

The following ordinances were signed by Mayor Jim Gray, attested by Council Clerk Susan Lamb and published on June 13, 2013-1t.

Ord. No. 55-2013-An Ordinance changing the zone from a Single Family Residential (R-1D) zone to a Townhouse Residential (R-1T) zone for 0.95 net (1.28 gross) acres, for property located at 4145 Harrodsburg Rd. (Patricia Donoghue; Council District 10). Passed June 6, 2013

Ord. No. 56-2013-An Ordinance changing the zone from a Two Family Residential (R-2) zone to a Planned Neighborhood Residential (R-3) zone, for 0.253 net and gross acres, for property located at 1165 Jones Trail (Arnold Properties, LLC; Council District 8). Passed June 6, 2013

Ord. No. 57-2013-An Ordinance changing the zone from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone, for 0.9798 net and (1.0774 gross) acres, for property located at 417 East Maxwell St. including dimensional variances (Michler Florist, Inc.; Council District 3). Passed June 6, 2013

Ord. No. 58-2013-An Ordinance pursuant to Sections 3.02(24) and 6.12 of the Charter of the Lexington-Fayette Urban County Government transferring the Div. of Building Inspection and the Div. of Code Enforcement and the incumbents in all authorized positions as well as all vacant positions from the Dept. of Public Safety to the Dept. of Planning, Preservation and Development at their current job classification, pay grade and salary. Passed June 6, 2013

Ord. No. 59-2013-An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Probation Unit Supervisor, Grade 113E, and five (5) positions of Probation Officer, Grade 110N, all in the Div. of Community Corrections effective upon passage of Council. Passed June 6, 2013

Ord. No. 60-2013-An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$1,200 from Neighborhood Development Funds in the Commissioner of Social Services for the Senior Intern Program, and appropriating and re-appropriating funds, Schedule No. 54. Whereas, it is necessary and proper to amend the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$1,200 from Neighborhood Development Funds in the Commissioner of Social Services for the Senior Intern Program: 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 funds in the amount of \$1,200 from Neighborhood Development Funds in the Commissioner of Social Services for the Senior Intern Program and that to effect such Amendments the following appropriations be and hereby are authorized and directed:) Re-appropriations within the General Services District – General Fund and the Donation Fund 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 Schedule No. 54, attached hereto and incorporated herein by reference. Section 3 - That this Ordinance shall become effective on the date of its passage. Passed June 6, 2013

Ord. No. 61-2013-An Ordinance amending Section 21-5(2) of the Code of Ordinances, transferring one (1) position of Network Security Engineer, Grade

119E, from the Div. of Computer Services to the Div. of Enterprise Solutions.
Passed June 6, 2013

Ord. No. 62-2013- An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$1,500 for the Div. of Parks and Recreation from Neighborhood Development Funds for the purchase of new benches and television for the Kenwick Community Center, and appropriating and re-appropriating funds, Schedule No. 56. WHEREAS, it is necessary and proper to amend the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for the Div. of Parks and Recreation for funds in the amount of \$1,500 from Neighborhood Development Funds for the purchase of new benches and television for the Kenwick Community Center: 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 the Div. of Parks and Recreation for funds in the amount of \$1,500 from Neighborhood Development Funds for the purchase of new benches and television for the Kenwick Community Center and that to effect such Amendments the following appropriations be and hereby are authorized and directed:) Re-appropriations within the General Services District – General Fund which do not result in changes to the Unappropriated Fund Balance of these respective funds. Section 2 - That the purposes of the Budget Amendments and the Accounts to or from which funds are herein appropriated, are detailed in Schedule No. 56, attached hereto and incorporated herein by reference. Section 3 - That this Ordinance shall become effective on the date of its passage. Passed June 6, 2013

