

**CITY OF SHIVELY  
ORDINANCE NO. 1, SERIES 2025**

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE  
CODE OF ORDINANCES OF THE CITY OF SHIVELY, KENTUCKY**

**WHEREAS** American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2025 supplement to the Code of Ordinances of the City of Shively, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

**WHEREAS** American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Kentucky Revised Statutes;

**WHEREAS** it is the intent of the Shively City Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky and the City of Shively;

**BE IT ORDAINED BY THE CITY OF SHIVELY:**

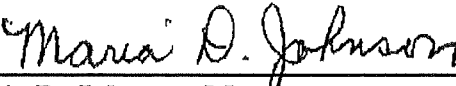
**SECTION 1.** The 2025 supplement to the Code of Ordinances of the City of Shively, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted and incorporated by reference as if set out in its entirety.

**SECTION 2.** This ordinance shall take effect from and after passage, approval and publication as required by law.

First reading March 17, 2025

Second reading April 7, 2025, PASSED AND APPROVED

**Introduced by: Mr. Vincent**

  
\_\_\_\_\_  
Maria D. Johnson, Mayor

Attest:   
\_\_\_\_\_  
Mitzi R. Kasitz, City Clerk

<b>Council</b>	<b>Yea</b>	<b>Nay</b>
Ms. Burton-McBroom	√	___
Mr. Gibson	√	___
Ms. Gibson	√	___
Ms. Thompson	√	___
Mr. Vincent	√	___
Ms. Wakaba	√	___



**CITY OF**  
**SHIVELY, KENTUCKY**  
**CODE OF ORDINANCES**

2025 S-23 Supplement contains:  
Local legislation current through 12-16-2024; and  
State legislation current through KRS Pamphlet 2024

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CITY OF SHIVELY

ORDINANCE NO. 3, SERIES 2024

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF SHIVELY, KENTUCKY

WHEREAS American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2023 supplement to the Code of Ordinances of the City of Shively, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Kentucky Revised Statutes;

WHEREAS it is the intent of the Shively City Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky and the City of Shively;

BE IT ORDAINED BY THE CITY OF SHIVELY:

SECTION 1. The 2023 supplement to the Code of Ordinances of the City of Shively, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted and incorporated by reference as if set out in its entirety.

SECTION 2. This ordinance shall take effect from and after passage, approval and publication as required by law.

First reading June 3, 2024.  
Second reading June 17, 2024, Passed and Approved

Introduced by:

\_\_\_\_\_  
Maria Johnson, Mayor

Attest: \_\_\_\_\_  
Mitzi R. Kasitz, City Clerk

Council	Yeah	Nay
Ms. Bizzle	_____	_____
Ms. Burton McBroom	_____	_____
Mr. Gibson	_____	_____
Ms. Thompson	_____	_____
Mr. Vincent	_____	_____
Ms. Wakaba	_____	_____





(9) Any entity where the majority of its governing body is appointed by a public agency as defined in this division; by a member or employee of the public agency; or by any combination thereof;

(10) Any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council or agency, except for a committee of a hospital medical staff, established, created and controlled by a public agency as defined in this division; and

(11) Any interagency body of 2 or more public agencies where each public agency is defined in this division.

(KRS 61.870)

"PUBLIC RECORDS." All books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, which are prepared, owned, used, in the possession of, or retained by a public agency. "PUBLIC RECORDS" shall not include any records owned or maintained by or for a body referred to in subsection (1)(h) of KRS 61.870 that are not related to functions, activities, programs, or operations funded by state or local authority nor any records that may be excluded by § 34.12.

"REASONABLE FEE" or "FEE." The fair payment required by a public agency for making copies of non exempt public records requested for noncommercial purposes which shall not exceed the actual cost of reproduction, including the costs of the media and any mechanical processing cost incurred by the public agency, but not including the cost of staff. If a public agency is asked to produce a record in a nonstandardized format, or to tailor the format to meet the request of an individual or a group, the public agency may at its discretion provide the requested format and recover staff costs as well as any actual costs incurred.

"REQUEST." An oral or written application by any person to inspect public records of the city.

"RESIDENT OF THE COMMONWEALTH."

- (1) An individual residing in the Commonwealth;
- (2) A domestic business entity with a location in the Commonwealth;
- (3) A foreign business entity registered with the Secretary of State;

(4) An individual that is employed and works at a location or locations within the Commonwealth;

(5) An individual or business entity that owns real property within the Commonwealth;

(6) Any individual or business entity that has been authorized to act on behalf of an individual or business entity defined in paragraphs (1) through (5) of this definition; or

(7) A news-gathering organization as defined in KRS KRS 189.635(9)(b)1.a. to e.

"SOFTWARE." The program code which makes a computer system function, but does not include that portion of the program code which contains public records exempted from inspection as provided by KRS 61.878 or specific addresses of files, passwords, access codes, user identifications, or any other mechanism for controlling the security or restricting access to public records in the public agency's computer system. "SOFTWARE" consists of the operating system, application programs, procedures, routines, and subroutines such as translators and utility programs, but does not include that material which is prohibited from disclosure or copying by a license agreement between a public agency and an outside entity which supplied the material to the agency.

(KRS 61.870)

#### PROCEDURES FOR REQUESTING PUBLIC RECORDS

#### § 34.05 INITIAL REQUEST WITH IMMEDIATE INSPECTION.

(A) (1) Any resident of the Commonwealth shall have the right to inspect public records. The official custodian may require a written application, signed by the applicant and with his or her name printed legibly on the application, describing the records to be inspected. The official custodian may require the applicant to provide a statement in the written application of the manner in which the applicant is a resident of the Commonwealth as defined in § 34.01.

(2) The written application shall be:

- (a) Hand delivered;
- (b) Mailed;
- (c) Sent via facsimile; or

4-5-21; Am. Ord. 2-2022, passed 6-21-22; Am. Ord. 4-2023, passed 6-20-23; Am. Ord. 1-2024, 8-21-23; Am. Ord. 4-2024, 6-17-24)

*\*[Editor's Note: Current ad valorem tax rates are on file in the office of the City Clerk/Tax Assessor.]*

(E) Property subject to taxation by the city shall be assessed for city taxation as of January 1 each year. (Ord. 10-1989, passed 7-17-89)

Cross-reference:

City Clerk/Tax Assessor, see § 31.38

Taxes to be paid before licenses issued, see § 110.05

§ 40.02 APPEAL OF ASSESSMENTS AND REASSESSMENTS FOR AD VALOREM TAXES.

(A) Following the return of the tax book by the Board of Tax Supervisors to the City Clerk/Tax Assessor, the City Clerk/Tax Assessor shall publish a notice, in a newspaper pursuant to KRS 424, of the right of property owners to appeal assessments made by the Board of Supervisors. The publication shall give notice of the procedure and time limits to appeal assessments and shall be published not less than fifteen (15) days prior to the earliest date of a scheduled appeal hearing.

(B) Following the return of the tax book by the Board of Tax Supervisors to the City Clerk/Tax Assessor as provided in KRS 92.480, the City Clerk/Tax Assessor shall give notice to all registered property owners whose property, real or personal was reassessed by the Board of Supervisors. The notice shall be in writing, and shall be sent by regular mail to the last known address of the registered property owner not less than fifteen (15) days before the earliest date of the scheduled appeal hearing. The notice shall provide that the property owner shall have a right to appeal the reassessment.

(C) Failure to appeal an assessment within the time limits set out in the notice or publication shall be a bar to and shall eliminate the right to the appeal of an assessment or reassessment in a given tax year. The timely appeal of an assessment in subsequent years shall not operate retroactively as to prior tax years.  
(Ord. 17-1995, passed 1-2-96)

§ 40.03 SPECIAL TAX LEVY.

(A) The City Council of the city does hereby levy a special property tax pursuant to KRS 78.530 (3)(c) to pay, within a period of no more than fifteen (15) years, for the cost of current service credit

purchased in the County Employees' Retirement System for eligible employees of the city. The tax shall be in addition to the existing employer contribution rate as determined by the consulting actuary authorized in KRS Chapter 78.530 (3)(c) for the period between July 1, 1958 and the participation date by the city in the County Employees' Retirement System. Revenue realized from levy of the tax shall be employed to pay for current service credit over a period of time not to exceed fifteen (15) years and for no other purpose. The special tax levied by this section shall be rescinded when the unfunded prior service liability has been amortized and it shall not be subject to the provisions of KRS 132.017 or KRS 132.027. The city shall not collect the special property tax if its participation in CERS has been terminated pursuant to KRS 78.535.

(B) The special tax provided for in this section shall be levied against real estate only. The tax rate for the special tax is hereby fixed at the rate of ten cents (\$.10) per one hundred dollars (\$100.00) of real property value as assessed for taxation purposes.

(C) The City Tax Collector shall issue bills for the special tax to be incorporated in the ad valorem tax bills levied each fiscal year by the city for general operating purposes. The taxes shall be due and payable as follows:

(1) If paid when received in the year assessed, face amount of bill;

(2) From and after October 1 in year assessed and thereafter, face amount of bill plus ten percent (10%) penalty, plus interest at the rate of one percent (1%) per month.

