

ROWAN COUNTY, KENTUCKY

CODE OF ORDINANCES

2019 S-18 Supplement contains:

Local legislation current through an ordinance passed 10-16-18

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PUBLISHER'S ACKNOWLEDGMENT

In the publication of this Code of Ordinances, every effort was made to provide easy access to local law by municipal officials, the citizens of this municipality, and members of the business community.

We want to express our grateful appreciation to all municipal officials for their untiring efforts in the preparation of this Code of Ordinances.

AMERICAN LEGAL PUBLISHING CORPORATION

Stephen G. Wolf, Esq.
President

ADOPTING ORDINANCE

ENACTING AS AN ORDINANCE, A CODE OF ORDINANCES FOR THE COUNTY OF ROWAN, REVISING, AMENDING, RESTATING, CODIFYING, AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE COUNTY DEALING WITH SUBJECTS EMBRACED IN THE CODE.

WHEREAS, the present general ordinances of the County of Rowan are incomplete and inadequate and the manner of arrangement, classification and indexing thereof is insufficient to meet the immediate needs of the County; and

WHEREAS, the Acts of the Legislature of the Commonwealth of Kentucky empower and authorize the Legislative Body of this County to revise, amend, restate, codify and to compile any existing ordinance or ordinances and all new ordinances not heretofore adopted or published and to incorporate the ordinances into one ordinance in book form; and

WHEREAS, the Legislative Body of the County of Rowan has authorized a general compilation, revision and codification of the ordinances of the County of a general and permanent nature and publication of such ordinances in book form;

NOW, THEREFORE, BE IT ORDAINED by the Legislative Body of the County of Rowan that:

Section 1. The general ordinances of the County of Rowan as herein revised, amended, restated, codified, and compiled in book form are adopted as and shall constitute the "*Code of Ordinances of the County of Rowan.*"

Section 2. The code as adopted in Section 1 shall consist of the following titles:

Chapter

TITLE I: GENERAL PROVISIONS

10. General Provisions

TITLE III: ADMINISTRATION

- 30. County Government; Fiscal Court
- 31. Boards and Authorities
- 32. Finance and Taxation
- 33. Personnel
- 34. Code of Ethics
Appendix: Financial Disclosure Report
- 35. Elections

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TITLE V: PUBLIC WORKS

- 50. Solid Waste
- 51. Sanitation District

TITLE VII: TRAFFIC CODE

- 70. County Road System Schedule
- 71. Traffic Schedules

TITLE IX: GENERAL REGULATIONS

- 90. Fair Housing
- 91. Hazardous Materials
- 92. Emergency 911 Service

TITLE XI: BUSINESS REGULATIONS

- 110. Occupational License Tax

TITLE XIII: GENERAL OFFENSES

[RESERVED]

TITLE XV: LAND USAGE

- 150. Flood Damage Prevention

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- III. Interlocal Agreements
- IV. Street Closings

Section 3. All prior ordinances pertaining to the subjects treated in the Code shall be deemed repealed from and after the effective date of the Code, except as they are included and reordained in whole or in part in the Code; provided that such repeal shall not effect any offense committed or penalty incurred or any right established prior to the effective date of the Code, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises or granting special rights to certain persons, authorizing public improvements, authorizing

the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements or plats, accepting dedications of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code.

Section 4. The Code shall be deemed published as of the day of its adoption and approval by the County Legislative Body and Clerk of the County of Rowan is hereby authorized and ordered to file a copy of the Code in the Office of the County Clerk.

Section 5. The Code shall be in full force and effect from and after its date of passage, approval and publication as required by law. The Code shall be presumptive evidence in all courts and places of the ordinance and all provisions, sections, penalties and regulations therein contained, and of the date of passage, and that the same is properly signed, attested, recorded and approved, and that any public hearings and notices thereof as required by law have been given.

FIRST READING

Given first reading on this the 16th day of May, 2000, and passed by a vote of 5 ayes and 0 nays.

ATTEST:

Jean W. Bailey /s/
JEAN W. BAILEY
ROWAN COUNTY CLERK

Clyde A. Thomas /s/
CLYDE A. THOMAS
ROWAN COUNTY JUDGE/EXECUTIVE

SECOND READING

Given second reading on this the 20th day of June, 2000, and PASSED AND ADOPTED by vote of 5 ayes and 0 nays.

ATTEST:

Jean W. Bailey /s/
JEAN W. BAILEY
ROWAN COUNTY CLERK

Clyde A. Thomas /s/
CLYDE A. THOMAS
ROWAN COUNTY JUDGE/EXECUTIVE

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT
TO THE CODE OF ORDINANCES OF THE
COUNTY OF ROWAN, KENTUCKY**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2001 S-1 supplement to the Code of Ordinances of the County of Rowan, which supplement contains all ordinances of a general nature enacted since the prior supplements 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 to the Legislative Authority to accept these updated sections in accordance with the change of the law of the Commonwealth of Kentucky;

NOW, THEREFORE, BE IT ORDAINED by the County of Rowan:

SECTION 1. That the 2001 S-1 supplement to the Code of Ordinances of the County of Rowan, 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. This ordinance shall become effective immediately upon the second reading of the ordinance which shall be held on the 19th day of June, 2001.

SECTION 3. That this ordinance shall take effect and be in force from and after its date of passage, approval and publication as required by law.

FIRST READING

Given first reading on this the 16th day of May, 2001, and passed by a vote of 5 ayes and 0 nays.

ATTEST:

Jean W. Bailey /s/
JEAN W. BAILEY, CLERK
ROWAN COUNTY COURT

Clyde A. Thomas /s/
CLYDE A. THOMAS
ROWAN COUNTY JUDGE/EXECUTIVE

Rowan County - Adopting Ordinance

SECOND READING

Given second reading on this the 19th day of June, 2001, and PASSED AND ADOPTED by a vote of 5 ayes and 0 nays.

ATTEST:

Jean W. Bailey /s/
JEAN W. BAILEY, CLERK
ROWAN COUNTY COURT

Clyde A. Thomas /s/
CLYDE A. THOMAS
ROWAN COUNTY JUDGE/EXECUTIVE

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT
TO THE CODE OF ORDINANCES OF THE
COUNTY OF ROWAN, KENTUCKY**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2002 S-2 supplement to the Code of Ordinances of the County of Rowan, which supplement contains all ordinances of a general nature enacted since the prior supplements 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 to the Legislative Authority to accept these updated sections in accordance with the change of the law of the Commonwealth of Kentucky;

NOW, THEREFORE, BE IT ORDAINED by the County of Rowan:

SECTION 1. That the 2002 S-2 supplement to the Code of Ordinances of the County of Rowan, 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. This ordinance shall become effective immediately upon the second reading of the ordinance which shall be held on the 16th day of July, 2002.

SECTION 3. That this ordinance shall take effect and be in force from and after its date of passage, approval and publication as required by law.

FIRST READING

Given first reading on this the 18th day of June, 2002, and passed by a vote of 5 ayes and 0 nays.

ATTEST:

Jean W. Bailey /s/
JEAN W. BAILEY, CLERK
ROWAN COUNTY COURT

Clyde A. Thomas /s/
CLYDE A. THOMAS
ROWAN COUNTY JUDGE/EXECUTIVE

Rowan County - Adopting Ordinance

SECOND READING

Given second reading on this the 16th day of July, 2002, and PASSED AND ADOPTED by a vote of 5 ayes and 0 nays.

ATTEST:

Jean W. Bailey /s/
JEAN W. BAILEY, CLERK
ROWAN COUNTY COURT

Clyde A. Thomas /s/
CLYDE A. THOMAS
ROWAN COUNTY JUDGE/EXECUTIVE

Ordinance No. 04-13

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT
TO THE CODE OF ORDINANCES OF THE
COUNTY OF ROWAN, KENTUCKY**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2012 supplement to the Code of Ordinances of the County of Rowan, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of the 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 to the Legislative Authority to accept these updated sections in accordance with the change of the law of the Commonwealth of Kentucky;

NOW, THEREFORE, BE IT ORDAINED by the County of Rowan:

SECTION 1. That the 2012 supplement to the Code of Ordinances of the County of Rowan, 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 provided by law.

Ordinance passed at the first reading on the 19th of February 2013 by a vote of 5 ayes and ___ nays.

Jim Nickell /s/
Jim Nickell
Rowan County Judge/Executive

Attest:

Kerry M. Jessee /s/
Kerry M. Jessee
Rowan County Fiscal County Clerk

Rowan County - Adopting Ordinance

Ordinance passed at the second reading on the 19th day of March 2013 by a vote of 4 ayes and ___ nays (1 absent).

Jim Nickell /s/

Jim Nickell

Rowan County Judge/Executive

Attest:

Kerry M. Jessee /s/

Kerry M. Jessee

Rowan County Fiscal County Clerk

Ordinance 02-14

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT
TO CODE OF ORDINANCES OF THE
COUNTY OF ROWAN, KENTUCKY.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2013 supplement to the Code of Ordinances of the County of Rowan, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of the municipality; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Kentucky Revised Statutes;

WHEREAS, it is the intent of Fiscal Court 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 County of Rowan ;

SECTION 1. That the 2013 supplement to the Code of Ordinances of the County of Rowan Morehead, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

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

Passed this 25th day of February, 2014.

Passed on First Reading February 25, 2014

Adopted on Second Reading March 18, 2014

Signed by County Judge Executive /s/

Published in the Paper 3/7/14 - 1st Reading

Recorded by Clerk March 18, 2014

/s/
Rowan County Judge Executive

ATTEST:

/s/
Fiscal Court Clerk

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§ 10.01 TITLE OF CODE.

This codification of ordinances by and for Rowan County shall be designated as the Code of Rowan County and may be so cited.

§ 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

Statutory reference:

Construction of state statutes, see KRS Ch. 446

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.04 CAPTIONS.

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.05 DEFINITIONS.

(A) *General rule.* Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Specific definitions.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CODE, THIS CODE or THIS CODE OF ORDINANCES. This county code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

COUNTY. Rowan County, Kentucky.

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**.

OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT. An officer, office, employee, commission, or department of this county unless the context clearly requires otherwise.

PERSON. Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PRECEDING or FOLLOWING. Next before or next after, respectively.

SHALL. The act referred to is mandatory.

SIGNATURE or SUBSCRIPTION. Includes a mark when the person cannot write.

STATE. The Commonwealth of Kentucky.

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

WRITTEN. Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed; equivalent to the words **YEAR OF OUR LORD.**

§ 10.06 RULES OF INTERPRETATION.

The construction of all ordinances of this county shall be by the following rules, unless such construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance:

(A) **AND** or **OR.** Either conjunction shall include the other as if written "and/or," if the sense requires it.

(B) *Acts by assistants.* When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.

(C) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

§ 10.07 SEVERABILITY.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 10.08 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

§ 10.09 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this county exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ 10.10 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

§ 10.11 OFFICIAL TIME.

The official time, as established by applicable state/federal laws, shall be the official time within this county for the transaction of all county business.

§ 10.12 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

§ 10.13 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

§ 10.14 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.15 EFFECTIVE DATE OF ORDINANCES.

All ordinances passed by the fiscal court requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

§ 10.16 REPEAL OR MODIFICATION OF ORDINANCE.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in any way be affected, released or discharged, but may be prosecuted, enjoyed and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

§ 10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the Fiscal Court shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of such chapter or section. In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 10.18 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-60; Am. Ord. 15, passed 1-1-70; Am. Ord. 20, passed 1-1-80; Am. Ord. 25, passed 1-1-85)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute.

Example: (KRS 83A.090) (Ord. 10, passed 1-17-80; Am. Ord. 20, passed 1-1-85).

(2) If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information.

Example:

§ 39.01 PUBLIC RECORDS AVAILABLE.

This county shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

For provisions concerning the inspection of public records, see KRS 61.870 et seq.

§ 10.99 GENERAL PENALTY.

Where an act or omission is prohibited or declared unlawful in this code of ordinances, and no penalty is otherwise provided, the offense shall be deemed a violation and the offender shall be fined not more than \$250 for each offense.

TITLE III: ADMINISTRATION

Chapter

30. COUNTY GOVERNMENT; FISCAL COURT

31. BOARDS AND AUTHORITIES

32. FINANCE AND TAXATION

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GENERAL PROVISIONS

§ 30.01 ADMINISTRATIVE CODE ADOPTED; DEFINITIONS; AMENDMENTS.

(A) The County Fiscal Court does hereby establish a County Administrative Code, as set out in the provisions of this title, dividing the administrative service of the county into departments under

the Chief Executive, prescribing administrative policy and procedure, prescribing the function and duties of administrative units and officials of the government, prescribing the administration of fiscal affairs and procurement procedures, and prescribing for the delivery of county services.

(B) For the purpose of this title, the following definitions shall apply unless the context indicates or requires a different meaning.

CHIEF EXECUTIVE. The County Judge Executive of Rowan County.

COUNTY. Rowan County, Kentucky, a governmental entity.

FISCAL COURT. The county commission vested with the legislative powers of Rowan County.

(C) The Fiscal Court shall review the County Administrative Code annually during the month of June and may, by a two-thirds majority of the entire Fiscal Court, amend the County Administrative Code at that time. The County Judge Executive may, at other times, prepare and submit amendments to the County Administrative Code for approval of the majority of the Fiscal Court.

(Ord. 32-03, passed 12-11-03; Am. Ord. 07-12, passed 7-17-12; Am. Ord. 08-13, passed 5-21-13; Am. Ord. 07-15, passed 9-15-15; Am. Ord. 14-17, passed 10-17-17)

§ 30.02 OFFICE OF COUNTY JUDGE EXECUTIVE.

(A) The County Judge Executive shall be the Chief Executive and Administrative Officer of the county government and shall have all the powers and perform all the duties of an executive and administrative nature consistent with the Kentucky Constitution, Kentucky Revised Statutes, and the County Fiscal Court.

(B) The responsibilities and/or duties of the County Judge Executive as defined by KRS 67.710 are as follows:

(1) Execute all ordinances and resolutions of the Fiscal Court, execute all contracts entered into by the Fiscal Court, provide for the execution of all laws of the Commonwealth of Kentucky subject to enforcement by him or her or by officers who are under his or her direction and supervision, and require the faithful performance of all administrative duties;

(2) Prepare and submit an Administrative Code to the Fiscal Court for approval incorporating the details of administrative procedure for the operation of the county and review the code and suggest revisions periodically or at the request of the County Fiscal Court;

(3) Furnish the Fiscal Court with information concerning the operations of the county departments, boards, or commissions necessary for the Fiscal Court to exercise its powers or as requested by the Fiscal Court;

(4) Require all county officials, elected or appointed, whose offices utilize county funds, and all boards, special districts, and commissions, exclusive of all incorporated cities located within the county and the County Board of Education, to provide detailed annual financial reports to the Fiscal Court concerning the business and condition of the office, department, board, commission, or special district;

(5) Consistent with procedures set forth in KRS Chapter 68, prepare and submit to the Fiscal Court an annual budget and administer the provisions of the budget when adopted by the Fiscal Court;

(6) Keep the Fiscal Court fully advised as to the financial condition and needs of the county and make such other reports from time to time as required by the Fiscal Court or as the Judge Executive deems necessary;

(7) Exercise, with the approval of the Fiscal Court, the authority to appoint, supervise, suspend, and remove county personnel, unless otherwise provided by state law (KRS 67.710(7));

(8) With the approval of the Fiscal Court, make appointments to or remove members from boards, commissions, and designated administrative positions as created by action of the County Fiscal Court, interlocal agreement, or state or federal law. The requirement of Fiscal Court approval must be designated as such in the County Administrative Code or the County Charter (KRS 67.710(8)).
(Ord. 32-03, passed 12-11-03)

§ 30.03 DEPUTY JUDGE EXECUTIVE.

(A) The Judge Executive may designate a Deputy Judge Executive who shall serve as Judge Executive in all matters, except those of a member of Fiscal Court, in the absence of the Judge Executive.

(B) The Judge Executive shall be deemed absent when he or she is physically absent from the county.
(Ord. 32-03, passed 12-11-03)

§ 30.04 ORGANIZATION/REORGANIZATION OF COUNTY DEPARTMENTS AND AGENCIES.

(A) The Judge Executive may create, abolish, or combine any county department or agency or transfer a function from one department or agency to another provided that the Judge Executive submits a written plan for the reorganization to the Fiscal Court.

(B) The reorganization plan shall state the need, how the reorganization will meet the need, the services and functions to be expanded, abolished, or reduced as a result of the plan, the long and short term costs, and the plan's impact on existing and/or proposed personnel and services.

(C) The plan shall be submitted to the Fiscal Court for approval at a regular meeting. If not disapproved within 30 days, the plan shall become effective. The plan shall be subject to public inspection at least 60 days prior to its effective date.

(D) The Judge Executive or the Fiscal Court may cause the records and accounts of any administrative agency to be examined at any time.

(Ord. 32-03, passed 12-11-03)

§ 30.05 SPECIAL DISTRICTS.

The Judge Executive may, with approval of the Fiscal Court, create any special district, or abolish or combine any special districts, provided the district was created solely by the Fiscal Court.

(Ord. 32-03, passed 12-11-03)

§ 30.06 COUNTY REPRESENTATION ON BOARDS AND COMMISSIONS.

(A) The Judge Executive shall assure the representation of the county on all boards, commissions, special districts, and joint city-county programs in which county participation is required.

(B) Every independent board, commission, agency or special district which requires participation by county government shall submit a list of its governing body members and a copy of its by-laws to the Judge Executive and the Fiscal Court no later than 30 days before the selection of governing body members. When a vacancy exists, the list of governing body members and a copy of the by-laws must be submitted to the Judge Executive no later than seven days before the Judge Executive nominates a candidate for the vacancy.

(Ord. 32-03, passed 12-11-03)

§ 30.07 APPOINTED POSITIONS.

(A) The Judge Executive may appoint an Executive Secretary to assist with the execution of his or her administrative duties.

(B) The Judge Executive may appoint, subject to the approval of the Fiscal Court, a Budget or Finance Officer to assist with the county fiscal affairs.

(C) The Judge Executive may appoint, subject to the approval of the Fiscal Court, other personnel to assist with the county administrative and fiscal duties, including, but not limited to, a County Administrator.

(Ord. 32-03, passed 12-11-03)

§ 30.08 APPOINTMENT/REMOVAL OF ADMINISTRATIVE PERSONNEL AND MEMBERS OF BOARDS AND COMMISSIONS.

(A) The Judge Executive shall inform the Fiscal Court of any open position on county boards or commissions or in designated administrative positions.

(B) The Judge Executive shall nominate qualified individuals to be appointed to administrative positions, boards, and commissions. The Judge Executive shall inform the Fiscal Court in writing, at a regular meeting, of his intention to make an appointment to any county board, commission, or other appointed position. If Fiscal Court approval of the appointment is required, the Fiscal Court shall act on the nomination within 30 days. If the Fiscal Court does not act on the nomination within the 30 day period, the appointment shall be deemed approved by the Fiscal Court.

(C) If the Fiscal Court rejects the nomination, the Judge Executive shall submit a maximum of three additional nominations for each position. Upon rejection of all three nominees, the Judge Executive shall appoint a person to serve on a temporary basis, without the approval of the Fiscal Court, for a period not to exceed one year. At the end of the one year period, the Judge Executive shall submit a maximum of three new nominees to the Fiscal Court.

(D) When Fiscal Court approval of an appointment is not required, the Judge Executive shall make the appointment pursuant to state law. No later than the next Fiscal Court meeting, the Judge Executive shall notify the Fiscal Court in writing of the appointment. The appointment shall be filed and entered into by index into the County Executive Order Book which shall be maintained in the office of the County Judge Executive.

(E) The County Fiscal Court may require a nominee to appear at a public hearing for the purpose of questioning the nominee about matters relating to the appointed position. The nominee shall be notified by mail if this is the intention of the Fiscal Court. The Fiscal Court shall provide the nominee with an opportunity to make a statement to the Fiscal Court concerning his nomination and qualifications.

(F) No person shall be selected as a member of a board or commission or for an administrative position if the person holds or is employed in an incompatible position.
(Ord. 32-03, passed 12-11-03)

§ 30.09 COUNTY PROCEDURES FOR ADMINISTRATIVE AGENCIES.

Each agency shall maintain the following records:

(A) A financial record of the agency's activities.

(B) Within 30 days after the close of each fiscal year, each administrative agency shall make full report to the Judge Executive and to the Fiscal Court. The report shall include a financial statement and the general scope of the operation of the agency during the preceding year.

(C) Each administrative agency requesting county budget funds shall submit a detailed annual budget request to the Judge Executive by February 1 of each year.

(D) Each administrative agency of county shall keep minutes of its meetings to reflect on record its official actions.

(Ord. 32-03, passed 12-11-03)

§ 30.10 MAGISTERIAL DISTRICTS.

The existing magisterial districts of the county are hereby changed to reflect the following:

(A) *Magisterial District 1.* All of the Lower Farmers #2 precinct (presently in Magisterial District 1) shall become a part of Magisterial District 2. With this change Magisterial District 1 will have a population of 5398 instead of 6345, for a 26% overall percentage of the county's total population.

(B) *Magisterial District 2.* All of Lower Farmers #2 Precinct (presently part of Magisterial District 1) shall become a part of Magisterial District 2. With this change, Magisterial District 2 will have a population of 5231 instead of 4384, for a 26% overall percentage of the county's total population.

(C) *Magisterial District 3.* All of the Christy #15 Precinct (presently part of Magisterial District 4) shall become a part of Magisterial District 3. With this change, Magisterial District 3 will have a population of 4397 instead of 3068 for a 22% overall percentage of the county's total population.

(D) *Magisterial District 4.* All of the Christy #15 Precinct (presently part of Magisterial District 4) shall become a part of Magisterial District 3. With this change, Magisterial District 4 will have a population of 5327 instead of 6656, for a 26% overall percentage of the county's total population.

(Ord. passed 8-18-92; Am. Ord. 10-11, passed 8-16-10)

Statutory reference:

Reapportionment of magisterial districts, see KRS 67.045

§ 30.11 DELIVERY OF COUNTY SERVICES.

(A) Establishment of county departments.

(B) The county government will provide the following services:

(1) Animal shelter.

(2) Adult male detention facility

- (3) Building inspection.
- (4) Emergency management.
- (5) County Property and Building Maintenance Road Department.
- (6) Ambulance service.
- (7) Solid waste coordination.
- (8) Flood plain ordinance administration.

(C) The Judge Executive will appoint administrative personnel (Director, Chief, Department head, and the like) in accordance with the Administrative Code. The administrative personnel are responsible for the direct supervision of the employees of the appropriate department.

(D) Each department will prepare a concise statement of their function and services provided in accordance with the Administrative Code and be responsible for the proper delivery of those services.

(E) Each department will adhere to any and all Kentucky Revised Statutes pertaining to their agency.

(F) Each department will provide reports to the Judge Executive and Fiscal Court and, as additionally directed by the Judge Executive, will provide details of how county services have been and are proposed to be delivered on behalf of the county.

(G) The Fiscal Court shall set the number and compensation for all employees of various departments. All employees of the various departments are covered by Chapter 33 of this code and the County Personnel Policy Manual adopted by the Fiscal Court.
(Ord. 32-03, passed 12-11-03)

§ 30.12 GUIDELINES FOR COUNTY ROAD MAINTENANCE.

For the purpose of this section, *COUNTY ROAD* shall mean a permanent road accepted into the county road system.

(A) *Creek bank stabilization.*

(1) In cases that county roads can be adversely affected (for example, flooding, undercut, or damaged), corrective work shall be done in one of the following methods:

(a) Gabion baskets filled with two-grade channel rock. Maximum height for baskets is 15 feet.

(b) T-rail restraint system.

(c) Pylon restraint system.

(d) Guardrail with channel rock fill for minor erosion problems.

(2) Note: Under no circumstance will concrete be allowed to be poured over rock or channel lining to enter a stream.

(B) *Ditch line repair and maintenance.* If there is a 10% grade or greater, ditch lines shall be extended from the edge of shoulder across ditch line with blacktop (if road surface is blacktop). The purpose is to expedite the flow of water and minimize erosion to ditch line.

(C) *Approaches to bridges in flood-prone areas.* In areas where flood waters reach approaches to bridges the approach on each side will be concrete with a concrete apron extending two feet down (or appropriate size) on each side to minimize undercut by flood waters. If existing approach is blacktop, then shoulders shall be concrete to minimize undercut.

(D) *Approach pipe for residents/businesses.* The county will supply at no cost to an individual or business an appropriate sized approach pipe off any county road up to 24 inches in diameter and up to 20 feet in length. If the County Road Supervisor or his designated personnel determines that a larger or longer approach pipe is needed, the county will credit the individual or business the cost of the maximum county-supplied approach.

(Ord. 32-03, passed 12-11-03)

§ 30.13 WORK PERFORMED ON PRIVATELY-OWNED PROPERTY.

No work will be performed by the county on privately-owned property unless one of the following conditions exists:

(A) Damage to private property was caused by the performance of work by the county on county-owned property; or

(B) Work is done that will be of major benefit to the traveling public; or

(C) Where a road is being re-routed or otherwise widened to benefit the traveling public.
(Ord. 32-03, passed 12-11-03)

§ 30.14 CONDITIONS FOR ALL ROADS OFFERED FOR ACCEPTANCE INTO THE COUNTY ROAD SYSTEM.

Every road proposed for acceptance into the Rowan County Road System must meet the following conditions:

(A) Every road must have a paved surface, 18 feet wide and consisting of a six-inch compacted mat of crushed limestone base and at least three inches of compacted bituminous binder or base. The Rowan County Road Foreman must inspect and submit a written recommendation to the Rowan County Fiscal Court for consideration. any requirement that cannot be met must be approved by the Rowan County Fiscal Court before the road may be considered for acceptance into the Rowan County Road System.

(B) The road submitted for consideration must have a minimum of three separate land owners with at least three separate residential units with access to the road. Road may be taken in by deed only. The road must have a deeded turn around at end of the road large enough to turn road maintenance equipment.

(C) If the road was constructed after June 20, 2000 the width of the proposed right-of-way must be at least 40 feet. Every effort should be made to construct the road a minimum of 22 feet wide with appropriate ditch on each side. A variance on the right-of-way and blacktop width requirements may be granted on a case-by-case basis at the discretion of the Fiscal Court.

(D) All landowners must be willing to deed a section adjacent to the right-of-way, 50 feet deep and 40 feet wide, alongside or at/near the end of the road to facilitate the turning of vehicles and equipment. This section is separate and distinct from the original road right-of-way.

(E) If the above guidelines are favorably met the Fiscal Court will consider whether to take the roadway into the county system after taking all relevant matters into consideration. The Fiscal Court reserves the right to deny acceptance of any road at the Court's discretion. The following matters will be given special consideration by the Court when making its decision:

- (1) Through roads are preferred.
- (2) Only the length of road having common use by two or more landowners will be considered for taking.
- (3) Initial cost and foreseeable maintenance costs to the county.
- (4) Likelihood of development by individual landowners.

(Ord. 23-05, passed 9-20-05; Am. Ord. 25-05, passed 11-14-05; Am. Ord. 01-12, passed 2-21-12)

OPERATION OF FISCAL COURT**§ 30.20 MEETINGS.**

(A) Regular meetings of the County Fiscal Court shall be held on the third Tuesday of every month at 8:00 a.m. at the County Courthouse.

(B) If the regular meeting days or date falls on a legal holiday, the meeting shall take place on a date agreed upon by the Judge Executive and Fiscal Court.

(C) All meetings of members of Fiscal Court at which any public business is discussed or any action taken shall be open to the public at all times except as otherwise permitted by KRS 61.810.

(D) The Judge Executive may call a special meeting of the Fiscal Court for the purpose of transacting any business over which the Fiscal Court has jurisdiction.

(E) Whenever a special meeting is necessary and the Judge Executive is unable to or refuses to act, a majority of the Fiscal Court may call a special meeting if, in their opinion, the need exists.

(F) A special meeting may be called by the Judge Executive or a majority of the members of the Fiscal Court by providing proper notice pursuant to the Kentucky Revised Statutes.
(Ord. 32-03, passed 12-11-03; Am. Ord. 17-11, passed 11-28-11)

§ 30.21 PRESIDING OFFICER.

(A) The Judge Executive shall be the presiding officer of the Fiscal Court at all regular and special meetings.

(B) If the County Judge Executive is not present or able to preside, a majority of the commissioners/magistrates shall elect one of their members to preside.
(Ord. 32-03, passed 12-11-03)

§ 30.22 QUORUM.

(A) Not less than a majority of the members of the Fiscal Court shall constitute a quorum for the transaction of business.

(B) No proposition shall be adopted except with the concurrence of at least a majority of the members present.
(Ord. 32-03, passed 12-11-03)

§ 30.23 DISTURBANCE AT MEETINGS.

(A) It shall be unlawful to disturb any meeting of the Fiscal Court or to behave in a disorderly manner at any meeting.

(B) Any person violating any provision of this section may be prosecuted under the appropriate provisions of the Kentucky Penal Code.
(Ord. 32-03, passed 12-11-03)

§ 30.24 ORDER OF BUSINESS.

(A) At each meeting of the Fiscal Court an agenda will be presented prior to meeting to be observed unless dispensed with by a majority vote of the members present.

(B) The Judge Executive shall prepare an itemized list of all valid bills requiring Fiscal Court approval.

(C) No bill shall be approved for payment unless contained in the itemized list for the meeting.

(D) However, it is provided that a majority of the Fiscal Court members may declare an emergency and approve payment of bills not included on the itemized list prepared pursuant to division (B).

(E) The Fiscal Court may approve payment of the list of valid bills as a whole unless there is an objection voiced to any specific item.
(Ord. 32-03, passed 12-11-03)

§ 30.25 RECORD OF MINUTES.

(A) The Clerk of the Fiscal Court shall attend all meetings of the Fiscal Court and keep a full and complete record of its proceedings.

(B) The Clerk of the Fiscal Court shall keep an index of all Fiscal Court records and make such index of all Fiscal Court records available for public inspection in accordance with KRS 61.870 to 61.884.
(Ord. 32-03, passed 12-11-03)

§ 30.26 RULES OF ORDER.

(A) Except when a conflict with the foregoing provisions occurs, Robert's Rules of Order shall govern the deliberations of the Fiscal Court.

(B) The rules of order, other than those prescribed by statute, may be suspended at any time by consent of a majority of the members present at the meeting.
(Ord. 32-03, passed 12-11-03)

§ 30.27 ORDINANCES, ORDERS AND RESOLUTIONS.

(A) An **ORDINANCE** means an official written act of the Fiscal Court, the effect of which is general and lasting in nature, which is enforceable within the jurisdiction of the county; or a lawful appropriation of money.

(B) All ordinances shall be introduced in writing, relate to one subject only, and contain a title which expresses the subject such as "An Ordinance relating to...."

(C) There shall be inserted between the title and the body of each county ordinance an enacting clause written in the following manner: "Be It Ordained by the Fiscal Court of the County of Rowan, Commonwealth of Kentucky."

(D) County ordinances shall be amended by ordinance and only by setting out in full each amended section.

(E) No county ordinance shall be passed until it has been read on two separate days, unless an emergency is properly declared; but ordinances may be read by title and a summary only.

(F) No county ordinance shall be passed until it has been published pursuant to KRS Chapter 424. Prior to passage, ordinances may be published by summary. Publication shall include the time, date, and place at which the county ordinance will be considered and the place within the county where a copy of the full text of the proposed ordinance is available for public inspection. In the event that consideration for passage is continued from the initial meeting to a subsequent date, no further publication is necessary provided that the time, date, and place of the next meeting is announced at each meeting.

(G) All county ordinances and amendments shall be published after passage and may be published in full or in summary form at the discretion of the Fiscal Court.
(Ord. 32-03, passed 12-11-03)

CHAPTER 31: BOARDS AND AUTHORITIES

Section

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MOREHEAD-ROWAN COUNTY AIRPORT BOARD**§ 31.01 MEMBERSHIP AND APPOINTMENTS.**

The Morehead-Rowan County Airport Board shall consist of ten members. Five members of the Board shall be appointed by the Mayor of the City of Morehead without approval of the legislative body. Five members of the Board shall be appointed by the County Judge/Executive without approval of the other members of Fiscal Court.

(Ord. passed 4-13-99)

Statutory reference:

Similar state law, see KRS 183.132

§ 31.02 TERM OF BOARD MEMBERS.

Members of the Board shall serve for a term of four years each, and until their successors are appointed and qualified. The Mayor and the County Judge/Executive shall each make their initial appointments so that one member is appointed for two years, two members are appointed for three years, and two members are appointed for four years.

(Ord. passed 4-13-99)

§ 31.03 PURPOSE, DUTIES AND POWERS.

(A) The purpose of the Morehead-Rowan County Airport Board shall be to establish, maintain, operate and expand necessary, desirable or appropriate airport and air navigation facilities. It shall have the duty and such powers as may be necessary or desirable to promote and develop aviation, including air transportation, airports and air navigation facilities.

(B) The Board shall establish and fix reasonable rates, charges and fees for the use of the landing area, ramps and other common aviation facilities. In fixing such rates, charges or fees the Board may

take into consideration, among other facts, the total capital investment by the Board or other local or state governmental authority, the revenue needed properly to maintain such facilities, the revenue needed properly to expand the airport and its facilities, the portion of the facilities utilized by the licensee or contracting party and its customers and the volume and type of business conducted. Any party aggrieved by the rates, charges or fees may appeal from the action of the Board to the circuit court of the county within which the Board operates, within 90 days from the date that the Board finally publishes such rates, charges or fees and gives notice of same to the contracting party or licensee. The circuit court may hear evidence and determine whether or not the rates, charges or fees are, or are not, reasonable in amount. Appeal from the judgment of the circuit court may be prosecuted as any other civil appeal.

(C) The Board shall likewise have power, from time to time, to fix rates, charges or fees by contract, or publishing general rates, charges or fees for commercial vendors, concessionaires or other persons for the use or occupancy of terminal or other ground use facilities, under such terms or conditions as it may deem to be in the best interest of maintaining, operating or expanding necessary airport or air navigation facilities, and the public use thereof.

(D) The Board may acquire by contract, lease, purchase, gift, condemnation or otherwise any real or personal property, or rights therein, necessary for establishing, operating or expanding airports and air navigation facilities. The Board may erect, equip, operate and maintain on such property buildings and equipment necessary, desirable or appropriate for airport or air navigation facilities. The Board may dispose of any real or personal property, or rights therein, which in the opinion of the Board are no longer needed for operating or expanding the airport or air navigation facilities.

(E) The Board may, by resolution reciting that the property is needed for airport or air navigation purposes, direct the condemnation of any property, including navigation or other easements. The procedure for condemnation shall conform to the procedures set out in the *Eminent Domain Act of Kentucky*, KRS 416.540 - 416.680.

(F) The Board may from time to time make, adopt and enforce such rules, regulations and ordinances as it may find necessary, desirable or appropriate for carrying into effect the purposes of this chapter, including those relating to the operation and control of the airport, airport facilities or air navigation facilities owned or operated by such Board. All rules, regulations and ordinances adopted pursuant to this section shall be published according to the provisions of KRS 424.130, and the Board shall keep a permanent record of such rules, regulations and ordinances available for public inspection, on the airport premises. Prosecution for a violation of any rule, regulation or ordinance adopted pursuant to this section shall be in the district court of any county within which the airport is located.

(G) The Board may engage in activities to promote, encourage or develop the use of airports or air navigation facilities under its control.

(Ord. passed 4-13-99)

Statutory reference:

Similar state law, see KRS 183.133

§ 31.04 BUSINESS CONDUCTED AT AIRPORT.

No business shall be conducted at the Morehead-Rowan County Airport unless by virtue of a contract executed with the Board.
(Ord. passed 4-13-99)

§ 31.05 PROHIBITION OF HUNTING AND DISCHARGE OF FIREARMS ON AIRPORT PROPERTY.

(A) No person shall hunt or engage in the act of hunting any wildlife of any kind upon any real estate owned or occupied by the Board or the Morehead-Rowan County Airport.

(B) No person shall discharge any firearm of any sort upon any property owned by or used by the Board and/or the Morehead-Rowan County Airport; provided, however, an official authorized to do so in the course and scope of his employment is excepted from this prohibition.
(Ord. passed 4-13-99)

§ 31.06 TRESPASSING ON AIRPORT PROPERTY.

Unless specifically permitted to do so by the Board, no person shall enter upon any real estate owned by the Board, except through designated entrances and as authorized by the Board.
(Ord. passed 4-13-99) Penalty, see § 31.99

MOREHEAD-ROWAN COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY**§ 31.20 ESTABLISHMENT.**

There is hereby established, in combination with the City of Morehead, Kentucky, an Industrial Development Authority to be known as the Morehead/Rowan County Industrial Development Authority.
(Ord. passed 3-25-82)

§ 31.21 COMPOSITION.

The Authority created in this subchapter shall be composed of six members, three of whom shall be nominated by the Mayor of the City of Morehead and approved by the Board of City Council, and three members of which shall be nominated by the County Judge/Executive and approved by the County Fiscal Court.
(Ord. passed 3-25-82)

§ 31.22 POWERS AND DUTIES.

Morehead-Rowan County Industrial Development Authority shall have all of the powers, duties, rights and privileges as set out in the enabling statutes and the membership shall be subject to the limitations and qualifications as set out in KRS 154.50-326.

(Ord. passed 3-25-82)

§ 31.23 ACTIONS BY MEMBERS PROHIBITED.

No member of the Authority shall have any pecuniary interest in any matter upon which the Authority proposes to act, nor shall the Authority enter into any contract for the acquisition, sale, or improvement of any real estate with any elected official of the governmental units creating the Authority during their tenure of office or for a period of two years following their vacation of office.

(Ord. passed 3-25-82)

TRANSIT AUTHORITY OF MOREHEAD-ROWAN COUNTY

§ 31.35 CREATION; GENERAL POWERS AND PURPOSES.

(A) A transit authority is hereby created and established under the provisions of KRS Chapter 96A by joint proceedings and the name thereof shall be "Transit Authority of Morehead-Rowan County." The public bodies creating the Transit Authority of Morehead-Rowan County in joint proceedings are the City of Morehead, Kentucky and the County of Rowan, Kentucky.

(B) Subsequent to the creation and establishment of this Transit Authority, one or more additional public bodies may be permitted to join therein in such manner and subject to such conditions as may be prescribed by the Board of the Authority with the concurrence and approval of all public bodies which have theretofore participated in the establishment or previous enlargement of the Authority.

(C) The Transit Authority of Morehead-Rowan County created and established under the provisions of KRS Chapter 96A shall become a corporate entity upon the effective date of the last of joint proceedings of the City of Morehead or the county.

(Ord. passed 10-15-91)

§ 31.36 MANAGING BOARD MEMBERSHIP.

(A) The business, activities, and affairs of this Transit Authority shall be managed, controlled and conducted by a Board consisting of members appointed as follows:

(1) This Authority, established by joint proceedings of two public bodies, shall have eight members, four of whom shall be appointed by the City of Morehead and four of whom shall be appointed by the county;

(2) Subsequent to the creation and establishment of this Authority one or more other public bodies may be permitted to join therein and the Board may be enlarged, with concurrence and approval of the governing bodies of the public bodies theretofore participating, but not by more than one additional member for each additional public body so permitted to join the authority.

(B) No officer or employee of any public body represented in the creation, establishment, or enlargement of an authority shall be eligible for appointment to the Board.

(C) After the effective date of the creation of an authority as provided in this chapter, the appointing authorities shall, in such manner as may be specified in the proceedings or joint proceedings, appoint at least two members for terms of one year, at least two members for terms of two years, at least two members for terms of three years, and the remaining number for terms of four years; such terms to expire in each instance on June 30 and thereafter until a successor is appointed and accepts appointment. Upon the expiration of these initial staggered terms, successors shall be appointed by the respective appointing authorities for terms of four years, and until successors are appointed and accept their appointments. Members shall be eligible for reappointment.

(D) Any member of the Board may be removed by his appointing authority for inefficiency, neglect of duty, malfeasance, conflict of interest or want of mental or physical capacity to serve. Any appointing authority exercising the power to remove a member of the Board shall submit to the Board a written statement setting forth the reasons for removal. Notice shall be given to the member named in such statement. A hearing, if requested, shall be conducted within 30 days before the members of the Board who are not the subject of such removal proceedings; a surer of the Board; and the member named in such removal notice may appeal any adverse decision within ten days after the rendering thereof to the circuit court of any county which is served in whole or in part by the facilities of the Transit Authority. Such appeal to be perfected by filing with the Clerk of such court a copy of the removal proceedings certified by the Secretary-Treasurer of the Board. The court, upon application of the member removed may in its discretion order that the original record of the proceedings be filed with the Clerk as the basis for such appeal. There shall be a right of appeal to the court of appeals.

(E) Members of the Board shall be allowed reasonable expenses necessarily incurred by them in the conduct of the affairs of the Authority.

(Ord. passed 10-15-91)

§ 31.37 FISCAL YEAR.

The Transit Authority of Morehead-Rowan County shall operate for an initial fiscal period ending June 30 next following the effective date of its creation as a corporate entity, and shall thereafter operate on a fiscal year basis beginning each July 1 and ending on the ensuing June 30.
(Ord. passed 10-15-91)

§ 31.38 BOARD MEETINGS; QUORUM.

(A) Regular meetings of the Board shall be held at least once in each calendar month, at such time and place as may be fixed by the Board as a matter of record. Special meetings of the Board may be called by the chairman or any two members of the Board upon oral or written notice to all members at least 48 hours in advance. Each notice of a special meeting shall state the time, place and purpose or purposes thereof. Notice may be waived by any member, orally or in writing, before, at or after such special meeting and the presence of any member at any such special meeting shall constitute a waiver of any defect of notice, unless such member shall cause it to appear of record that his or her attendance is only for the purpose of objecting to any deficiency in the notice or the time or manner of giving the same.

(B) A majority of the members of the Board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as the Authority may previously have provided for according to its bylaws. The affirmative vote of a majority of a quorum shall be necessary for the adoption of any motion, measure or resolution. Passage of any motion, measure or resolution may be by voice vote, provided:

(1) At the request of any member the yea and nay votes shall be recorded upon call of the roll;
and

(2) Such record shall be made in all proceedings involving any adjustment of rates and charges for such of the services and facilities of the mass transportation system of the Authority, authorization of proceedings to acquire property through exercise of the power of eminent domain, the issuance of revenue bonds or mortgage bonds of the Authority, a request that general obligation bonds be issued by any public body for the benefit of the Authority, or approval and authorization of any lease agreement wherein the Authority is the lessor and a public body or public bodies (or any combination thereof) may be the lessee or lessees as provided in this subchapter.

(KRS 96A.060) (Ord. passed 10-15-91)

§ 31.39 BOARD OFFICERS.

(A) The Board shall within 60 days after the appointment of its entire initial membership, and thereafter in July of each year, elect from its members a Chairman and a Vice Chairman. It may, in its discretion, employ an Executive Director and a Secretary-Treasurer, neither of whom shall be a member of the Board. Provided, however, if the creation and establishment of the Authority is shown by the provisions of the proceedings or joint proceedings to have been undertaken only on a standby basis, the Board may defer the employment of an Executive Director and may, on an interim basis, designate a Secretary-Treasurer from its own membership.

(B) The Board may, in its discretion, employ necessary legal counsel and other agents and employees to carry out its work functions and may from time to time prescribe and alter such rules and regulations as it may deem necessary.

(C) The Executive Director, if and when employed in the discretion of the Board, shall be experienced and knowledgeable in the field of transportation, and if and when employed, such Executive Director shall be the Chief Executive Officer of the Authority, having such powers and duties as the Board may prescribe. Such Executive Director may recommend the establishment or alteration of rules and regulations, and of rates and charges for use of the services and facilities of the mass transportation system of the authority, but action in such respects and in the issuance of revenue bonds or mortgage bonds of the authority, and in requesting the issuance of general obligation bonds by other public bodies for the benefit of the Authority, and in authorizing leases of the properties of the Authority for financing purposes, shall be taken by the Board, or by the Executive committee of the Board if properly thereunto authorized.

(D) The Secretary-Treasurer shall keep the minutes of all meetings of the Board, and shall also keep a set of books showing the receipts and expenditures of the Board. He shall preserve on file duplicate vouchers for all expenditures and shall present to the Board, upon request, complete reports of all financial transactions and the financial condition of the Board. Such books and vouchers shall at all times be subject to examination by the governing body of any public body by which the Authority was created or enlarged. He shall transmit at least once annually a detailed report of all acts and doings of the Board to the public body or bodies by whom the Board was created. He shall cause monies of the Authority coming into his hands to be deposited in one or more financial institutions, as designated from time to time by the Board.

(E) The Board shall require its Secretary-Treasurer, and its Executive Director, if and when such Executive Director shall be employed, each to execute bond in favor of the Authority, in such respective penal sums as the Board may fix, in favor of the Authority, and conditioned upon faithful performance of the duties of such offices and full accounting to the Authority. Each such bond shall be with corporate surety, provided by a corporate surety company qualified to transact business in Kentucky and approved, in each instance, by the Board. The Board may in like manner require similar bonds, with corporate surety, to be given by other officers, agents and employees in such manner and in such penal sums as it may specify from time to time. Premiums payable to sureties upon such bonds shall be paid by the Authority and may be chargeable as an operating expense of the Authority.

(F) The Board shall fix the salaries, wages or other compensation of the officers, agents, and employees whom it may engage from time to time: in each case within such limitations, if any, as may be prescribed in the proceedings or joint proceedings set forth in the establishment of the Authority, or as such proceedings may be amended. Such salaries, wages or other compensation shall constitute obligations of the Authority only, and shall be payable from the Authority's revenues and any other available resources, and shall not constitute obligations of any city or county participating in the creation or subsequent enlargement of the Authority.

(G) The Board may, by resolution duly adopted and spread at large upon its public records, establish an executive committee, composed of such members of the Board as may be specified in such resolution and may authorize such executive committee to exercise in intervals between Board meetings any powers of the Board except those powers which are expressly required by this chapter or by other controlling provisions of law to be exercised by the Board.

(H) The Board may create such other committees of its members as it may deem necessary or proper, but the same shall be advisory in nature and shall report to the Board or to the Executive Committee, and shall not be authorized to take any independent action except in such advisory capacity. (Ord. passed 10-15-91)

§ 31.40 ACQUISITION OF TRANSPORTATION SYSTEMS BY PURCHASE OR CONDEMNATION; SUBSIDIES.

(A) A transit authority may establish mass transportation within its transit area and areas, but may not inaugurate service in direct competition with any existing certificated carrier.

(B) In addition to the power conferred upon an authority by KRS Chapter 96A, an authority may acquire real or personal property, easements, franchises, bus certificates, or other rights by any lawful means necessary to its operation of any existing mass transit system within its transit area and adjoining areas. Having acquired an existing transit system it shall not thereafter inaugurate service in direct competition with any other existing certificated carrier.

(C) An authority may, if unable to contract or agree with the owners thereof, acquire real and personal property, franchises, bus certificates, easements and other rights when necessary in and to the accomplishments of the public purposes of the Authority through exercise of the power of eminent domain. Provided, however, that in acquiring any private bus company pursuant to this section, the Authority may not do so piecemeal but shall acquire the entire system, including that which may be outside the area then included with the Authority. An authority shall not condemn any real and personal property, franchises, bus certificates, easements, and other rights of a private bus company, the majority of whose passengers move between termini without the transit area. Any exercise of such power shall be initiated by resolution of the Board of the Authority identifying the properties or rights to be acquired, reciting the Board's determination that acquisition by such means is necessary, and authorizing initiation of proceedings as required by law, and such resolution of the Board of the Authority shall not be conclusive of such determination but shall be subject to the approval of the Fiscal Court or courts of the county or counties in which the property sought to be condemned is located.

(D) Proceedings in the exercise of the power of eminent domain herein vested in authority shall, except where inconsistent with KRS Chapter 96A, be such as are prescribed for the Transportation Cabinet by the *Eminent Domain Act of Kentucky* and as the same may be amended and supplemented from time to time. All such proceedings shall be governed by the provisions of the Rules of Civil Procedure except where the provisions of KRS Chapter 96A or of the *Eminent Domain Act of Kentucky* (KRS 416.540 - 416.680) specifically or by necessary implication provide otherwise. If a privately owned mass transportation system or other property sought to be acquired by an authority shall have been acquired or improved in whole or in part at the expense of the Authority, the cost and value of such acquisitions and improvements shall be excluded in any proceedings to establish the fair value thereof.

(E) During any period when negotiations for the purchase of a mass transit system are in progress, or during any period when proceedings for acquisition of a mass transportation system through exercise of the power of eminent domain may be pending, an authority may make reasonable subsidy payments to the owner or owners of such mass transit system if, in the judgment of the Board of the Authority, such subsidy payments are necessary in order to give reasonable assurance that there will be no substantial reduction of transportation service to the public. Such subsidy payments may be made by an authority from any resources available to it, or from appropriations made or agreed to be made to it by any public body having an interest in the preservation of mass transit service to the public. If bonds are ultimately issued for the purchase or other acquisition of such mass transit system, the aggregate amount of such subsidy payments may be included as a part of the cost of acquisition and made payable from the proceeds of such bonds. In no event, however, shall any action on the part of a Board of this Authority in this connection create an indebtedness of the authority beyond its available resources or such appropriations or the proceeds of such bonds, if and when bonds are issued.

(Ord. passed 10-15-91)

§ 31.41 AUTHORITY'S CAPACITY TO ACCEPT APPROPRIATIONS, GRANTS.

(A) The Transit Authority of Morehead-Rowan County shall not be vested with any power to levy taxes of any nature or in any amount.

(B) The governing body of any public body participating in the creation and establishment of this Authority, or in the subsequent enlargement thereof, may, in the proceedings or joint proceedings, or by subsequent action, appropriate and pay over to an authority from its general funds or from other resources not required by law to be appropriated for other purposes, any sum or sums of money, or any property which such public body shall determine to be necessary or advisable in furtherance of the public purposes of the Authority as set forth in KRS Chapter 96A. An authority may receive monies or property from any such source, and may use the same in furtherance of its proper purposes, but an authority shall not pledge appropriations from any such source for any period beyond the period for which any such appropriations shall be made, except to the extent of committing that any such appropriation, when and if actually received by the Authority, without commitment as to the possible amount thereof, will be applied by the Authority in certain specified ways.

(Ord. passed 10-15-91)

ROAD DEPARTMENT**§ 31.55 COUNTY ROAD DEFINED.**

Under state law a **COUNTY ROAD** is a public road that has been accepted into the county road system by an ordinance or other appropriate order of the Fiscal Court.

(Ord. passed 1-17-89)

Cross-reference:

County road system schedule, see Ch. 70

Statutory reference:

Similar state law, see KRS 178.010

§ 31.56 ROAD DEPARTMENT EMPLOYEES; INVENTORY OF ROAD SYSTEM.

(A) County roads shall be maintained by the County Road Department under the supervision of County Road Engineer or Supervisor who is appointed by the County Judge/Executive with the approval of the Fiscal Court.

(B) The Fiscal Court shall set the number and compensation of all employees in the Road Department. All appointments to the Road Department, and removals therefrom, shall be made by the County Judge/Executive with the approval of the Fiscal Court in accordance with the provisions of state law.

(C) The County Road Engineer or Supervisor shall prepare and maintain a current inventory of the county road system. The county road inventory shall include the following information for each district:

- (1) Road number and name;
- (2) Road length;
- (3) Type of surface, its condition and width;
- (4) Width of the right-of-way; and
- (5) Number of bridges on the road, their posted limit and condition.

(D) A monthly road plan shall be submitted for each district by the Magistrate to the County Judge/Executive at monthly Fiscal Court meetings stating the work to be done in the district and approximate cost of work to be done.

(E) Equipment and materials for the Road Department shall be acquired in accordance with the provisions of this code. No departmental property or equipment shall be used for private purposes or on private property.

(Ord. passed 1-17-89)

Statutory reference:

County road engineer, see KRS 179.020

MOREHEAD/ROWAN COUNTY OFFICE OF EMERGENCY MANAGEMENT

§ 31.65 CREATION.

(A) There is hereby created the Morehead/Rowan County Office of Emergency Management, in accordance with the provisions of KRS 39B.010, which shall serve in the interest of public safety within the territorial boundaries of Rowan County.

(B) The Morehead/Rowan County Office of Emergency Management shall develop, implement, and maintain the local comprehensive emergency management program for Morehead/Rowan County in accordance with the provisions of KRS Chapters 39A to 39F, the comprehensive emergency management program requirements of the State Division of Emergency Management, the provisions of the Kentucky Emergency Operations Plan, administrative regulations promulgated by the State Division of Emergency Management, and the resolutions, orders or ordinances of the City Council of Morehead and Fiscal Court of Rowan County.

(C) The Morehead/Rowan County Office of Emergency Management shall be an organizational unit of city and county governments attached to the Office of County Judge/Executive and the Mayor and shall have primary jurisdiction, responsibility, and authority for all matters pertaining to the comprehensive emergency management program and disaster and emergency response of all Rowan County.

(D) The Morehead/Rowan County Office of Emergency Management shall meet all requirements for a local emergency management agency as specified in KRS Chapters 39A to 39F, and shall serve as the executive branch of the Morehead/Rowan County Disaster and Emergency Services organization established pursuant to KRS 39B.050.

(E) The Mayor of Morehead and Rowan County Judge/Executive shall designate, prepare, and include a separate Office of Emergency Management budget unit classification within each annual fiscal year of Morehead and Rowan County budget, and all financial matters of the Morehead/Rowan County Office of Emergency Management will be handled through the county treasury and uniform budget system.

(Ord. passed 8-21-01)

§ 31.66 DIRECTOR.

(A) The County Judge/Executive and Mayor, within 30 days of assuming office, shall appoint a Morehead/Rowan County Emergency Management Director in accordance with the provisions of KRS 39B.020, and shall immediately notify the state Division of Emergency Management of the appointment.

(B) The Morehead/Rowan County Emergency Management Director, appointed pursuant to this section, shall be sworn by oath to the office of Emergency Management Director immediately upon appointment, and shall serve at the pleasure of the Mayor and County Judge/Executive, but shall serve no longer than four consecutive years without reappointment and, as a minimum, shall meet all the qualification requirements as specified in KRS 39B.020.

(Ord. passed 8-21-01)

§ 31.67 POWERS AND DUTIES OF DIRECTOR.

The Morehead/Rowan County Emergency Management Director shall have and exercise all the powers, authorities, rights, and duties as specified in, or referenced in, KRS 39B.030, and in the orders or ordinances of the City Council and Fiscal Court of Rowan County, to include the following:

(A) To represent the Mayor or County Judge/Executive on all matters pertaining to the comprehensive emergency management program and the disaster and emergency response of Morehead/Rowan County;

(B) To be the executive head of, and chief administrative officer of, the Morehead/Rowan County Office of Emergency Management and direct, control, supervise, and manage the development, preparation, organization, administration, operation, implementation, and maintenance of the comprehensive emergency management program of Morehead/Rowan County, and to coordinate all disaster and emergency response of Morehead/Rowan County;

(C) To develop, update, and maintain the Morehead/Rowan County Emergency Operations Plan in compliance with the provisions of KRS Chapter 39B.030(3);

(D) To establish, maintain, and coordinate or direct the response of the Morehead/Rowan County Disaster and Emergency Services organization in accordance with the provisions of the Morehead/Rowan County Emergency Operations Plan, the Kentucky Emergency Operations Plan, and the provisions of KRS 39B.050;

(E) To notify the Mayor or County Judge/Executive and the State Division of Emergency Management immediately of the occurrence, or threatened or impending occurrence, of any emergency,

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declared emergency, disaster, or catastrophic incident or situation in Morehead/Rowan County, and provide in such notice an assessment of possible or actual damages or threats to life, health, safety, property, or the environment, and recommend any emergency actions or orders which should be executed;

(F) To be the chief advisor to, and the primary on-scene representative of, the City of Morehead and County Judge/Executive in the event of any emergency, declared emergency, disaster, or catastrophe within all Rowan County;

(G) To respond and have full access to the scenes of an emergency, declared emergency, disaster, or catastrophe and immediately investigate, analyze, or assess the nature, scope, or seriousness of all situations; coordinate the establishment and operation of an incident command or management system; execute the provisions of the Morehead/Rowan County Emergency Operations Plan; activate the Morehead/Rowan County Emergency Operations Center or on-scene command post; convene meetings, gather information, and conduct briefings; notify the Mayor and/or County Judge/Executive and the State Division of Emergency Management immediately of the nature, scope, or seriousness of any emergency situation and provide information on all on-going response actions being taken in association with the incident; provide any assistance requested, as deemed necessary or appropriate; and take any actions to fully expedite and coordinate the disaster and emergency response of all local public or private agencies, departments, units, or individuals;

(H) To take or direct immediate actions to protect public safety at the direction of the County Judge/Executive or Mayor during any declared emergency or disaster;

(I) To act as an official representative of the State Division of Emergency Management when specifically requested by the state director;

(J) To report directly to the County Judge/Executive or Mayor and act in an official policy-making capacity when carrying out all duties of the office of Emergency Management Director;

(K) To have full signatory authority, in accordance with the city and county administrative codes, for execution of all contracts, agreements, or other official documents pertaining to the administration, organization, and operation of the Morehead/Rowan County Office of Emergency Management and the local comprehensive emergency management program;

(L) To direct all paid or volunteer employees, staff assistants, or other workers of the Morehead/Rowan County Office of Emergency Management, and supervise any operating units and personnel associated with it which are officially appointed and affiliated with the Morehead/Rowan County Disaster and Emergency Services organization pursuant to the provisions of KRS 39B.070;

(M) To prepare and submit regular or scheduled program activity reports to the area manager of the State Division of Emergency Management and the County Judge/Executive;

(N) To execute bond in the amount as determined by the Mayor and County Judge/Executive, when directed by the County Judge/Executive and Mayor;

(O) To prepare and submit to the County Judge/Executive and Mayor of Morehead, on an annual basis by the first day of March, a program and agency budget request for the Morehead/Rowan County Office of Emergency Management;

(P) To prepare and submit to the State Division of Emergency Management, on an annual basis by the fifteenth of July, a fiscal year Program Paper and budget request for the Morehead/Rowan County Office of Emergency Management;

(Q) To enroll and be a registered member of the Kentucky Emergency Management Association;

(R) To perform the duties of, or appoint with the approval of the Fiscal Court of Rowan County, the local Search and Rescue Coordinator pursuant to the provisions of KRS 39F.200;

(S) To perform all executive, administrative, organizational, or operational duties and tasks required pursuant to KRS Chapters 39A to 39F, Kentucky administrative regulations, the Kentucky Emergency Operations Plan, or program guidance issued by the State Division of Emergency Management; and to carry out all other emergency management-related duties as required by the resolutions, orders, or ordinances of the Morehead City Council and Fiscal Court of Rowan County, the executive orders of the City and County Judge/Executive, and the provisions of the Morehead/Rowan County Emergency Operations Plan.

(Ord. passed 8-21-01)

ROWAN COUNTY EXTENSION DISTRICT AND BOARD

§ 31.80 EXTENSION DISTRICT CREATED.

There is hereby created the Rowan County Extension District, whose boundaries shall be coexistent with the boundaries of the county, and which shall constitute a governmental subdivision of the Commonwealth and a public body corporate.

(Ord. 15-03, passed 8-19-03)

§ 31.81 BOARD CREATED.

There is hereby created the Rowan County Extension Board, to be composed of the County Judge Executive and six other county residents appointed in accordance with KRS 164.635, the Board to possess all powers granted to it by KRS 164.605 to 164.675 and other applicable law

(Ord. 15-03, passed 8-19-03)

ARTS PROMOTION FOUNDATION**§ 31.90 TITLE.**

The name of this board herein and therefore as the Rowan County Arts Promotion Foundation, herein referred to as "Foundation".
(Ord. 13-04, passed 6-21-04)

§ 31.91 MEMBERSHIP.

Membership of the foundation will consist of ten members appointed by the Rowan County Judge/Executive and approved by the Rowan County Fiscal Court. The terms of the members will be staggered to ensure continuity; Foundation shall consist of two members appointed for one year, two members appointed for two years, three members appointed for three years and three members appointed for four years. The Board shall consist of one member from the Rowan County Fiscal Court; one member from the Morehead City Council; one member from the Cave Run Arts Association; one member from Morehead Art Guild; one member from the Morehead Theatre Guild; one member from the Rowan County Historical Society; one member from the Morehead State University Department of the Arts; and three members at-large from Rowan County.
(Ord. 13-04, passed 6-21-04; Am. Ord. 11-11, passed 8-20-11)

§ 31.92 APPOINTMENT.

The County Judge/Executive will appoint an interim chairperson with the approval of the Rowan County Fiscal Court to serve until Foundation by-laws are drafted and accepted by vote of the Rowan County Fiscal Court.
(Ord. 13-04, passed 6-21-04)

§ 31.93 PURPOSE.

The purpose of this Foundation is to formulate policies and procedures for the Rowan County Arts Center and Historic Courthouse Square. The mission of the Foundation includes, but is not limited to, the specific purpose(s): to create or sponsor the creation of a community based educational center for the falsification of the arts, with an express goal to foster the diverse creativity and to develop appreciation for all arts, both creative and performing, through an inclusive program of instruction, performance and display, as well as, to maintain and preserve relevant historical memorabilia and records for the preservation of Rowan County heritage.
(Ord, 13-04, passed 6-21-04)

§ 31.94 BY-LAWS APPROVAL.

The Foundation will be required to develop and present to, for the approval of Rowan County Fiscal Court, a draft of by-laws before operation and management of the facility is transferred.
(Ord. 13-04, passed 6-21-04)

§ 31.95 FINANCIAL REQUIREMENTS.

The Foundation will be required to seek tax exempt status from the Internal Revenue Service, providing that exempt status is not automatic. The Foundation fiscal year shall be from July 1 through June 30. No later than five months prior to the end of each fiscal year, the Foundation shall submit a proposed annual itemized operating budget, including anticipated income and expenditures for the next succeeding fiscal year, including any and all carryover. The Foundation shall also obtain an annual audit performed by a certified public accountant. A complete copy of the audit shall be presented to the Rowan County Fiscal Court within six months following the end of the fiscal year for approval.
(Ord. 13-04, passed 6-21-04)

§ 31.96 ARTICLE OF INCORPORATION APPROVAL.

The Foundation will be required to develop article of incorporation for submission and approval by Rowan County Fiscal Court prior to their submission to the Kentucky Secretary of State and Rowan County Clerks Office for filing.
(Ord. 13-04, passed 6-21-04)

§ 31.99 PENALTY.

(A) Any person convicted of violating § 31.06 shall be guilty of a misdemeanor and shall for each offense be fined not less than \$50 nor more than \$500, or imprisoned not to exceed six months, or both. Each trespass shall constitute a separate offense.

