

# **LONDON, KENTUCKY**

## **CODE OF ORDINANCES**

2020 S-10 Supplement contains:  
Local legislation current through Ord. 2018-05, passed 10-8-18  
State legislation current through KRS 2019 Acts

Published by:  
**AMERICAN LEGAL PUBLISHING CORPORATION**  
One West Fourth Street ♦ 3<sup>rd</sup> Floor ♦ Cincinnati, Ohio 45202  
1-800-445-5588 ♦ [www.amlegal.com](http://www.amlegal.com)



COPYRIGHT © 2020

AMERICAN LEGAL PUBLISHING CORPORATION

**COMMONWEALTH OF KENTUCKY  
CITY OF LONDON**

**ORDINANCE NO. 2012-04**

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF  
ORDINANCES OF THE CITY OF LONDON, KENTUCKY**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2012 supplement to the Code of Ordinances of the City of London, Kentucky, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Kentucky Revised Statutes;

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW, THEREFORE, BE IT ORDAINED by the City of London, Kentucky;

SECTION 1. That the 2012 supplement to the Code of Ordinances of the City of London, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. That this ordinance shall take effect and be in force from and after its date of passage, approval and publication as required by law.

Troy Rudder /s/  
Mayor Troy Rudder

Attested:

Carolyn Adams /s/  
Carolyn Adams  
CITY CLERK

First Reading: July 2, 2012  
Second Reading: August 6, 2012  
Publication Date: August 13, 2012

## **LONDON - ADOPTING ORDINANCE**

---



# TABLE OF CONTENTS

## City Officials

### CODE OF ORDINANCES

#### *Title 1: General Provisions*

Chapter 10: General Provisions

#### *Title 2: Government Organization/Administration*

Chapter 20: Elected Officials  
Chapter 21: Non-elected Officials  
Chapter 22: Departments, Boards, Commissions  
and Committees  
Chapter 23: Financial Administration  
Chapter 24: Public Records  
Chapter 25: Public Meetings  
Chapter 26: Ethics Code  
Chapter 27: Personnel Policies  
Chapter 28: Taxation  
Chapter 29: City Policies

#### *Title 3: Public Works/Utilities*

Chapter 30: Garbage and Trash  
Chapter 31: Water and Sewer

#### *Title 4: Traffic Regulations*

Chapter 40: Motor Vehicle Regulation  
Chapter 41: Streets and Sidewalks

#### *Title 5: Public Regulations*

Chapter 50: Nuisances  
Chapter 51: Animals  
Chapter 52: Offenses  
Chapter 53: Parks and Recreation  
Chapter 54: Trees  
Chapter 55: Yard Sales

## **LONDON - TABLE OF CONTENTS**

---

### ***Title 6: Business Regulations***

Chapter 60:	Occupational Licenses
Chapter 61:	Insurance Licenses
Chapter 62:	Amusements
Chapter 63:	Financial Institution Franchise and Local Deposit Tax
Chapter 64:	Cable Television Regulations
Chapter 65:	Wireless Telecommunications Facilities Siting Regulations
Chapter 66:	Automobile Dealerships
Chapter 67:	Alcohol Beverage Control
Chapter 68:	Restaurant Retail Sales Tax
Chapter 69:	Mobile Self-Contained Food Unit Program

### ***Title 7: Housing and Building Regulations***

Chapter 70:	Building Regulations
Chapter 71:	Fire Prevention and Protection
Chapter 72:	Housing Regulations
Chapter 73:	Mobile Homes and Trailer Parks

### ***Title 8: Planning and Zoning***

Chapter 80:	Development Code
Appendix A:	Condominiums
Appendix B:	Farms
Chapter 81:	Airport Zoning
Chapter 82:	Flood Damage Prevention
Chapter 83:	Erosion and Storm Water Control

### ***Tables of Special Ordinances***

Table 1:	Superseded or Repealed Ordinances
Table 2:	Annexations
Table 3:	Bonds
Table 4:	Franchises
Table 5:	Contracts and Agreements
Table 6:	Personnel Policies and Procedures
Table 7:	Streets and Sidewalks
Table 8:	Taxation
Table 9:	Zoning Map Changes



# **CITY OF LONDON, KENTUCKY**

## **CITY OFFICIALS**

### **MAYOR**

TROY RUDDER

### **CITY CLERK**

CAROLYN ADAMS

### **CITY COUNCIL**

BOBBY JOE PARMAN  
DANIEL CARMACK  
STEVE BERRY

DANNY PHELPS  
JUDSON WEAVER  
NOAH WHITE

**CITY OFFICIALS**

---



## **TITLE 1: GENERAL PROVISIONS**

---

**CHAPTER 10**

**GENERAL PROVISIONS**

## **LONDON - GENERAL PROVISIONS**

---



## CHAPTER 10: GENERAL PROVISIONS

10.001	Code designation
10.002	Definitions
10.003	Rules of construction
10.004	Signatures and writings
10.005	Severability of parts of code
10.006	Rights or liability accrued before repeal of ordinance
10.007	Ordinances affected by codification
10.008	Conflicting sections or provisions
10.009	Omissions or errors
10.010	Historical references
10.011	Titles, articles, division, and section headings
10.012	References to code
10.013	Supplementation of code
10.999	General penalty

### § 10.001 *CODE DESIGNATION*

All ordinances contained within this and the following chapters that are of a general and permanent nature and as revised, codified, rearranged, renumbered, and consolidated here shall be known and designated as “The Code of the City of London, Kentucky”, and may be cited as such. This codification may also be known as “codified ordinances”, the “code” or London Code”. Code titles, chapters, and section headings or catchlines shall not be construed as any part of the law contained herein.

### § 10.002 *DEFINITIONS*

In the construction of this code and for purposes of this code, the following definitions shall apply, unless inconsistent with the text or unless the context clearly indicates a different meaning.

“*ACTION.*” Includes all proceedings in any court in the Commonwealth.  
(KRS 446.010(1))

“*AND*” or “*OR.*” The word “and” may be read as “or” and “or” may be read as “and”, where the context requires it.

“*ARTICLE.*” A division of a chapter, designated in this code, setting apart a group of sections related by the subject matter of the heading. Not all chapters have articles.

“*CITY*” or “*MUNICIPALITY.*” When used in this code, the City of London, located in Laurel County, except as otherwise provided.

## **LONDON - GENERAL PROVISIONS**

---

**"COMPANY."** May extend and be applied to any corporation, company, person, partnership, joint stock company, or association.  
(KRS 446.010(9))

**"CORPORATION."** May extend and be applied to any corporation, company, partnership, joint stock company, or association.  
(KRS 446.010(10))

**"COUNCIL"** or **"CITY COUNCIL."** The city legislative body of London, Kentucky.  
(KRS 83A.010(5))

**"COUNTY."** Laurel County, Kentucky.

**"DIRECTORS."** When applied to corporations, includes managers or trustees.  
(KRS 446.010(13))

**"DOMESTIC."** When applied to a corporation, partnership, business trust, or limited liability company, means all those incorporated or formed by authority of this state.  
(KRS 446.010(14))

**"EXECUTIVE AUTHORITY."** The Mayor.  
(KRS 83A.010(6))

**"EXECUTIVE ORDER."** An order issued by the Mayor which is binding upon the officers and employees of the city and any governmental agency over which the city has jurisdiction.  
(KRS 83A.010(7))

**"FEDERAL."** The United States.  
(KRS 446.010(17))

**"FOREIGN."** When applied to a corporation, partnership, limited partnership, business trust, statutory trust, or limited liability company, includes all those incorporated or formed by authority of any other state.  
(KRS 446.010(18))

**"KRS."** The Kentucky Revised Statutes.

**"LAND"** or **"REAL ESTATE."** Includes lands, tenements, and other hereditaments and all rights thereto and interest therein, other than a chattel interest.  
(KRS 446.010(23))

## **LONDON - GENERAL PROVISIONS**

---

**"LEGISLATIVE BODY."** The City Council.  
(KRS 91A.010(8))

**"LEGISLATIVE BODY MEMBER."** A City Councilmember.  
(KRS 83A.010(8))

**"MAY."** The act referred to is permissive.  
(KRS 446.010(26))

**"MISDEMEANOR."** An offense for which the criminal fine cannot exceed the amount set forth in KRS 534.040(2)(a), or a term of imprisonment not to exceed the periods set forth in KRS 532.090(1) or both.  
(KRS 83A.065)

**"MONTH."** Calendar month.  
(KRS 446.010(27))

**"MUNICIPAL ORDER."** An official act of the City Council which is binding upon the officers and employees of the city and any governmental agency over which the municipality has jurisdiction.  
(KRS 83A.010(9))

**"OATH."** Includes **"AFFIRMATION"** in all cases in which an affirmation may be substituted for an oath.  
(KRS 446.010(28))

**"OFFICER."** Any person elected to a position by the voters or any person appointed to a position which:

- (1) Is created by the Constitution, the General Assembly, or a city;
- (2) Possesses a delegation of a portion of the sovereign power of government;
- (3) Has powers and duties to be discharged which are conferred directly or by implication by the city;
- (4) Has duties performed independently and without control of a superior power other than the law;
- (5) Has some permanency;
- (6) Requires an official oath;

## **LONDON - GENERAL PROVISIONS**

---

(7) Is assigned by a commission or other written authority; and

(8) Provides for an official bond if required by proper authority.  
(KRS 83A.010(10))

**"ORDINANCE."** An official act of the City Council, which is a regulation of a general and permanent nature and enforceable as a local law or is an appropriation of money.  
(KRS 83A.010(11))

**"PARTNERSHIP."** Includes both general and limited partnerships.  
(KRS 446.010(30))

**"PEACE OFFICER."** Includes sheriffs, constables, coroners, jailers, metropolitan and urban-county government correctional officers, marshals, policemen, and other persons with similar authority to make arrests.  
(KRS 446.010(31))

**"PERSON."** Includes bodies-politic and corporate, societies, communities, the public generally, individuals, partnerships, joint stock companies, and limited liability companies.  
(KRS 446.010(33))

**"PERSONAL PROPERTY."** Includes all property except real property.

**"PREMISES."** As applied to property, includes land and buildings.

**"PROPERTY."** Includes real, personal and other property.

**"PUBLIC AUTHORITY."** Includes boards of education; the municipal, county, state, or federal government, its officers or an agency thereof; or any duly authorized public official.

**"PUBLIC PLACE."** Includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation, or amusement.

**"REAL PROPERTY."** Includes lands, tenements, and hereditaments.

**"REGULAR ELECTION."** The election in even numbered years at which members of Congress are elected and the election in odd numbered years in which state officers are elected.  
(KRS 446.010(37))

**"RESOLUTION."** An expression of the opinion, will or policy of the legislative body on some matter of ministerial business which has come before the body. (While an ordinance,



## **LONDON - GENERAL PROVISIONS**

---

and to a large extent a municipal order, involves a distinctly legislative act, a resolution is a less formal mechanism for dealing with matters of a special or temporary character.)

**"SHALL."** The act referred to is mandatory.  
(KRS 446.010(39))

**"STATE."** The Commonwealth of Kentucky.

**"STREET."** Includes avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches to them and all other public thoroughfares within the city. It shall be construed to include a sidewalk or path, unless the sidewalk or path is so excluded, or unless such construction is inconsistent with the intent of the City Council.

**"SWORN."** Includes **"AFFIRMED"** in all cases in which an affirmation may be substituted for an oath.  
(KRS 446.010(43))

**"TENANT"** or **"OCCUPANT."** As applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, along or with others.

**"VACANCY IN OFFICE."** Such as exists wherein there is an unexpired part of a term of office without a lawful incumbent therein, or when the person elected or appointed to an office fails to qualify according to law, or when there has been no election to fill the office at the time appointed by law; it applies whether the vacancy is occasioned by death, resignation, removal from the state, county, or district, or otherwise.  
(KRS 446.010(46))

## **LONDON - GENERAL PROVISIONS**

---

## LONDON - GENERAL PROVISIONS

---

“*VIOLATE.*” Includes failure to comply with.  
(KRS 446.010(47))

“*VIOLATION.*” An offense for which the criminal fine cannot exceed the amount set forth in KRS 534.040(c)).  
(KRS 83A.065)

“*YEAR.*” Calendar year.  
(KRS 446.010(49))

### § 10.003      *RULES OF CONSTRUCTION*

(A)    *Tense.* Words used in the past or present tense include the future as well as the past and present.

(B)    *Gender.*        A word importing the masculine gender only may extend and be applied to females as well as males. (KRS 446.020(2))

(C)    *Singular/Plural.*    A word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing, and a word importing the plural number only may extend and be applied to one person or thing as well as to several persons or things. (KRS 446.020(1))

(D)    *Retroactivity.* No ordinance shall be construed to be retroactive, unless expressly so declared. (KRS 446.080(3))

(E)    *Terms/Technical Terms.*    All words and phrases shall be construed according to the common and approved usage of language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law, shall be construed according to such meaning. (KRS 446.080(4))

(F)    *Officers/Agents of City.*    All officers, agents, employees and other persons, together with all things and places referred to in this code, unless a different intention appears, shall be construed to mean the officers, agents, employees and other persons, things and places situated in the city or employed by or pertaining to the city.

(G)    *Acts Prohibited.*    All acts prohibited or punishable under this code or under any particular ordinance codified here, unless otherwise indicated, shall be construed to refer to those acts when committed or occurring within the city limits or in other places over which the city police may have jurisdiction or authority by state law.

## LONDON - GENERAL PROVISIONS

---

### (H) *Computation of Time.*

(1) In computing any period of time prescribed or allowed by order of court, or by any applicable statute or regulation, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, a Sunday, a legal holiday, or a day on which the public office in which a document is required to be filed is actually and legally closed, in which event the period runs until the end of the next day which is not one (1) of the days just mentioned. When the period of time prescribed or allowed is less than seven (7) days intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

(2) When a statute, regulation, or order of court requires an act to be done either a certain time before the day on which an event occurs, the day of the event shall be excluded in computing the time. If the day thereby computed on which or by which the act is required to be done falls on a Saturday, Sunday, legal holiday, or a day on which the public office in which the act is required to be completed is actually and legally closed, the act may be done on the next day which is none of the days just mentioned.

(3) If any proceeding is directed by law to take place, or any act is directed to be done, on a particular day of a month and that day is Sunday, the proceeding shall take place, or the act shall be done, on the next day that is not a legal holiday.  
(KRS 446.030)

### § 10.004 *SIGNATURES AND WRITINGS*

(A) Any writing required to be signed under this code shall only be deemed to be signed when a signature is subscribed at the end or closing of the writing.

(B) Any writing required under the provisions of the code shall include printings or any other mode of representing words and letters so long as the language used in the writing is English.

### § 10.005 *SEVERABILITY OF PARTS OF CODE*

It shall be considered that it is the intent of Council in enacting any ordinance, that if any part of the ordinance be held unconstitutional, the remaining parts shall remain in force, unless the ordinance provides otherwise, or unless the remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional part that it is apparent that Council would not have enacted the remaining parts without the unconstitutional part, or unless the remaining parts, standing alone, are incomplete and incapable of being executed in accordance with the intent of Council.

(KRS 446.090)



## **LONDON - GENERAL PROVISIONS**

---

### **§ 10.006      *RIGHTS OR LIABILITY ACCRUED BEFORE REPEAL OF ORDINANCE***

No new ordinance shall be construed to repeal a former ordinance as to any offense committed against a former ordinance, nor as to any act done, or penalty, forfeiture, or punishment incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or done; or any penalty, forfeiture, or punishment so incurred, or any right accrued or claim arising before the new ordinance takes effect, except that the proceedings hereafter shall conform, so far as practicable, to the laws in force at the time of such proceedings. If any penalty, forfeiture, or punishment is mitigated by any provision of the new ordinance, such provision may, by the consent of the part affected, be applied to any judgment pronounced after the new ordinance takes effect.

(KRS 446.110)

### **§ 10.007      *ORDINANCES AFFECTED BY CODIFICATION***

(A) From and after its adoption by City Council and its effective date, this code shall contain all provisions of a general and permanent nature pertaining to the titles and subjects included herein. All prior ordinances or codes pertaining to the titles or subjects contained herein shall be deemed repealed.

(B) All standard codes, rules, and regulations and other subject matter adopted by ordinance and herein incorporated by reference, together with any amendments as made from time to time, and future incorporations by reference shall be construed to have full force and effect as if set out herein; and a copy of such codes, rules, and regulations shall be kept on file in the office of the City Clerk, unless otherwise indicated.

(C) All ordinances of a temporary or special nature and any other ordinances not pertaining to titles and subjects included in this code shall remain in full force and effect unless repealed expressly or by necessary implication.

(D) Whenever an ordinance, by its nature, either authorizes or enables the Council, or a certain city officer, employee, or agent to make additional ordinances, rules, or regulations for the purpose of carrying out the intent of the ordinance; all ordinances, rules, and regulations of a similar nature serving the same purpose, effected prior to the adoption of this code and not inconsistent with this code, shall remain in effect.

### **§ 10.008      *CONFLICTING SECTIONS OR PROVISIONS***

If any of the provisions, codes, chapters, articles, divisions, or sections of this code conflict with or contradict another provision, code, chapter, article, division, or section; the provisions with the latest date of enactment or adoption shall prevail. If the conflicting provisions bear the same date of enactment or adoption, the conflict shall be so construed as to be consistent with the meaning or legal effect of the subject matter when taken as a whole.

## **LONDON - GENERAL PROVISIONS**

---

### **§ 10.009      *OMISSIONS OR ERRORS***

If an error is discovered consisting of the misspelling of any word or words, the omission of any word or words necessary to express the intent of the provisions, or the use of a word for which a meaning within the intent of the provision cannot be defined, or the use of a word or words when another word or words was clearly intended, the error shall be corrected by substituting a correct spelling of the word or words, or adding the omitted word or words, or deleting the word or words found to be in error to conform with the original intent of the provision. The provision shall have the same force and effect as though the correct words were originally contained within the text of this code. No alteration shall be made if any question exists regarding the nature or extent of the error.

### **§ 10.010      *HISTORICAL REFERENCES***

(A) All reference information contained within this code is intended for the use of the reader; however, it shall not be construed to be a part of any ordinance or amendment to any ordinance codified here.

(B) All amendments to ordinances from and after the adoption of the ordinance are listed following previous ordinance information as an amendment to that ordinance. (Example: Ord. 5-89, passed 2-21-89; Am. Ord. 6-90, passed 3-1-90.)

(C) If a cite to the Kentucky Revised Statutes is included in the history of a provision or section, this indicates that the text of the section reads word-for-word from the statutes. (Example: KRS 446.010). If a cite from the Kentucky Revised Statutes is set forth as a statutory "reference" following the text of the section, this indicates that additional information may be found within the referenced section of the statutes.

(D) Cross references which are found at the end of any provision or section refer to another section of the code where additional information about a particular subject may be found.

(E) Where additional information of some nature is required or provided that cannot otherwise be explained or corrected, or when a question of completeness or correction has arisen in the publication of this code that cannot otherwise be completed or corrected before publication of this code; a footnote, numbered and set out at the end of the page, shall provide explanation of the additional information, correction, or question.

(F) Sections with no historical reference or data indicate that the section is originally enacted by the adoption of this code.

### **§ 10.011      *TITLES, ARTICLES, DIVISIONS, AND SECTION HEADINGS***

The catchlines or headings of all chapters, articles, divisions, subchapters, or sections, or other provisions of this code printed in italicized type, bold type, or which are capitalized are intended as words to indicate the contents of the sections and shall not be deemed to be titles of

## **LONDON - GENERAL PROVISIONS**

---

the sections, nor a part of the sections, unless so provided by the ordinance from which the sections were derived.

### **§ 10.012      *REFERENCES TO CODE***

All references to chapters, articles, divisions, subchapters, or sections contained within the provisions of this code are to the chapters, articles, divisions, subchapters, or sections of this code, unless otherwise specified.

### **§ 10.013      *SUPPLEMENTATION OF CODE***

(A) By contract or by city personnel, supplements to this code shall be prepared and printed whenever authorized or directed by the City Council. A supplement to the code shall include all substantive permanent and general parts of ordinances passed by the City Council during the period covered by the supplement and all changes made thereby in the code. The pages of a supplement shall be so numbered that they will fit properly into the code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of the adoption of the latest ordinance included in the supplement.

(B) In preparing a supplement to this code, all portions of the code which have been repealed shall be excluded from the code by the omission thereof from reprinted pages.

(C) When preparing a supplement to this code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings, and titles for sections and other subdivisions of the code printed in the supplement, and make changes in such catchlines, headings, and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the code and, where necessary to accommodate new material, change existing section or other subdivision markers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter", "this article", "this division", etc., as the case may be, or to "section \_\_\_\_ to \_\_\_\_" (inserting section numbers to indicate the sections of the code which embody the substantive sections of the ordinance incorporated into the code); and

## **LONDON - GENERAL PROVISIONS**

---

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the code; but, in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the code.

(1976 Code, § 11-5)

### **§ 10.999      *GENERAL PENALTY***

It shall be unlawful for any person to violate or fail to comply with any provision of this code and where no specific penalty is provided therefor, the violation of any provision of this code shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding twelve (12) months or by both such fine and imprisonment; provided, however, that the fine, forfeiture or penalty for a violation of this code shall not be less than the fine, forfeiture or penalty imposed by any state statute for the same offense. Each day any violation of any provision of this code shall continue shall constitute a separate offense.

(1976 Code, § 11-7)

---

#### **Statutory reference:**

Penalty not to be less than for same offense under statute, Const. 168.

**TITLE 2: GOVERNMENT**  
**ORGANIZATION/ADMINISTRATION**

---

CHAPTER 20	ELECTED OFFICIALS
CHAPTER 21	NON-ELECTED OFFICIALS
CHAPTER 22	DEPARTMENTS, BOARDS, COMMISSIONS, AND COMMITTEES
CHAPTER 23	FINANCIAL ADMINISTRATION
CHAPTER 24	PUBLIC RECORDS
CHAPTER 25	PUBLIC MEETINGS
CHAPTER 26	ETHICS CODE
CHAPTER 27	PERSONNEL POLICIES
CHAPTER 28	TAXATION
CHAPTER 29	CITY POLICIES

## **LONDON - GOVERNMENT ORGANIZATION/ADMINISTRATION**

---



## **CHAPTER 20: ELECTED OFFICIALS**

### **ARTICLE I. GENERAL PROVISIONS**

20.001	Organization
20.002	Compensation of elected officers, appointed officials and employees
20.003	Election procedure

### **ARTICLE II. MAYOR**

20.100	Election
20.101	Term
20.102	Qualifications
20.103	Vacancy
20.104	Resignation
20.105	Powers; duties
20.106	Delegation of authority

### **ARTICLE III. CITY COUNCIL**

20.200	Election
20.201	Term
20.202	Qualifications
20.203	Vacancies
20.204	Resignation
20.205	Quorum
20.206	Removal
20.207	Immunity
20.208	Meetings
20.209	Duties
20.210	Ordinances

### **ARTICLE I. GENERAL PROVISIONS**

#### **§ 20.001 ORGANIZATION**

(A) The city shall be organized and governed under the Mayor-Council plan of government.

(B) The government shall be composed of an elected executive who shall be called Mayor and an elected legislative body which shall be called the City Council, and of such other officers and employees as may be provided for by statute or city ordinance.

(C) The City Council shall be composed of six (6) members, who shall have all of the

## **LONDON - ELECTED OFFICIALS**

---

qualifications and authority required and vested in them by law.

(Ord. 378, passed 1-2-51)

(KRS 83A.030, 83A.130)

### **§ 20.002      *COMPENSATION OF ELECTED OFFICERS, APPOINTED OFFICIALS, AND EMPLOYEES***

#### **(A)      Establishment.**

(1)      The City Council shall, by ordinance, fix the compensation of every elected city officer not later than the first Monday in May in the year the officer is elected. An elected officer's compensation shall not be changed after his election or during his term of office.

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

(3)      The City Council shall fix the compensation of city employees in accordance with a personnel and pay classification plan which shall be adopted by ordinance.

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

(5)      The City Council may, by ordinance, establish the compensation for any elective or appointive city office on a salaried or per diem basis.  
(KRS 83A.070)

#### **(B)      Equating the compensation with purchasing power of the dollar.**

(1)      In order to equate the compensation of the Mayor and members of the City Council with the purchasing power of the dollar, the Kentucky Department for Local Government shall compute by the second Friday in February of every year the annual increase or decrease in the consumer price index of the preceding year by using 1949 as the base year in accordance with Section 246 of the Constitution of Kentucky which provides that Mayors and City Council members shall be paid at a rate no greater than seven thousand two hundred dollars (\$7,200.00) per annum.

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

#### **Cross reference:**

Personnel Policies, see Ch. 27

Personnel, rates of compensation, see Tables of Special Ordinances, Table 6

## **LONDON - ELECTED OFFICIALS**

---

### **§ 20.003      *ELECTION PROCEDURE***

(A)    (1)    Pursuant to the authority granted by KRS 83A.050, elections for the Mayor and City Council members shall be non-partisan as provided in KRS 83A.170.  
(Ord. 698, passed 2-23-81)

(2)    Pursuant to the provisions of KRS 83A.045(2)(b), all candidates for the office of Mayor and City Council shall file their nomination papers with the Laurel County Clerk not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and Kentucky Revised Statutes, Chapter 118, for holding a regular election.

(B)    The city may change the manner of election of city officers within the provisions of division (A) of this section by ordinance, except that no change shall be made earlier than five (5) years from the last change.

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

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

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

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

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

#### **Statutory reference:**

Election of city officers, see KRS 83A.050

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

Election to fill unexpired term of city office, see KRS 83A.165

Nomination papers for office of Mayor or City Council, see KRS 118.365

# **LONDON - ELECTED OFFICIALS**

---

## **ARTICLE II. MAYOR**

### **§ 20.100      *ELECTION***

The Mayor shall be elected at a regular election.

### **§ 20.101      *TERM***

The term of office of the Mayor shall begin on the first day of January following his election and shall be for four (4) years and until his successor qualifies.

### **§ 20.102      *QUALIFICATIONS***

The Mayor shall be at least twenty-one (21) years of age, shall be a qualified voter in the city, and shall reside in the city throughout his term of office. A candidate for Mayor shall be a resident of the city for not less than one (1) calendar year prior to his or her election. If a person is elected or appointed as Mayor in response to a vacancy and serves less than four (4) calendar years, then that period of service shall not be considered for purposes of re-election a term of office.  
(KRS 83A.040)

### **§ 20.103      *VACANCY***

If a vacancy occurs in the office of Mayor, the following provisions shall apply:

- (A) The City Council shall fill the vacancy within thirty (30) days.
- (B) A Councilmember may not vote for himself to fill the position of Mayor.
- (C) When voting to fill the vacancy created by a resignation of a Mayor, the resigning Mayor shall not vote on his successor.
- (D) The City Council shall elect, from among its members, an individual to preside over meetings of the Council during any vacancy in the office of Mayor.
- (E) If, for any reason, the disability of the Mayor to attend to his duties persists for sixty (60) consecutive days, the office of the Mayor may be declared vacant by a majority vote of the City Council.
- (F) If, for any reason, a vacancy in the office of Mayor is not filled within thirty (30) days after it occurs, the Governor shall promptly fill the vacancy by appointment of a qualified person who shall serve for the same period as if otherwise appointed.  
(KRS 83A.040, 83A.130)

## **LONDON - ELECTED OFFICIALS**

---

### **§ 20.104      *RESIGNATION***

No vacancy by reason of a voluntary resignation in the office of Mayor shall occur unless a written resignation which specifies a resignation date is tendered to the City Council. The resignation shall be effective at the next regular or special meeting of the City Council occurring after the date specified in the written letter of resignation.

(KRS 83A.040)

### **§ 20.105      *POWERS; DUTIES***

The Mayor shall have the following powers and duties:

(A) The Mayor shall enforce the Mayor-Council plan, city ordinances and orders, and all applicable statutes.

(B) The Mayor shall supervise all departments of city government and the conduct of all city officers and employees under his jurisdiction and shall require each department to make reports to him required by ordinance or as he deems desirable.

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

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

(E) Subject to disapproval of the Council, the Mayor shall promulgate procedures to insure orderly administration of the functions of city government and compliance with statute or ordinance. Upon promulgation or upon revision or rescission of the procedures, copies shall be filed with the City Clerk.

(KRS 83A.060)

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

(G) All bonds, notes, contracts, and written obligations of the city shall be made and executed by the Mayor or his agent designated by executive order.

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

## **LONDON - ELECTED OFFICIALS**

---

(I) The Mayor shall provide for the orderly continuation of the functions of city government at any time he is unable to attend to the duties of his office by delegating responsibility for any function to be performed in accordance with § 20.106, provided that the Mayor shall not delegate the responsibility of presiding at meetings of the Council and that approving ordinances or promulgating administrative procedures may only be delegated to an elected officer. With approval of the City Council, the Mayor may rescind any action taken in his absence under this subsection within thirty (30) days of such action. If, for any reason, the disability of the Mayor to attend to his duties persists for sixty (60) consecutive days, the office of Mayor may be declared vacant by a majority vote of the City Council and the provisions of KRS 83A.040 shall apply.  
(KRS 83A.130(10))

### **§ 20.106      *DELEGATION OF AUTHORITY***

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

## **ARTICLE III. CITY COUNCIL**

### **§ 20.200      *ELECTION***

Each City Council member shall be elected at-large at a regular election. A candidate for council shall be a resident of the city for not less than one (1) year prior to his or her election.  
(KRS 83A.040)

### **§ 20.201      *TERM***

The term of office for a Councilmember shall begin on the first day of January following his election and shall be for two (2) years.  
(KRS 83A.040)

### **§ 20.202      *QUALIFICATIONS***

A Councilmember shall be at least eighteen (18) years of age, shall be a qualified voter in the city, and shall reside in the city throughout his term of office.  
(KRS 83A.040)



## **LONDON - ELECTED OFFICIALS**

---

### **§ 20.203      *VACANCIES***

(A) If one (1) or more vacancies on the City Council occur in a way that one (1) or more members remain seated, the remaining members shall, within thirty (30) days, fill the vacancies one (1) at a time, giving each new appointee reasonable notice of his selection as will enable him to meet and act with the remaining members in making further appointments until all vacancies are filled.

(B) If vacancies occur in a way that all seats become vacant, the Governor shall appoint qualified persons to fill the vacancies sufficient to constitute a quorum. Remaining vacancies shall be filled as provided in subsection (A).

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

### **§ 20.204      *RESIGNATION***

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

### **§ 20.205      *QUORUM***

A majority of the City Council shall constitute a quorum and a vote of a majority of a quorum shall be sufficient to take action.  
(KRS 83A.060)

### **§ 20.206      *REMOVAL***

(A) Any elected officer, in case of misconduct, incapacity, or willful neglect in the performance of the duties of his office, may be removed from office by a unanimous vote of the City Council, exclusive of any member to be removed who shall not vote in the deliberation of his removal.

(B) No elected officer shall be removed without having been given the right to a full public hearing. The officer, if removed, shall have the right to appeal to the Laurel Circuit Court, and the appeal shall be on the record.

(C) No officer so removed shall be eligible to fill the office vacated before the expiration of the term to which he was originally elected.  
(KRS 83A.040)

## **LONDON - ELECTED OFFICIALS**

---

### **§ 20.207      *IMMUNITY***

For anything said in debate, City Councilmembers shall be entitled to the same immunities and protections allowed members of the General Assembly.  
(KRS 83A.060(15))

### **§ 20.208      *MEETINGS***

(A) The regular meetings of the City Council shall be held beginning at 5:30 p.m. on the first Monday of each month in the basement meeting room, unless otherwise announced, at the London City Hall. If that date is a holiday when the city offices are closed, the meeting will be held on the following day.

(B) Special meetings of the City Council may be called by the Mayor or upon written request of a majority of the Council. In the call, the Mayor or Council shall designate the purpose, the time and place of the special meeting with sufficient notice for the attendance of Councilmembers and for compliance with KRS Chapter 61. At a special meeting no business may be considered other than that set forth in the designation of purpose.

(C) The minutes of every meeting shall be signed by the City Clerk.  
(KRS 83A.130) (Ord. 954, passed 3-22-99; Am. Ord. 2002-5, passed 12-2-02)

### **§ 20.209      *DUTIES***

(A) The legislative authority of the city shall be vested in and exercised by the City Council. The Council shall not perform any executive functions except those functions assigned to it by statute.

(B) The City Council shall, by ordinance, establish all appointive offices and the duties and responsibilities of those offices and codes, rules, and regulations for the public health, safety, and welfare.

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

(D) The City Council shall have the right to investigate all activities of city government. The Council may require any city officer or employee to prepare and submit to it sworn statements regarding his performance of his official duties. Any statement required by the City Council to be

## **LONDON - ELECTED OFFICIALS**

---

submitted or any investigation undertaken by the Council, if any office, department, or agency under the jurisdiction of the Mayor is involved, shall not be submitted or undertaken unless and until written notice of the Council's action is given to the Mayor. The Mayor shall have the right to review any statement before submission to the City Council and to appear personally or through his designee on behalf of any department, office, or agency in the course of any investigation.

(KRS 83A.130)

### **§ 20.210      *ORDINANCES***

(A)    Title. Each ordinance shall embrace only one (1) subject and shall have a title that shall clearly state the subject.

(B)    Enacting clause. Each ordinance shall be introduced in writing and shall have an enacting clause styled, "Be it ordained by the City of London".

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

(D)    Reading. Except as provided in subsection (F) of this section, no ordinance shall be enacted until it has been read on two (2) separate days. The reading of an ordinance may be satisfied by stating the title and reading a summary rather than the full text.

## **LONDON - ELECTED OFFICIALS**

---

## **LONDON - ELECTED OFFICIALS**

---

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

(F) Emergency. In an emergency, upon the affirmation vote of two-thirds (2/3) of the membership, the City Council may suspend the requirements of second reading and publication to provide for an ordinance to become effective by naming and describing the emergency in the ordinance. Publication requirements of subsection (H) of this section shall be complied with within ten (10) days of the enactment of the emergency ordinance.

(G) Permanent record. Every action of the City Council shall be made a part of the permanent records of the city and on passage of an ordinance the vote of each member of the City Council shall be entered on the official record of each meeting. All ordinances adopted in the city shall, at the end of each month, be indexed and maintained in the following manner:

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

(2) All other city ordinances shall be kept in the minute book or an ordinance book in the order adopted and indexed in a composite index or maintained in a code of ordinances.

(3) At least once every five (5) years, the city shall cause all ordinances in the composite index or code of ordinances to be examined for consistency with state law and with one another, and to be revised to eliminate redundant, obsolete, inconsistent, and invalid provisions.

(H) Publication.

(1) No ordinance shall be effective until published pursuant to KRS Chapter 424.

(2) Ordinances may be published in full or in summary as designated by the City Council. If the Council elects to publish an ordinance in summary, the summary shall be prepared and certified by an attorney licensed to practice law in the Commonwealth and shall include the following:

(a) The title of the ordinance;

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

## **LONDON - ELECTED OFFICIALS**

---

(c) The full text of each section that imposes taxes or fees prepared and or certified by an attorney licensed to practice law in the Commonwealth of Kentucky.

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

(I) Signature or veto by Mayor. All ordinances adopted by the City Council shall be submitted to the Mayor who shall, within ten (10) days after submission, either approve the ordinance by affixing his signature or disapprove it by returning it to the Council together with a statement of his objections. No ordinance shall take effect without the Mayor's approval unless he fails to return it to the Council within ten (10) days after receiving it or unless the Council votes to override the Mayor's veto, upon reconsideration of the ordinance not later than the second regular meeting following its return, by the affirmative vote of one (1) more than a majority of the membership.

(J) Municipal orders.

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

(2) A municipal order may be used for matters relating to the internal operation and functions of the city and to appoint or remove or approve appointment or removal of members of boards, commissions, and other agencies over which the city has control.  
(KRS 83A.060(12), (13))

(K) Proof. All ordinances and orders of the city may be proved by the signature of the City Clerk; and when the ordinance is placed in a printed composite index or code of ordinances by authority of the city, the printed copy shall be received in evidence by any state court without further proof of the ordinance.  
(KRS 83A.060(14))

## **CHAPTER 21: NON-ELECTED OFFICIALS**

### **ARTICLE I. GENERAL PROVISIONS**

21.001	Established
21.002	Oath of office
21.003	Bond
21.004	Compensation
21.005	Conflicts of interest prohibited
21.006	Reports to City Council
21.007	Duties; qualifications
21.008	Dismissal

### **ARTICLE II. CITY CLERK**

21.100	Office established
21.101	Oath; bond
21.102	Powers; duties
21.103	Compensation

### **ARTICLE III. CITY ATTORNEY**

21.200	Office established
21.201	Qualifications
21.202	Oath
21.203	Powers; duties
21.204	Compensation
21.205	Conflicts of interest

### **ARTICLE IV. CHIEF OF POLICE**

21.300	Office established
21.301	Oath; bond
21.302	Powers; duties
21.303	Compensation

### **ARTICLE I. GENERAL PROVISIONS**

#### **§ 21.001 ESTABLISHED**

There are hereby established the following non-elected offices of the city:

- (A) City Clerk;
- (B) City Attorney;

## **LONDON – NON-ELECTED OFFICIALS**

---

(C) Chief of Police.

### **§ 21.002 OATH OF OFFICE**

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

(B) *Certification of oath.* The person administering the oath of office to an elected official shall certify in writing that the oath was administered and the date of its administration. The written certification shall be filed in accordance with KRS 62.020.

### **§ 21.003 BOND**

(A) All officers, officials and employees of cities, counties, urban-county governments, charter county governments and special districts who handle public funds in the execution of their duties shall give a good and sufficient bond to the local governing body for the faithful and honest performance of his or her duties and as security for all money coming into that person's hands or under that person's control. The bond amount shall be based upon the maximum amount of public funds the officer, official or employee handles at any given time during a fiscal year cycle. The local governing body shall pay the cost of the bond.

(B) Elected officials who post bond as required by statute, and employees of their offices covered by a blanket or umbrella bond, shall be deemed to have complied with subsection (A) of this section.

### **§ 21.004 COMPENSATION**

Officers of the city shall be compensated for the performance of their duties in such amounts as may be determined from time to time by City Council, by ordinance.

#### **Cross reference:**

Personnel policies, see Ch. 27

Compensation of appointed officials, see § 20.002

### **§ 21.005 CONFLICTS OF INTEREST PROHIBITED**

(A) City officers are prohibited from buying, discounting, or dealing in any way in



## **LONDON - NON-ELECTED OFFICIALS**

---

vouchers or claims against the city. It shall be the duty of the City Attorney to institute proceedings in the district court against any officer so offending for the recovery of the penalty.

(B) If, upon investigation of the City Council, it be ascertained by the Council that any officer of the city is directly or indirectly interested as agent or principal in any contract with the city, or as surety on any contract, it shall declare that office vacant, and the Mayor shall proceed to fill the vacancy. If the vacant office filled by the Mayor is that of a non-elected city official, City Council approval of the Mayor's appointment is necessary. If the vacant office filled by the Mayor is not that of a non-elected city official, City Council approval of the Mayor's appointment is not required.

---

**Cross reference:**

Ethics Code, conflicts of interest, see § 26.100

**§ 21.006      *REPORTS TO CITY COUNCIL***

All officers required by ordinance to make monthly reports shall sign those reports and verify them by oath taken before someone authorized by law to administer oaths, setting out that the report is correct and true. If the officer is required to report money in his hands, the verification shall state that he has no other money in his hands than set out in the report.

**§ 21.007      *DUTIES, QUALIFICATIONS***

The duties and qualifications of non-elected city officials shall be set by City Council by ordinance.

---

**Cross reference:**

Adoption of personnel policies, see Ch. 27

**§ 21.008      *DISMISSAL***

Upon removal of a non-elected officer at will, the Mayor shall give such person a written statement of the reason or reasons for the removal. However, this requirement shall in no manner be construed to limit the at will dismissal power of the Mayor.

## **ARTICLE II. CITY CLERK**

**§ 21.100      *OFFICE ESTABLISHED***

There is hereby established the non-elected office of City Clerk.

**§ 21.101      *OATH; BOND***

(A) The City Clerk shall take the oath of office prescribed by § 228 of the Kentucky

## **LONDON - NON-ELECTED OFFICIALS**

---

### **Constitution.**

(B) Before entering on the duties of this office, the City Clerk shall execute, with surety approved by the City Council, any and all bonds as required by applicable statutory provisions.

### **Cross reference:**

Oath of office, see § 21.002

### **§ 21.102 POWERS; DUTIES**

(A) The City Clerk shall be the custodian of all city records and shall keep the minutes of the proceedings of the City Council.  
(Ord. 737, passed 12-12-85)

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

- (1) Maintenance and safekeeping of the permanent records of the city;
- (2) Performance of the duties required of the "official custodian" or "custodian" pursuant to KRS 61.870 through 61.882;
- (3) Possession of the seal of the city, if used;
- (4) The City Clerk shall, no later than January 31 of each year, mail to the Department for Local Government, a list containing current city information including, but not limited to, the following:
  - (a) The correct name of the Mayor, City Commissioners, and the following appointed officials who are serving as of January 1 of each year:

1. City Clerk;
2. City Treasurer;
3. City Manager;
4. City Attorney;
5. Finance Director;
6. Police Chief;
7. Fire Chief; and

## **LONDON – NON-ELECTED OFFICIALS**

---

### **8. Public Works Director.**

(b) The correct name of the city, mailing address for City Hall, and telephone number of City Hall; and

(c) The name and telephone number of either an elected or appointed official to serve as a contact person that may be reached during normal business hours of 8:00 a.m. to 4:30 p.m.

(5) Performance of all other duties and responsibilities required of the City Clerk by statute, ordinance, the class specifications of the city's Personnel Classification Plan, and related duties as requested.

(KRS 83A.085)

#### **Cross reference:**

Requesting records from City Clerk, § 24.100

Referral to proper custodian, § 24.101

Personnel policies, see Ch. 27

### **§ 21.103      *COMPENSATION***

The City Clerk shall be compensated in an amount as set by City Council, by ordinance.

#### **Cross reference:**

Compensation of appointed officials, see § 20.002

Personnel policies, see Ch. 27

## **ARTICLE III. CITY ATTORNEY**

### **§ 21.200      *OFFICE ESTABLISHED***

There is hereby created the office of City Attorney. The City Attorney shall be appointed by the Mayor with the approval of the City Council.  
(Ord. 708, passed 12-28-81)

### **§ 21.201      *QUALIFICATIONS***

The City Attorney shall be a person who is licensed to practice law in the Commonwealth of Kentucky, shall be a qualified voter in the city, and shall reside in the city throughout his term of office. The City Attorney shall not be prohibited from engaging in private law practice.  
(Ord. 708, passed 12-28-81)

## **LONDON - NON-ELECTED OFFICIALS**

---

### **§ 21.202      *OATH***

The City Attorney shall take the oath of office prescribed by § 228 of the Kentucky Constitution.

(Ord. 708, passed 12-28-81)

### **§ 21.203      *POWERS; DUTIES***

(A) The City Attorney shall be the legal advisor of the city and shall render advice on all legal questions affecting the city whenever requested to do so by any city official.

(B) The City Attorney shall draft, supervise, or approve the phraseology of any contract, lease or other documents or instruments to which the city may be a party.

(C) The City Attorney shall draft ordinances covering any subjects within the power of the city upon request of the Mayor or the City Council.

(D) The City Attorney shall attend the meetings of the City Council unless excused from attendance by the Council.

(Ord. 708, passed 12-28-81)

### **§ 21.204      *COMPENSATION***

(A) The City Attorney shall receive, for his services, a basic salary of one thousand four hundred dollars (\$1,400.00) per month which shall be full compensation for all advisory services to the city, the drafting of ordinances, contracts, and other documents.

(B) Such salary does not include legal services rendered for representing city officials, officers or employees who may be named as defendants in civil actions in their official capacity or other special projects of the city. For such services rendered, the City Attorney shall be compensated at an hourly rate to be authorized by the Mayor. The Mayor shall authorize such services as such city officials, officers or employees may be named in their official capacities in any civil litigation or as such special projects are designated by the City Council or Mayor.

(C) Nothing contained in this section shall prohibit or restrict the employment of an additional attorney or attorneys as may be otherwise authorized by Kentucky law or in the event of conflicts of interest.

(Ord. 708, passed 12-28-81; Am. Ord. 820, passed 8-27-90; Am. Ord. 859, passed 5-24-93; Am. Ord. 982, passed 1-2-01)

### **§ 21.205      *CONFLICTS OF INTEREST***

If the City Attorney shall disqualify himself from performing the duties required of his office on a particular matter because of a conflict of interest, the Mayor, with the approval of the City Council shall retain an attorney for that matter who shall receive such compensation as may

## **LONDON - NON-ELECTED OFFICIALS**

---

be authorized by the Council.  
(Ord. 708, passed 12-28-81)

---

**Cross reference:**

Ethics code, conflicts of interest, see § 26.100

### **ARTICLE IV. CHIEF OF POLICE**

#### **§ 21.300      *OFFICE ESTABLISHED***

There is hereby created and established the office of Chief of Police. The Police Chief shall be appointed by the Mayor with the approval of the City Council.  
(Ord. 480, passed 11-15-60)

#### **§ 21.301      *OATH; BOND***

(A) The Chief of Police shall take the oath of office prescribed by § 228 of the Kentucky Constitution.

(B) Before entering on the duties of this office, the Chief of Police shall execute, with surety approved by the City Council, any and all bonds as required by applicable statutory provisions.

---

**Cross reference:**

Oath of office, see § 21.002

#### **§ 21.302      *POWERS; DUTIES***

The Chief of Police shall command the police force in the performance of its duties and shall patrol and direct the method, times, and manner of such performance. He shall be answerable to the Mayor and to the City Council for the conduct of all police officers, and shall be held responsible to the Council for the efficient and proper management of the police force and police matters.

(Ord. 480, passed 11-15-60)

---

**Cross reference:**

Personnel policies, see Ch. 27

Police department, see Ch. 22

#### **§ 21.303      *COMPENSATION***

The Chief of Police shall be compensated in an amount as set by City Council, by

## **LONDON - NON-ELECTED OFFICIALS**

---

ordinance.

---

**Cross reference:**

Compensation of appointed officials, see § 20.002

Personnel policies, see Ch. 27

**CHAPTER 22: DEPARTMENTS, BOARDS,  
COMMISSIONS AND COMMITTEES**

**ARTICLE I. POLICE DEPARTMENT**

**Division 1. General Provisions**

22.001	Established
22.002	Composition; compensation
22.003	Authorization to carry concealed deadly weapons
22.004	Duty to answer fire alarms, assist Fire Department
22.005	Part-time police officers

**Division 2. Law Enforcement Foundation Program**

22.025	Participation
22.026	Educational requirements
22.027	Training course requirement
22.028	Additional training requirements
22.029	Incentive payments
22.030	Compliance with laws required
22.031	Required reports
22.032	Compliance with Crime Commission required
22.033	Segregated bank accounts; reporting required

**Division 3. Auxiliary Police Force**

22.050	Created
22.051	Membership; investigation required
22.052	Term of office
22.053	Compensation
22.054	Oath
22.055	Removal
22.056	Powers; duties

**ARTICLE II. FIRE DEPARTMENT**

22.100	Created
22.101	Equipment standards
22.102	Officers; by-laws
22.103	Liability insurance required
22.104	Drill requirements
22.105	Appointment; discharge
22.106	Compensation
22.107	Fire Chief; powers; duties
22.108	Duties of members
22.109	Mutual aid

## **LONDON - DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES**

---

- 22.110 Operations budget
- 22.111 Parking prohibited near fire department

### **ARTICLE III. UTILITY COMMISSION**

- 22.200 Reestablishment and recreation of utility commission
- 22.201 Number of and requirements of commissioners
- 22.202 Terms of office
- 22.203 Duties and responsibilities of commission
- 22.204 Employees of the commission
- 22.205 Bidding and procurement practices
- 22.206 Meeting dates and times
- 22.207 Commission minutes
- 22.208 Previous agreements and contracts
- 22.209 Delegation of authority
- 22.210 Billings
- 22.211 Regulations for escheating water meter deposits to General Fund

### **ARTICLE IV. JOINT AIR BOARD**

- 22.300 Created
- 22.301 Membership; appointment
- 22.302 Purpose; duties; title to property

### **ARTICLE V. A.R. DYCHE MEMORIAL PARK CEMETERY BOARD**

- 22.400 Established
- 22.401 Purpose
- 22.402 Appointment
- 22.403 Term
- 22.404 Compensation
- 22.405 Officers; meetings
- 22.406 By-laws
- 22.407 Operation of cemetery
- 22.408 Cemetery funds
- 22.409 Consent; approval of Board required for burials

### **ARTICLE VI. OTHER DEPARTMENTS, BOARDS, COMMISSIONS, AND COMMITTEES**

- 22.500 Reserved
- 22.501 Board of Adjustment
- 22.502 Planning Commission



**LONDON - DEPARTMENTS, BOARDS,  
COMMISSIONS AND COMMITTEES**

---

22.503	Citizens Advisory Committee
22.504	Parks, Playground and Recreation Board
22.505	Tree Board
22.506	Human Rights Commission
22.507	Board of Airport Zoning Appeals

**ARTICLE VII.                      EMERGENCY RADIO FREQUENCY BOARD**

22.600	Established
22.601	Meetings
22.602	Authority
22.603	Application required; violation

**ARTICLE I. POLICE DEPARTMENT**

**Division 1. General Provisions**

**§ 22.001        *ESTABLISHED***

There is hereby established a Police Department for the city.

**§ 22.002        *COMPOSITION; COMPENSATION***

The number and classifications of the Police Department employees and salaries for each classification shall be as set forth in the City's Personnel Classification and Compensation Plan.

**Cross reference:**

Personnel policies, see Ch. 27

**§ 22.003        *AUTHORIZATION TO CARRY CONCEALED DEADLY WEAPONS***

(A) All members of the city Police Department that carry deadly weapons on or about their persons in their regularly scheduled duties as policemen for the city, may carry concealed deadly weapons on or about their persons at all times within the Commonwealth of Kentucky.

(B) Deadly weapons that may be carried by members of the city Police Department within the Commonwealth of Kentucky are those weapons that are usually carried by such officers in performing their duties while on regularly scheduled shift of duty for the city.

(C) This section is for the express purpose of protecting the policemen of the city from prosecution under the provisions of KRS 435.230(1) when they may be outside the

## **LONDON - DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES**

---

corporate limits of the city, and for no other purpose.  
(Ord. 578, passed 11-12-70)

**Cross reference:**

Offenses, discharging firearms, see § 52.201

**§ 22.004      *DUTY TO ANSWER FIRE ALARMS; ASSIST FIRE DEPARTMENT***

The Police Department shall cooperate and assist the Fire Department inasmuch as the policemen on duty at the time of a fire shall promptly answer all fire alarms and attend each fire and assist the Fire Chief and Fire Department in protecting the property and lives of the citizens as well as the property of the Fire Department.  
(Ord. 771, passed 7-14-86)

**Cross reference:**

Motor vehicle regulation, police and fire department authority, see § 40.020

### **Division 2. Law Enforcement Foundation Program**

**§ 22.025      *PARTICIPATION***

The city hereby declares its intention to participate in the Law Enforcement Foundation Program established by KRS 15.410 to 15.510.  
(Ord. 605, passed 3-22-73)

**§ 22.026      *EDUCATION REQUIREMENTS***

Each officer employed on or after July 1, 1973, shall have a minimum educational attainment of a high school degree, or its equivalent as determined by the Kentucky Law Enforcement Council.  
(Ord. 605, passed 3-22-73)

**§ 22.027      *TRAINING COURSE REQUIREMENT***

Each officer employed on or after December 1, 1998, shall within one (1) year of his date of employment complete a basic training course of at least six hundred and forty (640) hours duration at a school certified or recognized by the Kentucky Law Enforcement Council.  
(Ord. 607, passed 5-10-73)

**§ 22.028      *ADDITIONAL TRAINING REQUIREMENTS***

(A) Each officer, whether originally employed before or after July 1, 1972, shall successfully complete each year an in-service training course of forty (40) hours duration appropriate to his rank and responsibility at a school certified or recognized by the Kentucky

**LONDON - DEPARTMENTS, BOARDS,  
COMMISSIONS AND COMMITTEES**

---

Law Enforcement Council.

(B) Each officer shall receive in each calendar year five (5) days time off with pay for the purpose of taking the required in-service training.  
(Ord. 605, passed 3-22-73)

**§ 22.029      *INCENTIVE PAYMENTS***

No officer shall have his base salary reduced or be denied a normal salary increase to which he is otherwise entitled because of the salary incentive payments provided by the Kentucky Crime Commission under KRS 15.410 to 15.510.  
(Ord. 605, passed 3-22-73)

**§ 22.030      *COMPLIANCE WITH LAWS REQUIRED***

The Police Department and each officer thereof, shall comply with all the provisions of law applicable to local police, including the transmission of data to the Bureau of Criminal Information and Statistics as required by KRS 17.150.  
(Ord. 605, passed 3-22-73)

**§ 22.031      *REQUIRED REPORTS***

The Chief of the Police Department shall prepare or cause to be prepared such quarterly and other reports as may be reasonably required by the Kentucky Crime Commission to facilitate administration of the fund and further the purpose of KRS 15.410 to 15.510.  
(Ord. 605, passed 3-22-73)

**§ 22.032      *COMPLIANCE WITH CRIME COMMISSION REQUIRED***

The Police Department and each officer thereof shall further comply with all reasonable rules and regulations, appropriate to the size and location of the local police department, issued by the Kentucky Crime Commission to facilitate the administration of the fund and further the purposes of KRS 15.410 to 15.510.  
(Ord. 605, passed 3-22-73)

**§ 22.033      *SEGREGATED BANK ACCOUNTS; REPORTING REQUIRED***

(A) The Treasurer of the city shall deposit in an appropriate account which can be identified separately from all other sources all monies received under KRS 15.410 to 15.510.

(B) Upon receipt of any monies under KRS 15.410 to 15.510, the Treasurer shall pay to each police officer the full amount received on behalf of that officer, giving to each officer a check stub or receipt on which the gross amount of monies paid to him under KRS 15.410 to 15.510 is included and identified.

## **LONDON - DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES**

---

(C) All financial records relating to monies received under KRS 15.410 to 15.510 shall be retained for a period of three (3) years and until the completion of an audit approved by the Kentucky Crime Commission and the United States Law Enforcement Assistance Administration.

(Ord. 605, passed 3-22-73)

### **Division 3. Auxiliary Police Force**

#### **§ 22.050      *CREATED***

(A) The auxiliary police force shall be known as the City of London Auxiliary Police.

(B) Upon the appointment and subsequent approval of its members by the council its existence shall begin.

(Ord. 588, passed 11-11-71)

#### **§ 22.051      *MEMBERSHIP; INVESTIGATION REQUIRED***

(A) The auxiliary police force shall consist of a maximum of eight (8) members.

(B) At the request of the Chief of Police the police committee of the City Council shall investigate the prospective members and recommend to the Council and Mayor, and the Mayor, with the approval of the legislative body shall appoint the members.

(Ord. 588, passed 11-11-71)

#### **§ 22.052      *TERM OF OFFICE***

The term of office shall be indefinite, but may be terminated at any time by a majority of the Council.

(Ord. 588, passed 11-11-71)

#### **§ 22.053      *COMPENSATION***

Members shall serve without compensation, but reimbursement of expenses may be authorized by the Council.

(Ord. 588, passed 11-11-71)

#### **§ 22.054      *OATH REQUIRED***

(A) The oath of office shall be administered to all members of the auxiliary police force before entering upon their duties.

## **LONDON - DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES**

---

(B) The oath shall be administered as provided by law.  
(Ord. 588, passed 11-11-71)

---

**Cross reference:**

Oath of office, see § 21.002

**§ 22.055      *REMOVAL***

Members may be removed for inefficiency, neglect of duty, malfeasance or conflict of interest by the appointing authority.  
(Ord. 588, passed 11-11-71)

**§ 22.056      *POWERS; DUTIES***

(A) The auxiliary police officers shall have the general powers necessary to carry out their duties in accordance with ordinances and the Kentucky Revised Statutes upon being called into duty by the Chief of Police under emergency situations.

(B) Auxiliary policemen shall have no authority to carry a concealed deadly weapon unless they have met the training requirement of KRS 95.955.

(C) When called upon in an emergency situation by the Chief of Police the auxiliary police officers shall be clothed with all the powers, duties and obligations of a regular city policeman, but at the conclusion of the emergency their authority ceases.  
(Ord. 588, passed 11-11-71)

### **ARTICLE II. FIRE DEPARTMENT**

**§ 22.100      *CREATED; PURPOSE***

(A) There is hereby created the London Fire Department. Due to the changing nature of duties and responsibilities and of the full time positions of employment at the Fire Department, it is necessary that positions of corporal and lieutenant be established by the city (See Chap. 27, Art. IX, Div. 6, below). For the same reasons, it is necessary the position and number of part-time firefighters be specifically addressed and defined.

(B) The purpose of the Fire Department will be the preservation and protection of life and property from and during fire that may occur within the city limits or on property outside the city limits when requested by other fire departments.  
(Ord. 771, passed 7-14-86; Am. Ord. 1008, passed 3-4-02)

## **LONDON - DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES**

---

### **§ 22.101      *EQUIPMENT STANDARDS***

(A) The department shall be equipped with such apparatus, equipment, and machinery as is required by the Insurance Service Office for at least a fifth class or that otherwise might be required in order to maintain its efficiency and effectiveness within the city. All equipment shall be owned by the city. All equipment of the Fire Department shall be suitably housed at the station or stations as may be directed by the City Council.

(B) The Fire Department shall be the custodian of all fire department equipment purchased by the city. The equipment of the Fire Department may be used by other departments of the city from time to time, when requested by the Mayor.

(Ord. 771, passed 7-14-86)

### **§ 22.102      *OFFICERS; BY-LAWS***

(A) (1) The officers of the Fire Department shall be the Chief of the Fire Department and such other officers as may be provided by the by-laws adopted or enacted by the Fire Department.

(2) The Fire Department members shall elect a nominee as Chief of the London Fire Department and shall recommend that person as Fire Chief to the Mayor of the City of London.

(3) The Fire Chief shall be appointed for an indefinite term of office, pending his good conduct and efficiency and shall be removed only for cause effecting the efficiency of the London Fire Department.

(B) The Fire Department may enact by-laws and/or regulations for its own internal administrative purposes. The by-laws or regulations shall be adopted by the members of the Fire Department.

(Ord. 771, passed 7-14-86)

### **§ 22.103      *LIABILITY INSURANCE REQUIRED***

Pursuant to the provisions of the Kentucky Revised Statutes, the City of London shall provide the premium for liability insurance to be recommended to the Council by the Fire Chief or his designee, insuring the members of the Fire Department against acts, failure to act, or such other claims concerning the performance of their duties as members of the London Fire Department.

(Ord. 771, passed 7-14-86)

**LONDON - DEPARTMENTS, BOARDS,  
COMMISSIONS AND COMMITTEES**

---

**§ 22.104      *DRILL REQUIREMENTS***

The members of the Fire Department shall be drilled regularly in the method of modern fire practice and procedure under the personal supervision of the Fire Chief or his designee.  
(Ord. 771, passed 7-14-86)

**§ 22.105      *APPOINTMENT; DISCHARGE***

The Fire Chief is authorized to appoint and discharge any and all members of the Fire

**LONDON - DEPARTMENTS, BOARDS,  
COMMISSIONS AND COMMITTEES**

---



## **LONDON - DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES**

---

Department. All persons eligible for the Fire Department shall be citizens of Laurel County, preferably residing in the city, must be capable of reading and writing the English language, and be of good moral character.

(Ord. 771, passed 7-14-86)

### **§ 22.106      *COMPENSATION***

Members of the Fire Department are not employees of the city and are therefore not compensated for any services to the city.

(Ord. 771, passed 7-14-86)

### **§ 22.107      *FIRE CHIEF; POWERS, DUTIES***

(A) The qualifications and responsibilities of the Fire Chief are as follows:

(1) The Fire Chief shall manage the operation of the London Fire Department, its various equipments, and stations and shall be responsible for the safekeeping and efficient operation of the Fire Department. The Fire Chief shall designate the storage location of all equipment and shall assist the Mayor and City Council in determining the location of fire houses.

(2) The Fire Chief shall be responsible for the appointment and discharge any and all volunteer members of the London Fire Department.

(3) The Fire Chief or his or her designee will drill and train the members of the London Fire Department and will be present at fires and direct the operations of the department.

(4) The Fire Chief or his or her designee shall drill the members on a regular basis in the method of modern fire practice and procedure.

(5) The Fire Chief shall maintain good efficiency of the Fire Department.

(6) The Fire Chief shall recommend to the City Council insurance for members of the department against acts, failure to act, or such other claims regarding the performance of their duties of the London Fire Department.

(7) The Fire Chief or his or her designee shall keep and maintain records at the London Fire Department headquarters and inventory list of all property belonging to the City of London and Fire Department.

(8) Fire Chief or his or her designee shall keep or maintain a daily record, in which shall be entered all Fire Department matters in the order which they occur, including the names of members reporting to fires, the names of members reporting to drills, relevant data concerning fires, supplies purchased, and other relevant facts relating to the operations of the Fire Department.

## **LONDON - DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES**

---

(9) The Fire Chief or his or her designee shall be present at meetings of the City Council when requested by the Mayor or Council.

(B) The Fire Chief or his or her designee shall be duly authorized to make applications for any and all available grants, incentive programs or any financial aid of any nature whatsoever that may be available through any and all governmental agencies.

(C) The Fire Chief shall have the legal authority of a London City Police Officer at fire scenes or other emergency locations.

(D) The Fire Chief shall answer fire alarms in other cities and counties as needed. This practice, known as mutual aid, shall be his or her sole discretion as to what emergency calls will be answered with due consideration given to the distance from the city limits to which out-of-town emergency calls may be answered, consistent with the safety and fire protection of property located within the city limits of the City of London, Kentucky. Such calls may be answered in the Southeastern Kentucky Fireman's Association, as set out in the running card adopted at the meeting of December 15, 1931.

(E) The Fire Chief shall not leave the area of the City of London without a competent officer of the London Fire Department being notified of his or her leaving and the chain of command shall be in effect at the Chief's absence.

(F) The Fire Chief shall prepare and submit financial budgets, project budgets and similar financial documentation to the Mayor and City Council when requested and shall assist in the determination of fire origin and cause.

(G) The Fire Chief shall:

(1) Be a graduate of an accredited high school;

(2) Possess a valid driver's license as issued by the Commonwealth of Kentucky;

(3) Possess a valid certificate of firefighter issued by the Commission of Fire Protection Standards and Education Board of Kentucky with levels I, II, and III certification. The level of entry shall be a minimum of 500 hours;

(4) Have at least ten (10) years fire fighting experience; and

(5) Have at least five (5) years officer's tenure.

(H) The Fire Chief shall maintain special knowledge and skills, including, but not limited to knowledge of the street systems and physical layout of the city, ability to learn a variety of firefighting duties and methods, the ability to perform arduous tasks under adverse conditions,

## **LONDON - DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES**

---

some ability to perform mechanical work involved in operating and maintaining firefighting apparatus, equipment and tools and the ability to supervise volunteers and full-time or part-time firefighters.

(I) The position of Fire Chief of the City of London is a supervisory, salaried position, with a beginning salary of thirty one thousand two hundred dollars (\$31,200). The position of Fire Chief of the City of London is a hazardous duty position, pursuant to KRS 78.545 et seq, and London Ordinance 818 (see § 27.581).

(J) The Fire Chief shall be appointed under the terms and conditions of KRS 83A.080.

(Ord. 771, passed 7-14-86; Am. Ord. 2005-08, passed 9-6-05)

### **§ 22.108      *DUTIES OF MEMBERS***

(A) It shall be the duty of members of the Fire Department to follow and obey the lawful orders of the Fire Chief and any and all other officers duly appointed by their by-laws and regulations.

(B) On alarm of fire, members of the London Fire Department shall promptly report to the Fire Station or fire as the case may be. The fire signal shall be an electric siren, but will also be made by the London-Laurel County Dispatch Center on radio pagers or by telephone.

(C) All members of the London Fire Department shall report for instructive drills as may be directed by the Fire Chief or his designee.

(Ord. 771, passed 7-14-86)

### **Cross reference:**

Police Department, duty to answer fire alarms; assist Fire Department, see § 22.004

### **§ 22.109      *MUTUAL AID***

(A) The Fire Chief is hereby permitted and directed to answer fire alarms in cities and counties in the Southeastern Kentucky Firemen's Association, without further permission of the Mayor or the City Council being required. This shall be known as Mutual Aid.

(B) It shall be in the sole discretion of the Fire Department and the persons in charge thereof, in reference to the distance from the city limits to which out-of-town emergency calls may be answered, consistent with the safety and fire protection of property located within the city limits.

(Ord. 771, passed 7-14-86)

**LONDON - DEPARTMENTS, BOARDS,  
COMMISSIONS AND COMMITTEES**

---

**§ 22.110      *OPERATIONS BUDGET***

The City Council shall budget, in their annual budget for the Fire Department operation, a sum of not less than five hundred dollars (\$500.00) per month. The City Council may also

## **LONDON - DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES**

---

budget for such other Fire Department expenses as they may deem necessary and which the Council may authorize.

(Ord. 771, passed 7-14-86)

### **Cross reference:**

Financial administration, annual budget, see § 23.003

### **§ 22.111      *PARKING PROHIBITED NEAR FIRE DEPARTMENT***

No person other than Fire Department personnel shall park a vehicle of any description within twenty (20) feet of the entrance of the Fire Department buildings. A violation of this parking restriction shall be treated in the same manner as parking adjacent to a fire hydrant.

(Ord. 771, passed 7-14-86)

## **ARTICLE III. UTILITY COMMISSION**

### **§ 22.200      *REESTABLISHMENT AND RECREATION OF UTILITY COMMISSION***

This article hereby reestablishes and to the extent necessary recreates, the London Utility Commission.

(Ord. 2003-09, passed 9-2-03; Am. Ord. 2007-07, passed 8-6-07)

### **§ 22.201      *NUMBER OF AND REQUIREMENTS OF COMMISSIONERS***

The London Utility Commission shall be composed of a total of seven (7) voting members (subject to the terms of this article as is hereinafter stated), known as "Commissioners," to be appointed by the Mayor and to be composed of the following:

(A) One (1) present member of City Council (a sitting Councilperson);

(B) Four (4) "at large" members, to be at all times residents of the city;

(Ord. 2003-09, passed 9-2-03; Am. Ord. 2007-07, passed 8-6-07)

### **§ 22.202      *TERMS OF OFFICE***

(A) Present City Members. The terms of office of the present Commissioners under Ord. 981 (established 12-4-00 and repealed 9-2-03) shall continue as established at present time and no reappointment by the Mayor shall be necessary until the expiration of their present terms. In keeping with previous ordinances and practice, the Commissioners are now appointed for a term of four (4) years; appointments to complete unexpired terms of office shall be made in the same manner as original appointments, but only for the unexpired term.

## **LONDON - DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES**

---

(B) The Commissioners shall elect a member from the Commissioners to serve as chairperson of the Commissioners for the purpose of presiding at meetings of the London Utility Commission; this person shall retain the right to make motions and vote on all matters.

(C) Each member of the Commission (Commissioner) shall qualify for such position by taking the oath of office provided for by Section 228 of the Kentucky Constitution.

(D) Unless otherwise obtained and paid by the London Utility Commission, the City Council shall pay the cost of securing for the Commission members a policy of insurance covering the acts and omissions of the Commission members and Superintendent of the London Utility Commission in the performance of their duties and responsibilities as Commission members and Superintendent.

(E) A majority of the Commission shall constitute a quorum of the Commission and shall act by a vote of those present at any meeting attended by a quorum of the Commissioners.

(F) Any member of the Commission may be removed from office upon a vote of the City Council for inefficiency, neglect of duty, misfeasance, nonfeasance, or malfeasance in the office.

(Ord. 2003-09, passed 9-2-03; Am. Ord. 2007-07, passed 8-6-07)

### **§ 22.203      *DUTIES AND RESPONSIBILITIES OF COMMISSION***

(A) **General Responsibilities.** The London Utility Commission shall be responsible for providing a system of water and sewer to the citizens of the city. Although water systems other than those of this Commission serve some of the citizens, it is the responsibility of this Commission to provide a system of potable water to the citizens. At the time of the writing of this article, the city provides the only available sewer service to the citizens and businesses of the city and areas immediately surrounding the city limits. Sewer service has, in the past, and will in the foreseeable future, be extended to residences and businesses within the city and into areas immediately accessible and when fiscally practical to do so, as determined by the London Utility Commission.

(B) **Guidelines, Policies, Budget, Expenses and Rate for Services.** The London Utility Commission shall be responsible for the policy and guidelines for the operation of the London Utility Commission, unless otherwise specified in this article or otherwise prohibited by Kentucky law. The London Utility Commission shall approve an annual budget for the operation of the Utility Commission. The London Utility Commission shall employ an attorney and designate a salary to be paid to said attorney and for such other legal work as may be required

## **LONDON - DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES**

---

from time to time, such payments to be made from the Commission's operating budget. The Commission shall pay all costs and expenses in the operation of the Commission from its operating budget, including but not limited to insurance, equipment, supplies, materials, labor and any other necessary costs and expenses incurred in the normal and customary business of this nature. The London Utility Commission shall be responsible for recommending a uniform and reasonable schedule of water and sewer rates, service rates, and other charges for services, supplies, equipment and other costs incurred in providing water and sewer services to residential, business and commercial customers of the London Utility Commission to the City Council and Mayor. All rate and service fees must be approved by the City Council by appropriate city ordinances. Such rate charges and fees shall be maintained at the London Utility Commission office and shall be available for inspection during regular business hours of the Commission.

(C) **Reservation of Financial Authority.** It is specifically stated herein, that in keeping with Kentucky law, the London Utility Commission shall not obligate its own resources beyond any fiscal year. Any financial obligation of construction and maintenance that extend beyond any single fiscal year shall be approved and authorized by City Council, which shall authorize the Mayor or the Chairman of the London Finance Corporation to enter into such agreements of financial obligation. Any real estate acquired by the Commission shall be acquired in the name of the city.

(D) **Annual Audit.** The Commission shall cause an audit report to be made annually and shall provide a copy of the same to City Council each year, within thirty (30) days of the date of the presentation of the audit report to the Commission.  
(Ord. 2003-09, passed 9-2-03; Am. Ord. 2007-07, passed 8-6-07)

### **§ 22.204      *EMPLOYEES OF THE COMMISSION***

(A) **Superintendent.** The London Utility Commission shall recommend to the Mayor a person to employ as Superintendent of the Commission. The Superintendent shall be responsible for the day-to-day operations of the London Utility Commission, attend all commission meetings, implement the policies of the Commission and the ordinances of the city, report to the Commission, City Council and Mayor from time to time to do so, and perform such other duties as may be required by the Commission or the city. The Superintendent shall be a resident of the city. The Superintendent's salary and other benefits of employment shall be included in the Commission's policy of employment as is hereinafter stated.

(B) **Other Employees of the Commission.** The Superintendent shall recommend to the Commission any persons for employment by the Commission. A majority of the Commissioners shall recommend to the Mayor, who may then employ such persons. Individuals employed by the Commission shall be subject to employment guidelines in a policy of employment which shall be in keeping with Kentucky and federal law. The Commission shall include in its policy pay rates and scales, insurance, fringe benefits and other terms and conditions of employment as may

## **LONDON - DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES**

---

be deemed necessary by the London Utility Commission. All salaries, wages and other benefits of the Superintendent and other employees shall be paid from the budget of the Commission.

(C) Other Conditions of Employment. In keeping with present Kentucky law, the Mayor shall make all decisions relating to employment decisions of hiring, lay-offs, terminations, and other similar decisions relating to employment. Such decisions may be made upon the recommendation of the Superintendent to the Mayor.

(Ord. 2003-09, passed 9-2-03; Am. Ord. 2007-07, passed 8-6-07)

### **§ 22.205      *BIDDING AND PROCUREMENT PRACTICES***

The London Utility Commission shall be subject to all Kentucky legal requirements with regard to bidding and procurement practices. The Commission shall have authority to advertise for, accept bids and enter into contracts, without City Council approval, but shall not obligate itself beyond its current fiscal year.

(Ord. 2003-09, passed 9-2-03; Am. Ord. 2007-07, passed 8-6-07)

### **§ 22.206      *MEETING DATES AND TIMES***

The London Utility Commission shall establish regular meeting dates and times, which shall be at least once each month. The Commission may meet at such other times as the Commission Chairman may designate by appropriate legal notice.

(Ord. 2003-09, passed 9-2-03; Am. Ord. 2007-07, passed 8-6-07)

### **§ 22.207      *COMMISSION MINUTES***

The Commission shall cause to be made a complete and accurate record of all meetings which shall be subject to inspection under the Kentucky Open Record laws. The Commission shall cause to be made a financial audit of its financial records each year and a written report prepared by the auditor, who shall be an independent auditor.

(Ord. 2003-09, passed 9-2-03; Am. Ord. 2007-07, passed 8-6-07)

### **§ 22.208      *PERVIOUS AGREEMENTS AND CONTRACTS***

The Commission shall be bound under the terms of any previous contracts and/or agreements made and entered into by or on behalf of the Commission that were entered into while the Commission existed under the provisions of Ord. 344 and the city shall remain bound on any previous contracts and/or agreements in which the city previously was obligated in any manner.

(Ord. 2003-09, passed 9-2-03; Am. Ord. 2007-07, passed 8-6-07)



**LONDON - DEPARTMENTS, BOARDS,  
COMMISSIONS AND COMMITTEES**

---

**§ 22.209      *DELEGATION OF AUTHORITY***

Any authority not specifically delegated to the London Utility Commission herein is specifically reserved to the city.

(Ord. 2003-09, passed 9-2-03; Am. Ord. 2007-07, passed 8-6-07)

**§ 22.210      *BILLINGS***

The City Utility Commission is hereby authorized and directed to render and collect all water, sewer and garbage charges and bills and to present the bills and charges for water, sewer and garbage services simultaneously each month to all water, sewer and garbage customers, each bill showing each separate item.

(Ord. 497, passed 9-6-62)

**Cross reference:**

Water and sewer, billings, see § 31.139

Garbage, billings, see § 30.205

**§ 22.211      *REGULATIONS FOR ESCHEATING WATER METER DEPOSITS TO GENERAL FUND***

(A) In the event that deposits have been made to the London Utility Commission for water meters and a determination has been made, in writing, by the London Utility Commission that:

(1) The person who made the deposit cannot be located and refunded the deposit; or

(2) The business which made the deposit no longer exists or transacts business in the city, the London Utility Commission shall cause to be published in the newspaper having the largest circulation in the country, a notice containing the following information:

(a) The name of the person or business that made the deposit;

(b) The date of the deposit; and

(c) That any person claiming said deposit should make such claim and the basis of the claim within sixty (60) days of the date of the publication of the notice in the newspaper.

## **LONDON - DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES**

---

(B) If such claim, as in outlined hereinabove, is not made within such time as stated above, said deposit shall escheat to the benefit of the London Utility Commission, shall become the property of the London Utility Commission and shall be deposited in the General Fund of the London Utility Commission.

(Ord. 995, passed 10-1-01)

### **ARTICLE IV. JOINT AIR BOARD**

#### **§ 22.300      *CREATED***

Pursuant to the provisions of KRS 183.132, the City of London, Kentucky, together with the City of Corbin, Kentucky, hereby establish a Joint Air Board which shall be composed of six (6) members.

(Ord. 509-A, passed 3-24-64)

#### **§ 22.301      *MEMBERSHIP; APPOINTMENT***

The Mayor shall appoint three (3) members of the Board, one of whom shall be appointed for two (2) years, one for three (3) years and one for four (4) years, and upon expiration of the staggered terms, the Mayor shall appoint successor members for a term of four (4) years.

(Ord. 509-A, passed 3-24-64)

#### **Cross reference:**

Airport zoning, see Ch. 81

State law reference, Authority for local air boards, KRS 183.132

#### **§ 22.302      *PURPOSE; DUTIES; TITLE TO PROPERTY***

The Joint Air Board shall be for the purpose, and shall perform the duties, and have the powers provided and enumerated in KRS 183.132 through KRS 183.137; provided, however, all property to be used or acquired shall vest in and be owned equally by the City of Corbin and the City of London.

(Ord. 509-A, passed 3-24-64)

### **ARTICLE V. THE A.R. DYCHE MEMORIAL PARK CEMETERY BOARD**

#### **§ 22.400      *ESTABLISHED***

There is hereby established the A.R. Dyche Memorial Park Cemetery Board.

(Ord. 853, passed 9-14-92)

## LONDON - DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES

---

### § 22.401      *PURPOSE*

The purpose of the Board shall be the operation and maintenance of the A.R. Dyche Memorial Park which has been acquired by deeds to the city.  
(Ord. 853, passed 9-14-92; Am. Ord. 2016-10, passed 9-6-16)

### § 22.402      *APPOINTMENT*

A Cemetery Board shall be appointed by the Mayor consisting of at least five (5) individuals. Such persons shall be known as the Board of Directors for the A.R. Dyche Memorial Park ("Board").  
(Ord. 853, passed 9-14-92 9-14-92; Am. Ord. 2016-10, passed 9-6-16)

### § 22.403      *TERM*

The term of office of each Board member shall be for a term of four (4) years, with the option for reappointment.  
(Ord. 853, passed 9-14-92 9-14-92; Am. Ord. 2016-10, passed 9-6-16)

### § 22.404      *COMPENSATION*

Board members shall not be paid for their services, however they may recommend to the Mayor the employment of maintenance, clerical and professional assistance as may be required.  
(Ord. 853, passed 9-14-92 9-14-92; Am. Ord. 2016-10, passed 9-6-16)

### § 22.405      *OFFICERS; MEETINGS*

A chairperson will be selected by the other Board Members. The chairperson shall preside over all meetings. In the chairperson's absence, the members present shall elect a vice chairperson for the purpose of conducting that meeting. The City Clerk Shall serve as secretary for the Board and shall maintain all minutes and records for the Board.  
(Ord. 853, passed 9-14-92 9-14-92; Am. Ord. 2016-10, passed 9-6-16)

### § 22.406      *BY-LAWS*

The Board may adopt by-laws for its own internal function and effective operation. When by-laws are adopted, they shall be by an affirmative vote of a majority of its members. The Board will meet not less than once each year during the first week in January at which time a report of the complete activities for the previous year shall be made to the City Council.  
(Ord. 853, passed 9-14-92 9-14-92; Am. Ord. 2016-10, passed 9-6-16)

## LONDON - DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES

---

### § 22.407      *OPERATION OF CEMETERY*

(A)      The Board shall have authority to supervise the transfer of cemetery lots for burial purposes and shall reserve control and maintenance over the property transferred; upon the recommendation of the Board, the Mayor shall designate a single person to act as agent for the Board and city in the transfer and sale of such lots. Monies from the transfer of lots shall be maintained by a person designated by the Board to act as its agent. The Mayor is authorized to direct the City Clerk to make payments from the Cemetery Board bank accounts to the retirement of the debts owed for such cemetery property. However, no money from the cemetery bank accounts shall be used for the payment of any other city debts or obligations other than those expenses stated and authorized herein.

(B)      All other money received by the Board shall be used for the general purposes of the cemetery.

(C)      Notwithstanding the above to the contrary, it is recognized that the Board recently recommended and additional property was purchased by the Board, in the name of the City of London.

(D)      The Cemetery Board shall recommend contracts for the upkeep and maintenance of the cemetery property. The Board shall have authority to make regulations regarding the placement and/or removal of markers, stones, plants, trees, and any other structures or materials in this cemetery.

(E)      The Board and/or its agent shall maintain records regarding the transfer of lots and shall make regulations regarding all transfers.

(F)      The Board and/or its agent shall deliver to the City Clerk for deposit, in keeping with this article, all monies from the sale of lots and other revenue raised resulting from the operation of the cemetery.

(Ord. 853, passed 9-14-92; Am. Ord. 2016-10, passed 9-6-16)

### § 22.408      *CEMETERY FUNDS*

(A)      At this time there exists a Perpetual Care Fund for the cemetery property; this fund exists for the care and maintenance of the cemetery. This Perpetual Care Fund shall continue to exist for this same purpose. Not less than twenty percent (20%) of all money received from the sale/transfer of cemetery lots by the Cemetery Board shall be placed in the Perpetual Care Fund.

(B)      The City Clerk of the City of London shall maintain all bank accounts in the name of the A.R. Dyche Memorial Park. The City Clerk shall cause an audit of these accounts to be made by the Auditor of the City of London; the Board may also, upon majority vote, authorize an audit of such cemetery bank accounts.

**LONDON - DEPARTMENTS, BOARDS,  
COMMISSIONS AND COMMITTEES**

---

(C) Such cemetery bank accounts shall have at least two (2) signatures, one signature being the London City Clerk; the other signature shall be the chairperson or in that person's absence, the vice-chairperson.

(Ord. 853, passed 9-14-92; Am. Ord. 2016-10, passed 9-6-16)

**§ 22.409      *CONSENT, APPROVAL OF BOARD REQUIRED FOR BURIALS***

No burial shall occur within the A.R. Dyche Memorial Park without the consent and approval of this Board or its agent. No permission shall be granted unless the payment for the transfer of the cemetery lot has been made in full.

(Ord. 853, passed 9-14-92; Am. Ord. 2016-10, passed 9-6-16)

**LONDON - DEPARTMENTS, BOARDS,  
COMMISSIONS AND COMMITTEES**

---

## **LONDON - DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES**

---

### **ARTICLE VI. OTHER DEPARTMENTS, BOARDS AND COMMISSIONS**

#### **§ 22.500      *BOARD OF ETHICS***

For provisions concerning the Board of Ethics, see §§ 26.400 – 26.410.

#### **§ 22.501      *BOARD OF ADJUSTMENT***

For provisions concerning the Board of Adjustment, see §§ 80.150 – 80.164.

#### **§ 22.502      *PLANNING COMMISSION***

For provisions concerning the Planning Commission, see §§ 80.125 – 80.134.

#### **§ 22.503      *CITIZENS ADVISORY COMMITTEE***

For provisions concerning the Citizens Advisory Committee, see §§ 29.125 – 29.134.

#### **§ 22.504      *PARKS, PLAYGROUND AND RECREATION BOARD***

For provisions concerning the Parks, Playground and Recreation Board, see §§ 53.002 – 53.008.

#### **§ 22.505      *TREE BOARD***

For provisions concerning the Tree Board, see §§ 54.100 – 54.104.

#### **§ 22.506      *HUMAN RIGHTS COMMISSION***

For provisions concerning the Human Rights commission, see §§ 72.100 – 72.102.

#### **§ 22.507      *BOARD OF AIRPORT ZONING APPEALS***

For provisions concerning the Board of Airport Zoning Appeals, see §§ 81.100 – 81.106.

### **ARTICLE VII. EMERGENCY RADIO FREQUENCY BOARD**

#### **§ 22.600      *ESTABLISHED***

An Emergency Radio Frequency Board (hereinafter referred to as "Board") shall be established consisting of the following: a representative of the Police Department, a representative of the Fire Department, a representative of the London-Laurel County Rescue, a representative of the Laurel County Sheriff Office, a representative of Ambulance Inc. of Laurel County, and a representative of the Laurel County Fire Departments. The representative shall be

## **LONDON - DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES**

---

chosen by the aforementioned organizations, in keeping with each organization's by-laws or constitution.

(Ord. 974, passed 6-5-00)

### **§ 22.601      *MEETINGS***

The Board shall meet once per month, or as the necessity to meet shall arise for the purposes described herein.

(Ord. 974, passed 6-5-00)

### **§ 22.602      *AUTHORITY***

The Board shall have oversight authority of the radio frequencies of the following: Police Department, Fire Department, Ambulance Inc. of Laurel County, London-Laurel County Rescue, all Laurel County Fire Departments, and Laurel County Emergency Management. The Board shall have authority to grant or deny applications for possession of radios that have the capacity of broadcasting frequencies assigned to the aforementioned agencies and departments.

(Ord. 974, passed 6-5-00)

### **§ 22.603      *APPLICATION REQUIRED; VIOLATION***

(A) No radio with the capacity of broadcasting on a radio frequency for the above departments and agencies shall be possessed by an individual unless application has been made and approved by the Board. No business or person with Laurel County shall install or sell any radio capable of broadcasting on the frequency band utilized by the above named department or agencies, unless an application has been issued by the Board for said individual. Application for possession of such radio shall be on a form application approved by the Board.

(B) Application for possession and use of such radios, whether hand-held or in a motor vehicle shall include the name, address, social security number and agency of the applicant; the radio brand, model number, and serial number of the radio; the agency or department director or chief shall acknowledge by his signature on the application that the person seeking the application is affiliated with the agency or department. At such time as the applicant no longer remains a member of the agency or department, or if such applicant sells said radio, the radio shall be deprogrammed within three (3) business days of the date the person is no longer a member of the agency or department or prior to the sale of said radio. The responsibility of deprogramming the radio shall be that of the person to whom an application was granted.

(C) No part of this article shall apply to any radios permanently affixed in motor vehicles owned and titled to any of the entities named in §22.602 or any other state or federal agency or department. Any radios permanently affixed to motor vehicles that are not owned by the entities named in §22.602 shall be permitted only upon application by the owner of said vehicle in compliance with (B) above, and additional information to be required in the application



**LONDON - DEPARTMENTS, BOARDS,  
COMMISSIONS AND COMMITTEES**

---

of the owner of said vehicle, the vehicle manufacturer, model, and vehicle identification number.

(D) Any person who violates any provision of this article shall be subject to punishment as stated in KRS 432.570. Any radio for which an application has not been granted may be seized and become the subject of a forfeiture action or order of a court with jurisdiction of such matters.

(Ord. 974, passed 6-5-00)

**LONDON - DEPARTMENTS, BOARDS,  
COMMISSIONS AND COMMITTEES**

---

## CHAPTER 23: FINANCIAL ADMINISTRATION

23.001	Definitions
23.002	Accounting records
23.003	Annual budget
23.004	Annual audit
23.005	Official depositories

### § 23.001 *DEFINITIONS*

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

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

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

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

***"FISCAL YEAR."*** The accounting period for the administration of fiscal operations.

***"GENERALLY ACCEPTED GOVERNMENTAL AUDITING STANDARDS."*** Those standards for audit of governmental organizations, programs, activities, and functions issued by the Comptroller General of the United States.  
(KRS 91A.010(6))

***"GENERALLY ACCEPTED PRINCIPLES OF GOVERNMENTAL ACCOUNTING."*** Those standards and procedures promulgated and recognized by the Governmental Accounting Standards Board.  
(KRS 91A.010(7))

### § 23.002 *ACCOUNTING RECORDS*

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

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

## **LONDON - FINANCIAL ADMINISTRATION**

---

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

### **§ 23.003 ANNUAL BUDGET**

(A) The city shall operate under an annual budget ordinance adopted and administered in accordance with the provisions of this section. Notwithstanding any other provisions of law, the city shall not expend any moneys from a governmental or proprietary fund, except in accordance with a budget ordinance adopted pursuant to this section.

(B) Moneys held by the city as a trustee or agent for individuals, private organizations, or other governmental units need not be included in the budget ordinance.

(C) If, in any fiscal year subsequent to a fiscal year in which the city has adopted a budget ordinance in accordance with this section, no budget ordinance is adopted, the budget ordinance of the previous fiscal year shall have full force and effect as if readopted.

(D) The budget ordinance of the city shall cover one (1) fiscal year.

(E) Preparation of the budget proposal shall be the responsibility of the Mayor, and the budget proposal shall be prepared in the form and detail as is prescribed by ordinance.

(F) The budget proposal, together with a budget message shall be submitted to the City Council no later than thirty (30) days before the beginning of the fiscal year it covers. The budget message shall: contain an explanation of the governmental goals fixed by the budget for the coming year; explain important features of the activities anticipated in the budget; set forth the reasons for stated changes from the previous year in program goals, program and appropriation levels; and explain any major changes in fiscal policy.

(G) The City Council shall adopt a budget ordinance making appropriations for the fiscal year in such sums as the Council finds sufficient and proper, whether greater or less than the sums recommended in the budget proposal. The budget ordinance may be in any form that the Council finds most efficient in enabling it to make the necessary fiscal policy decisions.

(H) No budget ordinance shall be adopted which provides for appropriations to exceed revenues in any one (1) fiscal year in violation of Section 157b of the Kentucky Constitution.

(I) The full amount estimated to be required for debt service during the budget year shall be appropriated for all governmental fund types.

(J) The Council may amend the budget ordinance after the ordinance is adopted, if the amended ordinance continues to satisfy the requirements of this section.

## **LONDON - FINANCIAL ADMINISTRATION**

---

(K) Administration and implementation of an adopted budget ordinance shall be the responsibility of the Mayor. Such responsibility shall include the preparation and submission to Council of operating statements which shall include budgetary comparisons of each governmental fund for which an annual budget has been adopted. These reports shall be submitted not less than once every three (3) months in each fiscal year.

(L) To the extent practical, the system utilized in the administration and implementation of the adopted budget ordinance shall be consistent in form with the accounting system called for in § 23.002.

(M) No city agency or member, director, officer, or employee of a city agency may bind the city in any way or to any extent beyond the amount of money at that time appropriated for the purpose of the agency. All contracts, agreements, and obligations, express or implied, beyond existing appropriations are void. No city officer issue any bond, certificate, or warrant for the payment of money by the city in any way to any extent beyond the unexpended balance of any appropriation made for the purpose.

(KRS 91A.030)

### **§ 23.004      *ANNUAL CITY AUDIT***

(A) After the close of each fiscal year, the city shall cause each fund of the city to be audited by the Auditor of Public Accounts or a certified public accountant. The audit shall be completed by February 1 immediately following the fiscal year being audited. The city shall forward one electronic copy of the audit report to the Department for Local Government for information purposes by no later than March 1 immediately following the fiscal year being audited.

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

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

(2) The auditor shall include in the annual city audit report an examination of local government economic assistance funds granted to the city under KRS 42.450 to 42.495. The auditor shall include a certification with the annual audit report that the funds were expended for the purpose intended;

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

## **LONDON - FINANCIAL ADMINISTRATION**

---

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

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

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

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

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

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

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

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

(1) The auditor's opinion letter;

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

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

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

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

## LONDON - FINANCIAL ADMINISTRATION

---

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

(F) Any resident of the city or owner of real property within the city may bring an action in the Circuit Court to enforce the provisions of this section. Any person who violates any provision of this section shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). In addition, any officer who fails to comply with any of the provisions of this section shall, for each failure, be subject to a forfeiture of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), in the discretion of the court, which may be recovered only once in a civil action brought by any resident of the city or owner of real property within the city. The costs of all proceedings, including a reasonable fee for the attorney of the resident or property owner bringing the action, shall be assessed against the unsuccessful party.

(KRS 91A.040)

---

**Cross reference:**

Public records, see Ch. 24

### § 23.005 *OFFICIAL DEPOSITORIES*

(A) The Mayor shall designate as the city's official depositories one (1) or more banks, federally insured savings and loan companies, or trust companies within the Commonwealth. The amount of funds on deposit in an official depository shall be fully insured by deposit insurance or collateralized in accordance with 12 U.S.C. 1823 to the extent uninsured by any obligations, including surety bonds permitted by KRS 41.240(4).

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

(KRS 91A.060)





## CHAPTER 24: PUBLIC RECORDS

### ARTICLE I. GENERAL PROVISIONS

24.001 Definitions

### ARTICLE II. PROCEDURES FOR REQUESTING PUBLIC RECORDS

24.100 Initial request with immediate inspection  
24.101 Referral to proper custodian  
24.102 Public records not immediately available  
24.103 Refusal of unreasonable requests  
24.104 Time limitation; denial of inspection  
24.105 Concealing or destroying records prohibited  
24.106 Access to records relating to particular individual  
24.107 Public records protected from disclosure

### ARTICLE I. GENERAL PROVISIONS

#### § 24.001 *DEFINITIONS*

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

**"CITY."** The city government of this city.

**"COMMERCIAL PURPOSE."** The direct or indirect use of any public record or records, in any form, for sale, resale, solicitation, rent, or lease of a service, or any use by which the user expects a profit either through commission, salary, or fee. **"COMMERCIAL PURPOSE"** shall not include publication or related use of a public record by a newspaper or periodical; use of a public record by a radio or television station in its news or other informational program; or use of a public record in the preparation for prosecution or defense of litigation, or claims settlement by the parties to such action, or the attorneys representing the parties.

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

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

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

## **LONDON - PUBLIC RECORDS**

---

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

**"PERSON."** A human being who makes a request for inspection of public records.

**"PUBLIC AGENCY."** Every city government board, commission, and authority; every city council and council board, commission, and committee; every school district board, and municipal corporation; every city government agency, including the policy-making board of an institution of education created by or pursuant to state or local statute, executive order, ordinance, resolution, or other legislative act in the legislative or executive branch of government; any entity when the majority of its governing body is appointed by a **"PUBLIC AGENCY"**, as defined in this section; a member or employee of a **"PUBLIC AGENCY"**, a state or local officer, or any combination thereof; any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council, or agency, except for a committee of a hospital medical staff or a committee formed for the purpose of evaluating the qualifications of public agency employees, established, created, or controlled by a **"PUBLIC AGENCY"** as defined in this section; an interagency body of two (2) or more public agencies where each **"PUBLIC AGENCY"** is defined in this section.

(KRS 61.870)

**"PUBLIC RECORDS."** All books, papers, maps, photographs, cards, tapes, disks, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, which are prepared, owned, used, in the possession of, or retained by a public agency. **"PUBLIC RECORDS"** shall not include any records owned or maintained by or for a body referred to in subsection (1)(h) of KRS 61.870 that are not related to functions, activities, programs, or operations funded by state or local authority nor any records that may be excluded by § 24.107.

**"REASONABLE FEE" or "FEE."** The fair payment required by a public agency for making copies of non-exempt public records requested for noncommercial purposes which shall not exceed the actual cost of reproduction, including the costs of the media and any mechanical processing cost incurred by the public agency, but not including the cost of staff. If a public agency is asked to produce a record in a nonstandardized format, or to tailor the format to meet the request of an individual or a group, the public agency may, at its discretion, provide the requested format and recover staff costs as well as any actual costs incurred.

**"REQUEST."** An oral or written application by any person to inspect public records of the city.

**"SOFTWARE."** The program code which makes a computer system function, but does not include that portion of the program code which contains public records examined from inspection as provided by KRS 61.878 or specific addresses of files, passwords, access codes, user identifications, or any other mechanism for controlling the security or restricting access to

## **LONDON - PUBLIC RECORDS**

---

public records in the public agency's routines, and subroutines, such as translators and utility programs, but does not include that material which is prohibited from disclosure or copying by a license agreement between a public agency and an outside entity which supplied the material to the agency.

### **ARTICLE II. PROCEDURES FOR REQUESTING PUBLIC RECORDS**

#### **§ 24.100      *INITIAL REQUEST WITH IMMEDIATE INSPECTION***

(A) As defined in § 24.001, and subject to the limitations set forth in § 24.107, any person desiring to inspect or copy the public records of the city shall make a request or complete a written application for such records at the office of the City Clerk during regular office hours, except during legal holidays. The written application shall be hand-delivered, mailed, or sent via facsimile to the City Clerk's office.

(KRS 61.872(2))

(B) If the custodian determines that a person's request is in compliance with the open records law and the requested records are immediately available, the custodian shall deliver the records for inspection. Suitable facilities shall be made available in the office of the City Clerk for the inspection. No person shall remove original copies of public records from the offices of any public agency without the written permission of the official custodian of the record.

(KRS 61.872(1))

(C) An applicant may inspect public records during the regular business hours of the city, or by receiving copies of the public records from the city through the mail if the applicant's residence or principal place of business is outside of the county in which the city is located and he has precisely described public records which are available within the city. If the person requesting the public records requests that the records be mailed, the official custodian shall mail the copies upon receipt of all fees and the cost of mailing.

(KRS 61.872(3))

(D) The applicant shall have the right to make abstracts of the public records and to obtain copies of all public records not exempted by this chapter. When copies are requested, the custodian may require a written request and advance payment of the prescribed fee as defined in § 24.001.

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

(F) The minimum standard format in paper form shall be defined as not less than 8 ½ inches x 11 inches in at least one (1) color on white paper, or for electronic format, in a flat file

## LONDON - PUBLIC RECORDS

---

electronic American Standard Code for Information Interchange (ASCII) format. If the public agency maintains electronic public records in a format other than ASCII, and this format conforms to the requester's requirements, the public records may be provided in this alternate electronic format for standard fees as specified by the public agency. Any request for a public record in a form other than the forms described in this section shall be considered a nonstandardized request.

(G) Unless an enactment of the General Assembly prohibits the disclosure of public records to persons who intend to use them for commercial purposes, if copies of non-exempt public records are requested for commercial purposes, the public agency may establish a reasonable fee. The public agency from which copies of non-exempt public records are requested for a commercial purpose may require a certified statement from the requester stating the commercial purpose for which they shall be used, and may require the requester to enter into a contract with the agency. The contract shall permit use of the public records for the stated commercial purpose for a specified fee. The fee may be based on the cost to the public agency of media, mechanical processing, and staff required to produce a copy of the public record or records or the cost to the public agency of the creation purchase, or the acquisition of the public records.

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

(1) Commercial purpose, without stating the commercial purpose, if a certified statement from the requester was required by the public agency pursuant to subsection (G) of this section; or

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

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

(KRS 61.874(5))

(I) Online access to public records in electronic format, as provided under this section, may be provided and made available at the discretion of the public agency. If a party wishes to access public records by electronic means and the public agency agrees to provide online access, a public agency may require that the party enter into a contract, license, or other agreement with the agency, and may charge fees for these agreements. Fees shall not exceed:

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

## **LONDON - PUBLIC RECORDS**

---

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

### **§ 24.101      *REFERRAL TO PROPER CUSTODIAN***

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

#### **Cross reference:**

Board of Ethics to act as custodian of its records, § 26.204

### **§ 24.102      *PUBLIC RECORDS NOT IMMEDIATELY AVAILABLE***

If the public record is in active use, in storage, or not otherwise available, the official custodian shall immediately so notify the applicant and shall designate a place, time, and date for inspection of the public records not to exceed three (3) days (excepting Saturdays, Sundays, and legal holidays) from receipt of the application, unless a detailed explanation of the cause is given for further delay and the place, time, and earliest date on which the public record will be available for inspection or duplication.  
(KRS 61.872(5))

### **§ 24.103      *REFUSAL OF UNREASONABLE REQUESTS***

If the application places an unreasonable burden in producing public records, or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency, the official custodian may refuse to permit inspection of the public records or mail copies of the public records. However, refusal under this section must be sustained by clear and convincing evidence.  
(KRS 61.872(6))

### **§ 24.104      *TIME LIMITATION; DENIAL OF INSPECTION***

(A) The official custodian, upon any request for records made under this chapter, shall determine within three (3) days, excepting Saturdays, Sundays, and legal holidays, after the receipt of any request whether to comply with the request and shall notify, in writing, the person making the request within the three-day period of its decision. Any agency response delaying, in whole or in part, inspection of any record shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld. The response shall be issued by the official custodian or under the official custodian's authority and shall constitute final agency action.  
(KRS 61.880)

## **LONDON - PUBLIC RECORDS**

---

(B) If the requesting party wants the Attorney General to review the denial of a request for inspection of a public record, he shall proceed under the provisions of KRS 61.880 and 61.882. Upon the Attorney General's request, the agency will provide additional documentation.

(C) If upon request by the person seeking inspection, the Attorney General reviews the denial and issues a written opinion upholding, in whole or in part, the request for inspection, the requesting party may institute appeal proceedings within thirty (30) days for injunctive or declaratory relief in the circuit court. In addition, if the Attorney General disallows the request, or if the city continues to withhold the record notwithstanding the Attorney General's opinion, and the person seeking disclosure institutes proceedings in circuit court, the city shall notify the Attorney General of such action.

(KRS 61.880, 61.882)

### **§ 24.105      *CONCEALING OR DESTROYING RECORDS PROHIBITED***

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

### **§ 24.106      *ACCESS TO RECORDS RELATING TO PARTICULAR INDIVIDUAL***

Any person shall have access to any public record relating to him or in which he is mentioned by name, upon presentation of appropriate identification, subject to the provisions of this chapter.

(KRS 61.884)

### **§ 24.107      *PUBLIC RECORDS PROTECTED FROM DISCLOSURE***

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

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

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

(3) (a) Upon and after July 15, 1992, records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if opened would permit an unfair commercial advantage to competitors of the entity that disclosed the records.

## **LONDON - PUBLIC RECORDS**

---

(b) Upon and after July 15, 1992, records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which are compiled and maintained (i) in conjunction with an application or the administration of a loan or grant; (ii) in conjunction with an application for or the administration of assessments, incentives, inducements, and tax credits as described in KRS Chapter 154; (iii) in conjunction with the regulation of commercial enterprise, including mineral exploration records, unpatented, secret commercially valuable plans, appliances, formulae, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person; or (iv) for the grant or review of a license to do business. These exemptions shall not, however, apply to records the disclosure or publication of which is directed by other statutes.

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

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

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

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

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

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

## LONDON - PUBLIC RECORDS

---

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

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

(12) Public records or information, the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly, including any information acquired by the Department of Revenue in tax administration that is prohibited from divulgence or disclosure under KRS 131.190.

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

1. Criticality lists resulting from consequence assessments.
2. Vulnerability assessments;
3. Antiterrorism protective measures and plans;
4. Counterterrorism measures and plans;
5. Security and response needs assessments;
6. Infrastructure records that expose a vulnerability referred to in this division through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage and gas systems.
7. The following records when their disclosure will expose a vulnerability referred to in this division: detailed drawings, schematics, maps, or specifications of structural elements, floor plans, and operating, utility or security systems of any building or facility owned, occupied, leased or maintained by a public agency; and
8. Records when their disclosure will expose a vulnerability referred to in this division and that describe the exact physical location of hazardous chemical, radiological, or biological materials.

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



## LONDON - PUBLIC RECORDS

---

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

2. Disrupt a system identified in division (a)6.; or

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

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

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

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

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

(15) Records of a procurement process under KRS Chapter 45A or 56. This exemption shall not apply after:

(a) A contract is awarded; or

(b) The procurement process is canceled without award of a contract and there is a determination that the contract will not be resolicited.

(16) Communications of a purely personal nature unrelated to any governmental function.

(B) No exemption under this section shall be construed to prohibit disclosure of statistical information not distinctive of any readily identifiable person. In addition, if any public record

## **LONDON - PUBLIC RECORDS**

---

contains material which is not excepted under this section, the city shall separate the excepted and make the nonexcepted material available for examination, subject to the possible applicability of § 24.103.

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

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

(KRS 61.878)

## CHAPTER 25: PUBLIC MEETINGS

### ARTICLE I.

### GENERAL PROVISIONS

25.001

Definitions

### ARTICLE II.

### PUBLIC MEETING REQUIREMENTS

25.100

Meetings open to the public

25.101

Requirements for closed sessions

25.102

Public meeting schedules

25.103

Special meetings

25.104

Video teleconferences

25.105

Enforcement

### ARTICLE I. GENERAL PROVISIONS

#### § 25.001 DEFINITIONS

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

**"ACTION TAKEN."** A collective decision, a commitment or promise to make a positive or negative decision, or an actual vote by a majority of the members of the governmental body. (KRS 61.805(3))

**"MEETING."** All gatherings of every kind, including video teleconferences, regardless of where the meeting is held, and whether regular or special and informational or casual gatherings held in anticipation of or in conjunction with a regular or special meeting. (KRS 61.805(1))

**"MEMBER."** A member of the governing body of a public agency. "MEMBER" does not include employees of licensees of the agency. (KRS 61.805(4))

**"PUBLIC AGENCY."** Every city government board, commission, and authority; every city council and council board, commission, and committee; every school district board, special district board, and municipal corporation; every city government agency, including the policy-making board of an institution of education created by or pursuant to state or local statute, executive order, ordinance, resolution, or other legislative act in the legislative or executive branch of government; any entity when the majority of its governing body is appointed by a "PUBLIC AGENCY", as defined by this section; a member or employee of a "PUBLIC AGENCY", a state or local officer, or any combination thereof; any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council or agency, except for a committee of a hospital medical staff or a committee formed for the purpose of evaluating the qualifications of public agency employees, established, created, or controlled by a "PUBLIC

## **LONDON - PUBLIC MEETINGS**

---

**AGENCY"** as defined in this section; an interagency body of two (2) or more public agencies where each **"PUBLIC AGENCY"** is defined in this section.  
(KRS 61.805(2))

**"VIDEO TELECONFERENCE."** One (1) meeting, occurring in two (2) or more locations, where individuals can see and hear each other by means of video and audio equipment. (KRS 61.805(5))

### **ARTICLE II. PUBLIC MEETING REQUIREMENTS**

#### **§ 25.100 MEETINGS OPEN TO THE PUBLIC**

(A) All meetings of a quorum of the members of any public agency at which any public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public at all times, except for the following:

(1) Deliberations on the future acquisition or sale of real property by a public agency, but only when publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency;

(2) Discussions of proposed or pending litigation against or on behalf of the public agency;

(3) Collective bargaining negotiations between public employers and their employees or their representatives;

(4) Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting that employee's, member's, or student's right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret;

(5) Discussions between a public agency and a representative of a business entity and discussions concerning a specific proposal, if open discussions would jeopardize the siting, retention, expansion, or upgrading of the business;

(6) Local cabinet meetings and executive cabinet meetings;

(7) Deliberations of quasi-judicial bodies regarding individual adjudications or appointments, at which neither the person involved, his representatives, nor any other individual not a member of the agency's governing body or staff is present, but not including any meetings of planning commissions, zoning commissions, or boards of adjustment;

(8) That portion of a meeting devoted to a discussion of a specific public record exempted from disclosure under KRS 61.878. However that portion of any public agency meeting shall not be closed to a member of the Kentucky General Assembly.

(9) Meetings which federal or state law specifically require to be conducted in privacy; and

## **LONDON - PUBLIC MEETINGS**

---

(10) Meetings which the Constitution provides shall be held in secret.

(B) Any series of less than quorum meetings, where the members attending one (1) or more of the meetings collectively constitute at least a quorum of the members of the public agency and where the meetings are held for the purpose of avoiding the requirements of subsection (A) of this section, shall be subject to the requirements of subsection (A) of this section. Nothing in this subsection shall be construed to prohibit discussions between individual members where the purpose of the discussions is to educate the members on specific issues.

(KRS 61.810)

---

**Cross reference:**

Council meetings, § 20.208

Board of Ethics meetings, § 26.400

### **§ 25.101      *REQUIREMENTS FOR CLOSED SESSIONS***

(A) The following requirements shall be met as a condition for conducting sessions by those public agencies authorized by § 25.100(A)(1) and (4) except as (4) relates to students:

(1) Notice shall be given in regular open meetings of the general nature of the business to be discussed in closed session, the reason for the closed session, and the specific provisions of § 25.100 authorizing the closed session;

(2) Closed sessions may be held only after a motion is made and carried by a majority vote in open, public session;

(3) No final matters may be discussed at a closed session other than those publicly announced prior to convening the closed session.

(B) Public agencies and activities identified in § 25.100(A) paragraphs (2), (3), (4), but only so far as (4) relates to students, (5), (6), (7), (8), (9) and (10) are excluded from the requirements of subsection (A) of this section.

(KRS 61.815)

### **§ 25.102      *PUBLIC MEETING SCHEDULES***

All meetings of a public agency shall be held at specified times and places which are convenient to the public, and all public agencies shall provide for a schedule of regular meetings by ordinance, order, resolution, bylaws, or by whatever other means may be required for the conduct of business of the public agency. The schedule of regular meetings shall be made available to the public.

(KRS 61.820)

## **LONDON - PUBLIC MEETINGS**

---

### **§ 25.103      SPECIAL MEETINGS**

(A) Except as provided by subsection (F) of this section, special meetings shall be held in accordance with the provisions of divisions (B), (C) and (D) of this section.

(B) The presiding officer or a majority of the members of the public agency may call a special meeting.

(C) The public agency shall provide written notice of the special meeting containing the date, time, place of the special meeting, and the agenda. Discussions and action at the meeting shall be limited to items listed on the agenda in the notice.

(D) (1) As soon as possible, written notice shall be delivered personally, transmitted by facsimile, or mailed to every member of the public agency as well as each media organization which filed a written request, including a mailing address, to receive notice of special meetings. The notice shall be received at least twenty-four (24) hours before the special meeting. The public agency may periodically, but not more often than once a calendar year, inform media organizations that they will have to submit a new written request or no longer receive written notice of special meetings until a new written request is filed.

(2) A public agency may satisfy the requirements of division (1) of this section by transmitting the written notice by electronic mail to public agency members and media organizations that have filed a written request with the public agency indicating their preference to receive electronic mail notification in lieu of notice by personal delivery, facsimile machine, or mail. The written request shall include the electronic mail address or addresses of the agency member or media organization.

(E) As soon as possible, written notice shall also be posted in a conspicuous place in the building where the special meeting will take place and in a conspicuous place in the building which houses the headquarters of the agency. The notice shall be posted at least twenty-four (24) hours before the special meeting.

(F) In the case of an emergency which prevents compliance with the notice requirements in this section, this subsection shall govern a public agency's conduct of a special meeting. The special meeting shall be called pursuant to subsection (B) of this section. The public agency shall make a reasonable effort, under emergency circumstances, to notify the members of the agency, media organizations which have filed a written request pursuant to this section, and the public of the emergency meeting. At the beginning of the emergency meeting, the person chairing the meeting shall briefly describe for the record the emergency circumstances preventing compliance with the notice requirements of this section. These comments shall appear in the minutes. Discussion and action at the emergency meeting shall be limited to the emergency for which the meeting is called. (KRS 61.823)

---

#### **Cross reference:**

Special Council meetings, § 20.208

## **LONDON - PUBLIC MEETINGS**

---

### **§ 25.104      *VIDEO TELECONFERENCES***

- (A)    A public agency may conduct any meeting through video teleconference.
- (B)    Notice of a video teleconference shall comply with the requirements of KRS 61.820 or 61.823 as appropriate. In addition, the notice of a video teleconference shall:
  - (1)    Clearly state that the meeting will be a video teleconference; and
  - (2)    Precisely identify a primary location of the video teleconference where all members can be seen and heard and the public may attend in accordance with KRS 61.840.
- (C)    The same procedure with regard to participation, distribution of materials, and other matters shall apply in all video teleconference locations.
- (D)    Any interruption in the video or audio broadcast of a video teleconference at any location shall result in the suspension of the video teleconference until the broadcast is restored. (KRS 61.826)

### **§ 25.105      *ENFORCEMENT***

The provisions of this chapter shall be enforced pursuant to KRS 61.846 and 61.848 for enforcing KRS 61.805 to 61.850.

## **LONDON - PUBLIC MEETINGS**

---



## **CHAPTER 26: ETHICS CODE**

26.001

Adopted by reference

**§ 26.001      *ADOPTED BY REFERENCE***

The City of London, Kentucky, hereby adopts by reference the Code of Ethics for City Employees and City Officials of the City of London, Kentucky, the same as if set out in full herein. A copy of the city's Code of Ethics is on file at the Office of the City Clerk at 501 South Main Street, London, Kentucky, 40741, and may be reviewed during regular business hours, Monday through Friday, from 8:00 a.m. to 4:00 p.m.  
(Ord. 2012-19, passed 12-20-12)

## **LONDON - ETHICS CODE**

---

## CHAPTER 27: PERSONNEL POLICIES

27.001

Adopted by reference

§ 27.001 *ADOPTED BY REFERENCE*

The City of London, Kentucky, hereby adopts by reference the Personnel Policies and Procedures and Pay and Classification Plan for all employees of the City of London, Kentucky, the same as if set out in full herein. A copy of the city's Personnel Policies and Procedures and Pay and Classification Plan is on file at the Office of the City Clerk at 501 South Main Street, London, Kentucky, 40741, and may be reviewed during regular business hours, Monday through Friday, from 8:00 a.m. to 4:00 p.m.  
(Ord. 2012-19, passed 12-20-12)

[Text continues on page 133]

## **LONDON - PERSONNEL POLICIES**

---

## CHAPTER 28: TAXATION

28.001	Tax imposed
28.002	Due date
28.003	Discount
28.999	Penalty

---

### Cross reference:

Ad valorem taxation rates, see Tables of Special Ordinances, Table 8

Financial institution franchise and local deposit tax, see Ch. 63

### § 28.001      *TAX IMPOSED*

The city hereby imposes ad valorem and property taxes on all property situated within the city limits.

### § 28.002      *DUE DATE*

All city taxes shall become due and payable on December 1 of each year.  
(Ord. 386, passed 6-26-51; Am. Ord. 2002-02, passed 9-3-02)

### § 28.003      *DISCOUNT*

All taxpayers shall receive a discount of two percent (2%) on the amount of taxes due, provided all taxes are paid before December 1 of each year.  
(Ord. 386, passed 6-26-51; Am. Ord. 2002-02, passed 9-3-02)

### § 28.999      *PENALTY*

A penalty of six percent (6%) will be added to all taxes not paid on or before December 31 of each year.  
(Ord. 386, passed 6-26-51; Am. Ord. 2002-02, passed 9-3-02)

## **LONDON - TAXATION**

---

## **CHAPTER 29: CITY POLICIES**

### **ARTICLE I.**

### **DISCRIMINATION ON BASIS OF DISABILITY STATUS**

#### **Division 1.**

#### **General Provisions**

29.001	Policy
29.002	Administration
29.003	Compliance

#### **Division 2.**

#### **Complaint Procedures**

29.025	Complaint to be filed
29.026	Written statement required
29.027	Informal meeting
29.028	Hearings

### **ARTICLE II.**

### **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

#### **Division 1.**

#### **General Provisions**

29.100	Purpose
29.101	Dissemination of information
29.102	Public hearings

#### **Division 2.**

#### **Citizens Advisory Committee**

29.125	Appointment
29.126	Composition
29.127	Term
29.128	Representations
29.129	Chairman
29.130	Meetings
29.131	Duties; responsibilities
29.132	Technical assistance
29.133	No restriction on officials
29.134	Amendments

### **ARTICLE I. DISCRIMINATION ON BASIS OF DISABILITY STATUS**

#### **Division 1. General Provisions**

#### **§ 29.001     *POLICY***

- (A) It is the policy of the city to promote equal opportunity with respect to its

## **LONDON - CITY POLICIES**

---

programs funded with federal funds.

(B) The city does not discriminate on the basis of disability status in admission or access to, or treatment or employment in, its programs or activities as defined in the Federal Revenue Sharing Program Regulations (51.51, 1).  
(Ord. 743, passed 5-14-84)

---

**Cross reference:**

Unfair housing practices, see Ch. 72

**§ 29.002      *ADMINISTRATION***

The administration of these procedures and related federal and state regulations shall be the responsibility of the Mayor.  
(Ord. 743, passed 5-14-84)

**§ 29.003      *COMPLIANCE***

These procedures may be amended by ordinance to comply with court directives or additional federal and state regulations.  
(Ord. 743, passed 5-14-84)

### **Division 2. Complaint Procedures**

**§ 29.025      *COMPLAINT TO BE FILED***

(A) Any person who believes that he or she has been subjected to discrimination as prohibited by the Federal Revenue Sharing program regulations and Section 504 of the Rehabilitation Act of 1973, may personally or by a representative, file a complaint with the office of the Mayor. A person who has not personally been subjected to discrimination may also file a complaint.

(B) When any person, who believes he or she has been adversely effected by an act or decision by city and that such act or decision was based on disability status shall have the right to process a complaint or grievance in accordance with the following sections.  
(Ord. 743, passed 5-14-84)

**§ 29.026      *WRITTEN STATEMENT REQUIRED***

(A) An aggrieved person must submit a written statement to the Mayor setting forth the nature of the discrimination alleged and facts upon which the allegation is based.  
(Ord. 743, passed 5-14-84)



## **LONDON - CITY POLICIES**

---

### **§ 29.027      *INFORMAL MEETING***

(A) The Mayor shall contact the complainant no later than fifteen (15) days after receiving the written statement to establish an informal meeting with the objective of resolving the matter informally. However, in no case shall the informal meeting be conducted sooner than five (5) days or not more than forty-five (45) days after receiving the written statement.

(B) There shall be prepared a written documentary of the discussions at the informal meeting, which shall be made by the City Clerk, as preserved in the records of the city.  
(Ord. 743, passed 5-14-84)

---

**Cross reference:**

Public records, see Ch. 24

### **§ 29.028      *HEARING***

(A) Within fifteen (15) days of the informal meeting, if no decision has been made by the Mayor or the decision of the Mayor does not satisfy the complainant, he or she may request a hearing with the City Council by submitting a written request to the Mayor.

(B) In thus discussing the grievance, the complainant may designate any person of his choice to appear with him and participate in the discussion. The City Council shall request the Mayor to participate in the discussion of the grievance, when it is brought before the City Council. The City Council shall issue a written decision on the matter within fifteen (15) days, and the decision shall be the final procedure for the complainant at the local level.

(C) There shall be prepared a written documentary of the discussion at the hearing, which shall be preserved in the records of the city.  
(Ord. 743, passed 5-14-84)

---

**Cross reference:**

Public records, see Ch. 24

## **ARTICLE II. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

### **Division 1. General Provisions**

#### **§ 29.100      *PURPOSE***

(A) The purpose of the citizens participation plan is to provide citizens an opportunity to become informed about the federal community development block grant (CDBG) program and its activities and opportunities in the community, and to provide citizens with an opportunity to fully participate in the selection of CDBG activities and their implementation.

(B) By establishing this plan, the city intends to insure the following:

## **LONDON - CITY POLICIES**

---

(1) **Information.** That citizens will be provided with adequate information on the CDBG program in terms of funds available, eligible activities, and likelihood of being funded.

(2) **Hearings.** Hold public hearing to obtain the views of citizens on community development and housing needs that should be considered for CDBG programs.

(3) **Activities.** Provided citizens with an adequate opportunity to participate in the development of CDBG applications and their implementation.  
(Ord. 659, passed 2-23-78)

### **§ 29.101      *DISSEMINATION OF INFORMATION***

The local news media, newsletters, meetings, and other means will be used to disseminate information on the CDBG program, eligible activities, deadlines, funding possibilities, and program status.  
(Ord. 659, passed 2-23-78)

### **§ 29.102      *PUBLIC HEARINGS***

As new CDBG program applications are considered, a minimum of two public hearings will be held at convenient places and times in order to provide citizens an opportunity for access to, and participation in, decision making in the community development program. These hearings will be held in the early planning stages of the a CDBG application to insure maximum input before any program plan is finalized. The hearings also will serve as an additional means of providing information on community development requirements and programs.  
(Ord. 659, passed 2-23-78)

## **Division 2. Citizens Advisory Committee**

### **§ 29.125      *APPOINTMENT***

(A) A citizens Advisory Committee will be appointed in order to facilitate citizen participation in the CDBG program. The Committee shall serve in an advisory capacity to the Mayor and City Council, and shall make recommendations in regard to activities of the community development program.

(B) Members shall be nominated by the Mayor, and approved by the City Council.  
(Ord. 659, passed 2-23-78)

### **§ 29.126      *COMPOSITION***

The Committee shall consist of at least six (6) members, but shall not include more than twelve (12).  
(Ord. 659, passed 2-23-78)

## **LONDON - CITY POLICIES**

---

### **§ 29.127      *TERM***

Members shall be appointed for three (3) year terms, and shall serve until a replacement is appointed.

(Ord. 659, passed 2-23-78)

### **§ 29.128      *REPRESENTATIONS***

Members shall be appointed in a manner that provides wide representation in the community in relation to sex, age, race, income, employment, and residential location. Representation shall be provided for those areas affected, or likely to be affected, by the community development programs, as well as representatives of the community at large.

(Ord. 659, passed 2-23-78)

### **§ 29.129      *CHAIRMAN***

The Chairman shall be elected by, and from, the committee members, and shall serve for a two (2) year term and until a successor is elected. The Chairman shall have the authority to establish any subcommittees, and to appoint members thereto.

(Ord. 659, passed 2-23-78)

### **§ 29.130      *MEETINGS***

Meetings may be called by the Mayor, the Chairman, or a majority of the members. Regular meetings also may be scheduled by the Committee. The Committee will be active on a continuing basis in order to insure that citizen participation requirements are met for any community development program, its amendment, reallocation of funds, or designation of new activities.

(Ord. 659, passed 2-23-78)

### **§ 29.131      *DUTIES; RESPONSIBILITIES***

The Committee shall function so as to permit citizens, likely to be affected by community development and housing activities, to articulate their needs, express preferences about projects, and assist in the selection of priorities and participation in the development of the application.

(A)    **Information.** The Committee shall disseminate information concerning proposed projects and the status of current projects.

(B)    **Coordination.** The Committee shall act as a coordinator of various groups which choose to participate in CDBG activities.

(C)    **Citizen Ideas.** The Committee shall serve as a vehicle by which ideas from the local citizenry may be transmitted to local officials.

## LONDON - CITY POLICIES

---

(D) Resolving Problems. The Committee shall assist citizens in resolving complaints or problems in a timely and responsive manner.  
(Ord. 659, passed 2-23-78)

---

**Cross reference:**

Unfair housing practices, see Ch. 72

§ 29.132      *TECHNICAL ASSISTANCE*

The Mayor and City Council shall secure professional and technical assistance as they deem necessary in helping them, or the Advisory Committee, prepare CDBG program applications, and in implementing and administering such programs.  
(Ord. 659, passed 2-23-78)

§ 29.133      *NO RESTRICTIONS ON OFFICIALS*

No part of the Citizens Participation Plan shall be construed as restricting the responsibility and authority of the elected officials of the city in the development or execution of a community development program. This is in conformance with Section 104(a)(c)(6)(c) of the Housing and Community Development Act of 1974.  
(Ord. 659, passed 2-23-78)

§ 29.134      *AMENDMENTS*

Amendments may be to this plan by the City Council as is felt necessary to facilitate the administration and operation of the program.  
(Ord. 659, passed 2-23-78)

### **TITLE 3: PUBLIC WORKS/UTILITIES**

---

CHAPTER 30

GARBAGE AND TRASH

CHAPTER 31

WATER AND SEWERS

## **LONDON - PUBLIC WORKS/UTILITIES**

---

## CHAPTER 30: GARBAGE AND TRASH

### ARTICLE I. GENERAL PROVISIONS

- 30.001 Definitions
- 30.002 City collection service to be used

### ARTICLE II. GARBAGE AND TRASH CONTAINMENT

- 30.100 Acceptable containers
- 30.101 Plastic garbage bags required for kitchen and table scraps
- 30.102 Disposal of garbage and trash in other than regulation  
containers
- 30.103 Disposal of cut brush and junk items
- 30.104 Placement of garbage and trash for pick-up; dumpster  
regulations
- 30.105 Unsafe objects to be disposed of privately
- 30.106 Improperly prepared garbage and trash prohibited from pick-up
- 30.107 Collection containers available from city; rates

### ARTICLE III. RATES AND SERVICE

- 30.200 Residential rates
- 30.201 Business rates
- 30.202 Dumpsters
- 30.203 Other garbage collection
- 30.204 Record keeping
- 30.205 Nonpayment of collection charges
- 30.206 Transfer station fees
- 30.207 Health and sanitation
- 30.999 Penalty

### ARTICLE I. GENERAL PROVISIONS

#### § 30.001 DEFINITIONS

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

**"AUTHORIZATION FOR DISPOSAL IN DUMPSTER."** Authorization to place garbage or trash in a dumpster by one other than the renter of the dumpster.

**"BUSINESS."** Any building, house, or structure used for any business or commercial or industrial purpose, whatever the description or classification of the business.

## **LONDON - GARBAGE AND TRASH**

---

**"RESIDENTIAL."** Any house, building, or structure occupied by one or more family units for residential purposes only.  
(Ord. 2007-13, passed 9-4-07)

### **§ 30.002 CITY COLLECTION SERVICE TO BE USED**

All persons, associations, firms, corporations, businesses or other legal entities residing in or operating a business in the city, shall subscribe to and shall use the garbage collection system and service provided by the city in conformity with the terms, rules and regulations, and penalties provided for in this chapter.  
(Ord. 2007-13, passed 9-4-07)

---

**Cross reference:**

Penalty for violation, see § 30.999

## **ARTICLE II. GARBAGE AND TRASH CONTAINMENT**

### **§ 30.100 ACCEPTABLE CONTAINERS**

The owner, operator, tenant, or person in charge of any residence or business in the city shall place all garbage in regulation metal dumpsters or regulation metal or plastic garbage containers with tight fitting lids. Such containers shall not be larger than forty (40) gallons and should be manufactured solely for the purpose of containing solid waste. No person, association, firm or corporation subject to the provisions of this chapter shall use any metal cans or barrels other than regulation equipment. For health reasons, the cleanliness of the dumpster is very important and must be kept clean by the user. No brush or debris other than bagged garbage or boxes may be placed inside a garbage can or dumpster. No scrap wood or other construction material, metal, brush, gravel, dirt, sod, tires, car batteries, liquid paint, paint cans, chemical containers, human or animal feces, urine, or any hazardous material may be placed in the can or dumpster.  
(Ord. 2007-13, passed 9-4-07)

---

**Cross reference:**

Penalty for violation, see § 30.999

### **§ 30.101 PLASTIC GARBAGE BAGS REQUIRED FOR KITCHEN AND TABLE SCRAPS**

All kitchen and table scraps, materials or substances of a perishable nature shall be placed in standard plastic garbage bags which shall be closed and tied in a substantial manner as to prevent the spillage or leakage of the contents thereof, and shall also be placed in a garbage can or metal dumpster container. No garbage may be placed in either a can or a dumpster without first being placed in a bag.  
(Ord. 2007-13, passed 9-4-07)



## **LONDON - GARBAGE AND TRASH**

---

### **§ 30.102     *DISPOSAL OF GARBAGE AND TRASH IN OTHER THAN REGULATION CONTAINERS***

All wooden, plastic, or cardboard shipping packages or boxes, which cannot be placed in garbage can or regulation metal dumpster, shall be crushed or collapsed and tied in bundles with substantial cord or string and said bundles shall be confined in size and shape so as to be expeditiously handled by one (1) man and shall not exceed fifty (50) pounds in weight for each bundle. An extra fee will be charged for all such material in accordance with the quantity thereof. (Ord. 2007-13, passed 9-4-07)

---

**Cross reference:**

Penalty for violation, see § 30.999

### **§ 30.103     *DISPOSAL OF CUT BRUSH AND JUNK ITEMS***

One (1) pickup truck load of cut tree limbs and one (1) load of junk items will be picked up at no cost to the homeowner during Cleanup Months of April and the last two (2) weeks of October. Since these items must be scheduled on an individual basis, a minimum of three (3) days between call-in and pick-up is required. Additional loads of either cut brush or junk items may be picked up at the following rates: Ten dollars (\$10.00) for one-half pickup load, twenty dollars (\$20.00) for a full pickup load, and thirty-two dollars (\$32.00) for a ton truckload. Requirements for hauling brush and junk are as follows:

(A)     Cut Brush - Limbs and shrubbery cut by the homeowner may be placed adjacent to roadway for pickup. Pieces should be no longer than seven (7) feet in length. No pieces of wood heavier than fifty (50) pounds will be taken, as well as any stumps or uprooted items. Limbs cut by professional tree trimmers must be removed by same.

(B)     Junk Items - Junk furniture items may be picked up with the following exceptions. Any items with a freon compressor, such as air conditioner or a refrigerator, will not be picked up with the compressors intact. Certification must be provided showing that the refrigerant has been removed in a legal manner by a certified technician. No refrigerator with food inside will be picked up. Debris from remodeling such as roofing material, will only be picked up in a city open-top unit. The construction rate for these units will apply. Car tires of fifteen (15) inches or less may be picked up for five dollars (\$5.00) each and larger tires for ten dollars (\$10.00) each. (Ord. 2007-13, passed 9-4-07)

---

**Cross reference:**

Penalty for violation, see § 30.999

## **LONDON - GARBAGE AND TRASH**

---

### **§ 30.104      *PLACEMENT OF GARBAGE AND TRASH FOR PICK-UP; DUMPSTER REGULATIONS***

(A) All approved cans and dumpster equipment, as well as brush or other debris, shall be placed by the owner and/or occupant of the property immediately adjacent to the public street right-of-way, in such a way as to be immediately accessible to the city garbage trucks and equipment. The business owner or resident shall have responsibility to keep dumpster equipment unblocked from immediate accessibility for dumping by city employees. All dumpsters shall be placed on a concrete or asphalt surface and not gravel, dirt, or sod. This area must be immediately adjacent to the city right-of-way. No dumpster equipment may be placed underneath electric, cable, or telephone wires.

(B) Any enclosure built by the owner/occupant for city dumpster equipment shall be of sufficient size to allow safe dumping of the dumpster. If enclosures have doors, they shall be kept in good working order. The doors must be able to be held open securely with metal rods that slide down into the blacktop. No debris or grease pits may be stored inside dumpster enclosures. Any enclosure shall be pre-approved by the Public Works Department as to its proper construction.

(C) No commercial building permit shall be issued by the Building Inspector until the builder/owner produces documentation from the city that a container enclosure has been obtained from the city.

(Ord. 2007-13, passed 9-4-07)

---

#### **Cross reference:**

Penalty for violation, see § 30.999

### **§ 30.105      *UNSAFE OBJECTS TO BE DISPOSED OF PRIVATELY***

Any wooden, metal, or plastic objects which cannot be picked up by the crews operating the equipment shall be the responsibility of the owner and/or person in possession of such objects for the disposal of the same by private means.

(Ord. 2007-13, passed 9-4-07)

### **§ 30.106      *IMPROPERLY PREPARED GARBAGE AND TRASH PROHIBITED FROM PICK-UP***

No employee or agent of the Sanitation Department of the city shall make garbage collection pick-ups unless preparation of garbage and/or objects and substances is accomplished in conformity with the terms and provisions of this chapter.

(Ord. 2007-13, passed 9-4-07)

## **LONDON - GARBAGE AND TRASH**

---

### **§ 30.107      *COLLECTION CONTAINERS AVAILABLE FROM CITY; RATES***

(A) Any customer of the city for garbage collection may be provided a container or containers by the city for garbage collection. This service is not mandatory and will only be provided at the request of the customer. Any customer desiring such service shall enter into a written agreement with the city for a specific term.

(B) The rental fee for the use of such containers is ninety-five (95)-gallon container: two dollars (\$2.00) or sixty-five (65)-gallon container: one dollar (\$1.00) per customer, per family unit, per month, said rental fee being in addition to the garbage collection fee rate.  
(Ord. 987, passed 2-5-01)

### **ARTICLE III. RATES AND SERVICE**

#### **§ 30.200      *RESIDENTIAL RATES***

(A) All residential pick-ups will be made once a week in conformity with the regular schedules fixed by the Sanitation Department. The homeowner is responsible for furnishing their containers, according to description, for use in holding bagged garbage. All bagged garbage must be placed in a trash can. An extra fee will be assessed for picking up extra bagged trash and boxes in accordance with § 30.103. Garbage cans may not be overfilled and the lid must completely close.

(B) The rate for each single-family unit and for each family unit in a multi-family dwelling, including apartment houses, shall be ten dollars (\$10.00) per month for each family unit. Residential customers will be assessed an extra fee if more than three (3) containers are used on a regular basis. If more than three (3) cans are used, a three dollar (\$3.00) per month per can surcharge shall be made.  
(Ord. 2007-13, passed 9-4-07)

#### **§ 30.201      *BUSINESS RATES***

(A) Pick-ups at business locations will be made in keeping with the rate structure as is hereinafter stated. Each business owner, occupant or operator shall use either an approved size (not larger than forty (40) gallons) can, a dumpster container, an open-top container or a compactor, sufficient in number and size to accommodate all accumulated garbage and refuse between pick-up periods. Charges are fixed by volume as is hereinafter stated. All plastic bags must be placed in the appropriate containers.

(B) The following rates are hereby adopted:

(1) Class A:

## **LONDON - GARBAGE AND TRASH**

---

This classification is for any business using either an approved size can or metal dumpster. Any business having a dumpster or an approved size can dumped with a rear-loader truck may have five (5)-day service only, Monday through Friday. A business having a dumpster dumped with a front loader truck may have six (6)-day service, Monday through Saturday. No scrap wood or other construction material, metal, brush, gravel, dirt, sod, tires, car batteries, liquid paint, paint cans, chemical containers, human or animal feces, urine, or any hazardous material may be placed in the can or dumpster. Dumpsters shall not be overloaded. No garbage should be stacked on dumpster lids. No dumpster may be kept inside a building where a city vehicle must enter the building to dump the dumpster. The rates for dumpsters are in addition to a monthly rental fee. Class A is subdivided and the rate per month for each division is as follows:

Class	Unit Type	Rate per month	Call-in pick-ups, each
A-1	Approved cans, not larger than 40-gallon size, maximum three. (There shall be a \$3.00 per month surcharge per can beyond the three permitted, if three cans are not sufficient, then a dumpster must be used)	\$ 20.00	\$10.00
A-2	2 Yard Dumpster, once per week. (Multiple pick-ups per week available at multiples of \$50.00)	\$50.00	\$12.50
A-3	4 Yard Dumpster, once per week. (Multiple pick-ups per week available at multiples of \$80.00)	\$80.00	\$25.00
A-4	6 Yard Dumpster, once per week. (Multiple pick-ups per week available at multiples of \$100.00)	\$100.00	\$37.50
A-5	8 Yard Dumpster, once per week. (Multiple pick-ups per week available at multiples of \$105.00)	\$105.00	\$50.00

(2) Class B:

This classification is for any business using an open-top container. Rates are subdivided depending on the size of the unit. No tires, liquid paint, refrigeration units with compressors or any hazardous materials are permitted. Open-tops may not be filled above the top of the container. An open-top unit may not be filled more than half its capacity with dirt. If units are loaded heavier than the maximum weight specified, a forty-five dollar (\$45.00) per ton surcharge will be assessed. The rates for open-top containers are in addition to a monthly rental fee. Multiple pick-ups are available at multiples of the specified rates. The customer is responsible for damages other than ordinary wear and tear to roll-off containers, compactors and dumpsters at the rate of sixty-five dollars (\$65.00) per hour for labor plus the cost of materials for the repair. Repair costs will be added to the customer's bill. Class B is subdivided and the rate for each division is as follows:

## **LONDON - GARBAGE AND TRASH**

---

Class	Unit Type	Charge per dump
B-1	10 Cubic Yard Open-Top maximum 2 tons	\$175.00
B-2	20 Cubic Yard Open-Top maximum 4 tons	\$350.00
B-3	30 Cubic Yard Open-Top maximum 6 tons	\$525.00
B-4	40 Cubic Yard Open-Top maximum 7 tons	\$700.00

(3) **Class C:**

This classification is for any business using a compaction system. The rates specified indicate the size of the box used to hold the compacted garbage and the rate for each dump made on the unit.

Class	Unit Type	Charge per dump
C-1	6 Cubic Yard Compactor	\$85.00
C-2	8 Cubic Yard Compactor	\$96.00
C-3	16 Cubic Yard Compactor	\$115.00
C-4	20 Cubic Yard Compactor, maximum 6 tons	\$275.00
C-5	25 Cubic Yard Compactor, maximum 8 tons	\$345.00
C-6	30 Cubic Yard Compactor, maximum 9 tons	\$420.00
C-7	34 Cubic Yard Compactor, maximum 10 tons	\$475.00
C-8	40 Cubic Yard Compactor, maximum 12 tons	\$485.00

(Ord. 2007-13, passed 9-4-07)

**§ 30.202 DUMPSTERS**

(A) The final decision of whether a business must use a dumpster rests with the Public Works Department. All business that use either dumpster containers, open-tops, or compactors owned by the city for garbage pick-up by the city shall be charged a monthly rental fee for the use of said equipment as follows:

## **LONDON - GARBAGE AND TRASH**

---

2 Cubic Yard Dumpster	\$18.00 per month
4 Cubic Yard Dumpster	\$28.00 per month
6 Cubic Yard Dumpster	\$35.00 per month
8 Cubic Yard Dumpster	\$40.00 per month
10 Cubic Yard Open-Top (new size)	\$3.50 per day
20 Cubic Yard Open-Top	\$3.50 per day
30 Cubic Yard Open-Top	\$3.50 per day
40 Cubic Yard Open-Top	\$3.50 per day
6 Cubic Yard Compactor	\$145.00 per month
8 Cubic Yard Compactor	\$160.00 per month
20 Cubic Yard Compactor	\$215.00 per month
25 Cubic Yard Compactor	\$225.00 per month
30 Cubic Yard Compactor	\$240.00 per month
34 Cubic Yard Compactor	\$250.00 per month
40 Cubic Yard Compactor	\$265.00 per month

Call-in rate for after hours (our hours are 7:00 a.m. to 4:00 p.m. compactor dumping: \$75.00 in addition to normal fees

For construction projects, set and relocate fees for roll-off containers are \$50.00 per trip

If customer has compactor and receiver box, must be charged rent for each of these.

(B) (1) The monthly rental provided herein is based on the Consumer Price Index for rent in the United States city average for urban wage earners and clerical workers as determined by the United States Department of Labor, Bureau of Labor Statistics. It is agreed by the parties hereto that the monthly rental payment fee shall be adjusted on the basis of the Consumer Price Index, or if there should be no Consumer Price Index, then by the successor of the most nearly comparable index.

(2) For the ten (10), twenty (20), twenty-five (25), thirty (30), thirty-four (34), and forty (40) yard compactors, the rent cost of the receiver box only is one hundred and forty dollars (\$140.00) per month. This rate is applicable for customers who own their compactors, but

## **LONDON - GARBAGE AND TRASH**

---

who need to rent a receiver box from the city. When compactors are installed by the city, customer is responsible for materials and labor to connect compactor to the owner's building (if necessary) all material, supplemental labor are installed at the customer's expense; the labor shall be at the rate of sixty-five dollars (\$65.00) per hour. The city does not provide any locking devices for dumpsters. If the customer places any locks on the dumpster, they must be removed on the day that it is emptied and must not be a hindrance to city equipment.

(3) For the operation of a temporary business, that business shall obtain a roll off container from the city prior to the issuance of a privilege license by the City Clerk. There will be a surcharge of forty-five dollars (\$45) per ton assessed for loads greater than the maximum permitted. For businesses who own their own compactor and request the city to make repairs to the same, the city's rates are as follows:

- (a) A haul fee of one hundred and twenty-five dollars (\$125.00).
  - (b) Sixty-five dollars (\$65.00) per hour for labor.
  - (c) Actual cost of any parts or materials used in the repair; and
  - (d) Any "on site" repairs there shall be a seventy-five dollars (\$75.00) trip fee plus sixty-five dollars (\$65.00) /per hour for all labor, plus actual cost of any parts or materials used in the repair.
- (Ord. 2007-13, passed 9-4-07)

---

**Cross reference:**

Penalty for misuse, see § 30.999

**§ 30.203      *OTHER GARBAGE COLLECTION***

(A) Garbage collection service will be furnished to certain non-resident business establishments at their request only, which rates shall be established by this article based on their classification.

(B) Private collection of garbage within the corporate limits of the city is prohibited.

(C) For any special called pick-up for collection of refuse or garbage, other than the special designated "Clean-Up Month" of April and the last two (2) weeks of October, due to the volume or the type of refuse to be picked up, the particular collection shall be assessed a fee as follows: ten dollars (\$10.00) for one-half pick-up load, twenty dollars (\$20.00) for a full pickup load, and thirty-two dollars (\$32.00) for a ton truck load.

(Ord. 2007-13, passed 9-4-07)

## **LONDON - GARBAGE AND TRASH**

---

### **§ 30.204      *RECORD KEEPING***

A current list of all business establishments with a classification and monthly charge to each customer will be maintained in the office of the City Clerk. This list will be supplemented as the need therefore may appear to the City Council. All charges will be calculated on a monthly basis and the statement of services will be issued by the Utility Commission and collection will be made on a monthly basis by the Commission.

(Ord. 2007-13, passed 9-4-07)

#### **Cross reference:**

Utility Commission, duty to determine rates, see § 22.203

### **§ 30.205      *NONPAYMENT OF COLLECTION CHARGES***

Any nonpayment of collection charges herein set out shall result in the withholding of garbage collection and disposal service. The owner and/or occupant of the premises will be held personally responsible for any nuisance created by the accumulation of garbage. The person owning, occupying, or otherwise having possession of the premises shall keep all premises clean and sanitary and will not permit offensive odors to be emitted therefrom.

(Ord. 2007-13, passed 9-4-07)

#### **Cross reference:**

Nuisances, see Ch. 50

Penalty for violation, see § 30.999

### **§ 30.206      *TRANSFER STATION FEES***

(A) Fifteen dollars (\$15.00) minimum rate for deliveries to transfer station.

(B) Thirty-five dollars (\$35.00) per ton plus KERF tax ( one dollar and seventy-five cents (\$1.75) per ton) for deliveries to transfer station.

