DATE			
ADOPTED	EFFECTIVE	TOPIC	KOC. NO
		Establishing Vol. Fire Dept.	310
		Regulating False Alarm Calls to Fire Dept.	310.01
3/4/1991		Estab. Vol. Fire Dept	310.02
		Fire Truck Lease	310.03
3/9/1971		Concealed Weapons	320.01
7/2/1973		Radar Speed Guns	320.02
3/1/1976		Ord. for Policing of Boatdock	320.03
9/8/1986		Amend. Ord. Regulating abandoned vehicles	320.04
7/8/1983		Regulating Bicycles in City Streets	320.05
9/10/1984		Ord. Regulating BB Guns	320.06
		Ord. Declaring an Emergency & Subs. Ambulance	320.07
4/4/1988		Abatement of Nuisances	320.08
		Hazardous Materials Regulations	320.09
8/10/1999		Establishing Police Dept. for City	320.1
8/3/1999		Requiring Registration & Control of Vicious Dogs	340.01
1/4/1993		Amend. Estab. Vol. Fire Dept	310.02A
3/4/1996		Amend. Estab. Vol. Fire Dept	310.02B
7/26/1999		Amend. Estab. Vol. Fire Dept	310.02C
6/16/1998		Amend. Estab. Vol. Fire Dept	310.02C
		Amend. Ord. for Classification of Nuisances	320.08A
4/5/1993		Amend. Abatement of Nuisances	320.08A
2/7/2000		Amend. Abatement of Nuisances	320.08B
6/17/2004		Amend. Abatement of Nuisances	320.08C
		Nuisance	320.08C
9/10/2003		Amend. Reg. & Control of Vicious Dogs	340.01A

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Table of Contents for 320.00

320.08C - Amend. ~~Code of Ord.~~ 6-17-04

320.08 - Abatement of Nuisances 4-4-88

320.08B - Amend. " " 2-7-2000

320.08A - Amend " " 4-5-93

32.09

KOC 310.1

ORDINANCE NO. 79-7

An Ordinance

REGULATING FALSE ALARM CALLS

TO THE VANCEBURG VOLUNTEER FIRE DEPARTMENT

WHEREAS, it has come to the attention of the City of Vanceburg that on various occassions and at all hours of the night and day certain individuals have called the Vanceburg Volunteer Fire Department reporting false fire alarms,

WHEREAS, such behavior has caused the members of the Vanceburg Volunteer Fire Department great inconveniences, hardship and expense.

NOW THEREFORE, the City of Vanceburg, by and through its City Council, does ordain as follows:

That any person who (a) knowlingly calls, circulates, initiates or causes another person to so call, circulate, or initiate a report or warning of an alleged occurrance or impending occurrance of a fire or other emergency under circumstances likely to cause public inconveniences or alarm when that person knows the information reported, conveyed or circulated is false or baseless, or (b) knowingly causes a false alarm of fire or other emergency to be transmitted to or within any organization, official or volunteer, that deals with emergencies involving danger to life or property, shall be guilty of falsly reporting a fire or emergency and the penalty for the violation of this ordinance shall be a fine not to exceed $500.00 and/or imprisonment of not more than ninety (90) days.

This ordinance shall be in full force and effect after due authorization and publication as prescribed by law.

ORDINANCE NO. 310.02C

AN ORDINANCE OF THE CITY OF VANCEBURG, KENTUCKY
AMENDING ORDINANCE NO. 310.02C
ESTABLISHING A VOLUNTEER FIRE DEPARTMENT,
PROVIDING FOR THE APPOINTMENT OF A FIRE CHIEF, ETC.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VANCEBURG:

Section 1. Establishment.

A Fire Department is hereby established in the city to be known as the Vanceburg Volunteer Fire Department.

Section 2. Fire Chief.

(A) The office of Fire Chief is hereby established.

(B) The Fire Chief shall be appointed by the Mayor with the approval of the City Council, pursuant to KRS 83A.080; and may be removed by the Mayor.

(C) No person shall be appointed or act as the Fire Chief unless such person has taken the oath required by Section 228 of the Constitution of the Commonwealth of Kentucky and has provided a bond in the sum of $3,000.00, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein and meets the qualifications set forth in KRS 95.710.

(D) Subject to the executive authority of the city and the rules and regulations promulgated by the volunteer firefighters and approved by the Mayor, the Chief of the Volunteer Fire Department shall be responsible for the organization and operation of the Fire Department and shall supervise, direct, and control the equipment of the Fire Department and the volunteer firefighters in their response to fires and the extinguishment thereof and the plans, preparations, procedures, practice and training in regard thereto, and may, as Chief of the Fire Department, perform or cause to be performed all other actions authorized by law, ordinance or regulation.

(E) The compensation of the Fire Chief shall be $400.00 per month.

(F) The Fire Chief shall reside in the city. An exception may be made only if it is determined by the Mayor, with the approval of the City Council, that a qualified person cannot be found that is a resident of the city.

Section 3. Assistant Fire Chiefs.

(A). Assistant Fire Chiefs, not to exceed two (2) in number, may be selected by the Fire Chief with the approval of the Mayor.

(B). To help defray their expenses in responding to fires,

and/or performing the duties of Assistant Fire Chief or the duties of the Fire Chief in his absence, each Assistant Fire Chief shall be paid the sum of $125.00 per month.

Section 4. Expenses of Firefighters.

(A). To help defray their expenses in responding to fires, each firefighter, except the Fire Chief and Assistant Fire Chiefs, shall be paid the sum of $20.00 for each fire attended in the city limits and in which said firefighter materially participated in the extinguishment thereof.

(B). On the last Friday in each month the Fire Chief shall certify to the City Clerk the names of the firefighters who attended fires in the city limits and whether or not said firefighters materially participated in the extinguishment of said fires.

(C). All members of the Vanceburg Volunteer Fire Department incurring expenses in attending schools and training seminars relating to firefighting, which have been approved by the Fire Chief, shall be reimbursed for their registration fees, room and meals and travel expenses pursuant to Section VII of Ordinance No. 130.010.A.

Section 5. Conflict.

All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 6. Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

Mayor, City of Vanceburg

ATTEST:

City Clerk

First Reading: June 14 1999

Second Reading: July 26, 1999

NOTICE OF ENACTMENT AND SUMMARY
OF
AMENDMENT TO ORDINANCE NO. 310.02C

AN ORDINANCE OF THE CITY OF VANCEBURG, KENTUCKY AMENDING AN ORDINANCE ESTABLISHING A VOLUNTEER FIRE DEPARTMENT PROVIDING FOR THE APPOINTMENT OF A FIRE CHIEF, ETC.

As required by KRS 83A.060(9), I hereby certify that an Ordinance bearing the above title was given first reading by the City Council of the City of Vanceburg, Kentucky, at a duly convened meeting of the City Council held on June 14, 1999, and was given second reading and enacted by said City Council at a duly convened meeting held on July 26, 1999, and that the following is a Summary of such Ordinance prepared by E. V. Holder, Jr., Attorney for the City of Vanceburg, Kentucky.

SUMMARY OF ORDINANCE

Said Ordinance amends Ordinance No. 310.02C, by changing the compensation of the Fire Chief from $275.00 per month to $400.00 per month.

A copy of the full text of said Ordinance is available for public inspection at the City Building during regular business hours, Monday through Friday.

Jeana Billman

Jeana Billman
Clerk, City of Vanceburg

ORDINANCE NO. #310.0

AN ORDINANCE OF THE CITY OF VANCEBURG, KENTUCKY ESTABLISHING A VOLUNTEER FIRE DEPARTMENT, PROVIDING FOR THE APPOINTMENT OF A FIRE CHIEF, SETTING THE COMPENSATION OF THE FIRE CHIEF AND DECLARING AN EMERGENCY TO EXIST

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VANCEBURG:

Section 1. Establishment.

A Fire Department is hereby established in the city to be known as the Vanceburg Volunteer Fire Department.

Section 2. Fire Chief.

(A) The office of Fire Chief is hereby established.

(B) The Fire Chief shall be appointed by the Mayor with the approval of the City Council, pursuant to KRS 83A.080; and may be removed by the Mayor.

(C) No person shall be appointed or act as the Fire Chief unless such person has taken the oath required by Section 228 of the Constitution of the Commonwealth of Kentucky and has provided a bond in the sum of $3,000.00, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein and meets the qualifications set forth in KRS 95.710.

(D) Subject to the executive authority of the city and the rules and regulations promulgated by the volunteer firefighters and approved by the Mayor, the Chief of the Volunteer Fire Department shall be responsible for the organization and operation of the Fire Department and shall supervise, direct, and control the equipment of the Fire Department and the volunteer firefighters in their response to fires and the extinguishment thereof and the plans, preparations, procedures, practice and training in regard thereto, and may, as Chief of the Fire Department, perform or cause to be performed all other actions authorized by law, ordinance or regulation.

(E) The compensation of the Fire Chief shall be $150.00 per month.

(F) The Fire Chief shall reside in the city. An exception

may be made only if it is determined by the Mayor, with the approval of the City Council, that a qualified person cannot be found that is a resident of the city.

Section 3. Declaration of Emergency. The City is presently without adequate fire protection, therefore, an emergency is hereby declared to exist and the second reading of this ordinance is hereby waived. This ordinance shall become effective upon passage.

William Hooper
Mayor, City of Vanceburg

ATTEST:

Joana H. Gipson
City Clerk

amended before passed

ORDINANCE NO. 310.0

AN ORDINANCE OF THE CITY OF VANCEBURG, KENTUCKY
ESTABLISHING A VOLUNTEER FIRE DEPARTMENT,
PROVIDING FOR THE APPOINTMENT OF A FIRE CHIEF AND
SETTING THE COMPENSATION OF THE FIRE CHIEF

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VANCEBURG:

Section 1. Establishment.

A Fire Department is hereby established in the city to be known as the Vanceburg Volunteer Fire Department.

Section 2. Fire Chief.

(A) The office of Fire Chief is hereby established.

(B) The Fire Chief shall be appointed by the Mayor with the approval of the City Council, pursuant to KRS 83A.080; and may be removed by the Mayor.

(C) No person shall be appointed or act as the Fire Chief unless such person has taken the oath required by Section 228 of the Constitution of the Commonwealth of Kentucky and has provided a bond in the sum of $3,000.00, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein and meets the qualifications set forth in KRS 95.710.

(D) Subject to the executive authority of the city and the rules and regulations promulgated by the volunteer firefighters and approved by the Mayor, the Chief of the Volunteer Fire Department shall be responsible for the organization and operation of the Fire Department and shall supervise, direct, and control the equipment of the Fire Department and the volunteer firefighters in their response to fires and the extinguishment thereof and the plans, preparations, procedures, practice and training in regard thereto, and may, as Chief of the Fire Department, perform or cause to be performed all other actions authorized by law, ordinance or regulation.

(E) The compensation of the Fire Chief shall be $150.00 per month.

(F) The Fire Chief shall reside in the city. An exception may be made only if it is determined by the Mayor, with the

approval of the City Council, that a qualified person cannot be found that is a resident of the city.

Section 3. This ordinance shall become effective upon proper passage and publication according to law.

Mayor, City of Vanceburg

ATTEST:

City Clerk

First Reading : Feb. 19, 1990

Second Reading: _____

Vote : 4 Yes 1 No

ORDINANCE NO. 310.02C A

AN ORDINANCE OF THE CITY OF VANCEBURG, KENTUCKY
AMENDING ORDINANCE NO. 310.02B
ESTABLISHING A VOLUNTEER FIRE DEPARTMENT,
PROVIDING FOR THE APPOINTMENT OF A FIRE CHIEF, ETC.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VANCEBURG:

Section 1. Establishment.

A Fire Department is hereby established in the city to be known as the Vanceburg Volunteer Fire Department.

Section 2. Fire Chief.

(A) The office of Fire Chief is hereby established.

(B) The Fire Chief shall be appointed by the Mayor with the approval of the City Council, pursuant to KRS 83A.080; and may be removed by the Mayor.

(C) No person shall be appointed or act as the Fire Chief unless such person has taken the oath required by Section 228 of the Constitution of the Commonwealth of Kentucky and has provided a bond in the sum of $3,000.00, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein and meets the qualifications set forth in KRS 95.710.

(D) Subject to the executive authority of the city and the rules and regulations promulgated by the volunteer firefighters and approved by the Mayor, the Chief of the Volunteer Fire Department shall be responsible for the organization and operation of the Fire Department and shall supervise, direct, and control the equipment of the Fire Department and the volunteer firefighters in their response to fires and the extinguishment thereof and the plans, preparations, procedures, practice and training in regard thereto, and may, as Chief of the Fire Department, perform or cause to be performed all other actions authorized by law, ordinance or regulation.

(E) The compensation of the Fire Chief shall be **$275.00** [~~$175.00~~] per month.