(B) Any person violations any of the provisions of §§ 31.65 through 31.67, or any lawful orders, rules or regulations promulgated pursuant to it, upon conviction shall be guilty of a Class A misdemeanor. Violators of §§ 31.65 through 31.67 may be issued a citation by the Sheriff of Rowan County or by a duly authorized official.
(Ord. passed 4-13-99; Am. Ord. passed 8-21-01)

CHAPTER 32: FINANCE AND TAXATION

Section

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GENERAL PROVISIONS**§ 32.01 RESPONSIBILITY FOR FINANCIAL MANAGEMENT.**

The Judge Executive is responsible for management of the fiscal affairs of the county and may personally perform the function of the Finance Officer.

(Ord. 32-03, passed 12-11-03)

§ 32.02 BUDGET PREPARATION.

(A) The Finance Officer shall prepare a report of anticipated revenue from intergovernmental transfers from local, state, and federal governments.

(B) The Finance Officer shall review the expenditures in each classification of each fund for the preceding and current fiscal years.

(C) The Finance Officer shall obtain receipts for actual expenditures made during the current fiscal year from the County Treasurer.

(D) An estimate shall be made of any surplus, by fund, which will remain.

(E) The Finance Officer shall obtain from the Sheriff an annual settlement, not later than February 1 of the current year, showing county taxes collected.

(F) The Finance Officer shall obtain, from the Property Valuation Administrator, an official estimate of net assessment growth and an estimate of the ad valorem taxes that would be produced using the preceding year's tax rate.

(Ord. 32-03, passed 12-11-03)

§ 32.03 DUTIES OF COUNTY FINANCE OFFICER.

(A) Following action by the Fiscal Court, but not later than June 10, the budget shall be submitted to the Kentucky State Local Finance Officer for approval as to form and classification.

(B) The county budget approved by the State Local Finance Officer shall be submitted to Fiscal Court for adoption.

(C) The Judge Executive shall cause a copy of the proposed budget to be posted in a conspicuous place in the courthouse not less than ten days before final adoption.

(1) A summary of the county budget shall be published in a newspaper of largest general circulation in the county at least seven, but not more than 21, days before final adoption by Fiscal Court.

(2) The Judge Executive shall maintain a copy of the budget as adopted, together with any amendments adopted thereafter, for public inspection.

(Ord. 32-03, passed 12-11-03)

§ 32.04 COUNTY BUDGET HEARING PROCEDURES AND REQUIREMENTS.

(A) County Road Aid (CRA) Fund:

(1) Published notice of the proposed use hearing on the CRA fund shall be published 30 days in advance of the scheduled hearing.

(2) The Judge Executive shall conduct the proposed use hearing.

(3) Copies of the published notice and written minutes of the hearing shall be maintained by the Judge Executive as public record.

(B) Prior to adoption of the county budget and submittal to the State Local Finance Officer, the Fiscal Court shall conduct a budget hearing on the entire county budget to show the relationship of LGEA fund uses to other funds and uses. The date of the final budget hearing may be immediately prior to the first reading of the budget ordinance.

(C) Notice of the budget hearing shall be published in at least one newspaper of general circulation and other news media in the community shall be advised. The preceding shall be as follows:

(1) Published notice of budget hearing not less than ten days prior to the scheduled hearing;

(2) The Fiscal Court shall conduct the budget hearing;

(3) Copies of the published notice and written minutes of the hearing shall be maintained by the Judge Executive as public record.

(D) The County Judge Executive and the Fiscal Court shall set a date not later than July 1, or within ten days after receipt of the certified assessment from the Department of Revenue, as provided by KRS 122.180, whichever shall be later, for first reading of the budget ordinance for adoption.

(E) After adoption of the budget ordinance on first reading, the County Judge Executive shall give statutory notice of the second reading of said ordinance by the Fiscal Court.

(F) The County Judge Executive shall publish, or cause to be published, a summary of the budget no more than 30 days after its adoption by the Fiscal Court.
(Ord. 32-03, passed 12-11-03)

§ 32.05 PROCEDURES FOR COUNTY TREASURER.

(A) The County Treasurer shall receive and deposit all funds due the county.

(B) County funds shall be paid out only on order of Fiscal Court.

(C) No expenditures may be made in excess of revenues or for purposes other than appropriated.

(D) No appropriations may be made which exceed adopted budget amounts.

(E) The Treasurer shall keep an appropriation expenditure ledger. The ledger shall be a record of each budget appropriation, and all expenditures from the appropriation and each budget fund.

(F) The Treasurer shall maintain a general ledger in which all transactions are entered, either in detail or in summary. Each fund (General Fund, Road Fund, Local Government Economic Aid, Ambulance Fund, and the like) has a complete balancing set of general ledger accounts. Control accounts are established for the cash receipts register and the appropriation expenditure ledger.

(G) The Treasurer shall maintain a cash receipt register containing columns for total cash received, source of revenue, and miscellaneous revenue for each fund.

(H) The Treasurer and Finance Officer shall maintain an appropriation expenditure ledger. This ledger is a group of accounts supporting in detail the appropriation and expenditure accounts of the general ledger. An account must be provided for each appropriation made in the budget. The original appropriation and all amendments and transfers authorized by order of the Fiscal Court shall be entered. All expenditures shall be charged to an appropriation account.

(I) The Treasurer and Finance Officer shall maintain a record of all warrants paid (except payroll) in chronological order in a warrant distribution register. Columns shall provide for date, payee, warrant number, appropriation expenditure account number and amount. Separate columns shall be provided for each fund so that one register serves all funds.

(J) The Treasurer shall maintain a payroll authorization book designed to facilitate convenient preparation and certification of the payroll. One order of the Fiscal Court may be made to authorize payment for all employees for more than one payroll period.

(K) The Treasurer shall maintain an individual earnings record for each employee including gross earnings, deductions, and net pay at the time computed.

(L) The Treasurer shall maintain a notes payable register which provides information on notes for temporary loans in anticipation of the current year's revenue and which indicates the principal amount, interest rate, due date, fund, and other necessary details.

(Ord. 32-03, passed 12-11-03)

§ 32.06 PROCEDURES FOR FISCAL COURT ADMINISTRATION BY THE COUNTY JUDGE EXECUTIVE.

(A) At the beginning of each fiscal year the total amount of the appropriation represents the free balance or unused appropriation amount for each account.

(B) As expenditures are made during the year, the amount of the expenditure is subtracted from the free balance to keep an accurate record of the exact amount of the unused appropriation at any time.

(C) When any item is ordered, the free balance is encumbered in that amount even though it may be considerable time before the actual expenditure occurs.

(D) The Judge Executive shall write and sign all warrants directing the Treasurer to make a payment authorized by Fiscal Court. The Judge Executive shall maintain a record of all warrants.

(E) At the close of each fiscal year the Judge Executive will be responsible for the preparation of records necessitated by the annual county audit and audit of the Judge Executive's Office. The annual audits of the books, accounts, and papers of the county and the Judge Executive shall be conducted by the State Auditor of Public Accounts or a Certified Public Accountant.

(Ord. 32-03, passed 12-11-03)

§ 32.07 CLAIMS AGAINST THE COUNTY.

(A) The Judge Executive shall account for all claims against the county.

(B) All claims for payment from the county shall be filed in writing with the Judge Executive.

(C) Each claim shall be recorded by date, receipt, and purchase order number and presented to the Fiscal Court at its next meeting.

(D) Each order of Fiscal Court approving a claim shall designate the budget fund and classification from which the claim will be paid, and each warrant shall specify the budget fund and classification.

(E) The payroll for county officials and regular county employees, as well as several known recurring payments such as interest and principal on bonded debt, utilities, and appropriations to agencies to be paid periodically, are not required to have monthly court approval.

(F) The depositor of county funds shall not honor any warrant on the county unless it is signed by both the County Judge Executive and the County Treasurer. In the absence of the Judge Executive the Deputy Judge Executive may sign.

(G) Claims against the state for out-of-state prisoners should be filed with the state. If no county monies or vehicles are used and the agent is on his/her own time, then checks from the state should go to the agent or agents making the trip (KRS 440.090).

(H) All offices collecting county or state monies shall utilize a daily deposit, drawing interest on a daily basis, until settlement is made to state and county. County fees shall be remitted to the county no later than the tenth day of each month following the month of collection unless a written waiver is given by Fiscal Court.

(Ord. 32-03, passed 12-11-03)

§ 32.08 INVESTMENT POLICY.

(A) The county hereby authorizes the following parties and individuals to invest the county's funds, pursuant to the terms and conditions of the County Administrative Code:

(1) County Treasurer and County Judge Executive.

(2) Jailer (limited to jail funds).

(B) Funds not needed for current expenses or obligations of the county may be invested in any of the following:

(1) Obligations of the United States and its agencies and instrumentalities, including obligations subject to repurchase agreements provided that delivery of these obligations subject to repurchase agreements are taken either directly or through an authorized custodian. The investments may be accomplished through repurchase agreements reached with sources including, but not limited to, national or state banks chartered in Kentucky.

(2) Obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States or a United States government agency including, but not limited to:

(a) United States Treasury;

(b) Export-Import Bank of the United States;

(c) Farmers Home Administration;

(d) Government National Mortgage Corporation; and

(e) Merchant Marine bonds.

(3) Obligations of any corporation of the United States government including, but not limited to:

(a) Federal Home Loan Mortgage Corporation;

(b) Federal Farm Credit Banks;

(c) Bank of Cooperatives;

(d) Federal Intermediate Credit Banks;

(e) Federal Land Banks;

(f) Federal Home Loan Banks;

(g) Federal National Mortgage Association; and

(h) Tennessee Valley Authority.

(4) Certificates of deposit issued by, or other interest-bearing accounts of, any banks or savings and loan institutions which are insured by the Federal Deposit Insurance Corporation or similar entity or which are collateralized, to the extent uninsured, by any obligations permitted by KRS 41.240(4).

(C) The investment authority outlined above shall be subject to the following limitations: The county shall not purchase any investment on a margin basis or through the use of any similar leveraging technique.

(Ord. 32-03, passed 12-11-03)

§ 32.09 JAIL BUDGET.

The jail budget shall be prepared by the County Judge/Executive, County Treasurer, Jailer and incorporated into the overall county budget, pursuant to KRS 441.225. The County Treasurer is responsible for keeping books on jail expenditures and, along with the Jailer, reporting to the Fiscal Court on jail accounts.

(Ord. passed 1-17-89)

§ 32.10 FISCAL COURT CAPITALIZATION POLICY.

(A) The policy of the County Fiscal Court is to capitalize assets when the useful life is greater than one year and the acquisition cost meets the capitalization threshold.

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(B) Purchased or constructed capital assets and infrastructure are reported at acquisition or construction cost or estimated historical cost. Donated capital assets are recorded at their estimated fair value at the date of donation.

(C) Capital assets and infrastructure are capitalized and depreciated as outlined in the attached capitalization threshold table for the Fiscal Court.

(D) Assets will be depreciated on the straight-line basis over their estimated useful lives as outlined in this section.

(E) The useful life table below shows the useful life by asset type for the Fiscal Court.

<i>Asset</i>	<i>Useful Life (Expressed in Years)</i>
Land improvements	10 - 60
Buildings	10 - 75
Building improvements, machinery and equipment	3 - 25
Infrastructure	10 - 50
Intangibles	2 - 40

(F) Capitalization threshold table.

	<i>Tracking and Inventory</i>	<i>Capitalize and Depreciate</i>
Land	\$1	Capitalize only
Land improvements	\$1	\$12,500
Building	\$1	\$25,000
Building improvements	\$1	\$25,000
Construction in progress	\$1	Capitalize only
Machinery and equipment	\$500	\$2,500
Vehicle	\$500	\$2,500
Infrastructure	\$10,000	\$20,000

(Ord. 28-03, passed 10-21-03)

PROCUREMENT POLICY

§ 32.20 CONTRACTS AND PURCHASES.

(A) The Judge Executive is responsible for the negotiation and execution of all contracts for supplies and services and for administration and supervision of the county purchasing system.

(B) Every contract of the county shall be authorized or approved by the Fiscal Court before it is executed by the Judge Executive.

(C) Every contract of the county shall be approved as to form and legality by the County Attorney.

(D) The Judge Executive may delegate performance of part or all of the purchasing duties by appointing a designee, who may in turn delegate duties as needed to appropriate personnel under his or her supervision.

(Ord. 32-03, passed 12-11-03)

§ 32.21 BID AND AWARD PROCEDURES.

(A) Requests for goods and/or services which cost less than \$20,000, or are on an annual bid, or for which there exists a state pricing contract are not required to be purchased through the competitive bidding procedure. However, the competitive bidding procedure may be used at any time to obtain competitive pricing. When the competitive bidding procedure is desired, the department head must have the Judge Executive's approval prior to advertising for bids.

(B) The Judge Executive advertises for bids in the newspaper of jurisdiction in the county at least once, not less than seven days, nor more than 21 days, before bid opening. The advertisement shall include the time and place the bids will be delivered and opened and will also include the place where the specifications may be obtained.

(C) The Judge Executive shall open all bids publicly at the time and place stated in the advertisement. Opening of bids need not occur at a Fiscal Court meeting.

(D) The Judge Executive checks against the specifications to insure that all bids are considered on an equal basis and to insure that all bids meet the minimum specifications. After analyzing each bid with the assistance of the particular department head or other expert, the Judge Executive creates a written recommendation as to the best bid by a responsible bidder. The Fiscal Court then decides whether or not to award the bid. If the lowest bid is not selected, the reasons are to be stated in writing. The Fiscal Court may choose to reject all bids if none are satisfactory.

(E) All bidders are notified in writing of the Fiscal Court's action by the Judge Executive.

(F) The Judge Executive, with the assistance of department heads, shall annually prepare a list of supplies and materials that the county expects to purchase, the value of which is \$20,000 or more. This list shall be made available to vendors who will be requested to submit their bids for such items for the forthcoming fiscal year. Vendors need not bid on all items. Items on which the county may expend less than \$20,000 during a fiscal year, but for which it may nevertheless be desirable to solicit competitive bids, may also be a part of the annual bid process. The county will purchase annual bid items from the winning vendors during the course of the fiscal year provided, however, that a lower or better price is not discovered at some point in time after annual bids have been awarded. Winning vendors may adjust their prices down from that offered in a winning bid, but they may not increase their prices above their bid.

(G) The county may, at its discretion, require a bid bond, certified check, or other guarantee from vendors as insurance to the county that the material or service will be provided as specified in the bid advertisement. Bid bonds, certified checks, or other guarantees from unsuccessful bidders will be returned promptly. Successful bidders will have their bid bond, certified check, or other guarantee returned upon successful completion of the project or delivery of goods.

(Ord. 32-03, passed 12-11-03)

§ 32.22 GENERAL PURCHASE PROCEDURES.

(A) All purchases must be verified and approved by the issuance of a purchase order. When the vendor submits an invoice, the purchase order number must be indicated; invoices without a purchase order number will not be paid. Sufficient funds must also exist in the department's particular line item from which the purchases will be paid. Department heads shall complete the purchase order form and signify their approval of the purchases by their signature or other appropriate method.

(B) If insufficient funds exist, a written request to transfer funds must be submitted by the department head to the Judge Executive requesting that funds be transferred. The line item transfer request should state the line items that the funds are to be taken from and to which line item they are to be transferred along with the purpose of the transfer. The Judge Executive shall forward all Line Item Transfer Request Forms to the Finance Director who will prepare a court order for submission to the Fiscal Court. Only after Fiscal Court approves the transfer of funds can the purchases be authorized by the issuance of a purchase order number.

(C) It is the responsibility of each department head to insure that the correct goods are received, that the vendor's invoice is received and is correct, and that the purchase order amount has not been exceeded. Any deviation from the purchase order as issued should be brought to the attention of the Judge Executive. When all invoices, bills of lading, shipping documents, and the like, are correct and the goods have been received, each department head shall forward to the Judge Executive all paperwork. After review by the Judge Executive or his designee, the paperwork shall be forwarded to the Finance Department for payment.

(D) Approval of the annual budget does not constitute permission for departments to make purchases. Factors such as cash flow and deposits on hand must always be considered before purchases are approved.

(E) "Blanket" purchase orders may be issued from time to time by the Judge Executive as necessary. Blanket purchase orders may be issued to facilitate a particular department's purchasing needs. A blanket purchase order shall give a department head the ability to purchase materials or supplies from a particular vendor up to a dollar limit and for a time period specified by the Judge Executive.

(F) The Judge Executive and department heads shall cooperate with each other to standardize all department supplies, material, equipment, and services where feasible.
(Ord. 32-03, passed 12-11-03)

§ 32.23 SMALL PURCHASE PROCEDURES.

(A) All department heads have permission to purchase materials or supplies for \$500 or less provided they obtain two or more quotes.

(B) All department heads may purchase materials or supplies for more than \$500 but less than \$1,000 provided they obtain three or more quotes for the particular items. These quotes must be formal quotes submitted by vendors or quotes obtained by telephone. If the lowest quote is not selected, a written explanation must be provided. If there are fewer than three vendors who supply the particular product, the department head should notify the Judge Executive of this situation.

(C) The deadline for purchase orders to be turned in for payment is the Tuesday preceding Tuesday's Fiscal Court meeting.
(Ord. 32-03, passed 12-11-03)

§ 32.24 NEGOTIATED PROCESS.

(A) Competitive bids must be received on all purchases where an individual item exceeds \$20,000, the total purchase order exceeds \$20,000, and/or a recurring purchase is less than \$20,000 per order but the total for the fiscal year exceeds \$20,000 or there is a reasonable expectation that the total annual purchases value will exceed \$20,000 based on historical purchasing records. All purchases covered by competitive bids must be authorized and must be approved by the Fiscal Court. In all cases, all activities of the Purchasing Department must comply with the Kentucky Revised Statutes and all county ordinances.

(B) The negotiated process may be used instead of advertisement for bids when the amounts exceed \$20,000 in the following circumstances:

- (1) An emergency exists;
- (2) The contract is for professional services;
- (3) All bids received exceed the amount budgeted.

(C) Before an emergency is declared the appropriate department head shall determine whether or not the delay in obtaining bids will result in danger to health, safety, or property and submit such determination to the Judge Executive.

(D) The Judge Executive shall certify the existence of any emergency and file a copy of such certificate with the Financial Officer of the county.

(E) A professional service is one performed by a licensed professional and an activity for which a license is required.

(F) In the event that all bids submitted are in excess of funds available the Judge Executive shall prepare a written determination that there are no additional funds available.
(Ord. 32-03, passed 12-11-03)

§ 32.25 PROCEDURES FOR NEGOTIATED PROCESS.

(A) When the prerequisites have been met for use of the negotiated process, the Judge Executive shall proceed to negotiate with one or more suppliers in order to obtain the most advantageous terms for the county.

(B) The Judge Executive shall prepare a record of all negotiated contracts showing the items and quantities acquired, name of suppliers, and the cost and the date of the contract.

(C) Professional services shall be negotiated with such persons as are properly licensed to perform such services and shall be limited to those services to which the license applies.

(D) Where more than one bid was received and all were in excess of the amount available, the lowest three bidders shall be notified that the county desires to negotiate a contract for a lesser amount based on revised quantities or specifications and shall fix a time limit for submission of proposals.

(E) The Judge Executive shall examine the proposals received and shall negotiate with the suppliers for the terms most advantageous to the county.

(F) The best negotiated proposal shall be submitted to the Fiscal Court for approval and award.

(G) The Judge Executive shall notify all persons submitting a proposal that the award has been made.

(Ord. 32-03, passed 12-11-03)

§ 32.26 PREFERENCES.

(A) *Locally owned, minority owned, female owned, and small businesses.* Efforts will be made to solicit participation of locally owned, minority owned, female owned, and small businesses where feasible. The county, at its discretion, may provide a five percent price advantage to vendors which are owned and operated within Rowan County, meaning that Rowan County vendors submitting prices five percent higher than that of their competition may be considered low bidder. Vendors located outside of Rowan County but owned and operated in Bath, Menifee, Morgan, or Montgomery (those counties associated with the Gateway Area Development District) may receive a two percent advantage over others.

(B) *Recycled items.* The county realizes the importance of having a waste management policy and supporting recycling industries to further such policy. Therefore, preference will be given to purchasing items containing recycled material whenever practicable and feasible. All vendors offering goods, supplies, materials, and equipment shall be notified of this policy. If a vendor has two items meeting the applicable specifications, one containing recycled materials and the other containing no recycled material, the item containing recycled material may be purchased. If the item containing recycled material is more expensive, approval to purchase must be obtained from the Judge Executive and/or the Fiscal Court.

(Ord. 32-03, passed 12-11-03)

§ 32.27 CODE OF CONDUCT.

(A) *Conflict of interest.* No elected official, employee, or designated agent of the county will take part or have an interest in the award of any procurement transaction if a conflict of interest, real or apparent, exists. A conflict of interest occurs when the official, employee, designated agent of the county, partners of such individuals, immediate family members, or an organization which employs or intends to employ any of the above has a financial or other interest in any of the competing firms.

(B) *Acceptance of gratuities.* No elected official, employee, or designated agent of the county shall solicit gratuities, favors, or anything of monetary value from contractors, potential contractors, subcontractors, or potential subcontractors. Vendors may, from time to time, make available to elected officials, employees, or designated agents gratuities of a normal business nature. Any gratuities, favors, or other things of a monetary value received by an elected official, employee, or designated agent of the county over \$100 in value during any one fiscal year shall be reported to the Judge Executive who in turn shall make a quarterly report to the Fiscal Court.

(C) *Penalties.* Any elected official, employee, or designated agent of the county who knowingly and deliberately violates the provisions of this code will be open to civil suit by the citizens of the county without the legal protection of the county. Furthermore, such a violation of these procurement standards is grounds for dismissal by the county. Any contractor or potential contractor who knowingly and deliberately violates, or intends to violate, the provisions of these procurement standards will be barred from future transactions with the county.

(D) *Ethics Code provisions.* All provisions of Rowan County's Ethics Code adopted by the Fiscal Court will be strictly followed.
(Ord. 32-03, passed 12-11-03)

FINANCIAL INSTITUTION TAX

§ 32.40 TAX IMPOSED.

Pursuant to KRS Chapter 136, there is hereby imposed on each financial institution as defined in § 32.41, located within the jurisdiction of the county, a franchise tax measured by the deposits in such institutions. All monies collected pursuant to these sections shall be paid into the General Fund of the county to be used for the payment of proper expenditures as determined by the Fiscal Court.
(Ord. passed 9-17-96)

§ 32.41 DEFINITIONS.

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

DEPOSITS. All demand and time deposits, excluding deposits of the United States government, state and political subdivisions, other financial institutions, public libraries, educational institutions, religious institutions, charitable institutions, and certified and officers' checks.

FINANCIAL INSTITUTION.

(1) A national bank organized and existing as a national bank association pursuant to the provisions of the *National Bank Act*, 12 USC 21 *et seq.*, in effect on December 31, 1995, that meets the requirements of the *National Bank Act* in effect on December 31, 1995;

(2) Any bank or trust company incorporated or organized under the laws of any state, except a banker's bank organized under KRS 286.3-135;

(3) Any corporation organized under the provisions of 12 USC 611 - 631, in effect on December 31, 1995, exclusive of any amendments made subsequent to that date, or any corporation organized after December 31, 1995, that meets the requirements of 12 USC 611 - 631, in effect on December 31, 1995; or

(4) Any agency or branch of a foreign depository as defined in 12 USC 3101, in effect on December 31, 1995, exclusive of any amendments made subsequent to that date, or any agency or branch of a foreign depository established after December 31, 1995, that meets the requirements of 12 USC 3101 in effect on December 31, 1995.

(Ord. passed 9-17-96)

§ 32.42 RATE OF FRANCHISE TAX.

(A) The rate of the franchise tax imposed on financial institutions shall be 0.025% of the deposits located in the jurisdiction of the county.

(B) The amount and location of deposits in the financial institutions shall be determined by the method used for filing the summary of deposits report with the Federal Deposit Insurance Corporation.

(C) The accounting method used to allocate deposits for completion of the summary of deposits shall be the same as has been utilized in prior periods.

(Ord. passed 9-17-96)

§ 32.43 ADMINISTRATION; DUE DATE AND RECORDS.

(A) Administration.

(1) The Kentucky Revenue Cabinet shall certify to the local jurisdiction the amount of deposits within the jurisdiction and amount of the tax due.

(2) The County Clerk shall issue bills to the financial institution by December 1 of each year.

(B) Due date.

(1) The tax bill shall be due January 31 of the next year after it has been issued; thereafter, the bill shall be delinquent and subject to a penalty of 10% and interest of 1% per month.

(2) The financial institution shall be allowed a 2% discount if the tax bill is paid by December 31 of the same year as the tax bill is issued.

(3) The 2% discount shall be allowed on bills paid by May 31, 1997 for the transitional year. All other bills during this year shall be due June 1, 1997, thereafter, the bills shall be delinquent and subject to a penalty of 19% and shall bear interest at the rate of 1% per month.

(4) The county shall have a lien for taxes upon any and all property subject to the tax imposed by these sections, which lien shall be superior to all encumbrances prior or subsequent.

(C) Records.

(1) It shall be the duty of the County Sheriff to collect and account for the franchise taxes imposed by this chapter. The Sheriff shall keep records of the amount received from each financial institution and the date of receipt.

(2) The Revenue Cabinet shall be notified of the tax rate imposed upon adoption of this chapter and of any subsequent rate changes.
(Ord. passed 9-17-96)

CHAPTER 33: PERSONNEL

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GENERAL PROVISIONS**§ 33.001 PURPOSE.**

These policies help provide for the recruitment, development, and retention of the best employee for each position within the service of the county.

(A) Recruiting, selection, and advancing of employees on the basis of their ability, knowledge, and skills;

(B) Establishing proper pay rates;

(C) Training employees, as needed, to assure high quality performance;

(D) Retaining employees on the basis of performance, correcting inadequate performance, and terminating employees when appropriate;

(E) Assuring treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, disability, race, color, age, national origin, sex, religion, or any other status protected by applicable law; and

(F) Assuring that employees are protected against coercion for partisan political purpose and are prohibited from using their official authority for the purpose of interfering with or affecting the results of an election or a nomination for office.

(Ord. 32-03, passed 12-11-03)

§ 33.002 ADMINISTRATION AND INTERPRETATION.

(A) *Administration of the plan.*

(1) Pursuant to KRS 67.710, the County Judge Executive is the chief executive of the county. The County Judge/Executive, by law, shall have all the powers and perform all the duties of an executive and administrative nature vested, in or imposed upon, the county or its Fiscal Court. The Judge Executive is responsible for the proper administration of the affairs of the county placed in his charge. Pursuant to KRS 67.710(7), the County Judge Executive, with the approval of the Fiscal Court, has the authority to appoint, supervise, suspend, and remove county personnel unless otherwise provided for by state statute. Notwithstanding the provisions of KRS 67.710(7), KRS 67.711(1) gives the County Judge Executive express authority to hire a Deputy County Judge Executive, and a reasonable number of assistants, secretaries, and clerical workers to work within the Judge Executive's office, who shall serve at his or her pleasure. The Fiscal Court, pursuant to KRS 64.530(4), is required to fix reasonable compensation for these positions.

(2) The County Judge Executive is hereby designated as the county personnel administrator. In this capacity, the Judge Executive may delegate such duties and functions as he or she deems appropriate. The County Judge Executive is also the Executive Authority for the county government of Rowan County, as such title is used herein. The Judge Executive may delegate the duties and functions as he or she deems appropriate.

(B) *Administration by Constitutional Officers.* In those situations where County Constitutional Officers have chosen to adhere to the policies adopted by the County Fiscal Court by providing a written request to the County Judge Executive, the Constitutional Officer shall serve as the Executive Authority for the office.

(C) *Interpretation and employment relationship.* These policies are intended to provide some guidance on many personnel problems and actions that may arise. These policies are not an employment contract. Unless a statute indicates otherwise, employment at the county is at-will. This means that employees may terminate their employment at any time for any reason without breaching an "employment contract," just as the county may do the same. County employees acquire no property rights in or to their employment with the county. Because the policies are not an employment contract, the county can modify and interpret them at any time. However, the only way the county may modify at-will employment is to execute a written contract signed by the employee and a county official authorized to contract on behalf of the county. Currently, statutes in Kentucky modify the employment relationship for some police personnel, but other employees remain at-will. The policies in this chapter do not supersede federal or state law.

(Ord. 32-03, passed 12-11-03)

§ 33.003 SCOPE OF COVERAGE.

The personnel policies and procedures included in this chapter have been adopted by the County Fiscal Court and are applicable to all persons employed or appointed to positions at all levels in the county government, with the exception of the following:

(A) All elected officials;

(B) Employees of the Sheriff, County Clerk, County Attorney, Coroner and Jailer unless expressly requested by the elected official in writing;

(C) All members of boards and commissions;

(D) Consultants, advisors, and counsel rendering temporary professional services;

(E) Independent contractors; and

(F) Members of volunteer organizations.

(Ord. 32-03, passed 12-11-03)

§ 33.004 CATEGORIES OF EMPLOYMENT.

(A) The Judge Executive is the “appointing” authority for all county positions of employment. On most occasions the Fiscal Court must approve the Judge Executive's appointment. Employees are “appointed” to one of the categories of employment presented in this section.

(B) Each employee of the county shall be classified as full-time, part-time, temporary, or seasonal. Each position will be classified as exempt (not qualified to earn overtime), or non-exempt (is qualified to earn overtime). The exempt and non-exempt classification of positions will be based on the “Guide List for Determining Exemptions (Exemption Test)” as provided under the Fair Labor Standard Act Wage and Hour Law. Any employee who supervises (unless he is doing the exact job) is an exempt employee.

(1) *Full-time.* A full-time employee is one who works 40 or more hours per week on a regularly scheduled basis.

(2) *Part-time.* A part-time employee is one who works less than 40 hours per week on a regularly scheduled basis for a period longer than nine months.

(3) *Temporary or seasonal.* A temporary or seasonal employee is one who works either full-time or part-time for a period of less than nine months per calendar year.

(C) Full-time employees shall be entitled to all benefits as provided in this chapter. Part-time, seasonal, or temporary employees shall not be entitled to any benefits unless specified by resolution at the time of hiring.

(D) All employees working an average of 100 or more hours per month during a calendar year must participate in the County Employment Retirement System.
(Ord. 32-03, passed 12-11-03)

§ 33.005 EQUAL EMPLOYMENT.

The County Fiscal Court seeks to provide equal employment opportunity to all its employees and applicants for employment and to prohibit discrimination based on race, color, religion, sex, nation origin, age, disability, or smoker/non-smoker status. The county promotes equal opportunity in matters of hiring, training, promotion, pay, employee benefits and other conditions of employment.
(Ord. 32-03, passed 12-11-03)

§ 33.006 PERSONNEL RECORDS.

(A) A personnel file shall be maintained for each county employee by the Personnel Officer and/or department head. All changes in the status of employees shall be recorded in these files, which shall be retained and maintained in accordance with applicable state and federal laws.

(B) The file shall contain:

- (1) The employee's name, address, and telephone number where the employee may be reached;
- (2) Position title;
- (3) Hiring date;
- (4) Department assignment;
- (5) Application;
- (6) Salary;
- (7) All changes in status as a county employee;
- (8) Documented compliance with labor standards, EEO-4, I-9 requirements;
- (9) Performance appraisals and evaluations;
- (10) Commendations and disciplinary memoranda; and

(11) Whatever additional information this ordinance, other governing laws, or the county requires.

(C) Employee medical records of a confidential nature shall be maintained separately from other employee files.

(D) Personnel records of the county shall be public records as defined and controlled by the appropriate Kentucky Revised Statutes. They will be retained in accordance with the retention schedules adopted by the State Archives and Records Commission.

(Ord. 32-03, passed 12-11-03)

§ 33.007 ACCEPTANCE OF GIFTS AND GRATUITIES.

Employees shall not accept gifts, gratuities, or loans from organizations, business concerns, or individuals with whom they have an official relationship of county business. This rule does not mean

an employee cannot accept articles of negligible value which are distributed generally or social courtesies which promote good public relations. It is particularly important that employees guard against relationships which might be considered evidence of favoritism, coercion, or unfair advantage of collusion. This rule does not prohibit normal arm's length transactions such as personal banking with banks that do business with the county.

(Ord. 32-03, passed 12-11-03)

§ 33.008 PROFIT OF KNOWLEDGE BASED ON COUNTY EMPLOYMENT.

Employees shall not use confidential knowledge gained while on official duty for the county for profit. An example of this would be situations in which an employee gains knowledge of a development of a particular piece of property, buys that property, and turns a profit in selling it.

(Ord. 32-03, passed 12-11-03)

§ 33.009 INCLEMENT WEATHER.

(A) In the event of the occurrence of weather conditions in which travel to and from work may jeopardize the safety of employees, county offices may be closed at the direction of the County Judge Executive. Employees (excluding those performing safety sensitive functions) will be notified of this action in a timely and appropriate manner. This will be paid as a regularly scheduled workday.

(B) Where individual circumstances exist, such as longer than average distance of travel to and from the work place, the employee must notify his or her department head, and may exercise his or her own judgment in not reporting to work. If county offices are not subsequently closed, this time off will be charged, at the discretion of the employee, to vacation time or leave without pay.

(Ord. 32-03, passed 12-11-03)

§ 33.010 EXPENSE REIMBURSEMENT.

(A) Employees will be reimbursed for pre-authorized travel expenses incurred in the performance of their work, but not for commuting to and from the workplace. Any costs incurred should be the most economical consistent with the county's best interest.

(B) An employee of the county incurring expenses for prior approved county related business shall be reimbursed as follows:

(1) Official travel in privately owned vehicles shall be reimbursed in accordance with the rates as set forth in the Commonwealth of Kentucky's Travel Regulations.

(2) Air travel shall not be first class unless other rates are unavailable. Under reasonable circumstances, or for necessary expediency, the executive authority may authorize other travel means.

(3) Lodging shall be reimbursable at the actual expense. Receipts must be provided for all lodging and meals.

(4) Conference and registration fees shall be approved in advance by the executive authority and may be prepaid when necessary and appropriate.

(5) Use of rental vehicles must be approved in advance, or justification provided that shows the use of the vehicle was more feasible than other types of available transportation.

(6) An employee shall be reimbursed for meals only if the employee's travel requires overnight stay. Amount of reimbursement will be up to \$30 per day for approved travel.

(7) Telephone calls for the purpose of conducting county business are reimbursable at the actual rate.

(8) Other necessary expenses which were unforeseeable prior to travel may be approved by the executive authority upon presentation of documentation of the need for such expense.

(C) Receipts for all expenditures shall be obtained and attached to the request for reimbursement, which must be completed as soon as possible upon completion of travel. All requests for reimbursement shall be signed by the department head.

(D) Employees violating this section will be subject to appropriate disciplinary action.
(Ord. 32-03, passed 12-11-03)

§ 33.011 OUTSIDE EMPLOYMENT.

Outside employment is any paid job performed in addition to county employment. To perform outside employment, a request in writing must be filed with the department head. The request shall include the type of employment, hours of work, name of the prospective employer, and place of prospective employment. Outside employment is not allowed if it: interferes with the efficient performance of county duties; involves the performance of duties which should be performed as part of employment with the county; or occurs during regular or assigned working hours (except vacation time). If outside employment is accepted, arrangements must be made with outside employer to be relieved from outside duties if and when called for emergency service by the county.

(Ord. 32-03, passed 12-11-03)

§ 33.012 POLITICAL ACTIVITY.

(A) No employee, as a condition of employment or continued employment, shall be required to contribute to a campaign for any candidate for political office.

(B) No employee of the county shall engage in political activity during his or her assigned duty hours or while in uniform.

(Ord. 32-03, passed 12-11-03)

§ 33.013 SAFETY.

(A) The health and safety of employees is a primary concern for the county. As a condition of employment, employees are required to comply with all safety procedures that are established for the position held by the employee, including the use of seatbelts when driving any county vehicle. Additionally, any employee who becomes aware of any unsafe or hazardous condition shall report the situation to his or her supervisor or department head immediately.

(B) All work-related injuries must be reported to the employee's department head as soon as possible after the injury occurs but no later than by the end of the work day shift.

(C) Failure to comply with established workplace safety rules, report workplace injuries, or report unsafe/hazardous conditions of which the employee is aware will result in personnel action up to and including termination from employment.

(D) Personal use of a county-owned vehicle is forbidden. All persons, other than county employees, are not covered by the county's liability and/or automobile insurance policies. Failure to comply will result in personnel action up to and including termination of employment.

(Ord. 32-03, passed 12-11-03)

§ 33.014 EMPLOYEE DRIVING RECORDS.

All employees required to operate county vehicles while performing their job shall have a review of their driving record at least annually and/or on their anniversary date. Prior to employment for a position requiring a valid driver's license, applicants shall have their Motor Vehicle Report reviewed. Driving records shall be reviewed to insure that driver's licenses are current and valid.

(Ord. 32-03, passed 12-11-03)

§ 33.015 BONDING.

All applicants seeking county employment that involves the handling of county funds or writing of county checks shall be bondable. All employees involved in handling county funds shall be bonded at the expense of the county.

(Ord. 32-03, passed 12-11-03)

§ 33.016 GRIEVANCE PROCEDURE.

The following sets forth the procedure to be used by an employee who feels they have a workplace grievance they desire to pursue.

(A) Level one.

(1) The aggrieved employee shall present the grievance to his or her department head within five working days of its occurrence or within five working days of knowledge of its occurrence.

(2) The grievance (and all subsequent appeals) shall be in writing utilizing the employee Grievance Policy Form and shall set forth the reasons and grounds for the grievance along with a statement of the relief sought. The supervisor shall attempt to resolve the matter and shall respond to the employee in writing within five working days.

(3) If the grievance is with the department head, the aggrieved employee will begin the grievance procedure at level two.

(4) If the grievance is with the Constitutional Officer, the aggrieved employee will continue the grievance procedure at level three.

(B) Level two.

(1) If the grievance remains unresolved, it may then be presented by the aggrieved employee to the executive authority within five working days after receiving the supervisor's written response.

(2) The executive authority shall consider all information concerning the grievance and shall make a decision regarding the matter and response to the employee within ten working days. The decision of the executive authority shall be final.

(C) Level three.

(1) If the grievance remains unresolved, it may then be presented by the aggrieved employee to the Grievance Board no later than ten working days after receiving the supervisor's written response.

(2) The Grievance Board shall be comprised of an attorney familiar with employment law, a Director of Human Resources from a local business, and an appointment of the Fiscal Court, to be appointed as needed by the County Judge Executive or other uninvolved Constitutional Officer.

(3) The Grievance Board shall convene no later than ten working days to hear the aggrieved employee.

(4) The Grievance Board shall reach a consensus and issue findings of fact, conclusions, and a recommendation no later than ten working days to the appropriate Constitutional Officer.

(5) The Constitutional Officer shall consider the findings of fact, conclusions, and recommendations and make a written final decision which shall be provided to the Fiscal Court, aggrieved employee, and any other appropriate interested parties.

(Ord. 32-03, passed 12-11-03)

§ 33.017 MALES SEEKING EMPLOYMENT TO BE REGISTERED WITH SELECTIVE SERVICE.

Every male who is at least 18 years old, but has not yet attained the age of 26 years old, seeking employment with the county shall submit documentation evidencing his registration or exemption from registration with the Federal Selective Service System.

(Ord. 32-03, passed 12-11-03)

EMPLOYEE BENEFITS

§ 33.025 BACKGROUND.

Employee benefits constitute a basic ingredient in personnel administration and represent a substantial financial commitment by the county. However, it is expressly noted that the provisions of any benefit to county employees are not intended to create any employment situation that compromises its at-will employment status. As expressly stated in § 33.001, nothing in these policies is intended to create a contract of employment.

(Ord. 32-03, passed 12-11-03)

§ 33.026 COUNTY EMPLOYEES RETIREMENT SYSTEM.

The county participates in the County Employees Retirement System, including its Standard Unused Sick Leave Program. Under this program eligible employees (employees must work an average of 100 hours per month per calendar year to participate in retirement) who retire with the county will have up to six months of unused sick time purchased by the county to add to their length of service. Details regarding this program may be obtained from the County's Personnel Officer.

(Ord. 32-03, passed 12-11-03)

§ 33.027 HOLIDAYS.

(A) Any full-time employee occupying regular positions shall receive time off at the regular rate of pay for each holiday.

(B) Holidays include all holidays as observed by the Commonwealth of Kentucky.

(C) In addition to the above, any day may be designated as a holiday by proclamation of the County Judge Executive, with the approval of the Fiscal Court, or the appropriate Constitutional Officer.

(D) Holiday pay is pay at the same rate.

(E) If an employee is absent without leave on the day before or after a holiday, holiday pay shall be forfeited.

(Ord. 32-03, passed 12-11-03)

§ 33.028 VACATION LEAVE.

(A) All employees occupying regular full-time positions shall be entitled to vacation leave on the following schedule, which shall be accrued monthly following the last day of the month.

(1) A full-time employee must have been in pay status more than half of the work days in a month to qualify for vacation leave for that month.

<i>Full Years of Continuous Service</i>	<i>Earned Vacation</i>
1 year through 4 years	8 hours per month
5 years through 9 years	10 hours per month
10 years through 14 years	12 hours per month
15 years and thereafter	16 hours per month

(2) The normal hours of operation for county departments are as follows:

Courthouse Offices	7:30 - 4:00
Road Department	7:30 - 4:00
Solid Waste Department	7:30 - 4:00
Animal Control	7:30 - 4:00
EMS Administrative	7:30 - 4:00

(B) Vacation leave (more than eight hours) must be requested at least two weeks in advance. Vacation leave may be disapproved by supervisor if the employee's services are required at the requested time.

(C) Upon termination of employment, employees shall be compensated for all unused vacation leave.

(D) When a former employee is reinstated, the person shall be considered a new employee for vacation leave purposes.

(E) Upon receiving approval of their supervisor, employees absent because of sickness, injury, or disability may use accrued vacation leave only after accrued sick leave has been exhausted.

(F) Vacation leave must be taken in increments of not less than one hour.

(G) Employees shall be allowed to accumulate a maximum of 160 hours vacation leave at any time. Leave in excess of this amount shall be converted to sick leave.

(H) The Personnel Officer or his/her designee and the department head shall ensure that accurate records are kept for vacation leave allowance, vacation leave taken, and accrued leave for each employee.

(I) Vacation leave shall be earned and accrued on the last day of each month.
(Ord. 32-03, passed 12-11-03)

§ 33.029 SICK LEAVE.

Sick leave is provided so that an employee will not be seriously handicapped financially if he or she is unable to work because of illness. Sick leave abuse may be cause for dismissal.

(A) All employees occupying full-time regular positions shall receive eight hours of sick leave credit for each month of service, which shall be accrued monthly.

(1) Sick leave credit may be utilized by employees when they are unable to perform their duties because of sickness, injury, childbirth, when they are quarantined, or when their absence from work is required due to sickness in the immediate family. For the purposes of this policy, *IMMEDIATE FAMILY* shall include grandparents, parents, spouse, children, siblings in any case, and immediate in-laws.

(2) All foreseeable leave for such purposes shall require specific prior written approval of the department head.

(3) In the event that sick leave is taken for 24 consecutive hours or three consecutive working days the department head may require a certificate from a medical doctor giving information as to the circumstances involved.

(B) (1) Consistent with the Pregnancy Discrimination Act of 1978, pregnancy/childbirth shall be treated as a temporary disability and is eligible for use of sick leave. The ability of the employee to return to work shall be determined by the employee's physician, consistent with the individual medical needs of the employee. Before returning to work, the employee must provide documentation from the physician indicating that the employee may return to his or her job.

(2) Employees absent from work due to pregnancy/childbirth may utilize vacation leave after all sick leave has been utilized. Leave beyond the employee's accrued leave balances shall be leave without pay. During leave due to pregnancy or childbirth, vacation days shall continue to accrue and shall be credited if the employee returns to work. Insurance benefits will continue to be paid for full-time employees who provide written certification of their intent to return to work following childbirth (up to 60 days). An employee who is not planning to return to work following childbirth is requested to submit a timely resignation to allow the county's staffing needs to be met.

(3) To the extent possible, an employee shall submit a written request for such leave in advance indicating the approximate date of absence from work, and the anticipated return to work.

(C) When an employee takes sick leave, his/her immediate supervisor shall be informed of the fact and the reason(s) no later than one hour before his/her regular shift is to begin. Failure to notify the supervisor may be cause for disallowing the use of sick leave during the period of absence.

(D) Absence for a part of a day that is chargeable to sick leave shall be charged proportionately in an amount not smaller than one hour.

(E) The Personnel Officer or his/her designee and the department head shall keep records of sick leave allowance, sick leave taken, and balance of sick leave allowance for individual employees. An employee fraudulently obtaining sick leave or a department head falsely certifying sick leave allowance for absence from work may be suspended or dismissed. Abuse of sick leave shall be cause for disciplinary action up to and including dismissal.

(F) Absences on account of sickness, injury, or disability in excess of that authorization for such purposes may, at the request of the employee and with the approval of the department head, be charged to vacation leave credit.

(G) Employees shall be allowed to accrue an unlimited number of sick leave hours. Upon termination of employment with the county, unused sick leave shall be forfeited without pay.

(H) Sick leave shall be earned and accrued on the last day of each month.

(I) Any employee may donate accumulated and unused sick leave to another employee within the county workforce by filling out the required form and submitting it to the Personnel Officer. See the Personnel Officer for the required form.

(Ord. 32-03, passed 12-11-03)

§ 33.030 FAMILY AND MEDICAL LEAVE.

(A) *Family and Medical Leave Act of 1993.* The Family and Medical Leave Act of 1993 (FMLA) required “covered” employers with at least 50 employees to provide “eligible” employees with up to 12 work weeks of unpaid, job-protected leave in a 12 month period for specified family and medical reasons.

(B) *Employee coverage.* The FMLA applies to all public agencies including state, local, and federal employers. Thus, the county is a “covered” employer as defined in the legislation.

(C) *Employee eligibility.* To be eligible for FMLA benefits, an employee must:

- (1) Work for a covered employer;
- (2) Have worked for the employer for a total of 12 months;
- (3) Have worked at least 1,250 hours over the previous 12 months; and

(4) Worked at a location in the United States or in any territory or possession of the United States where at least 50 employees are employed by the employer within 75 miles.

(D) *Leave entitlement.*

(1) The county will grant an eligible employee up to a total of 12 work weeks of unpaid leave during the county's fiscal year (July 1 through June 30), beginning from the date an employees' first FMLA leave begins, for one or more of the following reasons:

- (a) For the birth and care of the newborn child of the employee;
- (b) For placement with the employee of a son or daughter for adoption or foster care;
- (c) To care for an immediate family member (spouse, child, or parent) with a serious health condition; or
- (d) To take medical leave when the employee is unable to work because of a serious health condition.

(2) In the event that the county employs both the husband and the wife, the aggregate amount of leave allowed for purposes of childbirth or adoption or taking care of a sick parent is no more than 12 work weeks during any 12 month period.

(E) *Serious health condition.* In the context of this policy, a "serious health condition" means an illness, injury impairment, or physical or mental condition that involves one of the following:

(1) *Hospital Care.* Inpatient care (for example, an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with, or consequent to, the inpatient care.

(2) *Absence plus treatment.* A period of incapacity of more than three consecutive days (including any subsequent treatment or period of incapacity relating to the same condition) that also involves:

(a) Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (for example, physical therapist) under orders of or on referral by a health care provider; or

(b) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

(3) *Pregnancy.* Any period of incapacity due to pregnancy or for prenatal care.

(4) *Chronic conditions requiring treatment.* A chronic condition which:

(a) Requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under direct supervision of a health care provider;

(b) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(c) May cause episodic rather than a continuing period of incapacity (for example, asthma, diabetes, epilepsy, and the like).

(5) *Permanent long-term conditions requiring supervision.* A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

(6) *Multiple treatment (non-chronic conditions).* Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under order of, or on referral by, a health care provider, either for restorative

surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, and the like), severe arthritis (physical therapy), and kidney disease (dialysis).

(F) *Notice.*

(1) *Birth or adoption of a child or foster child.* Employees are required to give 30 days notice of the need for leave when the need for leave is foreseeable. The employee must give as much notice as is reasonably practical. An employee's right to leave for a birth or placement for adoption or foster care expires at the end of the 12 month period beginning on the date of the birth or placement.

(2) *Medical treatment for serious health condition.* Employees are required to give 30 days notice unless there is a medical emergency or unforeseen events. Where leave is necessary for planned medical treatment the employee is required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the county's operations.

(G) *Timing of leave.* The 12 weeks leave may be taken consecutively, or intermittently if medically necessary. Employees needing intermittent FMLA leave must attempt to schedule their leave so as to not disrupt the county's operations. The county reserves the right to assign such employee to an alternative position with equivalent pay and benefits during the period of intermittent leave if such position better accommodates the employee's need for FMLA leave.

(H) *Certification.*

(1) The county will require that a claim for medical leave be supported by a medical care provider's certification. To comply with this requirement any employee requesting such leave will be provided with a copy of Form WH-380, Certification of Health Care Provider, developed and approved (March 1995) by the United States Department of Labor.

(2) In the event the county has reason to doubt the adequacy of the medical certification, the county may seek a second, non-binding opinion at the county's expense. If the opinion differs from the opinion obtained by the employee, a third and binding opinion can be obtained at the county's expense from a health care provider agreed upon by both the employee and the county.

(I) *Substitution of paid leave.* It is the policy of the county that employees will be required to substitute accumulated paid leave for FMLA leave. Respectively, the employee shall utilize sick leave and vacation leave in place of unpaid leave. To the extent the employee does not have 12 weeks of accumulated leave, the remainder shall be unpaid leave. The employee shall not accumulate sick or vacation time during leave (absence).

(J) *Benefits during leave.* During the period of an employee's FMLA leave, the county will continue to provide all health care benefits that are provided as part of the employee's employment.

(K) Rights and benefits upon return to work.

(1) Upon return to work from FMLA leave, an employee shall be restored to the position he or she held when the leave began or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. In instances where an employee has taken FMLA leave due to personal illness, the employee will be required to provide certification from a medical care provider of the employee's fitness to return to work.

(2) The county expressly reserves the right to deny the previous job to "key employees" in instances where such restoration would result in substantial and grievous economic injury to the county. **KEY EMPLOYEE** is defined as a salaried FMLA-eligible employee who is among the highest ten percent of all County employees.

(Ord. 32-03, passed 12-11-03)

§ 33.031 NON-FMLA DISABILITY LEAVES OF ABSENCE.

Not every need for a medical leave of absence will be job-protected by the FMLA. If an employee requires more than five days off work for a non-FMLA personal illness, the county may permit a leave of absence under limited circumstances, for a limited time, and with limited reinstatement rights. Individual requests for non-FMLA disability leaves will be reviewed and evaluated by the department head and Personnel Officer. This review will be subject to the approval by the County Judge Executive or his or her designee. The county may require medical proof of disability and may make other medical inquiries, including requiring examinations by medical providers selected and paid for by the county. The county may also require periodic reporting during the leave.

(Ord. 32-03, passed 12-11-03)

§ 33.032 FUNERAL LEAVE.

(A) Full-time employees shall be granted up to 24 paid hours off in the event of death in the immediate family. The employee must provide the department head with a statement from the funeral director certifying date of funeral and relationship of the decedent to the employee if the funeral is out of town.

(B) Immediate family shall include parents, grandparents, spouse, brothers, sisters, children, or immediate in-laws.

(C) In the event that an employee desires to extend leave beyond 24 paid hours due to a death in the immediate family, the employee may use sick leave, vacation leave, or time without pay upon receiving approval from the department head.

(Ord. 32-03, passed 12-11-03)

§ 33.033 WITHOUT PAY LEAVE.

(A) The department head may authorize without pay leaves for employees occupying regular positions for any period deemed beneficial for the county. The employee shall accumulate leave for the month during which the employee takes leave without pay.

(B) The department head may authorize an employee to be absent without pay for personal reasons for a period not exceeding 80 working hours in any calendar year. The employee shall not accumulate leave for the month during which employee takes leave without pay.

(Ord. 32-03, passed 12-11-03)

§ 33.034 MILITARY LEAVE.

(A) Any employee occupying a full-time position with the county who is a member of the National Guard or any reserve component of the Armed Forces of the United States, or of the Reserve Corps of the United States Public Health Service, shall be entitled to paid military leave for intervals not exceeding 15 calendar days in any one calendar year for the purpose of attending annual mandatory training.

(B) A request in writing for military leave must be presented to the department head not less than two weeks prior to the beginning of the leave period.

(C) County employees attached to Military Reserve Units which are called up to active duty will follow the provisions set forth in the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. Section 4301, et seq., enacted October 1994.

(Ord. 32-03, passed 12-11-03)

§ 33.035 CIVIL LEAVE.

The county encourages service as a juror and compliance with other subpoenas to be a witness in legal proceedings. If an employee needs to be absent, a copy of the summons or proof of service must be submitted to the department head immediately upon receipt. If called for jury duty and released, the employee must return to work for the remainder of the scheduled shift. The employee will receive regular pay. The pay received for jury duty or being a witness shall be turned into the Finance Officer upon receipt.

(Ord. 32-03, passed 12-11-03)

§ 33.036 VOTING LEAVE.

The county encourages all citizens of the Commonwealth to exercise their right to vote. Department heads will allow ample time off to vote without loss of pay. If time off is needed to vote, employees must notify department head prior to election day.

(Ord. 32-03, passed 12-11-03)

§ 33.037 OVERTIME PAY.

The county pays hourly employees time and a half for all hours worked over 40 in a work week. Department heads for the county are exempt from overtime payments, and may be expected to work extra hours to complete their tasks.

(Ord. 32-03, passed 12-11-03)

§ 33.038 AMERICANS WITH DISABILITIES ACT OF 1990.

(A) The county complies with the Americans with Disabilities Act of 1990, and subsequent revisions, which prohibits discrimination on the basis of disability and protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment.

(B) The county will provide reasonable accommodation to qualified individuals with a disability who, with or without an accommodation, can perform the essential functions of the job, unless the accommodation will impose an undue hardship for the county.

(1) A person (employee or citizen) who believes that he/she has been subjected to prohibited discrimination may personally, or by representative, file a complaint with the office of County Judge Executive or the Constitutional Officer. A person who has not personally been subjected to discrimination may also file a complaint.

(2) When a person (employee, citizen, or applicant) believes he or she has been adversely affected by an act or decision by the county, and that such act or decision was based on disabled status, that person shall have the right to process a complaint or grievance in accordance with the following procedure:

(a) *Step one.* An aggrieved person must submit a written statement utilizing the ADA Grievance Form to the County's ADA Coordinator (c/o County Judge Executive) setting forth the nature of the discrimination alleged and facts upon which the allegation is based.

(b) *Step two.* The ADA Coordinator shall contact the complainant no later than 15 working 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 working days, nor more than 30 calendar days, after receiving the written statement. There shall be prepared a written documentary of the discussions at the informal meeting, which shall be preserved in the records of the County ADA Coordinator.

(c) *Step three.* Within 30 working days of the informal meeting the ADA Coordinator shall issue a written decision on the matter to the complainant, County Judge Executive, County Attorney, and the county's liability insurance carrier.

(d) *Step four.* If the complainant is not satisfied with the written decision, he or she may request reconsideration by the County Judge Executive or Constitutional Officer by filing a written statement within 30 working days of receiving the ADA Coordinator's decision. The Judge Executive or Constitutional Officer shall investigate, which may include holding a meeting with the complainant, and shall, within 30 working days of receiving the level two request, issue a final, written decision to the complainant, County Judge Executive, County Attorney, ADA Coordinator, and the county's liability insurance carrier.

(3) Written documentation of the discussions held at the meeting(s) shall be prepared and shall be preserved in the records in the office of the County Judge/ Executive.

(Ord. 32-03, passed 12-11-03)

§ 33.039 DRUG-FREE WORKPLACE ACT OF 1998.

(A) It shall be the policy of the County Fiscal Court that its workplace shall be drug-free in compliance with the Drug-Free Workplace Act of 1988 (PL 100-690, Title V, Subtitle D), including any future amendments. This publication provides details of this policy, a statement on the dangers of drugs in the workplace, sources of information and assistance, and is the basis of a form each employee is required to sign assuring compliance.

(B) It is the policy of the county that no employee shall engage in unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace. Controlled substances mean a controlled substance in schedules I through V of the Controlled Substances Act (21 U.S.C. 812), and as further defined by regulation in 21 CFR 1308.11 through 1308.15, including any future additions or amendments.

(C) The purpose of this policy is to avoid the dangers of drugs in the workplace and to advise employees of available sources of counseling and/or rehabilitation.

(D) Each employee is hereby instructed that they shall notify the County Judge Executive within three calendar days of any criminal drug charge. The County Judge Executive shall take immediate action; and within 30 days, the County Fiscal Court shall take appropriate action up to termination.

(E) Employees deemed to be performing safety sensitive functions, as defined in the random testing policy, who are found to be using (even with a prescription) and/or abusing any controlled substance in schedules I through V of the Controlled Substance Act is subject to appropriate personnel action up to and including termination.

(F) Any employee violating the terms of this policy is subject to immediate dismissal.
(Ord. 32-03, passed 12-11-03)

§ 33.040 HEALTH CARE INSURANCE.

(A) *Health and hospitalization.*

(1) Comprehensive major medical. The county will pay the cost of an individual policy as determined annually by the Fiscal Court. County employees may purchase family coverage at group rates.

(2) All participating employees are subject to the terms and conditions of the group insurance plans provided by the county.

(3) For newly hired employees, health insurance coverage becomes effective the first day of the second month after employment commences. For example, an employee who is hired effective May 15 is eligible to begin receiving insurance coverage effective July 1 of that same year.

(B) *Consolidated Omnibus Budget Reconciliation Act - (COBRA).*

(1) *Purpose.* The Consolidated Omnibus Budget Reconciliation Act requires employers sponsoring group health plans to offer employees and certain eligible dependents the opportunity to purchase a temporary extension of health coverage, at group rates, in certain instances when coverage under the plan would otherwise end. The following information is intended to give employees of the county information regarding their rights and obligations under this federal legislation.

(2) *Qualifying events.* Employees and eligible dependents provided health insurance by the county are entitled to purchase continuation coverage if a "qualifying event", as described below, occurs:

(a) *Termination of employment/reduction of hours.* An employee and his eligible dependents can purchase up to 18 months of COBRA coverage if the employee (and his or her dependents) lose health coverage as a result of the employee terminating employment (other than as a result of gross misconduct) or reducing the employee's hours of employment.

(b) *Death, divorce, entitlement to Medicare, or loss of dependent status.* An employee's eligible dependents can purchase up to 36 months of COBRA coverage if the dependents lose health coverage because of the employee's death, divorce/legal separation, entitlement to Medicare, or because the dependent ceases to be an eligible dependent under the plan.

(3) *Eligible dependent.* A dependent is eligible to purchase COBRA coverage if the dependent was covered under the group plan on the day before a COBRA event and will lose coverage as a result of the COBRA event. Each affected employee and dependent can make a separate election whether or not to purchase COBRA coverage. An employee or dependent cannot, however, elect COBRA if he or she was entitled to receive Medicare on the day before the COBRA event.

(4) *Employer notification of employee/dependent eligibility.* Upon an employee being hired into a position that is provided health insurance by the county, the employee shall be provided notification of the COBRA program and its applicability to the employee. Additionally, within 14 days of a qualifying event, the county will provide the employee and eligible dependents with notifications of the opportunity to purchase COBRA coverage.

(5) *Time frame for electing coverage.* The deadline for making a COBRA election is 60 days after the later of the date the required COBRA notice is sent or the date coverage would otherwise end if COBRA coverage is not elected.

(6) *Premium for COBRA coverage.* Employees or eligible dependents who elect to purchase COBRA coverage will be charged 100% of the cost of providing coverage. Under certain circumstances, employees who are determined by the Social Security Administration to be disabled when their employment is terminated are entitled to extend their coverage from 18 months to 29 months. In such cases, the premium for the additional nine months of coverage may be as much as 150% of the cost of providing coverage.

(7) *Payment of premium.* The first premium payment must be made within 45 days after the date the employee or dependent elects to purchase COBRA coverage. Beginning with the second month after the election date, all premiums must be paid on a monthly basis; and each monthly premium is due at least seven days before the first day of the month.

(8) *Termination of coverage.* The COBRA coverage period will end on the first to occur of the following dates:

- (a) The date the 18, 29, or 36 month maximum coverage period ends;
- (b) The date the employer terminates all group health plans;
- (c) The first day an employee or dependent fails to timely pay the COBRA premiums;
- (d) The date the employee or dependent is covered under another group health plan, unless the other group plan excludes or limits coverage for a preexisting condition affecting the employee or dependent; or
- (e) The first date the employee or dependent is entitled to Medicare benefits.

(Ord. 32-03, passed 12-11-03)

§ 33.041 DENTAL INSURANCE.

(A) The county will pay the cost and individual policy as determined annually by the Fiscal Court. County employees may purchase family coverage at group rates.

(B) All participating employees are subject to the terms and conditions of the group insurance plans provided by the county.

(C) For newly hired employees, dental insurance coverage becomes effective the first day of the second month after employment commences. For example, an employee who is hired effective May 15 is eligible to begin receiving insurance coverage effective July 1 of that same year.

(Ord. 32-03, passed 12-11-03)

§ 33.042 WORKERS' COMPENSATION INSURANCE.

Workers' Compensation Insurance provides medical and hospitalization expense benefits as well as partial payment in lieu of salary for workers injured on the job. The county pays 100% of this from of insurance.

(Ord. 32-03, passed 12-11-03)

§ 33.043 UNEMPLOYMENT INSURANCE.

All employees are covered under this program. The county pays 100% of the cost for this coverage. An individual who terminates his/her employment with the county may or may not be eligible to receive benefits under this program, depending upon the circumstances involved in the termination.

(Ord. 32-03, passed 12-11-03)

§ 33.044 SOCIAL SECURITY.

The county and the employee both contribute to the Social Security program at rates specified by the U.S. Congress.

(Ord. 32-03, passed 12-11-03)

§ 33.045 LIABILITY INSURANCE.

The county maintains comprehensive liability insurance for all employees.

(Ord. 32-03, passed 12-11-03)

§ 33.046 LIFE INSURANCE.

The county provides full-time employees with a \$15,000 group life insurance policy which includes an accidental death and dismemberment component.

(Ord. 32-03, passed 12-11-03)

§ 33.047 PARTICIPATION IN OTHER PLANS AND PROGRAMS.

County employees may elect to participate in a deferred compensation program, 401(k) retirement program, cafeteria plan, and a Credit Union program. All costs related to participation in these programs are the responsibility of the employee.

