

CHAPTER 30: GENERAL PROVISIONS

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30.01 ELECTIONEERING.

(A) To fulfill the government's obligation to protect the voter and the integrity of the election process from actual or attempted fraud, from obstruction, from intimidation real or inferred, from attempted or actual vote buying, from invasion of privacy, from harassment real, threatened or implied, from hindrance or delay all done under the guise of electioneering, an electioneering free zone is established within 300 feet of the entrance to any building containing a polling place on any election day. No person shall, on the day of any election as established in KRS 118.025, do any electioneering at the polling place or within a distance of 300 feet of the main entrance of a building used by voters in which a voting machine is located on election day. No person shall, on the day of any election as established in KRS 118.025, intentionally invade the right of privacy of any person on his or her way to vote, or cause interference, harassment, or alarm to any person on his or her way to vote. No person shall loiter or congregate in, or hinder or delay a voter, or solicit, or attempt to influence any voter in casting his or her vote, within this 300-foot campaign-free zone. Electioneering shall include the displaying of signs, the distribution of campaign literature, cards, or handbills, the soliciting of signatures to any petition, or the solicitation of votes for or against any political party, candidate or question on the ballot in any manner. Nothing contained in this section shall prohibit electioneering conducted within the interior of a private residence or business establishment by persons having a leased or ownership interest in the property, within the campaign-free zone, provided that all electioneering activities are confined to the interior of the buildings and cannot be heard or observed by any voters going to the polling place. Nothing in this section shall prohibit the displaying of political signs on private property or private establishment by a person having a leased or ownership interest in that private property or private establishment within the campaign-free zone, regardless of the distance from the polling place, provided that the sign is not accompanied by a person and does not emit any sound, and is not audio-visual or mechanical, and no larger than 4 square feet in size.

(B) Any precinct election officer, County Clerk, Deputy County Clerk, or any law enforcement official may enforce this section at the polls within 300 feet of the main entrance to the building used by voters in which the voting machine is located. Assistance may be requested of any law enforcement officer.

(C) Any property used for a polling location on election day shall not be considered a public place in any manner for public discourse. The grounds, buildings, sidewalks and parking lots at all polling locations are designated non-public forums for the election day.

(D) Any person who violates any provision of this section after he or she has been duly notified of the provisions by the sheriff of the election precinct shall, for each offense, be fined not more than \$500, or be imprisoned for a term not to exceed 12 months, or both so fined and so imprisoned.
(Ord. 8-3-06, passed 8-3-2004)

30.02 ACCESS TO PUBLIC RECORDS.

(A) Unless the context specifically indicates otherwise, the meaning of terms used in this subchapter shall be as follows:

CITY. The City Council of Shelbyville, Kentucky.

COUNTY. The Fiscal Court of Shelby County.

CUSTODIAN. The official custodian, or any authorized person, having personal custody and control of public records. The custodian, having personal custody of most of the public records, is the Judge Executive of Shelby County.

OFFICIAL CUSTODIAN. The Judge Executive.

PERSON. A human being who makes a bodily appearance before the office of the custodian and makes a request for inspection of public records.

PUBLIC AGENCY. Every County and County governing body, council, school district board, special district board, municipal corporation, court of judicial agency, and any board, department, commission, committee, subcommittee, ad hoc committee, council, or agency thereof.

PUBLIC RECORDS. All books, papers, maps, photographs, cards, tapes, discs, recordings or other documentary materials regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency. **PUBLIC RECORDS** shall not include any records that have been excluded by division (C) below.

REQUEST. An oral petition by any person; or, at the option of the custodian, the completion of a written application that clearly states the specific public record or records that are desired for inspection and/or application.

REASONABLE FEE or FEE. The fair payment required by a public agency for making copies of public records which shall not exceed the actual cost thereof and shall not include the cost of staff time required.