(F) The Fire Chief shall reside in the city. An exception may be made only if it is determined by the Mayor, with the approval of the City Council, that a qualified person cannot be found that is a resident of the city.

Section 3. Assistant Fire Chiefs.

(A). Assistant Fire Chiefs, not to exceed two (2) in number, may be selected by the Fire Chief with the approval of the Mayor.

(B). To help defray their expenses in responding to fires,

and/or performing the duties of Assistant Fire Chief or the duties of the Fire Chief in his absence, each Assistant Fire Chief shall be paid the sum of **$125.00** ~~[$75.00]~~ per month.

Section 4. Expenses of Firefighters.

(A). To help defray their expenses in responding to fires, each firefighter, except the Fire Chief and Assistant Fire Chiefs, shall be paid the sum of $20.00 for each fire attended in the city limits and in which said firefighter materially participated in the extinguishment thereof.

(B). On the last Friday in each month the Fire Chief shall certify to the City Clerk the names of the firefighters who attended fires in the city limits and whether or not said firefighters materially participated in the extinguishment of said fires.

(C). All members of the Vanceburg Volunteer Fire Department incurring expenses in attending schools and training seminars relating to firefighting, which have been approved by the Fire Chief, shall be reimbursed for their registration fees, room and meals and travel expenses pursuant to Section VII of Ordinance No. 130.010.A.

Section 5. Conflict.

All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 6. Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

Mayor, City of Vanceburg

ATTEST:

City Clerk

First Reading: June 1, 1998

Second Reading: Junw 16, 1998

2city/ord10B

ORDINANCE NO. 310.02B

AN ORDINANCE OF THE CITY OF VANCEBURG, KENTUCKY
AMENDING ORDINANCE NO. 310.02A
ESTABLISHING A VOLUNTEER FIRE DEPARTMENT,
PROVIDING FOR THE APPOINTMENT OF A FIRE CHIEF, ETC.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VANCEBURG:

Section 1. Establishment.

A Fire Department is hereby established in the city to be known as the Vanceburg Volunteer Fire Department.

Section 2. Fire Chief.

(A) The office of Fire Chief is hereby established.

(B) The Fire Chief shall be appointed by the Mayor with the approval of the City Council, pursuant to KRS 83A.080; and may be removed by the Mayor.

(C) No person shall be appointed or act as the Fire Chief unless such person has taken the oath required by Section 228 of the Constitution of the Commonwealth of Kentucky and has provided a bond in the sum of $3,000.00, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein and meets the qualifications set forth in KRS 95.710.

(D) Subject to the executive authority of the city and the rules and regulations promulgated by the volunteer firefighters and approved by the Mayor, the Chief of the Volunteer Fire Department shall be responsible for the organization and operation of the Fire Department and shall supervise, direct, and control the equipment of the Fire Department and the volunteer firefighters in their response to fires and the extinguishment thereof and the plans, preparations, procedures, practice and training in regard thereto, and may, as Chief of the Fire Department, perform or cause to be performed all other actions authorized by law, ordinance or regulation.

(E) The compensation of the Fire Chief shall be $175.00 per month.

(F) The Fire Chief shall reside in the city. An exception may be made only if it is determined by the Mayor, with the approval of the City Council, that a qualified person cannot be found that is a resident of the city.

Section 3. Assistant Fire Chiefs.

(A). Assistant Fire Chiefs, not to exceed two (2) in number, may be selected by the Fire Chief with the approval of the Mayor.

(B). To help defray their expenses in responding to fires,

and/or performing the duties of Assistant Fire Chief or the duties of the Fire Chief in his absence, each Assistant Fire Chief shall be paid the sum of $75.00 per month.

[~~(C). Assistant Fire Chiefs shall reside in the city. An exception may be made only if it is determined by the Fire Chief, with the approval of the Mayor, that qualified persons cannot be found that are residents of the city.~~]

Section 4. Expenses of Firefighters.

(A). To help defray their expenses in responding to fires, each firefighter, except the Fire Chief and Assistant Fire Chiefs, shall be paid the sum of $20.00 for each fire attended in the city limits and in which said firefighter materially participated in the extinguishment thereof.

(B). On the last Friday in each month the Fire Chief shall certify to the City Clerk the names of the firefighters who attended fires in the city limits and whether or not said firefighters materially participated in the extinguishment of said fires.

(C). All members of the Vanceburg Volunteer Fire Department incurring expenses in attending schools and training seminars relating to firefighting, which have been approved by the Fire Chief, shall be reimbursed for their registration fees, room and meals and travel expenses pursuant to Section VII of Ordinance No. 130.010.A.

Section 5. Conflict.

All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 6. Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

Mayor, City of Vanceburg

ATTEST:

City Clerk

First Reading: 2.5.96

Second Reading: 3.4.96

4city/ord10

NOTICE OF ENACTMENT AND SUMMARY
OF
ORDINANCE NO. 310.02B

AN ORDINANCE OF THE CITY OF VANCEBURG, KENTUCKY
AMENDING ORDINANCE NO. 310.02A
ESTABLISHING A VOLUNTEER FIRE DEPARTMENT,
PROVIDING FOR THE APPOINTMENT OF A FIRE CHIEF, ETC.

As required by KRS 83A.060(9), I hereby certify that an Ordinance bearing the above title was given first reading by the City Council of the City of Vanceburg, Kentucky, at a duly convened meeting of the City Council held on February 5, 1996, and was given second reading and enacted by said City Council at a duly convened meeting held on March 4, 1996, and that the following is a Summary of such Ordinance prepared by E. V. Holder, Jr., Attorney for the City of Vanceburg, Kentucky.

SUMMARY OF ORDINANCE

Said Ordinance amends Ordinance No. 310.02A, by eliminating the requirement that Assistant Fire Chief reside in the City of Vanceburg.

A copy of the full text of said Ordinance is available for public inspection at the City Building, 615 Second Street, Vanceburg, Kentucky, during regular business hours, Monday through Friday.

Jeana Billman

Jeana Billman
Clerk, City of Vanceburg

ORDINANCE NO. 310.02A

AN ORDINANCE OF THE CITY OF VANCEBURG, KENTUCKY
AMENDING ORDINANCE NO. 310.02
ESTABLISHING A VOLUNTEER FIRE DEPARTMENT,
PROVIDING FOR THE APPOINTMENT OF A FIRE CHIEF, ETC.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VANCEBURG:

Section 1. Establishment.

A Fire Department is hereby established in the city to be known as the Vanceburg Volunteer Fire Department.

Section 2. Fire Chief.

(A) The office of Fire Chief is hereby established.

(B) The Fire Chief shall be appointed by the Mayor with the approval of the City Council, pursuant to KRS 83A.080; and may be removed by the Mayor.

(C) No person shall be appointed or act as the Fire Chief unless such person has taken the oath required by Section 228 of the Constitution of the Commonwealth of Kentucky and has provided a bond in the sum of $3,000.00, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein and meets the qualifications set forth in KRS 95.710.

(D) Subject to the executive authority of the city and the rules and regulations promulgated by the volunteer firefighters and approved by the Mayor, the Chief of the Volunteer Fire Department shall be responsible for the organization and operation of the Fire Department and shall supervise, direct, and control the equipment of the Fire Department and the volunteer firefighters in their response to fires and the extinguishment thereof and the plans, preparations, procedures, practice and training in regard thereto, and may, as Chief of the Fire Department, perform or cause to be performed all other actions authorized by law, ordinance or regulation.

(E) The compensation of the Fire Chief shall be $150.00 per month.

(F) The Fire Chief shall reside in the city. An exception may be made only if it is determined by the Mayor, with the approval of the City Council, that a qualified person cannot be found that is a resident of the city.

Section 3. Assistant Fire Chiefs.

(A). Assistant Fire Chiefs, not to exceed two (2) in number, may be selected by the Fire Chief with the approval of the Mayor.

(B). To help defray their expenses in responding to fires, and/or performing the duties of Assistant Fire Chief or the duties of the Fire Chief in his absence, each Assistant Fire Chief shall be paid the sum of $50.00 per month.

(C). Assistant Fire Chiefs shall reside in the city. An exception may be made only if it is determined by the Fire Chief, with the approval of the Mayor, that qualified persons cannot be found that are residents of the city.

Section 4. Expenses of Firefighters.

(A). To help defray their expenses in responding to fires, each firefighter, except the Fire Chief and Assistant Fire Chiefs, shall be paid the sum of $15.00 for each fire attended in the city limits and in which said firefighter materially participated in the extinguishment thereof.

(B). On the last Friday in each month the Fire Chief shall certify to the City Clerk the names of the firefighters who attended fires in the city limits and whether or not said firefighters materially participated in the extinguishment of said fires.

(C). All members of the Vanceburg Volunteer Fire Department incurring expenses in attending schools and training seminars relating to firefighting, which have been approved by the Fire Chief, shall be reimbursed for their registration fees, room and meals and travel expenses pursuant to Section VII of Ordinance No. 130.010A.

Section 5. Conflict.

All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 6. Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

Mayor, City of Vanceburg

ATTEST:

City Clerk

First Reading: December 7, 1992

Second Reading: January 4, 1993

Amended 1-4-93

ORDINANCE NO. 310.02

AN ORDINANCE OF THE CITY OF VANCEBURG, KENTUCKY
AMENDING ORDINANCE NO. 310.02
ESTABLISHING A VOLUNTEER FIRE DEPARTMENT,
PROVIDING FOR THE APPOINTMENT OF A FIRE CHIEF, ETC.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VANCEBURG:

Section 1. Establishment.

A Fire Department is hereby established in the city to be known as the Vanceburg Volunteer Fire Department.

Section 2. Fire Chief.

(A) The office of Fire Chief is hereby established.

(B) The Fire Chief shall be appointed by the Mayor with the approval of the City Council, pursuant to KRS 83A.080; and may be removed by the Mayor.

(C) No person shall be appointed or act as the Fire Chief unless such person has taken the oath required by Section 228 of the Constitution of the Commonwealth of Kentucky and has provided a bond in the sum of $3,000.00, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein and meets the qualifications set forth in KRS 95.710.

(D) Subject to the executive authority of the city and the rules and regulations promulgated by the volunteer firefighters and approved by the Mayor, the Chief of the Volunteer Fire Department shall be responsible for the organization and operation of the Fire Department and shall supervise, direct, and control the equipment of the Fire Department and the volunteer firefighters in their response to fires and the extinguishment thereof and the plans, preparations, procedures, practice and training in regard thereto, and may, as Chief of the Fire Department, perform or cause to be performed all other actions authorized by law, ordinance or regulation.

(E) The compensation of the Fire Chief shall be $150.00 per month.

(F) The Fire Chief shall reside in the city. An exception may be made only if it is determined by the Mayor, with the approval of the City Council, that a qualified person cannot be found that is a resident of the city.

Section 3. Assistant Fire Chiefs.

(A). Assistant Fire Chiefs, not to exceed two (2) in number, may be selected by the Fire Chief with the approval of the Mayor.

(B). ~~The compensation of Assistant Fire Chiefs, not to exceed two (2) in number, shall be $50.00 per month.~~ To help defray their expenses in responding to fires, and/or performing the duties of Assistant Fire Chief or the duties of the Fire Chief in his absence, each Assistant Fire Chief shall be paid the sum of $50.00 per month.

(C). Assistant Fire Chiefs shall reside in the city. An exception may be made only if it is determined by the Fire Chief, with the approval of the Mayor, that qualified persons cannot be found that are residents of the city.

Section 4. Expenses of Firefighters.

(A). To help defray their expenses in responding to fires, each firefighter, except the Fire Chief and Assistant Fire Chiefs, shall be paid the sum of $15.00 for each fire attended in the city limits and in which said firefighter materially participated in the extinguishment thereof.

(B). On the last Friday in each month the Fire Chief shall certify to the City Clerk the names of the firefighters who attended fires in the city limits and whether or not said firefighters materially participated in the extinguishment of said fires.

Section 5. Conflict.

All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 6. Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

Mayor, City of Vanceburg

ATTEST:

City Clerk

First Reading: February 4, 1991

Second Reading: March 4, 1991

This Ord. Amended

ORDINANCE NO. 310.02

AN ORDINANCE OF THE CITY OF VANCEBURG, KENTUCKY
ESTABLISHING A VOLUNTEER FIRE DEPARTMENT,
PROVIDING FOR THE APPOINTMENT OF A FIRE CHIEF,
SETTING THE COMPENSATION OF THE FIRE CHIEF AND ASSISTANT FIRE
CHIEFS, AND PROVIDING FOR THE EXPENSES OF FIREFIGHTERS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VANCEBURG:

SECTION 1. ESTABLISHMENT.

A FIRE DEPARTMENT IS HEREBY ESTABLISHED IN THE CITY TO BE KNOWN AS THE VANCEBURG VOLUNTEER FIRE DEPARTMENT.

