

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ANIMALS**
- 91. STREETS AND SIDEWALKS**
- 92. NUISANCES**
- 93. FIREWORKS; FIRE PREVENTION**
- 94. LITTERING**
- 95. NOISE**

CHAPTER 90: ANIMALS

Section

General Provisions

- 90.01 Definitions
- 90.02 Animals running at large
- 90.03 Cruelty to animals in the second degree
- 90.04 Dyeing or selling dyed chicks or rabbits
- 90.05 Abandoning domestic animals prohibited
- 90.06 Destruction of abandoned and suffering animal

Dogs

- 90.20 Definition
- 90.21 Dogs running at large
- 90.22 Noise disturbance
- 90.23 Impoundment

Rabies Control

- 90.35 Definitions
- 90.36 Compliance of owners required
- 90.37 Persons to notify Pound when animal suspected of having rabies
- 90.38 Animal suspected of having rabies to be confined
- 90.39 Procedure when person bitten by animal

- 90.99 Penalty

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 or her agent.

(KRS 257.010)

AT LARGE. Off the premises of the owner, and not under the control of the owner or his or her 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 or her care, or permits it to remain on or about the premises owned or occupied by him or her.

(Prior Code, § 90.01)

§ 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 the animal upon the premises of another.

(Prior Code, § 90.02) 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 or she intentionally or wantonly:

(1) Subjects any animal to, or causes cruel or injurious mistreatment through abandonment, participates other than as provided in KRS 525.125 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 any animal other than a dog or cat, tormenting, failing to provide adequate food, drink, space, or health care, or by any other means;

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

(3) Kills any animal other than a domestic animal killed by poisoning. This division (A)(3) shall not apply to intentional poisoning of a dog or cat. Intentional poisoning of a dog or cat shall constitute a violation of this section.

(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 veterinary, agricultural, spaying or neutering, or cosmetic purposes;

(5) For purposes relating to sporting activities, including, but not limited to, horse racing at organized races and training for organized races, organized horse shows, or other animal shows;

(6) For bona fide animal research activities of institutions of higher education; or a business entity registered with the U.S.

Department of Agriculture under the Animal Welfare Act or subject to other federal laws governing animal research;

- (7) In defense of self or another person against an aggressive or diseased animal;
- (8) In defense of a domestic animal against an aggressive or diseased animal;
- (9) For animal or pest control; or
- (10) For any other purpose authorized by law.

(KRS 525.130) (Prior Code, § 90.03) 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, 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) (Prior Code, § 90.04) Penalty, see § 90.99

§ 90.05 ABANDONING DOMESTIC ANIMALS PROHIBITED.

No owner of a domestic animal shall abandon the animal.

(Prior Code, § 90.05) Penalty, see § 90.99

§ 90.06 DESTRUCTION OF ABANDONED AND SUFFERING ANIMAL.

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

(KRS 257.100(1))

(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 or her to view the animal in his or her presence, or shall obtain consent to the destruction from the owner of the animal.

(KRS 257.100(2))

(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 or her 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 or her agent at his or her 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(3))

(D) Abandonment shall constitute the relinquishment of all rights and claims by the owner to the animal.

(KRS 257.100(4))

(Prior Code, § 90.06) Penalty, see § 90.99

DOGS

§ 90.20 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.

(Prior Code, § 90.15)

§ 90.21 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.

(Prior Code, § 90.16) Penalty, see § 90.99

§ 90.22 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 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 or she occupies or owns shall be considered as harboring the dog.

(Prior Code, § 90.17) Penalty, see § 90.99

§ 90.23 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 the dog or have the dog impounded in the appropriate place.

(Prior Code, § 90.18)

RABIES CONTROL

§ 90.35 DEFINITIONS.

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

ANIMAL. Includes every warm- or cold-blooded living creature, except a human being.

CRUELTY. Includes every act or omission whereby unjustifiable physical pain, suffering, or death is caused or permitted.

DOMESTIC ANIMAL. Any animal converted to a domestic habitat.

OWNER. Any person having a right of property in the animal or who keeps, possesses, or harbors an animal, or who has it in his or her care, or acts as its custodian, or who permits an animal to remain on or about any premises occupied by him or her.

VACCINATION or IMMUNIZATION. The injection of vaccine approved by the Bureau of Animal Industry, U.S. Department of Agriculture, administered by an accredited veterinarian.

