

INDEX

ORDINANCE NO.

AN ORDINANCE RELATING TO CODE OF ORDINANCES	1
AN ORDINANCE ESTABLISHING A REGULAR MEETING PLACE	2
AN ORDINANCE RELATING TO CITY CLERK	3
AN ORDINANCE RELATING TO CITY TREASURER/TAX ADMINISTRATOR	4
AN ORDINANCE RELATING TO CITY ATTORNEY	5
AN ORDINANCE RELATING TO CITY ENGINEER	6
AN ORDINANCE RELATING TO SIGNAGE	7
AN ORDINANCE RELATING TO NUISANCES	8
AN ORDINANCE DEALING WITH DOMESTICATED ANIMALS	9
AN ORDINANCE PROHIBITING DOMESTICATED ANIMALS FROM RUNNING WILD	10
AN ORDINANCE ESTABLISHING SPEED LIMITS	11
AN ORDINANCE REGULATING PARKING RESTRICTIONS ON PUBLIC ROADWAYS	12
AN ORDINANCE REGULATING RV PARKING RESTRICTIONS	13
AN ORDINANCE REGULATING SKATEBOARDS	14
AN ORDINANCE REGULATING ITINERANT SALESPERSONS	15
AN ORDINANCE RELATING TO PROPERTY MAINTENANCE	16
AN ORDINANCE REGULATING CONSTRUCTION	17
AN ORDINANCE RELATING TO CITATION ENFORCEMENT OFFICER	18

MUNICIPAL ORDER NO.

A MUNICIPAL ORDER REQUIRING RULES OF ORDER BY COMMISSION MEMBERS	1
A MUNICIPAL ORDER REQUIRING CERTAIN OFFICE HOLDERS TO BE BONDED	2

RESOLUTION NO.

RESOLUTION CONCERNING HOUSE NUMBERING	1
RESOLUTION CONCERNING PLACING OF GARBAGE CANS OUT FOR COLLECTION	2

CITY OF BARBOURMEADE
ORDINANCE NO. 1
SERIES 2006

AN ORDINANCE relating to the adoption of a Code of Ordinances and to the repeal of all other general ordinances.

(1) A Code of Ordinances (hereinafter referred to as the "Code") is hereby adopted for the City of Barbourmeade as a new and original comprehensive ordinance, superseding and repealing all other general ordinances of the City not contained herein and adopted before the effective date of this Code of Ordinances.

(2) This ordinance repeals only ordinances which are continuing and apply to the general population and no special ordinance, including any bond ordinance, franchise ordinance, appropriation or tax levy shall be repealed or otherwise affected hereby. The repeal provided herein shall not effect any offense or act committed, or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code. The repeal provided herein shall not be construed to revive any ordinance or part thereof that has been repealed by this ordinance.

(3) Any and all additions, deletions, and amendments to this Code, when enacted according to law, shall be so incorporated therein that any reference to the Code of Barbourmeade shall be deemed to include such amendments.

(4) A copy of this Code shall be kept on file by the City Clerk, maintained in accordance with the applicable provisions of Chapter 83A of the Kentucky Revised Statutes and available as part of the public records of the City of Barbourmeade.

(5) *Severability.* It shall be considered that it is the intent of the City Commission in enacting any ordinance, that if any part of the ordinance be held unconstitutional the remaining parts shall remain in force, unless the ordinance provides otherwise, or unless the remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional part that it is apparent that City Commission would not have enacted the remaining parts without the unconstitutional part, or unless the remaining parts, standing alone, are incomplete and incapable of being executed in accordance with the intent of City Commission. (KRS 446.090).

(6) *Ordinances saved.* Whenever an ordinance by its nature either authorizes or enables the City Commission, or a certain city officer or employee, to make additional ordinances or regulations for the purpose of carrying out the intent of the ordinance, all ordinances and regulations of a similar nature serving such purpose effected prior to the codification and not inconsistent thereto, shall remain in effect and are saved.

(7) *Conflicting Provisions.* If the provisions of different codes, chapters, or sections of the codified ordinances conflict with or contravene each other, the provisions bearing the latest passage date shall prevail. If the conflicting provisions bear the same passage date, the conflict shall be so construed as to be consistent with the meaning or legal effect of the questions of the subject matter taken as a whole.

(8) *General penalty.* Where an act or omission is prohibited or declared unlawful in this code of ordinances, and no penalty or fine or imprisonment is otherwise provided, it shall be deemed a violation pursuant to KRS 534.040 and the offender shall be fined an amount not to exceed \$250 for each offense or violation.

FURTHER, this Ordinance shall take effect upon approval, passage and publication as required by law.

FIRST READING THE 4TH DAY OF DECEMBER, 2006.

SECOND READING THE 19TH DAY OF FEBRUARY, 2007.

PASSED AND APPROVED THE 19TH DAY OF FEBRUARY, 2007.

/S/ Kim Holsclaw
Mayor, City of Barbourmeade, Kentucky

ATTEST: /S/ Erica Hebert
Clerk

Those voting Aye:

Those voting Nay:

Kim Holsclaw, Mayor
Bryan Coomer, Commissioner
Lisa Crockett, Commissioner
Anne Jay, Commissioner
Dan Streit, Commissioner

**CITY OF BARBOURMEADE
ORDINANCE NO. 2
SERIES 2007**

AN ORDINANCE establishing a place for regular meetings of the Commission of the City of Barbourmeade.

WHEREAS, the Commission of the City of Barbourmeade, Kentucky is authorized to establish the meeting place of the Commission, and further;

WHEREAS, it is necessary to enact same by ordinance;

NOW THEREFORE, be it ordained by the Commission of the City of Barbourmeade, Kentucky;

SECTION ONE: The regular monthly meeting of the Commission of the City of Barbourmeade shall be held at 7:30 p.m. on the third Monday of each month, unless same being a legal holiday, in which event the Commission may choose, in its discretion, and upon proper notice, to hold the monthly City meeting on the fourth Monday of the given month.

SECTION TWO: Since there is no suitable location for a meeting to be conducted within the Barbourmeade City limits, all Commission meetings shall be held at the Springdale Presbyterian Church, 7812 Brownsboro Road, Louisville, Kentucky, 40231. The provisions of KRS 62.805 et seq., 61.820 and 61.825 shall apply to all proceedings.

Those requiring handicapped or other special requirements, please contact the Mayor and/or the City Clerk.

FURTHER, this Ordinance shall take effect upon approval, passage and publication as required by law.

FIRST READING THE 4TH DAY OF DECEMBER, 2006.

SECOND READING THE 19TH DAY OF FEBRUARY, 2007.

PASSED AND APPROVED THE 19TH DAY OF FEBRUARY, 2007.

/S/ 
Mayor, City of Barbourmeade, Kentucky

ATTEST: /S/ 
Clerk

Those voting Aye:
Kim Holsclaw, Mayor
Bryan Coomer, Commissioner
Lisa Crockett, Commissioner
Anne Jay, Commissioner
Dan Streit, Commissioner

Those voting Nay:

**CITY OF BARBOURMEADE
ORDINANCE NO. 3
SERIES 2007**

AN ORDINANCE establishing the office of City Clerk of the City of Barbourmeade.

WHEREAS, the City, by and through its elected Officers, are desirous of passing this Ordinance to establish the office of City Clerk of the City of Barbourmeade.

NOW THEREFORE, be it ordained by the Commission of the City of Barbourmeade, Kentucky;

1. Duties and Responsibilities. The duties and responsibilities of the City Clerk shall include, but are not limited to, the following:

(a) To act as official custodian of all City records and keep the minutes of the proceedings of the City Commission, prepare the meeting agenda and to provide the final draft minutes and agenda to the City officials on the Friday prior to the Monday meeting.

(b) Maintenance and safekeeping of the permanent records of the City.

(c) Performance of the duties required of the "official custodian" or "custodian" pursuant to KRS 61.870-61.882.

(d) The City Clerk shall, no later than January 31st of each year, mail to the Department for Local Government, a list containing current City information including, but not limited to, the correct name of the Mayor, City Commissioners and the non-elected officials who are serving as of January 1st of each year. The official address for the City of Barbourmeade is:

City of Barbourmeade
P. O. Box 6677
Louisville, KY 40206

(e) In addition to the duties specified above, the City Clerk is also responsible for the publication of legal advertisements of the City and a summary or text of the budget ordinance upon adoption.

2. Compensation. The compensation for the position of City Clerk shall be set by the City of Barbourmeade Commission and shall be codified by separate Ordinance.

3. Oath. The City Clerk shall be required to take an oath of office.

4. Duration of Office. This non-elected officer serves at the will of the City of Barbourmeade Commission. The term of office shall be for one (1) calendar year. Each December the Commission of the City of Barbourmeade shall review this non-elected position and either reappoint for another one (1) year term or appoint another person to the position. However, this requirement shall in no way limit the at will dismissal power of the City Commission. KRS 83A.080(3).

FURTHER, this Ordinance shall take effect upon approval, passage and publication as required by law.

FIRST READING THE 4TH DAY OF DECEMBER, 2006.

SECOND READING THE 19TH DAY OF FEBRUARY, 2007.

PASSED AND APPROVED THE 19TH DAY OF FEBRUARY, 2007.

/S/ Kim Holsclaw ATTEST: /S/ Erica Tebecht
Mayor, City of Barbourmeade, Kentucky Clerk

Those voting Aye:

Those voting Nay:

Kim Holsclaw, Mayor
Bryan Coomer, Commissioner
Lisa Crockett, Commissioner
Anne Jay, Commissioner
Dan Streit, Commissioner

**CITY OF BARBOURMEADE
ORDINANCE NO. 4
SERIES 2007**

AN ORDINANCE establishing the office of City Treasurer/Tax Administrator of the City of Barbourmeade.

WHEREAS, the City, by and through its elected Officers, are desirous of passing this Ordinance to establish the office of City Treasurer/Tax Administrator of the City of Barbourmeade.

NOW THEREFORE, be it ordained by the Commission of the City of Barbourmeade, Kentucky;

1. **Duties and Responsibilities.** The duties and responsibilities of the City Treasurer/Tax Administrator are assisting and preparing the budget and accounting for all City monies. In addition, the City Treasurer/Tax Administrator shall perform the duties of tax collector.

2. **Compensation.** The compensation for the position of City Treasurer/Tax Administrator shall be set by the City of Barbourmeade Commission and shall be codified by separate Ordinance.

3. **Bond.** The City Treasurer/Tax Administrator shall be bonded in an amount to be determined by the City Commission.

4. **Oath.** Each non-elected officer shall be required to take an oath of office.

