

**TITLE VII: TRAFFIC CODE**

Chapter

- 70. GENERAL PROVISIONS**
- 71. TRAFFIC RULES**
- 72. PARKING REGULATIONS**
- 73. BICYCLES, MOTORCYCLES, AND SKATEBOARDS**
- 74. PARKING SCHEDULES**
- 75. TRAFFIC SCHEDULES**

**CHAPTER 70: GENERAL PROVISIONS**

Section

*General Provisions*

- 70.01 Definitions
- 70.02 Required obedience to traffic directions
- 70.03 Powers and duties of Police Department
- 70.04 Authority for enforcement
- 70.05 Temporary regulations

*Traffic-Control Devices*

- 70.15 Signal legends
- 70.16 Establishment and maintenance of traffic-control devices
- 70.17 Obedience to signals
- 70.18 Interference with signals
- 70.19 Unauthorized signals or markings
- 70.20 Device to be legible and in proper position
- 70.21 Temporary disregard of devices by police officer

*Snow Emergencies*

- 70.40 Authorization
- 70.41 Declaration after consultation; emergency classification
- 70.42 Parking prohibited
- 70.43 County assistance
- 70.99 Penalty

## § 70.01 DEFINITIONS.

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

**AUTHORIZED EMERGENCY VEHICLES.** Vehicles of the Police Department, vehicles of the Commonwealth Attorney's office when on official business, and ambulances on an authorized emergency run.

**BOULEVARD.** Any legally designated street at which cross traffic is required to stop before entering or crossing such boulevard.

**BUSINESS DISTRICT.** Any portion of any street between two (2) consecutive intersections in which fifty percent (50%) or more of the frontage on either side of the street is used for business purposes.

**CROSSWALK.** That portion of the roadway included within the extension of the sidewalk across any intersection, and such other portions of the roadway between two (2) intersections, as may be legally designated as crossing places and marked by stanchions, paint lines, or otherwise.

**CURB.** The boundary of that portion of the street used for vehicles whether marked by curbstones or not.

**INTERSECTION.** That part of the public way embraced within the extensions of the street lines of two (2) or more streets which join at an angle whether or not one (1) such street crosses the other.

**OFFICIAL TRAFFIC-CONTROL DEVICES.** All signs, signals, warnings, directions, markings, and devices placed or erected or maintained by authority of the City Commission.

**ONE-WAY STREET.** A street on which vehicles are permitted to move in one direction only.

**OPERATOR.** Every person who is in actual physical control of the guidance, starting, and stopping of a vehicle.

**PARK.** When applied to vehicles, to leave a vehicle standing, whether occupied or not, for a period of time longer than is necessary to receive or discharge passengers or property.

**PEDESTRIAN.** Any person afoot.

**PLAY STREET.** Any street or portion thereof so designated by the City Commission and reserved as a play area for children, from which all traffic is barred, except vehicles to and from abutting properties.

**POLICE DEPARTMENT.** The Police Department or other persons or agency authorized to perform the duties of § 70.03 or any other acts necessary to implement and enforce this traffic code.

**PUBLIC WAY.** The entire width between property lines of every way, dedicated passway, or street set aside for public travel, except bridle paths and foot paths.

**REVERSE TURN.** To turn a vehicle on any street in such a manner as to proceed in the opposite direction.

**RIGHT-OF-WAY.** The privilege of the immediate and preferential use of the street.

**ROADWAY.** That portion of any street, improved, designated, or ordinarily used for vehicular travel.

**SIDEWALK.** That portion of the street between the curb and the property line intended for the use of pedestrians.

**STOPPING.** As applied to vehicles, to stop a vehicle longer than is actually necessary to receive or discharge passengers.

**STREET.** Every public way, including alleys.

**TRAFFIC.** Pedestrians, ridden or herded animals, vehicles, buses, and other conveyances, individually or collectively, while using any street for the purpose of travel.

**VEHICLE.** Every device in, on, or by which any person or property is or may be transported or drawn on any street except devices moved by human power or used exclusively on stationary rails or tracks.

## § 70.02 REQUIRED OBEDIENCE TO TRAFFIC DIRECTIONS.

(A) It shall be unlawful for any person to fail or refuse to comply with any lawful order, signal, or direction given by a uniformed

police officer, or to fail or refuse to comply with any of the traffic regulations of this traffic code.

(B) The provisions of this traffic code shall apply to the driver of any vehicle owned or used in the service of the United States government, this state, county, or city, and it shall be unlawful for any such driver to violate any of the provisions of this traffic code, except as otherwise permitted in this traffic code or by state statute.

(C) Every person propelling any pushcart or riding a bicycle or an animal on any roadway, and every person driving any animal on any roadway, and every person driving any animal-drawn vehicle shall be subject to the provisions of this traffic code applicable to the driver of any vehicle, except those provisions of this traffic code which by their very nature can have no application.

Penalty, see § 70.99

### **§ 70.03 POWERS AND DUTIES OF POLICE DEPARTMENT.**

It shall be the duty of the Police Department to direct all traffic in conformance with this traffic code and to enforce the traffic regulations as set forth in this traffic code, to make arrest for traffic violations, to investigate accidents, and to cooperate with other officers of the city in the administration of the traffic laws, and in developing ways and means to improve traffic conditions.

### **§ 70.04 AUTHORITY FOR ENFORCEMENT.**

Authority to direct and enforce all traffic regulations of this city in accordance with the provisions of this traffic code and to make arrests for traffic violations is given to the Police Department, and, except in case of emergency, it shall be unlawful for any other person to direct or attempt to direct traffic by voice, hand, whistle, or any other signal.

Penalty, see § 70.99

### **§ 70.05 TEMPORARY REGULATIONS.**

When required for the convenience and safety of the public and to alleviate unusual traffic problems, the City Commission or any authorized city official shall, at his discretion, have authority to impose such traffic regulations as he may deem necessary for temporary periods not to exceed two (2) weeks. If these temporary regulations are necessary for a period longer than two (2) weeks, the City Clerk shall be notified in writing of the extended order.

## **TRAFFIC-CONTROL DEVICES**

### **§ 70.15 SIGNAL LEGENDS.**

Whenever traffic is regulated or controlled exclusively by a traffic-control sign or signs exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights for purposes of traffic control, the following colors only shall be used, and these terms and lights shall indicate and be obeyed as follows:

(A) Green alone or "Go": Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. However, vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection at the time such signal is exhibited.

(B) Steady yellow alone or "Caution" when shown following the green or "Go" signal: Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. Vehicular traffic facing a steady yellow signal may enter and clear the intersection.

(C) Red alone or double red or "Stop": Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at such other point as may be indicated by a clearly visible line, and shall remain standing until green or "Go" is shown alone.

(D) Flashing red alone: Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at

such other point as may be indicated by a clearly visible line, and shall not again proceed until it can do so without danger.

(E) Flashing amber alone: Vehicular traffic facing the signal shall reduce its speed and proceed cautiously across the intersection controlled by such signal.

(F) "Yield Right-of-Way": Vehicular traffic facing the "Yield Right-of-Way" sign shall bear the primary responsibility of safely entering the primary intersecting or merging right-of-way. All traffic facing the sign shall yield the right-of-way to all vehicles and pedestrians within such primary intersecting or merging right-of-way. No vehicle facing a "Yield Right-of-Way" sign shall enter the merging or intersecting right-of-way at a speed in excess of fifteen (15) miles per hour, except that this speed limit shall not apply to vehicles entering an expressway.

(G) Lane lights: When lane lights are installed over any street for the purpose of controlling the direction of flow of traffic, vehicular traffic shall move only in traffic lanes over which green arrows appear. However, when flashing amber lights appear above a lane all left turns shall be made from that lane. Where red arrows appear above such lanes, vehicles shall not move against them. If flashing amber lights show above a lane, that lane shall be used only for passing and for left turns unless a sign at such place prohibits such turn.

Penalty, see § 70.99

***Statutory reference:***

*Traffic-control signals, see KRS 189.338*

## **§ 70.16 ESTABLISHMENT AND MAINTENANCE OF TRAFFIC-CONTROL DEVICES.**

The city shall establish and maintain all official traffic-control devices necessary within the city. All traffic-control devices, including signs, shall be employed to indicate one particular warning or regulation, shall be uniform, and as far as possible shall be placed uniformly. All traffic-control devices and signs shall conform to required state specifications.

## **§ 70.17 OBEDIENCE TO SIGNALS.**

(A) It shall be unlawful for the driver of any vehicle to disobey the signal of any official traffic-control device placed in accordance with the provisions of this traffic code or of a traffic barrier or sign erected by any of the public departments or public utilities of the city, or any electric signal, gate, or watchman at railroad crossings, unless otherwise directed by a police officer. However, the type and the right to or necessity for such barrier or sign must be approved by the city.

(B) Such sign, signal, marking, or barrier shall have the same authority as the personal direction of a police officer.

Penalty, see § 70.99

## **§ 70.18 INTERFERENCE WITH SIGNALS.**

No person shall without authority attempt to or in fact alter, deface, injure, knock down, or remove any official control device or any railroad sign or signal, or any inscription, shield, or insignia thereon, or any part thereof.

Penalty, see § 70.99

## **§ 70.19 UNAUTHORIZED SIGNALS OR MARKINGS.**

(A) It shall be unlawful for any person to place, maintain, or display on or in view of any street any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic device or railroad sign or signal which attempts or purports to direct the movement of traffic, or which conceals or hides from view or interferes with the effectiveness of any official control device or any railroad sign or signal. No person shall place or maintain, nor shall any public authority permit on any street, any traffic sign or signal bearing any commercial advertising. Nothing in this section shall be construed as restricting any public department or public utility of the city in any emergency or temporarily from marking or erecting any traffic barrier or sign whose placing has been approved by the city.

(B) Every such prohibited sign, signal, or marking is declared to be a public nuisance and the city is empowered forthwith to remove it or cause it to be removed.

Penalty, see § 70.99

#### **§ 70.20 DEVICE TO BE LEGIBLE AND IN PROPER POSITION.**

No provision of this traffic code for which signs or any other traffic-control device is required shall be enforceable against an alleged violator if, at the time and place of the alleged violation, the required device was not in proper position and sufficiently legible to be seen by an ordinarily observant person.

#### **§ 70.21 TEMPORARY DISREGARD OF DEVICES BY POLICE OFFICERS.**

In an emergency any police officer may at his discretion disregard traffic-control lights or signals or established regulations in order to facilitate the movement of traffic.

### **SNOW EMERGENCIES**

#### **§ 70.40 AUTHORIZATION.**

Pursuant to the provisions of KRS 67.083 and 39.409 and County Ord. 1011, the County Judge-Executive, Mayor, or their designee may declare a state of emergency, when conditions caused by a natural or man-made occurrence warrant such actions.

(Ord. 96-009, passed 11-4-96)

#### **§ 70.41 DECLARATION AFTER CONSULTATION; EMERGENCY CLASSIFICATION.**

(A) A snow emergency may be declared by the Mayor directly, or by County Emergency Management after consultation between the County Emergency Management, County Public Works and the County Sheriff's Department. The County Public Information Officer shall notify all media outlets, local government jurisdictions and school district authorities in the county of snow emergencies.

(B) Snow emergencies shall be defined at one of the following levels:

(1) *Level one.* Roadways are hazardous with blowing and drifting snow. Roadways may be icy; cautious driving is advised.

(2) *Level two.* Roadways are hazardous with blowing and drifting snow. Only motorists whose travel is absolutely necessary should be on the roadways. Residents are urged to contact their employer to see if they should report to work.

(3) *Level three.* All roadways are closed to non-emergency personnel. Travel only for work, provisions, medical supplies, or medical treatment is permitted. All employees should contact their employer concerning work schedules. Essential travel only is advised.

(Ord. 96-009, passed 11-4-96; Am. Ord. 2011-003, passed 6-6-11) Penalty, see § 70.99

#### **§ 70.42 PARKING PROHIBITED.**

During snow emergencies where snowfall is two (2) inches or greater, it is required that motor vehicles not be parked or abandoned on streets or roadways, in order to allow for the safe and effective road treatment and/or plowing.

(Ord. 96-009, passed 11-4-96; Am. Ord. 2000-009, passed 12-11-00; Am. Ord. 2011-003, passed 6-6-11) Penalty, see § 70.99

#### **§ 70.43 COUNTY ASSISTANCE.**

During snow emergencies, the county Public Works Department may, at its discretion or as ordered by the County Judge-Executive, the office of the Mayor, or their designee, assist in the clearing on non-county, state, or city-owned roadways in order to facilitate emergency traffic or the rendering of aid to sick, stranded, or injured persons.

(Ord. 96-009, passed 11-4-96)

## **§ 70.99 PENALTY.**

Any person who violates any provision of this traffic code where no other penalty is specifically provided shall be guilty of a misdemeanor and shall be fined not less than twenty dollars (\$20.00) nor more than five hundred dollars (\$500.00).

## **CHAPTER 71: TRAFFIC RULES**

---

### Section

#### *Operation Generally*

- 71.01 Obstructing traffic
- 71.02 Reverse or U turns
- 71.03 Backing vehicles
- 71.04 Vehicles crossing sidewalks

#### *Accidents*

- 71.15 Duty of operator
- 71.16 Accident report

#### *Prohibitions*

- 71.25 Operator of vehicle to drive carefully
- 71.26 Right-of-way of emergency vehicles; following emergency vehicles; driving over fire hose
- 71.27 Smoke emission or other nuisance
- 71.28 Use of heavy equipment

#### *Parades*

- 71.40 Definitions
- 71.41 Permit required
- 71.42 Application for permit
- 71.43 Standards for issuance of permit
- 71.44 Notice of rejection of permit
- 71.45 Appeal procedure when permit denied
- 71.46 Alternative permit
- 71.47 Notice to city and other officials when permit issued
- 71.48 Contents of permit
- 71.49 Duties of permittee

71.50 Public conduct during parades

71.51 Revocation of permit

71.99 Penalty

## OPERATION GENERALLY

### § 71.01 OBSTRUCTING TRAFFIC.

(A) It shall be unlawful to operate any vehicle or permit it to remain standing in any street in such manner as to create an obstruction thereof.

(B) It shall be unlawful for the operator of any vehicle to enter any intersection or crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding the indication of any traffic-control signal which may be located at the intersection or crosswalk.

(C) Any intersection deemed by the city to be of special or critical importance to the movement of traffic shall be marked in a distinctive manner in order to indicate its importance. Should the operator of any vehicle enter any intersection so marked when there is insufficient room on the other side of the intersection to accommodate the vehicle, the indication of any traffic-control signal notwithstanding, he shall be deemed to have violated this division rather than division (B) above.

Penalty, see § 71.99

### § 71.02 REVERSE OR U TURNS.

The operator of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety without interfering with other traffic.

(KRS 189.330(8)) Penalty, see § 71.99

### § 71.03 BACKING VEHICLES.

It shall be unlawful for the operator of any vehicle to back the vehicle at any intersection for the purpose of executing a turning movement. A vehicle from any parking position shall be backed by the operator in such manner as to proceed on the same side of the roadway in the lawful direction of travel.

Penalty, see § 71.99

### § 71.04 VEHICLES CROSSING SIDEWALKS.

(A) It shall be unlawful for the operator of any vehicle to drive within any sidewalk space except at a permanent or temporary driveway or by special permit from the City Commission or any authorized city official.

(B) It shall be unlawful for the operator of any vehicle to drive the vehicle out of any alley, driveway, building, or lot and across a sidewalk, or its extension across the alley, unless the vehicle has been brought to a complete stop immediately prior to crossing the sidewalk or its extension. On entering the roadway from the alley, driveway, or building the operator shall yield the right-of-way to all vehicles approaching on the roadway. The operator of any vehicle intending to cross a sidewalk and turn into an alley from the roadway may do so at low speed and with caution.

Penalty, see § 71.99

## ACCIDENTS

## **§ 71.15 DUTY OF OPERATOR.**

It shall be the duty of the owner of, operator of, or passenger in any motor vehicle which is involved in an accident in which any person is injured or property damaged to stop immediately and ascertain the extent of the injury or damage and render such assistance as may be needed.