(D) Proceeds of this tax shall be paid into the general fund account of the city. Proceeds of this tax shall not be co-mingled with other revenues and receipts of the city and shall be retained in a separate account to be used as set out in subsection (A) above.

(Ord. 5-1989, passed 4-3-89)

§ 40.04 REFUND OF TAXES OTHER THAN AD VALOREM AND UNCONSTITUTIONAL TAXES.

(A) When money has been paid into the city treasury in payment of any city taxes, except ad valorem taxes, whether payment was made voluntarily or involuntary, the mayor or chief financial officer shall authorize refunds or credits to the person who paid the tax, or to his heirs, personal representatives or assigns, of an overpayment of tax and any payment where no tax was due.

(B) When a bona fide controversy exists between the city and the taxpayer as to the liability of the taxpayer for the payment of the tax claimed to be due by the city, the taxpayer may pay the amount claimed

CHAPTER 70: GENERAL PROVISIONS

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GENERAL PROVISIONS

§ 70.01 DEFINITIONS.

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

"CROSSWALK."

(1) That part of a roadway at an intersection within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversible roadway; or

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

"EMERGENCY VEHICLE." Any vehicle used for emergency purposes by:

- (1) The Department of Kentucky State Police;

- (2) A public police department;
- (3) The Department of Corrections;
- (4) A sheriff's office;
- (5) A rescue squad;
- (6) An emergency management agency if it is a publicly owned vehicle;
- (7) A licensed ambulance service, mobile integrated healthcare program, or medical first response provider licensed by the Kentucky Board of Emergency Medical Services, for any vehicle used to respond to emergencies or to transport a patient with a critical medical condition;
- (8) Any vehicle commandeered by a police officer;
- (9) Any vehicle with the emergency lights required under KRS 189.920 used by a paid or volunteer firefighter or paid or volunteer ambulance personnel, or a paid or local emergency management director while responding to an emergency or to a location where an emergency vehicle is on emergency call;
- (10) An elected coroner granted permission to equip a publicly or privately owned motor vehicle with lights and siren pursuant to KRS 189.920;
- (11) A deputy coroner granted permission to equip a publicly or privately owned motor vehicle with lights and siren pursuant to 189.920;
- (12) Any vehicle used by an organ procurement organization while transporting a human organ or tissue for the purpose of organ recovery or transplantation in an emergency situation involving an imminent health risk; or
- (13) A game warden of the Kentucky Department of Fish and Wildlife Resources.  
(KRS 189.910(1))

"FUNERAL PROCESSION." Two or more vehicles accompanying the body of a deceased person when each vehicle has its headlights on or is displaying a pennant attached in such a manner as to be clearly visible to approaching traffic.

"HIGHWAY." Any public road, street, avenue, alley, boulevard, bridge, viaduct, or trestle and the approaches to them and private

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## OPERATION GENERALLY

§ 71.01 OPERATOR TO DRIVE CAREFULLY.

(A) The operator of any vehicle upon a highway shall operate the vehicle in a careful manner, with regard for the safety and convenience of pedestrians and other vehicles upon the highway.

(B) A person shall not willfully operate any vehicle on any highway in such a manner as to injure the highway.

(C) A person shall not willfully operate any vehicle on any highway in such a manner as to injure vehicles or equipment located in or near a highway work zone.

(D) A person shall not operate any vehicle in a reckless or negligent manner as to endanger persons or property in or near a highway, or in or near a highway work zone.

(E) In addition to any other penalty, an operator who violates divisions (C) or (D) of this section shall be subject to revocation of his or her operator's license under KRS 186.560.

(KRS 189.290) (Ord. 44-1939, passed 7-21-39) Penalty, see § 71.99

§ 71.02 OBSTRUCTING TRAFFIC.

(A) It shall be unlawful to operate any vehicle or permit it to remain standing in any street in such manner as to create an obstruction thereof.



(B) It shall be unlawful for the operator of any vehicle to enter any intersection or crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding the indication of any traffic-control signal which may be located at the intersection or crosswalk.

(C) Any intersection deemed by the city to be of special or critical importance to the movement of traffic shall be marked in such distinctive manner as to indicate such importance. Should the operator of any vehicle enter any intersection so marked when there is insufficient room on the other side of the intersection to accommodate the vehicle, the indication of any traffic-control signal notwithstanding, he shall be deemed to have violated this division rather than division (B) above.

(Ord. 1120-1958, passed - - 58) Penalty, see § 71.99



intersection or junction of roadways after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right-of-way. (KRS 189.330(5))

(F) The operator of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed. (KRS 189.330(10))

(G) On highways with a center lane restricted for left turns off the highway by vehicles proceeding in both directions:

(1) A left turn shall not be made from any other lane; and

(2) A vehicle shall not be driven in a center lane as described in this division except when preparing for or making a left turn off the highway after making a left turn from a side road or other entrance. (KRS 189.330 (11))

(Ord. 44-1939, passed 7-21-39) Penalty, see § 71.99

#### § 71.14 DUTY ON APPROACH OF EMERGENCY VEHICLE.

(A) Upon the approach of an emergency vehicle equipped with, and operating, one or more flashing, rotating, or oscillating red or blue lights, visible under normal conditions from a distance of 500 feet to the front of such vehicle; or the driver is given audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way, immediately drive to a position parallel to, and as close as possible to, the edge or curb of the highway clear of any intersection, and stop and remain in such position until the emergency vehicle has passed, except when otherwise directed by a police officer or firefighter. (KRS 189.930(1))

(B) Upon the approach of any emergency vehicle, operated in conformity with the provisions of division (A) above, the operator of every vehicle shall immediately stop clear of any intersection and shall keep such position until the emergency vehicle has passed, unless directed otherwise by a police officer or firefighter.

(KRS 189.930(2)) (Ord. 44-1939, passed 7-21-39) Penalty, see § 71.99

#### § 71.15 BOULEVARDS AND SECONDARY BOULEVARDS.

(A) The following streets and portions thereof are hereby designated as equal in importance to a boulevard:

(1) 18th Street Road or Dixie Highway from the northerly town limit to the southerly town limit.

(2) 7th Street Road from the easterly town limit (Berry Boulevard) to its junction with the 18th Street Road or Dixie Highway.

(3) 7th Street Road from the northerly town limit to the northerly boundary of Berry Boulevard, if extended easterly, shall be a Secondary Boulevard.

(B) The operator of any vehicle traveling along any street or any secondary boulevard intersecting a boulevard shall bring such vehicle to a complete stop and shall make no attempt to drive such vehicle into or across such streets so designated, unless such vehicle can be driven without danger of collision with vehicles driven on such streets designated as boulevards, except that such stop is not required when a go signal is given at such intersection by a police officer or a stop and go signal.  
(Ord. 44-1939, passed 7-21-39) Penalty, see § 71.99

## ACCIDENTS

§ 71.25 DUTY OF OPERATOR.

It shall be the duty of the owner of, operator of, or passenger in any motor vehicle which is involved in an accident in which any person is injured or property damaged to stop immediately and ascertain the extent of the injury or damage and render such assistance as may be needed.

(Ord. 44-1939, passed 7-21-39) Penalty, see § 71.99

Statutory reference:

Duty in case of accident, see KRS 189.580

§ 71.26 ACCIDENT REPORT.

The operator, owner, or passenger involved in an accident resulting in the injury or death of any person, or an accident in which property is damaged, shall immediately report the accident or property damage to the Police Department.

(Ord. 44-1939, passed 7-21-39) Penalty, see § 71.99

§ 71.27 REMOVAL OF INJURIOUS SUBSTANCE FROM ROADWAY.

Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(KRS 189.754) (Ord. 44-1939, passed 7-21-39) Penalty, see § 71.99

## PROHIBITIONS

§ 71.40 INJURY TO STREET BY VEHICLES.

It shall be unlawful to operate any vehicle so constructed or so loaded as to do injury to the surface of the street.

(Ord. 44-1939, passed 7-21-39) Penalty, see § 71.99

§ 71.41 FOLLOWING EMERGENCY VEHICLES; DRIVING OVER FIRE HOSE.

(A) No operator of any vehicle, unless he or she is on official business, shall follow any emergency vehicle being operated in conformity with the provisions of § 71.14(A) closer than 500 feet, nor shall he drive into, or park the vehicle into, or park the vehicle within, the block where the vehicle has stopped in answer to an emergency call or alarm unless he is directed otherwise by a police officer or firefighter.  
(KRS 189.930(3))

(B) No vehicle, train, or other equipment shall be driven over any unprotected hose of the Fire Department when the hose is laid down on any street, private driveway, or track for use at any fire or fire alarm unless the Fire Department official in command consents that the hose be driven over. (KRS 189.930(4))

(C) The provisions of division (D) of this section shall apply to any driver approaching a stationary:

(1) Emergency vehicle when the emergency vehicle is giving a signal by displaying alternately flashing red, red and white, red and blue or blue lights; or

(2) Disabled vehicle, when the disabled vehicle is displaying some type of warning signal, such as emergency flashers, flares, or retroreflective signals.