SECTION 2. FIRE CHIEF.

(A) THE OFFICE OF FIRE CHIEF IS HEREBY ESTABLISHED.

(B) THE FIRE CHIEF SHALL BE APPOINTED BY THE MAYOR WITH THE APPROVAL OF THE CITY COUNCIL, PURSUANT TO KRS 83A.080; AND MAY BE REMOVED BY THE MAYOR.

(C) NO PERSON SHALL BE APPOINTED OR ACT AS THE FIRE CHIEF UNLESS SUCH PERSON HAS TAKEN THE OATH REQUIRED BY SECTION 228 OF THE CONSTITUTION OF THE COMMONWEALTH OF KENTUCKY AND HAS PROVIDED A BOND IN THE SUM OF $3,000.00, WITH CORPORATE SURETY AUTHORIZED TO TRANSACT BUSINESS IN KENTUCKY AND CONDITIONED UPON THE PERFORMANCE OF THE DUTIES SPECIFIED HEREIN AND MEETS THE QUALIFICATIONS SET FORTH IN KRS 95.710.

(D) SUBJECT TO THE EXECUTIVE AUTHORITY OF THE CITY AND THE RULES AND REGULATIONS PROMULGATED BY THE VOLUNTEER FIREFIGHTERS AND APPROVED BY THE MAYOR, THE CHIEF OF THE VOLUNTEER FIRE DEPARTMENT SHALL BE RESPONSIBLE FOR THE ORGANIZATION AND OPERATION OF THE FIRE DEPARTMENT AND SHALL SUPERVISE, DIRECT, AND CONTROL THE EQUIPMENT OF THE FIRE DEPARTMENT AND THE VOLUNTEER FIREFIGHTERS IN THEIR RESPONSE TO FIRES AND THE EXTINGUISHMENT THEREOF AND THE PLANS, PREPARATIONS, PROCEDURES, PRACTICE AND TRAINING IN REGARD THERETO, AND MAY, AS CHIEF OF THE FIRE DEPARTMENT, PERFORM OR CAUSE TO BE PERFORMED ALL OTHER ACTIONS AUTHORIZED BY LAW, ORDINANCE OR REGULATION.

(E) THE COMPENSATION OF THE FIRE CHIEF SHALL BE $150.00 PER MONTH.

(F) THE FIRE CHIEF SHALL RESIDE IN THE CITY. AN EXCEPTION

MAY BE MADE ONLY IF IT IS DETERMINED BY THE MAYOR, WITH THE APPROVAL OF THE CITY COUNCIL, THAT A QUALIFIED PERSON CANNOT BE FOUND THAT IS A RESIDENT OF THE CITY.

SECTION 3. ASSISTANT FIRE CHIEFS.

(A). ASSISTANT FIRE CHIEFS MAY BE SELECTED BY THE FIRE CHIEF WITH THE APPROVAL OF THE MAYOR.

(B). THE COMPENSATION OF ASSISTANT FIRE CHIEFS, NOT TO EXCEED TWO (2) IN NUMBER, SHALL BE $50.00 PER MONTH.

(C). ASSISTANT FIRE CHIEFS SHALL RESIDE IN THE CITY. AN EXCEPTION MAY BE MADE ONLY IF IT IS DETERMINED BY THE FIRE CHIEF, WITH THE APPROVAL OF THE MAYOR, THAT QUALIFIED PERSONS CANNOT BE FOUND THAT ARE RESIDENTS OF THE CITY.

SECTION 4. EXPENSES OF FIREFIGHTERS.

(A). TO HELP DEFRAY THEIR EXPENSES IN RESPONDING TO FIRES, EACH FIREFIGHTER, EXCEPT THE FIRE CHIEF AND ASSISTANT FIRE CHIEFS, SHALL BE PAID THE SUM OF $15.00 FOR EACH FIRE ATTENDED IN THE CITY LIMITS AND IN WHICH SAID FIREFIGHTER MATERIALLY PARTICIPATED IN THE EXTINGUISHMENT THEREOF.

(B). ON THE LAST FRIDAY IN EACH MONTH THE FIRE CHIEF SHALL CERTIFY TO THE CITY CLERK THE NAMES OF THE FIREFIGHTERS WHO ATTENDED FIRES IN THE CITY LIMITS AND WHETHER OR NOT SAID FIREFIGHTERS MATERIALLY PARTICIPATED IN THE EXTINGUISHMENT OF SAID FIRES.

SECTION 5. CONFLICT.

ALL OTHER ORDINANCES AND PARTS OF OTHER ORDINANCES INCONSISTENT OR CONFLICTING WITH ANY PART OF THIS ORDINANCE ARE HEREBY REPEALED TO THE EXTENT OF SUCH INCONSISTENCY OR CONFLICT.

SECTION 6. EFFECTIVE DATE.

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION, AS PROVIDED BY LAW.

William F. Cooper
MAYOR, CITY OF VANCEBURG

ATTEST:
Dana Gyurik
CITY CLERK

ORDINANCE NO. 310.02

This ord amended

An Ordinance of the City of Vanceburg, Kentucky establishing a Volunteer Fire Department, Providing for the appointment of a Fire Chief, setting the compensation of the Fire Chief and Assistant Fire Chiefs, and providing for the expenses of Firefighters.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VANCEBURG:

Section 1. Establishment.

A Fire Department is hereby established in the City to be known as the Vanceburg Volunteer Fire Department.

Section 2. Fire Chief.

(A) The office of Fire Chief is hereby established.

(B) The Fire Chief shall be appointed by the Mayor with the approval of the City Council, pursuant to KRS 83A.080; and may be removed by the Mayor.

(C) No person shall be appointed or act as the Fire Chief unless such person has taken the oath required by Section 228 of the Constitution of the Commonwealth of Kentucky and has provided a Bond in the sum of $3,000.00, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein and meets the qualifications set forth in KRS 95.710.

(D) Subject to the executive authority of the City and the Rules and Regulations promulgated by the Volunteer Firefighters and approved by the Mayor, The Chief of the Volunteer Fire Department shall be responsible for the organization and operation of the Fire Department and shall supervise, direct, and control the equipment of the Fire Department and the volunteer firefighters in their response to fires and the extinguishment thereof and the plans, preparations, procedures, practice and training in regard thereto, and may, as Chief of the Fire Department, perform or cause to be performed all other actions authorized by law, ordiance or regualtion.

(E) The Compensation of the Fire Chief shall be $150.00 per month.

(F) The Fire Chief shall reside in the City. An exception may be made only if it is determined by the Mayor, with the approval of the City Council, that a qualified person cannot be found that is a resident of the City.

Section 3. Assistant Fire Chiefs.

(A) Assistant Fire Chiefs may be selected by the Fire Chief with the approval of the Mayor.

(B) The Compensation of Assistant Fire Chiefs, not to exceed two(2) in number, shall be $50.00 per month.

(C) Assistant Fire Chiefs shall reside in the City. An exception may be made only if it is determined by the Fire Chief, with the approval of the Mayor, that qualified persons cannot be found that are residents of the City.

Section 4. Expenses of Firefighters.

(A) To help defray their expenses in responding to fires, each firefighter, except the Fire Chief and Assistant Fire Chiefs, shall be paid the sum of $15.00 for each fire attended in the City Limits and in which said firefighter materially participated in the extinguishment thereof.

(B) On the last Friday in each month the Fire Chief shall certify to the City Clerk the Names of the Firefighters who attended fires in the City Limits and whether or not said firefighters materially participated in the extinguishment of said fires.

Section 5. Conflict.

All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 6. Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by Law.

Mayor, City of Vanceburg

ATTEST:

Jeana H. Gyurik, City Clerk

EXHIBIT C

FORM OF ORDINANCE

ORDINANCE NO. 310.3

AN ORDINANCE APPROVING A LEASE FOR THE FINANCING OF A PROJECT; PROVIDING FOR THE PAYMENT AND SECURITY OF THE LEASE; CREATING A SINKING FUND; AND AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS RELATED TO SUCH LEASE.

WHEREAS, the governing body of the City of Vanceburg, Kentucky (the "Lessee") has the power, pursuant to Section 65.940 et seq. of the Kentucky Revised Statutes to enter into lease agreements with or without the option to purchase in order to provide for the use of property for public purposes;

WHEREAS, the governing body of the Lessee (the "Governing Body") has previously determined, and hereby further determines, that the Lessee is in need of the Project, as defined in the Lease hereinafter described;

WHEREAS, the Governing Body has determined and hereby determines that it is in the best interests of the Lessee that the Lessee and the Kentucky League of Cities Funding Trust (the "Lessor") enter into a Lease Agreement (the "Lease") for the leasing by the Lessee from the Lessor of the Project;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF Vanceburg, KENTUCKY, AS FOLLOWS:

Section 1. Recitals and Authorization. The Lessee hereby approves the Lease Agreement (the "Lease") and all Collateral Documents, as defined in the Lease, each in substantially the form presented to this Governing Body. It is hereby found and determined that the Project identified in the Lease is public property to be used for public purposes. It is further determined that it is necessary and desirable and in the best interests of the Lessee to enter into the Lease for the purposes therein specified, and the execution and delivery of the Lease and all representations, certifications and other matters contained in the Closing Memorandum with respect to the Lease, or as may be required by the Lessor prior to delivery of the Lease, are hereby approved, ratified and confirmed. The Mayor and Clerk of the Lessee are hereby authorized to execute the Lease, together with such other agreements or certifications which may be necessary to accomplish the transaction contemplated by the Lease.

Section 2. General Obligation Pledge. Pursuant to the Constitution of the Commonwealth and Chapter 66 of the Kentucky Revised Statutes, as amended (the "General Obligation Statutes"), the obligation of the Lessee created by the Lease shall be a full general obligation of the Lessee and, for the prompt payment of the Lease Payments, the full faith, credit and revenue of the Lessee are hereby pledged. During the period the Lease is outstanding, there shall be and there hereby is levied on all the taxable property in the Lessee, in addition to all other taxes, without limitation as to rate, a direct tax annually in an amount sufficient to pay the Lease Payments on the Lease when and as due, it being hereby found and determined that current tax rates are within all applicable limitations. Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof; provided, however, that in each year to the extent that the other taxes of the Lessee are available for the payment of the Lease Payments and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the Lessee shall be reduced by the amount of such other taxes so available and appropriated.

There is hereby established with the Lessee a sinking fund (the "Sinking Fund"). The funds derived from said tax levy hereby required or other available taxes shall be placed in the Sinking Fund and, together with interest collected on the same, are irrevocably pledged for the payment of all bonds or obligations issued under the General

Obligation Statutes and all Tax Supported Leases, as defined in General Obligation Statutes, including the Lease herein authorized, when and as the same fall due. Amounts shall be transferred from the Sinking Fund to the Lessor at the times and in the amounts required by the Lease.

Section 3. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

Section 4. Sunshine Law. This Governing Body hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Governing Body, and that all deliberations of this governing Body and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

Section 5. Conflicts. All resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed and the provisions of this Ordinance shall prevail and be given effect.

Section 6. Effective Date. This Ordinance shall take effect from and after its passage, as provided by law.

INTRODUCED, SECONDED AND ADOPTED, at a duly convened meeting of the Governing Body, held on August 4,2003 after first reading held on July 7,2003, signed by the Mayor of the Lessee, attested by the Clerk, filed and indexed as provided by law.

By _____
Mayor

ATTEST:

By _____
Clerk

320.1 CONCEALED WEAPONS

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

SECTION TWO: Dealy weapons that may be carried by members of the Vanceburg City Police Department within the Commonwealth of Kentucky are those weapons that are usually carried by such officers in performing their duties while on regularly scheduled shift of duty for the City.

SECTION THREE: That this ordinance is herewith enacted for the express purpose of protecting the policemen of the City of Vanceburg from prosecution under the provisions of KRS 435.230 (1) when they may be outside the corporate limits of the City of Vanceburg, and for no other purpose.

Adopted 3-9-71

320.2 RADAR SPEED GUNS

SECTION ONE: That the Police Department of Vanceburg, Kentucky, are hereby authorized and instructed to use said speed guns on any alley and streetof Vanceburg, Kentucky, as an aide in the apprehension and prosecution of those persons who have not obeyed the posted speed limits.

Adopted 7-2-73

320.3 THE VANCEBURG BOATDOCK

SECTION ONE: The City of Vanceburg has under lease from the U. s. Corp of Engineers, Huntington, W. Va. District, the boat dock located on Salt Lick Creek at the West Side of the City of Vanceburg, Kentucky, for the purpose of developing this boat dock area into a recreational park.

SECTION TWO: As set out in KRS 95.740 the Police Department of the City of Vanceburg, Kentucky, is here by given the right and instructed to carry out on this boat dock area the laws as pertains to the City of Vanceburg to protect the life an property thereon as the Police Department does within the city limits of Vanceburg.

