

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMALS

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' 90.01 KEEPING POULTRY OR SWINE PROHIBITED.

(A) It shall be unlawful for any person to keep or harbor any poultry or swine.

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

APOULTRY.@ Includes domestic fowls which are typically raised for flesh and/or eggs. For the purposes of this section poultry shall be defined to include, but is not limited to, any chicken, turkey, ducks, geese, peacocks, guineas, peacocks, or other fowl typically raised for flesh and/or eggs, whether or not the particular poultry in question is in fact raised for said purposes. Poultry as defined by this chapter, shall include any of the aforesaid fowl which are kept as domestic pets.

ASWINE.@ Includes any of the ungulate mammals of the family Suidae, which shall include, but is not limited to, pigs, hogs and boars.

(>78 Code, ' 3-1) (Am. Ord. 07-15, passed 4-9-07) Penalty, see ' 90.99

' 90.02 NOISY ANIMALS.

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

(1) AEXCESSIVE BARKING@ or AEXCESSIVE NOISE.@ Any barking or noise greater than that normally associated with the average dog or animal which has been well treated.

(2) APUBLIC.@ Two or more persons.

(B) Any person owning, keeping, or having the control over any dog or other animal shall not permit the dog or other animal to become a public nuisance by excessively barking or by otherwise making sufficient noise so as to unreasonably disturb the peace of the public.

(C) Any person violating this section shall be guilty of a violation punishable under ' 90.99, and shall also be considered to be harboring and creating a public nuisance which may be abated in accordance with ' 92.04.

(>78 Code, ' 3-5)(Ord., passed 9-11-74) Penalty, see ' 90.99

' 90.03 CONFINEMENT OF ANIMALS.

(A) Complaints. Any person who has been attacked by an animal, who has been put in reasonable fear of an attack by an animal, or whose real or personal property has been injured or damaged by an animal, or anyone representing such person, may make a complaint before the judge of the District Court of Carrollton County charging the owner or keeper of such animal with harboring a vicious, dangerous, or destructive animal, as the case may be.

(B) Service of complaint. A copy of the complaint shall be served upon the person so charged in the same manner and subject to the laws regulating the service of summons in civil actions directing him to appear for a hearing of the complaint at a time fixed therein.

(C) Confinement order. If the person so charged fails to appear at the time fixed, or if upon a hearing of the parties and their witnesses the court finds the person so charged is the owner or keeper of the animal in question and that the animal has viciously and without cause attacked a human being when off the premises of the owner or keeper, or that the animal has injured or damaged the real or personal property of a person other than its owner or keeper, then the person so charged shall be required to henceforth keep the animal securely confined and restrained at all times.

KRS 258.235(5)(a)

(D) Violations of orders. It shall be unlawful for the owner or keeper of any such animal, after receiving such a confinement order, to permit the animal to run at large at any time or to appear on the public streets and sidewalks of the city unless in leash.

(KRS 258.235(7))(>78 Code, ' 3-2)(Ord., passed 7-1-70; Am. Ord., passed 2-8-78) Penalty, see ' 90.99

' 90.04 CONFINEMENT AND CONTROL OF DOGS AT ALL TIMES.

(A) The owner or keeper of every dog shall at all times keep the dog:

(1) Confined within an enclosure from which it cannot escape;
or

(2) Firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured; or

(3) Under the reasonable control of some person or, when engaged in lawful hunting, accompanied by an owner or handler. A hound or other hunting dog which has been released from confinement for hunting purposes shall be deemed to be under reasonable control of its owner or handler while engaged in or returned from hunting, and, if such a hunting dog becomes temporarily lost from a pack or wanders from actual control or sight of its owner or handler, such owner or handler shall not be deemed to be in violation of the provisions of this section as a result of such dog=s having become temporarily lost or having wandered from immediate control or sight of the owner or handler.

(B) Any peace officer may destroy any dog found running at large at all times and unaccompanied and not under the control of owner or handler. However, a peace officer shall be under a duty to make a fair and reasonable effort to determine whether any dog found at large at all times is a hound or other hunting dog which has become lost temporarily from a pack or wandered from immediate control of its owner, or handler, and if he is reasonably sure that the dog is a hunting dog, then he shall not destroy the dog, unless it is found in the act of pursuing, worrying, or wounding livestock, wounding or killing poultry, or attacking human beings.

(C) Any dog found in violation of this section may be picked up or destroyed by the County Dog Warden. Dogs not destroyed may be released to the owner only upon a proper showing of ownership, possession of a current dog license (in the case of dogs), and the payment of any required fee to the county.

(Ord., passed 5-14-86; Am. Ord. 92-28, passed 9-9-92) Penalty, see ' 90.99

' 90.05 CONFINEMENT AND CONTROL OF ANIMALS IN HEAT.

Every female dog in heat shall be confined in a building or secure enclosure in such a manner that the female dog cannot come in contact with a male dog except for a planned breeding.

(KRS 258.255)(>78 Code, ' 3-3) Penalty, see ' 90.99

' 90.06 PUBLIC NUISANCE.

Any dog or dogs that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property shall be deemed a public nuisance. The term Apublic nuisance animal@ shall mean and include, but is not limited to, any animal that:

(A) Is repeatedly found at large;

(B) Damages the property of anyone other than its owner;

(C) Molests or intimidates pedestrians or passersby;

(D) Chases vehicles;

(E) Excessively makes disturbing noises, including, but not limited to, continues and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

(F) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

(G) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;

(H) Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained; or

(I) Attacks other domestic animals.

(Ord. 92-28, passed 9-9-92)

' 90.07 ANIMAL CARE.

(A) No owner shall fail to provide his animals with sufficient wholesome and nutritious food, water in sufficient quantities, proper air, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

(B) No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans.

(C) No owner of an animal shall abandon such animal.
(Ord. 92-28, passed 9-9-92) Penalty, see ' 90.99

' 90.08 ANIMAL WASTE.

(A) The owner of every animal shall be responsible for the removal of any excreta deposited by his animals on public streets, public walks, recreation areas, public property and rights of way, or private property.

(B) AOWNER@ shall be defined to include any person who has legal ownership of the animal, any person exercising control over the animal, and any parade organizer if the animal is utilized in an organized parade at the time the excreta is deposited.
(Ord. 92-28, passed 9-9-92; Am. Ord. 07-34, passed 9-24-07) Penalty, see ' 90.99

VICIOUS ANIMALS

' 90.15 DEFINITIONS

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

AOWNER.@ Any person, firm, corporation, organization, or department possessing harboring or having the care or custody of an animal.

AUNCONFINED.@ A vicious animal is AUNCONFINED@ if the animal is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the animal. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot. All such pens or structure must be adequately lighted and kept in a clean and sanitary condition.

AVICIOUS ANIMALS.@

(1) Any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals;

(2) Any animal which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or

(3) Any animal owned or harbored primarily or in part for the purpose of animal fighting, or any animal trained for animal fighting. (Ord. 88-12, passed 11-9-88)

' 90.16 CONFINEMENT OF VICIOUS ANIMAL REQUIRED.

The owner of a vicious animal shall not suffer or permit the animal to go unconfined. (Ord. 88-12, passed 11-9-88) Penalty, see ' 90.99

' 90.17 LEASH AND MUZZLE REQUIRED WHEN ANIMAL IS OFF PREMISES.

The owner of a vicious animal shall not suffer or permit the animal to go beyond the premises of the owner unless the animal is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but shall prevent it from biting any human or animal. (Ord. 88-12, passed 11-9-88) Penalty, see ' 90.99

' 90.18 WARNING SIGN REQUIRED.

The owner of a vicious animal shall display in a prominent place on his premises a clearly visible warning sign indicating that there is a vicious animal on the premises. A similar sign is required to be posted on the pen or kennel of the animal. (Ord. 88-12, passed 11-9-88) Penalty, see ' 90.99

' 90.19 PUBLIC LIABILITY INSURANCE REQUIRED.

Owners of vicious animals must within 30 days of the effective date of this subchapter provide proof to the City Clerk/Treasurer of public liability insurance in the amount of at least \$250,000, insuring the owner for any personal injuries inflicted by his or her vicious animal. (Ord. 88-12, passed 11-9-88; Am. Ord. 91-07, passed 5-8-91) Penalty, see ' 90.99

' 90.99 PENALTY.

(A) Whoever violates any provision of this chapter for which another penalty is not provided, shall be guilty of a misdemeanor and shall be fined not more than \$500 or imprisoned for not more than 30 days, or both, for each offense.

(B) Whoever violates '' 90.03, 90.04, or 90.05 shall be guilty of a misdemeanor and shall be fined not less than \$5 nor more than \$500, imprisoned for not less than five nor more than 60 days, or both, for each offense. (KRS 258.990(3))

(C) Whoever violates any provision of '' 90.16 through 90.19 shall be guilty of a gross misdemeanor and may be punished by a fine of not less than \$50 nor more than \$500 or imprisonment of not more than one year in jail, or both. (Ord. 88-12, passed 11-9-88)

(D) In addition to the penalties as set forth in subsections (A), (B) and (C) hereinabove, any person who violated any provision of this chapter shall be subject to a civil penalty of \$50. If the offender does not pay the penalty within 30 days after he or she has been cited for the offense, then the city penalty shall be recovered by the city in a civil action in the nature of a debt.