Penalty, see § 71.99

### ***Statutory reference:***

*Duty in case of accident, see KRS 189.580*

## **§ 71.16 ACCIDENT REPORT.**

The operator, owner, or passenger involved in an accident resulting in the injury or death of any person, or an accident in which property is damaged, shall immediately report the accident or property damage to the Police Department.

Penalty, see § 71.99

## **PROHIBITIONS**

### **§ 71.25 OPERATOR OF VEHICLE TO DRIVE CAREFULLY.**

(A) The operator of any vehicle upon a highway shall operate the vehicle in a careful manner, with regard for the safety and convenience of pedestrians and other vehicles upon the highway.

(B) No person shall willfully operate any vehicle on any highway in such a manner as to injure the highway.

(KRS 189.290) Penalty, see § 71.99

### **§ 71.26 RIGHT-OF-WAY OF EMERGENCY VEHICLES; FOLLOWING EMERGENCY VEHICLES; DRIVING OVER FIRE HOSE.**

(A) Upon the approach of an emergency vehicle equipped with, and operating, one or more flashing, rotating, or oscillating red or blue lights visible under normal conditions from a distance of five hundred (500) feet to the front of such vehicle; or when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way, immediately drive to a position parallel to, and as close as possible to, the edge or curb of the highway clear of any intersection, and stop and remain in such position until the emergency vehicle has passed, except when otherwise directed by a police officer or firefighter.

(B) Upon the approach of any emergency vehicle operated in conformity with the provisions of division (A) above, the operator of every vehicle shall immediately stop clear of any intersection and shall keep such position until the emergency vehicle has passed, unless directed otherwise by a police officer or firefighter.

(C) No operator of any vehicle, unless he is on official business, shall follow any emergency vehicle being operated in conformity with the provisions of division (A) above closer than five hundred (500) feet, nor shall he drive into, park the vehicle into, or park the vehicle within the block where the vehicle has stopped in answer to an emergency call or alarm, unless he is directed otherwise by a police officer or firefighter.

(D) No vehicle, train, or other equipment shall be driven over any unprotected hose of a fire department when the hose is laid down on any street, private driveway, or track for use at any fire or fire alarm unless the fire department official in command consents that the hose be driven over.

(E) Upon approaching a stationary vehicle or public safety vehicle, when the emergency vehicle or public safety vehicle is giving a signal by displaying alternately flashing yellow, red, red and white, red and blue, or blue lights, a person who drives an approaching vehicle shall, while proceeding with due caution:

(1) Yield the right-of-way by moving to a lane not adjacent to that of the authorized emergency vehicle, if:



(a) The person is driving on a highway having at least four (4) lanes with not fewer than two (2) lanes proceeding in the same direction as the approaching vehicle; and

(b) If it is possible to make the lane change with due regard to safety and traffic conditions; or

(2) Reduce the speed of the vehicle, maintaining a safe speed to road conditions, if changing lanes would be impossible or unsafe.

(F) This section does not operate to relieve the person who drives an emergency vehicle from the duty to operate the vehicle with due regard for the safety of all persons using the highway.

(KRS 189.930) Penalty, see § 71.99

### **§ 71.27 SMOKE EMISSION OR OTHER NUISANCE.**

Every vehicle when on a highway shall be so equipped as to make a minimum of noise, smoke, or other nuisance, to protect the rights of other traffic, and to promote the public safety.

(KRS 189.020) Penalty, see § 71.99

### **§ 71.28 USE OF HEAVY EQUIPMENT.**

Pursuant to KRS 189.190, 189.221 and 189.222, it shall be unlawful for any person, firm or corporation to operate any bulldozer or other vehicle equipped with metal tracks or treads or any vehicle equipped with metal wheels fitted with lugs on the streets of the city so that the tracks, treads or wheels with lugs are in contact with pavement of the streets.

(Ord. 98-007, passed 10-12-98) Penalty, see § 71.99(D)

## **PARADES**

### **§ 71.40 DEFINITIONS.**

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

**PARADE.** Any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display in or on any street, sidewalk, park, or other public place in the city.

**PARADE PERMIT.** A permit required by this subchapter.

### **§ 71.41 PERMIT REQUIRED.**

(A) No person or persons shall engage in, participate in, aid, form, or start any parade unless a parade permit has been obtained from the City Commission or any authorized city official.

(B) This subchapter shall not apply to:

(1) Funeral processions; or

(2) A governmental agency acting within the scope of its functions.

Penalty, see § 71.99

### **§ 71.42 APPLICATION FOR PERMIT.**

A person seeking issuance of a parade permit shall file an application with the City Commission or any authorized city official on forms provided by the Commissioner or such officer.

(A) Filing period. The application for a parade permit shall be filed not less than five days or not more than sixty (60) days before

the date on which it is proposed to conduct the parade.

(B) The application for a parade permit shall set forth the following information:

- (1) The name, address, and telephone number of the person seeking to conduct the parade;
- (2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorized and responsible heads of the organization;
- (3) The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;
- (4) The date when the parade is to be conducted;
- (5) The route to be traveled, the starting point, and the termination point;
- (6) The approximate number of persons, animals, and vehicles which will constitute the parade, the type of animals, if any, and the description of the vehicles;
- (7) The hours when the parade will start and terminate;
- (8) A statement as to whether the parade will occupy all or only a portion of the width of the streets, sidewalk, park, or other public place proposed to be traversed;
- (9) The location by street of any assembly area for the parade;
- (10) The time at which units of the parade will begin to assemble at any such assembly area or areas;
- (11) The interval of space to be maintained between units of the parade;
- (12) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file a communication in writing from the person authorizing the applicant to apply for the permit on his behalf;
- (13) Any additional information reasonably necessary to a fair determination as to whether a permit should issue.

(C) There shall be paid at the time of filing an application for a parade permit a fee in an amount as established by the City Commission.

Penalty, see § 71.99

### **§ 71.43 STANDARDS FOR ISSUANCE OF PERMIT.**

The City Commission or any authorized city official shall issue a permit when, from a consideration of the application and from other information obtained, he finds that:

- (A) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (B) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;
- (C) The conduct of the parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;
- (D) The concentration of persons, animals, and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly areas;
- (E) The conduct of the parade will not interfere with the movement of firefighting equipment en route to a fire;
- (F) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

Penalty, see § 71.99

#### **§ 71.44 NOTICE OF REJECTION OF PERMIT.**

The City Commission or any authorized city official shall act on the application for a parade permit within three (3) days, Saturdays, Sundays, and holidays excepted, after filing thereof. If the City Commission or authorized city official disapproves the application, it shall mail to the applicant within the three days, Saturdays, Sundays, and holidays excepted, after the date on which the application was filed, a notice of its action stating the reasons for denial of the permit.

#### **§ 71.45 APPEAL PROCEDURE WHEN PERMIT DENIED.**

Any person aggrieved shall have the right to appeal the denial of a parade permit to the City Commission. The appeal shall be taken within thirty (30) days after notice of denial. The City Commission shall act on the appeal within thirty (30) days after its receipt.

#### **§ 71.46 ALTERNATIVE PERMIT.**

The City Commission or any authorized city official, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different than that named by the applicant. An applicant desiring to accept an alternate permit shall file a written notice of his acceptance. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this subchapter.

#### **§ 71.47 NOTICE TO CITY AND OTHER OFFICIALS WHEN PERMIT ISSUED.**

Immediately on the issuance of a parade permit, a copy thereof shall be sent to the following persons:

(A) The City Commission;

(B) The City Attorney;

(C) The Police Chief and the Fire Chief;

(D) The general manager or responsible head of each public utility, the regular routes of whose vehicles will be affected by the route of the proposed parade.

#### **§ 71.48 CONTENTS OF PERMIT.**

Each parade permit shall state the following information:

(A) Starting time;

(B) Minimum speed;

(C) Maximum speed;

(D) Maximum interval of space to be maintained between the units of the parade;

(E) The portions of the street, sidewalk, park, or other public place to be traversed that may be occupied by the parade;

(F) The maximum length of the parade in miles or fractions thereof;

(G) Such other information as is reasonably necessary to the enforcement of this subchapter.

Penalty, see § 71.99

#### **§ 71.49 DUTIES OF PERMITTEE.**

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade chairman or other person heading or leading the activity shall carry the parade permit on his person during the conduct of the

parade.

Penalty, see § 71.99

## § 71.50 PUBLIC CONDUCT DURING PARADES.

(A) *Interference.* No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or parade assembly or with any person, vehicle, or animal participating or used in a parade.

(B) *Driving through parades.* No driver of a vehicle except a police car or other emergency vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

Penalty, see § 71.99

### ***Cross-reference:***

*Parking on parade routes, see § 72.07*

## § 71.51 REVOCATION OF PERMIT.

The city shall have the authority to revoke a parade permit issued hereunder on application of the standards for issuance as herein set forth.

## § 71.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no other penalty is specifically provided shall be guilty of a misdemeanor and shall be fined not less than twenty dollars (\$20.00) nor more than five hundred dollars (\$500.00).

(B) Any person who violates § 71.26 shall be guilty of a misdemeanor and shall be fined not less than sixty dollars (\$60.00) nor more than five hundred dollars (\$500.00), or be imprisoned in the county jail for not more than thirty (30) days, or both. (KRS 189.993(8))

(C) Any person who violates Chapter 75, Schedule I shall be guilty of a violation and fined not more than the amount set forth in KRS 534.040(2)(c) for each offense.

(KRS 83A.065(2))

(D) Any person who violates § 71.28 shall be fined not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) for each conviction. Each incident of violation shall constitute a separate offense.

(Ord. 98-007, passed 10-12-98)

## CHAPTER 72: PARKING REGULATIONS

---

Section

### ***Parking Generally***

- 72.01 Obstructional parking; double parking
- 72.02 Manner of parking
- 72.03 Limitations of stopping and parking
- 72.04 Restrictions and prohibitions on designated streets
- 72.05 Parking restricted to allow street cleaning

- 72.06 Parking in excess of certain number of hours prohibited; towing authorized
- 72.07 Parking on parade route
- 72.08 Parking on off-street facility
- 72.09 Owner responsibility
- 72.10 Parking in parks
- 72.11 Display of parked vehicle for sale
- 72.12 Parking permits for disabled persons
- 72.13 Definitions
- 72.14 No parking zones; designation; installation of signs

### ***Impounding***

- 72.25 Impoundment for violation
- 72.26 Required notice to owner
- 72.27 Sale of vehicle
- 72.99 Penalty

#### ***Statutory reference:***

*Revenues from fees, fines, and forfeitures related to parking, see KRS 65.120*

## **PARKING GENERALLY**

### **§ 72.01 OBSTRUCTIONAL PARKING; DOUBLE PARKING.**

(A) It shall be unlawful for any person to leave any vehicle or any other thing that may be a nuisance, obstruction, or hindrance in or on any street, alley, or sidewalk within the city either during the day or night.

(B) It shall be unlawful for any person to stop or park any vehicle on the roadway side of any other vehicle stopped or parked at the edge or curb of a street.

Penalty, see § 72.99

### **§ 72.02 MANNER OF PARKING.**

(A) It shall be unlawful for the operator of any vehicle to stop or park the vehicle in a manner other than with its right-hand side toward and parallel with the curb, except that where parking is permitted on the left side of a one-way street, the left-hand side shall be so parked, and except for commercial loading and unloading on one-way streets.

(B) No vehicle shall be parked or left standing on any street unless its two (2) right wheels are within six (6) inches of and parallel with the curb, except that on one-way streets where parking is permitted on the left side the two (2) left wheels are to be within six (6) inches of and parallel with the curb.

(C) No vehicle shall be backed to the curb on any street, except that wagons and trucks may do so when loading and unloading provided that such loading and unloading and delivery of property and material shall not consume more than thirty (30) minutes. Such backing of trucks or wagons is prohibited at all times and on all streets in the city where any truck or wagon so backed interferes with the use of the roadway by moving vehicles or occupies road space within ten (10) feet of the center line of the street.

(D) The city may establish diagonal parking at certain places, requiring the parking of vehicles at a certain angle to the curb and within a certain portion of the roadway adjacent thereto. However, diagonal parking shall not be established where the roadway space

required therefor would be within ten (10) feet of the center line of any street. Such diagonal parking places shall be designated by suitable signs, and shall indicate by markings on the pavement the required angle and the width of the roadway space within which such vehicle shall park.

(E) It shall be unlawful for the operator of any vehicle to so park such vehicle that any part thereof shall extend beyond the lines marking the side or the rear of the space assigned for one (1) vehicle.

Penalty, see § 72.99

### **§ 72.03 LIMITATIONS OF STOPPING AND PARKING.**

(A) *Prohibitions.* It shall be unlawful for the operator of any vehicle to stop or park such vehicle except in a case of real emergency or in compliance with the provisions of this traffic code or when directed by a police officer or traffic sign or signal at any time in the following places:

(1) On the mainly-traveled portion of any roadway or on any other place in the roadway where vehicles stand in any manner other than as specified in § 72.02.

(2) On a sidewalk.

(3) In front of sidewalk ramps provided for persons with disabilities.

(4) In front of a public or private driveway.

(5) Within an intersection or on a crosswalk.

(6) At any place where official signs prohibit stopping or parking. This does not apply to police officers when operating properly identified vehicles during the performance of their official duties.

(7) Within thirty (30) feet of any flashing beacon, stop sign or traffic control signal located at the side of a roadway.

(8) On any controlled access highway.

(9) Within a highway tunnel.

(10) Within fifteen (15) feet of a fire hydrant; or

(11) In an area between the roadways of a divided highway.

(B) No person shall move a vehicle not lawfully under his or her control into any such prohibited area. (KRS 189.450(5),(6))

(C) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**EMERGENCY.** A sudden unexpected happening; an unforeseen occurrence or condition.

Penalty, see § 72.99

### **§ 72.04 RESTRICTIONS AND PROHIBITIONS ON DESIGNATED STREETS.**

(A) The provisions of this section prohibiting the stopping and parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control devices.

(B) The provisions of this section imposing a time limit on parking shall not relieve any person from his duty to observe other and more restrictive provisions prohibiting or limiting the stopping or parking of vehicles in specific places or at specified times.

(C) When signs are erected in compliance with the provisions of division (F) below giving notice thereof, no person shall park a vehicle at any time on any street so marked by official signs.

(D) When a curb has been painted in compliance with the provisions of division (F) below, no person shall park a vehicle at any time at or adjacent to any curb so marked.

(E) When signs are erected in compliance with the provisions of division (F) below, in each block giving notice thereof, no person shall park a vehicle between the hours specified by official signs on any day except Sundays on any street so marked.

(F) (1) The city shall determine on what streets or portions thereof stopping or parking shall be restricted or prohibited. Whenever under authority of or by this traffic code or any other ordinance any parking limit is imposed or parking is prohibited on designated streets, or parking areas are restricted to handicapped parking, appropriate signs shall be erected giving notice thereof. However, in lieu of erecting such signs or in conjunction therewith, the face and top of a curb or curbs at or adjacent to which parking is prohibited at all times may be painted a solid yellow color.

(2) No such regulations or restrictions shall be effective unless the signs have been erected and are in place or the curbs are painted yellow at the time of any alleged offense, except in the case of those parking restrictions which by their very nature would not require such signs and markings.

(G) When signs are erected in compliance with division (F) above in each block giving notice thereof, no person shall park a vehicle for a time longer than specified on official signs any day except Sunday and on any street so marked.

Penalty, see § 72.99

### **§ 72.05 PARKING RESTRICTED TO ALLOW STREET CLEANING.**

The city is authorized to designate street cleaning areas and shall provide suitable signs and markings on the street to be cleaned, restricting parking on that particular day. It shall be unlawful for the operator of any vehicle to stop on any street so designated.

Penalty, see § 72.99

### **§ 72.06 PARKING IN EXCESS OF CERTAIN NUMBER OF HOURS PROHIBITED; TOWING AUTHORIZED.**

It shall be unlawful for anyone to park in any one (1) place any vehicle on any of the public ways or streets of the city for a period of twenty-four (24) hours or longer. Any vehicle left parked in any one (1) place on any of the public ways or streets of the city for a period of twenty-four (24) hours or longer shall be deemed abandoned, and shall be subject to all existing regulations of the city pertaining to abandoned motor vehicles.

