

TITLE I: GENERAL PROVISIONS

Chapter

10. RULES OF CONSTRUCTION; GENERAL PENALTY

11. CITY STANDARDS





## CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

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### ' 10.01 SHORT TITLES.

(A) All ordinances of a permanent and general nature of the city as revised, codified, rearranged, renumbered and consolidated into component codes, titles, chapters and sections shall be known and designated as the Frankfort Code, for which designation `Acodified ordinances@` or `Acode@` may be substituted. Code, title, chapter and section headings do not constitute any part of the law as contained in the code. (KRS 446.140)

(B) All references to codes, titles, chapters and sections are to components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the `Atraffic code.@` Sections may be referred to and cited by the designation `A'@` followed by the number, such as `A' 10.01.@` Headings and captions used in this code, other than the title, chapter and section numbers, are employed for reference purposes only and shall not be deemed a part of the text of any section.

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' 10.02 DEFINITIONS.

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

*ACTION.* All proceedings in any court of the Commonwealth. (KRS 446.010(1))

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

*AVIS.* The automated vehicle information system established and maintained by the Transportation Cabinet to collect titling and registration information on vehicles and boats and information on holders of motor vehicle operator=s licenses and personal identification cards. (KRS 446.010(55))

*BOARD OF COMMISSIONERS.* The city legislative body. (KRS 83A.010(5))

*CITY, MUNICIPAL CORPORATION* or *MUNICIPALITY.* When used in this code, the City of Frankfort, Kentucky, except as otherwise provided.

*COMPANY.* May extend and be applied to any corporation, company, person, partnership, joint stock company or association. (KRS 446.010(9))

*CORPORATION.* May extend and be applied to any corporation, company, partnership, joint stock company or association. (KRS 446.010(10))

*COUNTY.* Franklin County, Kentucky.

*DIRECTORS.* When applied to corporations, includes managers or trustees. (KRS 446.010(13))

*DOMESTIC.* When applied to a corporation, partnership, business trust, or limited liability company, means all those incorporated or formed by authority of the state. (KRS 446.010(14))

*EXECUTIVE AUTHORITY.* The Board of Commissioners.

*FEDERAL.* The United States. (KRS 446.010(17))

*FOREIGN.* When applied to a corporation, partnership, limited partnership, business trust, statutory trust, or limited liability company, includes all those incorporated or formed by authority of any other state. (KRS 446.010(18))

*KEEPER* or *PROPRIETOR.* All persons, whether acting by themselves or as a servant, agent or employee.

*KRS.* Kentucky Revised Statutes.

*LAND* or *REAL ESTATE.* Lands, tenements and hereditaments and all rights thereto and interest therein, other than a chattel interest. (KRS 446.010(23))

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*LEGISLATIVE BODY.* The Board of Commissioners. (KRS 91A.010(8))

*LEGISLATIVE BODY MEMBER.* The Mayor and a Commissioner. (KRS 83A.010(8))

*MAY.* The act referred to is permissive. (KRS 446.010(26))

*MONTH.* Calendar month. (KRS 446.010(27))

*MUNICIPALITY.* The City of Frankfort, Kentucky.

*OATH.* Includes *AFFIRMATION* in all cases in which an affirmation may be substituted for an oath. (KRS 446.010(28))

*PARTNERSHIP.* Includes both general and limited partnerships (KRS 446.010(30))

*PEACE OFFICER.* Includes sheriffs, constables, coroners, jailers, metropolitan and urban-county government correctional officers, marshals, police officers and other persons with similar authority to make arrests. (KRS 446.010(31))

*PERSON.* May extend and be applied to bodies-politic and corporate, societies, communities, the public generally, individuals, partnerships, joint stock companies and limited liability companies. (KRS 446.010(33))

*PERSONAL PROPERTY.* Includes all property, except real.

*PREMISES.* As applied to property, includes land and buildings.

*PROPERTY.* Includes real, personal, mixed estates and interests.

*PUBLIC AUTHORITY.* Includes boards of education; the municipal, county, state or federal government, its officers or an agency thereof; or any duly authorized public official.

*PUBLIC PLACE.* Includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance or any other place for the sale of merchandise, public accommodation or amusement.

*REAL PROPERTY.* Includes lands, tenements and hereditaments.

*SHALL.* The act referred to is mandatory. (KRS 446.010(39))

*SWORN.* Includes *AFFIRMED* in all cases in which an affirmation may be substituted for an oath. (KRS 446.010(43))

*SIDEWALK.* The portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.

*STATE.* The Commonwealth of Kentucky.

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*STREET.* Alleys, avenues, boulevards, lanes, roads, highways, viaducts and all other public thoroughfares within the city.

