

# **CITY OF MURRAY HILL CODE OF ORDINANCES**

**Updated Through 2022**

# **INDEX OF CHAPTERS**

**CHAPTER 100                      GOVERNMENT ORGANIZATION**

**CHAPTER 200                      CODE OF ETHICS**

**CHAPTER 300                      FINANCE**

**CHAPTER 400                      STREETS**

**CHAPTER 500                      BUILDING STANDARDS**

**CHAPTER 600                      NUISANCES**

**CHAPTER 700                      REGULATION OF BUSINESSES**

## CHAPTER 100

## GOVERNMENT ORGANIZATION

### 100.10 Incorporation area.

The boundaries of the city are described in the Petition and Judgment for Incorporation as follows:

Beginning at a point in the Southerly right-of-way line of Goose Creek Road at its intersection with the Northwesterly line of Murray Hill Subdivision, Section 1, as shown on the plat of same of record in Place and Subdivision Book 27, Page 11, in the office of the Jefferson County Clerk, Jefferson County, Kentucky, said point also being in Murray Hill Pike, as shown in the plat aforesaid, thence with a line of Murray Hill, Section 1, South 54 degrees 00' 80" West 718.18 feet more or less to its point of intersection with the line of Murray Hill Subdivision, Section 2A, a plat of which is of record in Plat and Subdivision Book 28, Page 12, in the office of the Clerk aforesaid, and continuing with the line of said Section 2A, South 54 degrees 00' 30" West 934.87 feet (in all 1653.05 feet) to the Southwesterly corner of said Murray Hill Section 2A; thence with another line of Murray Hill Subdivision, Section 2A South 35 degrees 26' 30" East 1302.50 feet to a point in the Southwesterly line of Murray Hill Subdivision, Section 2B, as shown on a plat of record in Plat and Subdivision Book 28, Page 11, in the office of the Clerk aforesaid, thence continuing with a line of said Murray Hill Subdivision, Section 2 South 35 degrees 26' 30" East 321.28 feet to the Southernmost corner of said Murray Hill Subdivision, Section 2B; thence with another line of Murray Hill Subdivision, Section 2B North 54 degrees 45' 33" East 1503.00 feet; thence North 7 degrees 01' 10" East 283.24 feet; thence North 01 degrees 51' 39" West 65.96 feet to a point; thence North 18 degrees 55' 39" West 178.48 feet to a point; thence North 67 degrees 15' 20" West 372.81 feet to a point; thence North 67 degrees 0' 45" West 20.62 feet to a point in the line of Murray Hill Subdivision, Section 1 aforesaid; thence with a line of said Murray Hill Subdivision, Section 1, North 2 degrees 15' 57" West 33.34 feet to a point; thence North 4 degrees 52' 19" East 113.44 feet to a point; thence North 22 degrees 44' 40" East 540.46 feet to a point in the Southerly line of Goose Creek Road; thence with the Southerly line of Goose Creek Road in a Westerly direction to the point of beginning, and being all of Murray Hill Subdivision, Section, Plat of which is of record in Plat and Subdivision Book 27, Page 11, in the aforesaid Clerk's office; Murray Hill Subdivision, Section 2A, Plat of which is of record in Plat and Subdivision Book 28, Page 12, in the office of the Clerk aforesaid; Murray Hill Subdivision Section 2B (revised Lots 159-175) of record in Plat and Subdivision Book 31, Page 78; and Murray Hill Subdivision Section 2B Revised (relative to Lot 168) of record in Plat and Subdivision Book 33, Page 63; and the area lying between said Murray Hill Subdivision and Goose Creek Road, excluding however any portion of the above described area as may lie within the City of Ten Broeck.

100.20 Official City Map

The boundaries of the city shall be shown on an official map kept on file with the City Clerk, which boundary map and any amendments thereto shall also be filed with the Kentucky Secretary of State.

100.30 Commission Form of Government

(1) The city shall be governed under the commission form of government as provided by KRS chapter 83A.

(2) The city shall be governed by an elective officer who shall be called Mayor and by elected legislative body members who shall be called city commissioners and which together shall be known as the City Commission and by such other officers and employees as may be provided for by statute or city ordinance.

(3) All legislative, executive and administrative authority of the City shall be vested in and exercised by the City Commission. The Commission shall enforce the commission plan, ordinances, and orders of the city and all applicable statutes. The Commission shall maintain liaison with related units of local government respecting interlocal contracting and joint activities. The Commission shall supervise all departments of city government and the conduct of all city officers and employees under its jurisdiction and may require each department to make such reports to it as it finds necessary. The Commission shall report to the public on the condition and needs of city government as provided by ordinance, but not less than annually.

(4) The Mayor shall preside at all meetings of the Commission and may vote in all proceedings. All bonds, notes, contracts and written obligations of the city authorized by ordinance or resolution shall be executed by the Mayor on behalf of the City. The Commission shall designate one (1) city commissioner to serve as Mayor-Pro-Tem. The Mayor-Pro-Tem shall act for the Mayor whenever the Mayor is unable to attend the duties of his or her office and he or she shall then possess all rights, powers and duties of the Mayor. If the disability of the Mayor to attend to his or her duties continues for sixty (60) consecutive days, the office of Mayor may be declared vacated by a majority vote of the Commission membership and the provisions of KRS 83A.040 shall apply.

(5) In carrying out its duty to supervise the departments of city government and the conduct of all city officers and employees under its jurisdiction, the Commission may require any city officer or employee to prepare and submit to it sworn statements regarding the performance of his or her official duties.

(6) All administrative and service functions of the City shall be classified under departments created by ordinance which shall prescribe the functions of the department and the duties and responsibilities of the department heads and their employees. The Commission shall at its first regular meeting each year designate the commission member to have superintendence over each department established under this subsection, except the Commission may delegate

responsibility for overall operations of any or all departments to a city administrative officer established pursuant to KRS 83A.090.

(7) Regular meetings of the City Commission shall be held at least once a month at such times and places as are fixed by ordinance. Special meetings may be called by the Mayor or a majority of the City Commissioners. In the call, the Mayor or City Commissioners shall designate the purpose, time and place of the special meeting with sufficient notice for the attendance of Commission members and for compliance with KRS Chapter 61. At a special meeting no business may be considered other than that set forth in a designation of purpose. The minutes of every meeting shall be signed by the officer presiding at the meeting.

(8) The Commission shall by ordinance establish all appointive offices and the duties and responsibilities of those offices and codes, rules and regulations for the public health, safety and welfare. The Commission shall by ordinance provide for sufficient revenue to operate city government and shall appropriate such funds in a budget which shall provide for the orderly management of city resources. The Commission shall promulgate procedures to insure orderly administration of the functions of city government in compliance with statute, ordinance or order.

#### 100.40 Creation and Supervision of Departments

(1) The administration and service functions of the City shall be classified under the following departments, each of which will be administered by a member of the City Commission. The departments shall be organized as follows:

- a. Finance. This area includes the preparation of the yearly budget, which shall be presented to and approved by the full Commission prior to July 1<sup>st</sup> each year. This area includes the preparation of the yearly tax rate ordinance (in full compliance with the House Bill 44 limitations on raising taxes over 4% of the prior year actual revenue), which shall be presented to and approved by the full Commission prior to July 1<sup>st</sup> each year. This area includes presentation of monthly bills for payment each month by the Commission and presentation of a monthly financial report for approval by the full Commission. This area includes oversight over all investment and bank accounts of the City. This area includes the oversight of the collection of taxes for each year, including making sure the tax bills are ordered, sent, collection letters are sent and liens filed.
- b. Garbage/Insurance/Snow Removal. This area includes putting the garbage contract out for public bid when required, presentation of the garbage specifications and proposed contract to the Commission for approval. This area also includes following up on any service complaints with the garbage contractor. This area also includes any and all complaints regarding property issues (nuisance and cleanup complaints). This area also includes the proper bidding (if required) and presentation of proposals for the insurance package for the City each year to the Commission. This area includes following up on any insurance claims received by the City, and on any insurance compliance issue. This area also includes oversight of the City's snow removal program.

- c. Safety. This area includes oversight and supervision of the city's Citation Officer, or contract police patrols in the City. This area includes oversight of the Citation Officer's expenditures, hours worked, services provided, training, insurance, out of City work, and reports to the Commission each month of enforcement activity in the City.
- d. Public Works and Grounds. This area includes oversight of streets and street signs. This area also includes oversight of any building permits and variances. This area also includes bidding and oversight of the City's lawn maintenance in/on all Murray Hill "Commons" areas, public rights-of-ways and landscaping work.
- e. Mayor's Department/Public Information/Preside over Meetings. The Mayor has authority to sign all contracts. The Mayor may designate a department to assist with the functions of the city government. The Mayor's department is the liaison with other governmental bodies; meaning that it is the Mayor's department's responsibility to respond to any inquiry from another government as the public spokesperson for the City. The Mayor's department is in charge of public information through the newsletter. Mayor presides over the Commission meetings and resolves any issues between Commissioners in their areas of oversight. The department will coordinate with Commissioners on their duties and help out when necessary, such as when a member is out of town. The Mayor's department serves as liaison for all City employees to the City Commission and are responsible to report any employment issue, problem or claim to the City Commission for action. The Mayor's department reviews city expenditures, city administration and procedure, including oversight of city employees work and expenses, reports any issues, problems and concerns to City Commission for action. The Mayor's department takes care of city administration business not otherwise designated, such as office expenses and equipment. The Mayor also oversees the completion of the annual audit for the city and the filing of the Uniform Financial Report with the Department for Local Government. The audit must be completed by February 1<sup>st</sup> or each year, in accordance with KRS 91A.040. The Uniform Financial Information Report must be completed by May 1<sup>st</sup> of each year.