(C) The monthly rental fee for each business shall be added to the fee for garbage pick-up and shall be collected monthly by the Utility Commission.

(D) There shall be a one and one half percent (1.5%) interest, compounded monthly, for any account thirty (30) days delinquent. Failure to make payments for services provided by the city pursuant to this article shall subject the property of the delinquent customer to a lien for such fees, interest and other penalties not paid under the terms of this article. This lien shall take precedence over other liens except as is otherwise stated in the Kentucky Statues.

(Ord. 2002-04, passed 12-2-02; Am. Ord. 2007-13, passed 9-4-07)



## **LONDON - GARBAGE AND TRASH**

---

### **§ 30.207      *HEALTH AND SANITATION***

(A) In the event any renter fails to pay garbage fees in keeping with this chapter, the London Utility Commission shall refuse to provide water and/or sewer services. In the event any renter has moved and/or left unpaid any garbage fees in keeping with this chapter, The London Utility Commission shall refuse to provide water and/or sewer services to that address until or unless such fees paid.

(B) In addition, for all rental property, there is a fifty dollars (\$50.00) fee per tipper cart, to be refunded at the time the cart is returned to the city.  
(Ord. 2007-13, passed 9-4-07)

### **§ 30.999      *PENALTY***

(A) Any violation of the terms and provisions of this chapter shall be deemed a misdemeanor and shall be punishable by a fine not to exceed one hundred dollars (\$100.00), and/or imprisonment for a period of time not exceeding ten (10) days, or both.

(B) Any unauthorized use of a dumpster or open-top shall be deemed a misdemeanor and shall be punishable by a fine of fifty dollars (\$50.00) and/or imprisonment for a period of time not exceeding ten (10) days or both.

(C) Each violation of this chapter shall be deemed a separate offense and shall be punished accordingly.  
(Ord. 2007-13, passed 9-4-07)

## **LONDON - GARBAGE AND TRASH**

---

## **CHAPTER 31: WATER AND SEWER**

### **ARTICLE I.**

### **SEWER**

#### **Division 1.**

#### **General Provisions**

- 31.001 Purpose; policy
- 31.002 Definitions
- 31.003 Abbreviations

#### **Division 2.**

#### **Use of Public Sewers**

- 31.010 Mandatory sewer connections
- 31.011 Unlawful discharge to storm sewers or natural outlets
- 31.012 Compliance with local, state, and federal laws
- 31.013 Discharge of unpolluted waters into sewer
- 31.014 Prohibited discharges

#### **Division 3.**

#### **Private Wastewater Disposal**

- 31.030 Public sewer not available
- 31.031 Requirements for installation

#### **Division 4.**

#### **Building Sewers and Connections**

- 31.040 Permits
- 31.041 Prohibited connections
- 31.042 Design and installation
- 31.043 Inspections

#### **Division 5.**

#### **Pollutant Discharge Limits**

- 31.060 General conditions
- 31.061 Restricted discharges
- 31.062 Dilution of wastewater discharge
- 31.063 Grease, oil, and sand interceptors
- 31.064 Special industrial pretreatment requirements
- 31.065 Protection from accidental and slug discharges
- 31.066 State requirements
- 31.067 City's right of revision
- 31.068 Federal categorical pretreatment standards

## **LONDON - WATER AND SEWER**

---

### **Division 6.                      Pretreatment Program Administration**

31.080	Wastewater discharges
31.081	Industrial user permits
31.082	Permit modifications
31.083	Permit conditions
31.084	Alternative discharge limits
31.085	Permit duration
31.086	Permit transfer
31.087	Compliance data reporting
31.088	Periodic compliance reports
31.089	Permit violations
31.090	Monitoring
31.091	Inspection and sampling
31.092	Pretreatment
31.093	Annual publication
31.094	Significant noncompliance
31.095	Confidential information
31.096	Signatory requirements

### **Division 7.                      Fees**

31.100	Purpose
31.101	Charges and fees

### **Division 8.                      Powers and Authority of Inspectors**

31.120	Right to enter premises
31.121	Right to obtain information regarding discharge
31.122	Access to easements
31.123	Safety

### **Division 9.                      Enforcement**

31.135	General provisions
31.136	Notice of violation
31.137	Administrative orders
31.138	Show cause hearing
31.139	Additional enforcement remedies
31.140	Enforcement actions not exclusive

---

#### **Cross reference:**

Development Code, Public Utilities; facilities, see §§ 80.801 – 80.806

## **LONDON - WATER AND SEWER**

---

### **ARTICLE II.**

### **WATER**

#### **Division 1.**

#### **General Provisions**

31.200	Definitions
31.201	Exclusive use of water
31.202	Authority of Utilities Commission

#### **Division 2.**

#### **Rates and Charges**

31.225	Water meter charges
31.226	Water rates
31.227	Fire protection sprinkler system rates
31.228	Fire hydrant rental rates
31.229	Tap-on fees
31.230	Billings
31.231	Application for water service
31.232	Classification of customers
31.999	Penalties

### **ARTICLE I. SEWER**

#### **Division 1. General Provisions**

#### **§ 31.001     *PURPOSE; 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 Part 403).

(B) The objectives of this article are:

(1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system inadequately treated into receiving waters so as to cause violations of the city's KPDES permit or the atmosphere or otherwise be incompatible with the system;

## **LONDON - WATER AND SEWER**

---

(3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system;

(4) To provide for equitable distribution of the cost of the municipal wastewater system; and

(5) To provide for the safety of the treatment plant employees.

(C) This article provides for the regulation of direct and indirect contribution to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(D) This article shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the City Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this article.

(Ord. 2011-09, passed 12-12-11)

### **§ 31.002      DEFINITIONS**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

**"ACT" or "THE ACT."** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 *et seq.*

**"AGENCY."** Any governmental or quasi-governmental entity.

**"APPROVAL AUTHORITY."** The Secretary of the Kentucky Natural Resources and Environmental Protection Cabinet or an authorized representative thereof.

**"AUTHORIZED REPRESENTATIVE."** An authorized representative of the user may be: (1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation; (2) a general partner or proprietor if the user is a partnership or proprietorship, respectively; (3) a duly authorized representative is responsible for the overall operation of the facilities from which the indirect discharge originates. An authorized representative of the city may be any person designated by the city to act on its behalf.

**"BASELINE MONITORING REPORT (BMR)."** A report submitted by categorical industrial users within 180 days after the effective date of a categorical standard which indicates the compliance status of the user with the applicable categorical standard (40 CFR 403.12(b)).

## LONDON - WATER AND SEWER

---

***"BEST MANAGEMENT PRACTICES (BMPs)."*** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5. BMPs include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

***"BIOCHEMICAL OXYGEN DEMAND (BOD)."*** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20°C, expressed in terms of weight and concentration in milligrams per liter (mg/l).

***"BUILDING DRAIN."*** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, water, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

***"BUILDING SEWER."*** The extension from the building drain to the public sewer or other place of disposal, also called "house connection."

***"BUILDING SEWER PERMIT."*** As set forth in "Building Sewers and Connections" (Division 4).

***"CATEGORICAL INDUSTRIAL USER."*** An industrial user subject to categorical pretreatment standards which have been promulgated by EPA.

***"CATEGORICAL PRETREATMENT STANDARDS."*** National Categorical Pretreatment Standards or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

***"CITY."*** The City of London, Kentucky, acting through the London Utility Commission.

***"CLEAN WATER ACT (CWA)."*** (Also known as the Federal Water Pollution Control Act) enacted by Public Law 92-500. October 18, 1972. 33 U.S.C. 1251 *et seq.*: as amended by PL 95-217. December 28, 1977; PL 97-117 December 29, 1981; PL 97-440, January 8, 1983, and PL 100-04, February 4, 1987.

***"COMBINED SEWER."*** Any conduit designed to carry both sanitary sewage and storm water or surface water.

***"COMBINED WASTESTREAM FORMULA (CWF)."*** Procedure for calculating alternative discharge limits at industrial facilities where a regulated wastestream is combined with other non-regulated wastestreams prior to treatment (40 CFR 403.7).

## **LONDON - WATER AND SEWER**

---

***"COMPATIBLE POLLUTANT."*** Biochemical oxygen demand, suspended solids and fecal coliform bacteria; plus any additional pollutants identified in the POTW's NPDES/KPDES permit, where the POTW is designed to treat such pollutants and, in fact, does treat such pollutants so as to ensure compliance with the POTW's NPDES/KPDES permit.

***"CONCENTRATION-BASED LIMIT."*** A limit based on the relative strength of a pollutant in a wastestream, usually expressed in mg/l.

***"CONTROL AUTHORITY."*** The term "control authority" shall refer to the city when there exists an approved Pretreatment Program under the provisions of 40 CFR 403.11.

***"COOLING WATER."*** The water discharge from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

***"DAILY MAXIMUM."*** The maximum allowable value for any single observation in a given day.

***"DILUTE WASTESTREAM."*** Boiler blowdown, sanitary wastewater, noncontact cooling water and certain process wastestreams that have been excluded from regulation in categorical pretreatment standards because they contain none or only trace amounts of the regulated pollutant.

***"DIRECT DISCHARGE."*** The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Kentucky.

***"DISCHARGER."*** Any person that discharges or causes a discharge to a public sewer.

***"DOMESTIC WASTEWATER."*** The water-carried wastes produced from non-commercial or non-industrial activities and which result from normal human living processes.

***"EASEMENT."*** An acquired legal right for the specific use of land owned by others.

***"EFFLUENT."*** The liquid overflow of any facility designed to treat, convey or retain wastewater.

***"ENVIRONMENTAL PROTECTION AGENCY or EPA."*** The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

***"EQUIPMENT."*** All movable, non-fixed items necessary to the wastewater treatment process.



## **LONDON - WATER AND SEWER**

---

**"FLOW PROPORTIONAL COMPOSITE SAMPLE."** Combination of individual samples proportional to the flow of the wastestream at the time of sampling.

**"FLOW WEIGHTED AVERAGING FORMULA (FWA)."** A procedure used to calculate alternative limits for a categorical pretreatment standard where regulated and non-regulated wastestreams combine after treatment but prior to the monitoring point as defined in 40 CFR 403.

**"GARBAGE."** The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

**"GRAB SAMPLE."** A sample which is taken from a wastestream on a one-time basis with no regard to the flow of the wastestream and without consideration of time.

**"HOLDING TANK WASTE."** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

**"INCOMPATIBLE POLLUTANT."** All pollutants other than compatible pollutants as defined above in this section.

**"INDIRECT DISCHARGE."** The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

**"INDUSTRIAL USER (IU)."** A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Clean Water Act.

**"INDUSTRIAL WASTES."** The wastewater from industrial or commercial processes as distinct from domestic or sanitary wastes.

**"INTERCEPTOR."** A device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal wastes which permits normal sewage or liquid wastes to discharge into the sewer or drainage system by gravity. Interceptor as defined herein is commonly referred to as a grease, oil or sand trap.

**"INTERFERENCE."** A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(2) Therefore is a cause of a violation of any requirement of the POTW's NPDES/KPDES permit (including an increase in the magnitude or duration of a violation) or of the

## **LONDON - WATER AND SEWER**

---

prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act (40 CFR 403.3).

**"MAY."** This is permissive; see "shall" below in this section.

**"MONTHLY AVERAGE."** The maximum allowable value for the average of all observations obtained during one month.

**"MULTI-UNIT SEWER CUSTOMER."** A location served where there are two or more residential units or apartments, two or more businesses in the same building or complex or where there is any combination of business and residence in the same building or complex.

**"NATIONAL CATEGORICAL PRETREATMENT STANDARD" or "PRETREATMENT STANDARD."** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act which applies to a specific category of significant industrial users. This term includes prohibitive discharge limits established in 40 CFR 403.5.

**"NATIONAL (or KENTUCKY) POLLUTANT DISCHARGE ELIMINATION SYSTEM or NPDES/KPDES PERMIT."** A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1332), or a permit issued by the Commonwealth of Kentucky under this authority and referred to as KPDES.

**"NATURAL OUTLET."** Any outlet, including storm sewers, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

**"NEW SOURCE."** Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the *Federal Register*. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

**"NINETY (90) DAY COMPLIANCE REPORT."** A report submitted by a categorical industrial user within ninety (90) days following the date for final compliance with applicable categorical standards that documents and certifies the compliance status of the user (40 CFR 403.12(d)).

## **LONDON - WATER AND SEWER**

---

***"PASS THROUGH."*** A discharge of pollutant which cannot be treated adequately by the POTW, and therefore exits into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES/KPDES permit (including an increase in the magnitude or duration of a violation) (40 CFR 403.3).

***"PERIODIC COMPLIANCE REPORT."*** A report on compliance status submitted by significant industrial users to the Control Authority at least semiannually (40 CFR 403.12(e)).

***"PERSON."*** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agent or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

***"pH."*** The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.

***"POLLUTANT."*** Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

***"POLLUTION."*** The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

***"POTW TREATMENT PLANT."*** That portion of the POTW designed to provide treatment to wastewater.

***"PRETREATMENT" or "TREATMENT."*** The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR 403.6(d).

***"PRETREATMENT REQUIREMENTS."*** Any substantive or procedure requirement related to pretreatment, other than a National Categorical Pretreatment Standard imposed on a significant user.

***"PROCESS WASTEWATER."*** Any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, by-product, or waste product.

***"PRODUCTION-BASED STANDARD."*** A discharge limitation expressed in terms of allowable pollutant mass discharge rate per unit of production and is applied directly to an industrial user's manufacturing process.

## **LONDON - WATER AND SEWER**

---

***"PROHIBITIVE DISCHARGE STANDARD."*** Any regulation developed under the authority of 307(b) of the Act and 40 CFR 403.5.

***"PROPERLY SHREDDED GARBAGE."*** The wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-half (1/2) inch in any direction.

***"PUBLIC SEWER."*** A common sewer controlled by a governmental agency or public utility. In general, the public sewer shall include the main sewer in the street and the service branch to the curb or property line, or a main sewer on private property and the service branch to the extent of ownership by public authority.

***"PUBLICLY OWNED TREATMENT WORKS (POTW)."*** A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewer, or other conveyances not connected to a facility providing treatment. For the purpose of this article, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

***"REGULATED WASTESTREAM."*** An industrial process wastestream regulated by a National Categorical Pretreatment Standard.

***"SANITARY SEWER."*** A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

***"SEWAGE."*** The spent water of a community. Domestic or sanitary waste shall mean the liquid or water-carried wastes from residences, commercial buildings, and institutions as distinct from industrial sewage. The terms "sewage" and "wastewater" are used interchangeably.

***"SEWER."*** A pipe or conduit that carries wastewater or drainage water.

***"SEWER SYSTEM" or "WORKS."*** All facilities for collecting, transporting, pumping, treating and disposing of sewage and sludge, namely the sewerage system and POTW.

***"SEWER USER CHARGES."*** A system of charges levied on users for a POTW for the cost of operation and maintenance, including replacement of such works.

***"SEWERAGE."*** Any and all facilities used for collecting, conveying, pumping, treating, and disposing of wastewater.

***"SHALL."*** This is mandatory; see "may" above in this section.

## **LONDON - WATER AND SEWER**

---

***"SIGNIFICANT INDUSTRIAL USE (SIU)."*** Defined by EPA regulations as: (A) all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and (B) any noncategorical industrial user that (i) discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excludes sanitary noncontact cooling, and boiler blowdown wastewaters) or (ii) contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant or (iii) has a reasonable potential, in the opinion of the Control or Approval Authority, to adversely affect the POTW treatment plant (inhibition, pass through of pollutants, sludge contamination or endangerment of POTW workers) or violate any requirements of this article. The city may determine that an industrial user subject to Categorical Pretreatment Standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred (100) gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met: (1) the industrial user, prior to the city's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements; (2) the industrial user annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and (3) the industrial user never discharges any untreated concentrated process wastewater. Upon a finding that a user meeting the criteria of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirements, the city may at any time, on its own initiative, or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

***"SLUG DISCHARGE."*** Any discharge of a non-routine episodic nature including, but not limited to, an accidental spill, or non-customary batch discharge or any discharge of water or wastewater in which the concentration of any given constituent, or quantity of flow exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow rate during normal operation which adversely affects the POTW.

***"SLUG LOAD."*** Any pollutant (including Biochemical Oxygen Demand) released in a discharge at a flow rate or concentration, which will cause interference with the operation of the treatment works or which exceeds limits set forth in the industry's discharge permit, and which includes accidental spills.

***"SPILL PREVENTION AND CONTROL PLAN."*** A plan prepared by an industrial user to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur.

***"SPLIT SAMPLE."*** Portion of a collected sample given to the industry or another agency to verify or compare laboratory results.

***"STANDARD INDUSTRIAL CLASSIFICATION (SIC)."*** A classification scheme based on the type of industry or process at a facility.

## **LONDON - WATER AND SEWER**

---

**"STANDARD METHODS."** The examination and analytical procedures set forth in the recent editions of "Standard Method for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation and as set forth in the Congressional Record 40 CFR 136.

**"STATE."** Commonwealth of Kentucky.

**"STORM DRAIN" or "STORM SEWER."** A drain or sewer for conveying water, groundwater, surface water or unpolluted water from any source.

**"STORM WATER."** Any flow occurring during or following any form of natural precipitation and resulting therefrom.

**"SUPERINTENDENT."** The person designated by the city to supervise the publicly-owned treatment works, and who is charged with certain duties and responsibilities by this article, or his or her duly authorized representative.

**"SURCHARGE."** A charge for services in addition to the basic sewer user and debt service charges, for those users whose contributions contain Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Oil, Grease or Ammonia-nitrogen ( $\text{NH}_3\text{-N}$ ) in concentrations which exceed limits specified herein for such pollutants. Where authorized by the Control Authority, payment of a surcharge will authorize the discharge of the referenced pollutants so long as the discharge does not cause pass through or interference.

**"SUSPENDED SOLIDS (TSS)."** Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater."

**"TIME PROPORTIONAL COMPOSITE SAMPLE."** Combination of individual samples with fixed volumes taken at specific time intervals.

**"TOXIC ORGANIC MANAGEMENT PLAN."** Written plan submitted by industrial users as an alternative to TTO monitoring, which specifies the toxic organic compounds used, the method of disposal used and procedures for assuring that toxic organics do not routinely spill or leak into wastewater discharged to the POTW.

**"TOXIC POLLUTANT."** Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of EPA under the provisions of the Clean Water Act Section 307(a) or any amendments thereto.

**"UNPOLLUTED WATER."** Water of quality equal to or better than the treatment works effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities.

## **LONDON - WATER AND SEWER**

---

**"UNREGULATED WASTESTREAM."** A wastestream that is not regulated by National Categorical Pretreatment Standards.

**"USER."** Any person who contributes, causes or permits the contribution of wastewater into the POTW.

**"WASTEWATER."** The spent water of a community. Sanitary or domestic wastes shall mean the liquid and water carried wastes from residences, commercial buildings and institutions as distinct from industrial waste.

**"WASTEWATER DISCHARGE PERMIT (WDP)."** A permit issued to industrial users which authorizes discharges to the public sewer as set forth in Division 6.

**"WASTEWATER FACILITIES."** The structures, equipment, and processes required to collect, carry away, treat domestic and industrial wastes, and dispose of the effluent.

**"WASTEWATER TREATMENT WORKS."** An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "water pollution control plant" or "sewage treatment plant."

**"WATERCOURSE."** A natural or artificial channel for the passage of water either continuously or intermittently.

**"WATERS OF THE STATE."** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.  
(Ord. 2011-09, passed 12-12-11)

### **§ 31.003      ABBREVIATIONS**

The following abbreviations shall have the designated meaning:

ADMI	- American Dye Manufacturers Institute
ASTM	- American Society for Testing and Materials
BMP	- Best Management Practices
BOD	- Biochemical Oxygen Demand
BPJ	- Best Professional Judgment
CFR	- Code of Federal Regulations
CIU	- Categorical Industrial User
COD	- Chemical Oxygen Demand
CWA	- Clean Water Act (33 U.S.C. 1251 <i>et seq.</i> )
CWF	- Combined Wastestream Formula

## **LONDON - WATER AND SEWER**

---

EPA	- Environmental Protection Agency
FWA	- Flow Weighted Average
FR	- <i>Federal Register</i>
GC	- Gas Chromatography
GC/MS	- Gas Chromatography/Mass Spectroscopy
gpd	- gallons per day
IU	- Industrial User
KPDES	- Kentucky Pollutant Discharge Elimination System
l	- Liter
mg	- Milligrams
mg/l	- Milligrams per liter
NPDES	- National Pollutant Discharge Elimination System
POTW	- Publicly-Owned Treatment Works
QA	- Quality Assurance
QC	- Quality Control
RCRA	- Resource Conservation and Recovery Act
SIC	- Standard Industrial Classification
SIU	- Significant Industrial User
SWDA	- Solid Waste Disposal Act, 42 U.S.C. 6901 <i>et seq.</i>
TSS	- Total Suspended Solids
TTO	- Total Toxic Organics
U.S.C.	- United States Code

(Ord. 2011-09, passed 12-12-11)

### **Division 2. Use of Public Sewers**

#### **§ 31.010 MANDATORY SEWER CONNECTIONS**

(A) The owner(s) of all houses, buildings, or properties used for human occupancy, employments, recreation, or other purposes situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper sewer in accordance with the provisions of this article, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

(B) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater where public sanitary sewer service is available, as defined in subsection (A), except as provided for in Division 3.

(C) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public system within sixty (60)



## **LONDON - WATER AND SEWER**

---

days in compliance with this article, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged and removed.

(Ord. 2011-09, passed 12-12-11)

---

**Cross reference:**

Penalty for violation, see § 31.999

**§ 31.011      *UNLAWFUL DISCHARGE TO STORM SEWERS OR NATURAL OUTLETS***

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited any pollutant in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city except in compliance with the provisions of this article.

(B) It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any wastewater or other polluted waters, except where suitable treatment or management has been provided in accordance with subsequent provisions of this article. No provision of this article shall be construed to relieve the owner of a discharge to any natural outlet of the responsibility for complying with applicable state and federal regulations governing such discharge.

(Ord. 2011-09, passed 12-12-11)

---

**Cross reference:**

Penalty for violation, see § 31.999

**§ 31.012      *COMPLIANCE WITH LOCAL, STATE AND FEDERAL LAWS***

The discharge of any wastewater into the public sewer system by any person is unlawful except in compliance with the provisions of this article, and any more stringent state or federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977, and subsequent amendments, and 40 CFR 403.

(Ord. 2011-09, passed 12-12-11)

---

**Cross reference:**

Penalty for violation, see § 31.999

**§ 31.013      *DISCHARGE OF UNPOLLUTED WATERS INTO SEWER***

(A) No person(s) shall discharge or cause to be discharged, through any leak, defect, or connection any unpolluted waters such as storm water, groundwater, roof runoff or subsurface drainage to any sanitary sewer, building sewer, building drain or building plumbing. The Superintendent or his representative shall have the right, at any time, to inspect the inside or outside

## **LONDON - WATER AND SEWER**

---

of buildings or smoke test for connections, leaks, or defects to building sewers and require disconnection or repair of any such pipes carrying such water to the building sewer. No sanitary drain sump or sump pump discharge by manual switch-over of discharge connection shall have a dual use for removal of such water.

(B) The owners of any building sewers having such connections, leaks, or defects shall bear all costs incidental to removal of such sources.

(Ord. 2011-09, passed 12-12-11)

---

### **Cross reference:**

Penalty for violation, see § 31.999

### **§ 31.014      *PROHIBITED DISCHARGES***

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with performance of the POTW or cause pass-through of a pollutant(s) to the receiving stream. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state, or local Pretreatment Standards or requirements. A user shall not contribute the following substances to the POTW:

(A) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall the wastewater exhibit a closed cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21.

(B) Any waters or wastes having a pH lower than 5.5 or higher than 10.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.

(C) Any slug load of pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or concentration that will cause interference with the normal operation of the POTW.

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities.

(E) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW that will result in a treatment plant influent temperature which exceeds 40°C (104°F).

## **LONDON - WATER AND SEWER**

---

(F) Any pollutant(s) which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(G) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(H) Any substance which will cause the POTW to violate its NPDES/KPDES permit and/or sludge disposal system permit.

(I) Any trucked or hauled pollutants except at discharge points designated by the POTW.  
(Ord. 2011-09, passed 12-12-11)

---

**Cross reference:**

Penalty for violation, see § 31.999

### **Division 3. Private Wastewater Disposal**

#### **§ 31.030 PUBLIC SEWER NOT AVAILABLE**

(A) Where a public sanitary sewer is not available under the provisions of Division 2, the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the Laurel County Health Department and all applicable local and state regulations

(B) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(C) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by applicable local or state regulations.

(D) Holders of NPDES/KPDES Permits Excepted. Industries with current NPDES/KPDES permits may discharge at permitted discharge points provided they are in compliance of the issuing authority.  
(Ord. 2011-09, passed 12-12-11)

---

**Cross reference:**

Penalty for violation, see § 31.999

## **LONDON - WATER AND SEWER**

---

### **§ 31.031      *REQUIREMENTS FOR INSTALLATION***

(A) The type, capacity, location and layout of a private sewage disposal system shall comply with all local or state regulations.

(B) A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities.  
(Ord. 2011-09, passed 12-12-11)

---

**Cross reference:**

Penalty for violation, see § 31.999

### **Division 4. Building Sewers and Connections**

### **§ 31.040      *PERMITS***

(A) There shall be two (2) classes of building sewer permits required; (a) for residential and (b) for service to commercial and industrial establishments. In either case, the owner(s) or his agent shall make application on a special form furnished by the city. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. Details regarding commercial and industrial permits include, but are not limited to those required by this article. Permit and inspection fees shall be paid to the city at the time the application is filed.

(B) Users shall promptly notify the city at least thirty (30) days in advance of any introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW. The Superintendent may deny or condition the new introduction or change in discharge based on the information submitted in the notification or additional information may be requested.

(C) No person(s) shall uncover, plug or make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining permission from the Superintendent.

(Ord. 2011-09, passed 12-12-11)

---

**Cross reference:**

Penalty for violation, see § 31.999

### **§ 31.041      *PROHIBITED CONNECTIONS***

(A) No person shall make connection of roof downspouts, basement wall seepage, or floor seepage, exterior foundation drains, areaway drains, or other surface runoff or groundwater to a

## **LONDON - WATER AND SEWER**

---

building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which already exist on the effective date of this article shall be completely and permanently disconnected within sixty (60) days of the effective date of this article. The owner(s) of any building sewers having such connections, leaks or defects shall bear all costs incidental to removal of such sources. Pipes, sumps, and pumps for such sources of ground and surface water shall be separate from wastewater facilities. Removal of such sources of water without presence of separate facilities shall be evidence of drainage to public sanitary sewer.

(B) Floor, basement, or crawl space drains which are lower than ground surfaces surrounding the building shall not be connected to the building sanitary sewer. No sanitary inlet which is lower than six (6) inches above the top of the lowest of the two adjacent public sanitary sewer manholes shall be connected by direct drainage to the building sanitary sewer.  
(Ord. 2011-09, passed 12-12-11)

### **Cross reference:**

Penalty for violation, see § 31.999

### **§ 31.042      *DESIGN AND INSTALLATIONS***

(A) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. The sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

(B) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this article. Permit and inspection fees for new buildings using existing building sewers shall be the same as for new building sewers. If additional sewer customers are added to the old building sewers, additional sewer tap fees shall be charged accordingly even though no new sewer tap is actually made into the city system.

(C) Extension of customer service lines from any point on the customer's side of the tap for delivery of waste from any location other than that of the customer in whose name the tap is registered shall not be permitted.

(D) The building sewer shall be cast iron soil pipe, ASTM A-74, latest revision, PVC (polyvinyl-chloride) sewer pipe, ASTM D-3034, latest revision, or ductile iron pipe, AWWA specifications C-151 cement lined, and shall meet requirements of State Plumbing Code. Joints shall be as set out hereinafter.

Any part of the building sewer that is located within five (5) feet of a water service pipe shall be constructed with cast iron soil pipe or ductile iron pipe, unless the building sewer is at

## **LONDON - WATER AND SEWER**

---

least one (1) foot deeper in the ground than the water service line. Cast iron soil pipe or ductile iron pipe may be required by the city where the building sewer is exposed to damage or stoppage by tree roots. Cast iron soil pipe or ductile iron pipe shall be used in filled or unstable ground, in areas where the cover over the building sewer is less than three (3) feet, or in areas where the sewer is subject to vehicular or other external loads.

(E) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the local and state building and plumbing codes and other applicable rules and regulations of the city.

(F) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Fees for connection shall be as established by the city.

(G) The owner shall ensure that all excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(H) In all buildings in which any sanitary facility drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by an approved means and discharged to the same building sewer. Drain pipe and sump for collection of such sanitary drainage shall be above basement floor or in separately watertight or drained sump or channel.

(I) The building sewer shall be connected into the public sewer at the easement or property line. Where no property located service branch is available, an authorized agent of the city shall cut a neat hole into the main line of the public sewer and a suitable wye or tee saddle installed to receive the building sewer. The invert of the building sewer at such point of connection with a saddle shall be in the upper quadrant to the main line of the public sewer. A neat workmanlike connection, not extending past the inner surface of the public sewer, shall be made and the saddle made secure and watertight by encasement in epoxy cement specially prepared for this purpose. A wye and H bend fitting shall be installed at the property line between the public sewer and the building sewer. This fitting shall serve the purpose of a cleanout and for applying the smoke test during inspection of the line. After testing, a cast iron or ductile iron riser will be inserted in this fitting and brought flush with the ground surface. A stopper or plug, outfitted with a type joint applicable to the pipe used, shall seal this riser against the intrusion of ground or surface water.

(J) All building sanitary sewer lines will be installed so as to meet or exceed the most current revision of the State Plumbing Code.

## **LONDON - WATER AND SEWER**

---

(K) All persons working on city sewers with a cleaning rod must use an approved type rod in cleaning sewer connections to city sewers.

(Ord. 2011-09, passed 12-12-11)

---

**Cross reference:**

Penalty for violation, see § 31.999

**§ 31.043      *INSPECTIONS***

(A) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative. The connections shall be made gastight and watertight and verified by proper testing.

(B) All building sewers shall be smoke tested through the wye branch at the public sewer connection, with public sewer tightly plugged off, after connections at both ends are made and after all pipe is properly bedded and backfilled at least to top of pipe and if backfill is completed, within two (2) weeks after completion of backfill. At time of test, any openings into the building drain inside the building shall be water trapped or plugged. Any leakage of smoke from building sewer or building drain and plumbing shall be located at test and repaired to stand repetition of smoke test without leakage. When smoke testing is completed, the temporary flow line plug shall be removed and a permanent water tight plug shall be placed in branch of test wye branch and carefully backfilled by hand and tamped to at least six (6) inches above the top of the branch.

(Ord. 2011-09, passed 12-12-11)

---

**Cross reference:**

Penalty for violation, see § 31.999

### **Division 5. Pollutant Discharge Limits**

**§ 31.060      *GENERAL CONDITIONS***

The following described substances, materials, waters or wastes shall be limited in discharges to municipal systems to concentration or quantities which: will not harm either the sewers, wastewater treatment process or equipment, will maintain and protect water quality in the receiving stream, and will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set additional limitations or limitations more stringent than those established in the provisions below if in his opinion more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability of a discharge, the Superintendent shall give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors.

(Ord. 2011-09, passed 12-12-11)

## **LONDON - WATER AND SEWER**

---

### **§ 31.061      *RESTRICTED DISCHARGES***

(A) Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.

(B) Wastewater containing floatable oils, fat, or grease, whether emulsified or not, in excess of one hundred milligrams per liter (100 mg/l) or containing substances which may solidify or become viscous at temperatures 32-150°F (0-65°C).

(C) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(D) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants which: injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, causes the city to violate the terms of its KPDES permit, prevents the use of acceptable sludge disposal methods, or exceed a limitation set forth in a Categorical Pretreatment Standard.

(E) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations.

(F) Any water or wastes which by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(G) Any wastewater with objectionable color which cannot be removed to an acceptable level within the operation of the wastewater treatment process unless otherwise specifically noted in the Industrial User Permit (IUP).

(H) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed to the extent required by the city's NPDES/KPDES permit.

(I) Any waste(s) or wastewater(s) classified as a hazardous waste by the Resource Conservation and Recovery Act (RCRA) without a sixty (60)-day prior notification of such discharge to the Superintendent. This notification must include the name of the hazardous waste, the EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence(s). The Superintendent may prohibit or condition the discharge(s) at any time.

(J) (1) Any water or wastes which have characteristics based on a twenty-four (24)-hour composite sample, grab or a shorter period composite sample, if more representative, that exceed the following normal maximum domestic wastewater parameter concentrations:



## LONDON - WATER AND SEWER

<u>Parameter</u>	<u>Maximum Allowable Concentration Without Surcharges</u>
BOD	300 mg/l
COD	900 mg/l
TSS	350 mg/l
Phosphorus, Total as P	10 mg/l
NH <sub>3</sub> -N (Ammonia-nitrogen)	20 mg/l
Oil & Grease (total)	100 mg/l

(2) Any person discharging wastewater exceeding the maximum allowable concentration as noted above, will be subject to a surcharge fee for each pound loading over and above the set limit. Any other amenable constituents requiring the addition of specific chemicals for proper treatment will also be subject to surcharge as noted on the Industrial User Permit. Exceedance of the effluent limits specified above shall not be deemed to constitute a violation of a permit condition or this article if the appropriate surcharge fee is paid and the discharge does not cause interference or pass through of the POTW.

(K) The Superintendent is authorized to establish local limits pursuant to 40 CFR 403.5(c). The following limitations are established for characteristics of any wastewaters to be discharged into the municipal sewer system, subject to any compliance schedule as established in the Industrial User Permit. All significant industrial users must comply with these limitations where they are more stringent than applicable state and/or federal regulations. Based upon the sampling program at the London Wastewater Treatment Plant, the limitations may be adjusted to reflect the POTW's needs.

<u>Pollutant</u>	<u>Maximum Daily Concentration (mg/l)</u>
Arsenic	0.22
Cadmium	0.03
Chromium, Hexavalent	1.71
Chromium, Total	0.66
Copper	1.18
Cyanide	0.43
Lead	0.10
Mercury	0.0018
Molybdenum	0.75
Nickel	1.31
Selenium	0.14
Silver	0.17
Zinc	1.48

(L) The city has received authority through the U.S. EPA and State Statutes to enforce the requirements of 40 CFR Chapter I Subchapter N, Parts 405-471 and 40 CFR Part 403. All users

## LONDON - WATER AND SEWER

---

shall comply with the requirements of those regulations. The Superintendent and/or his designees may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits to implement local limits and the requirements of this article.

(Ord. 2011-09, passed 12-12-11; Am. Ord. 2018-01, passed 4-2-18)

---

**Cross reference:**

Penalty for violation, see § 31.999

§ 31.062      *DILUTION OF WASTEWATER DISCHARGE*

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any pollutant specific limitation developed by the city or state.

(Ord. 2011-09, passed 12-12-11)

---

**Cross reference:**

Penalty for violation, see § 31.999

§ 31.063      *GREASE, OIL, AND SAND INTERCEPTORS*

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptor shall not be required for private living quarters or dwelling units. All interceptors shall be of type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal. The city may require that hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms. Interceptors shall also comply with applicable regulations of the County Health Department.

(Ord. 2011-09, passed 12-12-11)

---

**Cross reference:**

Penalty for violation, see § 31.999

§ 31.064      *SPECIAL INDUSTRIAL PRETREATMENT REQUIREMENTS*

(A) Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972 and later amendments, all Pretreatment Standards promulgated by the U.S. Environmental Protection Agency for new and existing industrial dischargers to public sewer systems are hereby made a part of this article. Any

## **LONDON - WATER AND SEWER**

---

industrial waste discharge which violates these EPA Pretreatment Standards shall be in violation of this article.

(B) Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, the industry shall be solely responsible for the continued maintenance in satisfactory and effective operation of such facilities and at their expense. The city may agree to assume these responsibilities if proper and appropriate arrangements for reimbursement of costs are made.

(C) (1) Any person who transports septic tank, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge such waste to the public sewer system shall first have a valid Trucker's Discharge Permit. All applicants for a Trucker's Discharge Permit shall complete the application form, pay the appropriate fee, and receive a copy of the city's regulations governing discharge to sewers of liquid wastes from trucks. All persons receiving such permits shall agree in writing, to abide by all applicable provisions of this article, and any other special provisions that may be established by the city as necessary for the proper operation and maintenance of the sewerage system.

(2) In addition any person holding a valid permit and wishing to discharge to the wastewater treatment plant must submit to the Chief Operator a sample of each load prior to discharge. A fee and payment schedule shall be established in the permit to cover cost of the required analysis.

(3) It shall be illegal to discharge any batch liquid waste into any manhole or other part of the public sewer system, or any building sewer or other facility that discharges to the public sewer system, except at designated points of discharge specified by the city for such purpose.

(4) Any liquid waste hauler illegally discharging to the public sewer system or discharging wastewater not authorized in the permit shall be subject to immediate revocation of discharge privileges and further subject to the penalties and enforcement actions prescribed in Division 9 including fines and imprisonment.

(5) Waste haulers who have been granted permission to discharge to the public sewer system shall pay fees for such discharge in accordance with a fee schedule established by the Superintendent and approved by the city.

(6) Nothing in this article shall relieve waste haulers of the responsibility for compliance with County Health Department, state or federal regulations.  
(Ord. 2011-09, passed 12-12-11)

---

**Cross reference:**

Penalty for violation, see § 31.999

## **LONDON - WATER AND SEWER**

---

### **§ 31.065      *PROTECTION FROM ACCIDENTAL AND SLUG DISCHARGES***

(A) (1) Each significant industrial user shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by this article which adversely affects the POTW. Facilities to prevent accidental and/or slug discharges of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Once every two (2) years, the Superintendent will determine whether each industrial user needs to develop or update a plan to control slug discharges. If the Superintendent determines that a slug control plan or revision is necessary, the plan shall contain the following:

- (a) Description of discharge practices;
- (b) Description of stored chemicals;
- (c) Procedures for notifying POTW;
- (d) Prevention procedures for spills.

(2) In the case of all possible or actual accidental and/or slug discharges, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective action.

(B) **Written Notice.** Within five (5) days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article, the Enforcement Response Plan or other applicable law.

(C) **Notice to Employees.** A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedures.  
(Ord. 2011-09, passed 12-12-11)

---

#### **Cross reference:**

Penalty for violation, see § 31.999

### **§ 31.066      *STATE REQUIREMENTS***

State requirements and limitations on discharge shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.  
(Ord. 2011-09, passed 12-12-11)

## **LONDON - WATER AND SEWER**

---

### **§ 31.067      *CITY'S RIGHT OF REVISION***

The city reserves the right to establish more stringent limitations, or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this article. (Ord. 2011-09, passed 12-12-11)

### **§ 31.068      *FEDERAL CATEGORICAL PRETREATMENT STANDARDS***

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. (Ord. 2011-09, passed 12-12-11)

### **Division 6. Pretreatment Program Administration**

### **§ 31.080      *WASTEWATER DISCHARGES***

(A) It shall be unlawful to discharge to the POTW any wastewater except as authorized by the city in accordance with the provisions of this article.

(B) Any agency, nondomestic user and/or industry outside the jurisdiction of the city that desires to contribute wastewater to the POTW must execute (through an authorized representative) an interjurisdictional agreement, whereby the agency and/or industry agrees to be regulated by all provisions of this article and state and federal regulations. An Industrial User Permit may then be issued by the Superintendent in accordance with § 31.081. (Ord. 2011-09, passed 12-12-11)

#### **Cross reference:**

Penalty for violation, see § 31.999

### **§ 31.081      *INDUSTRIAL USER PERMITS***

(A) General. All significant industrial users proposing to connect to or to contribute to the POTW shall obtain an Industrial User Permit before connecting to or contributing to the POTW.

(B) Permit Application. Users required to obtain an Industrial User Permit shall complete and file with the city, an application in the form prescribed by the city. New users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. Existing permit holder shall apply no later than sixty (60) days prior to expiration of permit. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address, and location if different from the address;

## **LONDON - WATER AND SEWER**

---

(2) SIC number(s) according to the Standard Industrial Classification Manual, United States Bureau of the Budget, 1972, as amended;

(3) Wastewater constituents and characteristics as determined by an analytical laboratory acceptable to the city; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136, as amended;

(4) Time and duration of contribution;

(5) Average daily and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonal variation if any;

(6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

(7) Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged;

(8) Where known, the nature and concentration of any pollutants in the discharge which are limited by the city, state or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable Pretreatment Standards;

(9) (1) If additional pretreatment will be required to meet the Pretreatment Standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard;

(2) The following conditions shall apply to this schedule:

(a) The schedule must be acceptable to the city.

(b) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards.

(c) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of

## **LONDON - WATER AND SEWER**

---

progress and the reason for delay, and the steps being taken by the user to return the construction to the schedule established.

(10) Each product produced by type, amount, process or processes, and the rate of production;

(11) Type and amount of raw materials processed (average and maximum per day);

(12) Number of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(13) Any other information as may be deemed by the city to be necessary to evaluate the permit application.

(14) A copy of the industry's written environmental control program, comparable document, or policy.

(C) .Issuance.

(1) The city shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Superintendent or his designee may issue an Industrial User Permit subject to terms and conditions provided herein. The Industrial User Permit must be issued prior to commencement of discharge. The Superintendent may withhold or discontinue water service until the discharge permit is issued. All new source categorical industries shall be capable of achieving compliance with this article upon commencement of discharge.

(2) The Superintendent shall provide notice to each significant industrial user of the issuance of the user's Industrial User Permit. Any person, including the user, may petition the Superintendent to reconsider the terms of a permit within fifteen (15) days of notice of its issuance.

(a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(b) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the permit.

(c) The effectiveness of the permit shall not be stayed during the appeal.

(d) If the Superintendent fails to act within thirty (30) days of receipt of the appeal, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider

## **LONDON - WATER AND SEWER**

---

a permit, not to issue a permit, or not to modify a permit shall be considered final administrative actions for purposes of judicial review.

(e) Aggrieved parties seeking judicial review of the final administrative action and/or the permit must do so by filing a complaint with the Laurel County Circuit court in accordance with the appropriate procedures of that court and any statute of limitations.  
(Ord. 2011-09, passed 12-12-11)

---

**Cross reference:**

Penalty for violation, see § 31.999

**§ 31.082      *PERMIT MODIFICATIONS***

The Superintendent may modify an industrial user permit for good cause, including but not limited to, the following reasons:

(A) To incorporate any new or revised federal, state or local Pretreatment Standards or requirements;

(B) To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

(C) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(D) Information indicating that the permitted discharge poses a threat to the London POTW, personnel, biosolids disposal and/or the receiving stream;

(E) Violation of any terms or conditions of the industrial user permit;

(F) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(G) Revision of or a grant of a variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13; or

(H) To correct typographical or other errors in the discharge permit.  
(Ord. 2011-09, passed 12-12-11)

---

**Cross reference:**

Penalty for violation, see § 31.999



## **LONDON - WATER AND SEWER**

---

### **§ 31.083      *PERMIT CONDITIONS***

Industrial User Permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

(A) The unit surcharges or schedule of other charges and fees for the wastewater to be discharged to a sanitary sewer;

(B) Effluent limits, including Best Management Practices, on the average and/or maximum wastewater constituents and characteristics;

(C) Limits on average and/or maximum rate and time of discharge or requirements for flow regulations and equalization;

(D) Requirements for installation and maintenance of inspection and sampling facilities;

(E) Specifications for monitoring programs which may include sampling location; frequency of sampling; number, type and standards for tests; and reporting schedule;

(F) Compliance schedules;

(G) Requirements for submission of technical reports or discharge reports;

(H) Requirements for maintaining and retaining, for a minimum of three (3) years, all plant records relating to pretreatment and/or wastewater discharge as specified by the city, and affording city access thereto as required by 40 CFR 403.12(o)(2);

(I) Requirements for notification of the city or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(J) Requirements for notification of slug discharges;

(K) The permit may require the user to reimburse the city for all expenses related to monitoring, sampling and testing performed at the direction of the General Superintendent and deemed necessary by the city to verify that the user is in compliance with the permit;

(L) Other conditions as deemed appropriate by the city to ensure compliance with this article;

(M) A statement that indicates the industrial user permit issuance date, expiration date and effective date;

## **LONDON - WATER AND SEWER**

---

- (N) A statement that the industrial user permit is nontransferable;
- (O) Requirements to control slug discharge, if determined by the Superintendent, to be necessary;
- (P) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state or local law.  
(Ord. 2011-09, passed 12-12-11)

---

**Cross reference:**

Penalty for violation, see § 31.999

### **§ 31.084      *ALTERNATIVE DISCHARGE LIMITS***

(A) Where an effluent from a categorical industrial process(es) is mixed prior to treatment with wastewater other than that generated by the regulated process, fixed alternative discharge limits may be derived for the discharge permit by the Superintendent. These alternative limits shall be applied to the mixed effluent and shall be calculated using the Combined Wastestream Formula and/or Flow-Weighted Average Formula as defined in § 31.002.

(B) Where the effluent limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutants per unit of production (production-based standard), the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or of effluent concentration for purposes of calculating effluent permit limitations applicable to the permittee. The permittee shall be subject to all permit limits calculated in this manner under 40 CFR 403.6(c) and must fully comply with these alternative limits.

(C) All categorical users subject to production-based standards must report production rates annually so that alternative permit limits can be calculated if necessary. The categorical user must notify the Superintendent thirty (30) days in advance of any major change in production levels that will affect the limits for the discharge permit.

(Ord. 2011-09, passed 12-12-11)

---

**Cross reference:**

Penalty for violation, see § 31.999

### **§ 31.085      *PERMIT DURATION***

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of sixty (60) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by

## **LONDON - WATER AND SEWER**

---

the city during the term of the permit as limitations or requirements as identified in Division 5 are modified or other just cause exists. The user shall be informed of any proposed changes in their permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.  
(Am. Ord. 2011-09, passed 12-12-11)

### **§ 31.086      *PERMIT TRANSFER***

Industrial User Permits are issued to a specific user for a specific operation. An Industrial User Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without a thirty (30) day prior notification to the Superintendent and provision of a copy of the existing permit to the new owner. The Superintendent may deny the transfer of the permit if it is deemed necessary.  
(Ord. 2011-09, passed 12-12-11)

#### **Cross reference:**

Penalty for violation, see § 31.999

### **§ 31.087      *COMPLIANCE DATA REPORTING***

(A) Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards or, in the case of a new user, following commencement of the introduction of wastewater into the POTW, any user subject to Federal Categorical Pretreatment Standards and Requirements shall submit, to the Superintendent, a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Categorical Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such Categorical Pretreatment Standards or Requirements. The report shall state whether the applicable Categorical Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional pretreatment and time schedule is necessary to bring the user into compliance with the applicable Categorical Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the user.

(B) Where compliance schedules are required, the following conditions shall apply:

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment require for the user to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(2) No increment referred to above shall exceed nine (9) months;

## **LONDON - WATER AND SEWER**

---

(3) The user shall submit a progress report to the General Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. (Ord. 2011-09, passed 12-12-11)

### **Cross reference:**

Penalty for violation, see § 31.999

### **§ 31.088 PERIODIC COMPLIANCE REPORTS**

(A) All significant industrial users shall submit, to the Superintendent, every six (6) months (on dates specified in the Industrial User Permit) unless required more frequently by the Permit, a report indicating, at a minimum, the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards or the discharge permit. This report shall also include the chain-of-custody (COC) forms, field data and any other information required by the General Superintendent. In addition, this report shall include a record of all daily flows or the average daily flow. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted. All periodic compliance reports must be signed and certified in accordance with 40 CFR 403.12 and § 31.087.

(B) All wastewater samples must be representative of the user's discharge. All analyses shall be performed by a laboratory acceptable to the city. Analytical procedures shall be in accordance with procedures established by the U.S. EPA Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136 and amendments thereto and 40 CFR 261 or with any other test procedures approved by the U.S. EPA Administrator. Sampling shall be performed in accordance with the techniques approved by the U.S. EPA Administrator.

(C) Where 40 CFR Part 136 does not include a sampling or analytical technique for the pollutant(s) in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the U.S. EPA Administrator.

(D) A Baseline Monitoring Report (BMR) must be submitted to the Superintendent by all categorical industrial users at least ninety (90) days prior to initiation of discharge to the sanitary sewer. The BMR must contain, at a minimum, the following:

(1) Production data: A process description, SIC code number, raw materials used, chemicals used, final product, pretreatment industrial category (if applicable), and a schematic which indicates points of discharge to the sewer system.

## **LONDON - WATER AND SEWER**

---

(2) Identifying information to include name, address, facility, owner(s), contact person and any other permits held by the facility.

(3) Wastewater characteristics: Total plant flow, types of discharges, average and maximum flows from each process.

(4) Nature/Concentration of pollutants: Analytical results for all pollutants regulated by this article and/or any applicable Federal Pretreatment Standard and sample type and location. All analyses must conform with 40 CFR Part 136 and amendments thereto.

(5) Information concerning any pretreatment equipment used to treat the facility's discharge.

(6) Compliance certification: A statement, reviewed by the user's authorized representative as defined in § 31.002 and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis and, if not, whether additional operating and maintenance (O & M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(7) Compliance schedule: If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards, the shortest schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this section must meet the requirements set out in § 31.087.

(E) New sources shall give estimates of the information requested in subsections (c) and (d) above, but at no time shall a new source commence discharge(s) to the public sewer of substances that do not meet all provisions of this article. All new sources must be in compliance with all provisions of this article, state and federal pretreatment regulations prior to commencement of discharge to the public sewer.

(F) Compliance schedule progress reports. The following conditions shall apply to all compliance schedules required by this article:

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards.

(2) No increment referred to above shall exceed nine (9) months.

(3) The user shall submit a progress report to the General Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the implement of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule;

## **LONDON - WATER AND SEWER**

---

and in no event shall more than nine (9) months lapse between such progress reports to the Superintendent.

(G) Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements and documentation associated with Best Management Practices as may be required. Record shall include the date, exact place, method and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall automatically be extended for the duration of any litigation concerning the user or the city or where the user has been specifically notified of a longer retention by the Superintendent.

(Ord. 2011-09, passed 12-12-11)

---

**Cross reference:**

Penalty for violation, see § 31.999

**§ 31.089      *PERMIT VIOLATIONS***

(A) All significant industrial users must notify the Superintendent within twenty-four (24) hours of first becoming aware of a permit violation. This notification shall include the date of violation, the parameter violated and the amount in exceedance.

(B) The user shall immediately repeat the sampling and analysis of the parameter(s) in question and submit the results to the Superintendent within thirty (30) days after becoming aware of the violation. Exception to this regulation is only if the city performs the sampling within the same time period for the same parameter(s) in question.

(C) Compliance with the terms of an industrial user permit shall be deemed in compliance with the terms of this article.

(Ord. 2011-09, passed 12-12-11)

---

**Cross reference:**

Penalty for violation, see § 31.999

**§ 31.090      *MONITORING***

(A) (1) The city shall require significant industrial users to provide and operate, at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage system. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in a public right-of-way. The

## **LONDON - WATER AND SEWER**

---

Superintendent shall review and approve the location, plans, and specifications for such monitoring facilities and may require them to be constructed to provide for the separate monitoring and sampling of industrial waste and sanitary sewage flows.

(2) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility shall be designed and maintained in a manner such that the safety of city and industrial personnel shall be foremost. The facility, sampling and measuring equipment shall be maintained at all times in a proper operating condition at the expense of the user.

(3) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following approval of the location, plans and specifications.

(B) All sampling analyses done in accordance with approved federal EPA procedures by the industrial user during a reporting period shall be submitted to the Superintendent regardless of whether or not that analysis was required by the industrial user's discharge permit.

(C) The industrial user must receive the approval of the Superintendent before changing the sampling point and/or monitoring facilities to be used in all required sampling.  
(Ord. 2011-09, passed 12-12-11)

---

### **Cross reference:**

Penalty for violation, see § 31.999

### **§ 31.091 INSPECTION AND SAMPLING**

(A) The city shall inspect the facilities of any user to ascertain whether the purpose of this article is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, copying records, records examination or in the performance of any of their duties.

(B) The city, Approval Authority, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.  
(Ord. 2011-09, passed 12-12-11)

## **LONDON - WATER AND SEWER**

---

### **§ 31.092      *PRETREATMENT***

All significant industrial users shall provide necessary wastewater treatment as required to comply with this article and achieve compliance with any applicable Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. The city may require the development of a compliance schedule for installation of pretreatment technology and/or equipment by any industrial user that cannot meet discharge limits required by this article. Any facilities required to pretreat wastewater to a level required by this article shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent that complies with the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

(Ord. 2011-09, passed 12-12-11)

#### **Cross reference:**

Penalty for violation, see § 31.999

### **§ 31.093      *ANNUAL PUBLICATION***

(A) The city shall annually publish in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of significant industrial users which were in significant noncompliance with any Pretreatment Requirements or Standards. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

(B) All records relating to the city's Pretreatment Program shall be made available to officials of the EPA or Approval Authority upon request. All records shall be maintained for a minimum of three (3) years in accordance with 40 CFR 403.12(o)(2).

(Ord. 2011-09, passed 12-12-11)

### **§ 31.094      *SIGNIFICANT NONCOMPLIANCE***

A user is defined as being in significant noncompliance when it commits one (1) or more of the following conditions:

(A) Causes imminent endangerment to human health or the environment resulting in the exercise of emergency authority under 40 CFR 403 to halt or prevent such a discharge;

(B) Involves failure to report noncompliance accurately;



## **LONDON - WATER AND SEWER**

---

(C) Results in a chronic violation defined here as sixty-six percent (66%) or more of all measurements taken during a six (6)-month period that exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

(D) Results in a Technical Review Criteria (TRC) Violation defined here as thirty-three percent (33%) or more of all measurements for each pollutant parameter taken during a six (6)-month period that equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, and oil and grease and equal 1.2 for all other pollutants except pH).

(E) Any violation of a pretreatment effluent limit that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through or has endangered the health of the POTW personnel or the public.

(F) Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the POTW's use of its emergency authority to halt or prevent such a discharge.

(G) Violations of Compliance Schedule Milestones, failure to comply with schedule milestones for starting or completing construction or attaining final compliance by ninety (90) days or more after the schedule date.

(H) Failure to provide required reports within thirty (30) days of the due date.

(I) Any violation or group of violations which may include a violation of Best Management Practices, which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.  
(Ord. 2011-09, passed 12-12-11)

---

### **Cross reference:**

Penalty for violation, see § 31.999

### **§ 31.095      *CONFIDENTIAL INFORMATION***

(A) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests in writing and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

(B) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to all governmental agencies for uses related to this article, the

## **LONDON - WATER AND SEWER**

---

NPDES/KPDES Permit, Sludge Disposal System Permit and/or the Pretreatment Programs upon request. Such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information and shall be available to the public without restriction.

(Ord. 2011-09, passed 12-12-11)

### **Cross reference:**

Public records, see Ch. 24

### **§ 31.096      *SIGNATORY REQUIREMENTS***

All applications, reports or information submitted to the city shall be signed and certified in accordance with the following requirements. Written designation of the signatory official must be received by the city prior to acceptance of any application or other required document.

(A) All permit applications shall be signed:

(1) For a corporation: by a principal executive officer of at least the level of vice-president;

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;

(B) All other correspondence, reports and self-monitoring reports shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described above;

(2) The authorization specifies either an individual or a position having facility or activity, such as the position of plant manager, superintendent or position of equivalent responsibility.

(C) Certification.

(1) Any person signing a document under this section shall make the following written certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the

## **LONDON - WATER AND SEWER**

---

person(s) who manage the system, tor those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(2) A facility determined to be a Non-Significant Categorical Industrial User by the Superintendent pursuant to Division 1 must annually submit the following certification statement signed in accordance with the signatory requirements of this section. The certification must accompany any alternative report required by the Superintendent:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR [Part], I certify that, to the best of my knowledge and belief that during the period from [month/day], [year] to [month/day], [year]:

(a) The facility described as [Facility Name] met the definition of a Non-Significant Categorical Industrial User as described in Article I(B) of Ordinance No. 2011-09.

(b) The facility complied with all applicable Pretreatment Standards and Requirements during this reporting period; and

(c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.”

(3) Users that have an approved monitoring waiver based on § 31.083 must certify each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR [Part], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant] in the wastewaters due to the activities at the facility since filing of the last periodic report as required by Article D of Ordinance No. 2011-09.”

(Ord. 2011-09, passed 12-12-11)

---

### **Cross reference:**

Penalty for violation, see § 31.999

## **LONDON - WATER AND SEWER**

---

### **Division 7. Fees**

#### **§ 31.100      *PURPOSE***

This division provides for the recovery of costs from users of the POTW for the implementation of the program established herein. The applicable charges or fees shall be set forth in the city's Schedule of Charges and Fees.

(Ord. 2011-09, passed 12-12-11)

#### **§ 31.101      *CHARGES AND FEES***

(A) The city may adopt charges and fees which may include:

(1) Fees for reimbursement of costs of setting up and operating the city's Pretreatment Program;

(2) Fees for monitoring, inspections, and surveillance procedures;

(3) Fees for reviewing accidental discharge procedures and construction;

(4) Fees for permit applications;

(5) Fees for filing appeals;

(6) Fees for consistent removal by the POTW of excessive strength conventional pollutants;

(7) Other fees as the city may deem necessary to carry out the requirements contained herein.

(B) These fees relate solely to the matters covered by this article and are separate from all other fees chargeable by the city.

(Ord. 2011-09, passed 12-12-11)

### **Division 8. Powers and Authority of Inspectors**

#### **§ 31.120      *RIGHT TO ENTER PREMISES***

The Superintendent and other duly authorized employees and representatives of the city and authorized representatives of applicable federal and state regulatory agencies bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharges to the public sewer system in accordance with the provisions of this article.

(Ord. 2011-09, passed 12-12-11)

## **LONDON - WATER AND SEWER**

---

### **§ 31.121      *RIGHT TO OBTAIN INFORMATION REGARDING DISCHARGE***

The Superintendent and other duly authorized employees of the city and authorized representatives of applicable federal and state regulatory agencies bearing proper credentials and identification are authorized to obtain information including, but not limited to, copying of records concerning character, strength and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

(Ord. 2011-09, passed 12-12-11)

### **§ 31.122      *ACCESS TO EASEMENTS***

Duly authorized employees and representatives of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, construction, inspection, observation, measurement, sampling, repair, and maintenance of any portions of the wastewater facilities lying within said easement. All entry and subsequent work, if any on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 2011-09, passed 12-12-11)

### **§ 31.123      *SAFETY***

While performing the necessary work on private properties referred to in § 31.122, all duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company. The city shall secure the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operations, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this article.

(Ord. 2011-09, passed 12-12-11)

## **Division 9. Enforcement**

### **§ 31.135      *GENERAL PROVISIONS***

(A) The city, through the Superintendent, or his designee, to ensure compliance with this article, and as permitted through 40 CFR Subchapter N, and 401 KAR 5:055, may take the following enforcement steps against users in noncompliance with this article. The remedies available to the POTW include injunctive relief, civil and criminal penalties, immediate discontinuance of discharges and/or water service and the publishing of the list of significant violators annually. The enforcement authority shall be vested in the Superintendent or their designee.

## **LONDON - WATER AND SEWER**

---

(B) The Superintendent may suspend the wastewater treatment service and/or the Industrial User Permit when such suspension is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present, an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the city to violate any condition of its NPDES/KPDES Permit.

(C) Any user notified of a suspension of the wastewater treatment services and/or the Industrial User Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the Industrial User Permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within fifteen (15) days of the date of occurrence.  
(Ord. 2011-09, passed 12-12-11)

---

**Cross reference:**

Penalty for violation, see § 31.999

**§ 31.136 NOTICE OF VIOLATION**

(A) Any user found to be violating any provisions of this article, wastewater permit, or any order issued hereunder, shall be served by the city with written notice stating the nature of the violation(s). Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Superintendent. Submission of this plan in no way relieves the user of potential liability for any violation occurring before or after receipt of the Notice of Violation.

(B) If the violations persist or the explanation and/or plan are not adequate, the city's response shall be more formal and commitments or schedules as appropriate for compliance will be established in an enforceable document. The enforcement response selected will be related to the seriousness of the violation. Enforcement responses will be escalated if compliance is not achieved expeditiously after the initial action. A significant noncompliance as defined in § 31.094 will require a formal enforcement action.

(C) The full scale of enforcement actions will be as detailed in the Enforcement Response Plan.  
(Ord. 2011-09, passed 12-12-11)

---

**Cross reference:**

Penalty for violation, see § 31.999

## **LONDON - WATER AND SEWER**

---

### **§ 31.137      *ADMINISTRATIVE ORDERS***

(A) Any user who after receiving a Notice of Violation shall continue to discharge in violation of this article or other pretreatment standards or requirements or is determined to be a chronic or persistent violator or who is determined to be a significant violator shall be ordered to appear before the city. At the appearance, a compliance schedule will be given to the nonconforming user and an administrative fine assessed. The fine shall be determined on a case-by-case basis which shall consider the type and severity of violations, duration of violation, number of violations, severity of impact on the POTW, impact on human health, users economic benefit from violation, history of violations, good faith of the user, and shall be a non-arbitrary but appropriate amount.

(B) The administrative order may take any of the following three (3) forms:

(1) **Consent Orders.** The Superintendent or their designee is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as orders issued pursuant to subsection (B)(3) below.

(2) **Compliance Orders.** When the Superintendent or their designee finds that an industrial user has violated or continues to violate this article or a permit or order issued thereunder, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(3) **Cease and Desist Orders.** When the Superintendent finds that an industrial user has violated or continues to violate this article or any permit or order issued hereunder, the Superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to: a) comply forthwith, or b) take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(Ord. 2011-09, passed 12-12-11)

---

#### **Cross reference:**

Penalty for violation, see § 31.999

### **§ 31.138      *SHOW CAUSE HEARING***

(A) The Superintendent or their designee may issue to any user who causes or contributes to violations of this article, wastewater permit or order issued hereunder, an order to appear and

## **LONDON - WATER AND SEWER**

---

show cause why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Superintendent regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause, before the Superintendent, why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of the industrial user. Whether or not a duly notified industrial user or its representative appears, immediate enforcement action may be pursued.

(B) The city may, itself, conduct the hearing and take the evidence, or designate a representative to:

(1) Issue, in the name of the city, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;

(2) Take the evidence;

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city for action thereon.

(C) At any hearing held pursuant to this article, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(D) After the city has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service will be discontinued unless adequate treatment facilities, devices, or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.  
(Ord. 2011-09, passed 12-12-11)

---

### **Cross reference:**

Public meetings, see Ch. 25

Public records, see Ch. 24

Penalty for violation, see § 31.999

### **§ 31.139      *ADDITIONAL ENFORCEMENT REMEDIES***

(A) **Performance Bonds.** The Superintendent may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this article or any order or previous permit issued hereunder unless such user first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.



## **LONDON - WATER AND SEWER**

---

(B) **Liability Insurance.** The Superintendent may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this article or any order or previous permit issued hereunder, unless the industrial user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.  
(Ord. 2011-09, passed 12-12-11)

### **§ 31.140      ENFORCEMENT ACTIONS NOT EXCLUSIVE**

The enforcement actions and remedies provided for in this article are not exclusive. The Superintendent may take any, all, or a combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the MUPB's Enforcement Response Plan. However, the Superintendent may take other action against any user when the circumstances warrant. Further, the Superintendent is empowered to take more than one (1) enforcement action against any noncompliant user.  
(Ord. 2011-09, passed 12-12-11)

## **ARTICLE II. WATER**

### **Division 1. General Provisions**

#### **§ 31.200      DEFINITIONS**

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

**"APARTMENT COMPLEXES."** A room or suite of rooms designed to live in which are offered for rent or lease.

**"BOD (Biochemical Oxygen Demand)."** The quantity of oxygen utilized in biochemical oxidation or organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20°C), expressed in milligrams per liter (mg/l).

**"COMMERCIAL USER."** All retail stores, restaurants, office buildings, laundries, and other private businesses and service establishments.

**"CUSTOMER."** The owner or occupier of a residential, commercial, or industrial unit or facility to which water service and/or sewer service is furnished by the London Utility Commission. **"CUSTOMER"** also means any business, person, corporation or group from which the Utility Commission receives or is required to treat sewage or wastewater.

**"DEBT SERVICE."** Charges levied on users of the wastewater treatment works to support the annual debt service obligations of the system.

## **LONDON - WATER AND SEWER**

---

**"DUPLEX."** An apartment with rooms on two adjoining floors and being a two family house.

**"GOVERNMENTAL USER."** Includes legislative, judicial, administrative, and regulatory activities of Federal, State and Local governments.

[Text resumes on page 67.]

## **LONDON - WATER AND SEWER**

---

furnish a master meter at the point of connection(s) to the city wastewater collection or treatment system(s). The master meter shall be properly maintained at the expense of the wholesale customer. The master meter shall be tested for accuracy at least annually. The cost of the accuracy measurements will be the responsibility of the wholesale customer. Results of the accuracy tests shall be submitted to the Utility Commission. Each contract negotiated with other publicly-owned utilities shall include both a maximum number of customers and a maximum number of gallons of flow per day. In no case may the Utility Commission accept a volume of waste or quality of waste that would create a negative impact on the collection system, create plant capacity problems or cause the treatment plant effluent to violate applicable discharge limits. The Utility Commission shall have the latitude of adjusting wholesale sewer rates annually or when rates are revised by the city or in accordance with applicable contracts. The formulation for adjusting the wholesale sewer rate is as follows:

$$\text{(Annual OM\&R Cost + Debt Service) divided by [Wastewater Treated Annually @ WWTP (1,000 gallons)] = Total Wholesale Rate per 1,000 gallons}$$

After the rate revision is determined, the required documents must be filed with the Kentucky Public Service Commission and the required notifications sent to the wholesale customer. Proper approval must be granted by PSC before the new rates are implemented.

(Ord. 842, passed 1-27-92; Am. Ord. 1010, passed 6-3-02; Am. Ord. 2004-17, passed 1-3-05; Am. Ord. 2007-04, passed 6-4-07; Am. Ord. 2009-06, passed 10-8-09)

### **§ 31.138 TAP-ON FEES**

Each customer who applies for a new connection to the sewer system shall pay a sewer tap-on fee according to the type of connection; and described below:

#### **(A) Outside City.**

- (1) \$1,200.00 per home or church.**
- (2) Duplex - first unit, \$1,200.00; second unit, \$400.00; for a total of \$1,600.00 per each duplex.**
- (3) Trailer Parks per unit (each individual trailer pad shall be considered a unit) - first unit, \$1,200.00; second through tenth unit, \$300.00 per unit; all over ten units, \$200.00 per unit.**
- (4) Hotels and Motels (each lodging room shall be considered a unit) - first unit, \$1,200.00; second through tenth unit, \$400.00 per unit; all over ten units, \$300.00 per unit.**
- (5) Apartment Complexes (each apartment shall be considered a unit) - first unit, \$1,200.00; second through tenth unit, \$400.00 per unit; all over ten units, \$300.00 per unit.**

## **LONDON - WATER AND SEWER**

---

(6) Industrial - \$5,000.00 per connection.

(7) Laundromats - for up to ten washing machines, \$3,000.00; all over ten washing machines, \$150.00 per machine.

(8) Commercial (Grocery Stores, Restaurants, Office Buildings, Service Stations, Banks, etc.) - \$3,000.00 per connection.

(9) Schools - up to fifty classrooms, \$2,000.00; all over fifty classrooms, \$100.00 per classroom.

(10) Shopping Centers or Malls - \$3,000.00 first unit; \$900.00 per individual wholesale or retail shop within the complex, thereafter.

(B) Inside City.

(1) \$900.00 per home or church.

(2) Duplex - first unit, \$900.00; second unit, \$500.00; for a total of \$1,400.00 for each duplex.

(3) Trailer Parks per unit (each individual trailer pad shall be considered a unit) - first unit, \$900.00; second through tenth unit, \$300.00 per unit; all over ten units, \$200.00 per unit.

(4) Hotels and Motels (each lodging room shall be considered a unit) - first unit, \$900.00; second through tenth unit, \$300.00 per unit; all over ten units, \$200.00 per unit.

(5) Apartment Complexes (each apartment shall be considered a unit) - first unit, \$900.00; second through tenth unit, \$300.00 per unit; all over ten units, \$200.00 per unit.

(6) Industrial - \$4,000.00 per connection.

(7) Laundromats - for up to ten washing machines, \$2,000.00; all over ten washing machines, \$150.00 per machine.

(8) Commercial (Grocery Stores, Restaurants, Office Buildings, Service Stations, Banks, etc.) - \$2,000.00 per connection.

(9) Schools - up to fifty classrooms, \$2,500.00; all over fifty classrooms, \$50.00 per classroom.

(10) Shopping Centers or Malls - \$2,000.00 first units; \$750.00 per individual wholesale or retail shop within the complex, thereafter.

## **LONDON - WATER AND SEWER**

---

(C) For developers who install more than five hundred (500) feet of main line sewer within a development and if said sewer is installed according to applicable specifications and if the line is properly granted to the city (including easements, property, etc.), developers may be eligible for a reduction in the sewer tap-on fees listed in this section in the amount of twenty-five percent (25%). This discount only applies to fees paid by the original developer and do not apply to individuals buying individual parcels within the development.

(D) Once sewer service becomes available, connection to the sanitary sewer system is mandated by Ordinance 840. After the property notification is provided to the customer and after the allotted time allowed to make the required connection has lapsed, the customer will be billed for sewer services as if he or she has connected. Billing will be in accordance with the rate schedules specified herein.

(Ord. 842, passed 1-27-92; Am. Ord. 1000, passed 12-3-01; Am. Ord. 1010, passed 6-3-02; Am. Ord. 2004-17, passed 1-3-05; Am. Ord. 2007-04, passed 6-4-07; Am. Ord. 2009-06, passed 10-8-09)

### **§ 31.139 BILLINGS; DELINQUENCY**

The Utility Commission shall read the water meter of each customer monthly and shall bill each customer monthly for all sewer service charges not later than the first day of each month. Payment shall be due on or before the 10th day following the date of the bill. The Utility Commission may charge a penalty of ten percent (10%) of the outstanding balance of the current month's billing if payment has not been received by the 15th. Federal, state and county governmental entities and the public schools are not subject to the penalties stated herein. The Utility Commission may shut off or disconnect sewer service after mailing notice to the customer if payment has not been received on or before the 10<sup>th</sup> day after the date when payment was due. If water service or sewer service is shut off or disconnected for failure to make payment, the Utility Commission shall charge the customer a fee in the amount of twenty-five dollars (\$25.00) to turn on or reconnect service in addition to payment of the past-due charges plus penalty. The Utility Commission may require a deposit in an amount to be determined by the Utility Commission, not to exceed two months estimated water service and sewer service charge, for a customer whose water service and sewer service has been shut off or disconnected for failure to make payment before turning on or reconnecting service.

(Ord. 842, passed 1-27-92; Am. Ord. 867, passed 12-13-93; Am. Ord. 1000, passed 12-3-01; Am. Ord. 2004-17, passed 1-3-05; Am. Ord. 2007-04, passed 6-4-07; Am. Ord. 2009-06, passed 10-8-09)

### **§ 31.140 APPLICATION FOR SEWER SERVICE**

Each new customer shall make application to the Utility Commission for water service and sewer service. The Utility Commission shall require a deposit of seventy-five dollars (\$75.00) for each residential lessee or renter customer and a deposit in an amount to be established by the Utility

## **LONDON - WATER AND SEWER**

---

Commission, not to exceed two (2) months estimated water service and sewer service charges, for each new commercial or industrial customer when the customer is not the owner of the premises to which water service and sewer service is to be supplied. The deposit less any amount payable for water service and sewer service shall be refunded when water service and sewer service to that customer is discontinued. Each new customer shall pay twenty-five dollars (\$25.00) as a "turn on" fee when service is requested. The "turn on" fee is not refundable as it is for initial service. (Ord. 842, passed 1-27-92; Am. Ord. 867, passed 12-13-93; Am. Ord. 2004-17, passed 1-3-05; Am. Ord. 2007-04, passed 6-4-07; Am. Ord. 2009-06, passed 10-8-09)

### **§ 31.141      CLASSIFICATION OF CUSTOMERS**

(A) Each house, building, mobile home, or other structure and each residential unit in any house, building, or other structure shall be classified as a separate customer. Each hotel or motel shall be classified as a customer. Each customer for whom water service and sewer service is supplied shall be separately connected to the water service and sewer system and shall be metered separately. The Utility Commission shall establish procedures for billing residential units in any house, building, or other structure and mobile homes located in a trailer park which are not metered separately on the effective date of this article. The Utility Commission shall bill the person or other legal entity in whose name the water service and sewer service is supplied a monthly meter service charge for water service for each unit which would be a customer if metered separately and shall divide the charges for the quantity of water for calculation of the water service charge and sewer service charge.

(B) The city shall be classified as a customer and shall pay for water service and sewer service for each location to which supplied the same as any other customer. (Ord. 842, passed 1-27-92; Am. Ord. 2004-17, passed 1-3-05; Am. Ord. 2007-04, passed 6-4-07; Am. Ord. 2009-06, passed 10-8-09)

## **Division 10. Enforcement**

### **§ 31.155      GENERAL PROVISIONS**

(A) The city, through the Superintendent or his designee, to insure compliance with this article, and as permitted through 40 CFR Subchapter N, and 401 KAR 5:055, may take the following enforcement steps against users in non-compliance with this article. The remedies available to the POTW include injunctive relief, civil and criminal penalties, immediate discontinuance of discharges and/or water service and the publishing of the list of significant violators annually. The enforcement authority shall be vested in the Superintendent or their designee.

(B) The Superintendent may suspend the wastewater treatment service and/or an Industrial User Permit when such suspension is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the city to violate any condition of its NPDES/KPDES Permit.

## **LONDON - WATER AND SEWER**

---

(C) Any user notified of a suspension of the wastewater treatment service and/or the Industrial User Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the Industrial User Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within fifteen (15) days of the date of occurrence.  
(Ord. 840, passed 9-9-91)

---

**Cross reference:**

Penalty for violation, see § 31.999

### **§ 31.156 NOTICE OF VIOLATION**

(A) Any user found to be violating any provisions of this article, wastewater permit, or any order issued hereunder shall be served by the city with written notice stating the nature of the violation(s). Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Superintendent. Submission of this plan in no way relieves the user of potential liability for any violation occurring before or after receipt of the Notice of Violation.

(B) If the violations persist or the explanation and/or plan are not adequate, the city's response shall be more formal and commitments (or schedules as appropriate) for compliance will be established in an enforceable document. The enforcement response selected will be related to the seriousness of the violation. Enforcement responses will be escalated if compliance is not achieved expeditiously after the initial action. A significant non-compliance as defined in § 31.086 will require a formal enforcement action.

The full scale of enforcement actions will be as detailed in the Enforcement Response Plan.  
(Ord. 840, passed 9-9-91)

---

**Cross reference:**

Penalty for violation, see § 31.999

### **§ 31.157 ADMINISTRATIVE ORDERS**

(A) Any user who after receiving a Notice of Violation shall continue to discharge in violation of this article or other pretreatment standards or requirements or is determined to be a chronic or persistent violator or who is determined to be a significant violator shall be ordered to appear before the city. At the appearance, a compliance schedule will be given to the non-conforming user and an administrative fine assessed. The fine shall be determined on a case-by-case

## **LONDON - WATER AND SEWER**

---

basis which shall consider the type and severity of violations, duration of violation, number of violations, severity of impact on the POTW, impact on human health, users economic benefit from violation, history of violations, good faith of the user, and shall be a non-arbitrary but appropriate amount.

(B) The administrative order may take any of the following three (3) forms.

(1) Consent Orders.

The Superintendent or their designee is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as orders issued pursuant to subsection (B)(3) below.

(2) Compliance Orders.

When the Superintendent or their designee finds that an industrial user has violated or continues to violate the ordinance or a permit or order issued thereunder, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(3) Cease and Desist Orders.

When the Superintendent finds that an industrial user has violated or continues to violate this article or any permit or order issued hereunder, the Superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to: 2) comply forthwith, or b) take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(Ord. 840, passed 9-9-91)

### **Cross reference:**

Penalty for violation, see § 31.999

### **§ 31.158 SHOW CAUSE HEARING**

(A) The Superintendent or their designee may issue to any user who causes or contributes to violations of this ordinance, wastewater permit or order issued hereunder, an order to appear and



## **LONDON - WATER AND SEWER**

---

show cause why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Superintendent regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause, before the Superintendent, why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of the industrial user. Whether or not a duly notified industrial user or its representative appears, immediate enforcement action may be pursued.

(B) The city may, itself, conduct the hearing and take the evidence, or designate a representative to:

(1) Issue, in the name of the city, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;

(2) Take the evidence;

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city for action thereon.

(C) At any hearing held pursuant to this article, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the bearing upon payment of the usual charges thereof.

(D) After the city has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service will be discontinued unless adequate treatment facilities, devices, or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.  
(Ord. 840, passed 9-9-91)

### **Cross reference:**

Public meetings, see Ch. 25

Public records, see Ch. 24

Penalty for violation, see § 31.999

### **§ 31.159      *ADDITIONAL ENFORCEMENT REMEDIES***

(A) **Performance Bonds.** The Superintendent may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this article or any order or previous permit issued hereunder unless such user first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.

## **LONDON - WATER AND SEWER**

---

(B) **Liability Insurance.** The Superintendent may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this article or any order or previous permit issued hereunder, unless the industrial user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.  
(Ord. 840, passed 9-9-91)

### **ARTICLE II. WATER**

#### **Division 1. General Provisions**

##### **§ 31.200      *DEFINITIONS***

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

**"APARTMENT COMPLEXES."** A room or suite of rooms designed to live in which are offered for rent or lease.

**"BOD (Biochemical Oxygen Demand)."** The quantity of oxygen utilized in biochemical oxidation or organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20°C), expressed in milligrams per liter (mg/l).

**"COMMERCIAL USER."** All retail stores, restaurants, office buildings, laundries, and other private businesses and service establishments.

**"CUSTOMER."** The owner or occupier of a residential, commercial, or industrial unit or facility to which water service and/or sewer service is furnished by the London Utility Commission. **"CUSTOMER"** also means any business, person, corporation or group from which the Utility Commission receives or is required to treat sewage or wastewater.

**"DEBT SERVICE."** Charges levied on users of the wastewater treatment works to support the annual debt service obligations of the system.

**"DUPLEX."** An apartment with rooms on two adjoining floors and being a two family house.

**"GOVERNMENTAL USER."** Includes legislative, judicial, administrative, and regulatory activities of Federal, State and Local governments.

## **LONDON - WATER AND SEWER**

---

**"HOTELS" and "MOTELS."** A public establishment providing lodging to the public for a particular charge.

**"INDUSTRIAL USER (IU)."** A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Clean Water Act.

**"INSTITUTIONAL USER."** Includes social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

**"LAUNDROMATS."** A commercial self service laundry which provides such services to the public.

**"MALLS" and "SHOPPING CENTERS."** A collection of retail stores established or developed in a single area by one or more individuals which have a common owner.

**"NORMAL DOMESTIC WASTE WATER."** Wastewater that has a BOD concentration of not more than 300 mg/l, a suspended solids concentration of not more than 350 mg/l, a COD concentration of not more than 900 mg/l, an ammonia concentration of not more than 20 mg/l, and an oil and grease concentration of not more than 100 mg/l.

**"OPERATION AND MAINTENANCE."** Those functions that result in expenditures during the useful life of the water and wastewater treatment works for materials, labor, utilities and other items which are necessary for managing and for which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined in § 31.225(B).

**"REPLACEMENT."** Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the water and wastewater treatment works to maintain the capacity and performance for which such works were designed and constructed.

**"RESIDENTIAL USER."** Any contributor to the city's wastewater treatment works and/or anyone who utilizes potable water supplied by the city's water system whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.

**"SHALL."** Is mandatory; "may" is permissive.

**"SUSPENDED SOLIDS (SS)."** Solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

**"SUPERINTENDENT."** The person designated by the city to supervise the publicly owned water and wastewater treatment works and who is charged with certain duties and responsibilities or his duly authorized representative.

## **LONDON - WATER AND SEWER**

---

**"TREATMENT WORKS."** Any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, out falls sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof, elements essential to provide a reliable recycle supply such as stand-by treatment units and clear well facilities, and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated waste water in the land treatment system before land application), or any other method of system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste including waste in combined storm water and sanitary sewer systems.

**"USEFUL LIFE."** Estimated period during which the water and wastewater treatment works will be operated.

**"USER CHARGE."** That portion of the total waste water service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the waste water treatment works.

**"UTILITY COMMISSION."** The London Utility Commission.

**"WASTEWATER TREATMENT WORKS."** Any devices and systems for the storage, treatment, recycling and reclamation of municipal wastewater, domestic wastewater or liquid industrial wastes. These include intercepting sewers, outfall sewers, wastewater collection systems, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof, and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

**"WASTEWATER USER CHARGE."** The total wastewater service charge, which is levied in a proportional and adequate manner for the cost of OM and R and debt service expenses of the wastewater treatment works.

**"WATER METER."** A water volume measuring and recording device furnished and/or installed by a user and approved by the Superintendent.  
(Ord. 842, passed 1-27-92; Am. Ord. 852, 7-13-92; Am. Ord. 2007-04, passed 6-4-07; Am. Ord. 2009-06, passed 10-8-09)

## **LONDON - WATER AND SEWER**

---

### **§ 31.201      *EXCLUSIVE USE OF WATER***

(A) Every person, business, corporation, and entity within the city limits of the city shall subscribe to and shall use water from the Utility Commission.

(B) No other person or legal entity shall provide water or water services to any person, business, corporation or entity within the city limits.

(C) The City Council may make specific exemptions to this requirement in the event the Council determines that circumstances exist under which it cannot provide the necessary water services.

(D) This section shall not apply to any water or water services presently being provided by any other water district service. Any person or business who, is presently receiving water or water services from a utility or water district other than the Utility Commission may continue to receive such water service. However, no water service system other than the Utility Commission shall expand or extend its water service within the corporate city limits.  
(Ord. 905, passed 5-28-96)

#### **Cross reference:**

Streets and sidewalks, authority to use city streets, see § 41.100

### **§ 31.202      *AUTHORITY OF UTILITY COMMISSION***

(A) The City Council hereby authorizes the Utility Commission with its full and complete authority to set and establish rates of providing wholesale water and wholesale wastewater treatment to other districts and to enter into such contract negotiations with other districts, but to do so in a manner that is the financial benefit of the citizens of the city.

(B) This authority is for wholesale water and wholesale wastewater treatment only, and does not in any manner effect the individual service rates, charges and fees being charged of customers of the Utility Commission under the present rate structure.  
(Ord. 933, passed 12-8-97)

## **Division 2. Rates and Charges**

### **§ 31.225      *WATER METER CHARGES***

(A) Inside city limits. Each customer of the water system located inside the city limits shall have a separate water meter and shall pay a monthly meter service charge, which shall include the first two thousand (2,000) gallons, based on the size of the meter as follows:

## **LONDON - WATER AND SEWER**

<b><u>SIZE OF SERVICE</u></b>	<b><u>SERVICE CHARGE PER MONTH</u></b>
5/8 inch meter or less	\$9.40
3/4 inch meter	\$9.40
1 inch meter	\$11.61
1-1/4 or 1-1/2 inch meter	\$21.01
2 inch meter	\$34.61
3 inch meter	\$68.10
4 inch meter	\$104.90
6 inch meter	\$207.71

(B) Outside city limits. Each customer of the water system located outside the city limits shall have a separate water meter and shall pay a monthly meter service charge, which shall include the first two thousand (2,000) gallons, based on the size of the meter as follows:

<b><u>SIZE OF SERVICE</u></b>	<b><u>SERVICE CHARGE PER MONTH</u></b>
5/8 inch meter or less	\$14.04
3/4 inch meter	\$14.04
1 inch meter	\$17.30
1-1/4 or 1-1/2 inch meter	\$31.51
2 inch meter	\$51.96
3 inch meter	\$102.31
4 inch meter	\$157.29
6 inch meter	\$311.50

(Ord. 842, passed 1-27-92; Am. Ord. 964, passed 8-16-99; Am. Ord. 2004-17, passed 1-3-05; Am. Ord. 2007-04, passed 6-4-07; Am. Ord. 2009-06, passed 10-8-09)

## LONDON - WATER AND SEWER

### § 31.226      *WATER RATES*

(A)    Inside city limits.    Each customer located inside the city limits shall pay the following monthly rates for water supplied in addition to the monthly meter service charge stated in § 31.225.

<u>USAGE</u>	<u>CHARGE</u>
For the first 2,000 gallons	Minimum monthly meter charge
For the next 4,000 gallons	\$2.94 per 1,000 gallons
For the next 14,000 gallons	\$2.60 per 1,000 gallons
For the next 80,000 gallons	\$2.32 per 1,000 gallons
For the next 100,000 gallons	\$1.94 per 1,000 gallons
For the next 800,000 gallons	\$1.91 per 1,000 gallons
Over 1,000,000 gallons	\$1.84 per 1,000 gallons

(B)    Outside city limits.    Each customer located outside the city limits shall pay the following monthly rates for water supplied in addition to the monthly meter service charge stated in § 31.225.

<u>USAGE</u>	<u>CHARGE</u>
For the first 2,000 gallons	Minimum monthly meter charge
For the next 4,000 gallons	\$4.42 per 1,000 gallons
For the next 14,000 gallons	\$3.92 per 1,000 gallons
For the next 80,000 gallons	\$3.48 per 1,000 gallons
For the next 100,000 gallons	\$2.93 per 1,000 gallons
For the next 800,000 gallons	\$2.87 per 1,000 gallons
Over 1,000,000 gallons	\$2.76 per 1,000 gallons

(C)    Wholesale customers.    Each wholesale customer shall pay one dollar and thirty-five cents (\$1.35) per one thousand (1,000) gallons of water supplied.

(D)    (1)    All of the above water rates shall increase annually based on figures and calculations of the Consumer Price Index.

## **LONDON - WATER AND SEWER**

---

(2) The water rates shall be adjusted at the end of each twelve (12) month period. The water rates shall be adjusted by the amount of increase in inflation that has occurred during the preceding year.

(3) The monthly water rates provided herein are based on the Consumer Price Index for rent in the United States city average for urban wage earners and clerical workers as determined by the United States Department of Labor, Bureau of Labor Statistics.  
(Ord. 842, passed 1-27-92; Am. Ord. 886, passed 5-8-95; Am. Ord. 964, passed 8-16-99; Am. Ord. 2004-17, passed 1-3-05; Am. Ord. 2007-04, passed 6-4-07; Am. Ord. 2009-06, passed 10-8-09)

### **§ 31.227 FIRE PROTECTION SPRINKLER SYSTEM RATES**

Each customer who is supplied unmetered service for a fire protection sprinkler system shall pay an annual flat rate of one hundred dollars (\$100.00) for that unmetered service.  
(Ord. 842, passed 1-27-92; Am. Ord. 2004-17, passed 1-3-05; Am. Ord. 2007-04, passed 6-4-07; Am. Ord. 2009-06, passed 10-8-09)

### **§ 31.228 FIRE HYDRANT RENTAL RATES**

The city shall pay a fire hydrant rental of thirty-five dollars (\$35.00) per year for each fire hydrant meeting the National Board of Fire Underwriters requirements.  
(Ord. 842, passed 1-27-92; Am. Ord. 2004-17, passed 1-3-05; Am. Ord. 2007-04, passed 6-4-07; Am. Ord. 2009-06, passed 10-8-09)

#### **Cross reference:**

Development Code, public utilities, fire hydrants, see § 80.804

### **§ 31.229 TAP-ON FEES**

Each customer who applies for a new connection to the water system shall pay a water tap-on fee of five hundred dollars (\$500.00) for a three-quarter (3/4) inch line. The Utility Commission may charge actual cost of the installation of a three-quarter (3/4) inch service in cases where excessive amounts of material and labor are required to complete the installation. Each customer shall pay a water tap-on fee of the actual cost for larger than three-quarter (3/4) inch line, the actual or estimated cost of which shall be paid at the time of application, and any balance or refund shall be paid upon completion of the new connection.  
(Ord. 842, passed 1-27-92; Am. Ord. 1010, passed 6-3-02; Am. Ord. 2004-17, passed 1-3-05; Am. Ord. 2007-04, passed 6-4-07; Am. Ord. 2009-06, passed 10-8-09)

### **§ 31.230 BILLINGS; DELINQUENCY**

The Utility Commission shall read the water meter of each customer monthly and shall bill each customer monthly for all water service charges not later than the first day of each month. Payment shall be due on or before the 10th day following the date of the bill. The Utility



## **LONDON - WATER AND SEWER**

---

Commission may charge a penalty of ten percent (10%) of the outstanding balance of the current month's billing if payment has not been received by the 15th. Federal, state and county governmental entities and the public schools are not subject to the penalties stated herein. The Utility Commission may shut off or disconnect water service if payment has not been received on or before the 10th day after the date when payment was due. If water service is shut off or disconnected for failure to make payment, the Utility Commission shall charge the customer a fee in the amount of twenty-five dollars (\$25.00) to turn on or reconnect service in addition to payment of the past-due charges plus penalty. The Utility Commission may require a deposit in an amount to be determined by the Utility Commission, not to exceed two (2) months estimated water service, for a customer whose water service has been shut off or disconnected for failure to make payment before turning on or reconnecting service.

(Ord. 842, passed 1-27-92; Am. Ord. 867, passed 12-13-93; Am. Ord. 1000, passed 12-3-01; Am. Ord. 2007-04, passed 6-4-07)

### **§ 31.231      *APPLICATION FOR WATER SERVICE***

Each new customer shall make application to the Utility Commission for water and sewer service. The Utility Commission shall require a deposit of seventy dollars (\$75.00) for each residential lessee or renter customer and a deposit in an amount to be established by the Utility Commission, not to exceed two (2) months estimated water service, for each new commercial or industrial customer when the customer is not the owner of the premises to which water service is to be supplied. The deposit less any amount payable for water service shall be refunded when water service to that customer is discontinued. Each new customer shall pay twenty-five dollars (\$25.00) as a "turn on" fee when service is requested. The "turn on" fee is not refundable as it is for initial service.

(Ord. 842, passed 1-27-92; Am. Ord. 867, passed 12-13-93; Am. Ord. 2007-04, passed 6-4-07)

### **§ 31.232      *CLASSIFICATION OF CUSTOMERS***

(A) Each house, building, mobile home, or other structure and each residential unit in any house, building, or other structure shall be classified as a separate customer. Each hotel or motel shall be classified as a customer. Each customer for whom water service is supplied shall be separately connected to the water system and shall be metered separately. The Utility Commission shall establish procedures for billing residential units in any house, building, or other structure and mobile homes located in a trailer park which are not metered separately on the effective date of this article. The Utility Commission shall bill the person or other legal entity in whose name the water service is supplied a monthly meter service charge for water service for each unit which would be a customer if metered separately and shall divide the charges for the quantity of water for calculation of the water service charge and sewer service charge.

(B) The city shall be classified as a customer and shall pay for water service and sewer service for each location to which supplied the same as any other customer.

(Ord. 842, passed 1-27-92; Am. Ord. 2007-04, passed 6-4-07; Am. Ord. 2009-06, passed 10-8-09)

## **LONDON - WATER AND SEWER**

---

### **§ 31.999      *PENALTIES***

#### **(A)      Written Notice.**

(1) Any user found to be violating any provision of Article I or a wastewater permit or order issued thereunder shall be served by the Superintendent or their designee with written notice stating the nature of the violation. The offender shall permanently remedy all violations upon receipt of this notice.

(2) As contained in Division 9 of Article I, the notice may be of several forms. Also as contained in Division 9 of Article I, penalties of various forms may be levied against users for violations of Article I. The penalties, if levied, shall range from publication of violators in the local newspaper to administrative fines of up to one thousand dollars (\$1,000.00) per day per violation.

#### **(B)      Revocation of Permit.**

(1) Any user violating any of the provisions of Article I or a wastewater permit order issued thereunder may be subject to termination of its authority to discharge sewage into the municipal sewer system. Such termination may be immediate if necessary for the protection of the POTW. The user may also have water service terminated.

(2) Any user who violates the following conditions of Article I, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of Article I:

(a) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;

(b) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

(c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,

(d) Violation of conditions of the permit.

(C) Destruction of POTW. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the POTW. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct. It shall be noted that the Clean Water Act does not require proof of specific intent to obtain conviction.

## **LONDON - WATER AND SEWER**

---

(D) **Legal Action.** If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of Article I, federal or state pretreatment requirements or any order of the city, the city may commence an action for appropriate legal and/or equitable relief in the appropriate court of this jurisdiction.

(E) **Injunctive Relief.** Whenever an industrial user has violated or continues to violate the provisions of Article I or permit or order issued thereunder, the Superintendent, through counsel may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user.

(F) **Civil Penalties.**

(1) Any industrial user who has significantly violated or continues to violate Article I or any order or permit issued thereunder, may be liable to the Superintendent for a civil penalty of not more than five thousand dollars (\$5,000.00) per day plus actual damages incurred by the POTW per violation per day for as long as the violation continues. Each day in which such violation shall continue shall be deemed a separate offense. In addition to the above described penalty and damages, the Superintendent may recover reasonable attorney's fees, court costs, court reporter's fees, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(2) The Superintendent may petition the court to impose, assess and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.

(G) **Criminal Prosecution.**

(1) Any industrial user who willfully or negligently violates any provision of Article I or any orders or permits issued thereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed five thousand dollars (\$5,000.00) per violation per day or imprisonment for not more than one (1) year or both.

(2) Any industrial user who knowingly and/or negligently makes any false statements, representation or certification of any application, record, report, plan or other document filed or required to be maintained pursuant to Article I, or Industrial User Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under Article I shall, upon conviction, be punished by a fine of not more than five thousand dollars (\$5,000.00) or by imprisonment for not more than twelve (12) months, or by both.

## **LONDON - WATER AND SEWER**

---

(3) In the event of a second conviction, the user shall be punishable by a fine not to exceed ten thousand dollars (\$10,000.00) per violation per day or imprisonment for not more than three (3) years or both.  
(Ord. 2011-09, passed 12-12-11)

## **TITLE 4: TRAFFIC REGULATIONS**

---

**CHAPTER 40**

**MOTOR VEHICLE REGULATION**

**CHAPTER 41**

**STREETS AND SIDEWALKS**

## **LONDON - TRAFFIC REGULATIONS**

---

## **CHAPTER 40: MOTOR VEHICLE REGULATION**

### **ARTICLE I.**

### **GENERAL PROVISIONS**

40.001	Short Title
40.002	Definitions
40.003	Compliance required
40.004	Obedience to police and fire personnel
40.005	Application of chapter to public employees
40.006	Application of regulations to persons propelling pushcarts or riding animals
40.007	Speed limitations; emergency or public safety vehicles exempted

### **ARTICLE II.**

### **ADMINISTRATION AND ENFORCEMENT**

40.020	Police and fire department authority
40.021	Records of traffic violations; drivers' files
40.022	Accident investigations, studies, and reports

### **ARTICLE III.**

### **IMPOUNDMENT**

40.030	Impoundment of vehicles
40.031	Challenge of validity; request for hearing
40.032	Notice of impoundment
40.033	Lien

### **ARTICLE IV.**

### **TRAFFIC-CONTROL DEVICES**

40.040	Authority to install; manual and specifications
40.041	Obedience required
40.042	When devices required
40.043	Traffic-control signal legend
40.044	Pedestrian signals
40.045	Flashing signals
40.046	Temporary closing of streets
40.047	Crosswalks, safety zones, and traffic lanes
40.048	Interference with signs or signals
40.049	Display of unauthorized signs, signals, or markings

### **ARTICLE V.**

### **TRAFFIC RULES; GENERAL PROVISIONS**

40.060	One-way streets and alleys
40.061	Two-way streets
40.062	Through lanes
40.063	Left-turn lanes
40.064	U-turns prohibited
40.065	Approach of emergency vehicles

# **LONDON - MOTOR VEHICLE REGULATION**

---

## **ARTICLE V. TRAFFIC RULES; GENERAL PROVISIONS (Cont'd)**

- 40.066 Following fire apparatus; crossing fire hose
- 40.067 Driving through safety zones prohibited
- 40.068 Duties of operators

## **ARTICLE VI. SPEED REGULATIONS**

- 40.080 Application of state speed laws
- 40.081 Regulation of speed by traffic signals
- 40.082 Speed limits

## **ARTICLE VII. STOP REGULATIONS; SCHEDULES**

### **Division 1. General Provisions**

- 40.090 Stop signs; obedience required
- 40.091 Intersections where stop required
- 40.092 Emerging from alley or private drive
- 40.093 Stop when traffic obstructed

### **Division 2. Stop Sign Schedules**

- 40.095 Three-way stop intersections
- 40.096 Four-way stop intersections

## **ARTICLE VIII. PARADES AND FUNERAL PROCESSIONS**

### **Division 1. Funeral Processions**

- 40.100 Identification of funeral procession
- 40.101 Driving in funeral processions

### **Division 2. Parades**

- 40.110 Definitions
- 40.111 Permit required; exceptions
- 40.112 Written application
- 40.113 Standards for issuance of permit
- 40.114 Insurance
- 40.115 Application form

## **ARTICLE IX. STOPPING, STANDING, OR PARKING PROHIBITED IN CERTAIN PLACES**

- 40.130 Official signs required



# **LONDON - MOTOR VEHICLE REGULATION**

---

## **ARTICLE IX.**

### **STOPPING, STANDING, OR PARKING PROHIBITED IN CERTAIN PLACES (Cont'd)**

40.131	Stopping, standing, or parking prohibited
40.132	Obstructing traffic
40.133	Parking when snow or ice conditions exist
40.134	Parking in alleys
40.135	Displaying for sale; washing or greasing
40.137	Parking on narrow streets
40.138	Parking on one-way streets and roadways
40.139	Stopping, standing, or parking near hazardous or congested places

## **ARTICLE X.**

### **PARKING VIOLATIONS; PROHIBITIONS**

#### **Division 1.**

#### **Violations**

40.150	Notice on illegally parked vehicle
40.151	Failure to comply with notice
40.152	Contesting determination that violation occurred; request for hearing
40.153	Appeals
40.154	Prepayment of fines for certain parking violations

#### **Division 2.**

#### **Prohibitions**

40.160	Double parking; slanted parking
40.161	Moving vehicle from parking space
40.162	Parking of trucks without protecting streets
40.163	Parking fees and fines

## **ARTICLE XI.**

### **PARKING SCHEDULES; PERMITS**

#### **Division 1.**

#### **Parking Schedules**

40.170	No parking zones
40.171	No charge for parking in previously metered spaces
40.172	Parking reserved for official vehicles
40.173	Free taxi-parking zones
40.174	Unloading, loading zones
40.175	Automobile only parking zones
40.176	Parking for persons with disabilities; penalty
40.177	One-hour parking
40.178	Fire lanes

# **LONDON - MOTOR VEHICLE REGULATION**

---

## **Division 2.**

## **Parking Permits**

40.185                      Parking permits

## **ARTICLE XII.**

## **PEDESTRIANS**

40.300                      Pedestrians subject to traffic-control signals  
40.301                      Pedestrians' right-of-way in crosswalks  
40.302                      Pedestrians to use right half of crosswalk  
40.303                      Crossing at right angles  
40.304                      Pedestrian to yield right-of-way in certain cases  
40.305                      Prohibited crossing  
40.306                      Pedestrians walking along roadways  
40.307                      Soliciting rides, business prohibited  
40.308                      Emergency vehicles  
40.309                      Pedestrians on bridges, railroad crossings  
40.310                      Drivers to exercise due care

## **ARTICLE XIII.**

## **BICYCLES**

40.400                      Application of traffic laws  
40.401                      Compliance required; parental responsibility  
40.402                      Obedience to traffic-control devices  
40.403                      Riding on seat  
40.404                      Number of riders  
40.405                      Riding on roadways or bicycle paths  
40.406                      Riding on sidewalks  
40.407                      Speed  
40.408                      Parking  
40.409                      Emerging from alley or driveway  
40.410                      Clinging to vehicles  
40.411                      Carrying articles  
40.412                      Equipment

## **ARTICLE XIV.**

## **LOAD LIMITS; HAULING OF GOODS**

40.500                      Maximum load weights on certain streets  
40.501                      Hauling of excessive loads prohibited  
40.502                      Truck refrigeration limits

## **ARTICLE XV.**

## **GOLF CARTS**

40.510                      Definitions  
40.511                      Requirements for operation of golf carts and exemptions  
  
40.999                      Penalty

# **LONDON - MOTOR VEHICLE REGULATION**

---

## **ARTICLE I. GENERAL PROVISIONS**

### **§ 40.001      *SHORT TITLE***

This chapter may be known and cited as the Traffic Regulations Code.

### **§ 40.002      *DEFINITIONS***

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

**"ALLEY."**      A narrow roadway between city blocks.

**"AUTHORIZED EMERGENCY VEHICLE."**      Any vehicle used for emergency purposes by a fire department; any vehicle used for emergency purposes by the State Police, a public police department, or sheriff's office; any vehicle used for emergency purposes by a rescue squad; any publicly owned vehicle used for emergency purposes by a civil defense agency; ambulances; any vehicle commandeered by a police officer; or any motor vehicle used by a volunteer fireman while responding to an emergency.

**"BICYCLE."**      Every device propelled by human power on which any person may ride, having two (2) tandem wheels either of which is over twenty (20) inches in diameter, and including any device generally recognized as a bicycle though equipped with two (2) front or two (2) rear wheels.

**"BUSINESS DISTRICT."**      The territory so designated by the zoning code.

**"CROSSWALK."**

(A)      That part of a roadway at an intersection within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway.

(B)      Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.  
(KRS 189.010)

**"CURB LOADING ZONE."**      A space adjacent to a curb reserved for the exclusive use of vehicles during the loading and unloading of passengers or materials.

**"DOUBLE PARKING."**      Parking on the road-way side of any vehicle stopped or parked at the edge or curb of a street.  
(Ord. 324, passed 5-6-47; Am. Ord. 381, passed 3-6-51)

## **LONDON - MOTOR VEHICLE REGULATION**

---

**"DRIVER" or "OPERATOR. "** The person in actual physical control of a vehicle.  
(KRS 189.010)

**"FREIGHT CURB LOADING ZONE. "** A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight of passengers.

**"FUNERAL PROCESSION. "** Two (2) or more vehicles accompanying the body of a deceased person when each vehicle has its headlights on or is displaying a pennant attached in such a manner as to be clearly visible to approaching traffic.  
(KRS 189.378(1))

**"HIGHWAY. "** The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**"INTERSECTION. "**

(A) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another, but do not necessarily continue, at approximately right angles, or the area within which vehicles traveling on different highways joining at any other angle may come in conflict.

(B) Where a highway includes two roadways thirty (30) feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate intersection. In the event the intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of the highways shall be regarded as a separate intersection. The junction of a private alley with a public street or highway shall not constitute an **"INTERSECTION. "**

**"LANED ROADWAY. "** A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

**"LIMITED-ACCESS HIGHWAY. "** Every highway, street, or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street, or roadway.

**"MOTOR VEHICLE. "** Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated on rails.

**"MOTORCYCLE. "** Any motor driven vehicle having a seat or saddle for the use of the operator and designed to travel on not more than three (3) wheels in contact with the ground, but excluding tractors and vehicles on which the operator and passengers ride in an enclosed cab and excluding mopeds as defined in KRS 189.285.  
(KRS 189.285)

## **LONDON - MOTOR VEHICLE REGULATION**

---

**"OFFICIAL TIME STANDARD."** Whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in the city.

**"OFFICIAL TRAFFIC-CONTROL DEVICES."** All signs, signals, markings, and devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or dividing traffic.  
(KRS 189.337)

**"OPERATOR."** Any individual who shall operate a vehicle as the owner or agent, employee or permittee of the owner.  
(Ord. 324, passed 5-6-47; Am. Ord. 381, passed 3-6-51)

**"PARK."** When prohibited means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

**"PASSENGER CURB LOADING ZONE."** A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

**"PEDESTRIAN."** Any person afoot. (KRS 189.010)

**"POLICE OFFICER."** Every officer of the Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

**"PRIVATE ROAD OR DRIVEWAY."** Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

**"PUBLIC SAFETY VEHICLE."** Public utility repair vehicle; wreckers; state, county, or municipal service vehicles and equipment; highway equipment which performs work that requires stopping and standing or moving at slow speeds within the traveled portions of highways; and vehicles which are escorting wide-load or slow-moving trailers or trucks. (KRS 189.910)

**"RAILROAD."** A carrier of persons or property on cars, other than street cars, operated on stationary rails.

**"RAILROAD TRAIN."** A steam engine, electric or other motor, with or without cars coupled thereto, operated on rails, except street cars.

**"RESIDENCE DISTRICT."** The territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.  
(KRS 189.390)

**"RIGHT-OF-WAY."** The right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of

## **LONDON - MOTOR VEHICLE REGULATION**

---

direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

(KRS 189.010)

**"ROADWAY."** That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways the term **"ROADWAY"** as used herein shall refer to any roadway separately but not to all roadways collectively.

(KRS 189.010)

**"SAFETY ZONE."** The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(KRS 189.010)

**"SIDEWALK."** That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

**"STOP."** When required means complete cessation of movement.

**"STOP, STOPPING, OR STANDING."** When prohibited means any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic, or in compliance with the direction of a police officer or traffic-control sign or signal.

**"STREET."** Any public street, avenue, road, boulevard, highway or other public place located in the city and established for the use of vehicles.

(Ord. 321, passed 5-6-47; Am. Ord. 381, passed 3-6-51)

**"THROUGH HIGHWAY."** Every street or highway or portion thereof at the entrances to which vehicular traffic from intersecting streets or highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this act.

**"TRAFFIC."** Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyance either singly or together while using any street for purposes of travel.

**"TRAFFIC-CONTROL SIGNAL."** Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

**"TRAFFIC DIVISION."** The Traffic Division of the Police Department of the city, or in the event a Traffic Division is not established, then the term whenever used herein shall be deemed to refer to the Police Department of this city.

**"VEHICLE."** Includes all agencies for the transportation of persons or property over or upon the public highways of the Commonwealth and all vehicles passing over or upon the highways. **"MOTOR VEHICLE."** Includes all vehicles, as defined above except, road rollers; road graders; farm tractors; vehicles on which power shovels are mounted; construction

## **LONDON - MOTOR VEHICLE REGULATION**

---

equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways; vehicles that travel exclusively upon rails; vehicles propelled by electric power obtained from overhead wires while being operated within any municipality of where the vehicles do not travel more than five (5) miles beyond the city limits of any municipality; and vehicles propelled by muscular power.

(KRS 189.010(19))

---

### **Statutory reference:**

Emergency vehicles defined, see KRS 189.910(1)

### **§ 40.003      *COMPLIANCE REQUIRED***

It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.

Penalty, see § 40.999

---

### **Cross reference:**

Application of regulations to persons riding bicycles, see § 40.400

### **§ 40.004      *OBEDIENCE TO POLICE AND FIRE PERSONNEL***

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or Fire Department official.

Penalty, see § 40.999

### **§ 40.005      *APPLICATION OF CHAPTER TO PUBLIC EMPLOYEES***

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county, or city, and it shall be unlawful for any driver to violate any of the provisions of this chapter, except as otherwise permitted by ordinance or state statute.

Penalty, see § 40.999

### **§ 40.006      *APPLICATION OF REGULATIONS TO PERSONS PROPELLING PUSHCARTS OR RIDING ANIMALS***

Every person propelling any pushcart or riding an animal on a roadway and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application.

### **§ 40.007      *SPEED LIMITATIONS; EMERGENCY OR PUBLIC SAFETY VEHICLES EXEMPTED***

(A)    (1)    Except as provided in § 40.101, the speed limitations set forth in this chapter do not apply to emergency vehicles:

## **LONDON - MOTOR VEHICLE REGULATION**

---

- (a) When responding to emergency calls; or
- (b) To police vehicles when in pursuit of an actual or suspected violator of the law; or
- (c) To ambulances when transporting a patient to medical care facilities; and
- (d) The driver thereof is giving the warning required by division (E)(1) and (2) of this section.

(2) No portion of this division (A) shall be construed to relieve the driver of the duty to operate the vehicle with due regard for the safety of all persons using the street or highway.

(B) The driver of an emergency vehicle, when responding to an emergency call, or of a police vehicle in pursuit of an actual or suspected violator of the law, or of an ambulance transporting a patient to a medical care facility and giving the warning required by division (E), upon approaching any red light or stop signal or any stop sign shall slow down as necessary for safety to traffic, but may proceed past such red or stop light or stop sign with due regard for the safety of persons using the street or highway.

(C) The driver of an emergency vehicle, when responding to an emergency call, or of a police vehicle in pursuit of an actual or suspected violator of the law, or of an ambulance transporting a patient to a medical care facility and giving warning required by division (E), may drive on the left side of any highway or in the opposite direction of a one-way street provided the normal lanes of traffic are blocked and he does so with due regard for the safety of all persons using the street or highway.

(D) The driver of an emergency or public safety vehicle may stop or park his or her vehicle upon any street or highway without regard to the provisions of KRS 189.390 and 189.450, provided that, during the time the vehicle is parked at the scene of an emergency, at least one (1) warning light is in operation at all times.

(E) The driver of an emergency vehicle desiring the use of any option granted by divisions (A) through (C) above shall give warning in the following manner:

(1) By illuminating the vehicle's warning lights continuously during the period of the emergency; and

(2) By continuous sounding of the vehicle's siren, bell, or exhaust whistle; unless

(3) The vehicle is an ambulance and the driver is of the opinion that sounding of the siren, bell, or exhaust whistle would be detrimental to the victim's health. In the event the driver of an ambulance elects not to use the siren, bell, or exhaust whistle he or she shall not



## **LONDON - MOTOR VEHICLE REGULATION**

---

proceed past red lights or drive in the opposite direction on a one-way street or in oncoming lanes of traffic unless no other vehicles are within five hundred (500) feet of the front of the ambulance. The driver shall not extinguish the warning lights during the period of the emergency.

(F) No driver or operator of any emergency or public safety or other vehicle shall use the warning lights or siren, bell, or exhaust whistle of his or her vehicle for any purposes or under any circumstances other than those permitted by KRS 189.910 to 189.950.

(G) KRS 189.910 to 189.950 does not relieve the driver of any emergency or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(KRS 189.940) Penalty, see § 40.999

---

### **Cross reference:**

Approach of emergency vehicles, see § 40.065

## **ARTICLE II. ADMINISTRATION AND ENFORCEMENT**

### **§ 40.020 POLICE AND FIRE DEPARTMENT AUTHORITY**

(A) It shall be the duty of the officers of the Police Department or any officers as are assigned by the Chief of Police to enforce all street traffic laws of this city and all of the state vehicle laws applicable to street traffic in this city.

(B) Officers of the Police Department or any officers as are assigned by the Chief of Police are authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(C) Personnel of the Fire Department, when at the scene of a fire, may direct or assist the Police Department in directing traffic thereat or in the immediate vicinity.

---

### **Cross reference:**

Police Department, duty to answer fire alarms; assist Fire Department, see § 22.004

### **§ 40.021 RECORDS OF TRAFFIC VIOLATIONS; DRIVERS' FILES**

(A) The Police Department shall keep a record of all violations of the traffic ordinances of the city or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. This record shall be so maintained as to show all types of violations and the total of each. The record shall accumulate during at least a five (5) year period and from that time on, the record shall be maintained complete for at least the most recent five (5) year period.

## **LONDON - MOTOR VEHICLE REGULATION**

---

(B) All forms for records of violations and notice of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.

(C) All such records and reports shall be public records.

### **§ 40.022 ACCIDENT INVESTIGATIONS, STUDIES, AND REPORTS**

(A) It shall be the duty of officers of the Police Department, to investigate traffic accidents, and to arrest and assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

(B) Whenever the accidents at any particular location become numerous, officers of the Police Department shall conduct studies of accidents and determine remedial measures.

(C) A suitable system of filing traffic accident reports shall be maintained. Accident reports or cards referring to them shall be filed alphabetically by location. The reports shall be available for the use and information of the city. The Police Department shall receive and properly file all accident reports made to it under state law or under any ordinance of this city, but all such accident reports made by drivers shall be for the confidential use of the Police Department. No such report shall be admissible in any civil or criminal proceeding other than on request of any person asking for the report or on request of the court having jurisdiction to prove a compliance with the laws requiring the making of all such reports.

## **ARTICLE III. IMPOUNDMENT**

### **§ 40.030 IMPOUNDMENT OF VEHICLES**

(A) The city shall, by acting through the Police Department, impound any motor vehicle, parked, stopped or standing upon a street or public way within the city in violation of an ordinance or statutes prohibiting parking, stopping or standing in the location, manner, or at the time the vehicle is cited or for any other lawful reason.

(B) In addition to fines levied for the parking or traffic offense, costs for towing, handling and storage shall also be imposed upon the impounded vehicles; the costs shall be the actual costs charged by the particular business for towing, handling and storage and the actual costs shall be viewed as reasonable costs.

(C) The impounded vehicle shall not be released until payment of the towing, handling and storage charges unless the owner or other person entitled to possession of the vehicle challenges the validity of the impoundment as provided in § 40.031.

(D) A vehicle impounded shall be released to the owner or other person entitled to possession only upon proof of ownership or right of possession. If the person to whom the motor vehicle is released is not the registered owner of the vehicle, the city retains the specific right to

## **LONDON - MOTOR VEHICLE REGULATION**

---

require reasonable security, bond, or other assurances of indemnification from the person who is not the registered owner of the vehicle prior to releasing the vehicle to the person.  
(Ord. 918, passed 12-9-96)

**Cross reference:**

Parking violations, see §§ 40.150 - 40.154

**§ 40.031      *CHALLENGE OF VALIDITY; REQUEST FOR HEARING***

(A) The owner of a motor vehicle which has been impounded pursuant to this article or any other person entitled to possession may challenge the validity of the impoundment and request, in writing, a hearing before the hearing board. The hearing shall be conducted within ten (10) business days of the date of the request, unless the owner or other person entitled to

## **LONDON - MOTOR VEHICLE REGULATION**

---

## **LONDON - MOTOR VEHICLE REGULATION**

---

possession waives the limitation or the city shows good cause for the delay.

(B) The city shall retain possession of the vehicle pending the hearing, unless the owner or other person claiming right of possession posts a bond in an amount equal to the fines, fees, and costs accrued as of the date of the hearing request, or seventy-five dollars (\$75.00), whichever is less.

(C) If the owner or person claiming possession of the vehicle is unable to pay the amount of the bond, the hearing shall be held within seventy-two (72) hours of the date the request of hearing is received, unless the person requests or agrees to a continuance.

(D) No less than five (5) days prior to the date set for the hearing, the city shall notify the person requesting the hearing of the date, time and place of the hearing. In the case of a hearing required to be had within seventy-two (72) hours of the date of the hearing as provided in subsection (C), the person requesting a hearing shall be informed at the time of his request, or as soon thereafter as is practical, of the date and time of the hearing.

(E) Any person who refuses, or except for good cause, fails to appear at the time and place set for the hearing shall be deemed to have conceded on his and the owner's behalf, the validity of the impoundment.

(F) (1) At the hearing, after consideration of the evidence, the board shall determine whether the impoundment was valid and reasonable.

(2) Where it has not been established that the impoundment was justified, an order releasing the vehicle shall be entered.

(3) All fines and fees paid or amounts posted as bond because of the impoundment of the vehicle shall be returned.

(4) Where it has been established that the impoundment was justified, the board shall uphold the impoundment and condition the release of the vehicle upon payment of all fines, fees, and costs accruing thereto.

(5) If bond has been posted as security for release of the vehicle, the bond shall be forfeited to the city.

(6) Any fines, fees or costs in excess of the amount of the bond posted shall be ordered to be paid by the owner of the vehicle to the city.

(7) The board shall furnish the owner or person appearing on the owner's behalf with a copy of its order.

(8) The board may consider a parking citation and any other written report made under oath by the issuing officer in lieu of the officer's personal appearance at the hearing.

## **LONDON - MOTOR VEHICLE REGULATION**

---

(G) (1) An appeal from the hearing board's determination may be made to the District Court of Laurel County within seven (7) days of the board's determination.

(2) The appeal shall be initiated by the filing of a complaint and a copy of the board's order in the same manner as any other civil action.

(3) The action shall be tried de novo and the burden shall on the city to establish that impoundment was justified. If the Court finds that the impoundment was justified, the owner shall be ordered to pay all fines and fees accruing as of the date of the judgment. If the Court finds that the impoundment was not justified, the city shall be ordered to release the vehicle, if applicable, and to return all fines and fees paid as a result of the impoundment and the plaintiff shall be authorized to recover his costs.

(4) The judgment of the District Court may be appealed to the Circuit Court in accordance with the Kentucky Rules of Civil Procedure.  
(Ord. 918, passed 12-9-96)

### **§ 40.032 NOTICE OF IMPOUNDMENT**

(A) If within ten (10) business days of the impoundment of a motor vehicle by the city has not been claimed, or a hearing has not been requested pursuant to this article and KRS 82.625, notice shall be mailed by certified mail to the registered owner, if known, and lienholders of record, if any, affording such parties the right within ten (10) days from the date of notice to claim the vehicle or request a hearing pursuant to this article and KRS 82.625.

(B) The notice shall state that, if no hearing is requested, the vehicle will be deemed abandoned unless the charges thereon are paid within ninety (90) days of receipt of notice. It shall be presumed upon mailing that receipt of notice was made.

(C) After ninety (90) days from the date of notice required by subsection (A), an impounded motor vehicle shall be deemed abandoned and the vehicle shall escheat to the city. If the vehicle is judged suitable for use, the city may obtain a certificate of registration and ownership from the County Court Clerk pursuant to KRS 186.020 and either use the vehicle for governmental purposes or sell the vehicle at public auction to the highest bidder. If the vehicle is not suitable for use, it may be sold for its scrap or junk value.  
(Ord. 918, passed 12-9-96)

### **§ 40.033 LIEN**

The city shall possess a lien on a motor vehicle impounded pursuant to this article and KRS 82.625 for all fines, penalties, towing, handling, storage charges, and fees imposed hereon. The lien shall be superior to and have priority over all other liens pursuant to KRS 82.625. Nothing in this article shall otherwise affect the rights or obligations between the owner of the motor vehicle and those persons who claim a security interest thereon.

# **LONDON - MOTOR VEHICLE REGULATION**

---

## **ARTICLE IV. TRAFFIC-CONTROL DEVICES**

### **§ 40.040      *AUTHORITY TO INSTALL; MANUAL AND SPECIFICATIONS***

(A) The Superintendent of Public Works shall place and maintain traffic-control signs, signals, and devices when and as required under this chapter to make effective the provisions of this chapter, and may place and maintain any additional traffic-control devices as he may deem necessary to regulate traffic under this chapter or under state law, or to guide or warn traffic.

(B) All traffic-control signs, signals, and devices shall conform to the manual and specifications approved by the Department of Transportation and Bureau of Highways. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic-control devices so erected and not inconsistent with the provisions of state law or this chapter shall be official traffic-control devices.

### **§ 40.041      *OBEDIENCE REQUIRED***

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with this chapter, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

---

**Cross reference:**

Penalty for violation, see § 40.999

### **§ 40.042      *WHEN DEVICES REQUIRED***

No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinary observant person. Whenever a particular section does not state that signs are required, the section shall be effective even though no signs are erected or in place.

---

**Cross reference:**

Penalty for violation, see § 40.999

### **§ 40.043      *TRAFFIC-CONTROL SIGNAL LEGEND***

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one (1) at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word legend or symbolic message, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows.

(A) *Green indication.*

## **LONDON - MOTOR VEHICLE REGULATION**

---

(1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by the arrow, or any other movement as is permitted by other indications shown at the same time. Vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(3) Unless otherwise directed by a pedestrian-control signal, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(4) Vehicular traffic that entered an intersection on a circular green or yellow indication is allowed to complete a left turn during the red indication.

**(B) *Steady yellow indication.***

(1) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(2) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

**(C) *Steady red indication.***

(1) Vehicular traffic facing a circular red signal alone shall stop at a clearly marked stop line, but if none, then before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until a green indication is shown except as follows.

(a) The driver of a vehicle which is stopped as required by division (C)(1) above with the intention of making a right turn, may make the right turn, after stopping, unless an official sign has been erected prohibiting such movement, but shall yield the right-of-way to pedestrians and other traffic lawfully proceeding through the intersection.

(b) The driver of a vehicle which is stopped as required by division (C)(1) above whose vehicle is in the left lane of a one-way highway with the intention of making a left turn onto the left lane of another one-way highway with the flow of traffic, may make the left turn, after



## LONDON - MOTOR VEHICLE REGULATION

---

stopping, unless an official sign has been erected prohibiting such movement, but shall yield the right-of-way to pedestrians and other traffic lawfully proceeding through the intersection; and

(c) In instances where there are two (2) right turn lanes, an allowable turn under this division may be made from either lane unless a regulatory sign specifically prohibits it.

(2) The city may, by ordinance, prohibit any such right or left turn against a steady red signal at any intersection, which prohibition shall be effective when an official sign prohibiting the movement is erected at the intersection.

(3) Unless otherwise directed by a pedestrian-control signal, pedestrians facing a steady red signal alone shall not enter the roadway.

(D) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(E) Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic sign it shall require obedience by vehicular traffic as follows:

(1) *Flashing red (stop signal)*. When a red lens is illuminated with rapid intermittent flashes, operators of vehicles shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; and

(2) *Flashing yellow (caution signal)*. When a yellow lens is illuminated with rapid intermittent flashes, operators of vehicles may proceed through the intersection or past such signal only with caution.

(F) Any person operating a motorcycle who violates division (C) of this section by entering or crossing an intersection controlled by a traffic control signal against a steady red light shall have an affirmative defense to that charge if the person establishes all of the following conditions:

(1) The motorcycle was brought to a complete stop;

(2) The traffic control signal continued to show a steady red light for one hundred twenty (120) seconds or the traffic control signal at the intersection has completed two (2) lighting cycles;

## **LONDON - MOTOR VEHICLE REGULATION**

---

(3) The traffic control signal was apparently malfunctioning or, if programmed or engineered to change to a green light only after detecting the approach of a motor vehicle, the signal apparently failed to detect the arrival of a motorcycle; and

(4) No motor vehicle or person was approaching on the street or highway to be crossed or entered, or any approaching person or vehicle was so far away from the intersection that it did not constitute an immediate hazard.

(G) The affirmative defense outlined in division (F) of this section shall only apply to a violation for entering or crossing an intersection controlled by a traffic signal against a steady red light and shall not provide a defense to any other civil or criminal action.

(H) In the event a motorcyclist exercises the affirmative defense provisions set forth in division (F) of this section, the Transportation Cabinet or its employees are specifically immune from any and all civil liability arising from any such claim, lawsuit, or dispute. Any claim, lawsuit, or dispute against the Transportation Cabinet as a result of the affirmative defense set forth in division (F) of this section, shall be brought using the provisions outlined in KRS Chapter 44.  
(KRS 189.338)

---

### **Cross reference:**

Flashing signals, see § 40.045

Penalty for violation, see § 40.999

### **§ 40.044 PEDESTRIAN SIGNALS**

Whenever special pedestrian-control signals exhibiting the words “walk” or “wait” are in place the signals shall indicate as follows.

(A) *Walk.* Pedestrians facing this signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(B) *Wait.* No pedestrian shall start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing.

---

### **Cross reference:**

Pedestrians subject to traffic-control signals, see § 40.300

Penalty for violation, see § 40.999

### **§ 40.045 FLASHING SIGNALS**

Whenever illuminated flashing red or yellow lights are used in a traffic signal or with a traffic sign, they shall require obedience by vehicular traffic as follows.

(A) *Flashing red (stop signal).* When a red lens is illuminated with rapid intermittent flashes, operators of vehicles shall stop at a clearly marked stop line, but if none, before entering the

## **LONDON - MOTOR VEHICLE REGULATION**

---

crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(B) *Flashing yellow (caution signal).* When a yellow lens is illuminated with rapid intermittent flashes, operators of vehicles may proceed through the intersection or past the signal only with caution.  
(KRS 189.338)

---

**Cross reference:**

Penalty for violation, see § 40.999

§ 40.046      *TEMPORARY CLOSING OF STREETS*

(A) The Superintendent of Public Works shall, with approval of Council, have authority to declare any street or part thereof temporarily closed and to place appropriate signs or devices in the roadway indicating and helping to protect the street.

(B) Whenever authorized signs are erected indicating any street or part thereof temporarily closed, no person shall drive a vehicle on any such street or portion thereof except drivers of vehicles having business or whose residences are within the closed area, and then any driver shall exercise the greatest care in driving on any such street or portion thereof.

---

**Cross reference:**

Penalty for violation, see § 40.999

§ 40.047      *CROSSWALKS, SAFETY ZONES, AND TRAFFIC LANES*

The Superintendent of Public Works is hereby authorized to do the following.

(A) Designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at any other places as he may deem necessary.

(B) Establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

(C) Mark lanes for traffic on street pavements at such places as he may deem advisable, consistent with this chapter.

---

**Cross reference:**

Penalty for violation, see § 40.999

## **LONDON - MOTOR VEHICLE REGULATION**

---

### **§ 40.048      *INTERFERENCE WITH SIGNS OR SIGNALS***

(A) No person shall place, maintain, or display on or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or railroad sign or signal. No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection on private property

## LONDON - MOTOR VEHICLE REGULATION

---

(3) Unless otherwise directed by a pedestrian-control signal, pedestrians facing a steady red signal alone shall not enter the roadway.

(D) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(KRS 189.338)

---

**Cross reference:**

Flashing signals, see § 40.045

Penalty for violation, see § 40.999

### § 40.044 PEDESTRIAN SIGNALS

Whenever special pedestrian-control signals exhibiting the words "walk" or "wait" are in place the signals shall indicate as follows.

(A) *Walk.* Pedestrians facing this signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(B) *Wait.* No pedestrian shall start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing.

---

**Cross reference:**

Pedestrians subject to traffic-control signals, see § 40.300

Penalty for violation, see § 40.999

### § 40.045 FLASHING SIGNALS

Whenever illuminated flashing red or yellow lights are used in a traffic signal or with a traffic sign, they shall require obedience by vehicular traffic as follows.

(A) *Flashing red (stop signal).* When a red lens is illuminated with rapid intermittent flashes, operators of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(B) *Flashing yellow (caution signal).* When a yellow lens is illuminated with rapid intermittent flashes, operators of vehicles may proceed through the intersection or past the signal

## **LONDON - MOTOR VEHICLE REGULATION**

---

only with caution.  
(KRS 189.338)

---

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.046      *TEMPORARY CLOSING OF STREETS***

(A) The Superintendent of Public Works shall, with approval of Council, have authority to declare any street or part thereof temporarily closed and to place appropriate signs or devices in the roadway indicating and helping to protect the street.

(B) Whenever authorized signs are erected indicating any street or part thereof temporarily closed, no person shall drive a vehicle on any such street or portion thereof except drivers of vehicles having business or whose residences are within the closed area, and then any driver shall exercise the greatest care in driving on any such street or portion thereof.

---

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.047      *CROSSWALKS, SAFETY ZONES, AND TRAFFIC LANES***

The Superintendent of Public Works is hereby authorized to do the following.

(A) Designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at any other places as he may deem necessary.

(B) Establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

(C) Mark lanes for traffic on street pavements at such places as he may deem advisable, consistent with this chapter.

---

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.048      *INTERFERENCE WITH SIGNS OR SIGNALS***

(A) No person shall place, maintain, or display on or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or railroad sign or signal. No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection on private property

## **LONDON - MOTOR VEHICLE REGULATION**

---

adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(B) Every prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the sign or cause it to be removed without notice.

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.049      *DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS, OR MARKINGS***

(A) No person shall place, maintain, or display on or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or railroad sign or signal. No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection on private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(B) Every prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the sign or cause it to be removed without notice.

**Cross reference:**

Development Code, signs, see §§ 80.575 – 80.587

Nuisances, see Ch. 50

Offenses, posting of signs, see § 52.005

Penalty for violation, see § 40.999

## **ARTICLE V. TRAFFIC RULES; GENERAL PROVISIONS**

**§ 40.060      *ONE-WAY STREETS AND ALLEYS***

(A) Whenever any ordinance of this city designates any one-way street or alley, the Chief of Police or any other persons authorized by the Mayor shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless the signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

(Ord. 712, passed 6-21-82)

(B) The following streets shall be one-way:

## **LONDON - MOTOR VEHICLE REGULATION**

<u>STREET</u>	<u>BETWEEN</u>	<u>DIRECTION</u>	<u>ORD. NO.</u>
East Second Street	Main Street and Hill Street	East	712, 6-21-82
East Sixth Street	Main Street and Hill Street	East	712, 6-21-82
East Tenth Street	Main Street and Hill Street	East	712, 6-21-82
Hill Street	Tenth Street and Maple Street	South	712, 6-21-82
West Sixth Street	Main Street and Broad Street	West	712, 6-21-82
West Third Street	Broad Street to Main Street	East	2003-01

### **Cross reference:**

Penalty for violation, see § 40.999

### **§ 40.061 TWO-WAY STREETS**

The following streets are hereby designated as two-way streets:

<u>STREET</u>	<u>FROM</u>	<u>ORD. NO.</u>
Fifth Street	Hill Street to Main Street	560, 12-27-68
Hill Street	Third Street to Second Street	560, 12-27-68

### **§ 40.062 THROUGH LANES**

The following lanes on the streets indicated are hereby designated as through lanes:

<u>STREET</u>	<u>FROM</u>	<u>LANE</u>	<u>ORD. NO.</u>
Main Street, Western side	Fifth Street, Western side	Next to the courthouse	360, 8-9-49

### **§ 40.063 LEFT-TURN LANES**

The following lanes on the streets indicated are hereby designated as left-turn lanes:

<u>STREET</u>	<u>FROM</u>	<u>LANE</u>	<u>ORD. NO.</u>
Main Street, Western side	Fifth to Main Street	Southbound traffic turning into Manchester Street	360, 8-9-49



## **LONDON - MOTOR VEHICLE REGULATION**

---

### **§ 40.064      *U-TURNS PROHIBITED***

It shall be unlawful for any person operating or driving any motor truck motor car, or vehicle of any description, to operate or drive such motor vehicle in such a manner as to cause same to make a U-turn on any street, or intersection.

(Ord. 347, passed 6-1-48)

### **§ 40.065      *APPROACH OF EMERGENCY VEHICLES***

(A) Upon the approach of an emergency vehicle equipped with, and operating, one (1) or more flashing, rotating, or oscillating red or blue lights, visible under normal conditions from a distance of five hundred (500) feet to the front of the vehicle, or the driver is given audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way, immediately drive to a position parallel to, and as close as possible to, the edge or curb of the highway clear of any intersection, and stop and remain in that position until the emergency vehicle has passed, except when otherwise directed by a police officer or fire fighter.

(B) Upon the approach of any emergency vehicle, operated in conformity with the provisions of division (A) above, the operator of every vehicle shall immediately stop clear of any intersection and shall keep that position until the emergency vehicle has passed, unless directed otherwise by a police officer or fire fighter.

(C) KRS 189.910 to 189.950 does not relieve the driver of an emergency or public safety vehicle from the duty to drive with due regard for the safety of all persons and property on the highway.

(KRS 189.940(7))

#### **Cross reference:**

Pedestrians, emergency vehicles, see § 40.308

Penalty for violation, see § 40.999

### **§ 40.066      *FOLLOWING FIRE APPARATUS; CROSSING FIRE HOSE***

(A) No operator of any vehicle, unless he is on official business, shall follow any emergency vehicle being operated in conformity with the provisions of § 40.066 (A) closer than five hundred (500) feet, nor shall he drive into, or park the vehicle into, or park the vehicle within, the block where the vehicle has stopped in answer to an emergency call or alarm unless he is directed otherwise by a police officer or fire fighter.

(B) No vehicle, train, or other equipment shall be driven over any unprotected hose of a fire department when the hose is laid down on any street, private driveway, or track for use at any fire or fire alarm unless the fire department official in command consents that the hose be driven over.

(C) Upon approaching a stationary emergency vehicle or public safety vehicle, when the emergency vehicle or public safety vehicle is giving a signal by displaying alternately flashing

## **LONDON - MOTOR VEHICLE REGULATION**

---

yellow, red, red and white, red and blue or blue lights, a person who drives an approaching vehicle shall, while proceeding with due caution:

(1) Yield the right-of-way by moving to a lane not adjacent to that of the authorized emergency vehicle if:

(a) The person is driving on a highway having at least four (4) lanes with not fewer than two (2) lanes proceeding in the same direction as the approaching vehicle; and

(b) It is possible to make the lane change with due regard to safety and traffic conditions; or

(2) Reduce the speed of the vehicle, maintaining a safe speed to road conditions, if changing lanes would be impossible or unsafe.

(D) This section does not operate to relieve the person who drives an emergency vehicle from the duty to operate the vehicle with due regard for the safety of all persons using the highway. (KRS 189.930)

---

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.067      *DRIVING THROUGH SAFETY ZONES PROHIBITED***

No vehicle shall at any time be driven through or within a safety zone. (KRS 189.570(7))

---

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.068      *DUTIES OF OPERATORS***

It shall be unlawful for any person operating a vehicle of any description within the city to perform any one or more of the following:

Park in an official police and city emergency parking zone.

Park any truck in an automobile only parking zone.

Park in a free taxi parking zone.

Double park on any street.

Park within safety zones.

Park within the prohibited distance of any fire hydrant.

Park in any unloading zone.

Park in any alley, other than on designated parking spaces.

Park on any sidewalk.

Park within the entrance to any private driveway.

Park on any painted curb.

Park out of designated parking zone lines.

## **LONDON - MOTOR VEHICLE REGULATION**

---

Run any stop sign.

Have more than three (3) people in the front seat of any vehicle.

Pass another vehicle at any street intersection.

Refuse to give right-of-way to overtaking and passing vehicles.

Travel at a speed exceeding speed limits set up by state law and city ordinance.

Angle-park in any parallel parking zone.

Blow a horn or warning device unnecessarily.

Drive on the wrong side of the street.

---

## **LONDON - MOTOR VEHICLE REGULATION**

---

## **LONDON - MOTOR VEHICLE REGULATION**

---

Have one or both headlights out.

Have a taillight out.

Make a "U" turn on any street.

Drive recklessly.

Park on the wrong side of the street.

Drive on the wrong side of any street.

Drive in the opposite direction on a one-way street.

(Ord. 394, passed 1-2-52; Am. Ord. 404, passed 3-1-55; Am. Ord. 557, passed 9-13-68; Am. Ord. 571, passed 2-13-70, Am. Ord. 602, passed 8-11-73)

---

**Cross reference:**

Penalty for violation, see § 40.999

### **ARTICLE VI. SPEED REGULATIONS**

#### **§ 40.080      *APPLICATION OF STATE SPEED LAWS***

The state traffic laws regulating the speed of vehicles shall be applicable on all streets within the city, except as this chapter, as authorized by state law, hereby declares and determines upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable on specified streets or in certain areas. In that event it shall be prima facie unlawful for any person to drive a vehicle at a speed in excess of any speed so declared in this chapter when signs are in place giving notice thereof.

---

**Cross reference:**

Penalty for violation, see § 40.999

---

**Statutory reference:**

Statutory speed limits, see KRS 189.390

#### **§ 40.081      *REGULATION OF SPEED BY TRAFFIC SIGNALS***

The Superintendent of Public Works is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

#### **§ 40.082      *SPEED LIMITS***

It is deemed advisable to reduce the speeds permitted by state laws. Therefore, the prima facie speed limit shall be twenty-five (25) miles per hour on all streets in the city, unless otherwise posted. Shopping centers are fifteen (15) miles per hour unless otherwise posted.

# **LONDON - MOTOR VEHICLE REGULATION**

---

## **ARTICLE VII. STOP REGULATIONS; SCHEDULES**

### **Division 1. General Provisions**

#### **§ 40.090 STOP SIGNS; OBEDIENCE REQUIRED**

(A) Every sign erected pursuant to this subchapter shall bear the word "stop" in letters not less than six (6) inches in height. The sign shall at night be rendered luminous by steady or flashing interval illumination, or by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign. Every stop sign shall be located as near as practicable at the nearest line of the roadway.

(B) Except when directed to proceed by a police officer, every operator of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the operator has view of approaching traffic on the intersecting roadway before entering it. After having stopped the operator shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when the operator is moving across or within the intersection or junction of roadways.

(KRS 189.330(4))

#### **Cross reference:**

Penalty for violation, see § 40.999

#### **§ 40.091 INTERSECTIONS WHERE STOP REQUIRED**

(A) The Chief of Police, with approval from Council, shall determine and designate intersections where particular hazard exists on other than through streets, and to determine whether vehicles shall stop at one or more entrances to any such stop intersection. He shall erect a stop sign at every such place where a stop is required.

(B) Where both streets intersecting have been designated through streets by any ordinance of this city, the Chief of Police with approval from Council shall determine and designate whether vehicles shall stop at one or more entrances to any such stop intersection, and shall erect a stop sign at every such place where a stop is required.

#### **Cross reference:**

Penalty for violation, see § 40.999

#### **§ 40.092 EMERGING FROM ALLEY OR PRIVATE DRIVE**

The driver of a vehicle emerging from an alley, driveway, or building shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway, yielding the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

#### **Cross reference:**

Penalty for violation, see § 40.999

# **LONDON - MOTOR VEHICLE REGULATION**

## **§ 40.093 STOP WHEN TRAFFIC OBSTRUCTED**

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

### **Cross reference:**

Penalty for violation, see § 40.999

## **Division 2. Stop Sign Schedules**

### **§ 40.095 THREE-WAY STOP INTERSECTIONS**

There shall be erected three-way stop signs for the following intersections:

<u>Intersection</u>	<u>Ord. No.</u>	<u>Date Issued</u>
Short Street and Mill Street	979	9-5-00
Sublimity School Road	991	5-7-01

### **§ 40.096 FOUR-WAY STOP INTERSECTIONS**

There shall be erected four-way stop signs for the following intersections:

<u>Intersection</u>	<u>Ord. No.</u>	<u>Date Issued</u>
Broad Street and Fourth Street	1011	6-24-02
Seventh Street and Mill Street	759-A	5-25-85

## **ARTICLE VIII. PARADES AND FUNERAL PROCESSIONS**

### **Division 1. Funeral Processions**

### **§ 40.100 IDENTIFICATION OF FUNERAL PROCESSION**

(A) The Police Department shall designate a type of pennant, headlight, or other identifying insignia to be displayed upon, or other method to be employed, to identify the vehicles in funeral processions.

(B) A funeral composed of a procession of vehicles shall be identified as such by the display on the outside of each vehicle of a pennant or other identifying insignia or by any other method as may be determined and designated by the Police Department.

### **Cross reference:**

Penalty for violation, see § 40.999

## **LONDON - MOTOR VEHICLE REGULATION**

---

### **§ 40.101      *DRIVING IN FUNERAL PROCESSIONS***

(A) A vehicle in a funeral procession has the right-of-way at an intersection and may proceed through the intersection if the procession is led by an escort vehicle displaying flashing yellow, red, or blue lights, except:

- (1) When the right-of-way is required by an emergency vehicle as defined by KRS 189.910;
- (2) When vehicles in the procession are directed otherwise by a police or safety officer; or
- (3) When the vehicle is a train or locomotive.

(B) Before assuming the right-of-way, a person who drives a vehicle in a funeral procession shall exercise due caution with regard to crossing traffic.

(C) A person who drives a vehicle that is not part of a funeral procession shall not drive the vehicle between the vehicles of the funeral procession or otherwise interfere with the progress of the procession, except when:

- (1) The person is authorized to do so by a police or safety officer; or
- (2) The vehicle is an emergency vehicle as defined by KRS 189.910.

(D) A person who drives a vehicle that is not part of a funeral procession shall not illuminate the vehicle headlights or engage in any other act for the purpose of securing the right-of-way granted to funeral processions.

(E) The escort vehicle, hearse, or other vehicles in a procession may be equipped with flashing yellow lights for the purpose of notifying the general public of the procession and gaining the right-of-way at intersections, or signaling the end of a procession.

(F) Persons authorized to use flashing lights as defined in KRS 189.920 may use them while accompanying a funeral procession to warn traffic that a procession is approaching or that it is in progress.

(G) When a funeral procession is in progress, a person driving a vehicle not in the procession shall not pass or overtake any vehicle in the procession unless:

- (1) The person is directed to do so by a police or safety officer;
  - (2) The procession is on a street, road, or highway outside the corporate limits of a city, town, or urban-county; or
  - (3) The procession is on an interstate highway or a state parkway.
- (KRS 189.378)

#### **Cross reference:**

Penalty for violation, see § 40.999



# **LONDON - MOTOR VEHICLE REGULATION**

---

## **Division 2. Parades**

### **§ 40.110      *DEFINITIONS***

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

**"PARADE."** Any parade, march, ceremony, show, exhibition, pageant or procession of any kind or any similar display in or upon any street, sidewalk, park, or other public place in the city.