(B) The following procedures shall be followed by persons making a request to inspect public records and by the official custodian and/or custodians of those public records:

(1) *Initial request with immediate inspection.*

(a) As defined in ' 30.02(A), and subject to the limitations set forth in ' 30.02(C), any person desiring to inspect or copy the public records of a governmental unit shall make a request and/or complete written application for the records at the office of the Official Custodian during regular office hours, Monday through Friday of each week, except during legal holidays.

(b) If the Custodian determines that a person=s request is in compliance with the open records law, and that the requested records are immediately available, the custodian shall deliver the requested records for inspection. Suitable facilities shall be made available for the inspection, and no person shall remove original copies of public records from the offices of any public agency without the written permission of the official custodian of the record.

(c) The applicant shall have the right to make abstracts of the public records and to obtain copies of all written public records. When written copies are requested, the custodian may require a written request and advance payment of the prescribed fee as defined in ' 30.02(A).

(2) *Referral to proper custodian.* If the Secretary for the Official Custodian does not have custody or control of the public record or records requested, the Secretary shall so notify the applicant and shall furnish the name and location of the custodian of the public record, if the facts are known by the Secretary.

(3) *Public records not immediately available.* If the public records are in active use, in storage, or not otherwise available, the official custodian shall immediately so notify the applicant and shall designate a place, time, and date for inspection of the public records, not to exceed 3 days (excepting, Saturdays, Sundays, and legal holidays) from receipt of the application, unless a detailed explanation of the cause is given for further delay as well as the place, time, and earliest date on which the public record will be available for inspection and/or duplication.

(4) *Refusal of unreasonable requests.* If the application places an unreasonable burden in producing voluminous public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency, the official custodian may refuse to permit inspection of the public records. However, refusal under this section must be sustained in writing by clear and convincing evidence and placed in the appropriate files.

(5) *Time limitation - denial of inspection.*

(a) The Public Agency, upon any request for records made under this Act, shall determine within 3 days (excepting Saturdays, Sundays, and legal holidays) after the receipt of any request whether to comply with the request, and shall notify in writing the person making the request, within the 3-day period, of its decision. Any agency response denying, in whole or in part, inspection of any record, shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld. The response shall be issued by the official custodian, or under his or her authority; and it shall constitute final agency action.

(b) A copy of the written response denying inspection of a public record shall be forwarded immediately by the Public Agency to the Attorney General of the Commonwealth of Kentucky. Upon the Attorney General's request, the agency will provide additional documentation.

(c) If, upon request by the person seeking inspection, the Attorney General reviews the denial and issues a written opinion upholding, in whole or in part, the request for inspection, the agency may institute proceedings within 30 days for injunctive or declaratory relief in the circuit court. In addition, if the Attorney General disallows the request or if the Public Agency continues to withhold the record notwithstanding the Attorney General's opinion, and the person seeking disclosure institutes proceedings in circuit court, the Public Agency shall notify the Attorney General of the action.

(6) *Miscellaneous regulations.*

(a) No official of the Governmental Body shall willfully conceal or destroy any record with the intent to violate the provisions of the Act or of these rules and regulations.

(b) Any person shall have access to any public record relating to him or her or in which he or she is mentioned by name and upon presentation of appropriate identification, subject to the provisions of ' 30.02(C) of these rules and regulations.

(C) The following public records are excluded from the application of the Act; and these rules and regulations shall be subject to inspection only upon order of a Court of competent jurisdiction:

(1) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy. Examples include acquisition, relocation, and rehabilitation files on families disclosing income or other personal data; and

(2) Records confidentially disclosed to an agency and compiled and maintained for scientific research, the regulation of commercial enterprise, including mineral exploration records, unpatented secret commercially-valuable plans, appliances, formulae, or processes which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person and which are generally recognized as confidential, or for the grant or review of a license to do business, and if openly disclosed, would permit an unfair advantage to competitors of the subject= enterprise. This exemption shall not, however, apply to records the disclosure or publication of which is directed by other statute.

(Res. 9, passed 9-10-1991)

30.03 ADOPTION OF ADMINISTRATIVE CODE.

(A) Shelby County, Kentucky, through the Shelby County Fiscal Court, hereby adopts an administrative code, a copy of which is attached to Ord. 06-20-08, and incorporated herein by reference as fully as if set out at length herein pursuant to KRS 68.005, as amended.