Adopted 3-1-76

HOWARD D. SHELTON
MAYOR

Colleen Brewer
~~BRUCE K. SWEARINGEN~~
CITY CLERK

CITY OF VANCEBURG

COUNCIL MEETING: FIRST ~~TUESDAY~~ Monday NIGHT OF EACH MONTH

VANCEBURG, KENTUCKY

320.03

ORDINANCE 76-2

AN ORDINANCE FOR THE POLICING OF THE VANCEBURG BOAT DOCK

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VANCEBURG, KENTUCKY, AS FOLLOWS:

1 - The City of Vanceburg has under lease from the U. S. Corp of Engineers, Huntington, W. Va. District, the boat dock located on Salt Lick Creek at the West side of the City of Vanceburg, Kentucky, for the purpose of developing this boat dock area into a recreational park.

2 - As set out in KRS 95.740 the Police Department of the City of Vanceburg, Kentucky, is hereby given the right and instructed to carry out on this boat dock area the laws as pertains to the City of Vanceburg to protect the life and property thereon as the Police Department does within the city limits of Vanceburg.

This ordinance shall become effective upon its adoption and from and after its piblication according to law.

At this regular meeting of the Vanceburg City Council this 1st day of MARCH, 1976, on motion of Councilman ROBINSON and seconded by Councilman MEFFORD, the vote was as follows:

William Childrey	YES
Charles Chatman	YES
Bertram Brown	YES
Harold Smith, Jr.	YES
Norman Mefford	YES
Dr. Arnold Robinson	YES

3/18/76

Howard D. Shelton

Howard D. Shelton, Mayor

Attest:

Colleen Brewer

Colleen Brewer, City Clerk

ORDINANCE NO. 320.4

AN ORDINANCE AMENDING AN ORDINANCE REGULATING ABANDONED VEHICLES ON PUBLIC PROPERTY IN THE CITY OF VANCEBURG

NOW, IT IS HEREBY ORDAINED AND ENACTED BY THE City of Vanceburg, Kentucky, that this ordinance is hereby amended as follows:

SECTION ONE: Definitions

(1) "City Street" means any public road situated in the City of Vanceburg.

(2) "Public Property" means any park or facility within the City of Vanceburg, which is owned or leased by the City of Vanceburg.

(3) "Motor Vehicle" means any vehicle propelled by an internal combustion engine capable of transporting persons or property.

(4) "Abandoned Vehicle" means any automobile which is left upon the right of way of a city street or public property, for seven days, whether or not it is fit for future use.

(5) "Owner" means the last registered owner.

SECTION TWO: (1) Any motor vehicle left upon the right-of-way of a city street or public or city property for seven consecutive days shall be presumed an abandoned vehicle.

(2) The Vanceburg Police Department shall locate abandoned vehicles on the right of way of city streets or public property. The Department shall determine, if possible, the ownership of such vehicle through the abandoned vehicle's license plates, serial number or other methods of determining ownership. The owner shall be notified by mail, whether he is a Kentucky resident or a resident of another state, that the abandoned vehicle is illegally upon public property and that such vehicle will become the property of the city unless removed within ten days of the date of the notification. The owner shall be deemed to have been notified on the date the letter is mailed. If the vehicle is not removed by the owner within ten days after notification, it shall become the property of the City. If ownership cannot be determined, the abandoned vehicle shall become the property of the city after the seventh consecutive day that it remains on the city street. No notification shall be required if ownership cannot be determined. If ownership cannot be determined, the vehicle may be removed after seven days. However, no other vehicle may be removed until ten days of the date of notification.

(3) The Vanceburg Police Department shall remove abandoned vehicles or cause them to be removed by some person engaged in the business of storing or towing motor vehicles, from the right of way to a site designated by the Department. The Department shall offer abandoned vehicles within its custody to private junk dealers, for sale if possible. The Department shall give notice in a newspaper of general circulation advertising disposition of the vehicles at least seven days prior to such disposition. Any proceeds from the sale of abandoned vehicles shall revert to the City Street Fund. The Department may dispose of abandoned vehicles not taken by private junk dealers by any local, state or federal solid waste disposal programs.

SECTION THREE: (1) No person, firm or corporation shall place any motor vehicle on public property or city street for the purpose of performing mechanical repair thereof, except for emergency repair.

(2) Violation of subsection two shall be punishable by a fine not to exceed $50.00 and/or jail sentence not to exceed 10 days. Each day that a violation is suffered to exist shall constitute a separate offense.

(3) An emergency repair is defined to mean any temporary repair that is necessary to enable the motor vehicle to be removed from the public place or city street.

DATED: 9-8-86

M. J. "Pat" Cooper
MAYOR, CITY OF VANCEBURG

ATTEST:
Brenda Stockington
CITY CLERK

ORDINANCE NO. 320.4

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DATED: April 7, 1980

Howard L. Shelton

MAYOR, City of Vanceburg

ATTEST:

Brenda Worthington

City Clerk

ORDINANCE NO. 320.5

AN ORDINANCE REGULATING BICYCLES IN THE CITY STREETS
OF THE CITY OF VANCEBURG

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VANCEBURG AS FOLLOWS:

Section 1: No bicycle shall be operated within the period from sunset to sunrise without having a properly lighted headlight attached to the front of the bicycle, visible under normal atmospheric conditions from the front thereof, a distane of not less than three hundred feet, nor without having a red light or a reflector attached to the rear of the bicycle, which is clearly visible in the headlight beam of a motor vehicle for a distance of not less than two hundred feet to the rear of the bicycle.

Section 2: The word "bicycle" shall mean and include a vehicle with two tandem wheels, with ~~solid or~~ pneumatic or solid tires, having a steering bar or wheel, a saddle seat, and propelled by human power and shall include any vehicle which is commonly considered to be a bicycle.

Section 3: Violation of this ordinance by any person, firm or corporation shall be punishable by a fine not to exceed $10.00.

Section 4: This Ordinance shall become effective upon passage and publication according to law.

M. J. "Pat" Cooper
MAYOR, CITY OF VANCEBURG

ATTEST:

Brenda Northington
CITY CLERK

First Reading - June 6, 1983
Second Reading July 8, 1983

ORDINANCE NO. 320.6

AN ORDINANCE REGULATING BB GUNS IN THE CITY OF VANCEBURG

WHEREAS, there have been numerous incidents of damage caused by BB guns to windows in the business district in Vanceburg;

WHEREAS, the City Council has considered the problem and feels that there is no just cause why BB guns should be allowed in the business district;

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1. It is unlawful for any person to possess any BB gun, BB pistol, air gun, air pistol or any implement capable of emitting a projectile in the area anywhere within the City limits of the City of Vanceburg North of Highway #10.

Section 2. This ordinance does not affect the wholesale or retail sale of such items mentioned in Section 1 above, however, any such item sold shall be wrapped in paper or placed in some container in order to make said item incapable of being fired or operated.

Section 3. Any person who violates this ordinance shall be fined not less than $5.00 nor more than $50.00, plus court costs.

Section 4. This ordinance shall become effective upon proper passage and publication according to law.

1st Reading Aug 6, 1984

2nd Reading Sept 10, 1984

M. J. "Pat" Cooper, MAYOR,
CITY OF VANCEBURG

ATTEST:
Brenda Goodrington
CITY CLERK

ORDINANCE NO. 320.07

AN ORDINANCE DECLARING AN EMERGENCY TO EXIST AND AUTHORIZING THE CITY OF VANCEBURG TO TEMPORARILY SUBSIDIZE AMBULANCE SERVICE

WHEREAS, it has come to the attention of the City Council that Ambulance Service for the City and County will not be provided unless the City and County take steps to lend assistance for same;

WHEREAS, Conley's Ambulance Service, Inc., is the only ambulance service in Lewis County and is the only service that can adequately provide effective ambulance services for the City and County;

WHEREAS, the citizens of Vanceburg and Lewis County will suffer in the event that ambulance service is not available and there is no other service available that can protect and serve the public;

NOW THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

Section 1. An emergency is hereby declared in that the public will suffer if ambulance service is not provided for the City and County, thereby dispensing with the requirement that this ordinance be read on two separate occasions.

Section 2. Ambulance servive for Vanceburg and Lewis County is hereby declared a valid public purpose.

Section 3. The sum of $4000.00 is hereby appropriated for expenditures to Conley's Ambulance Service, Inc. for emergency services only.

Section 4. This ordinance shall become effective upon passage and publication according to law.

1st & 2nd Reading - April 7, 1986

M. J. "Pat" Cooper
MAYOR, CITY OF VANCEBURG

Brenda Northington
CLERK

VOTE: 5 Yes 0 No

ORDINANCE NO. 320.07

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WHEREAS, the citizens of Vanceburg and Lewis County will suffer in the event that ambulance service is not available and there is no other service available that can protect and serve the public;

NOW THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

Section 1. An emergency is hereby declared in that the public will suffer if ambulance service is not provided for the City and County, thereby dispensing with the requirement that this ordinance be read on two separate occasions.

Section 2. Ambulance service for Vanceburg and Lewis County is hereby declared a valid public purpose.

Section 3. The sum of $ 4000.00 is hereby appropriated for expenditures to Conley's Ambulance Service, Inc. for emergency service only.

Section 4. This ordinance shall become effective upon passage and publication according to law.

1st & 2nd Reading - April 7, 1986

M. J. "Pat" Cooper
MAYOR, CITY OF VANCEBURG

Brenda Hourlington
CLERK

VOTE: 5 Yes 0 No

ORDINANCE NO. 320.08C
CITY OF VANCEBURG, KENTUCKY

An ordinance amending the Code of Ordinances of the City of Vanceburg, Kentucky, to provide for the classification and definition of public nuisances and to provide for their abatement and for other purposes.

BE IT ORDAINED by the City Council of Vanceburg, Kentucky that the Code of Ordinances of the City of Vanceburg is hereby amended by addition of new sections as follows

Section
01 Repeal of former ordinance
02 Definitions
03 Common law and statutory nuisances
04 Certain conditions declared nuisances
05 Abatement procedure
06 Nuisance created by others
07 Suspension of license
08 Abandoned wells
09 Determination of public nuisances
10 Penalty

Statutory reference:
Private nuisances, see KRS 411.500 - 411.570

§ 01 REPEAL OF FORMER ORDINANCE.

Ordinance No. 320.08B is hereby repealed

§ 02 DEFINITIONS.

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

"AUTOMOBILE PARTS." Any portion or parts of any motor driven vehicle as detached from the vehicle as a whole.

"INOPERATIVE CONDITION." Unable to move under its own power due to defective or missing parts, and which has remained in such condition for a period of not less than two consecutive days.

"MOTOR VEHICLE." Any style or type of motor driven vehicle used for the conveyance of persons or property.

"NUISANCE." Public nuisance.

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

"UNFIT FOR FURTRER USE." In a dangerous condition; having defective or missing parts; or in such a condition generally as to be unfit for further use as a conveyance.

§ 03 COMMON LAW AND STATUTORY NUISANCES.

In addition to what is declared in this ordinance to be public nuisances, those offenses which are known to the common law and statutes of Kentucky as public nuisances may be treated as such and be proceeded against as is provided in this chapter or in accordance with any other provision of law.
Penalty, see §10

§ 04 CERTAIN CONDTIONS DECLARED A NUISANCE.

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) Accumulation of rubbish. An accumulation on any premises of filth, refuse, trash, garbage, or other waste material which endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger that will catch or communicate fire, attract and propagate vermin, rodents, or insects, or blow rubbish into any street, sidewalk, or property of another

(B) Storage of explosives. The storage of explosive material which creates a safety hazard to other property or persons in the vicinity.

(C) Weeds and grass. The excessive growth of weeds, grass, or other vegetation. Unless otherwise provided, "EXCESSIVE" shall mean growth to a height of 12 inches or more.

(D) Open wells. The maintenance of any open, uncovered, or insecurely covered cistern, cellar, well, pit, excavation, or vault situated upon private premises in any open or unfenced lot or place.

(E) Livestock and poultry. The keeping of livestock or poultry within the city limits. "Livestock" shall include, but shall not be limited to horses, ponies, cows, hogs and sheep.

(F) Junk; scrap metal; motor vehicles. The storage of motor vehicles in an inoperative condition, motor vehicles unfit for further use, automobile parts, or scrap metal within the city limits except on premises authorized by the city for such purposes.
Penalty, see § 10

§ 05 ABATEMENT PROCEDURE.

(A) 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, health hazard, or source of filth to develop thereon

.

(B) Whenever a nuisance situation is discovered, the authorized city official shall give five days' written notice to remedy the nuisance situation. The notice shall be mailed to the last known address of the owner of property, as it appears on the current tax assessment roll. Upon the failure of the owner of the property to comply, the authorized city official is authorized to send employees upon the property to remedy the situation.