**"PARADE PERMIT."** A permit required by this division.  
(Ord. 851, passed 6-22-92)

### **§ 40.111      *PERMIT REQUIRED; EXCEPTIONS***

(A) No person shall engage in, participate in, aid, form, or start any parade unless a parade permit has been approved by the City Council and upon their approval, issued by the Mayor.

(B) This section shall not apply to funeral processions, students going to and from school classes or participating in educational activities, school related parades or functions providing such conduct is under the immediate direction and supervision of the proper school authorities, a government agency setting within the scope of its functions, or a parade sponsored by a division of the federal, state, county or city government.  
(Ord. 851, passed 6-22-92)

#### **Cross reference:**

Penalty for violation, see § 40.999

### **§ 40.112      *WRITTEN APPLICATION***

(A) A person seeking issuance of a parade permit shall make written application with the City Clerk on forms provided by the City Clerk which shall then be submitted for approval to the City Council at its next regular meeting following the filing of the application.

(B) The application shall be made at least sixty (60) days in advance of the planned date of the parade. The time requirement may be waived by the vote of the City Council for good cause shown.

(C) As a part of the application, the applicant shall prepare and submit with the application an alternate unobstructed route to be used by police, fire and emergency vehicles to avoid closed streets due to the parade route. The alternate route shall be approved in writing by the Police Chief and Fire Chief prior to Council action; it shall be the responsibility of the

## **LONDON - MOTOR VEHICLE REGULATION**

---

applicant to obtain such signed approval.  
(Ord. 851, passed 6-22-92)

### **Cross reference:**

Penalty for violation, see § 40.999  
Regular Council meetings, see § 20.208

### **§ 40.113      *STANDARDS FOR ISSUANCE OF PERMIT***

The City Council shall issue a permit as provided for hereunder when from a consideration of the application and from such other information as may be obtained, they find that:

(A) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement in the areas contiguous thereto as to prevent normal police protection to the city.

(B) The conduct of the parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march in areas contiguous thereto.

(C) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas.

(D) The conduct of the parade will not interfere with the movement of fire fighting equipment on route to a fire.

(E) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays on route.

(F) The parade is not to be held for the sole purpose of advertising any product, and is not designed to be held purely for private profit.  
(Ord. 851, passed 6-22-92)

### **§ 40.114      *INSURANCE***

As a condition of the issuance of the permit, the City Council may require that the person, group, or organization obtain general liability insurance for personal injury and property damage in an amount to be determined by the City Council.  
(Ord. 851, passed 6-22-92)

### **§ 40.115      *APPLICATION FORM***

(A) The application for a permit shall require the following information:

## **LONDON - MOTOR VEHICLE REGULATION**

---

(1) Name, address and phone number of the person, group, or organization making application for the permit;

(2) Date and time of the proposed parade;

(3) Origination and termination point of the parade; and

(4) The route over which the proposed parade shall be traversed.

(B) The City Council shall have authority to decline the issuance of a permit for failure to provide information required herein.

(C) The applicant shall appear before the City Council on the date that the City Council considers the parade permit application.

(Ord. 851, passed 6-22-92)

---

**Cross reference:**

Penalty for violation, see § 40.999

### **ARTICLE IX. STOPPING, STANDING, OR PARKING PROHIBITED IN CERTAIN PLACES**

#### **§ 40.130 OFFICIAL SIGNS REQUIRED**

Whenever by this or any other ordinance of the city any parking time limit is imposed or parking is prohibited on designated streets, it shall be the duty of the Superintendent of Public Works to erect appropriate signs giving notice thereof and no such regulations shall be effective unless the signs are erected and in place at the time of any alleged offense.

---

**Cross reference:**

Penalty for violation, see § 40.999

#### **§ 40.131 STOPPING, STANDING, OR PARKING PROHIBITED**

(A) No person shall stop a vehicle, leave it standing, or cause it to stop or to be left standing upon the roadway. However, this section shall not be construed to prevent parking in front of a private residence off the roadway or street in a city or suburban area where such parking is otherwise permitted, as long as the vehicle so parked does not impede the flow of traffic. This division shall not apply to the following.

(1) A vehicle that has been disabled on the main-traveled portion of the roadway in such a manner and to such extent that it is impossible to avoid the occupation of the main-traveled portion or impracticable to remove it from the roadway until repairs have been made or sufficient help obtained for its removal.

## **LONDON - MOTOR VEHICLE REGULATION**

---

(2) Motor vehicles, when required to stop in obedience to the provisions of any section of state law; any traffic ordinance, regulation, or sign; or the command of any peace officer.

(3) Vehicles operating as common carriers of passengers for hire and school buses taking passengers on or discharging passengers therefrom. However, no such vehicle shall stop for these purposes at a place on the roadway which does not afford reasonable visibility to approaching motor vehicles from both directions.

(4) Vehicles which are stopped for a period of not more than fifteen (15) minutes at a time for the purpose of collecting and transporting solid waste as defined in KRS 224.1-010(30)(a), and which are operated by a:

(a) Collection service registered in accordance with KRS 224.43-315; or

(b) Person or organization actively participating in the Adopt-a-Highway Program; or

(5) Any vehicle required to stop by reason of an obstruction to its progress.

(B) When any police officer finds a vehicle standing upon such a highway in violation of this section, he may move or cause to be moved the vehicle or require the operator or other person in charge of the vehicle to move it. The police officer may cause the vehicle to be removed by ordering any person engaged in the business of storing or towing motor vehicles to remove the vehicle to a site chosen by such person. Ownership of the vehicle shall be determined by the police officer's enforcement agency through the vehicle's license plates, serial number, or other means of determining ownership. As soon as practicable, the police officer's enforcement agency shall notify the owner by mail that the vehicle was illegally upon public property; the name and address of the storage facility where the vehicle is located; that removal of the vehicle from the storage facility will involve payment of towing and storage charges; and that the vehicle may be sold pursuant to the provisions of KRS 376.275 if not claimed within sixty (60) days. No notification shall be required if ownership cannot be determined. In the event of a sale pursuant to KRS 376.275, the state shall receive any proceeds after the satisfaction of all liens placed on the vehicle.

(C) No vehicle shall be parked, stopped, or allowed to stand on the shoulders of any toll road, interstate highway, or other fully controlled access highway, including ramps thereto, nor shall any vehicle registered at a gross weight of over forty-four thousand (44,000) pounds be parked, stopped, or allowed to stand on the shoulders of any state-maintained highway, except that, in the case of emergency or in response to a peace officer's signal, vehicles shall be permitted to stop on the shoulders to the right of the traveled way with all wheels and projecting parts of the vehicles, including the load, completely clear of the traveled way. Parking of any vehicle which is disabled on the shoulders of a toll road, interstate highway, other fully controlled access highway, including ramps thereto, or any state-maintained highway not mentioned in this section for twenty-four (24) hours continuously is prohibited and vehicles violating this provision may be towed away at the cost of the owner.

## **LONDON - MOTOR VEHICLE REGULATION**

---

(D) When any police officer finds a vehicle unattended upon any bridge or causeway or in a tunnel where the vehicle constitutes an obstruction to traffic, the officer may provide for the removal of the vehicle to the nearest garage or other place of safety as provided in division (B) of this section.

(E) No person shall stop or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in the following places:

## **LONDON - MOTOR VEHICLE REGULATION**

---

## **LONDON - MOTOR VEHICLE REGULATION**

---

- (1) On a sidewalk;
- (2) In front of sidewalk ramps provided for persons with disabilities;
- (3) In front of a public or private driveway;
- (4) Within an intersection or on a crosswalk;
- (5) At any place where official signs prohibit stopping or parking;
- (6) Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;
- (7) On any controlled access highway;
- (8) Within a highway tunnel;
- (9) Within fifteen (15) feet of a fire hydrant; or
- (10) In an area between the roadways of a divided highway.

(F) No person shall move a vehicle not lawfully under his control into any such prohibited area.

(G) The restrictions in division (E)(5) of this section shall not apply to sheriffs and their deputies or police officers when operating properly identified vehicles during performance of their official duties.

(KRS 189.450)

---

### **Cross reference:**

Penalty for violation, see § 40.999

### **§ 40.132      *OBSTRUCTING TRAFFIC***

No person shall park any vehicle on a street in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.

---

### **Cross reference:**

Penalty for violation, see § 40.999

### **§ 40.133      *PARKING WHEN SNOW OR ICE CONDITIONS EXIST***

When signs are erected in each block giving notice thereof, no person shall park a vehicle within the block when snow or ice conditions exist and the conditions have not been remedied by the Public Works Department. The Superintendent of Public Works is hereby empowered to designate which blocks within the city shall be so posted. The sign posting the area shall read as follows:

## **LONDON - MOTOR VEHICLE REGULATION**

---

"Parking Prohibited When Snow or Ice Conditions Exist (Until Treated)  
or Parking Prohibited When Snow or Ice Conditions Exist."

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.134      *PARKING IN ALLEYS***

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.135      *DISPLAYING FOR SALE; WASHING OR GREASING***

No person shall park a vehicle on any roadway for the principal purpose of doing the following.

(A)    Displaying the vehicle for sale.

(B)    Washing, greasing, or repairing the vehicle except repairs necessitated by an emergency.

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.136      *PARKING ADJACENT TO SCHOOLS***

(A)    The Superintendent of Public Works is hereby authorized to erect signs indicating no parking on that side of any street adjacent to any school property when the parking would, in his opinion, interfere with traffic or create a hazardous situation.

(B)    When official signs are erected indicating no parking on that side of the street adjacent to any school property, no person shall park a vehicle in any such designated place.

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.137      *PARKING ON NARROW STREETS***

(A)    The Superintendent of Public Works, with approval of Council, is hereby authorized to erect signs or paint curbing indicating no parking on any street when the width of



## **LONDON - MOTOR VEHICLE REGULATION**

---

the roadway does not exceed twenty (20) feet, or on one (1) side of a street as indicated by signs when the width of the roadway does not exceed thirty (30) feet, to facilitate driveway ingress or egress.

(B) When official signs prohibiting parking are erected on narrow streets as authorized herein, no person shall park a vehicle on any such street in violation of any such sign.

---

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.138      *PARKING ON ONE-WAY STREETS AND ROADWAYS***

(A) The Superintendent of Public Works is authorized to erect signs on the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle on the left-hand side in violation of the sign.

(B) In the event a highway includes two (2) or more separate roadways and traffic is restricted to one (1) direction on any such roadway, no person shall stand or park a vehicle on the left-hand side of the one-way roadway unless signs are erected to permit standing or parking. The Superintendent of Public Works is authorized to determine when standing or parking may be permitted on the left-hand side of any roadway and to erect signs giving notice thereof.

---

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.139      *STOPPING, STANDING, OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES***

(A) The Superintendent of Public Works is hereby authorized to determine and designate by proper signs placed not exceeding one hundred (100) feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

(B) When official signs are erected at hazardous or congested places as authorized herein no person shall stop, stand, or park a vehicle in any such designated place.

---

**Cross reference:**

Penalty for violation, see § 40.999

### **ARTICLE X. PARKING VIOLATIONS; PROHIBITIONS**

#### **Division 1. Violations**

**§ 40.150      *NOTICE ON ILLEGALLY PARKED VEHICLE***

(A) Any motor vehicle found parked standing or stopped in violation of a parking

## **LONDON - MOTOR VEHICLE REGULATION**

---

ordinance passed by the city, shall be cited for the appropriate parking violation. The citing officer shall note the vehicle's registration number and any other information concerning the vehicle which will identify it and, if the driver is not present, shall conspicuously affix to the vehicle a notice of the parking violation. The form of the notice of the parking violation shall be by notice in the form of a ticket which are used by the police department and shall contain the following information:

(1) A statement that the notice presents a determination that a parking violation has been committed by the owner of the vehicle and that the determination shall be final unless contested as provided in KRS 82.600 to 82.640,

(2) A statement that a parking violation may result in the impoundment of the vehicle for which the owner may be liable for a fine and towing, handling and storage charges of fees,

(3) A statement of the specific parking violation for which the citation was issued,

(4) A statement of the monetary penalty established for the parking violation, and

(5) A statement of the options provided in KRS 82.600 to 82.640 for responding to the notice and the procedures necessary to exercise these options.

(B) The notice of parking violation represents a determination that a parking violation has been committed and such determination shall be final unless contested as provided in KRS 82.600 to 82.640.

(Ord. 918, passed 12-9-96)

### **Cross reference:**

Impoundment, see §§ 40.030 – 40.033

### **§ 40.151      *FAILURE TO COMPLY WITH NOTICE***

(A) Any person who receives notice of a parking violation shall respond to such notice as provided herein within seven (7) days of the date of the notice, by either paying the fine set forth in the notice or requesting a hearing pursuant to this notice and KRS 82.620.

(B) If the owner of a vehicle cited for a parking violation has not responded to the notice within seven (7) days as provided in subsection (A), the city shall send a second notice by certified mail to the last known address of the registered owner of the vehicle as listed on the certificate of title. The notice shall state that if the owner of the vehicle does not respond to the notice by either paying the fine or by requesting in writing a hearing pursuant to KRS 82.620, with seven (7) days of the receipt of the notice, the owner shall be deemed to have waived his right to a hearing and the determination that a violation was committed shall be considered final.

## **LONDON - MOTOR VEHICLE REGULATION**

---

(C) Any person who fails to request a hearing or pay the fine within seven (7) days shall be deemed to have refused to pay the fine levied by the citation. The registered owner of a vehicle at the time of the violation occurred shall be liable for all fines, fees and penalties which he has refused to pay.

(Ord. 918, passed 12-9-96)

### **Cross reference:**

Penalty for violation, see § 40.999

### **§ 40.152      *CONTESTING DETERMINATION THAT VIOLATION OCCURRED; REQUEST FOR HEARING***

(A) Any person cited for a parking violation under this and KRS 82.160 may contest the determination that a violation occurred by requesting in writing a hearing before the hearing board. The hearing board shall consist of one (1) person to be appointed by the Mayor. The person shall be paid fifty dollars (\$50.00) per meeting as compensation for his services; the salary shall be paid from any source of revenue of the city except traffic violations or offenses. The hearings shall be held no later than fourteen (14) days from the date of receipt of the request, unless prior to the hearing the person requesting the hearing requests an extension of time not to exceed fourteen (14) days. No less than seven (7) days prior to the date set for the hearing, the hearing board shall notify the registered owner of the vehicle of the date, time, and place of the hearing. Any person requesting a hearing who fails to appear at the time and place set for the hearing shall be deemed to have refused to pay the fine levied by the citation.

(B) At the hearing, after consideration of the evidence, the hearing board shall determine whether a violation was committed. Where it has not been established that the violation was committed, an order dismissing the citation shall be entered. Where it has been established that a violation was committed, the board shall uphold the citation and order the owner to pay the citation within seven (7) days. A copy of the order shall be furnished to the owner. Any person ordered to pay the fine who fails to do so within seven (7) days after the date of the written order shall be deemed to have refused to pay the fine levied by the citation. The board may consider the parking citation and any other written report made under oath by the officer who issued the citation in lieu of the officer's personal appearance at the hearing.

(Ord. 918, passed 12-9-96)

### **§ 40.153      *APPEALS***

An appeal from the hearing board's determination may be made to the District Court of the county in which the city is located within seven (7) days of the hearing board's determination. The appeal shall be initiated by the filing of a complaint and a copy of the board's order in the same manner as any civil action under the Rules of Civil Procedure. The action shall be tried de novo and the burden shall be upon the city to establish that a violation occurred. If the District Court finds that a violation did occur, the owner shall be ordered to pay the city all fines, fees and penalties occurring as of the date of the judgment. If the District Court finds that a violation did not occur, the city shall be ordered to dismiss the

## **LONDON - MOTOR VEHICLE REGULATION**

---

citation and the plaintiff shall be authorized to recover his costs. The judgment of the District Court may be appealed to the Circuit Court in accordance with the Rules of Civil Procedure. (Ord. 918, passed 12-9-96)

### **§ 40.154      *PREPAYMENT OF FINES FOR CERTAIN PARKING VIOLATIONS***

(A) Any person violating any of the terms of a parking ordinance of the city shall be excused if the person reports to the City Police or deposits within a designated deposit box within the following time limits from the time of issuance a parking ticket, and pay the following enumerated penalties:

- |   |         |
|---|---------|
| (1) Overtime parking is parking in a city parking space (lots or on streets) for more than two (2) hours but less than four (4) hours at a time. The penalty for such overtime parking is | \$3.50  |
| (2) If paid after forty-eight (48) hours  | \$7.00  |
| (3) Overtime parking in a city parking (lots or on streets) for four (4) hours or more  | \$10.00 |
| If paid after forty-eight hours   | \$15.00 |
| (4) Parking on sidewalk - paid within forty-eight (48) hours  | \$5.00  |
| (5) If paid after forty-eight (48) hours  | \$10.00 |
| (6) Parking in safety zone - paid within forty-eight (48) hours   | \$5.00  |
| (7) If paid after forty-eight (48) hours  | \$10.00 |
| (8) Parking on wrong side of street - paid within forty-eight (48) hours  | \$5.00  |
| (9) If paid after forty-eight (48) hours  | \$10.00 |
| (10) Parking in traffic lane - paid within forty-eight (48) hours   | \$5.00  |
| (11) If paid after forty-eight (48) hours   | \$10.00 |
| (12) Parking on yellow line - paid within forty-eight (48) hours  | \$5.00  |
| (13) If paid after forty-eight (48) hours   | \$10.00 |

(B) Penalties and violations may be paid by curb boxes or in the City Clerk's office. (Ord. 966, passed 11-1-99)

# **LONDON - MOTOR VEHICLE REGULATION**

---

## **Division 2. Prohibitions**

### **§ 40.160      *DOUBLE PARKING; SLANTED PARKING***

(A) Double parking of any vehicle on any street or public way at any time in the city is hereby prohibited.

(B) No vehicle of any description, including motor trucks, or motor tractors with trailers, for the purpose of loading, unloading or any other purpose, shall at any time on Broadway Street between Third and Fourth Streets park such vehicle in such a manner as to cause same to extend cross-wise out in the street.

(C) This section shall not be construed as authority for any person to cross-park any vehicle herein mentioned on any of the city streets in the city in conflict with present traffic law and regulation.

(Ord. 381, passed 3-6-51)

---

#### **Cross reference:**

Penalty for violation, see § 40.999

### **§ 40.161      *MOVING VEHICLE FROM PARKING SPACE***

It shall be unlawful for any person to move any motor truck, motor car, or vehicle of any description from one parking space to another by pushing or shoving same manually, or by a motor vehicle of any description, for the purpose of effecting a parking space for the vehicle of another person.

(Ord. 347, passed 6-1-48)

### **§ 40.162      *PARKING OF TRUCKS WITHOUT PROTECTING STREETS***

(A) It shall be unlawful for any person to disengage and park a semi-trailer from any semi-trailer truck, either loaded or unloaded, upon any of the streets of the city without making suitable and adequate provisions for the protection of the surface of the streets from damage caused by the parking equipment installed on such semi-trailer.

(B) The mode or means of protection of the surface of such streets shall be at the peril of the driver or person in charge of such semi-trailer and truck.

(Ord. 357, passed 7-12-49)

---

#### **Cross reference:**

Penalty for violation, see § 40.999

## **LONDON - MOTOR VEHICLE REGULATION**

---

### **§ 40.163      *PARKING FEES AND FINES***

(A)      No charges are made for parking spaces in city lots or along city streets by the city for up to two (2) hours, except for permit parking. However, except for permit parking in city lots, shall exceed two (2) hours.

(B)      The city hereby establishes the following fines:

(1)      (a)      No person shall park in a city parking space for more than two (2) hours. Overtime parking in a city parking space is defined as parking in any city parking space for more than two (2) hours. The penalty for such overtime parking is \$10.00.

(b)      If paid after forty-eight (48) hours . . . . . \$20.00

(2)      (a)      Parking on Sidewalk - paid within forty-eight (48) hours . . \$10.00

(b)      If paid after forty-eight (48) hours . . . . . \$20.00

(3)      (a)      Parking in fire / safety zone - paid within  
forty-eight (48) hours . . . . . \$25.00

(b)      If paid after forty-eight (48) hours . . . . . \$50.00

(4)      (a)      Parking on wrong side of street - paid within  
forty-eight (48) hours . . . . . \$10.00

(b)      If paid after forty-eight (48) hours . . . . . \$20.00

(5)      (a)      Parking over the line, occupying two (2) parking spaces . . \$10.00

(b)      If paid after forty-eight (48) hours . . . . . \$20.00

(6)      (a)      Parking on yellow line or curb - paid within  
forty-eight (48) hours . . . . . \$25.00

(a)      If paid after forty-eight (48) hours . . . . . \$50.00

(7)      (a)      Parking in handicap space without handicap  
display - paid within forty-eight (48) hours . . . . . \$40.00

(b)      If paid after forty-eight (48) hours . . . . . \$60.00

(8)      Failure to display handicap sign / tag . . . . . \$5.00

(Ord. 2012-03, passed 6-4-12; Am. Ord. 2012-05, passed 9-4-12)

# **LONDON - MOTOR VEHICLE REGULATION**

---

## **ARTICLE XI. PARKING SCHEDULES; PERMITS**

### **Division 1. Parking Schedules**

#### **§ 40.170 NO PARKING ZONES**

The following no parking zones are hereby designated:

<b>STREET</b>	<b>SIDE</b>	<b>LOCATION DESCRIPTION</b>
All city streets	All	All intersections for a distance of twenty (20) feet in all directions from the intersection
Dyche Street	Both	From Second Street to Fifth Street
Dixie Street	Both	Between Main Street and House's garage, between 1:00 a.m. and 4:00 a.m. on Wednesday and Saturday of each week
East Fifth Street	Both	From Hill Street to Willow Street
East Fourth Street	Both	From Main Street to Hill Street
East Fourth Street	Both	Between Main Street and the L&N Railroad Crossing, except in loading or unloading zones
East Ninth Street	Both	Between Main Street and Pearl Street
Falls Street	Both	Between West Fifth Street to Parman Street
Fifth Street	Both	From Hill Street to Main Street
Fifth Street	Both	Between Hill Street and the end of the curb on West Fifth Street, between 1:00 a.m. and 4:00 a.m. on Wednesday and Saturday of each week
Fifth Street	North	From Main Street to the southeast corner of the Hackney Store Building
Fifth Street	South	Between Main Street and Hill Street
Hill Street	Both	From Third Street to Second Street
Johnson Street	South	

# **LONDON - MOTOR VEHICLE REGULATION**

---



## **LONDON - MOTOR VEHICLE REGULATION**

---

<b><u>STREET</u></b>	<b><u>SIDE</u></b>	<b><u>LOCATION DESCRIPTION</u></b>
Long Street	Both	Between First Street to Eleventh Street
Main Street	Both	Between the north city limits and Dixie Street between 1:00 a.m. and 4:00 a.m. on Wednesday and Saturday of each week
Main Street (one (1) parking space)		North of Fifth Street, next to the London Drug Company
Main Street (one (1) parking space)		South of fifth Street in front of Begley Drug Company
Main Street	Both	From First Street to Dixie Street
Main Street	West	Next to the County Courthouse, from Fifth Street to Manchester
Main Street (two (2) parking spaces)	West	Next to the Kentucky Utilities office, south of the intersection of Main Street and Manchester Street
Main Street (one (1) parking space)	East	Immediately south and one (1) parking space, immediately north of Manchester Street
Manchester Street	Both	From Main Street to the eastern city limits, both sides, between 1:00 a.m. and 4:00 a.m. on Wednesday and Saturday of each week
Manchester Street	South	From Main Street to and including the alley which is next east of and to the rear of the National Bank Building
Maple Street	Both	From Main Street to Long Street
McWhorter Street	Both	For a distance of sixty (60) feet from East Fourth Street going north on McWhorter Street
Mill Street	Both	
North Hill Street	Both	From Moren Road north to what is commonly known as Russell Street

## **LONDON - MOTOR VEHICLE REGULATION**

---

<b><u>STREET</u></b>	<b><u>SIDE</u></b>	<b><u>LOCATION DESCRIPTION</u></b>
Parman Street	Both	Between Falls Street and Seventh Street, except for three (3) public parking spaces designated by the Police Department on the west side of Parman Street at the intersection of Falls Street
Seventh Street	Both	Between Hill Street and Broad Street
Seventh Street	Both	From Main Street to Broad Street and from Broad Street to Long Street
South Broad Street	East	Between First Street and Second Street, between 8:00 a.m. and 5:00 p.m.
Sublimity Street	Both	Between Main Street and Broad Street
Third Street	North	From Main Street to Hill Street
United States Highway No. 25	Both	Between Stone Camp to London Hall
West Fifth Street	North	From Main Street to Broad Street (Ord. 337, passed 1-20-48; Am. Ord. 346, passed 6-1-48; Am. Ord. 356, passed 7-12-49; Am. Ord. 360, passed 8-9-49; Am. Ord. 370, passed 1-3-50; Am. Ord. 383, passed 6-5-51; Am. Ord. 438, passed 2-4-58; Am. Ord. 439, passed 2-18-58; Am. Ord. 445, passed 7-15-58; Am. Ord. 448, passed 1-21-58; Am. Ord. 454, passed 2-17-59; Am. Ord. 514, passed 4-2-65; Am. Ord. 557, passed 9-12-68; Am. Ord. 560, passed 12-27-68; Am. Ord. 586, passed 6-10-71; Am. Ord. 593, passed 5-11-72; Am. Ord. 641, passed 3-25-76)

### **Cross reference:**

Penalty for violation, see § 40.999

### **§ 40.171      *NO CHARGE FOR PARKING IN PREVIOUSLY METERED SPACES***

No charges shall be made for parking spaces in city lots or along city streets by the city and present existing parking meters shall be removed.  
(Ord. 966, passed 11-1-99)

### **§ 40.172      *PARKING RESERVED FOR OFFICIAL VEHICLES***

The following zones are hereby designated as official police and city emergency vehicle parking zones:

## **LONDON - MOTOR VEHICLE REGULATION**

---

<u>STREET</u>	<u>SIDE</u>	<u>LOCATION DESCRIPTION</u>	<u>ORD. NO.</u>
West Third Street	North	Between Broad Street and Long Street	571, 2-13-70

### **§ 40.173      *FREE TAXI-PARKING ZONES***

The following free taxi-parking zones on the streets indicated are hereby designated:

<u>STREET</u>	<u>SIDE</u>	<u>LOCATION DESCRIPTION</u>	<u>ORD. NO.</u>
Broad Street	West	From Fifth Street to Seventh Street	404, 3-1-55

### **§ 40.174      *UNLOADING, LOADING ZONES***

The following zones are hereby designated as unloading and loading zones:

<u>STREET</u>	<u>SIDE</u>	<u>LOCATION DESCRIPTION</u>
East Fourth Street	South	Beginning at the end of the parking meter zone and running a distance of fifty (50) feet west on the street to the sign reading "truck only loading and unloading zones."
Main Street		The space nearest Third Street, next to the Kristal Kitchen

(Ord. 557, passed 9-13-68; Am. Ord. 593, passed 5-11-72)

### **§ 40.175      *AUTOMOBILE ONLY PARKING ZONES***

The following automobile only parking zones are hereby designated:

<u>STREET</u>	<u>SIDE</u>	<u>LOCATION DESCRIPTION</u>	<u>ORD. NO.</u>
Broad Street	West	Between Third Street and Fourth Street	602, 1-11-73

### **§ 40.176      *PARKING FOR PERSONS WITH DISABILITIES***

(A) Any and all specially designated parking areas for persons with disabilities shall be used only by motor vehicles displaying a license plate for persons with disabilities. Persons suffering from a temporary disability may obtain from the Laurel County Court Clerk's office a temporary disability symbol which shall be prominently displayed from the parked motor vehicle so as to be obvious to any police officer inspecting the motor vehicle from the outside. Any motor vehicle not displaying the license plate for persons with disabilities or display shall

## **LONDON - MOTOR VEHICLE REGULATION**

---

not be authorized to park within the designated parking area for persons with disabilities and if so parked shall be considered illegally parked and may be subject to the fines and provisions of this section.

(B) Any vehicle parked within a designated parking area for persons with disabilities which fails to display a license plate for persons with disabilities or temporary disability display as provided in subsection (A) shall be deemed to be illegally parked. The Police Department is hereby authorized to cite the violation in keeping with the ordinances of the city. The penalty for such illegally parked vehicles shall be a fine of twenty-five dollars (\$25.00) if paid within twenty-four (24) hours after the time the vehicle is cited; if not paid after twenty-four (24) hours, but not later than seventy-two (72) hours after the time the vehicle is cited, the fine shall be fifty dollars (\$50.00). Placement of the citation on the vehicle in the usual manner described in the ordinances of the city shall be prima facie evidence of the violation and notice to the owner of the vehicle. The owner of the vehicle shall be presumed the person parking the vehicle in violation of this section. If payment of the initial fine is not made within seventy-two (72) hours of the writing of the citation, the police officer writing the citation shall cause a criminal summons to be issued by the Laurel District Court for a date and time certain to appear before the Laurel District Court. The defendant named therein shall be responsible for the payment of court costs in keeping with the provisions of the Kentucky Revised Statutes. (Ord. 759-A, passed 5-28-85)

### **§ 40.177 ONE-HOUR PARKING**

Areas previously controlled by parking meters on Main Street shall be designated as restricted to one-hour free parking.  
(Ord. 764, passed 11-11-85)

#### **Cross reference:**

Penalty for violation, see § 40.999

### **§ 40.178 FIRE LANES**

(A) The following areas are hereby designated as fire lanes:

<u>AREA</u>	<u>LANE WIDTH</u>	<u>LOCATION DESCRIPTION</u>	<u>ORD. NO.</u>
Carnaby Shopping Center	20 feet	From the edge of the sidewalk beginning at the east side of the building facing south currently occupied by Rainbow Cleaners and extending west a distance of 376' to the back of the building currently occupied by the Fearless Flick.	685, 8-25-80

## **LONDON - MOTOR VEHICLE REGULATION**

<u>AREA</u>	<u>LANE WIDTH</u>	<u>LOCATION DESCRIPTION</u>	<u>ORD. NO.</u>
Carnaby Shopping Center	20 feet	From the edge of the sidewalk beginning at the north side of the building facing east currently occupied by Carnaby Hallmark and extending south a distance of 439' to the south side of the building currently occupied by Sears.	685, 8-25-80

(B) It shall be unlawful for the driver of any vehicle to stop or park a vehicle, either attended or unattended at any time in the area designated as a fire lane in subsection (A) above.

(C) It shall be unlawful for any person to place any object or obstruction in the area designated as a fire lane in subsection (A).

(D) Any vehicle parked in the fire lane designated in paragraph (1) above shall be towed to any garage in the city limits at the direction of the police department or any officer thereof, and before any prosecution for violation shall be disposed of, the operator or owner of such offending vehicle shall pay the cost of such towage and storage, which cost shall be considered a part of the penalty for such violation.

(E) Any other object or obstruction placed in the fire lane shall be removed to any place of storage in the city limits at the direction of the police department or any officer thereof, and before any prosecution for violation shall be disposed of, the owner or owners of such offending object or obstruction shall pay the cost of such removal and storage, which cost shall be considered as a part of the penalty for such violation.

(F) The Chief of Police or any other person authorized by the Mayor shall cause the fire lanes designated in subsection (A) to be appropriately marked and shall cause appropriate signs to be posted indicating the designation of the area as a fire lane.  
(Ord. 685, passed 8-25-80)

---

### **Cross reference:**

Penalty for violation, see § 40.999

### **Division 2. Parking Permits**

#### **§ 40.185      *PARKING PERMITS***

(A) Parking permits shall be issued by the City Clerk and shall be valid in all parking areas within the city which are:

(1) Broad Street #1 and #2; except for the lower part of the Broad Street Lot that is leased to Laurel County

## **LONDON - MOTOR VEHICLE REGULATION**

---

- (2) Hill Street North and Hill Street South
- (3) Behind City Hall

(B) The parking permits shall be sold by the City Clerk for a one (1) year term beginning January 1 and expiring December 31. The City Clerk shall prorate the cost of parking permits sold after the last day of each month of the year on a monthly basis with a part of a month to be considered as a whole month.

(C) The cost of parking permits shall be two hundred dollars (\$200.00) per year.

(D) Each person desiring to purchase a parking permit shall make application in person and shall present the current motor vehicle certification or registration for the vehicle for which the permit is to be issued in order that the City Clerk may obtain information from the certificate of registration or application regarding the identification of the particular vehicle.

(E) The parking permit shall be displayed on the back of the rear view mirror of the vehicle and shall be visible through the windshield.

(F) The City Clerk shall deposit the money obtained from the sale of parking permits in the general fund.

(G) Parking permits which have been issued prior to the effective date of this section shall be effective until their expiration date.

(Ord. 832, passed 2-11-91; Am. Ord. 915, passed 10-15-96; Am. Ord. 936, passed 1-26-98; Am. Ord. 999, passed 12-3-01)

### **ARTICLE XII. PEDESTRIAN**

#### **§ 40.300 PEDESTRIANS SUBJECT TO TRAFFIC-CONTROL SIGNALS**

(A) Pedestrians shall obey the instruction of any official traffic-control devices specifically applicable to them, unless otherwise directed by a police officer or other officially designated persons.

(B) Pedestrians shall be subject to traffic and pedestrian control signals as provided in § 40.043 and § 40.044.

(C) At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

(KRS 189.570(1) - (3))

#### **Cross reference:**

Penalty for violation, see § 40.999

## **LONDON - MOTOR VEHICLE REGULATION**

---

### **§ 40.301      *PEDESTRIANS' RIGHT-OF-WAY IN CROSSWALKS***

When traffic-control signals are not in place or in operation the operator of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway on which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

### **§ 40.302      *PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK***

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.  
(KRS 189.570(11))

---

**Cross reference:**

Penalty for violation, see § 40.999

### **§ 40.303      *CROSSING AT RIGHT ANGLES***

No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.  
(KRS 189.570(10))

---

**Cross reference:**

Penalty for violation, see § 40.999

### **§ 40.304      *PEDESTRIAN TO YIELD RIGHT-OF-WAY IN CERTAIN CASES***

(A) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.  
(KRS 189.570(6)(a))

(B) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.  
(KRS 189.570(6)(b))

(C) The foregoing rules in this section shall have no application under the conditions stated in § 40.305 when pedestrians are prohibited from crossing at certain designated places.

---

**Cross reference:**

Penalty for violation, see § 40.999

### **§ 40.305      *PROHIBITED CROSSING***

(A) Between adjacent intersections at which traffic-control signals are in operation,

## **LONDON - MOTOR VEHICLE REGULATION**

---

pedestrians shall not cross at any place except in a marked crosswalk.  
(KRS 189.570(6)(c))

(B) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.  
(KRS 189.570(9))

(C) No pedestrian shall cross a roadway other than in a crosswalk in any business district.

---

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.306      *PEDESTRIANS WALKING ALONG ROADWAYS***

(A) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(B) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(C) Where neither a sidewalk nor a shoulder is available, any pedestrian walking on or along a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway shall walk only on the left side of the roadway.

(D) Except as otherwise provided in this chapter, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

(E) A pedestrian who is under the influence of alcohol or any kind of drug to a degree which renders himself a hazard shall not walk or be upon a highway, except on a sidewalk.  
(KRS 189.570(12) - (16))

---

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.307      *SOLICITING RIDES, BUSINESS PROHIBITED***

(A) No person shall stand in a roadway for the purpose of soliciting a ride.

(B) No person shall stand on a roadway for the purpose of soliciting employment or business from the occupant of any vehicle.

(C) No person shall stand on a highway for the purpose of soliciting contributions unless such soliciting is designated by the presence of a traffic-control device or warning signal or an emergency vehicle or public safety vehicle as defined in KRS 189.910 making use of the flashing, rotating, or oscillating red, blue, or yellow lights on the devices or vehicles.



## **LONDON - MOTOR VEHICLE REGULATION**

---

(D) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

(KRS 189.570(19) - (22))

---

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.308      *EMERGENCY VEHICLES***

(A) Upon the immediate approach of an emergency vehicle equipped with, and operating, one (1) or more flashing, rotating, or oscillating red or blue lights, visible under normal conditions from a distance of five hundred (500) feet to the front of the vehicle, the operator of which is giving audible signal by siren, exhaust whistle, or bell, every pedestrian shall yield the right-of-way to the emergency vehicle.

(B) This section shall not relieve the operator of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

(KRS 189.570(23), (24))

---

**Cross reference:**

Approach of emergency vehicles, see § 40.065

**§ 40.309      *PEDESTRIANS ON BRIDGES, RAILROAD CROSSINGS***

(A) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier, after a bridge operation signal indication has been given.

(B) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

(KRS 189.570(17), (18))

**§ 40.310      *DRIVERS TO EXERCISE DUE CARE***

(A) Notwithstanding the foregoing provisions of this chapter, every operator of a vehicle shall exercise due care to avoid colliding with any pedestrian and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing a child or obviously confused or incapacitated person upon a roadway.

(KRS 189.570(6)(d))

(B) No vehicle shall at any time be driven through or within a safety zone.

(C) The operator of a vehicle shall yield the right-of-way to any pedestrian on a

## **LONDON - MOTOR VEHICLE REGULATION**

---

sidewalk.

(KRS 189.570(7), (8))

---

**Cross reference:**

Penalty for violation, see § 40.999

### **ARTICLE XIII. BICYCLES**

#### **§ 40.400      *APPLICATION OF TRAFFIC LAWS***

Every person riding a bicycle on a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic regulations of this city applicable to the driver of a vehicle, except as to special regulations in this subchapter and except as to those provisions of laws and ordinances which by their nature can have no application.

---

**Cross reference:**

Penalty for violation, see § 40.999

#### **§ 40.401      *COMPLIANCE REQUIRED; PARENTAL RESPONSIBILITY***

(A) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this subchapter.

(B) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this subchapter.

(C) These regulations applicable to bicycles shall apply whenever a bicycle is operated on any street or on any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

---

**Cross reference:**

Penalty for violation, see § 40.999

#### **§ 40.402      *OBEDIENCE TO TRAFFIC-CONTROL DEVICES***

(A) Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(B) Whenever authorized signs are erected indicating that no right, left, or U-turn is permitted, no person operating a bicycle shall disobey the directions of any such signs, except where the person dismounts from the bicycle to make any such turn, in which event the person

## **LONDON - MOTOR VEHICLE REGULATION**

---

shall then obey the regulations applicable to pedestrians.

---

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.403      *RIDING ON SEAT***

A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

---

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.404      *NUMBER OF RIDERS***

No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

---

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.405      *RIDING ON ROADWAYS OR BICYCLE PATHS***

(A) Every person operating a bicycle on a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(B) Persons riding bicycles on a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(C) Whenever a usable path for bicycles has been provided adjacent to a roadway bicycle riders shall use the path and shall not use the roadway.

---

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.406      *RIDING ON SIDEWALKS***

(A) No person shall ride a bicycle on a sidewalk within a business district.

(B) No person twelve (12) or more years of age shall ride a bicycle on any sidewalk in any district.

(C) Whenever any person is riding a bicycle on a sidewalk, the person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing the

## **LONDON - MOTOR VEHICLE REGULATION**

---

pedestrian.

---

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.407      *SPEED***

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

---

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.408      *PARKING***

No person shall park a bicycle on a street other than on the roadway against the curb or on the sidewalk in a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic.

---

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.409      *EMERGING FROM ALLEY OR DRIVEWAY***

The operator of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

---

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.410      *CLINGING TO VEHICLES***

No person riding on any bicycle shall attach the bicycle or himself to any vehicle on a roadway.

---

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.411      *CARRYING ARTICLES***

No person operating a bicycle shall carry any package, bundle, or article which prevents

## **LONDON - MOTOR VEHICLE REGULATION**

---

the rider from keeping at least one hand on the handle bars.

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.412      *EQUIPMENT***

(A) Every bicycle when in use at night time shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from fifty (50) to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

(B) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

**Cross reference:**

Penalty for violation, see § 40.999

**Statutory reference:**

Bicycle riders and bicycles complying with state safety regulations except from municipal regulations as to safety equipment, see KRS 189.287

### **ARTICLE XIV. LOAD LIMITS; HAULING OF GOODS**

**§ 40.500      *MAXIMUM LOAD WEIGHTS ON CERTAIN STREETS***

No person shall operate a motor vehicle whose gross weight, including the load, exceeds five thousand pounds (5000) on the following streets:

STREET	DIRECTION	LOCATION DESCRIPTION	ORD. NO.
East Ninth Street	Eastwardly	From Hill Street to Pearl Street	434-A, 1-21-58

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.501      *HAULING OF EXCESSIVE LOADS PROHIBITED***

It shall be unlawful for any person to operate a gravel or coal truck upon or along any city street which is loaded to such an extent that the contents of the truck or trucks are

## **LONDON - MOTOR VEHICLE REGULATION**

---

dropping or falling therefrom onto the streets of the city.  
(Ord. 417, passed 6-5-56)

---

**Cross reference:**

Penalty for violation, see § 40.999

**§ 40.502      *TRUCK REFRIGERATION UNITS***

The operation of truck refrigeration units or motors operating other cooling devices for vehicles engaged in the hauling of perishable goods shall be unlawful and considered as a public nuisance except under the following conditions:

(A) When such operation occurs while the vehicle is operated upon a public highway, provided that the vehicle shall not remain parked for more than one hour upon such highway; or

(B) When such operation occurs while the vehicle is parked no closer than one hundred (100) feet from any building used as a residence; or

(C) When such operation occurs while the vehicle is parked in an enclosed building or structure so designed as to substantially reduce noise and vibration; or

(D) When a permit for such operation has been issued by the council upon proof that the proposed operation will not constitute an annoyance or nuisance to the public.  
(Ord. 462, passed 9-4-59)

---

**Cross reference:**

Nuisances, see Ch. 50

Penalty for violation, see § 40.999

### **ARTICLE XV. GOLF CARTS**

**§ 40.510      *DEFINITIONS***

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

**"GOLF CART."** Any self-propelled vehicle that:

(1) Is designed for the transportation of players or maintaining equipment on a golf course, while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a golf course;

(2) Has a minimum of four (4) wheels;

## **LONDON - MOTOR VEHICLE REGULATION**

---

- (3) Is designed to operate at a speed of not more than thirty-five (35) miles per hour;
  - (4) Is designed to carry not more than six (6) persons, including the driver;
  - (5) Has a maximum gross vehicle weight of two thousand five hundred (2,500) pounds;
  - (6) Has a maximum rated payload capacity of one thousand two hundred (1,200) pounds;
  - (7) Meets the Federal Motor Vehicle Safety Standards for low-speed vehicles set forth in 49 C.F.R. Sec. 571.500;
  - (8) Is equipped with a traffic horn, windshield, seat belts, headlights, turn signal, and brake lights.
- (Ord. 2017-06, passed 6-14-17)

### **§ 40.511      *REQUIREMENTS FOR OPERATION OF GOLF CARTS AND EXEMPTIONS***

- (3) A golf cart operate on a designated roadway in the city:
  - (a) Be issued a permit for the golf cart by the city;
  - (b) Display a sticker or permit that identifies that the golf cart is allowed to be operated on specific roadways within the city and shall be displayed on the driver side, lower portion of the windshield of the golf cart; a ten dollar (\$10) fee shall be paid to the City Clerk for the issuance of the sticker; and
  - (c) Be inspected by a certified inspector designated by the county sheriff and certified through the Department of Vehicle Regulation to ensure that the golf cart complies with the requirements of this section. The inspection fee under this division shall not exceed five dollars (\$5) with an additional fee not to exceed ten dollars (\$10) per trip charged if it becomes necessary for the certified inspector to travel to the site of the golf cart rather than having the golf cart brought to the sheriff's inspection area.
- (4) A person may operate a golf cart on a public roadway within the city pursuant to the above sections if:
  - (a) The posted speed limit of the designated public roadway is thirty-five (35) miles per hour or less;
  - (b) The operator of the golf cart does not cross a roadway at an intersection where the roadway being crossed has a posted speed limit of more than thirty-five (35) miles per hour;

## **LONDON - MOTOR VEHICLE REGULATION**

---

- (c) The operator has a valid operator's license in his or her possession;
- (d) The golf cart is being operated between sunrise and sunset; and
- (e) The golf cart displays a slow-moving vehicle emblem in compliance with KRS 189.820.

(5) A golf cart operating on a public roadway under subsection (2) of this section shall be insured in compliance with KRS 304.39-080 by the owner or operator, and the proof of insurance shall be inside the golf cart at all times of operation on a public roadway.

(6) Any person operating a golf cart on a public roadway under the provisions of this section shall be subject to the traffic regulations of KRS Chapter 189.

(7) A golf cart operating on a public roadway designated by the city under this article is not considered to be a motor vehicle and is exempt from:

- (a) Title requirements of KRS 186.020;
- (b) Vehicle registration requirements of KRS 186.050; and
- (c) Emissions compliance certificates pursuant to KRS 224.20-720.

The provisions of this section shall not apply to a golf cart that is not used on a public roadway except to cross a roadway while following a golf cart path on a golf course.  
(Ord. 2017-06, passed 6-14-17) Penalty, see § 40.999

### **§ 40.999      *PENALTY***

(A) Whoever violates any provision of this chapter for which a specific penalty is not provided shall be fined not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00).  
(KRS 189.990(1))

(B) Any person who violates § 40.007 shall be fined not less than sixty dollars (\$60.00) nor more than five hundred dollars (\$500.00) or be imprisoned for not more than six (6) months, or both. In the case of a private vehicle, all lighting and other equipment used in violation of § 40.007 shall be confiscated and forfeited to the county. If a member of a regular or volunteer fire department or rescue squad violates any provisions of § 40.007(E), he shall, in addition to any other penalty provided under this section, be immediately dismissed from his membership or employment with the fire department or rescue squad and shall be disqualified from being employed by or being a member of any fire department or rescue squad in the Commonwealth for a period of three (3) years. Upon conviction of a second offense he shall be permanently barred



## **LONDON - MOTOR VEHICLE REGULATION**

---

from employment or membership in any fire department, rescue squad, police department, or sheriff's office in the Commonwealth, nor shall he be permitted to operate any public safety vehicle as defined in § 40.002.

(KRS 189.993(9), (10))

(C) Any person, firm, or corporation violating any provision of § 40.060 shall be fined not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00) for each offense.

(Ord. 712, passed 6-21-82)

(D) Any person who violates § 40.066 shall be guilty of a misdemeanor and shall be fined not less than sixty dollars (\$60.00) nor more than five hundred dollars (\$500.00), or be imprisoned for not more than thirty (30) days, or both.

(KRS 189.993(8))

(E) Any person who violates § 40.101 shall be guilty of a misdemeanor and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned for not more than ninety (90) days, or both.

(KRS 189.378)

(F) Any violation of §§ 40.111, 40.112, or 40.115 shall constitute a Class "A" misdemeanor and shall be punishable by imprisonment in the Laurel County Jail for a period not to exceed twelve (12) months and a fine of not less than five hundred dollars (\$500.00). (Ord. 851, passed 6-2-92)

(G) Any person violating any of the provisions of § 40.160 shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined a sum not less than one dollar (\$1.00) nor more than twenty dollars (\$20.00) for each offense.

(Ord. 381, passed 3-6-51)

(H) Any person violating any of the provisions of § 40.162 shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00), and no prosecution under this section shall be a bar to a civil action for damages to the city streets resulting from the reckless, careless or negligent parking of such semi-trailers.

(Ord. 357, passed 7-12-49)

(I) Any vehicle parked in excess of one (1) hour pursuant to the provisions of § 40.177 shall be in violation of this section and shall accordingly be cited by the law enforcement officials in the city in keeping with the method of citation described in Article X, and subject to a fine of five dollars (\$5.00) for each violation. Each hour of overtime parking under this section shall be viewed as a separate offense.

(Ord. 764, passed 11-11-85)

## **LONDON - MOTOR VEHICLE REGULATION**

---

(J) Any person, firm, or corporation violating any provision of § 40.178 shall be fined not less than five dollars (\$5.00) nor more than twenty five dollars (\$25.00) for each offense in addition to paying any removal and storage charges.  
(Ord. 685, passed 8-25-80)

(K) Every person convicted of a violation of any provision of § 40.400 through § 40.412 shall be punished by a fine of not more than five dollars (\$5.00) or by impounding the person's bicycle for a period not to exceed sixty (60) days, or by any combination thereof.

(L) Any person who violates the provisions of § 40.500 shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense.  
(Ord. 434-A, passed 1-21-58)

(M) Any person violating § 40.501 shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense.  
(Ord. 417, passed 6-5-56)

(N) Any person violating the provisions of § 40.502 shall, upon conviction, be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each offense. Each day of violation shall constitute a separate offense.  
(Ord. 462, passed 9-4-59)

(O) Any person violating the provisions of §§ 40.510 through 40.511 shall, upon conviction of a first offense, be fined not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00). Any person convicted of a subsequent violation of §§ 40.510 through 40.511 within two (2) years of a prior conviction under §§ 40.510 through 40.511, shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00).  
(Ord. 2017-06, passed 6-14-17)

## **CHAPTER 41: STREETS AND SIDEWALKS**

### **ARTICLE I. GENERAL PROVISIONS**

41.001	Soliciting contributions
41.002	Restrictions on trucks
41.003	Restrictions on skateboards

### **ARTICLE II. EXCAVATION; CONSTRUCTION**

41.100	Use of city streets
41.101	Notice
41.102	Specifications
41.103	Liability

### **ARTICLE III. ROAD AND BRIDGE PROJECTS**

41.200	Public hearing required
41.201	Notice requirements
41.202	Public may testify; effect of testimony
41.203	Hearing to be held prior to construction
41.204	Separate hearing for each project not required
41.999	Penalty

### **ARTICLE I. GENERAL PROVISIONS**

#### **§ 41.001 SOLICITING CONTRIBUTIONS**

(A) Solicitation of contributions by any person, group, or organization on city streets or rights-of-way shall be allowed within the city no more than twice (2) per calendar year. Such solicitation shall be in strict compliance with the requirements of KRS 189.570(21), and only after written application is made to the city, at least seven (7) days in advance of the solicitation, an a permit for such solicitation is issued. On the application, the applicant shall state the name and address of the organization, group, or person seeking a permit for the solicitation, the planned hours of the solicitation, and the application shall be signed by the applicant stating that compliance will be made with the requirements of KRS 189.570(21), and that all persons participating in the solicitation are over eighteen (18) years of age.

(B) Pursuant to KRS 189.590(20) no person is permitted to stand on a road right of way for the purpose of soliciting contributions unless such soliciting is designated by the presence of a traffic control device or warning signal or an emergency vehicle or public safety vehicle as defined in KRS 189.910, making use of flashing, rotating or oscillating lights on such devices or vehicles.

(C) Persons seeking political office may solicit votes by passing out campaign materials with the city, in compliance with the requirements of KRS 189.570(21), but may not seek monetary contributions.

## **LONDON - STREETS AND SIDEWALKS**

---

(D) No person under the age of eighteen (18) years of age may participate in any political solicitation of votes for a political candidate, pursuant to this section.  
(Ord. 911, passed 9-9-96; Am. Ord. 970, passed 2-7-00)

---

**Cross reference:**

Offenses, see Ch. 52

Penalty for violation, see § 41.999

### **§ 41.002      *RESTRICTIONS ON TRUCKS***

(A) **Definition.** For the purposes of this section the following definition shall apply unless the context indicates or clearly requires a different meaning.

**"TRANSACTING BUSINESS. "** Includes the purchase, sale, delivery or pickup of goods, services, equipment or fuel in bulk or retail amounts.

(B) No truck shall be allowed to use the city streets, including Main Street, unless transacting business within the city. All such trucks shall otherwise use the 192 By-pass, Interstate 75, or Kentucky Highway 80 (a/k/a the Daniel Boone Parkway). The intent of this section is to prevent "thru" traffic, making no stops within the city, from the use of the city streets.

(C) For the purposes of this section, there shall be a legal presumption in any civil action that any damage that occurs on a street within six (6) months of the operation of truck in violation of this section that the damage was as a result of the operation of the truck.  
(Ord. 955, passed 3-22-99)

---

**Cross reference:**

Penalty for violation, see § 41.999

### **§ 41.003      *RESTRICTIONS ON SKATEBOARDS***

(A) No person shall ride a skateboard on city streets or sidewalks.

(B) No person shall ride a skateboard on public or private property in the city without written permission from the property owner, which shall be produced upon request by any city official including but not limited to any city police officer.

(C) The first offense, the city police shall confiscate the skateboard of any person using the skateboard on the streets or sidewalks of the city. The city police (police) shall retain the skateboard of any person under the age of eighteen (18) at the office of the city police and shall only return the same to a parent of the skateboarder, but only upon documentation that the person requesting the return of the skateboard is the parent of the skateboarder or at such time as the skateboarder becomes eighteen (18) years of age.

## **LONDON - STREETS AND SIDEWALKS**

---

(D) Any subsequent violation of this section shall result in a fine of not less than one hundred dollars (\$100.00) and payment for any damage caused by the skateboarding activity and confiscation of the skateboard in keeping with the procedure outlined in division (C).  
(Ord. 2006-09, passed 6-5-06)

### **ARTICLE II. EXCAVATION; CONSTRUCTION**

#### **§ 41.100      *USE OF CITY STREETS***

It shall be the duty of all utility or other companies or persons desiring to use city streets for the purpose of installing or making non-emergency type repairs to, water lines, utility lines, sewer lines, natural gas lines, underground telephone cables, or other underground type installations, whereby the surface of the city street will be disturbed, to comply with the provisions of this article.  
(Ord. 727, passed 6-27-83)

#### **Cross reference:**

Development code, excavation and construction of city streets; see § 80.779  
Streets and sidewalks, see Tables of Special Ordinances, Table 7

#### **§ 41.101      *NOTICE***

(A) Prior to any disturbance, it shall be the duty of the utility or other company or person causing the surface disturbance to obtain from the office of the City Clerk, a surface disturbance permit, signed by the City Clerk.

(B) In the event of a surface disturbance occurring after 4:30 p.m., the utility, or other company or person causing the surface disturbance, is required to obtain the surface disturbance permit by noon of the next regular business day of the office of the City Clerk.

(C) Upon completion of the restoration of the city street, the utility, or other company or person restoring the city street must present the surface disturbance permit to the City Maintenance Superintendent for his signature and approval that the city street has been repaired in accordance with this article.

(Ord. 727, passed 6-27-83)

#### **§ 41.102      *SPECIFICATIONS***

(A) All city streets shall be restored to at least their original condition within ten (10) days following the surface disturbance, and if the utility or other company or person causing the surface disturbance fails to do so, the city may make the repairs and shall be reimbursed for same by the utility or other company or person causing the surface disturbance.

(B) Unless otherwise ordered by the city, the following specifications shall be followed by all surface disturbances of city streets right-of-ways:

## **LONDON - STREETS AND SIDEWALKS**

---

(1) All utilities shall be placed at a minimum of thirty (30) inches deep. The trench shall be back filled in lifts not to exceed a maximum of six (6) inches per lift. Each lift shall be compacted with a mechanical earth compactor. The lifters may be made with the material that was removed from the original cut, providing the material can be compacted to the maximum density. If this material cannot be used to obtain density, then suitable materials shall be hauled in and applied. This material shall be of a clay nature or dense graded aggregate limestone. The trench will be back filled and compacted to within six (6) inches of the elevation of the top of the surface when the clay or earth material is used. The top six (6) inches will be filled with gravel where the existing surface is a gravel surface.

(2) Where a blacktop surface is cut the above procedure will be followed with the exception of a six (6) inch dense graded base below the bottom of the road surface. The top six (6) inches will be filled with 4000 pound mix concrete. The finished concrete surface shall be placed flush with the existing surface, leaving no valley or hump.

(3) These specifications shall be in addition to and not in lieu of any other city or state regulations, or action necessary to replace the road to as good a condition as it was in prior to the disturbance.

(4) In roadway ditches, the top of the utility lines or installation shall be a minimum of thirty (30) inches below the bottom grade lines of the roadway ditch lines. Upon completion of the construction the utility, or other company or person shall regrade the area disturbed and reconstruct and compact the roadway ditch line to its approximate grade and original ditch line. The area disturbed will be seeded and mulched if necessary to match the adjacent area such as lawns and etc. In all cases said lines are to be placed so as to pose no problem for city street crews and future maintenance of said roadway ditches or with the city streets.

(5) Should erosion settlement occur anywhere along the ditch line the utility, or other company or person responsible for the installation will be responsible for making necessary repairs at their expense.

(Ord. 727, passed 6-27-83)

### **§ 41.103      *LIABILITY***

The utility or other company or person giving notice to or performing disturbance of city streets shall be liable for all damages caused to persons or property as a result of installation, maintenance or other activities concerning the use of the city streets and the city assumes no liability for same.

(Ord. 727, passed 6-27-83)

## **ARTICLE III. ROADS AND BRIDGES**

### **§ 41.200      *PUBLIC HEARING REQUIRED***

Before the city expends state derived tax revenues on a municipal highway, road, street, or bridge, it shall hold a hearing in accordance with the provisions of this article to take the sense of

## **LONDON - STREETS AND SIDEWALKS**

---

the public with regard to the project and to priorities for use of tax monies for road and bridge purposes.  
(KRS 174.100)

### **Cross reference:**

Public meetings, see Ch. 25

### **§ 41.201 NOTICE REQUIREMENTS**

Before the contemplated date of expenditure of state derived tax revenue on a road or bridge by the city, the city shall give notice in the manner required by KRS Chapter 424 of a public hearing to take the sense of the public with regard to road and bridge matters within the city. The hearing shall be held not less than seven (7) nor more than twenty-one (21) days after the first publication of the notice and before beginning work on any project covered by this article.  
(KRS 174.100(1))

### **§ 41.202 PUBLIC MAY TESTIFY; EFFECT OF TESTIMONY**

(A) At the hearing, any person may speak with regard to any proposed project, any project which he feels should be built or done which has not been proposed, priorities for completion of projects, and any other matter related to road and bridge projects.

(B) The city shall not be bound by the testimony heard at the hearing, but shall give due consideration to it.  
(KRS 174.100(2)(3))

### **§ 41.203 HEARING TO BE HELD PRIOR TO CONSTRUCTION**

The city shall not begin construction on a road or bridge project wherein state derived tax revenues are involved until the hearing as provided in § 41.202 has been held.  
(KRS 174.100(4))

### **§ 41.204 SEPARATE HEARING FOR EACH PROJECT NOT REQUIRED**

This article shall not be construed to require a separate hearing for each project. A single hearing encompassing the entire road and bridge program, provided all projects subsequently undertaken have been identified at the hearing, shall meet the requirements of this article.  
(KRS 174.100(5))

### **§ 41.999 PENALTY**

(A) (1) Any violation of § 41.001 or KRS 189.570(21), which is incorporated herein by reference, shall result in the immediate removal of any person, group, or organization from the solicitation area, as though no permit had been issued.

## **LONDON - STREETS AND SIDEWALKS**

---

(2) Any violation of § 41.001 shall result in a fine of not less than twenty dollars (\$20.00) and not more than one hundred dollars (\$100.00). Each violation shall be considered a separate offense. Any violation of this section shall also result in no permit for solicitation being issued for twelve (12) calendar months from the date of the violation.  
(Ord. 911, passed 9-9-96; Am. Ord. 970, passed 2-7-00)

---

**Statutory reference:**

State offense, see KRS 189.990(1)

(B) Any violation of § 41.002 shall be punishable by a fine of not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00) per occurrence. The violation shall be issued against either the driver or owner of the truck. In addition to the criminal penalty, the owner and operator of the truck violating this section shall also be liable in civil damages for the cost of repairing the street.  
(Ord. 955, passed 3-22-99)

(C) Any utility, or other company or person violating any of the provisions of §§ 41.100 – 41.103 or failing to comply with same shall be subject to a fine of ten dollars (\$10.00) to one hundred dollars (\$100.00) per day for each day the violation continues, and in addition thereto, shall be subject to the actual cost expended by the city in making such repairs.  
(Ord. 727, passed 6-27-83)



## **TITLE 5: PUBLIC REGULATIONS**

---

CHAPTER 50

NUISANCES

CHAPTER 51

ANIMALS

CHAPTER 52

OFFENSES

CHAPTER 53

PARKS AND RECREATION

CHAPTER 54

TREES

CHAPTER 55

YARD SALES

## **LONDON - PUBLIC REGULATIONS**

---

## **CHAPTER 50: NUISANCES**

### **ARTICLE I.**

#### **GENERAL PROVISIONS**

- 50.001 Definitions
- 50.002 Common law and statutory nuisances

### **ARTICLE II.**

#### **WEEDS**

- 50.100 Overgrowth prohibited
- 50.101 Notice of violation

### **ARTICLE III.**

#### **BUILDING REFUSE; DEBRIS**

- 50.200 Accumulation prohibited
- 50.201 Declaration of nuisance
- 50.202 Notice of violation

### **ARTICLE IV.**

#### **NOISE**

- 50.300 Operation or maintenance of loud speakers

### **ARTICLE V.**

#### **VEHICLES AS NUISANCES**

- 50.400 Definitions
- 50.401 Abandonment on public property prohibited
- 50.402 Abandonment on property of another prohibited
- 50.403 Abandonment on operator's personal property
- 50.404 Removal of abandoned motor vehicles
- 50.405 Notification of owner and claiming of vehicles
- 50.406 Disposal of unclaimed motor vehicles

### **ARTICLE VI.**

#### **SMOKING**

- 50.500 Smoking prohibited
- 50.501 Definitions
- 50.502 Reasonable distance
- 50.503 Where smoking is not regulated
- 50.504 Posting of signs
- 50.505 Enforcement
- 50.506 Violations
- 50.999 Penalty

## **LONDON - NUISANCES**

---

### **ARTICLE I. GENERAL PROVISIONS**

#### **§ 50.001      *DEFINITIONS***

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

*"NUISANCE."*            Public nuisance.

#### **§ 50.002      *COMMON LAW AND STATUTORY NUISANCES***

In addition to what is declared in this chapter to be a public nuisance, those offenses which are known to the common law and statutes of Kentucky as public nuisances may be treated as such and be proceeded against as is provided in this chapter or in accordance with any provision of law.

**Cross reference:**

Penalty for violation, see § 50.999

### **ARTICLE II. WEEDS**

#### **§ 50.100      *OVERGROWTH PROHIBITED***

It shall be unlawful for the owner or occupier of any property within the city to allow grass, weeds and other vegetation to grow to a height greater than nine (9) inches.  
(Ord. 478, passed 10-4-60; Am. Ord. 697, passed 3-9-81)

**Cross reference:**

Penalty for violation, see § 50.999

#### **§ 50.101      *NOTICE OF VIOLATION***

The city shall, upon report of violation of the provisions of § 50.100, notify by mail the owner or occupier of the property to mow the property in question. If upon such notice the property is not mowed within ten (10) days of the mailing of the notice, the city may mow the property and the owner or occupier of the property will be charged the expense of such mowing.  
(Ord. 478, passed 10-4-60; Am. Ord. 697, passed 3-9-81)

## **LONDON - NUISANCES**

---

### **ARTICLE III. BUILDING REFUSE; DEBRIS**

#### **§ 50.200      *ACCUMULATED PROHIBITED***

It shall be unlawful for the owner of any property located in the city to allow building refuse and debris to accumulate and remain upon such property when a building is destroyed or removed from its location.

(Ord. 717, passed 11-22-82)

#### **Cross reference:**

Penalty for violation, see § 50.999

#### **§ 50.201      *DECLARATION OF NUISANCE***

The accumulation of any refuse and debris is declared to be a menace to the health and safety and general welfare of the public and against the public interest.

(Ord. 717, passed 11-22-82)

#### **§ 50.202      *NOTICE OF VIOLATION***

(A) The city shall, upon report of violation of the provisions of § 50.200, notify by mail the owner of the property to clear and remove the refuse and debris from the property in question. If upon such notice the refuse and debris is not cleared and removed from the property within ten (10) days of the mailing of the notice, the city may clear and remove the refuse and debris from the property and the owner of the property will be charged the expense of the clearing and removal.

[Text continues on page 7]

## **LONDON - NUISANCES**

---

## **LONDON - NUISANCES**

---

(B) The owner of property in violation of § 50.200 shall be issued a citation notifying him of the violation. The City Building Inspector and the Police Department are empowered to issue citations. Issuance of a citation is deemed to be the written notice contemplated within this section.

(Ord. 717, passed 11-22-82)

### **ARTICLE IV. NOISE**

#### **§ 50.300      *OPERATION OR MAINTENANCE OF LOUDSPEAKERS***

It shall be unlawful for any person to operate or maintain any loudspeaker of any description within the city between the hours of 10:00 p.m. and 7:00 a.m.

(Ord. 420, passed 6-5-56)

#### **Cross reference:**

Penalty for violation, see § 50.999

### **ARTICLE V. VEHICLES AS NUISANCES**

#### **§ 50.400      *DEFINITIONS***

The following definitions shall apply in the interpretation and enforcement of this article, unless the context clearly indicates that a different meaning is intended:

“*CITY.*” The City of London, Kentucky.

“*HIGHWAY.*” Every highway or portion thereof on which vehicular travel is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to a stop sign, yield sign, or other official traffic-control device, which such signs or devices are erected as provided by law.

“*MOTOR VEHICLE.*” A vehicle which is self-propelled and shall include, without limitation, automobile, truck, trailer, motorcycle and tractor.

“*PERSON.*” Every natural person, firm, copartnership, association, corporation, or organization of any kind.

“*STREET.*” The entire width between boundary lines of every publicly maintained right of way when any part thereof is open to the use of the public for purposes of the vehicular travel. (Ord. 2003-10, passed 9-2-03; Am. Ord. 2003-19, passed 12-1-03)

## **LONDON - NUISANCES**

---

### **§ 50.401      *ABANDONMENT ON PUBLIC PROPERTY PROHIBITED***

No person shall abandon for any length of time a motor vehicle on any street, highway, alley, or other public way or right of way of the same of this city.  
(Ord. 2003-10, passed 9-2-03; Am. Ord. 2003-19, passed 12-1-03)

### **§ 50.402      *ABANDONMENT ON PROPERTY OF ANOTHER PROHIBITED***

No person shall abandon for any length of time a motor vehicle on the private property of another person. Any resident of the city on whose property a motor vehicle is abandoned may file a complaint with the Police Department. Thereafter the motor vehicle shall be removed, impounded and subject to the same treatment as provided for motor vehicles abandoned on the public ways.  
(Ord. 2003-10, passed 9-2-03; Am. Ord. 2003-19, passed 12-1-03)

### **§ 50.403      *ABANDONMENT ON OPERATOR'S PERSONAL PROPERTY***

No person in charge of control of any property within the city, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, non-operating, wrecked, discarded or abandoned motor vehicle to remain on such property longer than seven (7) days; except that this article shall not apply with regard to a vehicle in an enclosed building; or a vehicle in a storage place or depository maintained in a lawful location and manner by the city.  
(Ord. 2003-10, passed 9-2-03; Am. Ord. 2003-19, passed 12-1-03)

### **§ 50.404      *REMOVAL OF ABANDONED MOTOR VEHICLES***

(A) Any regularly employed law enforcement officer of this city and any other employee of the city designated by the City Council, who has reasonable grounds to believe that a motor vehicles has been abandoned, shall affix to the windshield or other prominent part of the vehicle, a "tow warning" emblem. The emblem shall be five (5) by seven (7) inches or larger, bright orange in color, with printed words "tow warning" in bold letters at least two (2) inches high, and also state that unless the vehicle is removed before \_\_\_\_\_ o'clock in the \_\_\_\_m. of the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the vehicle will be impounded and taken to \_\_\_\_\_, and after thirty (30) days will be sold to recover the costs of removal, storage, and sale. The emblem shall be self-adhesive and the blanks above stated shall be completely filled in with permanent dark ink indicating the required details. The time set for removal shall be at least five (5) days after the emblem is affixed. After the time set for removal has expired, any designated city employee or officer shall cause the motor vehicle to be removed to the depository regularly used by the city for the purpose of storing such motor vehicles. In the event the vehicle is illegally parked or is disabled, a tow warning emblem need not be affixed, and the vehicle may be immediately impounded.

(B) Upon arrival at the depository, the vehicle shall be impounded and its contents inventoried.



## **LONDON - NUISANCES**

---

(C) The Police Department shall within five (5) days after a motor vehicle is impounded notify the State Department of Motor Vehicles of the Commonwealth of Kentucky of the impoundment of the motor vehicle and such notification shall include such information as is available that will enable the Department of Motor Vehicles to identify the registered owner of the vehicle.

(Ord. 2003-10, passed 9-2-03; Am. Ord. 2003-19, passed 12-1-03)

### **§ 50.405 NOTIFICATION OF OWNER AND CLAIMING OF VEHICLES**

(A) Within ten (10) days after the impoundment of a motor vehicle pursuant to the provisions of this article, the Police Department shall give written notice to the owner, secured parties of record, and know lienholders, if any, at least thirty (30) days prior to the date of the sale of the motor vehicle advising of:

(1) The complete description of the vehicle and the date and place the vehicle was found or taken into possession;

(2) The approximate amount owed for the cost of towing and storage;

(3) The location of storage of the vehicle;

(4) The time and place that a sale of the vehicle will be held; and

(5) The right of the owner, secured parties and lienholders to contest the right to sell such vehicle.

(B) The notice required by this section shall be deemed to be given when sent by certified mail, postage prepaid, to the address of the owner, secured party of record, and know lienholder shown on any public filing evidencing such ownership, security interest, or lien; or if none, to any such address ascertained by reasonable effort.

(C) If the name and address of the owner, secured parties or lienholders of the vehicle are unknown or cannot be reasonably ascertained, then the notice required herein shall be given by publication once a week for two (2) successive weeks in a newspaper of general circulation in the county in which the sale is to be held. The first publication shall be at least thirty (30) days before the date of sale.

(D) The registered owner, or other person who can prove he is entitled to possession of a motor vehicle impounded pursuant to the provisions of this article, may claim the motor vehicle within thirty (30) days of the date of impoundment by presenting himself at the depository and by paying the actual costs of towing and storage owed at that time.

(Ord. 2003-10, passed 9-2-03; Am. Ord. 2003-19, passed 12-1-03)

## **LONDON - NUISANCES**

---

### **§ 50.406      *DISPOSAL OF UNCLAIMED MOTOR VEHICLES***

(A) If a motor vehicle remains unclaimed after the expiration of thirty (30) days from the date of impoundment, the Chief of Police shall cause such vehicle to be disposed of in accordance with the procedures established under Kentucky law.

(B) The proceeds of the sale shall be applied first to the expenses of the sale, and to the costs of removal and storage as determined pursuant to § 50.405 hereof. Any remaining proceeds from the sale shall be held by the Chief of Police for six (6) months after the date of the sale and shall be turned over to the person who can prove he held the title to the motor vehicle upon the demand of such person. If at the end of the six (6) month period no person has claimed the proceeds of the sale, they shall be turned over to the City Treasurer for deposit in the General Fund of the city.

(Ord. 2003-10, passed 9-2-03; Am. Ord. 2003-19, passed 12-1-03)

## **ARTICLE VI. SMOKING**

### **§ 50.500      *SMOKING PROHIBITED***

That smoking shall be prohibited in all enclosed areas within all enclosed buildings open to the public and within places of employment, except in hereinafter provided.

(Ord. 2009-03, passed 10-3-09)

### **§ 50.501      *DEFINITIONS***

All of the words and phrases of this article are to be given their usual and customary meaning and definition unless otherwise stated. For definitional purposes and clarity, the following definitions are given:

**"BUSINESS."** A sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit including any retail establishment where goods or services are sold; any professional corporation or other entity where legal, medical, dental, engineering, architectural, or other professional services are delivered.

**"EMPLOYER."** A person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one or more individuals.

**"ENCLOSED."** When used in reference to an area or a building or portion thereof, means closed in on all sides from floor to ceiling by solid walls, with or without windows and exclusive of doorways.

**"ENCLOSED BUILDINGS."** open to the public means any building open to the public or in which the public is invited or permitted, including but not limited to:

## **LONDON - NUISANCES**

---

- (1) Libraries;
- (2) Areas available to and customarily used by the general public in businesses;
- (3) Bars;
- (4) Bingo facilities;
- (5) Child care and adult care facilities;
- (6) Convention facilities;
- (7) Educational facilities, both public and private;
- (8) Elevators;
- (9) Gaming facilities;
- (10) Municipal governmental facilities including buildings and vehicles;
- (11) Healthcare facilities;
- (12) Hotel and motels;
- (13) Lobbies, hallways, and other common areas in apartment buildings, condominiums, retirement facilities, nursing homes, and other multiple-unit residential facilities;
- (14) Polling places;
- (15) Pool and billiard halls;
- (16) Public transportation facilities, including buses and taxicabs, and ticket, boarding, and waiting areas of public transit depots;
- (17) Restaurants;
- (18) Restrooms, lobbies, reception areas, hallways, and other common-use areas;
- (19) Retail establishments;
- (20) Service lines;
- (21) Shopping malls;

## **LONDON - NUISANCES**

---

(22) Sports arenas; and

(23) Theatres and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances.

**"EVERY PERSON IN CONTROL OF AN AREA."** The owner, lessee, operator, licensee or employee, servant or agent of the owner, lessee, operator or licensee of the place of employment.

**"PLACES OF EMPLOYMENT."** An enclosed area under the control of a public or private employer where employees work or to which employees have access during the course of employment including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways and vehicles. A private residence is not a "place of employment" unless it is used as a childcare, adult day care, or healthcare facility.

**"PRIVATE RESIDENCE."** Not a "public place" unless used as a childcare, adult day care, or healthcare facility.

**"SMOKING."** Inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any manner or in any form.  
(Ord. 2009-03, passed 8-3-09)

### **§ 50.502 REASONABLE DISTANCE**

Smoking is prohibited within twenty five (25) feet outside entrances, exits, or wheelchair ramps serving entrance or exit, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to ensure that tobacco smoke does not enter those areas. This section shall not apply to restaurant and bar outdoor seating areas.  
(Ord. 2009-03, passed 8-3-09)

### **§ 50.503 WHERE SMOKING IS NOT REGULATED**

Smoking is not regulated and the following areas are exempt from the above provisions of this article:

(A) Private residences, except when used as a childcare, adult day care or healthcare facility.

(B) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than thirty-five (35%) percent of rooms rented to guests in a hotel or motel may be so designated. All smoking rooms on the same floor must be contiguous, and smoke from these rooms must not infiltrate into areas where smoking is prohibited under the provisions of this article. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.

## **LONDON - NUISANCES**

---

(C) Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted, provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this article.

(D) Retail tobacco stores, provided that smoke from these establishments does not infiltrate into areas where smoking is prohibited under the provisions of this article.

(E) Notwithstanding any other provisions of this article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of § 50.504(A) is posted.

(Ord. 2009-03, passed 8-3-09)

### **§ 50.504 POSTING OF SIGNS**

(A) The owner, operator, manager, or other person in control of a public place or place of employment shall clearly and conspicuously post 'No Smoking' signs or the international 'No Smoking' symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) in every public place and place of employment where smoking is prohibited by this article.

(B) The owner, operator, manager, or other person in control of a public place or place of employment shall conspicuously post at every entrance thereto a sign clearly stating that smoking is prohibited therein.

(C) The owner, operator, manager, or other person in control shall remove all ashtrays from any area where smoking is prohibited by this article.

(Ord. 2009-03, passed 8-3-09)

### **§ 50.505 ENFORCEMENT**

The provisions of this article shall be enforced by the London City Police and/or the London City Building Inspector.

(Ord. 2009-03, passed 8-3-09)

### **§ 50.506 VIOLATIONS**

(A) A person commits an offense if he is smoking in an area where smoking is prohibited by the provisions of this article.

(B) It shall be the duty of every person in control of an area where smoking is prohibited by the provisions of this article to request any person known to be smoking in such area to

## **LONDON - NUISANCES**

---

extinguish the burning tobacco product. Any knowing or intentional failure to maintain compliance with such duty shall constitute an offense.

(Ord. 2009-03, passed 8-3-09)

### **§ 50.999      *PENALTY***

(A) Any person who violates the provisions of § 50.100 shall be, upon conviction, sentenced to pay a fine in an amount not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00). Each separate day the condition continues to exist shall constitute a separate offense.

(Ord. 478, passed 10-4-60; Am. Ord. 697, passed 3-9-81)

(B) Any person who violates the provisions of § 50.200 shall be, upon conviction, sentenced to pay a fine in an amount not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00). Each separate day the condition continues to exist shall constitute a separate offense.

(Ord. 717, passed 11-22-82)

(C) Any person who violates the provisions of § 50.300 shall be, upon conviction, fined not less than one dollar (\$1.00) nor more than ten dollars (\$10.00).

(Ord. 420, passed 6-5-56)

(D) Any person in charge of control of any property within the city, whether owner, tenant, occupant, lessee or otherwise who allows any partially dismantled, non-operating, wrecked, discarded or otherwise abandoned motor vehicle to remain on such property longer than seven (7) days (except such shall not apply to a motor vehicle in an enclosed building or a vehicle in a storage place or depository maintained in a lawful location and manner by the city), shall be guilty of violating Article V. The penalty for such violation shall not less than one-hundred dollars (\$100.00) and not more than five-hundred dollars (\$500.00) per violation. Any person violation Article V shall be cited to the Laurel District Court. Each day such violation of this article continues shall constitute a separate violation of Article V.

(Ord. 2003-19, passed 12-1-03)

(E) Whenever in this article an act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or whenever in this article the doing of any thing or act is required or the failure to do any thing or act is prohibited, the violation of the provision shall be and constitute a misdemeanor punishable, upon conviction, by a fine not to exceed two hundred dollars (\$200.00). Each violation shall constitute and be punishable as a separate offense. Prosecution or conviction under this provision is cumulative of and shall never be a bar to any other civil or administrative remedy provided or allowed in this article or by law.

(Ord. 2009-03, passed 8-3-09)

## **CHAPTER 51: ANIMALS**

### **ARTICLE I. GENERAL PROVISIONS**

51.001	Definitions
51.002	Chickens; control required
51.003	Regulation of animals on specified premises

### **ARTICLE II. DOGS**

51.100	Running-at-large prohibited; exceptions
51.101	Licensed required; use of fees
51.102	Impoundment
51.999	Penalty

### **ARTICLE I. GENERAL PROVISIONS**

#### **§ 51.001 DEFINITIONS**

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

**"AT LARGE."** On or off the premises of the owner and not under the immediate effective control of the owner or custodian either by leash, cord, or chain, or effectively confined within a fenced area on the owner's premises.

**"DOG."** Any domestic canine, six (6) months of age or older.  
(KRS 258.095)

#### **§ 51.002 CHICKENS; CONTROL REQUIRED**

It shall be unlawful for any person to permit any chicken to run at large or go off his own premises in the city. Whoever permits his chickens to run at large or go off his premises shall be subject to the penalty set forth in § 51.999.  
(Ord. 218, passed 12-5-24)

#### **§ 51.003 REGULATION OF ANIMALS ON SPECIFIED PREMISES**

(A) The number of dogs or cats located on residentially zoned property is limited as follows.

(1) No more than two dogs, excluding puppies, or more than two cats, excluding kittens, may be quartered outdoors on an individual tract, lot or parcel, or dwelling unit, which is .5 acre or less and is zoned as a residential area.

(2) No more than four dogs, excluding puppies, or more than four cats, excluding kittens, may be quartered outdoors on an individual tract, lot or parcel, or dwelling unit, which is more than .5 acre but less than two acres and has on such property any building or structure and zoned as a residential area, except as provided in division (A)(3) of this section.

## **LONDON - ANIMALS**

---

(3) As used in this section, a **"KENNEL"** is any place where dogs and/or cats, puppies or kittens are kept for the primary purpose of breeding, buying or selling or for which a fee is charged for overnight stay. For the purpose of this section a kennel is any establishment, which boards or has at any time more than four (4) dogs, excluding puppies or more than four (4) cats, excluding kittens. Kennels must abide by all zoning restrictions and uses. No kennel shall be allowed in a residentially zoned area.

(4) The odor, stench and unsanitary conditions caused by the kennel must be attended to by the owner so that it will not cause disturbance of people in the reasonable use and enjoyment of their property where any of these factors cause annoyance, discomfort, or injury to the health and welfare of persons in the neighborhood.

(5) For purposes of this section, a puppy is a domestic canine younger than four months of age and a kitten is any domestic feline younger than four months of age.

(6) Any dog, puppy, cat or kitten outside a house must be located in an enclosure (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 or crawling out of the enclosure. 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.

(7) Any person owning or possessing a dog in the city shall at all times keep said dog restrained.

(8) Restraint as used in this section means within the fence or enclosure described above or if off the premises of the owner, under restraint by means of a lead or leash or in a cage or carrier and under the control of the owner or other responsible person, physically able to control the animal. A dog may also be restrained by a chain or tether provided that it is at least ten feet in length and attached to a pulley or trolley mounted on a cable which is also at least ten feet in length and mounted no more than seven feet above ground level.

(a) Any chain or tether must be attached to a properly fitting collar or harness worn by the animal.

(b) All collars shall fit an animal so as to avoid causing injury to the animal or becoming imbedded in the animal's neck.

(c) Confinement of animal in heat: every female dog or cat in heat shall be confined in a building or secure enclosure in such manner that such female dog or cat cannot come into contact with another animal except for a planned breeding.

(B) Sanitary disposal of animal feces required: it shall be unlawful for any owner or person in charge of a dog, cat, or other four-footed mammal, to permit such animal to be on any private property other than that of the owner or person in charge or control of such animal without the permission of the owner of said property, or on any streets, sidewalks, highways, or



## **LONDON - ANIMALS**

---

rights-of-way of the city other than duly designated bridle paths, unless the owner or person in charge of such animals:

(1) Has, in his or her possession, a suitable device for the picking up, collection and proper sanitary disposal of the animal feces or manure; and

(2) Immediately removes all feces deposited by such animal(s) and disposes of the same in a proper manner.

(3) This section shall not apply to blind or visually impaired and/or disabled persons accompanied by an assistance dog.

(C) No poultry may be kept on tracts of less than .5 acre. No more than five (5) crowing or non-crowing poultry may be kept in residentially zoned areas of .5 acre or more. All crowing and non-crowing poultry shall be kept in a fence or structure of sufficient height and construction to prevent the animal(s) from leaving the owner's property. The fence or structure must be in good repair. All gates or doors to the fence or structure shall fit properly and shall be locked or secured by a latch. "*POULTRY*" as used in this section means chickens, ducks, turkeys, or other domestic fowl.

(D) Vaccinations required. No one shall keep any dog or cat in the city over the age of four months that has not been vaccinated against rabies with an approved rabies vaccine. Vaccination tags shall be firmly attached to a harness or collar worn by the animal. Every owner of a dog or cat shall have the animal re-vaccinated 12 months after the initial vaccination. Thereafter, the interval between revaccinations shall conform to manufacturer's written instructions (currently every 12 months for annual vaccines, or 36 months for triennial vaccines), and requirements prescribed by the National Association of State Public Health Veterinarians in the current version of the annual "Compendium of Animal Rabies Prevention and Control."

(E) No person shall keep a wild animal in any residentially zoned area. A "*WILD ANIMAL*" as used herein means any animal that generally is not domesticated and living among humans, or any animal classified by the Kentucky Department of Fish and Wildlife in its statutes or regulations as either, (a) Inherently dangerous wildlife; (b) Exotic wildlife; or (c) wildlife whose importation or possession is prohibited by any federal or state law or regulation; and a hybrid of any animal herein.

(F) No person, other than a licensed exhibitor of the Chicken Festival, shall have in any area of the Chicken Festival, during the time of the Chicken Festival, any animal.

(G) No owner or person having possession of any dog shall permit such dog to disturb the peace and quiet of the neighborhood by reason of its howling, barking, and whining. Where violations of this division (G) are observed, any London City Police Officer, the London Public Safety Officer or Code Enforcement Officer may issue a violation letter in lieu of a uniform citation. Letters will convey the actual violation and explain how to correct this action. The letter will have a set date that the violation must be corrected before further action will be taken. If further howling, barking or whining of the dog are observed by the officers, a citation shall be written in keeping with the sections below.

## **LONDON - ANIMALS**

---

(H) Nothing in this section shall be construed to limit in any manner (a) the use or possession of an "assistance dog" as that term is defined in KRS 258.500 by a visually impaired person or (b) a "service" dog as that term is defined in KRS 525.010(6).

(I) Impoundment authorized.

(1) Unrestrained animals, roaming free, may be captured by the Laurel County Animal Control Officer.

(2) Impounded dogs or cats, shall be kept in keeping with the rules and regulations of the Laurel County Animal Shelter.

(Ord. 2012-01, passed 4-2-12) Penalty, see § 51.999

### **ARTICLE II. DOGS**

#### **§ 51.100      *RUNNING-AT-LARGE; PROHIBITED; EXCEPTIONS***

(A) No dog shall be permitted to run at large within the corporate limits of the city.

(B) Nothing stated in subsection (A) shall prohibit any dog from the streets or public property of the city when the dog is kept under control of the person charged with its care. (Ord. 883, passed 2-27-95)

---

**Cross reference:**

Penalty for violation, see § 51.999

#### **§ 51.101      *LICENSE REQUIRED; USE OF FEES***

(A) No person shall keep any dog within the city without first securing a license for the dog from the Caretaker of the London/Laurel County Animal Shelter who shall keep a record of all licenses issued and shall issue to the owner a certificate for each license. The annual fee for the license certificate shall be in the sum of one dollar and fifty cents (\$1.50). The licenses shall expire on the first day of January, next following their issuance.

(B) Any and all license fees imposed, levied and collected pursuant to this section shall be paid into the London/Laurel County Animal Shelter.

(Ord. 883, passed 2-27-95)

---

**Cross reference:**

Penalty for violation, see § 51.999

#### **§ 51.102      *IMPOUNDMENT***

The Caretaker of the London/Laurel County Animal Shelter shall impound any dog found unlicensed or running at large and shall give notice of the impounding to the owner of such dog if the same is known. The Caretaker of the London/Laurel County Animal Shelter shall deliver the

## **LONDON - ANIMALS**

---

dog to the London/Laurel County Animal Shelter. In the event the owner is unknown, the Caretaker shall post notice at the Animal Shelter of the date, place, and time that the dog was impounded. The dog may otherwise be disposed of in keeping with the guidelines of the London/Laurel County Animal Shelter. Any owner who claims a dog at the Animal Shelter shall be responsible for the payments of fees and costs reasonably incurred by the Animal Shelter.

(Ord. 883, passed 2-27-95)

### **§ 51.999      *PENALTY***

(A) Any person violating the provisions of § 51.002 shall be, upon conviction, fined not less than two dollars (\$2.00) nor more than five dollars (\$5.00).

(Ord. 218, passed 12-5-24)

(B) Any person violating the provisions of §§ 51.100 or 51.101 shall be charged with a Class B Misdemeanor.

(C) (1) In addition to, or in lieu of impounding an animal for any violation of § 51.003, a London Police Officer may issue a citation to the owner of such animal specifying the division or divisions of § 51.003 so violated and identifying the specific nature of the violation. Such citation shall impose upon the owner the obligation of appearance to answer the charges specified in the citation in the Laurel County District Court at the time and place indicated on the citation.

(2) Any person violating any provision of this § 51.003 shall be issued a citation by a London Police Officer to appear in Laurel District Court.

(a) First offense: \$25.00 plus court cost and compliance.

(b) Second offense: \$50.00 plus court cost and compliance.

(c) Third offense: \$150.00 plus court cost and compliance.

(Ord. 883, passed 2-27-95; Am. Ord. 2012-01, passed 4-2-12)

## **LONDON - ANIMALS**

---

## **CHAPTER 52: OFFENSES**

### **ARTICLE I.**

#### **GENERAL OFFENSES**

52.001	Peddling; selling produce
52.002	Maliciously sounding fire alarms
52.003	Sirens
52.004	Posting of signs

### **ARTICLE II.**

#### **FIREARMS**

##### **Division 1.**

##### **Discharging firearms**

52.200	Definition
52.201	Discharging firearms
52.202	Violation by minor
52.203	Permission of Chief of Police

##### **Division 2.**

##### **Hunting**

52.250	Hunting with firearms
--------	-----------------------

### **ARTICLE III.**

#### **HALLOWEEN**

52.300	Rules for observance
52.999	Penalty

### **ARTICLE I. GENERAL OFFENSES**

#### **§ 52.001     *PEDDLING; SELLING PRODUCT***

(A) No person or persons shall engage in the business of peddling or selling any fruits or vegetables or farm product of any description on any of the public streets, sidewalks or alleys, in the city.

(B) This section, however, shall not apply to farmers living and residing in Laurel County, Kentucky, and engaged in the business of raising, and selling and marketing their own product.

(Ord. 315, passed - - )

#### **§ 52.002     *MALICIOUSLY SOUNDING FIRE ALARMS***

No person shall maliciously sound an alarm of fire.  
(Ord. 228, passed 10-9-26)

## **LONDON - OFFENSES**

---

### **§ 52.003      *SIRENS***

(A) The use of a siren, or of any whistle or other device to produce a noise similar to a siren, is strictly limited within the city limits to the apparatus of the fire department and to ambulances while answering a call; and such devices shall not be used on any other vehicle or for any other purpose.

(B) No one shall in any way imitate the sound of a siren used as provided in subsection (A) above.

(Ord. 247, passed 10-5-28)

---

**Cross reference:**

Penalty for violation, see § 52.999

### **§ 52.004      *POSTING OF SIGNS***

The posting of placards, signs, announcements, or advertisements of all kinds upon utility and telephone poles within the city is hereby expressly prohibited.

(Ord. 739, passed 12-27-83)

---

**Cross reference:**

Development code, see §§ 80.575 – 80.587

Penalty for violation, see § 52.999

## **ARTICLE II. FIREARMS**

### **Division 1. Discharging Firearms**

#### **§ 52.200      *DEFINITION***

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

**"FIREARM."** Any weapon which will expel a projectile by the action of an explosive.  
(Ord. 700, passed 5-11-81)

#### **§ 52.201      *DISCHARGING FIREARMS***

(A) It shall be unlawful for any person, except a peace officer when necessary for his protection in the discharge of his official duties, to fire any firearm on property owned by the city.

(B) It shall be unlawful for any person, except a peace officer when necessary for his protection in the discharge of his official duties, to fire any firearm so that the projectile

## **LONDON - OFFENSES**

---

therefrom comes onto property owned by the city.  
(Ord. 456, passed 4-21-59; Am. Ord. 700, passed 5-11-81)

### **Cross reference:**

Penalty for violation, see § 52.999

Police department, authorization to carry concealed deadly weapons, see § 22.003

### **§ 52.202 VIOLATION OF MINOR**

If a child under eighteen (18) years of age violates the provisions of § 52.201, the person having custody of the child shall be held prima facie to have knowingly and willfully caused and contributed to cause such act on the part of such child, or to willfully have failed to prevent such act, and shall, upon conviction, be subject to the penalty set forth in § 52.999.  
(Ord. 456, passed 4-21-59)

### **§ 52.203 PERMISSION OF CHIEF OF POLICE**

The Chief of Police may grant permission to shoot or discharge air-rifles, air-guns or firearms on particular occasions or in designated places.  
(Ord. 456, passed 4-21-59)

## **Division 2. Hunting**

### **§ 52.250 HUNTING WITH FIREARMS**

It shall be unlawful for any person to hunt with firearms for game of any description, with or without dogs, within the city.  
(Ord. 377, passed 12-5-50)

### **Cross reference:**

Penalty for violation, see § 52.999

## **ARTICLE III. HALLOWEEN**

### **§ 52.300 RULES FOR OBSERVANCE**

To promote the orderly observance of Halloween night within the city limits, and to avoid disorderly conduct, vandalism and undue annoyance to the city residents, the following rules for such observance are ordained:

(A) No person over the age of twelve (12) years will be permitted to engage in the activity known as trick-or-treating.

(B) An 8:00 p.m. curfew will be sounded by the fire whistle, and no trick-or-treat activities will be permitted after the curfew.

## **LONDON - OFFENSES**

---

(C) All children shall return to their homes or other assembly places at 8:00 p.m.

(D) No trucks or cars will be allowed to unload Halloween revelers within the city limits, and the city police force is required to enforce this and the other regulations set out herein.

(E) When Halloween falls on a Sunday, it will be observed on the preceding Saturday.

(F) Children should not begin trick-or-treating before 6:00 p.m.

(G) Persons desiring trick-or-treaters to visit their homes should turn on their porch lights.

(Ord. 650, passed 10-28-76)

---

### **Cross reference:**

Penalty for violation, see § 52.999

### **§ 52.999      *PENALTY***

(A) Any person violating the provisions of § 52.002 shall be fined in any sum not exceeding fifteen dollars (\$15.00).

(Ord. 228, passed 10-9-26)

(B) Any person violating the provisions of § 52.003 shall be fined any sum not exceeding fifteen dollars (\$15.00) for each offense.

(Ord. 247, passed 10-5-28)

(C) Any person violating the provisions of § 52.004 shall be fined ten dollars (\$10.00) per violation. The posting of each individual placard, sign, announcement, and advertisement shall constitute a separate violation.

(Ord. 739, passed 12-27-83)

(D) Any person violating the provisions of § 52.201 shall, upon conviction, be sentenced to imprisonment for a term not to exceed twelve (12) months or sentenced to pay a fine in an amount not to exceed five hundred dollars (\$500.00) or both so fined and imprisoned.

(Ord. 456, passed 4-21-59; Am. Ord. 700, passed 5-11-81)

(E) Any person contributing to the violation of § 52.202 shall be fined not less than five dollars (\$5.00) nor more than twenty dollars (\$20.00) for each offense.

(Ord. 456, passed 4-21-59)

(F) Any person violating the provisions of § 52.250 shall, upon conviction, be fined not less than one dollar (\$1.00) nor more than ten dollars (\$10.00) for each offense.

(Ord. 377, passed 12-5-50)



## **LONDON - OFFENSES**

---

(G) Any person violating the provisions of § 52.300 as to engaging in the activity known as trick-or-treating, violating the hours set out for such activities, or unloading persons with the city limits for such purposes, shall be deemed guilty of a misdemeanor, and shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense.

(Ord. 650, passed 10-28-76)

## **LONDON - OFFENSES**

---

## CHAPTER 53: PARKS AND RECREATION

53.001	Parks, Playground and Recreation Board established
53.002	Composition; appointment
53.003	Compensation
53.004	Term
53.005	Officers; staff
53.006	Bond
53.007	Rules for transaction of business
53.008	Powers; duties

### § 53.001 *PARKS, PLAYGROUND AND RECREATION BOARD ESTABLISHED*

There is hereby established the Parks, Playground and Recreation Board of the city.

### § 53.002 *COMPOSITION; APPOINTMENT*

The Parks, Playground and Recreation Board shall consist of five (5) members to be appointed by the Mayor.

(Ord. 453, passed 2-17-59)

### § 53.003 *COMPENSATION*

All members of the Board shall serve without compensation, and shall hold no other city office.

(Ord. 453, passed 2-17-59)

### § 53.004 *TERM*

The terms of the members shall be for four (4) years, and until their successors are appointed, except that the members first appointed shall serve for terms of one (1) years, two (2) years, three (3) years, and two (2) members for four (4) years.

(Ord. 453, passed 2-17-59)

### § 53.005 *OFFICERS; STAFF*

(A) The Parks, Playground and Recreation Board shall elect its chairman, a secretary and a treasurer from amongst its membership.

(B) The Board may appoint such employees and staff as it may deem necessary for its work, but shall not obligate itself to the payment of such salaries until such funds are available to it.

(Ord. 453, passed 2-17-59)

## **LONDON - PARKS AND RECREATION**

---

### **§ 53.006      *BOND***

(A) The treasurer shall execute bond, conditioned on the faithful performance of his duties sufficient in amount to cover funds coming into his hands.

(B) The premium on such bond shall be paid from Board funds.  
(Ord. 453, passed 2-17-59)

---

**Cross reference:**

Non-elected officials, bond, see § 21.002

### **§ 53.007      *RULES FOR TRANSACTION OF BUSINESS***

The Board shall adopt rules for the transaction of business, and maintain a public record of all meetings and business.  
(Ord. 453, passed 2-17-59)

---

**Cross reference:**

Public records, see Ch. 24

Public meetings, see Ch. 25

### **§ 53.008      *POWERS; DUTIES***

From and after the time when the Parks, Playground and Recreation Board shall have organized and selected its officers, together with the adoption of its rules and procedure, the Board shall have all the powers, duties and responsibilities as set forth in KRS Chapter 97, or other statutes relating to the duties and powers of Parks, Playgrounds and Recreation Boards adopted subsequent thereto.  
(Ord. 453, passed 2-17-59)

## CHAPTER 54: TREES

### ARTICLE I. GENERAL PROVISIONS

54.001 Definitions

### ARTICLE II. CITY TREE BOARD

54.100 Creation  
54.101 Term  
54.102 Compensation  
54.103 Duties; responsibilities  
54.104 Operation; quorum

### ARTICLE III. TREE PLANTING REGULATIONS

54.200 List of allowable species  
54.201 Spacing  
54.202 Distance from curb, sidewalk  
54.203 Distance from street corners, fireplugs  
54.204 Public tree care  
54.205 Tree topping  
54.206 Pruning, corner clearance  
54.207 Dead, diseased tree removal on private property  
54.208 Interference with city tree board prohibited  
54.209 Arborist's license; insurance required  
54.210 Review by City Council  
  
54.999 Penalty

---

#### Cross reference:

Airport zoning, see Ch. 81

Development Code, landscape requirements, see § 80.753

### ARTICLE I. GENERAL PROVISIONS

#### § 54.001 DEFINITIONS

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

**"PARK TREES."** Trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

**"STREET TREES."** Trees, shrubs, bushes, and all other woody vegetation on land

## **LONDON - TREES**

---

lying between property lines on either side of all streets, avenues, or ways within the city.  
(Ord. 932, passed 10-14-97)

### **ARTICLE II. CITY TREE BOARD**

#### **§ 54.100      *CREATION***

There is hereby created and established a City Tree Board for the city, which shall consist of members, citizens, and residents of this city, who shall be appointed by the Mayor with the approval of the City Council.  
(Ord. 932, passed 10-14-97)

#### **§ 54.101      *TERM***

The term of the fifteen (15) persons appointed by the Mayor shall be three (3) years, except that the term of five (5) of the members appointed initially shall be for one (1) year, and the term of five (5) members of the first Board shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.  
(Ord. 932, passed 10-14-97)

#### **§ 54.102      *COMPENSATION***

Members of the Tree Board shall serve without compensation.  
(Ord. 932, passed 10-14-97)

#### **§ 54.103      *DUTIES; RESPONSIBILITIES***

(A) It shall be the responsibility of the Tree Board to study, investigate, counsel, develop, and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in other public areas. The plan will be presented annually to the City Council and, upon their acceptance and approval, shall constitute the official comprehensive tree plan for the city.

(B) The Board, when requested by the City Council, shall consider, investigate, make findings, report, and recommend upon any special matters of concern or question coming within the scope of its work.  
(Ord. 932, passed 10-14-97)

#### **§ 54.104      *OPERATION; QUORUM***

The Tree Board shall choose its own officers, make its own rules and regulations, and keep a record of its findings. A majority of the members shall be a quorum for the transaction of business.  
(Ord. 932, passed 10-14-97)

## **LONDON - TREES**

---

### **ARTICLE III. TREE PLANTING REGULATIONS**

#### **§ 54.200      *LIST OF ALLOWABLE SPECIES***

The Tree Board will formulate an official street trees species list for the city. The list of allowable species shall be broken down into categories of small, medium, and large trees. No species other than those included in this list may be planted as street trees without written permission of the City Tree Board.

(Ord. 932, passed 10-14-97)

#### **§ 54.201      *SPACING***

The spacing of street trees will be in accordance with the three (3) species classes referred to in § 54.200, and no trees may be planted closer together than the following:

- (A) Small trees, thirty (30) feet;
- (B) Medium trees, forty (40) feet; and
- (C) Large trees, fifty (50) feet.

(Ord. 932, passed 10-14-97)

#### **§ 54.202      *DISTANCE FROM CURB, SIDEWALK***

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three (3) species size classes listed in § 54.200, and no trees may be planted closer to any curb or sidewalk than the following:

- (A) Small trees, two (2) feet;
- (B) Medium trees, three (3) feet; and
- (C) Large trees, four (4) feet.

(Ord. 932, passed 10-14-97)

#### **§ 54.203      *DISTANCE FROM STREET CORNERS, FIREPLUGS***

No street tree shall be planted closer than twenty (20) feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten (10) feet to any hydrant.

(Ord. 932, passed 10-14-97)

#### **Cross reference:**

Penalty for violation, see § 54.999

## LONDON - TREES

---

### § 54.204 *PUBLIC TREE CARE*

The city shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The City Tree Board may remove or cause, or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious due to fungus, insects, or other pests. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with §§ 54.200 and 54.203.

(Ord. 932, passed 10-14-97)

### § 54.205 *TREE TOPPING*

It shall be unlawful, as a normal practice, for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs longer than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempt from this chapter at the determination of the City Tree Board.

(Ord. 932, passed 10-14-97)

---

#### **Cross reference:**

Penalty for violation, see § 54.999

### § 54.206 *PRUNING; CORNER CLEARANCE*

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. The owners shall remove all dead, diseased, or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic-control device or sign.

(Ord. 932, passed 10-14-97)

---

#### **Cross reference:**

Traffic-control devices, see Ch. 40

Penalty for violation, see § 54.999

### § 54.207 *DEAD, DISEASED TREE REMOVAL ON PRIVATE PROPERTY*

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city when such trees constitute a hazard to life and property, or harbor



## **LONDON - TREES**

---

insects or disease which constitute a potential threat to other trees within the city. The City Tree Board will determine hazardous trees which may constitute a menace to the safety of the public when it interferes with the visibility of any traffic control device, sign or street light.  
(Ord. 932, passed 10-14-97)

### **§ 54.208      *INTERFERENCE WITH CITY TREE BOARD PROHIBITED***

It shall be unlawful for any person to prevent, delay, or interfere with the City Tree Board or any of its agents or servants while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street tree, park tree, or trees on private grounds, as authorized in this chapter.  
(Ord. 932, passed 10-14-97)

---

#### **Cross reference:**

Penalty for violation, see § 54.999

### **§ 54.209      *ARBORIST'S LICENSE; INSURANCE REQUIRED***

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the city without first applying for and procuring a license. The license fee shall be twenty-five dollars (\$25.00) annually, in advance, provided, however, no license shall be required of any public service or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of liability insurance company in the minimum amounts of twenty-five thousand dollars (\$25,000) for bodily injury and ten thousand dollars (\$10,000) property damage identifying the city or any person injured or damaged resulting from the pursuit of such endeavors herein described.  
(Ord. 932, passed 10-14-97)

---

#### **Cross reference:**

Occupational licenses, see Ch. 60

### **§ 54.210      *REVIEW BY CITY COUNCIL***

The City Council shall have the right to review the conduct, acts, and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make the final decision.  
(Ord. 932, passed 10-14-97)

### **§ 54.999      *PENALTY***

Any person who violates any provision of this chapter shall be, upon conviction or a plea of guilt, subject to a fine not to exceed five hundred dollars (\$500.00).  
(Ord. 932, passed 10-14-97)

## CHAPTER 55: YARD SALES

55.001 Hours for operating

55.999 Penalty

### § 55.001 *HOURS FOR OPERATING*

No person shall allow items for sale at yard sales, flea markets or other sale to be displayed other than within a building except between the hours of 9:00 a.m. to 7:00 p.m., prevailing time.

(Ord. 761, passed 8-26-85)

#### Cross reference:

Occupational licenses, yard sales, see § 60.005

Penalty for violation, see § 55.999

### § 55.999 *PENALTY*

Any person violating § 55.001 shall be fined the sum of one hundred dollars (\$100.00) for each offense if paid within seventy-two (72) hours; if not paid within seventy-two (72) hours, then the fine shall be in the amount of two hundred dollars (\$200.00). Each day the violation continues to exist shall be a separate offense. If the above fine is not paid within seven (7) days, the violator shall be summoned to appear in the Laurel District Court by the officer issuing the citation. Upon conviction, the violator shall further be liable for court costs in keeping with the requirements of the Kentucky Revised Statutes.

(Ord. 761, passed 8-26-85)

## LONDON - YARD SALES

---

## **TITLE 6: BUSINESS REGULATIONS**

---

CHAPTER 60	OCCUPATIONAL LICENSES
CHAPTER 61	INSURANCE LICENSES
CHAPTER 62	AMUSEMENTS
CHAPTER 63	FINANCIAL INSTITUTION FRANCHISE AND LOCAL DEPOSIT TAX
CHAPTER 64	CABLE TELEVISION REGULATIONS
CHAPTER 65	WIRELESS TELECOMMUNICATIONS FACILITIES SITING REGULATIONS
CHAPTER 66	AUTOMOBILE DEALERSHIPS
CHAPTER 67	ALCOHOL BEVERAGE CONTROL
CHAPTER 68	RESTAURANT RETAIL SALES TAX
CHAPTER 69	MOBILE SELF-CONTAINED FOOD UNIT PROGRAM

## **LONDON - BUSINESS REGULATIONS**

---

## CHAPTER 60: OCCUPATIONAL LICENSES

---

60.001	Definitions
60.002	Occupational license application required
60.003	Occupational license tax payment required
60.004	Apportionment
60.005	Employers to withhold
60.006	Returns required
60.007	Extensions
60.008	Estimated payments
60.009	Refunds
60.010	Federal audit provisions
60.011	Administrative provisions
60.012	Information to remain confidential
60.999	Penalty

### § 60.001 *DEFINITIONS*

As used in this chapter, the following terms and their derivatives shall have the following meanings unless the context clearly indicates that a different meaning is intended:

***“BUSINESS ENTITY.”*** Each separate corporation, limited liability company, business development corporation, partnership, limited partnership, registered limited liability partnership, sole proprietorship, association, joint stock company, receivership, trust, professional service organization, or other legal entity through which business is conducted.

***“BUSINESS.”*** Any enterprise, activity, trade, occupation, profession or undertaking of any nature conducted for gain or profit. “Business” shall not include the usual activities of a board or trade, chambers of commerce, trade associations, or unions, or other associations performing services usually performed by trade associations or unions. “Business” shall not include funds, foundations, corporations, or associations organized and operated for the exclusive and sole purpose of religions, charitable, scientific, literary, educational, civic or fraternal purposes, where no part of the earnings, incomes or receipts of such unit, group, or association, ensures to the benefit of any private shareholder or other person.

***“CITY.”*** The City of London, Kentucky.

***“COMPENSATION.”*** Wages, salaries, commissions, or any other form of remuneration paid or payable by an employer for services performed by an employee, which are required to be reported for federal income tax purposes and adjusted as follows:

## **LONDON - OCCUPATIONAL LICENSES**

---

(1) Include any amounts contributed by an employee to any retirement, profit sharing, or deferred compensation plan, which are deferred for federal income tax purposes under a salary reduction agreement or similar arrangement, including but not limited to salary reduction arrangements under Section 401(a), 401(k), 402(e), 403(a), 403(b), 408, 414(h), or 457 of the Internal Revenue Code; and

(2) Include any amounts contributed by an employee to any welfare benefit, fringe benefit, or other benefit plan made by salary reduction or other payment method which permits employees to elect to reduce federal taxable compensation under the Internal Revenue Code, including but not limited to Sections 125 and 132 of the Internal Revenue Code.

**"CONCLUSION OF THE FEDERAL AUDIT."** The date that the adjustments made by the Internal Revenue Service to net income as reported on the business entity's federal income tax return become final and unappealable.

**"DOMESTIC SERVANT."** An individual employed to drive his employer as a chauffeur or employed on the grounds or in the home of his employer, to cook, clean, wash, garden, transport, or otherwise care for or wait upon the employer, the employer's family and guests or to care for the person, home, grounds, and/or vehicles of the employer, the employer's family and guests, including but not limited to maids, butlers, nurses, nursemaids, gardeners, cooks, launderers and chauffeurs engaged to service the employer, the employer's family and guests, but not including such individuals who are employed by a cleaning service, personal nursing service, chauffeuring service or other entity which offers the services of its employees to the public.

**"EMPLOYEE."** Any person who renders services to another person or any business entity for compensation, including an officer of a corporation and any officer, employee, or elected official of the United States, a state, or any political subdivision of a state, or any agency of instrumentality of any one (1) or more of the above. A person classified as an independent contractor under the Internal Revenue Code shall not be considered an employee.

**"EMPLOYER."** The person for whom an individual performs or performed any service, of whatever nature, as the employee of such person, except that:

(1) If the person for whom the individual performs or performed the services does not have control of the payment of the wages for such services, the term "employer" means the person having control of the payment of such wages, and

(2) In the case of a person paying wages on behalf of a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, the term "employer" means such person.

## **LONDON - OCCUPATIONAL LICENSES**

---

***"FINAL DETERMINATION OF THE FEDERAL AUDIT."*** The revenue agent's report or other documents reflecting the final and unappealable adjustments made by the Internal Revenue Service.

***"FISCAL YEAR."*** Fiscal year as defined in Section 7701(a)(24) of the Internal Revenue Code.

***"INTERNAL REVENUE CODE."*** The Internal Revenue Code as defined in KRS 67.750 (7).

***"NET PROFIT."*** Gross income as defined in Section 61 of the Internal Revenue Code minus all the deductions from gross income allowed by Chapter 1 of the Internal Revenue Code, and adjusted as follows:

(1) Include any amount claimed as a deduction for state tax or local tax which is computed, in whole or in part, by reference to gross or net income and which is paid or accrued to any state of the United States, local taxing authority in a state, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country or political subdivision thereof;

(2) Include any amount claimed as a deduction that directly or indirectly is allocable to income which is either exempt from taxation or otherwise not taxed;

(3) Include any amount claimed as a net operating loss carryback or carryforward allowed under Section 172 of the Internal Revenue Code;

(4) Include any amount of income and expenses passed through separately as required by the Internal Revenue Code to an owner of a business entity that is a pass-through entity for federal tax purposes; and

(5) Exclude any amount of income that is exempt from state taxation by the Kentucky Constitution, or the Constitution and statutory laws of the United States.

***"OCCUPATIONAL TAX ADMINISTRATOR."*** The Occupational Tax Administrator that is designated by the City Council.

***"OCCUPATIONAL TAX OFFICE."*** The Occupational Tax Office that is designated by the City Council of the City of London Kentucky.

***"PERSON."*** Every natural person, whether a resident or non-resident of the City of London. Whenever the word "person" is used in a clause prescribing and imposing a penalty in the



## **LONDON - OCCUPATIONAL LICENSES**

---

nature of a fine or imprisonment, the word, as applied to a partnership or other form of unincorporated enterprise, shall mean the partners or members thereof, and as applied to corporations, shall mean the officers and directors thereof.

**"RESIDENTIAL RENTAL PROPERTY."** Any room or rooms connected or other structure or portion thereof constituting a separate, independent establishment of premises for rent, lease, or sublease to the occupant thereof for residential purposes.

**"RETURN" or "REPORT."** Any properly completed and, if required, signed form, statement, certification, declaration, or any other document permitted or required to be submitted or filed with the city.

**"SALES REVENUE."** Receipts from the sale, lease, or rental of goods, services, or property.

**"TAX DISTRICT."** Any county or city with the authority to levy net profits or occupational license taxes.

**"TAXABLE NET PROFIT."** In case of a business entity having payroll or sales revenue only within the City of London means net profit as defined in this section.

**"TAXABLE NET PROFIT."** In case of a business entity having payroll or sales revenue both within and without the city means net profit as defined in this section, and as apportioned under § 60.004 of this chapter.

**"TAXABLE YEAR."** The calendar year or fiscal year ending during the calendar year, upon the basis of which net income is computed.  
(Ord. 2008-08, passed 8-12-08)

### **§ 60.002      OCCUPATIONAL LICENSE APPLICATION REQUIRED**

Every person or business entity engaged in any trade, occupation, or profession, or other activity for profit or anyone required to file a return under this chapter in the city shall be required to complete and execute the questionnaire prescribed by the Occupational Tax Office. Each person shall be required to complete a separate questionnaire for each separate business before the commencement of business or in the event of a status change, other than change of address. Licensees are required to notify the Occupational Tax Office of changes of address, or the cessation of business activity, and of other changes which render inaccurate the information supplied in the completed questionnaire.

(Ord. 2008-08, passed 8-12-08)

## **LONDON - OCCUPATIONAL LICENSES**

---

### **§ 60.003 OCCUPATIONAL LICENSE TAX PAYMENT REQUIRED**

(A) Except as provided in division (B), every person or business entity engaged in any business for profit and any person or business entity that is required to make a filing with the Internal Revenue Service or the Kentucky Revenue Cabinet shall be required to file and pay to the Occupational Tax Office an occupational license tax for the privilege of engaging in such activities within the city. The occupational license tax shall be measured by one (1%) percent of:

(1) All wages and compensation paid or payable in the city for work done or services performed or rendered in the city by every resident and nonresident who is an employee;

(2) The net profit from business conducted in the city by a resident or nonresident business entity.

(B) All partnerships, S corporations, and all other entities where income is "passed through" to the owners are subject to this chapter. The occupational license tax imposed in this chapter is assessed against income before it is "passed through" these entities to the owners.

(C) If any business entity dissolves, ceases to operate, or withdraws from the city during any taxable year, or if any business entity in any manner surrenders or loses its charter during any taxable year, the dissolution, cessation of business, withdrawal, or loss or surrender of charter shall not defeat the filing of returns and the assessment and collection of any occupational license tax for the period of that taxable year during which the business entity had business activity in the city.

(D) If a business entity makes, or is required to make, a federal income tax return, the occupational license tax shall be computed for the purposes of this chapter on the basis of the same calendar or fiscal year required by the federal government, and shall employ the same methods of accounting required for federal income tax purposes.

(E) The occupational license tax imposed in this section shall not apply to the following persons or business entities:

(1) Any bank, trust company, combined bank and trust company, combined trust, banking and title business organized and doing business in this state, any savings and loan association whether state or federally chartered;

(2) Any compensation received by members of the Kentucky national guard for active duty training, unit training assemblies and annual field training;

(3) Any compensation received by precinct workers for election training or work at election booths in state, city, and local primary, regular, or special elections;

## **LONDON - OCCUPATIONAL LICENSES**

---

(4) Public Service Corporations that pay an ad valorem tax on property valued and assessed by the Kentucky Department of Revenue pursuant to the provisions of KRS 136.120. Licensees whose businesses are predominantly non-public service who are also engaged in public service activity are required to pay a license fee on their net profit derived from the non-public service activities apportioned to the city;

(5) Persons or business entities that have been issued a license under KRS Chapter 243 to engage in manufacturing or trafficking in alcoholic beverages. Persons engaged in the business of manufacturing of alcoholic beverages are required to file a return, but may exclude the portion of their net profits derived from the manufacturing of alcoholic beverages;

(6) Insurance companies incorporated under the laws of and doing business in the Commonwealth of Kentucky except as provided in KRS 91A.080;

(7) Any profits, earnings, distributions of an investment fund which would qualify under KRS 154.20-250 through 154.20-284 to the extent any profits, earnings, or distributions would not be taxable to an individual investor;

(8) Compensation received for domestic services rendered by those persons classified as domestic servants by § 60.001;

(9) A person engaged in agriculture business (raising crops and livestock) who employs less than five (5) employees on a regular time basis, (four hundred fifty (450) hours during a quarter), may file a return and pay the withholding fee at the end of the taxable year. Any monies reported on Federal Schedule F as labor hired, contract labor, miscellaneous labor or any other form of labor is considered as labor and shall be paid upon. If contract labor or any other labor was paid upon and treated as 1099 labor, then a copy of the 1099 for said labor shall be submitted to the city. If the amount is less than that which is required by the Internal Revenue Service then a listing as set forth in § 60.006(F) can be used in lieu of 1099's;

(10) Individuals and those fiduciaries acting on behalf of individuals or deceased individuals having compensation received for the renting or leasing of residential rental property as classified by § 60.001 if the gross receipts arising from the rental of residential real property located within the city is less than ten thousand dollars (\$10,000) a year.

(11) All natural persons aged sixty-five (65) and older shall be exempt from the provisions of the occupational license fee as to the first two thousand (\$2,000) dollars of salaries, wages, commissions, or other compensation earned by such persons in the city for work done or services performed or rendered in the city, or exempt as to the first two thousand (\$2,000) dollars of net profits of any business, trade, occupation or profession conducted in the city. No more than

## **LONDON - OCCUPATIONAL LICENSES**

---

one exemption will be allowed per person. This said exemption may be used on either personal wages or net profits.

(12) Any and all funds received under the Tobacco Transition Payment Program (TTPP) of the US Department of Agriculture which was enacted under the Fair and Equitable Tobacco Reform Act of 2004.

(Ord. 2008-08, passed 8-12-08)

### **§ 60.004      APPORTIONMENT**

(A) Except as provided in division (D) of this section, net profit shall be apportioned as follows:

(1) For business entities with both payroll and sales revenue in more than one (1) tax district, by multiplying the net profit by a fraction, the numerator of which is the payroll factor, described in division (B) of this section, plus the sales factor, described in division (C) of this section, and the denominator of which is two (2); and

(2) For business entities with sales revenue in more than one (1) tax district, by multiplying the net profit by the sales factor as set forth in division (C) of this section.

(B) The payroll factor is a fraction, the numerator of which is the total amount paid or payable in the city during the tax period by the business entity for compensation, and the denominator of which is the total compensation paid or payable by the business entity everywhere during the tax period. Compensation is paid or payable in the city based on the time the individual's service is performed within the city.

(C) The sales factor is a fraction, the numerator of which is the total sales revenue of the business entity in the city during the tax period, and the denominator of which is the total sales revenue of the business entity everywhere during the tax period.

(1) The sales, lease, or rental of tangible personal property is in the city if:

(a) The property is delivered or shipped to a purchaser, other than the United States Government, or to the designee of the purchaser within the city regardless of the f.o.b. point or other conditions of the sale; or

(b) The property is shipped from an office, store, warehouse, factory, or other place of storage in the city and the purchaser is the United States Government.

## **LONDON - OCCUPATIONAL LICENSES**

---

(2) Sales revenues, other than revenue from the sale, lease or rental of tangible personal property or the lease or rental of real property, are apportioned to the city based upon a fraction, the numerator of which is the time spent in performing such income-producing activity within the city and the denominator of which is the total time spent performing that income-producing activity.

(3) Sales revenue from the sale, lease, or rental of real property is allocated to the tax district where the property is located.

(D) If the apportionment provisions of this section do not fairly represent the extent of the business entity's activity in the city, the business entity may petition the city or the city may require, in respect to all or any part of the business entity's business activity, if reasonable:

(1) Separate accounting;

(2) The exclusion of any one (1) or more of the factors;

(3) The inclusion of one (1) or more additional factors which will fairly represent the business entity's business activity in the city; or

(4) The employment of any other method to effectuate an equitable allocation and apportionment of net profit.

(E) When compensation is paid or payable for work done or services performed or rendered by an employee, both within and without the city, the license tax shall be measured by that part of the compensation paid or payable as a result of work done or service performed or rendered within the city. The license tax shall be computed by obtaining the percentage which the compensation for work performed or services rendered within the city bears to the total wages and compensation paid or payable. In order for the city to verify the accuracy of a taxpayer's reported percentages under this section, the taxpayer shall maintain adequate records.

(Ord. 2008-08, passed 8-12-08)

### **§ 60.005      *EMPLOYERS TO WITHHOLD***

(A) Every employer making payment of compensation to an employee shall deduct and withhold upon the payment of the compensation any tax imposed against the compensation by the city. Amounts withheld shall be paid to the Occupational Tax Office in accordance with § 60.003.

(B) Every employer required to deduct and withhold tax under this section shall, for the quarter ending after January 1 and for each quarter ending thereafter, on or before the end of the

## **LONDON - OCCUPATIONAL LICENSES**

---

month following the close of each quarter, make a return and report to the Occupational Tax Office, and pay to the Occupational Tax Office, the tax required to be withheld under this section; however, any employer withholding five hundred dollars (\$500.00) or more license fee during any quarter shall, on or before the end of the month following the close of each month, file a return and pay the license fee withheld monthly.

(C) Every employer who fails to withhold or pay to the Occupational Tax Office any sums required by this chapter to be withheld and paid shall be personally and individually liable to the city for any sum or sums withheld or required to be withheld in accordance with the provisions of this section.

(D) The city shall have a lien upon all the property of any employer who fails to withhold or pay over to the Occupational Tax Office sums required to be withheld under this section. If the employer withholds, but fails to pay the amounts withheld to the Occupational Tax Office, the lien shall commence as of the date the amounts withheld were required to be paid to the Occupational Tax Office. If the employer fails to withhold, the lien shall commence at the time the liability of the employer is assessed by the Occupational Tax Office.

(E) Every employer required to deduct and withhold tax under this section shall annually on or before February 28 of each year complete and file on a form furnished or approved by the Occupational Tax Office a reconciliation of the occupational license tax withheld where compensation is paid or payable to employees. Either copies of federal forms W-2 and W-3, transmittal of wage and tax statements, or a detailed employee listing with the required equivalent information, as determined by the Occupational Tax Office, shall be submitted.

(F) Every employer shall furnish each employee a statement on or before January 31 of each year showing the amount of compensation and occupational license tax deducted by the employer from the compensation paid to the employee for payment to the Occupational Tax Office during the preceding calendar year.

(G) An employer shall be liable for the payment of the tax required to be deducted and withheld under this section.

(H) The president, vice president, secretary, treasurer or any other person holding an equivalent corporate office of any business entity subject to this chapter shall be personally and individually liable, both jointly and severally, for any tax required to be withheld from compensation paid to one or more employees of any business entity, and neither the corporate dissolution or withdrawal of the business entity from the city, nor the cessation of holding any corporate office, shall discharge that liability of any person; provided that the personal and individual liability shall apply to each or every person holding the corporate office at the time the tax becomes or became obligated. No person shall be personally and individually liable under this

## **LONDON - OCCUPATIONAL LICENSES**

---

section who had no authority to collect, truthfully account for, or pay over any tax imposed by this chapter at the time that the taxes imposed by this chapter become or became due.

(I) Notwithstanding divisions (G) and (H) of this section, every employee receiving compensation in the city subject to the tax imposed under § 60.003 of this chapter shall be personally liable for any amount due. In all cases where the employer does not withhold the tax levied under this chapter from the employee, such employee or employees shall be responsible for filing with the Occupational Tax Office each quarter in the same manner as if they were the employer. If an employer fails to or is not required to withhold, report, or pay the License Fee it shall become the duty of the employee to file with the Occupational Tax Office. The only employer that is not required to withhold, report, and pay the occupational license tax is the Federal Government including the United States Postal Service, unless the total number of employees who work for these agencies total more than five hundred (500), at which time the Federal Government, including the United States Postal Service, is required to withhold. The payment required to be made by an employee, can be made quarterly, for the periods ending March 31st, June 30th, September 30th, and December 31st of each year, or at any time the employee wishes to make an estimated payment for the year in which wages are earned. All license fees must be received by February 28th for the preceding calendar year, together with a copy of the employee's W-2 form. Employers not required to withhold, report, or pay the license fee must annually during the month of January of each year, make a return to the Occupational Tax Administrator, in which is set forth the name and social security number of each employee of the employer during the preceding calendar year, giving the amount of salaries, wages, commissions or other compensation earned during such preceding year by each such employee. This list shall include all current full time employees, part time employees, temporary employees, and terminated employees whether it be voluntary or involuntary.

(Ord. 2008-08, passed 8-12-08)

### **§ 60.006      *RETURNS REQUIRED***

(A) All business entity returns for the preceding taxable year shall be made by April 15 of each year, except returns made on the basis of a fiscal year, which shall be made by the fifteenth day of the fourth month following the close of the fiscal year. Blank forms for returns shall be supplied by the Occupational Tax Office.

(B) Every business entity shall submit a copy of its federal income tax return and all supporting statements and schedules at the time of filing its occupational license tax return with the Occupational Tax Office. Whenever, in the opinion of the Occupational Tax Office, it is necessary to examine the federal income tax return of any business entity in order to audit the return, the Occupational Tax Office may compel the business entity to produce for inspection a copy of any statements and schedules in support thereof that have not been previously filed. The Occupational Tax Office may also require copies of reports of adjustments made by the federal government.

## **LONDON - OCCUPATIONAL LICENSES**

---

(C) Every business entity subject to an occupational license tax governed by the provisions of this chapter shall keep records, render under oath statements, make returns, and comply with rules as the Occupational Tax Office from time to time may prescribe. Whenever the Occupational Tax Office deems it necessary, the Occupational Tax Office may require a business entity, by notice served to the business entity, to make a return, render statements under oath, or keep records, as the Occupational Tax Office deems sufficient to determine the tax liability of the business entity.

(D) The Occupational Tax Office may require, for the purpose of ascertaining the correctness of any return or for the purposes of making an estimate of the taxable income of any business entity, the attendance of a representative of the business entity or of any other person having knowledge in the premises.

(E) The full amount of the unpaid tax payable by any business entity, as appears from the face of the return, shall be paid to the Occupational Tax Office at the time prescribed for filing the occupational license tax return, determined without regard to any extension of time for filing the return.

(F) It shall be the responsibility of persons who make Federal Form 1099 "non-employee compensation" payments to natural persons other than employees for services performed within the city, to maintain records of such payments and to report such payments to the Occupational Tax Office. Said payments must be reported on by remitting Federal Form 1099 by February 28 of the year following the close of the calendar year in which the non employee compensation was paid. Form 1009 requires that non employee compensation payments of six hundred dollars (\$600.00) or more be reported. If a business entity or natural person is not required to remit Federal Form 1099 to the IRS they are still liable to remit the equivalent information to the Occupational Tax Office. The information required to be reported by said licensee shall include:

- (1) Payer's name, address, social security and/or Federal identification number.
- (2) Recipient's name and address.
- (3) Recipient's social security and/or Federal identification number.
- (4) Amount of non employee compensation paid in the calendar year.
- (5) Amount of non employee compensation earned in the City of London for the calendar year.



## **LONDON - OCCUPATIONAL LICENSES**

---

(G) All licensees and all corporations, partnerships, and sole proprietors whether or not deemed licensee's hereunder who make payments of six hundred dollars (\$600.00) or more to natural persons other than employees are required to file Federal Form 1099.

(Ord. 2008-08, passed 8-12-08)

### **§ 60.007      *EXTENSIONS***

(A) The Occupational Tax Office may grant any business entity an extension of not more than six (6) months, unless a longer extension has been granted by the Internal Revenue Service or is agreed to by the Occupational Tax Office and the business entity, for filing its return, if the business entity, on or before the date prescribed for payment of the occupational license tax, requests the extension and pays the amount properly estimated as its tax.

(B) If the time for filing a return is extended, the business entity shall pay, as part of the tax, an amount equal to twelve percent (12%) per annum simple interest on the tax shown due on the return, but not been previously paid, from the time the tax was due until the return is actually filed and the tax paid to the Occupational Tax Office. A fraction of a month is counted as an entire month.

(Ord. 2008-08, passed 8-12-08)

### **§ 60.008      *ESTIMATED PAYMENTS***

(A) Every business entity, other than a sole proprietorship, subject to a net profit or occupational license tax levied by the City of London shall make quarterly estimated tax payments on or before the fifteenth day of the fourth, sixth, ninth and twelfth month of each taxable year if the tax liability for the taxable year exceeds five thousand dollars (\$5,000).

(B) The quarterly estimated tax payments required under division (C) of this section shall be based on the lesser of:

(1) Twenty-two and one-half percent (22.5%) of the current taxable year tax liability;

(2) Twenty-five percent (25%) of the preceding full year taxable year tax liability; or

(3) Twenty-five percent (25%) of the average tax liability for the three (3) preceding full year taxable years' tax liabilities if the tax liability for any of the three (3) preceding full taxable years exceeded twenty thousand dollars (\$20,000).

## **LONDON - OCCUPATIONAL LICENSES**

---

(C) Any business entity that fails to submit the minimum quarterly payment required under division (D) of this section by the due date for the quarterly payment shall pay an amount equal to twelve percent (12%) per annum simple interest on the amount of the quarterly payment required under division (D) from the earlier of:

(1) The due date for the quarterly payment until the time when the aggregate quarterly payments submitted for the taxable year equal the minimum aggregate payments due under division (D); or

(2) The due date of the annual return. A fraction of a month is counted as an entire month.

(D) The provisions of this section shall not apply to any business entity's first full or partial taxable year of doing business in the city or any first taxable year in which a business entity's tax liability exceeds five thousand dollars (\$5,000).

(E) At the election of the business entity, any installment of the estimated tax may be paid prior to the date prescribed for its payment.

(Ord. 2008-08, passed 8-12-08)

### **§ 60.009      *REFUNDS***

(A) Where there has been an overpayment of tax under § 60.005, a refund or credit shall be made to the employer only to the extent that the amount of the overpayment was not deducted and withheld under § 60.005 by the employer.

(B) Unless written application for refund or credit is received by the Occupational Tax Office from the employer within two (2) years from the date the overpayment was made, no refund or credit shall be allowed.

(C) An employee who has compensation attributable to activities performed outside the city, based on time spent outside the city, whose employer has withheld and remitted to the Occupational Tax Office, the occupational license tax on the compensation attributable to activities performed outside the city, may file for a refund within two (2) years of the date prescribed by law for the filing of a return. The employee shall provide a schedule and computation sufficient to verify the refund claim and the Occupational Tax Office may confirm with the employer the percentage of time spent outside the city and the amount of compensation attributable to activities performed outside the city prior to approval of the refund.

## **LONDON - OCCUPATIONAL LICENSES**

---

(D) In the case where the tax computed under this chapter is less than the amount which has been declared and paid as estimated tax for the same taxable year, a refund shall be made upon the filing of a return.

(E) (1) Overpayment resulting from the payment of estimated tax in excess of the amount determined to be due upon the filing of a return for the same taxable year may be credited against the amount of estimated tax determined to be due on any declaration filed for the next succeeding taxable year or for any deficiency or non payment of tax for any previous taxable year;

(2) No refund shall be made of any estimated tax paid unless a complete return is filed as required by this chapter.

(F) At the election of the business entity, any installment of the estimated tax may be paid prior to the date prescribed for its payment.

(Ord. 2008-08, passed 8-12-08)

### **§ 60.010      *FEDERAL AUDIT PROVISIONS***

(A) As soon as practicable after each return is received, the Occupational Tax Office may examine and audit the return. If the amount of tax computed by the Occupational Tax Office is greater than the amount returned by the business entity, the additional tax shall be assessed and a notice of assessment mailed to the business entity by the Occupational Tax Office within five (5) years from the date the return was filed, except as otherwise provided in this section.

(1) In the case of a failure to file a return or of a fraudulent return the additional tax may be assessed at any time.

(2) In the case of a return where a business entity understates net profit, or omits an amount properly includable in net profits, or both, which understatement or omission, or both, is in excess of twenty-five percent (25%) of the amount of net profit stated in the return, the additional tax may be assessed at any time within six (6) years after the return was filed.

(3) In the case of an assessment of additional tax relating directly to adjustments resulting from a final determination of a federal audit, the additional tax may be assessed before the expiration of the times provided in this section, or six (6) months from the date the Occupational Tax Office receives the final determination of the federal audit from the business entity, whichever is later.

(4) The times provided in this section may be extended by agreement between the business entity and the Occupational Tax Office. For the purposes of this section, a return

## **LONDON - OCCUPATIONAL LICENSES**

---

filed before the last day prescribed by law for filing the return shall be considered as filed on the last day. Any extension granted for filing the return shall also be considered as extending the last day prescribed by law for filing the return.

(B) Every business entity shall submit a copy of the final determination of the federal audit within thirty (30) days of the conclusion of the federal audit.

(C) The Occupational Tax Office may initiate a civil action for the collection of any additional tax within the times prescribed in division (A).

(Ord. 2008-08, passed 8-12-08)

### **§ 60.011      *ADMINISTRATIVE PROVISIONS***

(A) No suit shall be maintained in any court to restrain or delay the collection or payment of the tax levied by this chapter.

(B) Any tax collected pursuant to the provisions of this chapter may be refunded or credited within two (2) years of the date prescribed by law for the filing of a return or the date the money was paid to the Occupational Tax Office, whichever is the later, except that:

(1) In any case where the assessment period contained in § 60.009 has been extended by an agreement between the business entity and the Occupational Tax Office, the limitation contained in this section shall be extended accordingly.

(2) If the claim for refund or credit relates directly to adjustments resulting from a federal audit, the business entity shall file a claim for refund or credit within the time provided for in this section or six (6) months from the conclusion of the federal audit, whichever is later. For the purposes of this division and division (C) of this section, a return filed before the last day prescribed by law for filing the return shall be considered as filed on the last day.

(C) The authority to refund or credit overpayments of taxes collected pursuant to this chapter is vested exclusively in the Occupational Tax Office.

(Ord. 2008-08, passed 8-12-08)

### **§ 60.012      *INFORMATION TO REMAIN CONFIDENTIAL***

(A) No present or former employee of the Occupational Tax Office shall intentionally and without authorization inspect or divulge any information acquired by him or her of the affairs of any person, or information regarding the tax schedules, returns, or reports required to be filed

## **LONDON - OCCUPATIONAL LICENSES**

---

with the Occupational Tax Office or other proper officer, or any information produced by a hearing or investigation, insofar as the information may have to do with the affairs of the person's business. This prohibition does not extend to information required in prosecutions for making false reports or returns for taxation, or any other infraction of the tax laws, or in any way made a matter of public record, nor does it preclude furnishing any taxpayer or the taxpayer's properly authorized agent with information respecting his or her own return. Further, this prohibition does not preclude any employee of the Occupational Tax Office from testifying in any court, or from introducing as evidence returns or reports filed with the Occupational Tax Office, in an action for violation of the city tax laws or in any action challenging the city laws.

(B) The city reserves the right to disclose to the Commissioner of Revenue of the Commonwealth of Kentucky or his or her 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 of Kentucky grants to the city the reciprocal right to obtain information from the files and records of the Kentucky 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 profits or compensation of any person or business entity.

(C) In addition, the city is empowered to execute similar reciprocity agreements as described in division (B) with any other taxing entity, should there be a need for exchange of information in order to effect diligent enforcement of this chapter.  
(Ord. 2008-08, passed 8-12-08)

### **§ 60.999      *PENALTY***

(A) A business entity subject to tax on net profits may be subject to a penalty equal to five percent (5%) of the tax due for each calendar month or fraction thereof if the business entity:

(1) Fails to file any return or report on or before the due date prescribed for filing or as extended by the Occupational Tax Office; or

(2) Fails to pay the tax computed on the return or report on or before the due date prescribed for payment.

(3) The total penalty levied pursuant to this section shall not exceed twenty-five percent (25%) of the total tax due; however, the penalty shall not be less than twenty-five dollars (\$25).

(B) Every employer who fails to file a return or pay the tax on or before the date prescribed under § 60.005 may be subject to a penalty in an amount equal to five percent (5%) of

## **LONDON - OCCUPATIONAL LICENSES**

---

the tax due for each calendar month or fraction thereof. The total penalty levied pursuant to this section shall not exceed twenty-five percent (25%) of the total tax due; however, the penalty shall not be less than twenty-five dollars (\$25).

(C) In addition to the penalties prescribed in this section, any business entity or employer shall pay, as part of the tax, an amount equal to twelve percent (12%) per annum simple interest on the tax shown due, but not previously paid, from the time the tax was due until the tax is paid to the Occupational Tax Office. A fraction of a month is counted as an entire month.

(D) Every tax imposed by this chapter, and all increases, interest, and penalties thereon, shall become, from the time the tax is due and payable, a personal debt of the taxpayer to the city.

(E) The city may enforce the collection of the occupational tax due under § 60.003 of this chapter and any fees, penalties, and interest as provided in divisions (A) through (D) of this section by civil action in a court of appropriate jurisdiction. To the extent authorized by law, the city shall be entitled to recover all court costs and reasonable attorney fees incurred by it in enforcing any provision of this chapter.

(F) In addition to the penalties prescribed in this section, any person, business entity or employer who willfully fails to make a return, willfully makes a false return, or who willfully fails to pay taxes owing or collected, with the intent to evade payment of the tax or amount collected, or any part thereof, shall be guilty of a Class A misdemeanor.

(G) Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with, any matter arising under this chapter of a return, affidavit, claim, or other document, which is fraudulent or is false as to any material matter, whether or not the falsity or fraud is with the knowledge or consent of the person authorized or required to present the return, affidavit, claim, or document, shall be guilty of a Class A misdemeanor.

(H) Any person who is an income tax preparer who willfully fails to prepare or inform any business entity or employer of their necessity to file any required returns or any reckless or intentional disregard of rules or regulations of the ordinance by any such person shall pay a penalty of one hundred dollars (\$100.00) with respect to such return or incident.

(I) A return for the purpose of this section shall mean and include any return, declaration, or form prescribed by the Occupational Tax Office and required to be filed with the Occupational Tax Office by the provisions of this chapter, or by the rules of the city or by written request for information to the business entity by the city.

## **LONDON - OCCUPATIONAL LICENSES**

---

(J) Any person violating the provisions of § 60.012 of this chapter by intentionally inspecting confidential taxpayer information without authorization shall be fined not more than five hundred (\$500.00) dollars or imprisoned for not longer than six (6) months, or both.

(K) Any person violating the provisions of § 60.012 of this chapter by divulging confidential taxpayer information shall be fined not more than one thousand (\$1,000) or imprisoned for not more than one (1) year, or both.

(Ord. 2008-08, passed 8-12-08)

## CHAPTER 61: INSURANCE LICENSES

61.001	Definition
61.002	License required
61.003	Classification of insurance companies
61.004	Date due
61.005	Breakdown of collections required
61.999	Penalty

### § 61.001 *DEFINITION*

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

**"INSURANCE BUSINESS."** Includes the soliciting of business, issuing or delivery of policies, or the receipt of premiums, done within the city.  
(Ord. 752, passed 10-22-84)

### § 61.002 *LICENCE REQUIRED*

It shall be unlawful for any insurance company, except as exempted herein, to do business in the city without first having obtained a license provided for in this chapter, and it shall be unlawful for any person to act as an agent for any insurance company which has not obtained the license required by this chapter.  
(Ord. 752, passed 1-22-84)

#### Cross reference:

Occupational licenses, see Ch. 60  
Penalty for violation, see § 61.999

### § 61.003 *CLASSIFICATION OF INSURANCE COMPANIES*

For the purpose of licensing insurance companies engaged in the insurance business in the city, the same shall be classified as follows:

(A) (1) Every company engaged in the business of insuring persons lives, shall, for the purpose of this chapter, be classed as insuring persons, and shall not engage in the business in the city until the company shall have obtained a license therefore.

(2) Every company engaged in the business shall pay an amount equal to seven percent (7%) of the gross premium actually collected within each calendar quarter by reason of the issuance of such policies.

(3) All burial associations shall be considered, for the purpose of this chapter, as being engaged in the business of insuring persons.



## **LONDON - INSURANCE LICENSES**

---

(B) (1) Each company engaged in insurance business other than life, shall not engage in the business in the city until the company shall have obtained a license therefore.

(2) Every company engaged in such business shall pay an amount equal to seven percent (7%) of the net premiums actually collected within each calendar quarter by reason of the issuance of such policies on risks located within the corporate city limits of the city, on those classes of businesses which the company is authorized to transact; however, any license fee or tax imposed upon premium receipts shall not include premiums received for insuring employers against liability for personal injuries to their employees, or death caused thereby, under the provisions of the Worker's Compensation Act; premiums received on policies of group health insurance provided for state employees under KRS 18A.225(2); premiums received on health insurance policies issued to individuals; and premiums received on policies issued through the state health plan created in KRS 304.17B-005.

(Ord. 752, passed 10-22-84; Am. Ord. 871, passed 5-9-94)

---

### **Cross reference:**

Penalty for violation, see § 61.999

### **§ 61.004      *DATE DUE***

All license fees imposed by this chapter shall be due no later than thirty (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). It is provided, however, that in any event, no license tax shall be less than five dollars (\$5.00). In case of original application for a license to do business, the company applying shall pay the minimum fee of five dollars (\$5.00) to be applied on the license tax for the year.

(Ord. 752, passed 10-22-84)

---

### **Cross reference:**

Penalty for violation, see § 61.999

### **§ 61.005      *BREAKDOWN OF COLLECTIONS REQUIRED***

Every insurance company subject to the license fee imposed by this chapter shall annually, by March 31, furnish the city by submitting to the City Clerk, a written breakdown of all collections in the preceding calendar year for the following categories of insurance: (a) casualty; (b) automobile; (c) inland marine; (d) fire and allied perils; (e) health; and (f) life.

(Ord. 752, passed 10-22-84)

### **§ 61.999      *PENALTY***

Any violation of the provisions of this chapter shall, upon conviction in a court of proper jurisdiction, be punishable by a fine in a sum of not less than five hundred dollars (\$500.00).

