

**COMMONWEALTH OF KENTUCKY
OLDHAM COUNTY
ORDINANCE NO. KOC 18-820-441**

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 06-820-464
RELATING TO THE PROHIBITION OF SMOKING IN OLDHAM COUNTY AND
ESTABLISHING A NEW ORDINANCE**

BE IT ORDAINED by the Fiscal Court Oldham County, Kentucky as follows:

WHEREAS, Oldham County Fiscal Court has the authority pursuant to the provisions of KRS Chapters 67, 100 and other applicable law to enact ordinances; and

WHEREAS, the Oldham County Fiscal Court's first obligation is to protect the lives of all people in Oldham County; and

WHEREAS, the purpose of enacting a Smoking Ordinance is to protect the public health and welfare by prohibiting smoking in public places and places of employment; and to recognize and guarantee that the public's need to breathe smoke-free air shall have priority over the individual's desire to smoke; and

WHEREAS, secondhand smoke is a Group A carcinogen, such as asbestos, radon gas and benzene and has been proven to cause cancer; no level of secondhand smoke is safe; and

WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution. Breathing secondhand smoke is a cause of disease in healthy nonsmokers. These diseases include heart disease, stroke, respiratory disease and lung cancer. Children exposed to secondhand smoke have an increased risk of respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer; and

WHEREAS, a significant amount of secondhand smoke exposure occurs in the workplace and employees who work in smoke-filled businesses suffer a 25-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function; and

WHEREAS, the U.S. Surgeon General has determined that the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to secondhand smoke; and

WHEREAS, the Environmental Protection Agency and the American Society of Heating, Refrigeration and Air Conditioning Engineers has determined that secondhand smoke cannot be reduced to safe levels in businesses by high rates of ventilation. Air cleaners, which are only capable of filtering the particulate matter and odors in smoke, do not eliminate the known toxins in secondhand smoke; and

WHEREAS, the Environmental Protection Agency, the U.S. Department of Health and Human Services, the National Cancer Institute, and the Centers for Disease Control and Prevention, agree that secondhand smoke is harmful to health; and

WHEREAS, high-tech smoking devices, commonly referred to as electronic cigarettes, or “e-cigarettes,” that closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid nicotine created by heat through an electronic ignition system, have been proven to contain numerous risks to human health. After testing a number of electronic cigarettes from two leading manufacturers, the Food and Drug Administration (FDA) determined that various samples tested contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. The FDA’s testing also suggested that “quality control processes used to manufacture these products are inconsistent or non-existent.” According to a more recent study, electronic cigarette emissions are made up of a high concentration of ultrafine particles, and the particle concentration is higher than in conventional tobacco cigarette smoke. Electronic cigarettes produce an aerosol or vapor of undetermined and potentially harmful substances, which may appear similar to the smoke emitted by traditional tobacco products. Their use in workplaces and public places where smoking of traditional tobacco products is prohibited creates concern and confusion and leads to difficulties in enforcing the smoking prohibitions; and

WHEREAS, smoking is a form of air pollution and constitute both a danger to health and a material public nuisance.

1. DEFINITIONS

For the purpose of this ordinance, the following definitions shall apply:

- (a) Dwelling: a house, apartment, or other place of residence used primarily for conducting activities of daily living, including, without limitation, private residences, a hospital, hospice or nursing home room. A private residence is a PLACE OF EMPLOYMENT if it used as a childcare, adult day care or other healthcare facility.
- (b) Electronic Smoking Device: any device containing or delivering nicotine or any other substance that can be used in a manner for the purpose of inhaling the vapor, smoke and/or aerosol from the device. The term includes any such device, i.e. whether manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen or under any other name or product descriptor.
- (c) Enclosed Area: All space in a structure enclosed from the weather, being permanent or temporary, enclosed by walls and roof with door/s.
- (d) Place of Employment: any location either public or private where an owner, employer or employee perform their designated duties. This includes, but is not limited to, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, and hallways. A DWELLING is not a place of employment unless it is used as a childcare, adult day care or health care facility.

