

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMALS

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GENERAL PROVISIONS

§ 90.01 DEFINITIONS.

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

ABANDON. To forsake entirely, or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner, or his agent. Abandonment shall constitute the relinquishment of all rights and claims by the owner to the animal. (KRS 257.100(4))

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

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

§ 90.02 ANIMALS RUNNING AT LARGE.

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

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

§ 90.03 CRUELTY TO ANIMALS IN THE SECOND DEGREE.

(A) A person is guilty of cruelty to animals in the second degree when except as authorized by law he intentionally or wantonly:

(1) Subjects any animal to or causes cruel or injurious mistreatment through abandonment, participates other than as provided in § 90.03 in causing it to fight for pleasure or profit, (including, but not limited to being a spectator or vendor at an event where a four legged animal is caused to fight for pleasure or profit) mutilation, beating, torturing, tormenting, failing to provide adequate food, drink, space, or health care, or by any other means; or

(2) Subjects any animal in his custody to cruel neglect; or

(3) Kills any animal.

(B) Nothing in this section shall apply to the killing of animals:

(1) Pursuant to a license to hunt, fish, or trap;

(2) Incident to the processing as food or for other commercial purposes;

(3) For humane purposes;

(4) For any other purpose authorized by law.

(KRS 525.130) Penalty, see § 90.99

Statutory reference:

Cruelty to animals in the first degree, a class D felony, see KRS 525.125

§ 90.04 DYEING OR SELLING DYED CHICKS OR RABBITS.

No person shall sell, exchange, offer to sell or exchange, display or possess living baby chicks, ducklings, or other fowl or rabbits which have been dyed or colored; nor dye or color any baby chicks, ducklings or other fowl or rabbits; nor sell, exchange, offer to sell or exchange or to give away baby

chicks, ducklings or other fowl or rabbits, under two months of age in any quantity less than six, except that any rabbit weighing three pounds or more may be sold at an age of six weeks.
(KRS 436.600) Penalty, see § 90.99

§ 90.05 ABANDONING DOMESTIC ANIMALS PROHIBITED.

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

§ 90.06 DESTRUCTION OF ABANDONED AND SUFFERING ANIMAL.

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

(B) Before destroying the animal the officer shall obtain the judgment to that effect of a veterinarian, or of two reputable citizens called by him to view the animal in his presence, or shall obtain consent to the destruction from the owner of the animal.

(C) (1) Any animal placed in the custody of a licensed veterinarian for treatment, boarding, or other care, which shall be unclaimed by its owner or his agent for a period of more than ten days after written notice by registered or certified mail, return receipt requested, is given the owner or his agent at his last known address, shall be deemed to be abandoned and may be turned over to the nearest humane society, or animal shelter or disposed of as the custodian may deem proper.

(2) The giving of notice to the owner, or the agent of the owner of the animal by the licensed veterinarian shall relieve the licensed veterinarian and any custodian to whom the animal may be given of any further liability for disposal.
(KRS 257.100)

DOGS

§ 90.15 DEFINITION.

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

DOG. Any member of the canine family, six months of age or over, male or female.

§ 90.16 LICENSE REQUIRED.

It shall be unlawful for any person to own or keep a dog or dogs in the city without first obtaining a license for each dog. This section and § 90.17 shall not apply to dogs whose owners are nonresidents temporarily within the city for a period less than 30 days.

Penalty, see § 90.99

§ 90.17 REGISTRATION AND ISSUANCE OF LICENSE.

(A) All dogs kept in the city shall be registered as to sex, breed, name and address of the owner, and name of the dog. At the time of the registration the owner shall obtain a license tag for the dog and shall pay a fee as established by the City Commission for each dog.

(B) The license tag shall be valid for one year from the date of issue. A new tag shall be obtained each year by every owner and a new fee paid.

Penalty, see § 90.99

§ 90.18 LICENSE TAG TO BE ATTACHED TO DOG.

The license tag shall be fastened to the collar of the dog and shall be worn continuously, and the failure to have the tag so attached shall subject the owner or keeper thereof to the penalties provided herein.

Penalty, see § 90.99

§ 90.19 DOGS RUNNING AT LARGE.

It shall be unlawful for the owner or keeper of any dog, either licensed or unlicensed, regardless of the age of the dog, to allow the dog to be at large and unattended or to run in any street, park, lawn, garden, schoolyard, playground, or on any other public or private property.

