

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

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CITY CLERK. The City Clerk of the City of Harrodsburg.

CITY COMMISSION or **COMMISSION.** The legislative body of the City of Harrodsburg, Kentucky.

CITY OFFICERS and **DEPARTMENTS.** Whenever reference is made to an officer or a department by title, the same shall be construed as if followed by the words “of the City of Harrodsburg, Kentucky.”

CODE. The code of ordinances of the City of Harrodsburg.

COMMISSIONER or **COMMISSIONERS.** Shall be construed as if the words “of Harrodsburg” followed it.

COMPUTATION OF TIME. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the rules for computation of time as set forth in KRS 446.030, as amended, shall apply.

COUNTY. The County of Mercer, Kentucky.

GENDER. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, and corporations as well as to males.

JOINT AUTHORITY. Words giving authority to 3 or more public officers or other persons shall be construed as giving that authority to a majority of those officers or other persons.

KRS. Shall refer to the Kentucky Revised Statutes, as amended.

LEGISLATIVE BODY. The City Commission of the City of Harrodsburg.

§ 10.01 HOW CODE DESIGNATED AND CITED.

The ordinances embraced in the following chapters and sections shall constitute and be designated the *Code of Ordinances, City of Harrodsburg, Kentucky*, and may be so cited.

(Prior Code, § 1-1)

Statutory reference:

Codification authority, see KRS 83A.060(5)

§ 10.02 DEFINITIONS AND RULES OF CONSTRUCTION.

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

CITY, THIS CITY, or THE CITY. Shall be construed as if the words “of Harrodsburg” followed it, and shall extend to include its several officers and employees.

MAY. Is permissive.

NUMBER. A word importing the singular number only may extend and be applied to several persons or things, as well as to 1 person or thing, and a word importing the plural number only may extend and be applied to 1 person or thing as well as to several persons or things.

OATH. Shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in those cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**.

OR and **AND.** **OR** may be read **AND**, and **AND** may be read **OR**, if the sense requires it.

OWNER. Applied to real property, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole or of a part of the building or land.

PERSON. Shall extend and be applied to bodies politic and corporate, societies, communities, the public generally, individuals, partnerships, and joint stock companies, except if stated otherwise.

PERSONAL PROPERTY. Shall include every species of property except real property.

REAL PROPERTY. Shall include every species of property except personal property.

REASONABLE TIME. Shall be deemed to mean the time only as may be necessary for the prompt performance of the duty or compliance with the notice.

REFERENCES TO CHAPTERS OR SECTIONS. All references to chapters or sections are to the chapters and sections of this code, unless otherwise specified.

SHALL. Is mandatory and not directory.

SIDEWALK. The portion of a street between the curb lines of the lateral lines of a roadway and the adjacent property lines intended for use of pedestrians.

STATE. The Commonwealth of Kentucky.

STATUTES. Shall refer to the Kentucky Revised Statutes.

STREET. The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right.

TENSE. Words used in the present or past tense include the future as well as the present and past. (Prior Code, § 1-2)

Statutory reference:

Gender, see KRS 446.020(2)

Joint authority, see KRS 446.050

May, see KRS 446.010(26)

Number, see KRS 446.020(1)

Oath, see KRS 446.010(28)

Shall, see KRS 446.010(39)

§ 10.03 INTERPRETATION.

(A) All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases, and any others as may have acquired a peculiar and appropriate meaning to law, shall be construed and understood according to the peculiar and appropriate meaning.

(B) Unless otherwise provided herein, or required by law or implication, the same rules of construction, definition, and application shall govern the interpretation and construction of this code as those governing the interpretation of KRS. (Prior Code, § 1-3)

§ 10.04 CATCHLINES, TITLES, HEADINGS, AND NOTES.

The catchlines of the several sections of this code printed in boldface type, titles, headings, chapter heads, section and division heads or titles, editor's notes, cross-references, and statutory references, unless set out in the body of the section itself, contained in this code shall not constitute any part of the law and are intended merely to indicate, explain, supplement, or clarify the contents of a section. (Prior Code, § 1-4)

§ 10.05 ERRORS AND OMISSIONS.

If this code is found to contain errors in spelling or sentence structure, or omissions of any words necessary to express the intention of the provisions affected, the use of a word to which no meaning can be attached, or the use of a word when another word was clearly intended to express the intent, the spelling shall be corrected and the word supplied, inserted, omitted, or substituted as will conform with the apparent intention, and the provision shall have the same effect as though the correct words were a part of the original text. No alteration shall be permitted if there is any question regarding the nature or extent of error.

(Prior Code, § 1-5)

§ 10.06 MISCELLANEOUS ORDINANCES NOT AFFECTED BY CODE.