- (e) Smoking: the use of any device used to ignite or heat tobacco, or any other substance whether natural or synthetic for the purpose of i.e. inhalation, exhalation, burning or carrying any lighted or heated cigar, cigarette, pipe, hookahs or any other lighted or heated product intended for inhalation, in any manner or form. Smoking also includes the use of an electronic smoking device which creates an aerosol, smoke or vapor in any manner or form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.

2. PROHIBITION OF SMOKING INDOORS.

- (a) Except as otherwise noted in section (b) smoking is prohibited at places of employment and in enclosed areas.
- (b) Smoking is prohibited within a reasonable distance of the outside entrance to, open window of, air intake of a ventilation system in any enclosed area in which smoking is prohibited by this ordinance.
- (c) Smoking is prohibited in any enclosed areas or vehicles owned, leased, rented, operated or controlled by Oldham County Fiscal Court.
- (d) Nothing in this subchapter shall authorize smoking in any location where it is otherwise prohibited by statute, ordinance, and regulation or by order of the Fire Marshal.

3. WHERE SMOKING IS NOT REGULATED

- (a) Notwithstanding any other provision of this ordinance to the contrary, the following area shall be exempt from the provisions of Section 2 above:
 - i. A person's private dwelling, unless used as a childcare, adult day care or health care facility.

4. NON-RETALIATION AND NON-WAIVER OF RIGHTS

- (a) No employer shall refuse to hire an applicant for employment, retaliate against or discharge an employee because they exercises their rights afforded by this Ordinance to report in an attempt to prosecute a violation of this Ordinance.
- (b) An employee who continues to work in a setting where an employer allows smoking in violation of this Ordinance does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

5. PENALTIES

- (a) An individual found guilty of violating this ordinance is punishable by a fine not less than fifty dollars (\$50.00).

- (b) An individual who owns, manages, operates, or otherwise controls a public place or place of employment and found guilty of violating this ordinance is punishable by a fine;
 - (i) of not less than fifty dollars (\$50.00) for the first offense;
 - (ii) of not less than one hundred (\$100.00) for the second offense
 - (iii) of a fine of not less than two hundred and fifty (\$250.00) for the third and each subsequent offense.
- (c) An individual who violates this ordinance by refusing to extinguish their smoking material when requested, shall be requested to leave the establishment and if refused, may also be subject to prosecution for trespass.
- (d) In addition to the fines established by (4b), violation of this ordinance by an individual who owns, manages, operates, or otherwise controls a public place or place of employment shall result in the suspension and/or revocation of any or all permit/s or license/s issued for the premises on which the violation occurred.
- (e) Violation of this ordinance is declared to be a public nuisance, which may be abated by the County or its designated agents by restraining order, preliminary and permanent injunction, or other means provided for by law. The County may recover the reasonable costs of any court enforcement action seeking abatement of this nuisance.
- (f) Each day on which a violation of this Ordinance occurs shall be considered a separate and distinct violation.

6. ENFORCEMENT

- (a) The Oldham County Health Department shall be the primary enforcement agency.
- (b) Notice of the provisions of this Ordinance shall be acknowledged by all applicants for a business license.

7. POSTING SIGNS

“No Smoking” signs or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted at every entrance/exit of an enclosed public area

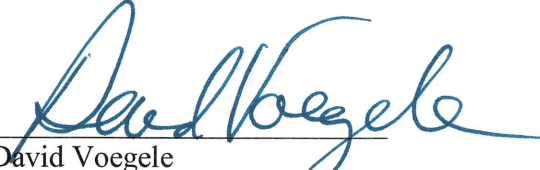
8. SEVERABILITY

If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Ordinance which may be given effect independent of the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

9. EFFECTIVE DATE

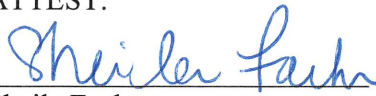
This Ordinance shall become effective upon its passage and advertisement according to law. All prior Ordinances, parts of any Ordinances or Amendments in conflict herewith are hereby repealed.