Penalty, see § 90.99

§ 90.20 NOISE DISTURBANCE.

No person shall keep or harbor any dog within the city which, by frequent and habitual barking, howling, or yelping, creates unreasonably loud and disturbing noises of such a character, intensity, and duration as to disturb the peace, quiet, and good order of one or more of the inhabitants of two or more separate residences. Any person who shall allow any dog habitually to remain, be lodged, or fed within any dwelling, yard, or enclosure which he occupies or owns shall be considered as harboring the dog.

Penalty, see § 90.99

§ 90.21 IMPOUNDMENT.

Every police officer, peace officer, or other authorized official shall have the authority to apprehend any dog running at large in violation of this chapter and any unlicensed dog in the city, and to impound such dog or have such dog impounded in the appropriate place.

§ 90.22 RECLAIMING IMPOUNDED DOG.

The owner of any dog so impounded may reclaim the dog upon the payment of all appropriate fees and after fulfilling any and all other requirements.

§ 90.99 PENALTY.

(A) Any person who violates any provision of this chapter for which another penalty is not already otherwise provided shall be guilty of a misdemeanor and shall be fined not more than \$500 for each offense. Each day the violation exists shall constitute a separate offense.

(B) Any person who violates § 90.03 shall be guilty of a misdemeanor and shall be fined not more than \$500, imprisoned for not more than 12 months, or both for each offense. (KRS 525.130)

(C) Any person who violates § 90.04 shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500. (KRS 436.600)

CHAPTER 91: STREETS AND SIDEWALKS

Section

General Provisions

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GENERAL PROVISIONS

§ 91.01 PROTECTION OF ASPHALT STREETS.

(A) It shall be unlawful for any individual, firm, or corporation to place or cause to be placed any lime, mortar, or other disintegrating substance on any asphalt street in the city where same will come in contact with the asphalt surface thereof.

(B) It shall be unlawful for any person, firm, or corporation to place or cause to be placed upon any asphalt pavement or street in the city any rocks, timber or metal or any heavy substance, or to burn leaves or other debris upon same by which the surface of the pavement may be defaced or injured.

(Ord. passed 9-24-51) Penalty, see § 91.99

EXCAVATIONS AND CONSTRUCTION

§ 91.10 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

§ 91.11 APPLICATION AND CASH DEPOSIT.

Each permit for making an opening shall be confined to a single project and shall be issued by the City Commission or other authorized city official. Application shall be made on a form prescribed by the City Commission, 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 Commission or other authorized city official, conditioned upon prompt and satisfactory refilling of excavations and restoration of all surfaces disturbed.

§ 91.12 RESTORATION OF PAVEMENT.

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

(B) Upon failure or refusal of the permittee satisfactorily to fill the excavation, restore the surface, and remove all excess materials within the time specified in the permit or where not specified therein, within a reasonable time after commencement of the work, the city may proceed without notice to make such fill and restoration and the deposit referred to in § 91.11 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 City Clerk or other proper administrative officer shall proceed to collect the remainder due from the permittee.

§ 91.13 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

§ 91.14 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

§ 91.15 SIDEWALK CONSTRUCTION; REPAIR.

(A) *Purpose.* The purpose of this section is to provide the city and its residents the opportunity to repair, maintain and construct the sidewalks located within the corporate boundaries of the city in such a manner as to safeguard life, health, property and public welfare within the city.

(B) *Scope.* The provisions of this section shall apply to the removal, repair, construction and maintenance of any sidewalk located within the corporate boundaries of the city. In the event there is an apparent discrepancy in the requirements specified in different sections of this code, or between the requirements of this chapter and of any other applicable law the more restrictive shall govern.

(C) *Repair of sidewalks.*

(1) The owners of property abutting on public ways within the city in which a sidewalk is located are required to maintain that part of the sidewalk adjoining the property respectively belonging to them at their own expense by repairing any holes, uneven surfaces and other defective places therein by using the materials as nearly similar as possible to that of which the sidewalk is constructed.

(2) As soon as it ascertains the existence of defects of a sidewalk in the city, the City Commission shall notify, in writing, the owner of the property abutting the public way in which the sidewalk is located, to repair same at his own expense within a period of 60 days after delivery of the notice.

(3) In the event the owner fails to make such repairs, the City Commission is authorized to have the necessary repairs made and to assess the cost of same to the owner and notify the owner of the assessment in writing.

