

COMMONWEALTH OF KENTUCKY
SHELBY COUNTY FISCAL COURT
ORDINANCE NO. 03-16-01, SERIES 2021

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE
CODE OF ORDINANCES
OF THE COUNTY OF SHELBY, KENTUCKY

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2020 supplement to the Code of Ordinances of the County of Shelby, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Kentucky Revised Statutes;

WHEREAS, it is the intent of Legislative Authority to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

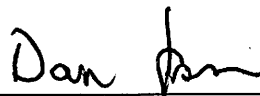
NOW, THEREFORE, BE IT ORDAINED by the County of Shelby.

SECTION 1. That the 2020 supplement to the Code of Ordinances of the County of Shelby, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. That this ordinance shall take effect and be in force from and after its date of passage, approval and publication as required by law.


INTRODUCED, SECONDED AND GIVEN A FIRST READING AND APPROVAL, at a duly convened meeting of the Shelby County Fiscal Court held on the 16th day of March, 2021.

INTRODUCED, SECONDED AND GIVEN A SECOND READING AND APPROVAL at a duly convened meeting of the Shelby County Fiscal Court held on the 6th day of April 2021.



DAN ISON
Shelby County Judge Executive

Attest:



SUE CAROLE PERRY
Shelby County Clerk

DOCUMENT NO: 471394
RECORDED: April 07, 2021 09:10:00 AM
TOTAL FEES: \$0.00
COUNTY CLERK: SUE CAROLE PERRY
DEPUTY CLERK: SUE CAROLE PERRY
COUNTY: SHELBY COUNTY
BOOK: O2019 PAGES: 414 - 438

SHELBY COUNTY, KENTUCKY
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2021 S-12 Supplement

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O2019 PG416

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State legislation current through 2020

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COUNTY COURTHOUSE**§ 33.20 FEES AND COSTS FOR PAYMENT OF EXPENSES.**

(A) The following fees and costs in circuit and district court in civil and criminal cases are assessed for the purpose of paying expenses for courthouses, bonds related to them, and administration thereof:

- (1) A fee of \$25 is added to filing fees in civil cases in Circuit Court;
- (2) A cost of \$25 is added to the court costs a defendant is required to pay in criminal cases in Circuit Court;
- (3) A fee of \$25 is added to filing fees in civil cases appealed from Circuit Court to the Court of Appeals;
- (4) A cost of \$10 is added to the court costs for each traffic offense in District Court;
- (5) A cost of \$20 is added to the court costs a defendant is required to pay in misdemeanor cases in District Court;
- (6) A fee of \$10 is added to filing fees in small claims cases in District Court;
- (7) A fee of \$10 is added to filing fees in civil cases in District Court; and
- (8) A fee of \$10 is added to filing fees in probate cases in District Court.

(B) The following fees are assessed on subpoena and civil summons service by the local sheriff for the purpose of paying expenses for courthouses, bonds related to them, and administration thereof:

- (1) A fee of \$10 is added to the fees normally charged by the local sheriff to the person requesting service of a subpoena; and
- (2) A fee of \$10 is added to the fees normally charged by the local sheriff to the person requesting service of a civil summons.

(C) The Shelby County Sheriff shall not later than monthly remit to the Shelby Fiscal Court all fees collected pursuant to this section.

(D) All fees and costs collected by the Shelby County Circuit Clerk shall be forwarded to the Commonwealth of Kentucky, Finance and Administration Cabinet not later than monthly for remittance to the Shelby County Fiscal Court

(Ord. 6-4-03, passed 6-4-2002; Am. Ord. 08-07-04, passed 8-7-2012)

(F) The County Judge/Executive is authorized to enter into any interlocal agreements with other local governments that may be necessary to carry out the provisions of this section.

(G) Violation of this section shall constitute a Class B misdemeanor punishable by up to 90 days imprisonment and/or a fine of up to \$250, and may be enforced by civil collection process as well. (Ord. 07-16-05, passed 7-16-2019; Am. Ord. 10-1-08, passed -- ; Am. Ord. 05-5-05, passed 5-5-2020; Am. Ord. 08-18-06, passed 8-18-2020)

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CHAPTER 52: STORMWATER QUALITY MANAGEMENT

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§ 52.01 PURPOSE AND OBJECTIVES.