(Ord. 752, passed 10-22-84)

## CHAPTER 62: AMUSEMENTS

### ARTICLE I. GENERAL PROVISIONS

62.001	Definitions
62.002	Permit to operate required
62.003	Application
62.004	Hours of operation
62.005	Compliance required

### ARTICLE II. PROHIBITIONS

62.100	Loitering
62.101	Noise
62.102	Accumulation of garbage, trash
62.999	Penalty

### ARTICLE I. GENERAL PROVISIONS

#### § 62.001 DEFINITIONS

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

**"BILLIARD PARLOR."** Any place open to the public where billiard tables or pool tables are maintained for use by the public for a charge or fee, or for a donation, or without charge incident to the conduct of any business for profit.

**"DANCE HALL."** Any place open to the public where dancing is permitted by the public for a charge or fee, or for a donation, or without charge incident to the conduct of any business for profit.

**"MOVIE THEATER."** Any place open to the public where movie films are regularly exhibited for viewing by the by the public for a charge or fee, or for a donation, or without charge incident to the conduct of any business for profit.  
(Ord. 681, passed 7-14-80)

#### § 62.002 PERMIT TO OPERATE REQUIRED

Any person, association, firm or corporation owning or operating the business of a dance hall, billiard parlor, movie theater, or any other place of amusement in the city shall be required to obtain a permit from the City Clerk which will be posted in a public area of the business. The permit will expire on December 31 of each year and will be renewed annually. The fee for the

## **LONDON - AMUSEMENTS**

---

issuance of a permit will be twenty dollars (\$20.00) per year.  
(Ord. 681, passed 7-14-80)

**Cross reference:**

Occupational licenses, see Ch. 60  
Penalty for violation, see § 62.999

**§ 62.003      *APPLICATION***

The application for permit shall identify all owners and all operators of the business and shall state the days and hours of operation.  
(Ord. 681, passed 7-14-80)

**§ 62.004      *HOURS OF OPERATION***

The business of a dance hall, billiard parlor, movie theater, or other place of amusement shall not be operated at an hour later than 12:00 midnight on any day, except that a movie theater may conclude the showing of a film in progress at 12:00 midnight.  
(Ord. 681, passed 7-14-80)

**Cross reference:**

Penalty for violation, see § 62.999

**§ 62.005      *COMPLIANCE REQUIRED***

The owner or operator of the business of a dance hall, billiard parlor, movie theater, or other place of amusement shall comply with all laws or regulations or ordinances of the United States of America, Commonwealth of Kentucky, County of Laurel, or City of London.  
(Ord. 681, passed 7-14-80)

**Cross reference:**

Penalty for violation, see § 62.999

### **ARTICLE II. PROHIBITIONS**

**§ 62.100      *LOITERING***

The owner or operator of the business of a dance hall, billiard parlor, movie theater, or other place of amusement shall not permit persons to loiter or congregate outside of the place wherein the business is conducted.  
(Ord. 681, passed 7-14-80)

**Cross reference:**

Offenses, see Ch. 52  
Penalty for violation, see § 62.999

## **LONDON - AMUSEMENTS**

---

### **§ 62.101      *NOISE***

The owner or operator of the business of a dance hall, billiard parlor, movie theater, or other place of amusement shall maintain the volume of music and other noise emanating from the place of business at a level so as not to create a nuisance.

(Ord. 681, passed 7-14-80)

#### **Cross reference:**

Nuisances, see Ch. 50

Penalty for violation, see § 62.999

### **§ 62.102      *ACCUMULATION OF GARBAGE; TRASH***

The owner or operator of the business of a dance hall, billiard parlor, movie theater, or other place of amusement shall not permit garbage or trash to accumulate around the exterior of the place of business or on adjacent property.

(Ord. 681, passed 7-14-80)

#### **Cross reference:**

Nuisances, see Ch. 50

Penalty for violation, see § 62.999

Garbage and trash, see Ch. 30

### **§ 62.999      *PENALTY***

Any violations of the terms and provisions of this chapter shall be deemed a misdemeanor and shall be punished by a fine not to exceed one hundred dollars (\$100.00). Each violation shall be deemed a separate offense and shall be punished accordingly.

(Ord. 681, passed 7-14-80)

## LONDON - AMUSEMENTS

---

## CHAPTER 63: FINANCIAL INSTITUTION FRANCHISE AND LOCAL DEPOSIT TAX

63.001	Imposition of tax
63.002	Tax due
63.003	Lien imposed
63.004	Use of tax
63.999	Penalty

### § 63.001 *IMPOSITION OF TAX*

There is hereby imposed on all "financial institutions", as defined in KRS Chapter 136, located within the corporate limits of the city, for the 1996 tax year and all subsequent years, a franchise tax at the rate of 0.025% on all deposits, as defined in KRS Chapter 136, maintained by such financial institutions.

(Ord. 908, passed 6-10-96)

### § 63.002 *TAX DUE*

(A) For transition purposes, the 1996 tax year will be treating differently in terms of collection of taxes than for all subsequent years. For the 1996 tax year, the following timetable is hereby established: The city will issue tax bills to financial institutions no later than May 1, 1997. Payment of the tax shall be due with a two percent (2%) discount by May 31, 1997, or without the discount by June 30, 1997.

(B) For all subsequent tax years, the following timetable is hereby established: The city will issue tax bills to financial institutions no later than December 1 of each year. Payment of the tax shall be due with a two percent (2%) discount by December 31 of each year, or without the discount by January 31 of each year.

#### **Cross reference:**

Penalty for violation, see § 63.999

### § 63.003 *LIEN IMPOSED*

The city shall have a lien for taxes on the property assessed for taxes to the extent allowed under KRS 134.420.

### § 63.004 *USE OF TAX*

All moneys collected pursuant to these sections shall be paid into the General Fund of the city to be used for the payment of proper expenditures as determined by the City Council.

**LONDON - FINANCIAL INSTITUTION FRANCHISE AND  
LOCAL DEPOSIT TAX**

---

**§ 63.999      *PENALTY***

All taxes due in accordance with § 63.002 which are not paid before June 30, 1997, for the tax year 1996, or which are not paid before January 31, for all subsequent years tax years shall be deemed delinquent and shall be subject to a penalty of \_\_\_\_ percent ( %) and shall bear interest at the rate of \_\_\_\_\_ percent ( \_\_ %) per annum.

## **CHAPTER 64: CABLE TELEVISION REGULATIONS**

### **ARTICLE I.**

### **GENERAL PROVISIONS**

64.001	Definitions
64.002	Financial, contractual, shareholder and system disclosure
64.003	Applications for new franchises
64.004	Grant of non-exclusive authority
64.005	Duration and acceptance of franchise
64.006	Compliance with applicable laws and ordinances
64.007	Liability and insurance
64.008	Performance bond
64.009	Payment to the government
64.010	Publication costs
64.011	Time is of the essence

### **ARTICLE II.**

### **CONSTRUCTION; INSTALLATION REQUIREMENTS**

64.020	Conditions of road occupancy
64.021	Erection, removal and common uses of poles
64.022	Construction standards and specifications
64.023	Line extensions
64.024	Interconnection
64.025	Public benefit services
64.026	Access to communications facilities
64.027	Public, educational and government (PEG) access channels
64.028	Emergency alert override
64.029	Antennas and antenna switches
64.030	Standby power

### **ARTICLE III.**

### **OPERATIONAL AND PERFORMANCE STANDARDS; REQUIREMENTS**

64.040	Proof of performance, testing
64.041	Proof of performance, records
64.042	Performance evaluation sessions
64.043	Operational standards
64.044	Consumer service standards
64.045	Complaint procedure
64.046	Refunds to subscribers and users
64.047	Disconnection
64.048	Preferential or discriminatory practices; prohibited billing practices
64.049	Transfer of control
64.050	Forfeiture of franchise
64.051	Foreclosure



## **LONDON - CABLE TELEVISION REGULATIONS**

---

64.052	Receivership
64.053	Government rights in franchise
64.054	Reports and filings
64.055	Franchise renewal
64.056	Rights of individuals
64.057	Two-way capability
64.058	Upgrade performance bond

### **ARTICLE IV. RATES AND CHARGES**

64.060	Rates, minimum timing of requests and City Council determination of authority
64.061	Rate change procedures

### **ARTICLE V. ADMINISTRATION; ENFORCEMENT**

64.065	Cable Television Advisory Committee
64.066	Supervision of the franchise
64.067	Government's right of intervention
64.068	Further agreement and waiver by grantee

---

#### **Cross reference:**

Franchises, see Table 4

64.999	Violations; penalties
--------	-----------------------

### **ARTICLE I. GENERAL PROVISIONS**

#### **§ 64.001 DEFINITIONS**

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

**"APPLICANT."** A person or party which is applying for a new franchise. Grantees submitting proposals for franchise renewals shall not be considered applicants.

**"BASIC CABLE SERVICE."** Any service tier which includes the retransmission of local television broadcast signals.

**"CABLE SERVICE" or "CABLE TELEVISION SERVICE."** The transmission to subscribers of (i) video programming or (ii) other programming service and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

**"CABLE SYSTEM" or "CABLE TELEVISION SYSTEM."** A facility, consisting of a set

## **LONDON - CABLE TELEVISION REGULATIONS**

---

of closed transmission paths and associated signal generation, reception and control equipment that is designated to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include (1) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (2) a facility that services subscribers without using any public right-of-way; (3) a facility of a common carrier which is subject, in whole or in part, to the provisions of title II of the Federal Communications Act, except that such facility shall be considered a cable system (other than for purposes of 47 U.S.C. § 541 (c)) to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interaction on-demand services; (4) an open video system that complies with Section 653 of the Federal Communications Act, 47 U.S.C. § 573; or (5) any facilities of any electric utility used solely for operating its electric utility systems.

**"COMMENCING OPERATION" or "COMMENCE OPERATING."** That time and date, as certified by the grantee and approved by the government, when the operation of the cable television system is considered to have commenced, which is when sufficient distribution facilities have been installed so as to permit the delivery of cable television service to at least twenty-five percent (25%) of the households within the initial service area.

**"CITY COUNCIL."** The City Council of the City of London.

**"CONVERTER."** An electronic device which converts signals to a frequency within the television receiver of a subscriber, and by an appropriate channel selector also permits a subscriber to view signals delivered at designated dial locations.

**"COMMUNICATIONS ACT."** The Communications Act of 1934, as amended from time to time (47 U.S.C. 151 et seq.).

**"DISTRIBUTION PLANT."** Those portions of the cable system devoted exclusively to transmitting cable service or non-cable service from cable system trunk lines, fiber-optic lines, or any other primary transport facilities to subscriber premises, and includes only feeder lines with active electronics and coaxial lines running from the demarcation point, as defined by 47 C.F.R. § 76.5 (mm), to the cable system's feeder lines.

**"EQUIPMENT AND APPARATUS."** Any manholes, underground conduits, poles, cables, boxes, wires, fixtures, conductors, or other facilities necessary, essential, used or useful to and operated by the cable television system.

**"FCC."** The Federal Communications Commission, or its lawful successor.

**"FRANCHISE FEE."** The fee imposed on grantee by § 64.009 of this chapter as compensation for grantee's use of public rights-of-way and roads. Use of this definition in this chapter is without prejudice to any rights grantee or government may have under the Communications Act as it may be amended.

## **LONDON - CABLE TELEVISION REGULATIONS**

---

**"GOVERNMENT."** (unless otherwise specified) The City of London, a municipal corporation created pursuant to the Kentucky Revised Statutes, as it now exists in its present territorial limits, or may hereafter be extended, and its elected and appointed officials, employees, agents, boards, consultants, assigns, volunteers and successors in interest.

**"GRANTEE."** A party to which a franchise under this chapter granted by the City Council, its successors and assigns.

**"GROSS REVENUES."** Any and all compensation collected from cable service and non-cable service subscribers within the city. Further, "Gross Revenues" means any and all compensation, in whatever form, exchange or otherwise and derived by the grantee from the operation of the cable system within the city. Gross Revenues includes, but is not limited to, revenues from subscriber rates, pay television, premium channels, service tiers, institutional networks, advertising, installations, or rebates or commissions received from home shopping services and commercial leased access.

**"HEADEND."** The control center of a cable television system, where incoming signals are amplified, converted, processed, and combined into a common cable, along with any origination cable-casting, for transmission to subscribers.

**"MONITORING."** Observing a communications signal, or the absence of a signal, where the observer is neither the subscriber nor the programmer, whether the signal is observed by visual or electronic means, for any purpose whatsoever.

**"NON-CABLE SERVICE."** Any lawful communications services provided by grantee over the cable system other than cable service.

**"NORMAL BUSINESS HOURS."** 8:00 a.m. to 5:00 p.m. Monday through Friday.

**"NORMAL OPERATING CONDITIONS."** Those service conditions which are within the control of the grantee. Those conditions which are not within the control of the grantee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, utility company maintenance on poles, vehicular accidents which involve utility equipment, severing of cable television system distribution plant by third parties, strikes or other labor action other than those involving the employees of the grantee and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the grantee include, but are not limited to, special promotions, pay-per-view events, rate increases (other than other "external costs" as defined by FCC rules) regular peak or seasonal demand periods, and maintenance or upgrade of the cable system.

**"PERSON" or "PARTY."** Any person, firm, partnership, association, corporation, company, or organization of any kind.

**"ROAD."** The surface of and the space above and below any public road, street, highway, freeway, lane, path, public way or place, sidewalk, alley, court, boulevard, parkway,

## LONDON - CABLE TELEVISION REGULATIONS

---

drive or easement now or hereafter held by the government for the purpose of public travel and shall include other easements or rights-of-way as shall be now held or hereafter held by the government which shall, within their proper use and meaning entitle the government and its grantee to the use thereof for the purposes of installing or transmitting cable television system transmissions over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be ordinarily necessary and pertinent to a cable television system.

**"SERVICE INTERRUPTION."** The loss of picture or sound on one or more channels. The term "Service Interruption" shall not include (i) the interruption of any service provided over the cable system by the supplier of such service; or (ii) a failure of any equipment at the subscribers premises that is not installed or otherwise furnished by the grantee.

**"SHALL."** Is mandatory, not merely directive.

**"SUBSCRIBER."** A person who is legally receiving cable television service.  
(Ord. 968, passed 1-3-00)

### § 64.002 *FINANCIAL, CONTRACTUAL, SHAREHOLDER AND SYSTEM DISCLOSURE*

(A) No franchise will be granted or renewed unless all requirements of this chapter and applicable federal law regarding financial, contractual, shareholder and system disclosure have been met.

(B) Applicants, including shareholders and parties with a controlling interest in the applicant, shall provide access to all agreements and understandings, with any person, firm, group, association or corporation with respect to the ownership of this franchise and the proposed cable television system. This section shall include, but not be limited to, any agreements between local applicants and national companies with respect to the ownership of this franchise.

(C) Applicants, including shareholders and parties with a controlling interest in the applicant, shall submit all requested information as provided by the terms of this chapter or the application documents, which are incorporated herein by reference. The requested information must be complete and verified as true by the applicant.

(D) Applicants, including shareholders and parties with a controlling interest in the applicant, shall provide access to the numbers of shares of stock, and the holders thereof.

(E) Applicants, including shareholders and parties with a controlling interest in the applicant, shall disclose any information required by the application documents regarding other cable systems in which they hold an interest of any nature, including, but not limited to the following:

## **LONDON - CABLE TELEVISION REGULATIONS**

---

(1) Locations of all other franchises and the dates of the award for each location;

(2) Estimated construction costs and estimated completion dates for each system where construction is incomplete as of the date of application;

(3) Estimated number of miles of construction and number of miles completed in each system as of the date of this application.

(4) Date for completion of construction as promised in the application for each system.

(F) Applicants, including shareholders and parties with a controlling interest in the applicant, shall disclose any information required by the application documents regarding pending applications for other cable systems, including but not limited to the following:

(1) Location of other franchise applications and date of application for each system;

(2) Estimated dates of franchise awards;

(3) Estimated number of miles of construction; and

(4) Estimated construction costs.

(Ord. 968, passed 1-3-00)

### **§ 64.003      *APPLICATIONS FOR NEW FRANCHISES***

The provisions of this section shall not apply to renewal applications.

(A) All applications received by the government from the applicants will become sole property of the government.

(B) The government reserves the right to reject any and all applications and waive informalities, and/or technicalities where the best interest of the government may be served.

(C) All questions regarding the meaning or intent of this chapter or application documents shall be submitted to the government in writing. Replies will be issued by addenda mailed or delivered to all parties recorded by the government as having received the application documents. The government reserves the right to make extensions of time for receiving applications as it deems necessary. Questions received less than fourteen (14) days prior to the date for the opening of applications will not be answered. Only replies to questions by written addenda will be binding. All applications must contain an acknowledgment of receipt of all addenda.

## **LONDON - CABLE TELEVISION REGULATIONS**

---

(D) Applications must be submitted at the time and place indicated in the application documents. 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.

(E) Before submitting its application, each applicant must (i) examine this chapter and the application documents thoroughly, (ii) familiarize itself with local conditions that may in any manner affect performance under the franchise, (iii) familiarize itself with federal, state and local laws, ordinances, rules and regulations affecting performance under the franchise, and (iv) carefully correlate its observations with the requirements of this chapter and the application documents.

(F) The government may make such investigations as it deems necessary to determine the ability of the applicant to perform under the franchise, and the applicant shall furnish to the government all such information and data for this purpose as the government may request. The government reserves the right to reject any application if the evidence submitted by, or investigation of, such applicant fails to satisfy the government that such applicant is properly qualified to carry out the obligations of the franchise and to complete the work contemplated therein. Conditional applications will not be accepted.

(G) The applicant shall prepare a technical report that describes details of the cable system construction plans. The technical report shall include the following details and be submitted and approved by the government before construction:

- (1) Justification of the site selected, including:
  - (a) listing of television and FM radio stations carried on the system
  - (b) location of microwave terminals or headend
  - (c) location of local origination centers
  - (d) location of antenna site
  - (e) distance from antenna site to farthest area served by the system
  - (f) height of tower
  - (g) height of antenna site in relation to average terrain
  - (h) accessibility of antenna site all year round

## **LONDON - CABLE TELEVISION REGULATIONS**

---

- (i) local construction restrictions on tower
- (j) power availability for antenna site
- (k) location of antenna arrays on the tower
- (l) direction of desired signal sources
- (m) analysis of potential sources of interference in the nearby environment

(2) System information, including:

- (a) statement of adherence to construction standards
  - (b) as-built drawings of the system
  - (c) description of local origination equipment
  - (d) identification of trunk and feeder cables
- (Ord. 968, passed 1-3-00)

### **§ 64.004 GRANT OF NON-EXCLUSIVE AUTHORITY**

(A) Any franchise granted pursuant to this chapter shall confer to the grantee the right and privilege to construct, erect, operate, and maintain in, upon, along, across, above, over, and under the roads now laid out or dedicated and all extensions thereof, and additions thereto within the territorial limits of the city poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation within the territorial limits of the city of a cable television system for the origination, interception and distribution of cable service and non-cable service.

(B) The right to use and occupy said roads for the purposes herein set forth shall not be exclusive, and the City Council reserves the right to grant a similar use of said roads to any party at any time during the period of the franchise.

(C) Upon the annexation of any territory to the city, the right and franchise hereby granted shall extend to the territory so annexed to the extent the government has authority and all facilities owned, maintained or operated by the grantee located within, under and over streets and roads of the territory shall hereafter be subject to all terms hereof.

(D) Nothing in this chapter shall (i) abrogate the right of grantee to perform any public works or public improvements of any description; (ii) be construed as a waiver of any codes or ordinances of the government or of the government's right to require grantee or any person utilizing the cable system to secure the appropriate permits or authorizations for such use,

## **LONDON - CABLE TELEVISION REGULATIONS**

---

or (iii) be construed as a waiver or release of the rights of the government in and to the rights-of-way.

(Ord. 968, passed 1-3-00)

### **§ 64.005      *DURATION AND ACCEPTANCE OF FRANCHISE***

The franchise and the rights, privileges and authority hereby granted shall take effect and be in force from and after final passage thereof, as provided by law, and shall continue in force and effect for a term not to exceed ten (10) years, provided that within fifteen (15) days after the date of the passage of the franchise, the grantee shall file with the City Clerk, its unconditional acceptance of the franchise and promise to comply with and abide by all its provisions, terms and conditions. Such acceptance and promise shall be in writing duly executed and sworn to by, or on behalf of the grantee, before a notary public or other office authorized by law to administer oaths.

(Ord. 968, passed 1-3-00)

### **§ 64.006      *COMPLIANCE WITH APPLICABLE LAWS AND ORDINANCES***

(A) The grantee shall, at all times during the life of the franchise, be subject to all lawful exercise of the police power by the government and to such regulation as the government shall hereafter deem appropriate; provided, however, that such regulation shall conform to applicable federal and state law, including without limitation the rules of the FCC.

(B) If federal or state regulations alter the required services, fees, costs, conditions or standards upon which the cable system is to operate, the government shall have the right to amend this chapter to make it consistent with the modified federal or state laws. Any such amendment shall be limited to the specific change in federal or state law.

(C) The Mayor, with the approval of the City Council, may designate the appropriate Departments, Divisions, Offices, Boards or Commissions to act on behalf of the government to carry out the duties, responsibilities or functions of the government in the regulation of the franchise and the enforcement of this chapter.

(Ord. 968, passed 1-3-00)

### **§ 64.007      *LIABILITY AND INSURANCE***

#### **(A)      General**

(1) The Grantee understands and agrees that the liability and insurance provisions of this franchise define the responsibilities of the grantee to the government.

(2) As used in these liability and insurance provisions, the term "Government" is defined as follows:

**"GOVERNMENT."** The City of London and its elected and appointed



## **LONDON - CABLE TELEVISION REGULATIONS**

---

officials, employees, agents, boards, consultants, assigns, volunteers and successors in interest.

### **(B) Indemnity.**

(1) Grantee agrees to indemnify, hold harmless, and defend the government from any and all losses or claims of whatever kind that arise from or are alleged to have risen, directly or indirectly, in whole or in part from the execution, performance or breach of this franchise by grantee, its employees, agents, servants, owners, principals, contractors and subcontractors. This indemnity agreement shall in no way be limited by any financial responsibility, insurance, or loss control requirements below and shall survive forever.

#### **(2) For purposes of this Indemnity provision:**

(a) The word "defend" includes, but is not limited to, investigating, handling, responding to, resisting, providing a defense for, and defending claims, at grantee's expense. Grantee shall consult with the government regarding the defense of all claims against the government, which shall include consultation regarding the choice of attorneys.

(b) The word "claims" includes, but is not limited to, claims, demands, liens, suits, notices of violation from governmental agencies and other causes of action of whatever kind.

(c) The word "losses" includes, but is not limited to, attorneys' fees and expenses; costs of litigation; court or administrative agency costs; judgments; fines; penalties; interest, all environmental cleanup and redemption costs of whatever kind; and any liability arising from death, injury or damage of any kind to any person, including employees and agents of grantee, its servants, owners, principals, contractors and subcontractors or the government, and damage to or destruction of any property, including the property of the government.

### **(C) Insurance Requirements.**

(1) Grantee shall procure and maintain for the duration of this franchise the following insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance hereunder by the grantee:

#### **(a) General Liability Insurance insuring grantee in the minimum of:**

\$ 500,000.00	For property damage per occurrence;
\$1,000,000.00	For property damage aggregate;
\$1,000,000.00	For personal bodily injury or death to any one person; and
\$3,000,000.00	For bodily injury or death aggregate per single accident or occurrence.

## **LONDON - CABLE TELEVISION REGULATIONS**

---

1. Such general liability insurance must include coverage for all of the following: comprehensive form, premises-operations, explosion and collapse hazard, underground hazard, product/completed operations hazard, contractual insurance, broad form property damage, and personal injury. 2. Additionally, such insurance shall contain:

(i) Endorsement, listing as additional insureds, "The City of London, its elected and appointed officials, employees, agents, boards, consultants, assigns, volunteers and successors in interest."

(ii) Endorsement that grantee's insurance coverage shall be primary insurance as respects the government. Any insurance or self-insurance maintained by the government shall be excess of the grantee's insurance and shall not contribute with it.

(iii) Endorsement that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, to the government.

(b) Comprehensive Automobile Liability Insurance insuring grantee for owned, non-owned, or rented vehicles in the minimum amount of

1. \$1,000,000.00 for bodily injury and consequent death per occurrence;

2. \$1,000,000.00 for bodily injury and consequent death to any one person; and

3. \$500,000.00 for property damage per occurrence.

(c) Workers' Compensation Insurance as required by the Kentucky Revised Statutes.

(d) The grantee shall abide by all local, state, and federal insurance regulations.

(D) Acceptability of Insurers.

Insurance is to be placed with the insurers with a rating classification of no less than "A VIII", as defined by the most current Best's Key Rating Guide.

(E) Evidence of Insurance.

Prior to written acceptance of this chapter as required by § 64.005, the government is to be furnished Certificates of Insurance reflecting the above coverages, and grantee agrees to provide the government, the following:

## **LONDON - CABLE TELEVISION REGULATIONS**

---

(1) Signed renewal certificates for expiring policies; and

(2) New Certificates of Insurance if policies or carriers change during terms of this franchise, showing compliance with the above insurance requirements.

(F) Right to Review, Audit and Inspect.

Grantee understands and agrees that the government may, upon thirty (30) days written notice, review, audit, and inspect any and all the grantee's records to insure compliance with these insurance requirements.

(G) Safety and Loss Control.

(1) Grantee shall adhere to and comply with all federal, state and local safety and environmental laws, regulations and ordinances. The grantee shall provide all safeguards, safety devices and protective equipment, necessary to protect the life, health, safety and property of all persons on the job site, the public and the owner as required by applicable federal, state and local law.

(2) The Federal Occupational Safety and Health Administration standard 1910.268, the current Kentucky Occupational Safety and Health Standards for the Construction Industry, 29 C.F.R. Part 1926 as adopted by 803 K.A.R. 2:030 and the Kentucky Occupational Safety and Health Standard for General Industry, 29 C.F.R. Part 1910 as adopted by K.A.R. 2:020, and as promulgated by the Kentucky Occupational Safety and Health Standards Board and as amended or modified, are hereby incorporated into and made an integral part of this franchise. The grantee shall comply with said requirements.

(H) Maintenance of Insurance.

By acceptance of a franchise hereunder, grantee agrees that the requirements of § 64.007(C) are a material provision within the meaning of § 64.050(A)(1) of this chapter. As an alternative to the remedies provided by § 64.050, the government may purchase on behalf of the grantee insurance in accordance with § 64.007(C) and charge grantee the premiums for any comparable insurance coverage purchased if grantee fails to maintain the insurance coverage required by § 64.007(C).

(Ord. 968, passed 1-3-00)

### **§ 64.008      *PERFORMANCE BOND***

(A) Within thirty (30) days after the grant and acceptance of this franchise, the grantee shall arrange for, and shall maintain throughout the term of this franchise, a performance bond for the protection of the government, with a corporate surety and trust company acceptable to the government. The performance bond shall be in a face amount of not less than thirty thousand dollars (\$30,000.00). The performance bond shall be used to ensure that the operation of the cable system continues in an orderly and uninterrupted manner in the event of a default by the

## **LONDON - CABLE TELEVISION REGULATIONS**

---

grantee, and to indemnify the government from any loss or damage to any governmental property arising out of the construction, operation, or maintenance of the cable system by the grantee.

(B) The performance bond shall be maintained at thirty thousand dollars (\$30,000.00) during the entire term of this franchise, even if amounts are withdrawn pursuant to subsection (A) or (C) of this section.

(C) If the grantee fails, after receipt of twenty-one (21) days written notice, to pay to the government any compensation due pursuant to this franchise, any taxes due and unpaid or any damages, costs or expenses which the government is compelled to pay by reason of any act or default by the grantee in connection with this franchise, the government may immediately request payment of the amount thereof from the performance bond. Upon such request for payment, the government shall notify the grantee of the amount and date thereof.

(D) The performance bond shall contain the following endorsement:

"It is hereby understood and agreed that this bond may not be canceled or not renewed by the surety nor the intention to cancel or not to renew be stated by the surety until thirty (30) days after written notice to the government of surety's intention to cancel or not to renew."

(Ord. 968, passed 1-3-00)

### **§ 64.009      *PAYMENT TO THE GOVERNMENT***

(A) Within thirty (30) days after receipt of a written request for payment, the grantee shall remit to the government the verifiable costs, up to a maximum of five thousand dollars (\$5,000.00), which the government may incur in connection with the transfer or change in control of a franchise granted hereunder. The thirty (30) day period shall not begin unless and until the grantee receives copies of all invoices for which the government seeks reimbursement. Any and all payments made pursuant to this subsection shall constitute franchise fees pursuant to federal law and FCC rules; provided, however, that grantee shall neither credit such payments against any franchise fees due under (B) hereof nor pass such fees through to subscribers unless and until the total amount of franchise fees remitted to the government by the grantee exceeds five percent (5%) of grantee's annual gross revenue received from subscribers within the city.

(B) For the reason that the roads to be used by the grantee in the operation of its system within the boundaries of the city are valuable public properties, acquired and maintained by the government at great expense to its taxpayers, and that the grant to the grantee to use said roads is a valuable property right without which the company would be required to invest substantial capital in right-of-way costs and acquisitions, the grantee shall pay to the government a franchise fee in an amount equal to five percent (5%) of grantee's gross revenue attributable to the operations of the cable service and non-cable service operations of the grantee within the territorial limits of the city.

## **LONDON - CABLE TELEVISION REGULATIONS**

---

(C) The government reserves the right to review the amount of the franchise fee annually and to increase it up to the maximum fee or tax on grantee's gross revenue permitted by federal or state law. The government shall give the grantee sixty (60) days notice before raising the franchise fee.

(D) The payment of the franchise fee shall be in addition to any other tax or payment owed to the government by grantee.

(E) The franchise fee shall be payable quarterly to the government and the grantee shall file a complete and accurate report, signed by and certified as accurate by an officer of the grantee, of all gross subscriber revenues received within the territorial limits of the city during the previous three (3) month period, and said payment shall be made to the government no later than forty-five (45) days after the expiration of the quarter when due. The gross revenue report from operations of the grantee within the franchise area shall be prepared by a qualified financial officer in accordance with the Codification of Statements on Auditing Standards promulgated by the American Instituted of Certified Public Accountants and shall include: a schedule of gross revenue by category by month; a schedule of the number of subscribers by category of service by month; and a schedule of gross revenue upon which the franchise fee is based.

(F) Upon fifteen (15) days written notice, the government shall have the right during normal business hours to inspect the grantee's income records at the grantee's regional office, right to audit and to re-compute any amounts determined to be payable under this chapter provided, however, that such audit shall take place within twelve (12) months following the close of each of the grantee's fiscal years. If, as a result of such audit or review, the government determines that grantee has underpaid its fees in any twelve (12) month period by five percent (5%) or more, then, in addition to making full payment of the relevant obligation, grantee shall reimburse the government for all of the verifiable costs associated with the audit or review, including costs for attorneys, accountants and other consultants. Any additional amount due to the government as a result of an audit or review shall be paid within the thirty (30) days following written notice to the grantee by the government, which notice shall include a copy of the audit report and copies of all invoices for which the government seeks reimbursement.

(G) In the event that any franchise payment or recomputed amount is not made on or before the applicable dates heretofore specified, interest shall be charged from such date at the rate of three quarters of one percent (0.75%) per month, compounded monthly, for the period of delinquency.

(H) The government reserves the right to require the grantee to collect any consumer or other tax or other fee that may be imposed by the government, the Commonwealth of Kentucky, or the federal government on cable services and/or additional subscriber services.

(I) No acceptance of any payment by the government shall be construed as an accord and satisfaction that the amount paid is in fact the release of any claim that the government may have for further or additional sums payable under this chapter.

(Ord. 968, passed 1-3-00; Am. Ord. 2005-05, passed 5-23-05)

## **LONDON - CABLE TELEVISION REGULATIONS**

---

### **§ 64.010      *PUBLICATION COSTS***

The grantee shall assume the cost of publication of the franchise as such publication is required by law and such is payable upon the grantee's filing of acceptance of the franchise.  
(Ord. 968, passed 1-3-00)

### **§ 64.011      *TIME IS OF THE ESSENCE***

Whenever this chapter sets forth a time period in which any act shall be performed, such time shall be deemed of the essence, and failure to perform within the allotted time shall be sufficient grounds to invoke the remedies available pursuant to this chapter or applicable law. Provided, that either the grantor or the government may waive any time period by failing to provide written notification to the other of its intent to invoke such remedies within twelve (12) months after the occurrence of a failure to timely perform any act required by this chapter.  
(Ord. 968, passed 1-3-00)

## **ARTICLE II. CONSTRUCTION; INSTALLATION REQUIREMENTS**

### **§ 64.020      *CONDITIONS OF ROAD OCCUPANCY***

(A) The grantee acquiring this franchise shall have the right and privilege of constructing, erecting, operating and maintaining a cable television system, equipment and apparatus, upon, through, along, under and over the roads within the territorial limits of the city; subject to the provisions hereof and to all powers (including police power) inherent in, conferred upon or reserved to said government.

(B) (1) No pavements, sidewalks, curbs, gutters, or other such road installations shall be disturbed and no excavation in any of the said roads will be made, except with the written permission of the government and all equipment and apparatus shall be located in such portion of said roads as may be designated by the government.

(2) When an emergency arises which requires immediate repair, the grantee may disturb or excavate a road without first obtaining written permission from the government, provided that the government is notified in writing of said repair within five (5) days. This notification shall include at least the time, date, location and extent of excavation or other work performed.

(3) In the construction or reconstruction or maintenance or removal of any of said equipment and apparatus, the grantee shall have due regard for the rights of the government and others, and shall not interfere with, or in any way injure the property of the government or others, under, on, or above the ground. Said grantee shall comply with all the laws of the Commonwealth of Kentucky and ordinances of the government as to placing lights, barricades, flags, danger signals or warning signs and shall be liable for any and all damage that may arise by reason of its failure or neglect to comply with such ordinances and laws. Work by the grantee hereunder shall be done in a workmanlike manner and so as not to unnecessarily

## **LONDON - CABLE TELEVISION REGULATIONS**

---

interfere with public use of said roads.

(C) (1) Whenever the government or any of its departments, agencies and/or agents, servants or employees shall grade, regrade, construct, reconstruct, widen or alter any road or shall construct, reconstruct, repair, maintain or alter any other municipal public works (including but not limited to storm sewers, sanitary sewers and street lights) therein, it shall be the duty of the grantee, after receiving notice by the government, to change, remove, relay and relocate its equipment and apparatus, poles, wires, cables, conduits and other fixtures, in the road at grantee's own expense so as to conform to the established grade or line of such road and so as not to interfere with such municipal public works so constructed, reconstructed or altered.

(2) The grantee shall be given access to the road plans and specifications in possession of the government.

(D) The grantee shall, at the request of any person holding a moving permit issued by the government, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same, and the grantee shall have the authority to require such payment in advance. The grantee shall be given not less than ten (10) days in advance notice to arrange for such temporary wire changes.

(E) The grantee shall have the authority to trim trees upon the overhanging public roads so as to prevent the branches of such trees from coming in contact with the wires and cables of the grantee. Any trimming, removal or other disturbance of trees shall conform to sections, requirements and directives of the government.

(F) In all areas within the territorial limits of the city, where the cables, wires, and other like facilities of public utilities are placed underground, the grantee shall place its cables, wires, or other like facilities underground, provided that such facilities are actually capable of receiving grantee's cable and other equipment without technical degradation of signal quality. If any public utility shall be located underground after the grantee has previously installed its system, the grantee shall at the same time or immediately thereafter remove and relocate its facilities underground to the extent that such removal and relocation is economically feasible and provided that such facilities are actually capable of receiving grantee's cable and other equipment without technical degradation of signal quality.

(G) In addition to the provisions contained in this section, grantee shall comply with all local ordinances pertaining to road occupancy.  
(Ord. 968, passed 1-3-00)

### **§ 64.021      *ERECTION, REMOVAL AND COMMON USE OF POLES***

(A) Grantee shall not erect or authorize or permit others on its behalf to erect any poles except when absolutely necessary to service subscribers. Poles may not be erected by the grantee solely because it is more convenient, economical and/or profitable for grantee to so

## **LONDON - CABLE TELEVISION REGULATIONS**

---

operate. No poles or other wire-holding structures shall be erected by the grantee without prior approval of the government with regard to need, location, height, type, and other pertinent aspect. However, no location of any pole or wire-holding structure of the grantee shall be a vested interest and such poles or structures shall be removed or modified by the grantee at its own expense whenever the government determines that the public health, welfare and/or safety would be enhanced thereby.

(B) Where poles or other wire-holding structures already existing for use in serving the city are available for use by the grantee, but it does not make arrangements for such use, the government may require the grantee to use such poles and structures if it determines that the public health, welfare and/or safety would be enhanced thereby.

(C) Where the government or a public utility serving the government desires to make use of the poles or other wire-holding structures of the grantee, but the agreement thereof with the grantee cannot be reached, the City Council may require the grantee to permit such use for consideration consistent with applicable law, if the City Council determines that the use would enhance the public health, welfare and/or safety.

(D) As further consideration for the granting of this franchise, the grantee shall permit the government, to utilize grantee pole space and conduit duct and/or raceway space when such space is vacant and/or available at the time of the request for space by the government; provided however, that the facilities of the government shall not interfere with the grantee's technical operations and/or performance. This space may be used for police and fire alarm systems, traffic control and traffic signal interconnection systems, and municipal data processing interconnection systems and for other municipal purposes at no charge.

(Ord. 968, passed 1-3-00)

### **§ 64.022 CONSTRUCTION STANDARDS AND SPECIFICATIONS**

(A) Within three (3) years after the enactment of this chapter, the grantee shall have upgraded the cable system as described in this chapter. The upgraded cable system shall be designed, spaced and constructed to a 750 MHz design by a date that is no later than three (3) years, or sooner if possible, from the effective date of the franchise granted under this chapter. The fiber system shall have a maximum of five hundred (500) subscribers to the node. Where technically advisable, the system shall use all new fiber optics, coaxial cable and electronic and passive devices. Within thirty (30) days of the commencement of construction, grantee shall furnish to the government a map indicating the sequence of the fiber optic network construction schedule.

(B) The cable system, upon completion of the upgrade, shall have a fully activated capacity of carrying outbound from the central distribution point at least one hundred (100) channels of television to all subscribers located within the confines of the city.

(C) Where the signal of a music channel or a service provided on a per channel or per view basis originates in stereo, the grantee shall provide stereo retransmission of those signals.



## **LONDON - CABLE TELEVISION REGULATIONS**

---

(D) The grantee shall at all times comply with the latest published version of the following codes and standards to the extent that such codes and standards are consistent with local law: (i) National Electrical Safety Code (published by National Bureau of Standards); (ii) National Electrical Code (published by National Bureau of Fire Underwriters); (iii) Standards of Good Engineering Practices for Cable Measurements on Cable Television Systems (published by National Cable Television Association); (iv) Standards of the Occupational Safety and Health Administration and (v) Standards for Steel Antenna Towers and Antenna Supporting Structures (published by Engineering Department of the Electronic Industry Associations). To the extent that such codes and standards are inconsistent with other provisions of this franchise or with local law, the latter will govern.

(E) Installation and physical dimensions of any tower constructed for use in the cable television system shall comply with all appropriate Federal Aviation Agency regulations.

(F) Any antenna structure in the cable television system shall comply with Construction Marketing and Lighting of Antenna Structure, 47 C.F.R. 17.1 et. seq. September 1967.

(G) The grantee shall at all times use ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

(H) The grantee shall construct and operate the system and related facilities in accordance with all generally accepted related industry codes and standards that are applicable.

(I) The grantee shall use the most advanced engineering practices and equipment generally employed in similar circumstances to maximize off-air signal reception, to eliminate power line interference, ghost cancellation and co-channel interference. At all times the grantee shall take prompt and diligent action to resolve problems with off-air signal reception.  
(Ord. 968, passed 1-3-00)

### **§ 64.023      *LINE EXTENSIONS***

(A) Grantee is hereby authorized to extend the cable system as necessary, as desirable or as required pursuant to the terms hereof within the city. Whenever grantee shall receive a request for service from at least ten (10) households within 2,640 feet (one-half mile) of its distribution plant, it shall extend its cable system to such potential subscribers at no cost other than the usual connection fees for all subscribers, provided that such extension is technically feasible and will not adversely affect the operation, financial condition or market development of the cable system. When counting the number of potential subscriber households requesting service under this provision, households then subscribing to a satellite direct-to-home service shall be counted as one fourth (1/4) household.

(B) No subscriber shall be refused service arbitrarily. However, for special circumstances (such as subscriber's request to locate the cable drop underground, or the need for

## **LONDON - CABLE TELEVISION REGULATIONS**

---

under-highway crossings, or the existence of more than two hundred fifty (250) feet between the distribution plant and the subscriber connection, or a density of less than ten (10) households within two thousand six hundred forty (2,640) feet of the distribution plant), cable service may be made available on the basis of a capital contribution in aid of construction, including the cost of material, labor and easements. When counting the number of potential subscriber households within five hundred (500) feet of the distribution plant under this provision, households then subscribing to a satellite direct-to-home service shall be counted as one fourth (1/4) household. For the purpose of determining the amount of capital contribution in aid of construction to be borne by grantee and subscribers in the area in which cable service may be extended, grantee will contribute an amount equal to the construction and other costs per five hundred (500) feet, multiplied by a fraction whose numerator equals the actual number of potential subscribers desiring service within five hundred (500) feet of the distribution plant and whose denominator equals ten (10) subscribers. Potential subscribers will bear the remainder of the construction and other costs on a pro-rata basis. Grantee may require that the payment of the capital contribution in aid of construction to be borne by such potential subscribers be made in advance.

(C) Under normal operating conditions, extensions of the cable system made pursuant to this section shall be completed within forty-five (45) days after the conditions specified herein have been met and all necessary approvals and equipment, including without limitation, pole attachment agreements, governmental permits, and make-ready work, have been obtained or completed. Grantee shall submit applications, purchase orders, etc. necessary for such approvals within ten (10) business days after the conditions specified herein have been met.

(Ord. 968, passed 1-3-00)

### **§ 64.024 INTERCONNECTION**

The grantee may be required to interconnect its system with any other broadband communications facility to the extent such interconnection is commercially practicable, economically viable, and technically feasible. The interconnection shall be accomplished according to generally accepted industry practices. Any interconnection shall be subject to and conditioned upon financial arrangements which are mutually acceptable to grantee and the other broadband communication facility. Grantee shall pursue such negotiations in good faith.

(Ord. 968, passed 1-3-00)

### **§ 64.025 PUBLIC BENEFIT SERVICES**

(A) The grantee shall, upon written request, provide one (1) cable drop and all cable service except premium, optional digital, and other channels provided on a per-channel or per-view basis to the following locations that are within five hundred (500) feet of the distribution plant: all public schools, public universities, public libraries, senior centers, law enforcement stations, fire stations, and all other nonresidential buildings owned, leased or controlled by the government including without limitation all government office buildings. Each party receiving the above mentioned services shall be responsible for all interior wiring of their respective buildings.

## **LONDON - CABLE TELEVISION REGULATIONS**

---

(B) Within three (3) years after the granting of the franchise under this chapter, the grantee shall provide, upon written request and without cost at the following facilities that are located within five hundred (500) feet of the distribution plant, one (1) cable modem and internet access, to all schools, public libraries, senior centers, law enforcement stations and fire stations and all other nonresidential buildings owned, leased or controlled by the government, including without limitation all government office buildings. All interior wiring of such buildings shall be performed at the expense of the government.  
(Ord. 968, passed 1-3-00)

### **§ 64.026 ACCESS TO COMMUNICATIONS FACILITIES**

The grantee shall provide TDD (or equivalent) equipment or means at the grantee's office that will allow such subscribers to contact the grantee for any reason relating to the system.  
(Ord. 968, passed 1-3-00)

### **§ 64.027 PUBLIC, EDUCATIONAL AND GOVERNMENT (PEG ACCESS CHANNELS)**

(A) The grantee shall provide to the city one (1) activated downstream access channel on the cable system which the city may elect to use, in whole or part, for non-commercial, educational and/or governmental access use to provide video programming. Once the access channel initially provided is "sufficiently utilized", the grantee will activate one (1) additional access channel. For the purposes of this section, "sufficiently utilization" will be deemed to exist when the access channel initially provided by the grantee carries nonduplicated locally produced access programming, one of which is character generated, continuously during the hours of 2:00 p.m. and 10:00 p.m. for a period of ninety (90) consecutive days. As each access channel provided to the city becomes "sufficiently utilized", the grantee will activate one (1) additional access channel up to a maximum of three (3) access channels.

(B) If any unused time (fallow time) exists on any access channel and the grantee or any affiliate of the grantee desires to distribute any service over such channel during such unused time, the grantee shall so notify the city in writing. An access channel, or access channel time, shall be deemed unused only if such channel or time has not been used for the purposes described in subsection (A) hereof during the thirty (30)-day period immediately preceding the date of the notice described in the foregoing sentence. The grantee's notice to the city shall describe the grantee's or its affiliate's plans for use of the access channel. The grantee or its affiliate may commence the distribution of the planned service over the access channel(s) at the end of the thirtieth (30th) day after receipt of such notice, unless the city authorizes a shorter period or unless, within such thirty (30)-day period, the city notifies the grantee in writing, that the city does not consent to the planned use of the access channel(s) because they are being used for the purposes described in subsection (A) hereof. In the event that the grantee or its affiliate is using an access channel or any access channel time pursuant to this section, the grantee or its affiliate shall relinquish such promptly, but in no event later than ninety (90) days following the city's written request for same.

(C) The channels designated for PEG access purposes shall be available for PEG

## **LONDON - CABLE TELEVISION REGULATIONS**

---

access programming on a twenty-four (24)-hour basis subject to the provisions of this section. Neither the grantee, the government nor any access corporation shall engage in any program censorship or other control of the content of the access programming on the cable system, except as otherwise permitted or required by law.

(D) Grantee shall provide, without charge to the city, the assistance, advice and technical aid necessary to provide maximum utilization of the governmental and educational channels, including but not limited to, the assistance, advice and technical aid necessary to establish a studio at the Laurel County Community Center including installation of a return line at the facility.

(E) In addition to the franchise fee, the grantee shall provide capital funding for access equipment and facilities, including but not limited to the establishment of a studio at the Laurel County Community Center, necessary to support utilization of public access channel(s), or other municipal purposes. Capital funding shall be provided in the following amounts:

Within thirty (30) days after the initial grant of a franchise hereunder	\$30,000
--	----------

Within one year after the initial grant of a franchise hereunder	\$15,000
--	----------

Within two years after the initial grant of a franchise hereunder	\$15,000
---	----------

Total capital funding during the duration of a franchise granted hereunder	\$60,000
--	----------

To the extent consistent with federal law and regulations, grantee agrees that payments made pursuant to this subsection shall not be treated as franchise fees.  
(Ord. 968, passed 1-3-00)

### **§ 64.028      *EMERGENCY ALERT OVERRIDE***

(A) Upon completion of the upgrade, the grantee shall incorporate into its cable television system, the capability which will permit the Mayor (or his/her designee) in times of emergency, to override, by remote control, the audio of all channels simultaneously.

(B) The availability of this service is provided for the benefit of the community and neither the government nor the grantee nor any of their agents, employees, or officers, shall be liable in any manner for failure to use or for misuse of the override system. To the extent that federal law or regulations provide standards for the provision or use of emergency override services, such law or regulations shall supersede the requirements of this section.

(C) The grantee shall cooperate with the government in the use and operation of the

## **LONDON - CABLE TELEVISION REGULATIONS**

---

emergency alert override system.  
(Ord. 968, passed 1-3-00)

### **§ 64.029      *ANTENNAS AND ANTENNA SWITCHES***

(A) The grantee shall not, as a condition to providing cable television service, require any subscriber, or potential subscriber, to remove any existing antenna for the receipt of over-the air television signals.

(B) The grantee shall install, upon request of the subscriber, an A/B or antenna switch at grantee's established charges for installation and equipment.  
(Ord. 968, passed 1-3-00)

### **§ 64.030      *STANDBY POWER***

Upon completion of the upgrade, the grantee shall install and maintain equipment capable of providing standby power for headend, transportation and trunk amplifiers for a minimum of two (2) hours.  
(Ord. 968, passed 1-3-00)

## **ARTICLE III. OPERATIONAL AND PERFORMANCE STANDARDS; REQUIREMENTS**

### **§ 64.040      *PROOF OF PERFORMANCE, TESTING***

(A) Tests and measurements to ensure compliance with technical standards shall be performed in a manner that is consistent with the provisions of 47 C.F.R. 76.609, et seq., and as amended from time to time.

(B) (1) The government shall have the right and authority to compel the grantee to produce copies of the reports of testing performed to comply with section (A) above with respect to the performance of the cable television system of the grantee or to test, analyze, and report on the performance of the system. Such test or tests shall be made, and the reports of such test or tests shall be delivered to the government no later than thirty (30) days after the government formally notifies the grantee in writing that such tests or reports are required.

(2) The government's right under this provision shall include, but not be limited to, requiring tests, analyses, and reports covering specific subjects and characteristics based on said complaints or other evidence when and under such circumstances as the government has grounds to believe that the complaints or other evidence require that tests be performed to protect the public against substandard cable service and non-cable service; provided, however, that the government's right under this provision shall be limited to requiring no more than one (1) such test, analysis, or report in any twelve (12) month period.

(3) The tests and analyses shall be supervised by qualified person, not on the

## **LONDON - CABLE TELEVISION REGULATIONS**

---

permanent staff of the grantee and selected by the government, with all costs to be borne by the grantee only if the testing indicates that the cable television system is not in compliance with this chapter, the Communications Act and/or FCC rules and/or regulations. The aforesaid person shall sign all records of special tests and forward to the government such records with a report interpreting the results of the tests and recommending actions to be taken by the government.  
(Ord. 968, passed 1-3-00)

### **§ 64.041      *PROOF OF PERFORMANCE, RECORDS***

The results of all tests and measurements required to be taken by the grantee in § 64.040 shall be delivered to the government within thirty (30) days after such tests or measurement are performed.  
(Ord. 968, passed 1-3-00)

### **§ 64.042      *PERFORMANCE EVALUATION SESSIONS***

(A) The government may hold performance evaluation sessions no more than once annually, after providing written notice to grantee no less than thirty (30) days prior to such evaluation sessions. All such evaluation sessions shall be open to the public.

(B) Special evaluation sessions may be held at any time during the term of the franchise at the request of the government or the grantee subject to the provisions of (A) above. In addition, members of the general public may request a special evaluation session by presenting the City Clerk with a petition bearing the valid signatures of twenty (20) or more subscribers of the grantee in the city. If a special evaluation session is requested by petition, said session shall be held during a regularly scheduled meeting of the City Council.

(C) All evaluation sessions shall be open to the public and announced in a newspaper of general circulation in accordance with legal notice. The publication expense shall be borne by the party requesting the session or divided equally if the session is held by mutual agreement.

(D) Topics which may be discussed at any scheduled or special evaluation session may include, but are not limited to: application of new technologies; system performance; customer complaints; privacy; amendments to this chapter; judicial and FCC rulings.

(E) Members of the general public may add topics either by working through the negotiating parties or by presenting a petition. If such a petition bears the valid signatures of twenty (20) or more subscribers of the grantee in the city, the proposed topic or topics shall be added to the list of topics to be discussed at the evaluation session.  
(Ord. 968, passed 1-3-00)

### **§ 64.043      *OPERATIONAL STANDARDS***

(A) The grantee shall put, keep, and maintain all parts of the system in good condition throughout the entire franchise period.

## **LONDON - CABLE TELEVISION REGULATIONS**

---

(B) Upon the request for service by any person located within the city, the company shall, furnish the requested service to such person within terms of the line extension policy in § 64.023.

(C) The grantee shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Such interruptions, insofar as possible, shall be preceded by notice and shall occur during periods of minimum system use.

(D) Grantee shall not allow its cable or other operations to interfere with television reception of persons not served by grantee, nor shall the system interfere with, obstruct or hinder in any manner, the operation of the various utilities serving the residents within the confines of the city.

(E) The grantee shall continue, through the term of the franchise, to maintain the technical standards and quality of service set forth in this chapter.

(F) The grantee shall maintain the following broad categories of video programming: (1) television broadcast signals; (2) educational television broadcast signals; (3) non-commercial governmental, educational and community access programming; (4) commercial and non-commercial local community programming; (5) sports programming; (6) news and public affairs programming; (7) general entertainment programming; (8) weather programming; (9) music programming; and (10) family programming.

(G) Within thirty (30) days after the initial grant of a franchise hereunder, the grantee shall submit to the government a schedule of the video and audio programming that is proposed to be offered on the cable system and the channel assignment for each. Thereafter, grantee may not add, substitute or delete any programming or change any channels without first affording the government at least thirty (30) days notice.

(Ord. 968, passed 1-3-00)

### **§ 64.044 CONSUMER SERVICE STANDARDS**

#### **(A) Office Hours and Telephone Availability.**

(1) The grantee will maintain a customer service office within the city which shall be open during normal business hours and a local and toll-free telephone access line which will be available to its subscribers twenty-hour (24) hours a day, seven (7) days a week.

(a) At least one (1) trained representative of the grantee shall be available at the customer service office within the city to respond to customer inquiries during normal business hours. Each such representative shall be trained to perform efficiently the various tasks, including responding to consumer inquiries and complaints, necessary to provide consumer services in a responsible and courteous manner.

(b) After normal business hours, the telephone access line may be

## **LONDON - CABLE TELEVISION REGULATIONS**

---

answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours must be responded to by a trained representative of the grantee within twenty-four (24) hours after receipt of the complaint.

(2) Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety percent (90%) of the time under normal operating conditions.

(3) Under normal operating conditions, the customer will receive a busy signal less than three percent (3%) of the time.

(B) Installation outages and service calls: Under normal operating conditions, each of the following standards will be met no less than ninety-five percent (95%) of the time measured on a quarterly basis:

(1) Installations located within two hundred fifty (250) feet from the existing distribution plant and that are pre-wired for cable service shall be performed within seven (7) days after an order has been placed unless scheduled at a later time by customer request.

(2) Installations located within two hundred fifty (250) feet from the existing distribution plant and that are not pre-wired for cable service shall be performed within seven (7) days after an order has been placed unless scheduled at a later time by customer request.

(3) Grantee will begin working on "service interruptions" promptly and in no event later than twenty-four (24) hours after the interruption becomes known. The grantee must begin actions to correct other service problems the next business day after notification of the service problem. Under normal operating conditions, all repairs must be completed within forty-eight (48) hours. If conditions exist which are not within the control of the grantee, as defined by § 64.999(B)(6) of this chapter, repairs must be completed as soon as reasonably possible.

(4) When a subscriber requests a change in the type of cable service he/she is currently receiving, the grantee must begin action to change the type of service provided the next business day after notification. If the desired change is not made within seven (7) days of notification, and the change would decrease the subscriber's bill, the grantee shall credit the subscriber's bill despite the fact that the service has not been changed.

(5) The "appointment window" alternatives for installations, service calls, and other installation activities will be either a specific time or, at maximum, a four (4) hour time block during normal business hours. (The grantee may schedule service calls and other installation activities outside of normal business hours for the expressed convenience of the customer.)

(6) The grantee may not cancel an appointment with a customer after the close



## **LONDON - CABLE TELEVISION REGULATIONS**

---

of business on the business day prior to the scheduled appointment.

(7) If a representative of the grantee is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer.

(Ord. 968, passed 1-3-00)

### **(C) Communications Between Grantee and Cable Subscribers.**

#### **(1) Notification to subscribers.**

(a) The grantee shall provide written information on each of the following areas at the time of installation of service, at least annually to all subscribers, and at any time upon request:

1. Products and services offered;
2. Prices and options for programming services and conditions of subscription to programming and other services;
3. Installation and service maintenance policies;
4. Instructions on how to use the cable service and non-cable service;
5. Channel positions of programming carried on the system;
6. Billing and complaint procedures, including the address and telephone number of the government's cable communications officer;
7. A description of grantee's policies concerning credits for outages and reception problems, consistent with these consumer protection standards; and
8. The local and toll-free numbers for grantee's subscriber service telephone system.

(b) Customers will be notified of any change in rates, programming services or channel positions as soon as possible through announcements on the cable system and in writing using any reasonable means at the grantee's sole discretion. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the grantee. In addition, the grantee shall notify subscribers thirty (30) days in advance of any significant changes in other information required by the preceding paragraph.

## **LONDON - CABLE TELEVISION REGULATIONS**

---

### **(2) Billing.**

(a) Bills will be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits.

(b) In cases of a billing dispute, the grantee must respond to a written complaint from a subscriber within thirty (30) days.

(c) The grantee shall not assess a late fee on subscribers' bills which are paid within thirty (30) days of the due date.

### **(3) Refunds. Refund checks will be issued promptly, but no later than either:**

(a) The customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier.

(b) The return of the equipment supplied by the grantee if service is terminated.

### **(4) Credits.**

(a) Credits for service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

(b) When the use of service or equipment furnished by the grantee is interrupted due to any cause other than the negligence or willful act of the subscriber or the failure of equipment provided by the subscriber, a pro rata adjustment of the fixed monthly charges involved will be allowed, upon the request of the subscriber, for the service and equipment rendered useless and inoperative by reason of the interruption during the time and said interruption continues in excess of four (4) hours from the time it is reported to or detected by the grantee. For purpose of this section, every month is considered to have thirty (30) days.  
(Ord. 968, passed 1-3-00)

## **§ 64.045 COMPLAINT PROCEDURE**

(A) **Governmental Official Responsible.** The cable communications officer is designated by the government as having primary responsibility for the continuing administration of the franchise and implementation of complaint procedures.

(B) **Complaint Response.** The grantee shall maintain a repair and maintenance crew capable of responding to subscriber complaints within twenty-four (24) hours after receipt of the complaint. Charges may be made, as permitted by applicable law, to the subscriber for this service if the service call is not a result of a cable television system malfunction.

## **LONDON - CABLE TELEVISION REGULATIONS**

---

(C) **Subscriber Notice of Complaint Procedures.** The grantee shall establish procedures for receiving, acting upon, and resolving subscriber technical, customer service, cable service, non-cable service and billing complaints. The grantee shall furnish a notice of such procedures to each subscriber at the time of initial subscription to the system.

(D) **Complaint Records.** The grantee shall maintain a written record or "log", listing date and time of customer technical, customer service, cable service, non-cable service, and billing complaints, describing the nature of the technical, customer service, cable service, non-cable service, and billing complaints and when and what action was taken by the grantee in response thereto; such record shall be kept at grantee's regional office, reflecting the operations to date for a period of at least three (3) years, and shall be available for inspection by the government. The complaint log shall be sent to the cable communications officer annually for the first five (5) years of this franchise. After the initial five (5) year period the complaint log shall be made available upon twenty-one (21) days written request.  
(Ord. 968, passed 1-3-00)

### **§ 64.046      *REFUNDS TO SUBSCRIBERS AND USERS***

(A) If the grantee fails to provide service to a subscriber, the grantee shall, after being afforded an opportunity to provide the service, refund all deposits or advance charges paid for the service in question by said subscriber. The provision does not alter the grantee's responsibility to subscribers under any separate contractual agreements the grantee might have with subscribers or relieve the grantee of liability for fines under this chapter that may be assessed by the government or damage that might result to the government or any subscriber because the grantee's failure to provide a service as promised.

(B) If any subscriber terminates, for personal reasons, any monthly service prior to the end of a prepaid period, a pro-rata portion of any prepaid subscriber service fee, using the number of days as a basis, shall be refunded to the subscriber by the grantee, in accordance with § 64.044(C)(3).  
(Ord. 968, passed 1-3-00)

### **§ 64.047      *DISCONNECTION***

(A) If a subscriber has failed to pay properly due monthly fees or if a subscriber disconnects for seasonal periods, the grantee may require, in addition to full payment of any delinquent fees, a reasonable fee for reinstatement.

(B) No disconnection shall occur for at least forty-five (45) days after the due date of said monthly fee or charge. The forty-five (45)-day period shall include five (5) days written notice to the delinquent subscriber of the intent to disconnect.

(C) After disconnection, upon payment in full of the delinquent fee or charge and the payment of a reconnection charge, the grantee shall promptly reinstate the subscriber's cable

## LONDON - CABLE TELEVISION REGULATIONS

---

service and/or non-cable service.

(Ord. 968, passed 1-3-00)

### § 64.048 *PREFERENTIAL OR DISCRIMINATORY PRACTICES PROHIBITED; BILLING PRACTICES*

The grantee shall not, as to rates, charges, service, services facilities, rules, regulations, or in any other respect, make or grant any undue preference or advantage to any party, nor subject any party to any prejudice or disadvantage. Provided, however, that this section shall not prohibit bona fide promotional activities of the grantee nor the provision of the free service of employees of grantee.

(Ord. 968, passed 1-3-00)

### § 64.049 *TRANSFER OF CONTROL*

(A) No transfer of control of the cable system shall take place, whether by forced or voluntary sale, lease, assignment, or any other form of disposition, without prior notice to and approval by the City Council. The notice shall include full identifying particulars of the proposed transaction, and the City Council shall act by resolution. The City Council shall have one hundred twenty (120) days within which to approve or disapprove a transfer of control and if no action is taken within such one hundred twenty (120) days, approval shall be deemed to have been given unless the requesting party and the government agree to an extension of time.

(B) In making a determination on whether to grant an application for a transfer of a franchise, the City Council may consider the financial, technical and other qualifications of the transferee to operate the system; whether the incumbent cable operator is in compliance with this chapter and, if not, the proposed transferee's commitment to cure such noncompliance; and whether operation by the transferee would adversely affect cable services to subscribers, or otherwise be contrary to the public interest.

(C) The consent or approval of the City Council to any assignment, lease, transfer, or sublease of the grantee shall not constitute a waiver or release of the rights of the government in and to the roads.

(D) Corporate reorganizations which do not change the ultimate controlling entity and interfamilial transactions are not considered transfers of control for purposes of this section.

(Ord. 968, passed 1-3-00)

### § 64.050 *FORFEITURE OF FRANCHISE*

(A) In addition to all other rights and powers pertaining to the government by virtue of the franchise or otherwise, the government, by and through its City Council, reserves the right to terminate and cancel the franchise and all rights and privileges of the grantee hereunder in the event that the grantee:

## **LONDON - CABLE TELEVISION REGULATIONS**

---

(1) Violates any material provision of the franchise or any material rule, order, or determination of the government made pursuant to the franchise, except where such violation is without fault or through excusable neglect;

(2) Attempts to evade any material provision of the franchise or practices any fraud or deceit upon the government;

(3) Fails to begin or complete construction as provided under the franchise and the grantee's proposal as incorporated herein,

(4) Knowingly make a material misrepresentation of any application, proposal for renewal, or negotiation of the franchise; or

(5) Willfully abandons the cable system, in whole or in part, without the prior written approval of the government. For purposes of this section "abandonment" means the cessation, by the grantee's act, of the provision of all cable service and non-cable service then being provided over the cable system in the city for ninety-six (96) or more consecutive hours, except if due to an event beyond the grantee's control as set forth in § 64.999(B)(6) and subsection (B)(6) hereof.

### **(B) Forfeiture Procedure.**

(1) The government shall notify the grantee in writing of an alleged failure to comply with the provisions of this chapter as outlined in subsection (A), which notice shall specify the alleged failure with particularity.

(2) The grantee shall, within twenty-one (21) days after receipt of the notice or such longer period as the government may specify in such notice, either cure the alleged failure or, in a written response to the government, either present facts and arguments in refutation or excuse of such alleged failure or state that the alleged failure will be cured and set forth the method and time schedule for accomplishing such cure.

(3) The City Council shall determine (i) whether a failure to comply with a provision of the franchise has occurred; (ii) whether such failure is excusable; and (iii) whether such failure has been or will be cured by the grantee.

(4) If the City Council determines that a failure to comply with a material provision of the franchise has occurred and that such failure is not excusable and has not been or will not be cured by the grantee in accordance with a schedule satisfactory to the City Council, the City Council shall hold a public hearing to determine whether the franchise shall be terminated and forfeited or whether other penalties shall be imposed on the grantee. The City Council shall provide at least twenty-one (21) days written notice of the public hearing to the grantee. During the public hearing, grantee shall have the right to call and to cross-examine witnesses and to present evidence. If the City Council determines that such failure has not occurred, or that such failure either has been or will be cured in a manner and in accordance

## **LONDON - CABLE TELEVISION REGULATIONS**

---

with a schedule satisfactory to the City Council or that the failure is excusable, such determination shall conclude the investigation.

(5) Following the public hearing and majority vote of the City Council finding that a failure to comply with a material provision of the franchise has occurred and that such failure is not excusable and has not been or will not be cured by the grantee in accordance with a schedule satisfactory to the government, the City Council may issue a written decision ordering termination and forfeiture of the franchise or imposing other penalties. Such decision shall be served on the grantee and shall be subject to judicial review as provided by law.

(6) Any other provision of this chapter notwithstanding, the grantee shall not be liable of delay in performance of, or failure to perform, in whole or in part, its obligation pursuant to this chapter or any franchise granted hereunder due to strike or other labor action other than those involving the employees of the grantee, war or act of war (regardless or whether an actual declaration of war is made), insurrection, riot, act of public enemy, accident, fire, flood or other act of God, equipment malfunction, sabotage of other events, where the grantee has exercised all due care in the prevention thereof and to the extent that such causes or other events are beyond the grantee's control. Notwithstanding the other provisions of this subsection (6), grantee shall be held liable for equipment malfunctions identifiable using standard industry testing techniques.

(C) In the event of said revocation the grantee shall have two (2) years from the date on which it ceases operations to remove, at its own expenses, all portions of its cable television system from all roads within the confined of the city, and shall restore said roads to a condition reasonably satisfactory to the government within such period of time.  
(Ord. 968, passed 1-3-00)

### **§ 64.051      *FORECLOSURE***

Upon the foreclosure or other judicial sale of all or substantial part of the system, or upon the termination of any lease covering all or a substantial part of the system, the grantee shall immediately notify the government of such fact, and such notification shall be treated as a notification that a change in control of the grantee has taken place, and the provisions of Section 34 of the Ordinance, governing the consent of the City Council to such change in control of the grantee, shall apply.

### **§ 64.052      *RECEIVERSHIP***

The City Council shall have the right to cancel this franchise one hundred and twenty (120) days after the appointment of a receiver, or trustee, to take over and conduct the business of the grantee, whether in receivership, reorganization, bankruptcy, or other action or proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of said one hundred and twenty (120) days, or unless:

(A) Within one hundred and twenty (120) days after his election or appointment, such

## **LONDON - CABLE TELEVISION REGULATIONS**

---

receiver or trustee shall have fully complied with all the provisions of this chapter and remedied all defaults thereunder; and

(B) Such receiver or trustee, within said one hundred and twenty (120) days shall have executed an agreement, duly approved by the court having jurisdiction in the premises, whereby such receiver or trustee assumes and agrees to be bound by each and every provision of this chapter and the franchise granted to the grantee.

(Ord. 968, passed 1-3-00)

### **§ 64.053      *GOVERNMENT RIGHTS IN FRANCHISE***

(A) If a renewal of this franchise is denied or the franchise is revoked for cause pursuant to the appropriate provision of this chapter and the government acquires ownership of the cable system any such acquisition shall be at fair market value determined on the basis of the cable system valued as a going concern, but excluding any valuation being made for "goodwill" or any right or privilege granted by this chapter.

(B) If a renewal of this franchise is denied or the franchise is revoked for cause pursuant to the appropriate provisions of this chapter and the government effects a transfer of ownership of the cable system to another person any such transfer shall be at a fair market value, determined on the basis of the cable system valued as a going concern, which shall include the original cost of all tangible and intangible property, and which shall take into consideration salvage value, book value, replacement cost, cash flow, and other factors.

(C) It shall be the right of all subscribers to receive all available services insofar as their financial and other obligations to the grantee are honored. In the event that the grantee elects to overbuild, rebuild, modify or sell the system, or the City Council terminates this franchise, or the City Council elects to purchase the system, the grantee shall ensure that all subscribers receive continuous, uninterrupted service regardless of the circumstances.

(D) The right is hereby reserved to the government to adopt, in addition to the provisions contained herein and in existing applicable chapters, such additional regulations as it shall find necessary in exercise of the police power.

(E) Upon twenty (20) days written notice, the government shall have the right to inspect during normal business hours the books, records, maps, plans, income tax returns, and other like materials of the grantee for its five (5) most recent years of operation.

(F) The government shall have the right, during the life of the franchise, to install and maintain free of charge upon the poles of the grantee any wire and pole fixtures necessary for a police and fire alarm system, on the conditions that such wire and pole fixtures do not interfere with the cable television operations of the grantee, and are installed and maintained in accordance with the National Safety Code, and that the government pay all "make ready" charges associated therewith.

## **LONDON - CABLE TELEVISION REGULATIONS**

---

(G) The government shall have the right to make such inspections it shall find necessary to ensure compliance with the terms of the franchise and other pertinent provisions of law.

(H) Upon termination and cancellation of the franchise granted hereunder, as provided for herein, the government shall have the right to require the grantee to remove at its own expense all portions of the cable television system from all roads within the confines of the city.

(I) In the event the grantee fails to operate the cable television system for five (5) consecutive days without prior approval of the government, except for strikes, acts of God, or other circumstances beyond the control of the grantee, the government, its agent or contractor, shall have the right to operate the cable television system until such time that the grantee again operates the system or until a new operator is selected, in the event of revocation. If the government is required to fulfill this obligation for the grantee, the grantee shall reimburse the government for all costs or damages that are the result of the grantee's failure to perform.  
(Ord. 968, passed 1-3-00)

### **§ 64.054      *REPORTS AND FILING***

(A) Copies of all petitions, applications, and communications submitted by the grantee to the Federal Communications Commission, Securities and Exchange Commission, or any other federal or state regulatory commission or agency having jurisdiction in respect to any matters affecting cable television operations authorized pursuant to the franchise, shall be submitted to the government upon twenty-one (21) days written request.

(B) If requested by the government in writing, grantee shall make available to the government the following current information for inspection at grantee's office during normal business hours:

(1) construction information indicating the number of homes passed and the number of cable plant miles constructed;

(2) information indicating, where technologically possible and economically feasible, the number of calls received, number of calls abandoned, number of calls receiving a busy signal, and number of customer service representatives staffed to handle telephone calls;

(3) installation information indicating: the number of total standard installations performed; the number of standard installations performed within seven (7) days; number of service interruptions responded to within twenty-four (24) hours; number of other service problems reported; number of other service problems responded to within thirty-six (36) hours, and all other information necessary to monitor the licensee's compliance with the subscriber protection standards of this chapter;

(4) information indicating the number of subscribers for each type of cable service and non-cable service offered;



## **LONDON - CABLE TELEVISION REGULATIONS**

---

(5) a current copy of the subscriber service agreement; a current list of all rates, charges, and available services, and a current channel list;

(6) a summary of the previous year's activities in the development of the system, including, but not limited to, services begun or dropped, the previous year's constructions activities, and a summary of any policy changes taking effect during the year;

(7) a copy of all grantee's publishing rules and regulations applicable to subscribers and users of the cable system; and a summary of the licensee's hours of operation;

(8) subject to section 631 of the Communications Act, 47 U.S.C. § 551, a summary of subscriber or consumer complaints, identifying complaints by number and category, and their disposition; and, where complaints, involve recurrent system problems, the nature of each problem and what steps have been taken to correct them;

(9) a copy of updated maps depicting the location of all trunks. Proprietary maps shall be afforded confidentiality protection by an agreement mutually acceptable to the parties;

(10) a listing of grantee's closings or holidays for the year;

(11) if the grantee is a corporation, a list of officers and members of the board, a copy of the grantee's report to its shareholders (if it prepared such a report), a list of the board members of any parent corporation; and where a parent corporation's stock is publicly traded, that corporation's annual report;

(C) All reports shall be certified as correct by an officer of grantee and there shall be submitted along with them such other information as the government may request, with respect to the grantee's properties, and expenses related to its cable television operations within the confines of the city.

(Ord. 968, passed 1-3-00)

### **§ 64.055      *FRANCHISE RENEWAL***

The franchise granted under this chapter may be renewed under the authority of 47 U.S.C. § 546 as it may be amended.

(Ord. 968, passed 1-3-00)

### **§ 64.056      *RIGHTS OF INDIVIDUALS***

(A) Grantee shall not deny service, deny access, or otherwise discriminate against subscribers, channel users, or general citizens on the basis of race, color, religion, national origin, or sex. Grantee shall comply at all times with all other applicable federal, state and local laws, and all executive and administrative orders relating to nondiscrimination. Grantee shall not deny service, deny access, or otherwise discriminate against persons owning or renting

## **LONDON - CABLE TELEVISION REGULATIONS**

---

apartment units.

(B) The grantee shall comply with all applicable non-discrimination and affirmative action requirements of any laws, regulations and executive directives of the United States, the Commonwealth of Kentucky, and the government.

(C) The grantee shall not discriminate in its employment practices against any employee or applicant for employment because of race, color, religion, national origin, ancestry, sex, age or physical handicap. The grantee shall take affirmative action to ensure that employees are treated, during employment, without regard to their age, sex, race, color, national origin, ancestry, or physical handicap. This condition includes, but is not limited to the following: recruitment advertising, employment interviews, employment rates of pay, upgrading, transfer, demotion, layoff, and termination.

(D) The grantee shall submit to the government, upon request, its plan and/or report for the implementation and enforcement of its equal opportunity and affirmative action policies. This submission shall include a definitive narrative which demonstrates that equal opportunity and affirmative action policies are being applied and enforced at all levels of management. This requirement shall be satisfied with a submission of a copy of the grantee's EEO submissions required to be filed with the FCC.

(E) Grantee shall comply with all privacy laws of the state or federal government. Grantee shall strictly observe the privacy and property rights of the subscribers. The subscriber's rights of privacy shall be protected at all times by the grantee.

(F) Neither the grantee nor the government shall tap or monitor or arrange for the tapping or monitoring, or permit, either expressly or by implication, any person to tap or monitor any cable, line, signal input device, or subscriber outlet or receiver for any purpose whatsoever, without the express written permission of the subscriber, provided, however, that the grantee shall be entitled to conduct system-wide or individually addressed "sweeps" for the purpose of verifying system integrity, controlling return-path transmission, or billing for pay services.

(Ord. 968, passed 1-3-00)

### **§ 64.057 TWO-WAY CAPABILITY**

(A) The cable system shall have two-way capability. This means that the head end, amplifiers and other technical components of the system facility have been designed and constructed to be easily upgraded to active two-way transmission over the system, such that all that is required is the installation of equipment.

(B) Two-way activation shall occur within three (3) years of the granting of this franchise.

(Ord. 968, passed 1-3-00)

## **LONDON - CABLE TELEVISION REGULATIONS**

---

### **§ 64.058      *UPGRADE PERFORMANCE BOND***

(A) Within thirty (30) days after the award of this franchise, the grantee shall file with the government a performance bond in the amount of one million five hundred thousand (\$1,500,000) dollars in favor of the government.

(B) In the event the grantee fails to fulfill and perform its obligation to upgrade the cable system in accordance with the terms and conditions of this franchise, there shall be recoverable, jointly or severally, from the principle and surety of the bond, any damages or loss suffered by the government as a result, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the grantee, plus attorney's fees and costs, up to the full amount of the bond.

(C) Upon the grantee's demonstration to the government that upgrade construction has been twenty-five percent (25%), fifty percent (50%), and seventy-five percent (75%) completed, the City Council shall waive that portion of the bond.

(D) The City Council will, upon completion of construction of the 750 MHz fiber optic system, waive the requirement of the grantee to maintain said bond. However, the City Council shall require a performance bond to be posted by the grantee for any construction subsequent to the completion of the 750 MHz fiber optic system, in an amount and upon such terms as determined by the City Council.

(E) The bond shall contain the following endorsement:

"It is hereby understood and agreed that this bond may not be canceled by the surety nor the intention not to renew be stated by the surety until thirty (30) days after receipt by the government, via registered mail, a written notice of such intent to cancel or not to renew."  
(Ord. 968, passed 1-3-00)

## **ARTICLE IV. RATES AND CHARGES**

### **§ 64.060      *RATES, MINIMUM TIMING OF REQUESTS AND CITY COUNCIL DETERMINATION OF AUTHORITY***

(A) Any franchise granted or transferred pursuant to this chapter, grantee shall maintain with the government a complete listing of fees, charges, deposits and associated terms and conditions of service.

(B) The government reserves the right to regulate rates for cable services and non-cable services to the fullest extent permitted by federal, state, and local law and in accordance with such law.

(C) The government shall follow the rate regulations promulgated by the FCC and shall provide an opportunity for the consideration of the views of interested parties regarding rate

## **LONDON - CABLE TELEVISION REGULATIONS**

---

regulations.

(D) If the City Council declines rate regulation authority, then rates may be changed by the grantee by filing with the City Clerk a schedule of rates proposed and by notifying its subscribers in writing at least thirty (30) days prior to implementation of the rate change.  
(Ord. 968, passed 1-3-00)

### **§ 64.061      *RATE CHANGE PROCEDURES***

Providing that the City Council assumes rate regulation authority in § 64.060, all rate changes shall be governed by applicable FCC rules.  
(Ord. 968, passed 1-3-00)

## **ARTICLE V. ADMINISTRATION; ENFORCEMENT**

### **§ 64.065      *CABLE TELEVISION ADVISORY COMMITTEE***

(A) There may be established a citizens advisory committee entitled the London Cable Television Advisory Committee (hereinafter referred to as the "Advisory Committee"). The Advisory Committee shall consist of the Mayor and at least two (2) City Council members and two (2) members, whom are appointed by the Mayor and whom shall serve without remuneration. Appointments to the Advisory Committee shall be made without regard to race, creed, color, sex, national origin, disability or religion and appointees may not be employed by, or have interest in, the broadcasting, cable DBS, SMATV or telephone industries. Appointees must be cable television subscribers residing within Laurel County.

(B) Appointed members shall serve for four (4) years, except that the terms of two (2) of the first appointed members shall be for two (2) years.

(C) The Advisory Committee shall have the following duties and responsibilities:

(1) Advising the government regarding general policy relating to the services provided to subscribers by grantee;

(2) Encouraging the use of access channels among the widest range of institutions, groups and individuals within the city;

(3) Advising the government on matters which may constitute grounds for revocations and/or termination of the franchise granted herein;

(4) Advising the government as to the advisability of granting or denying applications for new franchises or for authorization to transfer ownership of an existing franchise; and

(5) Advising the government on the establishment of additional advisory

## **LONDON - CABLE TELEVISION REGULATIONS**

---

committees to address specific issues relating to the operation of this franchise. Nothing in this franchise is intended to prohibit the establishment of such committees to supervise the accessibility and operation of access channels.

(D) The Advisory Committee may recommend to the City Council the employment of staff and consultants and the appropriation of funds necessary to perform its duties and responsibilities.

(E) The Advisory Committee shall meet from time to time as necessary. All meetings of the Advisory Committee shall be open to the public.  
(Ord. 968, passed 1-3-00)

### **§ 64.066      *SUPERVISION OF THE FRANCHISE***

(A) The Mayor or his/her designee shall serve as Cable Communications Officer.

(B) Notwithstanding other provisions of this chapter, the Cable Communications Officer shall have the following duties and responsibilities to supervise the provisions of this chapter:

(1) Serve as a liaison between the government, the Cable Television Advisory Committee and the grantee;

(2) Monitor grantee's adherence to construction and installation schedule and line extension policy;

(3) Assure compliance of applicable laws and ordinances;

(4) Monitor operation standards as contained in this chapter;

(5) At the City Council's direction, arrange tests and analysis of equipment and performance;

(6) Monitor road and traffic disruptions for construction and repair purposes;

(7) Assure continuity in service;

(8) Receive, examine and recommend action on the monthly log of citizen complaints;

(9) Assist in evaluating uses of access channels;

(10) Receive for examination all data and reports required by this chapter;

(11) Serve as a non-voting member of the London Cable Television Advisory

## **LONDON - CABLE TELEVISION REGULATIONS**

---

Committee; and

(12) Perform tasks as specified by the City Council.  
(Ord. 968, passed 1-3-00)

### **§ 64.067 GOVERNMENT RIGHT OF INTERVENTION**

The grantee agrees not to oppose intervention of the government in any suit or proceeding arising out of the grantee's performance hereunder.  
(Ord. 968, passed 1-3-00)

### **§ 64.068 FURTHER AGREEMENT AND WAIVER BY GRANTEE**

(A) The grantee agrees to abide by all provisions of this chapter and further agrees that such provisions as presently written are neither unreasonable, arbitrary, nor void. Grantee's right to challenge the application of any provision of this chapter as a violation of applicable federal or state law shall be specifically reserved. Notwithstanding the foregoing, however, if the FCC or any federal or state court or agency declares any paragraph, subparagraph, sentence, clause, or phrase to be invalid or unenforceable, then such paragraph, subparagraph, sentence, clause, or phrase may be renegotiated by the grantee and the government.

(B) Grantee shall have no recourse whatsoever against the government for any loss, cost, expense or damage arising out of the provisions or requirements of this chapter or because of the enforcement thereof by the government nor failure of the government to have the authority to grant all or part of the franchise.

(C) Grantee expressly acknowledges that, upon accepting the franchise, it does so relying upon its own investigation and understanding of the power and authority of the government to grant the franchise.

(D) Grantee, by acceptance of this franchise, acknowledges that it has not been induced to enter into this franchise by any understanding or promise or other statement, whether verbal or written, by or on behalf of the government or by any third person concerning any terms and conditions not expressed in this chapter.

(E) Grantee shall conduct the work to be performed pursuant to this chapter as an independent contractor and not as an agent of the government.  
(Ord. 968, passed 1-3-00)

### **§ 64.999 VIOLATIONS; PENALTIES**

(A) For violation of any of the following provisions of this chapter, the penalties may be recoverable from the performance bond as follows:

(1) For failure to complete construction and installation of the system,

## **LONDON - CABLE TELEVISION REGULATIONS**

---

complete line extensions, or provide service in accordance with this chapter and the grantee's application as incorporated herein, unless the City Council specifically approves the delay by resolution, grantee shall forfeit five hundred dollars (\$500.00) per day or part thereof that the violation continues.

(2) For failure to provide data and reports as requested by the government and as required in § 64.009 and § 64.054, grantee shall forfeit one hundred dollars (\$100.00) per day or part thereof that the violation continues.

(3) For failure to comply with the operational standards following the City Council's resolution directing grantee to make improvements pursuant to § 64.043, grantee shall forfeit two hundred dollars (\$200.00) per day or part thereof that the violation continues.

(4) For failure to test, analyze, and report on the performance of the system following the request of the government pursuant to § 64.040 and § 64.041, grantee shall forfeit one hundred dollars (\$100.00) per day or part thereof that the violation continues.

(5) For failure to pay the franchise fee when due pursuant to § 64.009, grantee shall forfeit one hundred dollars (\$100.00) per day or part thereof that the violation continues.

(6) For failure to comply within thirty (30) days of any City Council resolution directing compliance with any other provisions of this chapter, grantee shall forfeit one hundred dollars (\$100.00) per day or part thereof that the violation continues.

(B) Before the government may assess any penalties under this section and before any sums are withdrawn from the performance bond; the government shall give the grantee written notice and an opportunity to be heard in accordance with the following procedure:

(1) The government shall notify the grantee, in writing, of an alleged failure to comply with the provisions of this chapter as outlined in (A) of this section, which notice shall specify the alleged failure.

(2) The grantee shall, within twenty-one (21) days after receipt of the notice or such longer period as the government may specify in such notice, either cure the alleged failure or, in a written response to the City Council, either present facts and arguments in refutation or excuse of such alleged failure or state that the alleged failure will be cured and set forth the method and time schedule for accomplishing such cure.

(3) The City Council shall determine (i) whether a failure to comply with a provision of the franchise has occurred; (ii) whether such failure is excusable; and (iii) whether such failure has been or will be cured by the grantee.

(4) If the City Council determines that a failure to comply with a provision of the franchise has occurred and that such failure is not excusable and has not been or will not be

## **LONDON - CABLE TELEVISION REGULATIONS**

---

cured by the grantee in accordance with a schedule satisfactory to the City Council, the City Council shall hold a public hearing to determine whether the penalties specified in this section shall be imposed on the grantee. The City Council shall provide twenty-one (21) days written notice of the public hearing to the grantee. During the public hearing, grantee shall have the right to call and to cross-examine witnesses and to present evidence. If, based on the evidence presented during the public hearing, the City Council determines that such failure has not occurred, or that such failure either has been or will be cured in a manner and in accordance with a schedule satisfactory to the City Council or that the failure is excusable, such determination shall conclude the investigation.

(5) Following the public hearing and a majority vote of the City Council finding that a failure to comply with a provision of the franchise has occurred and that such failure is not excusable and has not been or will not be cured by the grantee in accordance with a schedule satisfactory to the government, the City Council may issue a written decision ordering penalties in accordance with this section. Such decision shall be served on the grantee and shall be subject to judicial review as provided by law.

(6) Any other provision of this franchise notwithstanding, the grantee shall not be held liable for a delay in the performance of, or a failure to perform, in whole or in part, its obligations pursuant to this chapter or any franchise granted hereunder due to strike or other labor action other than those involving the employees of the grantee, war or act of war (regardless of whether an actual declaration of war is made), insurrection, riot, act of public enemy, accident, fire, flood or other act of God, equipment malfunction, sabotage or other events, where the grantee has exercised all due care in the prevention thereof and to the extent that such causes or other events are beyond the grantee's control. Notwithstanding the other provisions in this subsection (6), grantee shall be held liable for equipment malfunctions identifiable using standard industry testing techniques.

(C) The grantee shall replenish the performance bond within thirty (30) days after a final decision is rendered by a court of competent jurisdiction which affirms or upholds the action taken by the City Council pursuant to this section.

(D) Grantee shall not be excused from complying with any of the terms and conditions of this chapter by any failure of the government, upon any one or more occasions, to insist upon the grantee's performance or to seek grantee's compliance with any one or more of such terms or conditions. Payment of penalties shall not excuse non-performance under this chapter.  
(Ord. 968, passed 1-3-00)



## **LONDON - CABLE TELEVISION REGULATIONS**

---

## **CHAPTER 65: WIRELESS TELECOMMUNICATIONS FACILITIES SITING REGULATIONS**

### **ARTICLE I. GENERAL PROVISIONS**

65.001	Purpose and legislative intent
65.002	Title
65.003	Severability
65.004	Definitions

### **ARTICLE II. APPLICATION AND REVIEW PROCESS**

65.020	Application process
65.021	Review process
65.022	Planning Commission limitations
65.023	Appeal
65.024	Conflict with other laws
65.025	Authority

### **ARTICLE I. GENERAL PROVISIONS**

#### **§ 65.001 PURPOSE AND LEGISLATIVE INTENT**

The Telecommunications Act of 1996 affirmed the city's authority concerning the placement, construction and modification of wireless telecommunications facilities, which authority is limited by state legislation. In order to ensure that the placement, construction or modification of wireless telecommunications facilities is consistent with the applicable law, the city is adopting a single, comprehensive wireless telecommunications facilities application and permit process. The intent of this is, to the extent permitted by law, to minimize the negative impact of wireless telecommunications facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities and protect the health, safety and welfare of the city.

(Ord. 1009, passed 5-6-02; Am. Ord. 1014, passed 7-1-02; Am. Ord. 2007-14, passed 10-1-07)

#### **§ 65.002 TITLE**

This chapter shall be known and cited as the Wireless Telecommunications Facilities Siting Ordinance in the City of London Code of Ordinances.

(Ord. 1009, passed 5-6-02; Am. Ord. 1014, passed 7-1-02; Am. Ord. 2007-14, passed 10-1-07)

#### **§ 65.003 SEVERABILITY**

If any word, phrase, sentence, part, section, subsection, or other portion of this chapter or any application thereof to any person or circumstance is declared void, unconstitutional or invalid

## **LONDON - WIRELESS TELECOMMUNICATIONS FACILITIES**

for any reason, then such word, phrase, part, section, subsection, or other portion or the proscribed application thereof shall be severable and the remaining provisions of this chapter and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

(Ord. 1009, passed 5-6-02; Am. Ord. 1014, passed 7-1-02; Am. Ord. 2007-14, passed 10-1-07)

### **§ 65.004      *DEFINITIONS***

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

***“ANTENNAS OR RELATED EQUIPMENT.”*** Transmitting, receiving or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.

***“CELLULAR ANTENNA TOWER.”*** A tower constructed for or an existing facility that has been adapted for the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.

***“CELLULAR TELECOMMUNICATION SERVICE.”*** A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

***“CO-LOCATION.”*** Locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower.

***“PERSONAL COMMUNICATION SERVICE.”*** This phrase has the meaning as defined in 47 U.S.C. 332(c);

***“UNIFORM APPLICATION.”*** An application to construct a cellular antenna tower submitted to the Planning Commission in conformity with KRS 100.985(3) and (5).

***“UTILITY.”*** This term has the meaning as defined in KRS 278.010(3).  
(Ord. 1009, passed 5-6-02; Am. Ord. 1014, passed 7-1-02; Am. Ord. 2007-14, passed 10-1-07)

## **ARTICLE II. APPLICATION AND REVIEW PROCESS**

### **§ 65.020      *APPLICATION PROCESS***

(A) Every utility or a company that is engaged in the business of providing the required infrastructure to a utility that proposes to construct an antenna tower for cellular telecommunications services or personal communications services within the city must:

## **LONDON - WIRELESS TELECOMMUNICATIONS FACILITIES**

---

(1) Submit a copy of the applicant's completed uniform application to construct an antenna tower for cellular or personal telecommunications services to the Planning Commission. The uniform application shall:

(a) Include a grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes all of the planning unit's jurisdiction and a one-half (1/2) mile area outside of the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers;

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

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

(2) An application shall also include:

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

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

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

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

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

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

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

## **LONDON - WIRELESS TELECOMMUNICATIONS FACILITIES**

---

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

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

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

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

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

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

2. Given the telephone number and address of the local Planning Commission; and

3. Informed of his or her right participate in the Planning Commission's proceeding on the application.

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

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

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

## **LONDON - WIRELESS TELECOMMUNICATIONS FACILITIES**

---

(p) A statement that:

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

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

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

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

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

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

(u) A copy of the applicant's FCC license, or, if the applicant is not an FCC license holder, a copy of at least one letter of commitment from an FCC license holder to locate at least one antenna on the applicant's tower;

(v) Radio frequency requirements, as follows:

## **LONDON - WIRELESS TELECOMMUNICATIONS FACILITIES**

---

1. General coverage area, including overlap ("hand-off") area with other sites;
2. Specific (targeted) coverage area(s) and required field continued strength(s);
3. System specifications of the proposed site and adjoining sites, including:
  - a. Number of antennas and sectors.
  - b. Model and manufacturer of antennas.
  - c. Antenna specifications, including horizontal and vertical beamwidth, gain, downtilt (electrical and mechanical), and horizontal and vertical radiation patterns;
  - d. Orientation (azimuth) of antennas and sectors, in degrees, including reference to true north;
  - e. Effective radiated power (ERP) of each antenna;
  - f. Transmission line size and number;
  - g. Geographical coordinates of tower location;
  - h. Height of the antenna center of radiation, above ground level and above mean sea level;
  - i. Frequency or frequency band(s) of operation used by the provider for coverage analysis;
4. Search "ring" area used by the provider to locate the site;

(w) Unless co-locating, certification, supported by evidence, that co-location of the proposed facility with an existing approved tower or facility cannot be accommodated. The applicant's certification shall include a listing of all existing towers and facilities within a two (2) mile radius of the proposed tower location, a description of each existing site, and a discussion of the ability or inability to co-locate on each existing site, according to the following:

## **LONDON - WIRELESS TELECOMMUNICATIONS FACILITIES**

---

1. No existing towers or facilities are located within a two (2) mile radius of the proposed tower location;
2. Existing towers or facilities are not of sufficient height to meet the applicant's engineering requirements;
3. Existing towers or facilities do not have sufficient structural strength to support the applicant's proposed antenna(s) or related equipment;
4. The applicant's planned equipment would cause frequency interference with other existing or planned equipment of the tower or facility, or the existing or planned equipment of the tower or facility would cause frequency interference with the applicant's planned equipment, and which cannot be reasonably prevented.
5. Unwillingness of the owner/owners of the existing tower/towers or facility/facilities to entertain a co-location proposal.
6. Existing towers are not located within a reasonable distance to provide the necessary coverage.

(x) Unless co-locating, certification, supported by evidence, that the proposed site is appropriate for the location of the facility. The applicant's certification shall include a listing of at least three (3) potential sites within a one (1) mile radius of the proposed tower location, a description of each potential site, and a discussion of the ability or inability of the site to host such a facility, according to the following:

1. Unwillingness of the site owner(s) to entertain such a facility;
2. Topographic limitations of the site;
3. Adjacent impediments that would obstruct adequate transmission;
4. Physical site constraints that would preclude the construction of such a facility;

(y) A development plan, signed and sealed by a professional engineer registered in Kentucky, drawn to a scale not smaller than one (1) inch equals one hundred (100) feet, showing the following information, where applicable:

1. The total area of the site in question;



## **LONDON - WIRELESS TELECOMMUNICATIONS FACILITIES**

---

2. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned;
3. Existing topography, and approximate delineation of any topographical changes shown by contour with intervals not to exceed five (5) feet;
4. Location, height, arrangement, and identification of all nonresidential buildings, structures, and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions;
5. Location and arrangement of all common open space areas, and methods of ownership and operation and maintenance of such lands shall be identified;
6. Landscaping, features, including identification of planting areas and the location, type, and height of walls and fences;
7. Location of signs, indicating their orientation, size, and height;
8. All utility lines and easements;
  - a. Water distribution systems, including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;
  - b. Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;
  - c. Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins;
  - d. Other utilities (e.g., electric, telephone, etc.) including the type of service and the width of easements;
9. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking and loading and/or unloading spaces;
10. Circulation System:

## **LONDON - WIRELESS TELECOMMUNICATIONS FACILITIES**

---

a. Pedestrian walkways, including alignment, grades, type of surfacing, and width;

b. Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections;

11. Provisions for control of stormwater detention/retention, erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction;

(z) The applicant shall provide information demonstrating compliance with the following requirements. Where the Commission finds that circumstances or conditions relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the Commission may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.

1. All structures, except fences, shall be located a minimum distance from the property line or lease line of any adjoining property that is equal to one-half (2) the height of the tower, but not less than fifty (50) feet;

2. A cellular antenna tower, or alternative antenna tower structure, may be constructed to a maximum height of one hundred (100) feet regardless of the maximum height requirements listed in other specific ordinances or regulations. This also applies to any tower taller than fifteen (15) feet constructed on the top of another building or structure, with the height being the overall height of building/structure and tower together, measured from the grade to the highest point. The planning commission may allow antennas greater than one hundred (100) feet in height upon review of the applicant's justification that the additional height meets the criteria identified in other subsections herein (regarding co-location, zoning compliance, comprehensive plan agreement, and the like);

3. Woven wire or chain link (eighty percent (80%) open) or solid fences made from wood or other materials (less than fifty percent (50%) open) shall be used to enclose the site. Such fences shall not be less than six (6) feet in height nor more than ten (10) feet in height. The use of barbed wire or sharp pointed fences shall be prohibited.

## **LONDON - WIRELESS TELECOMMUNICATIONS FACILITIES**

4. All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three (3) service providers.

5. All option and site lease agreements shall not prohibit the possibility of co-location.

6. Screening shall be provided by evergreen trees, with a minimum height of six (6) feet, planted in a staggered pattern at a maximum distance of fifteen (15) feet on center. The screening shall be placed in an area between the property line, or lease line, and a ten (10) foot setback.

(B) (1) All information contained in the application and any updates, except for any map or other information that specifically identifies the proposed location of the cellular antenna tower then being reviewed shall be deemed confidential and proprietary within the meaning, of KRS 61.878. The local Planning Commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent-jurisdiction. Any person violating this division shall be guilty of official misconduct in the second degree as provided under KRS 522.030.

(2) From the time that a uniform application is received by the Commission, all information contained in the application and any updates, except for any map or other information that specifically identifies the proposed location of the cellular antenna tower then being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The Planning Commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction, or when and to the extent that confidentiality is waived in writing by the applying utility or the applicant. The Planning Commission will request that the applicant waive confidentiality on the contents of the uniform application, with the exception of any information that indicates the general position of future proposed construction sites for new cellular antenna towers as discussed herein, and will request that the applicant provide in some separate format (e.g., in a separate set of documents) all information for which confidentiality has not been waived (for purposes of excluding dissemination.)

(C) Any towers that exist as of the date this chapter was enacted may be replaced in the same structural form as the tower presently exists. Preference and encouragement in replacement situations shall be given in replacement situations to monopole or lattice-type structures. Any new tower shall be either monopole or lattice-type structures.

(D) No guyed towers shall be allowed in new tower construction. No guyed tower replacements shall be allowed except for guyed tower structures being replaced.  
(Ord. 1009, passed 5-6-02; Am. Ord. 1014, passed 7-1-02; Am. Ord. 2007-14, passed 10-1-07)

## **LONDON - WIRELESS TELECOMMUNICATIONS FACILITIES**

---

### **§ 65.021      *REVIEW PROCESS***

(A) After an applicant's submission of the uniform application to construct a cellular antenna tower, the Planning Commission shall:

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

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

(3) Advise the applicant in writing of its final decision within sixty (60) days commencing from the date that the uniform application is submitted to the Planning Commission or within a date certain specified in a written agreement between the local Planning Commission and the applicant.

(B) If the Planning Commission fails to issue a final decision within sixty (60) days and if there is no written agreement between the local Planning Commission and the applicant to a specific date for the Planning Commission to issue a decision, the uniform application shall be deemed approved.

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

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

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

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

## **LONDON - WIRELESS TELECOMMUNICATIONS FACILITIES**

(a) Identifies the location of the towers or other structures on which the applicant attempted to co-locate; and

(b) Lists the reasons why the co-location was unsuccessful in each instance.

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

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

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

(Ord. 1009, passed 5-6-02; Am. Ord. 1014, passed 7-1-02; Am. Ord. 2007-14, passed 10-1-07)

### **§ 65.022 PLANNING COMMISSION LIMITATIONS**

In regulating the placement of cellular antenna towers, the Planning Commission shall not:

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

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

(C) Charge an application fee that exceeds an amount that is reasonably related to expenses associated with processing application to construct a cellular antenna tower up to a maximum of two thousand five hundred dollars (\$2,500.00);

(D) Regulate the placement of antennas or related equipment on an existing cellular tower structure;

## **LONDON - WIRELESS TELECOMMUNICATIONS FACILITIES**

(E) Require the submission of application materials in addition to those required by KRS 100.985 (3) and (5).  
(Ord. 1009, passed 5-6-02; Am. Ord. 1014, passed 7-1-02; Am. Ord. 2007-14, passed 10-1-07)

### **§ 65.023      *APPEAL***

A party aggrieved by a final action of a Planning Commission under the provisions of KRS 100.985 to 100.987 may bring an action for review in any court of competent jurisdiction.  
(Ord. 1009, passed 5-6-02; Am. Ord. 1014, passed 7-1-02; Am. Ord. 2007-14, passed 10-1-07)

### **§ 65.024      *CONFLICT WITH OTHER LAWS***

Where this chapter differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the city, commonwealth or federal government, this chapter shall apply.  
(Ord. 1009, passed 5-6-02; Am. Ord. 1014, passed 7-1-02; Am. Ord. 2007-14, passed 10-1-07)

### **§ 65.025      *AUTHORITY***

This chapter is enacted pursuant to applicable authority granted by the Commonwealth and federal government.  
(Ord. 1009, passed 5-6-02; Am. Ord. 1014, passed 7-1-02; Am. Ord. 2007-14, passed 10-1-07)

## **LONDON - WIRELESS TELECOMMUNICATIONS FACILITIES**

## CHAPTER 66: AUTOMOBILE DEALERSHIPS

66.001	Definitions
66.002	Permanent location required
66.003	Facility requirements
66.004	Lot requirements
66.005	Signage requirements
66.006	License requirements
66.007	City license required

### § 66.001 *DEFINITIONS*

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

***“AUTOMOBILE DEALER”*** Any person, partnership, corporation or other legal entity engaged in selling, offering to sell, trading, soliciting or advertising the sale of new or used motor vehicles or possessing motor vehicles for the purpose of resale or trade either on his own account or on behalf of another either as his primary business or incidental thereto. ***“AUTOMOBILE DEALER”*** shall not mean any private citizen or person engaged in the business of selling, offering to sell, soliciting or advertising the sale of new or used motor vehicles privately unless that person is selling vehicles as a business interest; nor shall this chapter apply to banks, lending institutions or financial institutions conducting a private or public sale of repossessed motor vehicles or motor vehicles sold under court order or through foreclosure proceedings.  
(Ord. 2002-01, passed 9-3-02)

### § 66.002 *PERMANENT LOCATION REQUIRED*

(A) Every automobile dealer desiring to sell or trade or conduct a sale of new or used automobiles within the city must maintain an established place of business in the city which is easily accessible and open for business at all business hours. An established place of business must include both an office and a vehicle storage/display lot at a location which is properly zoned for such use and must have its own mailing address.

(B) The sale, transfer, displaying or trading of vehicles shall not be allowed at a temporary location within the city. All locations must be on a permanent status.  
(Ord. 2002-01, passed 9-3-02)

### § 66.003 *FACILITY REQUIREMENTS*

The place of business from which the sale of automobiles is to be conducted within the city must have an office in a permanent, enclosed, commercial (not residential) structure on or adjoining the storage/display lot. The office must have at least one hundred (100) square feet of



## **LONDON - AUTOMOBILE DEALERSHIPS**

---

floor space, electricity and a business telephone. The office must be set up in such a way that it is not used for any other purpose other than the sale of vehicles.

(Ord. 2002-01, passed 9-3-02)

### **§ 66.004      *LOT REQUIREMENTS***

The vehicle storage/display lot must have at least two thousand (2,000) square feet and have an impermeable dust-free surface covering consisting of either asphalt or concrete and must be set up in such a manner that it may not be used for any other purpose other than display or storage of vehicles for sale or dealer customer parking. All storage/display lots must comply with the City zoning and planning regulations as established.

(Ord. 2002-01, passed 9-3-02)

### **§ 66.005      *SIGNAGE REQUIREMENTS***

Every automobile dealer must have a sign which identifies the dealer business by name and which is place on the premises so that it is clearly visible and can easily be read from the nearest roadway, with lettering of at least nine (9) inches in height. All other sign provisions of the city zoning and planning regulations must be followed.

(Ord. 2002-01, passed 9-3-02)

### **§ 65.006      *LICENSE REQUIREMENTS***

Any automobile dealer conducting business within the city limits must have a valid license certificate as required by KRS Chapter 190 *et seq.* and the regulations of the Kentucky Motor Vehicle Commission. The dealer license certificate and one copy of all sales person's license must be conspicuously displayed in the automobile dealer's office as well as a City of London Privilege License.

(Ord. 2002-01, passed 9-3-02)

### **§ 65.007      *CITY LICENSE REQUIRED***

Prior to the conduction of any business by an automobile dealer within the city, the dealer shall apply for all business licenses and pay the license fees required under the city privilege license fee regulations and amendments thereof.

(Ord. 2002-01, passed 9-3-02)

## **CHAPTER 67: ALCOHOL BEVERAGE CONTROL**

### **ARTICLE I. GENERAL PROVISIONS**

- 67.001 Short title
- 67.002 Definitions
- 67.003 Incorporation of state law
- 67.004 Scope of coverage

### **ARTICLE II. ADMINISTRATION AND CONTROL**

- 67.010 Alcoholic Beverage Control (ABC) Administrator
- 67.011 Oath and bond of local ABC Administrator and employees
- 67.012 Functions, duties and powers
- 67.013 Police power
- 67.014 Right of inspection
- 67.015 Appeals from city ABC Administrator

### **ARTICLE III. LICENSE AND TAXES**

- 67.025 License required for sale
- 67.026 Limited Restaurant Alcoholic Beverage by the Drink License; fees
- 67.027 Date licenses expire; proration
- 67.028 Persons who may not be licensed
- 67.029 Premises that may not be licensed for sales at retail
- 67.030 Businesses authorized by Retail Drink License
- 67.031 Public notice of intent to apply for license
- 67.032 Local administrator to first approve application
- 67.033 Application for state license
- 67.034 Submittal of application
- 67.035 Causes for refusal to issue or renew license; suspension or revocation of license
- 67.036 Approval or denial of application
- 67.037 Payment of fees; refund of fee
- 67.038 Issuance of city licenses
- 67.039 Posting of licenses
- 67.040 Transfer, assign, or acquire existing license
- 67.041 Applicant to pay for own license
- 67.042 Deposit of fees
- 67.043 License to become void if business dormant; license renewal

### **ARTICLE IV. PROHIBITIONS, RESTRICTIONS AND REGULATIONS**

- 67.050 Hours of sale
- 67.051 Hours of sale; exceptions; requirements

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

67.052	Food service requirement
67.053	Confiscation authorized if violations occur
67.054	Advertising restrictions
67.055	Treating prohibited; drink specials prohibited
67.056	Licensee to purchase from and sell only to persons authorized to sell or purchase
67.057	Retail sales to certain persons prohibited
67.058	Sale to person not providing for his or her family prohibited
67.059	Licensee to display notice as to sale to minors; warning of dangers of drinking during pregnancy to be posted
67.060	Minors neither to possess nor purchase liquor nor to misrepresent age; use of fraudulent identification
67.061	Persons whom licensees may not employ
67.062	Retail premises not to be disorderly
67.063	Mandatory responsible beverage service training

### **ARTICLE V. REGULATORY LICENSE FEE**

67.070	Regulatory license fee imposed
67.071	Payment
67.072	Failure to pay; interest on late payment
67.073	Penalty for nonpayment
67.074	Adequate recordkeeping
67.075	Audit requirements

### **ARTICLE VI. LICENSING AND REGULATION OF ALCOHOLIC BEVERAGE MANUFACTURE AND SALES**

67.085	Title
67.086	Purpose
67.087	Definitions
67.088	Scope
67.089	Adoption of state law
67.090	Licenses generally
67.091	Certain special licenses defined
67.092	Expiration of license; proration of fees
67.093	No business unless license renewal fees paid
67.094	Refund of fees
67.095	Regulatory license fee
67.096	Disposition of fees
67.097	Office of the City Alcoholic Beverage Control Administrator established; duties
67.098	Application for license
67.099	Other conditions

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

67.100	Mandatory responsible beverage service training
67.101	Signs and advertising
67.102	Change of information
67.103	Renewal of license
67.104	Lost or destroyed license
67.105	Revocation or suspension
67.106	Proceedings for revocation or suspension of license; notice and opportunity to contest; appeal; effect of revocation or suspension
67.107	Transfer or assignment
67.108	Review of license; books, records and reports
67.109	Dormancy
67.110	Hours of sale
67.111	Conditions, prohibitions and restrictions
67.112	Possession by minors prohibited; no person shall aid possession by minors
67.113	Malt beverage keg registration
67.114	Consumption on licensed package premises prohibited; congregating on certain ABC licensed premises and vacant premises prohibited
67.115	Enforcement
67.116	Conflicts, severability, record of proceedings and appeal

### **ARTICLE VII. QUOTA RETAIL DRINK LICENSES; REGULATORY ALCOHOL BEVERAGE ADVERTISEMENT**

67.125	Quota retail drink licenses
67.126	Signs and advertising
67.127	Enforcement

### **ARTICLE VIII. SALE OF ALCOHOLIC BEVERAGES BY LICENSED NON-PROFIT GROUPS**

67.140	Title
67.141	Purpose
67.142	Definitions
67.143	Incorporation of state law
67.144	Adoption of state law
67.145	Temporary license
67.146	Mandatory responsible beverage service training
67.147	Patio and outdoor sales
67.148	Expiration of license
67.149	Hours of sale
67.150	Enforcement
67.999	Penalties

# **LONDON - ALCOHOL BEVERAGE CONTROL**

---

## **ARTICLE I. GENERAL PROVISIONS**

### **§ 67.001      *SHORT TITLE***

This chapter shall be known and may be cited as the Alcoholic Beverage Chapter of the city.  
(Ord. 2005-01, passed 2-7-05)

### **§ 67.002      *DEFINITIONS***

As used in this chapter, unless the context clearly indicates or requires a different meaning, the words and terms defined in KRS 241.010 shall apply.  
(Ord. 2005-01, passed 2-7-05)

### **§ 67.003      *INCORPORATION OF STATE LAW***

(A) The provisions of the State Alcoholic Beverage Control laws contained in KRS Chapters 241, 242, 243, and 244, pertaining to licenses and regulations of the State Alcoholic Beverage Control Board, including definitions contained therein, as well as amendments and supplements thereto, are hereby adopted as part of the alcoholic beverage control law of the city, except as otherwise lawfully provided herein.

(B) No person shall sell, deal in, barter or exchange or possess for sale, or for the purpose of evading any law or ordinance, give away any alcoholic beverage in any quantity whatever, or cause the same to be done, without complying with all of the provisions of this chapter and all statutes and regulations of the state applicable thereto.  
(Ord. 2005-01, passed 2-7-05)

---

#### **Cross reference:**

Penalty for violation, see § 67.999

### **§ 67.004      *SCOPE OF COVERAGE***

(A) This chapter shall be construed to apply to the traffic in both malt beverages and distilled spirits and wine where the context permits such applications.

(B) Nothing contained in this chapter shall excuse or relieve the owner, proprietor, employee or person in charge of any licensed premises in the city, where alcoholic beverages are sold, from the restrictions, requirements and penalties of any other ordinances of the city or of any other statutes of the state relating to violations pertaining to alcoholic beverages.  
(Ord. 2005-01, passed 2-7-05)

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

### **ARTICLE II. ADMINISTRATION AND CONTROL**

#### **§ 67.010      *ALCOHOLIC BEVERAGE CONTROL (ABC) ADMINISTRATOR***

The duties of the City Alcoholic Beverage Control (ABC) Administrator shall be assigned to the office of the Mayor. The local ABC Administrator may recommend regulations as may be necessary to implement this chapter; any such regulations shall be presented to the City Council for approval. The ABC Administrator shall be appointed by the Mayor.

(Ord. 2005-01, passed 2-7-05; Am. Ord. 2015-02, passed 2-6-2015)

#### **§ 67.011      *OATH AND BOND OF LOCAL ABC ADMINISTRATOR AND EMPLOYEES***

(A) The ABC Administrator before entering upon his or her duties as such, shall take the oath prescribed in Section 228 of the Constitution, and shall execute a bond with a good corporate surety in the amount of not less than one thousand dollars (\$1,000.00).

(B) The ABC Administrator may require any city employee under his or her supervision to execute a similar bond in such amount, as he or she deems necessary.

(Ord. 2005-01, passed 2-7-05)

# **LONDON - ALCOHOL BEVERAGE CONTROL**

---

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

### **§ 67.012      *FUNCTIONS, DUTIES AND POWERS***

(A) The functions of the city ABC Administrator shall be the same with respect to the city license and regulations, as the functions of the Kentucky Alcoholic Beverage Control Board ("Board") with respect to state licenses and regulations, as provided in KRS 241.060, except that no regulation of the ABC Administrator shall be less stringent than the statutes relating to alcoholic beverage control, or the regulations of the Board. No regulation of the ABC Administrator shall become effective until approved by the Board.

(B) The ABC Administrator shall have the same powers and duties with respect to suspension and revocation for cause of city licenses as the State Alcoholic Beverage Control Board has with respect to state licenses under KRS 241.060. The ABC Administrator, on his or her own initiative or on the complaint of any person, may institute proceedings to revoke or suspend any license issued under this chapter.

(Ord. 2005-01, passed 2-7-05)

### **§ 67.013      *POLICE POWER***

The city ABC Administrator and his or her designee shall have the full police powers of law enforcement officers, and their jurisdiction shall be co-extensive with the boundaries of the city. They, along with any City of London law enforcement officer, may inspect any premises where alcoholic or malt beverages are sold, stored or otherwise trafficked, without first obtaining a search warrant. City law enforcement officers shall have full police powers while performing any such inspections.

(Ord. 2005-01, passed 2-7-05)

### **§ 67.014      *RIGHT OF INSPECTION***

The city ABC Administrator and his or her designee shall have available at all reasonable times for their inspection all books and records required to be maintained by licensees under KRS 244.150 and the city ABC Administrator shall receive copies of all reports submitted by licensee to the State Alcoholic Beverage Control Board.

(Ord. 2005-01, passed 2-7-05)

### **§ 67.015      *APPEALS FROM CITY ABC ADMINISTRATOR***

Appeals from the order of the city ABC Administrator may be taken to the State Alcoholic Beverage Control Board by filing with the board, within thirty (30) days, a certified copy of the orders of the city ABC Administrator. The Board shall hear matters at issue as upon an original proceeding.

(Ord. 2005-01, passed 2-7-05)



# **LONDON - ALCOHOL BEVERAGE CONTROL**

---

## **ARTICLE III. LICENSES AND TAXES**

### **§ 67.025      *LICENSE REQUIRED FOR SALE***

No person shall sell or dispense at retail, or have in his or her possession for sale, any alcoholic or malt beverage, nor manufacture or transport any alcoholic or malt beverages in the city unless he or she shall first procure and have issued to him or her a license under the provisions of this chapter and all statutes of Kentucky and regulations adopted pursuant to this chapter.  
(Ord. 2005-01, passed 2-7-05)

#### **Cross reference:**

Penalty for violation , see § 67.999

### **§ 67.026      *LIMITED RESTAURANT ALCOHOLIC BEVERAGE BY THE DRINK LICENSE; FEES***

(A) The city shall have the power and authority to issue licenses for the sale of alcoholic beverages by the drink at restaurants and dining facilities which seat a minimum of fifty (50) persons inside the building and derive a minimum of fifty percent (50%) of their annual gross receipts from the sale of dine-in food only. This excludes carry-out food sales. The fee of this city license will be eight hundred dollars (\$800.00) per year.

(B) The city license fee for the sale of alcoholic beverages during extended hours will be zero dollars (\$0.00) per year.

(C) The city license fee for the sale of alcoholic beverages on Sunday will be three hundred dollars (\$300.00) per year.  
(Ord. 2005-01, passed 2-7-05; Am. Ord. 2016-03, passed 3-11-16)

### **§ 67.027      *DATE LICENSES EXPIRE; PRORATION***

All licenses issued by the city shall be valid for a period of no more than one (1) year. All licenses shall expire on May 31 of each year. Applications for renewal are to be filed with the city at least fifteen (15) days prior to expiration. In the event any licensee shall cease doing business for any reason, no refund of the city license fee shall be granted.  
(Ord. 2005-01, passed 2-7-05; Am. Ord. 2015-02, passed 3-2-15)

### **§ 67.028      *PERSONS WHO MAY NOT BE LICENSED***

A person shall not become a licensee under this chapter for any of the reasons stated in KRS 243.100.  
(Ord. 2005-01, passed 2-7-05)

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

### **§ 67.029      *PREMISES THAT MAY NOT BE LICENSED FOR SALES AT RETAIL***

No license for the sale of alcoholic beverages at retail shall be issued for any premises unless the applicant for the license is the owner of the premises or is in possession of the premises under a written lease or a permit for a term of not less than the license period.

(Ord. 2005-01, passed 2-7-05)

### **§ 67.030      *BUSINESSES AUTHORIZED BY RETAIL DRINK LICENSE***

A limited restaurant alcoholic beverage by the drink license shall authorize the licensee to purchase, receive, possess, and sell distilled spirits and wine at retail by the drink for consumption on the licensed premises. The licensee shall purchase distilled spirits and wine only from licensed wholesalers. A licensee may purchase wine in containers not smaller than one hundred (100) milliliters if the wine does not exceed fourteen percent (14%) alcohol by volume. A licensee may buy mixed drinks in containers of a capacity not smaller than three hundred fifty-five (355) milliliters if the mixed drinks contain a substantial proportion of carbonated water. A retail drink license shall not authorize the licensee to sell distilled spirits or wine by the package.

(Ord. 2005-01, passed 2-7-05)

### **§ 67.031      *PUBLIC NOTICE OF INTENT TO APPLY FOR LICENSE***

Any person, corporation, partnership, or any other entity, except an applicant for the same license for the same premises, or an applicant for a supplemental bar license shall before applying for a license advertise, by publication in The London Sentinel Echo, his or her intention to apply for a license as stipulated in KRS 243.360.

(Ord. 2005-01, passed 2-7-05)

### **§ 67.032      *LOCAL ADMINISTRATOR TO FIRST APPROVE APPLICATION***

An applicant for an alcoholic beverage license must have his or her city license approved by the city ABC Administrator before they are eligible to apply for a state license.

(Ord. 2005-01, passed 2-7-05)

### **§ 67.033      *APPLICATION FOR STATE LICENSE***

All applicants for alcoholic beverage licenses must submit an application to the state as stipulated in KRS 243.380.

(Ord. 2005-01, passed 2-7-05)

### **§ 67.034      *SUBMITTAL OF APPLICATION***

An applicant for a license under this chapter shall file with the city ABC Administrator a copy of his or her state license application containing the information required by

# **LONDON - ALCOHOL BEVERAGE CONTROL**

---

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

KRS 243.380 and 243.390. The city application shall include the consent of the applicant permitting the city ABC Administrator to inspect and search the licensed premises at any reasonable time, to confiscate articles found on the premises in violation of any ordinance or statute, and to order an emergency temporary closure of the premises if the public health, safety, morals and welfare is threatened by one or more violations of any ordinance or statute involving disturbance of the peace or public disorder. The temporary closure shall remain in effect until review of the alleged violations by the city ABC Administrator within thirty-six (36) hours.

(Ord. 2005-01, passed 2-7-05)

### **§ 67.035      *CAUSES FOR REFUSAL TO ISSUE OR RENEW LICENSE; SUSPENSION OR REVOCATION OF LICENSE***

(A)    State Law References. Causes for refusal to issue or renew a license and for suspension or revocation of a city license shall be the same as provided for state licenses according to KRS 243.450, 243.490, 243.500, as well as violation of any city ordinance regarding beverage licensing, sales, or the administration of licenses.

(B)    Delinquent Taxes or Fees. No license to sell alcoholic or malt beverages shall be granted or renewed to any person who is delinquent in the payment of any taxes or fees due the city at the time of issuing the license; nor shall any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any delinquent taxes or fees due the city. If a licensee becomes delinquent in the payment of any taxes or any fees due to the city at any time during the license period, the license to sell alcoholic or malt beverages shall be subject to revocation or suspension. The city ABC Administrator may, in his or her discretion, approve a license to sell after receiving from the City Clerk, a written statement to the effect that the applicant for the license has paid or has made satisfactory arrangements with the City Clerk for taking care of the indebtedness represented by the unpaid and delinquent taxes or fees. This section shall apply only to taxes and fees, which are due and payable by the licensee.

(C)    Appeals. Appeals may be taken from decisions of the city ABC Administrator to the State Alcoholic Beverage Control Board according to the provisions of KRS 241.200 and 243.550.

(D)    Failure to Meet Seating Standards. A cause for refusal to issue or renew a license and for suspension or revocation of a city license shall occur if the licensee ceases either to provide a minimum of one hundred (100) seats or derive a minimum of seventy percent (70%) of their annual gross receipts from the sale of food.

(Ord. 2005-01, passed 2-7-05)

### **§ 67.036      *APPROVAL OR DENIAL OF APPLICATION***

(A)    If upon review of the application, the city ABC Administrator determines that the applicant has complied with all requirements of the Alcoholic Beverage Control Law, as

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

well as all regulatory provisions of this chapter, that the location is one that can be approved, including but not limited to the requirements of KRS 243.220 and 242.185(6), that a license may be issued within the rules fixed by the State Alcoholic Beverage Control Board, and that there are no causes for denial of the license, the city ABC Administrator shall approve the application.

(B) If the city ABC Administrator has reasonable grounds to believe that an applicant has violated any law, rule or regulation relating to alcoholic beverages, he or she may issue to the applicant a written order setting forth such violation and requiring the applicant to show cause why the requested license should be issued. The city ABC Administrator shall have the right to order, and the applicant shall have the right to request, an evidentiary hearing to examine the violation set forth in the show cause order issued by the city ABC Administrator. Any decision by the city ABC Administrator on the application shall be subject to appeal as provided by law.

(Ord. 2005-01, passed 2-7-05)

### **§ 67.037      *PAYMENT OF FEES, REFUND OF FEE***

(A) Upon approval of the application by the city ABC Administrator, the applicant shall pay the amount of the license fee provided in this chapter in the form of a certified check, money order or cash. Payment shall be held in deposit by the city pending state license approval and issuance of the city license by the city ABC Administrator.

(B) If the payment of a license fee was erroneously made or the licenses are not issued, the city shall authorize the payment of the refundable amount.

(Ord. 2005-01, passed 2-7-05)

### **§ 67.038      *ISSUANCE OF CITY LICENSES***

The city licenses shall be issued and the fees collected by the City Clerk. No license shall be issued by the Clerk without the approval of the city ABC Administrator. The license shall be in form of a standard city business license and a business license category shall hereby be established as a Limited Restaurant Alcoholic Beverage by the Drink License. The fees shall be those established in § 67.026 of this chapter and shall not replace the standard business license fees required in Chapter 60.

(Ord. 2005-01, passed 2-7-05)

### **§ 67.039      *POSTING OF LICENSES***

Each city license in the same form prescribed by KRS 243.440 for state licenses shall be posted at the licensed premises in the same manner prescribed by KRS 243.620 for state licenses. An exact duplicate or facsimile of each city license shall remain in the City Clerk's office as part of the public record.

(Ord. 2005-01, passed 2-7-05)

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

### **§ 67.040      *TRANSFER, ASSIGN, OR ACQUIRE EXISTING LICENSE***

The transfer, assigning or acquisition of a city license shall be the same as provided for in state licenses in KRS 243.630, 243.650, and 243.660.

(Ord. 2005-01, passed 2-7-05)

### **§ 67.041      *APPLICANT TO PAY FOR OWN LICENSE***

The license fee for a city license shall be payable by the person who makes application for the license and to whom it is issued, and no other person shall pay for any license issued under these sections.

(Ord. 2005-01, passed 2-7-05)

### **§ 67.042      *DEPOSIT OF FEES***

All moneys derived from license fees or from fines as provided in this chapter shall be paid to the treasury of the city and become a part of the general funds of the city.

(Ord. 2005-01, passed 2-7-05)

### **§ 67.043      *LICENSE TO BECOME VOID IF BUSINESS DORMANT; LICENSE RENEWAL***

(A)    **Surrender of License and Exceptions.** Any license under which no business is transacted during a period of ninety (90) days shall become null and void. At the expiration of the ninety (90) day period the license shall be surrendered to the city ABC Administrator, except that any licensee who is unable to continue in business at the licensed premises may apply to the Commonwealth of Kentucky Alcoholic Beverage Control Department, pursuant to 804 KAR 4:1110, as amended, from time to time to continue such license in dormancy. In the event a period of dormancy is applied for or granted by the ABC Administrator to the licensee, the licensee shall immediately notify the city ABC Administrator. Upon resumption of business or transfer or assignment of the license, the licensee shall notify the city ABC Administrator and a fee shall be due and payable to the city for the period the license was in dormancy in the same amount due had the license remained active for the same period.

(B)    **Applications based on pending construction or development applications approved by the city ABC Administrator and based on pending construction or development on the premises shall be null and void after ninety (90) days of the commitment to issue a license if the applicant fails to proceed in an orderly fashion to initiate construction or development on the premise involved. The ABC Administrator may grant extensions, as he or she deems appropriate in exercise of his or her sound discretion based on facts and circumstances surrounding each request.**

(C)    **Renewals: Time for Filing.** All renewal of licenses and payment of license fees must be on file with the city ABC Administrator fifteen (15) days before the expiration of the license for the preceding license period or the license shall be canceled, except that the licensee may file a written, verified statement fifteen (15) days prior to the expiration date of the

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

license, setting forth the facts justifying an extension. The ABC Administrator may then extend the time for filing of a renewal of the license for a reasonable length of time within the exercise of his or her sound discretion. The licensee shall pay the licensee fee from the expiration date of the former license or licenses and payment shall be refunded to the licensee in the event that the license or licenses are not renewed at, or before, the end of the extension period.

(Ord. 2005-01, passed 2-7-05)

### **ARTICLE IV. PROHIBITIONS, RESTRICTIONS AND REGULATIONS**

#### **§ 67.050      *HOURS OF SALE***

(A)    **Retail Sale for Consumption on Licensed Premises.** Premises for which there had been granted a license for the retail sales of alcoholic beverages by the drink, shall be permitted to remain open between the hours of 6:00 a.m. and 12:00 midnight each day of the week, except as stated below.

(B)    **Alcoholic beverages may be sold or dispensed on Sundays, from 2:00 p.m. to 12:00 midnight.**

(C)    **The licensee may sell and dispense alcoholic beverages on New Years Eve until 2:00 a.m. on January 1, regardless of the day of the week on which New Years Eve occurs, provided that the appropriate licenses have been obtained from both the City and State ABC Commission.**

(D)    **Control of Premises During Closing Hours.** During the closing hours, the premises of any license for the sale of alcoholic beverages by the drink must be closed to and vacant of all customers and all persons except the licensee and his or her employees, who shall be allowed on the premises for business purposes only. Alcoholic beverages shall not be sold, given away, delivered or consumed by anyone in any room of the premises during the closing hours and no parties, private or public, shall be held on the premises. The premises shall not be loaned, rented or leased to anyone during closing hours for a party or for any other purposes.

(Ord. 2005-01, passed 2-7-05; Am. Ord. 2015-02, passed 3-2-15)

---

#### **Cross reference:**

Penalty for violation, see § 67.999

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

### **§ 67.051      *HOURS OF SALE; EXCEPTIONS; REQUIREMENTS***

The licensee shall be allowed to remain open during hours when the sale of alcoholic beverages is prohibited for the sole purpose of providing food services to the public. However, all stocks of alcoholic beverages shall be locked and closed off from the public during said time period.

(Ord. 2005-01, passed 2-7-05)

---

**Cross reference:**

Penalty for violation, see § 67.999

### **§ 67.052      *FOOD SERVICE REQUIREMENT***

All license holders of a Limited Restaurant Alcoholic Beverage by the Drink License shall be required to maintain food service during all hours that alcohol is served.

(Ord. 2005-01, passed 2-7-05)

---

**Cross reference:**

Penalty for violation, see § 67.999

### **§ 67.053      *CONFISCATION AUTHORIZED IF VIOLATIONS OCCUR***

If any alcoholic or malt beverages are found on the outside of the locked or closed off area of any licensed premises at any hours during which the licensee is prohibited by the State Alcoholic Beverage Control Act or by this chapter from selling alcoholic or malt beverages, a prima facie presumption shall arise that such alcoholic or malt beverages were kept outside the locked or closed-off section for the purpose of sale in violation of this chapter and the State Alcoholic Beverage Control Act and shall be grounds for revocation or suspension of the license. In addition to other penalties provided for the violation of this chapter, the City Alcoholic Beverage Control Administrator is hereby authorized to confiscate the alcoholic or malt beverages.

(Ord. 2005-01, passed 2-7-05)

---

**Cross reference:**

Penalty for violation, see § 67.999

### **§ 67.054      *ADVERTISING RESTRICTIONS***

(A) Signage which refers directly, or indirectly, to alcoholic beverages shall be limited to one (1) two (2) square foot sign, for each fifty (50) square feet of glass window, that must be displayed from the inside of the window or interior of the business. No additional signs, banners, posters or other type of display advertising which refers either directly, or indirectly, to alcoholic beverages shall be displayed on, nor shall it be visible from, the exterior of any premises licensed for the sale of alcoholic beverages, except that reference to such may be included in the name of



## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

the business. This restriction shall not prevent any licensee from placing in the windows of the licensed premises business price cards not larger than two and one-half (2 ½) inches in size, setting forth the price at which he or she offers alcoholic beverages for sale.

(B) No flashing lights shall be used to illuminate the exterior of any premises licensed under this chapter.

(C) It shall be unlawful for a licensee under this chapter to distribute or cause to be distributed any handbills, circulars or cards as a medium for advertising alcoholic beverages.

(D) It shall be unlawful for any person, holding a license under this chapter to sell alcoholic beverages of any kind, to give away or offer to give away anything tangible of value as a premium or prize, or for any other purpose in connection with the sale of alcoholic beverages.

(E) Any advertising by any licensee under this chapter shall be in compliance with KRS 244.130.

(Ord. 2005-01, passed 2-7-05)

---

**Cross reference:**

Penalty for violation, see § 67.999

**§ 67.055      *TREATING PROHIBITED; DRINK SPECIALS PROHIBITED***

No license holder shall give away any alcoholic beverage in any quantity for less than a full monetary consideration. Licensee shall be prohibited from offering "free" or "complimentary" drink specials.

(Ord. 2005-01, passed 2-7-05; Am. Ord. 2015-02, passed 3-2-15)

---

**Cross reference:**

Penalty for violation, see § 67.999

**§ 67.056      *LICENSEE TO PURCHASE FROM AND SELL ONLY TO PERSONS  
AUTHORIZED TO SELL OR PURCHASE***

(A) No licensee shall purchase or agree to purchase any alcoholic beverages from any person within or without this state, who is not licensed to sell the beverages to the particular purchaser at the time of the agreement to sell, nor give any order for any alcoholic beverages to any person who is not a holder of a special agents or solicitors license if such a license is required.

(B) No licensee shall sell, or agree to sell, any alcoholic beverage to any person within or without this state who is not legally authorized to buy and receive the beverages at

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

the time of the agreement to sell, nor secure any order for the sale of any alcoholic beverages through any person who is not the holder of a special agents or solicitors license.  
(Ord. 2005-01, passed 2-7-05)

---

**Cross reference:**

Penalty for violation, see § 67.999

**§ 67.057      *RETAIL SALES TO CERTAIN PERSONS PROHIBITED***

No retail licensee shall sell, give away or deliver any alcoholic beverages, or procure or permit any alcoholic beverages to be sold, given away or delivered to:

(A) A minor, except that in any prosecution for selling alcoholic beverages to a minor it is an affirmative defense that the sale was induced by the use of false, fraudulent, or altered identification papers or other documents and that the appearance and character of the purchaser were such that his or her age could not have been ascertained by any other means and that the purchasers appearance and character indicated strongly that he or she was of legal age to purchase alcoholic beverages. The evidence may be introduced either in mitigation of the charge or as a defense to the charge itself.

(B) A person actually or apparently under the influence of alcoholic beverages.

(C) A habitual drunkard or any person convicted of drunkenness as many as three (3) times within the most recent twelve (12) month period.

(D) Except as provided in subsection (C) above, anyone known to the seller to have been convicted of D.U.I. or any other misdemeanor attributable directly or indirectly to the use of alcoholic beverages, or for a felony within the preceding twelve (12) months.  
(Ord. 2005-01, passed 2-7-05)

---

**Cross reference:**

Penalty for violation, see § 67.999

**§ 67.058      *SALE TO PERSON NOT PROVIDING FOR HIS OR HER FAMILY PROHIBITED***

No licensee shall sell or agree to sell any alcoholic beverages or cause or permit any alcoholic beverage to be sold to any person who has been reported to the licensee by any court or by any officer acting at the direction of a court as having failed to make proper provision for his or her family.  
(Ord. 2005-01, passed 2-7-05)

---

**Cross reference:**

Penalty for violation, see § 67.999

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

### **§ 67.059      *LICENSEE TO DISPLAY NOTICE AS TO SALE TO MINORS; WARNING OF DANGERS OF DRINKING DURING PREGNANCY TO BE POSTED***

(A) Every retail licensee shall display at all times in a prominent place a printed card at least eight (8) inches by eleven (11) inches in size which shall show, in thirty (30) point or larger type, substantially as follows: persons under the age of twenty-one (21) are subject to a fine up to one hundred dollars (\$100.00) if they:

(1) Enter licensed premises to buy, or have served to them, alcoholic beverages.

(2) Possess, purchase or attempt to purchase, or get another to purchase alcoholic beverages.

(3) Misrepresent their age for purpose of purchasing or obtaining alcoholic beverages.

(B) All licensed retail vendors of alcoholic beverages shall post in prominent place easily seen by patrons a printed sign at least eleven (11) inches by fourteen (14) inches in size, with letters at least one (1) inch high, supplied by the Alcoholic Beverage Control Commission, and with gender-neutral language supplied by the Cabinet for Health Services, which shall warn that drinking alcoholic beverages prior to conception or during pregnancy can cause birth defects.

(Ord. 2005-01, passed 2-7-05)

---

#### **Cross reference:**

Penalty for violation, see § 67.999

### **§ 67.060      *MINORS NOT TO POSSESS OR PURCHASE LIQUOR NOR TO MISREPRESENT AGE; USE OF FRAUDULENT IDENTIFICATION***

(A) As used in KRS 244.083 and this section; premises has the meaning it is given in KRS 241.010 and also means the place of business of a person licensed to sell alcoholic beverages.

(B) A person under 21 years of age shall not enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages.

(C) A person under 21 years of age shall not possess for his or her own use or purchase or attempt to purchase or have another purchase for him or her any alcoholic beverages. No person shall aid or assist any person under 21 years of age in purchasing or having delivered or served to him or her any alcoholic beverages.

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

(D) A person under 21 years of age shall not misrepresent his or her age for the purpose of inducing any licensee, or the licensed agent, servant, or employee, to sell or serve any alcoholic beverages to the underage person.

(E) A person under 21 years of age shall not use, or attempt to use any false, fraudulent, or altered identification card, paper, or any other document to purchase or attempt to purchase or otherwise obtain any alcoholic beverage.

(Ord. 2005-01, passed 2-7-05)

---

### **Cross reference:**

Penalty for violation, see § 67.999

### **§ 67.061 PERSONS WHOM LICENSEES MAY NOT EMPLOY**

(A) A person holding any city license shall not knowingly employ in connection with his or her business any person who:

(1) Has been convicted of any felony within the last two (2) years.

(2) Has been twice convicted of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors within the last two (2) years.

(3) Is under the age of twenty (20) years, unless the person is employed in a capacity that does not involve the sale or serving alcoholic beverages.

(4) Within two (2) years prior to the date of his or her employment, has had any license issued under KRS 243.020 to 243.670 or under any other act or ordinance relating to the regulation of the manufacture, sale, or transportation of alcoholic beverages revoked for cause.

(B) The provisions of subsection (A)(1) and (A)(2) of this section shall not apply if the employees duties do not involve the sale, service, delivery, or traffic in alcoholic beverages at the licensed premises.

(C) Violation of this section shall subject both employer and employee to penalties provided in this chapter and shall be cause for revocation of license.

(Ord. 2005-01, passed 2-7-05)

### **§ 67.062 RETAIL PREMISES NOT TO BE DISORDERLY**

(A) No person licensed to sell alcoholic beverages at retail shall cause, suffer, or permit the licensed premises to be disorderly.

(B) Acts, which constitute disorderly premises, consist of permitting patrons to cause public inconvenience, annoyance or alarm, or wantonly creating a risk through:

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

- (1) Engaging in fighting or in violent, tumultuous or threatening behavior, or
- (2) Making unreasonable noise; or
- (3) Refusing to obey any official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard, or other emergency; or
- (4) Creating a hazardous or physically offensive condition by an act that serves no legitimate purpose; or
- (5) No licensee shall offer or permit nudity, adult entertainment activities, including nude or nearly nude dancing, adult motion picture, television, slide or stage shows, cabarets or sexual entertainment centers on any licensed premise. No licensee shall permit explicit sexual activity, whether actual or simulated, upon any licensed premises. No licensee shall sponsor or permit wet t-shirt or wet clothing contests, lingerie fashion shows, mud wrestling or similar activities, nor shall a licensee allow dancing with touching for compensation (including but not limited to wages, tips or gratuities), or any other service, display or contest requiring physical contact between patrons and/or patrons and employees on any licensed premises. No licensee shall sponsor, offer or permit drinking contests, all-you-can-drink specials or free drinks on any licensed premise in the city.

(C) No special events which include, but not limited to, gathering of patrons outside the licensed premises for said entertainment, advertising, promoting, or other purposes.  
(Ord. 2005-01, passed 2-7-05; Am. Ord. 2015-02, passed 3-2-15; Am. Ord. 2016-03, passed 3-11-16)

### **§ 67.063      *MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING***

(A) All persons employed as managers in the selling and serving of alcoholic beverages shall participate in and complete a city-approved responsible beverage training program. For such a program to be approved by the city, it must effectively train participants in the identification of false documents and recognition of characteristics of intoxication. The city will not require enrollment in a specific class, but only that the training be obtained from a recognized program meeting the goals presented in this chapter.

(B) All persons required to complete training, under subsection (A) above shall complete that training within one hundred eighty (180) days of the date on which the person first becomes subject to the training requirement. All persons completing the training required by this section shall be recertified in responsible beverage service training, by a city-approved program not less than once every three years thereafter.

(C) Each restaurant licensed by this chapter must at all times that alcoholic beverages are being served have at least one person currently certified in responsible beverage service training as required in subsections (A) and (B) above, on duty.

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

(D) The manager of the restaurant shall be responsible for compliance with these requirements and shall maintain for inspection by the city ABC Administrator a record on each employee that shall contain the pertinent training information.

(Ord. 2005-01, passed 2-7-05)

---

**Cross reference:**

Penalty for violation, see § 67.999

### **ARTICLE V. REGULATORY LICENSE FEE**

#### **§ 67.070      *REGULATORY LICENSE FEE IMPOSED***

(A) A regulatory license fee is imposed on the gross receipts from retail sales of alcoholic beverages under each license issued for the purpose of insuring full reimbursement to the city for the cost of any additional policing, regulatory, or administrative expenses related to the sale of alcoholic beverages in the city. The City Council shall adopt, at the budget adoption for the fiscal year, an annual rate for the regulatory license fee as shall be reasonably estimated to insure full reimbursement to the city for the cost of any additional policing, regulatory, or administrative expenses related to the sale of alcoholic beverages in the city. The regulatory license fee shall be in addition to any other taxes, fees or licenses permitted by law, but a credit against the fee shall be allowed in an amount equal to any licenses or fees imposed under the provisions of this chapter for the retail sale of alcohol.

(B) The regulatory license fee shall be seven percent (7%) for the fiscal year beginning January 1, 2005 and continuing thereafter until amended or repealed.

(Ord. 2005-01, passed 2-7-05)

#### **§ 67.071      *PAYMENT***

Payment of such fee shall accompany forms approved for use by the ABC Administrator and shall include a tabulation of both gross food sales and alcohol sales for the preceding month. The forms and payment shall be submitted to the City Clerk by the twentieth (20th) day of each month for the preceding months sales. The fraction, represented by one (1) divided by the number of months for which the city license was issued, of any fees required under the provisions of this chapter shall be deducted each month as a credit.

(Ord. 2005-01, passed 2-7-05)

#### **§ 67.072      *FAILURE TO PAY; INTEREST ON LATE PAYMENT***

(A) Failure to pay the monthly remittance within ten (10) days after the due date shall constitute a violation of this chapter.

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

(B) Interest shall be assessed upon any past due payments at the rate of twelve (12) percent per annum.  
(Ord. 2005-01, passed 2-7-05)

---

**Cross reference:**

Penalty for violation, see § 67.999

**§ 67.073      *PENALTY FOR NONPAYMENT***

If the holder of any license shall fail to pay the regulatory license fee imposed by this section within ten (10) days of the due date, an automatic penalty of fifty dollars (\$50.00) shall be assessed for the first offense. An automatic penalty of one hundred dollars (\$100.00) shall be assessed on the second offense, and an automatic penalty of two hundred dollars (\$200.00) shall be assessed on the third offense. In addition to the monetary penalty, the city ABC Administrator shall hold a hearing for a second and third offense requiring the licensee to show cause why the license should not be suspended or revoked with full authority to do so upon appropriate findings. The calculation of the number of offenses for the purpose of invoking the above penalties shall be done on a twelve (12) month basis, with the number of offenses being reduced to zero at the beginning of each new license period.

(Ord. 2005-01, passed 2-7-05)

**§ 67.074      *ADEQUATE RECORDKEEPING***

Every licensee shall keep and maintain adequate books and records of all transactions involved in the sale of alcoholic beverages in the same manner required by the rules and regulations of the State Alcoholic Beverage Control Board, or such rules and regulations as may be from time to time promulgated by the city ABC Administrator and approved by a majority of a quorum of the City Council. Where the sales of alcoholic beverages as they relate to other sales are determinative of the licensee's eligibility to retain a license, the licensee shall maintain adequate records to show that relationship. The books and records shall be available at all reasonable times for inspection by the city ABC Administrator or any authorized representative.

(Ord. 2005-01, passed 2-7-05)

---

**Cross reference:**

Penalty for violation, see § 67.999

**§ 67.075      *AUDIT REQUIREMENTS***

The city ABC Administrator may at his or her discretion require that a licensee make his or her records available to the city for the purpose of conducting an audit to verify compliance with the seventy percent (70%) food sales requirement.