(C) The city shall have a lien against the property for the reasonable value of labor and materials used in remedying the nuisance situation. The affidavit of the authorized city official shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to KRS 381.770 and this section, and shall be recorded in the office of the Lewis County Clerk. The lien shall be noticed to all persons from the time of its recording and shall bear interest at the rate established by the city thereafter until paid. The lien created shall take precedence over all other subsequent liens, except state, county, school board, an city taxes, and may be enforced by judicial proceedings. In addition to this remedy or any other remedy authorized by law, the owner of a property upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien, including all interest, civil penalties, and other charges and the city may bring a civil action against the owner and, shall have the same remedies as provided for the recovery of a debt owed.
(KRS 381.770)

§ 06 NUISANCE CREATED BY OTHERS.

For the purpose of this chapter, it shall not be essential that the nuisance be created or contributed to by the owner, occupant or person having control or management of the premises, but merely that the nuisance be created or contributed to by licensees, invitees, guests, or other persons for whose conduct the owner or operator is responsible, or by persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care ought to have become aware of.

§ .07 SUSPENSION OF LICENSE.

(A) Whenever it is brought to the attention of the City Council that a nuisance exists and the City Council deems that there is an immediate threat to the public health, safety, or welfare, the City

Council may by majority vote suspend the license of any person conducting business upon the premises where the nuisance exists.

(B) The City Clerk shall cause notice of the suspension to be served personally upon the licensee or at the premises where the nuisance exists.

(C) Upon application of the licensee, the City Council may remove the suspension upon such terms as it may direct.

§ 08 ABANDONED WELLS.

(A) The City Council hereby declares that any unused, uncapped, or abandoned well or cistern located within the confines of the city limits is a public nuisance.

(B) Authorized city officials may go upon the property of any person, firm, or corporation to ascertain whether or not there exists any unused, uncapped, or abandoned well or cistern that may be detrimental to the health or safety of the public generally and particularly those wells or cisterns that may constitute a threat of harm to small children. Upon location of any such well or cistern, the authorized city official shall give the property owner immediate notice in writing to abate this public nuisance. Seven (7) days after notice to the property owner to abate the nuisance, the authorized city official shall take whatever steps are necessary or needed to abate the nuisance by sealing the well or cistern or capping same so as to remove the danger of harm that might be a result from its existence. The expense of abating the nuisance shall be billed to the property owner and, upon his/her refusal to pay, the city shall be entitled to recover its costs by civil action.

(C) It shall be unlawful for any person, firm, or corporation to permit or maintain any unused, uncapped, or abandoned well or cistern on the premises unless the well is made absolutely safe and does not constitute a threat of physical harm to the public generally and young children in particular.
Penalty, see § 10

§ 09 DETERMINATION OF PUBLIC NUISANCE

(A) Review of Applications. Upon receipt of any application for any permit, license, certificate or other authority from the city for the purpose of any construction or use of property within the city, the employee, officer, agent or other representative of the city responsible for reviewing such application and/or approving or issuing such authority (hereinafter "approving officer") shall make a preliminary determination as to whether the proposed construction or use may constitute a public nuisance.

(B) Definition. A public nuisance is the doing of or the failure to do something that injuriously affects the safety, health, or morals of the public, or works some substantial annoyance, inconvenience, or injury to the public, although it is not essential that the injury, annoyance or in convenience affect the whole body of the public. It will be sufficient if the injury, annoyance or inconvenience operates upon such members of the public as are brought into contact with the

conditions that constitute the nuisance. The determination of public nuisance must be carefully weighed against the particular facts of each given situation.

(C) Procedure.

(1) Upon receipt of any application for a permit, license, certificate or other authority from the city to begin construction or use of any property within the city, the approving officer shall make a preliminary decision as to whether the proposed construction or use is likely to constitute a public nuisance. In the event the approving officer determines, in his/her reasonable discretion, that such proposed construction or use likely will result in a public nuisance, the procedure otherwise applicable for such approval immediately shall be stayed pending a determination regarding public nuisance by the City Council, pursuant to the procedures set forth herein.

(2) In such event, the approving officer immediately shall notify the Mayor and the applicant of his/her determination of the likelihood of public nuisance, and such issue shall be placed upon the agenda of the next regular City Council meeting, unless either the applicant, the Mayor or a member of the City Council shall request a public hearing prior to such regular meeting.

(3) Should the applicant, the Mayor, or any member of the City Council wish to request a public hearing for the presentation of evidence concerning the proposed construction or use, such request shall be presented to the Mayor, in writing at or prior to the regular City Council meeting at which such issue is scheduled to be presented. Upon such request, the Mayor shall make reasonable efforts to schedule a public hearing upon the issue as soon as practicable.

(4) In any event, the City Council, within 60 days of receiving notification from the approving officer, shall hear and consider the report of the approving officer concerning the likelihood of a public nuisance, shall consider any statements or evidence presented by the applicant, shall consider evidence received by the city in writing or at a formal hearing, and shall make a determination as to whether the proposed construction or use is likely to constitute a public nuisance

(D) Determination of Nuisance. Should the City Council determine, in its reasonable discretion, that there is substantial evidence to indicate that the proposed construction or use is likely to constitute a public nuisance, the City Council shall direct the approving officer to deny the subject application. Otherwise, the City Council shall direct the approving officer to proceed with his/her review of the application as otherwise dictated by applicable ordinances, regulations and laws.

(E) No Conflict with Constitution or States. In exercising the authority granted by this section, the City Council shall not take any action in conflict with any constitutional provision or statute.

§ 10 PENALTY.

Whoever violates any provision of this chapter shall be deemed guilty of a Class A misdemeanor and shall be fined not more than $500 for each offense. Each day's continued violation shall constitute a separate offense.

Mayor, City of Vanceburg

City Clerk

Approved as to form and legality

City Attorney

First reading: June 7, 2004
Second reading: June 17, 2004

NOTICE OF ENACTMENT AND SUMMARY
OF ORDINANCE NO. 320.08C

AN ORDINANCE TO PROVIDE FOR THE CLASSIFICATION AND DEFINITION OF PUBLIC NUISANCES AND TO PROVIDE FOR THEIR ABATEMENT AND FOR OTHER PURPOSES

As required by KRS 83A.060(9), I hereby certify that an Ordinance bearing the above title was given first reading by the City Council of the City of Vanceburg, Kentucky, at a duly convened meeting held on June 7, 2004, and was given second reading on June 17, 2004, and that the following is a Summary of such Ordinance prepared by E. V. Holder, Jr., Attorney for the City of Vanceburg, Kentucky.

SUMMARY OF ORDINANCE

This Ordinance declares that those offenses which are known to the common law and statutes of Kentucky as public nuisances may be treated as such The Ordinance further declares (A) that 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; (B) that (1) the accumulation of rubbish, (2) the storage of explosives, (3) the excessive growth of weeds, grass or other vegetation, (4) the maintenance of any open, uncovered, or insecurely covered cistern, cellar well, pit, excavation or vault, (5) the keeping of livestock or poultry within the city limits, and (6) the storage of junk, scrap metal, motor vehicles in an inoperative condition, motor vehicles unfit for further use, automobile parts, or scrap metal within the city limits except on premises authorized by the city, to be public nuisances; and (C) that is unlawful for the owner, occupant, or person having control or management of any land within the city to permit a public nuisance, health hazard, or source of filth to develop thereon and establishes an abatement procedure which allows the city to send employees upon the property to remedy such situations and to file a lien against the property for the reasonable value of the labor and materials used in remedying nuisance situations.

The Ordinance also provides for nuisances created by others, for the suspension of city license issued by the city to violators, and for a procedure for determining whether a proposed construction or use may constitute a public nuisance.

The full text of each section that imposes fines, penalties, forfeitures, taxes or fees are as follows:

§ 10 PENALTY. *Whoever violates any provision of this chapter shall be deemed guilty of a Class A misdemeanor and shall be fined not more than $500 for each offense. Each day's continued violation shall constitute a separate offense.*

A copy of the full text of said Ordinance is available for public inspection at the City Building, 615 Second Street, Vanceburg, Kentucky, during regular business hours, Monday through Friday.

Jeana Billman

Jeana Billman, Clerk, City of Vanceburg

ORDINANCE NO. 320.08

AN ORDINANCE CONCERNING ABATEMENT OF NUISANCES IN THE CITY OF VANCEBURG

IT IS HEREBY ORDAINED BY THE City Council of the City of Vanceburg as follows:

SECTION 1: Definition of "nuisance." For the purposes of this ordinance, the term "nuisance" is defined to mean any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or the depositing on, or the scattering over the premises of any of the following:

(a) Lumber, junk, trash, or debris;

(b) Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans, or containers;

(c) Any structure, building, or appurtenance which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such are located.

SECTION 2: Duty of maintenance of private property. No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

SECTION 3: Enforcement of ordinance. Enforcement of this ordinance may be accomplished by the City in any manner authorized by law, and in addition, any person who by reason of another's violation of any provision of this ordinance, suffers special

damage to himself different from that suffered by other property owners throughout the City generally, may bring an action to enjoin or otherwise abate an existing violation.

SECTION 4: Violation of this Ordinance shall be punishable by a fine not to exceed $250.00 or imprisonment not to exceed 90 in the county jail or both.

Each day that any nuisance is suffered to exist under the terms of this Ordinance shall constitute a separate offense.

SECTION 5: After notice to any person, owning, leasing, occupying or having charge of any premises of institution of proceedings under this Ordinance, such person shall have 15 days within which to abate the nuisance.

After the expiration of the 15 day period same shall proceed at law.

SECTION 6: This Ordinance shall become effective upon proper passage and publication according to law.

FIRST READING: Feb. 1, 1988

SECOND READING: April 4, 1988

VOTE: Yes 6

No 0

M. J. "Pat" Cooper
MAYOR, CITY OF VANCEBURG

ATTEST:

Jeana H. Gysik
CITY CLERK

310.3

SUMMARY OF ORDINANCE

The City of Vanceburg, at a meeting held on Aug. 4, 2003, adopted the following ordinance:

AN ORDINANCE APPROVING A LEASE FOR THE FINANCING OF A PROJECT; PROVIDING FOR THE PAYMENT AND SECURITY OF THE LEASE; CREATING A SINKING FUND; AND AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS RELATED TO SUCH LEASE.

It is hereby certified that the foregoing ordinance provides for approval of a lease with Kentucky League of Cities Funding Trust for financing certain public improvements and provides a general obligation pledge to assess sufficient taxes to comply with the obligations to pay lease payments. The full text of the section relating to the pledge to levy and assess a tax to pay the lease obligation is:

Section 2. General Obligation Pledge. Pursuant to the Constitution of the Commonwealth and Chapter 66 of the Kentucky Revised Statutes, as amended (the "General Obligation Statutes"), the obligation of the Lessee created by the Lease shall be a full general obligation of the Lessee and, for the prompt payment of the Lease Payments, the full faith, credit and revenue of the Lessee are hereby pledged. During the period the Lease is outstanding, there shall be and there hereby is levied on all the taxable property in the Lessee, in addition to all other taxes, without limitation as to rate, a direct tax annually in an amount sufficient to pay the Lease Payments on the Lease when and as due, it being hereby found and determined that current tax rates are within all applicable limitations. Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof; provided, however, that in each year to the extent that the other taxes of the Lessee are available for the payment of the Lease Payments and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the Lessee shall be reduced by the amount of such other taxes so available and appropriated.

There is hereby established with the Lessee a sinking fund (the "Sinking Fund"). The funds derived from said tax levy hereby required or other available taxes shall be placed in the Sinking Fund and, together with interest collected on the same, are irrevocably pledged for the payment of all bonds or obligations issued under the General Obligation Statutes and all Tax Supported Leases, as defined in General Obligation Statutes, including the Lease herein authorized, when and as the same fall due. Amounts shall be transferred from the Sinking Fund to the Lessor at the times and in the amounts required by the Lease.

A complete copy of the ordinance may be reviewed at the office of the City Clerk, City of Vanceburg Kentucky.

City of Vanceburg

By /s/ Jeana Billman
City Clerk

ORDINANCE NO. 320.08

AN ORDINANCE CONCERNING ABATEMENT OF NUISANCES IN THE CITY OF VANCEBURG

IT IS HEREBY ORDAINED BY THE City Council of the City of Vanceburg as follows:

SECTION 1: Definition of "nuisance." For the purposes of this ordinance, the term "nuisance" is defined to mean any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or the depositing on, or the scattering over the premises of any of the following:

(a) Lumber, junk, trash, or debris;

(b) Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans, or containers;

(c) Any structure, building, or appurtenance which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such are located.

SECTION 2: Duty of maintenance of private property. No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

SECTION 3: Enforcement of ordinance. Enforcement of this ordinance may be accomplished by the City in any manner authorized by law, and in addition, any person who by reason of another's violation of any provision of this ordinance, suffers special

damage to himself different from that suffered by other property owners throughout the City generally, may bring an action to enjoin or otherwise abate an existing violation.