Penalty, see § 72.99

#### ***Cross-reference:***

*Removal of abandoned vehicles, see § 72.26 et seq.*

### **§ 72.07 PARKING ON PARADE ROUTE.**

(A) The City Commission or any authorized city official shall have the authority, whenever in his judgment it is necessary, to prohibit or restrict the parking of vehicles along a street or part thereof constituting a part of the route of a parade or procession, to erect temporary traffic signs to that effect, and to prohibit and prevent such parking.

(B) It shall be unlawful to park or leave unattended any vehicle in violation of such signs or directions.

Penalty, see § 72.99

#### ***Cross-reference:***

*Parades, see §§ 71.40 through 71.51*

### **§ 72.08 PARKING ON OFF-STREET FACILITY.**

(A) It shall be unlawful for the driver of a motor vehicle to park or abandon the vehicle or drive on or otherwise trespass on another's property, or on an area developed as an off-street parking facility, without the consent of the owner, lessee, or person in charge of such property or facility.

(B) If at any time a vehicle is parked, abandoned, or otherwise trespasses in violation of division (A) of this section, the owner, lessee, or person in charge of the property or facility may have the unauthorized motor vehicle removed in accordance with the provisions of §§ 72.25 through 72.27.

(C) Every property owner or operator of an off-street parking facility shall post signs stating thereon that the property or parking lot or facility is privately owned and that unauthorized vehicles will be removed at the owner's expense before exercising the authority granted in division (B).

Penalty, see § 72.99

***Statutory reference:***

*Removal of vehicles by owners of private parking lots; signs, see KRS 189.725*

**§ 72.09 OWNER RESPONSIBILITY.**

If any vehicle is found illegally parked in violation of any provisions of this subchapter regulating stopping, standing, or parking of vehicles, and the identity of the driver cannot be determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for the violation.

Penalty, see § 72.99

**§ 72.10 PARKING IN PARKS.**

It shall be unlawful for any person to park any motor vehicle in or on any section of any public park, playground, play lot, or tot lot within the city not designed as a parking area or designed and regularly maintained as a roadway. However, nothing contained in this section shall be construed as prohibiting the parking of a motor vehicle parallel to a designated and regularly maintained roadway in any such park or playground where at least two (2) wheels of the motor vehicle are resting on such roadway.

Penalty, see § 72.99

**§ 72.11 DISPLAY OF PARKED VEHICLE FOR SALE.**

It shall be unlawful to park a motor vehicle displayed for sale or a motor vehicle on which demonstrations are being made on any street.

Penalty, see § 72.99

**§ 72.12 PARKING PERMITS FOR DISABLED PERSONS.**

(A) Any other provision to the contrary notwithstanding, a motor vehicle bearing a decal in its front windshield issued by the County Clerk pursuant to appropriate county ordinances for disabled persons, when operated by a disabled person or when transporting a disabled person, may be parked in a designated parking place for people with disabilities or when parked in a metered parking space may be parked for two (2) hours for no fee, or when parked where any parking limit is imposed may be parked for two (2) hours in excess of the parking limit. The motor vehicle may be parked in a loading zone for that period of time necessary to permit entrance or exit of the disabled person to or from the parked vehicle, but in no circumstances longer than thirty (30) minutes.

(B) This section shall not permit parking in a "no stopping" or "no parking" zone nor where parking is prohibited for the purpose of creating a fire lane or to accommodate heavy traffic during morning, afternoon, or evening hours, nor permit a motor vehicle to be parked in such a manner as to constitute a traffic hazard.

Penalty, see § 72.99

**§ 72.13 DEFINITIONS.**



For the purpose of §§ 72.14, 72.25(C)(2), 72.99 and Chapter 74, Schedule I, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**MOTOR VEHICLE.** The same as is defined within the Kentucky Revised Statutes, including any automobile, truck, van, motorcycle, watercraft, trailer, or other vehicle, whether or not said vehicle is in an operable condition.

**PARTY.** An individual, partnership, corporation or other legal entity; the singular also refers to the plural tense thereof.

**PUBLIC STREET.** The paved portion of any dedicated public right-of-way situated within the boundaries of the city.

(Ord. 2000-009, passed 12-11-00)

## **§ 72.14 NO PARKING ZONES; DESIGNATION; INSTALLATION OF SIGNS.**

(A) No parking at any time of a motor vehicle shall be allowed on any public streets on that side of the street containing fire hydrants or being appropriately marked as a "Fire Lane" or "No Parking Zone".

(B) No parking at any time of a motor vehicle will be allowed on any public street where the width of that street measured from curb face to curb face does not allow the safe passage of two (2) vehicles concurrent with an appropriately parked vehicle. (See Chapter 74, Schedule I)

(C) No parking at any time of private motor vehicles will be allowed in the cul-de-sac of any public street.

(D) No motor vehicle shall be left unattended on a public street for a period of time exceeding six (6) hours during the hours of daylight; i.e., between the hours of sunrise and sunset.

(E) At any time it shall be unlawful to permit any vehicle to stop, stand, or park in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic official:

(1) on a sidewalk;

(2) in front of a public or private driveway;

(3) within an intersection;

(4) at any curb within five (5) feet of the point in the curb or edge of roadway opposite and nearest an adjacent fire hydrant, or driveway;

(5) within twenty-five (25) feet of a crosswalk at an intersection;

(6) within thirty (30) feet of a traffic signal or a stop sign on the approaching side;

(7) within twenty (20) feet of a speed plateau;

(8) within twenty (20) feet of a mailbox;

(9) in front of a storm sewer intake;

(F) When a snow emergency is declared by the Mayor or his appointed representative, or by the County Judge-Executive, no parking shall be allowed on any public street until such time as the emergency is lifted by proper authority.

(G) The Director of Public Works for the city, or his appointee, shall have the authority to determine those areas on the city streets where the parking of motor vehicles at any time constitutes a safety hazard and the Director of Public Works shall be permitted to have installed the necessary "no parking" signs and parking within those "no parking" areas shall constitute a violation of this chapter.

(Ord. 2000-009, passed 12-11-00) Penalty, see § 72.99

## **IMPOUNDING**

## **§ 72.25 IMPOUNDMENT FOR VIOLATION.**

Any motor vehicle found by the appropriate authorities to be violating the terms of this chapter shall be towed with the party owning, using, or having control of any such motor vehicle being responsible for the towage and any storage charges thereby incurred.

(Ord. 2000-009, passed 12-11-00)

### **§ 72.26 REQUIRED NOTICE TO OWNER.**

(A) When a motor vehicle has been involuntarily towed or transported pursuant to order of police, other public authority, or private person or business for any reason or when the vehicle has been stolen or misappropriated and its removal from the public ways has been ordered by police, other public authority, or by private person or business, or in any other situation where a motor vehicle has been involuntarily towed or transported by order of police, other authority, or by private person or business, the police, other authority, or private person or business shall attempt to ascertain from the State Transportation Cabinet the identity of the registered owner of the motor vehicle or lessor of a motor carrier as defined in KRS Chapter 281 and within ten (10) business days of the removal shall, by certified mail, attempt to notify the registered owner at the address of record of the make, model, license number, and vehicle identification number of the vehicle, of the location of the vehicle, and of the requirements for securing the release of the motor vehicle.

(B) If a vehicle described in division (A) is placed in a garage or other storage facility, the owner of the facility shall attempt to provide the notice provided in division (A) by certified mail to the registered owner at the address of record of the motor vehicle or lessor of a motor carrier as defined in KRS Chapter 281 within ten (10) business days of recovery of, or taking possession of the motor vehicle. This notice shall contain the information as to the make, model, license number, and vehicle identification number of the vehicle, the location of the vehicle, and the amount of reasonable charges due on the vehicle. When the owner of the facility fails to provide notice as provided herein, the motor vehicle storage facility shall forfeit all storage fees accrued after ten (10) business days from the date of tow. This division (B) shall not apply to a tow lot or storage facility owned or operated by the city.

(KRS 376.275(1),(2))

### **§ 72.27 SALE OF VEHICLE.**

Any person engaged in the business of storing or towing motor vehicles in either a private capacity or for the city who has substantially complied with the requirements of § 72.26 shall have a lien on the motor vehicle for the reasonable or agreed charges for storing or towing the vehicle as long as it remains in his possession. If after a period of forty-five (45) days, the reasonable or agreed charges for storing or towing a motor vehicle have not been paid, the motor vehicle may be sold to pay the charges after the owner has been notified by certified mail ten (10) days prior to the time and place of the sale. If the proceeds of the sale of any vehicle pursuant to this section are insufficient to satisfy accrued charges for towing, transporting, and storage, the sale and collection of proceeds shall not constitute a waiver or release of responsibility for payment of unpaid towing, transporting, and storage charges by the owner or responsible casualty insurer of the vehicle. This lien shall be subject to prior recorded liens.

(KRS 376.275(3))

### **§ 72.99 PENALTY.**

Any party found guilty by a court of competent jurisdiction of violating the terms of this chapter or Chapter 74, Schedule I, shall be guilty of a violation and shall be fined not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00), plus court costs for each offense. Each day is considered a separate offense.

(Ord. 2000-009, passed 12-11-00)

---

## **CHAPTER 73: BICYCLES, MOTORCYCLES, AND SKATEBOARDS**

Section

### *General Provisions*

73.01 Operation of bicycles

73.02 Operation of motorcycles and motorscooters

73.03 Clinging to vehicles

### ***Skateboards***

73.15 Definitions

73.16 Operation on streets and sidewalks

73.17 Operation on private property

73.18 Citation for violation; confiscation of skateboard

### ***All-Terrain Vehicles and Dirt Bike/Motocross***

73.25 Definitions

73.26 Prohibitions and regulations

73.27 Motorcycle

73.28 Enforcement

73.29 Violations

73.30 Civil offense

73.99 Penalty

#### ***Cross-reference:***

*Required obedience to traffic directions, see § 70.02(C)*

## **GENERAL PROVISIONS**

### **§ 73.01 OPERATION OF BICYCLES.**

(A) No person shall operate a bicycle on the sidewalks of the city.

(B) No person shall operate a bicycle on any section of a public park, playground, play lot, or tot lot, except on a roadway or in a parking area.

(C) No operator of any bicycle shall carry another person on such bicycle.

Penalty, see § 73.99

#### ***Statutory reference:***

*Bicycles; safety regulations and standards, see KRS 189.287*

### **§ 73.02 OPERATION OF MOTORCYCLES AND MOTORSCOOTERS.**

(A) No operator of any motorcycle, motorscooter, or power-driven bicycle shall carry another person except on a seat attached thereto or in a side car attached to the vehicle.

(B) No operator of a motorcycle, motorscooter, or power-driven bicycle shall operate such vehicle in any public park, except on a roadway or in a parking area.

(C) No operator of a motorcycle, motorscooter, or power-driven bicycle shall operate such vehicle in any play lot or tot lot.

Penalty, see § 73.99

**Statutory reference:**

*Regulations for operating and riding on motorcycles, see KRS 189.285*

**§ 73.03 CLINGING TO VEHICLES.**

(A) No person while riding on a bicycle, coaster sled, roller skates, or any toy vehicle shall cling to any moving vehicle on any street, or fasten or attach the vehicle on which he is riding thereto.

(B) No person shall ride on the projection, running board, or fenders of any vehicle.

Penalty, see § 73.99

**SKATEBOARDS**

**§ 73.15 DEFINITIONS.**

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

**PERSON.** Any natural person, partnership, corporation, joint venture, unincorporated association of natural persons, or any combination thereof.

**SKATEBOARD.** Any board or platform to which there are attached wheels for movement thereof by either gravity or the muscular power of someone standing upon the board or platform and which has no mechanism or other device with which to steer or control the movement or direction of the board or platform.

(Ord. 91-002, passed 5-13-91)

**§ 73.16 OPERATION ON STREETS AND SIDEWALKS.**

No person shall cause, permit, allow, or encourage or engage in any of the following operations of a skateboard within the city:

(A) The operation of a skateboard upon, into or within the following streets or highways located within the city:

- (1) U.S. Highway 42;
- (2) Hathaway Road (Highway 536);
- (3) Mt. Zion Road;
- (4) Gunpowder Road;

(B) The operation of a skateboard upon any sidewalk without yielding the right-of-way to pedestrians thereon; or

(C) The construction of any skateboard ramp upon a street, highway or sidewalk.

(Ord. 91-002, passed 5-13-91) Penalty, see § 73.99

**§ 73.17 OPERATION ON PRIVATE PROPERTY.**

(A) No person shall operate a skateboard on any private property within the city unless the person has obtained the written consent of the owner or owners of the private property; and unless the person operating the skateboard has in his or her possession at the time of operation the written consent of the owner or owners of the private property on which he or she is operating the skateboard.

(B) The written consent described in division (A) of this section shall grant to the person named therein permission to operate a skateboard on the property described in the consent. No more than one (1) person shall be named as the permittee on a written consent. A written consent shall be invalid unless the name of the permittee is written therein. A written consent shall not be transferable.

(C) A person who is the owner of private property in the city, his or her spouse, dependent children, or tenants and their children who reside upon the property shall, without procuring the written consent described in division (A) of this section, have the right to operate a skateboard on private property of which they are bona fide owners, or the spouse or dependent children of the owners, or tenants or dependent children of tenants who reside upon the property.

(Ord. 91-002, passed 5-13-91) Penalty, see § 73.99

### **§ 73.18 CITATION FOR VIOLATION; CONFISCATION OF SKATEBOARD.**

(A) Any peace officer who issues a citation for violation of this subchapter shall confiscate the skateboard used in the violation and place it in the police property room.

(B) The skateboard may be returned to the violator or to a parent or guardian of the violator, if the violator is a minor, after the following periods of time:

(1) After thirty (30) days for a first violation of this subchapter;

(2) If any person commits a subsequent violation of this subchapter, the skateboard used by such person in the violation shall be forfeited to the city and disposed of in the manner prescribed by law for forfeited property.

(Ord. 91-002, passed 5-13-91)

## **ALL-TERRAIN VEHICLES AND DIRT BIKE/MOTOCROSS**

### **§ 73.25 DEFINITIONS.**

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

**ALL TERRAIN VEHICLE.** This term shall have the same meaning provided therefore in KRS 189.010, which is any motor vehicle used for recreational off-road use.

**ANYBODY.** Any human being, or any organization or combination thereof, in the form of a corporation, partnership, joint venture, unincorporated, associated or otherwise.

**ATV.** All terrain vehicle.

**DIRT BIKE/MOTOCROSS.** The terms shall have the same meaning provided therefore in KRS 189.010, which is any motorcycle registered and manufactured for recreational off-road use only.

**EVERYBODY.** Every human being, or any organization or combination thereof, in the form of a corporation, partnership, joint venture, unincorporated, associated or otherwise.

**MOTORCYCLE.** The term shall have the same meaning provided therefore in KRS 189.285, which is any motor driven vehicles having a seat or saddle for the operator and designed to travel on not more than three (3) wheels.

(Ord. 2006-003, passed 2-13-06)

### **§ 73.26 PROHIBITIONS AND REGULATIONS.**

Nobody shall cause, promote, aid, assist, encourage, allow or engage in the operation of any ATV, dirt bike/motocross, and/or off-road motorcycles on private property within the city:

(A) Without first causing the ATV, and/or dirt bike/motocross to be registered with the City Clerk, by completing a form therefore provided by the City Clerk and paying a registration fee of ten dollars (\$10.00).

(B) Before 9:00 a.m. or after 9:00 p.m., prevailing time, on any day.

(C) On any lot or parcel of real estate that consists of less than five (5) acres.

(D) Without the muffler system provided by the manufacturer of the ATV, dirt bike/motocross, as provided by the manufacturer, without any modification thereof other than like kind parts replacement, and which prevents the emission of sound from the ATV, dirt bike and/or off-road motorcycles in excess of the levels identified in 40 CFR 205.166 motorcycles.