(Prior Code, § 90.30) (Ord. 3-1977, passed 3-3-1977)

§ 90.36 COMPLIANCE OF OWNERS REQUIRED.

(A) All owners of animals who reside within the city shall comply with the prevailing laws of the state, all regulations of the County Board of Health, and of any other governmental agencies or instrumentalities that are charged with and promulgate any regulations concerning the vaccination of animals or any other standards of health which are applicable to the keeping of animals. Failure of any owner to comply with any of the aforementioned statutes, rules, or regulations shall be punishable in accordance with § 90.99.

(B) Any owner of an animal who resides within the city shall affix evidence of a certificate of vaccination to any animal in the possession of the owner, and the owner shall have proper written verification, as may be issued, that the subject animal has been vaccinated.

(Prior Code, § 90.31) (Ord. 3-1977, passed 3-3-1977) Penalty, see § 90.99

§ 90.37 PERSONS TO NOTIFY POUND WHEN ANIMAL SUSPECTED OF HAVING RABIES.

Whenever an animal is infected with rabies, suspected of being infected with rabies, or has been bitten by an animal known or suspected to be infected with rabies, the owner of the animal or any person having knowledge thereof shall forthwith notify the City of Louisville Pound, stating precisely where the animal was last seen and a description of the animal.

(Prior Code, § 90.32) (Ord. 3-1977, passed 3-3-1977) Penalty, see § 90.99

§ 90.38 ANIMAL SUSPECTED OF HAVING RABIES TO BE CONFINED.

The Commonwealth Health Department shall serve a notice in writing upon the owner of an animal known to have been bitten by an animal known or suspected of being infected with rabies requiring the owner to confine such animal for a period of not less than six months at the owner's expense; provided, however, that animals properly treated with an anti-rabies vaccine shall be confined for a period of not less than three months.

(Prior Code, § 90.33) (Ord. 3-1977, passed 3-3-1977) Penalty, see § 90.99

§ 90.39 PROCEDURE WHEN PERSON BITTEN BY ANIMAL.

(A) Every physician, after his or her first professional attendance upon a person bitten by an animal shall, within 12 hours, report to the Commonwealth Health Department the name, age, sex, color, and precise location of the person so bitten. When no physician is in attendance, the parent or guardian of every child so bitten shall, within 12 hours after first having knowledge that the child was so bitten, make like report to the Commonwealth Health Department. When no physician is in attendance, an adult so bitten or the person caring for him or her, shall make like report to the Commonwealth Health Department.

(B) The Commonwealth Health Department shall serve notice upon the owner of an animal which has attacked or bitten a person to confine the animal at the expense of the owner upon his or her premises, at the City of Louisville Pound, or at some other place designated in the notice, for a period of at least 14 days after the animal has attacked or bitten a person. The Commonwealth Health Department shall be permitted by the owner of such animal which has attacked or bitten a person to examine the premises where such animal is ordered confined at any time, and daily if desired, within the 14-day period of confinement, to determine whether such animal is being confined, and no person shall obstruct or interfere with the Commonwealth Health Department in making such inspection.

(Prior Code, § 90.34) (Ord. 3-1977, passed 3-3-1977) Penalty, see § 90.99

§ 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 Class 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)

(Prior Code, § 90.99)

CHAPTER 91: STREETS AND SIDEWALKS

Section

Excavations and Construction

- 91.01 Opening permit required
- 91.02 Application and cash deposit
- 91.03 Restoration of pavement
- 91.04 Barriers around excavations
- 91.05 Warning lights
- 91.06 Sidewalk construction

Road and Bridge Projects

- 91.20 Public hearing required
- 91.21 Notice requirements
- 91.22 Public may testify; effect of testimony
- 91.23 Hearing to be held prior to construction
- 91.24 Separate hearing for each project not required
- 91.25 Exemptions from hearing requirement

Obstructions

- 91.40 Unloading on street or sidewalk
- 91.41 Street and sidewalk obstruction
- 91.42 Materials on street or sidewalk
- 91.43 Removal of ice and snow

- 91.99 Penalty

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.

(Prior Code, § 91.01) Penalty, see § 91.99

§ 91.02 APPLICATION AND CASH DEPOSIT.

Each permit for making an opening shall be confined to a single project and shall be issued by the City Commission or other authorized city official. Applications 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 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.

