

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMALS

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GENERAL PROVISIONS

§ 90.01 DEFINITIONS.

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

"ABANDON." Abandonment shall constitute the relinquishment of all rights and claims by the owner to the animal. (KRS 257.100 (4))

"AT LARGE." Off the premises of the owner, and not under the control of the owner or his agent either by leash, cord, chain, or otherwise.

"OWNER." Every person having a right of property to an animal and every person who keeps or harbors an animal, has it in his care, or permits it to remain on or about the premises owned or occupied by him.

Cross-reference:

For other definitions relevant to this chapter, see § 10.02

§ 90.02 ANIMALS RUNNING AT LARGE.

(A) No person who is the owner of any animal shall permit it to run at large in the public road, highway, street, lane, or alley, or upon unenclosed land, or permit it to go on any private yard, lot, or enclosure without the consent of the owner of the yard, lot, or enclosure.

(B) The owner of an animal who permits it to run at large in violation of this section is liable for all damages caused by such animal upon the premises of another.
Penalty, see § 90.99(A)

§ 90.03 ABANDONING DOMESTIC ANIMALS PROHIBITED.

No owner of a domestic animal shall abandon the animal.
Penalty, see § 90.99(A)

§ 90.04 DESTRUCTION OF ABANDONED AND SUFFERING ANIMAL.

Any peace officer, animal control officer, or any person authorized by the board may destroy or kill or cause to be destroyed or killed, any animal found abandoned and suffering and not properly cared for, or appearing to be injured, diseased, or suffering past recovery for any useful purpose.

(KRS 257.100) (Am. Ord. 90-24, passed 9-17-90) Penalty, see § 90.99

§ 90.05 KEEPING HOGS.

It is declared a nuisance for any person to keep hogs within the city limits at any time; and that the keeping of hogs by any person within the city limits at any time shall be an unlawful act.

(Ord. passed 6-14-45; Am. Ord. 90-24, passed 9-17-90) Penalty, see § 90.99

§ 90.06 DANGEROUS ANIMALS.

(A) It shall be unlawful to permit any dangerous animal or vicious animal of any kind to run at large within the city.

(B) The members of the Police Department are authorized to kill any dangerous animal of any kind when it is necessary for the protection of any person or property.

(C) No vicious, dangerous, ferocious animal, or animal sick with or liable to communicate rabies or other contagious or infectious disease shall be permitted to run at large in the city.

(Ord. 82-4, passed 6-7-82; Am. Ord. 90-24, passed 9-17-90) Penalty, see § 90.99

§ 90.07 PUBLIC NUISANCE.

It shall be unlawful for any owner to fail to exercise proper care and control of his animal to prevent it from becoming a public nuisance. Excessive, continuous, or the untimely making of any noise, molesting passersby, chasing vehicles, habitually attacking other domestic animals, and trespassing upon public or private property in such manner as to damage the property shall be deemed a nuisance.

(Ord. 82-4, passed 6-7-82; Am. Ord. 90-24, passed 9-17-90) Penalty, see § 90.99

§ 90.08 NOISE DISTURBANCE.

No person shall keep or harbor any dog within the city which, by frequent and habitual barking, howling, or yelping, creates unreasonably loud and disturbing noises of such a character, intensity,

and duration as to disturb the peace, quiet, and good order of one or more of the inhabitants of two or more separate residences. Any person who shall allow any dog habitually to remain, be lodged, or fed within any dwelling, yard, or enclosure which he occupies or owns shall be considered as harboring the dog.

(Am. Ord. 90-24, passed 9-17-90) Penalty, see § 90.99(D)

§ 90.99 PENALTY.

(A) Any person who violates any provision of §§ 90.02, 90.03, or 90.05 shall be guilty of a misdemeanor and shall be fined not more than \$20 for each offense. Each day the violation exists shall constitute a separate offense.

(B) Any person who violates any of the provisions of § 90.08 shall be guilty of a misdemeanor and shall be fined not less than \$10 nor more than \$25 for each offense. Each day the violation continues shall constitute a separate offense.

(C) Any person, firm, or corporation violating any provision of §§ 90.06 and 90.07 shall be guilty of a misdemeanor and shall be fined not more than \$250 and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(D) The penalties as set forth in this section (A), (B), (C), shall be assessed per animal for each offense and shall be cumulative. Further, a separate offense shall be committed on each day during or on which a violation occurs or continues by each animal.

(Ord. 82-4, passed 6-7-82; Am. Ord. 90-24, passed 9-17-90; Am. Ord. 99-14, passed 8-27-99)

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CHAPTER 91: STREETS AND SIDEWALKS

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EXCAVATIONS AND CONSTRUCTION

§ 91.01 OPENING PERMIT REQUIRED.

It shall be unlawful for any person, other than the City Administrator, or other authorized person, to make any opening in any street, alley, sidewalk, or public way of the city unless a permit to make the opening has been obtained prior to commencement of the work. Penalty, see § 91.99

§ 91.02 APPLICATION AND CASH DEPOSIT.

Each permit for making an opening shall be confined to a single project and shall be issued by the Mayor or other proper administrative officer. Application shall be made on a form prescribed by the legislative body, giving the exact location of the proposed opening, the kind of paving, the area and depth to be excavated, and such other facts as may be provided for. The permit shall be issued only after a cash deposit sufficient to cover the cost of restoration has been

posted with the Mayor or other proper administrative officer, conditioned upon prompt and satisfactory refilling of excavations and restoration of all surfaces disturbed.

§ 91.03 RESTORATION OF PAVEMENT.

(A) The opening and restoration of a pavement or other surface shall be performed under the direction and to the satisfaction of the City Administrator, or other authorized person, and in accordance with rules, regulations, and specifications approved by the legislative body.

(B) Upon failure or refusal of the permittee satisfactorily to fill the excavation, restore the surface, and remove all excess materials within the time specified in the permit or where not specified therein, within a reasonable time after commencement of the work, the city may proceed without notice to make such fill and restoration and the deposit referred to in § 91.02 shall be forfeited. Thereupon the deposit shall be paid into the appropriate city fund, except such part demanded and paid to the permittee as the difference between the deposit and the charges of the city for restoration services performed by it. If the amount of such services performed by the city should exceed the amount of the deposit, the Clerk or other proper administrative officer shall proceed to collect the remainder due from the permittee.

Cross-reference:

Restoration of pavement after sewer excavations, see § 52.25

§ 91.04 BARRIERS AROUND EXCAVATIONS.

It shall be unlawful for any person, firm, or corporation to place any obstruction, dig any hole or ditch in any street, sidewalk, or public alley in the city, and leave same without placing sufficient barriers around same to attract the attention of persons using such street, sidewalk, or alley way, and having in addition to the barrier at night, a red light at that barrier as a warning to persons using the street, sidewalk, or alley way. Each day such unlawful conditions exist shall constitute a separate offense.
(Ord. passed 5-6-29) Penalty, see § 91.99

Cross-reference:

Barricades around sewer excavations, see § 52.25

§ 91.05 WARNING LIGHTS.

Any person engaged in or employing others in excavating or otherwise in any manner obstructing a portion or all of any street, sidewalk, alley, or other public way, at all times during the night season shall install and maintain at least two illuminated red lamps which shall be securely and conspicuously posted on, at, or near each end of the obstruction or excavation, and if the space involved exceeds 50 feet in extent, at least one additional lamp for each added 50 feet or portion thereof excavated or obstructed.
Penalty, see § 91.99

§ 91.06 SIDEWALK CONSTRUCTION.

It shall be the duty of the City Administrator, or other authorized person to supervise construction or repair of sidewalks within the city. He shall cause specifications to be prepared for the construction of the various kinds of pavements and transmit the specifications to the legislative body for approval. When the specifications are approved, the legislative body shall advertise for proposals to do all the work which may be ordered by the city in construction and repair of sidewalks, and shall contract therefor, for a period not exceeding one year, with the lowest responsible bidder, who shall furnish good and sufficient sureties for the faithful performance of the work. The legislative body, if it deems advisable, may make separate contracts for the different kinds of work with different parties.

