556. Vacancies.
- Sec. 2-557. Manager.
- Sec. 2-558. Duties of the manager.
- Sec. 2-559. Treasurer of the board; bond.
- Sec. 2-560. Disbursements.
- Sec. 2-561. Fiscal year; budget.
- Sec. 2-562. Bids and construction contracts.
- Sec. 2-563. Management of funds.
- Sec. 2-564. Bills for service.
- Sec. 2-565. Future financing.
- Sec. 2-566. Management shall be free from political and partisan favoritism.
- Sec. 2-567. Amendments.
- Sec. 2-568. Repeal.
- Secs. 2-569—2-599. Reserved.

### Division 3. Housing Commission

- Sec. 2-600. Created.
- Sec. 2-601. Salary, expenses.
- Secs. 2-602—2-620. Reserved.

## ADMINISTRATION

### Division 4. Air Board

- Sec. 2-621. Created.
- Sec. 2-622. Powers and duties.
- Sec. 2-623. Membership.
- Secs. 2-624—2-649. Reserved.

### Division 5. Parks, Playground and Recreation Board

- Sec. 2-650. Created.
- Sec. 2-651. Officers.
- Sec. 2-652. Powers.
- Secs. 2-653—2-677. Reserved.

### Division 6. Recreational Tourist and Convention Commission

- Sec. 2-678. Created.
- Sec. 2-679. Imposition of transient room tax.
- Sec. 2-680. Penalty.
- Secs. 2-681—2-703. Reserved.

### Division 7. Historic Commission

- Sec. 2-704. Created.
- Sec. 2-705. Membership.
- Sec. 2-706. Officers.
- Sec. 2-707. General powers; financial support of commission.
- Sec. 2-708. Duties.
- Sec. 2-709. Meetings.
- Secs. 2-710—2-731. Reserved.

### Division 8. Architectural Review Board

- Sec. 2-732. Established; membership; appointment; approval.
- Sec. 2-733. Advisory capacity.
- Sec. 2-734. Powers and duties.
- Secs. 2-735—2-754. Reserved.

### Division 9. Cemetery Ministerial Board

- Sec. 2-755. Purpose.
- Sec. 2-756. Compensation.
- Sec. 2-757. Appointment.
- Secs. 2-758—2-777. Reserved.

### Division 10. Business Park Authority

- Sec. 2-778. Formation.
- Sec. 2-779. Organization of authority.
- Sec. 2-780. Purpose.
- Sec. 2-781. Dissolution.
- Secs. 2-782—2-801. Reserved.

## GEORGETOWN CODE

### Division 11. Georgetown Events and Commerce Center Authority, Inc.

- Sec. 2-802. Formation.
- Sec. 2-803. Powers and duties.
- Sec. 2-804. Board of directors.
- Sec. 2-805. Officers; records; frequency of meetings.
- Sec. 2-806. Quorum.
- Sec. 2-807. Bylaws.
- Secs. 2-808—2-827. Reserved.

### **Article VI. Code Enforcement**

- Sec. 2-828. Title.
- Sec. 2-829. Definitions.
- Sec. 2-830. Code enforcement board created.
- Sec. 2-831. Jurisdiction.
- Sec. 2-832. Powers of the code enforcement board.
- Sec. 2-833. Appointment of members; term of office; removal from office; oath; and compensation.
- Sec. 2-834. Organization of board; quorum.
- Sec. 2-835. Enforcement proceedings.
- Sec. 2-836. Hearing officer.
- Sec. 2-837. Hearing, notice and final order.
- Sec. 2-838. Appeals; final judgment.
- Sec. 2-839. Abatement.
- Sec. 2-840. Liens, fines, charges and fees.
- Sec. 2-841. Due process and right of entry.
- Sec. 2-842. Penalties.
- Sec. 2-843. Stop-work order.
- Sec. 2-844. Administrative search warrant.
- Sec. 2-845. Department responsibility for enforcement.
- Sec. 2-846. Citation officers.
- Sec. 2-847. Remedies not exclusive.

**ARTICLE I. IN GENERAL****Sec. 2-1. Persons responsible for compliance with city regulations.**

(a) *Designation of responsible person.* All persons, whether individual, corporate or other status, shall, as part of:

- (1) The application for business license;
- (2) The application for building permit;
- (3) The application for development plan or subdivision plat, whether preliminary or final;
- (4) The application for electrical permit; or
- (5) Other transaction or undertaking within the city that requires a license, permit or other approval, whether made to the city, one of its agencies or to the planning and zoning commission, electrical inspection department or other county or joint agency authorized to enforce city regulations;

provide to the city or its agent the list of all personnel having substantial responsibility to the city for compliance with the city's regulations appropriate to the office from which the license, permit or other approval is sought. The designation of a responsible person shall be made on a form the city shall provide and be signed by the individual so designated.

(b) *Accountability of responsible persons.* All persons designated under subsection (a) of this section, shall be deemed responsible persons for all enforcement purposes, civil and criminal, and be subject to all remedies available by law to the city for the enforcement and collection of all sums due to the city, including, but not limited to, fees, fines, penalties and restitution. The city acknowledges that any debt collected pursuant to this section will be a debt primarily of the organization and not of the responsible person. However, in order to better serve its constituents and assure the equal implementation of local regulation, the responsible person may be held responsible in the city's discretion regardless of remedies available against the organization. In no event, however, shall the city collect more than the actual amount due to the city. Nothing in this section shall affect any claims between the entity and its responsible persons, including, but not limited to, the right of indemnification.

(c) *Failure to register responsible persons and responsibility despite that failure.*

- (1) In the event the city record does not reflect a designation of responsible persons, upon 20 days' written notice, the entity shall file the designation required pursuant to subsection (a) of this section. Failure, after notice, to provide the designation may result in denial of requested license, permit or approval. Failure to provide may also result in revocation of a business license.
- (2) Failure of the city or its agency to receive or record the required designation of responsible persons shall not relieve those persons employed by the regulated businesses who actually have the responsibility and discretion within the organization for local regulation compliance from subjection to all remedies available by law

to the city for enforcement and collection as set out in subsection (b) of this section. Preliminary to initiating proceedings against a person actually responsible for noncompliance with city regulation, the city must make a finding of fact, supported by reasonable evidence, that the persons whom the city seeks to hold responsible was in fact responsible for the noncompliance with city regulation.

(d) *Notice to responsible persons designated.* All businesses providing to the city the names of responsible persons pursuant to subsection (a) of this section shall give written notice of the provision and a copy of this section to each person named within three days of the names being provided to the city. The city shall remove the name of a responsible person upon request of the person to be removed and the submission of a replacement person as appropriate.

(e) *Penalties.* Failure to:

- (1) Provide the names of responsible persons as required by subsection (a) of this section; or
- (2) Notify the city or its agency in the event a person whose name has been provided pursuant to subsection (a) of this section leaves his employment with that business or otherwise ceases to be appropriate for designation as a responsible person under this section;

shall subject the employer business and the designated responsible person to a fine of \$500.00 for the first offense, with the fine doubling for each offense within a 12-month period.

(Code 1983, § 2-1; Ord. No. 06-017, §§ 1—4, 6, 8-17-2006)

**Secs. 2-2—2-20. Reserved.**

## ARTICLE II. COUNCIL\*

### **Sec. 2-21. Number of councilmembers.**

Eight councilmembers shall be voted for and elected by the qualified voters of the city at large; such councilmembers to have the qualifications provided by law and be elected for the term of office provided by law.

(Code 1966, § 32.1; Code 1983, § 2-16)

**State law reference**—Size of legislative body, KRS 83A.030(1).

### **Sec. 2-22. Installation of councilmembers.**

Upon the return of the certificate by the officers of election showing the persons receiving a majority of the votes cast at an election for the office of councilmember, it shall be the duty

**\*State law references**—Legislative body, KRS 83A.030; form and procedure for enacting ordinances, KRS 83A.060; mayor-council plan, KRS 83A.130; quorum defined, KRS 83A.060(6); calling special meetings, KRS 83A.130(11).



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; Ord. No. 2021-09, §§ 1, 2, 6-28-21; Ord. No. 2021-14, §§ 1, 2, 9-27-21; Ord. No. 2021-27, § 1, 12-13-21; Ord. No. 2022-06, § 1, 1-24-22)

**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
12-013	8-13-2012
12-017	9-26-2012

<i>Ordinance No.</i>	<i>Adoption Date</i>
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
2021-09	6-28-2021
2021-14	9-27-2021
2021-27	12-13-2021
2022-06	1-24-2022

**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)

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

**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)

**Sec. 2-110. Compensation.**

The mayor pro tem shall receive no additional compensation to that paid members of the council.

(Code 1983, § 2-63; Ord. No. 81-004, § 3, 5-7-1981)

**Sec. 2-111. Duties.**

The mayor pro tem shall have those duties and responsibilities as prescribed by KRS 83A.130(5).

(Code 1983, § 2-64; Ord. No. 81-004, § 4, 5-7-1981)

**Secs. 2-112—2-134. Reserved.**

## DIVISION 4. CLERK-TREASURER\*

**Sec. 2-135. Establishment.**

The elected office of city clerk-treasurer is hereby abolished, and the appointed office of city clerk-treasurer, bearing the same duties and responsibilities, is hereby established.

(Ord. No. 2021-12, § 1, 8-9-21)

**Sec. 2-136. Appointment.**

The appointment of the clerk-treasurer shall be made by the mayor, with the approval of the city council.

(Ord. No. 2021-12, § 1, 8-9-21)

**Editor's note**—Ord. No. 2021-12, § 1, adopted Aug. 9, 2021, repealed the former § 2-136 and enacted a new § 2-136 as set out herein. The former § 2-136 pertained to qualifications and derived from Code 1966, § 33.1; and Code 1983, § 2-76.

**Sec. 2-137. Merger of clerk and treasurer.**

(a) The functions and duties of the city clerk are hereby conferred upon the city treasurer, who will be known as clerk-treasurer.

\***State law reference**—Finance and revenue of cities, KRS ch. 91A.

(b) The bond for the clerk-treasurer shall be as set by council, which shall be a bond furnished by an approved casualty and insurance company, and the city shall pay the premium for same.

(Code 1966, § 33.2; Code 1983, § 2-77; Ord. No. 2021-12, § 3, 8-9-21)

**Sec. 2-138. Duties.**

(a) The clerk-treasurer shall perform all of the duties required by KRS 83A.085 and such other duties as assigned by statute and ordinance. In addition, the clerk-treasurer shall perform the duties of the local alcoholic beverage control administrator as required by statute and ordinance.

(b) In addition to the duties required by KRS 83A.085 and such other duties as assigned by statute and ordinance, the clerk-treasurer shall perform the following duties:

- (1) Attend each council meeting (regular and special).
- (2) Record council proceedings and keep minutes.
- (3) Publish all legal advertisements, budget summaries or text and all ordinances adopted by council.
- (4) Collect city ad valorem taxes, including delinquent taxes.
- (5) Process and print yearly ad valorem tax statements.
- (6) Make deposits and distribute receipts when required.
- (7) Perform the duties of the alcohol beverage control administrator, including, but not limited to:
  - a. Collecting regulatory and license fees.
  - b. Issuing local alcoholic beverage licenses.
  - c. Enforcing violations of state and local ABC laws.
- (8) Act as custodian of records, receiving, processing and responding to all open records requests.
- (9) Collect city insurance premium tax, including delinquent taxes.
- (10) Collect garbage, utility, and railroad franchise fees.
- (11) Collect code enforcement fines.
- (12) Report sales and use tax to the Commonwealth of Kentucky.
- (13) Coordinate advertisements and bid openings for all competitive procurements.
- (14) Administer the annual surplus property sale and other surplus sales as necessary.
- (15) License all fleet vehicles.
- (16) Issue parking permits for permitted streets (e.g., Dudley and Clayton).
- (17) Issue golf cart permits.

- (18) Coordinate special events, assisting citizens obtain city permission for 5Ks, parades, etc.
- (19) Serve as secretary for the board of ethics.
- (20) Coordinate bi-monthly meetings with all city directors for council meeting preparation.
- (21) Prepare the agenda for council meetings.
- (22) Ensure open meetings law compliance for council and committee meetings.
- (23) Prepare an annual budget for the clerk's office.
- (24) Administer financial interest disclosure requirement for all city directors, board members, elected officers and candidates for elected offices.





(b) *Regulations.* All boards and commissions which are appointed by the mayor and approved by the council shall be governed by the following regulations:

- (1) Files will be maintained by the mayor which list the member's names, terms, expiration dates, meeting minutes and annual budget for each board or commission over which the city has jurisdiction by means of appointment to appropriations.
- (2) Each board shall provide to the mayor's office a copy of its minutes within ten days of their approval.
- (3) Each board shall provide to the mayor's office a copy of its budget within 30 days of its approval.
- (4) The terms of board and commission members shall not exceed four years.
- (5) Members of city-appointed boards and commissions shall not be members of more than one such board or commission during their term.
- (6) No member shall be appointed to serve more than two consecutive full terms on any board or commission, except where such term limits are contrary to state law. The term "full term" means four years. Partial terms, where a member is appointed to fill a vacancy, shall not be counted as a full term.
- (7) All terms shall be staggered.
- (8) All board or commission members shall be subject to removal if they fail to attend at least two-thirds of all regular and called meetings.
- (9) All boards with regularly scheduled meetings shall meet at those times, except in the case of emergencies justifying a special meeting.
- (10) The members of the ambulance board shall be appointed, except the mayor and judge/executive, who shall remain ex officio members.
- (11) All potential nominees to city-appointed boards and commissions shall provide the mayor with information concerning their membership on other boards. Membership on non-city-appointed boards which are potentially in conflict with the responsibilities of the board to which the person is considered for appointment shall be grounds for disqualification of the person for appointment to the city board.
- (12) The bylaws of all boards and commissions shall be amended to provide for the terms of its members to end in December.
- (13) Unless expressly provided by statute or ordinance, there shall be no residency requirement for any city-appointed boards and commissions. Unless otherwise specified by statute or ordinance, applicable residency requirements must be satisfied at the time of appointment or reappointment.
- (14) Except where contrary to state law, city council may, as it deems necessary, waive any provision related to term limits, residency or qualification for office.

(Code 1983, § 2-196; Ord. No. 89-013, §§ 1, 2, 7-6-1989; Ord. No. 16-016, § 1, 12-12-2016; Ord. No. 2021-26, § 1, 12-13-21)

**Secs. 2-522—2-550. Reserved.**

## DIVISION 2. BOARD OF WATER AND SANITARY SEWER COMMISSIONERS

**Sec. 2-551. Established.**

(a) The management, control and operation of the combined and consolidated municipal waterworks and sanitary sewer system of the city is hereby placed in the board of water and sanitary sewer commissioners created, appointed and functioning as provided in Ordinance No. 550, adopted September 7, 1945, as amended, and that board shall hereafter be known and designated as the board of water and sanitary sewer commissioners of the city. The terms, powers and non-partisan character of the board shall continue the same, as provided for in sections 2-552 to 2-564, except that the board shall assume the additional duties and receive additional compensation therefor, as set out in sections 2-552 to 2-564.

(b) On and after its appointment, the board of water and sanitary sewer commissioners shall have full, complete and exclusive supervision, management and control of the municipal waterworks plant and system of the city, including the administration, maintenance and operation and extension thereof except as hereinafter set out.

(Code 1966, § 38.2; Code 1983, § 2-206; Ord. No. 91-001, § 1, 1-3-1991)

**Sec. 2-552. Meetings.**

At all meetings of the board of water and sanitary sewer commissioners, the chairperson shall preside thereat when present and at call of special meetings of the board when necessary. Provisions shall be made for holding at least one regular meeting each month, of which special notice need not be given. The secretary shall keep a record of the proceedings of the board, which shall be available for inspection at all times, as other municipal records. Any commissioner failing to attend four successive regular meetings without cause, acceptable and approved by the board, shall be automatically removed from office and the vacancy shall be filled as hereinbefore provided.

(Code 1966, § 38.3; Code 1983, § 2-207)

**Sec. 2-553. Membership.**

The board of water and sanitary sewer commissioners shall consist of four commissioners, who shall be users of city water, and legal voters of the city, and possessing the qualifications of a member of the council. Such commissioners shall be appointed by the mayor, subject to the approval of the council, for terms of four years. One member shall be designated chairperson by the mayor, and one member treasurer. The offices of secretary and treasurer may be filled by one member as the board may determine. After the original organization of the board, the commissioners shall themselves designate their own chairperson, treasurer and secretary, and shall so organize their board annually thereafter.

(Code 1966, § 38.4; Code 1983, § 2-208; Ord. No. 89-017, § 1, 8-17-1989)

Chapter 4

**ALCOHOLIC BEVERAGES\***

**Article I. In General**

- Sec. 4-1. Title.
- Sec. 4-2. Purpose.
- Sec. 4-3. Definitions.
- Sec. 4-4. Scope.
- Sec. 4-5. Provisions adopted.
- Sec. 4-6. Alcoholic beverage control administrator.
- Sec. 4-7. Appeals.
- Secs. 4-8—4-32. Reserved.

**Article II. Licenses**

Division 1. Generally

- Sec. 4-33. Established; fees.
- Sec. 4-34. Certain special licenses defined.
- Sec. 4-35. Expiration of license; proration of fees.
- Sec. 4-36. Payment of license fees; delinquency.
- Sec. 4-37. Refund of fees.
- Sec. 4-38. Regulatory license fee.
- Secs. 4-39—4-64. Reserved.

Division 2. License Applications; Maintenance of License

- Sec. 4-65. Advertisement.
- Sec. 4-66. Application.
- Sec. 4-67. Other conditions.
- Sec. 4-68. Form of license.
- Sec. 4-69. Change of information.
- Sec. 4-70. Renewal of license.
- Sec. 4-71. Lost or destroyed license.
- Sec. 4-72. Revocation or suspension.
- Sec. 4-73. Proceedings for revocation or suspension of license; notice and opportunity to contest; effect of revocation or suspension.
- Sec. 4-74. Transfer or assignment.
- Sec. 4-75. Refusal of license; guidelines for approval of quota licenses.
- Sec. 4-76. Review of license; books, records and reports.
- Sec. 4-77. Dormancy.
- Secs. 4-78—4-97. Reserved.

---

\***State law reference**—Alcoholic beverages, KRS chs. 241—244.

## GEORGETOWN CODE

### **Article III. Miscellaneous Provisions**

- Sec. 4-98. Hours for sale and delivery.
- Sec. 4-99. Conditions, prohibitions and restrictions.
- Sec. 4-100. Possession by minors prohibited; no person shall aid possession by minors.
- Sec. 4-101. Consumption on licensed package premises prohibited; exceptions; congregating on certain ABC licensed premises and vacant premises prohibited.
- Sec. 4-102. Malt beverage keg registration.
- Sec. 4-103. Enforcement.
- Sec. 4-104. Penalties.
- Sec. 4-105. Mandatory responsible beverage service training.
- Sec. 4-106. Signs and advertising; advertising on municipally-owned property or at municipally-sponsored events prohibited; certain other advertising prohibited.
- Sec. 4-107. Patio and outdoor sales; where permitted; approval required; screening requirements; exceptions.
- Sec. 4-108. Implementation of chapter provisions.
- Sec. 4-109. Commercial quadricycles.

**ARTICLE I. IN GENERAL****Sec. 4-1. Title.**

This chapter shall be known as the "Alcoholic Beverage Control Ordinance."  
(Code 1983, § 2.7-1; Ord. No. 12-015, art. I, § 1.1, 9-26-2012)

**Sec. 4-2. Purpose.**

The purpose of this chapter is to establish uniform regulations and requirements for the licensing and regulation of alcoholic beverage manufacture and sales pursuant to authorization of KRS chs. 241—244.

(Code 1983, § 2.7-2; Ord. No. 12-015, art. I, § 1.2, 9-26-2012)

**Sec. 4-3. Definitions.**

The definitions of the words used throughout this chapter, unless the context requires otherwise, shall have the same meaning as those set out in the Kentucky Alcoholic Beverage Control Law (KRS chs. 241—244) of the state and all amendments and supplements thereto.

(Code 1983, § 2.7-3; Ord. No. 12-015, art. I, § 1.3, 9-26-2012)

**Sec. 4-4. Scope.**

This chapter shall be construed to apply to the manufacture and traffic in both malt beverages and distilled spirits and wine where the context permits such application. Nothing in this chapter shall excuse or relieve the licensee, or the owner, proprietor, employee, agent or person in charge of any licensed premises where alcoholic beverages are sold from the restrictions, requirements and penalties of any other ordinances of the city or of any statutes of the state relating to violations pertaining to alcoholic beverages.

(Code 1983, § 2.7-4; Ord. No. 12-015, art. I, § 1.4, 9-26-2012)

**Sec. 4-5. Provisions adopted.**

The provisions of the state's Alcoholic Beverage Control Law (KRS chs. 241—244), and all amendments and supplements thereto, are adopted so far as applicable to this chapter except as otherwise lawfully provided herein.

(Code 1983, § 2.7-5; Ord. No. 12-015, art. I, § 1.5, 9-26-2012)

**Sec. 4-6. Alcoholic beverage control administrator.**

(a) The duties of the city alcoholic beverage control administrator (the administrator) are assigned to the city clerk-treasurer.

(b) The functions of the administrator shall be the same with respect to the city licenses and regulations as the functions of the state alcoholic beverage control board (ABC board) with respect to state licenses and regulations, except that no amendment to these regulations proposed by the administrator may be less stringent than the statutes relating

to alcoholic beverage control, or than regulations of the ABC board. No regulation of the administrator shall become effective until the city council has first appropriately approved it.

(c) No person shall be an administrator, an investigator or an employee of the city under the supervision of the administrator, who would be disqualified to be a member of the ABC board under KRS 241.100.

(d) The administrator shall have all authority as authorized under KRS chs. 241—244. The administrator, and any administrator's investigators, may inspect any premises where alcoholic beverages are manufactured, sold, stored or otherwise trafficked in, without first obtaining a search warrant.

(e) Should the administrator at any time have reasonable grounds to believe that any applicant, licensee, employee of a licensee, or any stockholder, agent or employee of a licensed corporation, LLC or other business organization, has a criminal record, he shall have the authority to require such person to appear in person at the city police department for the purpose of having his fingerprints taken.

(f) The administrator, before entering upon his duties as such, shall take the oath as prescribed in section 228 of the state constitution.  
(Code 1983, § 2.7-21; Ord. No. 12-015, art. III, § 3.1, 9-26-2012; Ord. No. 19-010, § 3, 4-22-2019)

#### **Sec. 4-7. Appeals.**

When any decision of the administrator shall have been appealed, or when a protest has been lodged against an application for any license within the city, and the ABC board shall have made a decision regarding such appeal or protested application, the administrator, upon receipt of notice of finality of the decision, shall enter such orders and take such action as required by the final order of the ABC board. As provided by law, and as used herein, no order of the ABC board is final until all appeals or appeal times shall have been exhausted. A final order of the ABC board is the order entered by said board, unless an appeal is taken from the board's order, in which case the final order is the order entered by the board upon direction from the reviewing court of last resort in the final order of said reviewing court.  
(Code 1983, § 2.7-22; Ord. No. 12-015, art. III, § 3.2, 9-26-2012; Ord. No. 19-010, § 4, 4-22-2019)

**State law reference**—Appeals, KRS 241.200.

#### **Secs. 4-8—4-32. Reserved.**

**ARTICLE II. LICENSES\***

DIVISION 1. GENERALLY

**Sec. 4-33. Established; fees.**

For the privilege of causing, permitting and engaging in the actions, business, and transactions authorized thereby in regard to traffic in alcoholic beverages in the city and pursuant to the authority of KRS 243.070, there is hereby established a corresponding city license for each of the state licenses described in KRS 243.070. The fee for each city license shall be as set out in the following schedule. In the event KRS 243.070 shall hereafter be amended to authorize additional city licenses, the fee for each city license shall be the maximum fee provided in the statute as amended.