(A) *Purpose.* The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the county through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) and the Kentucky Pollutant Discharge Elimination System (KPDES) permit process.

(B) *Applicability.*

(1) This chapter applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

(2) This chapter shall apply to all persons discharging stormwater and/or non-stormwater discharges from any premises into the storm drainage system of the county.

§ 52.03 DEFINITIONS.

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

BEST MANAGEMENT PRACTICES (BMPs). Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. **BMPs** also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT. The Federal Water Pollution Control Act (33 USC § 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY. Activities subject to NPDES or KPDES Construction Permits. These include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavation, and demolition.

DESIGN STORM. A rainfall event of specified size and return frequency that is used to calculate the runoff volume and peak discharge rate to a BMP.

DEVELOPMENT.

(1) The planning or construction project involving substantial property improvement and, usually, a change of land use character within the site;

(2) The act of using land for building purposes.

ENFORCEMENT AUTHORITY. The person(s) or federal, state or local agencies authorized to administer and enforce this chapter.

EROSION. The process by which a ground surface is worn away by the action of wind or water.

EROSION PREVENTION AND SEDIMENT CONTROL (EPSC) BEST MANAGEMENT PRACTICE (BMP). The construction or implementation of a practice or combination of practices to prevent erosion and to abate the resulting off-site sedimentation.

EXCAVATION or CUT. An act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated, including the conditions resulting from such activities.

INDIVIDUAL STORMWATER QUALITY MANAGEMENT PERMIT (ISWQMP). A legal document issued by the county that allows the permit holder to break ground or disturb soil on a single family or individual lot home construction. The permit will illustrate and document how sediment and other construction pollutants are managed on the project site including, but not limited to, assumed drainage pattern, perimeter, erosion control and construction waste BMPs.

INDUSTRIAL ACTIVITY. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26(b)(14).

KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM (KPDES) STORMWATER DISCHARGE PERMIT. A permit issued by the Commonwealth of Kentucky under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

LAND-DISTURBING ACTIVITY. Clearing and grubbing, clear cutting, construction, reconstruction, grading, modification, extension, or expansion of structures or parking areas, placement of fill and dumping that change the natural cover or topography, thereby creating the potential for erosion and contribution of sediment.

MUNICIPAL SEPARATE STORM SEWER SYSTEM or MS4. Conveyances for stormwater, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly owned treatment works and combined sewers) owned or operated by any municipality, sewer or sewage district, fire district, state agency or federal agency or other public entity that discharges directly to surface waters of the state.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT. A permit issued by the EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NON-STORMWATER DISCHARGE. Any discharge to the storm drain system that is not composed entirely of stormwater.

NOTICE OF INTENT (NOI). A formal notice to the Kentucky Division of Water that a construction project is seeking coverage under the KPDES General Permit for Stormwater Point Source Discharges – Construction Activities, also known as the KYR10 permit.

NOTICE OF TERMINATION (NOT). A formal notice to the Kentucky Division of Water that the original operator of the site is no longer the operator, or that construction activity on the site has ceased.

PERMITTEE. The person with an ownership interest in the property/project site that is responsible for the compliance with the stormwater quality management permit.

STORMWATER MANUAL or BMP MANUAL. The **STORMWATER MANUAL** shall refer to a document adopted by the county through resolution and incorporated into this chapter by reference to provide standards for the design, review, construction, and inspection of stormwater facilities. From time to time, the county may revise, modify, or amend the **STORMWATER MANUAL** as provided by law. When referenced in this chapter, the current edition/latest revision of the **STORMWATER MANUAL** shall be used. Until such a time that the document has been adopted by the county, other existing documents such as the City of Shelbyville Stormwater Manual may be used for guidance and reference.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP). A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

STORMWATER QUALITY MANAGEMENT PERMIT (SWQMP). A legal document issued by the county that allows the permit holder to break ground or disturb soil on a construction site within the provisions documented on construction drawings that are approved by the County Engineer or their designee. The approved construction plans will illustrate and document how sediment and other construction pollutants are managed on the project site including, but not limited to perimeter, erosion control and long-term treatment BMPs. The applicability and requirements for the **SWQMP** are defined in § 52.10(A)(1).