SECTION 4: Violation of this Ordinance shall be punishable by a fine not to exceed 250.00 or imprisonment not to exceed 90 in the county jail or both.

Each day that any nuisance is suffered to exist under the terms of this Ordinance shall constitute a separate offense.

SECTION 5: After notice to any person, owning, leasing, occupying or having charge of any premises of institution of proceedings under this Ordinance, such person shall have 15 days within which to abate the nuisance.

After the expiration of the 15 day period same shall proceed at law.

SECTION 6: This Ordinance shall become effective upon proper passage and publication according to law.

FIRST READING: 3/7/88

SECOND READING: 4/4/88

VOTE: Yes 6

No 0

MAYOR, CITY OF VANCEBURG

ATTEST:

Joana H. Gepsik

CITY CLERK

ORDINANCE NO. 320.08B

An ordinance amending the Code of Ordinances of the City of Vanceburg, Kentucky, to provide for the classification and definition of public nuisances and to provide for their abatement and for other purposes.

BE IT ORDAINED by the Vanceburg City Council that the Code of Ordinances, City of Vanceburg, Kentucky, is hereby amended by addition of new sections as follows:

Section 1. Repeal of former ordinance.
Ordinance No. 320.08 is hereby repealed.

Section 2. Common law and statutory nuisances.
In addition to what is declared in this chapter and Code to be a public nuisance, those offenses which are known to the common law and statutes of Kentucky as public nuisances may, in case any thereof exist within the city limits, be treated as such and be proceeded against as is provided in this chapter and Code, or in accordance with any other provisions of law. Wherever the word "nuisance" is used in this chapter it refers to a public nuisance.

Section 3. Abatement procedure.
Whenever it is determined by any official of the city that a nuisance exists, either upon complaint of any citizen or upon the official's own initiative, the official may proceed to cause the abatement of such nuisance in any one or more of the following ways:

(a) The official may cite the person causing such nuisance or the owner or occupant of the premises where such nuisance exists for violation of the pertinent provision of this Code or other ordinance, and the matter shall be determined in the Lewis District Court under the criminal procedures provided by law.

(b) If the nuisance involves a matter of health and

sanitation with respect to which any board of health has jurisdiction, the official may refer the matter to the local health officer for proceedings as provided by statute or pertinent health regulations.

(c) If the nuisance is one which is prohibited by statute, the official may proceed as provided by statute.

(d) The official may order the person or persons causing the nuisance or permitting the same to continue or the owner or occupant of the premises where such nuisance exists to abate such nuisance within a reasonable time. In determining such reasonable time, the official shall take into consideration the degree of threat to the public health, safety and welfare and the means required to abate such nuisance. The notice of abatement shall be served in writing personally or at the usual place of residence of the person cited or by certified mail. If the nuisance is not abated within the time specified in the notice, the person specified in the notice shall be given another notice in the manner provided above to appear before the City Council at a time not less than seven days from the service of said notice to show cause why such nuisance should not be abated. The hearing before the City Council shall be open to the public, and the person served with notice may be represented by counsel. If the City Council determines that a nuisance exists, it may order it abated either immediately or within such time as it may determine, and to that end it may cause it to be abated by the city with the expense thereof being charged against the owner. The City Council may also order the appropriate city official to cite such person for violation of the pertinent provision of the Code or ordinance involved, and the matter shall thereafter be determined in the Lewis District Court under the criminal procedures provided by law.

(e) The City Council may order the City Attorney to bring a suit in equity to enjoin the continuance of the nuisance.

Section 4. Certain conditions declared to be nuisances. The following conditions are hereby declared to be public nuisances and are prohibited.

(a) Dwellings unfit for human habitation - The erection, use or maintenance of a dwelling which is unfit for human habitation. A "dwelling" shall include any part of any building or its premises used as a place of residence or habitation or for sleeping by any person. A dwelling is "unfit for human habitation" when it is dangerous or detrimental to life or health because of want of repair, defects in the drainage, plumbing, lighting, ventilation or construction, infection with contagious disease or the existence on the premises of an unsanitary condition likely to cause sickness among occupants of the dwelling.

(b) Dangerous buildings adjoining streets - There is caused or suffered any building, house or structure to become too out of repair and dilapidated that, in the condition it is

permitted to be and remain, it shall, if such condition is suffered to continue, endanger the life, limb or property of, or cause hurt, damage or injury to persons or property using or being upon the streets or public ways of the city adjoining such premises, by reason of the collapse of such building, house or structure or by the falling of parts thereof or of objects therefrom.

(c) Dangerous trees, stacks, etc., adjoining street - There is caused or suffered any tree, stack of material or other object to remain standing upon such premises in such condition that it shall, if the condition is suffered to continue, endanger the life, limb or property or cause hurt, damage or injury to persons or property upon the public streets or public ways adjacent thereto, by the falling thereof or of parts thereof.

(d) Dilapidated buildings - There is caused or suffered any building, house or structure to become so out of repair and dilapidated that it constitutes a hazard likely to catch on fire or communicate fire because of its condition and lack of repair, or that due to lack of adequate maintenance or neglect, it endangers the public health, welfare or safety or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property.

(e) Accumulation of rubbish- There is caused or suffered such an accumulation on any premises of filth, refuse, trash, garbage or other waste material that it endangers the public health, welfare or safety or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger of its catching or communicating fire, its attracting and propagating vermin, rodents or insects, or its blowing into any street, sidewalk or property of another. It shall be the duty of persons owning or being in charge of those business establishments whose patrons purchase goods or services from their automobiles, commonly known as "drive-ins", to furnish sufficient covered receptacles for the deposit of wastes created in the operation of such business and to clean up such wastes as are not deposited in receptacles at the close of business of each day (or if such business operates continuously, at least once a day) and at such other times when weather conditions are such that waste from the operation of such business is being blown to adjoining premises.

(f) Noxious odors or smoke - There emits from premises into the surrounding atmosphere such odors, dusts, smoke or other matter as to render ordinary use or physical occupation of other property in the vicinity uncomfortable or impossible.

(g) Noise - There emits from premises noise noxious enough to destroy the enjoyment of dwelling houses or other uses of

property in the vicinity by interfering with the ordinary comforts of human existence.

(h) Storage of explosives or combustible material - There is stored on the premises such combustible or explosive material as to create a safety hazard to other property or persons in the vicinity.

(i) Weeds **and grass** - The existence of thistles, burdock, **grass,** jimson weeds, ragweeds, milkweeds, poison ivy, poison oak, iron weeds and all other **grass and** noxious weeds and rank vegetation in excess of a height of twelve inches.

(j) Open wells - There is caused or suffered the maintenance of any open or uncovered, or insecurely covered, cistern, cellar, well, pit, excavation or vault situated upon private premises in any open or unfenced lot or place.

(k) Livestock - The keeping of livestock or poultry within the city limits. "Livestock" shall include, but shall not be limited to horses, ponies, cows, hogs and sheep.

(l) Junk, scrap metal, motor vehicles - The storage of motor vehicles in any inoperative condition, motor vehicles unfit for further use, automobile parts or scrap metal within the city limits. "Motor vehicle in an inoperative condition" means and includes any style or type of motor driven vehicle used or useful for the conveyance of persons or property which is unable to move under its own power due to defective or missing parts, and which has remained in such condition for a period of not less than ten consecutive days. "Motor vehicle unfit for further use" means and includes any style or type of motor driven vehicle used for the conveyance of persons or property, which is in a dangerous condition, has defective or missing parts, or is in such condition generally as to be unfit for further use as a conveyance. "Automobile parts" means and includes any portion or parts of any motor driven vehicle as detached from the vehicle as a whole. "Scrap metal" means and includes pieces of or parts of plastic, steel, iron, tin, zinc, copper, aluminum, or any alloy thereof, whether covered with porcelain or any other material, whether intact or in parts, which has served its usefulness in its original form and can no longer be used or useful for its originally intended purpose.

<u>Section 5.</u> <u>Test for nuisance.</u>
Whether or not a particular annoyance, of the character listed in Section 3, constitutes a nuisance shall depend on its effect upon persons of ordinary health and average sensibilities, and not its effect upon persons who are delicate or supersensitive, or whose habits, tastes, or conditions are such that they never are sensible of any annoyance.

Section 6. Nuisance created by others.
For the purposes of this ordinance, it shall not be essential that the nuisance be created or contributed to by the owners or tenants, or their agents or representatives, but merely that the nuisance be enacted or contributed to by licensees, invitees, guests or other persons for whose conduct the owner or operator is responsible, or by persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care, the owner or operator ought to have become aware of.

Section 7. Suspension of license.
(a) Whenever it is brought to the attention of the City Council that a nuisance described in Section 3 exists and the City Council deems that there is an immediate threat to the public health, safety or welfare, the City Council may, by majority vote, suspend the license of any person conducting business upon the premises where such nuisance exists.

(b) The City Clerk shall cause notice of the suspension to be served personally upon the licensee or at the premises where such nuisance exists.

(c) Upon application of the licensee, the City Council may remove the suspension upon such terms as it may direct.

Section 8. Penalty.
It shall be unlawful to cause or permit the continuance of any public nuisance included within the provisions of this ordinance. Violation of this ordinance shall be a Class A misdemeanor.

Mayor, City of Vanceburg

ATTEST:

City Clerk

Approved as to form and legality

City Attorney

First reading : January 3, 2000

Second reading: February 7, 2000

ORDINANCE NO. 320.08A

An ordinance amending the Code of Ordinances of the City of Vanceburg, Kentucky, to provide for the classification and definition of public nuisances and to provide for their abatement and for other purposes.

BE IT ORDAINED by the Vanceburg City Council that the Code of Ordinances, City of Vanceburg, Kentucky, is hereby amended by addition of new sections as follows:

Section 1. Repeal of former ordinance.
Ordinance No. 320.08 is hereby repealed.

Section 2. Common law and statutory nuisances.
In addition to what is declared in this chapter and Code to be a public nuisance, those offenses which are known to the common law and statutes of Kentucky as public nuisances may, in case any thereof exist within the city limits, be treated as such and be proceeded against as is provided in this chapter and Code, or in accordance with any other provisions of law. Wherever the word "nuisance" is used in this chapter it refers to a public nuisance.

Section 3. Abatement procedure.
Whenever it is determined by any official of the city that a nuisance exists, either upon complaint of any citizen or upon the official's own initiative, the official may proceed to cause the abatement of such nuisance in any one or more of the following ways:

(a) The official may cite the person causing such nuisance or the owner or occupant of the premises where such nuisance exists for violation of the pertinent provision of this Code or other ordinance, and the matter shall be determined in the Lewis District Court under the criminal procedures provided by law.

(b) If the nuisance involves a matter of health and

sanitation with respect to which any board of health has jurisdiction, the official may refer the matter to the local health officer for proceedings as provided by statute or pertinent health regulations.

(c) If the nuisance is one which is prohibited by statute, the official may proceed as provided by statute.

(d) The official may order the person or persons causing the nuisance or permitting the same to continue or the owner or occupant of the premises where such nuisance exists to abate such nuisance within a reasonable time. In determining such reasonable time, the official shall take into consideration the degree of threat to the public health, safety and welfare and the means required to abate such nuisance. The notice of abatement shall be served in writing personally or at the usual place of residence of the person cited or by certified mail. If the nuisance is not abated within the time specified in the notice, the person specified in the notice shall be given another notice in the manner provided above to appear before the City Council at a time not less than seven days from the service of said notice to show cause why such nuisance should not be abated. The hearing before the City Council shall be open to the public, and the person served with notice may be represented by counsel. If the City Council determines that a nuisance exists, it may order it abated either immediately or within such time as it may determine, and to that end it may cause it to be abated by the city with the expense thereof being charged against the owner. The City Council may also order the appropriate city official to cite such person for violation of the pertinent provision of the Code or ordinance involved, and the matter shall thereafter be determined in the Lewis District Court under the criminal procedures provided by law.

(e) The City Council may order the City Attorney to bring a suit in equity to enjoin the continuance of the nuisance.

Section 4. Certain conditions declared to be nuisances. The following conditions are hereby declared to be public nuisances and are prohibited.

(a) Dwellings unfit for human habitation - The erection, use or maintenance of a dwelling which is unfit for human habitation. A "dwelling" shall include any part of any building or its premises used as a place of residence or

habitation or for sleeping by any person. A dwelling is "unfit for human habitation" when it is dangerous or detrimental to life or health because of want of repair, defects in the drainage, plumbing, lighting, ventilation or construction, infection with contagious disease or the existence on the premises of an unsanitary condition likely to cause sickness among occupants of the dwelling.