100.50            Budget Process and Communication

- (1) Budget Preparation. All Commissioners. As part of their duties, the Commissioners are required, prior to May 1<sup>st</sup> of each year, to submit to the City Clerk, a proposed itemized budget for the upcoming fiscal year for each particular area of responsibility and each Commissioner shall work directly with the Clerk/Treasurer to draft said budget; which shall be submitted as part of the normal budget approval process of the city. No Commissioner has authority to authorize any expenditure through the year which exceeds any line item of their budget, without prior approval of the full Commission. However, within their approved budgets, each can authorize normal and customary expenses.

- (2) Public Contact. All members. Any calls regarding the above areas of responsibility shall be forwarded to the Commissioner in charge of such area for resolution; this includes any complaints for violation of any ordinance or other law.
- (3) Utilization of Resources. All members. Each Commissioner shall work directly with, and utilize resources of the Clerk, City Mayor, City Attorney and City Engineer to oversee their area and get their tasks accomplished.

#### 100.60 Executive Officials.

- (1) Mayor. The Mayor shall have those duties set out in Kentucky Revised Statutes and shall additionally supervise his or her department as set out in this chapter.
- (2) Appointed officials. Appointment of all non-elected City officers shall require nomination by a Commission member and approval (majority vote) by the City Commission. Such non-elected officer may be suspended by the Mayor at will unless otherwise provided by statute. Any suspension shall be in effect until the next Commission meeting at which time the Commission shall remove or reinstate the suspended officer.

- a. City Clerk. There is hereby created a non-elective city office to be known as the Office of the City Clerk. The City Clerk shall be appointed by the Commission. It is preferable, although not required, that the Clerk be a city resident. The City Clerk shall be at least twenty-one (21) years of age and of good moral character. The duties and responsibilities of the City Clerk shall include, but not be limited to the following: maintenance and safekeeping of the permanent records of the city; performance of the duties required of the "official custodian" or "custodian" pursuant to KRS 61.870 to KRS 61.882; possession of the seal of the city, if used; and performance of all duties and responsibilities required of a City Clerk by statute or ordinance.

The salary of the City Clerk is hereby fixed at \$45.00 per month, payable monthly, or such other amount as may be from time to time fixed by order of the Commission. Before entering upon the duties of his office, the City Clerk shall each take an oath prescribed by the Kentucky Constitution, Section 228, for City officials. The City Clerk shall be bonded in a bond amount set by the City Commission.

- b. City Treasurer. The City Treasurer shall receive and safely keep all city funds coming into his or her hands, and for all such funds he or she shall give duplicate receipts, one of which shall be filed with the City Clerk. He or she shall pay out city funds on warrants signed the designated City Commissioner and counter-signed by the Mayor. The Treasurer shall make monthly reports to the City Commission showing the state of the finances of the city, including year to date profit and loss, fund balances, and the amounts received and spent during the month. The monthly financials shall be approved by the City Commission and kept in the permanent records of the city. The

Treasurer shall make an annual report at the close of the fiscal year with the total amount of all receipts, expenditures of the city, and the transactions during the preceding year and file all required annual financial statements and reports with the Department for Local Government or any other state agency.

The City Treasurer shall be appointed by the Commission. It is preferable, although not required, that the Treasurer be a city resident. Before entering upon the duties of his or her office, the City Treasurer shall each take an oath prescribed by the Kentucky Constitution, Section 228, for City officials.

The salary of the City Treasurer is hereby fixed at \$45.00 per month, payable monthly, or such amount as may be from time to time fixed by order of the Commission. The City Treasurer shall be bonded in a bond amount set by the City Commission.

- c. Clerk/Treasurer. The City Commission may combine the offices of City Clerk and City Treasurer to be known as City Clerk/Treasurer with all the duties of each office. The salary of the City Clerk/Treasurer shall be specified by the Commission at any time that these offices are combined.

(3) City Tax Collector. Duties of the City Tax Collector will be performed by the City Clerk.

- a. It shall be the duty of the City Tax Collector to proceed as authorized by law to collect all taxes and special assessments that may be due or become due to the city and to keep such records pertaining to such collections as may be required by statutes, ordinances or direction of the City Commission.
- b. The City Tax Collector shall make such reports regarding delinquent taxes as are required by statute or by the City Commission. The City Tax Collector shall make a monthly report to the Commission showing all moneys that have been received and the source thereof. Monthly reports shall show totals for all moneys received in the current fiscal year (categorized as taxes, penalties or interest), totals for all tax moneys due in the current fiscal year, and totals for all past due moneys summarized by year(s). The Tax Collector may furnish the required report to the City Treasurer for inclusion in the Treasurer's report in lieu of a separate report. All moneys when received shall be deposited with the City Treasurer, or as directed by the City Treasurer.

100.70 Permanent Records.

- (1) The City Clerk is responsible for maintaining and safekeeping the permanent records of the city including ordinances and municipal orders and shall sign the official records of each meeting.
- (2) All ordinances adopted by the city shall be numbered in accordance with the Kentucky Ordinance Code Topical Numbering System.



- (3) The city budget, appropriations of money and tax levies shall be maintained and indexed by fiscal year.
- (4) All ordinances shall be kept in an ordinance book in the order adopted. The text of each general ordinance shall be kept in a loose-leaf binder with tabbed dividers arranged and numbered. Each month every ordinance or amendment adopted during the month shall be assigned an indexing number, listed by topic and date of passage and publication and placed in the appropriate place in the binder. Once a year all additions or amendments shall be incorporated in the text of the code and in the table of contents.
- (5) At least once every five (5) years the text of the code shall be examined for consistency with state law, and with other provisions and revised to eliminate redundant, obsolete, inconsistent and invalid provisions.
- (6) Every action of the legislative body shall be made a part of the permanent records of the city and on passage of an ordinance the vote of each member of the city legislative body shall be entered on the official record of the meeting.
- (7) The legislative body may adopt municipal orders. Any municipal order shall be in writing and may be adopted only at an official meeting. Any order may be amended by subsequent municipal order or ordinance. All orders adopted shall be maintained and numbered in the city's permanent records.

#### 100.80 Compensation of Elected Officials.

- (1) The compensation of the Mayor is hereby fixed at the sum of \$75.00 for each regular or special meeting attended, payable quarterly, not to exceed \$300.00 per calendar quarter.
- (2) The compensation of each City Commissioner is hereby fixed at the sum of \$50.00 for each regular or special meeting attended, payable quarterly, not to exceed \$200.00 per calendar quarter.

#### 100.90 Legal Counsel.

- (1) In lieu of establishing an office of city attorney, the city may retain a licensed attorney as legal counsel, such attorney to be selected by the City Commission, subject to removal at the pleasure of the City Commission. The duties of legal counsel shall be as follows:
  - a. Legal counsel shall prosecute or defend any and all suits or actions at law or equity to which the city may be a party, or in which it may be interested, or which may be brought against or by, any officer of the city, on behalf of the city, or in the capacity of such person as an officer of the city.
  - b. To see to the full enforcement of all judgments or decrees rendered or entered in favor of the city and of all similar interlocutory orders.
  - c. He or she shall be legal advisor to the City officials and the City Commission and shall render service on all legal questions affecting the City, whenever requested to do

so by any City official. Upon request by the Mayor of City Commission, he or she shall reduce any such opinion in writing.

- d. He or she shall see to the completion of all special assessment proceedings and condemnation proceedings.
- e. He or she shall draft or supervise the phraseology of any contract, lease or other document or instruments, to which the City may be a party, and upon request of the Commission, to draft ordinances covering any subjects within the power of the city and perform such other duties as are prescribed by ordinance.
- f. Legal counsel shall receive for his or her services a retainer as fixed by the City Commission, and a fee for all advisory services, the drafting of ordinances, contracts and other documents, and all services rendered in connection with bond issues, or litigation to which the City or its officers or employees in their official capacity may be parties. For all such services not covered by the retainer, he or she shall receive such compensation as may be authorized by the City Commission.
- g. The City Commission retains the right to obtain legal counsel from other licensed attorneys for matters which are deemed by the Commission to require special expertise of effort beyond that readily available from retained counsel.

#### 100.100 Affirmative Action Program.

- 1) The affirmative action policy of the city is to promote equal employment opportunity; to prohibit discrimination in employment on account of race, color, religion, national origin, sex, age or handicapped status; and to bring fair representation and utilization of women and minorities in all levels of city employment.
  - a. Dissemination of Policy. The city will advise all employees and applicants for employment of this policy. The city will make known to the public that employment opportunities are available on the basis of individual ability and will encourage all persons who are employed by the city to strive for advancement on that basis.
  - b. Personnel Actions. The city will actively recruit qualified or qualifiable persons among women and minorities on a non-discriminatory basis for all available job openings at every level; and the city will insure every employee equal treatment in respect to terms and conditions of employment, job assignments, compensation, access to training and promotions.
  - c. Responsibility for Implementation. The Mayor shall be responsible for implementation of this affirmative action plan, including hearing complaints of discrimination by any employee or prospective employees of the city, with a final appeal to the City Commission.

## CHAPTER 200

## CODE OF ETHICS

### 200.10 Definitions.

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

**FINANCIAL DISCLOSURE STATEMENT.** An annual statement filed on a form supplied by the City Clerk which discloses a person's personal and financial interest required to be reported under this chapter.

**FINANCIAL INTEREST.** Any interest which shall yield, directly or indirectly, a monetary or other material benefit (other than one's duly authorized salary or compensation for services to the city) to the officer, official, or employee or to any person employing or retaining the services of the official or employee.

**OFFICER, OFFICIAL OR EMPLOYEE.** Any person elected or appointed to, or employed by, any public body of the city, whether paid or unpaid and whether part-time or full-time.

**PERSONAL INTEREST.** Any interest arising from blood or marital relationships or from close business or political association whether or not any financial interest is involved.