(Ord. 32-03, passed 12-11-03)

§ 33.048 EDUCATION ASSISTANCE; CAREER DEVELOPMENT.

(A) The county may pay for training and development classes for its employees in an effort to enhance their professional and personal growth and to improve the efficiency and effectiveness of the county's programs and operations. Requests for training must be made in advance and approved by the department head and executive authority. The county's ability to provide reimbursement for training will depend upon the availability of funds and documented confirmation from the department head of successful completion of any said programs and subsequent examinations. The assistance will be determined annually on an individual basis and in a consistent and fair manner.

(B) Expenses related to required training and testing, including travel, shall be reimbursed according to policy and upon the employees providing documentation of successful completion of training and testing.

(Ord. 32-03, passed 12-11-03)

EMPLOYMENT PROCESS**§ 33.060 FILLING NEW AND VACANT POSITIONS.**

Consideration will be given to current employees in filling new and vacant positions. However, if the County Judge Executive/Constitutional Officer deems that the best interest of the county are served by seeking applications from persons other than the existing workforce, he or she shall solicit applications as deemed appropriate.

(Ord. 32-03, passed 12-11-03)

§ 33.061 APPLICATIONS FOR POSITIONS.

(A) Official application forms supplied by the county and completed by the applicant shall require legally authorized:

- (1) Information about the applicant's training and experience;
- (2) References and signed release form; and

(3) Whatever additional information is required for an evaluation of the applicant's fitness for the position for which he or she applies. Any additional testing or evaluations deemed necessary for employment including, but not limited to, post employment physicals utilizing the county's standard physical form.

(B) Each application shall be reviewed by the department heads or appropriate Constitutional Officer and such other persons as deemed appropriate.

(C) No person may be appointed to a position unless verified information on an official application form indicates that the person meets the required qualifications set forth in the position description for the position.

(D) All application forms filed with the county shall be kept by the County Judge Executive or his or her designee or Constitutional Officer for the time required by law.
(Ord. 32-03, passed 12-11-03)

§ 33.062 APPOINTMENT TO POSITIONS.

(A) There are four types of appointments:

- (1) *Introductory.*

(a) The first 56 days of service in a position to which an employee has been appointed, promoted, re-employed, or reinstated shall constitute an introductory period. At the end of the first 56 days of the introductory period a written evaluation will be given to the employee by his or her department head. A copy of the evaluation will be placed in the employee's personnel file. Upon successful completion of the introductory period, the department head shall make recommendation to the appointing authority that the employee be appointed to regular status and shall receive a 5% increase in pay as defined in the county's Pay Grade Schedule.

(b) If at any time during the introductory period the appointing authority determines that the services of the employee have been unsatisfactory or are no longer needed, an employee may be separated from his or her position without the right of appeal or a hearing.

(2) *Full-time.* After successful completion of an introductory period, full-time appointments are made on a full-time basis to full-time established positions for an indefinite period.

(3) *Part-time.* Appointments may be made on a part-time basis to part-time positions for an indefinite period.

(4) *Temporary.* Temporary appointments are made on a full-time basis or part-time basis to a temporary or regularly established position for a specified period of time not to exceed nine months unless otherwise approved by Fiscal Court.

(B) Full-time employees who have successfully completed their introductory period shall be entitled to all benefits as provided in these policies. Part-time or temporary employees shall not be entitled to any benefits.

(C) In determining the qualifications of an applicant for a position the county may consider one or more of the following:

(1) Information the applicant supplies on an application form prescribed and supplied by the county;

(2) Written, performance, or post job-offer physical examinations;

(3) Interviews;

(4) Other appropriate means.

(D) All persons who qualify for an appointment to a position of a particular classification shall be considered by the County Judge Executive or Constitutional Officer for appointment. No person may be appointed to a position unless verified information on an official application form indicates that the person has the desired qualifications set forth in the position description.

(E) All county employees shall be appointed and removed by the County Judge Executive, with the approval of the Fiscal Court, unless they are employees appointed pursuant to the authorities granted to the Judge Executive by KRS 67.711(1). Employees of a County Constitutional Office shall be appointed and removed by the appropriate Constitutional Officer.

(Ord. 32-03, passed 12-11-03)

§ 33.063 ORIENTATION OF NEW EMPLOYEES.

(A) An orientation shall be provided to all new employees by the county's Personnel Officer and/or department head on or before their first day of employment.

(B) The orientation shall consist of the following elements:

- (1) Explanation of the purpose and goals of the county;
- (2) Overview of the county's history, structure, and operations;
- (3) Overview of management policies and procedures; and
- (4) Other elements deemed appropriate.

(C) A copy of the County's Personnel Policies and Procedures will be kept at each workstation. Employees are expected to be familiar with the contents of these policies, and are encouraged to discuss any questions with their department head or the Personnel Officer.

(Ord. 32-03, passed 12-11-03)

CONDITIONS OF EMPLOYMENT

§ 33.075 GENERALLY.

Nothing contained in subchapter, including the successful completion of an initial or promotional introductory period, shall alter the "at-will" employment status between the county and the employee. The employee or the county may terminate the employment relationship during or after the initial or promotional introductory period for any lawful reason or for no reason at all.

(Ord. 32-03, passed 12-11-03)

§ 33.076 INTRODUCTORY PERIOD.

(A) There are two types of introductory periods:

(1) *Initial.* All persons initially appointed to full-time positions shall be on an initial introductory period of 56 days. The employee shall receive 95% of the pay grade schedule.

(2) *Promotional.* Any employee who has served an initial introductory period and is promoted from within the county services to a new position shall be on an introductory period (referred to as a promotional introductory period) in the new position for a period of 56 days.

(B) (1) While on an initial introductory period, an employee may be dismissed at any time without right of appeal.

(2) An employee serving a promotional introductory period may be reinstated, without right of appeal, to the position from which he/she was promoted or to a position comparable to the one from which he or she was promoted.

(C) (1) At the completion of the initial introductory period, the employee's performance shall be evaluated by the department head. A determination by the appointing authority shall be made at that time relevant to continuation of the introductory period.

(2) Introductory periods may be extended by the appointing authority for a position if it is deemed that a longer period is needed to learn the work and evaluate the effectiveness of the work performed. An introductory period extended for a position may be extended for no longer than 56 days. (Ord. 32-03, passed 12-11-03)

§ 33.077 TRANSFER.

Any employee occupying a regular position may request a transfer from one position to another comparable position provided the position to which the employee is transferred is one for which he or she possesses the appropriate minimum qualifications and provided that the position applied for is vacant. The request must be in writing.

(Ord. 32-03, passed 12-11-03)

§ 33.078 MODIFIED DUTY.

Sometimes employees are temporarily unable to perform their regular jobs because of a limiting physical or mental condition. When an employee is expected to return to full duty in the near future, the county may choose to temporarily reassign an employee to another position which the employee can perform, or to restructure essential job functions. This practice is referred to as "modified duty," and it is used to help the employee work until they can return to full duty. Modified duty may not always be available.

(Ord. 32-03, passed 12-11-03)

§ 33.079 PROMOTION.

(A) When a vacancy occurs in a position above the entrance level, consideration shall be given to promotion of current qualified employees who submit written application for the position. However, if the appointing authority deems that the best interest of the county necessitates the appointment of an applicant not currently employed by the county, the position may be filled by appointment of a person from outside the government.

(B) An employee occupying a regular position may be promoted from one position to a higher position only if he or she possesses the minimum qualifications for the higher position and if the position is vacant.

(Ord. 32-03, passed 12-11-03)

§ 33.080 DEMOTION.

In the event that an employee becomes unable to perform the duties with reasonable accommodation as stated in the position description, for disciplinary reasons, and in lieu of a layoff if an employee meets the qualifications for the demoted position and the position is vacant. The employee's salary for the position to which he or she is demoted shall convert to the grade level as established in the county's Pay Scale Grade.

(Ord. 32-03, passed 12-11-03)

§ 33.081 RESIGNATION.

(A) An employee wishing to resign should inform his or her department head of the intended resignation as soon as possible after the decision is made. The notice shall be submitted in writing at least two weeks prior to the intended resignation and shall include the effective date of the resignation.

(B) An employee's resignation and its attending reasons, if noted, shall be recorded in the employee's personnel file.

(C) The employment date of an employee who resigns and is reinstated will be the latest date of employment.

(D) An employee who is absent from work for three consecutive work days or 24 consecutive working hours without notifying his or her department head of the reason(s) for the absence will be considered to have voluntarily resigned his or her employment with the county.

(Ord. 32-03, passed 12-11-03)

§ 33.082 LAYOFF/REDUCTION IN FORCE.

(A) The County Judge Executive, with the approval of the Fiscal Court, may lay off an employee or employees because of lack of work or funds. The order of layoff shall be determined by the needs of the county. Other Constitutional Officers may lay off employees, without approval of the Fiscal Court, because of lack of work or funds. The order of layoff shall be determined by the needs of the particular office.

(B) Consideration shall be given to the seniority and work performance of person(s) being considered for layoff.

(C) Temporary, seasonal, and initial introductory employees shall be laid off before employees occupying regular positions affected by layoff.

(D) Two calendar weeks before the effective date of the layoff of an employee occupying a regular position the County Judge Executive shall notify the employee of the layoff in writing. The notice shall explain the reasons for and duration of the layoff, if known; a copy of the notice shall be placed in the employee's personnel file.

(E) An employee who is laid off may, at the county's discretion, be eligible for re-employment in other positions, provided that he/she meets the qualifications for the position and provided that the other position is vacant. If done, any accrued benefits shall be reinstated to the employee.

(Ord. 32-03, passed 12-11-03)

§ 33.083 FULL-TIME OR PART-TIME STATUS CHANGE.

An employee who is changing status shall be compensated for all unused vacation time.

(Ord. 32-03, passed 12-11-03)

§ 33.084 RE-EMPLOYMENT/REINSTATEMENT.

The County Judge Executive, with the approval of the Fiscal Court, may re-employ any former employee who has resigned from the county with a satisfactory employment record or who has been laid off because of lack of work or funds. Other Constitutional Officers may also re-employ former employees under these conditions.

(Ord. 32-03, passed 12-11-03)

§ 33.085 RETIREMENT.

The county does not have a mandatory retirement age for its employees. The county does participate in the County Employees Retirement Systems including participation in the Standard Unused Sick Leave Program. Information regarding this program is provided in § 33.026 of this chapter with detailed information available from the County's Personnel Officer.

(Ord. 32-03, passed 12-11-03)

DISCIPLINARY ACTIONS**§ 33.095 APPLICATION OF PROGRESSIVE DISCIPLINE.**

Generally, the County Fiscal Court believes in the application of progressive discipline. However, the county reserves the right to skip any step or requirement in the disciplinary action sequence outlined below depending on the severity of the misconduct or when the facts or circumstances otherwise warrant. Further, it is also noted that in establishing the following disciplinary procedures it is specifically not the county's intention to create any employment situation that compromises its at-will employment status. As expressly stated in this chapter, nothing in these policies is intended to create a contract of employment. Any individual may voluntarily leave employment or may be terminated by the county at any time for any lawful reason or for no reason at all. Any oral or written statements or custom or course of dealing to the contrary are hereby expressly disavowed.

(Ord. 32-03, passed 12-11-03)

§ 33.96 DISCIPLINARY PROCESS.

When an employee fails to follow any rule, regulation, operating procedure, or job requirement, one of the following measures shall apply, depending upon the circumstances involved and the severity of the offense:

(A) Verbal warning.

(1) In the case of a minor infraction, the immediate supervisor or department head shall administer the verbal reprimand as soon as possible after the offense.

(2) The date of the verbal reprimand, along with a description of the occurrence which prompted the reprimand and any comments the employee may have made, shall be noted by the person giving the reprimand in his or her own supervisory file.

(B) Written warning.

(1) In the case of either a second minor infraction or a more serious first infraction, the immediate supervisor or department head shall give the employee written warning specifying the reason(s) for such warning and noting any previous verbal and/or written warnings.

(2) After issuing a written warning, the county may choose to have the employee's performance reviewed on a daily basis for improvement. In doing so the county shall explain the consequences of continued infractions.

(3) The employee shall sign the written warning or the warning shall be signed by a witness. A copy of the written warning shall be placed in the employee's personnel file.

(C) Suspension.

(1) After either a serious violation or repeated minor violations, the supervisor or department head shall request, in writing, that the executive authority suspend the employee with or without pay. The request shall include the reason(s) for the suspension, if any, along with details of previous disciplinary actions taken against the employee, if any.

(2) The executive authority may suspend an employee for any period up to and including four calendar weeks, depending upon the severity of the offense.

(3) When a decision to suspend an employee is made, the executive authority shall provide written notification to the employee within three working days. The notice shall include the reason(s) for the suspension, if any, and the duration of the suspension.

(4) When an employee is suspended, the Judge Executive shall present the suspension and reason(s) for the suspension to the Fiscal Court for review and approval at the next meeting date of the Fiscal Court. Other Constitutional Officers may also exercise this authority.

(5) Employees suspended without pay for a period of four calendar weeks shall not accrue sick and vacation time while suspended.

(D) Suspension with pay.

(1) In situations where the county has become aware of alleged misconduct by an employee which, if substantiated, could result in disciplinary action, the appointing authority may suspend the employee with pay if it is determined the action is necessary to assure public confidence in governmental oversight of its employees or to assure the integrity of the county's inquiry into the allegations.

(2) In the event that it is necessary to suspend an employee with pay, the following procedures shall be observed:

(a) The county shall, if possible, immediately provide verbal notification to the employee, followed by written notification within three working days informing him/her of the suspension and the nature of the allegations being investigated.

(b) Consistent with existing personnel procedures, the county shall immediately begin an investigation into the allegations against the employee. This investigation shall be carried out expeditiously, and in no instances shall it be delayed beyond what is considered reasonable and necessary to conduct a complete investigation.

(c) Upon reaching a determination as to the culpability of the employee, the appointing authority shall take action, as follows:

1. In the event that the allegations against the employee are valid, the appointing authority shall invoke disciplinary action as deemed appropriate. These actions shall not include payment of wages in the event that the suspension is extended beyond the investigative period; or

2. In the event that the allegations against the employee are proven to be false, the employee shall immediately be reinstated to his or her position.

(d) During the time an employee is on suspension with pay he/she is considered to be performing services for the county. Therefore, the employee must remain available to return to work within 24 hours of receiving written or verbal confirmation of his or her reinstatement from the appointing authority. In the event that the employee is notified of this reinstatement verbally, the county shall provide written verification within one working day.

(e) Nothing in this policy or procedure should be construed as limiting the authority of the local government to suspend an employee without pay in those instances where such action is deemed appropriate.

(E) Dismissal.

(1) When an offense is repeated, or misconduct is serious enough for discharge on the first offense, a supervisor or department head may recommend dismissal of an employee. The recommendation shall include the reason(s) for dismissal, if any, details of previous disciplinary action taken against the employee, if any, and the recommended effective date and time of discharge.

(2) Upon review of the supervisor or department head recommendation to dismiss, and after receiving the approval of the Fiscal Court, the County Judge Executive shall provide the employee with a Letter of Intent to Dismiss containing the reason(s) for dismissal, if any; the details of previous disciplinary action(s) taken against the employee, if any; and the recommended effective date and time of the intended discharge. Other Constitutional Officers operating under these policies shall also comply with this requirement but do not require the approval of the Fiscal Court.

(Ord. 32-03, passed 12-11-03)

§ 33.097 RIGHT TO RESPOND.

(A) An employee who has been notified of an intent to dismiss him or her has the right to appear personally or with counsel before the Personnel Committee to respond to the Letter of Intent to Dismiss. The Personnel Committee for general county government shall be comprised of the County Judge Executive, the County Personnel Director, and one County Magistrate or County Commissioner. Other Constitutional Officers operating under these policies shall serve as the hearing authority.

(B) The request to respond must be made within five working days of the employee's receipt of the Letter of Intent to Dismiss excluding the day it was received. If the employee does not submit such a request within five working days, it will be deemed that the employee has waived his or her right to respond.

(C) The employee's meeting with the Personnel Committee shall be held within five working days after receipt of the employee's request excluding the day it was received.

(D) The meeting is to be informal. It provides the employee the opportunity to respond to charges contained in the Letter of Intent to Dismiss.

(E) Within five working days, excluding the day of the meeting, the Personnel Committee shall make a recommendation to the County Fiscal Court, which shall make a final determination on the termination. The employee will be notified, in writing, of the Fiscal Court's decision by the County Judge Executive. The decision of the court is final.

(F) Such action shall be recorded in the employee's personnel file.
(Ord. 32-03, passed 12-11-03)

§ 33.098 COMMON INFRACTIONS.

The following is a list of common infractions. While this list does not include all actions that call for a disciplinary action, it is intended as a guide to assist in avoiding activities that are in conflict with the principles and goals of an efficient work force.

- (A) Absenteeism, lateness, extended meal times;
- (B) Neglect of duty;
- (C) Abuse of sick leave;
- (D) Insubordination;
- (E) Theft, destruction, defacement, or misuse of county property;
- (F) Leaving work without authorization;
- (G) Intoxication or use of intoxicants while on duty;
- (H) Reporting to work under the influence of drugs (including prescription) or alcohol;
- (I) Unauthorized use of county property or vehicles;

- (J) Provoking or inciting a fight, or fighting during work hours;
- (K) Mistreating (physical or verbal) of citizens or co-workers;
- (L) Willful neglect or abuse of county property;
- (M) Deliberate falsification of time records;
- (N) Conviction of a felony;
- (O) Improper discussion or disclosing of confidential information;
- (P) Failure to comply with established safety practices or procedures;
- (Q) Harassment, including sexual harassment;
- (R) Supplying false information on employment application;
- (S) Incompetence or inefficiency on the job;
- (T) Violation of established employer policies;
- (U) Use of profanity or abusive language;
- (V) The illegal possession, use, or attempted use of firearms or other weapons;
- (W) Gambling on county property;
- (X) Smoking or using smokeless tobacco in a prohibited area;

(Y) Threatening or intimidating anyone, including management, supervisors, security guards, fellow co-workers, and citizens.

(Ord. 32-03, passed 12-11-03)

§ 33.099 CONFLICT RESOLUTION.

When conflict arises between employees that can not be resolved by the supervisor, the parties may work with the Personnel Officer or administrative authority to find a resolution. A department head and/or the Personnel Officer or administrative authority may require an employee to attend counseling by an outside agency to assist in resolving a conflict. When referred, attendance is mandatory; and failure to comply will result in disciplinary action.

(Ord. 32-03, passed 12-11-03)

CLASSIFICATION PLAN**§ 33.110 ALLOCATIONS.**

In the classification plan authorized by the Fiscal Court or appropriate Constitutional Officer:

(A) Each position shall, on the basis of the duties and responsibilities of the position, be allocated to an appropriate class.

(B) A class may include either a single position or two or more positions.
(Ord. 32-03, passed 12-11-03)

§ 33.111 WRITTEN POSITION DESCRIPTION.

(A) Each class shall have a position that includes:

- (1) A concise, descriptive title;
- (2) A description of the duties and responsibilities of positions in the class; and
- (3) A statement of minimum qualifications for each such position.

(B) All positions in a single class shall be sufficiently alike to permit:

- (1) The use of single descriptive title for the class;
- (2) A concise, general description of the duties of each position in the class;
- (3) Description of the same qualifications for each such position;
- (4) The use of the same tests of competence for each such position; and
- (5) Application of the same pay range to each such position.

(Ord. 32-03, passed 12-11-03)

§ 33.112 REVIEWS/EVALUATIONS.

At least once each year the executive authority or his or her designee shall review the classifications of positions and may recommend combining classes, establishing new ones, or abolishing unnecessary classes as the needs of the service require.

(Ord. 32-03, passed 12-11-03)

COMPENSATION PLAN

§ 33.125 PAY PLAN.

(A) A pay plan prepared pursuant to the personnel ordinance shall prescribe for each class a rate of pay and whatever intermediate steps, if any, the County Judge Executive and Fiscal Court or the relevant Constitutional Officer deem equitable.

(B) Upon the adoption of a pay plan in accordance with the personnel ordinance, the County Judge Executive and Fiscal Court, or the appropriate Constitutional Officer, shall assign each class to one of the pay grades the plan provides.

(C) Salary grades are determined by the relative difficulty and responsibility of the positions of the class, minimum qualifications, prevailing rates of pay, cost of living factors, the financial policy of the county and other related considerations.

(D) At least once each year, the executive authority or his or her designee may:

(1) Compare the county's salary rates, compensation policies, and personnel developments of the county with those of other employers, public and private, in the area.

(2) Analyze fluctuations in the cost of living.

(3) Make recommendations for amendment of the pay plan based upon comparison, analysis, and examination.

(Ord. 32-03, passed 12-11-03)

§ 33.126 HOURS OF WORK.

(A) Each employee shall work according to a schedule of hours determined by his or her department head. Non-supervisory, full-time employees shall work a minimum of 40 hours per week.

(B) Flexible work schedules may be utilized as agreed to between each employee and his or her department head with the executive authority's approval.

(Ord. 32-03, passed 12-11-03)

§ 33.127 OVERTIME.

(A) In order to determine whether an employee will receive overtime pay for hours worked in excess of 40 hours per week each class shall be declared "exempt" or "non-exempt" in accordance with

provisions of existing labor laws. Exempt employees shall not be compensated in cash for overtime worked. Non-exempt employees shall receive overtime pay at the rate of one and one-half times the hourly wages for actual hours worked in excess of 40 hours in any work week.

(B) Time off with pay (such as vacation or sick leave) shall not be considered as hours worked for overtime pay purposes.

(C) Holidays for which employees are paid, but which are not worked, cannot be used for computing overtime.

(D) Overtime work shall be approved in advance by the employee's department head whenever possible and shall be kept at the minimum consistent with maintenance of essential services and the county's financial resources.

(Ord. 32-03, passed 12-11-03)

§ 33.128 COMPENSATORY TIME OFF.

County Fiscal Court gives county employees the option of receiving compensatory time off ("comp time") instead of overtime pay for overtime hours worked. Comp time instead of overtime pay will be allowed if the time off is taken within the same or the next pay period that the overtime is worked. All comp time off must be given at the rate of one and one half hours for each hour of overtime worked. Comp time scheduling will be done on a prior approval basis with the approval of the employees department head and will be scheduled to meet the needs of the employees, the county, and the public. (Ord. 32-03, passed 12-11-03)

WORKING HOURS AND WORK RULES

§ 33.140 WORK SCHEDULES.

(A) *Work week.* Full-time employees are scheduled for a regular 40 hour work week, exclusive of lunch. Some county employees, including sworn police officers, are on duty during their lunch breaks. Salaried employees are also typically scheduled for a 40 hour work week. Department heads set regular scheduled hours with the advice and approval of the executive authority. The county may require you to work beyond your regular schedule.

(B) *Lunch periods.* The department head will schedule lunch for a time that best serves the public. (Ord. 32-03, passed 12-11-03)

§ 33.141 INTERNET USAGE.

(A) Use of the internet or intranet to provide user access to many capabilities is widespread. Use of the internet for information gathering purposes is an extremely valuable asset to the County Fiscal Court. However, caution should be taken when transmitting sensitive data over the internet.

(B) When utilizing the internet for downloading information, users should be cautioned to understand that the copyright laws apply to information that is generally available on the internet. Unless the article or publication states that the information is generally available and not copyrighted then users should consider the material subject to copyright. Whereas the person has the right to read or make copies for individual reading and use, it is a violation of copyright to make copies in general and to distribute the copies just as you would be subject to copyright infringements if you copied a book, CDROM, or some other physically available item.

(Ord. 32-03, passed 12-11-03)

§ 33.142 UNACCEPTABLE INTERNET USAGE.

(A) Use of the County Fiscal Court internet and e-mail resources is a privilege that may be revoked at any time for inappropriate conduct. Abuse may result in revocation of access and/or termination and will result in notification of county management.

(B) Examples of inappropriate conduct include, but are not limited to:

(1) Use of the internet and e-mail for personal gain or personal business activities as defined in a commercial sense such as buying or selling of commodities or services with a profit motive.

(2) Use of the internet and e-mail for unlawful activities.

(3) Use of abusive or objectionable language in either public or private messages.

(4) Knowingly visiting pornographic or illegal sites or disseminating or soliciting sexually oriented messages or images.

(5) Misrepresentation of oneself or the county.

(6) Sending chain letters and other forms of spamming or mail bombing.

(7) Using official dissemination tools to distribute personal information.

(8) Disseminating or printing copyrighted materials (including articles and software) in violation of copyright laws.

(9) Other activities that could cause congestion and disruption of networks and system (for example, unnecessary list server subscriptions and mail attachments exceeding 1.5 MB in size are examples of activities that cause network congestion).

(Ord. 32-03, passed 12-11-03)

§ 33.143 SOFTWARE LICENSE.

The county is committed to the enforcement of software copyright laws. All software purchased for use on the county computer equipment, including local area networks, shall be used only in accordance with the license agreement. All county software shall be registered; and the software and its related documentation, unless authorized by the software developer, shall not be reproduced.

(Ord. 32-03, passed 12-11-03)

§ 33.144 PERSONAL USE OF ELECTRONIC SYSTEMS.

(A) The County Fiscal Courts' electronic resources are provided for the transaction of county business, and no personal use is intended or approved. These resources include, but are not limited to, programs, files, and e-mail records. All messages processed electronically over county owned computers and communications systems are the property of the County Fiscal Court. Employees should have no expectation of privacy associated with the information they store in or send through county-owned systems.

(B) To properly maintain and manage these programs, databases, files, and e-mail records the county may exercise at any time its right to inspect, record, and/or remove all information contained therein and take appropriate action should unauthorized or improper usage be discovered. The inspection, recording, or removing shall be done on the basis of agency need. Need includes, but is not limited to, management's determination that reasonable cause exists for belief that laws, county policies, or management directives have been, are being, or will be violated.

(Ord. 32-03, passed 12-11-03)

§ 33.145 PERSONAL HARDWARE AND SOFTWARE.

No personal hardware or software is allowed. All equipment and software of any kind, including programs, is the sole property of the County Fiscal Court. This is to reduce problems of equipment and software failure, damage to data files, and the introduction of viruses. It is also a policy that disks or tapes belonging to the county are not to be used in personal home computers and then returned. This restricts access to the county's data and/or programs and prevents virus transmission.

(Ord. 32-03, passed 12-11-03)

HARASSMENT POLICY

§ 33.155 PURPOSE.

The County Fiscal Court is committed to maintaining a work environment that is free of discrimination and harassment. In keeping with this commitment, the county will not tolerate harassing conduct that affects tangible job benefits or that interferes with an individual's work performance. (Ord. 32-03, passed 12-11-03)

§ 33.156 HARASSMENT DEFINED.

(A) Harassment.

(1) Harassment on the basis of race, color, religion, gender, national origin, age, or disability constitutes discrimination in the terms, conditions, and privileges of employment. Harassment is verbal, physical, or conduct toward an individual because of his or her race, color, religion, gender, national origin, age, or disability.

(a) Has the purpose or effect of unreasonably interfering with an individual's work performance.

(b) Otherwise adversely affects an individual's employment opportunities.

(2) Harassing conduct includes, but is not limited to, the following:

(a) Epithets; slurs; negative stereotyping; or threatening, intimidating, or hostile acts that relate to race, color, religion, gender, national origin, age, or disability.

(b) Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age, or disability that is placed on walls, bulletin boards, or elsewhere on the employer's premises or circulated in the workplace.

(B) Sexual harassment.

(1) Sexual harassment deserves special mention. Inappropriate sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitutes sexual harassment when:

(a) Submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment;

(b) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or

(c) Such conduct has the purpose or effect of reasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(2) Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", "practical jokes", jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact such as patting, pinching, or brushing against another's body.

(Ord. 32-03, passed 12-11-03)

§ 33.157 COMPLAINT PROCEDURES.

(A) All employees are responsible for helping to assure that the county avoids harassment and are responsible for reporting any occurrence of harassment or sexual harassment. Employees encountering harassment should tell the offending person that their actions are inappropriate and offensive. The employee shall document all incidents of harassment in order to provide the fullest basis for investigation. If the employee feels that he/she has experienced or witnessed harassment, he/she shall have the right to process a complaint in accordance with the following procedure:

(1) Level one.

(a) The aggrieved employee shall present the grievance to his or her department head within 24 hours of its occurrence.

(b) The grievance (and all subsequent appeals) shall be in writing utilizing the Harassment/Sexual Harassment Grievance Form and shall set forth the reasons and grounds for the grievance along with a statement of the relief sought. The department head shall attempt to resolve the matter and shall respond to the employee in writing within five working days.

(c) If the grievance is with the department head, the aggrieved employee will begin the grievance procedure at level two.

(d) If the grievance is with the Constitutional Officer, the aggrieved employee will continue the grievance procedure at level three.

(2) Level two.

(a) If the grievance remains unresolved, it may then be presented by the aggrieved employee to the County Judge Executive/Constitutional Officer within five working days after receiving the department head's written response.

(b) The County Judge Executive/Constitutional Officer shall consider all information concerning the grievance and shall make a decision regarding the matter and respond to the employee within ten working days. The decision of the County Judge/Constitutional Officer shall be final.

(3) Level three.

(a) If the grievance remains unresolved, it may then be presented by the aggrieved employee to the Grievance Board no later than ten working days after receiving the department head's written response.

(b) The Grievance Board shall be comprised of an attorney familiar with employment laws, a Director of Human Resources from a local business, and an appointment of the Fiscal Court. The County Judge Executive or uninvolved Constitutional Officer shall appoint this board as needed.

(c) The Grievance Board shall convene no later than ten working days to hear the aggrieved employee.

(d) The Grievance Board shall reach a consensus and issue findings of fact, conclusions, and a recommendation no later than ten working days to the appropriate Constitutional Officer.

(e) The Constitutional Officer shall consider the findings of fact, conclusions, and recommendation and make a written final decision, which shall be provided to the Fiscal Court, grievant, and any other appropriate interested parties.

(B) The county's policy is to investigate all such complaints. To the fullest extent practicable the county will keep complaints and the terms of their resolution confidential. If an investigation confirms harassment has occurred, the county will take corrective action and disciplinary action in accordance with the nature and extent of the offense. The county prohibits retaliation against any employee bringing a claim of harassment or sexual harassment.

(Ord. 32-03, passed 12-11-03)

§ 33.158 FALSE ACCUSATION PROCEDURE.

While the county does not want to stifle an employee's right to bring good faith complaints of harassment or sexual harassment in any way, the county also recognizes that false accusation of harassment and sexual harassment can have a serious effect on innocent men and women. Accusations which, after investigation, are determined to be intentionally false or malicious in intent may result in appropriate disciplinary action against the accuser.

(Ord. 32-03, passed 12-11-03)

§ 33.159 EMPLOYEE INQUIRY PROCEDURE.

The county encourages any employee to raise questions he or she may have regarding the harassment or sexual harassment policy with his or her department head or the County Judge Executive/Constitutional Officer.

(Ord. 32-03, passed 12-11-03)

SUBSTANCE ABUSE POLICY**§ 33.170 PURPOSE.**

Consistent with the county's policy to maintain a safe, healthy, drug-free work environment in compliance with the Drug Free Work Place Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991 (Rev. Oct. 2000), and in the interest of assuring the safety sensitive positions, the following policies are adopted and strictly adhered to by the county. For purposes of complying with federal drug and alcohol regulations, the substance abuse testing procedures for employees covered by the Omnibus Transportation Employee Testing Act of 1991 (Rev. Oct. 2000) (Commercial Driver's License) shall be established and administered separately from the county's overall substance abuse testing program.

(Ord. 32-03, passed 12-11-03)

§ 33.171 APPLICABILITY.

This policy applies to all employees that are subject to appointment by the County Judge Executive, with approval from the Fiscal Court, employees of Constitutional Officers that have chosen to be covered by these policies, and where appropriate, applicants for such county employment. However, random testing requirements contained within this policy are applicable only to persons required to have commercial driver's licenses (CDL) pursuant to the Omnibus Transportation Employee Testing Act of 1991 (Rev. Oct. 2000) and those persons employed by the county deemed to be performing safety sensitive functions as delineated within the random testing policy. For testing purposes, those employees subjected to testing for compliance with CDL regulations shall be maintained in separate testing programs.

(Ord. 32-03, passed 12-11-03)

§ 33.172 DEFINITIONS.

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

ACCIDENT. An incident which results in the death of a human being or bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident. Additionally, any incident which results in a vehicle being towed from a site also constitutes an accident. All incidents meeting these standards shall be considered cause for post accident drug testing of the employee.

ALCOHOL. The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

ALCOHOL CONCENTRATION (OR CONTENT). The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

COMMERCIAL MOTOR VEHICLE. A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- (1) Has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- (2) Has a gross vehicle weight of 26,001 or more pounds; or
- (3) Is designed to transport 16 or more passengers including the driver; or
- (4) Is of any size and is used in the transportation of materials found to be hazardous materials according to the Hazardous Materials Transportation Act and which requires the motor vehicle to be placarded under the Hazardous Materials Regulations (49 DFR part 172, subpart F).

CONTROLLED SUBSTANCE. Has the meaning as assigned by 21 U.S.C. 802 and includes all substances listed on Schedule I through V as they may be revised from time to time (21 CFR 1308). For example, marijuana (THC metabolite), cocaine, amphetamines; opiates (including heroin); phencyclidine (PCP).

DETECTABLE AMOUNT. Any amount.

DRIVER. Any person who operates a commercial motor vehicle. This includes, but is not limited to, full-time, regularly employed drivers; casual, intermittent, or occasional drivers; and independent, owner-operator contractors who are either directly employed by, or under lease to, any employer or who operate a commercial motor vehicle at the direction of, or with the consent of, an employer.

DRUG AND ALCOHOL TEST. The compulsory production and submission of urine, breath, or blood sample by an employee in accordance with procedures contained herein for chemical analysis to detect drug and/or alcohol use.

EMPLOYEE. An individual employed by the county.

HE or **HIS** also means **HIS** or **HERS** in the appropriate context.

MEDICAL REVIEW OFFICER (MRO). A licensed M.D. or D.O. (Doctor of Osteopathy) with knowledge of drug abuse disorders who is employed or use to conduct drug tests in accordance with this policy.

ON DUTY TIME. All time from the time the employee begins work or is required to be in readiness to work until the time he is relieved from work and all responsibility for performing work. **ON DUTY TIME** shall include:

- (1) All time waiting to work or working, unless relieved from duty by the employer;
- (2) All safety sensitive functions as defined in 49 CFR Section 395.2.

OWNER-OPERATOR. A driver(s) who has contracted for services with the county. For the purposes of these procedures and the County's Alcohol and Drug Abuse Policy, **OWNER-OPERATORS** are not to be considered county employees but will be required to participate in the county's Alcohol and Drug Abuse Policy like all county employee drivers.

PERFORMING A SAFETY SENSITIVE FUNCTION. An employee is considered to be performing a safety sensitive function during any period in which he/she is actually performing, ready to perform, or immediate available. This includes any employee who performs a duty(s) that requires a CDL license or any employee who hold a CDL license, or other classifications identified within the random selection of this policy.

POSITIVE DRUG SCREENS. The positive identification of alcohol, a drug, or a metabolite which has been confirmed by sophisticated scientific laboratory tests.

RANDOM SELECTION PROCESS. Alcohol and drug tests are unannounced. Tests conducted annually for employees who are CDL drivers shall equal or exceed 25% for alcohol tests and 50% for drug tests of the total number of drivers subject to testing. Random testing performed on all other safety sensitive positions of employment shall equal or exceed 50% per department per year.

REASONABLE CAUSE. This means that the employer believes the actions, appearance, or conduct of an employee who is on duty are indicative of substance abuse. Justification for such a conclusion may be actions, appearance, conduct consistent with those conditions identified in § 33.176(B), or other identifiable actions, appearance, or conduct that raise the suspicion of appropriately trained persons. Reasonable suspicion will be determined by two or more supervisory personnel who will attest to their observations. The executive authority will make the final determination.

SUBSTANCE ABUSE PROFESSIONAL (SAP). This is a doctor who specializes in counseling or helping a person deal with his substance abuse problems.

UNDER THE INFLUENCE. An individual is considered to be under the influence of intoxicants when the individual's blood alcohol content exceeds 0.02%. An individual is considered to be under the influence of a controlled substance when any detectable amount of the substance is identified through employee testing.
(Ord. 32-03, passed 12-11-03)

§ 33.173 ADMINISTRATOR.

The County Judge Executive or the appropriate Constitutional Officer will serve as the program administrator (PA) of this policy.
(Ord. 32-03, passed 12-11-03)

§ 33.174 PROHIBITIONS.

The following conduct is strictly prohibited and will subject any employee to immediate discipline:

(A) Alcohol prohibitions.

(1) The unlawful buying, selling, transportation, possession, or providing of alcohol while on duty.

(2) Use during the four hours before reporting for duty.

(3) Reporting for normal duty or remaining on duty to perform work with an alcohol concentration of 0.02% or greater.

(4) Use of alcohol during eight hours following an accident, or until he or she undergoes a post accident test.

(5) Employees found to have an alcohol concentration of 0.02% or greater, but less than 0.04%, shall immediately be removed from their duties and shall not perform safety sensitive functions, including driving, for a period of 24 hours following the alcohol test.

(6) Employees found to have an alcohol concentration of greater than 0.04% shall immediately be removed from their duties and subjected to other actions outlined in this policy including personnel actions up to and including dismissal from employment.

(B) Drug prohibitions. The use of any drug is prohibited if the drug could affect job performance, including, but not limited to:

(1) The use of any drug, except by doctor's prescription, and then, only if the doctor has advised in writing to the employer in advance that the drug will not adversely affect the employee's ability to safely perform the duties of his or her job;

(2) Testing positive for drugs;

(3) Refusing to take a required test;

(4) Failure to notify the department head if alcohol or a controlled substance is ingested unintentionally, or if the employee is made to ingest a controlled substance, so that appropriate medical steps may be taken to ensure the employee's health and safety;

(5) Failure to notify the department head of any alcohol or criminal drug statute charge or conviction no later than three days after such charge or conviction relating to alcohol or drug abuse or misuse (notification of charge or conviction does not insulate the employee from disciplinary action);

(6) An employee will not be disciplined for reporting personal use of alcohol when called to perform additional duties outside normal work hours;

(7) An employee will inform his department head or the PA of any therapeutic drug and/or prescription use that could adversely affect his performance prior to performing any duties; and

(8) Employees found to be in violation of the county's substance abuse policies are subject to appropriate personnel action up to and including dismissal from employment.

(Ord. 32-03, passed 12-11-03)

§ 33.175 PRECONDITIONS TO DRUG AND ALCOHOL TESTING.

The county shall contract with St. Claire Regional Medical Center or other approved laboratory where samples to be tested shall be obtained. The county will designate a Medical Review Officer(s) from St. Claire Regional Medical Center to review positive results.

(Ord. 32-03, passed 12-11-03; Am. Ord. 17-11, passed 11-28-11)

§ 33.176 TYPES OF TESTING.

(A) *Pre-employment testing.* All offers of employment are made contingent upon passing a medical review, including an alcohol and drug test. If the test is confirmed positive for drugs and alcohol, the candidate will be disqualified with no further action to be taken. Job applicants who are denied employment because of a positive test may reapply for employment after six months. The records will be maintained in the applicant's confidential medical file.

(B) *Reasonable suspicion.*

(1) If an employee's work performance or behavior is indicative of possible alcohol or drug abuse or misuse as demonstrated by the following behavior/symptoms, or if the employer observes specific, contemporaneous conduct, particularly conduct pertaining to the appearance, behavior, speech, or body odors of the employee that indicate that he/she may be in violation of this policy, an appropriately trained supervisor, with the concurrence of the PA, will require the employee to submit to a breath test or urinalysis.

(2) The following conditions, which should not be construed to be all inclusive, are signs of possible alcohol or drug abuse:

- (a) Abnormally dilated or constricted pupils;
- (b) Glazed stare, redness of eyes;
- (c) Change of speech;
- (d) Constant sniffing;
- (e) Increased absences;
- (f) Redness under nose;
- (g) Sudden weight loss;
- (h) Needle marks;
- (i) Change in personality;
- (j) Increased appetite for sweets;
- (k) Forgetfulness, performance faltering, poor concentration;
- (l) Borrowing money from co-workers, seeking an advance in pay, or other unusual display of need for money;
- (m) Constant fatigue or hyperactivity;
- (n) Smell of alcohol;
- (o) Difficulty walking;

- (p) Excessive, unexplained absences;
- (q) Dulled mental processes;
- (r) Slowed reaction rate.

(3) Department heads must notify the PA and/or the County Judge Executive, or the appropriate Constitutional Officer if they have reason to believe one or more of the above listed conditions is indicated and that the substance abuse is affecting an employee's performance or behavior in any manner. Job performance and policy violations must be specific.

(4) The PA will arrange to observe or talk to the employee. If the PA and department head concur on reasonable suspicion, the PA will immediately arrange for the specified test.

(5) The employee will be required to release any evidence relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline or suspicion. All confiscated evidence will be receipted with signatures of both the receiving department head and the provider.

(6) The department head shall, within 24 hours, or before the results of the alcohol or controlled substance tests are released, document the particular facts related to the behavior or performance problems and present documentation to the PA.

(7) The PA shall cause the removal of the employee from county property and ensure that the employee is transported to the collection site. Under no circumstances will the employee be allowed to drive any county vehicle until a confirmed negative test result is received;

(8) All department heads will receive a minimum of one hour training on alcohol abuse and one hour training on drug abuse to assist them in identifying abuse behavioral characteristics.

(C) *Post-accident testing.* An accident is an incident which results in the death of a human being or bodily injury to a person who, as a result of the injury, immediately received medical treatment away from the scene of an accident, or which caused a vehicle to be towed from the scene of an accident. The county may require testing on minor accidents if there is a reasonable suspicion that alcohol or drugs were involved. All employees are required to provide a breath test and a urine specimen to be tested within eight hours after an accident. The employee shall remain readily available for testing, or he will be deemed to have refused testing. If the employee is seriously injured and cannot provide a specimen at the time of the accident, he shall provide the necessary authorization for obtaining the hospital reports and other documents that would indicate whether there were any controlled substances in his system. Adherence by the employee to the post-accident testing requirements is a condition of the continued employment with the county.

(D) *Random selection.*

(1) in addition to the requirement for employees to be randomly tested by the Omnibus Transportation Employee Testing Act of 1991, the county will conduct mandatory random testing for all employees who perform safety sensitive functions, as follows:

(a) A selection process which removes discretion in selection will be adopted by the county.

(b) The random testing will be reasonably spaced over a 12-month period.

(c) Once notified, the employee will immediately proceed to the collection site. The employee will not be notified prior to duty that he is to be tested. If the employee is not scheduled to work within 72 hours he will not be randomly tested until drawn again.

(2) For the purposes of this policy, the county has determined the following positions impact the safety and well being of the community (individuals required to drive county-owned vehicles) and are therefore subject to mandatory random testing:

(a) Employees required to have commercial driver's licenses;

(b) Road foreman flaggers/laborers;

(c) Emergency medical paramedics;

(d) Emergency medical technicians;

(e) Emergency medical transport personnel (wheelchair and medical taxi);

(f) Detention center employees;

(g) Dog warden;

(h) Sheriff road deputies;

(i) Solid waste coordinator;

(j) Courthouse maintenance.

(Ord. 32-03, passed 12-11-03)

§ 33.177 COLLECTION OF BREATH AND URINE SPECIMENS AND LABORATORY ANALYSIS.

(A) *Breath alcohol testing.* Breath alcohol testing will be conducted at a prearranged location by a qualified Breath Alcohol Technician according to 49 CFR Part 40 procedures. Refusal to provide breath will be considered a positive test, and the employee will be removed from a safety-sensitive function until resolved.

(B) *Specimen collection.* Specimen collection will be conducted in accordance with applicable state and federal law. The collection procedures will be designed to ensure the security and integrity of the specimen provided by each employee, and those procedures will strictly follow chain of custody guidelines. Every effort will be made to maintain the dignity of each employee submitting a specimen for analysis in accordance with these procedures.

(C) *Laboratory analysis.* Only a laboratory certified by the Department of Health and Human Services (DHHS) to perform urinalysis for the detection of the presence of controlled substances will be retained by the county. The laboratory will be required to maintain strict compliance with federally approved chain of custody procedures, quality control, maintenance, and scientific analytical methodologies.

(Ord. 32-03, passed 12-11-03)

§ 33.178 RESULTS OF TESTING; APPEALS.

(A) Alcohol and drug abuse may not only threaten the safety and productivity of all employees but causes serious individual health consequences.

(B) (1) An employee testing positive for alcohol or drug use is subject to disciplinary action including termination. Refusal to submit to testing will also be considered a positive test. Refusal includes not providing a breath or urine sample as directed, neglecting to sign appropriate control forms, using alcohol within eight hours of an accident unless a test sample has been taken earlier, or engaging in conduct that clearly obstructs the testing process.

(2) Within 72 hours after the employee has been notified of a positive test result for drugs he or she may request a retest of the split sample. The signed request will be provided to the MRO in writing, who will then initiate the new laboratory analysis. If a different result is detected by the subsequent laboratory, the test will be voided by the MRP and the PA will be notified. A new sample may be requested as appropriate. Any testing in addition to the initial test will be conducted at the expense of the employee.

(C) (1) The employee may seek assistance from a substance abuse professional who, in conjunction with the MRO, will take appropriate action which may include diagnosing the problem and recommending treatment. This is to be done at the expense of the employee.

(2) Nothing in these policies shall be deemed as precluding the county from dismissing any employee who has been found to be in violation of these policies. There is no express responsibility to retain an employee or to provide assistance beyond referral information regarding rehabilitative resources.

(Ord. 32-03, passed 12-11-03)

§ 33.179 CONFIDENTIALITY.

(A) Under no circumstance, unless required by law, will alcohol or drug testing information or results for any employee or applicant be released without written request from the applicable employee. Employees are entitled, upon written request, to obtain copies of any records pertaining to his or her use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests. The county will have three working days to provide copies.

(B) Collection of breath and urine samples must always be documented and sealed with a tamper-proof system in the presence of the employee to insure that all tests can be correctly traced to the employee. Drug and alcohol test analysis from the DHHA approved laboratory will be forwarded directly to the MRO for confidential record keeping.

(Ord. 32-03, passed 12-11-03)

§ 33.180 RECORD RETENTION.

The county shall maintain records of its alcohol misuse and controlled substance abuse prevention programs in a secured location as prescribed by 382 CFR 401.

(Ord. 32-03, passed 12-11-03)

§ 33.181 COOPERATION WITH INVESTIGATIONS AND SEARCHES.

(A) To maintain security and efficiency, the county will occasionally need to conduct investigations of employee misconduct or other county issues. As an employee of the county, full cooperation and assistance is required.

(B) In order to help protect the property and safety of our employees, citizens, and the county, the county reserves the right to search any computer, office, desk, file cabinet, locker, or any other item or area on county property and vehicles belonging to the county.

(Ord. 32-03, passed 12-11-03)

CHAPTER 34: CODE OF ETHICS

Section

- 34.01 Definitions
- 34.02 Standards of conduct
- 34.03 Financial disclosure
- 34.04 Hiring of relatives
- 34.05 County Coroner
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§ 34.01 DEFINITIONS.

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

BUSINESS ASSOCIATE. Includes the following:

- (1) A private employer;
- (2) A general or limited partnership, or a general limited partner within the partnership;
- (3) A corporation that is family-owned or in which all shares of stock are closely held, and the shareholders, owners, and officers of such a corporation; and
- (4) A corporation, business association or other business entity in which the county government, officer, or employee serves as a compensated agent or representative.

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

CANDIDATE. Any individual who seeks nomination or election to a county government office. An individual is a candidate when the individual:

- (1) Files a notification and declaration for nomination for office with a County Clerk or the Secretary of State; or

(2) Is nominated for office by a political party under KRS 118.105, 118.115, 118.325 or 118.760.

COUNTY GOVERNMENT AGENCY. Any board, commission, authority, nonstock corporation or other entity formed by the county government or a combination of local governments, or which receives primary funding from county government.

COUNTY GOVERNMENT EMPLOYEE. Any person whether full-time or part-time, employed by a county government agency who is not a county government officer, but shall not mean any officer of a school district or school board.

COUNTY GOVERNMENT OFFICER. Any person who is elected to any county government office but shall not mean any officer of a school district or school board.

MEMBER OF IMMEDIATE FAMILY. A spouse, an emancipated child residing in an individual's household or a person claimed by the individual or individual's spouse as a dependent for tax purposes.

RULE OF NECESSITY. The county government, agency or district may make or enter into a contract in which the members of the immediate family (or a business associate of such family members) or a member of the governing body of such government, agency or district has an economic interest if:

(1) The nature of the transaction and the nature of the interest is publicly disclosed on the record prior to the time it is engaged in; and

(2) A specific finding is made by the county government, agency or district and entered on the official record of the proceedings of the governing body that notwithstanding the conflict, it is in the best interest of the local government because of the limited supply, price or documented emergency.

RELATIVE. A spouse, parent, child, sibling or the same by marriage to a county government officer.

(Ord. passed 11-15-94; Am. Ord. passed 2-21-95)

§ 34.02 STANDARDS OF CONDUCT.

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

(B) No county government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others.

(C) No county government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment. All members of county boards shall abstain from voting on matters where personal interests may be affected by his vote.

(D) No county government officer or employee shall undertake any employment or service, compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties.

(E) No county government officer or employee, member of his immediate family or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise of future employment or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office as governed by the Kentucky Revised Statutes.

(F) No county government officer or employee shall be prohibited from giving or receiving an award publicly presented in recognition of public service, commercially reasonable loans made in the ordinary course of the lender's business or reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events appearances, ceremonies or fact-finding trips related to official county government business.

(G) No county government officer shall be prohibited from accepting a gratuity for solemnizing a marriage.

(H) No county government officer or employee shall use, or allow to be used, his public office or employment, or any information not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family or any business organization with which he is associated except under the "rule of necessity".

(I) No county government officer or employee or business organization in which he has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he serves.

(J) No county government officer shall be deemed in conflict with these provisions if, by reason of his participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group.

(K) No elected county government officer shall be prohibited from making an inquiry for information or providing assistance on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the officer or a member of his immediate family, whether directly or indirectly, in return therefor.

(L) Nothing shall prohibit any county government officer or employee, or members of his immediate family, from representing himself, or themselves, in negotiations or proceedings concerning his or their own interest.

(Ord. passed 11-15-94; Am. Ord. passed 2-21-95)

§ 34.03 FINANCIAL DISCLOSURE.

(A) The following individuals shall be required to file a financial disclosure statement:

- (1) Elected officers;
- (2) Candidates for elected office; and
- (3) Officers and employees with procurement authority exceeding \$500 per purchase.

(B) The financial disclosure statement shall include the following information:

- (1) Name of filer and members of immediate family;
- (2) Current business address, business telephone number and home address of filer;
- (3) Title of filer's public office or office sought;
- (4) Occupations of filer and members of immediate family;
- (5) Source of income from stocks and bonds of the filer and members of immediate family which exceed \$1,000 during the preceding calendar year;
- (6) The location and type (commercial, residential, agriculture) of all real property in which the filer or any member of the filer's immediate family had an interest of \$1,000 or more during the preceding calendar year;
- (7) Positions held by the filer and any member of the filer's immediate family in which any business organization or nonprofit entity from which the filer or any member of the filer's immediate family received compensation in excess of \$1,000 during the preceding calendar year; and
- (8) Any entity in which the filer or any member of the filer's immediate family received compensation for services of \$1,000 or more during the previous year.

(C) The financial disclosure statement shall be on a form provided by the Local Ethics Commission. The financial disclosure statement shall be filed annually by officers and employees no later than February 1. Candidates shall be required to file the statement no later than 21 days after the date of filing or appointment.

(D) The financial disclosure statement should be filed with the Local Ethics Commission by all filers who are subject to the jurisdiction of the Commission. Failure to do so will result in a fine of \$500.

(E) The County Clerk shall provide necessary financial disclosure forms to candidates at time of filing and provide secure filing space for commission documents and the appointing authority shall provide the Fiscal Court room for the purpose of commission meetings/hearings.

(Ord. passed 11-15-94; Am. Ord. passed 2-21-95)

§ 34.04 HIRING OF RELATIVES.

A relative of a county government officer may be hired by a county government agency as a county government employee subject to the following terms and conditions:

(A) Such employee shall serve exclusively at the pleasure of the appointing authority; they shall not have tenure and do not have a right of appeal of grievances as outlined in the Administrative Office of the Courts' Personnel Policy General Information Memorandum (March 23, 1989).

(B) In all cases such employees shall be hired according to provisions of the Kentucky Revised Statutes, County Judge, KRS 67.710(7), Sheriff, 70.030, County Clerk, 64.530(3) and Jailer, KRS 71.060, and the like.

(Ord. passed 11-15-94; Am. Ord. passed 2-21-95)

§ 34.05 COUNTY CORONER.

Notwithstanding any other provision contained in this Code of Ethics, it shall not be impermissible for the Coroner to regularly utilize or contract for the services, equipment or facilities of a business associate or member of the Coroner's immediate family which is regularly engaged in the funeral or mortuary profession for the purpose of providing facilities, equipment or services reasonably necessary in the discharge of the duties of the office of the Coroner. Whenever practicable, and whenever the cost is substantially the same, the Coroner shall attempt to equally utilize or contract for services, equipment or facilities among those licensed to and regularly engaging in the funeral or mortuary business.

(Ord. passed 11-15-94; Am. Ord. passed 2-21-95)

§ 34.06 COUNTY ETHICS COMMISSION.

(A) (1) The County Ethics Commission shall consist of five members, one of each to be appointed by the members of the Fiscal Court (including the County Judge/Executive), with the approval of a majority of the Fiscal Court. The terms of members shall be for terms of one, two, three, four and four years during the initial term(s), with all subsequent appointments for a four-year term.

(2) Members of the County Ethics Commission shall, prior to assuming the duties of their positions, attend such training sessions as may be available.

(3) Members of the County Ethics Commission shall, prior to assuming the duties of their positions, be listed as "additional insured" on the county's liability insurance policy.

(4) Members of the County Ethics Commission shall be given an oath to faithfully perform such duties as they are given in this code.

(5) Members of the Commission shall serve without compensation. All reasonable and necessary Commission expenses shall be paid by the Fiscal Court.

(B) The County Ethics Commission shall have the following powers:

(1) To initiate, receive, hear and review complaints and hold hearings regarding possible violations of the county ethics code;

(2) To forward to appropriate agencies of state and local government information concerning violations which may be used in criminal or other proceedings;

(3) To render advisory opinions to county officers, candidates for county offices and employees regarding whether a given set of facts and circumstances constitutes a violation of any provision of the county code of ethics;

(4) To enforce the provisions of the local code of ethics with regard to local government officers, candidates and employees and to impose penalties for intentional violations ranging from a fine of not less than \$50 and no more than \$500;

(5) To adopt rules and regulations necessary to implement the local ethics code.

(C) Complaints, notice, hearing procedures, appeals, and the like.

(1) All complaints alleging violations of this code of ethics shall be in affidavit form properly notarized and directed to the chairman of the Commission at his/her home address by certified mail.

(2) The chairman shall, immediately, by certified mail, notify the county government officer, candidate or employee that a complaint has been filed against him/her and an investigation has begun. A copy of the complaint shall be mailed with notification.

(3) Any government officer, candidate or employee shall have the right to appear before the Commission and give testimony in his/her own behalf.

(4) Decisions of the County Ethics Commission regarding violations shall be appealable to Circuit Court.

(5) Members of the County Ethics Commission may only be removed during their term of appointment for cause by majority vote of Fiscal Court.

(6) Meetings of the Commission relative to complaints alleging violations of this code shall be held in closed session, and the information presented in such meetings shall not be disclosed except in a formal finding by the Commission.

(7) All fines imposed and collected by this Commission shall be escheated to the County Treasurer.

(8) The County Ethics Commission shall be responsible for the maintenance, security and preservation of its records, files, forms and documents, and shall carry out that responsibility in accordance with the standards established by the Commonwealth of Kentucky, Department of Libraries and Archives, Archives and Records Commission.
(Ord. passed 11-15-94; Am. Ord. passed 2-21-95)

APPENDIX: FINANCIAL DISCLOSURE REPORT

(Please type or print. If more space is needed, attach additional pages to form.)

 (Name of Officeholder/Candidate/Employee) (Specify office held or sought)

 (Mailing address of Officeholder/Candidate/Employee) (Street/Route #, Box #) (City) (Zip)

 (Name of spouse and/or dependent(s), if listing financial interests held by them.)

FINANCIAL INTERESTS: Describe all financial interests, either direct or indirect, which you, your spouse and/or dependent(s) have in the categories listed below:

1. You are not required to disclose accounts in banks, savings and loan associations and credit unions and equity interest valued at less than \$1,000.
2. A financial interest need not be identified by name. Such interest may be identified by its principal economic activity, together with such detail as will fairly indicate its purpose.
3. Report financial interests maintained by you, your spouse and/or dependent(s), during the past twelve (12) month period.

1. **Stocks and Bonds:** List stocks and bonds owned by you, your spouse and/or dependent(s). You need not identify stock or bond by name, number of shares or bonds held or value. Where stocks and bonds were held by your spouse and/or dependent(s), specify owner's relationship to you.

Describe Nature of Business	Product/Service Produced	Relationship of Stockholder to Officeholder/Candidate
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. **Real Estate and Credit Interests (notes and accounts receivable, etc.):** List real property and credit interests owned by you, your spouse and/or dependent(s) in any business enterprise whether a partnership, a sole proprietorship or otherwise. You need not identify the property or debtors by name or value. However, you must describe the property (residential, commercial, investment, etc.) and, if commercial property, describe type of business conducted on property. Describe makers of credit interests by their business activity. When real estate or credit interests were held by spouse and/or dependents, specify owner's relationship to you.

Describe Real Estate and Credit Interests	Product/Service Produced	Relationship of Owner to Officeholder/Candidate/Employee
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3. **Offices, Directorships and Employment:** List each office, directorship or employment held by you, your spouse and/or dependent(s) in any entity regardless of income received or equity held, excepting such activities in political, religious or charitable entities if compensation of less than \$1,000 per year was received. You need not identify organizations by name or specify income received. However, you must describe principal economic activity of employer. When compensation was received by spouse and/or dependents, specify their relationship to you.

Describe Office, Directorship or Employment Held	Product/Service Produced	Relationship of Performer to Officeholder/Candidate/Employee
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4. **Compensated Services:** List entities to which you provided compensated services. You need not

identify organizations or individuals by name. However, you must describe entity by its principal economic activity. Where legal services were rendered, a description of such services is required. When services were performed by spouse and/or dependent(s), specify their relationship to you.

Recipient of Compensated Services	Product/Service Produced	Service Performed	Relationship of Performer to Officeholder/Candidate/Employee

I certify the above statement is complete, true and correct for the preceding twelve months.

(Date)

(Signature of Officeholder/Candidate/Employee)

Return to: Rowan County Ethics Commission, c/o Rowan County Clerk, 627 East Main Street, Morehead, KY 40351

CHAPTER 35: ELECTIONS

Section

35.01 Electioneering practices

§ 35.01 ELECTIONEERING PRACTICES.

(A) No person shall do any electioneering on any election day within the county within sight of any polling place or within a minimum of 300 yards from such polling place. **ELECTIONEERING** as used within this section shall include the displaying of signs, the distribution of campaign literature, cards or handbills, the soliciting of signatures to any petition, or the solicitation of votes for or against any candidate or question on the ballot in any manner or the checking of voters on behalf of or in opposition to any candidate, party or question.

(B) Any person who violates division (A) of this section shall be subject to a fine as set out in KRS 117.995 for each offense.

(Ord. passed 9-10-85)

Statutory reference:

Electioneering prohibited, see KRS 117.235

CHAPTER 36: COUNTY POLICIES

Section

General Provisions

- 36.01 Smoking on second floor of Rowan County Courthouse
- 36.02 Concealed weapons on county property/buildings

Working of County Prisoners

- 36.15 Definitions
- 36.16 Name and purpose of program
- 36.17 No private benefit
- 36.18 Rules and regulations

- 36.99 Penalty

GENERAL PROVISIONS

§ 36.01 SMOKING ON SECOND FLOOR OF ROWAN COUNTY COURTHOUSE.

The County Fiscal Court does hereby prohibit smoking anywhere on the second floor of the Rowan County Courthouse, except within a designated smoking area established by the Fiscal Court.
(Ord. 25-03, passed 10-21-03) Penalty, see § 36.99

§ 36.02 CONCEALED WEAPONS ON COUNTY PROPERTY/BUILDINGS.

Under the authorization of state law, the county does hereby allow the carrying of concealed weapons into and on the grounds of all buildings and property owned, leased or controlled by the government of the county.
(Ord. 07-16, passed 5-18-16)

WORKING OF COUNTY PRISONERS**§ 36.15 DEFINITIONS.**

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

COMMUNITY SERVICE-RELATED PROJECT. Work for a county, a city, state or a special district or an agency thereof.

(Ord. 31-03, passed 11-18-03)

§ 36.16 NAME AND PURPOSE OF PROGRAM.

(A) The program established herein shall be referred to as the “Rowan County Prisoner Work Program.”

(B) The purpose of this program is to provide voluntary labor from the County Jail prisoner population for community-service-related projects.

(Ord. 31-03, passed 11-18-03)

§ 36.17 NO PRIVATE BENEFIT.

Prisoner work on community-service-related projects, as authorized herein, shall not confer a private benefit on a person except as may be incidental to the public benefit.

(Ord. 31-03, passed 11-18-03)

§ 36.18 RULES AND REGULATIONS.

(A) *Voluntary participation.* The prisoners who participate in the Prisoner Work Program shall do so on a voluntary basis only, and any prisoner who does not wish to participate shall not be punished or penalized in any manner.

(B) *No monetary compensation.* Prisoner participation in the Prisoner Work Program shall be entirely without monetary or other compensation of any kind, with the exception of compensation provided to State Prisoners by the Department of Corrections.

(C) *Not considered employment.* Prisoner participation in the Prisoner Work Program shall not be deemed employment for any purpose.

(D) *Jailer may permit county prisoners to participate if approved by county Judge Executive.* Pursuant to, and within the guidelines of this written policy, the County Jailer may permit certain county prisoners to work on community-service-related projects.

(E) *Application of prisoners to participate; consent of jailer.*

(1) Printed forms shall be made available to the county prisoners who wish to participate in the Prisoner Work Program, which shall state:

- (a) Prisoner's name and county of residence.
- (b) Current criminal charge(s) against him or her.
- (c) That he or she understands his participation is voluntary.
- (d) That he or she understands no compensation will be paid.
- (e) That he or she understands no extra credit will be given against the time he or she is required to serve in jail.
- (f) That he or she understands his or her participation shall not be deemed employment for any purpose.
- (g) That any prisoner, who, without authorization, leaves his or her work location, shall be charged with escape from custody in the appropriate degree.