5. **Duration of Office.** This non-elected officer serves at the will of the City of Barbourmeade Commission. The term of office shall be for one (1) calendar year. Each December the Commission of the City of Barbourmeade shall review this non-elected position and either reappoint for another one (1) year term or appoint another person to the position. However, this requirement shall in no way limit the at will dismissal power of the City Commission. KRS 83A.080(3).


FURTHER, this Ordinance shall take effect upon approval, passage and publication as required by law.

FIRST READING THE 4TH DAY OF DECEMBER, 2006.

SECOND READING THE 19TH DAY OF FEBRUARY, 2007.

PASSED AND APPROVED THE 19TH DAY OF FEBRUARY, 2007.

/S/ 
Mayor, City of Barbourmeade, Kentucky

ATTEST: /S/ 
Clerk

Those voting Aye:

Kim Holsclaw, Mayor
Bryan Coomer, Commissioner
Lisa Crockett, Commissioner
Anne Jay, Commissioner
Dan Streit, Commissioner

Those voting Nay:

**CITY OF BARBOURMEADE
ORDINANCE NO. 5
SERIES 2007**

AN ORDINANCE establishing the office of City Attorney of the City of Barbourmeade.

WHEREAS, the City, by and through its elected Officers, are desirous of passing this Ordinance to establish the office of City Attorney of the City of Barbourmeade.

NOW THEREFORE, be it ordained by the Commission of the City of Barbourmeade, Kentucky;

1. **Duties and Responsibilities.** The City Attorney serves as a general legal officer and counsel for the City. The attorney's duties can include advising City officials on legal matters pertaining to the interest of the City, representing the City in legal actions in which the City is an interested party, and attendance at legislative body meetings.

2. **Compensation.** The compensation for the position of City Attorney shall be set by the City of Barbourmeade Commission and shall be codified by separate Ordinance.

3. **Oath.** The City Attorney shall be required to take an oath of office.


4. **Duration of Office.** This non-elected officer serves at the will of the City of Barbourmeade Commission. The term of office shall be for one (1) calendar year. Each December the Commission of the City of Barbourmeade shall review this non-elected position and either reappoint for another one (1) year term or appoint another person to the position. However, this requirement shall in no way limit the at will dismissal power of the City Commission. KRS 83A.080(3).

FURTHER, this Ordinance shall take effect upon approval, passage and publication as required by law.

FIRST READING THE 4TH DAY OF DECEMBER, 2006.

SECOND READING THE 19TH DAY OF FEBRUARY, 2007.

PASSED AND APPROVED THE 19TH DAY OF FEBRUARY, 2007.

/S/ 
Mayor, City of Barbourmeade, Kentucky

ATTEST: /S/ 
Clerk

Those voting Aye:

Kim Holsclaw, Mayor
Bryan Coomer, Commissioner
Lisa Crockett, Commissioner
Anne Jay, Commissioner
Dan Streit, Commissioner

Those voting Nay:

**CITY OF BARBOURMEADE
ORDINANCE NO. 6
SERIES 2007**

AN ORDINANCE establishing the non-elected office of City Engineer for the City of Barbourmeade.

WHEREAS, the City, by and through its elected Officers, are desirous of passing this Ordinance to establish the office of City Engineer of the City of Barbourmeade.

NOW THEREFORE, be it ordained by the Commission of the City of Barbourmeade, Kentucky;

1. Duties and Responsibilities. The City Engineer shall review all submitted plans, drawings and specifications for construction projects within the City and advise the City Commission as to whether City approval should be granted. In addition the Engineer shall consult and provide his/her advice to the City Commission on all matters falling within the areas of his/her expertise.

2. Compensation. The City Engineer shall be compensated as set by the City Commission in a separate ordinance.

3. Oath. The City Engineer shall be required to take an oath of office.

4. Duration of Office. This non-elected officer serves at the will of the City of Barbourmeade Commission. The term of office shall be for one (1) calendar year. Each December the Commission of the City of Barbourmeade shall review this non-elected position and either reappoint for another one (1) year term or appoint another person to the position. However, this requirement shall in no way limit the at will dismissal power of the City Commission. KRS 83A.080(3).

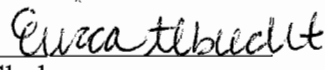
FURTHER, this Ordinance shall take effect upon approval, passage and publication as required by law.

FIRST READING THE 4TH DAY OF DECEMBER, 2006.

SECOND READING THE 19TH DAY OF FEBRUARY, 2007.

PASSED AND APPROVED THE 19TH DAY OF FEBRUARY, 2007.

/S/ 
Mayor, City of Barbourmeade, Kentucky

ATTEST: /S/ 
Clerk

Those voting Aye:

Kim Holsclaw, Mayor
Bryan Coomer, Commissioner
Lisa Crockett, Commissioner
Anne Jay, Commissioner
Dan Streit, Commissioner

Those voting Nay:

**CITY OF BARBOURMEADE
ORDINANCE NO. 7
SERIES 2007**

AN ORDINANCE establishing prohibitions against the destruction of City property/signage and the limitation upon the use of signage within the City limits of the City of Barbourmeade.

WHEREAS, the City, by and through its elected Officers, are desirous of passing this Ordinance for the aesthetics, safety and general well being of its residents.

NOW THEREFORE, be it ordained by the Commission of the City of Barbourmeade, Kentucky;

(1) It shall be unlawful for any person to damage, deface and/or destroy any sign or other property belonging to the City of Barbourmeade.

(2) No sign of any type, including yard, political and/or lost animal signs shall be affixed to and/or placed on any property owned, operated, maintained and/or controlled by the City of Barbourmeade, including traffic signs, street signs, light posts, traffic islands, City entrances or any easement or right-of-way maintained and controlled by the City of Barbourmeade.

(3) No real estate signage of any type relating to the sale of real estate within the City of Barbourmeade shall be placed on any property owned, operated and/or controlled by the City including the entrances to the City or any traffic island bordering the entrances to the City. **Exception:** Real estate signs relating to property located within the City of Barbourmeade may be placed on City property from **5:00 p.m., Friday to 12:00 midnight, on Sunday.**

(4) No commercial signage of any type shall be erected or placed within the City limits of the City of Barbourmeade. **Exception:** Temporary commercial signage is allowable on a resident's property provided that: The sign relates to business being conducted at the residence; the sign remains on the property for no more than thirty (30) days, and the signage is removed promptly upon completion of the work being completed.

(A) **PENALTY.** The violation of subsection (1) of this Ordinance shall constitute a Class A misdemeanor which carries a fine of up to five hundred dollars (\$500.00), including court costs, and twelve (12) months imprisonment.

(B) **PENALTY.** The violation of subsection (2) of this Ordinance shall constitute a violation which carries a fine of \$75.00.

(C) **PENALTY.** Any violation of subsection (3) will result in confiscation of the sign in question by the City of Barbourmeade.

(D) **PENALTY.** The violation of subsection (4) of this Ordinance shall constitute a violation which carries a fine of \$100.00.

FURTHER, this Ordinance shall take effect upon approval, passage and publication as required by law.

FIRST READING THE 4TH DAY OF DECEMBER, 2006.

SECOND READING THE 19TH DAY OF FEBRUARY, 2007.

PASSED AND APPROVED THE 19TH DAY OF FEBRUARY, 2007.

/S/ Kim Holsclaw
Mayor, City of Barbourmeade, Kentucky

ATTEST: /S/ Erica Abrecht
Clerk

Those voting Aye:

Those voting Nay:

Kim Holsclaw, Mayor
Bryan Coomer, Commissioner
Lisa Crockett, Commissioner
Anne Jay, Commissioner
Dan Streit, Commissioner

**CITY OF BARBOURMEADE
ORDINANCE NO. 8
SERIES 2007**

AN ORDINANCE regulating nuisances within the City limits of the City of Barbourmeade.

WHEREAS, the City, by and through its elected Officers, are desirous of passing this Ordinance regulating nuisances for the safety and general well being of its residents.

NOW THEREFORE, be it ordained by the Commission of the City of Barbourmeade, Kentucky;

(1) In addition to what is declared in this chapter to be a public nuisance, those offenses which are known to the common law and statutes of Kentucky as public nuisances may be treated as such and may be proceeded against as is provided in this chapter or in accordance with other provisions of law.

(2) It shall be unlawful for the owner, occupant, or person having control or management of any land within the City to permit a public nuisance to develop thereon. The following conditions are declared to be public nuisances:

(a) **Noise.** Emission of noise including, but not limited to, noise emitted from motor vehicles, which is noxious enough to destroy the enjoyment of dwellings or other uses of property in the vicinity by interfering with ordinary comforts of human existence.

(b) **Noxious odors or smoke.** Emission into the surrounding atmosphere of odor, dust, smoke, or other matter which renders ordinary use or physical occupation of other property in the vicinity uncomfortable or impossible.

(c) **Litter prohibited on unimproved lots.** It shall be unlawful to deposit on any unimproved lots in the City any trash, refuses, cans or any other material which will interfere with the health and sanitation of the inhabitants of the City.

(3) **Penalty.** Violation of this Ordinance shall constitute a violation and carry a fine of \$150.00.

FURTHER, this Ordinance shall take effect upon approval, passage and publication as required by law.

FIRST READING THE 4TH DAY OF DECEMBER, 2006.

SECOND READING THE 19TH DAY OF FEBRUARY, 2007.

PASSED AND APPROVED THE 19TH DAY OF FEBRUARY, 2007.

/S/ Kim Holsclaw
Mayor, City of Barbourmeade, Kentucky

ATTEST: /S/ Erica Tebucht
Clerk

Those voting Aye:

Kim Holsclaw, Mayor
Bryan Coomer, Commissioner
Lisa Crockett, Commissioner
Anne Jay, Commissioner
Dan Streit, Commissioner

Those voting Nay:

**CITY OF BARBOURMEADE
ORDINANCE NO. 9
SERIES 2007**

AN ORDINANCE regulating dogs, cats and other animals within the City limits of the City of Barbourmeade.

WHEREAS, the City, by and through its elected Officers, are desirous of passing this Ordinance regulating dogs, cats and other animals for the safety and general well being of its residents.

NOW THEREFORE, be it ordained by the Commission of the City of Barbourmeade, Kentucky;

(1) No person shall keep, harbor, possess or own any dog, cat or other animal which does any one of the following objectionable actions;

(a) Incessantly barks, howls, yelps, or whines loud enough to be heard beyond the premises where it is kept or harbored.

(b) Habitually goes on any property or premises not owned or occupied by the persons who keeps, harbors or owns the dog, cat or other animal.

(c) Habitually turns over or gets into garbage cans or milk containers, or damages shrubbery and items of personal property, located on any premises other than those owned by the person who keeps, harbors or owns the dog, cat or other animal.

(d) When not on the property of its owner or keeper, habitually runs at, jumps on, chases, barks at, bites at, or in any way frightens, molests, or scares any person other than the one who keeps, harbors or owns the dog, cat or other animal.