(E) At any speed in excess of the minimum speed required to maintain the forward motion of the ATV, dirt bike/motocross being operated on private property while it is within five hundred feet (500) feet of any dwelling on a lot or parcel of real estate other than that upon which the ATV, dirt bike/motocross and/or off-road motorcycle is being operated.

(F) Except that an ATV can be used for utilitarian purposes on parcels of real estate less than five (5) acres when they are maintaining speeds not to exceed seven (7) miles per hour in a safe manner, such as snow removal, tool or utility trailer usage, and/or yard work.

(Ord. 2006-003, passed 2-13-06) Penalty, see § 73.99

### **§ 73.27 MOTORCYCLE.**

Nothing in this subchapter will affect the operation of motorcycles in the city on the public roadways which vehicles are regulated and controlled under the Kentucky Revised Statutes.

(Ord. 2006-003, passed 2-13-06)

### **§ 73.28 ENFORCEMENT.**

The provisions of this subchapter may be enforced through either or both:

(A) Criminal prosecutions; and

(B) Civil prosecutions pursuant to the provisions of the Local Government Code Enforcement Board Act as KRS 65.8801 through 65.8839.

(Ord. 2006-003, passed 2-13-06)

### **§ 73.29 VIOLATIONS.**

A violation of this subchapter occurs upon any noncompliance with any provision of this subchapter, by either act or omission; and each and every separate non-continuing occurrence thereof, and each and every day of any continuing occurrence thereof is a separate violation of this subchapter.

(Ord. 2006-003, passed 2-13-06)

### **§ 73.30 CIVIL OFFENSE.**

Each separate violation of § 73.26 is hereby classified as a civil offense, for which:

(A) Pursuant to KRS 65.8808(3)(b), the maximum civil fine that may be imposed for each separate violation of § 73.26, is hereby established as five hundred dollars (\$500.00) plus collection costs and attorney's fee, if any; and

(B) Pursuant to KRS 65.8808(2)(c) the specific civil fine that will be imposed for each separate offense and violation of § 73.26 is hereby established as one hundred dollars (\$100.00) plus collection costs and attorney's fees, if any; unless the citation therefore is contested.

(C) An enforcement officer, may, in lieu of immediately issuing a civil action, give notice that the violation of § 73.26 shall be remedied within a specific period of time.

**§ 73.99 PENALTY.**

(A) Whoever violates any provision of §§ 73.01 through 73.03 of this chapter shall be deemed to have committed a violation and shall be fined not more than fifty dollars (\$50.00) for each offense.

(B) Any person who violates any of the terms or provisions of §§ 73.15 through 73.18 of this chapter shall, upon conviction thereof in a court of competent jurisdiction, be deemed guilty of a violation and sentenced to pay a fine of no more than two hundred fifty dollars (\$250.00) for each violation.

(C) Each separate violation of § 73.26 is hereby classified as a criminal offense and designated as a violation, for which there is hereby imposed a criminal fine, not to exceed the maximum of two hundred and fifty dollars (\$250.00), as provided in KRS 534.040(2).

(Ord. 91-002, passed 5-13-91; Am. Ord. 2006-003, passed 2-13-06)

**CHAPTER 74: PARKING SCHEDULES**

---

Schedule

**I. Parking prohibited at all times**

**SCHEDULE I. PARKING PROHIBITED AT ALL TIMES.**

No parking is permitted at any time on the following public streets within the boundaries of the city:

<i>Street</i>	<i>Only partially in Union</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Abbingtion Drive		2000-009	12-11-00
Appomattox Drive	X	2000-009	12-11-00
Aspen Place		2000-009	12-11-00
Bayberry Lane		2000-009	12-11-00
Bayswater Drive		2000-009	12-11-00
Brandsteade Court		2000-009	12-11-00
Braxton Drive		2000-009	12-11-00
Burleigh Lane	X	2000-009	12-11-00
Calvary Lane	X	2000-009	12-11-00
Capri Court		2000-009	12-11-00
Cedarwood Drive	X	2000-009	12-11-00
Cherbourg Drive		2000-009	12-11-00
Churchill Drive		2000-009	12-11-00
Clarkston Lane	X	2000-009	12-11-00
Double Eagle Drive		2000-009	12-11-00
Farmview Drive	X	2000-009	12-11-00

Glenfield Court		2000-009	12-11-00
Golden Pond Drive		2000-009	12-11-00
Greenbriar Place		2000-009	12-11-00
Hartwood Court	X	2000-009	12-11-00
Hempsteade Drive		2000-009	12-11-00
Indian Hill Drive		2000-009	12-11-00
Kingston Court		2000-009	12-11-00
Lakepointe Court		2000-009	12-11-00
Lakeway Court		2000-009	12-11-00
Lancashire Drive		2000-009	12-11-00
Lewis Lane		2000-009	12-11-00
Lilly Pad Court		2000-009	12-11-00
Long Branch Road	X	2000-009	12-11-00
Lurawoods Court		2000-009	12-11-00
Merrimack Court		2000-009	12-11-00
Mountain Latural Way		2000-009	12-11-00
Napa Ridge Court		2000-009	12-11-00

<i>Street</i>	<i>Only partially in Union</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Picket Run		2000-009	12-11-00
Pond Ridge Court		2000-009	12-11-00
Raiders Run		2000-009	12-11-00
Richmond Road		2000-009	12-11-00
Russwill Drive		2000-009	12-11-00
Seltman Drive		2000-009	12-11-00
Sherman Court	X	2000-009	12-11-00
Stoneybrook Court	X	2000-009	12-11-00
Sumpter Court		2000-009	12-11-00
Sycamore Drive		2000-009	12-11-00
Tudor Lane		2000-009	12-11-00
Waterside Court		2000-009	12-11-00
Weeping Willow Court		2000-009	12-11-00
Weatherington Boulevard	X	2000-009	12-11-00
Whispering Trail		2000-009	12-11-00
Whittlesey Drive		2000-009	12-11-00
Willow Brook Court		2000-009	12-11-00
Wilshire Court		2000-009	12-11-00
Windsor Way		2000-009	12-11-00



**CHAPTER 75: TRAFFIC SCHEDULES**

Schedule

**I. One-way streets**

**SCHEDULE I. ONE-WAY STREETS.**

The following streets are designated one-way streets:

<i>Description</i>	<i>Direction</i>	<i>Ord. No.</i>
Sycamore Drive at the intersection with Mt. Zion Road	West	98-009

Penalty, see § 71.99(C)

**TITLE IX: GENERAL REGULATIONS**

Chapter

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

**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*

- 90.15 Definition

- 90.16 License required
- 90.17 Registration and issuance of license
- 90.18 License tag to be attached to dog
- 90.19 Dogs running at large
- 90.20 Noise disturbance
- 90.21 Impoundment
- 90.22 Reclaiming impounded dog
- 90.99 Penalty

***Cross-reference:***

*Animals as a public nuisance, see § 92.03(E),(G)*

## **GENERAL PROVISIONS**

### **§ 90.01 DEFINITIONS.**

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

***ABANDON.*** Abandonment shall constitute the relinquishment of all rights and claims by the owner to such 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 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 custody to cruel neglect; or

(3) Kills any animal other than a domestic animal killed by poisoning. This section 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 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) 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 (2) months of age in any quantity less than six (6) except that any rabbit weighing three (3) pounds or more may be sold at an age of six (6) 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, 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.

(B) Before destroying the animal the officer shall obtain the judgment to that effect of a veterinarian, or of two (2) 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 (10) 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 such 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 (6) 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 thirty (30) days.

Penalty, see § 90.99

### **§ 90.17 REGISTRATION AND ISSUANCE OF LICENSE.**

(A) All dogs kept in the city shall be registered with Boone County as per county regulations. At the time of the registration, the owner shall obtain a license tag for the dog and shall pay a fee as established by Boone County for each dog.

(B) 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 (2) 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 five hundred dollars (\$500.00) 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 five hundred dollars (\$500.00), imprisoned for not more than twelve (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 one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

(KRS 436.600)

## **CHAPTER 91: STREETS AND SIDEWALKS**

---

Section

### ***Excavations and Construction***

- 91.01 Permission and bond 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
- 91.07 Sidewalk repair policy
- 91.08 Storm drainage pipes under driveways

### ***Road and Bridge Projects***

- 91.15 Public hearing required

- 91.16 Notice requirements
- 91.17 Public may testify; effect of testimony
- 91.18 Hearing to be held prior to construction
- 91.19 Separate hearing for each project not required
- 91.20 Exemptions from hearing requirement

***Obstructions***

- 91.30 Unloading on street or sidewalk
- 91.31 Street and sidewalk obstruction
- 91.32 Materials on street or sidewalk
- 91.33 Removal of ice and snow
- 91.99 Penalty

***Cross-reference:***

*Deposit of mud and debris on city streets, see § 92.07*

**EXCAVATIONS AND CONSTRUCTION**

**§ 91.01 PERMISSION AND BOND REQUIRED.**

(A) Pursuant to the provisions of KRS 85.140, authority to establish street regulations, whenever it becomes necessary to open any of the streets of the city through excavating or digging, the person desiring to do the work shall make application to the City Clerk for permission to do so, and shall accompany the application with a map or diagram showing the place where the street is to be opened, the width and depth of the excavation, the estimated length of time the street is to remain open, and the name of the person whose property is to benefit by reason of the opening excavation.

(B) Every application shall be accompanied by a bond to the city in the amount of five thousand dollars (\$5,000.00), signed by the applicant and a surety company registered under the laws of the Commonwealth of Kentucky. This bond shall specify that in the event the city is sued because of injuries sustained, or property damaged by reason of such excavation, the principal and surety in the bond will, to the extent of five thousand dollars (\$5,000.00) pay any judgment obtained by the claimant, and will pay the court cost and attorneys' fees incurred by the city.

(Ord. 98-007, passed 10-12-98)

**§ 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. 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.

**§ 91.03 RESTORATION OF PAVEMENT.**

(A) Every person making application for permission to open or excavate any street in the city shall agree to restore the street to the same condition that it was prior to the opening or excavation, to keep this portion of the street in repair for a period of one (1) year after the opening or excavation, and to assume liability for any injuries sustained by any person, or damages to any property, caused by reason of the opening or excavation.

(Ord. 98-007, passed 10-12-98)

(B) 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.

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

#### **§ 91.04 BARRIERS AROUND EXCAVATIONS.**

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

Penalty, see § 91.99

#### **§ 91.05 WARNING LIGHTS.**

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

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 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.

#### **§ 91.07 SIDEWALK REPAIR POLICY.**

(A) The repair or replacement of sidewalks is the responsibility of the adjacent property owner, but such repair or reconstruction would have to be done according to city specifications.

(B) This policy shall apply only to sidewalks within the boundaries of city rights-of-way, and the repair or replacement of all sidewalks on private property would be the responsibility of the property owner.

(Ord. 98-007, passed 10-12-98)

#### **§ 91.08 STORM DRAINAGE PIPES UNDER DRIVEWAYS.**

(A) The minimum requirements for storm drainage entrance pipes under driveways connecting with the various streets shall meet the Boone County subdivision regulations. No entrance pipe shall have an inside diameter of less than twelve (12) inches.

(B) Before storm drainage entrance pipes are placed under any driveway, a permit shall be obtained from the city. Such work shall proceed under the direction of the City Engineer. At the discretion of the City Commission, any entrance pipe installed contrary to the provisions of this section may be ordered removed at the cost of the owner of the abutting property.

(Ord. 98-007, passed 10-12-98)

***Statutory reference:***

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

*Sidewalks; ramps for wheelchairs, see KRS 66.660*

## **ROAD AND BRIDGE PROJECTS**

### **§ 91.15 PUBLIC HEARING REQUIRED.**

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

(KRS 174.100)

### **§ 91.16 NOTICE REQUIREMENTS.**

Prior to the contemplated date of expenditure of state derived tax revenues on a road or bridge by the city, the city shall hold a public hearing for the purpose of taking the sense of the public with regard to road and bridge matters within the city. Notice of the hearing shall be given not less than seven (7) days nor more than twenty-one (21) days before the scheduled date of the public hearing and before beginning work on any project covered by this subchapter.

(KRS 174.100(1))

### **§ 91.17 PUBLIC MAY TESTIFY; EFFECT OF TESTIMONY.**

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

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

(KRS 174.100(2),(3))

### **§ 91.18 HEARING TO BE HELD PRIOR TO CONSTRUCTION.**

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

(KRS 174.100(4))

### **§ 91.19 SEPARATE HEARING FOR EACH PROJECT NOT REQUIRED.**

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

(KRS 174.100(5))



## **§ 91.20 EXEMPTIONS FROM HEARING REQUIREMENT.**

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

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

(KRS 174.100(6),(7))

## **OBSTRUCTIONS**

### **§ 91.30 UNLOADING ON STREET OR SIDEWALK.**

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

Penalty, see § 91.99

### **§ 91.31 STREET AND SIDEWALK OBSTRUCTION.**

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

Penalty, see § 91.99

### **§ 91.32 MATERIALS ON STREET OR SIDEWALK.**

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

Penalty, see § 91.99

#### ***Cross-reference:***

*Littering on streets or sidewalks, see Ch. 94*

### **§ 91.33 REMOVAL OF ICE AND SNOW.**

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 twelve (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 five hundred dollars (\$500.00).

Section

*General Provisions*

- 92.01 Definitions
- 92.02 Common law and statutory nuisances
- 92.03 Certain conditions declared to be public nuisances
- 92.04 Abandoned, wrecked, dismantled or inoperative motor vehicles
- 92.05 Drains to be connected to storm sewers; exceptions; property damage
- 92.06 Erosion control
- 92.07 Prohibiting the deposit of mud and debris on city streets
- 92.08 Abatement procedure
- 92.09 Nuisance created by others

*Noise*

- 92.20 Unlawful noises
- 92.21 Disturbing and unnecessary noises
- 92.22 Exceptions
- 92.23 Emergency siren device
- 92.24 Operation and/or maintenance of nuisance device
  
- 92.99 Penalty

***Cross-reference:***

*Unsafe structures, see §§ 151.01 et seq.*

***Statutory reference:***

*Private nuisances, see KRS 411.500-411.570*

**GENERAL PROVISIONS**

**§ 92.01 DEFINITIONS.**

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

**MOTOR VEHICLE.** Any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers and trailers.

**NUISANCE.** Whenever this word is used in this chapter, it refers to a public nuisance.

**PUBLIC PLACE.** A place to which public persons have access and includes, but is not limited to, highways, schools, transportation facilities, poolrooms and other such places of amusement, places of business, playgrounds, hallways, lobbies or other parts of apartment houses or hotels not constituting rooms or apartments designed for actual residence, parking lots, sidewalks and parked

automobiles. An act will be deemed to occur in a public place if it produces its offensive or proscribed consequences in a public place.

(Ord. 87-001, passed 2-2-87)

**Statutory reference:**

*Public place defined, see KRS 525.010(3)*

**§ 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, in case any thereof exist within the city limits, be treated as such and may be proceeded against as is provided in this chapter or in accordance with any other provision of law.

(Ord. 87-001, passed 2-2-87)

**§ 92.03 CERTAIN CONDITIONS DECLARED TO BE PUBLIC NUISANCES.**

The following conditions are hereby declared to be public nuisances and are prohibited:

(A) *Dangerous trees, stacks, and the like, adjoining street.* Any tree, stack or other object permitted to remain standing upon any premises in such condition that it shall, if the condition is suffered to continue, endanger the life, limb or property 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 any parts thereof.

(B) *Accumulation of rubbish.* There is caused or suffered such an accumulation on any premises of filth, refuse, trash, garbage, or other waste material that it 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 of its catching or communicating fire, its attracting and propagating vermin, rodents or insects, or its blowing into any street, sidewalk or property of another. It shall be the duty of the person owning or being in charge of those business establishments whose patrons purchase goods or services from their automobiles, commonly known as "drive-in" to furnish sufficient covered receptacles for the deposit of wastes created in the operation of such business and to clean up such wastes as are not deposited in receptacles at the close of business of each day (or if such business operates continuously, at least once each day) and at such other times when weather conditions are such that waste from the operation of such business is being blown to adjoining premises.