(E) Each day the violation exists shall constitute a separate offense. (Ord. 07-05, passed 3-26-07)

Section

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EXCAVATIONS AND CONSTRUCTION

' 91.01 OPENING PERMIT REQUIRED.

It shall be unlawful for any person, other than an authorized city official, 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.

(A) Each permit for making an opening shall be confined to a single project and shall be issued by the City Clerk/Treasurer. 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 City Clerk/Treasurer, conditioned upon prompt and satisfactory refilling of excavations and restoration of all surfaces disturbed.

(B) The minimum deposit shall be in the sum of \$300. There shall be no opening of the street without 48-hour notification prior to excavation beginning. Any violation or non-compliance with this section shall result in a forfeiture of the deposit.
(Am. Ord. 93-04, passed 6-1-93)

' 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 Public Works Superintendent, and in accordance with rules, regulations, and specifications approved by the legislative body.

(B) Any time there is an opening in a street, alley, sidewalk or public way of the city, it shall be completely filled with dense grade rather than dirt.

(C) 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.
(Am. Ord. 93-04, passed 6-1-93)

' 91.04 BARRIERS AROUND EXCAVATIONS.

Any person engaged in or employing others in excavating or opening any street, sidewalk, alley, or other public way shall have the excavation or opening fully barricaded at all times to prevent injury to persons or animals.
Penalty, see ' 91.99

' 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 Public Works Superintendent 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 approve or disapprove those plans. When the specifications are approved, he shall advertise for proposals to do all the work which may be ordered by the city in construction and repair of sidewalks, and shall authorize the Mayor to 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 Mayor, if authorized by City Council, may make separate contracts for the different kinds of work with different parties.

(Am. Ord. 94-13, passed 10-12-94; Am. Ord. 03-19, passed 7-22-03)

Statutory reference:

Sidewalks; construction along public roads; specifications, see KRS 178.290

Sidewalks; ramps for wheelchairs, see KRS 66.660

' 91.07 SPECIFICATIONS.

All new construction of sidewalks within the city shall be at least four feet wide and shall be at least four inches deep. In those areas where the sidewalk is also a part of a driveway, the depth shall be a minimum of six inches. The concrete mix used shall be a minimum of 4,000 PSI. Concrete forms are to be inspected and approval given by the City Public Works Superintendent prior to the pouring of concrete. (Ord. 94-13, passed 10-12-94; Am. Ord. 03-19, passed 7-22-03)

' 91.08 LOCATION REQUIREMENTS.

Sidewalks are required along all arterial and major collector streets. Sidewalks are not required along local streets as defined by the comprehensive plan, however, sidewalks are required along local streets where the public safety or welfare may be at risk if sidewalks are not provided. Those local streets requiring sidewalks will be determined by the Planning and Zoning Commission. (Ord. 94-13, passed 10-12-94)

' 91.09 SIDEWALK REPAIRS.

(A) The property owners are required to maintain sidewalks in a good condition. The City Code Enforcement Officer or Building Inspector may determine that the condition of a sidewalk is not good. The property owner is responsible to bring the sidewalk in good condition upon written notice from the City Code Enforcement Officer or Building Inspector. Repairs are to be completed within 90 days unless the City Code Enforcement Officer or Building Inspector grants an extension under conditions of bad weather. If the property owner does not repair or replace the sidewalk as required, the city may repair or replace the sidewalk and assess the property owner for the costs.

(B) From time to time the city may acquire or allocate funds which are appropriated for sidewalk repair or replacement. The City Council will at its discretion determine which sidewalks are to be replaced. The city may remove any tree which encumbers the proper replacement of the sidewalk.

(C) When sufficient funding is not available or the city does not plan to replace sidewalks in a given area within the current fiscal year, the property owner may request assistance from the City Council to replace the sidewalk. The City Council will determine if assistance can be given. The City Public Works Department will be responsible for such assistance but will be limited to removal of the old sidewalk only. Under these conditions, the city will not be responsible for tree removal or construction of the new sidewalk. Specifications for construction listed in ' 91.07 shall be followed during repair or replacement of sidewalks.

(Ord. 94-13, passed 10-12-94; Am. Ord. 03-19, passed 7-22-03)

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 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 un

less 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.

(A) 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.

(B) Exceptions.

(1) The following items can be placed within the public sidewalk area contingent upon the property owner or business owner, with permission of the building owner, submitting a conditional use permit application to the Board of Adjustment for review.

(2) The criteria used to rule on a submittal will be as follows:

(a) It must be a permitted item as set forth in division (C) below.

(b) The item=s size, shape and orientation to the public sidewalks must meet the following:

1. Dimensional requirements. Placement of an item can utilize a maximum of 35% of existing sidewalk depth unless an item has specific dimensions called for.

2. No item can be placed so as to interfere with the free and unobstructed access to and from the building.

3. A standard type as selected by the city for benches, waste receptacles, and the like may be required.

4. An item cannot be placed in front of another property owner=s storefront without the owner=s documented permission.

(c) The item=s color, material and general design must meet the Design Standards Ordinance and/or Historic Design Ordinance.

(d) The item will not contradict in any way existing ordinances as it relates to the general safety and well-being of citizens.

(C) Permitted items. Permitted items which can be placed in the public sidewalk area, are as follows:

(1) Benches, permanent.

(2) Waste receptacles, permanent.

(3) Planters, permanent and daily.

(4) Awnings, permanent.

(5) Signs, daily; size, placement and type as permitted.

(6) Tables and chairs associated with restaurants and/or cafes, daily; placement and dimensional requirements as permitted.

(7) Two-bike rack, permanent.

(8) (a) Businesses with valid business licenses from the city and whose businesses abut a public sidewalk may display on those sidewalks, goods that would normally, and reasonably be associated with their businesses, so long as displayed items do not interfere with the free and unobstructed flow of pedestrian traffic on the sidewalk, and so long as dimensional requirements for displaying the goods are adhered to.

(b) Business owners may, from time to time, grant permission for non-profit, educational or charitable organizations to hold fund-raising events such as bake sales, and the sale of other items for the purpose of raising funds for the group on public sidewalks which abut their businesses, so long as all aforementioned requirements are met. Prohibited items are Aused@ goods of the type that would normally and reasonably be associated with a Ayard sale@. Determination of violation of this section shall be at the discretion of the Code Enforcement Officer of the city.

(Am. Ord. 09-27, passed 10-26-09; Am. Ord. 2016-18, passed 11-3-16)

Cross-reference:

Burning materials on city streets, see ' 93.21

Littering on streets or sidewalks, see Ch. 94

' 91.33 REMOVAL OF ICE AND SNOW.

It shall be the duty of the owner or of the occupant of each and every parcel of real estate in the city abutting upon any sidewalk to keep the sidewalk abutting his or her premises free and clear of snow and ice to the extent feasible under the prevailing weather conditions, and to remove therefrom all snow and ice, to the extent feasible under the prevailing weather conditions, accumulated thereon within a reasonable time which will ordinarily not exceed 12 hours after the abatement of any storm during which the snow and ice may have accumulated.

Penalty, see ' 91.99

' 91.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$500, or imprisoned for not more than 30 days, or both, for each offense.

Section

General Provisions

- 92.01 Definitions
- 92.02 Common law and statutory nuisances
- 92.03 Certain conditions declared a nuisance
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Cross-reference:

Noisy animals, see ' 90.02

Statutory-reference:

Private nuisances, see KRS 411.500 - 411.570

GENERAL PROVISIONS

' 92.01 DEFINITIONS.

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

AAUTOMOBILE PARTS.@ Any portion or parts of any motor driven vehicle as detached from the vehicle as a whole.

AMOTOR VEHICLE.@ Any style or type of motor driven vehicle used for the conveyance of persons or property.

AMOTOR VEHICLE IN AN INOPERATIVE CONDITION.@ Those motor vehicles which are unable to move under its own power due to defective or missing parts, which lack parts or equipment necessary to make that vehicle readily operable, and/or that cannot be safely operated on the

public roads and highways by virtue of defective, missing or improper parts or equipment and/or not properly registered or insured as required by state statutes.

ANUISANCE.@ Public nuisance.

ASCRAPE METAL.@ Pieces or parts of steel, iron, tin, zinc, copper, aluminum, or any alloy thereof, whether covered with porcelain or any other material, whether intact or in parts, which has served its usefulness in its original form and can no longer be used for its originally intended purpose.

AUNFIT FOR FURTHER USE.@ In a dangerous condition; having defective or missing parts; or in such a condition generally as to be unfit for further use as a conveyance.
(Am. Ord. 96-22, passed 7-8-96)

' 92.02 COMMON LAW AND STATUTORY NUISANCES.

In addition to what is declared in this chapter to be a public nuisance, those offenses which are known to the common law and statutes of Kentucky as public nuisances may be treated as such and be proceeded against as is provided in this chapter or in accordance with any other provision of law.