(Prior Code, § 91.02)

§ 91.03 RESTORATION OF PAVEMENT.

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

(B) (1) 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 the fill and restoration and the deposit referred to in § 91.02 shall be forfeited.

(2) Thereupon the deposit shall be paid into the appropriate city fund, except that 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.

(3) If the amount of the 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.

(Prior Code, § 91.03)

§ 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.

(Prior Code, § 91.04) 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.

(Prior Code, § 91.05) Penalty, see § 91.99

§ 91.06 SIDEWALK CONSTRUCTION.

It shall be the duty of the authorized city official to supervise construction or repair of sidewalks within the city. He or she shall cause specifications to be prepared for the construction of the various kinds of pavements and transmit the specifications to the City Commission for approval. When the specifications are approved, the City Commission shall advertise for proposals to do all the work which may be ordered by the city in construction and repair of sidewalks, and shall contract therefor, for a period not exceeding one year, with the lowest responsible bidder, who shall furnish good and sufficient sureties for the faithful performance of the work. The

City Commission may make separate contracts for the different kinds of work with different parties.

(Prior Code, § 91.06)

Statutory references:

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

Sidewalks; ramps for wheelchairs, see KRS 66.660

ROAD AND BRIDGE PROJECTS

§ 91.20 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 monies for road and bridge purposes.

(KRS 174.100) (Prior Code, § 91.15)

§ 91.21 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)) (Prior Code, § 91.16)

§ 91.22 PUBLIC MAY TESTIFY; EFFECT OF TESTIMONY.

(A) At the hearing, any person may speak with regard to any proposed project, any project which he or she 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.

(KRS 174.100(2))

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

(KRS 174.100(3))

(Prior Code, § 91.17)

§ 91.23 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)) (Prior Code, § 91.18)

§ 91.24 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)) (Prior Code, § 91.19)

§ 91.25 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 human-caused disasters, nor to street cleaning or snow removal operations.

(KRS 174.100(6))

(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 that date and the city desires to reactivate the project.

(KRS 174.100(7))

(Prior Code, § 91.20)

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.

(Prior Code, § 91.30) 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

(Prior Code, § 91.31) 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.

(Prior Code, § 91.32) Penalty, see § 91.99

Cross-reference:

Littering on streets or sidewalks, see Chapter 94 of this code of ordinances

§ 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 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.

(Prior Code, § 91.33) 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.

(Prior Code, § 91.99)

CHAPTER 92: NUISANCES

Section

- 92.01 Title
- 92.02 Public nuisance defined
- 92.03 Prohibition
- 92.04 Enforcement
- 92.05 Abatement
- 92.06 Lien authorized

§ 92.01 TITLE.

This chapter shall be known and may be cited as the "City of Bancroft Nuisance Code".

(Ord. 2 Series 1998, passed - -)

§ 92.02 PUBLIC NUISANCE DEFINED.

(A) As used in this chapter, a **PUBLIC NUISANCE** shall mean any act, thing, occupation, condition, or use of property which shall continue for such length of time as to:

- (1) Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public;
- (2) In any way render the **PUBLIC NUISANCE** in life or in the use or property;
- (3) Greatly offend the public morals or decency;
- (4) Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, sidewalk, stream, ditch, or drainage; or
- (5) Essentially interfere with the comfortable enjoyment of life and property, or tend to depreciate the value of the property of others.

(B) **PUBLIC NUISANCES** shall include, but not be limited to, the following acts: conduct; omissions; conditions; or things:

- (1) All decayed, harmfully adulterated, or unwholesome food or drink sold or offered for sale to the public;
- (2) Carcasses of household pets or other animals not buried or otherwise disposed of in a sanitary manner within 24 hours after death;
- (3) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing materials, scrap metal, or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rodents, or other vermin may breed or may reasonably be expected to breed;
- (4) All stagnant water in which mosquitoes, flies, or other insects can multiply;
- (5) Garbage and refuse containers which are not fly-tight;

(6) (a) All noxious weeds and other rank growth or vegetation; or

(b) Any vegetation, including, but not limited to, grass, in excess of eight inches in height.