(C) *Noxious odors or smoke.* There emits from premises into the surrounding atmosphere such odors, dusts, smoke or other matter as to render ordinary use of physical occupation of other property in the vicinity uncomfortable or impossible. Specifically included is the burning of leaves, trash or refuse. Should a property owner wish to burn leaves, trash or other matter, he must obtain a burning permit from the Fire Department.

(D) *Open wells.* There is caused or suffered the maintenance of any open or uncovered, or insecurely covered, cistern, cellar, well, pit, excavation or vault situated upon private premises in any open or unfenced lot or place.

(E) *Animals.* The keeping, feeding, sheltering or confining of any fowl or animal which occasions offensive odors and smells or raucous noises injurious to the health, comfort or property of individuals or of the public.

(F) *Weeds.* The existence of thistles, burdock, Jimson weed, ragweeds, milkweeds, poison ivy, poison oak, iron weeds, and all other noxious weeds and rank vegetation of whatsoever kind or nature, on improved or unimproved real estate, occupied lots or vacant lots, to accumulate in piles, bundles or heaps, or to grow or stand to a height in excess of eight (8) inches.

(Ord. 87-001, passed 2-2-87; Am. Ord. 2001-06, passed 11-5-01)

**Statutory reference:**

*Drinking in public place, see KRS 244.020*

*Loitering, see KRS 525.090*

*Disorderly conduct, see KRS 525.060*

*Definition of controlled substances, see KRS 218A.010 et seq.*

## **§ 92.04 ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE MOTOR VEHICLES.**

(A) No person, firm, partnership, association, corporation or organization of any kind, shall park, store, leave, or permit the parking, storing or leaving of any motor vehicle of any kind which is abandoned, wrecked, dismantled, inoperative, rusted, junked or in a partially dismantled condition, whether attended or not, upon any public or private property within the city for a period of time in excess of seventy-two (72) hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or parts thereof on private or public property is hereby declared a public nuisance and is prohibited.

(B) Division (A) of this section shall not apply to any vehicle enclosed within a building on private property.

(Ord. 87-001, passed 2-2-87) Penalty, see § 92.99

## **§ 92.05 DRAINS TO BE CONNECTED TO STORM SEWERS; EXCEPTIONS; PROPERTY DAMAGE.**

(A) *Connection required.* All downspout drains, driveway drains, and storm water drains shall be connected to storm sewers where and when it is, in the opinion of the Building Inspector, reasonable to do so, but in no case is any storm drain or sewer to be connected to a sanitary sewer.

(B) *Exceptions.*

(1) Where it is impractical to tie or connect the house storm drain system directly to a storm sewer, the storm water shall be carried underground in pipe to be disposed of in the gutter of the public street abutting the lot on which construction or the improvement is taking place. If it is necessary to cut the curb to place storm drains so that storm water will empty into the public street gutter, the curb shall be patched and grouted in a clean, workmanlike manner acceptable to the Building Inspector and at the cost of the owner or contractor. The last eight (8) feet of pipe, extending through the curb, shall be of three (3)-inch cast iron soil pipe (heavy duty class).

(2) If storm water cannot be disposed of in a public storm sewer or street gutter, the storm water shall be carried in pipe into the back yard to a point approximately equal in distance from the two side lot lines, the rear lot line and the rear line of the structure. No storm water shall be discharged toward or in the immediate vicinity of a property line. The termination of said line shall be marked so that during final inspection, the Building Inspector may approve or order changes in same.

(C) *Liability.* In any instances where any storm water not being discharged as described herein from any existing or new structure shall cause damage or loss to any public lands or structures, the damage or loss shall be repaired or replaced by the owner of the property from which the storm water came. All costs shall be borne by said owner and the storm water drain system shall be repaired in accordance with all provisions of this chapter and any other applicable ordinance.

(Ord. 87-001, passed 2-2-87) Penalty, see § 92.99

## **§ 92.06 EROSION CONTROL.**

The owner and the contractor shall in all instances do and perform all work necessary to prevent or minimize erosion of land directed by the City Engineer or City Building Inspector.

(Ord. 87-001, passed 2-2-87)

## **§ 92.07 PROHIBITING THE DEPOSIT OF MUD AND DEBRIS ON CITY STREETS.**

No person, firm or corporation shall cause to be deposited on the streets and rights-of-way of the city any mud, water or other debris, including but not limited to drainage which is the result of a natural spring upon the city streets or rights-of-way and who fails to remove the mud or debris within twenty-four (24) hours shall be subject to the penalty set forth in § 92.99.

(Ord. 87-001, passed 2-2-87) Penalty, see § 92.99

### ***Cross-reference:***

*Streets and sidewalks, see §§ 91.01 et seq.*

## **§ 92.08 ABATEMENT PROCEDURE.**

Whenever it is determined by any official of the city that a nuisance exists, either upon complaint of any citizen or upon the official's own initiative, he may proceed to cause the abatement of such nuisance in any one or more of the following ways:

(A) He may cite the person causing such nuisance or the owner or occupant of the premises where such nuisance exists for violation of the pertinent provision of this chapter or other statute, and the matter shall be determined in the Boone District Court under the criminal procedure provided by law.

(B) Whenever such a situation is discovered, the person duly authorized by the City Commission shall give five (5) days written notice by certified mail to the owner of the property to the last known address as it appears on the current tax assessment roll, ordering the owner to remedy the situation within five (5) days.

(C) If the nuisance is one which is prohibited by statute, he may proceed as provided by statute.

(D) (1) If the nuisance is not abated within the time specified in the notice, the person specified in the notice shall be given another notice in the manner provided above to appear before the City Commission to show cause why such nuisance should not be abated. The hearing before the Commission shall be opened to the public and the person served and noticed may be represented by counsel. If the Commission by majority vote determines that a nuisance exists, it may order said nuisance to be abated either immediately or in such time as the Commission may determine and to that end it may cause the nuisance to be abated by the city designating persons to go upon the property to remedy the situation and the expense thereby incurred shall be billed to the owner of the premises in violation; and if not paid within thirty (30) days after said bill is first sent, said expense shall be placed upon the owner's tax bill to be paid at such time as the next city taxes are billed and become payable.

(2) The Commission may also order the appropriate city official to cite such person for violation of the pertinent provision of the ordinance or statutes involved, and the matter shall thereby be determined in the District Court under the criminal procedure provided by law.

(E) The City Commission may order the City Attorney to bring a suit in equity to enjoin the continuance of the nuisance, and should judgment result in favor of the city, the city shall be entitled to recover as part of said judgment reasonable attorney fees thereby incurred.

(Ord. 87-001, passed 2-2-87)

## **§ 92.09 NUISANCE CREATED BY OTHERS.**

For the purpose of this chapter, it shall not be essential that the nuisance be created or contributed to by the owners or tenants, or their agent, representatives, but merely that the nuisance be enacted 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, the owner or operator ought to have become aware.

(Ord. 87-001, passed 2-2-87)

## **NOISE**

### **§ 92.20 UNLAWFUL NOISES.**

It shall be unlawful for any person to willfully make, continue, or cause to be made or continue any excessive, unnecessary or unusually loud noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing within the city limits.

(Ord. 2001-006, passed 11-5-01; Am. Ord. 2009-008, passed 7-6-09)

### **§ 92.21 DISTURBING AND UNNECESSARY NOISES.**

The following acts are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but said enumerations shall

not be deemed to be exclusive, namely:

(A) *Horns, signaling devices, and the like.* The sounding of any horn on any automobile, motorcycle, or other motor vehicle on any street or public place of the city, except as a danger warning signal; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time.

(B) *Radios, phonographs, and the like.* The using, operating, or permitting to be played, used or operated any radio, stereo, television, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine, or device in such a manner as to be plainly audible at a distance of fifty (50) feet from the location thereof shall be prima facie evidence of a violation of this section.

(C) *Loud speakers, amplifiers for advertising.* The using, operating or permitting to be played, used or operated or any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure, unless the permit for such amplification has been obtained from the Mayor or City Clerk.

(D) *Yelling, shouting, and the like.* Yelling, shouting, hooting, whistling or singing at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in the vicinity.

(E) *Animals, birds, and the like.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

(F) *Operation of equipment.* The operating of any equipment or the performing of any outside construction or repair work on buildings, structures, roads, or projects within the city between the hours of 10:00 p.m. and 7:00 a.m. unless a permit for such construction or repair work between such hours has been obtained from the Mayor or City Clerk.

(G) *Exhausts.* The discharging into the open air of the exhaust of internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom. Exhaust noise which is plainly audible at a distance of 100 feet from the location thereof shall be prima facie evidence of a violation of this section.

(H) *Repairing, rebuilding, or testing of motor vehicles.* The repairing, rebuilding, or testing of any motor vehicle between the hours of 10:00 p.m. and 7:00 a.m. within any residential area in such a manner as to disturb the peace, quiet, and comfort of the residents of the area.

(I) *Construction and repair on real estate/structures.* The construction, repair or any other work on any real estate and/or structures located within the city limits between the hours of 10:00 p.m. and 7:00 a.m. within any residential area in such a manner as to disturb the peace, quiet, and comfort of the residents of the area.

(J) *Defect in vehicle or load.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in any such manner as grinding, rattling, or other noise.

(K) *Schools, courts, churches, hospitals.* The creating of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed on such streets indicating that same is a school, hospital, court, or church street.

(Ord. 2001-006, passed 11-5-01; Am. Ord. 2009-008, passed 7-6-09)

## **§ 92.22 EXCEPTIONS.**

The following activities and uses shall be exempt from the noise regulations set forth in this chapter:

(A) Noises of safety signals and warning devices;

(B) Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in times of emergency;

(C) Noises resulting from emergency work, to be construed as work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from imminent exposure to danger;

(D) Noises resulting from the discharge of firearms during daylight hours; and

(E) Noises resulting from garbage/trash removal provided under contract with the city, as long as the service provided is operating under the time periods provided by separate contract.

(Ord. 2001-006, passed 11-5-01; Am. Ord. 2009-008, passed 7-6-09)

### **§ 92.23 EMERGENCY SIREN DEVICE.**

No emergency warning device (siren) or safety signal shall be installed within the city unless the installer of same first obtains a permit from the City Building and Property Maintenance Inspector. All emergency sirening devices, excepting ones mounted on a motor vehicle, shall be installed at a minimum height of 45 feet.

(Ord. 2009-008, passed 7-6-09)

### **§ 92.24 OPERATION AND/OR MAINTENANCE OF NUISANCE DEVICE.**

The operation or maintenance of any device, vehicle or machinery in violation of any provision of this chapter which causes discomfort or annoyance to reasonable persons of a normal sensitiveness or which endangers the comfort, repose, health or peace of residents of the city shall be deemed, and is declared to be, a public nuisance, and may be subject to abatement summarily by restraining order or injunction issued by a court of competent jurisdiction.

(Ord. 2009-008, passed 7-6-09)

### **§ 92.99 PENALTY.**

(A) It shall be unlawful to cause or permit the continuance of any public nuisance included in the provisions of this chapter, and whoever causes or permits the continuance of any such nuisance, for which no penalty is otherwise provided, shall, upon conviction, be deemed guilty of a violation and fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) per offense.

(B) Any person, firm, or corporation who violates § 92.07 of this chapter shall be deemed guilty of a misdemeanor and fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) upon conviction in the Boone District Court.

(C) Each day that a situation prohibited by this chapter is allowed to exist after notice as set forth in this chapter shall be considered a separate offense.

(Ord. 87-001, passed 2-2-87)

(D) Each violation and every other failure to comply with the provisions of §§ 92.20-92.24 shall be a misdemeanor; and each day of the continuation thereof shall be a separate and distinct offense for which:

(1) Any person convicted of violation of the provisions thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of five hundred dollars (\$500.00) as set forth in KRS 534.040(2)(a) or a term of imprisonment not to exceed the maximum period of twelve (12) months as set forth in KRS 532.090(1), or both; and

(2) The offender shall be subject to a civil penalty of one hundred dollars (\$100.00) for each offense, which shall be recovered by the city in a civil action in the nature of debt if not paid by the offender within thirty (30) days.

(Ord. 2001-006, passed 11-5-01; Am. Ord. 2009-008, passed 7-6-09)

## **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 Consumer fireworks; restrictions on sale
- 93.04 Bond or liability insurance requirement
- 93.05 Exempted sales and uses
- 93.06 Destruction of fireworks

### ***Fire Prevention***

- 93.20 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 number 1: Toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps manufactured in accordance with DOT regulations, and packed and shipped according to said regulations, are not considered to be fireworks and shall be allowed to be used and sold at all times.
- (2) Exception number 2: Model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models are not considered to be fireworks.
- (3) Exception number 3: Propelling or expelling charges consisting of a mixture of sulfur, charcoal, and saltpeter are not considered as being designed for producing audible effects.

(KRS 227.700)

(B) 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 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 division. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing fifty (50) milligrams or less of explosive composition, and aerial devices containing one hundred thirty (130) milligrams or less of explosive composition. ***CONSUMER FIREWORKS*** are further defined by the Consumer Product Safety Commission in CPSC, 16 C.F.R. Pts. 1500 and 1507, are classified as Division 1.4G explosives by the U.S. Department of Transportation, and include the following:

- (1) Ground and hand-held sparkling devices.
  - (a) Dipped stick-sparkler or wire sparkler. These devices consist of a metal wire or wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to one hundred (100) grams of pyrotechnic composition per item. Those devices containing any perchlorate or chlorate salts may not exceed five (5) grams of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than one hundred (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 seventy-five (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 (1) tube is mounted on a common base, total



pyrotechnic composition may not exceed two hundred (200) grams, or five hundred (500) grams if the tubes are separated from each other on the base by a distance of at least one-half (½) inch;

(c) Cone fountain. Cardboard or heavy paper cone containing up to fifty (50) grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one (1) tube is mounted on a common base, total pyrotechnic composition may not exceed two hundred (200) grams, or five hundred (500) grams if the tubes are separated from each other on the base by a distance of at least one-half (½) inch;

(d) Illuminating torch. Cylindrical tube containing up to one hundred (100) grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base, or hand-held. When more than one (1) tube is mounted on a common base, total pyrotechnic composition may not exceed two hundred (200) grams, or five hundred (500) grams if the tubes are separated from each other on the base by a distance of at least one-half (½) inch;

(e) Wheel. A device attached to a post or tree by means of a nail or string. A wheel may have one (1) or more drivers, each of which may contain not more than sixty (60) grams of pyrotechnic composition. No wheel may contain more than two hundred (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 twenty (20) grams of pyrotechnic composition, similar in operation to a wheel but intended to be placed on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device;

(g) Flitter sparkler. Narrow paper tube attached to a stick or wire and filled with not more than one hundred (100) grams of pyrotechnic composition that produces color and sparks upon ignition. The paper at one (1) end of the tube is ignited to make the device function; and

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

## (2) Aerial devices.

(a) Sky rockets and bottle rockets. Cylindrical tube containing not more than twenty (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 twenty (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 twenty (20) grams of pyrotechnic composition. Upon ignition, up to ten (10) "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 sixty (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 one hundred thirty (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 (1) tube provided the tubes fire in sequence upon ignition of one (1) external fuse. The term *CAKE* refers to a dense-packed collection of mine or shell tubes. Total chemical composition including lift charges of any multiple tube devices may not exceed two hundred (200) grams. The maximum quantity of lift charge in any one (1) tube of a mine or shell device shall not exceed twenty (20) grams, and the maximum quantity of break or bursting charge in any component shall not exceed twenty-five percent (25%) of the total weight of chemical composition in the component. The tube remains on the ground; and

(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 sixty (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 (1¾) inches. In addition, the maximum quantity of lift charge in any shell shall not exceed twenty (20) grams, and the maximum quantity of break or bursting charge in any shell shall not exceed twenty-five percent (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 four hundred (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 fifty (50) milligrams of pyrotechnic composition. Those used in aerial devices may contain not more than one hundred thirty (130) milligrams of explosive composition per report. Upon ignition, noise and a flash of light is produced; and

(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 fifty (50) milligrams.

(KRS 227.702)

(C) Items listed in this division are classified as **NOVELTIES** and **TRICK NOISEMAKERS** and are not classified as consumer fireworks by the U.S. Department of Transportation, and their transportation, storage, retail sale, possession, sale, and use shall be allowed throughout the state at all times.