Penalty, see ' 92.99

' 92.03 CERTAIN CONDITIONS DECLARED A NUISANCE.

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 to develop thereon. The following conditions are declared to be public nuisances:

(A) Dangerous trees or other objects adjoining street. Any tree, stack, or other object standing in such a condition that it will, if the condition is allowed to continue, endanger the life, limb, or property of, or cause hurt, damage, or injury to persons or property upon the public streets or public ways adjacent thereto, by the falling thereof or of parts thereof.

(B) Accumulation of rubbish or other debris. An accumulation on any premises of filth, refuse, trash, garbage, other waste material, or other debris or objects which endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property.

(C) Noxious odors or smoke. Emission into the surrounding atmosphere of odor, dust, smoke, or other matter which renders ordinary use or physical occupation of other property in the vicinity uncomfortable or impossible.

(D) Storage of explosives. The storage of explosive material which creates a safety hazard to other property or persons in the vicinity.

(E) Overgrown grass and weeds. The existence of grass, thistles, burdock, jimson weeds, ragweeds, milkweeds, poison ivy, poison oak, iron weeds, and all other noxious weeds and rank vegetation in excess of a height of eight inches.

(F) Open wells. The maintenance of any open, uncovered, or insecurely covered cistern, cellar, well, pit, excavation, or vault situated upon private premises in any open or unfenced lot or place.

(G) Trees and shrubbery obstructing streets and sidewalks. The growing and maintenance of trees with less than 14 feet clearance over streets or less than eight feet over sidewalks, or the growing and maintenance of shrubbery in excess of three feet in height within the radius of 20 feet from the point where the curb line of any street

intersects the curb line of another street. No shrub shall be planted between the curb line and the property line of any street within a radius of 20 feet from the point where the curb line of any street intersects with the curb line of another street.

(H) Keeping of animals. The failure to keep an animal=s pen, yard, lot, or other enclosure in a sanitary condition and free from preventable offensive odors.

(I) Junk; scrap metal; motor vehicles. The storage of motor vehicles in an inoperative condition, motor vehicles unfit for further use, automobile parts, or scrap metal within the city limits except on premises authorized by the city for such purposes.

(J) Exterior use or storage of indoor furniture or appliances is prohibited. No person owning, leasing, occupying or having charge of any premises shall allow the use or storage of furniture or appliances which are upholstered or not designed for outdoor use in an uncovered or exposed area where it is likely to decay, decompose, or retain moisture causing a health hazard or diminution in the value of neighboring properties.

(K) Unfit and unsafe structures. It shall be unlawful for any property owner within the city to permit any structure upon the property to become unfit and unsafe for human habitation, occupancy, or use or to permit conditions to exist in the structure which are dangerous or injurious to the health or safety of the occupants of the structure, the occupants of neighboring structures, or other residents of the city.

(Am. Ord. 05-15, passed 12-14-05; Am. Ord. 08-13, passed 10-27-08; Am. Ord. 09-02, passed 3-23-09; Am. Ord. 15-14, passed 6-29-15; Am. Ord. 2017-18, passed 7-10-17) Penalty, see ' 92.99

Cross-reference:

Tree Commission, see ' ' 35.125 - 35.129

' 92.04 ABATEMENT PROCEDURE.

Enforcement proceedings for this chapter shall be in accordance with ' ' 35.140 through 35.155 Code Enforcement Board.

(>78 Code, ' 9-1) (Ord., passed 5-5-71; Am. Ord. 91-05, passed 3-27-91; Am. Ord. 91-07, passed 5-8-91; Am. Ord. 97-12, passed 7-16-97; Am. Ord. 2014-20, passed 8-25-14; Am. Ord. 2015-13, passed 6-29-15; Am. Ord. 2017-02, passed 2-27-17)

' 92.05 NUISANCE CREATED BY OTHERS.

For the purposes of this chapter, it shall not be essential that the nuisance be created or contributed to by the owner, occupant, or person having control or management of the premises, but merely that the nuisance be created or contributed to by licensees, invitees,

guests, or other persons for whose conduct the owner or operator is responsible, or by persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care ought to have become aware of.

NOISE CONTROL

' 92.20 DEFINITIONS.

All terminology used in this subchapter and not defined below shall be in conformance with applicable American National Standards Institute Publications. For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AA-WEIGHTED SOUND PRESSURE LEVEL.@ The sound pressure level as measured with a sound level meter using the A-weighted network. The standard notation is dB(A) or dBA.

ACUMULATIVE PERIOD.@ An additive period of time composed of individual time segments which may be continuous or interrupted.

ADECIBEL (dB).@ A unit for describing the loudness of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter). Zero decibels is the threshold of human hearing. Ten decibels is ten times as loud as zero, 20 decibels is 100 times as loud as zero, and 130 decibels is the threshold of pain.

ANOISE.@ Any sound which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.

AREAL PROPERTY LINE.@ An imaginary line along the surface, and its vertical plane extension, which separates the real property owned, rented, or leased by one person from that owned, rented, or leased by another person, excluding intra-building residential property division.

ASOUND.@ The manifestation in air of a longitudinal wave created by a pressure fluctuation, which evokes an auditory sensation and can be measured with suitable instrumentation.

ASOUND LEVEL METER.@ An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels. The output meter reads sound level when properly calibrated, and the instrument must be of Type 2 or better, as specified in the American National Standards Institute publications.
(Ord. passed 3-23-81)

' 92.21 EXCEEDING ESTABLISHED SOUND LEVELS PROHIBITED.

(A) It shall be unlawful for any person to make or continue or cause to be made or continued any stationary source of sound in such a manner as to create a noise level which exceeds the limits set forth in this section. The following table of sound levels shall be the levels by which violation of this section is measured.

TABLE 1

Receiving land use	7:00 a.m.-10:00 p.m.	10:00 p.m.-7:00 a.m.
Residential	55	50
Commercial	60	55
Industrial	65	65

(B) The sound levels set forth in this section shall be exceeded when any one or more of the following occur:

(1) The sound or noise at any one point in time exceeds any of the established land use limits in Table 1 by measured sound level of 15 dBA; or

(2) The sound or noise exceeds any of the established land use limits in Table 1 by a measured sound level of ten dBA for accumulated total of one minute or more out of any ten-minute period; or

(3) The sound or noise exceeds any of the established land use limits in Table 1 continually for a period of five minutes, or a total of five minutes out of any ten-minute period.

(C) The following acts, and the causing or permitting thereof are declared to be in violation of this section:

(1) Operating, playing, or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, or similar device which produces or reproduces sound level in violation of division (B) above.

(2) Using or operating for any purpose any loudspeaker, loudspeaker system, or similar device in such a manner as to be in violation of the provisions of division (B) above.
(Ord., passed 3-23-81) Penalty, see ' 92.99

' 92.22 DETERMINATION OF VIOLATION.

Violation of the limits set forth in ' 92.21 shall be determined by the taking of a sound level meter reading at the boundary line or at any point within the property affected by the noise or sound. If a noise source can be measured in more than one land use category and its

sound level meter reading is within the limits set forth in ' 92.21 when measured at its property boundary line, the noise source shall not be in violation of this subchapter even though its sound level meter reading exceeds the limits when measured in the more restrictive area. (Ord., passed 3-23-81)

' 92.23 EXCEPTIONS.

The provisions of this subchapter shall not apply to:

(A) The lawful use of sound by governmental units;

(B) The use of sound by houses of religious worship;

(C) The operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work between the hours of 7:00 a.m. and 9:00 p.m.

(D) The operation of any power equipment used for home or building repair or grounds maintenance, including, but not limited to power saw, chain saw, sander, lawn mower, garden equipment, or snow removal equipment in residential or commercial zones between the hours of 7:00 a.m. and 9:00 p.m.

(Ord., passed 3-23-81)

' 92.24 VARIANCES.

The City Council may grant variances for exception from any provision of this subchapter, subject to limitations as to area, noise levels, time limits, and other terms and conditions as it determines are appropriate to protect the public health, safety, and welfare from the noise emanating therefrom. In determining whether to grant or deny a variance, the Council shall balance the hardship on the applicant, the community, and other persons of not granting the variance against the adverse impact on the health, safety, and welfare of persons affected, the adverse impact on property affected, and any other adverse impacts of granting the variance. A variance shall not exceed 365 days from the date on which it was granted, but the applicant may request a new variance at that time.

(Ord., passed 3-23-81)

BRAKING DEVICES

' 92.30 DYNAMIC BRAKING DEVICES.

(A) Definition. A ADYNAMIC BRAKING DEVICE@ (commonly referred to as Jake Brakes, Jacobs Brake, Engine Brakes or Compression Brakes) is defined as a device primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

(B) Use prohibited. It is unlawful for any person to operate any motor vehicle with a dynamic braking device engaged within the city limits, where posted, except for emergency situations for the purpose of avoiding a collision with another object or vehicle, but excluding the 600 to 700 block of Park Avenue, commonly referred to as AGap Hill.®

Penalty, see ' 92.99 (Ord. 03-21, passed 10-8-03)

' 92.99 PENALTIES.