(4) In the event said owner fails to remit the costs as assessed within 30 days of the notice as given in division (C) above, the City Clerk shall take the necessary steps to place a lien against the abutting property owner in the office of the Jefferson County Clerk in the amount of the unpaid assessment.

(D) *City participation.*

(1) At the time the City Commission notifies the owner of the property abutting the public way in which the sidewalk is located as to the existence of defects in the sidewalk pursuant to division (C) above, it shall also advise the property owner that the city will participate in the repair or maintenance and upon approval of the contractor hired to do repair or maintenance.

(2) In no event will the city reimburse the property owner to the extent as outlined in division (D)(1) above if the repair or maintenance is done by the property owner without the consent of the city.

(3) In the event that the property owner participates with the city in the repair or maintenance of the sidewalk abutting to the owner's property as outlined under division (D)(1), the City Commission may develop a plan of payment with each property owner.
(Ord. 92-03, passed 10-26-92) Penalty, see § 91.99

ROAD AND BRIDGE PROJECTS

§ 91.25 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)

§ 91.26 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))

§ 91.27 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))

§ 91.28 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))

§ 91.29 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))

§ 91.30 EXEMPTIONS FROM HEARING REQUIREMENT.

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

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

OBSTRUCTIONS

§ 91.40 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

§ 91.41 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

§ 91.42 MATERIALS ON STREET OR SIDEWALK.

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

Penalty, see § 91.99

Cross-reference:

Littering on streets or sidewalks, see Ch. 94

§ 91.43 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 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.

CHAPTER 92: NUISANCES

Section

- 92.01 Definitions
- 92.02 Common law and statutory nuisances
- 92.03 Certain conditions declared a nuisance
- 92.04 Abatement procedure
- 92.05 Nuisance created by others
- 92.06 Suspension of license

- 92.99 Penalty

§ 92.01 DEFINITIONS.

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

AUTOMOBILE COLLECTOR. A person who collects and restores motor vehicles. (KRS 381.770(1)(a))

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

INOPERATIVE CONDITION. Unable to move under its own power due to defective or missing parts, and which has remained in such condition for a period of not less than ten consecutive days.

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

NUISANCE. Public nuisance.

ORDINARY PUBLIC VIEW. A sight line within normal visual range by a person on a public street or sidewalk adjacent to real property. (KRS 381.770(1)(b))

PARTS CAR. An automobile that is not intended to be operated along streets and roads, but is used to provide parts for the restoration of other automobiles. (KRS 381.770(1)(c))

SCRAP 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.

UNFIT 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.

§ 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 stacks 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.* An accumulation on any premises of filth, refuse, trash, garbage, or other waste material which endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger that it will catch or communicate fire, attract and propagate vermin, rodents, or insects, or blow rubbish into any street, sidewalk, or property of another.

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

(D) *Weeds and grass.* The excessive growth of weeds, grass, or other vegetation. Unless otherwise provided, **EXCESSIVE** shall mean growth to a height of 12 inches or more.

(E) *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.

(F) *Trees and shrubbery obstructing streets, sidewalks, and drainage.* The growing and maintenance of trees or shrubbery which in any way interferes with the use, construction, or maintenance of streets or sidewalks, causes injury to streets or sidewalks, or constitutes an obstruction to drainage.

(G) *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.

(H) *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. Penalty, see § 92.99

§ 92.04 ABATEMENT PROCEDURE.

(A) Except as provided in division (B) of this section, it shall be unlawful for the owner, occupant, or person having control or management of any land within the city to permit a public nuisance, health hazard, or source of filth to develop thereon through the accumulation of:

(1) Junked or wrecked automobiles, vehicles, machines, or other similar scrap or salvage materials, excluding inoperative farm equipment;

(2) One or more mobile or manufactured homes as defined in KRS 227.550 that are junked, wrecked, or nonoperative and which are noninhabited;

(3) Rubbish; or

(4) The excessive growth of weeds or grass.

