

The following ordinances were signed by Mayor Jim Gray, attested by Council Clerk Susan Lamb and published on March 14, 2013-1t.

Ord. No. 18-2013-An Ordinance changing the zone from a Two Family Residential (R-2) zone to a High Density Apartment (R-4) zone (with a dimensional variance) for 0.144 net and 0.173 gross acres, for property located at 1577 Martha Ct. (a portion of) (Givens Investments, Ltd.-Council District 6). Passed March 7, 2013

Ord. No. 19-2013-An Ordinance changing the zone from a Wholesale and Warehouse Business (B-4) zone to a Lexington Center Business (B-2B) zone, for 0.057 net (0.130 gross) acres, for property located at 430 West Maxwell St. (Julie and Anthony Childress; Council District 3). Passed March 7, 2013

Ord. No. 20-2013-An Ordinance of the Lexington-Fayette Urban County Government authorizing the issuance of Various Purpose General Obligation Bonds, Series 2013A in the aggregate principal amount not to exceed \$14,000,000 for the purpose of financing various street and highway improvements including the rehabilitation and paving of existing roads and streets in Lexington, Fayette County, Ky.; approving the form of the Series 2013A Bonds; authorizing designated officers to execute and deliver the Series 2013A Bonds; authorizing and directing the filing of notice with the State Local Debt Officer; providing for the payment and security of the Series 2013A Bonds; creating Bond Payment Funds; maintaining the heretofore established Sinking Fund; authorizing a Certificate of Award for the acceptance of the bid of the Bond Purchaser for the purchase of the Series 2013A Bonds; and repealing inconsistent ordinances. Passed March 7, 2013

Ord. No. 21-2013-An Ordinance amending Articles 1, 4 and 16 of the Zoning Ordinance to modify the definition of "driveway for single-family and two family dwellings;" to create new definitions for "paved area" and "private walkway;" and to limit the size, material, and configuration of private walkways and driveways, in the front yard of single-family and two family dwellings. Passed March 7, 2013

Ord. No. 22-2013-An Ordinance amending Section 22-5(2) of the Code of Ordinances, creating one (1) position of CSEPP Manager P/T, Grade 115N, in the Div. of Emergency Management/ 911, effective upon passage of Council. Passed March 7, 2013

Ord. No. 23-2013-An Ordinance amending Chapter 16A of the Code of Ordinances of the Lexington-Fayette Urban County Government, pertaining to hazardous materials, as follows: Section 16A-1 of the Code of Ordinances is amended to include definitions for clean up contractor, hazardous materials commander, and hazardous materials platoon leader, and to delete the Technical Advisory Commission; Section 16A-4 of the Code of Ordinances is amended to remove portions of the discharge reporting requirements; Section 16A-5 of the Code of Ordinances is amended to define the response options of the Div. of Fire and Emergency Services following a hazardous materials spill; Section 16A-6 of the Code of Ordinances is amended to refine notice of closure requirements for facilities handling hazardous materials; Section 16A-7 of the Code of Ordinances is amended to refine inventory reporting requirements for facilities handling hazardous materials; Section 16A-8 of the Code of Ordinances regarding implementation requirements is deleted in its entirety; Section 16A-9 of the Code of Ordinances regarding registration requirements is deleted in its entirety; Section 16A-10 of the Code of Ordinances regarding exceptions to registration requirements is deleted in its entirety; Section 16A-11 of the Code of Ordinances