(A) *Generally.* Nothing in this code or the ordinance adopting this code shall be deemed to affect the validity of any of the following ordinances, and all the ordinances are hereby recognized as continuing in full force and effect under their own terms and conditions:

(B) *Specifically.*

(1) Any ordinance promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or evidence of the city’s indebtedness;

(2) Any ordinance authorizing the borrowing of funds on behalf of the city;

(3) Any ordinance authorizing the execution of any contract, deed, lease, or other legal instrument;

(4) Any ordinance authorizing the purchase or sale of property or the expenditure of city funds;

(5) Any appropriation or apportionment ordinance providing for an annual budget;

(6) Any ordinance authorizing the transfer of city funds;

(7) Any ordinance granting any franchise or other right;

(8) Any ordinance annexing territory to the city or reducing the city limits;

(9) Any zoning or subdivision ordinance;

(10) Any ordinance providing for the appointment or salary of city employees, not in conflict herewith;

(11) Any ordinance opening, closing, accepting, improving, or providing for the grade of any street or other public way;

(12) Any ordinance naming or renaming of streets or other public ways; and

(13) Any ordinance pertaining to the direction in which traffic flows on any street, 4-way stops, or parking and loading zones.

(Prior Code, § 1-6)

§ 10.07 AMENDMENTS TO CODE.

All ordinances passed subsequent to this code of ordinances which amend, repeal, or in any way affect this code of ordinances may be numbered in accordance with the numbering system of this code and printed for inclusion herein, or in the case of chapters, sections, and divisions or any part thereof, repealed by subsequent ordinances, the repealed portions may be excluded from the code by omission from reprinted pages affected thereby and the subsequent ordinances as numbered and printed in the case of repeal, shall be prima facie evidence of the subsequent ordinances until the time that this code of ordinances and subsequent ordinances numbered or omitted are readopted as a new code of ordinances by the City Commission.

(Prior Code, § 1-7)

§ 10.08 SUPPLEMENTATION OF CODE.

(A) By contract or by city personnel, supplements to this code shall be prepared and printed whenever authorized or directed by the Commission. A supplement to the code shall include all substantive permanent and general parts of ordinances passed by the Commission during the period covered by the supplement and all changes made thereby in the code. The pages of a supplement shall be so numbered that

they will fit properly into the code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of the adoption of the latest ordinance included in the supplement.

(B) In preparing a supplement to this code, all portions of the code which have been repealed shall be excluded from the code by the omission thereof from reprinted pages.

(C) When preparing a supplement to this code, the codifier (meaning the person, agency, or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate divisions;

(2) Provide appropriate catchlines, headings, and titles for sections and other divisions of this code printed in the supplement, and make changes in the catchlines, headings, and titles;

(3) Assign appropriate numbers to sections and other divisions to be inserted in the code and, where necessary to accommodate new material, change existing section or other division numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this subchapter," "this division," and the like, as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the code which embody the substantive sections of the ordinance incorporated into the code); and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the code; but, in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the code.

(Prior Code, § 1-8)

§ 10.09 EFFECT OF REPEAL OF ORDINANCES.

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

(Prior Code, § 1-9)

§ 10.10 OFFENSES COMMITTED AND RIGHTS ACCRUING PRIOR TO REPEAL 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, forfeiture, 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 ordinances in force at the time of the proceedings. If any penalty, forfeiture, or punishment is mitigated by any provision of the new ordinance, the provision may, by the consent of the party affected, be applied to any judgment pronounced after the new ordinance takes effect.

(Prior Code, § 1-10)

Statutory reference:

Similar provisions, see KRS 446.110

§ 10.11 SEVERABILITY OF PARTS OF CODE.

The sections, divisions, sentences, clauses, and phrases of this code are so severable, and if any phrase, clause, sentence, division, or section of this code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, the unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, divisions, and sections of this code.

(Prior Code, § 1-11)

§ 10.99 GENERAL PENALTY; CONTINUING VIOLATIONS.

It shall be unlawful for any person to violate or fail to comply with any provision of this code and, where no specific penalty is provided therefor, the violation of any provision of this code shall be punished by a fine not exceeding \$250; provided, however, that the fine, forfeiture, or penalty for a violation of this code shall not be less than the fine, forfeiture, or penalty imposed by any state statute for the same offense. Each act of violation and each day upon which any violation of any provision of this code shall continue shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to any amendment of any code section whether or not the penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed in this section, the city may pursue other remedies such as the abatement of nuisances, injunctive relief, and revocation of licenses or permits.

(Prior Code, § 1-12) (Am. Ord. 1987-6, passed 5-13-1987)

Statutory reference:

Penalty not to be less than for the same offense under statute, see Const. § 168