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

*VIOLATE.* Failure to comply with. (KRS 446.010(47))

*YEAR.* Calendar year. (KRS 446.010(49))

### ' 10.03 RULES OF CONSTRUCTION.

(A) *Singular includes plural.* A word importing the singular number only may extend and be applied to several persons or things, as well as to one person or thing, and a word importing the plural number only may extend and be applied to one person or thing as well as to several persons or things. (KRS 446.020(1))

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

(C) *Liberal construction.* All sections of this code shall be liberally construed with a view to promote their objects and carry out the intent of the Board of Commissioners. (KRS 446.080(1))

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

(E) *Technical terms.* All words and phrases shall be construed according to the common and approved usage of language, but technical words and phrases and others as may have acquired a peculiar and appropriate meaning in the law, shall be construed according to the meaning. (KRS 446.080(4))

### ' 10.04 COMPUTATION OF TIME.

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

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

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

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

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

‘ 10.05 MAJORITY MAY ACT FOR ALL; AUTHORIZED AGENT.

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

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

‘ 10.06 WRITINGS AND SIGNATURES.

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

(B) Every writing contemplated by this code shall be in the English language. (KRS 446.060)

‘ 10.07 SEVERABILITY.

It shall be considered that it is the intent of the Board of Commissioners in

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

(KRS 446.090)

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' 10.08 CONSTRUCTION OF SECTION REFERENCES.

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

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

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

' 10.09 ORDINANCES REPEALED.

(A) This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced.

(B) All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code of ordinances.

' 10.10 ORDINANCES UNAFFECTED.

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

' 10.11 ORDINANCES SAVED.

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

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' 10.12 AMENDMENTS TO CODE; AMENDATORY LANGUAGE.

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

' 10.13 CONFLICTING PROVISIONS.

If the provisions of different codes, chapters or sections of the codified ordinances conflict with or contravene each other, the provisions bearing the latest passage date shall prevail.

' 10.14 REFERENCE TO OFFICES.

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

' 10.15 HISTORICAL AND STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, 1960, passed 5-13-60; Am. Ord. 15, 1970, passed 1-1-70; Am. Ord. 20, 1980, passed 1-1-80; Am. Ord. 25, 1985, passed 1-1-85)

(B) If a KRS cite is included in the history, this indicates that the text of the section reads word-for-word the same as the statute. Example: (KRS 83A.090) (Ord. 10, 1980, passed 1-17-80; Am. Ord. 20, 1985, passed 1-1-85). If a KRS cite is set forth as a Astatutory reference@ following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

' 31.38 CITY MANAGER.

The executive authority of the city shall be vested in and exercised by the City Manager.

(Ord. 10, 1980, passed 1-1-80)

***Statutory reference:***

*Powers and duties of the City Manager, see KRS 83A.150*

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' 10.99 GENERAL PENALTY.

Where an act or omission is prohibited or declared unlawful in this code of ordinances, and no penalty is otherwise provided, the offense shall be deemed a violation and the offender shall be fined not more than \$250 for each offense.

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## CHAPTER 11: CITY STANDARDS

### Section

- 11.01 City seal
- 11.02 Official song
- 11.03 Official flag

#### ' 11.01 CITY SEAL.

The seal for the city shall contain a replica of the Capitol Building.  
(>70 Code, ' 1.04.010)

***Statutory reference:***

*Adoption of a common seal, see KRS 84.010*

#### ' 11.02 OFFICIAL SONG.

(A) A certain song titled A(My Home in Old) Frankfort, KY,@ with words and music by Colonel Richard H. (Dick) Sturges, of Atlanta, Georgia, is hereby named, designated and adopted as the official song of the city, to be sung and played at appropriate times and places as the official song of the city.

(B) The song is in words as follows:

*I've been dreaming today of Kentucky,  
It's the grandest old state that I've known,  
And I'm certainly happy and lucky,  
That I always can call it my home.*

*In my dreams I can see, all the friends dear to me,  
And I long to go back there and stay.  
So each moment I yearn, for the day I'll return,  
To my old southern home far away.*

***CHORUS:***

*Where the Blue Grass grows high  
Round old Frankfort, K - Y,  
Near the forks of the old Elkhorn.*



*I've been dreaming of when I can go back again,  
To that old city where I was born.  
Tell the gang that's around,  
On the capitol ground,  
That I'm coming home bye n' bye.  
For I long to be there,  
Down at Main and St. Clair,  
At my home in old Frankfort, K - Y.*

(>70 Code, ' 1.08.010)

' 11.03 OFFICIAL FLAG.

(A) The official flag of the city shall be as described herein:

(1) A gold, silhouetted bust of Daniel Boone within a gold circle is in the upper, left-hand corner representing the past. In the upper right-hand corner is a gold, silhouetted bust of a boy scout within a gold circle to represent the future. (The first Boy Scout Troop in America was in the city.)

(2) Centered on the flag is a circle outlined with the Kentucky Blue Grass. Within the circle is "Frankfort" printed in blue at the top and the name "Kentucky" printed in blue at the bottom. Since the Confederacy was in the city for only a short time, a grey star is on the left side within the circle. To represent the Union, a blue star is on the right side within the circle. An inner, gold circle has the "S" curve of the Kentucky River which divides replicas of the Old State Capitol Building, representing the past, and the New State Capitol Building, representing the present.

(3) Centered at the bottom of the flag is "1786," which is the date when the city was settled.

(B) The City Manager is hereby authorized and directed to have a flag made, conforming to the above description, and cause the flag to be placed on the flag pole at the Municipal Building.

(>70 Code, ' 1.12.010)

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