(e) Chases, attacks, or kills any dog or other animal besides those owned by the person who keeps, harbors or owns the dog, cat or other animal.

(f) Bites any person on sidewalks, streets or any property other than that of its owner or keeper.

(g) Chases motor vehicles, bicycles or scooters other than those owned by the person who keeps, harbors or owns the dog, cat or other animal, or his immediate family.

(2) **Penalty.** Violation of this Ordinance shall constitute a violation and carry a fine of \$150.00.

FURTHER, this Ordinance shall take effect upon approval, passage and publication as required by law.

FIRST READING THE 4TH DAY OF DECEMBER, 2006.

SECOND READING THE 19TH DAY OF FEBRUARY, 2007.

PASSED AND APPROVED THE 19TH DAY OF FEBRUARY, 2007.

/S/ Kim Holsclaw
Mayor, City of Barbourmeade, Kentucky

ATTEST: /S/ Erica Lebeck
Clerk

Those voting Aye:

Kim Holsclaw, Mayor
Bryan Coomer, Commissioner
Lisa Crockett, Commissioner
Anne Jay, Commissioner
Dan Streit, Commissioner

Those voting Nay:

CITY OF BARBOURMEADE
ORDINANCE NO. 10
SERIES 2007

AN ORDINANCE prohibiting dogs and/or other domesticated animals within the City limits of the City of Barbourmeade from running at large, regulating the number of animals per residence and mandating the removal of animal feces.

WHEREAS, the City, by and through its elected Officers, are desirous of passing this Ordinance prohibiting dogs, cats and other domesticated animals from running at large and for the safety and general well being of its residents.

NOW THEREFORE, be it ordained by the Commission of the City of Barbourmeade, Kentucky;

(1) It shall be unlawful for any resident or occupier of property within the City Limits to own and/or possess more than three (3) dogs and three (3) cats.

(2) It shall be unlawful for any owner or person in charge of a dog, cat or other domesticated animal, to permit or allow such animal to run at large in the City and/or onto the private property of other residents within the City limits of the City of Barbourmeade.

(3) It shall be unlawful for any owner in charge of a dog, cat or other domesticated animal to permit such animal to be on the public roadways of the City unless said animal is on leash and under absolute control of the owner or his agent.

(4) **Pooper Scooper.** It shall be unlawful for any owner or person in charge of a dog, cat or other animal to permit such animal to be on public property or property belonging to the City, or on any private property other than that of the owner or person in charge or control of such animal without the permission of the owner of said property, or on any streets, sidewalks, or rights-of-way in the City, without the owner or person in charge of such animals to have in his or her possession, a suitable device for picking up, collection and property sanitary disposal of the animal feces or manure.

(a) It shall be unlawful for the owner or person in charge of a dog, cat or other animal to permit or allow such animal to excrete manure or feces on public property or property belonging to the City, or on any private property other than that of the owner or person in charge or control of such animal without the permission of the owner of said property, or on any streets, sidewalks, or rights-of-way in the City, unless the owner or person in control of such animal immediately removes all feces deposited by such animal and disposes of same in a sanitary manner.

(b) This section shall not apply to blind or visually impaired persons accompanied by a "seeing eye" dog used for this assistance.

(5) **PENALTY.** Violation of this Ordinance shall constitute a violation and carry a fine of \$50.00 for each violation.

FURTHER, this Ordinance shall take effect upon approval, passage and publication as required by law.

FIRST READING THE 4TH DAY OF DECEMBER, 2006.

SECOND READING THE 19TH DAY OF FEBRUARY, 2007.

PASSED AND APPROVED THE 19TH DAY OF FEBRUARY, 2007.

/S/ Kim Holsclaw
Mayor, City of Barbourmeade, Kentucky

ATTEST: /S/ Erica Hebert
Clerk

Those voting Aye:

Those voting Nay:

Kim Holsclaw, Mayor
Bryan Coomer, Commissioner
Lisa Crockett, Commissioner
Anne Jay, Commissioner
Dan Streit, Commissioner

**CITY OF BARBOURMEADE
ORDINANCE NO. 11
SERIES 2007**

AN ORDINANCE establishing a speed limit and penalties for damage to public roadways.

WHEREAS, the City, by and through its elected Officers, are desirous of passing this Ordinance for the safety and general well being of its residents.

NOW THEREFORE, be it ordained by the Commission of the City of Barbourmeade, Kentucky;

(1) The speed limit within the City limits of the City of Barbourmeade shall be twenty-five (25) miles per hour unless posted otherwise.

(A) **PENALTY.** The penalty for failure to observe the speed limit as set out in Paragraph (1) shall be consistent with the penalties contained in Chapter 189 (and other relevant sections) of the Kentucky Revised Statutes.

(2) It shall be unlawful for any person to operate or control a motor vehicle and/or an accompanying trailer which causes damage or injury to the surface, structure and/or foundation of any public roadway of the City of Barbourmeade.

(A) **PENALTY.** The violation of subsection (2) above shall constitute a violation and carry a fine of \$100.00.

(3) It shall be unlawful for any person to allow the spillage of gasoline, oil hydraulic fluid or any other injurious substance to remain on the public roadway within the City of Barbourmeade.


(A) **PENALTY.** The violation of subsection (3) above shall constitute a violation and carry a fine of \$100.00.

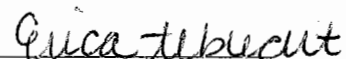
FURTHER, this Ordinance shall take effect upon approval, passage and publication as required by law.

FIRST READING THE 4TH DAY OF DECEMBER, 2006.

SECOND READING THE 19TH DAY OF FEBRUARY, 2007.

PASSED AND APPROVED THE 19TH DAY OF FEBRUARY, 2007.

/S/ 
Mayor, City of Barbourmeade, Kentucky

ATTEST: /S/ 
Clerk

Those voting Aye:

Kim Holsclaw, Mayor
Bryan Coomer, Commissioner
Lisa Crockett, Commissioner
Anne Jay, Commissioner
Dan Streit, Commissioner

Those voting Nay:

CITY OF BARBOURMEADE
ORDINANCE NO. 12
SERIES 2007

AN ORDINANCE establishing parking restrictions on public roadways within the City of Barbourmeade.

WHEREAS, the City, by and through its elected Officers, are desirous of making its public streets safe for the general interest and well being of its residents.

NOW THEREFORE, be it ordained by the Commission of the City of Barbourmeade, Kentucky;

(1) It shall be unlawful for any person to park and/or leave a motor vehicle on a public roadway within the City of Barbourmeade in excess of twenty-four (24) consecutive hours.

(2) It shall be unlawful for any commercial vehicle to be parked on the public roadway within the City of Barbourmeade unless actually engaged in the conduct of business within the City.

(3) It shall be unlawful, while waiting to drop off or pick up a student from Norton Elementary School, to stand, stop and/or park a motor vehicle, on Pompano Drive, Barbourmeade Road, or from Coronado Drive to Old Gate Road, or Sorrento Avenue to Old Gate Road, between the hours of 8:15 a.m. to 9:15 a.m., and 3:30 p.m. to 4:15 p.m. On days when school is not in full session, this band shall apply for thirty (30) minutes from the time the students are discharged.

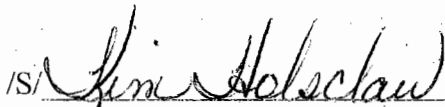
(A) **PENALTY.** Violations of any of the preceding subsections (1), (2) and/or (3) shall constitute a violation and carry a fine of \$100.00.


FURTHER, this Ordinance shall take effect upon approval, passage and publication as required by law.

FIRST READING THE 4TH DAY OF DECEMBER, 2006.

SECOND READING THE 19TH DAY OF FEBRUARY, 2007.

PASSED AND APPROVED THE 19TH DAY OF FEBRUARY, 2007.

/s/ 
Mayor, City of Barbourmeade, Kentucky

ATTEST: /s/ 
Clerk

Those voting Aye:

Kim Holsclaw, Mayor
Bryan Coomer, Commissioner
Lisa Crockett, Commissioner
Anne Jay, Commissioner
Dan Streit, Commissioner

Those voting Nay:

CITY OF BARBOURMEADE
ORDINANCE NO. 13
SERIES 2007

AN ORDINANCE establishing parking restrictions on recreational vehicles in residential areas located within the City of Barbourmeade.

WHEREAS, the City, by and through its elected Officers, are desirous of passing this Ordinance for the general interest and well being of its residents.

NOW THEREFORE, be it ordained by the Commission of the City of Barbourmeade, Kentucky;

(1) It shall be unlawful for any person to park, store or otherwise maintain a boat, tractor truck (an automotive vehicle with a driver's cab used to haul trailers), truck trailer, trailer, house trailer, disabled vehicle, recreational vehicle and/or motor home on any public or private property within the City, unless it is enclosed within a garage or structure and it is not occupied as a dwelling or sleeping place, or

(2) Notwithstanding the provision of Section (1) above, a City resident may park his boat, tractor truck, truck trailer, house trailer or recreational vehicle and/or motor home in the driveway of his dwelling for a period not to exceed seventy-two (72) hours for the purpose of loading, unloading, cleaning, repairing and/or servicing.

(3) A recreational vehicle owned by a person who is not a resident of this City, and is a guest of a resident of this City, may be parked for a period not to exceed seventy-two (72) hours in the driveway of the residence in which the recreational vehicle owner is a guest.

(4) For purposes of this ordinance, the time period of seventy-two (72) hours need not be continuous.

(5) **PENALTY** – The penalty for violating the ordinance above is one hundred (\$100.00) dollars.

FURTHER, this Ordinance shall take effect upon approval, passage and publication as required by law.

FIRST READING THE 4TH DAY OF DECEMBER, 2006.

SECOND READING THE 19TH DAY OF FEBRUARY, 2007.

PASSED AND APPROVED THE 19TH DAY OF FEBRUARY, 2007.

/S/ 
Mayor, City of Barbourmeade, Kentucky

ATTEST: /S/ 
Clerk

Those voting Aye:

Kim Holsclaw, Mayor
Bryan Coomer, Commissioner
Lisa Crockett, Commissioner
Anne Jay, Commissioner
Dan Streit, Commissioner

Those voting Nay:

**CITY OF BARBOURMEADE
ORDINANCE NO. 14
SERIES 2007**

AN ORDINANCE providing for the regulation of motorized skateboards within the City limits of the City of Barbourmeade.

WHEREAS, the City, by and through its elected Officers, are desirous of passing this Ordinance for the interest, safety and general well being of its' residents.

NOW THEREFORE, be it ordained by the Commission of the City of Barbourmeade, Kentucky;

1. **DEFINITION.** "Motorized skateboard" means a motorized scooter-type vehicle with two wheels and with an automatic transmission not requiring clutching or shifting by the operator after the drive system is engaged, and capable of a maximum speed of not more than thirty (30) miles per hour.