(Ord. 2005-01, passed 2-7-05)

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

### **ARTICLE VI. LICENSING AND REGULATION OF ALCOHOLIC BEVERAGE MANUFACTURE AND SALES**

#### **§ 67.085      *TITLE***

This subchapter shall be known and may be cited as the "Alcoholic Beverage Control Ordinance" of the city.

(Ord. 2016-02, passed 3-11-16)

#### **§ 67.086      *PURPOSE***

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

(Ord. 2016-02, passed 3-11-16)

#### **§ 67.087      *DEFINITIONS***

The definitions of the words used throughout this subchapter, unless the context requires otherwise, shall have the same meaning as those set out in the Kentucky Alcoholic Beverage Control law (KRS Chapters 241, 242, 243 and 244) of the Commonwealth of Kentucky and all amendments and supplements thereto.

(Ord. 2016-02, passed 3-11-16)

#### **§ 67.088      *SCOPE***

This subchapter 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 subchapter 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 ordinance or ordinances of the city or of any statutes of the state relating to violations pertaining to alcoholic beverages.

(Ord. 2016-02, passed 3-11-16)

#### **§ 67.089      *ADOPTION OF STATE LAW***

The provisions of the Alcoholic Beverage Control Law of the Commonwealth of Kentucky (KRS Chapters 241, 242, 243 and 244) and all amendments and supplements thereto, are adopted so far as applicable to this subchapter except as otherwise lawfully provided herein.

(Ord. 2016-02, passed 3-11-16)



## **LONDON - ALCOHOL BEVERAGE CONTROL**

### **§ 67.090      *LICENSES GENERALLY***

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 243.060, there is hereby established a corresponding city license for each of the licenses described in KRS 243.060. The fee for each city license shall be as set out in the following schedule, and may be amended from time-to-time as authorized by law. Only those licenses set out in this subchapter shall be issued.

Distilled spirit license as set fort in KRS 243.030:

Quota Retail package license, per annum	\$1,000.00
Special temporary license, per event	\$166.66
Non-quota type 1 retail drink license	\$2,000.00
Non-quota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum	\$1,000.00
Non-quota type 3 retail drink license (includes distilled spirits, wine, and malt beverages), per annum	\$300.00
Distilled spirits and wine special temporary auction, license, per event	\$200.00
Special Sunday retail drink license, per annum	\$300.00
Extended hours supplemental license, per annum	\$2,000.00
Caterer's license, per annum	\$800.00
Bottling house license	\$1,000.00

Malt Beverage licenses as follows:

Brewers license	\$500.00
Distributors license	\$400.00
Microbrewery license, per annum	\$500.00
Non-quota retail malt beverage package license, per annum	\$200.00
Non-quota type 4 retail malt beverage drink license, per annum	\$200.00
Malt beverage brew-on-premises, per annum	\$100.00
Limited restaurant license (includes distilled spirits, wine, and malt beverages), per annum	\$800.00
Limited golf course license (includes distilled spirits, wine, and malt beverages), per annum	\$1,200.00

(Ord. 2016-02, passed 3-11-16; Am. Ord. 2016-08, passed 8-1-16)

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

### **§ 67.091      *CERTAIN SPECIAL LICENSES DEFINED***

(A) Special temporary licenses. A special temporary license may be issued only as set out in KRS 243.260 and 804 KAR 4:250. This license shall authorize the licensee to exercise the privileges of a quota retail drink license and an NQ4 retail malt beverage 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 wine quota retail drink licensee or an NQ4 retail malt beverage drink license shall apply also to a special temporary licensee.

(B) A nonprofit organization holding an NQ4 retail malt beverage drink license may be issued a special temporary license to sell wine by the drink on the licensed premises for a specified and limited time, not to exceed ten days. The temporary license may be issued in conjunction with any public or private event including but not limited to weddings, receptions, reunions, or similar occasions.

(C) All restrictions and prohibitions applying to regular retail drink and wine licenses and retail malt beverage licenses shall apply to the special licenses, unless otherwise provided by law.

(D) A special temporary license for a qualifying event shall not be issued unless the purported licensee can demonstrate to the City ABC Administrator that adequate safeguards will be in place to prevent persons who are under the age of 21 from purchasing or consuming alcoholic beverages and that adequate security will be present to prevent unruly or disruptive behavior.  
(Ord. 2016-02, passed 3-11-16)

### **§ 67.092      *EXPIRATION OF LICENSE; PRORATION OF FEES***

All city licenses shall begin on May 1 of any year and shall expire on April 30 of the following year pursuant to 804 KAR 4:390. Any licenses issued after October 1 of any year shall be assessed a fee which is based on the pro rata portion of the remainder of the license period; however, the cost of any license shall not be less than one-half ( $\frac{1}{2}$ ) the amount of the full fee for an annual license of that type.  
(Ord. 2016-02, passed 3-11-16)

### **§ 67.093      *NO BUSINESS UNLESS LICENSE RENEWAL FEES PAID***

No licensee shall enter into or begin operating any business for which a City ABC license is required by this subchapter until the license fee and license renewal fee has been paid in full. The fee for renewal of any license shall be paid with the renewal application. Any licensee failing to pay the renewal fee when its current license expires, shall cease all trafficking in alcoholic beverages. Violation of this section may result in criminal prosecution.  
(Ord. 2016-02, passed 3-11-16)

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

### **§ 67.094      REFUND OF FEES.**

(A) Should any licensee under this subchapter be prohibited from conducting the licensed business for the full period covered by the license because of any changes that may hereafter be made in the laws of the commonwealth with reference to alcoholic beverages or other cause outside licensee's control, then the city shall refund to licensee the proportionate part of the license fee for the period during which licensee is prevented from carrying on said business if the licensee provides sufficient proof to the City ABC Administrator that such period of inactivity was not the fault of the licensee or the result of a revocation, suspension or other wrongdoing by licensee, or an agent or employee of the licensee.

(B) In the event a violation of this subchapter occurs that results in the suspension or revocation of the license, the city shall not be required to refund any portion of the license fee. (Ord. 2016-02, passed 3-11-16)

### **§ 67.095      *REGULATORY LICENSE FEE***

(A) Pursuant to KRS 243.075, there is hereby imposed a regulatory license fee on the gross receipts of sale of alcoholic beverages of each license issued by the City ABC Administrator. In the case of retail sales of package distilled spirits and wine, the regulatory license fee shall be five percent (5%) of gross sales. The regulatory license fee shall be four percent (4%) on gross retail sales of package malt beverages. Thereafter, the London City Council shall adopt at the budget adoption for each subsequent fiscal year, such annual rate for the regulatory license fee as shall be reasonably estimated to ensure full reimbursement to the city for the cost of any additional policing, regulatory, or administrative expense related to the sale of alcoholic beverages in the city. Should the London City Council fail to address the regulatory license fee in any budget, then the regulatory license fee shall remain at the level at which it was last fixed until such time as the London City Council shall adjust the fee.

(B) Payment of such regulatory fee shall be remitted to the city and shall be held in a separate account maintained for the purpose of fully reimbursing the city for the estimated cost of any additional policing, regulatory or administrative expense related to the sale of alcoholic beverages in the city. The regulatory license fee shall be in addition to any other taxes, fees or licenses permitted by law. Payment of the regulatory license fee shall be made quarterly on forms to be provided by the city, with payment in full for the year being due no later than April 30 of each calendar year, or at the surrender or revocation of a license or licenses, whichever occurs sooner. No license renewals shall issue unless and until the regulatory license fee has been paid in full.

(C) Failure to pay such quarterly remittance within ten (10) days of the due date constitutes a violation and subjects licensee to suspension or revocation.

(D) Penalty for failure to file a return and pay quarterly remittance by the due date is five percent (5%) of the tax for each ninety (90) days or fraction thereof. The total late filing penalty

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

shall not exceed twenty-five percent (25%) of the tax; provided, however, that in no case shall the penalty be less than ten dollars (\$10.00).

(E) Interest at the rate of eight percent (8%) per annum will apply to any late payments.  
(Ord. 2016-02, passed 3-11-16)

### **§ 67.096      *DISPOSITION OF FEES***

The city shall transmit any fees received upon collection into the appropriate designated account.

(Ord. 2016-02, passed 3-11-16)

### **§ 67.097      *OFFICE OF THE CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR ESTABLISHED; DUTIES***

(A) Pursuant to KRS 241.110, there is hereby created the office of City Alcoholic Beverage Administrator.

(B) The Mayor shall serve as the City Alcoholic Beverage Control Administrator (hereinafter referred to as City ABC Administrator), unless the Mayor shall appoint someone else to fill the position pursuant to KRS 241.110.

(C) The Mayor may from time to time appoint such additional personnel as is necessary to assist the City ABC Administrator in the administration of this subchapter.

(D) The salary for the office of City ABC Administrator, if any, together with the salaries of any other personnel assisting the City ABC Administrator, shall be fixed from time to time by the London City Council.

(E) The functions of the City ABC Administrator shall be the same with respect to the City licenses and regulations as the functions of the Department of Alcoholic Beverage Control and the Alcoholic Beverage Control Board of the Commonwealth of Kentucky.

(F) No person shall be a City ABC Administrator, an investigator or an employee of the City under the supervision of the City ABC Administrator, who would be disqualified to be a member of the ABC Board under KRS 241.100.

(G) The City ABC Administrator shall have all authority as authorized under KRS Chapters 241 through 244. The City ABC Administrator and the City ABC Administrator's investigators may inspect any premises where alcoholic beverages are manufactured, sold, stored or otherwise trafficked in, without first obtaining a search warrant.

(H) Should the City ABC 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

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

licensed corporation, LLC or other business organization, has a criminal record, he or she shall have the authority to require such person to appear in person at the London City Police Department for the purpose of having his or her fingerprints taken. Costs of fingerprinting shall be borne by the city.

(I) The City ABC Administrator before entering upon his or her duties as such, shall take the oath as prescribed in Section 228 of the Constitution and shall execute a bond with a good corporate surety in the penal sum of not less than one thousand dollars (\$1,000.00). The City ABC Administrator may require any employee under the City ABC Administrator's supervision to execute a similar bond in such penal sum as the City ABC Administrator deems necessary. The costs of any such bonds shall be borne by the city.

(J) Unless other appeal procedures are set forth herein, appeals from the orders of the City ABC Administrator may be taken to the state ABC Board by filing with the Board within thirty (30) days a certified copy of the orders of the City ABC Administrator. The Board shall hear matters at issue as upon an original proceeding. Appeals from orders of the City ABC Administrator shall be governed by KRS Chapter 13B.

(K) When any decision of the City ABC Administrator shall have been appealed and the ABC Board shall have made a decision regarding such appeal or protested application, the City ABC 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. (Ord. 2016-02, passed 3-11-16)

### **§ 67.098      *APPLICATION FOR LICENSE***

(A) Before an application shall be considered, the applicant must publish a notice of its intent to apply for an alcohol beverage license in a newspaper meeting the requirements, of KRS Chapter 424.

(B) The advertisement shall state the name and addresses of the individual applicant or members of a partnership or limited liability company if the applicant is either, as well as the name of the business and its address, or if the applicant is a corporation, the names and addresses of the principal office and directors of the corporation, as well as the name and addresses of the corporation itself, the location of the premises for which the license is sought and the type of license for which application is made. The notice shall state the date the application will be filed and shall contain the following statement: "Any person, association, corporation, or body politic may protest the granting of the license by writing the Department of Alcoholic Beverage Control. 1003 Twilight

COMMONWEALTH OF KENTUCKY  
CITY OF LONDON, KENTUCKY  
Ordinance Number 681

\* \* \*

AN ORDINANCE PROVIDING FOR LICENSING AND REGULATION  
OF DANCE HALLS, BILLIARD PARLORS, MOVIE THEATERS,  
AND OTHER PLACES OF AMUSEMENT

THE CITY COUNCIL OF THE CITY OF LONDON DOES ORDAIN AS FOLLOWS:

Whereas, the public health, safety, and welfare of the citizens of the City of London, Kentucky require the regulation of dance halls, billiard parlors, movie theaters, and other places of amusement, the following requirements, rules, and regulations are hereby enacted and adopted:

DEFINITION

(1) Dance Hall - Means any place open to the public where dancing is permitted by the public for a charge or fee, or for a donation, or without charge incident to the conduct of any business for profit.

(2) Billiard Parlor - Means any place open to the public where billiard tables or pool tables are maintained for use by the public for a charge or fee, or for a donation, or without charge incident to the conduct of any business for profit.

(3) Movie Theater - Means any place open to the public where movie films are regularly exhibited for viewing by the public for a charge or fee, or for a donation, or without charge incident to the conduct of any business for profit.

GENERAL PROVISIONS

(1) Any person, association, firm, or corporation owning or operating the business of a dance hall, billiard parlor, movie theater, or any other place of amusement in the City of London, Kentucky shall be required to obtain a permit from the Clerk of the

## Ordinance Number 681 (cont'd)

[ City of London which will be posted in a public area of the business. The permit will expire on December 31 of each year and will be renewed annually. The fee for the issuance of a permit will be \$20.00 per year.

(2) The application for permit shall identify all owners and all operators of the business and shall state the days and hours of operation.

(3) The business of a dance hall, billiard parlor, movie theater, or other place of amusement shall not be operated at an hour later than 12:00 midnight on any day, except that a movie theater may conclude the showing of a film in progress at 12:00 midnight.

[ (4) The owner or operator of the business of a dance hall, billiard parlor, movie theater, or other place of amusement shall not permit persons to loiter or congregate outside of the place wherein the business is conducted.

(5) The owner or operator of the business of a dance hall, billiard parlor, movie theater, or other place of amusement shall maintain the volume of music and other noise emanating from the place of business at a level so as not to create a nuisance.

(6) The owner or operator of the business of a dance hall, billiard parlor, movie theater, or other place of amusement shall not permit garbage or trash to accumulate around the exterior of the place of business or on adjacent property.

[ (7) The owner or operator of the business of a dance hall, billiard parlor, movie theater, or other place of amusement shall comply with all laws or regulations or ordinances of the United States of America, Commonwealth of Kentucky, County of Laurel, or City of London.

(8) Any violations of the terms and provisions of this ordinance shall be deemed a misdemeanor and shall be punished by a fine not to exceed One Hundred (\$100.00) Dollars. Each violation shall

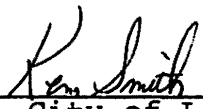
EEC844

004  
Ordinance Number 681 (cont'd)

be deemed a separate offense and shall be punished accordingly.

(9) This ordinance shall become effective August 1, 1980.

Read, approved, and adopted by the City Council of the City of London, Kentucky, on June 23, 1980. Second reading, approved, and adopted by the City Council of the City of London, Kentucky on July 14, 1980.

  
\_\_\_\_\_  
Mayor, City of London, Kentucky

ATTEST:

  
\_\_\_\_\_  
Clerk

Published: July 17, 1980



## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

Trail, Frankfort, Kentucky 40601, within thirty (30) days of the date of legal publication." Any protest received after the thirty (30) day period has expired shall not be considered a valid legal protest.

(C) The applicant shall attach to the application a newspaper clipping of the advertisement and proof of the publication as provided in KRS 424.170, along with a non-refundable application fee of fifty dollars (\$50.00).

(D) All licenses granted under this subchapter shall be approved by the City ABC Administrator. Applications for the issuance of new licenses and for renewals of existing licenses shall be in writing and upon the forms provided by the Kentucky Department of Alcoholic Beverage as amended and supplemented from time to time.

(E) The application shall be verified and shall set forth in detail such information requested in the application for the applicant and the premises for which the license is sought as required by the Kentucky Revised Statutes.

(F) The City ABC Administrator may rely upon the information furnished in the application or in the supplemental statement connected with the application. This information, as against the licensee or applicant, shall be conclusively presumed to be correct. The information required to be furnished in the application or supplemental statement shall be deemed material in any prosecution for perjury.

(G) Each application shall be accompanied by a certified or cashier's check, or a postal or express money order for all fees.

(H) All applicants shall voluntarily submit to a criminal background check and shall sign a waiver allowing the release of this information to the City ABC Administrator or assistant ABC Administrator(s).

(I) All City ABC licenses issued shall be on the form prescribed by the City ABC Administrator and shall contain:

- (1) The name and address of the licensee;
- (2) The number of the licenses;
- (3) The type of license;
- (4) A description by street and number, or otherwise, of the licensed premises;
- (5) The name and address of the owner of the building in which the licensed premises are located;

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

(6) The expiration date of the license; and

(7) A statement in substance that the license shall not be a property or vested right and that it may be revoked at any time pursuant to law.

(J) All licenses approved by the City ABC Administrator and issued by the City shall begin on May 1 of any year and shall expire on April 30 of the following year. Any licenses issued after October 1 of any year shall be assessed a fee which is based on the pro rata portion of the remainder of the license period. However, the cost of any license shall not be less than that for a period of six (6) months.

(K) The renewal by the City ABC Administrator of the license shall not be construed to be a waiver or acceptance of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee.

(L) In the event a violation of this subchapter occurs that requires the revocation of the license, the city shall not be required to refund any portion of the license fee.

(M) In addition to the information contained in the application the City ABC Administrator may require such other information as the City ABC Administrator may in his/her discretion deem desirable, reasonable or appropriate to the consideration of the application.

(N) An applicant who has been refused a license by the City ABC Administrator may appeal the refusal to the ABC Board pursuant to KRS 241.200.  
(Ord. 2016-02, passed 3-11-16)

### **§ 67.099      *OTHER CONDITIONS***

In addition to any other inquiries, conditions or considerations required or permitted by law:

(A) All applicants shall voluntarily submit to a criminal background check and shall sign a waiver allowing the release of this information to the City ABC Administrator; and

(B) No license to sell alcoholic or malt beverages shall be granted or renewed to any person who is delinquent in the payment of any taxes or fees due the city at the time of issuing the license, nor shall any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any delinquent taxes, bills, or fees due the city. Further, if a licensee becomes delinquent in the payment of any taxes, bills, or any fees due the city at any time during the license period, the license to sell alcoholic or malt beverages shall be subject to revocation or suspension.

(C) No person, whether an applicant for license, or a licensee, shall in any manner attempt to bribe, threaten, unduly influence or intimidate the City ABC Administrator, or any

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

member of his or her staff, or any State ABC Administrator or staff, in any matter in which an application or proposed application for license, or procedure for revocation or suspension is pending before such officer. This section is not intended to stifle expressions of opinion; however, it is intended to make clear that the City and State ABC Administrators are public officials charged with the administration and enforcement of the law, both local and state. Any person applying for a license, or contesting the revocation or suspension of a license, who engages in attempted bribes, threats, attempted undue influence or intimidation of a City or State ABC Administrator or staff shall be disqualified from receiving or retaining a license, in addition to other penalties as provided by law. The procedures for appeals shall apply to disqualifications, revocations or suspensions under this section. This section shall not be interpreted to prohibit monetary settlements in lieu of revocation or suspension of license after a final order or revocation or suspension, where the ordinance and applicable statutes allow for such payments in settlement.

(Ord. 2016-02, passed 3-11-16)

### **§ 67.100      *MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING***

(A) All persons employed in the selling and serving of alcoholic beverages shall participate in and complete a city-approved responsible beverage service training program. For a responsible beverage service training program to be approved by the city, it must effectively train its participants in the identification of false age documents and recognition of characteristics of intoxication. The city will not require enrollment in particular classes, but only that the training be obtained from a recognized program meeting the goals expressed in this subchapter.

(B) All persons required to complete training under division (A) of this section shall complete that training within thirty (30) days of the date on which the person first becomes subject to the training requirement. When a new business is licensed to serve alcoholic beverages all employees must be trained prior to the opening of the business.

(C) Each licensee shall be responsible for compliance with the training requirements and shall maintain, for inspection by the City ABC Administrator, a record or file on each employee that shall contain the pertinent training information. Each premise licensed hereunder must at all times when alcoholic beverages are being served have at least one person currently certified in responsible beverage service training on duty.

(D) All persons completing the training required by this section shall be re-certified in responsible beverage service training from a program approved by the city not less than once every three years thereafter.

(Ord. 2016-02, passed 3-11-16)

### **§ 67.101      *SIGNS AND ADVERTISING***

(A) All signage shall be in compliance with any and all other existing rules, regulations, and ordinances of the City of London, including but not limited to, the Development Ordinance as currently enacted, and/or as may be amended in the future.

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

(B) No flashing lights shall be used to illuminate the exterior of any premises licensed under this subchapter.

(C) Any advertising by any licensee under this chapter shall be in compliance with KRS 244.130 and regulations promulgated thereunder.

(D) No licensee shall publish or display advertising that is false or misleading, nor shall any licensee publish or display advertising that implies that consumption of alcoholic beverages is fashionable or the accepted course of behavior, or advertising that contains any statement, picture or illustration implying that the consumption of alcoholic beverages enhances athletic prowess, whether or not any known athlete is depicted or referred to, nor shall any licensee publish or display advertising that encourages intoxication by referring to the intoxicating effects of alcohol (or use the terms such as "high test", "high proof, or "extra strong") or depicting activities that tend to encourage excessive consumption.

(E) No licensee shall erect or allow to be erected any banner that displays any particular brand of alcoholic beverage on the outside of the building or on the property.  
(Ord. 2016-02, passed 3-11-16)

### **§ 67.102      *CHANGE OF INFORMATION***

(A) If after a license to individuals or to a sole proprietor has been issued, there is a change in any fact required to be set forth in the application, a verified amendment in writing giving notice of the change shall be filed with the City ABC Administrator within ten (10) days of the change.

(B) Since licenses issued by the city may be in the name of corporations or other business organizations, it is necessary that ownership changes in such organizations be reported to the City ABC Administrator. The City ABC Administrator can, therefore, investigate the person to whom the ownership or management is transferred in order to ascertain whether that person is precluded by statute from holding an interest in an alcoholic beverage license.

(1) As used with regard to a partnership, corporation, LLC or other business organization herein, the word "change" is construed to include any change in managers, partners or LLC members, directors or officers of the corporation, or change in ownership or stock whereby any person secures ten percent (10%) of the outstanding ownership or stock. Transfer of more than ten percent (10%) of the total ownership or stock shall require a new license.

(2) The following information will be required concerning any new manager, partner or LLC member, new director, officer, or person securing any interest in alcoholic beverage license:

(a) Name and address;

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

- (b) Nature of interest;
- (c) Whether or not a citizen of the United States;
- (d) Date of birth and Social Security Number;
- (e) Date residence was established in Kentucky, if a resident of Kentucky. If a London City resident, indicate when residence was established;
- (f) Whether or not he or she has any interest in any other license or in any LLC, corporation, partnership or other business organization holding a license under this act;
- (g) Extent of stock or company ownership;
- (h) Whether or not he or she has any interest in any license or in any LLC, corporation, partnership or other business organization holding a license in any other state or province.

(3) This information shall be filed with the City ABC Administrator as a verified amendment of the application pursuant to which the license was granted. Filing shall be made within ten (10) days of any change of required information.  
(Ord. 2016-02, passed 3-11-16)

### **§ 67.103      *RENEWAL OF LICENSE***

(A) Every year each licensee shall renew its license. All renewal licenses must be on file with the City ABC Administrator no less than thirty (30) days prior to the expiration of the license for the preceding license period or the same shall be canceled, except where the licensee is unable to continue in business at the same premises licensed during the preceding license period as a result of construction, act of God, casualty, death, the acquisition or threatened acquisition of the premises by any federal, state, city or other governmental agency or private organization possessing power of eminent domain, whether such acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew exiting lease; provided that said licensee shall file a written verified statement no less than twenty (20) days from the expiration date of the license, setting forth these facts, and the City ABC Administrator is hereby authorized to extend the time for filing of a renewal of such license for a reasonable length of time within the sound discretion of the City ABC Administrator; provided, however, such licensee shall pay a license fee from the expiration date of the former license or licenses. Said license fee shall not be payable until application is made for the transfer of said license to a new location.

(B) The renewal by the City ABC Administrator of the license shall not be construed to be a waiver or acceptance of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee.  
(Ord. 2016-02, passed 3-11-16)

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

### **§ 67.104      *LOST OR DESTROYED LICENSE***

When a license shall be lost or destroyed without fault on the part of the licensee or his agent or employee, a duplicate in lieu of the original license shall be issued by the City ABC Administrator after the City ABC Administrator shall have been satisfied as to the facts; provided, however, that the applicant for said duplicate license shall pay a fee of ten dollars (\$10.00) for the duplicate license.

(Ord. 2016-02, passed 3-11-16)

### **§ 67.105      *REVOCATION OR SUSPENSION***

(A) Any license may be revoked or suspended by the City ABC Administrator if the licensee shall have violated any of the provisions of KRS Chapters 241, 242, 243 or 244, or any rule or regulation of the ABC Board or of the Department of Revenue relating to the regulation of the manufacture, sale and transportation or taxation of alcoholic beverages or if such licensee shall have violated or shall violate any act of Congress or any rule or regulation of any federal board, agency or commission, or this Ordinance now, heretofore, or hereafter in effect relating to the regulation of the manufacture, sale and transportation or taxation of intoxicating liquors or any rules or regulations of the City heretofore in existence or authorized by the terms of Kentucky Revised Statutes Chapters 241, 242, 243 and 244 to be created, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of his instructions, or any such license may be revoked or suspended for any cause which the City ABC Administrator in the exercise of his or her sound discretion deems sufficient, including, but not limited to, acts of moral turpitude.

(B) A license may be revoked for any of the reasons for which the City ABC Administrator would have been required to refuse a license if the facts had been known.

(C) In addition to the foregoing stated causes, any license may be revoked or suspended for the following causes:

(1) Conviction of the licensee or his agent or employee for selling any illegal beverages on the premises licensed.

(2) Making any false, material statements in an application for a license.

(3) If within a period of two (2) consecutive years, any licensee or any clerk, servant, agent or employee of the licensee shall have been convicted of two (2) violations of the terms and provisions of KRS Chapter 241, 242, 243 or 244 or any act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if within such period, any licensee or any clerk, servant, agent or employee of the license shall have twice been convicted of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages, or of any felony of any type.

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

(4) Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes, this subchapter or acts of Congress relative to taxation, or for a violation of any rules or regulations of the Department of Revenue made in pursuance thereof.

(5) Setting up, conducting, operating or keeping, on the licensed premises, any gambling game, device, machine or contrivance, or lottery or gift enterprise, or handbook or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept, or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility.  
(Ord. 2016-02, passed 3-11-16)

### **§ 67.106      *PROCEEDINGS FOR REVOCATION OR SUSPENSION OF LICENSE; NOTICE AND OPPORTUNITY TO CONTEST; APPEAL; EFFECT OF REVOCATION OR SUSPENSION***

(A) Upon the verified complaint of any person, or on the initiative of any certified peace officer or of the City ABC Administrator, the City ABC Administrator may institute proceedings to revoke or suspend any license granted under this subchapter. A license may be revoked or suspended only after the licensee shall have been given written notice, by certified or registered mail, of the proposed revocation, including notice of the reasons for such proposed action. The licensee shall be given opportunity to be heard in opposition to the proposed revocation or suspension. The notice of proposed action shall advise the licensee of the date, time and place of the hearing. Notice shall be sufficient if mailed to the licensee at the address shown in the last application for a license or in the last statement supplemental to or in amendment of the application, whether or not the mailing is receipted for or claimed. Failure of the licensee to attend the date of the hearing, unless good cause is shown or a continuance is granted, shall conclude the matter.

(B) The hearing shall be conducted before City ABC Administrator and shall be informal. The licensee may present evidence and the City ABC Administrator is authorized to swear witnesses. Counsel for the licensee is permitted to attend. In conducting the hearing, the City ABC Administrator shall be limited to determining whether or not the licensee committed an alleged violation.

(C) Within thirty (30) days after conclusion of a hearing, the City ABC Administrator shall an order which makes a finding whether the licensee committed an alleged violation, and if so, the penalty to be imposed for the violation. The order shall be mailed to the licensee and to the owner of the licensed premises at the address shown in the last application for a license or in the last statement supplemental to the application shall be deemed sufficient compliance with this section.

(D) A licensee has thirty (30) days to appeal any order of the City ABC Administrator to the Alcoholic Beverage Control Board. The timely filing of an appeal shall stay further proceedings for revocation.

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

(E) When a license has been revoked or suspended, the former licensee may, with prior approval of the City ABC Administrator, dispose of and transfer his stock of alcoholic beverages to an appropriate entity.

(F) If a license is revoked or suspended by an order of the City ABC Administrator, and the decision is not appealed, the licensee shall at once surrender its City ABC license and suspend all operations authorized under his or her license. Upon the entry of a final order of the ABC Board sustaining or ordering revocation or suspension on appeal, the licensee shall at once suspend all operations authorized under this license.

(Ord. 2016-02, passed 3-11-16)

### **§ 67.107      *TRANSFER OR ASSIGNMENT***

No license issued under this subchapter shall be transferred or assigned either as to licensee or location except with prior approval of the City ABC Administrator and not then until a payment of one hundred dollars (\$100.00) shall be made to the city.

(A) For purpose of this section, "transfer" means:

(1) The transfer to a new person or entity of ten percent (10%) or more ownership interest in any license issued under KRS 243.020 to 243.670; or

(2) The transfer in bulk, and not in the ordinary course of business, of a major part of the fixtures, materials, supplies, merchandise, or other inventory of a licensee's business.

(B) Any license issued under KRS 243.020 to 243.670 to any person for any licensed premises shall not be transferable or assignable to any other person or to any other premises or to any other part of the building containing the licensed premises, unless a transfer or assignment is authorized by the City ABC Administrator in the exercise of his sound discretion. For the purposes of this section, each railroad dining car shall be deemed premises to be separately licensed.

(C) A licensee shall not acquire or otherwise dispose of any interest in a licensed premises or any license issued by the department, by sale of assets, stock, inventory, control or right of control, or activities on the licensed premises without prior approval of the City ABC Administrator. The City ABC Administrator shall grant approval if the person acquiring the interest meets the qualifications for a new applicant.

(D) Any acquisition of interest in a license without prior authorization shall be void.

(E) All applications for approval of a transfer shall be made in writing to the City ABC Administrator.



## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

(F) Applications for approval of a transfer shall be made under oath or affirmation, shall be signed by both the transferor and the transferee, and shall contain such other information from the transferee as is required for a new applicant for license.

(G) The notice and publication requirements for a proposed transfer shall be the same as those set forth in § 10.024.

(H) No licensee or other person seeking to acquire an interest in an existing license shall transfer control or assume control of any licensed premises by agreement or otherwise without the written consent of the City ABC Administrator.

(I) A licensee shall not transfer his or her license or any interest in the license while any proceedings against the license or the licensee for a violation of any statute or regulation which may result in the suspension or revocation of the license are pending.

(J) A licensee shall not transfer his or her license or any interest he or she has in the license if the licensee owes a debt on the inventory to a wholesaler responsible for the collection and payment of the tax imposed under KRS 243.884.

(K) A licensee shall not transfer his or her license or any interest in the license if the licensee owes the city for any unpaid license fees or license regulatory fees under this subchapter. (Ord. 2016-02, passed 3-11-16)

### **§ 67.108 . REVIEW OF LICENSE; BOOKS, RECORDS AND REPORTS**

(A) Applicants to whom a license is issued pursuant to this subchapter shall provide periodic information demonstrating compliance with the conditions of any license, such as, but not limited to, the continuing requirement that a minimum percentage of the applicant's business income is earned from the sale of food. This documentation shall be provided on a schedule to be coordinated with the applicant's quarterly regulatory fee filings. The city shall provide the form schedule to the licensee. The licensee's acceptance of a license to manufacture or traffic in alcoholic beverages shall constitute consent to the filing of the quarterly report. In the case of caterer filing, the quarterly report shall identify each catered event by type of event, date and address of the event, and shall provide a per event breakdown of sales and the ratio of food sales to alcohol sales during the reporting period. This requirement for filing of reports notwithstanding, the City ABC Administrator may at any time come upon the premises of any licensee and examine the books, audio and visual recordings and records to determine whether the licensee is in compliance with all parts of this subchapter. Licensee shall be required to maintain all available video/audio recordings for a minimum of 30 days. In the event the conditions of any license requirement are not met during any particular quarter, the City ABC Administrator shall have discretion in determining whether revocation is appropriate or whether the licensee may be allowed a reasonable period of time to reach compliance. If a good faith effort is demonstrated by the licensee, the City ABC Administrator may apply an accounting period of at least one (1) year in determining whether or not the food sale percentage requirement has been met.

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

(B) (1) Every licensee under this subchapter shall keep and maintain upon the licensed premises adequate books and records, including audio and video recordings, of all transactions involved in the sale of alcoholic beverages in the same manner required by the rules and regulations of the ABC Board. Licensee shall be required to maintain all video/audio recordings for a minimum of 30 days. Such books and records shall be available at all reasonable times for inspection by the City ABC Administrator and such city employees who may assist the City ABC Administrator in his or her review.

(2) For the purpose of assisting the City ABC Administrator in enforcement of this subchapter, every licensee required to report to the ABC Board under KRS 243.850 shall provide a copy of such report to the City ABC Administrator. Copies of any and all reports and correspondences to the ABC Board required by statute shall be furnished to the City ABC Administrator.

(Ord. 2016-02, passed 3-11-16)

### **§ 67.109 DORMANCY**

(A) It is necessary that a licensee actually conduct the business authorized by such a license or else the license will be declared dormant and become null and void after ninety (90) days. Such is the intent of this section. Realizing that a licensee, like other business, may have his business interrupted by situations not under his control, various exceptions to the dormancy rule have been included in this section.

(B) Any license under which no or substantially no business is transacted during a period of ninety (90) days shall be deemed inactive and, unless the conditions set forth in division (D) of this section are proved to the satisfaction of the City ABC Administrator, the license shall be surrendered to the City ABC Administrator. If the license is not voluntarily surrendered, it shall be revoked by the City ABC Administrator.

(C) For purposes of the preceding section, "no or substantially no business" means that there were either no alcohol transactions during the ninety (90) day period in question, or by using comparable data, the City ABC Administrator determines in his or her discretion that the license is being underutilized to a significant degree. Comparable data available to the City ABC Administrator may include, but not be limited to, sales data from comparable businesses and past sales data of the licensee in question.

(D) The provisions of division (B) of this section shall not apply to any licensee who is unable to continue in business at the premises for which a license is issued due to construction, an act of God, casualty, death, the acquisition of the premises by any federal, state, city or other governmental agency under power of eminent domain, whether acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease. Prior to the expiration of ninety (90) days of inactivity, such licensee shall furnish to the City ABC Administrator a verified statement setting forth the fact that the licensee is unable to continue in

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

business, for any of the specific reasons set forth herein, and the City ABC Administrator may grant an extension of the dormancy with the license continuing to remain in effect during the license period or until same is transferred to another premises, notwithstanding the fact that no business is transacted during said period; provided, however, no such license shall be considered valid unless business is conducted there within twelve (12) months from the date of notice to the City ABC Administrator. Such extension may not extend beyond the renewal date but may be for such times as the City ABC Administrator deems appropriate in exercise of his or her sound discretion. The provisions of division (B) of this section shall also not apply to licensees whose business operations are "seasonal" and who may experience extreme downturns in revenue during certain calendar periods such that it is not economically feasible to remain open.

(Ord. 2016-02, passed 3-11-16)

### **§ 67.110      *HOURS FOR SALE***

(A) Any licensee eligible to sell distilled spirits, wines, and/or malt beverages in retail package stores shall be permitted to sell distilled spirits, wine, and/or malt beverages between the hours of 6:00 a.m. until 1:00 a.m. Monday - Saturday. Said licensee shall not be permitted to sell distilled spirits, wine, and/or malt beverages after the hours of 1:00 a.m. (on Saturday evening/Sunday morning) to 12:00 a.m. (midnight on Sunday) with the exceptions noted below:

(1) A licensee whose premise(s) is licensed to sell alcoholic beverages in retail package shall be permitted to sell distilled spirits, wine, and/or malt beverages on Sunday during the hours of 11:00 a.m. until 1:00 a.m. (on Monday morning).

(2) A licensee whose premises is licensed to sell distilled spirits, wine, and/or malt beverages, shall be permitted to sell alcoholic beverages on New Year's Eve until 2:00 a.m. on January 1, regardless of the day of the week January 1 shall fall upon, provided that the appropriate licenses and approvals have been obtained from both the City and the state ABC Board.

(B) If any establishment licensed to sell distilled spirits, malt beverages, and wine remains open during a prohibited sale time, any displays of malt beverages must have a sign with lettering not less than two inches in height reading "NO SALES AFTER 1:00 A.M. WEEKDAYS OR SUNDAYS AFTER 12:00 A.M." (This sign must be atop every display and in cases where establishments have aisles of malt beverages, a larger sign, with letters not less than four inches in height, must be placed at the entrance and exit of each aisle.)

(C) A licensee shall not sell, give away, or deliver any alcoholic beverage or permit any alcoholic beverage to be sold, given away, or delivered on the licensed premises during non-permitted hours for sale and delivery.

(D) Alcohol sales at golf courses, private clubs, distilleries, etc located within the City shall be allowed to sell distilled spirits, wine, or malt beverages by the drink between the hours of

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

6:00 a.m. until 12:00 (midnight) on Mondays through Saturdays. Sunday sales shall only be permitted between the hours of 2:00 p.m. until 12:00 (midnight). Notwithstanding the foregoing, sales by the drink on December 31st, regardless of the day of the week upon which it might fall, may continue until 2:00 a.m. on January 1st.

(E) Any licensee permitted to sell distilled spirits, malt beverages, and wine on Sunday pursuant to this section, shall first obtain a Special Sunday retail drink license.  
(Ord. 2016-02, passed 3-11-16)

### **§ 67.111      *CONDITIONS, PROHIBITIONS AND RESTRICTIONS***

(A) No gambling or game of chance unless otherwise authorized by the Commonwealth of Kentucky shall be permitted in any form on such licensed premises. Dice, slot machines, or any device of chance are prohibited and shall not be kept on such premises.

(B) It shall be unlawful for any licensee licensed under this subchapter to have or maintain any radio receiving apparatus (including an application on a mobile device) on such premises which is intentionally adjusted so as to receive police messages broadcast from any law enforcement agency. In addition to other penalties provided for the violation of this section, any certified peace officer or the City ABC Administrator, or his or her designated investigator, shall have the authority to confiscate any and all such radio receiving apparatus.

(C) The licensee shall be responsible for maintaining security on his premises including providing adequate outside lighting to permit customers to utilize the parking area and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity in and around the licensed premises.

(D) It shall be unlawful for the licensee under this subchapter who sells alcoholic beverages of any kind to give away or offer to give away anything tangible of value as a premium or prize, or for any other purpose in direct connection with the sale of alcoholic beverages nor shall any licensee give away any alcoholic beverage in any quantity for less than a full monetary consideration.

(E) No licensee or agent or employee of the licensee shall permit any person to become drunk or intoxicated on the premises, nor shall any licensee sell alcoholic beverages to any person who is actually or apparently under the influence of alcoholic beverages, or known to the seller or server to be an habitual drunkard or any person known to the seller or server to have been convicted of drunkenness as many as three (3) times within the most recent twelve (12) month period. No licensee shall permit any person who is actually or apparently under the influence of alcoholic beverages to remain on the licensed premises. As used herein, whether a person is actually or apparently under the influence of alcoholic beverages shall be determined by the licensee or server with specific reference to the principles and guidelines established in mandatory alcohol server training as to the signs of alcohol intoxication.

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

(F) The licensee shall not sell or dispense alcoholic beverages to any person who is under 21 years of age. The licensee shall check all identifications to ascertain that every person attempting to purchase or consume alcoholic beverages is at least 21 years of age.

(G) The licensee shall display at all times in a prominent place a sign at least 8" x 11" in 30 point or larger type which states as follows:

Persons under the age of twenty-one (21) are subject to criminal prosecution if they:

- o Enter licensed premises to buy, or have served to them, alcoholic beverages.
- o Possess, purchase or attempt to purchase, or get another to purchase alcoholic beverages.
- o Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

(H) The licensee, before commencing any business for which a license has been issued, shall post and display at all times in a conspicuous place in the room or principal room where the business is carried on so that all persons visiting the place may readily see the license. The licensee shall not at any time post the license on premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter the license in any respect.

(I) The licensee shall post in a prominent place easily seen by patrons a printed sign at least eight and one-half (8 ½) inches by eleven (11) inches in size, with gender-neutral language supplied by the Cabinet for Health Services, which shall warn that drinking alcoholic beverages prior to conception or during pregnancy can cause birth defects. KRS 243.895.

(J) No wholesaler or distributor shall sell any alcoholic beverages to any person in the City for any consideration except under the usual credit or cash terms of the wholesaler or distributor at or before the time of delivery. No retail licensee shall sell to a purchaser for any consideration except for cash at time of purchase.

(K) No licensee shall knowingly employ in connection with his or her business any person who:

- (1) Has been convicted of any felony within the last two (2) years;
- (2) Has been twice convicted of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors within the last two (2) years;

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

(3) Is under the age of twenty (20) years who will be serving alcoholic beverages or who will be having any contact whatsoever with the sale of alcohol as defined under state statute;

(4) Within two (2) years prior to the date of his or her employment, has had any license revoked for cause.

(L) No licensee shall offer or permit nudity, adult entertainment activities, including nude or nearly nude dancing, adult motion picture, television, slide or stage shows, cabarets or sexual entertainment centers on any licensed premise. No licensee shall permit explicit sexual activity, whether actual or simulated, upon any licensed premises. No licensee shall sponsor or permit wet t-shirt or wet clothing contests, lingerie fashion shows, mud wrestling or similar activities, nor shall a licensee allow dancing with touching for compensation (including but not limited to wages, tips or gratuities), or any other service, display or contest requiring physical contact between patrons and/or patrons and employees on any licensed premises. No licensee shall sponsor, offer or permit drinking contests, all-you-can-drink specials or free drinks on any licensed premise in the city.

(M) No license shall be issued for any premises to operate a vehicle "drive-through" outlet for the sale of alcoholic beverages, nor shall any person or licensee operate or permit such a vehicle drive-through outlet. This prohibition shall not apply to a drive-up window at any premises licensed for retail package liquor, wine or malt beverage, including retail beer, where the primary sales area is arranged for and utilized by persons entering the premises on foot and manually carrying out the products purchased therein.

(N) Retail premises shall not be disorderly.

(1) A retail licensee, a patron, or the, licensee's agents, servants, or employees shall not cause, suffer, or permit the licensed premises to be disorderly.

(2) Acts which constitute disorderly premises consist of causing, suffering, or permitting patrons, the, licensee, or the licensee's servants, agents, or employees to cause public inconvenience, annoyance or alarm or create a risk through:

(a) Engaging in fighting or in violent, tumultuous, or threatening behavior; Making unreasonable noise;

(b) Refusing to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire hazard or other emergency;

(c) Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose;

---

## LONDON - ALCOHOL BEVERAGE CONTROL

---

(d) Creating a public nuisance which is further defined by KRS 241.010 (46);

(e) Engaging in criminal activity that would constitute a capital offense, felony, or misdemeanor: or

(f) Failing to maintain the minimum health, fire, safety, or sanitary standards established by the state or local government, or by state administrative regulations, for the licensed premises.

(Ord. 2016-02, passed 3-11-16)

§ 67.112      *POSSESSION BY MINORS PROHIBITED; NO PERSON SHALL AID  
POSSESSION BY MINORS*

(A) Except as specifically authorized under KRS 241 through 244, no person under the age of 21 may possess alcoholic beverages or enter onto any licensed premises for the purpose of acquiring alcoholic beverages.

(B) As provided in KRS 244.085, no person under the age of 21, except in the company of a parent or guardian, may enter any premises licensed for the package sale of alcoholic beverages. For purposes of this prohibition, "premises" specifically encompasses the entire lot upon which a licensed establishment is situated, including any drive-up window. The prohibition contained in this division (B) shall not apply to premises where the usual and customary business of the establishment is a gas station, convenience store, grocery store, drugstore, or similar establishment.

(C) No person shall knowingly allow, aid, assist, induce, cause or otherwise encourage any minor to be in possession of or use or consume alcoholic beverages. All licensees shall require proof of age of all persons attempting to purchase or consume alcoholic beverages on the licensee's premises.

(D) No person being the owner or occupant or otherwise in possession or control of any property located within the city shall knowingly allow any minor to remain on such property while in possession of, using or consuming alcoholic beverages.

(E) It shall be a defense to any prosecution under this section if the person charged, upon discovery of said minor individuals, manifests a proper effort to enlist the aid of and cooperate with law enforcement personnel in stopping the minor individuals' possession, consumption or use of alcoholic beverages.

(Ord. 2016-02, passed 3-11-16) Penalty, see § 67.999

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

### **§ 67.113      *MALT BEVERAGE KEG REGISTRATION***

(A) As used in this section, “*KEG*” is defined as a container designed and capable of holding six (6) or more gallons of malt beverage.

(B) All retail licensees (herein after referred to as “licensee”) operating within City of London who sell malt beverages in kegs for consumption off the premises of the licensee shall attach a control label. The label must have a control number, and the name of the business. Each label must be affixed to each keg at the time of sale and shall require the purchaser to complete and sign a keg registration form for the keg stating the following:

(1) The purchaser is of legal age to purchase, possess and use the malt beverage;

(2) The purchaser is not purchasing the keg for resale and will not allow any person under the age of twenty-one (21) to consume the malt beverage;

(3) The purchaser will not remove, obliterate or allow to be removed or obliterated the identification label;

(4) The purchaser will state the property address where the keg will be consumed and physically located; and

(5) The purchaser is aware of his/her duty to maintain a copy of the keg registration form visible and readily accessible from the location of the keg.

(C) The licensee shall obtain the name, address and telephone number of the purchaser and shall require the purchaser to produce a valid driver’s license number and, if that is not available, to produce at least one other valid form of identification.

(D) The licensee shall retain copies of the keg registration forms for a period of one year and shall make the keg registration form available for inspection by state and local alcoholic beverage control officers and other enforcement officers.

(E) The keg registration form shall be forwarded to the City ABC Administrator within five (5) working days in all situations when the keg is not returned or is returned with the identification label removed or obliterated.

(F) The City ABC Administrator is authorized to develop appropriate rules and regulations and to develop and make available keg registration forms.

(G) All licensees that sell or offer for sale kegs shall post on the licensed premises a notice provided by the city concerning the provisions of this section.



## LONDON - ALCOHOL BEVERAGE CONTROL

---

(H) It shall be unlawful for any licensee to sell or offer for sale kegs without the identification labels attached and the keg registration form completed. It shall also be unlawful for any person to remove or to obliterate the identification label or to fail to have the declaration form visible and readily accessible from the location of the keg.

(Ord. 2016-02, passed 3-11-16) Penalty, see § 67.999

§ 67.114 *CONSUMPTION ON LICENSED PACKAGE PREMISES PROHIBITED;  
CONGREGATING ON CERTAIN ABC LICENSED PREMISES AND VACANT  
PREMISES PROHIBITED*

(A) (1) No licensee of a package store, whether trafficking in distilled spirits, wine or malt beverages, shall permit consumption of alcoholic beverages on the premises. A licensee shall post a prominent notice on the premises stating that consumption of alcoholic beverages on premises is prohibited.

(2) This restriction regarding on premises consumption shall not prohibit sampling as allowed for microbreweries and wineries under the provisions of KRS Chapter 243, or where sampling is permitted for a retail distilled spirits and wine licensee under the provisions of KRS 244.050, or beer tastings as permitted in 804 KAR 11:030.

(B) No person or entity operating a package liquor store, whether trafficking in distilled spirits, wine or malt beverages, including retail package beer licensees, shall knowingly allow or permit habitual congregating of persons on the unenclosed portion of the licensed premises so as to constitute a public nuisance.

(C) No person or entity being the owner or otherwise in possession or control of any vacant property shall knowingly allow or permit habitual congregating of persons on the unenclosed portion of such property so as to constitute a public nuisance.

(1) No persons shall congregate for the purposes, under the circumstances, or in the places proscribed in divisions (A) and (B) of this section.

(2) It shall be a defense to any prosecution under divisions (A) or (B) of this section if such licensed vendor or property owner shall post or permit law enforcement to post and maintain a legible, painted or printed sign in at least two (2) separate prominent places in such area, in letters of not less than three (3) inches in height, stating that congregating of persons is prohibited and that violators shall be prosecuted for trespass pursuant to KRS 511.080.

(D) As used in this section, the term:

(1) **HABITUAL** shall mean consistent, that is, by frequent practice or use, but not necessarily constant or exclusive;

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

(2) **PACKAGE LIQUOR STORE** shall mean a retail establishment selling distilled spirits, wine and malt beverages in package containers pursuant to licenses issued for those purposes;

(3) **PUBLIC NUISANCE** shall mean any activity that endangers or interferes with the general use and enjoyment of neighboring property, passers-by or the health, safety and welfare of the public; and

(4) **VACANT PROPERTY** shall mean a vacant lot on which no building or other structure exists or property on which any structure is unoccupied or unused, or which otherwise reflects abandonment by the owner or person with the right of occupancy.

(Ord. 2016-02, passed 3-11-16) Penalty, see § 67.999

### **§ 67.115 ENFORCEMENT**

All certified peace officers and the City ABC Administrator are authorized to enforce this subchapter for alleged violations.

(Ord. 2016-02, passed 3-11-16)

### **§ 67.116 CONFLICTS, SEVERABILITY, RECORD OF PROCEEDINGS AND APPEAL**

(A) If any of the provisions of this subchapter are found to be in conflict with applicable statutes or regulations, the applicable statutes and/or regulations shall control.

(B) The invalidity of one or more provisions of this subchapter shall not affect the applicability or enforceability of the remaining provisions.

(C) Upon exhaustion of administrative measures, any party aggrieved may seek appropriate relief in a court of competent jurisdiction.

(D) Any hearing conducted pursuant to this subchapter, whether by the City ABC Administrator or the London City Council shall be recorded to preserve all evidence.

(Ord. 2016-02, passed 3-11-16)

## **ARTICLE VII. QUOTA RETAIL DRINK LICENSES; REGULATORY ALCOHOL BEVERAGE ADVERTISEMENT**

### **§ 67.125 QUOTA RETAIL DRINK LICENSES**

Pursuant to KRS 243.230(2), quota retail drink licenses shall not be issued in any areas or localities subject to the City Council.

(Ord. 2017-09, passed 8-7-17)

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

### **§ 67.126      *SIGNS AND ADVERTISING***

(A) Any advertising by any licensee under this chapter shall be in compliance with this chapter, KRS 244.130, and any regulation promulgated pursuant to KRS 244.130. No licensee shall publish or display advertising that is false or misleading, nor shall any licensee publish or display advertising that implies that consumption of alcoholic beverages is fashionable or the accepted course of behavior, or advertising that contains any statement, picture, or illustration implying that the consumption of alcoholic beverages enhances athletic prowess, whether or not any known athlete is depicted or referred to, nor shall any licensee publish or display advertising that encourages intoxication by referring to the intoxicating effects of alcohol (or use the terms such as "high test", "high proof", or "extra strong") or depicting activities that tend to encourage excessive consumption.

(B) All signs and advertising by a licensee shall be in compliance with all other city ordinances, including but not limited to the City of London Land Development Ordinance. All application signage and advertising requirements concerning or related to alcoholic beverages or the sale, distribution, manufacturing, or distillation thereof may be enforced as set forth through any other ordinance, through the ABC Administrator for the city, or both.

(Ord. 2017-09, passed 8-7-17) Penalty, see § 67.999

### **§ 67.127      *ENFORCEMENT***

All certified peace officers and the City ABC Department are authorized to enforce this article for alleged violations.

(Ord. 2017-09, passed 8-7-17)

## **ARTICLE VIII. SALE OF ALCOHOLIC BEVERAGES BY LICENSED NON-PROFIT GROUPS**

### **§ 67.140      *TITLE***

This article shall be known and may be cited as "An Ordinance Governing The Sale Of Alcoholic Beverages By Licensed Non-Profit Groups; Regulations; Definitions; Restrictions On Outside Events, Insurance Requirements; Responsibilities And Penalties And Repealing Portions Of Ordinance No. 2016-08 And Ordinance No. 2016-09."

(Ord. 2017-04, passed 6-14-17)

### **§ 67.141      *PURPOSE***

The purpose of this article is to establish uniform regulations and requirements for the licensing and regulation of alcoholic beverage pursuant to authorization of KRS 241 through 244, and allow temporary licenses, repeal requirements of fencing and vegetation with patio and outdoor

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

sales, to change the hours of sale for both package stores and restaurants, and change the penalties for violation of this article.

(Ord. 2017-04, passed 6-14-17)

### **§ 67.142      *DEFINITIONS***

The definitions of the words used throughout this article, unless the context requires otherwise, shall have the same meaning as those set out in the Kentucky Alcoholic Beverage Control law (KRS Chapters 241, 242, 243 and 244) of the Commonwealth of Kentucky and all amendments and supplements thereto.

(Ord. 2017-04, passed 6-14-17)

### **§ 67.143      *INCORPORATION OF STATE LAW***

(A) The provisions of the State Alcoholic Beverage Control laws contained in KRS Chapters 241, 242, 243, and 244, pertaining to licenses and regulations of the State Alcoholic Beverage Control Board, including definitions contained therein, as well as amendments and supplements thereto, are hereby adopted as part of the alcoholic beverage control law of the city, except as otherwise lawfully provided herein.

(B) No person shall sell, deal in, barter or exchange or possess for sale, or for the purpose of evading any law or ordinance, give away any alcoholic beverage in any quantity whatever, or cause the same to be done, without complying with all of the provisions of this article and other City of London Ordinances. Penalties for violation thereof are in § 67.999.

(Ord. 2017-04, passed 6-14-17)

### **§ 67.144      *ADOPTION OF STATE LAW***

The provisions of the Alcoholic Beverage Control Law of the Commonwealth of Kentucky (KRS Chapters 241, 242, 243 and 244) and all amendments and supplements thereto are adopted and are applicable to this article except as otherwise lawfully provided herein.

(Ord. 2017-04, passed 6-14-17)

### **§ 67.145      *TEMPORARY LICENSE***

(A) Temporary license. A special temporary license may be issued only as set out in KRS 243.260 and 804 KAR 4:250.

(B) 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 thirty (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.

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

(C) The fee for a Special Temporary License application is \$166.66.

(D) An application for a special temporary license pursuant to KRS 243.260 and shall be on a Special Temporary License Application form, incorporated by reference in 804 KAR 4:410.

(E) The applicant shall complete and submit the form to the City of London ABC Department in sufficient time to act on the application prior to submitting the same to the Department of Alcoholic Beverage Control; it is required that the applicant submit their application to the Kentucky Department of Alcoholic Beverage Control no later than five (5) working days prior to the date for which the license is requested. The timeliness of the application is the entire responsibility of the applicant.

(F) For purposes of the issuance of special temporary licenses pursuant to KRS 243.260, in such are limited to:

(1) Non-profit charitable organizations, or

(2) A for-profit individual, corporation, or organization, if the license will be used in conjunction with an organized civic or community sponsored event in keeping with KRS 243.260.

(3) Temporary Licenses will not be granted at any time to anyone during the World Chicken Festival. Caterers may not set up inside or outside of the World Chicken Festival perimeter, or offer for sale any malt beverage, wine, or distilled spirit.

(G) Application for a temporary alcoholic beverage license shall be made to the City ABC Department. All restrictions and prohibitions applying to regular retail drink distilled spirits and wine licenses and retail malt beverage licenses shall apply to the special licenses, unless otherwise provided by law. A special temporary license for a qualifying event shall not be issued unless the purported licensee can demonstrate to the City ABC Department that adequate safeguards will be in place to prevent persons who are under the age of 21 from purchasing or consuming alcoholic beverages and that adequate security will be present to prevent unruly or disruptive behavior. All plans are to be reviewed and approved by the City ABC Department before submitting the application to the Department of Alcoholic Beverage Control.

(H) If the event is outdoors, the following is required for the issuance of a Special Temporary License:

(1) There must be a clearly defined marked perimeter around the area in which alcohol is being sold and consumed. The area may include the entire event area (so that those who have purchased alcohol can take it elsewhere within the event. In this case, the event area must

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

have signs posted prominently around the event perimeter or exit points with a notice reading "No Alcohol Beyond This Point" or "No Open Containers Beyond This Point", or the area may also consist of a fenced beer garden with the rest of the event area open.

(2) Event patrons who may lawfully purchase alcohol during an event must be identified with a nontransferable wrist band on the right wrist. It is the event organizer's responsibility to have enough wrist bands. If the wrist bands run out, no new event patrons may be served alcohol.

(3) No alcohol that is sold within the designated alcohol area may leave that area and no outside alcohol may be brought into the designated alcohol area. Every entrance and exit point must be staffed to enforce this policy.

(4) For any events after dusk, lighting is required. The lighting shall be of a subdued nature and not imposing on any adjacent property.

(5) The licensee shall at all times ensure that the operation of an outdoor event does not unreasonably interfere with the quiet enjoyment of neighboring properties.

(6) All event organizers and/or vendors/applicants must be insured for any type of liability and have a "Host Liquor Provision" stated on the insurance policy. The City of London does not provide insurance coverage for this event. No minor (under 21 years of age) shall be served or permitted to consume alcoholic beverages. The applicant must submit a Certificate of Insurance evidencing General Liability insurance covering the use of City property within minimum limits of \$1,000,000.00 per occurrence, naming the City of London, its officers, directors, employees, agents, members, Councilpersons, and Mayor as additional insureds on the General Liability policy. A copy of the Applicant's liability insurance must be submitted to the City ABC Department with the application and reviewed for approval in advance of the requested date of use. The Certificate of Insurance must be signed.

(7) The event organizers and/or vendor/applicant agrees by submitting an application for the same to assume all responsibility, risks, liabilities, and hazards incidental to the activities applied for (including, but not limited to the sale or serving of alcoholic beverages), and hereby releases and forever discharges the City of London, Mayor, its officers, directors, employees, agents, members, and Councilpersons, present, past, and future, from any and all claims, costs, causes of action, and liability for personal injury or death and damage to or destruction of property arising from the use of the facility or property and its appurtenances. The event vendor/applicant hereby further agrees that alcohol beverages that are sold or served at the event shall not be served or allowed to be provided to minors and shall only be provided to or served to adults in a responsible manner.

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

(8) Any violation of this Ordinance shall be cause to refuse the issuance of such a special purpose license or permit to such applicant, person, or organization, for a period of three (3) years.

(Ord. 2017-04, passed 6-14-17)

### **§ 67.146      *MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING***

(A) All persons employed in the selling and serving of alcoholic beverage shall participate in and complete a City approved Responsible Beverage Server Training Program. For a responsible beverage server training program to be approved by the City of London, it must effectively train its participants in the identification of false age documents and recognition of characteristics of intoxication. This training must also follow the Commonwealth of Kentucky Alcohol Beverage Control Requirements. The City will not require enrollment in particular classes, but only that the training be obtained from a recognized program meeting the goals expressed in this article.

(B) All persons required to complete training, under paragraph (A) above shall complete before the trainee serves or sells their first alcoholic beverage. All persons completing the training required by this section shall be recertified in responsible beverage service training, by a City approved program not less than once every three years thereafter. When a new business is licensed to serve alcoholic beverages all employees selling or serving alcoholic beverages must be trained prior to the opening of the business.

(C) The manager and/or licensee of the restaurant or store shall be responsible for compliance with these training requirements and shall maintain on premises for inspection by the City ABC Administrator or his designee a record or file on each employee that shall contain the pertinent training information. The manager shall cause a report to be filed with the City ABC Administrator on January 1st, April 1st, July 1st and October 1st of each year of all current employees. This report shall include the employee name, date of birth; hire date, driver license number, position held, server trained and training date. Each premise licensed hereunder must at all times when alcoholic beverages are being served have at least one person currently certified in responsible beverage service training on duty.

(Ord. 2017-04, passed 6-14-17)

### **§ 67.147      *PATIO AND OUTDOOR SALES***

(A) Patio and outdoor sales of alcoholic beverages shall be permitted only on premises licensed for sales of alcoholic beverages by the drink. Restaurants are not required to have fencing or vegetation surrounding their outside patio. All alcoholic drinks taken to outside patios must be served in glasses; no disposable drink ware will be permitted. Alcoholic drinks are not to be taken outside of the exterior designated dining area of said restaurants.

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

(B) Licensees may request to be permitted as sidewalk cafes that serve food and alcoholic beverages as an adjunct to the primary and adjacent licensed premises. In the case of permitted sidewalk cafes, they shall be deemed part of the licensed premises. Any food establishment which operates a restaurant and is licensed under this Ordinance and the provisions of the state ABC code, may, upon application to the local ABC administrator, ask permission to expand the operation of that restaurant onto a part, and only that part, of the public sidewalk which immediately adjoins the licensed premises (hereinafter referred to as "sidewalk café").

(C) The issuance of a permit shall be subject to the following conditions and restrictions; provided, however, that the ABC Administrator may without adverse hearing procedures impose additional reasonable restrictions or withdraw approval upon the operation of any sidewalk café 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.

(D) No sidewalk café shall be permitted in any portion of the public sidewalk where normal pedestrian traffic flow is obstructed. A minimum clearance width of thirty-six (36) inches must be maintained on the public sidewalk at all times. The sidewalk café shall not be permitted in any manner to obstruct the entrance/exit to the restaurant.

(E) No tables, chairs or any other furnishings, except plant tubs, shall be placed in the area used for the sidewalk café during any period when the sidewalk café is not open and being operated. They shall be removed at the end of each business day at the hour specified in the permit. Umbrellas, tables, chairs, and other portable appurtenances shall be confined to the area shown on the approved Permit. While such café is in operation, all tables and chairs shall be kept in a clean, sanitary condition.

(F) The use of a portion of the public sidewalk as a sidewalk café 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.

(G) The licensee shall, in addition to all other requirements of law, insure that alcoholic beverages are consumed only by patrons of the establishment who are of age, and not by passersby or persons who are not of age or who are obviously or apparently intoxicated.

(H) No disposable cups or drinking vessels may be used and the licensee shall not permit any alcoholic beverages to be taken off premises by patrons, customers or guests.

(I) 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.

(J) The permit for sidewalk café may not be assigned or transferred.



## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

(K) No sidewalk café permit shall be effective unless the licensee has filed with the ABC 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 of not less than the same amount of liability insurance coverage of the City of London. The City, Mayor, City Council, and its agents and employees shall be named an additional insureds in the policy required. Such insurance policy shall further provide expressly that it may not be canceled except upon ten (10) day's written notice (or more) filed with the ABC Administrator.  
(Ord. 2017-04, passed 6-14-17)

### **§ 67.148      *EXPIRATION OF LICENSE***

All licenses issued under the Master File System expire August 31.  
(Ord. 2017-04, passed 6-14-17)

### **§ 67.149      *HOURS OF SALE***

(A) Retail Sale on Licensed Premises. Premises for which there had been granted a license, the retail sales of alcoholic beverages either by the drink or in package stores, shall be permitted to remain open between the hours of 6:00 a.m. and 12:00 midnight each day of the week, except as stated below.

(B) Extended Hours are no longer permitted in the City of London and the Extended Hours Supplemental License is not offered in the City of London.

(C) The licensee may sell and dispense alcoholic beverages on New Year's Eve until 2:00 a.m. on January 1, regardless of the day of the week on which New Years Eve occurs, provided that the appropriate licenses have been obtained from both the City and State ABC Commission.

(D) Control of Premises during Closing Hours. During the closing hours, the premises of any license for the sale of alcoholic beverages by the drink must be closed to and vacant of all customers and all persons except the licensee and his employees, who shall be allowed on the premises for business purposes only. Alcoholic beverages shall not be sold, given away, delivered or consumed by anyone in any room of the premises during the closing hours and no parties, private or public, shall be held on the premises. The premises shall not be loaned, rented or leased to anyone during closing hours for a party or for any other purposes.  
(Ord. 2017-04, passed 6-14-17)

### **§ 67.150      *ENFORCEMENT***

All certified peace officers and the City ABC Department are authorized to enforce this article for alleged violations.  
(Ord. 2017-04, passed 6-14-17)

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

### **§ 67.999      *PENALTIES***

(A) Any person who violates any provision of this chapter for which no specific penalty is provided shall be guilty of a misdemeanor and shall, in addition to other penalties provided by law, be subject to the following penalties:

(1) For the first offense a fine not to exceed five hundred dollars (\$500.00).

(2) For any subsequent offense a fine not to exceed five hundred dollars (\$500.00) or confinement in jail not more than six (6) months, or both.

(B) Any proceeding for the revocation of any license issued hereunder shall be governed in accordance with the provisions of KRS 243.480.

(C) In addition to any criminal prosecution instituted in Laurel District or Circuit Court against an alleged violator pursuant to division (D) of this section or under other state law, the City ABC Administrator may assess the penalties authorized in KRS 243.480, including the per diem fine assessments for ongoing violations. Payment of all fines imposed by the ABC Administrator shall be made to the city to be deposited in the appropriate designated account. For any violation of §§ 67.085 through 67.116 for which civil fines under KRS 243.480 are not applicable or appropriate, the City ABC Administrator may impose a fine of between fifty (\$50.00) dollars to one hundred (\$100.00) dollars, per violation, per day. Civil fines issued under this division may be appealed to the London City Council in the same manner as set out in § 67.097. If the offending licensee is a partnership, LLC, corporation, or any other business entity, the fines may be levied against the organization or against the principal officers or agents responsible for the violation.

(D) Any person, firm or corporation who violates any of the provisions of §§ 67.085 through 67.116, for which no other penalty is hereby provided, shall, for the first offense, be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) or imprisoned in the county jail for not more than six (6) months, or both, and for the second and each subsequent violation, he or she shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) or imprisoned in the county jail for not more than six months, or both. The penalties provided for in this division shall be in addition to the revocation or suspension of the offender's license. Each day that an offending condition is present shall constitute a separate offense. If the offender is a corporation, LLC, joint stock company, association or other business organization, or a fiduciary, the principal officer or officers responsible for the violation may be fined, imprisoned, or both.

(E) Any person who violates any provision of §§ 67.125 through 67.127 for which no specific penalty is provided shall in addition to other penalties provided by law, be subject to the following penalties:

(1) For the first offense, a fine not to exceed one thousand dollars (\$1,000.00).

## **LONDON - ALCOHOL BEVERAGE CONTROL**

---

(2) For any subsequent offense, a fine not to exceed two thousand dollars (\$2,000.00) or confinement in jail not more than six (6) months, or both.

(3) For a third offense, the offender's license will be revoked.

(F) Any person who violates any provision of §§ 67.140 through 67.150 and Ordinance No. 2016-08 and Ordinance No. 2016-09 for which no specific penalty is provided shall in addition to other penalties provided by law, be subject to the following penalties:

(1) For the first offense, a fine not to exceed One Thousand Dollars (\$1,000.00).

(2) For any subsequent offense, a fine not to exceed Two Thousand Dollars (\$2,000.00) or confinement in jail not more than six (6) months, or both.

(3) For a third offense, the offender's license will be revoked.  
(Ord. 2005-01, passed 2-7-05; Am. Ord. 2016-02, passed 3-11-16; Am. Ord. 2017-04, passed 6-14-17; Am. Ord. 2017-09, passed 8-7-17)

# LONDON - ALCOHOL BEVERAGE CONTROL

## **CHAPTER 69: MOBILE SELF-CONTAINED FOOD UNIT PROGRAM**

---

69.001	Established
69.002	Mobile food unit requirements
69.003	Exemptions
69.004	Program administration
69.999	Penalty

### **§ 69.001      *ESTABLISHED***

There is hereby established a program for mobile self-contained food unit vendors to lawfully operate on limited public property and certain designated private property which are zoned commercial but is otherwise limited as herein stated below, to otherwise be known as the “Mobile Self-Contained Food Unit Program” (hereinafter referred to as the “program”).  
(Ord. 2017-10, passed 10-9-17)

### **§ 69.002      *MOBILE FOOD UNIT REQUIREMENTS***

The mobile food unit must be a self-contained, limited service food facility which is mechanically electrically, manually, or otherwise propelled vehicle or pulled by a vehicle. Mobile units must be mobile at all times during operation. The unit must be on wheels at all times.

- (A) The unit must be constructed in an approved manner with overhead protection.
- (B) If food or beverages are prepared on the unit, the following are required:
  - (1) The appropriate sinks are required on the vehicle if sinks are not located at the commissary, either:
    - (a) A commercial dishwasher with an approved two-bowl sink and attached drainboards or a three-bowl sink with drainboards; or
    - (b) A two-bowl sink with attached drainboards; and
    - (c) For coffee (excluding cappuccino) a one-bowl sink with attached drainboard;
  - (2) Approved cooking and hot holding equipment;
  - (3) An approved exhaust system installed for grease-type cooking with an approved source of make-up air. The exhaust system must also conform to the current (NFPA) National Fire Protection Code. (This does not apply to push carts);
  - (4) Approved refrigeration;

## **CHAPTER 69: MOBILE SELF-CONTAINED FOOD UNIT PROGRAM**

- (5) A handwash sink;
- (6) Approved food preparation table(s);
- (7) Approved source of water supply on the mobile food unit;
- (8) No waste lines from the mobile food unit onto the property;
- (9) no mobile food unit may use any water, sewer or electrical source that is not self-contained on the mobile unit itself;
- (10) Approved food storage areas with adequate shelves;
- (11) Approved sneeze protection.
- (C) If only pre-packaged foods are available on the vehicle the following are required:
  - (1) Approved refrigeration for cold foods;
  - (2) Approved hot holding units for hot foods;
  - (3) Approved storage areas with adequate shelves.
- (D) Commissary. Mobile food units may operate from a commissary or other fixed food facility and report daily to such location for all food and supplies and again for all cleaning, servicing operations and waste disposal.
  - (1) The commissary (if located in a residence) must be separate from a residential kitchen.
  - (2) Approved source for water supply on the mobile food unit.
  - (3) Utensil washing facilities may be located either at the commissary or on the mobile food unit; but shall be either:
    - (a) A commercial dishwasher in addition to commercial two-bowl sink with attached drainboards or a commercial three-bowl sink with attached drainboards; or
    - (b) A commercial two-bowl sink with attached drainboard; and
    - (c) For coffee (excluding cappuccino) a one-bowl sink with attached drainboard;

## **CHAPTER 69: MOBILE SELF-CONTAINED FOOD UNIT PROGRAM**

---

- (4) Designated food preparation sink(s) with approved indirect waste lines(s);
- (5) Commercial cooking and hot holding equipment;
- (6) An exhaust system installed for grease-type cooking with an approved source of make-up air. The exhaust system must conform to the current (NFPA) National Fire Protection Association Code.
- (7) Adequate ventilation to prevent excessive steam, heat, vapor condensation, and the like;
- (8) Commercial refrigeration;
- (9) A handwash sink in each food preparation area;
- (10) Food preparation tables;
- (11) A mop sink located within the facility;
- (12) Approved food storage areas with adequate shelves;
- (13) Employee restroom(s) (also refer to ACHD Plumbing Code);
- (14) Adequately shielded lighting when food is exposed;
- (15) Floors, walls and ceilings must be smooth, durable and easily cleanable.
- (16) Additional equipment may be required upon review of plans. All equipment and utensils must conform to National Sanitation Foundation (NSF) standards or other equivalent standards in food industries where NSF standards do not apply.  
(Ord. 2017-10, passed 10-9-17) Penalty, see § 69.999

### **§ 69.003      *EXEMPTIONS***

Non-profit (501(3)(c)) organizations are exempt from the requirements of this chapter.  
(Ord. 2017-10, passed 10-9-17)

### **§ 69.004      *PROGRAM ADMINISTRATION***

The program shall be conducted as follows:

- (A) This program shall be limited to the use of public property either streets, public parking lots or city property as identified by motion of the London City Council, except,

## **CHAPTER 69: MOBILE SELF-CONTAINED FOOD UNIT PROGRAM**

(B) The program shall also be limited to private property wherein the mobile self-contained food unit vendor has a written lease with the property owner, but not within one hundred (100) feet of any currently located vendor who pays a "restaurant tax" as defined by other ordinances of the city.

(C) An applicant for the program must possess a mobile self-contained food unit vendor permit or license for each mobile self-contained unit operated by said vendor; the City Clerk shall issue such a license upon the vendor meeting the requirements of this chapter or for a license in the amount of one hundred twenty five dollars (\$125.00) per year.

(D) The maximum size of any mobile self-contained unit on public property shall not exceed the width of any marked parking space in the areas designated by the City Council. If the space is not marked or it is on private property, the width of the unit shall not exceed a total of eight (8) feet.

(E) A non-refundable application fee of twenty five dollars (\$25.00) shall accompany each application for a license.

(F) As a condition of participating in the program, each person receiving a license must sign a verified statement that he or she agrees to conform and abide by the requirements of this chapter and shall maintain a comprehensive general liability policy in a minimum amount of not less than one million dollars (\$1,000,000.00) with the city listed as an insured. A copy of the same shall be attached with all applications before a license is issued.

(G) The City Clerk shall issue a form which shall be displayed by the vendor at all times while conducting business as a part of this program.

(H) The license so issued is not transferrable and the issuance of the license does not create or confer a property interest of any kind.

(I) In addition to those penalties as further provided in this chapter, a violation of this chapter shall result in the automatic revocation of the program license. A license may also be suspended or revoked by the Building Inspector or his or her designee based upon a finding that the licensee has failed to abide by the requirements of this chapter.

(J) Licensees shall be allowed to lawfully operate Monday - Sunday between the hours of 7:00 a.m. and 9:00 p.m. in the city-owned parking spaces in the areas designated by the City Council to be on street food vending zones or on private property as allowed in this chapter. In addition to the hours stated hereinabove, vendors may also be allowed to operate on city property during other occasions and times as determined by the City Council.

(K) The licensee may not operate or locate within one hundred feet (100) from the primary entrance of any business establishment that pays a city restaurant tax as that tax is



## **CHAPTER 69: MOBILE SELF-CONTAINED FOOD UNIT PROGRAM**

determined or stated in other city ordinances. No vendor issued a license under this chapter shall sell any alcoholic beverages.

(L) No Such vendor may locate or operate within an area zoned as a residential district under the City of London Development ordinance or within one hundred feet (100) of the property line of a dwelling unit located in an area zoned as a residential district except in city parks as determined and approved by the City Council.

(M) Prior to the location of any mobile self-contained food unit vendor, the affidavit referred to hereinabove must be supported by a written statement and documentation from the Laurel County health Department of inspection of the mobile self-contained unit.

(N) Prior to the location of any mobile self-contained unit, the application must be signed by the Chief of the City of London Police Department or his or her designee and the Chief of the City of London Fire Department or his or her designee that the vendor's location does not endanger the public health, safety or welfare of the citizens of the city.

(O) The mobile self-contained vendor shall remain open for business at all times while located on public or private property that is made available as a part of this program. "Open for Business" includes setting up or breaking down the unit. No mobile self-contained unit may remain on public or private property while not in use and shall not remain on public or private property overnight. the self-contained vendor unit must be removed from the property at the end of each day. The licenses issued herein may be suspended if the location of the mobile self-contained unit presents a hazard to the health and safety of the citizens of the city for any reason.

(P) The location of the mobile self-contained food unit must allow for proper vehicular and pedestrian access and circulation on the side, including required fire access.

(Q) The mobile self-contained food unit vendor shall provide trash and recycling containers sufficient in size to collect all waste and recyclables generated by customers and staff of the vendor. The vendor shall pay to the city for the trash and recycling containers at the same fee and expense of other businesses in the city. The vendor shall also be responsible for any litter or debris located within a twenty (20) foot radius of their unit, including sidewalks in the immediate vicinity. No vendor shall locate, operate, or vend inside an event authorized by the city without the express written permission of the City Council and the special event coordinator; this includes any London Downtown, City of London Tourism and Commission Convention, London-Laurel County Tourism, or the London Chicken Festival events.

(R) No vendor shall use any electrical outlet or water line located within the public right-of-way or on public property unless specifically authorized by the city. The vendor shall not block access to use of any public bench or any public utility pole or set up any chairs or any table on the public right-of-way. The vendor shall not in any manner damage public property or the

## **CHAPTER 69: MOBILE SELF-CONTAINED FOOD UNIT PROGRAM**

public right-of-way. Examples include but are not necessarily limited to the use of stakes, rods, or any method that is required to be drilled, driven, or otherwise fixed in an asphalt pavement, curb, bricks, sidewalks, or buildings. The vendors shall be solely responsible for any such damage. The vendor must provide their own water and electric source.

(Ord. 2017-10, passed 10-9-17) Penalty, see § 69.999

### **§ 69.999      *PENALTY***

Any person convicted of violating any provision of this chapter shall be subject to a fine of not less than two hundred fifty dollars (\$250.00) or not more than five hundred dollars (\$500.00). Each day shall constitute a separate violation under this chapter.

(Ord. 2017-10, passed 10-9-17)

## **TITLE 7: HOUSING AND BUILDING REGULATIONS**

---

**CHAPTER 70**

**BUILDING REGULATIONS**

**CHAPTER 71**

**FIRE PREVENTION AND PROTECTION**

**CHAPTER 72**

**HOUSING REGULATIONS**

**CHAPTER 73**

**MOBILE HOMES AND TRAILER PARKS**

# **LONDON - HOUSING AND BUILDING REGULATIONS**

---

## **CHAPTER 70: BUILDING REGULATIONS**

### **ARTICLE I. GENERAL PROVISIONS**

70.001	Adoption of Kentucky Building Code
70.002	Enforcement
70.003	Adoption of the Property Maintenance Code

### **ARTICLE II. BUILDING PERMITS; CERTIFICATES OF OCCUPANCY**

70.100	Issuance
70.101	Fees
70.999	Penalty

### **ARTICLE I. GENERAL PROVISIONS**

#### **§ 70.001 ADOPTION OF KENTUCKY BUILDING CODE**

(A) The Kentucky Building Code, as promulgated in 815 KAR 7:105 by the Board of Housing, Buildings and Construction, Commonwealth of Kentucky; the Kentucky Plumbing Code \_\_\_\_\_ Edition; the National Electrical Code, \_\_\_\_\_ Edition, together with any amendments, are hereby adopted by reference as if fully set forth in this code of ordinances.

(B) Copies of the above codes, and any amendments thereto, shall be placed on file in the office of the City Clerk and shall be available for public inspection during normal business hours.

(C) Electrical inspectors, designated by City Council shall be residents of Laurel County and shall be licensed by the Commonwealth of Kentucky as duly qualified and certified to conduct such electrical inspections. Such persons shall file with the Mayor an inspection fee schedule. (Ord. 1002, passed 12-3-01)

#### **Cross reference:**

Fire prevention, adoption of Kentucky Standards of Safety, see § 71.001  
Housing regulations, adoption of existing structures code, see § 72.001  
Development code, see Ch. 80  
Penalty for violation, see § 80.999

#### **§ 70.002 ENFORCEMENT OF CODES**

The codes adopted in § 70.001 shall be enforced by the Building Inspector who shall be appointed by the city.

#### **Cross reference:**

Personnel Policies, Building Inspector, see § 27.825

## **LONDON - BUILDING REGULATIONS**

---

### **§ 70.003      *ADOPTION OF PROPERTY MAINTENANCE CODE***

A certain document, three (3) copies of which are on file in the office of the London Kentucky Building Inspector, being marked and designated as the International Property Maintenance Code as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code of the City of London, Kentucky; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes. Each and every ordinance of the City of London that references other building or construction codes is hereby adopted by reference thereto.

(Ord. 2009-01, passed - -; Am. Ord. 2011-04, passed 5-2-11)

---

**Cross reference:**

Penalty for violation, see § 70.999

### **ARTICLE II. BUILDING PERMITS; CERTIFICATES OF OCCUPANCY**

#### **§ 70.100      *ISSUANCE***

The Building Inspector shall be responsible for inspecting building sites and issuing buildings permits and certificates of occupancy in compliance with applicable city ordinances and the laws of the Commonwealth of Kentucky.

---

**Cross reference:**

Development Code, Buildings Permits, see § 80.201

Certificates of Occupancy, see § 80.203

#### **§ 70.101      *FEES***

The Building Inspector shall be responsible for the collection of all fees incidental to the issuance of building permits and certificates of occupancy.

---

**Cross reference:**

Development Code, schedule of fees, charges and expenses, see § 80.202

#### **§ 70.999      *PENALTY***

(A) Violators of the Uniform State Building Code or the Uniform State Residential Code adopted in § 70.001 shall, upon conviction, be subject to a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each offense.

(KRS 198B.990(1))

## **LONDON - BUILDING REGULATIONS**

---

(B) In keeping with the International Property Maintenance Code, Section 106 and 107, and pursuant to KRS 532.020 and KRS 534.040, a violation of § 70.003 is a Class B misdemeanor which is punishable by a maximum of not more than ninety (90) days sentence of imprisonment and not more than two hundred and fifty dollars (\$250.00) fine or both. Each day of violation after notice by the Code Official shall be deemed a separate violation. The Code Official may seek the assistance of the London City Police and/or City of London Safety Officer in providing notices and citations.

(Am. Ord. 2011-04, passed 5-2-11)

## **LONDON - BUILDING REGULATIONS**

---



## CHAPTER 71: FIRE PREVENTION AND PROTECTION

### ARTICLE I. GENERAL PROVISIONS

71.001	Standards of Safety adopted by reference
71.002	Enforcing officers
71.003	Obstructing entrance to fire station
71.004	Obstructing fire hydrants
71.005	Fire alarm siren
71.006	Fire reports
71.007	Fire safety plan inspections of businesses

### ARTICLE II. EXPLOSIVES

71.100	Authority; scope
71.101	Storage; transportation; use
71.102	Blasting permits

### ARTICLE III. FIREWORKS

71.200	Definitions; legality of items
71.201	Sale or use prohibited; exceptions
71.202	Consumer fireworks; restrictions on sale
71.203	Bond or liability insurance requirement
71.204	Exempted sales and uses
71.205	Seizure and sale of fireworks; notice of proposed disposal required
71.999	Penalty

### ARTICLE I. GENERAL PROVISIONS

#### § 71.001 *STANDARDS OF SAFETY ADOPTED BY REFERENCE*

(A) The most current edition of the Standards of Safety, and all codes a part thereof, as promulgated by the office of the State Fire Marshal of Kentucky, is hereby adopted, in full, by reference, as if fully set out herein.

(B) A copy of the most current edition of the Standards of Safety shall be on file in the office of the City Clerk and available for public inspection.

---

#### Cross reference:

Penalty for violation, see § 71.999  
Public records, Ch. 24

## **LONDON - FIRE PREVENTION AND PROTECTION**

---

### **§ 71.002      *ENFORCING OFFICERS***

The Chief of the Fire Department, along with all other officers, agents, and employees of the city are charged with the enforcement of the provisions of such Standards of Safety.

---

**Cross reference:**

Building regulations, see Ch. 70

Fire department, see §§ 22.100 - 22.110

### **§ 71.003      *OBSTRUCTING ENTRANCE TO FIRE STATION***

No person shall park a vehicle of any description or place other material within twenty (20) feet of the entrance of the fire station.

(Ord. 228, passed 10-9-26)

---

**Cross reference:**

Penalty for violation, see § 71.999

### **§ 71.004      *OBSTRUCTING FIRE HYDRANTS***

No person shall park a vehicle of any description, or place other material, within twenty (20) feet of any fire hydrant within the city.

(Ord. 247, passed 10-5-28)

---

**Cross reference:**

Penalty for violation, see § 71.999

### **§ 71.005      *FIRE ALARM SIREN***

The fire alarm signal shall be by electric siren operated by the telephone exchange.

(Ord. 228, passed 10-9-26)

### **§ 71.006      *FIRE REPORTS***

The owner of each property involved in a damaging fire within the city limits of the city shall file a fire report with the fire department. Such filing shall be made within three (3) calendar days after the occurrence of the fire.

(Ord. 562, passed 1-10-69)

---

**Cross reference:**

Penalty for violation, see § 71.999

## **LONDON - FIRE PREVENTION AND PROTECTION**

---

### **§ 71.007      *FIRE SAFETY PLAN INSPECTIONS OF BUSINESSES***

(A) The purpose of this section is to establish and outline a method of fire safety inspection of buildings within the city. The safety inspection allows members of the City of London Fire Department ("Fire Department") to prepare prior to any fire to have ready information of the layout of the structure and to identify the location of any combustible or hazardous materials used or stored on the premises.

(B) The Fire Department is authorized to conduct a fire safety pre-plan for all business structures in the city. The term "business structure" as used in this section is intended to mean all for profit and non-profit businesses, educational buildings, religious buildings or other assembly (public or private) structures located in the city.

(C) The fire safety pre-plan shall include information gathered by the Fire Department for an on-site inspection of the property and from other information provided by the business owner or person who has general control over entry to the premises. The Fire Department shall give the business owner or manager at least twenty four (24) hours telephone or written notice prior to arriving at the business location and shall make the appointment at a mutually convenient time and date. The information to be included in the fire safety pre-plan may include, but is not limited to:

(1) The maximum number of employees or other occupants and work location and/or seating chart and seating capacity of the business.

(2) Usual means of ingress and egress to the structure, identifying the doorways and other entrances or exits to the structure and any written emergency evacuation routes and/or procedures of the business. If the owner or person controlling entry into the business has an emergency preparedness plan, the Fire Department should be allowed to view and/or copy the plan.

(3) If any combustible or hazardous materials are stored on the business premises, the location and identification of the materials should be made known to the Fire Department. If the nature of the business requires it to do so, the location of the Material Safety Data Sheet will be made known to the fire Department.

(4) The Fire Department may check exit signs and emergency lighting of the business.

(5) The inspection report shall reflect whether the business has a Knox box and shall update both the Fire Department and the owner or manager of the business if the key allows entry to the building and other information in the Knox box.

## **LONDON - FIRE PREVENTION AND PROTECTION**

---

(6) The Fire Department shall report, either in writing or verbally, to the business owner or manager the results of the fire safety pre-plan.

(D) The Fire Department shall attempt to perform the safety pre-plan at least every two (2) years. The Fire Department shall report to the City Council the number of businesses it has inspected and shall also report the identity of any businesses that have refused to allow such inspection.

(E) This section is not intended and does not create additional legal duties or responsibilities for either the city and its Fire Department or the business owner or manager. The purpose of this section is to eliminate any known or potentially dangers or hazards that might be made known, to provide the opportunity for the manager/owner of the business to allow for an inspection of the premises to provide at least an outline of the business premises that might mitigate the dangers ordinarily associated with fighting and extinguishing fires in businesses.

(Ord. 2017-02, passed 4-3-17)

# **LONDON - FIRE PREVENTION AND PROTECTION**

---

## **ARTICLE II. EXPLOSIVES**

### **§ 71.100      *AUTHORITY; SCOPE***

(A)      This article shall apply to the manufacture, possession, storage, sale, transportation, and use of explosives and blasting agents.

(B)      This article shall not apply to:

(1)      Explosives or blasting agents while in the course of transportation via railroad, water, highway, or air when the explosives and blasting agents in the normal and emergency operation of state or federal agency are moving under the jurisdiction of, and in conformity with, regulations adopted by any federal or state department or agency.

(2)      The transportation and use of explosives or blasting agents in the normal and emergency operation of state or federal agencies nor to municipal fire and police departments, providing they are acting in their official capacity and in the proper performance of their duties.

(3)      Small arms ammunition and components thereof, which are subject to the Gun Control Act of 1968 (Title 18, Chapter 44 U.S. Code) and regulations promulgated thereunder.

(4)      Blasting standards KRS 351.320, 351.330, and 351.340 and Regulations 805 KAR 4:010 through 4:060.

(5)      Explosives or blasting agents being used on the site of federal or state projects.

(Ord. 928, passed 7-28-97)

---

**Cross reference:**

Penalty for violation, see § 71.999

### **§ 71.101      *STORAGE; TRANSPORTATION; USE***

All activities within the scope of this article shall conform to the regulations of the Kentucky Department of Mines and Minerals 805 KAR 4:010 through 805 KAR 4:165.

(Ord. 928, passed 7-28-97)

---

**Cross reference:**

Penalty for violation, see § 71.999

## **LONDON - FIRE PREVENTION AND PROTECTION**

---

### **§ 71.102      *BLASTING PERMITS***

(A) No person or corporation shall conduct a blasting operation within the city without first obtaining a permit from the Building Inspector.

(B) The fee for a blasting permit or permit renewal shall be thirty dollars (\$30.00).

(C) No person or corporation shall be issued a permit to blast on private property with more than five (5) pounds of explosives unless the person in charge of the blasting holds a valid Kentucky Blaster License.

(D) The blasting permits shall specify the location of the blasting to be permitted.

(E) In the event that a project is not completed, blasting permits must be renewed annually upon the applicant's payment of the renewal fee.

(F) A permit allowing blasting shall be issued upon application but, on public property, shall not become valid until seven (7) days after its issuance.

(G) If unanticipated blasting is required, the permit may become valid as soon as the Building Inspector notifies all required agencies.

(H) On any contract issued by an agency of the city, blasting permits shall be issued by the Building Inspector unless otherwise specified in said contract.

(I) False statements, made for the purpose of obtaining a permit, shall render the permit null and void from the time of issue.

(J) Copies of the blasting permit shall be distributed by the Building Inspector to the following required agencies: Police Department, Fire Department and Utility Commission.  
(Ord. 928, passed 7-28-97)

---

#### **Cross reference:**

Penalty for violation, see § 71.999

## **ARTICLE III. FIREWORKS**

### **§ 71.200      *DEFINITIONS; LEGALITY OF ITEMS***

(A) *Definitions.* For the purposes of this article, the following definitions shall apply unless the context indicates or clearly requires a different meaning.

"*CONSUMER FIREWORKS.*" As used in KRS 227.700 to 227.750, "*CONSUMER FIREWORKS*" means fireworks that are suitable for use by the public, designed primarily to

## **LONDON - FIRE PREVENTION AND PROTECTION**

---

produce visible effects by combustion, and that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission. The types, sizes, and amount of pyrotechnic contents of these devices are limited as enumerated in this section. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing fifty (50) milligrams or less of explosive composition, and aerial devices containing one hundred thirty (130) milligrams or less of explosive composition. Consumer fireworks are further defined by the Consumer Product Safety Commission in CPSC, 16 C.F.R. Pts. 1500 and 1507, are classified as Division 1.4G explosives by the United States Department of Transportation, and include the following:

(1) *Ground and hand-held sparkling devices.*

(a) *Dipped stick-sparkler or wire sparkler.* These devices consist of a metal wire or wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to one hundred (100) grams of pyrotechnic composition per item. Those devices containing any perchlorate or chlorate salts may not exceed five (5) grams of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than one hundred (100) grams of composition per item are not included in this category, in accordance with DOT regulations;

(b) *Cylindrical fountain.* Cylindrical tube containing not more than seventy-five (75) grams of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain). When more than one (1) tube is mounted on a common base, total pyrotechnic composition may not exceed two hundred (200) grams, or five hundred (500) grams if the tubes are separated from each other on the base by a distance of at least one-half (1/2) inch;

(c) *Cone fountain.* Cardboard or heavy paper cone containing up to fifty (50) grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one (1) cone is mounted on a common base, the total pyrotechnic composition may not exceed two hundred (200) grams, or five hundred (500) grams if the tubes are separated from each other on the base by a distance of at least one-half (1/2) inch;

(d) *Illuminating torch.* Cylindrical tube containing up to one hundred (100) grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base or hand-held. When more than one (1) tube is mounted on a common base, total pyrotechnic composition may not exceed two hundred (200) grams, or five hundred (500) grams if the tubes are separated from each other on the base by a distance of at least one-half (1/2) inch;

(e) *Wheel.* A device attached to a post or tree by means of a nail or string. A wheel may have one (1) or more drivers, each of which may contain not more than sixty (60) grams of pyrotechnic composition. No wheel may contain more than two hundred (200) grams

## **LONDON - FIRE PREVENTION AND PROTECTION**

---

total pyrotechnic composition. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect;

(f) *Ground spinner.* Small device containing not more than twenty (20) grams of pyrotechnic composition, similar in operation to a wheel but intended to be placed on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device;

(g) *Flitter sparkler.* Narrow paper tube attached to a stick or wire and filled with not more than one hundred (100) grams of pyrotechnic composition that produces color and sparks upon ignition. The paper at one (1) end of the tube is ignited to make the device function; and

(h) *Toy smoke device.* Small plastic or paper item containing not more than one hundred (100) grams of pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect;

(2) *Aerial devices.*

(a) *Sky rockets and bottle rockets.* Cylindrical tube containing not more than twenty (20) grams of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of flight;

(b) *Missile-type rocket.* A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability;

(c) *Helicopter, aerial spinner.* A tube containing up to twenty (20) grams of pyrotechnic composition. A propeller or blade is attached, which, upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight;

(d) *Roman candles.* Heavy paper or cardboard tube containing up to twenty (20) grams of pyrotechnic composition. Upon ignition, up to ten (10) "stars" (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several second intervals;

(e) *Mine, shell.* Heavy cardboard or paper tube usually attached to a wood or plastic base and containing up to sixty (60) grams of total chemical composition (lift charge, burst charge, and visible or audible effect composition). Upon ignition, "stars," components producing reports containing up to one hundred thirty (130) milligrams of explosive composition per report, or other devices are propelled into the air. The term "mine" refers to a device with no internal components containing a bursting charge, and the term "shell" refers to a device that propels a component that subsequently bursts open in the air. A mine or shell device may contain more than one (1) tube provided the tubes fire in sequence upon ignition of one (1) external fuse.



## **LONDON - FIRE PREVENTION AND PROTECTION**

---

The term "cake" refers to a dense-packed collection of mine or shell tubes. Total chemical composition including lift charges of any multiple tube devices may not exceed two hundred (200) grams. The maximum quantity of lift charge in any one (1) tube of a mine or shell device shall not exceed twenty (20) grams, and the maximum quantity of break or bursting charge in any component shall not exceed twenty-five percent (25%) of the total weight of chemical composition in the component. The tube remains on the ground; and

(f) *Aerial shell kit, reloadable tube.* A package kit containing a cardboard, high-density polyethylene (HDPE), or equivalent launching tube with multiple-shot aerial shells. Each aerial shell is limited to a maximum of sixty (60) grams of total chemical composition (lift charge, burst charge, and visible or audible effect composition), and the maximum diameter of each shell shall not exceed one and three-fourths (1-3/4) inches. In addition, the maximum quantity of lift charge in any shell shall not exceed twenty (20) grams, and the maximum quantity of break or bursting charge in any shell shall not exceed twenty-five percent (25%) of the total weight of chemical composition in the shell. The total chemical composition of all the shells in a kit, including lift charge, shall not exceed four hundred (400) grams. The user lowers a shell into the launching tube, at the time of firing, with the fuse extending out of the top of the tube. After the firing, the tube is then reloaded with another shell for the next firing. All launching tubes shall be capable of firing twice the number of shells in the kit without failure of the tube. Each package of multiple-shot aerial shells must comply with all warning label requirements of the Consumer Product Safety Commission; and

(3) *Audible ground devices.*

(a) *Firecrackers, salutes.* Small paper-wrapped or cardboard tube containing not more than fifty (50) mg. of pyrotechnic composition. Those used in aerial devices may contain not more than one hundred thirty (130) milligrams of explosive composition per report. Upon ignition, noise and a flash of light is produced; and

(b) *Chaser.* Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced. The explosive composition used to create the noise may not exceed fifty (50) mg.  
(KRS 227.702)

**"DISPLAY FIREWORKS."** As used in KRS 227.700 to 227.750, **"DISPLAY FIREWORKS"** means pyrotechnic devices or large fireworks designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes, but is not limited to, firecrackers containing more than two (2) grains (130 mg) of explosive composition, aerial shells containing more than forty (40) grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as **"CONSUMER FIREWORKS."** **"DISPLAY FIREWORKS"** are defined by the Consumer Product Safety Commission in CPSC, 16 C.F.R. pts. 1500 and 1507, and are classified as Class B explosives by the United States Department of Transportation.  
(KRS 227.706)

## **LONDON - FIRE PREVENTION AND PROTECTION**

---

**"FIREWORKS."** As used in this article, fireworks means any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of **"CONSUMER FIREWORKS"** as defined above or **"DISPLAY FIREWORKS"** as defined below and as set forth in the U.S. Department of Transportation's (DOT) hazardous materials regulations. **"FIREWORKS"** does not include:

(1) Exception number 1: Toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps manufactured in accordance with DOT regulations, and packed and shipped according to said regulations, are not considered to be fireworks and shall be allowed to be used and sold at all times.

(2) Exception number 2: Model rockets and model rocket motor designed, sold, and used for the purpose of propelling recoverable aero models are not considered to be fireworks.

(3) Exception number 3: Propelling or expelling charges consisting of a mixture of sulfur, charcoal, and saltpeter are not considered as being designed for producing audible effects. (KRS 227.700)

**"NOVELTIES" and "TRICK NOISEMAKERS."** Items listed in this definition are classified as **"NOVELTIES"** and **"TRICK NOISEMAKERS"** and are not classified as **"CONSUMER FIREWORKS"** by the United States Department of Transportation, and their transportation, storage, retail sale, possession, sale, and use shall be allowed throughout the state at all times.

(1) *Snake, glow worm.* Pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. These devices may not contain mercuric thiocyanate.

(2) *Smoke device.* Tube or sphere containing pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(3) *Wire sparkler.* Wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. These items may not contain magnesium and must not exceed one hundred (100) grams of pyrotechnic composition per item. Devices containing any chlorate or perchlorate salts may not exceed five (5) grams of pyrotechnic composition per item.

(4) *Trick noisemaker.* Item that produces a small report intended to surprise the user. These devices include:

(a) *Party popper.* Small plastic or paper item containing not more than sixteen (16) mg. of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streamers and producing a small report.

## **LONDON - FIRE PREVENTION AND PROTECTION**

---

(b) *Booby trap.* Small tube with string protruding from both ends, similar to a party popper in design. The ends of the string are pulled to ignite the friction sensitive composition, producing a small report.

(c) *Snapper.* Small, paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes producing a small report.

(d) *Trick match.* Kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match a small report or a shower of sparks is produced.

(e) *Cigarette load.* Small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one (1) of the pegs, a small report is produced.

(f) *Auto burglar alarm.* Tube which contains pyrotechnic composition that produces a loud whistle or smoke, or both, when ignited. A small quantity of explosive, not exceeding fifty (50) mg. may also be used to produce a small report. A squib is used to ignite the device.

(KRS 227.704)

### **(B) *Legality of items.***

(1) Items defined as "*CONSUMER FIREWORKS*" are legal for retail sale provided all applicable federal and state requirements with respect thereto are met.

(2) Items defined as "*DISPLAY FIREWORKS*" are not legal for retail sale, but are legal under permits granted pursuant to this article for the purposes specified in this article for public displays and may be sold at wholesale as provided in this article.

(3) Items defined as "*NOVELTIES*" and "*TRICK NOISEMAKERS*" are legal for retail sale provided all applicable federal and state requirements with respect thereto are met.  
(KRS 227.708)

### **§ 71.201 *SALE OR USE PROHIBITED; EXCEPTIONS***

No person, firm, copartnership, or corporation shall offer for sale, expose for sale, sell at retail, keep with intent to sell, possess, use, or explode any display fireworks, except as follows:

(A) (1) The Chief of the Fire Department, or Mayor, may grant permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals.

## **LONDON - FIRE PREVENTION AND PROTECTION**

---

(2) Every display shall be handled by a competent display operator to be approved by the public official by whom the permit is granted, and shall be of such character, and so located, discharged or fired as in the opinion of the official, after proper inspection, to not be hazardous to property or endanger any person.

(3) "*COMPETENT DISPLAY OPERATOR*" shall be defined as the person with overall responsibility for the operation and safety of a fireworks display. The competent display operator shall have a Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) License and have participated as an assistant in firing at least five (5) public displays. A "*COMPETENT DISPLAY OPERATOR*" is also an employee possessor. A permit under division (A)(1) of this section shall be issued only to a competent display operator holding an ATF license.

(4) At least one (1) competent display operator shall be on site during display setup and firing. This competent display operator shall maintain a copy of the permit application, as signed by the local authority having jurisdiction as identified in this section, on site and at all times the display is in place, and shall be presented on demand of the State Fire Marshal or local Fire Chief. All public displays that require issuance of a permit shall be conducted in accordance with the provisions of National Fire Protection Association (NFPA) 1123 - Code for Fireworks Display (adopted edition).

(5) Permits shall be filed with the State Fire Marshal at least fifteen (15) days in advance of the date of the display. After the privilege is granted, sales, possession, use, and distribution of fireworks for the display shall be lawful for that purpose only. No permit granted under this division (A) shall be transferable. For the purposes of this division (A), "*PUBLIC DISPLAY OF FIREWORKS*" shall include the use of pyrotechnic devices or pyrotechnic materials before a proximate audience, whether indoors or outdoors.

(6) Any person remaining within the display area shall be identified as licensed by the ATF, or an employee thereof, or be an assistant in training to become a competent display operator. All persons remaining within the display area shall be at least eighteen (18) years of age.

(7) The Commissioner of the Department of Housing, Buildings and Construction with recommendation from the State Fire Marshal shall promulgate administrative regulations in accordance with KRS Chapter 13A to administer the provisions of this division (A). The regulations shall address the process by which permits are issued and any other procedures that are reasonably necessary to effectuate this division (A).

(B) The sale, at wholesale, of any display fireworks for permitted displays by any resident manufacturer, wholesaler, dealer, or jobber, in accordance with regulations of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives if the sale is to the person holding a display permit as outlined in division (A) of this section. The permit holder shall present the permit along with other verifiable identification at the time of sale.

## **LONDON - FIRE PREVENTION AND PROTECTION**

---

(C) The sale of display fireworks in accordance with a license issued by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives.

(D) The sale and use in emergency situations of pyrotechnic signaling devices and distress signals for marine, aviation, and highway use.

(E) The use of fuses and railway torpedoes by railroads.

(F) The sale and use of blank cartridges for use in a show or theater or for signal or ceremonial purpose in athletics or sports.

(G) The use of any pyrotechnic device by military organizations.

(H) The use of fireworks for agricultural purposes under the direct supervision of the United States Department of the Interior or any equivalent or local agency.

(I) Nothing in this section shall prohibit a person, firm, co-partnership, nonprofit, or corporation from offering for sale, exposing for sale, selling at retail, keeping with intent to sell, possessing or using consumer fireworks as defined in KRS 227.702 and as permitted pursuant to KRS 227.715.

(KRS 227.710)

---

### **Cross reference:**

Penalty for violation, see § 71.999

### **§ 71.202 CONSUMER FIREWORKS; RESTRICTIONS ON SALE**

(A) Except as provided in § 71.201, the consumer fireworks defined as ground and hand-held sparking devices may be offered for sale, sold at retail, or kept with the intent to sell, only if the requirements of this section are met.

(B) Any person, firm, co-partnership, non-profit, or business intending to sell consumer fireworks described in division (1) of the definition of "*CONSUMER FIREWORKS*" under § 71.200 shall register annually with the State Fire Marshal's office in accordance with KRS 227.715, and display its registration certificate in a conspicuous location at the site.

(C) Each site at which fireworks are offered for sale shall comply with all applicable provisions of the International Building Code, with Kentucky Amendments (adopted edition), and NFPA 1124 (National Fire Protection Association) Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles (adopted edition).

## **LONDON - FIRE PREVENTION AND PROTECTION**

---

(D) No person or business shall give, offer for sale, or sell any consumer fireworks listed in § 71.200 to any person under eighteen (18) years of age.  
(KRS 227.715(7), (8))

---

**Cross reference:**

Penalty for violation, see § 71.999

**§ 71.203      *BOND OR LIABILITY INSURANCE REQUIREMENT***

No permit shall be issued under § 71.201 unless the applicant shall give bond or evidence of liability insurance deemed adequate by the official to whom application for the permit is made, in a sum not less than ten thousand dollars (\$10,000.00). However, the appropriate city official or the State Fire Marshal may require a larger amount if, in their judgment the situation requires it, conditioned for the payment of all damages which may be caused thereby either to a person or to property by reason of the permitted display, and arising from any acts of the licensee, his agents, employees, or subcontractors.

(KRS 227.730)

---

**Cross reference:**

Penalty for violation, see § 71.999

**§ 71.204      *EXEMPTED SALES AND USES***

Nothing in this article shall prevent the retail sale and use of explosives or signaling flares used in the course of ordinary business or industry, or gold star producing sparklers, which contain no magnesium or chlorate, toy snakes which contain no mercury, smoke novelties and party novelties, which contain less than twenty-five hundredths of a grain of explosive mixture, or shells or cartridges, used as ammunition in firearms, or blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations, or the sale of any kind of fireworks provided the same are to be shipped by the seller directly out of the state.

(KRS 227.730)

**§ 71.205      *SEIZURE AND SALE OF FIREWORKS; NOTICE OF PROPOSED DISPOSAL REQUIRED***

(A) The State Fire Marshal, or any fire department having jurisdiction which has been deputized to act on behalf of the State Fire Marshal, shall cause to be removed at the expense of the owner all stocks of fireworks which are stored and held in violation of this chapter. After a period of sixty (60) days, the seized fireworks may be offered for sale by closed bid to a properly certified fireworks wholesaler.

(B) After a period of sixty (60) days, the seized fireworks may be offered for sale by closed bid to a properly certified manufacturer, distributor, or wholesaler. All seized fireworks or explosives with a Class 1.3G or "Display" designation shall require the notification of the United

## **LONDON - FIRE PREVENTION AND PROTECTION**

---

States Bureau of Alcohol, Tobacco, Firearms and Explosives. The State Fire Marshal shall provide the owner or possessor a receipt containing the complete inventory of any fireworks seized within five (5) business days of the seizure.

(C) Before any seized fireworks may be disposed of:

(1) If the owner of the seized fireworks is known to the State Fire Marshal, the State Fire Marshal shall give notice by registered mail or personal service to the owner of the State Fire Marshal's intention to dispose of the fireworks. The notice shall inform the owner of the State Fire Marshal's intent. The State Fire Marshal shall conduct an administrative hearing in accordance with KRS Chapter 13B concerning the disposal of fireworks; or

(2) If the identity of the owner of any seized fireworks is not known to the State Fire Marshal, the State Fire Marshal shall cause to be published, in a newspaper of general circulation in the county in which the seizure was made, notice of the seizure, and of the State Fire Marshal's intention to dispose of the fireworks. The notice shall be published once each week for three (3) consecutive weeks. If no person claims ownership of the fireworks within ten (10) days of the date of the last publication, the State Fire Marshal may proceed with disposal of the fireworks. If the owner does claim the fireworks within ten (10) days of the date of the last publication, a hearing as set out in division (C)(1) above shall be held.

(D) Nothing in KRS 227.700 to 227.750 shall restrict a local government from enacting ordinances that affect the sale or use of fireworks within its jurisdiction.  
(KRS 227.750)

### **§ 71.999 PENALTY**

(A) Violators of the Kentucky Standards of Safety adopted in § 71.001 shall, upon conviction, be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred (\$500.00), imprisonment for not more than sixty (60) days, or both, for each offense.  
(KRS 227.990(1))

(B) Any person violating the provisions of § 71.003 shall be fined in any sum not exceeding fifteen dollars (\$15.00).  
(Ord. 228, passed 10-9-26)

(C) Any person violating the provisions of § 71.004 shall be fined any sum not exceeding fifteen dollars (\$15.00) for each offense.  
(Ord. 247, passed 10-5-28)

(D) Any person violating the provisions of § 71.006 shall be, upon conviction, deemed guilty of a misdemeanor and subject to the jurisdiction of the court, with the penalty of not less than one dollar (\$1.00) nor more than ten dollars (\$10.00), and with the court costs paid by the owner

## **LONDON - FIRE PREVENTION AND PROTECTION**

---

for failure to submit the report within five (5) calendar days of receipt of the report form by the owner, his agent or his authorized representative.

(Ord. 562, passed 1-10-69)

(E) Any person or corporation violating the procedures of Article II shall be fined not less than five hundred dollars (\$500.00) nor more than five hundred dollars (\$500.00) and/or shall be imprisoned up to, but no more than ninety (90) days.

(Ord. 928, passed 7-28-97)

(F) Any person violating the provisions of §§ 71.201 or 71.203, the regulations issued thereunder or any order issued thereunder, or who knowingly induces another, directly or indirectly, to violate the provisions of those sections, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not more than five hundred dollars (\$500.00), or imprisoned for not more than thirty (30) days, or both.

(KRS 227.990(4))



## **CHAPTER 72: HOUSING REGULATIONS**

### **ARTICLE I.**

#### **EXISTING STRUCTURES CODE**

72.001	Adoption of BOCA National Existing Structures Code
72.002	Additions, insertions and changes
72.003	Additional definitions

### **ARTICLE II.**

#### **UNFAIR HOUSING PRACTICES**

##### **Division 1.**

##### **General Provisions**

72.100	Definitions
72.101	Prohibited acts; exemptions

##### **Division 2.**

##### **Human Rights Commission**

72.150	Membership
72.151	Powers
72.152	Enforcement of orders

### **ARTICLE III.**

#### **BLIGHTED AND DETERIORATED PROPERTIES**

72.200	Definitions
72.201	Property Review Commission
72.202	Procedures
72.203	Eminent domain proceedings
72.204	Use of the property by the city
72.999	Penalty

### **ARTICLE I. EXISTING STRUCTURES CODE**

#### **§ 72.001      *ADOPTION OF BOCA NATIONAL EXISTING STRUCTURES CODE***

A certain document, three (3) copies of which are on file in the office of the City Building Inspector being marked and designated as "The BOCA National Existing Structures Code, Second Edition, 1987" as published by the Building Officials and Code Administrators International, Inc., is hereby adopted, in part, as the Existing Structures Code of the city, for the control of buildings and structures as herein provided; and each and all parts of Articles I, Article II, and Article III, except for ES 301.7 as is hereafter stated, and ending with 301.10.2, of the regulations, provisions, penalties, conditions, and terms of the aforementioned portions of the BOCA National Existing Structures Code are hereby referred to, adopted, and made a part hereof, as if fully set out herein,

## **LONDON - HOUSING REGULATIONS**

---

with the additions, insertions, deletions, and changes, if any, as are prescribed in § 72.002 of this article.

(Ord. 863, passed 9-27-93)

### **Cross reference:**

Development Code, supplementary regulations, see § 80.601

### **§ 72.002      *ADDITIONS, INSERTIONS AND CHANGES***

The BOCA National Existing Structures Code is amended and revised in the following respects:

- (A)    Section ES-100.1 (Page 1, second line). Insert: London, Laurel County, Kentucky.
- (B)    Section ES-110.2 (Page 8, third line). Insert: \$10.00 to \$500.00.
- (C)    Section ES-110.2 (Page 8, fourth line). Insert: 60 days.
- (D)    Section ES-111.4 (Page 9, second line). Insert: 30 days.

(E)    Section ES-301.7 Storage Areas: All approved open salvage yards or open storage areas shall be completely obscured from surrounding property by a solid screen not less than 6 feet (1829 millimeters) in height. Storage of debris, junk, construction materials, yard sale items, excess building materials, cartons, boxes, lawn care items, automotive parts and miscellaneous items must be stored inside an existing accessory structure as is defined in FES-301.9 or shall be completely obscured from surrounding property by a solid storage screen as is above stated; this is applicable to any of the aforementioned materials which are associated with an improved use or permitted construction at that site and if not, shall be prohibited.

(Ord. 863, passed 9-27-93)

### **§ 72.003      *ADDITIONAL DEFINITIONS***

**"APPEALS BOARD."**      The Existing Structures Code shall be the city Zoning Adjustment Board.

**"CODE OFFICIAL."** As is outlined in the Existing Structures Code shall be the city Building Inspector.

(Ord. 863, passed 9-27-93)

# **LONDON - HOUSING REGULATIONS**

---

## **ARTICLE II. UNFAIR HOUSING PRACTICES**

### **Division 1. General Provisions**

#### **§ 72.100      *DEFINITIONS***

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

***"DISCRIMINATION."*** Any direct or indirect act or practice of exclusion, distinction, restrictions, segregation, limitation, refusal, denial or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin, sex, or age between forty (40) and sixty-five (65), or the aiding, abetting, inciting, coercing or compelling thereof.

***"FINANCIAL INSTITUTION."*** A bank, banking organization, mortgage company, insurance company, or other lender to whom application is made for financial assistance for the

## **LONDON - HOUSING REGULATIONS**

---

## **LONDON - HOUSING REGULATIONS**

---

purchase, lease, acquisition, construction, rehabilitation, repair, maintenance, or improvement of real property, or an individual employed by or acting on behalf of any of these.

**"HOUSING ACCOMMODATIONS."** Includes improved and unimproved property and means a building, structure, a lot or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied as the home or residence of one or more individuals.

**"PERSON."** One (1) or more individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, jointstock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, or other legal or commercial entity; the state, any of its political or civil subdivisions or agencies.

**"REAL ESTATE BROKER" or "REAL ESTATE SALESMAN."** An individual whether licensed or not, who, on behalf of others, for a fee, commission, salary, or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents or leases real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds himself out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrance upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental, or lease of real estate through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

**"REAL ESTATE OPERATOR."** Any individual or combination of individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, jointstock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers or other legal or commercial entity, the county or any of its agencies, that is engaged in the business of selling, purchasing, exchanging, renting or leasing real estate, or the improvements thereon, including options, or that derives income, in whole or in part from the sale, purchase, exchange, rental or lease of real estate; or an individual employed by or acting on behalf of any of these.

**"REAL PROPERTY."** Includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.

(Ord. 673, passed 7-23-79)

### **§ 72.101      PROHIBITED ACTS; EXEMPTIONS**

(A) It is an unlawful practice for a real estate operator, or for a real estate broker, real estate salesman, or an individual employed by or acting on behalf of any of those:

## **LONDON - HOUSING REGULATIONS**

---

(1) To refuse to sell, exchange, rent or lease or otherwise deny to or withhold real property from an individual because of his race, color, religion, national origin or disability status;

(2) To discriminate against an individual because of his race, sex, color, religion, national origin or disability status in the terms, conditions, or privileges of the sale, exchange, rental or lease of real property or in the furnishing of facilities or services in connection therewith;

(3) To refuse to receive or transmit a bona fide offer to purchase, rent or lease real property from an individual because of his race, color, religion, national origin, sex or disability status;

(4) To refuse to negotiate for the sale, rental or lease of real property to an individual because of his race, color, sex, religion, national origin, or disability status;

(5) To represent to an individual that real property is not available for inspection, sale, rental, or lease when in fact it is available, or to refuse to permit an individual to inspect real property because of his race, color, religion, national origin or disability status;

(6) To print, circulate, post or mail or cause to be printed, circulated, posted or mailed an advertisement or sign, or to use a form of application for the purchase, rental or lease of real property, or to make a record of inquiry in connection with the prospective purchase, rental or lease of real property, which indicates, directly or indirectly, a limitation, specification, or discrimination as to race, color, religion, national origin or disability status, or an intent to make such a limitation, specification, or discrimination;

(7) To offer, solicit, accept, use or retain a listing of real property for sale, rental or lease with the understanding that an individual may be discriminated against in the sale, rental or lease of that real property or in the furnishing of facilities or services in connection therewith because of his race, color, religion, national origin, sex, disability status; or

(8) To otherwise deny to or withhold real property from an individual because of his race, color, religion, national origin, sex or disability status.

(B) Exemptions. Nothing in subsection (A) above shall apply:

(1) To the rental of a housing accommodation in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the owner or a member of his family resides in one of the housing accommodations;

(2) To the rental of a portion of a housing accommodation by the occupant of the housing accommodation, or by the owner of the housing accommodations if he or a member of his family resides therein;

## **LONDON - HOUSING REGULATIONS**

---

(3) To a religious institution, or to an organization operated for charitable or educational purposes, which is operated, supervised or controlled by a religious corporation, association or society, to the extent that the religious corporation, association, or society to the extent that the religious corporation, association or society, limits, or gives preferences in, sale, lease, rental, assignment, or sublease of real property to individuals of the same religion, or makes a selection of buyers, tenants, lessees, assignees, or subleases, that is calculated by such religious corporation, association, or society to promote the religious principles for which it is established or maintained.

(4) To the private sale by a private individual homeowner who disposes of his property without the aid of any real estate operator, broker or salesman and without advertising or public display.

(5) To a real estate operator to require him to negotiate with any individual who has not shown evidence of financial ability to consummate the purchase or rental of a housing accommodation.

(C) It is unlawful practice for a financial institution or an individual employed by or acting on behalf of a financial institution:

(1) To discriminate against an individual because of the race, sex, color, religion, national origin, or disability status, of the individual or the present or prospective owner, tenant, or occupant of the real property or of a member, stockholder, director, officer, employee, or representative of any of these, in the granting withholding, extending, modifying or renewing, the rates, terms, conditions, privileges or other provisions of financial assistance or in the extension of services in connection therewith; or

(2) To use a form of application for financial assistance or to make or keep a record or inquiry in connection with applications for financial assistance which indicates directly or indirectly a limitation, specification, or discrimination as to race, color, religion, sex, national origin or disability status, or an intent to make such a limitation, specification, or discrimination.

(D) Blockbusting. It is an unlawful practice for a real estate operator, a real estate broker, a real estate salesman, a financial institution, an employee of any of these, or any other person, for the purpose of inducing a real estate transaction from which he may benefit financially:

(1) To represent that a change has occurred or will or may occur in the composition with respect to race, color, religion or national origin of the owners or occupants in the block, neighborhood, or area in which the real property is located; or

(2) To represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located.

## **LONDON - HOUSING REGULATIONS**

---

(E) **Agency No Defense.** It shall be no defense to a violation of this article by a real estate operator, real estate broker, real estate salesman, financial institution or other person subject to the provisions of this article that the violation was requested, sought or otherwise procured by a person not subject to the provisions of this chapter.  
(Ord. 673, passed 7-23-79)

### **Division 2. Human Rights Commission**

#### **§ 72.150 MEMBERSHIP**

The city Human Rights Commission shall consist of five (5) members who shall be appointed on a nonpartisan basis and shall be broadly representative of the financial institutions, real estate businesses, religious groups, human rights groups, and the general public. The Mayor shall appoint the members, to be approved by the City Council. Of the first five (5) members appointed, one (1) shall be appointed for one year; two (2) shall be appointed for two years, and two (2) shall be appointed for three (3) years. Subsequent appointments shall be for three (3) years. In the event of incapacity, death or resignation of any member, a successor shall be appointed for the member's unexpired term. Members shall be eligible for reappointment. Before making new appointments or any reappointments, the Mayor may request the recommendations of the City Council. No elected or appointed city official shall be a member of the Council. The members shall serve without compensation.  
(Ord. 673, passed 7-23-79)

#### **§ 72.151 POWERS**

The Human Rights Commission is authorized to:

(A) Receive, initiate, investigate, hear, and determine charges of violations of ordinances, orders, or resolutions forbidding discrimination adopted by the city.

(B) Compel the attendance of witnesses and the production of evidence before it by subpoena issued by the Laurel County Circuit Court.

(C) Issue remedial orders, after notice and hearing, requiring cessation of violations.

(D) Issue such affirmative orders as in its judgment will carry out the purposes of this chapter.

(E) Enter into cooperative working agreements with federal or state agencies to achieve the purposes of this article.

(F) Refer a matter under this ordinance to the Kentucky Commission on Human Rights for initial action or review; or such matter may be referred upon request of a majority of the members of the City Council.

(Ord. 673, passed 7-23-79)



## **LONDON - HOUSING REGULATIONS**

---

### **§ 72.152      *ENFORCEMENT OF ORDERS***

The proceeding for enforcement of an order of the Human Rights Commission is initiated by filing a complaint in the Circuit Court. Copies of the complaint shall be served upon all parties of record. Within thirty (30) days after the filing of the complaint by the Human Rights Commission, or within such further time as the court may allow, the Human Rights Commission shall transmit to the court the original or certified copy of the entire record upon which the order is based, including a transcript of testimony, which need not be printed. By stipulation of all parties to the proceeding, the record may be shortened. The findings of fact of the Human Rights Commission shall be conclusive unless clearly erroneous in view of the probative and substantial evidence on the whole record. The court shall have power to grant such temporary relief or restraining order as it deems just, and to enter an aside in whole or in part the order of the Human Rights Commission, or remanding the case to the Kentucky Human Rights Commission for further proceedings. All such proceedings shall be heard and determined by the Circuit Court and the Court of Appeals as expeditiously as possible and with lawful precedence over other matters. (Ord. 673, passed 7-23-79)

### **ARTICLE III. BLIGHTED AND DETERIORATED PROPERTIES.**

#### **§ 72.200      *DEFINITIONS***

Unless the context requires otherwise:

**"BLIGHTED" or "DETERIORATED PROPERTY."** Any structure or unimproved lot or parcel of ground in a commercial or residential area which:

- (1) Because of physical condition or use is regarded as a public nuisance at common law;
- (2) Is considered an attractive nuisance to children by reason of structures and appurtenances therein or thereon, including but not limited to abandoned wells, shafts, basements, excavations, or the unsafe condition of any structures or fences thereon;
- (3) Because it is dilapidated, falling apart, unsanitary, unsafe, vermin infested, or lacking in the facilities and equipment required by the city's Housing or Maintenance Codes, has been designated by the Codes Enforcement Office as being unfit for human habitation or business use;
- (4) Is a fire hazard or is otherwise dangerous to the safety of persons or property;

## **LONDON - HOUSING REGULATIONS**

---

(5) Has had the utilities, plumbing, heating, sewerage, or other facilities disconnected there from, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use;

(6) By reason of neglect or lack of maintenance has become a place for the accumulation of trash and debris, or a haven for rodents or other vermin; or

(7) Has not been rehabilitated within the time constraints placed upon the owner by the appropriate codes enforcement agency.

**"BUSINESS AND RELATED USE."** Commercial property for sale, rent or engaged in any retail or wholesale commercial business.

**"REDEVELOPMENT."** The planning or replanning, design or redesign, acquisition, clearance, development, or disposal of a property in the preparation of such property for residential, business or related uses, as may be appropriate or necessary.

**"RESIDENTIAL AND RELATED USE."** Residential property for sale or rental and related uses, including but not limited to park and recreation areas, neighborhood community service, and neighborhood parking lots.

**"INSPECTOR."** City of London Building Inspector.

**"PROPERTY REVIEW COMMISSION."** The Commission established by this article to review properties and to make a written determination of blight and deterioration. (Ord. 2008-01, passed 2-4-08; Am. Ord. 2008-05, passed 6-2-08)

### **§ 72.201      PROPERTY REVIEW COMMISSION**

(A) There is hereby established and created a Property Review Commission (the "Commission") for the city. The Commission shall be composed of five (5) members who shall be appointed by the Mayor with the approval of the City Council. Members of the Commission shall be residents or owners of real estate located in of the city and shall serve for terms of five (5) years and until their successors are duly appointed and qualified, except that the members first appointed shall be so appointed that the term of one (1) member shall expire annually thereafter. Vacancies shall be filled in the same manner as regular appointments and for the unexpired term of the vacancy. Members shall serve without pay. No officer or employee of the city whose duties include enforcement of housing, building, plumbing, fire, maintenance, or related codes shall be appointed to the Commission.

(B) The Commission shall be charged with the duty of determining whether a property within city limits is blighted or deteriorated in accordance with the definition of those terms as

## **LONDON - HOUSING REGULATIONS**

---

hereinabove set forth and of carrying out the substantive and procedural directives associated with that determination as herein set forth.

(C) The Commission shall conduct its business at meetings scheduled and held in conformity with the requirements of the Kentucky Open Meetings Act. Meetings shall be called by the city's Building Inspector ("Inspector") when and as necessary to consider properties alleged by the Inspector to be blighted or deteriorated within the meaning of this article.

(Ord. 2008-01, passed 2-4-08; Am. Ord. 2008-05, passed 6-2-08)

### **§ 72.202      *PROCEDURES***

(A) When the Inspector considers any property within the city to be blighted or deteriorated, the Inspector and/or the London City Police shall give to the owner of the property a notice and order setting forth the conditions of the property which are in violation of local codes or law and a time period for the correction and abatement of such conditions. Such notice and order shall further state that the property is deemed to be blighted or deteriorated within the meaning of this ordinance and that the failure to make correction and abatement within the time period set forth will result in the referral of the matter to the Property Review Commission for further proceedings in conformity with this article.

(B) If the conditions set forth in the Inspector's notice and order are not in full corrected and abated within the time period therein set forth, the Inspector shall place the matter on the agenda for the next formal meeting of the city's Planning and Zoning Commission for that body's determination of whether the reuse of the property for residential, business and related uses is in keeping with the city's Comprehensive Plan.

(C) If the Planning and Zoning Commission shall determine that the reuse of the property for residential, business and related uses is in keeping with the city's Comprehensive Plan, the Inspector shall convene a meeting of the Property Review Commission for the purpose of that body's consideration of whether the property is blighted or deteriorated. The Inspector shall notify the owner of the time, date, and location of the meeting and shall advise the City Clerk of the meeting so as to permit the Clerk to make due advertisement of the meeting as may be required by applicable law.

(D) If after consideration of the evidence adduced before it at such meeting the Commission shall, by a preponderance of the evidence, find that the property is blighted or deteriorated within the meaning of this article, the Commission shall notify the owner of the property or a designated agent that a determination of blight or deterioration has been made and that failure to eliminate the conditions causing same shall render the property subject to condemnation by the city. Such notice shall describe the conditions that render the property blighted or deteriorated and shall demand correction and abatement of the conditions within ninety (90) days of the receipt of such notice. An extension of the ninety (90) day period may be granted by the

## **LONDON - HOUSING REGULATIONS**

---

Commission if it is demonstrated to the satisfaction of the Commission that such period is insufficient to correct the conditions cited in the notice.

(E) If correction and abatement in full shall not have been effected within such period of time as the Commission shall have determined as above set forth, the Commission shall certify to the City Council that the property is blighted or deteriorated. Such certification shall further set forth the Commission's determination that:

(1) The owner of the property or designated agent has been sent a notice and order by the Inspector to eliminate the conditions which are in violation of local codes or law within a time certain, that such notice and order further set forth that the property is deemed to be blighted or deteriorated within the meaning of this ordinance and that the failure to make correction and abatement would result in the matter being referred to the Property Review Commission for further proceedings in conformity with this article;

(2) The conditions set forth in the notice and order were not corrected and abated within the time period therein set forth;

(3) The property is blighted or deteriorated;

(4) The Commission has notified the property owner or designated agent that the property has been determined to be blighted or deteriorated and the time period for correction of such condition granted by the Commission has expired and the property owner or agent has failed to comply with the notice; and

(5) The Planning and Zoning Commission has determined that the reuse of the property for residential, business and related use is in keeping with the city's comprehensive plan. The certification and findings required by this section shall be in writing signed by the chairperson of the Commission and included in the Commission's report to the City Council.

(F) Notice which may be, or is required to be, given under the terms of this article shall be in writing and sent via first class mail, sufficient postage prepaid, and certified, return receipt requested, and a copy of any such notice shall further be posted in a conspicuous place on the property affected. Unless the owner of the property in question shall have notified the Inspector otherwise, the identity of the owner and the owner's mailing address shall be conclusively presumed to be as appear as such in the records maintained in the office of the Laurel County Property Valuation Administrator. Notice given in accordance with the foregoing shall be deemed effective on the date of receipt; provided, however, that same shall conclusively be deemed to have been received not later than the fifth business day following the date when same was delivered to the post office.

(Ord. 2008-01, passed 2-4-08; Am. Ord. 2008-05, passed 6-2-08)

## **LONDON - HOUSING REGULATIONS**

---

### **§ 72.203      *EMINENT DOMAIN PROCEEDINGS***

(A) The City Council of the city may institute eminent domain proceedings in accordance with the provisions of Kentucky Revised Statutes Chapter 416 against any property, and may through such proceedings acquire any property, which has been certified as blighted or deteriorated by the Council if it finds:

(1) That the property has deteriorated to such an extent as to constitute a serious and growing menace to the public health; safety, and welfare;

(2) That such property is likely to continue to deteriorate unless corrected;

(3) That the continued deterioration of such property may contribute to the blighting or deterioration of the area immediately surrounding the property; and

(4) That the owner of such property has failed to correct the deterioration of the property.

(B) The findings required as above set forth shall be included in any order of the City Council authorizing the institution of eminent domain proceedings.  
(Ord. 2008-01, passed 2-4-08; Am. Ord. 2008-05, passed 6-2-08)

### **§ 72.204      *USE OF THE PROPERTY BY THE CITY***

The city, following its acquisition of blighted or deteriorated property in accordance with foregoing provisions, shall have the power to hold, clear, manage, or dispose of the property so acquired for residential, business or related use, in keeping with the applicable zoning.  
(Ord. 2008-01, passed 2-4-08; Am. Ord. 2008-05, passed 6-2-08)

## **LONDON - HOUSING REGULATIONS**

---

## CHAPTER 73: MOBILE HOMES AND TRAILER PARKS

73.001	Definitions
73.002	Conditions for application
73.003	Filing of application
73.004	Location
73.005	Requirements
73.006	Placement of mobile homes
73.007	Water and sewer charges
73.008	Compliance required
73.009	Trailer park license fee
73.999	Penalty

### **Cross reference:**

Development Code, Mobile Home Park standards, see §§ 80.305 – 80.354

### **§ 73.001      DEFINITIONS**

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

**"MOBILE HOME."** Any structure designed to be moved from one (1) location to another and to be used for residential or business purposes.

**"MOBILE HOME PARK" or "TRAILER PARK."** Any location and any real estate located within the city limits upon which the owner thereof either locates or allows to be located two (2) or more mobile homes used for business or residential purposes, either owned by the owner of the real estate or the occupant of the structure, for which the real estate owner charges a fixed rental on a regular basis.  
(Ord. 766, passed 2-24-86)

### **§ 73.002      CONDITIONS FOR APPLICATION**

No mobile home shall be located within the city limits unless and until the owner or occupant thereof complies with the following terms and conditions:

(A) Prior to locating any mobile home within the city, the owner or occupant of the mobile home shall make written application to the Board of Zoning Adjustment for permission to place the mobile home within the city.

(B) The application shall be in affidavit form and shall include the following information:

(1) The name of the owner and occupant of the mobile home;

## **LONDON - MOBILE HOMES AND TRAILER PARKS**

---

(2) The location, by street name or other such identifying address, where the mobile home will be located;

(3) The names and addresses of all adjacent land owners, if a street or road abuts the property, the adjacent property owners across the street or road shall be considered adjacent property owners as well;

(4) The owner of the real estate where the mobile home will be located; and

(5) A description of the mobile home, including manufacturer of the mobile home, year, model, and a brief description of the number of rooms of the mobile home.  
(Ord. 766, passed 2-24-86; Am. Ord. 868, passed 2-14-94)

---

### **Cross reference:**

Penalty for violation, see § 73.999

### **§ 73.003      *FILING OF APPLICATION***

(A) The application, pursuant to § 73.002, shall be filed with the Building Inspector at least fourteen (14) days prior to the board meeting at which the application is to be considered.

(B) At least ten (10) days prior to the meeting at which the application is considered, the Building Inspector shall notify the adjacent land owners of the nature and the fact of the application being sought, as well as the date and time the application will be considered by the Board of Zoning Adjustment.

(1) The notice shall be made by certified mail, return receipt.

(2) In the event the return receipt has not been returned to the Building Inspector within such time, action relating to the application shall be postponed until the next regular or special meeting of the Board of Zoning Adjustment.

(3) In any event, no action shall be taken on the application until written notice is given to the adjacent land owners in compliance with this chapter.

(4) The calling for a special meeting for consideration of a mobile home application shall be discretionary with the Board of Zoning Adjustment.

(C) Any material misstatement of fact in the application shall void the granting of the application.

(D) The applicant shall pay to the Building Inspector the sum of twenty dollars (\$20.00) for each application, at the time of the filing of an application.



## **LONDON - MOBILE HOMES AND TRAILER PARKS**

---

(E) In applications for the operation of a mobile home park or trailer park, the applicant shall file a single application which shall state the maximum number of mobile homes which will be placed on the particular tract of property.

(1) The application fee shall be the sum of twenty dollars (\$20.00) per mobile home in the planned trailer park.

(2) All other provisions of this chapter shall be applicable to the trailer park with the exception of § 73.002(B)(5).

(Ord. 766, passed 2-24-86; Am. Ord. 868, passed 2-14-94)

---

### **Cross reference:**

Penalty for violation, see § 73.999

### **§ 73.004 LOCATION**

(A) In considering the application for the location of a mobile home or trailer park, the Board of Zoning Adjustment shall give due consideration to the following factors:

- (1) Any opposition from adjacent property owners;
- (2) That the essential character of the neighborhood will not be harmed;
- (3) The manner in which a refusal would deprive a reasonable use of the property;
- (4) That the application, if granted, will preserve and not harm the public safety and welfare;
- (5) The particular zoning designation in which the mobile home or mobile home park is to be located and its planned use.

(B) In considering an application for a mobile home or mobile home park, the Board of Zoning Adjustment, as a part of its minutes, shall state findings of fact in keeping of each of the above criteria.

(Ord. 766, passed 2-24-86; Am. Ord. 868, passed 2-14-94)

### **§ 73.005 REQUIREMENTS**

(A) Each unit designed for business or residential purposes shall have approved connections with the city water lines and the sanitary and storm sewer systems of the city where such service is available, under the same regulations as those applying to other types of structures used for business or residential purposes.

## **LONDON - MOBILE HOMES AND TRAILER PARKS**

---

(B) Each unit shall be separately metered and shall pay a minimum water bill, whether occupied or unoccupied, unless service is disconnected by the Utility Commission.

(C) Garbage pickup shall be arranged and paid for under the same terms and conditions as those that apply to other residential and business buildings.  
(Ord. 766, passed 2-24-86)

---

**Cross reference:**

Garbage, see Ch. 30

Penalty for violation, see § 73.999

Water and sewer, see Ch. 31

### **§ 73.006      *PLACEMENT OF MOBILE HOMES***

The placement of mobile homes shall be systematically arranged and located so as to allow reasonable access thereto by the city fire, police, and sanitation departments, and all electrical conduits across streets or roads shall be not less than eighteen (18) feet above the surface thereof. All structures, plumbing, electrical lines, appliances and heating equipment shall be installed and maintained in conformity with the applicable building, electrical and plumbing codes.

(Ord. 766, passed 2-24-86)

---

**Cross reference:**

Building regulations, see Ch. 70

Penalty for violation, see § 73.999

### **§ 73.007      *WATER AND SEWER CHARGES***

Each residential unit shall pay a minimum sewer and water service charge, whether or not each unit is separately metered.

(Ord. 766, passed 2-24-86)

---

**Cross reference:**

Penalty for violation, see § 73.999

### **§ 73.008      *COMPLIANCE REQUIRED***

Except as otherwise stated herein, all zoning ordinances of the city shall be complied with in the locating of a mobile home or trailer park.

(Ord. 766, passed 2-24-86)

---

**Cross reference:**

Development code, Mobile Home Park Standards, Location and General layout, see § 80.352

Penalty for violation, see § 73.999

## **LONDON - MOBILE HOMES AND TRAILER PARKS**

---

### **§ 73.009      *TRAILER PARK LICENSE FEE***

The owner or operator of a trailer park shall pay an annual privilege license fee to the city in the sum of twenty-five dollars (\$25.00) per year for two (2) units, fifty dollars (\$50.00) per year for three (3) and up to five (5) units, and one hundred dollars (\$100.00) per year for more than five (5) units. The term "units" refers to units in use, but any use for a part of the year constitutes use for the entire year.

(Ord. 766, passed 2-24-86; Am. Ord. 868, passed 2-14-94)

#### **Cross reference:**

Penalty for violation, see § 73.999

### **§ 73.999      *PENALTY***

(A) Any person violating any provision of this chapter, shall be deemed to have committed a Class A misdemeanor and shall be subject to a fine and confinement in jail or both, in keeping with the Kentucky Revised Statutes. Each day of continued violation after notice to the property owner or occupant shall constitute a separate offense and be punishable as such.

(B) Criminal prosecution for a violation of this chapter shall not bar any civil remedy of the city to proceed against the property owner or occupant by injunction or otherwise to prevent violations of this chapter.

(Ord. 766, passed 2-24-86)

## **LONDON - MOBILE HOMES AND TRAILER PARKS**

---

## **TITLE 8: PLANNING AND ZONING**

---

<b>CHAPTER 80</b>	<b>DEVELOPMENT CODE</b>
<b>CHAPTER 81</b>	<b>AIRPORT ZONING</b>
<b>CHAPTER 82</b>	<b>FLOOD DAMAGE PREVENTION</b>
<b>CHAPTER 83</b>	<b>EROSION AND STORM WATER CONTROL</b>

## **LONDON - PLANNING AND ZONING**

---

## CHAPTER 80: DEVELOPMENT CODE

80.01 Adoption by reference

### § 80.01 *ADOPTION BY REFERENCE*

The City of London Development Ordinance, the general purpose of which is to regulate the use of land and structures, and their development within the City of London, all for the purpose of protecting the public health, safety, and general welfare of the citizens of London, and which formally adopts the city's Comprehensive Plan, is adopted by reference, the same as if set out in full herein.