is amended to refine the requirements for a spill prevention plan; Section 16A-12 of the Code of Ordinances is amended to redefine the duties of a hazardous materials coordinator; Section 16A-13 of the Code of Ordinances regarding the membership requirements of the hazardous materials team is deleted in its entirety; Section 16A-14 of the Code of Ordinances is amended to redefine the duties of the hazardous materials team; Sections 16A-15, 16A-16, and 16A-17 of the Code of Ordinances regarding the Technical Advisory Commission are deleted in their entirety; Section 16A-19 of the Code of Ordinances is amended to refine standards for hazardous materials spill response and coordination with other authorities; Section 16A-20 of the Code of Ordinances regarding voluntary registration is deleted in its entirety; Section 16A-21 of the Code of Ordinances regarding preparation of compliance guidelines is deleted in its entirety; Section 16A-24 of the Code of Ordinances is amended to define parties responsible for enforcement of the Chapter; Section 16A-25 of the Code of Ordinances is amended to provide for criminal penalties for violations of the Chapter, to define violations of inventory reporting requirements, restoration following hazardous material discharge, closure of facilities handling hazardous materials, and maintaining spill prevention plans as criminal violations with a fine not to exceed two hundred and fifty dollars (\$250) for individuals and five hundred dollars (\$500) for corporations, and to define violations of the Chapter related to hazardous materials discharge as a misdemeanor with penalties of up to twelve months imprisonment and fines not to exceed five hundred dollars (\$500) for individuals and ten thousand dollars (\$10,000) for corporations; Section 16A-26 of the Code of Ordinances regarding the Civil Penalty Appeals Board is deleted in its entirety; and renumbering the affected sections to reflect these changes; all effective on April 1, 2013. Section 22 – That Section 16A-24 of the Code of Ordinances be and hereby is renumbered as 16A-15 and amended to read as follows: Sec. 16A-15. - Enforcement; notice of violations. (1) The Fire Chief of div. of fire and emergency services, or his or her designee from within the Special Operations Division, shall have primary responsibility for enforcement of the provisions of this chapter. (2) Any person, including private citizens, may initiate action against any person who is violating the provisions of this chapter by notifying the div. of fire and emergency services' Special Operations Division. (3) Upon notification or discovery of any violation of the provisions of this chapter, a member of the HMT shall immediately investigate the site upon which the violation is located. If a violation exists, a notice describing the violation shall be served upon the person who is responsible for the premises upon which the violation has occurred, if the identity of the responsible person is known. If appropriate, the notice shall demand abatement of the violation within twenty-four (24) hours unless the violation constitutes an immediate danger to the health and well-being of the community, in which case the notice shall demand that abatement procedures begin immediately. If the violation resulted in hazardous materials being discharged, cleanup procedures shall commence immediately following abatement and shall be completed with all deliberate speed. The notice shall also include the following where appropriate: (a) A statement that if the situation is not remedied within the prescribed time, the urban county government will proceed to correct the violation, if it is of the type which may be so corrected. (b) A statement that the person shall be liable for any costs to the urban county government incurred in correcting the violation. The cost shall be incurred by the person or entity when any div. of fire and emergency services

HazMat team member, any member of the div. of fire and emergency services, or any agent of the urban county government spends public funds for the response to the release, its abatement, cleanup or removal and such cost shall include the urban county government's actual and necessary costs, including but not limited to the cost of urban county government personnel and equipment utilized, expended in response to the discharge or the cost of contracting for the same. The total amount of cost to be charged to the person or entity shall be determined by the HMC or HMPL. (c) A statement that after the urban county government has corrected the violation, the commissioner of finance will send a bill for the cost of the measures taken to correct the violation, including any administrative cost, to the person responsible; and if the bill is not paid within three (3) months, the urban county government, through its law department, shall have authority to initiate action in any court having jurisdiction over such matter, to recover the government's costs incurred in correcting the violation. (4) In cases where the identity of a person who is responsible for premises upon which a violation has occurred is not known at the time a violation is reported, the urban county government, pursuant to this chapter, shall take reasonable steps to abate any problem and shall take reasonable steps to clean up the area affected to assure continuing safety of the public and the environment. When the identity of the responsible person is determined, a bill for the cost of measures taken to correct the violation shall be sent to the person and pursued according to the provisions of subsection (3) above. Section 23 – That Section 16A-25 of the Code or Ordinances be and hereby is renumbered as Section 16A-16 and amended to read as follows: Sec. 16A-16. - Penalties. (1) Any person failing to comply with the inventory provisions of this chapter as specified in section 16A-7 shall be guilty of a violation and fined up to two hundred and fifty dollars (\$250) if the violator is an individual or five hundred dollars (\$500) if the violator is a corporation after having received notification from the urban county government of their failure to comply. Each day's failure to comply shall be deemed a separate violation. (2) Any person failing to perform the duties required by the provisions of section 16A-8 relating to SPC plans, section 16A-5 relating to restoration, or section 16A-6 relating to closure shall be guilty of a violation and for every offense be fined not less than up to two hundred and fifty dollars (\$250) if the violator is an individual or five hundred dollars (\$500) if the violator is a corporation. Each day's continuance of any such failure or violation shall be a separate violation. (3) Any person violating the provisions of section 16A-3 relating to discharges shall for every offense be sentenced to a term of imprisonment not to exceed twelve (12) months in the county detention center, or fined up to five hundred dollars (\$500) if the violator is an individual or ten thousand dollars (\$10,000) if the violator is a corporation, or both. Each day's continuance of any such failure or violation shall be a separate offense. (4) Any person failing to perform the duties required by the provisions of section 16A-4 relating to the reporting of discharges shall for every offense be sentenced to a term of imprisonment of not to exceed twelve (12) months in the county detention center, or fined in an amount not less than two hundred fifty dollars (\$250) nor more than ten thousand dollars (\$10,000), or both. Each day's continuance of any such failure or violation shall be a separate offense. (5) Any person violating any of the provisions of this chapter shall become liable to the urban county government for any expense, loss or damage caused to the urban county government by reason of such violation, including but not limited to any cleanup,

evacuation, administrative or other expenses, including legal expenses, incurred. The commissioner of law is hereby authorized and directed to initiate such proceedings, in the name of the urban county government, in any court having jurisdiction over such matter, as are necessary to recover costs to the urban county government caused by the violation. Passed March 7, 2013