STORMWATER QUALITY TREATMENT STANDARD. The requirement intended to provide stormwater quality treatment to the stormwater runoff volume, also known as the first flush volume. This is assumed to be the 80th percentile precipitation event, and equivalent to a rainfall of 0.6 inches. The **STORMWATER QUALITY TREATMENT STANDARD** requires the stormwater runoff volume for this rainfall event applied to contributing impervious surfaces routed to a stormwater management measure or BMP prior to discharging from a development or re-development site. The first flush rate stormwater runoff flow rate standard for manufactured stormwater quality treatment devices that use velocity separation, baffle, filter and related technologies shall treat a 0.5 inches per hour intensity for a 15-minute, 1-year storm event applied to contributing impervious surfaces.

STRIPPING. Any activity that removes or significantly disturbs the vegetative surface cover, including clearing and grubbing operations.

SURETY. A guarantee given by the owner to insure that they will meet the required obligations. Acceptable **SURETIES** are a performance bond in favor of the appropriate authority from a reputable bonding company acceptable to the administering authority, or a cash security in favor of the appropriate authority may be presented to the administering authority as an acceptable **SURETY**. A performance bond must include an automatic renewal with at least 30-day notice to the county of the cancellation of the **SURETY**. For the purposes of these regulations, the term "bonding" shall be understood to also include the posting of cash as **SURETY**.

(B) *Exempt/allowable discharges.* The commencement, conduct or continuance of any illegal discharge to the municipal separate storm sewer system is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this chapter: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated, typically less than 1 PPM chlorine), and fire fighting activities;

(2) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety;

(3) Dye testing is an allowable discharge, but requires a written notification to the enforcement authority prior to the time of the test;

(4) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES or KPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(Ord. 12-17-10, passed 12-17-2019) Penalty, see § 52.99

§ 52.06 SUSPENSION OF MS4 ACCESS.

(A) *Suspension due to illicit discharges in emergency situations.* The enforcement authority may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

(B) *Suspension due to the detection of illicit discharge.*

(1) Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The enforcement authority will notify a violator of the proposed termination of its MS4 access. The violator may petition the enforcement authority for a reconsideration and hearing.

§ 52.09 RIGHT OF ENTRY.

(A) The county or its designated agent may enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports required by this chapter.

(B) *Access and inspection of properties and facilities.* The enforcement authority shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this chapter.

(1) If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the enforcement authority;

(2) The owner or operator shall allow the enforcement authority ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of records that must be kept under the conditions of an NPDES or KPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(3) The enforcement authority shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the enforcement authority to conduct monitoring and/or sampling of flow discharges.

(4) The enforcement authority has the right to require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the enforcement authority. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his or her own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the enforcement authority and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

(6) Unreasonable delay in allowing the enforcement authority access to a facility is a violation of this chapter.

Stormwater Quality Management

(c) Construction activities for building additions or accessory structures that involve disturbance of less than 1 acre and do not require a stormwater general permit from the Kentucky Division of Water. Existing single family structures are exempt;

(d) Agricultural and silviculture (woodland production) operations according to an Agricultural Water Quality Plan approved by the City Conservation District or approved as required in the Kentucky Agricultural Water Quality Plan developed in accordance with the Kentucky Agricultural Water Quality Authority;

(e) Land reclamation projects regulated by the Kentucky State Department for Surface Mining Reclamation and Enforcement.

(B) *SWQMP administration.* The County Engineer is authorized to develop, revise as needed, checklists, forms, applications and other documents needed to facilitate the review and processing of SWQMP requests.