Statutory reference:

Sidewalks; construction along public roads; specifications,
see KRS 178.290
Sidewalks, ramps for wheelchairs, see KRS 66.660

ROAD AND BRIDGE PROJECTS§ 91.15 PUBLIC HEARING REQUIRED.

Before the city expends state derived tax revenues on a municipal highway, road, street, or bridge it shall hold a hearing in accordance with the provisions of this subchapter to take the sense of the public with regard to the project and to priorities for use of tax moneys for road and bridge purposes.

(KRS 174.100)

§ 91.16 NOTICE REQUIREMENTS.

Prior to the contemplated date of expenditure of state derived tax revenues on a road or bridge by the city, the city shall hold a public hearing for the purpose of taking the sense of the public with regard to road and bridge matters within the city. Notice of the hearing shall be given not less than seven days nor more than 21 days before the scheduled date of the public hearing and before beginning work on any project covered by this subchapter.

(KRS 174.100 (1))

§ 91.17 PUBLIC MAY TESTIFY; EFFECT OF TESTIMONY.

(A) At the hearing any person may speak with regard to any proposed project, any project which he feels should be built or done which has not been proposed, priorities for completion of projects, and any other matter related to road or bridge projects.

(B) The city shall not be bound by the testimony heard at the hearing but shall give due consideration to it.

(KRS 174.100 (2), (3))

§ 91.18 HEARING TO BE HELD PRIOR TO CONSTRUCTION.

The city shall not begin construction on a road or bridge project wherein state derived tax revenues are involved until the hearing as provided herein has been held. (KRS 174.100 (4))

§ 91.19 SEPARATE HEARING FOR EACH PROJECT NOT REQUIRED.

This subchapter shall not be construed as to require a separate hearing for each project. A single hearing encompassing the entire road and bridge program, provided all projects subsequently undertaken have been identified at the hearing, shall meet the requirements of this subchapter. (KRS 174.100 (5))

§ 91.20 EXEMPTIONS FROM HEARING REQUIREMENT.

(A) The provisions of this subchapter shall not apply to emergency repair or replacement of roads or bridges necessitated by natural or man-caused disasters nor to street cleaning or snow removal operations.

(B) The provisions of this subchapter shall not apply to projects which are under construction as of the effective date of this subchapter unless construction is suspended after the effective date of this subchapter and the city desires to reactivate the project. (KRS 174.100 (6), (7))

OBSTRUCTIONS§ 91.30 UNLOADING ON STREET OR SIDEWALK.

No person shall unload any heavy material in the streets of the city by throwing or letting the material fall upon the pavement of any street, alley, sidewalk, or other public way, without first placing some sufficient protection over the pavement. Penalty, see § 91.99

§ 91.31 STREET AND SIDEWALK OBSTRUCTION.

No person shall obstruct any street, alley, sidewalk, or other public way within the city by erecting thereon any fence or building, or permitting any fence or building to remain thereon. Each day that any fence or building is permitted to remain upon the public way shall constitute a separate offense. Penalty, see § 91.99

§ 91.32 MATERIALS ON STREET OR SIDEWALK.

No person shall encumber any street or sidewalk. No owner, occupant, or person having the care of any building or lot of land, bordering on any street or sidewalk, shall permit it to be encumbered with barrels, boxes, cans, articles, or substances of any kind, so as to interfere with the free and unobstructed use thereof. Penalty, see § 91.99

Cross-reference:

Littering on streets or sidewalks, see Ch. 94

§ 91.33 REMOVAL OF ICE AND SNOW.

(A) All property owners, tenants, or other persons in charge of or control of property within the city, shall hereinafter clear the sidewalks of the city which abut the property of which they have control or charge, of all snow and ice within 24 hours after the snow ceases or within 24 hours after the ice ceases to form.

(B) If any person, firm, or corporation fails to clear the sidewalk as aforementioned, then the city, in its discretion, may employ a person to clear the sidewalk, and the person, firm, or corporation violating this section shall be liable to the city for the actual cost of clearing the sidewalk.

(Ord. passed 2-5-68) Penalty, see § 91.99

Cross-reference:

"Reasonable time" requirement, see § 10.04 (D)

§ 91.34 HEDGES AND BRUSH OVER SIDEWALK.

It shall be unlawful for any property owner or person in control of any premises within the city, abutting any sidewalk within the city, to suffer or permit any hedge or the branches thereof, any tree or the branches thereof, or any shrub or the branches thereof, to grow or extend over any sidewalk within the city, or any part of the sidewalk within the city, so as to interfere with, impede, obstruct, hinder, or prevent travel on any such sidewalk or any part thereof within the city.

(Ord. passed 6-1-36) Penalty, see § 91.99

§ 91.35 PROHIBITED ACTS.

It shall be unlawful to do any of the following things:

- (A) To drag telephone poles on improved streets;
- (B) To use drag sleds for hauling materials on improved streets;
- (C) To use tractors, traction engines, or any machinery, with wheels having iron cleats, lugs, spikes, or sharp rims, or tractors or other machinery with rough caterpillar treads on improved streets;
- (D) To operate cars or trucks running on rims without tires or with tires worn down to rims on improved streets;
- (E) To mix concrete or mortar on improved streets, gutters, or sidewalks;
- (F) To place waste materials of any sort on sidewalks, improved streets, gutters, curbs, or parkways;
- (G) To burn leaves, rubbish of any sort, or papers on side-walks, curbs, gutters, parkways, or improved streets;

(H) To dump coal on improved streets for delivery to customer by box, bag, barrow, or basket;

(I) To obstruct gutters by placing any material therein or thereon;

(J) To drive or back cars, trucks, or other vehicles on or across curbs or sidewalks;

(K) To wash cars or other vehicles on any improved street or any driveway draining into any improved street; or

(L) To haul heavy machinery, or move houses or buildings on or across any improved street.

(Ord. passed 9-2-29) Penalty, see § 91.99

§ 91.36 DAMAGE TO STREET OR SIDEWALK.

(A) No person shall remove any part of any street or sidewalk or of any structure forming part of a street or supporting part of a street or sidewalk and no person shall do any damage to any street or to any structure forming any part of a sidewalk. No person shall destroy any street, part of a street or structure forming part of a street or supporting part of a street or destroy any sidewalk, part of a sidewalk or structure forming part of a sidewalk or supporting part of a sidewalk.

(B) Nothing in this section shall be interpreted as prohibiting any person from doing any act authorized by the body politic or other agency having jurisdiction over a street or sidewalk.

(C) Nothing in this section shall be interpreted as abolishing or restricting any rights or liabilities created by law, including the right of the city to be awarded damages in a civil suit or loss suffered as a result of any act prohibited or regulated in this section. It is expressly provided that any person, firm or corporation removing, damaging or destroying any street or sidewalk shall be liable and responsible to the city for all costs of repairs.
(Ord. 91-2, passed 2-18-91) Penalty, see § 91.99

RESIDENTIAL AND COMMERCIAL STREET ADDRESSES

§ 91.45 NUMERICAL STREET ADDRESSES DISPLAYED.

(A) All residential and commercial properties containing structures located within the city shall have displayed a numerical street address. The location of the numerical street address may be determined by the property owner as long as the location is visible to a person with 20-20 vision driving on the street from which the property is accessed, and the numbers are not less than three inches in height.

(B) If a structure is not visible from the street because of the distance of its setback or the presence of trees and/or other

vegetation, then the property owner shall display the numerical street address on his or her mailbox, on a small yard sign, or by some other means meeting the visibility requirements of division (A) above.
(Ord. 08-02, passed 4-21-08)

§ 91.99 PENALTY.

