

TITLE I: GENERAL PROVISIONS

Chapter

10. RULES OF CONSTRUCTION; GENERAL PENALTY

CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

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Sec 10.01 SHORT TITLES

(A) All ordinances of a permanent and general nature of the city as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections shall be known and designated as the Parkway Village Code, for which designation "codified ordinances" or "code" may be substituted. Code, title, chapter, and section headings do not constitute any part of the law as contained in the code. (KRS 446.140) (B) All references to codes, titles, chapters, and sections are to such components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the "traffic code." Sections may be referred to and cited by the designation (Transcriber's note: I am unable to replicate the symbol used in the printed copy of the code. It may be on some font but I don't have it. I substituted the abbreviation "Sec" or "sec" wherever the symbol appeared.) followed by a number, such as "Sec 10.01". Headings and captions used in this code other than the title, chapter, and section numbers, are employed for reference purposes only and shall not be deemed a part of the text of any section.

Sec 10.02 DEFINITIONS

For the purpose of this code the following definitions shall apply unless the context clearly indicates or requires a different meaning. "ACTION" Includes all proceedings in any court of this state. (KRS 446.010 (1))

"AND" May be read "OR," and "OR" may be read "AND," if the sense requires it. "ANIMAL" Includes every warm-blooded living creature except a human being (KRS 446.010 (2)) "CATTLE" Includes horse, mule, ass, cow, ox, sheep, hog, or goat of any age or sex (KRS 446.010 (6)) "CITY", "MUNICIPAL CORPORATION" ,or "MUNICIPALITY" When used in this code shall denote the City of Parkway Village irrespective of its population or legal classification. "COMMISSION The City Commission (KRS 83A.010 (3)) "COMPANY" May extend and be applied to any corporation, company, person, partnership, joint stock company, or association (KRS 446.010 (7)) "CORPORATION" May extend and be applied to any corporation, company, person, partnership, joint stock company, or association (KRS 446.010 (8)) "COUNTY" Jefferson County, Kentucky "CRUELTY" As applied to animals, includes every act or omission whereby unjustifiable physical pain, suffering, or death is caused or permitted (KRS 446.010 (9)) "DIRECTORS" When applied to corporations, includes managers or trustees (KRS 446.010 (10)) "DOMESTIC" When applied to corporations, means all those incorporated or formed by authority of this state (KRS 446.010 (11)) "DOMESTIC ANIMAL" Any animal converted to domestic habitat (KRS 446.010 (12)) EXECUTIVE AUTHORITY" The Commission (KRS 83A.010 (6)) "FEDERAL" Refers to the United States (KRS 446.010 (13)) "FOREIGN" When applied to corporations, includes all those incorporated or formed by authority of any other state (KRS 446.010 (14)) "KEEPER" or "PROPRIETOR" Includes all persons, whether acting by themselves or as a servant, agent or employee "KRS" Kentucky Revised Statutes "LAND" or "REAL ESTATE" Includes lands, tenements, and hereditaments and all rights thereto and interest therein, other than a chattel interest (KRS 446.010 (18)) "LEGISLATIVE BODY" The City Commission (KRS 91A.010 (7); 83A.010(8)) "LEGISLATIVE BODY MEMBER" A City Commissioner (KRS 83A.010 (8)) "MAY" The act referred to is permissive (KRS 446.010 (20)) "MISDEMEANOR" An offense for which the criminal fine cannot exceed the amount set forth in KRS 534(2) (a). or a term of imprisonment not to exceed the periods set forth in KRS 532.010 (1) or both. (KRS 83A.065) "MONTH"

Calendar month (KRS 446.010 (21)) "MUNICIPALITY" The City of Parkway Village, Kentucky "MUNICIPAL ORDER" An official act of the City Commission which is binding upon the officers and employees of the city and any governmental agency over which the city has jurisdiction. (KRS 83A.010 (9)) "OATH" Includes "AFFIRMATION" in all cases in which an affirmation may be substituted for an oath (KRS 446.010 (22)) "OFFICER" Any person elected to a position by the voters or any person appointed to a position which;

(a) is created by the Constitution, the General Assembly, or a city;

(b) possesses a delegation of a portion of the sovereign power of government;

(c) has powers and duties to be discharged which are conferred directly or by implication by the city;

(d) has duties performed independently and without control of a superior power other than the law;