(A) Whoever violates any provision of this chapter for which another penalty is not provided shall be guilty of a misdemeanor and shall be fined not more than \$500 or imprisoned for not more than 30 days, or both, for each offense. Each day=s continued violation shall constitute a separate offense.

(B) Any person who violates any provision of '' 92.20 through 92.24 shall be guilty of a violation and shall be fined not less than \$25 for each offense. Any person who willfully or knowingly violates any provision of '' 92.20 through 92.24 shall be guilty of a misdemeanor and shall be fined for each offense a sum of not less than \$100 and not more than \$500, imprisoned for a period of not more than 30 days, or both. Each day of violation shall constitute a separate offense.

(C) As an alternative to the penalties as set forth in subsections (A) and (B) hereinabove any person who violates any provision of this chapter shall be subject to a civil penalty as set forth in the schedule below. Each day of violation shall constitute a separate offense. If the offender does not pay the penalty within 30 days after he or she has been cited for the offense, then the civil penalty shall be recovered by the city in a civil action in the nature of a debt.

(1) If a citation for a violation of an ordinance is not contested by the person charged with the violation, the penalties set forth in this subsection shall apply: however, the Code Enforcement Board may waive all or any portion of a penalty for an uncontested violation, if in its discretion, the Board determines that such waiver will promote compliance with the ordinance in issue.

<u>Violation</u>	<u>First Offense</u>	<u>Subsequent Offenses</u>
Dangerous trees or other objects adjoining street	\$25.00	\$50.00
Accumulation of rubbish or other debris	\$25.00	\$50.00
Noxious odors or smoke	\$25.00	\$50.00
Storage of explosives	\$50.00	\$100.00
Overgrown grass and weeds	\$25.00	\$50.00
Open wells	\$50.00	\$100.00
Trees and shrubbery obstructing streets and sidewalks	\$25.00	\$50.00

Keeping of animals	\$25.00	\$50.00
Junk; scrap metal; motor vehicles	\$25.00	\$50.00
Exterior use or storage of indoor furniture or appliances	\$25.00	\$50.00
Unfit buildings	\$100.00	\$200.00
All other violations	\$25.00	\$50.00

(2) If the citation is contested and a hearing before the Board is required, the following maximum penalties may be imposed:

<u>Violation</u>	<u>First Offense</u>	<u>Subsequent Offenses</u>
Dangerous trees or other objects adjoining street	\$50.00	\$100.00
Accumulation of rubbish or other debris	\$50.00	\$100.00
Noxious odors or smoke	\$50.00	\$100.00
Storage of explosives	\$100.00	\$200.00
Overgrown grass and weeds	\$50.00	\$100.00
Open wells	\$100.00	\$200.00
Trees and shrubbery obstructing streets and sidewalks	\$50.00	\$100.00
Keeping of animals	\$50.00	\$100.00
Junk; scrap metal; motor vehicles	\$50.00	\$100.00
Exterior use or storage of indoor furniture or appliances	\$50.00	\$100.00
Unfit buildings	\$250.00	\$500.00
All other violations	\$50.00	\$100.00

(Ord., passed 3-23-81; Am. Ord. 07-08, passed 3-26-07; Am. Ord. 15-15, passed 6-29-15; Am. Ord. 2017-03, passed 2-27-17; Am. Ord. 2017-08, passed 4-24-17)

Section

Fireworks

- 93.01 Definitions; legality of items
- 93.02 Sale or use prohibited; exception for public display
- 93.03 Consumer fireworks; restrictions on sale
- 93.04 Bond or liability insurance requirement
- 93.05 Exempted sales and uses
- 93.06 Destruction of fireworks

Fire Prevention

- 93.20 Fire limits
- 93.21 Restrictions on open fires
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- 93.23 Location and containment of open fires
- 93.24 Constant attention to open fires required
- 93.25 Authority to prohibit open fires
- 93.26 Storage of flammables and other matter

- 93.99 Penalty

FIREWORKS

' 93.01 DEFINITIONS; LEGALITY OF ITEMS.

(A) As used in '' 93.01 through 93.06, AFIREWORKS@ means any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of Aconsumer fireworks@ as defined in division (B) of this section or Adisplay@ fireworks as defined in division (D) of this section and as set forth in the U.S. Department of Transportation=s (DOT) hazardous materials regulations. Afireworks@ does not include:

(1) Exception number 1: Toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps manufactured in accordance with DOT regulations, and packed and shipped according to said regulations, are not considered to be fireworks and shall be allowed to be used and sold at all times.

(2) Exception number 2: Model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models are not considered to be fireworks.

(3) Exception number 3: Propelling or expelling charges consisting of a mixture of sulfur, charcoal, and saltpeter are not considered as being designed for producing audible effects.
(KRS 227.700)

(B) ACONSUMER FIREWORKS@ means fireworks that are suitable for use by the public, designed primarily to produce visible effects by combustion, and comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission. The types, sizes, and amount of pyrotechnic contents of these devices are limited as enumerated in this chapter. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing 50 milligrams or less of explosive composition, and aerial devices containing 130 milligrams or less of explosive composition. ACONSUMER FIREWORKS@ are further defined by the Consumer Produce Safety Commission in CPSC, 16 C.F.R. Pts. 1500 and 1507, are classified as Division 1.4G explosives by the U.S. Department of Transportation, and include the following:

(1) Ground and hand-held sparkling devices.

(a) Dipped stick-sparkler or wire sparkler. These devices consist of a metal wire or wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to 100 grams of pyrotechnic composition per item. Those devices containing any perchlorate or chlorate salts may not exceed five grams of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than 100 grams of composition per item are not included in this category, in accordance with DOT regulations.

(b) Cylindrical fountain. Cylindrical tube containing not more than 75 grams of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least one-half inch.

(c) Cone fountain. Cardboard or heavy paper cone containing up to 50 grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one cone is mounted on a common base, the total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least one-half inch;

(d) Illuminating torch. Cylindrical tube containing up to 100 grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base, or hand-held. When more than one tube is

mounted on a common base, total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least one-half inch.

(e) Wheel. A device attached to a post or tree by means of a nail or string. A wheel may have one or more drivers, each of which may contain not more than 60 grams of pyrotechnic composition. No wheel may contain more than 200 grams total pyrotechnic composition. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect.

(f) Ground spinner. Small device containing not more than 20 grams of pyrotechnic composition, similar in operation to a wheel but intended to be placed on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.

(g) Flitter sparkler. Narrow paper tube attached to a stick or wire and filled with not more than 100 grams of pyrotechnic composition that produces color and sparks upon ignition. The paper at one end of the tube is ignited to make the device function.

(h) Toy smoke device. Small plastic or paper item containing not more than one hundred (100) grams of pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(2) Aerial devices.

(a) Sky rockets and bottle rockets. Cylindrical tube containing not more than 20 grams of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of flight.

(b) Missile-type rocket. A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability.

(c) Helicopter, aerial spinner. A tube containing up to 20 grams of pyrotechnic composition. A propeller or blade is attached, which, upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight.

(d) Roman candles. Heavy paper or cardboard tube containing up to 20 grams of pyrotechnic composition. Upon ignition, up to ten stars (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several second intervals.

(e) Mine, shell. Heavy cardboard or paper tube usually attached to a wood or plastic base and containing up to 60 grams of total chemical composition (lift charge, burst charge, and visible or audible effect composition). Upon ignition, stars, components producing reports containing up to 130 milligrams of explosive composition per report, or other devices are propelled into the air. The term Amine@ refers to a device with no internal components containing a bursting charge, and the term Ashell@ refers to a device that propels a component that subsequently bursts open in the air. A mine or shell device may contain more than one tube provided the tubes fire in sequence upon ignition of one external fuse. The term Acake@ refers to a dense-packed collection of mine or shell tubes. Total chemical composition including lift charges of any multiple tube devices may not exceed 200 grams. The maximum quantity of lift charge in any one tube of a mine or shell device shall not exceed 20 grams, and the maximum quantity of break or bursting charge in any component shall not exceed 25% of the total weight of chemical composition in the component. The tube remains on the ground.

(f) Aerial shell kit, reloadable tube. A package kit containing a cardboard, high-density polyethylene (HDPE), or equivalent launching tube with multiple-shot aerial shells. Each aerial shell is limited to a maximum of 60 grams of total chemical composition (lift charge, burst charge, and visible or audible effect composition), and the maximum diameter of each shell shall not exceed one and three-fourths inches. In addition, the maximum quantity of lift charge in any shell shall not exceed 20 grams, and the maximum quantity of break or bursting charge in any shell shall not exceed 25% of the total weight of chemical composition in the shell. The total chemical composition of all the shells in a kit, including lift charge, shall not exceed 400 grams. The user lowers a shell into the launching tube, at the time of firing, with the fuse extending out of the top of the tube. After the firing, the tube is then reloaded with another shell for the next firing. All launching tubes shall be capable of firing twice the number of shells in the kit without failure of the tube. Each package of multiple-shot aerial shells must comply with all warning label requirements of the Consumer Product Safety Commission.

(3) Audible ground devices.