(A) Any person, firm or corporation violating any provisions of § 91.36 shall be fined not less than \$25 nor more than \$500 for each offense. Any person violating any provisions of § 91.36 may in addition to a fine or in lieu of a fine be imprisoned for not more than six months.

(B) Whoever violates any provision of this chapter for which no penalty is otherwise provided shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$100.
(Ord. 91-2, passed 2-18-91)

CHAPTER 92: NUISANCES

Section

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- 92.03 Non-exclusive regulation
- 92.04 Enforcement
- 92.05 Notice to abate; hearing; appeal
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Accumulation of Rubbish and Weeds

- 92.15 Definitions
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- 92.17 Notice to abate
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Statutory reference:

Private nuisances, see KRS 411.500 through 411.570

GENERAL PUBLIC NUISANCES

§ 92.01 DEFINITIONS.

For the purpose of §§ 92.01 through 92.08 the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"APPLIANCES." Any unit, or part thereof, of furniture, industrial or business equipment, whether functional or ornamental and whether mechanical or powered by some source of energy or not, including, but not limited to, stoves, refrigerators, television sets, beds, lamps, tools, china, tables, chests, antiques, the condition of which is one of the following:

- (1) Wrecked;
- (2) Dismantled;
- (3) Partially dismantled;
- (4) Inoperative;
- (5) Abandoned;
- (6) Discarded; or
- (7) Display for purpose of sale.

"JUNKED MOTOR VEHICLES." Any contrivance, or parts thereof, propelled by power and used for transportation of persons or property on public streets and highways, the condition of which is one or more of the following:

- (1) Wrecked;
- (2) Dismantled;
- (3) Partially dismantled;
- (4) Inoperative;
- (5) Abandoned; or
- (6) Discarded.

"PERSON." Any individual, firm, partnership, association, corporation, company, or organization of any kind.
(Ord. passed 8-21-72)

§ 92.02 MAINTAINING PUBLIC NUISANCE.

(A) The presence of any junked motor vehicle or appliance on public property or on any private lot, tract, or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the city, shall be deemed a public nuisance. It shall be unlawful for any person to cause or maintain such a public nuisance by placing an appliance on, or by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning, or discarding any motor vehicle on the real property of another, or to suffer, permit, or allow a junked motor vehicle or appliance to be parked, left, or maintained on his own real property, provided that this provision shall not apply with regard to:

(1) Any motor vehicle or appliance in an enclosed building.

(2) Any motor vehicle or appliance on property occupied and used for repair, reconditioning, and remodeling of motor vehicles, or appliances.

(3) Any appliance, bedding, rugs, clothing, or other units of fabric, glass, crockery, ceramics, and other items or ornaments outside of an enclosed building displayed for the specific purpose of conducting a public auction, private sale, sidewalk sale, garage sale, or any other type of sale on a temporary basis not to exceed 48 hours, provided, that any person, firm, or corporation shall be limited to six such sales per year.

(B) The owner, occupant or agent of any owner or occupant of lots, parcels or areas within the city limits permitting pools of water to accumulate and remain on the premises and be come stagnant and foul.

(C) Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under other provisions of law.
(Ord. passed 8-21-72; Am. Ord. passed 7-16-73; Am. Ord. 02-18, passed 7-17-02) Penalty, see § 92.99(A)

Statutory reference:

Nuisance abatement, see KRS 65.8840

§ 92.03 NONEXCLUSIVE REGULATION.

Sections 92.01 through 92.08 are not the exclusive regulation of abandoned, wrecked, dismantled, or inoperative vehicles or appliances

within the city. Such junked motor vehicles or appliances are declared to be a public nuisance and unlawful as set out in § 92.02 above. The provisions of §§ 92.01 through 92.08 are supplemental and in addition to all other regulatory codes, statutes, and ordinances heretofore enacted by the city, state, or other legal entity or agency having jurisdiction.

(Ord. passed 8-21-72)

§ 92.04 ENFORCEMENT.

The provisions of §§ 92.01 through 92.08 shall be administered and enforced by the City Administrator. In the enforcement of §§ 92.01 through 92.08, such officer and his duly authorized agents, assistants, employees, or contractors, may enter upon private or public property to examine a junked motor vehicle or appliance, or obtain information as to the identity of a junked motor vehicle or appliance, and of the owner thereof, and to remove or cause removal of a junked motor vehicle or appliance declared to be a nuisance pursuant to §§ 92.01 through 92.08.

(Ord. passed 8-21-72; Am. Ord. 85-1, passed 3-18-85)

§ 92.05 NOTICE TO ABATE; HEARING; APPEAL.

(A) Whenever the enforcement officer shall deem such a public nuisance to exist, he shall issue a notice to the parties hereinafter stated, and such notice shall:

- (1) Be in writing;
- (2) Specify the public nuisance and its location;
- (3) Request the public nuisance to be abated; and

(4) Advise the party that he has ten days to abate the nuisance or to make a written demand for a hearing before the enforcement officer or else the public nuisance will be removed and abated by the city.

(B) The notice shall be sent by registered mail, return receipt requested, to the last known address of the owner of the property whereon the nuisance is located, as it appears on the current tax assessment roll. Where the owner of the property is not the occupant thereof, such notice shall be mailed also to the occupant. The enforcement officer shall coordinate his efforts to determine ownership of a junked motor vehicle with the City Police Department, and notice shall also be sent to the last registered and legal owner of record of the junked motor vehicle, unless the owner is the owner or occupant of the premises whereon the nuisance is located, and unless identification numbers are not available to determine ownership of the vehicle. If the owner, or his address, of any junked motor vehicle is not known or cannot be readily ascertained, the notice to him to abate, and his right to a hearing may be given by attaching such notice to the vehicle

no less than ten days before action is to be taken. If the latter method of service is used, the enforcement officer shall make an affidavit attesting to such facts. Where a junked motor vehicle is found to be upon any public property within the city, notice to the owner of the vehicle is all that shall be required. Where a junked appliance is found on public property, no notice shall be required.

(C) In the event a hearing is demanded, such hearing shall be held within five days after the demand is made and shall be conducted by the enforcement officer, who shall hear all the facts and testimony on the condition of the junked motor vehicle or appliance, and the circumstances concerning the location. Such hearing shall not be limited by technical rules of evidence. The enforcement officer may impose such conditions and take such other action as he deems appropriate under the circumstances to carry out the purposes of §§ 92.01 through 92.08. He may delay the time for removal of the junked motor vehicle or appliance, if, in his opinion, circumstances justify it. At the conclusion of any hearing, the enforcement officer may find that a junked motor vehicle has been abandoned, wrecked, dismantled, or is inoperative on private or public property or that an appliance has been abandoned, wrecked, dismantled, is inoperative, or displayed for sale on private or public property, and order the same removed from the property as a public nuisance and order disposal of same. The order requiring removal shall include a description of the appliance or junked motor vehicle and the correct identification number and state license tag number of the junked motor vehicle, if available at the site.

(D) Any interested party may appeal the decision of the enforcement officer by appealing to any court of competent jurisdiction pursuant to the rules of civil procedure within 14 days after the decision. If no appeal is taken within the time prescribed, or immediately after a final judicial review affirming the right to remove the nuisance, the enforcement officer shall cause the junked motor vehicle or appliance to be removed and disposed of in any manner as he may provide.

(Ord. passed 8-21-72)

§ 92.06 REMOVAL BY CITY; LIEN.

(A) Upon the failure, neglect, or refusal to abate by any owner/occupant or owner of private property who has been notified and ordered to abate such public nuisance within the times as set forth above, the enforcement officer is authorized, empowered and directed to remove same and dispose of it.

(B) The cost of such removal and disposal shall be accounted for by the enforcement officer, and where the full amount due the city for such service is not paid by such owner within 30 days after

the disposal of such nuisance, then and in that case, the enforcement officer shall cause to be recorded in the County Court Clerk's office a sworn statement showing the cost and expense incurred for the work, the date the work was done, and the location of the property on which the work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus cost of court, if any, for collection, until final payment has been made. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.
(Ord. passed 8-21-72)

§ 92.07 LIABILITY.