(2) The application form shall be signed by the applicant and witnessed by a member of the jail staff. The application form shall also contain a section for the County Jailer to approve the application, a space for his comments, a signature line and a place to record the date.

(F) *General guidelines for approval/disapproval of applications.* In determining which prisoners may be selected for participation in the Program, the Jailer shall consider the physical and mental ability of the prisoner, the security of the jail and the general public, any tendency the prisoner might have to escape, the prisoner's criminal history and whether they believe his expected behavior would be compatible with the purpose of this Program.

(G) *No work to be unduly hazardous; place of working; filing.* No prisoner who shall be allowed to participate in the Prisoner Work Program shall be assigned to unduly hazardous work that would endanger the life or health of the prisoner or others. The place of working prisoners shall be determined by the County Jailer.

(H) *Meals to be provided.* Whenever the prisoners taking part in the Prisoner Work Program are working at a place where it is impractical to return them for regularly scheduled meals at the County Jail, meals shall be provided at the work site.

(I) *Safety clothing.* Whenever prisoners in the Prisoner Work Program are required to work in an area near traffic, high-visibility clothing (for example, vests, and the like) shall be provided for them and shall be required to wear the clothing while in such an area.

(J) *Escape.* Any prisoner who is taking part in the Prisoner Work Program who leaves a work detail without permission may be charged with the offense of escape (in the appropriate degree), just as if the escape had been from the jail itself.

(K) *Transportation.* The County Jailer, or the relevant entity supervising the community service-related project, shall provide transportation for prisoners in the Prisoner Work Program to and from their designated work sites.

(L) *Supervision-control.* Any work detail of the Prisoner Work Program having five or more prisoners shall be accompanied by and under the control of, a deputy jailer or the representative of relevant entity supervising the community service-related project.

(M) *Participation of state prisoners subject to regulations of department of corrections.* The participation of State Prisoners in the County Prisoner Work Program shall be consistent with this policy, but shall be at all times subject to and consistent with the rules and regulations of the Kentucky Department of Corrections.

(N) *Dismissal/revocation.* Prisoners who, in the sole opinion of the County Jailer, fail to satisfactorily perform in the Prisoner Work Program, may be immediately discharged from the Program. (Ord. 31-03, passed 11-18-03)

§ 36.99 PENALTY.

Any person who smokes or burns a cigar, cigarette, pipe or other substance containing tobacco or other toxic substance in violation of § 36.01 shall be guilty of a violation and subject to a fine not to exceed \$25.

(Ord. 25-03, passed 10-21-03)

TITLE V: PUBLIC WORKS

Chapter

50. SOLID WASTE

51. SANITATION DISTRICT

CHAPTER 50: SOLID WASTE

Section

Solid Waste District

- 50.001 Creation; continuation
- 50.002 Board of Directors
- 50.003 Powers; official solid waste management area
- 50.004 Definitions

Solid Waste Facilities

- 50.015 Duty to notify District of application for modification of permit
- 50.016 Solid waste disposal facility applicant to file certain documents with Board

Solid Waste Management

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- 50.020 Definitions

Article II. Storage of Solid Waste

- 50.025 Storage containers required
- 50.026 Solid waste to be stored in a manner prescribed by ordinance
- 50.027 Standards for residential storage containers
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Rowan County - Public Works

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- 50.055 Collection vehicle standards

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- 50.060 Open burning
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- 50.074 Effect of franchise; contract on permit
- 50.075 Application denial
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- 50.100 Notification
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Article IX. Convenience Centers

- 50.110 Use of county-provided containers; compactors
 - 50.111 Placement of solid waste materials in containers
 - 50.112 Standards for use of container site
 - 50.113 Restrictions by source of solid waste
 - 50.114 Restrictions by composition of solid waste
-
- 50.999 Penalty

SOLID WASTE DISTRICT

§ 50. 001 CREATION; CONTINUATION.

(A) There is hereby created a Solid Waste District pursuant to KRS 109.041 (13), and KRS 67.083 (3) which shall include the total area within the borders of the county and shall be called "Rowan County Solid Waste District".

(B) Rowan County Solid Waste District shall be a continuing public entity and exist until such time as same is dissolved or terminated by duly enacted ordinance by the County Fiscal Court.
(Ord. passed 4-17-90)

§ 50.002 BOARD OF DIRECTORS.

Rowan County Solid Waste District shall be managed and operated by a Board of Directors to be appointed by the County Judge/Executive and confirmed by the Fiscal Court. Except for the initial appointment to the Board, each Director shall serve for a two-year term; the initial Board shall consist of three directors appointed for one year, and four directors for a full term, whereby approximately one-half of the directors are appointed to a full term every year. Should a duly appointed Director die, resign or refuse to act (fail to attend any two successive regular meetings of the Board) an appointment shall be only for the unexpired term. The Board shall elect a chairperson, secretary and treasurer and shall operate under a budget and uniform accounting system as required by law, including the filing and publishing of annual statements.

(Ord. passed 4-17-90)

§ 50.003 POWERS; OFFICIAL SOLID WASTE MANAGEMENT AREA.

(A) Rowan County Solid Waste District shall have all powers set forth in KRS 109.041, saving and excepting the power to enact and collect license under KRS 68.178 and employing inspectors under KRS 109.042 and all law making powers except through regulations duly passed by the Board of the District, and approved by the County Fiscal Court.

(B) Rowan County Solid Waste District shall be the official solid waste management area for the area within the boundaries of the county if and when it has submitted a solid waste management plan that has been accepted and approved by the Natural Resources and Environmental Protection Cabinet of the Commonwealth of Kentucky, and until such has occurred the County Fiscal Court shall continue to be the official solid waste management agency and its present solid waste management plan shall continue in full force and effect.

(Ord. passed 4-17-90)

§ 50.004 DEFINITIONS.

Definitions as used here shall be the same as those set forth in KRS 109.012 except section 13 thereof shall mean "Waste Management District" meaning any county electing to form under the provisions of KRS 109.041(13) and KRS 67.083(3) and operating in conformance with this subchapter and with Section 4006 of the *Resource Conservation and Recovery Act of 1976* as amended (Pub.L. 94-580).

(Ord. passed 4-17-90)

SOLID WASTE FACILITIES**§ 50.015 DUTY TO NOTIFY DISTRICT OF APPLICATION FOR MODIFICATION OF PERMIT.**

Any applicant for a waste disposal permit of any type and the owner/operator of existing waste disposal facilities shall be required to notify the District (by notice to the County Solid Waste Management District Board) at the time application is made for any modification of the existing permit. Further notice shall be given if the facility seeks to change its service area or to accept any special or industrial wastes. Special or industrial waste shall be defined as set forth in the regulations of the Cabinet for Natural Resources.

(Ord. 90-001, passed 8-21-90)

§ 50.016 SOLID WASTE DISPOSAL FACILITY APPLICANT TO FILE CERTAIN DOCUMENTS WITH BOARD.

Any applicant for a permit to construct or operate a solid waste disposal facility within the boundary of the district shall file a copy of all documents relating to the application with the secretary of the County Solid Waste District Management Board. The documents required to be filed shall be copies of any application and attachments (including any pre-application forms); any maps, surveys or other documents provided to the Commonwealth of Kentucky; any correspondence relating to the application; and any professional or scientific studies done in connection with the application. This section shall be applicable to any steps of the application process taken by any applicant after the adoption of the ordinance.

(Ord. 90-002, passed 8-21-90)

SOLID WASTE MANAGEMENT***Article I. General Provisions*****§ 50.020 DEFINITIONS.**

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

AGRICULTURAL USE. Operations for the production of agricultural or horticultural crops, including, but not limited to: livestock, livestock products, poultry, poultry products grain, hay, pastures, soybeans, tobacco, timber, 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 their tract.

AGRICULTURAL WASTE. Any non-hazardous waste resulting from production and processing of on the farm agricultural products, including manures, prunings and crop residues.

APPROVED INCINERATOR. An incinerator which complies with all current regulations of the responsible local, state and federal air pollution control agencies.

BULKY WASTE. Non-putrescible solid wastes consisting of combustible and/or noncombustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded into solid waste transportation vehicles.

CABINET. The Natural Resources and Environmental Protection Cabinet.

CERTIFICATE OF NEED. A document issued by the Solid Waste Management Board which demonstrates the need for new or expanded disposal facilities.

CLOSURE. The time at which a waste treatment, storage or disposal facility permanently ceases to accept wastes and includes those actions taken by the owner or operator of the facility to eliminate future possible leaching and/or contamination problems and prepare the site for post-closure monitoring and maintenance or to make it suitable for other uses.

COLLECTION. Removal of solid waste from the designated pick-up location to the transfer vehicle. Acceptable collection practices shall consist of the following: (1) door-to-door household collection and/or (2) direct access to a designated receptacle, staffed convenience center or transfer facility or disposal site.

COLLECTION BOX. An unstaffed receptacle utilized to collect municipal solid waste.

COMMERCIAL SOLID WASTE. All types of solid waste generated by stores, offices, restaurants, warehouses and other service and nonmanufacturing activities, excluding households and industrial solid waste.

COMPOST. Solid waste which has undergone biological decomposition of organic matter, been disinfected using composting or similar technologies, been stabilized to a degree which is potentially beneficial to plant growth and which is approved for use or sale as a soil amendment, artificial topsoil, growing medium amendment, or other similar uses.

COMPOSTING. The process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions and which stabilizes the organic fraction into a material which can easily and safely be stored, handled and used in an environmentally acceptable manner:

(A) Composting may include a process which creates an anaerobic zone within the composting material.

(B) Composting does not include simple exposure of solid waste under uncontrolled conditions resulting in natural decay.

CONVENIENCE CENTERS. A facility that is staffed during operating hours for the collection and subsequent transportation of municipal solid wastes.

COUNTY. Rowan County, Kentucky.

DEMOLITION AND CONSTRUCTION WASTE. Materials resulting from the construction or destruction of residential, industrial or commercial structures.

DIRECTOR. The director of the Solid Waste Management Program of the county shall be the Judge/Executive of Rowan County or his duly appointed designee.

DISPOSAL. The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water, including ground waters, or the incineration of solid waste.

DISPOSABLE SOLID WASTE CONTAINER. Disposable plastic or paper sacks with a capacity of 10 to 35 gallons.

DWELLING UNIT. Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used or are intended to be used for living, sleeping, cooking and eating.

GENERATOR. Any person, by site, whose act or process produces wastes.

GOVERNING BODY. The Rowan Fiscal Court.

HAZARDOUS WASTE. Any waste or combination of wastes which are determined by the Cabinet or county because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.

HOUSEHOLD SOLID WASTE. Solid waste, including garbage and trash generated by single and multiple family residences, hotels, motels, bunkhouses, ranger stations, crew quarters, and recreational areas such as picnic areas, parks and campgrounds.

INDUSTRIAL SOLID WASTE. Solid waste generated by manufacturing or industrial processes that is not a hazardous waste.

KEY PERSONNEL. An officer, partner, director, manager or shareholder of 5% or more of stock or financial interest in a corporation, partnership or association or parent, subsidiary or affiliate corporation and its officers, directors, shareholders of 5% or more of stock or financial interest.

MATERIALS RECOVERY FACILITY. A solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a soil amendment, or any combination of those materials.

MULTI-FAMILY RESIDENTIAL UNIT. A housing facility containing more than one dwelling unit under one roof.

MUNICIPAL SOLID WASTE DISPOSAL FACILITY. Any type of waste site or facility permitted under this subchapter, in compliance with the county's solid waste plan, and approved by the governing body and Director, where the final deposition of any amount of municipal solid waste occurs, whether

or not mixed with or including other waste allowed under Subtitle D of the Federal Resource Conservation and Recovery Act of 1976, as amended, and includes, but is not limited to, incinerators and waste-to-energy facilities that burn solid waste, and contained, residential and other types of landfills.

MUNICIPAL SOLID WASTE REDUCTION. Source reduction, waste minimization, reuse, recycling, composting, and materials recovery.

OCCUPANT. Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or any other improved real property, either as an owner or as a tenant.

OPEN BURNING. Burning of any man-made matter, excluding wood-based products, in such manner that the combustion resulting from burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney.

OPEN DUMP. Any facility or site for the disposal of solid waste which does not have a valid permit issued by the Cabinet or does not meet the environmental performance standards established under regulations promulgated by the Cabinet.

PERSON. An individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, federal agency, state agency, city, commission, political subdivision of the State of Kentucky, or any interstate body.

PROCESSING. Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

PUBLIC NUISANCE. Illegal waste disposal practices that include but are not limited to open burning, open dumps, or littering which are deemed to be a nuisance under applicable law.

RECEPTACLE. A container or compactor where solid waste is allowed to be deposited.

RECOVERED MATERIAL. Those materials, including, but not limited to: compost, which have known current use, reuse, or recycling potential, which can be feasibly used, reused, or recycled, and which have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not requiring subsequent separation and processing, but does not include materials diverted or removed for purposes of energy recovery or combustion except refuse-derived fuel (RDF), which shall be credited as a recovered material in an amount equal to that percentage of the amount received on a daily basis at the processing facility and processed into RDF; but not to exceed 15% of the total amount of the municipal solid waste received at the processing facility on a daily basis.

RECOVERED MATERIAL PROCESSING FACILITY. A facility engaged solely in the storage, processing, and resale or reuse of recovered material, but does not mean a solid waste management facility if solid waste generated by a recovered material processing facility is less than 10% of the total volume received and the facility is managed pursuant to KRS Chapter 224 and administrative regulations adopted by the Cabinet.

RECYCLING. Any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products, including refuse-derived fuel when processed in accordance with administrative regulations established by the Cabinet, but does not include the incineration or combustion of materials for the recovery of energy.

REFUSE-DERIVED FUEL. A sized, processed fuel product derived from the extensive separation of municipal solid waste, which includes the extraction of recoverable materials for recycling and the removal of all batteries, vinyls, plastics, rubber-based materials and non-processables such as dirt and gravel prior to processing the balance of the municipal solid waste into the refuse-derived fuel product.

RESIDENCE DWELLING UNIT. A building or portion thereof, providing complete housekeeping facilities for one person, one family.

RESIDENTIAL SOLID WASTE. Solid waste resulting from the maintenance of dwelling units.

SANITARY LANDFILL. A facility permitted by the Cabinet and under this subchapter, approved by the governing body and director and in compliance with the solid waste plan for the disposal of solid waste, and which complies with the "environmental performance standards" specified in 401 KAR 47:030.

SLUDGE. Any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility.

SOLID WASTE. Any garbage, refuse, sludge and other discarded material, including solid, liquid, semi-solid, or gaseous material resulting from residences or, industrial, commercial, mining, agricultural operations, and from community activities, excluding brush, tree limbs, yard waste and clean, separated recyclable materials.

SOLID WASTE MANAGEMENT. The administration of solid waste activities, including collection, storage, transportation, transfer, processing, treatment and disposal, which shall be in accordance with a county-approved solid waste management plan.

SOLID WASTE MANAGEMENT AREA or AREA. The county.

SOLID WASTE MANAGEMENT FACILITY. Any facility for collection, storage, transportation, transfer, processing, treatment, or disposal of solid waste, whether such facility is associated with facilities generating such wastes or otherwise.

SOLID WASTE MANAGEMENT PLAN or PLAN. The document submitted by the waste management district as required under KRS 224.887.

SOLID WASTE SITE or FACILITY. Any place at which solid waste is managed, stored, treated, processed or disposed.

SOLID WASTE STORAGE/CONTAINER. Receptacle used by any person to store solid waste during the interval between solid waste generation and collection.

STORAGE. The containment of wastes on a temporary basis in such a manner as not to constitute disposal of such wastes.

TRANSFER. The movement or placement of solid waste from smaller collection vehicles into larger vehicles for transportation to intermediate or final disposal facilities.

TRANSFER FACILITY. Any transportation related facility including loading docks, parking areas, and other similar areas where shipments of solid waste are held or transferred during the normal course of transportation.

TRANSPORTATION. Any movement of waste by any mode, and any loading, unloading, or storage incidental thereto.

TREATMENT. Any method, technique, or process including neutralization, designed to change the physical, chemical, or biological character or composition of any waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.

UNIVERSAL COLLECTION. The municipal solid waste collection system established by this subchapter which stipulates and guarantees access for each household or solid waste generator in the county, through public collection services, where available; direct generator hauling to disposal facilities or receptacles, or through private subscription services with permitted commercial haulers.

WASTE MANAGEMENT DISTRICT. The county.

WASTE SITE OR FACILITY. Any place where waste is stored, managed, processed or disposed of by incineration, land filling, or any other method.

YARD WASTES. Grass clippings, leaves, tree trimmings.
(Ord. passed 9-19-00)

*Article II. Storage of Solid Waste***§ 50.025 STORAGE CONTAINERS REQUIRED.**

The occupant or owner of every residential dwelling unit, agricultural, commercial or institutional and industrial establishment producing solid waste within the county shall provide sufficient and adequate containers for the storage of all solid waste, except bulky waste and demolition and construction waste, to serve each dwelling unit and /or establishment; and to maintain such solid waste containers in good repair at all times.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.026 SOLID WASTE TO BE STORED IN A MANNER PRESCRIBED BY ORDINANCE.

The occupant or owner of every residential dwelling unit, agricultural, commercial, business, institutional and industrial establishment shall place all solid waste to be collected in proper solid waste containers, and shall maintain such solid waste containers and the area surrounding them in a clean, neat, and sanitary condition at all times. Solid waste shall be stored in a manner that will be kept free from insect and rodent infestation and will not create a fire hazard.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.027 STANDARDS FOR RESIDENTIAL STORAGE CONTAINERS.

Residential solid waste should be stored in storage containers of not less than 10 gallons nor more than 35 gallons in nominal capacity. Storage containers should be fitted with fly-tight lids and shall be properly covered at all times, except when depositing waste therein or removing the contents thereof. The containers should have handles, bails or other suitable lifting devices or features. The weight of any individual storage containers and contents shall not exceed 75 pounds. Galvanized metal containers, or rubber, fiberglass, plastic or vinyl containers may be used. Disposable bags or solid waste containers within suitable frames, wire bag holders or other storage containers may also be used for storage of residential solid waste, subject to approval by the Director.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.028 STANDARDS FOR RESIDENTIAL, COMMERCIAL, INSTITUTIONAL AND INDUSTRIAL USE STORAGE CONTAINERS.

All uses which generate more than 500 pounds or 400 gallons of waste per week shall be required to provide bulk containers for storage as approved by the Director. The containers shall be water proof, leak proof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements issued by the Director.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.029 AIR TIGHT CONTAINERS.

No owner, occupant, tenant or lessee of any building or dwelling may leave outside the dwelling or building, in a place accessible particularly to children, any abandoned or unattended white goods (i. e., icebox, refrigerator, or other receptacle that has an airtight door) without first removing the door.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.030 YARD WASTES.

Tree limbs less than 4" in diameter, lumber and brush shall be securely tied in bundles not larger than 48" long and 18" in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed 75 pounds. Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises or upon adjacent public rights-of-way. The weight of any individual container and contents shall not exceed 75 pounds.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.031 STORAGE CONTAINERS NOT IN COMPLIANCE.

Solid waste containers which do not meet the specifications as outlined in this section shall be considered waste and will be collected together with their contents and disposed of.

(Ord. passed 9-19-00)

*Article III. Collection of Solid Waste***§ 50.040 COUNTY RESPONSIBILITY DEFINED.**

The county shall provide for the collection and/or disposal of all residential and commercial solid waste in the county either directly or by contracting with a person, county, or other city or a combination thereof, for the entire county or portions thereof, as deemed to be in the best interest of the county.

(Ord. passed 9-19-00)

§ 50.041 UNIVERSAL COLLECTION.

Each household and/or solid waste generator in the county shall have access to the municipal solid waste collection/disposal system by subscribing directly through private arrangements, direct haul to a disposal facility approved under this subchapter or by utilizing those publicly-supported collection services operating in the county. The Director shall ensure that such access is available to all solid waste generators in the county.

(Ord. passed 9-19-00)

§ 50.042 COLLECTION POINTS.

Tree limbs and yard wastes to be collected by a hauler shall be placed at the curb, alley, or the rear of the building for collection. Points of collection of solid waste shall be from the roadside or curbside within public rights-of-way or other locations near buildings, parking lots, etc., on private property. In general, solid waste generated by residential or agricultural uses shall be placed along the roadside or curbside fronting the subject property not more than 12 hours before collection. All reusable storage containers shall be removed from the roadside or curbside by the generator within 12 hours after collection. Residential, agricultural, commercial, institutional and industrial uses required to provide bulk storage containers shall be located on private property in areas accessible to collection vehicles.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.043 BULKY WASTE.

The Director shall establish or approve the procedures for collecting bulky waste from residential units with the county. Bulky waste shall be collected periodically as deemed necessary by the Director.

(Ord. passed 9-19-00)

§ 50.044 AUTHORITY FOR COLLECTORS TO ENTER PRIVATE PROPERTY.

Solid waste collectors, employed by the county or a solid waste collection agency operating under contract with the county, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this subchapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within commercial establishments upon written request of the owner.

(Ord. passed 9-19-00)

§ 50.045 COLLECTION FREQUENCY.

All solid waste, other than bulky waste, that is to be collected shall be collected at least twice monthly. Residential, agricultural, commercial, institutional, and industrial uses, generating large quantities of solid waste, may be required to provide collection at more frequent intervals (i.e., once weekly or more) upon determination by the Director, as necessary for the protection of public health, safety and welfare.

(Ord. passed 9-19-00)

§ 50.046 OWNERSHIP OF SOLID WASTE.

All garbage and refuse placed in authorized storage containers and placed at the point of collection defined in § 50.042, shall be the property of the county and the generator or the county's duly authorized agent and no person should be allowed to separate, carry off or dispose of the same without written permission of the Director.

(Ord. passed 9-19-00)

§ 50.047 COLLECTOR'S RESPONSIBILITY DEFINED.

Solid waste collectors operating within the county shall be responsible for the collection of solid waste from collection points to a transportation vehicle, provided solid waste is stored in compliance with provisions set forth in this subchapter. Spillage or blowing litter, caused as a result of the duties of the solid waste collector, shall be collected and placed in the transportation vehicle by the collector.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.048 ACCEPTABLE COLLECTION PRACTICES.

Collection practices which are deemed acceptable by the county are as follows:

(A) Door-to-door household collection. Collection service may be provided by the county or by contract, franchise or permit with the private sector.

(B) Direct access to a staffed convenience center, disposal facility or transfer facility
(Ord. passed 9-19-00)

§ 50.049 PROHIBITIONS.

The following wastes may not be deposited in solid waste containers or receptacles: hazardous waste; liquid wastes; bulky wastes, major appliances, furniture; tires; construction and demolition wastes; dead or dying animals; any burning or smoldering materials or any other materials that would create a fire hazard; or batteries.

(Ord. passed 9-19-00) Penalty, see § 50.999

*Article IV. Transportation of Solid Waste***§ 50.055 COLLECTION VEHICLE STANDARDS.**

All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall have a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternative, the entire bodies thereof shall be enclosed with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers. They shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair.

(Ord. passed 9-19-00) Penalty, see § 50.999

*Article V. Disposal of Solid Waste***§ 50.060 OPEN BURNING.**

Open burning of solid waste (excluding wood-based products), hazardous waste or bulky waste is prohibited.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.061 OPEN DUMPING.

Open dumping of solid waste, including bulky waste, on all public and private lands (i.e., roadsides, hollows, rivers, streams, lakes, etc.) by any person is prohibited by KRS 224.835 and this subchapter. It shall be unlawful to own or operate an open dump site.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.062 DISPOSAL SITES.

(A) All solid waste, including bulky waste, shall be disposed of within a sanitary landfill having a valid permit issued by the Cabinet in compliance with KRS 224.830, 224.835, 224.855, this county's solid waste plan, and this subchapter. The following disposal of certain demolition or construction debris may be deemed to have a one-time permit provided the operation is not in violation of the applicable environmental performance standards of 401 KAR 47:030, this county's solid waste subchapter, and does not present a threat of imminent hazard to human health or substantial environmental impact, and if the following conditions are met:

(1) The debris is on the property of the person generating the same; and

(2) A one-time disposal of construction waste material if:

(a) Disposal occurs at the point of generation;

(b) Disposal occurs only during the period of construction;

(c) The waste does not include any materials that contain leachable, hazardous constituents, asbestos, packaging or putrescible waste materials; and/or

(3) Disposal of demolition waste on property where the demolition occurs during period of demolition except for materials containing asbestos, hazardous, or putrescible waste materials; and

(4) A permit for same is to be first requested from and issued by the Director, with the prior approval of the governing body.

(B) All disposal sites shall be subject to rules and regulations made by the Director and/or governing body. The siting of disposal facilities shall comply with the solid waste plan and be approved by the governing body

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.063 HAZARDOUS WASTE.

As defined in § 50.020, hazardous waste will require special handling and shall be disposed of only in a manner authorized by state and/or federal regulations, and disposal sites for same shall only be approved by the governing body after two public hearings.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.064 SOLID WASTE COORDINATOR.

The County Judge/Executive may, with the approval of the Fiscal Court, appoint a Solid Waste Coordinator who shall then be responsible for preliminary investigations of illegal dump sites. The Solid Waste Coordinator shall report the results of such investigations to the Fiscal Court, and, if appropriate, to the County Attorney's office.

(Ord. passed 9-19-00)

*Article VI. Permits***§ 50.070 PERMIT REQUIREMENTS.**

(A) No person shall engage in the business of collection, transportation, processing or disposal of solid waste, demolition waste, construction waste, and/or hazardous waste within the county without a secured permit from the Director. Permits shall apply only to the activities engaged in and levels of operation at the time of issuance, with such activities and operational levels cited on the permit. Changes in activity types, levels of activity or expansion of facilities shall require the issuance of a new permit reflecting the change(s).

(B) All disposal sites and transportation practices shall be subject to the rules and regulations made by the Director and/or governing body. The siting of disposal facilities shall comply with the solid waste plan and be approved by the governing body. Such permit(s) shall not be required when the Fiscal Court has, by separate contract or franchise, engaged the services of that person (as defined herein) for the collection, transportation, processing or disposal of such waste.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.071 INSURANCE REQUIREMENTS.

No such permit shall be issued until and unless the applicant therefore, in addition to all other requirements set forth, shall file and maintain with the Director evidence of a satisfactory public liability insurance policy including uninsured and underinsured motorists, covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, in the amount of not less than \$100,000 for each person injured or killed, and in the amount of not less than \$300,000 in the event of injury or death of two or more persons in any single accident, and in the amount of not less than \$50,000 for damage to property. Such policy may be written to allow the first \$100 of liability for damage to property to be deductible. Workmen's Compensation and employee's liability insurance to cover injury or death to any of the employees or workmen in an amount not less than \$100,000.

Should any such policy be canceled, the Director shall be notified of such cancellation by the insurance carrier in writing not less than ten days prior to the effective date of such cancellation, and provisions to that effect shall be incorporated in such policy, which shall also place upon the company writing such policy the duty to give such notice.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.072 PERMIT APPLICATION.

(A) Each applicant for any such permit shall submit the following:

(1) The nature of the permit desired, as to collect, process, transport or dispose solid waste or any combination thereof;

(2) Name and address of the applicant and whether a sole proprietorship, corporation, or partnership with disclosure of the ownership interests;

(3) Key personnel;

(4) The number of employees and solid waste collection vehicles to be operated thereunder;

(5) Rates the applicant plans to charge customers;

(6) Location or locations of solid waste processing or disposal facilities to be used;

(7) Service routes and boundaries of collection area; and

(8) Other such information as required by the Director.

(B) A certificate of need, issued by the solid waste management board after one public meeting, demonstrating the area's need for a new or expanded disposal facility, shall accompany applications for new or expanded disposal facility permits.

(Ord. passed 9-19-00)

§ 50.073 PERMIT ISSUANCE.

If the application complies with the provisions of § 50.072 and shows that the applicant will collect, transport, dispose of and/or process solid waste without hazard to the public health or damage to the environment and in conformity with the laws of the State of Kentucky, the solid waste plan and this subchapter, the Director may issue the permit authorized by this subchapter after one public hearing. The Director shall have the authority to limit the number of permits issued to preserve the health, comfort, safety and welfare of the residents, to promote energy conservation, and to provide for

collection and disposal consistent with good solid waste management practices. The permit shall be issued for a period to be determined by the Fiscal Court at time of issuance, and each applicant shall pay a fee to be determined by the Fiscal Court. If modifications can be made to the application regarding service, equipment or mode of operation so as to bring the application within the intent of this subchapter and the plan, the Director shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.

(Ord. passed 9-19-00; Am. Ord. passed 9-18-01)

§ 50.074 EFFECT OF FRANCHISE; CONTRACT ON PERMIT.

Should the Fiscal Court elect to award a franchise (exclusive or otherwise) for the collection, transportation, disposal, and/or processing of solid waste in the county, said franchise shall, upon its effective date, supersede any existing permits contemplated by Article VI herein, and make such permits null and void insofar as they may conflict with the extent of the services provided for and awarded in the franchise.

(Ord. passed 9-19-00)

§ 50.075 APPLICATION DENIAL.

If the applicant does not make the modifications pursuant to the notice in § 50.073 within the time limit specified therein or if the application does not clearly show that the collection, processing, or transportation of solid waste will not create a public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the Director, in writing, stating the reason for such denial. Nothing in this section shall prejudice the right of the applicant to reapply after the rejection of his application provided that all aspects of the reapplication comply with the provisions of this subchapter. Nothing in this section shall prevent the denial of a permit should the total number of permits have already been issued, or a denial based upon an applicant's failure to fully comply with the plan.

(Ord. passed 9-19-00)

§ 50.076 ANNUAL FEE.

The permit may be renewed upon approval of the governing body and payment of the fee as required herein if the business has not been modified, the collection vehicles meet the requirements of § 50.055 of this subchapter, and the renewal is approved by the Director. If modifications have been made, the applicant shall reapply for a permit as set forth in §§ 50.072 and 50.073. No permits authorized by this subchapter shall be transferable from company to company or person to person, and changes in the ownership of a company holding a permit may, at the discretion of the governing board, cause revocation of a permit.

(Ord. passed 9-19-00)

§ 50.077 INSPECTIONS.

In order to ensure compliance with the laws of the State of Kentucky, this subchapter, and the rules and regulations authorized herein, the Director is authorized to inspect all phases of solid waste management within the county, including those located on any property used by a permit holder. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this subchapter, the Director shall issue notice for each such violation stating therein the violation or violations found, the corrective measure to be taken, together with the time in which such corrections shall be made.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.078 PERMIT SUSPENSION.

In all cases, when the corrective measures have not been taken within the time specified, the Director shall suspend or revoke the permit or permits involved in the violations. However, in those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one extension of time not to exceed the original time period may be given.

(Ord. passed 9-19-00)

§ 50.079 INJUNCTIVE RELIEF.

In the event a permit is revoked and the person continues to operate, the Director may request the action of a court of law to enjoin the acts and to enforce compliance with this subchapter or any rule or regulation promulgated thereunder.

(Ord. passed 9-19-00)

§ 50.080 APPEAL.

Any person who feels aggrieved by any notice of violation or order issued pursuant thereto by the Director may within 15 days of the act for which redress is sought appeal directly to the Fiscal Court, in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

(Ord. passed 9-19-00)

§ 50.081 PERMIT DISPLAY.

All motor vehicles operating under any permit required by this subchapter shall display the permit number or numbers on each side in colors which contrast with that of the vehicle, such numbers to be clearly legible and not less than four inches high. A copy of said permit shall be maintained in the vehicle. Each permit for processing or disposal facilities shall be prominently displayed at the facility.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.082 REPORTING REQUIREMENTS.

A permit holder shall provide semi-annual reports to the Director and governing body to update the information contained in the permit application and to provide any other such information required by the Director.

(Ord. passed 9-19-00) Penalty, see § 50.999

Article VII. Franchising**§ 50.090 FRANCHISE REQUIREMENT.**

The Fiscal Court may elect to franchise the collection/transportation of solid waste in the county. In that case, no person may engage in the business of solid waste collection/transportation unless he holds a franchise issued by the Fiscal Court authorizing the activity and describing the area for which the franchise is issued.

(Ord. passed 9-19-00)

§ 50.091 ESTABLISHMENT OF A FRANCHISE.

The Fiscal Court shall determine the area for which a franchise is granted.

(Ord. passed 9-19-00)

§ 50.092 GRANTING A FRANCHISE.

The Fiscal Court shall advertise and seek proposals to serve each franchise area. Applications for franchises shall be filed with the Fiscal Court on forms prescribed by the Director. The Fiscal Court may grant a franchise only upon finding that the applicant will render prompt, efficient, and continuing service to the area for which the franchise is granted and that the applicant has sufficient equipment and personnel to render service to all persons generating solid waste within the service area. A franchise shall be granted for a term not to exceed 20 years. A franchise granted herein shall be assignable, but only to a person (as defined herein) possessing the qualifications set out in this subsection; formal notice of such assignment shall be given by both parties to the Director, by registered mail, within three business days of the transaction.

(Ord. passed 9-19-00)

§ 50.093 BONDS.

Performance and payment bonds shall be required of permit holders operating in the county. The amounts and types shall be determined by the Director with the advice of the governing body, with current schedules available upon request.

(Ord. passed 9-19-00) Penalty, see § 50.999

Article VIII. Public Nuisances**§ 50.100 NOTIFICATION.**

It shall be the duty of the Director to serve or cause to be served a notification upon the owner or occupant of any premises on which there is kept or maintained any nuisance in violation of the provisions of this subchapter or the rules and regulations applying thereto and to demand the abatement of the nuisance within 1-90 days.

(Ord. passed 9-19-00)

§ 50.101 NON-COMPLIANCE.

If the person so served does not abate the nuisance within the time period specified by the notification, the Director may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such abatement shall be charged and paid by such owner or occupant. Whenever a bill for such charges remains unpaid for 120 days after that has been rendered, the Director may file a statement of lien claim against the property.

(Ord. passed 9-19-00)

§ 50.102 COST RECOVERY.

When the County cleans up or otherwise removes an open dump to ensure protection of the public health and safety and when the responsible party can be identified, the Director may require these persons to reimburse the county for the actual costs incurred, or may require these persons to clean up an open dump site or public roadway to the satisfaction of the Director. Recoverable costs include but are not limited to costs for site assessment and evaluation, labor, equipment, disposal, and legal fees. Should other means of collection prove ineffective, the Director may seek such reimbursement of funds within 90 days following the completion of the cleanup. Such cost recovery should not apply to property owners who are the victims of illegal dumping of solid waste without their knowledge or beyond their reasonable control.

(Ord. passed 9-19-00)

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*Article IX. Convenience Centers***§ 50.110 USE OF COUNTY-PROVIDED CONTAINERS; COMPACTORS.**

Solid wastes may be deposited in the solid waste receptacles only in accordance with the provisions of this subchapter. All solid wastes shall be deposited inside the receptacle; no solid waste may be left at the disposal site outside the receptacle. The Director may use the name of persons found on letters, magazines, correspondence, etc., as evidence to determine the responsible party for waste left at the disposal site outside the receptacle. Commercial, industrial and institutional solid wastes may be deposited in solid waste receptacles only with the permission of the Director. It shall be unlawful for any person to deposit solid waste into said containers unless said solid waste is generated on property located within the boundaries of the county.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.111 PLACEMENT OF SOLID WASTE MATERIALS IN CONTAINERS.

Solid waste material shall be placed directly into a solid waste container. To the maximum extent possible, solid waste material placed into a container should be bagged or otherwise bound in order to prevent blowing or scattering of such material.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.112 STANDARDS FOR USE OF CONTAINER SITE.

It shall be unlawful for any unauthorized person to perform any of the following acts:

(A) Intentionally defile, deface, destroy or otherwise vandalize or abuse solid waste containers, container sites, or any other equipment or facilities located at the container site.

(B) Loiter and/or congregate on any container site.

(C) Leave a vehicle unattended on any container site. Any vehicle left so unattended shall be towed away at the owner's expense.

(D) Set or cause to set any fire in solid waste container or at a container site.

(E) Remove any item from a solid waste container, excepting unacceptable materials as described in § 50.114 of this subchapter.

(F) Climb on, around, or inside of any solid waste container.

(G) Move a solid waste container from its assigned location.

(H) Open bags or other bindings which contain solid waste material either inside a container or at a container site.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.113 RESTRICTIONS BY SOURCE OF SOLID WASTE.

The materials deposited into county provided solid waste containers shall be limited to customary items of household solid waste which otherwise comply with the provisions of this subchapter and any other applicable regulations.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.114 RESTRICTIONS BY COMPOSITION OF SOLID WASTE.

The following materials are unacceptable and it shall be unlawful for any person to place into a solid waste container or receptacle any of the following items: animal waste, chemicals, concrete, cement, lumber, bricks, blocks or other construction/demolition materials; dead or dying animals, explosive or other volatile substances; fire, embers, ashes and other such fire-causing materials; gasoline, oils or other liquid hydrocarbons; herbicides, industrial or commercial wastes of any type; liquids, other than those contained in customary household solid waste; metal wire in large amounts; motor vehicles; nuclear or radioactive waste; pathological wastes; pesticides, poisons, road construction material (including but not limited to asphalt, gravel, etc.); sludges of semi-solid fluids; stumps, logs, or tree limbs; toxic wastes, all other hazardous wastes. Bulky items such as the following materials shall be deposited only in the open-topped containers; bicycles or tricycles; chairs, sofas, tables, mattresses or other large items of furniture; household appliances, including but not limited to refrigerators, stoves, washers, dryers, water heaters, etc.; motor vehicle parts; tires cut into quarters or smaller, or other bulky materials composed of rubber; all other materials occupying a volume of one cubic yard or greater.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.999 PENALTY.

Any person violating any of the provisions of Articles II through IX of this subchapter or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than \$25 nor more than \$500, provided that each day's violation thereof shall be a separate offense for the purpose hereof. Violators of these sections may be issued a citation by the County Sheriff, other authorized police officer, or other person designated by the Fiscal Court.

(Ord. passed 9-19-00)

CHAPTER 51: SANITATION DISTRICT

Section

- 51.01 Establishment of Sanitation District No. One
- 51.02 Purpose, jurisdiction
- 51.03 Powers

§ 51.01 ESTABLISHMENT OF SANITATION DISTRICT NO. ONE.

In accordance with KRS 67.715(2) and KRS 67.083(3)(c), (h) and (r) the County Fiscal Court grants its approval for the County Judge/Executive to establish a special district and said special district shall be known as Rowan County Sanitation District No. One. The Rowan County Sanitation District No. One, shall be created and formed so that it shall have all powers and duties to reasonably, necessarily and effectively implement the provisions of and carry out the duties prescribed by KRS Chapter 220. The District shall be structured consistent with the provisions of KRS Chapter 220.

(Ord. 860.1, passed 6-19-90)

§ 51.02 PURPOSE, JURISDICTION.

(A) The proposed work of the District is necessary and conducive to the public health, safety, comfort, convenience and welfare. The District is established for the purposes enumerated in KRS 220.030 which includes providing for the collection and disposal of sewage and other liquid wastes produced within the district; and incident to such purposes and to enable their accomplishment, to construct, with all appurtenances thereto, laterals, trunk sewers, intercepting sewers, siphons, pumping stations, treatment and disposal works, to maintain, operate and repair same, and do all other things necessary for the fulfillment of the purposes of KRS 220.010 to 220.520.

(B) The District shall include the county, not to include the City of Morehead or the City of Lakeview Heights, so long as either city continues to operate a sanitation system.

(Ord. 860.1, passed 6-19-90)

§ 51.03 POWERS.

(A) The District shall have the powers stated in KRS Chapter 220, including the power to sue and be sued, contract and be contracted with, incur liabilities and obligations, exercise the right of eminent domain, assess, tax, contract for rentals, issue bonds, and do and perform all acts necessary and proper for the carrying out of the purposes for which the District is created, and for executing the powers with which it is vested as provided in KRS 220.510.

(B) The District shall have the power of condemnation, as provided and described in KRS 220.310; and may provide for a sewer service charge to be imposed and collected, as provided in KRS 220.510. (Ord. 860.1, passed 6-19-90)

TITLE VII: TRAFFIC CODE

Chapter

70. COUNTY ROAD SYSTEM SCHEDULE

71. TRAFFIC SCHEDULES

72. PARKING

CHAPTER 70: COUNTY ROAD SYSTEM SCHEDULE

I. Schedule of roads incorporated in county road system

SCHEDULE I. SCHEDULE OF ROADS INCORPORATED IN COUNTY ROAD SYSTEM.

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
801 Black Sub. Div. phase #1	All gravel road	2			7-21-83
A. Staton	From Ky. 1274	2	.05		3-16-99
A. Wallace Road	From Williams Branch	3	.08		3-16-93
A. Wilson Road	From Ky. 173	3	.12		3-16-93
Abbott-Sturgell Cemetery	From Seas Br. West	4	.01		4-13-99
Acorn Industry	From U.S. 60	2	.32		3-16-93
Adams-Plank Cemetery	From Plank Lane Northeast	4	.06		4-13-99
Adkins	From Ky. 32 East Brown Ridge	3	.26		3-16-99
Adkins Cemetery	From Kegley Ridge	3	.01		4-13-99
Airport Hill Cub Tompson Road	All gravel	2			7-21-83
Airport Hill Road	From black top to Flannery Trailer Park stop at mail box and school bus turn	2			7-21-83
Alexandria Drive	From Ky. 32 East Brown Ridge	3	.32		3-16-99

Rowan County - Traffic Code

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Alfrey Cemetery Road	From Ky. 801	2	.68		5-19-98; 3-16-99
Alvin Staton Road	Off 1274	3	.60		7-21-83
Amanda Lane	From Ky. 32	3	.08		6-15-93; 3-16-99
Anderson Cemetery	From Rock Fork Northeast	4	.15		4-13-99
Andrew Boyd Road	To just past old school, off Old House Creek	4	.30		7-21-83
Andy White Branch	Off 32	3	1.10		7-21-83; 3-16-99
Anna Jones	Across from Park Hills off Ky. 32	1	.10		7-21-83
Apple Grove Lane	From Messer Road	3	.33		3-16-99
Arnold Lane	From Jackson Drive	1	.05		3-16-99
Arnold Stigall	Off 32	3	.70		7-21-83
Arnow Way	Edgewood Subdivision, includes around Cul-De-Sac		.035		9-20-16
Arvil Lane	From 3317	3	.19		6-15-93; 3-16-99
Asa Johnson Road	Ends at red barn, Sharkey	1	.35		7-21-83
Atlee Lowe Road	From Ky. 32	3	.09		3-31-92; 3-16-99

County Road System Schedule

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Autumn Moon	Flemingsburg Road 2.0 miles, left on Bratton Branch, 1.6 miles Sugar Loaf Mountain Road (which is a continuation of Bratton Branch Rd.), 1.0 mile left on Stellar Night Drive, 0.171 on left		.02		8-19-14
Baber-Wages-White	From Ky. 799 Rock Fork	4	23		3-16-99
Back/Peyton Cemetery Road	From Peyton Road	2	.03		1-18-94
Bailey Cemetery	From Glenwood Hollow Northwest	4	.40		4-13-99
Baker-Adkins Cemetery Road	Left off Woodhill Drive	3	.06		7-19-14
Baldrige-Rigsby-Buckner Cemetery Road	Ky. 519 (Morgan Fork)	3	.06		9-18-01
Ballard Drive	From Ky. 1167 Dry Creek Road	3	.05		3-16-99
Banks Lane	From Chestnut Lane	1	.09		3-16-99
Barber Lane	From Sunshine Lane	2	.06		3-16-99
Barber Road	From Ky. 1167 Dry Creek Road	3	.15		3-16-99
Barker Lane	From Holly Fork Road	4	.06		12-15-92
Barkley Drive	Lakes of Hickory Point Subdivision		.072		3-19-13
Barn Br. (Jimmie Stacey)	Off Ky. 377 Cranston Road	4	.55		7-21-83; 3-16-99
Barnette Cemetery Road	Right off Brown Ridge	3	.125		7-19-14

Rowan County - Traffic Code

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Barricks Cemetery	From Erwin Road	3	.12		9-21-93
Barron Court	19 ft. - 56 ft. cul-de-sac		.038		12-17-13
Bearskin	From Open Fork Road Ky. 3318 to Open Fork Road Ky. 3318	4	.95		7-21-83; 3-16-99
Becky Branch	Black top road	2			7-21-83
Bennie Jones	Off Weaver Ridge	3	.30		7-21-83
Bentley Cemetery Road	From Riddle Fork	3	.30		1-18-94
Berry	From Lost Hill Road	3	.35		3-16-99
Bert McBrayer Road	Off 519	3	.10		7-21-83
Bertha Pelfrey Road	Off Bratton Branch Road	1	.05		7-21-83
Betty Lane	From Hill Road	2	.05		3-31-92
Big Brushy	From state maintained to gate above Keith McGuire's	1	1.34		7-21-83; 3-16-99
Big Elm Ridge	From Pennington Flat	1	.42		3-16-99
Big Woods Road		1	1.97		7-21-83; 3-16-99
Bill Baily Road	Off U.S. 60 East	4	.60		7-21-83
Bill Stewart Court	Lakes of Hickory Point Subdivision		.038		3-19-13
Black Cemetery	From Trent Ridge North	3	.04		4-13-99
Black Cemetery Road	From Sugarloaf Mt. Road	1	.06		11-15-94; 3-16-99
Black's Road	Off Blue Bank-Ramey Road	1	.85		7-21-83

County Road System Schedule

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Blanton/White Cemetery Road	From Ky. 799 Rock Fork	4	.05		3-18-97; 3-16-99
Blazer Drive	From Ky. 1167 Oak Grove Road	3	.24		3-16-99
Blind Branch	From Holly Fork	4	.10		3-19-96; 3-16-99
Blossom Lane	From Holly Fork Road	4	.05		3-16-99
Blue Bank-Ramey Road		1	2.70		7-21-83
Bluebird	From Ky. 1274 Pretty Ridge	2	.08		3-16-99
Blue Ridge	From Ky. 173	3	.09		3-16-99
Bluestone/Braiton Branch Road	From Ky 32 to Ky. 3319	1	2.10		7-18-95
Bluestone Road	Left off Ky. 32 West Flemingsburg Road	2	1.963		7-21-83; 3-16-99; 7-19-14
Blundell Cemetery Road	From Williams Branch Road a distance of 330 feet east	3	.06		6-20-06
Bobby Fouch	Off 32	3	.40		7-21-83
Boyd Fannin Road		4	.20		7-21-83
Boyd Cemetery	From Boyd Lane	3	.11		3-16-99
Boyd Cemetery Road	From A. Boyd Road	4	.13		12-17-91
Bradford Drive	Off Hickory Drive	1	.10		7-19-14
Bradley/Moore Cemetery Road	From Fryman Cemetery Road	1	.32		9-15-92; 3-16-99

Rowan County - Traffic Code

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Bradley Hollow	Right off U.S. 60 East	3/4	.22		3-16-99; 7-19-14
Bragg Lane	Left off Copperas Hollow	1	.206		7-19-14
Bramblewood Lane	From U.S. 60	3	.27		3-16-99
Bramblewood Lane (Rufus Dean)	Off U.S. 60	4	.30		7-21-83
Bratton Loop	From Bratton Branch to Bratton Branch	1	.30		3-16-99
Bratton Branch Road	Left off Ky. 32 West Flemingsburg Road	1	1.43		7-18-95; 3-16-99; 7-19-14
Brickyard Road	From Ky. 174 Haldeman Road	4	.65		7-15-97; 3-16-99
Brineger	Off 32	3	1.18		7-21-83; 3-16-99
Bronson Forest Drive	Right off Ky. 2342 Baldridge Road	2	.195		7-19-14
Brooks Road	Off CCC Trail	4	.50		7-21-83
Brookside Drive		4	.150		5-15-18
Brossi Court	Edgewood Subdivision, includes around Cul-De-Sac		.041		9-20-16
Brown Lane		4	.10		3-18-97
Buckhorn Drive	Lakes of Hickory Point Subdivision		.095		3-19-13
Buckner	Off 519	3	.10		7-21-83

County Road System Schedule

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Buckner Br. (Robert Plank)	Off Ky. 377 Cranston Road	4	.15		7-21-83; 3-16-99
Buckner Cemetery Road	Right off Ky. 519	3	.065		7-19-14

County Road System Schedule

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Buckner Hollow Road	Off 519	3	.30	1	7-21-83; 11-17-92
Buffalo Road	From Ky. 174 Haldeman Road	4	1.18		7-21-83; 7-16-96; 3-16-99
Bufford Owens Road	Off 519	3	.20		7-21-83
Bull Fork Road	Off Ky. 32	1	7.44		7-21-83; 3-16-99
Bull Fork Road	To Iron Bridge all black top	2	7.44		7-21-83; 3-16-99
Burl Crocket	Off 32	3	.20		7-21-83
Burton Branch	Off Holly Fork Road	4	1.32		7-21-83; 3-16-99
Burton Lane	From Ky. 377	4	.06		12-17-91
Butts Cemetery Road	From Lee Branch Road	3	.20		10-15-91; 3-16-99
C. Miller	From Igo Road	2	.40		3-16-99
C. Wilson Road	From Ky. 1274	3	.20		3-17-92
C.E. Lewis Lane	From Ky. 32	3	.08		6-15-93
Calvert	From U.S. 60 to foot of hill, all gravel	2			7-21-83
Calvin Ray Lytle Road	Off Bull Fork Road	1	.10		7-21-83
Camelot Drive	Right off Ky. 32 West Flemingsburg Road	1	.08		3-19-96; 7-19-14
Campbell Branch	Off Holly Fork Road	4	2.20		7-21-83; 3-16-99
Campbell Branch East		4	.88		4-15-97

Rowan County - Traffic Code

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Cardinal Lane East and West	From Ky. 11167 Dry Creek Road	3	.37		3-16-99
Carey Cemetery	Two roads, all gravel	2	.18		7-21-83; 3-16-99; 9-21-99
Carl Brewer Road	Ends at Truman Dehner gate	1	.90		7-21-83
Carmie Jones	Off CCC Trail	3	1.00		7-21-83
Caseman Road	From Knipp Hollow	4	.28		2-18-92; 7-20-93; 3-16-99
Caskey Hollow Road	Off Sugar Loaf Road	1	.25		7-21-83
Caskey-Pelphrey Road	To right off Bratton Branch Road just past Raymond Caskey	1	.15		7-21-83
Castle Drive	From Little Perry Road to U.S. 60 East	4	.26		3-16-99
Catron Road	From 0.20 mile	3	.42		9-19-00
Caudill Cemetery	From Ky. 158 Sharkey Road	1	.94		3-16-99
Caudill Cemetery	From Ditney Ridge	3	.44		4-13-99
Caudill Cemetery Road	Right off Old Sportsman Road	4	.148		4-13-99; 7-19-14
Caudill Cemetery West	Left off Ky. 158 Sharkey Road	4	.94		7-19-14
Cave Run Court	19 ft - 50 ft cul-de-sac		.034		12-17-13
CCC Trail		3	5.00	1	7-21-83
(Cecil Stacey)	Off Ky. 377 Cranston Road	4	1.10		7-21-83

County Road System Schedule

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Cedar Brook Way					12-18-12
Cedar Lane	From Maple Lane to Chestnut	1	.11		3-16-99
Centennial	From Ky. 799 Big Perry	4	.18		3-16-99
Chaps Hill Road					2-17-09
Charlie Adkins	Off 32	3	1.30		7-21-83
Chestnut Lane	From Overlook Lane to Cedar Lane	1	.30		3-16-99
Chick Johnson Road	Off Ky. 32	1	.15		7-21-83
Christian Cemetery Road	To right- at top of hill, off Seas Branch	4	.44		7-21-83; 10-19-99
Christine Road	From Big Elm Road	1	.12		11-15-94
Cincinnati Branch, Calvin Lytle Rd.	All gravel	2			7-21-83
Clack Mountain East	Off 519	3	5.42		7-21-83; 3-16-99
Clark Cemetery	From Kegley Ridge North	3	.19		4-13-99
Clayton Coldiron Road		1	.30		7-21-83
Clearfield Hill	All roads, black top and gravel	2	.41		7-21-83; 3-16-99
Clearfork Road	Off Ky. 377 Cranston Road	4	4.26		7-21-83; 7-21-92; 3-15-94; 3-16-99
Click Cemetery Road	Off Buffalo	4	1.25		7-21-83; 3-18-97
Click	From Ky. 173	3	.28		3-16-99

Rowan County - Traffic Code

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Cliffview Road	From Ky. 1274 Pretty Ridge	2	.06		6-18-97; 3-16-99
Clinton Curtis Road	Off Big Woods Road	1	.10		7-21-83
Clyde Royse Road	From Ky. 1167	3	.13		9-15-92
Clinton Wallace Road	Off 1167	3	.20		7-21-83
Cold Spring Spur	From Ky. 32	3	.13		10-17-00
Clyde Workman Road	Off 1167	3	.20	1	7-21-83
Coffey Cemetery Road	From Ky 32	1	.04		6-15-93; 3-16-99
Colbert Caudill Road		1	2.35		7-21-83
Cold Spring	From Ky. 32 East Christy Creek to Weaver Ridge	3	1.09		3-16-99
Cold Springs Road	To top of hill; Boodry, Jents; off Old House Creek	4	1.20		7-21-83
Coldiron Holler Road	All gravel roads	2			7-21-83
Collins Lane	From Clearfield Hill	2	.07		3-16-99
Collins Lane	From .007 mile	2	.086		5-21-02
Community Cemetery Road	From 1139 Fultz Road	3	.06		11-18-97; 3-16-99
Conley	From Ky. 174 Haldeman Road	4	.24		3-16-99
Conley Cemetery	From Haldeman Heights	4	.16		10-19-99

County Road System Schedule

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Cook Branch	From Ky. 1722 Lower Licking	2	.49		3-16-99
Copperas Hollow	From Ky. 32 to Logan Hollow	1	.79		3-16-99
Copperhead Road	From Ky. 1274	3	.80		7-16-96; 7-15-08
Cornett Cemetery Road	From Ky. 1274 Pretty Ridge	3	.08		3-17-92; 11-15-94; 3-16-99
Cornette Cemetery SW	From Igo Road	2	.26		10-20-98
Cotter Way	Edgewood Subdivision, includes around Cul-De-Sac		.041		9-20-16
Country Estates Road	Off Ky. 32	1	.20		7-21-83
Country Lane	From Ky. 799 (Rock Fork)	4	.11		10-20-98
Cox Cemetery	From Ky. Hwy. 32 (Christy Creek)	3	.10		1-16-01
Cox Cemetery Road	From Trent Ridge	3	.35		9-17-96
Crager Cemetery	On McBrayer Road	2			7-21-83
Cranston Cemetery	From Ky. 377 Cranston Road to Ky. 377 Cranston Road	4	.35		3-16-99
Crisp Cemetery	From Lower Oak Grove	3	.37		7-21-83; 10-19-99
Crix Cemetery	From Ky. 1167 Oak Grove Road	3	.14		3-16-99
Crix Ridge Road	From Ky. 1167 Oak Grove Road	3	2.07		4-16-96; 3-16-99

Rowan County - Traffic Code

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Crix Ridge Spur	From Crix Ridge Road	3	.20		1-21-91
Cross creek by Linville Jones	Off 1167	3	.40	1	7-21-83
Crow Withrow Road	Beside Doxol, off U.S. 60 East	4	.60		7-21-83
Crown Court	Left off Baseline Drive	2	.08		7-19-14
Crum Road	From Kegley Ridge Road	3	.25		1-19-93
Curt Conn	Off 173	3	1.30		7-21-83
Dakota Lane	From Bratton Branch	1	.16		3-16-99
Dale Hollow Drive	19 ft.		.118		12-17-13
Dalton Cemetery	From Evergreen Road	3	.11		3-16-99
Dark Hollow Road	Off 11167 Dry Creek Road	3	.72	1	7-21-83; 3-16-99
Davis	From Ky. 801	2	.16		3-16-99
Davis Road	First road right past Bobby Davis residence	1	.20		7-21-83
Dawn Drive	From Pleasure Lane (CR 1231)	1	.153		9-15-09
Dean	From Tunnel Cut Loop	4	.08		3-16-99
Deboarde Hollow	Off Ky. 377 Cranston Road	4	1.20		7-21-83
Debord Branch		1	.40		7-21-83; 7-18-95; 11-15-94
Debra Court	From McBrayer Road	2	.06		3-17-92
Dee Jarrells	Off 504	3	.18		7-21-83; 5-16-95
Deer Run Lane	From U.S. 60 West	2	.79		3-16-99

County Road System Schedule

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Dehart Cemetery	From Trent Ridge	3	.05		4-13-99
DeHart Road	On Blue Stone hill, gravel road	2			7-21-83
Del Stevens Road	In front of Lying Lee's, off U.S. 60 East	4	.30		7-21-83
Delta Drive	From Ky. 32 East Christy Creek	3	.18		3-16-99
Dewey Sloan Road	Off 1167	3	.10		7-21-83
Dewitt Cemetery Road	From Bull Fork Road	2	.15		7-19-94
Dillon Drive	From Ky. 32 East Christy Creek to Justin Drive	3	.43		7-21-83; 3-16-99
Dillon Cemetery	From Ky. 1167	3	.16		10-19-99
Ditney Cemetery	From Wolfe Hollow	3	.15		3-16-99
Ditney Ridge	Off CCC Trail	3	1.58		7-21-83; 3-16-99
Docky Caudill Road	Ends at Warren Cooper's Barn, Sharkey community	1	.95		7-21-83
Doe Run Road	From Whispering Oaks	1	.30		9-15-92
Dogwood Drive	From Dale Lane	2	.05		3-16-99
Donahue Drive	Off Clack Mt. Road	3	.08		7-21-83; 1-19-93; 3-16-99
Donnie Oney-Eldridge Road	Off Little Perry	4	.70		7-21-83
Double Eagle Court	Right off Double Eagle Way	2	.108		7-19-14

Rowan County - Traffic Code

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Double Eagle Way	Left off Eagle Drive	2	.198		7-19-14
Dry Branch	From Ky. 377 Cranston Road	4	2.71		7-21-83; 3-16-99
Dry Fork Spur	From Dry Fork	3	.10		9-15-92
Dusty	From Jackson Drive	1	.25		3-16-99
E. Trent Cemetery Road	From Ky. 173	3	.01		4-15-97
E. Fraley Cemetery Road	From Ky. 377	4	.13		4-20-93; 10-19-99
Eagle Ridge	From Ky. 1167 Oak Grove Road	3	.05		3-16-99
Earl Renfro Road	From Ky. 1167	3	.35		5-19-92
Early Lane	From Clearfield Hill	2	.07		3-16-99
Ed Stone Garage Road	Off Big Perry Road	4	1.00		7-21-83
Edgar Pennington Road Sharkey		1	.20		7-21-83
Eldridge Cemetery	From Bullfork Road	1	.08		10-19-99
Elk Lick Left	Off Ky. 377 Cranston Road	4	1.00		7-21-83
Elk Lick Right	Off Ky. 377 Cranston Road	4	1.10		7-21-83
Ellington Cemetery South	From 1274 Pretty Ridge	3	.47		9-21-93; 3-16-99
Ellington Loop	From Ky. 158 Sharkey Road to Ky. 801	1	1.16		3-16-99
Ellington Cemetery	From Ky. 1722 Lower Licking	2	.06		3-16-99

County Road System Schedule

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Emory Branch	From Ky. 377 Cranston Road	4	.45		3-17-92; 3-16-99
Eric Way	From U.S. 60 East to Maher Drive	3	.12		4-13-99
Erwin	From Old House Creek	3	.35		3-16-99
Estep	From Ky. 377 Cranston Road	4	.17		3-16-99
Evans Road	Off Big Perry Road	4	.20		7-21-83
Evans Cemetery	From Ky. 377 Cranston Road Northeast	4	.07		4-13-99
Evergreen	From Ky. 3318 Open Fork Road	3	.29		3-16-99
Extend Caskey Loop	From High Street	2	.15		1-21-91
Fairfax Drive	From Clearfield Hill	2	.12		3-16-99
Fall Lane	From Collins Lane	2	.18		3-16-99
Fallin Rock Hollow Br.	From Ky 801	2			3-19-96
Fallin Timber	Off 1167	3	1.00	2	7-21-83
Farmers Community Club Road	Off Lower Farmers Road	1	.65		7-21-83
Fawnwood Court	From Ky 1167 North	3	275'		1-18-05
Ferguson Cemetery	From Ky. 32	3	.08		10-20-98
Filtration Plant	From Ky. 2520	2	.40		3-16-99
First and second drives right on road from Whipporwill Valley to Pine Hills		1	.10		7-21-83

Rowan County - Traffic Code

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
First road to left (Erwin's)	Off Old House Creek	4	.40		7-21-83
First road left off Carl Brewer Road to gate		1	.60		7-21-83
First drive right off Carl Brewer Road		1	.10		7-21-83
First drive right (small subdivision) up Big Brush Road	Off Ky. 32	1	.10		7-21-83
First drive right after crossing second bridge on Whipporwill Valley Road		1	.10		7-21-83
Fitzpatrick Cemetery	From Glenwood Hollow	4	.65		3-16-99
Flannery Trailer Park	From Ky. 2520 Airport Road	2	.29		3-16-99
Fleetwood	From Jackson Drive	1	.19		3-16-99
Fletcher Road	From Ky. 1167	3	.11		2-18-92; 3-16-99
Floyd Hall-Ernest Eden Road	Off U.S. 60 East	4	.10		7-21-83
Fouch	From Ky. 32 East Christy Creek	3	.29		3-16-99
Fouch Cemetery	From Fouch Road South	3	.01		4-13-99
Fox Farm Road		1	1.55		7-21-83
Fraley Cemetery Road	From Harve Johnson Road	3	.05		3-31-92

County Road System Schedule

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Franklin Cemetery Road	From Ky. 1167	3	.32		9-17-96
Freestone	From U.S. 60 to Bullfork Road	2	.60		3-16-99
Fryman Cemetery	From Big Brushy	1	.57		3-16-99
Fultz Cemetery	From Lee Branch	3	.04		3-16-99
Fultz Spur	From Fultz Road	3	.10		3-16-99
Fyrl Street	From Ky. 3242 McBrayer Road to Vickie Street	2	.27		3-16-99
G. Fraley Cemetery	From Camelot Drive	1	.10		4-13-99
Gardner	From Brickyard Road	4	.13		3-16-99
Gene Buckner Road	Black top and gravel	2			7-21-83
Gene Pettit Road	All gravel	2			7-21-83
Gene White Lane	From Ky. 799 Big Perry	4	.15		6-15-93; 3-16-99
George Ison Cemetery Road		2			7-21-83
Gilkision Road	Off U.S. 60 West	2	.30		5-10-84
Gilliam Road	From CR 1131 Lower Caney Creek	3	.69		7-18-00
Gilliam Street	From Oakdale Drive	2	.08		3-16-99
Glenwood Fork	From Glenwood Hollow	4	.17		3-16-99
Glenwood Hollow	From U.S. 60 East	4	.84		3-16-99
Glenwood left (Fultz)	Off U.S. 60 East	4	.30		7-21-83
Glenwood right	Off U.S. 60 East	4	1.10		7-21-83
Goldenrod Drive	From Old Hilda	1	.11		3-16-99

