

## TITLE 1

### GENERAL PROVISIONS

#### Chapters:

- 1.01 Code Adoption
- 1.04 General Provisions
- 1.08 Elections
- 1.12 General Penalty
- 1.16 Repeal Of Prior Ordinances

#### Chapter 1.01

### CODE ADOPTION

#### Chapter 1.04

### GENERAL PROVISIONS

#### Sections:

- 1.04.010 Definitions.
- 1.04.020 Interpretation of language.
- 1.04.030 Grammatical interpretation.
- 1.04.040 Acts by agents.
- 1.04.050 Prohibited acts include causing and permitting.
- 1.04.060 Computation of time.
- 1.04.070 Construction.
- 1.04.080 Repeal shall not revive any ordinances.
- 1.04.090 Construction of city ordinances.
- 1.04.100 Editing of ordinances on publication.

#### **1.04.010 Definitions.**

The following words and phrases, whenever used in the ordinances or code of the city of Indian Hills, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

“City” means the city of Indian Hills, or the area within the territorial limits of the city, and such territory outside the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

“Commonwealth” means the commonwealth of Kentucky.

“Council” means the city council of the city of Indian Hills. “All its members” or “all council members” means the total number of council members holding office.

“County” means the county of Jefferson.

“Law” denotes applicable federal law, the Constitution and statutes of the state of Kentucky, the ordinances of the city, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

“May” is permissive.

“Month” means a calendar month.

“Must” and “shall” are each mandatory.

“Oath” includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”

"Owner," applied to a building or land, means and includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

"Person" means and includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

"Personal property" means and includes money, goods, chattels, things in action and evidences of debt.

"Preceding" and "following" mean next before and next after, respectively.

"Property" means and includes real and personal property.

"Real property" means and includes lands, tenements and hereditaments.

"Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

"State" means the commonwealth of Kentucky.

"Street" means and includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in the city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of the state.

"Tenant" and "occupant," applied to a building or land, mean and include any person who occupies the whole or a part of such building or land, whether alone or with others.

"Written" means and includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

"Year" means a calendar year. (Added during 2002 codification)

#### **1.04.020 Interpretation of language.**

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Added during 2002 codification)

#### **1.04.030 Grammatical interpretation.**

The following grammatical rules shall apply in the ordinances and code of the city unless it is apparent from the context that a different construction is intended:

- A. Gender. Each gender includes the masculine, feminine and neuter genders.
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Added during 2002 codification)

#### **1.04.040 Acts by agents.**

When an act is required by an ordinance or this code, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Added during 2002 codification)

#### **1.04.050 Prohibited acts include causing and permitting.**

Whenever in the ordinances or code of the city any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Added during 2002 codification)

#### **1.04.060 Computation of time.**

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Added during 2002 codification)

#### **1.04.070 Construction.**

The provisions of the ordinances and code of the city, and all proceedings under them, are to be construed with a view to effect their objects and to promote justice. (Added during 2002 codification)

#### **1.04.080 Repeal shall not revive any ordinances.**

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Added during 2002 codification)

#### **1.04.090 Construction of city ordinances.**

A. Whenever reference is made to "the city" or "this city" or to "the council" or "city council" or to a city officer or department by code, it shall be construed as referring to the city of Indian Hills.

B. The term "ordinance" or "these ordinances" refers to the ordinances of this city.

C. The term "code" or "this code" refers to the compilation of the body of ordinances of the city.

D. All provisions of this code are limited in application to the territorial boundaries of the city.

E. Unless otherwise provided herein, the rules of construction, application and definitions set forth in KRS Chapter 446 and KRS 83A.010 shall apply to this code.

F. The words "this state" or "the state" or "the commonwealth" shall be construed to mean the commonwealth of Kentucky.

G. The words "statutes," "these statutes," "revised statutes" or "KRS" refers to the Kentucky Revised Statutes.

H. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

I. A word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing, and a word importing the plural number only may extend and be applied to one person or thing as well as to several persons or things.

J. A word importing the masculine gender only may extend and be applied to females as well as males.

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

L. Conflict or Ambiguity. All ordinances shall be construed to effect the intent of the legislative body and in the event an irreconcilable conflict or ambiguity exists between the provisions of any ordinances, the provisions last adopted or approved by the legislative body shall prevail. (Ord. dated 12/20/99 (part))

#### **1.04.100 Editing of ordinances on publication.**

A. The city clerk, in preparing editions of the ordinances or supplements thereto for publication or distribution, shall not alter the sense, meaning or effect of any act of the city legislative body, but may renumber sections and parts of sections of the acts of the city legislative body, change the wording of head notes, divide or rearrange sections and parts of sections, change words when directed by law, change reference numbers to agree with renumbered chapters or sections or to make corrections in reference numbers when sections referred to are repealed or amended and the correction can be made without change in the law, substitute the proper section or chapter numbers for the terms "this ordinance," "the preceding section," and the like, strike out figures where they are merely a repetition of written words, change capitalization for the purpose of uniformity, and correct manifest clerical or typographical errors.