(7) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, or industrial dust within the city limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property;

(8) The pollution of any public well or cistern, stream, lake, canal, or body of water by sewage, creamery, or industrial wastes or other substances;

(9) Any use of property, substances, or things within the city emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, effluvia, or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure, or inconvenience the health of any appreciable number of persons within the city;

(10) Any building or structure which is uncompleted and abandoned, deteriorated, dilapidated, or extremely unsound, and endangers the health and safety of the public;

(11) Any inoperable or abandoned vehicle which exists in violation of any of the provisions of this chapter;

(12) Any vehicle parked on private property, except on a driveway made of black top or concrete;

(13) Dumpsters, located on a public way unless the dumpster is owned, leased, or under the control of the city; and

(14) Other actions, conduct, omissions, conditions, or things defined or specified in this chapter as nuisances or as **PUBLIC NUISANCES**.

(Ord. 2 Series 1998, passed - -; Ord. 19, Series 2015, passed 6-11-2015)

§ 92.03 PROHIBITION.

(A) No person shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the city.

(B) The procedures and remedies set forth in §§ 92.04 and 92.05 may be used in the alternative or in consonance with or in lieu of any other remedy or procedure set forth in this chapter for the removal of violations or nuisances.

(Ord. 2 Series 1998, passed - -) Penalty, see § 10.99

§ 92.04 ENFORCEMENT.

(A) All complaints alleging the existence of a public nuisance shall be filed in writing with the City Police Department.

(B) A city police officer shall promptly inspect the premises or cause them to be inspected and shall make a written report of the findings of the inspection. Whenever practicable, photographs of the premises shall be attached to the written report. The inspecting officer shall file a written report with the Police Department.

(Ord. 2 Series 1998, passed - -; Ord. 20, Series 2015, passed 6-11-2015)

§ 92.05 ABATEMENT.

(A) Upon determining that a public nuisance exists and that there is danger to the public health, safety, peace, morals, or decency, a city police officer shall serve a notice of the public nuisance or cause a notice to be served on the owner or occupant of the property where the public nuisance exists or upon the person causing, permitting, or maintaining the nuisance. A copy of the notice shall be posted on the premises where the public nuisance exists.

(B) (1) The notice shall specifically describe the public nuisance and shall direct the owner or the occupant of the private property where the public nuisance exists or the person causing, permitting, or maintaining the nuisance to abate or remove the nuisance within 24 hours of service or posting of the notice. If the owner, occupant, or person cannot be located after reasonable inquiry, posting shall

be sufficient notice.

(2) The notice shall state that unless the nuisance is so abated or removed, the city will cause it to be abated or removed, that the cost will be charged to the owner, occupant, or person causing, permitting, or maintaining the nuisance, and that the cost shall be a lien on the real property where the nuisance was abated or removed. The notice shall also state that the owner or occupant is personally liable for the amount of the lien including interest, civil penalties, and other charges per KRS 381.770(6).

(3) If the public nuisance does not constitute a great and immediate danger to the public health, safety, or welfare, a city police officer may serve or cause the service of the owner or occupant of the premises or the person in whose name the real estate was last billed for property tax purposes a notice to demand the abatement or removal of the violation within ten days. Service may be had by certified mail or personal service.

(C) If a nuisance is not abated or removed after notice pursuant to this section and within the time specified in the notice, a city police officer may cause the abatement or removal of the public nuisance. The reasonable cost thereof shall be a lien on the real property where the nuisance was abated or removed.

(D) (1) The person upon whom a notice to abate a nuisance is served, the property owner, tenant, or other affected person may appeal the determination of a nuisance, in writing, to the City Commission. The written appeal must be made within the time period in which to abate the nuisance is given in the notice.

(2) The Commission shall meet with the appellant at the next regularly scheduled Commission meeting after receipt of the written appeal. The Commission may extend the time in which the nuisance must be abated, determine that a nuisance does not or no longer exists, or that the nuisance must be abated within the time period set out in the notice or immediately if the period has run; provided, however, that if the nuisance was determined to be an emergency and that the opportunity for an appeal was not available due to the short period of time to abate the nuisance, an appeal may be heard after the abatement of the nuisance by the city, in that event, the Commission may determine that the appellant is liable for the costs, or that, upon good cause shown, that the appellant is not liable for the costs and that a lien shall not be filed by the city upon the property. The notice to abate shall contain a statement as to the right of appeal.

(Ord. 2 Series 1998, passed - -; Ord. 21, Series 2015, passed 6-11-2015)

§ 92.06 LIEN AUTHORIZED.