(C) *SWQMP application review.*

(1) The county shall review construction plans to determine conformance with the provisions of this chapter. Acceptance indicates that minimum requirements or intent are met and does not imply a guarantee of performance. Based on this review, the county will:

(a) Accept the BMP plan;

(b) Accept the BMP plan subject to such reasonable conditions as may be necessary to meet the requirements/intent of this chapter; or

(c) Reject the BMP plan, indicating the reason and procedure for submitting a revised plan.

(2) The county's review of the BMP plan is for general compliance with this chapter. The design engineer is ultimately responsible for the details of design of the BMP plan, and the property owner is responsible for implementation.

(D) *SWQMP construction plan requirements.*

(1) Construction plans that document BMPs and other construction practices shall be stamped and signed by a professional engineer licensed in Kentucky that develops or sufficiently oversees the development of the construction plans.

(2) Construction plans shall describe the implementation of BMPs that are to be used to reduce sediment and other stormwater pollutant discharge from the site including:

(b) Sedimentation-based controls must incorporate a pre-treatment component for collection and removal of trash, grit and large particle sediment, such as fore bays, pre-treatment cells, and/or multi-system treatment trains.

(E) *Construction plan modifications.* Modifications to the construction plans shall be processed and accepted or denied in writing by the County Engineer or their designee in the same manner as required by this chapter.

(1) Major amendments of the construction plans require an engineer's signature and stamp, and must meet the County Engineer's approval.

(2) Minor or field modifications shall be noted and dated on the BMP plan and available for review by the county.

(3) Any changes to long-term/permanent stormwater quality treatment BMPs require an engineer's signature and stamp, and must meet the County Engineer's approval.

(F) *Individual SWQMP (ISWQMP) requirements for single-family lot home/residential construction.*

(1) An ISWQMP is required for all individual lots and shall be completed and signed prior to the issuance of a building permit for the site. All stormwater management measures necessary to comply with this chapter must be implemented in accordance with the permitted plan for the larger project and adhere to the general standard or those of a Greater Common Development.

(2) The ISWQMP shall be administered along with the county driveway permit.

(3) The ISWQMP permittee is responsible for the installation and maintenance of all erosion prevention and sediment control measures until the site is stabilized.

(G) *Surety (bond and bond release).*

(1) The intent of this section is to establish the procedures for setting a stormwater permit bond amount and to establish the bond reduction and release requirements. This division (G) shall apply to all land-disturbing activities subject to this chapter.

(2) Bonds will include all the erosion and sediment control devices and stormwater facilities. The bond shall include the following provisions:

4. The bond may be reduced to an amount that leaves in place at least 50% of the original bond amount.

(4) *SWQMP bond release.*

(a) The bond may be released when all requirements are met:

1. For residential subdivisions: 70% of the houses have passed the rough electric and framing inspections in a specific approved phase of the subdivision or up to 3 years have elapsed from the date construction started;

2. For commercial or industrial subdivisions: buildings have been constructed on 70% of the lots in a specific approved phase of the subdivision or up to 3 years have elapsed from the date construction started;

3. For individual sites to include apartments and condominiums: the land-disturbing activities are complete and stabilized or 3 years have elapsed from the date construction started.

4. Once the requirements set forth above have been met, the permittee can request release of the remaining SWQMP bond.

(b) The following procedure shall be used when a permittee requests a bond release:

1. The permittee shall submit a written request to the county for bond release. The written request shall include the project engineer's sealed certification regarding substantial completion of construction in accordance with this chapter and the stormwater permit.

2. The county shall inspect the subdivision or project. If deficiencies are noted, the permittee must make the needed improvements before additional inspections occur.

3. The county shall report in writing regarding the inspections and whether a bond release is warranted. The county's written report shall include a recommended action regarding the bond release.

4. Upon receiving the bond release letter, the permittee shall be released from all further short-term obligations under this chapter.

5. The long-term best management practices operation and maintenance shall continue after bond release. An agreement must be included and approved by the county for long-term operation and maintenance of Stormwater Quality Treatment Standard BMPs. This must be approved by the county before bond release.