(B) The administrative code shall only be amended and revised pursuant to KRS 68.005, as amended.

(C) Each page of the administrative code and any subsequent revisions shall have the seal of the county placed thereon with the initials of the County Judge/Executive and the Fiscal Court Clerk to verify authenticity.

(Ord. 06-20-08, passed 6-20-2006; Am. Ord. 08-07-06, passed 8-7-2007; Am. Ord. 06-19-02, passed 7-18-2012; Am. Ord. 07-02-04, passed 7-2-2013; Am. Ord. 07-01-06, passed 7-1-2014)

30.04 ADOPTION OF PERSONNEL REGULATIONS.

(A) The rules attached hereto shall be the system of personnel administration for Shelby County.

(B) These rules shall become part of the Administrative Code of Shelby County adopted on June 12, 1979.

(Res. passed 3-15-1983)

30.05 MAGISTERIAL VOTING DISTRICTS.

The Magisterial/Constable districts are hereby established in accordance with the boundary line descriptions, a map of which is incorporated by reference as if appearing in total and is on file in the Shelby County Fiscal Court.

(A) *District #1.* The boundary lines of this Magisterial District are described as follows: Beginning at the Shelbyville City Limits and Hwy 53, follow Hwy 53 South to the Rail Road track; thence follow Railroad West to a fence line West of White Oak Court; thence follow fence South to the Shelbyville City Limits; thence follow City Limits to US60; thence East on US60 to Mack Walters Road; thence South on Mack Walters Road to the Railroad track; thence follow Rail Road East and North to 7th Street; thence follow 7th Street North to Clear Creek; thence follow Clear Creek to the City Limits; thence follow City Limits to the beginning.

(B) *District #2.* The boundary lines of this Magisterial District are described as follows: Beginning at the Jefferson County line at the centerline of KY Hwy 148 and proceeding in a Southeasterly direction to Veechdale Road; thence proceed Northeasterly along the centerline of Veechdale Road to Taylorwood Road. Follow center line of Taylorwood Road to Plum Creek; thence follow Plum Creek North to the Simpsonville City Limits as of 08/18/2011. Follow City Limits line South thence East thence North to the CSX Rail Road. Follow CSX Rail Road East to the Little Bull Skin Creek; thence follow Little Bull Skin Creek to Antioch Road, thence follow the center line of Antioch Road West to Todds Point Road. Follow center line of Todds Point Road North to Aiken Road; thence follow center line of Aiken Road to Hunters Lane; thence follow center line of Hunters Lane North West to the dead end. Then follow an imaginary line to Shelby, Oldham County line. Follow Oldham County line to Jefferson County line. Follow Jefferson County line back to the beginning.

(C) *District #3.* The boundary lines of the Magisterial District are as described as follows: Beginning at the Oldham & Shelby County line, at an imaginary point to the dead end of Hunters Lane. Follow center line of Hunters Lane South to Aiken Road. Follow center line of Aiken Road East to Todds Point Road; thence follow center line of Todds Point Road South to Antioch Road; thence follow center line of Antioch Road East to Little Bull Skin Creek; follow Little Bull Skin Creek South to the CSX Rail Road. Follow Rail Road East to Freedoms Way; thence follow center line of Freedoms Way South to US 60; thence follow East on US 60 to the Shelbyville City Limits line as of 08/18/2011. Follow City limits line North to the CSX Rail Road, thence East on the Rail Road to Hwy 53; thence North on Hwy 53 to corner of Freedoms Way & the Shelbyville City Limits line. Follow City Limits line East then West to Burks Branch Road; Thence follow Burks Branch Road South & East to 7th Street. Follow center line of 7th Street South to Eminence Pike; follow center line of Eminence Pike East & North to Hwy 55; thence follow Hwy 55 North to the Henry County line, following the Shelby County line West & South to beginning.