(a) Firecrackers, salutes. Small paper-wrapped or cardboard tube containing not more than 50 milligrams of pyrotechnic composition. Those used in aerial devices may contain not more than 130 milligrams of explosive composition per report. Upon ignition, noise and a flash of light is produced.

(b) Chaser. Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced. The explosive composition used to create the noise may not exceed 50 milligrams.

(KRS 227.702)

(C) Items listed below are classified as ANOVETIES@ and ATRICK NOISEMAKERS@ and are not classified as consumer fireworks by the U.S. Department of Transportation, and their transportation, storage, retail sale, possession, sale, and use shall be allowed throughout the state at all times.

(1) Snake, glow worm. Pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. These devices may not contain mercuric thiocyanate.

(2) Smoke device. Tube or sphere containing pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(3) Wire sparkler. Wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. These items may not contain magnesium and must not exceed 100 grams of composition per item. Devices containing any chlorate or perchlorate salts may not exceed five grams of composition per item.

(4) Trick noisemaker. Item that produces a small report intended to surprise the user. These devices include:

(a) Party popper. Small plastic or paper item containing not more than 16 milligrams of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streamers and producing a small report.

(b) Booby trap. Small tube with string protruding from both ends, similar to a party popper in design. The ends of the string are pulled to ignite the friction sensitive composition, producing a small report.

(c) Snapper. Small, paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes producing a small report.

(d) Trick match. Kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match a small report or a shower of sparks is produced.

(e) Cigarette load. Small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one of the pegs, a small report is produced.

(f) Auto burglar alarm. Tube which contains pyrotechnic composition that produces a loud whistle or smoke, or both, when

ignited. A small quantity of explosive, not exceeding 50 milligrams may also be used to produce a small report. A squib is used to ignite the device.

(KRS 227.704)

(D) As used in '' 93.01 through 93.06, ADISPLAY FIREWORKS@ means pyrotechnic devices or large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation.

This term includes, but is not limited to, firecrackers containing more than two grains (130 milligrams) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as consumer fireworks. Display fireworks are defined by the Consumer Product Safety Commission in CPSC, 16 C.F.R. Pts. 1500 and 1507, and are classified as class B explosives by the U.S. Department of Transportation.

(KRS 227.706)

(E) Legality of items.

(1) Items described in division (B) above are legal for retail sale, use and possession, provided all applicable federal and state requirements with respect thereto are met.

(2) Items described in division (D) are not legal for retail sale but are legal under permits granted pursuant to this chapter for the purposes specified in this chapter for public displays and may be sold at wholesale as provided in this chapter.

(3) Items described in division (C) are legal for retail sale, use and possession, provided all applicable federal and state requirements with respect thereto are met.

(KRS 227.708) (Am. Ord. 07-29, passed 7-26-07)

' 93.02 SALE OR USE PROHIBITED; EXCEPTION FOR PUBLIC DISPLAY.

No person, firm, co-partnership, or corporation shall offer for sale, expose for sale, sell at retail, keep with intent to sell, possess, use, or explode, any fireworks deemed illegal in ' 93.01(E)(2), except for the following:

(A) The Chief of the Fire Department or other authorized city official may grant permits for supervised public displays of fireworks by the city, fair associations, amusement parks, and other organizations or groups of individuals. Every display shall be handled by a competent operator to be approved by the public official by whom the permit is granted, and shall be of such character, and so located, discharged or fired as in the opinion of the official, after proper inspection, shall not be hazardous to property or endanger any person.

Permits shall be filed with the office of the State Fire Marshal at least 15 days in advance of the date of the display. After the privilege is granted, sales, possession, use and distribution of fireworks for the display shall be lawful for that purpose only. No permit granted under this division shall be transferable. For the purposes of this division (A), APUBLIC DISPLAY OF FIREWORKS@ shall include the use of pyrotechnic devices or pyrotechnic materials before a proximate audience, whether indoors or outdoors.

(B) The sale, at wholesale, of any fireworks for supervised displays by any resident manufacturer, wholesaler, dealer, or jobber, in accordance with regulations of the U.S. Bureau of Alcohol, Tobacco, and Firearms, if the sale is to the person holding a display permit as outlined in division (A) of this section. The permit holder shall present the permit along with other verifiable identification at the time of sale.

(C) The sale, at wholesale, of any kind of fireworks by any resident manufacturer, wholesaler, dealer, or jobber, provided the fireworks are intended for shipment directly out of state in accordance with regulations of the U.S. Department of Transportation.

(D) The sale and use in emergency situations of pyrotechnic signaling devices and distress signals for marine, aviation, and highway use.

(E) The use of fuses and railway torpedoes by railroads.

(F) The sale and use of blank cartridges for use in a show or theater or for signal or ceremonial purpose in athletics or sports.

(G) The use of any pyrotechnic device by military organizations.

(H) The use of fireworks for agricultural purposes under the direct supervision of the U.S. Department of the Interior or any equivalent or local agency.

(Am. Ord. 07-31, passed 7-26-07) Penalty, see ' 93.99

Statutory reference:

Fireworks, see KRS 227.710

' 93.03 CONSUMER FIREWORKS; RESTRICTIONS ON SALE.

(A) Except as provided in ' 93.02, the consumer fireworks described in ' 93.01(B) may be offered for sale, sold at retail, or kept with the intent to sell, only if the requirements of this section are met.

(B) Any person, firm, co-partnership, non-profit, or business intending to sell consumer fireworks described in ' 93.01(B) shall register annually with the state fire marshal=s office in accordance with KRS 227.715, and display its registration certificate in a conspicuous location at the site.

(C) Each site at which fireworks are offered for sale shall comply with all applicable provisions of the International Building Code, with Kentucky Amendments (adopted edition), and NFPA 1124 (National Fire Protection Association) B Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles (adopted edition).

(D) No person or business shall give, offer for sale, or sell any consumer fireworks listed in ' 93.01(B) to any person under 18 years of age.

(KRS 227.715 (6) - (8)) Penalty, see ' 93.99

' 93.04 BOND OR LIABILITY INSURANCE REQUIREMENT.

No permit shall be issued under ' 93.02 unless the applicant shall give bond or evidence of liability insurance deemed adequate by the official to whom application for the permit is made, in a sum not less than \$1,000,000. However, the appropriate city official or the State Fire Marshal may require a larger amount if in their judgment the situation requires it, conditioned for the payment of all damages which may be caused thereby either to a person or to property by reason of the permitted display, and arising from any acts of the licensee, his agents, employees or subcontractors.

(KRS 227.720) Penalty, see ' 93.99

' 93.05 EXEMPTED SALES AND USES.

Nothing in this chapter shall prevent the retail sale and use of explosives or signaling flares used in the course of ordinary business or industry, or gold star producing sparklers, which contain no magnesium or chlorate, toy snakes which contain no mercury, smoke novelties and party novelties, which contain less than twenty-five hundredths of a grain of explosive mixture, or shells or cartridges, used as ammunition in firearms, or blank cartridges for a show or theatre, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations, or the sale of any kind of fireworks provided the same are to be shipped by the seller directly out of the state.

(KRS 227.730)

' 93.06 DESTRUCTION OF FIREWORKS.

(A) The State Fire Marshal, or any fire department having jurisdiction which has been deputized to act on behalf of the State

Fire Marshal, shall cause to be removed at the expense of the owner all stocks of fireworks which are stored and held in violation of this subchapter. After a period of 60 days, the seized fireworks may be offered for sale by closed bid to a properly certified fireworks wholesaler.

(B) After a period of 60 days, the seized fireworks may be offered for sale by closed bid to a properly certified manufacturer, distributor, or wholesaler. All seized fireworks or explosives with a Class 1.3G or ADisplay@ designation shall require the notification of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives. The State Fire Marshal shall provide the owner or possessor a receipt containing the complete inventory of any fireworks seized within five business days of the seizure.

(C) Before any seized fireworks may be disposed of:

(1) If the owner of the seized fireworks is known to the State Fire Marshal, the State Fire Marshal shall give notice by registered mail or personal service to the owner of the State Fire Marshal=s intention to dispose of the fireworks. The notice shall inform the owner of the State Fire Marshal=s intent. The State Fire Marshal shall conduct an administrative hearing in accordance with KRS Chapter 13B concerning the disposal of fireworks; or

(2) If the identity of the owner of any seized fireworks is not known to the State Fire Marshal, the State Fire Marshal shall cause to be published, in a newspaper of general circulation in the county in which the seizure was made, notice of the seizure, and of the State Fire Marshal=s intention to dispose of the fireworks. The notice shall be published once each week for three consecutive weeks. If no person claims ownership of the fireworks within ten days of the date of the last publication, the State Fire Marshal may proceed with disposal of the fireworks. If the owner does claim the fireworks within ten days of the date of the last publication, a hearing as set out in division (C)(1) of this section shall be held.

(D) Nothing in '' 93.01 through 93.06 shall restrict a local government from enacting ordinances that affect the sale or use of fireworks within its jurisdiction.
(KRS 227.750)

FIRE PREVENTION

' 93.20 FIRE LIMITS.

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

AGARBAGE.@ A putrescible animal and vegetable matter accumulated by a family in a residence in the course of ordinary day-to-day living.