**PUBLIC BODY.** Any agency, board, body, commission, committee, department, or office of the city.

### 200.20 Duty of Officers, Officials, and Employees.

It shall be the duty of officers, officials, and employees to comply with federal and state constitutional law, the statutes and administrative regulations of the federal government and the Commonwealth of Kentucky, and ordinances of the City of Murray Hill with respect to the proper and appropriate conduct of their positions. Mindful of these laws, each officer, official, and employee shall:

- 1) Perform all mandatory, nondiscretionary, and ministerial duties of their positions within the time and manner required by law;
- 2) Devote adequate attention to one's duties and conduct any city business with fairness, integrity, and professionalism in full regard of the public trust of the office;
- 3) Accept only that amount of salary, benefits, or reimbursements for services or goods as authorized pursuant to a city contract, ordinance, resolution, or other official city action;
- 4) Act within the confines of their lawful authority or official capacity;
- 5) Prepare and keep all city accounts, records, certificates, reports, and other documents in an accurate and honest manner, avoiding any intentional and knowing falsification of the same;
- 6) Reject and discourage anything of value including, but not limited to, any gifts, loans, favors, moneys, promises, or services offered and/or given for the purpose of influencing them in the discharge of their duties;

- 7) Use city property, facilities, or resources only as authorized in their official capacity, not for the personal benefit, convenience, or gain, monetary or otherwise, of themselves or any others;
- 8) Keep confidential any city documents or business information designated as such and avoid using any confidential information to advance personal or financial interests; and
- 9) Act in what is conceived, in their opinion, to be the best interest of all the citizens of the city, granting no special consideration or treatment to any citizen or group of citizens which is not available to all citizens.

#### 200.30 Conflicts of Interest.

- (1) No officer, official or employee, either on his or her own behalf or any other person's, shall have any financial interest in any business or transaction with any public body unless he or she shall first make full public disclosures of the nature and extent of such interest.
- (2) Whenever the performance of one's official duties shall require any officer, official, or employee to deliberate and vote on any matter involving one's financial or personal interest, such interest shall be publicly disclosed and the officer, official or employee shall be disqualified from participating in the deliberation or voting.
- (3) No officer, official or employee shall engage in private employment with, or render services for, any private person who has business transactions with any public body unless he or she shall first make full public disclosure of the nature and extent of such employment or services.
- (4) No officer, official, or employee shall represent or appear on behalf of any private person, other than himself or herself, before any public body in the city.
- (5) No officer, official, or employee shall appoint, employ or vote for appointment or employment of any person related by blood or marriage to any clerkship, office, position, employment, or duty when the salary, wages, pay or compensation is to be paid out of public funds.

#### 200.40 Financial Disclosure Statements.

- (1) Any officer, official, or employee who makes or participates in the making of city-based decisions which may foreseeably have a material effect on a personal or financial interest of such person shall file an Annual Financial Disclosure Statement with the person designated by the City Commission as the "Code of Ethics Enforcement Officer." These Financial Disclosure Statements shall be available for public inspection.
- (2) An initial Financial Disclosure Statement shall be filed within 30 days after the effective date of this chapter.

- (3) Financial Disclosure Statements shall contain the following information:
- a. Investments or interest within the county in real property reports where the individual fair market value of each investment or real property interest is over \$10,000.00 or 5% ownership interest or more. For such investments of real property interests, the statement shall contain a description of the nature of the investment held and the address or precise location of the real property.
  - b. Personal income reports within the state detailing the name and address of each source of income aggregating \$10,000.00 or more in value, or \$200 or more in value if the income was a gift and such gift creates or may create the appearance of intended influence on the performance of official duties. A general description of the business activity, if any, of each source and description of consideration, if any, for which the income was received shall also be stated. Gifts from members of the immediate family need not be reported.
  - c. Business entity income reports detailing the names and addresses of all in state businesses, including sole proprietorships, in which the filer holds at least 5% ownership interest or has \$10,000.00 or more ownership interest, and detailing the names and addresses of all out-of-state businesses in which the filer has such interests and which have done business with the city within the last three years, or expect to do business with the city in the next year.

10) Persons required to file Financial Disclosure Statements under division (1) of this section must disqualify themselves from making or participating in the making of any decisions which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on any reportable interests of that person.

11) Persons required to disqualify themselves shall notify the Code of Ethics Enforcement Officer in writing of their disqualification. The Code of Ethics Enforcement Officer shall record their disqualification. In the alternative, persons required to disqualify themselves may give notice of their disqualification at the meeting or proceeding during which consideration of the decision takes place. Such notice shall be made part of the record of the meeting or proceeding.

#### 200.50 Enforcement.

- 1) The city reserves the right to enter into an agreement at any time with one or more other cities or counties pursuant to the provisions of the Interlocal Cooperation Act, KRS 65.210 through 65.300, for the purpose of establishing a joint commission responsible for enforcing the provisions of this chapter.
- 2) In the absence of such an agreement, the City Commission members shall appoint the City Clerk, or another qualified, non-interested person, as the Code of Ethics Enforcement Officer, who shall be responsible for the enforcement of the provisions of this chapter, including:
  - a. Maintenance of financial disclosure statement;
  - b. Receipt of complaints alleging possible violation of this chapter;
  - c. Issuance of opinions in response to inquiries relating to this chapter;
  - d. Investigation of possible violations of this chapter;

- e. Imposition of penalties provided under this chapter upon the advice and consent of City Commission.
- f. Upon the sworn complaint of any person alleging facts, which if true, would constitute improper conduct under the provisions of this chapter, the Code of Ethics Enforcement Officer shall notify the City Commission in writing. The City Commission shall conduct a public hearing in accordance with all the requirements of due process of the law, and, through written findings of fact and conclusions based thereon, make a determination concerning the propriety of the conduct of the subject officer, official, or employee.
- g. Any officer, official, or employee violating any provision of this chapter may be reprimanded, suspended, or discharged. In addition, any person, firm, or corporation convicted of violating any provision of this chapter shall be fined as set forth in the next section.

200.60 Penalty.

- (1) Upon a determination by the Ethics Enforcement Officer of a violation of any of the provisions in Chapter 200 by an officer, official or employee of the City of Murray Hill, the Ethics Commission may impose the following penalties:
  - a. For any unintentional violation which has been voluntarily corrected by the officer, official or employee prior to any action by the Ethics Enforcement Officer, a notice of mootness shall be issued;
  - b. For any violation which is determined by the Ethics Enforcement Officer to have been unintentional or the result of a good faith misinterpretation of the requirements in this ordinance, a letter of technical violation or a letter of reprimand shall be issued as the Ethics Enforcement Officer deems appropriate;
  - c. For any intentional violation which is acknowledged and rectified by the officer, official or employee prior to any action by the Ethics Enforcement Officer, a letter of public reprimand may be issued;
  - d. For any intentional violation a letter of formal censure may be issued by the Ethics Enforcement Officer;
  - e. For any intentional violation a written recommendation may be made by the Ethics Enforcement Officer to the City Commission, the Mayor, or other appointing authority of removal, training, or remediation.
- (2) In addition to any of the penalties set forth above, and intentional violation shall be a misdemeanor for which an officer, official or employee may be fined by the Ethics Enforcement Officer a sum no less than \$25 nor more than \$500.
- (3) In addition to any of the penalties set forth above, an intentional violation may:
  - a. In the case of a non-elected officer, official or employee of the City of Murray Hill, be grounds for sanctions or actions by his or her appointing authority; or
  - b. In the case of an elected officer, official or employee of the city, be grounds for removal under KRS 67C.143; or
  - c. In the case of a City Commission member, be grounds for other sanctions or actions by the Commission under its rules, or otherwise.

- (4) The city reserves the right to enter into an agreement at any time with one or more cities or counties pursuant to the provisions of the Interlocal Cooperation Act KRS 65.210 through 65.300, for the purpose of establishing a joint commission responsible for enforcing the provisions of this chapter.

## CHAPTER 300

## FINANCE

### 300.10 Ad Valorem Tax.

- 1) An ad valorem tax is hereby imposed upon all lands, improvements, held or owned by any person, corporation or association in name, or as agent subject to taxation under the laws of Kentucky.
  - a. All ad valorem property taxes shall be paid to the City Tax Collector. The City Commission shall set the tax levy for the ad valorem tax and not later than the first day of September of each year.
  - b. Adoption of Jefferson County Property Valuation Administrator Assessment. The City hereby adopts and elects to use the annual County assessment for property situated within the city as a basis of ad valorem tax levies ordered or approved by the City Commission.
  - c. Due date and Discount Periods. Unless otherwise provided in the ordinance levying the tax, all such tax bills shall subject to the discounts and penalties listed below and the collection remedies provided by law. A discount of 10% shall be allowed on tax bills paid prior to November of the year. The face amount of the tax bill shall be payable during November of the year when due. On tax bills paid on or after December 1 of the year when due, there shall be added thereto a penalty of 10% of the tax due with interest from November 30 of that year at 1.5% per month or part thereof, compounded monthly, or \$10.00 if the penalty and interest is less than that amount, plus any lien filing and release fees.
- 2) The revenue from the taxes, interest and penalties, shall be used for general operating expenses of the city and for general purposes of the city in the discharge of its municipal functions as ordained or resolved by the City Commission.
- 3) The city shall have a lien as provided by KRS 91A.070 and KRS 134.420 to secure the payment of the taxes, interest and penalties and also any fees, commissions, charges and other expenses incurred in the collection of any delinquent taxes. Collection of any delinquent taxes shall be made in a manner prescribed by law.

### 300.20 Insurance Company License Fee.

- 1) There is hereby imposed on each insurance company a license fee for the privilege of engaging in the business of insurance within the corporate limits of the city, on a calendar-year basis.
- 2) The license fee imposed upon each insurance company which issues life insurance policies on the lives of persons residing within the corporate limits of the city shall be 5% of the first year's premiums actually collected within each calendar quarter by reason of the issuance of such policies.
- 3) The license fee imposed upon each insurance company which issues any insurance policy which is not a life insurance policy shall be a 5% of the premiums actually collected within each calendar quarter by reason of the issuance of such policies on risks located within the



corporate limits of the city on those classes of business which such company is authorized to transact, less all premiums returned to policyholders; however, any license fee or tax imposed upon premium receipts shall not include premiums received for insuring employers against liability for personal injuries to their employees, or death caused thereby, under the provisions of the Workers' Compensation Act and shall not include premiums received on policies of group health insurance provided for state employees under KRS 18A.225(2) and 18A.228 or premiums received by any state employee benefit fund created pursuant to KRS Chapter 18A for the purpose of providing health benefits to state employees.