Ord. No. 63-2013-An Ordinance creating Article XIII of Chapter 16 of the Code of Ordinances to implement a Sanitary Sewer Capacity Assurance Program (CAP) to assure that the Sanitary Sewer System ("System") is adequate for future connections; defining terms; requiring that a Sanitary Sewer Capacity Permit ("permit") must be obtained prior to any future connection to the System and providing that permits shall be granted for properties with a sewer use of record, properties with certain approved plans or plats, and properties in Expansion Area 2; providing that remodeling projects shall not require a permit; providing for Staged Capacity Allocation for properties with certain approved plans with a maximum annual threshold as determined by a negotiated agreement; providing that an essential service project may be granted a permit without adequate capacity upon a finding that such action is justified and will not detrimentally impact the CAP; providing that a project with a significant economic impact may qualify for an Administrative Capacity Approval if such action will not delay Remedial Measure Plan Projects; providing that all applications and requests shall be made by the property owner or duly authorized representative; providing that a non-refundable administrative fee of \$450 shall be paid to request a Capacity Allocation, Capacity Permit, or Capacity Reservation; providing that sewer capacity may be reserved upon payment of a deposit to be credited to tap-on fees or exaction fees; providing that reservations of capacity will expire in one (1) year unless extended and providing that a non-refundable administrative fee of \$225 shall be paid for an extension; providing that a reservation shall become a permanent allocation upon certification of certain plans or amendments; providing that all fees shall be adjustable based on the Consumer

Price Index; providing exceptions for payment of administrative fees for certain properties; providing that determinations on applications and requests shall be made within ten (10) days if possible; providing an appeal process for applicants who disagree with determinations; providing that all actions and requirements under Article XIII are subject to the provisions of the Consent Decree and approved CAP; and providing that a formal review and audit of the CAP and collected fees shall be performed every two (2) years; and amending Section 5-30 of the Code of Ordinances to require that adequate sanitary sewer capacity exists prior to issuance of any building permit for a property that will connect to the Sanitary Sewer System. Section 16-304. – Capacity Requests/Sewer Capacity Reservations. (a) A Sewer Capacity Request may be made for any development property that has an approved preliminary subdivision plan, final development plan, authorized plan amendment, or a final subdivision plat which has been certified as approved by the Planning Commission Secretary. (b) A Sewer Capacity Reservation request may be made for any development property for which a preliminary development plan, preliminary subdivision plan, final development plan, or authorized plan amendment, has been submitted to the Planning Commission. (c) To formally request a Staged Capacity Allocation, a Sanitary Sewer Capacity Permit or a Sewer Capacity Reservation for any development property, including Administrative Capacity Approval or Essential Services eligible properties, a Sewer Capacity Application shall be completed and filed with the Div. of Water Quality and a non-refundable administrative fee of \$450 shall be paid, except as provided in subsection (g) of this section. An applicant may file a Sewer Capacity Application which applies to all lots or buildings, as appropriate, on a preliminary subdivision plat, final subdivision plat, final development plan or authorized plan amendment. (d) If a Sewer Capacity Reservation is granted, the reservation will be effective upon payment of a reservation deposit in an amount equal to twenty-five percent (25%) of the estimated tap-on fee associated with the reservation. If a Sewer Capacity Reservation is granted for properties in Expansion Area 1 or 3, the reservation shall be in effective upon payment of a reservation deposit in an amount equal to twenty-five percent (25%) of the estimated sanitary sewer capacity exactions in the subject area or in such other amount determined by a development agreement between the applicant and the urban county government pursuant to Article 23C-7(d) of the Zoning Ordinance based on the applicant's participation in system improvement construction within the subject development. The amount of the reservation deposit shall be credited in full toward the payment of the final tap-on fee or exaction fee as appropriate. The length of the reservation period shall not exceed one (1) year after which the reservation shall expire unless extended as provided herein. Prior to expiration of the reservation, an extension shall be granted upon payment of an additional non-refundable administrative fee of \$225. The extension shall not exceed an additional one (1) year unless a longer extension is justified based on the timing of the applicant's construction of system improvements under a development agreement pursuant to Article 23C-7(d) of the Zoning Ordinance. If a Sewer Capacity Reservation expires one-half (1/2) of the reservation deposit shall be refunded. For developments requesting capacity where a reservation has expired, a new Sewer Capacity Application form must be completed and filed with the Div. of Water Quality and a new non-refundable administrative application fee and reservation deposit, if applicable, shall be due for the subject property. (e) A Sewer Capacity Reservation shall