(8) The county may inspect a permitted construction site in order to ensure compliance with this chapter.

(a) The county may determine and establish inspection schedules necessary to enforce the provisions of this section.

(b) Inspections may include, but are not limited to, the following:

1. An initial inspection prior to SWQMP approval;
2. An inspection prior to installation of any underground drainage structure;
3. Inspections to ensure effective perimeter control of sediment prior to other construction, clearing or grubbing on the site;
4. Inspections to determine effective control of sediment prior to discharge to the MS4;
5. Inspections to verify that action plans identified in previous site visits were successfully implemented;
6. A final inspection when work, including installation of stormwater management facilities, has been completed.

(9) *Required inspections.* The permittee shall notify the county in writing at least 7 working days before the following activities.

(a) Request for bond release inspection(s). Shelby County may inspect the stormwater/drainage control measures. If deficiencies are noted, the needed improvements must be made by the permittee before any additional inspections occur;

(b) Termination of permitted activities.

(1) *SWQMP termination.*

- (1) The permittee shall submit a notice of permit termination letter to the county.
- (2) Written acceptance of site conditions shall be made by the county based upon an inspection.

§ 52.99 PENALTY.

(A) *Violations.*

(1) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Any person who has violated or continues to violate the provisions of this chapter, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

(2) In the event the violation constitutes an immediate danger to public health or public safety, the enforcement authority is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The enforcement authority is authorized to seek costs of the abatement as outlined in this chapter.

(3) *Violation deemed a public nuisance.* In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

(B) *Notice of deficiency (NOD).* Whenever the enforcement authority finds that a person(s) may be violating a prohibition or failed to meet a requirement of this chapter, the enforcement authority may provide a written notice of deficiency with the intent of bringing the discharge into compliance through education and outreach regarding the related requirements and ordinances. This process is not required if other enforcement measures are deemed to be appropriate by the county.

(C) *Notice of violation (NOV).*

(1) Whenever the enforcement authority finds that a person(s) has violated a prohibition or failed to meet a requirement of this chapter, the enforcement authority may order compliance by a written notice of violation.

(2) The notice of violation shall contain the following:

- (a) The date(s) on which the violation is believed to have been committed;
- (b) A brief description of the violation;
- (c) The section of this chapter alleged to have been violated.

(2) In the event the alleged violator fails to make the remedial measures set forth in the notice of violation or otherwise fails to satisfactorily address the violations described therein within 14 days, or such greater period as deemed appropriate and communicated in writing, the county may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the enforcement action. In addition, the enforcement authority may recover all attorney's fees, court costs and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses.

(F) *Restoration of lands.* Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the county may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

(G) *Holds on other permits.* Certificate of occupancy, driveway permits or other construction related permits may be withheld until corrections to all of the stormwater management practices have been made and accepted by the county.

(H) *Cost of abatement of violation.* Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written appeal objecting to the amount of the assessment within 14 days of such notice. If the amount due is not paid within 30 days after receipt of notice, or if an appeal is taken, within 30 days after a decision on said appeal, the costs shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

(I) *Injunctive relief.* It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the enforcement authority may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

(J) *Appeal of enforcement.*

(1) Any person receiving an enforcement action may appeal the determination of the enforcement authority. The notice of appeal must be received within 14 days from the date of the enforcement action. Hearing on the appeal before the appropriate authority or his or her designee shall take place within 45 days from the date of receipt of the notice of appeal.

(2) The hearing provided for in this section shall be presided over by the Judge Executive or his or her designee. Each party at the hearing shall have the right to present evidence and cross examine any testimonial evidence presented by an opposing party.

(B) *Implementation of chapter provisions.* From time to time, the Fiscal Court may, by resolution or order, promulgate those rules and regulations and may publish and utilize those forms and other documents as, in its discretion, may be necessary for the proper implementation of this chapter. (Ord. 12-06-04, passed 12-6-2016)

LICENSING

§ 110.20 LICENSES: TYPES, FEES, AND DEFINITIONS.