Neither the owner or occupant of the premises from which any aforesaid junked motor vehicles shall be removed, their servants or agents, or any department of the city, or its agents, shall be liable for any loss or damage to the junked motor vehicle or appliance while being removed or as a result of any subsequent sale or other disposition.
(Ord. passed 8-21-72)

§ 92.08 COMPLIANCE; WRITTEN PERMISSION.

The removal of the junked motor vehicle or appliance from the premises prior to the time for removal by the city shall be considered compliance with the provisions of §§ 92.01 through 92.08 and no further action shall be taken against the owner of the junked motor vehicle or appliance, or the owner or occupant of the premises. Written permission given to the enforcement officer for the removal of the junked motor vehicle or appliance by the owner of same or the owner or occupants of the premises on which it is located, shall be considered compliance with the provisions of §§ 92.01 through 92.08 on their part and no further action shall be taken against the ones giving such permission except for collection of towing charges or hauling costs for the removal of the nuisance.
(Ord. passed 8-21-72)

§ 92.09 JUNKED, WRECKED, OR NONOPERATIVE MOBILE OR MANUFACTURED HOMES.

It shall be unlawful for the owner, occupant or person having control or management of any land within the city to permit a public nuisance, health hazard, or source of filth to develop thereon through the accumulation of one or more mobile or manufactured homes as defined in KRS 227.550 that are junked, wrecked, or nonoperative and which are not inhabited.
(Ord. 17-02, passed 5-15-17) Penalty, see § 92.99(A)

ACCUMULATION OF RUBBISH AND WEEDS

§ 92.15 DEFINITIONS.

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

"EXCESSIVE GROWTH." Weeds or grass in excess of 15 inches which shall constitute a public nuisance. This definition shall not apply to farm land, growth on land that is more than 300 feet from a city street, state highway, or federal highway. The City Administrator is authorized to exempt any other property from this definition that will not detract from the beautification of the city and which will not create a public nuisance, health hazard, or source of filth to develop thereon. Any such permit issued by the City Administrator shall be made only upon written application by the owner of the property or his authorized agent and shall be for such period of time as the City Administrator, in his discretion, shall deem appropriate.

"RUBBISH." All sweepings; cleaning; trash; refuse; litter; garbage; industrial and domestic wastes; organic wastes; residue of animals sold as meat, fruit or other vegetable matter from kitchens, dining rooms, markets, or places dealing in the handling of meats, fowl, fruit, grain, or vegetables; offal; animal excretes; the carcasses of animals; tree or shrub trimmings; dirt, wood, stone, brick, plaster, or materials resulting from the demolition, alterations, or construction of buildings or structures; accumulated waste materials; or substances which may become nuisances.
(Ord. 87-30, passed 8-17-87)

§ 92.16 ACCUMULATION OF RUBBISH AND WEEDS PROHIBITED.

(A) It shall be unlawful for the owner, occupant, or person having control or management of any land within the city to permit a public nuisance, health hazard, or source of filth to develop thereon through the accumulation of rubbish or the excessive growth thereon of weeds or grass.

(B) It shall be unlawful for the owner, occupant, or person having control or management of any land within the city to cause or permit the accumulation of rubbish in, about, or upon premises owned, occupied, or used by them when and if such accumulation is unsightly, unsanitary, or hazardous to the property, life, health, safety, or welfare of the public.

(Ord. 87-30, passed 8-17-87) Penalty, see § 92.99

§ 92.17 NOTICE TO ABATE.

Whenever a violation of § 92.16 is discovered, the Mayor or City Administrator shall give five days' written notice to remedy such situation. The notice shall be mailed to the last known address of the owner of said property, as it appears on the current tax assessment

roll, and, if known, the occupant or person having control or management of the property. Upon the failure of the owner or occupant or person having control or management of the property to comply with the provisions of this subchapter, the Mayor or City Administrator or other responsible officer is authorized to send employees upon the property to remedy the situation.
(Ord. 87-30, passed 8-17-87)

§ 92.18 CITY TO HAVE LIEN FOR VALUE OF REMEDY.

The city shall have a lien against the property for the reasonable value of labor and materials used in remedying such situation as prohibited by § 92.16. The affidavit of the Mayor or City Administrator shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this subchapter, and shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest at 6% per annum thereafter until paid.
(Ord. 87-30, passed 8-17-87)

§ 92.99 PENALTY.

(A) In addition to the civil remedies provided for in §§ 92.01 through 92.08, it shall be unlawful for any person to continue and maintain the public nuisance as described herein, and any person violating any provisions of §§ 92.01 through 92.08 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any amount not less than \$5 nor more than \$100 or be imprisoned in the city jail for a period not exceeding 30 days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. passed 8-21-72)

(B) Any person who shall fail to conform to the provisions of §§ 92.15 through 92.18 or violates any provisions of §§ 92.15 through 92.18 shall be guilty of a violation thereof and upon conviction in any court of competent jurisdiction shall be punished by a fine of not less than \$25 nor more than \$250 and shall be liable for the costs of prosecution for each such offense. Each day that a violation continues to exist shall be considered a separate and distinct violation. (Ord. 87-30, passed 8-17-87)

CHAPTER 93: FIREWORKS AND EXPLOSIVES; FIRE PREVENTION

Section

- 93.01 Definitions
- 93.02 Storage of fireworks
- 93.03 Display fireworks
- 93.04 Sale and use of fireworks
- 93.05 Permit fees
- 93.06 Reserved
- 93.07 Storage of explosives
- 93.08 Blasting permit
- 93.09 Storage of flammables and other matter
- 93.10 Blasting by explosives within city limits prohibited
- 93.11 Setting of fires by unauthorized personnel at city dump prohibited
- 93.12 Open burning

- 93.99 Penalty

§ 93.01 DEFINITIONS.

Unless the context requires otherwise, the following terms as used in this chapter shall have the following meanings:

"ANCILLARY FIREWORKS RETAILER." Any person, partnership, corporation or other business entity which is open to the public year round and which offers for sale, exposes for sale, sells at retail or wholesale, or keeps with the intent to sell fireworks defined in KRS 227.702(1), with such sales being ancillary to its primary business, with ancillary being defined as 10% or less of the gross sales of the business entity.

"COMPETENT DISPLAY OPERATOR." Shall have the same definition as set out in KRS 227.710.

"CONSUMER FIREWORKS." Shall have the same definition as set out in KRS 227.702.

"DISPLAY FIREWORKS." Shall have the same definition as set out in KRS 227.706.

"FIREWORKS." Shall have the same definition as set out in KRS 227.700, including the applicable exceptions set forth in that statute.

"PERMANENT FIREWORKS RETAILER." Any person, partnership, corporation or other business entity which is open to the public year round and which offers for sale, exposes for sale, sells at retail or wholesale, or keeps with the intent to sell any consumer fireworks as its primary course of business.

"PYROTECHNIC DEVICES." Shall have the same definition as set out in KRS Chapter 227.

"SEASONAL FIREWORKS RETAILERS." Shall have the same definition as set out in KRS 227.715.

(Ord. 14-03, passed 5-29-14)

§ 93.02 STORAGE OF FIREWORKS.

(A) The storage of fireworks, consumer fireworks, display fireworks or theatrical pyrotechnic devices at retail, wholesale, storage or manufacturing facilities shall be reported in writing to the city Fire Chief or his designee and shall comply with all of the provisions set out in KRS Ch. 227, National Fire Protection Association (NFPA) 1124 (current edition) and other applicable Federal and state laws with the exception that the storage of fireworks, consumer fireworks, display fireworks or theatrical pyrotechnic devices shall not be allowed within 75 feet of fuel pumps or in multiple-tenant buildings. All storage shall be in stand-alone permanent structures. All stand-alone permanent structures shall have a minimum of 50 feet separation from adjacent buildings and structures.

