

CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

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§ 10.01 INTERPRETATION.

(A) The provisions of this and subsequent chapters in this volume shall constitute and be designated and cited as "The Bardstown Code of 1976."

(B) Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this code as those governing the interpretation of the Kentucky Revised Statutes.

(C) Statutory footnotes, cross-references and other comments are by way of explanation only and should not be deemed a part of the text of any section.

(D) All provisions of this code are limited in application to the territorial boundaries of the municipal corporation although the same may not be so limited specifically.

§ 10.02 APPLICATION TO FUTURE LEGISLATION.

All of the provisions of Title I, not incompatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.03 CAPTIONS.

Title heads, chapter heads, and section heads, are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.04 DEFINITIONS AND RULES OF INTERPRETATION.

(A) In the construction of this code and of all ordinances of the city, the following definitions and rules of construction shall be

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observed, unless they are inconsistent with the intent of the council or the context clearly requires otherwise:

``AND`` or ``OR`` Includes the other as if written ``AND/OR``

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

``CATTLE`` Includes horse, mule, ass, cow, ox, sheep, hog, or goat of any age or sex. (KRS 446.010 (8))

``CITY``, ``MUNICIPAL CORPORATION`` or ``MUNICIPALITY`` The municipality of Bardstown irrespective of its population or legal classification.

``CODE`` or ``CODE OF ORDINANCES``. The city code as adopted by this ordinance, and as hereinafter modified by amendment, revision, and by the adoption of new titles, chapters, or sections.

``COMPANY`` May extend and be applied to any corporation, company, person, partnership, joint stock company, or association. (KRS 446.010 (10))

``CORPORATION`` May extend and be applied to any corporation, company, partnership, joint stock company, or association. (KRS 446.010 (11))

``COUNCIL`` or ``CITY COUNCIL`` The council of the city of Bardstown.

``COUNTY`` Nelson 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 (13))

``DIRECTORS`` When applied to corporations, includes managers or trustees. (KRS 446.010 (14))

``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 (15))

``DOMESTIC ANIMAL.`` Any animal converted to domestic habitat.
(KRS 446.010 (16))

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

``EXECUTIVE ORDER.`` An order issued by the mayor which is binding upon the officers and employees of the city and any governmental agency over which the city has jurisdiction. (KRS 83A.010 (7))

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"FEDERAL." Refers to the United States. (KRS 446.010(18))

"FOREIGN." When applied to a corporation, partnership, limited partnership, business trust, statutory trust, or limited liability company, means all those incorporated or formed by authority of any other state. (KRS 446.010(19))

"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(24))

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

"LEGISLATIVE BODY MEMBER." A City Councilman. (KRS 83A.010(8))

"MAY." Is permissive.

"MISDEMEANOR." An offense for which the criminal fine can not exceed the amount set forth in KRS 534.040(2)(a), or a term of imprisonment not to exceed the periods set forth in KRS 532.090(1) or both. (KRS 83A.065)

"MONTH." A calendar month.

"MUNICIPALITY." The City of Bardstown, Kentucky.

"MUNICIPAL ORDER." An official act of the city council which is binding upon the officers and employees of the city and any governmental agency over which the municipality has jurisdiction. (KRS 83A.010(9))

"OATH." An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "SWEAR" and "SWORN" shall be equivalent to the words "AFFIRM" and "AFFIRMED." (KRS 446.020(22))

"OFFICER." Any person elected to a position by the voters or any person appointed to a position which:

- (a) Is created by the Constitution, the General Assembly, or a city;
- (b) Possesses a delegation of a portion of the sovereign power of Government;
- (c) Has powers and duties to be discharged which are conferred

directly or by implication by the city;

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(d) Has duties performed independently and without control of a superior power other than the law;

(e) Has some permanency;

(f) Requires an official oath;

(g) Is assigned by a commission or other written authority; and

(h) Provides for an official bond if required by proper authority.
(KRS 83A.010(10))

``ORDINANCE.`` An official act of a city legislative body, which is a regulation of a general and permanent nature and enforceable as a local law or is an appropriation of money. (KRS 83A.010(11))

``OWNER.`` Applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant of the whole or a part of such building, or land, either alone or with others.