(D) The driver of a vehicle that is approaching a vehicle described in division (C) of this section shall, while proceeding with due caution:

(1) Yield the right-of-way by moving to a lane not adjacent to that of the vehicle if:

(a) The person is driving on a highway having at least four lanes with at least two lanes proceeding in the same direction as the approaching vehicle; and

(b) It is possible to make the lane change with due regard to safety and traffic conditions; or

(2) Reduce the speed of the vehicle, maintaining a safe speed to road conditions if the road has less than four lanes or if changing lanes would be impossible or unsafe.

(E) This section does not operate to relieve the person who drives an emergency vehicle from the duty to operate the vehicle with due regard for the safety of all persons using the highway. (KRS 189.930(5)) (Ord. 44-1939, passed 7-21-39) Penalty, see § 71.99

#### § 71.42 SMOKE EMISSION OR OTHER NUISANCE.

Every vehicle when on a highway shall be so equipped as to make a minimum of noise, smoke, or other nuisance, to protect the rights of other traffic, and to promote the public safety. (KRS 189.020) (Ord. 44-1939, passed 7-21-39) Penalty, see § 71.99

#### § 71.43 UNNECESSARY NOISE PROHIBITED.

(A) Every motor vehicle with an internal-combustion, steam, or air motor shall be equipped with a suitable and efficient muffler. No person while on a highway shall operate a motor vehicle with the muffler cut out or removed. No cutout shall so be arranged or connected as to permit its operation or control by the driver of any motor vehicle while in position for driving.

(B) No person shall modify the exhaust system of a motor vehicle or an off-highway vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle. The original muffler shall comply with all of the noise requirements of KRS Chapter 224 and regulations promulgated pursuant thereto. No person shall operate a motor vehicle with an exhaust system so modified.

(KRS 189.140) (Ord. 44-1939, passed 7-21-39) Penalty, see § 71.99

§ 71.44 DRIVING ON SIDEWALK.

It shall be unlawful for the owner or operator of any vehicle to drive or park on any sidewalk space.

(Ord. 44-1939, passed 7-21-39; Am. Ord. 11-1982, passed - - ) Penalty, see § 71.99

§ 71.45 OPERATION ON PARK PROPERTY OR CITY EASEMENT WAYS.

(A) The operation of private motor vehicles, whether licensed or unlicensed, upon city park property or upon any of the easement ways within the city is hereby expressly prohibited.

(B) This section shall not apply to roadways for public use or areas clearly set aside for the parking of motor vehicles.

(C) This section shall not apply to vehicles used to maintain the condition of park or easement properties.

(Ord. 19-1975, passed 10-20-75) Penalty, see § 71.99

§ 71.46 OVERCROWDING OF VEHICLES, OBSTRUCTING OPERATOR'S VIEW OR CONTROL PROHIBITED.

(A) No person shall operate a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the operator to the front or sides of the vehicle or as to interfere with the operator's control over the vehicle.

(B) No passenger in a vehicle shall ride in such a position as to interfere with the operator's view ahead or to the side, or to interfere with his control over the vehicle.

(KRS 189.470) (Ord. 44-1939, passed 7-21-39) Penalty, see § 71.99

§ 71.47 UNATTENDED VEHICLE.

No person operating or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, and removing the key, nor allow it to stand upon any perceptible grade without effectively setting the brake and turning the front wheels to the curb or side of the highway.

(KRS 189.430(3)) (Ord. 44-1939, passed 7-21-39) Penalty, see § 71.99

§ 71.48 TAMPERING WITH VEHICLES.

It shall be unlawful for any person except members of the Police or Fire Departments while in the performance of their duties, to move any vehicle not his own, or to tamper with such vehicle in any manner whatsoever, except as to clear the roadway.

(Ord. 44-1939, passed 7-21-39) Penalty, see § 71.99

§ 71.49 ESCAPING CONTENTS; SHIFTING LOADS.

(A) No vehicle shall be operated upon any highway unless it is so constructed as to prevent its contents from escaping.

(B) No vehicle shall be operated upon any public highway for a distance of over one mile whose load is susceptible to shifting or spillage unless the load is covered with a device suitable for prevention of spillage.

(KRS 189.150) (Ord. 44-1939, passed 7-21-39) Penalty, see § 71.99

§ 71.50 OPERATING VEHICLE WHILE INTOXICATED.

No person shall operate any vehicle on the streets of the city while intoxicated as set forth in KRS 189.520 and KRS Chapter 189A. The penalty for violating this § 71.50, shall be the same as the statutory penalties set forth for violation of KRS 189.520 and KRS Chapter 189A.

(Ord. 44-1939, passed 7-21-39)

## FUNERAL PROCESSIONS

§ 71.55 FUNERAL PROCESSIONS.

(A) A vehicle in a funeral procession has the right-of-way at an intersection and may proceed through the intersection if the procession is led by an escort vehicle displaying flashing yellow, red, or blue lights, except:

(1) When the right-of-way is required by any emergency vehicle as defined by KRS 189.910;

(2) When vehicles in the procession are directed otherwise by a police or safety officer; or

(3) When the vehicle is a train or locomotive.

(B) Before assuming the right-of-way, a person who drives a vehicle in a funeral procession shall exercise due caution with regard to crossing traffic.

(C) A person who drives a vehicle that is not part of a funeral procession shall not drive the vehicle between the vehicles of the funeral procession or otherwise interfere with the progress of the procession, except when:

(1) The person is authorized to do so by a police or safety officer; or

189.910. (2) The vehicle is an emergency vehicle as defined by KRS

(D) A person who drives a vehicle that is not a part of a funeral procession shall not illuminate the vehicle headlights or engage in any other act for the purpose of securing the right-of-way granted to funeral processions.

(E) The escort vehicle, hearse, or other vehicles in a procession may be equipped with flashing yellow lights for the purpose of notifying the general public of the procession and gaining the right-of-way at intersections, or signaling the end of a procession.

(F) Persons authorized to use flashing lights as defined in KRS 189.920 may use them while accompanying a funeral procession to warn traffic that a procession is approaching or that it is in progress.

(G) When a funeral procession is in progress, a person driving a vehicle not in the procession shall not pass or overtake any vehicle in the procession unless:

(1) The person is directed to do so by a police or safety officer;

(2) The procession is on a street, road, or highway outside the corporate limits of a city, town, or urban-county; or

(3) The procession is on an interstate highway or a state parkway.

#### PARADES

#### § 71.60 DEFINITIONS.

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



## IMPOUNDING

§ 72.25 IMPOUNDMENT OF VEHICLES AUTHORIZED.

(A) All police officers are empowered to authorize the impoundment of a vehicle violating vehicle-related ordinances after a citation has been issued.

(B) A vehicle slated for impoundment will be tagged and placed under control of the Police Department. It shall be unlawful to move a vehicle so tagged without the consent and approval of the Police Department.

(C) Towing, handling and storage charges placed upon said impounded vehicles are herewith defined as any reasonable fees that may be charged by those towing and storage service providers that the city deems proper to employ, said fees to be incorporated in a regulation to be propounded by the Hearing Board.

(Ord. 6-1995, passed 3-20-95)

§ 72.26 REQUIRED NOTICE TO OWNER; SALE OF A VEHICLE.

(A) (1) Any person engaged in the business of storing or towing motor vehicles, who has complied with the notification requirements of KRS 281.928, shall have a lien on the motor vehicle and its contents, except as set forth in division (B), for the applicable and reasonable charges assessed in accordance with KRS 281.926 and 281.932, as long as it remains in his or her possession.

(2) If, after a period of 45 days, the applicable and reasonable charges assessed in accordance with KRS 281.926 and 281.932 have not been paid, the motor vehicle and its contents, except as set forth in division (B), may be sold to pay the charges after the owner and any lienholder have been notified by certified mail at the addresses specified in KRS 281.928(1), ten days prior to the time and place of the sale. If the proceeds of the sale of any vehicle pursuant to this section are insufficient to satisfy accrued charges, the sale and collection of proceeds shall not constitute a waiver or release of responsibility for payment of unpaid charges by the owner or responsible casualty insurer of the vehicle. A lien on a vehicle under this division shall be subject to prior recorded liens, unless released by any existing lienholder pursuant to division (A)(3).

(3) (a) A lienholder having a prior recorded lien listed on the title issued by the Commonwealth of Kentucky shall be notified by certified mail within the first ten days of impoundment in accordance with KRS 281.928.

(b) The notification, in addition to the requirements of KRS 281.928, shall include the make, model, license number, vehicle identification number, owner's name and last known address, and tentative date of sale for the vehicle, and state that the towing company or storage facility seeks to obtain a new title free and clear of any liens, excluding tax liens.

(c) If the certified letter required under this division is not sent within the ten days by the towing and storage company, then only ten days of storage may be charged.

(d) The lienholder has the right to take possession of the motor vehicle after showing proof of lien still enforced, and paying the reasonable or agreed towing and storage charges on the motor vehicle.