(b) Dangerous buildings adjoining streets - There is caused or suffered any building, house or structure to become too out of repair and dilapidated that, in the condition it is

permitted to be and remain, it shall, if such condition is suffered to continue, endanger the life, limb or property of, or cause hurt, damage or injury to persons or property using or being upon the streets or public ways of the city adjoining such premises, by reason of the collapse of such building, house or structure or by the falling of parts thereof or of objects therefrom.

(c) Dangerous trees, stacks, etc., adjoining street - There is caused or suffered any tree, stack of material or other object to remain standing upon such premises in such condition that it shall, if the condition is suffered to continue, endanger the life, limb or property or cause hurt, damage or injury to persons or property upon the public streets or public ways adjacent thereto, by the falling thereof or of parts thereof.

(d) Dilapidated buildings - There is caused or suffered any building, house or structure to become so out of repair and dilapidated that it constitutes a hazard likely to catch on fire or communicate fire because of its condition and lack of repair, or that due to lack of adequate maintenance or neglect, it endangers the public health, welfare or safety or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property.

(e) Accumulation of rubbish- There is caused or suffered such an accumulation on any premises of filth, refuse, trash, garbage or other waste material that it endangers the public health, welfare or safety or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger of its catching or communicating fire, its attracting and propagating vermin, rodents or insects, or its blowing into any street, sidewalk or property of another. It shall be the duty of persons owning or being in charge of those business establishments whose patrons purchase goods or services from their automobiles, commonly known as "drive-ins", to furnish sufficient covered receptacles for the deposit of wastes created in the operation of such business and to clean up such wastes as are not deposited in receptacles at the close of business of each day (or if such business operates continuously, at least once a day) and at such other times when weather conditions are such that waste from the operation of such business is being blown to adjoining premises.

(f) Noxious odors or smoke - There emits from premises into the surrounding atmosphere such odors, dusts, smoke or other matter as to render ordinary use or physical occupation of other property in the vicinity uncomfortable or impossible.

(g) Noise - There emits from premises noise noxious enough to destroy the enjoyment of dwelling houses or other uses of

property in the vicinity by interfering with the ordinary comforts of human existence.

(h) Storage of explosives or combustible material - There is stored on the premises such combustible or explosive material as to create a safety hazard to other property or persons in the vicinity.

(i) Weeds - The existence of thistles, burdock, jimson weeds, ragweeds, milkweeds, poison ivy, poison oak, iron weeds and all other noxious weeds and rank vegetation in excess of a height of twelve inches.

(j) Open wells - There is caused or suffered the maintenance of any open or uncovered, or insecurely covered, cistern, cellar, well, pit, excavation or vault situated upon private premises in any open or unfenced lot or place.

(k) Livestock - The keeping of livestock or poultry within the city limits. "Livestock" shall include, but shall not be limited to horses, ponies, cows, hogs and sheep.

(l) Junk, scrap metal, motor vehicles - The storage of motor vehicles in any inoperative condition, motor vehicles unfit for further use, automobile parts or scrap metal within the city limits. "Motor vehicle in an inoperative condition" means and includes any style or type of motor driven vehicle used or useful for the conveyance of persons or property which is unable to move under its own power due to defective or missing parts, and which has remained in such condition for a period of not less than ten consecutive days. "Motor vehicle unfit for further use" means and includes any style or type of motor driven vehicle used for the conveyance of persons or property, which is in a dangerous condition, has defective or missing parts, or is in such condition generally as to be unfit for further use as a conveyance. "Automobile parts" means and includes any portion or parts of any motor driven vehicle as detached from the vehicle as a whole. "Scrap metal" means and includes pieces of or parts of plastic, steel, iron, tin, zinc, copper, aluminum, or any alloy thereof, whether covered with porcelain or any other material, whether intact or in parts, which has served its usefulness in its original form and can no longer be used or useful for its originally intended purpose.

<u>Section 5.</u> <u>Test for nuisance.</u>
Whether or not a particular annoyance, of the character listed in Section 3, constitutes a nuisance shall depend on its effect upon persons of ordinary health and average sensibilities, and not its effect upon persons who are delicate or supersensitive, or whose habits, tastes, or conditions are such that they never are sensible of any annoyance.

Section 6. Nuisance created by others.
For the purposes of this ordinance, it shall not be essential that the nuisance be created or contributed to by the owners or tenants, or their agents or representatives, but merely that the nuisance be enacted or contributed to by licensees, invitees, guests or other persons for whose conduct the owner or operator is responsible, or by persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care, the owner or operator ought to have become aware of.

Section 7. Suspension of license.
(a) Whenever it is brought to the attention of the City Council that a nuisance described in Section 3 exists and the City Council deems that there is an immediate threat to the public health, safety or welfare, the City Council may, by majority vote, suspend the license of any person conducting business upon the premises where such nuisance exists.

(b) The City Clerk shall cause notice of the suspension to be served personally upon the licensee or at the premises where such nuisance exists.

(c) Upon application of the licensee, the City Council may remove the suspension upon such terms as it may direct.

Section 8. Penalty.
It shall be unlawful to cause or permit the continuance of any public nuisance included within the provisions of this ordinance. Violation of this ordinance shall be a Class A misdemeanor.

Mayor, City of Vanceburg

ATTEST:

City Clerk

Approved as to form and legality

City Attorney

First reading : 3-1-93

Second reading: 4-5-93

ORDINANCE FOR ADOPTION OF THE KENTUCKY STANDARDS OF SAFETY (FIRE PREVENTION CODE)

Ordinance Number 320.09

AN ORDINANCE OF THE CITY OF VANCEBURG ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM THE HAZARDS OF FIRE AND EXPLOSION ARISING FROM HE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES; AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE USE OR OCCUPANCY OF BUILDINGS OR PREMISES; KNOWN AS THE FIRE PREVENTION CODE.

Be it ordained by the City Council of the City of Vanceburg as follows:

WHEREAS, KRS 227.320 requires each local government unit to adopt and enforce the KENTUCKY STANDARDS OF SAFETY by Ordinance; and

WHEREAS, the Commissioner of the Department of Housing, Buildings and Construction has promulgated reasonable regulations setting minimum fire safety standards for Kentucky in 815 Kentucky Administrative Regulations 10:040 which are known as the KENTUCKY STANDARDS OF SAFETY (FIRE PREVENTION CODE).

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vanceburg:

SECTION 1. ADOPTION OF THE KENTUCKY STANDARDS OF SAFETY (FIRE PREVENTION CODE).

THAT, the KENTUCKY STANDARDS OF SAFETY (FIRE PREVENTION CODE) as promulgated in 815 KAR 10:040 by the Commissioner of the Department of Housing, Buildings and Construction on the advice and recommendation of the State Fire Marshall, is hereby adopted in full as an Ordinance of the City of Vanceburg of the Commonwealth of Kentucky. Copies of the Code Book are available through the Department of Housing, Buildings and Construction, 1047 U. S. 127 South, Frankfort, Kentucky 40601.

SECTION 2. DESIGNATED ENFORCEMENT OFFICER.

THAT, the Mayor shall be designated as the local enforcement agent for said Standards of Safety as appointed by the Vanceburg City Council.

SECTION 3. APPEAL PROCESS.

THAT, all final decisions of the fire code official of the City of Vanceburg, shall be appealable to a local appeals board

pursuant to the procedures adopted by the Vanceburg City Council.

SECTION 4. SAVING CLAUSE.

THAT, nothing in this Ordinance or in the Fire Prevention Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired for existing, under any act or ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 5. EFFECTIVE DATE.

THAT, this resolution shall take effect and be in full force when passed, published and recorded according to law.

SECTION 6. INCONSISTENT ORDINANCES REPEALED.

THAT, upon approval, passage and publication of this Ordinance, any and all other City Ordinances, Orders, Regulations, Motions or parts thereof insofar as they may be in conflict herewith are repealed.

William T. Cooper, Mayor

ATTEST:

Jeana H. Billman, City Clerk

Approved as to form and legality:

City Attorney

city3/ord4

10/93

COMMONWEALTH OF KENTUCKY
CITY OF VANCEBURG
Ordinance No 320.10

AN ORDIANCE ESTABLISHING A POLICE DEPARTMENT FOR THE CITY OF VANCEBURG, KENTUCKY

This ordinance creates a police department for the City of Vanceburg, Kentucky, specifies the offices for the police department, prescribes the powers and duties of the various police officers , and prescribes an oath for the police officers.

WHEREAS the City of Vanceburg, Kentucky, has for many years maintained a police force and provided protection to it citizens, and

WHEREAS the action taken by the City Council creating the police department cannot be found and is presumed to have been destroyed in the great flood of 1937, and

WHEREAS it is considered appropriate to insure that a police department for the City of Vanceburg, Kentucky, has been and is properly established,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VANCEBURG, KENTUCKY:

Section:

1:00 ESTABLISHMENT

There is hereby established and created the Police Department for the City of Vanceburg, Kentucky.

2:00 OFFICES OF THE POLICE DEPARTMENT. There are hereby established and created the following offices for the Police Department for the City, viz:

A. Police Chief
B. Police Lieutenant
C. Police Sergeant
D. Police Officer
E. Police Officer (Recruit)

3.00 POWERS AND DUTIES OF OFFICERS: The powers, duties and responsibilities of the various city police officers are set forth in Ordinance No. 130.01A which was adopted on October 7, 1991, and amendments thereto

4.00 OATH FOR OFFICERS. Each city police officer shall take the following oath upon assuming office:

> "I, (state you name), do solemnly swear to faithfully execute the duties and fulfill the responsibilities of the office of City Police Officer to the very best of my abilities and with honesty, dependability and integrity. I do solemnly swear to uphold the conduct of my office, all ordinances of the City of Vanceburg, and all laws of the Commonwealth of Kentucky and of the Government of the United States. I do further solemnly swear to conduct myself at all times with a dignity of purpose and manner which will bring credit to the citizens of the City of Vanceburg."

William T. Cooper, Mayor

1st reading:	7-12-99
2nd reading:	8-02-99
Signed by Mayor:	8-03-99
Published:	8-10-99

ATTEST:

Jeana Billman, City Clerk

COMMONWEALTH OF KENTUCKY
CITY OF VANCEBURG
Ordinance No. 340.01A

AN ORDINANCE IN RELATION TO VICIOUS ANIMALS

This Ordinance defines "vicious animal"; establishes standards for keeping vicious animals; requires owners of vicious animals to maintain liability insurance; establishes identification and reporting procedure for vicious animals; delegates enforcement of the ordinance to the Vanceburg Police Department; and provides violation of the ordinance shall be a Class A Misdemeanor as defined by the Kentucky Penal Code.

WHEREAS, vicious animals constitute a threat to the citizens and the benefits of the owners of such animals are outweighed by danger to the general public;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VANCEBURG, KENTUCKY:

1. For the purpose of this ordinance, "vicious animal" means any animal that has a habit of jumping, barking, and biting at children or other people, or that has a propensity, tendency, or disposition to attack, cause injury, or otherwise endanger the safety of persons or domesticated companion animals or that has behaved in such a manner that the owner knows or should have known that the animal had tendencies to bite or attack persons or other domestic companion animals. A vicious animal; does not include an animal that bites or attacks a person or animal that is trespassing on the property of the animal's owner. A vicious animal does not include an animal that bites or attacks a person or animal that provokes, torments, tortures, or treats an animal cruelly. A vicious animal does not include an animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in lawful activity or is the subject of an assault or battery, or to protect itself or another animal.

2. Standards for Keeping Vicious Animals. The keeping of vicious animals shall be subject to the following standards.

    (a) Leash and Muzzle. No person shall permit a vicious animal to go outside of its kennel, pen or the owner's residence unless such animal is securely leashed with a leash no longer than four (4) feet in length. No person shall permit such an animal to be kept on a chain, rope, or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such animals may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all such animals on a leash outside of the animal's kennel, pen, or the owner's

residence must be muzzled by a muzzling device sufficient to prevent the animal from biting persons or other animals.

(b) Confinement. All vicious animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in paragraph (a) above. Such pen, kennel, or structure must have secure sides and a secure top attached to its sides. A fenced-in yard by itself is insufficient to meet this standard. All structures used to confine such animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground to a depth of no less than two (2) feet. All structures erected to house such animals must comply and be inspected by an officer of the Vanceburg Police Department. All such structures must be adequately lighted, ventilated, and kept in a clean and sanitary condition. The house or shelter for said animal shall be totally enclosed within the confinement structure. Fencing must be at least 14 gauge fencing wire.

(c) Confinement Indoors. No vicious animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure where window screens or screen doors are the only obstacles preventing the animal from exiting the structure.