(B) The storage of fireworks shall also comply with applicable city building and fire regulations, zoning regulations, and business registration requirements and the notification to the Fire Chief or his designee shall include a zoning verification letter and a copy of the city's business license application. The notification shall also include a site plan showing the size of the lot, the location of the permanent structure, the setback of the structure from the right-of-way, locations of adjacent structures, including fuel pumps, and other information that may be required by the Fire Chief. The notification shall include a copy of the deed to the property or a written lease/agreement from the owner of the property granting permission or consent to the tenant to store fireworks at that location.

(Ord. 14-03, passed 5-29-14)

§ 93.03 DISPLAY FIREWORKS.

(A) No person, firm, partnership, corporation, or other business entity shall offer for sale, expose for sale, sell at retail, keep with the intent to sell, possess, use or explode any display fireworks, except as authorized by KRS 227.710.

(B) The Fire Chief or his designee may grant permits for supervised public displays of fireworks with such public displays handled by a competent display operator. All public displays must comply with the provisions of KRS 227.710 and no permit shall be approved without documentation that the display has been approved by the State Fire Marshal. The permit shall be valid only for the specific authorized public display event, shall be valid only for the designated permittee, and shall not be transferable.

(Ord. 14-03, passed 5-29-14)

§ 93.04 SALE AND USE OF FIREWORKS.

(A) No person, firm, partnership, corporation, or other business entity not classified as an ancillary fireworks retailer shall offer for sale, expose for sale, sell at retail, or keep with the intent to sell any fireworks, including consumer fireworks, without a permit approved by the Fire Chief of the city or his designee. The permit application shall include the name, address and phone number of the applicant, the address or addresses of the proposed sale site(s) and any other information deemed necessary by the Fire Chief. Separate permits shall be issued for each proposed fireworks sale site of the applicant. No permits will be granted without the approval of the State Fire Marshal if applicable. Permits shall not be required for ancillary fireworks retailers.

(B) All permit applications shall be submitted a minimum of 15 days prior to the proposed sale of fireworks, including consumer fireworks. Each seasonal fireworks retailer and permanent fireworks retailer permit shall be valid for one year and may be renewed annually for the same location.

(C) Ancillary fireworks retailers may only sell consumer fireworks as defined in KRS 227.702(1), Ancillary fireworks retailers are not subject to the remaining provisions of this chapter.

(D) The sale of fireworks, including consumer fireworks, by permanent fireworks retailers and seasonal fireworks retailers is subject to the provisions of KRS Ch. 227 and NFPA 1124 (current edition) except as set out hereinbelow:

(1) The sale of consumer fireworks as defined in KRS 227.702(1) shall be allowed in multiple-tenant buildings and in stand-alone structures. All permitted structures shall have a minimum of 75 feet separation from adjacent gas pumps.

(2) The sale of consumer fireworks as defined in KRS 227.702(1) shall comply with applicable city building and fire regulations, zoning regulations, sign regulations, and business license regulations, and a copy of the city's business license form shall be submitted with the permit application.

(3) The sale of consumer fireworks as defined in KRS 227.702(2) and (3) shall not be allowed in multiple-tenant buildings and all sales must take place in stand-alone structures. All stand-alone structures shall have a minimum of 50 feet separation from adjacent buildings and structures, and 75 feet separation from any fuel pumps.

(4) The sale of consumer fireworks as defined in KRS 227.702(2) and (3) shall comply with applicable city building and fire regulations, zoning regulations, sign regulations, and business license regulations, and a zoning verification letter and a copy of the city's business license form shall be submitted with the permit application. The application shall also include a site plan showing the size of the

lot, the location of the stand-alone structure, the setback of the structure from the right-of-way, locations of adjacent structures, including fuel pumps, and other fireworks retailers, and other information that may be required by the Fire Chief. Applicants for fireworks sales permits shall include a copy of the deed to the property or a written lease/agreement from the owner of the property granting permission or consent to the tenant to store fireworks at that location.

(5) Any language in NFPA 1124 establishing a size exemption for the applicability of NFPA 1124 is hereby repealed and all sales of fireworks, including consumer fireworks, shall be subject to the provisions of this chapter.

(E) No fireworks, including consumer fireworks, may be given to, offered for sale, or sold to any person under the age of 18 and no person under the age of 18 shall sell fireworks, including consumer fireworks, unless the individual is supervised by a parent or guardian.

(F) Any person or business entity applying for a permit to sell consumer fireworks as defined in KRS 227.702(2) and (3) shall provide proof of general liability insurance in an amount of not less than \$1,000,000 per occurrence for bodily injury liability, property damage liability or both combined.

(G) Any permit issued for the sale of fireworks, including consumer fireworks, shall be prominently displayed at each location where the fireworks are sold.

(H) Appropriate city fire inspectors, code enforcement officer, and police officers are authorized to inspect the permitted site without notice and without consent during the reasonable operating hours of the permittee.

(I) Persons may use, ignite or explode those fireworks authorized by KRS Ch. 227 and this chapter inside the city limits. Fireworks, including consumer fireworks, may only be used between the hours of noon and 10:00 p.m. on June 27 through July 3 and on July 5, and between the hours of noon and 11:00 p.m. on July 4 of any year. Fireworks may only be used by individuals at least 18 years of age, and shall not be ignited within 200 feet of any structure, vehicle or any other person. Fireworks shall not be ignited or discharged from a motor vehicle and shall not be ignited or discharged on the property of another with the consent of the owner/occupant, or on any public property. Any person wishing to use fireworks authorized by KRS 227 and this chapter in the city on any other days must obtain a permit from the City Fire Chief or his designee with the issuance of the permit conditioned on the applicant complying with all applicable state and local laws, rules and regulations. The permit application shall be filed no later than 15 days prior to the proposed use of the fireworks and shall be on a form provided by the city.

(Ord. 14-03, passed 5-29-14)

§ 93.05 PERMIT FEES.

Due to the need to closely inspect and monitor the sale of fireworks, the city hereby imposes fees to cover the cost of the inspection of facilities and inspections of the sale of fireworks. The fees for those permits are as follows;

(A) There shall be no fee for the review, issuance and inspections for a display fireworks permit or for the use permit required in § 93.04(I) above.

(B) The fee for the review, issuance and inspections for a seasonal fireworks retail permit and a permanent fireworks retail permit for the sale of consumer fireworks as defined in KRS 227.702(1) shall be \$25 for the initial annual permit and the same for the annual renewal. This permit fee shall be in addition to all other occupational license fees payable to the city.

(C) The fee for the review, issuance and inspections for seasonal fireworks retail permit and a permanent fireworks retail permit for the sale of consumer fireworks as defined in KRS 227.702(2) and (3) shall be \$500 annually. This permit fee shall be in addition to all other occupational license fees payable to the city.

(D) All permits required by this chapter shall be issued by the Fire Chief or his designee. All permit fees shall be payable to the city and are to be submitted to the City Treasurer's office located in City Hall prior to the issuance of any permit.
(Ord. 14-03, passed 5-29-14)

§ 93.06 RESERVED.§ 93.07 STORAGE OF EXPLOSIVES.

It shall be unlawful to store at any time within the city a quantity of gunpowder or other similar explosive weighing in excess of 100 pounds without the express authorization of the legislative body.
Penalty, see § 93.99

§ 93.08 BLASTING PERMIT.

No person shall cause a blast to occur within the city without making application in writing beforehand, setting forth the exact nature of the intended operation, and receiving a permit to blast from the Mayor or other proper administrative officer. The Mayor or other proper administrative officer before granting such permit may require the applicant to provide a bond to indemnify the city and all other persons against injury or damages which might result from the proposed blasting.
Penalty, see § 93.99

§ 93.09 STORAGE OF FLAMMABLES AND OTHER MATTER.