(e) If a lienholder does not exercise the right to take possession of the motor vehicle under this division within 45 days of notification, the towing company or storage facility may obtain a new title under KRS 186A.145 free and clear of any liens, excluding tax liens.

(f) Nothing in this section shall allow the transfer of a vehicle subject to a lien, except as provided in KRS 186A.190 or in division (A)(3)(e) above.

(4) If there are no lienholders required to be notified under KRS 281.920 to 281.936, KRS 359.230 and KRS 376.275, and the owner does not exercise the right to take possession of the motor vehicle under this section within 45 days of notification required under KRS 281.928, the tow company or storage facility may obtain a new title under KRS 186A.145 free and clear of any liens, excluding tax liens.

(B) Division (A) above shall not apply to the following contents of a motor vehicle, which shall be released to the vehicle owner or the owner's designated agent upon request, if the request is made within 45 days of the date the vehicle was towed:

- (1) Prescription medication in its proper container;
- (2) Personal medical supplies and equipment or records;
- (3) Educational materials, including but not limited to, calculators, books, papers and school supplies;
- (4) Documents, files, electronic devices or equipment that may be able to store personal information or information relating to a person's employment or business;
- (5) Firearms and ammunition. Notwithstanding the provisions of § 72.27(A), firearms and ammunition that are not claimed by the owner of the vehicle within 45 days of the date the vehicle was towed shall be transferred to the Department of Kentucky State Police for disposition as provided by KRS 16.220;
- (6) Cargo in the possession of persons engaged in transportation in interstate commerce as registered under KRS 186.020;
- (7) Cargo in the possession of an integrated intermodal small package carrier as defined by KRS 281.605(12);
- (8) Child restraint systems or child booster seats; and

(9) Checks, checkbooks, debit or credit cards, money orders, stocks or bonds.  
(KRS 376.275(1), (2))

§ 72.27 SALE OF THE CONTENTS OF A VEHICLE.

(A) Except as provided for in § 72.26(B)(5), any contents exempted under § 72.26(B)(3), (4), (6) and (7) that are not claimed by the owner of the vehicle within 45 days of the date the vehicle was towed may be sold or otherwise legally disposed of by the storage or towing company. Any contents exempted under § 72.26(B)(1), (2), (8), and (9) that are not claimed by the owner of the vehicle within 45 days of the date the vehicle was towed shall not be sold, but shall be otherwise legally disposed of by the storage or towing company.

(B) The storage or towing company shall not be responsible for contents in a vehicle's trunk or other locked compartment to which the storage or towing company is without access, unless the towing company intentionally opens the area without the owner's consent.  
(KRS 376.275(3), (4))

PARKING ON UNPAVED RESIDENTIAL AREAS

§ 72.40 DEFINITIONS.

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

"PAVED AREA." Any area covered with asphalt or concrete that forms a firm, level surface for travel or parking of vehicles. From and after July 1, 2009, areas covered with gravel do not comply with the definition of paved area and are herewith specifically excluded from the definition of paved areas. "Unpaved," means the opposite of "paved". Parking pads or driveway extensions shall be paved within the meaning and tenor of this subchapter and constructed of either concrete or asphalt.

"RESIDENTIAL AREA." Any lot or property zoned for residential use.

"YARD." Any unpaved portion of a residential lot.  
(Ord. 1-2009, passed 6-8-09; Am. Ord. 3-2013, passed 4-15-13)

§ 72.41 UNPAVED DRIVEWAY AND PARKING PAD CONSTRUCTION PROHIBITED.

It shall be unlawful and a violation of this subchapter for any person, corporation, firm or other entity to construct on any lot in the city an unpaved driveway or parking pad. Existing gravel or otherwise unpaved driveways or parking pads existing at the time of passage of this subchapter are herewith excepted from the prohibition herein.  
(Ord. 1-2009, passed 6-8-09)

§ 72.42 PARKING PROHIBITION.

It shall be unlawful and a violation of this subchapter for any person, corporation, firm or other entity to park or leave standing any automobile, truck, boat, motor home, trailer or other vehicle on the unpaved portion of a residential lot or yard. Gravel driveways and

parking pads existing at the time of passage of this ordinance are herewith excepted from the prohibition herein.  
(Ord. 1-2009, passed 6-8-09)

§ 72.43 CODE ENFORCEMENT BOARD JURISDICTION AND ENFORCEMENT.

(A) Any Police Officer or Code Enforcement Officer may issue citations for violations of this subchapter.

(B) The Code Enforcement Board is hereby granted jurisdiction to conduct hearings to receive evidence on the issue of whether the cited conduct constitutes a violation of this subchapter.

(C) At the hearing, which shall be scheduled and concluded at the next regularly scheduled hearing date of the Code Enforcement Board, no less than two weeks next following the issuance of a citation, the person, corporation or other entity cited shall have the right to present evidence and testimony. Upon request, the Board shall make written findings available to the cited person, corporation or other entity, and the citing officer within ten days from the date the hearing concluded.

(D) Any person, corporation or other entity found to be in violation of this subchapter shall be assessed a penalty from \$25 to \$100 per vehicle, per incident. Each day's violation may be considered a separate violation for purposes of assessing penalties.

(E) Any person, corporation or other entity served with a citation shall promptly remove the offending automobile, truck, boat, trailer, motor home or other vehicle. If said vehicle is not promptly removed the city officer may cause said offending vehicle, truck, boat, trailer or mobile home to be towed at the owner's expense.

(F) The parking restrictions, in § 72.41 herein, shall not apply on New Year's Eve, New Year's Day, Easter, Derby Day, Mother's Day, Memorial Day, Father's Day, July 4th, Labor Day, Christmas Eve or Christmas Day.

(Ord. 1-2009, passed 6-8-09)

Cross-reference:

Additional Code Enforcement Board regulations, see Ch. 41

§ 72.44 OPERATION OF VEHICLES ON UNPAVED AREAS PROHIBITED.

It shall be unlawful for any person, firm or corporation to operate an automobile, truck, motorcycle or other vehicle as defined by Kentucky Revised Statutes or ordinances of the city on or over unpaved areas of residential lots in the city. It shall be the responsibility of the property owner to repair ruts, displacement of soil or other damage caused or apparently caused by vehicular traffic. Failure to make such repair promptly shall be unlawful. Violations of this section shall be subject to the imposition of civil penalties as provided for in § 72.99.  
(Ord. 3-2013, passed 4-15-13) Penalty, see § 72.99

TITLE XI: BUSINESS REGULATIONS

Chapter

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- 113. ADULT ENTERTAINMENT ESTABLISHMENTS
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- 115. AMUSEMENTS
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CHAPTER 114: ALCOHOLIC BEVERAGES

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GENERAL PROVISIONS

§ 114.01 DEFINITIONS.

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

(A) As used herein the words and phrases defined in KRS 241.010 and 243.010 have the meanings indicated therein.

(B) The following words and phrases have the meanings indicated:

(1) "BOARD." The State Alcoholic Beverage Control Board established pursuant to KRS 241.030.

(2) "CITY." The City of Shively in Jefferson County, Kentucky.

(3) "CITY ADMINISTRATOR." The person appointed to the office of Alcoholic Beverage Control Administrator created and established by the city pursuant to KRS 241.160.

(4) "CITY LICENSE." A license established and authorized pursuant to the terms hereof.

(5) "CITY LICENSEE." A person who has been issued a city license pursuant to the terms hereof.

(6) "KRS." Kentucky Revised Statutes.

(7) "PERSON." Any natural person, corporation, partnership, joint venture, or unincorporated association of persons or any combination thereof, and the shareholders, officers, agents, servants, and employees thereof.

(8) "PREMISES." The premises described in the city license issued pursuant to the terms hereof and the application therefor.

(9) "STATE." The Commonwealth of Kentucky.

(10) "STATE LICENSE." A license authorized by KRS 243.030 to 243.680.

(11) "TRAFFIC IN ALCOHOLIC BEVERAGES." Any action, business, or transaction in regard to the production, storage, transportation, distribution, sale, delivery, and transfer of alcoholic beverages.

#### § 114.02 APPLICATION OF CHAPTER.

Irrespective of subchapter or section headings, each section of this chapter shall be construed to apply to both malt beverages and distilled spirits and wine, where the context permits such application. (Ord. 16-1968, passed 4-22-68)

#### § 114.03 STATE LAW ADOPTED.

The provisions of the State Alcoholic Beverage Control Law (KRS Title XX) are adopted as far as applicable as a portion of this chapter, except as otherwise lawfully provided therein. (Ord. 16-1968, passed 4-22-68)



## LICENSES

§ 114.15 LICENSES REQUIRED.

It shall be a criminal offense for any person, firm, or corporation to engage in trafficking in alcoholic beverages, as the term is defined in KRS 241.010 and 243.010, without first having paid to the city the license fees set forth in § 111.04, and without first having obtained the license required by this chapter. Any person, firm, or corporation who violates this section shall be punished as set out in § 114.99.

(Ord. 16-1968, passed 4-22-68) Penalty, see § 114.99

§ 114.16 LICENSE FEES.