AHOUSEHOLD 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.

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

(B) As used in this section the term AFIRE LIMITS@ shall have the same meaning as in AArticle IV-Fire Limits and Building Restrictions@ of the Standards of Safety, 1986 edition, prepared and published by the Division of Fire Prevention of the Department of Public Safety of the Commonwealth of Kentucky.

(C) All land and improvements thereon in the fire limits shall be subject to the provisions of Article IV of the Standards of Safety.

(D) Within the city all land within any commercial zoning district, as now existing or hereafter established, shall constitute and be within the fire limits.

(>78 Code, ' 5-2) (Ord., passed 8-4-71; Am. Ord. 89-19, passed 7-12-88; Am. Ord. 90-14, passed 10-10-90)

' 93.21 RESTRICTIONS ON OPEN FIRES.

Except as otherwise provided, no person shall cause, suffer or allow any open burning within the city. Fires may be set for the following purposes, provided that such fires do not violate any of the provisions of the Kentucky Revised Statutes or any other laws of the Commonwealth of Kentucky, if a prior written permit is obtained from the City Fire Chief:

(A) Fires set for the cooking of food for human consumption on other than commercial premises;

(B) Fires set for recreational or ceremonial purposes with prior written consent from the Fire Chief.

(Ord., passed 9-13-78; Am. Ord. 89-19, passed 7-12-89; Am. Ord. 90-14, passed 10-10-90; Am. Ord. 93-01, passed 2-10-93) Penalty, see ' 93.99

' 93.22 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 authorized city official. The authorized city official, 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.

(Ord. 89-19, passed 7-12-89; Am. Ord. 90-14, passed 10-10-90) Penalty, see ' 93.99

' 93.23 LOCATION AND CONTAINMENT OF OPEN FIRES.

No person, firm, corporation, or agent thereof may kindle or maintain any open fire or authorize any such fire to be kindled or maintained within 25 feet of any structure unless adequate provisions are made to prevent fire from spreading closer than 25 feet to the structure.

(Ord. 89-19, passed 7-12-89; Am. Ord. 90-14, passed 10-10-90)

' 93.24 CONSTANT ATTENTION TO OPEN FIRES REQUIRED.

Open fires shall be constantly attended by a competent person not less than 18 years of age. If the Fire Department or any of its employees are called out to either a permitted or a non-permitted fire, a fee will be billed to the person responsible for the fire.

(Ord. 89-19, passed 7-12-89; Am. Ord. 90-14, passed 10-10-90)

' 93.25 AUTHORITY TO PROHIBIT OPEN FIRES.

The Fire Chief, in his discretion, may prohibit any or all open fires when natural conditions, the materials being burned, or local circumstances make these fires potentially hazardous or harmful.

(Ord. 89-19, passed 7-12-89; Am. Ord. 90-14, passed 10-10-90)

' 93.26 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.

(D) Permission to burn. Any person, firm, or corporation that wishes to set fires for disposal of natural growth for land clearing, tree and tree limbs, provided that no extraneous materials such as tires or heavy oils which tend to produce dense smoke are used to cause

ignition or aid combustion and the burning is done on sunny days with mild winds, shall be required to obtain a burning permit from the Fire Department before igniting the fire.

(Ord. 89-19, passed 7-12-89; Am. Ord. 90-14, passed 10-10-90) Penalty, see ' 93.99

' 93.99 PENALTY.

(A) Any person violating the provisions of '' 93.02 or 93.04, the regulations issued thereunder or any order issued thereunder, or who knowingly induces another, directly or indirectly, to violate the provisions of those sections, shall be guilty of a misdemeanor and shall be fined not more than \$500, or imprisoned for not more than 30 days, or both. (KRS 227.990 (4))

(B) Any person who violates any other provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500, or imprisoned for not more than 30 days, or both, for each offense. (Ord. 89-19, passed 7-12-89; Am. Ord. 90-14, passed 10-10-90)

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 Litter on private property

- 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 upon any street, alley, or other public place, mud, dirt, sticky substances, litter, or foreign matter of any kind.

Penalty, see ' 94.99

' 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 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

' 94.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500, or imprisoned for not more than 30 days, or both, for each offense. Each day the violation is committed or permitted to continue shall constitute a separate offense.

CHAPTER 95: FAIR HOUSING

Section

General Provisions

- 95.01 Policy
- 95.02 Definitions
- 95.03 Application of regulations
- 95.04 Discrimination in the sale or rental of housing
- 95.05 Discrimination in the financing of housing
- 95.06 Discrimination in the provision of brokerage services
- 95.07 Exemptions
- 95.08 Interference with or intimidation of protected persons prohibited

Administration and Enforcement

- 95.15 Mayor to enforce
- 95.16 Educational and conciliatory activities
- 95.17 Complaint procedure
- 95.18 Investigations; authority to issue subpoenas to acquire evidence
- 95.19 Civil actions by private persons
- 95.20 City assistance

- 95.99 Penalty

GENERAL PROVISIONS

' 95.01 POLICY.

It is the policy of the city to provide, within constitutional limitations, for fair housing throughout the city.
(Ord. 87-04, passed 3-26-87)

' 95.02 DEFINITIONS.

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

ADISCRIMINATORY HOUSING PRACTICE.@ An act that is unlawful under
' ' 95.04 through 95.06.

ADWELLING.@ Any building, structure, or portion thereof which is occupied as, or designed 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.

AFAMILY.@ Includes a single individual.

APERSON.@ 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.

ATO RENT.@ Includes to lease, sublease, let, or otherwise to grant for a consideration the right to occupy premises owned by the occupant.

(Ord. 87-04, passed 3-26-87)

' 95.03 APPLICATION OF REGULATIONS.

(A) Subject to the provisions of division (B) of this section and ' 95.07, the prohibitions against discrimination in the sale or rental of housing set forth in this section shall apply to all dwellings except as exempted by division (B) below.

(B) Nothing in ' 95.04 shall apply to:

(1) Any single-family house sold or rented by an owner, provided:

(a) Such private individual owner does not own more than three such single-family houses at any one time;

(b) That in the case of the sale of any single-family house by a private individual owner not residing in that house at the time of the sale or who was not the most recent resident of that house prior to the sale, the exemption granted by this division shall apply only with respect to one such sale within any 24-month period;

(c) That such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his or her 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 such single-family houses at any one time; and

(d) That the sale or rental of any such single-family house shall be excepted from the application of this chapter 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 salesperson, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesperson or other person; and without the publication, posting, or mailing, after notice of any advertisement or written notice in violation of ' 95.04(C), but this shall not prohibit the use of attorneys, escrow agents, abstractors, title companies, or other such professional assistance as is necessary to perfect or transfer the title; or

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by not more than four families

living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.

(C) For the purposes of division (B), 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 designed or intended for occupancy by, or occupied by five or more families.
(Ord. 87-04, passed 3-26-87)

' 95.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by ' 95.03 and except as exempted by
' ' 95.03(B) and 95.07, it shall be unlawful to:

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

(B) 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) 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; or

(D) 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. 87-04, passed 3-26-87) Penalty, see ' 95.99

' 95.05 DISCRIMINATION IN THE FINANCING OF HOUSING.

(A) 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, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, or national origin of such person or of any person

associated with him in connection with such loan or other financial assistance or the purposes of such 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 such loan or other financial assistance is to be made or given.

(B) However, nothing contained in this section shall impair the scope or effectiveness of the exception contained in ' 95.03(B).
(Ord. 87-04, passed 3-26-87) Penalty, see ' 95.99

' 95.06 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 service, or any 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. 87-04, passed 3-26-87) Penalty, see ' 95.99

' 95.07 EXEMPTIONS.

(A) 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 such persons, unless membership in such religion is restricted on account of race, color, or national origin.

(B) Further, nothing in this chapter shall 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 such lodgings to its members or from giving preference to its members.

(Ord. 87-04, passed 3-26-87)

' 95.08 INTERFERENCE WITH OR INTIMIDATION OF PROTECTED PERSONS PROHIBITED.

(A) 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 ' 95.03 through 95.06.

This section may be enforced by appropriate civil action as set forth in ' 95.19.

(B) Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates, interferes with,

or attempts to injure, intimidate, or interfere with the following persons, shall be subject to the penalty provisions of ' 95.99:

(1) Any person because of his race, color, religion, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, 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;

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

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

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

(3) Any citizen because he is or has been, or in order to discourage such 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 (B)(1) above or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.
(Ord. 87-04, passed 3-26-87) Penalty, see ' 95.99

ADMINISTRATION AND ENFORCEMENT

' 95.15 MAYOR TO ENFORCE.

(A) The authority and responsibility for administering this chapter 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 such 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 such 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 so as to affirmatively further the purposes of this chapter and shall cooperate with the Chief Executive Officer to further such purposes.

(Ord. 87-04, passed 3-26-87)

' 95.16 EDUCATIONAL AND CONCILIATORY ACTIVITIES.

The Chief Executive Officer shall institute 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. 87-04, passed 3-26-87)

' 95.17 COMPLAINT PROCEDURE.