- 4) All license fees imposed by this chapter shall be due no later than thirty (30) days after the end of each calendar quarter. License fees which are not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6).
- 5) Every insurance company subject to the license fees imposed by this chapter shall annually, by March 31<sup>st</sup>, furnish the city a written breakdown of all collections in the proceeding calendar year for the following categories of insurance:
  - a. Casualty,
  - b. Automobile,
  - c. Inland Marine,
  - d. Fire and allied perils,
  - e. Health, and
  - f. Life.

#### 300.30 Budget Procedures.

- 1) The following standards shall apply to the form and detail in which the annual budget proposal of the city should be prepared.
  - a. The annual budget proposal shall detail the raising of revenue from all sources, including grants and transfers, and the spending of money for specified programs, functions, activities, or otherwise of the city, including all principal and interest due on debt, for the budget year. The total of anticipated revenues shall equal or exceed the total proposed expenditures. The form of the annual budget proposal shall be consistent in form, to the extent practical, with the accounting system of the city.
  - b. The annual budget proposal shall provide a complete program and financial plan for all funds for the budget year. It shall contain a budget message, as specified in KRS 91A.030(7), a budget summary, as specified in this chapter, supported by an estimate of fund and balance carried forward as specified in this chapter. An estimate of all anticipated revenues in the City as compared to previous years shall be prepared and shall include proposed expenditures compared to previous years and an estimate of the anticipated transfers.

#### 300.40 Contracting.

- (1) Every contract of the City shall be authorized or approved by the City Commission and signed by the Mayor.

- (2) Any contract over the general public bidding statutory minimum as set out from time to time in Kentucky Revised Statutes must be put out for public bid.
- (3) No contract or purchase shall be made which is at variance with the annual budget as adopted and amended.

#### 300.50 General Investment Policy.

It is the policy of The City of Murray Hill to invest public funds in a manner which will provide the maximum security and highest investment of principle while meeting the daily cash flow demands on the City of Murray Hill and conforming to both KRS 91A.060 and KRS 66.480. This investment policy applies to all financial assets held directly by the City of Murray Hill. These financial assets are accounted for in the City of Murray Hill annual financial report and include all moneys in investment fund accounts.

#### 300.60 Scope.

(1) This investment policy applies to all financial assets held directly by the city. These financial assets are accounted for in the city's annual financial report and include all moneys in the following funds:

- a. General Fund,
- b. Special Revenue Fund,
- c. Capital Projects Fund,
- d. Enterprise Fund,
- e. Utility Depreciation Fund,
- f. Agency Fund, and
- g. Any new fund created by the governing body

(2) Financial assets of the city held and invested by trustees or fiscal agents are excluded from these policies; however, such assets shall be invested in accordance with state laws applicable to the investment of local government funds and in accordance with the City of Murray Hill's primary investment objectives.

#### 300.70 Investment Objectives.

The City of Murray Hill primary investment objectives, in order of priority, are the following:

(1) Safety. Safety of principle is the foremost objective of the City of Murray Hill's investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The goal is to mitigate credit risk and interest rate risk.

- (2) Liquidity. The City of Murray Hill's investment portfolio shall remain sufficiently liquid to enable the City of Murray Hill to meet all operating requirements which might be reasonably anticipated.
- (3) Return on Investment. The City of Murray Hill investment portfolio shall be designed with the objective of attaining a market rate of return throughout the budgetary and economic cycles, taking into account the City of Murray Hill's investment risk constraints and the cash flow characteristics of the portfolio.

#### 300.80 Investment Authority.

Management's responsibility for the City of Murray Hill investment program is the joint responsibility of the Designated Officials which shall be the Mayor and the City Treasurer. The Designated Officials shall share the authority, subject to the final approval of the governing body, to recommend additional specific written procedures for the operation of the investment program that are consistent with this investment policy. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures recommended by the Designated Officials, which procedures have been approved by the City Commission. These Designated Officials, along with the City Commission, shall be ultimately responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials and employees. The controls shall be designed to prevent and control losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets or imprudent actions by officers and employees. The Designated Officials shall maintain all records related to the entity's investment program.

#### 300.90 Standards of Care

- 1) Prudence. The actions of the Designated Officials in the performance of their duties as managers of the City of Murray Hill's funds shall be evaluated using the "prudent person" standard. Investments shall be made with judgment and care under prevailing circumstances which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment considering the probable safety of their capital as well as the probable income to be derived. The Designated Officials, acting in accordance with written procedures, this investment policy, and exercising due diligence shall be relieved of personal responsibility for an individual security's performance, provided that deviations from expectations are reported in a timely fashion to the governing body and appropriate action is taken to control adverse developments.
- 2) Ethics and Conflicts of Interest. Officers and employees involved in the investment process shall refrain from personal activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. Disclosure shall be made to the governing body. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and

officers shall refrain from undertaking any personal investment transactions with the same individual with whom business is conducted on behalf of the city.

3) Delegation of Authority.

a. Governing Body

The governing body will retain ultimate fiduciary responsibility for the portfolios.

The governing body will receive monthly reports, designate Designated Officials and review the investment policy making any changes necessary by adoption.

b. Designated Officials

Authority to manage the investment program is granted to the Designated Officials as designated by this city ordinance. Responsibility for the operation of the investment program is hereby delegated to the Designated Officials who shall act in accordance with established written procedures and internal controls for the operation of the investment program consistent with this investment policy. Officers will prepare monthly investment reports and other special reports as may be deemed necessary. All participants in the investment process shall seek to act responsibly as custodians of the public trust. No officer or designee may engage in an investment transaction except as provided under the terms of this policy and supporting procedures.

c. Investment Adviser

The city may engage the services of one or more external investment managers to assist in the management of the entity's investment portfolio in a manner consistent with the city's objectives. Such external managers may be granted discretion to purchase and sell investment securities in accordance with this investment policy. Such managers must be registered under the Investment Advisers Act of 1940.

300.100 Authorized Financial Institutions, Depositories, And Brokers/Dealers.

A list will be maintained of financial institutions and depositories authorized to provide investment services. In addition, a list will be maintained of approved security broker/dealers selected by conducting a process of due diligence. These may include 'primary' dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule).

300.110 Eligible Institutions

The Designated Officials shall determine which financial institutions are authorized to provide investment services to city. Institutions eligible to transact investment business with city include:

- a. Primary government dealers as designated by the Federal Reserve Bank,
- b. Nationally or state-chartered banks,
- c. The Federal Reserve Bank,
- d. Direct issuers of securities eligible for purchase, and

- e. Kentucky League of Cities Investment Pool Plus.

#### 300.120 Selection.

Selection of financial institutions and broker/dealers authorized to engage in transactions with the City of Murray Hill shall be at the sole discretion of the city.

#### 300.130 Requirements for Brokers.

All brokers/dealers who desire to become qualified for investment transactions must supply the following (as appropriate):

- a. Audited financial statements demonstrating compliance with state and federal capital adequacy guidelines,
- b. Proof of state registration,
- c. Completed broker/dealer questionnaire (not applicable to Certificate of Deposit counterparties), and
- d. Certification of having read and understood and agreeing to comply with the entity's investment policy. Evidence of adequate insurance coverage.

#### 300.140 Records Required.

All financial institutions who desire to become depositories must supply the following (as appropriate):

- a. Audited financial statements demonstrating compliance with state and federal capital adequacy guidelines
- b. Proof of state registration
- c. Evidence of adequate insurance coverage

#### 300.150 Review.

A periodic review of the financial condition and registration of all qualified financial institutions and broker/dealers will be conducted by the Designated Officials.

(1) Minority, Emerging and Community Financial Institutions. From time to time, the Designated Officials may choose to invest in instruments offered by minority, emerging, and community financial institutions. All terms and relationships will be fully disclosed prior to purchase and will be reported to the appropriate entity on a consistent basis and should be consistent with Kentucky law and city ordinance.

(2) Competitive Transactions

- a. The Designated Officials shall obtain competitive bid information on all purchases of investment instruments purchased on the secondary market. A competitive bid can be executed through a bidding process involving at least three separate brokers/financial institutions or through the use of a nationally recognized trading platform.
- b. If the city is offered a security for which there is no readily available competitive offering on the same specific issue, then the Designated Officials shall document quotations for comparable or alternative securities. When purchasing original issue instrumentality securities, no competitive offerings will be required as all dealers in the selling group offer those securities as the same original issue price.
- c. If the city hires an investment adviser to provide investment management services, the adviser must provide documentation of competitive pricing execution on each transaction. The investment adviser will retain documentation and provide upon request.

#### 300.160 Safekeeping and Custody.

(1) Delivery vs. Payment. All trades of marketable securities will be executed (cleared and settled) on a delivery vs. payment (DVP) basis to ensure that securities are deposited in the entity's safekeeping institution prior to the release of funds.

a. Third-Party Safekeeping. Securities will be held by an independent third-party safekeeping institution selected by the City of Murray Hill. All securities will be evidenced by safekeeping receipts in the name of the City of Murray Hill. The safekeeping institution shall annually provide a copy of its most recent report on internal controls - Service Organization Control Reports (formerly 70, or SAS 70) prepared in accordance with the Statement on Standards for Attestation Engagements (SSAE) No. 16 (effective June 15, 2011).

b. Internal Controls. Management shall establish a system of internal controls, which shall be documented in writing. The internal controls shall be reviewed by the investment committee, where present, and with the independent auditor. The controls shall be designed to prevent the loss of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the city.