(A) (1) Whenever a bill for the reasonable costs of abatement or removal of a nuisance pursuant to this chapter remains unpaid for 14 days after it has been sent, the Clerk shall file a notice of lien with the County Clerk, pursuant to KRS 381.770.

(2) Unpaid bills for the cost of abatement shall also be added to the city ad valorem tax bill for the property. Any notice of lien pursuant to this chapter shall be filed within 90 days after the cost and expense of abatement or removal of nuisance has been incurred by the city.

(3) The notice shall consist of a sworn statement setting out:

- (a) A description of the real estate sufficient for identification thereof;
- (b) The amount of money representing the cost and expense incurred or payable for the service; and
- (c) The date or dates when the costs and expense was incurred by the city.

(B) Any purchaser whose rights in and to the real estate have arisen subsequent to removal of the public nuisance and prior to the filing of the notice shall not be held liable for the costs of abatement or removal, and the lien of the city shall not have priority as to any mortgage, judgment creditor, or other lienor whose rights in and to the real estate arise prior to the filing of the notice.

(C) Costs and expenses under this chapter include, but are not limited to, the actual costs and expenses in time of city employees or city-authorized contractors and in materials used in the actual abatement of the nuisance pursuant to this chapter, transportation to and from the property, title searches, or certifications, preparations of lien documents, foreclosure, and other related expenses, including, but not limited to, reasonable attorney's expenses.

(D) A copy of the notice of lien shall be mailed by the Clerk to the owner of the property, to the occupant, or to the person or persons in whose name the real estate was last billed for property tax purposes.

(E) The city may enforce the lien by action initiated in the County Circuit Court for the unpaid assessment of the costs and

expenses, and the proceeds of the sale applied to pay the charges, after deducting costs.

(F) The City Commission may institute proceedings in the name of the city in any court having jurisdiction over the matters against any property for which the costs and expenses have remained unpaid for 30 days after a statement of the costs and expenses have been mailed to the property owner, to the occupant, or to the person or persons in whose name the property was last billed for property tax purposes.

(G) After notice of lien has been filed and upon payment of the costs and expenses plus interest from the date 30 days after the bill was sent, the Clerk shall file with the County Clerk a release of the lien.

(H) If payment of the city's costs of removal or abatement of the nuisance is not paid to the city within 30 days of the filing of the notice of the lien, the City Attorney is empowered to commence proceedings in the Circuit Court seeking a personal judgment from the owner of or persons interested in the property at the time the complaint for removal or abatement was filed with the Circuit Court Clerk in the amount of the costs. The action shall be based upon KRS 381.770(6). The action authorized by this division (H) shall be in addition to, and without waiver of, any other remedy.

(Ord. 2 Series 1998, passed - -)

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) As used in KRS 227.700 to 227.750, **FIREWORKS** 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 "consumer fireworks" as defined in division (B) below or "display" fireworks as defined in division (D) below, and as set forth in the U.S. Department of Transportation's (DOT) hazardous materials regulations. **FIREWORKS** does not include:

(1) *Exception No. 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 those regulations, are not considered to be fireworks and shall be allowed to be used and sold at all times;

(2) *Exception No. 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; or

(3) *Exception No. 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) As used in KRS 227.700 to 227.750, **CONSUMER FIREWORKS** means fireworks that are suitable for use by the public, designed primarily to produce visible effects by combustion, and that 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 section. 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. **CONSUMER FIREWORKS** are further defined by the Consumer Product Safety Commission in CPSC, 16 C.F.R. parts 1500 and 1507, are classified as Division 1.4G Class C 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) *Flutter 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 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 **MINE** refers to a device with no internal components containing a bursting charge, and the term **SHELL** 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 **CAKE** refers to a densely-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. 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 **NOVELTIES** and **TRICK NOISEMAKERS** and are not classified as common 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 the following:

(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; and

(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 KRS 227.700 to 227.750, **DISPLAY 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. parts 1500 and 1507, and are classified as Class B explosives by the U.S. Department of Transportation.

(KRS 227.706)

(E) Legality of these items is as follows.