2. That the operator of a motorized skateboard on the roadways within the City limits of the City of Barbourmeade shall operate the vehicle in a reasonable and careful manner, with regard for the safety and convenience of pedestrians and other vehicles upon the roadway. Further, a motorized skateboard shall not be operated so as to cause unreasonable noise and shall not be operated on the roadways of the City of Barbourmeade after dusk.

3. **PENALTY.** Any violation of this ordinance shall constitute a violation and result in a fine of \$100.00.

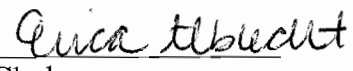
FURTHER, this Ordinance shall take effect upon approval, passage and publication as required by law.

FIRST READING THE 4TH DAY OF DECEMBER, 2006.

SECOND READING THE 19TH DAY OF FEBRUARY, 2007.

PASSED AND APPROVED THE 19TH DAY OF FEBRUARY, 2007.

/S/ 
Mayor, City of Barbourmeade, Kentucky

ATTEST: /S/ 
Clerk

Those voting Aye:

Kim Holsclaw, Mayor
Bryan Coomer, Commissioner
Lisa Crockett, Commissioner
Anne Jay, Commissioner
Dan Streit, Commissioner

Those voting Nay:

CITY OF BARBOURMEADE
ORDINANCE NO. 15
SERIES 2007

AN ORDINANCE requiring itinerant salespersons to have a permit to conduct business within the City limits of the City of Barbourmeade and setting out the requirements for such permits.

WHEREAS, the City, by and through its elected Officers, are desirous of passing this Ordinance for the safety and general well being of its residents.

NOW THEREFORE, be it ordained by the Commission of the City of Barbourmeade, Kentucky;

Section 1. It shall be unlawful for any person to conduct any form of solicitation, whether for commercial, religious, civic, charitable or educational purposes, by traveling from place to place within the City, without the prior permission of each respective resident, prior to 8:00 a.m. prevailing local time and subsequent to sunset or 8:00 p.m. prevailing local time, whichever first occurs.

Section 2. Transient or itinerant peddlers, merchants, contractors or salespersons shall register with the City Police Department and be issued a permit before commencing any sales or marketing activities within the City limits of the City of Barbourmeade.

Section 3. For purposes of this section, a transient peddler, merchant, contractor or salesperson is any person acting on his own behalf or on behalf of any firm, corporation, partnership or other entity which engages in, does or transacts business by traveling from place to place within the City of Barbourmeade selling or offering for sale any of the following goods or services:

- (a) Magazine subscriptions or book sales;
- (b) Home Improvements, including, without limitation,
 - Window installation or cleaning (including storm windows),
 - Insulation (including installation thereof),
 - Painting,
 - Roofing installation or repair,
 - Gutter installation, repair, modification or cleaning,
 - Driveway sealing, paving or repair.

Section 4. (A) Each individual desiring a permit pursuant to this section shall complete an application providing the following:

(i) For the applicant:

- (A) Name,
- (B) Permanent address and phone number,
- (C) Current address and phone number,
- (D) Complete criminal record,
- (E) Date of birth,
- (F) Next of kin, the relationship of that person to the applicant and an address and phone number for same,
- (G) Social security number,
- (H) Physical description,
- (I) A complete description of all goods or services to be offered for sale in the event a permit is issued,
- (J) Detailed description of any vehicle to be used in connection with applicant's activities in the City.

(ii) For the applicant's employer:

- (A) Name,
- (B) Permanent address and phone number,
- (C) Tax identification number,
- (D) Description of the employer's type of entity (e.g., corporation or partnership), state of formation and the name of the registered agent for such entity,
- (E) Name and current address and phone number for applicant's immediate supervisor.

(c) Each such application shall be accompanied by:

- (i) A \$15.00 application fee, payable by certified check or order, which shall be deposited in the general fund of the City of Barbourmeade;
- (ii) Government issued proof of the applicant's age;
- (iii) Government issued identification containing a photograph of the applicant;
- (iii) Proof that the applicant or applicant's employer is duly registered with the Louisville/Jefferson County Metro Revenue Commission;
- (v) Proof that the applicant or applicant's employer is duly registered with the Kentucky Revenue Cabinet for purposes of sales tax collection if the applicant is selling goods of any description;
- (vi) Proof that the applicant is covered by a current policy of workers' compensation insurance;

- (vii) If the applicant is an employee of a legal entity, proof that such entity is in good standing in the entity's state of organization.

Section 5. The City Clerk shall, within seventy two (72) hours subsequent to any application, issue a permit to any applicant under this section who complies with all of the registration requirements provided such applicant:

- (a) Shall be over the age of eighteen;
- (b) Is not a convicted felon;
- (c) Has not been convicted of a misdemeanor within the preceding twelve (12) months;
- (d) Has not violated this ordinance within the preceding twelve (12) months and is not employed by any entity whose employees have violated this ordinance within the preceding twelve (12) months; and
- (e) Has answered all questions on the application truthfully.

Section 6. Any permit issued pursuant to this section shall:

- (a) Be valid for ten (10) days subsequent to issuance, which periods shall include weekends and holidays; and
- (b) Be carried on the person of the applicant at all times while engaged in sales activities in the City of Barbourmeade.

Section 7. Any violation of this ordinance shall constitute a violation and result in a fine of \$150.00.

FURTHER, this Ordinance shall take effect upon approval, passage and publication as required by law.

FIRST READING THE 4TH DAY OF DECEMBER, 2006.

SECOND READING THE 19TH DAY OF FEBRUARY, 2007.

PASSED AND APPROVED THE 19TH DAY OF FEBRUARY, 2007.

/S/ Ken Holsclaw
Mayor, City of Barbourmeade, Kentucky

ATTEST: /S/ Quica Tebucatt
Clerk

Those voting Aye:

Kim Holsclaw, Mayor
Bryan Coomer, Commissioner
Lisa Crockett, Commissioner
Anne Jay, Commissioner
Dan Streit, Commissioner

Those voting Nay:

**CITY OF BARBOURMEADE
ORDINANCE NO. 16
SERIES 2007**

AN ORDINANCE establishing abatement procedure and/or penalties for failure to properly maintain property within the corporate limits of the City of Barbourmeade.

WHEREAS, the City of Barbourmeade, by and through its elected officials, is desirous of enforcing this Ordinance in the general interest and for the general well-being of its residents:

NOW, THEREFORE, be it ordained by the Commission of the City of Barbourmeade, Kentucky:

ONE: MAINTENANCE OF PREMISES AND LANDSCAPE ELEMENTS

Any owner, or his/her agent, or occupant of property located within the City limits of the City of Barbourmeade shall be subject to the following provisions:

(a) All premises and landscape elements shall be maintained in a safe, sanitary condition, including, but not limited to, steps, walks, driveways, fences, decks, retaining walls, shrubs, trees, grass and weeds.

(b) Weeds, shrubs, grass and trees shall be kept trimmed and from becoming overgrown. Grass shall be maintained at a height of ten (10) inches or below.

(c) Trees and shrubs which have branches projecting into the public right-of-way or easements shall be kept trimmed fifteen (15) feet above the public roadways. Additionally, any tree or shrub or other plant form afflicted with decay or vegetation sickness which can be transmitted to other trees, shrubs or plants shall be treated or removed including the removal of the stump. In addition, all stumps from any source shall be removed or cut to ground level.

(d) All fences, decks, retaining walls or similar structures shall be firmly anchored in the ground and maintained in good structural repair. Wooden structures subject to deterioration from weathering shall be maintained with chemicals or paint to preserve the structure and retard deterioration.

(e) All yards, lots, or similar non-enclosed property shall be kept free of accumulations of trash, garbage waste, rubbish, refuse, junk and other noxious or offensive materials or substances which may cause a fire hazard or may act as a breeding place for insects, vermin or other animals.

(f) Inoperable vehicles must be stored within an enclosed structure, screened from view and subject to all terms and conditions of the Jefferson County Ordinance on abandoned vehicles.

(g) Public roadways shall be kept clear of all yard waste, trimmings and other law debris.

(h) All mailboxes and paperboxes shall be kept structurally sound and in a state of good repair (example: no bungee cords or duct tape should be used to hold together) with the box parallel to the ground, and the post perpendicular to the ground.

TWO: NOTICE AND ABATEMENT

(a) It shall be unlawful for any owner or his/her agent, or occupant of property within the City limits of the City of Barbourmeade not to remedy any violation of the provisions set out above.

(b) Notice in writing may be served upon an owner, his/her agent, or occupant by hand delivery, first class mail, or by posting of same on the property. Such notice shall describe the violation and shall demand abatement within ten (10) calendar days from the date of notice, except **if the violation constitutes an immediate danger to the health, safety and well-being of the community, it shall be abated immediately.**

THREE: LIEN RESULTING FROM ABATEMENT BY CITY

(a) Upon failure of any owner, his/her agent, or occupant to comply with the notice by abating such violations, the City of Barbourmeade and/or its designated representative is authorized to enter upon the property to remedy the condition. The City shall have a lien against the property for the reasonable value of the labor and materials used in remedying such situations. This will include the cost of cutting, clearing and removal of the violation in addition to other reasonable actions necessary to abate same. The affidavit of the Mayor of the City of Barbourmeade, or the responsible agent designated by the City, shall constitute prima facie evidence of the amount of the lien and the proceedings pursuant to this Ordinance, and upon the same being recorded in the office of the County Clerk of Jefferson County, Kentucky, the document shall establish and constitute a lien upon and against the property wherein such labor and materials were utilized to abate such violation. Recording of the lien shall be noticed to the public at large of the existence of a lien, and the same shall bear interest at a rate of twelve percent (12%) per annum from date of lien and thereafter until paid.

FOUR: PENALTY

(a) Any owner, his/her agent, or occupant, who has received notice of a violation of the provisions above and who has failed to abate the violation may be charged with a violation of this Ordinance in a criminal complaint in Jefferson District Court.

(b) The violation of Paragraph One (a-g) of this Ordinance shall constitute a violation and carry a fine of \$150.00.

(c) The violation of Paragraph One (h) of this Ordinance shall constitute a violation and carry a fine of \$75.00.

This Ordinance shall take effect upon its passage and approval and publication as required by law.

FIRST READING this 4TH day of DECEMBER, 2006.

SECOND READING this 19th day of FEBRUARY, 2007.

PASSED AND APPROVED this 19th day of FEBRUARY, 2007.