#### 300.170 Suitable and Authorized Investments

(1) Investment Types and Credit Guidelines. Consistent with the GFOA Policy Statement and Kentucky laws and city ordinances concerning investment practices, the investments as defined by KRS 66.480, are allowed. KRS 66.480 (2) restricts overall investment in (e), (f), (g), (k), and (l) of the following types of securities to 20% of total local government investments:

- a. U.S. government obligations and instrumentalities including obligations subject to repurchase, if delivery of these obligations is taken directly or through an authorized custodian. KRS 66.480(1)(a).
- b. U.S. Treasury and other U.S. government obligations that carry the full faith and credit guarantee of the United States for the payment of principal and interest. KRS 66.480(1)(b).
- c. Federal Agency or U.S. government-sponsored enterprises (GSE) obligations, participations or other instruments. KRS 66.480(1)(c).
- d. CDs issued by or other interest-bearing accounts of any bank or savings and loan institution having a physical presence in Kentucky and that are insured by the Federal Deposit Insurance Corporation or similar entity or that are collateralized by any obligations, including surety bonds, permitted by KRS 41.240. KRS 66.480(1)(d).
- e. Uncollateralized CDs issued by any bank or savings and loan having a physical presence in Kentucky rated in one of three highest categories by a competent rating agency. KRS 66.480(1)(e).
- f. Bankers' acceptances, which must be rated in one of the three highest categories by a competent rating agency. KRS 66.480(1)(f).
- g. Commercial paper, rated in the highest tier (e.g., A-1, P-1, F-1, or D-1 or higher) by a competent rating organization. KRS 66.480(1)(g).
- h. Bonds or certificates of indebtedness of this state and of its agencies and instrumentalities. KRS 66.480(1)(h).
- i. Investment-grade obligations of state or local governments or instrumentality thereof rated one of three highest categories by a competent rating agency. KRS 66.480(1)(i).
- j. Shares of mutual funds and exchange traded funds as identified by KRS 66.480(1)(j).
- k. Individual equity securities if the funds are managed by a professional investment manager regulated by a federal regulatory agency and are included within the S&P 500 pursuant to KRS 66.480(1)(k).
- l. Individual high-quality corporate bonds managed by a professional investment manager pursuant to KRS 66.480(1)(l).
- m. IMPORTANT NOTE: If the credit rating of a security is subsequently downgraded below the minimum rating level for a new investment of that security, the Designated Officials shall evaluate the downgrade on a case-by-case basis in order to determine if the security should be held or sold. The Designated Officials will apply the general objectives of safety, liquidity, yield and legality to make the decision.

### 300.180 Collateralization.

Where allowed or required by Kentucky law full collateralization will be required on all demand deposit accounts, including checking accounts and negotiable (as authorized by respective state statutes) and non-negotiable certificates of deposit.

(1) Authorized Collateral. Acceptable collateral for bank deposits and repurchase agreements shall include only:

- a. Obligations of the U.S. government, its agencies and GSEs, including mortgage-backed securities, and
- b. Obligations of any state, city, county or authority rated at least AA by two nationally recognized statistical rating organizations.

#### 300.190 Investment Parameters.

Credit risk is the risk that a security or a portfolio will lose some or all of its value due to a real or perceived change in the ability of the issuer to repay its debt. The city shall mitigate credit risk by adopting Diversification. It is the policy of the City of Murray Hill to diversify its investment portfolios within the restrictions of state and federal law. KRS 66.480(2)(a) limits local government investment in securities to 20% of total investment with no more than 5% of total investment in a single issuer absent exceptions in KRS 66.480(2)(d) (1-4). Furthermore, local governments are restricted from investing 40% of allowed securities investment total in mutual funds and exchange traded funds, individual equity securities, and individual high-quality corporate bonds by KRS 66.480(2)(b).

#### 300.200 Performance Standards/Evaluation.

The city's investment management portfolio shall be designed with the levels of risk appropriate to conform to performance benchmarks while meeting cash flow demands and comply with state law.

#### 300.210 Reporting/ Disclosure/ Methods.

Designated Officials shall submit, at least, quarterly an investment report that summarizes recent market conditions, economic developments and anticipated investment conditions. The report shall summarize the investment strategies employed in the most recent quarter, and describe the portfolio in terms of investment securities, maturities, risk characteristics and other features. The report shall explain the quarter's total investment return and compare the return with budgetary expectations. The report shall include an appendix that discloses all transactions during the past quarter. The report shall be in compliance with Kentucky law and shall be distributed to the investment committee and others as required by law. Each quarterly report shall indicate any areas of policy concern and suggested or planned revision of investment strategies. Copies shall be transmitted to the independent auditor. Within 40 days of the end of the fiscal year, the Designated Officials shall present a comprehensive annual report on the investment program and investment activity. The annual report shall include both 12-month and quarterly comparisons of return and shall suggest policies and improvements that might be made in the investment



program. Alternatively, this report may be included within the city's annual Comprehensive Annual Financial Report.

#### 300.220 Policy Considerations.

- (1) Exemption. Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.
- (2) Amendments. This policy shall be reviewed on an annual basis. Any changes must be approved by the Designated Officials and any other appropriate authority, as well as the individuals charged with maintaining internal controls.

#### 300.130 Approval of Investment Policy.

The investment policy and any modifications to that policy shall be formally approved and adopted by the governing body of the City of Murray Hill.

#### 300.230 Miscellaneous.

The following documents, as applicable, are attached to this policy. This will be city-specific and many cities will not have some of the below documents:

- a. Listing of authorized personnel,
- b. Relevant investment statutes and ordinances,
- c. Listing of authorized broker/dealers and financial institutions,
- d. Internal controls, and
- e. Investment Guidelines Manual.

## **CHAPTER 400                      STREETS**

### **400.10 Speed Limits**

- (1) It is hereby determined that the speed permitted by state law is greater than safe or reasonable under conditions existing on certain streets and certain areas within the incorporated limits of the city and therefore it shall be unlawful for any person to operate a vehicle, except an official vehicle during an emergency, at a speed in excess of the speeds established by this ordinance when signs are in place giving notice of such speed.
- (2) The maximum speed on all streets or portions thereof within the City boundaries shall be twenty-five (25) miles per hour.
- (3) In the event any roadway within the city is designated by Louisville Metro a County Through Road, Section 2 hereof to the contrary notwithstanding, the maximum speed shall be the speed limit as determined by Louisville Metro. In the event Louisville Metro fails to designate a speed limit, such speed limit shall be twenty-five (25) miles per hour.
- (4) The maximum speed in any school zone during the time school is in session and one and one-half hours before and after the actual school hours is twenty-five (25) miles per hour.

### **400.20 Bicycles.**

- (1) Bicycles shall be operated on streets as near to the right-hand curb or edge as practicable and the operator of a motor vehicle shall not overtake and pass a bicycle unless it can be done with reasonable safety, maintaining a space of not less than five feet between the bicycle and motor vehicle.
- (2) No Bicycle shall be operated upon any sidewalk in the city by a person of 13 or more years of age.
- (3) Any person operating a bicycle shall obey all traffic signs, signals, and laws applicable to motor vehicles.

### **400.30 Trucks**

- (1) No truck shall be operated on the streets of this city with a load in excess of the lawful limits.
- (2) No vehicle shall be operated upon any street of public way of the city unless such vehicle is so constructed or equipped with a covering material to prevent the contents from escaping.
- (3) The owner and operator of any truck have the same responsibility for compliance with Section 1 and 2 of this ordinance.

#### 400.40 Signs and Signals.

- (1) Stop or yield signs shall be posted on such streets and at any intersections the legislative body shall determine are necessary for the proper traffic control.
- (2) All vehicular traffic shall obey the traffic signs and signals as set forth in KRS chapter 189.

#### 400.50 Parking Regulations.

(1) “No Parking” signs shall be erected on such streets or portions thereof as determined by order of the legislative body and no person shall park a vehicle in any area indicated as “No Parking” by such sign at any time of the day specified by the sign. If no time is specified on the sign, it shall mean at any time.

(2) “No Stopping” signs shall be erected on such streets or portions thereof and for such times as determined by order of the legislative body; and no person shall stop any vehicle except as required by traffic conditions, in any area indicated as “No Stopping” by the sign. If no time is specified on the sign, it shall mean at any time.

(3) No person shall park, stop or leave standing, any vehicle except when necessary to avoid conflict with traffic or in compliance with directions of a police officer or traffic control device;

- a. In any intersection or within 30 feet thereof;
- b. Within 30 feet of a traffic signal or sign on the approaching side;
- c. At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than sixteen (16) feet;
- d. At any place where the vehicle would block the use of a driveway;
- e. On any sidewalk or traffic island or upon the unpaved portion of any public right-of-way within the city; and
- f. At any place where official signs prohibit parking.

(4) No vehicle shall be parked with its left side next to the edge of a roadway except on one-way streets.

(5) It shall be unlawful to park any motor vehicle, boat, or trailer of any type on any private property without the consent of the owner or occupant of the property, or upon any unpaved area of private property. In accordance with Land Development Code Chapter 9.1.15 C, buses, utility trailers, recreational vehicles (including boats) and trailers used to haul recreational vehicles shall not be parked between the street and the façade of the principal structure on the lot. In addition, they must be parked on a paved surface and completely out of view from the street.

(6) No person shall park a vehicle upon any street for the purpose of:

- a. Displaying such vehicle for sale; or

b. Washing, greasing, painting or repairing such vehicle, except repairs necessitated by an emergency.

(7) No person shall park any vehicle on any street for a period of time longer than 10 minutes between the hours of 12:00 Midnight and 7:00 A.M. of any day.

(8) The fact that any automobile which is illegally parked is registered in the name of a person, firm, or corporation shall be considered prima facie proof that such person was in control of the automobile at the time of such parking.

(9) No vehicle shall be parked within (10) ten feet of any fire hydrant

(10) The restrictions contained herein shall not apply to emergency or police vehicles when in use on official business or pursuant to KRS 189.940.

(11) Any vehicle abandoned or illegally parked on the public ways may be removed at the direction of the City Commission (or its authorized enforcement officer) to a tow lot designated by the city. The vehicle may be reclaimed by the owner at the owner's expense including all towing and storage charges and payment of all fines imposed by the city. The City Commission (or its authorized enforcement officer) shall release a vehicle to its legal owner without fine if it has been determined by the city police that the vehicle was stolen.