(D) *District #4.* The boundary lines of this Magisterial District are described as follows: Beginning at Hwy 55 at the Shelby County & Henry County line; following the center line of Hwy 55 to Eminence Pike; thence West on Eminence Pike to 7th Street. Follow center line of 7th Street North to Burks Branch Road. Thence follow Burks Branch Road West & North to the City Limits as of 08/19/2011. Follow City Limits West and South to 7th Street. Thence follow the center line of 7th Street South to Main Street. Thence East on Main Street to Boone Station Road; thence North on Boone Station Road to the Benson Pike, follow Benson Pike East to the Franklin County line.

(E) *District #5.* The boundary lines of this Magisterial District are described as follows: Beginning at Franklin County line and Benson Pike, follow West to Boone Station; thence follow center line of Boone Station South to Rail Road Track; thence West on Rail Road Track to Clear Creek; thence follow Clear Creek South and West to the City Limits of Shelbyville as of 08/18/2011. Follow City Limits line South and East to I64. Follow I64 East to Hwy 53; thence follow center line of Hwy 53 North to Old Mount Eden Road; follow center line of Old Mount Eden Road North to intersection of Old Seven Mile Pike; thence follow center line of Seven Mile Pike East & South until it dead ends at I64; thence follow center line of I64 East to the Franklin County Line.

(F) *District #6.* The boundary lines of the Magisterial District are described as follows: Beginning at I64 & the Franklin County Line; follow center line of I64 West to the point where Seven Mile Pike dead ends; thence follow center line of Seven Mile Pike North & West to the Old Mt Eden Road; thence follow center line of Old Mt Eden Road South to Hwy 53; thence follow center line of Hwy 53 South to I64; thence West on I64 to the Corporate City Limits line as of 08/18/2011. Follow City Limits line South to Meadow Run Creek; follow Meadow Run Creek East to Hwy 53; thence follow Hwy 53 in a Southern direction to Guist Creek; thence follow Guist Creek to the Spencer County line.

(G) *District #7.* The boundary lines of the Magisterial District are described as follows: Beginning at the Jefferson County line and Hwy 148; follow Hwy 148 East to Veechdale Road; follow center line of Veechdale Road to Taylor Wood Road; thence East on Taylor Wood Road to Plum Creek; thence follow Plum Creek North to City of Simpsonville; thence follow City of Simpsonville to Rail Road track; thence follow Rail Road East to Hwy 55; thence South on Hwy 55 to US 60; thence east on US 60 to Mack Walters Road; thence South on Mack Walters Road to Rail Road; then follow Railroad to 7th Street; thence North on 7th Street to Main Street; thence East on Main Street to Hwy 53; thence follow Hwy 53 South to Railroad; thence West on Railroad to Clear Creek; thence follow Clear Creek West & South to Zaring Mill Road; follow Zaring Mill Road to the Shelbyville City Limits boundary as of 08/18/2011. Follow City boundary to Meadow Run Creek; thence follow Meadow Run Creek to Hwy 53; thence follow center line Hwy 53 South to Guist Creek; thence follow Guist Creek to Spencer County line; thence West on Shelby County Spencer County line to the Jefferson County line; thence North to the beginning.

(Ord. 9-13-06, passed 9-13-2001; Am. Ord. 10-04-04, passed 10-4-2011; Am. Ord. 01-21-01, passed 1-21-2014)

' 30.06 SMOKING IN PUBLIC OR COMMON AREA OF ANY ENCLOSED COUNTY FACILITY.

(A) Smoking of tobacco products shall be prohibited in any and all public or private interior areas and exterior entryways of any enclosed county-owned building, including the Judicial Center. A No Smoking@ signs will be displayed on all buildings. Approved outdoor designated smoking areas, separated from public areas and walkways, will be identified for each building, if practical. Except for these designated smoking areas, no smoking will be allowed in public access areas on the property of any county-owned building, including but not limited to sidewalks and exterior entrances.

(B) Any person found in violation of this section shall be guilty of a violation punishable by a fine of \$100.

(Ord. 12-20-07, passed 12-20-2011)