Dated this 17th day of April, 2018.



David Voegel
Oldham County Judge/Executive

ATTEST:



Sheila Fahr
Oldham County Fiscal Court Clerk

Caregiver

FOR MOM. The largest living reference. Contact our local experts. Our service is no obligation. CALL 770-0186

Apartments For Rent

TWOOD, 1, 2, bedroom spacious, newly renovated kitchens and bath, heat/air, laundry as \$99 deposit on all floor plans allied. Call The Pros at Crest-502-241-8761

The Classifieds bring together homeowners and house buyers every day
Kentucky Classified Network
270-769-1200 Ext. 601

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1472
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Septic
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required.

Concrete company looking for layout guys, finishers and laborers.
Must have clean drivers record.
502-223-7879

Need a job? Need employees?
The Classifieds bring together job seekers and potential employers every day.
KENTUCKY CLASSIFIED NETWORK
Featuring new listings daily
270-769-1200 ext. 601

The Administrative Office of the Courts, has the following vacancy. The Department of Family and Juvenile Services has one (1) Full-time, Court Designated Specialist. This position will serve Henry, Oldham and Trimble Counties.

Please visit our website for more information at www.Courts.ky.gov. All applications must be submitted online to be considered. Deadline for submittal is May 3, 2018.

Administrative Office of the Courts
Human Resource Department
1001 Vandalay Drive
Frankfort, Kentucky 40601
EEO

Legal Notices

PUBLIC NOTICE
CITY OF ORCHARD GRASS HILLS
ORDINANCE NO. 2018-01

AN ORDINANCE PROVIDING FOR THE ASSESSMENT OF ALL REAL PROPERTY WITHIN THE CORPORATE LIMITS OF ORCHARD GRASS HILLS, KENTUCKY, AND THE LEVYING OF AN AD VALOREM TAX THEREON FOR CITY PURPOSES. WHEREAS, pursuant to the provisions of KY. REV. STAT. § 92.280, et. seq. the City of Orchard Grass Hills, Kentucky is authorized and empowered to provide a system for the assessment, levying and collection of all city taxes; NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORCHARD GRASS HILLS, KENTUCKY, DOES HEREBY ORDAIN AS FOLLOWS:

1. The following provisions shall apply for the period of July 1, 2018 through June 30, 2019, the fiscal year of the City of Orchard Grass Hills, Kentucky.
2. The assessment made by the Oldham County, Kentucky, and the Property Valuation Administrator for the state and county for tax purposes in the City of Orchard Grass Hills, Kentucky. The City Treasurer shall by July 15, 2018, obtain an appropriate listing from the Oldham County Property Valuation Administrator's books after they have been supervised and corrected by the Oldham County Board of Equalization. Said listing shall include all property located in the corporate limits of the City of Orchard Grass Hill, Kentucky and assessed as of January 1, 2018.
3. The Treasurer shall add to the above listed any property not listed on said list.
4. The ad valorem tax for the year 2018-2019 is hereby fixed at the rate of thirteen point seven cents (.137) per one hundred dollars (\$100.00) valuation of property as assessed for taxation. Said tax shall be due and payable by the property owner as follows:

ONLY OLDHAM. ONLY ERA.



MIKE HARMON
AUDITOR OF PUBLIC ACCOUNTS

To the People of Kentucky
The Honorable Matthew G. Bevin, Governor
William M. Landrum III, Secretary
Finance and Administration Cabinet
The Honorable David Voegel, Oldham County Judge/Executive
The Honorable Steven Sparrow, Oldham County Sheriff
Members of the Oldham County Fiscal Court

Independent Auditor's Report

Report on the Financial Statement
We have audited the Oldham County Sheriff's Settlement: 2016 Taxes for the period April 16, 2016 through April 17, 2017 - Regulatory Basis, and the related notes to the financial statement.
Management's Responsibility for the Financial Statement
Management is responsible for the preparation and fair presentation of the financial statement in accordance with accounting practices prescribed or permitted by the laws of Kentucky to demonstrate compliance with the Commonwealth of Kentucky's regulatory basis of accounting as described in Note 1. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of a financial statement that is free from material misstatement, whether due to fraud or error.