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

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

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

(KRS 227.708)

(Prior Code, § 93.01)

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

No person, firm, copartnership, or corporation shall offer for sale, expose for sale, sell at retail, or keep with intent to sell, possess, use, or explode any display fireworks, except for the following:

(A) (1) 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 display operator to be approved by the public official by whom the permit is granted, and shall be of a character, and so located, discharged, or fired as in the opinion of the official, after proper inspection, to not be hazardous to property or endanger any person. **COMPETENT DISPLAY OPERATOR** shall be defined as the person with overall responsibility for the operation and safety of a fireworks display. The competent display operator shall have a Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) license and have participated as an assistant in firing at least five public displays. A **COMPETENT DISPLAY OPERATOR** is also an employee possessor; or

(2) A permit under this division (A) shall be issued only to a competent display operator holding an ATF license. At least one competent display operator shall be on site during display set-up and firing. This competent display operator shall maintain a copy of the permit application, as signed by the local authority having jurisdiction as identified in this section, on site and at all times the display is in place, and shall be presented on demand of the State Fire Marshal or local fire chief. All public displays that require issuance of a permit shall be conducted in accordance with the provisions of National Fire Protection Association (NFPA) 1123 - Code for Fireworks Display (adopted edition). Permits shall be filed with 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 (A) shall be transferable. For the purposes of this division (A), **PUBLIC DISPLAY OF FIREWORKS** shall include the use of pyrotechnic devices or pyrotechnic materials before a proximate audience, whether indoors or outdoors. Any person remaining within the display area shall be identified as licensed by the ATF, or an employee

thereof, or be an assistant in training to become a competent display operator. All persons remaining within the display area shall be at least 18 years of age. The Commissioner of the Department of Housing, Buildings, and Construction with recommendation from the State Fire Marshal shall promulgate administrative regulations in accordance with KRS Ch. 13A to administer the provisions of this division (A). The regulations shall address the process by which permits are issued and any other procedures that are reasonably necessary to effectuate this division (A).

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

(C) The sale of display fireworks in accordance with a license issued by the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(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; and

(I) Nothing in this section shall prohibit a person, firm, co-partnership, nonprofit, or corporation from offering for sale, exposing for sale, selling at retail, keeping with intent to sell, possessing, or using consumer fireworks as defined in § 93.01(B) and as permitted pursuant to KRS 227.715.

(KRS 227.710) (Prior Code, § 93.02) Penalty, see § 93.99

§ 93.03 COMMON FIREWORKS; RESTRICTIONS ON SALE.

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.

(A) Any person, firm, co-partnership, nonprofit, or business intending to sell consumer fireworks described in § 93.01(B) shall register annually with the State Fire Marshal, who may assess a fee of no more than \$25 for each site at which fireworks shall be sold. The registration requirement under this division (A) shall not apply to permanent business establishments which are open year round and in which the sale of fireworks is ancillary to the primary course of business. Each location shall be required to charge sales tax at the current rate imposed on retailers in KRS 139.200.

(B) Permanent business establishments open year-round and in which the sale of consumer fireworks is ancillary to the primary course of business shall only be permitted to sell those consumer fireworks described in § 93.01(B)(1), or shall meet the criteria for "seasonal retailer" described in division (C) below.

(C) **SEASONAL RETAILERS** shall be defined as any person, firm, co-partnership, nonprofit, or corporation intending to sell "consumer fireworks" between June 10 and July 7, or December 26 and January 4 of each year or both, and shall include permanent businesses, temporary businesses, stores, stands, or tents. A seasonal retailer shall register with the State Fire Marshal, who may assess a fee of no more than \$250 for each site at which fireworks shall be sold. Each location shall be required to charge sales tax at the current rate imposed on retailers in KRS 139.200.

(D) Any person, firm, co-partnership, nonprofit, or corporation intending to sell consumer fireworks, as defined in § 93.01(B) as the primary source of business, that is not a seasonal retailer as defined in division (C) above, shall register with the State Fire Marshal, who may assess a fee of no more than \$500 for each site at which fireworks will be sold. Each location shall be required to charge sales tax at the current rate imposed on retailers in KRS 139.200.

(E) The annual registration required by this section shall be received by the State Fire Marshal at least 15 days prior to offering fireworks for sale at the site for which the registration is intended. Evidence that a sales and use tax permit has been obtained from the Department of Revenue shall be presented to the State Fire Marshal as a condition of registration. If the registration is received less

than 15 days prior to offering fireworks for sale at the site for which registration is intended, an additional assessment of \$100 shall be added to the initial fee.

(F) Each site at which fireworks are offered for sale shall have its registration certificate displayed in a conspicuous location at the site.

(G) 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) - Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles (adopted edition).

(H) 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.