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

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

(3) Wire sparkler. Wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. These items may not contain magnesium and must not exceed one hundred (100) grams of composition per item. Devices containing any chlorate or perchlorate salts may not exceed five (5) 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 sixteen (16) milligrams of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streamers and producing a small report.

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

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

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

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

(f) Auto burglar alarm. Tube which contains pyrotechnic composition that produces a loud whistle or smoke, or both, when ignited. A small quantity of explosive, not exceeding fifty (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 (2) grains (130 milligrams) of explosive composition, aerial shells containing more than forty (40) grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as "consumer fireworks." Display fireworks are defined by the Consumer Product Safety Commission in CPSC, 16 C.F.R. Pts. 1500 and 1507, and are classified as Class B explosives by the U.S. Department of Transportation.

(KRS 227.706)

(E) Legality of items.

(1) Items described in division (B) above are legal for retail sale 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 § 93.02 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) above 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 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.

(2) 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 such 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.

(3) **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 (5) public displays. A **COMPETENT DISPLAY OPERATOR** is also an employee possessor. A permit under division (A)(1) of this section shall be issued only to a competent display operator holding an ATF license.

(4) At least one (1) 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 the Chief of the Fire Department. 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).

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

(6) 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 eighteen (18) years of age.

(7) 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 Chapter 13A to administer the provisions of this division. The regulations shall address the process by which permits are issued and any other procedures that are reasonably necessary to effectuate this division.

(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)(1) of this section. 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 United States 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.

(I) Nothing in this section shall prohibit a person, firm, co-partnership, non-profit, 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) Penalty, see § 93.99

### **§ 93.03 CONSUMER 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 following requirements are met:

(A) Each site at which fireworks are offered for sale 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;

(B) 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); and

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

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

### **§ 93.04 BOND OR LIABILITY INSURANCE REQUIREMENT.**

No permit shall be issued under § 93.02 unless the applicant shall give bond or evidence of liability insurance deemed adequate by the official to whom application for the permit is made, in a sum not less than one million dollars (\$1,000,000.00). However, the appropriate city official or the State Fire Marshal may require a larger amount if in their judgment the situation requires it, conditioned for the payment of all damages which may be caused thereby either to a person or to property by reason of the permitted display, and arising from any acts of the licensee, his agents, employees or subcontractors.

(KRS 227.720) Penalty, see § 93.99

### **§ 93.05 EXEMPTED SALES AND USES.**

Nothing in this chapter shall prevent the retail sale and use of explosives or signaling flares used in the course of ordinary business or industry, or gold star producing sparklers, which contain no magnesium or chlorate, toy snakes which contain no mercury, smoke novelties and party novelties, which contain less than twenty-five hundredths (25/100) 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.**

(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 chapter. After a period of sixty (60) days, the seized fireworks may be offered for sale by closed bid to a properly certified fireworks

wholesaler.

(B) After a period of sixty (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 United States Bureau of Alcohol, Tobacco, Firearms and Explosives. The State Fire Marshal shall provide the owner or possessor a receipt containing the complete inventory of any fireworks seized within five (5) business days of the seizure.

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

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

(2) If the identity of the owner of any seized fireworks is not known to the State Fire Marshal, the State Fire Marshal shall cause to be published, in a newspaper of general circulation in the county in which the seizure was made, notice of the seizure, and of the State Fire Marshal's intention to dispose of the fireworks. The notice shall be published once each week for three (3) consecutive weeks. If no person claims ownership of the fireworks within ten (10) 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 (10) days of the date of the last publication, a hearing as set out in division (C)(1) of this section shall be held.

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

(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 93.03, 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 one thousand dollars (\$1,000.00), or imprisoned for not more than thirty (30) days, or both.

(B) Any person who violates any other provision of this chapter shall be fined not more than five hundred dollars (\$500.00).

## 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
94.06	Litter on city streets or public ways
94.07	Dirt or debris
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

## **§ 94.06 LITTER ON CITY STREETS OR PUBLIC WAYS.**

Pursuant to KRS 224.905-244.970, no person, firm or corporation shall litter or cause to be placed on any city street or public way of the city any litter, dirt, trash, rubbish, refuse, mud, soil, or similar debris or allow or permit the above to remain on any city street or public way of the city for more than twelve (12) hours without removing it and cleaning and clearing the street or public way so that it is restored to its original condition prior to the littering.

(Ord. 98-007, passed 10-12-98) Penalty, see § 94.99(B)

## **§ 94.07 DIRT OR DEBRIS.**

It shall be the duty of the owner or occupants of lots abutting on the sidewalks to keep the sidewalks in front of the property or lots clean and free from rubbish and dirt, whether they are washed by water flooding the sidewalks or from any other source. Should filth accumulate on the sidewalks of the city and the owner or occupant of the lot abutting the sidewalk at such place or places fail to remove the filth, it shall be the duty of the city to notify the owner in writing, setting forth the objectionable condition of the sidewalk. If the owner or occupants fail to remove the dirt or filth within three (3) days from the date of notice, he or they shall be fined not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00).

(Ord. 98-007, passed 10-12-98)

## **§ 94.99 PENALTY.**

(A) Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00). Each day the violation is committed or permitted to continue shall constitute a separate offense.

(B) Any person, firm or corporation convicted of violating § 94.06 shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). Each day that the violation continues shall be a separate offense.

(Ord. 98-007, passed 10-12-98)

## **CHAPTER 95: CEMETERIES**

---

### Section

- 95.01 Creation of office of City Sexton/Cemetery Manager
- 95.02 Charge of cemeteries, reports
- 95.03 Duties and remuneration
- 95.04 Registrar of burials
- 95.05 Purchase of burial rights

- 95.06 Perpetual care and maintenance
- 95.07 Rights of city and certificate/deed holders
- 95.08 Records of conveyances
- 95.09 Abandonment of rights
- 95.10 Opening graves interment and disinterment
- 95.11 Maintaining hedges, copings, monuments, etc.
- 95.12 Specifications for monuments, markers, etc.
- 95.13 Days when burials are prohibited
- 95.14 Double depth burials prohibited
- 95.15 East-west burials
- 95.16 Operation of vehicles and speed limit
- 95.17 Curfew and defacing property
- 95.18 Flowers
- 95.19 Animals prohibited

#### **§ 95.01 CREATION OF OFFICE OF CITY SEXTON/CEMETERY MANAGER.**

There is hereby created the office of City Sexton/Cemetery Manager, which office shall be filled by appointment of the Mayor. The City Sexton may delegate responsibility to subordinate employees including a senior, journeyman, or apprentice sexton, or secretary.

(Ord. 2001-001, passed 2-12-01)

#### **§ 95.02 CHARGE OF CEMETERIES, REPORTS.**

(A) The City Sexton, under the direction of the Mayor, shall have entire care, control, management, and superintendence of city cemeteries, and shall perform such other duties in relation to the cemeteries as are now, or may be hereafter, provided by executive order, by the Union city code or other ordinance or resolution of the Union City Commission, or by the laws of the state of Kentucky.

(B) The Sexton shall pay into the city treasury through the City Clerk, all monies that come into his hands by virtue of his office, and shall annually make a full and complete report of his official doings to the Mayor, and shall make other reports as the Mayor or City Commission may from time to time require.

(Ord. 2001-001, passed 2-12-01)

#### **§ 95.03 DUTIES AND REMUNERATION.**

(A) It shall be unlawful for any person to violate any portion of the Union city code or any rule or regulation as set forth in the Union city code or hereafter enacted and published by the city respecting the city cemetery. The City Sexton shall be empowered to enforce all sections of the Union city code, other city ordinances, policies, procedures, rules, orders, and regulations established for operation of the city cemetery, including rules and regulations enacted to keep the cemetery, and the enclosure around said cemetery, in good maintenance and proper repair and to prevent the destruction or defacing of cemetery grounds. The Sexton shall have the assistance of the City Attorney's office in enforcing, apprehending, and prosecuting violators of the Union city code, other city ordinances, rules and regulations.

(B) The Sexton shall be responsible to keep the streets, alleys, walks, and avenues in the cemetery in good order and unobstructed so that free access can be had to any lot. The Sexton shall cause a suitable marker to be erected upon the southeast corner of each lot with the number of the lot and the block inscribed thereon. The Sexton shall have the assistance of the City Engineer in all



instances requiring the services of an engineer.

(C) The Sexton shall manage the opening and closing of all interments and disinterments. He shall have charge of a plat of the cemetery and shall at the request of any person wishing to purchase, point out any of the lots or parts of lots, unoccupied for sale; and upon application and payment of the price thereof into the city treasury, to make and execute a certificate of burial rights to the purchaser.

(D) The Sexton shall be paid the sum of one hundred dollars (\$100.00) monthly, such amount to be adjusted periodically at the request of the Mayor or City Commission.

(Ord. 2001-001, passed 2-12-01)

#### **§ 95.04 REGISTRAR OF BURIALS.**

The City Sexton shall be the registrar of burials for the city. Before burying or disinterring any body, the persons having charge of said body shall be required to furnish a copy of the death certificate, or a statement of said death, which shall be recorded in a record kept for that purpose by the Sexton. Such statement, as well as the record, shall include, if known, the name of the person deceased, when and where born, parentage, the date of death, also the date of burial, the name of the cemetery, the number of the lot and block where said person is buried, and if disinterred and transferred beyond the corporate limits of the city, the place of destination.

(Ord. 2001-001, passed 2-12-01)

#### **§ 95.05 PURCHASE OF BURIAL RIGHTS.**

(A) The city shall sell only the right to be buried in the city cemetery. The purchase of burial rights in any lot or parcel shall be evidenced by a Certificate of Burial Rights and shall be sold for the prices and charges in force by the city at that time.

(B) Included in the purchase price, perpetual care and maintenance of cemetery lots shall be assumed by the city.

(Ord. 2001-001, passed 2-12-01)

#### **§ 95.06 PERPETUAL CARE AND MAINTENANCE.**

(A) The term "perpetual care and maintenance" as used in this chapter shall mean the filling of sunken graves, the placing of topsoil upon graves, the seeding or sodding of the grave site, watering and cutting of the grass except in times of drought, but does not include any other service.

(B) Charges shall be made for all other services and improvements according to fee schedules established by the City Commission. If no fee has been established for specific special service as requested, the Sexton shall assess a reasonable sum based upon the cost to the city.

(Ord. 2001-001, passed 2-12-01)

#### **§ 95.07 RIGHTS OF CITY AND CERTIFICATE/DEED HOLDERS.**

(A) In administering the cemetery, the city shall be entitled to all rights and prerogatives granted to it in law or equity, including any rights set forth in the Kentucky Revised Statutes or any subsequent amendment thereof. The omission or failure to assert any right or prerogative by the city in any particular shall not constitute a waiver of the right.

(B) Upon payment of the purchase price for any lot or burial space, the certificate issued by the City Sexton in the name of the purchaser shall vest the burial rights in the purchaser. The nature and extent of rights acquired by purchase of a certificate of burial rights (and heretofore deed) shall be the right to use the burial space or lot for burial purposes only and subject to all rules, regulations, limitations and conditions imposed by the Union city code, other city ordinances, Kentucky state law, and by the Sexton as are necessary for efficient care of the cemetery.

(C) The city reserves the right of easement over and across any lot or burial space in the cemetery for repair of turf, installation or

maintenance of water pipes or water lines for the improvement of the cemetery, and for the opening and closing of adjacent graves. The Sexton will be responsible to see that all the work is completed and the surface returned to proper condition after such installation or maintenance work.

(D) All lots and parts of lots in the cemetery shall be exempt from execution and from taxation.

(Ord. 2001-001, passed 2-12-01)

### **§ 95.08 RECORDS OF CONVEYANCES.**

(A) The City Sexton shall keep a plat of all conveyances executed under the provisions of this chapter, stating the property conveyed, the date of such conveyance, the name of the person to whom conveyed, and the amount received for the same.

(B) Transfer of title of burial rights by the city shall hereafter be by certificate and shall comply with applicable Kentucky law. When a previously issued deed or certificate of burial rights is purchased by, or transferred to, a third party, or reverts to the city, the original shall be presented to the City Sexton, and before a new certificate of burial rights is issued covering said plot, the original deed or certificate shall be canceled and the records so changed. Transfer from a grantee on a deed or on a certificate of burial rights shall be recognized only upon presentation and authentication by the City Sexton. The City Sexton shall keep an index book of all burial spaces or lots to which deeds or burial rights have been issued and shall show any transfer from the original purchaser to any subsequent owner, and also shall index any probate or other judicial proceeding which affects the ownership of a lot or burial space. If a deed or certificate cannot be located by an individual or a family for presentation to the Sexton, the Sexton may, with the authorization of the city's Mayor or City Clerk, make such arrangements for transfer and/or burial as are equitable and appropriate considering all the circumstances.

(Ord. 2001-001, passed 2-12-01)

### **§ 95.09 ABANDONMENT OF RIGHTS.**

(A) The city shall have the discretion to reclaim, redeem, or recover any abandoned, unused, or unkept cemetery lots or parcels conveyed by deed or certificate, with or without restrictions, by following the procedures set forth in law.

(B) In the event that any owner of any lot or burial space or heir of such person subsequent to the completion of the abandonment proceedings as set forth hereafter, shall present to the Sexton a deed, certificate, or proof of probate or other legal conveyance of the said lot or space, the City Sexton, upon payment in full of all fees and costs assessable against property, may issue a certificate of burial rights for an equivalent lot or burial space.

(Ord. 2001-001, passed 2-12-01)

### **§ 95.10 OPENING GRAVES, INTERMENT, AND DISINTERMENT.**

(A) Upon proper application of the owner of a lot, payment of the required fee, and eight (8) working hours notice, the Sexton shall cause the grave to be opened. The Sexton shall superintend every interment and shall cause the grave to be filled up and neatly trimmed immediately after depositing the coffin and shall fill up and trim all graves that have settled or may hereafter settle. The city is not responsible for any error in opening graves when orders are given other than in writing.

(B) It shall be unlawful for any person to be buried in the cemetery without the casket being placed in a permanent-type vault, which vault type must be approved by the Sexton.

(C) Cemetery grounds are sacredly devoted to the interment or repose of the dead. In those circumstances where it is necessary to disinter or remove remains from the cemetery all applicable state laws must be complied with. The Sexton will schedule and direct the exhumation after applicable fees have been paid, and all required forms are received.

(Ord. 2001-001, passed 2-12-01)

### **§ 95.11 MAINTAINING HEDGES, COPINGS, MONUMENTS, ETC.**

It shall be unlawful for any person to erect or maintain any fence, corner post, coping, hedge or boundary of any kind upon any lot, street, alley or walk in said cemetery, or grade the ground or land thereof. The Sexton shall, whenever required, furnish the true lines of said lots according to official survey, and shall prevent and prohibit any markings of the same save and except by official landmarks, and shall prevent and prohibit any grading thereof that might destroy or interfere with the general slope of the land. It shall be unlawful for any person to plant any shrubs, trees, lawns, etc., or place any monuments or markers upon any lot in said cemetery without a written permit from the City Sexton, and unless the same is done under the direction and supervision of the City Sexton.

(Ord. 2001-001, passed 2-12-01)

### **§ 95.12 SPECIFICATIONS FOR MONUMENTS, MARKERS, ETC.**

The placing of monuments and markers is done so at a purchaser's own risk, shall be accomplished under the direction of the City Sexton, and shall comply with all specifications herein enumerated. The city assumes no obligation or responsibility to repair or replace markers or monuments damaged by an owner or third parties, or damaged as a result of a failure to comply with the directions of the City Sexton, or failure to comply with the following specifications:

(A) It shall be unlawful for any person to erect or place any monument on any lot in the city cemetery, unless the same shall be placed on a good concrete foundation eight (8) inches deep or deeper, if deemed necessary by the Sexton, with a cement apron (lawnmower strip) not less than eight (8) inches wide around said monument. For purposes of this chapter, a monument is defined to be: any structure, tree, plant, urn, cenotaph, mausoleum or crypt, or any structure designed to perpetuate the memory of the dead; all other structures erected in the cemetery lots are hereby designated as "markers".