(B) The provisions of division (A) of this section shall not apply to:

(1) Junked, wrecked, or nonoperative motor vehicles, machines, or other similar scrap or salvage materials located on the business premises of a licensed automotive recycling dealer as defined under the provisions of KRS 190.010(8);

(2) Junked, wrecked, or nonoperative motor vehicles, including parts cars, stored on private real property by automobile collectors, whether as a hobby or a profession, if these motor vehicles and parts cars are stored out of ordinary public view by means of suitable fencing, shrubbery, or other means; and

(3) Any motor vehicle as defined in KRS 281.011 that is owned, controlled, operated, managed, or leased by a motor carrier.
(KRS 381.770(2), (3))

(C) Whenever a nuisance situation is discovered, the authorized city official shall give five days' written notice to remedy the nuisance situation. The notice shall be mailed to the last known address of the owner of property, as it appears on the current tax assessment roll. Upon the failure of the owner of the property to comply, the authorized city official is authorized to send employees upon the property to remedy the situation.

(D) The city shall have a lien against the property for the reasonable value of labor and materials used in remedying the nuisance situation. The affidavit of the authorized city official shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to KRS 381.770 and this section, and shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest at the rate established by the city thereafter until paid. The lien created shall take precedence over all other subsequent liens, except state, county, school board, and city taxes, and may be enforced by judicial proceeding. In addition to this remedy or any other remedy authorized by law, the owner of a property upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien, including all interest, civil penalties, and other charges and the city may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed.
(KRS 381.770(6), (7))

§ 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.

§ 92.06 SUSPENSION OF LICENSE.

(A) Whenever it is brought to the attention of the City Commission that a nuisance exists and the City Commission deems that there is an immediate threat to the public health, safety, or welfare, the City Commission may by majority vote suspend the license of any person conducting business upon the premises where the nuisance exists.

(B) The City Clerk shall cause notice of the suspension to be served personally upon the licensee or at the premises where the nuisance exists.

(C) Upon application of the licensee, the City Commission may remove the suspension upon such terms as it may direct.

§ 92.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500 for each offense. Each day's continued violation shall constitute a separate offense.

CHAPTER 93: FIREWORKS; FIRE PREVENTION

Section

Fireworks

- 93.01 Definitions; legality of items
- 93.02 Sale or use prohibited; exception for public display
- 93.03 Common 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 Blasting permit
- 93.21 Storage of flammables and other matter

- 93.99 Penalty

FIREWORKS

§ 93.01 DEFINITIONS; LEGALITY OF ITEMS.

(A) The term **FIREWORKS** shall mean 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 "common" or "special" fireworks as set forth in the U.S. Department of Transportation's (DOT) hazardous materials regulations.

(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)

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(B) **COMMON FIREWORKS** are fireworks suitable for use by the public and designed primarily to produce visible effects by combustion and must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products 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. **COMMON FIREWORKS** are classified as class C explosives by the U.S. Department of Transportation and include the following:

(1) Ground and hand-held sparking devices.

(a) Dipped stick-sparkler. Stick or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition may not exceed 100 grams 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 not more than three-fourths inch (19 millimeters) inside diameter, containing up to 75 grams of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect, 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).

(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.

(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.

(e) Wheel. Pyrotechnic device attached to a post or tree by means of a nail or string. Each wheel may contain up to six "driver" units: tubes not exceeding one-half inch (12.5 millimeters) inside diameter and containing up to 60 grams of pyrotechnic composition. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect.

(f) Ground spinner. Small device similar to a wheel in design and effect and 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 filled with pyrotechnic composition that produces color and sparks upon ignition. This device does not have a fuse for ignition. The paper at one end of the tube is ignited to make the device function.

(2) Aerial devices.

(a) Sky rocket. Tube not exceeding one-half inch (12.5 millimeters) inside diameter that may contain up to 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 not more than one-half inch, (12.5 millimeters) inside diameter and 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 not exceeding three-eighths inch, (9.5 millimeters) inside diameter and 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 up to two and one-half inches (63.5 millimeters) inside diameter attached to a wood or plastic base and containing up to 40 grams of pyrotechnic composition. Upon ignition, stars, firecrackers, or other devices are propelled into the air. The tube remains on the ground.

(3) Audible ground devices.

(a) Firecrackers, salutes. Small paper-wrapped or cardboard tube containing not more than 50 milligrams of pyrotechnic composition. 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.

(4) Combination items. Firework devices containing combinations of two or more of the effects described in categories (1), (2), and (3) above.
(KRS 227.702)

(C) Items listed below are classified as **NOVELTIES** and **TRICK NOISEMAKERS** and are not classified as common fireworks by the U.S. Department of Transportation.

(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.