(I) No person under 18 years of age may be employed by a fireworks distribution facility or manufacturing facility. No person under 18 years of age shall sell consumer fireworks at a consumer fireworks retail sales facility registered under this section unless the individual is supervised by a parent or guardian.

(J) The State Fire Marshal may revoke the registration of any site which is in violation of a requirement of this section, or any other requirement provided pursuant to this subchapter. If the violation renders any property especially susceptible to fire loss, and there is present such hazard to human life or limb that the public safety imperatively requires emergency action, the State Fire Marshal may take that action, as provided in KRS 227.330(6).

(K) A person lawfully possessing consumer fireworks, as defined in § 93.01(B) may use those items if:

- (1) He or she is at least 18 years of age;
- (2) Fireworks are not ignited within 200 feet of any structure, vehicle, or any other person; and
- (3) Use of the fireworks does not place him or her in violation of any lawfully enacted local ordinance.

(KRS 227.715) (Prior Code, § 93.03) 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 his or her 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 or her agents, employees, or subcontractors.

(KRS 227.720) (Prior Code, § 93.04) Penalty, see § 93.99

§ 93.05 EXEMPTED SALES AND USES.

Nothing in this subchapter shall prevent the retail sale and use of explosives or signaling flares used in the course of ordinary business or industry; 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 0.25 grain of explosive mixture; shells or cartridges, used as ammunition in firearms; 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) (Prior Code, § 93.05)

§ 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 "display" designation shall require the notification of the U.S. 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 Ch. 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) above shall be held.

(D) Nothing in KRS 227.700 to 227.750 shall restrict a local government from enacting ordinances that affect the sale or use of fireworks within its jurisdiction.

(KRS 227.750) (Prior Code, § 93.06)

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 the 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.

(Prior Code, § 93.20) 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 these 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.

(Prior Code, § 93.21) Penalty, see § 93.99

§ 93.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no specific penalty is provided shall be guilty of a misdemeanor and shall be fined not more than \$500.

(B) Any person violating the provisions of §§ 93.02 or 93.03, 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)) (Prior Code, § 93.99)

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.

(Prior Code, § 94.01) 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.

(Prior Code, § 94.02) 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.

(Prior Code, § 94.03) 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.

(Prior Code, § 94.04) 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.

(Prior Code, § 94.05) 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.

(Prior Code, § 94.99)

CHAPTER 95: NOISE

Section

95.01 Unusual and loud noise prohibited

95.99 Penalty

Cross-reference:

Vehicle noise, see § 71.37

Animals, see § 90.22

§ 95.01 UNUSUAL AND LOUD NOISE PROHIBITED.

(A) It shall be unlawful for any person, firm, or corporation to create or assist in creating any unreasonably loud and disturbing noise in the city. Noise of such character, intensity, and duration as to be detrimental to the public health, welfare, and peace is prohibited.

(B) The following acts, among others, are declared to be loud and disturbing noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

(1) The playing of any radio, phonograph, or other musical instrument in a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort, or repose of any person in any dwelling, hotel, or other type of residence;

(2) The blowing of any whistle, except to give notice of the time to begin or stop work or as a warning of danger;

(3) The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof;

(4) The conducting, operating, or maintaining of any garage or service station in any residential area so as to cause loud or offensive noises to be emitted therefrom between the hours of 10:00 p.m. and 7:00 a.m. on weekdays or on Sundays;

(5) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, or within 150 feet of any hospital, which unreasonably interferes with the working of those institutions, provided conspicuous

signs are displayed in those streets indicating that the area is a school, court, or hospital area;

(6) The creation of any excessive noise on Sundays on any street adjacent to any church, provided conspicuous signs are displayed in such streets adjacent to churches indicating that the same is a church street;

(7) The erection (including excavation), demolition, alteration, or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m., on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the City Commission;

(8) The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced;

(9) The shouting and crying of peddlers, barkers, hawkers, and vendors which disturbs the quiet and peace of the neighborhood;

(10) The use of any drum, loud speaker, or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, or sale or display of merchandise; and/or

(11) The use of any mechanical loud speakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes except where specific license is received from the City Commission.

(Prior Code, § 95.01) Penalty, see § 95.99

§ 95.99 PENALTY.

Any person, firm, or corporation violating any provision of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be punished by a fine not to exceed \$500. Each day such violation shall continue shall constitute a separate offense.

(Prior Code, § 95.99)