(B) It shall be unlawful for any person to place any monument on any lot in the said cemetery made of any material other than metal, stone or cement.

(C) All markers placed in the cemetery shall be flush with the lawn securely set in the cement foundation at least four (4) inches deep with a cement lawnmower strip not less than eight (8) inches wide around the said marker, provided that where markers have been placed in lots in the lot part of the cemetery which are not flush with the lawn as provided herein, then other markers of a like design and character shall be installed in the same lot in order to maintain a uniformity of markers in the said lot.

(D) It shall be unlawful for any person to place more than one (1) marker or monument on any one grave, except that a military marker may be placed in front of the face of a double marker, flush with the ground and directly over the grave, to memorialize veteran status.

(E) It shall be unlawful for any person to place more than two (2) flower vases on the grass skirt of any one monument or marker and at least four (4) inches of cement of proper depth must extend beyond such vase. When two (2) vases are put in the grass skirt of any grave marker or monument they must be placed on each side of or north and south of said marker or monument. Open holes in grass skirt or any part of the grave shall not be allowed.

(F) The City Sexton is authorized to arrange and to maintain trees, shrubs and other landscaping to enhance the beauty of the cemetery.

(Ord. 2001-001, passed 2-12-01)

### **§ 95.13 DAYS WHEN BURIALS ARE PROHIBITED.**

Burial shall not occur on Christmas, New Year's Day, Memorial Day, Thanksgiving, Fourth of July, Labor Day and Sundays. Provided, however, that a burial may be permitted on any of the days described above if the deceased died of a contagious disease, or if other health or welfare concerns so require.

(Ord. 2001-001, passed 2-12-01)

### **§ 95.14 DOUBLE DEPTH BURIALS PROHIBITED.**

Double depth burials are prohibited except where authorization has previously been granted by the city in writing.

(Ord. 2001-001, passed 2-12-01)

### **§ 95.15 EAST-WEST BURIALS.**

All burials shall be with the length of the casket on an east-west alignment unless the lot or parcel is not large enough or so aligned as to allow east-west burial; then upon application to the Sexton, such burial will be allowed to be on a north-south alignment. The Sexton shall give permission for the irregular burials only under those circumstances when the markers would be compatible with others already established in the same area. The markers for all north-south burials must be level with the ground.

(Ord. 2001-001, passed 2-12-01)

### **§ 95.16 OPERATION OF VEHICLES AND SPEED LIMIT.**

(A) It shall be unlawful for any person to drive or operate a vehicle on cemetery grounds except on clearly designated areas designed for motor vehicle traffic.

(B) It shall be unlawful for any person to drive or operate any motor vehicle within the limits of the cemetery at a rate of speed greater than ten (10) miles per hour, or in any other manner that would endanger persons or property.

(Ord. 2001-001, passed 2-12-01)

### **§ 95.17 CURFEW AND DEFACING PROPERTY.**

(A) It shall be unlawful for any person not authorized by the City Sexton to be in the cemetery from one-half hour after sundown to one-half hour before sunrise of any day. A person will be considered to be "in the cemetery" if he or she is within the perimeter of the cemetery as established by a fence, or is upon any portion of the property set aside as present or future cemetery property as designated in the appropriate records of the city and county.

(B) Cemetery patrons only are allowed in the cemetery. It shall be unlawful for any person to climb over or crawl under the cemetery fence or to damage a cemetery fence.

(C) Children under twelve (12) years of age must be accompanied at all times on the cemetery property by a parent or some supervising adult eighteen (18) years of age or older.

(D) It shall be unlawful to engage in recreational or other inappropriate activities on the cemetery property.

(E) It shall be unlawful for any person to injure or deface any monument, marker, tree, shrub or any other property in the city cemetery.

(F) The Sexton, any person working for the Sexton's office or any peace officer is empowered to enforce the provisions of this section and to abate any vandalism or trespassing within the cemetery property.

(G) Any violation of this chapter will constitute a misdemeanor.

(Ord. 2001-001, passed 2-12-01)

### **§ 95.18 FLOWERS.**

(A) The City Sexton may remove all floral pieces left on new graves longer than five (5) days.

(B) For the protection of the workmen and the beauty of the grounds of the cemetery, artificial flowers will not be allowed on graves during the mowing and maintenance season, April 1 to November 1, inclusive, except for Memorial Day decorations which must be removed within one (1) week after Memorial Day.

(C) All flowers and other decorations should be confined to the headstone and its cement apron. Glass containers are prohibited and will be removed from the cemetery on discovery. Items driven into the ground such as iron, wires, sticks and pegs are prohibited and may be removed upon discovery.

(D) The city, its employees and agents, shall not be responsible or liable for theft of, damage to, or injury arising from flowers, decorations, and other personal property left in the cemetery.

(Ord. 2001-001, passed 2-12-01)

**§ 95.19 ANIMALS PROHIBITED.**

No animals shall be allowed in the city cemetery unless confined in a vehicle. It shall be unlawful for any person having the care of any animal to allow the animal to be within the cemetery, except physically confined in a motor vehicle.

(Ord. 2001-001, passed 2-12-01)

**TITLE XI: BUSINESS REGULATIONS**

Chapter

**110. GENERAL LICENSING PROVISIONS**

**111. PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS**

**112. PAWNBROKERS**

**113. INSURANCE COMPANIES**

**CHAPTER 110: GENERAL LICENSING PROVISIONS**

Section

- 110.01 Licenses required to engage in certain trades, businesses, or professions
- 110.02 Application for license
- 110.03 Standards; issuance of license
- 110.04 Date and duration of license
- 110.05 License not transferable
- 110.06 License certificate to be displayed
- 110.07 Revocation or suspension
- 110.08 Appeal and review
- 110.09 Exemptions
- 110.99 Penalty

**§ 110.01 LICENSES REQUIRED TO ENGAGE IN CERTAIN TRADES, BUSINESSES, OR PROFESSIONS.**

No person shall engage in any of the trades, businesses, or professions for which licenses are required by any provision of this code or any other ordinance of the city without first applying for and obtaining a license from the City Clerk or other duly authorized issuing authority.

**§ 110.02 APPLICATION FOR LICENSE.**

(A) All original applications for licenses, unless otherwise specifically provided, shall be made to the City Clerk in writing upon forms to be furnished by him and shall contain:

- (1) The name of the applicant and of each officer, partner, or business associate;

- (2) His present occupation and place of business;
- (3) His place of residence for five (5) years next preceding the date of application;
- (4) The nature and location of the intended business or enterprise;
- (5) The period of time for which the license is desired;
- (6) A description of the merchandise to be sold, if for a vendor;

(7) Such other information concerning the applicant and his business as may be reasonable and proper, having regard to the nature of the license desired.

(B) Renewal of an annual license may be granted to a licensee in good standing upon the original application, unless otherwise provided.

(C) With each original or renewal application, the applicant shall deposit the fee required for the license requested.

(D) It shall be unlawful knowingly to make any false statement or representation in the license application.

Penalty, see § 110.99

### **§ 110.03 STANDARDS; ISSUANCE OF LICENSE.**

(A) Upon receipt of such application for a license, accompanied by the proper fee, if approval by another officer or department is not required, the City Clerk shall forthwith deposit the fee in the General Fund of the city and issue to the applicant a proper license certificate signed by the City Clerk and any other appropriate city official. If for any reason the license is not issued, the license fee shall be returned to the applicant.

(B) Upon receipt of an application, an investigation of the applicant's business reputation and moral character shall be made.

(C) The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare. In particular, tangible evidence that the applicant fulfills any of the following conditions will constitute valid reason for disapproval of an application:

- (1) Has been convicted of a crime of moral turpitude; or
- (2) Has made willful misstatements in the application; or
- (3) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like; or
- (4) Has committed prior fraudulent acts; or
- (5) Has a record of continual breaches of solicited contracts; or
- (6) Has an unsatisfactory moral character.

### **§ 110.04 DATE AND DURATION OF LICENSE.**

(A) A license shall not be valid beyond the expiration date therein specified and, unless otherwise provided, shall not extend beyond December 31 of the year issued. However, at any time after December 14 licenses may be issued for the ensuing calendar year. Unless otherwise specified the full annual fee will be required of licensees irrespective of the date of issue of the license.

(B) In no event shall a license be granted to any business or any person for a longer time than one (1) year.

(KRS 92.310)

### **§ 110.05 LICENSE NOT TRANSFERABLE.**

Every license shall be issued to a real party in interest in the enterprise or business, and unless otherwise provided no license shall be assigned or transferred.

Penalty, see § 110.99

### **§ 110.06 LICENSE CERTIFICATE TO BE DISPLAYED.**

Every licensee carrying on business at a fixed location shall keep posted in a prominent place upon the licensed premises, the license certificate. Other licensees shall carry their license certificates at all times and whenever requested by any officer or citizen, shall exhibit the license.

Penalty, see § 110.99

### **§ 110.07 REVOCATION OR SUSPENSION.**

(A) Any license may be revoked by the City Commission at any time for conditions or considerations which, had they existed at the time of issuance, would have been valid grounds for its denial; for any misrepresentation of a material fact in the application discovered after issuance of the license; for violation of any provision of this chapter or other law or ordinance relating to the operation of the business or enterprise for which the license has been issued; or upon conviction of a licensee for any federal, state, or municipal law or ordinance involving moral turpitude.

(B) The revocation shall become effective upon notice served upon the licensee or posted upon the premises affected.

(C) As a preliminary to revocation, the City Commission may issue an order suspending the license, which shall become effective immediately upon service of written notice to the licensee. This notice shall specify the reason for suspension, and may provide conditions under which reinstatement of the license may be obtained. Upon compliance with these conditions within the time specified, the license may be restored.

### **§ 110.08 APPEAL AND REVIEW.**

In case any applicant has been denied a license, or if his license has been revoked or suspended, the applicant or licensee as the case may be, shall within three (3) business days have the right to appeal to the City Commission from the denial, revocation, or suspension. Notice of appeal shall be filed in writing with the City Clerk who shall fix the time and place for a hearing which shall be held not later than one (1) week thereafter. The City Clerk shall notify the City Commission of the time and place of the hearing not less than twenty-four (24) hours in advance thereof. A majority of the City Commission members shall constitute a quorum to hear the appeal. The appellant may appear and be heard in person or by counsel. If, after hearing, a majority of the members of the City Commission present at the meeting declare in favor of the applicant, the license shall be issued or fully reinstated as the case may be; otherwise the order appealed from shall become final.

### **§ 110.09 EXEMPTIONS.**

The provisions of this chapter shall not apply to any business, occupation or profession which is exempt from municipal licensing and/or license taxes pursuant to state or federal law.

### **§ 110.99 PENALTY.**

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00).

## **CHAPTER 111: PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS**

---

Section

111.01 Definitions

111.02	License requirement
111.03	Prohibitions
111.04	Revocation procedure
111.05	Standards for revocation
111.06	Appeal procedure
111.99	Penalty

## § 111.01 DEFINITIONS.

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

**ANTI-SOLICITATION PROPERTY.** Any property in the city, which has been either:

- (1) Posted with signs with the words "No Solicitors", or, "No Trespassing", or other words of similar import thereon; or
- (2) Registered by an owner or occupant thereof with the City Clerk as property to which uninvited solicitors are prohibited.

**ANYBODY.** Any human being, or organization or combination thereof in the form of a corporation, partnership, joint venture, unincorporated association or otherwise.

**BUSINESS.** The business carried on by any person who is an itinerant merchant, peddler, or solicitor as defined in this section. The business carried on by any person who is an itinerant merchant, peddler, or solicitor as defined in this section.

**EVERYBODY.** Every human being, or organization or combination thereof in the form of a corporation, partnership, joint venture, unincorporated association or otherwise.

**GOODS.** Merchandise of any description whatsoever, and includes, but is not restricted to wares and foodstuffs.

**ITINERANT MERCHANT.** Any person, whether as owner, agent, or consignee, who engages in a temporary business of selling goods within the city and who, in the furtherance of such business uses any building, structure, vehicle, or any place with the city.

**MOTOR VEHICLE SOLICITATION.** The solicitation of the operator or occupant of any motor vehicle on any street or highway in the city, while the solicitor is standing outside the motor vehicle in the travel portion of the street or highway.

**NOBODY.** No human being, or any organization or combination thereof in the form of a corporation, partnership, joint venture, unincorporated association or otherwise.

### **PEDDLER.**

- (1) Any person who travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or
- (2) Any person who, without traveling from place to place, sells or offers goods for sale from any public place within the city; or
- (3) A person who is a peddler is not an itinerant merchant.

**REGISTERED SOLICITOR.** A solicitor who has registered with the City Clerk therefore, by completing a Solicitor Registration Form provided thereby, which shall provide the following information about the solicitor:

- (1) Legal name and all aliases.
- (2) Date and place of birth.
- (3) Residence address and telephone number.
- (4) Name, address and telephone number of employer.
- (5) Criminal history for the last three (3) years, including, without limitation, all offenses for which the solicitor has been



prosecuted or convicted and the location thereof.

- (6) A copy of the solicitor's license to operate a motor vehicle.
- (7) The make, model, year, color, state of registration and registration number of each motor vehicle used by or for the solicitor.
- (8) Social Security Number and/or Federal ID Number.

***STANDARDS FOR ISSUANCE.***

(1) Upon receipt of an application, an investigation, of the applicant's business reputation and moral character shall be made.

(2) The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare. In particular, tangible evidence that the applicant fulfills any of the following conditions will constitute valid reason for disapproval of an application.

- (a) Has been convicted of a crime of moral turpitude;
- (b) Has made willful misstatements in the application;
- (c) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like;
- (d) Has committed prior fraudulent acts;
- (e) Has a record of continual breaches of solicited contracts; or
- (f) Has an unsatisfactory moral character.

***SOLICITATION.*** The solicitation of contributions, the sales of goods or services or pledges, orders or subscriptions therefore, including, without limitation, the activities of those historically known and identified as peddlers, hawkers, canvassers, itinerant vendors and transient merchants.

***SOLICITOR.*** Any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a solicitor is not a peddler.

***UNINVITED RESIDENTIAL SOLICITATION.*** A solicitation at a residence in the city, without a prior appointment or other invitation therefore by an owner or occupant of the residence.

(Ord. 2010-003, passed 11-1-10)

**§ 111.02 LICENSE REQUIREMENT.**

(A) Any person who is an itinerant merchant, peddler, or solicitor shall obtain a license before engaging in such activity within the city.

(B) The fee for the license required by this chapter shall be as set from time to time by the City Commission.

(C) All licenses issued under this chapter shall expire sixty (60) days after the date of issuance thereof.

(D) Any license issued to an itinerant merchant under this chapter shall be posted conspicuously in or at the place named therein. In the event more than one place within the city shall be sued to conduct the business licensed, separate licenses shall be issued for each place.

(E) The City Clerk shall issue a license to each peddler or solicitor licensed under this chapter. The license shall contain the words "Licensed Peddler" or "Licensed Solicitor", the expiration date of the license, and the number of the license. The license shall be kept with the licensee during such time as he is engaged in the business licensed.

(F) The fee for the license required by this section shall be five dollars (\$5.00) per application, except from charitable applicants who shall be exempt from payment of the fee.

(Ord. 2010-003, passed 11-1-10)

### **§ 111.03 PROHIBITIONS.**

Nobody shall cause, permit, promote, suffer, allow, aid, assist, encourage or engage in any of the following described solicitations:

- (A) Motor vehicle solicitation;
- (B) Uninvited residential solicitation by anybody other than a registered solicitor; or
- (C) Uninvited residential solicitation upon any anti-solicitation property.
- (D) That any authorized solicitation shall take place only during the hours of 10:00 a.m. until 7:00 p.m.

(Ord. 2010-003, passed 11-1-10)

### **§ 111.04 REVOCATION PROCEDURE.**

Any license or permit granted under this chapter may be revoked by the City Clerk after notice and hearing. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds for the complaint and the time and place of the hearing. Such notice shall be mailed to the licensee at his last known address, at least ten (10) days prior to the date set for the hearing.