(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 APERSON AGGRIEVED@) may file a complaint with the Chief Executive Officer. Complaints shall be in writing and shall contain such information and be in such form as the Chief Executive Officer requires.

(1) Upon receipt of such a complaint, the Chief Executive Officer shall furnish a copy of the same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice.

(2) Within 30 days after receiving a complaint, or within 30 days after the expiration of any period of reference under division (C), 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 complaint, 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 such 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. Any employee of the Chief Executive Officer who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to the terms of ' 95.99.

(B) A complaint under division (A) 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 such 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 such 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. 87-04, passed 3-26-87) Penalty, see ' 95.99

' 95.18 INVESTIGATIONS; AUTHORITY TO ISSUE SUBPOENAS TO ACQUIRE 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. However, the Chief Executive Officer shall first comply with the provisions of the Fourth Amendment relating to unreasonable search and seizure. The Chief Executive Officer may issue subpoenas to compel his access to or the production of such materials or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or 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 such 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 or her.

(D) Within five days after service of a subpoena upon any person, such person may petition the Chief Executive Officer to revoke or modify the subpoena. The Chief Executive Officer shall grant the petition if he or she finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires 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 any 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) Any person who willfully fails or neglects to attend and testify, 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 subject to the penalty provisions of ' 95.99. 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 subject to the penalty provisions of ' 95.99

(G) 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. 87-04, passed 3-26-87) Penalty, see ' 95.99

' 95.19 CIVIL ACTIONS BY PRIVATE PERSONS.

(A) The rights granted by '' 95.03 through 95.06 may be enforced by civil action in state or local courts of general jurisdiction. A civil action shall be commenced within 180 days after the alleged discriminatory housing practice occurred; provided, however, that the court shall continue such civil case brought pursuant to this section or ' 95.17(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 or in the complaint made to the Chief

Executive Officer and which practice forms the basis for the action in court; and provided 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, if 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 the plaintiff, in the opinion of the court, is not financially able to assume said attorney=s fees.
(Ord. 87-04, passed 3-26-87)

' 95.20 CITY ASSISTANCE.

(A) Within available resources the city will assist all persons who feel they have been discriminated against because of race, color, religion, sex, national origin, disability or familial status to seek equity under federal and state laws by filing a complaint with the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Compliance Division.

(B) The city shall publicize this section and through the publicity shall encourage owners of real estate, developers and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law and amendments and any applicable state or local laws or ordinances.

(C) The program will at a minimum include:

(1) Printing and publicizing of this policy and other applicable fair housing information through local media and community contacts;

(2) Distribution of posters, flyers and any other means that will bring attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing; and

(3) Prepare an analysis of impediments to fair housing choice and actions to mitigate such impediments.
(Res. 05-21, passed 11-8-05)

' 95.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$500 or be imprisoned for not more than one year, or both for each violation. (Ord. 87-04, passed 3-26-87)

Section

- 96.01 Possession of alcoholic beverages
- 96.02 Overnight camping at Carrolllton Point Park
- 96.03 Staging events; fees
- 96.04 Two Rivers RV Campground; rules and regulations

- 96.99 Penalty

' 96.01 POSSESSION OF ALCOHOLIC BEVERAGES.

It shall be unlawful for any person to have in his possession an open container with any alcoholic beverage contained therein at the Carrolllton Point Park or on any city-owned property located adjacent to said park.

(Ord. 87-12, passed 7-8-87) Penalty, see ' 96.99

' 96.02 OVERNIGHT CAMPING AT CARROLLTON POINT PARK.

It shall be unlawful for any person or group to engage in overnight camping at Carrolllton Point Park.

(Ord. 91-19, passed 8-14-91)

' 96.03 STAGING EVENTS; FEES.

(A) The city shall charge a fee of \$1,000 for persons, corporations, or individuals who desire to stage events at Point Park who are staging the event in order to make a profit.

(B) There shall be no charge for the staging of events by not-for-profit corporations or individuals, including charities, so long as any extra charges, including charges for portable toilet facilities, are paid by the person, corporation or individual.

(C) All persons, corporations or individuals, including not-for-profit corporations and charities, who stage events shall be required to obtain adequate general liability insurance with a \$500,000 limit to cover the event.

(Res. 91-18, passed 7-10-91)

' 96.04 TWO RIVERS RV CAMPGROUND; RULES AND REGULATIONS.

(A) The rules and regulations for the Two Rivers RV Campground are as follows:

(1) Check-in time is 2:00 p.m. and check-out time is 12:00 noon;

- (2) Quiet hours shall be from 11:00 p.m. until 8:00 a.m.;
- (3) All park patrons and visitors must drive carefully and watch for children;
- (4) Speed limit within the campground is 5 m.p.h.;
- (5) Patrons nor guests shall have any outside laundry lines, nor shall any clothes be hung outside;
- (6) Tents are allowed, but with a maximum of one tent per site;
- (7) There shall not be any ATVs, dirt bikes, gas-powered mopeds or scooters operated within the campground. Golf carts are permitted if operated by a 16-year-old licensed driver. All vehicles must be driven on paved roadways and parked on either concrete pads or paved areas;
- (8) No generators shall be used within the campground;
- (9) Sewer and water hookup must be properly fitted and supported to prevent leaks;
- (10) There shall be only one recreational vehicle and one additional motor vehicle per site. All vehicles shall remain on the concrete pad or paved areas. No vehicle shall be on the grass or blocking the common roadways. Non-recreational vehicles and trailers must use the front parking lot;
- (11) Moving from any assigned space must be authorized by the front office;
- (12) No person shall wash their recreational vehicle or other vehicles inside the campground;
- (13) All visitors must register and park in the front parking lot;
- (14) Visitors may be restricted during periods of high occupancy;
- (15) All garbage must be stacked and tied and placed in the dumpster;
- (16) Liquid waste shall not be dumped on the ground or in the dumpsters;
- (17) No bicycles shall be ridden after dark;

(18) Ground fires must be in the fire rings;

(19) Firearms and fireworks are prohibited by local ordinances;

(20) There shall be no public display of alcohol;

(21) Pets are allowed, but there is a maximum of two pets per site;

(22) Pet owners must clean up after their pets and dispose of litter in the proper receptacles;

(23) Pets must be on a leash at all times, with a maximum leash length of eight feet;

(24) Pets are not allowed in any buildings in the campground, unless the pet is a service animal;

(25) Pets must not disturb other patrons or guests;

(26) Pets may not be left outside unattended, nor shall they be left in any vehicle to continually bark;

(27) Any cancellation must be made 24 hours prior to check-in time; and

(28) Management reserves the right to evict without prior notices to anyone who creates a disturbance, nuisance or deliberately breaks any of these policies. Eviction will be immediate and without reimbursement of any camping fees.

(B) The rates for the Two Rivers RV Campground are as follows:

(1) Rates:

<u>Improved Campsites</u>	
Sunday night through Thursday night	\$35.00
Friday night and Saturday night	\$40.00
NASCAR Sprint Cup Weekend	\$50.00/night with a three night minimum
Weekly rates (no discount to apply)	\$200.00
There shall be a maximum stay of 15 days from April 1 through October 31 of each year.	

<u>Primitive Campsites</u>	
Daily Rate	\$15.00 per day
Weekly Rate	\$90.00 per week
There shall be a maximum stay of 15 days from April 1 through October 31 of each year.	

(2) Discounts:

(a) Persons over the age of 65, active and retired military members and handicapped persons shall be entitled to a 10% discount of the prevailing rate with proof of proper identification indicating their entitlement to said discount.

(b) Any future special rates for special events or promotions may be established or modified by the Council by properly passed and adopted ordinance of the Council.

(Ord. 2012-01, passed 2-13-12; Am. Ord. 2012-05, passed 4-23-12; Am. Ord. 2012-23, passed 6-25-12; Am. Ord. 2012-28, passed 8-27-12; Am. Ord. 2015-19, passed 11-9-15)

' 96.99 PENALTY.

(A) Where an act or omission is prohibited or declared unlawful in this chapter, and no penalty of fine or imprisonment is otherwise provided, the offender shall be guilty of a misdemeanor and shall be fined not more than \$500 or imprisoned for not more than 30 days, or both, for each offense or violation.

(B) Any person who violates ' 96.02 shall be guilty of a violation and shall be fined up to \$250 plus costs. (Ord. 91-19, passed 8-14-91)

Section

- 97.01 Definitions
- 97.02 Posting of signs in city limits
- 97.03 Sign posting time limits
- 97.04 Removal of illegal signs
- 97.05 Removal of political signs
- 97.06 Removal procedure; charge for removal
- 97.07 Storage; notice; return
- 97.08 Persons responsible
- 97.09 Illegal signs deemed public nuisance

- 97.99 Penalty

' 97.01 DEFINITIONS.

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

APERSON.@ Any person, firm, partnership, association, corporation, company or organization of any kind.

APOLITICAL CAMPAIGN SIGN.@ Any sign urging the election or defeat of any candidate seeking any political office, or urging the passage or defeat of any ballot measure, but does not mean or include any billboard owned or maintained by a commercial firm or advertising company.