B. In any edition of this code or supplement thereto hereafter published, the city clerk may substitute the name of any agency, officer or instrumentality of the commonwealth or of a political subdivision whose name is changed by law or to which powers, duties and responsibilities have been transferred by law, for the name which the agency, officer or instrumentality previously used or of the agency which was previously vested with the same powers and charged with the same duties and responsibilities. (Ord. dated 12/20/99 (part))

## **Chapter 1.08**

### **ELECTIONS** (Reserved)

## **Chapter 1.12**

### **GENERAL PENALTY**

#### **Sections:**

- 1.12.010 Offenses designated by ordinances--Penalties.
- 1.12.020 Offenses not designated by ordinance--Penalties.
- 1.12.030 Penalties for violation deemed criminal--Exceptions.
- 1.12.040 Conflict with state provisions.
- 1.12.050 Continuing violations.

#### **1.12.010 Offenses designated by ordinances--Penalties.**

The city may make the violation of any of its ordinances or code a misdemeanor or a violation by the express terms of the ordinance. When the offense is designated by the ordinance as a misdemeanor, a criminal fine not to exceed five hundred dollars (\$500.00), or a term of imprisonment not to exceed twelve (12) months, or both, may be imposed for the offense. When the offense is designated by ordinance as a violation, a criminal fine not to exceed two hundred fifty dollars (\$250.00) may be imposed for the offense. (Added during 2002 codification)

#### **1.12.020 Offenses not designated by ordinance--Penalties.**

If any city ordinance or this code fails to prescribe any penalty for noncompliance with its provisions, any noncompliance shall be deemed a violation and a criminal fine not to exceed two hundred fifty dollars (\$250.00) may be imposed for the offense. (Added during 2002 codification)

#### **1.12.030 Penalties for violation deemed criminal--Exceptions.**

A. Where any city ordinance or this code prescribes a penalty for violation or noncompliance, such penalty shall be deemed a criminal penalty, not a civil penalty, unless the ordinance clearly states that a civil penalty attaches to such violation or noncompliance.

B. As an alternative to or in conjunction with the criminal penalties authorized in this chapter, an ordinance may provide by its express terms that a violation shall subject the offender to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after he/she has been cited for the violation of the ordinance.

C. Where the amount of a civil penalty is not stated in the ordinance, the civil penalty shall be the amount of the minimum criminal penalty for such violation, but not less than twenty-five dollars (\$25.00). (Added during 2002 codification)

#### **1.12.040 Conflict with state provisions.**

Notwithstanding the provision of any ordinance hereafter of heretofore enacted, no city ordinance shall impose a fine, penalty, forfeiture or term of imprisonment less than or greater than that imposed by Kentucky statute for the same offense, and where the fine provided by city ordinance is different, the fine, penalty, forfeiture or term of imprisonment provided by Kentucky statute shall apply. (Added during 2002 codification)

#### **1.12.050 Continuing violations.**

Any continuing violation of a city ordinance or this code shall be considered as a separate and distinct offense for each day a violation of the ordinance occurs or continues. (Added during 2002 codification)

## **Chapter 1.16**

## REPEAL OF PRIOR ORDINANCES

### Sections:

- 1.16.010 Ordinances repealed--Effective date.
- 1.16.020 Repeal shall not revive any ordinances.
- 1.16.030 Effect of repeal on past actions and obligations.

#### **1.16.010 Ordinances repealed--Effective date.**

All ordinances of the former cities of Indian Hills Country Club, Indian Hills Cherokee, Robinswood, and Winding Falls are repealed, effective on the date on which this code becomes effective. (Added during 2002 codification)

#### **1.16.020 Repeal shall not revive any ordinances.**

The repeal of an ordinance herein shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby. (Added during 2002 codification)

#### **1.16.030 Effect of repeal on past actions and obligations.**

This chapter does not affect prosecutions for ordinance violations committed prior to the effective date of this chapter, does not waive any fee or penalty due and unpaid on the effective date of this chapter, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance. (Added during 2002 codification)