- (1) *Distilled spirits and wine license fees.* The following distilled spirits and wine licenses may be issued by the city, the fees for which shall be:

DISTILLED SPIRITS AND WINE LICENSE FEES

Distiller's license, per annum . . . . .	\$ 500.00
Rectifier's license, Class A, per annum . . . . .	3,000.00
Rectifier's license, Class B, per annum. . . . .	960.00
Wholesaler's distilled spirits and wine license, per annum . . . . .	3,000.00
Quota retail package license, per annum. . . . .	600.00
Quota retail drink license, per annum . . . . .	600.00
Special temporary license, per event. . . . .	100.00
Non-quota Type 1 retail drink license (includes distilled spirits, wine, and malt beverages). . . . .	2,000.00
Non-quota Type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum (restaurant drink license) . . . . .	800.00
Non-quota Type 3 retail drink license (includes distilled spirits, wine and malt beverages) (private clubs), per annum . . . . .	300.00
Distilled spirits and wine temporary auction, per event. . . . .	200.00
Special Sunday sale retail drink license, per annum . . . . .	300.00
Special temporary auction license, per event . . . . .	100.00
Bottling house or bottling house storage license, per annum . . . . .	1,000.00
Authorized public consumption license, per annum . . . . .	250.00

---

\***State law reference**—Alcoholic beverage licenses and taxes, KRS ch. 243.

(2) *Malt beverage license fees.*

- a. The following kinds of malt beverage licenses may be issued by the city, the fees for which shall be:

MALT BEVERAGE LICENSE FEES

Brewer's license, per annum .....	\$500.00
Microbrewery license, per annum.....	500.00
Malt beverage distributor's license, per annum.....	400.00
Non-quota retailer malt beverage package license, per annum....	200.00
Non-quota Type 4 retail malt beverage drink license, per annum .	200.00

- b. The fee for each of the first five supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five to the same licensee at the same premises.
- c. The holder of a non-quota retail malt beverage package license may obtain a non-quota Type 4 malt beverage drink license for a fee of \$50.00. The holder of a non-quota Type 4 malt beverage drink license may obtain a non-quota retail malt beverage package license for a fee of \$50.00.

(3) *Restaurant drink license.* The gross receipts of the restaurant or the dining facility from the sale of food for consumption on the premises is reasonably estimated to be not less than 50 percent of the total food and beverage receipts of such restaurant or dining facility for the license period.

(4) *Other license fees.* The following kinds of other licenses may be issued by the city, the fees for which shall be:

OTHER LICENSE FEES

Extended hours supplemental license, per annum .....	\$800.00
Caterer's license, per annum.....	800.00
Limited restaurant license or limited golf course license, per annum (includes distilled spirits, wine, and malt beverages) .....	800.00

(Code 1983, § 2.7-11; Ord. No. 12-015, art. II, § 2.1, 9-26-2012; Ord. No. 13-025, § 1, 11-25-2013; Ord. No. 19-010, § 1, 4-22-2019; Ord. No. 2021-07, § 1, 6-28-21)

**Sec. 4-34. Certain special licenses defined.**

(a) *Special temporary licenses.* A special temporary license for a qualifying event may be issued only as set out in KRS 243.260. This license shall authorize the licensee to exercise the privileges of a quota retail drink licensee and an NQ4 retail malt beverage drink licensee at designated premises for a specified and limited time, not to exceed 30 days, and shall expire when the qualifying event ends. All restrictions and prohibitions applying to a



distilled spirits and wine quota retail drink licensee or an NQ4 retail malt beverage drink license shall apply also to a special temporary licensee. In the case of a non-profit organization holding an NQ4 retail malt beverage license, such organization may be issued a special temporary license to sell distilled spirits and wine by the drink on the licensed



3. The applicant has all necessary building and use permits, including certification of the zoning administrator that the sidewalk cafe is permitted at the premises location; and
  4. The issuance of the permit would not result in any significant adverse land use impacts.
- (2) Conditions for sidewalk cafe permit. The issuance of a permit shall be subject to the following conditions and restrictions; provided, however, that the administrator may without adverse hearing procedures impose additional reasonable restrictions or withdraw approval upon the operation of any sidewalk cafe where necessary in the judgment of the said administrator to protect the public health, safety or welfare or to prevent a nuisance from developing or continuing:
- a. No sidewalk cafe shall be permitted in any portion of the public sidewalk where normal pedestrian traffic flow is obstructed. A minimum clearance width of 36 inches must be maintained on the public sidewalk at all times. The sidewalk cafe shall not be permitted in any manner to obstruct the entrance/exit to the restaurant.
  - b. Umbrellas, tables, chairs, and other portable appurtenances shall be confined to the area shown on the approved permit. While such cafe is in operation, all tables and chairs shall be kept in a clean, sanitary condition.
  - c. The use of a portion of the public sidewalk as a sidewalk cafe shall not be an exclusive use. All public improvements, including, but not limited to, trees, light poles, traffic signals, pull boxes or manholes, or any public-initiated maintenance procedures, shall take precedence over said use of the public sidewalk at all times.
  - d. The licensee shall, in addition to all other requirements of law, take reasonable steps to ensure that alcoholic beverages are consumed only by patrons of the establishment who are of age, and not by passers-by or persons who are not of age or who are obviously or apparently intoxicated.
  - e. No disposable cups or drinking vessels may be used and the licensee shall not permit any alcoholic beverages to be taken off the premises by patrons, customers or guests.
  - f. No amplified sound shall be used within a sidewalk cafe. At no time shall any music originating from any part of the premises create a nuisance.
  - g. Dancing shall not be permitted or allowed in the sidewalk cafe.
  - h. The licensee must at all times comply with all federal, state and local laws regarding the sale, service and consumption of alcohol and the operation of the premises.
  - i. The permit for a sidewalk cafe may not be assigned or transferred.

- (3) Other requirements applicable to sidewalk cafes. No sidewalk cafe permit shall be effective unless the licensee has filed with the administrator evidence of insurance insuring the licensee against liability imposed by law arising out of the ownership, maintenance or operation of such sidewalk cafe in an amount to be established by the administrator. The city shall be named an additional insured in the policy, providing such insurance and such policy shall further provide that it may not be canceled except upon ten days' written notice (or more) filed with the administrator.

(Code 1983, § 2.7-60; Ord. No. 12-015, art. XIV, 9-26-2012)

**Sec. 4-108. Implementation of chapter provisions.**

From time to time, the city council may by municipal order promulgate such rules and regulations and may publish and utilize such forms and other documents as in its discretion may be necessary for the proper implementation of this chapter.

(Code 1983, § 2.7-61; Ord. No. 12-015, art. XV, 9-26-2012)

**Sec. 4-109. Commercial quadricycles.**

(a) *Commercial quadricycles.* Commercial quadricycles shall have the same meaning as set out in KRS 241.010(16).

(b) *Permits.*

- (1) No person shall drive or operate a commercial quadricycle for hire in Georgetown unless the commercial quadricycle owner obtains an operating permit from the Alcoholic Beverage Control ("ABC") Administrator, in compliance with the following requirements:

- a. Completion of a written application with the office of the ABC Administrator, which must include the commercial quadricycle business' name, registered address and articles of incorporation;
- b. Written documentation that the commercial quadricycle business has general liability insurance of at least \$2,000,000.00 from an insurer authorized to do business in the Commonwealth of Kentucky;
- c. Documentation that every commercial quadricycle operated on public streets and highways has been inspected and is certified as meeting the safety and equipment standards;
- d. A proposed travel route which shall meet the requirements of sub-section (c) of this section;
- e. Payment of an annual license fee of \$250.00 per quadricycle to the ABC Administrator;
- f. Any other documents the ABC Administrator may require.

- (2) Any permit under this section may be denied, suspended or revoked for one or more of the following reasons:
    - a. Failure to comply with one or more of the provisions of this section;
    - b. Fraud, misrepresentation, or bribery in securing or renewing a permit;
    - c. Fraud, misrepresentation, or false statements made in the application and investigation for, or in the course of the applicant's business;
    - d. Defaced, altered, forged or counterfeited operating permit; or
    - e. Failure to comply with any other local, state or federal law.
  - (3) A commercial quadricycle business may appeal any denial, suspension, or revocation within seven days of the date of the decision to the city council. A denial by the city council may be appealed, within 30 days of the decision, to the Scott County Circuit Court.
- (c) *Travel routes.*
- (1) A commercial quadricycle business must submit its proposed travel route to the ABC Administrator for approval. Proposed travel routes shall include:
    - a. Starting and ending points;
    - b. Drop off points;
    - c. Duration of the trips;
    - d. Expected starting times; and
    - e. The days of the week that the quadricycle will be traveling this route.
  - (2) Travel routes will be restricted to the following boundaries: Washington Street from Mulberry Street to Water Street; Water Street from Washington Street to College Street; College Street from Water Street to Hamilton Street; Hamilton Street from College Street to Washington Street; Mulberry Street from Main Street to Washington Street; Main Street from Mulberry Street to Water Street. All proposed travel routes will be vetted with the city engineer, Georgetown Police Department and Georgetown Traffic Committee for any adverse impact on safety and roadways. The applicant must submit its planned route(s) during the application process for review and approval.
  - (3) Approval or denial of the proposed travel route(s) for commercial quadricycles will include, but not limited to, the following factors:
    - a. The number of other travel routes;
    - b. The safety concerns raised by operating the quadricycle on public highways and streets;
    - c. The density of vehicular and pedestrian traffic in an area during the proposed operating times; and
    - d. Any other information relevant to the approval process.

- (4) The ABC Administrator may place additional conditions and limitations on any approved travel route, such conditions and limitations may include, but not be limited to, dates and times of operation.
  - (5) Appeal of any denied travel route may be made within seven days to the city council. A denial by the city council may be appealed, within 30 days of the decision, to the Scott County Circuit Court.
- (d) *Safety and equipment standards.*
- (1) Every commercial quadricycle in operation shall be annually inspected by the ABC Administrator, or his/her duly authorized designee, and meet the following minimum requirements:
    - a. A slow-moving emblem in accordance with KRS 189.820;
    - b. A back or seatbelt for each passenger seat;
    - c. A minimum of four hydraulically operated brakes;
    - d. A rearview mirror;
    - e. Headlights;
    - f. Tail lights (if planning to operate at night);
    - g. Brake lights;
    - h. Turning signals;
    - i. A trash receptacle for refuse; and
    - j. Any other equipment required to comply with all applicable federal and state law.
  - (2) A commercial quadricycle business shall affix its authorized public consumption license number to each commercial quadricycle in a clear and conspicuous place, if it is allowing for consumption of alcohol.
- (e) *Hours of operation.*
- (1) *In general.* Commercial quadricycles shall only operate between the local hours of 10:00 a.m. to 11:00 p.m., Monday through Saturday, and 10:00 a.m. to 10:00 p.m. on Sunday.
  - (2) *Parades and events.* Commercial quadricycles shall not operate on streets that have been closed by vote of the city council for a parade or event; this shall apply to streets within an approved commercial quadricycle route and shall apply for the hour preceding the parade or event and an hour following the parade or event. Commercial quadricycle operators may request an alternate route, in conformity with the boundaries defined in this section, in cases where a parade or event disrupts a previously approved route. Said request shall be submitted in writing to the ABC Administrator. Denials may be appealed pursuant to subsection (c) of this section.

(f) *Consumption of alcohol.*

- (1) Consumption of alcohol shall be allowed if the proper alcoholic consumption license is obtained by the quadricycle business. The following requirements shall apply to all commercial quadricycles allowing for alcohol consumption pursuant to a lawfully issued APC license:
  - a. Passengers may bring a maximum of 48 total ounces of malt beverages for consumption during travel;
  - b. Alcohol shall be consumed using nondescript cups;
  - c. Glass containers are strictly prohibited; and
  - d. Operators shall not sell alcoholic beverages or provide samples.
- (2) An individual applying for an alcoholic public consumption license shall file an application using the current alcoholic beverage control process and standards, locally and with state alcoholic beverage control. Along with the application, an affidavit of publication and newspaper clipping, background check, articles of incorporation, deed/lease/permit, fee payment form, final inspection form, quadricycle photograph and photocopy of driver's license/photo identification are required to be submitted.

(g) *Standards for commercial quadricycle operation.*

- (1) Every quadricycle shall operate in conformity and with respect to all traffic laws, rules and regulations of the City of Georgetown and the Commonwealth of Kentucky.
- (2) Commercial quadricycle operators shall be at least 21 years of age.
- (3) Commercial quadricycle operators shall hold a valid driver's license, complete a certified alcoholic beverage control server training program as approved by local or state alcoholic beverage control.
- (4) No person shall operate a commercial quadricycle unless all passengers are seated in a seat designated for that purpose and remain seated the entire time the quadricycle is in motion.
- (5) No person shall operate a commercial quadricycle when the number of passengers exceeds the number of available inspected seats.
- (6) No commercial quadricycle shall be stored on public property overnight, including, but not limited to, streets, highways or thoroughfares.
- (7) Every commercial quadricycle shall operate as close as possible to the shoulder of the road, except when necessary to overtake another vehicle or to avoid a stationary object.
- (8) The driver and other employees shall not consume, or be under the influence of, alcoholic beverages or illegal substances.

(h) *Standards for loading and unloading passengers.* Loading and unloading passengers shall be done off roadway in a parking lot, if possible, for traffic and passenger safety. (Ord. No. 2021-07, § 2, 6-28-21)



Chapter 6

**ANIMALS\***

**Article I. In General**

Secs. 6-1—6-18. Reserved.

**Article II. Animal Control**

- Sec. 6-19. Definitions.
- Sec. 6-20. General requirements.
- Sec. 6-21. Reserved.
- Sec. 6-22. Confinement and control of animals required.
- Sec. 6-23. Keeping of vicious animals prohibited.
- Sec. 6-24. Impoundment of animals and violation notice.
- Sec. 6-25. Animal care (standards for humane care).
- Sec. 6-26. Keeping of wild animals prohibited.
- Sec. 6-27. Regulations for performing animal exhibitions.
- Sec. 6-28. Additional regulations for animal care.
- Sec. 6-29. Animal waste disposal.
- Sec. 6-30. Enforcement and penalties.

---

\***State law reference**—Agriculture and animals, KRS ch. 246 et seq.



**ARTICLE I. IN GENERAL**

**Secs. 6-1—6-18. Reserved.**

**ARTICLE II. ANIMAL CONTROL****Sec. 6-19. 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:

*Abandonment* consists of, but is not limited to, leaving an animal at any location for a period in excess of 24 hours, without adequate provision for food, water and general condition.

*Animal* means any living non-human creature, domestic and wild, including livestock, poultry, pet rodents, pet birds and vermin. However, unless the context otherwise requires, for the purpose of this article, the term "animal" generally means dogs, cats, and other animals customarily kept as pets.

*Animal at large* means any animal not under the restraint of a person capable of controlling the animal and/or off the premises of the owner.

*Animal shelter* means the facility operated or utilized by the city for the purpose of impounding animals under the authority of this article or state law.

*Auction* means any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this article. The definition of the term "auction" does not apply to individual sales of animals by owners.

*Circus* means a commercial variety show featuring animal acts for public entertainment.

*Commercial animal establishment* means any pet shop, grooming shop, guard dog training center, auction, riding school or stable, zoological park, circus, performing animal exhibition or boarding or breeding kennel.

*Cruelty to animals* means intentionally or wantonly subjecting an animal to unjustifiable physical pain, suffering, or death. By way of example, but not in limitation, the term "cruelty to animals" includes mistreatment through abandonment, mutilation, beating, torture, tormenting, failing to provide adequate food, drink, space, or health care, or by any other means.

*Grooming shop* means a commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

*Guard dog* means any dog that will detect and warn its handler that an intruder is present in or near an area that is being secured.

*Humane officer or animal control officer* means any person designated by the state, a municipal government or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of the state.

*Immediate control* means ability to manage and direct the dog. This ability is not limited to direct physical control of the dog.

*Kennel* means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

*Livestock* means farm animals, including horses, ponies, cows, swine, sheep, chickens and other animals customarily kept as part of a farming operation.

*Owner* means any person, partnership or corporation owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

*Performing animal exhibition* means any spectacle, display, act or event, other than circuses, in which performing animals are used.

*Person* means any individual, business or combination inferred from the context of this article.

*Pet or companion animal* means any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter. However, in no event shall the terms "pet" or "companion animal" include livestock.

*Pet shop* means any person, partnership, or corporation, whether operated separately or in connection with another business enterprise (except for a licensed kennel), that buys, sells or boards any species of animal.

*Public nuisance* means any animals that unreasonably annoy humans, endanger the life or health of other animals or persons or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" means and includes, but is not limited to, any animal that:

- (1) Is found at large three or more times within a 12-month period;
- (2) Damages or intimidates pedestrians or passersby;
- (3) Chases vehicles;
- (4) Makes excessive noise such as would constitute a violation of chapter 28, article II, pertaining to noise;
- (5) Due to the owner's or keeper's violation of this article, causes unreasonable odor, creating unreasonable annoyance or discomfort to owners and occupants of properties adjacent to the premises where the animal is kept;
- (6) Due to the owner's or keeper's violation of this article, causes unsanitary conditions within or surrounding the animal's enclosure;

- (7) Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals maintained or the manner in which they are kept; or
- (8) Attacks other domestic animals.

*Restraint* means any animal secured by a leash or lead under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner.

*Unfit for purchase* means an animal, which suffers or dies of a disease or parasitic infection and is certified by a veterinarian within 30 days of the purchase date as having had the disease or condition on the date of purchase. A puppy, dog, kitten or cat, which suffers from a congenital or hereditary condition and is certified by a veterinarian as having that condition within one year of the date, is deemed unfit for purchase.

*Veterinary hospital* means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injury of animals.

*Vicious animal* means any animal that attacks, bites or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning or training, has a known propensity to attack, bite or injure human beings or domesticated animals.

*Wild animal* means any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds.

*Zoological park* means any facility operated by a person, partnership, corporation or government agency, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals.

(Code 1983, § 3-21; Ord. No. 04-027, § 1, 11-18-2004; Ord. No. 13-013, § 1, 6-24-2013)

### **Sec. 6-20. General requirements.**

(a) *Rabies vaccination.* See KRS 285.015 for provisions relating to rabies vaccination.

(b) *Killing, injuring or pursuing squirrels, rabbits, or birds.* It shall be unlawful for any person, at any time within the city, to kill, injure, pursue, molest or attempt to injure any squirrels or rabbits running at large in the city, or any birds other than birds of a predatory nature.

(c) *Livestock and poultry prohibited.* The keeping of livestock or poultry in the city is prohibited, except as part of a commercial animal establishment permitted pursuant to this article or as part of a farming operation conducted on property zoned for agricultural use under the city's zoning ordinance. No person shall permit or negligently allow livestock to run at large in the city.

(d) *Public nuisances prohibited.* It shall be unlawful for any person to keep or to have within the city an animal that habitually or repeatedly gets into garbage cans or bags, or damages flowers, gardens, shrubs or otherwise creates a public nuisance. This shall include, but not be limited to, the following actions: molests passersby or passing vehicles; attacks people or other animals; is repeatedly at large; damages public or private property; repeatedly barks, whines, or howls.

(e) *Sale of animals prohibited, except by licensed business.*

- (1) It shall be unlawful to sell, exchange, trade, barter, or display any horses, cattle or other livestock, dogs, cats, sheep, goats, chickens, or other poultry or fowl, except pursuant to a duly licensed pet store, stockyard, or breeding establishment conducting such sales or exchanges at its regular place of business and which business is duly licensed by the city, and that such sales shall be subject to the provisions of the Kentucky Revised Statutes governing the sale of livestock and animals.
- (2) This subsection (e) shall not apply to individual owners of animals or livestock, who may sell animals on an occasional basis with such sales being conducted on property owned or leased by them. An example of an exempt private sale by an individual is the occasional sale of a litter of puppies.

(f) *Prohibition against offering animals as prizes/awards.*

- (1) No person shall offer any live animal as a prize or award in connection with any raffle, protest, demonstration, promotion, or as an incentive to participate in any game, promotion, or otherwise.
- (2) The provisions of this subsection (f) shall not apply to any raffle or promotion conducted by a private, non-profit, livestock-related organization engaged in such activity at a show or exhibition sanctioned by the state department of agriculture.

(g) *Regulations concerning location of animal sales by individual or business.* No person shall offer to sell, offer for adoption or otherwise give away animals from any location, except individuals not otherwise doing business or as part of a recurring practice of selling or persons engaged in a business at a specific location licensed by the city government for such purpose.

(Code 1983, § 3-22; Ord. No. 04-027, § 2, 11-18-2004; Ord. No. 13-013, § 2, 6-24-2013)

**State law reference**—Rabies vaccination required of dogs, cats and ferrets, KRS 256.015.

**Sec. 6-21. Reserved.**

**Editor's note**—Ord. No. 2021-16, § 1, adopted Nov. 8, 2021, repealed § 6-21, which pertained to permits, fee and fines related to commercial animal establishments, animal shelters, animal training, kennels and other uses listed and derived from Code 1983, § 3-23; and Ord. No. 04-027, § 3, adopted Nov. 18, 2004.

**Sec. 6-22. Confinement and control of animals required.***(a) Dogs running at large.*

- (1) No dog shall be permitted to run at large, except under the immediate control of its owner or handler. Keeping a dog under the immediate control of its owner, handler or other person in charge of the animal shall be accomplished in one of the following ways:
  - a. Confined within an enclosure that complies with the requirements in subsection (b) of this section;
  - b. Firmly secured by means of a collar, chain or other device so that it cannot stray from the premises on which it is secured. Securing a dog by collar, chain or other device is further governed by section 6-25(f), which phases out the use of chains and ropes, other than as leashes; or
  - c. If off of the owner's or handler's premises, the animal shall be subject to the person's immediate control by means of a leash, portable pet carrier or other humane physical restraint.
- (2) Provided that the owner or handler of the dog is on the premises, a dog running within the confines of a public dog park shall be considered in compliance with this section.

*(b) Proper enclosures for canines.*

- (1) Enclosures for canines, adult and juvenile, shall be a fence or structure of sufficient height and construction to prevent the animal from leaving the owner's property. The fence or structure must be in good repair and fit to ground level or a fabricated structure that prevents the animal from digging out. Gates and doors must fit properly and must be locked or secured by a latch that prevents the animal from opening the gate or door.





- (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) Any person violating any provision of this chapter, for which another penalty is not provided, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$100.00 nor more than \$500.00 or be imprisoned for not less than one day nor more than seven days, or both.

(b) Any person violating the provisions of section 6-22 of this chapter shall be given a written warning for a first offense. Any person who violates the provisions of section 6-22 a second or subsequent time within a 12-month period may, in addition to any costs associated with impounding the animal, be guilty of a violation and upon conviction be subject to a fine of not less than \$25.00 nor more than \$250.00.

(c) Any person violating the provisions of section 6-23 of this chapter shall be deemed guilty of a Class B misdemeanor and upon conviction shall be fined not less than \$25.00 nor more than \$500.00 or imprisoned for not less than one day nor more than 30 days, or both so fined and imprisoned, for the first violation; for each subsequent violation, said person shall be deemed guilty of a Class A misdemeanor and fined not less than \$100.00 nor more than \$500.00 or imprisoned for not less than seven days nor more than 90 days or both so fined and imprisoned. Each day of violation shall constitute a separate offense. Likewise, each vicious animal for which the violation exists shall be considered a separate violation.

(d) Any person violating the provisions of section 6-26 of this chapter shall be deemed guilty of a misdemeanor and shall be fined not less than \$250.00, nor more than \$500.00. Each day of violation shall constitute a separate offense. Likewise, each wild animal for which the violation exists shall be considered a separate violation.

(e) Any person who violates section 6-29 of this chapter shall be deemed guilty of a violation and shall be fined \$50.00.