(12) Any vehicle remaining in the possession of the contracted tow lot to which it has been delivered and with which it has remained for a period of 60 days without being reclaimed by the rightful owner thereof, and without the payment of the towing and storage charges thereon, may after authorization of the City Commission (or its authorized enforcement officer), be sold to pay the towing and storage. The advertisement of the proposed sale shall be published as set forth in KRS 424.130. The last advertisement shall be made at least seven days before sale is held. Notice of sale shall be sent by registered mail to the owner of the motor vehicle, and to any other person known to have any interest therein, addressed to the person at their last known address at least ten days before the sale is held. The owner of any motor vehicle may sign a waiver of notice of sale and waiting period and permit the tow lot to sell the motor vehicle whenever he or she deems it proper and necessary. No vehicle shall be released by the tow lot except on written order from the City Commission (or its authorized enforcement officer).

#### 400.60 Permit Required for Street Work or Connection.

(1) Permit Required. No person shall, without first obtaining an encroachment permit from the City of Murray Hill as provided herein, begin to construct, reconstruct, repair, cut, excavate, alter, connect, or attach onto, any public streets, sidewalks, or right-of-way of the City of Murray Hill. A public utility may conduct emergency excavations or cuts without first applying for a permit, but must apply for an encroachment permit within 48 hours of the commencement of said work.

(2) Form of Application. The City shall provide forms containing the information required for application for an Encroachment permit and such other information deemed necessary in the

administration of this ordinance, providing, however, that a utility company may devise its own form, if the form contains all of the information called for in the City form. The Application may be mailed or delivered to the City, or sent by facsimile and shall contain at a minimum:

- a. Name, address and telephone number of the entity for whose benefit the work is proposed;
- b. Name, address and telephone number of the person who is doing the actual work;
- c. Description of the proposed work, including construction detail, location, when the work will begin and projected to be completed; and
- d. Any traffic impact studies and data required by the City.

#### 400.70 Standards.

The determination as to whether to approve an Encroachment Permit for a cut or excavation shall be based upon whether the applicant has demonstrated to the satisfaction of the city that it will comply with the construction standards contained in this chapter and has posted good and sufficient security for said work. However, if the applicant or application proposes a new vehicular connection to Murray Hill City streets, added scrutiny and findings must be part of the city determination, including, but not limited to, the following considerations:

- (1) Whether the parcel(s) benefited by the connection has other, reasonable vehicular access through other access points and the extent to which the applicant would be adversely affected by denial of the Encroachment Permit.
- (2) Whether city services and safety will be adversely affected by the approval of the Encroachment Permit. This includes the technical engineering and construction details of the physical connection itself. This also includes a review of the burden, impact or benefit on city traffic patterns by the proposed connection.
- (3) The city may require the applicant to study the traffic implication of the encroachment on the surrounding city intersections and roadways, as part of its encroachment application, and the feasibility of any possible mitigation of such impact. Any such traffic studies shall be at the sole cost of the applicant. The scope of such study shall be established by the city at the time the application is filed.
- (4) The cost (if any) to the city in allowing the connection and encroachment. This includes the cost of the physical connection and the cost of increased maintenance to city roadways by any increase in traffic related to the connection.
- (5) The city may waive any of the application and approval standards, if, in the city's sole determination, the vehicular connection constitutes a minor and inconsequential connection to the city's public roadway system.

#### 400.80 Determination.

The determination as to whether an Encroachment Permit for either an encroachment or for a new vehicular connection to Murray Hill City streets shall be made as follows:

- (1) Applicant shall submit its application to the Mayor, who shall determine whether the application is complete. If it is not complete, the Mayor shall return the application to the applicant with instructions as to how to resubmit.
- (2) Once a complete application has been submitted, the Mayor, the City Engineer and the Public Works Commissioner shall review the application. For minor excavations or connections, the Public Works Commissioner, with the review and concurrence of the Mayor and City Engineer, shall make a determination whether the application should be approved or denied. For larger and more consequential encroachments or connections, the Mayor and the Public Works Commissioner shall refer the application for the determination of the City Commission. Approval or denial shall be evidenced by a written determination with specific findings of fact supporting the approval or denial.
- (3) Any applicant who has been denied an encroachment permit may appeal that denial to the City Commission. Such appeal must be in writing and delivered to the Mayor no later than 30 days from the date of denial. Once received, the applicant will be informed in writing of the date and time of the appeal and the applicant shall be allowed to present evidence to the City Commission in support of its appeal. The City Commission shall issue a final written ruling on said appeal containing findings of fact.

#### 400.99 Penalties.

##### 1) Criminal

- a. Any person who shall violate any provision of Chapter 400 shall be fined not less than \$20.00 nor more than \$100.00.
- b. Where Kentucky Revised Statutes mandates a fine higher than that stipulated herein, the fine contained in Kentucky Revised Statutes shall apply.
- c. Any continuing violation of this Ordinance shall be considered a separate and distinct offense for each day on which a violation occurs or continues, and a separate penalty may be imposed therefor.

##### 2) Civil.

- a. Any person who shall violate any provision of Chapter 400 shall subject the offender to a civil penalty in an amount equal to two times the minimum fine prescribed in this ordinance, with a minimum civil penalty of \$40.00 for each violation; each day of violation shall be considered a separate offense.
- b. The civil penalty provided herein may be recovered by the city in a civil action in the nature of a debt if the offender does not pay the penalty within twenty (20) days after the offender has been cited for the ordinance violation. As used herein "cited" shall mean notified of the violation and the penalty in writing by an elected or appointed official of the city or the official attorney for the city. The civil penalty may be used as an alternative to or in conjunction with the criminal penalties authorized herein.

## CHAPTER 500

## BUILDING STANDARDS

### 500.10 Building and Demolition Permits, Letters of Compliance and Approval.

- (1) Regardless of the issuance of any building or demolition permit from Metro Louisville, the City of Murray Hill must be given the opportunity to review said permit application and plans to determine if the project (and its site) is in compliance with this building and design ordinance. The City shall evidence the determination as to whether the project complies with the city's building and design ordinance by issuance of a Letter of Compliance Notification. It is a responsibility of the resident to make application and provide all needed information for the issuance of the Letter of Compliance.
- (2) Activities, which would not trigger an application to Metro Louisville for a Building or Demolition Permit, through Metro Louisville and the Kentucky Building Code, may nevertheless be subject to prior review by the City of Murray Hill. Those activities requiring prior review and a Letter of Approval include any structure not attached to the house, fence and wall installations and extensions. The City shall determine whether the project complies with this ordinance by issuance of a Letter of Approval form. It is a responsibility of the resident to make application and provide all needed information for the issuance of the Letter of Approval, prior to construction.
- (3) Letter of Compliance and Letter of Approval authority are good for only six months from issuance. If the project is not complete at the expiration of one year, the Letter of Compliance and/or Letter of Approval are invalid and the applicant must reapply.
- (4) The purpose of the Letter of Compliance process is compliance with these design guidelines, which in no way attempts to regulate or inspect issues relating to the Building Code of Kentucky, which is the responsibility of Metro Louisville. This ordinance does not require the City of Murray Hill to conduct inspections required by the Kentucky Building Code.

### 500.20 Design Standards.

- (1) All construction in all zoning districts (including accessory structures) shall have building architecture in keeping with the general character of the existing architecture in the city, in terms of style, type of materials, design, and appearance. Rooflines, pitches and material must be in keeping to the character of the neighborhood, in terms of style, type of material, design and height. The orientation of any primary structure on its lot to the street must be uniform with its surrounding structures.
- (2) In all residential zoned areas, the exterior finishes must be brick or stone, with glass, vinyl, wood and cement board or other material to be used only as accents, trims or soffits. Such accents or trim shall not exceed 30% of any individual façade and the term façade includes the total surface of one side of a building for all levels.

- (3) In all residential zoned areas, all fences and walls must not be installed in such a way as to obstruct drainage. All fence and wall materials must match the general style and materials of the neighborhood, in terms of style, type of material and design.
- (4) Appropriate, minimum landscaping is required on all residential lots. The landscaping must be in keeping with the general character of the neighborhood. If landscaping (including turf and grass replacement) is removed, replacement must occur within a reasonable time frame, but in no event longer than 90 days from removal, unless permission is requested in writing and received in writing from the City of Murray Hill.
- (5) No applicant who is requesting a Letter of Compliance or a Letter of Approval can receive such approval if the applicant's property is otherwise in violation of the city's ordinances, or owes outstanding taxes or fees to the City of Murray Hill.

#### 500.30 Prohibited Uses.

- (1) Parking on private property must comply with the applicable sections of the Land Development Code and all uses of all property within the city shall be in compliance with the Land Development Code.
- (2) No outbuildings, or accessory structure are allowed on any lot in the city other than that allowed in the Land Development Code. Any outbuilding or accessory structure which existed for at least one year prior to the effective date of this ordinance shall be allowed to remain as a grandfathered use. Any expansion, substantial construction or reconstruction, moving, or replacement shall render such structure's grandfather status ineffective.
- (3) No outside clothes drying lines are allowed on any lot in the city.
- (4) No window-unit air conditioners are allowed on any lot in the city.
- (5) No above-ground swimming pools are allowed on any lot in the city, with the exception that a "kiddie" pool of no more than 100 square feet is allowed, temporarily. No hot tubs are allowed to be placed beyond the front wall of the principal structure.

#### 500.30 Waiver.

The City Commission understands that due to site-specific conditions, imposition of these standards may be inappropriate, or work an undue hardship. Therefore, the City Commission may waive any part of these standards on a case by case basis, but only for good cause shown by the property owner; with the exception that the City Commission is not empowered to grant any variance or any kind to the requirements of the Land Development Code.