``PARTNERSHIP.`` Includes both general and limited partnerships.
(KRS 446.010(30))

``PEACE OFFICER.`` Includes sheriffs, constables, coroners, jailers, metropolitan and urban-county government correctional officers, marshals, policemen, 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.

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``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))

``RESOLUTION.`` An expression of the opinion, will or policy of the legislative body on some matter of ministerial business which has come before the body. (While an ordinance, and to a large extent a municipal order, involves a distinctly legislative act, a resolution is a less formal mechanism for dealing with matters of a special or temporary character.)

``REVISED STATUTES`` or ``KRS.`` Refers to the Revised Statutes of Kentucky.

``SHALL.`` Is mandatory.

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

``STATE.`` The Commonwealth 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 such premises, alone or with others.

``VACANCY IN OFFICE.`` Such as exists wherein 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))

``VIOLATION.`` An offense for which the criminal fine can not exceed

the amount set forth in KRS 534.040(2)(c). (KRS 83A.065)

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''YEAR.'' Calendar year. (KRS 446.010(49))

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words in the singular shall include the plural, and words in the plural shall include the singular.

(D) A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

(E) Each tense shall include every other tense.

§ 10.05 RULE OF SEVERABILITY.

Each chapter, section or, whenever divisible, part section of this code of ordinances is hereby declared to be severable, and the invalidity of any chapter, section or divisible part section, shall not be construed to affect the validity of any other chapter, section or part section of this code.

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§ 10.06 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, re-codified, or renumbered unless the subject matter be changed or materially altered by the amendment or revision.

§ 10.07 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.

§ 10.08 ERRORS AND OMISSIONS.

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 such intent, such spelling shall be corrected and such 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. No such alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

§ 10.09 COMPUTING TIME; FIRST DAY EXCLUDED; LAST DAY INCLUDED; EXCEPTION.

The time within which an act is required by any provision of this code to be done shall be computed by excluding the first and including the last day; except that when the last day falls on a Saturday, Sunday or legal holiday, then the act may be done on the next succeeding day which is not a Sunday or a legal holiday. (KRS 446.030)

§ 10.10 PREVAILING TIME.

The prevailing time within the city for the transaction of all city business shall be as established by applicable state and federal law or that actually in use in Nelson County generally.

§ 10.11 ORGANIZATIONS CONTRACTING WITH THE CITY TO PROVIDE CERTIFICATE OF INSURANCE.

(A) All persons, firms and/or organizations contracting with the city for the performance of services shall, prior to any award of contract, file with the clerk of the council a certificate of insurance evidencing liability and Workmen's Compensation insurance coverage applicable to and for the duration of the proposed project. This coverage shall be in addition to other insurance and bond for

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performance. The minimum limits of such liability insurance coverage shall be in the sum fixed as required by law or regulation governing the proposed project or otherwise shall be in the minimum limit of one hundred thousand dollars/three hundred thousand dollars (\$100,000.00/\$300,000.00) for bodily injury and fifty thousand dollars (\$50,000.00) property damage. Failure to comply shall constitute just cause for the city to void any such contract. If the insurance coverage shall terminate after the award of any contract, but prior to the completion of any such contracted project, then the city may withhold payment of sums or balance thereof due under such contract pending the acquisition of satisfactory and applicable insurance coverage and/or satisfaction of any existing or potential claims. Knowledge of the herein insurance requirements shall be imputed to all contractors.

(B) The council may waive such insurance requirements if such contracts are limited to request for supplies and/or materials only. (Ord. 71, passed 3-13-73)

§ 10.99 GENERAL PENALTY.

Each act or omission which is prohibited or declared unlawful in this code of ordinances, and no penalty is otherwise provided, the offense shall be deemed a violation and the offender shall be fined not more than two hundred dollars (\$250.00) for each offense. (Ord. Book § 267)

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