The following ordinances were signed by Mayor Jim Gray, attested by Council Clerk Susan Lamb and published on Nov. 10, 2011-1t.

Ord. No. 137-2011-An Ordinance changing the zone from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone for 5.0 net (5.74 gross) acres, with a conditional use permit, for property located at 564 Asbury Ln. (a portion of), subject to certain use restrictions imposed as conditions of granting the zone change (DMK Development Group, LLC). Passed Nov. 3, 2011

Ord. No. 138-2011-An Ordinance amending Article 17-7(e)(6) of the Zoning Ordinance to allow a third wall-mounted identification or business sign for buildings with two street frontages within a professional office project in the Professional Office (P-1) zone. Passed Nov. 3, 2011

Ord. No. 139-2011-An Ordinance amending subsection 17-148(a) of the Code of Ordinances of the Lexington-Fayette Urban County Government to limit enforcement to those defects which create a hazard to public safety and to provide for the adoption of enforcement regulations by the Urban County Council, and amending Subsection 17-152(b) of the Code to decrease the maximum civil penalty from $1,000 to $500. Passed Nov. 3, 2011

Ord. No. 140-2011-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. 41. 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:)$1,354,019.40 from the Unappropriated Fund Balance in General Service District – General Fund to various accounts.)$1,472.41 from the Unappropriated Fund Balance in Donation Fund to various accounts.) $20,859.40 from the Unappropriated Fund Balance in Urban Services Fund to various accounts.)$1,478,858.25 from the Unappropriated Fund Balance in Municipal Aid Program Fund to various accounts.)$16,421.00 from the Unappropriated Fund Balance in Sanitary Sewer Revenue and Operating Fund to various accounts.)$108,056.11 from the

Unappropriated Fund Balance in Water Quality Fund to various accounts.)$26,400.00 from the Unappropriated Fund Balance in LexVan Program Fund to various accounts.)Re-appropriations within the General Service District – General Fund and the Donation Fund that 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. 41 attached hereto and incorporated herein by reference. Section 3-That this Ordinance shall become effective on the date of its passage. Passed Nov. 3, 2011

Ord. No. 141-2011-An Ordinance creating and enacting Chapter 9A of the Code of Ordinances of the Lexington-Fayette Urban County Government pertaining to fireworks, and more specifically creating Section 9A-1 of the Code providing for a title; creating Section 9A-2 of the Code defining ancillary fireworks retailer, consumer fireworks, fireworks, permanent fireworks retailer, and seasonal fireworks retailer; creating Section 9A-3 of the Code prohibiting use or sale except as provided in ordinance and providing additional requirements for use or sale of non-consumer and display fireworks; creating Section 9A-4 of the Code providing for compliance with applicable federal, state and local laws; providing for use between 10 A.M. and 10 P.M. only except on December 31st, July 3rd, July 4th or officially recognized Independence Day, when use allowed until 12 A.M.; prohibiting possession or use by persons under the age of eighteen years; prohibiting use within two hundred feet of any structure, motor vehicle, or any other person or during a ban on burning; providing for compliance with KRS 227.752 storage notification; and providing for responsibility for resultant trash and debris; creating Section 9A-5 of the Code providing for Retail Fireworks Permit and application process including information on applicant and site, proof of other compliances and approvals and insurance coverage, and payment of permit fees per location of $500 for seasonal fireworks retailer or renewal of permanent fireworks retailer and $2,500 for initial permanent fireworks retailer; creating Section 9A-6 and 9A-8 of the Code providing for restrictions on permittees and/or retailers including display of permit, no sales to or by those under the age of eighteen years and sales between 8 A.M. and 10 P.M. only; creating Section 9A-7 of the Code providing for suspension or revocation of permits; and creating Section 9A-9 of the Code providing for penalties for violations not to exceed $1,000, thirty (30) days imprisonment, or both with a minimum fine of $500 for violations not related to sections 9A-4(a) through (e) or (g), and a minimum fine for all other violations of $100 for first offense, $200

for second offense within twelve months and $500 for a third or greater offense within twelve months; all effective on January 1, 2012. Sec. 9A-5. Permits. In order to lawfully operate in Fayette County all seasonal fireworks retailers and permanent fireworks retailers within Fayette County shall first obtain a “retail fireworks permit” from the commissioner of public safety or his designee. The application for a permit, the form of which shall also be approved by the Urban County Government’s fire marshal, shall be submitted at least ten (10) business days prior to the applicant’s desired effective date for the permit, and shall, at a minimum, require the following: (a) The applicant’s name, phone number, and permanent address. In the event that the applicant desires to operate multiple locations, a separate application does not have to be submitted for each location, however, each location must have a separate firework sales permit; (b) A detailed site plan for the proposed location(s), the address(es) of the proposed location(s), and contact information for the owner(s) of the proposed location(s) if other than the applicant; (c) Proof of current registration with the state fire marshal in accordance with the applicable provisions of KRS Chapter 227; (d) Proof that the applicant has submitted to the div. of revenue, at least ten (10) days prior to transacting business in Fayette County, a completed transient merchant permit application pursuant to KRS 365.665 and has complied with all necessary requirements related to the statute, if applicable; (e) Proof that the applicant has obtained any necessary certificate(s) of occupancy from the government’s div. of building inspection, and if deemed necessary the applicant must also obtain verification from the government’s div. of planning that the proposed location on the application is zoned appropriately for the conduct of said business; (f) Proof that the applicant has obtained the necessary approval of the div. of fire and emergency services’ fire prevention bureau; (g) Proof that the applicant has obtained the appropriate occupational business license(s) from the div. of revenue in accordance with Chapter 13 of the Code; (h) Proof of general liability insurance in an amount of not less than one million dollars ($1,000,000) per occurrence which shall remain in effect at all times while engaged in the permitted activity; and (i) Payment of a permit fee according to the following table. In the event that an applicant wishes to operate more than one (1) geographical location within Fayette County, each location must have a separate permit and the permit fee shall apply: Type of Applicant, Permit Fee, Permit Period; Seasonal fireworks retailer, $500 per location, June 10 through July 7th; Permanent fireworks retailer, $2,500 per location, Automatically expires 365 calendar days after the effective date; Permanent fireworks retailer (renewal), $500 per location, Automatically

expires 365 calendar days after the effective date. Passed Nov. 3, 2011

Ord. No. 142-2011-An Ordinance amending Sections 4-12.3(e), 4-21(d) and 4-21.1 of the Code of Ordinances, relating to the Spay and Neuter Fund and Grant Program, to permit an agency designated by the Dept. of Public Safety to operate and administer the program and to retain a portion of license and redemption fees for funding the program. Passed Nov. 3, 2011