(Code 1983, § 3-33; Ord. No. 16-009, § 7, 9-12-2016; Ord. No. 18-006, § 6, 1-22-2018; Ord. No. 2021-16, § 2, 11-8-2021)

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

## Chapter 9

### **COMMUNICATION SERVICES**

- Sec. 9-1. General provisions.
- Sec. 9-2. Franchise requirements and characteristics.
- Sec. 9-3. Rights-of-way management and facilities requirements.
- Sec. 9-4. Miscellaneous.
- Sec. 9-5. Transitional provisions.
- Sec. 9-6. Franchisees providing communications service to customers.
- Sec. 9-7. Private communications facilities.
- Sec. 9-8. Liabilities and penalties.
- Sec. 9-9. Remedies not exclusive.
- Sec. 9-10. Review, termination and cancellation.
- Sec. 9-11. Foreclosure—Receivership.
- Sec. 9-12. Reports.
- Sec. 9-13. Books and records of the franchise.
- Sec. 9-14. Time of essence.
- Sec. 9-15. Equal employment opportunity.
- Sec. 9-16. Violations.
- Sec. 9-17. Enforcement and penalties.



**Sec. 9-1. General provisions.**

(a) *Declaration of findings.* The city hereby declares, as a legislative finding, that the rights-of-way controlled by the city:

- (1) Are unique and physically limited resources;
- (2) Are critical to the travel and transport of persons and property in the city;
- (3) Are intended for public uses and must be managed and controlled consistent with that intent;
- (4) Can be partially occupied by the facilities of providers of communications service, for the enhancement of the health, welfare, and general economic well-being of the city and its citizens; and
- (5) Should be subject to specific additional regulations imposed in a competitively neutral, non-discriminatory, and non-discretionary manner as established by this chapter to ensure coordination of providers of communications service, maximize available space, and facilitate entry of a maximum number of providers of communications service and other services in the public interest.

(b) *Title.* This chapter may be referred to and cited as the "Communications Service Franchise Ordinance."

(c) *Applicability.* The requirements of this chapter shall apply to the full extent of the terms herein and shall be limited in scope or application only to the extent as may be required by applicable federal or state law, including such changes in applicable law as may be hereinafter enacted. No provisions of this chapter shall be disregarded, pursuant to this subsection, except on express application to and determination by the city to such effect based on the specific factual circumstances demonstrated. The provisions of this chapter shall be deemed incorporated in each franchise granted.

(d) *Preservation of authority.* Any rights granted pursuant to this chapter and pursuant to any franchise authorized hereunder are subject to the authority of the city to adopt and enforce generally applicable ordinances necessary to the health, safety, and welfare of the public, as may be amended from time to time (to the extent not in conflict with state or federal law, or franchisee's franchise). Nothing in this chapter shall be deemed to waive a right, if any, that any party may have to seek judicial or regulatory review as to the provisions herein or as to actions of the parties under applicable federal, state, or local law currently in effect or as may hereinafter be amended.

(e) *Public inspection of records.* Certain information required to be filed with the city pursuant to this chapter is subject to inspection and copying by the public pursuant to the provisions of the Kentucky Open Records Act, KRS 61.870 et seq.

(f) *Indemnification.* As a condition of use of the rights-of-way, each franchisee, at its sole cost and expense, shall indemnify, protect, defend and hold harmless the city, its elected officials, officers, employees, and agents, from and against any and all claims, demands, losses, damages, liabilities, fines, charges, penalties, administrative and judicial proceedings

and orders, judgments, remedial actions of any kind, and all costs and expenses of any kind, including, without limitation, reasonable attorney's fees and costs of defense (the "indemnified obligations") arising, directly or indirectly, in whole or in part, out of or in relation to the city's award of the franchise to that franchisee, the rights granted to the franchisee, or the activities performed, or failed to be performed, by such franchisee under the franchise or use of the rights-of-way, except to the extent that such indemnified obligations arise from or are caused by the negligence or willful misconduct of the city, its elected officials, officers, or employees. This indemnification shall survive the expiration or termination of any franchise or removal of any system. The city shall give franchisee written notice of its obligation to indemnify the city within ten days of receipt of a claim or action pursuant to this section. In the event any such claim arises, the city shall tender the defense thereof to the franchisee and the franchisee shall have the right to defend, settle, or compromise any claims arising hereunder and the city shall cooperate fully herein. If the city determines in good faith that its interests cannot be represented by the franchisee, the franchisee shall be excused from any obligation to indemnify the city.

(g) *Compliance with laws.* In performing activities and exercising rights and obligations under any franchise, each franchisee and other holder of a franchise shall comply with all applicable federal and state laws, and, consistent with section 9-1(d), local laws, ordinances, regulations and policies, including, but not limited to, all laws, ordinances, regulations and policies relating to construction and use of rights-of-way and compliance with the Georgetown-Scott County Revenue Commission's regulations.

(h) *Enforcement; attorneys' fees.* The city shall be entitled to enforce this chapter and any franchise granted hereunder through all remedies lawfully available, and each franchisee shall pay the city its costs of enforcement, including, but not limited to, reasonable attorneys' fees, in the event that franchisee is determined judicially to have violated the terms of this franchise.

(i) *Relationship of the parties.* Under no circumstances shall any franchise authorized by this chapter be construed to create any relationship of agency, partnership, joint venture, or employment between the city and the franchisee.

(j) *Defined terms.* For purposes of this chapter, the following terms, phrases, words, and their derivatives shall have the meanings set forth in this section, unless the context clearly indicates that another meaning is intended. Words used in the present tense include the future tense, words in the singular number include the plural number, and words in the plural number include the singular. The words "shall" and "will" are mandatory, and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

*Affiliate* means, as to any person, each person, directly or indirectly, controlling, controlled by, or under common control with such person.

*Antenna* means any device that transmits or receives signals. Such signals include, but are not limited to, radio and infrared waves for voice, data or video communications purposes.

*City* means the City of Georgetown, Kentucky.

*Communications* means the transmission via the facilities, in whole or in part, of video, audio, data, writings, signs, signals, pictures, sounds or other forms of information or intelligence through wire, wireless or other electronic means, regardless of the federal or state statutory or regulatory scheme to which such transmissions may be subject.

*Communications service* means the transmission of communications via facilities, to a customer, or to any other person, including a private communications system owner's transmission of communications, via a private communications system, that is within or outside the territorial limits of the city. Communications service includes, but is not limited to, "telecommunications service," "enhanced service," "information service," "internet access service," "broadband service," "video programming service," "other programming service," and internet-based or "over the top" video service offerings, as those terms are now, or may in the future be, defined under federal law. The term also includes the use of all instrumentalities, facilities, conduits, apparatus and services or functionalities (among other things, the receipt, forwarding, storage, generation or delivery of communications) located within the territorial limits of the city, incidental to or designed to directly or indirectly facilitate or accept communications.

*Customer* means a person located within the territorial limits of the city who ultimately uses or is intended to ultimately use communications service provided by a franchisee and is the ultimate last user of a communications service.

*Facilities* mean any portion of a system located in, along, over, upon, under, or through the rights-of-way.

*FCC* means the Federal Communications Commission of the United States of America or any successor thereto.

*Franchise* means a franchise granted under this chapter, or any other franchise granted by the city pursuant to sections 163 and 164 of the Kentucky Constitution, or by the Kentucky General Assembly prior to the adoption of sections 163 and 164 of the Kentucky Constitution, which permits a franchisee to install or operate any facilities in the rights-of-way to provide communications service. Use of this definition in this chapter is not intended to include any license or permit for the privilege of transacting and carrying on a business within the city, as may be required by any other ordinance or laws of the city or the state.

*Franchise fee* means for the purposes of this chapter any fee that may be imposed by the city on franchisee as compensation for franchisee's use of public rights-of-way and roads. Use of this definition in this chapter is without prejudice to any rights the city may have under federal and Kentucky law as they may be amended.

*Franchisee* means the person to whom a franchise is granted.

*Gross revenues* means any and all revenue, as determined in accordance with generally accepted accounting principles ("GAAP") received by the franchisee including franchisee's

affiliates, from the operation of the franchisee's system to provide communications services within the territorial limits of the city. Gross revenues include, by way of illustration and not limitation, monthly fees charged subscribers for communication service, installation, disconnection, reconnection and change-in-service fees, remote control rental fees, late fees and administrative fees, revenues from rentals of converters, modems or other communications system equipment, advertising revenues (less agency fees), the fair market value of consideration received by the franchisee for use of the franchisee's system to provide communication service within the territorial limits of the city and accounted for as revenue under GAAP, revenues from on-screen program guides, additional outlet fees, franchise fees, revenue from the sale or carriage of other communication services, and revenue attributable to the communication system from carriage of home shopping channels and other revenue-sharing arrangements. Gross revenues shall include revenue received by any entity other than franchisee where necessary to prevent evasion or avoidance of the obligations under this franchise to pay franchise fees. Gross revenues shall not include (i) to the extent consistent with GAAP, bad debt; provided, however, that all or part of any such bad debt that is written off but subsequently collected shall be included in gross revenues in the period collected; (ii) any taxes on communication services furnished by the franchisee which are imposed directly on any subscriber or user by the state, city or other governmental unit and which are collected by the franchisee on behalf of said governmental unit, including, but not limited to, the FCC user fee, but the franchise fee is not such a tax; (iii) any credits or refunds given to subscribers; or (iv) deposits (for equipment or bad credit), as long as those monies are not considered revenue under GAAPs, or transferees.

*Lessee* means a person who provides communications service within the city solely by leasing facilities and who has no control over what, where or how any facilities are erected, installed, maintained, operated, repaired, removed, restored or otherwise used.

*Person* means individual, partnership, association, corporation, joint venture, legal entity or organization of any kind.

*Private communications system* means a system used for delivering communications by a person solely in connection with the communications needs of such person's business, provided that such person does not use, or permit the use of, such system to provide communications service to a customer or any other person in the city.

*Private communications system owner* means a person that owns or leases a private communications system.

*Reseller service provider* means a person who provides communications service within the city solely by reselling communications service and who has no control over what, where or how any facilities are erected, installed, maintained, operated, repaired, removed, restored or otherwise used.

*Rights-of-way* means the surface and space on, above, and below every street, alley, road, highway, lane or other property dedicated or commonly used now or hereafter for utility



purposes and facilities in the city. Rights-of-way shall not include public property owned or leased by the city and not intended for rights-of-way use, including, but not limited to, parks, public works property, buildings or overhead lighting.

*State* means the Commonwealth of Kentucky.

*System* means any and all equipment, structures, materials or tangible components located in the rights-of-way and used to provide communications service, including without limitation all plant (whether inside or outside), cabinets, surface location markers, fiber strands, electronic equipment, amplification equipment, optic equipment, transmission and distribution structures, antennae, lines, poles, pipes, mains, conduit, ducts, regenerators, repeaters, vaults, pedestals, manholes, handholds, pull boxes, splice closures, wires, cables, towers, wave guides, and anything else designed and constructed for the purpose of producing, receiving, amplifying or distributing communications service.

(Ord. No. 2021-05, § 1, 3-22-21)

**Sec. 9-2. Franchise requirements and characteristics.**

(a) *Unlawful to operate without a franchise.* Unless otherwise specifically authorized under applicable federal or state law, it shall be unlawful for any person to own, erect, install, maintain, operate, repair, replace, remove or restore any facilities in the rights-of-way in the city that are used to provide communications services within the territorial limits of the city without a valid, unexpired franchise from the city. Unless otherwise provided hereinafter by city ordinance, reseller service providers and lessees shall not be required to obtain a franchise. Private communication systems shall not require a franchise but shall be licensed pursuant to section 9-7.

(b) *Franchises nonexclusive.* The authority granted by the city in any franchise shall be for the nonexclusive use of the rights-of-way. The city specifically reserves the right to grant, at any time, such additional franchises or other rights to use the rights-of-way for any purpose to any other person, including itself, as it deems appropriate, subject to all applicable laws.

(c) *Nature of rights granted by any franchise.* Franchises shall not convey title, equitable or legal, in the rights-of-way, and shall give only the right to occupy rights-of-way, for the purposes and for the period stated in this chapter and as may be further modified by the franchise in a nondiscriminatory and competitively neutral manner. No franchise may excuse franchisee from obtaining appropriate access or attachment agreements before locating its facilities on another person's facilities. All franchises shall be deemed to incorporate and be limited by the provisions of this chapter.

(d) *Application and application fee required.* Applications for an original franchise granted hereunder shall be filed with the city pursuant to the advertisement. All applications received by the city from the applicants will become the sole property of the city. Applicants shall submit all requested information as provided by the terms of this chapter. The following information must be complete and verified as true by the applicant:

- (1) *Application fee.* Applications shall be accompanied by a non-refundable application fee of \$5,000.00 payable to the "City of Georgetown." The application fee shall be

established at the rate set forth above, effective upon final passage of this chapter. Thereafter, the application fee shall be altered every two years, to the nearest \$10.00 increment, if required, in proportional change to the most recently published Consumer Price Index (CPI) for telecommunications services at the time. The application fee shall defray in whole or part the city's costs to process any application filed under this chapter and negotiate, award and administer any franchise.

- (2) *Name and address of applicant.* The applicant's name, address, e-mail address and telephone and facsimile numbers; date of application and signature of applicant or appropriate corporate officer(s); the name, address and e-mail address, and telephone and facsimile numbers of a local representative who shall be reasonably available at all times; and information regarding how to contact the local representative in an emergency.
- (3) *Description of proposed system.* Applicants for an original franchise to construct a new system shall provide a description of the proposed system. At a minimum, the description shall include:
  - a. A general description of the project by geographical area.
  - b. A description of the proposed system components to include but not be limited to:
    1. Anticipated number and general location of small cell antennae;
    2. Location (aerial/underground) of fiber. Where possible, provide estimated percent aerial and percent underground;
    3. Anticipated ground level elements (GLEs) and general locations.
  - c. For underground fiber installation, a summary of proposed installation methodologies. The narrative shall address compliance with FCC standards as related to applicable equipment, such as small cell antennae and current acceptable radio frequency (RF) design standards currently in practice, as well as to those standards found in local ordinances and/or regulations.
  - d. Discussion of anticipated project phasing based on geographic and/or rights-of-way limitations, limitations imposed by local events and those internal limitations affected by finance and project logistics.
- (4) *Communications service.* The applicant shall provide a statement setting forth a general description of the communications service the applicant plans to provide over the system.
- (5) *Applicant organization.* The applicant shall be a corporation or limited liability company, partnership or other person authorized to do business in the state. Said authorization shall be certified by the secretary of state (but only to the extent such certification is applicable to the applicant). The applicant must fully disclose the ownership of the proposed facilities and system.

- (6) *Georgetown-Scott County Revenue Commission.* The applicant must comply with the Georgetown-Scott County Revenue Commission as a qualification for being granted a franchise.
- (7) *Additional requirements.*
- a. Supplementary, additional or other information that the applicant deems reasonable for consideration may be submitted at the same time as its application but must be submitted in triplicate in hardcopy. The city may, at its discretion, consider such additional information as part of the application.
  - b. Applications may be modified at any time prior to the opening of the applications, provided that any modifications must be duly executed in the manner that the applicant's application must be executed.
  - c. A copy of the applicant's certificate of authority from the Public Service Commission ("PSC") where the applicant is lawfully required to have such certificate from the PSC.
  - d. A copy of the applicant's certificate of authority from the FCC where the applicant is lawfully required to have such certificate from the FCC.
  - e. A copy of all insurance certificates required under this chapter.
  - f. A statement signed by the applicant acknowledging that the applicant agrees to be bound by all provisions of this chapter and the franchise granted by the city and agrees to obtain all applicable permits and authorizations prior to constructing, installing, or operating a system in the rights-of-way.
  - g. The information provided by applicant shall be certified as true and correct, and applicant shall be responsible to certify to the city any material changes to the information provided in the completed application during the term of any franchise.
- (8) *Supplementation to applications.* The city reserves the right to require such supplementary, additional or other information that it deems reasonably necessary for its determinations.
- (9) *The city's rights reserved.* The city reserves the right to waive all formalities and/or technicalities where the best interest of the city may be served, provided that it shall exercise this right in a nondiscriminatory and competitively neutral manner.

(e) *Standards and procedures for approval or renewal of franchises.* Franchises shall be granted in accordance with Kentucky Constitution sections 163 and 164. The city shall grant franchises or renewals to any eligible franchisee for the right and privilege to construct, own, operate, repair, replace and maintain facilities in, through and along the city's rights-of-way for the purposes of providing communications service on a nonexclusive basis within the city, subject, however, to the standards, terms and conditions herein set forth within this chapter, and any special conditions as may be provided for in the franchise. All franchisees shall be

required to obtain and maintain any necessary and lawful permit, license certification, grant, registration or any other authorization required by any appropriate governmental entity, including, but not limited to, the city, the FCC and the PSC.

(f) *Acceptance and effective date of franchise.* Any franchise granted hereunder, together with the rights, privileges and authority granted thereby, shall take effect and be in force from and after the effective date of an ordinance granting a franchise hereunder, provided that on or before that date franchisee shall:

- (1) Enter into and execute such agreements and documents as required by the city that are consistent with the terms and provisions of this chapter and applicable law;
- (2) File such bond or bonds as required in this chapter; and
- (3) Advise the city in writing of franchisee's address for mail and official notifications from the city.

(g) *Use of rights-of-way; police powers; franchisee's use subordinate.* A franchisee shall construct and maintain its facilities in accordance with all applicable federal, state and local laws, including all permit requirements and associated fee payments, and all other city codes and ordinances in effect as of the date of the award of its franchise or thereafter adopted or amended, to the extent permitted by state or federal law, subject to section 9-1(d). The grant of a franchise does not in any way affect the continuing authority of the city, through the proper exercise of its home rule or statutory powers, to adopt and enforce ordinances necessary to provide for the health, safety and welfare of the public. The city makes no express or implied representation or warranty regarding its rights to authorize the installation or construction of facilities on any particular segment of rights-of-way. The burden and responsibility for making all such determinations in advance of construction or installation shall be entirely upon the franchisee. The use of the rights-of-way authorized by any franchise shall in all matters be subordinate to the city's lawful use and rights therein, without limiting the generality of the following:

- (1) All rights and privileges granted herein are subject to the police powers of the city and its rights under applicable laws and regulations to regulate the construction, operation, and maintenance of franchisee's system, subject to section 9-1(d), including, but not limited to, the right to adopt and enforce additional ordinances and regulations as the city shall find necessary in the exercise of its police powers, the right to adopt and enforce applicable zoning, building, permitting and safety ordinances and regulations, the right to adopt and enforce regulations relating to equal employment opportunities, and the right to adopt and enforce ordinances and regulations concerning the rights-of-way and utility standards.
- (2) The city reserves the right to exercise its police powers. Any conflict between the provisions of this chapter or a franchise and any other present or future lawful exercise of the city's police powers shall be resolved in favor of the police powers.

(3) Franchisee shall not be excused from complying with any of the requirements of this chapter, or any subsequently adopted and lawfully binding amendments to this chapter, by any failure of the city on any one or more occasions to seek, or insist upon, compliance with such requirements or provisions.

(h) *Emergencies.*

(1) Franchisee shall assign a management level individual to coordinate with, and assist, the city in the development of emergency plans.

(2) If at any time, in case of fire or disaster or other emergency situation in the city, it shall become necessary in the reasonable judgment of the city to cut raise, lower, or relocate any facilities, such cutting raising, lowering, or relocating may be done, and any repairs rendered necessary thereby shall be made by franchisee, at its sole expense. Nothing in this chapter shall prohibit or limit any rights of a franchisee under applicable law to recover its reasonable costs incurred pursuant to this section 9-2(h) to cut, raise, lower, or relocate facilities from the person(s) responsible for the fire, disaster, or other emergency situation.

(i) *Term.* Any franchise created herein by this chapter shall continue for a period of ten years from and after the effective date of the franchise agreement between the parties. The city may, by ordinance, extend the terms of any franchise agreement awarded pursuant to this chapter by no more than two five-year periods for a total franchise term of no more than 20 years.

(j) *Franchise fees.*

(1) Franchisees shall pay a franchise fee to the city, which shall be the greater of either (i) five percent of franchisee's gross revenue or (ii) \$270.00 per antenna in the rights-of-way and shall be payable as follows:

a. The payment of the franchise fee shall be in addition to any other tax or payment owed to the city by franchisee, subject to applicable law.

b. If the franchise fee payment is based on gross revenues, the franchise fee shall be payable quarterly to the city, and the franchisee shall file a complete and accurate report, signed by and certified as accurate by a financial representative of the franchisee. If the franchise fee payment is based on gross revenues, the report shall contain all gross revenues received within the territorial limits of the city during the previous three-month period; said payment shall be remitted to the city no later than 45 days after the expiration of the quarter due. The gross revenue report from operations of the franchisee within the franchise area shall be prepared by a qualified financial representative in accordance with generally acceptable accounting principles and shall include a quarterly schedule of gross revenue by category and a schedule of gross revenue upon which the franchise fee is based.

c. If the franchise fee payment is based on the number of antennas in the city, the franchise fee shall be payable annually to the city, and the franchisee shall file

a complete and accurate report, signed by and certified as accurate by a financial representative of the franchisee. The report should include the number of antennas in the city during the previous year period, and said payment shall be remitted to the city no later than February 15<sup>th</sup> of the year due.

- d. Upon 30 days' written notice, the city shall have the right to inspect the records relating to gross revenues and/or the number of antennas at a mutually agreed upon location, as well as the right to audit and re-compute any amounts determined to be payable under this chapter; provided, however, that such audit shall take place within 12 months following the close of each of the franchisee's fiscal years. If, as a result of such inspection, the city determines that franchisee has underpaid its fees in any 12-month period by five percent or more, then, in addition to making full payment of the relevant obligation, franchisee shall reimburse the city for all of the verifiable, out of pocket costs associated with the audit or review, including costs for attorneys and accountants. Any additional undisputed amount due to the city as a result of an audit or review shall be paid within the 30 days following written notice to the franchisee by the city, which notice shall include a copy of the audit report and copies of all invoices for which the city seeks reimbursement.
- e. In the event that any franchise fee payment or recomputed amount is not made on or before the applicable dates heretofore specified, interest shall accrue from such date at the rate of prime plus one percent per annum, for the period of delinquency.

- (2) The city reserves the right to require the franchisee to collect any consumer or other tax or other fee that may be imposed by the city, the Commonwealth of Kentucky, or the federal government on communication services. The city acknowledges that such items may be reflected as separate line items on subscribers' bills.
- (3) Notwithstanding anything contained in this chapter, upon 120 days' notice to franchisees, the city may opt to set any franchise fees at the maximum amount allowed under applicable law.

(k) *No accord and satisfaction.* No acceptance by the city of any franchise fees or any other payment shall be construed as an accord that the amount paid is in fact the correct amount, nor shall acceptance of any franchise fees or any other payment be construed as a release of any claim of the city.

(l) *Franchise fees not a tax; payment of taxes.* The franchise fees are compensation for the use of the rights-of-way and shall in no way be deemed a tax of any kind. The franchise fees required herein shall be in addition to, not in lieu of, any and all taxes, charges, assessments, licenses, fees and impositions otherwise applicable to franchisee that are or may be imposed by the city. A franchisee shall be fully responsible for the payment of all applicable taxes.



(m) *Description of communications service.* During the term of the franchise, franchisee shall provide the city with a description of any material changes to the types of communications service offered over its facilities in the rights-of-way within the city during the prior year. Any individual communications service or item for which the franchisee has a separate charge shall be considered a separate communications service.

(n) *Assignment of franchise.* A franchisee shall provide the city with written notice of any transfer or assignment of the franchise. A franchisee shall not sell, assign, sublet, dispose of or otherwise transfer a franchise (or any of the rights or privileges granted by such franchise), franchisee's system, or control of franchisee to another entity other than by operation of law or to an entity controlling, controlled by, or under common control with the franchisee, without the prior written consent of the city, which consent shall not be unreasonably withheld. No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of the franchisee in the franchise or system to secure indebtedness. No transfer of control of the franchisee defined as an acquisition of 51 percent or greater ownership interest in franchisee shall take place without the prior written consent of the city. The city's consent to such a transfer shall not be withheld if the acquiring entity would have qualified for an original franchise had it applied and if the acquiring entity demonstrates it has the same or equivalent insurance coverage and bonds in place as was required of the original franchisee. Nothing in any approval by the city of any transfer pursuant to this section shall be construed to waive, release or delegate any rights or powers of the city to hold the original franchisee liable for any violation of its franchise.