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(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) The term **SPECIAL FIREWORKS** shall mean 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 common fireworks. Special fireworks 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)(1) above are legal for retail sale provided all applicable federal and state requirements with respect thereto are met.

(2) Items described in divisions (B)(2), (B)(3), and (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 provided all applicable federal and state requirements with respect thereto are met.
(KRS 227.708)

§ 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, except for the following:

(A) The City Commission 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 this 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 subsection, "public 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.
(KRS 227.710) Penalty, see § 93.99

§ 93.03 COMMON FIREWORKS; RESTRICTIONS ON SALE.

(A) Except as provided in § 93.02, the common fireworks described in § 93.01(B)(1) 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 or business intending to sell common fireworks 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 have a working fire extinguisher at the site, in compliance with NFPA Pamphlet 10.

(D) No common fireworks item shall be offered for sale if it has as part of its device any wings, fins, or other mechanism designed to cause the device to fly, or if it carries a cautionary label which includes

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in its description any of the following terms: *explosive, emits flaming pellets, flaming balls, firecracker, report, or rocket.*

(E) No person or business shall give, offer for sale, or sell any common fireworks listed in § 93.01(B) to any person under 16 years of age.
(KRS 227.715 (3) - (6)) 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 City Commission or other 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 theater, 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.

The State Fire Marshal shall seize, take, remove, or cause to be removed at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of this chapter. All fireworks held, possessed, or used in violation of this chapter shall be destroyed as contraband.

(KRS 227.750)

FIRE PREVENTION

§ 93.20 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 City Commission or other authorized city official. The City Commission or other 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. Penalty, see § 93.99

§ 93.21 STORAGE OF FLAMMABLES AND OTHER MATTER.

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

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

(C) No matter shall be stored or arranged in a manner which impedes or prevents access to or exit from any premises in case of fire. Penalty, see § 93.99

§ 93.99 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 fined not more than \$1,000, 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 deemed guilty of a misdemeanor and shall be fined not more than \$500.

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. Each day the violation is committed or permitted to continue shall constitute a separate offense.

CHAPTER 95: TREES

Section

- 95.01 Permit required for destruction of trees; exceptions
- 95.02 Application for permit
- 95.03 Procedure for approval or denial of permit
- 95.04 Responsibility of applicant to remove stump
- 95.05 Violator subject to replacement costs; lien against property

Tree Trimming and Removal Program

- 95.15 Purpose
- 95.16 Scope
- 95.17 Trimming of trees and removal of damaged trees

- 95.99 Penalty

Cross-reference:

City Forester, see § 31.40

§ 95.01 PERMIT REQUIRED FOR DESTRUCTION OF TREES; EXCEPTION.

No owner, occupant or person having control or management of any land within the city shall cut down, girdle or intentionally or negligently destroy or permit or cause to die any tree located in the right-of-way of the city without first obtaining a permit. Excepted from the provisions of this section are trees measuring one-inch in diameter or less, as measured across its main trunk, or less than four feet high whichever is the lesser measurement, or uprooted naturally from age or weather.
(Ord. 90-08, passed 12-17-90) Penalty, see § 95.99

§ 95.02 APPLICATION FOR PERMIT.

(A) An application for a permit to remove all other trees from the right-of-way of the city, not previously excepted, shall be submitted to the City Forester in written letter format and shall contain:

- (1) The owner's name and address;
- (2) The name and address of the applicant, if different from division (A)(1);
- (3) A plat identifying the tree(s) for which the permit is requested, in relation to the dwelling and other structures on the lot;
- (4) The reason for removal of the tree(s);
- (5) Any other comments the applicant thinks are relevant, such as plans for replacement.

(B) No removal may be undertaken until a permit has been approved.
(Ord. 90-08, passed 12-17-90) Penalty, see § 95.99

§ 95.03 PROCEDURE FOR APPROVAL OR DENIAL OF PERMIT.

The City Forester shall examine the application for removal of a tree in the right-of-way and ascertain whether the statements made therein conform to the provisions of this chapter. Then the examining official shall bring a proper application to the attention of the City Commission at or before the next regularly scheduled city meeting. The City Commission shall, after discussion, conclude whether the scenic beauty of the city would be impaired by the removal of the tree(s) and shall weigh the interest of the landowner, considering immediate replacement of the tree(s) and shall then approve or authorize the City Forester to issue in letter format, a written denial, stating the reason for disapproval. The permit or denial thereof shall be mailed to the applicant no later than three working days after the day the City Commission takes action on the application.
(Ord. 90-08, passed 12-17-90)

§ 95.04 RESPONSIBILITY OF APPLICANT TO REMOVE STUMP.