Rowan County - Traffic Code

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Goodan/Fultz Cemetery Road	From Andy White Branch	3	.50		6-15-93
Grafton Way	Edgewood Subdivision, includes around Cul-De-Sac		.043		9-20-16
Grandview Drive	From Ky. 32 East Christy Creek	3	.28		3-16-99
Grassy Lick	From Ky. 377 Cranston Road	1	.80		7-21-83; 3-16-99
Graveyard Road	Behind Waltz Grocery, off Ky. 377 Cranston Road	4	.50		7-21-83
Grayson Drive	20 ft - 60 ft cul-de-sac		.129		12-17-13
Green Acres	All black top road	2	.19		7-21-83; 3-16-99
Greenbend Road	Off Lower Farmers Road	1	2.89		7-21-83; 3-16-99
Greenbo Court	Lakes of Hickory Point Subdivision		.075		3-19-13
Gullette	From Ky. 1167 Oak Grove Road	3	.67		3-16-99
Haddie Adkins	Off 32	3	.30		7-21-83
Haddie Johnson	Off Trent Ridge	3	1.00		7-21-83
Haldeman Heights	From Ky. 3318 Open Fork Road	4	.43		3-16-99
Haldeman Hill	Road turns just past Haldeman Post Office goes to just above Stegall drive, off Haldeman Soldier Road	4	.50		7-21-83
Hamilton	From U.S. 60 East	4	.24		3-16-99

County Road System Schedule

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Hammond Hollow Road	Off Lower Farmers Road just below Lloyd Kissick's	1	.50		7-21-83
Harland and Dave Fultz	Off 1167	3	1.00		7-21-83
Harold Markwell Road	Off 1167	3	.10		7-21-83
Harold White Lumber Co. Road		1	.20		7-21-83
Harrier Eagle Court	Right off Eagle Drive	2	.327		7-19-14
Hartz Mountain Drive	From Dillon Drive to Lois Lane	3	.09		3-16-99
Harve Johnson	Off 504	3	1.00		7-21-83
Harve McBrayer	Off 1167	3	.80		7-21-83
Harvest Lane	From Crix Ridge Road (CR #1145 S.)	3			5-13-03
Hays Cemetery Road	Right off Ky. 174 Haldeman Road	4	.213		10-19-99; 7-19-14
Helterbrand	From Ky. 377 Cranston Road	4	.27		3-16-99
Hemlock Way	Left off Hemlock View	3	.229		7-19-14
Henderson	From Ky. 174 Haldeman Road	4	.10		3-16-99
Hendersons-Messers Road	Including F. Henderson, R. Henderson and Dehart Branches; Off Open Fork	4	.70		7-21-83
Hennie Court	Right off Kolb Drive	2	0.103		7-19-14
Herman Mabry	Off 504	3	.60		7-21-83

Rowan County - Traffic Code

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Hidden Forest	From Jackson Drive	1	.03		3-16-99
High Street	From Clearfield Hill	2	.08		3-16-99
Hill-N-Dale	Black top and gravel roads	2	.64		7-21-83; 10-19-93; 3-16-99
Hill Top Road	Up hill by Billy McClain's, all gravel	2			7-21-83
Hillside View Lane	From Moores Flat Road	2	.10		9-21-93
Hilltop Estates	From U.S. 60	2	.51		3-16-99
Hogge Street	From Ky. 377	4	.07		4-15-97; 3-16-99
Holly Fork	From Ky. 799 Big Perry	4	2.60		7-21-83; 3-16-99
Homeplace Way	From U.S. 60 East	4	.08		3-16-99
Homer Goodman	Off 1167	3	1.70		7-21-83
Homer Lovis	Off 173	3	.30		7-21-83
Homer Wallace Road	Off 1274	3	.20		7-21-83
Hoods Lane	From Ramey Ridge	2	.16		3-16-99
Horseman Cemetery Lane	From 789 feet an additional 640 feet in westerly direction	1, 2	.27		7-18-06
Horseman Cemetery Road	Left off Bullfork Road	2	.148		7-19-14
Horsley Road	Left off 1274 Pretty Ridge	3	.052		7-21-83; 3-16-99; 7-19-14
Howard Court	From Hill Road	2	.07		12-17-91; 3-16-99

County Road System Schedule

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Howard/Smith Cemetery Road	From Open Fork	3	.19		3-18-97
Huckleberry	From C. Thompson Road	2	.32		3-16-99
Hummingbird Way	Left off Big Brushy Road	1	.434		7-19-14
Hungry Hollow Road	From U.S. 60	2	.46		12-17-96
Hyatt Lane	From Bull Fork Road	1	.35		9-15-92; 3-16-99
Igo	From Ky. 1274 Pretty Ridge	2	.72		3-16-99
Ingram Cemetery Loop	From Ky. 1722	1	.14		1-21-91; 3-16-99
Ingram Cemetery Road	From Ingram Cemetery Loop	1	.16		1-21-91
Ishmel Road	From Ivis Black Road	3	.30		11-17-92
Island Fork	Turn to Elmo Bradley, off Rock Fork	4	.70		7-21-83
Island Fork Road	From Ky. 799 Rock Fork	4	2.81		7-21-83; 2-16-93; 3-16-99
Ivan Road	From C. Workman Road	3	.10		5-18-93
Ivis Black	Off 173	3	.50		7-21-83
Ivory Lane	From Dry Fork Road	3	.081		10-15-91; 8-16-05
J. Adkins Cemetery	From Adkins Road	3	.04		4-18-95; 3-16-99
J. Black Lane	From Ky. 32	1	.08		7-21-92
J. Fraley Cemetery road	From Lower Caney Creek	3	.03		7-21-92; 3-16-99

Rowan County - Traffic Code

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
J. Trent Cemetery	From Trent Ridge North	3	.11		4-13-99
Jackson Cemetery	From Ky. 32	1	.64		3-16-99
Jackson Drive	From Ky. 32	1	1.64		3-16-99
Jackson Estates Road	First road left past Rowan Veterinary Clinic	1	.50		7-21-83
Jackson Heights	Off U.S. 60	4	.30		7-21-83
James Black Road		1	.50		5-10-84
James Messer Road	To cemetery at top of hill, off Christy; U.S. 32	4	.30		7-21-83
Jaycee Farm Road across bridge	Off U.S. 60	4	.22		7-21-83; 6-18-97
Jennings Cemetery	Off Oat Grove Road	3	1.00		7-21-83
Jess Hall Road	In front of Big Perry, off U.S. 60 East	4	.20		7-21-83
Jimmie Adams Road	All gravel	2			7-21-83
Jimmy Helterbrand Road		4	.20		5-10-84
John-Chester Hamilton Road	Off U.S. 60 East	4	.30		7-21-83
Johnson Brothers Road	Off Christy; U.S. 32	4	.60		7-21-83
Johnson Cemetery	From Camelot Drive	1	.04		4-13-99
Johnson Cemetery	From Mabry Ridge Road	3	.20		2-18-92
Johnson Cemetery	From Cornett Road	3	.01		4-13-99
Johnson First Church of God Road		1	.80		7-21-83

County Road System Schedule

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Jones Slaughter House Road	All gravel	2			7-21-83
Jones Ridge	Off Clack Mountain	3	5.39		7-21-83; 11-15-94; 3-19-96; 3-16-99
Judy Lane	Left off Ky. 519	3	.181		7-19-14
Keeyes Lane	From Chestnut Lane	1	.01		3-16-99
Kegley Cemetery Road	From Kegley Ridge Road	3	.06		7-21-92; 3-16-99
Kegley-Nickells Cemetery Road	From Ivis Black Road	3	.10		3-31-92
Kegley Ridge	From Ky. 32 Brown Ridge	3	1.17		2-17-98; 3-16-99
Kelsey Cemetery Road	From Pleasant Valley Road	2	.07		6-15-93; 3-16-99
Kennedy Court	Edgewood Subdivision, includes around Cul-De-Sac		.132		9-20-16
Kidd-Pennington Cemetery	From Ky. 711 Blairs Mill Road through gate to left to other cemetery	3	.14		3-16-99
Kimberly Lane	From Ky. 3242 McBrayer Road to Vickie Street	2	.27		3-16-99
Kingsolver Court	Edgewood Subdivision, includes around Cul-De-Sac		.045		9-20-16
Knipp	From U.S. 60	4	.58		7-21-83; 3-16-99
Kodiak Road	Left off Big Woods	1	.489		7-19-14

Rowan County - Traffic Code

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Lafayette Drive	From U.S. 60 East to U.S. 60 East	4	.62		3-16-99
Lake Pointe Drive	Lakes of Hickory Point Subdivision		.190		3-19-13
Lake Pointe Drive	19 ft		.253		12-17-13
Lake Shore Drive	Lakes of Hickory Point Subdivision		.049		3-19-13
Lambert Lane	From Dark Hollow to Barber Road	3	.08		3-16-99
Lambert Hollow	From Ky. 11167 Dry Creek Road	3	.92		3-16-99
Laurel Road	Right off Ky. 32 East Brown Ridge	3	.35		7-19-14
Lee Branch	From Ky. 32 East Christy Creek	3	.34		3-16-99
Left off Island Fork to Lake Leuman Gate	Off Rock Fork	4	.70		7-21-83
Lewis Road	Off Ky. 1167	3			5-10-84
Linda Lane	From Pack Estates	2	.07		3-31-92; 3-16-99
Links Cemetery	From T. McKinney Road	3	.20		3-16-99
Linville Lane	From Ky. 211	2	.14		1-21-91; 9-15-92
Linwood Drive	Off Hickory Drive	2	.066		7-19-14
Little Road	Off Sugar Loaf Road	1	.69		7-21-83; 3-16-99
Little Perry Road	Off U.S. 60 East	4	1.82		7-21-83; 3-16-99
Litton Road	Off Ky. 32	1	.76		7-21-83; 3-16-99

County Road System Schedule

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Locust Street	From Ky. 519	3	.23		3-16-99
Loddie Adkins	Off 32	3	.30		7-21-83
Logan Hollow Road	Off Bratton Branch to Coppers Hollow	1	2.06		7-21-83; 3-16-99
Long Road	From Dry Fork Road	3	.20		9-15-92
Lost Hill	From Clack Mountain East	3	.61		3-16-99
Lower Craney	Off 1167	3	2.70	1	7-21-83; 5-24-96
Lower Oak Grove	Off 1167	3	2.92		7-21-83; 3-16-99
Luallen Lane	Edgewood Subdivision, includes around Cul-De-Sac		.169		9-20-16
Lynden Stevens Road	Over tile to forks	1	.10		7-21-83
Lyons Cemetery	Extend from M.P. 0.05	3	0.13		5-16-00
Lyons Cemetery Road	From Ky. 32	3	.05		3-31-92
M. Gregory Road	Off Ky. 519	3			5-10-84
Mabry Cemetery	From Knipp Road	4	.28		10-19-99
Mabry Cemetery Road	From Ky. 377 Cranston Road	4	.08		11-18-97; 3-16-99
Maddox/Hamm Cemetery Road	From Rock Fork Road	4	.30		9-15-92
Mantooth Way					10-16-12
Maple Lane	From Overlook Lane to Cedar Lane	1	.31		3-16-99
Mapleview Drive	From U.S. 60	2	.05		7-18-95; 3-16-99

Rowan County - Traffic Code

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Masters Cemetery Road	From Campbell Br.	4	1.07		7-21-83; 3-16-99
May Cemetery Road	From May Road	4	.24		3-19-96; 10-19-99
May Lane	From Little Perry Road	4	.18		9-15-92
May Road	From U.S. 60	4	.73		7-21-83; 3-19-96; 3-16-99
Mays-Moore	Just before Buckner's garage, off Christy; U.S. 32	4	.20		7-21-83
Mayse	From Ky. 1274 Pretty Ridge	3	.10		7-21-83; 3-16-99
McBrayer Cemetery	Off Oat Grove Road	3			7-21-83
McBrayer Road	From #519 to Sherman Arnett's, all black top	2			7-21-83
McClanahan Court	Edgewood Subdivision, includes around Cul-De-Sac		.043		9-20-16
McDaniell-Fraley-Adkins Cemetery Road	From Ky. 173	3	.10		11-16-93
McGuire Lane	From end of existing road to the Fleming Co. line	1	.48		3-16-99; 11-16-99
McKinney Cemetery	From Ky. 519	3	.25		3-16-99
Medallion Drive	From Eastwood Heights	3	.04		3-16-99
Mellwood Lane	Off Ky. 377	1	.46		7-21-83; 9-15-92; 3-16-99

County Road System Schedule

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Messer	From Ky. 32 East Christy Creek	3	.29		3-16-99
Mill Branch Road	Black top and gravel (all way to end last house Alfrey)	2			7-21-83
Millard Mayse	Off 504	3	.80		7-21-83
Mitchell Loop	From Hill Street	2	.15		2-18-92
Mitchell McKenzie Road	All gravel	2			7-21-83
Molton Cemetery Road	From Ky. 799	4	.12		11-17-92; 10-19-99
Molton Circle to Arizona Smith	By church, off Haldeman Soldier Road	4	1.30		7-21-83
Monticello Drive	From Ramey Ridge	2	.17		3-16-99
Moore Cemetery	From Applegrove Lane	3	.16		3-16-99
Moore Cemetery	From Messer Road East	3	.11		4-13-99
Moore Cemetery-West Road	From Moores Flat Road	2	.24		7-20-93; 3-16-99
Moore's Flat Road		1	1.90		7-21-83; 3-16-99
Mooreview Estates	Off Lower Farmers Road	1	.20		7-21-83
Moss Hollow	From Old House Creek	3	.34		3-16-99
Mountainside Drive	From Ky. 1274 to Ky. 801	2	.15		3-16-99
Mt. Hope	From Ky. 1274 to Ky. 3138 Clay Lick	2	.75		3-16-99

Rowan County - Traffic Code

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Mt. Hope Cemetery Road	Off 1274	3	.10		7-21-83; 3-16-99
Murray	From Big Brushy to Pond Lick	1	1.00		3-16-99
Mynhier	All black top	2	.54		7-21-83; 3-16-99
Ned Way (Name change from Martin Cemetery Rd.)	U.S. 60 East 2.3 miles right on Jaycee Farm Rd.; 0.15 miles on left	3	.122		7-19-14
Nellie Eldridge Road Sharkey		1	.10		7-21-83
Nichols Branch	From Ky. 1167 Dry Creek to Clack Mountain East	3	2.07		3-16-99
Nickells Branch		3	2.00	2	7-21-83
Nickells Cemetery	From Ky. 173	3	.24		3-16-99
Nicole Lane	From U.S. 60	2	.24		3-16-99
Nolin Court	Lakes of Hickory Point Subdivision		.065		3-19-13
Oakdale Court	Black top and gravel roads	2	.06		7-21-83; 3-16-99
Old Baptist Road	Left off Eldridge Lane	2	.0359		3-19-96; 7-19-14
Old Hilda	From Ky. 32	1	.57		3-16-99
Old House Creek	From Ky. 32 East Christy Creek	3	1.10		3-16-99; 1-18-00
Old House Creek	To Exie Jones, off Christy; U.S. 32	4	2.50		7-21-83
Old Phelps Road	From Ky. 6235	2	.10		2-16-93
Old Pond Lick Road	From Ky. 377	4	.20		7-20-93

County Road System Schedule

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Old Race Track Earl Reynolds Road	All gravel	2			7-21-83
Old ready mix plant	Off Christy; U.S. 32	4	.20		7-21-83
Old Sportsman Road-Aubrey Fraley	Off Ky. 377 Cranston Road	4	1.20		7-21-83
Old U.S. 60	At Blue Stone, black top	2			7-21-83
Oney Hollow	From Little Perry	4	.59		3-16-99
Open Fork	Off 32	3	2.40		7-21-83
Open Fork	Off Haldeman Soldier Road	4	4.50		7-21-83
Open Fork	Top of hill to Bearskin, off Open Fork	4	.30		7-21-83
Ora Mabry Road	Off U.S. 60 East	4	.70		7-21-83
Orvill Skaggs Road	Off Christy; U.S. 32	4	.60		7-21-83
Otho Stevens-Mathews	Off U.S. 60 East	4	.40		7-21-83
Ottis Johnson	Off 173	3	.20		7-21-83
Owens Road	Left off of KY 519	3	.218		3-20-18 4-17-18
Pack's Estate Subdivision	Black top roads	2			7-21-83
Padgett Hollow	From Triplett Creek Road	2	.68		3-16-99
Paris Lane		1	.59		3-18-97; 3-16-99
Park Hills Drive	From Ky. 32	1	.27		3-16-99
Park Hills	All roads	1	1.10		7-21-83

Rowan County - Traffic Code

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Parkwood Trailer Road	From Ky. 377	1	.07		3-16-99
Partin Street	From Clearfield Hill	2	.21		3-16-99
Patty's Lick	Off Christy; U.S. 32	3	.96		7-21-83; 3-16-99
Peachtree Lane	From Ky. 32 East Christy Creek	4	.11		3-16-99
Pelfrey Road	From mile marker 0.04.01 south to mile marker 0.2648	1	.2247		4-18-06
Pennington Flat Road		1	1.67		7-21-83; 3-16-99
Penny Lane	From U.S. 60 East	4	.11		3-16-99
Pernell Cemetery Road	From Brinegar Road	3	.06		6-15-93; 3-16-99
Petticoat Lane	From Ky 2522	2	.04		5-19-98
Pettit	From Ky. 1274 Pretty Ridge	2	.32		3-16-99
Peyton	From Ky. 1274 Pretty Ridge	2	.12		3-16-99
Philip Mabry Road off Big Woods Road		1	.10		7-21-83
Phillips Trent	Off 173	3	.70		7-21-83
Philman Hardin Road	Off 1274	3	.30		7-21-83
Pine Grove Cemetery Road	From Ky. 799	4	.09		3-18-97; 3-16-99
Pine Hills Subdivision	All roads from Whipporwill Valley Rd. to Bull Fork Rd. to Ky. 32	1	4.30		7-21-83

County Road System Schedule

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Pine Tree Lane	From Jackson Drive	1	.10		7-21-92
Pinegrove	From Ky. 799 Big Perry	4	.82		3-16-99
Plainview	From Ky. 377 Cranston Road	4	.04		3-16-99
Plank Chapel	From Elk Lick Road	4			3-16-99
Plank Lane		4	.30		11-15-94
Pleasure Lane	From Big Woods	1	.19		3-16-99
Plesant Valley	Black top and gravel roads to Kelsey's	2			7-21-83
Pond Lick		1	2.30		7-21-83
Pond Lick	Off Ky. 377 Cranston Road	4	3.00		7-21-83
Poplar Hollow	To Fraley from Zenith Fraley, off Ky. 377 Cranston Road	4	.60		7-21-83
Poplar Lane	From Overlook Lane to Hyatt Lane	1	.46		3-16-99
Poplar Hollow	To Ezra Plank, off Ky. 377 Cranston Road	4	.80		7-21-83
Porter Cemetery Road	From Ky. 32 Brown Ridge	3	.01		6-15-93; 3-16-99
Porter's Road	Off Christy; U.S. 32	4	.20		7-21-83
Pretty Valley	All black top	2			7-21-83
Purvis Cemetery Road	Left off Ky. 785 Big Brushy	1	.165		4-13-99; 7-19-14
Purvis and Brown Road	One-tenth mile	2			7-21-83

Rowan County - Traffic Code

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Quisenberry Cemetery Road	Left off Quisenberry Road	3	.063		4-13-99; 7-19-14
R. Perry Road	From Ky. 519	3	.15		3-16-93
R. Boyd Cemetery Road	From Raymond Boyd Road	4			12-17-91
Rainbow	From Trent Ridge	3	.47		3-16-99
Ralph Perkins	Off Jones Ridge	3	.40		7-21-83
Ramey Cemetery Road	From Hardin Road	3	.11		9-21-93; 3-16-99
Ramey Ridge	From Bluebank	2	.76		3-16-99
Ramey Road	Off 1274	3	.20		7-21-83
Ravenswood	From Ky. 11167 Dry Creek Road	3	.26		3-16-99
Ray Kidd	Off 32	3	1.20		7-21-83
Ray Perry and Igo Road	All gravel	2			7-21-83
Raymond Boyd	Last road to right, off Old House Creek	4	.30		7-21-83
Reynolds Cemetery	From Patrick Lane	2	.07		4-13-99
Rice	From Ky. 801	2	2.11		3-16-99
Rice Lane	From Rice Road	2	.20		3-16-99
Rice Way	From Rice Loop	2	824 ft.		6-15-99
Riddle Fork	Off 1167	3	1.60	3	7-21-83

County Road System Schedule

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Ridgeway Drive	From Timeberwood Trail	2	.28		3-16-99
Rifle Range-Lower Lick Fork	Off 519	3	.30		7-21-83
River Road	Off Lower Farmers Road just before enter Fleming Co.	1	.25		7-21-83
Road turning between Little Perry Road and the road turning by Roger Thomas and Jerry Reeder	Off U.S. 60 East	4	.10		7-21-83
Road from Clay Lick hill cross to Arnold Staton	All gravel	2			7-21-83
Road beside Owen Cox	Off Sparks Loop	4	.40		7-21-83
Road turning by Roger Thomas and Jerry Reeder	Off U.S. 60 East	4	.30		7-21-83
Road up hill from Moltons Withrows	Off Moltons Circle	4	.60		7-21-83
Road off 32 other side perk's Dogwood Caudill to left	All gravel	2			7-21-83
Road to left off U.S. 60 this side Flannery Church	All gravel	2			7-21-83

Rowan County - Traffic Code

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Road turning left by Coy Masters	Just past Thompsons Garage, off Campbell Br.	4	.70		7-21-83
Road by Harlan Workman	Off 519	3	.30		7-21-83
Road on Morgan Fork	Above Oscar Caudill (519)	3	.30		7-21-83
Road turning left by Helterbrand	Off Elk Lick	4	.10		7-21-83
Roads across bridge by Berlin Black	Off 1167	3	.40	1	7-21-83
Rock Fork Road	From Ky. 377 Cranston Road	4	2.88		7-21-83; 3-16-99
Rocky Adkins Tech Drive			.411		1-16-18
Roe-Bell Cemetery Road	From D. Jarrells Road	3	.10		3-31-92
Roger Carter and Wells Road	All gravel	2			7-21-83
Romans	From Triplett Creek Road	2	.22		3-16-99
Ronnie Goodman	Off 1167	3	.10		7-21-83
Rose Road	Left off Ky. 1167 Dry Creek Road	3	.077		3-16-99; 7-19-14
Rosedale	From Ky. 3317 CCC Trail	3	1.49		7-21-83; 3-16-99
Rosenberg Drive	From Jackson Drive	1	.09		3-16-99
Roxanne Lane	From Ky. 3242 McBrayer Road to Vickie Street	2	.27		3-16-99

County Road System Schedule

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Roy Winkelman	Off CCC Trail	3	.40		7-21-83
Rubio Place	Edgewood Subdivision, includes around Cul-De-Sac		.057		9-20-16
Sam Litton Jr. Road	Off Ky. 32	1	.10		7-21-83
Sanitary Land Fill Road		1	.40		7-21-83
Sarah Quisenberry	Off 1167	3	.60		7-21-83
Sardis Cemetery	From Clearfork Road to Clearfork Road	4	.17		3-16-99
Scaggs Lane	From Ky. 158	1	.23		7-15-97
Schoolhouse Branch	From Lafayette Drive	4	.21		3-16-99
Seas Branch	From Ky. 32 East Christy Creek	4	3.12		7-21-83; 3-16-99
Seas Branch	From Ky. 32 East Christy Creek to Ky. 3318 Open Fork Road	3	3.12		7-21-83; 3-16-99
Sesame Street	From Haldeman Heights to Haldeman Heights	4	.12		3-16-99
Sequoia Drive CR 1350	Right off Big Woods CR 1331		.137		4-17-18
Shangri-La	Off Ky. 3318 Open Fork Road, formerly Bobcat Road	3	.357		7-19-14; 6-21-16
Sharkey Old Regular Baptist Church Road	Ends at Curtis barn, Sharkey	1	.50		7-21-83
Sharon Drive	From Ky. 11167 Dry Creek Road	3	.12		3-16-99

Rowan County - Traffic Code

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Sheridan	From Ky. 1274 Pretty Ridge	2	.12		3-16-99
Sherman Arnett's	Cross to U.S. 60 to Dillon's all gravel	2			7-21-83
Shiloh Drive	From Ky. 785	1	.19		3-16-99
Shirley Street	From Gilliam Street	2	.09		3-16-99
Skyline Drive	From U.S. 60	2	.33		3-16-99
Slab Camp	Off Jones Ridge	3	1.00		7-21-83; 8-18-92
Slab Camp	1.52 miles	3	1.86		4-16-02
Smokey Mountain Lane	From Jackson Road	1	.15		3-19-96
Sparks Loop-Owen Cox	Off U.S. 60 East	4	.60		7-21-83
Sparks Road	Just above Marvin Kidd, off Seas Branch	4	.20		7-21-83
Spring Street North and South	From Park Hills Drive	1	.21		3-16-99
Stacy	From Kinder Branch	4	.64		3-16-99
Stanley Howard Road	Off Open Fork	4	.30		7-21-83
Stegall Cemetery Road	From Ky. 377 Cranston Road	4	.03		3-18-97; 3-16-99
Stern Lane	From U.S. 60 West to Mynhier Road	2	.17		3-16-99
Steve Lewis Road	First drive right off Whipporwill Valley Road	1	.15		7-21-83
Steve McKinny Road	All gravel	2			7-21-83

County Road System Schedule

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Steve Perkins Road		1	.50		5-10-84
Stevens Cemetery Road	From May Road	4	.27		3-19-96; 10-19-99
Stidam	From Ky. 3317 CCC Trail	3	.16		3-16-99
Stigall Cemetery Road	From Lower Caney Creek	3	.22		7-21-92; 3-16-99; 10-19-99
Still Place	Edgewood Subdivision, includes around Cul-De-Sac		.040		9-20-16
Stinson	From U.S. 60 East to Castle Drive	4	.03		3-16-99
Streamview Lane	From Mynhier Road	2	.08		3-16-99
Sugar Branch Road	Off Nickells Branch	3	.30		7-21-83
Sugar Loaf-Bratton Branch	Ending at Pine Hills Subdivision	1	6.10		7-21-83
Sugarloaf Mountain Road	From Pelfrey Road to Poplar Lane	1	4.08		7-18-95; 3-16-99
Sugarloaf Mountain Road	From Ky. 32	1	6.14		9-15-92
Sun Eagle Drive	Right off Eagle Drive	2	.070		7-19-14
Sunnyside Drive	From Ky. 11167 Dry Creek Road	3	.09		3-16-99
Sunshine Lane	All gravel	2	.08		7-21-83; 3-16-99
Sylom Cemetery		2			7-21-83
Sylvan Chase	From Doe Run Road	2	.20		5-18-93

Rowan County - Traffic Code

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
T. McKinney Road	From Ky. 1274	3	.64		3-16-93; 3-16-99
T. Slone Road	From end of existing road to 3.24 mile (end of Trent Ridge)	3	3.59		3-22-00
Tackett Branch	From Ky. 32 East Christy Creek	3	.27		3-16-99
Tackett Cemetery	From Ky. 3138 Clay Lick	2	.09		3-16-99
Tall Oak Drive	From Ky. 1167	3	.26		109077
Talmadge Catron	Off 1167	3	.20		7-21-83
Tater Lick Road	From Ky. 377 Cranston Road	4	.19		1-21-91; 3-16-99
Ted Slone	Off 32	3	.40		7-21-83
Templeman	From Ky. 3317 CCC Trail	3	1.48		7-21-83; 3-16-99; 10-18-16
Thomas' Road-Clyde-James	Off Christy; U.S. 32	4	.50		7-21-83
Thornsberry Road	From 1167	3	.01		7-20-93
Timberwood Trail	From Lakewood Drive	2	.52		3-16-99
Tim Short Drive	Formerly Biloxi Dr. South CR 1384	2			12-20-16
Tom Tackett Cemetery Road	All gravel	2			7-21-83
Tot's Day and Bently Road	Up hill, all gravel	2			7-21-83
Towr Road	Off 1167	3	.30		7-21-83
Trent and Walker	Up hill off U.S. 60, all gravel	2			7-21-83

County Road System Schedule

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Trent Cemetery	From Rainbow Road	3	.13		3-16-99
Trent Ridge	Off Ky. 32 Brown Ridge	3	2.54		7-21-83; 3-16-99
Trent-Black Cemetery Road	From Lee Branch Road	3	.31		10-15-91; 10-19-99
Triplett Creek	From Ky. 801	2	2.11		3-16-99
Troy Alfrey Cemetery Road	All gravel	2	.90		7-21-83; 9-21-93
Tunnel Cut Loop	From Ky. 174 Haldeman Road	4	.93		3-16-99
Turn South off U.S. 60 by tobacco warehouse		4	.50		7-21-83
Tussey Cemetery Road	From Fannin Road	3	.09		3-17-98; 10-19-99
U.S. 60 West, Proctor Hgts. cross from John Rice	Gravel road	2			7-21-83
Upper Craney	From Rosedale Road to Ky. 1167 Oak Grove Road	3	1.77		7-21-83; 3-16-99
Upper Craney Spur	From Upper Craney	3	.23		7-20-93; 12-17-96; 3-16-99
Upper Lick Fork	Off Clack Mountain	3	2.00		7-21-83
Upper Wagoner Fork	From Ky. 1167	3	1.50		10-18-94
Valleyview	From Copperas Hollow	1	.28		3-16-99
Verna Stidam	Off CCC Trail	3	.30		7-21-83

Rowan County - Traffic Code

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Vickie Street	From Fyrl Street to Kenna Lane	2	.13		3-16-99
View Lane	From Ky. 173	3	.38		3-16-99
Viking Drive	From Ky. 32 to Ky. 32	1	.79		3-16-99
Virgil Wescott Road	Off Lower Farmers Road	1	.20		7-21-83
W. Black	From Clack Mountain East	3	.64		3-16-99
W. Calvert Branch	From Ky. 32 East Christy Creek	3	.21		3-16-99
W.P. Mabry	From Ky. 32 Hogtown Hill	3	.69		3-16-99
Waldo Payton Road	All gravel	2			7-21-83
Walker Branch (Nesbit-Clark)	Off Christy; U.S. 32	4	.60		7-21-83
Wallace Cemetery Road	From Ky. 1274	2	.10		11-17-92
Wallace-Terrell Cemetery Branch	From Upper Lick Fork	3	.67		10-19-99
Warren Lane	From Bull Fork Road	1	.20		12-17-91
Warren Lane	From Ky. 3319 Bluestone	2	.13		3-16-99
Warren Road	All gravel	2			7-21-83
Water Tower Road	From Maxie Flats Road	1	.19		1-18-00

County Road System Schedule

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Wayne Black	Off Clack Mountain	3	1.00		7-21-83
Wayne Crawford Road	Off 1167	3	.60		7-21-83; 8-18-92
Wayside Lane	From Partin Street to the property line of Margarett and Foley Partin	2	.05		7-16-96; 4-13-99
Weaver Ridge	From Ky. 3317 CCC Trail	3	1.91		7-21-83; 3-16-99
Weaver Ridge Spur	From Weaver Ridge	3	.37		3-16-99
Wescott Road	Right off Ky. 1722 Lower Licking	2	.29		7-19-14
West Plank Lane	From Ky. 377 Cranston Road	4	.13		7-21-83; 3-16-99
Whipporwill Valley Road	From Ky. 32 to forks	1	.75		7-21-83
Whisman Cemetery	From Island Fork Road Southeast	4	.02		4-13-99
Whispering Oaks	From Ky. 801	1	.40		9-15-92
Whitaker Subdivision Pennington Flat,	Blacktopped road only	1	.30		7-21-83
White Church Road		4	.50		5-10-84
White Cemetery	From CCC Trail	3	.29		10-19-99
White House Hill	From Bluestone Road	2	.09		12-17-96; 3-16-99
Whitt	From Ky. 1274 Pretty Ridge	2	.09		3-16-99
Whitt and Stamper	Off U.S. 60 to left, all gravel	2			7-21-83

Rowan County - Traffic Code

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Wild Flower Lane					8-21-12
Wild Ridge	From Pond Lick	4	.78		3-16-99
Wilderness Lane	From Paris Lane	1	.38		3-16-99
Will Lambert Road	Off 1167	3	1.20	2	7-21-83
Willard Calbert	Off 32	3	.20	1	7-21-83
William Ellington Road	Off 1274	3	.30		7-21-83
Williams Branch	From Ky. 32 East Christy Creek to Ky. 173	3	1.87	1	7-21-83; 3-16-99
Williams-Turner Cemetery	From Williams Branch	3	.30		3-16-99
Willie Caudill	Off 1167	3	.20		7-21-83
Willow Lane	From Williams Branch	3	.10		11-16-93
Willowbrook Court			.0786		2-20-18
Willowbrook Drive			.129		2-20-18
Wilson	Off 1167	3	.30		7-21-83
Wilson/Epperhart Cemetery Road	From Ky. 173	3	.14		1-19-93; 10-19-99
Winding Way	From Copperas Hollow	1	.14		3-16-99
Windsor	From Ky. 173	3	.11		3-16-99
Wisteria Lane	US 60 W 5 Miles	2	.146		8-16-16
Withrow	From Vista View Road	4	.22		3-16-99
Withrow Drive	From Upper Craney	3	.30		4-20-93
Withrow Road	From Wilson Road	4	.35		6-16-92

County Road System Schedule

<i>Road</i>	<i>Description</i>	<i>District</i>	<i>Road Length</i>	<i>Bridges</i>	<i>Ord. Passed</i>
Wolfe Hollow	From Ky. 3317 CCC Trail	3	.91		3-16-99
Woodland Chase	From McBrayer Road	2	.38		3-16-99
Woodlawn Trail Drive	From (Philemon) Hardin Road	3	.27		3-15-94; 3-16-99
Woody Black Road Sharkey		1	1.25		7-21-83
Workman	From Ky. 11167 Dry Creek Road	3	.11		3-16-99
Wyatt Cemetery Road	From Ky. 799	4	.10		6-15-93
Zay Bowman	Off Weaver Ridge	3	.20		7-21-83
Zenith Drive	From Poplar Hollow	4	.25		3-16-99
Zion Road	Right off Leasure Lane	3	.50		3-16-99; 7-19-14
Zornes Road	From Ky. 799 Rock Fork Road	4	.34		4-20-93; 3-16-99

CHAPTER 71: TRAFFIC SCHEDULES

Section

I. Speed limits

SCHEDULE I. SPEED LIMITS.

(A) Traffic on the following county roads shall not exceed the indicated speed limit:

<i>Road</i>	<i>District</i>	<i>Speed Limit (m.p.h.)</i>	<i>Ord. Passed</i>
A. Johnson Road	1	20	2-20-96
Airport Road	2	20	8-18-92
Applegrove Road		25	6-18-97
Ashley Drive	3	20	9-15-09
Baber-Wages-White Road		20	8-19-97
Barn Branch	4	20	9-20-11
Big Brushy Road (from end of KY Hwy 785, 1847 feet west)	1	20	9-23-03
Big Woods Road	1	35	10-16-01; 3-18-03
Bluebank Road	2	35	5-24-96
Bramblewood Lane	4	15	1-21-92
Bratton Branch/Bluestone Road	2	20	6-16-92
Bratton Branch/Sugarloaf Mountain Road	1	30	9-15-92
Bratton Branch Road	1	30	1-17-08
Buckner Hollow		15	12-19-00

Rowan County - Traffic Code

<i>Road</i>	<i>District</i>	<i>Speed Limit (m.p.h.)</i>	<i>Ord. Passed</i>
Buffalo Branch Road	4	20	1-21-92
Buffalo Road	4	20	7-21-92
Bull Fork		35	6-19-12
C. Miller Road		15	8-17-99
Campbell Branch East	4	30	1-21-92
Campbell Branch Road	4	30	1-21-92
Caudell Cemetery Road	1	20	7-16-96
Cedar Brook Way	1	15	4-15-14
Chestnut Lane	1	20	11-16-09
Cincinnati Branch		25	10-17-00
Clack Mtn. East		30	8-17-99
Clearfield Hill		25	12-21-99
Clearfield Cemetery Road		15	11-21-00
Clearfork N. Road	4	20	5-22-94
Clinton Circle	2	20	9-16-14
Cold Spring Road	3	15	11-16-93
Coldiron Drive	2	25	10-19-10
Conn Road		15	8-16-05
Conn Ridge Road	3	30	1-21-92
Copperas Hollow Road	1	20	1-21-92
Cornett Road (CR 1127)	3	20	6-23-09
Cranston Cemetery Road		20	1-17-06
Crawford Road	3	20	4-22-94
Crix Ridge Road		25	10-19-04
Cumberland Drive		20	7-18-00

Traffic Schedules

<i>Road</i>	<i>District</i>	<i>Speed Limit (m.p.h.)</i>	<i>Ord. Passed</i>
Deer Lick Road		15	8-17-99
Deer Run Lane	2	20	4-22-94
Dillon Drive	3	20	4-22-94; 5-15-01
Doe Run Road		20	2-15-05
Doodle Lane		15	3-16-99
Dry Branch Road	4	20	1-21-92
Dry Fork Road	4	15	7-21-92
Eagle Trace	2	25	7-15-03
Eden Hollow	4	20	6-16-92
Elk Lick Road	4	20	9-17-96; 10-21-03
Emory Branch		20	8-17-99
Estep Road		15	10-21-97
Fall Lane		15	9-21-99
Fallen Timber Road	3	25	5-18-93
Fox Den Road	3	10	8-17-10
Fox Run		20	10-19-04
Gilliam Road (CR 1129)	3	10	7-21-09
Grassy Lick Road	1	20	1-21-92
Greenbend Road	2	25	3-16-93; 12-17-96
Haldeman Loop Road	4	20	1-21-92
Hibiscus Court	2	20	9-16-14
Hilltop Drive	1	20	8-15-06
Holly Fork Road	4	35	1-21-92
Hungry Hollow Road		25	10-21-97

Rowan County - Traffic Code

<i>Road</i>	<i>District</i>	<i>Speed Limit (m.p.h.)</i>	<i>Ord. Passed</i>
Hunters Lane	2	25	10-17-95
Hyatt Lane CR 1374		20	10-16-18
Island Fork Road	4	35	6-20-95
J. Dehart Road		20	5-18-99
Jackson Cemetery Road	1	25	3-16-93; 9-19-95
Jackson Heights and spur	4	15	1-21-92
Jackson Road	1	25	8-16-94
Jones Ridge		25	10-17-00
Kegley Ridge	3	15	6-16-98; 9-19-06
Knipp Hollow	4	20	10-19-93
Kodiak Road		20	5-16-00
Lafayette Drive	4	25	1-21-92
Lakewood Acres		15	1-19-93
Lambert Hollow	3	25	10-17-95
Lambert Lane	3	15	6-16-98
Leasure Lane	3	20	9-15-92
Lee Branch	3	10	4-18-06
Little Perry Road	4	25	5-17-94
Little Road		20	2-16-99
Logan Hollow		25	6-15-99
Lois Lane	3	20	4-22-94
Lower Caney Creek Road		20	8-21-01
Lower Oak Grove		35	11-16-99
M. Riddle Drive	3	10	8-17-93

Traffic Schedules

<i>Road</i>	<i>District</i>	<i>Speed Limit (m.p.h.)</i>	<i>Ord. Passed</i>
Maher Street	3	20	4-22-94
Masters Cemetery Road	4	25	9-23-03
Matthews/ Stevens Road	4	20	5-17-94
May/Fultz Road	4	10	5-18-93
McBrayer Road	2	25	1-21-92; 6-16-92
Meadowlands Drive	1	25	8-19-03
Mill Branch Road	2	25	6-15-93
Mitchell Lane	2	25	9-19-95
Monticello Drive		25	5-19-98
Moore's Flat Road	2	35	9-17-96
Morgan Fork Road	3	30	5-20-11
Morning Glory Court	2	20	9-16-14
Morris Road		10	10-19-99; 10-18-05
Nichols Branch	3	25	5-18-93; 6-20-06
Oakwood Lane	1	20	1-19-93
Old Baptist Road	1	15	10-19-10
Old House Creek		25	11-16-99
Oney Hollow	4	15	8-17-93
Owens Road	3	10	12-15-09 3-20-18
Padgett Hollow		20	7-18-00
Partin Street		15	3-17-98
Pennington Flats	1	30	9-17-96

Rowan County - Traffic Code

<i>Road</i>	<i>District</i>	<i>Speed Limit (m.p.h.)</i>	<i>Ord. Passed</i>
Pine Grove Road	4	25	1-19-10
Pond Lick Road	4	20	4-22-94
Poplar Hollow	4	20	11-15-94
Primrose Drive	2	20	9-16-14
Ramey Ridge Road	2	20	7-19-94
Ravenswood Road		20	6-15-99
Reynolds Road	2	25	5-18-93
Rice Loop		20	9-21-99
Rice Road	2	20	7-19-94
Rice Way		20	9-21-99
Riddle Fork	3	15	8-17-93
Rock Fork Road	4	35	1-21-92
Roosevelt Drive	2	20	9-16-14
Rose Road	3	10	10-21-03
Rosedale Road		25	6-15-99
Scaggs Lane		30	9-16-97
Seas Branch Road	4	30	1-21-92
Sharon Drive	3	20	8-15-95
Shawnee Drive	1	20	8-16-16
Sportsman Club Road	4	15	7-19-94
Starlight Lane	2	20	9-20-11
Stigall Road	3	25	8-15-95
Streamview Lane	2	15	9-17-96
Sugar Branch Road	3	15	11-15-94
Sweetgum Lane		20	5-19-98

Traffic Schedules

<i>Road</i>	<i>District</i>	<i>Speed Limit (m.p.h.)</i>	<i>Ord. Passed</i>
Sylvan Chase Road		20	2-15-05
T. Slone Road		15	9-21-99
Tackett Branch	3	15	10-15-96
Templeman Ridge Road	3	20	1-21-92
Thomas Lane	3	15	7-20-93
Trent Ridge Road	3	30	9-21-10
Triplett Creek Road		25	4-21-98; 7-21-98; 5-17-05
Upper Lick Fork		20	5-16-00
Viking Drive	1	25	2-18-97
Viking Drive (from Viking Food Mart) to M.P. 0.60		15	4-18-00
Walker Branch		15	2-16-99; 5-15-01
Washington Circle	2	20	9-16-14
Water Tower Road		20	9-19-00
Weaver Ridge	3	15	7-20-93
Whispering Oaks	2	25	11-17-92; 12-19-00; 12-11-03
Wild Ridge		25	12-21-99
Wildflower Lane	2	10	9-21-10
Williams Branch	3	25	2-18-97; 7-15-97
Winterberry Court	2	20	9-16-14

(B) Traffic in the following subdivisions shall not exceed the indicated speed limit:

Rowan County - Traffic Code

<i>Subdivision</i>	<i>Roads</i>	<i>Speed Limit (m.p.h.)</i>	<i>Ord. Passed</i>
Bramblewood	All roads	20	7-3-80
Green Valley Acres	All roads	20	7-3-80
Hill-N-Dale	All roads	20	7-3-80; 1-21-92
Jackson Heights	All roads	20	7-3-80
Oakdale		20	1-21-92
Park Hill	All paved roads	20	1-21-92
Park Hills	All roads	15	7-3-80
Pine Hills	All roads	20	7-3-80
Pleasant Valley	All roads	20	7-3-80; 1-21-92
Pretty Valley	Firl Lane Kimberly Lane Roxanne Lane	20	1-21-92
Rodburn Estates	All roads	20	7-3-80

Penalty, see § 10.99

CHAPTER 72: PARKING

Section

72.01 Parking prohibited

§ 72.01 PARKING PROHIBITED.

Parking of motor vehicles on a county road or the right-of-way of a county road shall be illegal and any vehicle found to be so parked shall be subject to towing at the owner's expense.
(Ord. 02-08, passed 4-15-08)

TITLE IX: GENERAL REGULATIONS

Chapter

90. FAIR HOUSING

91. HAZARDOUS MATERIALS

92. EMERGENCY 911 SERVICE

93. DOGS

94. NOISE CONTROL

95. PUBLIC NUISANCES

CHAPTER 90: FAIR HOUSING

Section

- 90.01 Policy
- 90.02 Definitions
- 90.03 Unlawful practice
- 90.04 Discrimination in the sale or rental of housing
- 90.05 Discrimination in the financing of housing
- 90.06 Discrimination in the provision of brokerage services
- 90.07 Exemption
- 90.08 Administration
- 90.09 Education and conciliation
- 90.10 Enforcement
- 90.11 Investigations
- 90.12 Enforcement by private persons
- 90.13 Interference, coercion or intimidation
- 90.14 Prevention of intimidation in fair housing cases

- 90.99 Penalty

§ 90.01 POLICY.

It is the policy of the County Fiscal Court to provide, within constitutional limitations, for fair housing throughout the county.

(Ord. passed 6-20-95)

§ 90.02 DEFINITIONS.

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

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful under §§ 90.04, 90.05 or 90.06.

DWELLING. Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

FAMILY. Includes a single individual.

PERSON. Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

TO RENT. Includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

(Ord. passed 6-20-95)

§ 90.03 UNLAWFUL PRACTICE.

(A) Subject to the provisions of division (B) below and § 90.07, the prohibitions against discrimination in the sale or rental of housing set forth in this § 90.03 shall apply to all dwellings except as exempted by division (B).

(B) Nothing in § 90.04 shall apply to:

(1) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this division shall apply only with respect to one such sale within any 24-month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time; provided further, that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent salesman, or person and without the publication, posting or mailing, after notice of any advertisement or written notice in violation of § 90.04(C) of this chapter, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(C) For the purposes of division (B), a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or

(2) He has, within the preceding 12 months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

(3) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

(Ord. passed 6-20-95)

§ 90.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by § 90.03 and except as exempted by §§ 90.03(B) and 90.07, it shall be unlawful:

(A) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable to deny, a dwelling to any person because of race, color, religion, sex, national origin, familial status or handicapped status.

(B) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, national origin, familial status or handicapped status.

(C) To make, print or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status or handicapped status, or an intention to make any such preference, limitation or discrimination.

(D) To represent to any person because of race, color, religion, sex, national origin, familial status or handicapped status that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(Ord. passed 6-20-95)

§ 90.05 DISCRIMINATION IN THE FINANCING OF HOUSING.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of race, color, religion or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purpose of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; provided that nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 90.03(B).

(Ord. passed 6-20-95)

§ 90.06 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, national origin, familial status or handicapped status.

(Ord. passed 6-20-95)

§ 90.07 EXEMPTION.

Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(Ord. passed 6-20-95)

§ 90.08 ADMINISTRATION.

(A) The authority and responsibility for administering this chapter shall be in the County Judge/Executive of the County Fiscal Court.

(B) The County Judge/Executive may delegate any of these functions, duties, and powers to employees of the county or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this chapter. The County Judge/Executive shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the city, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(C) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the County Judge/Executive to further such purposes.
(Ord. passed 6-20-95)

§ 90.09 EDUCATION AND CONCILIATION.

Immediately after the enactment of this chapter, the County Judge/Executive shall commence such educational and conciliatory activities as will further the purposes of this chapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement.
(Ord. passed 6-20-95)

§ 90.10 ENFORCEMENT.

(A) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the County Judge/Executive. Complaints shall be in writing and shall contain such information and be in such form as the County Judge/Executive requires. Upon receipt of such a complaint, the County Judge/Executive shall furnish a copy of the same to the person or persons who allegedly committed or about to commit the alleged discriminatory housing practice. Within 30 days after receiving a complaint, or within 30 days after the expiration of any period of reference under division (C), the County Judge/Executive shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the County Judge/Executive

decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned.

(B) A complaint under division (A) shall be filed within 180 days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the County Judge/Executive, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(C) If within 30 days after a complaint is filed with the County Judge/Executive, the County Judge/Executive has been unable to obtain voluntary compliance with this chapter the person aggrieved may, within 30 days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The County Judge/Executive will assist in this filing.

(D) If the County Judge/Executive has been unable to obtain voluntary compliance within 30 days of the complaint, the person aggrieved may, within 30 days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this chapter, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(E) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(F) Whenever an action filed by an individual shall come to trial, the County Judge/Executive shall immediately terminate all efforts to obtain voluntary compliance.

(Ord. passed 6-20-95) Penalty, see § 90.99

§ 90.11 INVESTIGATIONS.

(A) In conducting an investigation the County Judge/Executive shall have access at all reasonable times to premises, records, documents, individuals and other evidence or possible sources of evidence and may examine, record and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation; provided, however that the County Judge/Executive first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The County Judge/Executive may issue subpoenas to compel his

access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of civil action in the United States district court for the district in which the investigation is taking place. The County Judge/Executive may administer oaths.

(B) Upon written application to the County Judge/Executive, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the County Judge/Executive to the same extent and subject to the same limitations as subpoenas issued by the County Judge/Executive himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(C) Witnesses summoned by subpoena of the County Judge/Executive shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(D) Within five days after service of a subpoena upon any person, such person may petition the County Judge/Executive to revoke or modify the subpoena. The County Judge/Executive shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(E) In case of contumacy or refusal to obey a subpoena, the County Judge/Executive or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served or transacts business.

(F) The County Attorney shall conduct all litigation in which the County Judge/Executive participates as a part or as amicus pursuant to this chapter.

(Ord. passed 6-20-95) Penalty, see § 90.99

§ 90.12 ENFORCEMENT BY PRIVATE PERSONS.

(A) The rights granted by §§ 90.03, 90.04, 90.05 and 90.06 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within 180 days after the alleged discriminatory housing practice occurred; provided, however, that the court shall continue such civil case brought pursuant to this section or § 90.10(D) from time to time before bringing it to trial if the court believes that the conciliation efforts of the County Judge/Executive are likely to result in

satisfactory settlement of the discriminatory housing practice complained of or in the complaint made to the County Judge/Executive and which practice forms the basis for the action in court. Provided, however, that any sale, encumbrance or rental consummated prior to the issuance of any court order issued under the authority of this chapter, and involving a bona fide purchaser, encumbrancer or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this chapter shall not be affected.

(B) The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than \$1,000 punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff; provided, that the plaintiff in the opinion of the court is not financially able to assume said attorney's fees.

(Ord. passed 6-20-95)

§ 90.13 INTERFERENCE, COERCION OR INTIMIDATION.

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by §§ 90.03, 90.04, 90.05 or 90.06. This section may be enforced by appropriate civil action.

(Ord. passed 6-20-95)

§ 90.14 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

No person, whether or not acting under color of law, by force or threat of force shall willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with:

(A) Any person because of his race, color, religion, sex, national origin, familial status or handicapped status, and because he is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization or facility relating to the business of selling or renting dwellings; or

(B) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

(1) Participating, without discrimination on account of race, color, religion, sex, national origin, familial status or handicapped status in any of the activities, services, organization or facilities described in division (A) above; or

(2) Affording another person or class of persons opportunity or protection so to participate;
or

(C) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in division (A) above, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

(Ord. passed 6-20-95) Penalty, see § 90.99

§ 90.99 PENALTY.

(A) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the County Judge/Executive shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the County Judge/Executive, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the County Judge/Executive pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, after, or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(B) Any employee of the County Judge/Executive who shall make public any information in violation of § 90.10 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(C) Any person who violates any provision of § 90.14 shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

(Ord. passed 6-20-95)

CHAPTER 91: HAZARDOUS MATERIALS

Section

- 91.01 Definitions
- 91.02 Purpose and applicability
- 91.03 Administering agency
- 91.04 Local notification procedure
- 91.05 Agriculture operations
- 91.06 Liability for costs
- 91.07 Authorized release
- 91.08 Prohibited acts
- 91.09 Contractual indemnification; subrogation
- 91.10 Disclaimer of liability

- 91.99 Penalty

§ 91.01 DEFINITIONS.

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

ADMINISTERING AGENCY. Individual or committee responsible for enforcement of this chapter.

AUTHORIZED RELEASE. A release of hazardous materials in accordance with appropriate permit granted by state or federal agency having primary jurisdiction over such releases

CONSUMER PRODUCT. Shall have the meaning stated in 15 USC 2052.

COSTS. All expenses incurred by local government or local emergency response organizations regardless of whether or not such agencies are publicly or privately owned in responding to any hazardous materials spill, leak or other release into the environment and for any remedial or removal actions taken to protect and safeguard the public health and safety, property or the environment. The term includes, but is not limited to, costs incurred for personnel, equipment and use thereof, materials, supplies, services, lost wages of volunteer personnel, damage or loss of equipment, both organization and personnel, and related expenses resulting directly from response to a release or threatened release of a hazardous material.

ENVIRONMENT. The navigable waters of the United States and any other surface water, ground water, drinking water supply, soil surface, subsurface strata, storm sewer or publicly or privately owned treatment works (other than those handling only wastewater generated at a facility) air space, within the entire boundaries of the county.

HAZARDOUS MATERIAL. Any element, compound, substance or material or any combination thereof which are toxic, flammable, explosive, corrosive, radioactive, oxidizers, etiological agents, carcinogenic or are highly reactive when mixed with other substances, including, but not limited to, any substance or material which is designated a hazardous material pursuant to the *Hazardous Materials Transportation Act* (49 USC 1801 *et seq.*) or is listed by Appendix A, 40 CFR 302, *List of Hazardous Materials and Reportable Quantities*, as amended, published by the U.S. Environmental Protection Agency (EPA), a copy of which said list is attached as Appendix A to Ordinance dated 1-17-95 and herein incorporated by reference the same as if set out at length herein in words and figures, in a quantity and form which may pose a substantial present or potential hazard to human health, property or the environment wherein improperly released, treated, stored, transported, disposed of or otherwise managed.

PETROLEUM PRODUCT. Oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.

RELEASE. Any spilling, leaking, pumping, pouring, emitting, escaping, emptying, discharging, injecting, leaching, dumping or disposing of a hazardous material into or on any land, air, water, well, stream, sewer or pipe so that such hazardous materials or any constituent thereof may enter the environment. The term shall not apply to with respect to a claim which such persons may assert against the employer of such persons as provided by CERCLA regulations, any release which results in exposure to persons solely within a workplace, emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel or a pipeline station pumping engine, and the normal application of fertilizers and pesticides.

REMOVAL. The cleanup or removal of released hazardous materials from the environment, such actions as may be necessary or appropriate to monitor, supervise, assess and evaluate the release or threatened release of hazardous materials, the disposal of removed materials, or the taking of such actions as may be necessary to prevent, minimize or mitigate damage to public health or welfare or the environment. The term includes, but is not limited to, security, fencing, provision of alternative water supplies, and temporary evacuation, reception and care of threatened persons.

REPORTABLE QUANTITY. The "Final RQ" as set forth on the *Hazardous Materials and Reportable Quantities* list.

RESPONSE. Any remedial or removal actions, including, but not limited to response by local public safety and emergency agencies and subsequent actions taken to insure the preservation and protection of the public health, safety, welfare and the environment.
(Ord. 02-95, passed 1-17-95)

§ 91.02 PURPOSE AND APPLICABILITY.

(A) The purpose of this chapter is the protection of the public health and safety and the environment in all of the county through prevention and control of hazardous materials incidents and releases, requiring the timely reporting of releases of hazardous materials to appropriate local public safety and emergency agencies, providing local monitoring or supervision of cleanup of hazardous materials spills/releases and requiring payment by parties responsible for hazardous materials releases/spills of all expenses incurred by public safety and emergency agencies in responding to such hazardous materials releases; and to provide for the timely reporting of released of hazardous materials into the environment so that local government can respond quickly and safely and take the necessary steps immediately to protect the general population.

(B) This chapter shall apply to all persons who use, manufacture, store or transport hazardous materials in all of the county.
(Ord. 02-95, passed 1-17-95)

§ 91.03 ADMINISTERING AGENCY.

(A) The administering agency of this chapter shall be the Local DES Director.

(B) The administering agency has the authority to monitor the cleanup process of an on-going hazardous materials incident. In the event of a hazardous materials release/spill that is not being adequately, properly or promptly cleaned up, the Administering Agency shall be permitted to select an appropriate cleanup contractor to clean up the incident site and submit a bill to the responsible party for the cleanup cost.

(C) The Administering Agency shall make a report to the County Fiscal Court and the City Council of Morehead on every hazardous materials incident that the agency responds to and list in detail the cause of the incident, the affect on the population and environment, and what steps were taken to deal with the incident. The Administering Agency shall make a report to the County Fiscal Court and City Council of Morehead on every hazardous materials incident that they respond to and list in detail the causes of the incident, the effect on the population and environment, what steps were taken to deal with the incident.
(Ord. 02-95, passed 1-17-95)

§ 91.04 LOCAL NOTIFICATION PROCEDURE.

(A) *Notice upon discovery.* When a release or a threatened release, other than an authorized released, of a hazardous material in a quantity equal to or exceeding the reportable quantity established for such material occurs or is imminent on any facilities of any kind, transportation vehicle within the

county, the person in charge of such facilities or, upon discovery of such release or threatened release, or evidence that a release has occurred even though it has apparently been controlled, shall immediately cause notice of the existence of such release or threatened release, the circumstances of same, and the location thereof to the number given in this section.

(B) *Emergency phone number.* The notice required in this section shall be given by calling 606-784-7511.

(C) *Duty to report to federal and state agencies.* No statement contained in this section shall be construed to exempt or release any person from any other notification or reporting procedure required by state or federal agency.

(Ord. 02-95, passed 1-17-95)

§ 91.05 AGRICULTURE OPERATIONS.

All persons who spill a hazardous material into the environment in any amount that equals or exceeds the amount listed in the EPA'S List of Lists shall report the spill to the emergency phone number listed in § 91.04.

(Ord. 02-95, passed 1-17-95) Penalty, see § 91.99

§ 91.06 LIABILITY FOR COSTS.

(A) *Persons liable.* Notwithstanding any other provisions or rule of law, the following persons shall be jointly and severally liable for all cost of removal and remedial actions incurred by local public safety and emergency agencies as a result of a release or threatened release of hazardous materials into the environment:

(1) The owner and operator of a facility or vessel from which there is a release or substantial threat of release of hazardous materials;

(2) Any person who, at the time of disposal, transport, storage, or treatment of hazardous materials, owned or operated the facility or vessel used for such disposal, transport, treatment, or storage from which there was a release or substantial threat of a release of hazardous materials;

(3) Any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous materials owned, controlled or possessed by another party or entity from which facility there is a release or substantial threat of a release of hazardous materials; and

(4) Any person who accepts or accepted any hazardous materials for transport to disposal, storage or treatment facilities from which there is a release or substantial threat of a release of hazardous materials.

(B) *Evacuees, administrative or other expenses, and legal expenses.* The local responding agencies or local government that have incurred expenses as a result of their response shall submit their bills to the county for requesting reimbursement. Failure to provide reimbursement by the party responsible for the spill/release upon request by local agencies or local government(s), shall result in the local government seeking remuneration through court by the county attorneys.

(Ord. 02-95, passed 1-17-95) Penalty, see § 91.99

§ 91.07 AUTHORIZED RELEASE.

There shall be no liability under this chapter for any release permitted by state or federal law, but only to the extent that such release is made in accordance with an appropriate permit granted by the state or federal agency having primary jurisdiction over such release and that such release is in full compliance with such permit with respect to time, location and manner of the release so that such release will not create a hazard or potential hazard to human health, property or the environment; or, if such release is in substantially lesser quantities than those reportable quantities established by state or federal law, regulations, permit requirements or ordinances of the jurisdiction in which such release occurs.

(Ord. 02-95, passed 1-17-95)

§ 91.08 PROHIBITED ACTS.

No person shall cause, threaten or allow the release of a hazardous material into the environment within the territorial boundaries of the City of Morehead, or other incorporated cities, or the county, unless such release is an authorized release in accordance with an appropriate permit granted by that agency of state or federal government which has primary jurisdiction over such release and such release is in such place and manner as will not create a substantial present or potential hazard to human health, property or the environment.

(Ord. 02-95, passed 1-17-95) Penalty, see § 91.99

§ 91.09 CONTRACTUAL INDEMNIFICATION; SUBROGATION.

(A) No conveyance, transfer, sale, indemnification, hold harmless or similar agreement shall be effective to release the owner or operator of any facility or vessel or any person who may be liable for a release of hazardous materials or threat thereof under this chapter. Nothing in this section shall bar any arrangement to insure, hold harmless or indemnify a party to such agreement for any liability under this chapter.

(B) Nothing in this section, including the provisions of division (A) of this section, shall bar a cause of action that an owner or operator or any other person subject to liability under this chapter, or a guarantor, has or would have, by reason of subrogation or otherwise against any person.

(Ord. 02-95, passed 1-17-95)

§ 91.10 DISCLAIMER OF LIABILITY.

This chapter shall not create liability on the part of the administering agency for any damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. All persons are advised to determine to their own satisfaction the level of protection, in addition to that required by this chapter to insure that there is no unauthorized release of hazardous materials.

(Ord. 02-95, passed 1-17-95)

§ 91.99 PENALTY.

(A) *Failure to notify local government.* Any facility or person who fails to notify local government as required in § 91.04 of this chapter may be fined not less than \$500 nor more than \$1000.

(B) *Interference with local officials.* Except by pursuance of legal action in the courts, no person shall interfere or attempt to interfere with any person conducting an inspection or other activity authorized by this chapter. Any person who violates this section shall be fined not less than \$500 nor more than \$1000.

(C) *Civil damages.* Any person violating any provision of this chapter shall become liable civilly to the city and county government for any expense, loss or damage, caused to the government by reason of such violation, including, but not limited to, any clean-up, evacuation, sheltering, administrative or other expenses, and legal expenses.

(Ord. 02-95, passed 1-17-95)

CHAPTER 92: EMERGENCY 911 SERVICE

Section

- 92.01 Surcharge imposed
- 92.02 Public safety answer point
- 92.03 Surcharge Board
- 92.04 Responsibilities

§ 92.01 SURCHARGE IMPOSED.