(A) All flammable or combustible materials shall be arranged and stored in a manner which affords reasonable safety against the danger of fire.

(B) Waste paper, ashes, oil rags, waste rags, excelsior, or any material of a similar hazardous nature shall not be accumulated in any cellar or any other portion of any building of any kind. Proper fireproof receptacles shall be provided for such hazardous materials.

(C) No matter shall be stored or arranged in a manner which impedes or prevents access to or exit from any premises in case of fire.

Penalty, see § 93.99

§ 93.10 BLASTING BY EXPLOSIVES WITHIN CITY LIMITS PROHIBITED.

(A) It is unlawful for any person, firm, or corporation to blast, by means of explosives, or to cause an explosion or violent detonation, within the corporate limits of the city, without first procuring a permit from the city allowing him to do so.

(B) The city shall issue such permit upon request if it deems the request reasonable under the circumstances, considering the health and welfare of the residents of the city, and the likelihood of damage to persons or property. The city may supervise such blasting if a permit is issued.

(Ord. passed 2-16-70) Penalty, see § 93.99

§ 93.11 SETTING OF FIRES BY UNAUTHORIZED PERSONNEL AT CITY DUMP PROHIBITED.

It is declared unlawful for any person, other than those persons specifically authorized by the city, to set, or allow to be set, a fire at the city dump.

(Ord. passed 12-7-70) Penalty, see § 93.99

§ 93.12 OPEN BURNING.

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

"GARBAGE." Putrescible animal and vegetable matter accumulated by a family in a residence in the course of ordinary day-to-day living.

"HOUSEHOLD RUBBISH." Waste material and trash, not to include garbage, normally accumulated by a family in a residence in the course of ordinary day-to-day living.

"OPEN BURNING." The burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney.

(B) No person, company, corporation, group, association, or public agency shall ignite, cause or permit to be ignited, allow or maintain any open fire within the corporate city limits, except as follows:

(1) Fires set for prevention of a fire hazard, including the disposal of dangerous materials where no safe alternative is available, provided the Fire Department is notified in advance of the burning;

(2) Fires set for the purpose of bona fide instruction and training of public and industrial employees in the methods of fighting fires, provided notice is given in each instance to the Fire Department three days in advance by the person in charge of the instruction or training. The person in charge must provide to the Fire Department the following information:

(a) The name, organization, address and telephone number of the person submitting the notice;

(b) A statement relating to the necessity for the bona fide instruction and training;

(c) The date the proposed open burning is to take place. If a postponement is necessary, the Fire Department must be notified of the rescheduled date for burning before the burning takes place;

(d) The exact location where open burning will occur;

(e) The type and quantity of material to be burned.

(3) Fires used for cooking of food. An example would be cooking of food for recreational purposes, i.e. picnics, barbecues, etc.

(4) Fires set for the purpose of weed abatement, diseases and pest prevention, provided prior approval is obtained from the Fire Department;

(5) Fires set in connection with agricultural operations related to the growing or harvesting of vegetables or fruits;

(6) Fires set for the purpose of disposing of grass, leaves, tree parts, shrub trimmings, wood, or wood byproducts;

(7) Fires set by construction and other workers for comfort heating purposes providing excessive or unusual smoke is not created; (Ord. 96-2, passed 2-19-96; Am. Ord. 15-02, passed 3-16-15) Penalty, see § 93.99

§ 93.99 PENALTY.

(A) (1) Any person convicted of violating § 93.04(I) of this chapter shall be guilty of a violation and subject to the monetary fine set out in the Kentucky Revised Statutes.

(2) Any person convicted of violating the remaining provisions of §§ 93.01 through 93.05 shall be guilty of a misdemeanor and shall be fined not more than \$1,000 or imprisoned for not more than 30 days, or both.

(3) The Fire Chief or his designee may revoke or suspend the permit of any person or business entity that violates the provisions of this chapter, including, but not limited to, the failure of the permit holder to comply with this chapter and other laws and regulations involving the sale, display or storage of fireworks, the failure of the permit holder to pay the appropriate permit fees and other taxes and fees payable to the city, and the submission by the permit holder of an application that contains false material or untrue statement.

(4) Any fireworks store, sold or used in violation of this chapter may be removed by the Fire Chief or his designee in cooperation with the State Fire Marshal pursuant to the provisions of KRS 227.750. (Ord. 14-03, passed 5-29-14)

(B) Any person, firm, or corporation which violates § 93.10 shall be fined not less than \$50 nor more than \$500 for each such offense; and each such blast, explosion, or detonation shall be deemed and is made a separate offense. (Ord. passed 2-16-70)

(C) Any person, firm, or corporation which violates § 93.11 shall be fined not less than \$5 nor more than \$500 for each such offense. (Ord. passed 12-7-70)

(D) Any person who violates any of the provisions of § 93.12 shall be guilty of a Class A misdemeanor. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against that person found to have violated § 93.12. (Ord. 96-2, passed 2-19-96)

(E) Any person who violates any other provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$100.

CHAPTER 94: LITTERING

Section

- 94.01 Throwing litter from vehicle
- 94.02 Tracking foreign matter on streets
- 94.03 Hauling loose material
- 94.04 Sweeping litter into gutters
- 94.05 Merchants to keep sidewalks free of litter
- 94.06 Posting notices
- 94.07 Litter on private property
- 94.08 Placing of ashes and other refuse on streets
- 94.09 Injuring or littering of public property or right-of-way

- 94.99 Penalty

§ 94.01 THROWING LITTER FROM VEHICLE.

No person while a driver or passenger in a vehicle shall throw or deposit litter upon any street or other public place within the city or upon private property.

Penalty, see § 94.99

§ 94.02 TRACKING FOREIGN MATTER ON STREETS.

No person shall drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, alley, or other public place, mud, dirt, sticky substances, litter, or foreign matter of any kind.

Penalty, see § 94.99

Cross-reference:

Materials on streets and sidewalks, see § 91.32

§ 94.03 HAULING LOOSE MATERIAL.

Every person hauling or causing to be hauled dirt, sand, gravel, cement, fill dirt, or loose material of any kind in or upon any street, alley, sidewalk, or other public place shall haul it, or cause it to be hauled in vehicles provided with tight boxes or beds so constructed or loaded as to prevent any of the contents from falling or being thrown, blown, or deposited upon any street, alley, sidewalk, or other public place. Any materials which fall from, or which are thrown, blown, or deposited from any vehicle upon any street, alley, sidewalk, or other public place, shall be removed immediately by the person in charge of the vehicle.

Penalty, see § 94.99

§ 94.04 SWEEPING LITTER INTO GUTTERS.

No person shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

Penalty, see § 94.99

§ 94.05 MERCHANTS TO KEEP SIDEWALKS FREE OF LITTER.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk. Persons owning or occupying places of business within the city shall keep the sidewalk in front of their business premises free of litter.
Penalty, see § 94.99

Cross-reference:

Materials on streets and sidewalks, see § 91.32

§ 94.06 POSTING NOTICES.

No person shall post or affix any notice, poster, or other paper or device which is calculated to attract the attention of the public, to any lamp post, public utility pole, or shade tree, or upon any public structure or building, except as may be authorized by law.
Penalty, see § 94.99

§ 94.07 LITTER ON PRIVATE PROPERTY.

(A) No person shall throw or deposit litter on any occupied private property within the city, whether owned by that person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon streets, sidewalks, or other public places, or upon any private property.

(B) No person shall throw or deposit litter on any open or vacant private property within the city whether owned by that person or not.
Penalty, see § 94.99

§ 94.08 PLACING OF ASHES AND OTHER REFUSE ON STREETS.