(Ord. 2015-06, passed 9-8-15; Am. Ord. 2016-04, passed - - ; Am. Ord. 2017-07, passed - - ; Am. Ord. 2018-03, passed 9-7-18)

[Text continues on page 129]

## **LONDON - DEVELOPMENT CODE**

---



## **CHAPTER 80: DEVELOPMENT CODE**

### **ARTICLE I. GENERAL PROVISIONS**

80.001	Title
80.002	Authority
80.003	Purpose
80.004	Jurisdiction
80.005	Definitions
80.006	Minimum requirements
80.007	Consistency with other provisions
80.008	Relation to Comprehensive Plan

### **ARTICLE II. ADMINISTRATION; ENFORCEMENT**

#### **Division 1. City Council and Fiscal Court**

80.100	City Council
80.101	Fiscal Court
80.102	Responsibilities

#### **Division 2. Planning Commission**

80.125	Composition
80.126	Appointing authority
80.127	Term of office
80.128	Vacancies
80.129	Oath
80.130	Removal
80.131	Meetings; procedures
80.132	Duties
80.133	Employing planners or other persons
80.134	Finances

#### **Division 3. Board of Adjustments**

80.150	Membership; appointment; term
80.151	Vacancies
80.152	Oath
80.153	Removal
80.154	Officers
80.155	Meetings; quorum; minutes; by-laws
80.156	Employing planners or other persons
80.157	Finances
80.158	Subpoena power
80.159	Administration of oaths

## **LONDON - DEVELOPMENT CODE**

---

80.160	Powers; duties
80.161	Administrative review
80.162	Procedure for all appeals to Board
80.163	Public notice of appeal hearing
80.164	Appeals from Board of Adjustments

### **Division 4. Code Enforcement Office**

80.175	Responsibilities
80.176	Administrative official

### **Division 5. Violations**

80.185	Complaints
--------	------------

## **ARTICLE III. USE OF LAND AND STRUCTURES**

80.200	Purpose
80.201	Building permits
80.202	Building permits schedule of fees, charges, and expenses
80.203	Certificate of occupancy
80.204	Classification of uses
80.205	Amendments to code
80.206	Annexations

## **ARTICLE IV. ZONING DISTRICTS**

### **Division 1. General Provisions**

80.300	Districts established
--------	-----------------------

### **Division 2. Residential Districts**

80.325	Districts established
80.326	R-1 Single-Family Residential Districts
80.327	R-2 Two-Family/Multi-Family Residential Districts

### **Division 3. Mobile Home Park Standards**

80.350	Development standards
80.351	Applications
80.352	Location; general layout
80.353	Permits; occupancy
80.354	Other requirements

## **LONDON - DEVELOPMENT CODE**

---

### **Division 4.**

### **Planned-Development District**

80.375	Designation
80.376	Uses permitted
80.377	Regulations
80.378	Dimension and area regulations
80.379	Uses allowed
80.380	Dimensional requirements

### **Division 5.**

### **Business Districts**

80.400	Districts established
80.401	C-1 Central Business District
80.402	C-2 General Business District
80.403	C-3 Neighborhood Business District
80.404	Planned Shopping Centers
80.405	Uses allowed
80.406	Dimensional requirements
80.407	Apartment houses
80.408	Multi-unit residential structures (Special high-density zones)

### **Division 6.**

### **Industrial Districts**

80.425	Light Industrial District (I-1)
80.426	Heavy Industrial District (I-2)
80.427	Uses allowed
80.428	Dimensional requirements

### **Division 7.**

### **Governmental Districts (G)**

80.450	Purpose; designation
80.451	Uses allowed

## **ARTICLE V.      PARKING REQUIREMENTS**

80.500	General provisions
80.501	Location of parking
80.502	Number of parking spaces required
80.503	Parking lot improvements
80.504	Dimensional requirements; access

## **ARTICLE VI.      LANDSCAPE REQUIREMENTS**

80.550	General provisions
--------	--------------------

## **LONDON - DEVELOPMENT CODE**

---

### **ARTICLE VII.      SIGNS**

80.575	Purpose
80.576	Permits required
80.577	Exemptions
80.578	Standards
80.579	Types of signs
80.580	Number of signs
80.581	Dimensions
80.582	Setback requirements
80.583	Temporary signs
80.584	General requirements
80.585	Off-premise signs; general
80.586	Off-premise signs within city limits (non I-75)

### **ARTICLE VIII.    SUPPLEMENTARY REGULATIONS**

80.600	Purpose
80.601	Residential areas
80.602	Commercial areas
80.603	Industrial areas

### **ARTICLE IX.      ZONING BOUNDARIES**

80.650	Official zoning map adopted
80.651	Replacement of official zoning map
80.652	Interpretation of boundaries

### **ARTICLE X.        LAND DIVISION AND DEVELOPMENT**

#### **Division 1.            General Provisions**

80.700	Purpose; authority; jurisdiction
80.701	Definitions
80.702	Procedures
80.703	Informal advisory meeting

#### **Division 2.            Plats**

80.725	Plat determination
80.726	Preliminary plats; amendments
80.727	Final plats; amendments
80.728	Plat review charge
80.729	Plat revocation
80.730	Checklist

## **LONDON - DEVELOPMENT CODE**

---

### **Division 3.**

### **Design and Development Standards**

80.750	Purpose
80.751	Standards
80.752	Drainage; erosion controls
80.753	Landscape requirements
80.754	Lot development
80.755	Lot area requirements
80.756	Lot layout
80.757	Building setback line
80.758	Lot identification
80.759	Mobile homes
80.760	Planned development projects

### **Division 4.**

### **Transportation Improvements**

80.775	Conformance required
80.776	Street requirements
80.777	Street classification system
80.778	Street classification standards
80.779	Construction; excavation
80.780	General street design criteria
80.781	Dedication of right-of-way for existing streets
80.782	Walkways

### **Division 5.**

### **Public Utilities; Facilities**

80.800	Administration
80.801	Sanitary sewage treatment service
80.802	Storm water drainage
80.803	Water supply system
80.804	Fire hydrants
80.805	Administrative procedure
80.806	Utility and drainage easements
80.807	Drain tile construction permit required; approval regulations

### **Division 6.**

### **Fees, Charges, and Expenses**

80.825	Schedule of fees, charges, and expenses
--------	---

### **Division 7.**

### **Regulating Change in Zoning Designation**

80.835	Title
80.836	Authorization
80.837	Steps to amending zoning designation

## **LONDON - DEVELOPMENT CODE**

---

### **ARTICLE XI. DEVELOPMENT OF STRUCTURES**

80.850	Code references
80.851	Procedures
80.852	Preliminary site plan
80.999	Penalty

Appendix A: Condominiums

Appendix B: Forms

---

#### **Cross reference:**

Airport zoning, see Ch. 81

Building regulations, see Ch. 70

Mobile home and trailer parks, see Ch. 73

Streets and sidewalks, see Ch. 41

Trees, see Ch. 54

### **ARTICLE I. GENERAL PROVISIONS**

#### **Division 1. General Provisions**

#### **§ 80.001 TITLE**

This chapter shall be known and may be cited to as the "Development Code for the City of London and Laurel County, Kentucky."  
(Ord. 917, passed 12-9-96)

#### **§ 80.002 AUTHORITY**

These regulations are adopted under the authority granted in Kentucky Revised Statutes (K.R.S.) Chapter 100.  
(Ord. 917, passed 12-9-96)

#### **§ 80.003 PURPOSE**

The general purpose of this chapter is to regulate the use of land and structures, the subdivision and development of land, and the development of structures within the city of London and Laurel County (as applicable), all for the purpose of protecting the public health, safety, comfort, and general welfare.  
(Ord. 917, passed 12-9-96)

#### **§ 80.004 JURISDICTION**

On and after the date of adoption, these regulations shall govern land use, the subdivision

## **LONDON - DEVELOPMENT CODE**

---

and layout of land parcels, and structural development in the city and Laurel County, as described below:

(A) The regulations governing the use of land and structures (zoning) are applicable to the area within the corporate limits of the city as shown on the Official Zoning Map.

(B) The regulations governing the subdivision and development of land are applicable to the areas within the corporate limits of the city and throughout Laurel County.

(C) The regulations governing the development of buildings (building, plumbing, electrical, and housing codes) are applicable to the area within the corporate boundaries of the city.

(Ord. 917, passed 12-9-96)

---

### **Cross reference:**

Zoning Map, see § 80.650

Land Division and Development, see Art. X

Use of land and structures, see Art. III

Development of structures, see Art. XI

### **§ 80.005      *DEFINITIONS***

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the chapter. Words used in the present tense shall include the future; the word "building" shall include the word "structure"; the word "lot" includes the words "plot" or "parcel"; the word "used" shall include "arranged, designed, constructed, altered, converted, rented, leased" or intended to be "used"; the word "shall" is mandatory "may" is permissive, and "should" is preferred.

**"ACCESSORY USE OR STRUCTURE."** A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same lot, serving a purpose customarily incidental to the use of the principal building or land use.

**"ADMINISTRATIVE OFFICIAL."** Any department, employee, or advisory, elected or appointed body which is authorized to administer any provision of the zoning regulation, subdivision regulations, and if delegated, any provision of any housing or building regulation or any other land use control regulation.

**"AGRICULTURAL USE."** The use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timbers, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.

## **LONDON - DEVELOPMENT CODE**

---

**"ALLEY OR LANE."** A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

**"ALTERATIONS, STRUCTURAL."** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

**"AS-BUILT PLANS."** Engineering plans of public facilities, particularly water and sewage systems, prepared after construction to show the exact location and dimensions of the systems as they have actually been installed.

**"AUTOMOTIVE REPAIR, MAJOR."** Repair of motor vehicles or trailers, including rebuilding or reconditioning of engines and/or transmissions; collision services including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

**"AUTOMOTIVE REPAIR, MINOR."** Incidental minor repairs, upholstery, replacing of parts and motor service to passenger cars and trucks not exceeding one and one-half (1 ½) tons capacity, but not including any operation named under "Automotive Repair, Major."

**"AUTOMOTIVE SERVICE STATION."** A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease or parts and accessories for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.

**"AUTOMOTIVE WRECKING."** The dismantling or disassembling of used motor vehicles, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**"BASEMENT."** A story of a structure whose floor line is more than five (5) feet below grade.

**"BLOCK."** In describing the boundaries of a district, the word block refers to the legal description. In all other cases, the word block refers to the property abutting one side of a street and a railroad right-of-way or waterway.

**"BOARD OF ADJUSTMENT."** A body of five (5) citizens appointed by the Mayor with the approval of the city, and having the following functions: 1) Acting on conditional use permits and dimensional variances, and 2) reviewing and deciding upon appeals regarding errors in interpretation of the zoning ordinance.

**"BOARDING OR LODGING HOUSE."** A dwelling or part thereof occupied by a single housekeeping unit where meals and lodging are provided for four (4) or more persons for compensation by previous arrangement, but not transients.

**"BUILDABLE LOT AREA."** That part of the lot not included within the open areas



## LONDON - DEVELOPMENT CODE

---

required by this chapter.

**"BUILDING."** Any structure having a roof supported by columns or walls, used or intended to be used for the support, shelter, protection or enclosure of persons, animals, or property.

**"BUILDING, HEIGHT OF."** The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

**"BUILDING PERMITS."** A document issued by the Administrative Official authorizing the use of lots, structures, uses of land and structures.

**"BUILDING SETBACK LINE."** The line beyond which no building or part thereof shall project, except as otherwise provided by this chapter.

**"CEMETERY."** Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of such cemetery.

**"CHAIRPERSON."** The elected chairperson of the Planning Commission or, in his/her absence, the vice-chairperson or other delegated representative.

**"CITY."** The incorporated area of the City of London.

**"COMMISSION."** The Planning Commission administering these regulations.

**"COMPREHENSIVE PLAN."** A plan or any portion thereof, adopted by the Planning Commission and/or the city/county showing the general location and extent of present and proposed physical facilities, including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities.

**"CONDITIONAL USE."** A use which is essential to or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent and character of performance are imposed in addition to those imposed in the zoning regulation.

**"CONDITIONAL USE PERMIT."** Legal authorization to undertake a conditional use, issued by the Administrative Official pursuant to authorization by the Board of Adjustment, consisting of two (2) parts:

(A) A statement of the factual determination by the Board of Adjustment

## **LONDON - DEVELOPMENT CODE**

---

which justifies the issuance of the permit; and

(B) A statement of the specific conditions which must be met in order for the use to be permitted.

**"COUNTY."** Refers to the territory of Laurel County.

**"COURT."** An open unoccupied and unobstructed space, other than yard, on the same lot with a building or group of buildings.

**"DAY-CARE CENTER."** A facility for child care that meets state requirements.

**"DENSITY."** A unit of measurement; the number of dwelling units per acre of land.

(A) Gross Density - the number of dwelling units per acre of land to be developed.

(B) Net Density - the number of dwelling units per acre of land devoted to residential uses.

**"DEVELOPER."** Any individual, firm, association, corporation, governmental agency, or any other legal entity commencing proceedings under these regulations, to carry out the development of land as defined herein, for himself or for another.

**"DEVELOPMENT PLAN."** Development plan means written and graphic material for provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant.

**"DISPLAY SIGN."** A structure that is arranged, intended, designed, or used as an advertisement, announcement or direction, including a sign, billboard, or advertising device of any kind.

**"DRIVEWAY."** An improved surface connecting a garage or parking area with the street.

**"DWELLING."** A building or structure designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or mobile home, camper, boarding or rooming house, hotel or motel.

**"DWELLING, MULTI-FAMILY."** A building or portion thereof designed or used exclusively as the residence of three (3) or more families or housekeeping units living independently of each other.

## **LONDON - DEVELOPMENT CODE**

---

**"DWELLING, SINGLE-FAMILY."** A detached building occupied exclusively for residential purposes by one (1) family housekeeping unit.

**"DWELLING, TWO-FAMILY."** A detached residential building containing two (2) dwelling units designed for two (2) families or housekeeping units living independently of each other. (Duplex).

**"DWELLING UNIT."** One (1) room or a suit of two (2) or more rooms, designed for or used by one (1) family for living and sleeping purposes and having only one (1) kitchen or kitchenette.

**"EASEMENT."** Authorization by a property owner for the use by others, of any designated part of his property, for a specified purpose and time as described in the conveyance of land by such easement.

**"ESSENTIAL SERVICES."** The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm, boxes, traffic signals, hydrants, and other similar equipment and furnishing of adequate service by such public health or safety or general welfare, but not including buildings.

**"FAMILY."** A person living alone, or two (2) or more persons related by blood, marriage or adoption, or not more than five (5) unrelated persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel, or hotel, fraternity or sorority house.

**"FRONTAGE."** Frontage shall be that boundary of a lot which is along an existing or dedicated public street, or where no public street exists, is along a public way. Where a lot abuts more than one street, the Board shall determine the frontage for purposes of this chapter.

**"GARAGE, PRIVATE."** A detached accessory building or a portion of the principal building used by the occupants of the premises for the shelter or storage of vehicles owned or operated by the occupants of the principal building.

**"GRADE."** The inclination from the horizontal of a road, unimproved land, etc., and is expressed by stating the vertical rise or fall as a percent of the horizontal distance.

**"HOME OCCUPATION."** Professional offices, workshops, studios, and personal services maintained or conducted within a dwelling. Neither the selling of any merchandise nor processing of any product shall qualify as a home occupation. Home occupation includes only those which meet the following: (a) Home occupations shall be incidental to the principal residential use and shall not occupy more than twenty-five percent (25%) of the floor area of the dwelling unit; (b) Home occupations shall result in no exterior evidence, excepting a permitted

## LONDON - DEVELOPMENT CODE

---

sign, that the dwelling is used for a non-residential use; (c) Home occupations shall not generate any atmospheric pollution, light flashes, glare, odors, noise, vibration, or truck or other heavy traffic; (d) No more than one (1) person not a member of the occupant family may be employed in a home occupation.

**"HOSPITAL OR SANITARIUM."** An establishment which provides accommodations, facilities, and services over a continuous period of twenty-four (24) hours or more for observations, diagnosis and care, for two (2) or more individuals suffering from illness, in injury, deformity or abnormality, or from any condition requiring obstetrical, medical, or surgical services.

**"HOTEL OR MOTEL."** A building in which lodging or boarding and lodging are provided and offered to the public for compensation.

**"IMPROVEMENTS."** Physical changes made to raw land, and structures placed on or under the land surface, in order to make the land more useable for man's activities. Typical improvements in these regulations would be grading, cutting and filling, street pavement, curbs, gutters, drainage ditches, storm and sanitary sewers. Utility lines of all types, street name signs, property number signs, trees, etc.

**"INDUSTRIAL PARK."** An industrial park is a suitable tract of land for industrial use, which has been preplanned and is regulated and administered by a single body or agency.

**"JUNKYARD."** A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvage house wrecking and structural steel materials and equipment, but not including such uses when conducted entirely within a completely enclosed building, and not including pawn shops and establishments, for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged machinery in operable condition or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations.

**"LEGISLATIVE BODY."** The chief body of a city or a county with legislative power.

**"LOADING SPACE."** An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

**"LOT."** A parcel of land whose boundaries have been established by some legal instrument, such as a recorded deed or a recorded map, and which is recognized as a separate legal entity for purposes of transfer of title. A lot in the city shall meet all of the appropriate zoning requirements. All lots shall have minimum frontage on a public street or approved private streets as indicated in this chapter.

## LONDON - DEVELOPMENT CODE

---

**"LOT AREA."** The amount of surface land contained within the property lines of lot, including the land within easements on the lot, but excluding any land within the street right-of-way or public open space.

**"LOT, CORNER."** A corner lot is defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five degrees (135°).

**"LOT COVERAGE."** The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

**"LOT DEPTH."** The average horizontal distance between the front and rear property lines of a lot.

**"LOT FRONTAGE."** The front of a lot is that portion nearest to the street. For the purpose of determining yard requirement. For corner and through lots, all sides of a lot adjacent to a street shall be considered frontage. In this case, the developer may choose the street on which the building will front. The front of the building to be constructed on the lot is considered to be the side of the building that includes the main entrance(s), as determined by the Administrative Official's review of construction plans. The front of the building must face the front of the lot and shall meet the front yard requirements.

**"LOT MEASUREMENTS."** A lot shall be measured as follows (Figure 2):

(A) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

(B) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

**"LOT, MINIMUM OF AREA OF."** The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

**"LOT-OR-RECORD."** A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has also been recorded.

**"LOT, THROUGH OR DOUBLE FRONTAGE."** A lot of which the opposite ends abut on streets.

**"LOT WIDTH."** The distance between the two side property lines of a lot measured along the building setback line.

## **LONDON - DEVELOPMENT CODE**

---

**"MAJOR STREET PLAN."** That portion of the comprehensive plan pertaining to transportation and existing and proposed streets.

**"MANUFACTURING, HEAVY."** Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, and ready access to regional transportation.

**"MANUFACTURING, LIGHT."** Manufacturing or other industrial uses which are usually controlled operations, relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operation and storing within enclosed structures; and generating little industrial traffic and no nuisances.

**"MINOR SUBDIVISION PLAT."** See § 80.726 of these regulations.

**"MOBILE HOME."** A unit that: (a) is not constructed in accordance with standards set forth in the [state or local building code applicable to site-built homes], (b) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis to be used for residential or business purposes, and (c) exceeds forty (40) feet in length and eight (8) feet in width.

**"MOBILE HOME PARK."** Any site, tract of land under single ownership, upon which two or more mobile homes used for habitation are parked, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

**"MODULAR HOME."** A dwelling unit constructed in accordance with the standards set forth in the [state or local building code applicable to site-built homes] and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in manner similar to a mobile home (except that the mobile home meets the [state or local building code applicable to site-built homes]), or a series of panels or room sections transported on a truck and erected or joined together on the site.

**"NONCONFORMING USE OR STRUCTURE."** An activity or a building, sign, structure or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located.

**"NOXIOUS OR TOXIC MATTER."** Any matter such as dust, dirt, odors, vapors, gases, fumes, smoke, or radiation, which is inherently harmful and likely to destroy life and impair health, or is capable of causing injury to the well being of persons, or damage to property.

**"NURSERY, NURSING HOME."** A home or facility for the care and treatment of

## LONDON - DEVELOPMENT CODE

---

babies, children, pensioners, or elderly people.

**"OFFICIAL PUBLIC PROPERTIES MAP OR OFFICIAL MAP."** A map prepared in accordance with KRS 100-293 through 100-317 and adopted by the Planning Commission and the city/county, showing the location and extent of the existing and proposed public streets, including right-of-way, water courses, park and playgrounds, public schools and building sites, and other public facility needs.

**"OPEN SPACE."** An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, any other recreational facilities that the Planning Commission deems permissive. Streets, structures for habitation, and the like shall not be included.

**"OWNER."** Any individual, firm, association, corporation, governmental agency, or any other legal entity whose name last appears on the tax roles as the owner of the land proposed to be subdivided.

**"PARKING SPACES, OFF-STREET."** For the purpose of this chapter, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

**"PLANNED UNIT DEVELOPMENT."** An area of land in which a variety of housing types and/or related commercial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

**"PLANNING COMMISSION."** The legally constituted body of ten (10) members appointed by the Mayor with the approval of the City Council and the Judge Executive with the approval of the Laurel County Fiscal Court, to carry out the planning and zoning responsibilities as described in KRS Chapter 100.

**"PLAT."** The map of a subdivision.

(A) **"SKETCH PLAT."** A preliminary sketch indicating the subdivision's general objectives and desires in regard to the future development of his land, presented to the Planning Commission for its informal consideration.

(B) **"PRELIMINARY PLAT."** The drawings and supplementary material indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

(C) **"FINAL SUBDIVISION PLAT."** The final map, drawing, or chart

## LONDON - DEVELOPMENT CODE

---

upon which the subdivider's plan of subdivision is presented to the Planning Commission for approval, and which, if approved, will be submitted to the County Clerk for recording.

(D) *"PRINCIPAL BUILDING."* The building in which the primary activity on a certain lot is carried out.

(E) *"PRINCIPAL USE."* A use which is permitted outright in a district for which a building permit may be issued by the Building Official in accordance with the provisions of this chapter.

*"PUBLIC FACILITY."* Any use of land whether publicly or privately owned for transportation, utilities, or communications, or for the benefit of the general public, including, but not limited to, libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks, and cemeteries.

*"PUBLIC USE."* Public parks, schools, and administrative, and cultural, buildings, and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

*"QUASIPUBLIC USE."* Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

*"RECREATIONAL FACILITIES."* Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to, hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

*"RIGHT-OF-WAY."* A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

*"SEAT."* For the purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) linear inches of benches, pews, or space for loose chairs.

*"SIDEWALK."* That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

*"SIGN."* Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.



## **LONDON - DEVELOPMENT CODE**

---

**"STREET."** A way for vehicular traffic, however designated and regardless of size or ownership, but excluding private driveways serving only one parcel of land.

**"STREET CLASSIFICATION."** See § 80.777 of these regulations.

**"STRUCTURE."** Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground.

**"SUBDIVIDER."** Any individual, firm, association, corporation, governmental agency, or any other legal entity commencing proceedings under these regulations, to create a subdivision of land as defined herein for himself or for another.

**"SUBDIVISION."** The division of a parcel of land into three (3) or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land, provided that a division of land for agricultural use and not involving a new street should not be deemed a subdivision. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or, to the land subdivided; any division or redivision of land occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this section. Agricultural use means the use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to, livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timbers, orchard fruits, vegetables, flowers or ornamental plants including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.

**"TOURIST HOMES."** Establishments which provide lodging and a meal (or meals) for tourists for a prearranged fee. A Bed and Breakfast Homestay is a residence limited to a maximum of three (3) guest rooms. A Breakfast Inn is a commercial establishment with an architectural style of an historic or regional nature and is limited to a maximum of twenty (20) guest rooms. Bed and Breakfast establishments shall not have structural changes made except those required for general maintenance.

**"TOWNHOUSE."** A single-family dwelling unit containing one or more stories, attached on one or both sides to another single-family dwelling unit and usually arranged in rows of three (3) or more units.

**"UNIT."** A portion of a subdivision selected for development as one (1) of a series of stages.

**"USE."** The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

**"VARIANCE."** A departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces

## LONDON - DEVELOPMENT CODE

---

where such departure meets the requirements of KRS 100.241 to 100.247.

**"VETERINARY ANIMAL HOSPITAL OR CLINIC."** A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation.

**"WALLS AND FENCES."** Walls shall be constructed of natural stone, brick, or other weather-proof materials arranged in a linear, serpentine, or other alignment; while fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction of buildings. Chain link fencing must be approved by the Board of Adjustment. Chain link fencing may be installed in the required landscape area only if it is in addition to the required continuous planting, hedge, fence, wall, or earth mound. In industrial zones, there shall be no height limitation on walls or fences; in all other zones, however, there shall be a six (6) foot minimum height for walls or fences in front yards and side street side yards, and (6) foot minimum height in rear yards. All solid fences shall have a minimum height of six (6) feet. All walls or fences shall have a minimum opacity of eighty percent (80%). Walls and fences allowed to meet the requirements of this article shall not be used for the erection or display of any sign or other advertising device.

**"YARD."** A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility. In the case of irregularly shaped lots, the Administrative Official shall be responsible for interpretation of the type yard. Refer to Figure 2 for types of yards.

(A) **"YARD, FRONT."** A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

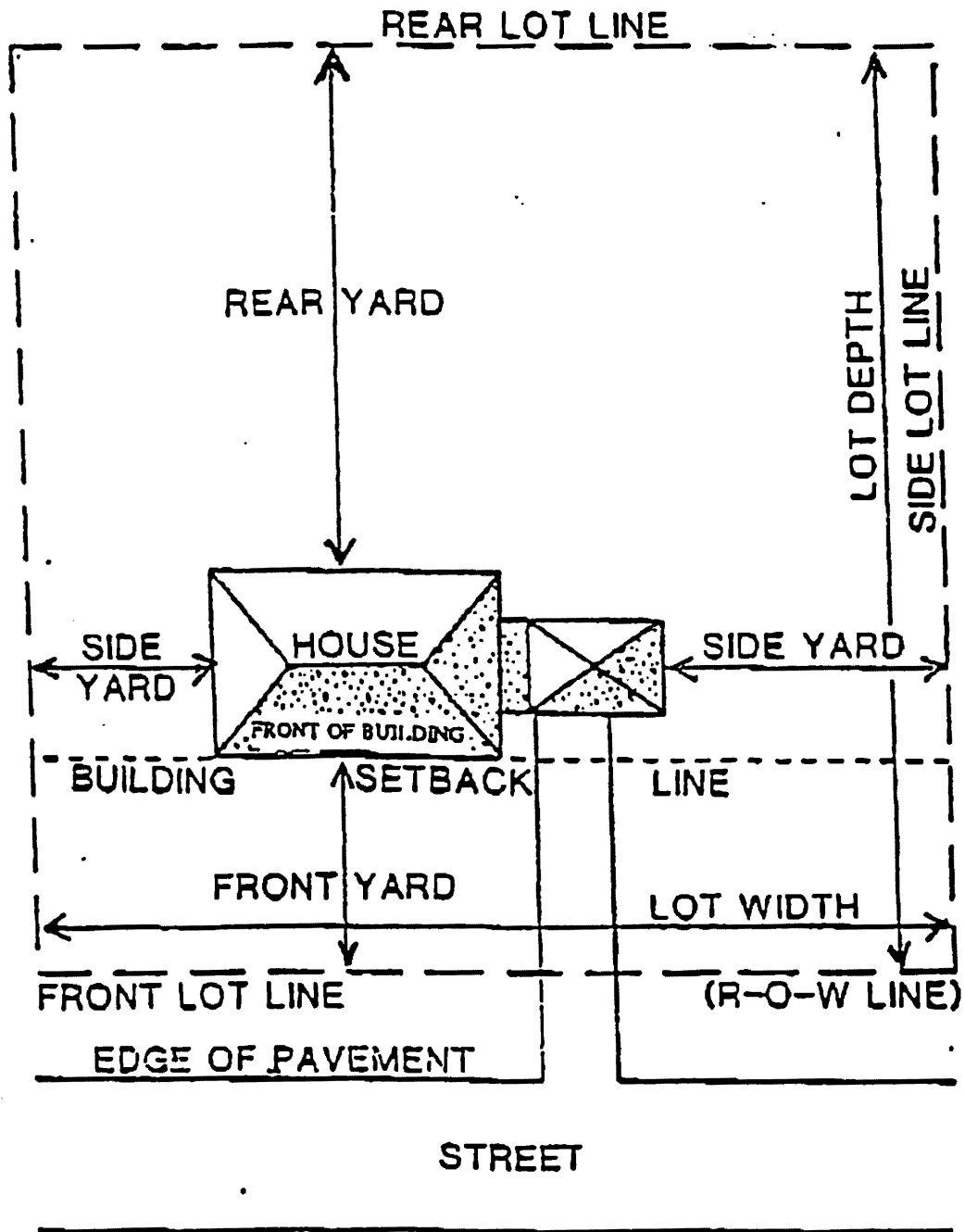
(B) **"YARD, REAR."** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

(C) **"YARD, SIDE."** A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

See Figure 104 (next page)

# LONDON - DEVELOPMENT CODE

## 104. YARD; FIGURE 2 - TYPES OF YARD



LOT AND YARD TERMS

(Ord. 917, passed 12-9-96)

## **LONDON - DEVELOPMENT CODE**

---

### **§ 80.006      *MINIMUM REQUIREMENTS***

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. The Planning Commission may require standards above the minimum contained herein whenever it finds that the protection of public health, safety, and welfare justify such increases. (Ord. 917, passed 12-9-96)

### **§ 80.007      *CONSISTENCY WITH OTHER PROVISIONS***

Whenever there is a discrepancy between minimum standards set forth in these regulations and those of other lawfully adopted rules, regulations, resolutions, or ordinances, the most restrictive or highest standard shall apply. (Ord. 917, passed 12-9-96)

### **§ 80.008      *RELATION TO COMPREHENSIVE PLAN***

The implementation of these regulations is closely related to the attainment of goals and objectives contained in the London/Laurel County Comprehensive Plan. (Ord. 917, passed 12-9-96)

## **ARTICLE II. ADMINISTRATION; ENFORCEMENT**

### **Division 1. City Council and Fiscal Court**

#### **§ 80.100      *CITY COUNCIL***

The City Council consists of six (6) council members, each elected for two (2)-year terms. This body is responsible for overall governance of the city. They meet twice each month, and on call as needed, in order to transact the city's business. (Ord. 917, passed 12-9-96)

#### **§ 80.101      *FISCAL COURT***

The Fiscal Court consists of judge executive, elected for a four (4)-year term, and six (6) magistrates, each elected for four (4)-year terms. This body is responsible for overall governance of the county. They meet twice each month, and on call as needed, in order to transact the county's business. (Ord. 917, passed 12-9-96)

#### **§ 80.102      *RESPONSIBILITIES***

The City Council's and Fiscal Court's specific responsibilities related to planning and development activities fall into two categories:

## **LONDON - DEVELOPMENT CODE**

---

(A) The development, adoption, and administration of laws, regulations, and rules (ordinances, resolutions, orders, etc.) for conduct of the city's/county's affairs. The bodies formally adopt the Comprehensive Plan which serves as the general guide for future development. In zoning, the City Council makes the final decisions regarding specific zoning map and text amendments. In the subdivision and development of land and the enforcement of codes, both governmental bodies are represented in the process by members from appropriate departments or agencies (Codes, Streets/Roads, Fire Departments, Utilities, etc.).

(B) The provision of personnel to oversee the planning and development process to include the Planning Commission, Board of Adjustments, planning consultant, legal counsel, etc. (Ord. 917, passed 12-9-96)

### **Division 2. Planning Commission**

#### **§ 80.125      *COMPOSITION***

The Planning Commission shall consist of twelve (12) members. Six (6) members shall be residents of the city and six (6) members shall be from unincorporated areas of the county. The Planning Commission as constituted at the time of adoption of this chapter shall continue in power. Future appointment shall be in keeping with requirements of this section. (Ord. 917, passed 12-9-96)

#### **§ 80.126      *APPOINTING AUTHORITY***

The Mayor shall appoint the city members of the Planning Commission with the approval of the City Council. The County Judge-Executive shall appoint the county members with approval of the Fiscal Court. (Ord. 917, passed 12-9-96)

#### **§ 80.127      *TERM OF OFFICE***

The term of office of all elected public officials shall be the same as their official tenure in office. The terms of office for other members shall be four (4) years, but the term of office of members first appointed shall be staggered so that a proportional number serve one (1), two (2), three (3), and four (4) years respectively, and later appointments or reappointments shall continue the staggered patterns. (Ord. 917, passed 12-9-96)

#### **§ 80.128      *VACANCIES***

Vacancies shall be filled within sixty (60) days by the Mayor/Judge-Executive (as applicable). If the Mayor/Judge-Executive fails to act within that time, the Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term. (Ord. 917, passed 12-9-96)

## LONDON - DEVELOPMENT CODE

---

### § 80.129      *OATH*

All members of the Planning Commission shall, before taking office, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of a court, or justice of peace within Laurel County.

(Ord. 917, passed 12-9-96)

---

#### **Cross reference:**

Oath of office, see § 21.002

### § 80.130      *REMOVAL*

Any member of the Planning Commission may be removed by the Mayor/Judge-Executive with approval of the appropriate governmental body, for inefficiency, neglect of duty, malfeasance, or conflict of interest.

(Ord. 917, passed 12-9-96)

### § 80.131      *MEETINGS; PROCEDURES*

(A) The Planning Commission shall elect a chairman and vice chairman and adopt rules necessary to the conduct of its affairs in keeping with the provisions of this chapter. Regular meetings shall be held at least six (6) times annually. Special meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its procedures, including regulations, transactions, findings, and determinations, and the number of votes for and against each question, and if any member is absent or disqualifies from voting, indicating the fact. Any matter to be discussed at a meeting of the Commission shall be submitted and received by the Commission at least ten (10) days prior to the meeting date of the Commission.

(B) A simple majority of the total membership of the Commission (seven) shall constitute a quorum. A member having a financial interest in the outcome of any application before the Commission shall disclose the nature of the interest and shall disqualify himself (herself) from voting on the question, and shall not be counted for the purpose of a quorum. If it is discovered that a member failed to properly excuse himself (herself), his (her) vote on the issue in questions will be void. A simple-majority vote of all members present where there is a properly constituted quorum shall be necessary to transact any official business except that a vote of a simple majority of the total membership shall be necessary for the adoption of amendment of the commission's bylaws, or for elements of the comprehensive plan or regulations.

(Ord. 917, passed 12-9-96; Am. Ord. 1001, passed 12-3-01)

---

#### **Cross reference:**

Public meetings, see Ch. 25

## **LONDON - DEVELOPMENT CODE**

---

### **§ 80.132      *DUTIES***

The Planning Commission shall have the following duties:

- (A) Prepare a comprehensive plan.
  - (B) Review and amend the comprehensive plan as necessary.
  - (C) Review all proposed amendments to this chapter and make recommendations to the Planning Commission.
  - (D) File certificates of land use restrictions.
- (Ord. 917, passed 12-9-96)

#### **Cross reference:**

Amendments to code, see § 80.205

### **§ 80.133      *EMPLOYING PLANNERS OR OTHER PERSONS***

The Planning Commission may employ a staff or contract with planners or other persons as it deems necessary to accomplish its assigned duties.

(Ord. 917, passed 12-9-96)

### **§ 80.134      *FINANCES***

The City Council may appropriate out of general revenues for the expenses and accommodations necessary for the work of the Planning Commission. The Planning Commission shall have the right to receive, hold, and spend funds which it may legally receive from any and every source both in and out of the Commonwealth of Kentucky, including the U.S. Government, for the purpose of carrying out its duties. The fee for holding a special hearing at the request of a person seeking a special hearing for any purpose to be conducted by the London/Laurel County Joint Planning Commission shall be twelve hundred fifty dollars (\$1,250.00). The fee to be paid to the Building Inspector of the city for reviewing any project prior to a meeting of the London/Laurel County Joint Planning Commission whether special or otherwise shall be in the amount of fifty dollars (\$50.00).

(Ord. 917, passed 12-9-96; Am. Ord. 1001, passed 12-3-01)

## **Division 3. Board of Adjustments**

### **§ 80.150      *MEMBERSHIP; APPOINTMENT; TERM***

The Board shall consist of seven (7) members, all of whom must be citizen members. Not more than two (2) of the members may be citizen members of the Planning Commission. Board members shall be appointed by the Mayor, subject to the approval of the City Council. The term of office shall be for four (4) years, but the term of office of members first appointed

## **LONDON - DEVELOPMENT CODE**

---

shall be staggered so that a proportionate number serve one (1), two (2), three (3), and four (4) years respectively. The Board as constituted at the time of adoption of this chapter shall continue in power. Future appointments shall be made as required in this section.  
(Ord. 917, passed 12-9-96)

### **§ 80.151      *VACANCIES***

Vacancies on the Board shall be filled within sixty (60) days by the Mayor subject to approval by the City Council. If the Mayor fails to act within that time, the Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.  
(Ord. 917, passed 12-9-96)

### **§ 80.152      *OATH***

All members shall, before taking office, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of a court, or justice of the peace within Laurel County.  
(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Oath of office, see § 21.002

### **§ 80.153      *REMOVAL***

Any member of a Board of Adjustments may be removed by the Mayor, subject to approval by the City Council, for inefficiency, neglect of duty, malfeasance, or conflict of interest. The Mayor shall submit a written statement to the Commission setting forth the reasons for removal, and the statement shall be read at the next meeting of the Board of Adjustments, which shall be open to the general public. Any member being removed shall have the right of appeal from the removal of the circuit court of the county in which he resides.  
(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Public meetings, see Ch. 25

### **§ 80.154      *OFFICERS***

The Board of Adjustments shall annually elect a chairman, vice-chairman, and secretary and any other officers it deems necessary, and any officer shall be eligible for re-election at the expiration of his term.  
(Ord. 917, passed 12-9-96)



## **LONDON - DEVELOPMENT CODE**

---

### **§ 80.155      *MEETINGS; QUORUM; MINUTES; BYLAWS***

(A) The Board of Adjustments shall conduct meetings at the call of the chairperson who shall give written or oral notice to all members of the Board at least seven (7) days prior to the meeting, which notice shall contain the date, time, and place for the meeting, be listed in the local paper at least seven (7) days in advance of a called meeting, and a copy of the agenda sent to the Mayor and members of the City Council.

(B) A simple majority of the total membership of the Board of Adjustments as established by regulation or agreement, shall constitute a quorum. Any member of the Board of Adjustments who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself from voting on the question.

(C) The Board of Adjustments shall adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings, including regulations, transactions, findings and determinations and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption, be filed in the office of the Board. If the Board has no office, such records may be kept in custody of an officer of the Board and shall be available to the general public. A transcript of the Board of Adjustments' meeting shall be provided, if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

(Ord. 917, passed 12-9-96)

#### **Cross reference:**

Public records, see Ch. 24

### **§ 80.156      *EMPLOYING PLANNERS OR OTHER PERSONS***

The Board of Adjustments may employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties under this chapter.

(Ord. 917, passed 12-9-96)

### **§ 80.157      *FINANCES***

The Board of Adjustments shall have the right to receive, hold, and spend funds which it may legally receive from any and every source in and out of the Commonwealth of Kentucky, including the United States Government, for the purpose of carrying out the provisions of this chapter. Any request for a hearing on any matter for a special called meeting of the Board of Adjustments shall be assessed an additional fee of five hundred twenty-five dollars (\$525.00) for any of the above matters. Otherwise, any person requesting a special called meeting of the Board of Adjustments shall pay a fee of five hundred twenty-five dollars (\$525.00).

(Ord. 917, passed 12-9-96)

## **LONDON - DEVELOPMENT CODE**

---

### **§ 80.158      *SUBPOENA POWER***

The Board of Adjustments shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it. The sheriff shall serve such subpoenas. The circuit court may, upon application by the Board, compel obedience to such court or such subpoena by proceedings of contempt.

(Ord. 917, passed 12-9-96)

### **§ 80.159      *ADMINISTRATION OF OATHS***

The Chairperson of the Board of Adjustments shall have the power to administer an oath to witnesses prior to their testifying before the Board on any issue.

(Ord. 917, passed 12-9-96)

### **§ 80.160      *POWERS; DUTIES***

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Administrative Official from whom the appeal is taken. The concurring vote of the three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variation in the application of this chapter. For the purpose of this chapter, the Board has the following specific responsibilities:

(A)    Conditional Use Permits.    The Board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations which may be suitable only in specific locations in the zone only if certain conditions are met. The fee for a conditional use hearing shall be one hundred dollars (\$100.00).

(1)    The Board may approve, modify, or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board's minutes and on the conditional use permit along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. The Board shall have power to revoke conditional use permits, or variances for non-compliance with the condition thereof. Furthermore, the Board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.

(2)    Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing, and other regulations.

## **LONDON - DEVELOPMENT CODE**

---

(3) In any case where a conditional use permit has not been exercised within the time limit set by the Board, or within one (1) year if no specific time limit has been set, such conditional use permit shall not revert to its original designation, unless there has been a public hearing. Exercised, as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement has been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed.

(4) When construction is not part of the use, exercised shall mean that the use is in operation in compliance with the conditions as set forth in the permit.

(5) The Administrative Official shall review all conditional use permits except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions listed on the conditional use permit, the Administrative Official shall report the fact in writing to the chairman of the Board of Adjustments. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairman of the Board of Adjustments. The Board shall hold a hearing on the report within a reasonable time and notice of the time and place of the hearing shall be furnished to the landowner at least one (1) week prior to the hearing. If the Board of Adjustments finds that the facts alleged in the report of the Administrative Official are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board of Adjustments may authorize the Administrative Official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

(6) Once the Board of Adjustments has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the Administrative Official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the County Clerk, as required in K.R.S. 100.329. Thereafter the use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

(7) When an application is made for a conditional use permit for land located within or abutting any residential zoning district, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, administrative official, and owner of every parcel of property adjoining the property to which the application applies and such other persons as the local zoning ordinance or Board of Adjustment bylaws shall direct. Written notice shall be by first class mail with certification by the Board's secretary or other officer that the notice is mailed. It shall be the duty of the applicant to furnish to the

## **LONDON - DEVELOPMENT CODE**

---

Board the name and address of any owner of each parcel of property as described in this subsection. Records maintained by the property valuation administrator may be relied upon to determine the identity and address of the owner. In the event the property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners.

(8) All conditional use permits approved by the Board of Adjustments shall be recorded at the expense of the applicant in the office of the County Clerk.

(B) Variances. The Board shall have the power to decide on applications for variances. The Board may impose any reasonable conditions or restrictions on any variance it decides to grant. The fee for a Variance Request Hearing shall be one hundred dollars (\$100.00).

(C) Findings Necessary For Granting Variances.

(1) Before any variance is granted, the Board must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the variance.

(a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;

(b) Such special circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation;

(c) The strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant; and

(d) Reasons that the variance will not adversely affect the public health, safety and welfare, and will not alter the essential character of the general vicinity and will not cause a hazard or a nuisance to the public.

(2) A variance applies to the property for which it is granted, and not to the individual who applied for it. A variance runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

(3) All variances approved by the Board of Adjustments shall be recorded at the expense of the applicant in the office of the County Clerk.

(D) Non-Conformities.

(1) Within the districts established by this chapter there exist lots, structures,

## **LONDON - DEVELOPMENT CODE**

---

and uses of lands and structures which were lawful before this chapter was passed or amended, but which would be prohibited, regulated, or restricted under the forms of this chapter or future amendments. It is the intent of this chapter to permit these non-conformities to continue but not to allow their expansion, enlargement, or extension.

(2) The lawful use of a lot or structure existing at the time of adoption of any zoning regulations affecting it, may be continued although such use does not conform to the provisions of such regulations, except as otherwise provided herein. A non-conforming use may lapse for a period of one (1) year, without being considered abandoned. The property owner may appeal to the Board of Adjustments for an additional year prior to the end of the first year. Any lapse of a non-conforming use for a period of more than two (2) years will result in the property being required to conform to existing requirements regarding appropriate uses.

(3) The Board of Adjustments shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time the regulation which makes its use non-conforming was adopted. Nor shall the Board permit a change from one non-conforming use to another unless the new non-conforming use is in the same or a more restrictive classification.

(4) Should any non-conforming structure or non-conforming portion of a structure be damaged, destroyed, or demolished by any means, it may be reconstructed or repaired, but not to exceed the number of cubic feet existing in it, and not to extend or enlarge the scope and area of its operation prior to its damage, destruction, or demolition.

(Ord. 917, passed 12-9-96)

---

### **Cross reference:**

Public meetings, see Ch. 25

Nuisances, see Ch. 50

### **§ 80.161      *ADMINISTRATIVE REVIEW***

The Board of Adjustments shall have the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of the zoning regulation. Such appeal shall be within thirty (30) days.

(Ord. 917, passed 12-9-96)

### **§ 80.162      *PROCEDURE FOR ALL APPEALS TO BOARD***

Appeals to the Board may be taken by any person, or entity, claiming to be injuriously affected or aggrieved by an official action or decision or any zoning enforcement officer. The appeal shall be taken within thirty (30) days after the appellant or his agent receives official notice of the action, by filing with the officer and with the Board a notice of appeal specifying the ground thereof, and giving notice of the appeal to any and all parties of record. The officer shall forthwith transmit to the Board all papers constituting the record upon which the action

## **LONDON - DEVELOPMENT CODE**

---

appealed from was taken and shall be treated as and be the respondent in such further proceedings. At the public hearing on the appeal held by the Board, any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard. The Board will rehear an appeal only in cases where new evidence is available, or where the appealing person or entity desires a complete transcription for the court record.  
(Ord. 917, passed 12-9-96)

### **§ 80.163      *PUBLIC NOTICE OF APPEAL HEARING***

The Board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Ch. 424, as well as written notice to the appellant and the administrative official at least one (1) week prior to the hearing, and shall decide it within sixty (60) days. The affected party may appear at the hearing in person or by attorney.  
(Ord. 917, passed 12-9-96)

#### **Cross reference:**

Public meetings, see Ch. 25

### **§ 80.164      *APPEALS FROM BOARD OF ADJUSTMENTS***

Any person or entity claiming to be injured or aggrieved by any final action of the Board of Adjustments shall appeal from the action to the circuit court of the county in which the property, which is the subject of the action of the Board of Adjustments, lies. The appeal shall be taken within thirty (30) days after the final action of the Board. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The Board of Adjustments shall be a party in any such appeal filed in the circuit court.  
(Ord. 917, passed 12-9-96)

## **Division 4. Codes Enforcement Office**

### **§ 80.175      *RESPONSIBILITIES***

(A) The Codes Enforcement Office is responsible for the review/revision and adoption of the Comprehensive Plan, and its implementation through the use of this chapter. In addition to overseeing the use of land and structures, and the subdivision and development of land, this office enforces the various codes that pertain to structural development.

(B) The Codes Enforcement Office is the recipient of all applications that are described in this chapter.  
(Ord. 917, passed 12-9-96)

### **§ 80.176      *ADMINISTRATIVE OFFICIAL***

(A) Administrative Official designated by the City Council shall administer and enforce this chapter. The Administrative Official may be provided with the assistance of such

## **LONDON - DEVELOPMENT CODE**

---

other persons as the City Council may direct.

(B) For the purpose of the chapter, the Administrative Official shall have the following duties:

(1) Upon finding that any of the provisions of this chapter are being violated, notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation;

(2) Order discontinuance of illegal uses of land, buildings, or structures;

(3) Order removal of illegal buildings or structures or illegal additions or structural alterations;

(4) Order discontinuance of any illegal work being done;

(5) Take any other action authorized by this chapter to ensure compliance with or to prevent violation(s) of this chapter. This may include the issuance of and action on building permits and certificate of occupancy permits and such similar administrative duties as are permissible under the law;

(6) Make records of all official actions of this office relating to the administration and enforcement of the provisions of this chapter including, but not limited to, written records of all complaints and actions taken with regard thereto, all violations discovered and actions taken thereto, and the final disposition of all such matters.

(7) Issue building permits or certificates of occupancy, or both, in accordance with the literal terms of the regulation, but may not have the power to permit any construction, or to permit any use or any change of use which does not conform to the literal terms of the zoning regulation.

(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Building regulations, Building Inspector, see Ch. 70

### **Division 5. Violations**

#### **§ 80.185 COMPLAINTS**

(A) Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint stating fully the causes and basis thereof, with the Administrative Official. The Administrative Official shall record properly, the complaint, immediately investigate, and take action thereof as provided by this chapter.

## **LONDON - DEVELOPMENT CODE**

---

(B) Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission shall appeal from the final action to the circuit court of the county in which the property, which is the subject of the Commission's action, lies. The appeal shall be taken within thirty (30) days after such action. The action shall not include the Commission's recommendations made to other governmental bodies. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review, provided any appeal of a Planning Commission action granting or denying a variance or conditional use permit authorized by KRS 100.203(5) shall be taken pursuant to this subsection. In such case, the thirty (30)-day period for taking an appeal begins to run at the time the legislative body grants or denies the map amendment for the same development. The Planning Commission shall be a party in any such appeal filed in the circuit court.

(C) Any person or entity claiming to be injured or aggrieved by any final action of the Commission relating to a map amendment shall appeal from the action to the circuit court of the county in which the property, which is the subject of the map amendment, lies. Such appeal shall be taken within thirty (30) days after the final action of the Commission. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The Planning Commission shall be a party in any such appeal filed in the circuit court.

(D) Persons speaking at the public hearing in favor of the decision being appealed are not required to be made parties to such appeal.  
(Ord. 917, passed 12-9-96)

### **Cross reference:**

Conditional use permits, see § 80.160(A)  
Variances, see § 80.160(B)(C)  
Zoning Map amendments, see § 80.205

## **ARTICLE III. USE OF LAND AND STRUCTURES**

### **§ 80.200      *PURPOSE***

The purpose of this article is to classify, regulate, and restrict the use and location of buildings designed for specific uses, to regulate and determine the area of yards, courts, and other open spaces surrounding buildings, to regulate and limit the density of population, and to realize the general purposes set forth in § 80.003. In order to accomplish this purpose, the city is divided into zoning districts as provided in Article IV.  
(Ord. 917, passed 12-9-96)

### **§ 80.201      *BUILDING PERMITS***

(A) Building permit required prior to construction or alteration. It shall be unlawful to commence any excavation or alteration of any structure until the Administrative Official has issued a building permit authorizing such work. The utilities to any structure being constructed or altered will be connected after the building permit has been issued and shown to



## **LONDON - DEVELOPMENT CODE**

---

the agency or person responsible for connecting water, electric, sewer and gas utility, but not before the building permit is issued.

**(B) Procedure.**

(1) **Application.** In applying to the Administrative Official for a building permit the applicant shall submit with the application the following information.

(a) If the application is made by a person other than the owner in fee, it shall be accompanied by a verified written statement by the person making the application that the proposed work is authorized by the owner in fee and that the applicant is authorized to make application. The full names and addresses of the owner, lessee, applicant and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

(b) A general description of the proposed work.

(c) The location of the proposed work.

(d) The use and occupancies of all parts of the building or structure and of all portions of the site or lot not covered by the building or structure.

(e) Any additional information required by the code official.

(f) The application for the permit shall be accompanied by construction documents drawn to scale with sufficient clarity and detail dimensions to show the nature and character of the work to be performed.

(g) A copy of the site survey bearing the signature and seal of a Kentucky Registered Land Surveyor shall be submitted for all new buildings or additions; except that the code official may, in his discretion, accept other proof of location.

(h) A site plan shall be filed showing, to scale, the size and location of the new construction and all existing structures on the site, the distances from lot lines, the established street grades and the proposed finished grades. The site plan shall be drawn in accordance with the accurate boundary line survey.

(i) **Proof of insurance.** The issuance of a building permit shall be contingent upon presentation of a document or affidavit to the effect that all contractors and subcontractors employed or that will be employed in the construction, alteration or repair under the permit will be in compliance with Kentucky law relating to worker's compensation and unemployment insurance.

(2) **Permanent File.** The Administrative Official shall keep a permanent file of all applications with accompanying plans and all permits issued.

## LONDON - DEVELOPMENT CODE

(3) Issuance. If the proposed construction or alteration conforms with all applicable provisions of this ordinance and all other applicable ordinances, regulations and codes, the Administrative Official shall issue a building permit authorizing such construction or alteration no sooner than seventy-two (72) hours (three (3) working days), and no later than thirty (30) days from the date of the application. If the proposed alteration fails to conform, the Administrative Official shall refuse to issue a building permit and shall deliver written notice to the applicant stating the reasons for the refusal.

(4) Validity. The issuance of a building permit by the Administrative Official shall not waive any provisions of this chapter.

(5) Duration. A building permit shall become void six (6) months after the date of issuance, if construction has not begun, unless an extension is granted by the Administrative Official or presentation of a valid reasons for such extension.  
(Ord. 917, passed 12-9-96)

### **Cross reference:**

Design and development standards, landscape requirements, see § 80.753

### **§ 80.202 BUILDING PERMITS SCHEDULE OF FEES, CHARGES, AND EXPENSES**

<b>(A) ESTIMATED COST OF CONSTRUCTION</b>	<b>BUILDING PERMIT FEE</b>
\$50.00 to 3,000.00	\$20.00
\$3,001.00 to \$15,000.00	\$25.00 for first \$3,000.00 and \$2.50 per \$1,000.00 over \$3,000.00
\$15,000.01 to \$100,000.00	\$60.00 for first \$15,000.00 and \$2.00 per \$1,000.00 over \$15,000.00
\$100,001.00 to \$500,000.00	\$250.00 for first \$100,000.00 and \$1.00 per \$1,000.00 over \$100,000.00
\$500,001.00 to \$1,000,000.00	\$900.00 for first \$500,000.00 and \$.15 per \$1,000.00 over \$500,000.00

## **LONDON - DEVELOPMENT CODE**

---

(B) The value of new construction of homes is determined by the below formula fee:

- |     |   |         |
|-----|---|---------|
| (1) | Main living area cost per square footage  | \$25.00 |
| (2) | Attached garage cost per square footage   | \$15.00 |
| (3) | Second Floor, up cost per square footage  | \$15.00 |
| (4) | Improved Basement cost per square footage | \$15.00 |

(5) The estimated construction cost for building permits for commercial buildings shall be based on contract price.

(C) For moving a building or structure the building permit fee shall be twenty-five dollars (\$25.00). Demolition of any building up to sixteen hundred (1,600) square feet in size shall be ten dollars (\$10.00); demolition of any structure over sixteen hundred (1,600) square feet in size shall be fifty dollars (\$50.00).

(D) The fee for variance in any building or structure shall be one hundred dollars (\$100.00).

(E) A Certificate of Occupancy is required for any new or altered building for which a building permit was issued. The fee for a residence shall be two dollars (\$2.00) per family unit. The fee for a commercial building shall be five dollars (\$5.00) to cover the cost of the final inspection and the printing of the certificate.

(F) The fee for holding a public hearing to consider a change in zoning shall be two hundred dollars (\$200.00). This is to cover the cost of advertising for public hearing, signs for posting property considered for rezoning and the cost of notifying surrounding property owners. (Ord. 917, passed 12-9-96)

### **§ 80.203      *CERTIFICATE OF OCCUPANCY***

(A) Required prior to occupancy, change of use, and under other conditions. It shall be unlawful to use any newly erected or altered structure or to change the use of any premises even though no structure was erected or altered until the Administrative Official has issued a certificate of occupancy authorizing such use. The Planning Commission may authorize the Administrative Official to require that nonconforming uses or any existing uses shall maintain valid certificates of occupancy identifying them as nonconforming uses or permitted uses, as applicable.

(B) Procedure.

- (1) Application. In applying to the Administrative Official for a Certificate

## **LONDON - DEVELOPMENT CODE**

---

of Occupancy, the applicant shall notify the Administrative Official in writing of the date on which any new or altered structure or the new use of any premises will be ready to commence. The County Health Officer's certificate and a Certified Electrical Inspectors certificate must accompany the application.

(2) **Permanent File.** The Administrative Official shall keep a permanent file of all applications and all certificates issued.

(3) **Issuance.** If the newly erected or altered structure and the new use of premises conform with all applicable provisions of this chapter and all other applicable ordinances, regulations and codes, the Administrative Official shall issue a Certificate of Occupancy authorizing the use thereof. If the structure or use fail to conform, the Administrative Official shall refuse to issue a Certificate of Occupancy and shall deliver written notice to the applicant stating the reasons for the refusal. The Administrative Official shall inspect new structure or the premises for which a new use is proposed and shall issue or refuse a Certificate of Occupancy within three (3) working days after the date on which the new use is ready to commence.

(4) **Validity.** The issuance of a Certificate of Occupancy by the Administrative Official shall not waive any provisions of this chapter.  
(Ord. 917, passed 12-9-96)

### **§ 80.204 CLASSIFICATION OF USES**

(A) The present zoning districts were established with adoption of the original zoning ordinance and through amendments to the official zoning map that have occurred subsequently. Uses that are allowed within each district are as provided in Article IV and are classified as follows:

(1) **Principal or Primary.** These are uses that are deemed to be most appropriate, and are permitted outright in a district without further review by the Planning Commission or Board of Adjustment.

(2) **Conditional Uses.** These are uses that may or may not be appropriate in a district, dependent upon the situation. These uses may call for restrictions on location, size, extent, and character of performance in addition to those already imposed by the chapter, and require review and permitting by the conditional use requiring review by the Board of Adjustments.

(3) **Accessory Uses.** These uses are subordinate to the principal use of the land or structure, and serve purposes that are incidental to the principal use. Accessory uses do not require any further review by the Planning Commission or the Board of Adjustment.

(B) If a specific use is not listed, the closest related use will serve as the appropriate use category as determined by the Planning Commission. If the Planning Commission cannot

## **LONDON - DEVELOPMENT CODE**

---

make this determination, then the use in question will be considered a conditional use to be reviewed by the Board of Adjustments.

(Ord. 917, passed 12-9-96)

### **§ 80.205      *AMENDMENTS TO CODE***

(A)    The Zoning Text.    A proposal for amendment to the text of the code may originate with the City Council, or the Planning Commission.

(B)    The Zoning Map.    A proposal for amendment to the zoning map may originate with the City Council, the Planning Commission, any other governmental body, the owner of subject property, or by a person having written authorization from the owner of the subject property.

(C)    If a property owner wants to use his property in a way that is not allowed under the existing zoning classification, he may submit an application to the Administrative Official requesting a change in the zoning designation.

(1)    The steps to be followed in requesting an amendment to code are as follows:

(a)    File an application with the Planning Commission through the Administrative Official (Codes Enforcement Office in City Hall). At the time of filing an application, a non-returnable filing fee of two hundred dollars (\$200.00) shall be paid according to the schedule of fees, however, there shall be no filing fee for an amendment requested by any governmental agency.

(b)    Notice of public hearing on the amendment shall be given by the Codes Enforcement Office as follows:

1.    For a text amendment, notice of the time, place, and reason for holding a public hearing shall be given by publication twice in the newspaper of general circulation in the county, not earlier than twenty-one (21) days or later than seven (7) days before the public hearing.

2.    For an amendment to the official zoning map, in addition to the publication requirement above, the notice of the public hearing shall be given at least fourteen (14) days (by an individual), or thirty (30) days (by a governmental body) in advance of the hearing to the owner(s) of every parcel of property adjoining the property, the classification of which is proposed to be changed. This notice shall be sent by first class mail, with certification by the Planning Commission secretary (or other officer) that the notice was mailed to all property owners. It is the duty of the person(s) proposing the amendment to furnish the Planning Commission with correct names and addresses of all owners of adjoining property. Property situated directly across the street from the property requesting rezoning shall be considered to be contiguous. Records maintained by the property valuation administrator may be

## **LONDON - DEVELOPMENT CODE**

---

relied upon to determine the identity and address of said owner(s). In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairman of the owner group which administers the property commonly owned by the condominium or cooperative owners.

### **(D) Planning Commission Review.**

(1) Upon the filing of an application for an amendment to the zoning text or map, the Planning Commission shall study and review the application as provided in this chapter and the bylaws of the Planning Commission. The Planning Commission may require the submission of additional information. After notice of the public hearing has been duly given, the Planning Commission shall hold a public hearing on the proposed amendment.

(2) After voting to recommend that an application for amendment to the text of this code be granted or denied, the Planning Commission shall forward its recommendations in writing to the City Council/Fiscal Court. If the application is for an amendment to the official zoning map, the Planning Commission must find the amendment to be in agreement with the adopted Comprehensive Plan, or, in the absence of such a finding, it must find:

(a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate; or

(b) That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area.

(3) In its deliberations, the Planning Commission may require the submission of a development plan. If a development plan is approved as part of the zoning map amendment, a certificate of land use restriction must be filed.

(4) The Planning Commission shall make a finding of fact which shall be recorded in the minutes and records of the Planning Commission. After voting to recommend that an application for amendment to the official zoning map be granted or denied, the Planning Commission shall forward its findings of fact and recommendation in writing to the City Council/Fiscal Court. A tie vote shall be subject to further consideration by the Planning Commission for a period not to exceed thirty (30) days, at the end of which if the tie has not been broken, the application shall be forwarded to the City Council without a recommendation of approval or disapproval. When action has been taken to amend the zoning map, no other application for rezoning that same piece of property will be considered until six (6) months has passed.

### **(E) Action By The City Council.**

(1) The City Council shall not act upon a proposed amendment to the text of this code until it shall have received the written recommendation thereon from the Planning

## **LONDON - DEVELOPMENT CODE**

---

Commission. It shall take a majority vote of the entire City Council to override the recommendation of the Planning Commission.

(2) The City Council shall not act upon a proposed amendment to the official zoning map until it shall have received the written findings of fact and recommendation thereon from the Planning Commission. If the Planning Commission denied the requested amendment, before the City Council/Fiscal Court can approve such amendment, it must take a majority vote of the membership of City Council members to override the recommendations of the Planning Commission.

(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Condominiums, see App. A

Public Meetings, see Ch. 25

### **§ 80.206      *ANNEXATIONS***

When land is to be annexed into the city, the applicant shall submit a request to the city. The Codes Enforcement Office will contact the appropriate city agencies to determine the city's capacity for serving the proposed annexed area. If the determination is to proceed further, then the Planning Commission shall conduct a public hearing of the proposed annexation to determine the appropriate zoning classification. Their recommendations will be forwarded to the City Council for their action. Following the city's final action to annex the area, the Official Zoning Map will be amended to reflect the newly annexed area.

(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Annexations, see Tables of Special Ordinances, Table 2

Public Meetings, see Ch. 25

Zoning map changes, see Tables of Special Ordinances, Table 9

## **ARTICLE IV. ZONING DISTRICTS**

### **Division 1. General Provisions**

### **§ 80.300      *DISTRICTS ESTABLISHED***

(A) There is established three (3) major types of zoning districts:

- (1) Residential.
- (2) Business (Commercial).
- (3) Industrial.

## **LONDON - DEVELOPMENT CODE**

---

(B) These districts maybe subdivided into subtypes, such as single-family residential, multi-family, neighborhood business, etc. The regulations that are applicable to a particular zone (R-1, 1-2, etc.) are applicable throughout those zones, wherever they may be located in the city. (Ord. 917, passed 12-9-96)

### **Division 2. Residential Districts**

#### **§ 80.325      *DISTRICTS ESTABLISHED***

Residential districts are established to provide suitable sites and surroundings for housing. The code recognizes that there should be a diversity of settings in order to meet individual housing preferences. (Ord. 917, passed 12-9-96)

#### **§ 80.326      *R-1 SINGLE-FAMILY RESIDENTIAL DISTRICTS***

These residential districts are designed to provide for neighborhoods of single-family detached residences and related uses, and to exclude uses that are not compatible with residential use. (Ord. 917, passed 12-9-96)

#### **§ 80.327      *R-2 TWO-FAMILY/MULTI-FAMILY RESIDENTIAL DISTRICTS***

These residential districts are designed to establish neighborhoods of single-family and two-family homes free from other uses not compatible to residents of the area. (Ord. 917, passed 12-9-96)

### **Division 3. Mobile Home Park Standards**

#### **§ 80.350      *DEVELOPMENT STANDARDS***

Mobile home parks shall be located only in the MP District and shall be developed according to the following standards:

(A) It will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and its use will not change the essential character of the area.

(B) It will not be hazardous or detrimental to existing or future neighboring uses.

(C) It will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, waste disposal, and schools.

(D) It will be consistent with the intent and purpose of this chapter and the Comprehensive Plan.



## **LONDON - DEVELOPMENT CODE**

---

(E) It will have vehicular approaches to the property which shall be designed so as not to create any interference with traffic on surrounding public streets or roads.

(F) It will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.

(Ord. 917, passed 12-9-96)

---

### **Cross reference:**

Mobile homes and trailer parks, see Ch. 73

### **§ 80.351 APPLICATIONS**

Applications for a permit to construct or alter a mobile home park shall be made in writing to the appropriate state agency and the city's Department of Planning and Codes, and shall contain a complete plan, drawn to scale, submitted in triplicate and showing the following items:

- (A) The name and address of the applicant;
- (B) The name and location of the park;
- (C) The dimensions and topography of the site;
- (D) The number and size of all mobile home lots;
- (E) The area of each lot intended for the mobile home with setback lines shown;
- (F) A detailed drawing of the foundation for placement of mobile home within the stand;
- (G) Location and width of roadways, driveways, and walkways;
- (H) Number, location, and size of all off-street parking spaces;
- (I) The location of all utilities with size of lines (as needed), detailed drawings of water supply (if other than public), and detailed drawings (with specifications) of sewage disposal facilities. All sewage and waste matter shall be disposed of into a public sewerage system. The permit holder is responsible for storage and disposal of solid waste. The storage, collection, and disposal of solid waste shall be handled in such a way as not to create any health hazards;
- (J) Individual mobile homes located within the park shall have a minimum floor area of seven hundred and twenty (720) square feet;
- (K) A separate floor plan of all buildings and other improvements to be constructed;

## LONDON - DEVELOPMENT CODE

---

- (L) Size and location of any playground area if being provided;
  - (M) Evidence of compliance with the Comprehensive Plan and this chapter;
  - (N) Payment of required fee; and
  - (O) Such other information as the Planning Commission might require.
- (Ord. 917, passed 12-9-96)

### **Cross reference:**

Mobile homes and trailer parks, filing of application, see § 73.003

Penalty for violation, see § 80.999

### **§ 80.352 LOCATION; GENERAL LAYOUT**

The location and general layout of a mobile home park shall be as follows:

- (A) The mobile home park shall be located on a well-drained area, not subject to recurring flooding, and the premises shall be properly graded for drainage.
- (B) The mobile home park shall abut a collector or arterial street.
- (C) Each mobile home/lot shall be numbered and displayed in some systematic order.
- (D) Each mobile home lot shall be a minimum of four thousand (4,000) square feet in area.
- (E) Mobile homes shall be separated from each other and other structures by a minimum of twenty (20) feet.
- (F) All mobile homes shall be located at least twenty-five (25) feet from any external street right-of-way, and at least twenty (20) feet from any other park boundary.
- (G) Each mobile home shall be set back from an internal park street or common parking area a minimum distance of twenty (20) feet.
- (H) The park shall provide a recreational area which shall be easily accessible to all park residents and free of traffic hazards. A minimum of one hundred and fifty (150) square feet of useable recreational space shall be provided for each mobile home park lot.
- (I) All lots shall abut upon a park street. The minimum width of a two-way park street shall be twenty (20) feet, and ten (10) feet for a one-way park street. Additional street width may be required where on-street parking is to be allowed.
- (J) Park street, driveways, and walkways shall be paved according to city

## LONDON - DEVELOPMENT CODE

---

specifications, maintained in good condition, have good natural drainage, and be relatively free of dust.

(K) All mobile homes shall be placed on a perimeter concrete footer meeting the same requirements as does a single-family residence. The permanent foundation shall meet the requirements set by the Kentucky Building codes. A detailed copy of the perimeter masonry foundation shall be on file at City Hall in the Office of the Building Inspector.

(L) A dwelling/office for caretaker or manager is allowable provided it meets the applicable sections of this chapter.

(M) Only one (1) mobile home shall be permitted to be placed on a single lot.  
(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Mobile homes and trailer parks, location, see § 73.004

Penalty for violation, see § 80.999

**§ 80.353      *PERMITS; OCCUPANCY***

(A) All mobile homes in the city shall conform to the provisions of Chapter 73.

(B) The Administrative Official shall not issue a building permit until the Board of Adjustments has given approval of the mobile home in writing. In addition, the applicant cannot place the mobile home on the lot until a valid building permit has been issued.

(C) The Administrative Official shall issue a certificate of occupancy only after he has determined that the mobile home has been prepared according to all applicable regulations. A certificate of occupancy shall be issued on each mobile home. The applicant must also obtain a valid permit to operate from the appropriate state agency.

(D) Any mobile home park presently holding a valid construction or operating permit on the effective date of this regulation which does fully meet these design and construction requirements may continue to operate so long as the facilities in the park are capable of being maintained in a safe and sanitary manner.

(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Building permits, see § 80.201

Certificates of occupancy, see § 80.203

Penalty for violation, see § 80.999

**§ 80.354      *OTHER REQUIREMENTS***

Regulations pertaining to uses and dimensional requirements, parking, and supplementary

## **LONDON - DEVELOPMENT CODE**

---

requirements, not covered in this section, are covered in other appropriate sections of the chapter.

(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Design and development standards, see § 80.759

Landscape requirements, see § 80.550

Parking requirements, see §§ 80.502 – 80.504

Penalty for violation, see § 80.999

Sign requirements, see §§ 80.575 – 80.587

Uses allowed and dimensional requirements, see §§ 80.379, 80.380, 80.405

### **Division 4. Planned-Development District**

#### **§ 80.375      *DESIGNATION***

An approved planned-development project shall be designated as a planned-development district on the Official Map in accordance with the amendment regulations, § 80.205. Regulations specified in §§ 80.376 through 80.380 shall apply to all planned-development districts.

(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Condominiums, see Appendix A

#### **§ 80.376      *USES PERMITTED***

The following uses are permitted in the planned-development district:

(A) Planned-development project for residential, business, or industrial uses.

(B) Residential or business subdivisions.

(C) Planned-development project for designated public uses.

(Ord. 917, passed 12-9-96)

#### **§ 80.377      *REGULATIONS***

(A) The initial final plat of a planned-development project or subdivision in any zoning district shall comprise at least two and one-half (2 ½) acres wholly within a single-use district, and shall show the proposed design for development and use of the entire project area. Such a project may thereafter be expanded on adjacent land according to the planned-development or subdivision procedure, as applicable, with no minimum acreage requirement, provided the expansion is for the same principal use as the initial two and one-half (2 ½) acre development and may be incorporated as an integral extension of the original plan. If the

## LONDON - DEVELOPMENT CODE

---

proposed expansion is smaller than the original plan, no additional amendment to the Official Map is required.

(B) The Planning Commission shall require the dedication or reservation or rights-of-way, as authorized by the subdivision regulations, to provide access to interior land in planned development districts. All access to arterial streets serving planned-development districts shall be approved according to the standards defined by this chapter.

(C) When a tract of land under two and one-half (2 ½) acres in under one ownership and that owner has not owned any adjoining land at any time since the effective date of the chapter, such a tract may be platted as a planned-development, project or subdivision.  
(Ord. 917, passed 12-9-96)

### § 80.378 *DIMENSION AND AREA REGULATIONS*

The regulations on the dimensions and area for lots and structures are set forth in §§ 80.379 and 80.380. The provisions of §§ 80.379 and 80.380 shall be observed in all planned-development districts.  
(Ord. 917, passed 12-9-96)

### § 80.379 *USES ALLOWED*

The following table provides information on the uses that are allowed in residential districts.

<u>USES ALLOWED</u>	<u>R-1</u>	<u>R-2</u>	<u>MP</u>	<u>PDP(4)</u>
Single-family dwelling (does not include mobile homes)	P	P		P
Two-family dwellings	C	C		C
Multi-family dwellings		C		C

## LONDON - DEVELOPMENT CODE

<u>USES ALLOWED</u>	<u>R-1</u>	<u>R-2</u>	<u>MP</u>	<u>PDP(4)</u>
Mobile homes	C	C	P	
Rooming/Boarding homes		C		
Tourist homes (includes bed and breakfast homestays)		C		
Day-care and nursery facilities		C	C	C
Home occupations (1)	C	C	C	C
Greenhouses, gardens, horticultural activities (non-commercial)	A	A	A	A
Garages, carports, storage buildings (2)	A	A	A	A
Junkyards (including parted automobiles)				
Private swimming pools	A	A	A	A
Satellite T.V. dishes (3)	A	A	A	A
Churches and related church uses	C	C	C	
Civic, Charitable organization	C	C	C	
Parks, playgrounds, playlots	C	C	C	C
Golf Courses	C	C	C	C
Laundromat, snack bar, newsstand		C	C	C

P (Principal)   C (Conditional)   A (Accessory)

Notes: Blank spaces indicate that the use is not allowed in that district. In addition, uses not listed are not allowed.

(1) Home occupations must meet the requirements spelled out in definitions.

(2) Storage buildings and related structures shall be limited to two (2) per lot. They must be located in the rear or side yards, and set back at least ten (10) feet from the property lines.

## **LONDON - DEVELOPMENT CODE**

(3) TV satellite dishes shall be located in the rear yards, set back from the property lines at least ten (10) feet, and shall not exceed twenty (20) feet in height.

(4) PDP's may include limited C-3 (neighborhood) commercial uses.  
(Ord. 917, passed 12-9-96)

### **§ 80.380      *DIMENSIONAL REQUIREMENTS***

The following table provides dimensional requirements allowed in residential districts.

<u>DIMENSIONAL REQUIREMENTS:</u>	<u>R-1</u>	<u>R-2*</u>	<u>MP</u>	<u>PDP**</u>
Minimum Building Site (sq. ft.)	10,000(1)	6,500(2)	4,000	1,900
Building Height (ft.)	30	30(4)	25	60
Minimum Front Yard (ft.)	30	25	25	30
Minimum Rear Yard (ft.)	25	20	20	20
Minimum Side Yard (ft.)	15	10	10	0(3)

\* For each additional apartment unit, an additional 2,275 sq. ft. building area is needed.

\*\* The minimum building site area for a PDP project is 1 acre.

(1) 12,500 sq. ft. is minimum when public sanitary sewer is not available.

(2) 9,600 sq. ft. is minimum when public sanitary sewer is not available.

(3) A minimum of 15 feet between buildings.

(4) Height of building may be increased up to 50 ft. provided each side yard is increased by the same amount over the required yard minimum that the building height is increased over 35 ft. maximum height.

(5) If an existing structure should be destroyed by causes beyond control of the owner, and if that lot or property does not meet all the requirements as specified in this zoning ordinance, that the owner of the property be allowed to build back a dwelling of the same size.

(Ord. 917, passed 12-9-96)

### **Division 5. Business Districts**

#### **§ 80.400      *DISTRICTS ESTABLISHED***

Business districts are established to provide suitable sites and surroundings for a variety of commercial activities. The chapter recognizes that the different types of commercial areas are best suited for certain land and structural uses. Three (3) different types of commercial zoning districts are identified as follows:

(A) C-1 - Central Business District;

## **LONDON - DEVELOPMENT CODE**

---

(B) C-2 – General Business District; and

(C) C-3 – Neighborhood Business District.

(Ord. 917, passed 12-9-96)

### **Division 5. Business Districts**

#### **§ 80.401 C-1 CENTRAL BUSINESS DISTRICT**

The purpose of the C-1 (downtown) District is to accommodate and encourage further expansion and renewal in the historical business core area of the city. A variety of business, governmental, residential, and other related uses are provided in an effort to provide the mix of activities necessary to establish a truly urban character.

(Ord. 917, passed 12-9-96)

#### **§ 80.402 C-2 GENERAL BUSINESS DISTRICT**

The purpose of the C-2 District is to encourage the establishment of areas for highway business uses only. This district is specifically designed to serve the motoring public. C-2 districts are generally located at intersections or interchange areas along major arterial or interstate highways. Strip development is not encouraged.

(Ord. 917, passed 12-9-96)

#### **§ 80.403 C-3 NEIGHBORHOOD BUSINESS DISTRICT**

The purpose of the C-3 District is to encourage the establishment of areas for convenient type business uses designated to meet the daily needs of residents in immediate neighborhoods. Such districts shall be strategically located with access to a collector street.

(Ord. 917, passed 12-9-96)

#### **§ 80.404 PLANNED SHOPPING CENTERS**

The following minimum design standards shall be met in the development of planned shopping centers:

(A) The shopping center shall provide adequate access. Entrances and exits shall be located so as not to increase congestion at intersections.

(B) The shopping center shall provide internal traffic circulation and control devices so as to maximize auto and pedestrian safety.

(C) The shopping center shall submit a development plan which is subject to approval by the Planning Commission.



## LONDON - DEVELOPMENT CODE

(D) The plan shall provide for a center consisting of one or more groups of establishments in buildings of integrated and harmonious design, together with adequate and properly arranged parking, in an attractive setting that fits harmoniously into adjoining or surrounding properties.

(E) The applicant for the proposed shopping center shall show the need for the facilities and services and any other evidence the Planning Commission may require.

(F) The Planning Commission must be satisfied that the developer of the proposed center is financially able to carry out the project, that he will start construction within one (1) year of approval, and that he intends to complete the project within a reasonable time (as the Commission determines.)

(G) The plan for the shopping center shall be in keeping with the city's Comprehensive Plan.

(H) No building(s) shall cover more than twenty-five percent (25%) of the total area of the lot or tract.  
(Ord. 917, passed 12-9-96)

### Cross reference:

Penalty for violation, see § 80.999

### § 80.405 *USES ALLOWED*

The following table provides information on the uses that are allowed in business districts.

	<u>Uses Allowed</u>	<u>Business Districts</u>		
		<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
A.	Utilities, Transportation & Communications			
1.	Trucking/Movers	P	P	
2.	Post Office	P	P	P
3.	Telephone Company	P	P	
4.	Telegraph Office	P	P	
5.	Radio & T.V. Stations	P	P	C
6.	Utility Companies	P	P	
7.	Bus Lines	P	P	
8.	Taxicabs	P	P	
9.	Air Cargo Service	P	P	
B.	Wholesale Trade			
1.	Durable (motor vehicles, furniture, hardware, etc.)	P	P	
2.	Non-durable (paper, food, etc.)	P	P	

## LONDON - DEVELOPMENT CODE

<u>Uses Allowed</u>		<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
<b>C. Retail Trade</b>				
1.	Building materials, hardware, home improvements, etc.	P	P	P
2.	Farm supplies/equipment	P	P	
3.	General merchandise (department stores, variety stores, etc.)	P	P	P
4.	Food stores (grocery, bakery)	P	P	P
5.	Vehicle dealers (auto, boats, trucks, motorcycles)	P	P	
6.	Trailers, mobile homes, RVs		P	
7.	Apparel & accessories (clothing, shoes, bridal, etc.)	P	P	P
8.	Furniture, furnishings, and appliances	P	P	P
9.	Office supplies & equipment	P	P	P
10.	Eating and drinking places* (restaurants, cafes, cafeterias)	P	P	P
11.	Drugstores (pharmacies)	P	P	P
12.	Used merchandise, antiques, pawn shops	P	P	
13.	Sporting goods, gunshops	P	P	P
14.	Bookstores, newsstands	P	P	P
15.	Jewelry	P	P	P
16.	Auto parts, tire sales	P	P	P
17.	Florists	P	P	P
18.	Pet shops	C	C	C
19.	Gift shops, coins, art & crafts	P	P	P
20.	Bicycle shops	P	P	P
21.	Monument sales	P	P	
22.	Glass sales	P	P	
23.	Ice	P	P	
24.	Musical equip/supplies	P	P	P
25.	Commercial nursery	P	P	P
<b>D. Finance, Insurance &amp; Real Estate</b>				
1.	Banks	P	P	P
2.	Credit, savings/loans	P	P	P
3.	Security/commodity brokers	P	P	P
4.	Insurance	P	P	P
5.	Real estate	P	P	P
6.	Investment offices	P	P	P
<b>E. Personal Services</b>				
1.	Laundry, cleaners	P	P	P
2.	Photo studios	P	P	P
3.	Beauty/barber shops	P	P	C
4.	Shoe repair	P	P	P

## LONDON - DEVELOPMENT CODE

<u>Uses Allowed</u>		<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
5.	Funeral services/morgue	P	P	C
6.	Travel services	P	P	P
7.	Health club, spa, etc.	C	P	P
F.	Business Services			
1.	Advertising/public relations	P	P	P
2.	Credit bureau	P	P	P
3.	Steno/typing, answering	P	P	P
4.	Printing, copying	P	P	P
5.	Janitorial/maintenance	P	P	
6.	Computer, data processing	P	P	P
7.	Rentals: Merchandise	P	P	C
	Equipment	P	P	C
8.	Research, testing	P	P	P
9.	Mini warehouses	C	C	
G.	Auto Repair, Services			
1.	Garage	P	P	C
2.	Junkyards (parted automobiles)	***Not permitted in any zone		
H.	Miscellaneous Repair			
1.	Electrical, electronic	P	P	P
2.	Watches, clocks, jewelry	P	P	P
3.	Reupholstery	P	P	
4.	Air Conditioning, machines, etc.	P	P	
I.	Amusement, Recreation			
1.	Theaters	P	P	P
2.	Bowling/billiards	P	P	P
3.	Skating	P	P	
4.	Riding stables		C	
5.	Other	C	C	C
J.	Health Services			
1.	Physicians/Dentists	P	P	P
2.	Others (chiropractors, optometrists, etc.)	P	P	P
3.	Hospitals, clinics	P	P	
4.	Medical, dental labs	P	P	P
5.	Nursing, personal care	P	P	
K.	Legal Services	P	P	P

## LONDON - DEVELOPMENT CODE

<u>Uses Allowed</u>		<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
L.	Educational			
1.	Including business, professional	P	P	C
2.	Dance studios, acting, music	P	P	P
M.	Social Services			
1.	Welfare		P	P
2.	Nursing facility	P	P	
3.	Treatment centers	P	P	
N.	Architects, Engineers, etc.	P	P	P
O.	Contract construction	C	C	
P.	Business, civic, professional clubs	P	P	P
Q.	Veterinary offices		C	
R.	Government services			
1.	City-county offices, fire/police, schools, courts, auditoriums, libraries, etc.	P	P	P
S.	Churches	P	P	P
T.	Residences			
1.	Multi-family (loft-units)*	C	C	
2.	Single-family loft units	P	P	P
3.	Motels/hotels	P	P	
4.	Mobile homes		C	C

NOTE: Multi-family dwellings are allowed as regulated in those sections of this chapter dealing with R-2 districts.

Double family dwellings shall be a conditional use in the following Districts, (R-1), (R-2), (C-1), (C-2). A multiple-family dwelling with more than two (2) units shall not be permitted in an R-1 District.

Apartment houses, double-family and multiple-family dwellings shall meet the requirements of § 80.408.  
(Ord. 917, passed 12-9-96)

### **Cross reference:**

Penalty for violation, see § 80.999

## LONDON - DEVELOPMENT CODE

### § 80.406 *DIMENSIONAL REQUIREMENTS*

The following table provides dimensional requirements that are allowed in business districts.

<u>Dimensional Requirements</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
Minimum Building Site	no limit	no limit	no limit
Minimum Building Height (ft.)	no limit	no limit	35
Minimum Lot Width (ft.)	25	75	75
Minimum Front Yard (ft.)	none	25	25
Minimum Rear Yard (ft.)	none	(2)	(2)
Minimum Side Yard (ft.)	none	50(1)	(3)

(1) On side adjacent to a residential zoning district.

(2) Where any rear yard abuts any residential zoning district, a rear yard of at least forty (40) feet shall be provided.

(3) Where a neighborhood Business District (C-3) abuts any residential zoning district, a fifteen (15)-foot strip adjoining such residential zoning district shall be maintained as a landscape buffer.

Note: All accessory buildings shall conform with these yard requirements.

(Ord. 917, passed 12-9-96)

### § 80.407 *APARTMENT HOUSES*

(A) Apartment houses shall be permitted as conditional uses in the R-2 Residential District.

(B) **Area and Density Requirements.** The minimum required lot area for an apartment house shall be ten thousand (10,000) square feet with a minimum required lot width at the building line of one hundred (100) feet.

(C) **Yard Requirements:**

Front Yard - 25 feet

Rear Yard - 25 feet

Side Yard - 10 feet

Corner lots shall meet the applicable requirements of § 80.755(B) and the definition of lot frontage pursuant to § 80.005.

## **LONDON - DEVELOPMENT CODE**

---

(D) **Height Requirements.** In a residential district, no building shall exceed two (2) stories or thirty (30) feet in height unless each side yard is increased over the required minimum of five (5) feet or fraction thereof of additional height over thirty (30) feet. In no case shall the height exceed fifty (50) feet.

(E) **Lot Coverage.** The combined area occupied by all principal and accessory buildings shall not exceed fifty percent (50%) of the total lot area.

(F) **Off-Street Parking.** Off-street parking shall be provided in communal parking garages or areas on the site only. All parking areas shall be hard surface concrete or asphalt and shall provide two (2) parking spaces per dwelling unit.

(G) **Procedure.**

(1) When apartment houses are permitted as conditional uses only, the prospective developer, before attempting to obtain a building permit or begin in any construction, shall prepare a plan showing the lot dimensions and bearing of the parcel intended to be developed, the location with respect to the city, the intended general layout or design and improvements to be installed on the land. The proposal shall then be presented to the Planning Commission in writing.

(2) Before approving the intended development plan, the Planning Commission may make conditional requirements pertaining to landscaping, screening, road requirements, open spaces, or any other similar requirements.

(3) Upon receiving preliminary approval by the Planning Commission, the developer shall follow the procedure set forth in Procedure for Acquiring a Conditional Use Permit.

(4) All conditional requirements attached by the Planning Commission to the preliminary plan shall be made a part of the application for a Conditional Use Permit.

(5) Planning Commission approval of the preliminary development plan shall be required prior to an application for a Conditional Use Permit. All requirements shall be followed when a Conditional Use Permit is requested.

(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Penalty for violation, see § 80.999

### **§ 80.408      *MULTI-UNIT RESIDENTIAL STRUCTURES (SPECIAL HIGH DENSITY ZONES)***

(A) Multi-unit residential structures are permitted in any C-2 or R-2 zone, provided they conform with the following requirements:

## **LONDON - DEVELOPMENT CODE**

---

(B) Structures to house the elderly and disabled must:

- (1) Not exceed fifty (50) feet in height;
- (2) Not contain more than fifty (50) residents per acre of ground allotted to the project (for the purpose of planning zero (0) bedroom units are considered to house one (1) occupant; one (1) bedroom, two (2) occupants; two (2) bedrooms, three (3) occupants; three (3) bedrooms, four (4) occupants; and four (4) bedrooms, five (5) occupants);
- (3) Provide a minimum of one and one half (1 ½) parking spaces per unit; and
- (4) Meet all other requirements of R-2 and C-2 zones as set forth in the zoning code.

(C) Since multi-unit structures are considered as special uses, the developer of any such proposed project must provide the London-Laurel County Planning Commission with an outline and a project plan detailing all requirements of the ordinance are to be met.

(D) Before a construction permit can be issued, the developer must provide the above project information, along with the Planning Commission's recommendations, to the Board of Zoning Adjustment who will consider the merits of the project and decree an approval or denial. (Ord. 917, passed 12-9-96)

### **Cross reference:**

Penalty for violation, see § 80.999

### **Division 6. Industrial Districts**

#### **§ 80.425      *LIGHT INDUSTRIAL DISTRICT (I-1)***

The purpose of the I-1 District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare; operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy industrial uses and other less intense business and residential uses.

(Ord. 917, passed 12-9-96)

#### **§ 80.426      *HEAVY INDUSTRIAL DISTRICT (I-2)***

The purpose of the I-2 District is to encourage the development of major manufacturing, processing, warehousing, and major research and testing operations. These activities require extensive community facilities, and reasonable access to arterial highways; they may have extensive open storage and service areas, generate heavy traffic but shall be prohibited if they

## LONDON - DEVELOPMENT CODE

create nuisances beyond the limitations set up by the Planning Commission.  
(Ord. 917, passed 12-9-96)

### § 80.427 *USES ALLOWED*

The following table provides information on the uses that are allowed in industrial districts.

<u>Manufacture/Storage</u>	<u>I-1</u>	<u>I-2</u>
Food and Related	C	P
Textile Products		P
Wearing Apparel (leather, fabrics, etc.)	P	P
Lumber and Wood Products	P	
Furniture and Fixtures	C	P
Storage Structures, to include tractor trailers and similar structures	P	P
Paper and Related		P
Printing, Publishing	P	
Transportation Equipment	C	P
Chemical and Related		P
Petroleum		P
Rubber, Plastics		P
Stone, Gravel, Clay		P
Fertilizers		P
Glass	C	P
Primary Metal Manufacturing		P
Fabricated Metals	C	P
Electronics	C	P
Instruments, optical goods, watches, etc.	P	
Pharmaceutical	P	
Toys, Novelties	P	
Beverages, Bottling	C	
Signs, electrical	P	
Warehouses (including mini-warehouses)	P	P
Sewage Treatment, Water Treatment, Generating Plants	C	C
Other related uses deemed appropriate by the Planning Commission	C	C
Stockyards, livestock auction facilities	C	C
Dancing/after hours establishments		C

(Ord. 917, passed 12-9-96)

### § 80.428 *DIMENSIONAL REQUIREMENTS*

The following table provides dimensional requirements that are allowed in industrial districts.



## LONDON - DEVELOPMENT CODE

---

	<u>I-1</u>	<u>I-2</u>
Heights (ft.)	65	65
Minimum Lot Size (sq. ft.)	10,000	10,000
Lot Width	50	50
Minimum Yard Requirements		
Front	25	35
Rear	35 (1)	45 (1)
Side	20 (1)	25 (1)
No industrial building shall be located closer than one hundred (100) feet to a residential district.		

(Ord. 917, passed 12-9-96)

---

### Cross reference:

Penalty for violation, see § 80.999

### Division 7. Governmental District (G)

#### § 80.450      *PURPOSE; DESIGNATION*

(A) The purpose of these districts are to provide suitable sites and surroundings for public (governmental) land uses. In order to be included in this district, the site must have a minimum of five (5) acres.

(B) Governmental Districts shall be designated as a Governmental District on the Official Map in accordance with the provisions of § 80.205.

(C) State and federal agencies are not required to submit their development plans to the Planning Commission for review. However, they are required to provide information on the proposed development so that the city may include the project in their overall plans.

(D) All uses in Governmental District are considered to be conditional uses.  
(Ord. 917, passed 12-9-96)

#### § 80.451      *USES ALLOWED*

(A) The following uses are allowed in the Governmental District:

(1) Public parks, land reserves, recreation areas, playgrounds, golf courses, and related activities.

(2) Public museums, historic and cultural exhibits.

(3) Public institutions including schools, colleges, universities, hospitals, children's homes, correctional institutions, and related activities.

## **LONDON - DEVELOPMENT CODE**

---

- (4) Public cemeteries.
- (5) Public water and sewerage facilities.
- (6) Public utilities installations.
- (7) Public airports.
- (8) Public stadiums, arenas, convention centers and related activities.
- (9) Governmental office complexes.

(B) There are no minimum yard requirements in this district. However, where these districts are contiguous to other land use districts, the governmental property shall meet the minimum yard requirements of the district (if applicable).

(C) Height of structures shall not exceed the maximum height allowed in any other zoning district.

(D) Parking requirements are as specified in Article V.

(E) State and federal agencies are required to provide information on the proposed development taking place on their property so that the Planning Commission can consider the impact of such development in their overall planning.  
(Ord. 917, passed 12-9-96)

---

### **Cross reference:**

Penalty for violation, see § 80.999

## **ARTICLE V. PARKING REQUIREMENTS**

### **§ 80.500      *GENERAL PROVISIONS***

(A) No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces (if applicable) have been provided in accordance with provisions of this chapter.

(B) These provisions shall not apply to existing buildings or structures except where there has been a change of use. Where the new use involves additions or enlargements, additional parking spaces shall be provided as required by this chapter.

(C) Whenever a building or structure constructed after the effective date of this chapter is changed or enlarged in floor area, number of employees, number of housing units, seating capacity, or otherwise, to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided. If an existing building or structure is

## LONDON - DEVELOPMENT CODE

---

enlarged by fifty percent (50%) or more in terms of the above characteristics, said building or structure shall comply with the full parking requirements set forth in this article.

(D) Off-street parking shall be provided by the property owner in the C-1 District (downtown) for any multi-family dwellings being added as loft units. The requirement is on off-street parking space per bedroom, and may be met through new parking spaces, rent or lease of existing space, or some other arrangement.

(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Penalty for violation, see § 80.999

### § 80.501 *LOCATION OF PARKING*

(A) Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.

(B) Parking spaces for apartments, dormitories, or similar residences shall be located adjacent to the principal use. Parking spaces for commercial, industrial, or institutional uses shall be located not more than seven hundred (700) feet from the principal use. Parking lots farther than seven hundred (700) feet from the principal use may be approved by the Planning Commission.

(C) No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital or other institution for human care located on an adjoining lot unless separated by an acceptable screen. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way.

(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Penalty for violation, see § 80.999

### § 80.502 *NUMBER OF SPACES REQUIRED*

The number of parking spaces required in each district shall be as follows:

<u>Uses</u>	<u>Spaces</u>
Residential	
Single-family	2 per dwelling unit
Two-family, Multi-family	1 per bedroom
Boarding houses, bed/breakfast, etc.	2 per sleeping room
Mobile homes	2 per unit

## LONDON - DEVELOPMENT CODE

### Uses

### Spaces

#### Commercial

Auto service stations

1 per pump + 1 per bay

Hotels, motels

1 per sleeping room + 1 per 2 employees

Funeral homes/related

1 per 100 sq. ft. floor area

Retail stores

1 per 200 sq. ft. floor area

Banks/related

1 per 200 sq. ft. floor area

Offices, services

1 per 400 sq. ft. floor area

Eating/drinking places

1 per 200 sq. ft. floor area

All other commercial

1 per 300 sq. ft. floor area

#### Entertainment/Recreation

Bowling alleys

4 per alley + 1 per 100 sq. ft. of other area.

Dance floors, skating, etc.

1 per 100 sq. ft. floor area

Sports arenas, stadiums

1 per 4 seats

Parks, recreation areas

1 per 800 sq. ft. of developed space (ball fields, etc.)

Golf course

5 per hole + 1 per 400 sq. ft. floor area in pro shop

#### Public (Governmental) and Semi-Public

Libraries, museums, art galleries, etc.

1 per 400 sq. ft. floor area

Homes for Senior Citizens

1 per 2 beds

Kindergarten, day-care

2 per classroom (minimum 6)

Elementary, middle schools

2 per classroom + 1 per 8 auditorium seats

High Schools

1 per 10 students + 1 per teacher - staff

Civic clubs, related

1 per 5 seats

#### Industrial

Manufacturing/warehousing

1 per 400 sq. ft. floor area

(Ord. 917, passed 12-9-96)

### § 80.503 *PARKING LOT IMPROVEMENTS*

(A) The required number of parking and loading spaces, together with driveways, aisles, and other circulation areas, shall be improved with an acceptable impervious material to provide a durable and dust-free surface. All parking lots and loading areas shall provide for proper drainage of surface water. The owner of the property used for parking and loading shall maintain the area in good condition, without holes, and free from dust, litter, and other debris. Any parking area that is intended to be used beyond daylight hours shall be properly illuminated. Any lights used to illuminate the parking lot shall be so arranged so as to reflect light away from adjoining property.

(B) Parked vehicles shall not be permitted to hang over a landscape buffer or interior

## **LONDON - DEVELOPMENT CODE**

---

landscaped area more than two and one-half (2 ½) feet. Curbs or wheel stops shall be provided to prevent excessive overhang.

(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Penalty for violation, see § 80.999

**§ 80.504      *DIMENSIONAL REQUIREMENTS; ACCESS***

(A) A parking space shall provide a minimum rectangular area of one hundred eighty (180) to two hundred (200) square feet, dependent upon the angular orientation of the parking space:

Parallel Parking:	23	9
90 Degree Parking:	20	9
60 Degree Parking:	19	10
45 Degree Parking:	19	12

(B) These dimensions are exclusive of driveways, aisles, and other circulation areas. Circulation areas within the parking lot, as well as entrances/exits, shall have a minimum width of twenty-four (24) feet for two-way traffic and fourteen (14) feet for one-way traffic. Parking lots shall be clearly marked with painted spaces, directional arrows, stop signs, etc., needed to insure orderly and safe traffic flow.

(C) All parking lots shall be designed in such a way that any vehicle entering or leaving the parking area from the street shall be traveling in a forward motion. Access points shall be located so as to be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access point from the street.

(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Penalty for violation, see § 80.999

## **ARTICLE VI. LANDSCAPE REQUIREMENTS**

**§ 80.550      *GENERAL PROVISIONS***

All landscaping shall be approved by the Board of Adjustment, when it is required as one of the conditions in a Conditional Use Permit, or when the landscaping obstructs the view of traffic. The property owner shall be responsible for the continued maintenance and replacement of all landscaping materials. Landscaped areas shall be kept free of refuse and debris. Any dead

## **LONDON - DEVELOPMENT CODE**

---

material shall be replaced during the following planting season.  
(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Conditional use permits, see § 80.160(A)  
Design and development standards, § 80.753  
Nuisances, see Ch. 50

### **ARTICLE VII. SIGNS**

#### **§ 80.575      *PURPOSE***

The purpose of this article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, billboards, and outdoor signs of all types. It is further the intent of the section to protect property value, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. Additionally, this article is designed to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, and enhance overall community development.  
(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Motor vehicle regulation, unauthorized signs, see § 40.049  
Offenses, posting of signs, see § 52.005  
Penalty for violation, see § 80.999

#### **§ 80.576      *PERMITS REQUIRED***

No sign may be constructed, erected, moved, enlarged, illuminated or substantially altered except in accordance with provisions of this article. Mere repainting or changing the message of a sign shall not, in and of itself, be considered a substantial revision.  
(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Penalty for violation, see § 80.999

#### **§ 80.577      *EXEMPTIONS***

The following signs are exempt from regulation under this article.

(A) Signs not exceeding four (4) square feet in area that are normally associated with residential use, such as used for property identification, signs on mailboxes, signs related to

## **LONDON - DEVELOPMENT CODE**

---

private parking, trespassing, etc.

(B) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal authorization of a governmental body, including legal notices, informational signs.

(C) Official signs of a noncommercial nature erected by public utilities.

(D) Flags, pennants, or insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device.

(E) Integral decorative or architectural features of a building or works of art (not containing letter, trademarks, moving parts, or lights).

(F) Church bulletin boards or identification signs that do not exceed one (1) per abutting street and sixteen (16) square feet in area and are not internally illuminated.

(G) Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.

(H) Signs proclaiming religious, political, or other non-commercial messages that do not exceed one (1) per abutting street and sixteen (16) square feet in area and are not internally illuminated.

(I) Real estate signs indicating property for sale, rent or lease. Such signs may not exceed four (4) square feet in area and shall be removed immediately after the transaction is completed.

(J) Construction site identification signs. Not more than one (1) sign is allowed per site, and it may not exceed thirty-two (32) square feet. Such signs shall not be erected prior to issuance of a building permit and shall be removed within ten (10) days after occupancy.

(K) Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within ten (10) days following the holidays.

(L) Signs erected in connection with elections or political campaigns. Such signs shall be removed within three (3) days following the election or conclusion of the campaign. No such sign shall exceed sixteen (16) square feet in surface area.

(M) Signs indicating a special event such as a grand opening, fair, carnival, circus, festival or similar event that is to take place on the lot where the sign is located. Such signs shall not exceed thirty-two (32) square feet. They may not be erected sooner than two (2) weeks before the event and must be removed not later than three (3) days after the event.

(Ord. 917, passed 12-9-96)

## **LONDON - DEVELOPMENT CODE**

---

### **§ 80.578      *STANDARDS***

Signs subject to permitting shall meet the standards pursuant to §§ 80.579 through 80.581.

(Ord. 917, passed 12-9-96)

### **§ 80.579      *TYPES OF SIGNS***

For the purpose of this article, the following types of signs shall be defined as follows:

(A)    **Freestanding sign.**    A sign that is attached to, erected on, or supported by some structure (such as a pole or frame) that is not an integral part of or attached to a building or other structure whose principal function is other than for support of a sign.

(B)    **Internally illuminated sign.**    A sign where the source of illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source.

(C)    **Off-premise sign.**    A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located.

(D)    **On-premise sign.**    A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

(E)    **Temporary sign.**    A sign that is used in connection with a circumstance, situation or event that is designed, intended, or expected to be completed within a reasonably short time (not in excess of fifteen (15) days).

(F)    **Wall or facade sign.**    A sign fastened to or painted on the wall of a build-in or structure in such a manner that the wall becomes the supporting structure or sign surface, and that does not project more than twelve (12) inches from the building or structure.  
(Ord. 917, passed 12-9-96)

### **§ 80.580      *NUMBER OF SIGNS***

(A)    For the purpose of determining the number of signs, a sign shall be considered to be a display surface or display device containing elements organized, related, and composed to form a unit. A two-sided or multi-sided sign shall be regarded as one (1) sign.

(B)    Property having more than one street frontage shall be allowed one (1) freestanding sign per street frontage. A shopping center or other multiple business building shall



## **LONDON - DEVELOPMENT CODE**

---

be limited to one (1) freestanding sign per street frontage. An outlot within a shopping center shall be allowed a separate freestanding sign.

(C) Each individual business shall be allowed one (1) wall sign per street frontage.  
(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Penalty for violation, see § 80.999

### **§ 80.581      *DIMENSIONS***

(A) In commercial and industrial zones, each business or industry shall be permitted one (1) wall sign per street frontage. The dimensions of the wall sign shall not exceed one point five (1.5) square feet of sign area for each linear foot of building space for the individual business or industry. Where two street frontages are involved, the total area of wall signs shall not exceed two hundred fifty (250) square feet.

(B) The maximum surface area of freestanding sign shall be two hundred fifty (250) square feet, with the exception of a commercial area that abuts the interstate highway right-of-way, where the maximum sign surface area shall not exceed three hundred (300) square feet.

(C) The maximum height of freestanding signs shall be forty (40) feet, except in a commercial area that abuts the interstate right-of-way, where the maximum height shall be sixty (60) feet.

(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Penalty for violation, see § 80.999

### **§ 80.582      *SETBACK REQUIREMENTS***

A freestanding sign shall conform to the appropriate setback requirements of the zoning district in which it is located. If there is no minimum yard requirement indicated, the minimum setback from the street pavement edge shall be fifteen (15) feet. At the intersection of major collector or arterial streets, the minimum setback for signs will be twenty (20) feet from the right-of-way line.

(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Penalty for violation, see § 80.999

### **§ 80.583      *TEMPORARY SIGNS***

(A) All temporary signs not excluded in § 80.577 shall require a permit.

## **LONDON - DEVELOPMENT CODE**

---

(B) No temporary sign shall exceed fifty (50) square feet in display area.

(C) Mobile or portable signs are a special type of temporary sign and must meet the following requirements:

(1) Mobile signs shall be permitted in C-1, C-3, I-1; and I-2 districts.

(2) Mobile signs shall not extend higher than eight (8) feet above the surface on which they are located.

(3) Mobile signs shall not be placed in such a way as to create a safety hazard or impede traffic flow. They shall not be placed any closer than fifteen (15) feet to the edge of the pavement.

(4) Each individual business or individual parcel of property shall be permitted only one (1) mobile sign.

(5) Mobile signs shall meet all requirements of other sections of this chapter and related codes as applicable.

(6) Mobile signs may be allowed by permit, for a period not to exceed sixty (60) days.

(Ord. 917, passed 12-9-96)

### **§ 80.584      *GENERAL REQUIREMENTS***

In addition to the requirements above, all permitted signs in the city shall adhere to the following regulations:

(A) All wiring, fittings, and materials used in construction, connection, and operation, of electrically illuminated signs shall be in accordance with the provisions of the National Electric Safety Code (most recent edition).

(B) Illuminated signs shall emit light of a constant intensity. Waivers may be granted to signs that provide weather, time, civic announcements, and public information, and change copy electronically. The Planning Commission will determine the suitability of future sign technology and design not presently covered in this article, in conformance with this article.

(C) No projecting sign shall be erected or maintained from the front or face of a building a distance of more than one (1) foot. No sign shall be placed on the roof of any building so as to project beyond the front or face of the building.

(D) No sign or part thereof shall consist of banners, ribbons, streamers, spinners or similar moving devices. If allowed in conjunction with the observance of holidays, blinking

## **LONDON - DEVELOPMENT CODE**

---

lights shall not be placed in such a manner as to create a safety or traffic hazard.

(E) No sign shall be installed, erected, or attached in any form, shape, or manner to a fire escape, or door so as to interfere with access.

(F) Any sign that is found to be nonconforming with these regulations at the time of their adoption shall meet the requirements of § 80.160(D) dealing with nonconforming uses and structures.

(G) The only signs allowed in residential districts are those described in § 80.577. One (1) sign may be used to identify a home occupation, and shall not exceed four (4) square feet in size.

(H) Off-premise signs shall be allowed only as is outlined in § 80.584.

(I) Canopies shall be allowed in commercial areas, provided they are at least eight (8) feet above the sidewalk, and do not extend any closer than eight (8) inches to the pavement edge. If a support is used, it must be within eight (8) inches of the pavement edge.

(J) Should any sign be or become unsafe or be in danger of falling, or be in need of repainting or other repair, the owner thereof, or the person maintaining the sign, shall upon receipt of written notice from the Administrative Official proceed at once to put said sign in a safe and secure condition, or remove the sign. Signs which are non-conforming at the time of the effective date of this chapter shall be allowed to remain. However, no non-conforming sign shall be enlarged or expanded. Once a non-conforming sign has been removed, falls, or is destroyed, it shall be replaced only with a sign conforming to the requirements of this article.  
(Ord. 917, passed 12-9-96)

---

### **Cross reference:**

Building regulations, see Ch. 70

Penalty for violation, see § 80.999

### **§ 80.585      *OFF-PREMISE SIGNS; GENERAL***

No portion of this article shall apply to the Commonwealth of Kentucky or the United States Governments, or their subdivisions or governmental entities.

(A) No off-premises signs may be placed within the city.

(B) Signs which are in existence at the time of this article shall be allowed to remain, however, no sign shall be enlarged or expanded. Once a sign has been removed, falls, or is destroyed, it shall not be replaced.

(Ord. 917, passed 12-9-96; Am. Ord. 961, passed 7-14-99)

## LONDON - DEVELOPMENT CODE

---

### § 80.586      *OFF-PREMISE SIGNS WITHIN CITY LIMITS (NON-I-75)*

(A)      The requirements of off-premise signs are the same as those of on-premise signs except as follows:

- (1)      All off-premise signs within the city limits shall be free standing.
- (2)      No off-premise signs shall be allowed.
- (3)      No off-premise signs larger than one hundred (100) square feet to one another on the same side of the street or highway.
- (4)      All off-premise signs shall be located in only commercial or industrial zoned areas.

(5)      No sign may be erected or maintained in such a manner as to interfere in any manner with an official traffic sign, signal, or device or to obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic within one thousand (1,000) feet of such sign, signal, device, or point of intersecting or merging traffic.

(6)      Any person whose application for a sign permit is approved pursuant to the process above described shall pay the following permit fees and annual renewal fees to the city:

(a)      Signs of a size up to one hundred fifty (150) square feet shall require an initial permit fee of one hundred dollars (\$100.00) and an annual permit fee of twenty-five dollars (\$25.00);

(b)      Signs from one hundred fifty (150) to five hundred (500) square feet shall require an initial permit fee of two hundred dollars (\$200.00) and an annual permit fee of fifty dollars (\$50.00);

(B)      No sign shall be erected that is larger than five hundred (500) square feet within the city limits other than on I-75.

(C)      Any present existing non-conforming signs within the city limits shall be required to file with the Building Inspector a permit application which shall contain information sufficient to identify the location of the sign, the property owner of the real property. Where the sign is located, the owner of the sign and address, and the dimensions of the present existing sign. This information shall be maintained in the City Building Inspector's office. Failure to comply within one hundred twenty (120) days after publication of this chapter shall result in following the procedure outlined in § 80.585(C).

(D)      Any permit granted under the foregoing must be utilized by construction of the

## **LONDON - DEVELOPMENT CODE**

---

sign being completed not later than twelve (12) months after the permit is granted.  
(Ord. 917, passed 12-9-96)

**Cross reference:**

Penalty for violation, see § 80.999

### **ARTICLE VIII. SUPPLEMENTARY REGULATIONS**

#### **§ 80.600      *PURPOSE***

The purpose of supplementary regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.  
(Ord. 917, passed 12-9-96)

#### **§ 80.601      *RESIDENTIAL AREAS***

(A) **Visibility at intersections.** On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision in the area bounded by the street lines of such corner and a line joining points along said street lines fifty (50) feet from the center point of the intersection. Corner lots shall be graded to proper elevations in order to comply with the provisions.

(B) **Fences/walls/hedges.** Notwithstanding other provisions of this chapter, fences, walls, and hedges may be permitted in any required yard or along the edge of a yard provided they not be permitted to impair traffic visibility. When a solid screen fence has been listed as a condition on a conditional use permit, or is being constructed, or has been constructed to meet the requirements of the BOCA National Existing Structures Code, Section ES-301.7, Storage Areas, the construction of the fence shall meet these requirements:

- (1) No fence shall at any point extend across the property lines.
- (2) A solid screen fence shall be constructed in a manner as to conceal or to prevent the viewing between each property owner divided by the fence.
- (3) No fence shall in any way obstruct the safe movement of traffic, or obstruct the vision of vehicular or pedestrian traffic in any way.
- (4) All fence material shall be approved by the Board of Adjustment.
- (5) No fence shall be constructed of used material, including used roofing material such as galvanized metal roofing.
- (6) A solid screen fence shall be constructed in a good structural manner so as to withstand the pressure which corresponds with Chapter 16; Structural Loads, Section 1611.0, Wind Loads, in the 1994 edition of the Kentucky Building Code.

## **LONDON - DEVELOPMENT CODE**

---

(7) As required in the BOCA National Existing Structures Code, Section ES-301.7, Storage Areas; the minimum height for a solid screen fence shall be six (6) feet. The maximum height for a solid screen fence may vary according to each individual project, or property. To determine the maximum height of a solid screen fence, an on-site inspection shall be made by the Board of Adjustments, or a representative appointed by the Board, and shall upon request by the Board present his/her or their recommendation.

(8) All solid screen fences shall be maintained structurally sound and in good repair and appearance, and shall be maintained free from deterioration, and shall be capable of safely supporting the imposed loads.

(9) At no time shall a solid screen fence be altered in any form so that it does not meet the requirements set forth in these guidelines unless the Board of Adjustments gives their approvals in writing to an applicant requesting an alteration because of some unforeseen reason.

(C) Accessory buildings. Accessory buildings shall be located in the rear yard of a principal structure and shall not be erected within ten (10) feet of any property line. No more than two (2) accessory structures shall be allowed per lot.

(D) Structures to have access. Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

(E) Parking and storage of vehicles. No recreational equipment as defined below shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use. Such equipment includes boats and trailers, travel trailers, pickup campers, coaches, motorized dwellings, tent trailers, and boxes or cases used for transporting such equipment.  
(Ord. 917, passed 12-9-96)

---

### **Cross reference:**

Housing regulations, adoption of BOCA National Existing Structures Code, see Ch. 72  
Penalty for violation, see § 80.999

### **§ 80.602      *COMMERCIAL AREAS***

(A) Fences/Walls/Hedges. These regulations are the same as for residential areas.

(B) Accessory structures. Accessory structures shall be located in the rear yard of a principal structure and shall meet the requirements set forth in § 80.406.

## **LONDON - DEVELOPMENT CODE**

---

(C) Exceptions to height regulations. The height limitations contained in § 80.380 do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level, and not intended for human occupancy.

(D) Structures to have access. These regulations are the same as required in residential areas.

(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Penalty for violation, see § 80.999

### **§ 80.603      *INDUSTRIAL AREAS***

In addition to regulations specified in § 80.602 for commercial areas, industrial areas shall meet the following protection standards:

(A) Any manufacturer locating in the industrial district shall be required to submit information regarding storage, use, and disposal of any materials or substances which might be detrimental to public health, safety, and welfare.

(B) Agencies to be consulted include the fire department, county health department, and city utilities (as applicable).

(C) No materials or wastes shall be stored in such a way as to be transferred off the site by natural forces or causes.

(D) No fire, explosion, or related safety hazard shall be created or maintained on the site that could create a safety or health hazard beyond the site.

(E) There shall not be emitted from the site any excessive noise (beyond average noise levels in the area), nor shall any objectionable heat, glare, vibration, dust, smoke, dirt, vapors, gases, or toxic/noxious matter be emitted from the site.

(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Fire prevention and protection, see Ch. 71

Nuisances, see Ch. 50

Penalty for violation, see § 80.999

## **ARTICLE IX. ZONING BOUNDARIES**

### **§ 80.650      *OFFICIAL ZONING MAP ADOPTED***

(A) The official zoning map located in the Old City Hall Building in the Old City

## **LONDON - DEVELOPMENT CODE**

---

Council Chambers presently used by the Zoning and Planning Commission, shall be referred to as a general guide and tool in locating in a general fashion the particular zones of properties within the city. It is recognized by the city that because of the nature of mapping, in general, and because of the nature of this map, in particular, it is impossible for this map or any map to designate with particularity the exact locations, sizes, and acreages intended to be included in a zone. For these particularities, reference should be made to survey descriptions of the annexation ordinance or the particular ordinance or ordinances which zoned that particular tract of property.

(B) It is further ordained that when the City Council passes any rezoning ordinance of property that the City Building Inspector shall be responsible for making the change on the zoning map to the best of his abilities, with the assistance of any person or persons whom he feels would be helpful to him in this task, including, but not limited to, the City Engineer and/or Architect. It is further ordained that an additional map shall be placed in the custody of the City Clerk to be kept at the City Hall in the vault in the event that the map located in the Zoning and Planning Meeting Chambers is damaged, destroyed, lost or misplaced. The map kept at City Hall shall also reflect the zones of property inasmuch as is possible in the same manner as the map retained at the Zoning and Planning Chambers.  
(Ord. 825, passed 1-4-91)

### **Cross reference:**

Annexations, see Tables of Special Ordinances, Table 2

Zoning map changes, see Tables of Special Ordinances, Table 9

### **§ 80.651      *REPLACEMENT OF OFFICIAL ZONING MAP***

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret due to the number of changes made, the City Council (Fiscal Court) may, by resolution, adopt a new Official Zoning Map which shall supersede the prior map. The new map may correct drafting or other errors or omissions in the prior map, but no such corrections shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The Official Zoning Map shall be identified by the signature of the Mayor (Judge-Executive) attested by City (County) Clerk, and bear the seal of the city (county) under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Development Code for London, Kentucky, (Laurel County)."  
(Ord. 917, passed 12-9-96)

### **§ 80.652      *INTERPRETATION OF BOUNDARIES***

The following rules shall apply with respect to determining the location of zoning boundaries:

(A) When uncertainty exists in the approximate location of a zoning district boundary, the boundary shall be constructed as following the center line of streets, highways, alleys,



## **LONDON - DEVELOPMENT CODE**

---

streams, canals, lakes, and railroad lines. It will also be construed as following the city limits boundary, and platted lot lines. A boundary indicated as parallel to or extensions of features shall be so construed, with distances indicated on the map or determined by use of the map scale.

(B) Where physical or cultural features existing on the ground are at variance with those shown on the map, or in other circumstances not covered above, the Planning Commission shall interpret the district boundaries. Zoning boundaries should not divide a single parcel of property in the same ownership into different zones.

(C) Where this was done prior to adoption of this chapter, the Planning Commission may initiate a map amendment to extend the zone comprising the majority of the property to include the entire parcel.

(Ord. 917, passed 12-9-96)

### **ARTICLE X. LAND DIVISION AND DEVELOPMENT**

#### **Division 1. General Provisions**

##### **§ 80.700      *PURPOSE; AUTHORITY; JURISDICTION***

(A) The purpose of this article is to provide for the harmonious development of land in the city and Laurel County.

(B) Land subdivision is the first step in the process of community development. Once land has been divided into streets, blocks, lots, and open spaces, a pattern has been established which usually determines how well community needs will be met for residential, business, and industrial development. It also determines, to a great extent, how well it will be able to meet the demand for home sites, and how efficiently and economically it will be able to provide the many services demanded of it. After land has been subdivided and publicly recorded, it is very difficult and costly to correct defects and deficiencies in the subdivision layout and in the facilities provided. In addition, a subdivided area, sooner or later, becomes a public responsibility in that roads and streets must be maintained and various public services customary to urban areas must be provided. The welfare of the entire community is thereby affected in many important respects. The guidance of land development in harmony with community objectives is, therefore, a matter of serious public concern, and it is in the interest of the public, the developer, and the future owners that subdivisions be conceived, designed, and developed in accordance with sound rules and proper minimum standards. These Subdivision Regulations and the London-Laurel County General Plan), certified copies of which are filed in the office of the County Clerk, are designed to provide for the harmonious development of the subdivided areas; for a coordinated layout; for the proper arrangement of streets; for adequate and convenient open spaces; for traffic, utilities, recreation, light, air, and access of fire-fighting equipment; for avoidance of population congestion through requirements for minimum lot widths and lot areas; for adequate provision of water, drainage, sewer, and other sanitary facilities; and for reducing flood damage potentials to the greatest extent possible.

## LONDON - DEVELOPMENT CODE

---

(C) Authority and administrative agency. These subdivision regulations were prepared and adopted by the London-Laurel County Planning Commission pursuant to the authority of Chapter 100, Section 100.273 through 100.291 of the Kentucky Revised Statutes. They shall be administered by the London-Laurel County Planning Commission. The London-Laurel County Planning Commission, established in accordance with Kentucky Revised Statutes, Chapter 100, Sections 100.133 through 100.181, has fulfilled the requirements set forth in the applicable sections of the Kentucky Revised Statutes as required for the adoption of such regulations.

(D) Area jurisdiction. The London-Laurel County Planning Commission, through these subdivision regulations, shall have jurisdiction and control over the subdivision of all land within Laurel County, including the corporate limits of the city.

### § 80.701 DEFINITIONS

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

**"DEVELOPER."** An individual, partnership, corporation, or other legal entity or agent, thereof, which undertakes the activities covered by these regulations. The term "developer" includes subdivider, owner, and builder.

**"IMPROVEMENTS."** Physical changes made to raw land, including structures placed on or under the land surface, in order to make the land more usable for man's activities. Typical improvements in these regulations include grading, street paving, curbs, gutters, drainage ditches, storm and sanitary sewers, utility lines of all types, street name signs, and property number signs.

**"LOT."** A portion of a subdivision plan or the basic unit thereof intended for transfer of ownership or for building development.

**"SUBDIVISION OF A PORTION OF A LARGER TRACT."** Whenever a part of a tract is proposed to be subdivided and it is intended that additional parts of the tract be subdivided in the future, a sketch plan for the entire tract shall be submitted to the Planning Commission at the same time the subdivision plat for the first part of the tract to be platted is submitted.

**"SUBDIVISIONS."** The division of a parcel of land into three (3) or more lots or parcels except in a county containing a city of the first, second or third class or in an urban county government where a subdivision means the division of a parcel of land into two or more lots or parcels; for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land: providing that a division of land for agricultural purposes into lots of parcels of five (5) acres, or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriated to the context, shall relate to the process of subdivision or to the land

## **LONDON - DEVELOPMENT CODE**

---

subdivided: any division or redivision of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this act.

(Ord. 917, passed 12-9-96)

### **§ 80.702      *PROCEDURES***

The review of subdivision plats within the city and Laurel County shall follow the procedures described below:

#### **PARTICIPANTS**

#### **ACTIONS**

Developer (applicant)

Submits application to Planning/Codes office

Codes Office

Reviews application  
Schedules plat for review by Planning  
Commission

Planning Commission

Reviews recommendations of Codes Officer  
Hears testimony on plat  
Approves or disapproves plat

(Ord. 917, passed 12-9-96)

### **§ 80.703      *INFORMAL ADVISORY MEETING***

(A) The subdivider may submit an informal proposal to the Planning Commission to determine the reasonableness of proceeding with a formal subdivision application. The request for an informal meeting should be filed with the Codes Office at least ten (10) working days prior to the next regularly scheduled meeting of the Planning Commission.

(B) The subdivider should submit a sketch plat of the proposed project with the following information included as a minimum:

- (1) Name of subdivision date scale north arrow;
- (2) A vicinity sketch map showing general location, surrounding property, existing roads, and major physical features;
- (3) Generalized layout of property showing shape, approximate dimensions, and total acreage;
- (4) Generalized layout of proposed lots, streets, and utilities;
- (5) Intended land uses; and

## **LONDON - DEVELOPMENT CODE**

---

- (6) Relationship to services (parks, schools, etc.).

(C) The Codes Officer shall review the proposal and try to provide enough guidance to allow the applicant to decide whether or not to proceed any further. It is not the purpose of this meeting for the Planning Commission to commit to any specifics of the proposed subdivision.

(Ord. 917, passed 12-9-96)

### **Division 2. Plats**

#### **§ 80.725 PLAT DETERMINATION**

At the time an application for subdivision is filed (including a request for an informal meeting), the Codes Officer shall determine whether the proposal constitutes a preliminary or a final plat. All plats shall be prepared by a qualified registered engineer or land surveyor.

#### **§ 80.726 PRELIMINARY PLATS; AMENDMENTS**

(A) Preliminary plats. The preliminary plat is designed to provide the Planning Commission with a detailed graphic statement of lot layout and proposed improvements. The preliminary plat is a very important document because it serves as the basis of initial construction of public improvements. No modification (cutting, filling, etc.) shall be made to the land in question prior to preliminary plat approval. The processing of a preliminary plat shall follow the steps indicated below:

(1) The subdivider (or authorized representative) shall file an application with the Codes Office at least ten (10) working days prior to the next regular scheduled meeting of the Planning Commission.

(B) The Codes Officer shall review the preliminary plat and shall consider the following items in, its review process:

- (1) Conformance with this chapter.
- (2) Conformance with the Comprehensive Plan.
- (3) Comments from other public officials and agencies.

(C) Upon the completion of the review by the Codes Office, the copy of the review shall be provided to the subdivider with a written statement regarding the conditions to be met, or the reasons for disapproval.

(D) Within sixty (60) days of the preliminary meeting on the preliminary plat, it shall take one of the following actions:

## **LONDON - DEVELOPMENT CODE**

---

- (1) Approve the plat unconditionally.
- (2) Approve the plat subject to conditions being met.
- (3) Disapprove the plat.
- (4) Postpone taking action for thirty (30) days with specific stated reasons for the action.

(E) Approval of the preliminary plat by the Codes Office does not constitute approval of the subdivision but is merely an authorization to proceed with preparation of the final plat.

(1) If the preliminary plat is approved, one copy shall be returned to the subdivider for compliance with final plat requirements. Such approval is effective for one (1) year from the date of approval. During that time, the general terms and conditions under which the plat was approved will not be affected by any changes to these regulations.

(2) The subdivider may receive a six (6)-month extension on approval provided he/she submits a written request to the Planning Commission and they approve the request.

(a) **Waivers.** The Planning Commission may waive the requirements in any individual case where in its judgment such a waiver would be in the public's interest and would eliminate an undue hardship. No waiver shall be granted which will have the effect of nullifying the intent and purpose of this regulation.

(b) In granting such a waiver, the Planning Commission shall require such conditions as are necessary in its judgment to substantially secure the objectives of the standards or requirements being waived. Any waiver of these regulations shall be submitted in writing with reference to the particular section of the regulations being waived and with a statement of the reasons for the request.

(F) **Amendments.** If the preliminary plat has been approved by the Codes Office and the subdivider desires to make changes, it will be necessary to file an amended preliminary plat for review as described in § 80.727(J).

### **§ 80.727 FINAL PLATS; AMENDMENTS**

(A) The final plat serves as the plat of record for public recording and transfer of land and as a check to assure that all subdivision requirements have been met. The final plat shall conform substantially to the preliminary plat as approved, and it may constitute only a portion of the preliminary plat which the subdivider proposes to record and develop.

(B) **Required improvements prerequisite to approval.** A perfectly prepared and recorded subdivision or plat means little to a prospective lot purchaser until he can see actual

## **LONDON - DEVELOPMENT CODE**

---

physical transformation of raw acreage into lots suitable for building purposes and human habitation. Improvements by the subdivider spare the community a potential tax liability. The following tangible improvements are required in order to assure the physical reality of a subdivision which approval and recording will establish legally.

(1) **Monuments.**

(a) Concrete monuments at least thirty-six (36) inches in length and four (4) inches in diameter or four (4) inches square shall be set at all corners on the plat.

(b) Iron pin or iron pipe monuments not less than three-fourths (3/4) inches in diameter and not less than twenty-four (24) inches in length shall be set at all lot corners not marked by concrete monuments.

(C) The final plat shall be submitted to the Planning Commission for their review and action within one (1) year of approval of the preliminary plat. Failure to do so will result in an expiration of the preliminary plat, making it null and void and requiring resubmission of a new preliminary plat. An extension of six (6) months may be granted, provided the subdivider submits a written request for the extension and it is approved by the Planning Commission.

(D) Twelve (12) copies of the final plat application shall be filed in the Codes Office at least ten (10) working days prior to the next regularly scheduled Planning Commission meeting. The final plat shall include all of the information required on the Final Plat Checklist.

(E) The Planning Commission shall review the final plat to insure that all requirements of this chapter are met. The subdivider has the option of completing all of the required improvements prior to final plat submission or posting some form of surety (bond, certified check, irrevocable commercial letter of credit, etc.) to adequately cover the cost of improvements not completed. The estimated costs of improvements pending must be provided by an engineer and must be approved by the commission.

(F) Following review of the final plat, the Planning Commission shall take the appropriate action:

(1) Approve the plat unconditionally.

(2) Approve the plat with conditions.

(3) Disapprove the plat.

(4) Delay action on the plat for thirty (30) days.

(G) The reasons for the action taken shall be provided in writing to the subdivider.

(H) Failure of the Planning Commission to act upon the final plat within thirty-five

## **LONDON - DEVELOPMENT CODE**

---

(35) days shall be deemed approval of the plat. Approval of the final plat by the Planning Commission shall not constitute acceptance by the public of the dedication of any street, other public ways, or ground.

(I) Following approval of the final plat, the Planning Commission shall return one (1) copy of the plat to the subdivider with the Planning Commission certification thereon for filing with the county clerk as an official plat of record. A final plat must be recorded within one (1) year of approval by the Planning Commission or else the approval is considered null and void. The subdivider shall provide the Planning Commission with evidence of the plat being recorded within thirty (30) days of that action. The subdivider may request an extension of six (6) months. Such written request must be submitted to the Planning Commission prior to the plat's expiration for their review and approval.

(J) Amendments. Substantial changes to the final plat, as determined by the Planning Commission, will require the submission of an amended final plat in accordance with procedures indicated previously. Changes not determined as substantial shall still be reviewed by the Planning Commission, but shall not require filing of an amended final plat.

(Ord. 917, passed 12-9-96)

### **Cross reference:**

Forms, see App. B §§ 3-5

### **§ 80.728 PLAT REVIEW CHARGE**

(A) A charge shall be made for the examination and approval or disapproval of every plat reviewed by the Planning Commission. At the time the Subdivision Plats are filed with the Planning Commission, the subdivider shall deposit with the Planning Commission checks payable to the Planning Commission in the amount of one hundred dollars (\$100.00) for each plat and four dollars (\$4.00) for each lot shown on such plat.

(B) If the subdivider does not appear at the Planning Commission meeting in which the plat is reviewed and the plat is disapproved, the applicant shall be required to file another application and pay appropriate charges unless due cause for absence can be shown.

(Ord. 917, passed 12-9-96)

### **§ 80.729 PLAT REVOCATION**

(A) The Planning Commission may revoke the approval of a subdivision plat, including all dedications of public facilities, easements, and right-of way under the following conditions:

(1) An application for revocation is made by the Planning Commission or all persons owning land comprising the subdivision.

(2) No person has purchased a lot shown on the plat.

## LONDON - DEVELOPMENT CODE

(B) A revocation shall become effective only upon:

(1) A revocation document being appended to the recorded plat stating that such plat has been revoked and the date of such vote of revocation; such document shall be signed by the chairman of the Commission; and

(2) A written approval of such revocation filed with the Commission, duly signed by each entity to which an offer of dedication of any public facility, easement, or right-of-way was made on the plat.

(C) The remedy provided in this section is in addition to all other remedies provided by law and shall not impair the right of the Commission or any interested party from filing an action in circuit court for such relief as may be appropriate.

(Ord. 917, passed 12-9-96)

### **Cross reference:**

Penalty for violation, see § 80.999

### **§ 80.730      CHECKLIST**

(A) The following information shall be provided on the plat or in supporting documentation as indicated:

	<u>Prelim</u>	<u>Final</u>
1. Name of subdivision	x	x
2. Date of plat	x	x
3. Plat type (prelim/final)	x	x
4. Graphic scale	x	x
5. North Arrow	x	x
6. Acreage being subdivided	x	x
7. Name and address of property owner/subdivider	x	x
8. Name, address, and seal of registered professional engineer or land surveyor who prepared the plat	x	x
9. Names of adjacent property owners	x	x
10. Names of abutting street	x	x
11. Vicinity sketch map at scale of one (1) inch = 2000 ft., showing subject property and land within one-half (1/2) mile to include roads, etc.	x	x
12. Proposed subdivision layout at scale of one inch = 100 ft.	x	x
13. Approximate bearings and distances	x	x
14. Final bearings and distances	x	x
15. Locations of monuments and pins	x	x
16. Physical features (streams, sinkholes, ponds, etc.)	x	x



## LONDON - DEVELOPMENT CODE

		<u>Prelim</u>	<u>Final</u>
17.	Contour lines at intervals not greater than ten (10) feet	x	x
18.	Streets		
	Existing and proposed:		
	Location	x	x
	Pavement width	x	x
	Right-of-way width	x	x
	Radii points of curvature arcs (proposed only)	x	x
	Finished grades		x
	Names (Approved by 911 Center/not duplicative)	x	x
	Length of cul-de-sac	x	x
	Drawing of street section	x	x
19.	Utilities		
	Water lines: location and size	x	x
	Fire hydrants	x	x
	Sewer lines: location and size	x	x
	Electric lines: location	x	x
	Easements: location, dimensions, and use	x	x
20.	Drainage		
	Curb and gutter: location and specifications (if required in the city limits)	x	x
	Culverts: location and size	x	x
	Ditches:	x	x
	Easements: location and dimensions	x	x
	Location and description of receiving stream or pipe on adjacent property	x	x
21.	Erosion controls		
	Drainage features	x	x
22.	Date submitted for preliminary approval	x	x
23.	Zoning District if located in the city	x	x
24.	Copies submitted ten (10) days prior to hearing	x	x
25.	Notification of hearing to subdivider and adjoining property owners	x	x
26.	Copies sent to City Engineer and County Health Officer for recommendation	x	x
27.	Copies of private deed restrictions	x	x
28.	Copy of completed subdivision application form	x	x
29.	Statement of deed restrictions and protective covenants	x	x
30.	Typical street cross section	x	x
31.	Certification on plat showing street approval	x	x

## LONDON - DEVELOPMENT CODE

		<u>Prelim</u>	<u>Final</u>
32.	Copies sent to City Utilities Commission of London, Kentucky for recommendation	x	x
33.	Proposed lot lines and lot numbers	x	x
34.	All dimensions to the nearest 100th of a foot and all angles to the nearest minute	x	x
35.	Lot lines, street lines and street names	x	x
36.	Building setback lines	x	x
37.	Lots numbered	x	x
38.	Certification on plat of water system and fire hydrant approval	x	x
39.	Certification of ownership of property with reference to Deed Book Number and Page Number and dedication of streets, etc., for public use	x	x
40.	Certification of accuracy of survey by engineer surveyor	x	x
41.	Certification that subdivider has compiled with one of the following:		
	a. Has completed all improvements	x	x
	b. Has posted letter of credit or other surety for completion of all improvements	x	x
42.	Certification on plat by Chair of Planning Commission that plat has been approved for recording	x	x
43.	Certification on plat by County Clerk that plat is accepted for filing and recording	x	
44.	Original print or final plat returned to owner	x	x

(B) Final construction plant (as-built drawings) for sanitary facilities, storm water disposal, water supply, other utilities, and streets shall be submitted upon completion of improvements.

(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Forms, see App. B

Penalty for violation, see § 80.999

### Division 3. Design and Development Standards

#### § 80.750      *PURPOSE*

The Planning Commission is authorized under Kentucky Revised Statute 100.281 to specify design requirements for streets, blocks, lots, utilities, recreation areas, other public facilities, and hazardous areas including land subject to flooding within the city and Laurel

## **LONDON - DEVELOPMENT CODE**

---

County. Furthermore, the Commission is responsible for insuring that such standards are enforced during development as a condition of subdivision plat approval.  
(Ord. 917, passed 12-9-96)

### **§ 80.751      STANDARDS**

The standards for public improvements shall be utilized to assure the conformance of subdivisions to the Comprehensive Plan.

(A)    Minimum standards. The standards set forth in this section are considered to be minimum acceptable standards of design for safe, efficient, and economical community development. Where the Commission determines that excess capacity facilities are needed, as defined in the respective sections, the legislative body shall be responsible for arrangements to cover the cost of that capacity required beyond what is needed to serve the immediate development.

(B)    Developer's responsibility. Generally, the developer shall be responsible for providing the land and constructing those public improvements required to serve his development. It is also the developer's responsibility to notify the proper governmental agency when improvements are underway so that the work can be inspected to insure compliance with this article. Similarly, the developer is required to notify the appropriate governmental agency when work is completed so that a final inspection can be conducted.

(C)    Development plan. Commercial, industrial, and large-scale residential development (ten (10) or more apartments, townhouses, etc.) shall submit a development plan to the Administrative Official to insure compliance with the design and improvement standards described in this article. The development plan will be reviewed by the Planning Commission in keeping with the procedures indicated in § 80.702.

(D)    Land suitability.

(1)    If the Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, poor drainage, topography, or other such conditions which may endanger health, life or property, the Commission shall not approve the land for subdivision unless adequate methods are proposed by the subdivider for solving problems that will be created by the development.

(2)    The Planning Commission may refuse to approve what it considers to be scattered or premature subdivision of land which would involve danger or injury to public health, safety, welfare, by reason of a lack of water supply, schools, proper drainage, adequate roads or transportation facilities or other public services, or which would necessitate an excessive expenditure of public funds for the supply of such services.

(E)    Natural features. The street plan and lot arrangement of a proposed subdivision shall be so designed as to preserve natural features such as trees, streams, natural lay

## **LONDON - DEVELOPMENT CODE**

---

of the land, and disposition of the topsoil.  
(Ord. 917, passed 12-9-96)

### **§ 80.752      *DRAINAGE; EROSION CONTROLS***

(A) (1) Significant erosion results from rainfall and runoff over unprotected soil. Erosion is increased by intense rainfalls, long slopes, steep slopes and lack of vegetative cover. These conditions are in part caused or aggravated by improper construction, grading, or excavation practices which fail to adequately provide for erosion control.

(2) This section is designed to reduce soil erosion, and to provide procedures for submission, review, and approval of the subdivision and development plans.

(B) Scope of coverage. The following are included within the scope of these regulations:

(1) All persons submitting subdivision or development plans for property in the city must include a statement that no grading, excavating, stripping, filling, or other disturbance of the natural ground cover shall take place prior to approval of subdivision or development plan. The plan to control erosion shall be submitted along with the subdivision or development control plan. The erosion control plan will be submitted along with the preliminary plat, or minor plat if applicable.

(2) Exceptions. No erosion control plan shall be required for the following:

(a) Finished grading and excavation below finished grade.

1. for basements and footings of a single-family or duplex residential structure,

2. for retaining walls,

3. for swimming pools,

4. for cemeteries for human or animal burial,

5. for accessory structures related to single-family residences or duplex structures authorized by a valid building permit.

(b) Individual single-family residential lots.

(c) Accepted agricultural land management practices such as plowing, cultivation, construction or agricultural structures, nursery operations such as the removal and/or transplanting of cultivated sod, shrubs, and trees, tree cuttings at or above existing root mat

## LONDON - DEVELOPMENT CODE

---

intact.

(d) Grading, as a maintenance measure, or for landscaping purposes on existing developed lots or parcels.

(e) Installation of lateral sewer lines, telephone lines, electricity lines, gas lines, or other public service facilities.

(f) Subdivisions for which a preliminary or final plat is approved prior to the effective date of this regulation.

(C) Procedures and standards for approving soil erosion control plans and for issuing permits.

(1) Administrative procedures. The proposed erosion control plan shall accompany the development plan. The plan shall be designed as suggested in the "Soil Erosion and Sediment Control Guidelines for London", or another acceptable form. The erosion control plan shall be reviewed by the Planning Commission. Upon approval of the plan by the Planning Commission, the developer can begin work. When work on the erosion control plan is completed, a representative of the city will certify the work.

(2) Contents of the soil erosion plan. The following information must be included in the soil erosion plan:

(a) The erosion control plan shall be drawn at a scale of 1" = 100" (or less) indicating:

1. The site location as well as the adjacent properties.

2. Identification of any structure or natural feature on the land adjacent to the site and within two hundred fifty (250) feet which has a significant impact on drainage or siltation controls. If the development is to be in stages, the plan shall cover the entire tract to be developed.

(b) Property boundary bearings and distances for the site on which the work is to be performed.

(c) A soil survey or a description of the main soil types (available from the Laurel County Soil Conservation District).

(d) The anticipated time of exposure of each area prior to the completion of effective erosion and sediment control measures.

(e) Existing topography at contour intervals not exceeding ten (10) feet; five (5) feet where conditions warrant.

## **LONDON - DEVELOPMENT CODE**

---

(f) Location and identification of any proposed additional structures or development on the site, except single-family and two-family residential structures and their accessory structures in a subdivision (if applicable).

(g) Plans and specifications for all drainage provisions, retaining walls, cribbing, planting, anti-erosion devices or other protective devices (whether temporary or permanent) to be constructed in connection with, or as a part of the proposed work, together with a map showing the drainage area of land tributary to the site and a statement explaining the amount of estimated runoff used to determine the design characteristics of any drainage device. Upstream drainage must be considered and explained if any adverse effect is possible.

(h) Plans for removal, recontouring, or other final disposition of sediment basins or other structural improvements or devices included in the plan.

(i) If a sedimentation basin is required, it should be designed by certified engineers in accordance with the Soil Erosion and Sediment Control Guidelines for London.

(3) Principles to be considered in reviewing applications.

(a) The erosion control plan should relate to the specific site conditions.

(b) The plan should keep land grading and land disturbance to a minimum under the circumstances.

(c) Both surface and storm water drainage systems should be integrated to accommodate the increased runoff incurred during land grading.

(d) To prevent soil erosion existing, temporary and future protective vegetative cover should be emphasized.

(e) The plan shall coordinate grading operation and sediment control measures so as to minimize land exposure to erosion.

(f) Sediment basins below high sediment producing areas should be planned, installed, and maintained as safety devices to catch and trap excessive sediment from the development site.

(g) The plan should utilize available technology to keep soil erosion to a minimum level.

(4) Special conditions attached to plans.

(a) Upon consideration of the factors listed above and for the purposes

## LONDON - DEVELOPMENT CODE

---

of this article, conditions may be attached to the approval of erosion control plans. It is intended that these conditions be added to a plan for certain areas or problems to provide two basic results: (1) that during project construction, off-site and on-site siltation and erosion be minimized; and (2) that after project completion, the total erosion control plan will be effective so as to preclude all significant on-site erosion.

(b) No special conditions shall be attached to the plan which impose duties or liabilities upon the subdivision or development after a lot or the development has been sold. In the event of failure to complete work or failure to comply with all requirements, conditions, and terms of the permit or plan, the Codes Officer may order the stoppage of work. (Ord. 917, passed 12-9-96)

---

### Cross reference:

Penalty for violation, see § 80.999

### § 80.753 *LANDSCAPE REQUIREMENTS*

(A) (1) It is the intent of this section to provide for the use of landscape techniques within the city that will improve the aesthetic and functional quality of new development and minimize the friction between different urban land uses.

(2) This section will govern the use of trees, shrubs, plants, ground covers, walls, fences, and earth mounds to achieve the following objectives: retard erosion; channel vehicular and pedestrian circulation; protect surrounding property values; reduce the effects of air, odor, visual, and noise pollution; reduce glare from artificial lighting; separate certain land use activities from vehicular movement; screen unsightly activities; and separate different land use activities.

(B) Purpose.

(1) When an application for a development plan or a conditional use permit has been submitted within the city, a buffer area may be required by the zoning regulations. When a buffer area is required to screen unsightly activities; and separate different land use activities, trees, shrubs, plants, ground cover, walls, fences, and earth mounds, may be required Subsection (D) shall be the guidelines for the landscape requirements.

(2) Landscape buffer areas shall be included in development plans for commercial, industrial, and large-scale residential development. They will be reviewed by the Planning Commission.

(C) Enforcement. Landscape requirements will be enforced by the administrative official. No building permit shall be issued until the landscape requirements have been approved as part of the final development plan. No occupancy permit shall be issued until the landscaping is completed.

## LONDON - DEVELOPMENT CODE

(D) The provisions of subsection (E) shall be the landscaping requirements for buffer areas required between different land-use activities.

(E) Minimum landscape easement requirements.

<u>Cate- gory</u>	<u>Adjoining Uses</u>			<u>Width</u>	<u>Trees</u>	<u>Ground Cover</u>	
I	Single or Two-Family	and	Multi-Family or Mobile Home	10'	1 small or medium tree within 40 ft. intervals (or part thereof)	Choice of grass, low shrubs, or mulch	6' contin- uous
11	Single or Two-Family	and	Commercial or Industrial	15'	1 medium or large tree within 40 ft. intervals (or part thereof)	Choice of grass, low shrubs, or mulch	6" contin- uous or interval planting
III	Multi-Family and Mobile Home	and	Commercial or Industrial	10'	1 medium or large tree within 40 ft. intervals (or part thereof)	Choice of grass, low shrubs, or mulch	6' contin- uous or interval planting
IV	Multi-Family	and	Mobile Home	10'	1 medium or large tree within 40 ft. intervals (or part thereof)	Choice of grass, low shrubs, or mulch	Contin- uous intervals earth mo
V	Commercial	and	Industrial	10'	1 medium or large tree within 40 ft. intervals (or part thereof)	Choice of grass, low shrubs, or mulch	4' contin- uous intervals
VI	All Residential Zones	and	Freeways, Highways and Railroads	20'	1 medium or large tree within 30 ft. intervals (or part thereof)	Choice of grass, low shrubs, or mulch	6' contin- uous
VII	Commercial	and	Freeways and Highways	10'	1 medium or large tree within 30 ft. intervals (or part thereof)	Choice of grass, low shrubs, or mulch	6' contin- uous
VIII	Industrial	and	Freeways and Highways	10'	1 medium or large tree within 30 ft. intervals (or part thereof)	Choice of grass, low shrubs, or mulch	6' contin- uous



## LONDON - DEVELOPMENT CODE

<u>Cate- gory</u>	<u>Adjoining Uses</u>		<u>Width</u>	<u>Trees</u>	<u>Ground Cover</u>	
IX	Vehicular Use Areas and (All Zones)	and Any Public Right-of-Way (excl. freeways)	5'	1 medium or large tree within 40 ft. intervals (or part thereof)	Choice of grass, low shrubs, or mulch	6' contin- uous intervals
X	All Zones	and Utility Substations, Landfills, Junkyards, Sewage Plants, Dumpsters	15' to all bound aries (5' for substa tions)	1 medium or large tree within 30 ft. intervals (or part thereof)	Choice of grass, low shrubs, or mulch	6' contin- uous

(Ord. 917, passed 12-9-96)

### **Cross reference:**

Building permits, see § 80.201  
Occupancy permits, see § 80.203  
Penalty for violation, see § 80.999  
Trees, see Ch. 54

### **§ 80.754 LOT DEVELOPMENT**

The size, proportion, and orientation of individual parcels of land and the buildings placed on them will vary with intended type of land use and with the geologic characteristics of the land. Many of these characteristics are determined through the zoning regulations governing the use of land (i.e., minimum lot size, yard requirements, building setback, and lot coverage). Other principles of lot use and layout are more generally applicable and are basic to principles of good subdivision design.