A \$1.25 surcharge per month shall be imposed on each telephone subscriber line, up to 26 lines, in the county, excluding all watts, public pay stations, foreign exchange lines, incoming only lines, or non-origination lines which are exempt under the authority of the Public Service Commission. This telephone surcharge shall be used to establish, construct, maintain and staff an enhanced 911 emergency telephone service in Morehead and the county. The Fiscal Court will enter into an agreement with Windstream making that entity the billing agent for the collection of the surcharge now imposed. (Ord. passed 2-16-93; Am. Ord. passed 4-18-00; Am. Ord. 15-16, passed 10-18-16)

§ 92.02 PUBLIC SAFETY ANSWER POINT.

The County Fiscal Court recognized that the Morehead Communication Center currently located at 133 East First Street, Morehead, Ky. shall be the public safety answer point (PSAP) for enhanced 911. This emergency system shall also include an off-site computer and printer located at the Kentucky State Police Post 8 Communication Center. (Ord. passed 2-16-93; Am. Ord. 15-16, passed 10-18-16)

§ 92.03 SURCHARGE BOARD.

A five-member enhanced 911 Surcharge Board shall be appointed as follows: two magistrate members of this board to be appointed by the County Judge/Executive/Official of the county, two Council members appointed by the Mayor of the city, and one nonelected member appointed jointly by both executive officials. This Board shall be charged with the responsibility of creating surcharge accounts, paying monthly bills incurred by enhanced 911, additional equipment purchases, and all duties related to governing the surcharge monies and accounts. These appointments shall be made or renewed annually. (Ord. passed 2-16-93)

§ 92.04 RESPONSIBILITIES.

The Fiscal Court of the County of Rowan, Commonwealth of Kentucky, shall delegate authority to the E-911 Board to re-name any roads within the county outside of the city limits of Morehead and establish all addresses with the county outside the city limits of Morehead. An address shall be assigned by the E-911 Address Agent only.

(Ord. 06-15, passed 6-16-15; Am. Ord. 15-16, passed 10-18-16)

CHAPTER 93: DOGS

Section

- 93.01 Definitions
- 93.02 Unlawful for dogs to run at large
- 93.03 Duties of Dog Warden
- 93.04 Impoundment of dog
- 93.05 Length of impoundment
- 93.06 Licenses

Vicious Dogs

- 93.15 Definitions
- 93.16 Registration of vicious dogs
- 93.17 Vicious dogs running at large
- 93.18 Possession: Entry on private property
- 93.19 Impoundment

- 93.99 Penalty

§ 93.01 DEFINITIONS.

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

AT LARGE. Off the premises of the owner, and not under the control of the owner or members of his/her immediate family either by leash, cord, chain, or otherwise.

DOG. Any domestic canine, includes both male and female.

KENNEL. Any establishment where dogs are kept for the purpose of breeding, sale, show or sporting purposes or any parcel of land where six or more dogs are kept.

OWNER. Every person having a right of property to the dog and every person who keeps or harbors the dog, or has it in his/her care, or permits it to remain on or about the premises owned or occupied by him/her.

SUBDIVISIONS. Any area in Rowan County with a plat recorded in the Rowan County Clerk's office which said area contains three or more dwellings.

VENDOR. The Judge/Executive pursuant to this chapter.
(KRS 258.095) (Ord. passed 8-21-01; Am. Ord. 19-04, passed 10-19-04; Am. Ord. 13-08, passed - -; Am. Ord. 02-12, passed 2-21-12)

§ 93.02 UNLAWFUL FOR DOGS TO RUN AT LARGE.

In a subdivision, it shall be unlawful for the owner or keeper of any dog, either licensed or unlicensed, to allow the dog to be at large and unattended or to run in any street or park, or to trespass on other people's property, lawns, gardens, yards, schoolyards, or playgrounds, or on any other public or private property.

(Ord. passed 8-21-01; Am. Ord. 13-08, passed - -; Am. Ord. 02-12, passed 2-21-12) Penalty, see § 10.99

§ 93.03 DUTIES OF DOG WARDEN.

It shall be the duty of the Dog Warden to apprehend, in the subdivision, any dog(s) running at large in violation of this chapter or any unlicensed dog(s) or any other dog(s) constituting a violation of any provision of this chapter; and to impound the dog(s) in the dog pound or other suitable place. The Dog Warden shall make a complete record of each dog apprehended, entering the breed, color, approximate age, and sex of the dog, and whether licensed. If the dog is licensed, the Dog Warden shall enter in the record the name and address of the owner and the number of the license tag.

(Ord. passed 8-21-01; Am. Ord. 13-08, passed - -; Am. Ord. 02-12, passed 2-21-12)

§ 93.04 IMPOUNDMENT OF DOG.

The owner of any dog so impounded may reclaim the dog from the Dog Warden or dog pound upon the payment of the following fees:

(A) A fee of \$50 for apprehending and impounding the dog;

(B) A storage and maintenance fee of \$10 per day or portion thereof during which the dog is impounded.

(Ord. passed 8-21-01; Am. Ord. 13-08, passed - -; Am. Ord. 02-12, passed 2-21-12)

§ 93.05 LENGTH OF IMPOUNDMENT.

All dogs impounded shall be kept for a period of seven days, excluding the date of impoundment. Any dog(s) not reclaimed within that time shall be destroyed in a humane manner or delivered to a duly licensed humane society.

(Ord. passed 8-21-01; Am. Ord. 13-08, passed - -; Am. Ord. 02-12, passed 2-21-12)

§ 93.06 LICENSES.

All dog licenses shall be purchased through the Rowan County Judge/Executive's office.

(A) License requirements.

(1) Every owner of a dog, six months of age or older, residing within the county shall license their dog by purchasing a dog license.

(2) Prior to issuance of a dog license the owner shall show proof of current rabies vaccination of the dog to the vendor.

(3) All new residents of the county who are owners of a dog shall license their dog by purchasing a dog license within 30 days after establishing a residence in the county.

(4) Any person who keeps or operates a kennel in the county shall apply to the Judge/Executive for a license entitling him or her to keep or operate a kennel in the county. No kennel license shall be issued until all requirements of this chapter are met. See division (C) for kennel license requirements.

(5) Any license issued shall be in full force and effect for a period of no more than one year and shall be required to be renewed one year from the issue date.

(B) License fees. All owners licensing a dog pursuant to this section shall pay a fee of \$10 to the vendor issuing the license.

(C) Kennel license requirements and fees. Any person(s) who keeps or operates a kennel in the county shall, apply to the Judge/Executive for a license entitling him or her to keep or operate a kennel in the county. No kennel license shall be issued until all requirements of this chapter are met.

(1) All person(s) licensed to keep or operate a kennel in the county shall pay a fee of \$50 per ten dogs to Judge/Executive Office for issuing the license.

(2) Kennel license issued shall be in full force and effect for a period of one year and shall be required to be renewed one year from issued date.

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(3) No kennel shall be located within any subdivision.

(4) No kennels shall be located closer than 200 feet of a residence. The Judge/Executive or his or her designee shall have the authority to increase or decrease this distance as the health and welfare concerns of each individual application require.

(5) All kennels licensed in the county shall be subject to periodic inspections of the kennel operation by the Dog Warden, Sheriffs Office, and the Judge/Executive or his or her designee, for cleanliness, compliance with this section and compliance with all health regulations.

(D) The Judge/Executive Office shall maintain the information collected about owners and their dogs pursuant to this section.

(E) Licensing fees collected pursuant to this section shall be utilized for the operation of the dog licensing program, education of county citizens about the program and the operation and expenses of the Rowan County Canine Shelter.

(F) *Adoption and drop off fees.*

- | | |
|------------------------------|------|
| (1) Spay/neuter | \$50 |
| (2) Dogs already spay/neuter | \$25 |

(G) Licensing fees collected pursuant to this section shall be utilized for the operation of the dog licensing program, education of county citizens about the program and the operation and expenses of the Rowan County Canine Shelter.

(Ord. 19-04, passed 10-19-04; Am. Ord. 13-08, passed - -; Am. Ord. 02-12, passed 2-21-12) Penalty, see § 93.99

VICIOUS DOGS

§ 93.15 DEFINITIONS.

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

ANIMAL SHELTER. The Rowan County Canine Shelter or any other facility designated by the Dog Warden to impound and care for a dog picked up by the Dog Warden for violation of this subchapter.

DOG. Any member of the canine species, male or female, of any age.

DOG WARDEN. The Rowan County Dog Warden employed by the Rowan County Fiscal Court.

IMPOUNDED. Having been received into the custody of the Dog Warden or any other empowered official.

KEEP. Possessing, controlling, exercising, or allowing to run at large.

OWNER. Any person owning, keeping, or harboring a dog.

PERSON. Includes all natural persons, corporations, partnerships, firms, associations, governmental bodies, agencies and other entities.

RESTRAINED. Enclosed in an area by a form of fencing (including invisible fencing) designed to control the movement of the dog or secured by a leash or chain.

RUNNING AT LARGE. 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 restrained on the owner's premises.

VICIOUS DOG. Any dog which has caused death or serious injury to a person engaged in a lawful activity or which has attacked or bitten without provocation a person engaged in a lawful activity; or which has killed or seriously injured another animal after the Dog Warden or any other empowered official has issued, based upon the vicious or predatory nature of the dog, a written or verbal notice to the owner or custodian of such vicious dog to keep it restrained in accordance with this subchapter. (Ord. 08-04, passed 3-16-04)

§ 93.16 REGISTRATION OF VICIOUS DOGS.

Every person in possession of a vicious dog in the County of Rowan shall register the dog with the Rowan County Sheriff's Office stating the name, address, and telephone number of the person possessing the animal, the address where the animal is harbored (if different from the possessor's address), a complete identification of the animal including genus and species, common name, gender, color, size, weight, and any other distinguishing physical characteristics. In the case of a dog required by law to be vaccinated for rabies, proof of rabies vaccination shall also be provided. Registration shall be completed within 72 hours after the animal is located within the territorial limits of Rowan County. (Ord. 08-04, passed 3-16-04)

§ 93.17 VICIOUS DOGS RUNNING AT LARGE.

(A) Every owner, harborer, or person having the custody, control or possession of any vicious dog shall keep such dog restrained to the premises and property of said owner, harborer, or custodian except as hereinafter provided.

(B) No owner, harborer, or person having custody, control, or possession of a vicious dog shall permit, allow or suffer the dog to run at large as defined herein.
(Ord. 08-04, passed 3-16-04)

§ 93.18 POSSESSION: ENTRY ON PRIVATE PROPERTY.

(A) Any and all vicious dogs found at large within the County of Rowan in violation of this subchapter shall be taken into custody by the Dog Warden or other empowered officials of the County of Rowan.

(B) For the purpose of this subchapter, Police Officers, Dog Warden, or other empowered officials, shall have specific authority to enter upon private property for the purpose of taking into custody any vicious dog found at large within the County of Rowan or any dog found upon the property of anyone other than the owner of said dog.

(C) Police Officers, Dog Warden, or other empowered official may use any reasonable means and force necessary to take control and possession of vicious dogs found in violation of this subchapter, including but not limited to, using tranquilizer guns or devices. Police Officer, Dog Warden, or other empowered official shall not be liable, civilly or criminally, for dogs that unintentionally are injured or killed in the process of taking control or possession of said animals as provided herein. This subchapter shall not restrict the destroying of a dog as provided for in the Kentucky Revised Statutes.

(D) It shall be unlawful for any person to interfere with, molest, hinder, or prevent Police Officers, Dog Warden, or other empowered officials of this county from discharging their duties herein prescribed.
(Ord. 08-04, passed 3-16-04)

§ 93.19 IMPOUNDMENT.

(A) All dogs taken into custody by the Police Officer, Dog Warden, or other empowered official as provided herein shall be impounded at the Rowan County Canine Shelter, except as provided in division (B) herein. Additionally, all owners of dogs taken into custody, shall be issued a citation for violation of this subchapter by a Police Officer. Should the Dog Warden take a dog into custody he/she shall immediately notify the Rowan County Sheriff's Office and request that the proper citation be issued.

(B) A record of all dogs impounded shall be made at the time of the impoundment. Said record shall contain the following information; breed, gender, color, size, weight, and any other distinguishing characteristics. Additionally, if the dog is licensed, the record shall contain the name and address of the owner and the license tag number. Final disposition of said dog shall also be included. The original records shall be kept at the Rowan County Canine Shelter.

(C) All dogs impounded shall be kept for a period of seven days, excluding the date of impoundment, unless provided for otherwise by the Kentucky Revised Statutes. No dog impounded as provided herein shall be released to anyone other than its owner, keeper, or custodian without being spayed or neutered. Any dog not reclaimed within the seven day time period shall be handled and/or disposed of by the Dog Warden as provided by the regulations of that agency or by state law.
(Ord. 08-04, passed 3-16-04)

§ 93.99 PENALTY.

(A) Any person found to be in violation of any provision of Chapter 93 of the Rowan County Code of Ordinances, for which no other penalty is otherwise provided for therein, shall be guilty of a Class A misdemeanor and subject to a fine of up to \$500 and/or imprisonment for up to 12 months.

(B) All dogs constituting and/or comprising a violation of any provision of Chapter 93 of the Rowan County Code of Ordinances shall be subject to impoundment and disposition in accordance with §§ 93.03 through 93.05.
(Ord. 08-04, passed 3-16-04; Ord. 19-04, passed 10-19-04; Am. Ord. 13-08, passed - -; Am. Ord. 02-12, passed 2-21-12)

CHAPTER 94: NOISE CONTROL

Section

- 94.01 Unlawful to operate sound truck
- 94.02 Blowing of horns, bells, other devices
- 94.03 Unreasonably loud radios, stereos and other loudspeaker equipment
- 94.04 Exemptions

- 94.99 Penalty

§ 94.01 UNLAWFUL TO OPERATE SOUND TRUCK.

It shall be unlawful for any person, firm or corporation to operate or cause to be operated any vehicle or truck known as a sound truck, when the operation includes the sounding of or causing to be sounded, any bell or horn amplifier, loud speaker, radio, record player or other mechanical sound or noise-producing instrument or appliances operated by hand, steam, air or electricity or other means, upon any county road between the hours of 11:00 p.m. and 7:00 a.m. because the vehicle or truck, when so operated, tends to and does disturb the public peace and tranquility, interferes with traffic and endangers the public safety, welfare and life and property.

(Ord. 10-05, passed 6-27-05; Am. Ord. 16-05, passed 8-16-05) Penalty, see § 94.99

§ 94.02 BLOWING OF HORNS, BELLS, OTHER DEVICES.

It shall be unlawful for any person, firm or corporation in the operation of any motor vehicles within the county, to blow or cause to be blown, any horn, bell or other device of warning unless the blowing or sounding shall be necessary in the avoidance of a collision with other vehicles or pedestrians, because the excessive and unnecessary horn blowing and noise making tends to and does disturb the public safety, welfare and life and property.

(Ord. 10-05, passed 6-27-05; Am. Ord. 16-05, passed 8-16-05) Penalty, see § 94.99

§ 94.03 UNREASONABLY LOUD RADIOS, STEREOS AND OTHER LOUDSPEAKER EQUIPMENT.

(A) *Definitions.* For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGRICULTURE. The business of raising or producing:

- (a) Crops, the products of which are used for food, feed, fiber, energy, or pharmaceuticals;
- (b) Horticulture products;
- (c) Tobacco;
- (d) Aquaculture products;
- (e) Livestock, poultry, and ratite birds and eggs;
- (f) Milk and milk products;
- (g) Eggs and egg products;
- (h) Bees and bee products; or
- (i) Timber.

CONTINUOUS NOISE DISTURBANCE. Any noise disturbance which exists, essentially without interruption, for a period of five minutes or more.

DEVICE. Any mechanism which is intended to produce or which actually produces noise when operated or handled, including, but not limited to, any loudspeaker, public address system, or mobile sound vehicle.

DWELLING UNIT BOUNDARY. A real or imaginary boundary which separates one dwelling unit from another dwelling unit, including but not limited to walls, ceilings and floors in a building containing more than one dwelling unit or, in situations involving detached single-dwelling units, the real property boundary line of the unit.

INDUSTRY. A manufacturing, distribution, or warehousing operation that accommodates the direct or indirect exchange of goods.

MANUFACTURING. The business of transforming raw materials into finished goods for sale, or intermediate processes involving the production or finishing of raw materials or goods.

MOTOR VEHICLE. Every vehicle defined as a motor vehicle in KRS 189.010.

NOISE DISTURBANCE. Any sound that endangers or injures the safety or health of humans or animals; annoys or disturbs a reasonable person of normal sensitivities; or endangers or injures personal or real property.

POWERED MODEL VEHICLE. Any self-propelled airborne, waterborne or land borne plane, vessel or vehicle, which is not designed to carry persons, including, but not limited to, any model airplane, boat, car or rocket.

PUBLIC PLACE. A place to which the public or a substantial group or persons has access, including, but not limited to, highways, transportation facilities, schools, places of amusement, parks, places of business, playgrounds and hallways, lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

(B) The following acts are in violation of this section:

(1) Using, operating or permitting the use or operation, for any commercial purpose, of any loudspeaker, public address system, mobile sound vehicle, or any other device amplifying sound which creates a continuous noise disturbance on a public right-of-way or public place.

(2) Using, operating or permitting the use or operation, for any noncommercial purpose, of any loudspeaker, public address system, mobile sound vehicle, or any other device to amplify sound which creates a continuous noise disturbance across a dwelling unit boundary between the hours of 10:00 p.m. and 7:00 a.m.

(3) Operating or permitting the operation of a powered model vehicle so as to create a continuous noise disturbance across a dwelling unit boundary or in a public place between the hours of 10:00 p.m. and 7:00 a.m.

(4) Operating, playing or permitting the operation of playing any radio, television, phonograph, drum, musical instrument or similar device.

(a) Between the hours of 11:00 p.m. and 7:00 a.m., Eastern Standard Time, in such a manner as to create a continuous noise disturbance across a dwelling unit boundary; or

(b) In such a manner as to create a continuous noise disturbance at 50 feet from the device, when operated in a motor vehicle on a public right-of-way, public place or private property.

(5) Repairing, rebuilding, modifying, testing or operating any motor vehicle, motorcycle, or motor boat in such a manner as to cause a continuing noise disturbance across a dwelling unit boundary between the hours of 11:00 a.m. and 7:00 a.m.

(6) Making, continuing, or causing to be made or continued any continuous noise disturbance, including yelling, screaming, cursing, or other verbal outburst, across a dwelling unit boundary line between the hours of 11:00 p.m. and 7:00 a.m.

(Ord. 10-05, passed 6-27-05; Am. Ord. 16-05, passed 8-16-05) Penalty, see § 94.99

§ 94.04 EXEMPTIONS.

The following shall be exempt from punishment under this chapter:

(A) Manufacturing and industry;

(B) Agriculture;

(C) Nocturnal hunting; and

(D) Scheduled activities that have been expressly permitted by written resolution of the Rowan Fiscal Court.

(Ord. 10-05, passed 6-27-05; Am. Ord. 16-05, passed 8-16-05)

§ 94.99 PENALTY.

Any person, firm, or corporation violating this chapter may be issued a citation immediately upon violation. The following penalties shall apply:

(A) First offense: \$25;

(B) Second offense: \$50; and

(C) Third offense: \$100.

(Ord. 10-05, passed 6-27-05; Am. Ord. 16-05, passed 8-16-05)

CHAPTER 95: PUBLIC NUISANCES

Section

- 95.01 General provisions
- 95.02 Accumulation of rubbish
- 95.03 Weeds; grass; vegetation
- 95.04 Trees; shrubbery
- 95.05 Structures
- 95.06 Nuisance defined
- 95.07 Common law and statutory nuisances
- 95.08 Agriculture use
- 95.09 Abatement

- 95.99 Penalty

§ 95.01 GENERAL PROVISIONS.

It shall be unlawful for the owner, occupant, or person having control or management of any land within the County of Rowan to permit a nuisance to develop thereon. Without limiting the generality of the definitions, the following conditions, acts, or omissions are declared to be a nuisance under the provisions of this chapter.

(Ord. 17-14, passed 12-16-14)

§ 95.02 ACCUMULATION OF RUBBISH.

An accumulation on any premises of filth, refuse, trash, garbage or other waste material which endangers the public health, welfare or safety or material interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger that it will catch or communicate fire, attract and propagate vermin, rodents or insects or blow rubbish into any street, sidewalk or property of another.

(Ord. 17-14, passed 12-16-14; Am. Ord. 18-16, passed 9-20-16)

§ 95.03 WEEDS; GRASS; VEGETATION.

(A) The excessive growth of grass, weeds, or other vegetation, excluding cultivated flowers, ornamental or food plants. Unless otherwise provided, *EXCESSIVE* shall mean growth to a height of 24 inches or more.

(B) Vegetation including cultivated flowers, ornamentals or food plants, so located to prevent persons driving vehicles approaching an intersection of streets from having a clear and safe view of other traffic approaching.

(Ord. 17-14, passed 12-16-14; Am. Ord. 18-16, passed 9-20-16)

§ 95.04 TREES; SHRUBBERY.

The following are considered to be a public nuisance:

(A) Any tree, tree branch, shrubbery or hedge in such a condition that it, or part of it, will or may endanger the life, safety, or property of another by the falling thereof.

(B) Any tree, tree branch, shrubbery or hedge which is an obstruction so located as to prevent persons driving vehicles approaching an intersection of streets from having a clear and safe view of other traffic approaching such intersections.

(C) The growing and maintenance of trees, shrubbery or hedge which in any way interferes with the use, construction or maintenance of streets or sidewalks, cause injury to streets or sidewalks, or constitutes an obstruction to drainage.

(Ord. 17-14, passed 12-16-14; Am. Ord. 18-16, passed 9-20-16)

§ 95.05 STRUCTURES.

Any building or other structure which has been damaged by fire, decay, neglect, or otherwise as to be unsafe for human habitation, occupancy or use, or to permit conditions to exist which are dangerous or injurious to the health or safety of the occupants of the structure, the occupants of neighboring structures of other residents of the city and community is considered to be a public nuisance.

(Ord. 17-14, passed 12-16-14)

§ 95.06 NUISANCE DEFINED.

(A) A public nuisance is a condition or behavior that unreasonably interferes with the health, safety, peace, comfort or convenience of the general public.

(B) Any act or omission the result of which is that:

(1) The life or health of any person is or may be endangered, injured or impaired;

(2) The property of another person is or may be endangered, injured, damaged or substantially diminished in value;

(3) The reasonable enjoyment of his or her property, whether owned or leased, by another person of ordinary sensibilities is or may be substantially impaired; or

(4) The passage of any street, alley, highway, sidewalk, stream, ditch or drainage structure is wholly or partially obstructed.

(Ord. 17-14, passed 12-16-14; Am. Ord. 18-16, passed 9-20-16)

§ 95.07 COMMON LAW AND STATUTORY NUISANCES.

In addition to what is declared in this chapter to be a nuisance, those offenses which are known to the common law and statutes of the Commonwealth as public nuisance may be treated as such and be proceeded against as is provided in this chapter or in accordance with any other provisions of law.

(Ord. 17-14, passed 12-16-14; Am. Ord. 18-16, passed 9-20-16)

§ 95.08 AGRICULTURE USE.

All property defined for agriculture use is hereby exempt from this chapter. **AGRICULTURE USE** means the use of a tract of at least five 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, ornamental plants, including provision for dwellings for persons and their families who are engaged in the agricultural use on the tract, but not including residential building development for sale or lease to the public.

(Ord. 17-14, passed 12-16-14; Am. Ord. 18-16, passed 9-20-16)

§ 95.09 ABATEMENT.

If the person so served does not abate the nuisance within the time period specified by the notification, the Director may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such abatement shall be charged and paid by such owner or occupant. Whenever a bill for such charges remains unpaid for 120 days after that has been rendered, the Director may file a statement of lien claim against the property.

(Ord. 18-16, passed 9-20-16)

§ 95.99 PENALTY.

(A) Upon violation of this chapter by any person, firm or corporation, the fiscal court may enforce the provisions hereof by injunctive action and after notice is given by the county through any of its authorized agents to the owner, occupant or other person having control or management of the land, such violators shall be subject to a civil penalty of not less than \$10 nor more than \$100 per day for each and every day that the violation exists with each day constituting a separate offense following the receipt of the notice which may be delivered by certified mail, hand delivery or by securely affixing it to the property of the complaint.

(B) In addition, violation of the provisions hereof shall constitute a Class A Misdemeanor as defined by the Kentucky Penal Code.

(Ord. 17-14, passed 12-16-14; Am. Ord. 18-16, passed 9-20-16)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. OCCUPATIONAL LICENSE TAX

111. SEXUALLY ORIENTED BUSINESSES

CHAPTER 110: OCCUPATIONAL LICENSE TAX

Section

- 110.01 Definitions
- 110.02 License application required
- 110.03 Occupational license tax payment required
- 110.04 Apportionment
- 110.05 Employers to withhold
- 110.06 Returns required
- 110.07 Extensions
- 110.08 Refunds
- 110.09 Federal audit provisions
- 110.10 Administrative provisions
- 110.11 Position of Director of Finance
- 110.12 Information to remain confidential
- 110.13 Use of occupational license tax

- 110.99 Penalty

§ 110.01 DEFINITIONS.

As used in this chapter, the following terms and their derivatives shall have the following meaning 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 a board of trade, chambers of commerce, trade associations, or unions, as recognized by the Internal Revenue Service. i shall not include funds, foundations, corporations, or associations organized and operated for the exclusive and sole purpose of religious, charitable, scientific, literary, educational, civic or fraternal purposes, where no part of the earnings, incomes or receipts of such unit, group, or association, insures to the benefit of any private shareholder or other person.

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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:

(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 arrangements under Section 401a., 401(k), 402(e), 403a., 403b., 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.

COUNTY. The County of Rowan County, Kentucky.

DIRECTOR or DIRECTOR OF FINANCE. The Director of Finance of Rowan County, Kentucky.

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 or more of the above. A person classified as an independent contractor under the Internal Revenue Code shall not be considered an employee.

EMPLOYER.

(1) The person for whom an individual performs or performed any service of whatever nature, as the employee of such person, except that:

(a) 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

(b) In the case of a person paying wages on behalf of a nonresident alien individual.

(2) Foreign partnership or foreign corporation, not engaged in trade or business within the United States, the term **EMPLOYER** means such person.

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 7701a.(24) of the Internal Revenue Code.

INTERNAL REVENUE CODE. The Internal Revenue Code in effect on December 31 of the year in which the tax is due, exclusive of any amendments made subsequent to that date, other than amendments that extend provisions in effect on December 31 of the year in which the tax is due that would otherwise terminate.

ITINERANT MERCHANT. A business which does not maintain a place of business within Rowan County, Kentucky, and does not have a full time employee within Rowan County but does enter the county to transact business.

LICENSEE. Any person required hereunder to file a separate return or to pay a license fee thereon under this ordinance.

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) Includes 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 county or political subdivision thereof;

(2) Includes 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) Includes any amount claimed as a net operating loss carry back or carry forward allowed under Section 172 of the Internal Revenue Code;

(4) Includes 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) Excludes any amount of income that is exempt from state taxation by the Kentucky Constitution or the Constitution and Statutory Laws of the United States.

PERSON. Every natural person, whether a resident or non-resident of the county. Whenever the word **PERSON** is used in a clause prescribing and imposing a penalty in the 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.

RESIDENT. An individual, co-partnership, association, corporation or other entity domiciled or having a business site in the county.

ROADSIDE VENDORS. Those individuals who sell alongside streets and roads for non-permanent structures and setup and remove their displays on a daily basis. This does not include individuals who lease space and sell on or within the grounds of a flea market.

SALES REVENUE. Receipts from the sale, lease, or rental of goods, services or property.

SALES WITHIN THE COUNTY. Sales of merchandise delivered to a customer within the county or of service performed within the county for a customer.

TAXABLE NET PROFIT. In case of a business entity having payroll or sales revenue both within or without the county means net profit as defined in this Paragraph No. 14 of this section and as apportioned under § 110.04.

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 county means net profit as defined in this Ordinance.

TAXABLE YEAR. The calendar year or fiscal year ending during the calendar year, upon the basis of which net income is computed.
(Ord. 18-07, passed 1-17-08; Am. Ord. 07-09, passed 6-23-09; Am. Ord. 03-11, passed 4-19-11; Am. Ord. 02-17, passed 1-17-16)

§ 110.02 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 ordinance in Rowan County shall be required to complete and execute the questionnaire prescribed by the Director of Finance and shall pay a fee of \$10. 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 Director of Finance of changes of address or the cessation of business activity and of the changes which render inaccurate the information supplied in the completed questionnaire.
(Ord. 18-07, passed 1-17-08; Am. Ord. 07-09, passed 6-23-09; Am. Ord. 03-11, passed 4-19-11; Am. Ord. 02-17, passed 1-17-16) Penalty, see § 110.99

§ 110.03 OCCUPATIONAL LICENSE TAX PAYMENT REQUIRED.

(A) Except as provided in division (B) and (E) of this section, 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 county an occupational license tax for the privilege of engaging in such activities within Rowan County. The occupational license tax shall be measured by 1.5% of:

(1) Services performed or rendered in the county by every resident and nonresident who is an employee; and

(2) The net profit from business conducted in the county by a resident or nonresident business entity.

(B) All partnership, S corporations and all other entities where income is "passed through" to the owners are subject to this ordinance. 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 county 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 county.

(D) If a business entity makes or is required to make a federal income tax return the same occupational license tax shall be computed for the purposes of this ordinance 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 occupation 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, county and local primary, regular or special elections;

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(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 county;

(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 or trafficking in alcoholic beverages are required to file a return, but may exclude the portion of their net profits derived from the manufacturing or trafficking in 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 to KRS 154.20-284 to the extent any profits, earnings or distributions would not be taxable to an individual investor;

(8) Any income derived from farming or farming activities;

(9) Any roadside vendor as defined in this ordinance;

(10) Domestic servants employed in private homes;

(11) Full-time elementary, secondary or undergraduate students who are regularly employed for 15 hours or less by all his employers. Full-time student as contemplated by this chapter means as follows:

(a) Enrollment in the spring semester and anticipation of enrollment in the fall semester shall constitute full-time enrollment. If a student does not enroll for the fall semester, then his exemption is deemed to have ended at the close of his spring semester and the student will be held accountable for the tax which should have been withheld from his paycheck;

(b) In the case of elementary or secondary students, any student who can furnish to the Director of Finance a notarized statement by the Principal of the school that the student is enrolled in a full-time course of study;

(c) In the case of undergraduate college or university students, any student who can furnish to the Director of Finance a notarized statement by the registrar of his/her college or university that he/she is enrolled for a minimum of 12 semester hours or its equivalent;

(d) Any full-time student who is employed for a maximum of 15 hours a week by Morehead State University under any of its workshop-type programs is automatically exempt for the tax and does not require a notarized statement.

(12) *Rental income.* The first \$10,000 of income received from renting real estate shall be considered non-business income or unearned income and shall not be subject to the license fee or net profit tax. All rental income over \$10,000 shall be subject to the license fee or net profit tax. (Ord. 18-07, passed 1-17-08; Am. Ord. 07-09, passed 6-23-09; Am. Ord. 03-11, passed 4-19-11; Am. Ord. 03-16, passed 4-19-16; Am. Ord. 02-17, passed 1-17-16) Penalty, see § 110.99

§ 110.04 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 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; and

(2) For business entities with sales revenue in more than one tax district, by multiplying the new profit by the sales factor as set forth in division (C) of this section.

(3) For the purposes of divisions (A) through (D) of this section, the business entity shall file an apportionment form provided by the Occupational Tax Office.

(B) The payroll factor is a fraction, the numerator of which is the total amount paid or payable in the county 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 county based on the time the individual's service is performed within the county.

(C) The sales factor is a fraction, the numerator of which is the total sales revenue of the business entity in the county 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 county 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 county 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 county and the purchaser is the United States Government.

(2) Sales revenues, other than revenue from the sale, lease or rental of tangible personal property are apportioned to the county based upon a fraction, the numerator of which is the time spent

in performing such income-producing activity within county and the denominator of which is the total time spent performing that income-producing activity.

(D) If the apportionment provisions of this section do not fairly represent the extent of the business entity's activity in the county, the business entity may petition the county or the county 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 or more of the factors;

(3) The inclusion of one or more additional factors which will fairly represent the business entity's business activity in the county; 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 county, 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 county. The license tax shall be computed by obtaining the percentage which the compensation for work performed or services rendered within the county bears to the total wages and compensation paid or payable. In order for the county to verify the accuracy of a taxpayer's reported percentages under this division, the taxpayer shall maintain adequate records.

(Ord. 18-07, passed 1-17-08; Am. Ord. 07-09, passed 6-23-09; Am. Ord. 03-11, passed 4-19-11; Am. Ord. 02-17, passed 1-17-16)

§ 110.05 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 county. Amounts withheld shall be paid to the county in accordance with § 110.03.

(B) Every employer required to deduct and withhold tax under this section shall, on or before the end of the month following the close of each quarter, make a return and report to the county and pay to the county the tax required to be withheld under this section, unless the employer is permitted or required to report within a reasonable time after some other period as determined by the county.

(C) Every employer who fails to withhold or pay to the county any sums required by the ordinance to be withheld and paid shall be personally and individually liable to the county for any sum or sums withheld or required to be withheld in accordance with the provisions of this section.

(D) The county shall have a lien upon all the property of any employer who fails to withhold or pay over to the county sums required to be withheld under this section. If the employer withholds, but fails to pay the amounts withheld to the county, the lien shall commence as of the date the amounts withheld were required to be paid to the county. If the employer fails to withhold, the lien shall commence at the time the liability of the employer is assessed by the county.

(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 county 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 county, 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 county 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 the ordinance 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 county, 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 subsection that had no authority to collect, truthfully account for or pay over any tax imposed by this ordinance at the time that the taxes imposed by this ordinance become or became due.

(I) Every employee receiving compensation in the county subject to the tax imposed under this ordinance shall be personally liable for the tax notwithstanding the provisions of division (G) and (H) of this section. In all cases where the employer does not withhold the tax levied under this ordinance from the employee, such employee or employees shall be responsible for filing with the county 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 county. The only employer that is not required to withhold, report and pay the occupation license tax is the federal Government including the United States Postal Service. The payment required to be made by an employee can be quarterly for the periods ending March 31, June 30, September 30 and December 31 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 28 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 Director of Finance, 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 salary, 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 is voluntary or involuntary.

(Ord. 18-07, passed 1-17-08; Am. Ord. 07-09, passed 6-23-09; Am. Ord. 03-11, passed 4-19-11; Am. Ord. 02-17, passed 1-17-16) Penalty, see § 110.99

§ 110.06 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. The county shall supply blank forms for returns.

(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 county. Whenever, in the opinion of the county, it is necessary to examine the Federal income tax return of any business entity in order to audit the return, the county may compel the business entity to produce for inspection on copy of any statements and schedules in support thereof that have not been previously filed. The county may also require copies of reports of adjustments made by the Federal government.

(C) Every business entity subject to an occupational license tax governed by the provisions of this ordinance shall keep records, render under oath statement, make returns and comply with rules as the county from time to time may prescribe. Whenever the county deems it necessary, the county 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 county deems sufficient to determine the tax liability the business entity.

(D) The county 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 county 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 county to maintain records of such payments and to report such payments to the county. Said payments must be reported 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. If a business entity or person is not required to remit Federal Form 1099 to the IRS, including by not limited to payments less than \$600, they are still liable to remit the equivalent information to the county. 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 county for the calendar year.

(Ord. 18-07, passed 1-17-08; Am. Ord. 07-09, passed 6-23-09; Am. Ord. 03-11, passed 4-19-11; Am. Ord. 02-17, passed 1-17-16) Penalty, see § 110.99

§ 110.07 EXTENSIONS.

(A) The county may grant any business entity an extension of not more than six months, unless a longer extension has been granted by the Internal Revenue Service or is agreed to by the county 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 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 county. A fraction of a month is counted as an entire month.

(Ord. 18-07, passed 1-17-08; Am. Ord. 07-09, passed 6-23-09; Am. Ord. 03-11, passed 4-19-11; Am. Ord. 02-17, passed 1-17-16)

§ 110.08 REFUNDS.

(A) Where there has been an overpayment of tax under this chapter, a refund or credit shall be made to the employer to the extent of the overpayment which was not deducted and withheld by the employer.

(B) Unless written application for refund or credit is received by the county from the employer within two 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 county, based on time spent outside the county, whose employer has withheld and remitted to this county, the

occupational license tax on the compensation attributable to activities performed outside the county, may file for a refund within two 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 county may confirm with the employer the percentage of time spent outside the county and the amount of compensation attributable to activities performed outside the county prior to approval of the refund. (Ord. 18-07, passed 1-17-08; Am. Ord. 07-09, passed 6-23-09; Am. Ord. 03-11, passed 4-19-11s; Am. Ord. 02-17, passed 1-17-16)

§ 110.09 FEDERAL AUDIT PROVISIONS.

(A) (1) As soon as practicable after each return is received, the county may examine and audit the return. If the amount of tax computed by the county 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 county within five years from the date the return was filed, except as otherwise provided in this subsection.

(a) In the case of a failure to file a return or of a fraudulent return the additional tax may be assessed at any time.

(b) In the case of a return where a business entity understate new profit, or omits an amount properly includable in net profits or both, which understatement or omission or both, is in excess of 25% of the amount of net profit stated in the return was file.

(c) 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 division or six months from the date they county receives the final determination of the Federal audit from the business entity, whichever is later.

(2) The times provided in this subsection may be extended by agreement between the business entity and the county. For the purposes 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. 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 30 days of the conclusion of the Federal audit.

(C) The county may initiate a civil action for the collection of any additional tax within the times prescribed in division (A)(1) of this section. (Ord. 18-07, passed 1-17-08; Am. Ord. 07-09, passed 6-23-09; Am. Ord. 03-11, passed 4-19-11; Am. Ord. 02-17, passed 1-17-16)

§ 110.10 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 years of the date prescribed by law for the filing of a return or the date the money was paid to the county, whichever is the later, except that:

(1) In any case where the assessment period contained in § 110.09 has been extended by an agreement between the business entity and the county, the limitation contained in this subsection 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 division or six months from the conclusion of the Federal audit, whichever is later.

(3) 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 county.

(Ord. 18-07, passed 1-17-08; Am. Ord. 07-09, passed 6-23-09; Am. Ord. 03-11, passed 4-19-11; Am. Ord. 02-17, passed 1-17-16)

§ 110.11 POSITION OF DIRECTOR OF FINANCE.

(A) *There is hereby created the position of Director of Finance.* The person appointed to this position by resolution of the Rowan Fiscal Court shall have the powers and duties as set out herein and additional duties as specified. He/she shall enter into a contract for professional services for a period of one year and shall serve until his successor is qualified. The compensation for the Director of Finance shall be such as the Rowan County Fiscal Court may set in the annual budget. The Director shall be bonded for a minimum of \$150,000. All employees subject to supervision of the Director shall be bonded in like amount.

(B) Specifically, it shall be the duty of the Director of Finance to collect and account for the license taxes and fees imposed by this chapter. He/she shall keep records showing all businesses who have obtained licenses and showing the amount received by him from each licensee and employer and the date of receipt.

(C) The Director of Finance is hereby charged with the enforcement of the provisions of this chapter including the granting of extensions and conducting of audits.

(Ord. 18-07, passed 1-17-08; Am. Ord. 07-09, passed 6-23-09; Am. Ord. 03-11, passed 4-19-11; Am. Ord. 02-17, passed 1-17-16)

§ 110.12 INFORMATION TO REMAIN CONFIDENTIAL.

(A) No present or former employee of the county 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 with the county or other proper officers 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 prosecution 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 taxpayer's properly authorized agent with information respecting his or her own return. Further, this prohibition does not preclude any employee of the county from testifying in any court or from introducing as evidence returns or reports filed with the county in an action for violation of the county tax laws or in any action challenging the county laws. Nor does this prohibition preclude the public disclosure of non-proprietary, non-confidential information that is subject to disclosure under the Kentucky Open Records Act, including but not limited to, the name of the business, address of the business, and names of owners) and agent(s) of the business, and whether or not the business is delinquent in the payment of its taxes. All forms produced by the Director of Finance for the purposes of effectuating Chapter 10 of the Rowan County Code of Ordinance shall state, in bold, the "Information obtained from this form, including the business name, business address, names of owner(s) and agent(s) of the business, and whether or not the business is delinquent in the payment of its taxes is subject to public disclosure. All proprietary and confidential information exempt from disclosure under the Kentucky Open Records Act shall be confidential and shall not be disclosed."

(B) The county reserves the right to disclose to the Commissioner of Revenue of the Commonwealth of Kentucky or the duly authorized agent all such information and rights to inspect any books and records of the county if the Commissioner of Revenue of the Commonwealth of Kentucky grants to the county 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 county 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 county is empowered to execute similar reciprocity agreements as described in division (B) of this section with any other taxing entity, should there be a need for exchange of information in order to effect diligent enforcement of this chapter.

(Ord. 18-07, passed 1-17-08; Am. Ord. 07-09, passed 6-23-09; Am. Ord. 03-11, passed 4-19-11; Am. Ord. 02-17, passed 1-17-16)

§ 110.13 USE OF OCCUPATIONAL LICENSE TAX.

(A) The license tax rate is raised from 1% to 1.5%.

(B) The revenue of 1/2 of 1% from said license tax levied herein shall be used exclusively for all expense directly related to the collection and administration of said tax and for the general obligation bonds, road maintenance/road equipment and emergency services. The remaining 1% shall be placed in the general fund. The revenue of 1/2 of 1% said license tax shall cease on July 1, 2036.

(Ord. 03-16, passed 4-19-16; Am. Ord. 02-17, passed 1-17-16)

§ 110.99 PENALTY.

(A) (1) A business entity subject to tax on net profits may be subject to a penalty equal to 5% of the tax due for each calendar month or fraction thereof if the business entity:

(a) Fails to file any return or report on or before the due date prescribed for filing or as extended by the county; or

(b) Fails to pay the tax computed on the return or report on or before the due date prescribed for payment.

(2) The total penalty levied pursuant to this subsection shall not exceed 25% of the total tax due; however, the penalty shall not be less than \$25.

(B) Every employer who fails to file a return or pay the tax on or before the date prescribed under division (E) of this section may be subject to a penalty in an amount equal to 5% of the tax due for each calendar month or fraction thereof. The total penalty levied pursuant to this division shall not exceed 25% of the total tax due; however, the penalty shall not be less than \$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 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 county. A fraction of a month is counted as an entire month.

(D) Every tax imposed by this ordinance 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 county.

(E) The county may enforce the collection of the occupational tax due under this chapter and any fees, penalties and interest as provided in this chapter by civil action in a court of appropriate jurisdiction. To the extent authorized by law, the county shall be entitled to recover all court costs and reasonable attorney fees incurred by it in enforcing my 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 owed 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) A return for the purpose of this section shall mean and include any return, declaration or form prescribed by the county and required to be filed with the county by the provisions of this chapter or by the rules of the county or by written request for information to the business entity by the county.

(I) Any person violating the provisions of § 110.11 by intentionally inspecting confidential taxpayer information without authorization shall be fined not more than \$500 or imprisoned for not longer than six months or both.

(J) Any person violating the provisions of § 110.11 by divulging confidential taxpayer information shall be fined not more than \$1,000 or imprisoned for not more than one year or both.
(Ord. 18-07, passed 1-17-08; Am. Ord. 07-09, passed 6-23-09; Am. Ord. 03-11, passed 4-19-11; Am. Ord. 02-17, passed 1-17-16)

CHAPTER 111: SEXUALLY ORIENTED BUSINESSES

Section

- 111.01 Purpose and findings
- 111.02 Definitions
- 111.03 Classification
- 111.04 General restrictions, requirements, and conditions for sexually oriented businesses
- 111.05 Regulations pertaining to exhibition of sexually explicit films, videos, or live entertainment in viewing rooms
- 111.06 Inspection
- 111.07 Regulations pertaining to live performances
- 111.08 Record keeping requirements

- 111.99 Penalty

§ 111.01 PURPOSE AND FINDINGS.

(A) *Purpose.* It is the purpose of this chapter to regulate sexually oriented businesses to promote the health, safety, and general welfare of the citizens of the county, and to establish reasonable and uniform regulations relating to sexually oriented businesses. The provisions of this chapter have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor the effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor the effect of this chapter to condone or legitimize the distribution of obscene material.

(B) *Findings.* Based on evidence concerning the adverse secondary effects of adult uses on the community presented in reports made available to the Fiscal Court, and on findings incorporated in the case of *Renton vs. Play Time Theaters, Inc.*, 475 U.S. 41 (1986), *Young vs. American Mini Theaters*, 426 U.S. 50 (1976), and *Barnes vs. Glen Theater, Inc.*, 501 U.S. 560 (1991), and on studies in other communities including, but not limited to, Phoenix, Arizona; Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; as well as on findings from the report of Attorney General's Working Group on the regulation of sexually oriented businesses (June 6, 1989, State of Minnesota), the Fiscal Court finds:

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(1) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of such establishments. Further, there is presently no mechanism to ensure that the owners of those establishments will be responsible for the activities that occur on their premises.

(2) Certain employees of sexually oriented business defined in this chapter as adult theaters and cabarets engage in higher incidents of certain types of illicit sexual behavior than employees of other establishments.

(3) Sexual acts occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.

(4) Offering and providing space for such activities encourages occurrences thereof and thereby create unhealthy conditions.

(5) Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.

(6) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses.

(7) Since 1981 and to the present, there has been an increasing, cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States; and, through December, 2001, there have been 1,284,059 reported cases of AIDS in the United States.

(8) As of December 31, 2003, there have been 4,071 reported cases of AIDS in the Commonwealth of Kentucky.

(9) According to the best scientific evidence, AIDS and HIV infection, like syphilis and gonorrhea, are principally transmitted by sexual acts.

(10) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because of the unregulated nature of the activities and the failure of the owners and operators of the facilities to self-regulate those activities and maintain those facilities.

(11) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view adult oriented films.

(12) The findings noted in divisions (B)(1) through (11) raise substantial governmental concerns.

(13) Sexually oriented businesses, especially premises with adult booths, have operational characteristics which engender substantial government concerns.

(14) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advance a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters.

(15) The general welfare, health, and safety of the citizens of the county will be promoted by the enactment of this chapter.
(Ord. 11-05, passed 6-27-05)

§ 111.02 DEFINITIONS.

For purposes of this chapter, certain terms and words are defined as follows, unless the context clearly indicates or requires a different meaning:

ADULT AMUSEMENT ARCADE. Any place to which the public is permitted or invited wherein coin operated, slug operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disk players, or other image producing devices are regularly maintained to display images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

ADULT BOOK STORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE.

(1) A commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

(a) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" or

(b) Instruments, devices, or paraphernalia designed for use in connection with "specified sexual activities."

(2) A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be characterized as **ADULT BOOK STORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE**. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an **ADULT BOOK STORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE**, so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT CABARET. A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (1) Persons who appear in a state of nudity or semi-nude;
- (2) Live performances characterized by the exposure of "specified anatomical areas" or by "specified sexual activities;" or
- (3) Films, motion pictures, video cassettes, slides; or other photographic reproductions, characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT MOTEL. A hotel, motel, or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public right-of-way advertising the availability of such adult-type photographic reproductions;
- (2) Offers a sleeping room for rent for a period of less than ten hours; or
- (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of less than ten hours.

ADULT MOTION THEATER. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown and characterized by the dominant depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT STAGE SHOW THEATER. A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances characterized by the exposure of "specified anatomical areas" or "specified sexual activities."

COUNTY. County of Rowan, Kentucky.

EMPLOYEE. Any person who performs any service on the premises of a sexually oriented business on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise and whether or not said person is paid a salary, wage, or other compensation by the operator of said business. **EMPLOYEE** does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

ENTERTAINER. Any person who provides sexually oriented entertainment in a sexually oriented business, whether or not an employee of the business and whether or not a fee is charged or accepted for such entertainment.

ESCORT. A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY. A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

ESTABLISHMENT. Any sexually oriented business, whether existing or the opening of such business; the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; and the addition to any sexually oriented business.

MANAGER. Any person who manages, directs, administers, or is in charge of the affairs and/or the conduct of a sexually oriented business.

NUDE, NUDITY, or a STATE OF NUDITY. The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

PERSON. An individual, proprietorship, partnership, corporation, association, or other legal entity.

REGULARLY FEATURES or REGULARLY SHOWN. A consistent or substantial course of conduct such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the sexually oriented business.

SEMI-NUDE or in a SEMI-NUDE CONDITION. The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

SEXUAL ACTIVITIES. Depiction of human genitals in a state of sexual stimulation, active human masturbation, sexual intercourse or sodomy, or holding or erotic touching of human genitals, pubic region, buttocks or breasts.

SEXUAL ENCOUNTER CENTER. A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

(1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex,
or

(2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

SEXUALLY ORIENTED BUSINESS. An adult amusement arcade, adult book store, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult stage theater, escort agency, or sexual encounter center.

(Ord. 11-05, passed 6-27-05)

§ 111.03 CLASSIFICATION.

Sexually oriented businesses are classified as follows:

- (A) Adult amusement arcades;
- (B) Adult book stores, adult novelty stores, or adult video stores;
- (C) Adult cabarets;
- (D) Adult motels;
- (E) Adult motion picture theaters;
- (F) Adult stage theaters;
- (G) Escort agencies; and
- (H) Sexual encounter centers.

(Ord. 11-05, passed 6-27-05)

§ 111.04 GENERAL RESTRICTIONS, REQUIREMENTS, AND CONDITIONS FOR SEXUALLY ORIENTED BUSINESSES.

All sexually oriented businesses classified under § 111.03 shall comply with the following requirements:

(A) Except as otherwise provided by laws, which may be more restrictive, no owner or operator of an establishment shall knowingly permit a person under 18 years of age to be employed by or enter the establishment.

(B) An establishment must have an employee on duty at all times the business is open and must be positioned at a station in the premises located in such a manner that the entrance can be monitored at all times. Any person who reasonably appears to be under the age of 18 shall be requested to verify his or her age. All persons under the age of 18 discovered in the establishment shall be immediately escorted from the premises.

(C) No establishment, except for an adult motel, shall remain open at any time between the hours of 1:00 a.m. and 6:00 a.m.

(Ord. 11-05, passed 6-27-05) Penalty, see § 111.99

§ 111.05 REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS, VIDEOS, OR LIVE ENTERTAINMENT IN VIEWING ROOMS.

(A) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, videocassette, live entertainment, or other video reproduction which depicts "specified sexual activities" or "specified anatomical areas," shall comply with the following requirements:

(1) Any wall or partition, which is situated so as to create a viewing area in which any amusement device or viewing screen is located shall be constructed of not less than one hour fire-restriction material and shall contain no hole or other perforation.

(2) The interior of the premises shall be configured in such a manner that there shall be an unobstructed view from a manager's or cashier's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. The view required in this section must be by direct line of sight from the manager or cashier's station.

(3) No viewing room or booth shall be obstructed by any doors, curtains, partitions, walls, merchandise, display racks, or other materials. No patron shall be permitted access to any area of the premises which has been designated as an area to which patrons are not permitted.

(4) No viewing room or booth shall be occupied by more than one person anytime. No owner, operator, or employee shall knowingly permit any viewing room or booth to be occupied by more than one person anytime.

(5) No restroom shall contain any video reproduction devices or equipment.

(6) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than ten foot candles as measured at floor level.

(7) It shall be the duty of the owner, operator, or employee to ensure that the illumination described above is maintained at all times any patron or customer is present in the premises.

(8) No owner, operator, or employee shall allow openings of any kind to exist between viewing rooms or booths.

(9) No person shall make or attempt to make an opening of any kind to exist between viewing rooms or booths.

(10) The owner and/or employees shall, during each business day, cause the walls between the viewing booths to be regularly inspected to determine if any openings or holes exist.

(11) All floor coverings in viewing rooms or booths shall be nonporous, easily cleanable surfaces, with no rugs or carpeting.

(12) There must be at least one employee on duty and situated at the manager's station at all times any patron is present inside the premises.

(B) All sexually oriented businesses in operation in the county on the effective date of this chapter shall comply with the configuration requirements of division (A)(1) and (2) of this section within 120 days after the effective date of this chapter.

(Ord. 11-05, passed 6-27-05) Penalty, see § 111.99

§ 111.06 INSPECTION.

At anytime occupied or open for business, all sexually oriented businesses shall permit representatives of the county, including representatives of the Sheriffs Department, Fire Department, Health Department, or other county departments or agencies, to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law.

(Ord. 11-05, passed 6-27-05) Penalty, see § 111.99

§ 111.07 REGULATIONS PERTAINING TO LIVE PERFORMANCES.

(A) All live performances in any sexually oriented business shall be on a designated performance area consisting of a stage or platform at least 18 inches above the immediate floor level and removed at least six feet from any area in which any patrons are permitted.

(B) No person shall appear nude or in a state of nudity while engaged in any live performance on the premises of any sexually oriented business.

(C) No person shall appear semi-nude or in a semi-nude condition while engaged in any live performance on the premises of any sexually oriented business except on the stage or platform described in division (A) of this section.

(D) No entertainer or employee shall be permitted to have any physical contact with any patron during any performance.

(E) No entertainer or employee shall be visible from any public place outside the premises during any performance.

(Ord. 11-05, passed 6-27-05) Penalty, see § 111.99

§ 111.08 RECORD KEEPING REQUIREMENTS.

Each sexually oriented business shall maintain and retain for a period of two years beyond the last date of employment, the date of birth, last known address, date of termination, and Social Security number of all persons employed by the sexually oriented business.

(Ord. 11-05, passed 6-27-05) Penalty, see § 111.99

§ 111.99 PENALTY.

Any person who violates any provision of this chapter shall be guilty of a misdemeanor and subject to a fine of not less than \$100 and no more than \$500, or be imprisoned in the county jail for not more than 12 months, or both.

(Ord. 11-05, passed 6-27-05)

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

Section

- 130.01 Synthetic drugs
- 130.02 Political campaign signs

- 130.99 Penalty

§ 130.01 SYNTHETIC DRUGS.

The possession, sale, manufacture, deliver, or transport of the following chemicals is prohibited in Rowan County.

(A) (1) Tetrahydrocannabinols; synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, immediate derivatives and their isomers with similar chemical structure and pharmacological activity such as the following:

- (a) Delta-1 Cis or trans tetrahydrocannabinol, and their optical isomers;
- (b) Delta-6 Cis or trans tetrahydrocannabinol, and their optical isomers; and
- (c) Delta-3,4 Cis or trans tetrahydrocannabinol, and its optical isomers.

(2) Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered..

(B) Synthetic cannabinoids as follows:

(1) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol {also known as CP 47,497 and homologues};

(2) Rel-2-[(1S,3R)-3-hydroxycyclohexyl]-5-(2-methylnonan-2-yl)phenol {also known as CP 47,497-C8 homolog};

(3) [(6aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol] {also known as HU- 210};

Rowan County - General Offenses

- (4) (dexanabinol, {6aS,10aS}-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzol[c]chromen-1-ol) {also known as HU-211};
- (5) 1-Pentyl-3-(1-naphthoyl)indole {also known as JWH-018};
- (6) 1-Butyl-3-(1-naphthoyl)indole {also known as JWH-073};
- (7) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone {also known as JWH-015};
- (8) (1-hexyl-1H-indol-3-yl)-1-naphthalenyl-methanone {also known as JWH-019};
- (9) [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-naphthalenyl-methanone {also known as JWH-200};
- (10) 1-{1-pentyl-1H-indol-3-yl}-2-(3-hydroxyphenyl)-ethanone {also known as JWH-250};
- (11) 2-((1S,2S,5S)-5-hydroxy-2-{3-hydroxypropyl)cyclohexyl)-5-(2-methyloctan-2-yl)phenol {also known as CP 55,940};
- (12) (4-methyl-1-naphthalenyl)(1-pentyl-1H-indol-3-yl)-methanone {also known as JWH-122};
- (13) (4-methyl-1-naphthalenyl)(1-pentyl-1H-indol-3-yl)-methanone {also known as JWH-398};
- (14) (4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone {also known as RCS-4};
- (15) 1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone {also known as RCS-8}; and
- (16) Since nomenclature of these substances is not internationally standardized, any immediate precursor or immediate derivative of these substances shall be covered.

(C) Methcathinone; some other names: (2-(methylamino)-propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; 3,4-methylenedioxypropylvalerone and/or mephedrone; 3,4-methylenedioxypropylvalerone (MPVD); ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR1432;

(D) N-benzylpiperazine, also known as BZP, its immediate precursors and immediate derivatives, its salts, optical isomers and salts of optical isomers;

(E) 1-[3-(Trifluoro-methyl)-phenyl]piperazine] (TFMPP), its immediate precursors and immediate derivatives, its salts, optical isomers and salts of optical isomers;

(F) 4-Bromo-2,5-dimethoxy-1-benzylpiperazine (2C-B-BZP), its immediate precursors and immediate derivatives, its salts, optical isomers and salts of optical isomers;

(G) 2,3-Dichlorophenylpiperazine (DCPP), its immediate precursors and immediate derivatives, its salts, optical isomers and salts of optical isomers;

(H) 1,4-Dibenzylpiperazine (DBZP), its immediate precursors and immediate derivatives, its salts, optical isomers and salts of optical isomers;

(I) 4-Methyl-1-benzylpiperazine (MBZP), its immediate precursors and immediate derivatives, its salts, optical isomers and salts of optical isomers;

(J) 4-Iodo-2,5-dimethoxyphenethylamine (2C-I, 4-iodo-2,5-DMPEA), its immediate precursors and immediate derivatives, its salts, optical isomers and salts of optical isomers;

(K) 4-Methylmethcathinone (mephedrone), its immediate precursors and immediate derivatives, its salts, optical isomers and salts of optical isomers;

(L) Dimethylheptylpyran, its immediate precursors and immediate derivatives, its salts, optical isomers and salts of optical isomers;

(M) Kava, also known as *Piper methisticum*, synthetic equivalents of the substances contained in the plant, or in the resinous extractives, and kavalactones, its immediate derivatives, and its salts, optical isomers and salts of optical isomers;

(N) Khat, also known as *Catha edulis*, and synthetic equivalents of the substances contained in the plant, or in the resinous extractives;

(O) Kratom, (*Mitragyna speciosa korth*), synthetic equivalents of the substances contained in the plant, or in the resinous extractives and mitragynine, its immediate derivatives, and its salts, optical isomers and salts of optical isomers.

(P) Hashish and hash oil, synthetic equivalents of the substances contained in the plant, or in the resinous extractives and mitragynine, its immediate derivatives, and its salt, optical isomers and salts of optical isomers; and

(Q) Any analog of any chemicals listed above.

(1) An analog means a substance, the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II:

(a) That has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II of the Federal Drug Scheduling Act or of a substance listed within this section; or

(b) With respect to a particular person, if the person represents or intends that the substance have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II of the Federal Drug Scheduling Act or of a substance listed within this ordinance;

(2) "Analog" does not include:

(a) A controlled substance;

(b) Any substance for which there is an approved new drug application under the Federal Food, Drug, and Cosmetic Act; or

(c) With respect to a particular person, any substance, if an exemption is in effect for investigational use, for that person, as provided by 21 U.S.C. § 355, and the person is registered as a controlled substance researcher as required under § 152.12, subd. 3, to the extent conduct with respect to the substance is pursuant to the exemption and registration.

(Ord. 18-11, passed 11-28-11) Penalty, see § 130.99

§ 130.02 POLITICAL CAMPAIGN SIGNS.

(A) It shall be unlawful for any person to post a political campaign sign more than 45 days prior to the election for which the sign is posted and it shall be unlawful to fail to remove a political sign within ten days after the election for which the sign is posted.

(B) It shall be unlawful for any person to post a political campaign sign on or over any public property within Rowan County.

(C) The County Road Foreman or his or her authorized agents are hereby authorized to remove any political signs found posted within Rowan County, when such sign is in violation of the provision of this section. When it is determined by the County Road Foreman that a political sign is in violation of this section, he or she shall attempt to contact the person responsible for the posting of the sign. If the sign is not removed within 24 hours after notification, or after the exhaustion of a reasonable effort to so notify, the County Road Foreman shall remove the sign and the county shall be entitled to receive the sum of \$10 for each political sign so removed to cover the expense of notice and removal.

(D) Political campaign signs in violation of this section are hereby declared to be a public nuisance and may be abated as such by the county in accordance with this section. The collection of removal fees shall not preclude the county from prosecuting any person for violating this section.

(Ord. 05-14, passed 5-23-14)

§ 130.99 PENALTY.

(A) Any person who sells, manufactures, delivers, transports, or of any product containing any one, or combination of, chemical listed herein, shall be guilty of trafficking in a designer drug. The person shall be punished as a Class A misdemeanor, and shall be sentenced up to 12 months incarceration and/or be fined up to \$500.

(B) Any person who has in their possession or control of any product containing any one, or combination of, chemical listed herein, shall be guilty of possession of a designer drug. The person shall be punished as a Class A misdemeanor, and shall be sentenced to up to 12 months incarceration and/or be fined up to \$500.

(Ord. 18-11, passed 1-28-11)

CHAPTER 150: FLOOD DAMAGE PREVENTION

Section

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GENERAL PROVISIONS**§ 150.01 STATUTORY AUTHORIZATION.**

The Legislature of the Commonwealth of Kentucky has in KRS 67.084 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 Fiscal Court of Rowan County, Kentucky, hereby adopts the following floodplain management chapter as follows.

(Ord. 01-11, passed 3-15-11)

§ 150.02 FINDINGS OF FACT.

(A) The flood hazard areas of Rowan County are subject to periodic inundations 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. 01-11, passed 3-15-11)

§ 150.03 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

(E) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other areas.

(Ord. 01-11, passed 3-15-11)

§ 150.04 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. 01-11, passed 3-15-11)

§ 150.05 DEFINITIONS.

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

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 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 wall, 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 and three feet (usually shallow ponding). Base flood elevations are shown.

AO ZONE. An area of 100-year shallow flooding where water depth is between one and three 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 decertification 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 SEHA 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 to three 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.

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 foot or with contributing drainage area less than one square mile, and areas protected by levees from the base flood.

BASE FLOOD. A flood, which has a 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 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 AREAS (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 maintaining or restoring normal services before, during and after a flood, and those facilities or installation 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 storage of equipment or materials.

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 Rowan County 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 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.

FLOODS, 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 **MUDSLIDES**.

(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 ordinance, and open space plans.

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 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 § 152.60, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Fiscal Court will consider the fact that every newly constructed structure adds to government responsibilities and remains

a part of the community for 50 to 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.

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).

(1) 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 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.

(2) 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 subsection (1) above.

(3) Nothing in this definition 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 rise of water resources in the area, and the person or political subdivision in control thereof so notified. The Department for Natural Resources through KRS Ch. 530 shall have exclusive jurisdiction over KRS Ch. 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 Ch. 350 for surface coal mining operations.