## 500.99 Penalties

### 1) Criminal

- a. Any person who shall violate any provision of Chapter 500 shall be fined not less than \$20.00 nor more than \$100.00.
- b. Where Kentucky Revised Statutes mandates a fine higher than that stipulated herein, the fine contained in Kentucky Revised Statutes shall apply.
- c. Any continuing violation of this Ordinance shall be considered a separate and distinct offense for each day on which a violation occurs or continues, and a separate penalty may be imposed therefor.

### 2) Civil.

- a. Any person who shall violate any provision of Chapter 500 shall subject the offender to a civil penalty in an amount equal to two times the minimum fine prescribed in this ordinance, with a minimum civil penalty of \$40.00 for each violation; each day of violation shall be considered a separate offense.
- b. The civil penalty provided herein may be recovered by the city in a civil action in the nature of a debt if the offender does not pay the penalty within twenty (20) days after the offender has been cited for the ordinance violation. As used herein "cited" shall mean notified of the violation and the penalty in writing by an elected or appointed official of the city or the official attorney for the city. The civil penalty may be used as an alternative to or in conjunction with the criminal penalties authorized herein.

## CHAPTER 600

## NUISANCES

### 600.10 Public Purpose.

(1) The City Commission does hereby find that it is necessary to provide for the abatement of conditions which are offensive or annoying to the senses, detrimental to property values and community appearance, an obstruction to or interference with the comfortable enjoyment of adjacent property or premises, or hazardous or injurious to the health, safety or welfare of the general public in such ways to constitute a public nuisance; and, to provide standards to safeguard life, health and public welfare in keeping with the character of the city by allowing for the maintenance of property or premises for each of the following purposes:

- a. To safeguard the health, safety and welfare of the people by maintaining property or premises in good and appropriate condition;
- b. To promote a sound and attractive community appearance;
- c. To enhance the economic value of the community, and each area in it, through the regulation of the maintenance of property or premises;
- d. Reduce the threat to health, safety, welfare, appearance and economic value due to the decline in property condition(s) by lawfully delineating the circumstances under which such condition(s) may be considered illegal and/or abated; and
- e. Abatement of such condition(s) is in the best interest of the health, safety and welfare of the residents of the city because maximum use and enjoyment of property or premises in proximity to one another depends upon maintenance of those properties or premises at or above the minimum standard.

### 600.20 Definitions.

For the purpose of this Chapter, the following words and phrases are defined as follows:

**ABANDONED** in addition to those definitions provided by state codes, local ordinances and case law, the term abandoned means and refers to any item which has ceased to be used for its designed and intended purpose. The following factors, among others, will be considered in determining whether or not an item has been abandoned:

- a. Present operability and functional utility;
- b. The date of last use;
- c. The condition of disrepair or damage;
- d. The last time an effort was made to repair or rehabilitate the item;
- e. The status of registration or licensing of the item;
- f. The age and degree of obsolescence;
- g. The cost of rehabilitation or repair of the item versus its market value; and
- h. The nature of the area and location of the item. (items such as furniture, toys, appliances, stoves, refrigerators, freezers, washing machines, dryers, dishwashers,

water heaters, television sets, and the like left outside the home in view for over seventy-two (72) hours and includes items not intended for use or storage in an outdoor environment.

**ABATE** means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the Citation Officer in his/her judgment shall determine is necessary in the interest of the general health, safety and welfare of the community.

**CITATION OFFICER** means each city police officer. Citation Officers are charged with addressing City Code violations, subject to the limitations contained herein and to any conditions established by the Mayor and the City Commission from time to time.

**DISMANTLED** means that from which essential equipment, parts or contents have been removed or stripped and the outward appearance verifies the removal.

**INOPERATIVE** means incapable of functioning or producing activity for mechanical or other reasons.

**LIENHOLDER** means any person, as defined in this Chapter, who has a recorded interest in real property, including mortgagee, beneficiary under a deed of trust, or holder of other recorded liens or claims of interest in real property.

**NUISANCE** means any public nuisance known at common law or in equity, jurisprudence, or any condition defined as a nuisance under this ordinance.

**OWNER** means the registered owner of a vehicle, the person(s) to whom property tax is assessed on real or personal property, as shown on the last equalized assessment roll of the County, renter(s), lessee(s) and other occupants residing permanently or temporarily on property.

**PERSON** means individual, partnership, joint venture, corporation, association, social club, fraternal organization, trust, estate, receiver or any other entity.

**PREMISES** means any building, lot, parcel, real estate, or land or portion of land whether improved or unimproved, occupied or unoccupied, including adjacent streets, sidewalks, parkways and parking strips.

**PROPERTY** means any real property including but not limited to land, lot, or parcel of land, and shall include any alley, sidewalk, parkway or unimproved public easement abutting such real property, lot or parcel of land.

**STRUCTURE** means anything constructed, built or planted upon, any edifice or

building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which structure requires location on the ground or is attached to something having a location on the ground, including fences, gates, garages, carports, swimming and wading pools, patios, outdoor areas, paved areas, walks, tennis courts and similar recreation areas.

WRECKED means that which has outward manifestation or appearance of damage to parts and contents which are essential to operation.

WASTE ITEMS means boxes, bags, plastic, paper, clothing, discarded or unused items, trash, filth, waste material (solid or liquid), litter, rubbish, debris, building materials of any kind (not being utilized for a current lawful ongoing construction project on property), and containers or refuse of any kind (not being utilized for a current lawful ongoing construction project on property) left in view for over seventy-two (72) hours.

SCRAP METAL means pieces or parts of steel, iron, tin, zinc, copper, aluminum or any alloy thereof, whether covered with porcelain or any other material, whether intact or in parts, which has served its usefulness in its original form and can no longer be used for its intended purpose.

UNFIT FOR FURTHER USE means any household item, object, etc., or any device used to carry out a specific function which has served its usefulness and is more or less in its original form and can no longer be used for its originally intended purpose or having defective or missing parts or in such a condition generally as to the unfit for further use or conveyance.

GARBAGE The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food and similar animal and vegetable refuse whether liquid or solid, or any accumulation of any sour, decaying or putrescent substance, either gas or solid.

IN-VIEW means any nuisance that can be seen from any public view.

GOOD REPAIR means external structure elements of buildings being maintained in a state of repair, which allows that element to provide the functional use for which it was intended.

### 600.30 Property Maintenance Standards

- 1) It is hereby declared to be a public nuisance for any owner or other person in control of any property, premises, or other personal property located in the City and referred to herein to keep, maintain, or utilize such property, premises, or other personal property in such a manner that any of the following conditions are found to exist with respect to same:

- a. Abandoned, dismantled, wrecked, inoperable, unlicensed, and discarded objects, equipment or appliances such as, but not limited to, vehicles, boats, water heaters, refrigerators, furniture which is not designed for outdoor use, household fixtures, machinery, equipment, cans or containers standing or stored on property or on sidewalks or streets, which is in plain view from a public street, which said items are readily accessible from such place, or which are stored in violation of any other law or ordinance.
- b. Discarded food, garbage, rubbish, refuse, or recyclable items which have not been disposed or recycled within thirty (30) days of being deposited on the property which are determined to constitute a fire hazard or to be detrimental to human life, health or safety.
- c. Lumber (excluding lumber for a construction project on the property with a valid permit), salvage materials, including but not limited to auto parts, scrap metals, tires, other materials stored on premises in excess of seventy-two (72) hours and in view.
- d. Receptacles for discarded materials and recyclables which are habitually left on the public street more than twenty-four (24) hours following the day on which the regularly scheduled refuse pick-up for the property took place.
- e. With respect to any receptacles being used for discarded materials in connection with a current lawful ongoing construction project on a particular property, no such receptacles may be placed or left on a city street for any period of time.
- f. Swimming pool, pond, spa, other body of water, or excavation that is abandoned, unattended, or empty, that is not fully contained inside a fenced area such that the area is inaccessible to the public, or any attractive nuisance not properly secured from public access, that endangers life, health, or public safety.
- g. Any property or dwelling on a property which detrimentally impacts the surrounding neighborhood as a result of either (i) severe dilapidation, deterioration or decay, or (ii) being uninhabited for a period greater than eight (8) weeks and not being secured or being improperly secured.
- h. Any lawn with a growth of grass, and/or weeds contained therein, allowed to grow to a height exceeding twelve (12) inches for a period exceeding fourteen (14) days.
- i. Any non-ornamental wild plant or planting, which are over 36" in height and that have all of the following characteristics: (i) the plant or planting grew from wild starts, without being planted by human hands, (ii) the property owner or Occupant (as defined below) does not spend regular time tending to the plant or planting, (iii) there are no defined boundaries with respect to the plant or planting, and (iv) the plant or planting is in view.
- j. Interference with and/or obstruction of a drainage ditch, device or system so as to inhibit, alter, or prevent proper storm water drainage patterns.
- k. Placement of portable storage and/or moving containers (i.e. PODS etc.) on or around any property for a period of more than seven (7) consecutive calendar days.
- l. Any tree or other object standing in such a condition that is likely to, if the condition is allowed to continue, endanger life, limb or property, or cause injury or damage to persons or property by falling or by parts thereof falling.

- m. It shall be unlawful for solicitors to peddle, sell or offer for sale either on foot, door-to-door or by means of a machine or vehicle, any merchandise or service for the commercial profit whatsoever.