/S/ *Kim Hobbslaw*
Mayor, City of Barbourmeade, Kentucky

ATTEST: /S/ *Quica Tebucht*
Clerk

Those voting Aye:

Those voting Nay:

**CITY OF BARBOURMEADE
ORDINANCE NO. 17
SERIES 2007**

AN ORDINANCE providing for the regulation of external construction, repairs, modifications and/or alterations to buildings/structures or other improvements of any nature whatsoever within the corporate limits of the City of Barbourmeade.

WHEREAS, the City, by and through its elected Officers, are desirous of passing this Ordinance for the general interest and well being of its residents.

NOW THEREFORE, be it ordained by the Commission of the City of Barbourmeade, Kentucky;

(1) It shall be unlawful for any resident, person, firm, partnership and/or corporation to externally construct, modify, alter, erect or in any manner structurally change any building or structure or improvements upon the land within the corporate limits of the City of Barbourmeade without first submitting an outline of the plans and specifications to the City Engineer, obtaining the approval of the City of Barbourmeade Commission and paying the applicable fee for same.


(2) *Penalty.* Failure to comply with this ordinance above shall constitute a violation which carries of fine of \$250.00.

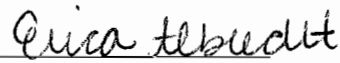
FURTHER, this Ordinance shall take effect upon approval, passage and publication as required by law.

FIRST READING THE 4TH DAY OF DECEMBER, 2006.

SECOND READING THE 19TH DAY OF FEBRUARY, 2007.

PASSED AND APPROVED THE 19TH DAY OF FEBRUARY, 2007.

/S/ 
Mayor, City of Barbourmeade, Kentucky

ATTEST: /S/ 
Clerk

Those voting Aye:

Those voting Nay:

Kim Holsclaw, Mayor
Bryan Coomer, Commissioner
Lisa Crockett, Commissioner
Anne Jay, Commissioner
Dan Streit, Commissioner

**CITY OF BARBOURMEADE
ORDINANCE NO. 18
SERIES 2007**

AN ORDINANCE establishing a Citation Enforcement Officer under Kentucky Revised Statutes 83A.087.

WHEREAS, the City, by and through its elected Officers, are desirous of establishing a Citation Enforcement Officer position for the safety and general well being of its residents.

NOW THEREFORE, be it ordained by the Commission of the City of Barbourmeade, Kentucky;

(1) The position of Citation Enforcement Officer is hereby created and the Commission of the City of Barbourmeade has the discretion to staff the position if necessary; the position shall have duties including, by not limited to:

(A) Nonmoving motor vehicle offenses.

(B) Violations of Ordinances except for moving motor vehicle offenses and except for offenses which constitute a violation of the Kentucky Penal Code.

(C) The procedure for citations issued by a Citation Enforcement Officer shall be as provided in KRS 431.015.

(D) Such other duties as from time to time may be authorized by the City Commission and permitted under Kentucky law.

(2) **QUALIFICATIONS.** Persons applying for the position of Citation Enforcement Officer shall have the following qualifications:

(A) Applicant shall be over the age of twenty-one (21).

(B) Applicant shall have no criminal record and shall waive the right to confidentiality and cooperate with the City in ascertaining same.

(C) Work experience which, in the opinion of the City of Barbourmeade Commission, would be beneficial.

(3) **COMPENSATION.** The compensation paid to the Citation Enforcement Officer shall be determined by the City of Barbourmeade Commission.

FURTHER, this Ordinance shall take effect upon approval, passage and publication as required by law.

FIRST READING THE 4TH DAY OF DECEMBER, 2006.

SECOND READING THE 19TH DAY OF FEBRUARY, 2007.

**CITY OF BARBOURMEADE
ORDINANCE NO. 19
SERIES 2007**

AN ORDINANCE establishing a code of ethical conduct applicable to the officers and employees of the City of Barbourmeade and City of Barbourmeade agencies.

WHEREAS, the City, by and through its elected Officers, are desirous of passing this Ordinance to establish a code of ethical conduct for its officers and employees of the City of Barbourmeade.

WHEREAS, the General Assembly of the Commonwealth of Kentucky has enacted legislation requiring this city to enact and enforce a code of ethics governing the conduct of city officers and employees beginning no later than January 1, 1995; and

WHEREAS, the officials of this city are committed to the operation of a city government that manifests the highest moral and ethical standards among its officers and employees and desire to comply with all requirements of the Commonwealth's local government ethics law.

NOW THEREFORE, be it ordained by the Commission of the City of Barbourmeade, Kentucky;

SECTION 1. Title. This ordinance shall be known and may be cited as the "City of Barbourmeade Code of Ethics."

SECTION 2. Findings. The legislative body of the City of Barbourmeade finds and declares that:

(A) Public office and employment with the city are public trusts.

(B) The vitality and stability of the government of this city depends upon the public's confidence in the integrity of its elected and appointed officers and employees. Whenever the public perceives a conflict between the private interests and public duties of a city officer or employee, that confidence is imperiled.

(C) The government of this city has a duty to provide its citizens with standards by which they may determine whether public duties are being faithfully performed, and to make its officers and employees aware of the standards which the citizenry rightfully expects them to comply with while conducting their public duties.

SECTION 3. Purpose and Authority.

(A) It is the purpose of this ordinance to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for officers and employees of the City of Barbourmeade shall be clearly established, uniform in their application, and enforceable, and to provide the officers and employees of the city with advice and information concerning potential conflicts of interest which might arise in the conduct of their public duties.

(B) It is the further purpose of this ordinance to meet the requirements of the Kentucky Revised Statutes Chapter 65 as enacted by the 1994 Kentucky General Assembly.

(C) This ordinance is enacted under the power vested in the city by KRS 82.082 and pursuant to requirements of the Kentucky Revised Statutes.

SECTION 4. Definitions. As used in this ordinance, unless the context clearly requires a different meaning:

(A) "Business" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, or any legal entity through which business is conducted for profit.

(B) "Board of Ethics" means the City of Barbourmeade Board of Ethics which is created and vested by this ordinance with the responsibility of enforcing the requirements of the city's code of ethics.

(C) "Candidate" means any individual who seeks nomination or election to a city office. An individual is a candidate when the individual files a notification and declaration for nomination for office with the county clerk or secretary of state, or is nominated for office by a political party, or files a declaration of intent to be a write-in candidate with the county clerk or secretary of state.

(D) "City" refers to the City of Barbourmeade Kentucky.

(E) "City agency" means any board, commission, authority, nonstock corporation, or other entity created, either individually or jointly, by this city.

(F) "Employee" means any person, whether full-time or part-time, and whether paid or unpaid, who is employed by or provides service to the city. The term "employee" shall not include any contractor or subcontractor or any of their employees.

(G) "Family member" means a spouse, parent, child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild.

(H) "Immediate family member" means a spouse, an unemancipated child residing in the officer's or employee's household, or a person claimed by the officer or employee, or the officer's or employee's spouse, as a dependent for tax purposes.

(I) "Officer" means any person, whether full-time or part-time, and whether paid or unpaid, who is one of the following:

- (1) The mayor.
- (2) A legislative body member.
- (3) The city clerk,
- (4) The city manager.
- (5) The city administrator.
- (6) Any person who occupies a non-elected office created under KRS 83A.080.
- (7) A member of the governing body of any city agency who has been appointed to the governing body of the agency by the city.

STANDARDS OF CONDUCT

SECTION 5. Conflicts of Interest in General. Every officer and employee of the City of Barbourmeade and every city agency shall comply with the following standards of conduct:

(A) No officer or employee, or any immediate family member of any officer or employee, shall have an interest in a business or engage in any business, transaction, or activity, which is in substantial conflict with the proper discharge of the officer's or employee's public duties.

(B) No officer or employee shall intentionally use or attempt to use his or her official position with the city to secure unwarranted privileges or advantages for himself or herself or others.

(C) No officer or employee shall intentionally take or refrain from taking any

discretionary action, or agree to take or refrain from taking any discretionary action, or induce or attempt to induce any other officer or employee to take or refrain from taking any discretionary action, on any matter before the city in order to obtain a financial benefit for any of the following:

(1) The officer or employee.

(2) A family member.

(3) An outside employer.

(4) Any business in which the officer or employee, or any family member has a financial interest.

(5) Any business with which the officer or employee or any family member is negotiating or seeking prospective employment or other business or professional relationship.

(D) No officer or employee shall be deemed in violation of any provision in this section if, by reason of the officer's or employee's participation, vote, decision, action or inaction, no financial benefit accrues to the officer or employee, a family member, an outside employer, or a business as defined in subsection (C)(4) and (C)(5) of this section, as a member of any business, occupation, profession, or other group, to any greater extent than any gain could reasonably be expected to accrue to any other member of the business, occupation, profession, or other group.

(E) Every officer or employee who has a prohibited financial interest which the officer or employee believes or has reason to believe may be affected by his or her participation, vote, decision or other action taken within the scope of his or her public duties shall disclose the precise nature and value of the interest, in writing, to the governing body of the city or city agency served by the officer or employee, and the disclosure shall be entered on the official record of the proceedings of the governing body. The officer or employee shall refrain from taking any action with respect to the matter that is the subject of the disclosure.

SECTION 6. Conflicts of Interest in Contracts.

(A) No officer or employee of the city or any city agency shall directly or through others undertake, execute, hold, or enjoy, in whole or in part, any contract made, entered into, awarded, or granted by the City of Barbourmeade or a city agency, except as follows:

(1) The prohibition in subsection (A) of this section shall not apply to contracts

entered into before an elected officer filed as a candidate for city office, before an appointed officer was appointed to a city or city agency office, or before an employee was hired by the city or a city agency. However, if any contract entered into by a city or city agency officer or employee before he or she became a candidate, was appointed to office, or was hired as an employee, is renewable after he or she becomes a candidate, assumes the appointed office, or is hired as an employee, then the prohibition in subsection (A) of this section shall apply to the renewal of the contract.

(2) The prohibition in subsection (A) of this section shall not apply if the contract is awarded after public notice and competitive bidding, unless the officer or employee is authorized to participate in establishing the contract specifications, awarding the contract, or managing contract performance after the contract is awarded. If the officer or employee has any of the authorities set forth in the preceding sentence, then the officer or employee shall have no interest in the contract, unless the requirements set forth in subpart (3) below are satisfied.

(3) The prohibition in subsection (A) of this section shall not apply in any case where the following requirements are satisfied:

(a) The specific nature of the contract transaction and the nature of the officer's or employee's interest in the contract are publicly disclosed at a meeting of the governing body of the city or city agency.

(b) The disclosure is made a part of the official record of the governing body of the city or city agency before the contract is executed.

(c) A finding is made by the governing body of the city or city agency that the contract with the officer or employee is in the best interests of the public and the city or city agency because of price, limited supply, or other specific reasons.

(d) The finding is made a part of the official record of the governing body of the city or city agency before the contract is executed.