become a Permanent Allocation upon certification by the Urban County Planning Commission Secretary of the approval of the preliminary subdivision plan or final development plan, or authorized amendments thereto as may be applicable for the subject property or issuance by the urban county government of a tap-on permit, for the subject property, whichever occurs first. (f) All rates and fees set forth in this section shall be adjustable each July 1 beginning on July 1, 2014 by an amount based upon the Consumer Price Index for All Urban Consumers, the U.S. City Average ("CPI-u") published monthly by the Bureau of Labor Statistics. These rates shall be adjusted up if so indicated by a factor determined by averaging the monthly CPI-u published for the 12-month period ending, and including, April of the year before the July 1 adjustment. (g) No administrative fee for Sewer Capacity Applications or deposit for Sewer Capacity Reservations shall be due for the following: 1) Any Remodeling Project; 2) Any construction project that will result in less than 45 gallons per day (gpd) increase in sanitary sewer usage; 3) Any property that qualifies for Sanitary Sewer Capacity Permit or a Sewer Capacity Reservation pursuant to subsections 16-303(b), (c), (d), or (e); 4) Any property that is currently paying a sewer user fee that is directed by the Fayette County Health Department to connect to the sewer system to eliminate an illicit connection. (h) The Sewer Capacity Reservation deposit for any development property that qualifies for a Administrative Capacity Approval under Section 16-303(i)(2) may be waived at the discretion of the urban county government. (i) All applications or requests made pursuant to this section shall be made by the owner of the subject property or by the owner's duly authorized representative. Written verification of representative status will be required prior to acceptance of any application or request. (j) Within ten (10) calendar days after receipt of a Capacity Request or an application for a Staged Capacity Allocation, a Sanitary Sewer Capacity Permit or a Sewer Capacity Reservation, the division shall notify the applicant, in writing, of its determination to grant or deny the requested action. If a determination cannot be made within ten (10) calendar days the division will notify the requestor and provide response status updates not less than every ten (10) days until a final determination is made. No request or application shall be approved without a written determination. Section 16-305. Appeals. Any applicant who disagrees with a sewer capacity/reservation/allocation/waiver determination on its application made under this Article may appeal to the Commissioner of Environmental Quality and Public Works. Such appeal shall be made in writing and shall state the grounds for the appeal. Any technical data which supports the appeal shall be provided with the appeal. The Commissioner shall render his decision within thirty (30) days from receipt of the appeal and supporting documents. Passed June 6, 2013

Ord. No. 64-2013-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. 53. 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:) \$1,485,147.88 from the Unappropriated Fund Balance

in the General Service District – General Fund to various accounts.) \$4,000 from the Unappropriated Fund Balance in the Full Urban Service District Fund to various accounts.) \$1,179,858.25 from the Unappropriated Fund Balance in the Municipal Aid Program Fund to various accounts.) \$500 from the Unappropriated Fund Balance in the US Department of Health and Human Services Grant Fund to various accounts.) \$420,079 to the Unappropriated Fund Balance in the Sanitary Sewer Revenue and Operating Fund from various accounts.) \$47,000 from the Unappropriated Fund Balance in the PFC – General Fund to various accounts.) \$146,405.99 to the Unappropriated Fund Balance in the Water Quality Management Fund from various accounts.) \$22,500 from the Unappropriated Fund Balance in the Landfill Fund to various accounts.) Re-appropriations within the General Service District – General Fund; Donation Fund; Full Urban Service District Fund; Sanitary Sewer Construction Fund; Police and Fire Retirement 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. 53 attached hereto and incorporated herein by reference. Section 3 - That this Ordinance shall become effective on the date of its passage. Passed June 6, 2013

Ord. No. 65-2013-An Ordinance creating Sections 15-11.5 and 15-11.6 of the Code of Ordinances, Lexington-Fayette Urban County Government, pertaining to the general regulation of Mobile Food Unit Vendors and providing public safety; permit requirements; location restrictions; trash pickup; lighting restrictions; and other requirements; and establishing a fine of not less than \$250 nor more than \$500 for each violation; all effective upon date of passage. BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT: Section 2 - That Section 15-11.6 of the Code of Ordinances be and hereby is created and enacted to read as follows: Sec. 15-11.6 Any person convicted of violating any provision of sections 15-11.1 through 15-11.5 of the code shall be subject to a fine of not less than two hundred fifty dollars (\$250), nor more than five hundred dollars (\$500). Each day a violation occurs shall constitute a separate offense. Section 3 - That this Ordinance shall become effective upon date of passage. Passed June 6, 2013