(o) *Forfeiture of franchise and privilege.* In case of failure on the part of a franchisee, its successors and assigns, to comply with any of the material provisions of this chapter or its franchise, or if the franchisee, its successors and assigns, should do or cause to be done any material act or thing prohibited by or in material violation of this chapter or the terms of its franchise, the franchisee, its successors and assigns, shall forfeit all rights and privileges permitted by this chapter and its franchise, and all rights hereunder shall cease, terminate and become null and void, provided that said forfeiture shall not take effect until the city shall carry out the proceedings specified in section 9-10(b).

(p) *Security for payment of fees.* Every franchisee shall provide to the city an irrevocable letter of credit or deposit of cash in the amount of \$25,000.00 or one-half of the annual franchise fees owed, whichever is less, to secure the payment of the franchise fees for the first two (2) years in which the franchisee is subject to a franchise fees. If, thereafter, there has been no default in paying the franchise fees nor any late payment of the franchise fees, the letter of credit shall be released or cash deposit returned.

(Ord. No. 2021-05, § 1, 3-22-21)

**Sec. 9-3. Rights-of-way management and facilities requirements.**

(a) *Encroachment permit.* A franchisee shall be subject to and comply with chapter 32, article IV Georgetown Code of Ordinances (sections 32-74 through 32-88) and any additional or supplementary terms and conditions of any encroachment on rights-of-way permit, as may be amended from time to time, subject to section 9-1(d).

(b) *Removal of facilities.* Upon expiration of a franchise, whether by lapse of time, by agreement between the franchisee and the city, or by forfeiture thereof, the franchisee shall remove, at its sole cost, from the rights-of-way any and all of its facilities that are the subject of such franchise within a reasonable time after such expiration, not to exceed 90 days, and, it shall be the duty of the franchisee immediately upon such removal to restore the rights-of-way from which the facilities are removed to as good condition as the same were before the removal was effected and as required by the city. Notwithstanding the foregoing, the city may allow facilities to be left in place when the city determines in its sole discretion that it is not practical or desirable to require removal. said removal shall be in compliance with chapter 32, article IV Georgetown Code of Ordinances (sections 32-74 through 32-88) and any additional or supplementary terms and conditions of any removal, as may be amended from time to time, subject to section 9-1(d).

(c) *Relocation of facilities.* Whenever the city shall, in its exercise of the public interest, request that the franchisee relocate or reinstall any of its facilities, the franchisee shall, upon ten days' written notice, remove, relocate, or reinstall any such facilities as may be reasonably necessary to meet the request. The cost of such relocation, removal, or reinstallation of the facilities shall be the exclusive obligation of the franchisee. Upon request of any other person requesting relocation of facilities and holding a validly issued building or moving permit of the city, a franchisee shall, within ten days, temporarily raise, lower, or relocate its wires or other facilities as may be required for the person to exercise the rights under the permit; however, the franchisee may require such permit holder to make payment to franchisee in advance for any expenses incurred by the franchisee to temporarily move its facilities pursuant to such person's request. To the extent that any utility or other right-of-way occupant is required to remove or relocate its facilities as part of the same of related right-of-way alteration, route or location change affecting franchisee, franchisee shall not be treated in a discriminatory manner relative to such utilities. Franchisee shall receive no less advance notice and shall be provided the same right to reimbursement for removing or relocating its facilities as any utility receives from the city.

(d) *Franchisee responsible for costs.* A franchisee shall be responsible for all reasonable costs incurred by the city that are directly associated with the franchisee's erecting, installing, maintaining, operating, repairing, replacing, removing or restoring its facilities in the rights-of-way. A franchisee shall be responsible for its own costs incurred in removing or relocating its facilities when required by the city due to the city requirements relating to maintenance and use of the rights-of-way for the city purposes.

(e) *Insurance and bonds.* During the term of any franchise, a franchisee shall obtain and maintain at its sole expense all insurance and bonds required by this chapter. It is expressly understood that the city does not in any way represent that the specified limits of liability or coverage or policy forms are sufficient or adequate to protect the interest or liabilities of franchisee.

- (1) Franchisee shall file with the city a franchise bond in the amount of \$50,000.00, which shall be required to be in place for the entire term of the franchise.



Additionally, a franchisee seeking to construct or install a system in the city shall file with the city a performance bond in an amount to be determined by the city, provided that said amount shall not exceed the actual cost of the construction project. In no event shall the amount of the performance bond required by the city exceed the reasonable costs of repairing the rights-of-way in the event of non-performance by the franchisee. The performance bond shall provide for the faithful performance of construction and installation of franchisee's system. Two years after demonstration of the completion of the construction of the system by franchisee to the city, the city shall release the performance bond.

- (2) The performance bond shall indemnify the city, in its own right and as trustee, from any damages or losses arising out of the failure of franchisee to faithfully perform and satisfactorily complete construction of the system in accordance with this chapter.
- (3) The failure of franchisee to comply with its obligations under this chapter or the franchise, as determined by the city, shall entitle the city to draw against either or both of franchisee's performance and franchise bonds, subject to section 9-10(b).
- (4) The rights reserved to the city with respect to the performance and franchise bonds required hereunder are in addition to all other rights of the city, whether reserved by this chapter or authorized by law, and no action, proceeding or exercise of a right with respect to such performance or franchise bonds shall affect any other rights the city may have.
- (5) Unless otherwise released by the city, the performance or franchise bonds required hereunder shall not expire or be materially altered without 30 days' written notice and without securing and delivering to the city a substitute, renewal and replacement bond in conformance with this chapter. In the event the city does draw monies against the performance bond required hereunder, within ten days thereafter, franchisee shall pay such funds to the bonding company as necessary to bring said performance and/or franchise bonds back to the applicable principal, where it shall continue to be maintained. The performance and franchise bonds required hereunder shall contain the following endorsements:

"It is hereby understood and agreed that this bond may not be reduced, altered or canceled by Franchisee or Surety without thirty (30) days' written notice, by certified mail, to the City of Georgetown. Such termination or cancellation shall have no effect on any liability incurred or accrued under this bond prior to the effective date of such termination or cancellation."

- (6) Immediately upon the effective date of the ordinance granting a franchise under this chapter, franchisee shall file with the city the following proof of liability insurance issued by a company(ies) authorized to do business in the Commonwealth of Kentucky with an AM Best Rating of "A minus" (A-) or better:
  - a. General liability insurance, via an occurrence form, covering bodily injury, including death, personal injury and property damage, and including completed

operations, contractual liability, independent contractors' protective liability and personal injury liability protection. The minimum acceptable limit of liability amount is \$3,000,000.00 per occurrence and aggregate under a combined single limit. This policy must include the city, including its mayor and city council members officials, boards, members, agents, and employees, as additional insureds as respects all operations of the insured franchisee. The city reserves the right to make reasonable increases in the required amount of insurance coverage herein at any time, subject to section 9-5(a)(2) of this chapter. Nothing herein is intended as a limitation on the extent of any legal liability of the franchisee.

- b. Automobile liability, insuring all owned, non-owned and hired motor vehicles of franchisee. The minimum coverage liability limit shall be \$1,000,000.00 combined single limit for any one accident. The limit of liability may be subject to increase according to any applicable state or federal transportation regulations.
  - c. Workers' compensation (if applicable), insuring the employers' obligations under KRS ch. 342 at statutory limits.
- (7) Franchisee shall maintain on file with the city a certificate of insurance certifying the coverage required under this chapter, which certificate shall be subject to the approval of the city as to the adequacy of the certificate and of the insurance certified under the requirements of this chapter. Such certificate shall be identified on its face by the name of franchisee, and shall be submitted to the city, in accordance with the terms and conditions of this chapter. Failure to maintain adequate insurance as required under this chapter shall be deemed a breach of the franchise, subject to the notice and cure provisions in section 9-10(b).
- (8) The city reserves the right to make reasonable increases in the amount of insurance coverage referred to in this section at any time, subject to section 9-5(a)(2) of this chapter.
- (9) The following clause shall be added to franchisee's commercial general liability policies:
- "The City of Georgetown, its elected and appointed officials, employees, agents and successors are added as an "additional insured" as respects operations of the Named Insured performed relative to the Franchise."
- (f) *Permits.* Prior to performing any construction or installation work in the public rights-of-way, franchisee shall apply to the city for any necessary permit(s) and shall include descriptive information about the specific location of any lines, facilities, boxes, or related equipment. All terms and conditions of the permit application shall apply and be adhered to. In the case of emergencies, the franchisee may perform critical work and at its earliest opportunity seek any required permit(s) and submit any applicable fees.
- (1) Franchisee shall furnish detailed plans of the work to be done within the rights-of-way and provide other such information as required by the city.

- (2) Franchisee shall coordinate any construction work within the rights-of-way with the city and shall begin construction work only after approval by the city, unless work is performed under emergency operations.
- (3) All permits issued by the city shall be available for inspection by city personnel at the indicated work site.

(g) *Notification.* Franchisee shall notify the city, in writing or by electronic mail or, at least 15 days prior to non-emergency construction. Such written notification shall contain the location of the construction, the starting date and the estimated completion date.

(h) *Standards.* Any work required or performed pursuant to this chapter shall be done in accordance with federal, state and local law, and the National Electric Safety Code.

- (1) In the event that franchisee leases space on the poles or in the conduits of an electric or other utility, franchisee shall abide by the construction and other requirements of that utility, and the granting of a franchise by the city shall not be construed or interpreted in any way to alleviate franchisee's responsibilities and obligations to a pole or conduit owner on whose poles and/or conduit franchisee leases space.
- (2) Franchisee, its contractors, sub-subcontractors and anyone directly or indirectly employed by franchisee shall conduct such operations so as to promote and preserve the public safety and general welfare of the citizens of the city.
- (3) All construction, installation or maintenance by franchisee shall be completed with diligence and with respect to all interests and rights of the public.

(i) *Traffic.* Franchisee's work in the rights-of-way shall be accomplished with a minimum of disruption and interference to the free flow of vehicular and pedestrian traffic on the rights-of-way or public land.

- (1) Franchisee shall maintain lanes of vehicular traffic in each direction at all times during construction, installation or maintenance activity.
- (2) Traffic control devices to protect and control pedestrian and vehicular traffic in any construction, maintenance or installation areas may be prescribed by the city in accordance with the Manual on Uniform Traffic Control Devices or in accordance with the Kentucky Transportation Cabinet traffic control requirements when operating in a state right-of-way.

(j) *Delay.* Improvements to city rights-of-way conducted by the city or its contractors shall not be delayed by any franchisee work authorized by this chapter.

(k) *Special exceptions.* Any special exceptions granted shall be granted in a non-discriminatory manner. The city may grant a special exception to the requirements of this chapter if a franchisee, upon application, demonstrates with written evidence that:

- (1) The exception will not create any threat to the public health, safety or welfare;

- (2) The increased economic burden and the potential adverse impact on franchisee's construction schedule resulting from the strict enforcement of the requirement would actually or effectively prohibit the ability of franchisee to provide communications service in the city; and
- (3) The requirement unreasonably discriminates against franchisee in favor of another comparable communications service provider.

(l) *Inspections.* All construction, installation and operation of franchisee's system in the rights-of-way are subject to inspection by the city.

(m) *Repair of sunken pavement over excavation.* In case the pavement or the surface of the rights-of-way over any excavation should become depressed or broken at any time within five years after the excavation has been completed and before resurfacing of the rights-of-way or any intervening excavation by another entity, natural wear of the surface excepted, franchisee shall, upon written notice from the city, immediately proceed to inspect the depressed or broken area over the excavation to ascertain the cause of the failure. Franchisee shall make repairs to the installation or backfill and have the pavement restored, as specified by the city, within such reasonable time period; however, said time period shall not be less than ten calendar days, as may be specified by the city. If the pavement is not restored as specified by the city and within the time period specified by the city, and unless delayed by a strike or conditions beyond franchisee's control, the city may cause the work to be done after giving franchisee 24 hours' final notice. The cost thereof, including, but not limited to, any inspection costs and administrative overhead incurred by the city, shall be assessed against franchisee.

(n) In the event that the use of any part of the system is discontinued for any reason by any franchisee for a continuous period of 12 months, or in the event such system or facility has been installed in rights-of-way without complying with requirements of this chapter or the rights granted hereunder have been terminated, cancelled or have expired, the franchisee shall promptly remove from the rights-of-way all such facilities of such system, other than any which the city may permit to be abandoned in place. In the event of such removal, the franchisee shall promptly restore the rights-of-way from which such facilities have been removed to a condition satisfactory to the city. Any facilities of a franchisee to be abandoned in place shall be abandoned in such manner as the city may prescribe. upon a permanent abandonment of the facilities of a franchisee in place, the franchisee shall submit to the city an instrument to be approved by the city, transferring to the city the ownership of such facilities.

(o) During any phase of construction, installation, maintenance or repair of the system, the franchisee shall use materials of good and durable quality. All such work shall be performed in a safe, thorough and reliable manner and in compliance with city ordinances and regulations, as amended.

(Ord. No. 2021-05, § 1, 3-22-21)

**Sec. 9-4. Miscellaneous.**

(a) *Administration of franchise.* The city shall be responsible for the continued administration of this chapter and any franchises granted hereunder.

(b) *Non-enforcement by the city.* A franchisee shall not be relieved of its obligation to comply with any of the provisions of this chapter or its applicable franchise by reason of any failure of the city to enforce prompt compliance.

(c) *Publication of notices.* A franchisee shall be responsible for all costs of publication that may be required with respect to its franchise or any amendments or renewals thereto.

(d) *Severability.* If any material provision of this chapter or of any franchise granted pursuant to this chapter is held by a court or other competent governmental authority of competent jurisdiction to be invalid or unlawful as conflicting with applicable laws now or hereafter in effect, or is held by a court or competent governmental authority to be modified in any way in order to conform to the requirements of any such applicable laws, such provision shall be considered a separate, distinct, and independent part of this chapter or the franchise, and, to the extent possible, such holding shall not affect the validity and enforceability of all other provisions herein or therein.

(Ord. No. 2021-05, § 1, 3-22-21)

**Sec. 9-5. Transitional provisions.**

(a) *Existing franchises.* Franchises previously granted shall be deemed to continue through their current expiration date.

(b) Further amendments of the chapter shall be deemed accepted by a franchisee unless, within 60 days of any further amendments, a franchisee indicates in writing it does not accept the amendments as part of its franchise. Upon such notice of non-acceptance, said franchisee and the city may renegotiate or terminate the franchisee's franchise pursuant to all local, state and federal law.

(c) The franchise shall contain such further conditions or provisions as may be negotiated between the city and the franchisee. In the case of such conflict or ambiguity between any terms or provisions of the franchise and this chapter, the words of the franchise shall be deemed to control.

(d) *Transitional provisions to be narrowly interpreted.* It is the intent of the city to apply the provisions of this chapter to all owners or operators of communications systems with facilities, including local exchange carriers, that now occupy or may in the future occupy rights-of-way, except to the extent federal or state law prevents the city from doing so.

(Ord. No. 2021-05, § 1, 3-22-21)

**Sec. 9-6. Franchisees providing communications service to customers.**

All franchisees providing communications service to customers shall, to the greatest extent applicable:

- (1) At all times comply, at a minimum, with the FCC requirements for emergency alert systems that are specifically applicable to their communications services.

- (2) Provide to every customer access to public, educational and government access channels that are available on the city's website, not to exceed two, at no cost to the city. Additional channels may be negotiated, with both parties' consent, in the franchise agreement.
  - (3) Maintain a publicly listed telephone number.
  - (4) Employ an operator or maintain a telephone answering device 24 hours per day, each day of the year, to receive customer complaints.
  - (5) Upon customer's termination of the communications services, permit customers to return any equipment that franchisee requires to be returned upon such termination at franchisee's expense and advise customers of this option when customers inquire about returning equipment. These expenses do not include the cost for use of the equipment before termination of the communications services.
  - (6) Indemnify the city, pursuant to section 9-1(f), against any alleged infringement of patent or copyright or any other legal infringement in the transmission of materials through the system, except to the extent any infringement arises from or is caused by the city's or another person's use of the system, including for any public, educational, and government access channels. Nothing herein is intended as a limitation on the extent of any legal liability of the franchisee.
- (Ord. No. 2021-05, § 1, 3-22-21)

**Sec. 9-7. Private communications facilities.**

(a) *Application for license.* A person wishing to erect, install, maintain, operate, repair, replace, remove or restore a private communications system in the rights-of-way must obtain a license therefor from the city. Such license shall only authorize placement of the private communications system in a specific portion of the rights-of-way for a limited period of time and for a specific purpose in connection with the person's business and shall not permit the use of the private communications system to provide communications service to any other customer or person in the city. Such person shall submit an application to the city on such form as may be developed by the city, accompanied by such application fee as may be determined by the city.

(b) *Conditions of license.* Any license shall be subject to such conditions as the city may from time to time establish, shall be expressly subordinate to the use of the rights-of-way by the city and franchisees and shall otherwise conform to the requirements of this chapter.

(c) *Compensation.* A private communications system owner shall pay a fee established by the city from time to time to reflect the cost to the city for management of the rights-of-way used.

(Ord. No. 2021-05, § 1, 3-22-21)

**Sec. 9-8. Liabilities and penalties.**

Except as expressly stated in this chapter, the express or implied repeal or amendment by this chapter of any ordinance or part thereof shall not affect any liabilities accrued, penalties

incurred or proceedings begun prior to the effective date of this chapter. Those liabilities and penalties are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this chapter had not been adopted.

(Ord. No. 2021-05, § 1, 3-22-21)

**Sec. 9-9. Remedies not exclusive.**

The rights and remedies of the city and the franchisee, as set forth in their franchise or in this chapter, shall be in addition to, and not in limitation of, any other rights and remedies provided by law or in equity.

(Ord. No. 2021-05, § 1, 3-22-21)

**Sec. 9-10. Review, termination and cancellation.**

(a) To provide for technological changes in the state of the art of communications services, to facilitate renewal procedures, and to achieve continuing, advanced, modern systems for the city, a franchisee shall comply with the following review provisions:

- (1) The city may hold review sessions which shall be open to the public, and notice shall be given by advertisement in a newspaper of general circulation at least one week before each session.
- (2) Either the city or the franchisee may select additional topics for discussion at any regular or special review session.
- (3) Any topic proposed for discussion at any regular or special review session by a resident of the city and supported by a petition bearing the signature of 30 city residents shall be included in the list of topics for discussion.

(b) *Termination.*

- (1) The city may terminate any franchise in accordance herewith in the event of the violation of any material provision hereof or of any rule or regulation promulgated pursuant hereto or of any applicable federal, state, or local law or the breach or other failure, refusal or neglect by the franchisee to perform its obligations under the material terms and conditions of this chapter or of any ordinance or agreement awarding a franchise in accordance herewith, except when such violation, breach, failure, refusal or neglect is caused by any of the following:

- a. Act of God;
- b. Riot, insurrection, civil disturbance, sabotage or vandalism, tampering or interference, act of public enemy, public health emergency, accident, fire, flood, strike, unavailability of materials or equipment, war or act of war, all of which are beyond the control of the franchisee; or
- c. An emergency declared by the President of the United States of America, the Governor of the Commonwealth of Kentucky or the Mayor of the City of Georgetown.



- (2) In the event that the city determines that the franchisee has violated any material provision of this chapter, any rule or regulation promulgated pursuant hereto, any applicable federal, state or local law or any material term of an agreement, franchise or ordinance awarding a franchise, the city shall make a written demand on the franchisee that it comply with the law or said agreement, franchise or ordinance. The written demand shall set forth the exact nature of the noncompliance. The franchisee shall have 60 days from such notice to either object in writing, state its reasons for such objections and provide any explanation or to cure the alleged noncompliance. If the city has not received a satisfactory response from franchisee, or the violation, breach, failure, refusal or neglect is not remedied to the satisfaction of the city within 60 days following such demand, the city shall determine whether or not, in its sole discretion, any violation, breach, failure, refusal or neglect by the franchisee was excusable or inexcusable as provided in section 9-10(b)(1).
- a. If the city determines such violation, breach, failure, refusal or neglect by the franchisee was excusable as provided in section 9-10(b)(1), the city shall direct the franchisee to correct or remedy the same within such additional time, in such manner and upon such terms and conditions as are just and reasonable and as the city may direct.
  - b. If the city determines such violation, breach, failure, refusal or neglect by the franchisee was inexcusable, then city council, by ordinance, may seek to terminate the franchisee's franchise at a public hearing before the city council, and the city council may provide a time period for the franchisee to become compliant. If the city seeks to terminate franchisee's franchise, it shall provide franchisee with at least 20 days' written notice prior to conducting a hearing. The hearing shall be on the record and transcribed, if franchisee so elects and at franchisee's cost, and shall provide franchisee full due process rights, including the right to state its position on the matter, present evidence, and question witnesses. Franchisee may appeal any decision made by the city after the hearing to an appropriate court. Nothing in this chapter, including the provisions set forth in this section 9-10, shall prevent franchisee from filing, at any time, a legal action in any permissible court or tribunal seeking a declaration or enforcement of franchisee's rights or obligations under the franchise, this chapter, or applicable law. The franchisee may continue to operate the system until all avenues and procedures of judicial review have been fully and finally exhausted.
- (3) If the city declares the said agreement or franchise has been breached pursuant to section 9-10(b)(2)(b), and the franchisee either does not challenge the city's decision or city's decision is affirmed in a final, non-appealable court order, the city may pursue any remedies available to it pursuant to this chapter or to the said franchise or ordinance or any other remedy, legal or equitable, available to the city.
- (c) In the event that the franchise is terminated, the franchisee shall follow the procedure in section 9-3(o).
- (Ord. No. 2021-05, § 1, 3-22-21)



**Sec. 9-11. Foreclosure—Receivership.**

Upon the foreclosure or other judicial sale of all or a substantial part of the system, or upon the termination of any lease covering all or a substantial part of the system, the franchisee shall notify the city of such foreclosure. Franchisee's notification shall be treated as a notification that a change in control of the franchisee has taken place, and the provisions of this chapter governing the consent of the city to such change in control of the franchisee shall apply.

(Ord. No. 2021-05, § 1, 3-22-21)

**Sec. 9-12. Reports.**

(a) Upon the city's written request, the franchisee shall submit a written report to the city, including, but not limited to, the following information:

- (1) A summary of the previous year's or, in the case of the initial reporting year, the initial year's activities in development of the system, including, but not limited to, communications service begun or discontinued;
- (2) If the city exercises its constitutional right to collect franchise fees, a statement of revenues;
- (3) A list of officers and members of the board of directors of the franchisee and its parent, subsidiary, or affiliate corporations, if any.

(b) It shall be unlawful for the franchisee to refuse, fail or neglect to file the reports required under this chapter. The refusal, failure, or neglect of the franchisee to file any of the reports required under this chapter or as the city may direct, shall be deemed a violation of this chapter and shall subject the franchisee to the provisions of section 9-10, shall be deemed a material breach of any agreement or ordinance awarding a franchise in accordance herewith, and shall subject the franchisee to all penalties and remedies prescribed therein and to all other remedies, legal or equitable, which are available to the city. Franchisee's delivery of any report requested pursuant to this section shall cure any prior alleged refusal, failure or neglect to file reports requested and required under this section.

(C) Any material misrepresentation made knowingly by the franchisee in any report required under this chapter shall subject the franchisee to the provisions of section 9-10 and shall subject the franchisee to all penalties and remedies prescribed therein and to all other remedies, legal or equitable, which are available to the city.

(Ord. No. 2021-05, § 1, 3-22-21)

**Sec. 9-13. Books and records of the franchise.**

(a) The franchisee shall keep complete and accurate books of account and records of its business and operations in connection with any franchise granted under this chapter.

(b) Upon request, the city shall have access to all books of account and records of the franchisee for the purpose of auditing franchise fees payments and of ascertaining the correctness of any and all reports and may examine franchisee's officers and employees in respect thereto; provided, however, that no audit shall occur more often than once in any given 12-month period of time.