APUBLIC PROPERTY.@ All publicly owned property, including streets, rights-of-way, easements, and everything affixed thereto and thereover.

ASIGN.@ Any bill, poster, placard, handbill, flyer, painting, sign or other similar object in any form whatsoever which contains printed or written matter in words, symbols, or pictures, or in any combination thereof.

(Ord. 89-23, passed 8-9-89; Am. Ord. 97-20, passed 11-12-97)

' 97.02 POSTING OF SIGNS IN CITY LIMITS.

(A) Public Property. No signs shall be posted on public property unless as herein provided, or unless prior approval has been obtained from the City Clerk/Treasurer.

(B) Private Property. No signs shall be posted upon private property without first securing the express permission of the owner of the property on which any person seeks to post such signs.
(Ord. 97-20, passed 11-12-97)

' 97.03 SIGN POSTING TIME LIMITS.

(A) It shall be unlawful for any person to post any signs advertising events or activities other than those as specifically set

forth herein earlier than seven days prior to the date of the planned event. Any signs posted for such events or activities shall be removed within 24 hours following the conclusion of such event or activity.

(B) Not for Profit Activities. It shall be unlawful for any person to post any signs advertising events, services or activities sponsored or conducted without profit to the person, group, agency, or organization which is sponsoring such earlier than two weeks prior to the date of the planned event. Any signs posted for such events, services or activities shall be removed within one week following the conclusion of such event, service or activity.

(C) Political Campaign Sign Limits. It shall be unlawful for any person to post a political campaign sign anywhere, whether on public or private property, within the city more than 30 days prior to the election for which the sign is posted. It shall be unlawful to fail to remove a political campaign sign within ten days after the election for which the sign was posted.

(Ord. 89-23, passed 8-9-89; Am. Ord. 97-20, passed 11-12-97) Penalty, see ' 97.99

' 97.03 REMOVAL OF ILLEGAL SIGNS.

The Chief of Police or his authorized agents are hereby authorized to remove any sign found posted within the corporate limits of the city when such sign is in violation of the provisions of this chapter.

(Ord. 89-23, passed 8-9-89; Am. Ord. 97-20, passed 11-12-97)

' 97.05 REMOVAL OF POLITICAL SIGNS.

For the purpose of removing signs, the Chief of Police or his authorized agents are empowered to enter upon the property where the signs are posted, and the Chief of Police or his authorized agents are further authorized to enlist the aid or assistance of any other department of the city and to secure legal process to the end that all such signs shall be expeditiously removed from any property where posted.

(Ord. 89-23, passed 8-9-89; Am. Ord. 97-20, passed 11-12-97)

' 97.06 REMOVAL PROCEDURE; CHARGE FOR REMOVAL.

(A) When the Chief of Police or his authorized agents find that a sign has been posted in violation of this chapter, he shall attempt to contact the candidate, committee, or person responsible for the posting of such sign. If successful, he shall give 24 hours advance telephonic notice of his intention to remove the sign. If, after such notification, the illegal sign remains in violation, the Chief of Police or his authorized agent shall remove such sign and store it in a safe location. If, after reasonable diligence, the Chief of Police or his authorized agent is unable to contact the candidate, committee, or person responsible for the sign, he may dispense with the notice requirement and remove the sign, storing it in a safe location.

(B) The city shall be entitled to receive the sum of \$100 for every sign removed by the Chief of Police or his authorized agents, to cover the expense or removal, notice, and storage. In cases where unusual effort is needed to remove a sign, such as the cutting or removal of supporting structures, use of aerial devices, towing of Atrailer signs@, or other unusual situation, the city shall collect from the person responsible a sum sufficient to cover the costs and hourly wages of employees so utilized.
(Ord. 89-23, passed 8-9-89; Am. Ord. 97-20, passed 11-12-97)

' 97.07 STORAGE; NOTICE; RETURN.

(A) If the Chief of Police or his authorized agents remove any sign, he shall keep a record of the location from which the sign was removed. He shall store the sign in a safe location for at least 90 days and shall immediately notify by telephone the candidate, committee, or person responsible for the posting of the sign, indicating the fact of removal and the location where it may be retrieved. If the Chief of Police or his authorized agents is unable to make telephone contact, he shall provide written notice, if the address of the candidate, committee, or person is known or can be ascertained.

(B) The Chief of Police or his authorized agents shall return any sign upon the payment of the fee provided in ' 97.06(B).
(Ord. 89-23, passed 8-9-89; Am. Ord. 97-20, passed 11-12-97)

' 97.08 PERSONS RESPONSIBLE.

(A) In a campaign for political office, the candidate for such office shall be deemed the person responsible for the posting of signs, unless he first notifies the City Clerk/Treasurer and the Chief of Police or another person who is responsible. In such case, the candidate shall provide the name, address, telephone number, and signed consent of such other responsible person.

(B) In a campaign regrading a ballot measure, the president of the committee supporting or opposing such ballot measure shall be deemed responsible, unless he first notifies the City Clerk/Treasurer and Chief of Police or some other person responsible, in the manner described above.

(C) The candidate, or in the case of a ballot measure, the committee president, or other responsible person if so designated, shall be liable to pay any fees or costs for the removal and storage of illegal signs, as set out herein. Further, such candidate, committee president, or other designated person, shall be subject to prosecution for any violation of this chapter. Nothing in this section shall be interpreted to make any person liable, civilly or criminally, for any signs posted by persons unknown to him or by persons over whom he has no control.

(D) With regards to signs posted for a purpose other than to advertise a political campaign or platform, liability shall be imposed against property owner or tenant of the property, person, agency, group or organization referred to in the sign which is the subject of penalty for noncompliance with this section

(Ord. 89-23, passed 8-9-89; Am. Ord. 91-07, passed 5-8-91; Am. Ord. 97-20, passed 11-12-97) Penalty, see ' 97.99

' 97.09 ILLEGAL SIGNS DEEMED PUBLIC NUISANCE.

Signs in violation of this chapter are hereby declared to be public nuisances and may be abated as such by the city. The collection of removal fees shall not preclude the city from prosecuting any person for violating this chapter.

(Ord. 89-23, passed 8-9-89; Am. Ord. 97-20, passed 11-12-97)

' 97.99 PENALTY.

(A) Whoever violates any provision of this chapter shall be guilty of a violation and shall be fined not more than \$100 for each offense.

(B) In addition to the penalties as set forth in subsection (A) hereinabove, any person who violates any provision of this chapter shall be subject to a civil penalty of \$50. If the offender does not pay the penalty within 30 days after he or she has been cited for the offense then the civil penalty shall be recovered by the city in a civil action in the nature of a debt.

(C) Each day the violation exists shall constitute a separate offense.

(Ord. 89-23, passed 8-9-89; Am. Ord. 97-20, passed 11-12-97; Am. Ord. 07-14, passed 3-26-07)

CHAPTER 98: EMERGENCY MANAGEMENT

Section

Emergency 911 System

- 98.01 Funds for 911 emergency services from subscribers
- 98.02 All homes required to have new 911 address visible

National Incident Management System (NIMS)

- 98.10 Adopted by reference

Northern Kentucky Regional Hazard Mitigation Plan

- 98.20 Adoption

EMERGENCY 911 SYSTEM

' 98.01 FUNDS FOR 911 EMERGENCY SERVICES FROM SUBSCRIBERS.

It is hereby ordained that the city, by and through its Mayor, authorizes and empowers the County Judge to do all things necessary to insure that the local tax, license or fee to fund the 911 emergency services will be collected from the local exchange telephone subscribers in the area to be served by the 911 service.
(Ord. 95-13, passed 7-11-95)

' 98.02 ALL HOMES REQUIRED TO HAVE NEW 911 ADDRESS VISIBLE.

All homes must have the new 911 address readily visible from the street by using numbers that are no less than three inches long and wide.
(Ord. 95-14, passed 8-9-95)

NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)

' 98.10 ADOPTED BY REFERENCE.

The National Incident Management System (NIMS) is hereby adopted by reference as if set out in its entirety.
(Res. 05-14, passed 7-13-05)

NORTHERN KENTUCKY REGIONAL HAZARD MITIGATION PLAN

' 98.20 ADOPTION.

The City Council hereby:

(A) Adopts the Northern Kentucky Regional Hazard Mitigation Plan as the official Hazard Mitigation Plan of the city;

(B) Vests the Carroll County Office of Emergency Management with the responsibility, authority and the means to:

(1) Inform all concerned parties of this action; and

(2) Develop an addendum to the Hazard Mitigation Plan if the jurisdiction=s unique situation warrants such an addendum.

(C) Appoints Northern Kentucky Area Development District Regional Mitigation Committee to assure that the Hazard Mitigation Plan be reviewed according to the Plan maintenance procedures in Section 3.5 of the Plan and that any needed adjustment to the Plan be developed and presented to the Carroll County Mitigation Committee and to the City Council for consideration;

(D) Agrees to consider any other official actions as may be reasonably necessary to carry out the objectives of the Northern Kentucky Regional Hazard Mitigation Action Plan for the city.
(Res. 06-07, passed 2-28-06)