(d) Signs. All owners, keepers or harborers of vicious animals shall within ten (10) day of the effective date of this Ordinance, display in a prominent place on their premises a sign, easily readable by the public from adjoining public roads or streets, using such words as "Beware of vicious animal" or other appropriate warning language. In addition, a similar sign must be posted on the kennel or pen of such animal

3. Insurance Identification and Reporting Requirements.

(a) Insurance. All owners, keepers or harborers of vicious animals must, within ten (10) days of the effective date of this Ordinance, obtain and maintain liability insurance in an amount of five hundred thousand dollars ($500,000.00) for each occurrence for bodily injury to or death of any person or persons which may result from ownership, keeping, or maintenance of such animal.

(b) Identification photographs. All owners, keepers or harborers of vicious animals must, within ten (10) days of the effective date of this Ordinance, provide to the Vanceburg Police Department two (2) color photograph of the registered animal clearly showing the color and approximate size of the animal.

(c) Reporting requirements. All owners, keepers or harborers of vicious animals must, within three (3) days of the following incidents, report the following in writing to the Vanceburg Police Department:

(1) The removal or death of a vicious animal.

(2) The birth of offspring of a vicious animal.

(3) The new address of a vicious animal if the owner moves within the County limits.

(4) The animal is on the loose, has been stolen, or has attacked a person.

(d) Registration of vicious animals. Every owner of a vicious animal in the city shall register the animal with the Vanceburg Police Department, stating the name, address, telephone number of owner, the address where the animal is harbored, if different from the owner's address, a complete identification of the animal including sex, color, and any other distinguishing physical characteristics, and proof of rabies vaccination. Registration shall be completed within (3) days after the owner takes possession of or harbors the dog within the city limits.

(e) Change of Ownership. Any owner of a vicious animal who sells or otherwise transfers ownership, custody or residence of the animal shall, within (3) days after such change of ownership or residence, provide written notification to the Vanceburg Police Department of the name, address and telephone number of the new owner. It shall be the responsibility of the person transferring ownership or custody of the animal to provide written notification of the animal's classification as dangerous to the person receiving the animal. The previous owner shall furnish a copy of such notification to the Vanceburg Police Department along with written acknowledgment by the owner of his receipt of such notification.

(f) Any person receiving a vicious animal shall comply fully with the provisions of this ordinance prior to acquisition of said animal.

(g) Any animal that has been declared vicious or dangerous by the Vanceburg Police Department, another municipality, county or state

shall be subject to the provisions of this ordinance for the remainder of its life. The person owning or having custody of any animal designated as a dangerous or vicious animal by any other municipality, county, or state government shall notify the Vanceburg Police Department of the animal's address within (3) days of moving the animal into the City of Vanceburg. All provisions of this ordinance shall be met prior to acquisition of said animal.

(h) The owner of a vicious animal shall, within (3) business days after the classification of the animal as vicious or dangerous or upon acquisition of such an animal, obtain an annual permit from the City of Vanceburg to harbor the animal. The fee for such permit shall be twenty-five dollars and fifty cents ($25.50) per year. At the time the permit is issued, a red circular tag shall be issued to the owner of the animal. The tag shall be worn at all times by the animal to clearly and easily identify it as a vicious animal. If red tag is lost it is the responsibility of the owner to replace the red tag at a cost of ten dollars ($10). The permit for maintaining the vicious animal shall be presented to the Vanceburg Police Department officer upon demand.

4. Reputable Presumption as to Pit Bulls and Wolf-Hybrids. There shall be a rebut table presumption that Pit Bull dogs and Wolf-Hybrids and any other animal adjudicated as a dangerous animal are vicious animals for purposes of this Ordinance. "Pit Bull Dog" is defined for purposes of this Section to mean the Bull Terrier breed of dog, the Staffordshire Bull Terrier breed of dog, the American Pit Bull Terrier breed of dog, the American Staffordshire Terrier breed of dog, dogs of mixed breed or other breeds which breed or mixed breed is known as Pit Bulls, Pit Bull Dogs, or Pit Bull Terriers, and any dog which has the appearance and characteristics of being predominantly of the breeds of Bull Terrier, Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, any other breed commonly known as Pit Bulls, Pit Bull Dogs, or Pit Bull Terriers, or a combination of any of these breeds. A "Wolf- Hybrid" is defined for purposes of this Section to mean any animal having a lineage dating from 1900 with any wolf breed combined with any other domesticated dog.

5. Enforcement. It shall be the duty of the Vanceburg Police Department to enforce this ordinance.

(a) All animal complaints shall be investigated by the Vanceburg Police Department all complaints shall be put in writing and reviewed the Chief of Police and the Ordinance officer shall determine together if a animal is vicious or not.

(b) All complaints on vicious animals in violation of this ordinance, the Vanceburg Police Department shall forthwith investigate and shall require the owner or harbor of the vicious animal to comply with the

provisions of this ordinance or to safely remove such animal from the city.

6. Failure to Comply. If the owner, keeper or harbor of a vicious animal fails to comply with the requirements and conditions set forth in this Section and this entire Ordinance, the animal shall be subject to immediate seizure and impoundment or if unable may be destroyed if the officer determines the animal to be extremely dangerous or vicious to public health or safety, or a animal that has made an extremely vicious attack upon an individual or other domesticated animal, or attempting to lung at any individual in which an officer feels the animal is attempting to attack, or a animal declared vicious or dangerous whose owner is unable or unwilling to adequately restrain it, or if that is the only means of catching the animal.

7. Conflicting Ordinances. All other ordinances of the city of Vanceburg that are in conflict with this ordinance are hereby repealed to the extent of the conflict.

8. Severability. The Provisions of this ordinance are declared to be severable. If any section, sentence, clause, or phrase of the ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in effect; it being the legislative intent that this ordinance shall remain in effect notwithstanding the validity of any part.

9. Penalty. Violation of any provision of this Ordinance shall constitute a Class A Misdemeanor as defined by the Kentucky Penal Code. Each occurrence shall constitute a separate offense. A person convicted for violating this Ordinance shall be sentenced for a term of imprisonment not to exceed twelve (12) months and/or sentenced to pay a fine not to exceed Five Hundred Dollars ($500.00) for each offense.

William T. Cooper, Mayor

1st Reading: 8.4.03
2nd Reading: 9.8.03
Signed by Mayor: 9.10.03
Published: _____

Attest:

Jeana H. Billman

Jeana H. Billman, City Clerk

Amended 9.8.03 340.01A

COMMONWEALTH OF KENTUCKY
CITY OF VANCEBURG
Ordinance No 340.01

AN ORDINANCE REQUIRING REGISTRATION AND CONTROL OF VICIOUS DOGS

This Ordinance requires Pit Bull Dogs and other vicious dogs to be registered with the Police Department. Owners of dogs must keep them confined or muzzled and leashed. Landlords shall not knowingly allow such dogs on leased multi-family premises. Trained police dogs are excepted from the Ordinance. Enforcement of the Ordinance is delegated to the Police Department. Violation of the Ordinance is declared to be a Class A Misdemeanor and in punishable by fines up to $500 and/or by imprisonment up to six months for each offense.

WHEREAS, vicious dogs constitute a threat to citizens and the benefits to the owners of such dogs are outweighed by danger to the general public; and

WHEREAS, dogs commonly referred to as "Pit Bulls" were for centuries developed and selectively bred for the express purpose of attacking other dogs or animals, and have a greater propensity to attack humans than all other breeds of dogs, and are infinitely more dangerous once they do attack.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF VANCEBURG, KENTUCKY:

1. DEFINITIONS

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

PIT BULL DOG. Any dog which exhibits those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club for American Staffordshire Terrier, or Staffordshire Bull Terriers, or substantially conform to the standards established by the United Kennel Club for American Pit Bull Terriers, including any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull Terrier.

VICIOUS DOG. Any Pit Bu11 Dog or other dog which has caused death or serious injury to a person engaged in a lawful activity or which has attacked or

bitten without provocation a person engaged in a lawful activity; or which has killed or seriously injured another animal after the Police Department has issued, based upon the vicious or predatory nature of the dog, a written or verbal notice to the owner or custodian of such dog to keep it confined or muzzled and leashed in accordance with this Ordinance; or which has been declared to be vicious by the attending physician of the victim of an attack, taking into consideration the nature and severity of the incident and whether the dog has displayed dangerously aggressive behavior and is likely to inflict injury on another person or animal.

2. REGISTRATIN OF PIT BULLS.

Every owner of a Pit Bull Dog in the city shall register the dog with the Police Department, stating the name, address, and telephone number of the owner, the address where the dog is harbored, if different from the owner's address, a complete identification of the dog including sex, color, and any other distinguishing physical characteristics, and proof of rabies vaccination. Registration shall be completed within seventy-two hours after the owner takes possession of or harbors the dog within the city territorial limits.

3. CONFINEMENT.

Vicious dogs must at all times be secured and confined indoors or confined in a securely and totally enclosed and locked pen outdoors, with either a top or with sides six feet high, or when not so confined, vicious dogs shall be muzzled in such a manner as to prevent them from biting or injuring any person or animal and kept on a leash under the control of an able-bodied adult.

4. DUTY OF LANDLORDS.

No landlord or landlord's agent shall knowingly permit any tenant to harbor a vicious dog in any multi-family premises owned or controlled by such landlord or agent. Any landlord or agent discovering the presence of any vicious dog in any multi-family premises owned or controlled by such landlord or agent shall notify the owner or custodian of such dog to remove the dog from the city immediately.

5. POLICE DOG EXCLUSION.

It is not the intent of this Ordinance to prohibit the Police Department from using any trained dog that may attack on command, provided that each such dog must be in the presence of its handler or confined in accordance with Police Department policy at all times.

6. ENFORCEMENT.

It shall be the duty of the Police Department to enforce this Ordinance. Upon the receipt of a written complaint from any person that a vicious dog is present within the city in violation of this Ordinance, the Police Department shall forthwith

investigate the complaint and shall require the owner or custodian of the vicious dog to comply with the provisions of this Ordinance or to safely remove such dog from the city. Upon failure of the owner or custodian of the vicious dog to comply with such order, the Police Department shall forthwith cause the vicious dog to be seized and impounded. If such dog constitutes a serious threat of harm to humans or other animals, it may be rendered immobile by means of tranquilizers or other drugs, or if that is not safely possible, then such dog may be killed.

7. NUISANCE AND INJUNCTION.

Any violation of this Ordinance is hereby declared to be a nuisance, and continued violation may be enjoined.

8. PENALTY.

Violation of any provision of this chapter shall constitute a Class A Misdemeanor as defined by the Kentucky Penal Code. A person convicted for violating this Ordnance shall be sentenced of imprisonment for a term not to exceed twelve (12) months and/or sentenced to pay a fine not to exceed Five Hundred Dollars ($500.00) for each offense.

William T. Cooper, Mayor

1st reading: 7/12/99
2nd reading: 8/2/99
Signed by Mayor: 8/3/99
Published: 8/10/99

ATTEST:

Jeana Billman, City Clerk

CERTIFICATE

I hereby certify that I am an attorney licensed to practice law in the Commonwealth of Kentucky, that I prepared the Summary above of the foregoing Ordinance of the City of Vanceburg, Kentucky, and that such Summary constitutes a general summary of the essential provisions of said Ordinance, reference to the full text of which Ordinance is hereby made for a complete statement of its provisions and terms.

_____

E. V. Holder, Jr.
HOLDERS and LYKINS, P.S.C.
P.O. Box 160
407-409 Second Street
Vanceburg, Kentucky 41179-0160
(606) 796-2531

NOTICE OF ENACTMENT AND SUMMARY
OF
ORDINANCE NO. 340.01

AN ORDINANCE REQUIRING REGISTRATION AND CONTROL OF VICIOUS DOGS

As required by KRS 83A.060(9), I hereby certify that an Ordinance bearing the above title was given first reading by the City Council of the City of Vanceburg, Kentucky, at a duly convened meeting of the City Council held on July 12, 1999, and was given second reading and enacted by said City Council at a duly convened meeting held on August 2, 1999, and that the following is a Summary of such Ordinance prepared by E. V. Holder, Jr., Attorney for the City of Vanceburg, Kentucky.

SUMMARY OF ORDINANCE

This Ordinance requires Pit Bull Dogs and other vicious dogs to be registered with the Police Department. Owners of dogs must keep them confined or muzzled and leashed. Landlords shall not knowingly allow such dogs on leased multi-family premises. Trained police dogs are excepted from the Ordinance. Enforcement of the Ordinance is delegated to the Police Department.

The full text of each section that imposes fines, penalties, forfeitures, taxes or fees are as follows:

Violation of any provision of this chapter shall constitute a Class A Misdemeanor as defined by the Kentucky Penal Code. A person convicted for violating this Ordinance shall be sentenced of imprisonment for a term not to exceed twelve (12) months and/or sentenced to pay a fine not to exceed Five Hundred Dollars ($500.00) for each offense.

A copy of the full text of said Ordinance is available for public inspection at the City Building, 615 Second Street, Vanceburg, Kentucky, during regular business hours, Monday through Friday.

Jeana Billman

Jeana Billman
Clerk, City of Vanceburg