(A) No person shall cause, permit, or engage in any of the actions, business, or transactions authorized by city and state licenses within the city without both a valid city license and a valid state license therefor, and without paying the license fees as set forth in § 111.04.

(B) The license fee for every license issued under this chapter shall be payable by the person making application for the license and to whom is issued such license, and no other person, firm, or corporation shall pay for any license issued under this chapter. In addition to all other penalties provided in this chapter, a violation of this section shall authorize and require the revocation of the illegally paid-for license, as well as the revocation of the license, if any, of the person, firm, or corporation so paying for the license of another.

(C) All fees payable under this chapter shall be paid in cash or by certified check.

(D) All money received by the Administrator shall be transferred to the General Fund of the city and be used as other general funds of the city are used.

(E) All license fees herein provided are in addition to ad valorem taxes and all other taxes provided for by law or by ordinance.

(Ord. 16-1968, passed 4-22-68) Penalty, see § 114.99

§ 114.17 PUBLISHED NOTICE OF APPLICATION; POSTED NOTICE OF INTENT TO APPLY; APPLICATION; REVIEW AND APPROVAL.

(A) The City ABC Administrator shall not approve any application for an original license to sell alcoholic beverages until the applicant has caused to be published a concise advertisement in accordance with the provisions of KRS 243.360.

(B) Applicant shall post notice of its intent to apply for an original license to sell alcoholic beverages, any amendments to an original license or application for additional license to sell alcoholic beverages. The notice must be posted conspicuously on the property at the time the applicant publishes its notice of intent to apply for the license and remain posted for 30 days. The posting shall be in at least 14-point font size on at least 8.5 inches by 11 inches yellow paper of durable material.

(C) Licenses shall be issued upon a written application therefor with the truth of the information, statements, and representations therein attested by the signature and the oath or affirmation of the applicant. The form and content of such application shall be prescribed by regulation of the City Administrator; however, all information required by KRS 243.390 to be contained in the application for state licenses shall and must be included therein.

(D) No license permitting the sale of alcoholic beverages in the city shall hereafter be issued until the provisions of this division (B) have been met in full. Any application for the issuance of a license to sell alcoholic beverages shall, prior to final approval by the Administrator, be forwarded to the Mayor or his designee to verify that the proposed application is in conformity with applicable statutes, ordinances, and regulations relative to the sale of alcoholic beverages. When such review has been completed and the Mayor is satisfied that the application is fully in order, such application shall be returned to the Administrator and thence be forwarded to the appropriate state authorities. (Ord. 15-1975, passed 8-11-75)

(E) All license fees from any license issued under this chapter shall be collected by the Administrator, who shall make a monthly report to the Mayor of all license fees collected.  
(Ord. 16-1968, passed 4-22-68; Am. Ord. 6-2024, passed 9-19-24)

#### § 114.18 FORM, CONTENT OF CITY LICENSE.

The city licenses authorized and established hereby shall each be evidenced by a document, the form and content of which shall be prescribed by regulation of the City Administrator. However, the documents must be of the same color and designation as those of the state licenses to which the city licenses correspond and must comply with all of the provisions for state licenses required by KRS 243.440.

#### § 114.19 DENIAL OF APPLICATION.

(A) As is similarly set forth in KRS 243.450, the City Administrator shall not approve any application for a city license if:

(1) The applicant, the application, or the premises described therein do not fully comply with the provisions of this chapter and all laws in regard to alcoholic beverages;

(2) The applicant or any shareholder, officer, agent, servant, or employee thereof has caused, permitted, or engaged in any act for which the revocation of a state or city license is authorized;

(3) The applicant or any shareholder, officer, agent, servant, or employee thereof had a state license or city license which was revoked within two years of the date of the application, or the premises described therein were the premises or any portion thereof described in a state license or city license revoked during such time;



firearms and ammunition shall be transferred to the Kentucky State Police for disposition as provided in KRS 500.090.  
(Ord. 16-1968, passed 4-22-68)

Statutory Reference:

Destruction of property, KRS 244.190

§ 114.62 SUSPENSION, REVOCATION OF LICENSE.

(A) Pursuant to the procedure set forth in KRS 243.480 through 243.590, city licenses may be either revoked or suspended by the City Administrator upon the occurrence of:

(1) Any violation of the provisions of this chapter or any other ordinance of the city;

(2) Any violation of any provision of state law in regard to alcoholic beverages or the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto; or

(3) Any other cause, reason, or circumstance for which a state license may be revoked or suspended by the Board.

(B) However, city licenses must be revoked by the City Administrator upon the occurrence of any cause or circumstance which requires revocation of state licenses pursuant to KRS 243.500 or the revocation of a state license to which a city license corresponds. Further, with the approval of the City Administrator, a licensee may, as an alternative and in lieu of part or all of the days of any suspension period, pay the following sums to the city as set forth in KRS 243.480: distillers, rectifiers, wineries, and brewers:

\$1,000 per day; wholesale liquor licensees: \$400 per day; wholesale beer licensees: \$400 per day; retail licensees authorized to sell distilled spirits, wine, or beer by the package or drink: \$50 per day; distillers, wineries, and brewers for violations arising from their retail sales activities, including sales by distillers under licenses issued pursuant to KRS 243.086 and sales at retail under KRS 243.0305: \$50 per day; and all remaining licensees: \$50 per day.

(C) The procedure for the revocation or suspension of a city license shall consist of a written notice signed by the City Administrator and mailed to the licensee at the address of the licensed premises by certified mail, describing the cause, circumstance, or occurrence and the time and date thereof for which the city license may be revoked and indicating the time and place of a hearing in regard thereto at least five days thereafter at which the licensee and the representatives thereof shall be heard thereon. The hearing thereon shall be conducted by the City Administrator in the city and according to the procedure prescribed by the State Alcoholic Beverage Control Board for hearings by the Board as supplemented by the regulations of the City Administrator. The City Administrator shall control and make all decisions in regard to the introduction of evidence and shall hear all arguments in regard thereto. At the conclusion of the hearing, the

City Administrator shall issue a written decision in regard thereto and mail a certified copy thereof to the licensee at the address of the licensed premises by certified or registered mail.

(D) Upon approval from the City ABC Administrator, an emergency suspension may be ordered when it is reasonably believed that the health, welfare, safety, and/or security of the community is jeopardized by the continued operation of a licensee. In the instance of the immediate suspension of a license, licensees are entitled to an expedited hearing within three business days with the ABC Administrator. The licensee may appeal the decision of the ABC Administrator to the Kentucky Department of Alcoholic Beverage Control within ten business days of the order. An emergency suspension order will remain in effect until a final order is entered. A licensee may remain open during a suspension provided that alcohol is not being served and any alcohol inventory is secured.

(E) Emergency situations which support a finding that continued operation of the license holder pending a hearing would constitute a threat to the public health, welfare, safety, and/or security of the community sufficient for emergency action are:

(1) Violations of the alcoholic beverage control laws that directly led to or contributed to the death or serious physical injury of a person, regardless if the death or serious physical injury occurred on the licensed premises;

(2) Violations of KRS 244.080(1) in which five or more different minors were sold or served alcohol by the licensee within a 24 hour time period;

(3) Violation of KRS 244.125 wherein a firearm was discharged on the licensed premises;

(4) Excessive complaints against a licensee requiring local law enforcement to expend an inordinate amount of resources in a six month period;

(5) Any other manmade or natural event which causes a reasonable person to believe the continued operation of the licensed premises would pose a serious threat to the public health, welfare, safety and/or security of the community.  
(Ord. 2-2024, passed 5-6-24)

§ 114.99 PENALTY.

(A) Any person who, alone or acting through another, directly or indirectly, violates any of the provisions of this chapter for which no other penalty is provided shall be guilty of a misdemeanor and, for the first offense, shall be fined not less than \$100 nor more than \$200, or be imprisoned for not more than six months, or both. For a second and each subsequent violation, the person shall be fined not less than \$200

nor more than \$500 or be imprisoned for not more than six months, or both. The penalties provided for in this division (A) shall be in addition to the revocation of the offender's license. If the offender is a corporation, joint stock company, association, fiduciary, limited liability company, or other business entity recognized by law, the principal officer or officers responsible for the violation may be imprisoned. In addition, to the criminal penalties, herein, any person who violates the provisions of § 114.15 shall initially be issued a cease-and-desist letter and be given the opportunity to appear before the City ABC Administrator for an opportunity to cure the violations. Upon sufficient showing that the violations ongoing, the City ABC Administrator may seek an injunction from Jefferson County Circuit Court to close the premises.

(KRS 243.990(1), 244.990(1))

(B) Whoever violates division (A) of § 114.43 or any provision of § 114.45 shall, for the first offense, be fined not less than \$10 nor more than \$100 and each violation shall constitute a separate offense.

(C) Any person violating any provision of § 114.40 shall be guilty of a misdemeanor and shall be for the first offense fined not less than one hundred (\$100.00) dollars nor more than two hundred (\$200.00) dollars, or be imprisoned not more than six (6) months, or both, and for the second and each subsequent offense shall be fined not less than two hundred (\$200.00) dollars nor more than five hundred (\$500.00) dollars, or be imprisoned not more than six (6) months, or both.