Auditor's Responsibility
Our responsibility is to express an opinion on the financial statement based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States, and the Audit Guide for Sheriff's Tax Settlements, issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free from material misstatement. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statement. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statement, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statement in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statement. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Basis for Adverse Opinion on U.S. Generally Accepted Accounting Principles
As described in Note 1 of the financial statement, the financial statement is prepared by the Oldham County Sheriff on the basis of accounting practices prescribed or permitted by the laws of Kentucky to demonstrate compliance with the Commonwealth of Kentucky's regulatory basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America.

The effects on the financial statement of the variances between the regulatory basis of accounting described in Note 1 and accounting principles generally accepted in the United States of America, although not reasonably determinable, are presumed to be material.
Adverse Opinion on U.S. Generally Accepted Accounting Principles
In our opinion, because of the significance of the matter discussed in the Basis for Adverse Opinion on U.S. Generally Accepted Accounting Principles paragraph, the financial statement referred to above does not present fairly, in accordance with accounting principles generally accepted in the United States of America, the taxes charged, credited, and paid of the Oldham Sheriff, for the period April 16, 2016 through April 17, 2017.

Opinion on Regulatory Basis of Accounting
In our opinion, the financial statement referred to above presents fairly, in all material respects, the taxes charged, credited, and paid for the period April 16, 2016 through April 17, 2017 of the Oldham County Sheriff, in accordance with the basis of accounting practices prescribed or permitted by the Commonwealth of Kentucky as described in Note 1.

Other Reporting Required by Government Auditing Standards
In accordance with Government Auditing Standards, we have also issued our report dated January 26, 2018, on our consideration of the Oldham County Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the Oldham County Sheriff's internal control over financial reporting and compliance. Based on the results of our audit, we have presented the accompanying Schedule of Findings and Responses, included herein, which discusses the following report comment:
2016-001 The Sheriff Did Not Follow Tax Collection Procedures As Required By State Laws And Regulations For City Of Crestwood Tax Collections.

Respectfully submitted,
Mike Harmon
Mike Harmon
Auditor of Public Accounts

January 26, 2018
State law requires the Auditor of Public Accounts to annually audit fiscal courts, county clerks, and sheriffs, and print the results in a newspaper having general circulation in the county. The complete audit and any other audit of state agencies, fiscal courts, county clerks, sheriffs, and property valuation administrators may be viewed in the reports section of the Auditor of Public Accounts' website at www.auditor.ky.gov or upon request by calling 1-800-247-9126.
209 S. CLAIR STREET
FRANKFORT, KY 40601-1817
TELEPHONE: 502.564.8841
FAX: 502.564.8812
WWW.AUDITOR.KY.GOV

PUBLIC NOTICE
OLDHAM COUNTY FISCAL COURT
ORDINANCE KOC 18-820-441

An ordinance repealing and replacing Ordinance KOC 06-820-464 relating to the prohibition of smoking in Oldham County and establishing a new comprehensive Ordinance was adopted by Oldham County Fiscal Court on April 17, 2018. The adopted ordinance is available in its entirety for public inspection; online at www.oldhamcountyky.gov, the Judge-Executive's office during regular business hours, and will be recorded with the County Clerk's Office.

David Voegel
Oldham County Judge-Executive
4829-0221-8595, v. 1

PUBLIC NOTICE

Horvath Towers V, LLC has filed an application with the Oldham County Planning Commission to construct a new cell tower facility on a site located on Liberty Lane, Buckner, Kentucky 40026 (N38° 25' 53.37", W85° 30' 29.53"). You may contact the Planning Commission for additional information concerning this matter at: Oldham County Planning Commission, 115 West Jefferson Street, La Grange, Kentucky 40031. Please refer to application of Horvath Towers V, LLC in any correspondence concerning this matter.

4829-0221-8595, v. 1