(c) Any false entry in the books of account or record submitted to the city, or false statements in reports to the city, as to material fact, knowingly made by the franchisee, shall constitute a breach of a material provision of this chapter and any franchise agreement or ordinance hereunder, for which the remedies provided in this chapter may be invoked.  
(Ord. No. 2021-05, § 1, 3-22-21)

**Sec. 9-14. Time of essence.**

Whenever this chapter, or any ordinance or agreement awarding a franchise hereunder, shall set forth any time for any act to be performed by or on behalf of a franchisee, such time shall be deemed of the essence, and any failure of a franchisee to perform within the time set forth shall constitute a material breach of the terms of this chapter and shall entitle the city to invoke all penalties and remedies prescribed in this chapter as well as all other legal or equitable remedies available to the city.  
(Ord. No. 2021-05, § 1, 3-22-21)

**Sec. 9-15. Equal employment opportunity.**

(a) To the extent applicable to a franchisee, a franchisee shall comply in all respects with the FCC's regulations governing equal opportunity. Franchisees shall also comply with all other applicable equal opportunity government regulations whether federal, state or local.

(b) Franchisees shall afford equal opportunity in employment to all qualified persons, and no person shall be discriminated against because of race, color, religion, national origin, handicap, sex, or age.  
(Ord. No. 2021-05, § 1, 3-22-21)

**Sec. 9-16. Violations.**

(a) It shall be unlawful for any person to establish, operate or carry on the business of distributing to any persons in the city, any communications service by means of a system in the rights-of-way unless a franchise therefor has first been obtained from the city and unless such franchise is in full force and effect.

(b) It shall be unlawful for any person to own, erect, install, maintain, operate, repair, replace, remove or restore within any public street in the city, equipment or facilities for distributing to any persons in the city any communications service through a system, unless a franchise authorizing such use of such rights-of-way has first been obtained from the city and unless such franchise is in full force and effect.  
(Ord. No. 2021-05, § 1, 3-22-21)

**Sec. 9-17. Enforcement and penalties.**

(a) Violation of any section of this chapter 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 chapter shall be considered Class 2 violations.

(Ord. No. 2021-05, § 1, 3-22-21)



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 five percent of the 911 service fee to offset administrative collection costs.

(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; Ord. No. 2021-25, § 1, 12-13-21)

**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)





furnishing any taxpayer or the taxpayer's properly authorized agent with information respecting his own return. Further, this prohibition does not preclude any employee of the city from testifying in any court, or from introducing as evidence returns or reports filed with the city, in an action for violation of the city tax laws or in any action challenging the city tax laws.

- (2) Any person who violates the provisions of subsection (i)(1) of this section by intentionally inspecting confidential taxpayer information without authorization shall be fined not more than \$500.00 or imprisoned for not longer than six months, or both.
- (3) Any person who violates the provisions of subsection (i)(1) of this section by divulging confidential taxpayer information shall be fined not more than \$500.00 or imprisoned for not more than one year, or both.

(j) The city reserves the right to disclose to the commissioner of revenue of the commonwealth or his duly authorized agent all such information and rights to inspect any of the books and records of the city if the commissioner of revenue of the commonwealth grants the city the reciprocal right to obtain information from the files and records of the state department of revenue and maintains the privileged character of the information so furnished. Provided, further, that the city may publish statistics based on such information in such a manner as not to reveal data respecting net profit or compensation of any person or business entity.

(k) In addition, the city is empowered to execute similar reciprocity agreements as described in subsection (j) of this section with any other taxing entity, should there be a need for exchange of information in order to effect diligent enforcement of this article.

(Code 1983, § 17-33; Ord. No. 04-019, § 18, 8-19-2004)

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

### **Sec. 36-73. Revenue commission authorized to act as agent of city.**

The revenue commission shall collect the license fees or taxes imposed by the city as agent for the city. The revenue commission is authorized to act as agent of the city on its behalf and has all the powers of the city to collect the fees or taxes imposed under the provisions of this article, including, but not limited to, interpreting the license tax provisions of the city, promulgating regulations (subject to city council approval) and issuing tax forms and instructions as necessary to aid in the collection and reporting of license taxes and all other powers granted to the revenue commission by the interlocal cooperation agreement dated November 11, 2003, as amended from time to time, between and among the county public school district, the city and the county.

(Code 1983, § 17-36; Ord. No. 04-019, § 21, 8-19-2004)

**Sec. 36-74. Economic development incentive.**

By municipal order, the city council may authorize a credit of the occupational license fee in an amount up to one-half percent for up to ten years for any approved company pursuant to the program and in accordance with a tax incentive agreement between the state economic development finance authority and the company.

(Code 1983, § 17-39; Ord. No. 12-014, § 1, 8-27-2012)

**Secs. 36-75—36-91. Reserved.****ARTICLE IV. INSURANCE COMPANIES\*****Sec. 36-92. Established.**

There is hereby imposed on each insurance company a license fee for the privilege of engaging in the business of insurance within the corporate limits of the city for the calendar year 1985 and thereafter on a calendar-year basis.

(Code 1983, § 17-88; Ord. No. 84-017, § 1, 11-15-1984)

**Sec. 36-93. Fees.**

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

(b) The license fee imposed upon each insurance company which issues any insurance policy which is not a life insurance policy shall be eight percent of the premiums actually collected within each calendar quarter by reason of the issuance of such policies on risks located within the corporate limits of the city on those classes of business which such company is authorized to transact, less all premiums returned to policy holders.

(c) No license fee or tax imposed under this section shall apply to premiums:

- (1) Received on policies of group health insurance provided for state employees under KRS 18A.225;
- (2) Received on policies insuring employers against liability for personal injuries to their employees or the death of their employees caused thereby, under the provisions of KRS ch. 342;
- (3) Received on health insurance policies issued to individuals;
- (4) Received on policies issued through Kentucky Access created in KRS ch. 304, subtitle 17B;
- (5) Received on policies for high deductible health plans as defined in 26 USC 223(c)(2);

---

\***State law reference**—License fees or taxes upon insurance companies, KRS 91A.080.

- (6) Received on multistate surplus lines, defined as non-admitted insurance as provided in title V, subtitle B, the Non-Admitted and Reinsurance Reform Act of 2010, of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203;
- (7) Paid to insurance companies or surplus lines brokers by nonprofit self-insurance groups or self-insurance entities whose membership consists of school districts; or
- (8) Paid to insurance companies or surplus lines brokers by nonprofit self-insurance groups or self-insurance entities whose membership consists of cities, counties, charter county governments, urban-county governments, consolidated local governments, unified local governments, school districts, or any other political subdivisions of the commonwealth.

(d) No license fee or tax imposed under this section shall apply to premiums paid to insurers of municipal bonds, leases, or other debt instruments issued by or on behalf of a city, county, charter county government, urban-county government, consolidated local government, special district, nonprofit corporation, or other political subdivision of the commonwealth. However, this exemption shall not apply if the bonds, leases, or other debt instruments are issued for-profit or on behalf of for-profit or private organizations.

(Code 1983, § 17-89; Ord. No. 84-017, §§ 2, 3, 11-15-1984; Ord. No. 09-009, § 1, 3-9-2009; Ord. No. 2021-03, § 1, 3-8-21)

**Sec. 36-94. Due date.**

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

(Code 1983, § 17-90; Ord. No. 84-017, § 4, 11-15-1984)

**Sec. 36-95. Written documentation required.**

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

- (1) Casualty;
- (2) Automobile;
- (3) Inland marine;
- (4) Fire and allied perils;
- (5) Health; and
- (6) Life.

(Code 1983, § 17-91; Ord. No. 84-017, § 5, 11-15-1984)

**Sec. 36-96. Use of fees.**

The monies derived from the license fee herein levied shall be used for general municipal purposes and shall be paid into the general fund of the city.  
(Code 1983, § 17-92; Ord. No. 84-017, § 7, 11-15-1984)

**Secs. 36-97—36-120. Reserved.**

**ARTICLE V. ROOM TAX**

**Sec. 36-121. Imposition of transient room tax.**

(a) For the purpose of operation of the tourist and convention commission and to finance the cost of acquisition, construction, operation and maintenance of facilities useful in the attraction and promotion of tourist and convention business, there is hereby imposed and levied a transient room tax of three percent.

(b) On and after July 1, 1974, every person, company, corporation or other like or similar persons, groups or organizations doing business as motor courts, motels, hotels, inns or like or similar accommodations businesses in the city and county shall pay monthly into the county treasury a transient room tax of three percent of the gross rent for every occupancy of a suite or rooms charged and collected by them during such monthly periods. Such tax shall be due and payable 15 days after the last day of the month, together with a return on a form furnished by or obtained from the county treasurer setting forth an aggregate amount of gross rentals charged and collected during the occupancy to which the transient room tax applies, together with such other pertinent information as the county treasurer may require.

(c) Any tax imposed by this section which shall remain unpaid after it becomes due, as set forth herein, shall have added to it a penalty of ten percent, together with interest at the rate of one-half of one percent for each month of delinquency or fraction thereof, until paid.

(d) Transient room taxes shall not apply to the rental or leasing of an apartment supplied by an individual or business that regularly holds itself out as exclusively providing apartments. Apartment means a room or set of rooms, in an apartment building, fitted especially with a kitchen and usually leased as a dwelling for a minimum period of 30 days or more.

(e) The tax imposed by this section shall be in addition to other general taxes and the occupational or business license tax.

(Code 1966, § 38.73; Code 1983, § 2-279; Ord. No. 03-019, § 4, 7-3-2003)

**State law reference**—Room tax, KRS 91A.390.

Chapter 40

**UTILITIES\***

**Article I. In General**

- Sec. 40-1. Consolidated municipal waterworks and sanitary sewer system.
- Sec. 40-2. On-ground utility fixtures.
- Secs. 40-3—40-22. Reserved.

**Article II. Solid Waste Collection and Disposal**

- Sec. 40-23. Solid waste and recycling collection.
- Sec. 40-24. Compulsory collection.
- Sec. 40-25. Collection agent.
- Sec. 40-26. Rules and regulations.
- Sec. 40-27. Rates for collection.
- Sec. 40-28. Nuisance regulations.
- Sec. 40-29. Removal of offending containers.
- Sec. 40-30. Regulation of dumpsters in residentially zoned areas.
- Sec. 40-31. Enforcement.
- Sec. 40-32. Franchise required for private collection and disposal of waste.
- Sec. 40-33. Reserved.
- Secs. 40-34—40-54. Reserved.

**Article III. Sewers and Sewage Disposal**

Division 1. Generally

- Sec. 40-55. Purpose and policy.
- Sec. 40-56. Definitions.
- Sec. 40-57. Abbreviations.
- Sec. 40-58. Provision of sewer service by GMWSS.
- Secs. 40-59—40-89. Reserved.

Division 2. Use of Public Sewers

- Sec. 40-90. Mandatory sewer connection.
- Sec. 40-91. Unlawful discharge to storm sewers or natural outlets.
- Sec. 40-92. Compliance with local, state and federal laws.
- Sec. 40-93. Discharge of unpolluted waters into sewer.
- Sec. 40-94. Prohibited discharges.
- Secs. 40-95—40-116. Reserved.

Division 3. Private Wastewater Disposal

- Sec. 40-117. Public sewer not available.
- Sec. 40-118. Requirements for installation.

---

\***State law references**—Utilities in cities, KRS ch. 96; acquisition of waterworks, KRS ch. 106; municipal improvements, KRS ch. 107.

## GEORGETOWN CODE

Secs. 40-119—40-149. Reserved.

### Division 4. Building Sewers and Connections

Sec. 40-150. Permits.  
Sec. 40-151. Prohibited connections.  
Sec. 40-152. Design and installations.  
Sec. 40-153. Inspection.  
Secs. 40-154—40-174. Reserved.

### Division 5. Pollutant Discharge Limits

Sec. 40-175. General conditions.  
Sec. 40-176. Restricted discharges.  
Sec. 40-177. Dilution of wastewater discharge.  
Sec. 40-178. Grease, oil and sand interceptors.  
Sec. 40-179. Special industrial pretreatment requirements.  
Sec. 40-180. Protection from accidental and slug discharges.  
Sec. 40-181. State requirements.  
Sec. 40-182. City's right of revision.  
Sec. 40-183. Federal Categorical Pretreatment Standards.  
Sec. 40-184. Best management practices development.  
Secs. 40-185—40-206. Reserved.

### Division 6. Pretreatment Program Administration

Sec. 40-207. Wastewater discharges.  
Sec. 40-208. Industrial user discharge permits.  
Sec. 40-209. Permit modification.  
Sec. 40-210. Permit revocation/termination.  
Sec. 40-211. Permit conditions.  
Sec. 40-212. Alternative discharge limits.  
Sec. 40-213. Permit duration.  
Sec. 40-214. Permit transfer.  
Sec. 40-215. Best management practices.  
Sec. 40-216. Compliance data reporting.  
Sec. 40-217. Periodic compliance reports.  
Sec. 40-218. Permit violations.  
Sec. 40-219. Monitoring.  
Sec. 40-220. Inspection and sampling.  
Sec. 40-221. Test procedures.  
Sec. 40-222. Pretreatment.  
Sec. 40-223. Annual publication.  
Sec. 40-224. Significant noncompliance.  
Sec. 40-225. Confidential information.  
Sec. 40-226. Signatory requirements.  
Sec. 40-227. Required reports.  
Secs. 40-228—40-247. Reserved.

## UTILITIES

### Division 7. Fees

- Sec. 40-248. Purpose.
- Sec. 40-249. Adoption of charges and fees.
- Secs. 40-250—40-276. Reserved.

### Division 8. Powers and Authority of Inspectors

- Sec. 40-277. Right to enter premises.
- Sec. 40-278. Right to obtain information regarding discharge.
- Sec. 40-279. Access to easements.
- Sec. 40-280. Access to data.
- Sec. 40-281. Safety.
- Secs. 40-282—40-310. Reserved.

### Division 9. Enforcement

- Sec. 40-311. General compliance.
- Sec. 40-312. Notice of violation.
- Sec. 40-313. Administrative orders.
- Sec. 40-314. Show cause hearing.
- Sec. 40-315. Additional enforcement remedies.
- Secs. 40-316—40-333. Reserved.

### Division 10. Penalties

- Sec. 40-334. Written notice.
- Sec. 40-335. Revocation of permit.
- Sec. 40-336. Liability.
- Sec. 40-337. Misrepresentation and/or falsifying documents.
- Sec. 40-338. Destruction of POTW and legal action.
- Sec. 40-339. Legal action.
- Sec. 40-340. Injunctive relief.
- Sec. 40-341. Civil penalties.
- Sec. 40-342. Criminal prosecution.
- Sec. 40-343. Emergency response.
- Secs. 40-344—40-374. Reserved.

### Division 11. Rates and Charges

- Sec. 40-375. Declaration of intent.
- Sec. 40-376. Definitions.
- Sec. 40-377. Revenue fund; sewer operation and maintenance fund.
- Sec. 40-378. Schedule of sewer rates.
- Sec. 40-379. Financial records.
- Sec. 40-380. Billing dates; penalty for late payment.
- Secs. 40-381—40-403. Reserved.

## GEORGETOWN CODE

### Article IV. Water System

#### Division 1. Generally

- Sec. 40-404. Rules and regulations of board.
- Sec. 40-405. Amendment of provisions of this article.
- Sec. 40-406. Bluegrass Water Supply Commission.
- Secs. 40-407—40-425. Reserved.

#### Division 2. Restricted and Prohibited Uses

- Sec. 40-426. Use of private hydrants and city-filled cisterns.
- Sec. 40-427. City's water source to be protected.
- Sec. 40-428. Bathing prohibited to 300 feet below city water source.
- Sec. 40-429. Private use of fireplugs.
- Sec. 40-430. Emergency water restrictions.
- Secs. 40-431—40-458. Reserved.

#### Division 3. Connections and Repairs

- Sec. 40-459. Plumbers required to have permits for water repairs or modifications.
- Sec. 40-460. Use of system, permission required.
- Sec. 40-461. Supervision of attachments; cost.
- Sec. 40-462. Stop-cocks required.
- Sec. 40-463. Sizes of pipes.
- Sec. 40-464. Standard for pipe.
- Sec. 40-465. Plumber's certificate of repair.
- Sec. 40-466. Extensions.
- Sec. 40-467. Pressure specifications.
- Sec. 40-468. Surveys and meter readings.
- Sec. 40-469. Repair of streets after installations.
- Sec. 40-470. Permission required for obstruction or piping in any street or spring.
- Secs. 40-471—40-493. Reserved.

#### Division 4. Rates and Charges

- Sec. 40-494. Determination of rates.
- Sec. 40-495. City subject to charges.
- Sec. 40-496. Fire hydrants.
- Sec. 40-497. Sprinkler system rates.
- Sec. 40-498. Overcharge; complaint.
- Sec. 40-499. Due dates.
- Sec. 40-500. Penalty for late payment.
- Sec. 40-501. Discontinuance of service.
- Sec. 40-502. Ferrule might be removed for delinquency.
- Sec. 40-503. Deposit required for renewal of service to delinquent user.
- Sec. 40-504. Responsibility where adjoining users are supplied by same service pipe.
- Secs. 40-505—40-531. Reserved.



## UTILITIES

### **Article V. Illicit Discharge and Connection to Stormwater Sewers**

- Sec. 40-532. Purpose/intent.
- Sec. 40-533. Definitions.
- Sec. 40-534. Applicability.
- Sec. 40-535. Responsibility for administration.
- Sec. 40-536. Ultimate responsibility.
- Sec. 40-537. Discharge and connection prohibitions.
- Sec. 40-538. Suspension of MS4 access.
- Sec. 40-539. Industrial or construction activity discharges.
- Sec. 40-540. Monitoring of discharges.
- Sec. 40-541. Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.
- Sec. 40-542. Watercourse protection.
- Sec. 40-543. Notification of spills.
- Sec. 40-544. Enforcement.
- Sec. 40-545. Appeal of notice of violation.
- Sec. 40-546. Compensatory action.



**ARTICLE I. IN GENERAL****Sec. 40-1. Consolidated municipal waterworks and sanitary sewer system.**

The municipal waterworks and sanitary sewer system supplying water and sanitary sewer services in and to the city as they presently exist and as they may hereafter from time to time be extended and improved are hereby combined and consolidated as a municipal waterworks and sanitary sewer system.

(Code 1966, § 38.1; Code 1983, § 19-1)

**Sec. 40-2. On-ground utility fixtures.**

(a) *Location of on-ground utility fixtures.* All on-ground pedestals or other fixtures, customarily for housing transformers, junction boxes, or similar equipment necessary to the service of any utility shall be placed to the rear of residential building lots.

(b) *Exclusions.* This restriction shall not affect the placement of underground utilities, utility poles or lighting fixtures.

(c) *Exceptions.* There is excepted from this prohibition those parcels which, due to topography or other natural feature, are determined by the planning commission to be inappropriate for the placement of on-ground pedestals or other fixtures, customarily for housing transformers, junction boxes, or similar equipment necessary to the service of any utility to the rear of the property. A plat or plan approved by the planning commission and filed of record in the county clerk's office showing a particular property with applicable fixture locations or easements being to the front or side of the property shall be conclusive evidence that the property shown on that plat or plan is excepted from the operation of this section.

(Code 1983, § 19-2; Ord. No. 96-008, §§ 1, 2, 3-7-1996; Ord. No. 98-001, § 3, 2-19-1998)

**Secs. 40-3—40-22. Reserved.****ARTICLE II. SOLID WASTE COLLECTION AND DISPOSAL\*****Sec. 40-23. Solid waste and recycling collection.**

(a) *Exclusive franchise.* So long as there exists an exclusive franchise for the collection of garbage, trash, refuse and recyclable materials within the city of Georgetown, which franchise shall be granted by ordinance to an exclusive solid waste franchisee, it shall be unlawful for any person, firm or corporation other than the exclusive solid waste franchisee, to enter in and upon the streets and other public ways of the city for the purpose of collecting and hauling away from businesses, homes, dwellings, and other places where necessary, any garbage, trash, refuse and recyclable materials. This section shall not be read to prohibit any

**\*State law references**—Solid waste, KRS 224.43-010 et seq.; local solid waste management, KRS ch. 109.

person, firm or corporation from performing garbage, trash, refuse and recycling services not covered by the exclusive franchise, provided the person, firm or corporation otherwise complies with the provisions of this article, including, but not limited to, the non-exclusive franchise requirements.

(b) *Penalty.* Any person, firm or corporation found guilty of violating the provisions of section 40-23(a) shall be fined no less than \$200.00 nor more than \$500.00 or imprisoned for not more than one year, for each offense. Each separate act of collection shall constitute a separate offense.

(Ord. No. 2021-23, § 1, 12-13-21)

**Editor's note**—Ord. No. 2021-23, § 1, adopted Dec. 13, 2021, repealed § 40-23, which pertained to definitions and derived from Code 1983, § 19-16; Ord. No. 96-011, § 1, adopted May 2, 1996; Ord. No. 09-001, § 1, adopted Feb. 9, 2009; and Ord. No. 17-011, § 1, adopted July 10, 2017.

#### **Sec. 40-24. Compulsory collection.**

(a) Except through the use of dumpsters or special arrangement for hazardous waste disposal, all solid waste generated within the city shall be collected by the city's exclusive solid waste franchisee. Private persons may collect solid waste generated within the city if that waste is collected in a dumpster. Collection from dumpsters shall be governed by the applicable sections below.

(b) Each household shall be required to subscribe, and shall be conclusively presumed to have subscribed to the city's collection service, established through solid waste collection franchise with the exclusive solid waste franchisee and shall pay the applicable charge therefor.

(c) Every commercial operator or occupant of any premises within the city, originating or accumulating garbage or trash thereon, shall be conclusively presumed to have subscribed to the city's collection service, established through solid waste collection franchise with the exclusive solid waste franchisee, even though the commercial operator may haul and dispose of his own garbage and trash elsewhere. In any event, without excusing any person from any criminal penalty under this article, if any trash, garbage, or other refuse of any kind is allowed to accumulate anywhere within the city for such a period of time as to constitute a nuisance, the owner or occupant of the property upon which such nuisance is located, even though not a subscriber to the city's collection service under the terms of this article, shall each be conclusively presumed to have authorized the city to remove such trash, garbage, or other refuse and shall each be responsible to the city for the payment of the city's reasonable charges for collecting and hauling the refuse, which shall be not less than the monthly charge shown on the then currently effective schedule of charges for performing similar service.

(Code 1983, § 19-17; Ord. No. 96-011, § 2, 5-2-1996; Ord. No. 09-001, § 2, 2-9-2009; Ord. No. 2021-23, § 1, 12-13-21)

**Sec. 40-25. Collection agent.**

The Georgetown Municipal Water and Sewer Service (GMWSS) is designated as agent of the city for the purpose of collecting the required fee for the collection of the solid waste generated within the city. Other than fee collection, GMWSS shall have no authority or responsibility related to solid waste collection. GMWSS shall prepare and mail statements on or before the first day of the month following the month in which solid waste collection and disposal is performed. Failure of GMWSS to provide a statement shall not relieve the customer of the obligation of paying the required charge for service.

- (1) The waste collection fee is due within 20 days of the billing. Amounts not timely paid shall be delinquent. The penalties for delinquent payment shall be the same as GMWSS charges for delinquent water and sewer fees. This penalty and all other reasonable charges related to the city's collection and disposal of solid waste shall be subject to review and modification from time to time by the city council. All delinquent owners or residents shall receive a written notice of the overdue payment. Failure to pay the fee within the time required by the notice shall result in the disconnection of GMWSS water service to the property at which the waste collection service was rendered. Water service will be renewed at such time as the delinquent account is made current, together with all reasonable charges and expenses incurred by the city during cut-off and reconnection of water service. No water service shall be terminated, however, without written notice to the water service recipients.
- (2) GMWSS shall keep proper records showing all billings made and collections received. All accounts shall be audited annually by a competent independent certified public accountant. The report thereof shall be open for public inspection.
- (3) GMWSS shall remit all solid waste fees and penalties to the city not less often than quarterly.

(Code 1983, § 19-18; Ord. No. 96-011, § 3, 5-2-1996; Ord. No. 2021-23, § 1, 12-13-21)

**Sec. 40-26. Rules and regulations.**

The council shall promulgate and enforce any and all reasonable rules and regulations deemed necessary or proper from time to time to carry out the objects and purposes of this article for protection of the health and welfare of the citizens of the city as it relates to the collection, removal and disposal of solid waste.