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 man-made 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, there for, excluded from the SFHA.

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); and

(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.

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 entry way 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 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 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 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 purpose 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.

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. MUDFLOW). 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 mud flow, 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 Rowan County'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 Rowan County'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 six months duration.

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, river, bay, stream, canal, or basin.

RECREATIONAL VEHICLE. A vehicle that is:

- (1) Built on a single chassis;
- (2) Four hundred 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 when 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 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 or more separate occasions during a ten-year period where the value of damages equals or exceeds an average of 50% of the current value of the structure, beginning on the date when the damage first occurred, or, four or more Flood losses of \$1,000 or more over the life of the structure, or, three 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.**

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 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.

(1) Any damage to a building for which the cost of repairs equals or exceeds 50% of the market value of the building prior to the damage occurring. This term includes structures that are categorized as repetitive loss.

(2) For the purposes of this definition, "repair" is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.

(3) The term does not apply to:

(a) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions; or

(b) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

SUBSTANTIAL IMPROVEMENT.

(1) Any combination of reconstruction, alteration, or improvement to a building, taking place during a one-year period in which the cumulative percentage of improvement equals or exceeds 50% of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building.

(2) The term does not apply to:

(a) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions;

(b) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's confirmed designation as a "historic structure"; or

(c) Any building that has been damaged from any source or is categorized as repetitive loss.

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. 01-11, passed 3-15-11)

§ 150.06 LANDS TO WHICH PROVISIONS APPLY.

This chapter shall apply to all Special Flood Hazard Areas (SFHA), areas applicable to KRS 151.250 and, as determined by the Floodplain Administrator or other delegated, designated, or qualified community official as determined by the Fiscal Court of Rowan County from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the Fiscal

Court of Rowan County which may be subject to periodic inundation by flood waters that can adversely affect the public health, safety, and general welfare of the citizens of Rowan County.
(Ord. 01-11, passed 3-15-11)

§ 150.07 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 Rowan County, dated April 18, 2011, with the accompanying Flood Insurance Rate Maps (FIRMS), other supporting data and any subsequent amendments thereto, are hereby adopted by reference and declared to be a part of these regulations. 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 Fiscal Court by the Floodplain Administrator and are enacted by the Fiscal court pursuant to statutes governing land use management regulations. The FIS and/or FIRM are permanent records of Rowan County and are on file and available for review by the public during regular business hours at Rowan County Courthouse.
(Ord. 01-11, passed 3-15-11)

§ 150.08 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 § 150.26 for instructions and explanation.

(B) Application for a development permit shall be made on forms furnished by the Floodplain Administrator.
(Ord. 01-11, passed 3-15-11) Penalty, see § 150.99

§ 150.09 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 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 Fiscal Court from taking such lawful action as is necessary to prevent or remedy any violation.
(Ord. 01-11, passed 3-15-11) Penalty, see § 150.99

§ 150.10 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. 01-11, passed 3-15-11)

§ 150.11 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. 01-11, passed 3-15-11)

§ 150.12 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 Fiscal Court of Rowan County, 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. 01-11, passed 3-15-11)

ADMINISTRATION**§ 150.25 DESIGNATION OF LOCAL ADMINISTRATOR.**

The Fiscal Court of Rowan County hereby appoints the Rowan County Floodplain Administrator 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. 01-11, passed 3-15-11)

§ 150.26 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 § 150.07. 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.

(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 §§ 150.41(B) and 150.43(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, the 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, the 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 the corrections required hereby, shall be cause to issue a stop-work order for the project.

(Ord. 01-11, passed 3-15-11) Penalty, see § 150.99

§ 150.27 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; review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including § 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

(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 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 § 150.07, 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 §§ 150.40 through 150.46. Any such information shall be submitted to the Fiscal Court 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 of relocation of the watercourse;

(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 the watercourse is maintained.

(4) *Documentation of floodplain development.* Obtain and maintain for public inspection and make available, as needed the following:

(a) Certification required by § 150.41(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 § 150.26(B);

(b) Certification required by § 150.41(B) (elevation or floodproofing of non-residential 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 floodproofed, in accordance with § 150.26(B);

(c) Certification required by § 150.41(C) (elevated structures);

(d) Certification of elevation required by § 150.44 (subdivision standards);

(e) Certification required by § 150.41(E) (floodway encroachments);

(f) Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished;

(g) Review certified plans and specifications for compliance: and

(h) Remedial action: take action to remedy violations of this chapter as specified in § 150.99.

(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 § 150.62(B);

(b) When base flood elevation data or floodway data have not been provided in accordance with § 150.07, then the Floodplam Administrator shall obtain, review, and reasonably utilize any base

flood elevation and floodway data available from a federal, state, or other source in order to administer the provisions of §§ 150.40 through 150.46;

(c) When floodproofing is utilized for a particular structure, the Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance with § 150.41(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 or 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 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 flood plain 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 180 calendar days from the date of its issuance by the Floodplain Administrator.

(Ord. 01-11, passed 3-15-11)

PROVISIONS FOR FLOOD HAZARD REDUCTION

§ 150.40 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

(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;

(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; and

(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 the non-conformity is not furthered, extended, or replaced.

(Ord. 01-11, passed 3-15-11) Penalty, see § 150.99

§ 150.41 SPECIFIC STANDARDS.

In all special flood hazard areas where base flood elevation data have been provided, as set forth in § 150.07, the following provisions are required:

(A) *Residential construction.*

(1) 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 foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of division (C) of this section.

(a) 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 feet above the highest adjacent grade if no depth number is specified.

(b) In an A zone, where no technical data has been produced by the Federal Emergency Management Agency, elevated one foot 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 and reasonable judgement in the event no data can be produced. 401 KAR Ch. 4, Regulation 060, 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 + 0.5 foot. Cross section 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.

(c) In all other zones, elevated one foot above the base flood elevation.

(2) 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 division (A) of this section, or together with attendant utility and sanitary facilities:

(1) Be floodproofed below an elevation one foot 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 foot above the level of the base flood elevation; or

(4) A registered professional engineer or architect, shall certify that the standards of this division are satisfied. Such certification shall be provided to the official as set forth in § 150.26(A)(3).

(5) Manufactured homes shall meet the standards in division (D) of this section.

(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 below an elevation one 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 openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one 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 openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(b) The bottom of all openings shall be no higher than one 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 flood waters 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.

(a) Locations include:

1. On individual lots or parcels;
2. In expansions to existing manufactured home parks or subdivisions;
3. In new manufactured home parks or subdivisions;
4. In substantially improved manufactured home parks or subdivisions;
5. Outside of a manufactured home park or subdivision; or
6. 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.

(b) All manufactured homes must be:

1. Elevated on a permanent foundation;
2. Have its lowest floor elevated no lower than one foot above the level of the base flood elevation; and
3. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(2) Except 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 the manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, so that either:

(a) The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood, elevation; or

(b) 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.

(3) 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

(c) Meet the permit requirements for new construction of this chapter, including anchoring and elevation requirements for manufactured homes.

(4) 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 § 150.07 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 this division is satisfied, all new construction and substantial improvements and other proposed new development shall comply with all applicable flood hazard reduction provisions of §§ 150.40 through 150.46.

(Ord. 01-11, passed 3-15-11) Penalty, see § 150.99

§ 150.42 STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION (UNNUMBERED A ZONES) AND/OR FLOODWAYS.

Located within the special flood hazard areas established in § 150.07, 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 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 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 § 150.07.
(Ord. 01-11, passed 3-15-11) Penalty, see § 150.99

§ 150.43 STANDARDS FOR SHALLOW FLOODING ZONES.

Located within the special flood hazard areas established in § 150.07 are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet, 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 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 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 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 § 150.41(B).
(Ord. 01-11, passed 3-15-11) Penalty, see § 150.99

§ 150.44 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.

(C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(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 five 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. 01-11, passed 3-15-11) Penalty, see § 150.99

§ 150.45 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 foot above grade, total openings are to be one square inch per one square foot of floor area, at least two openings required on opposite walls:

(D) Built of flood-resistant materials below a level one foot above the base flood elevation;

(E) Must elevate utilities above the base flood elevation;

(F) Can only be used for storage or parking: and

(G) Cannot be modified for a different use after permitting.

(Ord. 01-11, passed 3-15-11) Penalty, see § 150.99

§ 150.46 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 site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated one 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. 01-11, passed 3-15-11) Penalty, see § 150.99

APPEALS AND VARIANCE PROCEDURES

§ 150.60 NATURE OF VARIANCES.

(A) The variance criteria set forth in this subchapter 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.

(B) It is the duty of the Fiscal Court 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 subchapter 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. (Ord. 01-11, passed 3-15-11)

§ 150.61 DESIGNATION OF VARIANCE AND APPEAL BOARD.

The Fiscal Court of Rowan County shall establish an Appeal Board consisting of the Rowan County Fiscal Court.

(Ord. 01-11, passed 3-15-11)

§ 150.62 DUTIES OF VARIANCE AND APPEALS BOARD.

(A) 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.

(B) Any person aggrieved by the decision of the Appeal Board or any taxpayer may appeal such decision to the local District Court, as provided in Kentucky Revised Statutes.
(Ord. 01-11, passed 3-15-11)

§ 150.63 APPEALS AND 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:

- (A) Danger that materials may be swept onto other lands to the injury of others;
- (B) Danger to life and property due to flooding or erosion damage;
- (C) 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;
- (D) Importance to the community of the services provided by the proposed facility;
- (E) Necessity that the facility be located on a waterfront, in the case of functionally dependent facility;
- (F) Availability of alternative locations which are not subject to flooding or erosion damage;
- (G) Compatibility of the proposed use with existing and anticipated development;
- (H) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (I) Safety of access to the property in times of flood for ordinary and emergency vehicles;
- (J) 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

(K) 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.

(Ord. 01-11, passed 3-15-11)

§ 150.64 CONDITIONS FOR VARIANCES.

Upon consideration of the factors listed in § 150.63 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.

(A) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

(B) 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 Fiscal Court 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 Fiscal Court believes will both provide relief and preserve the integrity of the local ordinance.

(C) 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.

(D) Variances shall only be issued upon:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant (as defined in § 150.05); and

(3) 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 § 150.05), cause fraud or victimization of the public (as defined in § 150.05) or conflict with existing local laws or ordinances.

(E) 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.

(F) 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.

(G) 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 § 150.63 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. .

(Ord. 01-11, passed 3-15-11)

§ 150.65 VARIANCE NOTIFICATION.

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(A) 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 \$25 for \$100 of insurance coverage;

(B) 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 Rowan County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(C) 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.

(Ord. 01-11, passed 3-15-11)

§ 150.66 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.

(Ord. 01-11, passed 3-15-11)

§ 150.67 NO IMPACT CERTIFICATION WITHIN THE FLOODWAY.

Variations shall not be issued within any mapped or designated Floodway if any increase in flood levels during the base flood discharge would result.

(Ord. 01-11, passed 3-15-11)

§ 150.99 PENALTY.

(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 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 collective actions are not taken, which citation will request a civil monetary fine and shall state the maximum fine which could be imposed. See below.

(C) *Notice of citation.* 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 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 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.

(D) *Penalties.* 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 not less than \$250 and in addition, shall pay all costs and expenses involved in the case. Each day a 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. 01-11, passed 3-15-11)

CHAPTER 151: SUBDIVISION REGULATIONS

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GENERAL PROVISIONS

§ 151.001 MISSION STATEMENT.

(A) This chapter is designed to guide land use decisions in the City of Morehead, Rowan County, and the City of Lakeview Heights as a means of implementing subdivision regulations. The City of Morehead, the Rowan County Fiscal Court, the City of Lakeview Heights, and the Joint Planning Commission shall use this chapter as the basis for making decisions and granting approval for future subdivision development and as guidelines for developers in the City of Morehead, Rowan County, and the City of Lakeview Heights.

(B) This chapter shall be used as a practical guide for understanding the land use process in the City of Morehead, Rowan County, and the City of Lakeview Heights. This chapter has been drafted to provide flexibility in design and development while protecting the health, safety, general welfare and quality of life of the citizens and communities of Morehead, Rowan County, and the City of Lakeview Heights.

(Ord. 03-10, passed 5-25-10)

§ 151.002 TITLE.

This chapter shall be known as the City of Morehead, Rowan County, and the City of Lakeview Heights Subdivision Regulations.

(Ord. 03-10, passed 5-25-10)

§ 151.003 AUTHORITY AND JURISDICTION.

Pursuant to the provisions of KRS Chapter 67, KRS Chapter 82 and KRS Chapter 100, on and after the date of adoption, this chapter shall govern the way that all subdivisions are designed and developed within the City of Morehead, Rowan County, and the City of Lakeview Heights as now or hereafter established, and within unincorporated areas for which a Major Street Plan has been or shall be adopted.

(Ord. 03-10, passed 5-25-10)

§ 151.004 REQUIREMENTS TO APPLY.

Any owner of land within this area wishing to subdivide land shall submit an application and plat of the proposed subdivision to the Joint Planning Commission according to the requirements outlined

in these regulations. All development plans shall be submitted to the Joint Planning Commission at least 21 days prior to the regularly scheduled meeting.
(Ord. 03-10, passed 5-25-10)

§ 151.005 MINIMUM REQUIREMENTS.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements. The Joint Planning Commission may require standards above the minimum contained herein whenever it finds that protection of the public safety and general welfare warrants such increases.
(Ord. 03-10, passed 5-25-10)

§ 151.006 CONSISTENCY WITH OTHER PROVISIONS.

Whenever there is a discrepancy between the minimum standards set forth in the subdivision regulations and those of other lawfully adopted codes, rules, regulations, laws or ordinances, the most restrictive shall take precedence.
(Ord. 03-10, passed 5-25-10)

§ 151.007 GRANTING OF WAIVERS.

Where the Joint Planning Commission finds that strict compliance with these regulations would create an undue hardship because of exceptional, unique, physical, or human conditions, it may modify these regulations to the extent necessary to relieve the undue hardship. The granting of any waiver shall be based upon the subdivider or applicant making written request to the Joint Planning Commission. In granting such modification, the Joint Planning Commission may attach and require whatever conditions it feels are necessary to secure the basic objectives of these regulations. No modifications shall be granted that would be detrimental to promotion of public health, safety, and general welfare.
(Ord. 03-10, passed 5-25-10)

§ 151.008 ADMINISTRATION AND ENFORCEMENT.

(A) *The City of Morehead, Rowan County, and the City of Lakeview Heights.* The City of Morehead Building/Planning Official, the Rowan County staff designee, and the City of Lakeview Heights designee are the three bodies responsible for overall governance of their respective jurisdictions. The Joint Planning Commission responsibilities pertaining to planning and development in their respective jurisdictions are as follows:

(1) Develop, adopt and amend ordinances, regulations, and rules for conduct of governmental affairs.

(2) Make preliminary and final decisions regarding all applications for land use changes and oversee the administration of the subdivision regulations and all building codes.

(B) *The Joint Planning Commission.*

(1) The Morehead, Rowan County, and Lakeview Heights Joint Planning Commission is a nine-member board appointed as follows:

- (a) Three members are appointed by the Mayor of Morehead;
- (b) Three members are appointed by the Rowan County Judge/Executive; and
- (c) Three members are appointed by the Mayor of Lakeview Heights.

(2) The term of office of the members shall be four years and until their successor takes office. No member shall serve more than two consecutive four-year terms.

(3) The Joint Planning Commission's responsibilities are as follows:

- (a) To set forth guidelines and recommendations for the development of land; and
- (b) To review preliminary and final applications for land use change and ensure that proposed changes conform to subdivision regulations and building codes.

(C) *Planning and Codes Office.* The City of Morehead Building/Planning Official, the Rowan County Staff designee, and the City of Lakeview Heights designee shall be responsible for the administration of the subdivision regulations and codes. The Planning and Codes Office responsibilities are as follows:

- (1) Govern and enforce provisions of the code;
- (2) Assist with the determination of acceptance of technical drawings and preliminary/final acceptance of development plans; and
- (3) Enforce provisions of development plans approved by the Joint Planning Commission. (Ord. 03-10, passed 5-25-10; Am. Ord. 15-17, passed 9-19-17)

§ 151.009 DEFINITIONS.

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

ACCESS. Provisions for or means of vehicular entrance to or exit from a street.

(1) **CONTROLLED ACCESS.** Access at points to be designated by the Joint Planning Commission as to type, number and location along a street.

(2) **LIMITED ACCESS.** Access only at specific intervals provided for in the design of a street, usually an interchange.

AGRICULTURAL USE. The use of a tract of at least five 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, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the agricultural use on the tract, but not including residential building development for sale or lease to the public.

AUTHORITY HAVING JURISDICTION. An organization, office or individual responsible for enforcing the requirements of a code or standard or for approving equipment, materials, an installation or procedure.

FINAL PLAT PROCEDURAL TERMS.

(1) **APPROVAL.** The final plan ready to be signed by the Joint Planning Commission chairperson, copies made, plat recorded and after recording the subdivider may sell or agree to sell lots by reference to an approved and recorded final plat.

(2) **COMMISSION ACTION.** No final plans will be considered for action by the Joint Planning Commission until they have been reviewed and approval granted from all utility companies and other agencies referenced herein. All final plans shall be approved or disapproved within 90 days of the date they are first considered by the Joint Planning Commission.

(3) **CONDITIONAL APPROVAL.** The subdivider may proceed as outlined above for **APPROVAL** but only after he or she has corrected the final plat as required by the Joint Planning Commission. If such corrections are not made within 90 days of the Joint Planning Commission's action, the plan shall be deemed as disapproved by the Joint Planning Commission. A one time, 90-day extension may be granted by the Commission for just cause.

(4) **DISAPPROVAL.** Disapproval of the plan. To request a new review and action, the subdivider shall file a new application along with plat copies and other material as required by the Joint Planning Commission.

(5) **POSTPONEMENT.** The Joint Planning Commission has deferred action until some future Joint Planning Commission meeting in order that certain clarifications can be made in regard to the plats but no completely new re-submittal is required of the subdivider as is the case for disapproval.

(6) **REVIEW.** The Joint Planning Commission and other agencies reviews and approves the final plan materials.

HAZARDOUS LIQUIDS PIPELINE. Includes any pipeline constructed or converted to use for transportation under pressure of crude oil, petroleum, natural gas liquids, anhydrous ammonia, and carbon dioxide. This does not apply to piping within the boundaries of a manufacturing facility or a gas or service station, nor to public facilities or public utility facilities as provided in KRS 100.324.

JOINT PLANNING COMMISSION. Shall refer to the City of Morehead, Rowan County and the City of Lakeview Heights.

PHASE. A stage of development in a commercial or residential subdivision.

PRELIMINARY PLAT PROCEDURAL TERMS. The definitions of procedural terms described below are for preliminary plat approval or disapproval process.

(1) **CONDITIONAL APPROVAL.** The subdivider may proceed to the construction of the required improvements but only after the subdivider has submitted the required copies of the corrected preliminary plat to the Joint Planning Commission. If such corrected plans are not submitted within three months after Joint Planning Commission action, the preliminary plat is deemed to be disapproved by the Joint Planning Commission.

(2) **DISAPPROVAL.** Disapproval of the plan. For further action, the subdivider must file a new application along with preliminary plans as required by the Joint Planning Commission.

(3) **REVIEW.** The procedure by which the Joint Planning Commission and other concerned agencies (e.g. Morehead Utility Plant Board, Kentucky Utilities or other power company, Kentucky Department of Transportation, Health Department, and the like), shall examine plats and other documents that describe the proposed subdivision to ensure that the development meets the requirements of these regulations and any other that might pertain.

RESERVE STRIP. A reserved or allocated portion of land reserved for purposes determined by the appropriate jurisdiction. A **RESERVE STRIP** is not limited to roads, but would also include nature strips and footpaths.

STAFF DESIGNEE. The staff that represents the City of Morehead, Rowan County or the City of Lakeview Heights.

STREET. A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or otherwise designated.

(1) **ARTERIAL STREETS.** Arterial streets and highways are those primarily for high vehicular speeds or heavy volumes of traffic.

(2) **COLLECTOR STREETS.** Those which will carry intermediate volumes of traffic from local to arterial streets.

(3) **FIRE ACCESS ROADS.** A road constructed and/or maintained expressly for fire department access.

(4) **LOCAL STREETS.** Those which are used primarily for access to the abutting properties and which will carry limited volumes of traffic.

(5) **MARGINAL ACCESS STREETS.** Minor streets which are parallel to and adjacent to arterial streets and highways and which reduce the number of access points to the arterial street for the purpose of increased traffic safety.

(6) **PRIVATE STREET OR ROAD.** Privately owned and maintained access provided for by a tract, easement or other legal means to serve as access to a dwelling or potential dwelling. **PRIVATE STREETS** shall not be maintained by local, state or county road maintenance division.

(7) **PUBLIC STREET OR ROAD.** A street (as defined above) which is intended to be used by the public and which is maintained by city, county or state road maintenance division.

(8) **SERVICE ACCESS ROADS.** Shall primarily be used for access to loading and unloading areas.

SUBDIVIDER. Any person, firm, partnership, association, corporation, estate or their group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined herein and including any agent of any subdivider.

SUBDIVISION. The division of a parcel of land into three or more lots or parcels for the purpose, whether immediate or future, of sale, lease or building development; provided that a division of land for agricultural use, and not involving a new street, shall 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 into parcels of less than one acre occurring within 12 months following a division of the same land shall be deemed a **SUBDIVISION** within the meaning of this section.

(Ord. 03-10, passed 5-25-10; Am. Ord. 11-18, passed 6-19-18)

§ 151.010 ADVISORY MEETING WITH CITY PLANNER.

(A) *Purpose.* The intent of the advisory meeting with the City Planner is to obtain all documentation required and to develop a scope of the work that is proposed and obtain documents needed to present a preliminary and final development plan.

(B) *Procedures.*

(1) Prior to the filing of an application for approval of the preliminary development plan, the subdivider shall meet with the staff designee to pre-approve and to be scheduled for the next regularly scheduled Joint Planning Commission meeting. The subdivider shall present all information for the proposed development to the City Planner 21 days prior to the Joint Planning Commission meeting. The intent of this meeting would be to review the checklist and to tentatively determine the location of proposed local streets, parks, playgrounds, school sites, and other planned projects which may affect the property being considered for the subdivision.

(2) The subdivider should review with the staff designee for each entity the minimum standards of design for the subdivision as specified in the general requirements and minimum standards. Such informal review should prevent unnecessary and costly revisions.

(3) This step does not require formal application, or filing of a development plan with the City Planner and the Joint Planning Commission. However, a written request must be submitted at least 21 days prior to the regularly scheduled Joint Planning Commission meeting.
(Ord. 03-10, passed 5-25-10)

GENERAL REQUIREMENTS AND MINIMUM DESIGN STANDARDS

§ 151.020 PURPOSE.

(A) The purpose of this subchapter is to protect and promote the health, safety, and general welfare of the community by establishing regulations and standards to:

- (1) Preserve and protect the aesthetic quality, natural beauty, and character of the land and the natural resources;
- (2) Preserve, enhance, and protect the character and quality of life of the community and the environment;
- (3) Promote and protect the safety and convenience of motorists and pedestrians;
- (4) Encourage the best possible use of land; and
- (5) Protect current property owners.

(B) The subdivider shall comply with the provisions of this subchapter for the layout of the subdivision.
(Ord. 03-10, passed 5-25-10)

§ 151.021 STREETS.

(A) *Conformity to the Major Street Plan.* The width and location of all major streets in a proposed subdivision shall conform to the following.

(B) *Street extensions.*

(1) The proposed street layout shall provide for the continuation or projection of existing streets into the surrounding area unless the Joint Planning Commission deems such extension undesirable for specific reasons of topography or design.

(2) Where it is desirable to provide street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property.

(C) *Dedication of right-of-way for new streets.*

(1) The dedication of right-of-way, measured from lot line to lot line, for new streets shall meet the following standards:

<i>Street Type</i>	<i>Minimum Dedicated Right-of-Way Width</i>
Arterial streets	80 feet
Collector streets	60 feet
Local streets	40 feet
Marginal access streets	40 feet
Service access roads	30 feet

(2) Dedication of 1/2 of a right-of-way for proposed streets along the boundary of land proposed for the subdivision shall be prohibited.

(D) *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 right-of-way width requirements as specified in division (C) of this section.

(1) The entire minimum right-of-way shall be dedicated where the subdivision is on both sides of the street.

(2) When the subdivision is located on only one side of an existing street, 1/2 of the required right-of-way, measured from the center line of the existing roadway, shall be dedicated.

(E) *Intersections.*

- (1) Streets shall intersect at right angles (90 degrees) and have a minimum tangent distance of 25 feet.
- (2) Street curb intersections shall be rounded by radii of at least 20 feet.

(F) *Curves in streets – horizontal and vertical.*

- (1) A tangent that is at least 100 feet long shall be introduced between reverse curves on arterial and collector streets. Refer to the drawing of local, marginal and accesses in Appendix B at the end of this chapter.
- (2) Where a deflection angle in the alignment of a street is more than ten degrees, a curve with a radius adequate to ensure sight distance shall be made. The minimum radii of curves shall be:

<i>Street Types</i>	<i>Minimum Curve Radii</i>
Arterial streets	300 feet
Collector streets	200 feet
Local streets	100 feet
Marginal access streets	100 feet
Service access roads	100 feet

(G) *Street grades.*

- (1) Street grades shall not exceed the following maximum percent grade:

<i>Street Types</i>	<i>Percent Grade</i>
Arterial streets	7%
Collector streets	8%
Local streets	9%
Marginal access streets	9%
Service access roads	9%

- (2) For adequate drainage, the minimum street grade shall be not less than 1/2 of 1%

(3) When granted by waiver, any grades excluding 9% must be appropriately designed according to KDOT standards.

(H) *Marginal access streets.* Where a subdivision adjoins or contains an existing or proposed arterial highway on which traffic volumes and vehicular speeds warrant special safety considerations, the Joint Planning Commission may require marginal access streets.

(I) *Street jogs.* Street jogs with center line offsets of less than 100 feet shall not be made.

(J) *Dead-end streets.* Dead-end streets which are designed to be so permanently shall have at the closed end a cul-de-sac with a diameter of at least 60 feet at the outside of the pavement, and a diameter of at least 80 feet at the outside of the right-of-way. No parking shall be allowed within the 60 feet of the required cul-de-sac. The cul-de-sac must be clearly marked with approved signage stating no parking. The subdivider will be responsible for the no parking signs and all installation.

(K) *Street names.*

(1) Proposed streets which are in alignment with existing and named streets shall bear the names of the existing streets. In no case shall the name for the proposed streets duplicate existing street names, irrespective of the use of the suffix: street, avenue, boulevard, driveway, place, or court.

(2) The subdivision subdivider shall be responsible for naming all streets within the development. All street names shall be approved by a written letter from the E 9-1-1 Board.

(L) *Private streets and reserve strips.* Although private streets may exist on a private parcel within a subdivision, they shall not be platted unless specifically required herein.

(Ord. 03-10, passed 5-25-10) Penalty, see § 151.999

§ 151.022 BLOCKS.

(A) *Block lengths.* Block lengths shall not exceed 1,500 feet, or be less than 400 feet, except where prevented by topographical conditions.

(B) *Block widths.* Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where prevented by topographical conditions or size of the property, in which case the Joint Planning Commission may approve a single tier of lots of minimum depth.

(Ord. 03-10, passed 5-25-10) Penalty, see § 151.999

§ 151.023 LOTS.

(A) *Relation to streets.* All lots where zoning is in effect and served by a public sewer shall front upon a public street or road for a minimum distance of 40 feet.

(B) *Dimensions*. Lot dimensions in zoned areas shall be as specified in the Zoning Ordinance Chart in Appendix A at the end of this chapter and in non-zoned areas shall be as follows:

(1) Lots within the corporate limits shall conform to the requirements of the Zoning Ordinance.

(2) Where no zoning ordinance is in effect, residential lots not served by public sewer shall have 7,500 square feet in area. All lots not served by public sewer must be at least 1/2 acre or 21,780 square feet.

(3) A greater area than specified above may be required for a residential lot if, in the opinion of the city or county Health/Environmental Officer, there are drainage, soil, or other conditions to cause potential health hazards.

(C) *Building setback line*. For zoned areas, please refer to the Zoning Ordinance Chart in Appendix A. For non-zoned areas the minimum setback line from the right-of-way shall be at least 1/2 of the total width of the street right-of-way on which the building fronts, but in no case less than 30 feet back from the right-of-way. A greater distance is permitted.

(D) *Corner lots*. For zoned areas, please refer to the Zoning Ordinance Chart in Appendix A. For non-zoned areas the corner lot shall have sufficient extra width to meet the minimum building setback lines established on each street.

(E) *Yard requirements*. For zoned areas, please refer to the Zoning Ordinance Chart in Appendix A. For residential subdivisions in non-zoned areas, yard requirements shall be the same as required by the Morehead Zoning Ordinance for an R-1 district.

(F) *Flood hazards*. The Joint Planning Commission may require special provisions and controls to ensure safe housing sites in areas subject to flooding. When any portion of a development is in a floodplain, the subdivider must comply with the floodplain ordinance of the authority having jurisdiction. The minimum finished floor of lowest floor must be one foot above the 100-year floodplain.
(Ord. 03-10, passed 5-25-10) Penalty, see § 151.999

§ 151.024 OFF-STREET LOADING AND PARKING FACILITIES.

Size of properties reserved or laid out for commercial or industrial properties shall be adequate to provide for the off-street service and parking facilities required by the Zoning Ordinance of the appropriate entity. Platting of individual lots should be avoided in favor of an overall design of land to be used for such purposes. Where deemed necessary by the Joint Planning Commission, service roads/drives shall be provided for service access.
(Ord. 03-10, passed 5-25-10)

§ 151.025 EASEMENTS.

(A) Easements across or centered on rear or side lot lines shall be provided where necessary for utilities and drainage and shall be at a minimum of 12 feet wide. All easements at rear or side lot lines shall be divided between the two lots where possible. Above and below ground utilities shall be located within such easements where possible.

(B) A storm water easement or drainage right-of-way shall be required by the Joint Planning Commission where necessary for proper drainage within or through a subdivision.
(Ord. 03-10, passed 5-25-10) Penalty, see § 151.999

§ 151.026 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 of the land, and disposition of the topsoil.
(Ord. 03-10, passed 5-25-10) Penalty, see § 151.999

§ 151.027 PIPELINES.

(A) Any person proposing to construct or convert a pipeline for transportation of hazardous liquids within any area or subdivision that is subject to the jurisdiction of the Morehead/Rowan County/Lakeview Heights Joint Planning Commission shall demonstrate that all reasonable measures have been or are proposed to be taken to assure compatibility of the proposed use of the pipeline for transportation of hazardous liquids with the safety, health, and value of surrounding land uses, considering:

(1) Noise and odor from aboveground pipeline operation and maintenance activities such as pump station machinery, start-up and shut-down activities, heat exchangers or other equipment emissions, relief valves, backup power generators, and other sources of noise or odor;

(2) Impacts on existing and proposed roads and other infrastructure, including water and wastewater infrastructure;

(3) Proximity to industrial areas where manufacturing processes involve storage of flammable liquids or gases, toxic chemicals, explosives, or other hazardous substances that could be compromised as a result of an accident;

(4) Proximity to institutional facilities such as schools, daycare facilities, hospitals, nursing homes, jails and prisons;

(5) Proximity to public safety and emergency response facilities;

- (6) Proximity to current or planned places of mass public assembly;
- (7) Proximity to cultural, historic, and natural resources of significance;
- (8) Proximity to and impacts on prime or significant farmland; and
- (9) Proximity to residences.

(B) After the date of enactment of this section, no new pipeline for transportation of hazardous liquids shall be constructed within 500 feet of any of the facilities identified in divisions (A)(3) through (A)(6) and (A)(9) of this section.

(C) The Morehead/Rowan County/Lakeview Heights Joint Planning Commission may retain the services of a consultant familiar with transportation of hazardous liquids by pipeline to review and make recommendations concerning the adequacy of the measures proposed by the applicant to assure compatibility of the use of the pipeline for transportation of hazardous liquids with other land uses, and the applicant shall be required to make a deposit with the Commission of the estimated costs associated with the consultant's review upon application, and shall reimburse the Commission for any costs exceeding the deposit. The Commission may impose reasonable conditions on the approval of the construction or conversion of the hazardous liquids pipeline, including, but not limited to, the posting of bonds for roads and structures, and liability insurance to assure compensation for any injuries or damage caused by the pipeline operation.
(Ord. 11-18, passed 6-19-18)

PRELIMINARY PLAT APPROVAL

§ 151.035 PURPOSE.

Subdivider may request an informational meeting prior to presentation of the preliminary plan. Subdivider shall cause to be prepared a preliminary plat prior to the making of any street improvements or installation of any utilities or prior to moving or excavation of any earth.
(Ord. 03-10, passed 5-25-10)

§ 151.036 PRELIMINARY PLAT DATA.

The preliminary plat data must be presented to the Commission with 15 paper copies or three paper copies and one pdf and shall meet the standards of design as set forth in §§ 151.020 through 151.026 and shall satisfy the following requirements.

(A) Drawings shall be at a scale of one inch to 40 feet or less. For example, a drawing may have a scale of one inch equals 20 feet.

(B) Existing and proposed elevation data shall be sufficient to delineate drainage conditions and allow for adequate design; vertical datum shall be referenced to United States Geological Survey (USGS)

monuments, or similar networks. All elevation data shall be relative to mean sea level. The origin and method of levels shall be indicated on the plat. The registered land surveyor and/or professional engineer responsible for preparation of the plat shall recommend either to the Fiscal Court designee to the Joint Planning Commission (if the site is located in an unincorporated area), or the city designee to the Joint Planning Commission (if the site is in an incorporated area), the appropriate level of detail (i.e., contour intervals) to be developed and shown on the plat. After receiving the recommendation, the designee shall visit the site with the surveyor and/or engineer and shall accept or reject the recommendation as to the level of detail to be required on the plat.

(C) The following information shall be displayed on the plat and other necessary sheets:

(1) The following names shall be displayed on the plat and all other necessary sheets: name of subdivision, name(s) and addresses of the owner(s), the engineer, architect, designer, surveyor, and other adjacent property owners.

(2) Date, north point, and a graphic scale.

(3) Acreage of land to be subdivided.

(4) Boundary lines of area to be subdivided with their bearings and distances.

(5) Vicinity sketch of sufficient detail to locate the property.

(6) Existing and proposed easements (as disclosed by the landowner) with their location and width, approximate grades (if applicable), and other dimensions as required.

(7) Streets on and adjacent to the tract and their names, widths, approximate grades, and other dimensions as required.

(8) Utilities on and adjacent to the tract showing proposed connections to existing utility systems.

(9) Lot lines, lot numbers and acreage.

(10) E 9-1-1 addresses.

(11) Sites and their acreage, if any, to be reserved or dedicated for parks, playgrounds, or other public uses.

(12) Sites, if any, for semi-public, commercial or multi-family uses.

(13) Minimum building setback lines.

(14) One hundred-year floodplain and floodway, if applicable.

(15) The subdivider must show erosion control measures and proposed order of events.

(D) Copies of the proposed deed restrictions, if any, shall be attached to the preliminary plat.

(E) The subdivider must receive approval from the Rowan County Health Department on individual and or group septic systems.

(Ord. 03-10, passed 5-25-11)

§ 151.037 PROCEDURES.

(A) Fifteen copies of the preliminary plat and supplementary material or three copies and one pdf of all documents specified shall be submitted to the appropriate planning office with a written application for conditional approval at least 21 days prior to the hearing at which it is to be considered.

(B) The Chairperson or appropriate planning office shall notify the subdivider of the time and place of the meeting no less than 14 days before the date fixed for review. Similar notice shall be mailed to the adjacent owners of the land immediately adjoining the area proposed to be platted as shown on the proposed subdivision plat, all mailing and legal advertisements shall be at the expense of the subdivider.

(C) The preliminary plat shall receive the approval of the County Health Officer prior to consideration by the Joint Planning Commission. A certificate of approval by the County Health Office shall appear on the preliminary plat. In addition, the following utility companies or organizations shall review the plat: all applicable utility companies including water, sewer, gas, electric, phone, cable, garbage, and the United States Postal Service. The subdivider shall obtain in writing the approval and access of all utilities for the said preliminary plat.

(D) Within 60 days after the hearing on the preliminary plat, the Joint Planning Commission shall approve or disapprove the said plat, subject to modifications specified at the hearing. Failure of the Joint Planning Commission to act on this preliminary plat within 60 days of the review shall be deemed as approval of the plat. If a plat is disapproved, reasons for such disapproval will be stated in writing. If approved subject to modifications, the nature of the required modifications shall be indicated in writing.

(E) The action of the Joint Planning Commission shall be noted on two copies of the preliminary plat with any notations made at the time of the approval or disapproval of the specified changes required. One copy shall be returned to the subdivider and the other shall be retained by the Joint Planning Commission.

(F) Approval of the preliminary plat shall not constitute acceptance of the final plat.

(G) The approval of the preliminary plat shall lapse unless a final plat based thereon is submitted within six months from the date of such approval. An extension of time may be applied for and granted by the Joint Planning Commission.

(Ord. 03-10, passed 5-25-11)

REQUIRED IMPROVEMENTS PREREQUISITE TO FINAL APPROVAL

§ 151.050 PURPOSE.

(A) The following improvements are required, as specified, before final approval may be granted by the Joint Planning Commission:

(1) The subdivider shall grade;

(2) Provide a well-constructed, temporary collector access according to good engineering and design practices;

(3) Install monuments;

(4) Install a sewage disposal system (sanitary sewer, where possible; an aerobic sewage disposal system; or septic tanks);and

(5) Install water mains.

(B) All of these installations shall be in accordance with any additional specifications of the city or county engineer, city or county Health/Environmental Office, County Plumbing Inspector, Utility Plant Board, electric company, cable company, or telephone company.

(Ord. 03-10, passed 5-25-11)

§ 151.051 MONUMENTS.

(A) For the purpose of survey control, a minimum of three concrete monuments at least 36 inches in length and four inches square with a suitable center shall be set (flush with the level of the ground) in each subdivision, at locations selected by a registered land surveyor. The origin and method of establishing horizontal control shall be indicated on the plat.

(B) Exterior and interior monumentation for the subdivision shall be in accordance with "The Standards of Practice (Boundary Surveys)", as set out in 201 KAR 18:150.

(C) All floodplain and floodway monuments shall be installed showing the location of the floodplain and floodway areas. A Kentucky licensed surveyor must install all floodplain and floodway monuments in 300-foot intervals with 1/2 inch rear with name and surveyor's license numbers displayed. All floodplain and floodway monuments must be displayed on property boundary lines. (Ord. 03-10, passed 5-25-11) Penalty, see § 151.999

§ 151.052 STREETS.

(A) *Minimum pavement widths.* Widths shall be measured by edge of pavement to edge of pavement and shall be as follows:

<i>Street Types</i>	<i>Minimum Width of Pavement</i>
Arterial streets	30 feet
Collector streets	18 feet
Local streets	18 feet
Marginal access streets	18 feet
Service access roads	18 feet

(B) *Minimum pavement specifications for streets.* Public roads and streets in residential areas in Rowan County shall be constructed to the following minimum specifications:

(1) Public roads and streets in residential areas in the unincorporated areas of Rowan County shall be constructed to the following minimum specifications:

(2) Such public roads and streets shall have a minimum right-of-way width of 40 feet and a paved surface of 20 feet in width with one foot wide shoulders composed of compacted #2 stone and dense grated aggregate (DGA).

(3) Class III geo-textile drainage fabric shall be laid on top of the sub-base (ground) to the full length and width of the road to be constructed, and including the shoulders of the road.

(4) A minimum of six inches of #2 stone shall be placed and compacted on the geo-textile drainage fabric. A deflection test shall be conducted in the presence of the County Road Foreman or City Public Works Director or person designated for the appropriate jurisdiction and additional stone shall be placed as necessary.

(5) A minimum of three inches of DGA or, preferably, crushed stone base shall then be applied to fill the voids in the #2 stone.

(6) Three inches of bituminous binder shall be placed to the full width of the surface to be paved (a minimum of 20 feet), and may be laid immediately after a successful deflection test and the placement of the abovementioned three inches of DGA or crushed stone base. Once the three-inch binder has been laid, three additional inches of DGA shall be added to the shoulders of the road.

(7) One year following the laying of the binder, and at the request of the person constructing the roadway, the Rowan County Road Foreman, or city public works director, or person designated for the appropriate jurisdiction shall inspect the roadway for any imperfections, and, at such time as those have been corrected, the final one-inch surface coat shall be laid. After final approval by the County Road Foreman, or City Public Works Director, or person designated for the appropriate jurisdiction, the county or city shall then accept the road into the appropriate road system.

(8) Where jointed drain pipe (whether concrete, plastic or metal) is used in conjunction with roads maintained or to be maintained by the Rowan County Road Department or City Public Works Department, they must meet state specifications and be wrapped with geo-textile drainage fabric and be back-filled with #2 stone to the top of the pipe and then compacted DGA or compacted crushed stone base shall be applied. All continuous (non-jointed) pipe shall be installed and back-filled with #2 stone to the top of the pipe, and then compacted DGA or compacted stone base shall be applied.

(9) At the discretion of the Rowan County Road Foreman, or City Public Works Director, or person designated for the appropriate jurisdiction slotted drainage pipe may be required at all driveway entrances to a public road or street based upon the need as determined by the incline and length of the driveway, public road, or area generally.

(10) When a drainage pipe is installed in a ditch 100 feet or more in length, a drop box shall be installed at an appropriate location; an additional drop box shall be installed for each additional 100 feet of drainage. Further, drop boxes shall be installed at appropriate locations at cross drains that serve a drainage of 100 feet or more. Locations and designs for the drop boxes shall be designated by the Rowan County Road Foreman, or City Public Works Director, or person designated for the appropriate jurisdiction.

(11) All drainage pipe used for public roads (or roads that are expected to become public roads) in the unincorporated areas of Rowan County shall have a diameter and length to be determined by the Rowan County Road Foreman, or other Rowan Fiscal Court designee, as appropriate for the location where it is to be placed. All drainage pipe referred to herein shall meet the specifications of the Kentucky Department of Transportation.

(12) All paving materials and construction methods shall comply at a minimum with the Kentucky Department of Transportation regulations.

(13) The subdivider shall not be required to grade or provide a pavement base or surface in excess of that required for collector streets, since such additional construction is not required for the benefit of the general public. The Joint Planning Commission may recommend that the city or county bear the extra expense of constructing the street to meet arterial street standards.

(C) *Bonding of paved streets.* The subdivider shall provide a security bond, letter of credit or certified check for all proposed paved streets within the subdivision upon approval from the Joint Planning Commission of all proposed paved roads. Such security bond, letter of credit or certified check shall be provided to the appropriate governmental unit and must be received prior to commencement of work within the development.

(Ord. 03-10, passed 5-25-10) Penalty, see § 151.999

§ 151.053 SUBDIVIDER'S RESPONSIBILITY.

(A) The subdivider shall be responsible for pavement and any damages that occur to the pavement for at least one year from the date that the pavement is placed. The subdivider shall obtain in writing from the County Road Foreman and or the City Public Works Director that he or she has inspected the road that was installed and the date the pavement was installed and that it is acceptable. The subdivider is responsible for filing this document with the proper staff designee.

(B) If the subdivider begins construction of a new phase of development within an existing development, the said subdivider shall be responsible for any and all damages to the existing pavement.
(Ord. 03-10, passed 5-25-10)

§ 151.054 CURBS AND GUTTERS.

Curbs and gutters shall not be required in residential subdivisions in the County of Rowan, outside the corporate limits of Morehead and Lakeview Heights. The Joint Planning Commission may waive the requirements in residential subdivisions which are located inside the corporate limits of the cities of Morehead and Lakeview Heights for curbs and gutters if they are not deemed necessary for the proper drainage of storm water, or if all lots have a width of 100 feet or more. Curbs and gutters shall, however, be required in all areas of commercial development in Rowan County, the City of Morehead and the City of Lakeview Heights, provided, however, that waivers may be granted under the provisions of § 151.007 or § 151.092 of these subdivision regulations.

(Ord. 03-10, passed 5-25-10)

§ 151.055 SIDEWALKS.

Except in areas of commercial development, sidewalks shall not be required in the County of Rowan situated outside the corporate limits of the City of Morehead, and the City of Lakeview Heights. Sidewalks, as required in these regulations in the City of Morehead, the City of Lakeview Heights, and, when required, in the County of Rowan, shall meet the following requirements and shall be the responsibility of the subdivider and shall be completed throughout the entire development prior to Morehead City Council, Lakeview Heights Council, or Rowan Fiscal Court accepting maintenance responsibility of the road system and rights of way. Any letter of credit or other financial instrument securing the improvements required in a subdivision shall not be released until such time as the sidewalks are constructed pursuant to the following guidelines.

(A) *Standards for accessible design.* In accordance with the provisions of the Federal Department of Justice, 28 CFR Part 37, "ADA Standards for Accessible Design" Chapter 3, "Pedestrian Accessibility," all sidewalks shall be designed and installed to be accessible to the physically disabled. The complete guidelines and requirements may be found on the Internet at the web address of <http://www.ada.gov/stdspdf.htm>. The guidelines are made a part of this regulation by reference. It shall be the responsibility of the subdivider or his or her designee to become familiar with these regulations and ensure the strict compliance as prescribed in the 28 referenced documents. Details of accessible sidewalks and curb cuts shall be provided on the plat where sidewalks are required.

(B) *Residential subdivisions.* In residential areas, sidewalks shall be provided on both sides of the street where the predominant lot width is less than 100 feet. Sidewalks shall be required on one side of the street where the predominant lot width is between 100 and 200 feet. Sidewalks will not normally be required where the predominant lot width is over 200 feet. Where a resident block exceeds 900 feet in length, a through sidewalk in a ten-foot easement may be required by the Joint Planning Commission. When the street is a cul-de-sac and sidewalks are required on one side of the street only, the sidewalk shall be extended around the cul-de-sac to include all lots that front on the cul-de-sac.

(C) *Commercial development.* Sidewalks shall be required by the City of Morehead Council, City of Lakeview Council and Rowan County Fiscal Court for all commercial lots.

(D) *Standards.* Sidewalks shall be constructed of concrete, at least four inches thick and four feet wide, poured over a compacted four inch dense grade gravel sub-base.

(E) *Maintenance of walkway.* It shall be the responsibility of the owner or person(s) entitled to possession of any house or other building within The City of Morehead and or the City of Lakeview Heights which abuts or borders upon any public street, road, highway or public place to maintain the sidewalks abutting property in good repair and free of any physical conditions that may cause accident or injury. Sidewalk maintenance in areas abutting commercial development in the City of Morehead, City of Lakeview Heights, and the County of Rowan shall be the sole responsibility of the owner or

persons entitled to possession of the property. Whenever any sidewalks are repaired, renewed or re-constructed, the work shall conform to the City of Morehead, City of Lakeview Heights and, Rowan County Subdivision Regulations, and shall be in compliance with the applicable standards of the federal government's Americans with Disabilities Act, <http://www.ada.gov/stdspdf.htm>.
(03-10, passed 5-25-10) Penalty, see § 151.999

§ 151.056 RESIDENTIAL DRIVEWAYS.

(A) Each driveway shall have a minimum apron of four feet wide beyond driveway and two feet shall be the length of the flare.

(B) Each driveway shall have a culvert with a minimum diameter 15 inches and minimum length of 24 feet unless otherwise noted by the County Road Department and/or the Public Works Department requirements.
(03-10, passed 5-25-10) Penalty, see § 151.999

§ 151.057 UTILITIES.

(A) *Water supply.* Where, in the opinion of the Joint Planning Commission, the public water supply is reasonably accessible, the subdivider shall construct a complete water distribution system, including a connection to each lot and appropriately spaced fire hydrants. Where public water supply is not within reasonable distance, the subdivider shall provide an alternative water supply approved in writing by the city or county Health/Environmental Officer or the Fire Chief.

(B) *Sanitary sewer.* Where, in the opinion of the Joint Planning Commission, the public sanitary sewer system is reasonably accessible, sanitary sewers of a size specified by an engineer and with connections to the public sewer system shall be installed to serve all lots. Where lots cannot be served by the extension of an existing public sanitary sewer, the subdivider shall obtain approval from the city or county Health/Environmental Officer of lot sizes to accommodate individual septic tanks and disposal fields or an aeration sewage disposal system, or obtain approval of a neighborhood sewage disposal system.

(C) *Storm drainage.* Adequate provisions for stormwater drainage shall be provided in accordance with standards specified by the Joint Planning Commission. Absolutely no cross connections from the sanitary sewer system to the stormwater drainage system will be tolerated. Subdivider may be required to obtain storm drainage schematic and hydrology calculations to prove adequate storm drainage for the development. The Joint Planning Commission reserves the right to request any and all necessary documents and calculations to assure proper measures are being taken to provide adequate storm drainage.

(D) *Master Utility Plan.* Subdivider shall provide the Joint Planning Commission with a master utility layout plan that details the locations of all utilities within the proposed subdivision. The master utility layout plan shall also have the signatures of utility companies verifying that they have reviewed the proposed layout and agree that the plan is feasible.

(E) *Bonding of utilities.* Upon approval of all utility companies within the subdivision, the subdivider shall bond all site work and utilities that will be constructed or installed within the subdivision.

(03-10, passed 5-25-10) Penalty, see § 151.999

§ 151.058 STREET NAME SIGNS.

(A) The Joint Planning Commission shall require the subdivider to install durable street signs at all intersections.

(B) Subdivider shall purchase initial signs and posts and dedicate each sign and post to the E 9-1-1 office.

(03-10, passed 5-25-10)

§ 151.059 SUBDIVISION ENTRANCE SIGN.

All subdivision entrance or advertisement signs shall be as follows:

(A) A minimum of four feet by eight feet, unless written permission is granted by the Planning and Codes Enforcement Officer;

(B) Compatible with their surroundings, pursuant to the objectives of proper sign design and land use amenities;

(C) Designed, installed and maintained to meet the subdivider's needs while at the same time promoting the amenable environment desired by the general public;

(D) Designed, constructed, installed, and maintained in such a manner that they do not endanger public safety or traffic safety;

(E) Legible, readable, and visible in the circumstances in which they are used;

(F) Respectful of the reasonable right of other advertisers;

(G) Constructed of durable material (not plywood) and shall be decorative in nature.

(03-10, passed 5-25-10) Penalty, see § 151.999

§ 151.060 BRIDGES.

(A) All bridges shall be designed by an engineer and constructed to an engineer's specifications or to Kentucky Department of Transportation specifications, whichever is more restrictive.

(B) All public bridges shall have a minimum load capacity of 20 tons or greater as required by the Joint Planning Commission after assessing the capacity of traffic.

(03-10, passed 5-25-10) Penalty, see § 151.999

§ 151.061 COMPLETION OF IMPROVEMENTS PRIOR TO APPROVAL OF FINAL PLAT.

(A) *Approval of improvements.* No final plat shall be approved by the Joint Planning Commission or accepted for record by the County Clerk until the improvements listed in this section are constructed and approved by the appropriate city or county officials having jurisdiction. Each phase of infrastructure shall be finished within one year of approval of the final plat.

(B) *Security bond, certified check or bank letter of credit.* In lieu of such prior construction, the Joint Planning Commission may accept a security bond, bank letter of credit or certified check running to the city or county sufficient to cover the estimated cost of the required improvements. The bond, certified check or bank letter of credit shall be subject to the condition that the improvements will be completed within one year after approval of the final plat. A security bond may be required for all roads, site work, and utilities.

(C) *Maintenance bond.*

(1) In cases where the Joint Planning Commission deems that drainage, soil conditions, steep topography, amounts of cut and fill and/or type of construction warrant, the Commission shall require the posting of a maintenance bond, or similar guarantee, to cover workmanship, street or utility installation, and repair for a period of one year after completion of the streets or utility or after final plat approval, whichever occurs last. The bond amount shall be for at least a minimum of 10% of the cost of reconstruction.

(2) The intent and purpose of this bond is to relieve the governing body of reconstruction. For example, where a street is washed out by faulty installation, the governing body should not have to reconstruct this street. The street should stand for one year, bonded by the subdivider.

(3) The Joint Planning Commission may consult with city or county engineer, U.S. Natural Resource Conservation service, or other qualified person in seeking evidence to warrant the requirement and amount of the one year maintenance bond. The maintenance bond will commence on the date that the city or county releases the performance (installation) bond. The governing body shall receive a favorable report of inspection by their engineer prior to release of the bond covering installation and a

similar report is required prior to the release of the one year maintenance bond. The one year maintenance bond inspection report will cover faulty construction and/or conditions caused from construction of the development, not occurring from normal usage.

(4) With respect to streets, the governing body will be responsible only for snow removal during this interim period.
(03-10, passed 5-25-10)

§ 151.062 FIRE DEPARTMENT ACCESS AND WATER SUPPLY.

Fire Department access and water supplies shall be provided in accordance with the Uniform Fire Code. An informational copy of the relevant provisions is provided as an appendix to these regulations. In order to ensure that these requirements are properly met, it is the subdivider's responsibility to meet with the appropriate Fire Department officials during the process of developing the subdivision plans.
(03-10, passed 5-25-10)

§ 151.063 PHASED DEVELOPMENT.

The subdivider may choose, with the Joint Planning Commission's approval, to develop the project in phases. At all times during development, provision for fire protection must precede placement of materials that could constitute a fire hazard.
(03-10, passed 5-25-10)

FINAL PLAT APPROVAL

§ 151.075 PURPOSE.

The purpose of this subchapter is to ensure that the final project substantially conforms to the preliminary plat as approved by the Joint Planning Commission.
(03-10, passed 5-25-10)

§ 151.076 FINAL PLAT REQUIREMENTS.

The final plat shall show the project as constructed and shall meet or exceed the standards of design.

(A) Drawings shall be at a scale of one inch to 40 feet or less. For example, a drawing may have a scale of one inch equals 20 feet.

(B) The final plat shall indicate any significant deviations in both horizontal and vertical alignments from the approved preliminary plat.

(C) The following information shall be displayed on the plat and all other necessary sheets:

(1) The following names shall be displayed on the plat and all other necessary sheets: name of subdivision, name(s) and address(s) of the owner(s), the engineer, architect, designer, surveyor, and adjacent property owners.

(2) Date, north point, and a graphic scale.

(3) Acreage of land to be subdivided.

(4) Boundary lines of area to be subdivided with their bearings and distances

(5) Vicinity sketch of sufficient detail to locate property.

(6) Existing and proposed easements (as disclosed by the landowner) with their location, width, approximate grades (if applicable), and other dimensions as required.

(7) Streets on and adjacent to the tract and their names, widths, approximate grades and other dimensions, as required.

(8) Utilities on and adjacent to the tract showing proposed connections to existing utility systems.

(9) Lot line, lot numbers and frontage dimensions and acreage.

(10) E-9-1-1 address.

(11) Sites and their acreage, if any, to be reserved or dedicated for parks, playgrounds or other public uses.

(12) Sites, if any, for semi-public, commercial or multifamily uses.

(13) Minimum building setback lines.

(14) Identify 100 year floodplain and floodway, if applicable.

(15) Silt fence locations, retention basins and check dams, if applicable.

(16) Location and description of monuments.

(17) Names and locations of adjoining subdivisions and street and the names and addresses of adjoining unplatted property.

(D) All dimensions, angles, bearings, and similar data on the plat shall be tied to the preliminary control points as approved by a registered land surveyor or professional engineer. Location and description of the control points shall be given.

(E) Label all tract boundary lines, right-of-way lines of streets, easements, and other right-of-way property lines of residential lots and other sites with accurate dimensions to the nearest one-hundredth of a foot; bearings or deflection angles, radii, arcs, and central angles of all curves with the dimensions to the nearest second.

(F) Name and right-of-way width of each street, easement or other right-of-way.

(G) Existing and proposed easements and their locations, width, approximate grades and other dimensions, as required.

(H) Copies of the proposed deed restrictions, if any, shall be attached to the final plat.

(I) Certification on plat of title showing the applicant is the owner and a statement by such owner dedicating streets, rights-of-way and any other sites for public use. The Joint Planning Commission reserves the right to ask for an independent certification from a licensed surveyor or engineer for certification of the accuracy of the final plat at the cost of the subdivider

(J) Certification on plat by surveyor or engineer as to the accuracy of the survey and plat.

(K) Certificate by the city or county Health/Environmental Officer and County Plumbing Inspector when individual sewage disposal or water systems are to be installed.

(L) After adequate review by all necessary utility companies, certification shall be provided by a registered, professional engineer that the subdivider has complied with one of the following alternatives:

(1) All the improvements have been installed in accordance with the requirements of these regulations; or

(2) A security bond, certified check or bank letter of credit has been posted with the city or county legislative body in sufficient amount to assure such completion of all required improvements.

(M) Show curbs, gutters, if required, grades of streets, sidewalks and locations of in-street utilities. These are to be drawn to the city or county standard scales and elevations shall be attached to the final plat.

(N) Protective covenants shall either be placed directly on the final plat or attached thereto in form for recording.

(O) Certification on the plat by the Chairperson of the Joint Planning Commission that the plat has been approved for recording in the Office of the County Clerk.

(P) Attach copies of bond for utilities and road construction.

(Q) Subdivider must show erosion control measures and proposed order of events.

(R) The subdivider must receive approval from the Rowan County Health Department on individual and/or group septic system.

(Ord. 03-10, passed 5-25-10)

§ 151.077 PROCEDURES.

(A) Fifteen paper copies or three paper copies and one pdf file of the final plat, together with any street profiles or other plans that may be required, shall be submitted to the Chairperson of the Joint Planning Commission with a written application for conditional approval at least seven days prior to the hearing at which it is to be reviewed.

(B) One copy of the final plat shall be transmitted to the city or county Health/Environmental Office when individual sewage disposal or water supply systems are to be installed. If the plat meets the approval of the Health/Environmental Officer, he or she shall return the copy with his or her approval certified thereon within ten days of receipt thereof.

(C) Within 60 days after the review of the final plat, the Joint Planning Commission shall approve or disapprove the final plat. Failure of the Joint Planning Commission to act on this final plat within 60 days of the review shall be deemed as approval of the plat. If a plat is disapproved, reasons for such disapproval will be stated in writing.

(D) Approval of the Joint Planning Commission shall not constitute the acceptance by the public of the dedication of any streets or other public way or ground.

(E) When the final plat has been approved by the Joint Planning Commission, one copy shall be returned to the subdivider with the approval of the Joint Planning Commission certified thereon, for filing with the County Clerk as an official plat of record; one copy certified by the Joint Planning Commission will be transmitted to the city or county legislative body for necessary action on any proposed dedication, and one copy, certified by the Joint Planning Commission, shall be given to the city or county Planning/Codes Officer for filing and enforcement. The recording cost shall be paid at the expense of the subdivider.

(F) The subdivider must supply certification stating that all improvements are constructed and installed in accordance with the approved submitted plans.
(03-10, passed 5-25-10)

WAIVER

§ 151.090 EXCEPTIONAL CONDITIONS.

The Joint Planning Commission may grant a waiver to these regulations where, by reason of exceptional shape of a specific piece of property, or where, by reason of exceptional topographic conditions, the strict application of these regulations would result in extreme practical difficulties, and undue hardship upon the owner of such property; provided, however, that such relief may be granted without unnecessary detriment to the public good and without substantially impairing the intent and purpose of these regulations. A waiver shall be based upon the subdivider making a detailed written request to the Joint Planning Commission. In granting such waivers or modifications, the Joint Planning Commission may require such conditions as will substantially secure the objectives of the standards or requirements so varied or modified. Financial disadvantage to the property owner is not proof of hardship within the purpose of these regulations.
(03-10, passed 5-25-10)

§ 151.091 GROUP HOUSING DEVELOPMENTS.

A comprehensive group housing development, including the large scale construction of housing units, together with necessary drives, and ways of access, may be approved by the Joint Planning Commission, although the design of the project does not include standard street, lot, and subdivision arrangements; provided that the provisions of § 151.090 pertain.
(03-10, passed 5-25-10)

§ 151.092 PROCEDURAL WAIVER.

Where a proposed subdivision would contain three or less parcels or plots of land and no new streets, the procedures of preparing a preliminary plat may be waived by the Joint Planning Commission.
(03-10, passed 5-25-10)

§ 151.093 APPLICATION OF THESE SUBDIVISION REGULATIONS IN SPECIFIC CIRCUMSTANCES IN UNINCORPORATED AREAS OF ROWAN COUNTY; EXEMPTIONS.

(A) (1) In the unincorporated areas of the County of Rowan, outside the corporate limits of the City of Morehead and the City of Lakeview Heights, whenever land is divided into tracts of five acres or more, for the purpose of sale or transfer of each tract, whether immediate or in the future, to an individual for agricultural or residential purposes, and for which no new public roads are required, same shall be exempt from any and all of these Subdivision Regulations, except that, in order to ensure compliance with this division, the owner of the land shall submit a plat of same with the Rowan County designee to the Joint Planning Commission and the Chairperson of the Joint Planning Commission which shall set out:

- (a) A survey of the tracts, including the names of adjoining landowners;
- (b) The location of any adjoining, existing public road or roads; and
- (c) The location of any private roads or streets (which shall be specifically designated as such).

(2) The designee and the Chairperson shall review same to ensure compliance with this division, and, after finding that the requirements herein have been satisfied, shall sign, date and approve same. The landowner shall then file the approved plat for recording with the Office of the Rowan County Clerk.

(B) (1) In the unincorporated areas of the County of Rowan, outside the corporate limits of the City of Morehead and the City of Lakeview Heights, and whenever no new public streets or roads are required, the owner or owners of a tract of land who wish to do so, may convey, as a gift or gifts, individual parcels of that land to members of his or her immediate family (as defined in this division), even when the land is divided into three or more lots or parcels, so long as the deeds conveying same are specific as to:

- (a) The family relationship; and
- (b) The fact that it is a gift.

(2) For purposes of this division, *IMMEDIATE FAMILY* shall refer to a spouse, child or children, step-child or step-children, grandchild or grandchildren, step-grandchild or step-grandchildren, parent(s), step-parent(s), or siblings. In such specific instances, the transactions shall be exempt from the requirements of these Subdivision Regulations. Such conveyances by gift to other family members not included in the definition of *IMMEDIATE FAMILY*, as defined in this subsection, may be granted

the same exemption from these Subdivision Regulations, but, before same is granted, a specific waiver shall be obtained from the Rowan County designee to the Joint Planning Commission.

