

**TITLE I: GENERAL PROVISIONS**

Chapter

**10. GENERAL CODE CONSTRUCTION; GENERAL  
PENALTY**

**11. CITY STANDARDS**



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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 Heritage Creek Code, for which designation “codified ordinances” or “code” may be substituted. Code, title, chapter and section headings do not constitute any part of the law as contained in the code.

(KRS 446.140)

(B) All references to codes, titles, chapters and sections are to those components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the “Traffic Code.” Sections may be referred to and cited by the designation “§” followed by the number, such as

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“§ 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. (Prior Code, § 10.01)

### § 10.02 DEFINITIONS.

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

***ACTION.*** Includes all proceedings in any court of this state.  
(KRS 446.010(1))

***AND.*** May be read “or,” and “or” may be read “and,” if the sense requires it.

***ANIMAL.*** Includes every warm-blooded living creature except a human being.  
(KRS 446.010(2))

***AVIS.*** The Automated Vehicle Information System established and maintained by the Transportation Cabinet to collect tilting 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))

***BUSINESS TRUST.*** Includes, except when utilized in KRS Chapter 386, a “statutory trust” as organized under KRS Chapter 386A.  
(KRS 446.010(6))

***CATTLE.*** Includes horse, mule, ass, cow, ox, sheep, hog or goat of any age or sex.

***CERTIFIED MAIL.*** Any method of governmental, commercial, or electronic delivery that allows a document or package to have proof of:

- (1) Sending the document or package;
- (2) The date the document or package was delivered or delivery was attempted; and
- (3) The signature of the receipt of the document or package.

(KRS 446.010(8))

***CITY, MUNICIPAL CORPORATION or MUNICIPALITY.*** When used in this code shall denote the City of Heritage Creek irrespective of its population or legal classification.

***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))

**COUNCIL.** The city legislative body.  
(KRS 83A.010(5))

**COUNTY.** Jefferson County, Kentucky.

**CRUELTY.** As applied to animals, includes every act or omission whereby unjustifiable physical pain, suffering, or death is caused or permitted.  
(KRS 446.010(12))

**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 this state.  
(KRS 446.010(14))

**DOMESTIC ANIMAL.** Any animal converted to domestic habitat.  
(KRS 446.010(15))

**EXECUTIVE AUTHORITY.** The Mayor.  
(KRS 83A.010(6))

**FEDERAL.** Refers to 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.** Includes all persons, whether acting by themselves or as a servant, agent or employee.

**KRS.** Kentucky Revised Statutes.

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

**LEGISLATIVE BODY.** The City Council.  
(KRS 91A.010(8))

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**LEGISLATIVE BODY MEMBER.** A City Council member.  
(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 Heritage Creek, 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 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.

**REGISTERED MAIL.** Any governmental, commercial, or electronic method of delivery that allows a document or package to have:

- (1) Its chain of custody recorded in a register to enable its location to be tracked;

(2) Insurance available to cover its loss; and

(3) The signature of the recipient of the document or package available to the sender.  
(KRS 446.010(36))

**REGULAR ELECTION.** The election in even numbered years at which members of Congress are elected and the election in odd numbered years at which state officers are elected.  
(KRS 446.010(37))

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

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

**STATE.** The State of Kentucky.

**STREET.** Includes 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 an underlined heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have **SUBCHAPTERS**.

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

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

**VACANCY IN OFFICE.** Such as exists when there is an unexpired part of a term of office without a lawful incumbent therein, or when the person elected or appointed to an office fails to qualify according to law, or when there has been no election to fill the office at the time appointed by law; it applies whether the vacancy is occasioned by death, resignation, removal from the state, county or district, or otherwise.  
(KRS 446.010(46))

**VIOLATE.** Includes failure to comply with.  
(KRS 446.010(47))

**YEAR.** Calendar year.  
(KRS 446.010(49))  
(Prior Code, § 10.02)



**§ 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 Council.  
(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 that meaning.  
(KRS 446.080(4))  
(Prior Code, § 10.03)

**§ 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.

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

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

(D) In all cases where the law requires any act to be done in a reasonable time or reasonable notice to be given, 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.

(Prior Code, § 10.04)

**§ 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 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 those acts when done by an authorized agent.