(Ord. 917, passed 12-9-96)

### **§ 80.755 LOT AREA REQUIREMENTS**

(A) Lot area for sewer systems. Where public sewers are available and zoning is in effect, minimum residential lot area requirements shall conform to the zoning ordinance. Where public sewers are available zoning is not in effect, residential lots shall be a minimum of ten thousand (10,000) square feet in area. Wherever no public sewers are available, residential lots shall be a minimum of twenty-one thousand seven hundred eighty (21,780) square feet in area.

(B) Single building per lot. Each separate principal use building shall be situated on a separate and single subdivided lot of record.

(C) Non-residential lots. Lots to be used for commercial or industrial purposes shall contain such area as required by zoning regulations, or in lieu of zoning regulations, such as

## **LONDON - DEVELOPMENT CODE**

---

necessary to accommodate proposed buildings, necessary parking, off-street loading, landscaping, and buffer areas as required.

(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Penalty for violation, see § 80.999

**§ 80.756      *LOT LAYOUT***

(A)    Lot lines.      All side lines of lots should be at right angles to straight streets and radial to curved street lines.

(B)    Lot width.      All lots shall front on a public street for a minimum distance of seventy-five (75) feet. Lots fronting on a cul-de-sac (turn around) shall have a minimum frontage of forty (40) feet.

(C)    Corner lots.    Corner lots shall be laid out so as to provide at least minimum front yard requirements along both street frontages. Access to corner lots shall be at a distance of at least fifty (50) feet from the intersection.

(D)    Double frontage lots. Lots shall not be laid out so that they have frontage on more than one street except: (a) corner lots, or (b) when the rear of the lot faces an arterial, freeway, or railroad right-of-way and the front of the lot faces on a minor street.

(E)    Topography.    All parcels shall be laid out as related to topography and shall provide a building site of adequate size, free from drainage problems.

(F)    Land remnants.    If remnants of land exist after subdividing and have no apparent future use which can be properly controlled, they shall be incorporated into the lot pattern of the proposed subdivision.

(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Penalty for violation, see § 80.999

**§ 80.757      *BUILDING SETBACK LINE***

(A)    Where not otherwise specified by zoning requirements, the building setback line shall not be located closer to the street right-of-way line than a distance equal to one-half (1/2) of the total width of the street right-of-way on which the building will front, but in no case shall the building setback be located closer than fifty (50) feet from the center line of the street. A greater distance between the building setback line and the street right-of-way line is permissible.

(B)    Yard requirements.    Yard requirements for residential subdivisions or portions thereof inside the corporate limits of the city or Laurel County shall be the same as the yard

## LONDON - DEVELOPMENT CODE

---

requirements set forth in the dimensional requirements of a R-1 District. Minimum yard requirements shall be as follows:

Front Yard	30 feet
Rear Yard	25 feet
Side Yard	15 feet

(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Penalty for violation, see § 80.999

**§ 80.758      *LOT IDENTIFICATION***

(1)      **Monuments.** Permanent monuments of concrete or steel rods shall be set at all lot corners, angle points, and points of curves in streets and their location marked on the final plat.

(2)      **Lot numbers.** All parcels of land in a subdivision, other than streets, shall be given a consecutive number. This applies also to lots intended for non-residential use.

(3)      **Property numbering system.** Individual lots shall be given a street address by the Post Office.

(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Penalty for violation, see § 80.999

**§ 80.759      *MOBILE HOMES***

(1)      **Mobile home development.** Development of mobile home sites for rental, lease, or sale shall conform to the requirements of the city's Mobile Home Park Regulations or Kentucky Revised Statute Chapter 219, whichever is more restrictive.

(2)      **Permit application.** The developer of a mobile home park shall apply to the Kentucky Department of Health to obtain a permit to construct or alter a mobile home park prior to filing a preliminary or final subdivision plat with the Planning Commission.

(3)      **Construction plan.** The complete construction plan as required by the Kentucky Department of Health shall be considered a suitable substitute for all plat requirements

## **LONDON - DEVELOPMENT CODE**

---

of these regulations in regard to mobile home parks.  
(Ord. 917, passed 12-9-96)

### **Cross reference:**

Mobile home and trailer parks, see Ch. 73  
Mobile home standards, see §§ 80.350 – 80.354  
Penalty for violation, see § 80.999

### **§ 80.760      *PLANNED DEVELOPMENT PROJECTS***

Sections of the regulations may be modified by the Planning Commission in the case of plans for complete neighborhoods or other design innovations which, in the opinion of the Commission, achieve the basic objectives of these regulations, and provided they are in keeping with the intent of § 80.375.

(Ord. 917, passed 12-9-96)

## **Division 4. Transportation Improvements**

### **§ 80.775      *CONFORMANCE REQUIRED***

The Planning Commission shall assure that transportation improvements conform to the transportation plan. Proposed streets shall be considered in their relationship to existing and planned streets, to topography, public convenience and safety, and in relationship to proposed land uses to be served. Where it is desirable, consideration shall be given to other modes of transportation including pedestrian and bicycle.

(Ord. 917, passed 12-9-96)

### **§ 80.776      *STREET REQUIREMENTS***

(A) (1) Streets, as ways for the movement of vehicular traffic, serve two (2) principle functions: first, the movement of people and goods and second, access to adjoining properties. Unfortunately, these two (2) functions are of a conflicting nature because the smooth movement of traffic is interrupted by vehicles entering or leaving traffic from or to adjacent property.

(2) To satisfy the competing street functions of movement and access, sound traffic engineering principles require the use of a street classification system of several levels. Each street classification serves a combination of the two (2) functions.

(B) Bituminous concrete or macadam base. Plats containing subdivision streets located within Laurel County and within the city limits, may not be acceptable to or initially approved by the proper authority having jurisdiction (magistrate if in county/street foreman if in city) until:

## **LONDON - DEVELOPMENT CODE**

---

(1) All grading and drainage is completed and approved by the county (city), and a contract and performance bond is entered into whereby the subdivider agrees to complete all street improvement as requested by the county (city).

(2) In order to allow for a time of adjustment, the black base or binder shall be applied not earlier than twelve (12) months nor later than eighteen (18) months after the initial approval of the plat or when the lots are fifty percent (50%) occupied with dwellings, whichever first occurs. The sand-mix based blacktop surface shall be applied not earlier than thirty-six (36) months nor later than forty-two (42) months after initial approval of the plat, or when the lots are fifty percent (50%) occupied with dwellings, whichever first occurs.

(3) The binder and surface on subdivision streets may be applied at any time; at the risk of the subdivider, provided the subdivider maintains the binder and surface in a good condition, subject to inspection and approval by the Fiscal Court or City Council at all times set out herein.

(4) The performance bond shall be in an amount determined by the county/city, and shall be filled by property bond with certified appraisal of real estate attached, and approved by the county, or by cash, cashier's check, bank draft or other written guaranty from a local bank or approved insurance company in an amount and with surety approved by the Fiscal Court/City Council representative and/or the Planning Commission pursuant to subsection (B)(1).

(5) No subdivision street may be accepted into the county/city road program for maintenance or become the responsibility of Laurel County or the city until all improvements have been completed as set out herein, and until officially accepted by the Fiscal Court/City Council at a regular or special meeting.

(C) Access easement standards. No private approach or driveway shall be constructed or maintained from any subdivision street, which is or may become a county maintained road, unless the approach method of construction is inspected by and approved by the county, prior to construction. Tile for driveways within a subdivision shall be at least fifteen (15) inches in diameter and shall be concrete.

(Ord. 917, passed 12-9-96)

---

### **Cross reference:**

City Council, regular or special meetings, see § 20.208

Forms, see App. B, § 7

Penalty for violation, see § 80.999

### **§ 80.777      *STREET CLASSIFICATION SYSTEM***

The following functional street classifications shall be considered in the planning of a subdivision and the implementation of the Comprehensive Plan.

## **LONDON - DEVELOPMENT CODE**

---

(A) Interstate highways. For the purpose of moving vehicles intercity or between major parts of a city at high speed. Access is limited to continuous flow, grade-separated interchanges with arterial streets. Directional flow is served by two or more lanes each direction and is separated by a grass or barrier median.

(B) Arterial streets. Primarily for the purpose of moving vehicles intracity (highways) and connecting sections of a city at moderate speeds. Directional flow may be separated by mountable, non-mountable, or barrier medians and be served by one to three lanes in each direction. Additional lanes may be designated for left and right turns. Parking may be permitted. Access from adjacent properties is controlled and where arterial streets are state highways, require an access permit from the State Department of Transportation. Where a subdivision fronting on a highway with a potential for fifty (50) or more lots is proposed for development, the developer shall be required to provide turn lanes on the highway to serve the proposed development. Entrances to subdivisions fronting on highways will be required to provide adequate site visibility for highway traffic.

Access from adjacent residential development should be limited to intersections from collector streets. Residential development should back up to arterial streets and have deeper back yards and provisions for buffering.

(C) Collector (Major) street. For the purpose of "collecting" traffic from local streets for distribution to arterial streets and to provide access to adjacent property. Directional flow may be served by one or two lanes in each direction with additional turning lanes as needed. Parking may be permitted.

(D) Local (Minor) streets. For the purpose of providing vehicular access to adjacent properties. Directional flow is served by one lane in each direction. Posted speed limits are low. Parking is permitted and may require additional roadway width. Layout should discourage through-traffic.

(E) Cul-de-sac streets. A local street with only one end open to vehicular traffic and the other end terminated by a permanent vehicular turn-around. The length of cul-de-sac streets shall not exceed six hundred (600) feet, except where topographic conditions may require a waiver.

(F) Frontage (Marginal access) roads. For the exclusive purpose of providing access to properties adjacent to arterial streets and expressways. Frontage roads provide for two-way traffic at a slow rate of speed and parallel the arterial street with limited access points. The Commission may require frontage roads as a condition to approval of development along designated or proposed arterial or expressways.

(G) Alleys. For the purpose of providing secondary vehicular access to adjacent properties along the rear or side lot lines in commercial or industrial areas. Alleys shall not be used for residential subdivision.

## LONDON - DEVELOPMENT CODE

(H) Dead end streets. A street having an outlet at only one end and terminated at the other end by undeveloped property. Dead end streets that extend beyond the corner lot shall be served by temporary turn-around facilities.  
(Ord. 917, passed 12-9-96)

### § 80.778 STREET CLASSIFICATION STANDARDS

Street classification standards shall be as follows:

<u>Type of Street</u>	<u>Minimum Right of Way (ft.)</u>	<u>Minimum Pavement Width* (ft.)</u>	<u>Minimum Lane Width (ft.)</u>	<u>Grade</u>		<u>Lanes</u>
				<u>Max.</u>	<u>Min.</u>	
Interstate Hwys.	Variable	24 + 24	12	4%	0.5%	4
Arterial	100	48	12	6%	0.5%	2 - 4
Collector (Major)	60	40	10	8%	0.5%	2 - 4
Local (Minor)	50	20	10	12%	0.5%	2
Cul-De-Sac (a)	50	20	10	12%	0.5%	2
Frontage (Marginal Access)	40	20	10	8%	0.5%	2
Alley	20	20	10	10%	0.5%	2

\*Does not include parking on both sides

(a) Turn around diameters are 100 ft. for R-O-W, and 80 ft. for pavement.

(Ord. 917, passed 12-9-96)

### § 80.779 CONSTRUCTION; EXCAVATION

(A) Cuts in city streets. Construction and excavation requirements shall be as follows:

(1) Any public utility developers desiring to place a water, sewer, gas or oil conduit within the right-of-way of any street or alley within the city limits shall first make written application to the Mayor for a permit to do so. The application shall be accompanied with a permit fee of fifty dollars (\$50.00), together with a scaled drawing of the street or alley to be cut. The Utility Commission is specifically exempted from the requirements of this section. Upon issuance of the permit to cut the surface of the street or alley, the utility or person cutting the street or alley shall execute a bond in an amount to assure the same will be repaired in as good a condition as it was prior to the cut. The Mayor or the Building Inspector shall approve the repair to the street or alley prior to the release of the bond.

## **LONDON - DEVELOPMENT CODE**

---

(2) Barricades, warning lights, and flagmen (when necessary) shall be provided by the person cutting the city street or alley. One-half (1/2) of the traveled portions of the street or alley shall be opened to travel at all times; any exception to this, must be approved by the Mayor in advance of the street cutting.

(B) Construction material on city street right-of-ways. It shall be unlawful for any truck to place or unload any type of construction material or construction equipment within the right-of-way of any city street, unless approved by the Mayor in advance. If such circumstances do exist to warrant the same, the person shall notify the police and place flagman and warning lights or signs for the purpose of warning drivers of the obstruction. The flagmen and warning devices shall not be removed until the obstruction is cleared from the street or alley.

(C) Construction trucks within city limits. No vehicle hauling construction material shall transport same on a city street or subdivision street in a total gross weight, including the load, in excess of eighty thousand (80,000) pounds. Any person violating this portion of this section shall be responsible for the repair of the street upon which the operator was operating the overweight truck. There shall be a legal presumption that any damage to the street that becomes known within six (6) months of the operation of the overweight truck was caused by the violation of this portion of this section.

(D) Conformance with Plan. The arrangement, location, character, width, grade, and construction of all streets shall conform to the Comprehensive Plan and shall be considered in relationship to existing and planned streets, topography, access to adjacent land, and public convenience and safety.

(E) Responsibility for streets.

(1) The developer shall construct streets including all clearing, grading, laying of subbase, base, pavements, curbs and gutters, culverts, bridges, sidewalks, storm sewer mains and structures in accordance with current city/county standards.

(2) To achieve the purpose of the Comprehensive Plan, the city/county may require that certain streets serving a subdivision or planned development be constructed to higher standards than would be necessary to serve the particular subdivision or planned development.  
(Ord. 917, passed 12-9-96)

---

### **Cross reference:**

Penalty for violation, see § 80.999

### **§ 80.780      *GENERAL STREET DESIGN CRITERIA***

The following guidelines shall be used in the review of subdivision layout:

(A) Blocks. The width of a residential block should accommodate two tiers of lots. Block length should be at least five hundred (500) feet but not exceed twelve hundred



## LONDON - DEVELOPMENT CODE

(1,200) feet. Where a block exceeds nine hundred (900) feet in length, a through sidewalk on a ten (10) foot right-of-way may be required.

(B) Private streets and reserves strips.

(1) There shall be no private streets platted within a subdivision.

(2) There shall be no reserve strips in a subdivision except where their control is definitely vested in the city or county under conditions approved by the Planning Commission, as authorized in these regulations.

(C) Street intersections.

(1) Multiple intersections involving the junction of more than two streets shall be avoided. Street intersections shall be aligned opposite one another, otherwise offsets between intersections shall be greater than one hundred twenty-five (125) feet between center lines.

(2) Streets shall intersect as nearly as possible at right angles.

(D) Street grade and elevations.

(1) Street grades shall conform to the following:

Street Types	<u>Percent Grade</u>	
	Allowable Maximum	Desirable Maximum
Arterial	12	4
Collector	12	5
Minor	12	8

(2) All streets shall be designed to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall not be less than one-half (1/2) of one percent (1%).

(3) The Planning Commission shall not approve streets which will be subject to inundation or flooding. All streets must be located at elevations which will make them flood-free so that portions of the subdivision will not be isolated by floods. Where flood conditions exist, the Planning Commission shall require profiles and elevations of streets in order to determine the advisability of permitting the proposed subdivision activity. Fill may be used in areas subject to flooding to provide flood-free streets if such fill does not unduly increase flood heights. Drainage openings shall be designed as not to restrict the flow of water and thereby unduly increase flood heights.

## **LONDON - DEVELOPMENT CODE**

---

(4) Minimum safe sight distance at an intersection shall be determined as a straight line of unobstructed view measured in each direction across the corner between points, each fifty (50) feet back from the theoretical intersection of the centers of the pavement extended and between two and one-half (2 1/2) and ten (10) feet above the surface of the pavement. The space so described shall not be blocked by bushes, trees, structures, or other obstructions.

(E) Multi-family areas. Streets serving multi-family areas shall connect to collector or arterial streets to avoid generating large volumes of traffic on local streets. Such streets should also be of adequate width to accommodate parking on both sides of the road.

(F) Street names. Street names shall be selected which will not duplicate or be confused with names of other existing streets in Laurel County. Proposed streets, which are clearly in alignment with existing streets, shall bear the name of the existing street. Generally, no street should change direction by more than ninety (90) degrees without a change in name.

(G) Street signs. Subdivisions shall have permanent street signs installed by the developer according to city county standards.

(H) Street lights. The city will continue to provide for installation of street lighting systems within the city limits. Approval of street lights shall be made by the Mayor and City Council.

(I) Dedication of right-of-way for new streets.

(1) The dedication of right-of-way for new streets measured from lot line to lot line shall meet the following standard: A minimum of forty (40) feet right-of-way. In no case shall the flat surface of the road be less than twenty-four (24) feet and the pavement width less than twenty (20) feet. A sketch of a typical section is shown.

(2) Through proposed business areas, street widths shall be increased ten (10) feet on each side if needed to provide parking without interfering with normal traffic movement.

(3) In cases where topography or other physical conditions make a street of the required minimum width impracticable, the Planning Commission may modify these requirements.

### **§ 80.781 DEDICATION OF RIGHT-OF-WAY FOR EXISTING STREETS**

Subdivisions platted along existing streets shall dedicate additional right-of-way if necessary to meet the minimum street width requirements:

(A) The entire minimum right-of-way shall be dedicated where the subdivision is on both sides of an existing street, one-half (1/2) of the right-of-way width, measured from the center line of the existing roadway, shall be dedicated.

## **LONDON - DEVELOPMENT CODE**

---

(B) Dedication of one-half (1/2) of the rights-of-way for proposed streets along the boundaries of land proposed for subdivision shall be prohibited.

(C) Dead-end streets. Dead-end streets, other than complete cul-de-sac streets, shall only be permitted as part of a continuing street plan and only if a temporary turn-around satisfactory to the Commission is provided. Dedicated rights-of-way on dead-end streets shall extend to the tract boundary, and reserve strips which might be used to control access to adjacent property are prohibited.

(D) Half streets. Dedication of new half-streets along tract boundaries shall not be permitted except to complete the other half where such a street has been previously platted.

(E) Street construction. Streets shall be constructed in conformance with the following requirements:

(1) Grading and embankments. The area on which streets are to be constructed should be cleared of all vegetation for a depth of at least three (3) inches and disposed of outside of the limits of the typical section. Prior to the construction of embankments, any unsuitable material on which the embankment will be superimposed should be removed and the area should be stabilized by conventional methods. The embankments shall be formed by placing material in successive horizontal layers of not more than twelve (12) inches in thickness (loose depth). Each layer shall be thoroughly compacted by rolling with a ten (10)-ton three (3)-wheel roller, sheeps-foot roller, or other approved type roller.

(2) Cut section excavation. Cut sections should be excavated to the required typical section and any unsuitable material encountered shall be removed and the area backfilled in six (6) inch horizontal layers and thoroughly compacted before successive layers are placed.

(3) Solid rock excavation. If solid rock is encountered in connection with the grading operation, the solid rock shall be removed to a depth of six (6) inches below subgrade elevation and back filled to meet the requirements above.

(4) Subgrade preparation. Prior to the construction of either rigid or flexible type surface course construction, the subgrade shall be shaped to the required typical section and thoroughly compacted. Any subgrade found to be unstable or irregular shall be corrected ahead of the various types of base or pavement construction.

(5) Concrete streets. Shall meet requirements for Class "A" Kentucky Department of Transportation Bureau of Highways, Standard Specifications, Current Edition.

(6) Bituminous concrete on macadam base. The macadam base shall consist of four (4) inches of #3 stone and four (4) inches of D.G.A., or eight (8) inches of D.G.A., for total after compaction of eight (8) inches. Upon this base apply 0.35 gallons per square yard of RT-2 light prime emulsion or equal. Place two (2) inches bituminous concrete

## **LONDON - DEVELOPMENT CODE**

---

Class I (black base or binder) and one (1) inch of sand-mix based blacktop after compaction and then compact with a five (5)- to ten (10)-ton roller. The developer shall notify the responsible city or county official in charge of streets at least seventy-two (72) hours before putting down the base of blacktop.

(7) **Curbs and gutters.** Box curbs and gutters may be required in situations where a development is being constructed on existing streets with curbs and gutter. The Planning Commission will determine when curbs and gutters are necessary.

(8) **Ditches.** Where curbs and gutters are not required, the developer shall provide properly graded ditches for drainage.

(9) **Access easement standards.** Access easements shall be permitted to provide sole access to a lot (or lots) only under exceptional circumstances, provided the Planning Commission finds that the application of the requirements and standards for public or private streets would clearly be excessive or impossible. Prior to permitting an access easement as sole access to a lot (or lots), the Commission shall first thoroughly review the possibility of utilizing a public or private street as access and shall give specific reasons for permitting the access easement in its action on the proposed subdivision. The Commission shall have the right to fully regulate such access easements as to width, construction standards, use, length, number of lots to be served, and any other relevant factor.

(F) Nothing within this section shall be construed so as to abrogate the power of the Commission to deny a subdivision or planned development proposing to use an access easement as sole access.

(Ord. 917, passed 12-9-96)

---

### **Cross reference:**

Penalty for violation, see § 80.999

### **§ 80.782 WALKWAYS**

(A) The purpose of walkways (sidewalks) is to provide pedestrian circulation and safety. They also serve as an important element in the recreational system by providing space for walkers/hikers, joggers, and bicyclists. Generally, the need for walkways will vary, based on such factors as street types, traffic flow, on-street parking, probable volume of pedestrians, proximity to schools, etc.

(B) The provision of sidewalks shall be required in the city according to the following conditions and shall be the responsibility of the developer.

(1) **Residential subdivisions.** In residential areas, sidewalks shall be provided on both sides of the street where the predominant lot width is less than one hundred (100) feet. Sidewalks shall be required on one side of the street where the predominant lot width is under two hundred (200) feet. Sidewalks will not normally be required where the predominant

## **LONDON - DEVELOPMENT CODE**

---

lot width is over two hundred (200) feet. Where a residential block exceeds nine hundred (900) feet in length, a through sidewalk in a ten (10)-foot easement may be required by the Commission.

(2) Commercial subdivisions. Sidewalks shall be required for all commercial lots by the Commission.

(3) Industrial subdivisions. Sidewalks shall be required for all commercial lots by the Commission.

(4) Standards. Sidewalks shall be constructed of concrete, at least four (4) inches thick and four (4) feet wide, poured over a compacted four (4)-inch dense grade gravel subbase.

(5) Accessibility. In order to provide adequate access for all citizens, the following requirements apply to all new sidewalk development.

(a) Curb ramps in compliance with the dimensions shown below shall be provided wherever an accessible route crosses a curb. Transitions from ramps to walks, gutters, or streets shall be flush and free of abrupt changes.

(b) If a curb ramp is located where pedestrians must walk across the ramp or where it is not protected by handrails or guardrails, then it shall have flared sides.

(c) Built-up curb ramps shall be located so that they do not project into vehicular traffic lanes. Curb ramps shall be located or protected to prevent their obstruction by parked vehicles.

(Ord. 917, passed 12-9-96)

---

### **Cross reference:**

Penalty for violation, see § 80.999

### **Division 5. Public Utilities; Facilities**

#### **§ 80.800      ADMINISTRATION**

The administration of these regulations by the Planning Commission shall take into account the relationships between new development and the adopted community plans for utility systems. Proposed development shall be considered in terms of required service by sanitary sewer facilities, water supply, storm water drainage, and energy supply. Where necessary, the Commission shall require the provision of exclusive utility easements consistent with the needs to serve the proposed and future development.

(Ord. 917, passed 12-9-96)

**Cross reference:**

Water and sewer, see Ch. 31

**§ 80.801      *SANITARY SEWAGE TREATMENT SERVICE***

Where a public sanitary sewer system is reasonably accessible, as determined by the Planning Commission, sanitary sewers shall be installed by the developer to adequately serve all lots with connections to the public system.

(A) Individual disposal systems. Where a public sanitary sewer system is not reasonably accessible, septic tank or other individual systems may be installed in accordance with these regulations, and subject to the approval and conditions of the County Health Officer and/or Kentucky Department of Health, based on the review of a soil analysis and percolation data or other pertinent data for each lot in the proposed subdivision.

(B) Future service. Where plans exist for extending a public sanitary sewer system into an area that is being subdivided, and it is reasonably expected that the area will be served by a public sewer system within a period of five (5) years, capped sewers shall be installed to adequately serve all lots in the proposed subdivision.

(C) General standards. Subject to the specific determination to the contrary by the Commission or other agency, the following general standards shall apply. The minimum size sewer pipe connection to any parcel shall be four (4) inches inside diameter (i.d.). The minimum sewer pipe line to be used in a residential subdivision shall be of six (6) inches inside diameter.

(D) Plans required. In compliance with § 80.727(J) of these regulations, the subdivider shall submit plans for the proposed sanitary sewage treatment facilities with the filing of the preliminary plat for Commission approval. Such plans shall be prepared by a Registered Civil Engineer and shall show pipe sizes, type of pipe, the location, type, and size of all lift or pumping stations and treatment facilities, if on site. Such plans shall be designated as a logical extension of the public sewer system including trunk lines as needed to serve the subject tract and future extensions of the system.

(Ord. 917, passed 12-9-96)

**Cross reference:**

Penalty for violation, see § 80.999

Water and sewer, see Ch. 31

**§ 80.802      *STORM WATER DRAINAGE***

Provisions shall be made by the developer for the collection and channelization of storm water runoff by means of a storm water drainage system designed to handle the runoff from storms occurring on an average frequency of ten (10) years. The proposed system shall be subject to the review and approval of the Planning Commission, with the recommendation of the

## **LONDON - DEVELOPMENT CODE**

---

city street department.

(A) **Plans required.** All major subdivisions and all multi-family residential, commercial, and industrial developments of one (1) acre or more in the city of are required to submit a detailed storm water management plan. Basically, the plan will call for the developer to provide the following information:

- (1) Name of drainage basin in which property is located;
- (2) Adjacent land uses;
- (3) Proposed use of site;
- (4) Runoff analysis;  
Inflow;  
On-site flow (before and after development); and  
Outflow (based on plan to mitigate impact);
- (5) Details for channelizing water on-site (natural/artificial systems) showing location and site of all structures (storm sewers, inlets, catch basins, manholes, culverts, swales, etc.);
- (6) Details for diverting, detaining, or retaining water on-site showing location, type, and specifications for structures; and
- (7) Certification by engineer that figures are correct, and that design is adequate for minimizing outflow.

(B) **Disposal beyond subdivisions.** Where an adequate public storm sewer is available at the subdivision boundary, the developer shall construct the storm sewer system to connect with such storm sewer line. If such a system is not available, the developer may be required by the Commission to provide for the construction of necessary storm drainage facilities as may be required beyond the immediate boundaries of the subdivision in order to conduct runoff to an acceptable point of disposal.

(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Penalty for violation, see § 80.999

**§ 80.803 WATER SUPPLY SYSTEM**

(A) (1) **Distribution system.** Where a public water supply is available, the subdivider shall be required to provide an adequate supply of pure water to all lots in the subdivision. The water supply shall be sufficient to satisfy the needs of both domestic use and fire protection. The distribution system shall be so designed and constructed as to form an integral part of the city's or rural water district or association's distribution system, and be in

## **LONDON - DEVELOPMENT CODE**

---

conformity with the Comprehensive Plan. The distribution system shall be in accordance with the current city standards as well as the standards of the Natural Resources and Environmental Protection Cabinet, and the State Fire Rating Bureau.

(2) Plans required. In compliance with § 80.727(J) of these regulations, the subdivider shall submit plans for the proposed water system. These plans shall show location of connections to existing systems, locations and size of proposed mains, and fire hydrants.

(B) Residential subdivisions (includes mobile home parks).

(1) Water mains shall be not less than six (6) inches in diameter, including fire hydrant branch connections, installed in conformity with the minimum requirements of the city/county fire departments and utilities. Where size and physical characteristics indicate, the developer may be required to install mains of a larger diameter.

(2) Water mains shall be so arranged that the distance between intersecting mains does not exceed eight hundred (800) feet; eight (8) inch or larger mains must be used.

(3) Eight (8)-inch mains shall be used where dead-end and poor circulating grid-ironing is likely to exist for a considerable period of time, or where the layout of the streets and topographical characteristics are not well adapted to a circulating system.

(4) The distribution system shall be equipped with a sufficient number of valves so located that breakage or other interruption will not cause the shut-down of any portion of a main greater than eight hundred (800) feet.

(5) Approval of the city/county fire departments and utilities shall be obtained prior to issuance of a building permit.

(C) Industrial/commercial/high density residential development.

(1) Water mains shall be not less than eight (8) inches in diameter and fire hydrant branch connections shall be not less than six (6) inches. Water supply and water main sizes will be subject to reasonable additional requirements relative to the degree of density of development and use.

(2) Approval of the city/county fire departments and utilities shall be obtained to the issuance of a building permit.  
(Ord. 917, passed 12-9-96)

---

### **Cross reference:**

Building permits, see § 80.201

Penalty for violation, see § 80.999

Water and sewer, see Ch. 31



## **LONDON - DEVELOPMENT CODE**

---

### **§ 80.804      *FIRE HYDRANT***

#### **(A)      Plans required.**

(1)      In compliance with § 80.727(J) of these regulations, the subdivider shall submit plans for the proposed water system. These plans shall show location of connections to existing systems, location and size of proposed mains and fire hydrants.

#### **(B)      Bonding required.**

(1)      Each developer of a proposed subdivision shall pay a sum of money to be held in escrow, or submit a bond with the approval of the county.

(2)      The bond shall be sufficient enough to install the fire hydrant's required for the subdivision being submitted before the final plat may be approved. When the subdivision is located in Laurel County, outside the city limits, the Laurel County Fire Alliance shall hold the money and or bond in an escrow account until the fire hydrants have been installed, and have met all requirements required by Article X.

(3)      In the event the fire hydrants cannot be installed in accordance with these requirements, the bond shall be held in the escrow account until the fire hydrants are installed, or for a period of twenty (20) years. After a twenty (20)-year period, if the Planning Commission receives adequate documentation proving the water system for the subdivision is not capable of sustaining a fire hydrant, the Laurel County Fire Alliance may use the amount of the bond for the purpose of fire prevention in the community in which the subdivision is located.

(4)      If the subdivision is located in the city limits, the bond shall be held by the City Clerk. The bond shall be by cash, cashier's check in an amount and with surety approved by the Fiscal Court or City Council representative and/or Planning Commission.

#### **(C)      Residential subdivisions (includes mobile home parks).**

(1)      Fire hydrant installation.      Fire hydrants shall be spaced to meet the following requirements:

(a)      In the city fire hydrants shall be spaced not farther than one thousand (1,000) feet apart as measured over hard-surface roads.

(b)      In the county fire hydrants shall be spaced not farther than two thousand (2,000) feet apart as measured over hard-surface roads.

(c)      In the city in no event shall the distance between a fire hydrant and a building exceed five hundred (500) feet as measured on an all-weather road.

(d)      In the county in no event shall the distance between a fire hydrant

## **LONDON - DEVELOPMENT CODE**

---

and a building exceed one thousand (1,000) feet as measured on an all-weather road.

(e) Where cul-de-sac streets are being developed, a fire hydrant will be located on one (1) of the lots at the beginning of the cul-de-sac street.

(2) Fire hydrant use.

(a) Fire hydrants shall meet the minimum specifications and be installed in conformity with the requirements of the city/county fire departments and utilities.

(b) Fire hydrants shall be able to deliver five hundred (500) gallons per minute with a friction loss of not more than two and one-half (2 ½) pounds per square inch in the hydrant, and a total loss of not more than five (5) pounds per square inch between the street main and outlet.

(c) Fire hydrants shall be equipped with not less than two (2) two and one-half (2 ½)-inch outlets and a large pumper outlet of four and one-half (4 ½)-inch internal diameter.

(d) A gate valve must be installed between the main and the hydrant.

(D) Industrial/Commercial/High Density Residential Development.

(1) Fire hydrant installation.

(a) Fire hydrant spacing shall be not less than that required for residential areas referred to above, and in addition, each building shall have hydrants within the following distances:

1. 300 feet distance - 1 hydrant
2. 500 feet distance - 3 hydrants
3. 1000 feet distance - 5 hydrants

(b) No part of the exterior of the building, other than dwellings, shall be farther than five hundred (500) feet from a hydrant, or must meet state regulations or requirements. Distances are to be measured along the shortest feasible exterior route (never measured through building) for laying hose.

(c) Fire hydrants must be located at least twenty-five (25) feet from the exterior wall of any masonry building, and at least fifty (50) feet from any exterior wall of frame or equivalent construction, including brick and stone veneer.

(2) Fire hydrant type.

## **LONDON - DEVELOPMENT CODE**

---

(a) Fire hydrants shall meet the minimum specifications and be installed in conformity with the requirements of the city/county fire departments and utilities.

(b) Fire hydrants shall be able to deliver one thousand (1,000) gallons per minute with a friction loss of not more than two and one-half (2 ½) pounds per square inch in the hydrant, and a total loss of not more than five (5) pounds per square inch between the street main and outlet.

(c) Fire hydrants shall be equipped with not less than two (2) two and one-half (2 ½)-inch outlets and a large pumper outlet of four and one-half (4 ½)-inch internal diameter.

(d) A gate valve must be installed between the main and the hydrant.  
(Ord. 917, passed 12-9-96)

### **Cross reference:**

Forms, see App. B, § 6

Water; fire hydrants, see § 31.228

### **§ 80.805 ADMINISTRATIVE PROCEDURE**

(A) During the installation of all water lines and fire hydrants, the developer and/or his contractor must notify the city/county fire departments and utilities so they may inspect said improvements. No improvements shall be covered or concealed until they have been approved by both authorities.

(B) Upon completion and approval, the city/county fire departments and utilities must certify in writing that all improvements have been accepted and approved to the Planning Commission.

(C) No building permits may be approved until this certification has been made. In order for a fire hydrant to be installed in the city or outside the city limits by the water district, a professional engineer will have to certify that the system can provide minimum fire flow of two hundred fifty (250) gallons per minute; and that the system can provide this flow for a period of not less than two (2) hours plus consumption at the maximum daily rate. The location, installation and responsibility for maintenance of fire hydrants, public and private protection facilities, connecting mains and their ownership may be subject to negotiation by the utility and, if owned by the utility, shall be subject to conditions the Commission may impose, based upon the compensation received for this service. Within the city or outside the city limits, the Planning Commission will determine the requirements for fire hydrants based on the certification by a professional engineer.

(Ord. 917, passed 12-9-96)

## **LONDON - DEVELOPMENT CODE**

---

### **Cross reference:**

Building permits, see § 80.201

Penalty for violation, see § 80.999

### **§ 80.806      *UTILITY AND DRAINAGE EASEMENTS***

The subdivider shall set aside easements for placement and access to maintenance of public and private utilities and drainage as indicated below. The specific use of the easement shall be indicated on the plat.

(A) Location of easements. Where utilities do not follow streets, easements shall follow lot lines in order not to restrict the placement of the building.

(B) Dimensions of easements. The minimum width for utility easements shall be twenty (20) feet to permit access by maintenance vehicles. Where such easements follow lot lines, they may be split with ten (10) feet provided on each lot. Dead-end easements shall not exceed one hundred fifty (150) feet in length. Drainage easements must be at least fifteen (15) feet in width.

(C) Restrictions. No fences, principle or accessory buildings, or other structures shall be permitted within easements. Any overhanging or obstruction limbs, shrubbery, or vegetation may be removed within the limits of the easement at the sole discretion of the appropriate maintenance personnel.

(D) Maintenance and repair of improvements. The developer is responsible for the maintenance and repair of the improvements installed. The developer shall be responsible for any damage done to the improvements by construction traffic, local traffic, or by any other means and shall insure the accessibility to all occupied lots until final acceptance for maintenance by the city/county. Upon completion of work and before public acceptance, the developer shall clean up all ground occupied or affected in connection with the work. Failure to maintain or repair improvements may result in withholding approval of subsequent units of the subdivision.

(E) Liability insurance. The developer shall furnish such insurance as deemed necessary by the Planning Commission which shall indemnify and save harmless the city/county from any and all liability arising from any conditions which may result from the construction or installation of improvements. The insurance shall be of such as determined by the Commission, but in no case shall be allowed to expire earlier than one (1) year from the date that construction or improvements is accepted for maintenance by the city/county. A copy of the insurance policy shall be filed with the City/County Clerk.

(Ord. 917, passed 12-9-96)

### **Cross reference:**

Construction; excavation, see § 80.779

Penalty for violation, see § 80.999

## **LONDON - EROSION AND STORM WATER CONTROL**

---

## **LONDON - EROSION AND STORM WATER CONTROL**

---

### **§ 83.102      *FINES***

The failure of the property owner to submit a plan when such is deemed required by the Building Inspector shall result in a fine of not more than one thousand dollars (\$1,000.00). In addition, the Building Inspector shall issue an immediate "Cease Work Order" upon the discovery of any activity within the provision of this article without having first submitted a plan and received approval of the office of Building Inspector for such disturbance.  
(Ord. 2006-23, passed 11-6-06)

### **§ 83.103      *APPEALS***

(A) Should the property owner disagree with the plan or requirement of a plan as determined by the Building Inspector, the property owner may appeal to the City Council of the City of London. The provisions of KRS 13B shall apply to such hearings.

(B) Appeals from the findings of the City Council may be made to the Circuit Court of the county and the review shall be of the record of the hearing. In addition to the assessment and cease work, the city may also seek immediate injunctive relief from the County Circuit Court to stop further activity on the property.

(C) If the Circuit Court enters Judgment for the city, the property owner shall be liable for the attorney fees of the city, court costs and expert fees. The city may also file a lien against the property for such attorney fees, costs, fees and assessments of the Building Inspector.  
(Ord. 2006-23, passed 11-6-06)

### **§ 83.104      *PERMIT FEES***

If a plan is necessary, at the time a plan is submitted, the property owner shall pay a permit fee of fifty dollars (\$50.00).  
(Ord. 2006-23, passed 11-6-06)

## **LONDON - EROSION AND STORM WATER CONTROL**

---

- (2) Adjoining property owners;
- (3) Elevation of the property;
- (4) The location of streams and other waterways; and
- (5) Any other factors deemed significant in the disturbance of the land.

(D) If the Building Inspector determines that a plan for control of soil and sediment control is necessary, the property owner shall submit a plan to the Building Inspector. The plan shall address the following:

- (1) The erosion control plan should relate to the site-specific conditions.
  - (2) The plan should keep land grading and land disturbance to a minimum under the circumstances.
  - (3) Both surface and storm water drainage should be integrated to accommodate the increased runoff during land grading.
  - (4) To prevent soil erosion existing, temporary and future protective vegetative cover should be emphasized.
  - (5) The plan shall coordinate grading operation and sediment control measures so as to minimize land exposure to erosion.
  - (6) Sediment basins below high sediment producing areas may be required as a part of the plan, for the purpose of a safety device to catch and trap excessive sediment from the development site. If a sedimentation basin is required, it should be designed by certified Engineers in accordance with the Soil Erosion and Sediment Control Guidelines as contained in § 80.752.
  - (7) The plan should utilize available technology to keep soil erosion to a minimum level. The plan may require drainage provisions, retaining walls, cribbing, planting, anti-erosion devices or other protective devices (whether temporary or permanent) to be constructed with, or as part of the proposed work, together with a map showing the drainage area of land tributary to the site and statement explaining the amount of estimated runoff used to determine the design characteristics of any drainage device. Upstream drainage much be considered and explained if any adverse effect is possible.
  - (8) The plans shall address removal, recontouring or other final disposition of sediment basins or other structural improvements or devices included in the plan.
- (Ord. 2006-23, passed 11-6-06)

# **LONDON - EROSION AND STORM WATER CONTROL**

---

## **ARTICLE II. CONTROL OF SOIL EROSION**

### **§ 83.100 NOTIFICATION**

(A) Prior to any excavation, grading, stripping of land or other surface land disturbance, the property owner shall notify the London City Building Inspector in writing at least forty eight (48) hours in advance of his/her plan of excavation, grading or stripping of the land of its natural ground cover and stating the approximate area of land that will be disturbed.

(B) However, no written notification to the Building Inspector shall be required for the following:

(1) Any emergency activity, which is immediately necessary for the protection of life, property, or natural resources.

(2) Agricultural practices such as plowing, cultivation, construction of agricultural structures, nursery operations such as removal and/or transplanting of trees.

(3) Installation of lateral sewer lines, telephone lines, electric lines, gas lines or the installation of similar public service facilities.

(4) Excavations at cemeteries for human or animal burial.

(5) Excavation or fill provided that it does not impair existing surface draining, constitute a potential erosion hazard, or act as a source of sedimentation to any adjacent land or watercourse.

(Ord. 2006-23, passed 11-6-06)

### **§ 83.101 BUILDING INSPECTOR REQUIREMENTS**

(A) The City Building Inspector shall view the area planned to be disturbed within forty-eight (48) hours (during business days) of the written notification. Failure of City Building Inspector or his designee to view the property within the designated forty-eight (48) hours shall constitute approval of the property owner's excavation plan.

(B) The City Building Inspector shall determine if an erosion plan is necessary for the area to be disturbed.

(C) Factors to be considered by the Building Inspector shall include:

(1) Conditions particular to the area of property such as the topography of the area on which the soil disturbance will occur;



## **LONDON - EROSION AND STORM WATER CONTROL**

---

occurring on average frequency of one-hundred (100) years. The proposed system shall be subject to review and approval of the Building Inspector, with the recommendation of the City Street Department.

(Ord. 2006-19, passed 8-7-06)

### **§ 83.006      *STORM WATER MANAGEMENT PLAN REQUIRED***

(A) All construction, excavation, development, building or paving in the City of London are required to submit a storm water management plan. Except for those items described in § 82.003. The plan must show the following items:

- (1) Name of drainage basin in which property is located.
- (2) Adjacent land uses.
- (3) Proposed use of site.
- (4) Runoff analysis.
  - (a) Inflow.
  - (b) On-site Flow (before and after deviation).
  - (c) Outflow (based on plan to mitigate impact).

(5) Details for channelizing water on-site (natural/artificial systems) showing location and site of all structures (storm sewers, inlets, catch basins, manholes, culverts, swales, and the like) for one (1) and two (2) family residential dwellings any site with a 5:1 ratio of screen space to surface will be exempt. This can be reduced if the owner chooses to utilize a infiltration pit designed and certified by an Engineer or by the office of the City Building Inspector.

(6) Details for diverting, detaining or retaining water on-site showing location, type and specifications for structures.

(7) Certification by Engineer that the figures are correct and that the design is adequate for minimizing outflow.

(B) At the time any plan is submitted, the developer shall pay a fifty dollar (\$50.00) review fee.

(Ord. 2006-19, passed 8-7-06)

## **LONDON - EROSION AND STORM WATER CONTROL**

---

### **§ 83.004      *GRANTING OR DENYING PLANS***

(A) Plans and specifications for all drainage provisions, retaining walls, cribbing, planting, anti-erosion devices or other protective devices (whether temporary or permanent) to be constructed in connection with, or as a part of the proposed work, together with a map showing the drainage area of land tributary to the site and a statement explaining the amount of estimated runoff used to determine the design characteristics of any drainage device. Upstream drainage must be considered and explained if any adverse effect is possible.

(B) Plans for removal, recontouring or other final disposition of sediment basins or other structural improvements or devices included in the plan.

(C) If a sedimentation basin is required, it should be designed by certified Engineers in accordance with the Soil Erosion and Sediment Control Guidelines as contained § 80.752.

(D) In granting or denying the plan submitted, the Building Inspector shall consider the following:

- (1) The erosion control plan should relate to the site-specific conditions.
- (2) The plan should keep land grading and land disturbance to a minimum under the circumstances.
- (3) Both surface and storm water drainage should be integrated to accommodate the increased runoff during land grading.
- (4) To prevent soil erosion existing, temporary and future protective vegetative cover should be emphasized.
- (5) The plan shall coordinate grading operation and sediment control measures so as to minimize land exposure to erosion.
- (6) Sediment basins below high sediment producing areas should be planned, installed and maintained as safety devices to catch and trap excessive sediment from the development site.
- (7) The plan should utilize available technology to keep soil erosion to a minimum level.

(Ord. 2006-19, passed 8-7-06)

### **§ 83.005      *STORM WATER DRAINAGE***

Provisions shall be made by the developer for the collection and channelization of storm water runoff by means of a storm water drainage system designed to handle the runoff from storms

## **LONDON - EROSION AND STORM WATER CONTROL**

---

hearings. Appeals from the findings of the City Council may be made to the Circuit Court of Laurel County and the review shall be of the record made at the hearing. In addition to the assessment and cease work, the city may also seek immediate injunctive relief from the Laurel Circuit Court to stop further activity on the property. If the Circuit Court enters judgment for the city, the property owner shall be liable for the attorney fees of the city, court costs and expert fees. The city may also file a lien against the property for such attorney fees, costs, fees and the assessments of the Building Inspector.

(Ord. 2006-19, passed 8-7-06)

### **§ 83.002 SCOPE OF COVERAGE**

No grading, stripping, excavating or other disturbance of the natural ground cover shall occur prior to submission and approval by the City Building Inspector of an erosion and sediment control plan in compliance with this article, unless exempted herein.

(Ord. 2006-19, passed 8-7-06)

### **§ 83.003 EXEMPTIONS**

No grading permit or erosion and sediment control plan shall be required for the following activities:

(A) Any emergency activity, which is immediately necessary for the protection of life, property, or natural resources.

(B) Agricultural practices such as plowing, cultivation, construction of agricultural structures, nursery operations such as removal and/or transplanting of trees.

(C) Installation of lateral sewer lines, telephone lines, electric lines, gas lines or the installation of similar public service facilities.

(D) Excavations at cemeteries for human or animal burial.

(E) Excavation or fill provided that it does not impair existing surface drainage, constitute a potential erosion hazard, or act as a source of sedimentation to any adjacent land or watercourse.

(F) Grading as a maintenance measure or for landscaping purposes provided the aggregate area(s) affected or stripped at any one time does not exceed sixty five hundred (6,500) square feet, and is not within a floodplain or a natural water course and proper vegetative cover is reestablished as soon as possible on all disturbed areas.

(Ord. 2006-19, passed 8-7-06)

## **CHAPTER 83: EROSION AND STORM WATER CONTROL**

### **ARTICLE I. GENERAL PROVISIONS**

83.001	Requirements of property owners
83.002	Scope of coverage
83.003	Exemptions
83.004	Granting or denying plans
83.005	Storm water drainage
83.006	Storm water management plan required

### **ARTICLE II. CONTROL OF SOIL EROSION**

83.100	Notification
83.101	Building Inspector requirements
83.102	Fines
83.103	Appeals
83.104	Permit fees

### **ARTICLE I. GENERAL PROVISIONS**

#### **§ 83.001 REQUIREMENTS OF PROPERTY OWNERS**

(A) That this article shall apply to any person ("person" as used in this article is to include but not limited an individual, partnership, limited liability company, corporation or other legal entity) who engages in the placement, digging or removal of soil or the surface of the property, whether such surface is solid, gravel, sand, rock, blacktop or any substance of any nature, or engages in construction or other activity ("activity") that involves the disturbance, movement or placement of soil or topsoil material from a single tract of real estate within the city.

(B) Any person engaged in activity defined in division (A) above shall submit for approval to the Building Inspector of the city a plan for the control of soil erosion and storm water run-off, prior to the activity as defined above or movement of the soil or other material as defined above from the property. Persons required to submit such a plan to the office of the Building Inspector shall include either the person engaged in the activity on the property or the owner of the property; it shall be the responsibility of the property owner to assure compliance with this article.

(C) Failure of the property owner to submit or have submitted on his/her behalf such a plan as defined in division (A) above, shall be assessed not less than one thousand dollars (\$1,000.00) or more than ten thousand dollars (\$10,000.00) by the office of the Building Inspector. In addition, the Building Inspector shall issue an immediate "Cease Work" order upon the discovery of any "activity" (as defined in division (A)) occurring without having first submitted a plan and received approval of the Office of Building Inspector for such activity. An appeal of such assessment may be made by the property owner to the City Council of the city. The provisions of KRS 13B shall apply to such

## **LONDON - FLOOD DAMAGE PREVENTION**

---

(3) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

(G) *Historic structures.* Variances may be issued for the repair or rehabilitation of "historic structures" (see definition) upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(H) *No impact certification within the floodway.* Variances shall not be issued within any mapped or designated floodway if any increase in flood levels during the base flood discharge would result.

(Ord. 2006-16, passed 7-18-06; Am. Ord. 2014-09, passed 12-3-14; Am. Ord. 2015-03, passed 3-6-15)

### **§ 82.999      *PENALTY***

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with granting of a variance or special exceptions, shall constitute a misdemeanor civil offense. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no less than one hundred dollars (\$100.00) or imprisoned for not more than ten (10) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 2004-1, passed 4-15-04; Am. Ord. 2006-16, passed 7-18-06; Am. Ord. 2014-09, passed 12-3-14; Am. Ord. 2015-03, passed 3-6-15)

[Next page is page 175]

## **LONDON - FLOOD DAMAGE PREVENTION**

---

(3) Variances shall only be issued upon a determination that the variance is the “minimum necessary” to afford relief considering the flood hazard. In the instance of an historical structure, a determination shall be made that the variance is the minimum necessary to afford relief and not destroy the historic character and design of the structure.

(4) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant (as defined in this chapter); and

(c) A determination that the granting of a variance will not result in increased flood height, additional threats to public safety, cause extraordinary public expense, create nuisance (as defined in the definition section under “Public safety and nuisance”), cause fraud or victimization of the public (as defined in the definition section) or conflict with existing local laws or ordinances.

(5) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(6) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) and the Federal Insurance Administration (FIA) upon request.

(7) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of divisions (E)(1) through (5) of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

(F) *Variance notification.* Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25) for one-hundred dollars (\$100) of insurance coverage; and

(2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the City of London Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

## **LONDON - FLOOD DAMAGE PREVENTION**

---

- (1) Danger that materials may be swept onto other lands to the injury of others;
- (2) Danger to life and property due to flooding or erosion damage;
- (3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
- (4) Importance to the community of the services provided by the proposed facility;
- (5) Necessity that the facility be located on a waterfront, in the case of functionally dependent facility;
- (6) Availability of alternative locations which are not subject to flooding or erosion damage;
- (7) Compatibility of the proposed use with existing and anticipated development;
- (8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) Safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) Expected height, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

(E) *Conditions for variances.* Upon consideration of the factors listed above and the purposes of this chapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(1) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

(2) Variances shall only be issued upon a determination that the variance is the "minimum necessary" to afford relief considering the flood hazard. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will both provide relief and preserve the integrity of the local chapter.

## **LONDON - FLOOD DAMAGE PREVENTION**

---

site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated one (1) foot or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

(Ord. 2006-16, passed 7-18-06; Am. Ord. 2014-09, passed 12-3-14; Am. Ord. 2015-03, passed 3-6-15)

### **ARTICLE VI. APPEALS AND VARIANCE PROCEDURES**

#### **§ 82.500      *APPEALS AND VARIANCE PROCEDURES***

##### **(A)      *Nature of variances.***

(1)      The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

(2)      It is the duty of the City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(B)      *Designation of Variance and Appeal Board.* The City Council of the City of London shall establish an Appeal Board consisting of The Board of Adjustments.

##### **(C)      *Duties of Variance and Appeals Board.***

(1)      The Appeal Board shall hear and decide requests for variances from the requirements of this chapter and appeals of decisions or determinations made by the Floodplain Administrator in the enforcement or administration of this chapter.

(2)      Any person aggrieved by the decision of the Appeal Board or any taxpayer may appeal such decision to the Local Circuit Court as provided in Kentucky Revised Statutes.

(D)      *Appeals/variance procedures.* In passing upon such applications, the Appeal Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and the:



## **LONDON - FLOOD DAMAGE PREVENTION**

---

(C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

(D) In areas where base flood elevation and floodway data is not available (Zone A or unmapped streams), base flood elevation and floodway data for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall be provided.

(E) All subdivision plans will include the elevation of proposed structure(s) and lowest adjacent grade. If the site is filled above the base flood elevation, the lowest floor and lowest adjacent grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

(Ord. 2004-1, passed 4-15-04; Am. Ord. 2006-16, passed 7-18-06; Am. Ord. 2014-09, passed 12-3-14; Am. Ord. 2015-03, passed 3-6-15)

### **§ 82.405      *STANDARDS FOR ACCESSORY STRUCTURES IN ALL ZONES BEGINNING WITH THE LETTER 'A'***

For all accessory structures in special flood hazard areas designated 'A' the following provisions shall apply:

(A) Structure must be non-habitable;

(B) Must be anchored to resist floatation forces;

(C) Will require flood openings/vents no more than one (1) foot above grade, total openings are to be one (1) square inch per one (1) square foot of floor area, at least two (2) openings required on opposite walls;

(D) Built of flood resistant materials below a level one (1) feet above the base flood elevation;

(E) Must elevate utilities above the base flood elevation;

(F) Can only be used for storage or parking;

(G) Cannot be modified for a different use after permitting.

(Ord. 2006-16, passed 7-18-06; Am. Ord. 2014-09, passed 12-3-14; Am. Ord. 2015-03, passed 3-6-15)

### **§ 82.406      *CRITICAL FACILITIES***

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall not be permissible within the floodway; however, they may be permissible within the SFHA if no feasible alternative

## **LONDON - FLOOD DAMAGE PREVENTION**

---

demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(B) New construction or substantial improvements of structures shall be elevated or flood proofed to elevations established in accordance with § 82.201.

(Ord. 2004-1, passed 4-15-04; Am. Ord. 2006-16, passed 7-18-06; Am. Ord. 2014-09, passed 12-3-14; Am. Ord. 2015-03, passed 3-6-15)

### **§ 82.403      *STANDARDS FOR SHALLOW FLOODING ZONES***

Located within the special flood hazard areas established in § 82.201, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet (1 - 3'), where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(A) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.

(B) All new construction and substantial improvements of non-residential structures shall:

(1) Have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.

(2) Together with attendant utility and sanitary facilities be completely floodproofed either to the base flood elevation or above or, in Zone AO, to or above the specified flood depth plus a minimum of one (1) foot so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in § 82.401(B).

(Ord. 2006-16, passed 7-18-06; Am. Ord. 2014-09, passed 12-3-14; Am. Ord. 2015-03, passed 3-6-15)

### **§ 82.404      *STANDARDS FOR SUBDIVISION PROPOSALS***

(A) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood and be consistent with the need to minimize flood damage;

(B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

## **LONDON - FLOOD DAMAGE PREVENTION**

---

(c) Meet the permit requirements for new construction of this chapter, including anchoring and elevation requirements for “manufactured homes”.

(5) A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the State of Kentucky motor vehicle regulations, is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(E) *Floodways*. Located within areas of special flood hazard established in §§ 82.200 *et seq.*, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and has erosion potential, the following provisions shall apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in the base flood elevation levels during occurrence of base flood discharge;

(2) If § 82.401(E) is satisfied, all new construction and substantial improvements and other proposed new development shall comply with all applicable flood hazard reduction provisions of §§ 82.400 *et seq.*

(F) *Standards for utilities*.

(1) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

- (a) Infiltration of flood waters into the systems; and
- (b) Discharge from the systems into flood waters.

(2) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

(Ord. 2004-1, passed 4-15-04; Am. Ord. 2006-16, passed 7-18-06; Am. Ord. 2014-09, passed 12-3-14; 2015-03, passed 3-6-15)

### **§ 82.402      STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION (UNNUMBERED A ZONES) AND/OR FLOODWAYS**

Located within the special flood hazard areas established in §§ 82.201, where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

(A) No encroachments, including fill material or structures shall be located within special flood hazard areas, unless certification by a registered professional engineer is provided

## **LONDON - FLOOD DAMAGE PREVENTION**

---

- (a) On individual lots or parcels;
- (b) In expansions to existing manufactured home parks or subdivisions;
- (c) In new manufactured home parks or subdivisions; or
- (d) In substantially improved manufactured home parks or subdivisions;

or

- (e) Outside of a manufactured home park or subdivision;
- (f) In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood,

(2) All Manufactured homes must be:

- (a) Elevated on a permanent foundation; and
- (b) Have its lowest floor elevated no lower than one(1) feet above the level of the base flood elevation; and
- (c) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(3) Excepting manufactured homes that have incurred substantial damage as a result of a flood, all manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

(a) The manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, so that either the:

1. The lowest floor of the manufactured home is elevated no lower than one (1) feet above the level of the base flood elevation; or

2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the highest adjacent grade.

(4) All recreational vehicles placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must either:

- (a) Be on the site for fewer than 180 consecutive days;
- (b) Be fully licensed and ready for highway use; or

## LONDON - FLOOD DAMAGE PREVENTION

---

below an elevation one (1) foot above the base flood elevation, and, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Opening sizes (FEMA Technical Bulletin 1-93) for meeting this requirement must meet or exceed the following minimum criteria:

(a) Be certified by a registered professional engineer or architect; or

(b) Have a minimum of two (2) openings with a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

(C) *Elevated structures.* New construction or substantial improvements of elevated structures on columns, posts, or pilings (e.g.) that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(1) Opening sizes for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(a) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(b) The bottom of all openings shall be no higher than one (1) foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(2) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

(3) The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms.

(D) *Standards for manufactured homes and recreational vehicles.*

(1) All new or substantially improved manufactured homes placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must meet all the requirements for new construction, including elevation and anchoring. Locations include:

## LONDON - FLOOD DAMAGE PREVENTION

---

and reasonable judgement in the event no data can be produced. Title 401 KAR (Kentucky Administrative Regulations) Chapter 4, Regulation 060, Section 5(5)a, states as a part of the technical requirements for a state floodplain permit: the applicant shall provide cross sections for determining floodway boundaries (and thereby base flood elevations) at any proposed construction site where FEMA maps are not available. All cross sections shall be referenced to mean sea level and shall have vertical error tolerances of no more than + five-tenths (0.5) foot. Cross sections elevations shall be taken at those points which represent significant breaks in slope and at points where hydraulic characteristics of the base floodplain change. Each cross section shall extend across the entire base floodplain and shall be in the number and at the locations specified by the cabinet. If necessary to ensure that significant flood damage will not occur, the cabinet may require additional cross sections or specific site elevations which extend beyond those needed for making routine regulatory floodway boundary calculations.

(3) In all other zones, elevated one (1) feet above the base flood elevation.

(4) Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspection department to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

(B) *Non-residential construction.* New construction or substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes used for non-residential purposes) shall be elevated to conform with § 82.401(A) or together with attendant utility and sanitary facilities:

(1) Be floodproofed below an elevation one (1) feet above the level of the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(3) Have the lowest floor, including basement, mechanical equipment, and ductwork, elevated no lower than one (1) feet above the level of the base flood elevation; or

(4) A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in § 82.301(A)(3).

(5) Manufactured homes shall meet the standards in § 82.401(D).

(6) All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be constructed of flood resistant materials

## **LONDON - FLOOD DAMAGE PREVENTION**

---

(F) Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

(G) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(H) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(I) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and

(J) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this chapter shall meet the requirements of "new construction" as contained in this chapter;

(K) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this chapter, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

(Ord. 2004-1, passed 4-15-04; Am. Ord. 2006-16, passed 7-18-06; Am. Ord. 2014-09, passed 12-3-14; Am. Ord. 2015-03, passed 3-6-15)

### **§ 82.401      *SPECIFIC STANDARDS***

In all special flood hazard areas where base flood elevation data have been provided, as set forth in § 82.201, the following provisions are required:

(A) *Residential construction.* New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, mechanical equipment, and ductwork elevated no lower than one (1) feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of § 82.401(C).

(1) In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two (2) feet above the highest adjacent grade if no depth number is specified.

(2) In an A zone, where no technical data has been produced by the Federal Emergency Management Agency, elevated one (1) feet above the base flood elevation, as determined by this community. The Floodplain Administrator will determine the method by which base flood elevations are determined. Methods include but are not limited to detailed hydrologic and hydraulic analyses, use of existing data available from other sources, use of historical data, best supportable

## **LONDON - FLOOD DAMAGE PREVENTION**

---

replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter.

(9) *Liability.* Any officer, employee, or member of the Floodplain administrator's staff, charged with the enforcement of this chapter, acting for the applicable governing authority in the discharge of his or her duties, shall not thereby render himself or herself personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties. Any suit brought against any officer, employee, or member because of such act performed by him or her in the enforcement of any provision of this chapter shall be defended by the department of law until the final termination of the proceedings.

(10) *Expiration of floodplain construction permit.* A floodplain construction permit, and all provisions contained therein, shall expire if the holder of a floodplain construction permit has not commenced construction within one hundred and eighty (180) calendar days from the date of its issuance by the Floodplain Administrator.

(Ord. 2004-1, passed 4-15-04; Am. Ord. 2006-16, passed 7-18-06; Am. Ord. 2014-09, passed 12-3-14; Am. Ord. 2015-03, passed 3-6-15)

### **ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION**

#### **§ 82.400      *GENERAL CONSTRUCTION STANDARDS***

In all Special Flood Hazard Areas the following provisions are required:

(A) All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(B) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(C) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(D) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(E) Electrical, heating, ventilation, plumbing, air condition equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if



## **LONDON - FLOOD DAMAGE PREVENTION**

---

(c) When flood-proofing is utilized for a particular structure, the Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance with § 82.401(B) a floodproofing certificate;

(d) All records pertaining to the provisions of this chapter shall be maintained in the office of the Floodplain Administrator and shall be open for public inspection.

6) *Right of entry.*

(a) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the administrator has reasonable cause to believe that there exists in any structure or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous or hazardous, the administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the administrator by this chapter.

(b) If such structure or premises are occupied, he/she shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of such request entry.

(c) If entry is refused, the administrator shall have recourse to every remedy provided by law to secure entry.

(d) When the administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the administrator for the purpose of inspection and examination pursuant to this chapter.

(7) *Stop work orders.* Upon notice from the administrator, work on any building, structure or premises that is being done contrary to the provisions of this chapter shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his or her agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(8) *Revocation of permits.*

(a) The administrator may revoke a permit or approval, issued under the provisions of this chapter, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(b) The administrator may revoke a permit upon determination by the administrator that the construction, erection, alteration, repair, moving, demolition, installation, or

## **LONDON - FLOOD DAMAGE PREVENTION**

---

(4) *Documentation of floodplain development.* Obtain and maintain for public inspection and make available as needed the following:

(a) Certification required by § 82.401(A) (lowest floor elevations) as shown on a completed and certified Elevation Certificate. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with § 82.301(B);

(b) Certification required by § 82.401(B) (elevation or floodproofing of nonresidential structures) as shown on a completed and certified floodproofing certificate. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with § 82.301(B);

(c) Certification required by § 82.401(C) (elevated structures);

(d) Certification of elevation required by § 82.404(A) (subdivision standards);

(e) Certification required by § 82.401(E) (floodway encroachments);

(f) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

(g) Review certified plans and specifications for compliance;

(h) Remedial Action. Take action to remedy violations of this chapter as specified in § 82.207.

(5) *Map determinations.* Make interpretations where needed, as to the exact location of the boundaries of the special flood hazard areas, for example, where there appears to be a conflict between a mapped boundary and actual field conditions.

(a) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 82.500(C)(2);

(b) When base flood elevation data or floodway data have not been provided in accordance with § 82.201, then the Floodplain Administrator shall obtain, review, and reasonable utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of §§ 82.400 *et seq.*;

## **LONDON - FLOOD DAMAGE PREVENTION**

---

### **§ 82.302     *DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR***

(A) The Floodplain Administrator and/or staff is hereby appointed, authorized and directed to administer, implement and enforce the provisions of this chapter. The Floodplain Administrator is further authorized to render interpretations of this chapter, which are consistent with its spirit and purpose by granting or denying development permits in accordance with its provisions.

(B) The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

(1) *Permit review.* Review all development permits to ensure that:

(a) Permit requirements of this chapter have been satisfied;

(b) All other required state and federal permits have been obtained: advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit;

(c) Flood damages will be reduced in the best possible manner;

(d) The proposed development does not adversely affect the carrying capacity of affected watercourses. For purposes of this chapter, "*ADVERSELY AFFECTS*" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one (1) foot at any point.

(2) *Review and use of any other base flood data.* When base flood elevation data has not been provided in accordance with § 82.201, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer §§ 82.400 *et seq.* Any such information shall be submitted to the City Council for adoption.

(3) *Notification of other agencies.*

(a) Notify adjacent communities, the Kentucky Division of Water, and any other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of the watercourse, and

(b) Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency (FEMA); and

(c) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

## **LONDON - FLOOD DAMAGE PREVENTION**

---

### **§ 82.301      *ESTABLISHMENT OF DEVELOPMENT PERMIT***

A development permit shall be obtained before any construction or other development begins within any special flood hazard area established in § 82.201. Application for a development permit shall be made on forms furnished by Floodplain Administrator prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Endorsement of local administrator is required before a state floodplain construction permit can be processed. Specifically, the following information is required.

#### **(A)      *Application stage.***

(1)      Proposed Elevation in relation to mean sea level (MSL) of the proposed lowest floor (including basement) of all structures in Zone A and elevation of highest adjacent grade; or

(2)      Proposed elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;

(3)      All appropriate certifications from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in §§ 82.401(B) and 82.403(B);

(4)      Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

#### **(B)      *Construction stage.***

(1)      Upon placement of the lowest floor, and before construction continues, or flood proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator and to the state a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to mean sea level. In AE, A1-30, AH, and A zones where the community has adopted a regulatory base flood elevation, said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

(2)      When flood proofing is utilized for a particular structure, said certification shall be prepared by or under the direct supervision of a certified professional engineer or architect. Any continued work undertaken prior to the submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood proofing elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(Ord. 2006-16, passed 7-18-06; Am. Ord. 2014-09, passed 12-3-14; Am. Ord. 2015-03, passed 3-6-15)

## **LONDON - FLOOD DAMAGE PREVENTION**

---

floodplain construction permit and any approved modifications, such development shall constitute a civil offense.

(B) *Notice of violation.* If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this chapter including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator shall issue a notice to the person responsible for the violation and/or the property owner, stating the facts of the offense or violation, the section of this chapter and/or of the permit violated, when it occurred, how the violation is to be remedied to bring the development into conformity with this chapter or with the approved permit, and within what period of time the remedy is to occur, which period of time shall be reasonable and shall be determined by the nature of the violation and whether or not it creates a nuisance or hazard. The remedy may include an order to stop work on the development. The notice shall also state that a citation may be forthcoming in the event that the requested remedies and corrective actions are not taken, which citation will request a civil monetary fine and shall state the maximum fine which could be imposed. See § 82.999.

(C) *Notice of citation, notice of violation.* If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this chapter including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator may issue a citation to the offender stating the violation, prior notices of violation issued, how the violation is to be remedied to bring the development into conformity with this chapter or with the approved permit, and within what period of time the remedy is to occur, and what penalty or penalties are recommended. When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven (7) days of the date the citation is issued by either carrying out the remedies and corrections set forth in the citation, paying the civil fine set forth in the citation or requesting a hearing before the governing body. If the person to whom the citation is issued does not respond to the citation within seven (7) days, that person shall be deemed to have waived the right to a hearing and the determination that a violation occurred shall be considered final.

(Ord. 2006-16, passed 7-18-06; Am. Ord. 2014-09, passed 12-3-14; Am. Ord. 2015-03, passed 3-6-15)

### **ARTICLE IV. ADMINISTRATION**

#### **§ 82.300      *DESIGNATION OF LOCAL ADMINISTRATOR***

The City Council of the City of London hereby appoints the Building Inspector to administer, implement, and enforce the provisions of this chapter by granting or denying development permits in accordance with its provisions, and is herein referred to as the Floodplain Administrator.

(Ord. 2004-1, passed 4-15-04; Am. Ord. 2006-16, passed 7-18-06; Am. Ord. 2014-09, passed 12-3-14; Am. Ord. 2015-03, passed 3-6-15)

## **LONDON - FLOOD DAMAGE PREVENTION**

---

regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.

(Ord. 2004-1, passed 4-15-04; Am. Ord. 2006-16, passed 7-18-06; Am. Ord. 2014-09, passed 12-3-14; Am. Ord. 2015-03, passed 3-6-15)

### **§ 82.204      *ABROGATION AND GREATER RESTRICTIONS***

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 2004-1, passed 4-15-04; Am. Ord. 2006-16, passed 7-18-06; Am. Ord. 2014-09, passed 12-3-14; Am. Ord. 2015-03, passed 3-6-15)

### **§ 82.205      *INTERPRETATION***

In the interpretation and application of this chapter, all provisions shall be:

- (A)    Considered minimum requirements;
- (B)    Liberally construed in favor of the governing body; and

(C)    Deemed neither to limit nor repeal any other powers granted under state statutes.  
(Ord. 2004-1, passed 4-15-04; Am. Ord. 2006-16, passed 7-18-06; Am. Ord. 2014-09, passed 12-3-14; Am. Ord. 2015-03, passed 3-6-15)

### **§ 82.206      *WARNING AND DISCLAIMER OF LIABILITY***

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the City Council of the City of London, any officer or employee, the Commonwealth of Kentucky, the Federal Insurance Administration, or the Federal Emergency Management Agency, thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Ord. 2004-1, passed 4-15-04; Am. Ord. 2006-16, passed 7-18-06; Am. Ord. 2014-09, passed 12-3-14; Am. Ord. 2015-03, passed 3-6-15)

### **§ 82.207      *ENFORCEMENT, VIOLATION NOTICE***

(A)    *Civil offense.* If, at any time, development occurs which is not in accordance with the provisions of this chapter including obtaining or complying with the terms and conditions of a

# **LONDON - FLOOD DAMAGE PREVENTION**

---

## **ARTICLE III. GENERAL PROVISIONS**

### **§ 82.200      *LANDS TO WHICH THIS CHAPTER APPLIES***

This chapter shall apply to all Special Flood Hazard Areas (SFHA) and, as determined by the Floodplain Administrator or other delegated, designated, or qualified community official as determined by the City Council of the City of London from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the City Council of the City of London which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety, and general welfare of the citizens of the City of London.

(Ord. 2004-1, passed 4-15-04; Am. Ord. 2006-16, passed 7-18-06; Am. Ord. 2014-09, passed 12-3-14; Am. Ord. 2015-03, passed 3-6-15)

### **§ 82.201      *BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS***

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Laurel County, dated March 16, 2015, with the accompanying Flood Insurance Rate Maps (FIRMS) and other supporting data are adopted by reference and declared to be a part of these regulations by the City of London, and for those land areas acquired by the City of London through annexation. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City Council by the Floodplain Administrator and are enacted by the City Council pursuant to statutes governing land use management regulations. The FIS and/or FIRM are permanent records of the City of London and are on file and available for review by the public during regular business hours at the City of London City Hall at 501 South Main Street, London, Kentucky.

(Ord. 2004-1, passed 4-15-04; Am. Ord. 2006-16, passed 7-18-06; Am. Ord. 2014-09, passed 12-3-14; Am. Ord. 2015-03, passed 3-6-15)

### **§ 82.202      *ESTABLISHMENT OF DEVELOPMENT PERMIT***

(A) A development permit shall be required in conformance with the provision of this chapter prior to the commencement of any development activities in the special flood hazard areas (SFHA). See § 82.301 for instructions and explanation.

(B) Application for a development permit shall be made on forms furnished by the Floodplain Administrator.

(Ord. 2004-1, passed 4-15-04; Am. Ord. 2006-16, passed 7-18-06; Am. Ord. 2014-09, passed 12-3-14; Am. Ord. 2015-03, passed 3-6-15)

### **§ 82.203      *COMPLIANCE***

No structure or land shall hereafter be constructed, located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable state

## LONDON - FLOOD DAMAGE PREVENTION

---

***“SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS.”*** Repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equaling or exceeding 50% of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

***“SUSPENSION.”*** Removal of a participating community from the NFIP for failure to enact and/or enforce floodplain management regulations required for participation in the NFIP. New or renewal flood insurance policies are no longer available in suspended communities.

***“UTILITIES.”*** Includes electrical, heating, ventilation, plumbing, and air conditioning equipment.

***“VARIANCE.”*** Relief from some or all of the requirements of this chapter.

***“VIOLATION.”*** Failure of a structure or other development to fully comply with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

***“WATER SURFACE ELEVATION.”*** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

***“WATERCOURSE.”*** A lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically.

***“WATERSHED.”*** All the area within a geographic boundary from which water, sediments, dissolved materials, and other transportable materials drain or are carried by water to a common outlet, such as a point on a larger stream, lake, or underlying aquifer.

***“X ZONE.”*** The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2% probability of being equaled or exceeded (the 500-year flood) in any year. Unshaded X zones (C zones on older FIRMS) designate areas where the annual exceedance probability of flooding is less than 0.2%.

***“ZONE.”*** A geographical area shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.  
(Ord. 2004-1, passed 4-15-04; Am. Ord. 2006-16, passed 7-18-06; Am. Ord. 2014-09, passed 12-3-14; Am. Ord. 2015-03, passed 3-6-15)



## **LONDON - FLOOD DAMAGE PREVENTION**

---

***"SPECIAL FLOOD HAZARD AREA (SFHA)."*** That portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHBM or FIRM as Zone A, AE, A1 - A30, AH, AO, or AR.

***"START OF CONSTRUCTION (INCLUDES SUBSTANTIAL IMPROVEMENT AND OTHER PROPOSED NEW DEVELOPMENT)."*** The date a building permit is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement is within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the structure.

***"STRUCTURE."*** A walled and roofed building that is principally above ground; including manufactured homes, gas or liquid storage tanks, or other man-made facilities or infrastructures. See ***"BUILDING"***.

***"SUBDIVISION."*** Any division, for the purposes of sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, of any tract or parcel of land into two (2) or more lots or parcels.

***"SUBROGATION."*** An action brought by FEMA to recover insurance money paid out where all or part of the damage can be attributed to acts or omissions by a community or other third party.

***"SUBSTANTIAL DAMAGE."*** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

***"SUBSTANTIAL IMPROVEMENT."*** Any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a one-year period in which the cumulative percentage of improvement equals or exceeds 50% of the market values of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions.

## **LONDON - FLOOD DAMAGE PREVENTION**

---

- (2) 400 square feet or less when measured at the largest horizontal projection;
  - (3) Designed to be self-propelled or permanently towable to a light duty truck;
- and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"REGULAR PROGRAM."** The phase of a community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

**"REGULATORY FLOODWAY."** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. See **"BASE FLOOD"**.

**"REMEDY A VIOLATION."** The process by which a community brings a structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impact of non-compliance. Reduced impact may include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financing exposure with regard to the structure or other development.

**"REPAIR."** The reconstruction or renewal of any part of an existing structure.

**"REPETITIVE LOSS."** Flood-related damages sustained by a structure on two (2) or more separate occasions during a ten-year period where the value of damages equals or exceeds an average of fifty percent (50%) of the current value of the structure, beginning on the date when the damage first occurred, or, four (4) or more flood losses of one-thousand dollars (\$1,000.00) or more over the life of the structure, or, three (3) or more flood losses over the life of the structure that are equal to or greater than the current value of the structure.

**"RIVERINE."** Relating to, formed by, or resembling a river (including tributaries), stream, brook, and the like.

**"SECTION 1316."** That section of the National Flood Insurance Act of 1968, as amended, which states that no new or renewal flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

**"SHEET FLOW AREA."** See **"AREA OF SHALLOW FLOODING"**.

## LONDON - FLOOD DAMAGE PREVENTION

---

**"NORTH AMERICAN VERTICAL DATUM (NAVD)." As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used on the newer FIRMs and Digitally Referenced FIRMs (DFIRMs). (Refer to FIRM or DFIRM legend panel for correct datum.)**

**"OBSTRUCTION." Includes but is not limited to any dam, wall, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, structure, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.**

**"ONE-HUNDRED YEAR FLOOD (100-YEAR FLOOD) (see BASE FLOOD)." The flood that has a 1% or greater chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 100-year flood. Over the life of a 30-year loan, there is a 26% chance of experiencing such a flood with the SFHA.**

**"PARTICIPATING COMMUNITY." A community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.**

**"POST-FIRM CONSTRUCTION." Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.**

**"PRE-FIRM CONSTRUCTION." Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.**

**"PROBATION." A means of formally notifying participating NFIP communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations. During periods of probation, each insurance policy is subject to a \$50 surcharge.**

**"PROGRAM DEFICIENCY." A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management standards or of the standards of 44 CFR 60.3, 60.4, 60.5, and/or 60.6.**

**"PUBLIC SAFETY AND NUISANCE." Anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.**

**"RECREATIONAL VEHICLE." A vehicle that is:**

- (1) Built on a single chassis;

## LONDON - FLOOD DAMAGE PREVENTION

---

**"MITIGATION."** Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the costs of disaster response and recovery.

**"MUDSLIDE (i.e. MUD FLOW)."** Describes a condition where there is a river, flow, or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain. A mudslide (i.e. mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Floodplain Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

**"MUDSLIDE (i.e. MUDFLOW) AREA MANAGEMENT."** The operation of and overall program of corrective and preventative measures for reducing mudslide (i.e. mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and floodplain management regulations.

**"MUDSLIDE (i.e. MUDFLOW) PRONE AREA."** An area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

**"NATIONAL FLOOD INSURANCE PROGRAM (NFIP)."** The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

**"NATIONAL GEODETIC VERTICAL DATUM (NGVD)."** As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used as the vertical datum on the older FIRMs. Refer to FIRM legend panel for correct datum.)

**"NEW CONSTRUCTION."** Structures for which the start of construction commenced on or after the effective date of the City of London's floodplain management regulations and includes any subsequent improvements to such structures.

**"NEW MANUFACTURED HOME PARK OR SUBDIVISION."** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the City of London's adopted floodplain management ordinances.

**"NON-RESIDENTIAL."** Structures that are not designed for human habitation, including but is not limited to: small business concerns, churches, schools, farm structures (including grain bins and silos), pool houses, clubhouses, recreational structures, mercantile structures, agricultural and industrial structures, warehouses, and hotels or motels with normal room rentals for less than 6 months duration.

## LONDON - FLOOD DAMAGE PREVENTION

---

***“LIMITED STORAGE.”*** An area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant material, void of utilities except for essential lighting, and cannot be temperature controlled.

***“LOWEST ADJACENT GRADE.”*** The elevation of the sidewalk, patio, deck support, or basement entryway immediately next to the structure and after the completion of construction. It does not include earth that is emplaced for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a structure’s foundation system.

***“LOWEST FLOOR.”*** The lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, structure access, or storage in an area other than a basement area is not considered a structure’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

***“MANUFACTURED HOME.”*** A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected or attached to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term ***“MANUFACTURED HOME”*** does not include a “recreational vehicle” (see ***“RECREATIONAL VEHICLE”***).

***“MANUFACTURED HOME PARK OR SUBDIVISION.”*** A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

***“MAP.”*** The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

***“MAP PANEL NUMBER.”*** The four-digit number on a flood map, followed by a letter suffix, assigned by FEMA. The first four (4) digits represent the map panel. The letter suffix represents the number of times the map panel has been revised. (The letter “A” is not used by FEMA, the letter “B” is the first revision.).

***“MARKET VALUE.”*** The structure value, excluding the land (as agreed between a willing buyer and seller), as established by what the local real estate market will bear. ***“MARKET VALUE”*** can be established by independent certified appraisal, replacement cost depreciated by age of structure (actual cash value) or adjusted assessed values.

***“MEAN SEA LEVEL (MSL).”*** The average height of the sea for all stages of the tide. For the purposes of the National Flood Insurance Program, the MSL is used as a reference for establishing various elevations within the floodplain as shown on a community’s FIRM. For purposes of this chapter, the term is synonymous with either National Geodetic Vertical Datum (NGVD) 1929 or North American Vertical Datum (NAVD) 1988.

## **LONDON - FLOOD DAMAGE PREVENTION**

---

their respective cities and counties, the provisions of KRS 151.250, 151.280 and 151.310 and rules and regulations issued thereunder.

(2) When a violation of KRS 151.250, 151.280 or 151.310 within his jurisdiction is brought to the attention of a mayor or chief executive officer of a city or a county judge/executive, he shall immediately notify the cabinet of the location and details of such violation.

***“LETTER OF MAP CHANGE (LOMC).”*** An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC’s include the following categories:

(1) ***“LETTER OF MAP AMENDMENT (LOMA).”*** A revision based on technical data showing that a property was incorrectly included in a designated SFHA. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA.

(2) ***“LETTER OF MAP REVISION (LOMR).”*** A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features.

(3) ***“LETTER OF MAP REVISION - FILL (LOMR F).”*** A determination that a structure or parcel has been elevated by properly placed engineered fill above the BFE and is, therefore, excluded from the SHFA.

***“LEVEE.”*** A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

***“LEVEE SYSTEM.”***

(1) A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(2) For a levee system to be recognized, the following criteria must be met:

(a) All closure devices or mechanical systems for internal drainage, whether manual or automatic, must be operated in accordance with an officially adopted operation manual (a copy of which must be provided to FEMA by the operator when levee or drainage system recognition is being sought or revised).

(b) All operations must be under the jurisdiction of a Federal or State agency, an agency created by federal or state law, or an agency of a community participating in the NFIP.

## **LONDON - FLOOD DAMAGE PREVENTION**

---

a Standard Flood Insurance Policy under the NFIP sustains a loss and the state or community declares the building to be substantially or repetitively damaged, ICC will help pay up to \$30,000 for the cost to elevate, floodproof, demolish, or remove the building. ICC coverage is available on residential and non-residential buildings (this category includes public or government buildings, such as schools, libraries, and municipal buildings) insured under the NFIP.

*“KENTUCKY REVISED STATUTE 151.250 - PLANS FOR DAMS, LEVEES, ETC. TO BE APPROVED AND PERMIT ISSUED BY CABINET- (ENVIRONMENTAL AND PUBLIC PROTECTION CABINET).”*

(1) Notwithstanding any other provision of law, no person and no city, county, or other political subdivision of the state, including levee districts, drainage districts, flood control districts or systems, or similar bodies, shall commence the construction, reconstruction, relocation or improvement of any dam, embankment, levee, dike, bridge, fill or other obstruction (except those constructed by the Department of Highways) across or along any stream, or in the floodway of any stream, unless the plans and specifications for such work have been submitted by the person or political subdivision responsible for the construction, reconstruction or improvement and such plans and specifications have been approved in writing by the cabinet and a permit issued. However, the cabinet by regulation may exempt those dams, embankments or other obstructions which are not of such size or type as to require approval by the cabinet in the interest of safety or retention of water supply.

(2) No person, city, county or other political subdivision of the state shall commence the filling of any area with earth, debris, or any other material, or raise the level of any area in any manner, or place a building, barrier or obstruction of any sort on any area located adjacent to a river or stream or in the floodway of the stream so that such filling, raising or obstruction will in any way affect the flow of water in the channel or in the floodway of the stream unless plans and specifications for such work have been submitted to and approved by the cabinet and a permit issued as required in division (1) of this definition.

(3) Nothing in this section is intended to give the cabinet any jurisdiction or control over the construction, reconstruction, improvement, enlargement, maintenance or operation of any drainage district, ditch, or system established for agricultural purposes, or to require approval of the same except where such obstruction of the stream or floodway is determined by the cabinet to be a detriment or hindrance to the beneficial use of water resources in the area, and the person or political subdivision in control thereof so notified. The Department for Natural Resources through KRS Chapter 350 shall have exclusive jurisdiction over KRS Chapter 151 concerning the regulation of dams, levees, embankments, dikes, bridges, fills, or other obstructions across or along any stream or in the floodway of any stream which structures are permitted under KRS Chapter 350 for surface coal mining operations.

*“KENTUCKY REVISED STATUTE 151.320 - OFFICERS REQUIRED TO ENFORCE LAW.”*

(1) The mayor or chief executive officer of each city and the county judge/executive of each county, shall have the concurrent duty of enforcing with the cabinet, within

## **LONDON - FLOOD DAMAGE PREVENTION**

---

***“FUNCTIONALLY DEPENDENT USE FACILITY.”*** A facility, structure, or other development, which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

***“GOVERNING BODY.”*** The local governing unit, i.e. county or municipality that is empowered to adopt and implement ordinances to provide for the public health, safety and general welfare of its citizenry.

***“HAZARD POTENTIAL.”*** The possible adverse incremental consequences that result from the release of water or stored contents due to failure of a dam or misoperation of a dam or appurtenances. The hazard potential classification of a dam does not reflect in any way the current condition of a dam and its appurtenant structures (e.g., safety, structural integrity, flood routing capacity).

***“HIGHEST ADJACENT GRADE.”*** The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

***“HISTORIC STRUCTURE.”*** Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior; or

(b) Directly by the Secretary of the Interior in states without approved programs.

***“INCREASED COST OF COMPLIANCE (ICC).”*** Increased cost of compliance coverage provides for the payment of a claim for the cost to comply with State or community floodplain management laws or ordinances after a direct physical loss by flood. When a building covered by



## LONDON - FLOOD DAMAGE PREVENTION

---

***“FLOODPLAIN MANAGEMENT REGULATIONS.”*** This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control), and other applications of police power, which control development in flood-prone areas. This term describes federal, state and/or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

***“FLOODPROOFING.”*** Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

***“FLOODPROOFING CERTIFICATE.”*** A certification by a registered professional engineer or architect, on a FEMA-approved form in effect at the time of certification stating that a non-residential structure, together with attendant utilities and sanitary facilities is watertight to a specified design elevation with walls that are substantially impermeable to the passage of water and all structural components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy and anticipated debris impact forces.

***“FLOODWAY.”*** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. Also referred to as the “regulatory floodway”.

***“FLOODWAY FRINGE.”*** That area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

***“FRAUD AND VICTIMIZATION.”*** As related in § 82.500, Appeals and Variance Procedures, of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City Council will consider the fact that every newly constructed structure adds to government responsibilities and remains a part of the community for fifty (50) to one-hundred (100) years. Structures that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages may incur. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

***“FREEBOARD.”*** A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood. ***“FREEBOARD”*** must be applied not just to the elevation of the lowest floor or floodproofing level, but also to the level of protection provided to all components of the structure, such as building utilities, HVAC components, and the like.

## **LONDON - FLOOD DAMAGE PREVENTION**

---

manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**"FIVE-HUNDRED YEAR FLOOD."** The flood that has a 0.2% chance of being equaled or exceeded in any year. Areas subject to the 500-year flood have a moderate to low risk of flooding.

**"FLOOD, FLOODING, OR FLOOD WATER."**

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e. mudflows). See **"MUDSLIDE"**.

(2) The condition resulting from flood-related erosion. See flood-related erosion.

**"FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)."** A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and the regulatory floodway.

**"FLOOD HAZARD BOUNDARY MAP (FHBM)."** A map on which the boundaries of the flood, mudslide (i.e. mudflow), and flood-related erosion areas having special hazards have been designated as Zones A, M, and/or E by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA).

**"FLOOD INSURANCE RATE MAP (FIRM)."** A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated special flood hazard areas and risk premium zones.

**"FLOOD INSURANCE STUDY."** - The report provided by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) containing flood profiles, the Flood Insurance Rate Map (FIRM), and/or the Flood Boundary Floodway Map (FBFM), and the water surface elevation of the base flood.

**"FLOODPLAIN OR FLOOD-PRONE AREA."** Any land area susceptible to being inundated by flood waters from any source.

**"FLOODPLAIN ADMINISTRATOR."** The individual appointed by a NFIP participating community to administer and enforce the floodplain management ordinances.

**"FLOODPLAIN MANAGEMENT."** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management ordinances, and open space plans.

## **LONDON - FLOOD DAMAGE PREVENTION**

---

maintaining or restoring normal services before, during and after a flood, and those facilities or installations which produce, use or store volatile, flammable, explosive, toxic and/or water-reactive materials, hazardous materials or hazardous waste.

***“D ZONE.”*** An area in which the flood hazard is undetermined.

***“DEVELOPMENT.”*** Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

***“ELEVATED STRUCTURE.”*** A non-basement structure built to have the lowest floor elevated above ground level by means of fill, solid foundation perimeter walls, piling, columns (post and piers), shear walls, or breakaway walls. (See freeboard requirements for residential and non-residential structures.)

***“ELEVATION CERTIFICATE.”*** A statement certified by a registered professional engineer or surveyor on the FEMA-approved form in effect at the time of certification that verifies a structure’s elevation and other related information to verify compliance with this chapter.

***“EMERGENCY PROGRAM.”*** The initial phase under which a community participates in the NFIP, intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

***“ENCLOSURE.”*** That portion of a structure below the Base Flood Elevation (BFE) used solely for parking of vehicles, limited storage, or access to the structure.

***“ENCROACHMENT.”*** The physical advance or infringement of uses, plant growth, fill, excavation, structures, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

***“EXISTING CONSTRUCTION.”*** Any structure for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. ***“EXISTING CONSTRUCTION”*** may also be referred to as “Existing structures”.

***“EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.”*** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management ordinance adopted by the City of London based on specific technical base flood elevation data which established the area of special flood hazards.

***“EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.”*** The preparation of additional sites by the construction of facilities for servicing the lots on which the

## LONDON - FLOOD DAMAGE PREVENTION

---

**"B AND X ZONES (SHADED)."** Areas of the 0.2% annual chance (500-year) flood, areas subject to the 100-year flood with average depths of less than one (1) foot or with contributing drainage area less than one (1) square mile, and areas protected by levees from the base flood.

**"BASE FLOOD."** A flood which has a one percent (1%) chance of being equaled or exceeded in any given year (also called the "100-year flood"). **"BASE FLOOD"** is the term used throughout this chapter.

**"BASE FLOOD ELEVATION (BFE)."** The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO that indicates the water surface elevation resulting from a flood that has a 1% or greater chance of being equaled or exceeded in any given year.

**"BASEMENT."** That portion of a structure having its floor subgrade (below ground level) on all four (4) sides.

**"BUILDING."** A walled and roofed structure that is principally aboveground; including a manufactured home, gas or liquid storage tank, or other man-made facility or infrastructure. See definition for **"STRUCTURE"**.

**"C AND X (UNSHADED) ZONES."** Areas determined to be outside the 500-year floodplain.

**"COMMUNITY."** A political entity having the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

**"COMMUNITY RATING SYSTEM (CRS)."** A program developed by the Federal Insurance Administration to provide incentives to those communities in the regular program to go beyond the minimum floodplain management requirements to develop extra measures for protection from flooding.

**"COMMUNITY FLOOD HAZARD AREA (CFHA)."** An area that has been determined by the Floodplain Administrator (or other delegated, designated, or qualified community official) from available technical studies, historical information, and other available and reliable sources, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. Included are areas downstream from dams.

**"CRITICAL FACILITY."** Any property that, if flooded, would result in severe consequences to public health and safety or a facility which, if unusable or unreachable because of flooding, would seriously and adversely affect the health and safety of the public. **"CRITICAL FACILITIES"** include, but are not limited to: housing likely to contain occupants not sufficiently mobile to avoid injury or death unaided during a flood; schools, nursing homes, hospitals, police, fire and emergency response installations, vehicle and equipment storage facilities, emergency operations centers likely to be called upon before, during and after a flood, public and private utility facilities important to

## LONDON - FLOOD DAMAGE PREVENTION

---

move slowly or rapidly, but waves are usually not a significant threat to structures. Areas of 100-year flood, base flood elevations and flood hazard factors are not determined.

***“ACCESSORY STRUCTURE (APPURTENANT STRUCTURE).”*** A structure located on the same parcel of property as the principle structure, the use of which is incidental to the use of the principle structure. ***“ACCESSORY STRUCTURES”*** should constitute a minimal initial investment, may not be used for human habitation, and should be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

***“ACCESSORY USE.”*** A use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

***“ADDITION (TO AN EXISTING STRUCTURE).”*** Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a Firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

***“A1-30 AND AE ZONES.”*** Special Flood Hazard Areas inundated by the 1 % annual chance flood (100-year flood. Base flood elevations (BFEs) are determined.

***“AH ZONE.”*** An area of 100-year shallow flooding where depths are between one (1) and three (3) feet (usually shallow ponding). Base flood elevations are shown.

***“AO ZONE.”*** An area of 100-year shallow flooding where water depth is between one (1) and three (3) feet (usually sheet flow on sloping terrain). Flood depths are shown.

***“APPEAL.”*** A request for a review of the Floodplain Administrator’s interpretation of any provision of this chapter or from the floodplain administrator’s ruling on a request for a variance.

***“AR/A1 - A30, AR/AE, AR/AH, AR/AO, AND AR/A ZONES.”*** Special Flood Hazard Areas (SFHAs) that result from the de-certification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood protection. After restoration is complete these areas will still experience residual flooding from other flooding sources.

***“A99 ZONE.”*** That part of the SFH A inundated by the 100-year flood which is to be protected from the 100-year flood by a federal flood protection system under construction. No base flood elevations are determined.

***“AREA OF SHALLOW FLOODING.”*** A designated AO or AH Zone on a community’s Flood Insurance Rate Map (FIRM) where the base flood depths range from one (1) to three (3) feet, there is no clearly defined channel, the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

## **LONDON - FLOOD DAMAGE PREVENTION**

---

(E) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other areas.

(Ord. 2004-1, passed 4-15-04; Am. Ord. 2006-16, passed 7-18-06; Am. Ord. 2014-09, passed 12-3-14; 2015-03, passed 3-6-15)

### **§ 82.003 OBJECTIVES**

The objectives of this chapter are to:

- (A) Protect human life and health;
  - (B) Minimize expenditure of public money for costly flood control projects;
  - (C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  - (D) Minimize prolonged business interruptions;
  - (E) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines; streets and bridges located in areas of special flood hazard;
  - (F) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard or other flood-prone areas in such a manner as to minimize future flood blighted areas caused by flooding;
  - (G) Ensure that potential homebuyers are on notice that property is in a Special Flood Hazard Area; and
  - (H) Ensure that those who occupy a Special Flood Hazard Area assume responsibility for their actions.
- (Ord. 2004-1, passed 4-15-04; Am. Ord. 2006-16, passed 7-18-06; Am. Ord. 2014-09, passed 12-3-14; 2015-03, passed 3-6-15)

## **ARTICLE II. DEFINITIONS**

### **§ 82.100 DEFINITIONS**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“A ZONE.” Portions of the special flood hazard area (SFHA) in which the principle source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may

# **LONDON - FLOOD DAMAGE PREVENTION**

---

## **ARTICLE VI. APPEALS AND VARIANCE PROCEDURES**

82.500 Appeals and variance procedures

82.999 Penalty

## **ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

### **§ 82.001      *STATUTORY AUTHORIZATION, FINDINGS OF FACT***

The Legislature of the Commonwealth of Kentucky has in Kentucky Revised Statutes KRS Chapter 100 delegated to local government units the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of London, Kentucky, hereby adopts the following floodplain management ordinance, as follows:

(A) The flood hazard areas of the City of London are subject to periodic inundation which result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all which adversely affect the public health, safety, and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increased flood height and velocity, and by the location in flood hazard areas of uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise protected from flood damage.

(Ord. 2004-1, passed 4-15-04; Am. Ord. 2006-16, passed 7-18-06; Am. Ord. 2014-09, passed 12-3-14; Am. Ord. 2015-03, passed 3-6-15)

### **§ 82.002      *STATEMENT OF PURPOSE***

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private loss due to flooding by provisions designed to:

(A) Restrict or prohibit uses which are dangerous to health, safety, and property due to water erosion hazards, or which result in damaging increases in erosion or in flood height or velocity;

(B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(C) Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate or channel flood waters;

(D) Control filling, grading, dredging, and other development which may increase erosion or flood damage; and

## **CHAPTER 82: FLOOD DAMAGE PREVENTION**

### **ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

- 82.001 Statutory authorization, findings of fact
- 82.002 Statement of purpose
- 82.003 Objectives

### **ARTICLE II. DEFINITIONS**

- 82.100 Definitions

### **ARTICLE III. GENERAL PROVISIONS**

- 82.200 Lands to which this chapter applies
- 82.201 Basis for establishing the special flood hazard areas
- 82.202 Establishment of development permit
- 82.203 Compliance
- 82.204 Abrogation and greater restrictions
- 82.205 Interpretation
- 82.206 Warning and disclaimer of liability
- 82.207 Enforcement, violation notice

### **ARTICLE IV. ADMINISTRATION**

- 82.300 Designation of local administrator
- 82.301 Establishment of development permit
- 82.302 Duties and responsibilities of the local administrator

### **ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION**

- 82.400 General construction standards
- 82.401 Specific standards
- 82.402 Standards for streams without established base flood elevation (unnumbered A zones) and/or floodways
- 82.403 Standards for shallow flooding zones
- 82.404 Standards for subdivision proposals
- 82.405 Standards for accessory structures in all zones beginning with the letter 'A'
- 82.406 Critical facilities



## **LONDON - AIRPORT ZONING**

---

taxpayer or any officer, department, board or bureau of the city may appeal to the Circuit Court of Laurel County in [a] manner provided by KRS 183.756.  
(Ord. 388, passed 10-11-51)

### **§ 81.999      *PENALTY***

Each violation of this chapter or any regulation, order or rule promulgated hereunder shall be punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for no more than thirty (30) days, or by both such fine and imprisonment, and each day a violation continues to exist shall constitute a separate offense.  
(Ord. 388, passed 10-11-51)

## **LONDON - AIRPORT ZONING**

---

Board and shall be a public record.  
(Ord. 388, passed 10-11-51)

**Cross reference:**

Public records, see Ch. 25

### **§ 81.105      *APPEALS***

(A) Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the city or county affected by any decision of the administrative officer.

(B) An appeal must be taken within a reasonable time as provided by the rules of the Board, a notice of appeal specifying the grounds thereof.

(C) The officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(D) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative officer certifies to the Board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property.

(E) In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application of notice to the administrative officer on due cause shown.

(F) The Board shall fix a reasonable time for the hearing of the appeal, give public notice and due notice to the parties in the interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

(G) The Board may, in conformity with the provisions of this resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement decision, or determination as ought to be made, and to that end shall have all the powers of the administrative officer.

(H) The concurring vote of a majority of the members of the Board shall be sufficient to reverse any order, requirement, decision, or determination of the officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to affect any variation in this resolution.  
(Ord. 388, passed 10-11-51)

### **§ 81.106      *JUDICIAL REVIEW***

Any person aggrieved by a decision of the Board of Airport Zoning Appeals, or any

## **LONDON - AIRPORT ZONING**

---

### **§ 81.101      *POWERS***

The Board of Airport Zoning Appeals shall have and exercise the following powers:

(A) To hear and decide appeals from any order, requirement, decision, or determination made by the administrative officer in the enforcement of this chapter.

(B) To hear and decide special exceptions to the terms of this chapter upon which such Board may be required to pass by subsequent ordinances;

(C) To hear and decide specific variances under § 81.008.  
(Ord. 388, passed 10-11-51)

### **§ 81.102      *MEMBERSHIP; TERM***

(A) The Board of Airport Zoning Appeals shall consist of five (5) members, appointed by the City Council for a term of three (3) years and to be removable for cause by the City Council upon written charges and after public hearing.

(B) (1) Initial appointments shall be made so that one (1) member shall be appointed for a term of three (3) years, two (2) for a term of two (2) years and two (2) for a term of one (1) year.

(2) Thereafter, each member appointed shall serve a term of three (3) years or until his successor is duly appointed and qualified.  
(Ord. 388, passed 10-11-51)

### **§ 81.103      *MEETINGS***

(A) The Board shall adopt rules for its governance and procedure in harmony with the provisions of this chapter. Meetings of the Board shall be held at the call of the chairman, or in his absence the acting chairman may administer oaths and compel the attendance of witnesses.

(B) All meetings of the Board shall be public.  
(Ord. 388, passed 10-11-51)

---

#### **Cross reference:**

Public meetings, see Ch. 25

### **§ 81.104      *MINUTES***

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the

## **LONDON - AIRPORT ZONING**

---

deteriorated, or decayed:

(1) no permit shall be granted that would allow the structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations; and

(2) whether application is made for a permit under this subsection or not, the owner of the nonconforming structure or tree may be compelled, at his own expense, to lower, remove, reconstruct, or equip such object, as may be necessary to conform to the regulations, or, if the owner of the nonconforming structure or tree shall neglect or refuse to comply with such order for ten (10) days after notice thereof, the city may proceed to have the object so lowered, removed, reconstructed, or equipped and assess the cost and expense thereof upon the object or the land in question. Unless such an assessment is paid within ninety (90) days from the service of notice thereof on the agent or owner of such object of land, the sum shall bear interest at the rate of ten percent (10%) per annum until paid, and shall be collected in the same manner as are general taxes. Except as indicated, all applications for permits or replacement, change or repair of nonconforming uses shall be granted.

(Ord. 388, passed 10-11-51)

---

### **Cross reference:**

Development Code, Board of Adjustment, nonconformities, see § 80.160

### **§ 81.010 OBSTRUCTION MARKING; LIGHTING**

Any permit or variance granted under § 81.008 or § 81.009 may, if such action is deemed advisable to effectuate the purposes of this chapter and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the city at its own expense to install, operate, and maintain suitable obstruction markers and obstruction lights thereon.

(Ord. 388, passed 10-11-51)

### **§ 81.011 ADMINISTRATIVE OFFICER**

The City Clerk is hereby designated the administrative officer charged with the duty of administering and enforcing the regulations herein prescribed. The duties of the officer shall include that of hearing and deciding all permits under § 81.009, but the officer shall not have or exercise any of the powers or duties herein delegated to the Board of Airport Zoning Appeals.

(Ord. 388, passed 10-11-51)

## **ARTICLE II. BOARD OF AIRPORT ZONING APPEALS**

### **§ 81.100 CREATED**

There is hereby created the Board of Airport Zoning Appeals.

(Ord. 388, passed 10-11-51)

## **LONDON - AIRPORT ZONING**

---

construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date thereof, or otherwise interfere with the continuance of any nonconforming use, except as provided in § 81.009(B)(2).

(B) Nothing contained herein shall require any change in the plans, construction or intended use of a building for which a building permit has been issued prior to the effective date of this chapter, the construction of which is diligently prosecuted and completed according to such plans as filed within two (2) years of the effective date of this chapter.  
(Ord. 388, passed 10-11-51)

---

**Cross reference:**

Building permits, see § 80.201

### **§ 81.008      *VARIANCES***

(A) Any person desiring to erect any structure or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter, may apply for a variance therefrom.

(B) Such variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this chapter.  
(Ord. 388, passed 10-11-51)

---

**Cross reference:**

Development Code, Board of Adjustment, application for variance, see § 80.160

### **§ 81.009      *PERMITS***

(A) Future uses: No material change shall be made in the use of land, and no structure or tree shall be erected, altered, planted, or otherwise established, in any airport approach zone, airport transition zone, or airport turning zone, unless a permit therefor shall have been applied for and granted. Each such application shall indicate the use for which the permit is desired, with sufficient particularity to permit it to be determined whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the permits applied for shall be granted.

(B) Nonconforming uses: Before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, within any airport approach zone, airport transition zone, or airport turning zone, a permit shall be secured authorizing such change or repair. No such permit shall be granted that would allow the structure or tree in question to be made higher or become a greater hazard to air navigation than it is on the effective date of this chapter; and whenever it is determined that a nonconforming structure or tree has been abandoned or more than eighty percent (80%) torn down, destroyed,

## **LONDON - AIRPORT ZONING**

---

(B) The plan is a matter of public record in the office of the City Clerk.  
(Ord. 338, passed 10-11-51)

---

**Cross reference:**

Penalty for violation, see § 81.999

Public records, see Ch. 24

Trees, see Ch. 54

### **§ 81.005      *USE RESTRICTIONS***

Except as otherwise provided in this chapter, it shall be unlawful to put any land located within an airport approach zone, airport transition zone, or airport turning zone to any use hereby forbidden in such zone. The land uses forbidden in the various airport approach, airport transition and airport turning zones are as follows:

(A) Airport approach and airport transition zones:      The growth of any tree, the cultivation of any agricultural products or the erection of any building, tower, statue, chimney, fence pole, silo, overhead transmission lines, or any appendage thereto, the overall height of which will exceed the height limits established by § 81.004 for the respective airport approach and airport transition lines.

(B) Turning zones:      The growth of any tree, the cultivation of any agricultural products or the erection of any building, tower, statue, fence pole, chimney, silo, overhead transmission lines or of any appendage thereto, the overall height of which will exceed the height limits established by § 81.004 for the respective turning zones.  
(Ord. 388, passed 10-11-51)

---

**Cross reference:**

Penalty for violation, see § 81.999

### **§ 81.006      *OTHER RESTRICTIONS***

Notwithstanding the provisions of §§ 81.004 and 81.005, no use may be made of land within any airport approach zone, airport transition zone or airport turning zone, in such a manner as to create electrical interference with radio communications between the airport and aircraft or make it difficult for fliers to distinguish between airport lights and others, or otherwise endanger the landing, taking off or maneuvering of aircraft.  
(Ord. 388, passed 10-11-51)

---

**Cross reference:**

Penalty for violation, see § 81.999

### **§ 81.007      *NONCONFORMING USES***

(A) The regulations prescribed in §§ 81.004, 81.005, and 81.006 shall not be

## **LONDON - AIRPORT ZONING**

---

### **§ 81.002      DEFINITIONS**

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

**"AIRPORT."** City of London airport, known as London Municipal Airport.

**"AIRPORT HAZARD."** Any structure or object of natural growth, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking off at the airport, or is otherwise hazardous to such landing or taking off.

**"LANDING AREA."** The area of the airport used or intended for the landing, take-off, or taxiing of aircraft.

**"NONCONFORMING USE."** Any structure, tree or use of land which does not conform to a regulation prescribed in this chapter or an amendment thereto as of the effective date of regulation.

**"PERSON."** Any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic and includes any trustee receiver, assignee, or other similar representative thereof.

**"STRUCTURE."** Any object constructed or installed by man including, but not limited to, buildings, towers, smoke stacks, and overhead transmission lines.

**"TREE."** Any object of natural growth.  
(Ord. 388, passed 10-11-51)

### **§ 81.003      ZONES**

In order to carry out the purposes of this chapter, all the land within two (2) miles of the respective boundaries of the airport is hereby divided into airport approach zones, airport transition zones and airport turning zones, designated, identified and bounded as shown on London Municipal Airport Approach Plan, dated April 26, 1950.  
(Ord. 388, passed 10-11-51)

### **§ 81.004      HEIGHT LIMITS**

(A) Except as otherwise provided in this chapter, no structure or tree shall be erected, altered, allowed to grow, or maintained in any airport approach zone, airport transition zone or airport turning zone to a height in excess of the height limit established for such zones by standard CAA Drawing No. 814 dated April 14, 1950.

## **CHAPTER 81: AIRPORT ZONING**

### **ARTICLE I. GENERAL PROVISIONS**

81.001	Title
81.002	Definitions
81.003	Zones
81.004	Height limits
81.005	Use restrictions
81.006	Other restrictions
81.007	Nonconforming uses
81.008	Variances
81.009	Permits
81.010	Obstruction marking; lighting
81.011	Administrative officer

### **ARTICLE II. BOARD OF AIRPORT ZONING APPEALS**

81.100	Created
81.101	Powers
81.102	Membership; term
81.103	Meetings
81.104	Minutes
81.105	Appeals
81.106	Judicial review
81.999	Penalty

---

#### **Cross reference:**

Airport Board, see Ch. 22  
Development Code, see Ch. 80

---

#### **Statutory reference:**

Airport Zoning, KRS 183.861, et seq.

### **ARTICLE I. GENERAL PROVISIONS**

#### **§ 81.001 TITLE**

This ordinance shall be known and may be cited as the Airport Zoning Ordinance of the city Board of Council.  
(Ord. 388, passed 10-11-51)



## LONDON - APPENDIX A AND B

---

(ATTACH PERFORMANCE BOND)  
(Ord. 917, passed 12-9-96)

\_\_\_\_\_  
\_\_\_\_\_  
Address

## LONDON - APPENDIX A AND B

§ 7

### CONTRACT FOR SUBDIVISION IMPROVEMENTS

I, \_\_\_\_\_, Owner/Subdivider of a subdivision in Laurel County, Kentucky, outside the London City Limits, do hereby certify that the streets, utilities and other improvements have been installed to meet the city, county and state regulations, except for the blacktop binder and surface for the streets.

Further, in consideration of initial approval of the subdivision plat by Laurel County, I acknowledge myself indebted to Laurel County, Kentucky, in the sum of \$\_\_\_\_\_ to guarantee that I will install binder and surface blacktop subject to approval of the county on all roads in the subdivision, prior to the roads being accepted into the county road system, and according to the subdivision regulations for London-Laurel County, Kentucky.

I agree that the roads are my responsibility until accepted by the Fiscal Court, which I understand may be after approval of the roads with a surface coat of pavement when the lots are fifty percent (50%) occupied by dwellings or after three (3) years from the original approval of the subdivision plat by the Planning and Zoning Commission.

Subdivision Name: \_\_\_\_\_

Length of all roads: \_\_\_\_\_

Location of subdivision: \_\_\_\_\_

#### Improvements provided by Owner/Subdivider:

Streets	_____	Sidewalks and curbs	_____
Electricity	_____	Security	_____
Gas	_____	Other	_____
Water	_____		_____
Sewer	_____		_____
Cable	_____		_____
Fire Hydrant(s)	_____		_____

For all of which I have posted a performance bond, with \_\_\_\_\_ as surety.

This the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Owner/Subdivider

## **LONDON - APPENDIX A AND B**

---

§ 5

### **CERTIFICATE OF APPROVAL FOR RECORDING FORM 3 (On Plat)**

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for the London-Laurel County, Kentucky, Planning Commission with the exception of such variances, if any, as are noted in the minutes of the Planning Commission and that it has been approved for recording in the office of the County Clerk.

\_\_\_\_\_, 19\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman of Secretary, Planning Commission  
(Ord. 917, passed 12-9-96)

§ 6

### **CERTIFICATION OF THE APPROVAL OF FIRE HYDRANTS FORM 4 (On Plat)**

I hereby certify: (1) that fire hydrant(s) have been installed in an acceptable manner according to the city/county specification in the subdivision entitled \_\_\_\_\_, or,  
(2) that a performance bond in the amount of \$ \_\_\_\_\_ has been posted with the city/county to assure completion of all fire hydrant(s) installations in case of default.

\_\_\_\_\_  
City or County Representative  
(Ord. 917, passed 12-9-96)

## **LONDON - APPENDIX A AND B**

§ 3

### **SUGGESTED FORMS FOR FINAL PLAT CERTIFICATION**

#### **CERTIFICATE OF OWNERSHIP AND DEDICATION**

##### **FORM 1**

(On Plat)

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and dedicate all streets, alleys, walks, park and other open spaces to public or private use as noted.

\_\_\_\_\_, 19\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner  
(Ord. 917, passed 12-9-96)

§ 4

#### **CERTIFICATE OF ACCURACY**

##### **FORM 2**

(On Plat)

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the London-Laurel County, Kentucky, Planning Commission and the monuments have been placed as shown hereon, to the specifications of the County Engineer or the City Engineer.

\_\_\_\_\_, 19\_\_\_\_\_  
Date

\_\_\_\_\_  
Registered Engineer or Surveyor  
(Ord. 917, passed 12-9-96)

## LONDON - APPENDIX A AND B

§ 2

### CERTIFICATION OF APPROVAL OF STREETS IN LAUREL COUNTY

I hereby certify: (1) That the streets have been installed in an acceptable manner and according to the county specifications in the subdivision entitled \_\_\_\_\_

OR (2) That a performance bond in the amount of \$ \_\_\_\_\_ has been posted with the county to assure completion of all street improvements in the case of default.

All streets remain the responsibility of the developer until approved and accepted by the Fiscal Court which may be after fifty percent (50%) of the lots are occupied or three (3) years from approval of this plat.

\_\_\_\_\_ 19 \_\_\_\_\_  
County Representative

\_\_\_\_\_ 19 \_\_\_\_\_  
County Road Foreman

\_\_\_\_\_ 19 \_\_\_\_\_  
Magistrate

(Ord. 917, passed 12-9-96)

## **LONDON - APPENDIX A AND B**

### **Appendix B**

#### **Forms**

§ 1

#### **CERTIFICATION OF APPROVAL OF STREETS WITHIN THE CORPORATE LIMITS OF LONDON**

I hereby certify: (1) That the streets have been installed in an acceptable manner and according to the city specifications in the subdivision entitled \_\_\_\_\_

**OR** (2) That a performance bond in the amount of \$\_\_\_\_\_ has been posted with the city to assure completion of all street improvements in the case of default.

All streets remain the responsibility of the developer until approved and accepted by the City Council which may be after fifty percent (50%) of the lots are occupied or three (3) years from approval of this plat.

\_\_\_\_\_  
City Representative

\_\_\_\_\_  
City Road Foreman

(Ord. 917, passed 12-9-96)

## **LONDON - APPENDIX A AND B**

---

improvements and allocation of the costs of such rebuilding or improvements, and the removal of the condominium or portion thereof from the provisions of this chapter; and in such case the terms and conditions of the master deed shall take precedence over the provisions of KRS 381.830 or 381.890 to the extent they are inconsistent. (KRS 381.837)

(N) The deed of each individual unit shall describe such unit by making reference to the applicable master deed and floor plans required under KRS 381.835, designating the letter or number or other appropriate designation of the unit, followed by the words "a condominium unit." Any conveyance of an individual unit shall be deemed to also convey the undivided interest of the owner in the common elements, both general and limited, appertaining to said unit without specifically or particularly referring to same. (KRS 381.840)

(O) All of the co-owner or the sole owner of a building constituted into a horizontal property regime may waive this regime and request the County Clerk to regroup or merge the records of the filial estates with the principal property; provided, that the filial estates are unencumbered, or if encumbered, that the creditors in whose behalf the encumbrances are recorded agree to accept as security the undivided portions of the property owned by the debtors. (KRS 381.850)

(P) The merger provided for in KRS 381.850 shall in no way bar the subsequent constitution of the property into another horizontal property regime whenever so desired and upon observance of the provisions of KRS 381.805 to 381.910. (KRS 381.855)

(Q) The administration of every building constituted into a condominium property regime shall be governed by bylaws approved and adopted by the council of co-owners. The bylaws may be amended from time to time by the council. (KRS. 381.860)

(R) Other legal requirements pertaining to bookkeeping, maintenance, liens, foreclosures, insurance, and related business matters can be found by referring to KRS 381.865 through 381.900.

(S) The provisions of KRS 381.805 to 381.910 shall be in addition to and supplemental to all other provisions of the Kentucky Revised Statutes; provided, that wherever the application of the provisions of KRS 381.805 to 381.910 conflict with the application of such other provisions, KRS 381.805 to 381.910 shall prevail. (KRS 381.905)  
(Ord. 917, passed 12-9-96)

## **LONDON - APPENDIX A AND B**

---

reapportionment or other change of the common interest appurtenant to each unit, or part thereof remaining after a partial appropriation, taking or condemnation. The master deed of a regime under construction may further provide that by later amendment thereto and upon completion of all units, percentage of common interest shall be redistributed on an as-built basis; provided, however, that the number of units originally constituted in the regime may not be increased during construction.

(K) Each co-owner may use the general common elements in accordance with the purpose for which they are intended, without hindering or encroaching upon the lawful rights of the other co-owners. (KRS 381.830)

(L) If a condominium does not contain any unit which is designed for occupancy by only one (1) family or household, or if the floor area of all those units which are designed for occupancy by only one (1) family or household does not in the aggregate exceed ten percent (10%) of the floor area of all units in the condominium, then the following provision shall be applicable notwithstanding any other provisions of this chapter.

(M) The master deed may provide:

(1) That to any extent specified in the master deed, the common profits shall be distributed among, and the common expenses shall be charged to, the unit owners in proportions other than according to their respective percentages of the undivided interest in the common areas and facilities.

(2) That to any extent specified in the master deed, the unit owners shall not be personally liable for sums assessed for their share of common expenses, but such provisions shall not adversely affect any lien for said share.

(3) That the priority provided in KRS 381.883(2) shall not prohibit subordination of a mortgage lien to the lien for common expenses.

(4) A procedure for submitting the disputes arising from the administration of the condominium to arbitration or other impartial determination.

(5) Provision giving a particular unit owner or owners voting rights with respect to election of directors, trustees, or members of a managing board less than, or in excess of, the voting rights which such owner or owners would otherwise have had, and provisions requiring or permitting approval of any matter, or any specified category or categories of matters, by a proportion greater than a majority, which proportion may be as great as one hundred percent (100%).

(6) Terms and conditions differing from those set forth in KRS 381.830 to 381.890 regarding rebuilding made necessary by fire or other casualty loss, the making of



## **LONDON - APPENDIX A AND B**

---

(6) Any further provisions that would serve to clarify the changes being made.

(E) The floor plans and verified statement shall be approved in writing by a majority, unless otherwise provided by the master deed, or the council of co-owners, and by any person holding a lien on such units, and shall be filed for record with the County Clerk in the county in which the land described in the master deed is situated as provided in KRS 381-385. The floor plans and verified statement shall be considered as an amendment to the original master deed and floor plans for the sole purpose of dividing a unit and the corresponding percentage of interest in the common elements. (KRS 381.827)

(F) The city Codes Enforcement Officer shall complete this review within thirty (30) days of the receipt of the application. If the project is disapproved, the grounds for disapproval shall be given in writing. The city Codes Enforcement Officer shall provide the Planning Commission with information on condominiums for planning purposes. Following approval, the applicant expressly declares, through the recordation of a master deed or lease (enumerating the particulars stated above, (1) through (5)), the desire to submit the property in question to the regime established by KRS 381.805 to 381.910. When this declaration is duly recorded by the County Clerk, a condominium property regime is created. (KRS 381.815)

(G) Once the property is submitted to the condominium property regime, an apartment in the building(s) may be individually conveyed and encumbered and may be the subject of ownership, possession or sale and of all types of juridic acts inter vivos or mortis causa, as if it were sole and entirely independent of the other units in the building(s) of which they form a part, and the corresponding individual titles and interest shall be recordable. (KRS 381.820)

(H) Any unit may be jointly or commonly owned by more than one person. (KRS 381.825)

(I) A unit owner shall have the exclusive ownership to his unit and shall have a common right to share, with other co-owners, in the common elements of the property, equivalent to the percentage representing the value of the individual unit, with relation to the value of the whole property. This percentage shall be computed by taking as a basis the floor area of the individual unit in relation to the floor area of the property as a whole.

(J) The percentage shall be expressed at the time the condominium property regime is constituted, shall have a permanent character, and shall not be altered without the acquiescence of the co-owners representing all the units of the building(s), except as may be otherwise provided in KRS 381.810 to 381.910. The master deed may, however, contain provisions relating to the appropriation, taking or condemnation by eminent domain by the federal, state, or local government, or an instrumentality thereof, including, but not limited to,

## **LONDON - APPENDIX A AND B**

---

(3) The description of the general common elements of the building.

(4) The common elements, both general and limited, shall remain undivided and shall not be the object of any action for partition or division of the co-ownership. Any covenant to the contrary shall be void.

(5) A set of floor plans of the building or buildings showing the layout, location, apartment numbers and dimensions of the units, stating the name of the property or that it has no name, and bearing the verified statement of a registered architect or professional engineer certifying the accuracy of the plans.

(KRS 381.835).

(C) The owner of a unit designed for office, industrial, or business use may divide his unit into two (2) or more smaller units. No interest in the unit shall be conveyed until the master deed and floor plans have been modified as provided in this section.

(D) Prior to subdividing this unit, the owner shall prepare a set of floor plans which shall show the changes being made in the unit involved. The plans shall bear the verified statement of a registered architect or professional engineer that they accurately portray the unit involved and the changes being made, and the unit owner shall attach to the plans a verified statement which shall contain:

(1) The name by which the property is known;

(2) A reference to the book and page of the recorded master deed and floor plans of the property and any amendments thereto in the office of the County Clerk of the county in which the land described in the master deed is situated;

(3) The original unit number of each unit involved in the division, a description or designation of the building in which the unit is located, and the new unit number of each unit being formed;

(4) A statement of the location, approximate area, number of rooms, and the structural changes in the perimeter and interior walls, floors, ceilings, windows, and doors of the unit being formed and the immediate common element or limited common element to which the unit has access, and any other data necessary for the proper identification of the units being formed by changes to the original unit;

(5) A description of the percentage of interest of the original unit in the common elements, and a description of the new percentage or percentages of interest in the common elements of the units being formed. The percentage of interest in the common elements of the units being formed shall be in proportion to the floor area of the original unit and shall, when taken cumulatively, total the same percentage of interest in the common elements as that of the original unit; and

## **LONDON - APPENDIX A AND B**

---

**"LIMITED COMMON ELEMENTS."** Includes those common elements which are agreed upon by all of the co-owners to be reserved for the use of a certain number of apartments to the exclusion of the other apartments, such as special corridors, stairways and elevators, sanitary services common to the apartments of a particular floor, and the like.

**"MAJORITY OF CO-OWNERS."** Fifty-one percent (51 %) of the co-owners.

**"MASTER DEED or MASTER LEASE."** The deed or lease recording the property of the horizontal property regime.

**"PERSON."** An individual, firm, corporation, partnership, association, trust, or other legal entity, or any combination thereto.

**"PROPERTY."** Includes the land whether leasehold or in fee simple and the building, all improvements and structures thereon, and all easements, rights, and appurtenances belonging thereto.

**"TO RECORD."** To record in accordance with KRS Chapter 382, or other recording statutes.

**"UNIT."** An enclosed space consisting of one (1) or more rooms occupying all or part of a floor in a building of one (1) or more floors or stories regardless of whether it be designed for residence, for office, for the operation of any industry or business, or for any other type of independent use, provided it has a direct exit to a thoroughfare or to a given common space leading to a thoroughfare.  
(Ord. 917, passed 12-9-96)

### **§ 2 CONDOMINIUM PROJECT APPLICATION PROCEDURES**

(A) A developer, owner, or co-owners of a proposed condominium project shall make application for project approval to the city Codes Enforcement Officer. Since a condominium involves ownership of single units in a multiple unit structure, the applicant shall adhere to appropriate sections of the zoning regulations dealing with planned development.

(B) The application shall be accompanied by following the procedures specified in §§ 80.376 through 80.380 for Planned Development Districts.

(1) The description of the land, whether leased or in fee simple, and the building, expressing their respective areas.

(2) The general description and the number of each apartment, expressing its area, location, and any other data necessary for its identification.

## **LONDON - APPENDIX A AND B**

---

### **Appendix A**

#### **Condominiums**

##### **§ 1 DEFINITIONS**

As used in the provisions of the following definitions KRS 381.805 to 381.910 shall apply unless the context indicates or clearly requires a different meaning. All pronouns used in KRS 381.805 to 381.910 include the male, female, and neuter genders and include the singular or plural numbers, as the case may be.  
(KRS 38.810)

**"CONDOMINIUM."** The ownership of single units in a multiple unit structure with common elements.

**"CONDOMINIUM PROJECT."** A real estate condominium project; a plan or project whereby four (4) or more apartments, rooms, office spaces, or other units in existing or proposed buildings or structures are offered or proposed to be offered for sale.

**"CO-OWNER."** A person, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof who owns an apartment within the building.

**"COUNCIL OF CO-OWNERS."** All the co-owners as defined in subsection (4) of this section.

**"DEVELOPER."** A person who undertakes to develop a real estate condominium project.

**"GENERAL COMMON ELEMENTS."** Includes:

- (a) The land whether leased or in fee simple, on which the building stands
- (b) The foundations, main walls, roofs, halls, lobbies, stairways, and entrances and exits or communication ways
- (c) The basements, flat roofs, yards and gardens, except as otherwise provided or stipulated
- (d) The premises for the lodging of janitors or persons in charge of the building except as otherwise provided or stipulated
- (e) The compartments or installations of central services such as power, light, gas, cold and hot water, refrigeration, reservoirs, water tanks and pumps, and the like
- (f) The elevators, garbage incinerators, and in general, all devices or installations existing for common use
- (g) All other elements of the building rationally of common use or necessary to its existence, upkeep, and safety

## **LONDON - APPENDIX A AND B**

---

**APPENDIX A: Condominiums**

**APPENDIX B: Forms**

## **LONDON - DEVELOPMENT CODE**

---

## **LONDON - DEVELOPMENT CODE**

---

(D) Any violation of § 80.585 shall be subject to a fine of twenty-five dollars (\$25.00); each day shall constitute a separate offense. Violators may be cited to the Laurel District Court, or be given notice of the violation by the City Building Inspector. Notice by the Building Inspector shall include language that the sign is to be removed and if it is not removed within the time given in the notice, which shall not exceed ninety (90) days, it may be removed and disposed of by the city at the owner's expense.

(Ord. 961, passed 7-14-99)



## **LONDON - DEVELOPMENT CODE**

---

(B) The Building Inspector shall approve or disapprove the location of such proposed entrance or exits. The Building Inspector shall consider the following:

(1) The population density of the community and character of the community or surrounding area.

(2) The width, condition, and other characteristics of the streets and roads into which the ingress and egress is attaching.

(3) Characteristics of the particular building that may influence in any manner the use of the city street or public road.

(C) The Building Inspector shall approve or disapprove the plan for the proposed ingress and egress based on the above factors and shall refuse to grant the building permit or approve the plan until the plan for ingress and egress is approved.

(D) Appeals from an adverse decision of the Building Inspector shall be heard by the Board of Zoning Adjustment in the same manner as other appeals.  
(Ord. 917, passed 12-9-96)

### **Cross reference:**

Appeals, see §§ 80.161 – 80.164

Transportation improvements, streets, see §§ 80.775 – 80.778

### **§ 80.999 *PENALTIES***

(A) Any person who violates the provisions of this chapter for which no other penalty is specifically provided, or fails to comply with any of its requirements shall be, upon conviction, guilty of a misdemeanor.

(B) Any person who violates this chapter or fails to comply with any of its requirements (except violations regarding the sale or transfer of lots or parcels) shall, upon conviction, be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each conviction. Each day of violation shall constitute a separate offense. In the case of lots or parcels that are sold or transferred, or contracted for sale or transfer, in violation of this chapter, the fine shall not be less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each lot or parcel involved.

(C) Any person who violates the provisions of § 80.779(A), (B), and (C) shall be guilty of a Class B Misdemeanor, and upon conviction shall be fined a sum not less than two hundred fifty dollars (\$250.00).  
(Ord. 917, passed 12-9-96)

## **LONDON - DEVELOPMENT CODE**

---

(B) The Kentucky Building Code is an adaptation of the B.O.C.A. National Building Code with specific state requirements included. It also encompasses the Kentucky State Plumbing Code, Boiler Rules and Regulations, and the National Electric Code.

(C) These codes are considered as minimums and the department encourages construction and safety measures that exceed these if at all possible.  
(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Building regulations, see Ch. 70

Housing regulations, see Ch. 72

### **§ 80.851      *PROCEDURES***

The following steps are necessary to obtain a building permit:

- (A) Check for appropriate zoning.
- (B) Permit must be obtained before work is started.
- (C) Have application for service and utilities.
- (D) Have building and site plan which meet all requirements of § 80.852.
- (E) Fill out building application and affidavit of insurance.
- (F) Fees are based on the cost of construction minus land cost.
- (G) Owner/builder is responsible for calling in for inspections.
- (H) Certificate of Occupancy is given only after the four basic inspections are made.

(Ord. 917, passed 12-9-96)

---

**Cross reference:**

Building permits, see §§ 80.201 – 80.202

Certificates of occupancy, see § 80.203

### **§ 80.852      *PRELIMINARY SITE PLAN***

(A) At the time of an application for a building permit is made to the Building Inspector, the owner of the proposed building or his agent shall file with the Building Inspector a plan that reflects the proposed entrance and/or exit for purposes of ingress and egress to the building. The plan shall reflect the streets or roads into which the entrance or exits connect.

## **LONDON - DEVELOPMENT CODE**

---

(B) Applicants shall be prepared to present substantial evidence as to whether and why the requested map amendment (i.e., zoning change) is in agreement with the adopted Comprehensive Plan and as to one (1) of the following:

(1) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate; or

(2) That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area.

(C) Notice of public hearing on the amendment shall be given by the Codes Enforcement Office as follows:

(1) For a text amendment, notice of the time, place, and reason for holding a public hearing shall be given by publication twice in the newspaper of general circulation in the county, not earlier than twenty-one (21) days or later than seven (7) days before the public hearing.

(2) For an amendment to the official zoning map, in addition to the publication requirement above, the notice of the public hearing shall be given at least fourteen (14) days (by an individual), or thirty (30) days (by a governmental body) in advance of the hearing to the owner(s) of every parcel of property adjoining the property, the classification of which is proposed to be changed. This notice shall be sent by first class mail, with certification by the Planning Commission secretary (or other officer) that the notice was mailed to all property owners. It is the duty of the person(s) proposing the amendment to furnish the Planning Commission with correct names and addresses of all owners of adjoining property (property situated directly across the street from the subject property shall be considered to be contiguous). Records maintained by the Property Valuation Administrator may be relied upon to determine the identity and address of said owner(s). In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairman of the owner group which administers the property commonly owned by the condominium or cooperative owners.

(Ord. 2007-17, passed 1-7-08)

### **ARTICLE XI. DEVELOPMENT OF STRUCTURES**

#### **§ 80.850 CODE REFERENCES**

In the interest of public safety and uniform construction, the Codes Office uses the following city adopted codes:

(A) The Building Officials and Code Administrators (B.O.C.A.) Code and the Kentucky Building Code (latest revision).

## **LONDON - DEVELOPMENT CODE**

---

(1) At the time of filing an application, a non-returnable filing fee of five-hundred dollars (\$500.00) shall be paid according to the schedule of fees, however, there shall be no filing fee for an amendment requested by any governmental agency.

(2) Where the Commission finds that circumstances or conditions relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the Commission may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver. The application shall include:

- (a) The full name and address of the applicant;
- (b) The applicant's articles of incorporation, if applicable;
- (c) A copy of the applicant's source of title deed, including a full property description;
- (d) A digital (e.g., computer disk, computer compact disk) copy of the applicant's property description;
- (e) A reasonably accurate map or aerial photograph (e.g., Property Valuation Administrator's map; Internet printout from standard mapping sites) of the property and all contiguous properties and/or properties within five hundred (500) feet of the subject property;
- (f) A site plat or survey, signed and sealed by a licensed professional surveyor registered in the state, that shows the subject property boundaries, including at least one identification of a street in the public street system;
- (g) A statement as to whether and why the requested map amendment (i.e., zoning change) is in agreement with the adopted Comprehensive Plan and as to one of the following:
  - 1. That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate; or
  - 2. That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area.

## **LONDON - DEVELOPMENT CODE**

---

(A) Advertisement. Applicants will be responsible for paying the necessary cost of advertisement.

(B) Filing fees. All variances and conditional use permits approved by the Board of Adjustments shall be recorded at the expense of the applicant in the office of the County Court Clerk. (Ord. 917, passed 12-9-96)

### **Cross reference:**

Appeals, see § 80.162  
Building permits, fees, see § 80.202  
Certificates of occupancy, see § 80.203  
Conditional use permits, see § 80.160  
Variances, see § 80.160  
Zoning, amendments, see § 80.205

### **Division 7. Regulating Change in Zoning Designation**

#### **§ 80.835      *TITLE***

This division shall be known and cited as the "Zoning Map Amendment Ordinance" in the City of London Code of Ordinances.  
(Ord. 2007-17, passed 1-7-08)

#### **§ 80.836      *AUTHORIZATION***

(A) A proposal for amendment to the zoning map may originate with the City Council, the Planning Commission, any other governmental body, the owner of subject property, or by a person having written authorization from the owner of the subject property.

(B) If a property owner wants to use his or her property in a way that is not allowed under the existing zoning classification, he or she may submit an application to the administrative official requesting a change in the zoning designation.  
(Ord. 2007-17, passed 1-7-08)

#### **§ 80.837      *STEPS TO AMENDING ZONING DESIGNATION***

The steps to be followed in requesting an amendment to the division for purposes of requesting a change in the zoning designation of property are as follows:

(A) File an application with the Planning Commission through the administrative official (Codes Enforcement Office in City Hall).

## **LONDON - DEVELOPMENT CODE**

---

### **§ 80.807      *DRAIN TILE CONSTRUCTION PERMIT REQUIRED; APPROVAL REGULATIONS***

(A) Prior to the issuance of a building or construction permit by the Building Inspector, the owner of the property on which such construction is designated to occur shall prepare and submit to the Superintendent of Public Works a plat, design, or other document reflecting the size and kind of tile or drain proposed to be placed under any drive, parking area, street or private way that abuts or adjoins a city street or other public or private drive or way.

(B) The Superintendent shall review the proposed plat, design or other document required in (A) above to determine that the plan and/or design of the same is of sufficient size to carry or otherwise cause to move water from the property or ditchline of such property and prevent the same from running onto the city or public streets, property or private ways or property.

(C) If the Superintendent of Public Works determines that design, plat or other document reflects that the plan for such drainage to properly occur, he shall endorse his approval of the same on the face of the document which the property owner or his agent shall present to the Building Inspector. The Building Inspector shall refuse to issue any building or construction permit to any property owner or his agent without the approval of the Superintendent of Public Works endorsement of a plan or design for drainage as is stated herein.

(D) The property owner or his agent shall construct the building or other construction in such a manner as to comply with the plan or design submitted to the Superintendent of Public Works and Building Inspector.

(E) Upon refusal of the Superintendent of Public Works to issue his approval of the plan or design of the drainage of the construction site, the Superintendent shall inform the property owner or person submitting the plan on his behalf of the requirement expected of the property owner and the deficiencies of his plan as presented.

(F) The refusal of the Superintendent of Public Works to issue his endorsement of a drainage plan may be appealed by the property owner in the same manner and following the same procedures as an appeal is taken of actions of the Building Inspector's decisions with regard to issue a building permit, as are outlined in § 80.162.