(e) has some permanency

(f) requires an official oath

(g) is assigned by a commission ; and

(h) provides for an official bond if required by proper authority generally, individuals, partnerships, registered limited liability partnerships, joint stock companies, and limited liability companies (KRS 446.010 (26)) "PERSONAL PROPERTY" Includes all motor vehicles such as trucks, cars, motorcycles, and motor homes. "PREMISES" As applied to property, includes land and buildings "PROPERTY" Includes, real, personal, mixed estates and interests. "PUBLIC AUTHORITY" Includes boards or education; the municipal, county, state, or federal governments, its officers or an agency thereof; or any duly authorized public official or other "PEACE OFFICER" Includes sheriffs, constables, coroners, jailers, metropolitan and urban-county government correctional officers, marshals, policemen, and other persons with similar authority to make arrests. (KRS 446.010 (24)) "PERSON" May extend and be applied to bodies-politic and corporate, societies, communities, the public generally, individuals, partnerships, registered limited liability partnerships, joint stock companies, and limited liability companies (KRS 446.010 (26)) "PERSONAL PROPERTY" Includes all motor vehicles such as trucks, cars, motorcycles, and motor homes. "PREMISES" As applied to property, includes land and buildings "PROPERTY" Includes, real, personal, mixed estates and interests. "PUBLIC AUTHORITY" Includes boards or education; the municipal, county, state, or federal governments, its officers or an agency thereof; or any duly authorized public official or other "PEACE OFFICER" Includes sheriffs, constables, coroners, jailers, metropolitan and urban-county government correctional officers, marshals, policemen, and other persons with similar authority to make arrests.

"ORDINANCE" An official act of the city commission which is a regulation of a general and permanent nature and enforceable as local law or is an appropriation of money.

"PUBLIC PLACE" Includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance or any other place for the sale of merchandise, public accommodation, or amusement. "REAL PROPERTY" Includes land, tenements, and hereditaments. "REGULAR ELECTION" The election in even numbered years at which members of Congress are elected and the election in odd numbered years at which state officers are elected. (KRS 446.010 (28)) "SHALL" The act referred to is

mandatory (KRS 446.919 (29)) "SIDEWALK" That portion of the street between the curb line and the adjacent property line intended for use of pedestrians. "STATE" The Commonwealth of Kentucky

"STREET" Includes alleys, avenues, boulevards, lanes, roads, highways, viaducts, and all other thoroughfares within the city.

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

"SWORN" Includes "AFFIRMED" in all cases in which an affirmation may be substituted for an oath. (KRS 446.010 (32))

"TENANT" or "OCCUPANT" As applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.

"VACANCY IN OFFICE" Such as exists when there is an unexpired part of a term or office without a lawful incumbent therein, or when the person elected or appointed to an office fails to qualify according to law, or when there has been no election to fill the office at the time appointed by law; it applies whether the vacancy is occasioned by death, resignation, removal from the state, county, city, or district, or otherwise (KRS 446.010 (34))

"VIOLATE" Includes failure to comply with. (KRS 446.010 (5))

"VIOLATION" An offense for which the criminal fine can not exceed the amount set forth in KRS (534.040 (2))

(c) (KRS 83A.065)

"YEAR" Calendar year (KRS 446.010 (37))

Sec 10.03 RULES OF CONSTRUCTION

(A) Singular includes plural. 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 may extend and be applied to one person or thing as well as to several persons or things (KRS 446.020 (1))

(B) Masculine includes feminine. A word importing the masculine gender only may extend and be applied to females as well as males. (KRS 446.020 (2))

(C) Liberal Construction. All sections of this code shall be liberally construed with a view to promote their objectives and carry out the intent of the City Commission (KRS 446.080 (1))

(D) Retroactivity. No ordinance shall be construed to be retroactive, unless expressly so declared. (KRS 446.080 (3))

(E) Technical terms. All words or phrases shall be construed to the common and approved usage of language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law, shall be construed according to such meaning

Sec 10.04 COMPUTATION OF TIME

(A) In computing any period of time prescribed by order of court, or by any applicable ordinance or regulation, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, a legal holiday, or a day on which the public office in which a document is required to be filed is actually and legally closed, in which event the period

runs until the end of the next day which is not one of the days just mentioned. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation

(B) When an ordinance, regulation, or order of court requires an act to be done either a certain time before an event or a certain time before the day on which an event occurs, the day of the event shall be excluded in computing the time. If the day thereby computed on which or by which the act is required to be done falls on a Saturday, Sunday, legal holiday, or a day on which the public office in which the act is required to be completed is actually and legally closed, the act may be done on the next day which is none of the days just mentioned.

(C) If any proceeding is directed by law to take place, or any act is directed to be done, on a particular day of a month and that day is Sunday, the proceeding shall take place, or the act shall be done, on the next day that is not a legal holiday. (KRS 446.030)

(D) In all cases where the law requires an act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall mean the time only as may be necessary for the prompt performance of such duty or compliance with such notice.