(D) Any person, firm, corporation or entity who, directly or indirectly, violates any of the provisions of § 114.48 shall be guilty of a misdemeanor and, for the first offense, shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00), or be imprisoned for not more than six (6) months, or both. For a second and each subsequent violation, he shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) or be imprisoned for not more than six (6) months, or both. The penalties provided for in this section shall be in addition to the suspensions or revocations of the offender's license. If the offender is a corporation, joint stock company, association, or fiduciary, the principal officer or officers responsible for the violations may be imprisoned.

(Ord. 5-1994, passed 4-18-94; Am. Ord. 10-1995, passed 5-15-95; Am. Ord. 13-2004, passed 10-4-04; Am. Ord. 2-2024, passed 5-6-24)





CHAPTER 127: MOBILE FOOD UNITS

Section

- 127.01 Definitions
- 127.02 Licensing and permit required
- 127.03 General regulations of mobile food unit vendors and mobile food units
- 127.04 Denial, revocation, suspension of permit and/or business license
- 127.05 Appeal to City Council upon denial, revocation, or suspension
  
- 127.99 Penalty

§ 127.01 DEFINITIONS.

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

"MOBILE FOOD UNIT." Food establishment which is on wheels, either pulled or self-propelled, and which sells food and/or beverages and shall also include non-self-propelled units with or without wheels, or otherwise mobile, that are lightweight enough in design and intended to be moved by one person and that are used to prepare or sell consumable foods.

"MOBILE FOOD UNIT VENDOR." A merchant who conducts business from a mobile food unit.

"MOBILE FOOD UNIT VENDOR PERMIT." A permit which authorizes a person to conduct business from a mobile food unit. This license is in addition to the city's business license which is also required.  
(Ord. 7-2024, passed 8-19-24)

§ 127.02 LICENSING AND PERMIT REQUIRED.

(A) The licensing and permitting of a mobile food unit vendor shall be on a per unit basis, with each different mobile food unit vendor acquiring a separate business license and permit for each mobile food unit.

(B) Mobile food unit vendors shall be required to have a city business license, and no permit or license shall be transferable.

(C) All applications for city business licenses and mobile food unit permits shall be accompanied by the required certificate of general liability insurance and proof of Health Department approval and required fee established by the city.

(D) Vendors shall submit the business license application and fee to the City of Shively, Shively City Hall, 3920 Dixie Highway, Shively, Kentucky 40216. Licenses shall be valid for 12 months unless otherwise invalidated, revoked, or terminated prior to the end of the 12 month term. Mobile food unit vendors must reapply and pay the fee each year.

(E) The mobile food unit vendor applicant shall notify City Hall when their location changes and provide any additional information requested by the city for the new location.

(F) It shall be unlawful for any person to intentionally provide false information or to intentionally omit requested information on an application for any license pertaining to mobile food unit vendors.

(G) As a condition of issuance of any license, the mobile food unit vendor agrees to indemnify, hold harmless and defend the city and its officials, officers, employees, representatives, and agents against liability and/or loss arising from activities connected with and/or undertaken pursuant to the license. The city is not liable for any business loss, property loss, or other damage that may result from use of the license or suspension or revocation of the license, or the discontinuances of the practice of permitting such activity, and no such vendor shall maintain any claim or action against the city and/or its officials, officers, employees, or agents on account of any suspension, revocation or discontinuance. In no way shall a mobile food unit vendor be considered an employee of the city.

(H) If a mobile food unit vendor will be operating on private property, then said vendor shall provide a written authorization from the property owner or the business owner. Said authorization shall be presented to the city at Shively City Hall at least ten days before use.

(I) Permits and licenses may be revoked immediately upon non-payment of any business and/or occupational license fee or returns required by city ordinances.

(Ord. 7-2024, passed 8-19-24) Penalty, see § 127.99

§ 127.03 GENERAL REGULATIONS OF MOBILE FOOD UNIT VENDORS AND MOBILE FOOD UNITS.

All mobile food unit vendors must comply with the following:

(A) Mobile food unit vendors shall be permitted to operate between the hours of 7:00 a.m. and 10:00 p.m. No mobile food unit may be at any one location for more than five consecutive days.

(B) The requirements of all applicable city ordinances and regulations, state and federal law, including zoning, business and occupational tax shall apply to said operations.

(C) The vendors shall at all times operate in a manner that ensures the safety of patrons, pedestrians and the public.

(D) Mobile food units are permitted on private property only with written permission from the property owner which will be displayed with the business license, mobile food vending permit and Jefferson County Health Department permit.

(E) The vendors shall provide, in a prominent location, trash and recycling container(s) sufficient in size to collect all waste and recyclables generated by customers and staff of the vendor. All trash and debris related to the operation shall be collected by the vendor throughout the duration of their vending and deposited in their own trash or recycling container(s) and removed from the site by the vendor. Such waste shall not be placed in public trash receptacles. The vendor shall be responsible for any litter or debris located within a ten foot radius of their unit, including sidewalks in the immediate vicinity.

(F) The vendors shall only use lighting which is permanently or semi-permanently affixed to their unit and which does not cause any glare that could be considered a public hazard, nuisance or distraction to vehicular movement, neighboring businesses or residences. No flashing or strobe lighting shall be permitted.

(G) The vendors shall not use any electrical outlets located within the public right of way or on public property, unless specifically authorized by the city or if required, the utility company. A vendor shall not create any tripping or hazard related to its use of electricity.

(H) The vendor shall not block access to or use of any public utility pole or set up any chairs or tables on the public right-of-way.

(I) The vendor shall not in any manner damage public property of the public right-of-way. The vendors shall be solely responsible for any such damage.

(J) The vendor shall not locate or operate within an area closed or not accessible due to an emergency.

(K) Charitable/non-profit organizations may operate mobile food units without the necessity of a mobile food unit permit.

(L) Every mobile food unit vendor shall ensure that the interior, including the windows, shall be maintained in a clean and safe condition, free of grease, dirt, debris or other trash.

(M) The exterior of the unit and surrounding area shall also be maintained in a clean, undamaged condition and present a favorable appearance including, but not limited to, the body of the vehicle, the paint, all glass, hubcaps (if installed), head and taillights and grill and bumper. Additionally, the exterior of the unit and surrounding area shall be free of grease, dirt, debris and any and all other trash. (Ord. 7-2024, passed 8-19-24) Penalty, see § 127.99

§ 127.04 DENIAL, REVOCATION, SUSPENSION OF PERMIT AND/OR BUSINESS LICENSE.

(A) An application or approved permit and/or business license may be denied, revoked, suspended, or not renewed for any of the following reasons:

(1) The applicant or permittee and/or licensee or any of its principals fails to satisfy any qualification or requirement imposed by this chapter, or other local, state or federal laws or regulations that pertain to the particular license; or

(2) The applicant or permittee and/or licensee or any of its principals is or has engaged in a business, trade or profession without having obtained a valid license, permit or work card when such applicant or principal knew or reasonably should have known that one was required; or

(3) The applicant or permittee and/or licensee or any of its principals has been subject, in any jurisdiction, to disciplinary action of any kind with respect to a license, permit or work card to the extent that such disciplinary action reflects upon the qualification, acceptability or fitness of the applicant or principal to conduct such a business; or

(4) The applicant or permittee and/or licensee or any of its principals has been convicted of any crime that involves any local, state or federal law or regulation arising out of the operation of a similar business; or

(5) The applicant or permittee and/or licensee or any of its principals has been convicted of a crime as a result of having perpetrated deceptive practices upon the public within the last ten years; or

(6) The mobile food unit upon which the business is proposed to be conducted does not satisfy all local, state or federal laws or regulations which relate to the activity that is to be licensed and permitted; or

(7) The applicant or permittee and/or licensee or any of its principals is in default on any payments owed to the city; or

(8) The application contains material omissions or false, fraudulent, or deceptive statements; or

(9) The mobile food unit is operated in such a manner as constituting a public nuisance pursuant to this code or state statutes; or

(10) The proposed operation is in violation of any federal, state, or local laws including, but not limited to, the provisions of this chapter pertaining to food, fire prevention, public health or safety.

(11) The permittee and/or licensee or his agents or employees interfere with an inspection of the food establishment by a Health Department; or

(12) There are repeated or serious violations of the applicable portions of this section; or

(13) There are repeated or serious violations of federal or state food laws or laws regulating food establishments; or

(14) The Jefferson County Health Department denies, revokes or suspends the license of the mobile food unit or mobile food vendor; or

(15) There is a violation of any section of this chapter; or

(16) The mobile food vehicle fails to have the required registration and proof of insurance.

(B) The provisions of this section are not exclusive. This section shall not preclude the enforcement of any other provisions of this chapter or state and federal laws and regulations. The Jefferson County Health Department may impose additional requirements to protect against health hazards related to the operation of a mobile food unit.