(Ord. 2010-003, passed 11-1-10)

### **§ 111.05 STANDARDS FOR REVOCATION.**

A license granted under this chapter may be revoked for any of the following reasons:

- (A) Any fraud or misrepresentation contained in the license application;
- (B) Any fraud, misrepresentation or false statement made in connection with the business being conducted under the license;
- (C) Any violation of this chapter;
- (D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or
- (E) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals or general welfare of the public.

(Ord. 2010-003, passed 11-1-10)

### **§ 111.06 APPEAL PROCEDURE.**

Any person aggrieved by a decision under the previous sections shall have the right to appeal to the City Commission. The appeal shall be taken by filing with the City Commission, within fourteen (14) days after notice of the decision has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal. The City Commission shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner as provided above.

(Ord. 2010-003, passed 11-1-10)

### **§ 111.99 PENALTY.**

(A) *Criminal penalties.* Each violation of this chapter shall be a misdemeanor for which everybody convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of \$500 as set forth in KRS 534.050 (2) (a) or a term of imprisonment not to exceed the maximum period of twelve (12) months as set forth in KRS 532.090(1), or both.

(B) *Civil penalties.* Each separate violation of this chapter is hereby classified as a civil offense, for which:

- (1) The maximum civil fine required by KRS 65.8808(2)(b) that may be imposed for each separate violation of this chapter, is

hereby established as five hundred dollars (\$500.00);

(2) The specific civil fine required by KRS 65.8808(2)(c) that will be imposed for each separate offense and violation of this ordinance if the person who has committed the violation and offense does not contest a citation therefor, is hereby established as one hundred dollars (\$100.00); and

(3) An enforcement officer may, in lieu of immediately issuing a civil citation therefor, give notice that the violation of this ordinance shall be remedied within a specific period of time.

(Ord. 2010-003, passed 11-1-10)

## CHAPTER 112: PAWNBROKERS

---

### Section

112.01	Definitions
112.02	Bond
112.03	Register to be kept; daily reports
112.04	Receipt to be given for each article; sale of article
112.05	Maximum interest, resale price
112.06	Receipt to be given for payment of loan
112.07	Prohibited activities
112.08	Enforcement
112.99	Penalty

### **§ 112.01 DEFINITIONS.**

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

**PAWNBROKER.** Any person who loans money on deposit of personal property; deals in the purchase of personal property on condition of selling the property back again at a stipulated price; makes a public display at his or her place of business of the sign generally used by pawnbrokers to denote their business; or who publicly exhibits a sign advertising money to loan on personal property or deposit.

(KRS 226.010)

### **§ 112.02 BOND.**

Every person to whom a city license is granted to carry on the business of a pawnbroker shall annually enter into bond to the city, with good and sufficient surety to be approved by the City Commission, in the penal sum of one thousand dollars (\$1,000.00). This bond shall be conditioned that he or she will observe the provisions of this chapter and all ordinances and laws in force in the city not inconsistent with this chapter.

(KRS 226.020)

### **§ 112.03 REGISTER TO BE KEPT; DAILY REPORTS.**

(A) Every pawnbroker shall keep a register of all loans and purchases of all articles effected or made by him or her. The register

shall show the dates of all loans or purchases, and the names of all persons who have left any property on deposit as collateral security or as a delivery or sale. Opposite the names and dates shall be written in plain hand a full description of all property purchased or received on deposit as collateral security, the time when the loan falls due, the amount of purchase money, the amount loaned, and the interest charged. The register shall at all times be open to the inspection of any police officer of the city when in the discharge of his or her official duty.

(KRS 226.040)

(B) Every pawnbroker shall, by 11:00 a.m. each day, make available to the Chief of Police a true and correct written report of all goods received by him or her, whether by pawn or purchase, during the twenty-four (24) hours preceding each report. The report shall describe the goods as accurately as practicable. The Chief of Police shall furnish blanks for these reports.

(KRS 226.070)

Penalty, see § 112.99

#### **§ 112.04 RECEIPT TO BE GIVEN FOR EACH ARTICLE; SALE OF ARTICLE.**

(A) Every pawnbroker shall give a plain written or printed ticket for the loan to the person negotiating or selling, and a plain written or printed receipt of the articles that have been purchased or upon which money is loaned, having on each a copy of the entries required by § 112.03(A) to be kept in his or her register. He or she shall not make any charge for the ticket or receipt.

(B) A pawnbroker may sell any article pawned after the expiration of sixty (60) days from the maturity of the loan. However, not less than ten (10) days before making the sale, the pawnbroker shall give notice to the person by whom the article was pawned by mail addressed to the post office address of that person as shown on the pawnbroker's register, notifying such person that, unless he or she redeems the article within ten (10) days from the date of mailing of the notice, the article will be sold.

(KRS 226.050) Penalty, see § 112.99

#### **§ 112.05 MAXIMUM INTEREST, RESALE PRICE.**

Any pawnbroker as defined in § 112.01, may, in loaning money on deposit of personal property, charge, contract for, or receive interest at a rate not exceeding two percent (2%) per month on the unpaid principal balance of the loan, and may charge, contract for, and receive a reasonable fee, not to exceed one-fifth (1/5) of the value of the loan per month, for investigating the title, storing and insuring the property, closing the loan, making daily reports to local law enforcement officers if required by § 112.03, and for other expenses, losses, and incidental costs associated with servicing such loans. Further, this fee, when made and collected, shall not be deemed as interest for any purpose of law. No pawnbroker shall directly or indirectly charge, receive, or contract for any interest or consideration greater than that allowed by this section.

(KRS 226.080) Penalty, see § 112.99

#### **§ 112.06 RECEIPT TO BE GIVEN FOR PAYMENT OF LOAN.**

Every pawnbroker, upon receiving any payment of money from a borrower, shall give to that person a plain and complete receipt for such payment, specifying separately the amount applied to principal and the amount applied to interest. In a case where the pawnbroker has purchased personal property under an agreement to sell it back at a stipulated price, the pawnbroker shall, on receiving any payment of money from the person from whom the property was purchased, give that person a receipt stating the original purchase price, the stipulated resale price, and the amount received.

(KRS 226.090) Penalty, see § 112.99

#### **§ 112.07 PROHIBITED ACTIVITIES.**

No pawnbroker shall receive, by way of either pledge or pawn, any article whatsoever from a minor at any time nor from any person between 8:00 p.m. and 7:00 a.m.

(KRS 226.030) Penalty, see § 112.99

### **§ 112.08 ENFORCEMENT.**

The Police Department shall enforce the provisions of this chapter unless otherwise provided by KRS 226.100. However, county police, for the purpose of locating stolen goods, may carry out the provisions of KRS 226.060 within the city.

(KRS 226.100)

### **§ 112.99 PENALTY.**

(A) Any pawnbroker or pawnbroker's clerk who violates any of the provisions of this chapter for which no penalty is otherwise provided shall, upon conviction, be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and his license may be forfeited to the city.

(KRS 226.990(1))

(B) Any pawnbroker who violates any of the provisions of § 112.03(B) shall be guilty of a misdemeanor and shall be fined not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00).

(KRS 226.990(3))

## **CHAPTER 113: INSURANCE COMPANIES**

---

### Section

- 113.01 Imposition of license fee
- 113.02 Amount of fee for companies issuing life insurance
- 113.03 Amount of fee for companies issuing policies other than life insurance
- 113.04 Due date; interest
- 113.05 Written breakdown of collections

### **§ 113.01 IMPOSITION OF LICENSE FEE.**

There is hereby imposed on each insurance company a license fee for the privilege of engaging in the business of insurance within the corporate limits of the city, on a calendar-year basis.

### **§ 113.02 AMOUNT OF FEE FOR COMPANIES ISSUING LIFE INSURANCE.**

The license fee imposed upon each insurance company which issues life insurance policies on the lives of persons residing within the corporate limits of the city shall be five percent (5%) of the first year's premiums actually collected within each calendar quarter by reason of the issuance of such policies.

(KRS 91A.080(2))

### **§ 113.03 AMOUNT OF FEE FOR COMPANIES ISSUING POLICIES OTHER THAN LIFE INSURANCE.**

The license fee imposed upon each insurance company which issues any insurance policy which is not a life insurance policy shall be five percent (5%) of the premiums actually collected within each calendar quarter by reason of the issuance of such policies on risks

located within the corporate limits of the city on those classes of business which such company is authorized to transact, less all premiums returned to policyholders; however, any license fee or tax imposed upon premium receipts shall not include: premiums received for insuring employers against liability for personal injuries to their employees, or death caused thereby, under the provisions of the Workers' Compensation Act; premiums received on policies of group health insurance provided for state employees under KRS 18A.225; policies insuring employers against liability for personal injuries to their employees or the death of their employees caused thereby, under the provisions of KRS Chapter 342; premiums received on health insurance policies issued to individuals; policies issued through Kentucky Access created in KRS Chapter 304, Subtitle 17B; policies for high deductible health plans as defined in 26 U.S.C. § 223(c)(2); and multi-state surplus lines, defined as non-admitted insurance as provided in Title V, Subtitle B, the Non-Admitted and Reinsurance Reform Act of 2010, of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203.

(KRS 91A.080(3), (10))

### **§ 113.04 DUE DATE; INTEREST.**

All license fees imposed by this chapter shall be due no later than thirty (30) days after the end of each calendar quarter. License fees which are not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6).

(KRS 91A.080(8),(9))

### **§ 113.05 WRITTEN BREAKDOWN OF COLLECTIONS.**

Every insurance company subject to the license fees imposed by this chapter shall annually, by March 31, furnish the city a written breakdown of all collections in the preceding calendar year for the following categories of insurance:

- (A) Casualty.
- (B) Automobile.
- (C) Inland marine.
- (D) Fire and allied perils.
- (E) Health.
- (F) Life.

(KRS 91A.080(8))

## **TITLE XIII: GENERAL OFFENSES**

Chapter

### **130. CURFEW**

#### **CHAPTER 130: CURFEW**

Section

- 130.01 Definitions
- 130.02 Establishment of curfew hours
- 130.03 Offenses
- 130.04 Defenses
- 130.05 Enforcement

130.06 Review and report to Mayor

130.99 Penalty

## § 130.01 DEFINITIONS.

As used in this chapter, the following words and phrases have the meanings indicated therefore:

### ***CURFEW HOURS.***

(1) The hours between 11:00 p.m., prevailing time, on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 6:00 a.m., prevailing time, on the following day; and

(2) The hours between 1:00 a.m. prevailing time and 6:00 a.m. prevailing time, on any Saturday and Sunday.

***EMERGENCY.*** An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, without limitation, fires, floods, natural disasters, automobile accidents and any situation requiring immediate action to prevent serious bodily injury or loss of life.

***ESTABLISHMENT.*** Any privately owned place of business, which is operated for a profit, and to which the public is invited, including, without limitation, any place of amusement or entertainment.

### ***GUARDIAN.***

(1) Any person who is the guardian of the person of a minor pursuant to a court order or judgment; or

(2) Any public or private agency with whom a minor has been placed by a court order.

***MINOR.*** Any person under 18 years of age.

### **Curfew**

***OPERATOR.*** Any individual, firm, association, partnership, corporation or other entity, operating, managing, or conducting any establishment, including, without limitation, the members or partners of an association, partnership, or limited liability company, and the officers of a corporation.

***PARENT.*** The natural parent, adoptive parent and step-parent of a person under 18 years of age; and also any person at least 18 years of age who has been authorized and appointed by a parent or guardian to have the care, custody and control of a child or ward thereof under 18 years of age.

***PUBLIC PLACE.*** Any place to which the public or a substantial group of the public has access, including, without limitation, streets, highways, parks, playgrounds and the common areas of schools, hospitals, apartment houses, office buildings and transportation facilities.

### ***REMAIN.***

(1) To linger or stay; or

(2) To fail to leave the premises when requested to do so by any peace officer, or the owner, tenant, operator or any other person in control of the premises.

***SERIOUS BODILY INJURY.*** A bodily injury that creates a substantial risk of death, or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(Ord. 2005-001, passed 2-14-05)

## § 130.02 ESTABLISHMENT OF CURFEW HOURS.

The following curfew hours for minors are hereby established by, in and for the city as follows:

(A) The hours between 11:00 p.m. prevailing time, on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 6:00 a.m.

prevailing time, on the following day; and

(B) The hours between 1:00 a.m. prevailing time, and 6:00 a.m. prevailing time, on any Saturday or Sunday.

(Ord. 2005-001, passed 2-14-05)

### **§ 130.03 OFFENSES.**

During the curfew hours established hereby:

(A) No minor shall remain in any public place or on the premises of any establishment;

(B) No parent or guardian of any minor shall knowingly permit or allow, by insufficient control or supervision, or otherwise, the minor to remain in any public place or on the premises of any establishment; and

(C) No owner, operator or employee of any establishment shall knowingly permit, or allow by insufficient supervision and control, or otherwise, any minor to remain upon the premises of the establishment.

(Ord. 2005-001, passed 2-14-05)

### **§ 130.04 DEFENSES.**

The following circumstances are hereby established as affirmative defenses to any criminal or civil proceedings for any violation of this chapter:

(A) The minor was:

(1) Accompanied by the parent or guardian thereof;

(2) In a motor vehicle in the course of interstate travel;

(3) Engaged in any employment activity, or going to or returning home from any employment activity, without any detour or stop;

(4) Involved in an emergency;

(5) On the sidewalk abutting the residence of the minor, or abutting the residence of a next door neighbor, without any complaint by the next door neighbor to the local law enforcement agency about the presence of the minor thereon;

(6) Attending any school or religious activity, or any recreational activity supervised by adults and sponsored by either the city, a civic organization, or other similar entity that takes responsibility for the minor, or going to or returning home from any such activity, without any detour or stop;

(7) Exercising any rights secured and protected by the first amendment to the United States Constitution, such as the free exercise of religion, freedom of speech and the right of peaceable assembly;

(8) Married or otherwise emancipated; or

(B) The owner, operator or employee of an establishment has promptly notified the local law enforcement agency that the minor was present on the premises during curfew hours and refused to leave.

(Ord. 2005-001, passed 2-14-05)

### **§ 130.05 ENFORCEMENT.**

(A) Before enforcing any provision of this chapter by a citation, arrest, or other custodial activity, the enforcing officer(s) shall inquire of the person suspected of being a minor as to the actual age of that person and his or her reason and purpose for remaining or otherwise being in a public place or establishment during the curfew hours.

(B) No enforcing officer shall enforce any provision of this chapter by any citation, arrest or other custodial activity unless the officer reasonably believes from the responses of the person suspected of being a minor or any other circumstances, that an offense



and violation of this chapter has occurred; and that there are no defenses to the enforcement of this chapter as described herein.

(C) In the enforcement of this chapter, all enforcing officers shall comply with the duties identified in KRS 610.200 through 610.280; and shall also comply with the provisions of all other applicable laws, including without limitation, the Kentucky Unified Juvenile Code in KRS Chapters 600 to 645.

(Ord. 2005-001, passed 2-14-05)

#### **§ 130.06 REVIEW AND REPORT TO MAYOR.**

Twelve months after the enactment of this chapter, the Mayor, or his or her designee, shall review the enforcement thereof, and report and make recommendation to the City Commission regarding the effectiveness thereof and the continuing need therefor. The report of the Mayor shall specifically include the following information:

(A) The practicality of enforcing the chapter and any problems with enforcement identified by the local law enforcement agency; and

(B) The impact of the enforcement of the chapter on crime statistics.

(Ord. 2005-001, passed 2-14-05)

#### **§ 130.99 PENALTY.**

Each violation and every other failure to comply with the provisions of this chapter shall be a misdemeanor; and each day of the continuation thereof shall be a separate and distinct offense for which:

(A) Any person convicted of a violation of the provisions thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of \$500 as set forth in KRS 534.040(2)(a) or a term of imprisonment not to exceed the maximum period of 12 months as set forth in KRS 532.090(1), or both; and

(B) The offender shall be subject to a civil penalty of \$100 for each offense, which shall be recovered by the city in a civil action in the nature of debt if not paid by the offender within 30 days after the citation of the violation or other failure to comply with the provisions of the chapter.

(Ord. 2005-001, passed 2-14-05)