(B) Any violation of this section shall constitute a Class A misdemeanor, and upon conviction, the court may void any contract entered into in violation of this section. Additionally, a violation of this section shall be grounds for removal from office or employment with the city in accordance with any applicable provisions of state law and ordinances, rules or regulations of the city.

SECTION 7. Receipt of Gifts. No officer or employee of the city or any city agency shall directly, or indirectly through any other person or business, solicit or accept any gift having a fair market value of more than one hundred dollars (\$100), whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence, or could reasonably be expected to influence the officer or employee in the performance of his or her public duties.

SECTION 8. Use of City Property, Equipment, and Personnel.

(A) No officer or employee of the city shall use or permit the use of any city time, funds, personnel, equipment, or other personal or real property for the private use of any person, unless:

- (1) The use is specifically authorized by a stated city policy,
- (2) The use is available to the general public, and then only to the extent and upon the terms that such use is available to the general public.

SECTION 9. Representation of Interests Before City Government.

(A) No officer or employee of the city or any city agency shall represent any person or business, other than the city, in connection with any cause, proceeding, application or other matter pending before the city or any city agency.

(B) Nothing in this section shall prohibit an employee from representing another employee or employees where the representation is within the context of official labor union or similar representational responsibilities.

(C) Nothing in this section shall prohibit any officer or employee from representing himself or herself in matters concerning his or her own interests.

(D) No elected officer shall be prohibited by this section from making any inquiry for information on behalf of a constituent, if no compensation, reward or other thing of value is promised to, given to, or accepted by the officer, whether directly or indirectly, in return for the inquiry.

SECTION 10. Misuse of Confidential Information. No officer or employee of the City of Barbourmeade or any city agency shall intentionally use or disclose information acquired in the course of his or her official duties, if the primary purpose of the use or disclosure is to further his or her personal financial interest or that of another person or business. Information shall be deemed confidential, if it is not subject to disclosure pursuant

to the Kentucky Open Records Act, KRS 61.872 to 61.884, at the time of its use or disclosure.

SECTION 11. Post-Employment Restriction. No officer or employee of the city or any city agency shall appear or practice before the city or any city agency with respect to any matter on which the officer or employee personally worked while in the service of the city or city agency for a period of one (1) year after the termination of the officer's or employee's service with the city or city agency.

SECTION 12. Honoraria.

(A) No officer or employee of the city or a city agency shall accept any compensation, honorarium or gift with a fair market value greater than \$100 in consideration of an appearance, speech or article unless the appearance, speech or article is both related to the officer's or employee's activities outside of municipal service and is unrelated to the officer's or employee's service with the city.

(B) Nothing in this section shall prohibit an officer or employee of the city or any city agency from receiving and retaining from the city or on behalf of the city actual and reasonable out-of-pocket expenses incurred by the officer or employee in connection with an appearance, speech or article, provided that the officer or employee can show by clear and convincing evidence that the expenses were incurred or received on behalf of the city or city agency and primarily for the benefit of the city or city agency and not primarily for the benefit of the officer or employee or any other person.

FINANCIAL DISCLOSURE

SECTION 13. Who Must File. The following classes of officers and employees of the city and city agencies shall file an annual statement of financial interests with the Board of Ethics:

- (A) Elected city officials.
- (B) Candidates for elected city office.
- (C) Members of the city planning and zoning commission and board of adjustment.
- (D) Members of the Board of Ethics created by this Ordinance.

(E) Non-elected officers and employees of the city or any city agency who are authorized to make purchases of materials or services, or award contracts, leases or agreements involving the expenditure of more than one thousand (\$1,000.00) dollars.

SECTION 14. When to File Statements: Amended Statements.

(A) The initial statement of financial interests required by this section shall be filed with the Board of Ethics, or the administrative official designated as the custodian of its records by the Board of Ethics, no later than the City monthly meeting by December 31, 2007. All subsequent statements of financial interest shall be filed no later than the City monthly meeting in December of each year, provided that:

(1) An officer or employee newly-appointed to fill an office or position of employment with the city or a city agency shall file his or her initial statement no later than thirty (30) days after the date of the appointment,

(2) A candidate for city office shall file his or her initial statement no later than thirty (30) days after the date on which the person becomes a candidate for elected city office.

(B) The Board of Ethics may grant a reasonable extension of time for filing a statement of financial interests for good cause shown.

(C) In the event there is a material change in any information contained in a financial statement that has been filed with the Board, the officer or employee shall, no later than thirty (30) days after becoming aware of the material change, file an amended statement with the Board.

SECTION 15. Form of the Statement of Financial Interests. The statement of financial interests shall be filed on a form prescribed by the Board of Ethics, or the administrative official designated by the Board of Ethics. The Board, or the designated administrative official, shall deliver a copy of the form to each officer and employee required to file the statement, by first class mail or hand delivery, no later than the City monthly meeting in November of each year. The failure of the Board, or the designated administrative official, to deliver a copy of the form to any officer or employee shall not relieve the officer or employee of the obligation to file the statement.

SECTION 16. Control and Maintenance of the Statements of Financial Interests.

(A) The Board of Ethics shall be the "official custodian" of the statements of financial interests and shall have control over the maintenance of the statements of financial interests. The statements of financial interests shall be maintained by the Board of Ethics, or the administrative official designated by the Board of Ethics as the "custodian" as public documents, available for public inspection immediately upon filing,

(B) A statement of financial interests shall be retained by the Board, or the designated administrative official, for a period of five (5) years after filing, provided that:

(1) Upon the expiration of three (3) years after a person ceases to be an officer or employee of the city or a city agency, the Board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person.

(2) Upon the expiration of three (3) years after any election at which a candidate for elected city office was not elected or nominated, the Board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person.

SECTION 17. Contents of the Financial Interests Statement.

(A) The statement of financial interests shall include the following information for the preceding calendar year:

(1) The name, current business address, business telephone number, and home address of the filer.

(2) The title of the filer's office, office sought, or position of employment.

(3) The occupation of the filer and the filer's spouse.

(4) Information that identifies each source of income of the filer and the filer's immediate family members exceeding five thousand dollars (\$5,000) during the preceding calendar year, and the nature of the income (e.g., salary, commission, dividends, retirement fund distribution, etc.).

(5) The name and address of any business located within the state in which the filer or any member of the filer's immediate family had at any time during the preceding calendar year an interest of ten thousand dollars (\$10,000) at fair market value or five percent (5%) ownership interest or more.

(6) The name and address of any business located outside of the state, if the business has engaged in any business transactions with the city during the past three (3) years, or which is anticipated to engage in any business transactions with the city, in which the filer or any member of the filer's immediate family had at any time during the preceding calendar year an interest of ten thousand dollars (\$10,000) at fair market value or five percent (5%) ownership interest or more.

(7) A designation as commercial, residential, or rural, and the location of all real property within the county, other than the filer's primary residence, in which the filer or any member of the filer's immediate family had during the preceding calendar year an

interest of ten thousand dollars (\$10,000) or more.

(8) Each source by name and address of gifts or honoraria having an aggregate fair market value of one hundred dollars (\$100) or more from any single source, excluding gifts received from family members, received by the filer or any member of the filer's immediate family during the preceding calendar year.

(9) The name and address of any creditor owed more than ten thousand dollars (\$10,000), except debts arising from the purchase of a primary residence or the purchase of consumer goods which are bought or used primarily for person, family or household purposes.

(B) Nothing in this section shall be construed to require any officer or employee to disclose any specific dollar amounts nor the names of individual clients or customers of businesses listed as sources of income.

SECTION 18. Noncompliance With Filing Requirement.

(A) The Board of Ethics, or the designated administrative official, shall notify by certified mail each person required to file a statement of financial interests who fails to file the statement by the due date, files an incomplete statement, or files a statement in a form other than that prescribed by the Board. The notice shall specify the type of failure or delinquency, shall establish a date by which the failure or delinquency shall be remedied, and shall advise the person of the penalties for a violation.

(B) Any person who fails or refuses to file the statement or who fails or refuses to remedy a deficiency in the filing identified in the notice under subsection (A) within the time period established in the notice shall be guilty of a civil offense and shall be subject to a civil fine imposed by the Board in an amount not to exceed twenty-five dollars (\$25) per day, up to a maximum total civil fine of five hundred dollars (\$500). Any civil fine imposed by the Board under this section may be recovered by the city in a civil action in the nature of debt if the offender fails or refuses to pay the penalty within a prescribed period of time.

(C) Any person who intentionally files a statement of financial interests which he or she knows to contain false information or intentionally omits required information shall be guilty of a Class A misdemeanor.

NEPOTISISM

SECTION 19. Nepotism Prohibited.

(A) No officer or employee of the city or a city agency shall advocate, recommend

or cause the:

- (1) employment;
- (2) appointment;
- (3) promotion;
- (4) transfer; or
- (5) advancement of a family member to an office or position of employment with the city or a city agency.

(B) No officer or employee of the city or a city agency shall supervise or manage the work of a family member.

(C) No officer or employee shall participate in any action relating to the employment or discipline of a family member, except that this prohibition shall not prevent an elected or appointed official from voting on or participating in the development of a budget which includes compensation for a family member, provided that the family member is included only as a member of a class of persons or a group, and the family member benefits to no greater extent than any other similarly situated member of the class or group.

(D) The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to (Insert the Effective Date of the Ordinance).

ENFORCEMENT

SECTION 20. Board of Ethics Created.

(A) There is hereby created a Board of Ethics which shall have the authorities, duties, and responsibilities as set forth in this ordinance to enforce the provisions of this ordinance.

(B) The Board of Ethics shall consist of five (5) members who shall be appointed by the executive authority of the city, subject to the approval of the legislative body (*if different from the executive authority*). The initial members of the Board of Ethics shall be appointed within sixty (60) days of the effective date of this ordinance. No member of the Board of Ethics shall hold any elected or appointed office, whether paid or unpaid, or any position of employment with the city or any city agency. The members shall serve for a term of three (3) years; except that with respect to the members

initially appointed, one (1) members shall be appointed for a term of one (1) year, two (2) members shall be appointed for a term of two (2) years, and two (2) members shall be appointed for a term of three (3) years. Thereafter, all appointments shall be for a term of three (3) years. Each member of the Board of Ethics shall have been a resident of the city for at least one (1) year prior to the date of the appointment and shall reside in the city throughout the term in office. The members of the Board of Ethics shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. The members may be re-appointed for any number of consecutive terms.

(C) A member of the Board of Ethics may be removed by the executive authority, subject to the approval of the legislative body (*if different from the executive authority*) for misconduct, inability, or willful neglect of duties. Before any member of the Board of Ethics is removed from office under this section, the member shall be afforded the opportunity for a hearing before the executive authority and the legislative body (*if different from the executive authority*).