(C) Once a permit and/or license have been issued it may be revoked, suspended, modified, or not renewed by the city for failure to comply with the provisions of this section or any other rules and regulations including but not limited to failure to pay any outstanding fines or penalties.

(D) No permit and/or license shall be revoked, suspended, modified, or not renewed without a hearing before the City Council, prior to which hearing the Council shall give reasonable notice of the time and place of the hearing and the specific grounds of the proposed action. The decision resulting therefrom shall be final and subject only to judicial review.

(E) In the event that it's necessary to file a civil action to enforce this chapter or for collection of undue fines and penalties, the violator shall be responsible for paying reasonable attorney fees for enforcement of this chapter.  
(Ord. 7-2024, passed 8-19-24)

§ 127.05 APPEAL TO CITY COUNCIL UPON DENIAL, REVOCATION, OR SUSPENSION.

Upon any denial, revocation or suspension of a mobile food unit permit and/or business license, the applicant or permittee and/or licensee may appeal the denial to the City Council by filing a written statement of appeal with the City Clerk within ten days following the denial, revocation or suspension, and a hearing shall be held thereon by the City Council at a regular or special meeting of the Council. The applicant or permittee, during the appeal, may be represented by counsel.

(A) Prior to revocation, written notice shall be given to the applicant or permittee and/or licensee or person in charge. The notice shall set forth:

- (1) The grounds upon which the city will seek denial, revocation or suspension of the applicant or permittee and/or licensee;
- (2) The specific violations of this chapter or of federal or state law upon which the city will rely in seeking denial, revocation or suspension of the applicant or permittee and/or licensee;
- (3) That a hearing will be held before the City Council;
- (4) The date, time and place of the hearing; and
- (5) That the applicant or permittee and/or licensee may appear in person and/or be represented by counsel and may present testimony.

(B) The hearing shall be held in accordance with this section. If the applicant or permittee and/or licensee holder fails to appear at the hearing at the time, place and date specified, the city shall present sufficient evidence to establish a prima facie case showing that an act or acts have been committed or omitted that constitutes grounds for denial, revocation or suspension of a permit and/or license.

(C) After completion of the hearing, the City Council shall make written findings as to whether or not grounds exist for denial, revocation or suspension of the applicant or permittee and/or licensee. If the City Council finds that grounds do exist for denial, revocation or suspension, it shall deny, revoke or suspend the permit and/or license temporarily for up to 180 days or permanently;

(D) A copy of the written findings shall be sent by certified mail, return receipt requested, to the applicant or permittee and/or licensee at the address of the permittee contained in the application. The city is entitled to rely upon the accuracy of the address submitted in the application.

(E) If the City Council revokes the permit and/or license, written notice of the revocation shall be served on the applicant or permittee and/or licensee or the person in charge with a copy of the findings.

(F) Upon service of written notice that the permit and/or license have been revoked as provided herein, all food operations shall cease immediately. In the event that the permittee and/or licensee fails to cease operations, the mobile food vending unit may be impounded.

(G) Whenever a permit and/or license are revoked, the Jefferson County Health Department shall be notified.

(H) In the event a permit and/or license are revoked, the city shall not be liable to the permittee and/or licensee for any refund of any part of the permit and/or license fee. Reinstatement of a permittee and/or licensee that has been revoked shall require application and payment of a permit and/or license fee as if it were an initial application. No new permit and/or license application shall be considered for a mobile food unit where the permit and/or license have been revoked until the expiration of the revocation period.  
(Ord. 7-2024, passed 8-19-24)

§ 127.99 PENALTY.

(A) Violation of this chapter shall constitute a civil offense and shall be enforced pursuant to the provisions of Chapter 41.

(B) The civil penalty for violating this subchapter shall be not less than \$100 nor more than \$1,000. Each day's violation shall constitute a separate offense. This chapter shall be subject to enforcement by the Code Enforcement Board of the city.

(C) If the vendor of a mobile food unit does not move after five days and the unit is on public property, the city will give a towing notice to the vendor by posting it on the mobile food unit. If the mobile food unit is not moved within 24 hours from the time of the notice, the city will have the unit towed and the vendor will be required to pay all towing and storage fees before the mobile food unit is returned.

(D) For all other violations, the Code Enforcement Officer shall issue a notice of violation along with a towing notice. If said violation is not timely corrected, the city shall have the mobile food unit towed and the vendor will be required to pay all towing and storage fees before the mobile food unit is returned.

(E) The penalties and fines imposed for this chapter shall be incorporated into Chapter 41, § 41.12 and shall be enforced pursuant to Chapter 41.

(Ord. 7-2024, passed 8-19-24)



CHAPTER 156: ZONING CODE

Section

- 156.01 Adoption by reference
- 156.02 Zoning Enforcement Officer

§ 156.01 ADOPTION BY REFERENCE.

(A) The "Zoning District Regulations for all of Jefferson County, Kentucky" and zoning maps pertaining to the land within the boundaries of the City of Shively are in conformance with the comprehensive plan and are hereby affirmed, ratified, and adopted.

(B) The most current editions of all of the above mentioned documents and amendments thereto adopted by the city are incorporated by reference and made a part hereof as if fully set forth herein.

(Ord. 6-1984, passed 4-2-84; Am. Ord. 4-1988, passed 2-2-88; Am. Ord. 9-1988, passed 6-20-88; Am. Ord. 15-1988, passed 10-3-88; Am. Ord. 16-1988, passed 11-7-88; Am. Ord. 19-1988, passed 12-19-88; Am. Ord. 3-1989, passed 1-16-89; Am. Ord. 6-1989, passed 2-6-89; Am. Ord. 14-1989, passed 12-21-89; Am. Ord. 6-1990, passed 7-30-90; Am. Ord. 4-1991, passed 4-22-91; Am. Ord. 8-1991, passed 9-3-91; Am. Ord. 4-1992, passed 3-16-92; Am. Ord. 6-1993, passed 10-18-93; Am. Ord. 8-1995, passed 5-15-95; Am. Ord. 3-1997, passed 3-3-97; Am. Ord. 7-1997, passed 6-2-97; Am. Ord. 13-1997, passed 11-17-97; Am. Ord. 14-1997, passed 12-1-97; Am. Ord. 15-1997, passed 1-5-98; Am. Ord. 8-2000, passed 8-21-00; Am. Ord. 11-2000, passed 11-20-00; Am. Ord. 12-2000, passed 10-16-00; Am. Ord. 5-2004, passed 5-7-04; Am. Ord. 8-2004, passed 6-21-04; Am. Ord. 2-2008, passed 6-16-08; Am. Ord. 8-2024, passed 12-2-24)

(C) Copies of the zoning regulations for the city shall be kept in the office of the City Clerk and may be examined by any person upon request and without charge. (Ord. 35-1970, passed 11-2-70)

Cross-reference:

- Zoning map changes, see Table VI
- Comprehensive plan, see § 151.01

§ 156.02 ZONING ENFORCEMENT OFFICER.

(A) The City Clerk/Tax Assessor, or his successors in office, or any person acting as an assistant to him for such purpose is hereby duly authorized and designated as the Zoning Enforcement Officer for the city and directed to enforce all of the provisions of the zoning regulations in effect in the city at the present time or such as may be adopted in the future; such authorization shall include the reviewing of plans and specifications, conducting inspections, and performing such other services as may be necessary to execute the provisions of the zoning regulations.

(B) In furtherance of division (A) above, the Zoning Enforcement Officer may enter any premises covered by the zoning regulations for the purpose of performing his duties imposed by such regulations; and, upon written notice mailed to the owner of the property concerned, any use of property contrary to the provisions of these regulations shall be stopped immediately.

(Ord. 35-1970, passed 11-2-70)

<u>KRS SECTION</u>	<u>CODE SECTION</u>
174.100(3)	96.18
174.100(4)	96.19
174.100(5)	96.20
184.620	71.80
186.010(4)	73.17
186.010(5)	73.17
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186.050	73.36
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186.410(1)	73.17
186.410(2)	73.17
186.411	118.05, 118.06
186.440	73.16
186.560	71.01
186.990(3)	71.99
186.990(5)	71.99
186A.145	72.26
186A.190	72.26
Ch. 189	73.35
189.010(19)	70.01, 72.01
189.011	70.01
189.020 - 189.140	70.08
189.020	71.42
189.040	73.16
189.140	71.43
189.150	71.49
189.222	Ch. 76, Sched. II
189.231 - 189.338	74.01
189.286	73.30
189.286(3)(c)	73.32
189.290	71.01
189.300(1)	71.07
189.300(2)	71.06
189.310	71.08
189.330(1)	71.13
189.330(2)	71.13
189.330(3)	71.13
189.330(4)	71.13
189.330(5)	71.13
189.330(6)	71.11
189.330(7)	71.11
189.330(8)	71.03
189.330(9)	71.11
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189.340	71.09
189.345	71.10
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189.456	72.14
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189.520	71.50
189.570(1)	74.01
189.570(2)	74.01
189.570(3)	74.01
189.570(4)	74.02
189.570(5)	74.02
189.570(6)	74.04
189.570(7)	74.02
189.570(8)	74.02
189.570(9)	74.03
189.570(10)	74.04
189.570(11)	74.04
189.570(12)	74.05
189.570(13)	74.05
189.570(14)	74.05
189.570(15)	74.05
189.570(16)	74.09
189.570(17)	74.06
189.570(18)	74.06
189.570(19)	74.07
189.570(20)	74.07
189.570(21)	74.07
189.570(22)	74.07
189.570(23)	74.08
189.570(24)	74.08
189.575	74.10
189.580	71.25
189.635(9)(b)1.a. to e	34.01
189.700	70.01, 71.60
189.754	71.27
189.810 - 189.860	71.06
189.810	70.07
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189.910 - 189.950	70.07
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189.910(1)	70.01
189.920	70.07, 71.55
189.930(1)	71.14
189.930(2)	71.14
189.930(3)	71.41
189.930(4)	71.41
189.930(5)	71.41
189.940	70.07
189.990(2)	71.90, Ch. 76, Sched. II
189.990(19)	70.99
189.990(23)	71.99
189.993(8)	71.99
189.993(9)	70.99
189.993(10)	70.99
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196.099	34.01
Ch. 198B	150.01, 150.02
198B.090(10)	150.03