(A) For the privilege of trafficking in alcoholic beverages in the county, and pursuant to KRS 243.060, there is hereby established a corresponding county license for each of the state licenses described in KRS 243.060. In the event KRS 243.060 is hereafter amended to authorize additional county licenses, the fee for each additional county license shall be the maximum fee provided in the statute so amended. The fee for each county license shall be as set as follows:

- (1) Quota Retail Package License, per annum \$ 1,000.
- (2) Quota Retail Drink License, per annum \$ 1,000.
- (3) Non-quota Type 2 Retail Drink License, per annum (includes distilled spirits, wine and malt beverages) \$1,000.
- (4) Non-quota Type 3 Retail Drink License, per annum (includes distilled spirits, wine and malt beverages) \$300.
- (5) Special Temporary License, per event \$ 166.
- (6) Special Sunday Retail Drink License, per annum \$300.
- (7) Non-quota Retail Malt Beverage Package License, per annum \$400.
- (8) Non-quota Type 4 Retail Malt Beverage Drink License, per annum \$400.
- (9) Limited Restaurant License, per annum (includes distilled spirits, wine, and malt beverages) \$1,400.
- (10) Limited Golf Course License, per annum (includes distilled spirits, wine, and malt beverages) \$1,400.

CHAPTER 152: ZONING REGULATIONS

Section

152.01 Adoption by reference

§ 152.01 ADOPTION BY REFERENCE.

The County's Zoning Regulations are hereby adopted by reference and incorporated herein as if set out in full.

(Ord. passed 3-23-1994; Am. Ord. 12-6-1994; Am. Ord. 7-6-06, passed 7-6-1999; Am. Ord. 10-03-07, passed 10-3-2000; Am. Ord. 11-14-15, passed 11-14-2005; Am. Ord. 11-21-15, passed 11-21-2006; Am. Ord. 05-27-01, passed 5-27-2008; Am. Ord. 01-06-01, passed 1-6-2009; Am. Ord. 07-21-12, passed 7-21-2009; Am. Ord. 02-16-01, passed 2-16-2010; Am. Ord. 10-05-04, passed 10-5-2010; Am. Ord. 03-04-02, passed 3-4-2014; Am. Ord. 03-18-03, passed 3-18-2014; Am. Ord. 11-17-02, passed 11-7-2015; Am. Ord. 11-17-03, passed 11-17-2015; Am. Ord. 12-01-04, passed 12-1-2015; Am. Ord. 07-19-03, passed 7-19-2016; Am. Ord. 12-5-04, passed 12-19-2017; Am. Ord. 01-7-01, passed 1-7-2020)

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
Res. 05-06-05	2-7-2003	Resolution of the Shelby County Fiscal Court authorizing the execution of a Memorandum of Agreement by and between the County and Borders Unlimited, Inc., a Kentucky Corporation, relating to an industrial building project; undertaking the issuance of industrial building revenue bonds at the appropriate time to finance the project; and taking other preliminary action.
Res. -	2-14-2003	Commonwealth of Kentucky Statewide Emergency Management Mutual Aid and Assistance Agreement.
Res. -	4-20-2010	Authorizing an agreement with local veterinarians to permit those participating veterinarians to sell dog, cat and ferret licenses.
Res. -	5-17-2010	Approving an interlocal cooperation agreement between the county and other parties thereto regarding the Kentucky Association of Counties Interlocal Finance Corporation.
04-16-01	4-16-2019	Adopting an interlocal cooperation agreement between the City of Shelbyville, the City of Simpsonville and Shelby County re-establishing a joint tourism and convention commission and levying a transient room tax.
03-3-02	3-3-2020	Adopting an interlocal cooperation agreement between the City of Shelbyville and Shelby County establishing a framework for the sharing of revenue received from business license taxes.

REFERENCES TO KENTUCKY REVISED STATUTES

SHELBY COUNTY
02019 PG436

KRS Cites

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39B.010
39B.020
39B.030
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39B.050
39B.050(1)(c)
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12-17-10	12-17-2019	52.01-52.09, 52.99
01-7-01	1-7-2020	152.01
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