(D) Vacancies on the Board of Ethics shall be filled within sixty (60) days by the executive authority, subject to the approval of the legislative body (*if different from the executive authority*). If a vacancy is not filled by the executive authority within sixty (60) days, the remaining members of the Board of Ethics shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.

(E) Members of the Board of Ethics shall serve without compensation, unless otherwise approved by the legislative body, but shall be reimbursed for all necessary and reasonable expenses incurred in the performance of their duties.

(F) The Board of Ethics shall, upon the initial appointment of its members, and annually thereafter, elect a chairperson from among the membership. The chairperson shall be the presiding officer and a full voting member of the Board.

(G) Meetings of the Board of Ethics shall be held, as necessary, upon the call of the chairperson or at the written request of a majority of the members.

(H) The presence of three (3) or more members shall constitute a quorum and the affirmative vote of three (3) or more members shall be necessary for any official action to be taken. Any member of the Board of Ethics who has a conflict of interest with respect to any matter to be considered by the Board shall disclose the nature of the conflict, shall disqualify him or herself from voting on the matter, and shall not be counted for purposes of establishing a quorum.

(I) Minutes shall be kept for all proceedings of the Board of Ethics and the vote of each member on any issue decided by the Board shall be recorded in the minutes.

SECTION 21. Alternate Members. The executive authority of the city, with the approval of the legislative body (*if different than the executive authority*) may appoint two (2) alternate members of the Board of Ethics who may be called upon to serve when any regular member of the Board is unable to discharge his or her duties. An alternate member shall be appointed for a term of one (1) year. Alternate members shall meet all qualifications and be subject to all of the requirements of this ordinance that apply to regular members.

SECTION 22. Facilities and Staff. Within the limits of the funds appropriated by the legislative body in the annual budget, the city shall provide the Board of Ethics, either directly or by contract or agreement, with the facilities, materials, supplies, and staff needed for the conduct of its business.

SECTION 23. Power and Duties of the Board of Ethics. The Board of Ethics shall have the following powers and duties:

(A) To Initiate on its own motion, receive and investigate complaints, hold hearings, and make findings of fact and determinations with regard to alleged violations of the provisions of this ordinance.

(B) To issue orders in connection with its investigations and hearings requiring persons to submit in writing and under oath reports and answers to questions that are relevant to the proceedings and to order testimony to be taken by deposition before any individual designated by the Board who has the power to administer oaths.

(C) To administer oaths and to issue orders requiring the attendance and testimony of witnesses and the production of documentary evidence relating to an investigation or hearing being conducted by the Board.

(D) To refer any information concerning violations of this ordinance to the executive authority of the city, the city legislative body, the governing body of any city agency, the county attorney, or other appropriate person or body, as necessary.

(E) To render advisory opinions to city and city agency officers and employees regarding whether a given set of facts and circumstances would constitute a violation of any provision of this ordinance.

(F) To enforce the provisions of this ordinance with regard to all officers and employees of the city and city agencies who are subject to its terms by issuing appropriate orders and imposing penalties authorized by this ordinance.

(G) To control and maintain all statements of financial interests that are required to be filed by this ordinance and to insure that the statements are available for public inspection in accordance with the requirements of this ordinance and the Kentucky Open Records Act.

(H) To develop and submit any reports regarding the conduct of its business that may be required by the executive authority or legislative body of the city.

(I) To adopt rules and regulations and to take other actions, as necessary, to implement the provisions of this ordinance, provided that the rules, regulations, and actions are not in conflict with the provisions of this ordinance or any state or federal law.

SECTION 23.1. Filing and Investigation of Complaints.

(A) All complaints alleging any violation of the provisions of this ordinance shall be submitted to the Board of Ethics, or the administrative official designated by the Board of Ethics. All complaints shall be in writing, signed by the complainant, and shall meet any other requirements established by the Board of Ethics. The Board of Ethics shall acknowledge receipt of a complaint to the complainant within ten (10) working days from the date of receipt. The Board shall forward within ten (10) working days to each officer or employee of the City of Barbourmeade or city agency who is the subject of the complaint a copy of the complaint and a general statement of the applicable provisions of this ordinance.

(B) Within thirty (30) days of the receipt of a proper complaint, the Board of Ethics shall conduct a preliminary inquiry concerning the allegations contained in the complaint. The Board shall afford a person who is the subject of the complaint an opportunity to respond to the allegations in the complaint. The person shall have the right to be represented by counsel, to appear and be heard under oath, and to offer evidence in response to the allegations.

(C) All proceedings and records relating to a preliminary inquiry being conducted by the Board of Ethics shall be confidential until a final determination is made by the Board, except:

(1) The Board may turn over to the Commonwealth's attorney or county attorney evidence which may be used in criminal proceedings.

(2) If the complainant or alleged violator publicly discloses the existence of a preliminary inquiry, the Board may publicly confirm the existence of the inquiry, and, at its discretion, make public any documents which were issued to either party.

(D) The Board shall make a determination based on its preliminary inquiry whether the complaint is within its jurisdiction and, if so, whether it alleges a minimal factual basis to

constitute a violation of this ordinance. If the Board concludes that the complaint is outside of its jurisdiction, frivolous or without factual basis, the Board shall immediately terminate the inquiry, reduce the conclusion to writing, and transmit a copy of its decision to the complainant and to all officers or employees against whom the complaint was filed.

(E) If the Board of Ethics concludes, based upon its preliminary inquiry, that the complaint is within its jurisdiction and contains allegations sufficient to establish a minimal factual basis to constitute a violation, the Board shall notify the officer or employee who is the subject of the complaint and may:

(1) Due to mitigating circumstances such as, lack of significant economic advantage or gain by the officer or employee, lack of economic loss to the city and its taxpayers, or lack of significant impact on public confidence in city government issue, in writing, a confidential reprimand to the officer or employee concerning the alleged violation and provide a copy of the confidential reprimand to the executive authority and governing body of the city or city agency.

(2) Initiate a hearing to determine whether there has been a violation.

(F) Any person who knowingly files with the Board a false complaint alleging a violation of any provision of this ordinance by an officer or employee of the city or any city agency shall be guilty of a Class A misdemeanor.

SECTION 24. Notice of Hearings. If the Board of Ethics determines that a hearing regarding allegations contained in the complaint is necessary, the Board shall issue an order setting the matter for a hearing within thirty (30) days of the date the order is issued, unless the alleged violator petitions for and the Board consents to a later date. The order setting the matter for hearing, along with a copy of any pertinent regulations of the Board relating to the hearing shall be sent to the alleged violator within twenty-four (24) hours of the time the order setting a hearing is issued.

SECTION 25. Hearing Procedure.

(A) The Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence shall not apply to hearings conducted by the Board of Ethics; however, the hearings shall be conducted in accordance with this section and in accordance with any additional rules and regulations adopted by the Board so as to afford all parties the full range of due process rights required by the nature of the proceedings.

(B) Prior to the commencement of the hearing, the alleged violator, or his or her representative, shall have a reasonable opportunity to examine all documents and records obtained or

prepared by the Board in connection with the matter to be heard. The Board shall inform the alleged violator, or his or her representative, of any exculpatory evidence in its possession.

(C) All testimony in a Board hearing shall be taken under oath, administered by the presiding officer. All parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses, to submit evidence, and to be represented by counsel. All witnesses shall have the right to be represented by counsel.

(D) Any person whose name is mentioned during the hearing and who may be adversely affected thereby may appear personally before the Board, with or without counsel, to give a statement regarding the adverse mention, or may file a written statement regarding the adverse mention for incorporation into the record of the proceeding.

(E) All hearings of the Board of Ethics shall be public, unless the members vote to go into executive session in accordance with KRS 61.810.

(F) After the conclusion of the hearing, the Board of Ethics shall, as soon as practicable, begin deliberations in executive session for the purpose of reviewing the evidence before it and making a determination whether a violation of this ordinance has been proven. Within thirty (30) days after completion of the hearing, the Board shall issue a written report of its findings and conclusions.

(G) If the Board concludes in its report that no violation of this ordinance has occurred, it shall immediately send written notice of this determination to the officer or employee who was the subject of the complaint and to the party who filed the complaint.

(H) If the Board concludes in its report that in consideration of the evidence produced at the hearing there is clear and convincing proof of a violation of this ordinance, the Board may:

- (1) Issue an order requiring the violator to cease and desist the violation.

- (2) In writing, publicly reprimand the violator for the violations and provide a copy of the reprimand to the executive authority and governing body (*if different than the executive authority*) of the city or city agency with which the violator serves.

- (3) In writing, recommend to the executive authority and the governing body (*if different than the executive authority*) that the violator be sanctioned as recommended by the Board, which may include a recommendation for discipline or dismissal, or removal from office.

(4) Issue an order requiring the violator to pay a civil penalty of not more than \$1,000.

(5) Refer evidence of criminal violations of this ordinance or state laws to the county attorney or commonwealth's attorney of the jurisdiction for prosecution.

SECTION 26. Appeals. Any person who is found guilty of a violation of any provision of this ordinance by the Board of Ethics may appeal the finding to the circuit court of the county within thirty (30) days after the date of the final action by the Board of Ethics by filing a petition with the court against the Board. The Board shall transmit to the clerk of the court all evidence considered by the Board at the public hearing.

SECTION 27. Limitation of Actions. Except when the period of limitation is otherwise established by state law, an action for a violation of this ordinance must be brought within one (1) year after the violation is discovered.

SECTION 28. Advisory Opinions.

(A) The Board of Ethics may render advisory opinions concerning matters under its jurisdiction, based upon real or hypothetical facts and circumstances, upon its own initiative, or when requested by any officer or employee of the city or a city agency who is covered by this ordinance.

(B) An advisory opinion shall be requested in writing and shall state relevant facts and ask specific questions. The request for an advisory opinion shall remain confidential unless confidentiality is waived, in writing, by the requestor.

(C) The Board may adopt regulations, consistent with the Kentucky Open Records Law, to establish criteria under which it will issue confidential advisory opinions. All other advisory opinions shall be public documents, except that before an advisory opinion is made public, it shall be modified so that the identity of any person associated with the opinion shall not be revealed.

(D) The confidentiality of an advisory opinion may be waived either:

(1) In writing by the person who requested the opinion.

(2) By majority vote of the members of the Board, if a person makes or purports to make public the substance or any portion of an advisory opinion requested by or on behalf of the person. The Board may vote to make public the advisory opinion request and related materials.

(E) A written advisory opinion issued by the Board shall be binding on the Board in any subsequent proceeding concerning the facts and circumstances of the particular case if no intervening facts or circumstances arise which would change the opinion of the Board if they had existed at the time the opinion was rendered. However, if any fact determined by the Board to be material was omitted or misstated in the request for an opinion, the Board shall not be bound by the opinion.