It shall be unlawful for any person to place, or to cause to be placed, upon any of the streets or alleys in the city, any ashes, cinders, or other refuse from home, store, mill, or factory.
(Ord. passed 4-20-27) Penalty, see § 94.99

Cross-reference:

Materials on streets and sidewalks, see § 91.32

§ 94.09 INJURING OR LITTERING OF PUBLIC PROPERTY OR RIGHT-OF-WAY.

It is unlawful for any person to pick, pull, dig, tear up, cut, break, burn, or otherwise damage any tree, shrub, flower, vine, bush, or turf on the right-of-way of any city street or upon any lands set aside, dedicated, or maintained by this city as a public park or as a refuge or sanctuary for wild animals, birds, or fish, or to deposit, throw, or leave any trash, debris, or litter upon any

such city street or public land, without having first obtained permission in writing from the City Engineer.
(Ord. passed 6-1-70) Penalty, see § 94.99

Cross-reference:

Streets and sidewalks, see Ch. 91

§ 94.99 PENALTY.

(A) Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall be fined in an amount not exceeding \$100. Each day the violation is committed or permitted to continue shall constitute a separate offense.

(B) Any person, firm, or corporation who violates § 94.09 shall be fined not less than \$5 nor more than \$300.
(Ord. passed 6-1-70)

Section

- 95.01 Prohibiting use of gasoline powered motors on city lakes
- 95.02 Prohibiting swimming in city lakes
- 95.03 Fishing prohibited .
- 95.04 Vehicles on lake property to remain on designated road areas

- 95.99 Penalty

§ 95.01 PROHIBITING USE OF GASOLINE POWERED MOTORS ON CITY LAKES.

The use by any person, firm, or corporation (other than employees of the city performing official duties) of gasoline powered motors on any boat or other craft on any and all of the lakes owned and operated by the city is prohibited.
(Ord. 82-9, passed 8-2-82) Penalty, see § 95.99(A)

§ 95.02 PROHIBITING SWIMMING IN CITY LAKES.

It is unlawful to swim or wade in the city lakes.
(Ord. passed 5-21-79) Penalty, see § 95.99(B)

§ 95.03 FISHING PROHIBITED.

It shall be unlawful for any person to fish by means of a trot line, snag line, or other stationary line in any lake owned by the city.
(Ord. passed 6-21-76) Penalty, see § 95.99(C)

§ 95.04 VEHICLES ON LAKE PROPERTY TO REMAIN ON DESIGNATED ROAD AREAS.

(A) As used in this section, the term "VEHICLE" shall include any motor vehicle, ATV, motorcycle, tractor, bicycle, tricycle, horse drawn vehicle, motor bicycle, and any vehicle upon or by which any person or property is or may be transported or drawn by muscular power or which may be propelled otherwise than by muscular power.

(B) No person shall place, drive, leave, permit, control, or steer any vehicle on or upon any of the city lake property, except on the designated road areas.

(C) The City Administrator may post a sign or signs clearly stating the prohibition. Each sign may contain substantially the following language: "Vehicles must remain on designated road or parking areas. Violators will be prosecuted."
(Ord. 88-1, passed 2-15-88) Penalty, see § 95.99(D)

§ 95.99 PENALTY.

(A) Any person, firm, or corporation which violates § 95.01 shall be fined not more than \$250. (Ord. 82-9, passed 8-2-82)

(B) Any person guilty of violating § 95.02 shall be fined not less than \$10 nor more than \$100 plus court costs. (Ord. passed 5-21-79)

(C) Any person who violates § 95.03 shall be fined not less than \$25 nor more than \$100 for each such offense. (Ord. passed 6-21-76)

(D) Any person violating any of the provisions of § 95.04 shall, upon conviction thereof, be fined in an amount not exceeding \$500 or imprisoned in the county jail for not more than 12 months, or be both fined and imprisoned. (Ord. 88-1, passed 2-15-88)

CHAPTER 96: UNFAIR HOUSING PRACTICES

Section

- 96.01 Policy
- 96.02 Definitions
- 96.03 Unlawful practice
- 96.04 Discrimination in the sale or rental of housing
- 96.05 Discrimination in the financing of housing
- 96.06 Discrimination in the provision of brokerage services
- 96.07 Exemption
- 96.08 Administration
- 96.09 Education and conciliation
- 96.10 Enforcement
- 96.11 Investigations; subpoena; giving of evidence
- 96.12 Enforcement by private persons
- 96.13 Interference, coercion, or intimidation
- 96.14 Separability of provisions
- 96.15 Prevention of intimidation in fair housing cases

- 96.99 Penalty

§ 96.01 POLICY.

It is the policy of the city to provide, within constitutional limitations, for fair housing throughout the city.
(Ord. 87-15, passed 6-15-87)

§ 96.02 DEFINITIONS.

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

"DISCRIMINATORY HOUSING PRACTICE." An act that is unlawful under §§ 96.04, 96.05, or 96.06.
(Ord. 87-15, passed 6-15-87)

"DWELLING." Any building, structure, or portion thereof which is occupied as, or designated or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

"FAMILY." Includes a single individual.

"PERSON." Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

"TO RENT." Includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

§ 96.03 UNLAWFUL PRACTICE.

(A) Subject to the provisions of division (B) below and § 96.07, the prohibitions against discrimination in the sale of rental of housing set forth in this section shall apply to all dwellings except as exempted by division (B) below.

(B) Nothing in § 96.04 shall apply to:

(1) Any single-family house sold or rented by an owner, provided that the private individual owner does not own more than three single-family houses at any one time; provided further, that in the case of the sale of any single-family house by a private individual owner not residing in the house at the time of the sale or who was not the most recent resident of the house prior to the sale, the exemption granted by this division (B) shall apply only with respect to one sale within any 24-month period; provided further, that the bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to, or any right to all or a portion of the proceeds from the sale or rental of, more than three single-family houses at any one time; provided further, that the sale or rental of any single-family house shall be excepted from the application of this title only if the house is sold or rented without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of the facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any broker, agent, salesman, or person, and without the publication, posting, or mailing, after notice of any advertisement or written notice in violation of § 96.04(C), but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other professional assistance as necessary to perfect or transfer the title; or

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of the living quarters as his residence.

(C) For the purposes of division (B) above, a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

(2) He has, within the preceding 12 months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

(3) He is the owner of any dwelling designated or intended for occupancy by, or occupied by, five or more families.
(Ord. 87-15, passed 6-15-87)

§ 96.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by § 96.03 and except as exempted by §§ 96.03(B) and 96.07, it shall be unlawful:

(A) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable to deny, a dwelling to any person because of race, color, religion, or national origin.

(B) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, or national origin.

(C) To make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination.

(D) To represent to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(Ord. 87-15, passed 6-15-87)

§ 96.05 DISCRIMINATION IN THE FINANCING OF HOUSING.

It shall be unlawful for any bank, building and loan association, insurance company, or other corporation, association, firm, or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, durations, or other terms or conditions of the loan or other financial assistance, because of the race, color, religion, or national origin of the person or of any person associated with him in connection with the loan or other financial assistance or the purposes of the loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which the loan or other financial assistance is to be made or given, provided that nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 96.03(B).

(Ord. 87-15, passed 6-15-87)

§ 96.06 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization, or other service, organization, or facility

relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, or national origin. (Ord. 87-15, passed 6-15-87)

§ 96.07 EXEMPTION.

Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to the persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members. (Ord. 87-15, passed 6-15-87)

§ 96.08 ADMINISTRATION.

(A) The authority and responsibility for administering this act shall be in the Chief Executive Officer of the city.

(B) The Chief Executive Officer may delegate any of these functions, duties, and powers to employees of the city or to boards of the employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this chapter. The Chief Executive Officer shall by rule prescribe the rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the city, to boards of officers, or to himself, as shall be appropriate and in accordance with law.

(C) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the Chief Executive Officer to further the purposes.

(Ord. 87-15, passed 6-15-87)

§ 96.09 EDUCATION AND CONCILIATION.