Sec 10.05 MAJORITY MAY ACT FOR ALL; AUTHORIZED AGENT

(A) Words giving authority to three or more public officers or other groups shall be construed as giving such authority to a majority of such officers or other persons (KRS 446.050)

(B) When the law requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include such acts when done by an authorized agent.

Sec 10.06 WRITINGS AND SIGNATURES

(A) When this code requires any writing to be signed by a party thereto, it shall not be deemed to be signed unless the signature is subscribed at the end or close of the writing.

(B) Every writing contemplated by this code shall be in the English Language

(KRS 446.060)

Sec 10.07 SEVERABILITY

It shall be considered that it is the intent of City Commission in enacting any ordinance, that if any part of the ordinance be held unconstitutional the remaining parts shall remain in force, unless the ordinance provides otherwise, or unless the remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional part that it is apparent that City Commission would not, or unless the remaining parts, standing alone, are incomplete and incapable of being executed in accordance with the intent of City Commission (KRS 446.090)

Sec 10.08 REVIVOR

(A) A repealed ordinance without a delayed effective date is revived when the ordinance that repealed it is repealed by another ordinance enacted at the same meeting of City Commission.

(B) A repealed ordinance with a delayed effective date is revived by the enactment of a repealer of the ordinance that that repealed it at the same or any subsequent meeting of City Commission as long as it takes effect prior to the effective date of the original repealer.

(C) An amended ordinance without a delayed effective date remains unchanged with respect to an amendment which is repealed at the same meeting of City Commission which enacted the amendment.

(D) An amended ordinance with a delayed effective date remains unchanged with respect to that amendment if the ordinance making the amendment is repealed at the same or a subsequent meeting of City Commission as long as the repealing ordinance takes effect prior to the effective date of the original amendment.

(E) No other action of City Commission repealing a repealer of an amendment shall have the effect of reviving the original language of the repealer or amendment as the case may be, (KRS 446.100)

Sec 10.09 RIGHTS AND LIABILITIES ACCRUING BEFORE APPEAL OF ORDINANCE

No new ordinance shall be construed to repeal a former ordinance as to any offense committed against a former ordinance, nor as to any act done, or penalty, or punishment incurred, or any right accrued, or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or done, or any penalty, forfeiture, or punishment so incurred, or any right accrued or claim arising before the new ordinance takes effect, except that the proceedings thereafter had shall conform so far as practicable, to the laws in force at the time of such proceedings. If any penalty, forfeiture, or punishment is mitigated by any provision of the new ordinance, such provision may, by consent of the party affected, be applied to any judgement pronounced after the new ordinance takes effect. (KRS 446.110)

Sec 10.10 CONSTRUCTION OF SECTION REFERENCES

(A) Wherever in a penalty section reference is made to a violation of a section or an inclusive group of sections, such reference shall be construed to mean a violation of any provision of the section or sections included in the reference.

(B) References in the code to action taken or authorized under designated sections of the code include, in every case, action taken or authorized under the applicable legislative provision which is superceded by this code.

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

Sec 10.11 ORDINANCES REPEALED

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

Sec 10.12 ORDINANCES UNAFFECTED

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

Sec 10.13 ORDINANCES SAVED

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

Sec 10.14 AMENDMENTS TO CODE; AMENDATORY LANGUAGE

(A) Any chapter, section, or division amended or added to this code by ordinances passed subsequent to this code may be numbered in accordance with the numbering system of this code and printed for inclusion herein. Any chapter, section, or division repealed by subsequent ordinances may be excluded from this code by omission from reprinted pages. Subsequent ordinances as printed or omitted shall be prima facie evidence of such subsequent ordinances until City Commission shall adopt a new code of ordinances.

(B) The method of amendment set forth in Sec 32.37 should be used by the city to amend, add, or repeal a chapter, section, or division of this code of ordinances.

Sec 10.15 CONFLICTING PROVISIONS

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

Sec 10.16 REFERENCE TO OFFICES

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

Sec 10.17 ERRORS AND OMISSIONS

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

Sec 10.18 HISTORICAL AND STATUTORY REFERENCES

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

If a KRS cite is included in the history, this indicates that the text of the section reads word-for-word the same as the statute. Example: (KRS 83A.090, Ord. 10, passed 1-17-80; Am. Ord. 20, passed 1-1-85). If a KRS cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

Sec 31.10 CITY COMMISSION

The executive and legislative authority of the city shall be vested in and exercised by the City Commission. (Ord. 10, passed 1-1-80)

Statutory reference: For powers and duties of the City Commission, see KRS 83A.140

Sec 10.99 PENALTY

Where an act or omission is prohibited or declared unlawful in this code of ordinances, and no penalty of fine or imprisonment is otherwise provided, the offender shall be fined not more than \$260 for each offense or violation. (KRS 534.040(2)(c))