(Code 1983, § 19-19; Ord. No. 96-011, § 4, 5-2-1996)

**Sec. 40-27. Rates for collection.**

Rates for solid waste collection service shall be as established by the city in its franchise agreement with the exclusive solid waste franchisee. A copy of the franchise agreement and ordinance shall be available for public inspection in the city clerk's office.

(Code 1983, § 19-20; Ord. No. 94-013, § 1, 7-7-1994; Ord. No. 96-011, § 5, 5-2-1996; Ord. No. 08-011, § 1, 6-23-2008; Ord. No. 09-001, § 3, 2-9-2009; Ord. No. 17-011, § 2, 7-10-2017; Ord. No. 2021-23, § 1, 12-13-21)

**Sec. 40-28. Nuisance regulations.**

The following acts and conditions are declared to be nuisances and unlawful, and subject to enforcement pursuant to the provisions of the chapter 2, article VI:

- (1) No person shall permit solid waste to accumulate in any manner other than required in this article for its proper disposal.
- (2) No person shall permit the accumulation of solid waste upon any premises owned or used by them. Such an accumulation is unsightly, unsanitary and hazardous to the health, safety or welfare of the public. Such an accumulation is also detrimental to the value of the property upon which the waste is permitted to accumulate as well as those in proximity. Both owner and tenant shall be accountable for the accumulation of waste on rental property. The owner shall be responsible for the accumulation of waste on owner-resident property.
- (3) No person shall deposit, by any means, solid waste upon any premises, street or alley, whether public or private, irrespective of an intent to later remove the waste, in any manner other than that prescribed by this section. No person shall suffer or permit the accumulation of waste, on any premises owned, occupied or controlled by such person.
- (4) No person shall place or keep solid waste containers, even if otherwise in conformity with this section, nearer to the street than the front façade of the residence or the commercial, industrial, or service building in which the waste is generated or otherwise on or about the sidewalk, curb or street at any time other than after 6:00 p.m. on the day before the city's exclusive solid waste franchisee is scheduled to collect that street's municipal waste and no later than 10:00 p.m. on the day on which the city's exclusive solid waste franchisee collects that street's municipal waste.
- (5) Unless otherwise specified by in the citation, violations of this section shall be remedied within 24 hours of notice.

(Code 1983, § 19-21; Ord. No. 96-011, § 6, 5-2-1996; Ord. No. 09-001, § 4, 2-9-2009; Ord. No. 17-011, § 3, 7-10-2017; Ord. No. 2021-23, § 1, 12-13-21)

**Sec. 40-29. Removal of offending containers.**

(a) The city's public works employees are authorized to remove all solid waste containers in violation of this article, upon affording written notice to the property owner or resident of the city's intent to remove them. The dated, written notice shall be signed by the city employee delivering it and shall read as follows:

Your municipal waste container(s) is/are unlawfully located at or about the street in violation of Ordinance No. 09-001. You have until 8:00 a.m. tomorrow to remove the container or it shall be removed to the city Public Work's Facility. Any container removed by Public Works shall be inventoried and held at the Public Works Facility until the owner, upon presentation of proof of ownership, pays any unpaid fine(s).

(b) For the purpose of this section, service of the above notice shall be complete upon actual personal delivery to the property owner or resident, or upon posting a true copy of the notice in a conspicuous place on the owner's or resident's property. Posting the notice on the offending containers shall satisfy this notice requirement.

(Code 1983, § 19-22; Ord. No. 96-011, § 7, 5-2-1996; Ord. No. 09-001, § 5, 2-9-2009)

**Sec. 40-30. Regulation of dumpsters in residentially zoned areas.**

The purpose of this section is to regulate the location and screening of dumpsters in residential zoned properties such that they will not, by reason of their location, manner of construction, or screening, cause annoyance, disturbance, or nuisance to the citizens of the city.

- (1) All existing dumpsters will be covered by these regulations upon adoption of this section.
- (2) No new dumpsters will be permitted except by permit from the building inspector which shall be issued only after the review of a drawing demonstrating compliance with all provisions of this section. The property owner shall be responsible for obtaining the permit and making necessary improvements to the property.
- (3) The planning commission may approve a dumpster as part of an approved development plan so long as it is in compliance with all provisions of this section.
- (4) All multifamily residential buildings of six or more units shall have a dumpster.
- (5) The property owner shall be responsible for compliance with these provisions.
- (6) Only temporary construction-related dumpsters shall be allowed in any R-1 zone.
- (7) The setback for dumpsters in approved zones shall meet the minimum front yard setback from rights-of-way. The side yard setback shall be ten feet and the rear yard setback shall be 15 feet. Temporary construction-related dumpsters shall meet the required setbacks to the extent practicable.
- (8) Dumpster screening shall meet or exceed the details set out in Exhibits 1—4, attached and made part of this section, on file in the office of the city clerk-treasurer. Equivalency to these details shall be determined by the city or planning commission engineers.
- (9) The owner of any multifamily residential building not otherwise required to have a dumpster, which has three refuse-related violations under this section within a six-month period may be required upon written notice to provide a dumpster in accordance with this section.
- (10) Dumpsters located in residential zones shall not be emptied except during the hours between 7:00 a.m. and 6:00 p.m.
- (11) Temporary dumpsters to be located upon a public right-of-way shall obtain written location approval from the chief of police prior to receiving the permit from building inspection.

- (12) Temporary dumpsters located in a public right-of-way shall be equipped with lights or reflectors sufficient to make the box easily visible to motoring public.
- (13) The area within or immediately adjacent to the dumpster screening shall be kept free of debris. Contents of temporary construction-related dumpsters shall not be permitted to escape.
- (14) Owners of existing dumpsters which substantially meet the requirements of this section shall not be required to alter their property to comply with this section.  
(Code 1983, § 19-23; Ord. No. 96-011, § 8, 5-2-1996; Ord. No. 09-001, § 6, 2-9-2009)

**Sec. 40-31. 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 the 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 article, for which another penalty is not assigned, shall be considered Class 1 violations.

(c) A citation for a violation of any section of this article and any applicable penalties will be waived only if the same or similar violation has not occurred on the property within the past 24 months and the violation is remedied within the time period specified by the citation.  
(Code 1983, § 19-25; Ord. No. 96-011, § 10, 5-2-1996; Ord. No. 17-011, § 5, 7-10-2017; Ord. No. 2021-23, § 1, 12-13-21)

**Sec. 40-32. Franchise required for private collection and disposal of waste.**

(a) It shall be unlawful for any person, business or industry to utilize the streets, alleys, rights-of-way and other public ways or places within the city limits to deliver to, collect from, or transport from any business or industrial property any municipal, industrial and commercial waste, construction and demolition debris, hazardous waste, medical waste or recycling without first obtaining a valid current franchise from the city after the effective date of the ordinance from which this section is derived. No franchise contracted or awarded shall be exclusive within the city limits unless expressly provided, in writing, and made pursuant to notice and public bid offering or other procedures as may be specified by state law or this Code. In addition to any other requirements imposed by the terms of any franchise agreement or otherwise by law, applicants for a franchise to operate under the provisions of this section must demonstrate and maintain evidence of qualification and compliance under any applicable federal or state laws or regulations regarding waste collection and disposal.



(b) *Non-exclusive solid waste franchises.* Persons, firms or corporations collecting solid waste from dumpsters shall first obtain a non-exclusive franchise from the city. Each franchisee shall pay to the city a sum equal to ten percent annually of the gross service revenues of the franchise for service generated within the city limits. Such sum shall be reported and paid quarterly on or before 30 days following March 31, June 30, September 30 and December 31 of each year and provide a copy of such report to the city finance director. Each franchisee shall submit annually a certified statement from a certified public accountant of its gross revenues received within the city limits or such other information as may be reasonably required by the city revenue commission from time to time. The business records of each franchisee shall be open and available to audit by the city clerk and the city revenue commission or its designee at all reasonable times to determine compliance with this section.

(Code 1983, § 19-26; Ord. No. 09-001, § 8, 2-9-2009; Ord. No. 2021-23, § 1, 12-13-21)

**Sec. 40-33. Reserved.**

**Editor's note**—Ord. No. 2021-23, § 1, adopted Dec. 13, 2021, repealed § 40-33, which pertained to procedure for using roll cart containers and derived from Code 1983, § 19-27; and Ord. No. 09-001, § 9, adopted Feb. 9, 2009.

**Secs. 40-34—40-54. Reserved.**

### ARTICLE III. SEWERS AND SEWAGE DISPOSAL

#### DIVISION 1. GENERALLY

**Sec. 40-55. Purpose and policy.**

(a) This article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the general Pretreatment Regulations (40 CFR 403).



CODE COMPARATIVE TABLE

Legislation	Date	Section	Section in 2020 Code
		2	20-1
		3	20-1
		4	20-1
		5	20-1
Ord. No. 19-010	4-22-2019	1	4-33
		2	4-34
		—	4-38
		3	4-6
		4	4-7
		5	4-65
		6	4-66
		7	4-68
		8	4-99
Ord. No. 19-011	4-22-2019	—	38-68
Ord. No. 19-012	5-13-2019	1	28-35
Ord. No. 19-015	7-8-2019	1	40-378
		2	40-494
Ord. No. 19-019	7-22-2019	1	20-22
Ord. No. 19-020	7-22-2019	1	28-91—28-96
Ord. No. 19-022	9-9-2019	1	22-1
		2	22-2
		3(I)	22-58
		3(II)	22-59
		3(III)	22-60
		3(IV)	22-61
		3(V)	22-62
		3(VI)	22-63
		3(VII)	22-64
		3(VIII)	22-65
		3(IX)	22-66
		3(X)	22-67
Ord. No. 19-029	12-10-2019	1(5-16)	22-23
		1(5-17)	22-24
		1(5-18)	22-25
		1(5-19)	22-26
		1(5-20)	22-27
Ord. No. 2020-04	1-27-2020	1	4-98
Ord. No. 2020-09	3-9-2020	1	36-55
Ord. No. 2020-12	8-10-20	1	Added 36-27
Ord. No. 2020-13	9-14-20	1	Added 12-71—12-73
Ord. No. 2020-14	9-14-20	1	2-60
Ord. No. 2020-15	9-28-20	1	2-60
Ord. No. 2020-17	10-12-20	—	adopt. ord.
Ord. No. 2021-03	3- 8-21	1	36-93
Ord. No. 2021-05	3-22-21	1	Added 9-1—9-17
Ord. No. 2021-07	6-28-21	1	4-33
		2	Added 4-109
Ord. No. 2021-09	6-28-21	1, 2	2-60
Ord. No. 2021-12	8- 9-21	1	Added 2-135
		2	Rpld 2-136
		—	Added 2-136

## GEORGETOWN CODE

Legislation	Date	Section	Section in 2020 Code
		3	2-137
Ord. No. 2021-14	9-27-21	1, 2	2-60
Ord. No. 2021-16	11- 8-21	1	Rpld 6-21
		2	6-30
Ord. No. 2021-23	12-13-21	1	Rpld 40-23
		—	Added 40-23
		—	40-24, 40-25,
		—	40-27, 40-28,
		—	40-31, 40-32
		—	Rpld 40-33
Ord. No. 2021-25	12-13-21	1	12-72
Ord. No. 2021-26	12-13-21	1	Added 2-521(b)(13), (14)
Ord. No. 2021-27	12-13-21	1	2-60
Ord. No. 2022-06	1-24-22	1	2-60

## STATE LAW REFERENCE TABLE

This table shows the location within the Code in the text or notes following the text, of references to the Kentucky Revised Statutes (KRS).

<b>KRS Section</b>	<b>Section in Code</b>	<b>KRS Section</b>	<b>Section in Code</b>
ch. 13B	4-73	65.8805	2-829
15.410—15.510	2-461	65.8805(8)	2-840
	2-464	65.8808	2-832
	2-466	65.8811	2-830
	2-467		2-833
	2-468		2-834
16.060	Ch. 2, Art. IV, Div. 3	65.8815	2-834
	2-465	65.8818	2-833
17.150	2-465	65.8821	2-832
18A.225	36-93	65.8825	2-835
chs. 39A—39C	Ch. 12	65.8828	2-836
39A.020	12-20		2-837
ch. 39B	Ch. 12, Art. II	65.8828(1)—(5)	2-836
ch. 45A	2-562	65.8828(4)	2-836
ch. 58	2-803	65.8828(5)	2-836
	40-406		2-837
58.010	2-803	65.8829	2-836
58.010 et seq.	2-802	65.8831	2-836
58.180	2-803		2-838
ch. 61	2-779	65.8835—65.8836	2-840
61.090	2-247	65.8835 et seq.	2-840
61.165	20-23	65.8836	2-840
61.252	2-239	65.8840	2-829
61.800 et seq.	2-24		26-2
61.810	2-248	ch. 67	14-60
	2-343	67.083	18-2
61.815	2-248	67.775	36-27
61.870 et seq.	9-1	74.420—74.520	40-406
61.870—61.884	2-347	74.470	40-406
61.872—61.884	2-244	74.490	40-406
65.003	Ch. 2, Art. III, Div. 6	ch. 80	Ch. 2, Art. V, Div. 3
	2-206	ch. 82	Ch. 2
65.210—65.300	2-830	82.082	2-206
	2-833	82.600	Ch. 38
	2-834	ch. 83A	Ch. 2
65.670	12-72		10-2
	12-73	83A.030	Ch. 2, Art. II
65.7041—65.7083	2-803	83A.030(1)	2-21
65.8801—65.8839	2-61	83A.040(1)	10-1
	2-830	83A.060	Ch. 2, Art. II
	2-832	83A.060(5)	1-1
	2-840		8-31

GEORGETOWN CODE

<b>KRS Section</b>	<b>Section in Code</b>	<b>KRS Section</b>	<b>Section in Code</b>
	8-57	91.260	36-24
	8-88	ch. 91A	Ch. 2, Art. III, Div. 4
	8-113		Ch. 36, Art. IV
	8-140	91A.080	Ch. 2, Art. V, Div. 6
	8-164	91A.350 et seq.	2-678
	16-23		Ch. 2, Art. V, Div. 6
	16-24	91A.350(2)	
83A.060(6)	Ch. 2, Art. II	91A.360	Ch. 2, Art. V, Div. 6
83A.060(9)	1-13		2-679
83A.065	1-13	91A.390	36-121
	2-280		Ch. 36
	2-343	ch. 92	Ch. 36
	2-348	92.280	Ch. 36, Art. III
	2-680	92.281	Ch. 36, Art. II
	4-104	92.300	36-24
	6-30		Ch. 40
	12-54	ch. 96	Ch. 2, Art. V, Div. 5
	16-96	ch. 97	2-650
	16-129		Ch. 30
	20-33	97.010—97.050	Ch. 2, Art. V, Div. 5
	22-24	97.010 et seq.	2-650
	24-54	97.030	Ch. 2, Art. V, Div. 5
	28-2		2-650
	28-7		Ch. 2, Art. V, Div. 5
	28-36	97.040	26-29
	28-66		26-29
	28-92	99.700	26-30
	28-94	99.700—99.730	26-31
	28-95		26-33
	30-19		26-34
	36-72		Ch. 26, Art. II
	36-122		26-32
	40-342	99.700 et seq.	26-31
	40-544	99.705	26-33
	42-41	99.710	26-34
83A.070(4)	2-60	99.715	26-35
83A.080	Ch. 2, Art. III	99.720	14-60
	2-207	99.725	Ch. 44
83A.085	2-138	ch. 100	Ch. 34
83A.087	2-846		Ch. 40
	16-130	100.273 et seq.	Ch. 40, Art. II
83A.130	Ch. 2, Art. II	ch. 106	10-2
	Ch. 2, Art. III, Div. 2	ch. 107	Ch. 10
	18-2	ch. 109	36-94
83A.130(5)	2-109	chs. 116—121	36-1
	2-111	ch. 116 et seq.	36-57
83A.130(11)	2-24	131.010(6)	Ch. 36, Art. III
	Ch. 2, Art. II	132.285	2-803
83A.130(12)	Ch. 2, Art. III	136.120	
83A.140	18-2	ch. 137	
		139.515	

STATE LAW REFERENCE TABLE

<b>KRS Section</b>	<b>Section in Code</b>	<b>KRS Section</b>	<b>Section in Code</b>
151.230	18-2	224.1-010(32)	14-62
151.250	18-6	224.20-720	38-245
154.30-010—	2-803	224.43-010 et seq.	Ch. 40, Art. II
154.30-090		224.46-012 et seq.	Ch. 14, Art. II
154.50-020 et seq.	2-778	ch. 227	Ch. 16
154.50-301—	2-779		16-28
154.50-346			16-125
	2-780		16-126
154.50-326	2-779		16-127
	2-780		16-128
ch. 154A	4-72	227.200	16-28
178.290	Ch. 32, Art. III	227.320—227.400	2-490
183.086	Ch. 28, Art. IV	227.400	16-28
183.132	Ch. 2, Art. V, Div. 4	227.410	16-28
183.132 et seq.	2-621	227.450 et seq.	Ch. 8, Art. III
	2-622	227.700	Ch. 16, Art. V
	2-623		16-122
ch. 186	Ch. 38	227.702	16-122
186.020	38-245	227.702	16-124
186.050	38-245	227.702(1)	16-122
ch. 186A	Ch. 38	227.702(2)	16-128
ch. 187	Ch. 38	227.702(3)	16-124
ch. 188	Ch. 38	227.706	16-124
ch. 189	Ch. 38	227.752	16-124
—	38-244	ch. 227A	Ch. 8, Art. III
189.010(19)	38-1	227A.020(6)	Ch. 8, Art. III
189.390	38-7	ch. 238	4-72
189.393	38-5	chs. 241—244	Ch. 4
189.430 et seq.	Ch. 38, Art. II		4-2, 4-3
189.751	26-2		4-5, 4-6
189.753	26-2		4-72
189.820	4-109		4-100
	38-243	241.010(16)	4-109
189.920	38-15	241.100	4-6
189.990	28-7	241.200	4-7
ch. 189A	Ch. 38		4-75
ch. 190	Ch. 38	ch. 243	Ch, 4 Art. II
ch. 198B	2-490		4-101
	Ch. 8		36-57
198B.060	Ch. 8	243.036	4-72
198B.060(8)	8-33	243.060	4-72
198B.070	8-6	243.070	4-33
198B.140	8-1		4-38
198B.650 et seq.	Ch. 8, Art. VI		4-72
chs. 210—224A	Ch. 20	243.075	4-38
211.760	Art. III	243.090	4-35
ch. 218A	4-72	243.260	4-34
	28-94	243.360	4-65
218A.500(5)(b)	20-1	243.440	4-68
ch. 224	14-63	243.450	4-75

GEORGETOWN CODE

<b>KRS Section</b>	<b>Section in Code</b>	<b>KRS Section</b>	<b>Section in Code</b>
243.470	4-66	chs. 500—534	Ch. 28
243.480	4-104	511.080	4-101
243.490	4-75	531.030	Ch. 28, Art. III
243.500	4-72	532.020	30-19
	4-75	534.040	30-19
243.550	4-73		
243.600	4-72		
243.610	4-72		
243.850	4-76		
243.895	4-99		
244.050	4-101		
244.085	4-100		
244.087	4-100		
244.130	4-106		
ch. 246 et seq.	Ch. 6		
256.015	6-20		
258.255	6-22		
ch. 273	2-803		
273.161 et seq.	2-802		
281.760	38-161		
285.015	6-20		
ch. 304, subtit. 17B	36-93		
304.39-080	38-243		
ch. 318	Art. IV		
318.010(8)	8-88		
ch. 322	14-65		
ch. 323	14-65		
ch. 323A	14-65		
ch. 342	9-3		
	36-93		
ch. 344	Ch. 22		
344.010	22-1		
344.120	22-60		
344.130	22-1		
344.310	Ch. 22, Art. II		
344.340	22-27		
344.360 et seq.	22-58		
344.365	22-59		
351.315—351.335	16-60		
365.665	16-125		
381.770	Ch. 26		
ch. 416	26-33		
	26-35		
	40-406		
424.170	4-65		
431.005	2-846		
431.015	2-846		
436.160	28-1		
436.165(1)	28-1		
446.010	1-1		
446.350	22-63		



## CODE INDEX

	Section
911 SERVICE. See: EMERGENCY MANAGEMENT AND EMERGENCY SERVICES	
<b>A</b>	
<b>ACCESSORY BUILDINGS, STRUCTURES AND USES</b>	
Floodplain management	
Flood hazard reduction	
Standards for accessory structures in all zones beginning with the letter "A." .....	18-91
<b>ADMINISTRATION</b>	
City attorney .....	2-170 et seq.
See: CITY ATTORNEY	
City council .....	2-21 et seq.
See: CITY COUNCIL	
Clerk-treasurer .....	2-135 et seq.
See: CLERK-TREASURER	
Code of ethics .....	2-204 et seq.
See: ETHICS, CODE OF	
Mayor pro tem .....	2-108 et seq.
See: MAYOR PRO TEM	
Mayor	
Disability of mayor during times of emergency; order of succession of authority .....	2-82
Emergency powers .....	2-81
Officers and employees	
Code enforcement officer .....	2-61
Personnel and pay classification plan .....	2-60
Persons responsible for compliance with city regulations ..	2-1
<b>ADVERTISING</b>	
Alcoholic beverages	
Licenses	
License applications; maintenance of license	
Advertisement .....	4-65
Miscellaneous provisions	
Signs and advertising; advertising on municipally-owned property or at municipally-sponsored events prohibited; certain other advertising prohibited ...	4-106
<b>AIR BOARD</b>	
Created .....	2-621
Membership .....	2-623
Powers and duties .....	2-622
<b>AIRPORTS AND AIRCRAFT. See: AVIATION</b>	
<b>ALARM SYSTEMS</b>	
Alarm business responsibility .....	12-48
Alarm user permit .....	12-51
Alarm user responsibility .....	12-49
Corrective action .....	12-52

GEORGETOWN CODE

	Section
<b>ALARM SYSTEMS (Cont'd.)</b>	
Definitions .....	12-47
Equipment and technical standards.....	12-50
Penalties .....	12-54
Police consolidated alarm panel.....	12-53
Purpose.....	12-46
<b>ALCOHOLIC BEVERAGES</b>	
Alcoholic beverage control administrator .....	4-6
Appeals.....	4-7
Definitions .....	4-3
Licenses	
Certain special licenses defined .....	4-34
Established; fees.....	4-33
Expiration of license; proration of fees .....	4-35
License applications; maintenance of license	
Advertisement.....	4-65
Application.....	4-66
Change of information.....	4-69
Dormancy .....	4-77
Form of license .....	4-68
Lost or destroyed license.....	4-71
Other conditions .....	4-67
Proceedings for revocation or suspension of license; notice and opportunity to contest; effect of revoca- tion or suspension.....	4-73
Refusal of license; guidelines for approval of quota licenses .....	4-75
Renewal of license .....	4-70
Review of license; books, records and reports .....	4-76
Revocation or suspension .....	4-72
Transfer or assignment .....	4-74
Payment of license fees; delinquency .....	4-36
Refund of fees.....	4-37
Regulatory license fee.....	4-38
Miscellaneous provisions	
Commercial quadricycles .....	4-109
Conditions, prohibitions and restrictions.....	4-99
Consumption on licensed package premises prohibited; exceptions; congregating on certain ABC licensed premises and vacant premises prohibited.....	4-101
Enforcement.....	4-103
Hours for sale and delivery .....	4-98
Implementation of chapter provisions .....	4-108
Malt beverage keg registration .....	4-102
Mandatory responsible beverage service training.....	4-105
Patio and outdoor sales; where permitted; approval required; screening requirements; exceptions.....	4-107
Penalties.....	4-104