(Prior Code, § 10.05)





**§ 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) (Prior Code, § 10.06)

**§ 10.07 SEVERABILITY.**

It shall be considered that it is the intent of Council 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 Council 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 Council.  
(KRS 446.090) (Prior Code, § 10.07)

**§ 10.08 REVIVOR.**

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

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

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

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

(E) No other action of Council repealing a repealer or an amendment shall have the effect of reviving the original language of the repealer or amendment as the case may be.  
(KRS 446.100) (Prior Code, § 10.08)

**§ 10.09 RIGHTS AND LIABILITIES ACCRUING BEFORE 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 like offense or act so committed or done, or any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising before the new ordinance takes effect, except that the proceedings thereafter had shall conform, so far as practicable, to the laws in force at the time of the proceedings. If any penalty, forfeiture or punishment is mitigated by any provision of the new ordinance, that provision may, by the consent of the party affected, be applied to any judgment pronounced after the new ordinance takes effect.

(KRS 446.110) (Prior Code, § 10.09)

**§ 10.10 CONSTRUCTION OF SECTION REFERENCES.**

(A) Wherever in a penalty section reference is made to a violation of a section or an inclusive group of sections, 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.  
(Prior Code, § 10.10)

**§ 10.11 ORDINANCES REPEALED.**

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

(Prior Code, § 10.11)

**§ 10.12 ORDINANCES UNAFFECTED.**

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

(Prior Code, § 10.12)

**§ 10.13 ORDINANCES SAVED.**

Whenever an ordinance by its nature either authorizes or enables the Council, 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.  
(Prior Code, § 10.13)

**§ 10.14 AMENDMENTS TO CODE; AMENDATORY LANGUAGE.**

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

(B) The method of amendment set forth in § 32.37 should be used by the city to amend, add or repeal a chapter, section or division of this code of ordinances.  
(Prior Code, § 10.14)

**§ 10.15 CONFLICTING PROVISIONS.**

(A) 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.

(B) If the conflicting provisions bear the same passage date, the conflict shall be so construed as to be consistent with the meaning or legal effect of the questions of the subject matter taken as a whole.  
(Prior Code, § 10.15)

**§ 10.16 REFERENCE TO OFFICES.**

Reference to a public office or officer shall be deemed to apply to any office, officer or employee of the city exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.  
(Prior Code, § 10.16)

**§ 10.17 ERRORS AND OMISSIONS.**

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

(B) No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

(Prior Code, § 10.17)

**§ 10.18 HISTORICAL AND STATUTORY REFERENCES.**

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

(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, passed 1-17-1980; Am. Ord. 20, passed 1-1-1985). If a KRS cite is set forth as a “statutory reference” following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

**§ 31.10 MAYOR.**

The executive authority of the city shall be vested in and exercised by the Mayor.  
(Ord. 10, passed 1-1-1980)

***Statutory reference:***

*For powers and duties of the Mayor, see KRS 83A.130*

(Prior Code, § 10.18)

**§ 10.99 GENERAL PENALTY.**

Where an act or omission is prohibited or declared unlawful in this code of ordinances, and no penalty of fine or imprisonment is otherwise provided, the offender shall be fined not more than \$500 for each offense or violation.

(Prior Code, § 10.99)

## CHAPTER 11: CITY STANDARDS

### Section

#### 11.01 Changing the name of the City of Minor Lane Heights

### **§ 11.01 CHANGING THE NAME OF THE CITY OF MINOR LANE HEIGHTS.**

(A) The name of the City of Minor Lane Heights, Jefferson County, Kentucky, a city of the fifth class as set forth in Kentucky Revised Statutes is hereby changed to the City of Heritage Creek, Jefferson County, Kentucky.

(B) Any person objecting to renaming the City of Minor Lane Heights as set forth herein may file a petition with the Jefferson County Court Clerk containing the dated signatures of at least 25% of the registered voters residing within the municipal boundaries requesting that an election be held on the question of renaming the city. The petition shall be in the following form: "The registered voters living within City of Minor Lane Heights hereby object to the question of the renaming of the city."

(C) If a petition requesting the issue of the name change is filed with the Jefferson County Court Clerk, the Jefferson County Court Clerk shall examine the petition and verify the validity of the signatures and that the person is registered to vote. If the petition contains the verified signatures of 25% of the registered voters residing within the municipal boundaries of the city, the question of renaming the city shall be placed on the next general election ballot. The question placed on the general election ballot shall contain at least two, but no more than four names as potential new names for the city.

(D) The Clerk is directed to advertise this ordinance as provided by law.

(E) Any ordinance or parts of ordinances in conflict with this section or any part of this section are repealed.

(F) Should any section, clause, line, division or part of this section held unconstitutional or invalid for any reason, the same shall not affect the remainder of the section.

(Ord. 6-2006, passed 7-12-2006)