(C) (1) In the unincorporated areas of the County of Rowan, outside the corporate limits of the City of Morehead and the City of Lakeview Heights, when land abutting the right-of-way of an existing public road is divided into three or more parcels having individual lot frontages of at least 100 feet for the purpose, whether immediate or future, of sale or building development, and where no new public road is required, same shall be exempt from the requirements of these Subdivision Regulations, except that, in order to ensure compliance with this division, the owner of the land shall submit a plat of same with the Rowan County designee to the Joint Planning Commission and the Chairperson of the Joint Planning Commission which shall set out:

- (a) Surveyed descriptions of the parcels, including the names of adjoining landowners;
- (b) The location of the right-of-way of the abutting, existing public road; and
- (c) The location of any private streets or roads, including their specific designations as such.

(2) The designee and Chairperson shall review same to ensure compliance with this division, and, after finding that the plat requirements herein have been satisfied, shall sign, date and approve the plat. The approved plat shall then be filed by the landowner in the Office of the Rowan County Clerk.

(D) (1) In the unincorporated areas of the County of Rowan, outside the corporate limits of the City of Morehead and the City of Lakeview Heights, when land is divided into three or more parcels of one acre or more in size, for the purpose, whether immediate or future, of sale or building development, and each parcel is accessed from the nearest existing public road by its own private street or road, and no new public road is required, same shall be exempt from all requirements of these Subdivision Regulations, except that, to ensure compliance with the above requirements, a plat shall be submitted to the Rowan County designee to the Joint Planning Commission and the Chairperson of the Joint Planning Commission, which shall set out:

- (a) A surveyed description of the parcels, including the names of adjoining landowners;
- (b) The name and location of the nearest existing public street or road which is accessed by the private streets or roads; and
- (c) The names and descriptions of the private streets or roads and their specific designation as such.

(2) Such private streets, as referenced in this division, shall be specifically described in the plat as being a part of the property being accessed. Names given to private streets or roads as hereinabove

referenced shall be submitted to and approved by the Rowan County E-9-1-1 Board Coordinator. The designee and the Chairperson shall review same to ensure compliance with the requirements of this division, and, after finding that those requirements have been satisfied, shall sign, date and approve the plat. The approved plat shall then be filed by the landowner in the Office of the Rowan County Clerk. (Ord. 03-10, passed 5-25-10)

§ 151.094 ENTRANCES FROM PRIVATE STREETS OR ROADS ONTO PUBLIC ROAD(S) MAINTAINED BY THE COUNTY OF ROWAN.

Wherever a vehicular access (junction) is proposed from a private street or road onto a public road maintained by the County of Rowan, the County Road Foreman (or other designee of the Rowan Fiscal Court) shall inspect the area, with respect to any traffic safety issues, and shall approve or deny the installation of same at the location under consideration. Determinations by the County Road Foreman concerning traffic safety issues shall be made with reference to the Commonwealth of Kentucky Transportation Cabinet *Permits Manual*, Section PE 303. (Ord. 03-10, passed 5-25-10)

ENFORCEMENT

§ 151.100 ENFORCEMENT.

(A) No plat or plan of a subdivision of land located within the jurisdiction of the Joint Planning Commission shall be admitted to the records of Rowan County or received or recorded by the County Clerk until the plat has received final approval in writing by the Joint Planning Commission as provided in KRS 100.417.

(B) If any building is erected in violation of these regulations, the building inspector or other appropriate official may cause the building to be vacated or removed as provided in KRS 100.417. (03-10, passed 5-25-10)

§ 151.999 PENALTY.

(A) Any County Clerk who receives, files, or records a plat in violation of the provisions of these regulations shall be fined not less than \$10 nor more than \$500 as provided in KRS 100.991. Each day of violation shall constitute a separate offense.

(B) Any person who transfers any lot in a subdivision before the plat of the subdivision has been approved by the Joint Planning Commission and recorded in the County Clerk's Office, or attempts the description of land by metes and bounds in violation of these regulations, shall pay to the City of Morehead, Rowan County and the City of Lakeview Heights a penalty of \$500 for each parcel of land so transferred as provided in KRS 100.991. The Joint Planning Commission may, by action in the Circuit Court, enjoin the transfer or agreement to transfer land as provided in KRS 100.292.

(03-10, passed 5-25-10)

APPENDIX A: ZONING ORDINANCE CHART

Zoning Ordinance Chart
(As required by the City of Morehead and Lakeview Heights)

<i>Zoning District</i>	<i>Minimum Lot Size</i>	<i>Frontage</i>	<i>Front Yard Setback</i>	<i>Side Yard Setback</i>	<i>Rear Yard Setback</i>	<i>Accessory Structure Front Setback</i>	<i>Acceptable Structure Rear Setback</i>
B-1 (2) (3)	8,000 square feet	80 feet	15 feet	10 feet	10 feet	8 feet	8 feet
B-2 (2) (3)	10,000 square feet	100 feet	20 feet	10 feet	10 feet	8 feet	8 feet
B-3 (2) (3)	5,000 square feet	35 feet	15 feet	0 feet	0 feet	Not Allowed	Not Allowed
R-1 (1) (2) (3)	7,500 square feet	75 feet	30 feet	25 feet	25 feet	8 feet	8 feet
R-2 (1) (2) (3) (5)	6,500 square feet	65 feet	30 feet	20 feet	20 feet	8 feet	8 feet
R-3 (1) (2) (3) (5)	6,500 square feet	65 feet	30 feet	20 feet	20 feet	8 feet	8 feet
R-4 (1) (2) (3) (5)	6,500 square feet	65 feet	20 feet	10 feet	10 feet	Not Allowed	Not Allowed
A-1 (2)	3 acres	350 feet	60 feet	90 feet	90 feet	4 feet	4 feet
PUBLIC (2)	6,500 square feet	65 feet	20 feet	0 feet	0 feet	4 feet	4 feet
I-1 (2)	50,000 square feet	500 feet	50 feet	25 feet	25 feet	10 feet	10 feet

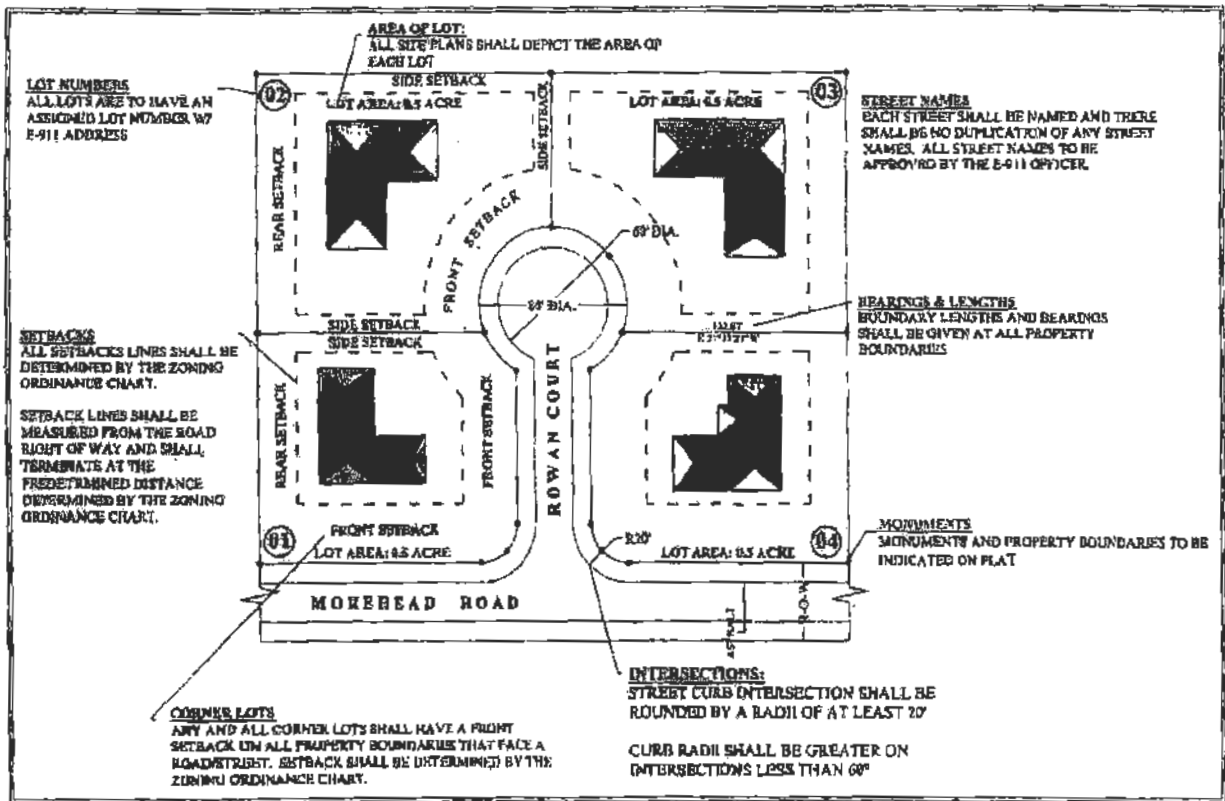
(Ord. 03-10, passed 5-25-10)

APPENDIX B: DRAWINGS

Section

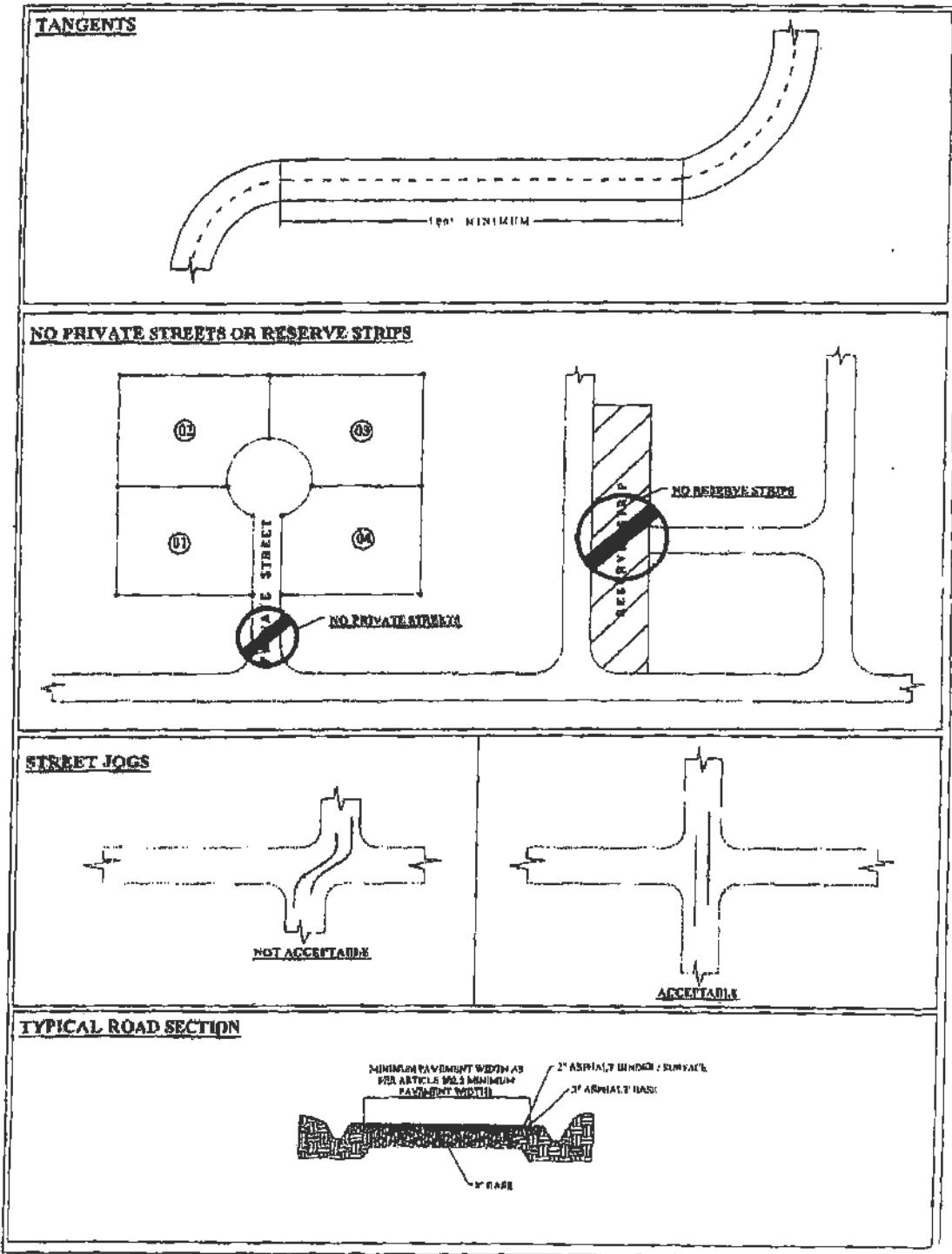
1. Drawing 01
2. Drawing 02
3. Drawing 03
4. Drawing 04

DRAWING 01



(Ord. 03-10, passed 5-25-10)

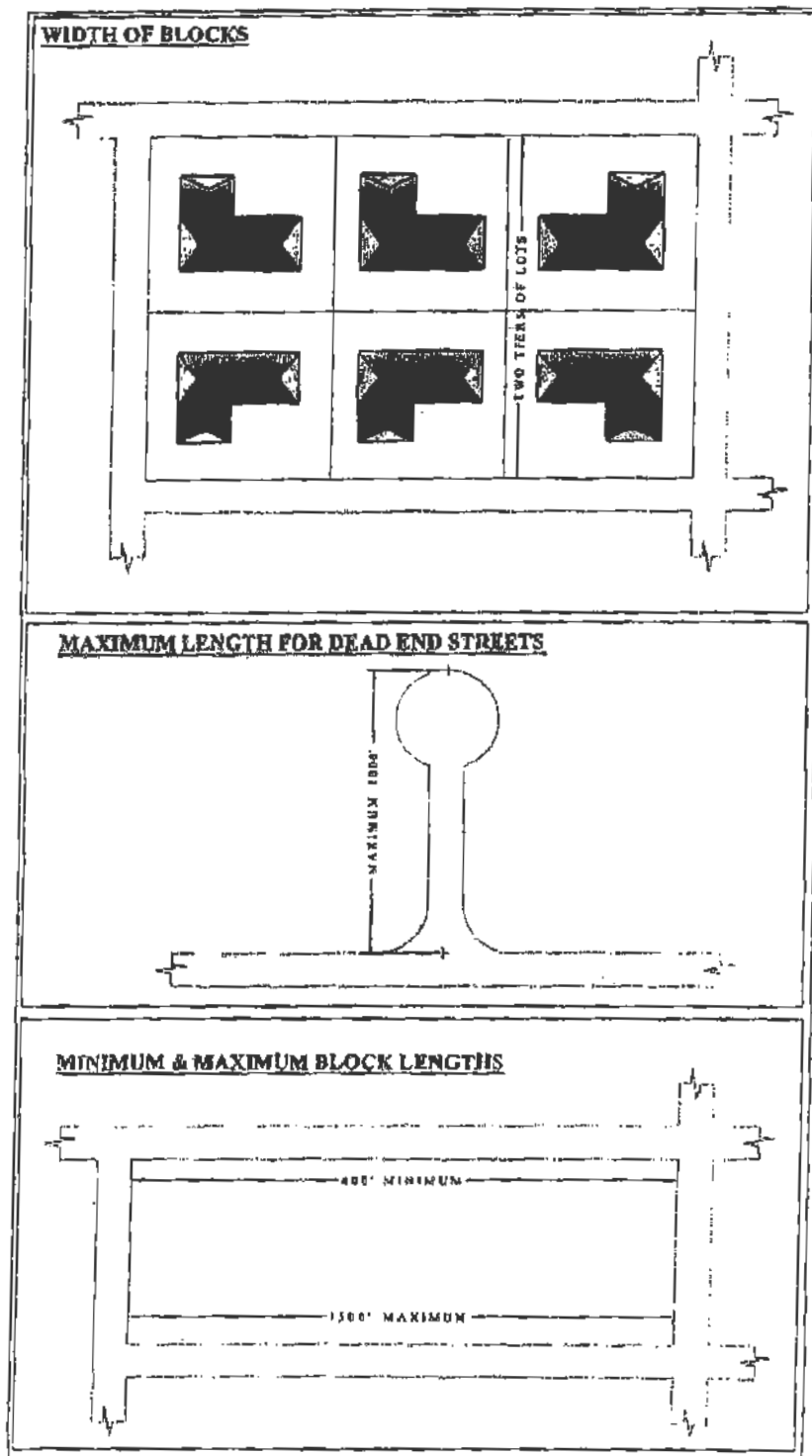
DRAWING 02



(Ord. 03-10, passed 5-25-10)

2011 S-11

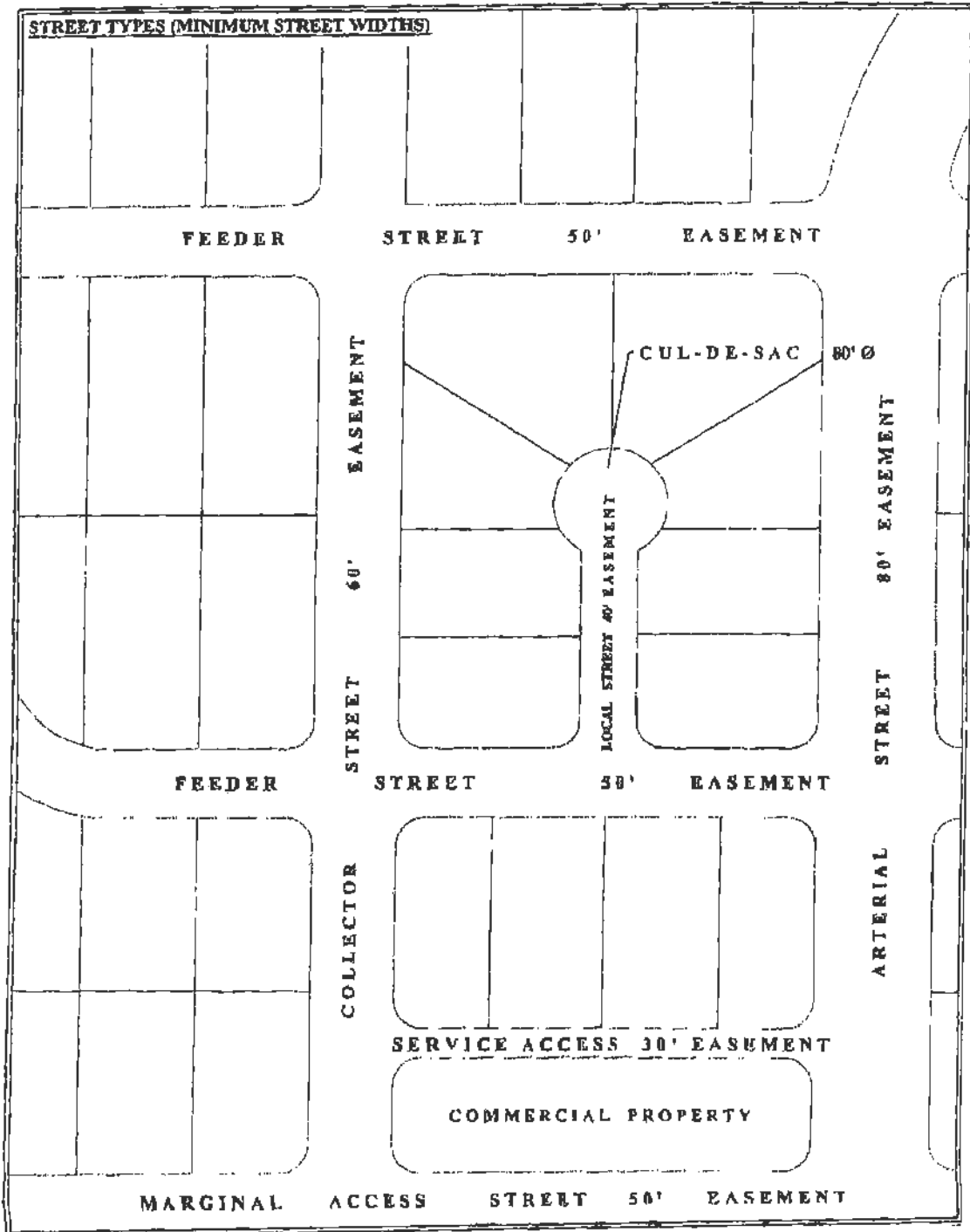
DRAWING 03



(Ord. 03-10, passed 5-25-10)

2011 S-11

DRAWING 04



(Ord. 03-10, passed 5-25-10)

APPENDIX C: FORMS FOR FINAL PLAT CERTIFICATION

Section

- 1. Form 1: Certificate of ownership and dedication
- 2. Form 2: Certificate of accuracy
- 3. Form 3: Certification of approval of water and sewage systems
- 4. Form 4: Certification of the approval of streets and utilities
- 5. Form 5: Certification of the approval for recording

Section 1. Form 1 (to be on plat)

Certificate of Ownership and Dedication

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described heron 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, parks, and other open spaces to public or private use as noted in accordance with the City of Morehead, Rowan County, and City of Lakeview Heights Subdivision Regulations.

_____ 20_____
Date

Owner

Owner

(Ord. 03-10, passed 5-25-10)

Section 2. Form 2 (To be on plat)

Certification of Accuracy

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Joint Planning Commission and that the monuments have been placed as shown hereon to the specifications of the engineer and surveyor who designed and surveyed the subdivision.

_____ 20_____
Date

Registered Engineer or Surveyor

Section 3. Form 3 (To be attached to plat)

Certification of the Approval of Water and Sewage Systems

I hereby certify that the water supply and sewage disposal utility systems installed, or proposed for installations, in the subdivision plat entitled: _____

_____ fully meet the requirements of the Kentucky State Health Department and are hereby approved as shown.

_____ 20_____
Date

City or County Health Officer or other Approving Agent

(Ord. 03-10, passed 5-25-10)

2011 S-11

Section 4. Form 4 (To be attached to plat)

Certification of the Approval of Streets and Utilities

I hereby certify that (1) streets, utilities, gas, electric, water, sanitary sewer, telephone, cable, and other improvements have been installed or designed in an acceptable manner and in accordance to the appropriate specifications in the subdivision entitled: _____

or, (2) that a security bond in the amount of \$ _____ has been posted with the city or county legislative body to assure completion of all required improvements in case of default, or (3) that a letter of credit on the property being developed has been given to the city or county legislative body to assure completion of all required improvements in case of default.

City or County Road Foreman or Engineer Date

Electric Company Engineer Date

Water Company Engineer or Representative Date

Gas Company Engineer or Representative Date

Sanitary Sewer Engineer or Representative Date

Telephone Company Engineer or Representative Date

Planning and Codes Enforcement Officer Date

(Ord. 03-10, passed 5-25-10)

Section 5. Form 5 (To be on plat)

Certification of the Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of _____, Kentucky, with the exception of such variances, if any, as are noted in the minutes of the Joint Planning Commission and that it has been approved as shown hereon for recording in the Office of the County Clerk.

_____ 20_____
Date

Chairperson or Secretary of Joint Planning Commission

(Ord. 03-10, passed 5-25-10)

2011 S-11

APPENDIX D: PROCEDURE FOR JOINT PLANNING COMMISSION APPROVAL

Application for Development
Preliminary Plat Data Sheet
Final Plat Data Sheet

APPLICATION FOR DEVELOPMENT

Date of Initial Application: _____ / _____ / _____

Subdivider's Contact Information:

Name of Owner or Owners: _____

Address of Owner _____
City _____ State _____ Zip Code _____
County _____
Telephone Number () _____

Proposed Subdivision Information:

Name of Subdivision: _____
Location of Subdivision: _____
Surveyor to be used: _____
Engineer to be used: _____
Zoning District: _____
Anticipated Number of Lots: _____ Anticipated lot sizes: _____

Proposed Subdivision Utility Providers:

Electric Company: _____
Water Company: _____
Gas Company: _____
Sanitary Sewer Provider: _____ Septic System: _____
Telephone Company: _____
Cable Company: _____

Date of Joint Planning Commission Meeting: _____ / _____ / _____
Time of Joint Planning Commission Meeting: _____: _____ am or pm

(Ord. 03-10, passed 5-25-10)

PRELIMINARY PLAT DATA SHEET

Subdivider's Contact Information:

Name of Owner or Owners: _____

Address of Owner: _____

City _____ State _____ Zip Code _____

County _____

Telephone Number () _____

Proposed Subdivision Information:

Name of Subdivision: _____

Location of Subdivision: _____

Surveyor to be used: _____

Engineer to be used: _____

Zoning District: _____

Approved _____ to proceed to final plat. Subject to the following:
Date

Modifications:

1. _____
2. _____
3. _____
4. _____
5. _____

Variances Granted:

1. _____
2. _____
3. _____

Disapproved: _____ to proceed to final plat. Subject to the following:
Date

1. _____
2. _____
3. _____

(Ord. 03-10, passed 5-25-10)

FINAL PLAT DATA SHEET

Subdivider's Contact Information:

Name of Owner or Owners: _____

Address of Owner: _____
City _____ State _____ Zip Code _____
County _____
Telephone Number () _____

Proposed Subdivision Information:

Name of Subdivision: _____
Location of Subdivision: _____
Surveyor to be used: _____
Engineer to be used: _____
Zoning District: _____

Preliminary plat approval granted: _____
Date

Submitted for final plat approval: _____
Date

APPROVED FOR RECORDING: _____
Date

Variances Granted:

- 1. _____ 2. _____
- 3. _____ 4. _____

Disapproved: _____ for the following reasons:
Date

- 1. _____ 2. _____
- 3. _____ 4. _____

(Ord. 03-10, passed 5-25-10)

APPENDIX E: FIRE DEPARTMENT ACCESS AND WATER SUPPLY**§ 1 GENERAL.**

Fire department access and water supplies shall comply with this chapter.

(A) *Plans.*

(1) *Fire apparatus access.* Plans for fire apparatus access roads shall be submitted to the fire department for review and approval prior to construction.

(2) *Fire hydrant systems.* Plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

§ 2 FIRE DEPARTMENT ACCESS.

(A) Fire Department access and Fire Department access road shall be provided and maintained in accordance with this section.

(B) *Access to structures or areas.*

(1) *Access box(es).* The AHJ shall have the authority to require an access box(es) to be installed in an accessible location where access to or within a structure or area is difficult because of security.

(2) *Access to gated subdivisions or developments.* The AHJ shall have the authority to require Fire Department access be provided to gated subdivisions or developments through the use of an approved device or system.

(3) *Access maintenance.* The owner or occupant of a structure or area with required Fire Department access as specified in division (B)(1) or (2) of this section shall notify the AHJ when the access is modified in a manner that could prevent Fire Department access.

(C) *Fire Department access roads.*

(1) *Required access.*

(a) Approved Fire Department access roads shall be provided for every facility, building or portion of a building hereafter constructed or relocated.

(b) Fire Department access road shall consist of roadways, fire lanes, parking lots, lanes or a combination thereof.

(c) When not more than two one- and two-family dwellings or private garages, carports, sheds, agricultural buildings and detached buildings or structures 400 square feet (37 square meters) or less are present, the requirements of divisions (C)(1) through (C)(2)(a) of this section shall be permitted to be modified by the AHJ.

(d) When Fire Department access roads cannot be installed due to location on property, topography, waterways, non-negotiable grades or other similar conditions the AHJ shall be authorized to require additional fire protection features.

(2) *Access to building.*

(a) A Fire Department access road shall extend to within 50 feet (15 meters) of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.

1. Where a one- or two-family dwelling is protected with an approved automatic sprinkler system that is installed in accordance with NFPA 13D the distance in division (C)(2)(a) of this section shall be permitted to be increased to 150 feet (46 meters).

(b) Fire Department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 feet (46 meters) from Fire Department access roads as measured by an approved route around the exterior of the building or facility.

1. When buildings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R the distance in division (C)(2)(b) of this section shall be permitted to be increased to 450 feet (137 meters).

(3) *Multiple access roads.* More than one Fire Department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

(4) *Specifications.*

(a) *Dimensions.* Fire Department access roads shall have an unobstructed width of not less than 20 feet (6.1 meters).

1. Vertical clearance shall be permitted to be reduced provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance when approved.

2. Vertical clearances or widths shall be increased when vertical clearances or widths are not adequate to accommodate fire apparatus.

(b) *Surface.* Fire Department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.

(c) *Turning radius.*

1. The turning radius of a Fire Department access road shall be as approved by the AHJ.

2. Turns in Fire Department access roads shall maintain the minimum road width.

(d) *Dead ends.* Dead-end Fire Department access roads in excess of 150 feet (46 meters) in length shall be provided with approved provisions for the fire apparatus to turn around.

(e) *Bridges.*

1. When a bridge is required to be used as part of a Fire Department access road it shall be constructed and maintained in accordance with nationally recognized standards.

2. Vehicle load limits shall be posted at both entrances to bridges where required by the AHJ.

(f) *Grade.*

1. The gradient for a Fire Department access road shall not exceed the maximum approved.

2. The angle of approach and departure for any means of Fire Department access road shall not exceed 1 foot drop in 20 feet (0.3 meter drop in 6 meters) or the design limitations of the fire apparatus of the Fire Department and shall be subject to approval by the AHJ.

3. Fire Department access roads connecting to roadways shall be provided with curb cuts extending at least 2 feet (0.61 meters) beyond each edge of the fire lane.

(g) *Traffic calming devices.* The design and use of traffic calming devices shall be approved by the AHJ.

(5) *Marking of fire apparatus access road.*

(a) Where required by the AHJ, approved signs or other approved notices shall be provided and maintained to identify Fire Department access roads or to prohibit the obstruction thereof or both.

(b) A marked fire apparatus access road shall also be known as a fire lane.

(D) *Obstruction and control of Fire Department access road.*

(1) *General.*

(a) The required width of a Fire Department access road shall not be obstructed in any manner including by the parking of vehicles.

(b) Minimum required widths and clearances established under division (C)(4) of this section shall be maintained at all times.

(c) Facilities and structures shall be maintained in a manner that does not impair or impede accessibility for Fire Department operations.

(d) Entrances to Fire Department access roads that have been closed with gates and barriers in accordance with division (D)(2)(a) of this section shall not be obstructed by parked vehicles.

(2) *Closure of accessways.*

(a) The AHJ shall be authorized to require the installation and maintenance of gates or other approved barricades across roads, trails or other accessways not including public streets, alleys or highways.

(b) Where required gates and barricades shall be secured in an approved manner.

(c) Roads, trails and other accessways that have been closed and obstructed in the manner prescribed by division (D)(2)(a) of this section shall not be trespassed upon or used unless authorized by the owner and the AHJ.

(d) Public officers acting within their scope of duty shall be permitted to access restricted property identified in division (D)(2)(a) of this section.

(e) Locks, gates, doors, barricades, chains, enclosures, signs, tags or seals that have been installed by the Fire Department or by its order or under its control shall not be removed, unlocked, destroyed, tampered with or otherwise vandalized in any manner.

(f) When authorized by the AHJ public officers acting within their scope of duty shall be permitted to obtain access through secured means identified in division (D)(2)(a) of this section.

§ 3 WATER SUPPLIES AND FIRE HYDRANTS.

(A) An approved water supply capable of supplying the required fire flow for fire protections shall be provided to all premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into the jurisdiction.

(B) Where no adequate or reliable water distribution system exists approved reservoirs, pressure tanks, elevated tanks, fire department tanker shuttles or other approved systems capable of providing the required fire flow shall be permitted.

(C) The number and type of fire hydrants and connections to other approved water supplies shall be capable of delivering the required fire flow and shall be provided at approved locations.

(D) Fire hydrants and connections to other approved water supplies shall be accessible to the Fire Department.

(E) Private water supply systems shall be tested and maintained in accordance with NFPA 25.

(F) Where required by the AHJ fire hydrants subject to vehicular damage shall be protected unless located within a public right of way.

Ord.

CHAPTER 152: JUNK MOBILE AND MANUFACTURED HOMES

Section

152.01 Prohibited

§ 152.01 PROHIBITED.

(A) It shall be unlawful for the owner, occupant or person having control or management of any land within the unincorporated areas of Rowan County, Kentucky to permit any public nuisance, health hazard or source of filth to develop thereon through the accumulation of one or more mobile or manufactured homes as defined in KRS 227.550, that are junked, wrecked or non-operative and which are not inhabited. This division shall also apply to the owners of manufactured or mobile homes as defined herein.

(B) A mobile or manufactured home is considered to be junked, wrecked or non-operative when said mobile home is not located upon an established mobile home parking lot or space and does not have full utility services necessary for the operation of everyday conveniences, including but not limited to electric service, gas service, or water service.

(C) Upon violation of this chapter by any person, firm or corporation, the fiscal court may enforce the provisions hereof by injunctive action and, after notice is given by the County of Rowan through any of its authorized agents to the owner, occupant or other person having control or management of the land upon which the mobile or manufactured home is operated, such violator shall be subject to a civil penalty of not less than \$10 nor more than \$100 per day for each and every day that the violation exists with each day constituting a separate offense following the receipt of the notice which may be delivered by certified mail, hand delivery or by securely affixing it to the mobile home or manufactured home which is the subject of the complaint.

(D) If the person so served does not abate the nuisance within the time period specified by the notification, the Director may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such abatement shall be charged and paid by such owner or occupant. Whenever a bill for such charges remains unpaid for 120 days after that has been rendered, the Director may file a statement of lien claim against the property.

(E) In addition, violation of the provisions hereof shall constitute a Class A Misdemeanor as defined by the Kentucky Penal Code.

(Ord. 12-04, passed 6-21-04; Am. Ord. 14-16, passed 9-20-16)

CHAPTER 153: MANUFACTURED HOME PARKS

Section

- 153.01 Intent
- 153.02 Scope
- 153.03 Requirements
- 153.04 Definitions
- 153.05 Manufactured home park requirements
- 153.06 Submittal requirements
- 153.07 Location and general layout standards
- 153.08 Life safety and fire safety
- 153.09 Park maintenance and registration
- 153.10 Individual home set up requirements
- 153.11 Waiver

§ 153.01 INTENT.

It is the intent of these regulations to encourage the proper placement of manufactured home parks throughout the county while improving the aesthetics and general life safety standards for housing in the county.

(Ord. 11-09, passed 7-21-09; Am. Ord. 04-10, passed 5-25-10)

§ 153.02 SCOPE.

Those persons desiring to develop a manufactured home park shall be required to follow the procedures and regulations listed herein:

(A) The developer shall be required to obtain all required state permits as provided in KRS 219.310 to 219.40 and 902 KAR Ch. 15.

(B) In addition to the state regulations, the developer shall be required to meet the full requirements of the City of Morehead, Rowan County and City of Lakeview Heights Planning Commission. Compliance shall include all requirements as if for a major subdivision with property fronting onto a road with a minimum 18 feet wide of pavement, fire flow shall be provided, street and utility construction, and the like.

(C) Any portion of this standard shall not contradict or be less than the minimum requirements of the State Fire Marshal and/or the State Licensing Office for manufactured home parks.
(Ord. 11-09, passed 7-21-09; Am. Ord. 04-10, passed 5-25-10)

§ 153.03 REQUIREMENTS.

Manufactured home parks shall meet all applicable requirements of the land use regulations and subdivision regulations in addition to the state requirements as provided in KRS 219.310 to 219.40 and 902 KAR Ch. 15. A manufactured home park SHALL NOT be permitted unless it can be connected to a municipal sewage disposal system or a septic system approved by the Rowan County Health Department.

(Ord. 11-09, passed 7-21-09; Am. Ord. 04-10, passed 5-25-10)

§ 153.04 DEFINITIONS.

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

APPROVED. Acceptable to the authority having jurisdiction.

AUTHORITY HAVING JURISDICTION. The organization, office or individual responsible for approving equipment, materials, an installation or a procedure. (county: staff designee and/or city: City Planner).

DWELLING UNIT. One or more habitable rooms designed to be occupied by one family with facilities for living, sleeping, cooking, eating and sanitation.

MANUFACTURED HOME. A structure that is transportable in one or more sections and this in the traveling mode is eight body feet or more in width and 40 body feet or more in length or when erected on site is 320 square feet or more. This structure is built on a permanent foundation when connected to the required utilities, which include plumbing, heating-air conditioning and electrical systems contained therein. **MANUFACTURED HOMES** were formerly referred to as mobile homes or trailer coaches.

MANUFACTURED HOME COMMUNITY. Subdivision - Individual property ownership.

MANUFACTURED HOME PARK. A parcel of land with sites available to the public in which three or more manufactured home lots are occupied or intended for occupancy by manufactured homes, modular homes or any residential structure not wholly site built and including its accessory building or structures and accessory equipment for the exclusive use of the occupants.

MANUFACTURED HOME PARK. Used for rental only, not individual ownership of land. (exemption: park owner).

MANUFACTURED HOME SITE. A parcel of land for the accommodation of one manufactured home its accessory building or structures and accessory equipment for the exclusive use of the occupants.

MUNICIPAL SEWAGE DISPOSAL SYSTEM. A system controlled and operated by a local municipal government entity.

PARK MANAGEMENT. The person or entity who owns a development or has charge, care or control of a park (e.g., park, estate or subdivision).

(B) Manufactured homes prior to 1976 that were not built to HUD or Energy Standards will not be permitted in the park settings.
(Ord. 11-09, passed 7-21-09; Am. Ord. 04-10, passed 5-25-10)

§ 153.05 MANUFACTURED HOME PARK REQUIREMENTS.

Before an application for a manufactured home park can be considered, the following conditions shall be verified by the City of Morehead, Rowan County, and City of Lakeview Heights Planning Commission.

(A) Manufactured home communities shall be required to be developed in accordance with all applicable land use ordinances and subdivision regulations as a major subdivision meeting the preliminary and final plat requirements.

(B) A comprehensive development plan shall be submitted in accordance with the guidelines set forth in the subdivision regulations.

(C) The appropriate land use designation, "Manufactured Housing Single Family Dwelling", shall be listed for property planned for such parks.

(D) Manufactured home parks shall only be permitted where connection to a municipal sewage disposal system or a septic system that is approved by the Rowan County Health Department.

(E) Manufactured home parks, as with other major subdivisions, shall only be permitted on county roads that have a minimum of 14 feet of pavement width or state roads that have a minimum of 18 feet of pavement width.

(F) Minimum acreage required for a manufactured home park shall be three acres, with a maximum acreage per manufactured home park of ten acres.

(G) Maximum number of no more than four manufactured home sites per acre, with proper fire code setbacks.

(H) Every home site shall be provided with a minimum of one 26-foot by 26-foot paved off street parking space.

(I) Manufactured home parks shall provide a 20-foot wide street that meets the requirements of the Rowan County road ordinance.

(J) Sidewalks will not be required in a manufactured home park.
(Ord. 11-09, passed 7-21-09; Am. Ord. 04-10, passed 5-25-10)

§ 153.06 SUBMITTAL REQUIREMENTS.

(A) *Application for development approval.* Applications for approval of a manufactured home park shall be submitted to the Planning and Development Office by the set deadlines for submittals. All applications shall be required to be reviewed by the Development Review Team, Planning Commission Work Session and Planning Commission Business Session. The following items shall be submitted at the time of making application:

(1) The developer shall be required to file preliminary and final plats;

(2) A comprehensive development plan complying with all requirements set forth in the subdivision regulations; and

(3) A complete copy of the submittal packet as required by state regulations as set forth in 815 KAR 25:050, 815 KAR 25:060, 815 KAR 25:070, 815 KAR 26:080, and 815 KAR 25:080 for the Cabinet for Human Resources shall be provided to the Planning Office.

(B) *Submission of a construction plan.*

(1) Each application for a permit to construct or alter a manufactured home park shall be accompanied by a complete plan, drawn to scale of the proposed park or alteration. The plan shall show all items required by the subdivision regulations as well as all existing and proposed facilities including:

(a) The area and dimension of the tract of land being developed;

(b) The number, location and size of all manufactured home lots;

(c) The area within each manufactured home lot intended for location of a mobile home and setback distances;

(d) A detailed drawing of the foundation for the placement of the manufactured home stand within the manufactured home lot;

(e) The location and width of roadways, driveways and walkways;

(f) The number, location and size of all off-street automobile parking spaces;

(g) The location of park street lighting and electrical system;

(h) A detailed drawing of the water supply, if source is other than public;

(i) A detailed drawing of the sewage disposal facilities, including specifications;

(j) A detailed drawing of the refuse storage facilities;

(k) The location and size of water and sewer lines and riser pipes;

(l) The size and location of any playground areas within the park, if provided;

(m) A separate floor plan of all buildings and other improvements constructed or to be constructed within the manufactured home park including a plumbing riser diagram; and

(2) Parks shall be developed in one phase.

(Ord. 11-09, passed 7-21-09; Am. Ord. 04-10, passed 5-25-10)

§ 153.07 LOCATION AND GENERAL LAYOUT STANDARDS.

(A) *General layout.*

(1) Every manufactured home and manufactured home park shall be located on a well-drained area, not subject to recurring flooding and the premises shall be properly graded to prevent the accumulation of storm or other waters. Manufactured housing shall not be permitted to be placed or constructed within the established floodplain or floodway as determined by the County Floodplain Administrator.

(2) Each manufactured home or lot shall be numbered and displayed in some systematic order as established by E-911

(3) *Site and dimensional requirements.*

Minimum site:	10,890
Minimum lot width:	60 feet (50 feet on cul-de-sacs measured at the front property line)
Maximum building height:	30 feet
Front yard:	25 feet from the front lot line
Side yard:	10 feet from lot line
Rear yard:	10 feet from lot line

(4) All manufactured homes shall be located at least 25 feet from any park property boundary line abutting upon a public street or highway and at least ten feet from other park property boundary lines.

(5) All lots shall abut upon a park street. All park streets shall be constructed in accordance with the road specifications of the Rowan County Administrative Code. Parking shall not be permitted on county roads. Owner shall be responsible for placement of no parking signs.

(6) Park street, driveways and walkways shall be all weather construction, maintained in good condition, have natural drainage, relatively free of dust and shall be maintained free of holes.

(7) The area of the manufactured home stand shall be improved to provide an adequate foundation for the placement of the manufactured home. The mobile home stand shall not heave, shift or settle unevenly under the weight of the manufactured home due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.

(8) The proposed site for placement of manufactured homes shall be graded to provide a maximum height for the home of 48 inches above grade measured from the pad grade to the underside of the chassis.

(B) *Lighting within the park.* A minimum equivalent to a 150 watt metal halide type light or any energy efficient green lighting shall be provided at park entrances, intersections and at intervals of 200 feet within the park.

(C) *Marking of underground utility lines.* The location of all underground electrical cables, gas piping, water piping and sewer lines that are buried within four feet of the perimeter of the site's largest planned manufactured homes shall be indicated by an aboveground sign(s) or underground marker tapes

identifying the proximity of the lines. A plot plan showing the "as built" location of underground utility lines shall be available for installations in multiple site facilities.

(D) *Park electrical distribution systems.* Every park shall contain an electrical system consisting of wiring, fixtures, equipment and appurtenances installed and maintained pursuant to the requirements of the Public Protection and Regulation Cabinet for underground electrical systems.

(E) *Park water supply.*

(1) The water supply shall be potable, adequate and from an approved public supply of a municipality or water district.

(2) No physical connection shall be made between an approved public water supply and unapproved water supply.

(3) Water distribution lines and connections shall comply with the state plumbing code.

(4) Water supplies for fire department operations shall be as required by the authority having jurisdiction. Fire-flow shall be provided to the manufactured home park/community.

(5) Where provided, hydrants shall be located along community streets or public ways within 500 feet of all homes and building and shall be readily accessible for fire department use. Hydrant-hose coupling threads shall meet national standard threads or shall conform to those used by the local fire department if different than those specified in NFPA 1963.

(F) *Park sewage and waste disposal.*

(1) All sewage and waste matter shall be disposed of into a municipal sewer system or a septic system or a septic system approved by the Rowan County Health Department.

(2) The sewer connection between the manufactured home and the sewer riser opening shall have a nominal inside diameter of at least three inches with a slope of at least one-fourth inch per foot. All joints shall be watertight.

(3) The sewer outlet shall be capped when not in use.

(4) Manufactured home park sewer systems and connections shall comply with the state plumbing code.

(G) *Storage, collection and disposal of park refuse.*

(1) The permit holder shall be responsible for storage and disposal of refuse.

(2) The storage, collection and disposal of refuse in the park area shall be constructed to not create a health, safety or fire hazard, rodent harborage, insect breeding area or cause air pollution.

(3) All refuse shall be stored in fly tight, watertight, rodent proof containers, which shall be conveniently located near each manufactured home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.

(4) Approved container storage location shall be provided and shall be designed and maintained to not create a nuisance.

(5) All refuse containing garbage shall be collected at least once a week or more often, if necessary. If suitable collection service is not available from municipal or private agencies, the owner or operator shall provide this service. All refuse shall be collected and transported in covered, leak-proof containers or vehicles.

(6) All refuse and waste collected at a park shall be disposed in a safe and sanitary manner approved by the Natural Resources and Environmental Protection Cabinet.

(H) Insect and rodent control within the park.

(1) Grounds, buildings and structures shall be maintained free of insects and rodent harborage and infestation. Approved extermination methods and other measures to control insects and rodents shall be used.

(2) Parks shall be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

(3) Storage areas shall be maintained to prevent rodent harborage. Lumber, pipe and other building materials shall not be stored on premises.

(4) If the potential for insect and rodent infestation exists all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

(5) Parks shall be maintained to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Parks shall be maintained free of heavy vegetative growth of any description.

(Ord. 11-09, passed 7-21-09; Am. Ord. 04-10, passed 5-25-10)

§ 153.08 LIFE SAFETY AND FIRE SAFETY.

(A) *General.*

(1) The responsibility for life and fire safety within manufactured home communities shall be that of the owners and operators of the community. This standard covers fire safety requirements for the installation of manufactured homes and manufactured home sites, including accessory buildings, structures and communities.

(2) The space under manufactured homes shall not be used for the storage of combustible materials or for the storage or placement therein of flammable liquids, gases or liquid or gas fuel powered equipment.

(3) The following emergency information shall be printed and posted in conspicuous places in the manufactured home community.

(a) Phone numbers of the following:

1. Fire Department;
2. Police Department or Sheriff's Department;
3. Park Office; and
4. Person responsible for operation and maintenance of the manufactured home park.

(b) Locations of the following:

1. Nearest public telephone; and
2. Address of the manufactured home park

(4) All parks shall comply with applicable regulations of the State Fire Marshal and applicable local fire codes pertaining to fire safety, fuel supply storage and fuel connections.

(5) *Fire safety separation requirements.* Any portion of a manufactured home excluding the tongue shall not be closer than ten feet side to side, eight feet end to end or six feet end to end horizontally from any other manufactured home or community building unless the exposed composite walls and roof of either structure are without openings and constructed of materials that will provide a minimum one-hour fire resistance rating or the structures are separated by a minimum one-hour fire rated barrier

(6) Arrangement of manufactured homes and accessory buildings or structures on the site shall not restrict reasonable access to the site by emergency personnel. Each community operator shall maintain a community site plan for review by agencies responsible for emergency services. This plan shall include but not be limited to, the following:

- (a) Street names;
- (b) Site separation lines;
- (c) Site numbers;
- (d) Water supplies for fire protection personnel;
- (e) Fire hydrant location; and
- (f) Utility disconnects;

(7) Each street name in the manufactured home park/community shall be clearly marked with signs and each manufactured home site shall be marked for identification in a uniform manner established by the E-911 addresser that is clearly visible from the street serving the site.

(8) All areas and individual sites within the manufactured homes community shall be maintained so as to be free of dry brush, leaves, weeds and other debris that could contribute to the spread of fire within the site or community.

(Ord. 11-09, passed 7-21-09; Am. Ord. 04-10, passed 5-25-10)

§ 153.09 PARK MAINTENANCE AND REGISTRATION.

(A) The person to whom a permit to operate a park is issued, shall at all times operate in compliance with this regulation. The permittee shall maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

(B) The permittee shall notify park occupants of all applicable provisions of this regulation and of their duties and responsibilities under this regulation.

(C) The permittee shall be responsible for the proper placement of each manufactured home on its manufactured home stand and for securing its stability and installing all utility connections.

(D) The permittee shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.

(Ord. 11-09, passed 7-21-09; Am. Ord. 04-10, passed 5-25-10)

§ 153.10 INDIVIDUAL HOME SET UP REQUIREMENTS.

(A) All manufactured homes sold by a manufactured home retailer shall be responsible for the set-up in accordance with the manufacturer's listing for that specific home. If the home is not sold by a retailer, the owner of the home shall be set-up in accordance with the minimum standards set forth in ANSI Standards, ANSI A 225.1.

(B) The electrical system, including the main circuit box and all switches/outlets, shall be installed in accordance with the National Electrical Code and inspected by the County Electrical Inspector. C-1 seals are required on all new units before the utility provider may energize that unit.

(C) Adequate and operable smoke detection equipment shall be installed in accordance with the applicable codes.

(D) All exit doors and windows required by the applicable codes shall be operable and general structural integrity of the unit shall be acceptable.

(E) A landing shall be provided on the exterior of each exit door from the home meeting the following requirements:

(1) Landing shall be placed not more than 8-1/4 inches below the threshold of the doorway.

(2) Landing shall be a minimum of 36 inches by 36 inches, constructed of a weather resistant material.

(3) Steps from the landing shall have a maximum riser height of 8-1/4 inches and a minimum tread depth of nine inches.

(4) Handrails shall be provided on all steps containing three or more risers. Handrail height shall be not less than 34 inches or more than 38 inches measured vertically above the nosing of the steps. Guardrails shall be provided on all porches/landings located more than 30 inches above the floor or grade level. Guards shall have intermediate rails spaced such that a four-inch sphere cannot pass through the openings.

(F) All homes shall be properly underpinned using materials approved by the manufacturers and the planning commission suitable for exposure to the weather and securely fastened in place.

(G) Setup and anchoring of the homes shall be in accordance with the manufacturer's listed instructions.

(H) Manufactured housing is not permitted to be placed or constructed within the established floodplain or floodway as determined by the County Floodplain Administrator.
(Ord. 11-09, passed 7-21-09; Am. Ord. 04-10, passed 5-25-10)

§ 153.11 WAIVER.

(A) Immediate families helping parents or children only, may allow direct son, daughter, mother, father, mother-in-law or father-in-law to place a manufactured unit on family property. This must have written approval of the Judge/Executive's Office and provide proof of relationship.

(B) The waiver may be revoked at the discretion of the Judge/Executive if it is discovered that the unit is being used for other than the names listed on the waiver. The family agrees to remove home within 30 days of immediate family not occupying the unit.

(Ord. 11-09, passed 7-21-09; Am. Ord. 04-10, passed 5-25-10)

TABLE OF SPECIAL ORDINANCES

Table

- I. BOND ISSUES**
- II. FRANCHISES**
- III. INTERLOCAL AGREEMENTS**
- IV. STREET CLOSINGS**

TABLE I: BOND ISSUES

<i>Ordinance Date</i>	<i>Description</i>
1-24-85	County school building revenue bonds, series of 1985 in the amount of \$450,000
1-23-87	County school building refunding revenue bonds, series of 1987 in the amount of \$8,805,000
9-16-97	First Mortgage refunding revenue bonds, series of 1997 in the amount of \$1,290,000
6-1-99	General obligation revenue bonds, road and bridges, series of 1999 in the amount of \$2,035,000
8-15-06	General obligation improvement bonds, series 2006 in the amount of \$675,000
7-21-09	General obligation bonds, series 2009 in a principal amount of \$3,710,000
2-19-13	General obligation refunding bonds in one or more series in the principal amount not to exceed \$2,000,000
5-19-15	General obligation bonds in one or more series in a total principal amount not to exceed \$3,000,000
---	General obligation bonds in one or more series in a total principal amount not to exceed \$20,500,000
5-16-17	General obligation bonds in a principal amount not to exceed \$2,000,000, and/or entering into a general obligation lease in a principal amount not to exceed \$2,000,000

TABLE II: FRANCHISES

<i>Ordinance Date</i>	<i>Description</i>
7-9-81	Amending a franchise of 9-18-69 authorizing the operation of community antenna television system
5-19-83	Granting a rural solid waste collection and disposal franchise to Local Sanitation Service, Inc. for ten years, renewable for an additional ten years
3-22-88	Approving assignment of cable TV franchise from HDC Cable TV, Inc. to Charter Cable Systems, Inc., an Ohio corporation authorized to do business in the Commonwealth of Kentucky, said franchise having been granted to HDC Cable TV, Inc. by agreement dated 9-15-87
5-17-05	An ordinance regulating a telephone and communications franchise.
6-27-05	Granting a nonexclusive franchise for a cable television system with Adelpia Cable Communications.

TABLE III: INTERLOCAL AGREEMENTS

<i>Ordinance Date</i>	<i>Description</i>
8-16-83	Execution of an interlocal cooperation agreement between the County and 22 other counties providing for the joint issuance of bonds
11-16-99	Execution of an interlocal agreement between the County and the City of Morehead and Morehead State University to provide the citizens a community recycling center
- - 11	Execution of an interlocal agreement between the Bath County Fiscal Court, the Fleming County Fiscal Court, and the Rowan County Fiscal Court for tri-county animal control, and establishing the Rowan County Regional Animal Shelter Board
5-19-16	Execution of an interlocal agreement between the Division of Forestry and the Rowan County Fiscal Court for the Rowan County Fiscal Court to promote the Firewise Program as it pertains to the Triplett Creek Watershed Project and act as the overseeing agency for project administration

TABLE IV: STREET CLOSINGS

<i>Ordinance Date</i>	<i>Description</i>
11-17-98	Directing the closing of Royalwood Lane
11-17-98	Directing the closing of Royse Road
3-16-99	Directing the closing of Adams Road
3-16-99	Directing the closing of Baldrige Road
3-16-99	Directing the closing of L. Jones
3-16-99	Directing the closing of Mays Road
6-19-01	Directing the closing of CR 1530 Cold Spring Spur
2-17-04	Directing the closing of Anderson Cemetery, county road
3-15-05	Directing the closing of Hidden Oaks Farm Road, county road
12-16-08	Directing the closing of Buck Run Road (CR #1619), county road
11-16-09	Directing the closing of Locust Street (CR# 1291), county road
10-16-12	Directing the closing of a portion of Horsley Road (CR# 1205), county road.
3-19-13	Directing the closing of a portion of Laurel Road (CR #1122) formally known as T.Slone Road (CR #1122)
5-21-13	Directing the closing of a portion of Workman Road (CR #1105)
9-20-16	Directing the closing of a portion of Templeman Road (CR #1116)

PARALLEL REFERENCES

References to Kentucky Revised Statutes
References to Ordinances

REFERENCES TO KENTUCKY REVISED STATUTES

<i>KRS Section</i>	<i>Code Section</i>
Ch. 39A - 39F	31.65, 31.67
39B.010	31.65
39B.020	31.66
39B.030	31.67
39B.030(3)	31.67
39B.050	31.65, 31.67
39B.070	31.67
39F.200	31.67
41.240(4)	32.08
61.810	30.20
61.870 - 61.884	30.25
64.530(3)	34.04
64.530(4)	33.002
Ch. 67	151.003
67.045	30.10
67.083(2)	110.02, 110.03
67.083(3)	50.001, 50.004
67.083(3)(c)	51.01
67.083(3)(h)	51.01
67.083(3)(r)	51.01
67.084	150.01
67.710	30.02, 33.002
67.710(7)	30.02, 33.002, 34.04
67.710(8)	30.02
67.711(1)	33.002, 33.062
67.715(2)	51.01
Ch. 68	30.02
68.178	50.003
70.030	34.04
71.060	34.04
Ch. 82	151.003
91A.080	110.03
Ch. 96A	31.35, 31.40, 31.41
96A.060	31.38
Ch. 100	151.003
100.292	151.999

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<i>KRS Section</i>	<i>Code Section</i>
100.324	151.009
100.417	151.100
100.991	151.999
109.012	50.004
109.041	50.003
109.041(13)	50.001, 50.004
109.042	50.003
117.235	35.01
117.995	35.01
118.105	34.01
118.115	34.01
118.325	34.01
118.760	34.01
122.180	32.04
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136.120	110.03
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151.250	150.06
154.20-250 - 154.20-284	110.03
154.50-326	31.22
164.605 - 164.675	31.81
164.635	31.81
178.010	31.55
179.020	31.56
183.132	31.01
183.133	31.03
219.310 - 219.40	153.02, 153.03
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220.010 - 220.520	51.02
220.030	51.02
220.310	51.03
220.510	51.03
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224.830	50.062
224.835	50.061, 50.062
224.855	50.062
224.887	50.020
227.550	152.01
Ch. 243	110.03
258.095	93.01
286.3-135	32.41
Ch. 350	150.05

<i>KRS Section</i>	<i>Code Section</i>
416.540 - 416.680	31.03, 31.40
Ch. 424	30.27
424.130	31.03
440.090	32.07
441.225	32.09
Ch. 446	10.02
Ch. 530	150.05

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
-	7-3-80	Ch. 71, Sch. I
-	7-9-81	T.S.O.
-	3-25-82	31.20 - 31.23
-	5-19-83	T.S.O.
-	7-21-83	Ch. 70, Sch. I
-	8-16-83	T.S.O.
-	4-19-84	Ch. 70, Sch. I
-	1-24-85	T.S.O.
-	9-10-85	35.01
-	1-23-87	T.S.O.
-	3-22-88	T.S.O.
-	1-17-89	31.55, 31.56, 32.09
-	4-17-90	50.001 - 50.004
860.1	6-19-90	51.01 - 51.03
90-001	8-21-90	50.015, 50.016
-	10-15-91	31.35 - 31.41
-	10-15-91	Ch. 70, Sch. I
-	12-17-91	Ch. 70, Sch. I
-	1-21-92	Ch. 70, Sch. I
-	1-21-92	Ch. 71, Sch. I
-	2-18-92	Ch. 70, Sch. I
-	3-17-92	Ch. 70, Sch. I
-	3-31-92	Ch. 70, Sch. I
-	5-19-92	Ch. 70, Sch. I
-	6-16-92	Ch. 70, Sch. I
-	6-16-92	Ch. 71, Sch. I
-	7-21-92	Ch. 70, Sch. I

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
-	7-21-92	Ch. 71, Sch. I
-	8-18-92	30.10
-	8-18-92	Ch. 70, Sch. I
-	8-18-92	Ch. 71, Sch. I
-	9-15-92	Ch. 70, Sch. I
-	9-15-92	Ch. 70, Sch. I
-	9-15-92	Ch. 71, Sch. I
-	9-15-92	Ch. 71, Sch. I
-	10-20-92	Ch. 70, Sch. I
-	11-17-92	Ch. 70, Sch. I
-	11-17-92	Ch. 71, Sch. I
-	12-15-92	Ch. 70, Sch. I
-	1-19-93	Ch. 70, Sch. I
-	1-19-93	Ch. 71, Sch. I
-	2-16-93	Ch. 70, Sch. I
-	2-16-93	92.01 - 92.03
-	3-16-93	Ch. 70, Sch. I
-	3-16-93	Ch. 71, Sch. I
-	4-20-93	Ch. 70, Sch. I
-	5-18-93	Ch. 70, Sch. I
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-	6-15-93	Ch. 70, Sch. I
-	6-15-93	Ch. 71, Sch. I
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-	8-17-93	Ch. 71, Sch. I
-	9-21-93	Ch. 70, Sch. I
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-	10-19-93	Ch. 71, Sch. I
-	11-16-93	Ch. 70, Sch. I
-	11-16-93	Ch. 71, Sch. I
-	1-18-94	Ch. 70, Sch. I
-	3-15-94	Ch. 70, Sch. I
-	3-15-94	Ch. 70, Sch. I
-	4-22-94	Ch. 71, Sch. I
-	4-22-94	Ch. 71, Sch. I
-	4-22-94	Ch. 71, Sch. I
-	4-22-94	Ch. 71, Sch. I
-	5-17-94	Ch. 71, Sch. I
-	5-17-94	Ch. 71, Sch. I
-	7-19-94	Ch. 70, Sch. I
-	7-19-94	Ch. 71, Sch. I

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
-	8-16-94	Ch. 71, Sch. I
-	9-20-94	Ch. 71, Sch. I
-	10-18-94	Ch. 70, Sch. I
-	11-15-94	34.01 - 34.06
-	11-15-94	Ch. 70, Sch. I
-	11-15-94	Ch. 71, Sch. I
02-95	1-17-95	91.01 - 91.10, 91.99
-	2-21-95	34.01 - 34.06
-	4-18-95	Ch. 70, Sch. I
-	5-16-95	Ch. 70, Sch. I
-	6-20-95	Ch. 71, Sch. I
-	6-20-95	90.01 - 90.14, 90.99
-	7-18-95	Ch. 70, Sch. I
-	8-15-95	Ch. 71, Sch. I
-	9-19-95	Ch. 70, Sch. I
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-	9-19-95	Ch. 71, Sch. I
-	10-17-95	Ch. 71, Sch. I
-	2-20-96	Ch. 71, Sch. I
-	3-19-96	Ch. 70, Sch. I
-	4-16-96	Ch. 70, Sch. I
-	5-24-96	Ch. 70, Sch. I
-	5-24-96	Ch. 71, Sch. I
-	7-16-96	Ch. 70, Sch. I
-	7-16-96	Ch. 71, Sch. I
-	9-17-96	32.40 - 32.43
-	9-17-96	Ch. 70, Sch. I
-	9-17-96	Ch. 71, Sch. I
-	10-15-96	Ch. 71, Sch. I
-	12-17-96	Ch. 70, Sch. I
-	12-17-96	Ch. 71, Sch. I
-	2-18-97	Ch. 71, Sch. I
-	3-18-97	Ch. 70, Sch. I
-	3-18-97	Ch. 70, Sch. I
-	4-15-97	Ch. 70, Sch. I
-	6-18-97	Ch. 70, Sch. I
-	6-18-97	Ch. 71, Sch. I
-	7-15-97	Ch. 70, Sch. I
-	7-15-97	Ch. 71, Sch. I
-	8-19-97	Ch. 71, Sch. I

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
-	9-16-97	Ch. 71, Sch. I
-	9-16-97	T.S.O. I
-	10-21-97	Ch. 71, Sch. I
-	11-18-97	Ch. 70, Sch. I
-	2-17-98	Ch. 70, Sch. I
-	3-17-98	Ch. 70, Sch. I
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-	5-19-98	Ch. 71, Sch. I
-	6-16-98	Ch. 71, Sch. I
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-	10-20-98	Ch. 70, Sch. I
-	11-17-98	T.S.O. IV
-	2-16-99	Ch. 71, Sch. I
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-	3-16-99	T.S.O. IV
-	4-13-99	31.01 - 31.06, 31.99
-	4-13-99	Ch. 70, Sch. I
-	4-13-99	Ch. 70, Sch. I
-	5-18-99	Ch. 71, Sch. I
-	6-1-99	T.S.O. I
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