## CODE INDEX

	Section
<b>ALCOHOLIC BEVERAGES (Cont'd.)</b>	
Possession by minors prohibited; no person shall aid possession by minors .....	4-100
Signs and advertising; advertising on municipally-owned property or at municipally-sponsored events prohibited; certain other advertising prohibited.....	4-106
Provisions adopted.....	4-5
Purpose.....	4-2
Scope.....	4-4
Title.....	4-1
<b>ANIMALS AND FOWL</b>	
Animal control	
Additional regulations for animal care .....	6-28
Animal care (standards for humane care).....	6-25
Animal waste disposal .....	6-29
Confinement and control of animals required .....	6-22
Definitions.....	6-19
Enforcement and penalties.....	6-30
General requirements.....	6-20
Impoundment of animals and violation notice.....	6-24
Keeping of vicious animals prohibited .....	6-23
Keeping of wild animals prohibited .....	6-26
Regulations for performing animal exhibitions.....	6-27
<b>APPEALS</b>	
Alcoholic beverages	
Appeals .....	4-7
Code enforcement	
Appeals; final judgment .....	2-838
Ethics, code of	
Enforcement	
Appeals .....	2-344
Fire prevention and protection	
Fire safety standards	
Appeal process.....	16-27
Floodplain management.....	18-57 et seq.
See: FLOODPLAIN MANAGEMENT	
Water and sewers	
Illicit discharge and connection to stormwater sewers	
Appeal of notice of violation .....	40-545
<b>ARCHITECTURAL REVIEW BOARD</b>	
Advisory capacity .....	2-733
Established; membership; appointment; approval .....	2-732
Powers and duties.....	2-734
<b>ARCHITECTURE</b>	
Architectural review board .....	2-732 et seq.
See: ARCHITECTURAL REVIEW BOARD	

GEORGETOWN CODE

	Section
<b>AVIATION</b>	
Air board .....	2-621 et seq.
See: AIR BOARD	
Unmanned aircraft	
Affirmative defenses .....	28-93
Definitions.....	28-91
Miscellaneous provisions .....	28-96
Operation of unmanned aircraft systems in an unsafe manner; duty to give information and render aid ....	28-94
Operation of unmanned aircraft systems; prohibited areas of launch and landing.....	28-92
Use of unmanned aircraft for voyeurism or harassment prohibited.....	28-95
<b>AWNINGS, BALCONIES AND CANOPIES</b>	
Obstructions	
Minimum height of awnings and signs .....	32-22
<b>B</b>	
<b>BOARDS, COMMISSIONS AND COMMITTEES. See: DEPARTMENTS AND OTHER AGENCIES OF CITY</b>	
<b>BONDS, SURETY OR PERFORMANCE</b>	
Clerk-treasurer	
Attested copies of bonds .....	2-143
Countersigning of bonds; seal.....	2-142
Communication services	
Rights-of-way management and facilities requirements..	9-3
Insurance and bonds.....	9-3(e)
Streets, sidewalks and other public places	
Restoration of streets	
Construction and maintenance surety bond.....	32-78
Water and sanitary sewer commissioners, board of	
Treasurer of the board; bond.....	2-559
<b>BOUNDARIES</b>	
Code enforcement	
Jurisdiction.....	2-831
<b>BUILDING DEPARTMENT</b>	
Duties of building official .....	2-490
Qualifications of building official .....	2-491
<b>BUILDINGS AND BUILDING REGULATIONS</b>	
Building and residential codes	
Adoption .....	8-31
Building inspection program.....	8-33
Designated enforcement officer.....	8-32
Permits and fees.....	8-34
Building department	
Duties of building official.....	2-490
Qualifications of building official.....	2-491

## CODE INDEX

	Section
<b>BUILDINGS AND BUILDING REGULATIONS (Cont'd.)</b>	
Building inspection	
Appeals board .....	8-6
Code enforcement officer .....	8-5
Building inspector .....	8-4
Construction and repair of sidewalks .....	32-47 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES	
Electrical code .....	8-57 et seq.
See: ELECTRICAL CODE	
Fences, walls, hedges and enclosures	
Fences	
Regulation; residential .....	8-213
Floodplain management	
Flood hazard reduction	
Expiration of floodplain construction permit, in general	18-85
General construction standards .....	18-86
Gas code	
Adoption of gas installation and maintenance code .....	8-113
Mechanical code	
Adoption .....	8-140
Moving of structures	
Fee .....	8-187
Inspection .....	8-185
Permit required .....	8-184
Substandard structures .....	8-186
Permits	
Form .....	8-3
When required .....	8-2
Plumbing code .....	8-87 et seq.
See: PLUMBING CODE	
Property and building numbering .....	8-235 et seq.
See: PROPERTY	
Property maintenance code	
Adoption .....	8-164
Amendments to the text of the printed code .....	8-165
Surveys, inspections and investigations .....	8-1
<b>BUSINESS PARK AUTHORITY</b>	
Dissolution .....	2-781
Formation .....	2-778
Organization of authority .....	2-779
Purpose .....	2-780
<b>BUSINESSES AND BUSINESS REGULATIONS</b>	
Alcoholic beverages	
Miscellaneous provisions	
Commercial quadricycles .....	4-109
Business park authority .....	2-778 et seq.
See: BUSINESS PARK AUTHORITY	

GEORGETOWN CODE

	Section
<b>BUSINESSES AND BUSINESS REGULATIONS (Cont'd.)</b>	
Fireworks	
Enforcement code	
Ancillary retailers.....	16-128
Seasonal retailers.....	16-126
Tattoo establishments.....	24-50 et seq.
See: TATTOO ESTABLISHMENTS	
<b>C</b>	
<b>CEMETERIES</b>	
Cemetery ministerial board.....	2-755 et seq.
See: CEMETERY MINISTERIAL BOARD	
<b>CEMETERY MINISTERIAL BOARD</b>	
Appointment.....	2-757
Compensation.....	2-756
Purpose.....	2-755
<b>CERTIFICATES, CERTIFICATION</b>	
Electrical code	
Certificate of approval prerequisite to furnishing current	8-61
<b>CHURCHES</b>	
Traffic and vehicles	
Parking, stopping and standing	
Church parking.....	38-63
<b>CITY</b>	
Definitions and rules of construction.....	1-2
<b>CITY ATTORNEY</b>	
Compensation.....	2-173
Duties and obligations.....	2-172
Office created.....	2-171
Offices and telephone to be provided.....	2-175
Statement of purpose.....	2-170
Support services.....	2-174
<b>CITY COUNCIL</b>	
Adjourned meetings.....	2-25
First meeting; oath of office.....	2-23
Installation of councilmembers.....	2-22
Number of councilmembers.....	2-21
Regular meetings.....	2-24
Rules of order.....	2-26
Standing committees.....	2-27
Use of city hall.....	2-28
<b>CLERK-TREASURER</b>	
Appointment.....	2-136
Attested copies of bonds.....	2-143
Countersigning of bonds; seal.....	2-142
Duties.....	2-138

## CODE INDEX

	Section
<b>CLERK-TREASURER (Cont'd.)</b>	
Establishment .....	2-135
Journal of proceedings.....	2-139
Merger of clerk and treasurer.....	2-137
Preservation of records.....	2-140
Record of legislation .....	2-141
<b>CODE</b>	
Definitions and rules of construction.....	1-2
<b>CODE ENFORCEMENT</b>	
Abatement .....	2-839
Administrative search warrant.....	2-844
Appeals; final judgment.....	2-838
Appointment of members; term of office; removal from office; oath; and compensation.....	2-833
Board created.....	2-830
Citation officers .....	2-846
Definitions .....	2-829
Department responsibility for enforcement.....	2-845
Due process and right of entry .....	2-841
Enforcement proceedings .....	2-835
Hearing officer .....	2-836
Hearing, notice and final order .....	2-837
Jurisdiction .....	2-831
Liens, fines, charges and fees .....	2-840
Organization of board; quorum.....	2-834
Penalties .....	2-842
Powers of the board.....	2-832
Remedies not exclusive.....	2-847
Stop-work order .....	2-843
Title.....	2-828
<b>CODE OF ORDINANCES*</b>	
Administrative hold .....	1-14
Amendments to Code.....	1-10
Application to future legislation .....	1-5
Application to territorial boundaries .....	1-4
Catchlines, titles, headings and notes.....	1-3
Computing time .....	1-12
General penalty; continuing violations.....	1-13
How Code designated and cited.....	1-1
Miscellaneous ordinances not affected by Code.....	1-6
Reference to offices .....	1-9
Reference to other section .....	1-8
Rule of separability .....	1-7
Supplementation of Code .....	1-11

**\*Note**—The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.

GEORGETOWN CODE

	Section
<b>COMMUNICATION SERVICES</b>	
Books and records of the franchise .....	9-13
Enforcement and penalties .....	9-17
Equal employment opportunity .....	9-15
Foreclosure-Receivership .....	9-11
Franchise requirements and characteristics.....	9-2
Acceptance and effective date of franchise .....	9-2(f)
Application and application fee required .....	9-2(d)
Assignment of franchise .....	9-2(n)
Description of communications service .....	9-2(m)
Emergencies .....	9-2(h)
Forfeiture of franchise and privilege.....	9-2(o)
Franchise fees not a tax; payment of taxes .....	9-2(l)
Franchise fees.....	9-2(j)
Franchises nonexclusive.....	9-2(b)
Nature of rights granted by any franchise .....	9-2(c)
No accord and satisfaction .....	9-2(k)
Security for payment of fees .....	9-2(p)
Standards and procedures for approval or renewal of franchises.....	9-2(e)
Term.....	9-2(i)
Unlawful to operate without a franchise .....	9-2(a)
Use of rights-of-way; police powers; franchisee's use subordinate.....	9-2(g)
Franchisees providing communications service to custom- ers.....	9-6
General provisions .....	9-1
Applicability .....	9-1(c)
Compliance with laws.....	9-1(g)
Declaration of findings.....	9-1(a)
Defined terms .....	9-1(j)
Enforcement; attorneys' fees .....	9-1(h)
Indemnification .....	9-1(f)
Preservation of authority .....	9-1(d)
Public inspection of records .....	9-1(e)
Relationship of the parties .....	9-1(i)
Title .....	9-1(b)
Liabilities and penalties .....	9-8
Miscellaneous.....	9-4
Administration of franchise .....	9-4(a)
Non-enforcement by the city .....	9-4(b)
Publication of notices .....	9-4(c)
Severability.....	9-4(d)
Private communications facilities.....	9-7
Remedies not exclusive.....	9-9
Reports .....	9-12
Review, termination and cancellation .....	9-10
Termination .....	9-10(b)
Rights-of-way management and facilities requirements ...	9-3
Delay .....	9-3(j)



## CODE INDEX

	Section
<b>COMMUNICATION SERVICES (Cont'd.)</b>	
Encroachment permit .....	9-3(a)
Franchisee responsible for costs .....	9-3(d)
Inspections .....	9-3(l)
Insurance and bonds .....	9-3(e)
Notification .....	9-3(g)
Permits .....	9-3(f)
Relocation of facilities .....	9-3(c)
Removal of facilities .....	9-3(b)
Repair of sunken pavement over excavation .....	9-3(m)
Special exceptions .....	9-3(k)
Standards .....	9-3(h)
Traffic .....	9-3(i)
Time of essence .....	9-14
Transitional provisions .....	9-5
Violations .....	9-16
<b>COMPENSATION, SALARIES, ETC.</b>	
Cemetery Ministerial Board	
Compensation .....	2-756
City attorney	
Compensation .....	2-173
Code enforcement	
Appointment of members; term of office; removal from office; oath; and compensation .....	2-833
Housing commission	
Salary, expenses .....	2-601
Mayor pro tem	
Compensation .....	2-110
Salary supplement for police officers .....	2-461 et seq.
See: POLICE DEPARTMENT	
Tax withheld from employee compensation .....	36-68 et seq.
See: TAXATION	
<b>CONDUCT</b>	
Human rights	
Prohibited discriminatory practices	
Frivolous conduct .....	22-66
Standards of conduct .....	2-238 et seq.
See: ETHICS, CODE OF	
<b>CONFLICTS WITH STATE LAW</b>	
Definitions and rules of construction .....	1-2
<b>CONSTRUCTION. See: BUILDINGS AND BUILDING REGULATIONS</b>	
<b>CONTRACTS AND AGREEMENTS</b>	
Ethics, code of	
Standards of conduct	
Conflict of interest in contracts .....	2-239

GEORGETOWN CODE

	Section
<b>CONTRACTS AND AGREEMENTS (Cont'd.)</b>	
Water and sanitary sewer commissioners, board of	
Bids and construction contracts .....	2-562
<b>COUNCIL</b>	
Definitions and rules of construction.....	1-2
<b>COUNTY</b>	
Definitions and rules of construction.....	1-2
<b>CURBS AND GUTTERS</b>	
Traffic and vehicles	
Parking, stopping and standing	
Parking at curb.....	38-52
Parking with left side to curb .....	38-54
Trees, shrubs and plants	
Trees	
Distance from curb, sidewalk and power lines .....	42-27
<b>D</b>	
<b>DEBRIS</b>	
Streets, sidewalks and other public places	
Transportation, relocation of dirt, earth and debris on and around construction sites .....	32-1
<b>DEPARTMENTS AND OTHER AGENCIES OF CITY</b>	
Air board .....	2-621 et seq.
See: AIR BOARD	
Architectural review board .....	2-732 et seq.
See: ARCHITECTURAL REVIEW BOARD	
Boards and commissions	
Uniform regulatory provisions.....	2-521
Building department	
Duties of building official.....	2-490
Qualifications of building official.....	2-491
Business park authority .....	2-778 et seq.
See: BUSINESS PARK AUTHORITY	
Cemetery ministerial board.....	2-755 et seq.
See: CEMETERY MINISTERIAL BOARD	
City tree board .....	42-21 et seq.
See: TREES, SHRUBS AND PLANTS	
Code enforcement board.....	2-830 et seq.
See: CODE ENFORCEMENT	
Fire department.....	2-397 et seq.
See: FIRE DEPARTMENT	
Floodplain management	
Administration; appeals and variances	
Variance and appeal board	
Designation of.....	18-58
Duties of .....	18-59

## CODE INDEX

	Section
<b>DEPARTMENTS AND OTHER AGENCIES OF CITY (Cont'd.)</b>	
Georgetown events and commerce center authority, inc. ...	2-802 et seq.
See: GEORGETOWN EVENTS AND COMMERCE CENTER AUTHORITY, INC.	
Historic commission .....	2-704 et seq.
See: HISTORIC COMMISSION	
Housing commission	
Created .....	2-600
Salary, expenses .....	2-601
Human rights commission .....	22-23 et seq.
See: HUMAN RIGHTS COMMISSION	
Parks, playground and recreation board .....	2-650 et seq.
See: PARKS AND RECREATION	
Police department.....	2-428 et seq.
See: POLICE DEPARTMENT	
Recreational tourist and convention commission .....	2-678 et seq.
See: PARKS AND RECREATION	
Water and sanitary sewer commissioners, board of .....	2-551 et seq.
See: WATER AND SANITARY SEWER COMMISSION- ERS, BOARD OF	

### DISABLED OR HANDICAPPED PERSONS

Traffic and vehicles	
Parking, stopping and standing	
Parking privileges for handicapped.....	38-64
Regulation of handicapped parking.....	38-65

### DISCRIMINATION

Prohibited discriminatory practices .....	22-58 et seq.
See: HUMAN RIGHTS	

## E

### ELECTIONS

Elected officers	
Elections to be non-partisan .....	10-2
Generally .....	10-1

### ELECTRICAL CODE

Adoption.....	8-57
Authority of electrical inspector and fire chief to disconnect service .....	8-63
Certificate of approval prerequisite to furnishing current..	8-61
Electrical wiring requirements.....	8-58
Inspections.....	8-59
Liability for defects .....	8-62
Miscellaneous provisions.....	8-64
Notice of readiness for inspection.....	8-60

GEORGETOWN CODE

	Section
<b>EMERGENCY MANAGEMENT AND EMERGENCY SERVICES</b>	
Alarm systems.....	12-46 et seq.
See: ALARM SYSTEMS	
Communication services	
Franchise requirements and characteristics .....	9-2
Emergencies .....	9-2(h)
Disaster and emergency response	
Definitions.....	12-20
Director .....	12-21
Georgetown-Scott County 911 center	
911 service fee assessed .....	12-71
Collection of 911 service fee.....	12-72
Excess funds and revenue monitoring .....	12-73
<b>ENVIRONMENT</b>	
Erosion prevention and sediment control.....	14-60 et seq.
See: EROSION PREVENTION AND SEDIMENT CONTROL	
Hazardous materials .....	14-19 et seq.
See: HAZARDS, HAZARDOUS	
<b>EQUIPMENT AND MACHINERY</b>	
Alarm systems	
Equipment and technical standards .....	12-50
Ethics, code of	
Standards of conduct	
Use of city property, equipment and personnel .....	2-241
Traffic and vehicles	
Parking, stopping and standing	
Trucks, trailers, equipment and disabled vehicles.....	38-57
<b>EROSION PREVENTION AND SEDIMENT CONTROL</b>	
Authority .....	14-60

## CODE INDEX

	Section
<b>FIRE PREVENTION AND PROTECTION (Cont'd.)</b>	
Permits and fees .....	16-26
Violations .....	16-28
Fireworks enforcement code .....	16-121 et seq.
See: FIREWORKS	
Hydrant fee .....	16-2
Regulation of open fires .....	16-1
<b>FIREARMS AND WEAPONS</b>	
Offenses and miscellaneous provisions	
Deadly weapons within public buildings owned or occupied by the city .....	28-6
Discharge of weapons .....	28-3
<b>FIREWORKS</b>	
Enforcement code	
Ancillary retailers .....	16-128
Definitions .....	16-122
Enforcement of article .....	16-130
Penalties .....	16-129
Permits .....	16-125
Restrictions .....	16-124
Revocation; suspension .....	16-127
Seasonal retailers .....	16-126
Title .....	16-121
Use and sale of .....	16-123
<b>FLOODPLAIN MANAGEMENT</b>	
Abrogation and greater restrictions .....	18-10
Administration	
Appeals and variances	
Appeals and variance procedures .....	18-60
Conditions for variances .....	18-61
Historic structures .....	18-63
Nature of variances .....	18-57
Variance and appeal board	
Designation of .....	18-58
Duties of .....	18-59
Variance notification .....	18-62
Designation of local administrator .....	18-32
Duties and responsibilities of the local administrator ....	18-34
Establishment of development permit .....	18-33
Basis for establishing the special flood hazard areas .....	18-7
Compliance .....	18-9
Definitions .....	18-1
Enforcement, violation notice and penalties .....	18-13
Establishment of development permit .....	18-8
Findings of fact .....	18-3
Flood hazard reduction	
Critical facilities .....	18-92
Expiration of floodplain construction permit, in general .	18-85

GEORGETOWN CODE

	Section
<b>FLOODPLAIN MANAGEMENT (Cont'd.)</b>	
General construction standards .....	18-86
Specific standards .....	18-87
Standards for accessory structures in all zones beginning with the letter "A." .....	18-91
Standards for shallow flooding zones .....	18-89
Standards for streams without established base flood elevation and/or floodways .....	18-88
Standards for subdivision proposals .....	18-90
Interpretation .....	18-11
Lands to which this chapter applies.....	18-6
Objectives .....	18-5
Statement of purpose.....	18-4
Statutory authorization .....	18-2
Warning and disclaimer of liability.....	18-12
<b>FLOODS, FLOODING</b>	
Floodplain management.....	18-1 et seq.
See: FLOODPLAIN MANAGEMENT	
<b>FRANCHISES</b>	
Franchise requirements and characteristics.....	9-2 et seq.
See: COMMUNICATION SERVICES	
Solid waste	
Collection and disposal	
Franchise required for private collection and disposal of waste.....	40-32
<b>G</b>	
<b>GARAGE SALES</b>	
Definitions .....	24-19
Enforcement and penalties .....	24-23
Permits and fees .....	24-20
Person and sale excepted .....	24-22
Restricted number of sales.....	24-21
<b>GAS</b>	
Gas code	
Adoption of gas installation and maintenance code.....	8-113
Traffic and vehicles	
Parking, stopping and standing	
Leaking oil or gas .....	38-59
<b>GAS CODE</b>	
Adoption of gas installation and maintenance code .....	8-113
<b>GENDER</b>	
Definitions and rules of construction.....	1-2
<b>GENERAL TERM</b>	
Definitions and rules of construction.....	1-2

CODE INDEX

	Section
GEORGETOWN EVENTS AND COMMERCE CENTER AUTHORITY, INC.	
Bylaws.....	2-807
Formation.....	2-802
Officers; records; frequency of meetings.....	2-805
Powers and duties.....	2-803
Quorum.....	2-806
GOLF CARTS	
Additional exemption.....	38-246
Compliance.....	38-242
Definition.....	38-241
Exemptions.....	38-245
Penalty.....	38-247
Requirements.....	38-243
Traffic regulations.....	38-244
<b>H</b>	
HANDICAPPED PERSONS. See: DISABLED OR HANDICAPPED PERSONS	
HAZARDS, HAZARDOUS	
Flood hazard reduction.....	18-85 et seq.
See: FLOODPLAIN MANAGEMENT	
Hazardous materials	
Administering agency.....	14-23
Applicability.....	14-20
Authorized release.....	14-26
Contractual indemnification; subrogation.....	14-27
Definitions.....	14-21
Disclaimer of liability.....	14-28
Liability for costs.....	14-25
Prohibited acts.....	14-22
Purpose.....	14-19
Response authority.....	14-24
HEALTH AND SANITATION	
Smoking in public places	
Application of article to city-owned and county-owned facilities.....	20-23
Declaration of establishment as nonsmoking.....	20-29
Definitions.....	20-22
Enforcement.....	20-32
Findings and intent.....	20-21
Nonretaliation and nonwaiver of rights.....	20-31
Posting of signs.....	20-30
Prohibition of smoking in	
Enclosed public places.....	20-24
Outdoor arenas and stadiums.....	20-26
Places of employment.....	20-25
Reasonable distance.....	20-27

GEORGETOWN CODE

	Section
<b>HEALTH AND SANITATION (Cont'd.)</b>	
Violations and penalties .....	20-33
Where smoking not regulated.....	20-28
Syringe exchange program.....	20-1
Water and sanitary sewer commissioners, board of .....	2-551 et seq.
See: WATER AND SANITARY SEWER COMMISSION- ERS, BOARD OF	
<b>HEARINGS</b>	
Code enforcement	
Hearing officer .....	2-836
Hearing, notice and final order .....	2-837
Ethics, code of	
Enforcement, board of ethics	
Hearing procedure .....	2-343
Notice of hearings.....	2-342
<b>HEIGHT</b>	
Obstructions	
Minimum height of awnings and signs .....	32-22
<b>HISTORIC COMMISSION</b>	
Created .....	2-704
Duties.....	2-708
General powers; financial support of commission.....	2-707
Meetings .....	2-709
Membership.....	2-705
Officers .....	2-706
<b>HISTORIC, HISTORICAL</b>	
Historic commission .....	2-704 et seq.
See: HISTORIC COMMISSION	
<b>HOTELS AND MOTELS</b>	
Room tax	
Imposition of transient room tax .....	36-121
Penalty.....	36-122
<b>HOUSING</b>	
Fences, walls, hedges and enclosures	
Fences	
Regulation; residential .....	8-213
Housing commission	
Created .....	2-600
Salary, expenses .....	2-601
Human rights	
Prohibited discriminatory practices	
Exemptions from unlawful housing practices .....	22-59
Unlawful practices in housing.....	22-58
Solid waste	
Collection and disposal	
Regulation of dumpsters in residentially zoned areas .	40-30