If the permit is approved and the tree is removed, the applicant is responsible for removing the stump of the tree(s) to at least six inches below the immediately surrounding level of the ground. Further, the applicant is responsible for filling with dirt the hole created by the stump's removal and seeding/sodding with grass, or other appropriate vegetation, so as to conform to the surrounding area.
(Ord. 90-08, passed 12-17-90) Penalty, see § 95.99

§ 95.05 VIOLATOR SUBJECT TO REPLACEMENT COSTS; LIEN AGAINST PROPERTY.

Any person whether owner, occupant, or agent thereof, who destroys, cuts down, girdles or causes the destruction or removal of a tree, or negligently allows the death of a tree in the city right-of-way, which tree is not specifically exempted from these provisions, shall be liable to the city for the cost of stump removal and replacement by the city with another tree. The person shall be liable for replacement costs at the rate of \$200 per inch of trunk diameter or feet of height, whichever is greater, with a minimum assessment of \$200 and a maximum assessment of \$2,000. The city will endeavor to replace any tree so removed with a tree of equivalent size. The city shall have a lien filed against the property from which the tree was removed in an amount equal to \$200 or the value or cost of the labor, materials and replacement tree used in restoring the right-of-way and court costs and legal fees in securing the lien, up to \$2,000, whichever is greater.
(Ord. 90-08, passed 12-17-90) Penalty, see § 95.99

TREE TRIMMING AND REMOVAL PROGRAM

§ 95.15 PURPOSE.

The purpose of this subchapter is to provide the city and its residents the opportunity to trim the trees and remove damaged trees located within the corporate boundaries of the city in such a manner

as to safeguard life, health, property and public welfare within the city, as well as preserve the aesthetics of the property within the city.

(Ord. 93-03, passed 7-19-93)

§ 95.16 SCOPE.

The provisions of this subchapter shall apply to the trimming and removal of any trees located within the corporate boundaries and in the property owner's yard within 20 feet from the edge of the pavement. In the event there is an apparent discrepancy in the requirements specified in different sections of this Code, or between the requirements of this chapter and of any other applicable law, the more restrictive shall govern.

(Ord. 93-03, passed 7-19-93)

§ 95.17 TRIMMING OF TREES AND REMOVAL OF DAMAGED TREES.

(A) The owners of property having trees that fall within the scope of this subchapter and wish to have those trees removed or trimmed shall do so at their own expense.

(B) At the direction of the legislative body and at times suggested by the city forester, the city forester shall obtain bids from at least two arborists on the cost of trimming all the trees or removing damaged trees that fall within the scope of this subchapter and which, in the judgment of the city forester, need trimming or removal and shall submit the estimate to the legislative body for its consideration. If the City Commission determines that the city budget is able to allow the city to participate in a tree trimming or tree removal project, it shall then advise the property owners that the city will participate in the trimming or removal of the trees that fall within the scope of this subchapter to an extent not exceeding 30% of the overall cost of tree trimming or tree removal.

(C) In no event will the city reimburse the property owner or pay that portion of the cost as outlined in the previous section above if the trimming or removal is done by the property owner without the consent of the city and by someone other than who has been awarded the contract by the city.

(D) In the event that the property owner participates with the city in the trimming or removal of its trees as outlined under division (A), the City Commission may develop a plan of payment with each property owner and authorize the City Treasurer to implement same.

(E) In the event that the City Arborist in consultation with a certified arborist has in his judgment, determined that a tree or part thereof falling within the scope of this subchapter needs removal and after so being advised the property owner refuses to participate with the city in the removal pursuant to division (B) of this section then the city may contract for the removal of the tree and bill the property owner to the extent of 70% of the cost of removal.

(F) If the property owner fails to remit within 90 days of being billed of the removal then the legislative body may direct the City Attorney to file a lien against the property or take whatever other measures necessary to collect from the property owner.

(Ord. 93-03, passed 7-19-93; Am. Ord. 93-04, passed 10-18-93)

§ 95.99 PENALTY.

Any person, firm, corporation who violates any provision of this chapter shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500, imprisonment for up to 30 days or both such fine and imprisonment.