<u>KRS SECTION</u>	<u>CODE SECTION</u>
198B.110(5)	150.01
198B.990(1)	150.99
Ch. 218A	94.80
Ch. 224	71.43
224.1-410	40.05
224.20-720	73.36
224.50-760	50.01
226.010	119.01
226.020	119.02
226.030	119.07
226.040	119.03
226.050	119.04
226.060	119.08
226.070	119.03
226.080	119.05
226.090	119.06
226.100	119.08
226.990(1)	119.99
Ch. 227	92.03
227.070(1)	119.03
227.990(1)	150.99
231.070	115.17
238.505	130.09
241.010	114.01, 114.15
241.030	114.01
241.160	114.01
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243.030 - 243.680	114.01
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243.084	114.40
243.086	114.62
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243.480	114.62
243.500	114.62
243.620	114.43
243.990(1)	114.99
244.080(1)	114.62
244.083	114.43
244.085	114.45
244.085(5)	114.48
244.120	114.44
244.125	114.62
244.180	114.61
244.180(1) - (5)	114.61
244.190	114.61
244.990(1)	114.99

<u>KRS SECTION</u>	<u>CODE SECTION</u>
Ch. 258	91.17
258.215	91.17
277.200	75.03
277.990 (8)	75.03
281.605 (12)	72.26
281.920 - 281.936	72.26
281.926	72.26
281.928	72.26
281.928 (1)	72.26
281.932	72.26
287.010	130.09
290.005	130.09
Ch. 304	120.99
304.17B	120.04
304.39-080	73.34
318.990	150.99
Ch. 342	120.04
359.230	72.26
376.275	72.26
376.275 (1)	72.26
376.275 (2)	72.26
376.275 (3)	72.27
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Ch. 416	36.06
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424.220	33.04
431.015	70.98
436.160	110.01
436.165	110.01
446.010 (1)	10.02
446.010 (2)	10.02
446.010 (6)	10.02
446.010 (8)	10.02
446.010 (9)	10.02
446.010 (10)	10.02
446.010 (12)	10.02
446.010 (13)	10.02
446.010 (14)	10.02
446.010 (15)	10.02
446.010 (17)	10.02
446.010 (18)	10.02
446.010 (23)	10.02
446.010 (25)	10.02
446.010 (26)	10.02
446.010 (27)	10.02
446.010 (28)	10.02
446.010 (30)	10.02
446.010 (31)	10.02
446.010 (33)	10.02

<u>ORD. NO.</u>	<u>DATE PASSED</u>	<u>DESCRIPTION</u>	<u>CODE SECTION</u>
8-2016	9-19-2016	Amending civil penalties	50.99, 72.99, 90.99, 92.99, 93.99, 94.46, 94.72, 94.99, 97.99, 110.99, 111.99, 112.99, 113.99, 115.99, 117.99, 118.99, 119.99, 120.99, 121.99, 130.99, 150.99, 155.99
1-2017	- -2017	Adopting tax rate	Not included
2-2017	- -2017	Adopting budget	Not included
3-2017	- -2017	Amending salaries	Not included
4-2017	10-16-2017	Closing a right-of-way	T.S.O. V
1-2019	2-11-2019	Closing portion of road	T.S.O. V
2-2019	3-11-2019	Amending insurance license fees	120.01 - 120.08
3-2019	6-3-2019	Fixing the time and place of regular meetings	32.21
4-2019	6-3-2019	Adopting the S-18 supplement	Front
5-2019	6-17-2019	Levying ad valorem taxes for FY 19-20	40.01
6-2019	6-17-2019	Adopting budget	Not included
7-2019	6-17-2019	Amending salaries	Not included
8-2019	9-16-2019	Amending speed limits	71.05
1-2020	6-15-2020	Levying ad valorem taxes for FY 20-21	40.01
2-2020	6-15-2020	Adopting budget	Not included
3-2020	6-15-2020	Amending salaries	Not included
4-2020	7-20-20	Establishing the duties of the Public Works Manager	50.02
5-2020	8-3-2020	Amending non-elected city offices	31.35
6-2020	12-21-2020	Authorizing participation in Shively Area Plan	T.S.O. VIII
1-2021	3-15-2021	Establishing compensation for members of the Civil Service Commission	35.36
2-2021	3-15-2021	Establishing requirements and standards for small cell wireless communications facilities	126.01 - 126.07, 126.99
3-2021	3-17-2021	Amending insurance license fees	120.01
4-2021	4-5-2021	Levying ad valorem taxes for FY 21-22	40.01
5-2021	4-5-2021	Amending the Occupational License Tax	112.01 - 112.12, 112.99
6-2021	4-5-2021	Amending business license fees	111.03, 111.06
7-2021	6-7-2021	Repealing and replacing the hours of sale for alcoholic beverages	114.40
8-2021	6-28-2021	Adopting budget	Not included
9-2021	7-19-2021	Establishing and dedicating the Wade-Braden Peace Park	Not included
10-2021	12-6-2021	Closing a right-of-way	T.S.O. V
11-2021	12-20-2021	Regulating business chronic nuisances	94.80 - 94.84
1-2022	2-7-2022	Amending salaries	Not included
2-2022	6-21-22	Levying ad valorem taxes for FY 22-23	40.01
3-2022	6-21-22	Adopting budget	Not included
4-2022	6-21-22	Amending salaries	Not included

SHIVELY - REFERENCES TO ORDINANCES

<u>ORD. NO.</u>	<u>DATE PASSED</u>	<u>DESCRIPTION</u>	<u>CODE SECTION</u>
5-2022	7-5-22	Amending the schedule of monthly meetings of the City Council	32.21
6-2022	11-7-22	Amending Code of Ethics	38.01 - 38.04, 38.10 - 38.28, 38.40 - 38.45, 38.50, 38.60 - 38.72, 38.99
1-2023	2-20-23	Amending soliciting provisions	111.04, 111.12, 111.99
2-2023	5-15-23	Repealing Ord. 1-1982	T.S.O. XI
3-2023	5-15-23	Adopting the 2022 supplement	Front
4-2023	6-20-23	Levying the ad valorem taxes for FY 23-24	40.01
5-2023	6-20-23	Amending salaries	Not included
6-2023	- -	Adopting annual budget	Not passed
7-2023	- -	Amending provisions regulating the growth of weeds and plants	Not passed
8-2023	- -	Requiring use of notice door hangers for code enforcement violations	Not passed
9-2023	6-29-23	Adopting budget	Not included
10-2023	9-5-23	Establishing an employee classification plan	Not included
11-2023	9-18-23	Establishing a Vacant Property Review Commission	36.06
12-2023	- -23	Establishing abandoned urban property regulations	40.05
13-2023	12-18-23	Amending hours of sale for liquor and beer	114.40
14-2023	1-2-24	Amending the schedule of monthly meetings of the City Council	32.21
1-2024	8-21-23	Amending the ad valorem tax provisions	40.01
2-2024	5-6-24	Emergency suspension of alcoholic beverage licenses	114.62, 114.99
3-2024	6-17-24	Adopting the 2023 supplement	Front
4-2024	6-17-24	Levying the ad valorem taxes for FY 24-25	40.01
5-2024	8-19-24	Adopting FY 24-25 budget	Not included
6-2024	8-19-24	Amending application process for alcohol beverage licenses	114.17
7-2024	8-19-24	Establishing mobile food unit regulations	127.01 - 127.05, 127.99
8-2024	12-2-24	Amending land development code	156.01
9-2024	12-16-24	Establishing employee pay classification plan	Not included



## LICENSES (Cont'd)

## Tax

Amount of, 111.03  
Determination of, 111.06  
Transferability of, 111.10

LIE DETECTOR TESTS, 110.02

LITTERING (See also WEEDS, BRUSH AND TRASH)

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Hauling loose material, 93.03  
Motor vehicles, 93.01  
Penalty, 93.99  
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