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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 Morehead Code of 1977."

(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.

Headings and captions used in this code other than the title, chapter, and section numbers, are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.04 DEFINITIONS; RULES OF CONSTRUCTION.

(A) Definitions. For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"ACTION." Includes all proceedings in any court of this state. (KRS 446.010(1))

"AND." May be read "OR," and "OR" may be read "AND," if the sense requires it.

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

"AVIS." The automated vehicle information system established and maintained by the Transportation Cabinet to collect titling and registration information on vehicles and boat and information on holders of motor vehicle operator's licenses and personal identification cards. (KRS 446.010(55))

"BUSINESS TRUST." Includes, except when utilized in KRS Chapter 386, a "statutory trust" as organized under KRS Chapter 386A. (KRS 446.010(6))

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

"CERTIFIED MAIL." Any method of governmental, commercial, or electronic delivery that allows a document or package to have proof of:

(1) Sending the document or package;

(2) The date the document or package was delivered or delivery was attempted; and

(3) The signature of the receipt of the document or package. (KRS 446.010(9))

"CITY," "MUNICIPAL CORPORATION," or "MUNICIPALITY." When used in this code shall denote the City of Morehead irrespective of its population or legal classification.

"CODE ENFORCEMENT OFFICER." A city police officer, safety officer, citation officer, building inspector, fire chief or other public law enforcement officer with the authority to issue a citation. (Ord. 16:97, passed 7-14-97)

"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," "BOARD or COUNCIL," or "COMMON COUNCIL." The city legislative body. (KRS 83A.010(5))

"COUNTY." Rowan 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))

"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, includes 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." The act referred to is permissive. (KRS 446.010(26))

"MISDEMEANOR." An offense for which the criminal fine cannot 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." Calendar month. (KRS 446.010(27))

"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 city has jurisdiction. (KRS 83A.010(9))

"MUNICIPALITY." The City of Morehead, Kentucky.

"OATH." Includes "AFFIRMATION" in all cases in which an affirmation may be substituted for an oath. (KRS 446.010(28))

"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;

(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))

"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.

"REGISTERED MAIL." Any governmental, commercial, or electronic method of delivery that allows a document or package to have:

(1) Its chain of custody recorded in a register to enable its location to be tracked;

(2) Insurance available to cover its loss; and

(3) The signature of the recipient of the document or package available to the sender.
(KRS 446.010(36))

"REGULAR ELECTION." The election in even numbered years at which members of Congress are elected and the election in odd numbered years in which state officers are elected. (KRS 446.010(37))

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

"SHALL." The act referred to is mandatory. (KRS 446.010(39))

"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 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 when 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 cannot exceed the amount set forth in KRS 534.040(2)(c). (KRS 83A.065)

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

(B) Rules of construction.

(1) Singular includes plural. A word importing the singular number only may extend and be applied to several persons or things, as well as to one person or thing, and a word importing the plural number only may extend and be applied to one person or thing as well as to several persons or things. (KRS 446.020(1))

(2) Masculine includes feminine. A word importing the masculine gender only may extend and be applied to females as well as males. (KRS 446.020(2))

(3) Liberal construction. All sections of this code shall be liberally construed with a view to promote their objects and carry out the intent of Council. (KRS 446.080(1))

(4) Retroactivity. No ordinance shall be construed to be retroactive, unless expressly so declared. (KRS 446.080(3))

(5) Technical terms. All words and phrases shall be construed according to the common and approved usage of language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law, shall be construed according to such meaning. (KRS 446.080(4))

§ 10.05 RULES 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.

§ 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 of Morehead, 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 Sunday or legal holiday, then the act may be done on the next succeeding day which is not a Sunday or a legal holiday.

§ 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 Rowan County generally.

§ 10.99 GENERAL PENALTY.

Unless specifically otherwise noted herein, each act or omission which is prohibited or declared unlawful in this code of ordinances is a violation, and in case no penalty of fine or imprisonment is otherwise provided, the offender, upon conviction, shall be fined not less than \$5 nor more than \$250 for each offense.

Statutory reference:

Fine amount for ordinance violations authorized by state law, see
KRS 83A.065 and 534.040