## CODE INDEX

	Section
HOUSING (Cont'd.)	
Traffic and vehicles	
Parking, stopping and standing	
Residential parking permit program	
Designation of streets for permit parking only .....	38-131
Procedure for permitting parking on designated streets	38-132
HOUSING COMMISSION	
Created .....	2-600
Salary, expenses .....	2-601
HUMAN RIGHTS	
Definitions .....	22-1
Human rights commission .....	22-23 et seq.
See: HUMAN RIGHTS COMMISSION	
Policy and purpose .....	22-2
Prohibited discriminatory practices	
Administration and enforcement .....	22-64
Annual report .....	22-67
Exemptions from unlawful employment practices .....	22-62
Exemptions from unlawful housing practices .....	22-59
Frivolous conduct .....	22-66
General exemptions from this article .....	22-63
Obstruction and retaliation .....	22-65
Unlawful practices in employment .....	22-61
Unlawful practices in housing .....	22-58
Unlawful practices in public accommodations .....	22-60
HUMAN RIGHTS COMMISSION	
Administrative provisions .....	22-25
Complaint procedure .....	22-26
Enforcement orders .....	22-27
Membership .....	22-23
Powers .....	22-24
 <b>I</b>  	
IMPOUNDMENT	
Animals and fowl	
Animal control	
Impoundment of animals and violation notice .....	6-24
INDEMNIFICATION	
Communication services	
General provisions .....	9-1
Indemnification .....	9-1(f)
Hazards, hazardous	
Hazardous materials	
Contractual indemnification; subrogation .....	14-27

GEORGETOWN CODE

	Section
INDEMNIFICATION (Cont'd.)	
Property	
Property and building numbering	
Indemnification provisions for premises with entrances on more than one street.....	8-237
Streets, sidewalks and other public places	
Restoration of streets	
Indemnity .....	32-80
INSPECTIONS	
Buildings and building regulations	
Building and residential codes	
Building inspection program .....	8-33
Building inspection	
Appeals board .....	8-6
Code enforcement officer.....	8-5
Moving of structures .....	8-185
Communication services	
General provisions .....	9-1
Public inspection of records.....	9-1(e)
Rights-of-way management and facilities requirements..	9-3
Inspections.....	9-3(l)
Electrical code .....	8-59 et seq.
See: ELECTRICAL CODE	
Erosion prevention and sediment control	
Inspection.....	14-67
Sewers and sewage disposal.....	40-153 et seq.
See: WATER AND SEWERS	
Streets, sidewalks and other public places	
Restoration of streets	
Inspections.....	32-84
INSURANCE	
Communication services	
Rights-of-way management and facilities requirements..	9-3
Insurance and bonds.....	9-3(e)
Insurance companies	
Due date .....	36-94
Established.....	36-92
Fees.....	36-93
Use of fees .....	36-96
Written documentation required .....	36-95
Streets, sidewalks and other public places	
Restoration of streets	
Insurance .....	32-79
<b>K</b>	
KRS	
Definitions and rules of construction.....	1-2

CODE INDEX

	Section
<b>L</b>	
LANDS, LAND USE	
Zoning and land use .....	44-1 et seq.
See: ZONING AND LAND USE	
LIABILITY	
Communication services	
Liabilities and penalties .....	9-8
Electrical code	
Liability for defects .....	8-62
Hazards, hazardous	
Hazardous materials	
Disclaimer of liability .....	14-28
Liability for costs .....	14-25
LICENSES AND PERMITS	
Alarm systems	
Alarm user permit .....	12-51
Alcoholic beverage licenses .....	4-33 et seq.
See: ALCOHOLIC BEVERAGES	
Buildings and building regulations	
Moving of structures	
Permit required .....	8-184
Communication services .....	9-3(a) et seq.
See: COMMUNICATION SERVICES	
Erosion prevention and sediment control	
Permits and fees .....	14-69
Permits .....	14-63
Explosives	
Blasting permits .....	16-62
Fire prevention and protection	
Fire safety standards	
Permits and fees .....	16-26
Fireworks	
Enforcement code	
Permits .....	16-125
Garage sales	
Permits and fees .....	24-20
Occupational license taxes .....	36-55 et seq.
See: TAXATION	
Plumbing code, permit	
Application .....	8-90
Required .....	8-89
Sewers and sewage disposal .....	40-150 et seq.
See: WATER AND SEWERS	
Streets, sidewalks and other public places	
Restoration of streets	
Permit/fee .....	32-76
Tattoo establishments	
License fee .....	24-53

## GEORGETOWN CODE

	Section
<b>LICENSES AND PERMITS (Cont'd.)</b>	
License required .....	24-51
Trees.....	42-32 et seq.
See: TREES, SHRUBS AND PLANTS	
<b>LIENS</b>	
Code enforcement	
Liens, fines, charges and fees .....	2-840
<b>LIGHTING, LIGHTS</b>	
Enforcement and penalties .....	32-122
General provisions .....	32-120
Previously approved development .....	32-121
<b>LOADING, UNLOADING</b>	
Traffic and vehicles	
Parking, stopping and standing	
Loading zones .....	38-60
<b>M</b>	
<b>MAINTENANCE</b>	
Erosion prevention and sediment control	
Design and maintenance requirements.....	14-66
Ethics, code of	
Financial disclosure	
Control and maintenance of the statements of financial interest .....	2-278
Gas code	
Adoption of gas installation and maintenance code.....	8-113
License applications; maintenance of license.....	4-65 et seq.
See: ALCOHOLIC BEVERAGES	
Property maintenance code	
Adoption .....	8-164
Amendments to the text of the printed code.....	8-165
<b>MANUFACTURE, MANUFACTURING</b>	
Explosives	
Manufacture and sale.....	16-63
<b>MAYOR</b>	
Disability of mayor during times of emergency; order of succession of authority .....	2-82
Emergency powers .....	2-81
<b>MAYOR PRO TEM</b>	
Compensation .....	2-110
Duties.....	2-111
Method of selection .....	2-109
Office created.....	2-108
<b>MECHANICAL CODE</b>	
Adoption.....	8-140

## CODE INDEX

	Section
<b>MEETINGS</b>	
City council .....	2-23 et seq.
See: CITY COUNCIL	
Georgetown events and commerce center authority, inc.	
Officers; records; frequency of meetings .....	2-805
Historic commission	
Meetings .....	2-709
Water and sanitary sewer commissioners, board of	
Meetings .....	2-552
<b>MINORS</b>	
Alcoholic beverages	
Miscellaneous provisions	
Possession by minors prohibited; no person shall aid possession by minors .....	4-100
Offenses and miscellaneous provisions	
Curfew for minors .....	28-2
<b>MONTH</b>	
Definitions and rules of construction .....	1-2
<b>N</b>	
<b>NOISE</b>	
Enforcement and penalties .....	28-36
Exemptions .....	28-35
Prohibited noise offenses .....	28-34
Purpose of article .....	28-33
<b>NOTICE, NOTIFICATION</b>	
Alcoholic beverages; licenses	
License applications; maintenance of license	
Proceedings for revocation or suspension of license; notice and opportunity to contest; effect of revoca- tion or suspension .....	4-73
Code enforcement	
Hearing, notice and final order .....	2-837
Communication services	
Miscellaneous .....	9-4
Publication of notices .....	9-4(c)
Rights-of-way management and facilities requirements..	9-3
Notification .....	9-3(g)
Electrical code	
Notice of readiness for inspection .....	8-60
Ethics, code of	
Enforcement, board of ethics	
Notice of hearings .....	2-342
<b>NUISANCES</b>	
Blighted and deteriorated properties	
Adoption of state law .....	26-30

GEORGETOWN CODE

	Section
<b>NUISANCES (Cont'd.)</b>	
Assignment of duties of vacant property review commis- sion .....	26-31
Certification of blight deterioration .....	26-34
Definitions.....	26-32
Elimination of blight and deterioration .....	26-33
Eminent domain.....	26-35
Purpose and findings.....	26-29
Certain conditions declared to be nuisances.....	26-2
Common law and statutory nuisances .....	26-1
Enforcement and penalties .....	26-5
Nuisance created by others .....	26-4
Solid waste	
Collection and disposal	
Nuisance regulations .....	40-28
Test for nuisance .....	26-3
<b>NUMBER, NUMBERING</b>	
Definitions and rules of construction.....	1-2
Property and building numbering .....	8-235 et seq.
See: PROPERTY	
<b>O</b>	
<b>OATH, AFFIRMATION, SWEAR OR SWORN</b>	
City council	
First meeting; oath of office .....	2-23
Code enforcement	
Appointment of members; term of office; removal from office; oath; and compensation .....	2-833
<b>OBSTRUCTIONS</b>	
Boxes, boards, building materials.....	32-29
Builders permitted to obstruct streets .....	32-25
Minimum height of awnings and signs.....	32-22
Projections above pavement .....	32-23
Removal of materials from street; safety requirements.....	32-24
Selling on street.....	32-26
Sidewalks to be kept clean.....	32-27
Snow to be removed from sidewalks.....	32-28
Traffic and vehicles	
Parking, stopping and standing	
Municipal parking lots	
Obstruction of passageways.....	38-103
<b>OFFENSES AND MISCELLANEOUS PROVISIONS</b>	
Bonfires .....	28-4
Curfew for minors.....	28-2
Deadly weapons within public buildings owned or occupied by the city.....	28-6
Discharge of weapons.....	28-3

CODE INDEX

	Section
<b>OFFENSES AND MISCELLANEOUS PROVISIONS (Cont'd.)</b>	
Explicit sexual material	
Defenses to prosecution.....	28-64
Definitions.....	28-62
Exemption for broadcasts .....	28-65
Offenses.....	28-63
Penalties.....	28-66
Purpose .....	28-61
Noise.....	28-33 et seq.
See: NOISE	
Placement and removal of political signs .....	28-5
Solicitation within streets and roads.....	28-7
Sunday retail sales .....	28-1
Unmanned aircraft .....	28-91 et seq.
See: AVIATION	
<b>OFFICER, EMPLOYEE, DEPARTMENT, BOARD, COMMISSION OR OTHER CITY AGENCY</b>	
Definitions and rules of construction.....	1-2
<b>OFFICERS AND EMPLOYEES</b>	
City attorney .....	2-170 et seq.
See: CITY ATTORNEY	
City council .....	2-21 et seq.
See: CITY COUNCIL	
Clerk-treasurer.....	2-135 et seq.
See: CLERK-TREASURER	
Code enforcement officer.....	2-61
Elections	
Elected officers	
Elections to be non-partisan.....	10-2
Generally.....	10-1
Emergency management and emergency services	
Disaster and emergency response	
Director.....	12-21
Ethics, code of	
Standards of conduct	
Use of city property, equipment and personnel .....	2-241
Georgetown events and commerce center authority, inc.	
Board of directors.....	2-804
Officers; records; frequency of meetings .....	2-805
Historic commission	
Officers.....	2-706
Mayor pro tem.....	2-108 et seq.
See: MAYOR PRO TEM	
Mayor	
Disability of mayor during times of emergency; order of succession of authority.....	2-82
Emergency powers.....	2-81
Personnel and pay classification plan .....	2-60

GEORGETOWN CODE

	Section
OFFICERS AND EMPLOYEES (Cont'd.)	
Police officers .....	2-428 et seq.
See: POLICE DEPARTMENT	
OPEN BURNING	
Fire prevention and protection	
Regulation of open fires .....	16-1
Offenses and miscellaneous provisions	
Bonfires .....	28-4
OR, AND	
Definitions and rules of construction.....	1-2
ORDINANCES, RESOLUTIONS, ETC.	
Zoning and land use	
Adoption of revised zoning ordinance.....	44-1
Adoption of sign ordinance .....	44-4
OWNER	
Definitions and rules of construction.....	1-2
<b>P</b>	
PARKING, PARKING LOTS	
Fire prevention and protection	
Fire lanes	
Parking prohibited.....	16-91
Traffic and vehicles .....	38-10 et seq.
See: TRAFFIC AND VEHICLES	
PARKS AND RECREATION	
Park rules	
Hours.....	30-19
Parks, playground and recreation board	
Created .....	2-650
Officers.....	2-651
Powers .....	2-652
Recreational tourist and convention commission	
Created .....	2-678
Imposition of transient room tax .....	2-679
Penalty .....	2-680
Trees, shrubs and plants	
Trees	
Compensatory payment for unauthorized removal of street or park tree .....	42-42
PEDDLERS AND SOLICITORS	
Offenses and miscellaneous provisions	
Solicitation within streets and roads .....	28-7
PERSON	
Definitions and rules of construction.....	1-2



## CODE INDEX

	Section
<b>PERSONAL PROPERTY</b>	
Definitions and rules of construction.....	1-2
<b>PIPES, CABLES AND CONDUITS</b>	
Water system .....	40-463 et seq.
See: WATER AND SEWERS	
<b>PLUMBING CODE</b>	
Adoption.....	8-88
Definitions .....	8-87
Health department approval required .....	8-92
Inside plumbing required .....	8-91
Permit	
Application .....	8-90
Required .....	8-89
<b>POLES AND WIRES</b>	
Electrical code	
Electrical wiring requirements .....	8-58
Trees, shrubs and plants	
Trees	
Distance from curb, sidewalk and power lines .....	42-27
<b>POLICE DEPARTMENT</b>	
Additional positions.....	2-430
Alarm systems	
Police consolidated alarm panel .....	12-53
Communication services	
Franchise requirements and characteristics .....	9-2
Use of rights-of-way; police powers; franchisee's use subordinate .....	9-2(g)
Duties of chief .....	2-429
Number and classification of police officers .....	2-428
Ratification and re-creation of the pre-existing city police department .....	2-431
Salary supplement for police officers	
Administration of funds .....	2-468
Chief of police to prepare reports.....	2-466
Compliance with law .....	2-465
Compliance with rules and regulations.....	2-467
In-service training course .....	2-463
Participation in law enforcement foundation program ...	2-461
Qualifications for supplement .....	2-462
Reductions or increases in salary .....	2-464
<b>POLLUTION</b>	
Erosion prevention and sediment control	
Stormwater pollution prevention plan (SWPPP) .....	14-65
Illicit discharge and connection to stormwater sewers	
Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices	40-541

GEORGETOWN CODE

	Section
<b>POLLUTION (Cont'd.)</b>	
Pollutant discharge limits .....	40-175 et seq.
See: WATER AND SEWERS	
Sewers and sewage disposal	
Use of public sewers	
Discharge of unpolluted waters into sewer .....	40-93
<b>PROPERTY</b>	
Alcoholic beverages	
Miscellaneous provisions	
Signs and advertising; advertising on municipally- owned property or at municipally-sponsored events prohibited; certain other advertising prohibited ...	4-106
Blighted and deteriorated properties .....	26-29 et seq.
See: NUISANCES	
Definitions and rules of construction .....	1-2
Ethics, code of	
Standards of conduct	
Use of city property, equipment and personnel .....	2-241
Property and building numbering	
Assignment of numbers .....	8-235
Display provisions .....	8-236
Enforcement .....	8-239
Indemnification provisions for premises with entrances on more than one street .....	8-237
Penalty .....	8-238
Property maintenance code	
Adoption .....	8-164
Amendments to the text of the printed code .....	8-165
<b>PROPERTY MAINTENANCE CODE</b>	
Adoption .....	8-164
Amendments to the text of the printed code .....	8-165

**R**

<b>REAL PROPERTY</b>	
Definitions and rules of construction .....	1-2
<b>RECORDS AND REPORTS</b>	
Alcoholic beverages; licenses	
License applications; maintenance of license	
Review of license; books, records and reports .....	4-76
Clerk-treasurer	
Preservation of records .....	2-140
Record of legislation .....	2-141
Communication services .....	9-1(e) et seq.
See: COMMUNICATION SERVICES	
Georgetown events and commerce center authority, inc.	
Officers; records; frequency of meetings .....	2-805

CODE INDEX

	Section
RECORDS AND REPORTS (Cont'd.)	
Human rights	
Prohibited discriminatory practices	
Annual report .....	22-67
Police department	
Salary supplement for police officers	
Chief of police to prepare reports .....	2-466
Sewers and sewage disposal .....	40-216 et seq.
See: WATER AND SEWERS	
Taxation	
Occupational license taxes	
Computation generally; records; forms .....	36-60
RESIDENCE, RESIDENTIAL. See: HOUSING	
ROOM TAX	
Imposition of transient room tax.....	36-121
Penalty .....	36-122
<b>S</b>	
SAFETY AND WELFARE	
Fire prevention and protection	
Fire safety standards	
Adoption of state standards of safety .....	16-23
SALES	
Alcoholic beverages	
Miscellaneous provisions	
Hours for sale and delivery .....	4-98
Patio and outdoor sales; where permitted; approval required; screening requirements; exceptions .....	4-107
Explosives	
Manufacture and sale.....	16-63
Fireworks	
Enforcement code	
Use and sale of .....	16-123
Garage sales .....	24-19 et seq.
See: GARAGE SALES	
Offenses and miscellaneous provisions	
Sunday retail sales .....	28-1
Traffic and vehicles	
Parking, stopping and standing	
Vehicles parked for display, repair or sale .....	38-58
SEWERS. See: WATER AND SEWERS	
SHALL, MAY	
Definitions and rules of construction.....	1-2
SIGNALING DEVICES	
Traffic and vehicles .....	38-3 et seq.
See: TRAFFIC AND VEHICLES	

GEORGETOWN CODE

	Section
<b>SIGNS AND BILLBOARDS</b>	
Alcoholic beverages	
Miscellaneous provisions	
Signs and advertising; advertising on municipally-owned property or at municipally-sponsored events prohibited; certain other advertising prohibited ...	4-106
Health and sanitation	
Smoking in public places	
Posting of signs.....	20-30
Obstructions	
Minimum height of awnings and signs .....	32-22
Offenses and miscellaneous provisions	
Placement and removal of political signs.....	28-5
Traffic and vehicles .....	38-4 et seq.
See: TRAFFIC AND VEHICLES	
Trucks and trailers	
Truck routes	
Signs .....	38-163
Zoning and land use	
Adoption of revised zoning ordinance.....	44-1
Adoption of sign ordinance .....	44-4
<b>SMOKING</b>	
Smoking in public places.....	20-21 et seq.
See: HEALTH AND SANITATION	
<b>SNOW AND ICE</b>	
Fire prevention and protection	
Fire lanes	
Snow and ice removal .....	16-92
Obstructions	
Snow to be removed from sidewalks .....	32-28
Snow emergencies and snow removal	
Adoption of snow plan .....	38-281
Classification of streets.....	38-282
Contracted snow removal.....	38-290
Parking restrictions .....	38-283
Penalties.....	38-289
Placement of snow on streets and sidewalks .....	38-286
Snow and ice and around trash containers .....	38-288
Snow removal on not-dedicated and private streets .....	38-284
Snow to be removed around fire hydrants .....	38-285
Snow windrows .....	38-287
<b>SOLID WASTE</b>	
Collection and disposal	
Collection agent.....	40-25
Compulsory collection.....	40-24
Enforcement.....	40-31
Franchise required for private collection and disposal of waste .....	40-32

## CODE INDEX

	Section
<b>SOLID WASTE (Cont'd.)</b>	
Nuisance regulations.....	40-28
Rates for collection .....	40-27
Regulation of dumpsters in residentially zoned areas ....	40-30
Removal of offending containers.....	40-29
Rules and regulations.....	40-26
Solid waste and recycling collection.....	40-23
<b>STATE</b>	
Definitions and rules of construction.....	1-2
<b>STORMWATER MANAGEMENT</b>	
Erosion prevention and sediment control	
Stormwater pollution prevention plan (SWPPP) .....	14-65
Illicit discharge and connection to stormwater sewers.....	40-532 et seq.
See: WATER AND SEWERS	
<b>STREETS, SIDEWALKS AND OTHER PUBLIC PLACES</b>	
Construction and repair of sidewalks	
Annual inventory of sidewalks.....	32-49
Enforcement and penalties.....	32-50
General maintenance and upkeep of sidewalk adjacent to property.....	32-47
Owner failing to construct or repair .....	32-48
Definitions and rules of construction.....	1-2
Obstructions .....	32-22 et seq.
See: OBSTRUCTIONS	
Offenses and miscellaneous provisions	
Solicitation within streets and roads .....	28-7
Restoration of streets	
Construction and maintenance surety bond .....	32-78
Definitions.....	32-74
Emergency repairs .....	32-81
Enforcement and penalties.....	32-88
Incorporation of relevant authorities .....	32-75
Indemnity.....	32-80
Inspections .....	32-84
Insurance .....	32-79
Mandatory site displays .....	32-86
Non-dedicated streets.....	32-77
Permit/fee.....	32-76
Restoration of surface.....	32-83
Safety and accessibility requirements .....	32-85
Traffic control.....	32-82
Warranty.....	32-87
Rights-of-way management and facilities requirements ....	9-3 et seq.
See: COMMUNICATION SERVICES	
Sidewalks	
General maintenance and upkeep of sidewalk adjacent to property.....	32-47

GEORGETOWN CODE

	Section
<b>STREETS, SIDEWALKS AND OTHER PUBLIC PLACES</b>	
(Cont'd.)	
Smoking in public places.....	20-21 et seq.
See: HEALTH AND SANITATION	
Transportation, relocation of dirt, earth and debris on and around construction sites .....	32-1
Trees.....	42-25 et seq.
See: TREES, SHRUBS AND PLANTS	
Trucks and trailers	
Truck routes	
Permitted use for streets for local deliveries .....	38-164
Zoning and land use	
Adoption of major street plan.....	44-3
<b>SUBDIVISIONS</b>	
Fire prevention and protection	
Fire lanes	
Subdivision plats shall show compliance .....	16-87
Floodplain management	
Flood hazard reduction	
Standards for subdivision proposals.....	18-90
Regulations	
Adoption .....	34-1
<b>T</b>	
<b>TATTOO ESTABLISHMENTS</b>	
Application fee.....	24-52
Definitions .....	24-50
License fee .....	24-53
License required .....	24-51
Penalty .....	24-54
<b>TAXATION</b>	
Assessments .....	36-1
Communication services	
Franchise requirements and characteristics .....	9-2
Franchise fees not a tax; payment of taxes .....	9-2(l)
Insurance companies .....	36-92 et seq.
See: INSURANCE	
Occupational license taxes	
Audits .....	36-65
Computation generally; records; forms .....	36-60
Computation of net profit .....	36-62
Definitions.....	36-55
Dissolution, withdrawal of business from city .....	36-61
Due dates for returns .....	36-63
Economic development incentive .....	36-74
Exemptions.....	36-57
Extensions.....	36-64
Full amount of tax to be paid.....	36-66

## CODE INDEX

	Section
<b>TAXATION (Cont'd.)</b>	
Overpayments; prepayments .....	36-59
Penalties for violation of article .....	36-72
Quarterly estimated tax payments .....	36-58
Refunds; credits .....	36-67
Required .....	36-56
Revenue commission authorized to act as agent of city ..	36-73
Tax withheld from employee compensation	
Generally .....	36-68
Liability of employer, corporate officers .....	36-70
Overpayment .....	36-71
Payment by employer .....	36-69
Room tax	
Imposition of transient room tax .....	36-121
Penalty .....	36-122
Special licenses; regulatory fees .....	36-2
Waiver of city taxes	
Appeals .....	36-27
Eligible manufacturing establishments .....	36-25
Limits of authority .....	36-26
Procedure .....	36-24
Purpose .....	36-23
<b>TRAFFIC AND VEHICLES</b>	
Alcoholic beverages	
Miscellaneous provisions	
Commercial quadricycles .....	4-109
Color of lights which a police vehicle may display .....	38-15
Communication services	
Rights-of-way management and facilities requirements ..	9-3
Traffic .....	9-3(i)
Enforcement	
Chief of police or city attorney may exonerate tags .....	38-207
Citations to be issued .....	38-202
Clerk-treasurer may collect fines .....	38-205
Clerk-treasurer may not exonerate tags .....	38-206
Disposition of fines collected .....	38-208
Duty of chief of police .....	38-204
Patrol officers to deliver citations to chief .....	38-203
Penalties for violations .....	38-209
Police authorized to remove vehicles .....	38-201
Fines .....	38-11
Golf carts .....	38-241 et seq.
See: GOLF CARTS	
Impoundment .....	38-14
Maximum speed on city streets .....	38-7
Notice of parking violation .....	38-10
Obedience to signs and signals .....	38-6
Parking, stopping and standing	
ADA exemptions .....	38-68

GEORGETOWN CODE

	Section
TRAFFIC AND VEHICLES (Cont'd.)	
Changing parking spaces prohibited.....	38-61
Church parking .....	38-63
Doctor parking .....	38-62
Double parking .....	38-55
Leaking oil or gas .....	38-59
Loading zones .....	38-60