(F) A written advisory opinion issued by the Board shall be admissible in the defense of any criminal prosecution or civil proceeding for violations of this ordinance for actions taken in reliance on that opinion.

SECTION 29. Reprisals Against Persons Disclosing Violations Prohibited.

(A) No officer or employee of the city or any city agency shall subject to reprisal, or directly or indirectly use, or threaten to use, any official authority or influence in any manner whatsoever which tends to discourage, restrain, deter, prevent, interfere with, coerce, or discriminate against any person who in good faith reports, discloses, divulges, or otherwise brings to the attention of the Board of Ethics or any other agency or official of the city or the Commonwealth any facts or information relative to an actual or suspected violation of this ordinance.

(B) This section shall not be construed as:

(1) Prohibiting disciplinary or punitive action if an officer or employee of the city or any city agency discloses information which he or she knows:

(a) To be false or which he or she discloses with reckless disregard for its truth or falsity.

(b) To be exempt from required disclosure under the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884.

(c) Is confidential under any other provision of law.

SECTION 30. Penalties.

(A) Except when another penalty is specifically set forth in this ordinance, any officer or employee of the city or any city agency who is found by the Board of Ethics to have violated any provision of this ordinance shall be deemed guilty of a civil offense and may be subject to a civil fine imposed by the Board of Ethics not to exceed one thousand dollars (\$1,000), which may be

recovered by the city in a civil action in the nature of debt if the offender fails to pay the penalty within a prescribed period of time.

(B) In addition to all other penalties which may be imposed under this ordinance, any officer or employee of the city or any city agency who is found by the Board of Ethics to have violated any provision of this ordinance shall forfeit to the city or the city agency an amount equal to the economic benefit or gain which the officer or employee is determined by the Board to have realized as a result of the violation. The amount of any forfeiture may be recovered by the city in a civil action in the nature of debt, if the offender fails to pay the amount of the forfeiture within a prescribed period of time.

(C) In addition to all other penalties which may be imposed under this ordinance, a finding by the Board of Ethics that an officer or employee of the city or any city agency is guilty of a violation of this ordinance shall be sufficient cause for removal, suspension, demotion, or other disciplinary action by the executive authority of the city or city agency, or by any other officer or agency having the power of removal or discipline. Any action to remove or discipline any officer or employee for a violation of this ordinance shall be taken in accordance with all applicable ordinances and regulations of the city and all applicable laws of the Commonwealth.

SECTION 31. Severability. If any provision of this ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provision of this ordinance shall continue in full force and effect.

SECTION 32. Conflicting Ordinances Repealed. All other ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION 33. Effective Date. This ordinance shall take full force and effect immediately upon publication as required by KRS 83 A.060.

FIRST READING THE 19th DAY OF MARCH, 2007.

SECOND READING THE 18th DAY OF June, 2007.

PASSED AND APPROVED THE 18th DAY OF June, 2007.

/S/ Kim Holsclaw
Mayor, City of Barbourmeade, Kentucky

ATTEST: /S/ Erica Albrecht
Clerk

Those voting Aye:
Kim Holsclaw, Mayor
Bryan Coomer, Commissioner
Lisa Crockett, Commissioner
Anne Jay, Commissioner
Dan Streit, Commissioner

Those voting Nay:

**CITY OF BARBOURMEADE
MUNICIPAL ORDER NO. 1
SERIES 2007**

A **MUNICIPAL ORDER** requiring Rules of Order to be followed by the Commission of the City of Barbourmeade.

WHEREAS, the City, by and through its elected Officers, are desirous of passing this Municipal Order for the general financial well being of the City and for protection of its residents.

NOW THEREFORE, be it ordained by the Commission of the City of Barbourmeade, Kentucky;

(A) *Business to be conducted orderly.* The business of the City Commission shall be conducted in an orderly manner in accordance with such rules of conduct as the City Commission may establish by majority vote.

(B) *Minutes of previous meeting to be read; exceptions.* At each regular meeting of the City Commission, the minutes of the proceedings of the previous regular meeting and of all intervening special meetings shall be publicly read, corrected and approved, signed by the presiding officer and attested by the City Clerk. The minutes may be approved without reading if the City Clerk has previously furnished each member with a synopsis and if no member of the City Commission has requested a reading of the minutes of a Commission meeting.

(C) *Vote.* The vote on all questions coming before the City Commission shall be by voice vote except that the roll shall be called if any member requests it. The passage of an ordinance shall be by roll call vote and the vote of each member of the City Commission shall be entered on the official record of the meeting.

(D) *Motions, in general.* Any member of the City Commission presiding instead of the Mayor may move, second, and debate from the chair, subject only to such limitations of debate as are imposed by these rules on all members. Any member presiding instead of the Mayor shall not be deprived of any of the rights and privileges of a Commission member by reason of his acting as the presiding officer.

(E) *Member to be recognized before speaking.*

(1) Any City Commissioner desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine himself to the question under debate, avoiding all indecorous language.

(2) A City Commissioner, once recognized, shall not be interrupted when speaking unless it be to call him to order, or as herein otherwise provided. If a member, while speaking, is called to order, he shall cease speaking until the question of order is determined. If in order, he shall be permitted to proceed.

(F) *Closing debate.* The City Commissioner moving the adoption of an ordinance, municipal order, or resolution shall have the privilege of closing the debate.

(G) *Motions to reconsider any action.* A motion to reconsider any action taken by the City Commission may be made only on the day the action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session. The motion must be made by one (1) of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions. While a member has the floor, the motion shall be debatable. Nothing herein shall be construed to prevent any member of the City Commission from making or remaking the same or any other motion at a subsequent meeting of the City Commission.

(H) *Member's reasons for position may be recorded in minutes.* Any City Commissioner shall have the right to have the reasons for his dissent from, support of, or protest against, any action of the City Commission entered on the minutes.

(I) *Addressing City Commission during a meeting.*

(1) Any person desiring to address the City Commission shall first secure the permission of the presiding officer.

(2) Any person making personal, impertinent, or slanderous remarks or becoming boisterous while addressing the City Commission shall be forthwith, by the presiding officer, barred from further audience before the City Commission unless permission to continue is granted by a majority vote of the City Commission.

(3) Any interested parties or their authorized representatives may address the City Commission by written communications in regard to matters then under discussion, and the communications shall be read by the City Clerk at the next regular meeting unless objected to by a majority of the City Commission.

(4) Any taxpayer or resident of the City, or their authorized legal representative, may address the City Commission by oral communications on any matter concerning the City's business or any matter over which the City Commission has control, provided, however, that preference shall be given to those persons who have notified the City Clerk in advance of their desire to speak in order that the same may appear on the agenda of the City Commission.

(5) Any interested or his authorized representative may address the City Commission by reading of protests, petitions, or communications relating to zoning, sewer, and street proceedings, hearings on protests, appeals, and petitions, or similar matters.

(J) *Motion to adjourn.* A motion to adjourn shall always be in order and decided without debate.

FURTHER, this Municipal Order shall take effect upon approval, passage and publication as required by law.

PASSED AND APPROVED THE 19TH DAY OF FEBRUARY, 2007.

/S/ Kim Holsclaw
Mayor, City of Barbourmeade, Kentucky

ATTEST: /S/ Erica Tebucht
Clerk

Those voting Aye:

Kim Holsclaw, Mayor
Bryan Coomer, Commissioner
Lisa Crockett, Commissioner
Aene Jay, Commissioner
Dan Streit, Commissioner

Those voting Nay:

**CITY OF BARBOURMEADE
MUNICIPAL ORDER NO. 2
SERIES 2007**

A **MUNICIPAL ORDER** requiring certain office holders in the City of Barbourmeade, to be bonded.

WHEREAS, the City, by and through its elected Officers, are desirous of passing this Municipal Order for the general financial well being of the City and for protection of its residents.

NOW THEREFORE, be it ordained by the Commission of the City of Barbourmeade, Kentucky;

That the above office holders be compelled to give bond to Barbourmeade in the following sums:

Mayor	\$28,000
Mayor Pro Tem	\$28,000
City Treasurer/Tax Administrator	\$500,000

These bonds are to be put into effect until the expiration of said officeholder's term. This bond may be cancelled, however, in such cases where the office-holder is for any reason whatsoever removed from office.

The premiums on all such bonds shall be paid by the City of Barbourmeade.

FURTHER, this Municipal Order shall take effect upon approval, passage and publication as required by law.

PASSED AND APPROVED THE 19TH DAY OF FEBRUARY, 2007.

/S/ Kim Holsclaw
Mayor, City of Barbourmeade, Kentucky

ATTEST: /S/ Quia T. T. T. T.
Clerk

Those voting Aye:

Those voting Nay:

Kim Holsclaw, Mayor
Bryan Coomer, Commissioner
Lisa Crockett, Commissioner
Anne Jay, Commissioner
Dan Streit, Commissioner

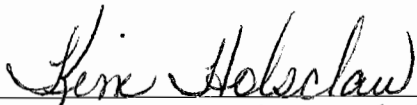
**CITY OF BARBOURMEADE
RESOLUTION NO. 1
SERIES 2007**

WHEREAS, the City of Barbourmeade, by and through its elected officials, is desirous of stating the official position below for the safety and well being of its residents.

BE IT HEREBY RESOLVED that in order to have adequate and prompt fire, police and emergency medical service protection to the residents of the City of Barbourmeade, it is necessary for such personnel to readily identify house numbers at all times during the day and night and as a result, the Commission of the City of Barbourmeade encourages its residents to place their residential address in a conspicuous place which is clearly visible from the street and kept free and clear of any obstructions hindering visibility from the street passing in front of the residence.

FURTHER, for visibility purposes, the numbers should be in standard Arabic form of size of at least three (3) inches by two (2) inches and in a color distinguishable from the background and color of the residence.

IT IS HEREBY RESOLVED this 19th day of February, 2007.



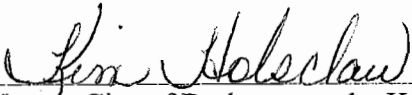
Mayor, City of Barbourmeade, Kentucky

**CITY OF BARBOURMEADE
RESOLUTION NO. 2
SERIES 2007**

WHEREAS, the City of Barbourmeade, by and through its elected officials, is desirous of stating the official position below for the safety and well being of its residents.

BE IT HEREBY RESOLVED that for the general beauty of the city and the value of the homes located within its boundaries, the Commission of Barbourmeade hereby encourages residents to place their garbage cans at the curb for pick up no earlier than 3:00 p.m. on the day preceding the pick up and remove the cans by 6:00 p.m. the day following the pick up.

IT IS HEREBY RESOLVED this 19th day of February, 2007.



Mayor, City of Barbourmeade, Kentucky