Ord. No. 24-2013-An Ordinance amending Section 12-60 of the Code of Ordinances of the Lexington Fayette Urban County Government related to public nuisances to amend the definition to include assault, sexual offenses and weapons or any other felony and to provide an exception when the owner or occupant is the victim of the crime and had no control over the criminal act; amending Section 12-61 of the Code of Ordinances relating to public nuisances to delete the word residential; amending Section 12-63 of the Code of Ordinances relating to public nuisances to delete the word residential. Passed March 7, 2013

Ord. No. 25-2013-An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Human Resources Manager Sr., Grade 121E, and one (1) position of Health Services Advisor, Grade 114E; and creating one (1) position of Human Resources Manager, Grade 119E, and one (1) position of Human Resources Analyst, Grade 115E, in the Div. of Human Resources; appropriating funds pursuant to Schedule No. 39, effective upon passage of Council. Passed March 7, 2013

Ord. No. 26-2013-An Ordinance amending Section 22-5(2) of the Code of Ordinances, creating one (1) position of Child Care Program Aide P/T, Grade 107N, and one (1) position of Custodial Worker P/T Grade 102N, in the Div. of Family Services, and appropriating funds pursuant to Schedule No. 40. Passed March 7, 2013

Ord. No. 27-2013-An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 38. Whereas, it is necessary and proper to amend the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures: Now, Therefore, Be It Ordained By The Council Of The Lexington-Fayette Urban County Government: Section 1 - That certain of the Budgets of the Lexington-Fayette Urban County Government be and hereby are amended to reflect current requirements for municipal expenditures, and that to effect such Amendments the following appropriations be and hereby are authorized and directed:) \$31,600.00 from the Unappropriated Fund Balance in the PFC – Parks Project Fund to various accounts.) Re-appropriations within the General Service District – General Fund; Miscellaneous Special Revenue Fund; Bond Project – FY 2011 Fund; Sanitary Sewer Revenue and Operating Fund; Sanitary Sewer Construction Fund; Water Quality Management Fund; and the various grant funds which do not result in changes to the Unappropriated Fund Balance of these funds. Section 2 - That the purposes of the Budget Amendments and the Accounts to or from which funds are herein appropriated, are detailed in Budget Schedule No. 38, attached hereto and incorporated herein by reference. Section 3 - That this Ordinance shall become effective on the date of its passage. Passed March 7, 2013

Ord. No. 28-2013-An Ordinance of Lexington-Fayette Urban County Government authorizing the issuance of Lexington-Fayette Urban County Government Various Purpose General Obligation Refunding Bonds, Series 2013B, in one or

more subseries, in an aggregate principal amount not to exceed \$10,000,000, for the purpose of advance refunding (i) all or a portion of the outstanding principal amount of Lexington-Fayette Urban County Government General Obligation Bonds (Day Treatment Center, Multi-Use Facility and Expansion Area Boulevard Projects), Series 2004C, the proceeds of which were used to finance the (a) acquisition, construction and equipping of a day treatment facility, (b) acquisition, renovation and equipping of a multi-use facility and (c) acquisition of rights of way and construction of road improvements; (ii) all or a portion of the outstanding principal amount of Lexington-Fayette Urban County Government General Obligation Bonds, Series 2005C, the proceeds of which were used to finance (a) a portion of the costs of providing funding for the purchase of a Development Rights Program or a program to purchase conservation easements and (b) the renovation and upgrade of space in government office buildings and repairs to parking garages; and (iii) all or a portion of the outstanding principal amount of Lexington-Fayette Urban County Government General Obligation Bonds, Series 2006B, the proceeds of which were used to finance (a) the acquisition and construction of stormwater improvements, (b) neighborhood redevelopment projects, and (c) purchasing police cars; approving a form of Bond; authorizing designated officers to execute and deliver the Bonds; providing for the payment and security of the Bonds; creating a Bond Payment Fund and Escrow Funds; maintaining the heretofore established Sinking Fund; authorizing a Certificate of Award for the acceptance of the bid of the Bond Purchaser for the purchase of the Series 2013B Refunding Bonds; authorizing an Escrow Trust Agreement; and repealing inconsistent ordinances. Passed March 7, 2013