Immediately after the enactment of this chapter, the Chief Executive Officer shall commence such educational and conciliatory activities as will further the purposes of this chapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. (Ord. 87-15, passed 6-15-87)

§ 96.10 ENFORCEMENT.

(A) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Chief Executive Officer. Complaints shall be in writing and shall contain the information and be in the form the Chief Executive Officer requires. Upon receipt of a complaint, the Chief Executive Officer shall furnish a copy of the same to the person or persons who allegedly committed or were about to commit the alleged discriminatory housing practice. Within 30 days after receiving a complaint, or within 30 days after the expiration of any period of reference under division (C) below, the Chief Executive Officer shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Chief Executive Officer decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of the informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned.

(B) A complaint under division (A) above shall be filed within 180 days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and, with the leave of the Chief Executive Officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(C) If within 30 days after a complaint is filed with the Chief Executive Officer, the Chief Executive Officer has been unable to obtain voluntary compliance with this chapter, the person aggrieved may, within 30 days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The Chief Executive Officer will assist in this filing.

(D) If the Chief Executive Officer has been unable to obtain voluntary compliance within 30 days of the complaint, the person aggrieved may, within 30 days thereafter, commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this chapter, insofar as the rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in the practice or order such affirmative action as may be appropriate.

(E) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(F) Whenever an action filed by an individual shall come to trial, the Chief Executive Officer shall immediately terminate all efforts to obtain voluntary compliance.

(Ord. 87-15, passed 6-15-87)

§ 96.11 INVESTIGATIONS; SUBPOENA; GIVING OF EVIDENCE.

(A) In conducting an investigation, the Chief Executive Officer shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation, provided, however, that the Chief Executive Officer first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Chief Executive Officer may issue subpoenas to compel his access to or the production of materials, or the appearance of persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas for interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The Chief Executive Officer may administer oaths.

(B) Upon written application to the Chief Executive Officer, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Chief Executive Officer to the same extent and subject to the same limitations as subpoenas issued by the Chief Executive Officer himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of the respondent and shall state that they were issued at his request.

(C) Witnesses summoned by subpoena of the Chief Executive Officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(D) Within five days after service of a subpoena upon any person, the person may petition the Chief Executive Officer to revoke or modify the subpoena. The Chief Executive Officer shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires a production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(E) In case of contumacy or refusal to obey a subpoena, the Chief Executive Officer or other person at whose request it was

issued may petition for its enforcement in the Municipal or State Court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(F) The City Attorney shall conduct all litigation in which the Chief Executive Officer participates as a part or as amicus pursuant to this chapter.

(Ord. 87-15, passed 6-15-87; Am. Ord. 01-24, passed 12-17-01; Am. Ord. 02-16, passed 6-28-02; Am. Ord. 06-26, passed 12-18-06)

§ 96.12 ENFORCEMENT BY PRIVATE PERSONS.

(A) The rights granted by §§ 96.13 - 96.16 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within 108 days after the alleged discriminatory housing practice occurred, provided, however, that the court shall continue such civil case brought pursuant to this section or § 96.10(D) from time to time before bringing it to trial if the court believes that the conciliation efforts of the Chief Executive Officer are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the Chief Executive Officer and which practice forms the basis for the action in court, and provided, however, that any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this chapter, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this chapter shall not be affected.

(B) The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than \$1,000 punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff, provided that the plaintiff in the opinion of the court is not financially able to assume the attorney's fees.

(Ord. 87-15, passed 6-15-87)

§ 96.13 INTERFERENCE, COERCION, OR INTIMIDATION.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by §§ 96.13 through 96.16. This section may be enforced by appropriate civil action.

(Ord. 87-15, passed 6-15-87)

§ 96.14 SEPARABILITY OF PROVISIONS.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of the chapter

and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby. (Ord. 87-15, passed 6-15-87)

§ 96.15 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

No person, whether or not acting under color of law, by force or threat of force, willfully injures, shall intimidate, or interfere with, or attempt to injure, intimidate, or interfere with:

(A) Any person because of his or her race, color, religion, or national origin and because he or she is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

(B) Any person because he or she is or has been, or in order to intimidate the person or any other person or any class of persons from:

(1) Participating, without discrimination on account of race, color, religion, or national origin, in any of the activities, services, organizations, or facilities described in division (A) above; or

(2) Affording another person or class of persons opportunity or protection so to participate; or

(C) Any citizen because he or she is or has been, or in order to discourage the citizen or any other citizen from lawfully aiding or encouraging other persons to participate without discrimination on account of race, color, religion, or national origin, in any of the activities, services, organizations, or facilities described in division (A) above, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate. (Ord. 87-15, passed 6-15-87)

§ 96.99 PENALTY.

(A) Any employee of the Chief Executive Officer who shall make public any information in violation of § 96.10(A) shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(B) Pursuant to § 96.11, any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his or her power to do so, in obedience to the subpoena or lawful order of the Chief Executive Officer, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the Chief Executive Officer, shall make or cause to be made any false

entry or statement of fact in any report, account, record, or other document submitted to the Chief Executive Officer pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(Ord. 87-15, passed 6-15-87)

Section

97.01 Use of loudspeakers

97.99 Penalty

§ 97.01 USE OF LOUDSPEAKERS.

(A) (1) All persons using a loudspeaker within the city, shall be required to secure from the City Clerk a license before using a loudspeaker within the city, and a separate license is required for each day a loudspeaker is used within the city.

(2) The person so using a loudspeaker shall be required to use the loudspeaker and tone same under the direction of the Chief of Police.

(3) All persons using or intending to use a loudspeaker for the purpose of putting on any kind of a program, speaking, preaching, or otherwise instructing, persuading, or entertaining the people and that person who uses the loudspeaker who shall take up, solicit, or accept as pay or as an offering any money or anything of value or permit any soliciting or accepting of any pay or an offering of any money or anything of value shall be required to secure a license from the City Clerk and pay a fee of \$15 for the license, before using a loudspeaker. A person so using a loudspeaker shall be required to secure a license and pay the required fee of \$15 for each and every day a loudspeaker is so used within the city, and further in addition to the prepayment of the fee of \$15, the person is required to use a loudspeaker as directed under division (A)(2).

(Ord. passed 8-16-48)

(B) It shall be unlawful for any person, firm, or corporation to operate a loudspeaker on the outside of any building when any such loudspeaker is connected to a nickelodeon or similar instrument within the city. (Ord. passed 3-1-54)
Penalty, see § 97.99

Cross-reference:

General licensing provisions, see Ch. 110

§ 97.99 PENALTY.

Whoever violates any provision of §§ 97.01 shall be fined not more than \$100 for each offense. Each day's continued violation shall constitute a separate offense.

"E911" EMERGENCY TELEPHONE SERVICE

Section

- 98.01 Establishment
- 98.02 Fee

§ 98.01 ESTABLISHMENT.

(A) The city, by and through the Mayor, is hereby authorized and empowered to enter into an agreement with South Central Bell Telephone Company to establish and operate an Enhanced 911 Emergency Telephone Service (E911).

(B) The city, by and through the Mayor, is hereby authorized and empowered to enter into an Interlocal Cooperation Agreement with the Kentucky State Police (KSP) for the establishment of a Public Safety Answering Point (PSAP) at the KSP Post at Madisonville.
(Ord. 90-25, passed 9-17-90)

§ 98.02 FEE.

(A) Pursuant to KRS 65.760(3), in order to fund the establishment and operation of the E911 service, an E911 Service Charge is hereby levied in the sum of \$.60 per telephone subscriber per month, on an individual exchange line basis.

(B) South Central Bell Telephone Company is hereby authorized to collect the E911 Service Charge from the telephone subscribers and shall be entitled to a fee for billing and collecting the E911 Service Charge in an amount equal to 1% of the total amount collected.
(Ord. 90-25, passed 9-17-90)