(Ord. 994, passed 10-1-01)

### **Division 6. Fees, Charges, and Expenses**

### **§ 80.825      *SCHEDULE OF FEES, CHARGES, AND EXPENSES***

The city/county shall establish a schedule of fees, charges, and expenses, and a collection procedure for building permits, certificates of occupancy, appeals, and other matters pertaining to this chapter. The schedule of fees shall be posted in the Office of the Administrative Official, and may be altered or amended only by the appropriate legislative body. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

## **TABLES OF SPECIAL ORDINANCES**

---

<b>TABLE 1</b>	<b>SUPERSEDED OR REPEALED ORDINANCES</b>
<b>TABLE 2</b>	<b>ANNEXATIONS</b>
<b>TABLE 3</b>	<b>BONDS</b>
<b>TABLE 4</b>	<b>FRANCHISES</b>
<b>TABLE 5</b>	<b>CONTRACTS AND AGREEMENTS</b>
<b>TABLE 6</b>	<b>PERSONNEL POLICIES AND PROCEDURES</b>
<b>TABLE 7</b>	<b>STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES</b>
<b>TABLE 8</b>	<b>TAXATION</b>
<b>TABLE 9</b>	<b>ZONING MAP CHANGES</b>

## **LONDON - TABLES OF SPECIAL ORDINANCES**

---



**TABLE 1: SUPERSEDED OR REPEALED ORDINANCES**

The following ordinances (by number and date) have been superseded or repealed by ordinance or superseded by changes in the Kentucky Revised Statutes:

<u>Ordinance</u> <u>No.</u>	<u>Date</u>	<u>Subject</u>	<u>Reason/Ord.</u> <u>No.</u>
46	12-15-13	Establishing duties of Treasurer	885
228	--	Establishing job classes	768(b)
261	1-4-32	Establishing fire department provisions	771
324, § 3	5-4-47	Establishing parking meter fees	653
340	2-17-48	Prohibiting solicitation in parking meter spaces	966
343	--	Establishing sewer provisions	711
344	5-4-48	Establishing Utility Commission	981
351	12-14-48	Amending fire department provisions	771
442	3-24-58	Establishing sewer charges	661
481	12-6-60	Establishing personnel policies	885
495	--	Amending sewer charges	661
497	9-6-62	Establishing billing for utilities	840
508	12-23-76	Imposing license fee on insurance companies	752
513	2-5-65	Designating one-way streets	684
531	7-26-66	Relating to dogs running at large	763
532	--	Amending sewer provisions	711
559	12-13-68	Establishing personnel policies	885
570	1-2-70	Establishing building regulations	917
574	3-27-70	Relating to use of city streets by utility or other companies	727
583	1-28-71	Establishing water provisions re special purpose meters	840
584	3-11-71	Establishing fireworks provisions	KRS Ch. 227
Res. 591	8-10-72	Establishing London-Laurel County Joint Board of Adjustment	795
592	4-27-72	Relating to emergency situations involving cutting of city streets	727
594	6-29-72	Creating Joint Planning Commission	917
606	4-26-73	Fixing salary of Mayor and City Council	
620	1-7-74	Fixing date and time of Council meetings	674
625	7-11-74	Establishing vacation for police department	885
636	12-23-75	Establishing motor vehicle license fees	931
637	12-23-76	Establishing occupational license fees	657
638	1-8-76	Establishing office of City Treasurer	885
639	1-8-76	Establishing salary of City Attorney	708
642	--	Amending sewer charges	661
644	6-24-76	Establishing garbage provisions	677
651	12-23-76	Imposing license tax on insurance companies	752
652	4-14-77	Providing for sanitary sewer facilities	840
653	6-23-77	Relating to parking fees and fines	829

## LONDON - SUPERSEDED OR REPEALED ORDINANCES

<u>Ordinance No.</u>	<u>Date</u>	<u>Subject</u>	<u>Reason/Ord. No.</u>
654	6-23-77	Regulating sewers	723
655	7- -77	Adoption planning and zoning code	917
656	--	Amending water rates	711
657	12-22-77	Establishing occupational license fees	799
658	2-9-78	Relating to parking fees and fines	829
661	9-28-78	Setting sewer rates	711
662	--	Amending planning and zoning code	917
664	12-14-78	Amending garbage provisions	677
665	1-25-79	Amending building permit fees	917
666	--	Providing for sale of parking permits	706
667	--	Amending garbage provisions	677
669	3-8-79	Proposing to annex certain property	710
671	5-10-79	Regulating sewers	723
674	1-28-80	Fixing meeting of City Council	954
675	12-27-88	Amending occupational license fees	799
676	3-10-80	Amending building permit fees	917
677	4-14-80	Amending garbage provisions	679
677A	--	Establishing procurement provisions	686
679	4-22-80	Establishing garbage provisions	846
680	5-12-80	Fixing date, time, place of council meetings	823
680		Fixing meeting time of City Council	823
684	6-21-82	Designating one-way streets	712
686	8-25-80	Adopting procurement provisions	KRS Ch. 45A
688	9-16-80	Establishing water conservation measures	690
690	11-24-80	Regarding water emergency	
696	12-22-80	Establishing garbage provisions	846
706	12-7-81	Providing for parking permits	767
711	5-24-82	Setting sewer rates	722
719	12-13-82	Establishing position of Special Investigator	885
720	12-13-82	Establishing authoritative provisions of Building Inspector	865
722	2-14-83	Establishing sewer rates	759
723	3-14-83	Regulating sewers	748
742	5-14-84	Amending occupational license fees	799
746	8-17-84	Regulatory sewers	840
747	8-13-84	Amending building permit fees	917
748	8-20-84	Setting requirements for wastewater collection and treatment system	840
749	--	Amending planning and zoning code	917
755	3-25-85	Amending parking permit provisions	767
759	8-12-85	Establishing water and sewer rates	806

## LONDON - SUPERSEDED OR REPEALED ORDINANCES

---

<u>Ordinance No.</u>	<u>Date</u>	<u>Subject</u>	<u>Reason/Ord. No.</u>
767	3-10-86	Providing for parking permits	832
768(a)	11-19-86	Establishing personnel policies	885
768(b)	11-10-86	Establishing job classifications	885
770	6-9-86	Adopting subdivision regulations	917
779	3-23-87	Establishing city's contribution to members of P&Z Com. and Board of Adj.	809
780	3-23-87	Amending motor vehicle license fees	931
787	9-28-87	Amending subdivision regulations	917
790	6-13-88	Establishing rates for Board of Adjustment hearings	875
792	6-27-88	Restricting blasting within city limits	928
795	8-22-88	Establishing Board of Adjustment	917
797	9-26-88	Amending job classifications	885
799	12-27-88	Establishing occupational license fees	2008-08
800	3-13-89	Amending job classifications	885
806	9-11-89	Establishing water and sewer rates	842
809	12-26-89	Establishing Planning & Zoning Commission payments for attendance at meetings	917
810	1-8-90	Restricting parking meters to one hour	966
811	2-26-90	Amending job classifications	885
813	4-23-90	Amending classifications	885
823	11-13-90	Fixing meeting time of City Council	954
827	1-4-91	Amending motor vehicle license fees	931
829	1-14-91	Relating to parking fees and fines	966
834	4-8-91	Requiring building permit fees for demolition	917
836	5-13-91	Establishing water and sewer tap on fees	842
839	8-12-91	Amending planning and zoning code	917
840	9-9-91	Sewer regulations	2011-09
842	1-27-92	Sewer regulations	2011-09
843	1-27-92	Amending classifications	885
845	2-10-92	Establishing water and sewer tap-on rates	867
846	2-24-92	Establishing garbage provisions	873
847	3-23-92	Amending personnel policies re: City Detective	
852	7-13-92	Sewer regulations	2011-09
865	11-8-93	Establishing position of building inspector	885
867	12-13-93	Sewer regulations	2011-09
869	2-28-94	Amending Occupational License fees	2008-08
873	6-27-94	Establishing garbage provisions	972
875	7-11-94	Establishing rates for Board of Adjustment hearings	917
878	11-14-94	Establishing fees for subdivision plats	917
886	5-8-95	Sewer regulations	2011-09

## **LONDON - SUPERSEDED OR REPEALED ORDINANCES**

---

<u>Ordinance No.</u>	<u>Date</u>	<u>Subject</u>	<u>Reason/Ord. No.</u>
894	1-22-96	Establishing policy for employees with commercial DLs	897
903	4-22-96	Establishing rates for compactor rental and dumping	972
910	7-8-96	Amending garbage and trash regulations	972
937	2-9-98	Restricted sewer discharges	2011-09
964	8-16-99	Sewer regulations	2011-09
972	5-1-00	Garbage and Trash collection	2007-13
981	12-4-00	Repealing Ord. 344 and establishing the London Utility Commission	2003-09
990	4-23-01	Sewer regulations	2011-09
993	9-4-01	Enacting a three-month interim application process filed with the Secretary of State for the construction of wireless telecommunications facilities	1014
1000	12-3-01	Sewer regulations	2011-09
1007	2-4-02	Creating a three-month interim application process for the siting of wireless telecommunications facilities	1014
1010	6-3-02	Sewer regulations	2011-09
2004-17	1-3-05	Sewer regulations	2011-09
2007-04	6-4-07	Sewer regulations	2011-09
2009-06	10-08-09	Sewer regulations	2011-09

## TABLE 2: ANNEXATIONS

The following ordinances (by number and date) have as their subject annexing property to or removing property from the city limits:

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
660	8-24-78	Proposing to annex certain territory beginning at a point on the intersection of the east R/W line of Highway 25 and the west R/W line of the L & N Railroad
668	2-22-79	Proposing to annex certain territory beginning at a point on the intersection of the east R/W line of Highway 25 and the west R/W line of the L & N Railroad
726	6-27-83	Proposing to annex certain territory beginning at the intersection of Old Ky. 80 West and Cole Road
734	10-10-83	Annexing certain territory beginning at the intersection of Old Ky. 80 West and Cole Road
803	6-26-89	Proposing to annex certain territory owned by Mike Humfleet and Bonita Humfleet
907	6-10-96	Annexing certain territory owned by Dean Johnson, located on the north side of Daniel Boone Parkway and west side of Sally's Branch
948	11-23-98	Annexing certain territory owned by Dual Mac, Ltd., and Charles H. Woods and Charlene P. Woods, located near the intersection of U.S. Highway 25 and Kentucky Highway 192 Bypass
976	10-2-00	Intending to annex an area of property beginning just north of the Daniel Boone Parkway Bridge
977	10-2-00	Intending to annex an area of property beginning on the north right-of-way line of Rebecca Lane
978	10-2-00	Intending to annex an area of property beginning at the centerline of an East Kentucky Power Company electric transmission line
984	12-26-00	Annexing an area of property beginning on the north right-of-way line of Rebecca Lane

## LONDON – ANNEXATIONS

---

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
985	12-26-00	Annexing an area of property beginning just north of the Daniel Boone Parkway Bridge
2003-20	1-5-04	Annexing an area of property owned by Moonbow Investments, LLC, located near the west side of I-75 and Highway 80 intersection
2004-03	6-7-04	Annexing an area of adjoining properties owned by SDD, LLC., and London-Laurel County Tourist Commission, located near the west side of I-75 and Highway 80 intersection
2005-03	4-4-05	Annexing an area of property, owned by the Laurel County Board of Education, located at the intersection of Kentucky State Route 472 and the Daniel Boone Parkway
2008-03	6-2-08	Annexing an area of property, owned by Saint Joseph-London, located on Parker Road
2008-04	6-2-08	Annexing an area of property, owned by West London Baptist Church located on Parker Road
2012-07	11-2-12	Confirming the annexation of property originally annexed under Ordinance 734
2012-08	11-2-12	Confirming the annexation of property originally annexed under Ordinance 907
2012-09	11-2-12	Confirming the annexation of property originally annexed under Ordinance 948
2012-10	11-2-12	Confirming the annexation of property originally annexed under Ordinance 984
2012-11	11-2-12	Confirming the annexation of property originally annexed under Ordinance 985
2012-12	11-2-12	Confirming the annexation of property originally annexed under Ordinance 2003-20
2012-13	11-2-12	Confirming the annexation of property originally annexed under Ordinance 2004-03

## LONDON – ANNEXATIONS

---

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
2012-14	11-2-12	Confirming the annexation of property originally annexed under Ordinance 2005-03
2012-15	11-2-12	Confirming the annexation of property originally annexed under Ordinance 2008-03
2012-16	11-2-12	Confirming the annexation of property originally annexed under Ordinance 2008-04
2012-20	1-7-13	Annexing property owned by the Laurel County Board of Education, located at the intersection of Kentucky State Route 472 and the northeast right-of-way of Frontage Road #3 of the Hal Rogers Parkway
2016-07	7-5-16	Annexing property owned by the London-Corbin Airport, located approximately 0.4 miles from the junction of Hal Rogers Drive and Highway 25
2017-12	6-14-17	Annexing property owned by the Commonwealth of Kentucky, Parks Department, Levi Jackson Wilderness Road State Park, and the Commonwealth of Kentucky, Transportation Department, located at the intersection of Kentucky State Route 229 and Kentucky State Route 1006

## **LONDON - ANNEXATIONS**

---



### TABLE 3: BONDS

The following ordinances (by number and date) have as their subject bonds authorized or issued by the city:

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
655-A	7-21-77	Authorizing issuance of \$700,000 Industrial Building Revenue Bonds, Series 1973 (Micro Devices Project)
683	8-14-80	Authorizing issuance of \$515,000 Utility Revenue Bonds, Series 1980
689	10-27-80	Authorizing issuance of \$4,480,000 grant anticipation notes in connection with the construction project of the waterworks and sewer system
691	12-1-80	Authorizing issuance of \$2,440,000 Utility Revenue Bonds, Second Series 1980
692	12-1-80	Authorizing issuance of \$2,030,000 Utility Revenue Bonds, Second Series 1980, Anticipation Notes
693	12-1-80	Authorizing issuance of \$2,430,000 grant anticipation notes in connection with the construction project of the waterworks and sewer system
694	12-22-80	Authorizing issuance of \$2,430,000 grant anticipation notes in connection with the construction project of the waterworks and sewer system
703	9-28-81	Authorizing issuance of \$2,775,000 of Utility Revenue Bonds, Series 1981
Res.	9-16-81	Providing for advertisement and sale of \$2,775,000 Utility Revenue Bonds, Series 1981
738	12-27-83	Supplementing bond ordinance 691 to adjust maturity dates
744	5-29-84	Amending supplemental bond ordinance 738 to adjust maturity dates
753	11-26-84	Authorizing issuance of \$7,800,000 Floating Rate Demand Industrial Development Revenue Bonds
Res.	12-1-80	Accepting bid for purchase of \$2,440,000 Utility Revenue Bonds, Second Series of 1980

## **LONDON - BONDS**

---

## TABLE 4: FRANCHISES

The following ordinances (by number and date) relate to franchises authorized and granted by the city:

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
705	11-23-81	Granting an electric franchise to Kentucky Utilities Company
804	7-10-89	Transferring a franchise to operate a community antenna television system from Centel Cable Television Company of Kentucky to Simmons Cable TV of Kentucky-Indiana, Inc.
998	12-3-01	Granting a franchise agreement for electrical service
2011-08	11-7-11	Creating a franchise for sale for electrical service

## **LONDON - FRANCHISES**

---

## TABLE 5: CONTRACTS AND AGREEMENTS

The following ordinances (by number and date) have as their subject contracts or agreements executed by the city:

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
Res.	3-14-80	Authorizing revision to escrow agreement with Cumberland Valley National Bank & Trust
728	6-27-83	Authorizing traffic agreement with the Department of Transportation for construction of U.S. 25 (Main Street)
729	6-27-83	Authorizing traffic agreement with the Department of Transportation for construction of U.S. 25 (North Main Street)
730	6-27-83	Authorizing traffic agreement with the Department of Transportation for construction of Ky. 80 (Fourth Street)
860	5-28-93	Authorizing execution of Interlocal Cooperation Agreement to establish the Kentucky Municipal Risk Management Association
Res. --	9-13-79	Authorizing filing of a Community Development pre-application to Federal Department of Housing and Urban Development
983	12-4-00	Authorizing participation in the Kentucky Municipal Risk Management Association General Insurance Trust as an Interlocal Cooperative Agreement with other governmental organizations

## **LONDON - CONTRACTS AND AGREEMENTS**

---

## TABLE 6: PERSONNEL POLICIES AND PROCEDURES

The following ordinances (by number and date) have as their subject personnel matters as enacted by the city:

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
822	9-24-90	Providing for cost of living adjustment for City Council and Mayor
904	5-13-96	Setting beginning salary of Traffic Control and Parking Enforcement Officer at \$6.00 per hour, \$13,520.00 per hour
2012-19	12-20-12	Adopting by reference the city's Personnel Policies and Procedures and Pay and Classification Plan for all employees
2015-09	11-18-15	Updating the city's Pay/Classification Plan

## **LONDON - PERSONNEL POLICIES AND PROCEDURES**

---



## TABLE 7: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

The following ordinances (by number and date) have as their subject streets and other public way matters as enacted by the city:

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
736	11-28-83	Renaming Corey Lane to Paul Andrew Lane
765	12-9-85	Closing portions of Sonny Lane and Kip's Lane located in Carriage Acres, also known as the Jessie Williams Subdivision on Highway 363
774	8-25-86	Closing portions of Streets No. 1, 2, and 3 located in Reams Subdivision also known as the Hugh Sibert property located between Highways U.S. 25 and Ky. 229
789	4-26-88	Closing a portion of the Oak Street Extension in a part of the Maggie Hurley Estate Subdivision located near Boreing Drive and Oak Street
816	6-25-90	Closing West Sixth Street from Main Street to Broad Street
857	2-8-93	Closing a portion of Locust Street and Chestnut Street
861	6-14-93	Adopting Castlewood Drive located in Stonegate Estates as a city street
876	10-11-94	Closing an unnamed street from West Seventh Street adjoining St. Williams Catholic Church
890	11-27-95	Closing an undeveloped public passway of Blocks "G" and "H" of Murphy Addition
906	5-28-96	Closing an undeveloped public passway of 18 <sup>th</sup> Street
926	6-23-97	Closing a public way from Substation Street to Tobasco Road
678	4-14-80	Granting the Utility Commission use of city streets for construction of water transmission lines
971	5-1-00	Closing an undeveloped alleyway of St. Williams Catholic Church property

## **LONDON - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES**

<b><u>Ord. No.</u></b>	<b><u>Date</u></b>	<b><u>Subject</u></b>
973	6-5-00	Closing an undeveloped alleyway of Coye and Barbara King and Windsor Forest, Inc.
997	11-5-01	Closing a public passway known as a portion of Pawnee Trail in front of Lots 24 and 25 of the North Hills Subdivision
1003	1-7-02	Renaming a portion of Greer Avenue to Azbill Street, from Main Street to the intersection of Reams and (present name) Azbill Street
1005	2-4-02	Renaming a portion of Airport Road to Hal Rogers Drive and a portion of University Drive to College Park Drive
1006	2-4-02	Naming the last road on the right before entering the Daniel Boone Parkway off of McWhorter Street Robinette Lane; naming a street off Myers Baker Road near the Wal-Mart Shopping Center Don's Drive; and naming a street off of West 16th Street Fountaine Lane
2002-06	12-2-02	Naming the street that intersects with North Mill Street two-tenths of a mile past the north intersection of North Mill Street and West 17th Street McKinney Street
2003-05	6-2-03	Closing a public passway known as E. Tenth Street and closing a portion of the public passway known as Hill Street from East Eleventh Street to Maple Street
2003-13	9-2-03	Declaring the street adjacent to Cook Tire a street and naming the same Cook Tire Lane
2004-13	11-1-04	Changing the name of Sipple Street to Fire-Rescue Drive
2004-14	12-6-04	Closing an unnamed public passway located on a plat of the T.J. Johnson Addition #2
2005-02	3-7-05	Closing a portion of Senator Lane, a public passway located on a plat of the Gabbard Subdivision
2005-07	7-5-05	Closing a public passway known as Pennington Avenue
2006 S-3		

## LONDON - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
2005-13	12-5-05	Closing a portion of Senator Lane, a public passway located between Property owned by Dan Robinson and Elmer Cunnigan and Jean Cunnagin
2006-03	3-6-06	Closing a public passway located between the property owned by Dan Fisher
2006-08	5-1-06	Closing an undeveloped roadway a public passway in the city located between property owned by Dual Mac, LTD, South Plaza, LLC and Jerry Hollon and Lura M. Hollon
2006-25	12-4-06	Closing an undeveloped roadway a public passway in the city located between property owned by Rocky Binder
2007-01	3-5-07	Renaming an existing street located at the intersection of State Route 80 and Melcon Lane to Castle Drive
2007-02	6-4-07	Closing a portion of Second Street located between Main Street and Broad Street
2007-06	8-6-07	Closing an undeveloped roadway a public passway in the city located in the Lilly Robinson Subdivision
2007-08	9-4-07	Closing an undeveloped roadway in the city located on Sixth Street
2008-02	4-7-08	Renaming an existing street Emeco Way, lying southwest of Hal Rogers Parkway approximately 0.2 miles northwesterly for the intersection with Kentucky Highway 472
2009-04	8-3-09	Renaming Tony Smith Lane to Easy Street
2010-04	11-6-10	Renaming Emeco Way to Liperote Way
2014-02	2-3-14	Changing the name of Nami Plaza Street to Fortress Properties Street
2014-03	3-20-14	Accepting a street named Jordan Drive

## LONDON - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
2014-06	10-6-14	Closing a portion of an undeveloped northwest portion of North Hill Street, located between properties owned by Les and Cynthia Cupp Barrett, Kenny L. Nance and Shirley A. Nance, and Charles J. Felts and Deborah E. Felts
2017-03	4-3-17	Closing a portion of an undeveloped, unnamed street between property owned by Michael Dane Gilpin and Linda K. Gilpin, Heather Roberts, Manning and Queentessa Manning, Michael Carpenter and Leisa Carpenter, and Brenda L. Morgan
2017-08	6-14-17	Closing a portion of an undeveloped portion of Galilee Trail
2018-05	10-8-18	Changing the name of Amarillo Drive to Shiloh Drive

## TABLE 8: TAXATION

The following ordinances (by number and date) have as their subject ad valorem taxation rates levied by the city:

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
687	9-16-80	For year 1980, including the regular and all special levies, established at \$0.2175 per \$100.00 of assessed valuation
702	9-14-81	For year 1981, including the regular and all special levies, established at \$0.2159 per \$100.00 of assessed valuation
716	10-25-82	For year 1982, including the regular and all special levies, established at \$0.2038 per \$100.00 of assessed valuation
733	9-12-83	For year 1983, including the regular and all special levies, established at \$0.2024 per \$100.00 of assessed valuation
750	9-26-84	For year 1984: (1) The regular and all special levies, established at \$0.20 per \$100.00 of assessed valuation; (2) Bank shares established at \$0.2201 per \$100.00 of assessed valuation
762	10-28-85	For year 1985: (1) All real property established at \$.019 per \$100.00 of assessed valuation; (2) All personal property established at \$0.20 per \$100.00 of assessed valuation; (3) All bank shares established at \$0.20 per \$100.00 of assessed valuation
772	7-21-86	For year 1986: (1) All real property established at \$0.181 per \$100.00 of assessed valuation; (2) All personal property established at \$0.19 per \$100.00 of assessed valuation; (3) All bank shares established at \$0.218 per \$100.00 of assessed valuation

## LONDON - TAXATION

---

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
785	9-14-87	For year 1987: (1) All real property established at \$0.167 per \$100.00 of assessed valuation; (2) All personal property established at \$0.181 per \$100.00 of assessed valuation; (3) All bank shares established at \$0.207 per \$100.00 of assessed valuation
796	9-12-88	For year 1988: (1) All real property established at \$0.162 per \$100.00 of assessed valuation; (2) All personal property established at \$0.181 per \$100.00 of assessed valuation; (3) All bank shares established at \$0.197 per \$100.00 of assessed valuation
808	12-26-89	For year 1989: (1) All real property established at \$0.162 per \$100.00 of assessed valuation; (2) All personal property established at \$0.181 per \$100.00 of assessed valuation; (3) All bank shares established at \$0.221 per \$100.00 of assessed valuation
831	1-14-91	For year 1990: (1) All real property established at \$0.162 per \$100.00 of assessed valuation; (2) All personal property established at \$0.181 per \$100.00 of assessed valuation; (3) All bank shares established at \$0.221 per \$100.00 of assessed valuation
844	1-27-92	For year 1991: (1) All real property established at \$0.162 per \$100.00 of assessed valuation; (2) All personal property established at \$0.181 per \$100.00 of assessed valuation; (3) All bank shares established at \$0.21 per \$100.00 of assessed valuation

## LONDON - TAXATION

---

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
854	11-24-92	For year 1992: <ol style="list-style-type: none"><li>(1) All real property established at \$0.161 per \$100.00 of assessed valuation;</li><li>(2) All personal property established at \$0.181 per \$100.00 of assessed valuation;</li><li>(3) All bank shares established at \$0.21 per \$100.00 of assessed valuation</li></ol>
866	11-22-93	For year 1993: <ol style="list-style-type: none"><li>(1) All real property established at \$0.166 per \$100.00 of assessed valuation;</li><li>(2) All personal property established at \$0.181 per \$100.00 of assessed valuation;</li><li>(3) All bank shares established at \$0.24 per \$100.00 of assessed valuation</li></ol>
881	1-13-95	For year 1994: <ol style="list-style-type: none"><li>(1) All real property established at \$0.165 per \$100.00 of assessed valuation;</li><li>(2) All personal property established at \$0.181 per \$100.00 of assessed valuation;</li><li>(3) All bank shares established at \$0.251 per \$100.00 of assessed valuation</li></ol>
888	10-23-95	For year 1995: <ol style="list-style-type: none"><li>(1) All real property established at \$0.165 per \$100.00 of assessed valuation;</li><li>(2) All personal property established at \$0.181 per \$100.00 of assessed valuation;</li><li>(3) All bank shares established at \$0.251 per \$100.00 of assessed valuation</li></ol>
916	10-28-96	For year 1996: <ol style="list-style-type: none"><li>(1) All real property established at \$0.162 per \$100.00 of assessed valuation;</li><li>(2) All personal property established at \$0.181 per \$100.00 of assessed valuation</li></ol>

## **LONDON - TAXATION**

---

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
930	9-22-97	For year 1997: (1) All real property established at \$0.158 per \$100.00 of assessed valuation; (2) All personal property established at \$0.181 per \$100.00 of assessed valuation
947	10-26-98	For year 1998: (1) All real property established at \$0.145 per \$100.00 of assessed valuation; (2) All personal property established at \$0.154 per \$100.00 of assessed valuation
965	11-4-99	For year 1999: (1) All motor vehicles and motorboats established at \$0.154 per \$100.00 of assessed valuation; (2) All real property established at \$0.145 per \$100.00 of assessed valuation; (3) All personal property established at \$0.154 per \$100.00 of assessed valuation
980	10-2-00	For year 2000: (1) All motor vehicles and motorboats established at \$0.144 per \$100.00 of assessed valuation; (2) All real property established at \$0.14 per \$100.00 of assessed valuation; (3) All personal property established at \$0.144 per \$100.00 of assessed valuation
996	10-1-01	For year 2001: (1) All motor vehicles and motorboats established at \$0.125 per \$100.00 of assessed valuation; (2) All real property established at \$0.114 per \$100.00 of assessed valuation; (3) All personal property established at \$0.125 per \$100.00 of assessed valuation
2002-02	9-3-02	For year 2002: (1) All motor vehicles and motorboats established at \$0.114 per \$100.00 of assessed valuation; (2) All real property established at \$0.114 per \$100.00 of assessed valuation; (3) All personal property established at \$0.114 per \$100.00 of assessed valuation



## **LONDON – TAXATION**

---

<b><u>Ord. No.</u></b>	<b><u>Date</u></b>	<b><u>Subject</u></b>
2003-14	9-29-03	For year 2003: (1) All motor vehicles and motorboats established at \$0.109 per \$100.00 of assessed valuation; (2) All personal property established at \$0.109 per \$100.00 of assessed valuation
2003-15	10-6-03	For year 2003: All real property established at \$0.109 per \$100.00 of assessed valuation
2004-10	10-4-04	For year 2004: All real property established at \$0.108 per \$100.00 of assessed valuation
2004-11	10-4-04	For year 2004: (1) All motor vehicles and motorboats established at \$0.108 per \$100.00 of assessed valuation; (2) All personal property established at \$0.108 per \$100.00 of assessed valuation
2005-10	9-26-05	For year 2005: All real property established at \$0.100 per \$100.00 of assessed valuation
2005-11	9-26-05	For year 2005: (1) All motor vehicles and motorboats established at \$0.1076 per \$100.00 of assessed valuation; (2) All personal property established at \$0.1076 per \$100.00 of assessed valuation
2006-20	9-18-06	For year 2006: All real property established at \$0.096 per \$100.00 of assessed valuation
2006-21	9-18-06	For year 2006: (1) All motor vehicles and motorboats established at \$0.096 per \$100.00 of assessed valuation; (2) All personal property established at \$0.096 per \$100.00 of assessed valuation
2007-15	9-4-07	For year 2007: All real property established at \$0.096 per \$100.00 of assessed valuation
2007-16	9-4-07	For year 2007: (1) All motor vehicles and motorboats established at \$0.096 per \$100.00 of assessed valuation; (2) All personal property established at \$0.096 per \$100.00 of assessed valuation

## **LONDON – TAXATION**

---

<b><u>Ord. No.</u></b>	<b><u>Date</u></b>	<b><u>Subject</u></b>
2009-07	10-8-09	For year 2009: (1) All motor vehicles and motorboats established at \$0.1028 per \$100.00 of assessed valuation; (2) All real property established at \$0.096 per \$100.00 of assessed valuation (3) All personal property established at \$0.1028 per \$100.00 of assessed valuation
2010-03	10-4-10	For year 2010 (1) All motor vehicles and motorboats established at \$0.0968 per \$100.00 of assessed valuation; (2) All real property established at \$0.090 per \$100.00 of assessed valuation; (3) All personal property established at \$0.0968 per \$100.00 of assessed valuation
2011-07	10-3-11	For year 2011: (1) All motor vehicles and motorboats established at \$0.0968 per \$100.00 of assessed valuation; (2) All real property established at \$0.090 per \$100.00 of assessed valuation; (3) All personal property established at \$0.0968 per \$100.00 of assessed valuation
2012-06	10-8-12	For year 2012: (1) All motor vehicles and motorboats established at \$0.0968 per \$100.00 of assessed valuation; (2) All real property established at \$0.090 per \$100.00 of assessed valuation; (3) All personal property established at \$0.0968 per \$100.00 of assessed valuation

## LONDON – TAXATION

---

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
2014-07	10-14-14	For year 2014: (1) All motor vehicles and motorboats established at \$0.088 per \$100.00 of assessed valuation; (2) All real property established at \$0.088 per \$100.00 of assessed valuation; (3) All personal property established at \$0.088 per \$100.00 of assessed valuation
2015-07	10-13-15	For year 2015: (1) All motor vehicles and motorboats established at \$0.088 per \$100.00 of assessed valuation; (2) All real property established at \$0.088 per \$100.00 of assessed valuation; (3) All personal property established at \$0.088 per \$100.00 of assessed valuation
2017-11	10-9-17	For year 2017: (1) All motor vehicles and motorboats established at \$0.088 per \$100.00 of assessed valuation; (2) All real property established at \$0.088 per \$100.00 of assessed valuation; (3) All personal property established at \$0.088 per \$100.00 of assessed valuation

## LONDON – TAXATION

---

## TABLE 9: ZONING MAP CHANGES

The following ordinances (by number and date) enacted by the city make specific changes in the zoning of specific property pursuant to the zoning code:

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
670	5-10-79	Rezoning property owned by Logan Prewitt, et ux, Bill Prewitt, et ux, and Marvin G. Robinson, et ux, from R-2 Residential to C-2 Commercial
757(a)	5-13-85	Rezoning property owned by Drexell Webb from R-2 (Medium Density Residential District) to C-2 (General Business District)
757(b)	6-10-85	Rezoning property owned by Southeast Kentucky Development Company, Inc. from R-2 (Medium Density Residential District) to C-2 (General Business District)
757(c)	8-12-85	Rezoning property owned by Baxter Bledsoe, Jr. from R-2 (Medium Density Residential District) to C-2 (General Business District)
757(d)	10-28-85	Rezoning property owned by Steve Oliver, London Insurance Agency, from R-2 (Medium Density Residential District) to C-2 (General Business District)
757(e)	4-14-86	Rezoning property owned by John Parsley and Jim Parsley from R-2 (Medium Density Residential District) to C-2 (General Business District)
757(f)	4-28-86	Rezoning property owned by Thomas H. Gay and Lucinda J. Gay from R-2 (Medium Density Residential District) to C-2 (General Business District)
757(g)	7-13-86	Rezoning property owned by Tommy W. and Wanda S. Evans from R-2 (Medium Density Residential District) to C-2 (General Business District)
757(h)	7-28-86	Rezoning properties owned by London Farm Service and Mike and Bonnie Humfleet from R-2 (Medium Density Residential District) to C-2 (General Business District)
757(i)	10-15-86	Rezoning property owned by William E. Collier from R-2 (Medium Density Residential District) to C-2 (General Business District)

## LONDON - ZONING MAP CHANGES

---

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
757(j)	2-23-87	Rezoning various places recommended by the London-Laurel County Joint Planning Commission to C-2 Commercial
783	8-24-87	Rezoning property owned by Griffin Pie Company, Inc. from R-2 (Medium Density Residential District) to I-1 (Light Industrial)
784	8-24-87	Rezoning property owned by William Rae Evans and Brenda Sue Evans from R-2 (Medium Density Residential District) to C-2 (General Business District)
791(a)	6-27-88	Rezoning property owned by Joe Arnett from R-2 (Medium Density Residential District) to C-2 (General Business District)
791(b)	6-27-88	Rezoning property owned by Lowery Sibert from R-2 (Medium Density Residential District) to C-2 (General Business District)
791(c)	7-11-88	Rezoning property owned by Delford McKnight from R-2 (Medium Density Residential District) to C-2 (General Business District)
798	10-10-88	Rezoning property on West Fifth Street C-2 (Commercial District) to R-2 (Medium Density Residential District)
805	8-14-89	Rezoning property owned by Mike Humfleet and Bonita Humfleet from R-2 (Medium Density Residential District) to I-1 (Light Industrial)
815	5-29-90	Rezoning property owned by Begley Lumber Company from R-2(u) to I-1(u)
833	3-25-91	<ol style="list-style-type: none"><li>(1) Rezoning property on East Fifth Street from C-2 (Commercial) to R-2 (Medium Density Residential District)</li><li>(2) Rezoning property on Walton Ridge Area - Highway 363 from R-2 (Medium Density Residential District) to R-1</li><li>(3) Railroad property from R-2 (Medium Density Residential District) to C-2 (Commercial District)</li></ol>

## LONDON - SUMMARY OF ORDINANCES

---

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>	<u>Section</u>
2016-06	--	Adopting the budget for FY 2016-2017.	Not Included
2016-07	7-5-16	Annexation of certain property.	Table 2
2016-08	8-1-16	Amending alcoholic beverages regulations.	67.090
2016-10	9-6-16	Amending regulations regarding the A.R. Dyche Memorial Park Board.	22.401-22.409
2017-01	4-3-17	Establishing maintenance easements for storm sewer lines.	Not Included
2017-02	4-3-17	Establishing fire safety inspections.	71.007
2017-03	4-3-17	Closing a portion of a street.	Table 7
2017-04	6-14-17	Amending alcoholic beverages regulations.	67.140-67.150, 67.999
2017-05	6-14-17	Adopting the budget for FY 2017-2018.	Not Included
2017-06	6-14-17	Establishing golf cart regulations.	40.510, 40.511, 40.999
2017-07	--	Amending the development code.	80.01
2017-08	6-14-17	Closing a portion of a roadway.	Table 7
2017-09	8-7-17	Amending alcoholic beverages regulations.	67.125-67.127, 67.999
2017-10	10-9-17	Regulating mobile self-contained food unit vendors.	69.001-69.004, 69.999
2017-11	10-9-17	Establishing ad valorem taxes for 2017.	Table 8
2017-12	6-14-17	Annexation of certain property.	Table 2
2017-13	2-5-18	Establishing maintenance easements for storm sewer lines.	Not Included
2018-01	4-2-18	Amending pollutant discharge limits.	31.061
2018-02	6-11-18	Adopting the budget for FY 2018-2019.	Not Included
2018-03	9-7-18	Amending the development code.	80.01
2018-05	10-8-18	Renaming a street.	Table 7

## LONDON - SUMMARY OF ORDINANCES



## LONDON - ZONING MAP CHANGES

---

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
935	1-26-98	Rezoning property owned by Roscoe and Pearl Reams, located on Meyers-Baker Road from R-2 (Residential) to C-2 (Commercial)
938	2-23-98	Rezoning property owned by Don Lane Young and Jonnie Jean Young located on Meyers-Baker Road from R-2 (Residential) to C-2 (Commercial)
940	6-22-98	Rezoning property located at Lots I-II, Forest Hills Subdivision, from I-1 (Light Industrial) to R-2 (Residential)
941	6-22-98	Rezoning property owned by Kern's Bakery, Inc., located on North Main Street C-2 (Commercial) to I-1 (Light Industrial)
942	6-22-98	Rezoning property owned by the Laurel County Board of Education, located on Daniel Boone Parkway from I-1 (Light Industrial) to C-2 (Commercial)
943	6-22-98	Rezoning property owned by Hayes and Nancy Clark, located on Substation Street, from I-2 (Industrial) to C-2 (Commercial)
944	6-22-98	Rezoning property owned by Douglas and Deborah Gilbert, located on Substation Street, from I-2 (Industrial) to C-2 (Commercial)
949	11-23-98	Rezoning property owned by Dallas Benge, located on Slate Lick Road, from R-2 (Residential) to C-2 (Commercial)
950	11-23-98	Rezoning property owned by Laurel County Public Properties, located on 823, 821, 819, and 815 Mill Street, from R-2 (Residential) to C-2 (Commercial)
951	11-23-98	Rezoning property owned by G. Gordon Porter Estate/Jeff Weaver, located on 102 Hill Street, from R-2 (Residential) to C-2 (Commercial)

## LONDON - ZONING MAP CHANGES

---

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
952	1-11-99	Rezoning property owned by Larry Henson, located on Slate Lick Road, from R-2 (Residential) to C-2 (Commercial)
956	4-12-99	Rezoning property owned by Stable Creek Development, Inc., located in Stable Creek Subdivision, from R-2 (Residential) to C-2 (Commercial)
958	6-21-99	Rezoning property owned by Bill and Ruth Azbill, located on Reams Street, from R-2 (Residential) to C-2 (Commercial)
959	6-21-99	Rezoning property owned by Eugene Madden, located on 114 Slate Lick Street, from R-2 (Residential) to C-2 (Commercial)
962	7-14-99	Rezoning property owned by Elbert and Lou Alice Howard, located at 304 East 9th Street, from R-2 (Residential) to C-2 (Commercial)
963	8-2-99	Rezoning property owned by Ray and Geraldine Humfleet, located at Stable Creek Subdivision, from R-2 (Residential) to C-2 (Commercial)
988	5-7-01	Rezoning property owned by Rollan and Doris Philpot, located on East Fourth Street from R-2 and C-2 to C-2 (Commercial)
989	5-7-01	Rezoning property owned by Gilpin Construction, located on Nazareth Hill Street from R-2 and C-2 to C-2 (Commercial)
2003-02	3-3-03	Rezoning property owned by Griffin Pie Company, Inc., aka Flower Snacks of London, LLC, located at the corner of Locust, Fifth and Robinson Streets from Residential to Industrial
2003-03	5-19-03	Rezoning property owned by Tazoberry Park, LLC. from C-2 and R-2 to C-2 (Commercial)

## **LONDON - ZONING MAP CHANGES**

---

<b><u>Ord. No.</u></b>	<b><u>Date</u></b>	<b><u>Subject</u></b>
2003-11	9-2-03	Rezoning property owned by Blankenship and Brummett Investment, Inc. I-1 and R-2 to I-1 (Industrial)
2003-12	9-2-03	Rezoning property owned by Eugene Byrd and Mary Byrd from C-2 and R-2 to C-2 (Commercial)
2003-16	11-3-03	Rezoning property owned by Gilpin Construction Company from R-2 to C-2 (Commercial)
2003-17	11-3-03	Rezoning property owned by Rufus Yaden and Dortha Yaden from R-1 to C-2 (Commercial)
2003-18	11-3-03	Rezoning property owned by Begley Properties from R-2 to C-2 (Commercial)
2004-06	7-6-04	Rezoning property owned by London-Laurel County Tourist Commission from R-2 to C-2 (Commercial)
2004-07	7-6-04	Rezoning property owned by Begley Properties, LLC from R-2 to C-2 (Commercial)
2004-08	7-6-04	Rezoning property owned by Willis Cunnagin and Flora Cunnagin from R-2 to C-2 (Commercial)
2004-09	10-4-04	Rezoning property owned by Don Lane Young and Jonnie Jean Yang from R-2 to C-2 (Commercial)
2004-15	12-6-04	Rezoning property owned by Kelaco, LLC from R-2 to C-2 (Commercial)
2004-16	1-3-05	Rezoning property owned by Robert Knight and Renee Knight from R-1 to C-2 (Commercial)
2005-09	10-3-05	Rezoning property owned by Douglas R. Jones from R-2 and C-2 to C-2 (Commercial)
2005-12	11-7-05	Rezoning property owned by Hope Industries LLC which is located on East Fourth Street from R-2 (Residential) and C-3 (Commercial) to C-3 (Commercial)
2006-1	2-6-06	Rezoning property owned by Jerry Wyatt and Rita Wyatt which is located at 507 Minton Drive, from R-2 (Residential) to C-2 (Commercial)

## LONDON - ZONING MAP CHANGES

---

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
2006-02	4-3-06	Rezoning property owned by Jeremy Martin and Jennifer Martin which is located at Hampton Road, from R-1 (Residential) to C-2 (Commercial)
2006-04	4-3-06	Rezoning property owned by Billie Cochran which is located at 815 Whitley Street from R-1 (Residential) to C-2 (Commercial)
2006-05	4-3-06	Rezoning property owned by Lawrence Daly, Jr. and May D. Daly which is located at 811 Whitley Street from R-1 (Residential) to C-2 (Commercial)
2006-06	4-3-06	Rezoning property owned by Ralph Sizemore and Linda Sizemore which is located at 840 Allf Lane, from R-1 and C-2 (Residential and Commercial) to C-2 (Commercial)
2006-07	4-3-06	Rezoning property owned by Carl Westerfield and Gretha Westerfield which is located at 718 Jervis Street from R-1 (Residential) to C-2 (Commercial)
2006-11	7-3-06	Rezoning property owned by Ray E. Cornett and Rodette Cornett which is located at 740 and 728 Whitley Street from R-1 (Residential) to C-2 Commercial
2006-12	7-3-06	Rezoning property owned by William David Walden which is located at 469 Falls Street from R-1 (Residential) to C-2 (Commercial)
2006-13	7-3-06	Rezoning property owned by Stephen Adams and Carol Adams which is located at 455 Falls Street from R-1 (Residential) to C-2 (Commercial)
2006-14	7-3-06	Rezoning property owned by James R. Gaines and Shirley Gaines which is located at 461 Falls Street from R-1 (Residential) to C-2 (Commercial)
2006-17	8-7-06	Rezoning property owned by John Watkins and Doris Watkins which is located at 550 Whitley Street from R-1 (Residential) to C-2 (Commercial)

## LONDON - ZONING MAP CHANGES

---

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
2006-18	8-7-06	Rezoning property owned by MRK Enterprises, Inc. Which is located on South Main Street from R-1 (Residential) and C-2 (Commercial) to C-2 (Commercial)
2006-22	11-6-06	Rezoning property owned by Sallie Davidson which is located at the intersection of Minton Drive and John House Road from R-2 (Residential) and C-2 (Commercial) to C-2 (Commercial)
2006-24	12-4-06	Rezoning property owned by George Heirs located at Hal Rogers Parkway and Kentucky Highway 472 from R-2 (Residential) and C-2 (Commercial) to C-2 (Commercial)
2006-25	1-2-07	Rezoning property owned by Chris Jackson and Staci Smith Jackson located at Fifth Street from R-2 (Residential) and C-2 (Commercial) to C-2 (Commercial)
2007-03	6-4-07	Rezoning property owned by Doug Bargo and Sandy Bargo located at Tobacco Road from R-2 (Residential) to C-2 (Commercial)
2007-09	9-4-07	Rezoning property owned by Randolph Byrley and Betty Lou Byrley located at 719 Whitley Street from R-1 (Residential) to C-2 (Commercial)
2007-10	9-4-07	Rezoning property owned by Jerry Deaton and Kelly Deaton located at 723 Whitley Street from R-1 (Residential) to C-2 (Commercial)
2007-11	9-4-07	Rezoning property owned by Gail Cook located at 727 Whitley Street from R-1 (Residential) to C-2 (Commercial)
2007-12	9-4-07	Rezoning property owned by Billy D. Gambrel located at 705 Whitley Street from R-1 (Residential) to C-2 (Commercial)
2009-05	8-3-09	Rezoning property owned by Carl Robinson and Jearld Robinson located at 705 Owen Street from R-1 (Residential) to C-2 (Commercial)
2011-01	3-7-11	Rezoning property owned by William Todd Petrey located at 1806 North Mill street from R-2 (Residential) and C-2 (Commercial) to C-2 (Commercial)

## LONDON - ZONING MAP CHANGES

---

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
2011-02	3-7-11	Rezoning property owned by Mike Caldwell and Karen Caldwell located at McWhorter Street from R-2 (Residential) and C-2 (Commercial) to C-2 (Commercial)
2012-17	10-29-12	Rezoning properties owned by the City of London, at TLC Lane and East Highway 192, from C-2 (Commercial) to I-2 (Industrial)
2012-18	10-29-12	Rezoning properties owned by Laurel County Fire Department, Inc., at TLC lane and East Fourth Street, from C-2 (Commercial) to I-2 (Industrial)
2013-07	10-7-13	Rezoning property owned by James Robert Connor and Mary Louise Connor at 605 Whitley Street, from R-1 (Residential) to C-2 (Commercial)
2013-08	10-7-13	Rezoning property owned by Mary Louise Connor at 611 Whitley Street, from R-1 (Residential) to C-2 (Commercial)
2013-10	1-6-14	Rezoning property owned by James R. and Sarah C. Johnson at 1864 North Mill Street, from R-2 (Residential) to C-2 (Commercial)
2013-11	1-6-14	Rezoning property owned by Bertie L. Sawyers at 1869 at 1871 North Mill Street from R-2 (Residential) to C-2 (Commercial)
2013-12	1-6-14	Rezoning property owned by James C. Johnson and Sarah C. Johnson at 1868 North Mill Street from R-2 (Residential) to C-2 (Commercial)
2013-13	1-6-14	Rezoning property owned by James R. Parsley and Mary Parsley at and 1867 North Mill Street from R-2 (Residential) to C-2 (Commercial)
2014-08	10-14-14	Rezoning property owned by Blankenship and Lee Investments, Inc., at Binder Drive, from I-1 (Industrial) to C-2 (Commercial)
2015-05	6-5-15	Rezoning property owned by Sue Bennett Hill, LLC, located at Fifth Street and College Street, from R-1 (Residential), R-2 (Residential), and C-3 (Commercial) to C-3 (Commercial)

## LONDON - ZONING MAP CHANGES

---

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
2015-08	11-18-15	Rezoning property owned by David Westerfield and Karen Westerfield located at 507 Taylor Drive, 508 Taylor Drive, and the intersection of West Fifth Street and Taylor Drive, from R-2 (Residential) to C-2 (Commercial)

## **LONDON - ZONING MAP CHANGES**

---



## **LONDON - SUMMARY OF RESOLUTIONS**

---

## LONDON - SUMMARY OF RESOLUTIONS

---

<u>Res. No.</u>	<u>Date</u>	<u>Description</u>	<u>Section</u>
597	8-10-72	Creating Joint Board of Adjustment.	Repealed
--	9-13-79	Authorizing filing of community development pre-application.	
--	3-14-80	Authorizing revision of investment agreement	Table 5
--	12-1-80	Accepting bid for purchase of utility revenue bonds.	Table 3
--	9-16-81	Providing for advertisement of utility revenue bonds.	Table 3

## **LONDON - SUMMARY OF RESOLUTIONS**

---

## **SUMMARY OF RESOLUTIONS**

---

## **LONDON - SUMMARY OF ORDINANCES**

---

## **LONDON - SUMMARY OF ORDINANCES**

---

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>	<u>Section</u>
2016-06	--	Adopting the budget for FY 2016-2017.	Not Included
2016-07	7-5-16	Annexation of certain property.	Table 2
2016-08	8-1-16	Amending alcoholic beverages regulations.	67.090

## LONDON - SUMMARY OF ORDINANCES

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>	<u>Section</u>
2014-01	2-3-14	Regulating the use of off-premises and on-premises signs (billboards) for cellular transmitting devices.	Repealed
2014-02	2-3-14	Renaming a certain street.	Table 7
2014-03	3-20-14	Accepting a certain street.	Table 7
2014-04	3-20-14	Establishing a restaurant retail sales tax.	68.001 - 68.010, 68.999
2014-06	10-6-14	Closing a portion of a street.	Table 7
2014-07	10-14-14	Establishing ad valorem taxes for 2015.	Table 8
2014-08	10-14-14	Rezoning certain property.	Table 9
2014-09	12-3-14	Amending flood damage prevention regulations.	82.100 - 82.003, 82.100, 82.200 - 82.207, 82.300 - 82.302, 82.400 - 82.406, 82.500, 82.999
2014-10	12-3-14	Amending rules and regulations for disposal of garbage.	30.001, 30.002, 30.100 - 30.107, 30.200 - 30.208, 30.999
2015-01	2-6-15	Adopting an incentive program for city officials to obtain training related to city government.	Not Included
2015-02	3-2-15	Amending alcoholic beverages regulations.	67.010, 67.027, 67.050, 67.062
2015-03	3-6-15	Amending flood damage preventions.	82.001-82.003, 82.100, 82.200-82.207, 82.300-82.302, 82.400-82.406, 82.500, 82.999
2015-04		Adopting the budget for FY 2015-2016.	Not Included
2015-05	6-5-15	Rezoning certain property.	Table 9
2015-06	9-8-15	Adopting new development ordinance regulations.	80.01
2015-07	10-13-15	Establishing ad valorem taxes for 2016.	Table 8
2015-08	11-18-15	Rezoning certain property.	Table 9
2015-09	11-18-15	Amending the city pay/classification plan.	Table 6
2016-01	Did not pass	Summary of a development ordinance.	Not Included
2016-02	3-11-16	Amending alcoholic beverages regulations.	67.085-67.116, 67.999
2016-03	3-11-16	Amending alcoholic beverages regulations.	67.026, 67.062
2016-04	- -	Adopting development ordinance regulations.	80.01
2016-05	6-6-16	Establishing a six month pilot program for mobile food unit vendors.	Not Included

## LONDON - SUMMARY OF ORDINANCES

---

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>	<u>Section</u>
2012-03	6-4-12	Establishing parking fines; prescribing new parking fees and fines.	40.163
2012-04	8-6-12	Adopting the 2012 Supplement to the Code of Ordinances.	Front
2012-05	9-4-12	Amending parking fees and fines.	40.163
2012-06	10-8-12	Establishing ad valorem taxes for 2012.	Table 8
2012-07	11-2-12	Confirming the annexation of certain property.	Table 2
2012-08	11-2-12	Confirming the annexation of certain property.	Table 2
2012-09	11-2-12	Confirming the annexation of certain property.	Table 2
2012-10	11-2-12	Confirming the annexation of certain property.	Table 2
2012-11	11-2-12	Confirming the annexation of certain property.	Table 2
2012-12	11-2-12	Confirming the annexation of certain property.	Table 2
2012-13	11-2-12	Confirming the annexation of certain property.	Table 2
2012-14	11-2-12	Confirming the annexation of certain property.	Table 2
2012-15	11-2-12	Confirming the annexation of certain property.	Table 2
2012-16	10-29-12	Confirming the annexation of certain property.	Table 2
2012-17	10-29-12	Rezoning certain property.	Table 9
2012-18	10-29-12	Rezoning certain property.	Table 9
2012-19	12-20-12	Adopting by reference the city's Code of Ethics and the Personnel Policies and Procedures and Pay and Classification Plan.	26.001, 27.001, Table 6
2012-20	1-7-13	Confirming the annexation of certain property.	Table 2
2013-02	5-23-13	Amending garbage and trash regulations.	Table 1
2013-05	8-5-13	Regulating part time police officers.	22.005
2013-06	8-8-13	Establishing a Tourism and Convention Commission.	22.508
2013-07	10-7-13	Rezoning certain property.	Table 9
2013-08	10-7-13	Rezoning certain property.	Table 9
2013-09	10-7-13	Establishing ad valorem taxes for 2014.	Table 8
2013-010	1-6-14	Rezoning certain property.	Table 9
2013-011	1-6-14	Rezoning certain property.	Table 9
2013-012	1-6-14	Rezoning certain property.	Table 9
2013-013	1-6-14	Rezoning certain property.	Table 9



## LONDON - SUMMARY OF ORDINANCES

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>	<u>Section</u>
2008-03	6-2-08	Annexing certain property.	Table 2
2008-04	6-2-08	Annexing certain property.	Table 2
2008-05	6-2-08	Amending blighted and deteriorated properties.	72.200 - 72.204
2008-06	6-19-08	Adopting the budget for FY 2008-2009.	Not Included
2008-07	8-4-08	Adopting the 2008 S-4 Supplement to the Code of Ordinances.	Front
2008-08	8-12-08	Adopting the Occupational License Tax.	60.001 - 60.012, 60.099
2009-01	- -	Adopting the Property Maintenance Code by reference.	70.003
2009-02	6-11-09	Adopting the budget for FY 2009-2010.	Not Included
2009-03	8-3-09	Prohibiting smoking in public.	50.500 - 50.506, 50.999
2009-04	8-3-09	Renaming a certain street.	Table 7
2009-05	8-3-09	Rezoning certain property.	Table 9
2009-06	10-8-09	Amending sewer and water regulations.	Repealed
2009-07	10-8-09	Establishing ad valorem taxes for 2009.	Table 8
2010-01	12-6-10	Adopting the budget for FY 2010-2011.	Not Included
2010-02	7-6-10	Establishing drug-free workplace policy.	Repealed
2010-03	10-4-10	Establishing ad valorem taxes for 2010.	Table 8
2010-04	11-6-10	Renaming a certain street.	Table 7
2011-01	3-7-11	Rezoning certain property.	Table 9
2011-02	3-7-11	Rezoning certain property.	Table 9
2011-03	Did not pass	Regulating business practices.	Not Included
2011-04	5-2-11	Establishing criminal sanctions and penalties for violation of Property Maintenance Code.	70.003, 70.999
2011-06	8-1-11	City officials training program.	Repealed
2011-07	10-3-11	Establishing ad valorem taxes for 2011.	Table 8
2011-08	11-7-11	Creating a franchise for sale for electrical service.	Table 4
2011-09	12-5-11	Adopting new sewer regulations.	31.001 - 31.003, 31.010 - 31.014, 31.030, 31.031, 31.040 - 31.043, 31.060 - 31.068, 31.080 - 31.096, 31.100, 31.101, 31.120 - 31.123, 31.135 - 31.140, 31.999
2012-01	4-2-12	Dog and cat regulations; restraint; cleanliness; prohibitions; penalties.	51.003, 51.999

## LONDON - SUMMARY OF ORDINANCES

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>	<u>Section</u>
2006-13	7-3-06	Rezoning certain property.	Table 9
2006-14	7-3-06	Rezoning certain property.	Table 9
2006-15	6-14-06	Adopting the budget for FY 2006-2007.	Not Included
2006-16	7-18-06	Amending the Flood Damage Prevention Ordinance.	82.001 - 82.003, 82.100, 82.200 - 82.207, 82.300 - 82.302, 82.400 - 82.406, 82.500, 82.999
2006-17	8-7-06	Rezoning certain property.	Table 9
2006-18	8-7-06	Rezoning certain property.	Table 9
2006-19	8-7-06	Establishing erosion and storm water control.	83.001 - 83.006
2006-20	9-18-06	Establishing ad valorem taxes for 2006.	Table 8
2006-21	9-18-06	Establishing ad valorem taxes for 2006.	Table 8
2006-22	11-6-06	Rezoning certain property.	Table 9
2006-23	11-6-06	Establishing control of soil erosion.	83.100 - 83.104
2006-24	12-4-06	Rezoning certain property.	Table 9
2006-25	12-4-06	Closing a public passway.	Table 7
2006-26	1-2-07	Rezoning certain property.	Table 9
2007-01	3-5-07	Renaming a certain street.	Table 7
2007-02	6-4-07	Closing a public passway.	Table 7
2007-03	6-4-07	Renaming certain property.	Table 9
2007-04	6-4-07	Rates, charges and fees for water and sewer service.	Repealed
2007-05	6-8-07	Adopting the budget for FY 2007-2008.	Not Included
2007-06	8-6-07	Closing a public passway.	Table 7
2007-07	8-6-07	Amending Ord. 2003-09 regarding the Utility Commission.	22.200 - 22.209
2007-08	9-4-07	Closing a public passway.	Table 7
2007-09	9-4-07	Rezoning certain property.	Table 9
2007-10	9-4-07	Rezoning certain property.	Table 9
2007-11	9-4-07	Rezoning certain property.	Table 9
2007-12	9-4-07	Rezoning certain property.	Table 9
2007-13	9-4-07	Amending rules and regulations for disposal of garbage.	30.001, 30.002, 30.100 - 30.105, 30.106, 30.200 - 30.207, 30.999
2007-14	10-1-07	Amending regulations for siting of wireless telecommunications facilities.	65.001 - 65.025
2007-15	9-4-07	Establishing ad valorem taxes for 2007.	Table 8
2007-16	9-4-07	Establishing ad valorem taxes for 2007.	Table 8
2007-17	1-7-08	Regulations for property owners amending zoning classification.	Repealed
2008-01	2-4-08	Blighted and deteriorated properties.	72.200 - 72.204
2008-02	4-7-08	Renaming a certain street.	Table 7

## LONDON - SUMMARY OF ORDINANCES

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>	<u>Section</u>
2004-13	11-1-04	Changing the name of Sipple Street to Fire-Rescue Drive	Table 7
2004-14	12-6-04	Closing an unnamed public passway	Table 7
2004-15	12-6-04	Rezoning certain property	Table 9
2004-16	1-3-05	Rezoning certain property	Table 9
2004-17	1-3-05	Establishing rates, charges and fees for water and sewer service provided to customers of the city water and sewer system; establishing procedures for billing.	Repealed
2005-01	2-7-05	Regulating the sale of alcoholic beverages within the city limits	67.001 - 67.004, 67.010 - 67.015, 67.025 - 67.043, 67.050 - 67.063, 67.070 - 67.075, 67.999
2005-02	3-7-05	Closing a portion of Senator Lane	Table 7
2005-03	4-4-05	Annexing certain property	Table 2
2005-04	Did not pass	Establishing erosion and storm water control regulations	Not Included
2005-05	5-23-05	Increasing the franchise fee from 3 % to 5 %	64.009
2005-06	6-13-05	Adopting the budget for FY 2005-2006	Not Included
2005-07	7-5-05	Closing a public passway known as Pennington Avenue	Table 7
2005-08	9-6-05	Establishing qualifications and responsibilities of the Fire Chief	22.107
2005-09	10-3-05	Rezoning certain property	Table 9
2005-10	9-26-05	Establishing ad valorem taxes for 2005	Table 8
2005-11	9-26-05	Establishing ad valorem taxes for 2005	Table 8
2005-12	11-7-05	Rezoning certain property	Table 9
2005-13	12-05-05	Closing a public passway	Table 8
2006-1	2-6-06	Rezoning certain property	Table 9
2006-02	4-3-06	Rezoning certain property	Table 9
2006-03	3-6-06	Closing a public passway	Table 7
2006-04	4-3-06	Rezoning certain property	Table 9
2006-05	4-3-06	Rezoning certain property	Table 9
2006-06	4-3-06	Rezoning certain property	Table 9
2006-07	4-3-06	Rezoning certain property	Table 9
2006-08	5-1-06	Closing a public passway	Table 7
2006-09	5-5-06	Banning skateboards without consent	41.003
2006-10	6-5-06	Establishing pretreatment limitations to water treatment	31.061
2006-11	7-3-06	Rezoning certain property	Table 9
2006-12	7-3-06	Rezoning certain property	Table 9

## LONDON - SUMMARY OF ORDINANCES

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>	<u>Section</u>
2003-05	6-2-03	Closing E. Tenth Street and a portion of Hill Street	Table 7
2003-06	7-7-03	Adopting the 2003 S-1 Supplement to the Code of Ordinance	Front
2003-07	8-4-03	Establishing the position of Mayor and setting minimum compensation.	Not Included
2003-08	Did not pass	Establishing a restaurant retail sales tax	Not Included
2003-09	9-2-03	Reestablishing and recreating the London Utility Commission	22.200 - 22.209, Table 1
2003-10	9-2-03	Prohibiting abandoned and junked vehicles	50.400 - 50.406, 50.999
2003-11	9-2-03	Rezoning certain property	Table 9
2003-12	9-2-03	Rezoning certain property	Table 9
2003-13	9-2-03	Naming Cook Tire Lane a street	Table 7
2003-14	9-29-03	Establishing ad valorem taxes for 2003	Table 8
2003-15	10-6-03	Establishing ad valorem taxes for 2003	Table 8
2003-16	11-3-03	Rezoning certain property	Table 9
2003-17	11-3-03	Rezoning certain property	Table 9
2003-18	11-3-03	Rezoning certain property	Table 9
2003-19	12-1-03	Amending provisions of abandoned and junked vehicles	50.400 - 50.406
2003-20	1-5-04	Annexing certain property	Table 2
2004-01	4-15-04	Establishing flood damage prevention	82.001 - 82.003, 82.100, 82.200 - 82.206, 82.300, 82.302, 82.400 - 82.402, 82.404, 82.999
2004-02	4-15-04	Adopting the budget for FY 2003-2004	Not Included
2004-03	6-7-04	Annexing certain property	Table 2
2004-04	6-7-04	Adopting job descriptions for the Public Works Department	Repealed
2004-05	6-14-04	Adopting the budget for FY 2004-2005	Not Included
2004-06	7-6-04	Rezoning certain property	Table 9
2004-07	7-6-04	Rezoning certain property	Table 9
2004-08	7-6-04	Rezoning certain property	Table 9
2004-09	10-4-04	Rezoning certain property	Table 9
2004-10	10-4-04	Establishing ad valorem taxes for 2004	Table 8
2004-11	10-4-04	Establishing ad valorem taxes for 2004	Table 8
2004-12	10-4-04	Adopting the 2004 S-2 Supplement to the Code of Ordinances	Front

## LONDON - SUMMARY OF ORDINANCES

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>	<u>Section</u>
1000	12-3-01	Amending rates, charges and fees for water and sewer service.	Repealed
1001	12-3-01	Amending certain provisions of the Planning Commission.	Repealed
1002	12-3-01	Establishing authority to conduct electrical inspections.	70.001(C)
1003	1-7-02	Renaming a portion of a street.	Table 7
1004	1-7-02	Establishing the position of Police Major.	Repealed
1005	2-4-02	Renaming portions of certain streets.	Table 7
1006	2-4-02	Naming certain streets.	Table 7
1007	2-4-02	Enacting a three-month interim application process for wireless telecommunication facilities.	Table 1
1008	3-4-02	Establishing paid positions of corporal and lieutenant in the Fire Department and redefining the position and number of part-time firefighters.	22.100
1009	5-6-02	Regulating the siting of wireless telecommunications facilities.	65.001 - 65.025
1010	6-3-02	Establishing rates, charges and fees for water and sewer service provided to customers of the city water and sewer system; establishing procedures for billing.	Repealed
1011	6-24-02	Establishing a four-way stop at the intersection of Broad and Fourth Streets.	40.096
1012	6-24-02	Adopting a budget for FY 2002 - 2003.	Not Included
1013	7-1-02	Adopting and enacting a new code of ordinances for the city.	Adopting Ordinance
1014	7-1-02	Regulating the siting of wireless telecommunications facilities.	65.001 - 65.025
2002-01	9-3-02	Regulating automobile dealerships.	66.001 - 66.007
2002-02	9-3-02	Levying ad valorem taxes for 2002.	28.002, 28.003, 28.999, Table 8
2002-03	Did not pass	Naming a street Sled Lane.	Not Included
2003-04	12-2-02	Establishing rates for transfer station users.	30.206
2002-05	12-2-02	Establishing a meeting date and time for City Council.	20.208
2002-06	12-2-02	Naming a street McKinney Street.	Table 7
2003-01	2-3-03	Making West Third Street between Broadway and Main Streets one-way East.	40.060
2003-02	3-3-03	Rezoning certain property.	Table 9
2003-03	5-19-03	Rezoning certain property.	Table 9
2003-04	6-2-03	Adopting the budget for FY 2003-2004.	Not Included

## LONDON - SUMMARY OF ORDINANCES

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>	<u>Section</u>
968	1-3-00	Creating a non-exclusive franchise for a cable television system.	Ch. 64
969	1-18-00	Amending budget for FY 1999-2000.	Not Included
970	2-7-00	Regulating solicitations on streets.	41.001, 41.999
971	5-1-00	Closing an undeveloped alleyway.	Table 7
972	5-1-00	Repealing Ords. 873, 903 and 910 and establishing garbage and trash regulations.	Table 1
973	6-5-00	Closing an undeveloped alleyway.	Table 7
974	6-5-00	Establishing an Emergency Radio Frequency Board.	22.600-22.603
975	6-19-00	Adopting budget for FY 2000-2001.	Not Included
976	10-2-00	Intending to annex certain property.	Table 2
977	10-2-00	Intending to annex certain property.	Table 2
978	10-2-00	Intending to annex certain property.	Table 2
979	9-5-00	Establishing a three-way stop at Short and Mill Streets.	40.095
980	10-2-00	Establishing ad valorem taxes for 2000.	Table 8
981	12-4-00	Repealing Ord. 344 and establishing the London Utility Commission.	Repealed
982	1-2-01	Amending compensation of city attorney	21.204
983	12-4-00	Authorizing participation in an interlocal cooperative agreement.	Table 5
984	12-26-00	Annexing certain property.	Table 2
986	1-30-01	Amending budget for FY 2000-2001.	Not Included
987	2-5-01	Establishing the discretionary use of city garbage collection containers and use rate.	30.107
988	5-7-01	Rezoning certain property.	Table 9
989	5-7-01	Rezoning certain property.	Table 9
990	4-23-01	Amending rates, charges and fees for sewer service.	Repealed
991	5-7-01	Establishing a three-way stop at the intersection of Sublimity School Road.	40.095
992	6-18-01	Adopting budget for FY 2001-2002.	Not Included
993	9-4-01	Enacting an application process for the construction of wireless telecommunications facilities.	Table 1
994	10-1-01	Regulating approval of drain tile construction.	Repealed
995	10-1-01	Escheating water meter deposits to the Utility Commission general fund.	22.211
996	10-1-01	Establishing ad valorem taxes for 2001.	Table 8
997	11-5-01	Closing a public passway.	Table 7
998	12-3-01	Granting a franchise agreement for electrical service.	Table 4
999	12-3-01	Amending parking permits.	40.225

## LONDON - SUMMARY OF ORDINANCES

---

<i>Ord. No.</i>	<i>Date</i>	<i>Description</i>	<i>Section</i>
935	1-26-98	Rezoning certain property.	Table 9
936	1-26-98	Amending parking permit provisions.	40.225
937	2-9-98	Amending wastewater treatment provisions.	Repealed
938	2-23-98	Rezoning certain property.	Table 9
939	2-23-98	Amending budget for FY 7-1-97 to 6-30-98.	Not Included
940	6-22-98	Rezoning certain property.	Table 9
941	6-22-98	Rezoning certain property.	Table 9
942	6-22-98	Rezoning certain property.	Table 9
943	6-22-98	Rezoning certain property.	Table 9
944	6-22-98	Rezoning certain property.	Table 9
945	6-26-98	Adopting budget for FY 7-1-98 to 6-30-99.	Not Included
946	8-10-98	Regulating use of city equipment.	Repealed
947	10-26-98	Establishing ad valorem taxes for 1998.	Table 8
948	11-23-98	Annexing certain property.	Table 2
949	11-23-98	Rezoning certain property.	Table 9
950	11-23-98	Rezoning certain property.	Table 9
951	11-23-98	Rezoning certain property.	Table 9
952	1-11-99	Rezoning certain property.	Table 9
953	3-8-99	Amending budget for FY 7-1-98 to 6-30-99.	Not Included
954	3-22-99	Establishing meeting date and time of City Council.	20.208
955	3-22-99	Restricting use of streets by trucks.	41.002, 41.999
956	4-12-99	Rezoning certain property.	Table 9
957	6-21-99	Adopting budget for FY 7-1-99 to 6-30-00.	Not Included
958	6-21-99	Rezoning certain property.	Table 9
959	6-21-99	Rezoning certain property.	Table 9
960	- -	Establishing rate for collection of garbage.	Was not passed
961	7-14-99	Amending off-premise sign regulation.	Repealed
962	7-14-99	Rezoning certain property.	Table 9
963	8-2-99	Rezoning certain property.	Table 9
964	8-16-99	Establishing rates, charges and fees for water and sewer service.	Repealed
965	11-4-99	Establishing ad valorem taxes for 1999.	Table 8
966	11-1-99	Establishing parking fees and fines and repealing Ord. 829, parking meters.	40.154, Table 1
967	12-6-99	Amending classification and compensation plans and personnel policies.	Repealed

## LONDON - SUMMARY OF ORDINANCES

---

<i>Ord. No.</i>	<i>Date</i>	<i>Description</i>	<i>Section</i>
905	5-28-96	Establishing provisions for use of utility commission water.	31.201
906	5-28-96	Closing a street.	Table 7
907	6-10-96	Annexing certain property.	Table 2
908	6-10-96	Imposing a bank deposit tax.	63.001
909	6-24-96	Adopting budget for FY 7-1-96 to 6-30-97.	Not Included
910	7-8-96	Amending garbage and trash regulations.	Repealed
911	9-9-96	Regulating solicitation on city streets.	41.001, 41.999
912	9-9-96	Rezoning certain property.	Table 9
913	9-9-96	Rezoning certain property.	Table 9
914	9-23-96	Allowing free parking.	40.171
915	10-15-96	Amending parking permit provisions.	40.225
916	10-28-96	Establishing ad valorem taxes for 1996.	Table 8
917	12-9-96	Repealing previous zoning ordinances, adopting Development Code and establishing Board of Adjustment and Planning Commission.	Ch. 80
918	12-9-96	Repealing Ord. 324 and establishing parking citation provisions.	40.031 – 40.033, 40.150 – 40.153
919	12-16-96	Amending budget for FY 7-1-96 to 6-30-97.	Not Included
920	4-14-97	Rezoning certain property.	Table 9
921	4-28-97	Amending budget for FY 7-1-96 to 6-30-97.	Not Included
922	6-9-97	Rezoning certain property.	Table 9
923	6-9-97	Rezoning certain property.	Table 9
924	6-9-97	Rezoning certain property.	Table 9
925	6-9-97	Rezoning certain property.	Table 9
926	6-23-97	Closing a street.	Table 7
927	6-23-97	Adopting budget for FY 7-1-97 to 6-30-98.	Not Included
928	7-28-97	Repealing Ord. 792 and adopting provisions for blasting and hazardous materials.	71.100 – 71.102, 71.999
929	9-8-97	Rezoning certain property.	Table 9
930	9-22-97	Establishing ad valorem taxes for 1997.	Table 8
931	9-22-97	Repealing Ord. 827 regarding motor vehicle stickers.	Table 1
932	10-14-97	Relating to protection of trees.	Ch. 54
933	12-8-97	Authorizing Utility Commission to enter into contracts and establish wholesale water rates.	31.202
934	No second reading	Amending parking permit provisions	Not Included



## LONDON - SUMMARY OF ORDINANCES

---

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>	<u>Section</u>
885	3-17-95	Repealing all prior personnel ordinances and adopting Classification and Personnel Policy.	Repealed
886	5-8-95	Amending water and sewer rates and charges.	Repealed
887	6-26-95	Adopting budget for FY 7-1-95 to 6-30-96.	Not Included
888	10-23-95	Establishing ad valorem taxes for 1995.	Table 8
889	10-23-95	Rezoning certain property.	Table 9
890	11-27-95	Closing a street.	Table 7
891	12-11-95	Rezoning certain property.	Table 9
892	12-11-95	Rezoning certain property.	Table 9
893	1-8-96	Rezoning certain property.	Table 9
894	1-22-96	Establishing provisions regarding employee commercial driver's licenses.	Repealed
895	2-12-96	Rezoning certain property.	Table 9
896	2-26-96	Amending budget for FY 7-1-95 to 6-30-96.	Not Included
897	3-11-96	Repealing Ord. 894 and establishing drug and alcohol testing policy.	Repealed
898	3-11-96	Rezoning certain property.	Table 9
899	3-11-96	Rezoning certain property.	Table 9
900	3-11-96	Rezoning certain property.	Table 9
901	No second reading	Closing a street.	Not Included
902	4-8-96	Rezoning certain property.	Table 9
903	4-22-96	Establishing rates for compactor rental and dumping.	Repealed
904	5-13-96	Establishing traffic control positions.	T.S.O. 6

## LONDON - SUMMARY OF ORDINANCES

<i>Ord. No.</i>	<i>Date</i>	<i>Description</i>	<i>Section</i>
852	7-13-92	Amending sewer use provisions.	Repealed
853	9-14-82	Establishing Cemetery Board.	22.400 – 22.409
854	11-24-92	Establishing ad valorem taxes for 1992.	Table 8
855	1-11-93	Rezoning certain property.	Table 9
856	1-18-93	Amending budget for FY 7-1-92 to 6-30-93.	Not Included
857	2-8-93	Closing a portion of a street.	Table 7
858	3-22-93	Amending budget for FY 7-1-92 to 6-30-93.	Not Included
859	5-24-93	Amending compensation of City Attorney.	21.305
860	5-24-93	Approving authorization of Interlocal Cooperation Agreement.	Table 5
861	6-14-93	Adopting a city street.	Table 7
862	6-28-93	Adopting budget for FY 7-1-93 to 6-30-94.	Not Included
863	9-27-93	Adopting BOCA Property Maintenance Code.	72.001 – 72.003
864	11-8-93	Amending budget for FY 7-1-93 to 6-30-94.	Not Included
865	11-8-93	Establishing position of Building Inspector.	Repealed
866	11-22-93	Establishing ad valorem taxes for 1993.	Table 8
867	12-13-93	Amending water and sewer rates and charges.	Repealed
868	2-14-94	Amending provisions regarding mobile homes and parks.	73.002 – 73.004, 73.009
869	2-28-94	Amending occupational license fees.	Repealed
870	4-25-94	Amending budget for FY 7-1-93 to 6-30-94.	Not Included
871	5-9-94	Amending license fees for insurance companies.	61.003
873	6-27-94	Repealing Ord. 846 and establishing garbage and trash regulations.	Repealed
874	6-29-94	Adopting budget for FY 7-1-94 to 6-30-95.	Not Included
875	7-11-94	Establishing rates for Board of Adjustment hearings.	Repealed
876	10-11-94	Closing a street.	Table 7
877	10-11-94	Rezoning certain property.	Table 9
878	11-14-94	Establishing planning and zoning fees.	Repealed
879	No second reading	Establishing Code of Ethics	Not Included
880	12-12-94	Establishing Code of Ethics.	Repealed
881	1-13-95	Establishing ad valorem taxes for 1994.	Table 8
882	1-13-95	Amending Code of Ethics.	Repealed
883	2-27-95	Prohibiting dogs from running-at-large.	51.100 – 51.102, 51.999
884	3-27-95	Amending budget for FY 7-1-94 to 6-30-95.	Not Included

## LONDON - SUMMARY OF ORDINANCES

---

<i>Ord. No.</i>	<i>Date</i>	<i>Description</i>	<i>Section</i>
818	8-27-90	Establishing hazardous duty position coverage.	Repealed
819	Did not pass	Prohibiting bicycles on streets.	
820	8-27-90	Amending Compensation of City Attorney.	21.305
821	Did not pass	Regulating skateboards.	Not Included
822	9-24-90	Providing cost of living adjustment for Mayor and City Council.	Table 6
823	11-13-90	Repealing Ord. 680 and establishing meeting time of City Council.	Repealed
824	12-10-90	Amending budget for FY 7-1-90 to 6-30-91.	Not Included
825	1-4-91	Adopting zoning map.	Repealed
826	No action taken	Repealing Ord. 767 regarding parking permits	Not Included
827	1-4-91	Amending motor vehicle license fees.	Repealed
828	No action taken.		
829	1-14-91	Repealing Ords. 653 and 658 and establishing parking fees and fines.	Repealed
831	1-14-91	Establishing ad valorem taxes for 1990.	Table 8
832	2-11-91	Repealing Ord. 832 and providing for use of parking permits.	40.225
833	3-25-91	Rezoning certain property.	Table 9
834	4-8-91	Requiring permits for removal or demolition of buildings.	Repealed
835	4-22-91	Amending budget for FY 7-1-90 to 6-30-91.	Not Included
836	5-13-91	Establishing water and sewer tap-on fees.	Repealed
837	6-24-91	Amending budget for FY 7-1-90 to 6-30-91.	Not Included
838	6-24-91	Adopting budget for FY 7-1-91 to 6-30-92.	Not Included
839	8-12-91	Amending zoning code.	Repealed
840	9-9-91	Repealing all prior sewer ordinances and adopting sewer use provisions.	Repealed
841	11-26-91	Amending budget for FY 7-1-91 to 6-30-92.	Not Included
842	1-27-92	Repealing Ord. 806 & 836 and establishing water and sewer rates and charges.	Repealed
844	1-27-92	Establishing ad valorem taxes for 1991.	Table 8
845	2-10-92	Amending water and sewer rates and charges.	Repealed
846	2-24-92	Repealing Ords. 679 and 696 and establishing garbage and trash regulations.	Repealed
847	3-23-92	Amending compensation of city detective.	Repealed
848	4-13-92	Amending budget for FY 7-1-91 to 6-30-92.	Not Included
849	Did not pass	Regulating parades.	Not Included
843	1-27-92	Amending personnel policies.	Repealed
850	6-22-92	Adopting budget for FY 7-1-92 to 6-30-93.	Not Included
851	6-22-92	Regulating parades and marches.	40.110 – 40.115, 40.999

## LONDON - SUMMARY OF ORDINANCES

<i>Ord. No.</i>	<i>Date</i>	<i>Description</i>	<i>Section</i>
784	8-24-87	Rezoning certain property.	Table 9
785	9-14-87	Establishing ad valorem taxes for 1987.	Table 8
786	9-28-87	Adopting budget for FY 7-1-87 to 6-30-88.	Not Included
787	9-28-87	Amending subdivision regulations.	Repealed
787(a)	3-14-88	Amending budget for FY 7-1-86 to 6-30-88.	Not Included
788	4-11-88	Amending budget for FY 7-1-87 to 6-30-88.	Not Included
789	4-26-88	Closing a portion of a street.	Table 7
790	6-13-88	Establishing rates for hearings of the Board of Adjustment.	Repealed
791(a)	6-27-88	Rezoning certain property.	Table 9
791(b)	6-27-88	Rezoning certain property.	Table 9
791(c)	7-11-88	Rezoning certain property.	Table 9
792	6-27-88	Restricting blasting within the city.	Repealed
793	6-27-88	Adopting budget for FY 7-1-88 to 6-30-89.	Not Included
794	No second reading	Establishing position of firefighter.	Not Included
795	8-22-88	Establishing Board of Adjustment.	Repealed
796	9-12-88	Establishing ad valorem taxes for 1988.	Table 8
797	9-26-88	Establishing position descriptions.	Repealed
798	10-10-88	Rezoning certain property.	Table 9
799	12-27-88	Repealing Ord. 657, 675 & 742 and establishing occupational license fees.	Repealed
800	3-13-89	Amending job classifications.	Repealed
801	3-13-89	Amending budget for FY 7-1-88 to 6-30-89.	Not Included
802	6-26-89	Adopting budget for FY 7-1-89 to 6-30-90.	Not Included
803	6-26-89	Intending to annex certain property.	Table 2
804	7-10-89	Transferring a franchise.	Table 4
805	8-14-89	Rezoning certain property.	Table 9
806	9-11-89	Repealing Ord. 759 and establishing water and sewer rates and charges.	Repealed
807	12-26-89	Amending budget for FY 7-1-89 to 6-30-90.	Not Included
808	12-26-89	Establishing ad valorem taxes for 1989.	Table 8
809	12-26-89	Repealing Ord. 779 and establishing city's contribution to members of Planning and Zoning Commission.	Repealed
810	1-8-90	Restricting parking meters to one hour.	Repealed
811	2-26-90	Amending job classifications.	Repealed
812	3-26-90	Amending budget for FY 7-1-89 to 6-30-90.	Not Included
813	4-23-90	Amending personnel policies.	Repealed
814	5-29-90	Amending budget for FY 7-1-89 to 6-30-90.	Not Included
815	5-29-90	Rezoning certain property.	Table 9
816	6-25-90	Closing a street.	Table 7
817	6-25-90	Adopting budget for FY 7-1-90 to 6-30-91.	Not Included

## LONDON - SUMMARY OF ORDINANCES

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>	<u>Section</u>
758	Vetoed	Establishing salary of Mayor and Council members.	Not Included
759	8-12-85	Repealing Ord. 722 and establishing rates and charges for water service.	Repealed
759-A	5-28-85	Establishing parking spaces for persons with disabilities, and four-way stop signs.	40.096, 40.176
760	8-12-85	Adopting budget for FY 7-1-85 to 6-30-86.	Not Included
761	8-26-85	Establishing hours for yard sales.	55.001, 55.999
762	10-28-85	Establishing ad valorem taxes for 1985.	Table 8
763	10-28-85	Repealing Ord. 531 relating to dogs running-at-large.	Table 1
764	11-11-85	Abolishing parking meters on Main Street and establishing one-hour parking.	40.177, 40.999
765	12-9-85	Closing portions of streets.	Table 7
766	2-24-86	Establishing provisions regarding mobile homes and parks.	Ch. 73
767	3-10-86	Repealing Ords. 666, 706, and 755 and providing for the use of parking permits.	Repealed
768(a)	11-19-86	Establishing personnel policies.	Repealed
768(b)	11-10-86	Repealing Ord. 228 and establishing job classifications.	Repealed
768(c)	Did not pass	Establishing parking attendant position.	Not Included
769	5-27-86	Amending budget for FY 7-1-85 to 6-30-86.	Not Included
770	6-9-86	Revising and adopting subdivision regulations	Repealed
771	7-14-86	Establishing the fire department.	22.004, 22.100 - 22.111
772	7-21-86	Establishing ad valorem taxes for 1986.	Table 8
772(a)	Failed to pass	Requiring the city's budget as line item budget.	Not Included
773	7-28-86	Adopting budget for FY 7-1-86 to 6-30-87.	Not Included
774	8-25-86	Closing portions of streets.	Table 7
775	No second reading	Establishing storage fees for motor vehicles.	Not Included
776	Did not pass	Establishing Board of Adjustment.	Not Included
777	2-23-87	Establishing hazardous duty position coverage.	Repealed
778	3-9-87	Amending budget for FY 7-1-86 to 6-30-87.	Not Included
779	3-23-87	Establishing city's contribution to members of Planning and Zoning Commission and Adjustment Board.	Repealed
780	3-23-87	Amending motor vehicle license fees.	Repealed
781	5-11-87	Amending hazardous duty position coverage.	Repealed
782	5-26-87	Requiring city budget as line item budget.	23. ____
783	8-24-87	Rezoning certain property.	Table 9

## LONDON - SUMMARY OF ORDINANCES

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>	<u>Section</u>
731	8-6-83	Amending budget for 7-1-82 to 6-30-83.	Not Included
732	8-22-83	Adopting budget for FY 7-1-83 to 6-30-84.	Not Included
733	9-12-83	Establishing ad valorem tax rates for 1983.	Table 8
734	10-10-83	Annexing certain property.	Table 2
735	10-24-83	Amending budget for FY 7-1-83 to 6-30-84.	Not Included
736	11-28-83	Renaming certain streets.	Table 7
737	12-12-83	Establishing City Clerk as custodian of records.	21.102
738	12-27-83	Authorizing issuance of utility revenue bonds.	Table 3
739	12-27-83	Prohibiting posting of signs.	52.004, 52.999
740	2-27-84	Amending budget for FY 7-1-83 to 6-30-84.	Not Included
741	Not read second time	Amending occupational license fees.	Not Included
742	3-14-84	Amending occupational license fees.	Repealed
743	5-14-84	Establishing grievance procedures.	29.001 - 29.003, 29.025 - 29.028
744	5-29-84	Amending utility revenue bond provisions.	Table 3
745	7-9-84	Adopting budget for FY 7-1-84 to 6-30-85.	Not Included
746	8-17-84	Regulating sewer use.	Repealed
747	8-13-84	Amending building permit fees.	Repealed
748	8-20-84	Repealing Ord. 723 and establishing requirements for waste water collection.	Repealed
749	- -	Amending zoning code.	Repealed
750	9-26-84	Establishing ad valorem taxes for 1984.	Table 8
751	10-8-84	Amending budget for FY 7-1-83 to 6-30-84.	Not Included
752	10-22-84	Repealing Ord. 651 and imposing license fee on insurance companies.	Ch. 61
753	11-26-84	Authorizing issuance of floating rate demand industrial development revenue bonds.	Table 3
755	3-25-85	Amending parking permit provisions.	Repealed
756	4-8-85	Repealing Ord. 745 and adopting budget for FY 7-1-84 to 6-30-85.	Not Included
757(a)	5-13-85	Rezoning certain property.	Table 9
757(b)	6-10-85	Rezoning certain property.	Table 9
757(c)	8-12-85	Rezoning certain property.	Table 9
757(d)	10-28-85	Rezoning certain property.	Table 9
757(e)	4-14-86	Rezoning certain property.	Table 9
757(f)	4-28-86	Rezoning certain property.	Table 9
757(g)	7-13-86	Rezoning certain property.	Table 9
757(h)	7-28-86	Rezoning certain property.	Table 9
757(i)	10-15-86	Rezoning certain property.	Table 9
757(j)	2-23-87	Rezoning certain property.	Table 9

## LONDON - SUMMARY OF ORDINANCES

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>	<u>Section</u>
705	11-23-81	Granting electric franchise.	Table 4
706	12-7-81	Repealing Ord. 666 and providing for use of parking permits in municipal parking lots.	Repealed
707	Did not pass	Establishing civil service commission.	Not Included
708	12-28-81	Creating office of City Attorney.	21.200 - 21.206
709	1-25-82	Changing the fiscal year to a six-month period and adopting budget for 1-1-82 to 6-30-82.	Not Included
710	3-22-82	Repealing Ord. 669 regarding annexation proposal.	Table 1
711	5-24-82	Establishing rates and charges for water and sewer system.	Repealed
712	6-21-82	Repealing Ord. 684 and designating one-way streets.	40.060, 40.999
713	6-28-82	Amending Ord. 709 and amending budget for 1-1-82 to 6-30-82.	Not Included
714	Vetoed	Providing for a personnel policy and pay plan.	Not Included
715	10-11-82	Adopting FY budget 7-1-82 to 6-30-83.	Not Included
716	10-25-82	Establishing ad valorem tax rates for 1982.	Table 8
717	11-22-82	Prohibiting accumulation of rubbish.	50.200 - 50.202, 50.999
718	Did not pass	Providing for towing of illegally parked vehicles.	Not Included
719	12-13-82	Establishing position of Special Investigator.	Repealed
720	12-13-82	Authorizing Building Inspector to enforce provisions of building codes and land development.	Repealed
721	12-13-82	Amending budget for 7-1-82 to 6-30-83.	Not Included
722	2-14-83	Establishing water and sewer rates and charges.	Repealed
723	3-14-83	Repealing Ords. 654 and 671 and establishing sewer provisions.	Repealed
724	4-11-83	Amending budget for 7-1-82 to 6-30-83.	Not Included
725	No second reading	Providing for non-meter regulated time limited parking areas.	Not Included
726	6-27-83	Proposing to annex certain property.	Table 2
727	6-27-83	Relating to use of city streets by utility and other companies.	41.100 - 41.103, 41.999
728	6-27-83	Authorizing traffic agreement with Department of Transportation.	Table 5
729	6-27-83	Authorizing traffic agreement with Department of Transportation.	Table 5
730	6-27-83	Authorizing traffic agreement with Department of Transportation.	Table 5

## LONDON - SUMMARY OF ORDINANCES

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>	<u>Section</u>
678	4-14-80	Allowing the Utility Commission to use city streets for water transmission.	Table 7
679	4-22-80	Repealing Ords. 644, 664, 667, and 677 and establishing garbage and trash regulations.	Repealed
680	5-12-80	Fixing date, time, and place of regular City Council meetings.	Repealed
681	7-14-80	Providing for licensing and regulation of dance halls and other places of amusement.	Ch. 62
682			
683	8-14-80	Issuing utility revenue bonds.	Table 3
684	8-25-80	Repealing Ord. 513 and designating one-way streets.	Repealed
685	8-25-80	Designating a fire lane.	40.178, 40.999
686	8-25-80	Repealing Ord. 677A and adopting procurement procedures.	Superseded
687	9-16-80	Establishing ad valorem tax rates for 1980.	Table 8
688	9-16-80	Declaring water emergency and establishing conservation procedures.	Repealed
689	10-27-80	Authorizing issuance of grant anticipation notes for the waterworks and sewer system.	Table 3
690	11-24-80	Repealing Ord. 688 regarding water emergency.	Table 1
691	12-1-80	Authorizing issuance of utility revenue bonds.	Table 3
692	12-1-80	Authorizing issuance of utility revenue bonds.	Table 3
693	12-1-80	Authorizing issuance of grant anticipation notes for the waterworks and sewer system.	Table 3
694	12-22-80	Amending provisions for authorizing grant anticipation notes for the waterworks and sewer system.	Table 3
695	12-22-80	Adopting the annual budget for FY 1981.	Not Included
696	12-22-80	Establishing rental fees for businesses for city-owned garbage dumpsters.	Repealed
697	3-9-81	Amending Ord. 478 regarding weeds.	50.100, 50.101, 50.999
698	2-23-81	Establishing election procedures.	20.003
699	4-13-81	Readopting the annual budget for FY 1981.	Not Included
700	5-11-81	Prohibiting the discharge of firearms on city property.	52.200 - 52.201
701	Suspended	Declaring a water emergency and establishing water conservation procedures.	Not Included
702	9-14-81	Establishing ad valorem tax rates for 1981.	Table 8
703	9-28-81	Authorizing issuance of utility revenue bonds.	Table 3
704	11-9-81	Amending the budget for FY 1981.	Not Included



## LONDON - SUMMARY OF ORDINANCES

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>	<u>Section</u>
644	6-24-76	Establishing garbage and trash provisions.	Repealed
650	10-28-76	Regulating Halloween activities.	52.300, 52.999
651	12-23-76	Repealing Ord. 508 and imposing a license tax on insurance companies.	Repealed
652	4-14-77	Suspending issuance of permits for installation of trailer homes.	Repealed
653	6-23-77	Fixing parking meter zones and fees.	Repealed
654	6-23-77	Regulating sewer use.	Repealed
655	7- -77	Adopting zoning code.	Repealed
655-A	7-21-77	Issuing industrial revenue bonds.	Table 3
656	8-11-77	Amending Ord. 642 and increasing water service rates.	Repealed
657	12-22-77	Repealing Ord. 637 and imposing occupational license fees.	Repealed
658	2-9-78	Setting traffic citation fines.	Repealed
659	2-23-78	Providing citizens with the opportunity to participate in the selection of CDBG activities.	29.100 - 29.134
660	8-24-78	Proposing to annex certain property.	Table 2
661	9-28-78	Setting water and sewer rates	Repealed
662	- -	Amending the zoning code.	Repealed
663	- -	Establishing water shortage provisions.	
664	12-14-78	Setting the rate for businesses not using the city garbage service.	Repealed
665	1-25-79	Amending Ord. 585 regarding building permit fees.	Repealed
666	- -	Providing for the sale of parking permits.	Repealed
667	- -	Amending fees for residential garbage rates.	Repealed
668	2-22-79	Proposing to annex certain property.	Table 2
669	3-8-79	Proposing to annex certain property.	Repealed
670	5-10-79	Amending the zoning map.	Table 9
671	5-10-79	Amending Ord. 654 regarding sewer use.	Repealed
672	7-12-79	Amending Ord. 545 regarding parking meters.	Repealed
673	8-9-79	Establishing unfair housing regulations.	Ch. 72
674	1-28-80	Fixing date, time, and place of regular City Council meetings.	Repealed
675	2-11-80	Amending Ord. 657 regarding occupational license fees.	Repealed
676	3-10-80	Amending Ord. 665 regarding building permit fees.	Repealed
677	4-14-80	Repealing Ords. 644, 664, and 667 and establishing garbage and trash regulations.	Repealed
677-A	- -	Establishing procurement provisions	Repealed

## LONDON - SUMMARY OF ORDINANCES

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>	<u>Section</u>
568	12-12-69	Establishing provisions for emergency vehicles.	Superceded
570	1-2-70	Establishing building regulations.	Repealed
571	2-13-70	Amending duties of motor vehicle operators; parking provisions.	40.068, 40.172
574	3-27-70	Establishing provisions regarding construction on streets and sidewalks.	Repealed
578	11-12-70	Authorizing police to carry concealed weapons.	22.003
583	1-28-71	Establishing provisions regarding special purpose water meters.	Repealed
584	3-11-71	Establishing fireworks provisions.	Repealed
586	6-10-71	Amending traffic code provisions.	40.170, 40.185
588	11-11-71	Establishing auxiliary police department.	22.050 - 22.056
592	4-27-72	Relating to emergency situations involving cutting of city streets	Repealed
593	5-11-72	Amending traffic code provisions.	40.170, 40.174, 40.185
594	6-29-72	Creating Joint Planning Commission.	Repealed
602	8-11-73	Amending duties of motor vehicle operators.	40.068, 40.175
605	3-22-73	Authorizing participation in Law Enforcement Foundation Program and establishing requirements of police department.	22.025 - 22.033
606	4-26-73	Fixing salary of Mayor and City Council members.	Repealed
607	5-10-73	Requiring training course for police officers.	22.027
608	5-31-73	Requiring connections to sanitary sewer system.	Repealed
609	5-31-73	Prohibiting swimming in city lake.	Removed
647-A	9-9-76	Adopting subdivision regulations.	Repealed
620	1-7-74	Fixing date, time and place of regular City Council meetings.	Repealed
625	7-11-74	Establishing vacation for police department.	Repealed
627	9-12-74	Establishing mobile home and trailer park regulations.	Repealed
632	2-13-75	Establishing arrest fees.	10.999
636	12-23-75	Establishing motor vehicle license tax.	Repealed
637	12-23-75	Establishing occupational license fees.	Repealed
638	1-8-76	Establishing office of City Treasurer.	Repealed
639	1-8-76	Fixing compensation of City Attorney.	Repealed
641	3-25-76	Amending parking regulations.	40.170
642	5-27-76	Amending water rates and charges.	Repealed

## LONDON - SUMMARY OF ORDINANCES

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>	<u>Section</u>
423	7-4-56	Prohibiting connections to sanitary sewer system.	Repealed
434-A	1-21-58	Establishing weight limits.	40.500, 40.999
438	2-4-58	Amending parking regulations.	40.170
439	2-18-58	Amending parking regulations	40.170
442	3-24-58	Establishing water and sewer provisions.	Repealed
445	7-15-58	Amending parking regulations.	40.170
448	1-21-58	Amending parking regulations.	40.170
453	2-17-59	Establishing Park, Playground and Recreation Board.	53.002 - 53.008
454	2-17-59	Amending parking regulations.	40.170
456	4-21-59	Prohibiting discharge of firearms.	52.201 - 52.203, 52.999
462	9-4-59	Establishing provisions regarding operation of truck refrigeration units.	40.502, 40.999
477	7-5-60	Amending zoning code.	
478	10-4-60	Establishing nuisance provisions.	50.100, 50.101, 50.999
480	11-15-60	Establishing office and duties of Chief of Police.	21.300, 21.302
481	12-6-60	Establishing personnel policies.	Repealed
495	7-26-62	Establishing water rates for industrial manufacturing.	Repealed
497	9-6-62	Establishing billing for utilities.	Repealed
508	12-23-76	Establishing insurance license tax.	Repealed
509-A	3-24-64	Creating Air Board.	22.300 - 22.302
513	2-5-65	Designating one-way streets.	Repealed
514	4-2-65	Amending parking regulations.	40.170
531	7-26-66	Regulating dogs.	Repealed
532	9-9-66	Establishing sewer rates.	Repealed
540	1-24-67	Establishing curfew provisions.	Removed
543	8-11-76	Adopting building codes.	
547	1-2-68	Establishing parking fines.	Repealed
550	3-22-68	Amending sewer provisions.	Repealed
557	9-13-68	Amending traffic code provisions.	40.068, 40.170, 40.174, 40.185
559	12-13-68	Amending personnel policies.	Repealed
560	12-27-68	Amending traffic code provisions.	40.061, 40.170, 40.185
562	1-10-69	Amending fire department provisions.	71.005, 71.999

## LONDON - SUMMARY OF ORDINANCES

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>	<u>Section</u>
46	12-15-13	Establishing duties of City Treasurer.	Repealed
218	12-5-54	Regulating animals.	51.002, 51.999
228	10-9-26	Establishing personnel provisions and job classifications	Repealed
228	10-9-26	Establishing fire provisions	71.003, 71.999
247	10-5-28	Establishing fire provisions	52.003, 52.999, 71.004, 71.999
261	1-4-32	Amending provisions of Fire Department.	Repealed
301	1-6-42	Establishing traffic code provisions.	189:338
315	- -	Prohibiting peddling.	52.001
324	5-6-47	Establishing traffic code provisions.	40.002, 40.185, 40.186 - 40.188, 40.190 - 40.194, 40.197, 40.999
337	1-20-48	Establishing traffic code provisions.	40.170, 40.185
340	2-17-48	Prohibiting solicitation in parking meter spaces.	Repealed
343	- -	Establishing sewer provisions	Repealed
344	5-4-48	Creating Utilities Commission	Repealed
346	6-1-48	Amending parking regulations.	40.170
347	6-1-48	Establishing traffic code provisions.	40.064, 40.161
351	12-14-48	Amending provisions of Fire Department.	Repealed
356	7-12-49	Amending parking regulations.	40.170
357	7-12-49	Regulating parking of trucks.	40.162, 40.999
360	8-9-49	Establishing traffic code provisions.	40.062, 40.063, 40.170
370	1-3-50	Amending traffic code provisions.	40.170, 40.185
374	4-18-50	Prohibiting loitering.	Removed
377	12-5-50	Prohibiting hunting within the city.	52.250, 52.999
378	1-2-51	Establishing legislative body.	20.001
381	3-6-51	Amending traffic code provisions.	40.002, 40.160, 40.999
382	4-6-51	Establishing fiscal year.	23.003
383	6-5-51	Amending parking regulations.	40.170
386	6-26-51	Establishing tax provisions.	Ch. 28
388	10-11-51	Adopting airport zoning code.	Ch. 81
394	1-2-52	Establishing duties of motor vehicle operators.	40.068
398	9-2-52	Amending traffic code provisions.	40.185
404	3-1-55	Amending traffic code provisions.	40.068, 40.173, 40.195, 40.999
417	6-5-56	Prohibiting hauling of excessive loads.	40.501, 40.999
420	6-5-56	Establishing nuisance provisions.	50.300, 50.999

## **LONDON - SUMMARY OF ORDINANCES**

---

## **SUMMARY OF ORDINANCES**

---

## **PARALLEL REFERENCES**

---

**REFERENCES TO KENTUCKY REVISED STATUTES**

**REFERENCES TO 1976 CODE**

## **LONDON - PARALLEL REFERENCES**

---



## LONDON - REFERENCES TO KENTUCKY REVISED STATUTES

<u>KRS SECTION</u>	<u>CODE SECTION</u>
§ 157b, Ky. Const.	23.003
§ 228, Ky. Const.	21.002, 21.203, 21.301, 22.202(D), 67.011, 67.097
§ 246, Ky. Const.	20.002
Chapter 13A	71.201
Chapter 13B	67.097, 71.205, 83.001, 83.103
15.410 – 15.510	22.025, 22.029, 22.032, 22.033
17.150	22.030
18A.225(2)	61.003
41.240(4)	23.005
42.450 – 42.495	23.004
Chapter 44	40.043
Chapter 45A	24.107
Chapter 56	24.107
Chapter 61	20.208
61.805 – 61.850	25.105
61.805(2)	25.001
61.805(3)	25.001
61.805(5)	25.001
61.810	25.100
61.815	25.101
61.820	25.102, 25.104
61.823	25.103, 25.104
61.826	25.104
61.840	25.104
61.846	25.105
61.848	25.105
61.870	24.001
61.870 – 61.882	21.102
61.872(1)	24.100
61.872(2)	24.100
61.872(3)	24.100
61.872(4)	24.101
61.872(5)	24.102
61.872(6)	24.102
61.874(5)	24.100
61.874(6)	24.100
61.878	24.001, 24.107, 25.100, 65.020
61.880	24.104
61.880 – 61.882	24.104

## LONDON - REFERENCES TO KENTUCKY REVISED STATUTES

<u>KRS SECTION</u>	<u>CODE SECTION</u>
61.884	24.106
62.020	21.002
Chapter 65	21.003
67.750(7)	60.001
78.545 <i>et seq.</i>	22.107
82.600 – 82.640	40.150
82.610	40.152
82.620	40.151
82.625	40.032, 40.033
83A.010(5)	10.002
83A.010(6)	10.002
83A.010(7)	10.002
83A.010(8)	10.002
83A.010(9)	10.002
83A.010(10)	10.002
83A.010(11)	10.002
83A.030	20.001
83A.040	20.102, 20.103, 20.104, 20.105, 20.200, 20.201, 20.202, 20.203, 20.204, 20.206
83A.050	20.003
83A.060	20.105, 20.205
83A.060(12), (13)	20.210
83A.060(14)	20.210
83A.060(15)	20.207
83A.065	10.002, 10.999
83A.070	20.002
83A.080	22.107
83A.080(3), (4)	20.003
83A.130	20.001, 20.103, 20.106, 20.208, 20.209
83A.130(10)	20.105
83A.165	20.003
83A.170	20.003
91A.010(6)	23.001
91A.010(7)	23.001
91A.010(8)	10.002
91A.020	23.002
91A.030	23.003

## LONDON - REFERENCES TO KENTUCKY REVISED STATUTES

<u>KRS SECTION</u>	<u>CODE SECTION</u>
91A.040	23.004
91A.060	23.005
91A.080	60.003
91A.350 <i>et seq.</i>	22.508
91A.350 – 91A.390	22.508
91A.360	22.508
91A.390	68.007
91A.390(2)	22.508
95.955	22.056
Chapter 97	53.008
100.985 (3) and (5)	65.004, 65.022
100.985 - 100.987	65.023
100.987(2)	65.020
Chapter 118	20.003
118.365	20.003
131.010(6)	61.004
131.190	24.107
134.420	63.003
Chapter 136	63.001
136.120	60.003
Chapter 151	82.100
151.250	82.100
151.280	82.100
151.310	82.100
Chapter 154	24.107
154.20-250 - 154.20-284	60.003
174.100	41.200
174.100(1)	41.201
174.100(2), (3)	41.202
174.100(4)	41.203
174.100(5)	41.204
183.132	22.300, 22.301
183.132 – 183.137	22.302
183.756	81.106
183.861	Chapter 81
186.020	40.032, 40.511
186.050	40.511
Chapter 189	40.511
189.010	40.002
189.010(19)	40.002

## LONDON - REFERENCES TO KENTUCKY REVISED STATUTES

<u>KRS SECTION</u>	<u>CODE SECTION</u>
189.285	40.002
189.287	40.412
189.330(4)	40.090
189.337	40.002
189.338	40.043, 40.045
189.378	40.101, 40.999
189.378(1)	40.002
189.390	40.002, 40.007, 40.080
189.450	40.007
189.570(1) – (3)	40.300
189.570(6)(a)	40.304
189.570(6)(b)	40.304
189.570(6)(c)	40.305
189.570(6)(d)	40.310
189.570(7)	40.067
189.570(7), (8)	40.310
189.570(9)	40.305
189.570(10)	40.303
189.570(11)	40.302
189.570(12) – (16)	40.306
189.570(17), (18)	40.309
189.570(19) – (22)	40.307
189.570(21)	41.001, 41.999
189.570(23), (24)	40.308
189.590(20)	41.001
189.820	40.511
189.910	40.002, 40.101, 40.307, 41.001
189.910(1)	40.002
189.910 – 189.950	40.007, 40.065
189.920	40.101
189.930	40.066
189.940	40.007
189.940(7)	40.065
189.990(1)	41.999
189.993(8)	40.999
189.993(9), (10)	40.999
Chapter 190 <i>et seq.</i>	66.006
198B.990(1)	70.999
224.1-010(30)(a)	40.131

## LONDON - REFERENCES TO KENTUCKY REVISED STATUTES

<u>KRS SECTION</u>	<u>CODE SECTION</u>
224.20-720	40.511
224.43-315	40.131
227.700	71.200
227.700 – 227.750	71.200, 71.205
227.702	71.200, 71.201
227.704	71.200
227.706	71.200
227.708	71.200
227.710	71.201
227.715	71.201, 71.202
227.715(7), (8)	71.202
227.730	71.203, 71.204
227.750	71.205
227.990(1)	71.999
227.990(4)	71.999
Chapter 241	67.003
Chapters 241 - 244	67.086, 67.087, 67.089, 67.097, 67.105, 67.112, 67.141 - 67.144
241.010	67.002, 67.060
241.010 (46)	67.111
241.060	67.012
241.100	67.097
241.110	67.097
241.200	67.035, 67.098
Chapter 242	67.003
Chapter 243	60.003, 67.003, 67.114
243.020 - 243.670	67.061, 67.107
243.030	67.090
243.060	67.090
243.075	67.095
243.100	67.028
243.220	67.036
243.230(2)	67.125
243.260	67.091, 67.145
243.360	67.031
243.380	67.033, 67.034
243.390	67.034
243.440	67.039
243.450	67.035

## LONDON - REFERENCES TO KENTUCKY REVISED STATUTES

<u>KRS SECTION</u>	<u>CODE SECTION</u>
243.480	67.999
243.490	67.035
243.500	67.035
243.550	67.035
243.620	67.039
243.630	67.040
243.650	67.040
243.660	67.040
243.850	67.108
243.884	67.107
243.895	67.111
Chapter 244	67.003
244.050	67.114
244.083	67.060
244.085	67.112
244.130	67.054, 67.101, 67.126
244.150	67.014
258.095	51.001
258.500	51.003
278.010(3)	65.004
278.030	65.020
278.040	65.020
278.280	65.020
304.17B-005	61.003
Chapter 350	82.100
351.320	71.100
351.330	71.100
351.340	71.100
376.275	40.131
381.805 – 381.910	Ch. 80, App. A, § 1, § 2
381.810	Ch. 80, App. A, § 1, § 2
381.810 – 381.910	Ch. 80, App. A, § 2
381.815	Ch. 80, App. A, § 2
381.820	Ch. 80, App. A, § 2
381.825	Ch. 80, App. A, § 2
381.827	Ch. 80, App. A, § 2
381.830	Ch. 80, App. A, § 2
381.830 – 381.890	Ch. 80, App. A, § 2
381.835	Ch. 80, App. A, § 2
381.837	Ch. 80, App. A, § 2
381.840	Ch. 80, App. A, § 2

## LONDON - REFERENCES TO KENTUCKY REVISED STATUTES

<u>KRS SECTION</u>	<u>CODE SECTION</u>
381.850	Ch. 80, App. A, § 2
381.855	Ch. 80, App. A, § 2
381.860	Ch. 80, App. A, § 2
381.870 – 381.900	Ch. 80, App. A, § 2
381.883(2)	Ch. 80, App. A, § 2
381.905	Ch. 80, App. A, § 2
Chapter 382	Ch. 80, App. A, § 1, § 2
Chapter 424	20.210, 23.004, 67.098
424.170	67.098
424.220	23.004
432.570	22.603
435.230(1)	22.003
446.010(1)	10.002
446.010(9)	10.002
446.010(10)	10.002
446.010(13)	10.002
446.010(14)	10.002
446.010(17)	10.002
446.010(18)	10.002
446.010(23)	10.002
446.010(26)	10.002
446.010(27)	10.002
446.010(28)	10.002
446.010(30)	10.002
446.010(31)	10.002
446.010(33)	10.002
446.010(37)	10.002
446.010(39)	10.002
446.010(43)	10.002
446.010(46)	10.002
446.010(47)	10.002
446.010(49)	10.002
446.020(1)	10.003
446.020(2)	10.003
446.030	10.003
446.080(3)	10.003
446.080(4)	10.003
446.090	10.005
446.110	10.006
511.080	67.114

## **LONDON - REFERENCES TO KENTUCKY REVISED STATUTES**

### **KRS SECTION**

522.030  
525.010(6)  
532.020  
534.040  
534.040(c)

### **CODE SECTION**

65.020  
51.003  
70.999  
70.999  
10.002



## **LONDON - REFERENCES TO 1976 CODE**

---

This table gives the location within this Code of those sections of the 1976 Code which are included herein. Sections of the 1976 Code not listed herein have been omitted as repealed, superseded, obsolete, or not of a general and permanent nature.

<u>Section</u>	<u>Section this Code</u>
1-5	10.013
1-7	10.999

## **LONDON - REFERENCES TO 1976 CODE**

---

## INDEX

---

## LONDON - INDEX

---

## LONDON - INDEX

---

### AD VALOREM TAXATION RATES, Table 8

### AIR BOARD, JOINT (See DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES)

#### Board of Airport Zoning Appeals

- Appeals, 81.105
- Created, 81.100
- Judicial review, 81.106
- Meetings, 81.103
- Membership; term, 81.102
- Minutes, 81.104
- Powers, 81.101

#### General Provisions

- Administrative officer, 81.011
- Definitions, 81.002
- Height limits, 81.004
- Nonconforming uses, 81.007
- Obstruction marking; lighting, 81.010
- Other restrictions, 81.006
- Permits, 81.009
- Title, 81.001
- Use restrictions, 81.005
- Variances, 81.008
- Zones, 81.003

#### Penalty, 81.999

### ALCOHOL BEVERAGE CONTROL

#### Administration and Control

- Alcoholic Beverage Control (ABC) Administrator, 67.010
- Appeals from city ABC Administrator, 67.015
- Functions, duties and powers, 67.012
- Oath and bond of local ABC Administrator and employees, 67.011
- Police power, 67.013
- Right of inspection, 67.014

#### Definitions, 67.002

#### Incorporation of state law, 67.003

#### License and Taxes

- Applicant to pay for own license, 67.041
- Application for state license, 67.033
- Approval of denial of application, 67.036
- Businesses authorized by Retail Drink License, 67.030
- Causes for refusal to issue or renew license; suspension or revocation of license, 67.035
- Date licenses expire; proration, 67.027
- Deposit of fees, 67.042
- Issuance of city license, 67.038
- Limited Restaurant Alcoholic Beverage by the Drink License; fees, 67.026
- License required for sale, 67.025
- License to become void if business dormant; license renewal, 67.043

## **LONDON - INDEX**

---

### **ALCOHOL BEVERAGE CONTROL (Cont'd)**

#### **License and Taxes (Cont'd)**

Local Administrator to first approve application, 67.032

Payment of fees; refund of fee, 67.037

Persons who may not be licensed, 67.028

Posting of licenses, 67.039

Premises that may not be licensed for sales at retail, 67.029

Public notice of intent to apply for license, 67.031

Submittal of application, 67.034

Transfer, assign, or acquire existing license, 67.040

#### **Licensing and Regulation of Alcoholic Beverage Manufacture and Sales**

Adoption of state law, 67.089

Application for license, 67.098

Certain special licenses defined, 67.091

Change of information, 67.102

Conditions, prohibitions and restrictions, 67.111

Conflicts, severability, record of proceedings and appeal, 67.116

Consumption on licensed package premises prohibited; congregating on certain ABC  
licensed premises and vacant premises prohibited, 67.114

Definitions, 67.087

Disposition of fees, 67.096

Dormancy, 67.109

Enforcement, 67.115

Expiration of license; proration of fees, 67.092

Hours of sale, 67.110

Licenses generally, 67.090

Lost or destroyed license, 67.104

Malt beverage keg registration, 67.113

Mandatory responsible beverage service training, 67.100

No business unless license renewal fees paid, 67.093

Office of the City Alcoholic Beverage Control Administrator established;  
duties, 67.097

Other conditions, 67.099

Possession by minors prohibited; no person shall aid possession by minors, 67.112

Proceedings for revocation or suspension of license; notice and opportunity to contest;  
appeal; effect of revocation or suspension, 67.106

Purpose, 67.086

Refund of fees, 67.094

Regulatory license fee, 67.095

Renewal of license, 67.103

Review of license; books, records and reports, 67.108

Revocation or suspension, 67.105

Scope, 67.088

Signs and advertising, 67.101

Title, 67.085

Transfer or assignment, 67.107

Penalties, 67.999

## LONDON - INDEX

---

### ALCOHOL BEVERAGE CONTROL (Cont'd)

#### Prohibitions, Restrictions and Regulations

Advertising restrictions, 67.054

Confiscation authorized if violations occur, 67.053

Drink specials prohibited, 67.055

Food service requirement, 67.052

Hours of sale, 67.050

Exceptions; requirements, 67.051

Licensee to display notice as to sale to minors; warning of dangers of drinking during pregnancy to be posted, 67.059

Licensee to purchase from and sell only to persons authorized to sell or purchase, 67.056

Mandatory responsible beverage service training, 67.063

Minors neither to possess nor purchase liquor nor to misrepresent age; use of fraudulent identification, 67.060

Person whom licensees may not employ, 67.061

Retail premises not to be disorderly, 67.062

Retail sales to certain persons prohibited, 67.057

Sale to person not providing for his or her family is prohibited, 67.058

Treating prohibited, 67.055

#### Quota Retail Drink Licenses; Regulatory Alcohol Beverage Advertisement

Enforcement, 67.127

Quota retail drink licenses, 67.125

Signs and advertising, 67.126

#### Regulatory License Fee

Adequate recordkeeping, 67.074

Audit requirements, 67.075

Failure to pay; interest on late payment, 67.072

Payment, 67.071

Penalty for nonpayment, 67.073

Regulatory license fee imposed, 67.070

#### Sale of Alcoholic Beverages by Licensed Non-profit Groups

Adoption of state law, 67.154

Definitions, 67.152

Enforcement, 67.160

Expiration of license, 67.158

Hours of sale, 67.159

Incorporation of state law, 67.153

Mandatory responsible beverage service training, 67.156

Patio and outdoor sales, 67.157

Purpose, 67.151

Temporary license, 67.155

Title, 67.150

Scope of coverage, 67.004

Short title, 67.001

## LONDON - INDEX

---

### ANIMALS

#### Dogs

Impoundment, 51.102

License required; use of fees, 51.101

Running-at-large prohibited; exceptions, 51.100

#### General Provisions

Chickens; control required, 51.002

Definitions, 51.001

Regulation of animals on specified premises, 51.003

Penalty, 51.999

### ANNEXATIONS, Table 2

### AMUSEMENTS

#### General Provisions

Application, 62.003

Compliance required, 62.009

Definitions, 62.001

Hours of operation, 62.004

Permit to operate required, 62.002

Penalty, 62.999

#### Prohibitions

Accumulation of garbage, trash, 62.102

Loitering, 62.100

Noise, 62.101

### AUTOMOBILE DEALERSHIPS

City license required, 66.007

Definitions, 66.001

Facility requirements, 66.003

License requirements, 66.006

Lot requirements, 66.004

Permanent location required, 66.002

Signage requirements, 66.005

### AUXILIARY POLICE FORCE (See DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES)

### BOARD OF ADJUSTMENT (See DEVELOPMENT CODE)

### BOARD OF ETHICS (See ETHICS CODE)

### BONDS, Table 3



## **LONDON - INDEX**

---

### **BLIGHTED AND DETERIORATED PROPERTIES**

- Definitions, 72.200
- Eminent domain proceedings, 72.203
- Procedures, 72.202
- Property Review Commission, 72.201
- Use of the property by the city, 72.204

### **BUILDING REGULATIONS (See also DEVELOPMENT CODE)**

- Building permits; Certificates of Occupancy
  - Fees, 70.101
  - Issuance, 70.100
- General Provisions
  - Adoption of Kentucky Building Code, 70.001
  - Adoption of Property Maintenance Code, 70.003
  - Enforcement, 70.002
- Penalty, 70.999

## LONDON - INDEX

---

## **LONDON - INDEX**

---

### **CABLE TELEVISION REGULATIONS**

#### **Administrative; Enforcement**

- Cable Television Advisory Committee, 64.065
- Further agreement and waiver by grantee, 64.068
- Government's right of intervention, 64.067
- Supervision of the franchise, 64.066

#### **Construction; Installation Requirements**

- Access to communications facilities, 64.026
- Antennas and antenna switches, 64.029
- Conditions of road occupancy, 64.020
- Construction standards and specifications, 64.022
- Emergency alert override, 64.028
- Erection; removal and common uses of poles, 64.021
- Interconnection, 64.024
- Line extensions, 64.023
- Public benefit services, 64.025
- Public, educational and government (PEG) access channels, 64.027
- Standby power, 64.030

#### **General Provisions**

- Applications for new franchises, 64.003
- Compliance with applicable laws and ordinances, 64.006
- Definitions, 64.001
- Duration and acceptance of franchise, 64.005
- Financial, contractual, shareholder and system disclosure, 64.002
- Grant of non-exclusive authority, 64.004
- Liability and insurance, 64.007
- Payment to the government, 64.009
- Performance bond, 64.008
- Publication costs, 64.010
- Time is of the essence, 64.011

#### **Optional and Performance Standards; Requirements**

- Complaint procedure, 64.045
- Consumer service standards, 64.044
- Disconnection, 64.047
- Foreclosure, 64.051
- Forfeiture of franchise, 64.050
- Franchise renewal, 64.055
- Government rights in franchise, 64.053
- Operational standards, 64.043
- Preferential or discriminatory practices prohibited; billing practices, 64.048
- Performance evaluation sessions, 64.042
- Proof of performance, records, 64.041
- Proof of performance, testing, 64.040
- Receivership, 64.052
- Refunds to subscribers and users, 64.046
- Reports and filings, 64.054

## **LONDON - INDEX**

---

### **CABLE TELEVISION REGULATIONS (Cont'd)**

#### **Optional and Performance Standards; Requirements**

Rights of individuals, 64.056

Transfer of control, 64.049

Two-way capability, 64.057

Upgrade performance bond, 64.058

#### **Rates and Charges**

Rate change procedures, 64.061

Rates, minimum timing of requests and City Council determination of authority,  
64.060

#### **Violations; Penalties, 64.999**

### **CHIEF OF POLICE (See NON-ELECTED OFFICIALS)**

### **CITIZENS ADVISORY COMMITTEE (See CITY POLICIES)**

### **CITY ATTORNEY (See NON-ELECTED OFFICIALS)**

### **CITY CLERK (See NON-ELECTED OFFICIALS)**

### **CITY COUNCIL (See ELECTED OFFICIALS)**

### **CITY POLICIES**

#### **Community Development Block Grant Program**

##### **Citizens Advisory Committee**

Amendments, 29.134

Appointment, 29.125

Chairman, 21.129

Composition, 29.126

Duties; responsibilities, 29.131

Meetings, 29.130

No restrictions on officials, 29.133

##### **Citizens Advisory Committee (Cont'd)**

Representations, 29.128

Technical assistance, 29.132

Term, 29.127

#### **General Provisions**

Dissemination of information, 29.101

Public hearings, 29.102

Purpose, 29.100

#### **Discrimination on basis of disability status**

##### **Complaint procedures**

Complaint to be filed, 29.025

Hearings, 29.028

Informal meeting, 29.027

Written statement required, 29.026

## **LONDON - INDEX**

---

### **CITY POLICIES (Cont'd)**

Discrimination on basis of disability status (Cont'd)

General Provisions

Administration, 29.002

Compliance, 29.003

Policy, 29.001

### **CODE OF ORDINANCES (See GENERAL PROVISIONS)**

### **CONTRACTS AND AGREEMENTS, Table 5**

### **DEFINITIONS**

Airport zoning, 81.002

Alcoholic beverage control

Generally, 67.002

Licensing and regulation of manufacture and sales, 67.087

Amusements, 62.001

Animals, 51.001

Automobile dealerships, 66.001

Cable television regulations, 64.001

Financial administration, 23.001

Fireworks, 71.200

Garbage and trash, 30.001

General, 10.002

Mobile homes and trailer parks, 73.001

Motor vehicle regulation, 40.001

Nuisances, 50.001

Public meetings, 25.001

Public records, 24.001

Occupational licenses, 60.001

Smoking, 50.501

Trees, 54.001

Unfair housing practices, 72.100

Water and sewer, 31.002, 31.200

Wireless telecommunications facilities, 65.004

### **DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES**

Air Board, Joint

Created, 22.300

Membership; appointment, 22.301

Board of Adjustment, 22.501 (See also DEVELOPMENT CODE)

Board of Airport Zoning Appeals, 22.507 (See also Airport Zoning)

Citizens Advisory Committee, 22.503 (See also City Policies)

Dyche, A.R., Memorial Park Cemetery Board

Appointment, 22.402

By-laws, 22.406

## LONDON - INDEX

---

### DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES (Cont'd)

#### Dyche, A.R., Memorial Park Cemetery Board (Cont'd)

- Cemetery funds, 22.408
- Compensation, 22.404
- Consent, approval of Board required for burials, 22.409
- Established, 22.400
- Officers; meetings, 22.405
- Operation of cemetery, 22.407
- Purpose, 22.401
- Term, 22.403

#### Emergency Radio Frequency Board

- Application required; violation, 22.603
- Authority, 22.602
- Established, 22.600
- Meetings, 22.601

#### Fire Department

- Appointment; discharge, 22.105
- Compensation, 22.106
- Created, 22.100
- Drill requirements, 22.104
- Duties of members, 22.108
- Equipment standards, 22.101
- Fire Chief; powers duties, 22.107
- Liability insurance required, 22.103
- Mutual aid, 22.109
- Officers; by-laws, 22.102
- Operations budget, 22.110

#### Human Rights Commission, 22.506 (See also HOUSING REGULATIONS)

#### Law Enforcement Foundation Program

- Additional training requirements, 22.028
- Compliance with Crime Commission required, 22.032
- Compliance with laws required, 22.032
- Educational requirements, 22.026
- Incentive payments, 22.029
- Participation, 22.025
- Required reports, 22.031
- Segregated bank accounts; reporting required, 22.033
- Training course requirement, 22.027

#### Parks, Playground and Recreation Board, 22.504 (See also PARKS AND RECREATION)

#### Planning Commission, 22.502 (See also DEVELOPMENT CODE)

#### Police Department

- Auxiliary Police Force
- Compensation, 22.053

## **LONDON - INDEX**

---

### **DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES (Cont'd)**

#### **Police Department (Cont'd)**

##### **Auxiliary Police Force (cont'd)**

**Created, 22.050**

**Membership; investigation required, 22.051**

**Oath, 22.054**

**Term of office, 22.052**

## LONDON - INDEX

---



## **LONDON - INDEX**

---

### **DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES (Cont'd)**

#### **Police Department (Cont'd)**

##### **General Provisions**

Authorization to carry concealed deadly weapons, 22.003

Composition; Compensation, 22.002

Duty to answer fire alarms; assist Fire Department, 22.004

Established, 22.001

Part-time police officers, 22.005

Tourism and Convention Commission, 22.508

Tree Board, 22.505 (See also TREES)

#### **Utilities Commission**

Bidding and procurement practices, 22.205

Billings, 22.210

Commission minutes, 22.207

Delegation of authority, 22.209

Duties and responsibilities of commission, 22.203

Employees of the Commission, 22.204

Meeting dates and times, 22.206

Number of and requirements of Commissioners, 22.201

Previous agreements and contracts, 22.208

Reestablishment and recreation of utility commission, 22.220

Regulations for escheating water meter deposits to General Fund, 22.211

Terms of office, 22.202

### **DEVELOPMENT CODE**

Adoption by reference, 80.01

### **DISCRIMINATION (See CITY POLICIES; HOUSING REGULATIONS)**

### **ELECTED OFFICIALS**

#### **City Council**

Duties, 20.209

Election, 20.200

Immunity, 20.207

Meetings, 20.208

Ordinances, 20.210

Qualifications, 20.202

Quorum, 20.205

Removal, 20.206

Resignation, 20.204

Term, 20.201

Vacancies, 20.203

#### **General Provisions**

Compensation of elected officers, appointed officials, and employees, 20.002

Election procedure, 20.003

Organization, 20.001

## **LONDON - INDEX**

---

### **ELECTED OFFICIALS (Cont'd)**

#### **Mayor**

- Delegation of authority, 20.106
- Election, 20.100
- Powers; duties, 20.105
- Qualifications, 20.102
- Resignation, 20.104
- Term, 20.101
- Vacancy, 20.103

### **EROSION AND STORM WATER CONTROL**

#### **Control of soil erosion**

- Appeals, 83.103
- Building Inspector requirements, 83.101
- Fines, 83.102
- Notification, 83.100
- Permit fees, 83.104
- Exemptions, 83.003
- Granting or denying plans, 83.004
- Requirements of property owners, 83.001
- Scope of coverage, 83.002
- Storm water drainage, 83.005
- Storm water management plan required, 83.006

### **ETHICS CODE**

- Adopted by reference, 26.001

### **FINANCIAL ADMINISTRATION**

#### **General Provisions**

- Accounting records, 23.002
- Annual audit, 23.004
- Annual budget, 23.003
- Definitions, 23.001
- Official depositories, 23.005

### **FINANCIAL INSTITUTION FRANCHISE AND LOCAL DEPOSIT TAX**

- Imposition of tax, 63.001
- Lien imposed, 63.003
- Penalty, 63.999
- Tax due, 63.002
- Use of tax, 63.004

### **FIRE DEPARTMENT (See DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES)**

## **LONDON - INDEX**

---

### **FIRE PREVENTION AND PROTECTION**

#### **Explosives**

Authority; scope, 71.100

Blasting permits, 71.102

Storage; transportation; use, 71.101

#### **Fireworks**

Bond or liability insurance requirement, 71.203

Consumer fireworks; restrictions on sale, 71.202

Definitions; legality of items, 71.200

Exempted sales and uses, 71.204

Sale or use prohibited; exceptions, 71.201

Seizure and sale of fireworks; notice of proposed disposal required, 71.205

[Text continues on page 15]

## **LONDON - INDEX**

---

## LONDON - INDEX

---

### FIRE PREVENTION AND PROTECTION (Cont'd)

#### General Provisions

- Enforcing officers, 71.002
- Fire alarm siren, 71.005
- Fire reports, 71.006
- Fire safety plan inspections of businesses, 71.007
- Obstructing entrance to fire station, 71.003
- Obstructing fire hydrants, 71.004
- Standards of safety adopted by reference, 71.001

Penalty, 71.999

### FLOOD DAMAGE PREVENTION

#### Administration

- Designation of local administrator, 82.300
- Duties and responsibilities of the local administrator, 82.302
- Establishment of development permit, 82.301

Appeals and variance procedures, 82.500

Definitions, 82.100

#### General provisions

- Abrogation and greater restrictions, 82.204
- Basis for establishing the special flood hazard areas, 82.201
- Compliance, 82.203
- Enforcement, violation notice, 82.207
- Establishment of development permit, 82.202
- Interpretation, 82.205
- Lands to which this chapter applies, 82.200
- Warning and disclaimer of liability, 82.206

Penalty, 82.999

#### Provisions for Flood Hazard Reduction

- Critical facilities, 82.406
- General construction standards, 82.400
- Specific standards, 82.401
- Standards for accessory structures in all zones beginning with the letter 'A',  
82.405
- Standards for shallow flooding zones, 82.403
- Standards for streams without established base flood elevation (unnumbered A  
zones)
  - and or floodways, 82.402
- Subdivision proposals, 82.404
- Statutory authorization, findings of fact, purpose and objectives
  - Objectives, 82.003
  - Statement of purpose, 82.002
  - Statutory authorization, findings of fact, 82.001

### FRANCHISES, Table 4

## **LONDON - INDEX**

---

### **GARBAGE AND TRASH**

#### **Containment**

- Acceptable containers, 30.100
- Disposal of cut brush and junk items, 30.103
- Disposal of garbage and trash in other than regulation containers, 30.102
- Improperly prepared garbage and trash prohibited from pick-up, 30.106
- Monthly rates and rental payment fees, 30.107
- Placement of garbage and trash for pick-up; dumpster regulations, 30.104
- Plastic garbage bags required for kitchen and table scraps, 30.101
- Unsafe objects to be disposed of privately, 30.105

#### **General Provisions**

- City collection service to be used, 30.002
- Definitions, 30.001

#### **Penalty, 30.999**

#### **Rates and service**

- Business rates, 30.202
- Compliance with separation standards, 30.200
- Dumpsters, 30.203
- Health and sanitation, 30.208
- Non-payment of collection charges, 30.206
- Other garbage collection, 30.204
- Record keeping, 30.205
- Residential rates, 30.201
- Transfer station rates, 30.207

### **GENERAL PROVISIONS**

- Code designation, 10.001
- Conflicting sections or provisions, 10.008
- Definitions, 10.002
- General penalty, 10.999
- Historical references, 10.010
- Omissions or errors, 10.009
- Ordinances affected by codification, 10.007
- References to code, 10.012
- Rights or liability accrued before repeal of ordinance, 10.006
- Rules of construction, 10.003
- Severability of parts of code, 10.005
- Signatures and writings, 10.004
- Supplementation of code, 10.013
- Titles, articles, division, and section headings, 10.011

### **GOLF CARTS (See MOTOR VEHICLE REGULATION)**

## **LONDON - INDEX**

---

### **HOUSING REGULATIONS**

- Existing Structures Code
  - Additional definitions, 72.003
  - Additional insertions and changes, 72.002
  - Adoption of BOCA National Existing Structures Code, 72.001
- Unfair housing practices
  - General Provisions
    - Definitions, 72.100
    - Prohibited acts; exemptions, 72.101
  - Human Rights Commission
    - Enforcement of orders, 72.152
    - Membership, 72.150
    - Powers, 72.151

### **INSURANCE LICENSES**

- Breakdown of collections required, 61.005
- Date due, 61.004
- Definition, 61.001
- License required, 61.002
- Penalty, 61.999

### **MAYOR (See ELECTED OFFICIALS)**

### **MOBILE HOMES AND TRAILER PARKS (See also DEVELOPMENT CODE)**

- Compliance required, 73.008
- Conditions for application, 73.002
- Definitions, 73.001
- Filing of application, 73.003
- Location, 73.004
- Penalty, 73.999
- Placement of mobile homes, 73.006
- Requirements, 73.005
- Trailer park license fee, 73.009
- Water and sewer charges, 73.007

### **MOBILE SELF-CONTAINED FOOD UNIT PROGRAM**

- Established, 69.001
- Exemptions, 69.003
- Mobile food unit requirements, 69.002
- 69.999, Penalty
- Program administration, 69.004

### **MOTOR VEHICLE REGULATION**

- Administration and Enforcement
  - Accident investigations, studies, and reports, 40.022
  - Police and fire department authority, 40.020

## **LONDON - INDEX**

---

### **MOTOR VEHICLE REGULATION (Cont'd)**

#### **Bicycles**

- Application of traffic laws, 40.400
- Carrying articles, 40.411
- Clinging to vehicles, 40.410
- Compliance required; parental responsibility, 40.401
- Emerging from alley or driveway, 40.409
- Equipment, 40.412
- Number of riders, 40.404
- Obedience to traffic-control devices, 40.402
- Parking, 40.408
- Riding on roadways or bicycle paths, 40.405
- Riding on seat, 40.403
- Riding on sidewalks, 40.406
- Speed, 40.407

#### **General Provisions**

- Application of chapter to public employees, 40.005
- Application of regulations to persons propelling pushcarts or riding animals, 40.006
- Compliance required, 40.003
- Definitions, 40.002
- Obedience to police and fire personnel, 40.004
- Short title, 40.001
- Speed limitations; emergency or public safety vehicles exempted, 40.007

#### **Golf Carts**

- Definitions, 40.510
- Penalty, 40.999
- Requirements for operation of golf carts and exemptions, 40.511

#### **Impoundment**

- Challenge of validity; request for hearing, 40.031
- Impoundment of vehicles, 40.030
- Lien, 40.033
- Notice of Impoundment, 40.032

#### **Load Limits, Hauling of Goods**

- Hauling of excessive loads prohibited, 40.501
- Maximum load weights on certain streets, 40.500
- Truck refrigeration units, 40.502

#### **Parades and Funeral Processions**

- Funeral processions
  - Driving in funeral processions, 40.101
  - Identification of funeral procession, 40.100

#### **Parades**

- Application form, 40.115
- Definitions, 40.110



## LONDON - INDEX

---

### MOTOR VEHICLE REGULATION (Cont'd)

#### Parades and Funeral Processions (Cont'd)

##### Parades (Cont'd)

Insurance, 40.114

Permit required; exceptions, 40.111

Standards for issuance of permit, 40.113

Written application, 40.112

#### Parking Schedules; Permits

##### Parking Permits

Parking permits, 40.185

##### Parking Schedules

Automobile only parking zones, 40.175

Fire lanes, 40.178

Free taxi-parking zones, 40.173

No charge for parking in previously metered spaces, 40.171

No parking zones, 40.170

Parking for persons with disabilities; penalty, 40.176

Parking reserved for official vehicles, 40.172

One-hour parking, 40.177

Unloading, loading zones, 40.174

#### Parking Violations; Prohibitions

##### Prohibitions

Double parking; slanted parking, 40.160

Moving vehicle from parking space, 40.161

Parking fees and fines, 40.163

Parking of trucks without protecting streets, 40.162

##### Violations

Appeals, 40.153

Contesting determination that violation occurred; request for hearing,  
40.152

Failure to comply with notice, 40.151

Notice on illegally parked vehicle, 40.150

Prepayment of fines for certain parking violations, 40.154

#### Pedestrians

Crossing at right angles, 40.303

Drivers to exercise due care, 40.310

Emergency vehicles, 40.308

Pedestrians on bridges, railroad crossings, 40.309

Pedestrians right-of-way in crosswalks, 40.301

Pedestrians subject to traffic-control signals, 40.300

Pedestrians to use right half of crosswalk, 40.302

## LONDON - INDEX

---

## LONDON - INDEX

---

### MOTOR VEHICLE REGULATION (Cont'd)

#### Pedestrians (Cont'd)

- Pedestrian to yield right-of-way in certain cases, 40.304
- Pedestrians walking along roadways, 40.306
- Prohibited crossing, 40.305
- Soliciting rides, business prohibited, 40.307

#### Speed Regulations

- Application of state speed laws, 40.080
- Regulation of speed by traffic signals, 40.081
- Speed limits, 40.082

#### Stop Regulations; Schedules

##### General Provisions

- Emerging from alley or private drive, 40.092
- Intersections where stop required, 40.091
- Stop signs; obedience required, 40.090
- Stop when traffic obstructed, 40.093

##### Stop Sign Schedules

- Four-way stop intersections, 40.096
- Three-way stop intersections, 40.095

#### Stopping, Standing, or Parking Prohibited in Certain Places

- Displaying for sale; washing or greasing, 40.135
- Obstructing traffic, 40.132
- Official signs required, 40.130
- Parking adjacent to schools, 40.136
- Parking in alleys, 40.134
- Parking on narrow streets, 40.137
- Parking on one-way streets and roadways, 40.138
- Parking when snow or ice conditions exist, 40.133
- Stopping, standing or parking near hazardous or congested places, 40.139
- Stopping, standing or parking prohibited, 40.131

#### Traffic-Control Devices

- Authority to install; manual and specifications, 40.040
- Crosswalks, safety zones, and traffic lanes, 40.047
- Display of unauthorized signs, signals, or markings, 40.049
- Flashing signals, 40.045
- Interference with signs or signals, 40.048
- Obedience required, 40.041
- Pedestrian signals, 40.044
- Temporary closing of streets, 40.046
- Traffic-control signal legend, 40.043
- When devices required, 40.042

#### Traffic Rules; General Provisions

- Approach of emergency vehicles, 40.065
- Driving through safety zones prohibited, 40.067
- Duties of operators, 40.068

## **LONDON - INDEX**

---

### **MOTOR VEHICLE REGULATION (Cont'd)**

#### **Traffic Rules; General Provisions (Cont'd)**

- Following fire apparatus; crossing fire hose, 40.066
- Left-turn lanes, 40.063
- One-way streets and alleys, 40.060
- Through lanes, 40.062
- Two-way streets, 40.061
- U-turns prohibited, 40.064

### **NON-ELECTED OFFICIALS**

#### **Chief of Police**

- Compensation, 21.303
- Oath; bond, 21.301
- Office established, 21.300
- Powers; duties, 21.302

#### **City Attorney**

- Conflicts of interest, 21.205
- Compensation, 21.204
- Oath, 21.202
- Office established, 21.200
- Powers; duties, 21.203
- Qualifications, 21.201

#### **City Clerk**

- Compensation, 21.103
- Oath; bond, 21.101
- Office established, 21.100
- Powers; duties, 21.102

#### **General Provisions**

- Bond, 21.003
- Compensation, 21.004
- Conflicts of interest prohibited, 21.005
- Dismissal, 21.008
- Duties; qualifications, 21.007
- Established, 21.001
- Oath of office, 21.002
- Reports to City Council, 21.006

### **NUISANCES**

#### **Building Refuse; Debris**

- Accumulation prohibited, 50.200
- Declaration of nuisance, 50.201
- Notice of violation, 50.202

#### **General Provisions**

- Common law and statutory nuisances, 50.002

## LONDON - INDEX

---

### NUISANCES (Cont'd)

#### General Provisions (Cont'd)

Definitions, 50.001

#### Noise

Operation or maintenance of loud speakers, 50.300

Penalty, 50.999

#### Smoking

Definitions, 50.501

Enforcement, 50.505

Posting of signs, 50.504

Reasonable distance, 50.502

Smoking prohibited, 50.500

Violations, 50.506

Where smoking is not regulated, 50.503

#### Vehicles as nuisances

##### Abandonment

Operator's personal property, 50.403

Property of another prohibited, 50.402

Public property prohibited, 50.401

Definitions, 50.400

Disposal of unclaimed motor vehicles, 50.406

Notification of owner and claiming of vehicles, 50.405

Removal of abandoned motor vehicles, 50.404

#### Weeds

Notice of violation, 50.101

Overgrowth prohibited, 50.100

### OCCUPATIONAL LICENSES

Administrative provisions, 60.011

Apportionment, 60.004

Definitions, 60.001

Employers to withhold, 60.005

Estimated payments, 60.008

Extensions, 60.007

Federal audit provisions, 60.010

Information to remain confidential, 60.012

Occupational license required, 60.002

Occupational license tax payment required, 60.003

Penalty, 60.999

Refunds, 60.009

Returns required, 60.006

## **LONDON - INDEX**

---

### **OFFENSES**

#### **Firearms**

##### **Discharging firearms**

Definitions, 52.200

Discharging firearms, 52.201

Permission of Chief of Police, 52.203

Violation by a minor, 52.202

##### **Hunting**

Hunting with firearms, 52.250

#### **General Offenses**

Maliciously sounding fire alarms, 52.002

Peddling, selling produce, 52.001

Posting of signs, 52.004

Sirens, 52.003

#### **Halloween**

Rules for observance, 52.300

Penalty, 52.999

### **PARKING (See MOTOR VEHICLE REGULATION)**

### **PARKS AND RECREATION**

#### **Parks, Playground and Recreation Board**

Bond, 53.006

Compensation, 53.003

Composition; appointment, 53.002

Established, 53.001

Officers; staff, 53.005

Powers; duties, 53.008

Rules for transaction of business, 53.007

Term, 53.004

### **PARKS, PLAYGROUND, AND RECREATION BOARD (See PARKS AND RECREATION)**

### **PAY AND CLASSIFICATION PLAN**

Adopted by reference, 27.001

### **PENALTIES**

Airport zoning, 81.999

Amusements, 62.999

Animals, 51.999

Building regulations, 70.999

Cable television regulations, 64.999

Financial institution franchise and local deposit tax, 63.999

Fire prevention and protection, 71.999

## LONDON - INDEX

---

### PENALTIES (Cont'd)

- Garbage and trash, 30.999
- General, 10.999
- Insurance licenses, 61.999
- Mobile homes and trailer parks, 73.999
- Mobile self-contained food unit program, 69.999
- Motor vehicle regulation, 40.999
- Nuisances, 50.999
- Occupational licenses, 60.999
- Offenses, 52.999
- Restaurant retail sales tax, 68.999
- Streets and sidewalks, 41.999
- Trees, 54.999
- Water and sewer, 31.999
- Yard sales, 55.999

### PERSONNEL POLICIES

- Adopted by reference, 27.001

### PERSONNEL POLICIES AND PROCEDURES, Table 6

### PLANNING COMMISSION (See DEVELOPMENT CODE)

### POLICE DEPARTMENT (See DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES)

### PROPERTY MAINTENANCE CODE, 70.003

### PUBLIC MEETINGS

- General Provisions
  - Definitions, 25.001
- Public Meeting Requirements
  - Enforcement, 25.105
  - Meetings open to the public, 25.100
  - Public meeting schedules, 25.102
  - Requirements for closed sessions, 25.101
  - Special meetings, 25.103
  - Video teleconferences, 25.104

### PUBLIC RECORDS

- General Provisions
  - Definitions, 24.001
- Procedures for Requesting Public Records
  - Access to records relating to particular individual, 24.106
  - Concealing or destroying records prohibited, 24.105
  - Initial request with immediate inspection, 24.100

## LONDON - INDEX

---

### PUBLIC RECORDS (Cont'd)

#### Procedures for Requesting Public Records (Cont'd)

- Public records not immediately available, 24.102
- Public records protected from disclosure, 24.107
- Referral to proper custodian, 24.101
- Refusal of unreasonable requests, 24.103
- Time limitation; denial of inspection, 24.104

### REPEALED ORDINANCES, Table 1

### RESTAURANT RETAIL SALES TAX

- Amount - payment submission, 68.004
- Bond requirements for individual handling and disbursing funds, 68.008
- Confidential information, 68.010
- Imposed, 68.001
- Late payment penalties and interest charges, 68.005
- Liens, 68.009
- Maintenance of funds - use, 68.007
- Maintenance of supporting documents - inspection authority, 68.006
- Restaurant defined, 68.002
- Temporary food stands, booths, street concessions and similar type operations - applicability, 68.003
- Violations; penalty, 68.999

### STREETS AND SIDEWALKS (See also Table 7)

#### Excavation; Construction

- Liability, 41.103
- Notice, 41.101
- Specifications, 41.102
- Use of city streets, 41.100

#### General Provisions

- Restrictions on skateboards, 41.003
- Restrictions on trucks, 41.002
- Soliciting contributions, 41.001

#### Penalty, 41.999

#### Roads and Bridges Projects

- Hearing to be held prior to construction, 41.203
- Notice requirements, 41.201
- Public hearing required, 41.200
- Public may testify; effect of testimony, 41.202
- Separate hearing for each project not required, 41.204
- Time limitation; denial of inspection, 24.104

### SUPERSEDED ORDINANCES, Table 1



## **LONDON - INDEX**

---

### **TREES**

#### **City Tree Board**

Compensation, 54.102

Creation, 54.100

Duties; responsibilities, 54.103

Operation; quorum, 54.104

Term, 54.101

#### **General Provisions**

Definitions, 54.001

Penalty, 54.999

#### **Tree Planting Regulations**

Arborist's license; insurance required, 54.209

Dead, diseased tree removal on private property, 54.207

Distance from curb, sidewalk, 54.202

[Text continues on page 27]

## **LONDON - INDEX**

---

## **LONDON - INDEX**

---

### **TREES (Cont'd)**

#### **Tree Planing Regulations (Cont'd)**

- Distance from street corners, fireplugs, 54.203
- Interference with city tree board prohibited, 54.208
- List of allowable species, 54.200
- Pruning, corner clearance, 54.206
- Public tree care, 54.204
- Review by City Council, 54.210
- Spacing, 54.201
- Tree topping, 54.205

### **UTILITIES COMMISSION (See DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES)**

### **WATER AND SEWER**

#### **Sewer**

##### **Building Sewers and Connections**

- Design and installation, 31.042
- Inspections, 31.043
- Permits, 31.040
- Prohibited connections, 31.041

##### **Enforcement**

- Additional enforcement remedies, 31.139
- Administrative orders, 31.137
- Enforcement actions not exclusive, 31.140
- General provisions, 31.135
- Notice of violation, 31.136
- Show cause hearing, 31.138

##### **Fees**

- Charges and fees, 31.101
- Purpose, 31.100

##### **General Provisions**

- Abbreviations, 31.003
- Definitions, 31.002
- Purpose; policy, 31.001

##### **Penalties, 31.999**

##### **Pollutant Discharge Limits**

- City's right of revision, 31.067
- Dilution of wastewater discharge, 31.062
- Federal categorical pretreatment standards, 31.068
- General conditions, 31.060
- Grease, oil, and sand interceptors, 31.063
- Protection from accidental and sludge discharges, 31.065
- Restricted discharges, 31.061
- Special industrial pretreatment requirements, 31.064
- State requirements, 31.066

## **LONDON - INDEX**

### **WATER AND SEWER (Cont'd)**

#### **Sewer (Cont'd)**

##### **Powers and Authority of Inspectors**

- Access to easements, 31.122
- Right to enter premises, 31.120
- Right to obtain information regarding discharge, 31.121
- Safety, 31.123

##### **Pretreatment Program Administration**

- Annual publication, 31.093
- Alternative discharge limits, 31.084
- Compliance data reporting, 31.087
- Confidential information, 31.095
- Industrial user permits, 31.081
- Inspection and sampling, 31.091
- Monitoring, 31.090
- Periodic compliance reports, 31.088
- Permit conditions, 31.083
- Permit duration, 31.085
- Permit modifications, 31.082
- Permit transfers, 31.086
- Permit violations, 31.089
- Pretreatment, 31.092
- Signatory requirements, 31.096
- Significant noncompliance, 31.094
- Wastewater discharges, 31.080

##### **Private Wastewater Disposal**

- Public sewer not available, 31.030
- Requirements for installation, 31.031

##### **Use of Public Sewers**

- Compliance with local, state, and federal laws, 31.012
- Discharge of unpolluted waters into sewer, 31.013
- Mandatory sewer connections, 31.010
- Prohibited discharges, 31.014
- Unlawful discharge to storm sewers or natural outlets, 31.011

#### **Water**

##### **General Provisions**

- Authority of Utilities Commission, 31.202
- Definitions, 31.200
- Exclusive use of water, 31.201

##### **Rates and Charges**

- Application for water service, 31.231
- Billings, 31.230

## **LONDON - INDEX**

---

### **WATER AND SEWER (Cont'd)**

#### **Water (Cont'd)**

##### **Rates and Charges (Cont'd)**

Classification of customers, 31.232

Fire hydrant rental rates, 31.228

Fire protection sprinkler system rates, 31.227

Tap-on fees, 31.229

Water meter charges, 31.225

Water rates, 31.226

### **WIRELESS TELECOMMUNICATIONS FACILITIES SITING REGULATIONS**

#### **Application and Review Process**

Appeal, 65.023

Application process , 65.020

Authority, 65.025

Conflict with other laws, 65.024

Planning Commission limitations, 65.022

Review process, 65.021

#### **General Provisions**

Definitions, 65.004

Purpose and legislative intent, 65.001

Severability, 65.003

Title, 65.002

### **YARD SALES**

Hours for operating, 55.001

Penalty, 55.999

### **ZONING (See DEVELOPMENT CODE)**

### **ZONING MAP CHANGES, Table 9**

## **LONDON - INDEX**

---