#### 600.40 Responsibility for Property Maintenance:

- 1) The owner, occupant, lessee, or tenant of any property within the city shall be responsible for the maintenance of property and premises in a manner consistent with the provisions of this Chapter and the Code, and the Kentucky Building Code.
- 2) Enforcement of this Chapter may be accomplished by the Citation Officer in any manner authorized by this Chapter or by any other law, including but not limited to issuance of citations, civil actions and abatement.
- 3) Abatement of public nuisances:
  - a. Non-exclusive authority to abate. The city may choose to abate any public nuisance or violation of the Code through any of the abatement methods set forth in the Code or in other local, state or federal law, and nothing contained in this Chapter shall be construed as limiting, prejudicing, or adversely affecting the city's ability to concurrently or consecutively use any of those proceedings as the city may deem are applicable. Proceeding under this Section will not preclude the city from proceeding under other Sections of this Chapter. Whenever a Citation Officer determines that any condition exists in violation of the provisions of this Chapter, he/she may take enforcement action pursuant to this Section.
  - b. Right of entry. The Citation Officer may enter any property or premises at all times to perform any duty imposed upon him/her by this Chapter, whenever the Citation Officer has cause to believe a violation of provisions of this Chapter is occurring, provided that:
    - 1. The Citation Officer shall present proper credentials, state the reason for entry, request entry from the owner or occupant, and, if entry is permitted, enter the property or premises and, if entry is denied:
    - 2. The Citation Officer may seek a court ordered inspection warrant if cause exists pursuant to the Kentucky Revised Statutes;
    - 3. The Citation Officer shall have recourse to every remedy provided by law to secure entry;
    - 4. The Citation Officer shall make a reasonable effort to locate the owner of any unoccupied property or premises, inform the owner of the reasons for entry and request entry; and
    - 5. Notwithstanding anything in this Chapter to the contrary, the Citation Officer shall not enter any property of premise in the absence of permission to enter, unless an inspection warrant has been issued by a court of competent jurisdiction.

#### 600.50 Appeals.

Any action taken by the Citation Officer, or other official under this ordinance may be appealed to the City Commission by any person cited hereunder. Such appeal shall be taken within the same time allowed for abatement (without extension), and shall be in writing served on the Clerk of the City. The grounds for the appeal shall be stated in such appeal in detail. Such appeal shall be heard at the next regular or special meeting of the City Commission unless otherwise determined by the City Commission. While such appeal is pending, the abatement notice shall be held in abeyance.

#### 600.60 Severability.

If any provision, clause, sentence, paragraph, or phrase of this Ordinance or the application thereof to any person or circumstances is held, for any reason by a court of competent jurisdiction, to be invalid or unconstitutional, such decision shall not affect the validity of other provisions or applications of the provisions of this Ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable. The City Commission declares that it would have passed this Ordinance, and every section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases were to be held invalid or unconstitutional by such court.

#### 600.70 Enforcement and Abatement.

- 1) Whenever any condition set forth in this chapter 600 are found to exist, the Citation Officer, Mayor, City Clerk, or Attorney for the City, at the direction of the Mayor, shall give ten (10) days written notice to (i) the owner of the property, and (ii) to the occupant, lessee, or tenant of the property, as the case may be (the "occupant"), if different from the owner, to remedy such condition. However, if the condition is of a nature that the same cannot reasonably be expected to be completely remedied within a ten (10) day period, the notice shall direct the recipient to proceed with reasonable diligence to remedy such condition as soon as possible.
- 2) The notice referenced above shall be served by certified mail or by personal service (with signed acknowledgement of receipt). If by certified mail, it shall be addressed to the last known address of the owner of the property, as it appears on the current tax assessment roll and to occupant at the address of the property. The failure of any or all of the addressed to receive the notice shall not invalidate any of the proceedings. Further, the failure of any owner or occupant to see, read, or understand the notice shall not invalidate any of the proceedings.
- 3) In order to enforce the provisions of chapter 600, when the Mayor and the City Commission find and determine (i) that the severity of the violation warrants immediate action, or (ii) the notice process set out in herein has been followed but neither the owner nor occupant of the property has timely remedied the condition set out in the notice, the Mayor is authorized to send employees or persons hired by the

city upon said property to remedy, clean up and/or abate the condition. The cost of such remedy, cleanup or abatement may be recovered by the city from the property owner directly, through a civil action, or through filing a lien against the property. An Affidavit of the Mayor of the City shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this ordinance and KRS 381.770, and shall be recorded in the Office of the Jefferson County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest thereafter until paid at the rate of 1.5 % per month, compounded monthly, and may be enforced by judicial proceedings.

- 4) Such cleanup or abatement will not relieve the person of further action which may be taken by the Mayor and the City Commission, including but not limited to, liability for any violations of this Chapter, or any other applicable provisions of state law and local ordinances.
- 5) In addition to the being responsible for the cost to remedy, cleanup or abate a condition as set forth above, each and every violation of this Chapter which is deemed a violation is punishable by:
  - a. A fine not exceeding one hundred dollars (\$100.00) for the first violation.
  - b. A fine not exceeding two hundred dollars (\$200.00) for the second violation of the same or similar provision within a one (1) year period, or
  - c. A fine not exceeding five hundred dollars (\$500.00) for each additional violation, after the second, of the same or similar provision of this Chapter within a one (1) year period of the first violation.
  - d. The penalties do not include enforcement, remedy, cleanup or abatement costs, which are cumulative and not exclusive, and shall be in addition to all other remedies available to the city under state law and local ordinances. All fines collected in connection herewith shall be deposited into the city's general fund.



## **CHAPTER 700**

## **RENTAL REGISTRATION**

### **700.10 Definitions.**

The following definitions shall apply to this article:

**LOCAL AGENT** means an individual, fiduciary, partnership, association, corporation or other entity, who represents the owner of a rental dwelling for purposes of this article.

**OWNER** means an individual, fiduciary, partnership, association, corporation or other entity holding legal or equitable title in a rental dwelling.

**RENTAL DWELLING OR RENTAL PROPERTY** means any residential dwelling, which is in whole or in part occupied by one or more person(s) pursuant to an oral or written agreement for monetary or any other consideration, but which person(s) is not acquiring an ownership interest in the dwelling. It does not include dwellings that are occupied only by members of the owner's immediate family, who do not pay rent.

**TENANT** means any person, other than an owner, occupying all or part of a rental dwelling.

### **700.20 Registration of Rental Dwellings.**

- 1) **Registration required:** All owners of rental dwellings shall annually register the rental property with the city on an application in a form provided by the city. At the time an application is filed, a registration fee of \$250.00 shall be paid in full.
- 2) **Annual registration:** The annual registration date shall be July 1<sup>st</sup> of each year.
- 3) **Registration of new rental dwellings:** The owner of a new rental dwelling or of any dwelling newly converted to a rental dwelling shall register the rental dwelling prior to allowing occupancy.
- 4) **Change in registration information:** If there is any change in the information supplied in a rental application, the owner must re-register within 60 days after any change occurs in registration information, but does not have to pay another \$250.00 registration fee.
- 5) **Registration of rental dwellings:** Application for registration or re-registration shall include:
  - a. The address of the rental dwelling
  - b. The number of rental dwelling units.
  - c. The name, residence address, business address, business phone number and personal phone number of the owner and/or the local agent, if applicable.
  - d. The address where the owner and/or the local agent, if applicable, will accept notices or orders from the city.
  - e. Verification that all state and city taxes levied and assessed against the rental dwelling that are due and payable at the time of the filing of the application have been paid. Delinquencies on such taxes may result in the denial of an application for registration or re-registration under this section.

### **700.30 Inaccurate or Incomplete Registration Information.**

It shall be a violation of this article for an owner to provide inaccurate information for the registration or re-registration of rental dwellings or to fail to provide information required by the application.

#### 700.40 Designation of Local Agent.

If the owner of a rental dwelling, or a responsible member or officer of the owner, does not reside within 60 miles of the city, the owner shall designate a responsible local agent who shall be legally responsible for operating such rental dwelling in compliance with this article, this code of ordinances, and other applicable laws or regulations. All official notices may be served on the responsible local agent, and any notice so served shall be deemed to have been served upon the owner of record.

#### 700.50 More Than One Owner or Ownership Entity.

Where more than one person has an ownership interest, the required information shall be provided for each owner. If those cases in which the owner is not a person, the information required for registration shall be provided for the organization owning the rental dwelling and for the president, general manager, director(s), partner(s), executor, trustee(s), or other chief executive officer(s) of the organization.

#### 700.60 Condition of Rental Property.

- 1) All rental property must be kept in compliance with the City of Murray Hill Code of Ordinances, as well as Metro Louisville Ordinances, as a condition of operating a rental property in the City of Murray Hill.
- 2) The Registration application must be accurate and complete. If there is any change in the application information, it must be updated within 60 days
- 3) Each rental dwelling shall provide measures acceptable to the city to prevent any excessive noise at any property line.
- 4) Each rental dwelling shall provide measures acceptable to the city to prevent violations of the city's parking ordinance by tenants of the rental unit.

#### 700.70 Issuance of Permit.

- (1) Within 30 days of receipt of an application for registration (or re-registration), along with the registration fee, by the City of Murray Hill, the city shall either issue the owner a Permit to operate the rental property, or, if the city decides not to issue the permit, the city shall provide a written list of deficiencies or violations that must be corrected before a permit may be issued.
- (2) If the owner contests the permit denial, the owner may appeal the denial to the full City Commission. The appeal must be filed within 20 days of the receipt of the denial by owner.

The Appeal will be heard by the full Commission at its next regular City Commission meeting, at which time the owner may present evidence relevant to whether the property is in compliance with all City of Murray Hill Ordinances, as well as Metro Louisville Ordinances.

#### 700.99 Penalties.

##### 1) Criminal

- a. Any person who shall violate any provision of Chapter 700 shall be fined not less than \$20.00 nor more than \$100.00.
- b. Where Kentucky Revised Statutes mandates a fine higher than that stipulated herein, the fine contained in Kentucky Revised Statutes shall apply.
- c. Any continuing violation of this Ordinance shall be considered a separate and distinct offense for each day on which a violation occurs or continues, and a separate penalty may be imposed therefor.

##### 2) Civil.

- a. Any person who shall violate any provision of Chapter 700 shall subject the offender to a civil penalty in an amount equal to two times the minimum fine prescribed in this ordinance, with a minimum civil penalty of \$40.00 for each violation; each day of violation shall be considered a separate offense.
- b. The civil penalty provided herein may be recovered by the city in a civil action in the nature of a debt if the offender does not pay the penalty within twenty (20) days after the offender has been cited for the ordinance violation. As used herein "cited" shall mean notified of the violation and the penalty in writing by an elected or appointed official of the city or the official attorney for the city. The civil penalty may be used as an alternative to or in conjunction with the criminal penalties authorized herein.